SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket Nos. DRB 25-183 and DRB 25-200
District Docket Nos. XIV-2022-0285E and XIV-2024-0026E

In the Matters of Joseph D. Lento
An Attorney at Law

Argued
October 23, 2025

Decided
January 30, 2026

Saleel V. Sabnis appeared on behalf of the
Office of Attorney Ethics.

Anthony C. Gunst, IV appeared on behalf of respondent.

Table of Contents

Introduction

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

We consolidated these matters for our review. The matter docketed as DRB 25-183 was before us on a motion for reciprocal discipline filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-14(a), following the Supreme Court of Pennsylvania's November 19, 2024 order suspending respondent for five years.

The OAE asserted that, in the Pennsylvania matter, respondent was found to have violated the equivalents of New Jersey RPC 1.1(a) (five instances – engaging in gross neglect); RPC 1.2(a) (two instances – failing to abide by the client's decisions concerning the scope and objectives of the representation); RPC 1.3 (five instances – lacking diligence); RPC 1.4(b) (two instances – failing to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information); RPC 1.4(c) (two instances – failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation); RPC 1.5(a) (two instances – engaging in fee overreaching); RPC 1.16(d) (three instances – upon termination of the representation, failing to refund any advance payment of a fee that has not been earned or incurred and failing to surrender papers and property

to which the client is entitled); RPC 5.1(a) (three instances – failing to supervise another lawyer); RPC 5.1(b) (failing to make reasonable efforts to ensure that a lawyer, over whom the attorney has direct supervisory authority, conforms to the Rules of Professional Conduct); RPC 5.1(c)(1) and (2) (holding a lawyer responsible for another lawyer's violations of the Rules of Professional Conduct if the lawyer orders or ratifies the conduct or the lawyer has direct supervisory authority over the other lawyer and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action); RPC 5.3(a) (three instances – failing to supervise nonlawyer staff); RPC 5.3(c)(1) (two instances – rendering a lawyer responsible for the conduct of a nonlawyer assistant that would be a violation of the Rules of Professional Conduct if the lawyer orders or ratifies the conduct involved); RPC 5.3(c)(2) (rendering a lawyer responsible for the conduct of a nonlawyer assistant that would be a violation of the Rules of Professional Conduct if engaged in by the lawyer under certain circumstances); RPC 5.5(a)(1) (engaging in the unauthorized practice of law); RPC 8.1(a) (knowingly making a false statement of material fact in a bar admission application); RPC 8.4(a) (five instances – attempting to violate the Rules of Professional Conduct); RPC 8.4(c) (four instances – engaging in conduct involving dishonesty, fraud, deceit, or

misrepresentation); and RPC 8.4(d) (three instances – engaging in conduct prejudicial to the administration of justice).

The matter docketed as DRB 25-200 was before us on a motion for discipline by consent (censure or such lesser discipline as we deem appropriate) filed by the OAE, pursuant to R. 1:20-10(b). Accompanying the motion was a stipulation of discipline and an affidavit of consent, in which respondent admitted having violated RPC 1.9(a) (engaging in a conflict of interest); RPC 5.1(a); RPC 5.1(c); and RPC 5.3(a).

For the reasons set forth below, we determine to relax R. 1:20-10(b)(3) and to consider these matters jointly. Under that procedural framework, we further determine to grant each motion and conclude that a two-year suspension, with a condition, is the appropriate quantum of discipline for the totality of respondent's misconduct.

Ethics History

Respondent earned admission to the New Jersey and Pennsylvania bars in 2008 and to the New York bar in 2019. At the relevant times, he maintained law offices in Philadelphia, Pennsylvania, and Mount Laurel, New Jersey. He has prior discipline and interaction with the attorney regulatory system in New Jersey.

Lento I

On April 26, 2017, as a matter of reciprocal discipline, the Court suspended respondent for one year, retroactive to the effective date of his suspension in Pennsylvania, for his violation of RPC 5.4(a) (sharing legal fees with a nonlawyer), RPC 7.3(d) (compensating or giving anything of value to a person to recommend or secure the lawyer's employment by a client, or as a reward for having made a recommendation resulting in the lawyer's employment by a client), and RPC 8.4(a). In re Lento, 228 N.J. 526 (2017) (Lento I).

In that matter, respondent contacted court employees in Pennsylvania to discuss developing a mutually beneficial relationship, whereby the court employees would help distribute his business cards to individuals in need of a criminal defense attorney. In the Matter of Joseph D. Lento, DRB 15-425 (September 23, 2016) at 3-4. He offered to pay the court employees if they gave his business card to prospective clients who ultimately retained his services. Id. at 4. The Administrative Judge of the Court of Common Pleas became aware of respondent's misconduct and suspended him from the court-appointed attorney list for the First Judicial District. Id. at 4-5.

On July 17, 2013, as a result of his misconduct, the Supreme Court of Pennsylvania suspended respondent from the practice of law for one year and imposed a one-year term of probation, with conditions, upon his reinstatement,

for his violations of the New Jersey equivalents of RPC 5.4(a); RPC 7.3(d); RPC 8.4(a); RPC 8.4(c); and RPC 8.4(d). Id. at 1-2. The conditions required respondent to select a practice monitor, subject to the Pennsylvania Office of Disciplinary Counsel's (ODC) approval, who periodically would examine his law office organization, meet with him monthly, answer law office management questions, file quarterly reports, and report any violations of respondent's probation. Id. at 2-3.

Our Court, after having ordered respondent to show cause why he should not be disbarred or otherwise disciplined, imposed a one-year, retroactive suspension.

On June 21, 2017, the Court reinstated respondent to the practice of law in New Jersey. In re Lento, 229 N.J. 388 (2017).

Temporary Suspension

Effective January 6, 2026, the Court temporarily suspended respondent from the practice of law for failing to cooperate with a disciplinary investigation. In re Lento, 2026 N.J. LEXIS 2 (2026). To date, respondent remains temporarily suspended from the practice of law in New Jersey.

We now turn to the facts of these consolidated matters.

DRB 25-183 (Motion for Reciprocal Discipline)

Facts

The following facts are taken from the Report and Recommendations of the Disciplinary Board of the Supreme Court of Pennsylvania (the Pennsylvania Board), following a seven-day disciplinary hearing in that jurisdiction.

The Firm's Operations

Respondent was the managing attorney of the Lento Law Firm[1] (the Firm) and, during the disciplinary hearing, he described his operation of the Firm. Specifically, he rented an office building when he needed a physical space in which to meet with clients, with the option to rent the space hourly, daily, or monthly. He did not maintain an electronic case management system but, rather, maintained e-mail and paper files. Further, he testified that he did not take notes when he spoke with clients, asserting that he "recollects as needed in a given case to address a matter accordingly." However, during the disciplinary hearing, respondent often was unable to remember the details of conversations he had with clients.

[1] Respondent was the supervising attorney of multiple law firms, including Optimum Law Group, the Lento Law Group Firm, and the Lento Law Group, which we refer to, collectively, as "the Firm" in this decision.

Respondent testified that he intentionally did not enter his appearance in matters so that he was "not attached on the case," despite the fact that clients had retained his services. He described his operation of the Firm as a "pragmatic practice of sorts," conceding that "certain things may not be done as may be required." Although respondent knew he was responsible for the conduct of the lawyers who worked for the Firm, he did not have written policies in place for the filing and service of complaints until "possibly the spring of 2020." To assist him at the Firm, respondent employed John Edward Groff as a paralegal and office manager.[2]

The Firm also employed Steven C. Feinstein, Esq.,[3] from April 2019 through November 27, 2019. Steven testified that "99 percent of the time," Groff provided him with his assignments and he would provide his legal work to Groff, a nonlawyer, for editing before it was filed. Respondent did not review Steven's legal work and never provided feedback.

The Firm also employed Joan A. Feinstein, Esq., as a consultant, from late 2018 through December 2021. Joan is a psychologist and an attorney with an interest in disability law. She testified that she decided to attend law school ten

[2] Groff also has served as an office manager for Conrad J. Benedetto, Esq. See In the Matter of Conrad J. Benedetto, DRB 21-220 (March 24, 2022) at 4.

[3] Steven Feinstein and Joan Feinstein are not related. However, because they share a common surname, this decision will refer to the parties by their first names to avoid any confusion. No disrespect is intended by the informality.

years after obtaining a Ph.D. in psychology, stating her view that "a lot of mental health problems are entangled with some legal problems, and I felt I could be a better advocate." Thus, Joan never intended to practice law and, in fact, at the time the Firm employed her as a consultant, she had no experience drafting legal documents; did not know how to complete coversheets for documents that were filed in federal court; had never acted as a trial attorney; and had not done any legal work.

During the disciplinary hearing, Joan testified that the Firm operated "by crisis" and, thus, she would be asked to complete tasks under pressure. Additionally, she would receive "information on a need-to-know [basis] instead of the whole picture." Eventually, on May 29, 2020, Joan, respondent, and respondent's father had a consultation with outside counsel about how to better manage the Firm. Joan, however, believed the problems persisted but, when she would discuss her concerns with respondent, he told her she was "repetitive," was being a "Girl Scout" and "neurotic," and that he "had things under control."

The J.G. Matter

On December 21, 2016, J.G.[4] was arrested in Pennsylvania and charged with disorderly conduct; recklessly endangering another person; possession of marijuana; and use/possession of drug paraphernalia. On January 25, 2017, pursuant to a negotiated agreement, J.G. pleaded guilty to disorderly conduct and the Luzerne County District Attorney's Office (the Luzerne DA) agreed to dismiss the remaining charges.

In August 2018, J.G. searched the internet for an attorney who could help him with expunging his criminal record and respondent's name "popped up." When he contacted respondent, J.G. recounted to him the events underlying the conviction, stating he wanted his record expunged and "everything that happened that day to be gone off [his] record like that day never happened," including his conviction and the charges that the Luzerne DA dismissed. As they spoke, respondent reviewed J.G.'s criminal record and told him "absolutely he could do it, that he could get rid of everything," that it would take approximately six to nine months, and that it was "something he can handle." Thus, at the conclusion of their conversation, J.G. understood that respondent could expunge his entire criminal record.

[4] Initials are used to provide anonymity to respondent's clients seeking expungements of their criminal records.

However, pursuant to 18 Pa. C.S. § 9122(b)(3)(i)[5] and Commonwealth v. Lutz, 788 A.2d 993, 1000 (Pa. Super. Ct. 2001), there is a five-year waiting period to expunge summary convictions. Therefore, J.G. was required to wait until January 2022 before he could expunge his entire criminal record. Respondent failed to explain that statutory waiting period to J.G.

On August 14, 2018, respondent provided J.G. with an engagement letter for "an expungement of the applicable charges" for a $1,500 fee, plus filing fees and costs. The engagement letter did not define "applicable charges." J.G. signed the engagement letter and paid respondent's legal fee. He testified that, had respondent informed him that he needed to wait five years from the date of his conviction before his criminal record could be expunged, he "absolutely [would] not" have retained respondent, because he would have had no choice but to wait until 2022 to accomplish his goal. Conversely, respondent testified that J.G. wished to proceed with expunging the three withdrawn charges knowing that his actual summary conviction was not eligible for expungement until 2022. The Pennsylvania Board did not find respondent credible on this point.

[5] 18 Pa. C.S. § 9122(b)(3)(i) provides that an individual's criminal history may be expunged when the individual "who is the subject of the information petitions the court for the expungement of a summary offense and has been free of arrest or prosecution for five years following the conviction for that offense."

During the representation, respondent and J.G. communicated via e-mail and respondent told J.G. that he personally was handling the case. On October 17, 2018, respondent filed a Petition for Expungement in the Court of Common Pleas of Luzerne County, seeking an expungement of the three charges that the Luzerne DA had dismissed in connection with the plea agreement. However, respondent filed it as a pro se petition, not as J.G.'s attorney. He did so despite failing to have J.G. review the petition before filing it; failing to provide a copy of the petition to J.G.; failing to obtain J.G.'s permission to sign his name to the petition; and failing to enter an appearance on J.G.'s behalf.

On December 10, 2018, the Luzerne DA opposed the Petition for Expungement, arguing that "any dismissal of charges was in consideration for a guilty plea and thus defendant was not entitled to expungement." Eleven days later, on December 21, 2018, respondent sent an e-mail to J.G.'s wife, advising that the Luzerne DA had objected to the Petition for Expungement and informing her that he could challenge the objection by filing a formal motion requesting a contested hearing. Respondent attached a copy of the Luzerne DA's objection, advised that the Luzerne DA's argument was "disingenuous" and "may/most likely can be defeated," and asked that J.G. inform him how he wished to proceed.

J.G. testified that that he merely skimmed the Luzerne DA's filing and understood respondent's advice to be that the remedy to challenge the objection was to appear in court for a hearing. Thus, by reply the same date that he received respondent's e-mail, J.G. informed respondent that he "would like to proceed" and asked that he let him know the "next step."

Approximately one month later, on January 21, 2019, respondent spoke with J.G. regarding the hearing to challenge the Luzerne DA's objection to the expungement petition. Respondent advised J.G. that his fee to continue handling the expungement would be $7,500, which J.G. agreed to pay. Respondent did not advise J.G. that he could not expunge his disorderly conduct conviction due to the statutory five-year waiting period and that he would seek only an expungement of the dismissed charges. Had he done so, J.G. would not have paid respondent the additional $7,500 to challenge the Luzerne DA's objection.

Nevertheless, on March 20, 2019, respondent sent an e-mail to the Luzerne DA about J.G.'s "partial expungement/redaction of certain charges." Respondent later sent an e-mail to J.G. asking him to explain "the exact reasons why [his] current record is causing issues for you/exact issues caused," which J.G. understood to mean everything that occurred on the day of his arrest, including his eventual conviction.

On April 9, 2019, respondent sent J.G. an e-mail and provided him with the engagement letter that he inadvertently had omitted from a prior e-mail. The engagement letter indicated that J.G. had retained respondent to represent him "in connection with seeking a hearing to request that the applicable charges be expunged from [his] criminal record," and that J.G. had paid the $7,500 fee for the representation in full. The engagement letter failed to define "applicable charges," and J.G. understood the term to mean all his charges from December 21, 2016, including his summary conviction.

On April 16, 2019, J.G. sent an e-mail to respondent explaining that he wanted an expungement of his criminal record because (1) he wanted to travel to Canada to go fishing with his son, as he had done with his own father when he was a child, (2) he wanted to purchase his son's first hunting rifle because they had both completed a hunting safety course, and (3) he had done nothing wrong. On April 24, 2019, J.G. sent an e-mail to respondent inquiring whether he had received J.G.'s prior e-mail about his reasons for seeking an expungement. In reply, respondent informed J.G. that he would "continue to work on things" and to "let [him] know if [J.G.] has any question or concerns in the meantime." Respondent, however, failed to communicate with J.G. following the April 24, 2019 e-mail.

Due to respondent's lack of communication, J.G. grew concerned that his expungement was not progressing and, thus, contacted another law firm for assistance. During his first conversation with an attorney at the other firm, J.G. explained what happened the day of his arrest, that he had hired an attorney who was working on an expungement, but that he was concerned "something is wrong." The attorney reviewed J.G.'s charges and told him he could help him, but he would "have to wait five years," which was the first time J.G. learned of the five-year waiting period. J.G. was "very mad" to learn he had to wait to expunge his record because he

> felt like [respondent] stole my money. I mean it couldn't have been any clearer from the beginning what I wanted and what we agreed to and I paid him a lot of money to do it, and then I come to find out from this other attorney that it can't even be done. I mean it's ridiculous.
>
> [OAE266.][6]

On May 29, 2019, the new attorney informed respondent that J.G. retained him in the expungement matter. The same date, respondent replied and stated he was negotiating with the Luzerne DA about the expungement and enclosed a copy of the Luzerne DA's objection, as well as a draft Petition to Redact respondent had started. The Petition to Redact contained numerous errors,

[6] "OAE" refers to the Bates stamped exhibits appended to the OAE's motion for reciprocal discipline.

including the incorrect date for J.G.'s guilty plea, the charges that were dismissed, and the disposition date of the charges.

Despite J.G.'s termination of the representation, respondent did not refund the unearned portion of the $9,000 fee. Rather, on September 24, 2020, J.G. filed a Statement of Claim with the Pennsylvania Lawyers Fund for Client Security (the Fund) seeking a refund. After the Fund notified respondent of J.G.'s claim, by check dated June 28, 2021, respondent provided J.G. with a "partial refund" of $3,500.

Respondent denied having mishandled J.G.'s matter. Instead, during the disciplinary hearing, he blamed "the attorneys at [the other firm] that put this unfortunate idea into [J.G.'s] head that we were doing something that could not be done with the summary offense."

The Red Wine Restaurant Matters

Eduardo Rosario, who required a wheelchair, retained respondent to file a civil complaint against Red Wine Restaurant (Red Wine) pursuant to the Americans with Disability Act of 1990 (the ADA). On May 8, 2019, Groff assigned Steven to handle the matter and requested that he file a complaint against both the property owner and promoter of a comedy show that had occurred at the venue.

Steven reviewed the ADA and concluded it was "expansive." He then drafted a complaint against Red Wine, which sold Rosario a ticket to a comedy show, and Alex Torres Productions, Inc. (Torres), a Florida-based promoter that provided entertainers to venues, including the comedian at Red Wine. Steven alleged that Red Wine and Torres failed to make Red Wine's building wheelchair accessible, in violation of the ADA.

After he drafted the complaint, Steven provided it to the Firm to file and serve upon the defendants. Steven did not know whether anyone at the Firm reviewed the complaint after he drafted it, and respondent did not know whether Steven researched the ADA before drafting the complaint. On May 20, 2019, the Firm filed the complaint (Red Wine I) in the United States District Court for the Eastern District of Pennsylvania (the EDPA). The EDPA docketed the matter and Steven entered his appearance on behalf of Rosario. The EDPA sent notices regarding the matter to Steven's two e-mail addresses, the Firm's Court Notices (Notices) e-mail address, and to a secretary employed by the Firm. Respondent also had access to the Notices e-mail account. Groff monitored the Notices e-mail account and placed court events on the Firm's calendar.

Red Wine failed to file an answer to the complaint and Torres failed to comply with discovery requests. On October 31, 2019, the EDPA sent notice to the Firm's multiple e-mail addresses that the Honorable Eduardo C. Robreno,

U.S.D.J., had scheduled a pretrial conference in Red Wine I to occur on December 20, 2019. Additionally, on November 12, 2019, Steven sent a separate e-mail to Groff advising him of the December 20, 2019 pretrial conference. However, the pretrial conference was not placed on the Firm's calendar.

On November 27, 2019, Steven resigned from the Firm. The same date, respondent sent Steven an e-mail instructing him "not to act on behalf of [the Firm]" and directing a Firm employee to "[s]uspend all [computer access] credentials until [Steven] meets with us." Moreover, the Firm told Steven, "on two separate occasions, 'do not talk to our clients' and 'do not do any work on any files.'" Consequently, Steven lacked access to the Firm's calendar and files and asked that the Firm substitute his appearance in the matters he handled for the Firm.

Respondent failed to substitute Steven's appearance; arrange for Steven to continue representing Rosario; contact Judge Robreno prior to the hearing; make a limited appearance to explain his efforts to find substitute counsel.[7] Consequently, the only party who appeared at the December 20, 2019 pretrial conference was Torres.

