SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket Nos. DRB 24-277 and DRB 24-279
District Docket Nos. IV-2024-0001E and IV-2023-0015E

In the Matters of Bruce K. Warren, Jr.
An Attorney at Law

Argued
February 20, 2025

Decided
April 23, 2025

Motion for Discipline by Consent in DRB 24-277.

Daniel Q. Harrington appeared on behalf of the
District IV Ethics Committee in DRB 24-279.

Respondent waived appearance for oral argument in DRB 24-279.

Table of Contents

Introduction

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

We consolidated these matters for our review. The matter docketed as DRB 24-277 was before us on a motion for discipline by consent (censure or such lesser discipline as we deem appropriate) filed by the District IV Ethics Committee (the DEC), pursuant to R. 1:20-10(b). Accompanying the motion was a stipulation of discipline and an affidavit of consent, in which respondent admitted having violated RPC 1.3 (lacking diligence); RPC 1.4(b) (failing to communicate with a client); 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); and RPC 3.2 (failing to treat all persons involved in the legal process with courtesy and consideration).

The matter docketed as DRB 24-279 was before us on a recommendation for a censure filed by the DEC. The formal ethics complaint charged respondent with having violated RPC 1.3; RPC 1.4(b); RPC 1.16(a)(2) (failing to withdraw from the representation when the lawyer's physical or mental condition materially impairs his ability to represent the client); RPC 3.2 (failing to expedite litigation); and RPC 8.4(c) (three instances – engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

For the reasons set forth below, we determine to relax R. 1:20-10(b)(3) and to consider these matters jointly. Under that procedural framework, we further determine to grant the motion and conclude that a three-month suspension, with a condition, is the appropriate quantum of discipline for the totality of respondent's misconduct.

Ethics History

Respondent earned admission to the New Jersey and Pennsylvania bars in 2002 and to the New York bar in 2005. During the relevant timeframe, he maintained a practice of law in Westville, New Jersey. Respondent has a growing disciplinary history in New Jersey, consisting of a prior admonition, reprimand, and six-month term of suspension.

Warren I

On June 4, 2013, the Court reprimanded respondent for engaging in a conflict of interest by pursuing a six-week sexual relationship with an appointed client in a municipal court matter. In re Warren, 214 N.J. 1 (2013) (Warren I). The relationship spanned between June and July 2010 and involved sexual contact and explicit text messages, but not intercourse. In the Matter of Bruce K. Warren, Jr., DRB 12-360 (April 4, 2013) at 3, 6. Respondent also gave the

client money for various personal expenses. Id. at 3. Sometime in July 2010, respondent's wife discovered his relationship with the client, following which he discontinued the relationship but continued to represent her. Id. at 6-7.

During the ethics hearing in that matter, respondent testified that, despite his relationship with the client, he did not seek to be relieved as counsel because, before his client's case would have been heard, in August 2010, he had planned to resign from his position as the conflict public defender in the municipality as a "gesture to his wife." Id. at 7. Respondent did not inform his client of his intent to resign. Ibid.

Additionally, sometime in July 2010, after respondent had resigned from his position as the conflict public defender, the client reported the relationship to the municipal court clerk, noting that it "was just overwhelming . . . to be picked up and then dropped by somebody emotionally and then, you know, professionally, legally, he had my case in his hands." Id. at 7-8. Thereafter, the municipality transferred the client's case to another municipal court. Id. at 8. In determining that a reprimand was the appropriate quantum of discipline, we emphasized that respondent knew that his client was emotionally vulnerable to his advances because she had attempted suicide the year before, was involved in a contentious custody dispute, and was undergoing treatment to end her drug dependence. Id. at 16-17. We also stressed that, had respondent not held a

personal interest in his client, he would have informed her that he did not intend to represent her at the August 2010 hearing. Id. at 13. However, rather than assist her in obtaining new counsel, he informed his client, "at the eleventh hour," that he would not represent her, in an effort to maintain their relationship as long as possible. Id. at 13-14. The Court agreed with our recommended discipline.

Warren II

On November 16, 2021, the Court admonished respondent for practicing law while administratively ineligible, in violation of RPC 5.5(a)(1). In re Warren, 249 N.J. 4 (2021) (Warren II). Specifically, respondent admittedly practiced law while ineligible on two dates in 2017. In the Matter of Bruce K. Warren, Jr., DRB 20-130 (April 23, 2021) at 4. Respondent, however, did not do so knowingly, and he ceased practicing law once he learned of his ineligibility. Ibid.

Warren III

Effective March 8, 2024, the Court suspended respondent for six months in connection with his misconduct underlying two client matters and for failing to comply with the recordkeeping requirements of R. 1:21-6, in violation of RPC 1.15(d). In re Warren, 256 N.J. 363 (2024) (Warren III).

In the first client matter comprising Warren III, respondent failed to advise his client of the significant developments of his consumer protection lawsuit, including the fact that his claims against two credit reporting agencies had been settled, in 2013, while his claims against a debt collector had been withdrawn, in 2014, in violation of RPC 1.2(a) (failing to abide by a client's decisions concerning the scope and objectives of representation) and RPC 1.4(b). In the Matter of Bruce K. Warren, Jr., DRB 23-117 (November 1, 2023) at 49. Respondent failed to consult with his client regarding whether he had agreed to the settlements and the withdrawal of his claims. Ibid. Rather, the client independently discovered his settlement with the first credit reporting agency in 2014, when that agency sent him a tax form listing the settlement amount as his taxable income. Ibid. Moreover, respondent failed to inform his client of his settlement with the second credit reporting agency, even after a purported 2015 discussion with his client regarding the reason for which he had received the tax form from the first agency. Ibid.

In the second client matter comprising Warren III, between June and October 2018, respondent sent sexually harassing and demeaning text messages to a client who sought to compel her former husband to pay child support, alimony, and her children's health insurance and college expenses, in violation of RPC 8.4(g) (engaging, in a professional capacity, in conduct involving

discrimination – sexual harassment). Id. at 56. Although the sexual nature of respondent's and his client's text messages appeared mutual at times, respondent knew that his client was in a precarious financial and emotional situation, needing to seek court action to compel her former husband, who was abusive during their relationship, to pay for her children's living expenses. Id. at 68.

Rather than respect his client's personal dignity, he berated her, in July 2018, for not pursuing a sexual relationship with him and for going out to a bar with her friends. Ibid. In September 2018, respondent told his client that he did not "expect stand-offing" in response to his "lure[s]" to engage in sexual activity in his office. Ibid. Finally, in October 2018, just days prior to a hearing regarding the client's custody of her children, when the client asked respondent what she had done to upset him, respondent replied "[y]ou should have blown me." Ibid.

We determined that respondent's conduct was not only extremely degrading and humiliating towards the client, but it also reinforced her fears that if she did not reciprocate his sexual advances, it could jeopardize the representation. Ibid.

