SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 25-059
District Docket No. XIV-2022-0286E

In the Matter of Michael E. Adler
An Attorney at Law

Argued
May 21, 2025

Decided
August 18, 2025

Oluwakolapo O. Sapara appeared on behalf of the
Office of Attorney Ethics.

Respondent appeared pro se.

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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 motion for reciprocal discipline filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-14(a), following the Supreme Court of Pennsylvania's issuance of a January 23, 2024 order suspending respondent for one year and one day.

The OAE asserted that, in the Pennsylvania matter, respondent was determined to have violated the equivalents of New Jersey RPC 1.1(a) (committing gross neglect); RPC 1.2(a) (two instances – failing to abide by the client's decisions concerning the scope and objectives of the representation); RPC 1.3 (three instances – lacking diligence); RPC 1.4(b) (three instances – failing to keep a client reasonably informed about the status of a matter and to comply with reasonable requests for information); RPC 1.4(c) (three instances – failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation); RPC 1.16(a)(3) (failing to withdraw from the representation despite being discharged by the client); RPC 1.16(d) (two instances – failing to refund the unearned portion of the fee to client upon termination of the representation); RPC 3.2 (failing to expedite litigation); RPC 3.3(a)(1) (making a false statement of material fact to

a tribunal); RPC 4.1(a)(1) (knowingly making a false statement of material fact or law to a third person); RPC 4.2 (engaging in improper communication with a person represented by counsel); and RPC 8.4(c) (two instances – engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

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

Ethics History

Respondent earned admission to the New Jersey and Pennsylvania bars in 1998. He has no prior discipline in New Jersey. During the relevant times, he maintained a practice of law in Pennsylvania.

Facts

Respondent's misconduct arises from his mishandling of five client matters. We separately address each below.

The Davis Matter

Respondent represented clients Josh Silverbauer and Rachel Silverstein in a dispute against J.M. Smucker Company (Smucker's) relating to the April 2020

death of their cat, Hook. Grievant Brian T. Davis, Esq., represented Smucker's in the matter. In August 2020, prior to the commencement of litigation, the parties entered into a confidential settlement agreement.

On July 8, 2020, prior to the settlement, respondent sent Smucker's a demand letter, by e-mail, alleging that Hook had died due to eating the company's Natural Balance cat food, demanding that Smucker's compensate his clients for Hook's death, and threatening to file a lawsuit. His e-mail included a link to the company's July 3, 2020 announcement, posted on the U.S. Food and Drug Administration (FDA) website, that it voluntarily had recalled "one lot of Natural Balance® Ultra Premium Chicken & Liver Pate Formula due to health concerns likely associated with elevated levels of choline chloride" (the Recall Notice).[1] In his message, he correctly quoted the portion of the Recall Notice that identified potentially elevated levels of choline chloride as the basis for the recall.

However, according to Davis, "there were times where [respondent] misstated the name of the chemical at issue" as "chlorine." Specifically, during the Pennsylvania disciplinary proceedings, Davis testified that, in response, "I

[1] See "J. M. Smucker Company Issues Voluntary Recall of One Lot of Natural Balance® Ultra Premium Chicken & Liver Paté Formula Canned Cat Food," www.fda.gov/safety/recalls-market-withdrawals-safety-alerts/j-m-smucker-company-issues-voluntary-recall-one-lot-natural-balancer-ultra-premium-chicken-liver (last visited August 5, 2025).

corrected him multiple times. I made it very clear to him that chlorine had nothing whatsoever to do with the case he was handling on behalf of his client" and that he was "clear on multiple occasions with [respondent] when he misstated the chemical at play that chlorine . . . was not associated in any way with the recall."

On August 15, 2020, after the parties reached an impasse in negotiating a settlement, respondent sent Davis an e-mail stating that he had assumed Davis was no longer interested in negotiating (as Davis had not responded to his counteroffer), criticized Smucker's approach to his clients' claim, and asked whether Smucker's board of directors was aware of the "coverup." On the same date, Davis sent respondent a reply e-mail, stating (among other things) that "[i]t seems from your email that you have grossly misstated our conversation and the facts of the case to your clients . . . The fact that you keep referring to 'chlorine' . . . leads me to believe that you have a complete lack of understanding of the facts of this case."[2]

On August 16, 2020, respondent sent Davis a letter, by e-mail, copying – without Davis's prior knowledge or authorization – nine members of Smucker's senior leadership and board of directors. Therein, he wrote to Davis, "[y]our denials and cover-up of the cat poisoning and the death of Hook and all of our

[2] The August 15, 2020 e-mail messages are not in the record before us.

supporting documentation has now been reported to the FDA." He went on to allege, among other things, that Smucker's and its legal department "refuse[] to be honest and do the right thing" and that "no one at your company cares that you have poisoned cats and can't even tell us where the product went in the distribution channel."

Also on August 16, 2020, respondent posted the following statement on his LinkedIn account – "Major recall, denials and cover-up by The J.M. Smucker Company and its subsidiary that produces Natural Balance Pet Foods Inc. #JusticeForHook #CatLaw – chlorine in cat food? FDA" – and shared the Recall Notice. Further, he commented under his post that he was representing a family whose cat had died, they were being "stonewalled" by counsel for Smucker's, and that Smucker's legal department "literally told me they would rather hire an army of lawyers for a courtroom than admit they did something negligent that killed pets."

On the same date, on his Twitter (now X) account, respondent posted the following statement – "Major recall of #clorine in cat food and coverup, denials by @smuckers @NaturalBalance @US_FDA #JusticeForHook #CatLaw" – and shared the Recall Notice. Later that day, he tweeted that he was representing at least one family whose cat had been poisoned and died, the Smucker's lawyers

were stonewalling them, and "Profits come first at #Smuckers #JusticeForHook."

At the disciplinary hearing, Davis testified that "choline chloride is a nutritional supplement that appears in almost all cat food." Asked whether choline chloride contains chlorine, he replied, in part:

> No. Choline chloride is a large molecule that has a chlorine ion attached to it, but it is what we refer to as a salt. So choline chloride is no more chlorine than table salt is. Table salt is sodium chloride, which is simply a sodium atom attached to a chlorine atom. This is similar.
>
> Choline is a chain molecule containing carbon, hydrogen, nitrogen, and oxygen atoms. They're adjoined to a negatively charged chlorine ion. So any molecule with a structure like that is considered a salt.
>
> [OAE0123a.][3]

Davis testified that, in his view, respondent's references to chlorine in the social media posts were "meant to make the . . . alleged negligence of the J.M. Smucker Company seem more egregious than it was . . . It misleads the public as to what the link down below actually says, which directly contradicts his tweet." He also contested respondent's statement that he had been "stonewalled," stating, in his view, "[t]he fact that I disagreed with his

[3] "OAE" refers to the Bates stamp page of the exhibits appended to the OAE's brief in support of its motion for reciprocal discipline.

assessment of the case and challenged him on both the factual . . . and the legal basis of his claims is not stonewalling." Davis also disputed respondent's description of the cat food recall as a "major recall," whereas it involved only one lot of the food, which Davis described as "a very, very small recall." Moreover, he stated that no one in Smucker's legal department "literally told him that we would hire an army of lawyers."

As for respondent's direct communications with Smucker's leadership, Davis testified that he was concerned that respondent's letter contained statements that he regarded as dishonest and that, having no other knowledge of the case, the company's leaders would be disturbed by these statements. Further, he "viewed this as a tactic . . . designed to shake my client's trust in my competency and my behavior," after respondent had been "unsuccessful in negotiating the amount he wanted with me." Due to respondent's communication, at the quarterly board of directors' meeting (coincidentally scheduled for the following day), general counsel for Smucker's sought to allay any concerns raised by respondent's e-mail.

For his part, respondent testified that, when he first pursued his client's dispute against Smucker's, he and his client "were using the word 'chlorine,' but we subsequently learned from Mr. Davis that it was something called choline chloride." He acknowledged that, in his August 16, 2020 social media posts, he

made a misstatement when he referred to "'chlorine,' which I understood was the same as 'chloride,'" but he denied that he did so intentionally; rather, at the time, "that was my understanding of why Hook died, was chlorine, and I learned the next day." To the best of his recollection, Davis first explained to him the difference between chlorine and choline chloride on August 17, 2020. Asked about the August 15, 2020 e-mail exchange with Davis, in which Davis wrote (among other things) that "[t]he fact that you keep referring to 'chlorine' . . . leads me to believe that you have a complete lack of understanding of the facts of this case," respondent testified, "I'm not reading this sentence to say that he explained anything to me" and reiterated that he did not recall discussing the difference with Davis before making his social media posts.

