SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 25-038
District Docket Nos. XIV-2019-0179E and XIII-2021-0902E

In the Matter of Dena Jean Falken
An Attorney at Law

Argued
April 17, 2025

Decided
July 23, 2025

Colleen L. Burden appeared on behalf of the
Office of Attorney Ethics.

Respondent waived appearance for oral argument.

CORRECTED DECISION

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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 recommendation for a one-year suspension filed by the District XIII Ethics Committee (the DEC). The formal ethics complaint charged respondent with having violated RPC 1.1(a) (two instances – engaging in gross neglect); RPC 1.3 (two instances – lacking diligence); RPC 1.4(a) (two instances – failing to fully inform a prospective client of how, when, and where the client may communicate with the lawyer); RPC 1.4(b) (failing to communicate with a client); RPC 1.16(d) (two instances – failing to protect the client's interests upon termination of representation and to refund the unearned portion of the fee); RPC 5.5(a) (two instances – practicing law while administratively ineligible); RPC 8.1(b) (failing to cooperate with disciplinary authorities); and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

For the reasons set forth below, we determine that a one-year suspension is the appropriate quantum of discipline for respondent's misconduct.

Ethics History

Respondent earned admission to the New Jersey bar in 1995. She has no prior discipline. At the relevant times, she served as the president and chief executive officer of Legal Ease International, Inc. (Legal Ease). Through Legal Ease, she teaches "legal English" seminars around the world to those seeking to gain a working knowledge of "American legal English terms and procedures."

Effective September 12, 2016, the Court declared respondent administratively ineligible to practice law in New Jersey for failing to pay her annual assessment to the New Jersey Lawyers' Fund for Client Protection (the CPF), as R. 1:28-2(b) requires.

Effective August 8, 2018, respondent updated her status to "retired" with the CPF, pursuant to R. 1:28-2(b).[1]

On January 8, 2020, respondent cured her CPF deficiency and reactivated her license from retired to active status. However, on August 26, 2022, she again updated her status to "retired."

[1] An attorney who determines 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 CPF by submitting a certification of retirement indicating that they are "retired completely from the practice of law." At any time, however, an attorney on retired status can reactivate their law license by updating their registration status and paying the attorney registration fee for the current year. An attorney on retired status is still subject to the disciplinary jurisdiction of the Court. See In re Engelhardt, 213 N.J. 42 (2013) (attorney reprimanded for practicing law while ineligible due to retired status and for failing to cooperate with disciplinary authorities).

Effective June 5, 2023, the Court temporarily suspended respondent for failing to comply with a prior Court Order. In re Falken, 254 N.J. 119 (2023). She remains temporarily suspended to date.

Facts

The Devendra Dolasia Matter

In May 2015, respondent met Devendra Dolasia at a hotel in Miami, Florida. Dolasia had been an airline pilot for forty-five years. One of the airlines Dolasia had worked for, Korean Air Lines (KAL), with headquarters in Seoul, South Korea, had terminated his employment in 2009. Dolasia had been contracted to KAL through BEST International, an employment agency (BEST). Dolasia previously retained Kent Krause, Esq., a Texas-based attorney, to file an unlawful termination claim against KAL (the Texas litigation). However, a Texas court dismissed the lawsuit.

Dolasia maintained that, during the Texas litigation, the judge informed him that he had a valid wrongful termination claim; however, because BEST employed him, and not KAL, he needed to file a lawsuit against BEST.

When respondent overheard Dolasia speaking with a friend about the Texas litigation, she offered to help him with translation services and to have his employment matter re-filed in court. Therefore, Dolasia left his computer

with respondent all day because it contained the Texas litigation documents. When Dolasia returned the next day, respondent informed him she had a network of Korean lawyers she could use to help him.

Dolasia cautioned respondent that, before she began any work on his case, she would need to confirm that the statute of limitations had not expired. Dolasia accepted respondent's offer of help and, on May 29, 2015, respondent provided him with a "Power of Attorney: Judgment Enforcement" (the POA), which both parties signed that date. In the POA, Dolasia granted respondent a "general power of attorney" and appointed her as his "attorney-in-fact," so that she could act with respect to "claims and litigation related to the [KAL] Judgment enforcement Records, reports and statements." He also gave "full and unqualified authority to my attorney-in-fact to delegate any or all of the foregoing powers to any person or persons whom my attorney-in-fact shall select" and "all other matters relating to the [KAL] Enforcement."

Although respondent provided Dolasia with the POA, she did not provide him with a written retainer agreement.[2] Despite the absence of a formal retainer agreement, Dolasia testified that, when he signed the POA, he "expected [respondent] to pursue ways to ensure that Korean Airline would admit that

[2] The OAE did not charge respondent with having violated RPC 1.5(b) (failing to set forth, in writing, the basis or rate of the legal fee).

termination was not fair and I was – I was entitled to the loss of income, et cetera, that they owed me." On June 2, 2015, Dolasia sent $600, via PayPal, to respondent's Legal Ease account, for the "KAL case." Dolasia considered respondent his "legal advisor" and believed the initial $600 he paid to her was a retainer fee.

Shortly thereafter, respondent asked Dolasia for additional funds in order to hire a translator to translate documents from English to Korean; to consult with Korean attorneys and mediators; to file documents; and to consult with "experienced Korean University professors visiting [the] University of Berkley"[3] (the Berkeley Program) to "ensure that rights steps were being taken to file claims against Korean Air in a court of law in Seoul." In turn, on June 11, 2015, Dolasia wired $7,100 to Legal Ease.

On June 20, 2015, respondent received additional Texas litigation documents from Krause. After reviewing those documents, she spoke with Krause about the Texas litigation. Later, on July 7, 2015, Dolasia sent respondent an e-mail explaining his view of the reasons KAL unlawfully terminated his employment.

[3] Throughout our decision, all typographical and spelling errors contained in the quoted excerpts are contained in the original correspondence.

On August 1, 2015, Dolasia sent respondent an e-mail asking, "according to your Korean colleagues, how are we placed for the statute [of] limitation[s] in Korea for this law suit, what is the deadline to submit the claims to the court there?" In her August 2, 2015 reply, respondent informed Dolasia:

> Thats not the issue. It's ..can we bring it in LA and enforce it in Korea. We got the documents piece meal. .so no lawyer can proceed without knowing and reading everything first..obviously. This will be full blown litigation either way here if we get jurisdiction or Korea. That means expert witnesses, depositions, subpoenas..etc.. Are you sure that is what you want? That could be a year just to get a date. Or we try for ADR.. Alternative dispute resolution . . . This is something to be clear on. With no lawyers fees..this is still a timely, costly case. Issues that were ruled against you need to be re-litigated. I would refile in California. .and enforce in Korea. If its [sic] admitted there, must be Korea, very costly. Remember we were studying the case as we got information. Statute is not the issue as of now.
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> [Ex.P-8.][4]

On August 18, 2015, respondent sent Dolasia an e-mail informing him that, in attendance at a seminar she recently taught, there were "many new lawyers and judges from Korea," and that she was meeting with a judge that week. Respondent told Dolasia they would speak about the case the following week, but that she could not have asked for a better outcome from the seminar.

[4] "Ex." refers to the exhibits admitted into evidence during the ethics proceeding. "HPR" refers to the hearing panel report, dated January 16, 2025.

Approximately one month later, on September 14, 2015, Dolasia wired an additional $6,000 to Legal Ease. On November 10, 2015, he wired $3,000 more to Legal Ease.

Almost one year later, on October 17, 2016, respondent sent an e-mail to Dolasia asking to speak with him. Two days later, Dolasia told respondent that he was growing increasingly concerned about the cost of the case because he needed funds to start a new business that year. Dolasia asked respondent how the Berkeley Program would be able to help with his case. Dolasia "presume[d] that [the] vast majority of the document translation is complete" and that the Berkeley Program would "guide us on how to file a claim." Dolasia asked respondent if she knew how much money he already had provided to her "for translation and filing in Korea." Dolasia noted respondent's previous comment that it would cost the Berkeley Program $3,000 to review the case, but expressed that:

> if you are absolutely certain that this amount will not be exceeded (as I really can't afford to spend more money of this issue, not knowing if ever there will be a favourable outcome for me and with no income I can't throw good saving after possible payback from a big Corp as they will try and argue and delay settlement as a matter of example to other pilots) and that these Korean lawyers and judges at Berkeley will be willing to allocate required time to review the docs and give their best advice, at your estimated costs.
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> [Ex.P-11.]