Additionally, between August 2019 and April 2020, respondent repeatedly and falsely attempted to reassure the Office of Attorney Ethics (the OAE) that he never sent his client any inappropriate text messages suggesting

that he wanted her "in a sexual way," in violation of RPC 8.1(a) (making a false statement of material fact to disciplinary authorities) and RPC 8.4(c). Id. at 69.

In determining that a six-month suspension was the appropriate quantum of discipline, we weighed, in aggravation, respondent's heightened awareness of his obligation to refrain from seeking inappropriate sexual relationships with vulnerable clients, considering his 2013 reprimand in Warren I for nearly identical misconduct. Id. at 70.

Effective January 10, 2025, following his petition for reinstatement, the Court restored respondent to the practice of law. In re Warren, 259 N.J. 449 (2025).

We now turn to the facts of these consolidated matters.

Facts

DRB 24-277 (Motion for Discipline by Consent)

On December 7, 2020, Nathan Young retained respondent in connection with his ongoing matrimonial matter before the Superior Court of New Jersey.

Among other provisions, the December 7, 2020 written retainer agreement stated that the scope of the representation did "not include services . . . which may be related to the matter, but which may not necessarily be specifically before the Family [Part]," including "[a]ppeal[s]" of "any decisions of the trial

court." However, if Young sought to pursue any legal services beyond the scope of the representation, including appeals, the retainer agreement stated that respondent "may" provide such services "for an additional fee that will be agreed upon prior to the commencement of work on such matters." The retainer agreement noted that respondent was "not required to" pursue any appeals without first "mak[ing] [an] additional agreement[] to provide [such] legal services."

On January 11, 2021, Young sent respondent an e-mail requesting information concerning the balance of his retainer fee and the filing of a "motion" on his behalf.[1]

Three days later, on January 14, 2021, following respondent's failure to reply, Young sent him an additional e-mail requesting "an update regarding the direction of [his] case" and the balance of his retainer fee. Respondent again failed to reply.

The next day, on January 15, 2021, following Young's unsuccessful efforts to communicate with respondent via telephone, he sent respondent another e-mail directing that he disclose the balance of his retainer fee. Additionally, Young queried respondent regarding "[w]here . . . things stand regarding my case direction? You were drafting a new motion for my review but

[1] The record before us is unclear regarding the nature of the motion.

that was last week. I never [saw] it, I hope it wasn't just filed because I never reviewed it. I feel like I am not being heard[] or taken seriously. Bruce this is a concern." Respondent stipulated that he failed to timely reply to Young's e-mail.

Two months later, on March 24, 2021, at 7:01 a.m., the day of the scheduled Early Settlement Program (ESP) mediation,[2] Young sent an e-mail stating that respondent had failed to communicate with him in advance of the mediation, including informing him of their "strategy" or even the time and location of the mediation. Additionally, Young informed respondent that:

> I do not feel proper preparation was provided for today's mediation, let alone for the entire duration of your commitment which does not rest well with me. Bruce, shouldn't it be a shared strategy going into today's arbitration by working together? If so, why am I unaware of things, how important is it that the person who is suppose to be representing me in this matter, 'you' to be on one accord, Bruce where is the mutual understanding from your obligation to me, because this is not a lack of my interpretation, but rather your leadership? Please advise, because I already am doing enough 'heavy lifting,' what is going on here?
>
> [Ex.3.][3]

[2] The ESP program provides mediation for divorcing spouses. R. 5:5-5 requires litigants referred to ESP mediation to "participate in the program as scheduled. The failure of a party to participate in the program . . . may result in the assessment of counsel fees and/or dismissal of the non-cooperating party's pleadings."

[3] "Ex." refers to the exhibits appended to the stipulation. The typographical errors contained in Young's quoted e-mail are contained in the original e-mail.

Following respondent's failure to reply, Young went to the courthouse based on his mistaken impression that the ESP mediation would be conducted in-person. However, when Young arrived at the courthouse, he discovered that the mediation was being conducted remotely.

On December 15, 2021, the Superior Court issued an order directing respondent to prepare a draft final judgment of divorce incorporating all "findings and rulings" made by the court that same day, pursuant to R. 4:42-1(c). The Superior Court's order also stated that each party had a right to appeal the final judgment of divorce within the time constraints of R. 2:4-1.

Respondent failed to file the proposed final judgment of divorce with the Superior Court until March 21, 2022, more than three months after the court issued its ruling. In the disciplinary stipulation, respondent conceded that his filing of the proposed judgment was "absolutely late" and resulted from "issues he was having with [Young]" concerning the terms of the judgment. Respondent, however, failed to notify the Superior Court of his "delay" in complying with its December 15, 2021 order. Nevertheless, the Superior Court accepted respondent's belated filing and, on May 2, 2022, issued the final judgment of divorce.

Meanwhile, on March 21, 2022, Young sent respondent a letter, via regular and electronic mail, noting that his "professional service [was]

incomplete" because he sought to appeal certain rulings of the Superior Court concerning child support and his children's transportation to school. Young noted that, if respondent did not "address" the issues he sought to appeal by March 25, 2022, he would file an ethics grievance "for client abandonment."

On March 21, 2022, respondent sent Young the following reply e-mail:

> Have you completely lost your mind? I get to decide who I work with and for. I do not work for you until you receive a ruling you are happy with. You had a trial. You had a motion to reconsider.
>
> If you think I was unethical you should file a complaint. Threatening the way I provide for my family because you didn't win is disgusting. You are a sick person. You should threaten your mental health provider not me.
>
> No need to wait till the 25th. I concluded my representation because your case was over. If you need that explained to you please let me know.
>
> You don't get free legal services we are not pro bono. Your fee agreement was by the hour and that's what you promised to pay. I am sure you will honor your commitment. Every text message every e-mail every call as you agreed.
>
> I gave you a price for an appeal and terms that you wanted to negotiate. I passed.
>
> [Ex.5.]

Based on the above facts, the parties stipulated that respondent violated RPC 1.4(b) and RPC 1.4(c) by failing to timely and adequately communicate with Young regarding (1) the status of his motion and retainer payment, in

January 2021, and (2) the scheduled ESP mediation, in March 2021. Additionally, the parties stipulated that respondent violated RPC 1.3 by failing, for more than three months, between December 15, 2021 and March 21, 2022, to provide the Superior Court with the proposed final judgment of divorce incorporating the court's rulings, as the court's December 15, 2021 order required. Finally, the parties stipulated that respondent violated RPC 3.2 by displaying a lack of professional courtesy in connection with his March 21, 2022 e-mail to Young.

In recommending the imposition of a censure, the parties urged, in aggravation, respondent's escalating disciplinary history involving his repeated mistreatment of clients. However, in mitigation, the parties emphasized respondent's sincere remorse and contrition concerning his improper behavior. Additionally, the parties underscored how respondent fully cooperated with the DEC investigator and stipulated to his misconduct, thereby conserving disciplinary resources.

The parties noted that, without considering respondent's prior discipline, his misconduct could result in an admonition or a reprimand. However, based on his burgeoning disciplinary history for similar infractions, the parties recommended the imposition of a censure.

