SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 25-041
District Docket No. XIV-2021-0024E

In the Matter of Carlos H. Acosta, Jr.
An Attorney at Law

Argued
April 17, 2025

Decided
July 24, 2025

HoeChin Kim appeared on behalf of the
Office of Attorney Ethics.

Jarrett R. Schindler appeared on behalf of respondent.

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Introduction

This matter was before us on a disciplinary stipulation between the Office of Attorney Ethics (the OAE) and respondent. Respondent stipulated to having violated RPC 1.1(a) (committing gross neglect); RPC 1.1(b) (engaging in a pattern of neglect); RPC 1.3 (lacking diligence); RPC 3.2 (failing to expedite litigation); RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

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

Ethics History

Respondent earned admission to the New Jersey bar in 1996 and to the New York bar in 1997. He has no prior discipline. At the relevant time, he was employed by the law office of James C. Mescall, Esq., and managed the firm's Union City, New Jersey office. In or around 2014, he became a partner in the firm, which was renamed Mescall & Acosta, P.C. The firm dissolved in January 2021.

Currently, respondent maintains his own practice of law in Union City, New Jersey. In addition to his private practice, in or about May 2019, respondent

was appointed to serve as a municipal court judge in Union City, New Jersey. He resigned from that position in 2024.

Procedural History

This matter previously was before us on the same disciplinary stipulation between the OAE and respondent. Following our review of the record, we determined that the stipulated facts clearly and convincingly supported all the charged violations of the Rules of Professional Conduct and recommended that respondent be suspended from the practice of law for a period of one year. In the Matter of Carlos H. Acosta, Jr., DRB 24-061 (September 18, 2024). We further recommended that, upon reinstatement, respondent be required to practice law under the supervision of a practicing attorney approved by the OAE, for a period of no less than two years, and until the further Order of the Court.

On September 18, 2024, our decision in that matter was transmitted to the Court.

Respondent's Notice of Petition for Review

On October 3, 2024, respondent, through counsel, filed a notice of petition for review (PFR) and a supporting letter memorandum with the Court, pursuant to R. 1:20-16(b).

On December 23, 2024, having retained new counsel, respondent (through that counsel) filed a motion to supplement the record and to file an amended PFR.

On February 14, 2025, the Court issued an Order granting, in part, respondent's motion to supplement the record, and dismissing in part, respondent's request to file an amended PFR. By the same Order, the Court dismissed respondent's PFR.

Also on February 14, 2025, the Court issued an Order remanding the matter to us "to consider the expanded record, and upon completion of [our] review, file with the Court a revised decision."

The Expanded Record

On March 3, 2025, in accordance with the Court's remand Order, we issued a scheduling letter, setting this matter down for oral argument on April 17, 2025. Further, we directed respondent to submit, no later than March 12, 2025, the expanded record and supporting brief, if any. Likewise, we directed the OAE to file its reply, if any, by March 19, 2025.

On March 12, 2025, respondent filed with us the expanded record and an accompanying brief, discussed in detail below, and urged the imposition of a censure.

On March 19, 2025, the OAE submitted a letter-brief in reply. As discussed below, the OAE acknowledged its previous recommendation of a censure or three-month suspension. It also acknowledged the expanded record, which included certifications of five members of the bar, as well as letters from respondent's family members, attesting to respondent's good reputation and character.

In recommending a quantum of discipline, the OAE stated that "[i]n light of the Board's decision, the OAE is hard-pressed to recommend the range of a censure to three-month suspension as expressed in the parties' Disciplinary Stipulation." Thus, the OAE concluded that based on "the baseline sanction of one-year suspension in the Board's prior decision, the OAE respectfully submits that taking into account respondent's newly presenting mitigating evidence, a six-month suspension appears appropriate."

Respondent's Motion to Declare the Stipulation Void

On April 8, 2025, in response the OAE's March 19, 2025 letter brief, respondent filed with us an expedited motion to declare the pending disciplinary stipulation void and to remand the matter to the District Ethics Committee (the DEC). Respondent based its motion on the OAE's purported breach of the disciplinary stipulation. Specifically, respondent argued that the OAE breached

the stipulation by now recommending a six-month suspension, rather than the censure or three-month suspension that it previously had recommended. In the alternative, respondent argued that the disciplinary stipulation failed to comply with R. 1:20-10(b) (governing motions for discipline by consent) and, thus, was void ab initio. Accordingly, he argued that the matter should be remanded to the DEC for further proceedings.

On April 22, 2025, following oral argument, we issued a comprehensive letter decision denying respondent's motion.

Specifically, we rejected respondent's argument that the disciplinary stipulation is void because it does not conform with R. 1:20-10, which governs motions for discipline by consent, as misplaced. The instant matter is a disciplinary stipulation, a case type which we have adjudicated 360 times since 1996, and via which the Court has imposed discipline in hundreds of cases. It was entered into by respondent while represented by counsel, and includes the standard provision that it is being submitted to us pursuant to R. 1:20-15(f) – that is, as a "recommendation[] for discipline received by the Board . . . [unlike] those consent matters that are reviewable only as to the recommended sanction" (to which R. 1:20-15(g) applies). Rather, pursuant to R. 1:20-15(f), this stipulation and other such stipulations are reviewed by us de novo on the record

and are not subject to the unique procedural requirements or quantum limitations restricting us in motions for discipline by consent.

Further, we rejected respondent's contention that the disciplinary stipulation is void because the OAE has now recommended a six-month suspension. Respondent's comparison of the disciplinary stipulation to a plea bargain lacks merit, because plea bargaining is prohibited in the attorney disciplinary system. See In the Matter of Emmanuel Coffy, DRB 20-128 (October 22, 2020) (rejecting the outcome of a District Ethics Committee presentment, finding that the parties had engaged in improper plea bargaining, following which the attorney agreed to stipulate to violating RPC 3.1 in exchange for a reprimand and the dismissal of two RPC 3.3(a) violations). Again, both we and the Court conduct a de novo review of disciplinary stipulations, regardless of the parties' positions.

Finally, in our view, any discussions between the parties to "withdraw" the disciplinary stipulation were moot – jurisdiction was with us, then the Court, and again with us following the parties' entry into the disciplinary stipulation and the Court's remand for additional review.

Having determined to deny respondent's motion to declare the disciplinary stipulation void and remand this case to the DEC, we considered

the expanded record – as directed by the Court – in connection with this disciplinary stipulation.

Facts

As noted above, respondent and the OAE entered into a disciplinary stipulation, dated March 28, 2024, which set forth the following facts in support of respondent's admitted ethics violations.

In or around January 2020, respondent's then law partner, James Mescall, Esq., discovered that, between early 2013 and late 2019, approximately thirty of respondent's client matters had been dismissed due to lack of prosecution. Among the cases, four had been dismissed more than six years earlier.

Consequently, Mescall brought the cases to respondent's attention, advised him to undertake efforts to restore them to active status, and recommended that he report the situation to the OAE. Respondent did not report his misconduct to the OAE and, subsequently, Mescall filed an ethics grievance against him.

Thirty-Two Administratively Dismissed Matters

Respondent and the OAE stipulated that, between February 1, 2013 and December 21, 2019, thirty-two civil client matters that respondent had filed, in

the Superior Court of New Jersey, Law Division, were dismissed due to his failure to prosecute them. Twenty-three of the matters had been docketed in Essex County, seven in Hudson County, and two in Bergen County. All the client matters were personal injury cases and most stemmed from automobile accidents. A table providing an overview of the administratively dismissed client matters is attached as an exhibit to this decision.

In early 2020, after Mescall discovered the dismissed matters, respondent attempted to reinstate them. The trial courts restored twenty-nine of the cases to active status; however, the reinstatement of one (the Canales-Flores matter) was later reversed by the Appellate Division. The trial courts ultimately declined to reinstate three cases (the Valentin, Cruz-Sosa, and Lopez matters), finding that respondent had failed to show good cause for his failure to prosecute them.

Each of the four matters in which respondent's efforts to reinstate his clients' claims proved unsuccessful are addressed separately below.

