

SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
Docket No. DRB 25-114  
District Docket No. I-2022-0003E

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In the Matter of Divij Hemang Dave  
An Attorney at Law

Argued  
July 16, 2025

Decided  
November 5, 2025

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Colin G. Bell appeared on behalf of the  
District I Ethics Committee.

Respondent waived appearance for oral argument.

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## **Introduction**

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

This matter was before us on a recommendation for a one-year suspension filed by the District I Ethics Committee (the DEC). The formal ethics complaint charged respondent with having violated RPC 1.1(a) (engaging in gross neglect); RPC 1.3 (lacking diligence); RPC 5.3(a) and (b) (failing to supervise nonlawyer staff); RPC 8.1(a) (knowingly making a false statement of material fact to disciplinary authorities); RPC 8.4(b) (two instances – committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer); and RPC 8.4(c) (two instances – engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

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

## **Ethics History**

Respondent earned admission to the New Jersey bar in 2013 and has no prior discipline. At the relevant timeframe, he maintained a practice of law in Cape May Court House, New Jersey.

## **Facts**

The facts of this matter are largely undisputed, and respondent admitted having violated the charged Rules of Professional Conduct.

### **The Burnett Client Matter**

In March 2020, Tracy Burnett retained respondent to facilitate the return of a \$1,500 security deposit he previously had paid to a landlord for an apartment that he, ultimately, never occupied. Pursuant to their March 2, 2020 written fee agreement, Burnett agreed to provide respondent a \$300 retainer fee and to compensate him at a \$175 hourly rate.

On March 6, 2020, respondent sent the landlord a letter demanding the return of Burnett's security deposit within fifteen days. The landlord, however, did not comply. Consequently, on March 25, 2020, Burnett authorized respondent to file a lawsuit against the landlord seeking to recoup his security deposit.

On May 19, 2020, respondent sent Burnett a copy of his proposed Superior Court of New Jersey, Special Civil Part complaint, which sought to recover \$3,000 from the landlord.<sup>1</sup> That same date, following his review, Burnett

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<sup>1</sup> Generally, pursuant to N.J.S.A. 46:8-21.1, a court "shall award . . . double the amount" of the security deposit, together with the "full costs of any action," to a tenant who prevails in a lawsuit to recover a security deposit.

directed respondent to file the complaint. Respondent, however, failed to file Burnett's lawsuit.

More than a month later, on June 28, 2020, Burnett requested that respondent to provide a status update regarding his lawsuit. On July 6, 2020, respondent sent Burnett a reply e-mail, falsely claiming that “[t]he complaint is still in the process of being served. Once it is served we would get a court date.”

Approximately three months later, on September 19, 2020, Burnett again directed respondent to provide an update regarding his case. In his September 22, 2020 reply e-mail, respondent misrepresented that “we should be getting a date soon” when, in fact, he had failed to file Burnett's lawsuit in the first place.

On December 14, 2020, Burnett sent respondent another e-mail requesting an update. In his December 14, 2020 reply, respondent continued to lie to Burnett regarding the status of his lawsuit, claiming that he had “reached out a couple times on getting a date but with zoom hearings it just taking way longer than expected. Once we have something set will let you know.”<sup>2</sup>

Thereafter, between March and November 2021, Burnett repeatedly attempted to contact respondent for updates. Respondent, however, failed to reply to Burnett's numerous efforts. In Burnett's final, November 8, 2021 e-

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<sup>2</sup> Throughout this decision, all typographical errors contained in the quoted correspondence by respondent are contained in his original correspondence.

mail, he informed respondent that he had learned, from court staff, that his lawsuit had never been filed. Burnett also told respondent that his inaction would require him “to get another lawyer” based on his view that “time [was] running out” to pursue his claim against the landlord.<sup>3</sup>

On December 16, 2021, Burnett filed an ethics grievance against respondent, citing his prolonged deception regarding the status of the lawsuit. Eight days later, on December 24, 2021, respondent, at Burnett’s request, refunded his entire \$500 legal fee.<sup>4</sup>

### *The Disciplinary Investigation*

On April 18, 2022, respondent sent the DEC presenter<sup>5</sup> a letter admitting that he had failed to file Burnett’s lawsuit. However, he claimed that his former “secretary was handling my e-mails during this time period and unfortunately, I believed the complaint was sent out for filing on 6/1/2020 but it was not.”