Dolasia asked respondent if they were "ready with all the translated documents" and whether they would "be ready to file by early next year." He expressed that he knew respondent was "trying [her] best to use [her] knowledge, expertise, time and contacts" to help him with his case, but he needed to "be careful about funding the claim and the fight" and asked that respondent consider his finances and "advice [sic] accordingly." In a separate October 19, 2016 e-mail, Dolasia asked whether respondent believed the Berkeley Program was "in [her] opinion . . . something exceptional in terms of the best available resources."

In her October 20, 2016 reply e-mail, respondent indicated that she "appreciate[d] the cost of Legal fees and translators," but told Dolasia that the "timing for one is a benefit." Respondent contended that, because KAL had "zillion dollar an hour attorneys that can drag this out," Dolasia's filing needed to be "spot on" because there was no appealing its outcome. Respondent acknowledged that the Texas litigation "was appealable, however we are going a different route." Nevertheless, respondent informed Dolasia that "no legal procedure is sure." Also on October 20, 2016, respondent assured Dolasia that utilizing the Berkeley Program was "wise."

On October 22, 2016, Dolasia sent respondent an e-mail informing her that he and his wife spoke about the finances they had available for the KAL

case and they had "come to a conclusion that we accept your expert opinion as a lawyer and a good friend on [the] best possible route to go forward with filing the case and the claim in a court in Seoul." Dolasia told respondent he would not be able to provide any more funds in the KAL case and that if the funds he already had paid respondent were sufficient, she should proceed with the case; however, if more funds were necessary, he needed to abandon the matter. Despite his statement two days prior, on October 24, 2016, Dolasia wired $3,000 to respondent's Legal Ease account. In her October 27, 2016 reply e-mail, respondent informed Dolasia that "All is well! Doing research. setting up. meetings ..All good!"

Approximately two months later, on December 30, 2016, Dolasia sent respondent an e-mail stating:

> you had originally planned to submit the claim with a court in Seoul at the end of the year, but that was obviously delayed with plans to consult the Korean legal experts at Berkley [sic]. But I presume your ex student has completed the translation of the documents you had requested, so with that issue in the bag and with your ongoing consultations, what is new planned date to make the submission in 2017.
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> [Ex.16.]

On May 4, 2017, respondent sent an e-mail to Dolasia expressing frustration, stating "I can't take it anymore . . . this is taking over my life, my time . . ." Respondent told Dolasia she needed to hear from him that day because

she needed to send the KAL documents to Seoul via FedEx. Additionally, respondent stated that she wanted him to reply to her e-mails while she was with the translator because respondent "had to pay her hotel to get her to stay!!!" In his reply e-mail, Dolasia apologized and told respondent to send him the costs for FedEx and the translator's hotel so that he could reimburse her. Respondent's reply emphatically informed Dolasia she needed to hear from him that day, because if she did not, and did not receive timely reimbursement, she was "dropping [the documents] in the mail and that is the end for me. I can't even reach the translator now and I need to know where to put this information." Respondent added that she could "do no more legally or linguistically. I will not call another translator."

Dolasia replied to express that it would be a "tragedy if the mail goes missing and the document is incomplete" because respondent had worked hard on the case. Therefore, Dolasia told respondent if she was unable to complete the documents and was unsure where to mail them, she should send the documents to him so that he could visit the South Korean embassy in Canberra, Australia for advice. Respondent told Dolasia to "get that money in today" because the documents are:

> sent to Korea, mediation board..they will send you a case number, they will send you the answer, that is how it works, they will have a file . . . There is no appeal in mediation whatsoever, so I don't know what chasing

> you will do, but nonetheless...the file will get a number and will all be there.
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> [Ex.P-17.]

Respondent also told Dolasia that the best scenario would be for the translator to return, "because she has a software program all in Korean characters, that would allow us to scan the documents and get it straight to the labor board! It was perfect…as I said we were working side by side so I was explaining some legal issues, she was putting it in Korean for the final part we needed to do." Therefore, respondent stated if the translator returned and if Dolasia gave her $500, she could "scan it to the BOARD and get you a case number right away."

Consequently, on May 4, 2017, Dolasia wired $500 to "Dena Falken." Shortly after Dolasia sent her the funds, respondent sent him a screenshot of the petition she was working on. Although the form itself is written in Korean, the portion of the title of the document that is legible states respondent had been working on a "Petition . . . of . . . Labor . . . Law . . . Violation."

After respondent sent Dolasia screenshots of the petition, he believed she filed it, and he was awaiting a reply from the Korean Labor Board. However, at some point, Dolasia determined he wanted to confirm the information about his petition on his own, so he visited the South Korean consulate office in Australia.

After his conversation at the consulate's office, Dolasia concluded that respondent had failed to file a petition on his behalf.

On September 21, 2017, respondent sent Dolasia an e-mail informing him the translator "missed the mediation board by just a few to get the information . . . so she will be trying again tomorrow . . . The information is going to her but we think the number and judgment will come together." Along with her e-mail, respondent sent Dolasia a photograph of the translator sitting next to respondent and informed Dolasia she was "making sure she repeated back to me everything in English before she put it in Korean exactly as I wanted it presented." Respondent did not indicate that a Korean attorney worked on the petition with her.

Indeed, throughout 2017, respondent told Dolasia she had submitted the documents and that officials in South Korea were investigating the matter. Additionally, respondent represented to Dolasia that it was a positive sign they had not heard anything back from the labor board because that meant the labor board had not dismissed the matter immediately.

On April 23, 2018, Dolasia received an e-mail from In Soo Hwang. Although Hwang's role is not clear from the record before us, in his e-mail to Dolasia, he stated he was "with [the] Korean Air Pilot's Union" (the Union).

Hwang indicated that he had contacted the Union's labor department in Seoul, South Korea, to inquire about Dolasia's case. However, the labor department:

> could not find any case under your name or company name. Also they notified the 'extinctive prescription (timeframe which you can ask for wage) is 3 years and statute of limitation (timeframe which you can ask to be sentensed) is 5 years. On that note, they notified me from 2009, first limit is 2012, and second limit is 2014.'
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> [Ex.21.]

Hwang told Dolasia that if he could provide a case number, Hwang could potentially assist the labor department with searching for the matter.

The same date, Dolasia provided Hwang's e-mail to respondent, explaining he "asked the [Union] to get me some status information on our submission and below is the response. So when appropriate can you ask your Korean students if they can find any information about case online with the labour department."

In her reply e-mail to Dolasia, respondent stated:

> [t]his is so incorrect, and I asked for one week…just one!!. That's not even the correct department. I am at a point where maybe you should just work with other people. its adding more work and stress for me. This isn't even relevant. Your [sic] adding work and going in the wrong direction and I can't add additional work for myself with everything incorrect.
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> [Ex.21.]

Respondent did not provide the case number Dolasia requested.

Dolasia testified that respondent told him that she had been unable to contact the translator; therefore, respondent attempted to locate the translator to obtain information about his petition. Using LinkedIn, a social media website, Dolasia contacted an individual he believed to be the translator respondent had utilized. He wrote that he was hoping she was the translator who worked with respondent because he needed her assistance to check on the status of his petition. Dolasia added that he planned to travel to Seoul that month "to follow up [on] the issue with the labour department, but it would help if I could get the petition status update prior to going to the labour office."

On May 3, 2018, respondent sent Dolasia an e-mail stating:

> You contacted a translator in Korea. You mentioned my name . . . she wrote me. If you contact her again she will file a police report against you. You googled her. She wrote me that it was very 'creepy' and she will file against you . . . and ME. She sent me the message. She will not meet you in Korea. You have been going for years now. You wanted to meet my student there, that creeped him out and since he was reading the case as a favor to me, he was furious and has not talked to me since.
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> [Ex.23.]