DRB 24-279 (Presentment)

Background

In or around 2013, M.D.[4] went to the Delaware Division of Motor Vehicles (the Delaware DMV) to apply for a federally compliant driver's license[5] in that jurisdiction. However, the Delaware DMV denied M.D.'s application because his New Jersey birth certificate, which he had brought to his appointment, was not a genuine vital record.

Following the denial of his driver's license application, M.D. contacted a family friend, who provided him with what appeared to be a copy of his actual New Jersey birth certificate indicating that his name was J.S. and that he had different biological parents. Thereafter, in or around January 2014, M.D. contacted the New Jersey Department of Health, Office of Vital Statistics and Registry (the OVSR), which notified him that it had "no record" for the birth of any individual by the name M.D. However, M.D. possessed a social security card and number under the name M.D.

On or around February 26, 2014, M.D. filed an application with the OVSR in which he appeared to request a certified copy of his birth certificate under the

[4] Due to the sensitive nature of the facts underpinning M.D.'s matter, we have anonymized his name from our decision.

[5] The Real ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 311, Title II §§ 201 to 207, adopted stricter regulations on the issuance of state driver's licenses.

name J.S. However, on April 11, 2014, the OVSR notified M.D. that it required an order of the Superior Court before it could provide him with a certified copy of that birth certificate.

Sometime thereafter, M.D. discovered that the parents who had raised him were, in fact, his adoptive parents, who had acquired him as an infant from his biological parents in exchange for cash. M.D.'s adoptive parents, however, neither applied to become his legal adoptive parents nor requested that his name be legally changed from J.S. to M.D. During the ethics hearing, M.D. described himself as a "black-market baby" whose adoptive parents had "just named me[,] and that was that."[6]

Respondent's Representation of M.D.

On January 24, 2022, M.D. retained respondent to petition the Superior Court to direct the OVSR to release a certified copy of his J.S. birth certificate and, thereafter, to apply for a legal name change to J.S. Pursuant to their written fee agreement, M.D. provided respondent a $1,500 retainer fee and agreed that, upon the depletion of the retainer, he would compensate respondent at a $250

[6] M.D.'s adoptive and biological parents passed away prior to the timeframe of respondent's conduct in this matter.

hourly rate.[7] During their January 24, 2022 meeting, M.D. provided respondent with various vital records and the OVSR's April 11, 2014 written notice requiring that he obtain a Superior Court order before it could release the J.S. birth certificate. Respondent advised M.D. that, although his matter was "unique," he would petition the Superior Court for the release of the birth certificate.

Four months later, on May 18, 2022, following respondent's failure to communicate with M.D. regarding the status of his case, M.D. contacted respondent for an update. During the ethics hearing, M.D. claimed that respondent had notified him that he had petitioned the Superior Court for the release of the J.S. birth certificate and that the OVSR did not object to the application. M.D. further maintained that respondent had told him that the Superior Court had "granted" his application and that, within "ten days," he would "file some other motion" or otherwise compel the OVSR to release the birth certificate. M.D. also asserted that respondent had promised to provide him with all filed court documents.

In his verified answer and during the ethics hearing, respondent conceded that he altogether failed to file any application with the Superior Court for the

[7] Throughout the representation, M.D. did not provide respondent any additional legal fees beyond the $1,500 retainer payment.

release of the J.S. birth certificate. However, he denied having falsely informed M.D. that he had filed such an application on his behalf. Rather, respondent maintained that, during their May 18, 2022 conversation, he had told M.D. that he needed "ten more days to get something filed."

Several months later, on October 5, 2022, M.D. sent respondent's paralegal an e-mail, requesting an update on the status of his matter and copies of all motions filed on his behalf. In her reply e-mail, the paralegal told M.D. that either she or respondent would "get back to [him]." However, neither respondent nor his staff updated M.D. on the status of his case. Indeed, despite his multiple attempts, between May and October 2022, to schedule a telephone conference with respondent, M.D. maintained that, following the paralegal's October 5, 2022 reply e-mail, he had not received any communication from respondent's office. Consequently, "at some point," M.D. stopped attempting to communicate with respondent and, on April 13, 2023, filed an ethics grievance against respondent for mishandling his matter.

During the ethics hearing, M.D. testified that respondent failed to notify him regarding whether he would complete the representation. Moreover, although respondent performed no meaningful legal work during the representation, he failed to disgorge his unearned $1,500 retainer fee, despite M.D.'s multiple requests for a refund.

M.D. also testified that, because of respondent's failure to attempt to compel the release of his J.S. birth certificate, he was unable to obtain a federally compliant form of identification from the Delaware DMV. Consequently, beginning on May 7, 2025, M.D. will be unable to board commercial aircraft to visit his son in South Carolina or to enter certain federal facilities in connection with his employment as a commercial power washer.[8] M.D. noted that, in the past, his commercial driver's license had allowed him entry into certain federal facilities for his employment. However, going forward, his inability to obtain a federally compliant identification may affect his "livelihood." M.D. also expressed concern that, without his actual birth certificate, he may be precluded from collecting Social Security retirement benefits in several years.

The Parties' Positions Before the Hearing Panel

In his verified answer, respondent denied having violated the charged Rules of Professional Conduct, emphasizing that M.D. faced "an incredibly challenging situation" with "a lot of unknowns that made the matter more difficult." However, during the ethics hearing, respondent conceded that, although he "was excited about th[e] case" and was "looking forward to helping

[8] See 6 CFR §37.5 (stating that, beginning on May 7, 2025, federal agencies are prohibited from accepting a state-issued form of identification unless such identification complies with the requirements of the Real ID Act of 2005).

. . . M.D.," he failed "to complete the job at hand." Specifically, respondent testified that he had intended to file a verified complaint and order to show cause with the Superior Court in support of M.D.'s requested relief to obtain his actual birth certificate. However, in respondent's view, such an application was unlikely to succeed without any evidence to corroborate M.D.'s version of events concerning his identity. Respondent also claimed that, immediately after his January 24, 2022 consultation with M.D., he conducted legal research, which yielded no reported cases that were analogous to M.D.'s situation.

Respondent noted that he took "full responsibility" for his conduct and "under[stood] the impact" his actions "had on . . . M.D." He attributed his mishandling of M.D.'s matter to various health problems he began experiencing, in late 2021, which led to his hospitalization on three occasions. Moreover, on one occasion, he was out of the office for thirty days because of medical issues. He represented that the "onset of [his] illness unexpectedly compromised [his] ability" to effectively represent M.D.

Respondent maintained that, during the representation, he "believed that [he] could handle" his caseload, without assistance, despite his health issues. However, he admitted that, "in hindsight," due to his poor health, he "found [himself] unable to maintain" an adequate "standard of work." Although he did not "forget" about M.D.'s matter, respondent asserted that he was forced to "put

it aside" because of his "health issues" and the "lack of assistance at [his] office" due to the COVID-19 pandemic.

