SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 25-239
District Docket No. XIV-2024-0123E

In the Matter of Edward Barry Geller
An Attorney at Law

Argued
November 20, 2025

Decided
March 23, 2026

John J. Hayes II appeared on behalf of the
Office of Attorney Ethics.

Respondent waived appearance for oral argument.

Table of Contents

Introduction

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

This matter 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 issuance of a December 9, 2022 order by the Committee on Grievances (the Committee) for the United States District Court for the Eastern District of New York (the EDNY) suspending respondent for three years.

The OAE asserted that, in the EDNY matter, respondent was found to have violated the equivalents of New Jersey RPC 1.3 (nine instances – lacking diligence); RPC 1.4(b) (two instances – failing to communicate with a client); RPC 3.1 (three instances – engaging in frivolous litigation); RPC 3.2 (two instances – failing to expedite litigation); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

For the reasons set forth below, we determine to grant the motion for reciprocal discipline and conclude that identical discipline – a three-year suspension – is the appropriate quantum of discipline for respondent's misconduct.

Ethics History

Respondent earned admission to the New Jersey bar in 1986 and to the New York bar in 1980. He also has been admitted to practice law before the United States District Court for the Eastern District of New York (the EDNY), the United States District Court for the Southern District of New York (the SDNY), and the United States District Court of the District of New Jersey (the DNJ). During the relevant timeframe, he was "of counsel" to M. Harvey Redphen & Associates, P.C. (the Redphen Firm), which maintains an office in New York, New York. He has no prior discipline in New Jersey.

As noted above, effective December 9, 2022, the EDNY suspended respondent from the practice of law in that jurisdiction for three years in connection with his misconduct underlying this matter.

Effective August 24, 2023, the Supreme Court of New York, Appellate Division, First Department imposed reciprocal discipline, in the form of a three-year suspension, based on respondent's misconduct in the EDNY. In re Geller, 218 A.D.3d 55 (N.Y. App. Div. 1st Dept. 2023). Finally, effective October 2, 2023, the SDNY imposed reciprocal discipline, in the form of a three-year suspension, based on that same misconduct.[1]

We now turn to the facts of this matter.

Facts

Between 2014 and 2018, respondent, while of counsel to the Redphen Firm, filed numerous lawsuits in the EDNY, alleging that debt collectors had violated the Fair Debt Collection Practices Act (the FDCPA), 15 U.S.C. §§ 1692 to 1692p. Respondent's FDCPA lawsuits originated from a "call-baiting scheme," whereby a "credit repair specialist" would call a collection agency and attempt to "lure" the agency into making a "technical mistake," which error could form the basis of the lawsuit for a potential plaintiff. The "credit repair specialist" recorded the telephone conversations, without the knowledge of the collection agency.[2] In a typical telephone call, the specialist asked leading questions to the agency regarding (1) the account, (2) credit reporting, and (3) the resolution of account disputes. The specialist sent the recordings of the

[1] Respondent failed to promptly notify the SDNY of the EDNY's suspension order, as the SDNY Local Rules require.

[2] In New York, it is permissible to record a conversation, provided that one party to the conversation consents to the recording. N.Y. Penal Law § 250.00

telephone conversations to the Redphen Firm, following which respondent, as counsel of record, filed a lawsuit against the agency, even if no violations of the FDCPA had occurred. The Redphen Firm paid the specialist for her "referrals."

Following the filing of the FDCPA lawsuits, which typically sought $25,000 in purported "actual damages," respondent offered to settle the matters for a fraction of that amount, with each side being responsible for their respective costs. However, if the agency refused to settle the lawsuit and sought to depose either the plaintiff or the credit repair specialist, respondent told the agency that he could not locate those parties or that the specialist was "too ill" to be deposed. Thereafter, the Redphen Firm either offered to dismiss the lawsuit, provided that the agency did not request fees and costs, or simply allowed the lawsuit to be dismissed for lack of prosecution.

The Committee determined that respondent had "a practice of commencing meritless FDCPA lawsuits" for the "sole purpose of obtaining nuisance-value settlements." The Committee observed that, in several matters, respondent had limited or no client contact, with one client testifying before the EDNY that she was unaware that the Redphen Firm had filed a lawsuit on her behalf in the first place. Prior to imposing a three-year term of suspension in that jurisdiction, the EDNY repeatedly admonished respondent and, at times, imposed monetary sanctions on him for his actions.

The Committee concluded that respondent had committed misconduct in connection with at least twelve FDCPA lawsuits filed in that jurisdiction, each of which are addressed separately below.

The Harrison Client Matter

On December 3, 2014, respondent filed an FDCPA lawsuit, on behalf of P. Harrison, against Nationwide Collections, Inc. (Nationwide). Three months later, on March 4, 2015, the EDNY issued an order requiring respondent to file a request for a certificate of default by April 1, 2015, if Nationwide did not take steps to answer the lawsuit. The EDNY cautioned respondent that, if he failed to take such action by April 1, the matter could be dismissed for lack of prosecution.

On April 2, 2015, following respondent's failure to timely file the default certificate request, the EDNY issued an order to show cause requiring respondent to demonstrate, in writing, why Harrison's case should not be dismissed for failing to prosecute. Four days later, on April 6, 2015, respondent filed the default certificate request, claiming that Nationwide had rejected his recent settlement demand.

On April 16, 2015, the EDNY issued an entry of default in favor of Harrison. However, on June 15, 2015, the EDNY warned respondent that Harrison's case would be deemed "abandoned" if he failed to file a motion for default judgment by July 6.

On July 21, 2015, following respondent's failure to file the motion for default judgment, the Honorable James Orenstein, U.S.M.J., recommended that the EDNY dismiss Harrison's matter, with prejudice, based, in part, on respondent's "pattern of dilatory conduct," which "allowed [Harrison's] claims against Nationwide to lie dormant with no significant activity for over six months, from December 3, 2014 until now."

On August 6, 2015, respondent filed a letter with the EDNY objecting to Judge Orenstein's recommendation, claiming that he had been unable to contact Harrison since April 2015.

Three months later, on November 2, 2015, the EDNY adopted Judge Orenstein's recommendation, in its entirety, and dismissed Harrison's matter, with prejudice. In dismissing the matter, the EDNY noted that respondent "concede[d] that [Harrison] was not prosecuting the action or even staying in contact with [respondent]."

The Whyte Client Matter

On December 3, 2014, respondent filed an FDCPA lawsuit, on behalf of D. Whyte, against Commonwealth Financial Services (CMS). Two months later, on February 3, 2015, the EDNY directed respondent to file either a motion for default judgment or a status report. On February 22, 2015, following the filing of respondent's request for a default certificate against CMS, the EDNY instructed him to provide additional information concerning the relationship between CMS and the individual upon whom he had served Whyte's lawsuit.