Due to Steven's failure to appear, Judge Robreno contacted him and held a telephonic prehearing conference. During the conference, Steven told Judge

[7] Respondent had been suspended from the EDPA since August 16, 2013.

Robreno that he had instructed respondent and Firm employees to substitute his appearance in all his cases. Regarding the complaint, Judge Robreno found it "troublesome" that Steven did not do any legal research regarding whether Rosario could sue a promoter. Ultimately, Judge Robreno dismissed Red Wine I, without prejudice, for failure to prosecute, noting that the court would retain jurisdiction in order to consider imposing sanctions.

Promptly after the hearing, Steven communicated Judge Robreno's decision to respondent. On December 26, 2019, Steven sent an e-mail to respondent stating "[a]gain, I need you to have someone substitute for my appearance." Respondent, however, failed to file a substitution of attorney and failed to advise Rosario that Judge Robreno had dismissed his matter.

On January 13, 2020, Judge Robreno formally dismissed Red Wine I, without prejudice, for failure to prosecute; retained jurisdiction over the matter for ninety days to consider referring respondent for disciplinary action; issued a Rule to Show Cause against respondent, Steven, and the Firm as to why he should not impose sanctions; and directed that, "[i]f the complaint is refiled, it shall include legal authority for the proposition that a promoter may be held liable under the circumstances presented in this case."

On February 10, 2020, respondent filed an answer to Judge Robreno's Rule to Show Cause and informed the District Court that, if he and the Firm

"decide to refile the Complaint, they will provide a legal basis to justify why they believe there would be a viable cause of action. If after reviewing the law, they conclude there is not, then no further Complaint will be filed." The next day, Judge Robreno issued an order finding that the Firm filed Red Wine I "without research or investigation" and referred respondent's handling of the matter to the ODC for investigation.

Concurrently, in late December or early January 2020, Groff asked Joan if she was admitted to the EDPA. She informed him she was not and Groff asked whether she could seek admission, to which she agreed. After she gained admission to the EDPA, Groff asked Joan to sign documents for two cases, including the Red Wine matter. She told Groff that she had no litigation experience and Groff assured her that her minimal involvement would be to sign the complaint, and that the Firm would find another attorney to enter an appearance in the case.

On March 24, 2020, Joan had a similar conversation with respondent and, after he explained she would have minimal involvement in the Red Wine case, Joan agreed to sign the complaint that the Firm had prepared. When she agreed to sign the complaint, respondent had not informed her about the legal and procedural history of the case, including that Judge Robreno previously had dismissed the matter when Steven failed to appear, or that Judge Robreno

referred respondent to the ODC for his handling of the matter. In his answer to the ODC's petition for discipline, respondent represented that he had conducted multiple conversations with Joan about the prior dismissal of the Red Wine case and that Joan had consulted with an attorney to determine whether refiling the matter "would raise any ethical concerns."

Also on March 24, 2020, Groff and Keith Altman, Esq., an attorney licensed to practice law in Michigan, exchanged e-mails about filing a complaint in Red Wine, copying Joan. The e-mails did not include a copy of the complaint and neither Groff nor Altman requested that Joan review or approve the complaint. Joan was asked merely to sponsor Altman's pro hac vice application for admission to the EDPA.

Indeed, in March 2020, the Firm contacted Altman about being co-counsel with Joan in the Red Wine case. However, Joan had never completed a pro hac vice application and wanted to interview Altman prior to filing the application, because she was required to attest that his private and personal character were good. Respondent told her it was unnecessary and that she worried too much. Nevertheless, she sought the advice of outside counsel, which respondent was aware of, and for which "he would tease [her]." Joan ultimately interviewed Altman, who explained to her that her role would be limited to signing the signature page of the complaint until the Firm could find substitute counsel and

that there was no expectation she would provide legal services in the matter. Following the interview with Altman, Joan was satisfied she could sponsor his pro hac vice application.

Eventually, on May 15, 2020, having been provided with only the signature page of the complaint, Joan signed a civil complaint (Red Wine II) that was identical to the civil complaint that Judge Robreno previously had dismissed, in Red Wine I. On June 4, 2020, the Firm mistakenly filed the Red Wine II complaint in the United States District Court for the District of New Jersey (the DNJ). The same day, the DNJ Clerk's Office entered a quality control message advising respondent that the complaint contained an improper signature, as well as other deficiencies, including the caption, which identified the court as the EDPA.

On June 8, 2020, the Firm filed a "Voluntary Stipulation of Dismissal Without Prejudice" in the DNJ, requesting dismissal of Red Wine II because it was "filed in error" and should have been filed in the EDPA. The signature line did not contain a signature; rather, the name "Denise Stone, paralegal to Joseph Lento, Esquire," was written underneath the blank line. The next day, the DNJ Clerk's Office entered another quality control message advising that the signature was improper and requested that respondent resubmit the signature

page with the correct electronic signature. Respondent did so and, on June 9, 2020, the DNJ dismissed Red Wine II in that jurisdiction.

On June 15, 2020, respondent filed a letter with the DNJ Clerk's Office stating that his secretary "erroneously filed a complaint" in the DNJ that should have been filed in the EDPA and requested that the Firm "be refunded $400 for the incorrect filing" in the Red Wine II matter. In reply, the DNJ Clerk's Office entered a quality control message advising respondent that he submitted his letter incorrectly and that he should resubmit the letter using the Application for Refund of Fees. Respondent did so and, on June 26, 2020, the DNJ entered an order refunding the filing fee.

On June 19, 2020, after the DNJ dismissed the Red Wine II complaint, the Firm filed the Red Wine II complaint in the EDPA. Again, the complaint was identical to the complaint that Judge Robreno previously had dismissed in Red Wine I and failed to include any legal authority for promoter liability, as Judge Robreno had ordered on January 13, 2020. Notwithstanding his February 10, 2020 answer to Judge Robreno's Rule to Show Cause, in which he represented that, if the Firm refiled the matter, it would provide a sufficient legal basis, respondent testified at the disciplinary hearing that the lack of legal authority for promoter liability "only came to [his] attention at a later point in time."

Additionally, Local Federal Rule of Civil Procedure 40.1(b)(3) requires counsel, at the time of filing, to "indicate on the appropriate form whether the case is related to any other pending or within one (1) year previously terminated action of this court." Relatedly, Local Federal Rule of Civil Procedure 40.1(c)(1) provides that, if the form indicates a relationship between cases, the assignment clerk "shall assign the case to the same judge to whom the earlier numbered related case is assigned." On the form, the Firm placed an "X" in the box indicating that Red Wine II was an "Original Proceeding" and the form lacked any mark next to the box that indicated the case was "Reinstated or Reopened." The Firm left the section concerning related cases blank. Joan was not asked to sign the form and did not authorize anyone to put her signature or initials on the signature line. However, the initial "J," purporting to be her signature, appeared on the attorney signature line of the form.

Based on the information that the Firm provided on the form, the EDPA Clerk's Office assigned Red Wine II to the Honorable Mitchell S. Goldberg, U.S.D.J.

On June 26, 2020, the Firm filed Joan's motion seeking Altman's pro hac vice admission to the EDPA, which Judge Goldberg granted the same date.

On August 20, 2020, Altman filed a request for default against Torres, which Judge Goldberg granted the same date. On November 5, 2020, Judge

Goldberg referred Red Wine II to a Magistrate Judge for settlement purposes. On July 21, 2021, the EDPA Clerk's Office reassigned Red Wine II to Judge Robreno "as related to" the earlier Red Wine I matter.

On September 30, 2021, Judge Robreno entered an order directing that, "in light of the multiple irregularities present in this case," Joan and Altman were required to show cause why they "should not be sanctioned for their: (1) failure to accurately certify that there were no related cases in violation of RPC 3.3(a); and (2) failure to provide authority in the complaint regarding promoter liability as ordered by the Court on January 13, 2020." He ordered Joan and Altman to file their replies no later than October 25, 2021, and scheduled an "in person" hearing to occur on November 10, 2021.

On October 4, 2021, respondent sent a text message to Joan and Altman requesting a telephone conference. During the conversation, Joan learned there was a problem with the filing of the Red Wine II complaint, but Altman told her it was "not a big deal." He explained that a secretary had selected the wrong box on a form and filed the complaint in the DNJ, but that the DNJ already had refunded the filing fee. Also during the call, respondent complained that he had "bad luck with these things," including being targeted by the ODC and judges

and that he was "unjustly accused [of misconduct] in 2013"[8] and was "very upset that it became reciprocal in Jersey."

Ultimately, respondent told Joan that she was asking too many questions and that Altman would be responsible for writing the answer to the Rule to Show Cause. However, Altman did not provide Joan with the proposed answer or give her an opportunity to review it. On October 23, 2021, Altman sent Joan a text message informing her that she needed to appear before Judge Robreno on November 10, 2021. At that time, neither respondent nor Altman had informed Joan that Judge Robreno previously had dismissed Red Wine I.

On November 10, 2021, respondent scheduled an in-person meeting with his secretary, Joan, and Altman to "prepare [their] testimony in front of Judge Robreno." However, he later contacted his secretary to inform her that not only would he not meet with Joan and Altman, he also would not appear at the Rule to Show Cause hearing before Judge Robreno.

During the November 10, 2021 hearing, Judge Robreno explained that the "relatedness rule" required Joan to have identified that Red Wine II was related to Red Wine I. Altman informed Judge Robreno that the Firm employees who were "involved in actually preparing and filing the instant case" were not aware

[8] Respondent's 2013 discipline in Pennsylvania followed his entry of a Joint Petition in Support of Discipline on Consent, which the Pennsylvania Board granted. Lento I at 2.

that it had previously been filed. He also blamed Joan and the Firm for preparing the forms incorrectly. Nevertheless, Altman explained that someone at the Firm knew the matter was being refiled, but that the information was not passed along to the individuals who filed Red Wine II. He admitted that "clearly, the firm is responsible for not communicating to the people that had to execute." Furthermore, Altman asserted that the first time he learned about Judge Robreno's January 13, 2020 order was when he appeared before Judge Goldberg.

Joan explained that she had never met Rosario and "relied on the firm's judgment" when she signed the complaint. Additionally, during the hearing, Joan learned for the first time that she had signed a complaint that was identical to the complaint Judge Robreno had dismissed on January 13, 2020. She also learned that, when he dismissed Red Wine I, Judge Robreno ordered that, if the matter was refiled, the complaint must include legal authority for promoter liability.

During the hearing, Judge Robreno stated "there is no question at all that serious violations of both our local rules and perhaps the Rules of Professional Conduct were implicated in this case." He also was "pretty troubled that no one seems to . . . take responsibility and take charge," and speculated that maybe the Firm was the responsible party. Consequently, on November 23, 2021, Judge

Robreno entered an order barring the Firm and Joan from representing Rosario; revoking Altman's pro hac vice admission; striking the default judgment entered against Torres; and referring respondent, the Firm, Joan, and Altman to the ODC, finding that their conduct may have violated several Pennsylvania Rules of Professional Conduct.

Respondent, Joan, and Altman received copies of Judge Robreno's November 23, 2021 order. Joan contacted respondent when she received her copy of the order because she felt "horrible" that Judge Robreno referred her to the ODC for possible misconduct. During the conversation, respondent blamed Altman for what occurred.

During the disciplinary hearing, respondent admitted that he had failed to properly supervise Firm employees or to have safeguards in place to avoid the multiple mistakes that occurred in the Red Wine matter. However, when asked whether he expressed regret for the mistakes, respondent testified only that he regretted "mistakes that were made" and that the DNJ and Judge Robreno's "time and resources were unnecessarily used to address these issues."

The Watson Matter

On July 31, 2019, the Firm assigned Steven to represent Conrad Benedetto, Esq., in a breach of contract, confession of judgment, and unjust

enrichment matter against Raheem and Christy Laverne Watson. Steven drafted a complaint alleging that Benedetto had loaned $10,000 to the Watsons, as memorialized by a promissory note, and that they subsequently failed to make required payments.

After he drafted the complaint, Steven provided it to a Firm secretary to file. He did not provide the complaint to respondent to review because he did not think respondent did "anything at the firm, so it would have been useless to ask him to review it."

On July 31, 2019, the Firm filed Benedetto's complaint in the Court of Common Pleas of Philadelphia Count (the First Judicial District). Approximately one week later, the Firm hired Russell R. D'Alonzo to serve the complaint on the Watsons. On August 6, 2019, D'Alonzo served the complaint by providing a copy of it to the Watsons' daughter at their home address.

However, Pa. R. Civ. P. 400.1 requires service of process in the First Judicial District to be made by the sheriff or a competent adult, or, in the event service of process is made in a county other than the First Judicial District, by the sheriff of the other county who is deputized by a First Judicial District sheriff. The Watsons did not reside in the First Judicial District and D'Alonzo was not deputized as a sheriff in their home county. Nevertheless, on August 12, 2019, the Firm filed Affidavits of Service purporting to establish proof of

service on the Watsons. When the Watsons failed to file an answer to the complaint within thirty days of service, Groff instructed Steven to draft a praecipe to enter a default judgment (the Praecipe) against the Watsons. Steven asked Groff whether a ten-day notice letter was sent to the Watsons, and Groff told him it had been.

On October 23, 2019, Steven provided Firm employees with a draft of the Praecipe and instructed that the docket number needed to be entered, and anything written in red needed to be changed to reflect the correct date, after which the Praecipe would be ready to be filed. There was confusion at the Firm about whether the ten-day notice letter was sent, and the Praecipe reflected contradictory dates concerning when the letter was sent.

On October 29, 2019, the Firm filed the Praecipe without respondent or Steven having reviewed it. The same date, the court granted the Praecipe and entered a Judgment by Default against the Watsons.

On November 11, 2019, the Watsons filed a Petition to Strike Entry of Default Judgment (the Petition), arguing that, although they were personally served with the complaint, they had not received the required ten-day notice letter advising of the intent to take default for failing to file an answer to the complaint. Therefore, they asserted that Benedetto and Steven "perpetrated a

fraud on [the] court" by causing it to issue an improper default judgment against them.

On December 5, 2019, the court issued a Rule to Show Cause as to why it should not grant the relief the Watsons sought and scheduled the hearing for January 9, 2020. Respondent received notice of the hearing.

On December 19, 2019, Steven sent an e-mail to respondent and Benedetto providing the Rule to Show Cause, requesting that someone substitute their appearance in the Watson matter, and again reminding respondent to substitute his appearance in all Firm matters. In his e-mail, Steven informed respondent that if he was held "accountable on files in which I am no longer representing the clients or have access to the files, I will hold [the Firm] responsible."

Steven testified that he waited to file the reply for "a period of time;" however, when it appeared as though the Firm was not going to file a timely reply, he obtained Benedetto's authorization to file a reply to the Rule to Show Cause. Thus, on January 2, 2020, after obtaining Benedetto's authorization, Steven filed a reply, claiming that the mailing date of the ten-day letter contained in the Praecipe appeared to be a "clerical error" and alleged that the Firm had mailed the letter on September 11, 2019. However, attached to the reply was a Certificate of Service for Notice of Intent to Take Default Judgment that was

filed on October 29, 2019. Steven failed to attach any proof to assert that the Firm mailed the letter on September 11, 2019.

At the January 9, 2020 hearing, Watson appeared and explained that he did not receive the ten-day letter until the Firm mailed him the Praecipe. Thus, he requested that the default judgment be stricken. The next day, the court entered an order granting the Petition, in favor of the Watsons.

The American Club of Beijing Matter

On September 13, 2019, prior to leaving the Firm, Steven filed a civil complaint, in the Court of Common Pleas of Philadelphia County, on behalf of the American Club of Beijing (the American Club) against the Board of Governors AME (the Board of Governors). On January 7, 2020, respondent filed a notice of appearance and the next day, Steven filed a withdrawal of his appearance in the matter.

Later, on April 3, 2020, a Firm secretary sent an e-mail to Groff, with a copy to respondent, attaching a draft pro hac vice motion seeking Anthony Scordo, Esq.'s admission to the Pennsylvania bar. She explained that she would revise the motion but needed "the corrections first." On May 19, 2020, Court of Common Pleas transferred the American Club matter to the Commerce Court

and, on May 27, 2020, the Firm filed a pro hac vice motion seeking Scordo's admission to the Commerce Court.

The verification in support of the motion, which respondent signed, stated that, under penalty of perjury, he was a "member in good standing of the Pennsylvania Bar, I presently am not, and have never been, the subject of any disbarment or suspension proceeding before this or any Court." However, at the time respondent signed the verification, the Pennsylvania Supreme Court had suspended him for one year, followed by a one-year probation period with conditions; our Court had suspended him for one year; and the EDPA had suspended him for one year. Although respondent's licenses to practice law in New Jersey and Pennsylvania had been reinstated, he had not been reinstated to the EDPA.

On June 1, 2020, counsel for the Board of Governors filed a reply in opposition to respondent's pro hac vice motion. Specifically, counsel alleged that respondent misstated his disciplinary history and, as a result, good cause existed to deny the pro hac vice motion. Counsel for the Board of Governors also requested that the court enter a Rule to Show Cause as to why sanctions should not be imposed on respondent.

During the disciplinary hearing, respondent testified that he did not know the requirements for filing a pro hac vice application until the summer of 2022.

Nevertheless, after he received the Board of Governor's reply to the pro hac vice motion, he directed his secretary to "send a letter informing all necessary parties that [the motion] was a clerical error" because he believed that was the "appropriate way to address the matter."

Therefore, on June 4, 2020, respondent filed a praecipe to attach the certification of his secretary stating that she "inadvertently stated that Joseph Lento, Esquire has 'never' been the subject of 'any' suspension proceedings in 'any' Court." She apologized for her mistake and requested permission to withdraw the motion and file a corrected one. Respondent testified he did not know who prepared his secretary's certification or how it was prepared.

On June 15, 2020, counsel for the Board of Governors filed a praecipe to supplement and respond to the certification, alleging that the original verification "egregiously misstated Mr. Lento's disciplinary history," that the secretary's certification added to respondent's misconduct because he failed to properly supervise her, and that, at the time Scordo co-signed the complaint in American Club, he was not a member of the Pennsylvania Bar.

In his June 26, 2020 reply to the praecipe to supplement, respondent contended that it was "highly unlikely that such a minor issue relating to [his] disciplinary record would result in the denial of pro hac vice admission of Mr.

Scordo." He added that his secretary's error was "mere oversight" and that he "never attempted to hide" his disciplinary record.

On July 14, 2020, the Honorable Ramy I. Djerassi denied respondent's pro hac vice motion, without prejudice, and permitted him the ability to file a motion that disclosed his disciplinary history, as Pa. R. Civ. P. 1012.1 requires. Subsequently, respondent and his secretary drafted a second pro hac vice motion.

On August 11, 2020, respondent and Scordo exchanged e-mails discussing the motion. Respondent questioned whether Scordo agreed that "just [including] the PA consent suspension is sufficient? No need to get into NJ or Eastern District reciprocal right?" Scordo replied, stating that "with these clowns on the other side, it might be worth just putting in a short one-sentence reference as part of the same paragraph without going into detail."

Shortly thereafter, respondent sent another e-mail to Scordo inquiring whether an updated motion was acceptable and spoke with Groff about which version would be most appropriate to file with the court. Thus, on August 14, 2020, respondent filed a second pro hac vice motion seeking Scordo's admission to the Commerce Court. In the second verification to the motion, respondent disclosed his Pennsylvania and New Jersey suspensions but failed to include his EDPA disciplinary history and failed to fully conform with Pa. R. Civ. P.

