SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 25-077
District Docket No. XIV-2023-0511E

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In the Matter of Daniel Robert Scrudato
An Attorney at Law

Decided
August 21, 2025

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Certification of the Record

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## Introduction

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

This matter was before us on a certification of the record filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-4(f). The formal ethics complaint charged respondent with having violated RPC 1.1(a) (engaging in gross neglect); RPC 1.3 (lacking diligence); RPC 3.3(a)(1) (making a false statement of material fact to a tribunal); RPC 8.1(b) (failing to cooperate with disciplinary authorities);[1] RPC 8.4(b) (committing a criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer); RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

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

[1] Due to respondent's failure to file an answer to the formal ethics complaint, and on notice to him, the OAE amended the complaint to include the charged violation of RPC 8.1(b).

**Ethics History**

Respondent earned admission to the New Jersey bar in 2016. He has no prior discipline. At all relevant times, he maintained a practice of law in Jersey City, New Jersey.

**Service of Process**

Service of process was proper. On January 29, 2025, the OAE sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's office address of record. According to the United States Postal Service (USPS) tracking system, the certified mail sent to respondent's office address was delivered on January 31, 2025. The regular mail was not returned to the OAE.

On February 27, 2025, the OAE sent a second letter, by regular mail, to respondent's office address of record, and by electronic mail, to his e-mail address of record, informing him that, unless he filed a verified answer to the complaint within five days of the date of the letter, the allegations of the complaint would be deemed admitted, the record would be certified to us for the imposition of discipline, and the complaint would be deemed amended to charge a willful violation of RPC 8.1(b) by reason of his failure to answer. The regular mail was not returned to the OAE.

Also on February 27, 2025, respondent replied to the OAE's e-mail, requesting that the OAE send a copy of the complaint to him, via e-mail, and claiming that he had undergone "surgery last month and didn't actual have [sic] notice." In reply, the OAE informed him that the USPS tracking system indicated that the complaint was signed for by someone at the front desk of his office on January 31, 2025. The OAE also attached a copy of the complaint to the reply e-mail. Respondent informed the OAE that, on January 29, 2025, he had ankle surgery that originally had been scheduled for January 24, 2025 and, subsequently, developed an infection. He attached medical documentation and pictures to his e-mail and requested an extension of time to file an answer to the complaint.[2]

On February 28, 2025, the OAE sent respondent an e-mail inquiring regarding the length of extension he was seeking. On March 5, 2025, the OAE again attempted to contact respondent, this time via telephone, and left him a detailed voicemail message. On March 6, 2025, respondent sent the OAE an e-mail, indicating that he had received the March 5, 2025 voicemail message and requesting an extension to file an answer to the complaint by March 17, 2025.

[2] Although the medical documentation confirms respondent's original surgery date as January 24, 2025, it does not address the surgery having been rescheduled to January 29, 2025, as respondent represented in his e-mail.

On March 10, 2025, the OAE sent a letter, by regular mail, to respondent's office address of record, and by electronic mail, to his e-mail address of record, granting his request for an extension of time to file his answer and advising him that it would not grant any further extensions of time. The same date, the OAE received a relayed receipt indicating that delivery to respondent's e-mail address was complete. The regular mail was not returned to the OAE.

On March 19, 2025, respondent sent an e-mail to the OAE requesting another extension to file his answer no later than March 24, 2025. The same date, the OAE replied, by regular mail and e-mail, acknowledging respondent's request for an extension and reminding him that, on March 10, 2025, the OAE had granted a final extension request. Thus, the OAE again informed respondent that, unless he filed a verified answer by March 25, 2025, the record would be certified to us for the imposition of discipline. Also on March 19, 2025, the OAE received a relayed receipt indicating that delivery to respondent's e-mail address was complete. The regular mail was not returned to the OAE.

As of March 31, 2025, respondent had not filed an answer to the complaint and the time within which he was required to do so had expired. Accordingly, the OAE certified this matter to us as a default.