On April 27, 2015, following his failure to provide the required information, the EDNY called respondent, who claimed that he was "attempting" to gather the information from his "process server." Subsequently, on May 7 and June 1, 2015, the EDNY issued two orders, both of which required respondent to provide the outstanding information. In its June 1 order, the EDNY cautioned respondent that his failure to comply could result in the dismissal of Whyte's matter for failure to prosecute.

On July 1, 2015, given respondent's ongoing failure to provide the requested information, the EDNY contacted him and warned him that the matter could be dismissed if he failed to comply. Almost three months later, on September 24, 2015, the Honorable Marilyn D. Go, U.S.M.J., recommended the dismissal of Whyte's lawsuit, citing respondent's ongoing failure to provide the required information.

On October 9, 2015, respondent filed a letter with the EDNY objecting to Judge Go's recommendation, maintaining that he had difficulty obtaining information from his process server and arguing that the dismissal of the lawsuit would "greatly" prejudice Whyte, whose claims against CMS would become "time barred."

The EDNY rejected respondent's objection and adopted Judge Go's recommendation in its entirety, finding that respondent "merely attempt[ed] to offer explanations and excuses for not complying with [c]ourt orders," and he "took no action for approximately seven months – not even to request an extension of time or to explain his failure to respond – despite repeated warnings that failure to comply with the [c]ourt's orders could result in a recommendation of dismissal."

The Persaud Client Matter

On October 8, 2015, respondent filed a lawsuit, on behalf of V. Persaud, alleging that Forest Recovery Services, LLC (FRS), and the Law Office of C.M. (the C.M. firm), violated the FDCPA.

On December 18, 2015, the EDNY issued an entry of default against the C.M. firm, following that entity's failure to answer the lawsuit. Subsequently, on February 3, 2016, respondent filed a motion requesting the entry of a default judgment against the C.M. firm. However, he failed to include a memorandum of law in support of his application, as the relevant local rules of civil procedure require.

On June 29, 2016, the EDNY directed respondent to file the required memorandum of law, warning him that the "failure to provide necessary documentation may result in a recommendation that no damages be awarded."

On July 19, 2016, the day before the deadline to submit the memorandum, respondent requested a three-week extension to file that submission. Although the EDNY granted his request, he failed to file the memorandum or to request additional time to do so. Consequently, on September 15, 2016, the EDNY denied, without prejudice, respondent's motion for entry of default judgment against the C.M. firm.

On September 29, 2016, the day after respondent filed a stipulation of dismissal regarding Persaud's claims against FRS, the EDNY instructed respondent to file a letter, by October 31, concerning the status of Persaud's claims against the C.M. firm. Respondent, however, failed to comply.

On November 2, 2016, the EDNY called respondent's office and left a voicemail message concerning the status of the outstanding letter. Respondent again failed to reply. Twelve days later, on November 14, 2016, the EDNY directed respondent to appear for a November 21 status conference. However, on November 17, 2016, he filed a letter with the EDNY, maintaining that he would submit a renewed motion for default judgment "very shortly." The EDNY adjourned the status conference and cautioned respondent that, if he failed to file the motion by December 2, 2016, Persaud's matter would be dismissed for lack of prosecution.

On December 12, 2016, following his failure to file the motion, the EDNY dismissed the matter, with prejudice, finding that respondent had "continuously failed to comply with this court's orders."

The Kershaw and Brister Client Matter

On December 21, 2015, respondent filed an FDCPA lawsuit, on behalf of K. Kershaw and S. Brister, against Debt Recovery Solutions, LLC. The EDNY scheduled an "initial conference" in connection with the matter for April 28, 2016.

On April 27, 2016, the day before the scheduled conference, respondent filed a letter with the EDNY maintaining that the matter had "settled" and requesting that the EDNY allow the parties sixty days to execute the settlement documents and pay the settlement amount. Subsequently, the EDNY directed the parties to file a "stipulation of discontinuance" by June 27, 2016.

Following his failure to file the stipulation or to otherwise communicate with the EDNY by the June 27, 2016 deadline, the EDNY called respondent, who represented that he would file the stipulation by August 2. Respondent, however, failed to file that required submission. Consequently, August 4, 2016, the Honorable Steven M. Gold, U.S.M.J., recommended that Kershaw and Brister's matter be dismissed for lack of prosecution.

On September 13, 2016, the EDNY adopted Judge Gold's recommendation and dismissed the matter, with prejudice.

The Medina Client Matter

On May 20, 2016, respondent filed a lawsuit, on behalf of S. Medina, alleging that National Recovery Agency, Inc., violated the FDCPA. Respondent, however, took no action to prosecute the matter, prompting the EDNY to issue two orders, on June 30 and August 4, 2016, each requiring that he provide an update on the status of the matter.

On October 4, 2016, following respondent's failure to update the EDNY, the Honorable Cheryl L. Pollak, U.S.M.J., issued a report recommending the dismissal of the matter, citing respondent's failure to prosecute the case "for several months" and his refusal to comply with court orders.

On January 6, 2017, the EDNY adopted Judge Pollak's recommendation and dismissed Medina's matter, with prejudice.

The Frazier Client Matter

On June 8, 2016, respondent filed a lawsuit, on behalf of Twanda Frazier,[3] alleging that NRA Group, LLC (NRA), violated the FDCPA. Respondent, however, failed to prosecute the matter or effectuate service of the lawsuit. Consistent with the applicable Federal Rules of Civil Procedure, on November 16, 2016, the EDNY issued an order to show cause requiring him to explain, in writing, why the matter should not be dismissed.

On December 1, 2016, respondent filed a reply letter with the EDNY, requesting additional time to properly effectuate service of the lawsuit and

[3] Frazier typically acted as the "credit repair specialist" who recorded the telephone conversations with collection agencies and provided those recordings to the Redphen Firm.

claiming that, although he had "sent the summons and complaint to a process server in June 2016," he recently discovered that "the process server had no record of having received the papers for service." On January 20, 2017, the EDNY issued an order allowing respondent until February 17, 2017 to properly effectuate service. In granting the extension request, the EDNY cautioned respondent as follows:

> [t]he lack of diligence exhibited by [respondent] in this case . . . is just one example of a troubling pattern. Counsel has filed 139 cases in this District in the past two and one-half years. Since November 2015, seven of [respondent's] cases in this District have been dismissed for failure to prosecute – five of them within the last four months alone, a disturbing trend. [Respondent] is warned that he must act with the utmost diligence for the remainder of this action and in other cases in this [District]. Any further delay in service will result in a recommendation of dismissal for failure to prosecute . . . and failure to timely serve[.]
>
> [OAE587-588.][4]

On February 23, 2017, following respondent's failure to demonstrate whether he had effectuated service, the EDNY issued another order to show cause, requiring him, "on pain of sanctions," to explain why the matter should not be dismissed. Respondent, however, ignored the EDNY's order and

[4] "OAE" refers to the Bates stamped exhibits to the OAE's motion.