Respondent testified that ultimately he "completely retracted" his LinkedIn and Twitter/X posts but that "I still stand by the facts" in these posts. He stated that he had retracted them because he "didn't think it was appropriate to litigate this in social media at the time" and sought to pursue settlement.

Respondent acknowledged that, by copying his August 16, 2020 letter to Smucker's board and senior leadership, he violated Pa. RPC 4.2. He further testified that, when he and Davis spoke the next day, he apologized for sending the letter, and "immediately took corrective action" by retracting the letter. He stated that he "[n]ever did it again" and that it was "a one time . . . frustration,"

sent "to make sure also that the board knew what was going on." Moreover, he sent it after his clients received a purportedly "de minimis" settlement offer. At the time, he and his clients perceived this as "a life, safety and health issue," with cats across the United States still eating the hazardous food.

The Hunt Matter

Relevant to the Hunt matter and the next two client matters (Pirolli and Siegelman), starting in 2013, respondent practiced law out of his home. Prior to the COVID-19 pandemic, he met with clients at various community workspaces in Philadelphia; however, starting in March 2020, he worked exclusively from home.

On September 12, 2020, grievant Sharon Hunt retained respondent "to prepare a mortgage and promissory note with regard to a home her daughter was purchasing, as well as [to] amend [her] will and trust agreement." Hunt paid respondent a $1,750 retainer toward the representation.

In October 2020, respondent completed work on the mortgage agreement and promissory note. Thereafter, Hunt sent him an e-mail stating that she would like to proceed with the revisions to her will and trust documents. In reply, on November 2, 2020, respondent informed Hunt that he would complete the revisions she had requested.

Respondent then stopped communicating with Hunt and performed no further legal work on her behalf. He also failed to inform her that he could not perform the work.

On December 16, 2020, Hunt sent an e-mail to respondent, requesting that he complete her documents in two weeks or, if he was unable to complete the work, return a portion of her retainer fee. Approximately three weeks later, she sent him a second e-mail, this time stating that she had called him repeatedly without a response, asking him to refund the unused portion of the retainer, and asking him to contact her immediately. Further, on January 12 and again on January 25, 2021, she sent him letters, by certified mail, reiterating her request for a refund of the unused portion of her retainer. Respondent, however, failed to reply to Hunt's e-mails and certified letters. He also failed to refund the unearned portion of his fee.

Subsequently, Hunt filed a complaint with the Pennsylvania Office of Disciplinary Counsel (the ODC) and the Pennsylvania Lawyers Fund for Client Security (the LFCS). In December 2021, the LFCS paid Hunt $875 in connection with her claim. In August 2022, respondent reimbursed the LFCS for its payment of Hunt's claim.

Respondent testified that Hunt lived in Delaware, he had "problems with the complexity of the will and trust," and he "intended to advise [Hunt] of my

. . . inability to complete" the work relating to these documents but never did so. Moreover, he stated "I never intended to abandon the client. I never intended not to respond to any client. The work didn't get done, so I failed that one client." He stated, "that is below my normal conduct, and she deserves the restitution that she got" from the LFCS. During the disciplinary hearing, he apologized to Hunt.

The Pirolli Matter

In March 2021, spouses Mark and Laura Pirolli, along with Mark's brother Matt Pirolli, retained respondent to represent them and their family-owned business, Pirolli Printing.[4] The parties' fee agreement provided for an initial retainer of $1,500, which the Pirollis paid, and an hourly rate of $325.

On April 23, 2021, the Pirollis met with respondent to discuss the legal services they wanted him to complete. Laura testified at the disciplinary hearing that "[t]he top priority" was the filing of Pirolli Printing's corporate minutes, due June 5, 2021, and that the Pirollis informed respondent this "was important because the state had sent us a letter saying that . . . if they were not filed by June 5th . . . we would not be allowed to do business in the State of New Jersey

[4] Because the Pirollis share a last name, we use their first names in our decision. No disrespect is intended by the informality.

any longer." Mark further explained, in his testimony, that failure to file the minutes would result in the company's closure because it had not filed minutes for the past several years, following the death of their prior attorney.

After this meeting, respondent assisted the Pirollis by filling out a form for the Small Business Administration.

On May 14, May 18, May 26, and June 2, 2021, the Pirollis sent e-mails to respondent, reminding him of the upcoming deadline for the corporate minutes. Respondent, however, failed to reply to these messages. The Pirollis also tried to reach him by telephone and text message, without success. Mark testified that, three days before the filing deadline, he left respondent a final voicemail, asking for confirmation that he "took care of it, because our business is depending on it."

On June 3, 2021, having not heard from respondent, Laura prepared and filed the corporate minutes herself. Promptly thereafter, the Pirollis informed respondent that the minutes were filed and requested that he refund the retainer because he failed to complete the task for which he was retained. On June 9, 2021, they terminated the representation. Subsequently, they also mailed him a letter, requesting that he return the retainer.

Respondent failed to reply to the letter terminating his representation or to the Pirollis' requests for the return of their retainer. Accordingly, the Pirollis

filed ethics complaints with the ODC and the LFCS. At the time of the disciplinary hearing, the Pirollis' claim with the LFCS had not been finalized. However, respondent testified that he intended to reimburse any award approved by the LFCS.[5]

During the disciplinary hearing, respondent admitted that he failed to file the corporate minutes by the June 5, 2021 deadline and, in addition, failed to timely reply to the Pirollis' communications. He further testified:

> I also knew that if anybody missed the deadline, we could open it anyway. Revocation of a business license is not a death penalty for a company. There is a procedure. That is not an excuse. I'm not looking for an excuse. They thought it was a death penalty. I think I explained it to them. I had every intention of meeting that deadline.
>
> I intended to meet that deadline. I didn't respond to them. I'm wrong for not responding to them.
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> [OAE0274a.]

Moreover, respondent testified that he "probably" became aware, on approximately April 23, 2021, that he needed to file the minutes by June 5, 2021. However, he subsequently testified that he was unaware of the due date until May 14, 2021, when Laura sent an e-mail to remind him of the deadline. He further testified that, between April 23 and mid-May 2021, he had not completed

[5] The OAE noted that, in February 2022, after the Pirollis filed their complaint with the LFCS, a Pennsylvania district fee arbitration committee awarded them $1,500. However, according to the parties' testimony at the December 1, 2022 disciplinary hearing, the fee matter remained ongoing.

the minutes and, thereafter, he encountered personal difficulties that prevented him from completing the work by the deadline. Respondent apologized to the Pirollis.

The Siegelman Matter

In June 2020, Scott Siegelman, Esq., retained respondent to represent him and his companies, including ELARSA Properties, LLC (ELARSA). The parties' fee agreement provided for an initial retainer of $1,500, which Siegelman paid, and an hourly rate of $325.

On or about November 4, 2020, respondent entered his appearance, on ELARSA's behalf, in an appeal against the Philadelphia Water Revenue Bureau (the Water Bureau). He successfully represented ELARSA in that matter and, on May 4, 2021, the court granted ELARSA's application for monetary damages in the amount of $27,105.87. Subsequently, the Water Bureau advised Siegelman and respondent that it intended to appeal the court's decision and, thereafter, the parties entered into a settlement agreement for $16,000, to be paid to ELARSA within ninety days of June 10, 2021. Pursuant to the terms of the agreement, if the Water Bureau failed to pay the $16,000 within that timeframe, then the amount due to Siegelman would revert to the original sum of $27,105.87.

The Water Bureau failed to make the settlement payment within ninety days. On September 26, 2021, after the deadline had passed, Siegelman sent respondent a letter, by e-mail, instructing him to file a motion to enforce the settlement. He testified that his goal in sending the e-mail was "to have [respondent] file a motion and go for the whole amount."

Respondent neither replied to Siegelman's e-mail nor filed the motion. He testified that, at the time, he still was trying to work out the payment issue with opposing counsel and believed the funds would be forthcoming soon, whereas Siegelman "just wanted to file the motion to enforce settlement."