The Cruz-Sosa Matter

The Cruz-Sosa complaint was dismissed, with prejudice, via orders entered by the trial court in April and November 2020, as affirmed by the Appellate Division in January 2022. Cruz-Sosa v. Newport Centre Mall, No. A-1036-20 (App. Div. Jan. 28, 2022).

Specifically, respondent initiated the Cruz-Sosa litigation in May 2015, filing a complaint seeking damages for Ana Cruz-Sosa based on her alleged fall, in June 2013, at a Jersey City shopping mall. Cruz-Sosa, No. A-1036-20 (slip op. at 2). "Service was apparently attempted soon after the complaint was filed, but not achieved," and consequently, on December 11, 2015, "the trial court administratively dismissed the complaint without prejudice pursuant to Rule 1:13-7." Ibid.

In March 2020, more than four years later, respondent filed a motion to reinstate the matter. On April 24, 2020, the Honorable Joseph A. Turula, P.J. Cv., entered an order denying the motion regarding one defendant and, simultaneously, granting a cross-motion to dismiss Cruz-Sosa's complaint against that defendant.

On November 13, 2020, after the filing of additional motions and cross-motions, Judge Turula also dismissed the complaint against the remaining defendants, with prejudice. Cruz-Sosa, No. A-1036-20, slip op. at 2-3. In the order of dismissal, Judge Turula wrote that the plaintiff had "failed to show good cause to justify the failure to effectuate service for nearly five years since the original complaint was filed, and nearly seven years since the alleged fall."

Respondent appealed. On January 28, 2022, the Appellate Division affirmed Judge Turula's orders, noting "the extraordinary amount of time that

passed before plaintiff moved" for reinstatement. Cruz-Sosa, No. A-1036-20 (slip op. at 3, 8); The court further emphasized that "plaintiff provided no explanation for the extraordinary delay," and that respondent's certification was "bereft of any explanation about what occurred with plaintiff or in his office from June 2015 to January 2020." Id. at 6.

The Valentin Matter

The Valentin complaint was dismissed, with prejudice, via orders entered by the trial court in April and May 2020, as affirmed by the Appellate Division in December 2021. Valentin v. Pinckney, No. A-3678-19 (App. Div. Dec. 15, 2021).

Specifically, respondent initiated the Valentin litigation in August 2012, filing a personal injury complaint on behalf of Mildred Valentin following an October 2011 automobile accident in which the defendant allegedly rear-ended Valentin's vehicle. Valentin, No. A-3678-19 (slip op. at 2-3). In September 2012, service was attempted, without success, and subsequently, on March 15, 2013, the trial court dismissed the complaint, without prejudice, for lack of prosecution. Ibid.

In March 2020, seven years later, respondent filed a motion to reinstate the matter. On April 9, 2020, the Honorable Robert H. Gardner, J.S.C., entered

an order denying that motion. In so doing, Judge Gardner wrote that the plaintiff had "not articulated a reason for the inordinate delay in moving to restore this matter. There is no showing of good cause or exceptional circumstances to explain the gaps in activity to restore this 7+ year old matter." Respondent filed a motion to reconsider. On May 22, 2020, Judge Gardner entered an order denying that motion, as well.

Respondent appealed and, on December 15, 2021, the Appellate Division affirmed Judge Gardner's orders. Valentin, No. A-3678-19 (slip op. at 4, 10). The Appellate Division noted that, "in balancing the parties' concerns, the [trial court] judge was presented with the extraordinary fact that plaintiff failed to seek reinstatement of her case for more than seven years after entry of the dismissal order." Id. at 7. Although respondent asserted, "[a]s an excuse for the delay . . . his inability to secure a proper address for defendant," the Appellate Division determined "that circumstance [did] not remotely excuse plaintiff's unexplained failure to pursue alternative methods of service," such as effectuating service on defendant's insurance carrier. Id. at 7-9.

The Lopez Matter

Respondent's motion to reinstate the Lopez complaint was denied, without prejudice, via order entered by the trial court on April 9, 2020. Specifically,

respondent initiated the Lopez litigation in April 2012, filing a complaint on behalf of Jose Lopez. On February 1, 2013, the trial court dismissed the complaint, without prejudice, for lack of prosecution.

In March 2020, seven years later, respondent filed a motion to reinstate the matter. On April 9, 2020, the Honorable Bahir Kamil, J.S.C., denied the motion, without prejudice, on grounds that "the plaintiff has not set forth any facts or circumstances that the court can make a finding of good cause" and, further, "does not address the cause of the seven-year delay in continuing to prosecute this action."

Respondent did not appeal the order denying his motion to reinstate the Lopez matter.

The Canales-Flores Matter

In a fourth case, the Canales-Flores matter, respondent successfully moved for reinstatement; however, the Appellate Division subsequently reversed the trial court's reinstatement orders and dismissed the matter. Canales-Flores v. Tolerico, No. A-1656-21 (App. Div. May 2, 2023).

Specifically, respondent initiated the Canales-Flores litigation in March 2013, filing a personal injury complaint on behalf of Luis Canales-Flores, following an automobile accident in which another vehicle "struck [Canales-

Flores's] vehicle, injuring him." Canales-Flores, No. A-1656-21 (slip op. at 2). Respondent was unable to serve the complaint on the insurance carrier but did serve it on the second vehicle's driver and commercial owner, both of whom failed to answer. Ibid. Thereafter, however, respondent neither moved to enter default nor took any other action and, accordingly, the complaint was dismissed due to lack of prosecution by orders entered in September 2013 (as to the insurance carrier) and December 2013 (as to the second vehicle's driver and commercial owner). Id. at 2-3.

In February 2020, more than six years later, respondent filed a motion to reinstate the matter, which the trial court granted. Id. at 3-4. Subsequently, the trial court denied a defense motion for reconsideration. Id. at 4. The reinstated matter went to trial, "the jury returned a verdict for [Canales-Flores] in the amount of $150,000 in damages and $200 in costs," and the trial court entered judgment accordingly. Ibid.

The defendants appealed, asserting that the trial court erred both in granting the reinstatement motion and in denying their motion for reconsideration. Ibid. In reversing the reinstatement orders, the Appellate Division noted that the trial court had applied a good cause standard to decide the motion for reconsideration, whereas the exceptional circumstances standard applies to multi-defendant actions. Id. at 6. Further, "[e]ven if the standard for

reinstatement was good cause, plaintiff did not meet his burden for showing it." Id. at 7. Indeed, the Appellate Division noted, "the record [was] devoid of any reason proffered by plaintiff or plaintiff's counsel that would explain the delay." Ibid. (emphasis in original).

Based on his mishandling of the above thirty-two matters, respondent stipulated to having violated RPC 1.1(a); RPC 1.1(b); RPC 1.3; RPC 3.2; and RPC 8.4(d).

Respondent's Misrepresentations to Mescall

Respondent also admitted that he lied to Mescall about the status of several client matters. Specifically, he admittedly "entered false information into the firm's case management software, Practice Panther, indicating that certain cases were ongoing, even though the cases in some instances had been dismissed for several years." Moreover, in a January 29, 2016 e-mail from respondent to Mescall, he misrepresented that the following three client matters remained pending when, in fact, the respective trial courts had dismissed each matter more than two years earlier, for lack of prosecution:

1) the Valentin matter – dismissed March 15, 2013;

2) the Collado-Rodriguez matter – dismissed October 4, 2013; and

3) the Canales-Flores matter – dismissed December 13, 2013.

The stipulation added that, "[i]n response to the above allegations of misrepresentation, respondent 'conceded that [he] and [Mescall] were not always truthful in their representation to one another.'" In addition, respondent admitted that, "[b]y entering false information into Practice Panther, or sending e-mails with false information, [he] intentionally deceived Mescall and misrepresented that the cases he had been assigned were proceeding properly."

Based on his misconduct in "intentionally deceiving and misleading Mescall regarding the status of the above matters," respondent stipulated that he violated RPC 8.4(c).