"abandoned" Frazier's matter. Thereafter, on April 25, 2017, the Honorable Roanne L. Mann, U.S.M.J., recommended that the EDNY dismiss the matter, with prejudice, and require respondent to pay a $100 sanction for his failure to comply with the court's orders.

On May 8, 2017, respondent filed a letter with the EDNY objecting to Judge Mann's recommendation, claiming that, on February 23, 2017, he was "recovering from appendicitis and unable to work following a three-day hospitalization." He also requested additional time to serve NRA with the lawsuit.

On June 13, 2017, the EDNY adopted Judge Mann's recommendation and dismissed the matter, with prejudice, citing respondent's failure to prosecute. In dismissing the matter, the EDNY observed that respondent's "lack of diligence in both this case and other cases in this [D]istrict demonstrate a disregard for court orders." Similarly, the EDNY noted that respondent's "lack of diligence ha[d] interfered with the [c]ourt's ability to manage its . . . affairs so as to achieve the orderly and expeditious disposition of cases." Finally, the EDNY provided respondent a final opportunity to explain why it should not impose sanctions for his failure to comply with court orders.

In his June 20, 2017 written reply to the EDNY, respondent contended that his “delay” in attempting to comply with the EDNY’s orders was “not done in bad faith.” Approximately one month later, on July 17, 2017, the EDNY directed respondent to pay a $100 sanction to the court, finding that “[a] court may exercise its inherent power to sanction attorneys for . . . violating court orders or other conduct which interferes with the court’s power to manage its calendar . . . without a finding of bad faith.” On July 25, 2017, respondent paid the $100 sanction to the EDNY.

The Haynes Client Matter

On June 9, 2016, respondent filed an FDCPA lawsuit, on behalf of C. Haynes, against Enhanced Recovery Company, LLC (ERC). More than four months later, on October 14, 2016, following respondent’s failure to prosecute the matter or demonstrate that he had served ERC with the lawsuit, the EDNY directed him to file a status report and a proof of service. Respondent, however, failed to comply and, thus, on November 10, 2016, the EDNY dismissed the matter for lack of prosecution.

The De Los Santos Client Matter

On July 14, 2016, respondent filed another FDCPA lawsuit against ERC, this time on behalf of A. De Los Santos. More than three months later, on October 21, 2016, the EDNY issued an order to show cause requiring him to explain, in writing, why the matter should not be dismissed for his failure to prosecute. Respondent, however, ignored the order show cause and, consequently, on November 18, 2016, the EDNY dismissed the matter for lack of prosecution.

The Eisner Client Matter

In December 2016, Frazier offered to help her acquaintance, B. Eisner, repair his credit. After meeting with Eisner and calling several collection agencies on his behalf, Frazier referred Eisner to the Redphen Firm. Thereafter, on January 12, 2017, respondent filed, in the Civil Court of the City of New York, Queens County (the Queens County Civil Court), an FDCPA lawsuit against ERC, seeking $25,000 in "actual damages." The sole basis of Eisner's FDCPA lawsuit appeared to have been ERC's purported refusal, during a December 8, 2016 recorded telephone conversation with Frazier, to accept a "verbal dispute" of Eisner's $66.08 debt connected to a mobile telephone account. On March 3, 2017, ERC successfully removed the matter to the EDNY.

During a December 13, 2017 deposition, Eisner testified that he did not understand the nature of his FDCPA lawsuit nor his responsibilities connected to the litigation. Eisner also testified that no one at the Redphen Firm had explained his discovery obligations nor the risks of filing a lawsuit, including his potential responsibility for the costs of litigation. Rather, Eisner stated that, following Frazier's December 8, 2016 telephone conversation with ERC, he "expected to be done after that. But now I have to come here and deal with this and miss work." Further, Eisner testified that, while witnessing Frazier's December 8 telephone conversation, he overheard an ERC representative state that ERC would "absolutely" accept a verbal dispute of his $66.08 debt connected to his mobile telephone account.

In late 2018, the Honorable LaShann DeArcy Hall, U.S.D.J., granted ERC's motion for summary judgment and dismissed the matter, concluding that the FDCPA claims were "utterly meritless" and that respondent had advanced arguments that were unpersuasive "to the point of frivolousness." Judge DeArcy Hall imposed an unspecified sum of sanctions on the Redphen Firm because Harvey Redphen, Esq., had defied a court order requiring him to appear for a deposition. However, Judge DeArcy Hall declined to impose additional sanctions based on the frivolousness of respondent's lawsuit, citing the fact that the matter had originated in the Queens County Civil Court.[5]

The Rodriguez Client Matter

On September 18, 2017, respondent filed an FDCPA lawsuit, on behalf of R. Rodriguez, against Credit Control Service (CCS). During the litigation, Rodriguez failed to appear for his scheduled deposition, prompting CCS to file a motion for sanctions and to compel Rodriguez's deposition. In reply, Rodriguez apologized for his failure to appear, following which the EDNY ordered him to pay a $474.50 sanction to CCS, by April 4, 2018. Despite receiving two extensions, Rodriguez failed to pay the sanction.

On June 20, 2018, the EDNY notified Rodriguez that, if he failed to appear, with respondent, for a July 10, 2018 conference, his matter could be dismissed. Although respondent appeared for the July 10 conference, Rodriguez failed to do so and, further, declined to pay the $474.50 sanction. Thereafter, on July 25, 2018, the EDNY dismissed the matter, with prejudice, citing Rodriguez's failure to pay the sanction or appear for the July 10 conference.

---

[5] In Mareno v. Jet Aviation of Am., Inc., 970 F.2d 1126, 1128 (2d Cir. 1992), the Second Circuit Court of Appeals observed that sanctions sought pursuant to Rule 11 of the Federal Rules of Civil Procedure had "no retrospective application to a complaint filed in state court, even if the action subsequently is removed to federal court."

The Alcivar Client Matter

On April 16, 2017, respondent filed an FDCPA lawsuit, on behalf of I. Alcivar, against ERC. The lawsuit alleged that, during a recorded telephone conversation with Frazier, ERC refused to accept a verbal dispute of Alcivar's $1,100 debt, owed to a telephone company, unless Alcivar also submitted such a dispute in writing. Respondent further contended that ERC failed to report Alcivar's dispute to credit reporting bureaus.

