

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 25-134
District Docket No. XIV-2023-0168E

In the Matter of Evan Stuart Elan
An Attorney at Law

Argued
July 16, 2025

Decided
September 2, 2025

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

Respondent waived appearance for oral argument.

Table of Contents

Introduction.....	1
Ethics History.....	2
Facts.....	3
The Sallit Matter.....	3
The Powers Matter.....	9
The Papalexis Matter	10
The Sauer Matter	11
The Osborne Matter	12
The Rashid Matter	13
Findings of the Virginia State Bar Disciplinary Board	13
The Parties’ Submissions to the Board.....	17
Analysis and Discipline	19
Violations of the Rules of Professional Conduct.....	21
Quantum of Discipline.....	25
Conclusion	36

Introduction

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

This matter was before us on a motion for reciprocal discipline filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-14(a), following the Virginia State Bar Disciplinary Board's issuance of a June 12, 2023 order revoking respondent's license to practice law in that jurisdiction, effective May 19, 2023.¹

The OAE asserted that, in the Virginia matter, respondent was determined to have violated the equivalents of New Jersey RPC 1.1(a) (committing gross neglect); RPC 1.1(b) (engaging in a pattern of neglect); RPC 1.3 (lacking diligence); RPC 1.4(b) (failing to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information); RPC 8.1(b) (failing to cooperate with disciplinary authorities); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

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

¹ In Virginia, revocation is the equivalent of disbarment.

Additionally, given respondent's persistent refusal to cooperate with disciplinary authorities in this and other jurisdictions, we recommend that the Court require him to show cause why he should not be disbarred or otherwise disciplined, pursuant to R. 1:20-16(b).

Ethics History

Respondent earned admission to the New Jersey bar in 2009; to the New York and District of Columbia bars in 1988; to the Virginia bar in 2016; and to the Maryland bar in 2017. During the relevant time, he maintained a practice of law in the District of Columbia. He has no prior discipline in New Jersey. However, he has Court interaction in New Jersey and reciprocal discipline in other jurisdictions.

Effective June 27, 2022, the Court declared respondent administratively ineligible to practice law in New Jersey for failing to pay the required annual assessment to the New Jersey Lawyers' Fund for Client Protection (CPF), as R. 1:28A-2(b) requires.

Effective October 17, 2022, the Court declared respondent administratively ineligible to practice law in New Jersey for his failure to comply with continuing legal education (CLE) requirements.

To date, respondent has not cured his CPF or CLE deficiencies and, thus,

remains administratively ineligible on both bases.

On September 28, 2023, the District of Columbia Court of Appeals disbarred respondent in connection with his misconduct underlying this matter. In re Elan, 302 A.3d 501 (App. D.C. 2023).

On November 25, 2024, the Supreme Court of Maryland disbarred respondent in connection with his misconduct underlying this matter. Atty. Griev. Comm'n of Md. v. Elan, 327 A.3d 119 (Md. 2024).

On January 15, 2025, the Supreme Court of New York, Appellate Division, Second Judicial Department, disbarred respondent in connection with his misconduct underlying this matter. In re Elan, 235 A.D.3d 57 (N.Y. App. Div. 1st Dept. 2025).

We now turn to the facts of this matter.

Facts

The Sallit Matter

Renee Sallit retained respondent to represent her in connection with obtaining a refund of a rental payment for a vacation home that she alleged was infested with bed bugs. According to Sallit, nine members of her family were bitten by the bed bugs and some of the children required medical attention due to allergic reactions to the bites. Sallit sought \$500,000 in damages.

Sallit stated that communication from respondent was poor from the outset of the representation and that, approximately seventy-five percent of the time, he failed to timely reply to her communication attempts. Specifically, Sallit recounted that he had failed to communicate with her between April 16 and May 16, 2019. Further, on August 19, 2019, Sallit sent a text message to respondent, to which respondent replied one month later, on September 19, 2019. Further, the record is replete with text messages between Sallit and respondent, in which Sallit is complaining about not having heard from respondent and, in reply, he merely provides empty excuses. Likewise, the record includes e-mail correspondence between Sallit and respondent, in which Sallit recounts her attempts to reach him.

In October 2019, respondent filed a civil complaint, on Sallit's and her family's behalf, in the Richard Circuit Court. Respondent named Evan Reiter and Sandbridge Blue LLC (Sandbridge) as defendants and demanded \$5 million in damages. Both defendants filed answers to the complaint and various motions to transfer venue and to sever.

The initial hearing on the motions was scheduled for November 10, 2020; however, the case was transferred to the Circuit Court for the City of Virginia Beach, thereby delaying the hearing. Thereafter, both Reiter and counsel for Sandbridge submitted requests for the remaining motions to be heard in Virginia

Beach on August 2, 2021.

After the case was transferred to Virginia Beach, Sallit sent respondent a text message asking if she needed to be present at the August hearing. Respondent replied, “[n]ope this is just on their motion to sever the case into individual cases. Only lawyers present and it’s remote.” During the hearing, both Reiter’s and Sandbridge’s remaining motions were heard. Following respondent’s guidance, Sallit did not appear at the hearing. Respondent failed to appear at the hearing. Consequently, on August 17, 2021, the court granted the outstanding motions and dismissed Sallit’s case, with prejudice. The order specifically stated that “neither [p]laintiffs’ counsel nor any of the [p]laintiffs were present for the hearing despite actual notice having been provided to counsel” and, further, “that [p]laintiffs’ counsel could not be reached despite several contact attempts by the Court.” Consequently, for good cause shown, the court dismissed Sallit’s case, with prejudice, as to all defendants.

