

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 24-258
District Docket No. XIV-2023-0277E

In the Matter of George Louis Farmer
An Attorney at Law

Argued
February 20, 2025

Decided
April 17, 2025

Oluwakolapo Sapara appeared on behalf of the
Office of Attorney Ethics.

Respondent appeared pro se.

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Introduction

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This matter was before us on a motion for reciprocal discipline filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-14(a), following the issuance of a July 10, 2023 order by the Supreme Court of Maryland (the MSC) indefinitely suspending respondent from the practice of law in that jurisdiction.

The OAE asserted that, in the Maryland matter, respondent was determined to have violated the equivalents of New Jersey RPC 1.4(c) (failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation); RPC 1.5(a) (charging an unreasonable fee); RPC 1.7(a)(1) (engaging in a concurrent conflict of interest); RPC 1.16(a)(1) (undertaking or failing to withdraw from a representation if it will result in a violation of the Rules of Professional Conduct or other law); RPC 3.1 (three instances – engaging in frivolous litigation); RPC 5.5(a)(1) (engaging in the unauthorized practice of law); RPC 8.4(a) (violating the Rules of Professional Conduct); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

For the reasons set forth below, we determine to grant the motion for reciprocal discipline and conclude that a three-year suspension is the appropriate quantum of discipline for respondent's misconduct.

Ethics History

Respondent earned admission to the New Jersey and Pennsylvania bars in 1996 and to the Colorado bar in 1999. During the relevant timeframe, he maintained a practice of law in Northfield, New Jersey.

Respondent has a disciplinary history in New Jersey. He also has reciprocal discipline in Pennsylvania and Colorado stemming from the misconduct underlying the instant matter.

Farmer I

On March 27, 2012, we imposed an admonition on respondent for having violated RPC 1.7(a). In the Matter of George Louis Farmer, DRB 11-438 (March 27, 2012) (Farmer I). Specifically, in 2004, a doctor sued respondent for payment of his expert and consulting fees. Id. at 1. During the litigation, respondent came to believe that his clients, for whom the doctor had provided services, had to be brought into the litigation as "necessary parties." Id. at 1-2. Consequently, in January 2005, respondent, with his clients' consent, filed a

third-party complaint naming his clients as third-party defendants, without asserting any claims against those clients. Id. at 2.

On April 15, 2005, the court dismissed respondent's third-party complaint and, three days later, he advised his clients that the court had "questioned whether they should be parties to the litigation and had concerns" about his representation of their interests while he remained a party in that case. Ibid. He did not disclose the dismissal of the third-party complaint to the clients because, as we determined, he was unaware of the dismissal at that time. Ibid.

In determining that an admonition was the appropriate quantum of discipline, we weighed, in mitigation, his then lack of prior discipline and his apparent lack of any ill intent in connection with his misconduct. Ibid.

Farmer II

On September 6, 2019, the Court reprimanded respondent for having violated RPC 8.4(g) (engaging, in a professional capacity, in conduct involving discrimination). In re Farmer, 239 N.J. 527 (2019) (Farmer II). In that matter, in April 2013, a client retained respondent to pursue a medical malpractice claim against a doctor. In the Matter of George Louis Farmer, DRB 18-276 (January 15, 2019) at 2. In July 2013, respondent sent the doctor an e-mail accusing him of being "either: delusional, a pathological liar, in denial, a psychopath, or all of

the above.” Ibid.

In October 2013, following the doctor’s retention of counsel, respondent sent a letter to the doctor’s attorney, reasserting that the doctor was making blatant misrepresentations and adding that the doctor’s alleged misconduct was due to his Chinese heritage. Id. at 6. Specifically, in reference to a letter drafted by the doctor, he stated that “[i]t is so obvious that [the doctor] wrote the letter (as it is written in broken English).” Ibid. He also asserted that:

I did not/cannot comprehend how someone who worked so hard to achieve what he has achieved in his life would risk it all by lying and attempting to cover up his misdoing. However, I am/was not a student of Chinese culture. So I did a little research and found that ‘In fact, lying to achieve some business or social aim, and getting away with it, is considered to be a sign of intelligence and social skill among many Chinese.’

[Id. at 6-7.]

Respondent concluded that, in the Chinese culture, “lying has become a means to an end.” Id. at 7.

We rejected, as “wholly specious and unworthy of serious consideration,” respondent’s contention that he did not engage in any discriminatory conduct because, in his view, his statements were consistent with information he had discovered in internet articles, which he described as “expert opinions.” Id. at 8-9. In determining that a reprimand was the appropriate quantum of discipline, we weighed, in aggravation, his failure to demonstrate any remorse of his

conduct. Id. at 10.

Reciprocal Disciplinary Proceedings in Pennsylvania and Colorado

Effective October 26, 2023, the Supreme Court of Pennsylvania imposed an indefinite suspension on respondent in connection with his misconduct underlying this matter. In re Farmer, 2023 Pa. LEXIS 1473 (2023).

Additionally, effective July 11, 2024, the Supreme Court of Colorado suspended respondent for one year and one day in connection with his misconduct underlying this matter. People v. Farmer, 552 P.3d 1174 (2024).

We now turn to the facts of this matter.

Facts

Respondent's misconduct arises out of his improper representation of both an elderly woman and her caregiver in connection with a trust that had been created for the elderly woman's benefit. Respondent's misconduct occurred in Maryland, where he never was authorized to practice law in any capacity.

Background

In 1988, J. Lawrence Kent, Esq., a Maryland attorney, established a trust for the benefit of Louise Williams Marsh (Ms. Marsh) and her husband, Richard

Wade Marsh Sr. (Mr. Marsh), who resided together in Maryland. Mr. and Ms. Marsh served as trustees, and they named their son, Richard Marsh, Jr. (Rick), who purportedly suffered from physical and cognitive disabilities, as their successor beneficiary. The trust assets consisted of their Maryland residence, Raymond James brokerage accounts, and Sandy Spring bank accounts. Following the establishment of their trust, the Marshes continued, for decades, to consult with Kent regarding their estate plan.

On January 22, 2009, Mr. Marsh passed away, following which Ms. Marsh became the sole trustee.

On January 10, 2010, Kent, at Ms. Marsh's direction, prepared an amended trust, which designated her as the sole beneficiary during her lifetime and Rick as the successor beneficiary. Additionally, the amended trust provided that if Rick predeceased Ms. Marsh, the trust assets ultimately would pass to various charities. Further, the amended trust designated Ms. Marsh as trustee and Kent as successor trustee, if Ms. Marsh was "unable or unwilling to serve." Additionally, if Kent was "unable or willing to serve" as successor trustee, the amended trust provided that his law partner, Helen Dankos, Esq., would serve as successor trustee.

Moreover, on January 20, 2010, Ms. Marsh executed a financial power of attorney designating Kent as her agent.

Six years later, on August 18, 2015, Kent prepared an amendment to the trust stating that, upon Ms. Marsh's death, her Maryland residence would pass to Rick, if he survived Ms. Marsh, and the remaining trust assets would be held for Rick's benefit. However, if Rick pre-deceased Ms. Marsh, the trust assets would be distributed to the various charities described in the 2010 trust amendment upon Ms. Marsh's death.

In 2018, Rick hired Thuan Nguyen to work as a full-time, live-in caregiver for Ms. Marsh, who was then ninety-two years old.¹ Rick paid Nguyen \$2,000 per week from the trust assets.

In late 2018 or early 2019, Rick married Nguyen, who continued to live with Rick and Ms. Marsh and remained employed as Ms. Marsh's caregiver. Thereafter, in 2019, Rick retained Kent to prepare a will bequeathing certain personal property and the residuary of his estate to Nguyen. Additionally, at Rick's direction, Kent prepared a general power of attorney providing that, if "necessary," Nguyen would serve as guardian of Rick's property.

On December 11, 2019, Ms. Marsh's physician, who had known her for ten years, diagnosed her with "severe dementia," which "rendered her incapable of making or communicating responsible decisions concerning her person or property."

¹ In 2018, Ms. Marsh and Rick lived together in Ms. Marsh's Maryland residence.

In early March 2020, Rick fell ill and was hospitalized. Meanwhile, because of Ms. Marsh’s declining cognitive health and Rick’s inability to assist his mother in issuing checks, Kent became trustee, pursuant to the terms of the 2010 amended trust. Thereafter, on March 3, 2020, following an inquiry by Sandy Spring Bank for “clarification” regarding the status of the trust,² Kent prepared an amendment to the trust, executed by Ms. Marsh, stating, in relevant part, that Kent would “continue to serve as [t]rustee” if Ms. Marsh was unable or unwilling to serve, and that his law partner, Dankos, would serve as Kent’s successor trustee. The trust amendment also clarified that, if “[a]t any time there is more than one (1) [t]rustee of any trust created under this [a]greement, the sole signature of one of them as [t]rustee shall be sufficient to[] execute” the powers of the trustee.

During the Maryland ethics hearing, Kent testified that the March 3, 2020 trust amendment ensured that the trustee could pay Ms. Marsh’s bills, given her declining health and the fact that Rick, who remained hospitalized, was unable to do so.

² Following Nguyen’s purported attempt, on February 10, 2020, to negotiate an “altered check,” Sandy Spring Bank became concerned that “there may [have been] improprieties and an unauthorized attempt to gain access to [the] trust accounts.”

Respondent's Retention

On March 3, 2020, following Ms. Marsh's execution of the trust amendment, Nguyen spoke with respondent, who was a friend of her family, expressing "concern" that Ms. Marsh had executed the amendment. The next day, on March 4, respondent traveled to Maryland to meet with Nguyen and Ms. Marsh to "try to sort things out." During that meeting, respondent maintained that Ms. Marsh had told him that she "wanted [him] to look into things."

Thereafter, respondent, Nguyen, and Ms. Marsh went to the hospital to visit Rick, who, in reply to respondent's questions regarding the value of the trust, claimed that the trust held approximately \$5 million. Respondent also represented that Rick told him that it was "okay" for him to "look into things." Several weeks later, on April 21, 2020, Rick passed away.

During the Maryland ethics hearing, respondent claimed that, between March 3 and 4, 2020, he and Nguyen had a series of conversations in which she agreed to "informally retain [him] to help [Ms. Marsh]."

On March 5, 2020, respondent returned to New Jersey and sent a letter to Kent, entitled "[Ms.] Marsh's instructions to J. Lawrence Kent, Esq." Respondent drafted the letter and arranged for Ms. Marsh to sign it in the presence of a notary public. In the letter, Ms. Marsh purportedly directed Kent to (1) rescind the power of attorney naming Kent as her agent, (2) draft a new

power of attorney requiring that any “actions” taken on her behalf be made jointly by Kent and Nguyen, and (3) send respondent copies of all trust documents and Ms. Marsh’s will.

During the Maryland ethics hearing, Kent testified that, prior to respondent’s involvement in this matter, Ms. Marsh never mentioned granting Nguyen power of attorney.

On March 6, 2020, Kent visited Ms. Marsh and, while at her residence, informed respondent, via telephone, that he would not comply with his instructions. Kent also told respondent that he represented Ms. Marsh, while respondent informed Kent that he represented Nguyen. During the Maryland ethics hearing, Kent testified that he refused to comply with the instructions because Ms. Marsh did not “have the capacity to appoint [respondent],” who, as Kent noted, was not even authorized to practice law in Maryland.

Following his conversation with Kent, respondent determined to become Ms. Marsh’s attorney, in addition to serving as Nguyen’s lawyer, in order to compel Kent to provide him with Ms. Marsh’s estate documents. During the Maryland ethics hearing, respondent testified that, if he became Ms. Marsh’s attorney, Kent would not “have an excuse not to give me the documents I had asked him for.”

Consequently, on March 6, 2020, respondent drafted a retainer agreement

for Ms. Marsh, entitled “Legal Representation Retainer Agreement,” in which he stated that he would review Kent’s “prior services and documents,” including her financial accounts, to determine if there were “any improprieties.” The retainer agreement also informed Ms. Marsh that, “in light of the fact that I represent your daughter-in-law as well, you will need to waive any conflicts that might exist as well as any appearance of conflicts. By entering into this retainer agreement, you hereby do waive said conflicts and appearance of conflicts.” Ms. Marsh executed the agreement and provided respondent an \$8,500 personal check toward his retainer fee.

Respondent, at some point, redacted his hourly rate and the amount of his \$8,500 retainer fee from his written retainer agreement. During the Maryland ethics hearing, he claimed that he redacted that information based on his view that it was not “relevant to whatever reason I was submitting this document.” Respondent, however, represented that he charged Ms. Marsh a \$400 hourly rate for his legal services.

On March 10, 2020, respondent sent Nguyen a document entitled “waiver of conflicts and agreement for dual representation.” Nguyen executed that document in which respondent informed her, in relevant part, that:

as you are aware, Ms. Marsh retained me to represent her interests in reviewing Mr. Kent’s prior services and documents, as well as the financial accounts including, but not limited to[,] the documents he had her sign

recently, the trust agreement(s), her will, the financial accounts, the expenditures from the accounts, etc., with the purpose of determining if there are any improprieties.

In light of the fact that my representation initially began with representing you, certain conflicts between you and your mother-in-law, while they do not exist now, but potentially could develop, and as a result, Ms. Marsh agreed to waive any conflicts and appearance of conflicts.

We discussed this last week and you agreed verbally to the same waiver. The purpose of this letter is for you to memorialize what you verbally agreed to last week – to waive any conflicts and appearance of conflicts you might have against Ms. Marsh and for you to consent to me representing you both.

[OAE816a.]³

Three days later, on March 13, 2020, respondent sent Kent a letter summarizing their March 6, 2020 conversation and “demand[ing]” that he comply with Ms. Marsh’s “instructions” contained in his March 5, 2020 letter. Respondent threatened Kent that his refusal to comply with his “own client’s instructions” were “in violation of the Rules of Professional Conduct” and “could be considered tortious interference at best and criminal at worst.” Respondent further warned Kent that, if he did not comply with Ms. Marsh’s

³ “OAE1a” through “OAE1753” refers to the Bates numbers of the OAE’s motion exhibits.

instructions within three days, he would “file an ethics complaint against you and pursue other available legal remedies to force your compliance.”⁴

On April 7, 2020, Ms. Marsh, in the presence of a notary public, executed an additional amendment to her trust entitled “Third Amendment to Louise W. Marsh . . . Trust Agreement” (the third trust amendment). The third trust amendment provided that Ms. Marsh would remain as trustee, “unless she is unwilling or unable to serve,” and that Kent was “hereby removed and replaced” as trustee by John L. Hoffman, a certified public accountant with whom respondent had maintained a professional relationship and shared an office for approximately twenty years. The third trust amendment also removed Kent’s law partner, Dankos, as successor trustee. Finally, the third trust amendment stated that, if “[a]t any time there is more than one (1) [t]rustee of any trust created under this agreement, the sole signature of one of them as [t]rustee shall be sufficient to perform any and all duties of trustee.”⁵

During the Maryland ethics hearing, when asked whether he drafted the third trust amendment, respondent refused to answer; rather, he asserted his Fifth

⁴ On March 24, 2020, respondent filed an ethics grievance against Kent with the Attorney Grievance Commission of the Maryland Office of Bar Counsel. Respondent’s ethics grievance alleged, among other things, that Kent unethically failed to comply with Ms. Marsh’s instructions contained in respondent’s March 5, 2020 letter.

⁵ The third trust amendment, however, prohibited Hoffman from taking any action to effectuate the sale of any real property.