Turning to aggravating and mitigating factors, respondent and the OAE stipulated that, in aggravation, four of respondent's clients "experienced harm when their matters could not be restored or ultimately were dismissed." In mitigation, they stipulated that respondent had no disciplinary history in New Jersey since his admission to the bar in 1996, "made good faith efforts to remediate the impact of his misconduct," and entered into the disciplinary stipulation now before us.

The Parties' Prior Positions Before the Board

When this matter previously was before us, the OAE recommended the imposition of a censure or a three-month suspension. In support of this recommendation, the OAE first surveyed disciplinary precedent addressing attorneys who have received reprimands for mishandling multiple client matters, including In re Dillon, 239 N.J. 530 (2019) (seventeen client matters), In re Guzman, 227 N.J. 232 (2016) (three client matters), and In re Azar, 216 N.J. 404 (2013) (three client matters). Moreover, citing In re Lenti, 250 N.J. 292 (2022), In re Dusinberre, 228 N.J. 459 (2017), and In re Bakhos, 239 N.J. 526 (2019), the OAE observed that censures have been imposed where an attorney has not only grossly neglected multiple client matters but also misled clients about the status of their matters. Finally, citing In re Pinnock, 236 N.J. 96 (2019), and In re Tarter, 216 N.J. 425 (2014), the OAE urged that, "[w]here it appears clients have been harmed, however, a three-month suspension has been imposed for an attorney's mishandling" of multiple client matters.

The OAE reasoned that, although respondent had failed to prosecute thirty-two matters, he then succeeded in reinstating twenty-nine of them, although one reinstatement was reversed on appeal. Thus, the OAE asserted, four clients suffered harm from the mishandling and subsequent dismissal of their matters.

Respondent, through his previous counsel, argued that a censure constituted the appropriate quantum of discipline for his misconduct. He admitted that, by allowing his clients' matters to be administratively dismissed, he caused his clients to experience a delay in receiving justice. However, regarding the twenty-eight matters that he successfully restored, he asserted that he later secured settlements on his clients' behalf. Regarding the other four matters, he asserted that Canales-Flores, whose $150,000 jury verdict had been reversed on appeal, was pursuing compensation from his former firm's malpractice insurance, and that the other three clients also had been made aware that they could seek redress through his malpractice insurance. Thus, in his view, "everybody involved with this is going to have some recourse to have the money that he or she deserves."

Regarding his misrepresentations to Mescall, respondent stated that he made these in the context of a toxic relationship with his former partner and referred us, for context, to Mescall v. Acosta, Docket No. A-1427-22 (May 16, 2024). When we asked whether this acrimonious relationship excused his factual misrepresentations, he clarified that he sought not to justify but to mitigate his admitted violation of RPC 8.4(c).

In mitigation, respondent asserted that the most recent misconduct at issue occurred in 2020 and that he now practices law via his own law firm, is "on top

of all his cases," and has adopted procedures to handle what he portrayed as pervasive difficulties with effectuating service on defendants in his cases. Further, he stated that he represents "marginalized" individuals, most of whom have limited economic means and do not speak English. He argued that suspending him for three months, as opposed to imposing a censure, would unfairly harm these individuals, who "need someone to be their advocate and to . . . make sure they have their day in court."

Following his attorney's arguments, respondent directly addressed us, expressing remorse for his misconduct. In addition, he detailed the steps he had taken to rectify his prior difficulties with effectuating service. Specifically, he now uses a process-serving company that alerts him when it is unable to serve a defendant. In the event he receives such an alert, he accesses an online system that conducts a postal search for the defendant's address and, if necessary, he hires an investigator to locate the defendant.

The Expanded Record Before the Board

Respondent's supplemental materials included a certification from him, five certifications of support from his peers, and character letters from his two children and his former wife.

In respondent's certification, he wrote that he is a child of immigrant parents and grew up in North Bergen, New Jersey, among neighbors who also were immigrants and, like his family, spoke Spanish at home. He dreamed of becoming an attorney from an early age, a dream fostered by accompanying his parents to the office of their attorneys. He earned his bachelor's degree from Saint Peter's University and attended Seton Hall Law School; began his career in the Jersey City office of Netchert, Dineen & Hillmann; and, after a brief stint defending personal injury matters, then went to work for Ledesma & Diaz, where he focused on representing plaintiffs in personal injury and workers' compensation cases. In 1999, he joined the law office of James C. Mescall, where he remained at the time of the conduct underlying this matter.

Respondent represented that, between 1996 and 2013, he "tried dozens of cases to verdict;" "helped thousands of injured clients receive compensation;" and, during the latter part of that period, had about 150 to 200 cases on his active docket.

Respondent further wrote that many of his clients "speak only Spanish or have limited English proficiency," such that if they are injured, "they face significant barriers to recovering through our legal system." He stated that he always has focused on helping underserved individuals get access to the courts and is known in Union City as a lawyer "whose door is never closed."

Moreover, respondent certified his engagement in the following activities:

- From 2017 to the present, the Hudson County Superior Court appointed him to represent incapacitated persons in guardianship cases, and, in many cases, he agreed to serve pro bono;

- He served three terms on the District VI Fee Arbitration Committee (the FAC);

- From approximately 2015 to the present, he has served as an arbitrator in auto negligence and personal injury cases filed in Hudson County Superior Court that are subject to mandatory arbitration;

- For more than twenty years, he has actively participated in the North Hudson Lawyer's Club (NHLC), for which he served as president in 2007, has served as treasurer since 2015, and "often organizes the Club's charitable fundraising events;"

- He is a longstanding member of the New Jersey Association of Justice Educational Foundation, Inc., for which he has presented on panels on diverse topics;

- He has been a member of the Hudson County Bar Association (HCBA) for decades and has served on its civil practice, arbitration selection, and municipal court practice committees;

- He is a member of the New Jersey State Bar Association (NJSBA) and has presented on NJSBA panels; and

- He joined Hudson County's Inn of Court as a young lawyer and progressed from associate to barrister to master.

In further mitigation, respondent stated that, during the period in question, he experienced personal difficulty as his marriage became strained, and he and his spouse of twenty years separated; he worried about the effects of his separation on his children; and he was caring for his mother, brother, and childhood friend while they battled cancer. Further, on the professional side, near the end of the relevant period, his partnership with Mescall was deteriorating.

Respondent also cited his caseload of more than a hundred active cases during the period at issue but added, "I cannot blame the volume of my caseload because I have successfully managed that caseload during my career including today."

Respondent acknowledged the dismissals of thirty-two of his cases during a six-year period, in most cases for lack of prosecution, and his delay in the reinstatement of those cases. As context, he stated that, in personal injury cases, "locating defendants and effectuating service can pose difficulties" that result in administrative dismissal, and such difficulties also "can cause delays in reinstatement." Difficulties in effectuating service arise because "defendants move" or "evade service," addresses "list[ed] in police reports are incorrect," and "[p]rocess servers often cannot access certain buildings" or "find the named defendant altogether." Nevertheless, respondent acknowledged that he had

failed to "fulfill [his] professional obligation to diligently monitor and prosecute 32 cases" and that it took him "far too long . . . to reinstate many of the 32 cases."

Respondent reiterated, as set forth in the stipulation, that, after Mescall confronted him in early 2020, he succeeded in reinstating twenty-eight cases (and achieved reinstatement in a twenty-ninth, although the Appellate Division reversed that reinstatement), and his clients in the reinstated matters received compensation for their injuries.

As for the four matters that he did not successfully reinstate, respondent highlighted additional information.

First, regarding the Canales-Flores matter, he reiterated that his client, whose $150,000 jury verdict had been reversed on appeal, was pursuing compensation from his former firm's malpractice insurance. He added that "[t]he malpractice carrier has offered to settle the case for nearly double the verdict."

Second, regarding the Cruz-Sosa matter, respondent newly accentuated the determination made by the Appellate Division, in its decision denying reinstatement of his client's matter, that "if the inability to obtain reinstatement was the product of her representative's inattentiveness, plaintiff will likely suffer no appreciable prejudice; if she had a meritorious claim against these defendants, it may simply be transmuted into a negligence claim against her

representatives." He again highlighted, as he had previously before us, that the malpractice carrier had offered to settle the case "for a significant sum."

