SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 24-303
District Docket No. IIA-2021-0009E

In the Matter of George J. Cotz
An Attorney at Law

Argued
March 20, 2025

Decided
June 18, 2025

Matthew S. Rogers appeared on behalf of the
District IIA Ethics Committee.

John McGill, III appeared on behalf of respondent.

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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 recommendation for a reprimand filed by the District IIA Ethics Committee (the DEC). The formal ethics complaint charged respondent with having violated RPC 1.4(b) (failing to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information) and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

For the reasons set forth below, we determine that a censure is the appropriate quantum of discipline for respondent's misconduct.

Ethics History

Respondent earned admission to the New Jersey bar in 1974 and to the New York bar in 1994. At all relevant times, he maintained a practice of law in Ramsey, New Jersey. Respondent has prior discipline in New Jersey.

Effective April 22, 2005, the Court suspended respondent for six months for his violation of RPC 1.15(a) (negligently misappropriating client funds), RPC 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6), and RPC 1.8(a) (engaging in a conflict of interest). In re Cotz, 183 N.J. 23

(2005) (Cotz I). In that matter, we determined that respondent had negligently invaded other clients' funds by issuing payments from his trust account based on his mistaken belief that he held additional funds. In the Matter of George J. Cotz, DRB 04-359 (December 14, 2004) at 40. We found that his reckless bookkeeping practices caused the misappropriation. Respondent also borrowed money from several clients without observing the safeguards set forth in RPC 1.8(a). Ibid. In determining to impose a term of suspension, we weighed, in aggravation, his widespread practice of borrowing money from clients and, in particular, the reckless element inherent in borrowing money from one client without keeping a written record of the amount borrowed and repaid. In mitigation, we considered his then lack of prior discipline in his thirty years at the bar and the evidence of his good character. Id. at 42.

On November 23, 2005, the Court reinstated respondent to the practice of law. In re Cotz, 185 N.J. 330 (2005).

On April 21, 2020, respondent received an admonition for his violation of RPC 5.5(a)(1) (engaging in the unauthorized practice of law – practicing law while suspended). In the Matter of George J. Cotz, DRB 19-424 (April 21, 2020) (Cotz II). In that matter, in September 2005, subsequent to his March 24, 2005 suspension in connection with Cotz I, respondent filed a complaint in the Southern District of New York (the SDNY) on behalf of his client. He correctly

anticipated that, as a measure of reciprocal discipline, New York would soon be imposing its own suspension. He, thus, developed a plan to seek the pro hac vice admission of his wife, Lydia, to the SDNY, to assume the representation of his client following his suspension in that jurisdiction. Both his client and Lydia agreed to this plan in order to avoid any delays in the ongoing litigation. In January 2006, respondent prepared the pro hac vice motion and directed his assistant to obtain the requisite New Jersey Certificate of Good Standing for Lydia, and to file the motion with the SDNY. However, by the time respondent's assistant filed the motion, he had been suspended from the practice of law in New York. Thus, respondent practiced law while suspended, in violation of RPC 5.5(a)(1).

In determining to impose an admonition for misconduct typically met with a long-term suspension or disbarment, we accorded significant mitigating weight to the substantial passage of time – more than fourteen years – since the misconduct took place. In addition, we noted that respondent's misconduct was unintentional and isolated. Further, he did not commit the misconduct for personal gain or with disregard for his client; rather, the purpose of the motion was to ensure his client's representation was uninterrupted.

Facts

We now turn to the facts of this case.

In October 2017, Sireen Hashem retained respondent to represent her in connection with ongoing employment litigation, captioned Hashem v. Hunterdon Central Regional High School, et al., Civil Action No. 15-8585, pending in the United States District Court for the District of New Jersey. In her lawsuit, Hashem, an Arab Muslim woman of Palestinian descent, alleged that her former employer, the Hunterdon Central Regional School District (the School District), as well as former supervisors, had retaliated and discriminated against her on the basis of race, religion, and national origin, in violation of Title VII of the Civil Rights Action of 1963, 42 U.S.C. § 2000e, and the New Jersey Law Against Discrimination, N.J.S.A. 10:5-3.