On October 21, 2021, Siegelman terminated the representation, via e-mail, because respondent had failed to reply to his request to file the motion. Further, he asked respondent to withdraw immediately from the ELARSA matter so that he could hire another attorney to move forward. Respondent failed to reply to Siegelman and failed to immediately withdraw from the representation. Siegelman then hired another attorney to handle the matter.

Respondent also represented Siegelman in a matter involving Michael Butto. In July 2020, Siegelman had paid Butto $300,000 as an advanced fee toward a $2,000,000 loan. Siegelman never received the loan and eventually became concerned that Butto had scammed him.

In February 2021, Siegelman paid respondent a $2,000 retainer to assist him in connection with Butto. Siegelman testified that respondent scared Butto into agreeing to place a mortgage on his home or to repay Siegelman. However, Butto neither repaid Siegelman nor placed a mortgage on his home.

Between mid-September and early October 2021, after Butto failed to take the steps promised, Siegelman repeatedly attempted to contact respondent, by e-mail and telephone, to urge him to take further action against Butto. Respondent concededly failed to reply to Siegelman's communications.

On October 5, 2021, Siegelman sent another e-mail to respondent, this time inquiring if he was okay. That same date, after receiving no response, Siegelman drove to respondent's home. Respondent was not home when Siegelman arrived but, as Siegelman contemplated what to do next, respondent pulled up in the driveway. Siegelman confronted him and asked what he was doing in respect of Butto. In reply, respondent demanded an additional retainer of $7,000 or $7,500. Siegelman agreed to pay but insisted that respondent "do something now."

Within a day or two of their exchange in the driveway, Siegelman again reached out to respondent by e-mail. Respondent failed to reply and, consequently, Siegelman did not pay the additional retainer.

On October 21, 2021, Siegelman terminated respondent's representation in all matters.[6]

Regarding the Butto matter, respondent testified, "I did not have the capacity, the bandwidth, or the ability to handle Federal Court litigation against scammers in multiple jurisdictions, so I had told [Siegelman] before, well before that driveway meeting, but also on that driveway, Scott – that is the follow-up e-mail he sent to me, if you can't do it, just give me someone else." He also stated that he chose to discontinue the representation "solely because I asked for the additional retainer, and – but I put a number out there, and I was not going to continue representing Mr. Siegelman in the Butto matter, I could not. But I had asked for that additional money, we didn't agree."

The Anna Matter

On October 20, 2020, Ronald Starr (the Buyer) entered into an agreement of sale to purchase a residential property owned by the Roostertail Farm Trust (the Seller). At the time, the Seller had employed a realtor through RE/MAX Professional Realty to serve as its real estate agent and escrow agent. However,

[6] According to the OAE, the 2023-2024 LFCS Annual Report indicated that respondent had one claim resulting in an award of $3,500, an amount similar to that paid by Siegelman; however, the OAE could not confirm whether this award was related to the Siegelman matter.

later in October, the Seller fired the RE/MAX realtor and retained Daniel Anna, Esq., to represent it. RE/MAX continued to serve as escrow agent.

Also in late October 2020, the Buyer retained respondent to represent him in the transaction.

The agreement of sale required the Buyer to make two deposits of $25,000 each: the first by October 27, and the second by November 6, 2020. The Buyer paid the first deposit one day late and paid the second deposit on time. However, the escrow agent did not inform Anna, as the Seller's counsel, that the Buyer had made the two payments. Consequently, on November 12, 2020, the Seller sent the Buyer a notice of termination for failure to make the deposits in accordance with the agreement of sale.

On November 16, 2020, respondent – in reply to the Seller's notice of termination – forwarded to Anna an escrow agreement and copies of his client's two deposit checks, each for $25,000. Nevertheless, Anna informed respondent that the termination letter remained in effect, because the Buyer had missed the deadline for the first payment.[7] Consequently, on November 17, 2020, respondent filed a writ of summons and lis pendens with regard to the property, thereby initiating litigation.

[7] A second termination letter, dated November 19, 2020, cited failure to provide confirmation of their mortgage commitment by November 18, when it was due.

During the ensuing litigation, respondent personally verified multiple pleadings, filed with the court, which incorrectly set forth the deposit amount paid by his client as $100,000, rather than $50,000. For example, in the May 2, 2021 civil complaint filed against the Seller, he wrote, "[p]laintiff has made deposits of $100,000 for the purchase of the Property with a third-party escrow agent, and the Property was supposed to close on December 15, 2020." He included the identical sentence in several other verified pleadings filed between January 6, 2021 and March 9, 2022.

Anna corrected the amount in his pleadings, filed on behalf of the Seller. In addition, by letter dated February 22, 2022, the ODC alerted respondent to the Seller's allegation that he had made misstatements in his court filings. Nevertheless, respondent failed to correct the misstatements in his prior pleadings until April 27, 2022, when the parties had a conference with the judge.

During the disciplinary hearing, when asked about repeatedly misstating the amount paid, respondent testified as follows:

> At the time I misunderstood the facts. I thought it was 100,000. In my mind, I thought it was 50 and 50 for the first two deposits. In fact, a million-dollar deal, it is usually 50/50 and something like that, 10 percent down. Later, after re-reviewing the documents, I saw it was 25 and 25. Not a material misstatement of fact in any way. Did not mislead the judge. Didn't mislead any party. Everybody knew it was fifty. The problem I had was in doing all these motions, and four rounds of motions and trying to keep my clients' costs down, I just cut and

> pasted from the complaint and statement of fact[s], and so when I filed my first response to the preliminary objections, same sentence from the complaint in my statement of facts, so it was a misstatement of $100,000. It should have been 50. I corrected that, as you saw, with the judge on the first time we spoke to the judge, and every pleading thereafter, the motions for summary judgments, everything else in the case referenced 50, not 100. I clarified it. It didn't hurt anybody. It was not intentional, simply a misstatement.
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> [OAE0255a.]

The Pennsylvania Disciplinary Proceedings

On January 23, 2024, the Pennsylvania Supreme Court suspended respondent for one year and one day, following disciplinary proceedings stemming from the five complaints discussed above. Office of Disciplinary Counsel v. Adler, 2024 Pa. LEXIS 100 (Pa. 2024).

Specifically, on June 28, 2022, the ODC filed a petition for discipline against respondent, charging him with having violated the following Pennsylvania Rules of Professional Conduct: Pa. RPC 1.1; Pa. RPC 1.2(a); Pa. RPC 1.3; Pa. RPC 1.4(a)(2), (3), and (4); Pa. RPC 1.4(b); Pa. RPC 1.16(a)(3);

Pa. RPC 1.16(d); Pa. RPC 3.2; Pa. RPC 3.3(a)(1); Pa. RPC 4.1(a); Pa. RPC 4.2; and Pa. RPC 8.4(c).[8]

On April 20, 2023, following a two-day hearing, the Pennsylvania District II Hearing Committee (the Committee) filed a report, concluding that respondent had violated the charged Pennsylvania RPCs and recommending that he be suspended for two years for his misconduct.

Thereafter, on November 6, 2023, the Disciplinary Board of the Supreme Court of Pennsylvania (the Pennsylvania Board) – having heard oral argument on the matter – issued its report and recommendations. The Board determined that the record amply demonstrated respondent's violation of the charged rules but recommended that he receive a suspension of one year and one day. The Supreme Court of Pennsylvania agreed. Adler, 2024 Pa. LEXIS 100.

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[8] Pa. RPC 1.2(a); Pa. RPC 1.3; Pa. RPC 1.16(a)(3); Pa. RPC 1.16(d); Pa. RPC 3.2; Pa. RPC 4.1(a); Pa. RPC 4.2; and Pa. RPC 8.4(c)) are substantively the same, in whole or in relevant part, to the New Jersey Rules of Professional Conduct having the same designations. The other Pennsylvania Rules or their designations differ as follows:
Pa. RPC 1.1 provides that "[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation," whereas RPC 1.1(a) provides that "[a] lawyer shall not . . . [h]andle or neglect a matter entrusted to the lawyer in such manner that the lawyer's conduct constitutes gross negligence."
Pa. RPC 1.4(a)(2) has no New Jersey equivalent. Therefore, that violation was not considered for reciprocal discipline in this matter.
Pa. RPC 1.4(a)(3) and (4) are substantively the same as RPC 1.4(b).
Pa. RPC 1.4(b) is substantively the same as RPC 1.4(c).
Pa. RPC 3.3(a)(1) provides that a lawyer "shall not knowingly . . . (1) make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer." RPC 3.3(a)(1) does not include the second clause (expressly requiring an attorney to correct a false a statement previously made).

