

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 25-068
District Docket No. IIIB-2024-0007E

In the Matter of Richard Donnell Robinson
An Attorney at Law

Decided
August 4, 2025

Certification of the Record

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Introduction

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

This matter was before us on a certification of the record filed by the District IIIB Ethics Committee (the DEC), pursuant to R. 1:20-4(f). The formal ethics complaint charged respondent with having violated RPC 1.5(b) (failing to set forth, in writing, the basis or rate of the legal fee), RPC 1.16 (d) (failing to refund the unearned portion of the fee to client upon termination of representation), and RPC 8.1(b) (two instances – failing to cooperate with disciplinary authorities).

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

Ethics History

Respondent earned admission to the New Jersey bar in 2004. At all relevant times, he maintained a practice of law in Burlington, New Jersey. He has prior discipline in New Jersey.

Robinson I

On March 21, 2023, the Court reprimanded respondent for having violated RPC 1.1(a) (two instances – committing gross neglect); RPC 1.3 (lacking diligence); RPC 1.4(a) (failing to inform a prospective client of how, when, and where the client may communicate with the attorney); RPC 1.4(c) (failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions); and RPC 8.1(b) (three instances). In re Robinson, 253 N.J. 328 (2023) (Robinson I).

In that matter, which proceeded as a consolidated default, respondent mishandled two client matters between 2015 and 2020. In the Matter of Richard Donnell Robinson, DRB 22-062 (August 23, 2022) at 4-8. He also failed to cooperate with the DEC's 2020 investigation into one of the matters and, ultimately, failed to file an answer to either formal ethics complaint. Id. at 2, 4-6, 13-14.

Robinson II

On January 23, 2024, in another default matter, the Court reprimanded respondent for having violated RPC 8.1(b) (two instances) by failing to cooperate with a DEC investigation and failing to file an answer to the formal ethics complaint. In re Robinson, 256 N.J. 328 (2024) (Robinson II).

Robinson III

On October 1, 2024, in connection with a presentment, the Court censured respondent for having violated RPC 1.3 and RPC 1.4(b). In re Robinson, 258 N.J. 489 (2024) (Robinson III).

In that matter, respondent mishandled a client matter for more than two years. In the Matter of Richard Donnell Robinson, DRB 24-011 (July 15, 2024). Specifically, respondent was retained to represent a client in connection with an expungement. The client expressly informed him that she needed the expungement as soon as possible because her criminal record was preventing her from applying for higher paying nursing jobs. Id. at 2-3. Despite his knowledge that his client needed the expungement completed promptly, he failed to file the petition for eight months. Id. at 3. He thereafter ceased all communication with his client and ignored her repeated attempts to reach him. Id. at 10. Nearly two years after she retained respondent, the client independently discovered that her record had been expunged.

In determining to impose a censure, we weighed, in aggravation, the harm respondent's conduct had caused his client. Id. at 14-15. In further aggravation, we considered respondent's heightened awareness of his obligation to cooperate with disciplinary authorities. In addition, we weighed respondent's misrepresentation to his client that he had filed the expungement petition months

earlier, despite having not done so, and his failure to appear at the ethics hearing, despite proper notice. Id. at 19.

Service of Process

Service of process was proper. On January 9, 2025, the DEC sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's office address of record.¹ According to the United States Postal Service (USPS) tracking system, as of January 28, 2025, the certified mail was not delivered, and no further delivery attempts were made. The regular mail was not returned to the DEC.

On February 19, 2025, the DEC sent a second letter, by certified and regular mail, to respondent's office address of record, informing him that, unless he filed a verified answer within five days of the date of the letter, the allegations of the complaint would be deemed admitted, the record would be certified to us for the imposition of discipline, and the complaint would be deemed amended to charge a willful violation of RPC 8.1(b). According to the USPS tracking

¹ New Jersey attorneys have an affirmative obligation to inform both the New Jersey Lawyers' Fund for Client Protection and the Office of Attorney Ethics (the OAE) of changes to their home and primary law office addresses, "either prior to such change or within thirty days thereafter." R. 1:20-1(c). Respondent's official Court records continue to reflect the office address utilized for service in this matter.

system, as of March 4, 2025, the certified mail was not delivered, and no further delivery attempts were made. Neither the certified mail receipt nor the regular mail was returned to the DEC.

As of March 3, 2025, respondent had not filed an answer to the complaint and the time within which he was required to do so had expired. Accordingly, the DEC certified this matter to us as a default.