Prior to respondent's involvement with the litigation, the school district had made a settlement offer. Hashem, however, believed her former counsel was more concerned about legal fees, whereas she wanted to continue with discovery and was seeking new counsel willing to take her case to trial.

After accepting the representation, respondent prepared and served supplemental written discovery requests, defended Hashem's deposition over two days, and took the depositions of the defendants, as well as school employees and non-party witnesses. He also participated in settlement

discussions with the defendants and, in September 2018, attended a settlement conference before the federal magistrate judge that, ultimately, was unsuccessful.[1]

Thereafter, the school district filed a motion for summary judgment, which respondent opposed. However, on April 30, 2019, the court granted the motion and dismissed Hashem's case in its entirety. See Hashem v. Hunterdon Cent. Reg'l High School. Bd. of Educ., 2019 U.S. Dist. LEXIS 72483 (D.N.J. April 30, 2019). Respondent, however, failed to inform Hashem that her case had been dismissed, despite her telephone call to him just two weeks following the dismissal order.

On May 20, 2019, respondent filed a timely appeal of the court's order dismissing Hashem's lawsuit in the United States Third Circuit Court of Appeals. However, in December 2019, the court notified respondent that the appendix was nonconforming and, after respondent failed to cure the deficiencies, administratively dismissed the appeal, with prejudice.

Nearly a year later, in December 2020, Hashem called respondent and

[1] The parties' stipulation recited only that the school district had made a settlement offer "which was ultimately rejected." However, during the ethics hearing, respondent testified that Hashem had rejected the settlement offer. In the presenter's written summation to the hearing panel, he pointed out that Hashem had stated that she was never given the opportunity to reject the offer because respondent rejected it on her behalf, informing her only after the fact. Thus, as described in greater detailed below, the presenter argued that respondent's failure to convey the settlement offer also supported his violation of RPC 1.4(b).

confronted him about the dismissal of her case, which she independently had discovered. Further, on December 16, 2020, she sent an e-mail to respondent seeking information about the dismissal of her case. Specifically, Hashem wrote:

> I have been [chasing] you to check in my case and no answer. Can you call me back as of now I didn't hear from you for almost a year? I checked online that I lost my appeal and you never classed [sic] me or email me about the case. Please you need to update me as soon as possible.
>
> [Ex.C-4.][2]

In reply, on December 17, 2020, at 8:36 a.m., respondent stated that he would call her today "about noon." However, at 1:40 p.m. that same date, Hashem replied to respondent's e-mail, stating that she still was waiting for his call and that she "ha[d] been trying to reach [him] for months and no response at all." At 2:40 p.m., respondent replied and informed Hashem that the court had, in fact, dismissed her lawsuit and that he had appealed the decision. However, he misrepresented to her that the Third Circuit had "affirmed" the dismissal "without comment," when, in fact, the appeal had been administratively dismissed and not considered on the merits.

In his e-mail, respondent explained to Hashem that he had not intended to

[2] "IT" refers to the transcript of the August 16, 2024 ethics hearing.
"Ex.C-" refers to the presenter's exhibits admitted into evidence during the ethics hearing.
"HPR" refers to the hearing panel report, dated November 15, 2024.

deceive her by not informing her that her case had been dismissed, but rather due to "sympathy for [her] medical condition." Specifically, he stated:

> When we spoke on the phone before this ruling, and after, you were upset, fearful, very stressed, crying at times; I felt that telling you the case was dismissed would only add to your stress and impede your recovery; without changing the outcome at all.
>
> [Ex.C-4.]

Respondent concluded his e-mail by stating that he would call Hashem at 6:00 p.m. that evening.

On December 19, 2020, Hashem filed an ethics grievance against respondent, which was docketed for investigation.

On July, 22, 2021, respondent, through his counsel, John McGill, III, Esq., submitted a written reply.

Based on the foregoing, the formal ethics complaint charged respondent with having violated RPC 1.4(b) by failing to keep Hashem reasonably informed about the status of her matter and, further, by misrepresenting to her the status of the case. Similarly, the complaint charged him with having violated RPC 8.4(c) by misrepresenting to Hashem the status of her case.