On April 28, 2025, Chief Counsel to the Board sent respondent a letter, by certified and regular mail, to his office address of record, with an additional copy sent by electronic mail, to his e-mail address of record, informing him that the matter was scheduled before us on June 19, 2025, and that any motion to vacate the default (MVD) must be filed by May 19, 2025. On April 28, 2025, the Office of Board Counsel (the OBC) received an automatic reply from respondent's e-mail address stating: "Due to special circumstances: Mr. Scrudato is currently out of the office and unable to be reached immediately. You will receive a reply from a staff member within the next two business day. [sic]. Thank you for your understanding." The OBC did not receive a reply from a staff member from respondent's office. Although the certified mail receipt was returned to the OBC, indicating delivery on May 1, 2025, the certified mail itself subsequently was returned to OBC as "not deliverable as addressed" and "unable to forward." The letter sent by regular mail also was returned to OBC as "not deliverable as addressed."

On June 5, 2025, the OBC sent a copy of the scheduling letter to an alternate e-mail address used by respondent. That same date, the OBC received an e-mail indicating that delivery to the recipient was complete, but no delivery notification was sent by the destination server.

Finally, the OBC published a notice dated May 5, 2025 in the New Jersey Law Journal and on the New Jersey Court's website, stating that we would consider this matter on June 19, 2025. The notice informed respondent that, unless he filed a successful MVD by May 19, 2025, his prior failure to answer the complaint would remain deemed an admission of the allegations contained in the complaint.

Respondent did not file an MVD.

**Facts**

We now turn to the allegations of the complaint. On December 8, 2023, the Honorable Kevin M. Shanahan, A.J.S.C., filed a referral with the OAE, alleging that respondent made several misrepresentations to the Honorable Jonathan W. Romankow, J.S.C.

Specifically, respondent represented a criminal defendant in the Superior Court of New Jersey, Warren County, in connection with an indictment charging several serious criminal offenses.[3] On October 2, 2023, respondent appeared before Judge Romankow for a status conference. During the conference, respondent told Judge Romankow that he was going

[3] According to public records available through eCourts, respondent entered his notice of appearance on behalf of the defendant in December 2018 and remains counsel of record.

to file a motion to dismiss the indictment (the Motion) the next day. In fact, respondent informed Judge Romankow that the Motion was ready to be filed and purported to demonstrate its readiness by "wav[ing] what appeared to be a paper copy of the motion" in the air. Consequently, Judge Romankow entered an order setting a briefing schedule for the Motion to be heard on November 14, 2023. Respondent, however, failed to file the Motion.

On November 14, 2023, the date the Motion was scheduled to be heard, Susan Mullin, respondent's administrative assistant, sent an e-mail to the Warren County Criminal Division (the Criminal Division) claiming that respondent had been in a car accident in Pennsylvania. She attached to the e-mail photographs of a police report, respondent's vehicle, and a vehicle allegedly at fault for the accident. Based on that representation, Judge Romankow adjourned the hearing to November 27, 2023.

Later that same morning, however, Judge Romankow examined the police report and photographs more closely and observed three strange details. First, he noticed that respondent had obscured the police report by placing his driver's license over the purported date; second, respondent claimed to have obtained a police report on the same date as the accident; and third, the photographs appeared to be from spring or summer, not the middle of November, because flowers that were visible in the pictures were

in bloom and the trees were green. Consequently, Judge Romankow asked the Criminal Division to contact respondent to obtain an unobscured copy of the police report. The Criminal Division sent e-mails to respondent's office and also called him. At the end of the day, respondent spoke with the Criminal Division and agreed to send a clean copy of the police report.

Two days later, on November 16, 2023, at Judge Romankow's instruction, the Criminal Division sent another e-mail to respondent, directing him to produce an unobscured copy of the police report by 4:30 p.m. that same date. The Criminal Division also called respondent's office. Respondent, however, failed to reply to the Criminal Division's e-mail or to return the telephone call. Thus, at 4:50 p.m., at Judge Romankow's directive, the Criminal Division informed respondent that he was ordered to appear before Judge Romankow the following morning (November 17, 2023) and to bring with him an unobscured copy of the police report. Respondent also was warned that Judge Romankow would hold him in contempt of court if he failed to appear. Respondent neither replied to the Criminal Division nor appeared before Judge Romankow on November 17, 2023, as directed.[4]

[4] The OAE did not charge respondent with having violated RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal) by failing appear before Judge Romankow on November 17, 2023.