Amendment privilege against self-incrimination. However, the Maryland disciplinary hearing judge determined that there was sufficient evidence to find that respondent had, in fact, drafted that document, given that it listed Hoffman – respondent’s “longtime associate” and someone who was unknown to Ms. Marsh – as the new trustee in place of Kent.⁶ Moreover, respondent’s self-redacted billing records indicated that, between April 6 and 7, 2020, he prepared a document that purportedly took him four-and-a-half hours to complete.

Meanwhile, on April 7, 2020, respondent sent a letter to Sandy Spring Bank, where Ms. Marsh maintained her bank accounts, declaring that any actions taken by Kent were “hereby ineffective” – except for any checks issued to Nguyen. Respondent also directed Sandy Spring Bank to identify all accounts Ms. Marsh maintained either in her name or in the name of the trust. Finally, respondent instructed Sandy Spring Bank to transfer “all” of Ms. Marsh’s funds to a new Wells Fargo account established by Hoffman. Sandy Spring Bank, however, declined to follow respondent’s demands, prompting him to file a regulatory complaint against the bank.

Two days later, on April 9, 2020, respondent sent Kent a letter, again claiming that Kent had failed to comply with Ms. Marsh’s instructions contained

⁶ As detailed below, the MSC accepted, as “logical, sound, and well-reasoned,” the disciplinary hearing judge’s findings that respondent drafted the third trust amendment.

in respondent's March 5, 2020 letter. Respondent also notified Kent that, pursuant to the third trust amendment he had enclosed in his letter, Kent had been removed as trustee. Additionally, respondent told Kent that, pursuant to his April 7, 2020 letter to Sandy Spring Bank, Ms. Marsh had authorized the transfer of her bank account funds to the Wells Fargo bank account established by Hoffman. Finally, respondent demanded that Kent cease acting as trustee and provide Hoffman with a copy of all trust documents, including the trust's employer identification number. Kent did not reply.

Between April 10 and April 16, 2020, respondent sent Kent several e-mails demanding that he comply with his April 9, 2020 correspondence. Meanwhile, on or before April 15, 2020, Sandy Spring Bank froze Ms. Marsh's accounts,⁷ prompting respondent to send Kent another e-mail demanding that he "take whatever efforts are necessary to retract whatever you said that caused the bank to freeze [Ms. Marsh's] accounts."

In late March or early April 2020, Kent became concerned that "there were people trying to gain access to [Ms. Marsh's] finances . . . and [seeking] to be in charge of her care." Consequently, Kent consulted with at least two Maryland attorneys with experience in guardianship matters and, on April 17, 2020, he

⁷ Sandy Spring Bank froze Ms. Marsh's accounts after contacting Adult Protective Services for Montgomery County, Maryland, in connection with Nguyen's February 10, 2020 purported attempt to negotiate an altered check.

filed, in the Circuit Court for Montgomery County, Maryland (the Circuit Court) an “emergency petition” for the appointment of temporary and permanent guardians of the person and property of Ms. Marsh. Additionally, Kent requested that the Circuit Court appoint an attorney to represent Ms. Marsh and order her to submit to a medical examination to “assess[] her capacity.” Kent supported his petition with a certification from Ms. Marsh’s primary care physician, who stated that (1) Ms. Marsh had been in her care for more than ten years; (2) in December 2019, she had diagnosed Ms. Marsh with “severe dementia;” (3) Ms. Marsh’s overall mental health would decline; and (4) Ms. Marsh’s dementia prevented her from “making or communicating responsible decisions concerning her personal affairs and her property.”

On April 20, 2020, the Circuit Court granted the emergency petition, issuing orders (1) directing Ms. Marsh to undergo an independent examination by Carole Guinta, Ph.D., a psychologist, to determine her capacity;⁸ (2) appointing Kent as temporary guardian of Mr. Marsh’s person;⁹ (3) appointing Catherine McQueen, Esq., a local attorney, as counsel for Ms. Marsh;

⁸ The Circuit Court’s Order required Kent to obtain “an appointment with another qualified professional” if Dr. Guinta was unavailable to complete Ms. Marsh’s examination within ten days.

⁹ Pursuant to Md. Code. Ann., Est. and Trusts § 13-708(b)(9)(i), a guardian of the person has the “power to give necessary consent or approval for medical or other professional care, counsel, treatment, or service.”

and (4) appointing Robert McCarthy, Esq. another local attorney, as temporary guardian of Ms. Marsh's property.¹⁰

Following his appointment as temporary guardian of the property, McCarthy spoke, via telephone, with respondent, who informed McCarthy that he was representing both Ms. Marsh and Nguyen. In reply, when McCarthy suggested to respondent that his joint representation of Ms. Marsh and Nguyen created a conflict of interest, respondent declared that he "didn't think so." Similarly, when McCarthy told respondent that he was not authorized to practice law in Maryland, respondent asserted that he "didn't think that was a problem either."

During the Maryland ethics hearing, respondent argued that "[t]here was no conflict at all" with respect to his concurrent representation of Ms. Marsh and Nguyen because they "both . . . wanted me to assist Ms. Marsh to get to the bottom of what was going on."

¹⁰ Pursuant to Md. Code. Ann., Est. and Trusts §§ 13-213 and 15-102, a guardian of the property acts as a fiduciary with the authority to acquire or dispose of real or personal property for the incapacitated person's benefit. McCarthy had significant experience serving as guardian of the property in matters throughout Montgomery County, Maryland.

Unsuccessful Attempt to Obtain Pro Hac Vice Sponsorship

In late March or early April 2020, respondent began searching for a Maryland attorney to sponsor his pro hac vice admission in that jurisdiction.¹¹ Specifically, respondent contacted Zhia Shepardson, Esq., and Mary Lombardo, Esq., who both were of counsel at a Maryland law firm. Shepardson and Lombardo preliminarily agreed to sponsor respondent's pro hac vice admission to allow him to represent Ms. Marsh and Rick in potential "trust litigation."

On April 17, 2020, Shepardson and Lombardo, without ever speaking with Ms. Marsh or Rick, sent them a proposed written fee agreement. However, neither Ms. Marsh nor Rick executed agreement.

On or around April 29, 2020, following the Circuit Court's appointment of counsel and temporary guardians for Ms. Marsh, respondent contacted Shepardson and Lombardo to "enlist" their representation of Nguyen.¹² During the Maryland ethics hearing, Shepardson maintained that, by April 29, neither she nor Lombardo "had any contact with any potential client." Shepardson also claimed that respondent had told her that "it would be better for" her and

¹¹ In Maryland, only "a member of the [b]ar of [that] [s]tate" may apply for the pro hac vice admission of another attorney authorized to practice law in "another state." Md. R. 19-217(a).

¹² On April 27, 2020, McQueen provided respondent with the Circuit Court's April 20, 2020 orders appointing guardians and counsel for Ms. Marsh and directing her to submit to the examination. Respondent previously had not been aware of the Circuit Court's orders.

Lombardo to serve as Nguyen’s attorney. Shepardson and Lombardo agreed to represent Nguyen, and, on April 29, 2020, they sent Nguyen a proposed written fee agreement. Thereafter, on April 29, 2020, respondent returned Nguyen’s written fee agreement to Shepardson, without Nguyen’s signature, suggesting several proposed revisions.¹³

Later, on April 29, 2020, Shepardson sent respondent an e-mail enclosing the revised written fee agreement incorporating respondent’s edits. In her e-mail, Shepardson informed respondent that, “[i]f we need to loop [Ms. Marsh] into being a client as well, then we can cross that bridge. We are simply trying to do what we need to do in order to begin review [of the documents].” In reply, respondent sought clarification from Shepardson that either she or Lombardo would “appear in court[,]” “be local counsel for that party[,]” and “sponsor” his pro hac vice admission in Maryland. Shepardson, in turn, told respondent “[y]es, we can still do that – we just need to review the documents to help determine exactly what it is we will be doing.”

The next day, on April 30, 2020, following their review of the documents underlying Ms. Marsh’s guardianship proceeding, Shepardson and Lombardo informed respondent that their firm would have no further involvement in the

¹³ Among other revisions, respondent proposed that Shepardson and Lombardo would also appear as “local counsel for [Ms.] Marsh and sponsor [his] pro hac vice application.”

matter, given that Ms. Marsh had a court-appointed attorney and because Nguyen had “no standing to take any action for anything at that time.”

Enforcement of the Circuit Court’s Medical Examination Order

On April 29, 2020, respondent called Dr. Guinta and requested that she decline to conduct the court-ordered examination of Ms. Marsh. Despite her conversation with respondent, Dr. Guinta went to Ms. Marsh’s home to attempt to conduct the examination, pursuant to the Circuit Court’s April 20, 2020 order. However, Nguyen refused to allow Dr. Guinta entry into Mr. Marsh’s home.

The next day, on April 30, 2020, Kent sent Nguyen a letter, with a copy to respondent, directing that she grant Dr. Guinta access to Ms. Marsh’s house to conduct the court-ordered examination.

On May 1, 2020, respondent sent Kent, McQueen, and McCarthy an e-mail, claiming that Kent had no authority to compel Nguyen to allow Dr. Guinta to conduct Ms. Marsh’s examination. In support of his contention, respondent noted that, earlier on May 1, McQueen had filed an “emergency motion” for a hearing regarding the Circuit Court’s appointment of temporary guardians for Ms. Marsh.¹⁴ Moreover, in his e-mail, respondent expressed his view that “all of the orders of the [Circuit] [C]ourt [were] void because they were not properly

¹⁴ McQueen’s motion did not request that the Circuit Court vacate its issue order directing Ms. Marsh to undergo a medical examination to determine her capacity.

obtained,” and he contended that Ms. Marsh’s examination could be conducted only after the Circuit Court considered McQueen’s emergency motion.

Later, on May 1, 2020, Dr. Guinta and Kent went to Ms. Marsh’s house for her evaluation. However, no one answered the door.

On May 4, 2020, based on his view that Nguyen would not cooperate with the court-ordered examination of Ms. Marsh, Kent filed an emergency motion with the Circuit Court to compel Nguyen’s cooperation.

On May 8, 2020, after consulting with McCarthy, and prior to the disposition of his motion to compel Nguyen’s cooperation, Kent and McCarthy went to Ms. Marsh’s home, with police escorts, to take Ms. Marsh to her examination. While at Ms. Marsh’s house, McCarthy became concerned regarding Ms. Marsh’s level of care. Specifically, McCarthy observed a prescription pill bottle, with Ms. Marsh’s name on it, containing several different medications and peanuts. He also noticed that Ms. Marsh appeared “very childlike” and “acted consistent with other people . . . diagnosed” with dementia. Additionally, McCarthy observed that Nguyen appeared to have “moved her entire family” into Ms. Marsh’s residence and noticed a “three-or-four-foot-tall Buddhist statute in the living room with votive candles.”¹⁵

¹⁵ In his submission to the MSC, respondent accused McCarthy of having “a clear bias against Vietnamese people and/or Buddhists in general, and that since [Nguyen] was Vietnamese, she was a Buddhist and could not be trusted.”

Following an altercation between Nguyen and police officers, Ms. Marsh left with McCarthy and Kent for her examination.¹⁶ During the examination, Dr. Guinta observed that Ms. Marsh could not “gauge [sic] the passage of time” and incorrectly reported her age to be “in my sixties” when, in fact, she was ninety-four years old. Moreover, Ms. Marsh incorrectly stated that she lived alone in Virginia and received help from a “housekeeper” whose name she could not recall or recognize. Further, Dr. Guinta noted that Ms. Marsh inaccurately expressed that (1) she “pays her own bills,” (2) her son, Rick, was not married, and (3) she walks her dog independently. Dr. Guinta found that Ms. Marsh’s responses “were empty of relevant content” and concluded that she was “severely impaired” and in need of a guardian of her person and property.

Motion Practice

On May 8, 2020, respondent filed a motion with the Circuit Court seeking pro hac vice admission “to appear on behalf of [Ms.] Marsh,” without the sponsorship of a Maryland attorney, as Md. R. 19-217(a) requires. In respondent’s view, his pro hac vice admission was necessary, without the required sponsor, in order to allow him to “act in Ms. Marsh’s behalf” and

¹⁶ During the Maryland ethics hearing, McCarthy testified that, when he and Kent attempted to escort Ms. Marsh out of her home, Nguyen “tried to shove the police officer” and to “grab onto” Ms. Marsh. After the police officer instructed Nguyen to remain seated on a sofa, Nguyen began “screaming” at Ms. Marsh that “they’re only here to hurt you.”

“expose Kent’s actions for what they really are – a bad faith attempt to stifle my efforts to investigate.” Specifically, respondent accused Kent of misappropriating \$1 million from Ms. Marsh’s trust,¹⁷ “conspiring with [Sandy Spring] Bank” to freeze Ms. Marsh’s accounts, and “shutting me out of obtaining information” to investigate Kent and Sandy Spring Bank. Additionally, respondent incorrectly contended that Md. R. 19-217(d) allowed the Circuit Court to waive the requirement that a Maryland attorney sponsor his pro hac vice admission.¹⁸

Moreover, on May 8, 2020, respondent filed a second motion with the Circuit Court, this time requesting that it (1) dismiss Kent’s April 17, 2020 emergency guardianship petition, (2) vacate the April 20, 2020 orders granting that petition, and (3) award him counsel fees based on his view that Kent had filed his emergency petition in “bad faith.”

In his motion to dismiss, respondent declared that Kent’s petition was “solely about the control and access to Ms. Marsh’s assets that was taken away

¹⁷ Respondent appeared to have based his allegation on Rick’s March 3, 2020 statement, made from a hospital bed, that the trust held approximately \$5 million. Respondent subsequently reviewed an April 2020 brokerage account statement, which indicated that the trust held approximately \$4 million.

¹⁸ As detailed below, Md. R. 19-217(d) states, in relevant part, that an attorney who has been admitted pro hac vice “may act only as co-counsel for a party represented by an attorney of record in the action who is admitted to practice in [Maryland]. The [pro hac vice] admitted attorney may participate in the court . . . proceeding[] only when accompanied by the Maryland attorney, unless the latter’s presence is waived by the judge.”

from [Kent], retribution by [Kent], and [Kent's] desire to impede [respondent's] investigation of [Kent's] handling of Ms. Marsh's affairs." Respondent also accused Kent of engaging in a "lack of transparency," given that he refused respondent's "repeated requests" for copies of Ms. Marsh's trust documents, "despite Ms. Marsh's specific instructions for [Kent] to do so." Further, respondent noted that McQueen's appointment as Ms. Marsh's counsel was unnecessary, given that respondent already was representing Ms. Marsh at the time of McQueen's appointment.

Additionally, respondent claimed that he had "no hidden agenda" and did not "derive any income from being appointed by the court on any cases." By contrast, respondent claimed that McQueen had "failed in her duties to Ms. Marsh" by not informing the Circuit Court of respondent's ethics grievance against Kent, who did not serve respondent with a copy of his emergency guardianship petition. Respondent also alleged that it was improper for McQueen to express her opinion to the Circuit Court regarding Ms. Marsh's lack of capacity to hire an attorney. In his view, McQueen's role as appointed counsel was merely to report to the court that Ms. Marsh did not want the appointment of a guardian. He argued that, because McQueen had "completed" her "sole purpose" of reporting Ms. Marsh's wishes to the court, her continued appointment as Ms. Marsh's counsel was unnecessary.