Respondent added that Dolasia was causing problems that he "need not do." She suggested that Dolasia work for himself because he was "not allowing me to render any opinion or follow any thoughts I have. Wasting time. I did not know

how desperate you were." She informed Dolasia that she had things "under control" but that he was "making this impossible and adding stress."

Respondent added that it was clear to her that Dolasia had "no use" for her and that she "had no payment. Continue on your own. I have spoken to the Bar, this was really outside my grasp and you are putting me in a bad light. The rules of the Bar allow a client to be dismissed at any time." Respondent told Dolasia to continue the case on his own and that if he had "waited one week this would have been resolved."

On May 21, 2018, Dolasia sent respondent an e-mail stating "its [sic] been quite a while since you messaged me about the status of the petition that you supposedly filed with the Korean labour department, this morning I found out the reason why you have disappeared off the radar." Dolasia indicated that he met with attorneys in Seoul, South Korea, who reviewed the screenshot of the petition she had sent him. The attorneys reportedly were surprised Dolasia did not receive a reply from the labor department. The attorneys contacted the labor department to inquire about the petition and informed Dolasia that it had not received any petitions associated with him and that the statute of limitations "had run out, as three years was the limit either from the termination date or court dismissal date in Dallas, so the claim would be barred." Dolasia relayed that the attorneys believed respondent "started the online petition process, took

screen shots and never submitted the petition, as Korean labour department has no record on the receipt of this petition, nothing under my name, your name, translators name." Dolasia added that the Union had come to a similar conclusion.

Therefore, Dolasia speculated that it was "no wonder [respondent] did not want me to get [an] expert opinion from lawyers in Korea, you just wanted me to sit around waiting for the decision on a petition that was never filed." Thus, Dolasia asked respondent to provide him with proof that she "carried out irrefutable legal work for me that was likely to have or had any positive impact on my claim and actually filed a petition with the Korean labour department (filing reference number etc)." If she was unable to do so, Dolasia requested that respondent refund him the "majority of the funds you asked me to pay for the administrative costs you claimed for representing me." Dolasia provided respondent with information from his bank indicating he paid her a total of $20,600. Thereafter, respondent "disappeared." Dolasia testified that he never fired respondent as his attorney; rather, she ceased all communication with him.

On June 3, 2018, Dolasia sent another e-mail to respondent, and copied the individual with whom he was travelling, in 2015, when he first met respondent at the hotel in Miami, Florida. In the e-mail, Dolasia wrote that he

began searching into respondent's background in advance of filing a "report of fraud to US law enforcement agency."

The Rajal Fox Matter

Rajal Fox is Dolasia's sister. For thirty-five years, before retiring, Fox worked as a paralegal at law firms in San Francisco, California. She is fluent in both English and Swahili. Prior to January 30, 2018, her father was visiting the United States from Kenya and was hospitalized in San Francisco, California. Although her father purchased travel health insurance from AAR Insurance (AAR) prior to traveling, AAR refused to pay his claim.

On January 30, 2018, Fox began communicating with respondent via e-mail, seeking assistance with her father's insurance claim. On January 30, 2018, Fox asked respondent the following five questions: (1) where respondent would file the lawsuit; (2) how respondent would handle service of the lawsuit since Fox did not believe AAR had a local agent; (3) whether the lawsuit would include AAR subsidiaries, including in the United Kingdom; (4) an approximation of respondent's fees; and (5) whether respondent was licensed to practice law in California and, if not, whether respondent "would need a Pro Hac Vice which shouldn't be an issue? What state are you licensed in and does it have reciprocity?"

In her reply, respondent indicated she would need to review all the documents, but that litigation may not be the appropriate procedure because "the correct Legal maneuvering may eliminate that all together. That would by far be the better outcome, As this is a highly regulated industry, it behooves them to comply, expediently and there are avenues to approach prior to litigation." Respondent confirmed that she would "of course be able to do this in CA pro hic [sic] vice, as I have done thoroughout [sic] my career." Respondent told Fox that, if litigation were necessary, California would be the appropriate jurisdiction. Regarding Fox's question about service, respondent asserted that "international service, cases etc is my area of expertise, there are standard treaties that govern this worldwide." Finally, respondent told Fox that, although she was still reviewing the matter "with a fine tooth comb," she would anticipate "a capped fee of 7800. One time, fixed. and then I get to work."

On February 6, 2018, respondent spoke with Fox over the telephone. The next day, Fox sent respondent an e-mail, summarizing their conversation, including that respondent agreed to review the matter and offer a course of action for $1,900, but Fox was uncertain as to whether that fee was included within the earlier proposed $7,800 flat fee. Fox also requested that respondent provide her with a PayPal request so that she could provide the funds.

Approximately one hour later, respondent sent a reply e-mail containing only the PayPal link.

In return for Fox's $1,900, respondent prepared a legal memorandum entitled "Explanation of what your Kenyan Attorney communicated with you regarding AAR Insurance." Respondent testified that, after she researched Fox's insurance issue, she wrote the memorandum for her.

In the memorandum, respondent wrote that she had been assisting Dolasia by finding attorneys in Korea, translating documents, explaining terms, and "clarifying his various issues" and she was "not sure why you would ask me about Kenya law." Nevertheless, respondent thanked Fox for providing the $1,900 payment, but stated she charged "35 cents a word" and, if she totaled all the words in the e-mails Dolasia and Fox's husband sent respondent, her fee would be higher than the $7,800 she proposed. Therefore, respondent informed Fox that, "since you only sent me $1900, I will give you an approximation . . . until the rest of the money comes in." The remainder of the memorandum contained definitions of twenty-six terms from a travel insurance website. It also contained Internet reviews from customers who also were unhappy with AAR. Respondent also pasted information from a case an unrelated entity brought against AAR in Kenya.

Respondent concluded the memorandum by informing Fox "I HOPE THIS IS HELPFUL. I AM HAPPY AT ANY TIME TO FINISH THIS TRANSLATION WHEN YOU PAY THE REST OF THE INVOICE." Fox did not pay respondent additional funds and respondent ceased communication with her.

Respondent's Failure to Cooperate with the Office of Attorney Ethics

On September 3, 2018, Dolasia filed an ethics grievance against respondent in California. Respondent, however, is not licensed to practice law in that jurisdiction. Accordingly, on December 13, 2018, the California State Bar referred the matter to the Office of Attorney Ethics (the OAE). On February 18, 2019, Fox filed an ethics grievance against respondent in California. On June 5, 2019, the California State Bar referred that matter to the OAE.

Consequently, on March 29, 2019, the OAE sent respondent a letter, via certified and regular mail, to her then address of record in New York, directing her to provide a written reply to Dolasia's allegations no later than April 10, 2019. On May 16, 2019, the letter sent via certified mail was returned to the OAE marked "Return to Sender," "Not Deliverable as Addressed," and "Unable to Forward." On June 6, 2019, the regular mail also was returned to the OAE marked "Return to Sender."

Also on June 6, 2019, the OAE contacted respondent via telephone. The OAE informed respondent that it was attempting to provide her with the grievances it had received and needed her to provide a valid mailing address. Respondent asked if the grievances involved Dolasia and stated he had been harassing her. The OAE explained it wanted to provide her with the opportunity to submit a written reply to the grievances and, again, requested her mailing address. Respondent told the OAE she was not in a location where she could provide her address and, when the OAE reminded her of her obligation to maintain an updated mailing address, respondent "started yelling that she was three hours behind" and said she would call the OAE back. Respondent then hung up the telephone after the OAE again asked for her mailing address.

Following the telephone call with respondent, Frederic Shenkman, Esq., contacted the OAE and requested a copy of the grievance at respondent's request. Shenkman denied that he was representing respondent; therefore, the OAE agreed to send a copy of the Dolasia and Fox grievances to respondent via facsimile to the location where she was staying on vacation. The OAE twice sent the grievances to respondent, via facsimile; however, respondent failed to reply to the Dolasia or Fox grievances.

