SUPREME COURT OF NEW JERSEY
D-47 September Term 2025
091572

In the Matter of	:	
Paul Alexander Clark	:	**O R D E R**
An Attorney at Law	:	
(Attorney No. 042612011)	:	

The Disciplinary Review Board having filed with the Court its decision in DRB 25-172, recommending that **Paul Alexander Clark** of **Jersey City**, who was admitted to the bar of this State in 2012, should be suspended for an indeterminate period for violating RPC 3.1 (engaging in frivolous litigation), RPC 3.2 (failing to treat all persons involved in the litigation process with courtesy and consideration), RPC 3.5(c) (engaging in conduct intended to disrupt a tribunal), RPC 8.2(a) (making a statement with reckless disregard for the truth or falsity thereof concerning the qualifications of a judge), and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice); and

The Disciplinary Review Board having further recommended that prior to reinstatement respondent be required to (1) complete a continuing education course in legal ethics and professionalism approved by the Office of Attorney Ethics, and (2) submit to the Office of Attorney Ethics proof of respondent's

fitness to practice law as attested to by a medical doctor approved by the Office of Attorney Ethics; and

The Court having adopted the findings and conclusions of the Disciplinary Review Board, as set forth in the Board's decision attached hereto;

And good cause appearing;

It is ORDERED that **Paul Alexander Clark** is hereby suspended from the practice of law for an indeterminate period pursuant to Rule 1:20-15A(a)(2), effective May 9, 2026, and until further order of the Court; and it is further

ORDERED that, pursuant to Rule 1:20-15A(a)(2), respondent shall not petition for reinstatement to practice for a period of four years following the effective date of the indeterminate suspension; and it is further

ORDERED that respondent shall, prior to reinstatement, (1) complete a continuing education course in legal ethics and professionalism approved by the Office of Attorney Ethics, and (2) submit to the Office of Attorney Ethics proof of respondent's fitness to practice law as attested to by a medical doctor approved by the Office of Attorney Ethics; and it is further

ORDERED that respondent comply with Rule 1:20-20 dealing with suspended attorneys; and it is further

ORDERED that pursuant to Rule 1:20-20(c), respondent's failure to comply with the Affidavit of Compliance requirement of Rule 1:20-20(b)(15) may (1) preclude the Disciplinary Review Board from considering respondent's petition for reinstatement for a period of up to six months from the date respondent files proof of compliance; (2) be found to constitute a violation of RPC 8.1(b) and RPC 8.4(d); and (3) provide a basis for an action for contempt pursuant to Rule 1:10-2; and it is further

ORDERED that the entire record of this matter be made a permanent part of respondent's file as an attorney at law of this State; and it is further

ORDERED that respondent reimburse the Disciplinary Oversight Committee for appropriate administrative costs and actual expenses incurred in the prosecution of this matter, as provided in Rule 1:20-17.

SUPREME COURT OF NEW JERSEY

Dated: April 6, 2026
Trenton, New Jersey

FILED, Clerk of the Supreme Court, 09 Apr 2026, **091572**

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 25-172
District Docket No. XIV-2020-0297E

In the Matter of Paul Alexander Clark
An Attorney at Law

Argued
October 23, 2025

Decided
January 5, 2026

Darrell M. Felsenstein appeared on behalf of the
Office of Attorney Ethics.

Respondent appeared pro se.

Table of Contents

Introduction 1
Ethics History 1
Facts 2
Background 2
Conduct Towards Superior Court Judge 4 17
The May 24, 2019 Family Part Certification 18
The June 5, 2019 District Court Certification 18
The August 30, 2019 Family Part Certification 19
The September 20, 2019 Family Part Certification 20
The October 18, 2019 Family Part Certification 20
The October 21, 2019 Family Part Certification 20
The October 30, 2019 Family Part Certification 21
The May 24, 2019 Legal Memorandum 22
The May 29, 2019 Family Part Proceeding 22
The November 4, 2019 Family Part Proceeding 24
The January 3, 2020 Family Part Legal Memorandum 25
The January 16, 2020 Family Part Proceeding 26
The July 7, 2020 Family Part Proceeding 30
Service of Process at Superior Court Judge 4's Residence 32
Respondent's Media Appearances 35
S.M.'s Online Posts 39
Respondent's Position to the OAE 42
The Ethics Proceeding 48
The OAE's Motion to Strike Witnesses 48
The Ethics Hearing 50

The Parties' Written Summations to the SEA 57
The Special Ethics Adjudicator's Findings.. 67
The Parties' Positions Before the Board... 69
The OAE's Motion to Expand the Record 74
Analysis and Discipline 75
Violations of the Rules of Professional Conduct.. 75
Quantum of Discipline 83
Conclusion 101