Third, regarding the Valentin matter, respondent pointed out that the March 2013 administrative dismissal for lack of prosecution was based on failure to effectuate service at the address listed in the police report (a large apartment building). Moreover, in 2016, he contacted the Postmaster of Newark to see if defendant resided at an alternative address, identified through an internet search; however, the Postmaster responded that the defendant was not known at that address. After the court issued its dismissal order, respondent encouraged Valentin to speak with another law firm about the validity of a potential legal malpractice claim; however, to date, she has not filed such a claim.

Finally, regarding the Lopez matter, respondent explained that the defendants' dog had bitten the plaintiff and his dog. Although respondent effectuated service on the defendants, they failed to answer the complaint; consequently, default was entered and a proof hearing scheduled; however, at the hearing, the trial court declined to enter default judgment based on the defendants' representation that they had homeowners' insurance and directed them to provide respondent's firm with proof of coverage. However, the defendants failed to provide the policy and, through their attorney, later stated

that the home was in foreclosure and there was no liability coverage for the lawsuit. The matter was then dismissed for lack of prosecution in 2013.

Seven years later, in 2020, respondent moved to reinstate the case. Based on his investigation, he had concluded that the defendants had no liability insurance at the time of the incident. Thus, he determined that Lopez's likelihood of recovery was remote; nevertheless, he filed the motion to reinstate the matter, which was denied based on the court's finding that good cause did not exist for the delay in reinstatement. Following that decision, he advised Lopez that he could file a motion for reconsideration; however, after he and Lopez discussed the likelihood of recovery, Lopez told him that he did not wish to continue to pursue his claim against the defendants. However, respondent acknowledged that his failure to diligently prosecute the Lopez matter was not excused by the fact that recovery was unlikely.

Respondent stated that he was anguished that he had let any clients down. He expressed, more specifically, his regret for having delayed his clients' recovery in the Canales-Flores and Cruz-Sosa matters (in which the clients have pursued malpractice claims), as well as regret for neglecting his duties in the Valentin and Lopez matters.

Regarding his misrepresentation to Mescall, in January 2016, that three of his cases were still pending, when in fact they had been dismissed, he said that,

at the time, "I intended to reinstate those matters and was too embarrassed to admit to the managing partner of our law firm that I had not already done so," but went on to say that his embarrassment was no excuse for "lack of candor" and, further, that he had "compounded that inexcusable misstep by failing to reinstate those cases for several more years."

Respondent stated that he was grateful that Mescall brought the dismissed cases to his attention and that Mescall's prompting "kickstarted my efforts to get my practice back on track." He emphasized that he had embraced electronic case management software between 2019 and 2020, improving his docket management, and that, after starting his own firm in 2021, he implemented additional case management protocols and safeguards to prevent lack-of-prosecution dismissals from occurring and lingering. These additional measures included his new firm's use of Practice Panther; his use of several platforms, including Accurint, to identify addresses at which defendants can be served; and his retention of a private investigator to help him locate defendants if traditional methods (like postal searches) fail. Moreover, during the last five years, he has practiced without incident while managing an active docket of about two hundred cases at any given time.

In addition, respondent highlighted that he served as a municipal court judge for Union City between 2019 and October 2024, a position from which he

resigned when we issued our prior decision in this matter. He explained how much this work meant to him and stated that resigning from his municipal judgeship had devastated him.

Respondent also certified that he had chosen to enter into a disciplinary stipulation rather than "draw out the disciplinary process," although "the Hudson County District Ethics Committee would have been far more familiar with my practice and character than the Board." He pointed out that the OAE previously had recommended that he receive a censure or a three-month suspension for his misconduct and cited several mitigating factors (summarized above).

Turning to the quantum of discipline, respondent expressed feeling shame over his violations of the Rules of Professional Conduct; stated that the "severe consequences" of the ethics proceedings would "serve as a deterrent for the rest of [his] career;" the prospect of receiving a disciplinary sanction weighed heavily on him; it was embarrassing to disclose his underlying conduct to his family and close friends, and he still has not disclosed it to his father.

Respondent also set forth his concerns regarding the effects of a suspension on his clients, employees, and family. As for his clients, he maintains an active docket of more than two hundred cases – many involving clients who speak only Spanish and share his background – and has litigated many of their

cases for years, building a trust relationship. Given that he has now practiced for more than five years without ethics lapses, he argued that they did not need protection from him but, rather, needed his services as their attorney.

Moreover, he asserted that a one-year suspension would have a devastating effect on his law firm, its four employees, and his family. Finally, he expressed regret for burdening the Court, accepted responsibility for his ethics lapses, and assured the Court that he would not repeat these lapses or otherwise violate the Rules of Professional Conduct in the future.

Respondent also submitted certifications of support from five attorneys, as follows. Ralph Lamparello, Esq., a past president of the New Jersey State Bar Association (NJSBA), vetted and recommended respondent in 2019 for appointment and is the managing partner of a law firm. He served for six years on the NJSBA Judicial and Prosecutorial Appointments Committee, including a one-year term as the committee's chair. Prior to 2019, he knew respondent generally as a colleague in Hudson County. In 2019, he became more familiar with respondent as he was tasked with identifying, vetting, and recommending candidates for appointment as a judge for the Union City municipal court.

Next, Norberto Garcia, Esq., is a partner in his law firm. He served as president of the NHLC in 2003; served as a trustee of the HCBA from 2000-2014 and president in 2013; served as a trustee of the New Jersey State Bar

Foundation since 2009 and was president from 2019 to 2020; has been a trustee of the NJSBA since 2018 and is currently the first vice-president of the NJSBA. Garcia also is on the board of governors and on the executive board of the New Jersey Association for Justice; has been a trustee of the New Jersey Fund for Client Protection since 2020 and is the incoming chair; was on the State of New Jersey Bar Examination Committee on Character from 2021 through 2024; was on the District VI FAC from 2004 through 2009 and was its chairperson in 2009; has been on the executive committee of the NJSBA Civil Trial Bar section since 2018; was the co-chair of the NJSBA Diversity Committee and is still a member of that committee; and is a master in the Hudson County Inn of Court. He had known respondent for almost thirty years and tried cases with him for decade since 1997. He became acquainted with him through respondent's work, first as a defense lawyer and then as a plaintiff's lawyer. Garcia also served with respondent on the Hudson County Civil Practice Committee and was a fellow pupil in the Hudson County Inn of Court.

Christopher Gargano, Esq., frequently practices in Hudson County and is a longtime member and past president of the NHLC, as well as a longstanding member of other legal associations. He has known respondent for more than twenty years.

Anna Noris, Esq., regularly represents clients in Hudson County, has been a longtime member and is incoming president of the HCBA, and has served on the District VI Ethics Committee. Noris had shared a professional relationship and friendship with respondent since 1998.

Finally, Rene Riverol, Esq., also is a former president of the NHLC. Previously, she served on the District VI Ethics Committee from 1996 to 2000 and also served as a master of the Hudson Inn of Court and a trustee of the HCBA; currently, she remains a member of various legal associations. Riverol met respondent thirty years ago, when both were students in the Hudson County Inn of Court.

All or some of these character witnesses certified that respondent has an excellent reputation; is known for his advocacy skills, success in obtaining relief for his clients, professionalism, respect for litigants and judges, diligence, character, integrity, and other qualities; is respected by other attorneys and by judges; has contributed to the legal profession and the community at large, including through his extensive engagement in various legal organizations and bar associations; is bilingual and has particular understanding of Union City's diverse community; also has delivered CLE seminars, taken part in panel presentations, and shared his knowledge and advice with his peers and younger members of the bar. They also certified that he had dreamed of serving as a

municipal court judge, was appointed as same, comported himself well in that capacity, and was greatly affected when he decided to resign from that position after we issued our prior decision.