In his September 27, 2022 verified answer to the complaint, respondent, through his counsel, admitted to the misconduct and offered a statement of mitigation.

Specifically, respondent asserted that, in spring 2019, while the summary judgment motion remained pending, Hashem had contacted him in a "highly emotional and agitated state" and informed him that she had just been diagnosed with breast cancer and feared she would not survive. She was concerned greatly about her children's wellbeing. Thereafter, between spring 2019 and fall 2020, she expressed to respondent her concern regarding her continued employment in the teaching position she had obtained after leaving the Hunterdon Central School District. According to respondent, she also "attributed her cancer to the stress of being worried about her job security and having medical insurance." Meanwhile, during this same timeframe, the COVID-19 pandemic was beginning and this led him to "lose focus of his client's matter." For these reasons, respondent "was reluctant to add to [Hashem's] emotional burden by telling her that the [c]ourt did not find her claims meritorious."

Respondent also emphasized, in mitigation, his cooperation with disciplinary authorities; his admission of wrongdoing; his contrition; that the events were unlikely to recur; and that he did not personally gain from the misconduct.

The Ethics Proceedings

The Ethics Hearing

Prior to the commencement of the ethics hearing, the parties entered into a stipulation of facts, dated January 22, 2024, in which respondent admitted the factual allegations underlying his violation of RPC 1.4(b) and RPC 8.4(c). Thus, the August 16, 2024 ethics hearing proceeded on the issue of mitigation. The hearing panel heard testimony from Hashem[3] and respondent.

Hashem testified regarding the impact of respondent's misconduct on her life. She recounted the stress she was undergoing with her inability to find employment, eventually finding a job that required her to commute an hour and fifteen minutes each way. She also emphasized her medical diagnosis and being a single mother of three children. Furthermore, her extended family lived overseas.

Although the presenter reminded Hashem that her testimony was limited to impact, considering the stipulated facts, Hashem also testified regarding the lack of communication and that she called respondent many times, to no avail. Specifically, she stated that "we had very bad lack of communication; he doesn't call; he doesn't email, he doesn't respond to messages," and that she "lost

[3] At the time of the ethics hearing, Hashem had changed her last name to "Sawaha." However, for ease of reference and because the record otherwise refers to her by her former last name, she is referred to herein as Hashem.

connection with him." Eventually, her sister-in-law had informed her that the case had been dismissed.

She also explained that, during the court's settlement conference, respondent had rejected a $120,000 settlement offer without consulting her, instead promising her a better deal if the case proceeded to trial. She claimed that the settlement conference occurred while she waited outside the courtroom, and she was informed of the offer only as they walked to the parking lot. After learning her case had been dismissed, she consulted with other lawyers to pursue a claim against respondent; however, she testified that no lawyer would take the case.

Respondent, for his part, testified that, prior to accepting the representation, he had heard about Hashem's lawsuit against the school district because he lived in that same area and the lawsuit had garnered local and national media attention. He recalled Hashem explaining to him that she was dissatisfied with her former attorney who she believed was placing maximizing legal fees above her own interests. At the time he accepted the representation, he believed some written discovery had been completed.

Respondent explained that he specialized in employment discrimination cases. He believed Hashem had a strong case and, if they could withstand summary judgment and get before a jury, he felt confident in his ability to

convince a jury that her ethnicity, religion, or national origin had been a factor in the adverse employment decision by the school district.

Respondent testified about the amount of work he had put into the case. In addition to reviewing the voluminous materials provided by Hashem's former attorney, including pleadings and written discovery, he also prepared and served supplemental written discovery requests; defended Hashem's depositions; and deposed each of the named defendants and some nonparty witnesses. Thereafter, he participated in several settlement discussions with the defendants, as well as a settlement conference before the federal magistrate judge.

Regarding the settlement conference, respondent testified that, after conferring with Hashem, he had presented a settlement demand of $450,000. He testified that Hashem had not indicated any flexibility in her demand amount. He could not recall the final offer made by defendants (although he believed it might have been $50,000); however, he recalled "without any doubt," that Hashem had rejected it. He also recalled that, by the end of the day, the parties remained "hundreds of thousands of dollars apart."