Respondent's Additional Testimony During the Disciplinary Hearing

In addition to the matter-specific testimony described above, respondent also testified, regarding the Hunt, Pirolli, and Siegelman matters, that he had Covid three times during the relevant period: in February 2020, when he was "knocked out for at least seven to ten days" by "that flu that nobody knew what it was;" from December 2020 to January 2021; and, most seriously, in or around June 2021. He added, "I look back on those days, I responded to some e-mails, but I don't remember responding to them. I tried to maintain my life, my law office." However, he provided no medical documentation to corroborate these claimed periods of illness.

Further, respondent testified that, in June 2020, a storm blew the roof off his home and caused flooding that filled the basement. Subsequently, it took a year for his house to be repaired. During this time, from November 9 to 19, 2020, he stayed in a hotel and, although he had his computer, the internet connection was unreliable.

Respondent also testified that, during the relevant period, he was assisting his mother as she experienced a debilitating illness.

Regarding his failure to communicate, he acknowledged that "I'm responsible for my mail" and that "I don't always see my mail. Mail piles up. I was out for ten days. That's my fault. That is horrible." Further, he stated that

his traumas during the period at issue were "why I failed to act like I've always acted for the last 25 years in my practice." He also testified, "I respond to e-mails 99 percent of the time, to all the clients, including these clients . . . that day, within minutes. I'm always attached to my electronic devices. And the only time in the last 25 years that I have not been able to respond to clients was because of these issues that I've raised today."

Turning to his unearned fees in the Hunt and Pirolli matters, he testified that he had reimbursed the LFCS for the award paid to Hunt and that, although the LFCS had not yet made an award on behalf of the Pirollis, he was willing to reimburse the LCFS once it determined the amount.

Moreover, respondent described his community engagement, including with his university and law school; the Philadelphia Bar Association; the Temple Inn of Court; the Association of Corporate Counsel; his local school board; a cyber charter school; the Penn Wynne Civic Association; the Leukemia and Lymphoma Society; the Mural Arts Advisory Board; the Jewish Federation of Greater Philadelphia; and service to his place of worship.

Previously, in July 2020, respondent received a private reprimand in Pennsylvania. During the disciplinary proceedings underlying the instant matter, he referred to "try[ing] to improve [his] procedures and practices." However, when asked to describe what he had changed following the imposition of his

private reprimand and after receiving the grievances underlying the present matter, he first asserted that "but for the actions and circumstances of the last few years, I don't think any of the complaints would have come to you." He then stated that he had become "more mindful of how my retainer letters might be received by my clients" and "I'm not sure what I technically changed other than I'm more mindful of my clients' perceptions when hiring a lawyer." When asked more specifically whether he had established new best practices within his law office, such as hiring support staff or changing the way he handles e-mail communications, he replied that he currently could not afford support staff. He explained that he had "co-counsels and of-counsels on many matters where needed" for "matters . . . outside of my depth or strength." Asked more specifically if he had put new systems into place, he replied, "I'm not sure how to answer that other than the answer is not no. The answer is I have tried to become better."[9]

[9] Respondent also testified that he failed to carry professional liability insurance, a fact recited in the Pennsylvania Board's decision. However, the record does not indicate that the lack of insurance played a role in the Pennsylvania disciplinary charges, and the OAE likewise did not emphasize it in connection with the charges at issue here.

Findings of the Pennsylvania Board

As stated above, the Pennsylvania Board concluded that the record demonstrated respondent's violation of each of the rules charged in the ODC's complaint.

More specifically, in the Davis matter, the Pennsylvania Board determined that respondent violated Pa. RPC 4.1(a) and Pa. RPC 8.4(c) by knowingly making a false statement of material fact to a third person and engaging in misrepresentation. Specifically, the Board found that respondent had:

> failed to educate himself as to the nature of the chemical compound choline chloride prior to making any claim about the cause of his clients' cat's death, and before he made false allegations about the cause of the cat's death, both to the manufacturer and on social media. Respondent's action in making certain key words searchable in the social media applications makes his conduct even more serious because of the harm he was causing to Smucker. Attorney Davis testified credibly as to the circumstances of the matter, while Respondent's testimony that he did not know the difference between choline chloride and chlorine before he sent the letter to Smucker's Board and before his social media posting, is not credible.
>
> [OAE0029a.]

The Pennsylvania Board also determined that, by copying his August 16, 2020 letter to the Smucker's board of directors, respondent violated Pa. RPC 4.2, which prohibits a lawyer from communicating about the subject of the

representation with a person the lawyer knows to be represented by another lawyer (absent the consent of the other lawyer or authorization by law or court order). Here, respondent had neither the consent of Davis nor a court order permitting him to send his letter to Smucker's board.

Next, addressing the Hunt, Pirolli, and Siegelman matters together, the Pennsylvania Board determined that respondent engaged "in a general pattern of accepting monies from his clients, failing to communicate with them, and failing to produce the legal services they paid for."

More specifically, respondent admittedly "failed to make revisions to Ms. Hunt's will and trust document . . . stopped communicating with her altogether, and never informed Ms. Hunt that he was unwilling or unable to perform the services." In representing the Pirollis, he failed to file Pirolli Printing's corporate minutes by the deadline, putting the company at risk of being shut down. Further, the Pennsylvania Board noted that:

> filing the corporate minutes was the key task for which they hired Respondent, and Ms. Pirolli scrambled at the last minute to learn how to file them herself when she and her husband realized Respondent was never going to respond to their many attempts to speak with him and was never going to file the minutes. Respondent took a cavalier attitude about the omission, dismissing the Pirollis' concern that they would be put out of business and testifying that "revocation of a business license is not a death penalty."
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> [OAE0030a.]

Moreover, the Pennsylvania Board determined that, in representing Siegelman, respondent likewise "simply stopped communicating" about the Butto matter, rather than letting Siegelman know that he was unable to handle it. In addition, in connection with the ELARSA appeal, he "failed to follow his client's request to file a motion to compel the parties' settlement and substituted his own judgment for that of his client and also failed to withdraw from the matter when directed to do so by Mr. Siegelman."

Based on the foregoing, the Pennsylvania Board determined that, in the Hunt, Pirolli, and Siegelman matters, respondent violated the following Pennsylvania Rules of Professional Conduct:

> RPC 1.1, in that he failed to act with competence; RPC 1.2(a), in that he failed to abide by his client's decisions concerning the objectives of representation; RPC 1.3, by failing to act with reasonable diligence and promptness; RPC 1.4(a)(2), by failing to reasonably consult his clients about the means of achieving objectives; RPC 1.4(a)(3), by failing to keep his clients reasonably informed about the status of the matter; RPC 1.4(a)(4), by failing to promptly comply with reasonable requests for information; RPC 1.4(b), by failing to explain a matter to the extent reasonably necessary to permit his clients to make informed decisions; RPC 1.16(a)(3), by failing to withdraw after being discharged; RPC 1.16(d), by failing to refund advance payments of fee; and RPC 3.2, by failing to make reasonable efforts to expedite litigation consistent with the interests of his client.
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> [OAE0031a.]

Finally, in the Anna matter, the Pennsylvania Board determined that respondent "personally verified pleadings filed with the court that misrepresented Buyer's total deposit monies as $100,000, instead of the correct figure of $50,000," and that, even after the ODC advised him of Anna's allegation relating to the misrepresentation in the court filing, he failed to correct his "misstatements" until a court hearing more than two months later. Accordingly, the Pennsylvania Board determined that he violated Pa. RPC 3.3(a)(1) by failing "to correct a false statement of material fact previously made to a tribunal," and Pa. RPC 8.4(c) by engaging in prohibited misrepresentation.

Turning to the quantum of discipline, the Pennsylvania Board concluded that respondent's "serious misconduct requires his removal from the practice of law and a reinstatement process to determine his fitness to resume practice at a future date." However, whereas the Committee had recommended a two-year suspension, the Pennsylvania Board concluded that a one-year-and-one-day suspension was appropriate.

