SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 25-113
District Docket No. XIV-2023-0374E

In the Matter of Jenni Elena Rubino
An Attorney at Law

Argued
July 16, 2025

Decided
November 3, 2025

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

Richard E. Mischel appeared on behalf of respondent.

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Introduction

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

This matter was before us on a motion for reciprocal discipline filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-14(a), following the issuance of a September 13, 2023 order of the Supreme Court of New York, Appellate Division, Second Judicial Department (the NY Appellate Division), suspending respondent for two years, effective October 13, 2023.

The OAE asserted that, in the New York matter, respondent was determined to have violated the equivalents of New Jersey RPC 5.5(a)(2) (assisting a person who is not a member of the bar in the unauthorized practice of law); RPC 7.1(a) (making a false or misleading communication about the lawyer or the lawyer's services); RPC 7.5(a) (using an impermissible firm name or letterhead); 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 to grant the motion for reciprocal discipline and conclude that a three-month suspension is the appropriate quantum of discipline for respondent's misconduct.

Ethics History

Respondent earned admission to the New Jersey bar in 2006 and to the New York bar in 2007. She has no prior discipline in New Jersey. At the relevant time, she maintained a practice of law in Yonkers, New York.

Facts

Respondent served as founder and principal of the Rubino Law Firm (the Firm). The Firm's website listed a Yonkers, New York business address and identified respondent's husband, Jean Paul Le Du, as a "managing attorney" at the Firm. Neither respondent nor Le Du maintained an office in New Jersey. Although Le Du was admitted to the New Jersey bar on June 29, 2017, he was not admitted to the New York bar, at any point, during his engagement in any of the five client matters underlying this matter. Moreover, during the relevant events underlying one of the five client matters, Le Du was not admitted to practice law in any jurisdiction.

Respondent provided Le Du with, and Le Du utilized, business cards identifying him as an attorney with the Firm. The business cards identified the Firm's business address in Yonkers, New York, as well as the Firm's website address, telephone and facsimile numbers, and Le Du's e-mail address at the Firm, indicating that Le Du could be contacted at those numbers and addresses.

Although he was not admitted to practice law in New York, Le Du's New York admission status was not indicated on the Firm's website or on the business cards that respondent provided for his use.

The facts underlying the five client matters are separately addressed below.

The Khosrova Client Matter

In December 2017, Peter Paretsky, Esq., retained respondent and the Firm to serve as trial counsel, on behalf of the plaintiff, in a case captioned Sharon Khosrova v. Hampton Bays Union Free School District, pending in the Supreme Court of Suffolk County, New York, before the Honorable Martha Luft, J.S.C. Jury selection began on February 7, 2018.

On February 7 and February 8, 2018, respondent, Paretsky, and Le Du appeared in court together and, on each of these days, respondent permitted Le Du to conduct voir dire and to select members of the jury. On February 9, 2018, respondent allowed Le Du to attend the third day of jury selection without her supervision. Although Le Du and Paretsky both appeared in court on that date, respondent was not present in the courthouse.

Before jury selection resumed on February 9, 2018, Khosrova asked Le Du whether he was admitted to practice law in New York. Le Du previously had

provided Khosrova with the business card which identified him as an attorney with the Firm, at its business address located in Yonkers, New York; however, Khosrova had been unable to locate Le Du's name in a search of the New York Office of the Court Administration's attorney registration records. In reply to Khosrova's question, Le Du failed to provide a definitive answer regarding his admission status. The same date, Khosrova informed Paretsky, who then immediately informed Judge Luft that Le Du was not admitted to practice in New York. Consequently, Judge Luft dismissed the jury and directed the parties to return to court on February 13, 2018 to address Le Du's New York bar admission status.

On February 13, 2018, respondent participated, by telephone, in the conference with Judge Luft. At that time, she misrepresented to Judge Luft that (1) Le Du was "going through character and fitness [in New York]," (2) Le Du would be taking the ethics portion of the New York bar examination in March 2018, and (3) respondent intended to file a motion for Le Du's admission pro hac vice once the matter was assigned to a trial judge. Respondent also represented to the court that she previously had notified Paretsky about Le Du's admission status; however, Paretsky denied any such prior knowledge.[1]

[1] During her testimony at the New York disciplinary hearing, respondent admitted that Paretsky denied having been advised, by her, about Le Du's New York Bar admission status.

At the time respondent made these representations to Judge Luft, Le Du (1) had not applied for admission to the New York bar, (2) did not have an application pending with New York's Committee on Character and Fitness, and (3) had not received a passing score on the Multistate Professional Responsibility Examination, a prerequisite for admission in New York. Additionally, during jury selection in the Khosrova matter, respondent knew that Le Du was not admitted to practice law in New York, yet she failed to disclose this information to either the court or the clients.

The Smith Client Matter

In February 2018, plaintiff Smith retained the Firm in connection with a personal injury lawsuit, captioned Smith v. Lipsky. During the jury trial, Le Du cross-examined the defense expert witnesses and presented the plaintiff's closing argument. During the course of the trial, respondent failed to notify the court or opposing counsel of Le Du's admission status in New York. Instead, in November 2018 – nine months after the jury verdict was rendered – she filed a motion seeking Le Du's pro hac vice admission, nunc pro tunc, which the court denied.