In total, respondent estimated that he had put in about 150 hours of work on the case. He testified that, up and until the summary judgment motion had been decided, he had ongoing conversations with Hashem. Specifically:

> I communicated with Ms. Hashem all the time; talked to her on the phone often, if she called me and I wasn't

> around I would call her back within a day or two. I -- I don't always return calls the same day, but I always return my calls. I returned her calls.
>
> If she sent me an email, I would generally respond to emails the same day. She knew what was going on in her case every step of the way and – and if that had been allegation in this grievance, I would have produced reams of emails to and from Miss Hashan to demonstrate that.
>
> [1T52-1T53.]

In the spring of 2019, while the summary judgment motion still was pending,[4] respondent recalled receiving a telephone call from Hashem during which she was extremely distressed and crying because she recently had been diagnosed with breast cancer. Among other concerns, she wanted to know whether her case would proceed, on her children's behalf, if she died before its resolution. When pressed on when this conversation took place, respondent confirmed it had taken place while the motion was pending.

> [Presenter:] What was the status of her lawsuit at that time?
>
> [Respondent:] There – it was pending in front of Judge Wolfson.

[4] According to the presenter's written summation, Hashem disputed that she had informed respondent of her diagnosis while the motion was pending. Rather, according to the presenter's summation, Hashem was diagnosed in April 2019 and notified respondent of her diagnosis in mid or late May, which was after the summary judgment motion had been adversely decided. However, because the hearing focused on mitigation, Hashem's testimony did not address the timing of when she informed respondent of her diagnosis, and respondent was not cross-examined about this timing.

> [Presenter:] What was pending? The summary judgment motion?
>
> [Respondent:] Yeah. I'm sorry for speaking cryptically.
>
> [Presenter:] Okay. And when was the summary judgment motion decided?
>
> [Respondent:] I looked at that yesterday: April 30, 2019.
>
> [Presenter:] Okay. And was that after she had told you about her cancer diagnosis?
>
> [Respondent:] Yes. And we had spoken about it subsequently – subsequent to the first call she called me at least one more time about it.
>
> [1T55.]

Respondent stated that, on April 30, 2019, the court granted the summary judgment motion and dismissed Hashem's lawsuit. He admittedly did not inform Hashem that her case had been dismissed. He explained that, in view of her ongoing medical condition, her stress, and her previous statements to him that she believed stress had caused her cancer, he had determined not to tell her. He acknowledged, however, that his decision in this regard "[a]bsolutely" was wrong. When asked to further explain his decision, he stated:

> [T]o put it simply and succinctly, it was misplaced compassion. Not that I shouldn't have had compassion for Miss Hashem, I mean, that's a human reaction and, you know, I think I do tend to be more compassionate about my clients than some lawyers that I know.

> Sometimes I get – you know, maybe I start feeling too sympathetic to the situation they find themselves in, I – you know, and I don't think I lose my objectivity but I – I am too compassionate at times.
>
> And this was a time when I was just simply too compassionate and I was afraid that telling her this was gonna push her over the edge in terms of her hope for the future, her hope for recovery, her ability to heal herself or help heal herself.
>
> [1T58-1T59.]

Respondent acknowledged that, regardless of how bad the news was, he was obligated "to deliver the bad news" to Hashem and that he had failed to do so. He emphasized that "[w]hat I did was wrong, my thinking was wrong, my analysis was wrong, I, you know, put my compassion ahead of my legal analysis" and "approached it in a very wrong way."

When Hashem eventually confronted respondent about the dismissal of her case, which she had learned from other sources, he admitted that he continued to lie to her. Although he eventually told that her case had been dismissed, he testified that he was "even more embarrassed about how I acted when she confronted me than about not telling her originally," and acknowledged that his continued failure to do was the result of his "cowardice," and not compassion.