On August 5, 2021, Sallit sent a text message to respondent requesting an update from the hearing. Respondent failed to reply. However, following his receipt of Sallit’s text message, he sent an e-mail to opposing counsel, requesting the disposition of the hearing. He informed opposing counsel that he intended to file a motion for reconsideration and to explain his absence. Respondent, however, failed to file a motion for reconsideration.

Sallit later learned of the dismissal of her case and, on August 25, 2021, sent a text message to respondent requesting information related to why the case had been dismissed and why he was not replying to her messages. Again, respondent failed to reply.

On September 16, 2021, respondent filed a Notice of Appeal in the Circuit Court for the City of Virginia Beach. He failed, however, to file a petition for appeal with the Supreme Court of Virginia by the deadline and, consequently, the record was returned to the Virginia Beach Circuit Court.

On June 10, 2022, Sallit filed a bar complaint with the Virginia State Bar (the VSB),² stating that respondent “completely abandoned us. I have no idea what happened. He took on our case almost 3 years ago and has been dragging me along since. I found out through the online system that the case was submitted for dismissal.” Sallit also stated that she sent a text message to respondent on September 11, 2022 and learned that his telephone had been disconnected.

On June 23, 2022, VSB counsel sent a copy of Sallit’s complaint to respondent and directed him to submit a written reply within twenty-one days. Thereafter, on July 18, 2022, having received no reply, the VSB sent an e-mail to respondent asking if he intended to reply to the complaint. Although

² A Virginia bar complaint is comparable to an ethics grievance filed in New Jersey.

respondent replied to the e-mail and requested a copy of the complaint – which the VSB promptly provided – he failed to submit a written response to the allegations.

Subsequently, respondent participated in a telephone interview with a VSB investigator, during which he described Sallit’s case as being “straightforward with no significant injuries.” He stated that the case had been filed prior to the COVID-19 pandemic but that case progress had slowed down considerably due to pandemic-related delays. He failed to provide an explanation for his absence at the August 2, 2021 hearing and, when specifically asked why he did not attend, stated that there was “nothing further” he could say.

During his October 12, 2022 interview with the VSB, respondent told the investigator that he was “closing his law practice because of family health issues,” had notified all clients, and that he does not intend to practice law again, stating “I’m done.”

On August 17, 2022, the VSB issued a subpoena directing respondent to produce his client file for the Sallit matter, along with any related billing documents, by September 12, 2022. Respondent, however, failed to reply to the subpoena. On September 20, 2022, the VSB sent a letter to respondent reminding him that the records remained outstanding and directing that he

produce the required records by September 27, 2022. Further, the VSB cautioned him that if he failed to reply, it would file a notice of noncompliance with the Disciplinary Board. Respondent failed to reply.

Based on respondent's failure to cooperate, on October 17, 2022, the VSB filed a Notice of Noncompliance and Request for Interim Suspension with the Disciplinary Board. An amended notice was filed shortly thereafter, requesting a November 18, 2022 hearing date.

On November 1, 2022, the Disciplinary Board issued an interim suspension of respondent's license to practice law, effective immediately. On January 17, 2023, an amended interim suspension order was entered. Pursuant to the suspension order, respondent was required to comply with Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia, pursuant to which he was obligated to provide notice of his suspension to all of his clients with open matters, and to opposing counsel and presiding judges in matters in which he had pending litigation. Further, respondent was required to furnish proof to the clerk of the VSB, within sixty days of the effective date of the suspension, that he had provided the required notice and made arrangements for the disposition of his cases.

Following respondent's November 1, 2022 interim suspension, the VSB received information from several sources that respondent had failed to notify

his clients, opposing counsel, and presiding judges of his suspension. We separately address those matters below.

The Powers Matter

On December 3, 2021, respondent filed a civil complaint, on behalf of Jeffrey D. Powers, in Loudoun County Circuit Court, stemming from injuries Powers allegedly sustained during a slip and fall accident. The complaint alleged that Powers suffered significant bodily injury and, consequently, had incurred medical expenses and lost wages. The complaint sought damages in the amount of \$250,000.

One year later, on December 5, 2022, the defendant, through counsel, filed a motion to dismiss for failure to timely serve the complaint. In support, the defendant asserted that no attempt was made to effectuate service. A hearing was set for February 3, 2023.

Respondent failed to inform Powers, opposing counsel, or the court that he had been suspended from the practice of law pursuant to the November 2022 interim suspension order.

Ninety days following respondent's November 1, 2022 suspension, the VSB interviewed Powers. Powers told the VSB that he was not aware of the motion to dismiss his civil complaint or respondent's suspension from the

practice of law. The VSB also contacted the deputy clerk of Loudoun County Circuit Court who confirmed that respondent had failed to notify the court of his suspension. Likewise, the VSB spoke with opposing counsel who stated that respondent did not notify him that his license was suspended. Respondent did not appear at the February 3, 2023 hearing. The court entered an order removing respondent as counsel and continued the hearing to a later date.

The Papalexis Matter

On August 11, 2020, respondent filed a civil complaint, on behalf of Andre and Wendy Papalexis, in the Hanover County Circuit Court. The complaint alleged that the Papalexises were injured by bed bug bites while staying at a hotel property owned and managed by various corporate defendants. The complaint also alleged that the Papalexises required medical treatment for hundreds of bug bites and that they had to discard personal property to avoid bringing bed bugs into their home. The complaint sought damages in the amount of \$100,000.

After filing the civil complaint, respondent performed no additional work on the matter. Further, respondent failed to notify the Papalexises and the Hanover Circuit Court that his license was suspended.

