

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 24-292
District Docket No. XIV-2024-0020E

In the Matter of Kenneth James Rosellini
An Attorney at Law

Decided
May 30, 2025

Certification of the Record

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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 certification of the record filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-4(f). The formal ethics complaint charged respondent with having violated RPC 8.1(b) (two instances – failing to comply with R. 1:20-20 governing suspended attorneys and failing to cooperate with disciplinary authorities) and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).¹

On February 18, 2025, respondent filed a motion to vacate the default (MVD) in this matter, which we denied on March 21, 2025. For the reasons set forth below, we determine that a three-month suspension, with conditions, is the appropriate quantum of discipline for respondent’s misconduct.

¹ Due to respondent’s failure to file an answer to the formal ethics complaint, and on notice to him, the OAE amended the complaint to include the second charged violation of RPC 8.1(b).

Ethics History

Respondent earned admission to the New Jersey bar in 1998 and to the New York bar in 1999. He previously maintained a practice of law in Clifton, New Jersey.

On May 16, 2023, the Court censured respondent for his violation of RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal) and RPC 8.4(d) in connection with his ongoing refusal to comply with the sanctions orders that had been entered against him by the Superior Court and the Appellate Division. In re Rosellini, 254 N.J. 7 (2023) (Rosellini I).

Specifically, in that matter, respondent represented Linda Doblin, pro bono, in connection with a foreclosure action. In the Matter of Kenneth James Rosellini, DRB 21-231 and 21-232 (April 20, 2022) at 6. Linda also asked respondent to review her prior divorce proceedings involving Dr. Michael Doblin, her ex-husband. Ibid. Respondent, Linda's twenty-third attorney in the divorce proceedings, ultimately concluded that, in his view, her signature had been forged on a consent order entered ten years earlier, which he asserted was a fraud perpetrated upon the Superior Court that invalidated all orders that followed the consent order. Ibid.

Consequently, respondent filed a motion to vacate the orders that had been entered in the Doblin matter. On June 10, 2016, the trial judge denied

respondent's motion, finding that it was frivolous and ordering him to pay \$5,087.50 in counsel fees. Id. at 7-8. On August 7, 2017, the Appellate Division affirmed the trial court's finding that the motion was frivolous and ordered respondent to pay an additional \$2,000 in counsel fees and \$200 in costs. Id. at 8-9. Respondent then filed a motion for reconsideration of the Appellate Division's order. On September 1, 2017, the Appellate Division denied respondent's motion and ordered him to pay the assessed counsel fees and costs within fourteen days of the order. Id. at 9.

Following the Appellate Division's decision, respondent petitioned the Court for certification. Id. at 10. In a December 13, 2017 Order, the Court denied respondent's petition for certification. Thereafter, respondent moved for reconsideration. In a January 11, 2019 Order, the Court denied respondent's motion for reconsideration and granted, in part, Michael's motion for counsel fees, assessing an additional \$5,000 in counsel fees against respondent. Ibid.

Thereafter, on November 25, 2019, the District Ethics Committee filed a formal ethics complaint against respondent based on his ongoing refusal to comply with the Superior Court's June 10, 2016 order, the Appellate Division's August 7, 2017 order, and the Appellate Division's second order, dated September 11, 2017. Id. at 11. Respondent admitted that he had not complied with the three orders because, in his view, they were a "fraud upon the court

with no basis in law,” and thus, he asserted that there was no valid obligation requiring him to pay the counsel fee awards to Michael. Ibid.

In a similar vein, during oral argument before us in connection with Rosellini I, respondent stated that he would comply with the Doblin orders only if the United States Supreme Court ruled against him, which he would view as the exhaustion of his legal remedies.²

As a condition to his censure in Rosellini I, the Court required respondent to satisfy the sanctions orders entered against him. On July 21, 2023, the Court clarified that he was required to pay the sum of \$12,287.50 to Michael within forty-five days of its Order.

On November 16, 2023, following respondent’s continued failure to pay the sanctions orders entered against him, the Court temporarily suspended him from the practice of law, effective immediately. In re Rosellini, 256 N.J. 30 (2023) (Rosellini II). To date, respondent remains temporarily suspended.

Service of Process

Service of process was proper. On August 7, 2024, the OAE sent a copy of the formal ethics complaint, by certified and regular mail, to respondent’s

² On April 29, 2024, the United States Supreme Court denied respondent’s petition for writ of certiorari. Rosellini v. N.J. Office of Attorney Ethics, 144 S.Ct. 1459 (2024).

home address of record. The certified mail was returned to the OAE marked “return to sender,” “unclaimed,” and “unable to forward.” The regular mail was not returned to the OAE.