On March 31, 2025, Chief Counsel to the Board sent a letter to respondent, by certified and regular mail, to his office address of record, with an additional copy sent by electronic mail, to his e-mail address of record, informing him that this matter was scheduled before us on May 21, 2025, and that any motion to vacate the default (MVD) must be filed by April 21, 2025. The certified mail was returned to the Office of Board Counsel (the OBC) as “return to sender” and “unable to forward.” The regular mail was not returned to the OBC.

Moreover, the OBC published a notice dated April 7, 2025 in the New Jersey Law Journal and on the New Jersey Courts website, stating that we would consider this matter on May 21, 2025. The notice informed respondent that, unless he filed a successful MVD by April 21, 2025, his prior failure to answer the complaint would remain deemed an admission of the allegations of the complaint.

On April 23, 2025, the OBC requested an update from the DEC concerning

the status of its February and March 2025 certified and regular mailings, as well as confirmation as to whether the DEC attempted to contact respondent by either e-mail or telephone.

On April 24, 2025, the DEC confirmed, in writing, that neither the certified mailing receipts nor the regular mail was returned to the DEC. The DEC also stated that it did not attempt to contact respondent via e-mail or telephone in connection with the service of the complaint. In a follow-up e-mail, dated April 25, 2025, the DEC further stated that, on May 9, 2024, the investigator had left a voicemail message for respondent in connection with the underlying investigation, but did not receive a return call.

Respondent did not file an MVD.

Facts

We now turn to the allegations of the complaint. In November 2022, Aaron Mitchell retained respondent to appeal a decision by the Willingboro Township Zoning Board. Respondent informed Mitchell that he wanted to have another lawyer, Kareem Crawford, Esq., assist with the representation. On November 13, 2022, respondent and Crawford met Mitchell at his home to review documents related to the appeal.

During the meeting, respondent requested that Mitchell immediately pay

a \$2,500 retainer and stated that he would provide a written retainer agreement when he returned home later that day. Mitchell paid the retainer amount and, later that day, respondent forwarded a receipt for the payment. However, respondent failed to provide Mitchell with a written retainer agreement.

On December 1, 2022, Mitchell sent an e-mail to respondent, with a copy to Crawford, requesting a refund of the retainer because he had not heard from respondent concerning his matter. Mitchell stated that he was growing concerned about the forty-five-day time limit for filing the appeal and he did not want to lose his opportunity to appeal due to respondent's neglect and lack of communication. Crawford replied to Mitchell seeking to schedule a meeting between Mitchell and respondent for the following week. Nevertheless, the meeting never took place.

On December 8, 2022, Mitchell sent a second e-mail to respondent, with a copy to Crawford, again requesting a refund and expressing his frustration with both the lack of communication and the uncertainty concerning which attorney was taking the lead on his matter. In a subsequent text message exchange, respondent stated that he did not realize Crawford had failed to communicate with Mitchell. Mitchell reiterated that he was concerned about the forty-five-day time limit for filing the appeal. In reply, respondent stated that he would draft the complaint the following week.

On December 16, 2022, Mitchell sent another e-mail to respondent, with a copy to Crawford, again expressing his frustration with the lack of communication. Mitchell also sent a text message to both respondent and Crawford, which they ignored.

On December 20, 2022, Crawford requested a Zoom meeting with respondent and Mitchell. During the meeting, they discussed that respondent would file the complaint with the Superior Court. At some point, Crawford informed Mitchell that, as of November 2022, respondent was under contract with the United States government to assist detainees in Guantanamo Bay, Cuba, and thus, was not available to assist with the appeal.

On January 9, 2023, Mitchell sent an e-mail to Crawford, with a copy to respondent, inquiring whether respondent filed the complaint with the court as they previously had discussed. Neither respondent nor Crawford replied to Mitchell's e-mail.

On January 11, 2023, respondent sent Mitchell a text message indicating that he was flying back to the United States.

On January 13, 2023, Mitchell sent a follow-up e-mail to Crawford, with a copy to respondent, requesting an update and, again, expressing his frustration "with the entire situation." Although Mitchell subsequently received e-mail communications from respondent and Crawford concerning his matter, he

described most of the communications as “futile.”

On January 23, 2023, Mitchell sent an e-mail to respondent and Crawford indicating that he was supposed to meet with respondent on January 11, 2023 to sign the complaint; however, respondent failed to attend the meeting. Crawford replied, stating that they were awaiting Mitchell’s written personal statement. Mitchell replied stating that neither respondent nor Crawford had mentioned the need for his personal statement. Two days later, on January 25, 2023, Mitchell provided a personal statement, via e-mail, to respondent and Crawford. The following day, Mitchell also provided updated medical letters to respondent and Crawford.

On February 14, 2023, Mitchell sent an e-mail to respondent requesting an update and stating that the psychologist from the “VA” had not heard from either respondent or Crawford concerning an updated medical letter.

