SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. 25-150
District Docket Nos. XIV-2024-0022E,
XIV-2024-0054E, and XIV-2024-0516E

In the Matter of Andrew G. Bitar
An Attorney at Law

Decided
November 24, 2025

Certification of the Record

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Introduction

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

This matter was before us on a certification of the record filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-4(f). The formal ethics complaint charged respondent with having violated RPC 1.1(a) (two instances – engaging in gross neglect); RPC 1.3 (two instances – lacking diligence); RPC 1.4(b) (two instances – failing to communicate with a client); RPC 1.5(b) (failing to set forth, in writing, the basis or rate of the legal fee); RPC 1.7(a)(1) (engaging in a conflict of interest – representing a client directly adverse to another client); RPC 1.16(d) (two instances – failing to protect client's interests upon termination of the representation and failing to refund the unearned portion of the fee); RPC 8.1(b) (three instances – failing to cooperate with disciplinary authorities); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

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

Ethics History

Respondent earned admission to the New Jersey bar in 2016. During the relevant timeframe, between approximately October 2022 and April 2023, he practiced law as an associate at a firm located in Eatontown, New Jersey; between approximately April and July 23, 2023, he maintained a practice of law in East Brunswick, New Jersey; and between July 24 and August 31, 2023, he practiced law as an associate at a firm located in Englewood Cliffs, New Jersey. Thereafter, he maintained a practice of law in New Jersey, but the location is unknown.[1]

Bitar I

On June 11, 2024, the Court censured respondent, in a default matter, for having violated RPC 1.15(d) (failing to comply with the recordkeeping requirements of Rule 1:21-6), RPC 5.5(a)(1) (engaging in the unauthorized practice of law), and RPC 8.1(b) (two instances). In re Bitar, 257 N.J. 574 (2024) (Bitar I). In that matter, the OAE's random audit of respondent's books and records revealed numerous recordkeeping infractions. Further, on July 21, 2022, respondent appeared during a telephone conference before a Superior Court

[1] As described herein, respondent's current office and home addresses are unknown. His attorney registration continues to list his employer as the previous law firm where he worked as an associate until August 31, 2024.

judge, despite knowing that, effective June 27, 2022, he had been declared administratively ineligible to practice law. In the Matter of Andrew G. Bitar, DRB 23-219 (March 12, 2024) at 6-7, 16. Finally, he failed to cooperate with the disciplinary investigation. Id. at 17. Relevant here, as discussed below, respondent was made aware of the OAE's investigation underlying Bitar I as early as August 11, 2022, and had been communicating with the OAE until at least February 27, 2023, before failing to file an answer to the formal ethics complaint, leading to his default in that matter. Id. at 17-18.

Periods of Administrative Ineligibility and Temporary Suspension Orders

Effective October 16, 2023, the Court declared respondent administratively ineligible to practice law for his failure to comply with continuing legal education (CLE) requirements.

Effective June 24, 2024, the Court declared respondent administratively ineligible to practice law for failing to pay his annual assessment to the New Jersey Lawyers' Fund for Client Protection (the CPF), as R. 1:28-2(b) requires.

Effective July 2, 2024, the Court temporarily suspended respondent from the practice of law for failing to cooperate with the OAE's disciplinary investigation underlying the matter currently before us. In re Bitar, 258 N.J. 32 (2024).

Effective July 11, 2025, the Court temporarily suspended respondent from the practice of law for failing to comply with a fee arbitration determination awarded in his client's favor, as further detailed below. In re Bitar, 261 N.J. 79 (2025).

To date, respondent remains administratively ineligible to practice law on both bases. Additionally, he remains temporarily suspended pursuant to both Court Orders.

Service of Process

Service of process was proper. On April 16, 2025, the OAE sent a copy of the formal ethics complaint, by certified and regular mail, to three addresses associated with respondent (Philadelphia, Nashua 1, and Nashua 2), with an additional copy, sent via electronic mail, to respondent's last known e-mail address.[2] The same date, the OAE received a relayed receipt indicating that delivery to respondent's e-mail address was complete. The certified mail receipt for the letter sent to the Philadelphia address was returned to the OAE, signed and dated April 21, 2025; however, the signature is illegible. The regular mail

[2] New Jersey attorneys have an affirmative obligation to inform both the CPF and the OAE of changes to their home and primary law office addresses, "either prior to such change or within thirty days thereafter." R. 1:20-1(c). Respondent's official Court records continue to reflect a home address where he no longer resides and an office address located in Englewood Cliffs where he no longer works. Respondent's last known e-mail address is one of respondent's two e-mail addresses of record. According to the OAE's complaint, respondent's current whereabouts are unknown.

sent to the Philadelphia address was returned to the OAE marked "does not live here," "please update," and "unable to forward."