During the discovery phase of the litigation, Frazier refused to submit to a deposition, and respondent repeatedly denied ERC's requests to depose Alcivar. Although ERC filed a motion to extend discovery, in order to allow Alcivar the opportunity to submit to a deposition at her convenience, respondent persisted in the position that his client would not appear for such a proceeding. In April 2018, respondent offered to dismiss Alcivar's matter, if ERC agreed to waive its claims for fees and costs. ERC, however, rejected the offer and continued to request that Alcivar submit to a deposition. Questioning the nature of Alcivar's involvement in the lawsuit, the EDNY ordered her and respondent to appear, for an evidentiary hearing, on August 23, 2018.

During the hearing, Alcivar testified that, until June 2018, she was unaware that respondent had filed a lawsuit in her name. She also represented that she spoke with respondent only once, via telephone, in February 2018.[6] Additionally, Alcivar did not dispute her debt owed to the telephone company. Rather, she stated that she had contacted Frazier to help her repair her credit. Alcivar further testified that Frazier had requested that she sign a document, which she viewed as an "authorization form" to give Frazier "access to her credit information." In fact, the document was a retainer agreement with the Redphen Firm.

In November 2018, following the evidentiary hearing, the parties agreed to dismiss the matter, with prejudice, on the condition that ERC be permitted to move for sanctions.

On May 5, 2020, the Honorable Leo I. Glasser, U.S.D.J., awarded ERC $36,685.98 in combined attorneys' fees and costs. In imposing such sanctions on the Redphen Firm, Judge Glasser emphasized that "Alcivar did not bring this case. Her lawyers brought it without her participation, and in spite of the fact that she was not subjected to any 'abusive debt collection practices by debt collectors' that the FDCPA was designed to eradicate." Judge Glasser found that respondent instituted the litigation "in bad faith," with the "purpose of extracting

[6] The nature of Alcivar's February 2018 telephone conversation with respondent is unclear based on the record before us.

a monetary award from [ERC] for a harm [his] client did not suffer." In Judge Glasser's view, respondent's conduct was "nothing less than an attempt to transform a consumer protection statute into an ATM machine."

Judge Glasser also determined that respondent's lawsuit was "without color," given that Alcivar did not dispute that she owed the debt. Additionally, citing legal precedent in the United States Court of Appeals for the Second Circuit, Judge Glasser characterized respondent's FDCPA lawsuit as "entirely without legal support." Specifically, Judge Glasser found an "overwhelming consensus across the Second Circuit that [the FDCPA] does not create an affirmative obligation on debt collectors to update credit reporting bureaus on the status of a consumer's debt." Likewise, the fact that ERC accepted Frazier's verbal dispute and requested supplemental written documentation did "not change the fact that the [verbal] dispute was accepted, especially because there are valid reasons why a written dispute would still be helpful."

Judge Glasser concluded that, although "sanctions are a serious consequence that must be well-justified," the Redphen Firm's "behavior – filing a meritless case without its client's involvement – crosse[d] that high bar."

The Abreu Client Matter

On June 6, 2018, respondent filed, in the Queens County Civil Court, an

FDCPA lawsuit, on behalf of B. Abreu, against Receivable Collection Services, LLC (RCS). Abreu's lawsuit alleged that, on September 29, 2017, while reviewing her credit report, she noticed a $380 debt reported by RCS. Subsequently, Abreu retained an undisclosed "credit repair company," which called RCS to dispute the debt. During that telephone conversation, RCS stated that Abreu was obligated to notify credit reporting bureaus of her dispute of that debt. However, later that same day, RCS called the credit repair company and stated, contrary to its earlier position, that it would report the dispute directly with credit reporting bureaus. The lawsuit contended that RCS's initial statement violated 15 U.S.C. § 1692e(8) of the FDCPA, which prohibits a debt collector from "[c]ommunicating or threatening to communicate to any person credit information which is known or which should be known to be false, including the failure to communicate that a disputed debt is disputed."

Following the filing of Abreu's lawsuit in the Queens County Civil Court, RCS sent respondent a letter stating that the lawsuit was "without merit and . . . otherwise frivolous" and requested that respondent withdraw the complaint. Respondent refused and, on July 18, 2018, RCS removed the matter to the EDNY. Two weeks later, on August 2, 2018, after RCS expressed its intent to file a motion to dismiss Abreu's complaint, respondent voluntarily dismissed the matter.

On October 26, 2018, RCS filed a motion to sanction respondent and Abreu for filing a meritless FDCPA lawsuit.

In an April 26, 2019 opinion, the Honorable Pamela K. Chen, U.S.D.J., "deferred" her decision on whether to impose sanctions on respondent. Although Judge Chen declined to find that Abreu had acted in "bad faith" to warrant a sanction, she observed that she was "confounded by" respondent's actions. Specifically, despite respondent's claim that he attempted to advance a "novel legal claim" – that the FDCPA applies to communications by debt collectors to third parties – Judge Chen noted that the EDNY previously had rejected respondent's legal theory, on three separate occasions. Indeed, Judge Chen found that respondent had actual notice of the three EDNY cases, given that he had acted as counsel of record in each of those matters.

Judge Chen expressed skepticism that respondent was making a "reasonable argument for the extension, modification, or reversal of [contrary] decisions," considering that he initially filed the case in state court and, when RCS removed the matter to the EDNY, he promptly withdrew the lawsuit, without the opportunity for the Second Circuit to consider his claims. In Judge Chen's view, respondent's "representations that he filed this claim in good faith, when his actions speak otherwise, lead the [c]ourt to suspect that [he] might be motivated to bring these lawsuits for other reasons, such as obtaining a nuisance-value settlement from [RCS].”

On August 29, 2019, following additional briefing by the parties, Judge Chen declined to impose sanctions on respondent, citing the fact that his “potentially sanctionable conduct” originated in a state court. However, Judge Chen found that respondent had “done nothing to persuade this [c]ourt that he initiated this action in good faith and believing that his theory of the alleged FDCPA violation was viable in this Circuit.” In that vein, Judge Chen was unpersuaded that respondent had filed Abreu’s lawsuit “in order to have the Second Circuit decide whether this theory is, in fact, valid.”

The EDNY Disciplinary Proceedings

On February 4, 2020, following an investigation of respondent’s FDCPA litigation practices, the Committee ordered him to show cause why he should not be disciplined for violating the New York Rules of Professional Conduct.

On June 8, 2020, respondent filed a reply to the Committee’s order to show cause, arguing that each of his FDCPA lawsuits were “legally justified” and that he had “contact with each and every [p]laintiff,” who all executed retainer agreements with the Redphen Firm.

Although respondent conceded that, at times, he should have been "more diligent," he argued that he did not mishandle any lawsuits, claiming that many of the client matters at issue had resulted in settlements. In support of his claim, he provided the Committee with unexecuted versions of settlement agreements, all of which were dated after the EDNY had dismissed the matters, with prejudice, for his failure to prosecute.

