

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 25-192
District Docket No. XIV-2024-0226E

In the Matter of Michael C. Mone
An Attorney at Law

Decided
January 29, 2026

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 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6) and RPC 8.1(b) (two instances – failing to cooperate with disciplinary authorities).¹

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

Ethics History

Respondent earned admission to the New Jersey bar in 1965 and to the Florida bar in 1979. He has no prior formal discipline in New Jersey. During the relevant timeframe, he maintained a practice of law in Flemington, New Jersey.

Effective January 14, 2025, the Court temporarily suspended respondent from the practice of law for his failure to cooperate with the disciplinary

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

investigation underlying this matter. In re Mone, 259 N.J. 520 (2025). To date, he remains temporarily suspended from the practice of law.

Service of Process

Service of process was proper. On June 11, 2025, the OAE sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's home address of record, with an additional copy sent via electronic mail, to his e-mail address of record.² The same date, respondent acknowledged receipt of the e-mail. The letter sent by certified mail was returned to the OAE marked "return to sender/unable to forward." The regular mail was not returned to the OAE.

On July 8, 2025, respondent filed directly with the Court a motion to dismiss the complaint, in contravention of the Rules governing disciplinary matters.

On July 10, 2025, the OAE sent a second letter, by certified and regular mail, to respondent's home address of record, with an additional copy sent by electronic mail, to his e-mail address of record. The letter informed respondent that, unless he filed a verified answer within five days of the date of the letter, the allegations of the complaint would be deemed admitted, the record would be certified to us for the imposition of discipline, and the complaint would be

² Respondent uses the same address of record for his home and office.

deemed amended to charge a willful violation of RPC 8.1(b) by reason of his failure to answer. On the same date, the OAE received a relayed receipt indicating delivery to respondent's e-mail address was complete. The certified mail receipt was returned to the OAE, signed by respondent and indicating delivery on July 12, 2025. The regular mail was not returned to the OAE.

On July 15, 2025, respondent replied to the OAE, via e-mail, stating:

As a representative of the NJ Bar, your emailed letter of July 10, 2025 is not a proper response to my Motion to Dismiss which was filed within the allotted time for an Answer or other responsive pleading. By the way, attempting to modify a complaint by letter is improper and futile.

Unless and until that Motion is listed and heard, your notice is an attempt to deny me procedural due process.

Govern yourself accordingly.

[CRExG.]³

On July 16, 2025, the Court notified respondent, in writing, that it would not docket his motion to dismiss the complaint, noting that his remedy was to file a prehearing motion to dismiss the complaint with the trier of fact (a hearing panel or a special ethics adjudicator), pursuant to R. 1:20-5(d) and R. 1:20-6.

In reply, on July 24, 2025, respondent sent a letter to the Court stating:

³ “CREx.” refers to the exhibits appended to the certification of the record, dated August 13, 2025.
“CEx” refers to the exhibits appended to the formal ethics complaint, dated April 30, 2025.
“MTD” refers to respondent's motion to dismiss, dated September 9, 2025.

Thank you for your Notice of July 16, 2025, I am disappointed that you refuse to file my pleadings. Seeking a Dismissal of the spurious ethics, “complaint,” against me, which in fact is an impermissible, Illegal and unethical attack upon me personally. The entry of an order for temporary suspension has Caused me personal harm and the loss of opportunities to earn a living for my family and myself.

Since my Motion was originally filed with the Court and the Bar, I consider that the Bar was given Ample and adequate pleading response to its unethical filing of the abomination it calls a complaint.

[CRExJ.]

As of August 13, 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 September 2, 2025, Chief Counsel to the Board sent a letter to respondent, by certified and regular mail, to his home address of record, with an additional copy sent by electronic mail, to his e-mail address of record, informing him that this matter was scheduled before us on October 23, 2025, and that any motion to vacate (MVD) must be filed by September 22, 2025. The same date, the Office of Board Counsel (OBC) received a relayed receipt indicating delivery to respondent’s e-mail address was complete. According to the United States Postal Service tracking system, the certified mail sent to respondent’s home address was delivered on September 8, 2025. The regular

mail was not returned to the OBC.