Respondent also conceded that, "with better communication with . . . M.D., [he] could have at least attempted to rectify his problem." Nevertheless, he admitted that he failed to inform M.D. that his health issues had, in his view, jeopardized his ability to advance the representation. Similarly, other than the January 24, 2022 initial consultation and the May 18, 2022 telephone conversation with M.D., respondent made no attempt to communicate with his client or otherwise inform him of his right to retain a new attorney to pursue his matter. As he conceded, he did not "want to lose the case from the client."

Respondent represented that, going forward, he would "implement[] a plan to better manage [his] health and prioritize self-care to ensure that [he] can consistently meet [his] responsibilities." Moreover, since 2024, respondent represented that his medical issues had resolved. Finally, he expressed his intent to disgorge his unearned $1,500 retainer fee to M.D. upon the conclusion of the ethics hearing.[9]

[9] During the ethics investigation, respondent informed the presenter that he would disgorge his unearned legal fee to M.D. However, during a subsequent pre-hearing status conference with the panel chair, respondent alleged that he was informed that disgorging his legal fee prior to the conclusion of the hearing "could cause more problems."

In the presenter's summation brief to the hearing panel, she urged the imposition of a three-month suspension based on the timing of respondent's misconduct underlying his 2021 admonition in Warren II and his 2024 six-month suspension in Warren III involving, among other misconduct, his failure to communicate with a client. The presenter argued that, because respondent's mishandling of M.D.'s matter occurred during the prosecution of Warren III, he failed to learn from his past mistakes and, thus, enhanced discipline is required to protect the public. In the presenter's view, respondent's recent disciplinary history "suggests that [his] conduct is occurring more frequently." Finally, the presenter emphasized, in aggravation, "the urgent and sensitive nature" of M.D.'s matter and the "effect it has continued to have on [his] life."

The Hearing Panel's Findings

The hearing panel found that respondent violated RPC 1.3 by failing to take any "meaningful action" on behalf of M.D. in connection with his attempt to obtain his genuine birth certificate. The hearing panel noted that respondent "put aside" M.D.'s case because he did not appear to "know how to handle the matter."

The hearing panel also determined that respondent violated RPC 1.4(b) by failing to adequately communicate with M.D. Based on M.D.'s "credible"

testimony, the hearing panel observed that, despite M.D.'s multiple attempts to schedule a telephone conference with respondent, he failed to update M.D. on the status of his matter. The hearing panel further noted that respondent failed to comply with M.D.'s request to provide him with any court documents filed on his behalf.

Additionally, the hearing panel found that respondent violated RPC 1.16(a)(2) by failing to withdraw from the representation based on a medical condition that materially impaired his ability to represent M.D. The hearing panel observed that, based on respondent's unrebutted testimony, his "physical illness," which forced him to be "away from his practice for periods of time," prohibited him from devoting the necessary time and attention to M.D.'s matter.

However, the hearing panel determined to dismiss the remaining charges of unethical conduct.

Specifically, the hearing panel found that the RPC 3.2 charge concerning respondent's failure to expedite litigation was inapplicable to this matter, considering respondent's failure to institute litigation on M.D.'s behalf in the first place.

Additionally, the hearing panel determined that there was insufficient evidence to sustain the three RPC 8.4(c) charges.

The first RPC 8.4(c) charge alleged that respondent misrepresented to M.D., during their May 18, 2022 telephone conversation, that the Superior Court had granted his application to compel the OVSR to release his J.S. birth certificate. The hearing panel, however, noted that respondent denied the allegation and contended that he had told M.D. that he needed "ten more days to get something filed." Although the hearing panel found that M.D. was "more credible than respondent," the record was devoid of any evidence to corroborate either M.D.'s or respondent's versions of events. Consequently, the hearing panel determined to dismiss the first RPC 8.4(c) charge for lack of clear and convincing evidence.

The second RPC 8.4(c) charge alleged that respondent falsely promised M.D., during their May 18, 2022 telephone conversation, that he would provide him all filed court documents. Finally, the third RPC 8.4(c) charge alleged that respondent falsely informed the presenter, during the ethics investigation, that he would disgorge his $1,500 retainer fee to M.D.

The hearing panel observed that respondent's statements to M.D. and the presenter constituted expressions of "future actions rather than statements of present facts." Because the record contained no evidence that either of respondent's statements were knowingly false at the time they were made, the

hearing panel dismissed the second and third RPC 8.4(c) charges for lack of clear and convincing evidence.

In determining the appropriate quantum of discipline, the hearing panel accorded significant aggravating weight to respondent's disciplinary history. Specifically, the hearing panel found "troubling" that respondent's mishandling of M.D.'s matter occurred during the prosecution of Warren III involving, among other serious misconduct, his failure to communicate with a client. Consequently, respondent "should have been on enhanced notice of his duty to communicate with his clients and, instead, failed to do so."

The hearing panel also accorded significant aggravating weight to the serious harm respondent's conduct caused M.D., who faced a "unique" and "undoubtedly challenging position" concerning his identity. Beyond the "obvious emotional considerations that arise in such a situation," the hearing panel characterized as "palpable" the "very practical reality of [M.D.] needing legal services to obtain appropriate documentation so that he could continue his livelihood and . . . travel to visit family members."

Additionally, although not charged in the formal ethics complaint, the hearing panel accorded "moderate" aggravating weight to the fact that respondent's failure to perform any meaningful legal work for M.D. constituted a "textbook case of gross negligence," in violation of RPC 1.1(a).

The hearing panel weighed, in mitigation, respondent's remorse and contrition and the health issues he had suffered during the representation. However, the hearing panel accorded these mitigating factors only "light weight" because, in its view, respondent "essentially had no defense to the gravamen of the misconduct . . . and had no credible choice but to express contrition and an apology." Moreover, the hearing panel underscored how respondent had an ethical duty to withdraw from the representation if his health issues materially impaired his ability to represent M.D.

The hearing panel recommended the imposition of a censure, considering that the crux of his misconduct underlying Warren III was for sexually harassing a vulnerable client. Although respondent's misconduct in this matter was "serious," it was not "a repeat" of his disturbing sexual harassment in Warren III. The hearing panel, however, stated that it was "troubled" by respondent's escalating disciplinary history.

The Parties' Positions Before the Board

The presenter urged us to find, contrary to the hearing panel, that respondent violated RPC 8.4(c). Additionally, based on principles of progressive discipline and the serious harm to M.D. resulting from respondent's misconduct, the presenter urged us to impose at least a three-month suspension.

In support of his recommendation, the presenter argued that respondent violated RPC 8.4(c) based on his testimony during the ethics hearing that he had informed M.D., during their May 18, 2022 conversation, that he would file an application for the release of his birth certificate within "ten days." Because respondent ultimately failed to file any Superior Court application, the presenter argued that respondent "clearly misrepresented" to M.D. "his intentions to pursue litigation" on his client's behalf. The presenter also underscored the hearing panel's findings that M.D. was, overall, more credible than respondent.