On January 31, 2023, Andre Papalexis informed VSB investigators that

he had not heard from respondent since the onset of the COVID-19 pandemic and that he was “in the dark” about the lawsuit. He stated that he could never get in touch with respondent and had not been informed that the complaint had been filed. The VSB investigator also contacted the deputy clerk of the Hanover County Circuit Court, who confirmed that respondent had failed to report his suspension.

The Sauer Matter

On July 15, 2022, respondent filed a civil complaint, on behalf of Gregory Sauer, his wife, and three children, in the Rockingham County Circuit Court. The complaint alleged that members of the Sauer family were injured by bed bug bites while staying at a hotel and, further, that the hotel had concealed the infestation. The complaint also alleged that the Sauer family required medical treatment for hundreds of bug bites and that they had to discard personal property to avoid bringing bed bugs into their home. The complaint sought damages in the amount of \$500,000.

After filing the civil complaint, respondent performed no additional work on the matter. Further, respondent failed to notify the Sauers and the Rockingham Circuit Court that he had been suspended.

On January 31, 2023, Sauer informed the VSB that he had not heard from

respondent since August 15, 2021 and described him as unresponsive and full of excuses. Further, Sauer stated that he was unaware of respondent's suspension.

The Osborne Matter

On January 6, 2020, respondent filed a civil complaint, on behalf of Jovonne Osborne, her husband, and a child, in the York County Poquoson Circuit Court. The complaint alleged that members of the Osbourne family were injured by bed bug bites while staying at the defendants' property and, further, that the defendants had concealed the infestation. The complaint also alleged that the Osborne family required medical treatment for the bug bites and that they had to discard personal property to avoid bringing bed bugs into their home. The complaint sought damages in the amount of \$100,000.

On January 31, 2023, Osborne informed the VSB that she had not heard from respondent since January 6, 2020, when respondent informed her about the progress he made on the case. She also told the VSB that she had heard that respondent permanently had closed his law office sometime between January and April 2022. Osborne retained another attorney to pursue the civil case.

Respondent failed to notify Osborne or the York County Poquoson Circuit Court that he had been suspended.

The Rashid Matter

On December 29, 2021, respondent filed a civil complaint, on behalf of Ghada Rashid, in the Prince William County Circuit Court, for injuries Rashid allegedly sustained in a slip and fall at the Potomac Mills Mall. Respondent named various corporate defendants and sought damages in the amount of \$100,000.

Respondent failed to notify Rashid, his adversary in the litigation, or the court that he had been suspended.

Findings of the Virginia State Bar Disciplinary Board

On February 7, 2023, a Subcommittee Determination (certification of misconduct) was filed by the Second District Subcommittee of the VSB charging respondent with having violated the following Virginia Rules of Professional Conduct: Va. RPC 1.3(a); Va. RPC 1.3(b); Va. RPC 1.4(a); and Va RPC 8.1(c).³

One month later, on March 8, 2023, the VSB filed a Petition for Show Cause Hearing based on respondent's failure to comply with governing court

³ The OAE equated these charges to the New Jersey Rules of Professional Conduct, as follows:

Va. RPC 1.3(a) is equivalent to RPC 1.3.

Va. RPC 1.3(b), which provides “[a] lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16,” has no New Jersey equivalent.

Va. RPC 1.4(a) is equivalent to RPC 1.4(b).

Va. RPC 8.1(c) is equivalent to RPC 8.1(b).

rules, by failing to inform his clients, the courts, and his adversaries of his November 1, 2022 interim suspension from the practice of law. Further, as of the date of the Petition, respondent had failed to furnish proof of his compliance with the clerk of the VSB. The Petition further recounted the facts underpinning the Powers; Papaelexis; Sauer; Osborne; and Rashid client matters.

Respondent failed to cooperate with the VSB's investigation, except for participating in a single telephonic interview, and wholly failed to participate in the Virginia disciplinary proceedings.

On May 19, 2023, two separate ethics hearings took place before the Disciplinary Board. The first hearing was before the Disciplinary Board pursuant to the Subcommittee's February 7, 2023 certification of misconduct.

On June 12, 2023, the Disciplinary Board revoked respondent's license to practice law for his violations of Va. RPC 1.3, Va RPC 1.4, and Va. RPC 8.1, in connection with the Sallit matter, effective May 19, 2023. In its Memorandum Order of Revocation, the Disciplinary Board recited the facts underpinning his misconduct in the Sallit matter, as detailed above, and acknowledged respondent's admission to the alleged misconduct during his interview with the VSB investigator.

The Disciplinary Board found, by clear and convincing evidence, that respondent had violated Va. RPC 1.3(a) and (b) by (1) failing to appear at the

August 2, 2021 motion hearing; (2) failing to file a motion for reconsideration; (3) failing to file a petition for appeal; and (4) by altogether abandoning Sallit and her case. Next, the Disciplinary Board found that he violated Va. RPC 1.4(a) by failing to respond to Sallit’s texts and e-mails, and by failing to inform her that her case had been dismissed. Further, the Board found that respondent violated Va. RPC 8.1(c) by failing to respond to Sallit’s bar complaint, and by failing to respond to the VSB’s subpoena. Finally, the Board found that “[r]espondent told the VSB investigator that he closed his law practice, notified all clients, and that he does not intend to practice law again. ‘I’m done,’ he stated.”

