

SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
Docket No. DRB 25-055  
District Docket No. XII-2024-0004E

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In the Matter of Gregory Roseto  
An Attorney at Law

Decided  
August 5, 2025

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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 XII Ethics Committee (the DEC), pursuant to R. 1:20-4(f). The formal ethics complaint charged respondent with having violated RPC 1.1(a) (engaging in gross neglect); RPC 1.3 (lacking diligence); RPC 1.4(b) (failing to keep a client reasonably informed about the status of a matter and to comply with reasonable requests for information); RPC 1.5(a) (charging an unreasonable fee); and RPC 8.1(b) (two instances – failing to cooperate with disciplinary authorities).

On April 21, 2025, respondent filed a motion to vacate the default (MVD), which we denied on May 22, 2025. For the reasons set forth below, we determine that a reprimand is the appropriate quantum of discipline for respondent's misconduct.

## **Ethics History**

Respondent earned admission to the New Jersey bar in 2015. He has no prior discipline in New Jersey. During the relevant times, he practiced law at a firm in New York, New York.<sup>1</sup>

## **Service of Process**

Service of process was proper. On December 18, 2024, the DEC sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's home address of record. According to the United States Postal Service (USPS) tracking system, on December 26, 2024, the certified mail was delivered to an individual at respondent's home address. The certified mail receipt was returned to the DEC, however, the signature is illegible. The regular mail was not returned to the DEC.

On January 22, 2025, the DEC sent a second letter, by certified and regular mail, to respondent's home address of record. The letter informed respondent 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

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<sup>1</sup> Respondent is not licensed to practice law in New York. Based on publicly accessible records, the address of respondent's purported law practice is that of an unrelated law firm where he is identified as a Senior Attorney. According to the Court's CAMS attorney database, respondent's home address of record is in New York, and he lists no office address.

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 system, the certified mail was delayed due to a regional weather event. Neither the certified mail receipt nor the regular mail was returned to the DEC.

As of February 24, 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 home 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 MVD must be filed by April 21, 2025. According to the USPS tracking system, the certified mail was delivered to an individual at respondent's address on April 3, 2025. On March 31, 2025, respondent sent an e-mail to the Office of Board Counsel (the OBC), acknowledging receipt of the scheduling letter. 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 21, 2025, respondent submitted an MVD for our consideration, consisting of a two-page letter setting forth his reasoning for his failure to answer the ethics complaint and his defense to the charges of misconduct. As noted above, on May 22, 2025, following our review of the MVD, we issued a letter denying that motion.

## **Facts**

We now turn to the allegations of the complaint. In 2011, Chaim Ben-Porat (C.B.), a United States citizen, filed a Petition for Alien Relative, Form I-130, on behalf of his brother, Joseph Ben-Porat (J.B.).<sup>2</sup> Thereafter, J.B. traveled to the U.S. on a student visa and later changed his status to a tourist visa, which expired in December 2015. J.B. failed to depart the country following the expiration of his tourist visa and, thus, was inadmissible under federal immigration laws.

Pursuant to the Immigration and Nationality Act § 212(a)(9)(B)(v), certain

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<sup>2</sup> Because the brothers share a last name, we refer to them by their initials. No disrespect is intended by the informality.

individuals, who are otherwise inadmissible due to unlawful presence, may be admitted to the U.S. through a Waiver of Grounds of Inadmissibility, Form I-601 (I-601), if (1) they are the spouse or child of a U.S. citizen or lawful permanent resident, and (2) denying them admission would cause extreme hardship to the U.S. citizen or lawful permanent resident.

In 2022, C.B. retained respondent in connection with J.B.'s I-601 waiver application. The retainer agreement reflected a retainer amount of \$6,500 for representation in "immigration matters."<sup>3</sup> Between March 22 and October 9, 2022, C.B. paid respondent a total of \$8,075. Respondent, however, failed to inform C.B. that J.B. did not qualify for an I-601 waiver because he was neither a spouse nor a child of a U.S. citizen or lawful permanent resident.

At some point, C.B. contacted both respondent and his paralegal to obtain proof of the I-601 filing. However, respondent failed to provide a receipt or alien number for J.B.'s case. Subsequently, respondent sent C.B. a cover letter, a legal brief, and a completed I-601 application, which he purportedly had filed with the U.S. Citizenship and Immigration Services (USCIS) on J.B.'s behalf.