Moreover, the presenter argued that, based on his "significant disciplinary history" and the timing of his misconduct underlying his prior ethics matters, respondent had a heightened awareness of his obligations to conform to the Rules of Professional Conduct. The presenter further argued that respondent caused M.D. serious harm by failing to perform any meaningful legal work towards his "urgent and sensitive" matter regarding the nature of his identity. Based on principles of progressive discipline and the resulting harm to M.D. stemming from respondent's inaction, the presenter contended that at least a three-month suspension was necessary to adequately protect the public and preserve confidence in the bar.

Respondent did not submit a brief for our consideration and, as noted above, waived his appearance for oral argument.

Analysis and Discipline

Following a review of the record, we determine to grant the motion for discipline by consent and conclude that the stipulated facts clearly and convincing support respondent's admitted violations of unethical conduct.

Additionally, in respect of the presentment, we determine that the hearing panel's finding that respondent's conduct was unethical is fully supported by clear and convincing evidence in connection with the charges that he violated RPC 1.3 and RPC 1.4(b). For the reasons set forth below, however, we dismiss the remaining charges of unethical conduct in that matter.

Violations of the Rules of Professional Conduct

DRB 24-277 (Motion for Discipline by Consent)

Respondent admittedly violated RPC 1.4(b) by failing, on multiple occasions, to timely and adequately communicate with Young regarding his matrimonial matter.

Specifically, respondent failed to reply to Young's January 11 and 14, 2021 e-mails requesting information concerning the balance of his retainer fee and the status of his case. Thereafter, on January 15, 2021, Young sent respondent an additional e-mail seeking information regarding the "direction" of his case and a purported "motion" that respondent may have filed. In his e-

mail, Young expressed "concern" that respondent was not taking his matter seriously and, in his view, he "fe[lt] like [he was] not being heard." Respondent stipulated that he failed to timely reply to Young.

Two months later, on the morning of March 24, 2021, just hours before the scheduled mandatory ESP mediation, Young sent respondent an e-mail noting that he had not heard from respondent in advance of the mediation. Young also informed respondent that he did not know the time or place of the mediation, expressed frustration that he did not feel prepared for the mediation, and noted that respondent had failed to inform him of their "strategy" in connection with the mediation. Following respondent's failure to reply, Young went to the courthouse based on his mistaken impression that the mediation would be conducted in person. However, the mediation was, in fact, scheduled to be conducted remotely.

In our view, respondent's failure to timely and adequately communicate with Young regarding the mandatory ESP mediation deprived his client of the opportunity to make informed decisions concerning his matter, in violation of RPC 1.4(c). Respondent's lack of communication not only left Young feeling unprepared for the mediation, but it also jeopardized Young's ability to attend that significant event in the first place. More egregiously, respondent's failure to notify Young of the time and location of the mediation placed him at risk of

sanction, given that, pursuant to R. 5:5-5, a party who fails to attend the mediation may face an "assessment of counsel fees and/or dismissal of the[ir] . . . pleadings."[10]

Additionally, respondent violated RPC 1.3 by failing to timely comply with the Superior Court's December 15, 2021 order directing him to prepare a draft final judgment incorporating the court's rulings, made from the bench, concerning the terms of the divorce, pursuant to R. 4:42-1(c). Specifically, respondent failed to submit the draft judgment to the court for three months, until March 21, 2022, and, as he conceded, his submission was "absolutely late" and resulted from "issues" Young had with the terms of the judgment. However, regardless of Young's views regarding the outcome of his case, respondent was obligated to memorialize the court's rulings in a draft final judgment. Further, as respondent admitted, he failed to notify the court regarding his "delay" in complying with its directive.

Finally, as respondent stipulated, he violated RPC 3.2 by displaying an inexcusable lack of courtesy towards Young in connection with his March 21, 2022 request to appeal certain rulings contained in the proposed final judgment.

[10] The record before us is unclear whether Young ultimately was able to participate in the mediation.

In In the Matter of David S. Rochman, DRB 23-138 (December 6, 2023), we observed that "a violation of RPC 3.2 for failing to treat persons involved in the legal process with courtesy and consideration generally involves insulting or belligerent conduct." Id. at 46. See also In re Hickerson-Breedon, 258 N.J. 518 (2024) (during a status conference before a family court judge, the attorney baselessly and combatively accused the judge of engaging in a "bully match," refusing to allow him to answer questions, and prohibiting him from making "a proper record;" the attorney refused to heed the judge's directive to wait his turn to speak and, when she cautioned him that his conduct was disrespectful, he continued to interrupt her by proclaiming that he was "in a free court" and that he "was not a slave"), and In re Geller, 177 N.J. 505 (2003) (the attorney filed baseless motions accusing two judges of bias against him (characterizing one judge's orders as "horse***t," and, in a deposition, referring to two judges as "corrupt" and labeling one of them "short, ugly and insecure"); the attorney also made personal attacks against almost everyone involved in the matter).

Here, Young's March 21, 2022 e-mail directed respondent to file an appeal of the draft final judgment. Young also told respondent that, in his view, the representation was "incomplete" and, if respondent did not pursue the appeal, he would file an ethics grievance "for client abandonment."

Rather than respectfully inform Young that he declined to pursue an appeal pursuant to the terms of their written fee agreement, respondent told Young, among other things, that (1) he had "completely lost your mind," (2) was "disgusting" for "[t]hreatening the way I provide for my family because you didn't win," and (3) was a "sick person" who "should threaten your mental health provider not me." Respondent also proclaimed that "I get to decide who I work with and for. I don't work for you until you receive a ruling you are happy with." Respondent's name calling and hostility unquestionably exceeded the bounds of acceptable communication with Young, who was disappointed in the result of the representation.

DRB 24-279 (Presentment)

We also determine that respondent violated RPC 1.3 by altogether failing, throughout his representation of M.D., spanning from January 2022 through at least April 2023, to perform any meaningful legal work in furtherance of the representation.

Specifically, following their January 24, 2022 initial consultation, respondent accepted M.D.'s $1,500 retainer fee to file a Superior Court application to compel the OVSR to release his J.S. birth certificate. However, other than performing preliminary legal research yielding no reported cases

analogous to M.D.'s situation, respondent took no other action in furtherance of the representation. His inaction deprived M.D., an individual who was sold for cash as an infant and, thus, never legally adopted, the opportunity to obtain his genuine birth certificate, which would have allowed him to obtain a federally compliant form of identification. However, beginning on May 7, 2025, M.D.'s current identification will be insufficient, under the Real ID Act of 2005, to allow him to board commercial aircraft or enter certain federal facilities in connection with his employment as a commercial power washer.

Similarly, respondent violated RPC 1.4(b) by failing to communicate with M.D. regarding the status of his matter. On May 18, 2022, having not heard from respondent for four months since his retention, M.D. contacted respondent, via telephone, for an update on his case. Although the nature of their conversation is unclear based on the record before us, respondent did not dispute that, following their conversation, M.D. expected him to continue the representation. However, for the next eleven months, respondent conceded that he made no attempt to communicate with M.D., who, between May and October 2022, unsuccessfully attempted to schedule multiple telephone conferences with respondent concerning his case.