Continuing, the character witnesses wrote that respondent had expressed contrition, admitted and accepted responsibility for his misconduct in this matter, and experienced grave consequences and emotional and mental effects due to the disciplinary process, generally, and our prior decision, particularly. They also shared that respondent's conduct at issue marked a departure from his usually meritorious practice; that he was experiencing personal and professional difficulties at the time; and that he has since undertaken steps to prevent recurrence of the circumstances giving rise to this matter. Several also described the difficulties encountered in efforts to effectuate service, often leading to administrative dismissals of matters brought by plaintiffs' lawyers who practice in respondent's field and locale. Two observed that it was Mescall, not a client, who filed the grievance against respondent. Finally, and perhaps because the certifications were prepared in support of respondent's subsequently dismissed petition for reconsideration, three of his peers urged that the one-year suspension previously recommended by us was excessive.

Respondent also submitted to the Court letters from his two children and his former spouse.

His children praised respondent's character, work ethic, and excellence as a parent, lawyer, and judge. More specifically, his daughter described respondent as a source of guidance, support, and inspiration. She also shared that she had observed respondent's passion for the legal profession, dedication to his clients, hard work, commitment to doing the right thing for others, and the respect he enjoys in the community. Respondent's son described the lessons respondent has imparted to him and praised respondent for his caring and compassionate nature, generosity, commitment to his profession and family, role in the community, and contributions to organizations such as the HCLC. In addition, he wrote of how much he had learned from a time when one of respondent's clients was "down on his luck" and staying at respondent's office due to financial hardships, and respondent had brought him, his sister, and mother to the office – as well as a tray of pasta and soda – to share a meal with the client.

Respondent's former wife, who has known him for more than thirty years, wrote that from the time they met, he would talk about the career he wanted and all the good he wanted to accomplish. She also described his having met life's responsibilities without question and with compassion and generosity; his dedication to his work and family; and his role in the community. She highlighted his work as appointed guardian for elderly clients as reflective of

his character. Further, she described the "heart and compassion" he extends to his clients, such as when he bought a wallet for an elderly woman to go shopping for the first time in a long time and arranged for a private barber during the COVID-19 pandemic for an elderly man. She stated that it would be disheartening to see his ability to help people be limited, as this is a part of his career that he values immensely.

In addition to the certifications and letters described above, respondent appended to his brief the record of his PFR and motion to supplement, which previously was filed with the Court.

The Parties' Positions Before the Board Following Remand

In his March 12, 2025 brief to us, respondent, through counsel, asserted that his prior counsel had "failed to present to the [Board] meaningful mitigating evidence" and that, based on the supplemental record, we should conclude that a censure is the appropriate discipline for his conduct.

Referencing the expanded record, summarized above, respondent asserted, in mitigation, that "the inability to effectuate service and dismissals for failure to prosecute – followed later by reinstatement – are a frequent occurrence in personal injury practice."

He also reiterated mitigating factors that had been set forth during the prior proceedings and which, accordingly, we incorporated in our determination to impose a one-year suspension. These included his previously unblemished disciplinary record; his contrition and remorse; his successful reinstatement of twenty-eight of the dismissed cases; his representation of Hudson County's "underserved residents;" the protocols he put in place to ensure timely service of process and prevent prolonged dismissals; his practice of law without incident since 2020; and his entry into the disciplinary stipulation.

Addressing our September 2024 decision, respondent argued that the expanded record demonstrated that the four clients whose matters were dismissed did not suffer "egregious harm," as we had stated. He again described these matters and renewed his argument that the four clients have adequate remedies available to mitigate any harm he caused them; two of the clients have pending offers of significant settlements in legal malpractice cases; and the other two have, to date, opted against suing. In addition, in the Cruz-Sosa matter, the Appellate Division had determined that the client would "likely suffer no appreciable prejudice" if her matter were not reinstated.

Respondent also asserted that the expanded record demonstrated his exemplary record as a trial attorney securing recoveries for countless clients; his excellent reputation; his earning the respect of his peers, leaders of the NJSBA

and HCBA, current and former judges, and the Hudson County community based on his skill as an advocate; his participation in bar activities; and his character and integrity, as well as other professional and personal achievements and qualities. He summarized the certifications of his five peers, who, in general, wrote about his excellent reputation and character, experience, professionalism; service to the community, including the Spanish-speaking community as a bilingual attorney familiar with Union City's diverse population; otherwise exemplary practice of law; participation in legal associations; and other favorable qualities and activities. He also summarized his family members' letters and his certification.

Respondent also emphasized his public service as court-appointed counsel in guardianship cases, as an arbitrator, as a member of the FAC, and through his decades-long engagement in professional and charitable organizations. Moreover, he emphasized that he had served as a municipal court judge.

In addition, respondent stated that he had "expressed shame over his ethical lapses and has experienced anguish and sleepless nights over disappointing his clients." He added that he "regrets misleading his partner about the status of three cases." He also accentuated his anguish for letting clients down and his embarrassment in disclosing his conduct to his family and friends.

Respondent asserted that his resignation – after we issued our September 2024 decision – from his position as a municipal court judge should be weighed in mitigation, as this reflected his knowledge that a one-year suspension "would erode public trust in the judiciary" and embarrass the Mayor, the Mayor's "administration, the Board of Commissioners, and the Municipal Court," and his resignation "remains devastating to him."

Moreover, respondent argued that we misapplied disciplinary precedent in reaching our prior determination. Further, based on the expanded record, he argued that a suspension would serve no remedial purpose, would deprive his "underserved clients of a bilingual attorney with vast trial experience, devastate his practice, and simply be punitive at this point," and would "likely shutter [his] firm, leaving four employees without jobs and one without insurance."

In response to our questioning during oral argument, respondent, via counsel, conceded that he was represented by counsel (albeit a different one) at the time he executed the disciplinary stipulation. He also conceded that his former counsel is experienced in ethics matters. Also in response to our questioning, respondent, through counsel, agreed that we are not bound by the OAE's recommended quantum of discipline when we perform our de novo review of the record. Nevertheless, based on the OAE's purported breach of the

disciplinary stipulation, respondent urged us to treat this matter like we would a motion for discipline by consent and remand the matter for further proceedings.

In its March 19, 2025 written reply to respondent's brief, the OAE urged the imposition of a six-month suspension as the appropriate level of discipline for respondent's misconduct.

Further, based on the expanded record, the OAE submitted that membership on an FAC and service as a former municipal court judge should be weighed in aggravation or, alternatively, not be given any mitigating weight.

Although the OAE had not found any case that directly identified FAC membership to be either mitigating or aggravating, it analogized this circumstance to membership on a district ethics committee, which we weighed in aggravation in In the Matter of Jose Camerson, DRB 07-058 (July 30, 2007), and also noted in In the Matter of Stephen H. Skoller, DRB 05-199 (December 1, 2005). As for status as a municipal court judge, the OAE cited In re Boylan, 162 N.J. 289, 293 (2000), to support its contention that this may be considered in aggravation. However, it recognized that, in Boylan, a municipal court judge was disbarred for engaging in a scheme to reduce traffic violations fines for female defendants, coached these defendants to lie in open court, and solicited sexual favors in return. Here, in contrast, the OAE noted that nothing in the record showed that respondent's role as a municipal court judge adversely

affected those who appeared before him or affected the administration of justice. Thus, the OAE drew attention to Boylan "only to note that service in a public office typically does not equate to mitigation, but rather, as aggravation under the rationale that an attorney serving in public office is aware, or should be aware, of the attorney's heightened obligations in discharging that office."

Next, having reviewed the five characters certifications from members of the New Jersey bar, the OAE noted only that, however the conduct of Mescall might be characterized, he had an obligation to notify ethics authorities about respondent's misconduct, pursuant to RPC 8.3. Further, the OAE asserted that any dispute with Mescall regarding the break-up of their firm post-dated respondent's lack of diligence, gross neglect, pattern of gross neglect, and failure to expedite litigation in the thirty-two client matters. Accordingly, it urged us to decline to weigh any such dispute in mitigation.

The OAE also addressed respondent's contention that the four clients whose matters were ultimately not reinstated did not suffer "egregious harm," as set forth in our September 2024 decision. Although respondent argued that two of the four had received or been offered higher sums in their malpractice claims, such that they were not harmed financially, the OAE noted that the clients had to hire additional counsel to bring those claims and then wait for settlement. It also posited that the need to hire counsel might also explain why

the other two clients had not yet pursued malpractice claims. Based on this reasoning, the OAE submitted that harm to the clients remained an aggravating factor.