In its order, the Disciplinary Board noted the following aggravating factors: “multiple offenses to the client, bad faith obstruction of the Bar’s investigation through evasive answers and ignoring subpoena process and refusal to acknowledge wrongful conduct.” In determining to revoke respondent’s license to practice law, the Disciplinary Board accorded significant weight to the harm respondent caused to Sallit. Not only did he “abandon[]” her, but he “denied her a day in court and compensation for her alleged injuries.”

The second hearing was before the Board pursuant to the Petition to Show Cause for noncompliance with Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia (Va. Sup. Ct. R. pt. 6, sec. IV, para. 13-

29).⁴ As previously stated, respondent also failed to appear for that hearing.

On June 14, 2023, the Disciplinary Board issued a summary order revoking respondent's license to practice law based on his failure to comply with Va. Sup. Ct. R. pt. 6, sec. IV, para. 13-29. In its accompanying Memorandum Order of Revocation, the Disciplinary Board made the following findings of fact based upon clear and convincing evidence: (1) respondent failed to notify his clients, adversaries, and the courts of his interim suspension; (2) he "abandoned his clients, including [Rashid, Powers, Papalexis, and Osborne] while litigation was pending," leaving his clients "in vulnerable positions with motions to

⁴ Va. Sup. Ct. R. pt. 6, sec. IV, para. 13-29 governs the duties required by disbarred and suspended attorneys in that jurisdiction and, as detailed below, is similar to R. 1:20-20. Specifically, it states:

After a Suspension against a Respondent is imposed by either a Summary Order or Memorandum Order and no stay of the Suspension has been granted by this Court, or after a Revocation against a Respondent is imposed by either a Summary Order or Memorandum Order, Respondent must forthwith give notice, by certified mail, of his or her Revocation or Suspension to all clients for whom he or she is currently handling matters and to all opposing Attorneys and the presiding Judges in pending litigation. The Respondent must also make appropriate arrangements for the disposition of matters then in his or her care in conformity with the wishes of his or her clients. The Respondent must give such notice immediately and in no event later than 14 days of the effective date of the Revocation or Suspension, and make such arrangements as are required herein as soon as is practicable and in no event later than 45 days of the effective date of the Revocation or Suspension. The Respondent must also furnish proof to the Clerk within 60 days of the effective date of the Revocation or Suspension that such notices have been timely given and such arrangements have been made for the disposition of matters. The Board must decide all issues concerning the adequacy of the notice and arrangements required herein. The burden of proof is on the Respondent to show compliance. If the Respondent fails to show compliance, the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph 13-29.

dismiss pending and no attorney to represent them;” (3) he failed to show cause why he should not be sanctioned; and (4) his actions “showed an egregious disregard for the welfare of his clients.” The Board also recounted the clients’ testimony that they had to “beg the judge to grant time to obtain new counsel.” Further, the clients testified that, as a result of respondent’s misconduct, they could no longer trust lawyers.

In determining to revoke respondent’s license to practice law, the Disciplinary Board described respondent’s abandonment of several clients and his display of utter disrespect toward the profession. In further aggravation, the Disciplinary Board considered the harm respondent’s abandonment of clients had caused, depriving some of their day in court and severely tarnishing the reputation of the bar.

The Parties’ Submissions to the Board

The OAE, both in its brief in support of the motion for reciprocal discipline and during oral argument before us, asserted that respondent’s unethical conduct in Virginia constituted violations of RPC 1.1(a); RPC 1.1(b); RPC 1.3; RPC 1.4(b); RPC 8.1(b); and RPC 8.4(d).⁵

⁵ The OAE acknowledged that Virginia did not address whether respondent’s failure to cooperate with disciplinary authorities, and failure to notify his clients, opposing counsel, and the courts were
(footnote continued on next page)

Specifically, the OAE asserted that respondent violated RPC 1.1(a), RPC 1.1(b), and RPC 1.3 by failing to timely serve complaints in the Powers and Rashid matters, failing to complete additional work in the Papalexis and Sauer matters, and “failing to inform Osborne that he had permanently closed his law office.” Respondent engaged in a pattern of gross neglect, in violation of RPC 1.1(b), by neglecting six distinct client matters. Respondent also lacked diligence in each client matter.

Next, respondent violated RPC 1.4(b) by failing to communicate with his clients. Specifically, his communication with Sallit was poor from the outset of the representation and he failed to respond to her reasonable requests for information about the status of her case. Respondent also failed to notify Powers and Rashid of the motions to dismiss filed in their respective cases. Likewise, respondent had not communicated with Papalexis or Osborne since early 2020, prior to the pandemic, and had not communicated with Sauer since August 15, 2021.

Finally, the OAE asserted that respondent violated RPC 8.1(b) by failing to comply with the VSB’s subpoena, and RPC 8.1(b) and RPC 8.4(d) by failing to notify his clients of his suspension and failing to submit proof of his

prejudicial to the administration of justice. However, New Jersey disciplinary precedent provides that attorneys who fail to comply with R. 1:20-20 violate RPC 8.1(b) and RPC 8.4(d).

compliance with Va. Sup. Ct. R. pt. 6, sec. IV, para. 13-29.

In support of its recommendation that respondent be disbarred, the OAE cited disciplinary precedent, discussed below, addressing client abandonment. The OAE acknowledged that client abandonment generally is met with a term of suspension; however, the OAE argued that respondent's misconduct aligned more closely with that of the attorneys in In re O'Hara, 224 N.J. 255 (2016); In re Kantor, 180 N.J. 226 (2004); In re Golden, 156 N.J. 365 (1998); and In re Clark, 134 N.J. 522 (1993), who were disbarred.

In mitigation, the OAE noted that respondent has no prior discipline in New Jersey.