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 three-month suspension filed by a Special Ethics Adjudicator (the SEA). The formal ethics complaint charged respondent with having violated RPC 3.1 (engaging in frivolous litigation); RPC 3.2 (failing to treat all persons involved in the litigation process with courtesy and consideration); RPC 3.5(c) (engaging in conduct intended to disrupt a tribunal); RPC 8.2(a) (making a statement with reckless disregard for the truth or falsity thereof concerning the qualifications of a judge); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

For the reasons set forth below, we determine that an indeterminate suspension, with conditions, is the appropriate quantum of discipline for respondent's misconduct.

Ethics History

Respondent earned admission to the New Jersey bar in 2012 and to the Alaska bar in 2006. He has no prior discipline in New Jersey. At all relevant times, he maintained a practice of law in Jersey City, New Jersey.

Facts

Background

Respondent represented S.M.[1] in acrimonious divorce and child custody litigation in the Superior Court of New Jersey. The litigation spanned eleven years and included, in part, extensive motion practice in the Family Part; a separate action filed in the Law Division; numerous federal lawsuits filed by respondent in the United States District Court for the District of New Jersey (the District Court) and appealed to the Third Circuit of the United States Court of Appeals (the Third Circuit); at least ten Division of Child Protection and Permanency (DCPP) actions; five child protective services referrals; five child welfare referrals; two domestic violence actions; more than twenty therapists; multiple custody experts; parenting time supervisors; and the appointment of a guardian ad litem.[2] Although the areas of disagreement spanned all aspects of the divorce, the primary issue underpinning the matter related to the custody of

[1] Due to the sensitive nature of the underlying matrimonial and child custody matter, on July 23, 2023, the SEA entered a protective order "for all of the Family Part documents exchanged in discovery." Consistent with that protective order, we have anonymized the parties' names in our decision. Further, we intentionally have omitted from our decision references to Family Part documents that do not specifically pertain to respondent's misconduct or, in our view, are otherwise unnecessary to provide background and context.

[2] For the first two years of the divorce proceeding, S.M. was pro se. During the divorce litigation, respondent also represented S.M., or S.M.'s company, in connection with state and federal complaints against the then New Jersey Attorney General; the then New Jersey Governor; the State of New Jersey; numerous New Jersey Superior Court judges; former United States Secretaries of State; various State agencies and counties; as well as various schools, doctors, therapists, and other individuals.

the parties' children.

The divorce matter originated in Hudson County in 2011, was transferred to Essex County in 2014, and, ultimately, was removed to Bergen County, in 2020, for the continuation of the trial, which totaled approximately 120 trial days. Through the years, no fewer than five Superior Court judges presided over the matter and, collectively, they entered more than 110 orders, the majority of which denied S.M.'s corresponding requests for relief.

The litigation commenced on February 24, 2011, when S.M.'s estranged wife, A.M., filed a complaint for divorce, as well as an emergent application seeking legal and residential custody of the parties' children. S.M. alleged that the trial court heard the emergent application on just two hours' notice to him. He contended that, due to the short notice, he did not have sufficient time to retain counsel. He further alleged that the court did not permit him to present evidence or to cross-examine A.M. At the conclusion of the hearing, Superior Court Judge 1,[3] the initial judge assigned to the matter, granted A.M. temporary residential custody of the children and ordered supervised parenting time for S.M. On April 1, 2011, Superior Court Judge 1 lifted the supervision

[3] We have intentionally omitted from our decision in this matter the names of the Superior Court judges who were involved, in any respect, in the underlying Family Court proceeding. We also omitted the names of public officers or officials, including judges (Superior Court and District Court), members of the New Jersey Office of the Attorney General, and others, who were either subject to spurious public attacks by respondent or S.M., named in subsequent litigation filed by respondent, on S.M.'s behalf, or assigned to handle those matters.

requirement on S.M.'s parenting time.

More than one year later, in July 2012, following various psychological evaluations, the court granted S.M. joint legal custody and parenting time. For the duration of the divorce litigation, the Superior Court repeatedly suspended S.M.'s parenting time or required supervision. S.M. further alleged that A.M. refused to comply with court-ordered parenting time, causing him to have either inconsistent time with his children or no time at all, which he further alleged the Family Court failed to remedy.

In April 2013, S.M. hired respondent as in-house counsel for his company. Approximately one month later, respondent began representing S.M. in connection with the divorce proceedings.

In January 2014, Superior Court Judge 1 denied S.M.'s motion to disqualify her as the trial judge. In February 2014, she set a trial date for March 2014.