Additionally, in reply to the Committee's allegations that he had failed to communicate with his clients, respondent maintained that, in the Rodriguez matter, his client had ignored his efforts to contact him. Further, in connection with the Eisner matter, respondent represented that he spoke with Eisner regarding the scheduling of his deposition and a settlement conference. He also noted that Eisner had signed a "verification of his discovery responses."

In connection with the Alcivar matter, respondent noted that his client had executed a retainer agreement with the Redphen Firm and, at one point, had spoken with Harvey Redphen, Esq. In that vein, respondent contended that Alcivar was aware of the lawsuit, which he argued had merit because ERC had refused to accept a verbal dispute of Alcivar's debt without "additional written documentation."

Finally, respondent asserted that the legal theory underpinning Abreu's lawsuit "was not beyond the realm of acceptable practice."

The Committee's Findings

On June 25, 2021, the Committee issued a decision concluding, by clear and convincing evidence, that respondent violated several New York Rules of Professional Conduct in connection with his FDCPA litigation practices.

Specifically, in connection with the Medina; Persaud; De Los Santos; Haynes; Kershaw; Whyte; Harrison; Frazier; and Rodriguez matters, the Committee determined that respondent violated N.Y. RPC 1.3 by filing FDCPA lawsuits, on behalf of those clients, and then "intentionally" allowing those matters to be dismissed for lack of prosecution. In the Committee's view, respondent's conduct went "beyond ordinary neglect" and demonstrated a "pervasive pattern of disregard for court orders."

Additionally, the Committee determined that respondent violated N.Y. RPC 1.4 by having "little to no communication with clients in some cases," with those clients having "almost no involvement in prosecuting the claims that . . . respondent and the Redphen Firm brought on their behalf."

The Committee emphasized that, in the Alcivar matter, the client was unaware that respondent had filed a lawsuit on her behalf in the first place. The Committee rejected respondent's argument that Alcivar was aware of the lawsuit by having signed a retainer agreement with the Redphen Firm, observing that Alcivar "did not know that she was signing a retainer agreement in connection with a lawsuit" and "did not participate in discovery." Moreover, the Committee underscored how, in April 2018, two months before Alcivar first discovered her lawsuit, respondent offered to dismiss her claims, without her approval.

The Committee stressed that, in the Eisner matter, the fact that respondent spoke with his client "a few times for scheduling purposes" was "[in]sufficient," reasoning that "Eisner did not understand the nature of his lawsuit," his discovery obligations, and the potential risks of litigation.

The Committee further determined that respondent violated N.Y. RPC 3.1 by filing frivolous FDCPA lawsuits on behalf of Alcivar, Abreu, and Eisner.

Rejecting respondent's argument that he had "legitimate grounds" to file Alcivar's lawsuit, the Committee echoed Judge Glasser's determination that respondent instituted the litigation, in bad faith, to attempt to extract a monetary settlement for a harm his client did not suffer. The Committee also stressed that Judge Chen had rejected respondent's claim that he was advancing a "novel" legal theory, on Abreu's behalf, in an attempt to change the legal precedent in the Second Circuit, given that he initially had filed the lawsuit in state court. Similarly, the Committee observed that Judge DeArcy Hall concluded that respondent's arguments, on behalf of Eisner, were unpersuasive "to the point of frivolousness."

Moreover, the Committee determined that respondent violated N.Y. RPC 3.2 by lacking diligence in complying with subpoenas and court orders. The Committee, echoing Judge Glasser, found that respondent's "strategy" was to leverage "burdensome litigation to induce a quick settlement." The Committee observed "a pattern" in respondent's cases – "plaintiffs did not appear for their deposition[s], or discovery was delayed."

The Committee also found that respondent violated N.Y. RPC 8.4(d) by engaging in a "pattern and practice of misconduct that ha[d] disrupted multiple proceedings and . . . made it more difficult for the justice system to work."

Finally, the Committee determined that respondent violated N.Y. RPC 8.4(a) and N.Y. RPC 8.4(h) by violating the New York Rules of Professional Conduct, which "reflect[ed] negatively on his fitness as a lawyer."

In a December 9, 2022 order, the Committee suspended respondent for three years, in the EDNY, for the totality of his misconduct. In imposing that sanction, the Committee emphasized that "respondent's conduct was clearly not an aberration." Rather, the Committee observed that "his multiple violations were a hallmark of his practice in this District." The Committee also reasoned that respondent's conduct was not "attributable to inexperience," given that he had practiced law for more than forty years and had filed more than three hundred cases in the EDNY since 2014.[7] The Committee stressed that respondent's practice of asserting meritless claims, advancing frivolous arguments, and ignoring court orders "made it more difficult for the justice system to work."

The Committee rejected respondent's request to consider, in mitigation, his "of counsel" status at the Redphen Firm, reasoning that he "had an independent responsibility to his clients" and a duty to exercise diligence, comply with court orders, and avoid meritless litigation, "regardless of his status at the Redphen Firm." The Committee, however, accorded some weight to respondent's "entire career as an attorney," his age,[8] and the fact that his practice of law was his primary source of income. Nevertheless, the Committee found "troubling that . . . respondent largely denie[d] the charges and [sought] to

---

[7] The Committee also observed that, during an unspecified timeframe, respondent had filed 84 lawsuits in the SDNY and 180 cases in the DNJ.

[8] Respondent was sixty-seven years old at the time the Committee issued its December 9, 2022 order.

deflect blame for his conduct."

Although the Committee contemplated disbarment as a sanction, given the extent of respondent's misconduct, it determined that a three-year suspension was the appropriate quantum of discipline, based on New York disciplinary precedent.

Respondent failed to promptly notify the OAE of the EDNY's December 9, 2022 three-year suspension order, as R. 1:20-14(a)(1) requires. Rather, on March 4, 2024, respondent erroneously notified the New Jersey Board of Bar Examiners that his "New York license to practice law ha[d] been suspended for three years," since August 24, 2023. Respondent, who claimed that he practiced law "infrequently" in New Jersey, failed to reference the EDNY's December 2022 suspension order, which resulted in the August 2023 reciprocal suspension of his New York law license.

The Parties' Submissions to the Board

The OAE asserted that respondent's unethical conduct in the EDNY constituted violations of RPC 1.3; RPC 1.4(b); RPC 3.1; RPC 3.2; and RPC 8.4(d).

First, the OAE alleged that respondent violated RPC 1.3 by lacking diligence in connection with the Medina; Persaud; De Los Santos; Haynes; Kershaw; Whyte; Harrison; Frazier; and Rodriguez client matters, each of which the EDNY dismissed for his failure to prosecute.