The OAE acknowledged that the five certifications from respondent's peers and the three letters from his family members spoke to his good reputation and character, which should be weighed in mitigation.

Turning to the quantum of discipline, the OAE acknowledged that it had previously recommended a censure or three-month suspension, while respondent requested a censure. However, in light of our decision, the OAE stated that it was "hard-pressed to recommend" a censure or three-month suspension. It submitted, nonetheless, that "mitigation should be weighed by the Board . . . which leaves the sanctions of a short-term [suspension] to the current one-year suspension," that is, a three-month, six-month, or one-year term of suspension. Thus, from the "baseline sanction of a one-year suspension in our prior decision," the OAE submitted that, considering respondent's newly presented mitigation evidence, a six-month suspension appeared appropriate.

The OAE left to our discretion whether to require the two-year term of proctorship, in light of respondent's descriptions of his corrective actions and current case-tracking protocol.

During oral argument before us, the OAE disputed respondent's claim that the disciplinary stipulation ran afoul of the Court Rules or the New Jersey Constitution, emphasizing that the Court already has approved of this type of matter by virtue of having issued many corresponding final Orders of discipline. Further, the OAE submitted that, if there is any relief to be granted based on the OAE having changed its sanction recommendation, its March 19, 2025 brief should be stricken. "In other words, the record will reflect that the OAE's recommendation for a sanction would be the original censure to a three-month suspension."

Analysis and Discipline

Violations of the Rules of Professional Conduct

Following a review of the record, we determine that the stipulated facts clearly and convincingly support all the charged violations of the Rules of Professional Conduct.

Respondent admittedly committed gross neglect, lacked diligence, and failed to expedite litigation, in violation of RPC 1.1(a), RPC 1.3, and RPC 3.2, by allowing thirty-two client matters – all in litigation – to be dismissed for lack of prosecution between March 2013 and December 2019. Significantly, he permitted each of the thirty-two cases to languish until, finally, Mescall

confronted him with the plethora of delinquent cases. Eight of the cases – a full quarter of them – remained inactive for more than five years owing to his dereliction. Another eleven matters remained inactive for two to four-and-a-half years, while six matters remained inactive for fourteen to twenty-three months.

By neglecting so many cases, respondent engaged in a pattern of neglect, in violation of RPC 1.1(b). To violate this Rule, an attorney must engage in at least three instances of neglect, in three distinct client matters. See In the Matter of Dorothy L. Wright, DRB 22-100 (November 7, 2022) at 18 (dismissing the charged violation of RPC 1.1(b) where the attorney's misconduct involved only one client matter). Here, respondent neglected more than ten times the number of client matters necessary to establish a pattern of neglect.

Respondent's conduct likewise prejudiced the administration of justice, in violation of RPC 8.4(d), through his wide-ranging waste of judicial resources. His negligent handling of matters resulted in multiple trial courts, across three vicinages, having to consider and rule on more than thirty motions for reinstatement. Moreover, in the Valentin, Canales-Flores, and Cruz-Sosa matters, respondent's misconduct diverted the resources of the Appellate Division to addressing his failure, years earlier, to take even rudimentary steps to move his clients' cases forward.

Finally, respondent's admitted misrepresentations to Mescall concerning the status of several cases constituted a clear violation of RPC 8.4(c). Specifically, through his entries in the firm's case management system and in a January 2016 e-mail to Mescall, respondent provided false information regarding at least three client matters (Valentin, Collado-Rodriguez, and Canales-Flores).

In sum, we find that respondent violated RPC 1.1(a); RPC 1.1(b); RPC 1.3; RPC 3.2; RPC 8.4(c); 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 who mishandle a significant number of client matters generally receive suspensions ranging from three months to one year. See, e.g., In re Pinnock, 236 N.J. 96 (2018) (three-month suspension for an attorney who committed misconduct in ten client matters; in nine matters, the attorney engaged in gross neglect, lacked diligence, and failed to communicate with his clients; in four matters, the attorney engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; in aggravation, the attorney caused significant harm to his clients; in mitigation, the attorney suffered from serious

physical and mental health issues; prior reprimand); In re Tarter, 216 N.J. 425 (2014) (three-month suspension for an attorney who committed misconduct in eighteen matters, including lack of diligence and pattern of neglect (fifteen matters), gross neglect (one matter), and failure to withdraw from the representation and to properly terminate the representation (eighteen matters); in significant mitigation, the attorney was battling alcoholism, engaged in most of his misconduct within a three-month period, and had no prior discipline in his eight-year career); In re Williams, 255 N.J. 401 (2023) (on a motion for reciprocal discipline, six-month suspension for an attorney who committed misconduct in eight client matters, including gross neglect and lack of diligence (four matters), failure to adequately communicate with the client (five matters), failure to expedite litigation (two matters), and conduct prejudicial to the administration of justice (one matter); in mitigation, most of the attorney's unethical conduct occurred within a seven-month period; although a three-month suspension was the baseline discipline for the attorney's misconduct, the aggravating factors, including waste of court resources in two other client matters, as well as failure to promptly notify the OAE of the attorney's discipline in Pennsylvania, warranted a six-month suspension); In re Gruber, 248 N.J. 205 (2021) (six-month suspension for an attorney who, over eight years, committed misconduct in six matters; in addition to grossly neglecting five of the matters,

he misrepresented the status of matters to his clients; prior censure for similar misconduct in two matters from the same period; in mitigation, during the period at issue, the attorney suffered from mental health issues that severely compromised his ability to provide adequate representation to his clients, and he subsequently had engaged in treatment); In re Perlman, 241 N.J. 95 (2020) (one-year retroactive suspension for an attorney who committed misconduct in seven matters; the attorney lacked diligence (six matters), failed to adequately communicate with his clients (five matters), failed to notify his clients of his suspension (three matters), and failed to withdraw from the representation, engaged in conduct prejudicial to the administration of justice, and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in one matter; in mitigation, the attorney suffered from serious mental health issues; in aggravation, he caused significant harm to his clients; prior one-year suspension for similar misconduct in ten client matters); In re Suarez-Silverio, 226 N.J. 547 (2016) (one-year suspension for an attorney who, over thirteen years, mishandled twenty-three client matters before the Third Circuit Court of Appeals, fourteen of which were procedurally terminated; the attorney also disobeyed court orders and made a misrepresentation to the court clerk, which, together with the aggravating factors, enhanced the otherwise appropriate six-month suspension; prior admonition for similar misconduct in one client matter).

Although the OAE highlighted six disciplinary cases in which attorneys received reprimands or censures for misconduct in multiple matters, all involved significantly fewer client matters than respondent mishandled here. Indeed, respondent's misconduct resulted in the dismissal of six to ten times the number of client matters at issue in Lenti, 250 N.J. 292 (five client matters); Bakhos, 239 N.J. 526 (three client matters); Dusinberre, 228 N.J. 259 (four client matters); Guzman, 227 N.J. 232 (three discrete matters for one client); and Azar, 216 N.J. 414 (three client matters). More recently, in In re Abrams, __ N.J. __ (2023), 2023 N.J. LEXIS 757, a default matter, we again imposed a censure for an attorney's misconduct in multiple matters; however, that case involved four client matters, as opposed to the thirty-two client matters at issue here.

In re Dillon, 239 N.J. 530 (2019), is the sole case cited by the OAE in which the Court did not suspend an attorney who neglected more than five matters. Specifically, on a motion for reciprocal discipline, the attorney – who had been reprimanded for neglecting seventeen matters filed in the Delaware Superior Court – likewise received a reprimand in New Jersey. In the Matter of Timothy Andrew Dillon, DRB 18-304 (March 7, 2019) at 1-2. The Delaware trial court had brought the attorney's conduct to disciplinary authorities' attention after his failure to timely serve complaints resulted in the court's dismissal of four cases, without prejudice. Id. at 2-3. However, the attorney

successfully refiled each of the dismissed complaints. Id. at 3, 6. During the disciplinary investigation, the attorney identified thirteen other client matters in which service issues had caused unreasonable delays, although the delays had not resulted in the dismissal of any of those matters, and none of the attorney's clients was harmed beyond the delay in having the client's matter reach the settlement stage. Ibid.