The letter sent by certified mail to respondent's Nashua 1 address was returned to the OAE as "unclaimed" and "unable to forward." The regular mail was not returned to the OAE.

The letter sent by certified mail to respondent's Nashua 2 address was returned to the OAE as "no such number" and "unable to forward." The regular mail also was returned to the OAE.

In addition, on May 20, 2025, the OAE published notices in the Home News Tribune and The Record,[3] (1) stating that a formal ethics complaint had been filed against respondent, (2) informing him than an answer to the complaint must be filed within twenty-one days of the date of the notices, and (3) directing him to contact the OAE to obtain a copy of the complaint.[4]

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[3] The Home News Tribune and The Record are public newspapers with general circulation in multiple counties throughout New Jersey, including Bergen; Essex; Hudson; Middlesex; Morris; and Passaic counties.

[4] R. 1:20-7(h), governing service of process in disciplinary matters, states that service may be effectuated on respondent of any pleading by personal service, or by certified mail (return receipt requested) and regular mail, at the address listed in the New Jersey Lawyers' Diary and Manual or the address shown on the records of the CPF. Service on a respondent may also be made by serving respondent's counsel, if any, by regular mail or by facsimile transmission.

Although the disciplinary Court Rules do not expressly address service by publication, we and the Court previously have determined that service was proper, via publication notice, when service could not be accomplished via an attorney's address(es) of record. See, e.g., In the Matter of Rasheda Harmon, DRB 21-228 (March 29, 2022) (on a motion for reciprocal discipline, the OAE

(Footnote continued on next page)

As of June 17, 2025, respondent had not filed an answer to the complaint, and the time within which he was required to do so had expired. Accordingly, the OAE certified this matter to us as a default.

On August 4, 2025, Chief Counsel to the Board sent respondent a letter, by certified and regular mail, to his office address of record, and by electronic mail, to his e-mail address of record, informing him that this matter was scheduled before us on September 18, 2025, and that any motion to vacate the default (MVD) must be filed by August 25, 2025. On the same date, the Office of Board Counsel (the OBC) received a relayed receipt indicating that delivery to respondent's office e-mail address was complete. The letter sent by certified and regular mail to respondent's office address of record was returned to the OBC as "not deliverable as addressed" and "unable to forward."

Moreover, the OBC published a notice dated August 11, 2025 in the New Jersey Law Journal and on the New Jersey Courts website, stating that we would

effectuated service of process via publication in the New Jersey Law Journal and the Philadelphia Inquirer), so ordered, __ N.J __ (2022), 2022 N.J. LEXIS 658; In the Matter of Daniel Ellis, DRB 04-429 (March 15, 2005) at 3-4 (in a default matter, service of the complaint was effectuated via publication notice in the New Jersey Law Journal and Star-Ledger, after the certified letters sent to the attorney's home address of record, as well as another address, were returned to the District Ethics Committee as undeliverable), so ordered, 183 N.J. 227 (2005); In the Matter of Carl C. Bowman, DRB 03-146 (August 27, 2003) at 2 (in a default matter, service of the complaint was effectuated via publication notice in the New Jersey Lawyer and the Press of Atlantic City, after the certified and regular mail addressed to respondent's home address of record were returned as undeliverable), so ordered, 178 N.J. 24 (2003).

consider this matter on September 18, 2025. The notice informed respondent that, unless he filed a successful MVD by August 25, 2025, his prior failure to answer would remain deemed an admission of the allegations of the complaint.

Respondent did not file an MVD.

Facts

We now turn to the allegations of the complaint.

Count One – The Ordner Client Matter

On December 1, 2023, Leigh-Anne Ordner filed an ethics grievance against respondent, alleging that she had retained him to represent her in a criminal matter, made payments to him totaling $2,050, and that he failed to appear on her behalf and eventually stopped communicating with her entirely.