Second, the OAE asserted that respondent violated RPC 1.4(b) by failing to adequately communicate with Alcivar, who, for more than a year, was unaware that respondent had filed a lawsuit on her behalf, and Eisner, who did not understand the nature of his FDCPA lawsuit and his responsibilities connected to the litigation.

Third, the OAE alleged that respondent violated RPC 3.1 by filing frivolous FDCPA lawsuits on behalf of Alcivar, Eisner, and Abreu.

Fourth, the OAE asserted that respondent violated RPC 3.2 by failing to expedite the litigation in both the Rodriguez matter, considering that Rodriguez failed to appear for depositions or to pay a court ordered sanction, and the Alcivar matter, given that respondent repeatedly rejected ERC's requests to depose Alcivar.

Finally, the OAE asserted that respondent violated RPC 8.4(d) by engaging in a pattern of misconduct which repeatedly wasted the EDNY's judicial resources.

In recommending the imposition of a three-year suspension, the OAE primarily analogized respondent's conduct to that of attorneys who have received terms of suspension for pursuing frivolous litigation and mishandling numerous client matters. The OAE argued that respondent's misconduct in that respect was compounded by his failure to communicate with at least two clients, one of whom was unaware that she was a plaintiff in a federal lawsuit while the other was unaware of the nature of his lawsuit or the implications of pursuing litigation.

The OAE urged, in aggravation, respondent's failure to promptly report his discipline in the EDNY to New Jersey disciplinary authorities. The OAE also stressed that respondent's misconduct constituted a "pattern of misbehavior," whereby he filed meritless FDCPA lawsuits to attempt to obtain "nuisance-value settlements."

The OAE acknowledged, in mitigation, respondent's lack of prior discipline in New Jersey. However, because respondent admittedly practiced law in New Jersey only "infrequently," the OAE urged us to accord minimal weight to this factor.

In his brief to us, respondent "acknowledge[d] full responsibility for the enumerated violations." Likewise, he conceded that there was "no justification for his actions," and the Committee "properly imposed a three[-]year suspension upon him." Nevertheless, respondent maintained that the Redphen Firm's managing partner repeatedly had "assured" him that he "had [r]etainer [a]greements from each of the clients." Respondent, however, conceded that those assurances did not "absolve" him "from his own responsibility," and he "should have more diligently and properly insisted upon" receiving "proper evidence of his [retention] by the respective clients." Respondent further represented that he was unaware of the "call-baiting scheme" involving the Redphen Firm, and he "should have been much more diligent and questioning of the assurances made to him by" the firm's managing partner.

Respondent urged us to impose a term of suspension of less than three years, expressing remorse for his actions and arguing that, prior to his misconduct, he had an otherwise unblemished legal career spanning more than forty years.

Analysis and 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 the EDNY, as in New Jersey, the standard of proof in attorney disciplinary proceedings is clear and convincing evidence. See Local Rule 1.5(b) of the United States District Courts for the Southern and Eastern Districts of New York.

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.

In our view, none of the above subsections apply to this case. Rather, following the presumption set forth in Rule 1:20-14(a)(4), we determine to recommend the imposition of the identical discipline imposed by the EDNY and the other jurisdictions that have disciplined respondent for his misconduct – a three-year suspension.

As the Court observed in In re Sigman, 220 N.J. 141, 154 (2014), when appropriate, the "application of discipline identical to that imposed by the foreign jurisdiction . . . promotes the imposition of consistent sanctions for the misconduct of an attorney admitted to practice in multiple states."

Violations of the Rules of Professional Conduct

Turning to the charged violations, we determine that the record contains clear and convincing evidence that respondent violated most, but not all, of the charges of unethical 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 Sigman, 220 N.J. at 153). Nevertheless, clear and convincing evidence must support each of our findings that respondent violated the New Jersey Rules of Professional Conduct. See Barrett, 238 N.J. at 521; In re Pena, 164 N.J. 222 (2000).

We determine that respondent violated RPC 1.3 in connection with the Medina; Persaud; De Los Santos; Haynes; Kershaw; Whyte; Harrison; and Frazier matters by abandoning those clients' respective FDCPA lawsuits, thereby allowing them to be dismissed for lack of prosecution. In each of those matters, respondent took no meaningful action to advance the lawsuits beyond the complaint stage, despite the EDNY's numerous directives that he effectively and promptly prosecute his clients' cases.

Prior to imposing a three-year term of suspension, in December 2022, the EDNY repeatedly admonished respondent and, in at least one matter, imposed a monetary sanction upon him for his lack of diligence. Specifically, in July 2015, Judge Orenstein recommended the dismissal of Harrison's lawsuit based, in part, on respondent's "pattern of dilatory conduct," whereby he had allowed his client's matter "to lie dormant with no significant activity" since December 2014.

Moreover, in late 2015 or early 2016, following respondent's protracted failure to provide information regarding service of process, the EDNY dismissed Whyte's lawsuit, noting that respondent had taken "no action for approximately seven months – not even to request an extension of time or to explain his failure to respond – despite repeated warnings that failure to comply with the [c]ourt's orders could result in a recommendation of dismissal."

Additionally, in January 2017, the EDNY granted respondent a limited extension to properly effectuate service of Frazier's lawsuit, which he had neglected for more than seven months. In granting his request, the EDNY warned respondent that his lack of diligence in Frazier's matter was "just one example of a troubling pattern," noting that, since November 2015, seven of his FDCPA lawsuits in that jurisdiction had been dismissed for failure to prosecute. Respondent, however, was not spurred into action by the EDNY's warnings, even after the EDNY issued a February 2017 order to show cause requiring him to explain, "on pain of sanctions," why Frazier's matter should not be dismissed. In June 2017, following respondent's prolonged failure to demonstrate that he had effectuated proper service, the EDNY dismissed the matter and, in July 2017, imposed a $100 monetary sanction on him, citing his demonstrated "disregard for court courts" and "lack of diligence," which had "interfered" with that court's ability to "achieve the orderly and expeditious disposition of cases."

We also determine that respondent violated RPC 3.1 by filing at least three meritless FDCPA lawsuits on behalf of Alcivar, Eisner, and Abreu.

Specifically, in the Alcivar matter, in April 2017, respondent filed a baseless FDCPA lawsuit on behalf of an individual who, for at least fourteen months, was unaware that respondent had instituted litigation in the first place. Respondent not only failed to communicate with Alcivar prior to filing her lawsuit, but he also unilaterally attempted to dismiss her matter, in April 2018, prior to her discovering the litigation.

During the discovery phase of the lawsuit, respondent violated RPC 3.2 by repeatedly stonewalling ERC's good faith attempts to litigate the matter. Specifically, respondent refused ERC's numerous requests to allow Alcivar to submit to a deposition, at her convenience.

