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**OF THE**  
**SUPREME COURT OF NEW JERSEY**

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February 26, 2026

Heather Joy Baker, Clerk  
Supreme Court of New Jersey  
P.O. Box 970  
Trenton, New Jersey 08625-0962

**Re: In the Matter of Gary David Grant**  
Docket No. DRB 25-312  
District Docket No. XIV-2023-0227E

Dear Ms. Baker:

The Disciplinary Review Board (the Board) has reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board deems appropriate) filed by the Office of Attorney Ethics (the OAE) in this matter, pursuant to R. 1:20-10(b). Following a review of the record, the Board granted the motion and determined that a reprimand, with conditions, is the appropriate quantum of discipline for respondent's violation of RPC 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6), RPC 8.1(b) (two instances – failing to cooperate with disciplinary authorities), and RPC 8.4(d) (two instances – engaging in conduct prejudicial to the administration of justice).

The stipulated facts in this matter are as follows. During the relevant timeframe, respondent maintained attorney accounts at various banks; however, the instant charges relate exclusively to his attorney trust accounts (ATA5761

and ATA9786) and attorney business account (ABA) maintained with Chase Bank.

On June 9, 2023, Chase Bank notified the OAE of an overdraft affecting respondent's ATA9786, caused by the issuance of a \$638.68 electronic ACH payment to First Enroll. Consequently, on June 21, 2023, the OAE sent a letter to respondent directing him to provide a written explanation for the overdraft.

On August 9, 2023, following prompting by the OAE, respondent informed the OAE, in writing, that his paralegal inadvertently had provided him with the wrong account information that was then provided to First Enroll (his health insurance servicer). As a result, when First Enroll processed the payment, it was deducted from his ATA9786, rather than his ABA. He explained that there were no funds available in ATA9786, causing the overdraft. On August 23, 2023, the OAE notified respondent that he had failed to include with his explanation certain ATA bank statements and, thus, directed him to submit those documents by September 5. On September 8, 2023, the OAE received the requested bank statements.

On September 18, 2023, the OAE notified respondent, in writing, that it had scheduled a demand audit for October 16 and directed him to produce, by October 2, his financial records for the prior two-year period.

On October 11, 2023, respondent requested an adjournment of the demand audit. The OAE granted the request, rescheduled the audit to October 30, and directed respondent to produce the requested documents by October 23. On October 23, 2023, respondent requested another one-week extension to produce his financial records, due to his ongoing inability to obtain documents from Chase Bank, which the OAE granted to October 30.

On October 27, 2023, Glenn Reiser, Esq., notified the OAE that he would be representing respondent, and requested an adjournment of the audit, which OAE granted to November 27. However, the OAE directed respondent to produce the records currently in his possession by November 17. Respondent failed to produce those records by the deadline. On November 21 and November 22, 2023, the OAE sent follow-up e-mails to respondent's counsel, requesting an update regarding the status of respondent's late submission. On November 22, 2023, respondent, via counsel, submitted the requested books and records

and stated that he would be retaining an accountant to prepare his three-way reconciliations and receipts and disbursements journals.

On November 27, 2023, the OAE conducted a demand audit and, the following day, directed respondent to submit, by December 4, an updated bank account disclosure form identifying all of his attorney accounts. On December 7, 2023, following two reminders from the OAE, respondent's counsel submitted the form.

On December 13, 2023, the OAE notified respondent, in writing, of the following recordkeeping deficiencies identified during the demand audit: (1) failure to maintain ATA or ABA journals; (2) failure to conduct monthly ATA reconciliations; (3) failure to maintain individual client ledger cards; (4) failure to maintain ledger cards to identify attorney funds for bank charges; (5) improper deposit of earned legal fees; (6) electronic ATA transfers made without proper authorization; and (7) improper ABA account designation. The OAE also directed respondent to submit his monthly three-way reconciliations, ATA and ABA journals, and ledger cards for the audit period, by January 12, 2024. The OAE also directed him to provide supplemental information concerning specific transactions.

On December 12, 2023, Chase Bank notified the OAE of a second overdraft affecting respondent's ATA5761, caused by the issuance of a check in the amount of \$120. On December 15, 2023, the OAE directed respondent to submit a written explanation for the overdraft by December 29, including whether and how the overdraft had been cured. Respondent failed to reply by the deadline.