Moreover, the OBC published a notice dated September 15, 2025 in the New Jersey Law Journal and on the New Jersey Courts website, stating that we would consider this matter on October 23, 2025. The notice informed respondent that, unless he filed a successful MVD by September 22, 2025, his prior failure to answer the complaint would remain deemed an admission of the allegations of the complaint.

On September 9, 2025, respondent submitted a motion to dismiss the complaint for our consideration, consisting of a notice of motion setting forth his basis for dismissal of the complaint against him, along with a certification of service. For the reasons set forth below, we deny that motion.

Facts

We now turn to the allegations of the complaint.

On May 20, 2024, the OAE initiated an investigation of respondent based on a May 15, 2024 referral made by counsel for JP Morgan Chase Bank (Chase), pursuant to RPC 8.3(a) (a lawyer shall report another lawyer's RPC violations that raise a substantial question as to that lawyer's honesty, trustworthiness, or fitness). Chase's counsel made the referral citing concerns raised by respondent's handling of \$72 million in purported client funds held in his Chase

attorney trust account (ATA), as well as the questionable source of those funds.

Specifically, over a relatively brief period, the DEC Firm PLLC (DEC), a Chase customer based in Clarence, New York, received more than \$72 million of purported client funds. In or around October 2023, Frank Dec, a principal with DEC, sought to execute a wire transfer of the “client funds” to an entity in Singapore. However, in connection with his transfer request, Dec refused to answer Chase’s inquiries concerning the source of the funds or the purpose of the intended transfer.

On October 23, 2023, Chase declined to execute the wire transfer, restricted, and then closed DEC’s account. On October 26, 2023, DEC was able to transfer the \$72 million from its account to respondent’s otherwise unused Chase ATA, based on the representation that DEC was respondent’s client.⁴ DEC engaged respondent to act as a “go between” to facilitate payments to DEC’s clients, in exchange for a \$200,000 fee. However, Chase later determined that respondent did not have a professional relationship with DEC or its partners, and he did not know DEC’s clients or the purpose of the underlying transactions.

On October 27, 2023, one day after the \$72 million transfer to his ATA,

⁴ In or around August 2023, respondent opened an ATA with Chase with an initial deposit of \$100. Between August and October 2023, respondent’s ATA did not hold significant amounts of client funds.

respondent attempted to transfer \$25 million to an entity in Singapore. Chase declined to transfer the funds after it determined the funds originated from the DEC firm account, which was subject to closure. As a result of the attempted transfer, Chase restricted respondent's ATA.

Following the initial failed transfer attempt, respondent repeatedly contacted Chase to attempt to gain access to the funds, purportedly to enable DEC to "resolve a debt with an American bank," to satisfy a separate obligation to another bank, and to avoid default on a substantial contract. Respondent further attempted to obtain access to the funds by having his purported clients, who were not account holders, join in calls for the purpose of pressuring Chase to release the funds. Respondent claimed that one individual's job was at risk if he did not gain access to the account. When Chase refused to accede to his demands, respondent then claimed that a client was hospitalized because Chase did not execute the wire transfer. Respondent also threatened that, if Chase continued to deny access to the funds, he would report the bank to the State Bar Association and to law enforcement. He then circumvented Chase's executive office and directly contacted the general counsel's office to report the continued refusal to allow him access to his client's funds. Chase continued to deny respondent access to the funds in his ATA.

Respondent's actions as the "go between" for DEC and its clients, his

ignorance as to the source of the funds, the size of the transactions, and the fact that he was attempting to transfer the funds to foreign entities raised questions that prompted Chase to inquire further. In addition, respondent's attempted coercion, threats, and changing rationale caused Chase's attorneys to infer wrongdoing, thereby triggering the reporting obligation under RPC 8.3(a) and leading to the May 15, 2024 referral to the OAE.

Failure to Cooperate with the OAE's Investigation

On May 22, 2024, the OAE served respondent with an initial demand letter, seeking a copy of his client file concerning DEC, all wire transfer records related to DEC, and all correspondence with Chase concerning DEC. In addition, the OAE directed respondent to complete an attorney bank account disclosure form and to produce his financial records for the past five years, including bank account statements, journals, and reconciliations.