On June 25, 2019, Robert DeGroot, Esq., informed the OAE that he would be representing respondent in the disciplinary matter. However, on July 1, 2019,

DeGroot informed the OAE that respondent had failed to return his retainer agreement and, therefore, he was not representing her.

On October 28, 2020, the OAE filed a formal ethics complaint. Despite having not participated in the investigation, respondent submitted an answer to the complaint.

In the narrative appended to respondent's amended verified answer, she asserted that, even though the conduct leading to Dolasia and Fox's grievances did not occur in New Jersey, she felt it was necessary to address the complaint because she was a teacher and needed to "clear [her] good name." She acknowledged that the Court had declared her ineligible to practice because she "fell behind" on her continuing legal education (CLE)[5] requirements but asserted that was irrelevant because she was not practicing law in New Jersey. Rather, the work she performed for Dolasia "was never legal strategy, it was legal education." She denied she had represented Dolasia and, instead, contended she "intentionally did not give him an engagement letter but rather a [POA] so I could act on his behalf." For example, respondent pointed to her explanations of the "meaning of the contents of his case" as proof she was not practicing law.

[5] The Court declared respondent administratively ineligible for her failure to pay the annual assessment to the CPF, not a failure to comply with CLE requirements.

Respondent asserted that she and Dolasia spoke via telephone "every day for many months" about the case and she did an "extreme amount" of work for him. Indeed, respondent stated that Dolasia "gladly" paid her four times and "never asked me for a refund." Respondent denied she "took money to personally file documents or to personally file claims against KAL." Instead, her role was to speak with translators and law firms and to ensure the law firms spoke with Dolasia. However, respondent contended that, after the law firms ultimately spoke with Dolasia, "they did not want to work with him because Grievant was so difficult and he refused to pay their fees." Further, respondent asserted that Dolasia spoke with seventeen attorneys from South Korea, whom she discussed the facts of his case with, and "not one of them of the experts [sic] warned that the statute of limitations expired in 2014."

With respect to Fox's grievance against her, respondent adamantly asserted that Fox was satisfied with her work and had, in fact, invited respondent to her home to make pizza on her outdoor grill.

Respondent argued that "it appears that none of the accusations by the Grievant are actionable by this board in the State of New Jersey. All events took place outside of the state and I was working on my own as a freelance coordinator."

The Ethics Proceedings

The Ethics Hearing

During the ethics hearing, Fox testified that she did not need documents translated because she understood both English and Swahili. Rather, Fox wanted respondent's assistance with Kenyan law, and Dolasia had told Fox that respondent knew a lot about international law. Fox explained that respondent did not provide her with a written retainer agreement. However, after Fox paid respondent $1,900, she sent Fox "really boilerplate stuff," including the definition of service animal, which was irrelevant to her father's claim.

Fox also testified that respondent's statements that litigation was unnecessary but that she would obtain pro hac vice admission to California "didn't make any sense." Eventually, respondent ceased communicating with Fox and, consequently, Fox was unable to ask any further questions about her father's insurance claim. Likewise, Fox was unable to ask respondent to refund the $1,900 fee because she was unable to contact her.

During respondent's testimony, she confirmed that, although she is admitted to practice law in New Jersey, she has never lived in or practiced in the jurisdiction. She clarified that she was "admitted to the Supreme Court, that was

a joy of my life and a huge honor. I'm a member of other Bars and translator associations, but I only took the Bar exam in New Jersey."[6]

Respondent denied offering Dolasia any legal services and, instead, insisted she merely was trying to connect him to Korean law firms. Nevertheless, respondent confirmed that the scope of her services "evolved as time went on." Respondent explained that she needed to read all the documents in the KAL case in order to "explain to the Korean attorneys what the case was."

Respondent testified that she "never offered my own opinion, I passed along opinions" from a Korean attorney. Nevertheless, she testified that she and the translator completed "all the work" on Dolasia's petition. Respondent explained that when she worked with the translator, she "made sure she understood the case and I would have her explain it back to me so that when she wrote it in Korean it was precise, it was clear and I – I knew that she understood it." Accordingly, respondent testified that, to the best of her knowledge, the translator, who was "responsible for the mailing," submitted the petition.

Respondent explained that, eventually, her relationship with Dolasia became "weird" after he began contacting her at strange hours. She testified that, after she stopped communicating with Dolasia, he threatened her and "told me

[6] According to the Central Attorney Management System, respondent does not possess a license to practice law in any other jurisdiction.

that, you know, there's no getting away from him. And I knew he was a pilot, and I knew what he did to other people, and I knew he sued everybody. And I became very fearful." As an example, respondent stated that Dolasia began leaving "foul, vile comments" on her YouTube videos, and left one-star Google reviews about Legal Ease, which she testified "was like watching your baby be slaughtered right in front of you."

With respect to her e-mail to Fox indicating that she would obtain pro hac vice admission to the California bar to pursue litigation against AAR, respondent testified that when she wrote the e-mail, it was 10:00 a.m., she was tired, and she should have waited until she drank some coffee before offering Fox legal advice.

Respondent also denied having failed to cooperate with the OAE, contending that she prepared a verified answer without an attorney and prepared it to the "best of [her] recollection at the time."

When the hearing panel chair asked respondent whether she was aware the statute of limitations already had expired by the time she began working on Dolasia's case, respondent testified that she was but asserted that, although the KAL statute of limitations had expired, the BEST statute of limitations had not. Additionally, when asked whether she submitted any evidence that she had paid

the translators or attorneys in South Korea that she claimed to have worked with, respondent testified she believed she did.

After the OAE rested its case, respondent's counsel moved on the record to dismiss the ethics complaint. He argued that "the fact that she was unsuccessful doesn't negate the work that she did and the fees that she received," which he described as "administrative costs."

The hearing panel chair denied respondent's motion, finding there were genuine issues of material fact that could not be resolved via a motion to dismiss, which he analogized to a motion for summary judgment.[7]

The Parties' Written Summations to the Hearing Panel

In her written summation to the hearing panel, respondent argued that, because she has developed a network of attorney contacts in her role as the owner of Legal Ease, she offered to review Dolasia's Texas litigation "as a personal friendly courtesy." She asserted that she "was able to contact and recruit another Korean legal professional to submit a claim to Korean courts." Further, respondent contended that the payments she requested from Dolasia were for her review of the Texas litigation documents and not for legal work.

[7] Pursuant to R. 1:20-5(d), motions for summary judgment are not a form of relief available in disciplinary proceedings.

However, respondent argued that, if the hearing panel determined that an attorney-client relationship existed, she did not violate RPC 1.1(a) or RPC 1.3 because she did not take a "head-in-the-sand" approach. Moreover, she denied having violated RPC 1.4(a) because the record demonstrated that she was in regular communication with Dolasia, including at inconvenient hours. Additionally, respondent denied having violated RPC 8.4(c) because the payments she received were for the work she completed on Dolasia's case. Furthermore, she contended that, when her relationship with Dolasia broke down, "at no point were Dolasia's interests jeopardized or harmed by Respondent's understandable cease of communication, after multiple verbal warnings."

Likewise, with respect to Fox, respondent argued that, if the hearing panel concluded an attorney-client relationship existed, she had performed the promised services and earned the $1,900 payment Fox made.

Respondent also asserted that she did not violate RPC 1.16(d) because, with respect to Fox, she completed "all tasks encompassed in the fee of $1,900." Likewise, in Dolasia's matter, respondent argued that she had completed "all tasks for which she was paid" and, thus, did not violate RPC 1.1(a) or RPC 1.3.

With respect to RPC 5.5(a), respondent maintained that she lacked an attorney-client relationship with Dolasia or Fox and, even if the hearing panel

concluded that she did, she did not provide legal services during her periods of ineligibility. Respondent argued that in In re Jackman, 165 N.J. 580, 585-87 (2000), the Court recognized that the practice of law involved "signing documents on behalf of clients, negotiating with adversaries, and counseling clients through legal proceedings." In Fox's case, respondent urged that Fox "vehemently rejected Respondent's response" and, in Dolasia's case, she did not actively represent him and only "gathered opinions and recommendations from experienced attorneys in this niche field and relayed them to Dolasia."