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<sup>3</sup> N.J.S.A. 2A:14-1 establishes a six-year statute of limitations for lawsuits seeking “recovery upon a contractual claim or liability.” During his interview with the presenter, Burnett claimed that he, ultimately, did not retain substitute counsel to pursue his matter against the landlord, based on his view that a two-year statute of limitations governed his matter.

<sup>4</sup> In addition to paying respondent the \$300 retainer fee at the outset of the representation, Burnett provided respondent a separate \$200 payment, in May 2020, to “file the complaint.”

<sup>5</sup> The DEC investigator in this matter subsequently served as the presenter during the ethics hearing before the hearing panel and during oral argument before us. For ease of reference, we refer to him as “the presenter” throughout our decision.

Respondent further alleged that he did not receive “some” of Burnett’s e-mails requesting updates on the status of his case.

On or around April 19, 2022, in response to the presenter’s request that he disclose his former secretary’s contact information, respondent sent a letter claiming that his “secretary at that time was Krystal Perez.”<sup>6</sup> In his letter, respondent provided a telephone number he claimed was associated with Perez and maintained that he did not know her address. Further, respondent contended that he was “unable to locate her file with her paystubs” and expressed his view that, after terminating her employment, in January 2021, she did not file for unemployment benefits.

On April 21, 2022 – approximately four months after the termination of the representation – respondent created billing records associated with Burnett’s matter which, he alleged, illustrated that Perez had sent all the e-mails to Burnett misrepresenting the status of his case. The billing records also indicated that Perez purportedly had filed Burnett’s lawsuit. The next day, on April 22, respondent provided the DEC presenter with a paper copy of those billing records.

Approximately two months later, on June 10, 2022, respondent, at the

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<sup>6</sup> Respondent’s letter is dated April 9, 2020. However, based on the timing of his prior, April 18, 2022 letter to the presenter, respondent’s April 9 letter appears to have been misdated.

presenter's request, submitted an electronic copy of his billing records. The electronic billing records, however, differed in some respects from the paper records. Specifically, unlike the electronic billing records, the paper records contained (1) a March 24, 2020 entry in which respondent claimed that he had communicated with Burnett via telephone; (2) a March 25, 2020 entry in which respondent claimed that Perez had sent Burnett an e-mail; (3) a "header" containing Burnett's address; and (4) the amount of the \$300 retainer fee listed in the March 2, 2020 billing entry.

In or around June 2020, following his submission of those billing records, respondent appeared for a recorded interview with the presenter.<sup>7</sup>

During the interview, the presenter informed respondent that he had attempted, unsuccessfully, to contact Perez via the telephone number respondent had provided. In reply, respondent contended that Perez had only one valid telephone number but "that she was looking to move." Additionally, he reiterated that he was unaware of Perez's address, maintained that he could not locate her personnel file, and alleged that he likely had provided her with 1099-NEC tax forms in connection with her part-time employment.<sup>8</sup> He also

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<sup>7</sup> The exact date of respondent's interview with the presenter is unclear based on the record before us.

<sup>8</sup> Form 1099-NEC is used to report non-employee compensation to the Internal Revenue Service. See About Form 1099-NEC, Internal Revenue Service, <https://www.irs.gov/forms-pubs/about-form-1099-nec> (last visited September 15, 2025).

maintained that he possessed bank records demonstrating that he had issued payments to Perez.

Further, during the interview, respondent claimed that Perez had failed to file Burnett's lawsuit, despite his instructions that she do so, and that she had sent all the e-mails to Burnett misrepresenting the status of his case. Respondent alleged that, when he contemporaneously reviewed Perez's e-mails at the time they were sent, he viewed them as "true for a little bit and then [the case] fell out of my head."

Additionally, respondent claimed that the paper and electronic copies of Burnett's billing records should have been identical, given that he printed the electronic records to submit his paper records to the presenter. However, when the presenter questioned respondent regarding the differences between his paper and electronic billing records, respondent repeatedly asserted that he had "no idea" why such discrepancies existed.