In or around August 2023, C.B. filed an ethics grievance against respondent in New York. However, New York dismissed that matter because,

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<sup>3</sup> The address reflected on respondent's retainer agreement was in New York, where he was not licensed to practice law.

despite respondent having listed his office address in New York, his office was, in fact, in New Jersey.

In or around November 2023, C.B. filed a complaint with the USCIS, alleging that respondent violated the Professional Conduct for Practitioners – Rules and Procedures, pursuant to 8 C.F.R. § 292.3. The USCIS disciplinary counsel conducted a preliminary inquiry into respondent’s handling of J.B.’s matter.

In December 2023, respondent contacted USCIS, requesting an extension of time, until January 2024, to reply to the grievance, which the USCIS granted. Respondent, however, failed to provide a reply.

On February 6, 2024, the USCIS issued a warning letter to respondent, stating that his conduct in connection with his representation of J.B. reflected a “disregard for certain ethical standards.” The USCIS found that the I-601 he had prepared on behalf of J.B. included numerous errors. Specifically, the form (1) reflected incorrect addresses for both J.B. and C.B.; (2) indicated that J.B. was applying for an adjustment of status, when no such application was filed on his behalf; (3) indicated that J.B. was filing under Temporary Protected Status (TPS), when he was not an applicant for TPS; and (4) was not signed by respondent.

In addition, the I-601 waiver required that the applicant detail the extreme



hardship to the U.S. citizen or lawful permanent resident that would result if the applicant were refused admission. Respondent's accompanying legal brief included a discussion of the extreme hardship to "Mrs. Miller (U.S. Citizen Spouse)," despite J.B. not having a U.S. citizen spouse named Mrs. Miller. The brief further focused on J.B.'s health conditions, stating that it would be an extreme hardship for him if he were forced to leave the country.

The USCIS also determined that respondent never filed the I-601 waiver application on J.B.'s behalf.

Finally, the USCIS found that respondent violated various rules applicable to practice before it, including charging a "grossly excessive" fee by accepting C.B.'s fee for work respondent failed to perform; providing "incompetent" representation by failing to properly assess the case or recognize that J.B. was not entitled to a waiver of inadmissibility; preparing an I-601 application replete with many factual and legal errors; lacking "reasonable diligence" by failing to research and apply the appropriate immigration laws to J.B.'s case; failing to file the application with the USCIS; and engaging in conduct "prejudicial to the administration of justice" by failing to properly assess J.B.'s case, which interfered with his pursuit of a lawful immigration status.

On January 29, 2024, C.B. filed an ethics grievance against respondent with the Office of Attorney Ethics, and the matter was assigned to the DEC for investigation.

On April 3, 2024, the DEC investigator sent a letter to respondent, by certified and regular mail, requesting that he reply to the grievance. On April 17, 2024, respondent sought an extension of time to provide his reply, which the DEC granted. Respondent, however, failed to reply by the new deadline.

On May 25, 2024, the DEC sent a second letter, via electronic mail, setting June 7, 2024 as the deadline to provide his reply to the grievance. The letter informed respondent that failure to cooperate with the ethics investigation would expose him to an additional violation of RPC 8.1(b). Respondent, again, failed to provide his reply by the deadline.

Based on the foregoing facts, the DEC charged respondent with having violated: RPC 1.1(a) by failing to accurately prepare the I-601 application or to recognize that J.B. was ineligible to apply for the waiver; RPC 1.3 by failing to research or to apply the appropriate immigration laws and failing to file the I-601 application; RPC 1.4(b) by failing to keep C.B. informed or to reply to his inquiries; RPC 1.5(a) by charging an unreasonable fee given his failure to perform the work for which he was retained; and RPC 8.1(b) by failing to cooperate with its disciplinary 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).

### **Motion to Vacate the Default**

As previously mentioned, on April 21, 2025, respondent filed a timely MVD. In support of his motion, respondent acknowledged that he was “given an opportunity to answer” the allegations against him and “it was [his] intention to submit a response, but [he] wanted an opportunity to submit and collect” the evidence to support his position. He added that he had assumed he would be “receiving some sort of hearing or further protocol after not filing an original answer” with the DEC investigator. He asserted that he did not receive any certified mail, he did not “sign anything,” “nothing was hand-delivered to [him] in this matter,” and he was not given “any notice of any mail or certified mail for any hearings or to submit anything further.”<sup>4</sup> Importantly, respondent did not deny having received the initial correspondence from the DEC investigator concerning the ethics grievance.