Thereafter, in February 2014, respondent filed a federal class action lawsuit in the District Court, on behalf of S.M. and five other named plaintiffs, captioned [S.E.], et al. v. State of New Jersey, et al., alleging the "widespread violation of the due process rights of parents in New Jersey." Specifically, the complaint alleged that "the State deprives parents of custody of their children without a plenary hearing when the state gives custody to another parent."

S.M.'s lawsuit named Superior Court Judge 1, Hudson County, and other Superior Court judges as defendants in that matter. In February 2014, following the filing of the federal lawsuit, the court transferred the divorce litigation to Essex County and Superior Court Judge 2.

From 2012 through 2014, as an active "blogger," S.M. made frequent online posts and granted interviews to media outlets concerning the child custody portion of the divorce action and his dissatisfaction with the Superior Court. As a result, A.M. filed an emergent application to prohibit S.M. from participating in any further interviews concerning the parties' children or the divorce litigation.

On April 4, 2014, Superior Court Judge 2 entered an order restraining S.M. from discussing any issues concerning the divorce or custody proceedings with any member of the media or posting anything online concerning custody. Superior Court Judge 2 also directed him to remove specific posts that "criticized the Superior Court and the presiding judge by name."[4] S.M. asserted that the court did not hold a plenary hearing or make any specific findings concerning S.M. or his children before determining "that publicity about divorce proceedings was not in the best interests of children."

Within days of Superior Court Judge 2's order, respondent filed separate

---

[4] On May 1, 2014, the court amended the April 4, 2014 "gag order" nun pro tunc.

applications with the Appellate Division, on S.M.'s behalf, for leave to file an emergent appeal and for interlocutory review of the "gag order," which the Appellate Division denied.

On May 6, 2014, respondent filed a motion in the District Court, on S.M.'s behalf, seeking a temporary restraining order to have the "gag order" declared unconstitutional and enjoining the enforcement of the order, which the District Court denied for lack of jurisdiction.

In June 2014, respondent filed another action in the District Court, this time on behalf of P.N., a journalist, captioned [P.N.] v. State of New Jersey, et al., seeking the identical relief sought in the S.E. class action. He subsequently amended the complaint in that matter to name Superior Court Judge 2 and the Essex County Superior Court as defendants.

In or around September 2014, Superior Court Judge 2 scheduled an evidentiary hearing for January 2015 concerning the April 2014 "gag order," for the purpose of weighing the best interest of the children against S.M.'s purported First Amendment right to publish information about the divorce litigation. In November 2014, while the hearing was pending, respondent filed a motion, on S.M.'s behalf, to disqualify Superior Court Judge 2 in the divorce action, which Superior Court Judge 2 granted in January 2015.

The matter was next assigned to Superior Court Judge 3 who, on June 18,

2015, conducted a hearing and vacated a substantial portion of the 2014 "gag orders." Superior Court Judge 3 issued a new order reaffirming the prior restraints on discussing the matter with the media and further preventing the parties from disseminating any information contained in the confidential DCPP reports to the media or posting it on blogs.

In June 2017, respondent sought to be relieved as S.M.'s divorce counsel based on "differences of opinion regarding the proper course of action for custody issues," S.M.'s failure to pay for the legal services, and respondent's belief that S.M. "was not going to receive a fair trial." Respondent asserted that Superior Court Judge 3 denied the request because "there is no way this case can proceed in an orderly way without counsel."

In September 2017, Superior Court Judge 3 went on temporary leave and the court reassigned the matter to Superior Court Judge 4. On September 12, 2017, Superior Court Judge 4 entered an order suspending S.M.'s parenting time and granting A.M. temporary sole legal and residential custody pending the outcome of a DCPP investigation, or the completion of its reports, including psychological evaluations. In late November 2017, following the DCPP's determination that the allegations were unfounded, Superior Court Judge 4 lifted the restraints and set an unsupervised parenting time schedule for S.M.

In December 2017, following his return from temporary leave, Superior

Court Judge 3 entered an order again restricting S.M.'s parenting to supervised visits. Within months, respondent filed a complaint in the District Court, on behalf of S.M. and other parties, captioned Federal Civil Liberties Union, et al., v. State of New Jersey, et al., (FCLU v. N.J.). Respondent named Superior Court Judges 3 and 4, the parties' children's school, the parenting supervisors, and the expert appointed to conduct the psychological evaluation of S.M. as defendants in that matter. In the complaint, respondent alleged that the judicial defendants had a policy of removing children from their parents without a timely and adequate hearing. In February 2018, Superior Court Judge 3 restored S.M.'s unsupervised parenting time but prohibited him from discussing any aspect of the divorce litigation with the children.

