SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 25-075
District Docket No. XIV-2024-0289E

In the Matter of Joshua Adam Janis
An Attorney at Law

Argued
June 19, 2025

Decided
August 20, 2025

Tara L. Hanna appeared on behalf of the
Office of Attorney Ethics.

Respondent waived appearance for oral argument.

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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 final discipline filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-13(c)(2), following respondent's convictions, in the Court of Common Pleas of Chester County, Pennsylvania (the Court of Common Pleas), for third-degree felony theft by unlawful taking, in violation of 18 Pa. C.S. § 3921(a); third-degree felony theft by deception and first-degree misdemeanor theft by deception, both in violation of 18 Pa. C.S. § 3922(a)(1); first-degree misdemeanor identity theft, in violation of 18 Pa. C.S. § 4120(a); third-degree felony forgery, in violation of 18 Pa. C.S. § 4101(a)(2); and three counts of third-degree felony access device fraud, in violation of 18 Pa. C.S. § 4106(a)(1)(ii). The OAE asserted that these convictions support findings that respondent violated RPC 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer), RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and the principles of In re Siegel, 133 N.J. 162 (1993) (two instances – knowingly misappropriating law firm funds).

For the reasons set forth below, we determine to grant the motion for final discipline and recommend to the Court that respondent be disbarred.

Ethics History

Respondent earned admission to the New Jersey and Pennsylvania bars in 2006. He has no disciplinary history in New Jersey. During the relevant timeframe, between October 2006 and December 2013, he practiced law as an associate at a law firm located in West Chester, Pennsylvania (the Firm).

On September 30, 2013, the Court administratively revoked respondent's license to practice law in New Jersey, pursuant to R. 1:28-2(c), due to his failure to pay the required annual assessment to the New Jersey Lawyers' Fund for Client Protection for seven consecutive years. R. 1:28-2(c) provides, in relevant part, that "an Order of revocation shall not, however, preclude the exercise of jurisdiction by the disciplinary system in respect of any misconduct that occurred prior to [the] Order's effective date." As detailed below, respondent's criminal conduct for which the OAE seeks the imposition of final discipline occurred prior to the revocation of his law license. Accordingly, the Court has jurisdiction to impose discipline for respondent's misconduct.

Effective November 25, 2015, the Supreme Court of Pennsylvania suspended respondent for five years, on consent, in connection with his knowing misappropriation of law firm funds underlying this matter, among other misconduct. Office of Disciplinary Counsel v. Janis, 2015 Pa. LEXIS 2715 (2015). Respondent remains suspended in that jurisdiction.

Facts

Knowing Misappropriation of Law Firm Funds

Between October 2006 and December 2013, respondent was employed as an associate at the Firm, primarily handling family law and personal injury matters. The Firm paid him a base salary plus discretionary bonuses based on his work performance. Although respondent oversaw the Firm's family law practice without daily supervision, he was expected to provide periodic updates to the managing partner regarding his cases. Additionally, respondent understood that all legal or referral fees belonged to the Firm, rather than the attorney assigned to handle the matter, and that such fees were to be deposited in the Firm's attorney trust or business accounts, as appropriate.

The Fortuna Client Matter

In July 2010, Carlo and Louise Fortuna retained the Firm in connection with personal injuries they had sustained in an automobile accident. Although another associate attorney at the Firm initially handled the Fortunas' matter, respondent appeared to have assumed responsibility for the representation in or before November 2010. During that timeframe, respondent sent the managing partner an e-mail providing an update on Louise's medical condition.

Five months later, on April 11, 2011, respondent provided a second update to the managing partner, this time claiming that the Fortunas were "waiting on a final statement from Medicare and will then be looking to settle." Thereafter, on September 11, 2011, respondent told the managing partner that he was preparing the Fortunas' "demand."

In or before June 2012, the managing partner directed respondent to refer the Fortunas' matter to a Delaware attorney to whom the Firm previously had referred personal injury cases. In the managing partner's view, because the Fortunas' automobile accident occurred in Delaware, that jurisdiction was the proper venue to litigate their case.

During respondent's criminal trial in Pennsylvania, the managing partner testified that, based on the Firm's longstanding relationship with the Delaware attorney, he expected that attorney to provide the Firm a referral fee equal to one-third of any total legal fee obtained. The managing partner also testified that respondent confirmed that he would refer the matter to the Delaware attorney, as instructed.

Respondent, however, altogether failed to refer the Fortunas' matter to the Delaware attorney. Rather, unbeknownst to the managing partner, on June 22, 2012, respondent referred the matter to an attorney who was not associated with the Delaware attorney.

Thereafter, for more than a year, respondent repeatedly misrepresented the status of the matter to the managing partner. Specifically, on June 26 and July 11, 2012, respondent falsely informed the managing partner that the Delaware attorney had filed the Fortunas' lawsuit. Moreover, on August 13, 2012, respondent told the managing partner that he had "no updates" on the matter and that he would send the Fortunas a letter reminding them of the Delaware attorney's contact information.

Ten months later, on June 25, 2013, following the resolution of the Fortunas' case, the attorney unrelated to the Delaware attorney sent respondent a letter, enclosing a $2,980.27 referral fee check made payable to respondent. Respondent failed to disclose the referral fee to the managing partner and kept those funds for himself.

On October 10, 2013, following his misappropriation of the Firm's funds, respondent sent the managing partner an e-mail falsely claiming that the Fortunas' matter was not "dead." During the criminal trial, the managing partner testified that he had interpreted respondent's e-mail to mean that the Fortunas' matter was "still active." The managing partner also stated that, throughout 2013, he erroneously believed, based on respondent's "updates," that the Delaware attorney "was still working on the case."