The Haskin Client Matter

In November 2017, respondent and the Firm represented the claimant in a matter pending in New York, captioned In the Matter of Haskin v. Taconic Hills Central School District. On November 17, 2017, with respondent's knowledge and permission, Le Du appeared in court, without respondent, and proceeded to represent the claimant at a 50-h hearing in the matter.[2] Despite not being admitted to practice in New York, Le Du's appearance was entered into the record as "Rubino Law Firm, P.C., Attorneys for Claimants, [the Firm's New York address] BY: JEAN-PAUL LE DU, ESQ." Approximately nine months later, in August 2018, respondent filed a motion seeking Le Du's pro hac vice admission in the matter. The court granted the motion.

The Pulis Client Matter

In November 2017, the Firm represented the claimant in a matter pending in New York, captioned In the Matter of Pulis v. Eldred Central School District. On September 21, 2018, respondent permitted Le Du to represent the claimant at a 50-h hearing. Despite not being admitted to practice law in New York, Le

[2] A 50-h hearing is held when there is a Notice of Claim against a municipal entity; the hearing is intended to enable the relevant municipal entity to question the claimant regarding the nature of the occurrence and the extent of injuries or damages underlying the claim. N.Y. Gen. Mun. L. § 50-h

Du's appearance again was recorded as "Rubino Law Firm, P.C., Attorneys for Claimants, [the Firm's New York address] BY: JEAN-PAUL LE DU, ESQ., [Le Du's Firm email address]." Respondent did not appear at the 50-h hearing and she failed to apply for Le Du's pro hac vice admission, at any time, in association with this matter.

The Dunkin-Matthews Client Matter

On February 21, 2017, in a New York lawsuit commenced by respondent, captioned Dunkin-Matthews v. De Pino Construction Material Transportation, Inc. and Franklin De La Rosa, respondent and Le Du both attended court during which Le Du conducted an examination, under oath, of the defendant, De La Rosa. At the time, Le Du was not admitted to practice in New York or any other jurisdiction. However, his appearance was recorded as "The Rubino Law Firm, Attorneys for the Plaintiff, [the Firm's New York address] BY: [the respondent] and Jean-Paul Le Du, Esq."

On July 13, 2017, respondent instructed Le Du on how to complete a Compliance Conference Worksheet that identified the attorney for the plaintiff as "Jean Paul Le Du, of the Rubino Law Firm" which Le Du then completed and submitted to the court. More than fifteen months later, in November 2018,

respondent filed a motion seeking Le Du's pro hac vice admission in this matter. The trial court denied that motion.

New York Disciplinary Proceedings

On August 19, 2019, the Grievance Committee for New York's Ninth Judicial District (the NY Grievance Committee) filed a Verified Petition charging respondent with having violated, in connection with the foregoing five client matters, the following New York Rules of Professional Conduct (NY RPC): NY RPC 5.5(b) (engaging in the unauthorized practice of law) (Charge One); NY RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) (Charge Two); NY RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice) (Charge Three); and NY RPC 8.4(h) (engaging in any other conduct that adversely reflects on the lawyer's fitness as a lawyer) (Charge Four).

Specifically, the NY Grievance Committee alleged that respondent had permitted Le Du to act as an attorney in a New York legal proceeding, on four separate occasions, while he was admitted to practice law in New Jersey, but not in New York. The NY Grievance Committee further alleged that respondent had assisted Le Du in this misconduct by failing to inform the court or opposing counsel that he was not admitted to practice in New York, without having

applied for his pro hac vice admission, and while actively misrepresenting his New York admission status to clients, the respective courts, the public, and opposing counsel, through the use of a website, business cards, and other communications which identified Le Du as a "Managing Attorney" or an "Attorney at Law" with the respondent's law firm, located in Yonkers, New York.

The NY Grievance Committee also alleged that, in a fifth client matter, respondent had allowed Le Du to conduct an examination of a witness, while that witness was under oath, during a period when Le Du was not admitted to practice law in any jurisdiction. In her verified answer, respondent admitted the facts alleged in the petition and conceded that her conduct violated NY RPC 5.5(b), as set forth in Charge One of the complaint. However, she denied that her misconduct violated NY RPC 8.4(c), 8.4(d), and 8.4(h). She further asserted that she had not intentionally engaged in any misconduct; rather, she claimed that she erroneously believed, as a result of her "misapprehension [of] certain research which [she] later learned was incomplete [regarding court appearances by out-of-state attorneys and the rules on pro hac admissions], [that] such appearances [by Mr. Le Du were allowed in New York,] as long as Mr. Le Du's work was supervised."

The Ethics Hearing and Findings by the Special Referee

On April 13, 2022, following a two-day ethics hearing at which respondent testified, the Special Referee submitted a report in which he found the evidence sufficient to sustain Charge One, but insufficient to sustain the remainder of the charges.[3] Specifically, the Special Referee found "[t]he evidence and admissions establish[ed] that respondent violated NY RPC 5.5(b). "[R]espondent provided Le Du, a non-attorney, with business cards which stated that [he] was an attorney in respondent's New York law firm, she maintained a website which listed Le Du as the managing attorney. . . and permitted Le Du to actively participate in litigated matter. . ." As a result, the Special Referee recommended Charge One be sustained.