On September 23, 2024, the OAE sent a second letter, by certified and regular mail, to respondent’s home address of record, with another copy via electronic mail to his e-mail address of record, informing him that, unless he filed a verified answer to the complaint within five days of the date of the letter, the allegations of the complaint would be deemed admitted, the record would be certified to us for the imposition of discipline, and the complaint would be deemed amended to charge a willful violation of RPC 8.1(b) by reason of his failure to answer. That same date, respondent replied to the OAE’s e-mail, stating: “I do not see that I have a copy of the complaint. Please e-mail it to me.” Approximately twenty minutes later, the OAE provided respondent with a copy of the complaint, along with all exhibits, via e-mail. According to the United States Postal Service (USPS) tracking, the certified mail was returned to the OAE as unclaimed. The regular mail was not returned.

As of December 10, 2024, respondent had not filed an answer to the complaint, and the time within which he was required to do so had expired. Accordingly, the OAE certified this matter us as a default.

On January 30, 2025, Chief Counsel to the Board sent a letter to respondent, by certified and regular mail, to his home address of record, with an additional copy sent by electronic mail to his e-mail address of record, informing him that the matter was scheduled before us on March 20, 2025 and that any MVD must be filed by February 17, 2025. The certified mail was returned to the Office of Board Counsel (the OBC) marked “return to sender,” “unclaimed,” and “unable to forward.” The regular mail was not returned.

Moreover, the OBC published a notice dated February 3, 2025 in the New Jersey Law Journal and on the New Jersey Courts website, stating that we would consider this matter on March 20, 2025. The notice informed respondent that, unless he filed a successful MVD by February 17, 2025, his prior failure to answer would remain deemed an admission of the allegations of the complaint.

Respondent’s Motion to Vacate the Default

On February 18, 2025, a day past his provided deadline, respondent filed an MVD or, in the alternative, requested to enlarge his allotted time to file an answer.³

³ In his e-mail to us providing an electronic copy of his motion, respondent listed his Clifton, New Jersey office address in his electronic signature.

To succeed on an MVD, a respondent must (1) offer a reasonable explanation for the failure to answer the ethics complaint, and (2) assert a meritorious defense to all the underlying charges. Indeed, in the OBC’s January 30, 2025 scheduling letter to respondent, he was expressly provided this standard.

Following our review of the MVD, we determined that respondent failed to satisfy either prong.

As to the first prong, respondent failed to offer a reasonable explanation for his failure to file an answer to the formal ethics complaint. Importantly, he does not deny having received the complaint or the OAE’s September 23, 2024 follow-up letter, warning him that his failure to file an answer would result in the matter being certified to us and that the complaint would be deemed amended to charge a second RPC 8.1(b) violation. Instead, he contended that he was “continuing to assert the underlying [O]rder which the Office of Attorney Ethics is seeking to enforce [is] unconstitutional in violation of the Fourteenth Amendment and retaliatory in violation of the First Amendment, and therefore invalid and unenforceable against” him.

Respondent further argued that he has litigation pending against the Judiciary, in both the District Court of New Jersey and the Third Circuit Court of Appeals, which has “included drafting and submissions on Briefing,

Appendices, and Certifications over the same time period in which the Office of Attorney Ethics is seeking to enforce the subject order in an infringement on the attorney-client privilege with Respondent's clients." Respondent did not offer any explanation as to how his federal litigation interfered with his ability to file an answer to the OAE's complaint or to file the required R. 1:20-20 affidavit. Thus, he failed to satisfy the first prong of the analysis.

Regarding the second prong, respondent failed to assert a meritorious defense to any of the underlying charges. In fact, he failed to address the allegations of the complaint – that he wholly failed to file the required R. 1:20-20 affidavit following his temporary suspension from the practice of law. Instead, his brief focused on his continued litigation against the Judiciary, and his view that the Court's Order constituted an unconstitutional:

violation of his First and Fourteenth Amendment Rights, and that these proceedings are for the bad faith purpose of retaliation against Respondent and his clients for asserting that there is a lack of Constitutional due process in the Courts of the State of New Jersey in compliance with the Fourteenth Amendment to the Constitution for the United States of America.

[Rb,p4.]⁴

⁴ "Rb" refers to respondent's brief in support of his motion to vacate default, dated February 18, 2025.