The Griffin Client Matter

In July 2013, Adriana Griffin retained the Firm in connection with her intent to file for divorce in Pennsylvania. On July 3, 2013, following an initial consultation with respondent, Griffin met with him a second time and, based on his instructions, "handed" him a $3,000 personal check, made payable to respondent, towards the Firm's retainer fee. Respondent, however, failed to provide Griffin's $3,000 retainer fee to the Firm and, instead, kept those funds for himself. Two weeks later, on July 18, 2013, respondent sent the managing partner an e-mail falsely claiming that Griffin's "[d]ivorce ha[d] already been filed" and that she merely was "looking for us to finalize everything."

On July 31, 2013, the Firm sent Griffin a letter, prepared by respondent and signed by the managing partner, stating that the Firm purportedly had received her $1,500 retainer payment to begin the representation. Upon reviewing the letter, Griffin called the Firm to inquire whether it had received her $3,000 retainer fee check, considering the $1,500 discrepancy between the partner's letter and the amount she had paid respondent. Specifically, Griffin spoke with the Firm's receptionist, who stated that there was "nothing in [her] file at all," which "concerned" Griffin. Additionally, Griffin spoke with respondent, who informed her that, because her matter purportedly was "very simple," the Firm "probably" could handle her "entire divorce" for the $3,000

fee she previously had provided to respondent. During the criminal trial, Griffin testified that she had accepted respondent's explanation as truthful.

Following her acceptance of respondent's explanation regarding the Firm's retainer fee, Griffin repeatedly contacted her husband to inquire whether he had received her complaint for divorce. Griffin's husband, however, maintained that he had not received any submission from the Firm. When Griffin questioned respondent regarding the filing of her divorce complaint, he falsely stated that he had filed her complaint and served her husband when, in fact, he had not. Nevertheless, Griffin "thought [her husband] was lying and not [her] attorney."

In December 2013, the managing partner directed another associate attorney to investigate the status of Griffin's matter. Specifically, following her review of the relevant Pennsylvania court records, the associate discovered that respondent had failed to file Griffin's divorce complaint, despite his assertion, in his July 18, 2013 e-mail to the managing partner, that Griffin's complaint had been filed prior to her retention of the Firm. When the associate confronted respondent with her discovery, he again lied by claiming that he had filed the complaint and suggested that it "was taking a long time" for the court's docket to reflect that submission.

Thereafter, on or around December 19, 2013, Griffin met with the associate and respondent, who apologized to Griffin for failing to file her complaint, citing his busy work schedule. Following the meeting, the Firm reassigned Griffin's matter to the associate.

Meanwhile, on December 19, 2013, the managing partner questioned respondent regarding his mishandling of Griffin's matter, in reply to which he stated, "I am well aware of the issues I had earlier this year, and unfortunately this appears to go along with that." Respondent, however, failed to disclose to the managing partner that he had withheld Griffin's $3,000 retainer fee from the Firm and kept those funds for himself. Rather, at some point, the Firm independently discovered respondent's theft by speaking with Griffin.

On December 29, 2013, respondent resigned from the Firm. During the criminal trial, the managing partner testified that he had intended to terminate respondent's employment if he had not resigned voluntarily.

The September 2018 Information and December 2020 Criminal Trial

On October 1, 2015, respondent and the Pennsylvania Office of Disciplinary Counsel executed a joint petition in which he consented to the imposition of discipline for his misconduct underlying the Fortuna and Griffin client matters, among other misconduct that occurred after the September 2013

administrative revocation of his New Jersey law license. In January 2016, the Chester County District Attorney's Office opened a criminal investigation into respondent's practice of law.

In or around September 2018, the Chester County District Attorney filed a thirty-six-count information against respondent. Counts one and two of the information, respectively, charged respondent with theft by unlawful taking and theft by deception, both third-degree felonies, in connection with the $2,980.27 referral fee that he had concealed from the Firm underlying the Fortuna client matter. Additionally, count three of the information charged respondent with first-degree misdemeanor theft by deception in connection with the $3,000 in funds he had stolen from Griffin and withheld from the Firm.[1]

The information also charged respondent with twenty-seven counts of theft by deception, three counts of theft by unlawful taking, and three counts of theft by failing to make the required disposition of funds received, in violation of 18 Pa. C.S. § 3927(a). Those theft charges alleged that, between 2014 and 2016, following the administrative revocation of his New Jersey law license, and while operating a solo practice of law, respondent accepted legal fees from

[1] Given the $3,000 in stolen funds at issue, the basis for the first-degree misdemeanor grading, as opposed to a third-degree felony grading, is unclear based on the record before us. See 18 Pa. C.S. §3903 (a)(1) and (b) (classifying theft as a third-degree felony if the amount stolen was between $2,000 and $100,000 and a first-degree misdemeanor if the amount stolen was between $200 and $2,000).

at least twenty-seven clients and then failed to perform any meaningful work on their behalf.

Between December 1 and 9, 2020, respondent appeared for a seven-day criminal trial in the Court of Common Pleas in connection with the thirty-six-count information. During the trial, respondent's clients testified regarding the serious consequences of his criminal conduct, including missing court dates and receiving default judgments and bench warrants.

On December 9, 2020, a jury convicted respondent of thirty-four counts of theft, including the three counts connected to his conduct underlying the Fortuna and Griffin client matters.

Identity Theft, Forgery, and Access Device Fraud

On February 7, 2019, the Chester County District Attorney filed a sixty-two-count information against respondent charging him with, among other offenses, five counts of criminal conduct that occurred prior to the September 2013 administrative revocation of his New Jersey law license. Specifically, the pre-revocation charges included three counts of third-degree felony access device fraud, one count of third-degree felony forgery, and one count of first-degree misdemeanor identity theft.