In respect of the remaining charges, the Special Referee recognized that all four charges arose from the same basic facts, the veracity of which had been admitted by respondent. However, the Special Referee found that respondent had "a mistaken belief regarding Jean Paul Le Du's ability to practice law in New York . . . [and] mistakenly believed that he could appear as a lawyer in New York as long as his work was supervised." The Special Referee further found that respondent "had no intention to be dishonest, fraudulent and deceitful

[3] In New York, the court is authorized to appoint a Special Referee to accept evidence and make initial findings of fact and disciplinary recommendations in association with an attorney disciplinary proceeding.

to her clients or to her fellow colleagues." Thus, the Special Referee recommended the dismissal of the remaining charges.

Findings of the NY Appellate Division

Following its review of the Special Referee's report, the NY Appellate Division found that the facts admitted by respondent and adduced at the ethics hearing were sufficient to establish, by a preponderance of the evidence, all four charges of misconduct alleged in the petition. In re Rubino, 219 A.D.3d 29 (N.Y. App. Div. 2d Dept. 2023).

In arriving at this conclusion, the court noted that:

> [d]uring the respondent's examination under oath on May 2, 2019, she explained that, when Le Du failed to receive a passing score on the Multistate Professional Responsibility Examination for New York State Bar admission after his second attempt in November 2017, she researched pro hac vice admission in New York State. She found 22 NYCRR part 523 (Rules of the Court of Appeals for the Temporary Practice of Law in New York). The respondent testified that she understood the meaning of these rules and related treatise commentary as 'relax[ing] the laws on pro hac vice admissions,' which would allow Le Du to practice under her supervision, without moving for his pro hac vice admission. The respondent later admitted that she had misapprehended the meaning of 22 NYCRR part 523, as the rules prohibit a lawyer who is not admitted in New York State from establishing a "systematic and continuous presence in this State for the practice of law," or holding out to the public or otherwise

> representing "that the lawyer is admitted to practice law in this State."
>
> [Id. at 34-35.]

Given this admission, the NY Appellate Division found it significant that, by the time of the disciplinary proceeding, "respondent had allowed Le Du to participate as an attorney in approximately 30 of her cases." Id. at 34. Moreover, despite respondent's proffer that she had only aided Le Du in the unauthorized practice of law as a result of her misapprehension of 22 NYCRR part 523, the NY Appellate Division found that "respondent's testimony at her examination under oath reveals that, on two other occasions, in addition to the Dunkin-Matthews matter, she knowingly permitted Le Du to appear as counsel . . . before he was an admitted attorney in any jurisdiction, prior to her research regarding 22 NYCRR part 523, and without receiving permission from the respective courts to do so." Id. at 34-35.

Accordingly, the NY Appellate Division concluded that the evidence was sufficient to establish all the charged misconduct and, thus, imposed a two-year suspension. Id. at 35.

In determining the appropriate quantum of discipline, the NY Appellate Division considered, in mitigation, that respondent had been suffering from personal and medical issues at the time of her misconduct, which had caused her to improperly rely on Le Du to handle legal matters. It also considered

substantial evidence of respondent's good character and pro bono service with autistic and special needs children, as well as her work with bullied children. Ibid. The court found no aggravating factors. Respondent filed a motion for leave to appeal, which was denied on April 18, 2024. In re Rubino, 2024 N.Y. LEXIS 444 (April 18, 2024).

The Parties' Submissions to the Board

In its written submission and during oral argument before us, the OAE asserted that respondent violated RPC 5.5(a)(2); RPC 7.1(a); RPC 7.5(a); RPC 8.4(c); and RPC 8.4(d).

Specifically, the OAE alleged that respondent violated RPC 5.5(a)(2) by permitting Le Du to conduct voir dire in the Khosrova matter, allowing him to cross-examine the defense expert witness and deliver the closing argument in the Smith matter, and allowing him to represent clients in the 50-h hearings in the Haskin and Pulis matters. Respondent further violated this Rule by permitting Le Du to conduct the examination of De La Rosa in the Dunkin-Matthews matter, despite her knowledge that Le Du was not licensed to practice law in any jurisdiction at the time.

Next, the OAE asserted that respondent violated RPC 7.1(a) and RPC 7.5(a) by listing Le Due as "Managing Attorney" on the Firm's website, without

including Le Du's jurisdictional limitations. Likewise, respondent failed to include Le Du's jurisdictional limitation on his business cards.

Third, the OAE argued that respondent violated RPC 8.4(c) and RPC 8.4(d) by falsely stating to the court, in connection with the Khosrova matter, that Le Du was going through the New York character and fitness process, and that he would be taking the ethics portion of the New York bar examination in March 2018. At the time she made the statements, she knew they were false.

Finally, the OAE asserted that respondent further violated RPC 8.4(d) by failing to inform the court, in connection with approximately thirty matters, that Le Du was not authorized to practice law in New York, resulting in wasted judicial resources.