Ten days later, on November 27, 2023, Judge Romankow held a status conference and asked respondent why he had failed to provide an unobscured copy of the police report. Respondent denied having received any e-mails or telephone calls from the Criminal Division; acknowledged that his e-mail address had not changed; stated that he had no explanation for why he did not receive the Criminal Division's e-mails; stated that he was waiting for an official copy of the police report; and told Judge Romankow that he was informed by the police department that there were no police reports other than the one already in his possession. In reply, Judge Romankow informed respondent that he merely sought an unobscured copy of the police report that respondent already possessed. According to Judge Romankow, respondent refused to acknowledge that he understood his request.

Moreover, respondent failed to offer any explanation for his failure to file the Motion; however, he represented to Judge Romankow that he would file the Motion that evening. Judge Romankow informed respondent that, if he failed to file the Motion that evening, he was required to appear back in court at 9:00 a.m. the following morning and would be sanctioned. Respondent both failed to file the Motion and failed to appear before Judge

Romankow on November 28, 2023.[5] Consequently, Judge Romankow entered an order sanctioning respondent $1,000 for his failure to appear.

On November 28, 2023, respondent sent an e-mail to the Criminal Division, stating he would be uploading the Motion "by early afternoon, if acceptable." He also attached to his e-mail (1) an unobscured copy of the purported police report from Upper Macungie Township, Pennsylvania, indicating the date of the accident as November 14, 2023, and (2) photographs of his car which he claimed he took immediately after the accident. In his e-mail, he also attempted to explain why the photographs looked like they were taken in the summer. Specifically, he explained that, because his car was "smashed down in multiple places," and due to its color and shape, "it was hard to see everything at once. So, I intentionally took pictures of the car with different contrasts to assess the damage. So I took screenshots of reverting the filtered photos and included others so the Judge could see." At no point in respondent's e-mail to the Criminal Division did he address his failure to appear before Judge Romankow.

On November 29, 2023, the Criminal Division provided respondent with the sanctions order via e-mail. In reply, respondent requested the ability

[5] The OAE did not charge respondent with having violated RPC 3.4(c) for disobeying Judge Romankow's directive to appear before him on this occasion.

to file the Motion as untimely no later than November 30, 2023, because "should it not be submitted I would again be in violation of orders." The Criminal Division informed respondent that the Motion was overdue and must be filed immediately.[6]

On November 30, 2023, Judge Romankow directed his law clerk to contact the Upper Macungie Township Police Department to verify the police report respondent had provided. The police department's records clerk stated that respondent had not been involved in a traffic accident on November 14, 2023. However, the records clerk confirmed that, on August 21, 2023, respondent was involved in a traffic accident in Upper Macungie Township. She provided Judge Romankow with a copy of the genuine, August 21, 2023 police report.

On March 26, 2024, the OAE conducted a demand interview of respondent.[7] During the interview, respondent admitted that he had altered the police report he provided to Judge Romankow. He explained that he converted the August 21, 2023 police report to a PDF format on his computer

[6] According to public records available through eCourts, on January 22, 2024, respondent filed the Motion.

[7] A transcript of the interview is not in contained within the record before us.

and inserted a new date and time to make it appear as though the traffic accident occurred on November 14, 2023, at 7:26 a.m.

On April 3, 2024, GEICO provided the OAE with the insurance claim file related to respondent's accident, confirming it occurred on August 21, 2023. Further, the file contained the same photographs that respondent provided to Judge Romankow to support his claim that he was involved in a traffic accident on November 14, 2023.