Finally, during the interview, when the presenter confronted respondent with the metadata<sup>9</sup> demonstrating that he had created Burnett's billing records in April 2022 – four months after the filing of the ethics grievance – respondent

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<sup>9</sup> Metadata is defined as "embedded information in electronic documents that generally is hidden from view in a printed copy of a document. It is generated when documents are created or revised on a computer. Metadata may reflect such information as the author of a document, the date or dates on which the document was revised, tracked revisions to the document, and comments inserted in the margins." RPC 1.0(p).

lied by claiming that he had created the billing records at an earlier point in time and that he could not explain why the metadata reflected that information.

Meanwhile, during Burnett's interview with the presenter, he claimed that he neither interacted with nor observed anyone other than respondent when visiting and contacting respondent's law office.<sup>10</sup>

On July 5, 2022, Verizon Wireless informed the presenter, in response to a subpoena, that the telephone number respondent claimed was associated with Perez was, in fact, connected to an unrelated individual employed by a water company.

On July 7, 2022, respondent, at the presenter's request, produced the purported 1099-NEC tax forms he alleged had been issued to Perez for the 2018 through 2020 tax years. The tax forms indicated that respondent paid Perez exactly \$10,000 for each of those tax years and listed a residential address, in Cape May County, purportedly associated with Perez. In his letter enclosing the tax forms, respondent "reiterate[d]" that he did not "blame" Perez for failing to file Burnett's lawsuit and that he had "dropped the ball with this case."

According to the parties' stipulation of facts, the 1099-NEC tax forms respondent submitted to the presenter did not exist until 2020.

On July 8, 2022, respondent appeared for a second recorded interview

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<sup>10</sup> The date of Burnett's interview is unclear based on the record before us.

with the presenter. During the interview, respondent conceded that, in connection with the disciplinary investigation, he had “panicked” and fabricated the tax forms associated with Perez, based on his allegation that he had paid Perez exactly \$10,000 in cash each year.<sup>11</sup> Additionally, when confronted regarding the authenticity of Perez’s telephone number, respondent again maintained that her telephone number was genuine. Other than the fabricated tax forms, he claimed that he had no other records connected to Perez. Finally, respondent expressly declined to correct or retract any other information he had provided to the presenter, and he reiterated his position that Perez had misrepresented the status of the lawsuit to Burnett.

Ten months later, in or around May 2023, the presenter requested that respondent disclose additional information concerning Perez. On May 8, 2023, respondent replied, providing a purported e-mail address associated with Perez and claiming that, other than the telephone number he had disclosed to the presenter, in 2022, he had no other information concerning her.

On May 9, 2023, the presenter attempted to send a message to the e-mail address respondent claimed was associated with Perez. However, the e-mail address was invalid and, thus, the message could not be delivered.

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<sup>11</sup> By contrast, at the outset of the interview, respondent claimed that he had issued “a lot” of checks to Perez.

## **The Ethics Proceedings**

### **The Ethics Hearing**

During the March 22, 2024 ethics hearing, respondent admitted, for the first time, that Perez did not exist, and that he had fabricated the billing records, tax forms, and information purportedly associated with Perez in an attempt to avoid responsibility for mishandling Burnett's matter.<sup>12</sup> Similarly, respondent conceded that he, in fact, had sent the e-mails to Burnett repeatedly misrepresenting the status of the lawsuit. In respondent's view, he intended to file Burnett's lawsuit but "never got around to it."

### **The Parties' Written Summations to the Hearing Panel**

In his summation letter to the hearing panel, respondent admitted to the totality of the facts underlying this matter and conceded that he had violated each of the charged Rules of Professional Conduct. He contended that he did not accept the representation with the intent to mishandle Burnett's matter. However, he noted that he did "not have a good reason" for failing to file Burnett's lawsuit and that he was "remorseful for my actions." Respondent

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<sup>12</sup> Neither respondent's original nor amended answer expressly indicated that he had fabricated Perez's existence. Rather, those pleadings generally admitted that he had failed to supervise Perez, mishandled Burnett's representation, and lied to the presenter concerning the documents and information purportedly associated with Perez.

further admitted that he “was not as forthcoming as I should have been” with the presenter and that he understood “that my actions were wrong and unnecessary.”