On May 29, 2024, respondent sent a deficient reply to the OAE. In his reply, respondent disclosed that DEC was not his client; rather, his client was Enceladus Development Ventures III LLC, Nevada (Enceladus). That same date, the OAE informed respondent, via e-mail, that his answer was insufficient and invited him to request an extension if he needed additional time to provide a complete answer. On May 30, 2024, the OAE granted respondent an extension

to June 7, 2024.

On June 11, 2024, respondent provided his supplemental reply, dated May 29, 2024, which again failed to include the client file, books, and records the OAE had requested.

Consequently, on June 26, 2024, the OAE issued a comprehensive deficiency letter to respondent, directing him to produce the documents set forth in the first demand letter as well as documents related to Enceladus, no later than July 11, 2024. Respondent, however, failed to provide the documentation by the deadline.

On July 25, 2024, the OAE spoke with respondent by telephone concerning his failure to reply to the June 26, 2024 deficiency letter. Respondent informed the OAE that he had no additional information to provide. That same date, the OAE sent respondent an e-mail memorializing the telephone conversation in which respondent confirmed he had received the June 26, 2024 deficiency letter.

The following day, respondent sent a reply to OAE asserting that he had not received the June 26, 2024 deficiency letter and further stating:

Since Enceladus is my client and no other party is, and since the alleged complainant is JPMC (not a client) and since JPMC exercised dominion and control over my clients funds entrusted to me, contrary to law, I believe I have fully complied with the demands of the bar. I am a one person practitioner and the present

demands are an unreasonable burden. As I only work about an hour or less a day, I can probably respond to the letter of June 26, 2024 within the next 30 days.

[CEx9.]

The OAE granted respondent a ten-day extension to provide the requested documentation.

On July 29, 2024, respondent sent three submissions to the OAE. The first submission failed to contain any documents or substantive reply to the OAE's investigation. Further, he alleged that he had not received the OAE's May 22, 2024 letter, despite the certified mail receipt indicating delivery on May 28, 2024.

Respondent's second submission contained only a partial reply to the OAE's request for additional information. He asserted that "the bar" was using its "police power" to "unlawfully" launch a "fishing expedition" into his conduct as would occur in a "third world country" or in a "Spanish type inquisition."

Respondent's third submission to the OAE contained only the completed attorney bank account disclosure form and none of the other requested documents.

On August 6, 2024, the OAE scheduled a demand audit for August 22, 2024 at 10:00 a.m., via Microsoft Teams. In reply, respondent claimed that, due

to his limited technical skills, he could not participate in a virtual demand audit; he, thus, requested to participate via telephone. He further stated that, at the direction of his client, he would not be providing the client files that the OAE had requested.

Respondent then failed to appear by telephone for the August 6, 2024 demand audit. That same date, respondent sent the OAE an e-mail claiming that he attempted to dial into the audit at 12:00 p.m., two hours after the scheduled start time. Respondent later acknowledged that he had received the notice for the 10:00 a.m. start but that he mistakenly called in at noon. On August 22, 2024, the OAE forwarded a letter to respondent scheduling an in-person demand audit for September 9, 2024 and noting that he had failed to provide a reply to the OAE's June 26, 2024 deficiency letter.

On or about September 5, 2024, respondent sent a one-page reply to the OAE's June 26, 2024 deficiency letter, in which he provided single sentence responses to the enumerated items set forth in the deficiency letter. Specifically, he alleged that he never represented DEC and asserted that Enceladus would not allow him to provide the requested information due to its assertion of "confidentiality." Respondent further stated that his attorney business account (ABA) did not reflect the receipt of funds from any source other than his social security income. Respondent added that he did not have any records for "trust

funds because [he] does not hold clients (sic) money for more than 48-72 hours” and he operates a “one man office and [has] very little to no income.” He stated that the OAE’s efforts in the matter were “harassing and adding to [his] ill health.”

On September 9, 2024, the OAE conducted an in-person demand interview and personally served respondent with a subpoena duces tecum seeking his client file for Enceladus, as well as any documents related to DEC or Enceladus wire transfers, correspondence with Chase related to DEC or Enceladus wire transfers, and respondent’s ABA and ATA records.