On February 17, 2023, Mitchell sent another e-mail to respondent, to which Crawford replied, indicating that he would seek “a stronger worded letter from the doctor.” Mitchell responded that they were “talking in circles yet again,” and that the request should have occurred “a month ago.”

On February 27, 2023, Mitchell sent an e-mail to Crawford, with a copy to respondent, requesting a meeting to discuss any progress. On March 1, 2023, Mitchell sent a follow-up e-mail to Crawford, with a copy to respondent, again

requesting a meeting. On March 10, 2023, Mitchell sent another follow-up e-mail to Crawford, with a copy to respondent, pointing out that another week had passed without a reply.

On March 28, 2023, Mitchell sent an e-mail to respondent, with copies to Crawford and to the OAE, stating that it had been over two months since he last received any communications from either respondent or Crawford. He further stated that he believed respondent and Crawford “conspired to steal” his money and had never provided any legal services. Finally, Mitchell requested a refund from respondent. Respondent, however, both failed to reply to Mitchell’s final request for a refund and to formally terminate the representation.

On February 15, 2024, Mitchell filed an ethics grievance with the OAE and the matter was assigned to the DEC for investigation. Mitchell stated that he never intended to retain Crawford and, further, that respondent had never explained to him how Crawford would be involved in his matter. Mitchell added that neither respondent nor Crawford had filed a complaint on his behalf. Moreover, they consistently had ignored his communications.² Mitchell also

² Respondent failed to file the complaint on Mitchell’s behalf and failed to reply to any communications sent after January 31, 2023. Although that conduct could constitute violations of RPC 1.1(a) (engaging in gross neglect); RPC 1.3 (lacking diligence); and RPC 1.4(b) (failing to communicate with a client), the DEC did not charge respondent with having violated these Rules. We, nevertheless, can consider uncharged misconduct in aggravation. See In re Steiert, 201 N.J. 119 (2014) (evidence of unethical conduct contained in the record can be considered in aggravation, even though such unethical conduct was not charged in the formal ethics complaint).

stated that respondent failed to issue a refund of the retainer fee, and that he had to expend additional funds to retain new counsel to handle his appeal of the adverse zoning decision.

On March 26, 2024, the DEC investigator sent a letter, by certified and regular mail, to respondent's office address of record, directing him to provide a written reply to the grievance. The certified mail receipt was returned to the DEC, signed by "Pat Brown" and indicating delivery on April 2, 2024. The regular mail was not returned to the DEC. Respondent failed to submit a reply to the grievance.

On April 11, 2024, the DEC sent a second letter, by certified and regular mail, to respondent's office address of record, directing him to submit a written reply to the grievance. The certified mail receipt was returned to the DEC, again signed by "Pat Brown" and indicating delivery on April 16, 2024. The regular mail was not returned to the DEC. Respondent failed to reply.

On May 9, 2024, the DEC sent a third letter, by certified and regular mail, to respondent's office address of record, again directing him to submit a written reply to the grievance. The certified mail receipt was returned to the DEC, signed by "Sergio" and indicating delivery on May 13, 2024. The regular mail was not returned to the DEC. Respondent failed to submit a reply to the grievance.

On July 2, 2024, the DEC sent a fourth letter to respondent, by certified and regular mail, requesting his reply to the grievance.³ The regular mail was not returned to the DEC. Respondent failed to submit a reply to the grievance.

Based on the foregoing facts, the DEC charged respondent with having violated RPC 1.5(b) by failing to communicate, in writing, the basis or rate of his fee, RPC 1.16(d) by failing to protect his client's interests upon termination of the representation or to return the unearned portion of the retainer, and RPC 8.1(b) by failing to cooperate with its investigation. Further, based on respondent's failure to answer the formal ethics complaint, the DEC amended the complaint to charge him with having committed a second violation of RPC 8.1(b).

Analysis and Discipline

Violations of the Rules of Professional Conduct

Following a review of the record, we find that the facts set forth in the formal ethics complaint support all the charges of unethical conduct. Respondent's failure to file an answer to the complaint is deemed an admission that the allegations are true and that they provide sufficient basis for the imposition of discipline. R. 1:20-4(f)(1).

³ The record does not reflect whether the July 2, 2024 certified mail was delivered.

Specifically, if an attorney has not regularly represented a client, RPC 1.5(b) requires that the attorney communicate to the client, in writing, the basis or rate of the fee before the representation begins, or within a reasonable time after the representation has commenced. Respondent violated this Rule by failing to provide Mitchell with a written fee agreement memorializing the representation.