Respondent admitted that, despite not telling Hashem about the dismissal of her case, he had filed an appeal based on his view that the judge had

"cherrypicked the evidence presented . . . and . . . overlooked or minimized some important evidence we presented and had over emphasized other evidence that the school had presented." In support of the appeal, he prepared the brief and assembled the appendix, which was comprised of over one thousand pages of exhibits. However, in mid-January 2020, the Third Circuit notified him that the appendix contained "formatting" and "contextual" deficiencies that had to be corrected. Due to his distraction with news of the impending pandemic, he failed to cure the deficiencies and the appeal was dismissed. On cross-examination, however, he admitted that nothing other than his own preoccupation had prevented him from submitting a conforming appendix to perfect the appeal.

The Parties' Written Summations to the Hearing Panel

In his written summation to the hearing panel, respondent conceded, through counsel, that the record clearly and convincingly supported his admitted violation of RPC 1.4(b) and RPC 8.4(c).

Respondent urged the imposition of a reprimand. Specifically, citing In re Kasdan, 115 N.J. 472 (1989), he acknowledged that a misrepresentation to a client, standing alone, required a reprimand. However, he argued that his misconduct was less severe than that of the reprimanded attorneys in In re Dwyer, 223 N.J. 240 (2015), and In re Ruffolo, 220 N.J. 353 (2015), discussed

below, who, in addition to making misrepresentations to their clients, also had failed to communicate with their client, among other misconduct.

Although respondent conceded that an attorney's disciplinary history is relevant to determining the appropriate quantum of discipline, he urged that his prior discipline in both Cotz I and Cotz II was dissimilar from the misconduct at issue in the instant matter, which he characterized as aberrational, and, thus, an enhancement from the baseline of a reprimand was unwarranted.

The presenter, in his written summation to the hearing panel, set forth the procedural history, along with a statement of the undisputed facts. The presenter disputed, however, respondent's attempt to factually change or limit the facts underpinning his violation of RPC 1.4(b).

Specifically, the presenter first pointed to respondent's attempt to state, as an established fact, that Hashem had rejected the settlement offer when, according to the presenter, she had no say in the acceptance or rejection of that offer because it had not been conveyed to her.

Next, the presenter objected to respondent's assertion, as fact, that Hashem had informed him of her diagnosis prior to the court's order granting the motion for summary judgment. Rather, Hashem maintained that she had learned of her diagnosis in late April and advised respondent of it in mid-to-late

May 2019, which was after the court had decided the motion.[5]

Further, the presenter noted that respondent had failed to inform Hashem that he had filed an appeal with the Third Circuit and, subsequently, that the appeal had been dismissed. The presenter maintained that this fact also supported the RPC 1.4(b) charge.

Last, the presenter contested respondent's assertions relating the pandemic and, instead, requested that the hearing panel take judicial notice that the pandemic did not begin until March 2020, and, prior to such time, little was known about it.

The presenter argued that respondent's RPC 1.4(b) violation included his failure to inform Hashem regarding the school district's settlement offer and to allow her the opportunity to accept it.

Although the presenter declined to take any position with respect to the appropriate quantum of discipline for respondent's misconduct, he disputed respondent's position that no harm had befallen Hashem. Rather, the presenter argued that respondent had rejected a $120,000 settlement offer and, subsequently, failed to diligently pursue the appeal. The presenter also described respondent's explanation for his action and inaction as "specious."

[5] As previously noted, Hashem did not testify as to the timing of when she notified respondent of her diagnosis.

The Hearing Panel's Findings

The DEC hearing panel adopted the stipulated facts and made the following additional findings of fact:

> The [r]espondent admittedly failed to advise [Hashem] of the status of her case, initially that the defendants' Motion for Summary Judgment had been granted and her case dismissed, and then that the appeal he had taken was administratively dismissed. When she confronted him, he initially lied and told her that the appellate court had upheld the dismissal of her case, but then confessed the truth.
>
> [HPRp.4.]

Based on the foregoing facts, and as stipulated by the parties, the hearing panel concluded that respondent admittedly violated RPC 1.4(b) and RPC 8.4(c).

In mitigation, the hearing panel considered respondent's admission of wrongdoing. The panel also emphasized that respondent had not gained monetarily from his misconduct and, indeed, had spent 150 hours working the case without compensation. The panel also found that "[t]he $120,000 offer of settlement . . . was rejected by [Hashem] who was adamant in her demand for $450,000." Also in mitigation, the panel noted that the complaint had been dismissed on a successful motion for summary judgment and that no proofs had been introduced that the appeal would have been successful if it had been decided on the merits.