Based on the foregoing, the OAE charged respondent with having violated RPC 1.1(a) and RPC 1.3 by failing to appear for two scheduled court appearances on November 17 and 28, 2023, and by failing to file the Motion, on behalf of his client, as directed by the court; RPC 3.3(a)(1) by intentionally lying to Judge Romankow about the date and time of his traffic accident and providing a fabricated police report and photographs to support his false claim; RPC 8.4(b) by admittedly altering a police report to change the date and time of his traffic accident with the purpose of deceiving Judge Romankow, contrary to N.J.S.A. 2C:21-4(a);[8] RPC 8.4(c) by intentionally altering the police report and using the photographs to support his false

[8] N.J.S.A. 2C:21-4(a) provides "a person commits a crime in the fourth degree if he falsifies, destroys, removes, conceals any writing or record, or utters any writing or record knowing that it contains a false statement or information, with purpose to deceive or injure anyone or to conceal any wrongdoing."

assertion, as well as by intentionally acting as if he did not understand Judge Romankow's request to provide an unobscured copy of the police report already in his possession; and RPC 8.4(d) by failing to appear before Judge Romankow twice, resulting in the imposition of a sanction, and by failing to reply to the Criminal Division's communications to him. Finally, based on his failure to file an answer to the formal ethics complaint, the OAE amended the complaint to charge respondent with having violated RPC 8.1(b).

**Analysis and Discipline**

*Violations of the Rules of Professional Conduct*

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

Notwithstanding that Rule, each charge in the complaint must be supported by sufficient facts for us to determine that unethical conduct has occurred. See In re Pena, 164 N.J. 222, 224 (2000) (noting that the Court's "obligation in an attorney disciplinary proceeding is to conduct an independent

review of the record, R. 1:20-16(c), and determine whether the ethical violations found by the [Board] have been established by clear and convincing evidence"); see also R. 1:20-4(b) (entitled "Contents of Complaint" and requiring, among other notice pleading requirements, that a complaint "shall set forth sufficient facts to constitute fair notice of the nature of the alleged unethical conduct").

RPC 1.1(a) provides that a lawyer shall not "[h]andle or neglect a matter entrusted to the lawyer in such a manner that the lawyer's conduct constitutes gross neglect." Similarly, RPC 1.3 states that "[a] lawyer shall act with reasonable diligence and promptness in representing a client." Here, the record establishes, by clear and convincing evidence, that respondent violated both Rules by failing to timely file, on his client's behalf, the Motion. Specifically, during the October 2, 2023 status conference, respondent informed Judge Romankow that the Motion was ready to be filed and even waved paper in the air to support his assertion. However, despite respondent's claims that the Motion would be filed, and despite Judge Romankow's specific directives that he file the Motion, respondent failed to do so.

Instead, respondent chose to cover up his misrepresentation about being prepared to file the Motion by sending Judge Romankow a police report that he had altered on his computer to falsely assert that he had been in a traffic accident on the return date for the Motion and could not attend court. Respondent's

intentional misrepresentation was a clear violation of RPC 3.3(a)(1), which prohibits a lawyer from knowingly "mak[ing] a false statement of material fact or law to a tribunal." In support, respondent also submitted photographs of the damage to his vehicle to demonstrate that he had been in an accident. When questioned by Judge Romankow about the photographs, he continued his deception, falsely asserting that the photographs were taken with different contrasts. Unquestionably, respondent was involved in a traffic accident – three months prior to the court date. Respondent's intentional use of the August 21, 2023 police report and photographs to attempt to deceive Judge Romankow also constituted an intentional misrepresentation to the court, in violation of RPC 8.4(c).

Additionally, respondent violated RPC 8.1(b), which requires an attorney to "respond to a lawful demand for information from . . . [a] disciplinary authority." Respondent violated this Rule by failing to file a verified answer to the formal ethics complaint, despite proper notice, allowing this matter to proceed as a default.

Finally, the record clearly and convincingly establishes that respondent violated RPC 8.4(d), which prohibits an attorney from engaging in conduct prejudicial to the administration of justice. Respondent violated this Rule by lying to the court about the readiness of the Motion and, in a misguided attempt

to justify his failure to appear for the hearing that Judge Romankow had scheduled based on respondent's false assertion that he would file the Motion, submitting a police report that he had altered along with photographs. When he later failed to appear for two additional hearings that Judge Romankow had scheduled to address the suspicious police report and photographs, he ultimately was sanctioned $1,000 by the court. Respondent also failed to timely reply to the Criminal Division's communications requesting an unobscured copy of the police report. Respondent admitted that his e-mail address had not changed and could offer no explanation for his false assertion that he had never received the e-mails or telephone calls. Thus, there is no question respondent's creation of a false police report and his later refusal to address the repercussions of his misconduct wasted judicial resources.