In summarizing his position, respondent emphasized that he was “ashamed” of his actions “throughout the investigation process as there was no good reason for me not to be forthcoming with [the presenter].” He concluded that he took “full accountability” for his conduct and expressed his willingness to accept the hearing panel’s recommended discipline.

In his summation brief, the presenter urged the hearing panel to recommend the imposition of a three-year suspension for respondent’s admitted misconduct. The presenter emphasized that respondent’s actions resulted in significant harm to Burnett, who was unable to recover his security deposit. The presenter also underscored how “every” statement and document respondent manufactured concerning Perez’s existence, including fabricated billing records and tax forms, “was an intentional lie.” The presenter stressed that respondent’s prolonged dishonesty constituted an egregious attempt to cover up his misrepresentations to Burnett.

Additionally, the presenter urged the hearing panel to reject respondent’s “lip service expression of contrition,” considering that he only admitted to his prolonged “campaign of sophisticated forgery and falsification” on the date of

the ethics hearing. However, even after admitting to the totality of his misconduct, the presenter argued that respondent continued to minimize his behavior “as a minor sin of omission rather than repeated, purposeful deceptions involving false statements and forged documents.”

The presenter contended that respondent’s “pattern of dishonesty” and “lack of candor” were significant aggravating factors that outweighed his lack of prior discipline. In summarizing his position, the presenter noted that respondent “spurned every opportunity to correct the record and admit his misconduct.” Indeed, during the July 2022 interview, when confronted with overwhelming evidence of his lies, respondent only admitted to fabricating the tax forms and declined to admit that Perez did not exist. Stated differently, the presenter emphasized that respondent’s “only response to being caught telling lies was to tell more lies.” The presenter concluded that respondent’s conduct was “antithetical to his responsibilities as a member of the bar” and, thus, urged the hearing panel to recommend a three-year suspension.

### **The Hearing Panel’s Findings**

The hearing panel found that respondent violated RPC 1.1(a) and RPC 1.3 by failing to file Burnett’s lawsuit and then refusing to adequately communicate with his client regarding the status of his matter. Similarly, the hearing panel

determined that respondent violated RPC 8.4(c) by repeatedly lying to Burnett regarding the status of his desired litigation.

The hearing panel also found that respondent violated RPC 8.1(a) and a second instance of RPC 8.4(c), in connection with the disciplinary investigation, by fabricating tax forms, billing records, and contact information to support the existence of a fictional secretary, Perez, whom he repeatedly attempted to blame for his misrepresentations to Burnett. Moreover, the hearing panel found that respondent twice violated RPC 8.4(b) by committing fourth-degree falsifying records, in violation of N.J.S.A. 2C:21-4(a), and by executing fraudulent tax forms, in violation of 26 U.S.C. § 7206(3). Specifically, the hearing panel determined that respondent committed those offenses by manufacturing billing records and tax forms in an attempt to mask his wrongdoing.

However, the hearing panel dismissed the charges that respondent violated RPC 5.3(a) and (b) by failing to supervise Perez, given that she was a fictitious person.

In recommending the imposition of a one-year suspension, the hearing panel observed that this matter was “clearly a case where the cover up was significantly worse than the initial crime.” In the hearing panel’s view, respondent’s prolonged course of dishonesty was as egregious as that of the attorney in In re Vapnar, 231 N.J. 161 (2017) who, as detailed below, received

a one-year suspension for fabricating documents to conceal his incompetence. The hearing panel accorded “little” mitigating weight to respondent’s lack of prior discipline but assigned “great” weight to his numerous lies directed at both his client and the presenter. Moreover, the hearing panel found that respondent demonstrated remorse only after he was confronted with irrefutable evidence of his dishonesty. In that vein, respondent’s prolonged refusal to admit the truth forced the presenter to (1) issue a subpoena for telephone records; (2) examine metadata concerning his billing records; (3) repeatedly attempt to contact a fictitious secretary; and (4) research when the 1099-NEC tax forms became available.

Finally, the hearing panel recommended that, prior to reinstatement, respondent be required to complete forty hours of continuing legal education (CLE) credits.

### **The Parties’ Positions Before the Board**

At oral argument before us, the presenter expressed his agreement with the majority of the hearing panel’s conclusions and recommendations. The presenter, however, urged us to accord significant aggravating weight to respondent’s failure to demonstrate adequate remorse for his prolonged dishonesty towards the DEC. In that vein, the presenter emphasized that

respondent fabricated multiple submissions in an attempt to deceive the DEC that a fictitious secretary existed and was responsible for mishandling Burnett's representation.