In reaching this conclusion, the Pennsylvania Board weighed applicable aggravating and mitigating factors, as well as relevant Pennsylvania disciplinary precedent. In aggravation, it noted that, in July 2020, respondent had received a private reprimand for misconduct in four client matters, constituting violations of Pa. RPC 1.1; Pa. RPC 1.3; Pa. RPC 1.4(a)(2); Pa. RPC 1.4(a)(3); Pa. RPC

1.4(a)(4); Pa. RPC 1.4(c); Pa. RPC 3.2; Pa. RPC 3.3(a)(1); and Pa. RPC 8.4(c). In that matter, respondent had "engaged with clients until he had their 'earned-upon-receipt' retainers, ceased communication with the clients, then occasionally communicated to promise legal work that he subsequently never provided." In addition, although respondent testified in the instant matter that he had "never ghosted a client before these particular two or three instances," and that the "only time in the last 25 years that I have not been able to respond to clients was because of these issues that I raised today, my mother being sick and the house trauma," his claims in this regard were belied by the conduct giving rise to his private reprimand.

In further aggravation, the Pennsylvania Board concluded that his answers to certain questions posed by the Committee "underscore that [he] has not absorbed the real significance of his unethical actions, both current and prior, and the effect such misconduct has had on his clients, and he remains poised to negatively impact his clients if allowed to continue practicing law." Specifically, when asked about concrete changes made to his law practice to prevent a recurrence of the issues present here, he failed to identify any, offering only that "I am more mindful of my clients' perceptions when hiring a lawyer" and "I have tried to become better." Thus, the Board noted that he "continues to work

out of his home, has no identifiable case management system in place, and does not carry professional liability insurance."

In mitigation, the Pennsylvania Board weighed respondent's extensive community service, including his "involvement as an alumnus with his undergraduate and law school institutions, the Philadelphia Bar Association, Temple Inn of Court, local school board and cyber charter school activities, the Leukemia and Lymphoma Foundation, and other worthy causes."

In further mitigation, the Pennsylvania Board determined that respondent had accepted responsibility and demonstrated remorse for his conduct "to a certain degree" in connection with the Hunt and Pirolli matters, insofar as he apologized to the clients during the hearing. However, his "limited acknowledgement of his professional missteps and the effect they had on two of his clients falls short of a wholesale understanding of the scope of his misconduct and a candid expression of genuine remorse." Similarly, while respondent also highlighted his restitution in connection with unearned fees in the Pirolli and Hunt matters as demonstrating his acceptance of responsibility, the Board pointed out that he "did not voluntarily reimburse any funds – Ms. Hunt and the Pirollis turned to the [LFCS] in order to be made whole." Thus, although he had reimbursed the amount paid by the LFCS to Hunt and intended to do the same for any award to the Pirollis, the "difference between voluntarily

refunding the unearned fees and waiting until clients endure the process of making a claim with the [LCFS] and obtaining an award . . . reduces the weight of the reimbursement . . . as a mitigating factor."

The Pennsylvania Board acknowledged the personal difficulties that respondent had encountered at various times between February 2020 and October 2021, but noted that, throughout, he "continued operating as a sole practitioner, with no staffing assistance," "allowed mail to pile up," and, despite describing himself as "addicted" to his electronic devices, his clients futilely attempted to communicate with him, to the point that one client thought he "must be in the hospital on life support." In addition, no evidence suggested that he advised his clients "of his difficulties or the need to withdraw from the representation." Rather, "inexplicably, [he] chose to cease communicating with his clients, leaving them frustrated and bewildered."

Turning to relevant precedent, the Pennsylvania Board noted that the Pennsylvania Supreme Court "frequently imposes a minimum suspension of one year and one day on attorneys who engage in multiple, repeated instances of client neglect and related misconduct." It did not find that this matter included the "more egregious misconduct and weightier aggravating factors" that characterized cases in which the Pennsylvania Supreme Court imposed longer terms of suspension.

Based on the foregoing, the Pennsylvania Board determined that a one-year-and-one-day suspension constituted the appropriate sanction for respondent's misconduct. Subsequently, on January 23, 2024, the Supreme Court of Pennsylvania suspended him for one year and one day. According to the Pennsylvania Board's website, as of the date of our decision, he remains suspended in that jurisdiction.

The Parties' Positions to the Board

The OAE, both in its brief in support of the motion for reciprocal discipline and during oral argument before us, asserted that respondent's unethical conduct in Pennsylvania constituted violations of RPC 1.1(a); RPC 1.2(a); RPC 1.4(b) and (c); RPC 1.16(a)(3); RPC 1.16(d); RPC 3.2; RPC 3.3(a)(1); RPC 4.1(a); RPC 4.2; and RPC 8.4(c).

First, addressing the Davis matter, the OAE asserted that respondent violated RPC 4.1(a) and RPC 8.4(c) by publishing to his social media accounts material facts that he knew were false. Specifically, the OAE argued that, in his posts, he falsely claimed that (1) Smucker's was covering up the recall of the Natural Balance cat food, which was false because the recall was a matter of public record; (2) the cat food was being recalled due to chlorine, rather than elevated levels of choline chloride, when respondent "knew or should have

known that the recall was for choline chloride because in his social media post he included a link to the FDA announcement pertaining to the recall;" (3) he and his clients had been stonewalled by Smucker's lawyers; and (4) "[Smucker's] literally told me they would rather hire an army of lawyers for a courtroom than admit they did something negligent that killed pets in their food."

The OAE acknowledged the absence of disciplinary precedent specifically addressing whether an attorney's misrepresentation in social media violated RPC 8.4(c). However, citing In re Robertelli, 248 N.J. 293 (2021), and In the Matter of Brian LeBon Calpin, DRB 19-172 (December 17, 2019), the OAE noted that both the Court and the Board have observed that an attorney's use of technology must conform to the ethical standards required by the Rules of Professional Conduct. The OAE also referenced the Court's recent Notice to the Bar regarding the use of artificial intelligence, which reminded attorneys that their ethical responsibilities remain "unchanged by the integration of AI in legal practice, as was true with the introduction of computers and the internet."

In further support of its argument that respondent violated RPC 8.4(c) by his social media posts, the OAE cited disciplinary precedent from other jurisdictions in which attorneys were found to have violated the equivalent of RPC 8.4(c) by making false statements of material fact on the internet, in social

media postings, and on national television. The OAE also cited secondary legal resources addressing legal ethics and social media.

Moreover, the OAE argued that respondent violated RPC 4.2 by sending his e-mail communication to nine senior leaders and members of the board of Smucker's, without Davis's consent or a court order permitting him to do so.

Next, in the Hunt matter, the OAE argued that respondent violated RPC 1.3 and RPC 1.4(b) and (c) by failing to revise the client's will and trust documents, failing to respond when she attempted to communicate with him, and failing to explain to her why he was unwilling to complete the work. Moreover, he violated RPC 1.16(d) by failing to refund Hunt's retainer fee after she terminated the representation.

Third, in the Pirolli matter, the OAE argued that respondent violated RPC 1.1(a); RPC 1.2(a); RPC 1.3; RPC 1.4(b) and (c); and RPC 1.16(d) by failing to file the corporate minutes for Pirolli Printing, failing to respond to his client's numerous telephone calls and e-mail messages, and failing to return the Pirollis' retainer after they terminated the representation.

Fourth, in the Siegelman matter, the OAE argued that respondent violated RPC 1.2(a); RPC 1.3; RPC 1.4(b) and (c); RPC 1.16(a)(3); and RPC 3.2 by failing to file a motion to enforce the settlement in the ELARSA appeal, thereby substituting his own judgment for Siegelman's; failing to advance Siegelman's

claim against Butto and, instead of advising Siegelman that he was unable to handle the Butto matter, simply ceasing communication with Siegelman; failing to respond to Siegelman's e-mail messages about the ELARSA appeal; and failing to withdraw his appearance in the ELARSA appeal after Siegelman terminated the representation and instructed him to do so.

Finally, in the Anna matter, the OAE argued that respondent violated RPC 3.3(a)(1) and RPC 8.4(c) by misrepresenting, in pleadings that he personally verified, that his client's total deposit amount was $100,000 and, further, by failing to correct the amount prior to the April 27, 2022 hearing, despite having been put on notice of the misstatement by Anna's court filings and by the ODC's February 22, 2022 letter to him regarding Anna's complaint.