In aggravation, the hearing panel considered respondent's disciplinary

history but noted that it was remote and "partially dissimilar."

Citing Kasdan, 115 N.J. 472, the hearing panel recommended a reprimand.

The Parties' Positions Before the Board

Neither party submitted a brief for our consideration.

Respondent waived oral argument and stated that he agreed with the conclusions and recommendations of the hearing panel. Nevertheless, he appeared before us during oral argument, with counsel, to answer any questions we may have had. Although we had no questions for him, when offered the opportunity to address us, respondent, through counsel, emphasized that his prior discipline was remote and unrelated to the instant misconduct. Further, he characterized his conduct as aberrational and unlikely to recur.

The presenter, for his part, asserted that he agreed with the hearing panel's recommendation of a reprimand for respondent's admitted violations of RPC 1.4(b) and RPC 8.4(c).

Analysis and Discipline

Violations of the Rules of Professional Conduct

Following a de novo review of the record, we are satisfied that the hearing panel's finding that respondent violated RPC 1.4(b) and RPC 8.4(c) is supported by clear and convincing evidence.

Specifically, RPC 1.4(b) requires an attorney to "keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information." Respondent violated this Rule by failing to notify Hashem that the federal court, on April 30, 2019, had granted the defendants' motion for summary judgment and dismissed her complaint. Indeed, over the next nineteen months, respondent never informed Hashem that the court had ruled on the dispositive motion and dismissed her case. Even after he had determined to file an appeal with the Third Circuit, on her behalf, he failed to notify her that he had filed the appeal, and, thereafter, allowed the appeal to be administratively dismissed by failing to cure the noted deficiencies with the appendix.

Next, respondent violated RPC 8.4(c) in two respects. First, he violated this Rule by failing to inform Hashem that her case had been dismissed and, for nearly twenty months, deliberately misleading her to believe that her case remained pending. Making matters worse, respondent omitted this critical

information during his telephone conversation with Hashem that occurred two weeks after the court had issued its order of dismissal, thereby leading her to believe that her case was proceeding apace.

Consistently, we and the Court have found that a misrepresentation by silence is no less concerning than a misrepresentation by words. Recently, we concluded that an attorney had violated RPC 8.4(c), through silence by failing to honestly inform his clients that the trial court had dismissed their lawsuit. In the Matter of David L. Rosenthal, DRB 24-018 (July 23, 2024), so ordered, 258 N.J. 516 (2024). In that matter, in reply to text messages, the attorney either failed to reply or obfuscated the status of their case by claiming he was busy with other matters. Id. at 15. We determined that the attorney's failure to apprise his clients of the dismissal of their case was analogous to an affirmative misrepresentation. Id. at 16 (citing Crispen v. Volkswagenwerk, A.G., 96 N.J. 336, 347 (1984) (noting that, "[i]n some situations, silence can be no less a misrepresentation than words," and referring counsel to the Office of Attorney Ethics for further disposition based on an apparent lack of candor to a tribunal)).

Here, respondent further violated RPC 8.4(c) by misrepresenting to Hashem, in December 2020, when she confronted him about the dismissal of her lawsuit, that the Third Circuit had affirmed the lower court's decision.

In sum, we find that respondent violated RPC 1.4(b) and RPC 8.4(c). The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

Quantum of Discipline

Standing alone, misrepresentations to clients require the imposition of a reprimand. Kasdan, 115 N.J. at 488. A reprimand still may be imposed even if the misrepresentation is accompanied by other, non-serious ethics infractions, including the failure to communicate with a client. See, e.g., In re Rudnick, __ N.J. __ (2022), 2022 N.J. LEXIS 258 (2022) (reprimand for an attorney who allowed his client's lawsuit to be dismissed for his failure to respond to interrogatories; thereafter, the attorney failed to attempt to reinstate his client's matter; the attorney also failed to reply to his client's inquiries regarding the case and misrepresented to his client that the entire case had been dismissed for reasons other than the attorney's failure to respond to interrogatories; violations of RPC 1.3, RPC 1.4(b) and (c), and RPC 8.4(c); the attorney's misconduct occurred during a one-year timeframe; in mitigation, the attorney had no prior discipline, accepted responsibility for his misconduct, and fully refunded the client's fee, on his own accord); Dwyer, 223 N.J. 240 (reprimand for an attorney who made a misrepresentation by silence to his client, failing to inform her,