Specifically, on January 31, 2023, Ordner retained respondent to defend her in a pending criminal matter and paid $1,000 toward the representation. The following day, Ordner paid respondent an additional $700. On or about the same date, respondent sent Ordner a retainer agreement stating that she would be charged a flat fee of $2,500 for the representation. The retainer agreement, that neither respondent nor Ordner signed, excluded the following from the scope of the representation:

> trial, appeals, and any other expenses required for representation in the matter(s), including but not limited to drafting and arguing of any pretrial motions, any additional investigation to be done by Attorney or his staff, any excessive correspondence or additional contact (i.e. phone calls, emails, text messages, etc.) deemed necessary by Attorney, and any and all additional unforeseen expenses deemed necessary by Attorney and/or Client, or the demands of the case.
>
> [C-Ex. 7.][5]

Between March 17 and August 11, 2023, respondent and Ordner exchanged text messages discussing her case; specifically, respondent told Ordner that there was no progress and the court had not yet scheduled an appearance date. On October 1, 2023, Ordner texted respondent, informing him that she had received notice of an October 19, 2023 court date; however, respondent failed to reply.

Two days later, on October 3, 2023, Ordner again texted respondent regarding her upcoming court date. The next day, respondent requested a picture of the notice and inquired whether the appearance was virtual or in-person. Ordner confirmed it was in-person, leading to respondent informing her that additional fees would apply in the amount of "two payments of $325, or $500 up front, or $450 if she paid that day." Ordner challenged the additional fee for

[5] C-Ex 7 refers to the exhibit appended to the formal ethics complaint. Specifically, the retainer agreement respondent sent to Ordner.

in-person appearances, stating that respondent never disclosed that aspect of the representation. Respondent countered that he "know[s] [he] mentioned it because [he has] been telling everyone that since virtual began." However, this additional fee was not addressed in the retainer agreement that respondent had provided to Ordner. Ordner asked respondent to put the additional fee requirement in writing, which respondent agreed to provide at the October 19 court date, maintaining that the text messages themselves constituted a writing. On October 5, 2023, Ordner paid respondent an additional $150 toward the representation.

On October 12, 2023, respondent texted Ordner and asked if she could "send $200 today" rather than making a payment of $300 on October 19, 2023, stating that "will be it" and "[he will] call it even." Ordner agreed and paid respondent $200, via Venmo, the same day. In total, between January 31 and October 12, 2023, Ordner paid respondent $2,050 in fees.

On October 16, 2023, three days prior to Ordner's in-person hearing, the Court declared respondent administratively ineligible to practice law in New Jersey for failing to comply with CLE requirements. Respondent texted Ordner two days later, on October 18, informing her that he had "filed the necessary paperwork" to waive her first appearance scheduled for October 19, 2023, she

"do[es] not have to go," and he was "working to schedule the next date."[6] Her next hearing date, thus, was scheduled for November 29, 2023.

Respondent failed to appear at Ordner's November 29, 2023 court date, resulting in a postponement. Ordner attempted to contact respondent prior to her November court date; however, he failed to reply. She attempted to contact him twice more, once on the date of her court appearance, inquiring where he was, and again on December 1, 2023, informing him that she would be filing an ethics grievance if he failed to reply. Respondent, however, failed to reply and failed to take any steps to protect Ordner's interests.

In its formal ethics complaint, the OAE also alleged that respondent had entered an appearance on behalf of Ordner's co-defendant. In support, the OAE attached to the complaint a notice of appearance, entered on December 21, 2023, by an unrelated attorney, entering their appearance as counsel for Ordner's co-defendant. Notably, on the notice of appearance, respondent is listed as both Ordner and her co-defendant's attorney. According to the complaint, respondent

[6] Presumably, respondent waived Ordner's first appearance pursuant to R. 3:4-2(g), which requires, in part, an attorney to "file . . . a written statement" to the court. Even if respondent never completed this filing, he nevertheless was representing Ordner during a period of ineligibility.

informed Ordner she would have to sign a waiver regarding his representation of her co-defendant but never provided her with such a waiver.[7]

On February 8, 2024, the OAE sent a letter, by certified and regular mail, to respondent's home address of record and an alternate address (Jamesburg), with an additional copy sent by electronic mail to his two e-mail addresses of record, advising him that Ordner's ethics grievance had been docketed and directing him to submit a written reply by February 20, 2024. The letters sent by certified mail were returned to the OAE as undeliverable. The letter sent by regular mail to his home address of record was returned as undeliverable. The letter sent to the alternate Jamesburg address was not returned to the OAE. Respondent failed to submit a reply to the grievance.

On February 27, 2024, the OAE sent respondent a second letter, by certified and regular mail, to both his home address of record and the alternate Jamesburg address, with an additional copy sent by electronic mail to his e-mail address of record. Again, the letters sent by certified mail to both addresses were returned to the OAE. The regular mail sent to respondent's home address of record was returned to the OAE. However, the regular mail sent to the alternate

[7] As discussed below, the record is not entirely clear on this aspect of this matter. The exhibit relied upon does show respondent as Ordner and her co-defendant's attorney. However, no notice of appearance by respondent on behalf of the co-defendant is submitted. Further, although there is a voluminous record of communication between Ordner and respondent, nothing reflects a conversation regarding the co-defendant representation.