On May 11, 2020, following his discovery that Kent and McCarthy had taken Ms. Marsh to her court-ordered examination three days earlier, respondent filed an “addendum” to his motions for pro hac vice admission and to dismiss Kent’s emergency guardianship petition. In his submission, respondent described Kent and McCarthy’s decision, as temporary guardians, to take Ms. Marsh to her examination as “[a]n event . . . that would shock the consci[ence] of anyone who has one iota of common decency, and is reminiscent of events that occurred in Nazi Germany during WWII or indicative of terrorist activity that occurs today in other countries.”

Respondent also accused Kent and McCarthy of “kidnapping” Ms. Marsh and alleged that their actions were “even more deplorable in light of” the filing of McQueen’s May 1, 2020 emergent motion for a hearing concerning the Circuit Court’s prior appointment of Ms. Marsh’s temporary guardians.¹⁹ He further declared that Kent and McCarthy “just wanted to strong arm and intimidate both Ms. Marsh and [Nguyen] before the [Circuit] Court had an opportunity to render its decision” regarding McQueen’s emergency motion.

Consequently, respondent sought a “restraining order” prohibiting both McCarthy and Kent “from coming within [one-hundred feet] of [Ms. Marsh] and

¹⁹ During the Maryland ethics hearing, respondent testified that, at some point, he “filed a criminal action” against Kent and McCarthy for “endangering [Ms. Marsh’s] health safety, and for kidnapping her.” Respondent conceded that his criminal complaint “went nowhere.”

her family members,” “having no personal contact whatsoever with [Ms. Marsh] or her family members,” and requiring that “any contact that [McCarthy and Kent] deem[] necessary should be directed to [respondent.]” Respondent urged the Circuit Court to vacate its April 20, 2020 guardianship orders and to take “no other action” because Hoffman was “already trustee of Ms. Marsh’s trust pursuant to the [t]hird [trust] [a]mendment” and, in respondent’s view, Hoffman was “totally capable of fulfilling Ms. Marsh’s needs and desires to pay her bills.”

Additionally, on May 11, 2020, respondent sent McCarthy a letter again accusing both him and Kent of various misconduct, including criminally “kidnapping” Ms. Marsh by taking her to her court-ordered examination.

Two days later, on May 13, 2020, respondent filed a letter with the Circuit Court, on behalf of Ms. Marsh, requesting that the court consider his motions “on an emergent basis without a hearing” because of (1) Ms. Marsh’s poor health, (2) his views regarding Kent’s alleged misconduct, including his allegation that Kent “kidnapped [Ms. Marsh] last week,” and (3) the purported “collusion” between Kent and Dr. Guinta.

On May 18, 2020, Nguyen filed a motion, which purported to be pro se, requesting that the Circuit Court (1) dismiss Kent’s April 17, 2020 emergency guardianship petition, (2) vacate the orders granting that petition, and (3) appoint her as the sole decision-maker concerning Ms. Marsh’s health care. The

motion noted that the appointment of a guardian of the person for Ms. Marsh was unnecessary because, as Ms. Marsh's purported "health care agent," Nguyen "effectively serve[d] the same functions as a guardian of the person." Similarly, the motion attacked McCarthy, as Ms. Marsh's temporary guardian of the property, for "kidnap[ping]" Ms. Marsh by taking her to her court-ordered medical examination. The motion requested that the Circuit Court "stop" Kent and McCarthy "from carrying out any more threats and actions regarding Ms. Marsh and me."

During the Maryland ethics hearing, when asked whether he drafted Nguyen's purported pro se motion, respondent refused to answer; rather, he asserted his Fifth Amendment privilege against self-incrimination. Nevertheless, the Maryland disciplinary hearing judge had "no trouble finding that [respondent] did," in fact, draft or assisted in drafting the motion. Specifically, the hearing judge found that the motion contained "the exact same unique format and styling as the other motions respondent filed in the guardianship proceeding." Further, the hearing judge noted that respondent "understood himself to be, and was acting as, [] Nguyen's attorney."

Meanwhile, on or around May 18, 2020, McQueen filed a motion with the Circuit Court requesting that it strike certain portions of respondent's May 8, 2020 motion to dismiss Kent's emergency guardianship petition. In her motion,

McQueen noted that respondent took “steps to prevent the court-ordered” examination of Ms. Marsh, who, as McQueen contended, “did not voice an objection” to her examination. Further, McQueen requested that the Circuit Court prohibit respondent from (1) representing Ms. Marsh, (2) informing others that he represents Ms. Marsh, and (3) preventing McQueen from visiting Ms. Marsh.

On May 19, 2020, respondent filed a reply to McQueen’s motion to strike. In his submission, respondent criticized the Circuit Court’s appointment of McQueen as Ms. Marsh’s counsel, given that he already represented her at the time of McQueen’s appointment. Respondent also accused McQueen of “want[ing] to silence her own client, and me[,]” regarding “Ms. Marsh’s positions on issues that are outside the scope of [McQueen’s] representation.” Further, although he acknowledged that Ms. Marsh did “not have to give consent for the [examination]” because “it was [c]ourt-ordered,” respondent contended that McQueen failed to “fully explain the ramifications” of the examination to Ms. Marsh and “how it would affect [her] desire to not have a guardian appointed.” Respondent also alleged that he did not “prevent” Ms. Marsh from undergoing the court-ordered examination. Rather, he claimed that he “wanted the examination to take place after the [c]ourt rule[d] on [his] motion to dismiss” Kent’s emergency guardianship petition.

On May 20, 2020, respondent, Kent, McCarthy, McQueen, and an attorney from the Montgomery County Department of Health and Human Services appeared for a virtual hearing before the Circuit Court regarding the various motions that had been filed since the issuance of the April 20, 2020 guardianship orders.

During oral argument, McQueen expressed her “concern” that respondent, who was not authorized to practice law in Maryland, was engaging in a conflict of interest. McQueen noted that, “although [] Nguyen ha[d] filed personal pleadings with the [Circuit] Court,” respondent had informed her that he represented both Ms. Marsh – who did not want the appointment of a guardian – and Nguyen – whom respondent offered to “appoint” to take care of Ms. Marsh.

Additionally, McCarthy stated that Nguyen had prevented him from visiting Ms. Marsh and had told him that respondent was “in charge of this case,” including determining who could visit Ms. Marsh. McCarthy also contended that Nguyen was “financially exploiting” and “isolating” Ms. Marsh and, thus, it was inappropriate for respondent to represent “everybody in this case.” McCarthy argued that providing Ms. Marsh with “independent counsel” was “absolutely necessary.”

Respondent urged the Circuit Court to admit him pro hac vice, without the

required sponsorship of a Maryland attorney, and expressed his position that Ms. Marsh did not need a guardian but, rather, “somebody to help in her day-to-day chores” and to “write checks to pay her bills.”

In a ruling delivered from the bench, the Circuit Court judge denied respondent’s motion for pro hac vice admission, with prejudice, based on his failure to obtain a Maryland attorney to sponsor his admission, as Md. R. 19-217(a) requires. The Circuit Court judge observed that “multiple conflicts under Maryland law” prohibited respondent’s appearance in the guardianship matter and that respondent failed to “fully appreciate” those conflicts. In addition to the “insurmountable” conflicts that prohibited respondent’s involvement in the matter, the Circuit Court judge noted that she was “not satisfied that Ms. Marsh ha[d] the capacity to hire counsel.”

The Circuit Court also determined that, based on the opinions of medical professionals, including Dr. Guinta, Ms. Marsh lacked the capacity to govern her own affairs. Consequently, the Circuit Court denied respondent’s and Nguyen’s motions to dismiss the guardianship petition and ordered that Kent and McCarthy would, respectively, continue to serve as Ms. Marsh’s temporary guardians of her person and property.²⁰

²⁰ The Circuit Court denied all forms of relief sought by Nguyen and respondent. Additionally, the Circuit Court denied, as moot, Kent’s emergency motion to compel Nguyen’s cooperation with Dr. Guinta’s examination.

On May 21, 2020, following the Circuit Court’s decision, Kent arranged for Ms. Marsh to be relocated to an assisted living facility.

\$158,589.18 Invoice for Legal Services

Following the Circuit Court’s determination prohibiting him from acting as counsel for Ms. Marsh, respondent terminated the representation. Thereafter, on May 27, 2020, respondent sent McCarthy an invoice, containing significant redactions, seeking \$158,589.18 for his “legal services rendered,” on behalf of Ms. Marsh, between March 4 and May 20, 2020. Respondent’s invoice, which credited Ms. Marsh for her \$8,500 retainer payment, alleged that he had performed more than 412 hours of legal services during the representation, at a \$400 hourly rate. The invoice also noted that he incurred approximately \$570 in expenses.

Respondent either partially or almost fully redacted nearly every billing entry in his invoice. Of those billing entries with less significant redactions, respondent claimed that, throughout the representation, he regularly sent and received correspondence and engaged in telephone conversations with redacted parties, on some days for several hours.²¹ At times, respondent combined his services into single “block” time entries in which he claimed that he “revise[d];”

²¹ At oral argument before us, respondent claimed that he redacted his billing entries because, in his view, “there was no need to indicate who I spoke to.”

“continue[d];” “prepare[d];” or “finalize[d]” various legal tasks; however, in each entry, he redacted the specific service he claimed to have performed. For instance, on May 2, 2020, he billed fourteen hours for making “calls to” a redacted party and “revis[ing]” a redacted legal service.

Following his review of the invoice, McCarthy declined to pay respondent. During the Maryland ethics hearing, McCarthy characterized respondent’s invoice as “patently absurd” and expressed his view that respondent “was trying to financially exploit” Ms. Marsh. Respondent, in turn, testified that, during the representation, he spent his time (1) “pursu[ing]” Kent; (2) attempting to obtain Ms. Marsh’s bank records; (3) filing an ethics grievance against Kent and a regulatory complaint against Sandy Spring Bank; (4) preparing affidavits signed by Nguyen and her sister regarding Kent’s “actions;” and (5) communicating with McQueen.

Federal Lawsuit Against Kent

On June 10, 2020, respondent filed, in the United States District Court for the District of Maryland (the Maryland District Court), a lawsuit against Kent, his law partner, and his law firm. Respondent filed the lawsuit on behalf of himself, as the sole plaintiff, and alleged that Kent and his law firm tortiously interfered with his private contract with Ms. Marsh to perform legal services.

Respondent also accused Kent of engaging in legal malpractice by, among other things, (1) “obstructing” respondent’s “access to information and documentation,” (2) “stealing Ms. Marsh’s personal items,” and (3) “threatening third parties” that he would petition for Ms. Marsh’s guardianship. Moreover, respondent asserted that Kent committed “willful and malicious acts” to intentionally “inflict harm upon” him.

Among other accusations, respondent attacked Kent for failing to comply with his demands to turn over the “trust’s property to [] Hoffman.” He further alleged that Kent “maliciously” petitioned for Ms. Marsh’s guardianship and, thereafter, “maliciously” “transferred [her] to an unnamed assisted living facility . . . with the intent of causing damage to [respondent’s] business and with the intent of interfering with” his “contract” to perform legal services for Ms. Marsh. Similarly, he accused Kent of “colluding” with Sandy Spring Bank and Raymond James to “thwart” his efforts to obtain Ms. Marsh’s financial “information and documentation.” He also maintained that Kent’s actions resulted in Sandy Spring Bank freezing Ms. Marsh’s accounts.

Respondent requested that the Maryland District Court “act on an emergent basis” and direct Kent to “disclose the location of Ms. Marsh[’s]” assisted living facility, in order to allow him to “make/have contact with his client” to “assess” her welfare, “to be able to take whatever steps are necessary

in the guardianship action to have [the Circuit] [C]ourt return her to her home,” and “to eliminate one of [Kent’s] methods of interference.” Respondent additionally requested that the Maryland District Court “prohibit[] . . . Kent from taking any action against [respondent] for contacting and/or communicating with Ms. Marsh, or otherwise interfering with [respondent’s] contract with Ms. Marsh.”

On June 29, 2020, Kent filed a motion to dismiss respondent’s lawsuit for his failure to allege a valid claim for tortious interference of contract and for his lack of standing to assert a claim for legal malpractice.

On February 23, 2021, the Maryland District Court granted Kent’s motion and dismissed respondent’s lawsuit in its entirety. In its opinion, the court found that, because respondent never earned any form of admission to practice law in Maryland, his agreement to provide legal services for Ms. Marsh was “invalid.” The court also observed that, under Maryland law, a tortious interference claim cannot be based on an agreement that is “opposed to public policy” such that “the law will not aid in upholding it.” It emphasized the “public policy purpose” of prohibiting the unauthorized practice of law to “protect the public from being preyed upon by those not competent to practice law.” Because respondent was not authorized to practice law in Maryland, the court determined that his contract for legal services with Ms. Marsh was both “invalid” and “contrary to public

policy” and, thus, could not support a tortious interference claim.

Additionally, the Maryland District Court found that, because respondent was never Kent’s client, he could not demonstrate the “privity” ordinarily required “to support a legal malpractice claim.” The court, however, noted that, for a third party to have a viable legal malpractice claim under Maryland law, that party must establish that “the intent of the client to benefit the non-client was a direct purpose of the transaction or relationship.” Respondent, however, failed to demonstrate that Ms. Marsh had intended for him to benefit from Kent’s representation, “especially where Kent formed the attorney-client relationship with Ms. Marsh many years ago and ha[d] held . . . power of attorney since 2010.” The court observed that, if there were any intended third-party beneficiaries to Ms. Marsh’s attorney-client relationship with Kent, “they would have been those to whom Ms. Marsh intended to convey her assets, such as [Rick], not [respondent].” Consequently, because Kent never owed respondent any duty as an attorney, the court determined that respondent’s legal malpractice claim “fail[ed] as a matter of law.”

Finally, the Maryland District Court rejected respondent’s claim against Kent for “willful and malicious acts” as “not grounded in any cognizable common law tort under Maryland law.”

The Maryland Disciplinary Proceedings

In September 2021, the Attorney Grievance Commission of the Maryland Office of Bar Counsel (the Maryland AGC) filed a petition for disciplinary action against respondent in connection with his improper representation of both Ms. Marsh and Nguyen. Specifically, the Maryland AGC alleged that respondent (1) engaged in conflicted representation of both Ms. Marsh and Nguyen; (2) charged Ms. Marsh a total of \$167,089.18 in excessive legal fees; (3) engaged in the unauthorized practice of law in Maryland; and (4) filed a frivolous federal lawsuit against Kent, in violation of several of the Maryland Rules of Professional Conduct. Following the filing of the disciplinary petition, the MSC assigned the matter to a Circuit Court judge for an evidentiary hearing, pursuant to Md. R. 19-722(a) and Md. R. 19-727.

On February 24, 2024, respondent filed a pre-hearing motion to dismiss the disciplinary petition, arguing that he did not engage in the practice of law in Maryland. Specifically, respondent argued that Ms. Marsh did not retain him to perform legal services or to provide any legal advice. Rather, he contended that he “was hired to simply obtain, and review some documents, and when and if the need arose, for me to retain local counsel to do something about any improprieties I found.” (Emphasis in original). Additionally, respondent argued that Maryland neither had subject matter or personal jurisdiction concerning his

actions nor was the proper venue. In support of his theory, respondent noted that he neither resided nor was employed in Maryland and that, other than his March 4, 2020 in-person meeting with Ms. Marsh and Rick, he performed “all of my services while being located either in New Jersey or Colorado.”

On March 7, 2022, the disciplinary hearing judge issued an order denying respondent’s pre-hearing motion.