Moreover, on October 5, 2022, M.D. sent respondent's paralegal an e-mail requesting an update and copies of all motions filed on his behalf. Despite the

paralegal's promise that either she or respondent would "get back to [him]," neither respondent nor any member of his staff contacted M.D. in reply to his inquiry. In April 2023, following respondent's prolonged failure to communicate regarding the status of the case, including whether he could continue the representation, M.D. filed an ethics grievance based on respondent's serious mishandling of his important matter concerning the nature of his identity.

We determine to dismiss, however, the remaining charges of unethical conduct.

RPC 1.16(a)(a)(2) requires a lawyer to withdraw from the representation if his "physical or mental condition materially impairs [his] ability to represent the client." Respondent maintained that his ability to represent M.D. was affected by various health issues he began experiencing, in late 2021, which resulted in his hospitalization on three occasions. Respondent also alleged that, on one occasion, his medical issues forced him to remain out of the office for thirty days. He further represented that, during the timeframe of the representation, he "believed that [he] could handle" his caseload despite his health issues. However, "in hindsight," he "found [himself] unable to maintain" an adequate "standard of work," forcing him to put M.D.'s matter "aside" because of his poor health.

In our view, there is insufficient medical evidence to clearly and convincingly establish that respondent's asserted health issues materially impaired his ability to represent M.D., pursuant to RPC 1.16(a)(2). (Emphasis added). See In re Bashir, 229 N.J. 330 (2017) (dismissing the RPC 1.16(a)(2) charge when, although there were "hints" in the record that the attorney was ill "at some nebulous point in time," there was no evidence that such illness adversely affected the representation), and In re Berman, 228 N.J. 628 (2017) (dismissing the RPC 1.16(a)(2) charge, in a default matter, where the formal ethics complaint was devoid of any facts to establish the nature of the alleged illness, the effect it had on the attorney's ability to practice law, or even whether the attorney was aware that an illness impaired his ability to represent clients).

As in Berman, the nature of respondent's alleged illness, the specific effect it had on his ability to practice law, and his contemporaneous awareness of whether it was serious enough to require him to withdraw from the representation is unclear based on the limited record before us. Even if we accept respondent's contentions regarding his health issues, which, as he asserted, required that he be hospitalized on three occasions and, at some point, required that he remain out of the office for thirty days, such circumstances do not clearly and convincingly establish that his health issues were so severe that they materially impaired his ability to represent M.D. Indeed, during the timeframe

of the representation, he contemporaneously believed that he could continue the representation despite his health issues. Respondent's testimony that, in hindsight, following the commencement of the ethics proceedings, he should have withdrawn from the representation, is insufficient to establish that his medical issues were so severe that they required him to withdraw. Consequently, we dismiss the RPC 1.16(a)(2) charge for lack of clear and convincing evidence.

We also dismiss the charge that respondent violated RPC 3.2, which requires, in relevant part, that a lawyer make reasonable efforts to expedite litigation consistent with the interests of the client.

As the hearing panel correctly observed, it is well-settled that RPC 3.2 is inapplicable to circumstances where there is no active litigation to expedite. See In the Matter of Diane Marie Acciavatti, DRB 19-321 (March 31, 2020) (noting that RPC 3.2 is typically reserved for litigation-specific ethics violations, such as failing to comply with case management orders or specific court deadlines), and In the Matters of M. Blake Perdue, DRB 18- 319, 18-320, and 18-321 (March 29, 2019) (dismissing the RPC 3.2 charge for failing to expedite litigation because the attorney never initiated any litigation in the first place).

Here, because respondent altogether failed to file a verified complaint and order to show cause on M.D.'s behalf, there was no active litigation that he was required expedite. Moreover, his serious mishandling of M.D.'s matter is more

appropriately encapsulated by the RPC 1.3 and RPC 1.4(b) charges. Consequently, we dismiss the RPC 3.2 charge as inapplicable to this matter.

Finally, we dismiss the three charges that respondent violated RPC 8.4(c), which prohibits an attorney from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. It is well-settled that a violation of RPC 8.4(c) requires a finding that the attorney engaged in a knowing act of deception by clear and convincing evidence. See In re Hyderally, 208 N.J. 453, 461 (2011) (noting that, "[a]bsent evidence supporting a finding of intentional conduct," the Court has declined to impose discipline in connection with an RPC 8.4(c) charge).

The first RPC 8.4(c) charge alleged that respondent lied to M.D., in connection with their May 18, 2022 telephone conversation, by claiming that he had not only filed a Superior Court application on his behalf, but that the court had granted his request to compel the OVSR to release his J.S. birth certificate. During the ethics hearing, M.D. testified that, following respondent's purported misrepresentation concerning the outcome of his case, respondent promised to "file some other motion" or otherwise compel the OVSR to release the birth certificate within "ten days." Respondent, however, denied having engaged in any misrepresentations to M.D. Rather, he asserted that he had told M.D., during

their May 18, 2022 conversation, that he needed "ten more days to get something filed."

Although the hearing panel found that M.D. was, overall, "more credible than respondent," it correctly determined that there was no evidence in the record to corroborate either M.D.'s or respondent's version of events. Consequently, based on the lack of clear and convincing evidence concerning the nature of their conversation, we determine that there is insufficient evidence that respondent misrepresented the status of the matter to M.D.

Similarly, the second RPC 8.4(c) charge alleged that respondent falsely promised M.D., during their May 18, 2022 telephone conversation, that he would provide him with all filed court documents. However, as detailed above, the record before us is unclear regarding the nature of respondent's and M.D.'s May 2022 conversation. M.D. alleged that respondent had told him that he successfully had applied to the Superior Court for an order compelling the release of his birth certificate. He also asserted that respondent had promised to provide him with all filed court documents. By contrast, respondent alleged that he had told M.D. that he required an additional ten days to file his application with the Superior Court.

Given the lack of clear and convincing evidence that respondent lied to M.D. concerning the status of his matter, we find that it is equally unclear that

he falsely promised to provide M.D. with all documents that he had filed, or intended to file, with the court. Moreover, even if respondent had, in fact, promised to provide M.D. with all submissions he had intended to file with the court, his subsequent failure to do so does not clearly and convincingly establish that he made any knowingly false statements to his client at the time of their May 2022 conversation. Consequently, we determine that there is insufficient evidence that respondent misrepresented his intention to provide M.D. with any submissions filed with the court.

Finally, the third RPC 8.4(c) charge alleged that respondent falsely informed the presenter, during the ethics investigation, that he would disgorge his unearned $1,500 retainer fee to M.D. Respondent did, in fact, inform the presenter, during the ethics investigation, of his intent to disgorge his unearned legal fee. However, he also claimed that, during a subsequent pre-hearing status conference with the panel chair, he was informed that providing such a refund prior to the conclusion of the hearing "could cause more problems."[11]

The record before us is unclear regarding whether respondent disgorged his unearned legal fee following the conclusion of the ethics hearing.