Relatedly, RPC 1.16(d) required respondent to take steps to protect Mitchell's interests upon termination of the representation, including refunding any unearned fees. Here, respondent violated this Rule by his ongoing refusal to refund his unearned fee to Mitchell, despite Mitchell's repeated requests that he do so.

Next, RPC 8.1(b) requires an attorney to "respond to a lawful demand for information from . . . [a] disciplinary authority." Respondent violated this Rule in two respects. First, between March 26, 2024 and January 8, 2025 (the date of the formal ethics complaint), he failed to cooperate with the DEC's investigation by altogether ignoring DEC's request failing to submit a written response to the grievance, despite the DEC's repeated efforts to secure his cooperation. He violated RPC 8.1(b) a second time by failing to file an answer to the formal ethics complaint, despite proper notice, allowing this matter to proceed as a default.

In sum, we find that respondent violated RPC 1.5(b), RPC 1.16(d), and RPC 8.1(b) (two instances). The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

Quantum of Discipline

Conduct involving the failure to memorialize the basis or rate of a fee, as RPC 1.5(b) requires, typically results in an admonition, even if accompanied by other, non-serious ethics offenses. See In the Matter of John J. Pisano, DRB 21-217 (January 24, 2022) (the attorney failed to set forth, in writing, the basis or rate of the legal fee; the attorney also concurrently represented a driver and a passenger in an automobile accident matter, prior to when liability had been established, in violation of RPC 1.7), and In the Matter of Robert E. Kingsbury, DRB 21-152 (Oct. 22, 2021) (admonition for an attorney who failed to set forth, in writing, the basis of his \$1,500 legal fee; the attorney also mishandled the client's matter for almost three years before the client retained substitute counsel to complete her matter; in mitigation, the attorney completely refunded the client, who suffered no ultimate financial harm; no prior discipline).

Similarly, attorneys who violate RPC 1.16(d), even when accompanied by other, non-serious ethics infractions, receive admonitions. See In the Matter of Karim K. Arzadi, DRB 23-169 (October 26, 2023) (admonition for an attorney

whose representation was terminated by the client and, thereafter, failed to file either a substitution of counsel or a motion to be relieved as counsel; during the next several months, while the attorney remained counsel of record, the client, who wished to proceed pro se, was unable to pursue settlement negotiations with the opposing party, and the client's lawsuit ultimately was dismissed for failure to prosecute; violations of RPC 1.16(a)(3) (failing to withdraw from the representation despite being discharged by the client) and RPC 1.16(d)), and In the Matter of Gary S. Lewis, DRB 21-247 (February 18, 2022) (admonition for an attorney who failed to notify his clients of the sale of his law practice to another attorney, thereby depriving his clients of the opportunity to retain other counsel and to retrieve their property and files; violations of RPC 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6) and RPC 1.17(c) (improperly selling a law practice); among other mitigating factors, we weighed that the attorney's sale of his law practice may have resulted from his spouse's emergent medical situation, he cooperated with disciplinary authorities by stipulating to the facts underlying his misconduct, and, in forty-six years at the bar, he had only one prior admonition, twelve years earlier, for unrelated misconduct).

Moreover, when an attorney fails to cooperate with disciplinary authorities and previously has been disciplined, reprimands or censures have

been imposed. See In re Howard, 244 N.J. 411 (2020) (reprimand for an attorney who altogether failed to respond to the DEC's four requests for a written reply to an ethics grievance; additionally, during a two-year period, the attorney grossly neglected his client's appeal of an adverse social security administration determination; the attorney also failed to communicate with his client and failed to promptly refund an unearned portion of his fee until the client was forced to seek redress through fee arbitration; however, the record contained insufficient information for us to determine the extent to which the client may have been harmed by the attorney's conduct; the attorney received a prior 2017 censure for similar misconduct in which he had also failed to cooperate with disciplinary authorities; in mitigation, the attorney stipulated to some of his misconduct), and In re Nussey, ___ N.J. ___ (2023), 2023 N.J. LEXIS 149 (censure for an attorney who altogether ignored the DEC's October 2018 request for a reply to the ethics grievance; although the attorney eventually filed an answer to the formal ethics complaint, in August 2019, that answer came ten months after the DEC's initial request that he reply to the grievance; the attorney also failed to produce a copy of his client's file as directed until January 2020; moreover, the attorney repeatedly failed to provide his client with a single invoice in a divorce matter, despite her dogged requests that he do so during an eighteen-month period; in aggravation, this matter represented the attorney's third disciplinary

proceeding in less than four years; we also found that the attorney had a heightened awareness of his obligations to adhere to the RPCs considering the timing of his prior 2020 reprimand).