Jamesburg address was not returned to the OAE. Further, the e-mail was not returned as undeliverable. Respondent again failed to submit a reply to the grievance.

On November 5, 2024, the District IIA Fee Arbitration Committee issued a fee determination in Ordner's favor, directing respondent to refund the entirety of the $2,050 fee to her within thirty days from the date of receipt of the determination. Respondent failed to comply with the fee determination.

Based on the foregoing facts, the OAE alleged that respondent violated RPC 1.1(a) and RPC 1.3 by failing to appear, on Ordner's behalf, at the November 29, 2023 court hearing; RPC 1.4(b) by failing to reply to Ordner's reasonable requests for information, failing to provide her with any court documents, and failing to inform her that, on October 16, 2023, he had become administratively ineligible to practice law in New Jersey; RPC 1.7(a)(1) by representing Ordner and her co-defendant in a criminal matter without her informed consent; RPC 1.16(d) by failing to give Ordner reasonable notice that he was terminating the representation, failing to surrender court documents to her, and failing to refund to her any unearned portion of the fee; and RPC 8.1(b) by failing to reply to the OAE's requests for information pertaining its investigation.

Count Two – The Montgomery Matter

On or about August 31, 2022, Dominick J. Montgomery and his family retained respondent to defend Montgomery in a pending criminal matter. Montgomery was incarcerated; thus, his brother, Lamar Coleman, was involved with both communicating with respondent and submitting payments toward the legal fee. Respondent quoted a flat fee of $10,000 for his representation of Montgomery. Montgomery agreed to pay respondent $2,000 immediately, an additional payment of $1,600 in October 2022, and $700 every two weeks until the $10,000 fee was paid in full. Respondent did not provide a written retainer agreement to Montgomery, despite never having represented him. On August 31, 2023, Coleman paid respondent $2,100 toward his fee on behalf of Montgomery.

Despite the terms of the fee arrangement, on or about September 6, 2022, respondent contacted Coleman and threatened to increase his fee from $10,000 to $25,000 if an immediate payment was made, stating that he had to pay for his child's mother's rent. Coleman paid respondent $400 on September 6 and $350 on September 16, 2022.

Following his retention, respondent neither entered his appearance on Montgomery's behalf nor discussed the case with Montgomery; in fact, neither Montgomery nor Coleman heard from respondent after September 16, 2022.

Consequently, Coleman requested a refund of the $2,850 in legal fees paid to respondent, which request respondent ignored.

On January 18, 2024, the District VI Fee Arbitration Committee issued a fee arbitration determination in favor of Montgomery, directing respondent to refund the entire $2,850 fee within thirty days from the date of receipt of the determination. Respondent did not file an answer and, thus, was barred from attending the proceedings. Respondent failed to satisfy the determination, resulting in his temporary suspension, effective July 11, 2025.

On February 27, 2024, the OAE sent a letter, via certified and regular mail, to both respondent's home address of record and to the alternate Jamesburg address, with an additional copy via electronic mail, to respondent's e-mail address of record, directing him to submit a written response by March 8, 2024. The letters sent via certified and regular mail to both addresses were returned to the OAE. The e-mail was not returned as undeliverable.

On March 19, 2024, the OAE sent a second letter, via certified and regular mail, to both respondent's home address of record and the alternative Jamesburg address. The letters were all returned to the OAE; however, the e-mail was not returned as undeliverable.

Based on the foregoing facts, the OAE charged respondent with having violated RPC 1.1(a) and RPC 1.3 by failing to provide any legal services on

Montgomery's behalf; RPC 1.4(b) by failing to communicate with Montgomery regarding his case; RPC 1.5(b) by failing to memorialize, in writing, the basis or rate of the fee; RPC 1.16(d) by failing to give Montgomery reasonable notice that he was terminating the representation and failing to refund any unearned legal fees; and RPC 8.1(b) by failing to reply to the OAE's efforts to investigate his misconduct in connection with the Montgomery matter.

Count Three – Respondent's Failure to File an Affidavit of Compliance

As previously detailed, effective July 2, 2024, the Court temporarily suspended respondent from the practice of law and, to date, he remains temporarily suspended.

The Court's Order directed respondent to comply with R. 1:20-20, which required, among other obligations, that he, "within 30 days after the date of the order of suspension . . . file with the Director the original of a detailed affidavit specifying by correlatively numbered paragraphs how the disciplined attorney has complied with each of the provisions of this rule and the Supreme Court's order." Further, R. 1:20-20(c) expressly provides that an attorney's failure to file the affidavit of compliance constitutes a violation of RPC 8.1(b) and RPC 8.4(d).