Questioning the nature of Alcivar's involvement in her lawsuit, the EDNY ordered the parties to appear for an evidentiary hearing, in August 2018, during which Alcivar testified that she had been unaware of her lawsuit, until June 2018. Moreover, Alcivar testified that she did not dispute her debt and that she had contacted Frazier simply to help her repair her credit. Alcivar also represented that she viewed the Redphen Firm's retainer agreement merely as an "authorization form" to provide Frazier with access to her credit information.

In imposing a $36,685.98 sanction on the Redphen Firm, Judge Glasser observed that respondent filed Alcivar's lawsuit "in bad faith," in order to "extract[] a monetary award from [ERC]," even though Alcivar "was not subjected to any abusive debt collection practices . . . that the FDCPA was designed to eradicate." Similarly, Judge Glasser found that the legal theory underpinning respondent's lawsuit was "entirely without . . . support," citing the "overwhelming consensus across the Second Circuit that [the FDCPA] does not create an affirmative obligation on debt collectors to update credit reporting bureaus on the status of a consumer's debt." Likewise, Judge Glasser noted that ERC, in requesting supplemental written documentation from Frazier, nevertheless "accepted" Frazier's verbal dispute of Alcivar's debt.

We echo the Committee's and Judge Glasser's concerns that respondent leveraged the threat of burdensome litigation to attempt to extract a quick settlement, even though ERC never engaged in unlawful debt collection practices toward Alcivar, who, for more than a year, was unaware of her status as a plaintiff in a federal lawsuit.

In the Eisner matter, respondent filed a frivolous FDCPA lawsuit demanding $25,000 in "actual damages" from ERC for its purported refusal to accept a verbal dispute of Eisner's $66.08 debt. In fact, during a deposition, Eisner admitted that ERC had accepted such a verbal dispute. Although Judge DeArcy Hall declined to impose sanctions, on procedural grounds, because the lawsuit had originated in state court, she observed that respondent's claims were "utterly meritless" and that he had asserted arguments that were "unpersuasive to the point of frivolousness."

Respondent also violated RPC 1.4(b) by failing to adequately communicate with Eisner regarding his role as a plaintiff in the lawsuit, his discovery obligations, and the potential risks and costs associated with the litigation. Indeed, during his deposition, Eisner represented that, following Frazier's December 8, 2016 recorded telephone conversation with ERC, he "expected to be done . . . [b]ut now I have to come here and deal with this and miss work." In our view, respondent's failure to adequately communicate resulted in Eisner's confusion regarding the nature of his lawsuit and the demands of litigation.

In the Abreu matter, respondent filed a frivolous FDCPA lawsuit, in the Queens County Civil Court, claiming that RCS, initially, refused to independently notify credit reporting bureaus of Abreu's dispute of a $380 debt. However, within the span of a single day, RCS reversed its position, informing Abreu that it would directly notify the bureaus of the disputed debt.

Approximately two weeks after RCS successfully removed the matter to the EDNY and warned respondent that it would seek to dismiss the lawsuit as frivolous, respondent voluntarily dismissed the matter.

Although Judge Chen declined to sanction respondent, citing the same procedural grounds expressed by Judge DeArcy Hall, she noted that the EDNY repeatedly had rejected respondent's legal theory – that the FDCPA applies when debt collectors communicate with third parties – on three prior occasions, in matters where respondent was counsel of record. Moreover, as Judge Chen observed, respondent could not credibly assert that he was attempting to seek the modification or reversal of legal precedent in the Second Circuit, given that he had instituted the litigation in state court, and, when RCS removed the matter to the EDNY – within the appellate jurisdiction of the Second Circuit – he promptly abandoned the lawsuit. Echoing Judge Chen's suspicions, we determine that respondent filed Abreu's lawsuit, without a legitimate basis in law or fact, to attempt to obtain a nuisance-value settlement from RCS.

Finally, we determine that respondent violated RPC 8.4(d) by abusing the federal court system, for years, to attempt to extract nuisance-value settlements for his numerous FDCPA lawsuits that he had no genuine intent to prosecute. Consistent with his intent to leverage a consumer protection statute for improper pecuniary gain, if the defendants declined to immediately settle their respective matters, respondent simply abandoned the representation, in defiance of the EDNY's orders to prosecute the cases, or stonewalled the defendants' attempts to conduct depositions. As the Committee observed, respondent had no or minimal client contact in several matters, and he routinely asserted meritless claims, advanced frivolous arguments, and ignored court orders, resulting in an egregious waste of judicial resources.

However, we determine to dismiss the remaining charges of unethical conduct.

In the Rodriguez matter, we decline to find clear and convincing evidence that respondent violated RPC 1.3 and RPC 3.2, respectively, by lacking diligence and failing to expedite the litigation. Specifically, in that matter, the EDNY imposed sanctions only on Rodriguez for not appearing at his scheduled depositions and the July 10, 2018 status conference. Significantly, respondent appeared for the July 10 conference, and nothing in the limited record before us contradicts his contention that he attempted to communicate with Rodriguez, who appeared to be primarily responsible for not cooperating in the litigation process.

Additionally, in the Alcivar matter, we determine to dismiss the charge that respondent violated RPC 1.4(b) by failing to communicate with Alcivar. By its express terms, RPC 1.4(b) governs an attorney's obligation to communicate with clients. Here, respondent did not appear to have formed an attorney-client relationship with Alcivar, who, until June 2018, was unaware that respondent had filed a lawsuit on her behalf, in April 2017. See In re Palmieri, 76 N.J. 51, 58 (1978) (noting that legal "representation is inherently an aware, consensual relationship, one which is founded upon the lawyer affirmatively accepting a professional responsibility"). Indeed, Alcivar was unaware that she had executed a retainer agreement with the Redphen Firm, a document which she viewed as an "authorization form" to allow Frazier to access her credit information. Moreover, following the August 2018 evidentiary hearing, the parties agreed to dismiss the matter, with the condition that ERC be permitted to apply for sanctions against respondent and the Redphen Firm.

Although respondent completely failed to conduct the required due diligence concerning his purported relationship with Alcivar prior to filing a lawsuit on her behalf, RPC 1.4(b) did not appear to govern his actions, as a matter of law, considering that he had no attorney-client relationship with Alcivar during the timeframe in which he failed to communicate. See In the

Matter of William P. Munday, DRB 22-191 (March 24, 2023) (dismissing RPC 1.4 charges in connection with that attorney's claimed representation of three individuals, before a municipal zoning board and the Superior Court, in opposition to a development project; the attorney never spoke with the individuals, who were unaware of their role in the litigation and their status as objectors), so ordered, 256 N.J. 89 (2023). Rather, respondent's decision to file a meritless lawsuit, without the approval of his purported client, is more appropriately encapsulated by the RPC 3.1 charge.