Throughout the audit, respondent repeatedly interrupted the OAE auditor, raised his voice, aggressively pointed his finger at OAE counsel, and compared the OAE staff to “Nazis.”⁵ Last, he stated that he did not believe the recordkeeping Rules applied to him because he was a sole practitioner and only held client funds for a limited number of days.

On September 10, 2024, as a follow-up to the audit, the OAE directed respondent to provide additional documentation, as discussed during the audit, by September 20, 2024.

⁵ Although the OAE declined to charge respondent with having violated RPC 3.2 (failing to treat all persons involved with the litigation process with courtesy and consideration) for his repeated references to the OAE disciplinary officials as “Nazis,” we may consider uncharged misconduct in aggravation. 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).

On September 23, 2024, respondent improperly filed directly with the Court a motion to quash the OAE's subpoena and to terminate the OAE's investigation, which the Court directed to us for adjudication in accordance with R. 1:20-7(i)(5)(A). Following our review, we denied that motion, on November 1, 2024.

On November 13, 2024, respondent replied to our determination and stated that he would not cooperate with the OAE's investigation and referred to the investigation as "unethical," "a clear expression of tyranny that evokes comparison with the Nazi government tactics," "official coercion," and a "police state."

On November 14, 2024, the OAE sent a letter to respondent informing him that his reply failed to comply with RPC 8.1(b) or R. 1:20-3, and that his continued failure to provide a cognizable reply to the grievance with the requested documents would result in a motion for his temporary suspension. The following day, respondent replied to the OAE by e-mail stating, "I have received the correspondence. This is the third time I have been threatened for 'nothing.' And justice for all."

On December 9, 2024, the OAE filed a motion with the Court seeking respondent's temporary suspension for his continued failure to cooperate with the investigation. On December 20, 2024, respondent filed an opposition to the

OAE's motion.

Between December 30, 2024 and January 14, 2025, respondent and the OAE provided to the Court opposition and replies to the pending motion for temporary suspension. On January 15, 2025, the Court granted the OAE's motion and temporarily suspended respondent from the practice of law. The following day, respondent wrote to the Court objecting to his temporary suspension and seeking reconsideration. On February 3, February 19, and March 7, 2025, the Court forwarded deficiency notices to respondent concerning his motion for reconsideration.

On January 21, 2025, the OAE sent respondent a letter delineating the outstanding documents and information that he was obligated to provide pursuant to R. 1:20-3(g)(3); RPC 8.1(b); our November 1, 2024 decision; and the Court's January 15, 2025 Order.

Recordkeeping Violations

On June 5, 2024, the OAE issued a subpoena to Chase seeking respondent's attorney bank records, which Chase provided on June 26, 2024. On February 26, 2025, the OAE issued additional subpoenas for respondent's attorney bank records with TD Bank and PNC Bank.

Respondent's PNC bank records revealed that he improperly designated his PNC ABA, in violation of R. 1:21-6(a)(2), and he deposited his personal Social Security payments in his PNC ABA, in violation of R. 1:21-6(a)(2) and the Advisory Committee on Professional Ethics Opinion No. 124, 91 N.J.L.J. 108 (February 15, 1968) (ACPE Op. 124).⁶

The OAE's review of respondent's remaining financial records revealed the following additional recordkeeping deficiencies: (1) failing to maintain ATA receipts journals, as R. 1:21-6(c)(1)(A) requires; (2) failing to maintain ATA disbursements journals, as R. 1:21-6(c)(1)(A) requires; (3) failing to maintain ATA client ledger cards, as R. 1:21-6(c)(1)(B) requires; (4) failing to maintain separate ledger cards for law firm funds held for bank charges, as R. 1:21-6(c)(1)(B) requires; (5) failing to conduct monthly three-way reconciliations of his ATA, as R. 1:21-6(c)(1)(H) requires; (6) failing to maintain a running cash balance for his ATA checkbook, as R. 1:21-6(c)(1)(G) requires; (7) failing to maintain ABA receipts journals, as R. 1:21-6(c)(1)(A) requires; and (8) failing to maintain ABA disbursements journals, as R. 1:21-6(c)(1)(A) requires.