To that end, respondent acknowledged that R. 1:20-4(f) requires him to file a verified answer to the OAE's complaint and that a failure to do so permits the OAE to certify the matter to us as a default. However, respondent argued that, pursuant to R. 4:43-3, which applies to civil practice, he need only show good cause for us to enter an order vacating the default, a far less stringent standard than the requirements for setting aside a default judgment under R. 4:50-1, also governing civil practice.

Citing Triffin v. Maryland Child Support Enforcement Admin., 436 N.J. Super. 621 (App. Div. 2014) (holding that a default judgment will not be disturbed unless the failure to answer was excusable neglect and the defendant has a meritorious defense; despite the liberal construction of excusable neglect, courts will not recognize a lack of diligence or planning as a reason for an individual's failure to answer), New Jersey Div. of Youth & Family Servs. v. M.G., 427 N.J. Super. 154 (App. Div. 2012) (finding that it was plain error for the trial court to enter a default against a father facing termination of his parental rights to his children who regularly attended court hearings with appointed counsel), and Nowosleska v. Steele, 400 N.J. Super. 297 (App. Div. 2008) (finding that it was appropriate to vacate the default in a matter where the defendants were unsophisticated and where their neglect did not appear to be calculated), respondent argued that New Jersey courts have liberally granted

motions to vacate defaults to ensure just results. Therefore, he asserted that his continued litigation against the Judiciary, which alleges violations of his due process rights, demonstrates good cause to vacate the default in this matter.

In short, respondent asserted no defenses to any of the charged RPC violations. Rather, in our view, he leveraged his MVD as a platform to continue to assert arguments regarding the Court's finding that he violated RPC 3.4(c) in Rosellini I. His reliance on Court Rules and standards governing civil practice is misplaced in respect of attorney disciplinary matters. Therefore, respondent failed to assert a meritorious defense to the allegations set forth in the complaint and, thus, failed to satisfy prong two. Accordingly, on March 21, 2025, we issued a letter denying respondent's MVD.

In his MVD, respondent also requested that we dismiss the complaint against him because he is:

being irreparably harmed because the [Board], [the OAE], and New Jersey Supreme Court endorsement of the position of the Ethics Committee Dissenting Opinion that Respondent receive enhanced sanctions solely based upon the exercising his First Amendment right to continue to pursue the federal Complaints, which resulted in censure and then suspension, when only admonishment was initially sought as the attorney sanction prior to the filing of this Complaint. This combined with all of the irregularities contained in the DRB Decision, the New Jersey Supreme Court Orders, and OAE actions, prove that these ethics proceedings are in bad faith.

[Rb,p5.]

However, other than his own opinion, respondent presented no evidence that he was suffering irreparable harm. Moreover, the matter currently before us concerns his failure to file the required R. 1:20-20 affidavit – not his misconduct in the Doblin matter or the basis for his temporary suspension. Therefore, we deny respondent’s request to dismiss the ethics complaint.

Finally, as an alternative to granting his MVD, respondent sought an enlargement of time to file an answer to the formal ethics complaint. However, he did not offer an argument as to why he should be permitted more time to file an answer to the complaint. Therefore, we deny this request, which is neither supported by applicable Court Rules or disciplinary precedent.

Facts

We now turn to the allegations of the complaint.

As detailed above, effective November 16, 2023, the Court temporarily suspended respondent from the practice of law. He has not petitioned the Court for relief from that temporary suspension and, thus, remains temporarily suspended.

The Court’s November 16, 2023 Order directed respondent to comply with R. 1:20-20, which required, among other obligations, that he, “within 30 days

after the date of the order of suspension . . . file with the Director the original of a detailed affidavit specifying by correlatively numbered paragraphs how the disciplined attorney has complied with each of the provisions of this rule and the Supreme Court’s order.” Further, R. 1:20-20(c) expressly provides that an attorney’s failure to file the affidavit constitutes a violation of RPC 8.1(b) and RPC 8.4(d).

Respondent failed to file the required affidavit of compliance. Consequently, on March 21, 2024, the OAE sent him a letter, by certified and regular mail, to his office and home addresses of record, reminding him of his obligation to file the affidavit, pursuant to R. 1:20-20, and directing that he file the affidavit by April 7, 2024. The certified mail sent to respondent’s home address was returned to the OAE as “unclaimed.” The regular mail sent to his home address was not returned to the OAE. According to USPS tracking, the certified mail sent to his office address was delivered to an individual. The regular mail was not returned to the OAE. Respondent failed to reply.