Respondent, in defense of his actions, merely stated that he intended to pursue the immigration matter underlying this matter with the goal of obtaining

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<sup>4</sup> The address listed on respondent’s MVD was the home address listed in the Court’s attorney database, which was used for all correspondence throughout the DEC’s investigation and in connection with the service of the formal ethics complaint.

legal status for his client, and that he had completed the immigration paperwork to the “best of his knowledge” and with the information given to him.

In its April 25, 2025 opposition to the MVD, the DEC argued that respondent had failed to provide a viable explanation for his failure to file an answer to the complaint and, further, failed to provide a meritorious defense to the allegations. The DEC emphasized that respondent had admitted, in his MVD, having reviewed the allegations of the complaint but, rather than filing an answer, had focused on collecting evidence. The DEC also noted that respondent admitted to knowing his answer was overdue yet failed to contact the DEC to request an extension of time, explain any issues he was experiencing, or inquire as to his responsibilities.

To succeed on an MVD, a respondent must (1) offer a reasonable explanation for the failure to answer the ethics complaint, and (2) assert a meritorious defense to all the underlying charges. In this matter, we determined that respondent failed to satisfy either prong.

Regarding the first prong, respondent failed to offer a reasonable explanation for his failure to file an answer to the formal ethics complaint. Importantly, respondent does not deny having received the initial correspondence from the DEC investigator concerning the ethics grievance. Indeed, respondent acknowledged that he was “given an opportunity to answer”

the claims against him and “it was [his] intention to submit a response, but [he] wanted an opportunity to submit and collect” the evidence to support his position. He added that he had assumed that he would be “receiving some sort of hearing or further protocol after not filing an original answer” to the DEC investigator. He asserted that he did not receive any certified mail, he did not “sign anything,” “nothing was hand-delivered to [him] in this matter,” and he was not given “any notice of any mail or certified mail for any hearings or to submit anything further.” Because respondent failed to offer any reasonable explanation for his failure to file an answer, he failed the first prong of the analysis.

Regarding the second prong, respondent merely stated that he had intended to pursue the immigration matter underlying this case with the goal of obtaining legal status for his client, and that he had completed the immigration paperwork to the “best of his knowledge” and with the information given to him. Thus, we concluded that respondent failed to assert a meritorious defense to the allegations set forth in the complaint and, consequently, failed to satisfy prong two.

Based on respondent’s failure to satisfy the required elements to vacate the default, we determined to deny his MVD.

## **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 but one of the charges of unethical conduct by clear and convincing evidence. Respondent's failure to file an answer to the formal ethics complaint is deemed an admission that the allegations are true and that they provide a sufficient basis for the imposition of discipline. R. 1:20-4(f)(1).

Notwithstanding that Rule, however, each charge in the complaint must be supported by evidence sufficient to enable us to determine that unethical conduct has occurred. See In re Pena, 164 N.J. 222, 224 (2000) (the Court's "obligation in an attorney disciplinary proceeding is to conduct an independent review of the record, R. 1:20-16(c), and determine whether the [ethics] violations found by the [Board] have been established by clear and convincing evidence"); see also R. 1:20-4(b) (entitled "Contents of Complaint" and requiring, among other notice pleading requirements, that a complaint "shall set forth sufficient facts to constitute fair notice of the nature of the alleged unethical conduct").

Specifically, RPC 1.1(a) forbids lawyers from handling matters entrusted to them in a manner that constitutes gross neglect. This Rule was designed to

address “deviations from professional standards which are so far below the common understanding of those standards as to leave no question of inadequacy.” In the Matter of Dorothy L. Wright, DRB 22-100 (November 7, 2022) at 17, so ordered, 254 N.J. 118 (2023). Further, RPC 1.3 requires lawyers to act with reasonable diligence and promptness in representing clients. Here, respondent failed to properly research and apply the appropriate immigration laws to J.B.’s case or to recognize, as a threshold consideration, that he was not eligible for a waiver of inadmissibility. Moreover, respondent prepared an I-601 application replete with factual and legal errors and failed to file it with the USCIS. Respondent, thus, violated both Rules.

