

SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
Docket No. DRB 25-246  
District Docket No. XIV-2023-0361E

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In the Matter of Marc William Nuzzo  
An Attorney at Law

Argued  
January 15, 2026

Decided  
March 27, 2026

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Oluwakolapo Sapara appeared on behalf of the  
Office of Attorney Ethics.

Respondent appeared pro se.

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## **Introduction**

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

This matter was before us on a motion for final discipline filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-13(c)(2), following respondent's convictions, in the Commonwealth of Pennsylvania, Court of Common Pleas, McKean County, for aggravated assault by vehicle, a felony of the third degree, in violation of 75 Pa.C.S. § 3732.1(a) (three counts); involuntary manslaughter, a misdemeanor in the first degree, in violation of 18 Pa.C.S. § 2504(a); recklessly endangering another person, a misdemeanor of the second degree, in violation of 18 Pa.C.S. § 2705(a) (six counts); and numerous summary offenses. The OAE asserted that respondent's offenses constituted violations of RPC 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer).

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

## **Ethics History**

Respondent earned admission to the New Jersey and Pennsylvania bars in 2002 and to the Washington bar in 2003. During the relevant timeframe, he was employed as an airline pilot. He has never maintained a practice of law in New Jersey. According to the Court's attorney database, between July 31, 2003 and March 10, 2010, respondent was on active military status. Effective March 10, 2010, he retired from the practice of law in New Jersey and, to date, remains in retired status.<sup>1</sup> He has no prior discipline in New Jersey.

Effective July 28, 2023, the Supreme Court of Pennsylvania temporarily suspended respondent in connection with his criminal convictions underlying this matter. In re Nuzzo, 2023 Pa. LEXIS 1011 (2023). To date, respondent remains temporarily suspended in Pennsylvania.

We now turn to the facts of this matter.

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<sup>1</sup> An attorney who wishes to retire from the practice of law may do so at any time without Court Order. Pursuant to R. 1:28-2(b), an attorney may request an exemption from payment to the New Jersey Lawyers' Fund for Client Protection by submitting a certification of retirement indicating that they are "retired completely from the practice of law." At any time, however, an attorney in retired status can reactivate their law license by updating their registration status and paying the attorney registration fee for the current year.

## **Facts**

On September 5, 2018, at approximately 8:37 p.m., as respondent was driving southbound on Pennsylvania State Route 219, he intentionally crossed over the double yellow line separating the opposing lanes of traffic to attempt to pass a tractor trailer. He then collided, head-on, with a vehicle traveling northbound. The occupants of the other vehicle included the driver, Stanley Austin, and five passengers, including Austin's wife and daughter. Austin died fifteen days after the accident from complications related to his injuries. Several of the other passengers in Austin's vehicle suffered injuries, including lacerations, head injuries, and serious fractures that required multiple surgeries and reconstruction.

Based on the foregoing facts, on March 28, 2019, respondent was charged with homicide by vehicle, a felony of the third degree, in violation of 75 Pa.C.S. § 3732(a);<sup>2</sup> aggravated assault by vehicle, a felony of the third degree, in

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<sup>2</sup> 75 Pa.C.S. § 3732(a) states that “[a]ny person who recklessly or with gross negligence causes the death of another person while engaged in the violation of any law of this Commonwealth or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic . . . is guilty of homicide by vehicle, a felony of the third degree, when the violation is the cause of death.”

violation of 75 Pa.C.S. § 3732.1(a) (three counts);<sup>3</sup> involuntary manslaughter, a misdemeanor of the first degree, in violation of 18 Pa.C.S. § 2504(a);<sup>4</sup> recklessly endangering another person, a misdemeanor of the second degree, in violation of 18 U.S.C. § 2705(a) (six counts);<sup>5</sup> and numerous summary offenses.

A five-day jury trial took place from January 24 through January 30, 2023. According to the testimony, the accident occurred on a stretch of Route 219 that has two lanes in the southbound direction, one right-hand “slow lane” and one left-hand “passing lane,” and a single lane in the northbound direction. The portion of the southbound lanes that included the passing lane is located on an incline in the road heading into a right-hand curve in the roadway.

Witnesses testified that, at the time of the accident, respondent was driving his Jeep Compass behind a tanker truck in the left-hand passing lane as

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<sup>3</sup> 75 Pa.C.S. § 3732.1(a) states that “[a]ny person who recklessly or with gross negligence causes serious bodily injury to another person while engaged in the violation of any law of this Commonwealth or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic . . . is guilty of aggravated assault by vehicle, a felony of the third degree when the violation is the cause of the injury.”

<sup>4</sup> 18 Pa.C.S. § 2504(a) states that “[a] person is guilty of involuntary manslaughter when as a direct result of the doing of an unlawful act in a reckless or grossly negligent manner, or the doing of a lawful act in a reckless or grossly negligent manner, he causes the death of another person.”