The sixty-two-count information generally alleged that respondent applied for loans, opened utility accounts, or utilized credit cards – all in his wife's name – without her knowledge or permission, and then failed to pay any portion of the illicit debt he had accrued on those accounts.[2]

On February 21, 2021, respondent appeared in the Court of Common Pleas and entered an open guilty plea to thirty-one counts of criminal conduct, including the five forgery, identity theft, and access device fraud charges that encompassed his pre-revocation criminal behavior. The pre-revocation charges concerned respondent's illicit use of his wife's Chase Disney, Bank of America, and Citibank credit cards.

Specifically, during the plea hearing, respondent conceded that, in spring 2013, he had opened a Chase Disney credit card in his wife's name, without her knowledge or permission, and then "proceeded to use the account as if it were his own." Respondent further admitted that, by September 2016, he had accumulated a $1,088.30 balance on the Chase Disney credit card. For that conduct, respondent pleaded guilty to first-degree misdemeanor identity theft, third-degree felony forgery, and third-degree felony access device fraud.

Additionally, respondent admitted that, in or before 2012, he convinced his wife "to get rid of her Bank of America [credit] card to better their credit."

[2] Respondent and his spouse were married in July 2008 and divorced in June 2018.

Based on that pretense, respondent took possession of her Bank of America credit card and, rather than close that account, he utilized that credit card for his "own purpose," without his wife's knowledge or permission. By June 2016, respondent surreptitiously had accumulated a $22,923 balance on his wife's Bank of America credit card. For that conduct, respondent pleaded guilty to third-degree felony access device fraud.

Moreover, respondent acknowledged that, between 2012 and 2017, he charged a total of $4,486.64 in expenses to his wife's Citibank credit card, without her knowledge or permission. For that conduct, respondent pleaded guilty to third-degree felony access device fraud.

Further, following the September 2013 administrative revocation of his New Jersey law license, respondent, in 2016, admittedly opened a credit card in his mother-in-law's name, without her knowledge or permission, and accrued $5,000 in illicit debt connected to that account.[3] Additionally, between 2014 and 2016, respondent obtained one loan and opened three credit cards and three utility accounts in his wife's name, without her knowledge or permission, thereby accruing substantial sums of illegitimate debt.

[3] Sometime in 2019, the Chester County District Attorney issued a separate information charging respondent with at least three additional counts of criminal conduct connected to the identity theft of his mother-in-law. However, that information was not included in the record before us.

In connection with his criminal transactions, respondent accumulated approximately $80,000 in illicit debt. Although he argued that his wife "may" have benefited from "some" of his illegal transactions, he conceded that his transactions also supported his personal lifestyle, including financing expenses related to his extramarital affairs and approximately $2,000 for "pornography."

The Sentencing Hearing

On March 22, 2021, respondent appeared for sentencing before the Honorable Patrick Carmody for the totality of his criminal conduct underlying this matter.

During the proceeding, several of respondent's former clients testified regarding the serious consequences caused by his dishonesty, including (1) appearing in court for "nonexistent" custody hearings; (2) failing to obtain a desperately needed expungement petition; (3) taking a month's income from an elderly client and doing nothing in return; and (4) nearly forcing a client to file for bankruptcy after he was forced to spend "endless" fees to "undo" respondent's decision to settle his case without authorization.

Additionally, respondent's former spouse testified that, since 2017, she had "been trying to dig myself out of a hole that wasn't even my hole to get out of." She emphasized how respondent had "managed to destroy" her life and

reputation "in almost every possible way," leaving her "in massive debt." She also underscored how respondent had "destroyed" her credit to fund his extramarital affairs.

The prosecution, in turn, argued that respondent had "conned multiple clients" without any intention of performing legal work to advance their matters. Based on the impact of respondent's conduct on his numerous victims, the prosecution urged the court to impose a custodial sentence of between ten and thirty-two years.

Respondent, through counsel, conceded that a custodial sentence was appropriate, considering that "attorneys can be held to a higher standard" when convicted of theft-related offenses. Nevertheless, respondent emphasized that "there were things going on" in his life that could explain some of his actions, including attempting to pay for his family's expenses while operating his own practice of law.

Respondent addressed the court and apologized for his behavior, noting that he did not intend to justify his actions. Respondent conceded that his conduct "fell far short of" the standard expected of attorneys and that he had embarrassed himself, his former spouse, and the legal profession. Further, although he acknowledged that he had "betrayed the trust" of his family and

clients, he stated that he was "determined to learn" and to "grow" from his experiences with the criminal justice system.

Judge Carmody sentenced respondent to an aggregate term of incarceration of between eleven and twenty-three years, followed by a two-year term of probation. In imposing a sentence above the standard range recommended by the Pennsylvania sentencing guidelines, Judge Carmody weighed, in aggravation, respondent's numerous victims, some of whom were elderly or had limited financial resources. In Judge Carmody's view, respondent demonstrated a serious lack of remorse for the "ongoing nature" of his criminal conduct, including repeatedly lying to his clients and "finance[ing] an affair . . . by stealing from [his] wife." Judge Carmody remarked that "nothing" was "sacred" to respondent – who had no drug, alcohol, or mental health issues – and that he would "lie to anyone." Indeed, Judge Carmody found that, even after having met with Pennsylvania disciplinary authorities, respondent continued to steal from his spouse.

Judge Carmody observed that respondent was "not an overwhelmed attorney" but, rather, "a conman" who did very little for his clients. Moreover, Judge Carmody reasoned that respondent's "rehabilitative prospects [were] low because [he] lacked true remorse."

Finally, Judge Carmody ordered respondent to pay approximately $68,000 in total restitution to his victims and to the Pennsylvania Lawyers Fund for Client Security. Judge Carmody, however, declined to order respondent to pay restitution to the Firm, based on his view that Pennsylvania law was "in flux" regarding restitution to "corporations."