despite the opportunity to do so, that her complaint had been dismissed, in violation of RPC 8.4(c); the complaint was dismissed because the attorney had failed to serve interrogatory answers and ignored court orders compelling service of the answers, violations of RPC 1.1(a), RPC 1.3, and RPC 3.2; the attorney also violated RPC 1.4(b) by his complete failure to reply to his client's requests for information or to otherwise communicate with her; the attorney never informed his client that a motion to compel discovery had been filed, that the court had entered an order granting the motion, or that the court had dismissed her complaint for failure to serve the interrogatory answers and to comply with the court's order, violations of RPC 1.4(c)); no prior discipline); In re Falkenstein, 220 N.J. 110 (2014) (the attorney, who represented the client in the underlying litigation, led the client to believe that he had filed an appeal of the adverse judgment; the attorney subsequently concocted false stories to support his lies, a violation of RPC 8.4(c); he did so to conceal his failure to comply with his client's request that he seek post-judgment relief, violations of RPC 1.1(a) and RPC 1.3; because he did not believe the appeal had merit, the attorney's failure to withdraw from the case constituted a violation of RPC 1.16(b)(4); the attorney also practiced law while ineligible, although not knowingly, a violation of RPC 5.5(a); in mitigation, we considered that the

attorney stipulated to the misconduct, acknowledged his misconduct, and had no prior discipline is his nine-year-career at the bar).[6]

Greater discipline, however, may be warranted where the attorney's misconduct caused the client's claims to be extinguished or potential remedies to be lost. See In re Kalma, 249 N.J. 538 (2022) (censure for an attorney who represented a client in a civil matter arising out of the client's employment with Monmouth County; the attorney failed to file the complaint prior to the expiration of the applicable statute of limitations; thereafter, the attorney repeatedly and falsely claimed that he timely had filed the civil complaint; the attorney even sent his client a false letter, purporting to show that the matter was scheduled for a court date; when the client showed up for court, the attorney claimed that he had been "sent home" and advised his client to do the same because there was a two-hour wait; to further his deception, the attorney told his client that the court was "backed up" and reassured his client that he would "see the case through to the end;" the client eventually learned, from court staff, that the complaint never had been filed; when the client confronted the attorney with

[6] The additional case cited by respondent is in accord. See Ruffolo, 220 N.J. 353 (reprimand for an attorney who, knowing that the complaint had been dismissed, had assured the client that his matter was proceeding apace, and that he should expect a monetary award in the near future; both statements were false, in violation of RPC 8.4(c); the attorney also exhibited gross neglect and a lack of diligence by allowing his client's case to be dismissed, not working on it after filing the initial claim, and failing to take any steps to prevent its dismissal or ensure its reinstatement thereafter, violations of RPC 1.1(a) and RPC 1.3; the attorney also violated RPC 1.4(b) by failing to promptly reply to the client's requests for status updates).

that discovery, the attorney claimed that "it was all part of a cover up;" violations of RPC 1.1(a), RPC 1.3, RPC 1.4(b) and (c), RPC 8.1(b), and RPC 8.4(c); we weighed, in aggravation, the significant harm to the client, who lost the ability to pursue a claim, and the great lengths to which the attorney went to conceal his misconduct, noting that these aggravating factors warranted enhanced discipline; we also considered the default status of the matter to require further enhancement to a three-month suspension; no prior discipline in fifty-year career), and In re Schlachter, 254 N.J. 379 (2023) (in a default matter, three-month suspension for an attorney who continued, for years, to misrepresent to a client that the client's wrongful termination lawsuit had remained pending, despite the fact that it had been dismissed, and the client's claim permanently extinguished, due to the attorney's neglect; violations of RPC 1.1(a), RPC 1.3, RPC 1.4(b) and (c), RPC 8.1(b), and RPC 8.4(c); in aggravation, we weighed that the attorney's neglect of the matter had permanently extinguished the client's potential claim, the attorney showed no remorse for his actions, and, throughout the disciplinary proceedings, the attorney attempted to contradict the facts contained in his sworn admissions in his disciplinary stipulation, thereby demonstrating his contempt for the attorney disciplinary system; no prior discipline).