⁶ In ACPE Op. 124, the ACPE stated that only funds received in connection with the practice of law should be deposited in the ABA required by R. 1:21-6(a)(2), which provides that every attorney who practices in this state shall maintain . . . (2) a business account into which all funds received for professional services shall be deposited.

Throughout the demand audit, respondent repeatedly expressed his belief that the recordkeeping Rules did not apply to him. He further admitted that his bank statements were his sole form of recordkeeping, he failed to perform three-way reconciliations, and he deposited personal income in his ABA.

Respondent's failure to cooperate with the OAE and produce his client file for the \$72 million ATA transaction that was the subject of the underlying grievance prevented the OAE from fully investigating the allegations and, thus, the OAE could not find, by clear and convincing evidence, that respondent had violated further Rules of Professional Conduct related to that transaction. As noted above, that investigation remains pending.

Based on the foregoing facts, the OAE charged respondent with having violated RPC 1.15(d) by failing to maintain his financial books and records in compliance with R. 1:21-6, and RPC 8.1(b) by failing to reply to the OAE's lawful demand for information, despite multiple opportunities to do so, which resulted in his temporary suspension.

Finally, based on respondent's failure to file an answer to the formal ethics complaint, the OAE amended the complaint, on notice to him, to charge him with having committed a second violation of RPC 8.1(b).

Motion to Dismiss the Complaint

As previously mentioned, on September 9, 2025, respondent filed with us a motion to dismiss the formal ethics complaint, asserting that, effective January 14, 2025, the Court “illegally” temporarily suspended him for his failure to cooperate with the OAE and, further, the ethics complaint constitutes a violation of his “right not to be subject to double jeopardy.” He further argued that the letter Chase forwarded to the OAE failed to allege “an ethical lapse” and:

comes within a judicial decision which applies to this matter which States that “the judiciary should not be burdened with a predatory lawsuit that Seeks to impose punishment while searching for a crime.” Suit brought by the NY Attorney General against Pepsico People by James v. Pepsico Inc. (2024) Docket# Index# 814682/2023, Supreme Court (Erie County, New York).

[MTD3.]

Respondent alleged that the OAE’s reliance on facts contained in the record “clearly illustrates” that it was asked to use “its prosecutorial and punishment powers to look for an ethical violation, while totally disregarding the Attorney Client Privilege of Confidentiality and trampling on the rights of myself and my clients.”

In its September 25, 2025 opposition to respondent’s motion, the OAE noted that he failed to file a conforming motion to vacate the default; failed to request to vacate the default; failed to explain why he did not file an answer;

and failed to provide specific meritorious defenses to the charges set forth in the complaint.

The OAE further noted that respondent failed to cite any relevant case law in support of his position that double jeopardy attaches to disciplinary proceedings. To the contrary, the OAE argued that it is well-established that double jeopardy does not apply to disciplinary proceedings, citing R. 1:20-7(a), which makes clear that disciplinary matters “are neither civil nor criminal.” The OAE further argued that, even if double jeopardy did apply, it would not be applicable in this matter because respondent has never been subject to final discipline for the conduct that underpins this matter. Rather, the temporary suspension the Court imposed for his failure to cooperate was a non-disciplinary measure designed to incentivize respondent’s compliance with his obligations as a New Jersey attorney.

Last, the OAE maintained that respondent’s ongoing and continuous refusal to cooperate, and the imposition of a temporary suspension from the practice of law, does not obviate the appropriateness of final discipline for his violations of RPC 1.15(d) and RPC 8.1(b).

The Rules governing attorney discipline confine motions to dismiss a formal ethics complaint to a limited set of circumstances, which further apply only after a respondent has filed a conforming verified answer. Specifically, R.

1:20-5(d) provides that:

No motion to dismiss a complaint shall be entertained except:

1. a prehearing motion addressed either to the legal sufficiency of a complaint to state a cause of action as a matter of law or to jurisdiction;
2. a motion to dismiss at the conclusion of the presenter's case in chief; and
3. a motion by the presenter to dismiss the complaint, in whole or in part, when
 - a. an essential witness becomes unavailable or
 - b. as a result of newly discovered or newly disclosed evidence, one or more counts of the complaint cannot be proven by clear and convincing evidence. Such motion shall be supported by the presenter's certification of the facts supporting the motion and any relevant exhibits, and shall be decided by the trier of fact.