On October 12, 2022, following a direct appeal, the Superior Court of Pennsylvania affirmed respondent's convictions and sentence in their entirety. Commonwealth v. Janis, 2022 Pa. Super. Unpub. LEXIS 2415 (October 12, 2022). Thereafter, on August 9, 2023, the Supreme Court of Pennsylvania denied respondent's petition for the allowance of an appeal of the Superior Court's decision. Commonwealth v. Janis, 303 A.3d 115 (Pa. 2023).

The Parties' Positions Before the Board

The OAE argued that respondent's theft convictions underlying the Fortuna and Griffin client matters, along with his identity theft, forgery, and access device fraud convictions underlying his illicit use of his then spouse's Citibank, Bank of America, and Chase Disney credit cards, constituted violations of RPC 8.4(b) and RPC 8.4(c). Additionally, the OAE argued that respondent knowingly misappropriated law firm funds, in violation of the principles of Siegel, first by stealing the Firm's $2,980.27 referral fee that he

received in connection with the Fortuna client matter. The OAE contended that respondent knowingly misappropriated law firm funds a second time by concealing from the Firm the $3,000 retainer fee he personally had received from Griffin in connection with her matrimonial matter.

In support of its recommendation that respondent be disbarred, the OAE analogized his conduct to that of disbarred attorneys whose knowing misappropriation of law firm funds was unrelated to any genuine business disputes with their firms. By contrast, in In re Sigman, 220 N.J. 141(2014), the Court declined to disbar an attorney who knowingly misappropriated law firm funds in connection with a legitimate business dispute with his firm. Indeed, the OAE emphasized that, throughout the criminal proceedings, respondent raised no concerns or disputes with the Firm regarding his compensation as a salaried associate.

The OAE further urged its recommended sanction based on the principles of In re Goldberg, 142 N.J. 557 (1995), which requires disbarment when an attorney's criminal conduct is prolonged, motivated by greed, and involved the use of legal skills to facilitate the scheme. The OAE argued that, in addition to his misappropriation of law firm funds underlying the Fortuna and Griffin client matters, respondent defrauded his wife by using her credit cards to fund his "separate lifestyle." The OAE emphasized that respondent "utilized the fruits of

his theft" to fund his extramarital affairs, demonstrating that he was motivated by personal gain rather than by desperation.

The OAE recommended that we weigh, in aggravation, respondent's criminal conduct that occurred after the September 2013 administrative revocation of his New Jersey law license, including defrauding at least twenty-seven clients while continuing to steal from his spouse. In the OAE's view, the scale of respondent's misconduct was not merely episodic but, rather, "a continuing pattern of behavior."

Other than respondent's lack of prior New Jersey discipline, the OAE identified no mitigating factors.

In summarizing its position, the OAE argued that respondent abused his trusted position to defraud not only the Firm, but also his clients and spouse. The OAE concluded that disbarment is the only appropriate sanction, considering the lack of explanation for his "irredeemable corruption."

In respondent's written submission to us, he requested that the motion for final discipline be deferred until the resolution of his "appeal" pending in the Court of Common Pleas. Alternatively, if the matter is not deferred, respondent emphasized his view that he had accepted "full responsibility" for his misconduct by pleading guilty to the "fraud charges" concerning his former spouse and by stipulating to the imposition of a five-year suspension of his

Pennsylvania law license. Given his lack of prior discipline in New Jersey, respondent urged us to recommend the imposition of a five-year suspension, the same discipline he received in Pennsylvania.

Analysis and Discipline

Violations of the Rules of Professional Conduct

Following a review of the record, we determine to grant the OAE's motion for final discipline. Final discipline proceedings in New Jersey are governed by R. 1:20-13(c). Under that Rule, the OAE may file a motion for final discipline "[a]t the conclusion of all criminal matters . . . or at the conclusion of all direct appeals from . . . such matters . . . based on a criminal conviction or admission of guilt specifying the sanction requested."

Here, in 2023, the Supreme Court of Pennsylvania denied respondent's petition to appeal the Superior Court of Pennsylvania's decision affirming his convictions and sentence. Accordingly, because all direct appeals of respondent's criminal matter have concluded, we have the requisite jurisdiction to consider the motion for final discipline, despite the pendency of respondent's attempts to collaterally challenge his convictions at the trial court level. Cf Commonwealth v. Bradley, 261 A.3d 381, 386 (Pa. 2021) ("in general, the

[Pennsylvania Post-Conviction Relief Act] stands as the sole means of raising collateral challenges" to criminal convictions "at the state level").

Having determined that the matter is ripe for our consideration, we begin our analysis by noting that, pursuant to R. 1:20-13(c)(1), a criminal conviction is conclusive evidence of guilt in a disciplinary proceeding. In re Magid, 139 N.J. 449, 451 (1995), and In re Principato, 139 N.J. 456, 460 (1995). Respondent's convictions for third-degree felony theft by unlawful taking, in violation of 18 Pa. C.S. § 3921(a); third-degree felony theft by deception, in violation of 18 Pa. C.S. § 3922(a)(1); first-degree misdemeanor theft by deception, in violation of 18 Pa. C.S. § 3922(a)(1); first-degree misdemeanor identity theft, in violation of 18 Pa. C.S. § 4120(a); third-degree felony forgery, in violation of 18 Pa. C.S. § 4101(a)(2); and three counts of third-degree felony access device fraud, in violation of 18 Pa. C.S. § 4106(a)(1)(ii), thus, establish his violations of RPC 8.4(b) and RPC 8.4(c). Pursuant to those respective Rules, it is professional misconduct for an attorney to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer or to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Additionally, we determine that respondent's theft convictions underlying the Fortuna and Griffin client matters clearly and convincingly establish that he

knowingly misappropriated law firm funds.