Respondent did not submit a brief for our consideration. Nevertheless, in waiving oral argument before us, he noted his agreement with the hearing panel's conclusions and recommendations.

## **Analysis and Discipline**

### **Violations of the Rules of Professional Conduct**

Following our de novo review of the record, we are satisfied that the hearing panel's conclusion that respondent committed unethical conduct is fully supported by clear and convincing evidence. We do not, however, adopt all the hearing panel's findings.

Specifically, on May 19, 2020, following Burnett's review of the draft lawsuit, he instructed respondent to file his complaint in the Superior Court. However, for more than eighteen months, respondent made no effort to file the lawsuit, in violation of RPC 1.1(a) and RPC 1.3, despite Burnett's repeated inquiries seeking updates on his matter. Rather, between June and December 2020, respondent repeatedly lied to Burnett, in response to his messages, representing that he had filed his lawsuit and was awaiting a hearing date, in

violation of RPC 8.4(c). Thereafter, between March and November 2021, respondent ignored Burnett's numerous pleas for information, including Burnett's November 8, 2021 message stating that he had learned, from court staff, that the lawsuit remained unfiled. Respondent's prolonged dishonesty and gross inaction forced Burnett to terminate the representation and obtain a refund of his legal fee.

Following the filing of the ethics grievance, respondent embarked upon an unrelenting course of dishonesty towards the presenter, spanning nearly two years, in connection with the DEC's good faith efforts to investigate his mishandling of Burnett's case, in violation of RPC 8.1(a) and RPC 8.4(c).

Specifically, between his April 18, 2022 response to the ethics grievance and the March 22, 2024 ethics hearing, respondent continuously attempted to blame a fictitious secretary for both lying to Burnett and failing to file his lawsuit. In furtherance of his scheme, respondent provided the presenter with manufactured billing records – generated after the filing of the ethics grievance – in a feeble attempt to allege that “Perez” was responsible for both filing the lawsuit and lying to Burnett regarding his case. Moreover, he sent the presenter bogus information purportedly associated with Perez – including a telephone number connected to a water company, an invalid e-mail address, and a residential address in Cape May County – to attempt to demonstrate her

existence. Alarmingly, respondent also provided the presenter with fabricated tax forms he claimed he had issued to Perez in connection with her purported part-time employment.

Even when confronted with overwhelming evidence of his lies, respondent refused to come forward and admit the truth. Specifically, during the June 2022 DEC interview, when the presenter informed respondent that the telephone number he had provided was not associated with Perez, he continued to falsely claim that Perez had only one valid telephone number but “that she was looking to move.” Moreover, when the presenter confronted respondent with metadata demonstrating that he had generated his billing records in April 2022 – four months after the filing of the ethics grievance – he again lied regarding the timeframe in which he had created those records.

Thereafter, during the July 2022 interview with the DEC, when questioned regarding the authenticity of his tax forms, respondent claimed that he “panicked” and fabricated those documents in connection with the disciplinary investigation. However, he otherwise continued his false narrative that Perez existed and that she had lied to Burnett regarding his lawsuit. Compounding his dishonesty, respondent directly refused the presenter’s express invitation to retract or correct any other false information he had provided to the DEC.

It was not until the March 22, 2024 ethics hearing, nearly two years after his initial involvement in the investigation, that respondent finally admitted that he had fabricated his entire narrative concerning Perez, including her very existence.

We also determine that respondent violated RPC 8.4(b) by committing fourth-degree falsifying records, in violation of N.J.S.A. 2C:21-4(a). It is well-settled that we may find a violation of RPC 8.4(b) even in the absence of any formal criminal convictions. See In re McEnroe, 172 N.J. 324 (2002) (the attorney was found to have violated RPC 8.4(b), despite not having been charged with or found guilty of a criminal offense), and In re Nazmiyal, 235 N.J. 222 (2018) (although the attorney was not charged with, or convicted of, violating New Jersey law surrounding the practice of debt adjustment, the attorney was found to have violated RPC 8.4(b)).