On January 3, 2024, respondent submitted his written explanation for the second overdraft. Specifically, he claimed that he had to pay for his office cleaning service but had run out of paper checks; consequently, he went to a Chase Bank branch location to obtain a counter check. Unbeknownst to him or the bank teller, the online account information that was available to the teller omitted the word "trust" and allowed access to all accounts from the teller station. As a result, neither he nor the teller knew, at the time, that the counter check was being issued from ATA5761. That same date, the OAE notified respondent, via e-mail, that his explanation failed to address the steps he had taken to cure the overdraft and, thus, directed him to provide that information by January 5, 2024. Respondent again failed to reply. However, on January 11,

2024, respondent, via counsel, requested an extension, which the OAE granted to January 19.

In the meantime, on January 18, 2024, the OAE requested the status of the outstanding document submission that it had requested in connection with its demand audit. On January 19, 2024, respondent's counsel informed the OAE that respondent had retained an accountant and requested another two-week extension to submit all outstanding documents. The OAE denied that request and directed him to immediately produce the outstanding documents. Respondent, nevertheless, failed to reply timely.

On January 26, 2024, nearly a month after the December 29, 2023 deadline, respondent submitted a certification setting forth his explanation for the second overdraft, which mirrored his previous reply. The same date, the OAE informed respondent that he, again, failed to explain whether and how the second overdraft had been cured. In reply, respondent, via counsel, stated that remedial deposits and transfers were not necessary to address the overdraft occurring in ATA5761 and that he "had no further explanation to offer."

On February 15, 2024, respondent sent an e-mail to the OAE requesting an extension of time in which to submit his outstanding financial records, which the OAE denied. Further, the OAE warned that, if he did not immediately submit his overdue records, the OAE would file a petition for his temporary suspension.

On March 6, 2024, following respondent's failure to produce the outstanding records, the OAE filed with the Court a Petition for Emergent Relief seeking his immediate temporary suspension. In reply, respondent reiterated his personal issues and requested an extension of time, until April 5, 2024, in which to produce his outstanding records.

On April 10, 2024, the OAE notified the Court that respondent had failed to submit the requested documents and reasserted its position that respondent be temporarily suspended. On June 3, 2024, the Court issued an Order compelling respondent to comply with all outstanding requests, within thirty days, or be temporarily suspended. On July 16, 2024, the OAE submitted a supplemental affidavit describing its unsuccessful efforts to obtain respondent's compliance. Consequently, effective August 13, 2024, the Court temporarily suspended respondent from the practice of law.

Although the Court's temporary suspension Order directed respondent to comply with R. 1:20-20, a step required of all suspended or disbarred attorneys, he failed to file the required affidavit or otherwise comply with that Rule. As a result, in October 2024, following the OAE's receipt of an inquiry from the Morris/Sussex Vicinage Civil Division Manager as to who would be covering respondent's pending Court matters, the OAE sought the appointment of an attorney-trustee for respondent's firm, pursuant to R. 1:20-19. Thereafter, on October 18, 2024, the Honorable Stuart A. Minkowitz, A.J.S.C., appointed an attorney in Morris County to serve as trustee for respondent's law firm.

Thereafter, on December 19, 2024, the OAE sent respondent a letter, advising him of his responsibility to file his R. 1:20-20 affidavit and requesting his response by January 2, 2025. Respondent failed to reply. He further stipulated that, as of January 22, 2025, he still had not brought his books and records into compliance with R. 1:21-6, had not produced all the outstanding records requested by the OAE, and had not filed his R. 1:20-20 affidavit.

Based on the foregoing facts, the parties stipulated that respondent violated RPC 1.15(d), RPC 8.1(b) (two instances), and RPC 8.4(d) (two instances).

Specifically, respondent failed to comply with the recordkeeping requirements of R. 1:21-6, in violation of RPC 1.15(d), by (1) depositing earned legal fees in his ATA; (2) using an improper business account designation for one of his trust accounts; (3) making unauthorized electronic transfers from his ATA; (4) failing to conduct monthly three-way ATA reconciliations; and (5) failing to maintain ATA and ABA receipts or disbursements journals, individual client ledger cards, and a client ledger card identifying attorney funds for bank charges.