Citing New Jersey disciplinary precedent, the OAE urged that we to impose a three-month suspension, noting the wide range of discipline imposed on attorneys who have assisted others in the unauthorized practice of law. The OAE surveyed precedent involving matters in which the other person is an attorney who is currently unlicensed, suspended, or disbarred in the state, as well as matters in which the other person is a nonlawyer who is not licensed to practice law in any state.

The OAE further noted that conduct involving dishonesty, fraud, deceit, or misrepresentation generally is met with discipline ranging from a reprimand

to a term of suspension, depending on the gravity of the offense, the presence of other unethical conduct, and aggravating and mitigating factors, while conduct prejudicial to the administration of justice is generally met with a reprimand or censure. Finally, although the OAE recognized that admonitions generally are imposed on attorneys who use improper or misleading letterhead, as well as on attorneys who fail to indicate the jurisdictional limitations of attorneys on their letterhead, it indicated that an admonition for such conduct, would be inappropriate here, given respondent's other, more severe misconduct in this matter.

In aggravation, the OAE emphasized the pervasiveness of respondent's misconduct, citing In re Kelly, 120 N.J. 679, 789 (1990), and In re Ragucci, 112 N.J. 40 (1988). Specifically, the OAE noted that "[t]he record indicates that Respondent allowed Le Du to participate as an attorney in approximately thirty (30) of her cases."

In further aggravation, the OAE noted that respondent had failed to timely notify the OAE of her New York discipline, as R. 1:20-14(a)(1) requires.

In mitigation, the OAE indicated that respondent (1) acted unintentionally and without venality; (2) cooperated with the ethics investigation; (3) provided evidence of the proactive measures she had taken to address further issues that may have ethical implications; (4) provided evidence of her history of pro bono

service, her good character, and her high professional reputation; (5) demonstrated contrition for her misconduct; (6) has an otherwise unblemished disciplinary history; and (7) was experiencing medical issues at the time of the misconduct.

The OAE further noted that, although respondent's nunc pro tunc motions for Le Du's pro hac vice admission may have constituted attempts at remediation – a factor ordinarily recognized in mitigation – the OAE urged us to avoid giving substantial mitigating weight to respondent's efforts in this regard, given that the motions were met with varying degrees of success and, in most cases, were "either severely delayed or did not occur at all." The OAE also urged us to reject respondent's claim that her misconduct was the result of her ignorance of the rules pertaining to out-of-state attorneys, and her reliance on, and misinterpretation of, incomplete research she had conducted.

In her June 30, 2025 written submission and during oral argument before us, respondent, through counsel, acknowledged her misconduct but urged us to recommend no more than a censure. Alternatively, in the event we conclude that a term of suspension is required, respondent urged us to recommend that it be applied retroactively, to October 13, 2023, the effective date of her New York suspension.

Respondent encouraged us to adopt the findings made by the Special Referee, who heard the evidence and deemed the record sufficient to establish her violation of RPC 5.5(b), but insufficient to establish the remaining charges of misconduct. Further, she argued that the record demonstrated that her alleged "violations were not based on separate, isolated acts; rather, the same facts were relied upon to establish each of the four charges, presented as a unit or integrated whole." Consequently, respondent argued that the record contained sufficient evidence to "establish[] conclusively" only the first charge of the complaint, thereby warranting a sanction at the lower end of the quantum range.

Respondent also claimed, via counsel, that the record showed that Le Du had only ever appeared in court while under respondent's supervision and in her presence. Although the OAE countered that Le Du had appeared in court, without respondent, on the second day of jury selection in the Khosrova matter, counsel asserted that respondent, to the contrary, was not required to be in attendance on that date because Paretsky was present and, thus, was acting as supervising attorney.

Respondent further argued that the record failed to establish that she had assisted Le Du in the unauthorized practice of law, in violation of RPC 5.5(a)(2), in association with the 50-h hearings that were held in the Haskin and Pulis matters. Specifically, she argued that (1) New York law allows a nonlawyer (or,

specifically, "any other person") to appear, at a 50-h hearing, with the party to be examined, and (2) no evidence was presented, in the New York proceeding, to indicate that respondent ever directed Le Du's appearance to be recorded as "counsel," rather than as "any other person," at those 50-h hearings.

In mitigation, respondent urged us to consider the following: (1) none of the charges involved criminal conduct, neglect or negligent representation, prejudice to clients, venality, or alleged misappropriation (knowing or otherwise) of client or third-party funds or property; (2) her good character and history of pro bono, volunteer, and public interest work, as well as a reputation for excellence, honesty, and dedication to her clients (as determined by the New York Special Referee, based on respondent's own testimony and the direct and written testimony of thirty-four character witnesses); (3) her cooperation with the ethics investigations in both New York and New Jersey; (4) her lack of intent to violate the Rules, as determined by the New York Special Referee; and (5) her remorse and acceptance of responsibility by which she "endeavored to 'right the scales' [through the] filing [of] pro hac vice applications, nunc pro tunc, albeit late, the vast majority of which were granted," and by voluntarily electing not to practice law in New Jersey, following her suspension and the resulting closure of her practice in New York.