N.J.S.A. 2C:21-4(a) provides, in relevant part:

a person commits a crime of the fourth degree if he falsifies . . . any writing or record, or utters any writing or record knowing that it contains a false statement or information, with purpose to deceive or injure anyone or to conceal any wrongdoing.

Here, in April and June 2022, respondent provided the presenter with falsified billing records, attempting to demonstrate that Perez was responsible for both filing the lawsuit and sending the e-mails misrepresenting the status of

the matter to Burnett. Moreover, in July 2022, respondent provided the presenter with falsified tax forms, attempting to convince the DEC that he previously had employed Perez – a fictitious person. As respondent, ultimately, admitted during the ethics hearing, he manufactured those documents to evade responsibility for mishandling Burnett’s matter. On these undisputed facts, we find that respondent’s submission of the fabricated documents clearly and convincingly constituted the criminal falsification of records.

However, we dismiss the remaining charges of unethical conduct.

Specifically, 26 U.S.C. § 7206(3) provides that any individual who:

[s]imulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document required by the provisions of the internal revenue laws, or by any regulation made in pursuance thereof, or procures the same to be falsely or fraudulently executed, or advises, aids in, or connives at such execution thereof . . . shall be guilty of a felony and, upon conviction thereof, shall be fined not more than \$100,000 . . . or imprisoned not more than 3 years, or both, together with the costs of prosecution.

Very few reported cases nationwide have addressed violations of 26 U.S.C. § 7206(3). However, in United States v. Ballard, 850 F.3d 292, 294 (6<sup>th</sup> Cir. 2013), the United States Court of Appeals for the Sixth Circuit stated, in dicta, that 26 U.S.C. § 7206(3) involves the perpetration of a “form[] of fraud on the Secretary” of the United States Department of Treasury.

Here, although respondent unquestionably fabricated tax forms, the forms were not required by internal revenue laws, nor did he file those documents with the Internal Revenue Service in furtherance of a tax crime. Rather, he manufactured those forms and provided them only to the presenter, as part of his scheme to mask his mishandling of Burnett's matter from the DEC. Because he did not engage in a "form of a fraud" on the United States Department of Treasury, and given that his actions are more appropriately encapsulated by the RPC 8.1(a), RPC 8.4(b) (fourth-degree falsifying records, contrary to N.J.S.A. 2C:21-4(a), and RPC 8.4(c) charges, we dismiss the second charged instance of RPC 8.4(b) based on respondent's purported violation of 26 U.S.C. § 7206(3).

Finally, we dismiss the charges that respondent violated RPC 5.3(a) and (b) by failing to supervise Perez. Because Perez was a fictitious person, those charges are inapplicable to this matter.

In sum, we find that respondent violated RPC 1.1(a); RPC 1.3; RPC 8.1(a); RPC 8.4(b) (fourth-degree falsifying records, contrary to N.J.S.A. 2C:21-4(a)); and RPC 8.4(c) (two instances). For the reasons set forth above, we dismiss the charges that respondent violated RPC 8.4(b) (executing fraudulent tax forms, contrary to 26 U.S.C. § 7206(3)) and RPC 5.3(a) and (b). The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

### *Quantum of Discipline*

For approximately six months, between June and December 2020, respondent repeatedly lied to Burnett regarding his mishandling of the lawsuit. Thereafter, throughout 2021, he ignored Burnett's numerous pleas for updates. Standing alone, misrepresentations to clients warrant the imposition of a reprimand. In re Kasdan, 115 N.J. 472, 488 (1989). A reprimand or censure may be imposed even if the misrepresentation is accompanied by other, non-serious ethics infractions, such as gross neglect, a lack of diligence, or a failure to communicate. See In re Rudnick, \_\_ N.J. \_\_ (2022), 2022 N.J. LEXIS 258 (2022) (reprimand for an attorney who allowed his client's lawsuit to be dismissed for failing to respond to interrogatories; thereafter, the attorney failed to attempt to reinstate his client's matter; the attorney also failed to reply to his client's inquiries regarding the case and misrepresented to his client that the entire case had been dismissed for reasons other than the attorney's failure to respond to interrogatories; the attorney's misconduct occurred during a one-year timeframe; in mitigation, the attorney had no prior discipline, accepted responsibility for his misconduct, and fully refunded the client's fee, on his own accord), and In re Kalma, 249 N.J. 538 (2022) (censure for an attorney who failed to file the client's civil complaint prior to the expiration of the applicable statute of limitations; thereafter, the attorney repeatedly and falsely claimed that