Thereafter, on March 15, 2022, the disciplinary hearing judge issued another order, this time granting the Maryland AGC’s motion to quash respondent’s subpoena seeking the testimony of the Maryland disciplinary prosecutor. Respondent issued his subpoena to support his accusation that the Maryland AGC commenced its disciplinary action against him in retaliation for his filing of an ethics grievance against Kent. The disciplinary hearing judge, however, quashed the subpoena to protect the disciplinary prosecutor from “undue burden or cost” and because “any relevant testimony” that the prosecutor “could conceivably offer [was] privileged under the work-product doctrine.” On March 29, 2022, the Appellate Court of Maryland affirmed the disciplinary hearing judge’s order quashing respondent’s subpoena.

During a May 5, 2022 pre-hearing deposition with the Maryland AGC, respondent invoked his Fifth Amendment privilege against self-incrimination when asked whether he was previously “censured” or “reprimanded” in New

Jersey. Thereafter, during the Maryland ethics hearing, when asked whether he received an admonition in connection with his 2012 New Jersey disciplinary matter in Farmer I, respondent claimed that he could not “recall” and, again, invoked his Fifth Amendment privilege. Additionally, when asked whether he received any other discipline in New Jersey, respondent again claimed that he could “not recall,” even though our Court had reprimanded him, in Farmer II, just three year earlier, in September 2019. The disciplinary hearing judge overruled respondent’s objection invoking his Fifth Amendment privilege, reasoning that his prior disciplinary matters in Farmer I and Farmer II were public record.

Moreover, during the Maryland ethics hearing, respondent admitted that, in June 2015, the United States Court of Appeals for the Tenth Circuit “admonished” him and ordered him to pay more than \$50,000 in attorneys’ fees and costs for unreasonably prolonging civil litigation in that jurisdiction. Specifically, in that matter, he refused to pay a substantial sum of settlement funds that he personally owed to an opposing party, despite his financial ability to do so. As described by a federal judge, respondent “used every trick up his sleeve to delay the inevitable,” including (1) making persistent demands to alter the settlement agreement; (2) refusing to sign the agreement; (3) seeking extensions of the payment due date; and (4) refusing to make timely payment to

the aggrieved party, as the settlement agreement required. (Emphasis in original).

The Maryland Disciplinary Hearing Judge's Findings

On July 18, 2022, following the ethics hearing, the disciplinary hearing judge issued a detailed written report finding, by clear and convincing evidence, that respondent violated all the charged Maryland Rules of Professional Conduct.

Specifically, the hearing judge found that respondent violated Md. RPC 19-301.7 by engaging in a “clear” conflict of interest stemming from his concurrent representation of both Ms. Marsh and Nguyen. The hearing judge observed that, from the outset of his involvement in the matter, respondent “should have recognized the impropriety of representing both Ms. Marsh, who needed funds from the [t]rust for her daily needs and medical care, and [] Nguyen, who,” despite her status as a non-beneficiary, “wanted control of the [t]rust for her own benefit.” Moreover, the hearing judge found that Nguyen’s interests were “directly adverse to Ms. Marsh . . . because [] Nguyen sought to place Ms. Marsh under her car[e], while striking her court-appointed guardians of the person and property.” Indeed, respondent drafted (or assisted in drafting) Nguyen’s May 18, 2020 motion to place Ms. Marsh – his other client – under

Nguyen's care, without the need for a guardian. The hearing judge determined that the interests of Ms. Marsh and Nguyen "were diametrically opposed to each other," and, thus, resulted in a non-waivable conflict of interest.

Similarly, the hearing judge found that respondent violated Md. RPC 19-301.4(a)(1) by failing to adequately explain his serious conflict of interest to both Ms. Marsh and Nguyen. Specifically, "at most," respondent informed his clients "that a conflict potentially existed due to the fact that [] Nguyen is Ms. Marsh's daughter-in-law." However, other than that "relatively minor and obvious conflict," the hearing judge determined that respondent failed to explain his "glaring conflicts of interest" to his clients. Rather, throughout the disciplinary proceedings, respondent expressed his "vehement" belief that a conflict "did not exist."

Additionally, the hearing judge found that respondent violated Md. RPC 19-301.16 by failing to decline or terminate his representation of Nguyen and Ms. Marsh despite his "readily discernible and significant conflicts of interest." Moreover, "at a minimum," respondent should have declined or terminated the representation when it forced him to engage in the unauthorized practice of law.

The hearing judge also determined that respondent violated Md. RPC 19.301.5 by charging Ms. Marsh an excessive legal fee. The hearing judge found that respondent's \$158,589.18 legal bill was "patently unreasonable" and

amounted to an attempt to “charge Ms. Marsh a six-figure sum for his unauthorized practice of law.” Based on her review of his invoice, the hearing judge observed that respondent spent “the vast majority” of his time engaging in “[telephone] calls, e-mails, text [messages], and other communications to redacted parties.” In the hearing judge’s view, based on respondent’s testimony describing his services, he “billed Ms. Marsh over \$150,000 for the purposes of conducting baseless persecutions against her longtime attorney and bank, while seeking to assert control over her [t]rust.” Indeed, during the entire representation, respondent prepared only a “single estate planning document” and “prepared for a single hearing” in which Ms. Marsh already had court-appointed counsel. The hearing judge concluded that “none of [r]espondent’s actions . . . represent[ed] any meaningful legal services taken for the benefit of Ms. Marsh.”

Additionally, the hearing judge determined that, although respondent’s \$8,500 retainer fee may “initially” have been reasonable, “it became unreasonable due to . . . [his] unauthorized practice of law and failure to perform any services of benefit on behalf of Ms. Marsh.”

Further, the hearing judge found that respondent violated Md. RPC 19-305.5 by engaging in the unauthorized practice of law in Maryland. The judge acknowledged respondent’s argument that he did not engage in the practice of

law while representing either Nguyen or Ms. Marsh. Addressing that argument, the hearing judge noted that, under Maryland law, a determination regarding whether an individual has engaged in the practice of law is focused “on whether the activity in question required legal knowledge and skill in order to apply legal principles and precedent.” Atty. Griev. Comm’n v. Maldonado, 203 A.3d 841, 859 (Md. 2019).

Applying those principles, the hearing judge “readily conclude[d]” that respondent “engaged in the practice of law almost immediately upon setting foot in . . . Maryland.” Specifically, in his March 5, 2020 letter to Kent detailing Ms. Marsh’s purported estate planning “instructions,” respondent identified himself as an attorney. Similarly, in his April 7, 2020 letter to Sandy Spring Bank demanding that it transfer Ms. Marsh’s funds to the Wells Fargo account established by Hoffman, respondent identified himself as Ms. Marsh’s attorney. Moreover, he drafted the third trust amendment and filed multiple Circuit Court motions, on behalf of Ms. Marsh, in accordance with his “Legal Representation Retainer Agreement” executed by Ms. Marsh. Finally, respondent submitted his \$158,589.18 invoice to McCarthy requesting fees for “legal services rendered.” Based on his actions throughout the representation, the hearing judge observed that respondent’s attempts to argue that he did not engage in the practice of law were “simply incredible.”

Additionally, the hearing judge found that respondent violated Md. RPC 19-303.1 by filing a frivolous federal lawsuit against Kent. The hearing judge underscored how respondent's lawsuit "was entirely without merit [because] his complaint principally alleged that [] Kent interfered with [r]espondent's contract to perform legal services in Maryland," where he never earned any form of admission to practice law. Moreover, regarding respondent's request, in his lawsuit, that the Maryland District Court direct Kent to immediately disclose Ms. Marsh's whereabouts to allow him to contact his "client," the hearing judge emphasized that respondent should have known, at that juncture, that Ms. Marsh no longer was his client. The hearing judge concluded that the lawsuit lacked any merit and "its only conceivable purpose was to bully [] Kent into compliance" with respondent's "agenda."

Finally, the hearing judge found that respondent violated Md. RPC 19-308.4 by violating the foregoing Maryland Rules of Professional Conduct.

The hearing judge observed that respondent failed to take any remedial action "to alleviate his misconduct," including refunding his \$8,500 retainer fee to Ms. Marsh, "recant[ing] his allegations of impropriety" against Kent and Sandy Spring Bank, and "clarify[ing] to Ms. Marsh that McQueen was, in fact, her legally authorized representative. Rather, "the evidence reflects [that] [r]espondent doubled down on his ethic[s] violations by filing an entirely

frivolous lawsuit against [] Kent for the purpose of regaining access to Ms. Marsh.”

The hearing judge did not recommend that the MSC impose a specific quantum of discipline. Nevertheless, the judge considered, in aggravation, respondent’s New Jersey disciplinary history consisting of his 2012 admonition in Farmer I and 2019 reprimand in Farmer II. Additionally, the hearing judge emphasized that respondent “completely failed to acknowledge the wrongful nature of his conduct” and, instead, accused Kent, McCarthy, and the Maryland AGC of being in a “secret handshake club of Maryland attorneys” who “decided to go ahead and show me who’s boss.”

Significantly, the hearing judge found that respondent “took advantage of” Ms. Marsh’s “mental incapacity and advanced age . . . by sabotaging her relationship with her longtime attorney, [] Kent, and putting her in fear that other attorneys were conspiring to take advantage of her.” The hearing judge reasoned that respondent’s attempt to bill Ms. Marsh more than \$158,000 “after failing to perform any beneficial legal services on her behalf reflects [that] it was he who was truly taking advantage of her.”

In mitigation, the hearing judge found that respondent “initially” attempted “to make a good faith effort towards gaining pro hac vice admission” in Maryland. Nevertheless, respondent’s initial efforts were “somewhat tainted

. . . by the fact that he failed to withdraw from his representation after failing to gain admission, sought to bill Ms. Marsh for his unauthorized practice of law, and agreed to represent both Ms. Marsh and Nguyen despite the clear conflicts of interest.”

The Maryland Supreme Court’s Findings

On July 10, 2023, the MSC issued an opinion adopting the hearing judge’s findings that respondent violated each of the charged Maryland Rules of Professional Conduct by clear and convincing evidence and imposing an indefinite suspension on his ability to practice law in that jurisdiction, pursuant to Md. R. 19-701(w).²²

In its opinion, the MSC observed that, “[i]n one form or another,” respondent, in a “disjointed, rambling, and repetitive” submission, “excepted to virtually every adverse factual finding made by the hearing judge.” The MSC, however, noted that it had “independently reviewed the record and conclude[d] that none of the hearing judge’s” findings were “clearly erroneous.”

Specifically, the MSC “summarily overruled” as “baseless” respondent’s

²² In Maryland, an indefinite suspension for “an attorney not admitted . . . to practice law” in that jurisdiction “means the . . . indefinite exclusion from the admission to or the exercise of any privilege to practice law in [Maryland].” Md. R. 19-701(w).

arguments that the hearing judge was “biased against him,” “failed to consider his side of the story,” and lacked “normalcy, reasonableness, and compassion.” Similarly, the MSC rejected respondent’s contentions that the Maryland AGC filed its disciplinary petition in “retaliation” for his filing of an ethics grievance against Kent and that the AGC had “unclean hands by pressing charges against him while ignoring the alleged misdeeds of [] Kent.”²³ The MSC also overruled respondent’s objection that he was denied due process because he was not permitted to elicit testimony from the Maryland disciplinary prosecutor concerning his “motivation [for] investigating him” and his “relationship to [] Kent.”

Additionally, the MSC rejected respondent’s contention that he did not, in his view, represent Nguyen. Specifically, respondent argued that his role was merely to “assist” Nguyen “in her efforts to find out what [] Kent was up to, and to see if he had done anything improper with respect to . . . Ms. Marsh.” The MSC, however, found that the “record [was] replete with evidence that [respondent] represented [] Nguyen,” including that both his retainer agreement with Ms. Marsh and his conflict-of-interest waiver with Nguyen expressly stated that he represented Nguyen and would continue to do so. Even respondent’s

²³ Respondent also alleged that the Maryland AGC prosecuted him to satisfy “a personal vendetta” and for “their own self-satisfaction and . . . revenge.”

federal lawsuit against Kent indicated that he represented Nguyen.

Further, the MSC was “unpersuaded” by respondent’s assertion that he did not draft and formulate the content of Ms. Marsh’s “instructions” contained in his March 5, 2020 letter to Kent. The MSC noted that, by 2019, Ms. Marsh was suffering from severe dementia and, thus, rejected respondent’s claim that he was merely “a conduit for Ms. Marsh and that he only typed up Ms. Marsh’s instructions because she was blind.”

Moreover, the MSC rejected respondent’s contention that the hearing judge found that he had drafted the third trust amendment based solely on his invocation of his Fifth Amendment right against self-incrimination. The MSC noted that, because respondent’s disciplinary matter was not criminal in nature, the hearing judge was permitted to draw an adverse inference concerning his invocation of his Fifth Amendment right. Additionally, the MSC observed there was substantial evidence to support the hearing judge’s conclusion that respondent drafted the third trust amendment, including that the document listed Hoffman – a certified public accountant with whom respondent had shared an office for approximately twenty years – as the new trustee in place of Kent.

Respondent also urged the MSC to overturn the hearing judge’s finding that Ms. Marsh was incompetent, claiming that her May 8, 2020 evaluation by Dr. Guinta “was irrelevant to her mental capacity two months prior, when she

entered into the retainer agreement with him.” The MSC, however, overruled his argument, noting that the record contained sufficient medical evidence to support the hearing judge’s conclusion.

The MSC also determined, contrary to respondent’s arguments, that it had the requisite subject matter and personal jurisdiction to discipline him and that venue in Maryland was proper. The MSC stated that, pursuant to Article IV, Section 18 of the Maryland Constitution, it had “‘original and complete’ jurisdiction over attorney discipline proceedings arising out of conduct alleged to have occurred anywhere in Maryland.” Atty. Griev. Comm’n v. Sucklal, 12 A.3d 650, 652 (Md. 2011).

The MSC concluded that the hearing judge’s findings that respondent had engaged in a conflict of interest were “amply supported by the record.” In that vein, “because of the conflict of interest inherent in his representation and that he was not authorized to practice law in Maryland, [respondent] could not lawfully perform the services for which he charged Ms. Marsh.”

Similarly, the MSC rejected, as “frivolous,” respondent’s contention that he did not charge an unreasonable fee or file a frivolous federal lawsuit based on his theory that he “provided non-legal services.” The MSC found that respondent expressly admitted, in his federal lawsuit against Kent, that he “represented” Nguyen and “had a retainer agreement with Ms. Marsh ‘to

represent her.’” Further, the MSC observed that:

[h]is invoice, which says “legal services rendered,” sent under a cover letter on his “attorney at law” stationery, indicates otherwise. The rate he charged, which he defended as reasonable based on his experience as an attorney, indicates otherwise. His fee agreement with Ms. Marsh, which says that he would review [] Kent’s work, indicates otherwise. Clear and convincing evidence thus supports the conclusion that [respondent] violated [Md. RPC 19.301.5].

[OAE28a.]

The MSC also noted that it “need not scrutinize every service listed on his invoice[] to conclude that, at a minimum, [respondent] engaged in the unauthorized practice of law when he filed the motions in the Circuit Court.” The MSC rejected, as “simply wrong,” his contention that he was permitted, under Md. R. 19-217(d), to apply for pro hac vice admission, without the sponsorship of a Maryland attorney. The MSC reasoned that the “plain language” of that Rule “states that the judge . . . may waive only the requirement that the [sponsoring] Maryland attorney be present during proceedings; nowhere does this Rule provide that an out-of-state attorney may sponsor himself for admission.”