RPC 8.1(b) requires an attorney to "respond to a lawful demand for information from . . . [a] disciplinary authority." Respondent violated this RPC by failing to cooperate fully with the OAE's investigation into the two ATA overdrafts and to comply with the OAE's lawful demands for his financial records. His lack of cooperation persisted, notwithstanding the OAE's extensive efforts to obtain his compliance, including the granting of four of his five extension requests. To date, respondent has not produced the requested financial records. Indeed, his prolonged failure to cooperate ultimately resulted in his temporary suspension, which continues to date. It is well-settled that

cooperation short of the full cooperation required by the Court Rules is sufficient to constitute a violation of RPC 8.1(b). See In the Matter of Marc Z. Palfy, DRB 15-193 (March 30, 2016) at 48 (describing the attorney’s “cooperation as no less disruptive and frustrating than a complete failure to cooperate,” and noting that “partial cooperation can be more disruptive to a full and fair investigation, as it forces the investigator to proceed in a piecemeal and disjointed fashion”), so ordered, 225 N.J. 611 (2016).

Next, respondent violated RPC 8.4(d), which prohibits an attorney from engaging in conduct prejudicial to the administration of justice, by failing to comply with the Court’s June 3, 2024 Order directing him to produce his financial records to the OAE. His ongoing failure to comply with the OAE’s directives to produce records, despite a Court Order requiring him to do so, necessitated the OAE’s filing of a supplemental certification in further support of his temporary suspension, and the Court having to issue an Order regarding same, thereby wasting disciplinary and judicial resources. See In the Matter of AnnMarie F. De Primo, DRB 24-207 (February 28, 2025) (the attorney violated RPC 8.4(d) by failing to comply with the Court’s Order directing her to produce her financial records to the OAE, thereby necessitating the OAE’s subsequent filing of a renewed petition for her suspension), so ordered, 260 N.J. 431 (2025), and In the Matter of Lawrence A. Leven, DRB 20-002 (December 7, 2020) (sustaining an RPC 8.4(d) charge for an attorney who disobeyed two Court Orders by failing to provide the OAE with required financial records, despite repeatedly promising to do so), so ordered, 245 N.J. 491 (2021).

Respondent separately violated both RPC 8.1(b) and RPC 8.4(d) by failing to file the required R. 1:20-20 affidavit following his temporary suspension. Pursuant to R. 1:20-20(b)(15), a suspended attorney is required to “file with the Director [of the OAE] the original of a “detailed affidavit specifying by correlatively numbered paragraphs how the disciplined attorney has complied with each of the provisions of this rule and the Supreme Court’s order.”

As the Appellate Division has observed, “the provisions of R. 1:20-20(b)(1) to (14) are designed to protect clients of the [suspended or] disbarred attorney, as well as any other individuals who might unknowingly seek to retain that attorney during the period of his suspension.” Eichen, Levinson & Crutchlow, LLP v. Weiner, 397 N.J. Super. 588, 596 (App. Div. 2008). Non-compliance with R. 1:20-20, therefore, obstructs one of the primary purposes of

the disciplinary system, “to protect the public from an untrustworthy lawyer.” See In re Rigolosi, 107 N.J. 192, 206 (1987).

For those reasons, and by operation of Rule, in the absence of an extension granted by the Director of the OAE, an attorney’s failure to file an affidavit pursuant to R. 1:20-20(b)(15), within the time prescribed, “constitute[s] a violation of RPC 8.1(b) . . . and RPC 8.4(d).” R. 1:20-20(c). Here, respondent willfully violated the Court’s temporary suspension Order by failing to file the required affidavit. He, thus, violated R. 1:20-20 and, consequently, RPC 8.1(b) and RPC 8.4(d).