In aggravation, the OAE emphasized respondent's failure to cooperate with Virginia disciplinary authorities, as well as his failure to cooperate with disciplinary authorities in the District of Columbia, Maryland, and New York. In further aggravation, respondent failed to notify the OAE of his suspension and subsequent disbarment, as R. 1:20-14(a)(1) requires.

Respondent did not submit a brief for our consideration.

Analysis and Discipline

Following a review of the record, we determine to grant the OAE's motion for reciprocal discipline. Pursuant to R. 1:20-14(a)(5), "a final adjudication in

another court, agency or tribunal, that an attorney admitted to practice in this state . . . is guilty of unethical conduct in another jurisdiction . . . shall establish conclusively the facts on which it rests for purposes of a disciplinary proceeding in this state.” Thus, with respect to motions for reciprocal discipline, “[t]he sole issue to be determined . . . shall be the extent of final discipline to be imposed.” R. 1:20-14(b)(3).

Like New Jersey, Virginia applies the clear and convincing standard of proof in attorney disciplinary proceedings. Baumann v. Va. State Bar, 845 S.E.2d 528, 532 (2020) (“The burden of proof in all Disciplinary Proceedings . . . is clear and convincing evidence”) (quoting Va. Sup. Ct. R., Part 6, § IV, ¶ 13-1.1.)

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

The Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the record on which the discipline in another jurisdiction was predicated that it clearly appears that:

(A) the disciplinary or disability order of the foreign jurisdiction was not entered;

(B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;

(C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;

(D) the procedure followed in the foreign disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(E) the unethical conduct established warrants substantially different discipline.

We conclude that subsection (E) applies here because the unethical conduct established by the record warrants substantially different discipline in our jurisdiction. As discussed below, the crux of respondent's misconduct was his mishandling and abandonment of multiple client matters. Consistent with New Jersey disciplinary precedent, we determine that respondent's misconduct, though serious, warrants the imposition of a term of suspension.

Violations of the Rules of Professional Conduct

Turning to the charged violations, we determine that the record contains clear and convincing evidence that respondent violated RPC 1.1(a); RPC 1.1(b); RPC 1.3; RPC 1.4(b); RPC 8.1(b); and RPC 8.4(d).

Specifically, RPC 1.1(a) prohibits a lawyer from handling a client matter in a way that constitutes gross neglect. Likewise, RPC 1.3 requires a lawyer to "act with reasonable diligence and promptness in representing a client." Respondent violated both Rules in multiple client matters. First, in the Sallit

matter, respondent filed a civil complaint in October 2019. Nearly two years later, respondent failed to appear for a hearing on defendants' outstanding motions, including a motion to dismiss, despite having told Sallit that her attendance was not required because he would appear on her behalf. The court's order dismissing the case, with prejudice, expressly stated that neither plaintiffs nor their counsel, had appeared, despite proper notice and repeated attempts to contact counsel during the hearing. Thereafter, he failed to inform her that the court had granted the motions and dismissed her case. He then failed to file a motion for reconsideration and failed to perfect the appeal, which was dismissed for procedural infirmities. He thereafter altogether abandoned the representation.⁶

In the Papalexis matter, respondent filed a civil complaint on his client's behalf, on August 11, 2020. Thereafter, he performed no additional work in furtherance of the representation. Papalexis informed the VSB investigator that he was "in the dark" about his lawsuit. He failed to notify Papalexis of his November 1, 2022 interim suspension. Thus, the Papalexis matter languished for two years.

In the Osborne matter, respondent filed a complaint, on his client's behalf,

⁶ The record does not specifically reveal if Sallit's claims, and/or her ability to appeal, were extinguished. However, the findings by the Virginia Disciplinary Board repeatedly reference the harm she suffered as result of respondent's misconduct.

on January 6, 2020. Thereafter, in April 2022, Osborne heard that respondent had abandoned his law practice. Respondent failed to notify Osborne of his suspension.

In the Rashid client matter, respondent filed a complaint in December 2021 and, thereafter, failed to perform any additional work in furtherance of the representation. In January 2023, the defendants filed a motion to dismiss for failure to timely effectuate service. Following his November 1, 2022 temporary suspension, respondent failed to inform Rashid he had been suspended from the practice of law.

In the Powers matter, respondent failed to timely serve the complaint, resulting in the filing of a motion to dismiss. Powers was unaware of the pending motions to dismiss or respondent's November 2022 suspension from the practice of law. Likewise, in the Sauer matter, respondent filed a complaint on his client's behalf and thereafter abandoned the representation. He also failed to inform Sauers of his suspension. Thus, respondent engaged in gross neglect and lacked diligence, in violation of RPC 1.1(a) and RPC 1.3, in six client matters.

By neglecting six distinct client matters, respondent also engaged in a pattern of neglect, in violation of RPC 1.1(b). To violate this Rule, an attorney must engage in at least three instances of neglect, in three distinct client matters. See In the Matter of Dorothy L. Wright, DRB 22-100 (November 7, 2022) at 18

(dismissing the charged violation of RPC 1.1(b) where the attorney's misconduct involved only one client matter).

Respondent also violated RPC 1.4(b) by failing to communicate with his clients. According to Sallit, respondent's communication was poor from the outset of the representation, and, in fact, he only replied to approximately twenty-five percent of her communication attempts. The record is replete with text messages and e-mails from Sallit seeking status updates with little or no meaningful reply from respondent. On one occasion, he failed to reply to a text message for a month. Thereafter, he failed to notify her that her case had been dismissed, despite having Sallit's two text messages seeking an update after the motion was heard. He similarly failed to communicate with Powers, Rashid, Sauer, Osborne, and Papalexis, regarding the status of their cases and, thereafter, failed to notify any clients that he was suspended from the practice of law.