In determining the appropriate quantum of discipline for the totality of his misconduct, the MSC found that:

[respondent] clearly does not grasp the nature and extent of his misconduct. Although he represented a

vulnerable, elderly widow at the same time he was representing the widow's caretaker who was attempting to seize control over the widow's estate, he still maintains that there was no conflict of interest. [Respondent] still insists that he properly moved for admission pro hac vice in the guardianship case, even though [Md. R.] 19-217 plainly requires a sponsoring Maryland-licensed attorney to file the motion on his behalf. [Respondent] still insists he was not acting as a lawyer representing Ms. Marsh, even though he filed papers on her behalf in a Maryland court, drafted estate planning documents, issued demands to her long-standing counsel and bank, had her sign a retainer agreement on his law firm letter[head], and issued invoices for "legal services rendered."

When others failed to bend to his will, [respondent] lashed out, sparing nobody. He filed an ethics complaint and federal lawsuit against [] Kent. He filed a regulatory complaint against Sandy Spring Bank. He accused bar counsel of waging a personal vendetta against him. He accused the hearing judge of bias, pointing to no other evidence than the fact that she credited the evidence against him. And at oral argument before this Court, he continued to insist that [] Kent had misappropriated funds as trustee, but could not point to a single shred of evidence supporting his allegations. All of this reinforces the hearing judge's finding, as an aggravating factor, that [respondent] refused to accept the wrongful nature of his conduct.

[OAE42a-43a.]

Citing Maryland disciplinary precedent for engaging in conflicts of interest and the unauthorized practice of law, the MSC indefinitely suspended respondent from the practice of law in that jurisdiction, effective July 10, 2023.

Respondent notified the OAE of his Maryland discipline, as R. 1:20-

14(a)(1) requires.

The Parties' Positions Before the Board

The OAE's Motion for Reciprocal Discipline

The OAE asserted, in its written submission to us, that respondent's unethical conduct in Maryland constituted violations of RPC 1.4(c); RPC 1.5(a); RPC 1.7(a)(1); RPC 1.16(a)(1); RPC 3.1; RPC 5.5(a)(1); RPC 8.4(a); and RPC 8.4(d).

First, the OAE alleged that respondent violated RPC 1.7(a)(1) by representing both Ms. Marsh and Nguyen, whose interests in connection with the trust and the guardianship proceeding were "directly adverse." The OAE argued that respondent "should have been well aware that representing both [] Nguyen and Ms. Marsh would result in a conflict of interest," given that, as the hearing judge determined, Ms. Marsh required the trust assets to support her daily needs while Nguyen "simply wanted to take control of the trust for her own benefit." Further, the OAE emphasized that respondent represented both Ms. Marsh – the alleged incapacitated person – and Nguyen – Ms. Marsh's caregiver who urged the Circuit Court, in a pro se submission drafted by respondent, to decline to appoint a guardian. In the OAE's view, Ms. Marsh's and Nguyen's "opposing interest[s]" resulted in a non-waivable conflict.

Second, the OAE maintained that respondent violated RPC 1.4(c) and RPC 1.16(a)(1), respectively, by failing to explain his serious conflict of interest to his clients and by failing to decline and terminate the representation, given the serious conflict and his inability to obtain the sponsorship of a Maryland attorney to apply for his pro hac vice admission in that jurisdiction.

Third, the OAE asserted that respondent violated RPC 1.5(a) by charging Ms. Marsh a “per se unreasonable” legal fee for his unauthorized and conflicted legal work for which Ms. Marsh received no benefit.

Fourth, the OAE contended that respondent violated three instances of RPC 3.1 by filing a frivolous federal lawsuit and ethics grievance against Kent along with a frivolous regulatory complaint against Sandy Spring Bank.

Fifth, the OAE argued that respondent violated RPC 5.5(a)(1) by engaging in the unauthorized practice of law in Maryland, without first securing pro hac vice admission in that jurisdiction.

Sixth, the OAE asserted that respondent violated RPC 8.4(d) by (1) using the federal court system to “pressure” Kent; (2) filing frivolous ethics, regulatory, and criminal complaints; (3) accusing Kent of misconduct, including “kidnapping Ms. Marsh;” (4) accusing the Maryland disciplinary hearing judge of “bias;” (5) accusing the Maryland AGC of waging a “personal vendetta” against him; and (6) accusing Kent and Dr. Guinta of “collusion.”

Finally, the OAE alleged that respondent violated RPC 8.4(a) by violating the foregoing Rules of Professional Conduct. However, the OAE conceded that respondent's violation of RPC 8.4(a) would not result in additional, independent discipline.

The OAE urged us to recommend the imposition of a one- or two-year suspension for the totality of respondent's misconduct. The OAE analogized respondent's conduct to that of the attorneys in In re Gordon, 249 N.J. 15 (2021), and In re Bernstein, 349 N.J. 357 (2022), who both received terms of suspension for charging impermissible legal fees for work performed in connection with the unauthorized practice of law.

In mitigation, the OAE accorded "slight weight" to the fact that respondent reported his Maryland discipline to New Jersey disciplinary authorities, as R. 1:20-14(a)(1) requires. The OAE also noted that respondent, initially, attempted to obtain pro hac vice sponsorship in Maryland. However, that mitigating factor was "limited" by (1) respondent's failure to withdraw from the representation following his inability to obtain a sponsor, (2) his serious conflict of interest, and (3) his attempt to bill Ms. Marsh for his unauthorized legal work.

The OAE urged, in aggravation, respondent's prior discipline in Farmer I and Farmer II, along with his continued failure to acknowledge the wrongful

nature of his conduct in Maryland. The OAE underscored the “egregious circumstances involved in this matter,” including Ms. Marsh’s advanced age and incapacity, the fact that Ms. Marsh was a widow whose son had passed away during the timeframe of the misconduct, and respondent’s numerous and unfounded allegations “towards all parties in opposition to his agenda.” The OAE also emphasized that respondent received \$8,500 in improper fees from Ms. Marsh in connection with his unauthorized practice of law. Further, when his efforts to gain control of Ms. Marsh’s affairs failed, he engaged in baseless persecutions against all those who refused to bend to his will. In the OAE’s view, respondent’s conduct is likely to recur based on his failure to demonstrate any remorse for his serious and unrelenting misconduct.

Respondent’s Motion to Stay the Reciprocal Discipline Proceeding

On October 28, 2024, respondent filed a motion before us to stay his reciprocal discipline proceeding in New Jersey.

In his submission, respondent noted that, on August 7, 2023, less than one month after the imposition of his indefinite suspension in Maryland, he filed a lawsuit, in the Superior Court of New Jersey, Atlantic County, against Ms.

Marsh's estate and Kent,²⁴ seeking \$107,280 for "non-legal" work that he claimed he had "expended on Ms. Marsh' behalf." Respondent moved for summary judgment before the Superior Court, arguing that he had not received a "fair trial" in his Maryland disciplinary matter because the hearing judge was, in his view, "biased" against him. Respondent also attempted to collaterally attack the imposition of his indefinite suspension in Maryland by asserting, among other arguments, that Maryland lacked subject matter and personal jurisdiction to discipline him and that venue in that jurisdiction was improper. Meanwhile, Kent, through New Jersey counsel, moved to dismiss respondent's lawsuit.

On December 11, 2023, the Superior Court granted Kent's motion and dismissed respondent's lawsuit in its entirety. On February 19, 2024, respondent filed a notice of appeal of the Superior Court's determination with the Appellate Division.

In his motion for a stay, respondent argued that the motion for reciprocal discipline was not ripe for adjudication until the Appellate Division decided his appeal.²⁵ Additionally, respondent requested permission to file an eighty-two-

²⁴ Ms. Marsh passed away in March 2023, following which Kent was appointed as the executor of her estate.

²⁵ In his appeal, respondent argued that he was "denied due process in the Maryland [disciplinary] proceedings" and that the "Maryland courts lacked jurisdiction and venue was improper."

page reply brief to the motion for reciprocal discipline if we denied his motion for a stay.

On November 7, 2024, after consulting with the Chair, the Office of Board Counsel informed respondent that his motion for a stay was denied and that any reply brief to the motion for reciprocal discipline was limited to thirty pages.

Respondent's Reply to the OAE's Motion and Motion to Dismiss

On December 12, 2024, respondent filed a thirty-page reply brief to the motion for reciprocal discipline and an additional, sixty-two-page motion to dismiss the motion for reciprocal discipline.²⁶

At oral argument and in his submissions to us, respondent again argued that Maryland lacked jurisdiction to discipline him and that venue was improper. He also maintained that he was deprived of due process during the Maryland disciplinary proceedings because of the “predisposition of the hearing judge[,] erroneous or distorted conception of the facts and/or law[,] [and] the [MSC’s] failure to perform an independent review of the matter, and instead, just rubber-stamp[ing]” the hearing judge’s findings.

²⁶ Notably, R. 1:20-14 governing reciprocal disciplinary matters does not expressly allow for the filing of any motions to dismiss. Rather, pursuant to R. 1:20-14(a)(2), an attorney may file a reply brief in which they have the burden of establishing, by clear and convincing evidence, why identical discipline should not be imposed.

In respondent's view, the conduct for which he had been disciplined "was that I was merely attempting to help a friend protect her mother-in-law[,] who was a blind, ninety-four-year-old woman[,] from her unscrupulous Maryland attorney, [Kent]," whom respondent claimed had misappropriated \$1 million from Ms. Marsh's bank accounts and engaged in "criminal activity." He declared that his "efforts were met by a consolidated effort by a number of Maryland parties to protect one of their own, at the expense of a New Jersey attorney – me." He also adamantly maintained that he did "nothing wrong" except for "having a big mouth" and "tel[ling] it like it is."

Additionally, respondent alleged that he was "railroaded" by the hearing judge, who, as he contended, had her "mind . . . made up before I even had a chance to start my defense and put in any evidence." Further, he asserted that, although the MSC "may not have liked my testimony and accusations, and may have disagreed with me," his "testimony and documentary evidence . . . was . . . truthful and credible."

Moreover, respondent claimed that there was simply "no evidence," let alone "clear and convincing evidence," that he prepared the third trust amendment – asserting that "only speculation exists that I prepared it." Like his arguments before the MSC, respondent also maintained that, on March 5, 2020, he drafted Ms. Marsh's instructions to Kent in which he accurately conveyed

her “words and wishes.” He further contended that the MSC incorrectly determined that Ms. Marsh was incompetent, given his view that she appeared “competent” to him during their telephone conversations.

Respondent reiterated his position that his misconduct resulted in “no conflicts” because both Nguyen and Ms. Marsh wanted him to investigate Kent and to have Kent “leave them alone.” He also represented that Nguyen never “sought to assert control over the trust for her own benefit,” as the hearing judge and the MSC had determined, and that both Nguyen and Ms. Marsh did not want the appointment of a guardian.

Regarding the MSC’s finding that he charged Ms. Marsh excessive, impermissible legal fees, respondent argued that “[a]n examination of both my hourly rate and number of hours” demonstrated that his fee was reasonable. Additionally, he alleged that the MSC did not have “jurisdiction to rule on my fees charged for non-legal services” and that “[a] court has no right or authority to tell Ms. Marsh what she can or cannot do,” including her decision to hire him.

Respondent also maintained that his federal lawsuit against Kent was not frivolous because Kent “absolutely interfered with my ability to perform the tasks that Ms. Marsh hired me to perform – obtaining, reviewing[,] and evaluating documents (bank statements) to see if any money was misappropriated.”

Respondent reiterated his position that he did not engage in the unauthorized practice of law because his “contract/[r]etainer [a]greement [with Ms. Marsh] was to perform non-legal services.” In respondent’s view, “[t]here was no need for me to utilize any of my legal education and training to analyze Kent’s actions. The only requirement to determine if money was missing was that I needed to be able to read, do math, and understand figures.” He stated that “[i]t is incomprehensible that the Maryland courts did not determine what I actually did that constituted the practice of law other than motions (where my actions were not improper).” In that vein, he expressed his view that his motion to dismiss Kent’s guardianship petition constituted a mere “attempt” to practice law because, in denying him pro hac vice admission, the Circuit Court did not address his motion to dismiss on the merits of that application. He also contended that making telephone calls and requesting bank records did not constitute the practice of law. Further, he claimed that, had he “not identified myself as an attorney, I would have been charged for not doing so.”

Similarly, respondent again contended, as he did before the MSC, that Md. R. 19-217(d) allowed him to apply for pro hac vice admission in Maryland, without a sponsor. He further argued that Md. R. 19-305.5(c)(2)²⁷ “completely

²⁷ Md. R. 19-305.5(c)(2) provides that an attorney admitted to practice law in another United States jurisdiction “may provide legal services on a temporary basis in this jurisdiction that: . . . are in or reasonably related to a pending or potential proceeding before a tribunal in this or another

absolve[d] me of the unauthorized practice of law charge,” given that he reasonably expected that he would be admitted pro hac vice in Maryland.

Respondent “suggest[ed]” that we recommend no sanction “based upon the complete picture and true facts and complete law” governing this matter. Alternatively, he “suggest[ed]” that, if we accept “the Maryland courts’ erroneous and incomplete law,” he should receive no more than a censure for the totality of his actions. Respondent urged us to find that his conduct was “solely intended to investigate multiple inappropriate actions of a Maryland attorney, and to attempt to find out what happened to [\$1 million] of a blind ninety-four-year-old woman’s money.” He emphasized that his “actions were taken with the full knowledge and appreciation of both of my clients,” who both “signed a waiver” and suffered no harm. He further noted that he fully cooperated with Maryland disciplinary authorities and did not mislead anyone regarding his authorization to practice law in Maryland.

Analysis and Discipline

Following our review of the record, we determine to grant the OAE’s motion for reciprocal discipline and to recommend the imposition of discipline

jurisdiction, if the attorney, or a person the attorney is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized.”

for all but one of the Rules of Professional Conduct charged by the OAE.

Pursuant to R. 1:20-14(a)(5), “a final adjudication in another court, agency or tribunal, that an attorney admitted to practice in this state . . . is guilty of unethical conduct in another jurisdiction . . . shall establish conclusively the facts on which it rests for purposes of a disciplinary proceeding in this state.” Thus, with respect to motions for reciprocal discipline, “[t]he sole issue to be determined . . . shall be the extent of final discipline to be imposed.” R. 1:20-14(b)(3).

In Maryland, as in New Jersey, disciplinary counsel must establish an attorney’s misconduct by clear and convincing evidence. Atty. Griev. Comm’n v. Hodes, 105 A.3d 533,552 (Md. 2014); Atty. Griev. Comm’n v. Mooney, 753 A.2d 17, 29 (Md. 2000) (noting that clear and convincing evidence requires “more than a mere preponderance of evidence and less than evidence beyond a reasonable doubt”).

Reciprocal discipline proceedings in New Jersey are governed by R. 1:20-14(a)(4), which provides in pertinent part:

The Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the record on which the discipline in another jurisdiction was predicated that it clearly appears that:

(A) the disciplinary or disability order of the foreign jurisdiction was not entered;

(B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;

(C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;

(D) the procedure followed in the foreign matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(E) the unethical conduct established warrants substantially different discipline.

We conclude that subsection (E) applies in this matter because the unethical conduct warrants substantially different discipline. In our view, based on New Jersey's disciplinary precedent, respondent's attempt to charge Ms. Marsh – his vulnerable, elderly client – excessive and unauthorized legal fees, as exacerbated by his unauthorized practice of law, baseless and unrelenting persecutions against Ms. Marsh's longtime attorney and bank, and egregious conflict of interest, warrants a three-year suspension.²⁸

²⁸ In New Jersey, unlike in Maryland, indefinite suspensions have been imposed only in a narrow set of circumstances inapplicable to this matter, such as when an attorney suffers from debilitating drug or alcohol addiction that may preclude their ability to practice law until they can regain sobriety. See In re Allen, 197 N.J. 34, 35 (2008), and In re Orlando, 104 N.J. 344, 351 (1986) (indefinitely suspending an attorney for possessing cocaine “until such time as he can demonstrate his fitness to practice law again”).