On May 6, 2024, the OAE sent a second letter, by certified and regular mail, to respondent’s office and home addresses of record, and by electronic mail to his e-mail address of record, directing him to file his affidavit by May 20, 2024. The certified mail the OAE sent to respondent’s home address was returned to the OAE as “unclaimed.” However, the regular mail was not

returned. The OAE received the certified mail return receipt, bearing an illegible signature and indicating delivery to respondent's office address on May 9, 2024. The regular mail addressed to respondent's office address was not returned to the OAE. Additionally, the OAE received a notification that delivery of the e-mail was complete but that no notification was sent by the destination server.⁵

As of August 6, 2024, the date of the formal ethics complaint, respondent had failed to file the required affidavit, a step required of all suspended and disbarred attorneys. Consequently, the formal ethics complaint charged respondent with having violated RPC 8.1(b) and RPC 8.4(d) for his willful violation of the Court's suspension Order. Additionally, the formal ethics complaint was amended to charge him with having violated RPC 8.1(b) a second time by failing to file a verified answer to the complaint, thus, allowing this matter to proceed as a default.

Analysis and Discipline

Violations of the Rules of Professional Conduct

We find that the facts set forth in the formal ethics complaint support all the charges of unethical conduct. Respondent's failure to file an answer to the

⁵ The OAE and the OBC have used the same e-mail address for all electronic communications with respondent.

complaint is deemed an admission that the allegations are true and that they provide a sufficient basis for the imposition of discipline. R. 1:20-4(f)(1).

Specifically, R. 1:20-20(b)(15) requires a suspended attorney, within thirty days of the Court's Order of suspension, to "file with the Director [of the OAE] the original of a detailed affidavit specifying by correlatively numbered paragraphs how the disciplined attorney has complied with each of the provisions of this rule and the Supreme Court's order."

As the Appellate Division has observed, "the provisions of R. 1:20-20(b)(1) to (14) are designed to protect clients of the [suspended or] disbarred attorney, as well as any other individuals who might unknowingly seek to retain that attorney during the period of his suspension." Eichen, Levinson & Crutchlow, LLP v. Weiner, 397 N.J. Super. 588, 596 (App. Div. 2008). Non-compliance with R. 1:20-20 therefore obstructs one of the primary purposes of the disciplinary system, "to protect the public from an untrustworthy lawyer." See In re Rigolosi, 107 N.J. 192, 206 (1987) ("The purpose of a disciplinary proceeding, as distinguished from a criminal prosecution, is not so much to punish a wrongdoer as it is to protect the public from an untrustworthy lawyer.") (citing In re Pennica, 36 N.J. 401, 418-19 (1962)). Non-compliance with R. 1:20-20 may also cause "confusion among . . . clients and an administrative burden for the courts." In re Kramer, 172 N.J. 609, 626 (2002).

For those reasons, and by operation of Rule, in the absence of an extension granted by the Director of the OAE, failure to file an affidavit of compliance pursuant to R. 1:20-20(b)(15) within the time prescribed “constitute[s] a violation of RPC 8.1(b) . . . and RPC 8.4(d).” R. 1:20-20(c).

Here, respondent willfully violated the Court’s suspension Order, filed on November 16, 2023, by failing to file the required affidavit, a step required of all suspended attorneys. He, thus, violated R. 1:20-20 and, consequently, RPC 8.1(b) and RPC 8.4(d). Moreover, he violated RPC 8.1(b) a second time by failing to file an answer to the formal ethics complaint and allowing this matter to proceed as a default.

In his MVD, respondent offered no explanation for his failure to file the required R. 1:20-20 affidavit. Rather, he continued to demonstrate his refusal to accept the lawful orders entered against him in the Doblin matter and in Rosellini I.

In sum, we find that respondent violated RPC 8.1(b) (two instances) and RPC 8.4(d). The sole issue left for our determination is the appropriate quantum of discipline for respondent’s misconduct.

Quantum of Discipline

Attorneys with less serious disciplinary histories have received reprimands, in default matters, for their failure to file the required R. 1:20-20 affidavit. See, e.g., In re Hildebrand, 260 N.J. 20 (2025) (the attorney failed to file the required affidavit following his six-month suspension in connection with his misconduct in a prior disciplinary matter); In re Ashton, 257 N.J. 225 (2024) (the attorney failed to file the required affidavit following his disciplinary suspension, in connection with a motion for reciprocal discipline; his disciplinary history consisted only of the prior two-year suspension); In re Cottee, 255 N.J. 439 (2023) (the attorney failed to file the required R. 1:20-20 affidavit of compliance, despite the OAE's specific requests that he do so; his disciplinary history consisted only of a prior three-month suspension, in a 2021 reciprocal discipline matter); In re Spielberg, 255 N.J. 469 (2022), and In re Stack, 255 N.J. 468 (2022) (the attorneys failed to file their respective affidavits of compliance following their 2020 temporary suspensions for failing to cooperate with separate OAE investigations; Spielberg had no prior final discipline and Stack had a prior 2019 admonition, in a non-default matter).