Respondent also presented evidence seeking to counter some of the aggravating factors proffered in the OAE's brief. Most significantly, she asserted that she acted in accord with R. 1:20-14(a)(1) by providing the OAE with timely notice of her New York suspension, through counsel. In support, she appended to her brief a May 9, 2024 letter signed by her counsel and addressed to the OAE. The letter set forth that respondent had been suspended from the practice of law in New York and further confirmed that the suspension order "became final on April 18, 2024, by the denial of leave to appeal to the New York Court of Appeals." During oral argument, respondent's counsel asserted that he believed the notice had been timely submitted; however, he further noted that, even if the submission was not timely, it would be improper for us to penalize respondent for her counsel's failure to submit proper notice on her behalf. For its part, the OAE reaffirmed that it had first become aware of respondent's New York discipline on September 26, 2023.

Next, respondent argued that it would be inappropriate for us to conclude, in aggravation, that her misconduct resulted in "undue delay" in the Khosrova matter, because such delay was never alleged, addressed, or established in the New York proceeding. Respondent asserted that there was no evidence presented in New York, and no finding made, by either the Special Referee or the Appellate Division, that the Khosrova trial was delayed by respondent's

misconduct.[4] The OAE, for its part, clarified that it was charging respondent with a violation of RPC 8.4(d) under New Jersey's disciplinary Rules, and was not raising undue prejudice as an aggravating factor.

Respondent similarly asserted that, because she was not charged, in the New York ethics matter, with professional misconduct occurring in thirty different cases, and because the evidence did not establish thirty different violations, it was improper for the OAE to assert the pervasiveness of respondent's misconduct as an aggravating factor in this matter.

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

[4] Respondent argued that, because Paretsky had been dealing with the Khosrova matter since 2004 and did not retain respondent's firm until late 2017 – a period of 14 years, during which the case "languish[ed]" – and because the trial date was set for early 2018, it is "quite remarkable" for the OAE to now claim that respondent's misconduct, in early 2018, caused the case "undue delay."

issue to be determined . . . shall be the extent of final discipline to be imposed." R. 1:20-14(b)(3).

In New York, the standard of proof in attorney disciplinary proceedings is "a fair preponderance of the evidence." 22 NYCRR § 1240.8. Notably, in this case, respondent admitted the facts underlying her misconduct, both in her initial answer and during the New York disciplinary hearing.

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;
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> (B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;
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> (C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;
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> (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 in this matter because the unethical conduct established by the record warrants substantially different discipline in our jurisdiction. Specifically, pursuant to New Jersey disciplinary precedent, respondent's violations of the Rules of Professional Conduct warrant the imposition of a three-month 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 5.5(a)(2); RPC 7.1(a); RPC 7.5(a); RPC 8.4(c); and RPC 8.4(d).

RPC 5.5(a)(2) provides that a lawyer shall not "assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law." Here, respondent repeatedly violated RPC 5.5(a)(2), allowing Le Du to conduct voir dire in the Khosrova matter, to cross-examine the defense expert witness and to deliver the plaintiff's closing argument in the Smith matter, and to represent clients in 50-h hearings in both the Haskin and Pulis matters, despite her knowledge that Le Du was not licensed to practice law in New York. Further, when respondent allowed Le Du to conduct the examination of De La Rosa in the Dunkin-Matthews matter, she did

so despite her knowledge that Le Du, at that time, was not authorized to practice law in any jurisdiction.

Although respondent argued that she was not required to appear with Le Du, and that Le Du was authorized to appear on his own, as a nonlawyer, at the 50-h hearings in the Haskin and Pulis matters, this argument is contradicted by the record, which demonstrates that respondent sought Le Du's pro hac vice admission, at least in connection with his representation of the client at the 50-h hearing held in the Haskin matter. Although the OAE alleged that respondent failed to similarly file a motion seeking Le Du's pro hac vice admission in the Pulis matter, we conclude – given the fact that she filed and the court granted such a motion in Haskin, where the facts were identical – that respondent viewed herself, and that the court viewed respondent, as being knowledgeable about, and responsible for, the in-court representations that Le Du was making (or the improper assumptions and inferences that Le Du was allowing to be made) about his status as a licensed attorney in these matters.

RPC 7.1(a) prohibits a lawyer from making "false or misleading communications about the lawyer, the lawyer's services, or any matter in which the lawyer has or seeks a professional involvement." Pursuant to that Rule, a communication will be deemed to be false or misleading if it "(1) contains a material misrepresentation of fact or law, or omits a fact necessary to make the

statement considered as a whole not materially misleading; [or] (2) is likely to create an unjustified expectation about the results the lawyer can achieve." RPC 7.5(a) similarly provides that "[a] lawyer shall not use a law firm name, letterhead, or other professional designation that violates RPC 7.1." Here, respondent violated both RPCs by listing Le Du as a "managing attorney" on the Firm's website and by failing to indicate Le Du's jurisdictional limitations, both on the Firm's website and on Le Du's Firm business cards.