Turning to the quantum of discipline, the OAE urged us to impose a one-year-and-one-day suspension, identical to the discipline imposed in Pennsylvania.[10]

[10] A one-year term of suspension in New Jersey is the equivalent of a one-year-and-one-day term of suspension in Pennsylvania. In contrast to New Jersey, in Pennsylvania, if an attorney receives a suspension of one year or less, the attorney's reinstatement does not require the filing of a formal petition for reinstatement, subject to the review and approval of the jurisdiction's highest court. Pa. R.D.E. 218(g). However, if an attorney has been suspended for more than one year in Pennsylvania, then the attorney must file a petition for reinstatement with the Commonwealth's Disciplinary Board. Pa. R.D.E. 218(c).

Specifically, the OAE argued that, standing alone, a three-month suspension was appropriate for respondent's mishandling of the Hunt, Pirolli, and Siegelman matters. Surveying relevant precedent, the OAE observed that the Court typically imposes suspensions of three months to one year where attorneys have mishandled multiple client matters, although a censure may result if an attorney's neglect involved relatively few matters. Here, the OAE argued, respondent neglected three client matters – a number that might result in the imposition of a censure – but greater discipline was warranted because he also made false statements of material fact to a tribunal, improperly communicated with persons represented by counsel, and failed to return unearned fees.

The OAE further urged that a six-month suspension constituted the appropriate discipline for respondent's purportedly false statements to third persons in the Davis matter and to the court in the Anna matter. Specifically, noting that attorneys have received discipline ranging from a reprimand to a six-month suspension for making misrepresentations to a tribunal, exhibiting a lack of candor to a tribunal, or both, the OAE argued that here, respondent's failure to correct the misstated amount in the Anna pleadings made his misconduct more serious than matters in which reprimands or censures have been imposed. In addition, the OAE argued that respondent's misrepresentations to third parties, by means of his social media posts in the Davis matter, warranted a censure.

Finally, citing relevant precedent, the OAE asserted that a reprimand was the appropriate quantum of discipline for respondent's unauthorized communication with persons represented by counsel. The OAE distinguished the present matter from an admonition case, In the Matter of Mitchell L. Mullen, DRB 14-287 (January 16, 2015), arguing that, unlike the communications made by the attorney in Mullen, respondent's communication to members of Smucker's board of directors and senior leadership "caused harm to [opposing counsel,] who found the email offensive because it contained misrepresentations and called into questions his competence" and "scheduled a meeting with the senior leaders to address any concerns."

Respondent did not submit a brief for our consideration. However, he appeared for oral argument and urged us to impose a reprimand or censure (and, in any event, a sanction short of the one-year-and-one-day suspension imposed by Pennsylvania) for his misconduct.

Respondent emphasized his lack of prior discipline and highlighted his active role in civic, community, and pro bono organizations. Moreover, he asserted that he has taken full responsibility for his misconduct. Regarding the Hunt, Pirolli, and Siegelman matters, he admitted that he had failed to attend to his clients' needs but argued that, subsequently, he made full restitution to each client and that none suffered significant harm. Further, he asserted that he

engaged in the conduct at issue during a short period of time, coinciding with his falling sick with COVID more than once, experiencing a flood in his house that forced him to move to a hotel for weeks at a time, and assisting his mother, who suffered from a debilitating condition.

Respondent further asserted that he had served his one-year-and-one-day suspension in Pennsylvania and was in the process of being reinstated in that jurisdiction. Although he primarily practices in Pennsylvania and does not maintain a law office or market his legal services in New Jersey, he nevertheless would like to continue to practice here in connection with real estate matters.

In closing, respondent asked "to have one more chance" and urged us to impose discipline less than the term of suspension imposed in Pennsylvania.

Analysis and Discipline

Following our review of the record, we determine to grant the OAE's motion for reciprocal discipline and recommend the imposition of discipline for some, but not all, of the Rules of Professional Conduct charged by the OAE.

Pursuant to R. 1:20-14(a)(5), "a final adjudication in another court, agency or tribunal, that an attorney admitted to practice in this state . . . is guilty of unethical conduct in another jurisdiction . . . shall establish conclusively the facts on which it rests for purposes of a disciplinary proceeding in this state."

Thus, with respect to motions for reciprocal discipline, "[t]he sole issue to be determined . . . shall be the extent of final discipline to be imposed." R. 1:20-14(b)(3).

In Pennsylvania, the standard of proof in attorney disciplinary proceedings is that the "[e]vidence is sufficient to prove unprofessional conduct if a preponderance of the evidence establishes the conduct and the proof . . . is clear and satisfactory." Office of Disciplinary Counsel v. Kissel, 442 A.2d 217 (Pa. 1982) (quoting In re Berland, 328 A.2d 471 (Pa. 1974)). Moreover, "[t]he conduct may be proven solely by circumstantial evidence." Office of Disciplinary Counsel v. Grigsby, 425 A.2d 730 (Pa. 1981) (citations omitted).

Reciprocal discipline proceedings in New Jersey are governed by R. 1:20-14(a)(4), which provides in pertinent part:

> The Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the record on which the discipline in another jurisdiction was predicated that it clearly appears that:
>
> (A) the disciplinary or disability order of the foreign jurisdiction was not entered;
>
> (B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;
>
> (C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;

> (D) the procedure followed in the foreign disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
>
> (E) the unethical conduct established warrants substantially different discipline.

We conclude that subsection (E) applies here because the unethical conduct established by the record warrants substantially different discipline. As discussed below, the crux of respondent's misconduct was his mishandling of the Hunt, Pirolli, and Siegelman client matters. Consistent with applicable New Jersey disciplinary precedent, we determine that respondent's misconduct warrants a three-month suspension.

Violations of the Rules of Professional Conduct

Turning to the application of New Jersey's Rules of Professional Conduct, in the context of a motion for reciprocal discipline, the Court's review "involves 'a limited inquiry, substantially derived from and reliant on the foreign jurisdiction's disciplinary proceedings.'" In re Barrett, 238 N.J. 517, 522 (2019) (quoting In re Sigman, 220 N.J. 141, 153 (2014)). However, we previously have noted that the OAE's motion and supporting brief serve as the charging documents in a motion for reciprocal discipline. See In the Matter of Edan E. Pinkas, DRB 22-001 (June 23, 2022) at 29, so ordered, 253 N.J. 227 (2023). Nevertheless, clear and convincing evidence must support each of our findings

that respondent violated the New Jersey Rules. See Barrett, 238 N.J. at 521; In re Pena, 164 N.J. 222 (2000).

Consistent with that body of law, we have, on occasion, declined to find RPCs charged by the OAE in motions for reciprocal discipline. See In the Matter of Robert Captain Leite, DRB 22-164 (February 24, 2023) (granting the OAE's motion for reciprocal discipline but declining to find violations of RPC 1.2(d) (counseling or assisting a client in illegal, criminal, or fraudulent conduct), RPC 3.3(a)(1), RPC 8.4(a) (violating or attempting to violate the Rules of Professional Conduct), RPC 8.4(b) (committing a criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer), and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice), where the underlying facts did not support the charges), so ordered, 254 N.J. 275 (2023), and In the Matter of Richard C. Gordon, DRB 20-209 (April 1, 2021) at 19-20 (granting the OAE's motion for reciprocal discipline but declining to find a violation of RPC 8.4(d) where underlying facts did not support the charge), so ordered, 249 N.J. 15 (2021).

Here, we determine that the record contains clear and convincing evidence that respondent violated RPC 1.1(a); RPC 1.2(a) (the Siegelman matter); RPC 1.3 (three instances); RPC 1.4(b) (three instances); RPC 1.4(c) (three instances); RPC 1.16(a)(3); RPC 1.16(d) (two instances); RPC 3.2; and RPC 4.2. We

determine to dismiss, for lack of clear and convincing evidence, the additional charges pursuant to RPC 1.2(a) (the Pirolli matter); RPC 3.3(a)(1); RPC 4.1(a); and RPC 8.4(c) (two instances). We separately address each client matter below.