<sup>5</sup> 18 Pa.C.S. § 2705(a) states that “[a] person commits a misdemeanor of the second degree if he recklessly engages in conduct which places or may place another person in danger or serious bodily injury.”

it slowly attempted to pass – going uphill – a tractor trailer traveling in the right-hand slow lane. The tractor trailer driver testified that the Jeep was directly behind the tailgate of the tanker truck, and “all of a sudden [the Jeep] accelerated.” He added that, as the vehicles approached the crest of the hill, he could see the headlights of Austin’s vehicle “just coming over the hill,” and he heard respondent’s vehicle accelerate as it moved into the oncoming traffic lane, followed by an immediate impact. Additional witnesses testified that respondent drove his vehicle into the oncoming traffic lane to pass the tanker truck on the left.

In turn, respondent testified that the two semi-tractor trailers were “jockeying for position” on the roadway. He asserted that the tanker truck was in the slow lane and, as he was “one car length” into passing the tanker truck in the passing lane when that truck began encroaching into the passing lane, leaving him with nowhere to go. He stated that because he believed there was a pick-up truck behind him, he could not brake and determined that trying to pass the tanker truck was the “safest thing to do.” He further testified that he “slammed on the gas” to pass the tanker truck but it continued to move into his lane, forcing his vehicle over the double yellow line. However, on cross-examination and re-direct, he conceded that he “intentionally” went into and

“stayed in” “the wrong lane” to avoid hitting the tanker truck as it moved further into the passing lane and, further, that he accelerated to pass the truck as he approached the curve in the road. He further admitted that he had driven that route “a couple hundred times” and knew the passing lane ended at the top of the hill where the roadway veered to the right.

The prosecution’s crash reconstruction expert testified that the “black box” on respondent’s vehicle indicated that the accelerator remained 100 percent engaged 1.4 seconds prior to the collision.

On January 30, 2023, a jury found respondent guilty on all but two charges; specifically, it was unable to reach a verdict on the charges of homicide by vehicle and involuntary manslaughter.

On April 12, 2023, respondent pleaded guilty to involuntary manslaughter and the prosecution dismissed the homicide by vehicle charge. During the sentencing hearing, respondent admitted that he caused Austin’s death. He further expressed remorse for the pain and grief his conduct caused Austin’s family and the other passengers in the vehicle.

That same date, the Honorable John H. Pavlock sentenced respondent to a term of incarceration of not less than six months and not more than eighteen months for the involuntary manslaughter and aggravated assault by vehicle

counts. For each count of reckless endangerment, Judge Pavlock sentenced respondent to a two-year term of probation, with each term to run concurrent to the others. The sentence totaled a period of incarceration of not less than twenty-four months and no more than seventy-two months, with credit given for seventy-three days of time served, followed by a two-year term of probation.

Judge Pavlock further ordered, as a condition of respondent's parole, that he obtain an updated mental health evaluation and follow through with any recommended treatment and counseling; obtain an updated drug and alcohol evaluation and follow through with any recommended treatment and counseling; refrain from consuming any alcohol or be in a place that served alcohol or have any alcoholic beverages whatsoever at his home or in any vehicle that he is an occupant of during the term of his sentence;<sup>6</sup> have no contact with the victims or witnesses; submit a DNA sample; and pay \$4,146.50 in restitution to Austin's wife.

Respondent failed to notify the OAE of his criminal indictment and subsequent conviction, as R. 1:20-13(a)(1) requires.

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<sup>6</sup> The record does not reflect that alcohol consumption played a role in the accident and respondent was not charged with any alcohol-related offenses.

## **The Parties' Positions Before the Board**

In support of its motion for final discipline, the OAE argued that respondent violated RPC 8.4(b) via his numerous criminal convictions and, citing disciplinary precedent discussed below, recommended a three- or six-month suspension.

In mitigation, the OAE noted that respondent has no prior discipline in his twenty-three years at the bar and expressed remorse at the sentencing hearing.

The OAE considered, in aggravation, that respondent failed to notify the OAE of his criminal conviction, as R. 1:20-13(a)(1) requires.

Although respondent did not submit a brief for our consideration, on November 10, 2025, he sent a letter to us indicating that he is a “New Jersey State licensed attorney in retired status” and hopes to “maintain that” status.

Respondent appeared before us, via telephone, for oral argument. He asserted that, due to his incarceration, he lacked access to the internet and New Jersey disciplinary case law, and was, thus, unable to file a reply to the OAE’s motion. Nevertheless, he argued that the disciplinary precedent cited by the OAE involved intentional acts of violence or automobile accidents caused by substance abuse, which he asserted were distinguishable from the circumstances underpinning this matter. He added that his misconduct did not involve moral

turpitude, substance abuse, or intentional acts of violence.