RPC 8.4(c) prohibits an attorney from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. Although a violation of RPC 8.4(c) requires intent, the requisite intent will be established where there is clear and convincing evidence that an attorney, "by his conduct . . . willfully allowed" a court to take an affirmative action on the basis of statements or communications, made by the attorney, which the attorney knew to be false, misleading, or deceptive. See In the Matter of Mitchell Lee Chambers, Jr., DRB 25-064 (May 21, 2025).[5] It is well established that willfulness "does not require 'any motive, other than a voluntary, intentional violation of a known legal duty.'" In the Matter of Eric Craig Garrabrant, DRB 24-087 (October 2, 2024) at 28-29 (quoting In the Matter of Eugene F. McEnroe, DRB 01-154 (January 29, 2002) at 2, so ordered, 172 N.J. 324 (2002)).

[5] Our decision in this matter remains pending with the Court.

Here, respondent violated RPC 8.4(c) by (1) falsely stating to the court, in the Khosrova matter, that Le Du was "going through character and fitness" and would be taking the ethics portion of the New York bar examination in March 2018, despite her knowledge that Le Du had no such application pending with the Committee on Character and Fitness and had not applied for admission to the New York bar, (2) misrepresenting, on the Firm's website and business cards that Le Du was an attorney licensed to practice in New York, and (3) failing to inform the court, respondent's clients, and opposing counsel, in approximately thirty matters, that Le Du was not authorized to practice law in New York.

Respondent's misrepresentations to the court also unquestionably prejudiced the administration of justice, in violation of RPC 8.4(d). Specifically, respondent's dishonesty induced Judge Luft to begin jury selection – the members of which partially were selected by Le Du. Judge Luft was then forced to dismiss the jury upon the revelation of respondent's misrepresentation, thereby delaying the trial proceeding. Had respondent properly disclosed Le Du's admission status, this delay and needless waste of judicial resources could have been avoided.

Although respondent argued, both in the New York disciplinary proceedings and in her submission to us, that she had researched, but had

misapprehended the meaning of, the rules applicable to out-of-state attorney practice and pro hac vice admissions in New York, the Court consistently has held that ignorance of the law is no excuse for an attorney's failure to abide by the Rules of Professional Conduct. See In re Berkowitz, 136 N.J. 134, 147 (1994) ("Lawyers are expected to be fully versed in the ethics rules that regulate their conduct. Ignorance or gross misunderstanding of these rules does not excuse misconduct"), and In re Goldstein, 116 N.J. 1, 5 (1989) (holding that "[i]gnorance of ethics rules and case law does not diminish responsibility for an ethics violation") (citations omitted). Given the utter inadequacy of respondent's efforts to research and understand the propriety of Le Du's practice in New York, we conclude that respondent improperly permitted a nonlawyer/unlicensed attorney to engage in the unauthorized practice of law, across nearly thirty client matters, for the benefit of both her husband and the Firm.

In sum, we find that respondent violated RPC 5.5(a)(2); RPC 7.1(a); RPC 7.5(a); RPC 8.4(c); and RPC 8.4(d). The sole issue left for our determination is the appropriate quantum of discipline for her misconduct.

Quantum of Discipline

Respondent's most serious misconduct was her prolonged assistance of Le Du in his unauthorized practice of law. Attorneys who assist nonlawyers or unlicensed attorneys in the unauthorized practice of law have received discipline ranging from a reprimand to a term of suspension, depending on the severity of the conduct and the presence of other violations, such as those involving dishonestly, fraud, deceit, and misrepresentation. See, e.g., In re Bevacqua, 174 N.J. 296 (2002) (reprimand for an attorney who assigned an unlicensed attorney, whom he thought had been admitted to practice law in New York, to prepare a client for a deposition and to appear on the client's behalf; the employee, however, had not yet been admitted to practice law in any jurisdiction; the employee appeared for the deposition and entered his appearance without clarifying that he was not a member of the bar; violation of RPC 5.5(b); the attorney also committed other misconduct across three client matters, including gross neglect, a pattern of neglect, and lacking diligence; in determining that a reprimand was appropriate, we weighed the attorney's inexperience at the time of the misconduct and his lack of prior discipline; in further mitigation, we noted that the attorney's misconduct resulted from poor judgment, rather than venality); In re Inocencio, 231 N.J. 233 (2017) (censure for an attorney who assisted a nonlawyer in the practice of law, in violation of RPC 5.5(a)(2), by

allowing the nonlawyer to operate an attorney escrow account and to perform attorney tasks; the attorney involved themselves with an operator of a business that provided "transitional mortgage refinancing" and conducted short sales; the operator of the business was not an attorney, real estate agent, or title agent; during a one-year period, the attorney was involved in ten to fifteen real estate transactions; the business operator opened a checking account for use as an escrow account for real estate transactions involving the attorney, but the attorney was not a signatory on the account; when the attorney realized what had been done, no action was taken to close the account; the attorney also listed the account as her attorney trust account on her annual attorney registration for two years, in violation of RPC 8.4(c); the attorney also committed recordkeeping infractions, in violation of RPC 1.15(d); in mitigation, the attorney had no prior discipline in fifteen years at the bar and her misconduct caused no harm; in aggravation, the attorney's misconduct took place over a significant period of time; in determining to impose a censure, we noted that a reprimand was insufficient to address the totality of misconduct, and analogized the misconduct to that of the attorney in In re Chulak, 152 N.J. 553 (1998), who received a three-month suspension (rather than a censure) because, at the time, there was no discipline between a reprimand and three-month suspension); In re Al-Misri, 240 N.J. 179 (2019) (three-month suspension for an attorney who allowed his