1012.1(b)'s required Interest on Lawyers' Trust Account and settlement disclosures.

Moreover, in his annual Pennsylvania attorney registration statements – from 2015 through 2021 – respondent repeatedly had failed to disclose his EDPA suspension. He asserted that he simply misunderstood the attorney registration statement and did not do his due "diligence in understanding" the question.

Separately, on August 13, 2020, the court dismissed the American Club complaint after sustaining the defendants' preliminary objections, filed on May 11, 2020. Counsel for the Board of Governors attempted to file opposition to respondent's second pro hac vice motion, but the Prothonotary rejected the filing because the court already had dismissed the underlying complaint. Nevertheless, counsel for the Board of Governors sent an e-mail to Judge Djerassi, advising him that they felt "duty bound" to alert the court that respondent's second pro hac vice motion also was noncompliant, noting he had failed to disclose his EDPA suspension.

Consequently, on September 1, 2020, Judge Djerassi entered an order directing respondent to either file a written explanation as to why the court should not deny, with prejudice, his second pro hac vice motion, or file a praecipe withdrawing the pro hac vice motion and seek the assistance of another

Pennsylvania attorney to move for Scordo's admission. Judge Djerassi "encouraged [respondent] to exercise caution" because the "Rules of Professional Responsibility may be implicated here, and full disclosure is the essence of a successful pro hac vice application."

On September 18, 2020, respondent withdrew his appearance on behalf of American Club and assigned Scott Wiggins, Esq., a Firm associate, to handle the matter. However, he failed to inform Wiggins how to file a conforming pro hac vice motion. Thus, on September 22, 2020, Wiggins filed a pro hac vice motion seeking Scordo's admission to the Commerce Court. On October 19, 2020, Judge Djerassi denied Wiggins' motion for failing to comply with the provisions of Pa. R. Civ. P. 1012.1.

During the disciplinary hearing, respondent testified that he was "mistaken" in the first pro hac vice motion, "was trying in good faith" in the second pro hac vice motion, and "the ball was dropped" in the third pro hac vice motion. Also during the hearing, respondent admitted that his misconduct violated Pa. RPC 1.1; Pa. RPC 5.1; Pa. RPC 5.3; and Pa. RPC 8.4(d). The Pennsylvania Board did not find respondent's testimony credible and found that he "failed to express sincere remorse for his misconduct and recognize that his misconduct had a negative impact on the public and profession."

The R.D. Matter

On February 19, 2020, R.D. left a message on a "Clean Slate" legal website,[9] explaining that she had criminal convictions that were more than twenty-years old and asking whether respondent could "help" her.[10]

R.D. had an active pharmacist license in Texas and an inactive pharmacist license in Pennsylvania. Upon relocating to Texas, she decided that she wanted to attempt to expunge or seal her Pennsylvania and New Jersey criminal records. R.D. previously abused substances and had stolen a prescription pad and forged prescriptions for Vicodin. At the time of her crimes, Vicodin was a Schedule III controlled substance.

Ultimately, in 2004, R.D. sought treatment for her substance abuse and achieved sobriety. She petitioned for reinstatement of her Pennsylvania pharmacist license and, in 2010, following a hearing, the Pennsylvania State Board of Pharmacy reinstated her license.

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[9] Although the website is not identified in the record before us, it appears as though the public could use it to leave a message for an attorney, explaining their goals regarding their criminal records, and an attorney would then reach out to the individual to speak further about their goals.

[10] 18 Pa. C. S. § 9122.2, also known as the Clean Slate Limited Access Act (the Clean Slate Act), permits an individual satisfying certain criteria the ability to restrict access to their criminal history record information in Pennsylvania.

18 Pa. C. S. § 9122.3 lists exceptions to the Clean Slate Act, including if the individual "who at any time has been convicted of (i) a felony; (ii) two or more offenses punishable by imprisonment of more than two years; (iii) four or more offenses punishable by imprisonment of one or more years."

R.D.'s Pennsylvania criminal record included a 1995 conviction for knowing possession of a controlled substance; a 1996 conviction for acquisition of a controlled substance by misrepresentation and knowing possession of a controlled substance (two counts); and a 1998 conviction for acquisition of a controlled substance by misrepresentation (eleven counts). R.D. also had an inactive criminal case charging her with purchasing drug-free urine.

R.D.'s New Jersey criminal record included a 1999 conviction for eluding police and possession of controlled Substances. R.D. testified that she "absolutely knew the difference between a felony and a misdemeanor conviction" and, thus, knew that she had numerous felony convictions.

After receiving R.D.'s message, respondent contacted her via telephone. During their initial conversation, R.D. told respondent that she had felony and misdemeanor convictions; was considering applying for a real estate license and did not want her convictions to be an issue during a background check; had researched the difference between New Jersey and Pennsylvania clean slate laws; contacted authorities in New Jersey and was told she could file expungement papers herself; was "confused" about whether she would qualify for Clean Slate in Pennsylvania "because of the time span;" and explained to respondent that she was concerned mainly about her felony convictions. While

they spoke, R.D. sent an e-mail to respondent containing the docket numbers from her Pennsylvania and New Jersey criminal matters.

Respondent did not advise R.D. that the Pennsylvania Clean Slate Act prohibited the sealing of her felony convictions, instead informing her that his total legal fee would be $5,500, in addition to filing fees. He informed R.D. that she could provide an initial $2,500 payment and then pay her balance during the weeks that followed. R.D. agreed to retain respondent and sent him an e-mail containing her contact information. R.D. periodically made payments toward respondent's legal fee, despite not having received any bills or correspondence from respondent about her balance. However, on July 20, 2020, respondent advised R.D. that he was awaiting payment of the balance of his legal fee, which she promptly provided.

R.D. testified that, if respondent had advised her that the Clean Slate Act prohibited the sealing of her Pennsylvania criminal convictions, she would have ended the conversation and would not have retained him, reasoning "if [the convictions are] still there, it still follows me. It's a bad investment. Why would I do it?"

Respondent was concerned about the inactive case contained in R.D.'s criminal history, but not her ungraded convictions. In fact, respondent failed to read her criminal dockets in detail until December 2020. Despite not knowing

the grading of R.D.'s criminal convictions, on February 19, 2020, respondent sent her an e-mail informing her that he would "be seeking a record sealing of the 3 applicable cases in Luzerne County and an expungement of the 2 applicable cases in Luzerne County." He also told R.D. that he would seek an expungement of her New Jersey criminal case.

R.D. testified that she assumed that the "three applicable" and "two applicable" matters referred to her misdemeanor and felony cases. Therefore, in reply to respondent's e-mail, she again provided her Pennsylvania docket numbers and stated "Atty Lento please see attached. Isn't it PA: 3 CP and 2 MJ cases." Respondent's reply was "I understand."

The next day, on February 20, 2020, respondent asked R.D. to provide him with an autobiography and character letters so that he could "provide positive information and character letters to the Luzerne County District Attorney's Office/Mercer County Prosecutor's Office in an effort to get them to agree to our request." He also provided R.D. with an engagement letter for her signature, which provided that he would "be seeking a record sealing of the 3 applicable Luzerne County, PA cases, and expungement of the 2 applicable Luzerne County PA cases, and an expungement of the Mercer County, NJ case." The engagement letter acknowledged R.D.'s initial $2,500 payment toward the representation and that she would pay her balance upon the Firm's request.

Within four days of respondent's e-mail, R.D. provided him with all the requested information. On March 24, 2020, respondent sent R.D. an e-mail advising her that the expungement of her New Jersey criminal record was nearly complete. Thereafter, from May 2020 through January 2021, R.D. sent respondent e-mails inquiring about the status of her legal matter.

In his reply e-mails, respondent did not advise R.D. that her felony convictions were not eligible to be sealed due to the Pennsylvania Clean Slate Act exceptions. In fact, the only concern respondent raised was related to R.D.'s inactive criminal matter. Further, respondent failed to advise R.D. that the grading of her offenses was unclear on her criminal dockets and that, in order to ascertain the grading of her convictions, he needed to obtain state police records. Instead, on March 18, 2020, another attorney at the Firm advised R.D. that, due to the age of her convictions, he could not ascertain the grading of her convictions and, thus, could not complete the petitions for expungement. Respondent did not ask R.D. if she had any information about the grading of her convictions and he did not order the state police records until late October 2020.

On September 28 and October 19, 2020, respondent contacted the Luzerne DA to advise that he was working on "several expungements/record sealings" for R.D. and that, according to his research, "3 would be eligible for record sealing and 2 would be eligible for expungement." Respondent noted the

inactive criminal matter and asked the Luzerne DA whether he would object to sealing R.D.'s closed criminal matters due to the unresolved inactive matter. At the time, respondent was still unaware of the grading of her convictions and was "operating under the impression that they [did not] involve felonies."

Also on October 19, 2020, respondent sent R.D. an e-mail explaining that her New Jersey expungement was proceeding and that he anticipated the court would schedule a hearing date soon. Additionally, he informed R.D. that he had contacted the Luzerne DA about her inactive matter, which would impact the expungement of her other, closed criminal matters.

In December 2020, respondent received the state police report, which he testified was the first time he "saw confirmation that [R.D.] had felony convictions."

Later, on January 28, 2021, respondent sent an e-mail to R.D., again representing that her New Jersey expungement would be finalized shortly and that, when the "Pennsylvania process is complete," he anticipated the "final result" being record sealing for two misdemeanor charges; expungement of one summary offense; and "a felony charge that was not able to be addressed." He added that there was "also one other case which had 11 felony charges which was not able to be addressed" because he "could not have these charges sealed or expunged." Therefore, respondent told R.D. that her "record will be

significantly cleaned up once everything is complete, but there will be remaining charges which cannot be sealed or expunged." Thus, he recommended she seek a pardon of her felony convictions after he resolved her inactive matter.

The same date, R.D. sent respondent a series of e-mails about the information he provided. Specifically, she asked "why can't the other felonies be addressed in cases 3 and 4? In reading clean slate if your record is clear over 10 years with no new charge you can qualify. Doesn't seem worth the money to do this if things are still left . . . ." Less than one hour later, she sent another e-mail to respondent informing him that, had she "known I could not do anything with the [Pennsylvania] felony convictions I would not have gone through this process or spent the money. Cleaned up record is just as bad as the original record." Finally, in her third e-mail, R.D. reminded respondent she "made clear about [her] felonies in PA and NJ" and that she "sent [him] the dockets the same day." Additionally, he "never disclosed in the initial consult that nothing could be done with felonies in PA" and that, if he had disclosed that, she "never would have moved forward" because "as a client I made my goals clear to clean up my entire record" and, thus, retaining respondent was a "waste of [her] money."

On February 8, 2021, respondent sent R.D. an e-mail informing her that, "[a]t no time do I ever state that felonies (or misdemeanors) can be expunged," and stating that "[b]y the nature of what we were in part prospectively seeking,

namely, a record sealing of applicable cases, there would arguably be no fundamental relief because sealed records still exist and must be disclosed as applicable." R.D. replied the same day and reminded respondent that, during their initial telephone conversation, she told him about her "past situations and the resultant FELONIES and misdemeanors that resulted therefrom," reiterating that she sent him the dockets while she was speaking with him on the telephone. R.D. asserted that, if respondent promptly had told her that her felony charges in Pennsylvania could not be sealed or expunged, she would not have retained him; instead, he waited one year to tell her they could not be sealed or expunged.

On March 22, 2021, without R.D.'s knowledge, respondent filed a Petition for Expungement in Pennsylvania on her behalf. Respondent failed to review the expungement petition with her, failed to keep a copy of the petition in his file, and failed to provide her with a copy of the petition.

Two days later, R.D. requested, via e-mail, a copy of the New Jersey expungement petition that respondent had filed on her behalf, a receipt from New Jersey for the filing, and a refund of the unearned fee for respondent's handling of her Pennsylvania felony convictions. Respondent failed to provide any of the requested information related to Pennsylvania; however, in spring 2021, he provided her with a copy of her New Jersey records.

On May 14, 2021, R.D. sent respondent another e-mail reiterating her request that he refund the unearned portion of his fee; requesting copies of documents and notes from her file; reminding him that, during their initial conversation, he failed to inform her that her felonies could not be sealed; and informing him that she filed a complaint with the Pennsylvania ODC.

On June 16, 2021, R.D. filed a Statement of Claim with the Fund. On July 7, 2021, respondent provided her with a $5,500 check containing the notation "refund."

During the disciplinary hearing, respondent testified that he did not take any notes memorializing his conversations with R.D. Moreover, he could not remember whether he looked at R.D.'s criminal dockets; whether he asked her the schedule of the drug for which she was convicted of forging prescriptions; whether he asked her if she had any felony convictions; or whether she informed him whether she had any felony convictions at all. The Pennsylvania Board did not find respondent's testimony credible because the very reason R.D. had retained him was her concern about the extent of her criminal record, including her felonies. Furthermore, the Pennsylvania Board determined that respondent's claim in his answer to the Pennsylvania Petition for Discipline falsely asserted that (1) R.D. failed to inform him that her convictions were more than twenty years old, and (2) R.D. did not tell him, during their initial conversation, that

she had any felony convictions. Conversely, the Pennsylvania Board found credible R.D.'s testimony that she told respondent about her felony convictions and their age.

Despite respondent's testimony, during the disciplinary hearing, that he filed pleadings on R.D.'s behalf, he failed to introduce any corroborating records into evidence. Moreover, he maintained that it was "ludicrous" to question how he handled R.D.'s matter. He conceded that he did not request the balance of his legal fee until R.D. inquired about the status of her case.

Also during the disciplinary hearing, R.D. testified that she felt "lied to and grifted" by respondent and found it "comical" that he told her that her record would be cleaned up by getting "rid of two misdemeanors sitting over there, but you have thirteen felonies staring me in the face."

The La'Slondi Copelin Matter

On February 4, 2021, La'Slondi Copelin received a letter from Georgia State University (GSU), the university she attended, notifying her that GSU was going to expel her and that she had ten days to write an appeal to the President

of GSU. When Copelin contacted GSU, she was advised that she needed to provide her appeal letter "by end of business day"[11] on February 9, 2021.

Copelin wanted to file an appeal but felt that she needed an attorney to handle it "[b]ecause it needed to be litigated. It was out of my hands, so – and I had tried initially, so I felt that I needed to go ahead and escalate it to someone of counsel who is familiar with the process." Therefore, she searched the internet for "school discipline attorneys" and viewed a website, https://www.studentdisciplinedefense.com,[12] wherein respondent advertised that he "represents students and others in disciplinary cases and other proceedings at colleges and universities across the United States," has "helped countless students, professors, and others in academia at more than a thousand colleges and universities across the United States," and has obtained pro hac vice admission, as needed, "nationwide."

On February 4, 2021, Copelin contacted respondent regarding her GSU expulsion; within minutes, he replied to inform her he was available to speak via telephone. Copelin was not available until later in the day, but informed respondent that she would send him information to review prior to their

[11] The GSU student handbook defines a business day as any day that the Office of the Dean of Students is open.

[12] As of January 22, 2026, the website is still active and respondent continues to advertise substantially similar legal services.

conversation. Accordingly, Copelin sent respondent all the documents that GSU had provided to her, including the expulsion letter and university rules.

When Copelin and respondent spoke later that day, she told respondent she wanted an attorney to assist her. Respondent informed her that he helped students across the United States, had "helped plenty of students in Georgia," and felt "he can take on this case and get it done." After Copelin told respondent the deadline to submit a letter to the GSU president was February 9, 2021, he assured her "[w]e always get things done in the 11th hour." During their initial conversation, respondent did not tell Copelin that he was not licensed to practice law in Georgia, did not inform her he would act only as her "advisor,"[13] and did not state that he intended to "ghostwrite" the appeal letter for her.

One day after their conversation, respondent sent Copelin an e-mail requesting more information related to the expulsion and providing her with a consultation agreement, written on Firm stationery, charging a $350 consultation fee, which Copelin paid. Respondent's signature on the letter identified him as an "Attorney & Counselor at Law" from the Firm, "Helping Clients Nationwide."

[13] Notably, the GSU Code of Conduct prohibits an "advisor" from advocating or participating directly during the investigation and hearing process.

On February 6, 2021, Altman spoke with Copelin via telephone and identified himself as "an attorney who worked for Mr. Lento." Respondent joined the conversation fifteen minutes later. Copelin told respondent and Altman that she needed a lawyer to handle her expulsion and that the deadline to submit a letter was in three days. Both respondent and Altman assured Copelin that they could submit a letter by the close of business on February 9, 2021; consequently, Copelin agreed to retain respondent for her case.

Although respondent initially requested a $15,000 legal fee, informing Copelin he was "giving her a break" from his usual $30,000 fee, she ultimately negotiated a $7,500 fee for respondent's representation. In return, respondent agreed to send Copelin a retainer agreement with an "itemization of what the $7,500" was going to cover and the "breakdown" of her payments. Respondent informed her that his fee may increase if he needed to attend court for her matter. Respondent, however, failed to provide Copelin with a retainer agreement.

On February 7, 2021, respondent sent an e-mail to Copelin informing her that she could make a $2,500 payment that day, another $2,500 payment on February 14, 2021, and a final $2,500 payment on March 7, 2021. If she agreed with the payment schedule, respondent would process the payment via the credit card he had on file for her and would begin working on the matter with Altman.

In her February 8, 2021 reply e-mail to respondent, Copelin requested that he call her so that she could "remit payment." She also asked him what the likely outcome of her case would be and told him she was willing to leave GSU voluntarily in order to avoid a documented expulsion. In his reply e-mail of the same date, respondent explained that it was not possible to predict the outcome of her case; however, because he was involved, "the chances of a better outcome increase, if not significantly increase." Respondent also advised that it would be difficult to avoid any documentation on her transcript, "so the only viable option is to try to maneuver for a suspension or less and go back to school."

Respondent failed to contact Copelin via telephone to obtain payment information, despite her specific request, because he purportedly does not "call clients, as a matter of practice, to collect money." However, he did not communicate his payment policy to Copelin in his e-mail and failed to inform her that he would not begin working on her case until he received an initial payment from her.

When respondent did not contact Copelin, and with "the deadline . . . approaching, [Copelin] took it upon [herself] to go ahead and write" the letter to the GSU president "to plead [her] case." Thus, she sent a letter directly to the GSU president. On February 9, 2021, Copelin contacted respondent, via telephone, and told him she had written and sent her own letter to the GSU

president, but that she was still willing to pay respondent's fee for the representation. She provided respondent with credit card information so that she could remit the first $2,500 payment. Respondent again agreed to send Copelin a fee agreement and told her not to worry because he would provide a letter to the GSU president by the close of business that same date. Copelin testified that, although she provided the GSU president with her own letter, she wanted respondent to provide an additional letter on her behalf "[b]ecause I was still giving him an opportunity to represent me. Because I still had a shot, and it was a stronger shot if I had representation . . . ."

At 7:30 p.m. on February 9, 2021, Altman sent Copelin an e-mail asking her to review a draft of his letter so he could send it to the GSU president. At 8:05 p.m. the same date, Altman sent an e-mail to the GSU president that contained a letter from respondent. The two-page letter, which was written on Firm letterhead, identified respondent as an attorney licensed in New York, New Jersey, and Pennsylvania; included respondent's StudentDisciplineDefense.com e-mail address; and was signed "Joseph Lento, Esq." One minute later, Altman provided the letter to Copelin in a separate e-mail, explaining that he "forgot to copy" her.