Here, respondent failed to file a conforming answer to the complaint. Moreover, none of the circumstances enumerated in the Rule apply to respondent's motion.

Rather, he argued that the disciplinary proceedings violate his constitutional rights, which is (1) erroneous because, pursuant to R. 1:20-3(g), he is obligated to participate in the disciplinary process, and (2) premature, considering all constitutional arguments are expressly reserved for the Court, pursuant to R. 1:20-15(h). Therefore, we determine to deny his motion to dismiss.

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 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).

Specifically, respondent violated RPC 1.15(d) by failing to maintain his financial books and records as R. 1:21-6 requires. Specifically, he (1) improperly designated his ABA; (2) improperly deposited his personal Social Security payments in his PNC ABA; (3) failed to maintain ATA receipts and disbursements journals; (4) failed to maintain ATA client ledger cards; (5) failed to maintain separate ledger cards for law firm funds held for bank charges; (6) failed to conduct ATA monthly three-way reconciliations; (7) failed to maintain a running cash balance for his ATA checkbook; and (8) failed to maintain ABA receipts and disbursements journals.

Moreover, respondent violated RPC 8.1(b) by brazenly refusing to fully cooperate with the OAE's exhaustive efforts, which spanned eight months, to investigate the underlying \$72 million ATA transaction. Specifically, between May 2024 and January 2025, the OAE provided respondent multiple

opportunities to produce the required financial records and explanations. Notwithstanding the OAE's repeated efforts, he failed to provide the OAE with either the complete financial records or the requested information to effectively investigate his potential misconduct.

It is well-settled that cooperation short of the full cooperation required by the Rules results in the finding that the attorney violated RPC 8.1(b). In the Matter of Marc Z. Palfy, DRB 15-193 (March 30, 2016) at 48 (describing the attorney's "cooperation as no less disruptive and frustrating than a complete failure to cooperate," noting that "partial cooperation can be more disruptive to a full and fair investigation, as it forces the investigator to proceed in a piecemeal and disjointed fashion"), so ordered, 225 N.J. 611 (2016). See also In re Sheller, 257 N.J. 495 (2024) (although the attorney timely replied to the OAE's correspondence, he admittedly failed to bring his financial records into compliance, despite the OAE's extensive efforts spanning fourteen months; indeed, on at least four occasions, the OAE provided the attorney with specific guidance on how to correct his records; notwithstanding the OAE's repeated good faith efforts to accommodate him, his submissions consistently remained deficient; we, thus, determined that the attorney violated RPC 8.1(b)); In re Higgins, 247 N.J. 20 (2021) (the attorney failed, for more than seventeen months, to comply with the OAE's numerous requests for information regarding

the matters under investigation, necessitating his temporary suspension; although the attorney ultimately filed a reply to the ethics grievance, brought his records into compliance, and stipulated to his misconduct, we concluded that his lengthy period of non-compliance constituted a failure to cooperate);

In sum, we find that respondent violated RPC 1.15(d) and RPC 8.1(b). The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

Quantum of Discipline

Recordkeeping irregularities ordinarily are met with an admonition where, as here, they have not caused a negligent misappropriation of entrusted funds. See In the Matter of David Stuart Bressler, DRB 22-157 (November 21, 2022) (the attorney committed several recordkeeping violations, including failing to perform three-way reconciliations, maintaining an improper account designation, and failing to preserve images of processed checks; the attorney also commingled client and personal funds; in mitigation, the attorney rectified his recordkeeping errors, caused no ultimate harm to his clients, and had no disciplinary history).