employee, a Pennsylvania attorney who was not licensed to practice law in New Jersey, to handle a New Jersey client matter, in violation of RPC 5.5(a)(2); the attorney also furnished the client a business card that failed to indicate the jurisdictions in which the employee was admitted and, further, the employee's e-mail communications with the client were signed "Ian Z. Winograd, Esq.," leading the client to believe the employee was licensed in New Jersey, in violation of RPC 8.4(c); the attorney committed additional misconduct including violations of RPC 1.1(a), RPC 1.3, and RPC 1.4(c); we analogized the misconduct to that of the reprimanded attorney in Bavacqua; however, in aggravation, the attorney allowed the matter to proceed as a default and had prior discipline, including two admonitions and one censure, for similar misconduct); In re Heckler, 205 N.J. 263 (2011) (one-year suspension for an attorney who violated RPC 5.5(a) by assisting a collection agency in the unauthorized practice of law; the attorney lent his name to the company, so that it could avoid the proscription against impliedly representing to the debtor that an attorney was involved in the debtor's account, a violation of RPC 8.4(c); in aggravation, the attorney had a disciplinary history, failed to learn from past mistakes, and failed to take responsibility for his obligations as an attorney).

As the OAE observed, respondent's misconduct is most closely analogous to that of the attorney in Al-Misri, who received a three-month suspension for

allowing a Pennsylvania attorney, who was not licensed to practice law in New Jersey, to handle a New Jersey client matter. Like the attorney in Al-Misri, respondent allowed Le Du to represent clients in New York matters despite knowing he was not authorized to practice law in New York. Further, like Al-Misri, respondent's omissions allowed co-counsel, clients, adversaries, and the courts to believe Le Du was authorized to practice in that jurisdiction.

However, the aggravating factors considered in Al-Misri, including the default status of the matter and the attorney's prior discipline – which led us to impose a three-month term of suspension, rather than a reprimand – are not applicable here. In the Matter of Al-Misri, DRB 18-344 (April 25, 2019) at 13. On the other hand, unlike Al-Misri, whose misconduct was limited to one client matter, respondent's misconduct allowed Le Du to engage in the unauthorized practice of law in numerous client matters over an extended period. In this respect, respondent's misconduct is more pervasive than that addressed in Al-Misri. Further, although Al-Misri and respondent both violated RPC 8.4(c), respondent falsely misrepresented to the court in the Khosrova matter that Le Du was "going through the character and fitness" portion of the bar examination when, in fact, she knew that he was not. Thus, we conclude that, standing alone, respondent's violations of RPC 5.5(a)(2) and RPC 8.4(c) could be met with a

censure, considering the absence of the compelling aggravating factors presented in Al-Misri that warranted a term of suspension.

Respondent, however, engaged in additional misconduct – violations of RPC 7.1(a), RPC 7.5(a), and RPC 8.4(d).

The use of misleading letterhead, including letterhead that does not indicate the jurisdictional limitations of listed attorneys, generally results in an admonition. See In the Matter of Raymond A. Oliver, DRB 09-368 (May 24, 2010) (the attorney used letterhead that identified three attorneys as "of counsel," despite his having no professional relationship with them, a violation of RPC 7.1(a) and RPC 7.5(a); the attorney also violated RPC 8.4(d) because two of those attorneys were sitting judges, which easily could have created a perception that he had improper influence with the judiciary; we also noted other improprieties), and In the Matter of Carlos A. Rendo, DRB 08-040 (May 19, 2008) (the attorney violated RPC 7.1(a) and RPC 7.5(a) by using firm letterhead indicating that the firm had an office in New Jersey and New York, but failing to make it clear that the attorney's partner was not licensed to practice law in New Jersey; although the letterhead indicated that the partner was admitted in New York, it failed to indicate that he was "only" admitted in that state).

Conduct prejudicial to the administration of justice comes in a variety of forms; consequently, the discipline imposed tends to vary widely depending on

various attendant factors, including the existence of other violations, the attorney's ethics history, the resulting harm to others, whether the matter proceeded as a default, and other mitigating or aggravating factors. See, e.g., In re Ali, 231 N.J. 165 (2017) (reprimand for an attorney who disobeyed court orders by failing to appear when ordered to do so and by failing to file a substitution of attorney, violations of RPC 3.4(c) and RPC 8.4(d); the attorney also lacked diligence and failed to expedite litigation in one client matter and engaged in ex parte communications with a judge; in mitigation, we considered the attorney's inexperience, unblemished disciplinary history, and the fact that his conduct was limited to a single client matter); In re Hunziker, 252 N.J. 63 (2022) (censure for an attorney who violated RPC 8.4(d) by ignoring court orders, filing hundreds of state and federal court complaints without conducting any real investigation, failing to answer or reply to a multitude of discovery requests, motions to dismiss, and orders to show cause, filing a multitude of motions to dismiss, both with and without prejudice, as well as a multitude of motions for sanctions, all of which were necessitated by respondent's failure to comply with discovery requests or other court-ordered obligations, and failing to appear for an order to show cause, despite his receipt of notice of the proceeding; the attorney also committed violations of RPC 1.3, RPC 1.4(b), and RPC 5.5(a)(1); in aggravation, we considered the egregious nature of the