In the letter, respondent argued that expulsion was a "punishment so severe that [Copelin] will not have an opportunity to earn a degree;" did not

serve a useful purpose; and appeared to be retribution. Respondent also contended that GSU failed to provide a "rational basis [as] to why expulsion was the most appropriate disciplinary action," asserting that his review of GSU's policies revealed there were no guidelines for imposing expulsion. Respondent urged that a suspension, rather than expulsion, was an "adequate consequence" for Copelin's actions.

When Copelin reviewed respondent's letter, she was "confused" because, although he listed the states in which he was licensed to practice law, Georgia was not among them, even though he had told her that he practiced law "nationwide." She also was concerned that GSU would observe that respondent was not licensed to practice law in Georgia and would "know these people can't even represent" her.

Consequently, at 11:29 p.m. on February 9, 2021, Copelin sent an e-mail to respondent and Altman stating that the letter was untimely; that she was not copied on the e-mail to the GSU president; that he failed to advise her he could not send the letter before the close of business; that he and Altman were not licensed to practice law in Georgia; and that he still had not sent her a retainer agreement.

The next morning, on February 10, 2021, respondent replied to Copelin's e-mail because he was "disturbed by [her] tone." He asserted that the letter to

GSU was timely because if it "was due at a specific time, they would have needed to specify the time." Respondent contended that he "did everything we could given the fact that we were only officially retained yesterday," blaming Copelin for waiting "most of the two calendar weeks until [she] reached out" to respondent. He added that his "support of [Copelin] was not intended to be in a legal capacity at this time. It was as an advisor which you are allowed under the policies of the university." Additionally, respondent told Copelin he would only charge her $2,500, rather than the previously agreed upon $7,500, because he "completed the letter in support of [her] appeal on an expedited basis." He added that there was "insufficient time to get [Copelin] the retainer yesterday."

When Copelin received respondent's reply, it was the "first time" he had told her that he only was her advisor, not her lawyer, and she felt he was "dishonest and that [she] should have been advised before he had taken [her] money." Therefore, she sent him an e-mail asserting that she hired him as her attorney, had located him on a website identifying him as an "education lawyer," and contacted him for "representation." She also informed him that she would have never agreed to pay $2,500 for "just a letter" and instructed respondent not to charge her credit card.

Thirteen days later, on February 23, 2021, in an e-mail to Copelin, respondent again blamed her for not formally retaining him until the morning

her appeal letter was due. He explained his "original intent" was to "ghostwrite" an appeal letter; however, he claimed that he had redrafted the letter using his name after he learned that she had sent her own letter to the GSU president. Respondent contended that Copelin was "undoubtedly aware" that neither he nor Altman were licensed to practice law in Georgia and she "never raised any concerns or issues." In fact, he told Copelin that her assertion that he and Altman engaged in the unauthorized practice of law "after the fact smacks of bad faith." Nevertheless, respondent offered to refund $1,000 of the $2,500 fee Copelin paid "in the spirit of good faith."

Copelin testified that, prior to receiving respondent's e-mail, she never knew that he had intended to "ghostwrite" a letter for her and explained "I did not call a ghostwriter. I did not call Ghostbusters. So I had no idea what he was referring to [with that comment]." She rejected respondent's $1,000 refund offer and filed a complaint with the ODC, as well as a Statement of Claim with the Fund, because "somebody was stealing my money off of false pretenses" and she did not have money to spare.

On June 11, 2021, the Fund notified respondent that Copelin had filed a claim against him. On July 7, 2021, respondent issued a $2,500 check to Copelin with the notation "client refund" on the memo line.

During the disciplinary hearing, respondent testified that he had told Copelin he would be an "advisor" and "ghostwrite" a letter for her, explaining that he charged a $7,500 fee to ghostwrite the letter because there were "approximately 100 pages of documentation as part of the case . . . and being expelled from school can have a lifetime of consequences." The Pennsylvania Board did not find respondent's testimony credible; rather, it determined that Copelin's testimony was "unequivocal and credible."

The Pennsylvania Disciplinary Proceedings

On June 3, 2022, the ODC filed a Petition for Discipline against respondent. On July 18, 2022, he filed an Answer to the Petition. Thereafter, on January 20, 2023, respondent and the ODC entered into Joint Stipulations of Fact and Law.

On January 23, 2023, the disciplinary hearing commenced before a Special Ethics Adjudicator (SEA).[14] During the hearing, the ODC presented the testimony of J.G., R.D., and Copelin, whom the SEA and Pennsylvania Board found credible. Respondent testified on his own behalf.

[14] Pennsylvania continues to use the term "Special Master" in the context of attorney disciplinary proceedings. We have replaced that term with "Special Ethics Adjudicator," consistent with the Court's Notice to the Bar, dated April 5, 2024.

On September 18, 2023, the SEA issued a report, concluding that the ODC had met its burden in connection with all the charged violations in the Petition for Discipline, and recommending that respondent receive a four-year suspension for his misconduct. On November 7, 2023, respondent filed a Brief on Exceptions and requested oral argument before the Pennsylvania Board. In his brief, respondent argued that the Pennsylvania Board should either dismiss the Petition for Discipline or, alternatively, impose a suspension of eighteen months or less. Specifically, respondent argued that the ODC failed to meet its burden of proof in connection with certain violations alleged in the J.G., Red Wine, Watson, and American Club matters, and all the violations alleged in R.D. and Copelin matters. He asserted that, because his testimony "directly contradicted" the allegations contained in the Petition for Discipline and the evidence presented at the hearing, the ODC did not sustain its burden of proof.

In opposition to respondent's brief, the ODC requested that the Pennsylvania Board impose the four-year suspension the SEA had recommended for respondent's misconduct.

After reviewing the matter, the Pennsylvania Board agreed with the SEA's findings that respondent violated the following Pennsylvania Rules of Professional Conduct:

- J.G. matter: Pa. RPC 1.1; Pa. RPC 1.3; Pa. RPC 1.4(b); Pa. RPC 1.5(a); Pa. RPC 1.16(d); Pa. RPC 8.4(a); and

Pa. RPC 8.4(c).

- Red Wine matter: Pa. RPC 1.1; Pa. RPC 1.3; Pa. RPC 5.1(a); Pa. RPC 5.1(b); Pa. RPC 5.1(c)(1); Pa. RPC 5.1(c)(2); Pa. RPC 5.3(a); Pa. RPC 5.3(c)(1); Pa. RPC 5.3(c)(2); Pa. RPC 8.4(a); and Pa. RPC 8.4(d).

- American Club matter: Pa. RPC 1.1; Pa. RPC 1.3; Pa. RPC 5.1(a); Pa. RPC 5.3(a); Pa. RPC 5.3(c)(1); Pa. RPC 8.1(a); Pa. RPC 8.4(a); Pa. RPC 8.4(c); and Pa. RPC 8.4(d).

- Watson matter: Pa. RPC 5.1(a); Pa. RPC 5.3(a); Pa. RPC 8.4(a); and Pa. RPC 8.4(d).

- R.D. matter: Pa. RPC 1.1; Pa. RPC 1.2(a); Pa. RPC 1.3; Pa. RPC 1.4(a)(3); Pa. RPC 1.4(a)(4); Pa. RPC 1.4(b); Pa. RPC 1.16(d); and Pa. RPC 8.4(c).

- Copelin matter: Pa. RPC 1.1; Pa. RPC 1.2(a); Pa. RPC 1.3; Pa. RPC 1.4(a)(3); Pa. RPC 1.5(a); Pa. RPC 1.16(d); Pa. RPC 5.5(a); Pa. RPC 8.4(a); and Pa. RPC 8.4(c).

After reviewing the record, the Pennsylvania Board found that the Joint Stipulations of Fact, the documentary evidence, and the testimony presented – including respondent's own testimony – established that respondent violated each of the charged RPCs. Indeed, the Pennsylvania Board gave "great deference" to the SEA's credibility determinations, found no basis to disturb them, and concluded that the SEA had not erred in his conclusions of law.

Finding that respondent's disciplinary history constituted a "weighty aggravating factor," the Pennsylvania Board observed that his probationary

period in Pennsylvania ended in 2015 and his misconduct in the instant matter began just three years later, "revealing that the [earlier] sanction had no appreciable beneficial effect on Respondent's subsequent actions." The Pennsylvania Board also expressed concern that respondent failed to recognize his wrongdoing and lacked sincere remorse for the harm his misconduct caused his clients.

For example, the Pennsylvania Board found, in aggravation, that, during the disciplinary proceedings, respondent "gave evasive answers to questions and his testimony is not credible." Additionally, the Pennsylvania Board found that respondent lacked integrity "in a variety of ways," including by blaming his clients and employees for his own misconduct and offering "evasive, dubious and incredible testimony" regarding his representation of clients and management of the Firm. Furthermore, the Pennsylvania Board cited respondent's submission, for eight years, of false Pennsylvania Annual Attorney Registration Fee forms, which omitted his EDPA suspension, as an example of his inability or unwillingness to conform his conduct to the rules.

In mitigation, respondent presented the testimony of nine character witnesses, all of whom testified to his reputation for honesty. However, the Pennsylvania Board did not accord their testimony much weight because the witnesses had no recent contact with him; were unaware of his disciplinary

record; did not know the charges against him in the instant matter; and agreed that attorneys who take money from clients for work that cannot be done are a danger to the public.

Additionally, the Pennsylvania Board found that respondent's concession that he failed to supervise his employees in the Red Wine, American Club, and Watson matters was a mitigating factor.

Although the Pennsylvania Board agreed with the SEA's conclusions of law, it disagreed with his "building block" approach to crafting the discipline recommended for respondent's misconduct, whereby he examined each RPC violation and its precedent to conclude that a four-year suspension was the appropriate sanction for respondent's misconduct. The Pennsylvania Board believed the building block approach failed "to account for the totality of the circumstances and does not capture the essence of Respondent's attitude and approach to his law practice that permeated his actions in each of the six matters." Indeed, the Pennsylvania Board concluded that respondent "placed profit over professionalism," employing a "predatory style of taking on client representation, failing to ascertain whether the client's goals could be accomplished, and nevertheless accepting legal fees."

The Pennsylvania Board was troubled by respondent's self-described "pragmatic" approach to operating his Firm, finding his statement that "certain

things may not be done as may be required" exemplified his conscious decision to operate his Firm "outside the bounds of the rules," which it believed "underscores his lack of ethical compass, revealing him to be a danger to the public and to the integrity of the legal profession."

Thus, the Pennsylvania Board recommended the imposition of a five-year suspension.

On November 19, 2024, the Supreme Court of Pennsylvania denied respondent's petition for review and entered an order suspending him for five years.

The Parties' Submissions to the Board

In its written submission to us, the OAE asserted that respondent's unethical conduct in Pennsylvania constituted violations of RPC 1.1(a) in the J.G., Red Wine, American Club, R.D., and Copelin matters; RPC 1.2(a) in the R.D. and Copelin matters; RPC 1.3 in the J.G., Red Wine, American Club, R.D., and Copelin matters; RPC 1.4(b) in the R.D. and Copelin matters; RPC 1.4(c) in the in the J.G. and R.D. matters; RPC 1.5(a) in the J.G. and Copelin matters; RPC 1.16(d) in the J.G., R.D., and Copelin matters; RPC 5.1(a) in the Red Wine, American Club, and Watson matters; RPC 5.1(b) in the Red Wine matter; RPC 5.1(c)(1) and (2) in the Red Wine matter; RPC 5.3(a) in the Red Wine, American

Club, and Watson matters; RPC 5.3(c)(1) and (2) in the Red Wine and American Club matters; RPC 5.5(a)(1) and (2) in the Copelin matter; RPC 8.1(a) in the American Club matter; RPC 8.4(a) in the J.G., Red Wine, American Club, Watson, and Copelin matters; RPC 8.4(c) in the J.G., R.D., American Club, and Copelin matters; and RPC 8.4(d) in the Red Wine, American Club, and Watson matters, as depicted below.

RPC	J.G.	Red Wine Restaurant	American Club	R.D.	Copelin	Watsons
1.1	X	X	X	X	X	
1.2(a)				X	X	
1.3	X	X	X	X	X	
1.4(b)				X	X	
1.4(c)	X			X		
1.5(a)	X				X	
1.16(d)	X			X	X	
5.1(a)		X	X		X	
5.1(b)		X				
5.1(c)(1)		X				
5.1(c)(2)		X				
5.3(a)		X	X			X
5.3(c)(1)		X	X			
5.3(c)(2)		X				
5.5(a)					X	
8.1(a)			X			
8.4(a)	X	X	X		X	X
8.4(c)	X		X	X	X	
8.4(d)		X	X			X

Specifically, the OAE alleged that respondent violated RPC 1.1 by failing to obtain all of the facts necessary to satisfy J.G.'s objectives; failing to oversee the proper filing of a legally sufficient complaint in Red Wine I and Red Wine II; failing to review and properly file pro hac vice motions in the American Club

matter; failing to properly ascertain relevant facts in the R.D. matter; and failing to timely handle the expulsion appeal in the Copelin matter.

Next, the OAE asserted that respondent violated RPC 1.2(a) by failing to inform R.D. of the Pennsylvania Clean Slate Act's exceptions, failing to obtain her police records at the beginning of the representation, and failing to inform Copelin that he could represent her in her appeal only as an advisor and not as an attorney.

The OAE contended that respondent violated RPC 1.3 by failing to represent his clients in the J.G., Red Wine, American Club, R.D., and Copelin matters with reasonable diligence. Furthermore, the OAE argued that respondent's failure to keep R.D., Copelin, and J.G. reasonably informed about their matters, failure to explain their matters in sufficient detail, and failure to reply to their requests for information violated RPC 1.4(b) and RPC 1.4(c).

The OAE asserted that respondent charged both J.G. and Copelin[15] an unreasonable fee because his work on both matters did not justify his fee, "particularly because Respondent was not likely to obtain a meritorious outcome." Moreover, the OAE contended that respondent's failure to return unearned fees to J.G., R.D., and Copelin violated RPC 1.16(d).

[15] Although the OAE named Copelin in its brief, in context, it appears as though it intended to name R.D.

In respect of respondent's management of the Firm under RPC 5.1 and RPC 5.3, the OAE argued that he failed to properly supervise lawyer and nonlawyer staff and, rather, permitted Firm lawyers to "make avoidable and repetitive errors, particularly with respect to the erroneous or deficient court filings" in the Red Wine, Watson, and American Club matters. Respondent also allowed Firm lawyers and nonlawyers to file and re-file a legally deficient complaint in Red Wine II. Additionally, the OAE asserted that respondent's failure to ensure nonlawyer Firm staff filed pro hac vice motions in the American Club matter that correctly identified his disciplinary history violated RPC 5.3.

Next, the OAE contended that respondent violated RPC 5.5(a) by (1) engaging in the unauthorized practice of law in Georgia in the Copelin matter, and (2) assisting Altman to similarly engage in the unauthorized practice of law in Georgia.

Furthermore, the OAE argued respondent violated RPC 8.1(a) by making false statements in the pro hac vice applications that he submitted to the court in the American Club matter.

Regarding the RPC 8.4(a) charge, the OAE asserted that respondent's conduct in the J.G., Red Wine, Watson, American Club, and Copelin matters violated the Rule because he knowingly assisted or induced others to violate the Rules of Professional Conduct.

The OAE argued that respondent engaged in dishonest and deceitful conduct, in violation of RPC 8.4(c), by providing J.G. with a vague fee agreement that failed to define which criminal charges he would seek to expunge and by offering J.G. misleading legal advice. Likewise, the OAE contended that respondent deceived R.D. by allowing her to believe he could expunge her felonies when those legal objectives were barred as a matter of law. Similarly, the OAE asserted he deceived and mislead Copelin by failing to advise her that he was not licensed to practice law in Georgia. Furthermore, respondent's misrepresentation of his disciplinary history on two pro hac vice applications in the American Club matter also violated RPC 8.4(c).

Finally, the OAE argued that respondent violated RPC 8.4(d) by failing to address the legally deficient complaints in Red Wine I and Red Wine II, filing the frivolous Praecipe in the Watson matter, and by filing inaccurate pro hac vice motions, omitting his disciplinary history, in the American Club matter.

Although the Supreme Court of Pennsylvania suspended respondent for five years, the OAE asserted that, under New Jersey disciplinary precedent, his misconduct warranted a six-month or one-year term of suspension.

The OAE relied on precedent in which attorneys who mishandled multiple client matters generally received suspensions ranging from three months to one year. Specifically, the OAE cited In re La Vergene, 168 N.J. 410 (2001), in

which the attorney, who had no disciplinary history, was suspended for six months for mishandling eight client matters. In the Matter of Eugene M. La Vergene, DRB 00-026 (September 18, 2000) at 1. In that matter, the attorney failed to take timely action to pay off a mortgage for a client after a real estate closing, despite repeated instructions to do so. Id. at 2-9. He also failed to contest a motion to dismiss another client's employment discrimination case; misrepresented the status of an appeal in a criminal matter where he had taken no action; failed to return client files; and delayed the completion of a private adoption due to his failure to file the required documents. Ibid.

The OAE also relied on In re Alexion, 181 N.J. 322 (2004). In that matter, on a motion for reciprocal discipline, the attorney was suspended for six months for mishandling one client matter. In the Matter of Arthur S. Alexion, DRB 03-359 (March 3, 2004) at 14. In addition to mishandling his client's matter, he also practiced law in Pennsylvania while on the inactive list and had been disciplined three times. Id. at 2-6. Alexion's discipline was enhanced due to his prior discipline. Ibid.

In the instant matter, the OAE argued that, after respondent began representing his clients, he was inept and accepted legal fees before he determined whether the client's goals could be accomplished. Furthermore, his failure to understand the issues in each of his client's matters led the clients to

believe that he could achieve something not legally possible, which caused his clients clear harm.

Additionally, the OAE asserted that respondent's failure to properly supervise Firm employees demonstrated disregard for his clients and the operation of his law practice. Thus, the OAE argued that his improper supervision led to "outrageous, often repeated, mistakes which could have been avoided had Respondent simply implemented measures tailored to adhere to the RPCs."

The OAE contended there were no mitigating factors for our consideration, despite respondent's purported expression of remorse in some matters, because he failed to show remorse for the harm he caused "his clients, his colleagues and the legal profession." Furthermore, the OAE rejected the import of respondent's character witnesses because they did not know the extent of his disciplinary record and were wholly unaware of the instant charges.

In aggravation, the OAE cited respondent's disciplinary history. Additionally, the OAE argued respondent failed to demonstrate genuine remorse for his misconduct, choosing instead to blame clients and Firm employees for his own wrongdoing.

Thus, because the aggravating factors outweigh the mitigating factors, the OAE urged the imposition of either a six-month or one-year suspension.

During oral argument before us, the OAE reiterated the arguments in its brief. However, in respect to respondent's argument concerning the burden of proof in Pennsylvania disciplinary proceedings, the OAE urged that the Pennsylvania Supreme Court, in Office of Disciplinary Counsel v. Anonymous Attorney, 331 A.3d 523 (Pa. 2025), has clarified that ODC's burden of proof is clear and convincing evidence and did not establish a new burden of proof. Furthermore, the OAE argued that there is no evidence that the Pennsylvania Board applied a mere preponderance of the evidence standard when it considered respondent's misconduct.

The OAE asked us to reject respondent's request that his suspension be imposed retroactively, asserting that his argument was misplaced because he is actively practicing law in New Jersey during his Pennsylvania suspension.