Finally, respondent denied having violated RPC 8.1(b) because when she discovered the grievances involved Dolasia, she attempted to cooperate with the OAE notwithstanding her fear of him.

Respondent argued that, in the event the hearing panel found she committed misconduct, she had presented mitigation sufficient to warrant the imposition of an admonition.

Also on March 13, 2024, along with her written summation, respondent filed a motion to dismiss on jurisdictional grounds. In her motion, respondent argued that, because much of the alleged misconduct occurred during her period of ineligibility, from September 12, 2016 through January 8, 2020, R. 1:20-1(a)[8]

[8] R. 1:20-1(a) provides: "every attorney and business entity authorized to practice law in the State of New Jersey, including those attorneys specially authorized for a limited purpose or in

and N.J. Const. Art. VI, § 2, ¶ 3[9] "disqualif[ied] her as a 'persons admitted'" to practice law in New Jersey.[10] Therefore, respondent argued that the Court did not have jurisdiction to discipline her.

Alternatively, respondent argued that, if the Court concluded it had jurisdiction over her during her period of ineligibility, she did not engage in the practice of law on behalf of Dolasia or Fox. Specifically, respondent analogized her relationship with Dolasia to the relationship the Court found in In re Palmieri, 76 N.J. 51 (1978) (noting that an attorney-client relationship must be "an aware, consensual relationship" wherein "there must be some act, some word, some identifiable manifestation that the reliance on the attorney in [her] professional capacity").

Respondent argued that it was irrational for Dolasia to believe she was providing him legal services because he was paying Legal Ease, a legal

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connection with a particular proceeding, shall be subject to the disciplinary jurisdiction of the Supreme Court as set forth in the Constitution of 1947, Article 6, Section 2, Paragraph 3. Attorneys who have resigned without prejudice pursuant to Rule 1:20-22 shall also be subject to such jurisdiction in respect of conduct undertaken prior to the acceptance of the resignation by the Court."

[9] N.J. Const. Art. VI, § 2, ¶ 3 provides: "[t]he Supreme Court shall have jurisdiction over the admission to the practice of law and the discipline of persons admitted."

[10] Pursuant to R. 1:20-15(h), constitutional issues are reserved for the Court. However, R. 1:20-16(f)(1) permits a party to file a motion for leave to appeal to seek interlocutory review of a constitutional challenge to pending ethics proceedings and R. 1:20-16(f)(2) permits a party who has properly raised a constitutional issue below to seek the Court's review of the issue. That did not occur in this matter.

education company, and not respondent personally. Respondent also asserted that, because Dolasia knew she did not speak Korean, he likewise knew she was not representing him in the KAL matter. Moreover, respondent contended that the OAE failed to produce any evidence that respondent agreed to act as Dolasia's attorney; rather, it only produced the POA, which limited the scope of her services.

Similarly, respondent argued that she had no attorney-client relationship with Fox because "the attorney-client relationship is inherently a conscious, consensual relationship between the two parties, where there is an identifiable manifestation that the client relies on the attorney in their professional capacity." Respondent argued she only agreed to review documents and to make a recommendation and that "no practice of law was performed." Additionally, respondent analogized her relationship with Fox to the relationship the Court found in Palmieri because she came into contact with Fox via her friendship with Dolasia.

Therefore, respondent urged that the ethics complaint against her should be dismissed for lack of jurisdiction.

In the OAE's written summation to the hearing panel, the OAE argued that it had jurisdiction to pursue RPC violations against respondent because she

was admitted to the New Jersey bar at the time of her misconduct and urged the hearing panel to deny respondent's motion to dismiss.

Further, the OAE asserted that, during her ineligibility, respondent unquestionably engaged in the unauthorized practice of law by obtaining new clients, providing legal advice, accepting fees from the clients, drafting a legal memorandum, and holding herself out as the clients' counsel.

Indeed, the OAE contended that, although respondent denied having violated the Rules of Professional Conduct, she had admitted to the underlying conduct in her amended verified answer. Specifically, the OAE argued respondent violated RPC 1.1(a) and RPC 1.3 by failing to file the documents necessary to litigate Dolasia's claim against KAL. The OAE cited respondent's inaccurate statements to Dolasia that the statute of limitations was not an issue in his claim against KAL. Similarly, the OAE contended that respondent's statement that she merely was passing along legal information from attorneys in South Korea, without verifying the information's accuracy before disseminating it, violated RPC 1.3.

Regarding Fox's matter, the OAE argued that respondent also violated RPC 1.1(a) and RPC 1.3 by accepting Fox's money, providing only a boilerplate memorandum, and then ceasing all communication with her.

Further, the OAE argued that respondent violated RPC 1.4(a) and RPC 1.4(b) by ceasing all communication with both Dolasia and Fox, failing to keep them reasonably informed about the status of their cases, and failing to tell them how she could be reached after she ceased communication. Moreover, the OAE asserted that respondent also violated RPC 1.16(d) because she failed to refund the unearned portion of Dolasia's fee and failed to refund Fox's fee.

Furthermore, the OAE contended that respondent violated RPC 5.5(a)(1) by representing Dolasia and Fox despite being administratively ineligible to practice law in New Jersey. The OAE urged that respondent accepted Dolasia as a client, provided legal advice for three years, and accepted a $20,600 legal fee. Similarly, the OAE asserted that respondent had accepted Fox as a client, accepted a $1,900 legal fee, and produced a legal memorandum despite being administratively ineligible to practice law.

Next, the OAE argued that respondent's admitted refusal to provide the OAE with a valid address and, by extension, her failure to provide documents during its investigation, even after the OAE had sent Dolasia and Fox's grievances to her via facsimile, violated RPC 8.1(b).

Finally, the OAE contended that respondent violated RPC 8.4(c) by repeatedly misrepresenting to Dolasia the status of his case against KAL. The OAE argued that respondent's statements to Dolasia about the statute of

limitations and, further, that she was waiting for an answer on the petition were misleading because the statute of limitations already had run and, further, she had not filed the petition.

For the totality of respondent's misconduct, the OAE urged the imposition of a one- to two-year suspension. The OAE acknowledged that the discipline typically imposed for each of respondent's ethics infractions, standing alone, is an admonition or a reprimand. However, in aggravation, the OAE noted that respondent's failure to cooperate with the disciplinary investigation warranted enhanced discipline, citing In re Kivler, 193 N.J. 332, 342 (2008) (an attorney's "default or failure to cooperate with the investigative authorities acts as an aggravating factor, which is sufficient to permit a penalty that would otherwise be appropriate to be further enhanced"). In further aggravation, the OAE emphasized the financial harm respondent's misconduct caused both Dolasia and Fox. Moreover, the OAE argued that respondent's ongoing dishonesty in the Dolasia matter, along with her lack of remorse for her misconduct, constituted aggravating factors warranting enhanced discipline.

In mitigation, the OAE noted that respondent has an unblemished history in thirty years at the bar.

The Hearing Panel's Findings

The hearing panel found, by clear and convincing evidence, that respondent violated RPC 1.1(a); RPC 1.3; RPC 1.4(a); RPC 1.4(b); RPC 1.16(d); RPC 5.5(a); and RPC 8.1(b). The hearing panel determined, however, that the evidence did not clearly and convincingly establish respondent's violation of RPC 8.4(c).

As a preliminary matter, the hearing panel denied respondent's motion to dismiss for lack of jurisdiction, finding that respondent, although administratively ineligible to practice law in New Jersey, was still admitted to the bar and, thus, subject to the Court's jurisdiction.

The hearing panel found that respondent clearly held herself out as an attorney to Dolasia and signed the POA as "Dena Falken, Esq." Furthermore, the POA was narrowly tailored to enable respondent to address claims and litigation in the KAL matter. The hearing panel also acknowledged the beliefs held by both Dolasia and Fox that respondent was their attorney, would provide quality representation, and did not view her as merely a liaison to other attorneys or translators. Indeed, the hearing panel credited Fox's testimony that she spoke with respondent because respondent portrayed herself as an expert in international law.