[11] As we recently observed, it is not improper for an attorney to refund an unearned legal fee to a client prior to the conclusion of disciplinary proceedings. In the Matter of Joseph A. Fortunato, DRB 24-206 (November 22, 2024) at 3. In fact, RPC 1.16(d) requires attorneys, upon termination of the representation, to refund all unearned legal fees.

Nevertheless, there is insufficient evidence to clearly and convincingly establish that he misrepresented to the presenter that he would disgorge his legal fee, particularly considering that he appeared to have later determined, following a pre-hearing status conference, that he would not issue such a refund until the conclusion of the hearing.

Based on the lack of clear and convincing evidence that respondent engaged in any knowing acts of deception towards M.D. or the presenter, we dismiss the three RPC 8.4(c) charges.

In sum, in DRB 24-277, we find that respondent violated RPC 1.3; RPC 1.4(b); RPC 1.4(c); and RPC 3.2 (failing to treat all persons involved in the legal process with courtesy and consideration). In DRB 24-279, we find that respondent violated RPC 1.3 and RPC 1.4(b). For the reasons set forth above, we dismiss the charges pursuant to RPC 1.16(a)(2), RPC 3.2 (failing to expedite litigation), and RPC 8.4(c) (three instances). The sole issue left for our determination is the appropriate quantum of discipline for his misconduct.

Quantum of Discipline

Having consolidated these matters for disposition, we first consider the appropriate quantum of discipline for respondent's misconduct in DRB 24-277 (the Young client matter), standing alone.

Absent serious aggravating factors, such as harm to the client, conduct involving lack of diligence and failure to communicate ordinarily results in an admonition, even when accompanied by other non-serious ethics infractions. See In the Matter of James E. Gelman, DRB 24-004 (February 20, 2024) (a pro bono program assigned the attorney, on a volunteer basis, to represent a veteran in connection with his service-related disability claim; for ten months, the attorney took very little action to advance his client's case; thereafter, the attorney took no further action on behalf of his client, incorrectly assuming that the pro bono program had replaced him as counsel due to his lack of experience; moreover, the attorney failed to advise his client that he was no longer pursuing his case; violations of RPC 1.1(a), RPC 1.3, RPC 1.4(b), and RPC 1.16(d); no prior discipline in more than forty years at the bar), and In the Matter of Hayes R. Young, DRB 23-215 (November 22, 2023) (the attorney filed a medical malpractice lawsuit on behalf of a client without having obtained the required affidavit of merit; seven months later, the Superior Court dismissed the lawsuit for lack of prosecution; the attorney, however, failed to notify his client that he had filed her lawsuit or that it had been dismissed due to his inaction; meanwhile, during the span of several months, the attorney failed to reply to several of his client's e-mail messages inquiring about the status of her case; violations of RPC 1.3, RPC 1.4(b), and RPC 1.5(b); no prior discipline in thirty-

eight years at the bar; finally, during the timeframe of the misconduct, the attorney experienced extenuating circumstances underlying his wife's illness and death).

The quantum of discipline is enhanced, however, when additional aggravating factors are present. See, e.g., In re Lueddeke, __ N.J. __ (2022), 2022 N.J. LEXIS 460 (reprimand for an attorney who, eight months after agreeing to pursue a breach of contract claim on behalf of a client, filed a request with a court for a "proof hearing;" the court, however, rejected the attorney's request and directed him to file a motion for a proof hearing; the attorney failed to file the motion and, nearly five months later, the court dismissed the matter for lack of prosecution; the attorney failed to inform his client of the dismissal of his matter or to reply to his inquiries regarding the status of his case; more than a year later, the client independently discovered that his case had been dismissed, following which the attorney, at the client's behest, successfully reinstated the matter and secured a judgment on the client's behalf; violations of RPC 1.3 and RPC 1.4(b); prior 2015 admonition for similar misconduct, which gave the attorney a heightened awareness of his obligations to diligently pursue client matters); In re Robinson, 258 N.J. 489 (2024) (censure for an attorney who failed, for eight months, to file an expungement petition for a client, who urgently required such relief to obtain employment as a nurse;

thereafter, the attorney failed to monitor the status of the petition, and he provided the expungement order to his client, at an incorrect address, more than a month after the petition was granted; the attorney failed to inform his client of the delay and, instead, led her to believe that the petition had been filed; he also ignored her repeated attempts at communication; in aggravation, the client suffered significant harm because of the attorney's inexcusable delay in obtaining her urgently needed expungement; two prior reprimands, both in default matters, which gave the attorney a heightened awareness of his obligation to comply with the Rules of Professional Conduct); In re Manganello, 229 N.J. 116 (2017) (censure for an attorney who altogether failed to apply for a court order granting his client permission to exhume and conduct a DNA test on the remains of her newborn son, who had died many years earlier; the client informed the attorney of the emotional turmoil she was experiencing in attempting to determine whether her son had, in fact, died; the attorney, however, failed to inform the client of the costs of the representation, and he made multiple misrepresentations to the client regarding the progression of her matter after performing little to no work; following the termination of the representation, the attorney failed to comply with the client's repeated requests for records and information related to her case; in aggravation, the representation involved an extremely vulnerable client; no prior discipline).

Respondent, however, also engaged in disrespectful and belligerent conduct towards Young in connection with his request to appeal certain aspects of the draft final divorce judgment. Disrespectful or insulting conduct to persons involved in the legal process leads to a broad spectrum of discipline, ranging from an admonition to disbarment, depending on the severity of the misconduct, the attorney's disciplinary history, and the presence of other ethics violations. However, absent serious aggravating factors, brief episodes of discourteous conduct typically result in an admonition or a reprimand. See In re Gahles, 182 N.J. 311 (2005) (admonition for an attorney who, during oral argument on a custody motion, called the other party "crazy," "a con artist," "a fraud," "a person who cries out for assault," and a person who belongs in a "loony bin;" in mitigation, the attorney's statements were not made to intimidate the party but, rather, to acquaint the new judge on the case with what the attorney perceived to be the party's outrageous behavior in the course of the litigation; prior reprimand for unrelated conduct), and In re Romanowski, 252 N.J. 415 (2022) (reprimand for an attorney who engaged in verbal abuse to his matrimonial client, via a series of a text messages and at least one telephone call, all of which took place during a single day; in his text messages, the attorney berated his client regarding her non-payment of his legal fees and expressed his intent to "want to dispose of you as a client;" during the telephone call, the attorney

threatened to have a financial expert stop working on the case and threatened to withdraw as her attorney; the attorney also told the client to "shut up" and that she "better pay us first" before hiring a new attorney; finally, the attorney told the client that she "disgusted him" and called her an "idiot," a "moron," and a "ridiculous person;" in aggravation, the attorney directed his ire at his emotionally vulnerable matrimonial client; the attorney also failed to express genuine remorse; prior admonition for unrelated misconduct).

In our view, respondent's conduct underlying the Young client matter represents a continuation of his alarming pattern of mistreating clients that he has exhibited since his 2013 reprimand in Warren I and 2024 six-month suspension in Warren III.