Respondent failed to file the required affidavit of compliance. Consequently, on January 13, 2025, the OAE sent him a letter, by certified and regular mail, to both his office and home addresses of record, with additional copies sent by electronic mail to both his office e-mail address of record and to his last known e-mail address, reminding him of his obligation to file the affidavit, pursuant to R. 1:20-20, and directing that he file it by January 27, 2025. The same date, the OAE received a relayed receipt indicating that delivery to respondent's office e-mail address of record was unsuccessful; however, the OAE received a relayed receipt indicating that delivery to his last known e-mail address was complete. The certified mail receipt for the letter sent to respondent's office address was returned to the OAE, signed and indicating delivery on January 17, 2025; however, the signature is illegible. Thereafter, both the certified and regular mail sent to respondent's office address were returned to OAE. The certified mail sent to his home address was returned to the OAE as "unclaimed;" however, the regular mail was not returned.

Respondent failed to contact the OAE or to file the required affidavit.

As of March 28, 2025, the date of the formal ethics complaint, respondent had failed to file the required affidavit, a step required of all suspended or disbarred attorneys. Consequently, the OAE charged respondent with having

violated RPC 8.1(b) and RPC 8.4(d) for his willful violation of the Court's Order.

Analysis and Discipline

Violations of the Rules of Professional Conduct

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

Notwithstanding that Rule, each charge in an ethics complaint must be supported by sufficient facts for us to determine that unethical conduct has occurred. See In re Pena, 164 N.J. 222, 224 (2000) (the Court's "obligation in an attorney disciplinary proceeding is to conduct an independent review of the record, R. 1:20-16(c), and determine whether the [ethics] violations found by the [Board] have been established by clear and convincing evidence"); see also R. 1:20-4(b) (entitled "Contents of Complaint" and requiring, among other notice pleading requirements, that a complaint "shall set forth sufficient facts to constitute fair notice of the nature of the alleged unethical conduct").

Specifically, we find that the facts set forth in the complaint fully support the allegations that respondent violated RPC 1.1(a) (two instances); RPC 1.3 (two instances); RPC 1.4(b) (two instances); RPC 1.5(b); RPC 1.16(d) (two instances); RPC 8.1(b) (three instances); and RPC 8.4(d). However, we dismiss the charged RPC 1.7(a)(1) violation.

RPC 1.1(a) and RPC 1.3

RPC 1.1(a) prohibits a lawyer from handling a matter entrusted to them "in such manner that the lawyer's conduct constitutes gross negligence," and RPC 1.3 require a lawyer to act with "reasonable diligence and promptness" in representing a client. Here, respondent grossly neglected and lacked diligence in connection with his handling of both the Ordner and Montgomery matters. Specifically, in the Ordner matter, he accepted payments for legal services yet failed to appear at his client's scheduled court date in a criminal matter. Ordner had to inform respondent of her court hearing on October 19, 2023 and, further, that it was being held in person. Upon becoming administratively ineligible to practice law, respondent waived Ordner's appearance and scheduled a subsequent hearing date, at which he failed to appear, thereby causing a further

delay of Ordner's case.[8] As of October 2023, respondent had stopped communicating with Ordner entirely.

In the Montgomery matter, respondent accepted money from Montgomery's family and then failed to perform any legal work on Montgomery's behalf, who was incarcerated on criminal charges. Respondent failed to enter his appearance, failed to communicate with Montgomery regarding his case, and only communicated with Montgomery's family via threats designed to solicit additional fees. Neither Montgomery nor his family heard from respondent after September 16, 2022 – the last date he demanded an additional payment from them for personal expenses having nothing to do with the representation.

RPC 1.4(b)

RPC 1.4(b) requires a lawyer to "keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information." Respondent violated this Rule in both the Ordner and Montgomery matters. Specifically, respondent unilaterally ceased all communication with Ordner in October 2023. She attempted to reach him

[8] It should be noted that waiver of a defendant's first appearance is a customary practice permitted by R. 3:4-2(g). Therefore, it cannot be found that Ordner necessarily suffered harm in connection with the waiver.

multiple times, unsuccessfully, including two months after he had last answered her text message, a method of communication they previously had used.

Regarding the Montgomery matter, respondent altogether failed to contact his client, who was incarcerated. Respondent failed to visit Montgomery at the correctional facility, failed to enter an appearance on his behalf, and, like he did to Ordner, unilaterally ceased all communication. This left Montgomery without any communication or representation regarding his criminal matter.