The Davis Matter

In the Davis matter, respondent violated RPC 4.2, which prohibits a lawyer from communicating with a person about the subject of a representation when the attorney knows, or reasonably should know, that the person is represented by counsel, unless the attorney has the consent of the other attorney or is authorized by law or court order to do so. Specifically, respondent violated this Rule by copying Smucker's board of directors and senior leadership on his August 16, 2021 letter to Davis, which addressed the subject of his clients' dispute with Smucker's, without Davis's consent or other authorization to do so.

We determine to dismiss, however, the charge that respondent violated RPC 4.1(a), which provides, in relevant part, that "[i]n representing a client a lawyer shall not knowingly: (1) make a false statement of material fact or law to a third person." Here, the most serious alleged falsehood pertained to respondent's references to chlorine in his social media posts regarding Smucker's cat food recall. Respondent testified that he did not know the difference between chlorine and choline chloride on August 16, 2020, when he

made the social media posts, whereas Davis testified that he had explained the difference between the two chemicals to respondent on multiple occasions before then.

In our view, the record before us falls short of establishing, by clear and convincing evidence, that respondent knew the difference between chlorine and choline chloride at the time he made the social media posts. Although Davis believed respondent should have known the difference, given that Davis repeatedly had addressed it with him, this does not establish that respondent came away from their exchanges knowing the difference.

The other purported falsehoods in the social media posts – that Smucker's was engaged in a cover up, its legal department had stonewalled respondent and his clients, and that the legal department also "literally" told him they "would rather hire an army of lawyers for a courtroom than admit they did something negligent" – amount to puffery under the circumstances, where the recall and its scope and basis were matters of public record, and respondent's claims about Smucker's legal department were transparently exaggerated.

We likewise determine to dismiss the charge that respondent violated RPC 8.4(c), which provides that "[i]t is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation." A violation of RPC 8.4(c) requires intent. See In the Matter of Ty Hyderally, DRB

11-016 (July 12, 2011). In our view, the record lacks sufficient proof of respondent's intent, as it is less than clear that he knew the difference between chlorine and choline chloride when he made his posts. Moreover, again, in our view, his other claims amounted to puffery, not deceit.

The Hunt Matter

In the Hunt matter, respondent violated RPC 1.3, which requires a lawyer to "act with reasonable diligence and promptness in representing a client." Specifically, respondent completed his work on Hunt's mortgage agreement and promissory note but then failed to complete the revisions to her will and trust agreement, even after assuring her that he would do so. Thus, he lacked diligence in connection with the representation, in violation of the Rule.

Next, respondent violated RPC 1.4(b), which requires an attorney to keep a client reasonably informed about the status of a matter and to comply with reasonable requests for information. Respondent violated this Rule by ceasing all communication with Hunt and ignoring her multiple attempts to contact him in December 2020 and January 2021. Likewise, respondent violated RPC 1.4(c), which obligates an attorney to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation. Specifically, after receiving Hunt's will and trust documents and

realizing that he could not perform the work due to its complexity, he failed to inform Hunt of his inability to complete this task and, thus, deprived her of the information she needed to decide how best to move forward without his assistance.

Finally, RPC 1.16(d) provides that, upon termination of representation, "a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as . . . refunding any advance payment of fee that has not been earned or incurred." Respondent violated this Rule by failing to refund the unearned portion of Hunt's $1,750 retainer, notwithstanding her repeated requests that he do so.

The Pirolli Matter

RPC 1.1(a) provides that a lawyer shall not "handle or neglect a matter entrusted to the lawyer in such manner that the lawyer's conduct constitutes gross negligence." Respondent violated this Rule by failing to complete and to file the Pirolli Printing corporate minutes for which he specifically was retained. Indeed, the Pirollis reminded respondent, on a number of occasions, of the upcoming deadline for the corporate minutes and the need to file so that the state would not shut down their business. Yet, he failed to perform this essential task, or even to respond when the Pirollis repeatedly tried to contact him to confirm

he would complete the work on time. Respondent's misconduct in this respect also ran afoul of RPC 1.3 and RPC 1.4(b). Further, in violation of RPC 1.4(c), after he purportedly became too ill to do the work, he failed to inform the Pirollis, depriving them of the opportunity to timely make alternate arrangements for completing the work.

In addition, respondent violated RPC 1.16(d) by failing to refund the unearned portion of their $1,500 retainer after the Pirollis terminated the representation.

However, we determine to dismiss the charge that respondent's failure to file the corporate minutes also violated RPC 1.2(a). That Rule provides, in relevant part, that a lawyer "shall abide by a client's decisions concerning the scope and objectives of the representation . . . and as required by RPC 1.4 shall consult with the client about the means to pursue them." The record makes clear that respondent's failure to file the minutes resulted from his neglect of the matter, as opposed to a determination on his part to depart from the scope or objectives of the representation.

The Siegelman Matter

The record before us amply demonstrates that, in connection with the ELARSA appeal, respondent violated RPC 1.2(a) by failing to file a motion to

enforce the settlement, as directed by Siegelman. As of September 2021, after the Water Bureau failed to pay the $16,000 due under the settlement agreement, Siegelman's objective was to "go for the whole amount" – roughly $27,000 – by means of the requested motion. Respondent, however, failed to act in accordance with his client's objective.

Moreover, in both the ELARSA appeal and in connection with Siegelman's quest to get his $300,000 back from Butto, respondent violated RPC 1.3 and RPC 1.4(b) by ceasing work on the matters and failing to communicate with Siegelman. In the ELARSA appeal, his failure to pursue the matter also violated RPC 3.2, which requires an attorney to "make reasonable efforts to expedite litigation consistent with the interests of the client."

Further, in violation of RPC 1.4(c), respondent deprived Siegelman of the information he needed to make informed decisions regarding the Butto matter, by failing to communicate effectively to Siegelman that he lacked the capacity or ability to pursue legal action in a matter that potentially involved scammers in multiple jurisdictions.

Finally, RPC 1.16(a)(3) provides that an attorney "shall withdraw from the representation of a client if . . . the lawyer is discharged." Here, Siegelman terminated respondent's representation in connection with the ELARSA appeal

and instructed him to withdraw, as he sought to retain other counsel to pursue the litigation. Nevertheless, respondent failed to withdraw.

The Anna Matter

In the Anna matter, we determine to dismiss the charges that respondent violated RPC 3.3(a)(1) and RPC 8.4(c) by misstating, in multiple pleadings, that his client had paid $100,000 when, in fact, his client had paid $50,000.

Specifically, RPC 3.3(a)(1) prohibits a lawyer from knowingly making a false statement of material fact or law to a tribunal. Similarly, RPC 8.4(c), in relevant part, prohibits a lawyer from engaging in misrepresentation. Here, respondent testified that he mistakenly had calculated the amount as $100,000 when he first included it in a pleading, basing that figure on his previous experience in other matters, and then copied the statement containing the incorrect amount into subsequent pleadings.

In our view, with respect to the RPC 3.3(a)(1) charge, the record does not clearly and convincingly establish that the amount was material at that stage in the litigation. Indeed, opposing counsel knew the correct amount, with respondent having sent him copies of the two deposit checks, each for $25,000; the amount was not in dispute; and opposing counsel, in his testimony, did not

describe any way in which the amount might have affected the proceedings at that time.

Likewise, regarding the RPC 8.4(c) charge, the record falls short of demonstrating that respondent had any intent to mislead, the required mens rea to sustain this violation. He already had provided opposing counsel with proof that his client paid $50,000 and, eventually (albeit belatedly), pointed out his error to the judge. Under the circumstances, it appears most likely that, rather than intentionally misrepresenting the amount, he lackadaisically cut and paste the same sentence into multiple filings, as he described.

Accordingly, we determine to dismiss both charged violations in the Anna matter.