In Wilson, 81 N.J. at 455 n.1, the Court described knowing misappropriation as follows:

> Unless the context indicates otherwise, "misappropriation" as used in this opinion means any unauthorized use by the lawyer of clients' funds entrusted to him, including not only stealing, but also unauthorized temporary use for the lawyer's own purpose, whether or not he derives any personal gain or benefit therefrom.

In Siegel, the Court addressed, for the first time, the question of whether knowing misappropriation of law firm funds should result in disbarment. Siegel, 133 N.J. at 168. During a three-year period, Siegel, a partner at his firm, converted more than $25,000 in funds from his firm by submitting false disbursement requests to the firm's bookkeeper. Id. at 165. Although the disbursement requests listed ostensibly legitimate purposes, they represented Siegel's personal expenses, including tennis club fees, theater tickets, and sports memorabilia. Ibid. The payees were not fictitious; however, the stated purposes of the expenses were. Ibid.

Although we did not recommend Siegel's disbarment, the Court agreed with our dissenting public members, who "saw no ethical distinction between the prolonged, surreptitious misappropriation of firm funds and the misappropriation of client funds." Id. at 166-67. The Court concluded that

knowing misappropriation from one's partners is just as wrong as knowing misappropriation from one's clients, and that disbarment was the appropriate discipline. Id. at 170.

In In re Sigman, 220 N.J. 141 (2014), the Court explained that it had "construed the 'Wilson rule, as described in Siegel,' to mandate the disbarment of lawyers found to have misappropriated firm funds '[i]n the absence of compelling mitigating factors justifying a lesser sanction, which will occur quite rarely.'" Sigman, 220 N.J. at 157 (alteration in original) (quoting In re Greenberg, 155 N.J. 138 (1998)).

Applying these principles, we find that respondent knowingly and brazenly misappropriated law firm funds in connection with both the Fortuna and Griffin client matters, in violation of the principles of Siegel.

Specifically, in or before June 2012, the managing partner directed respondent to refer the Fortunas' personal injury matter to a Delaware attorney with whom the Firm had a longstanding professional relationship. Respondent, however, referred the matter to an unrelated attorney and then lied to the managing partner that he had referred the case to the Delaware attorney, as instructed. Thereafter, respondent continued, for more than a year, to misrepresent the status of the matter to the managing partner, leading him to believe that the Delaware attorney had filed the Fortunas' lawsuit and that it

remained unresolved. In fact, unbeknownst to the managing partner, on June 25, 2013, the unrelated attorney sent respondent a $2,980.27 referral fee check, made payable to respondent, in connection with the resolution of the Fortunas' case. Respondent, however, failed to inform the Firm of his receipt of the referral fee and, instead, kept those funds for himself. Compounding his deception, in October 2013, respondent again lied to the managing partner by claiming that the Fortunas' case was still active, further concealing his theft from the Firm.

Respondent's misappropriation of law firm funds continued in connection with the Griffin client matter. Specifically, in July 2013, Griffin, at respondent's direction, provided him a $3,000 personal check, made payable to him, towards the Firm's purported retainer fee. Respondent, however, concealed those funds from the Firm and kept them for himself.

Thereafter, on July 31, 2013, the Firm sent Griffin a letter, drafted by respondent and signed by the managing partner, falsely stating that the Firm had received her $1,500 retainer fee. When Griffin called the Firm to inquire whether it had received her $3,000 retainer fee check, the Firm's receptionist informed her that "nothing" was in her "file." Respondent, in turn, lied to Griffin, stating that the Firm "probably" could handle her entire matrimonial matter for only the $3,000 fee she had provided to respondent. Griffin, however, remained unaware

that respondent had diverted the entirety of those funds to himself. By his conduct, respondent not only stole the Firm's $1,500 retainer fee – the amount reflected in the July 31, 2013 letter to Griffin – but also embezzled the remaining $1,500 of Griffin's $3,000 legal fee, without any intent to provide those funds to the Firm.

Respondent further lied to Griffin by claiming that he had filed her complaint for divorce when, in fact, he had not. Indeed, even after an associate of the Firm confronted respondent, in December 2013, with her discovery that Griffin's complaint remained unfiled, he again lied by maintaining that it "was taking a long time" for that submission to reflect in the court's docket.

On December 19, 2013, after the Firm reassigned Griffin's matter to the other associate, the managing partner questioned respondent regarding his conduct. In reply, respondent merely claimed that he was "well aware of the issues I had earlier this year, and unfortunately this appears to go along with that." Significantly, respondent failed to inform the managing partner that he had withheld Griffin's $3,000 retainer fee from the Firm, which, eventually, was independently discovered by the Firm.

Ten days later, on December 29, 2013, respondent voluntarily resigned from the Firm. Significantly, however, respondent failed to inform the managing partner of his thefts from the Firm.

In sum, we find that respondent's criminal convictions for theft underlying the Fortuna and Griffin client matters clearly and convincingly establish that he knowingly misappropriated law firm funds, in violation of the principles of Siegel (two instances). In addition, we find that respondent violated RPC 8.4(b) and RPC 8.4(c). Hence, the sole issue left for our determination is the proper quantum of discipline for respondent's misconduct. R. 1:20-13(c)(2); Magid, 139 N.J. at 451-52; and Principato, 139 N.J. at 460.

Quantum of Discipline

In determining the appropriate measure of discipline, we must consider the interests of the public, the bar, and respondent. "The primary purpose of discipline is not to punish the attorney but to preserve the confidence of the public in the bar." Principato, 139 N.J. at 460. Fashioning the appropriate penalty involves a consideration of many factors, including the "nature and severity of the crime, whether the crime is related to the practice of law, and any mitigating factors such as respondent's reputation, [their] prior trustworthy conduct, and general good conduct." In re Lunetta, 118 N.J. 443, 445-46 (1989).