Based on the foregoing disciplinary precedent, we conclude that the baseline discipline for respondent's misconduct is at least a reprimand. To craft the appropriate discipline in this case, however, we also consider mitigating and aggravating factors.

There is no mitigation to consider.

There are, however, numerous aggravating factors. First, respondent's inaction caused a delay in the filing of his client's appeal and, further, his failure to refund the retainer forced the client to expend additional funds to retain new counsel. It is well-settled that harm to the client constitutes an aggravating factor. In the Matter of Brian Le Bon Calpin, DRB 13-152 (Oct. 23, 2013), so ordered, 217 N.J. 617 (2014).

Next, respondent failed to file an answer to the formal ethics complaint, allowing this matter to proceed as a default. See In re Kivler, 193 N.J. 332, 342 (2008) ("a respondent's default or failure to cooperate with the investigative authorities acts as an aggravating factor, which is sufficient to permit a penalty that would otherwise be appropriate to be further enhanced").

In further aggravation, respondent failed to file the complaint on Mitchell's behalf and failed to reply to any Mitchell's communications sent after January 31, 2023. Although the DEC did not charge respondent with having violated RPC 1.1(a), RPC 1.3, and RPC 1.4(b) in connection with this misconduct, we consider the uncharged misconduct in aggravation. Steiert, 201 N.J. 119.

Also in aggravation, we accord significant weight to respondent's expanding disciplinary history. Specifically, this matter represents respondent's fourth default before us in less than three years. The Court has signaled an inclination toward progressive discipline and stern treatment of repeat offenders. In such scenarios, enhanced discipline is appropriate. See In re Kantor, 180 N.J. 226 (2004) (disbarment for abandonment of clients and repeated failure to cooperate with the disciplinary system).

To that end, a review of respondent's disciplinary timeline is appropriate, considering the overlap in the timing and the nature of the misconduct.

In March 2023, the Court reprimanded respondent, in Robinson I, for his violation of RPC 1.1(a); RPC 1.3; RPC 1.4(a); RPC 1.4(c), and RPC 8.1(b), following his mishandling of two client matters between 2015 and 2020, his failure to cooperate with the DEC's 2020 investigation into one of the matters and, ultimately, his failure to file an answer to either formal ethics complaint.

Less than one year later, in January 2024, the Court reprimanded respondent, in Robinson II, for his violation of RPC 8.1(b) (two instances), following his failure to cooperate with the DEC's 2022 investigation, his mishandling of another client matter between 2020 and 2021, and his failure to file an answer to the formal ethics complaint.

Ten months later, in October 2024, the Court censured respondent, in Robinson III, for his violation of RPC 1.3 and RPC 1.4(b), following his mishandling of a fourth client matter between May 2020 and May 2022.

The discipline imposed in both Robinson I and Robinson II pre-dated the DEC's initial contact letter in the instant matter, yet respondent ignored the four separate requests from the DEC for his written reply to Mitchell's grievance. Even the filing of the formal ethics complaint in the instant matter failed to secure respondent's compliance. Considering the timeline of his repeated involvement with the disciplinary system, respondent clearly had a heightened awareness of his obligation under the Rules of Professional Conduct to cooperate with the disciplinary authorities attempting to address his conduct in the instant matter.

Despite his prior experiences with the disciplinary process, respondent failed to reform his conduct in any attempt to avoid additional disciplinary actions. In our view, it is unmistakable that respondent believes his conduct need

not conform with RPC 8.1(b). See In re Brown, 248 N.J. 476 (2021) (we observed that the attorney’s obstinate refusal to participate, in any way, in the disciplinary process across five client matters was “the clearest of indications that she has no desire to practice law in New Jersey;” we recommended the attorney’s disbarment based, in part, on her utter lack of regard for the disciplinary system with which she was duty-bound to cooperate but rebuffed at every turn).

When considering the harm to the client, the additional uncharged misconduct, and respondent’s failure to cooperate during the DEC’s investigation despite his heightened awareness of his obligation to do so, we conclude that an enhancement from a reprimand to a censure is warranted. When further considering that this is the fourth time in three years that respondent has failed to answer a formal ethics complaint, we determine that further enhancement of the discipline is warranted. See Kivler, 193 N.J. 332.

Conclusion

On balance, we determine that the numerous aggravating factors warrant significantly enhanced discipline and, thus, conclude that a three-month suspension is the appropriate quantum of discipline necessary to protect the public and preserve confidence in the bar.

Member Campelo was absent.

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

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

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

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Richard Donnell Robinson
Docket No. DRB 25-068

Decided: August 4, 2025

Disposition: Three-Month Suspension

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

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