In his brief to us, respondent agreed, in part, with the OAE's assessment of the facts, asserting that he should receive no more than a six-month suspension for his misconduct. Specifically, respondent conceded that he violated RPC 1.1; RPC 5.1; RPC 5.3; and RPC 8.4 in the Red Wine, Watson, and American Club matters. For his admitted misconduct, respondent requested that his suspension be imposed retroactive to November 19, 2024, the date the Pennsylvania Supreme Court suspended him.

Preliminarily, respondent contended that the evidentiary standard in Pennsylvania and New Jersey disciplinary proceedings differ. Although respondent conceded that the Pennsylvania Board found respondent's misconduct by a "preponderance of clear and satisfactory evidence," he maintained that the SEA found the ODC established his misconduct by a "preponderance of the evidence," thereby proving the "Pennsylvania adjudicators likely operated under a burden of proof lower"[16] than the clear and convincing standard New Jersey requires. Therefore, he argued his violations were not conclusively established under New Jersey R. 1:20-14(a)(4). Furthermore, respondent asserted that Pennsylvania accepted as fact what he described as "he said, she said" evidence, which does not meet the clear and convincing evidentiary standard in New Jersey.

In respect to the J.G. matter, respondent argued that the client's case was not prejudiced because nothing respondent did precluded him from obtaining an expungement. Indeed, respondent asserted that he "possessed the knowledge, skill, thoroughness and preparation to handle this issue largely based on his prior experience handling approximately 750 to 1,000 cases in his career."

[16] Respondent acknowledged that, on February 15, 2025, the Pennsylvania Supreme Court clarified that the standard of proof in the Commonwealth's disciplinary proceedings is, in fact, clear and convincing evidence. See Anonymous Attorney, 331 A.3d 523.

Consequently, he maintained that he handled J.G.'s case competently and with reasonable diligence.

To support his argument, respondent urged that his testimony during the ethics proceedings provided "objective" evidence that the Lutz five-year waiting period was "not a *per se* bar on expungement" in practice. Therefore, he maintained that the Pennsylvania Board erred by finding that he did not specifically inform J.G. that Lutz barred him from seeking an expungement.

Additionally, respondent denied having violated RPC 1.4(c) given his assertion that Lutz did not require a five-year waiting period. He also denied that any RPC required him to "list [in his fee agreement] every single item the attorney may seek to accomplish." Rather, respondent cited his testimony that he "*did* explain the scope of work and issues concerning the misdemeanor charges" and that there was no evidence he failed to keep J.G. informed. Instead, he asserted that he was actively attempting to have J.G.'s misdemeanors expunged.

Indeed, respondent argued that, because the "objective evidence proves the five-year period was a non-issue," the record did not support that he violated RPC 1.5(a), RPC 1.16(d), or RPC 8.4(a) in the J.G. matter. Moreover, he asserted that the $9,000 fee he charged J.G. was not excessive because he completed legal work in the matter. Respondent also contended that his fee was

not excessive because he provided J.G. with a $3,500 refund. Respondent disputed the Pennsylvania Board's finding that he provided the refund only after J.G. filed a claim with the Fund, asserting that "at no point prior to filing the Statement of Claim" did J.G. request a refund from respondent.

Regarding the Pennsylvania Board's finding that he violated RPC 8.4(c) in the J.G. matter, respondent argued that the Pennsylvania proceedings failed to assess his mental culpability. Indeed, respondent contended that, in New Jersey attorney disciplinary matters, violations of RPC 8.4(c) require intent, whereas in Pennsylvania, violations may be found "where the record establishes that the misrepresentation was knowingly made, or made with reckless ignorance of the truth or falsity of the representation." See Office of Disciplinary Counsel v. Barrish, 2005 Pa. LEXIS 3303, *21 (Pa. 2005). To illustrate his position, respondent contended that the Pennsylvania Board "relied heavily" on J.G.'s testimony that respondent failed to advise him of the Lutz five-year waiting period, despite respondent's own testimony to the contrary. Therefore, respondent argued "this sort of 'he said, he said' proofs do not establish a violation of RPC 8.4(c) by clear and satisfactory proofs."

In the Red Wine matter, respondent asserted that the "crux of the dismissal and ethical issues herein stem from the departure of Mr. Feinstein – an experienced litigator with decades of litigation experience – from the firm and

the subsequent failure to include additional legal authority in the complaint when it was ultimately refiled after Mr. Feinstein left." Respondent also argued he never handled Red Wine and was sanctioned only for his failure to supervise the lawyer and nonlawyer staff at the Firm.

Indeed, respondent maintained that he did not ratify Steven's failure to appear at the December 20, 2019 hearing; to the contrary, he asserted it was Steven's responsibility to attend the hearing until respondent hired a new Firm attorney. Therefore, he argued that, under the text of RPC 5.1(c), there was no clear and convincing evidence that respondent violated RPC 1.1 and RPC 1.3.

In respect to the deficient Red Wine II complaint, respondent contended that Joan was an attorney licensed to practice for more than ten years and had gained admission to the EDPA. She also worked closely with Altman, "another experienced attorney," to refile the complaint. He asserted that both Joan and Altman were aware that Judge Robreno previously dismissed Red Wine I, that it needed to be refiled, and that Altman approved the complaint for filing. Accordingly, respondent argued that he did not ratify their conduct and consequently did not violate RPC 1.1 or RPC 1.3. Moreover, in respect to the Firm's "honest mistake of filing the complaint in the wrong jurisdiction," respondent contended that he provided the Firm's paralegal and Joan with

specific instructions pertaining to refiling the matter and that their mistake did not cause harm to his client.

According to respondent, the question as to whether he violated RPC 8.4(d) in Red Wine turned on whether RPC 5.1(c) or RPC 5.3(c) applied. Respondent argued that the record lacked any evidence that he ratified Steven's misconduct or even knew of his misconduct at a time where it could have been mitigated. Thus, he was not responsible for "other attorneys'/non-attorneys' incorrect filing of a complaint in the wrong jurisdiction, failure to file a substitute of attorney, and failure to include proper legal authority," and he therefore did not violate RPC 8.4(d).

Regarding the American Club matter, respondent admitted he violated RPC 1.1(a) but maintained that his misconduct did not harm his client. However, he disputed that his conduct in the matter violated RPC 1.3. Specifically, he contended the record reflected that he diligently attempted to file the pro hac vice motions and sought advice from "at least three different attorneys" to ensure he was properly completing the motions. Therefore, his diligence in completing the motions did not support the Pennsylvania Board's finding that he violated RPC 1.3. Additionally, respondent asserted that, after consulting with three attorneys, he "believed he was providing the Court with the required information."

In respect of RPC 8.1(a), respondent asserted that the "undisputed evidence proves Mr. Lento's position: that he tried to determine what specific information he should include within his application in support of Mr. Scordo's PHV admission and did not knowingly make a false statement of material fact." Moreover, respondent argued that Pa. R. Civ. P. 1012.1 did not require him, as the pro hac vice motion sponsor, to certify his own disciplinary history; rather, the Rule only required him to submit a verified statement indicating that, after reasonable investigation, he reasonably believed Scordo to be a reputable and competent attorney. Therefore, respondent contended he did not make a false statement of material fact because the Rule did not require it.

Additionally, respondent argued that, because his EDPA suspension was a consequence of his 2013 Pennsylvania discipline, "if the Court felt it could grant the PHV even with knowledge of the Pa. discipline, it would not have changed its analysis due to the E.D.Pa. case since it was the same discipline. Therefore, it was not a material omission."

Respondent also disputed that his omissions of his disciplinary history on the American Club pro hac vice motions violated RPC 8.4(c). He asserted the misstatements were merely a "clerical error." Although he requested that his secretary prepare a certification concerning the circumstances by which the first pro hac vice motion was filed, he denied having reviewed the motion before it

was filed. Nevertheless, respondent argued he did not instruct his paralegal to file the motion and she did so due to an "unfortunate miscommunication." Therefore, respondent asserted that the record lacked clear and convincing evidence he possessed the requisite intent to deceive. Respondent also denied that he violated RPC 8.4(c) by filing the second pro hac vice motion because his failure to disclose his EDPA suspension was due to the advice he received from three attorneys.[17]

Respondent admitted that he violated RPC 8.4(a) in the American Club matter.

Respondent denied having committed any misconduct in the R.D. matter, arguing that "no attorney is required to know the entire case up front and advise on every issue," and that he learned new facts as the case developed. Furthermore, he contended that he had ordered R.D.'s criminal background check with reasonable diligence, which is what RPC 1.3 requires. Indeed, respondent explained that, if he had ordered her background check when R.D. retained him, it "prematurely could have led to its expiration and unnecessary costs" because the COVID-19 pandemic had shut down courts and he did not

[17] It is not clear from the record whether Scordo, who advised respondent to disclose his EDPA discipline in the pro hac vice motion seeking Scordo's admission to Pennsylvania, was among the three attorneys whose advice respondent allegedly considered.

yet know the grading of R.D.'s convictions. Furthermore, according to respondent, "any perceived delay was directly affected by [R.D.'s] failure to pay Respondent's fee until at least July 2020." Indeed, respondent asserted that his fee agreement with R.D. "expressly stated that nothing would be filed until payment was received in full."[18] Therefore, respondent argued the Pennsylvania Board erred when it found his conduct violated RPC 1.1 and RPC 1.3 because his "efforts were undertaken to protect the client." Additionally, respondent argued his conduct did not violate RPC 1.1 or RPC 1.3 because he reasonably pursued whether R.D. had been convicted of felonies and his delay did not prejudice her, particularly because he was "operating under the impression there were no felonies because the client did not tell him there were any even after he told her that felonies could not be sealed or expunged."

Concerning the fee he charged R.D., respondent argued the fee agreement indicated the fee was "nonrefundable" and "earned upon receipt." However, he fully refunded his fee and, therefore, did not violate RPC 1.16(d).

Respondent also disputed that he violated RPC 1.4(b) by failing to inform R.D. that her felony convictions were exceptions to the Pennsylvania Clean

[18] Specifically, the February 20, 2020 fee agreement provided that respondent's "reduced fee for legal services as noted above is $5,500.00 plus the applicable filing fees and associated nominal costs which will be calculated and due prior to filing. For your records, the $2,500.00 been paid [sic] as of this date via the credit / debit card provided and authorized by you per our prior communications with the balance to be paid upon request of the Lento Law Firm."

Slate Act, testifying at the disciplinary hearing that he told her at the outset of the representation that her felonies could not be expunged. Furthermore, because he was operating under the assumption R.D.'s criminal record lacked felonies, his conduct did not violate RPC 1.4(a)(3) because he could not have informed her that her felonies were not eligible to be expunged until he learned she actually had felonies. However, when he received her background check and learned she had been convicted of felonies, he communicated with her, at a time that "included at least two major holidays plus at least one federal holiday and was during a time when COVID-19 was still causing major issues in people's day-to-day lives." Thereafter, he advised R.D. what steps he could take to "clean up her record." Therefore, respondent argued the record did not support a finding that he violated RPC 1.4(a).

Additionally, respondent denied having violated RPC 1.2(a) because he argued the record reflected that R.D.'s objective in the representation was to "expunge or seal any eligible part of her record," which is the work respondent undertook.

Respondent also denied having violated RPC 8.4(c) in the R.D. matter because he argued, notwithstanding her testimony, the record lacked any "evidence that otherwise establishes that [R.D.] informed Respondent that her prior criminal history was positive for felony convictions before Respondent

agreed to the engagement." Respondent cited his own testimony at trial that she had not informed him about her felony convictions to rebut her testimony and asserted that the language in the retainer letter that, "we will prospectively be seeking a record sealing" demonstrated that he wished to "ascertain whether he could assist her with her matter" and therefore, he did not mislead R.D.

In respect to the Copelin matter, respondent argued he wrote a letter, submitted it to GSU, and there was no evidence that the Firm's conduct prejudiced Copelin. He faulted the Pennsylvania Board for relying on Copelin's testimony because his own testimony at the disciplinary hearing rebutted Copelin's testimony. Indeed, respondent asserted that, because Copelin sent a letter to GSU herself, she satisfied "any alleged 'end of business' deadline falling on February 9, 2021" and there was no evidence GSU rejected the letter Altman sent later that day. Additionally, respondent contended that "Copelin delayed completing payment, giving Mr. Lento's firm little time to file the letter." Therefore, he argued he did not violate RPC 1.1 or RPC 1.3.

Furthermore, respondent denied his conduct in the Copelin matter violated RPC 1.2(a) or RPC 1.4(a)(3) because he asserted she knew the Firm was acting as an advisor and that neither he nor Altman were licensed to practice law in Georgia. Additionally, respondent argued "the issues of calling to remit payment and sending an engagement letter to ensure Mr. Lento would be paid is not

material to an analysis of RPCs 1.2(a) and 1.4(a)(3) as the rules are meant to protect the client, not the attorney."

Additionally, respondent denied having violated RPC 1.5(a), RPC 1.16(d), and RPC 8.4(a) because "the objective evidence" demonstrated Copelin knew she retained the Firm to serve as an advisor and that the day she hired the Firm, respondent "immediately took steps in accordance with the scope of the engagement." Respondent argued that, even though Copelin "waited until the same day that the letter was due to pay" him, he nevertheless reviewed one-hundred pages of documents, developed a strategy, and wrote a letter on her behalf.

Moreover, respondent denied having violated RPC 5.5(a) because he did not represent Copelin as an attorney, "irrespective of the letterhead or signature that appears on the letter that was submitted on Ms. Copelin's behalf." He characterized the question of whether he engaged in the unauthorized practice of law in Georgia as a question of whether he "provided legal advice or took legal action" connected to Georgia law. Respondent argued he did not, because he did not cite any Georgia law in his letter. Further support for his position, according to respondent, was that his letterhead clearly stated he was licensed to practice law only in Pennsylvania, New Jersey, and New York. Respondent also contended that he explained to Copelin that, if she retained the Firm, "they

would serve as her advisor under the university's policy and that his firm was 'not serving as her attorney.'" Thus, he argued, he did not violate RPC 5.5(a).

Relating to the fee he charged Copelin, respondent disputed the Pennsylvania Board's finding that he refunded his $2,500 fee only after she filed a claim with the Fund. Rather, he asserted that the agreed upon fee was $7,500 and Copelin paid only $2,500, resulting in a lack of clear and convincing evidence he failed to refund her fee.

Respondent also asserted that the record did not clearly and convincingly establish that he had deceived Copelin. Rather, he argued the record supported that his website advertised he had "represented thousands of students at over a thousand colleges and universities across the United States." Respondent contended that, because his testimony at the disciplinary hearing reflected that he had, in fact, handled student disciplinary matters since 2012, the statement is true and therefore, did not violate RPC 8.4(c). Moreover, respondent argued that his consultation agreement with Copelin demonstrated that he told her his role was limited to that of an advisor and that he was not licensed to practice law in Georgia.[19] Thus, he did not violate RPC 8.4(c) in that respect.

[19] Specifically, the unsigned consultation agreement, dated February 4, 2021, provided that, "as applicable, my work is as a client's advisor and is not the practice of law unless admitted pro hac vice."

Regarding the Watson matter, respondent argued that the record demonstrated that he delegated the matter to Steven, an experienced litigator, who drafted and filed the complaint. Therefore, he did not violate RPC 8.4(d). Moreover, respondent asserted that the record did not support the conclusion that he knew of Steven's misconduct at a time when it could have been mitigated, so he was not responsible for Steven's violation of RPC 8.4(d) by virtue of his responsibilities under RPC 5.1(c) and RPC 5.3(c).

Finally, without specifying which matters, respondent noted that he "admitted to violations of RPCs 5.1 and 5.3."

To support his argument that his New Jersey discipline should be applied retroactive to the date of his Pennsylvania suspension, respondent asserted that New Jersey "commonly imposes suspensions 'retroactive to the effective date of respondent's suspensions from practice in' the other jurisdiction." Respondent cited six matters to support his assertion that New Jersey routinely imposes retroactive suspension in matters of reciprocal discipline. See e.g., In re Benjamin, 237 N.J. 152 (2019) (on a motion for reciprocal discipline, retroactive six-month suspension for an attorney who submitted a post-argument certification regarding his abstention from the practice of law in New Jersey); In re Franklin, 236 N.J. 453 (2019) (on a motion for reciprocal discipline, retroactive three-year suspension imposed on attorney who obtained admission

to the New Jersey bar in 2006, but was ineligible to practice from 2007 through 2009, eligible to practice in 2010, and retired as of 2011; the misconduct in the other jurisdiction occurred during the attorney's period of ineligibility in New Jersey); In re Ellman, 232 N.J. 475 (2018) (on a motion for reciprocal discipline, three-month suspension imposed, retroactive to the date of the attorney's disbarment in California; after he was disbarred in California, the attorney ceased the practice of law, moved overseas, and sought treatment for mental health issues); In re Lankenau, 234 N.J. 261 (2018) (on a motion for reciprocal discipline, we recommended a prospective two-year suspension; however, the Court imposed a two-year suspension, retroactive to the date the attorney was suspended in Delaware; the Court further Ordered that the attorney could not be reinstated to the practice of law in New Jersey until he was reinstated to the practice of law in Delaware); In re Gembala, 228 N.J. 275 (2017) (on a motion for reciprocal discipline, an attorney received a one-year suspension, retroactive to the date the attorney ceased practicing law in New Jersey); In re Friedland, 92 N.J. 107 (1983) (on a motion for reciprocal discipline, two-year suspension retroactive to the date of the attorney's discipline in Indiana). Respondent argued that, if his discipline is imposed prospectively, it "would only serve to punish" him, rather than protect the public, which is contrary to the goals of the New Jersey disciplinary system.

In respect of mitigation, respondent asserted that he provided refunds to his clients to "mitigate any potential harm" he may have caused. Moreover, he took responsibility for his misconduct, cooperated with the ODC, and provided character witnesses who attested to his reputation for honesty. Respondent also provided fifty letters from character witnesses that the SEA precluded him from submitting in the Pennsylvania proceedings, which he represented also attested to his reputation for truthfulness. Those letters referenced the authors' awareness of the instant charges and noted that the allegations did not change their opinions about respondent's reputation for honesty.

Finally, respondent expressed that he was willing to complete additional continuing legal education (CLE) courses and practice under the guidance of a proctor as a part of his New Jersey discipline.

Thus, respondent argued that we should limit our decision to findings that he violated RPC 1.1; RPC 1.3; RPC 5.1; RPC 5.3; and RPC 8.4 based on his misconduct in the Red Wine, Watson, and American Club matters. He urged that New Jersey disciplinary precedent, as the OAE observed, supported a suspension of six months or less, which should be retroactive to the date of his Pennsylvania suspension.

During oral argument before us, respondent asserted that he took responsibility for his misconduct in Pennsylvania, has shown remorse,

cooperated with the ODC, provided his clients with refunds, notified the OAE of his Pennsylvania suspension, and provided letters attesting to his good character.

Respondent also argued that it was "almost undisputed" that Pennsylvania applied the incorrect standard of proof when it considered his misconduct because the order from the SEA used the word "preponderance." Accordingly, he contended that, because the matter in Pennsylvania was a "he said she said" case, we could not find that he committed misconduct by clear and convincing evidence.