The Court has noted that, although it does not conduct "an independent examination of the underlying facts to ascertain guilt," it will "consider them relevant to the nature and extent of discipline to be imposed." Magid, 139 N.J.

at 452. In motions for final discipline, it is acceptable to "examine the totality of circumstances, including the details of the offense, the background of respondent, and the pre-sentence report" before reaching a decision as to the sanction to be imposed. In re Spina, 121 N.J. 378, 389 (1990). The "appropriate decision" should provide "due consideration to the interests of the attorney involved and to the protection of the public." Ibid.

In New Jersey, when an "attorney misappropriates law firm funds, the facts and circumstances of the particular case determine the sanctions warranted, up to and including disbarment." In re Barrett, 238 N.J. 517, 523 (2019) (citing Siegel, 133 N.J. at 170 (wherein the Court held that "knowingly misappropriating funds – whether from a client or from one's partners – will generally result in disbarment"), and Sigman, 220 N.J. at 158 (noting that the Court's holding in Siegel "is not, and has never been, absolute, and that "[t]he Court has recognized in other settings that there are cases that warrant discipline short of disbarment")).

Lesser sanctions have been imposed where attorneys have been engaged in business disputes with their law firms. See, e.g., In re Nelson, 181 N.J. 323 (2004); In re Glick, 172 N.J. 319 (2002); In re Paragano, 157 N.J. 628 (1999); and In re Bromberg, 152 N.J. 382 (1998) (wherein the Court imposed discipline

short of disbarment when each attorneys' misappropriation of law firm funds occurred in the context of legitimate business disputes with their firms).

Similarly, in Sigman, the Court, in a reciprocal discipline matter, suspended an associate attorney for thirty months – the same discipline he received in Pennsylvania – for his misappropriation of law firm funds that had arisen during a genuine business dispute with his firm. 220 N.J. at 162. In that matter, Sigman kept legal and referral fees, over a four-year period, repeatedly violating the terms of his employment contract. Id. at 145. Sigman knew he was prohibited from handling client matters and referrals independent of the firm, but did so anyway, and instructed clients to issue checks for fees directly to him. Id. at 147-48. In total, he withheld $25,468 from the firm. Id. at 145.

After the firm terminated Sigman's employment, but prior to the imposition of discipline in Pennsylvania, he successfully sued his prior employer, resulting in the award of $123,942.93 in legal and referral fees that the firm wrongfully had withheld from him. Id. at 151. During the disciplinary proceedings, however, Sigman did not cite the fee dispute with his firm as justification for his misappropriation. Id. at 162. For his misconduct, the Pennsylvania Supreme Court, citing substantial mitigation, suspended Sigman for thirty months. Ibid.

In New Jersey, the Court imposed a reciprocal thirty-month suspension, noting the presence of compelling mitigating factors, including (1) Sigman's lack of prior discipline in Pennsylvania and New Jersey; (2) his character references demonstrating his significant contributions to the bar and underserved communities; (3) his admission of wrongdoing and cooperation with disciplinary authorities; (4) the fact that he did not steal funds belonging to a client; (5) the fact that his misappropriation occurred in the context of fee payment disputes and a deteriorating relationship with his firm, where he ultimately was vindicated; and (6) the fact that his misconduct was reported only after the conflict over fees had escalated. Id. at 161.

Recently, in In re Kelly, 260 N.J. 123 (2025), the Court imposed a two-year suspension on a salaried partner found to have misappropriated law firm funds by directly billing several clients for legal services. In the Matter of William C. Kelly, DRB 24-140 (December 11, 2024) at 27. Although Kelly had no business dispute with his firm, we found that compelling mitigation warranted discipline short of disbarment, including (1) the lack of evidence that his misconduct had a negative effect on either his known clients or his clients for whom he performed outside legal services; (2) the fact that his firm did not seek to recover any funds from him; (3) his status as a non-equity partner in which he did not share in his firm's profits; (4) the lack of evidence that he took

existing clients from the firm or that the firm would have taken the clients for whom he performed outside legal work; (5) his remorse, contrition, and cooperation with disciplinary authorities; and (6) his lack of prior discipline in his lengthy career at the bar. Id. at 33. We recommended the imposition of a three-year suspension. Id. at 38. However, the Court, citing Sigman, imposed a two-year suspension, noting that "knowing misappropriation of law firm funds may warrant disbarment," though mitigating factors may justify a lesser sanction.

In the absence of a legitimate business dispute over fees or compelling mitigation, the Court invariably has disbarred attorneys for knowing misappropriation of law firm funds.

For instance, in In re Staropoli, 185 N.J. 401 (2005), an associate attorney received a one-year suspension in Pennsylvania and Delaware, but was disbarred in New Jersey, for retaining a $3,000 legal fee, two-thirds of which belonged to his firm. Staropoli was aware that contingent fees were to be divided in certain percentages between the firm and its associates, if the associates originated the cases. In the Matter of Charles C. Staropoli, DRB 04-319 (March 2, 2005) at 2. In May 2000, Staropoli settled a personal injury case he had originated, earning a contingent fee. Id. at 2. The insurance company issued a check payable to both Staropoli and the client. Ibid. Staropoli, however, did not tell the firm of his

receipt of the check and deposited it in his personal bank account, rather than the firm's account. Ibid. He then distributed $6,000 to the client and kept the $3,000 fee for himself. Ibid.