Respondent's misconduct is similar to that of the reprimanded attorney in

Falkenstein who, like respondent, handled the client's underlying litigation but, thereafter, failed to file an appeal, thereby extinguishing the client's appellate remedies. Worse than Falkenstein, however, who led the client to believe that he had filed an appeal of the adverse judgment of which the client was aware, respondent, for nearly twenty months, allowed Hashem to believe that the summary judgment motion remained pending when, in fact, the court had dismissed her case. Thereafter, although he filed a timely appeal, without her knowledge, respondent failed to cure the noted deficiencies and allowed the appeal to be dismissed, thereby extinguishing Hasham's ability to seek appellate review.

Thus, based upon the above precedent, Falkenstein in particular, we conclude that the baseline discipline for respondent's misconduct is a reprimand. To craft the appropriate discipline, however, we also consider mitigating and aggravating factors.

In mitigation, respondent admitted his wrongdoing from the outset and entered a stipulation of facts. He also expressed remorse and contrition. In further mitigation, his misconduct was not motivated by pecuniary gain but rather misguided compassion for his client's wellbeing.

In aggravation, unlike the reprimanded attorneys in Rudnick and Dwyer, respondent has prior discipline consisting of a six-month suspension in Cotz I

(2005) and an admonition in Cotz II (2020). As the hearing panel noted, the misconduct in both of those matters was dissimilar to the instant misconduct. Further, the discipline imposed in Cotz 1 is remote, having occurred two decades ago when, on March 24, 2005, the Court suspended him from the practice of law for misconduct that occurred in the 1990s. Moreover, although the discipline in Cotz II was imposed in 2020, the underlying misconduct in that matter occurred in 2006, nearly twenty years ago.[7] Nevertheless, respondent's prior interactions with the disciplinary system should have engendered a heightened awareness of his obligations pursuant to the Rules of Professional Conduct.

In further aggravation, respondent's misconduct deprived his client of the opportunity to have an appellate tribunal consider the merits of her claims. Specifically, he admittedly failed to inform his client that her case had been dismissed on the merits and, instead, during the nearly twenty-month period that followed, misled her into believing that her case was proceeding apace. Although he timely filed an appeal, he did so without his client's knowledge or substantive involvement. Making matters worse, he allowed the appeal to be administratively dismissed due to his failure to take any corrective action to cure the identified deficiencies with the appendix. Consistently, we have enhanced

[7] Based on the record underlying Cotz II, it appears that the Office of Attorney Ethics learned of the misconduct giving rise to Cotz II when, in 2016, it opened an unrelated investigation and, ultimately, learned of respondent's earlier misconduct.

discipline where an attorney's misconduct has caused the client's claim to be extinguished. See In the Matter of David L. Rosenthal, DRB 24-018 at 21-22 (noting that where an attorney's neglect has caused the client's claims to be extinguished or potential remedies to be lost, and, in addition, the attorney has misrepresented to the client the status of the case, terms of suspension have been imposed).

Conclusion

On balance, we conclude that the serious aggravating factors warrant discipline greater than the baseline discipline of a reprimand and, thus, determine that a censure is the appropriate quantum of discipline necessary to protect the public and preserve confidence in the bar.

Chair Cuff and Members Menaker and Petrou were recused.

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
Peter J. Boyer, Vice-Chair

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

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of George J. Cotz
Docket No. DRB 24-303

Argued: March 20, 2025

Decided: June 18, 2025

Disposition: Censure

Members	Censure	Recused
Cuff		X
Boyer	X	
Campelo	X	
Hoberman	X	
Menaker		X
Modu	X	
Petrou		X
Rodriguez	X	
Spencer	X	
Total:	6	3

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