In respect to the management of his Firm, respondent explained that the Firm is a national law group that has offices around the country, each having managing and senior attorneys. However, the Philadelphia office carried the majority of the Firm's cases, and he estimated that the Philadelphia office alone had approximately 1,000 cases or more. He did not know how many attorneys the Firm employed. Respondent explained that he managed the Firm's marketing, payroll, and personnel, and would delegate tasks to others. On occasion, he directly handles cases.

DRB 25-200 (Motion for Discipline by Consent)

Facts

In 2000, in the Superior Court of New Jersey, Camden County, LaDaena Thomas pleaded guilty to third-degree theft of services, was sentenced to a four-year term of probation, and was ordered to pay $16,442.68 in restitution. The theft charge arose out of an unpaid telephone bill that Thomas claimed her former roommate had incurred while they resided together.

Between 2020 and 2022, the Firm represented Penns Grove, New Jersey, as borough solicitor, with respondent serving as the managing and supervising attorney of the Firm. In 2019, Thomas was elected as the mayor of Penns Grove. One year later, in 2020, Thomas retained the Firm to assist her with expunging her prior criminal record.

The Firm assigned Terrell Ratliff, Esq., to handle Thomas' expungement matter. Respondent was copied on incoming correspondence, signed outgoing correspondence, and signed filings related to the expungement matter. Thus, he clearly was aware the Firm represented Thomas in her expungement matter.

In 2021, the Firm and Thomas mutually agreed to cease seeking expungement of her criminal charges. Thomas told the OAE she asked the Firm to stop working on the matter after she learned her expungement could not be processed until she fully satisfied her restitution obligation.

In the 2023 Penns Grove mayoral election, candidate Louis Pasquale campaigned against Thomas, the incumbent. On election day, November 7, 2023, Thomas defeated Pasquale in the election. On November 20, 2023,[20] Samuel D. Jackson, Esq., an attorney at the Firm, filed an action on behalf of Pasquale, captioned Louis Pasquale v. Dale A. Cross, in His Official Capacity as Salem County Clerk and Salem County Board of Electors, (collectively, the Clerk), Docket. No. SLM-L-000216-23. The complaint alleged that Thomas failed to "meet the legal qualifications to be Mayor of Penns Grove, since she [was] not legally registered to vote."

Pasquale relied on N.J.S.A. 40A:9-1.13[21] to assert that a candidate for local elective office must be registered to vote and, pursuant to N.J.S.A. 19:4-1,[22] Thomas' probationary status was still active when she registered to vote in

[20] As noted above, two months earlier, on September 18, 2023, a SEA in Pennsylvania issued a report finding, based partially on respondent's admissions, that respondent, among other misconduct, had failed to supervise lawyer and nonlawyer staff at his Firm and recommended that respondent receive a four-year suspension. Thus, at the time Pasquale retained the Firm, respondent had a heightened awareness that his management of the Firm and Firm staff, including lawyers, was, at a minimum, problematic.

[21] N.J.S.A. 40A:9-1.13 provides: "[N]o person shall, on or after the effective date of this act, be eligible to become a candidate for any local elective office, or to be appointed to any local elective office, unless he is registered to vote in the local unit to which the office pertains, and has been a resident of that local unit for at least 1 year immediately prior to the date upon which the election for the office is to be held, or prior to the date upon which the appointment is made, as the case may be."

[22] N.J.S.A. 19:4-1 provides: "No person shall have the right of suffrage . . . (6) Who has been convicted of a violation of any of the provisions of this Title, for which criminal penalties were

(Footnote continued on next page)

2019, because she had not fully satisfied her restitution obligation. Thus, Pasquale argued that Thomas' 2019 voter registration was fraudulent and invalid. Accordingly, Pasquale asserted that Thomas was ineligible to serve as mayor of Penns Grove, despite having won the 2023 election. The Honorable Benjamin Morgan, J.S.C. presided over the matter.

On November 21, 2023, Judge Morgan temporarily enjoined the Clerk from certifying the votes in the Penns Grove mayoral election until the matter could be heard, in full, on December 12, 2023.

On December 1, 2023, Thomas sought to intervene as a party in the litigation and filed a motion to disqualify the Firm from acting as Pasquale's counsel, pursuant to RPC 1.9. On December 11, 2023 at 11:23 p.m., the Firm filed opposition to her motion. On December 12, 2023, Judge Morgan granted Thomas' motion to intervene in the matter. He also disqualified the Firm as Pasquale's counsel, finding that Thomas' expungement matter and Pasquale's litigation were "substantially related because Pasquale's claim that Thomas'

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imposed, if such person was deprived of such right as part of the punishment therefor while serving a sentence of incarceration according to law unless pardoned or restored by law to the right of suffrage; or (7) Who shall be convicted of the violation of any of the provisions of this Title, for which criminal penalties are imposed, if such person shall be deprived of such right as the punishment therefor while serving a sentence of incarceration according to law, unless pardoned or restored by law to the right of suffrage; or (8) Who is serving a sentence of incarceration as the result of a conviction of any indictable offense under the laws of this or another state or of the United States." Effective March 17, 2020, the Legislature amended the statute to substitute "of incarceration" for "or is on parole or probation" under subsection (8).

voter registration was fraudulent was based on her prior probation, which was relevant and material to the litigation." Judge Morgan further found that Pasquale used Thomas' guilty plea and probation as the basis for arguing that the Clerk should certify him as the winner of the 2023 mayoral election.

Also during the hearing, Judge Morgan lifted the temporary restraints he had imposed following the election, finding that Pasquale no longer was able to demonstrate a "reasonable probability of success on the merits," citing the standard the Court announced in Crowe v. DeGioia, 90 N.J. 126 (1986). Specifically, Judge Morgan found that Thomas' probation had concluded on February 27, 2004, and that her unpaid restitution was a collections matter which did not operate as an extension of her probation. Therefore, she was eligible to register to vote in 2019 and, consequently, eligible to serve as mayor of Penns Grove. Judge Morgan, thus, ordered the Clerk to declare Thomas the winner of the mayoral election.

In respect to her motion to disqualify the Firm from representing Pasquale, Thomas argued that the Firm engaged in a conflict of interest because its position on behalf of Pasquale – that Thomas' ongoing probation disqualified her from registering to vote – was contradictory to its position in her expungement matter – that her criminal record should be expunged because she was no longer on probation.

In opposition to Thomas' motion, the Firm argued that it did not use confidential information obtained during its representation of Thomas in its subsequent representation of Pasquale. Rather, the Firm argued that the name of Thomas' roommate, a key piece of information at issue in Pasquale's lawsuit, was part of the public record. The Firm also alleged that Pasquale's litigation was not substantially related to Thomas' expungement because the matters were "completely separate." Indeed, the Firm argued that, in order for a law firm to be disqualified under RPC 1.6(a)[23] and RPC 1.9(c), "there needs to be some kind of allegation that they are using confidential information." The Firm urged Judge Morgan to deny Thomas' motion to disqualify it based on its assertion it did not use Thomas' confidential information in its representation of Pasquale.

Judge Morgan rejected the Firm's argument, finding that the Court made it clear, in City of Atlantic City v. Trupos, 201 N.J. 447, 461 (2010), that, when considering motions to disqualify, the court must balance a client's right to choose counsel with the need to maintain the highest standards of the profession. Indeed, Judge Morgan, relying on Dental Health Associates South Jersey, P.A. v. RRI Gibbsboro, LLC, 471 N.J. Super. 184 (App. Div. 2022), held that, if there

[23] RPC 1.6(a) provides: "A lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for (1) disclosures that are impliedly authorized in order to carry out the representation, (2) disclosures of information that is generally known, and (3) as stated in paragraphs (b), (c), and (d)."

is any doubt about an attorney's representation of a client, the court is to resolve the doubt in favor of disqualification. Judge Morgan found that Thomas demonstrated the Firm impermissibly represented Pasquale, a client whose interests were materially adverse to her interests as the Firm's former client. Additionally, Judge Morgan rejected the Firm's argument that it did not use confidential information obtained during its representation of Thomas in Pasquale's litigation. Rather, Judge Morgan found that the information about the identification of Thomas' roommate and prior probation were not generally known.

In respect of the Firm's operations, as the supervising and managing attorney of the Firm, respondent consulted with both lawyer and nonlawyer employees involved in the client intake process, including regarding how the Firm initiated conflict checks and otherwise opened formal case files before assigning matters to specific lawyers. Accordingly, respondent knew that Pasquale had retained the Firm to challenge Thomas' voter eligibility based on her criminal record and outstanding restitution obligation. Nevertheless, respondent failed to ensure Firm staff checked for conflicts at the intake stage and failed to take any remedial action after the Firm assigned the Pasquale matter to Jackson. Respondent also failed to advise Jackson that there was a conflict of interest between Thomas and Pasquale.

The Parties' Positions Before the Board

Based on the foregoing facts, the parties stipulated that respondent violated RPC 5.1(a) by failing to properly supervise lawyer staff involved in the Firm's client intake and conflict of interest process, thereby allowing Jackson to represent Pasquale despite the clear conflict with the Firm's prior representation of Thomas. Additionally, respondent stipulated that he violated RPC 5.1(c)(1) and (2) by ratifying Jackson's conduct and by failing to take remedial action to address the conflict or cease the representation. Furthermore, the parties stipulated that respondent violated RPC 5.3(a) by failing to make reasonable efforts to ensure the conduct of the nonlawyer staff at the Firm comported with the Rules of Professional Conduct, including the Firm's deficient conflict of interest analysis at the intake stage.

Respondent also stipulated that he violated RPC 1.9(a) by failing to implement reasonable procedures at the Firm that would have identified that neither the Firm nor Jackson could represent Pasquale due to its conflict of interest with Thomas. Specifically, respondent, as the managing and supervising attorney at the Firm, failed to implement policies that would have identified that Pasquale's litigation was "substantially related" to Thomas' expungement action, and that Pasquale's interests in the litigation were "materially adverse" to Thomas' interests as a former client. Respondent agreed that, based on his

responsibilities under RPC 5.1(c)(1) and (2), he was responsible for the Firm's violation of RPC 1.9(a).

In mitigation, the parties asserted that respondent took responsibility for his unethical conduct, entered into the stipulation, and cooperated with the OAE's investigation.

In aggravation, the parties noted respondent's disciplinary history in New Jersey.

To support the recommendation that respondent's misconduct in this more limited matter, standing alone, warranted a censure, the parties observed that, generally, a reprimand or a censure is imposed for violations of RPC 1.9(a); RPC 5.1(a); RPC 5.1(c)(1) and (2); and RPC 5.3(a). The parties asserted that respondent's misconduct enabled Jackson to commence Pasquale's representation, in violation of the Rules of Professional Conduct and Thomas' interests. They also agreed that respondent should have "imposed broader policies and procedures for his subordinate attorneys," including monitoring attorney work product, implementing more consistent supervision, and ensuring Firm staff responsible for client intake comported their conduct to the Rules.

Analysis and Discipline

Violations of the Rules of Professional Conduct

DRB 25-183 (Motion for Reciprocal Discipline)

Following a review of the record, we determine to grant the OAE's motion for reciprocal discipline. Pursuant to R. 1:20-14(a)(5), "a final adjudication in another court, agency or tribunal, that an attorney admitted to practice in this state . . . is guilty of unethical conduct in another jurisdiction . . . shall establish conclusively the facts on which it rests for purposes of a disciplinary proceeding in this state." Thus, with respect to reciprocal attorney discipline, as in reciprocal judicial discipline, "[t]he sole issue to be determined . . . shall be the extent of final discipline to be imposed." R. 1:20-14(b)(3).

In Pennsylvania, as in New Jersey, the standard of proof in attorney disciplinary proceedings is clear and convincing evidence. Anonymous Atty., 331 A.3d at 539.

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

> The Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the record on which the discipline in another jurisdiction was predicated that it clearly appears that:
>
> (A) the disciplinary or disability order of the foreign jurisdiction was not entered;

> (B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;
>
> (C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;
>
> (D) the procedure followed in the foreign disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
>
> (E) the unethical conduct established warrants substantially different discipline.

We conclude that subsection (E) applies in this matter because the unethical conduct established by the record warrants substantially different discipline in our jurisdiction. In our view, pursuant to New Jersey's disciplinary precedent, respondent's decision to place profit over client protection, in addition to his flawed management of his law firm, warrants a two-year suspension, with a condition, rather than the five-year suspension imposed in Pennsylvania.

Turning to the application of New Jersey's Rules of Professional Conduct, in the context of a motion for reciprocal discipline, the Court's review "involves 'a limited inquiry, substantially derived from and reliant on the foreign jurisdiction's disciplinary proceedings.'" In re Barrett, 238 N.J. 517, 522 (2019) (quoting In re Sigman, 220 N.J. 141, 153 (2014)). However, we have made clear that the OAE's motion and supporting brief serve as the charging documents in

a motion for reciprocal discipline. See In the Matter of Edan E. Pinkas, DRB 22-001 (June 23, 2022) at 29, so ordered, 253 N.J. 227 (2023). Nevertheless, clear and convincing evidence must support each of our findings that respondent violated the New Jersey Rules. See Barrett, 238 N.J. at 521; In re Pena, 164 N.J. 222, 224 (2000).

As an initial matter, we reject respondent's argument that we are precluded from determining, by clear and convincing evidence, that he committed misconduct because of the Pennsylvania Supreme Court's finding in the Anonymous case. We observe that, in that matter, the attorney's discipline flowed from a sanction he received in the bankruptcy court, which expressly applied the preponderance of the evidence standard. Anonymous Atty., 331 A.3d at 525. We also observe that in the Pennsylvania Board's findings underlying this matter, it expressly applied the "preponderance of clear and satisfactory evidence" standard required in Pennsylvania disciplinary matters. Thus, even if the SEA erred by applying the preponderance of the evidence standard, when the Pennsylvania Board reviewed the matter de novo, it concluded, by clear and convincing evidence, that respondent violated the charged Pennsylvania RPCs.

Likewise, based on the New Jersey RPC violations the OAE alleged in its motion, we determine that the record contains clear and convincing evidence that respondent violated RPC 1.1(a) (five instances); RPC 1.2(a) (two

instances); RPC 1.3 (five instances); RPC 1.4(b) (two instances); RPC 1.4(c) (two instances); RPC 1.5(a) (two instances); RPC 1.16(d) (three instances); RPC 5.1(a) (three instances); RPC 5.1(b); RPC 5.1(c)(1) and (2); RPC 5.3(a) (three instances); RPC 5.3(c)(1) (two instances); RPC 5.3(c)(2); RPC 5.5(a)(1); RPC 8.1(a); RPC 8.4(c) (four instances); and RPC 8.4(d) (three instances). However, we determine to dismiss the RPC 8.4(a) (five instances) charge.

Specifically, there is no question that respondent violated RPC 1.1, RPC 1.3, and RPC 1.4(c) in connection with his representation of J.G. J.G. retained respondent to expunge his criminal record. However, despite respondent's experience as a criminal defense attorney, he failed to advise J.G. that his criminal record could not be expunged for another four years. Instead, respondent took two separate fees from J.G., purportedly to expunge his record. However, that was a legal impossibility. It was not until J.G. was forced to retain outside counsel – due to respondent's lack of communication – that he learned his criminal record could not be expunged for several more years.

Additionally, there is no question that respondent charged J.G. an excessive fee, in violation of RPC 1.5(a). When J.G. contacted respondent, he told him that he wanted everything from the day of his arrest "off [his] record." Respondent told him he could handle the matter, that it would take approximately six months, and charged J.G. a $1,500 fee. Later, when the

Luzerne DA objected to the expungement, respondent told J.G. that the objection was "disingenuous" and, for an additional $7,500, he would file a challenge. Thus, between August 2018 and January 2019, J.G. paid respondent a $9,000 legal fee for an expungement that could not occur under Pennsylvania law, at best, until January 2022.

We do not accept respondent's defense that, in practice, there is not a five-year waiting period to expunge criminal records in Pennsylvania. He provided no proof during the disciplinary hearing to demonstrate that, notwithstanding the clear language of 18 Pa. C.S. § 9122(b)(3)(i) and Lutz, 788 A.2d at 1000, practitioners are not required to wait five years before filing a petition for expungement. To the contrary, J.G. testified credibly that, when he contacted another attorney about his expungement, he was told he would have to wait five years following the date of his conviction before his record could be expunged, a position consistent with the Luzerne DA's express objection to respondent's outreach about expunging J.G.'s record.

Indeed, respondent's own testimony that he is a seasoned criminal law practitioner underscores that his conduct in J.G.'s matter violated RPC 8.4(c). Respondent misled J.G. into believing that he could expunge his criminal matter prior to the expiration of the five-year waiting period. To be sure, respondent provided J.G. with a vague fee agreement, indicating that he would pursue an

expungement of the "applicable charges." Setting aside that the applicable charges were not eligible for expungement, the record clearly reflects that J.G., through respondent's actions, understood the "applicable charges" to mean all the charges he incurred on the date of his arrest. Moreover, respondent's attempts to hide behind the vague language he used in his fee agreement with J.G. misses the mark. When the Luzerne DA objected to the expungement, respondent had an opportunity to clarify what "applicable charges" meant for J.G. He failed to do so. Instead, he told J.G. that to overcome the Luzerne DA's objection, he could pay an additional $7,500 legal fee for respondent to appear in court. Thereafter, respondent ceased communicating with J.G. and ceased work on the case. It was only after J.G. filed a Statement of Claim with the Fund that respondent refunded $3,500 of the $9,000 fee that J.G. had paid to accomplish the legal impossibility of expunging his criminal record before 2022.

To make matters worse, respondent failed to take any accountability for his misconduct, instead blaming the subsequent counsel J.G. retained for leading him to believe that respondent was attempting to accomplish something not possible under Pennsylvania law.

Similarly, in the R.D. matter, respondent violated RPC 1.1(a); RPC 1.2(a); RPC 1.3; and RPC 1.4(c). When R.D. contacted respondent to seek an expungement of her felony and misdemeanor convictions, rather than explain to

her that the exceptions to the Pennsylvania Clean Slate Act precluded her from attaining her goals, respondent charged her a $5,500 fee. To be sure, respondent's failure to explain to R.D., during their initial conversation, that her felonies could not be sealed under the Clean Slate Act, induced her to pay his fee and deprived her of the ability to make an informed decision about the representation, thus, ensuring that respondent could not abide by her decisions concerning the scope of the representation.

After accepting the legal fee, respondent failed to act diligently, waiting almost one year to obtain her state police records. Even though R.D. testified credibly that she told respondent, during their initial conversation, that she wanted to expunge her felonies, respondent asserted during the disciplinary hearing that he was doing R.D. a favor by waiting to obtain her state police records, because he did not know the grading of her convictions and he was representing her at a time when the COVID-19 pandemic had shut down courts.

Also during the disciplinary hearing, respondent testified that he did not work on R.D.'s matter because she delayed paying his legal fee. His position is not supported by the record. Pursuant to their installment plan, R.D. paid respondent $2,500 at the outset of the representation. He commenced working on her case thereafter and did not make further requests for payment, pursuant to the fee agreement. Even though he did not request payment, R.D. credibly

testified that she did make additional payments. Therefore, respondent's assertion that he delayed obtaining R.D.'s state police records until she provided him with a payment of his legal fee is not supported by the record.

Additionally, when R.D. sought information about the status of her expungement, respondent assured her that he was working on it and that there were no problems, in violation of RPC 1.4(b) and RPC 8.4(c). He misled her into believing that her New Jersey expungement was nearing completion and misrepresented to her that he was working on the "applicable charges" in respect of R.D.'s Pennsylvania convictions.