Respondent's Motion to Dismiss

As a threshold matter, we deny respondent's motion to dismiss. His motion reiterated substantially the same baseless claims that the MSC considered and summarily rejected.

Specifically, respondent again argued that Maryland lacked subject matter and personal jurisdiction to discipline him and that venue in that jurisdiction was improper. He also claimed that he was denied due process based on his view that the hearing judge was "predisposed" to find that he had engaged in unethical conduct based on "erroneous or distorted" findings of fact or conclusions of law, which, as he maintained, the MSC "rubber-stamped" without performing an independent review of the record.

In our view, we are neither empowered nor inclined to disturb the MSC's finding that it had the requisite jurisdiction and proper venue to discipline respondent for his misconduct in Maryland, particularly because that "Court has 'original and complete' jurisdiction over attorney disciplinary proceedings arising out of conduct alleged to have occurred anywhere in Maryland." Atty. Griev. Comm'n v. Sucklal, 12 A.3d 650, 652 (Md. 2011) (quoting Atty. Griev. Comm'n v. Rand, 981 A.2d 1234, 1240 (2009)). See also Md. R. 19-308.5(2) (noting, in relevant part, that "[a]n attorney not admitted to practice in [Maryland] is also subject to the disciplinary authority of [that jurisdiction] if

the attorney provides or offers to provide any legal services in [Maryland] [or] holds himself . . . out as practicing law in [Maryland]”).

Similarly, we determine that the procedures followed in Maryland were not “so lacking in notice or opportunity to be heard as to constitute a deprivation of due process,” pursuant to R. 1:20-14(a)(4)(D). Indeed, respondent participated fully in the Maryland disciplinary process, including filing a pre-hearing motion to dismiss, attending and presenting evidence during the four-day ethics hearing, and filing a lengthy post-hearing submission in which the MSC observed that, “[i]n one form or another,” he objected to “virtually every adverse factual finding made by the hearing judge.”

We decline to disturb the MSC’s determination summarily rejecting respondent’s baseless allegations against the hearing judge and the Maryland AGC. See In re Barrett, 238 N.J. 517, 522 (2019) (noting that, in the context of a motion for reciprocal discipline, our review “involves ‘a limited inquiry, substantially derived from and reliant on the foreign jurisdiction’s disciplinary proceedings’”). See also R. 1:20-14(a)(5) (noting that a final adjudication, in a foreign jurisdiction, imposing discipline on a New Jersey attorney “shall establish conclusively the facts on which it rests for purposes of a disciplinary proceeding in this state”).

Finally, to the extent that respondent raised constitutional challenges to

the imposition of his discipline in Maryland, those objections are expressly reserved for the Court. See R. 1:20-15(h).

Violations of the Rules of Professional Conduct

The record before us contains overwhelming evidence that respondent attempted to (1) gain control of his vulnerable client's trust assets, (2) sabotage her relationship with her longtime attorney, and (3) thwart the appointment of her desperately needed guardians. When those efforts failed, he attempted to charge Ms. Marsh a substantial sum of unauthorized legal fees and engaged in baseless persecutions against her guardians. We separately address the charged violations below.

Conflict of Interest

We find that respondent violated RPC 1.7(a)(1) by concurrently representing Ms. Marsh and Nguyen when their respective interests concerning Ms. Marsh's trust and guardianship were directly adverse.

Prior to Rick's hospitalization in March 2020, he assisted his mother – Ms. Marsh – in issuing checks to provide for her care, including paying Nguyen approximately \$2,000 each week from the trust. Following Rick's hospitalization, and considering Ms. Marsh's declining cognitive health, Kent –

who had financial power of attorney over Ms. Marsh since 2010 – became the successor trustee, pursuant to the terms of the 2010 amended trust. Thereafter, on March 3, 2020, following an inquiry by Sandy Spring Bank, Kent arranged for Ms. Marsh to execute a trust amendment that, in his view, allowed him, as trustee, to pay Ms. Marsh’s bills.

Following Ms. Marsh’s execution of the March 3, 2020 trust amendment, Nguyen contacted respondent, who, on March 4, traveled to Maryland to meet with Nguyen, Rick, and Ms. Marsh. As respondent contended, Ms. Marsh and Rick either directed or permitted him to investigate Kent. Subsequently, within the span of a few days, respondent arranged for Ms. Marsh to execute a “Legal Representation Retainer Agreement,” which required Ms. Marsh to pay respondent a \$400 hourly fee, along with an \$8,500 retainer payment, to investigate Kent’s “prior services and documents.” He also arranged for Ms. Marsh and Nguyen, his clients, to execute documents waiving “any conflicts that might exist as well as any appearance of conflicts” stemming from his concurrent representation.

Meanwhile, on March 5, 2020, respondent sent Kent a document containing Ms. Marsh’s purported “instructions” to (1) “rescind” her power of attorney designating Kent as her agent, (2) prepare a new power of attorney requiring that Nguyen and Kent jointly make decisions on Ms. Marsh’s behalf,

and (3) provide respondent with copies of all her trust documents and her will. Kent, however, declined to comply with the “instructions” because Ms. Marsh did not have the capacity to retain respondent, who was not authorized to practice law in Maryland.

Thereafter, for the next several weeks, until at least April 16, 2020, respondent continued to demand that Kent comply with Ms. Marsh’s “instructions,” threatening Kent that his refusal to do so was unethical and “could be considered tortious interference at best and criminal at worst.” Indeed, on March 24, 2020, respondent filed an ethics grievance against Kent with the Maryland AGC for not complying with the “instructions.”

Meanwhile, on April 7, 2020, Ms. Marsh executed the third trust amendment, drafted by respondent, which “removed and replaced” Kent as trustee with Hoffman, a certified public accountant who had shared an office with respondent for approximately twenty years.²⁹ Additionally, on April 7, 2020, respondent sent Sandy Spring Bank a letter declaring that any actions taken by Kent concerning Ms. Marsh’s funds were “hereby ineffective,” except for any checks issued to Nguyen, and directing the bank to transfer all of Ms.

²⁹ We decline to disturb the MSC’s finding that respondent had, in fact, drafted the third trust amendment, despite his refusal, during the Maryland ethics hearing, to answer whether he had drafted that document and his invocation of his Fifth Amendment privilege against self-incrimination.

Marsh's funds to a new Wells Fargo account established by Hoffman. Sandy Spring Bank, however, refused to comply and froze Ms. Marsh's accounts, prompting respondent to file a regulatory complaint against the bank.

Ms. Marsh's and Nguyen's respective interests concerning the trust funds were unquestionably directly adverse to each other. Given her advanced age and cognitive impairments, Ms. Marsh required the trust funds to support her daily needs. Indeed, a decade before respondent's involvement in this matter, Ms. Marsh established an estate plan whereby Kent would serve as trustee if she was no longer able to do so. Rather than allow Kent, Ms. Marsh's longtime Maryland attorney, to perform his functions as trustee, respondent attempted to (1) remove Kent as trustee, (2) appoint Hoffman, his longtime colleague, as the replacement trustee, and (3) transfer Ms. Marsh's funds from Sandy Spring Bank, her longstanding local bank, to a Wells Fargo account established by Hoffman. Respondent also expressly directed Sandy Spring Bank to disregard Kent's instructions as trustee, except for the issuance of any checks to Nguyen, who was not a trust beneficiary but previously had received approximately \$2,000 in weekly trust disbursements from Rick to look after Ms. Marsh. Given Ms. Marsh's and Nguyen's competing interests in the trust funds, respondent's concurrent representation of his clients resulted in a clear conflict of interest.

Ms. Marsh's and Nguyen's respective interests in connection with the

guardianship proceeding similarly were adverse.

On April 17, 2020, based on his concerns that “there were people trying to gain access to [Ms. Marsh’s] finances . . . and to be in charge of her care,” Kent filed an emergency petition for the appointment of guardians and counsel for Ms. Marsh. On April 20, the Circuit Court granted Kent’s petition, appointed counsel and temporary guardians of the person and property for Ms. Marsh, and directed that she undergo an examination by Dr. Guinta to assess her capacity.

Ms. Marsh clearly required the advocacy of independent counsel in connection with her guardianship proceeding. However, rather than allow her court-appointed attorney and guardians to represent her interests, respondent attempted to prevent (or delay) Ms. Marsh from attending her court-ordered medical examination by telling Kent that the Circuit Court’s emergent orders were, in his view, “void” because they were obtained without a hearing. Moreover, in his submissions to the Circuit Court on behalf of Ms. Marsh, respondent urged the court to dismiss the guardianship petition, despite Ms. Marsh’s apparent incapacity, based solely on his views that Kent desired to “impede” his representation of Ms. Marsh and “kidnap her” by arranging for her to attend her examination.

Based on Nguyen’s refusal to allow Ms. Marsh to attend her examination, on May 8, 2020, Kent and McCarthy were forced to bring police escorts to Ms.

Marsh's home to ensure that she could be examined by Dr. Guinta. As McCarthy testified, Nguyen attempted to "shove" a police officer, grabbed onto Ms. Marsh, and screamed "they're only here to hurt you" at Ms. Marsh as she was escorted from her home to attend the examination, where Dr. Guinta determined that Ms. Marsh was "severely impaired" and in need of a guardianship.

Thereafter, on May 18, 2020, respondent drafted or assisted in drafting Nguyen's purported pro se motion, filed in the Circuit Court, to dismiss Kent's guardianship petition and to appoint her as the sole decision-maker concerning Ms. Marsh's healthcare, without the need for a guardian.³⁰ Nguyen's motion also requested that the Circuit Court "stop" Kent and McCarthy "from carrying out any more threats and actions regarding Ms. Marsh and me."

Respondent clearly could not concurrently act as Nguyen's and Ms. Marsh's counsel in connection with the guardianship proceeding. As a ninety-four-year-old with serious cognitive impairments, Ms. Marsh required independent counsel to advocate for her interests concerning a guardianship. By contrast, Nguyen sought to prevent the appointment of any guardians in the first place, regardless of Ms. Marsh's need for a guardianship.

³⁰ Despite his refusal, during the Maryland ethics hearing, to answer whether he had drafted Nguyen's motion, and his invocation of his Fifth Amendment rights, we echo the MSC's well-reasoned conclusion that respondent had, in fact, drafted or assisted in drafting that motion.

At the outset of the representation, respondent acknowledged the existence of the conflict, given that he directed his clients to execute waivers for “any conflicts” and “any appearance of conflicts” that may develop during his concurrent representation. However, other than that limited waiver, respondent altogether failed to explain the nature and implications of his conflict to his clients to have allowed them to make informed decisions regarding the representation, in violation of RPC 1.4(c).³¹

Indeed, we echo the MSC’s and the hearing judge’s findings that respondent’s conflict was “non-waivable” due to Ms. Marsh’s and Nguyen’s diametrically opposed interests concerning the appointment of her guardians and the disposition of her trust funds. Cf In the Matter of Maria J. Rivero, DRB 14-310 (June 9, 2015) at 25-26 (noting that interests of the buyer and the seller in a real estate transaction “are diametrically opposed” and, thus, constitute a non-waivable conflict).

Finally, respondent violated RPC 1.16(a)(1) by failing to decline the representation involving his serious conflict of interest. Separately, respondent was prohibited from accepting the representation considering that, at no point during the matter, did he ever have any reasonable prospect of earning pro hac

³¹ RPC 1.14(a) requires a lawyer representing a client with diminished capacity to, “as far as reasonably possible, maintain a normal client-lawyer relationship with the client.” Maryland RPC 1.14(a) is substantially identical to New Jersey RPC 1.14(a).

vice admission in Maryland, given his failure to obtain the firm commitment of a Maryland attorney to sponsor his admission, as the Maryland Court Rules require.

Unauthorized Practice of Law

Respondent also violated RPC 5.5(a)(1) by engaging in the unauthorized practice of law in Maryland. Although he adamantly maintained that his representation of Ms. Marsh and Nguyen did not involve the practice of law, his conduct in Maryland demonstrates that he utilized his legal skills to further Nguyen's or his own interests.

New Jersey and Maryland apply substantially similar definitions concerning whether an individual is engaged in the practice of law. See In re Jackman, 165 N.J. 580, 586 (2000) (noting that “[o]ne is engaged in the practice of law whenever legal knowledge, training, skill, and ability are required”), and Atty. Griev. Comm’n v. Maldonado, 203 A.3d 841, 859 (Md. 2019) (noting that the determination concerning whether one is engaged in the practice of law is “focus[ed] . . . on whether the activity in question required legal knowledge and skill in order to apply legal principles and precedent”).

Here, as the MSC concluded, respondent's conduct in Maryland clearly involved the practice of law. Specifically, he (1) arranged for Ms. Marsh to

execute a “Legal Representation Retainer Agreement” stating that he would review Kent’s estate planning documents and services; (2) arranged for Nguyen to execute a conflict waiver expressly acknowledging his concurrent representation of Ms. Marsh and Nguyen; (3) drafted Ms. Marsh’s third trust amendment replacing Kent as trustee with Hoffman; (4) issued written demands to Kent and Sandy Spring Bank, utilizing his attorney letterhead, concerning Ms. Marsh’s estate documents and financial accounts; (5) filed motions and other submissions with the Circuit Court, on behalf of Ms. Marsh, seeking to dismiss Kent’s guardianship petition; (6) drafted or assisted in drafting Nguyen’s purported pro se motion filed with the Circuit Court; and (7) provided McCarthy a \$158,589.18 invoice for his “legal services rendered” on behalf of Ms. Marsh. Notably, all these services related solely to Maryland law.

Respondent also argued that Md. R. 19-305.5(c)(2) “completely absolve[d]” him of having engaged in the unauthorized practice of law in Maryland. Pursuant to that rule, an out-of-state attorney “may provide legal services on a temporary basis in [Maryland] that: . . . are in or reasonably related to a pending or potential proceeding before a tribunal in [Maryland] or another jurisdiction, if the attorney . . . is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized.”

Here, respondent had no reasonable expectation of earning pro hac vice

admission in Maryland. Although Shepardson and Lombardo, initially, agreed to sponsor his pro hac vice admission, their willingness to do so was conditioned on their “need to review the documents to help determine exactly what it is we will be doing.” Indeed, on April 30, 2020, within one day of their review of the documents underlying Ms. Marsh’s guardianship matter, Shepardson and Lombardo notified respondent that they would have no further involvement in the matter, considering that Ms. Marsh already had a court-appointed attorney (McQueen) and because Nguyen had “no standing to take any action for anything at that time.”

Rather than terminate the representation following Shepardson and Lombardo’s determination, respondent, on May 8, 2020, continued to engage in the unauthorized practice of law by filing motions to dismiss Kent’s guardianship petition and for his pro hac vice admission in Maryland, without the required sponsorship of a Maryland attorney. Indeed, Md. R. 19-217(a) provides that only an attorney authorized to practice law in Maryland may affirmatively petition a court for the pro hac vice admission of a lawyer admitted to practice law in another jurisdiction.