Similarly, the hearing panel determined that respondent "simply bit off more legal work than she could chew" and took legal fees from Dolasia and Fox without resolving any aspect of their matters. The hearing panel was not persuaded that respondent ceased work on their cases because of Dolasia's harassment, noting that respondent failed to submit any evidence to justify her abrupt termination of the attorney-client relationship.

Regarding respondent's communication with Dolasia and Fox, the hearing panel rejected her testimony that she had ceased communication with Dolasia and Fox only when it became too voluminous and occurred at inconvenient times. Rather, the hearing panel determined that it was "particularly disturbing that Respondent imbued both Grievants with a false sense of security that their cases were progressing well" when, in fact, she had done nothing substantive to progress either matter. Although the hearing panel described respondent's initial communication with Dolasia was "good," the record clearly demonstrated that Dolasia "grew increasingly frustrated by inaction and lack of communication until the relationship became irrevocably broken in May 2018." Thus, the hearing panel found that respondent's "utter lack of communication with both Grievants ran afoul of RPC 1.4(a) and 1.4(b)."

By ceasing all communication with Dolasia and Fox, the hearing panel found that respondent had improperly terminated the representation, in violation

of RPC 1.16(d). Specifically, the hearing panel found that respondent failed to provide Dolasia or Fox with a refund for the fees they paid toward the respective representation. Further, the hearing panel determined that respondent "abandoned her clients without notice to them or the slightest regard for their welfare."[11] See In re Kantor, 180 N.J. 226, 232 (2004).

Regarding RPC 5.5(a), the hearing panel determined that respondent read Jackman too narrowly for the definition of legal services and, consequently, rejected her argument that she was not practicing law. To the contrary, the hearing panel found that respondent:

> clearly gave legal advice and strategy; drafted e-mails and the Fox memorandum; researched legal issues; reviewed 'voluminous' legal documents provided by Dolasia's former Texas counsel; discussed the case with Dolasia on numerous telephone calls over a three-year time frame; consulted Korean lawyers and judges to convey their legal advice to Grievant Dolasia; and billed both Grievants for professional services.
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> [HPR, p41.]

The hearing panel determined respondent's violation of RPC 8.1(b) was "not a close call" because she conceded in her amended verified answer that she

[11] Historically, we have reserved a finding that an attorney has abandoned their clients, in violation of RPC 1.16(d), to matters where an attorney physically has abandoned their law practice or otherwise cannot be located. See In the Matter of George R. Saponaro, DRB 20-207 (April 1, 2021) (the attorney abandoned his law practice and could not be located), so ordered, 249 N.J. 352 (2022).

failed to cooperate with the OAE's investigation. Furthermore, the hearing panel found that respondent's "justification for not cooperating with OAE's investigation in a timely fashion rings hollow."

Finally, although the hearing panel found that respondent's "dereliction of her duty of care" to Dolasia was "tantamount to legal malpractice," it did not find that she had the requisite intent to deceive Dolasia into believing that she had filed the KAL petition in South Korea. Therefore, the panel concluded that the OAE had not proven, by clear and convincing evidence, respondent's violation of RPC 8.4(c).

In aggravation, the hearing panel found that respondent failed to file a timely petition in South Korea in the Dolasia matter; failed to pursue an insurance claim in the Fox matter; failed to inform Dolasia or Fox "how, when and where" they could contact her to address concerns about their cases; unilaterally terminated her representation in both matters and failed to refund advance payments; engaged in the unauthorized practice of law; and failed to cooperate with the OAE's investigation.

In mitigation, the hearing panel noted that respondent had an unblemished disciplinary history; was a successful legal educator for many years; suffered damage to her reputation following Dolasia's negative reviews on social media; and "went on 'retired' status as of August 8, 2018."

Thus, the hearing panel recommended the imposition of a one-year suspension, relying on In re Lawnick, 162 N.J. 113 (1999) (in a default matter, one-year suspension for an attorney who agreed to represent clients in six matters and took no action, despite having accepted retainers in five of them; the attorney also failed to communicate with the clients and to cooperate with the investigation of the ethics grievance); In re Brantley, 123 N.J. 330 (1991) (one-year suspension for an attorney who lacked diligence in four matters; failed to communicate in three matters; grossly neglected four matters; misrepresented the status of a matter to one client; and failed to cooperate with disciplinary authorities in two matters); In re Page, 165 N.J. 512 (2000) (one-year suspension for an attorney who accepted a fee but failed to give the client a written retainer agreement, took no further action on the client's behalf, refused to speak with the client when she inquired about the status of the matter, and failed to cooperate with disciplinary authorities; the attorney's ethics history included an admonition, a reprimand, a three-month suspension, and a six-month suspension); In re Kantor, 118 N.J. 434 (1990) (one-year suspension for an attorney who grossly neglected a case by failing to file an appellate brief, failed to act with diligence to secure its reinstatement, and misrepresented the status of the case to the client; prior private reprimand (now an admonition)); In re Lester, 165 N.J. 510 (2000) (one-year suspension for an attorney who failed to

attend to the client's matters for eight years, failed to surrender the client's file to new counsel, and failed to cooperate with disciplinary authorities; prior private reprimand, two public reprimands, and a six-month suspension). The hearing panel reasoned that its recommendation of a one-year suspension was consistent with the disciplinary system's goal to protect the public and the bar.

The Parties' Positions Before the Board

The OAE relied on the summation brief submitted in connection with the disciplinary hearing. During oral argument before us, the OAE stated that it agreed with the hearing panel's findings of fact. However, the OAE disputed the panel's determination that it had failed to prove, by clear and convincing evidence, respondent's violation of RPC 8.4(c). The OAE asserted that the documentary evidence and witness testimony clearly established that respondent knew the statute of limitations had expired yet led Dolasia into believing that his case was still viable. Further, she did so despite being ineligible to practice law in New Jersey. Therefore, the OAE urged that respondent's misconduct warranted a one-to-two-year suspension.

Respondent did not file a brief with us. However, prior to oral argument, respondent waived her appearance before us and agreed with the hearing panel's findings and recommendation.

Analysis and Discipline

Violations of the Rules of Professional Conduct

Following our de novo review of the record, we are satisfied that the hearing panel's conclusion that respondent committed unethical conduct is fully supported by clear and convincing evidence. We did not, however, adopt all the hearing panel's findings.

Here, the gravity of respondent's misconduct was her refusal to honestly address Dolasia's concerns about the statute of limitations, her misrepresentations to him that his petition had been filed and was awaiting a reply, and her ultimate refusal to refund any portion of the $20,600 Dolasia paid her toward the fruitless legal representation.

Respondent violated RPC 1.1(a) and RPC 1.3 in both the Dolasia and Fox matters. Specifically, the statute of limitations already had expired before Dolasia met respondent; nevertheless, she assured him the statute of limitations was not an issue. Second, after two years of leading Dolasia to believe she was working on the KAL petition, she sent him screenshots of a Petition of Labor Law Violation and told him it had been filed and that the South Korean Labor Board was investigating the claim, neither of which was true. Instead,

respondent took no substantive action to further Dolasia's wrongful termination claim.

Further, respondent assured Fox that she could handle her father's insurance claim, and went so far as to assert she would obtain pro hac vice admission to the California bar so that she could file litigation in that jurisdiction. However, after Fox paid respondent $1,900, she received a boilerplate legal memorandum that contained copied definitions that were irrelevant to Fox's issue and consumer reviews – hardly work that could be considered competent legal advice.

Historically, we have found an RPC 1.4(a) violation only when the attorney failed to communicate to a prospective client how the client may communicate with the attorney. See In the Matter of Adam Luke Brent, DRB 19-372 and DRB 19-452 (August 3, 2020) (dismissing an RPC 1.4(a) charge concerning an attorney's failure to communicate with an existing rather than a prospective client), and In the Matter of William J. Munier, DRB 19-207 (January 15, 2020) (dismissing an RPC 1.4(a) charge based on the attorney's failure to inform his existing client of how, when, and where she could communicate with him; we also found that the attorney's failure to communicate with his client was adequately captured by the RPC 1.4(b) charge). Here, there is no question respondent communicated with Dolasia and Fox via telephone

and e-mail until May 2018, when she abruptly ceased communication. Therefore, we decline to find that she violated RPC 1.4(a).