Recordkeeping irregularities ordinarily are met with an admonition where, as here, they have not caused a negligent misappropriation of client funds; however, the quantum of discipline is enhanced if the attorney fails to cooperate with an arm of the disciplinary system, such as the OAE, which has uncovered recordkeeping improprieties in the attorney’s ATA and has requested additional documentation. See In re Sheller, 257 N.J. 495 (2024) (reprimand for an attorney after a random compliance audit revealed recordkeeping deficiencies that the OAE also had identified in a random audit eight years earlier; the attorney failed to cooperate with the OAE’s investigation, despite the passage of fourteen months and multiple prompts from the OAE; in mitigation, the attorney had no prior discipline and stipulated to his misconduct), and In re Schlachter, 254 N.J. 375 (2023) (reprimand for an attorney who committed recordkeeping violations and, for almost a year, failed to comply with the OAE’s numerous record requests; ultimately, the attorney provided only a portion of the requested records; although the OAE attempted to help the attorney take corrective action, he remained non-compliant with the recordkeeping Rules; in mitigation, the attorney’s misconduct resulted in no harm to his clients and he had no disciplinary history in sixteen years at the bar).

Here, like the attorney in Schlachter, respondent repeatedly failed, for more than a year, to comply fully with the OAE’s ongoing efforts to obtain his complete financial records. Indeed, notwithstanding the OAE’s exhaustive efforts and the Court’s Order requiring his compliance, respondent’s noncompliance has persisted and his records remain outstanding. His ongoing failure to cooperate with the OAE also resulted in his temporary suspension from the practice of law. Thus, standing alone, respondent’s recordkeeping infractions and failure to cooperate could be met with a reprimand. Respondent,

however, committed additional misconduct by failing to file his affidavit of compliance, as R. 1:20-20 requires.

Attorneys with less serious disciplinary histories have received reprimands, in default matters, for their failure to file the required R. 1:20-20 affidavit. See, e.g., In re Parisi, 261 N.J. 86 (2025) (the attorney failed to file the required affidavit, following her temporary suspension for failing to cooperate with the underlying ethics investigation and failing to cooperate with two separate fee arbitration committee determinations; no formal prior discipline); In re Hildebrand, 260 N.J. 20 (2025) (the attorney failed to file the required affidavit, following his six-month suspension for misconduct underlying a prior disciplinary matter); In re Spielberg, 255 N.J. 469 (2022), and In re Stack, 255 N.J. 468 (2022) (the attorneys failed to file their respective R. 1:20-20 affidavits following their 2020 temporary suspensions for failing to cooperate with separate OAE investigations; Spielberg had no prior final discipline; Stack had a 2019 admonition in a non-default matter).

Here, respondent's misconduct and disciplinary history is most analogous to that of the attorneys in Parisi and Spielberg, in that he failed to file his R. 1:20-20 affidavit, following the Court's issuance of an Order temporarily suspending him from the practice of law for failing to cooperate with the underlying disciplinary investigation. Further, like Parisi and Spielberg, respondent has no prior formal discipline.

Based on the foregoing precedent, the Board concluded that the totality of respondent's misconduct could be met with a reprimand or a censure. To craft the appropriate discipline, the Board also considered aggravating and mitigating factors.

In aggravation, respondent failed to take "steps to the extent reasonably practicable to protect [his] client's interests" following his temporary suspension, in violation of RPC 1.16(d). Although he was not charged with a violation of this Rule, the Board considered this uncharged misconduct in aggravation. In re Steiert, 201 N.J. 119 (2014).

In mitigation, respondent has no prior discipline in his more than forty-years at the bar, a factor that both the Board and the Court accord considerable weight. Further, he stipulated to his misconduct, thereby conserving disciplinary resources.

On balance, the Board determined that a reprimand is the appropriate quantum of discipline to protect the public and preserve confidence in the bar.

As conditions to his discipline, the Board recommends that respondent be required to submit proof to the OAE, within sixty days of the Court's disciplinary Order in this matter, that he has (1) corrected all remaining recordkeeping deficiencies identified in the stipulation, and (2) attended an OAE-approved recordkeeping course. Further, following his reinstatement to the practice of law, respondent should be required to submit to the OAE, on a quarterly basis, his monthly three-way reconciliations for a period of two years.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated December 4, 2025.
2. Stipulation of discipline by consent, dated December 3, 2025.
3. Affidavit of consent, dated November 26, 2025.
4. Updated ethics history, dated February 26, 2026.

Very truly yours,

*/s/ Timothy M. Ellis*

Timothy M. Ellis  
Chief Counsel

TME/knd  
Enclosures

c: (w/o enclosures)  
Hon. Mary Catherine Cuff, P.J.A.D. (Ret.), Chair  
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Johanna Barba Jones, Director  
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