Next, the record supports the finding that respondent violated RPC 1.4(b), which requires attorneys to keep their clients “reasonably informed about the status of a matter and promptly comply with reasonable requests for information.” Although respondent initially failed to reply to C.B.’s requests for information, eventually he did provide C.B. with a copy of the purported I-601 application prepared on J.B.’s behalf. However, he failed to inform C.B that he never filed the application with the USCIS and, thus, violated this Rule.

In addition, 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 April 2024 and December 17,

2024 (the date of the formal ethics complaint), he failed to cooperate with the DEC's investigation by failing to submit a written response to the grievance, despite having been granted at least one extension to do so. 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.

We determine to dismiss, however, the charged violation of RPC 1.5(a), which prohibits an attorney from charging an unreasonable fee and contains eight factors that aid in establishing the reasonableness of an attorney's fee. The record before us contains no analysis of the reasonableness of respondent's fee against those eight factors. See In the Matters of Christopher Michael Manganello, DRB 20-199 and 20-235 (April 6, 2021) (dismissing the RPC 1.5(a) charge because the formal ethics complaint did not analyze the attorney's fees under the eight factors of RPC 1.5(a) and, thus, we could not determine that, had the attorney performed the work for which he had been retained, the fee charged would have been unreasonable).

Additionally, although respondent grossly mishandled his representation of J.B., the fact that he may not have earned his legal fees does not, in itself, render the fees unreasonable. See In the Matter of Thomas J. Whitney, DRB 19-296 (May 12, 2020) (we dismissed the RPC 1.5(a) charge because, although the attorney did little to no work in connection with the client matters at issue, "the



fact that he may not have earned his fee [did] not render his fee unreasonable;” we also observed that his failure to return unearned fees was captured by his violation of RPC 1.16(d)). Therefore, we cannot determine, on this limited record before us, that, had respondent performed the work for which he had been retained, the fee charged would have been unreasonable. Accordingly, we respectfully part company with the DEC and determine to dismiss the RPC 1.5(a) charge.

In sum, we find that respondent violated RPC 1.1(a); RPC 1.3; RPC 1.4(b); and RPC 8.1(b) (two instances). We determine to dismiss, for lack of clear and convincing evidence, the charged violation of RPC 1.5(a). The sole issue left for our determination is the appropriate quantum of discipline for respondent’s misconduct.

### Quantum of Discipline

Generally, in default matters, where the attorney has no disciplinary history, a reprimand is imposed for lack of diligence, failure to communicate with clients, and failure to cooperate with disciplinary authorities, even if such conduct is accompanied by similar ethics infractions. See In re Robinson, 253 N.J. 328 (2023) (reprimand for an attorney who failed to appear at scheduled hearings in connection with two client matters; in one client matter, the attorney

also failed to file an appeal for which he specifically had been retained; in the second client matter, the attorney failed to file required documents in a bankruptcy matter and failed to explain to the client the alternatives of pleading guilty in connection with her separate municipal court matter; the attorney also failed to file a reply to the first client's grievance and allowed both matters to proceed as a default; no disciplinary history), and In re Vena, 227 N.J. 390 (2017) (reprimand for the attorney who failed to communicate with a client, explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, and cooperate with disciplinary authorities; the attorney also violated RPC 1.16(a) (failing to withdraw from representation on discharge by a client), RPC 3.3(a) (making a false statement of material fact or law to a tribunal), and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); no disciplinary history).

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

In aggravation, respondent failed to file an answer to the formal ethics complaint and allowed this matter to proceed as a default. Ordinarily, this

aggravating factor would result in an enhancement of the baseline discipline. 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.”). However, respondent’s default was considered in setting the baseline discipline at a reprimand and, therefore, we do not further enhance the quantum based on Kivler.

In mitigation, respondent has no prior discipline in his ten years at the bar. In our view, however, this single mitigating factor is not sufficiently compelling to warrant a downward departure from the baseline discipline of a reprimand.

### **Conclusion**

On balance, consistent with disciplinary precedent, we determine that a reprimand 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 Gregory Roseto  
Docket No. DRB 25-055

Decided: August 5, 2025

Disposition: Reprimand

<i><b>Members</b></i>	Reprimand	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