We determine to dismiss, however, the charge that respondent violated RPC 8.4(b). Although it is well-settled that we may find a violation of RPC 8.4(b) even in the absence of any formal criminal conviction, we conclude that respondent's alteration of a police report to mislead the court into believing he was involved in a traffic accident in November 2023 is more appropriately addressed by his violation of RPC 3.3(a)(1).

In sum, we find that respondent violated RPC 1.1(a); RPC 1.3; RPC 3.3(a)(1); RPC 8.1(b); RPC 8.4(c); and RPC 8.4(d). We determine to dismiss the

charge pursuant to RPC 8.4(b). 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 intentional deception and misrepresentations to the court concerning his purported motor vehicle accident on the scheduled date of the hearing on the Motion. The discipline imposed on attorneys who make misrepresentations to a court or exhibit a lack of candor toward a tribunal, or both, ranges from an admonition to a significant term of suspension. See, e.g., In the Matter of George P. Helfrich, Jr., DRB 15-410 (February 24, 2016) (admonition for an attorney who failed to notify his client and witnesses of a pending trial date; thereafter, he appeared at two trial dates, but failed to inform the trial judge and his adversary that he had not informed his client or the witnesses of the trial date; violations of RPC 1.4(b) (failing to communicate with a client), RPC 3.3(b), and RPC 3.4(c); significant mitigation considered); In re Vaccaro, 245 N.J. 492 (2021) (reprimand for an attorney, in a reciprocal discipline matter, who lied to a judge during a juvenile delinquency hearing, claiming that he had no knowledge of his client's other lawyer or his client's counseling in connection with his client's immigration matter; violations of RPC 3.3(a)(1) and RPC 8.4(c)); In re Myerowitz, 235 N.J. 416

(2018) (censure for an attorney who lied to the court on at least two occasions regarding the reasons for needing an extension of time to file an answer to his adversary's summary judgment motion and about the dates he mailed his opposition papers, thus, causing delays and wasting judicial resources; violations of RPC 3.3(a)(1) and RPC 8.4 (c) and (d); the attorney also failed to reply to an order to show cause, in violation of RPC 3.4(c)); In re Gonzalez, 256 N.J. 509 (2024) (three-month suspension for an attorney who intentionally misrepresented to the District Ethics Committee, the OAE, and us that he had terminated his wife's employment at his law firm after blaming her for his firm's recordkeeping irregularities, knowing his omission would mislead disciplinary authorities; the attorney had prior discipline); In re Alexander, 243 N.J. 288 (2020) (three-month suspension for an attorney who gave false testimony before a hearing officer and a Superior Court judge in connection with a domestic violence matter; the attorney filed a false domestic violence complaint against his paramour, leading to the issuance of a temporary restraining order in the attorney's favor; thereafter, during a two-day Superior Court hearing, the attorney's paramour presented an audio recording of the alleged incident, which contradicted the attorney's testimony; although the judge allowed the attorney the opportunity to review the evidence and withdraw his false testimony, the attorney refused to do so; instead, the attorney presented an audio-visual

recording of the incident, which again contradicted his version of events; the attorney also misrepresented the nature of his testimony to the OAE; in mitigation, the attorney had no prior discipline in his twelve-year career at the bar); In re Cillo, 155 N.J. 599 (1998) (one-year suspension for an attorney who, after misrepresenting to a judge that a case had been settled and that no other attorney would be appearing for a conference, obtained a judge's signature on an order dismissing the action and disbursing all escrow funds to his client; the attorney knew that at least one other lawyer would be appearing at the conference and that a trust agreement required that at least $500,000 of the escrow funds remain in reserve; violations of RPC 3.3(a)(1) and (2) (failing to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting in an illegal, criminal, or fraudulent act); RPC 3.5(b) (engaging in ex parte communication); and RPC 8.4(c) and (d); two prior private reprimands (now admonitions)).