We issued a divided decision. Four Members found that Staropoli's single aberrational act should not require "the death penalty on [his] New Jersey law career." Id. at 22. The four Members who voted for disbarment found that Staropoli did not have a reasonable belief of entitlement to the funds he withheld from the firm, and that he had advanced no other valid reason for his misappropriation of law firm funds. Id. at 20. The Court agreed and disbarred him. Staropoli, 185 N.J. 401.

In another case, In re Nicholson, 235 N.J. 331 (2018), the Court disbarred an associate attorney who knowingly misappropriated law firm funds in connection with her attempts to assist the firm in collecting outstanding legal fees. In the Matter of Christie-Lynn Nicholson, DRB 18-037 (July 30, 2018) at 4. Per Nicholson's instructions, twelve law firm clients directly paid her a total of $19,161 toward outstanding legal fees, which she deposited in her personal bank account. Id. at 4-5. The client payments represented both legal fees owed to the firm for completed legal services and fees advanced for future legal services. Id. at 5. Nicholson did not remit the client payments to the firm, even though she was neither authorized to settle outstanding fees nor entitled to retain

any legal fees paid to the firm. Ibid.

To conceal her misconduct, Nicholson removed pages from the firm's receipts book; intercepted monthly billing invoices, so that clients would not learn that their payments were not properly credited to their outstanding balances; instructed clients to lie to the firm's managing partner about making cash payments directly to her after the firm's normal business hours; and maintained secret notes concerning potential new clients, some of whom retained her to perform work outside the scope of her employment with the firm. Id. at 5, 13. Although Nicholson collected fees from those potential new clients, she never performed the legal services. Id. at 5.

After discovering Nicholson's misconduct, the managing partner terminated her employment and filed a criminal complaint, charging her with multiple counts of theft. Id. at 18. Nicholson, in response, improperly threatened the managing partner that, unless he withdrew the criminal charges and the information that he had given to the New Jersey Department of Labor, she would report him to the relevant authorities for purported "'counter allegations' of fraud and crimes." Id. at 18-19.

In recommending Nicholson's disbarment, we found no evidence that she took the firm's funds in connection with a colorable business dispute, as in Sigman. Id. at 31. Rather, we found that Nicholson's protracted scheme of

dishonesty and theft from the law firm compelled her disbarment, as in Siegel and Staropoli. Id. at 31-32.

In 2022, the Court imposed a permanent bar on an associate attorney's ability to apply for future pro hac vice or plenary admission in New Jersey, following the attorney's conviction to one count of mail fraud, in violation of 18 U.S.C. § 1341. In re Mittin, 250 N.J. 182 (2022).[4] In that matter, Mittin admitted that he had engaged in an illegal, ten-year-long scheme to defraud his law firm of its entitled fees by referring the firm's cases to outside lawyers, who resolved the cases and then shared the proceeds with him. In the Matter of Neil I. Mittin, DRB 20-334 (August 5, 2021) at 3-4. Although Mittin was an associate, who was not permitted to remove a client's matter from the firm or to refer a client to an outside attorney, he enjoyed a position of trust from the partners and, thus, was not subject to significant supervision in his daily work. Ibid. Nevertheless, Mittin abused that trust by referring client matters, without the firm's knowledge, to outside lawyers as if he, not the firm, was entitled to a

[4] Mittin had not earned plenary admission to the New Jersey bar. However, he had engaged in the criminal conduct while admitted, pro hac vice, to the New Jersey bar. Accordingly, the Court had jurisdiction to discipline him pursuant to R. 1:20-1(a) (providing that "[e]very attorney . . . authorized to practice law in the State of New Jersey, including those attorneys specially authorized for a limited purpose or in connection with a particular proceeding . . . shall be subject to the disciplinary jurisdiction" of the Court). Although the Court could not procedurally disbar Mittin, following the conclusion of his pro hac vice New Jersey bar admission, it imposed the functional equivalent of disbarment by permanently barring him from future pro hac vice or plenary admission in New Jersey.

share of the financial recoveries in those matters. Id. at 5. Thereafter, Mittin systematically closed the corresponding files at the firm, which made it appear in the firm's records as if there was no settlement or resolution, effectively concealing from the firm that the matters were, indeed, viable, and that he fraudulently had referred the matters to outside attorneys. Ibid. Upon resolving the client matters, the outside attorneys would pay Mittin a referral fee and reimburse him for the costs incurred by the firm before he had referred the cases. Id. at 6.

In recommending Mittin's permanent bar from future pro hac vice or plenary admission, we found that his knowing misappropriation of law firm funds did not arise out of a business dispute over fees, as in Sigman. Id. at 16. Rather, Mittin had embarked on a criminal scheme, spanning more than ten years, to steal nearly $4 million in fees to which the firm was entitled. Ibid. Consequently, we additionally recommended Mittin's permanent bar from future admission based on the principles of In re Goldberg, 142 N.J. 557 (1995), given the breadth of his criminal scheme in which he utilized his legal skills to steal vast sums of fees from the firm. Id. at 16-17. The Court agreed with our recommended discipline and permanently barred Mittin from such future admission to the New Jersey bar.

Here, unlike in Sigman, the record before us is devoid of any evidence

that respondent's misappropriation of law firm funds arose out of a business dispute over fees. Moreover, unlike in Kelly, respondent, in our view, has presented no compelling mitigation to justify a sanction short of disbarment.

Rather, we find that his misconduct bears striking resemblance to that of the attorneys in Nicholson and Mittin, who were disbarred (or received the functional equivalent of disbarment) for engaging in protracted schemes of dishonesty and theft from their law firms. Like Mittin, who impermissibly referred matters to outside attorneys without his firm's knowledge, respondent surreptitiously referred the Fortunas matter to an attorney who was unknown to the Firm, contrary to the managing partner's instructions. Thereafter, respondent repeatedly lied to the managing partner by attempting to reassure him that the Delaware attorney was continuing to handle the Fortunas' unresolved matter. In fact, respondent absconded with the $2,980.27 referral fee provided to him by the unrelated attorney and, thereafter, continued to lie to the managing partner by claiming that the matter remained active, to hide his theft from the Firm.