However, unlike respondent, the attorney in Dillon neither misrepresented the status of his matters nor caused his clients significant harm. Respondent, on the other hand, misrepresented the status of client matters to his law partner and, further, engaged in misconduct that caused harm to several clients. Even more notably, the attorney's misconduct in Dillon resulted in the administrative dismissal of four matters, not thirty-two, as here.

No prior disciplinary matter has addressed a situation where an attorney has engaged in gross neglect of more than thirty matters, let alone permitted that many matters to be dismissed and then allowed months or years to pass before seeking to reinstate any of the matters.[1] However, among recent cases,

[1] Although a number of cases address disciplinary infractions in more numerous client matters, those cases typically involve dissimilar conduct, such as the abandonment of an attorney's law practice or the receipt of payments from a "trust mill." See In re O'Hara, 224 N.J. 225 (2016) (disbarment for an attorney who abandoned his practice, leaving at least 280 clients, who were relying on him, without representation; the attorney's failure to take action on his clients' matters caused at least three different judges to issue notices of dismissal in hundreds of tax appeals and to communicate with the OAE regarding the attorney's apparent abandonment of his clients), and

respondent's misconduct is most analogous to that of the attorney in In re Suarez-Silverio, 226 N.J. 547 (2016).

There, the attorney received a one-year suspension for his neglect, during a period of thirteen years, of twenty-three immigration matters. In the Matter of Arturo S. Suarez-Silverio, DRB 15-291 (May 26, 2016) at 1, 23. Of these, fourteen were procedurally terminated for failing to file proper forms, pay fees, or file briefs; however, these cases were reopened upon the attorney's correction of the deficiencies. Id. at 12. Moreover, the attorney knowingly disobeyed court orders requiring that he respond to an order to show cause and, separately, provide a status update on a different matter, by submitting his written responses ten to fourteen days after they were due. Id. at 12-13. He also misrepresented to the Clerk of the court that he had filed a motion to reopen a matter, when he had not; rather, he filed the motion more than a month after telling the Clerk that it was already pending. Id. at 13.

In aggravation, we weighed that the attorney previously had been admonished for similar conduct. Id. at 24. In addition, he failed to notify the

In re Bohmueller, 232 N.J. 502 (2018) (in a reciprocal discipline matter, two-year suspension for an attorney who partnered with a nonlawyer who operated an estate planning business; the attorney shared fees with the non-attorney partner; nothing in the record indicated that the attorney had any contact with his clients or did any legal work for them; instead, he allowed nonlawyers to meet with the clients and provide them false and misleading information; although the record did not specify the number of clients harmed by the attorney's misconduct, the OAE estimated that this scheme impacted thousands of clients).

OAE of a June 22, 2012 order imposing a reprimand and monetary sanctions, and of his one-year suspension from practicing before the Third Circuit, as required by R.1:20-14(A)(1). Ibid.

However, in mitigation, we considered that, for some years, the attorney's professional and personal life were in turmoil; he was handling a heavy volume of legal work with no professional support; and these personal and professional stressors led to discord in his marriage and to heavy drinking. Ibid. Subsequently, he hired multiple employees; he and his spouse were working towards reconciliation; and he remained in recovery from his alcohol abuse. Ibid. Nevertheless, we concluded that the aggravating factors far outweighed these mitigating factors and, based on the totality of the circumstances, determined that a one-year suspension was warranted for the attorney's misconduct. Id. at 25. The Court agreed. Suarez-Silverio, 226 N.J. at 547.

Like the attorney in Suarez-Silverio, respondent severely neglected myriad cases over a lengthy period. The attorney's misconduct in Suarez-Silverio spanned thirteen years, considerably longer than the seven years at issue here. However, respondent neglected thirty-two matters (as opposed to the twenty-three matters addressed in Suarez-Silverio) and caused the administrative dismissal of all thirty-two (as opposed to the fourteen matters administratively dismissed in Suarez-Silverio). Further, both attorneys also

engaged in misrepresentation. Suarez-Silverio's lie to the court about one client's appeal constituted the more serious offense, in that he misled a tribunal. But respondent's lies to Mescall were more numerous, in that they pertained to at least three different client matters. However, the attorney in Suarez-Silverio also disobeyed two court orders by filing documents after the deadlines imposed in those orders. Thus, Suarez-Silverio is not on all fours with the matter at hand, but absent any precedent involving gross neglect of more than thirty cases, Suarez-Silverio offers the closest analogy.

Based on the foregoing disciplinary precedent, Suarez-Silverio, in particular, we conclude that respondent's misconduct could be met with a one-year suspension. To craft the appropriate discipline in this case, however, we also consider aggravating and mitigating factors.

In aggravation, respondent's misconduct caused harm to Valentin, Cruz-Sosa, Lopez, and Canales-Flores, whose claims he ultimately extinguished by failing to seek reinstatement of their cases until four to seven years after the trial courts administratively dismissed their complaints.

Whereas previously, we described the harm to Cruz-Sosa and Lopez as "egregious," we now weigh respondent's conduct in these clients' matters as harmful (as he stipulated) but not egregiously so, in light of the supplemental submissions. More specifically, we note that in Cruz-Sosa, the Appellate

Division wrote that the client would "likely suffer no appreciable prejudice" if her complaint were not reinstated, as she could pursue recovery through a negligence action. Similarly, in Lopez, the defendants' lack of insurance would likely have limited the client's recovery.

In contrast, the harm to Canales-Flores was both monetarily quantifiable and significant. By the time the Appellate Division dismissed his complaint, a jury had returned a verdict awarding him $150,000 in damages. The Appellate Division vacated that verdict on grounds that the complaint should not have been reinstated in the first place, where respondent failed to "present any evidence to explain the nearly seven-year delay between the filing and service of [Canales-Flores's] complaint, its dismissal without prejudice, and [the] motion to reinstate[.]" Canales-Flores, No. A-1656-21 (slip op. at 2).

In additional aggravation, respondent allowed the majority of the administratively dismissed matters to remain inactive for lengthy periods of time, lasting from a year to more than seven years. Consequently, in addition to the four clients who lost their claims altogether, more than twenty other clients had their personal injury claims languish for extended periods.

Finally, Mescall's January 2016 questioning of respondent regarding the Valentin, Collado-Rodriguez, and Canales-Flores matters should have served as a wake-up call, prompting him to (1) to attempt to reinstate these three matters,

(2) address the other five matters (Capello, Lopez, Dorelien, Sorace, and Cruz-Sosa) that had been administratively dismissed by then, and (3) undertake steps to prevent the dismissal of complaints in the future. Yet, he apparently failed to take any such remedial or preventative steps. Instead, another four years passed, and an additional twenty-four matters were administratively dismissed, before respondent finally undertook the filing of motions to reinstate starting in 2020, after Mescall confronted him regarding the numerous dismissals.

In significant mitigation, respondent has an unblemished disciplinary history since his 1996 admission to the bar, a factor which the Board and the Court accord significant weight. In re Convery, 166 N.J. 298, 308 (2001). In addition, he stipulated to his misconduct. He also eventually sought to remediate the effects of his misconduct by filing motions for reinstatement that ultimately resulted in twenty-eight of the client matters moving forward. He expressed sincere remorse before us and has implemented measures to address difficulties that may arise in effectuating service in his client matters and to safeguard against prolonged dismissals.

Moreover, the expanded record establishes that, during the relevant period, respondent experienced stress in his marriage of more than twenty years and separated from his spouse. He also cared for his mother, his brother, and a

close friend as they battled cancer, which took the life of both his mother and his friend. We weigh these stressors in mitigation.