In Warren I, in 2010, respondent pursued an improper sexual relationship with an appointed municipal court client. However, he failed to inform his vulnerable client, until "the eleventh hour," that he did not intend to represent her at an upcoming hearing, in order to maintain their relationship for as long as possible. Respondent's misconduct forced the client's matter to be heard in another municipal court and caused her to experience "overwhelming" and needless emotional distress.

In Warren III, between 2013 and 2014, respondent failed to inform his client that his consumer protection lawsuit had settled, without his input.

Additionally, in 2018, he engaged in sexually harassing and demeaning conduct to a vulnerable client, who feared that, if she did not reciprocate his sexual advances, it could jeopardize the representation. Finally, between August 2019 and April 2020, respondent repeatedly lied to the OAE, during the ethics investigation in that matter, that he never sent his client any sexually inappropriate text messages.

Based on the timing of his prior disciplinary matters, respondent clearly had a heightened awareness of his obligations to protect his clients' interests and to refrain from engaging in inappropriate behavior towards his clients, consistent with the Rules of Professional Conduct.

Nevertheless, between January and at least March 2021, respondent repeatedly failed to adequately communicate with Young regarding his matrimonial matter. Indeed, on the morning of the scheduled mandatory ESP mediation, Young sent respondent an urgent e-mail noting that he was unaware of the time and place of the mediation and, based on respondent's failure to communicate, expressed his view that he felt unprepared to attend that significant event. Respondent, however, failed to reply, forcing Young to travel to the courthouse based on his mistaken impression that the mediation would be conducted in-person when, in fact, it had been scheduled to be conducted remotely. Respondent's failure to reply to Young's urgent message placed his

client at risk of not only being unable to participate in the mediation, but also the serious Rule-based sanctions that can result for failing to attend.

Moreover, in March 2022, in reply to Young's request to appeal certain aspects of the final judgment of divorce, respondent launched an unjustified and belligerent attack against his client, calling him "disgusting," a "sick person," and someone who had "completely lost your mind." Respondent's inability to control his inappropriate behavior, despite having been previously reprimanded in Warren I and, at that time, undergoing prosecution in Warren III for engaging in sexually inappropriate conduct with clients, thus, establishes that he clearly has failed to utilize his experiences with the disciplinary system as a foundation for reform. See In re Zeitler, 182 N.J. 389, 398 (2005) ("[d]espite having received numerous opportunities to reform himself, [the attorney had] continued to display his disregard, indeed contempt, for our disciplinary rules and our ethics system").

Consistent with disciplinary precedent, particularly Romanowski, who received a reprimand for engaging in inappropriate tirades towards a vulnerable matrimonial client, respondent's conduct in connection with the Young client matter (DRB 24-277) likely would result in a reprimand, without considering his escalating disciplinary history for mistreating clients. However, based on principles of progressive discipline, we determine to grant the motion for

discipline by consent and conclude that a censure is the appropriate sanction for his misconduct in the Young matter alone.

Respondent, however, committed additional misconduct in this consolidated matter, in connection with DRB 24-279 (the M.D. client matter). Specifically, in January 2022, just two months before his misconduct in the Young client matter concluded, respondent began representing M.D. in connection with his attempt to obtain his genuine birth certificate from the OVSR, following his profound discovery regarding the nature of his identity and the circumstances of his birth. However, respondent altogether failed to perform any meaningful legal work on behalf of M.D. towards securing his actual birth certificate. Moreover, throughout the representation, which spanned until at least April 2023, he failed to reply to M.D.'s repeated inquiries concerning the status of his case.

Like the censured attorney in Robinson, whose lack of diligence in obtaining an expungement precluded his client from beginning her employment as a nurse, respondent's gross mishandling of M.D.'s matter resulted in serious harm to his client. Specifically, respondent's inaction prevented M.D. from obtaining his genuine birth certificate, which he required in order to obtain a federally compliant form of identification, without which, beginning on May 7, 2025, he will be unable to enter certain federal facilities in connection with his

employment as a commercial power washer. Similarly, he will be unable to board commercial aircraft to visit his son in South Carolina. Further, without a certified copy of his genuine birth certificate, he may be precluded from collecting Social Security retirement benefits when he is eligible to receive such benefits in several years.[12]

In contrast to Robinson, however, who, eventually, obtained an expungement on behalf of his client, respondent failed to make any attempt to fulfill his obligations towards M.D. by petitioning for the release of his birth certificate, pursuant to the instructions contained in the OVSR's April 2014 letter.

Respondent's conduct bears some resemblance to that of the censured attorney in Manganello, who failed to perform any legal work in furtherance of his emotionally vulnerable client's request to seek court approval to exhume the remains of her infant son. Similarly, as the hearing panel observed, M.D. sought respondent's assistance for a "unique" and "undoubtedly challenging" matter concerning the nature of his identity, following his discovery that he had been sold as an infant, without ever having been legally adopted. Based on its

[12] The Social Security Administration generally requires applicants to submit original or certified copies of official government documents establishing proof of age. See What Documents Do You Need to Apply for Retirement Benefits, United States Social Security Administration, https://www.ssa.gov/benefits/retirement/planner/applying5.html (last visited February 21, 2025).

observations of M.D.'s testimony, the hearing panel described as "palpable" not only the "obvious emotional considerations" of M.D.'s situation, but also the "very practical reality of [him] needing legal services to obtain appropriate documentation so that he could continue his livelihood and . . . travel to visit family members."

Respondent's disciplinary history, consisting of a prior admonition, reprimand, and six-month term of suspension, however, is far more egregious than that of Manganello, who, at that time, had no prior discipline. Indeed, his gross mishandling of M.D.'s matter, which occurred after the conclusion of his representation of Young, represents his fifth consecutive disciplinary matter in just twelve years.

In further aggravation, respondent's misconduct also resulted in significant harm to M.D. and, in our view, demonstrates that, despite his escalating disciplinary history, his mistreatment of his clients has continued, unabated, in this fifth consecutive disciplinary matter.

Conclusion

In conclusion, when considering the totality of respondent's misconduct across both matters, along with the presence of serious aggravating factors including his disciplinary history, we determine that a three-month suspension

is the quantum of discipline necessary to protect the public and to preserve confidence in the bar.

Additionally, based on respondent's failure to perform any meaningful legal work on behalf of M.D., we recommend that the Court require respondent to disgorge his unearned $1,500 retainer fee to M.D. within thirty days of the issuance of the disciplinary Order in this matter.

Member Menaker voted to recommend the imposition of a six-month suspension, with the same condition.

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 Matters of Bruce K. Warren, Jr.
Docket Nos. DRB 24-277 and DRB 24-279

Argued: February 20, 2025

Decided: April 23, 2025

Disposition: Three-month suspension

Members	Three-Month Suspension	Six-Month Suspension	Absent
Cuff	X		
Boyer	X		
Campelo	X		
Hoberman			X
Menaker		X	
Modu	X		
Petrou			X
Rodriguez	X		
Spencer	X		
Total:	6	1	2

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