In sum, we determine that respondent violated RPC 1.1(a); RPC 1.2(a); RPC 1.3 (three instances); RPC 1.4(b) (three instances); RPC 1.4(c) (three instances); RPC 1.16(a)(3); RPC 1.16(d) (two instances); RPC 3.2; and RPC 4.2. We determine to dismiss the charges pursuant to RPC 1.2(a) (one instance); RPC 3.3(a)(1); RPC 4.1(a)(1); and RPC 8.4(c) (two instances). The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

Quantum of Discipline

The crux of respondent's misconduct was his mishandling of the Hunt, Pirolli, and Siegelman client matters. Typically, in cases where attorneys have mishandled multiple clients matters, the Court has imposed terms of suspension ranging from three months to one year. See, e.g., In re Gonzalez, 241 N.J. 526 (2020) (three-month suspension for an attorney who engaged in gross neglect, lacked diligence, and failed to communicate in three client matters; the attorney also failed to supervise nonlawyer staff in six client matters; in addition, he violated RPC 1.15(a) (negligently misappropriating client funds and commingling), RPC 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6), RPC 3.2, RPC 3.4(d) (failing to comply with reasonable discovery requests), RPC 8.1(a) (making a false statement of material fact in a disciplinary matter), RPC 8.1(b) (failing to cooperate with disciplinary authorities), and RPC 8.4(c); in aggravation, one client's case was dismissed with prejudice, and the attorney had disregarded the OAE's recommendation to terminate the employment of a nonlawyer after the attorney became aware of the employee's repeated misconduct; no prior discipline in twenty-two years at the bar); In re Pinnock, 236 N.J. 96 (2018) (three-month suspension for an attorney whose misconduct spanned ten client matters: in nine matters, the attorney engaged in gross neglect, lacked diligence, and failed to communicate

with clients; in four matters, she also misrepresented to clients the status of their matters; in aggravation, the attorney caused significant harm to her clients; in mitigation, the attorney suffered from serious physical and mental health issues; prior reprimand); 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; in four matters, the attorney engaged in gross neglect and lack of diligence, also constituting a pattern of neglect; in five matters, the attorney failed to communicate with the clients; in two matters, the attorney failed to expedite litigation; and, in one matter, the attorney engaged in conduct prejudicial to the administration of justice; 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, we concluded that the aggravating factors, including the 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 committed misconduct in six matters, including gross neglect of five matters; the attorney failed to file a complaint in one matter, and allowed four other matters to be dismissed after filing complaints; four matters were later reinstated or settled but, in the fifth, the statute of limitations had passed, precluding the

client from obtaining relief; the attorney also engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in five matters; in mitigation, the attorney suffered from mental health issues and actively was pursuing treatment; prior censure for similar misconduct in two matters from the same period); In re Perlman, 241 N.J. 95 (2020) (one-year retroactive suspension for an attorney who committed misconduct in seven matters: in six matters, the attorney lacked diligence; in five matters, the attorney failed to adequately communicate with the client; in one matter, the attorney failed to withdraw from the representation when continued representation would violate the RPCs and to comply with applicable law governing the termination of representation; the attorney also engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation and conduct prejudicial to the administration of justice; further, in three matters, the attorney failed to notify clients of his suspension; 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).

The discipline imposed on attorneys who communicate with represented individuals, outside the presence of their counsel, typically ranges from an admonition to a censure, depending on the presence of additional misconduct and any aggravating and mitigating factors. See, e.g., Mullen, DRB 14-287

(admonition for an attorney who communicated directly with an individual (later, the grievant) about the subject of the litigation on at least three occasions, when the attorney knew or should have known that the grievant was represented by counsel; the attorney also sent a notice of deposition directly to the grievant, without attempting to notify opposing counsel of the deposition date; in mitigation, the attorney's conduct was minor and caused no harm to the grievant; no prior discipline in thirty-nine years at the bar); In re Clarke, 256 N.J. 589 (2024) (reprimand for an attorney who represented the wife in a domestic violence matter and divorce matter; after meeting with the husband and his counsel, the attorney agreed to call the husband at a later date, but did not obtain his counsel's consent; the attorney admittedly discussed the pending matters with the husband and, as a result, she was disqualified from representing her own client (the wife) in both matters, resulting in the adjournment of both matters; violations of RPC 4.2 and RPC 8.4(d); in mitigation, the attorney cooperated with the OAE, entered into a stipulation, expressed remorse, had engaged in numerous community service activities, and had no prior discipline in twenty-four years at the bar); In re Ibrahim, 236 N.J. 97 (2018) (censure for an attorney who attempted to resolve a domestic violence case directly with the other party, whom the attorney knew was represented by counsel; as a result, the court disqualified the attorney and adjourned the matter so that the client could

obtain new counsel; in an unrelated client matter, the attorney violated RPC 1.5(b) (failing to communicate, in writing, the basis or rate of the fee); in aggravation, the attorney had a prior reprimand and lacked candor during the ethics proceeding).

Respondent's mishandling of multiple client matters most closely resembles that of the attorneys who have received three-month suspensions for their misconduct. For instance, the attorney in Gonzalez, like respondent, mishandled three client matters. Also similar to respondent, Gonzalez engaged in additional, albeit different, misconduct; most notably, Gonzalez failed to supervise his nonlawyer employee, whereas respondent communicated with represented parties without their attorney's consent. In Pinnock, the attorney mishandled ten client matters and, unlike respondent, also violated RPC 8.4(c) by misrepresenting to four clients the status of their matters. However, unlike respondent, she did not also violate RPC 1.2(a); RPC 1.4(c); RPC 1.16(a)(3) and (d); and RPC 3.2. Thus, although Pinnock neglected more client matters, respondent's combined misconduct put his ethical lapses on par with Pinnock's.

In contrast, the attorneys who received six-month suspensions in Williams and Gruber engaged in more extensive misconduct, with greater repercussions for their clients.

Specifically, in Williams, we determined that a three-month suspension constituted the baseline quantum of discipline, even where the attorney's misconduct extended to eight client matters. However, we enhanced the baseline discipline to a six-month suspension, primarily due to the attorney's wasting of court resources – a circumstance not present here. More specifically, in one matter, the attorney's failure to comply with an order compelling discovery resulted in the unnecessary expenditure of judicial resources on a sanctions motion; in another matter, during a pretrial conference, the attorney failed to provide coherent answers to the judge's questions; and, generally, his erratic handling of multiple scheduled court appearances caused the courts unwarranted delays and uncertainty about the status of his clients' representation.

In Gruber, in contrast to the present matter, the attorney's misconduct led to the dismissal of five client matters, one of which could not be reinstated. Moreover, the attorney deceived multiple clients. Specifically, in two matters, the attorney concealed the termination of the clients' causes of action; in a third matter, he affirmatively misrepresented to the client that the case was ongoing; and, in a fourth matter, years after failing to file a complaint on behalf of his client, he inexplicably met with the client to answer interrogatories on a case that did not exist, thus, misleading the client into believing the case was proceeding apace.

Based on the foregoing precedent, we conclude that the baseline discipline for respondent's mishandling of the Hunt, Pirolli, and Siegelman matters, standing alone, is a three-month suspension. In our view, his communication with a represented party in the Davis matter does not warrant greater discipline. Rather, his misconduct in this regard was less egregious than that of the admonished attorney in Mullen who, on at least three occasions, communicated directly with an opposing party regarding the subject of litigation and, further, sent a notice of deposition directly to that party.[11] To craft the appropriate discipline in this case, however, we also consider mitigating and aggravating factors.

In mitigation, respondent apologized to Hunt and the Pirollis and expressed awareness of the ways in which his misconduct affected these clients. In addition, he has engaged in extensive community service as an alumnus of his university and law school and in connection with the Philadelphia Bar Association, the Temple Inn of Court, school board and cyber charter school activities, the Leukemia and Lymphoma Foundation, and other causes. Moreover, he has no prior discipline in his twenty-seven years at the bar;

[11] Although the OAE argued that respondent's misconduct in this respect caused harm and, consequently, was more serious than that of the attorney in Mullen, the evidence on which this was based – namely, Davis's testimony regarding his concerns that the communication would raise concerns among Smucker's leadership, as well as Smucker's general counsel's addressing of the communication at meetings the following day – are not, in our view, substantive harms of the type that would warrant greater discipline.

however, on the record before us, the extent of his law practice in New Jersey is unknown.

In aggravation, respondent failed to amend his office practices and procedures to prevent a repeat of the circumstances and conduct present here. Indeed, he utterly failed to acknowledge the need for any such reforms. These failures take on added weight in light of his 2020 private reprimand in Pennsylvania, which similarly stemmed from his neglect of multiple client matters.

Conclusion

On balance, we find that the mitigating and aggravating factors are in equipoise and, thus, determine that a three-month suspension remains 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 Michael E. Adler
Docket No. DRB 25-059

Argued: May 21, 2025

Decided: August 18, 2025

Disposition: Three-Month Suspension

Members	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