RPC 1.5(b)

Respondent violated RPC 1.5(b) by failing to communicate, in writing, the basis or rate of his fee in connection with the Montgomery matter. Indeed, respondent failed to provide any written documentation to his client, despite never previously having represented Montgomery.

RPC 1.16(d)

RPC 1.16(d) requires an attorney, "[u]pon termination of representation," to "take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned or incurred."

Here, respondent violated this Rule in connection with both client matters. Specifically, respondent failed to give Ordner or Montgomery any notice that he was terminating the representation. Instead, he simply stopped communicating with them (and Montgomery's family) entirely, ignoring their repeated attempts to contact him, and took no affirmative steps in furtherance of the representations. Further, he failed to refund the fees paid by both Ordner and Montgomery, despite not performing the legal work for which he had been retained.

RPC 8.1(b) and RPC 8.4(d)

RPC 8.1(b) requires an attorney to "respond to a lawful demand for information from . . . [a] disciplinary authority." Respondent violated this Rule by failing to cooperate with the OAE's lawful efforts to investigate his misconduct in connection with both the Ordner and the Montgomery client matters. Specifically, he failed to reply to the OAE's February 8 and February 27, 2024 written communications regarding the Ordner matter, and the OAE's February 27 and March 19, 2024 written communications regarding the Montgomery matter. Notwithstanding the OAE's efforts, respondent failed to cooperate.

Finally, respondent violated both RPC 8.1(d) and RPC 8.4(d) by failing to file his R. 1:20-20 affidavit, as required by the Supreme Court's July 2, 2024 Order. Specifically, R. 1:20-20(b)(15) requires a suspended attorney, within thirty days of the Court's Order of suspension, to "file with the Director [of the OAE] the original of a detailed affidavit specifying by correlatively numbered paragraphs how the disciplined attorney has complied with each of the provisions of this rule and the Supreme Court's order."

As the Appellate Division has observed, "the provisions of R. 1:20-20(b)(1) to (14) are designed to protect clients of the [suspended or] disbarred attorney, as well as any other individuals who might unknowingly seek to retain that attorney during the period of his suspension." Eichen, Levinson & Crutchlow, LLP v. Weiner, 397 N.J. Super. 588, 596 (App. Div. 2008). Non-compliance with R. 1:20-20 therefore obstructs one of the primary purposes of the disciplinary system, "to protect the public from an untrustworthy lawyer." See In re Rigolosi, 107 N.J. 192, 206 (1987) ("The purpose of a disciplinary proceeding, as distinguished from a criminal prosecution, is not so much to punish a wrongdoer as it is to protect the public from an untrustworthy lawyer.") (citing In re Pennica, 36 N.J. 401, 418-19 (1962)). Non-compliance with R. 1:20-20 may also cause "confusion among . . . clients and an administrative burden for the courts." In re Kramer, 172 N.J. 609, 626 (2002).

For those reasons, and by operation of Rule, in the absence of an extension granted by the Director of the OAE, failure to file an affidavit of compliance pursuant to R. 1:20-20(b)(15) within the time prescribed "constitute[s] a violation of RPC 8.1(b) . . . and RPC 8.4(d)." R. 1:20-20(c).

Here, respondent willfully violated the Court's temporary suspension Order, filed on July 2, 2024, by failing to file the required affidavit, a step required of all suspended attorneys. Respondent, thus, violated R. 1:20-20 and, consequently, RPC 8.1(b) and RPC 8.4(d).

RPC 1.7(a)(1)

In contrast, we find that the record falls short of demonstrating, by clear and convincing evidence, that respondent violated RPC 1.7(a)(1) by simultaneously representing Ordner and her co-defendant. Specifically, this charge appears to be based solely on a notice of appearance entered in the criminal case jacket by an attorney substituting as representation for Ordner's co-defendant. On this notice, respondent is listed as both Ordner and her co-defendant's attorney. However, there is nothing in the record before us demonstrating that respondent entered a notice of appearance for Ordner's co-defendant and, further, it is entirely possible that this was a data entry issue. Although the complaint also alleges that respondent mentioned a waiver to

Ordner, the record is void of any specific details. There are extensive written communications between respondent and Ordner, none of which capture any information relating to the co-defendant.