Respondent maintained that he was incarcerated immediately following his guilty plea and, thus, had no ability to inform the OAE of his conviction. He also asserted that he had directed his counsel at the time to notify New Jersey disciplinary authorities, which he alleged his attorney failed to do. He stated that he does not have a record of his discussions with his former counsel, noting that he lost his contemporaneous notes due to a plumbing accident in his prison cell. He added that he has paid all restitution and fines imposed in connection with his sentence, and had believed that his attorney had notified the OAE as directed. He asserted that, as soon as he discovered that his attorney had failed to do so, he made efforts to contact the OAE himself.

Respondent stated that he does not intend to practice law again but noted that, if he does, it will be in a pro bono capacity. In response to our questioning, respondent stated that, in his view, a reprimand would be the appropriate quantum of discipline in this matter.

## **Analysis and Discipline**

### *Violations of the Rules of Professional Conduct*

Following a review of the record, we determine to grant the OAE's motion

for final discipline. Final discipline proceedings in New Jersey are governed by R. 1:20-13(c). Under that Rule, a criminal conviction is conclusive evidence of guilt in a disciplinary proceeding. R. 1:20-13(c)(1). See also In re Magid, 139 N.J. 449, 451 (1995), and In re Principato, 139 N.J. 456, 460 (1995).

Pursuant to RPC 8.4(b), it is misconduct for an attorney to “commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness[,] or fitness as a lawyer.” Thus, respondent’s guilty plea and conviction for involuntary manslaughter, in violation of 18 Pa.C.S. § 2504(a), and his convictions for aggravated assault by vehicle, in violation of 75 Pa.C.S. § 3732.1(a); recklessly endangering another person, in violation of 18 U.S.C. § 2705(a); and numerous summary offenses establish his violation of RPC 8.4(b). Hence, the sole issue left for our determination is the proper quantum of discipline for respondent’s misconduct. R. 1:20-13(c)(2); Magid, 139 N.J. at 451-52; Principato, 139 N.J. at 460.

### Quantum of Discipline

In determining the appropriate measure of discipline, we must consider the interests of the public, the bar, and respondent. “The primary purpose of discipline is not to punish the attorney but to preserve the confidence of the

public in the bar.” Principato, 139 N.J. at 460. Fashioning the appropriate penalty involves the consideration of many factors, including “the nature and severity of the crime, whether the crime is related to the practice of law, and any mitigating factors such as respondent’s reputation, [their] prior trustworthy conduct, and general good conduct.” In re Lunetta, 118 N.J. 443, 445-46 (1989).

The Court has noted that, although it does not conduct “an independent examination of the underlying facts to ascertain guilt,” it will “consider them relevant to the nature and extent of discipline to be imposed.” Magid, 139 N.J. at 452. In motions for final discipline, it is acceptable to “examine the totality of [the] circumstances, including the details of the offense, the background of respondent, and the pre-sentence report” before reaching a decision as to the sanction to be imposed. In re Spina, 121 N.J. 378, 389 (1990). The “appropriate decision” should provide “due consideration to the interests of the attorney involved and to the protection of the public.” Ibid.

The fact that an attorney’s conduct did not involve the practice of law or arise from a client relationship will not excuse an ethics transgression or lessen the degree of sanction. In re Musto, 152 N.J. 165, 173 (1997). “Offenses that evidence ethical shortcomings, although not committed in the attorney’s professional capacity, may, nevertheless, warrant discipline.” Ibid. (citing In re

Hasbrouck, 140 N.J. 162, 167 (1995)). The obligation of an attorney to maintain the high standard of conduct required by a member of the bar applies even to activities that may not directly involve the practice of law or affect the attorney's clients. In re Schaffer, 140 N.J. 148, 156 (1995).

Generally, suspensions are imposed when an attorney causes an automobile accident that results in a fatal injury, with greater terms of suspension imposed if alcohol was a contributing factor in the accident. See, e.g., In re Howard, 143 N.J. 526, 533 (1996) (three-month suspension for an attorney convicted of death by auto, a third-degree crime; although there was no evidence that the attorney had been drinking prior to the accident, the Court warned that “[l]onger suspensions will be called for when alcohol plays an aggravating role in a vehicular homicide case”); In re Barber, 148 N.J. 74 (1997) (six-month suspension for an attorney following his conviction for vehicular homicide when his passenger died in a one-car accident; although the attorney was not convicted of driving while intoxicated, his consumption of alcohol prior to the accident was considered as an aggravating factor); In re Jadeja, 236 N.J. 6 (2018) (two-year suspension for an attorney convicted of second-degree manslaughter, second-degree assault, driving while intoxicated, and driving while impaired; after drinking in New York City, and while under the influence

of alcohol and Xanax, the attorney drove his vehicle on the Long Island Expressway, collided with a vehicle and killed the other driver; despite the attorney having taken substantial steps to achieve sobriety while incarcerated, we noted that such actions came at a tragically high cost to the victim's family).