Likewise, admonitions typically are imposed for an attorney's failure to cooperate with disciplinary authorities, if the attorney does not have an ethics

history, if the attorney's ethics history is remote, or if compelling mitigation is present. The quantum of discipline is enhanced, however, if the attorney fails to cooperate with an arm of the disciplinary system, such as the OAE, which uncovers recordkeeping improprieties in an ATA and requests additional documents. See, e.g., In re Wachtel, 257 N.J. 359 (2024) (reprimand for an attorney who failed to provide the OAE with complete financial records and to correct his recordkeeping deficiencies, despite five extensions granted by the OAE; by the date of the parties' stipulation, the attorney still had not provided the OAE with records demonstrating that he had resolved these deficiencies; in mitigation, the attorney had no disciplinary history and his misconduct did not harm any client); In re Schlachter, 254 N.J. 375, 376 (2023) (reprimand for an attorney who committed recordkeeping violations, including failure to maintain adequately descriptive receipts and disbursements journals, ledger cards, and checkbooks with running balances; the attorney also failed to properly designate his ATA and to retain checks for seven years; the attorney repeatedly failed, for almost a year, to comply with the OAE's numerous record requests and ultimately provided only a portion of the requested records; although the OAE attempted to help the attorney take corrective action, he remained non-compliant with the recordkeeping Rules; in mitigation, his misconduct resulted in no harm to his clients and he had no disciplinary history in sixteen years at the bar); In

re Tobin, 249 N.J. 96 (2021) (censure for an attorney who, following an OAE random audit that uncovered several recordkeeping deficiencies (including more than \$800,000 in negative client balances), failed to provide the documents requested in the OAE’s seven letters and eight telephone calls, spanning more than one year; although we noted that a reprimand was appropriate for the attorney’s recordkeeping violations and failure to cooperate, we imposed a censure in light of the attorney’s prior reprimand for recordkeeping violations and the default status of the matter; in mitigation, the attorney had been practicing law for sixty-three years and suffered serious health problems prior to the continuation date of the random audit).

Based on the foregoing disciplinary precedent, we conclude that the baseline discipline for respondent’s misconduct is a reprimand. To craft the appropriate discipline, however, we also consider mitigating and aggravating factors.

In mitigation, this matter represents respondent’s first brush with the disciplinary system in his sixty years at the bar, a factor which we and the Court typically accord significant weight. In re Convery, 166 N.J. 298, 308 (2001).

In aggravation, like the censured attorney in Tobin, 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, respondent still has not fully complied with the OAE’s requests for information and, consequently, he remains temporarily suspended pending his compliance.

Moreover, throughout the OAE’s investigation in this matter, respondent consistently demonstrated considerable disdain for his obligations under the Rules and for disciplinary authorities. He failed to demonstrate any contrition or remorse for his misconduct and, in fact, maintained that he had not violated any Rules of Professional Conduct. Further, he maligned the disciplinary proceedings, including repeated references to the OAE staff as “Nazis” and the underlying investigation as “spurious;” “unethical;” “illegal;” and “a clear expression of tyranny that evokes comparison with the Nazi government tactics;” while also aggressively challenging the OAE counsel during the audit, conduct that warrants enhancement of the discipline. See In the Matter of Joshua F. McMahon, DRB 22-169 (March 27, 2023) (attorney suspended for one year stemming from a course of escalating vitriolic conduct involving several government officials and his erratic, conspiratorial, and confrontational behavior, which he had been unable to control, even throughout the disciplinary proceedings; we considered, in aggravation, his complete lack of remorse.)

Conclusion

On balance, we find that the serious aggravating factors outweigh the sole mitigating factor and, thus, determine that a censure is the appropriate quantum of discipline to protect the public and preserve confidence in the bar.

Additionally, we recommend, as conditions to his discipline, that respondent be required to (1) submit proof to the OAE, within ninety days of the Court's disciplinary Order in this matter, that he has cured the outstanding deficiencies identified during the OAE's investigation, and (2) submit to the OAE, on a quarterly basis, his monthly three-way reconciliations for a period of two years.

Vice Chair Boyer and Member Campelo 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 Michael C. Mone
Docket No. DRB 25-192

Decided: January 29, 2026

Disposition: Censure

<i>Members</i>	Censure	Absent
Cuff	X	
Boyer		X
Campelo		X
Hoberman	X	
Menaker	X	
Modu	X	
Petrou	X	
Rodriguez	X	
Spencer	X	
Total:	7	2

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