In sum, we find that respondent violated RPC 1.1(a) (two instances); RPC 1.3 (two instances); RPC 1.4(b) (two instances); RPC 1.5(b); RPC 1.16(b) (two instances); RPC 8.1(b) (three instances); and RPC 8.4(d). We determine to dismiss, for lack of clear and convincing evidence, the charge that respondent violated RPC 1.7(a)(1). The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

Quantum of Discipline

Absent serious aggravating factors, such as harm to the client, conduct involving gross neglect, lack of diligence, and failure to communicate ordinarily results in an admonition, even when accompanied by other non-serious ethics infractions, such as a violation of RPC 1.16(d). See In the Matter of James E. Gelman, DRB 24-004 (February 20, 2024) (a pro bono program assigned the attorney, on a volunteer basis, to represent a veteran in connection with his service-related disability claim; for ten months, the attorney took very little action to advance his client's case; thereafter, the attorney took no further action on behalf of his client, incorrectly assuming that the pro bono program had

replaced him as counsel due to his lack of experience; moreover, the attorney failed to advise his client that he was no longer pursuing his case; no prior discipline in more than forty years at the bar), and In the Matter of Hayes R. Young, DRB 23-215 (November 22, 2023) (the attorney filed a medical malpractice lawsuit on behalf of a client without having obtained the required affidavit of merit; seven months later, the Superior Court dismissed the lawsuit for lack of prosecution; the attorney, however, failed to notify his client that he had filed her lawsuit or that it had been dismissed due to his inaction; meanwhile, during the span of several months, the attorney failed to reply to several of his client's e-mail messages inquiring about the status of her case; in mitigation, among other things, the attorney had no prior discipline in thirty-eight years at the bar and, during the relevant timeframe, experienced extenuating circumstances relating to his wife's illness and death).

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

the quantity of the attorney's ethics violations and the harm caused to multiple clients, including allowing a costly default judgment to be entered against two clients; additionally, the attorney's conduct cost two clients the chance to litigate their claims; in mitigation, we weighed the attorney's cooperation, his nearly unblemished forty-year career at the bar, and his testimony concerning his mental health condition); In re Lueddeke, __ N.J. __ (2022), 2022 N.J. LEXIS 460 (reprimand for an attorney who, eight months after agreeing to pursue a breach of contract claim on behalf of a client, filed a request with a court for a "proof hearing;" the court, however, rejected the attorney's request and notified him to file a motion for a proof hearing; the attorney failed to file the motion and, nearly five months later, the court dismissed the matter for lack of prosecution; the attorney failed to inform his client of the dismissal of his matter or to reply to his inquiries regarding the status of his case; more than a year later, the client independently discovered that his case had been dismissed, following which the attorney, at the client's behest, successfully reinstated the matter and secured a judgment on the client's behalf; prior 2015 admonition for similar misconduct, which gave the attorney a heightened awareness of his obligations to diligently pursue client matters); In re Anderson, 259 N.J. 478 (2025) (censure for an attorney who, in two matters consolidated for review, mishandled one client matter in which he was retained to remove the client from liability on a

mortgage and note; despite an e-mail exchange in which the attorney assured the client he would complete her matter, he performed no additional work and instead altogether ignored the matter; in the second matter, the attorney served as executor and attorney for an estate; he failed to file required tax returns resulting in a beneficiary not receiving funds that were due to him; the attorney also misled the beneficiary to believe the administration of the estate was proceeding apace; violations of RPC 1.1(a), RPC 1.3, RPC 1.4(b), RPC 8.1(b), and RPC 8.4(c); although the attorney had a prior reprimand, nearly all of the misconduct underlying both matters occurred before the Court had entered its disciplinary Order).

Respondent's mishandling of two client matters is most analogous to that of the attorney in Barron, who was reprimanded for mishandling three client matters. Here, in two client matters, respondent communicated with both clients enough to ensure he secured the payment of legal fees and, at times, additional payments. Thereafter, he failed to provide adequate representation on behalf of either of his clients in their criminal matters. In the midst of both representations, due to his own administrative failures, he became ineligible to practice law. Upon becoming ineligible, he continued his poor communication, failing to inform his clients of his ineligible status. He further failed to take any reasonable steps to ensure his clients' matters were handled appropriately.

Unlike in Barron, however, the record before us does not disclose any quantifiable harm that respondent's misconduct caused his clients. However, more egregious than that of the attorney Barron, who participated in the disciplinary proceedings, respondent compounded his misconduct by ignoring not only his clients but also the OAE's repeated attempts to investigate.

Thus, we determine that respondent's gross mishandling of the Ordner and Montgomery client matters, standing alone, could be met with a reprimand.