However, respondent's abrupt cessation of communication clearly violated RPC 1.4(b). When Dolasia and Fox began to question whether respondent performed any useful legal work on their matters, she altogether stopped replying to their e-mails and did not provide any information regarding the status of their matters.

Relatedly, respondent's refusal to refund unearned fees in Dolasia's matter clearly violated RPC 1.16(d). Respondent's incorrect assertion to Dolasia that the "rules of the Bar allow a client to be dismissed at any time" misses the mark. To the contrary, RPC 1.16(d) required respondent to take steps to protect Dolasia's interests, including surrendering his file and refunding unearned fees. Respondent failed to do either and, instead, wholly ignored Dolasia.

Conversely, we do not find that respondent violated in RPC 1.16(d) in Fox's matter. The record lacks any evidence that Fox requested a refund of the $1,900 she paid for the legal memorandum, even though she was unhappy with respondent's work product.

RPC 5.5(a) prohibits an attorney from engaging in the unauthorized practice of law. Respondent's contention that, because she was ineligible to practice law, the Court had no jurisdiction over her conduct is incorrect as a

matter of law. The Court has jurisdiction to discipline respondent pursuant to R. 1:20-1(a), which provides that "[e]very attorney . . . authorized to practice law in the State of New Jersey . . . shall be subject to the disciplinary jurisdiction" of the Court. In short, so long as an attorney retains their law license, ineligibility or retirement does not negate the Court's jurisdiction over the attorney. See In the Matter of AnnMarie F. De Primo, DRB 24-207 (February 28, 2025) (we recommended that an attorney be suspended for three months based on her having engaged in practice of law despite knowing she was administratively ineligible to do so; the attorney also committed other misconduct including failing to promptly disburse funds, failing to comply with recordkeeping requirements, failing to cooperate with disciplinary authorities, and engaging in conduct prejudicial to the administration of justice; she remained administratively ineligible to practice law at the time we recommended the imposition of discipline), so ordered 260 N.J. 431 (2025). See also In the Matter of Seth P. Levine, DRB 23-046 (July 31, 2023) (we recommended that an attorney on retired status be disbarred, expressly noting that an attorney on retired status is still subject to the disciplinary jurisdiction of the Court) at 2, so ordered, 258 N.J. 33 (2024).

To be sure, the record reflects that, during respondent's period of ineligibility, Dolasia and Fox retained her for legal services due to her purported

expertise in international law. Thereafter, respondent performed legal research in both matters, prepared legal documents in both matters, and provided legal advice and strategy in both matters. All of respondent's actions involved the practice of law, in violation of RPC 5.5(a).

Unquestionably, respondent's failure to cooperate with the OAE's investigation violated RPC 8.1(b). She failed to maintain an updated address, resulting in the OAE's inability to reach her via regular mail. However, when the OAE contacted her by telephone to request a valid address, she refused to provide one and terminated the conversation. Consequently, the OAE concluded its investigation without respondent's cooperation.

Finally, with respect to RPC 8.4(c), in order to find that respondent's misrepresentations violated the Rules of Professional Conduct, we must first find that respondent knew the statements were false when she made them.

We have no hesitancy finding that respondent intentionally misrepresented information to Dolasia. Indeed, respondent's fabrication that the statute of limitations was not an issue enabled her to keep up the farce that there was work that needed to be completed on the KAL action for which she could charge fees. After she sent the screenshots of the petition, she told Dolasia that the South Korean Labor Board was investigating the matter, even though she knew the petition had not been filed. Later, after Dolasia began to independently

verify the status of the petition he believed respondent had filed, he informed her that he learned the statute of limitations expired before she filed the petition. Rather than tell Dolasia the truth, respondent admonished him that he was "so incorrect" and that he was not contacting the correct department. She also falsely told Dolasia that she spoke with the "the Bar" and that she could dismiss him as client at any time. Thus, we find that respondent intended to misrepresent information about the KAL case to Dolasia, in violation of RPC 8.4(c).

In sum, we find that respondent violated RPC 1.1(a) (two instances); RPC 1.3 (two instances); RPC 1.4(b); RPC 1.16(d); RPC 5.5(a) (two instances); RPC 8.1(b); and RPC 8.4(c). We determine to dismiss, for lack of clear and convincing evidence, the charge that respondent violated RPC 1.4(a) and the second charged instance of RPC 1.16(d). The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

Quantum of Discipline

Absent serious aggravating factors, such as harm to the client, conduct involving gross neglect, lack of diligence, and failure to communicate ordinarily results in an admonition, even when accompanied by other non-serious ethics infractions, such as a violation of RPC 1.16(c). See In the Matter of James E.

Gelman, DRB 24-004 (February 20, 2024) (a pro bono program assigned the attorney, on a volunteer basis, to represent a veteran in connection with his service-related disability claim; for ten months, the attorney took very little action to advance his client's case; thereafter, the attorney took no further action on behalf of his client, incorrectly assuming that the pro bono program had replaced him as counsel due to his lack of experience; moreover, the attorney failed to advise his client that he was no longer pursuing his case; no prior discipline in more than forty years at the bar), and In the Matter of Hayes R. Young, DRB 23-215 (November 22, 2023) (the attorney filed a medical malpractice lawsuit on behalf of a client without having obtained the required affidavit of merit; seven months later, the trial court dismissed the lawsuit for lack of prosecution; the attorney, however, failed to notify his client that he had filed her lawsuit and that it had been dismissed due to his inaction; meanwhile, during the span of several months, the attorney failed to reply to several of his client's e-mail messages inquiring about the status of her case; no prior discipline in thirty-eight years at the bar; in further mitigation, the attorney experienced extenuating circumstances underlying his wife's illness and death).

The quantum of discipline is enhanced, however, when additional aggravating factors are present. See In re Lueddeke, __ N.J. __ (2022), 2022 N.J. LEXIS 460 (reprimand for an attorney who, eight months after agreeing to

pursue a breach of contract claim on behalf of a client, filed a request with a court for a "proof hearing;" the court, however, rejected the attorney's request and notified him to file a motion for a proof hearing; the attorney failed to file the motion and, nearly five months later, the court dismissed the matter for lack of prosecution; the attorney failed to inform his client of the dismissal of his matter or to reply to his inquiries regarding the status of his case; more than a year later, the client independently discovered that his case had been dismissed, following which the attorney, at the client's behest, successfully reinstated the matter and secured a judgment on the client's behalf; prior 2015 admonition for similar misconduct, which gave the attorney a heightened awareness of his obligations to diligently pursue client matters), and In re Anderson, 259 N.J. 478 (2025) (censure for an attorney who grossly mishandled two client matters; in one client matter, in which he was retained to remove the client from liability on a mortgage and note, he assured the client in an e-mail exchange that he would complete her matter following the closure of his law firm; however, he performed no additional work and instead altogether ignored the matter; subsequently, he failed to cooperate with the ethics investigation; in the second client matter, the attorney served as executor and attorney for an estate; he failed to file required tax returns resulting in a beneficiary not receiving funds that were due to him; the attorney also misled the beneficiary to believe the

administration of the estate was proceeding apace when, in fact, his efforts had come to a standstill; six years after the decedent's death, even after prompting by the OAE, the attorney still had not concluded the administration of the estate; we accorded minimal weight to the attorney's prior reprimand because nearly all the misconduct occurred before the Court had entered its disciplinary Order).