In this matter, because alcohol did not play a role in the automobile accident, respondent's misconduct, though serious, did not rise to the level of egregious act committed by the attorney in Jadeja, who received a two-year suspension.

However, like the attorney in Howard, who received a three-month suspension, respondent's recklessness played a significant role in the accident. Specifically, in Howard, following an argument with her husband, the attorney unintentionally struck him with her vehicle while she was exiting the driveway of a health clinic. 143 N.J. at 528. At trial, Howard "maintained that her husband stepped in front of the car as she was accelerating, and that she did not see him because she was reaching over in an attempt to close the . . . passenger door." Id. at 528-29. A jury acquitted Howard of murder but convicted her of death by auto, in violation of N.J.S.A. 2C:11-5. Id. at 529. The court sentenced Howard to a five-year term of probation, 500 hours of community service, \$17,500 in fines and penalties, and revoked her driving privileges for two years. Ibid.

In imposing a three-month suspension in Howard, the Court noted that, although alcohol played no role in Howard’s conduct, her “recklessness . . . result[ed] in the death of another human being and that recklessness brings substantial disrepute to the bar generally.” Id. at 533. The Court also observed that “the discipline imposed should reflect the seriousness of the societal norms transgressed.” Ibid. Indeed, the Court noted that the Legislature amended N.J.S.A. 2C:11-5 to make a violation of that statute a second-degree criminal offense. However, at the time of Howard’s criminal offense, in 1989, “the Legislature had not yet made vehicular homicide a second-degree crime.” Ibid. Consequently, the Court imposed a three-month suspension. Ibid.

Here, respondent recklessly endangered the occupants of Austin’s vehicle by intentionally accelerating into the oncoming traffic lane, despite having an obstructed view of the roadway, as he crested the hill and approached a curve. His recklessness caused an accident that resulted in the occupants of the other vehicle suffering serious injuries and, ultimately, led to Austin’s death.

Based upon the foregoing precedent, we determine that a three-month suspension is the minimum quantum of discipline necessary to protect the public and preserve confidence in the bar. To craft the appropriate discipline in this case, however, we also consider mitigating and aggravating factors.

In mitigation, respondent expressed sincere remorse for his actions. Although he has an unblemished career in his twenty-three years at the bar, a factor we ordinarily accord significant weight, he retired from the practice of law in New Jersey more than fifteen years ago. Further, the record does not establish that he ever practiced law in this state. Thus, we accord little weight to respondent's time admitted to the New Jersey bar. See In the Matter of Tony Chung-Min Hom, DRB 22-210 (May 3, 2023) (we accorded little weight to the attorney's twenty-five-year career at the New Jersey bar because he had been administratively ineligible to practice law in New Jersey for seven consecutive years), and In the Matter of David Jay Bernstein, DRB 21-011 (September 22, 2021) (we accorded little weight to the attorney's thirty-six-year career at the New Jersey bar because the attorney stated during oral argument that he did not practice law in New Jersey).

In aggravation, respondent failed to inform the OAE of his criminal charges and convictions, as R. 1:20-13(a)(1) requires. Although respondent urged us to accord this factor minimal weight, based on his immediate incarceration following his conviction and his misplaced reliance on his former counsel to notify the OAE, we find that respondent had an obligation to inform the OAE of his criminal charges, which he failed to satisfy.

## **Conclusion**

On balance, weighing the gravity of respondent's misconduct and determining that the aggravating and mitigating factors are in equipoise, we conclude that a three-month suspension is the quantum of discipline necessary to protect the public and preserve confidence in the bar. Because respondent has retired from the practice of law in New Jersey, we recommend that his suspension be deferred until such time as he would seek to resume the practice law in New Jersey.

Members Hoberman and Modu were absent.

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

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

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

SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
VOTING RECORD

In the Matter of Marc William Nuzzo  
Docket No. DRB 25-246

Argued: January 15, 2026

Decided: March 27, 2026

Disposition: Three-Month Suspension

| <i>Members</i> | Three-Month Suspension | Absent |
|----------------|------------------------|--------|
| Cuff           | X                      |        |
| Boyer          | X                      |        |
| Campelo        | X                      |        |
| Hoberman       |                        | X      |
| Menaker        | X                      |        |
| Modu           |                        | X      |
| Petrou         | X                      |        |
| Rodriguez      | X                      |        |
| Spencer        | X                      |        |
| Total:         | 7                      | 2      |

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