We observe that respondent's misconduct in R.D. mirrors his misconduct in J.G. In both matters, respondent attempted to shield his misconduct by saying he was pursuing the "applicable charges," without having explained to either client what he meant by applicable charges. Under the Rules of Professional Conduct (specifically RPC 1.2(a) and RPC 1.4(c)), it was respondent's obligation to clearly explain to his clients what he meant by applicable charges, especially since both J.G. and R.D. had criminal records containing a variety of misdemeanor convictions, felony convictions, inactive charges, and dismissed charges.

Finally, respondent violated RPC 1.16(d) by failing to refund the unearned portion of his legal fee to R.D. and failing to provide her with her file, despite

her request that he do so. Respondent's argument that he did not violate the Rule because he provided R.D. with a refund is extremely troubling because the record clearly reflects that he refunded R.D.'s fee after she filed a Statement of Claim with the Fund.

Similarly, in the Copelin matter, Copelin contacted respondent because of his representations, on the StudentDisciplineDefense.com website, that he practiced law nationwide and could help her with her pending expulsion. However, respondent was not admitted to the Georgia bar and did not seek to obtain pro hac vice admission in that jurisdiction. Therefore, he violated RPC 5.5(a) by representing Copelin, as an attorney, in her appeal of GSU's decision to expel her.

Respondent's argument that he did not practice law in Georgia is unavailing. He advertised himself as an education lawyer, communicated with both Copelin and the GSU President using Firm letterhead, signing the document using "Esq.," and made legal arguments about whether GSU's expulsion policies possessed a rational basis as applied to Copelin's conduct. It matters not that respondent identified himself, on Firm stationery, as licensed to practice law in New Jersey, Pennsylvania, and New York. He represented to Copelin that he had helped students nationwide, including in Georgia. Furthermore, there is no question that respondent assisted Altman in the unauthorized practice of law in

Georgia. Altman was not licensed to practice law in the jurisdiction yet served as co-counsel to respondent on Copelin's matter. Therefore, by allowing Altman to represent Copelin in a jurisdiction in which he was not authorized to practice law, respondent also violated RPC 5.1(a).

Further support for respondent's unauthorized practice of law was the legal fee he charged Copelin, which was excessive and violated RPC 1.5(a). Respondent informed Copelin that his fee for representing students in academic disciplinary proceedings was usually $30,000, but that he would offer her a $15,000 discount to her. She successfully negotiated a reduced fee of $7,500 for respondent's representation. Respondent failed to provide Copelin with a written retainer agreement that clarified his role in her appeal; however, she credibly testified that she retained him for legal representation.

Indeed, in the consultation agreement that respondent provided to her, written on Firm stationery, he referenced obtaining pro hac vice admission to Georgia, which would be unnecessary if he were acting merely as her advisor. Therefore, we reject respondent's arguments that he did not violate RPC 5.5(a) because Copelin knew he was acting only as an advisor to ghostwrite a letter. To the contrary, respondent clearly violated RPC 1.2(a) and RPC 1.4(b) by failing to explain to Copelin his intentions and by misrepresenting to her that he would be authorized to represent her in her appeal in Georgia, in violation of

RPC 8.4(c). The record supports that respondent failed to inform Copelin he intended to ghostwrite a letter for her because, in reply to her question to him about the probability of success for her appeal, respondent told her that her chances of a good outcome increased because he was involved. If he intended to ghostwrite the appeal letter for her, GSU would not be aware of his involvement, and her chances of a better outcome would therefore not be impacted. Thus, he either lied to Copelin when he told her his involvement was a net positive for her or lied during the disciplinary hearing when he testified he told Copelin he was going to ghostwrite a letter.

Nevertheless, the record reflects that respondent accepted the representation knowing the deadline was just five days away. Yet, he violated RPC 1.1(a) and RPC 1.3 by delaying completion of the letter. Indeed, as the deadline arrived, Copelin grew concerned that respondent would not send the letter to GSU's President, so she wrote and submitted a letter on her own behalf. Even so, because she wished to have legal representation in the process, she paid respondent's legal fee for him to submit a letter on her behalf. Thus, the record supports that Copelin placed value in respondent's role as an attorney, not an advisor, acting on her behalf.

Finally, after respondent sent the appeal letter to the GSU President, at which time Copelin realized that he was not licensed to practice law nationwide,

as he had informed her, she instructed him not to charge her credit card because she would have never agreed to pay $2,500 for "just a letter." Nevertheless, respondent did charge her credit card and, thereafter, offered to refund $1,000 of the fee. Copelin rejected the offer and respondent failed to refund her fee, in violation of RPC 1.16(d). Indeed, he provided her with a refund only after she filed a Statement of Claim with the Fund.

Therefore, in the three matters in which respondent represented Firm clients himself – J.G., R.D., and Copelin – we reject respondent's assertion that the record consists of what he characterized as "he said, she said" testimony, falling short of New Jersey's clear and convincing evidentiary standard. To the contrary, respondent's self-serving testimony during the disciplinary hearing was designed to undermine the testimony provided by his former clients. However, the record is clear that the facts of J.G., R.D., and Copelin, along with each client's consistent and credible testimony, reflect a similar pattern of misconduct by respondent – that is, he agrees to represent clients despite knowing he is unable to accomplish their goals, takes their legal fees, and produces no meaningful legal work on their behalf. Then, when clients begin to question him, respondent deflects accountability and blames his clients or others for his misconduct.

Moreover, the Pennsylvania Board did not find respondent's testimony

credible and, instead, found the testimony of J.G., R.D., and Copelin credible. Thus, the conflicting testimony during the ethics hearing does not erode our ability to find, by clear and convincing evidence, that respondent committed misconduct. Simply put, respondent's testimony was not credible and was self-serving and we, like the Pennsylvania Board, do not find it credible.

Indeed, respondent's "pragmatic" management of his Firm reflects his dismissive attitude toward the Rules of Professional Conduct and his clients. For example, there is no question respondent's conduct in the American Club matter violated RPC 5.1(a); RPC 5.3(a); and RPC 5.3(c)(1). The Firm's handling of the pro hac vice motions seeking Scordo's admission to Pennsylvania was disastrous, unquestionably wasted court resources, and contained false statements of material fact, in violation of RPC 1.1(a), RPC 1.3, and RPC 8.4(d). The verification that respondent signed in the first pro hac vice motion contained his attestation, under penalty of perjury, that he was not and had never been, the subject of a disciplinary hearing in the Court of Common Pleas of Philadelphia County or any court. However, at the time he signed the verification, respondent had been suspended in Pennsylvania and New Jersey but had been reinstated to both jurisdictions. He had not yet been reinstated from his EDPA suspension. Thus, respondent's verification in the first pro hac vice motion was knowingly false, in violation of RPC 8.1(a) and RPC 8.4(c).

When his adversary alerted the court to respondent's misrepresentation, the court allowed him the ability to file a new motion, fully disclosing his disciplinary history and in compliance with the Pennsylvania court rule governing pro hac vice motions. Respondent sought advice from Scordo, who, in reply to respondent's question about whether he should omit his New Jersey and EDPA discipline, advised respondent to disclose everything but without detail. Respondent ignored the court's directive and Scordo's advice and, instead, filed a second pro hac vice motion omitting his EDPA discipline.

When his adversary again alerted the court that respondent omitted his EDPA discipline, the court ordered respondent to either (1) file an explanation as to why it should not deny his pro hac vice motion, or (2) file a praecipe withdrawing the pro hac vice motion and seek the assistance of another attorney to move for Scordo's admission. The court cautioned respondent that the Pennsylvania Rules of Professional Conduct were potentially implicated by his statements and asked for full disclosure of his disciplinary history. Rather than provide the court with an explanation as to why he knowingly omitted his EDPA discipline from two pro hac vice motions, respondent assigned another Firm attorney to file a pro hac vice motion seeking Scordo's admission. The third pro hac vice motion was deficient and failed to comply with the Pennsylvania court rules.

Respondent's testimony at the disciplinary hearing – that he was mistaken when he filed the first pro hac vice motion, tried in good faith in the second pro hac vice motion, and had dropped the ball in the third pro hac vice motion – is troubling. Although respondent admitted that he violated the Pennsylvania Rules of Professional Conduct in the Firm's filing of the three motions, his explanations for his misconduct raise concerns for his integrity as an attorney and are not an expression of remorse or accountability. Specifically, respondent testified he sought the advice of three attorneys and determined that he was not required to include his EDPA discipline in the second pro hac vice motion based on their advice. Such a position ignores the record. Scordo, on whose behalf respondent was seeking pro hac vice admission, advised him to include his full disciplinary history and respondent chose to ignore that advice, despite his adversary already having alerted the court to his misrepresentation and the court directing him to file a conforming pro hac vice motion. Respondent's defiance is shocking and is reflective of his approach to the practice of law wherein "certain things may not be done as may be required," which, by its very nature, is not in accordance with our Rules of Professional Conduct.

Indeed, in the Watson matter, the Firm also failed to follow the Pennsylvania rules concerning service of process. The Firm did not properly serve the Watsons with Benedetto's complaint against them. Furthermore, the

Firm was, at best, confused as to whether it sent the Watsons a ten-day letter informing them of its intention to file a default against them. Therefore, due to respondent's lackadaisical approach to running his Firm and his violation of RPC 5.3(a), it filed with the court a praecipe to enter a default judgment against the Watsons including two separate dates on which it purportedly sent the ten-day warning letter. Based on the Firm's representations, the court entered default against the Watsons.

The Watsons ultimately filed a petition to strike the entry of default entered against them, arguing they had not received the required ten-day notice letter. The court entered a Rule to Show Cause as to why it should not grant the relief the Watsons sought and, ultimately, granted their petition due to the Firm's inability to explain whether or when it sent the Watsons the ten-day warning letter. Therefore, there is no question that the Firm's misconduct concerning both service of the complaint and its handling of the ten-day letter wasted judicial resources, in violation of RPC 8.4(d).

Finally, in the Red Wine matter, respondent and the Firm violated multiple RPCs. Indeed, respondent's improper supervision of nonlawyer and lawyer staff at the Firm violated RPC 5.1(a); RPC 5.1(b); RPC 5.1(c)(1) and (2); RPC 5.3(a); and RPC 5.3(c)(1) and (2).

Specifically, in Red Wine I, in violation of RPC 1.1(a) and RPC 1.3, the

Firm filed a legally deficient complaint, omitting case law regarding promotor liability under the ADA. Then, when Judge Robreno dismissed the matter and specifically ordered that, if the Firm refiled the complaint, it needed to include legal authority for promotor liability, respondent ignored the District Court.

The Firm's filing of the Red Wine II complaint also was fraught with problems. The Firm incorrectly filed it in the DNJ, instead of the EDPA. Its efforts to withdraw the complaint from the DNJ were clearly incompetent, requiring the DNJ Clerk's Office to issue multiple quality control messages.

When the Firm ultimately refiled the complaint in the EDPA, although Joan signed the signature page of the complaint, she did not review the complaint, nor did she review the form submitted along with the complaint. The form contained numerous false statements concerning the history of the case, including that it was not related to any matter the court had terminated within the previous one year, instead indicating that it was an "Original Proceeding." Importantly, it was identical to the deficient complaint Judge Robreno had dismissed five months earlier.

After the matter eventually was transferred to Judge Robreno, he ordered Joan and Altman to appear before him because of the "multiple irregularities" with Red Wine II. Although respondent scheduled a meeting with Joan and Altman to discuss their testimony before Judge Robreno, he failed to appear at

the meeting and failed to appear in District Court. Consequently, Judge Robreno dismissed Red Wine II for failing to include legal authority for promotor liability.

Unquestionably, the Firm's inability to properly file Red Wine II in conformity with the Rules and in conformity with Judge Robreno's order dismissing Red Wine I violated RPC 8.4(d). The Firm clearly wasted the resources not only of the DNJ but the EDPA in its effort to file Red Wine II, which was legally deficient and caused Judge Robreno to schedule a hearing to consider sanctioning the Firm and its attorneys for their misconduct.

Turning to the RPC 8.4(a) charges against respondent, we have historically rejected charges that an attorney violated the Rule by virtue of their violation of other RPCs, determining instead that an attorney violates RPC 8.4(a) if they induce another to violate the Rules of Professional Conduct. Pursuant to stare decisis, we dismiss the RPC 8.4(a) allegations in this matter. See In the Matter of David Jay Bernstein, DRB 21-011 (September 22, 2021) (RPC 8.4(a) charge dismissed as subsumed within the attorney's violations of other Rules of Professional Conduct), so ordered, 249 N.J. 257 (2022).

DRB 25-200 (Motion for Discipline by Consent)

Regarding the motion for discipline by consent, we determine that that respondent's admitted misconduct is fully supported by clear and convincing evidence in connection with the charges that he violated RPC 1.9(a); RPC 5.1(a); RPC 5.1(c); and RPC 5.3(a).

Specifically, respondent knew the Firm previously had represented Thomas in her expungement matter. Nevertheless, he subsequently allowed the Firm to represent Pasquale in litigation challenging Thomas' victory in the 2023 Penns Grove mayoral election, in violation of RPC 1.9(a). There is no question that the two matters were substantially related. The Firm, on behalf of Pasquale, argued that Thomas was ineligible to vote due to her criminal history and purported continuing probation and was, therefore, ineligible to hold office. Yet, when the Firm previously had represented Thomas, who was, at that time, the mayor of Penns Grove, its position was that her criminal record should be expunged because she had completed probation. The positions are materially adverse to one another and Thomas did not give her informed consent, confirmed in writing, to the Firm to undertake Pasquale's representation. Notably, the Firm did not object to her eligibility to serve as borough mayor at the time it served as the borough's solicitor.

Contrary to the Firm's position before Judge Morgan, RPC 1.9(a) does not require the Firm to have used any confidential information it learned in its representation of Thomas to have violated the Rule. Indeed, in Trupos, the Court addressed the "tension" between a lawyer's "fealty to a former client and zealousness in favor of a current client" under the framework of RPC 1.9(a). 201 N.J. at 450-51. Specifically, in Trupos, a law firm representing a municipality in connection with certain real estate tax appeals discontinued that representation in 2008. Id. at 451, 454. Thereafter, several hundred taxpayers retained the law firm to file petitions with the county board of taxation challenging their 2009 property tax assessments imposed by the municipality. Ibid. Notably, none of the 2009 tax appeals against the municipality involved properties associated within the scope of the law firm's previous representation of the municipality. Id. at 461.

Nevertheless, the municipality moved to disqualify the law firm from representing the taxpayers, alleging that the firm "was privy to the municipality's confidences and that the . . . firm's representation of individual taxpayers was 'substantially related' to the . . . firm's prior representation." Id. at 451. Specifically, the municipality alleged that the law firm was privy "to the selection of the revaluation expert on whose assessments the 2009 appeals [were] based." Id. at 461.

The Court found that a determination of whether the prior and current representations involved "the same or substantially related matter[s]" "must be based in fact, as we have reject[ed] the appearance of impropriety as a factor to be considered in determining whether a prohibited conflict of interest exists under RPC . . . 1.9." Id. at 464 (citations omitted) (alterations in original). The Court held that:

> for purposes of RPC 1.9, matters are deemed to be 'substantially related' if (1) the lawyer for whom disqualification is sought received confidential information from the former client that can be used against that client in the subsequent representation of parties adverse to the former client, or (2) facts relevant to the prior representation are both relevant and material to the subsequent representation.
>
> [Id. at 467.]

The Court adopted the foregoing standard "because it protects otherwise privileged communications . . . while also requiring a fact-sensitive analysis to ensure that the congruity of facts, and not merely similar legal theories, governs whether an attorney ethically may act adverse to a former client." Ibid.

Applying those principles, the Trupos Court found that (1) the law firm did not receive confidential information from the municipality that could be used against it in the prosecution of the 2009 tax appeals, and (2) the facts relevant to the firm's prior representation were irrelevant and immaterial to the firm's current representation of the taxpayers. Id. at 470. Consequently, the Court

found the municipality failed to meet its burden to establish that the current and prior representations were substantially related and, thus, vacated the lower court's order disqualifying the law firm. Ibid.

Here, in contrast to the facts in Trupos, there is no question the Thomas and Pasquale matters were "substantially related." Indeed, had respondent, as the supervising and managing attorney at the Firm, implemented proper policies and procedures to detect possible conflicts of interest, the Firm would have observed, at the intake stage, that Pasquale's interests were materially adverse to Thomas' interests. Therefore, the record clearly demonstrates that respondent violated RPC 5.1(a), RPC 5.1(c), and RPC 5.3(a), because he knew the Firm's representation of Pasquale would constitute a conflict of interest and he failed to take any action to avoid or mitigate the conflict. To the contrary, once Thomas alerted Judge Morgan to the conflict, via her motion to disqualify the Firm, the Firm opposed the motion, incorrectly asserting there was no conflict of interest because it did not use confidential information obtained during Thomas' representation to advance Pasquale's interests.

In sum, in DRB 25-183, we find that respondent violated RPC 1.1(a) (five instances); RPC 1.2(a) (two instances); RPC 1.3 (five instances); RPC 1.4(b) (two instances); RPC 1.4(c) (two instances); RPC 1.5(a) (two instances); RPC 1.16(d) (three instances); RPC 5.1(a) (three instances); RPC 5.1(b); RPC

5.1(c)(1) and (2); RPC 5.3(a) (three instances); RPC 5.3(c)(1) (two instances); RPC 5.3(c)(2); RPC 5.5(a)(1); RPC 8.1(a); RPC 8.4(c) (four instances); and RPC 8.4(d) (three instances). We determine to dismiss the RPC 8.4(a) (five instances) charge.

In DRB 25-200, we find that respondent violated RPC 1.9(a); RPC 5.1(a); RPC 5.1(c); and RPC 5.3(a).

The sole issue left for our determination is the appropriate quantum of discipline for the totality of respondent's misconduct.

Quantum of Discipline

Having consolidated these matters for disposition, we first consider the appropriate quantum of discipline, standing alone, for respondent's extensive misconduct in DRB 25-183.