Additionally, as the MSC determined, respondent’s position that Md. R. 19-217(d) allowed the Circuit Court to waive the sponsorship requirement was contrary to the plain meaning of that rule, which allows a judge to “waive only

the requirement that the [sponsoring] Maryland attorney be present during proceedings.” The MSC reasoned that “nowhere does this [r]ule provide that an out-of-state attorney may sponsor himself for admission.” Accordingly, based on respondent’s total failure to obtain authorization to practice law in Maryland before performing legal work in that jurisdiction, we determine that respondent brazenly and extensively engaged in the unauthorized practice of law.

Unauthorized Legal Fee

Following the Circuit Court’s denial of his motions for pro hac vice admission and to dismiss Kent’s guardianship petition, respondent violated RPC 1.5(a) by attempting to charge Ms. Marsh \$167,089.18 in unauthorized legal fees connected to the improper, two-and-a-half-month representation spanning from March 4 through May 20, 2020.

The MSC and the hearing judge determined that respondent’s legal fee was unreasonable in part because he incurred those fees while engaging in the unauthorized practice of law. Similarly, in New Jersey, we have determined that legal fees incurred in connection with the unauthorized practice of law are per se unreasonable. See In the Matter of David Jay Bernstein, DRB 21-011 (September 22, 2021) (an attorney undertook the representation of two client matters in Alabama and Virginia, respectively, even though he was not

authorized to practice law in those jurisdictions; we observed that any fees charged for those unlawful services were per se unreasonable), and In the Matter of Richard C. Gordon, DRB 20-209 (April 1, 2021) (an attorney who performed unauthorized legal work in Connecticut charged a client a \$1,700 legal fee, which we deemed per se unreasonable given that he was not licensed to practice law in that jurisdiction).

Consistent with New Jersey disciplinary precedent, because respondent incurred the entirety of his \$167,089.18 legal fee while engaged in the unauthorized practice of law in Maryland, we find that his fee was per se unreasonable.

Moreover, respondent either partially or almost fully redacted nearly every billing entry on his invoice sent to McCarthy. He also combined many of his legal services into single “block” time entries in which he vaguely described his services as “revise[d];” “continue[d];” “prepare[d];” or “finalize[d]” various redacted legal work he claimed to have performed. Despite the significant billing redactions, the hearing judge determined, based on respondent’s testimony, that he incurred the “vast majority” of his fees by (1) communicating with Maryland parties, (2) attempting to obtain Ms. Marsh’s bank records, and (3) launching baseless persecutions against Kent, McCarthy, and Sandy Spring Bank, “while seeking to assert control over her [t]rust.” As the hearing judge observed, “none”

of respondent's actions provided "any meaningful" benefit for Ms. Marsh. Indeed, respondent accumulated a significant portion of his legal fees following the Circuit Court's April 20, 2020 order appointing McQueen as Ms. Marsh's counsel.

Because respondent incurred his substantial legal bill while (1) engaging in the unauthorized practice of law, (2) filing baseless ethics, criminal, or regulatory complaints against Ms. Marsh's attorneys, guardians, and bank, and (3) attempting to gain control of her financial affairs based, in part, on the third trust amendment that Ms. Marsh did not appear to have the capacity to execute, we echo the hearing judge's finding that respondent's legal fee was "patently unreasonable."

Frivolous Litigation

Following McCarthy's decision, as Ms. Marsh's guardian of the property, declining to pay respondent's substantial fee for his unauthorized legal work, respondent violated RPC 3.1 by filing a frivolous federal lawsuit against Kent.

In his pro se lawsuit, respondent accused Kent of engaging in legal malpractice and tortious interference in connection with respondent's contract with Ms. Marsh to perform legal services. Specifically, he alleged that Kent obstructed his access to Ms. Marsh's financial information and documents,

including ignoring his demands to turn over the “trust’s property to [] Hoffman.” Respondent further asserted that Kent “maliciously” petitioned for Ms. Marsh’s guardianship and, following the denial of his motion to dismiss Kent’s petition, “maliciously” “transferred [her] to an unnamed assisted living facility . . . with the intent of causing damage to [respondent’s] business and with the intent of interfering with” his “contract” with Ms. Marsh. Additionally, he alleged that Kent, Sandy Spring Bank, and Raymond Jones engaged in “collusion” to “thwart” his efforts to obtain Ms. Marsh’s financial records.

Among other relief, respondent requested that the Maryland District Court emergently direct Kent to disclose the location of Ms. Marsh’s assisted living facility, in order to allow respondent to reestablish contact with “his client” and “to take whatever steps are necessary in the guardianship action to have [the Circuit] [C]ourt return her to her home,” and “to eliminate one of [Kent’s] methods of interference.”

Respondent’s lawsuit against Kent, however, was entirely without merit. As the Maryland District Court observed, under Maryland law, a claim for tortious interference of contract “is not cognizable unless there is a valid agreement that is not . . . opposed to public policy, so that the law will not aid in upholding it.” Mansell v. Toys “R” Us, Inc., 673 F. Supp.2d 407, 416 (D. Md. 2009). Respondent’s contract to provide legal services to Ms. Marsh was both

invalid, given that he was not authorized to practice law in that jurisdiction, and opposed to Maryland public policy, which prohibits the unauthorized practice of law “to protect the public from being preyed upon by those not competent to practice law – from incompetent, unethical, or irresponsible representation.” In re Application of R.G.S., 541 A.2d 977, 983 (Md. 1988). Moreover, as the Maryland District Court found, respondent could not demonstrate the privity ordinarily required to sustain a legal malpractice claim against Kent, who, at no point, owed any duty to respondent as an attorney.

As the hearing judge observed, the only conceivable purpose of respondent’s baseless lawsuit was to “bully” Kent into “compliance with” his agenda, including the immediate disclosure of Ms. Marsh’s assisted living facility to allow him to reestablish contact with his former client, who remained represented by McQueen and under the care of her guardians.

Respondent violated two additional instances of RPC 3.1 by filing a frivolous ethics grievance against Kent and a frivolous regulatory complaint against Sandy Spring Bank.

In his March 24, 2020 ethics grievance, respondent alleged that Kent had engaged in unethical conduct by failing to comply with Ms. Marsh’s March 5, 2020 “instructions” to revoke her 2010 financial power of attorney granted in Kent’s favor and to provide respondent with her trust documents and her will.

Like the frivolous claims in his federal lawsuit, respondent's allegations of unethical conduct against Kent were meritless. Indeed, the sole purpose of the ethics grievance appeared to have been to bully Kent into providing respondent with Ms. Marsh's financial information, despite Kent's legitimate concern that Ms. Marsh lacked the capacity to hire respondent.

Respondent filed his regulatory complaint against Sandy Spring Bank after it froze Ms. Marsh's accounts based on its concerns that Nguyen had attempted, on February 10, 2020, to negotiate an "altered check" against Ms. Marsh's funds. Although the content of respondent's regulatory complaint is unclear based on the record before us, it appears that he filed the frivolous complaint because of Sandy Spring Bank's refusal to capitulate to his demands to disclose all of Ms. Marsh's financial accounts and to transfer Ms. Marsh's funds to the Wells Fargo account established by Hoffman. Based on Sandy Spring Bank's legitimate concerns regarding potential unauthorized access to Ms. Marsh's bank accounts, particularly considering her advanced age, respondent's regulatory complaint against the bank appeared to be nothing more than an attempt to bully the bank to accede to his demands.

Conduct Prejudicial to the Administration of Justice and RPC 8.4(a)

Finally, respondent violated RPC 8.4(d) by recklessly abusing the judicial system in response to the efforts by Maryland attorneys, bank(s), and judges to curb his improper behavior.

Specifically, respondent filed a frivolous ethics grievance against Kent after Kent refused his demands to provide Ms. Marsh's trust documents and her will. He also filed a meritless regulatory complaint against Sandy Spring Bank after it froze Ms. Marsh's accounts based on its legitimate concerns regarding unauthorized access to her funds. Further, he filed a baseless criminal complaint against Kent and McCarthy for "kidnapping" Ms. Marsh by taking her to her court-ordered medical examination. Similarly, in his May 11, 2020 submission to the Circuit Court, he sought a restraining order prohibiting McCarthy and Kent from coming within one-hundred feet of Ms. Marsh, despite their status as her temporary guardians. Additionally, following the denial of his motions before the Circuit Court and McCarthy's refusal to pay respondent's exorbitant and improper legal bill, he filed a frivolous federal lawsuit against Kent in which he demanded immediate access to Ms. Marsh.

Despite losing at every turn, respondent persisted in abusing the judicial system to attempt to isolate Ms. Marsh from her guardians, sabotage her relationship with Kent, and gain control of her finances. Respondent's conduct

needlessly obstructed Ms. Marsh’s guardianship matter and, thus, amounted to an egregious effort to prejudice the administration of justice.

However, we dismiss the charge that respondent violated RPC 8.4(a), which prohibits an attorney from violating the RPCs. The OAE noted that, although respondent violated RPC 8.4(a) based on his violations of the RPCs discussed above, his RPC 8.4(a) violation cannot result in additional, independent discipline.

We have consistently declined to sustain this charge “except where the attorney has, through the acts of another, violated or attempted to violate the RPCs, or where the attorney himself has attempted, but failed, to violate the RPCs.” In the Matter of Stuart L. Lundy, DRB 20-227 (April 28, 2021) (dismissing an RPC 8.4(a) charge as superfluous based on the attorney’s mere violation of other, more specific RPCs). See also In the Matter of Nancy Martellio, DRB 20-280 (June 29, 2021) (dismissing an RPC 8.4(a) charge premised upon the attorney’s violation of other RPCs).

Here, given that the RPC 8.4(a) charge is premised upon respondent’s violation of other RPCs, we dismiss the allegation as a matter of law.

In sum, we find that respondent violated RPC 1.4(c); RPC 1.5(a); RPC 1.7(a)(1); RPC 1.16(a)(1); RPC 3.1 (three instances); RPC 5.5(a)(1); and RPC 8.4(d). We dismiss, as a matter of law, the allegation that respondent violated

RPC 8.4(a). The sole issue left for our determination is the proper quantum of discipline for the totality of respondent's misconduct.

Quantum of Discipline

Respondent's misconduct in this matter occurred at a critical, vulnerable moment in Ms. Marsh's life when she urgently required the advocacy of independent counsel. Rather than allow her longtime Maryland attorney and guardians to advocate for her interests in a jurisdiction where he was not authorized to practice law, respondent attempted to thwart Ms. Marsh's guardianship proceeding, gain control of her finances, and, when those efforts failed, charge her an exorbitant sum of unauthorized legal fees and baselessly persecute her guardians. Sadly, this is not the first time we have had to address such egregious circumstances. It is well-settled that the Court treats sternly those who prey on the vulnerable, be they frail and elderly or of limited cognitive ability or competency. In the Matter of Anthony J. La Russo, DRB 18-373 (July 15, 2019) at 26, so ordered, 240 N.J. 40 (2019). In fact, in In re Torre, 223 N.J. 538, 549 (2015), the Court declared that "serious consequences" would result from predatory behavior towards a vulnerable class – in that case, the elderly.

In that matter, Torre borrowed \$89,250 from his elderly, unsophisticated client, whom he had known for many years. Id. at 539. The loan amounted to

approximately seventy percent of the client's life savings. Ibid. Torre drafted a promissory note to reflect the loan's "sparse and unfair terms," including the fact that the loan was unsecured. Id. at 540-41. Torre, however, failed to comply with the safeguards of RPC 1.8(a) by advising his client, in writing, of the desirability of seeking independent counsel to review the transaction. Id. at 541. Moreover, the client did not provide Torre informed consent, in writing, to the essential terms of the transaction. Id. at 545. Torre repaid only a small fraction of the loan during the client's lifetime. Id. at 542.

In finding that Torre violated RPC 1.8(a), the Court reiterated that "[l]awyers are 'required to maintain the highest professional and ethical standards' in their dealings with clients." Id. at 544 (quoting In re Smyzer, 108 N.J. 47, 57 (1987)). In that vein, "an attorney's duty of loyalty is to the client, and not the lawyer's personal financial interests." Ibid.

In determining the appropriate quantum of discipline, the Court observed that the loan transaction caused not only serious financial harm to the client, but also "emotional turmoil," given her "distress[]" when she realized that she had wrongly placed her trust in a long-time counselor." Id. at 546. The Court also emphasized that Torre "victimized a vulnerable, elderly client," who "had lost most of her eyesight and was increasingly dependent on others," including Torre, who had paid her bills and assisted her with other matters. Id. at 547.

Moreover, although the client was “mentally alert, she was unsophisticated about her finances.” Ibid.

In imposing a one-year suspension, the Court noted that, at that time, “few disciplinary cases ha[d] involved harm to vulnerable, elderly clients. As with all matters, each case of this type must be decided on its own merits. Some may call for less discipline; others will justify an even longer suspension or disbarment.” Id. at 549. The Court, however, announced that the one-year suspension it imposed was “meant to provide notice to attorneys that serious consequences will result from this form of misconduct.” Ibid.

Following the Court’s opinion in Torre, we were confronted with a matter in which an attorney financially exploited a cognitively impaired client for his own pecuniary benefit. In the Matter of Harris C. Legome, DRB 15-394 (May 20, 2016).

In that matter, Legome represented a client in connection with his severe head injury sustained during an automobile accident. Id. at 2-3. Even before the accident, and at the time Legome undertook the representation, the client had significant developmental and cognitive disabilities that rendered him vulnerable to exploitation. Id. at 3, 52. During the representation, the client developed a trusted and familiar relationship with Legome, often referring to him as “dad.” Id. at 52-53. Indeed, the client considered Legome’s office staff

to be his family. Id. at 53. The client was so devoted to Legome that he would, by his own words, give Legome anything. Ibid. Given his devotion and “love” for Legome, the client gifted him nearly \$485,000. Id. at 58. Legome accepted the gifts and prepared gift letters memorializing the transactions months before the \$3.5 million settlement of his client’s personal injury claim. Id. at 57.

In addition to the gifts from his client, Legome paid himself a forty-percent contingent fee from the gross settlement, an amount wholly inconsistent with R. 1:21-7(c)(6), which limits contingent fees in New Jersey tort cases to twenty-five percent of the net settlement if the client is mentally incapacitated and the case settles prior to empanelment of a jury. Id. at 53. Legome also failed to request Superior Court approval of his fee and, thus, received hundreds of thousands of dollars in excess of his lawful fee. Id. at 54. We found that Legome’s failure to apply for court approval of his fee “smack[ed] of concealment,” given that he knew that the court would not approve either his fee or his client’s gifts. Id. at 55. Legome compounded his deception by ensuring that the settlement documents concealed the fact that he had gifted \$485,000 of the net settlement to himself. Id. at 59. In recommending his disbarment, we found most condemning:

that [Legome] engaged in affirmative deception to further cloak the existence of the gifts by issuing attorney trust account checks payable to [his client] for the \$484,500. Proceeding in this fashion, [Legome]

rendered the gifts all the more difficult to detect, by creating the appearance, on the surface, that settlement distributions in the amount of \$484,500 were made to [his client], in the ordinary course of legal representation. One would have to obtain access to the cancelled checks, as [Legome's law partner] eventually did when he happened upon them, in order to view the endorsements, and to discover that, in reality, a total of \$484,500 was gifted to [Legome].

[Id. at 59.]