In further mitigation, the expanded record includes new evidence of respondent's exemplary record as a trial attorney; his success in achieving recoveries for his clients; and his excellent reputation among his peers, leaders of the NJSBA and HCBA, current and former judges, and the Hudson County community based on his skill as an advocate. The expanded record further demonstrates his participation in bar activities, his good character and integrity, and his other professional and personal achievements, as well as his service to the public as court-appointed counsel in guardianship cases, as an arbitrator, and through his decades-long engagement in professional and charitable organizations.

We note that respondent also presented more robust evidence that difficulties in effectuating service, and dismissals for failure to prosecute, frequently occur in connection with personal injury litigation. Although respondent did not document specific difficulties faced in effectuating service in most of the matters at issue, we weigh, in modest mitigation, the challenging circumstances described in the certifications provided by his peers.

Respondent also argued that we should weigh his service as a municipal court judge in mitigation. The OAE countered that his position as a judge

constituted an aggravating factor. After careful review of facts specific to this case, we determine that, for a period of roughly one year – between early 2019, when respondent began taking part in the vetting process to become a municipal court judge, and January 2020, when Mescall confronted him about his neglect of many cases (most significantly, the four matters that ultimately were not reinstated) and Mescall's action finally prompted him to attempt to remedy his dereliction – respondent apparently failed to inform Lamparello, who vetted him for that position, that he had long failed to reinstate numerous clients' administratively dismissed matters and, further, once appointed to the bench, he grossly neglected additional client matters. Judges, in general, are held to a higher standard, which respondent violated during the vetting process and after becoming a municipal court judge. "To the public, judges embody the court system. As a result, their conduct – both on and off the bench – can promote as well as erode confidence in the Judiciary." In re Reddin, 221 N.J. 221, 223 (2015). Accordingly, we determine to accord no mitigating weight to respondent's acceptance and enjoyment of a position as a municipal court judge, while simultaneously neglecting the matters at issue here, and we instead weigh these circumstances in aggravation.

Respondent also urged us to weigh, in mitigation, his purported provision of legal services to an underserved population, including individuals with

limited English proficiency (LEP). We have recognized that such individuals "may face barriers to achieving legal services from an attorney" and, consequently, an attorney should exercise "special care" in handling matters on behalf of LEP clientele. In the Matter of Nelson Gonzalez, DRB 22-014 (August 4, 2022) at 88-89. Here, rather than proceeding with care, respondent delayed his clients' access to justice, often by many years. Thus, we decline to weigh, in mitigation, his purported role in serving an underrepresented community.

Finally, respondent and some of his references proposed a lesser sanction based, in part, on the effects that our prior decision had on him, including his decision to resign his position as a municipal judge. To the extent that respondent may not have anticipated discipline greater than the censure or three-month suspension originally recommended by the OAE, his distress may warrant sympathy. However, the stipulation clearly stated the recommendation was "not binding" on us. As set forth above, the Court's disciplinary precedent also is clear in this regard.

Conclusion

On balance, we determine that compelling mitigating factors – including respondent's contrition, remorse, and evidence of good character, consistent with his unblemished legal career – outweigh the aggravating factors and,

accordingly, conclude that a six-month suspension is the appropriate quantum of discipline to protect the public and preserve confidence in the bar.

Members Hoberman, Modu, and Spencer voted to impose a one-year suspension.

Member Menaker was 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
Hon. Mary Catherine Cuff, P.J.A.D. (Ret.),
Chair

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

EXHIBIT

EXHIBIT

TABLE OF ADMINISTRATIVELY DISMISSED CASES

	Docket No.	Client Surname(s)	Filed	Dismissed	Years Dismissed
1.	ESX-L-6487-12	Valentin	8/31/2012	3/15/2013	7+[1]
2.	HUD-L-3943-12	Capello, Romero, and Romero	8/10/2012	3/1/2013	7+
3.	ESX-L-2889-12	Lopez	4/18/2012	3/8/2013	7+
4.	ESX-L-6115-12	Dorelien	8/17/2012	7/19/2013	7+
5.	HUD-L-5856-12	Collado-Rodriquez	12/17/2012	10/4/2013	6+
6.	HUD-L-1137-13	Canales-Flores	3/5/2013	12/13/2013	6+[2]
7.	ESX-L-0896-15	Sorace and Vinciguerra	2/6/2015	8/21/2015	4+
8.	HUD-L-2283-15	Cruz-Sosa	5/26/2015	12/11/2015	4+[3]
9.	ESX-L-5483-15	Estevez	8/3/2015	2/19/2016	4+
10.	HUD-L-0964-16	Larquin-Vargas	3/3/2016	10/28/2016	3+
11.	HUD-L-2552-16	Almenares	6/22/2016	1/3/2017	3+
12.	HUD-L-0717-17	Fermin-Mendoza	2/16/2017	3/9/2018	1.5+
13.	HUD-L-1071-17	Laticia Fernandes	3/2/2017	2/9/2018	2+

[1] For the Valentin and Lopez matters, which were never reinstated, the number of years refers to the time that passed between each matter's dismissal and the trial court's denial of respondent's motion to reinstate it.

[2] The trial court's orders reinstating the Canales-Flores matter were reversed on appeal.

[3] The Cruz-Sosa matter was reinstated for a short time with respect to two of the three defendants but later dismissed when those defendants moved for reconsideration. The number of years refers to the time that passed between the dismissal and the (temporary) reinstatement.

	Docket No.	Client Surname(s)	Filed	Dismissed	Years Dismissed
14.	HUD-L-1993-17	Ortez	5/11/2017	12/1/2017	2+
15.	ESX-L-3524-17	Pires	5/18/2017	12/8/2017	2+
16.	HUD-L-1865-17	Burgos and De La Cruz	5/8/2017	2/9/2018	2+
17.	HUD-L-4370-17	Mero-Mero	10/24/2017	5/11/2018	1.5+
18.	ESX-L-2670-15	D.D.[4]	4/20/2015	10/30/2015	5+
19.	HUD-L-3925-14	Reyes	9/5/2014	3/27/2015	5+
20.	BER-L-3453-18	Pineda	5/9/2018	11/23/2018	1+
21.	HUD-L-3847-17	Espiritu-Emelenciano	9/18/2017	3/30/2018	2+
22.	HUD-L-0233-18	Fermin	1/18/2018	8/3/2018	1.5+
23.	HUD-L-0463-18	Torres	2/2/2018	8/17/2018	1.5+
24.	HUD-L-1523-18	Lara-Hernandez	4/19/2018	11/2/2018	1+
25.	BER-L-4152-18	Ramirez	6/5/2018	12/21/2018	1+
26.	HUD-L-3101-18	Barranco	8/7/2018	2/22/2019	almost 1
27.	HUD-L-3388-18	Ospina	8/28/2018	3/15/2019	almost 1
28.	HUD-L-0235-19	Estrella-Valencia	1/16/2019	8/2/2019	0.5+
29.	HUD-L-0647-19	Vazquez	2/13/2019	8/30/2019	< 0.5
30.	HUD-L-1953-19	Aponte	5/15/2019	11/29/2019	< 0.5
31.	HUD-L-2069-19	Estrella-Valencia	5/23/2019	12/6/2019	< 0.5

[4] Initials are used to protect the anonymity of the minor client.

Docket No.	Client Surname(s)	Filed	Dismissed	Years Dismissed
32. HUD-L-2269-19	Alvarez-Diaz and Medrano[5]	6/6/2019	12/20/2019	0.5+

[5] In total, thirty-six clients had their matters administratively dismissed. Specifically, in three matters (#7, #16, and #32), respondent represented two plaintiffs; and in one matter (#2), respondent represented three plaintiffs. Two matters (#28 and #31) appear to have been filed by respondent on behalf of the same client.

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Carlos H. Acosta, Jr.
Docket No. DRB 25-041

Argued: April 17, 2025

Decided: July 24, 2025

Disposition: Six-month suspension

Members	Six-month suspension	One-year suspension	Recused
Cuff	X		
Boyer	X		
Campelo	X		
Hoberman		X	
Menaker			X
Modu		X	
Petrou	X		
Rodriguez	X		
Spencer		X	
Total:	5	3	1

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