Typically, when attorneys have mishandled multiple client matters, the Court has imposed terms of suspension ranging from three months to one year. See, e.g., In re Gonzalez, 241 N.J. 526 (2020) (three-month suspension for an attorney who engaged in gross neglect, lacked diligence, and failed to communicate in three client matters; the attorney also failed to supervise nonlawyer staff in six client matters; in addition, he violated RPC 1.15(a) (negligently misappropriating client funds and commingling), RPC 1.15(d)

(failing to comply with the recordkeeping requirements of R. 1:21-6), RPC 3.2 (failing to expedite litigation), RPC 3.4(d) (failing to comply with reasonable discovery requests), RPC 8.1(a), RPC 8.1(b) (failing to cooperate with disciplinary authorities), and RPC 8.4(c); in aggravation, one client's case was dismissed with prejudice, and the attorney had disregarded the OAE's recommendation to terminate the employment of a nonlawyer after the attorney became aware of the employee's repeated misconduct; no prior discipline in twenty-two years at the bar); In re Pinnock, 236 N.J. 96 (2018) (three-month suspension for an attorney whose misconduct spanned ten client matters: in nine matters, the attorney engaged in gross neglect, lacked diligence, and failed to communicate with clients; in four matters, she also misrepresented to clients the status of their matters; in aggravation, the attorney caused significant harm to her clients; in mitigation, the attorney suffered from serious physical and mental health issues; prior reprimand); In re Williams, 255 N.J. 401 (2023) (on a motion for reciprocal discipline, six-month suspension for an attorney who committed misconduct in eight client matters; in four matters, the attorney engaged in gross neglect and lack of diligence, also constituting a pattern of neglect; in five matters, the attorney failed to communicate with the clients; in two matters, the attorney failed to expedite litigation; and, in one matter, the attorney engaged in conduct prejudicial to the administration of justice; in mitigation, most of the

attorney's unethical conduct occurred within a seven-month period; although a three-month suspension was the baseline discipline for the attorney's misconduct, we concluded that the aggravating factors, including the waste of court resources in two other client matters, as well as failure to promptly notify the OAE of the attorney's discipline in Pennsylvania, warranted a six-month suspension); In re Drinkwater, 244 N.J. 195 (2020) (six-month suspension for an attorney who engaged in gross neglect and lack of diligence in nine matters, also constituting a pattern of neglect; failed to communicate with the client in three matters; failed to supervise nonlawyer staff in two matters; charged an unreasonable fee in one matter; in aggravation, the misconduct extended to nine client matters over four years; in mitigation, the attorney had no ethics history, suffered from serious mental health issues, expressed sincere remorse, served as a volunteer trustee to wind down a practice for an attorney who died, applied for his own trustee when he realized he could no longer function as an attorney, and was no longer practicing law); In re Perlman, 241 N.J. 95 (2020) (one-year retroactive suspension for an attorney who committed misconduct in seven matters; in six matters, the attorney lacked diligence; in five matters, the attorney failed to adequately communicate with the client; in one matter, the attorney failed to withdraw from the representation when continued representation would violate the RPCs and to comply with applicable law

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

Attorneys who commit fee overreaching have received discipline ranging from a reprimand to disbarment. See, e.g., In re Doria, 230 N.J. 47 (2017) (reprimand for an attorney who refused to return any portion of a $35,000 retainer after the client terminated the representation; we upheld a fee arbitration determination awarding the client the return of $34,100 of the $35,000 retainer; thereafter, the attorney promptly returned the $34,100 to the client; we determined that the fee was so excessive as to evidence an intent to overreach); In re Verni, 172 N.J. 315 (2002) (three-month suspension for an attorney who charged excessive fees in three matters and knowingly made false statements to disciplinary authorities; the attorney made a divorce case appear more complicated than it was in order to justify a higher fee and charged a fee for the preparation of a document he never prepared; the fee arbitration committee reduced his $8,700 fee by almost half, finding that the attorney had exaggerated

his time; prior reprimand); In re Ledingham, 240 N.J. 115 (2019) (disbarment for an attorney who charged fees of $120,275.25 in an estate matter, $88,410.48 of which the client paid; the customary charge in the same county for a similar estate would range between $10,000 and $12,000; the client retained subsequent counsel who completed the estate for less than $10,000, with an additional $3,500 billed by local counsel in another state; therefore the attorney's total fee should not have exceeded $15,500; the attorney, thus, charged the estate almost eight times the amount of the fee considered reasonable for such a matter; further, the attorney failed to establish that he had obtained any specific results on behalf of the estate from the excessive amount of time he billed on the matter); In re Ort, 134 N.J. 146 (1993) (disbarment for an attorney who charged an estate valued at approximately $300,000 more than $32,000 in legal fees; he acted contrary to the wishes of the client/administratrix by obtaining a home equity loan from which he paid his legal fees; the attorney also prepared time sheets for the sole purpose of justifying those fees; the attorney's "overstated and exaggerated time sheets reflect conduct involving misrepresentation and deceit prejudicial to the administration of justice").

Cases involving an attorney's failure to supervise junior attorneys are often combined with other violations and ordinarily result in a reprimand. See In re Benedetto, __ N.J. __ (2023), 2023 N.J. LEXIS 335 (the attorney failed to

ensure a junior associate at his law office conformed his conduct to the Rules of Professional Conduct; the senior attorney failed to make any reasonable effort to ensure his junior associate's complaints were factually and legally correct; the attorney also failed to convey material information to his junior associate, instead telling his office manager to inform the associate to "check the [R]ules"), and In re Kobin, 212 N.J. 291 (2012) (the attorney failed to properly supervise his associate; the associate filed a personal injury complaint, without the attorney's permission, in an action that the attorney had deemed unviable; thereafter, instead of specifically instructing his associate how to proceed, the attorney merely told his associate that he was not a "happy camper" and to "straighten this out;" additionally, rather than take charge of the matter, the attorney failed, for several months, to follow up with his associate to ensure that the matter had been satisfactorily addressed; the client's matter, however, was dismissed for lack of prosecution; in imposing a reprimand, we weighed the attorney's unblemished twenty-five-year career at the bar against his arrogant, disdainful attitude in communicating with disciplinary authorities). But see In re Macias, 159 N.J. 516 (1999) (three-month suspension for an attorney who failed to supervise a junior lawyer assigned to a personal injury case; the junior lawyer neglected the matter, resulting in the dismissal of the client's complaint for failure to serve two of the defendants and for failure to pursue a judgment

against a third defendant; we found that, because the attorney had failed to take any remedial action to correct the junior lawyer's mistakes, the attorney violated RPC 5.1(c)(2); in aggravation, we weighed the lawyer's two prior reprimands, one of which involved similar misconduct for pattern of neglect and lack of diligence).

Attorneys who fail to supervise their nonlawyer staff – including in cases where entrusted funds are stolen – typically receive an admonition or a reprimand, depending on the presence of other violations, prior discipline, or aggravating and mitigating factors. See In the Matter of Vincent S. Verdiramo, DRB 19-255 (January 21, 2020) (admonition; as a result of the attorney's abdication of his recordkeeping obligations, his nonlawyer assistant was able to steal more than $149,000 from his trust account; the attorney also violated RPC 1.15(a) and RPC 1.15(d); mitigating factors included the attorney's prompt actions to report the theft to affected clients, law enforcement, and disciplinary authorities; his deposit of $55,000 in personal funds to replenish the account; his extensive remedial action; his acceptance of responsibility for his misconduct; and his unblemished, thirty-three-year career); In re Deitch, 209 N.J. 423 (2012) (reprimand; as a result of the attorney's failure to supervise his paralegal-spouse, combined with his poor recordkeeping practices, $14,000 in client or third-party funds were invaded; the paralegal-spouse stole the funds by

negotiating thirty-eight checks issued to her by forging the attorney's signature or using a signature stamp; violations of RPC 1.15(a), RPC 1.15(d), and RPC 5.3(a) and (b); no prior discipline); In re Ruggiero, 261 N.J. 522 (2025) (three-month suspension for an attorney who mishandled multiple client matters concerning mortgage loan modifications, including by grossly neglecting the matters and failing to communicate with clients; the attorney also wholly abdicated a multitude of supervisory responsibilities to ensure his office staff were acting in a matter compatible with the Rules of Professional Conduct; the attorney also joined an impermissible partnership with a non-legal business and, by extension, assisted that business in the unauthorized practice of law; in mitigation, we found compelling the attorney's unblemished eighteen-year-career at the bar, the serious medical and financial issues he endured, and his significant efforts to rebuild his life).

Attorneys who practice law in jurisdictions where they are not licensed have received discipline ranging from an admonition to a term of suspension, depending on the presence of other misconduct, their disciplinary history, and the presence of aggravating and mitigating factors. See e.g., In the Matter of Mateo J. Perez, DRB 13-009 (June 19, 2013) (admonition for an attorney who, although not admitted in New York, represented a client in that jurisdiction; the attorney had represented several other clients in New York after having been

admitted pro hac vice or having disclosed to the judges that he had not been admitted in New York; the attorney, thus, believed that he could represent clients without admission; the clients were family and friends of the attorney and were not charged for the representation; mitigating factors included the lack of prior discipline and lack of financial gain); In re Bronson, 197 N.J. 17 (2008) (reprimand for an attorney who practiced law in New York, a state in which he was not admitted, failed to prepare a writing setting forth the basis or rate of his fee in a criminal matter, and failed to disclose to a New York court that he was not licensed in that jurisdiction; the unauthorized practice lasted approximately one year and involved one client); In re Lawrence, 170 N.J. 598 (2002) (three-month suspension, in a default matter, for an attorney who practiced law in New York, where she was not admitted to the bar; the attorney also agreed to file a motion in New York to reduce her client's restitution payments to the probation department, failed to keep the client reasonably informed about the status of the matter, exhibited a lack of diligence, charged an unreasonable fee, used misleading letterhead, and failed to cooperate with disciplinary authorities); In re Broderick, __ N.J. __ (2022) 2022 N.J. LEXIS 184 (one-year suspension for an attorney, in a reciprocal discipline matter, who, in his application for admission to the Washington State bar, failed to disclose (1) that he had filed bankruptcy petitions, (2) that he had been subject to ethics investigations in

Washington D.C., (3) that he had been a party in a federal civil lawsuit, (4) that sanctions had been imposed on him for discovery violations, and (5) that the Oregon Department of Consumer Services had investigated his company; the attorney made similar misrepresentations in his application for admission to the California bar; additionally, in his correspondence with Washington D.C. disciplinary authorities, the attorney failed to disclose his unethical conduct in Connecticut; in imposing a one-year suspension, we weighed, in aggravation, the attorney's numerous false answers on two state bar applications, which appeared to be intentional, and his prior censure for his violation of RPC 1.17(c)(2)); In re Bernstein, 249 N.J. 357 (2022) (two-year suspension for an attorney who claimed to be a "national attorney," but who instead engaged in the unauthorized practice of law in multiple states; once he was retained and the clients paid his legal fee, the attorney then grossly mishandled the clients' matters, causing harm; the attorney also filed multiple pro hac vice motions misrepresenting his disciplinary history and that two malpractice lawsuits had been filed against him; once the federal court issued an order to show cause regarding the misrepresentation, the attorney disclosed his full disciplinary history; we accorded the attorney's unblemished thirty-six-years at the New Jersey bar minimal weight because he did not practice law in New Jersey and had been disciplined in the jurisdictions in which he practiced).

In our view, respondent's unethical conduct in each of the six matters varies in its nature and its egregiousness. However, there is no question respondent's most serious misconduct falls into two categories: (1) charging excessive fees for legal work that he knew would not be successful by operation of law, and (2) managing a law firm in a way that admittedly does not comport with the Rules of Professional Conduct. For those two categories of unethical behavior, we look to Drinkwater and Bernstein for guidance in determining the baseline quantum of discipline to impose.

In Drinkwater, the attorney mishandled nine client matters, failed to properly supervise nonlawyer staff, and charged an unreasonable fee in one matter. However, Drinkwater had no disciplinary history and had compelling mitigating factors, including suffering from serious mental health issues, and already had taken steps to wind down his law practice. Drinkwater received a six-month suspension.

Here, as in Drinkwater, respondent mishandled six client matters, charged excessive fees, and failed to supervise nonlawyer staff. Unlike Drinkwater, respondent presents no mitigating factors and has a disciplinary history. Importantly, following his 2013 suspension in Pennsylvania, he practiced with a proctor for one year, a condition which seems to have had no impact on his approach to practicing law.

Indeed, respondent's misconduct went beyond the misconduct we addressed in Drinkwater. Respondent also lied on multiple pro hac vice applications, which is similar to the attorney's misconduct in Bernstein. Similar to respondent, Bernstein claimed to be a national attorney, but instead engaged in the unauthorized practice of law in multiple jurisdictions. Also like respondent, Bernstein lied about his disciplinary history on multiple pro hac vice motions. Unlike respondent, however, when Bernstein's lies were detected, he admitted that he had misrepresented his disciplinary history. Bernstein received a two-year suspension for his unethical conduct.

Based upon the above precedent, we conclude that the baseline discipline for respondent's misconduct in connection with DRB 25-183 is at least a six-month suspension. However, to craft the appropriate discipline, we also must consider mitigating and aggravating factors.

In mitigation, respondent presented letters attesting to his reputation for honesty, a factor we accord minimal weight due to the magnitude of his misconduct across these six matters.

In aggravation, we consider respondent's disciplinary history, which includes his one-year suspension, in 2017, in connection with Lento I. The Court has signaled an inclination toward progressive discipline and the stern treatment of repeat offenders. In such scenarios, enhanced discipline is appropriate. See

In re Kantor, 180 N.J. 226 (2004) (disbarment for abandonment of clients and repeated failure to cooperate with the disciplinary system). Here, although the Rule violations differ, the theme that respondent will conduct himself in an unethical manner to financially benefit his Firm runs through both Lento I and the instant matter.

In further aggravation, respondent has exhibited a refusal to fully accept responsibility for his serious misconduct. Instead, he repeatedly blamed his clients, third parties, and Firm employees for his misconduct.

Also in aggravation, we accord weight to the harm respondent's misconduct caused his clients. In the Matter of Brian Le Bon Calpin, DRB 13-152 (October 23, 2013), so ordered, 217 N.J. 617 (2014). Specifically, in the J.G. and R.D. matters, respondent accepted legal fees before determining whether the client's expungement goals could even be accomplished. Instead, by assuring the clients that he could expunge their criminal records, he induced them to pay his legal fees. Likewise, in the Copelin matter, respondent's failure to timely submit the appeal for which he had been retained resulted in the client having to file her own letter.

Thus, in view of the serious aggravating factors and consistent with disciplinary precedent, we determine that respondent's misconduct in DRB 25-183, standing alone, should be met with a two-year suspension.

Respondent, however, committed additional misconduct in this consolidated matter, in connection with DRB 25-200. Specifically, respondent engaged in a conflict of interest and again demonstrated an inability to operate his law firm in accordance with the Rules of Professional Conduct. Standing alone, disciplinary precedent supports a censure for respondent's misconduct in DRB 25-200.

Attorneys who violate RPC 1.9(a) have received discipline ranging from an admonition to a short term of suspension, depending on the presence of aggravating factors, including serious economic injury to clients and the attorney's refusal to comply with court orders directing that they cease the conflicted representation. See e.g., In the Matter of Robert James Stack, DRB 18-393 (February 25, 2019) (admonition for attorney who represented a client in an uncontested matrimonial matter, despite having previously represented both the client and her husband in a foreclosure action and in the sale of their marital residence; in mitigation, the attorney fully cooperated with the investigation, stipulated to the facts, and expressed remorse and contrition; no prior discipline); In re Lewinson, 252 N.J. 416 (2022) (reprimand for attorney who represented a wife in a divorce proceeding, which resulted in a final judgment that required the parties to equally split the proceeds of their marital home; sixteen years later, the attorney represented the wife's former husband,

who sought to enforce the terms of the final judgment; the attorney immediately withdrew from the conflicted representation upon the filing of an ethics grievance; we accorded minimal weight to the attorney's disciplinary history of a reprimand and two terms of suspension, given that the attorney had been without formal discipline for more than twenty years);[24] In re De Lello, 229 N.J. 388 (2017) (censure for attorney who, during the span of one month, represented a client in a civil rights matter and in a guardianship matter involving his mother; more than two years later, following the mother's passing, the attorney filed a lawsuit against his former client on behalf of the client's sister, who alleged that the client improperly had gifted the mother's assets to himself after the resignation of the mother's guardian; despite the Superior Court's directive that the attorney cease representing the sister, the attorney, on behalf of the sister, re-filed a lis pendens and sent a letter to an attorney claiming that his former client's preparation of a deed for the mother's home constituted the unauthorized practice of law and may be voided; despite the attorney's inexcusable defiance of a court order, his conduct was not motivated by personal gain and did not result in any harm to a client or third party; prior three-year suspension, in 2001, for engaging in criminal conduct); In re Fitchett, 184 N.J. 289 (2005) (three-

[24] Although Lewinson was disciplined for violating RPC 1.7(a)(2) (engaging in a concurrent conflict of interest), we noted that RPC 1.9(a) would have been the more appropriate charge. In the Matter of Barbara K. Lewinson, DRB 21-210 (March 16, 2022) at 9.

month suspension for attorney who represented a public entity, incapable of consenting to the conflict, and then accepted a position with a firm that represented the entity's adversary; the attorney was guilty of switching sides; aggravating factors included the entity's loss of over $1 million, its responsibility for repayment of outstanding loans, and the attorney's prior reprimand).

Respondent's misconduct is most analogous to the misconduct we encountered in De Lello, which resulted in a censure. Just as De Lello represented a client in a guardianship matter and two years later filed a lawsuit against his former client alleging the client acted improperly, in the instant matter, Thomas retained respondent and the Firm to help her expunge her criminal record, but the Firm later filed a lawsuit against her citing the very criminal charges she had sought to expunge. Moreover, the Firm used information obtained during the representation of Thomas that was not generally known to provide a basis for the lawsuit against her. Also, like respondent, De Lello had prior discipline. In further aggravation, respondent had a heightened awareness of his obligations under the Rules of Professional Conduct, specifically RPC 5.1 and RPC 5.3, having admitted violating those Rules in a disciplinary proceeding in Pennsylvania shortly before the Firm commenced representation of Pasquale in New Jersey). In mitigation, respondent admitted

his wrongdoing and entered into this disciplinary stipulation, thereby accepting responsibility for his misconduct and conserving disciplinary resources. Thus, in connection with DRB 25-200, we determine to grant the motion for discipline by consent and conclude that a censure is the appropriate sanction for his misconduct in that matter alone.

Conclusion

In conclusion, when considering respondent's misconduct across both matters, along with the presence of aggravating and mitigating factors, we determine that a two-year suspension is the quantum of discipline necessary to protect the public and to preserve confidence in the bar. Although a censure would be appropriate for respondent's misconduct in DRB 25-200, in our view, a term of suspension for the totality of respondent's misconduct is a sufficient quantum of discipline in these consolidated matters.

Although respondent requested that we recommend the imposition of a retroactive term of suspension, because he was not temporarily suspended in this jurisdiction in connection with his misconduct underlying this matter, a retroactive suspension is inappropriate. The cases upon which respondent relies to urge the imposition of a retroactive suspension are not applicable to this matter. Those cases involved attorneys who were, for various reasons, not

practicing law in New Jersey at the time of their misconduct. Here, the record is clear that respondent was practicing law in New Jersey at the time of his Pennsylvania misconduct and, in fact, continues to practice law in New Jersey.

Contrary to respondent's arguments, we have consistently found, and the Court has agreed, that a "voluntary withdrawal" from the practice of law provides no "basis to impose [a] suspension retroactively, and to do so would amount to no meaningful sanction." In the Matter of Brian J. Smith, DRB 20-318 (July 28, 2021) at 22-23, so ordered, 250 N.J. 44 (2022). On this record, there is no basis to disturb that precedent.

Additionally, based on respondent's continued inability to properly manage his Firm, despite his heightened awareness of the need to comply with the RPCs, we recommend that, upon his reinstatement to the practice of law, respondent be required to practice law in New Jersey under the supervision of a proctor for a minimum of two years and until the further Order of the Court.

Vice-Chair Boyer and Member Campelo were absent.

Member Rodriguez was recused.

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

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

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

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matters of Joseph D. Lento
Docket Nos. DRB 25-183 and DRB 25-200

Argued: October 23, 2025

Decided: January 30, 2026

Disposition: Two-Year Suspension

Members	Two-Year Suspension	Recused	Absent
Cuff	X		
Boyer			X
Campelo			X
Hoberman	X		
Menaker	X		
Modu	X		
Petrou	X		
Rodriguez		X	
Spencer	X		
Total:	6	1	2

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