he had timely filed the lawsuit; the attorney even sent his client a false letter, purporting to show that the matter was scheduled for a court date; when the client showed up for court, the attorney claimed that he had been “sent home” and advised his client to do the same because there was a “two-hour window wait time;” to further his deception, the attorney told his client that the court was “backed up” and reassured his client that he would “see the case through to the end;” the client eventually learned, from court staff, that the attorney never filed the complaint; when the client confronted the attorney with that discovery, the attorney claimed that “it was all part of a cover up;” we weighed, in aggravation, the default status of the matter, the significant harm to the client, who lost the ability to pursue a claim, and the lengths to which the attorney went to conceal his misconduct; no prior discipline).

Respondent’s misconduct, however, was exacerbated by his protracted scheme of dishonesty towards the DEC, spanning nearly two years, in which he fabricated documents and information associated with a fictitious secretary, all in an attempt to avoid responsibility for his mishandling of Burnett’s matter.

Generally, in matters involving misrepresentations to ethics authorities, the discipline ranges from a reprimand to a lengthy suspension, depending on the gravity of the offense, the presence of other unethical conduct, and aggravating or mitigating factors. See, e.g., In re Purvin, 248 N.J. 223 (2021)

(reprimand for an attorney who misrepresented to the Office of Attorney Ethics (the OAE) that he had taken corrective measures to cure his recordkeeping deficiencies; one month later, when the OAE requested proof of his corrective measures, the attorney admitted his misrepresentation, but noted that he since had taken the necessary corrective action; no prior discipline); In re Doyle, 254 N.J. 374 (2023) (censure for an attorney who forged a client's name on an unexecuted version of their retainer agreement, backdated the document, and then attempted to pass off the agreement to the OAE as a genuine document; his actions were motivated by embarrassment regarding his failure to maintain executed versions of his clients' retainer agreements; the attorney's deception was confined to a two-day period in which he, eventually, admitted to his impropriety; the attorney also knowingly practiced law while administratively ineligible for several months and issued two bad checks, totaling \$500, to the Superior Court to cover filing fees; in mitigation, more than seven years had elapsed since the attorney's misconduct ended; no prior discipline); In re Bar-Nadav, 174 N.J. 537 (2002) (three-month suspension for an attorney who submitted two fictitious letters to the DEC in an attempt to justify his failure to file a divorce complaint on behalf of his client; the attorney also failed to withdraw from the representation upon being discharged by another client; finally, the attorney failed to communicate with two clients; in mitigation, the

attorney was young and inexperienced and had no prior discipline); In re Vapnar, 231 N.J. 161 (2017) (one-year suspension for an attorney who concealed mail from his supervisor and created six fictitious letters, which he placed in multiple clients’ files, to deceive his supervisor into believing that he diligently was handling the clients’ matters; the supervisor filed a grievance against the attorney, who transmitted the fictitious documents to the DEC to conceal his incompetence; the attorney steadfastly maintained the facade that the documents were legitimate throughout much of the disciplinary proceedings; the attorney also allowed the complaints of three of his clients to be dismissed because of his misconduct, failed to inform each of the clients of the dismissals, and failed to take any action to restore the complaints; during one of the client matters, the attorney misrepresented to a court that his inability to comply with discovery requests was the result of his client’s failure to cooperate with him; in a fourth client matter, the attorney failed to appear for trial, resulting in the issuance of a default judgment against his client; the attorney failed to inform the client of the default judgment, failed to take any steps to vacate the default, and misrepresented his identity as that of his supervisor when he appeared before a court).

Here, unlike the attorney in Bar-Nadav, who received a three-month suspension for submitting two fictitious letters to the DEC to mask his lack of

diligence, respondent engaged in an unrelenting scheme of dishonesty, spanning nearly two years and encompassing numerous fraudulent submissions, to conceal his mishandling of Burnett's matter.