Discipline ranging from a censure to a one-year suspension has been imposed where an attorney has knowingly practiced law while administratively ineligible and committed other improprieties, such as grossly neglecting a client matter, making a false or misleading communication about the lawyer or the lawyer's services, or failing to cooperate with disciplinary authorities. See, e.g., In re Crotty, 227 N.J. 50 (2016) (on a motion for discipline by consent, censure for an attorney who failed to take action to keep two claims against a bank (one venued in New York state court and the other in the United States District Court for the Southern District of New York (SDNY)) moving forward, resulting in a dismissal, and then failed to file motions to vacate the dismissal in the state court matter; although the attorney appeared in the New York state and federal courts, he was not licensed to practice law in either jurisdiction; from the inception of the case, he misrepresented that he was admitted to practice law in New York in his interactions with the New York state court, the SDNY, a Pennsylvania bankruptcy court, the law firm partner who employed him as "of counsel," and

the bankruptcy trustee for whom his law firm served as special litigation counsel; moreover, he kept his client in the dark about important events in the case, and misrepresented to his client and supervising partner that the case was proceeding apace; he also filed documents with three courts containing materially false information about his status to practice in New York; finally, after his firm terminated his employment, he used outdated letterhead from the firm to send a letter to the SDNY judge, again misrepresenting that he was licensed to practice law in that court and, additionally, misrepresenting that he was still affiliated with his former law firm; in mitigation, the attorney had no disciplinary history in forty years at the bar, was a Vietnam veteran, and had provided service to his community); In re Horowitz, 180 N.J. 520 (2004) (in a default matter, three-month suspension for an attorney who practiced law while ineligible; the attorney also lacked diligence in the representation of the client and did not inform the client of the dismissal of the client's complaint; in addition, the attorney failed to cooperate with disciplinary authorities); In re Wright, __ N.J. __ (2019), 2019 N.J. LEXIS 1690 (on a motion for reciprocal discipline, one-year suspension for an attorney who, in one client matter, knowingly practiced law while ineligible to do so in Pennsylvania, appearing before four judges over the course of five months; on her first appearance, the prosecutor questioned her about the status of her law license, but she denied that

she was ineligible to practice law; she also used her Pennsylvania attorney registration number on court filings and falsely asserted on letterhead used in correspondence with the court that she was licensed in Pennsylvania; despite warnings, she persisted in her conduct until a trial judge ordered her to cease representation, removed her as counsel, and ordered her to report her conduct to the Pennsylvania disciplinary authorities; the delay caused by her repeated attempts to practice disrupted the court and its services; in aggravation, the attorney failed to comply with the Pennsylvania disciplinary proceedings, failed to report her Pennsylvania discipline to the OAE, and demonstrated a lax attitude toward her duty to cooperate during proceedings before us, where she twice requested last minute adjournments and ultimately failed to participate, even when afforded the opportunity to take part by telephone).

Admonitions typically are imposed for failing to cooperate with disciplinary authorities if the attorney has a limited or no disciplinary history. See In the Matter of Giovanni DePierro, DRB 21-190 (January 24, 2022) (the attorney failed to reply to letters from the investigator in the underlying ethics investigation, in violation of RPC 8.1(b); the attorney also violated RPC 1.4(b), RPC 1.5(c), and RPC 1.16(d)), and In the Matter of Michael C. Dawson, DRB 15-242 (October 20, 2015 (the attorney failed to reply to repeated requests for information from the district ethics committee investigator regarding his

representation of a client in three criminal defense matters, in violation of RPC 8.1(b)).

Standing alone, misrepresentations to clients require a reprimand. In re Kasdan, 115 N.J. 472, 488 (1989). A reprimand or censure may be imposed even if the misrepresentation is accompanied by other, less serious ethics infractions. See In re Rudnick, __ N.J. __ (2022), 2022 N.J. LEXIS 258 (reprimand for an attorney who allowed his client's lawsuit to be dismissed for his failure to answer interrogatories; thereafter, the attorney failed to attempt to reinstate his client's matter; the attorney also failed to reply to his client's inquiries regarding the case and misrepresented to his client that the entire case had been dismissed for reasons other than the attorney's failure to answer interrogatories; the attorney's misconduct occurred during a one-year timeframe; in mitigation, the attorney had no prior discipline, accepted responsibility for his misconduct, and fully refunded the client's fee, on his own accord), and In re Kalma, 249 N.J. 538 (2022) (censure for an attorney who represented a client in a civil matter arising out of the client's employment with Monmouth County; the attorney failed to file the complaint prior to the expiration of the applicable statute of limitations; thereafter, the attorney repeatedly and falsely claimed that he had timely filed the civil complaint; the attorney even sent his client a false letter, purporting to show that the matter was scheduled for a court date; when the

client showed up for court, the attorney claimed that he had been "sent home" and advised his client to do the same because there was a "two-hour window wait time;" to further his deception, the attorney told his client that the court was "backed up" and reassured his client that he would "see the case through to the end;" the client eventually learned, from court staff, that the complaint never had been filed; when the client confronted the attorney with that discovery, the attorney claimed that "it was all part of a cover up;" we weighed, in aggravation, the default status of the matter, the significant harm to the client, who lost the ability to pursue a claim, and the lengths to which the attorney went to conceal his misconduct; no prior discipline).

In our view, respondent's misconduct is most analogous to the misconduct we addressed in Anderson, Kalma and Horowitz.

Like respondent, the attorney in Anderson grossly mishandled two client matters. In one matter, Anderson misrepresented to the client that he would continue work on the client's matter but, thereafter, altogether ignored it. In the second client matter, he assured the client the matter was proceeding apace when, in fact, it was not. Also, like respondent, Anderson failed to cooperate with the ethics investigation. Anderson received a censure.

In Kalma, the attorney failed to file the client's complaint prior to the expiration of the statute of limitations yet repeatedly claimed he timely had filed

the complaint. Here, respondent led Dolasia to believe the statute of limitations had not expired and that she filed his petition in South Korea. Kalma continued his ruse, just as respondent did, by misleading the client into believing the matter was proceeding apace. Kalma received a censure.

Likewise, in Horowitz, the attorney also practiced while ineligible, lacked diligence in the representation of the client, and failed to cooperate with disciplinary authorities. However, unlike respondent, Horowitz failed to file an answer to the formal ethics complaint and allowed the matter to proceed before us as a default. Horowitz received a three-month suspension.

Based on the foregoing disciplinary precedent, Anderson, Kalma, and Horowitz in particular, we conclude that the baseline discipline for the totality of respondent's misconduct is a censure. However, to craft the appropriate discipline in this case, we also consider mitigating and aggravating factors.

In mitigation, respondent has an unblemished, thirty-year career at the bar. In re Convery, 166 N.J. 298, 308 (2001).

In aggravation, respondent has failed to demonstrate any remorse for her misconduct. Instead, she has blamed the translator, Dolasia, and Fox for the problems in their cases.

In further aggravation, respondent charged Dolasia $20,600 for her services, even though the statute of limitations had expired prior to their initial

meeting. Respondent accomplished nothing substantive in the case even though, from the outset, Dolasia specifically had asked her to verify the status of the statute of limitations. However, three years later, when Dolasia asked for a refund or proof of work that respondent had completed, respondent ceased all communication and failed to refund any portion of the fee – or to submit an invoice documenting the work she completed. Similarly, Fox paid $1,900 for the representation and received nothing substantive from respondent. Thus, we weigh heavily, in aggravation, the harm respondent intentionally caused both Dolasia and Fox.

Finally, although not charged with a violation pursuant to RPC 1.5(b), respondent failed to provide either Dolasia or Fox with a written fee agreement, despite not having previously represented them. Thus, we consider this uncharged misconduct in aggravation. See In re Steiert, 201 N.J. 119 (2014) (evidence of unethical conduct contained in the record can be considered in aggravation, even though such unethical conduct was not charged in the formal ethics complaint).

Conclusion

On balance, we find that respondent's unblemished disciplinary history is insufficient to overcome the significant aggravating factors in this case. Thus,

we determine that a one-year suspension is the appropriate quantum of discipline to protect the public and to preserve confidence in the bar.

Member Menaker was 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 Dena Jean Falken
Docket No. DRB 25-038

Argued: April 17, 2025

Decided: July 23, 2025

Disposition: One-Year Suspension

Members	One-Year Suspension	Absent
Cuff	X	
Boyer	X	
Campelo	X	
Hoberman	X	
Menaker		X
Modu	X	
Petrou	X	
Rodriguez	X	
Spencer	X	
Total:	8	1

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