attorney's RPC 8.4(d) violations and the fact that the attorney's misconduct caused harm to his clients; in mitigation, the attorney had suffered federal and state court sanctions for his misconduct and there was a significant passage of time before the commencement of ethics proceedings); In re DeClemente, 201 N.J. 4 (2010) (three-month suspension for an attorney who arranged for three loans to a judge in connection with his own business, failed either to disclose to opposing counsel his financial relationship with the judge or to ask the judge to recuse himself, made multiple misrepresentations to the client, engaged in an improper business transaction with the client, and engaged in a conflict of interest).

Based on the foregoing precedent, Al-Misri in particular, we conclude that the totality of respondent's misconduct could be met with a three-month suspension. To craft the appropriate discipline in this case, however, we also consider aggravating and mitigating factors.

In aggravation, as found by the NY Appellate Division, respondent's misconduct was pervasive. Specifically, she allowed Le Du to be involved in approximately thirty New York cases, spanning a period of years. Moreover, Le Du's appearances occurred prior to respondent's purported research into pro hac vice admissions and without respondent giving notice of Le Du's admission status to the court, the parties, or opposing counsel.

In further aggravation, respondent's misconduct in the Khosrova matter resulted in the dismissal of the jury and necessitated a subsequent court conference regarding Le Du's New York admission status. Consequently, the resolution of Khosrova's claims in that matter were undoubtedly and unnecessarily delayed.

However, we decline to find, in aggravation, that respondent failed to notify the OAE about the New York disciplinary proceeding, as R. 1:20-14(a)(1) requires. During oral argument before us, respondent's counsel represented to us that he had waited to send written notice to the OAE until the New York decision became final because he believed that was what the Court Rules required. He candidly admitted that it was he, and not respondent, who was at fault for any untimeliness in that submission. We find this representation to be credible and, further, that it would be unfair to penalize respondent for her counsel's mistake in this regard.

In mitigation, respondent has no prior discipline in her twenty-year career at the bar, a factor that both we and the Court typically accord significant weight.

In further mitigation, consistent with the findings of the NY Appellate Division, we consider respondent's personal issues and ongoing health challenges that contributed to her reliance on Le Du to handle her legal matters. We also acknowledge her history of pro bono service; the substantial evidence

of her good character; that she acted without venality; the evidence of systems and proactive measures that have been taken to ensure the regular consultation with ethics counsel when issues arise that may have ethical implications; and, her demonstrated remorse and contrition for her misconduct.

We decline, however, to give substantial mitigating weight to respondent's remedial efforts in the filing of pro hac vice motions, given the fact that those motions were met with varying degrees of success and were filed many months after the relevant court appearances, or not at all. Finally, we do not consider, either as a defense to the charges or in mitigation, respondent's claim that her misconduct was the result of her ignorance of the rules pertaining to out-of-state attorneys and her reliance on, and misinterpretation of, incomplete research she had conducted on the issue of pro hac vice admissions.

Conclusion

On balance, we conclude that the aggravating and mitigating factors are in equipoise and, thus, determine that a three-month suspension is the appropriate quantum of discipline necessary to protect the public and preserve confidence in the bar.

We decline, however, to impose a term of suspension retroactive to the effective date of her New York suspension, as respondent urged us to do. In New

Jersey, except in extremely limited scenarios, retroactive terms of suspension are appropriate only when an attorney has been temporarily suspended by Order of the Court in this jurisdiction. See In re Dutt, 250 N.J. 181 (2022), and In re Walker, 234 N.J. 164 (2018) (in connection with motions for final discipline, the attorneys' respective terms of suspension were imposed retroactive to the effective dates of their temporary suspensions in connection with their criminal conduct).

Vice-Chair Boyer and Members Rodriguez and Campelo voted to impose a censure. In their view, the compelling mitigating factors, including respondent's twenty-year career at the bar with no prior discipline, her full cooperation in the investigation, and her admission of wrongdoing and remorse, outweighed the aggravating factors and, thus, warranted a downward departure from the baseline. Moreover, these Members accorded weight to the finding of the Special Referee – who heard the testimony and observed the demeanor of the witnesses – that the misconduct in question was not willful.

Member Menaker was recused.

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 Jenni Elena Rubino
Docket No. DRB 25-113

Argued: July 16, 2025

Decided: November 3, 2025

Disposition: Three-Month Suspension

Members	Three-Month Suspension	Censure	Recused
Cuff	X		
Boyer		X	
Campelo		X	
Hoberman	X		
Menaker			X
Modu	X		
Petrou	X		
Rodriguez		X	
Spencer	X		
Total:	5	3	1

/s/ Timothy M. Ellis
Timothy M. Ellis
Chief Counsel