In sum, we find that respondent violated RPC 1.3 (eight instances); RPC 1.4(b); RPC 3.1 (three instances); RPC 3.2; and RPC 8.4(d). For the reasons set forth above, we dismiss the charges that respondent violated RPC 1.3 and RPC 3.2 in connection with the Rodriguez matter and the charge that he violated RPC 1.4(b) in connection with the Alcivar matter. The sole issue left for determination is the appropriate quantum of discipline for respondent's misconduct.

Quantum of Discipline

Attorneys who engage in a serious abuse of the legal system, either by pursuing frivolous lawsuits or mishandling numerous client matters, in defiance of court orders, have received terms of suspension. See, e.g., In re Deshmukh, 256 N.J. 324 (2024) (three-month suspension for an attorney who filed a frivolous lawsuit against a former business partner, despite a bankruptcy discharge injunction precluding such litigation; the attorney refused to stipulate to the partner's dismissal from the lawsuit and continued to attempt to obtain discovery from the partner, even after a bankruptcy court had sanctioned him for violating the injunction without justification; the attorney satisfied the sanction amount and was not motivated by pecuniary gain; no prior discipline); In re Rakofsky, 257 N.J. 180 (2024) (one-year suspension for an attorney who, during the span of approximately one year, filed pleadings in three matters that asserted frivolous claims for damages, in order to coerce favorable outcomes; in one matter in which he sought $1 million for his "emotional distress" following an unwelcome visit to a dentist's office, the dentist settled the lawsuit, for nuisance value; no court had declared the attorney's claims to be frivolous or lacking in merit and, with the exception of one matter, the attorney's cases did not result in a waste of judicial resources, given that they were settled soon after they were filed; the attorney also sent an insulting letter to a judge, engaged in discourteous conduct toward a client, and sent a threatening and demeaning e-mail to a second client; although the attorney admitted the facts underpinning his misconduct, he continued to deflect blame for his actions onto others; prior censure for fabricating his credentials in an attorney advertisement); In re Thomas, 256 N.J. 326 (2024) (on a motion for reciprocal discipline, two-year suspension for an attorney who mishandled three matters in federal court; in the first matter, he failed to respond to discovery requests and failed to oppose a summary judgment motion, resulting in a finding by the federal court that he had displayed a “pattern of inattentiveness to [the] litigation;” in the second matter, a federal court sanctioned him for willfully disregarding both an order to file corporate disclosure statements and the deadline to reply to an order to show cause regarding his inaction; the attorney lied about the reasons for his failure to file the disclosure statements, and the federal court noted that he had a “long history” of disobeying court orders; in the third matter, he filed a frivolous federal lawsuit regarding issues which previously had been litigated in state court; in amending his frivolous complaint, he lied to the federal court that the amendment served only to correct spelling and grammatical errors, when, in fact, it removed a party as a defendant; he also displayed an alarming indifference toward the accuracy of his court filings and failed to timely file pleadings and motions; although he stipulated to his misconduct in Pennsylvania and expressed remorse, he failed to notify the OAE of his Pennsylvania discipline and continued to practice law in New Jersey, despite representing that he needed to establish his fitness before being reinstated to the practice of law; no prior discipline); In re Shearin, 172 N.J. 560 (2002) (three-year suspension for an attorney who previously had received a one-year suspension for misconduct surrounding the representation of a church in a property dispute; the attorney sought the same relief as in prior unsuccessful lawsuits against the client's rival church; the attorney burdened the resources of two federal courts, defendants, and others in the legal system with the frivolous filings; she also knowingly disobeyed a court order that expressly enjoined her and the client from interfering with the rival church's use of the property, and made disparaging statements about the mental health of a judge).

In our view, respondent, like the attorney in Rakofsky who received a one-year suspension, repeatedly leveraged the threat of burdensome litigation to coerce nuisance-value settlements. However, unlike Rakofsky, who filed only three frivolous lawsuits within a one-year period, respondent's actions spanned nearly four years, during which he filed numerous lawsuits, typically seeking $25,000 in "actual damages," even when no violations of the FDCPA had occurred. Alarmingly, the Committee found that, in several matters, respondent had no or limited contact with his clients prior to filing their respective lawsuits, resulting in Alcivar being unaware of her status as plaintiff for fourteen months and Eisner expressing significant confusion regarding the nature of his lawsuit and his role in the litigation.

Moreover, like the attorney in Thomas, who received a two-year suspension for egregiously lacking diligence and failing to comply with federal court orders in three matters, respondent's misconduct resulted in an enormous waste of judicial resources, given his indifference toward complying with numerous federal court directives, spanning at least eight client matters, requiring that he advance the litigation. Consistent with his intent to leverage the lawsuits solely to extract quick, nuisance-value settlements, if the defendants declined to promptly settle the lawsuits, respondent would simply abandon the matters or obstruct the defendants' good faith efforts to conduct depositions. As the Committee observed, respondent's serious abuse of the federal court system and a consumer protection statute "disrupted multiple proceedings and . . . made it more difficult for the justice system to work."

Other than respondent's previously unblemished career at the bar in New York and in federal courts, where he primarily practiced law, there is no compelling mitigation for us to consider. Indeed, as an experienced federal court practitioner, respondent should have been acutely aware of his obligation to avoid leveraging the threat of litigation to extract nuisance-value settlements. Nevertheless, as the Committee found, his misconduct in that regard was not merely an isolated episode but, rather, "a hallmark of his practice in [the EDNY]."

Finally, although respondent expressed remorse for his conduct, we echo the Committee's concerns that he has continued to deflect blame for his actions onto the Redphen Firm. We also are troubled by the fifteen-month delay between the EDNY's December 2022 suspension order and respondent's March 2024 letter, erroneously sent to the New Jersey Board of Bar Examiners, referencing only the August 2023 suspension imposed by the Supreme Court of New York.

Conclusion

On balance, consistent with New Jersey disciplinary precedent, weighing respondent's egregious efforts to leverage the federal court system and the FDCPA for improper pecuniary gain, we determine that a three-year suspension – the identical sanction imposed by the EDNY and other jurisdictions – is the appropriate quantum of discipline necessary to protect the public and preserve confidence in the bar.

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

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

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

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Edward Barry Geller
Docket No. DRB 25-239

Argued: November 20, 2025

Decided: March 23, 2026

Disposition: Three-Year Suspension

Members	Three-Year Suspension
Cuff	X
Boyer	X
Campelo	X
Hoberman	X
Menaker	X
Modu	X
Petrou	X
Rodriguez	X
Spencer	X
Total:	9

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