However, respondent committed additional misconduct by failing to file the required R. 1:20-20 affidavit of compliance following his temporary suspension from the practice of law. Generally, attorneys with less serious disciplinary histories have received reprimands, in default matters, for their failure to file the required R. 1:20-20 affidavit. See, e.g., In re Parisi, 261 N.J. 86 (2025) (the attorney failed to file the required affidavit of compliance following her temporary suspension for failing to cooperate with an OAE investigation; no prior final discipline); In re Hildebrand, 260 N.J. 20 (2025) (the attorney failed to file the required affidavit following his six-month disciplinary suspension, in connection with a motion for reciprocal discipline; his disciplinary history consisted of only the prior six-month suspension); In re Ashton, 257 N.J. 225 (2024) (the attorney failed to file the required affidavit of compliance following his disciplinary suspension, in connection with a motion

for reciprocal discipline; his disciplinary history consisted of only the prior two-year suspension); In re Cottee, 255 N.J. 439 (2023) (the attorney failed to file the required affidavit of compliance following his disciplinary suspension, in connection with a motion for reciprocal discipline; his disciplinary history consisted of only the prior three-month suspension); In re Witherspoon, 253 N.J. 459 (2023) (the attorney failed to file the required affidavit of compliance following his temporary suspension for failing to comply with a fee arbitration determination; prior 2022 censure, in a default matter).

Based on the foregoing precedent, Barron and Parisi in particular, we conclude that the baseline level of discipline for the totality of respondent's misconduct is a reprimand. To craft the appropriate quantum of discipline in this case, however, we also consider mitigating and aggravating factors.

There is no mitigation to consider.

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

In further aggravation, we consider respondent's continuous contact with New Jersey disciplinary system since 2022. This matter represents his second

disciplinary proceeding and second consecutive default in less than two years. Specifically, in June 2024, respondent was censured, in connection with Bitar I, for recordkeeping infractions, practicing law while administratively ineligible, and failing to cooperate with disciplinary authorities. Although we do not apply principles of progressive discipline, considering the instant misconduct (which began in approximately August 2022) occurred prior to issuance of the Court's June 13, 2024 Order in Bitar I, we, nevertheless, consider his heightened awareness of his obligations under the Rules of Professional Conduct considering the timing of his instant misconduct in relation to the pendency of the investigation underlying Bitar I.

Specifically, the instant misconduct occurred between August 2022 and March 28, 2025 (the date of the formal ethics complaint). The misconduct in Bitar I began in July 2022 (when respondent appeared before the Superior Court while ineligible and, in response to the court's questioning regarding his eligibility, acknowledged his licensing issues), and continued from August 2022 to February 2023 (during the OAE's attempts to investigate an overdraft to his attorney trust account and his failure to fully cooperate). The OAE filed the formal complaint in Bitar I on May 30, 2023, and the matter was heard by us during our January 2024 session. Thus, at the time respondent committed the instant misconduct, which persisted into 2025 via his failure to file the R. 1:20-

20 affidavit, he was well aware of his obligation under the Rules of Professional Conduct to cooperate with the disciplinary authorities in connection with the investigation in the instant matter, which commenced in or around February 2024.

Finally, although respondent was not charged with having violated RPC 5.5(a)(1) by representing a client while he was administratively ineligible to do so, we consider it in aggravation. Specifically, on October 18, 2023, two days after the Court declared him ineligible to practice for failing to comply with his CLE requirements, respondent sent text messages to Ordner advising her that he had filed the necessary paperwork to waive her first appearance and had also confirmed with the court that they did not have to appear the following day. Although the record does not indicate when, in fact, respondent filed documents with the court or communicated with the court, it clearly establishes that he continued to provide his client with legal advice and purported case updates while ineligible to practice law. See In re Steiert, 220 N.J. 103 (2014) (evidence of unethical conduct contained in the record can be considered in aggravation, even though such unethical conduct was not charged in the formal ethics complaint).

Conclusion

On balance, we conclude that the serious aggravating factors and the absence of any mitigating factors warrant enhanced discipline. Therefore, we determine a censure to be the quantum of discipline necessary to protect the public and preserve confidence in the bar.

Member Rodriguez was absent.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board
Hon. Mary Catherine Cuff, P.J.A.D. (Ret.),
Chair

By: */s/ Timothy M. Ellis*
Timothy M. Ellis
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Andrew G. Bitar
Docket No. DRB 25-150

Decided: November 24, 2025

Disposition: Censure

Members	Censure	Absent
Cuff	X	
Boyer	X	
Campelo	X	
Hoberman	X	
Menaker	X	
Modu	X	
Petrou	X	
Rodriguez		X
Spencer	X	
Total:	8	1

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