The quantum of discipline for failure to file an R. 1:20-20 affidavit is enhanced, however, if the attorney has a more serious disciplinary history or in the presence of other aggravating factors. See In re Smith, 258 N.J. 27 (2024)

(in a default matter, censure for an attorney who failed to file R. 1:20-20 affidavits of compliance following two suspensions – a one-year suspension based on misconduct in two client matters, and a consecutive six-month suspension, in a default matter, based on his gross mishandling of one client matter; in each disciplinary matter, the attorney ignored the Court’s Order of suspension, directing that he file the affidavit, and also failed to reply to the OAE’s communications attempting to ensure his compliance; we recommended a six-month suspension, reasoning that the attorney’s disregard of his obligations as a suspended attorney and his refusal to participate in the disciplinary process continued his trend of violating court orders and failing to cooperate with disciplinary authorities, which he had exhibited since he engaged in the misconduct at issue in the underlying disciplinary matters; the Court, however, disagreed and imposed a censure), and In re Ludwig, 252 N.J. 67 (2022) (in a default matter, censure for an attorney who, following his 2021 three-month suspension, failed to file the R. 1:20-20 affidavit of compliance, despite the OAE’s specific requests that he do so; in aggravation, the attorney’s failure to file the affidavit constituted his third disciplinary matter in five years; prior reprimand, in addition to the 2021 disciplinary suspension, in a default matter, that gave rise to his obligation to file the affidavit).

Here, respondent's misconduct is most similar to the misconduct in Smith but is distinguishable in important ways. Where Smith had multiple final Orders of discipline suspending him for his unethical conduct, respondent does not. However, Smith refused to pay a contempt order entered by the trial court and did not appeal the entry of the contempt order. Here, beginning in 2016, respondent has refused to pay a sanctions order entered by the trial court, which sanctions were affirmed by the Appellate Division, and again affirmed by the Court.

The Court again Ordered respondent to pay the sanctions in Rosellini I when it censured him and entered a separate Order, two months later, requiring him to pay Michael the previously ordered \$12,287.50 in sanctions within forty-five days. Respondent failed to do so and, consequently, the Court temporarily suspended him. He then failed to file the required R. 1:20-20 affidavit, failed to file an answer to the formal ethics complaint, despite proper service, and failed to offer any reasonable explanation for his continued disobedience of the Court's Orders.

In aggravation, despite his use of the judicial system to appeal unfavorable outcomes throughout his conduct in the underlying Doblin litigation, and the resultant disciplinary proceedings, respondent has demonstrated a contumacious belief that he is not subject to multiple orders of the Superior Court, Appellate

Division, or Court, but rather has free reign to ignore any judicial ruling with which he does not agree. Certainly, in his MVD, respondent made his position regarding the Court's Orders clear – he does not view them as valid and does not intend to comply with them, thereby perpetuating his defiant conduct. To be sure, via his MVD, respondent continued to improperly litigate a matter the Court already has decided. Not only does respondent continue to deny the validity of the orders issued by the Superior Court, Appellate Division, and Court, but, based on his concessions in his MVD, as well as the signature to his e-mail, he appears to be actively engaged in the practice of law in New Jersey, despite being temporarily suspended, an additional aggravating factor.

There are no mitigating factors for our consideration.

Conclusion

Accordingly, based on recent disciplinary precedent, we determine that a three-month suspension, with the condition that, within forty-five days of the Court's disciplinary Order in this matter, respondent provide proof that he paid Michael the outstanding sanction awards, is the appropriate quantum of discipline for respondent's misconduct.

Additionally, we recommend that the Court issue an Order to Show Cause, thereby requiring respondent to address both his continued refusal to comply

with New Jersey Court orders and his possible unauthorized practice of law.

Vice-Chair Boyer recommended a censure with the same conditions.

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 Kenneth James Rosellini
Docket No. DRB 24-292

Decided: May 30, 2025

Disposition: Three-Month Suspension

<i>Members</i>	Three-Month Suspension	Censure
Cuff	X	
Boyer		X
Campelo	X	
Hoberman	X	
Menaker	X	
Modu	X	
Petrou	X	
Rodriguez	X	
Spencer	X	
Total:	8	1

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