Respondent violated RPC 8.1(b), which requires an attorney to cooperate with disciplinary authorities, in two respects. First, he failed to cooperate fully with the Virginia disciplinary proceedings and failed to respond to its subpoena for his records, resulting in his temporary suspension. Separately, he violated RPC 8.1(b) and RPC 8.4(d) by failing to inform his clients, adversaries, and the relevant courts of his November 1, 2022 temporary suspension, and by failing

to submit proof of compliance, as Va. Sup. Ct. R. pt. 6, sec. IV, para. 13-29 requires.⁷

In sum, we grant the motion for reciprocal discipline and find that respondent violated RPC 1.1(a); RPC 1.1(b); RPC 1.3; RPC 1.4(b); RPC 8.1(b); and RPC 8.4(d). The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

Quantum of Discipline

Typically, in cases where attorneys have mishandled multiple clients matters, the Court has imposed terms of suspension ranging from three months to one year. See, e.g., In re Gonzalez, 241 N.J. 526 (2020) (three-month suspension for an attorney who engaged in gross neglect, lacked diligence, and failed to communicate in three client matters; the attorney also failed to supervise nonlawyer staff in six client matters; in addition, he violated RPC 1.15(a) (negligently misappropriating client funds and commingling), RPC 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6), RPC 3.2 (failing to expedite litigation), RPC 3.4(d) (failing to comply with

⁷ Although a violation of Va. Sup. Ct. R. pt. 6, sec. IV, para. 13-29 does not appear to be a per se violation of Va. RPC 8.1(c), as it is in New Jersey, we find that, as the OAE charged, respondent's failure to comply with the functional equivalent in New Jersey (R. 1:20-20) is violative of New Jersey RPC 8.1(b) and RPC 8.4(d).

reasonable discovery requests), RPC 8.1(a) (making a false statement of material fact in a disciplinary matter), RPC 8.1(b), and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); in aggravation, one client's case was dismissed with prejudice, and the attorney had disregarded the OAE's recommendation to terminate the employment of a nonlawyer after the attorney became aware of the employee's repeated misconduct; no prior discipline in twenty-two years at the bar); In re Pinnock, 236 N.J. 96 (2018) (three-month suspension for an attorney whose misconduct spanned ten client matters: in nine matters, the attorney engaged in gross neglect, lacked diligence, and failed to communicate with clients; in four matters, she also misrepresented to clients the status of their matters; in aggravation, the attorney caused significant harm to her clients; in mitigation, the attorney suffered from serious physical and mental health issues; prior reprimand); In re Williams, 255 N.J. 401 (2023) (on a motion for reciprocal discipline, six-month suspension for an attorney who committed misconduct in eight client matters; in four matters, the attorney engaged in gross neglect and lack of diligence, also constituting a pattern of neglect; in five matters, the attorney failed to communicate with the clients; in two matters, the attorney failed to expedite litigation; and, in one matter, the attorney engaged in conduct prejudicial to the administration of justice; in mitigation, most of the attorney's unethical conduct occurred within

a seven-month period; although a three-month suspension was the baseline discipline for the attorney's misconduct, we concluded that the aggravating factors, including the waste of court resources in two other client matters, as well as failure to promptly notify the OAE of the attorney's discipline in Pennsylvania, warranted a six-month suspension); In re Gruber, 248 N.J. 205 (2021) (six-month suspension for an attorney who committed misconduct in six matters, including gross neglect of five matters; the attorney failed to file a complaint in one matter, and allowed four other matters to be dismissed after filing complaints; four matters were later reinstated or settled but, in the fifth, the statute of limitations had passed, precluding the client from obtaining relief; the attorney also engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in five matters; in mitigation, the attorney suffered from mental health issues and actively was pursuing treatment; prior censure for similar misconduct in two matters from the same period); In re Perlman, 241 N.J. 95 (2020) (one-year retroactive suspension for an attorney who committed misconduct in seven matters: in six matters, the attorney lacked diligence; in five matters, the attorney failed to adequately communicate with the client; in one matter, the attorney failed to withdraw from the representation when continued representation would violate the RPCs and to comply with applicable law governing the termination of representation; the attorney also engaged in

conduct involving dishonesty, fraud, deceit, or misrepresentation and conduct prejudicial to the administration of justice; further, in three matters, the attorney failed to notify clients of his suspension; in mitigation, the attorney suffered from serious mental health issues; in aggravation, he caused significant harm to his clients; prior one-year suspension for similar misconduct in ten client matters).

Likewise, abandonment of clients⁸ almost invariably results in a term of suspension, the duration of which depends on the circumstances of the abandonment, the presence of other misconduct, and the attorney's disciplinary history. See, e.g., In re Nwaka, 178 N.J. 483 (2004) (three-month suspension, on motion for reciprocal discipline, for an attorney who was disbarred in New