Similarly, like Nicholson, respondent, in the Griffin matter, misappropriated law firm funds from an existing client of the Firm. To ensure the success of his scheme, respondent (1) arranged for Griffin to pay him directly for the representation, (2) concealed his receipt of Griffin's $3,000 fee from the Firm, and (3) lied to Griffin that the Firm would likely handle her entire matter

for only the $3,000 fee she had provided to respondent, in an attempt to placate her concerns regarding the Firm's engagement letter specifying only a $1,500 retainer fee.

Following his receipt of Griffin's $3,000 in misappropriated legal fees, respondent – like Nicholson – failed to perform the promised legal services. Rather, he lied to Griffin and the Firm that he had filed her complaint for divorce, even after an associate attorney confronted him with her discovery that the complaint remained unfiled. When the managing partner questioned respondent regarding his mishandling of Griffin's matter, he refused to disclose his theft from the Firm, which, at some point, was independently discovered following a conversation with Griffin.

Respondent's actions resulted in significant harm to the Firm, given that he stole nearly $6,000 of its entitled legal fees.

Compounding his multiple acts of theft from the Firm, respondent also engaged in theft from his spouse and mother-in-law by accumulating large sums of illicit debt on their credit cards, without their knowledge or permission. Respondent's theft began as early as 2012 and continued until 2017, four years after the administrative revocation of his New Jersey law license, in September 2013.

Although we have no jurisdiction to recommend the imposition of

discipline for respondent's criminal conduct that occurred after the administrative revocation of his New Jersey law license, we determine, based on past precedent, to view such post-revocation conduct in aggravation. See In the Matter of Wayne Robert Rohde, DRB 21-169 (January 21, 2022) (in a motion for final discipline for an attorney who, while admitted pro hac vice in New Jersey, was convicted of felony leaving the scene of an accident, we weighed, in aggravation, the attorney's decision, following the conclusion of his pro hac vice admission, to repeatedly conceal his disciplinary proceedings stemming from that conviction from state and federal courts). Specifically, respondent's theft from his spouse and mother-in-law spanned approximately five years, between 2012 and 2017, and allowed him to accumulate approximately $80,000 in illicit debt, some of which he used to acquire pornography and fund his extramarital affairs. As respondent's spouse testified during sentencing, respondent's actions "destroyed" her credit and reputation, leaving her in "massive debt." Alarmingly, as Judge Carmody observed at sentencing, respondent's theft from his spouse continued even after he knew that his conduct was under scrutiny by Pennsylvania disciplinary authorities.

Additionally, we weigh, in aggravation, respondent's numerous theft convictions for defrauding at least twenty-seven clients by accepting legal fees and then failing to perform any meaningful work. Respondent's scheme spanned

approximately three years, from 2014 through 2016, and resulted in serious consequences to his numerous clients, some of whom were elderly or had limited financial resources. As described by Judge Carmody, respondent was a "conman" with a limited prospect for rehabilitation, considering his lack of genuine remorse for the substantial harm he caused to his clients.

Nevertheless, we decline to apply the principles of Goldberg in recommending the imposition of discipline in this matter, as the OAE had urged. In its 1995 Goldberg opinion, the Court enumerated the aggravating factors that normally lead to the disbarment of attorneys convicted of crimes:

> Criminal convictions for conspiracy to commit a variety of crimes, such as bribery and official misconduct, as well as an assortment of crimes related to theft by deception and fraud, ordinarily result in disbarment. We have emphasized that when a criminal conspiracy evidences 'continuing and prolonged, rather than episodic, involvement in crime,' is 'motivated by personal greed,' and involved the use of the lawyers' skills 'to assist in the engineering of the criminal scheme,' the offense merits disbarment. (citations omitted).
>
> [142 N.J. at 567.]

In Mittin, in addition to recommending that the attorney receive the functional equivalent of disbarment for knowingly misappropriating law firm funds, in violation of the principles of Siegel, we recommended that same sanction based on the principles of Goldberg, given that the attorney's scheme

to defraud his firm of nearly $4 million in fees spanned more than ten years and was motivated by greed. By contrast, respondent's multiple acts of theft for which the OAE seeks the imposition of final discipline occurred during a relatively limited timeframe, between 2012 and 2013. Moreover, although respondent's theft from his spouse and mother-in-law clearly was motivated by personal gain, that conduct, arguably, did not involve the use of his skills as a lawyer to facilitate the scheme. Given the jurisdictional issues underlying respondent's post-revocation criminal conduct and considering the relatively limited timeframe of his pre-revocation criminal behavior, we decline to apply the principles of Goldberg in recommending the imposition of discipline in this matter.

Conclusion

In sum, we determine that there is no compelling mitigation or evidence of any business dispute to justify a sanction less than disbarment for respondent's knowing misappropriation of law firm funds. Within several years of his admission to the New Jersey and Pennsylvania bars, respondent embarked upon an unrelenting course of dishonesty and theft to line his own pockets at the expense of his former employer, family members, and clients, who all suffered significant harm based on his failure to adhere to the basic ethical and

professional precepts demanded of all New Jersey attorneys. Accordingly, we conclude that disbarment is the only appropriate sanction, pursuant to the principles of Siegel as applied by subsequent disciplinary precedent. Therefore, we need not address the appropriate quantum of discipline for respondent's additional ethics violations.

Member Modu 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 Joshua Adam Janis
Docket No. DRB 25-075

Argued: June 19, 2025

Decided: August 20, 2025

Disposition: Disbar

Members	Disbar	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