In our view, the scale of respondent's dishonesty towards the DEC was just as egregious as that of the attorney in Vapnar, who received a one-year suspension. Like Vapnar, who fabricated several documents to conceal his gross mishandling of four client matters, respondent provided the DEC with several fabricated submissions, including three bogus tax forms and two manufactured billing records, to support his false narrative that a fictional secretary was largely to blame for mishandling the representation.

In addition to providing the fabricated documents to the presenter, respondent concocted a phony telephone number, e-mail address, and residential address purportedly associated with Perez. He also repeatedly misrepresented Perez's existence in multiple letters and interviews with the presenter, in an attempt to obscure his lies to Burnett and his failure to file the lawsuit. However, every time the presenter challenged respondent regarding the authenticity of the documents or information connected to Perez, he amplified his dishonesty with more lies. Alarmingly, during the July 2022 interview, even after the presenter forced respondent to concede that he had fabricated the tax records purportedly associated with Perez, he continued his false narrative that Perez existed and

was responsible for lying to Burnett.

As the hearing panel correctly observed, respondent's refusal to engage in any semblance of honesty towards the DEC forced the presenter to (1) issue a subpoena to determine the authenticity of a telephone number associated with an unrelated entity; (2) obtain the metadata underlying respondent's fabricated billing records; (3) make multiple attempts to contact a fictitious secretary; (4) research the validity of the fraudulent tax forms; and (5) conduct multiple interviews to determine the propriety of respondent's statements made throughout the investigation. It was not until the March 2024 ethics hearing, nearly two years after the presenter had expended significant resources to expose respondent's scheme, that he finally came forward and admitted that Perez did not exist.

The Court has “long and firmly held that ‘there is no place in the law for [an attorney] who cannot or will not tell the truth, even when his or her own interests are involved. In the legal profession, there must be a reverence for the truth.’” In re Application of Jenkins, 94 N.J. 458, 470 (1983) (quoting In re Hyra, 15 N.J. 252, 254 (1954)). In that vein, attorneys are expected to hold themselves in the highest regard and must “possess a certain set of traits – honesty and truthfulness, trustworthiness and reliability, and a professional

commitment to the judicial process and the administration of justice.” In re Application of Matthews, 94 N.J. 59, 77-78 (1983).

Here, respondent’s prolonged and inexcusable campaign of dishonesty casts a large shadow over his integrity and ability to respect the administration of justice and the disciplinary process. Indeed, in his summation letter to the hearing panel, respondent demonstrated a troubling lack of appreciation regarding the breadth of his dishonesty, claiming only that he “was not as forthcoming as I should have been” with the presenter.

Moreover, like Vapnar, who engaged in misrepresentations by silence to his clients, respondent’s deception resulted in serious harm to Burnett who, for at least eighteen months, erroneously believed that his lawsuit had been filed and was pending a hearing date. See In re Schlachter, 254 N.J. 379 (2023) (according significant aggravating weight to the harm the attorney’s lies caused to his client who, for years, erroneously believed that his purportedly high-value lawsuit remained pending). Similarly, respondent’s actions needlessly prejudiced Burnett’s opportunity to timely recover his security deposit.

Nevertheless, unlike Vapnar, who engaged in gross neglect and dishonest conduct across four client matters, respondent’s misconduct was confined to a single client matter in which Burnett’s ability to obtain relief from the landlord was not permanently foreclosed. Moreover, in contrast to Vapnar, respondent

did not compound his dishonesty by engaging in multiple misrepresentations to courts or to a supervising attorney. Finally, like Vapnar, respondent has no prior discipline in his relatively short twelve-year career at the bar.

## **Conclusion**

On balance, considering respondent's prolonged and egregious efforts to cover up his mishandling of Burnett's lawsuit by attempting to pin the blame for his actions on a fictitious person, we determine, consistent with disciplinary precedent, that a six-month suspension is the appropriate quantum of discipline necessary to protect the public and preserve confidence in the bar.

Finally, given the extent of respondent's dishonest conduct permeating throughout this serious ethics matter, we recommend, as a condition to his reinstatement, that he be required to complete a CLE course in legal ethics and professionalism, as approved by the OAE.

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 Divij Hemang Dave  
Docket No. DRB 25-114

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Argued: July 16, 2025

Decided: November 5, 2025

Disposition: Six-Month Suspension

<b>Members</b>	<b>Six-Month Suspension</b>	<b>Absent</b>
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