Similarly, attorneys who backdate or fabricate documents to deceive disciplinary authorities or courts have received discipline ranging from a reprimand to a term of suspension, depending on the gravity of the offense. See, e.g., In re LaVan, 238 N.J. 474 (2019) (reprimand for an attorney who, in response to her adversary's motion to compel discovery, provided a federal court and her adversary a fee agreement signed by her client; although the fee

agreement was dated August 2, 2012, it had been executed in February 2013; the attorney, however, failed to disclose to the federal court and to her adversary that she had falsified the date of the agreement; the attorney admitted that, after she could not locate the agreement, she reprinted it from her computer and arranged for her client to sign it to "recreate what was already existing;" in imposing a reprimand, we noted that the backdating of documents is a serious ethics offense and that the attorney's "cover-up was worse than the crime;" in mitigation, the attorney had no prior discipline and caused no ultimate harm to her client); In re Homan, 195 N.J. 185 (2008) (censure for an attorney who fabricated a promissory note reflecting a loan to him from a client, forged the signature of the client's attorney-in-fact, and provided the note to the OAE during the investigation of a grievance against him; for several months, the attorney continued to mislead the OAE, claiming that the note was authentic and that it had been executed contemporaneously with its creation; ultimately, the attorney admitted his impropriety to the OAE; compelling mitigating factors were considered, including the attorney's impeccable forty-year professional record, the legitimacy of the loan transaction connected to the note, the fact that the attorney's fabrication of the note was prompted by his panic at being contacted by the OAE, and his embarrassment over his failure to prepare the note contemporaneously with the loan); In re Picillo, 205 N.J. 234 (2011) (three-

month suspension for an attorney who misrepresented to the OAE that an overdraft in his ATA was caused by an over disbursement of funds in one client matter rather than his failure to reconcile his ATA for a ten-month period; the attorney fabricated documents to support his false claim but, one month later, confessed to his acts of deception; the attorney also committed recordkeeping violations and had engaged in a conflict of interest by obtaining an interest-free loan from a client).

Respondent committed additional misconduct by failing to timely file the Motion on behalf of his client. Generally, absent serious aggravating factors, such as harm to the client, conduct involving gross neglect, lack of diligence, and failure to communicate (a charge not present here), results in an admonition, when accompanied by other non-serious ethics infractions. See In the Matter of James E. Gelman, DRB 24-004 (February 20, 2024) (a pro bono program assigned the attorney, on a volunteer basis, to represent a veteran in connection with his service-related disability claim; for ten months, the attorney took very little action to advance his client's case; thereafter, the attorney took no further action on behalf of his client, incorrectly assuming that the pro bono program had replaced him as counsel due to his lack of experience; moreover, the attorney failed to advise his client that he was no longer pursuing his case; no prior discipline in more than forty years at the bar), and In the Matter of Kevin

N. Starkey, DRB 23-152 (September 22, 2023) (the attorney grossly mishandled a quiet title action; specifically, following mediation, the client informed the attorney that the settlement agreement was no longer acceptable to him, after which the attorney unilaterally ceased all work in the matter; thereafter, the attorney failed to oppose or inform his client of the adversary's two motions to enforce the settlement, resulting in a $1,877.50 counsel fee award against the client; due to the attorney's continued silence, the adversary filed a motion to compel the sale of the client's property, in reply to which the attorney finally expressed his wish to withdraw as counsel; although the client obtained substitute counsel who secured the withdrawal of the adversary's motion to compel, the client was forced to pay his adversary an additional $3,041.15 in attorney's fees; in mitigation, the attorney fully reimbursed his client for the attorney's fees paid to the adversary and expressed remorse; no prior discipline in more than thirty years at the bar).

The quantum of discipline is enhanced, however, when additional aggravating factors are present. See In re Barron, __ N.J. __ (2022), 2022 N.J. LEXIS 660 (reprimand for an attorney's combined misconduct, encompassing three client matters and eight RPC violations; specifically, the attorney engaged in gross neglect in one client matter, lacked diligence in three client matters, failed to communicate in three client matters, and failed to set forth the basis or