⁸ Consistently, we have found that client abandonment requires "a clear and convincing showing that the attorney disappeared and cannot be found." In the Matter of Kevin C. Fogle, DRB 17-358 (April 11, 2018) at 17, so ordered, 235 N.J. 417 (2018). See also In the Matter of Joseph J. Ashton, III, DRB 21-031 (October 28, 2021) at 19-22 (finding abandonment of three clients where attorney was no longer renting the office from which he had practiced law, and clients were unable to contact or locate him), so ordered, ___ N.J. ___ (2022), 2022 N.J. LEXIS 462, and In the Matter of George R. Saponaro, DRB 20-207 (April 1, 2021) at 13 (the attorney abandoned his law practice and could not be located), so ordered, 249 N.J. 352 (2022). Here, the Virginia record establishes, by clear and convincing evidence, that respondent closed his law practice and ceased all communication with his clients. The OAE urged respondent's disbarment relying upon disciplinary precedent in client abandonment matters. Although the OAE did not charge respondent with having violated RPC 1.16(d) based on his client abandonment, this line of precedent is nevertheless applicable based on the OAE's brief which clearly set forth that its charges were based, in part, on respondent's abandonment of multiple client matters and the closure of his law practice. See also In the Matter of John J. O'Hara, III, DRB 15-136 (December 8, 2015) at 46 (we found that the attorney had abandoned his clients, notwithstanding the absence of a charge pursuant to RPC 1.16(d)), so ordered, 224 N.J. 255, and In the Matter of Philip L. Kantor, DRB 03-294 (December 19, 2003) (we found that the attorney had abandoned ten clients; the attorney was charged only with having violated RPC 8.1(b)) at 7, so ordered, 180 N.J. 226.

York for abandoning one client and for failing to cooperate with New York ethics authorities, by neither filing an answer to the complaint nor complying with their requests for information about the disciplinary matter; prior three-month suspension); In re Austin, 255 N.J. 472 (2022) (six-month suspension for an attorney, in a default matter, who abandoned a single client, who had retained the attorney to represent him in a dispute regarding the estate of his late brother; the client provided the attorney a \$3,000 legal fee and a \$28,387 check, which represented the estate funds to be held by the attorney pending resolution of the dispute; for five years, the attorney took no demonstrable action to further her client's interests; during that timeframe, the client was unable to get any information regarding his case; when the attorney shuttered her law practice, she failed to promptly deliver the entrusted estate funds to the client, which required the client to hire new counsel to attempt to induce the attorney to disgorge the estate funds; no prior discipline during her seven-year career at the bar); In re Manganello, 250 N.J. 359 (2022) (six-month suspension for an attorney, in two consolidated default matters, who abandoned two clients; in the first matter, the attorney accepted a \$3,500 legal fee to advise a client regarding a potential medical malpractice action; during that matter, the attorney sent a letter to a potential defendant beyond the applicable statute of limitations, failed to return the client's telephone calls, and misled the client to believe his litigation could

proceed, despite the expiration of the statute of limitations; in the second matter, the attorney accepted a \$1,300 legal fee to file a bankruptcy petition on his client's behalf; the attorney failed to perform the work and falsely assured his client that her case was proceeding apace; in both matters, the attorney failed to cooperate with disciplinary authorities; prior censure); Saponaro, 249 N.J. 352 (one-year suspension for an attorney, in a default matter, who abandoned three clients before closing his law office and disconnecting his telephone lines; in all three client matters, the attorney performed almost no legal work; the attorney improperly retained legal fees in two of the client matters and failed to comply with a fee arbitration committee decision requiring that he disgorge his unearned fee in one of the client matters; throughout the OAE's investigation, the attorney inconsistently communicated with disciplinary authorities, which led the OAE to believe that he would comply with his obligations to cooperate; despite his representations to the OAE, the attorney failed to cooperate in connection with the investigations of all three client matters).

However, more severe discipline has been imposed in cases involving more extensive abandonment, accompanied by a disregard for the disciplinary process. See, e.g., O'Hara, 224 N.J. 255 (disbarment for an attorney who completely abandoned his law practice and at least 280 clients in the midst of litigation, causing irreparable harm; the attorney also engaged in the practice of

law after the Court temporarily suspended him; the attorney also failed to cooperate with the OAE's investigation, failed to file an answer to the complaint, allowed the matter to proceed as a default, and made no attempt to vacate the default to offer any excuse or mitigation for his serious misconduct; having abandoned his practice, we recommended his disbarment, reasoning that we could not, in good conscience, give him further opportunity to wreak havoc on other unsuspecting clients); Kantor, 180 N.J. 226 (disbarment for an attorney who, without prior notice, abandoned his law practice and at least ten clients; some of the clients were left with no cause of action because the attorney either failed to file complaints within the applicable statute of limitations or because he allowed complaints to be dismissed based on his inaction; the attorney also failed to cooperate with the OAE's investigation and allowed the matter to proceed as a default; we had recommended a six-month suspension; however, the attorney thereafter failed to appear for the Court's Order to Show Cause and was disbarred; prior reprimand and three-month suspension); Golden, 156 N.J. 365 (the attorney failed to reply to seven clients' attempts to communicate with him and then disappeared; the attorney failed to cooperate with the ethics investigation and allowed the matter to proceed as a default; the attorney also failed to appear to the Court's Order to Show Cause).

Respondent engaged in additional misconduct by failing to comply with the Virginia Court Rule governing suspended attorneys, which is substantially similar to New Jersey's R. 1:20-20 affidavit of compliance requirement. Generally, attorneys with less serious disciplinary histories have received reprimands, in default matters, for their failure to file the required R. 1:20-20 affidavit. See, e.g., In re Hildebrand, 260 N.J. 20 (2025) (the attorney failed to file the required affidavit of compliance following his six-month disciplinary suspension, in connection with a motion for reciprocal discipline; his disciplinary history consisted only of the prior six-month suspension); In re Ashton, 257 N.J. 225 (2024) (the attorney failed to file the required affidavit following his disciplinary suspension, in connection with a motion for reciprocal discipline; his disciplinary history consisted only of the prior two-year suspension); In re Cottee, 255 N.J. 439 (2023) (the attorney failed to file the required R. 1:20-20 affidavit of compliance, despite the OAE's specific requests that he do so; his disciplinary history consisted only of a prior three-month suspension, in a 2021 reciprocal discipline matter).