But for Legome's acceptance of these gifts, the \$484,500 would have gone to his client's special needs trust. Ibid. Further, Legome knew that the settlement proceeds his client received (less than \$2 million) were woefully insufficient to fund the very life plan Legome had commissioned for his client. Id. at 60. We underscored how Legome had abused his client's unconditional trust to financially exploit him:

The endgame of [Legome's] misconduct is clear. When [his client's lawsuit] settled for \$3.5 million, [Legome] took an improper contingent legal fee in the amount of \$1,400,000, plus \$484,500 in gifts, totaling \$1,885,500. He additionally took his firm's costs. In the end, [Legome] received more money from the . . . settlement than did [his client], who clearly needed the funds to live any kind of protected life. And, as if he hadn't already received such a lofty and unauthorized fee, we note that [Legome] had the audacity to subsequently bill an additional \$18,000 in legal fees to the trust for representing [his client] in criminal matters.

[Legome's] unyielding attempts to place himself completely above reproach, despite admitting the impropriety of the contingent legal fee he took from

[his client's] settlement, his continuing acceptance of gifts from [his client], and his astonishing admission that he would likely accept financial gifts from future clients, under similar circumstances, albeit with "better protection" for himself, gives us no confidence that [Legome] is capable of ever appreciating his responsibility to conduct himself in an honest, forthright, and fair manner. We are, indeed, perplexed by [Legome's] failure to grasp the gravity of his misconduct.

[Id. at 77-78.]

The Court agreed with our recommendation and disbarred Legome. In re Legome, 226 N.J. 590 (2016).

More recently, in a reciprocal discipline matter originating in North Carolina, our Court suspended an attorney for five years for exploiting two mentally impaired clients who, for decades, remained incarcerated for crimes they did not commit. In re Megaro, 259 N.J. 476 (2025).

In that matter, six months after their release from incarceration, Megaro entered into a predatory fee agreement with his clients, ensuring that he would receive a substantial contingent legal fee stemming from his clients' wrongful imprisonment, even in the event of his termination. In the Matter of Patrick Michael Megaro, DRB 23-254 (May 1, 2024) at 51. Meanwhile, shortly after commencing the representation, Megaro sent letters to his clients' longstanding pro bono attorneys – the same lawyers who, after years of dedicated work, secured the clients release from incarceration – warning them that any attempt

to contact his clients would, in his view, constitute an ethics infraction and be “actionable as tortious interference of contract.” Id. at 51-52.

Additionally, Megaro took a grossly excessive \$500,000 contingent legal fee from his clients’ \$1.5 million statutory award from a North Carolina state agency, despite having performed minimal work in support of that otherwise simple, unopposed, and risk-free proceeding in which his clients were statutorily guaranteed to each receive \$750,000. Id. at 67-68. We observed that Megaro understood that his clients lacked the mental capacity to comprehend his fee overreach and, thus, seized upon that opportunity to enrich himself at their expense. Id. at 69.

Thereafter, during a mediation session in connection with the clients’ civil litigation before a federal court, Megaro meticulously detailed one of his client’s serious intellectual disabilities to his adversary during settlement negotiations. Id. at 72-73. However, when the adversary and the federal court questioned whether that client’s intellectual limitations precluded him from participating in the settlement without a guardian, Megaro abruptly changed his position to salvage his substantial legal fee. Id. at 73. Specifically, he arranged for a neuropsychiatrist – who previously had concluded that the client lacked the capacity to make everyday decisions – to issue a new opinion in which he concluded, contrary to the opinions of numerous medical professionals, that the

client was capable of settling his claims. Ibid. When that tactic failed, Megaro attempted to stop any additional medical evaluations of his client and to discharge his client's guardian, despite the client's need for such protections. Ibid. Moreover, in anticipation of an independent evaluation of his client, Megaro openly expressed his willingness to have "some rehearsal" with his client regarding his financial affairs. Ibid.

In recommending Megaro's disbarment, we reasoned that he had abandoned the trustworthiness, honesty, and professional commitment to the administration of justice required of all New Jersey attorneys. Id. at 74-75. We emphasized that Megaro knew that his clients' tragic experiences entitled them to significant compensation. Id. at 75. In our view, rather than acting as counsel to his vulnerable clients, Megaro became a predator who, after earning his clients' trust, engaged in egregious fee overreaching in connection with their statutorily prescribed monetary award. Ibid. Thereafter, he engaged in a protracted course of dishonesty towards a federal court in an attempt to secure even more fees for work for which he already had received excessive compensation. Ibid. We concluded that Megaro willingly cast aside his good reputation by financially exploiting his vulnerable clients. Ibid.

Following its review of the matter, the Court imposed a reciprocal five-year suspension on Megaro – the same discipline he had received in North Carolina.

In our view, respondent’s misconduct bears some resemblance to that of Megaro, who attempted to isolate his vulnerable clients from their longstanding pro bono counsel, prevent one of his clients from undergoing an independent medical examination to determine his capacity, and terminate the intervention of that client’s guardian to salvage his excessive legal fee. Similarly, respondent repeatedly attempted to thwart the intervention of Ms. Marsh’s longstanding estate attorney, as well as the bank, her guardians, and her court-appointed counsel, in connection with her financial affairs and guardianship matter.

Specifically, despite Ms. Marsh having been diagnosed with severe dementia in December 2019, respondent, in March 2020, required that she provide him an \$8,500 retainer fee to “investigate” Kent – her longstanding counsel and trustee who had possessed a financial power of attorney in respect of Ms. Marsh since 2010. Thereafter, in April 2020, he arranged for Ms. Marsh to execute the third trust amendment removing Kent as trustee in place of Hoffman, an accountant with whom respondent had shared an office for approximately twenty years and a complete stranger to Ms. Marsh. Utilizing what he perceived to be his authority under the third trust amendment,

respondent demanded that Sandy Spring Bank disregard any of Kent's actions, identify all of Ms. Marsh's bank accounts, and transfer the entirety of her funds to a new account established by Hoffman.

Following respondent's alarming attempt to seize control of Ms. Marsh's finances, Kent filed an emergency guardianship petition to protect Ms. Marsh. The Circuit Court granted Kent's emergency petition, appointed temporary guardians and counsel for Ms. Marsh, and directed that she undergo a medical examination to determine her capacity. Rather than withdraw from the representation following the appointment of guardians and counsel for his client, respondent called Dr. Guinta to prevent or delay her from conducting Ms. Marsh's examination. Additionally, he filed submissions, on behalf of Ms. Marsh, seeking to vacate the Circuit Court's emergent orders based on his unsupported theories that the guardianship proceedings interfered with his private contract with Ms. Marsh to perform legal services to investigate Kent.

In his submissions to the Circuit Court, respondent baselessly argued that the appointment of an independent, Maryland-licensed attorney to represent Ms. Marsh was unnecessary, given that he already represented her. He further contended that a guardianship was unnecessary because Hoffman was "already trustee of Ms. Marsh's trust pursuant to the [t]hird [trust] [a]mendment" and, as respondent argued, Hoffman was "totally capable of fulfilling Ms. Marsh's

needs and desires to pay her bills.” Similarly, he drafted or assisted in drafting Nguyen’s purported pro se motion, which sought to dismiss the guardianship matter because, as Nguyen asserted, she could effectively act as Ms. Marsh’s “health care agent.”

Following the denial of his motions before the Circuit Court, respondent terminated the representation. However, his misconduct did not end there. On May 27, 2020, he sent McCarthy a heavily redacted invoice seeking \$158,589.18 for his “legal services rendered” while engaged in the unauthorized practice of law on Ms. Marsh’s behalf.

Extreme cases of fee overreaching have resulted in disbarment, particularly when the client is a member of a vulnerable population. See In re Ledingham, 240 N.J. 115 (2019) (the attorney charged an utterly excessive \$120,275.25 fee for work in an estate matter; the customary charge in the same county for a similar estate ranged between \$10,000 and \$12,000; the elderly, vulnerable client retained subsequent counsel, who completed the estate for less than \$10,000, with an additional \$3,500 billed by local counsel in another state; therefore, the attorney’s total fee should not have exceeded \$15,500; the attorney, thus, charged the estate almost eight times the amount of the fee considered reasonable for such a matter; further, the attorney failed to establish that he had obtained any specific results on behalf of the estate from the

excessive time he had billed; we found the attorney's fees were so excessive as to constitute an inference of deception; prior three-month suspension for similar misconduct), and In re Ort, 134 N.J. 146 (1993) (the attorney charged an estate valued at approximately \$300,000 more than \$32,000 in grossly excessive legal fees based on exaggerated time sheet entries that were clearly disproportionate to the services described, creating a justifiable inference of deception; the attorney also acted contrary to the wishes of the client/administrator by obtaining a home equity loan on behalf of the estate from which he paid his legal fees; the attorney took unfair advantage of his client for his own financial benefit; in imposing disbarment, the Court described the attorney's "entire course of conduct in respect of his compensation for services" as "blatantly improper and unethical").

Like Ledingham, who failed to obtain any specific results on behalf of his elderly, vulnerable client in connection with the excessive time he had billed, none of the excessive time for which respondent billed provided any meaningful benefit to his vulnerable client. Rather, he incurred his purported, significant legal fee by launching baseless persecutions against Ms. Marsh's guardians and bank, attempting to gain control of Ms. Marsh's finances, and communicating with redacted parties while engaged in the unauthorized practice of law. Other than his \$8,500 retainer fee that he received directly from Ms. Marsh – just

months after her diagnosis of severe dementia – respondent was unsuccessful in collecting his improper, exorbitant fee from McCarthy. Nevertheless, his conduct amounted to a shameless attempt to capitalize on the circumstances underlying his unauthorized representation of a vulnerable client for his own pecuniary gain.

Following McCarthy’s refusal to pay respondent’s excessive and improper legal fee, he began to abuse the judicial system by attempting to reassert himself as Ms. Marsh’s attorney. Specifically, in his baseless federal lawsuit accusing Kent of legal malpractice and tortious inference of contract, respondent requested that the Maryland District Court emergently order Kent to disclose the location of Ms. Marsh’s assisted living facility and to prevent Kent from interfering with his attempt to reestablish contact with Ms. Marsh.

Despite the dismissal of his federal lawsuit and the imposition of his discipline in Maryland, respondent continued to attempt to weaponize the judicial process to achieve his improper objectives. Specifically, as he informed us in his motion to stay his New Jersey reciprocal discipline proceeding, on August 7, 2023, he filed a lawsuit against Ms. Marsh’s estate and her estate’s executor (Kent), in the Superior Court, seeking \$107,280 for “non-legal” work that he claimed he had “expended on Ms. Marsh’ behalf.” Through his Superior Court lawsuit, respondent attempted to collaterally attack his final discipline in

Maryland via the same baseless jurisdictional arguments that the MSC summarily rejected.

Although the Superior Court granted Kent's motion to dismiss the lawsuit, respondent has continued to attack the imposition of his Maryland discipline in connection with his ongoing appeal of the Superior Court's determination with the Appellate Division. Respondent's refusal to accept the imposition of his final discipline in Maryland has forced Kent and Ms. Marsh's estate to needlessly expend their resources to defend against his relentless, scorched-earth approach to litigation.

Conclusion

"Lawyering is a profession of 'great traditions and high standards.'" In re Jackman, 165 N.J. 580, 584 (2000) (quoting Speech by Chief Justice Robert N. Wilentz, Commencement Address-Rutgers University School of Law, Newark, (June 2, 1991), 49 Rutgers L. Rev. 1061, 1062 (1997)). Attorneys are expected to hold themselves in the highest regard and must "possess a certain set of traits -- honesty and truthfulness, trustworthiness and reliability, and a professional commitment to the judicial process and the administration of justice." In re Application of Matthews, 94 N.J. 59, 77-78 (1983).

The Court has explained, when considering the character of a Bar applicant, that:

[t]hese personal characteristics are required to ensure that lawyers will serve both their clients and the administration of justice honorably and responsibly. We also believe that applicants must demonstrate through the possession of such qualities of character the ability to adhere to the Disciplinary Rules governing the conduct of attorneys. These Rules embody basic ethical and professional precepts; they are fundamental norms that control the professional and personal behavior of those who as attorneys undertake to be officers of the court. These Rules reflect decades of tradition, experience and continuous careful consideration of the essential and indispensable ingredients that constitute the professional responsibility of attorneys.

[Matthews, 94 N.J. at 77-78.]

Adherence to these basic ethical and professional precepts are demanded of all attorneys, from the newly admitted to the most seasoned practitioners.

In our view, the totality of respondent's unrelenting behavior in this matter casts a large shadow over his integrity and ability to respect the judicial process and the administration of justice. He systematically attempted to gain control of his vulnerable client's finances and to preclude Kent from acting as trustee pursuant to Ms. Marsh's longstanding estate plan. Thereafter, he attempted to overturn the appointment of Ms. Marsh's guardians, despite her clear need for such protections given her advanced age and severe dementia. Following his

losses before the Circuit Court, respondent attempted to needlessly relitigate the matter before a federal court in an attempt to reestablish control over Ms. Marsh's affairs.

As the MSC observed, respondent lashed out against virtually everyone who refused to bend to his will, including Ms. Marsh's bank and her court-appointed guardians, all of whom faced baseless persecutions for their determined efforts to curb respondent's behavior to protect Ms. Marsh from potential exploitation. Moreover, he refused to express a shred of remorse for his unethical conduct, the totality of which occurred in a jurisdiction where he was never authorized to practice law. Indeed, at oral argument before us, respondent repeatedly lied regarding the nature of his involvement in Ms. Marsh's matter, behavior which calls into question his ability to conduct himself in an honest, forthright, and fair matter required of all New Jersey attorneys. Even after Ms. Marsh's passing, respondent has continued, to this day, to attempt to collect upon his excessive and improper fees from her estate.

Nevertheless, unlike Legome and Ledingham, who were disbarred, and Megaro, who received a reciprocal five-year suspension for financially exploiting their vulnerable clients by collecting substantial sums of wholly improper legal fees, respondent collected (and has failed to refund) only his \$8,500 retainer fee from Ms. Marsh. Fortunately, despite his inability to cease

filing frivolous civil litigation against Kent or Ms. Marsh's estate, respondent has not collected upon the remainder of his excessive and unauthorized legal fee. Further, in contrast to Legome, Ledingham, and Megaro, whose misconduct was motivated solely by their desire to line their own pockets at the expense of their vulnerable clients, respondent's motives underlying his misconduct towards Ms. Marsh, her guardians, and her bank arguably remain unclear based on the record before us. Rather, his efforts to isolate Ms. Marsh and to gain control of her affairs constituted mere attempts at potential serious financial exploitation of his vulnerable client.

Consistent with disciplinary precedent for such egregious and unrelenting conduct towards a vulnerable client and her trusted advocates, we determine that a three-year suspension is the appropriate sanction necessary to preserve the integrity of the bar and to protect the public from respondent's dangerous practices.

Members Menaker, Modu, and Spencer voted to recommend to the Court that respondent be disbarred, finding no meaningful distinction between respondent's conduct and that of attorneys who have been disbarred for exploiting their vulnerable clients for their own pecuniary gain.

Members Hoberman and Petrou were absent.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board
Hon. Mary Catherine Cuff, P.J.A.D. (Ret.),
Chair

By: /s/ Timothy M. Ellis
Timothy M. Ellis
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of George Louis Farmer
Docket No. DRB 24-258

Argued: February 20, 2025

Decided: April 17, 2025

Disposition: Three-year suspension

<i>Members</i>	Three-Year Suspension	Disbar	Absent
Cuff	X		
Boyer	X		
Campelo	X		
Hoberman			X
Menaker		X	
Modu		X	
Petrou			X
Rodriguez	X		
Spencer		X	
Total:	4	3	2

/s/ Timothy M. Ellis
Timothy M. Ellis
Chief Counsel