rate of his fee in one client matter; in aggravation, we weighed the quantity of the attorney's RPC violations and the harm caused to multiple clients, including allowing a costly default judgment to be entered in one client matter; additionally, the attorney's conduct deprived two clients of the opportunity to litigate their claims; in mitigation, we weighed the attorney's cooperation, his nearly unblemished forty-year career at the bar, and his testimony concerning his mental health condition), and In re Anderson, 259 N.J. 478 (2025) (censure for an attorney who grossly mishandled two client matters; in one client matter, in which he was retained to remove the client from liability on a mortgage and note, he assured the client in an e-mail exchange that he would complete her matter following the closure of his law firm; however, he performed no additional work and instead altogether ignored the matter; subsequently, he failed to cooperate with the DEC's investigation; in the second client matter, the attorney served as executor and attorney for an estate; he failed to file required tax returns resulting in a beneficiary not receiving funds that were due to him; the attorney also misled the beneficiary to believe the administration of the estate was proceeding apace when, in fact, his efforts had come to a standstill; six years after the decedent's death, even after prompting by the OAE, the attorney still had not concluded the administration of the estate; violations of RPC 1.1(a), RPC 1.3, RPC 1.4(b), RPC 8.1(b), and RPC 8.4(c); we accorded

minimal weight to the attorney's prior reprimand because nearly all the misconduct occurred before the Court had entered its disciplinary Order).

In our view, respondent's misconduct is most analogous to the misconduct we addressed in Alexander. In that matter, the attorney filed a false domestic violence complaint against his paramour and attempted to rely on an audio recording to justify his version of events. In the Matter of Richard Evan Alexander, DRB 20-068 (June 23, 2020) at 1-2. He also gave false testimony before a hearing officer and a Superior Court judge, who offered Alexander the opportunity to withdraw his false testimony, but which he refused to do. Id. at 2. In mitigation, the attorney had no prior discipline. We recommended the attorney receive a three-month suspension and the Court agreed.

Here, like the attorney in Alexander, respondent had opportunities to admit he lied both about the readiness of the Motion and about when his traffic accident actually occurred. Rather than be honest with Judge Romankow, however, respondent doubled down on his lies, falsely asserting that he had adjusted the lighting on the photographs so that the damage to his vehicle was easier to see. He also stubbornly refused to provide Judge Romankow with a copy of the unobscured police report, despite Judge Romankow's repeated directives that he do so.

Based on the foregoing disciplinary precedent, Alexander in particular,

respondent's intentional misrepresentations to the court, standing alone, could be met with a three-month suspension. Respondent, however, committed additional misconduct, including engaging in gross neglect and lacking diligence in connection with his failure to timely file the Motion – conduct that, standing alone, typically is met with an admonition or reprimand. To craft the appropriate discipline in this case, we also consider mitigating and aggravating factors.

In mitigation, respondent has no prior discipline in nine years at the bar.

In aggravation, respondent ignored the Criminal Division's and Judge Romankow's directives to appear in court to explain his conduct, in violation of RPC 3.4(c). See In re Steiert, 201 N.J. 119 (2014) (evidence of unethical conduct contained in the record can be considered in aggravation, even though such unethical conduct was not charged in the formal ethics complaint). Indeed, respondent's refusal to follow Judge Romankow's directive that he appear in court resulted in Judge Romankow imposing a sanction against him.

In further aggravation, respondent allowed this matter to proceed as a default, an aggravating factor that ordinarily results in enhanced discipline. See In re Kivler, 193 N.J. 332, 342 (2008) ("[A] respondent's default or failure to cooperate with the investigative authorities acts as an aggravating factor, which is sufficient to permit a penalty that would otherwise be appropriate to be further

enhanced."). In an attempt justify his failure to file an answer to the formal ethics complaint, respondent asserted to the OAE that he underwent surgery on January 29, 2025, however, the medical documentation indicated the surgery occurred on January 24, 2025. Nevertheless, the January 2025 surgery date failed to explain his failure to file an answer by either of two adjourned deadlines (March 17 or March 24, 2025), which the OAE granted at his request.

**Conclusion**

On balance, in view of the compelling aggravating factors, including the default status of this matter, balanced against the sole mitigating factor, we determine that enhanced discipline is warranted. Thus, we conclude that a six-month suspension is the appropriate quantum of discipline to protect the public and preserve confidence in the bar.

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 Daniel Robert Scrudato
Docket No. DRB 25-077

Decided: August 21, 2025

Disposition: Six-Month Suspension

| ***Members*** | Six-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