Here, respondent's misconduct extended to six client matters over approximately a two-year period. His behavior most resembles that of the attorney in Pinnock, who received a three-month suspension for similar misconduct, in ten client matters, and caused significant harm to her clients.

Like respondent, that attorney also was found to have engaged in a pattern of neglect. Unlike the attorney in Pinnock, however, who cooperated with the investigation and stipulated to her misconduct, respondent failed to cooperate with the VSB's investigation into his misconduct and, essentially, disappeared prior to the Virginia's November 2022 order temporarily suspending him from the practice of law. Indeed, respondent told the VSB disciplinary investigator that he had closed his practice of law. Despite having done so, he thereafter failed to notify his clients, adversaries, and courts in which he had pending litigation that he was suspended from the practice of law, as governing Virginia Court Rules require.

Respondent's misconduct also resembles that of the attorney in Kantor, who was disbarred for abandoning his law practice and ten clients. In that matter, the OAE confirmed that the site of Kantor's former law office was now occupied by another entity and all efforts to reach him at his home address of record were unsuccessful. Like Kantor, respondent failed to cooperate with the investigation and failed to participate in the disciplinary proceedings. He offered no explanation or excuse for his misconduct and, instead, abandoned his practice of law without explanation. The formal ethics complaint charged Kantor with having violated RPC 8.1(b). In recommending a six-month suspension, we surveyed disciplinary precedent involving the abandonment of clients, the

quantum of which ranged from a three-month to a three-year suspension. In the Matter of Philip L. Kantor, DRB 03-294 at 7-8. We noted that Kantor had taken some steps in furtherance of the representations but, ultimately, failed to complete the representations.

In terms of the number of mishandled cases, we found Kantor's misconduct most closely analogous to that of the attorney in In the Matter of Antonio Velazquez, DRB 97-455 (November 20, 1998), who we had recommended receive a three-month suspension.⁹ Id. at 8. Considering Kantor's failure to cooperate with the OAE and the default status of the matter, we determined that greater discipline was warranted and recommended a six-month suspension as the appropriate quantum of discipline for Kantor's misconduct. Ibid. The Court, however, disbarred Kantor following his failure to appear for the Order to Show Cause. In its Opinion, the Court stated that:

[Kantor's] abandonment of his clients and his multiple derelictions, combined with his refusal to cooperate with the ethics investigation and to respond to an Order to Show Cause issued by this Court, merits disbarment. An attorney who declines to appear before this Court to explain his unprofessional conduct and who offers no evidence in mitigation of punishment for disciplinary infractions as serious as those in this case openly displays his unfitness to continue to practice law.

⁹ The attorney in Velazquez was disbarred in connection with this and another pending disciplinary matter, following his failure to appear for an Order to Show Cause. In re Velazquez, 158 N.J. 253 (1993).

[Kantor, 180 N.J. at 233.]

Based on the foregoing disciplinary precedent, Pinnock and Kantor in particular, we conclude that the baseline discipline for respondent's gross mishandling of multiple client matters and his subsequent abandonment of his law practice is, at least, a six-month month suspension. To craft the appropriate discipline in this case, however, we also consider mitigating and aggravating factors.

In mitigation, respondent has no prior discipline in New Jersey. However, it is unclear on the record before us if respondent ever practiced law in our jurisdiction. Thus, we accord this factor minimal weight.

In aggravation, respondent abandoned his clients without notice to them or the slightest regard for their interests. His gross neglect resulted in the dismissal of Sallit's case, with prejudice. He thereafter failed to even inform her that her case had been dismissed. His misconduct deprived her of her day in court and compensation for her alleged injuries. Similarly, in the Powers matter, respondent's failure to take any steps to effectuate service resulted in a motion to dismiss. In the remaining client matters, he filed complaints and, thereafter, failed to complete the representation and then abandoned his law practice without notice to his clients, adversaries, or the courts.

In further aggravation, when confronted by the Virginia disciplinary authorities, respondent conceded that he had shut down his practice of law and offered no explanation or excuse for having abandoned his clients. He thereafter failed to fully cooperate with the VSB or to participate in either of the disciplinary proceedings in that jurisdiction. Respondent also failed to participate in the reciprocal disciplinary proceedings in the District of Columbia, Maryland, and New York.

Moreover, he failed to notify the OAE of his Virginia discipline, as R. 1:20-14 requires.

Conclusion

On balance, we determine that the serious aggravating factors, including respondent's abandonment of his clients and his refusal to participate in the disciplinary proceedings, outweigh the sole mitigating factor and, thus, determine that a one-year suspension is the appropriate quantum of discipline necessary to protect the public and preserve confidence in the bar.

Additionally, given respondent's persistent refusal to cooperate with disciplinary authorities in this and other jurisdictions, we recommend that the Court require him to show cause why he should not be disbarred or otherwise disciplined, pursuant to R. 1:20-16(b).

Vice-Chair Boyer and Members Hoberman and Petrou were 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 Evan Stuart Elan
Docket No. DRB 25-134

Argued: July 16, 2025

Decided: September 2, 2025

Disposition: One-year suspension

<i>Members</i>	One-year suspension	Absent
Cuff	X	
Boyer		X
Campelo	X	
Hoberman		X
Menaker	X	
Modu	X	
Petrou		X
Rodriguez	X	
Spencer	X	
Total:	6	3

/s/ Timothy M. Ellis

Timothy M. Ellis
Chief Counsel