In May 2018, respondent filed a cross-motion in the divorce proceeding to recuse Superior Court Judge 3, alleging that the judge was a hostile witness and adverse party in a federal case. In June 2018, Superior Court Judge 3 entered an order granting the recusal request, and Superior Court Judge 4 once again began presiding over the matter.

In June 2018, respondent filed another complaint in the District Court, on behalf of journalist P.A. and S.M., captioned [P.A.], et al. v. [Superior Court Judge 3], et al., seeking to challenge the June 2015 "gag order." Respondent named Superior Court Judge 3 and the then Attorney General of New Jersey as

defendants. He also filed an emergent application seeking to enjoin the enforcement of the order.

Between August and September 2018, Superior Court Judge 4, among other decisions, denied S.M.'s request to transfer the divorce proceeding back to Hudson County; denied his emergent application concerning parenting time; enforced A.M.'s litigant's rights concerning S.M.'s failure to pay support; and denied S.M.'s motion for reconsideration of Superior Court Judge 3's December 22, 2017, January 9, February 1, February 6, February 15, February 28, March 16, March 29, and June 5, 2018 orders.

In October 2018, within three days of the hearing to establish a reunification therapy plan, respondent filed a lawsuit in the Superior Court, Hudson County, against A.M., the children's therapist, and the therapist's employer, leading to the therapist terminating her services. On November 1, 2018, Superior Court Judge 4 denied S.M.'s emergent application to dissolve the restrictions on his parenting time, noting that S.M. had sought appellate review on more than one occasion regarding the same restrictions.

In November 2018, respondent filed an action in the District Court, on S.M.'s behalf, against Superior Court Judge 4, captioned <u>[S.M.] v. [Superior Court Judge 4]</u>, alleging civil rights violations.

Between February and May 2019,[5] respondent filed the second and third motions to recuse Superior Court Judge 4, and a separate motion to disqualify A.M.'s counsel. Superior Court Judge 4 denied all three motions, finding that the third recusal motion presented the same arguments as the second recusal motion. Superior Court Judge 4's order stated that, "considering the record, there is a reasonable basis, based on direct evidence, to conclude that [S.M.] may have been trying to manipulate the proceedings. The second recusal motion followed on the heels of adverse rulings and explicit findings against [S.M.]."

By July 2019, Superior Court Judge 4 had entered no fewer than sixty orders adjudicating issues in the divorce matter, many of which were not in S.M.'s favor, including additional "gag orders." The trial commenced in July 2019 but was suspended in April 2020 due to the COVID-19 pandemic. The trial then resumed, in July 2020. Notwithstanding the trial commencing, respondent continued his motion practice and filed another motion to vacate the June 2015 "gag order," which Superior Court Judge 4 denied in December 2019.

In November 2019, Superior Court Judge 4 denied another motion to change custody that respondent had filed on S.M.'s behalf, noting:

> Defendant's motion is extremely repetitive and seeks

[5] In the May 14, 2019 order, Superior Court Judge 4 noted that, since March 2018, the trial court had entered approximately thirty-three orders, with ten being entered in March and April 2019 alone, as well as having heard numerous emergent applications, including some heard "during the Thanksgiving holiday, the Friday before Christmas, and on New Year's Eve Day."

FILED, Clerk of the Supreme Court, 09 Apr 2026, **091572**

relief that this Court has previously addressed and denied on numerous occasions. All of Defendant's prayers for relief have been addressed and denied more than once. Defendant has failed to provide any new information or any basis to allege that this Court was arbitrary or capricious in reaching its previous conclusions. Moreover, Defendant does not seek reconsideration of previous Orders, instead he presents these issues as though the Court has not previously decided them.

The Court has addressed the requested relief in whole or in part on numerous occasions. See. e.g., Court Order dated October 29, 2018, Order to Show Cause filed November 1, 2018, Order dated November 21, 2018 ([P]ara. 8, 9 and 10), Order dated November 28, 2018 (Para. 5), Order dated December 6, 2018 (Para. 1), Order dated December 11, 2018 (Para. 8 and 9), Order to Show Cause filed December 31, 2018 (Request 5), Order dated January 4, 2019, Order dated March 4, 2019, Order dated March 26, 2019, Order dated April 3, 2019 (Para. 3), Order dated April 12, 2019, Order dated April 18, 2019, Order dated April 22, 2019, and Order dated May 14, 2019 (Para. 4). These orders were entered based on the best interests of the children due to, inter alia, concerns raised about the health and well-being of the children.

[R06862.][6]

---

[6] "OAE" refers to the OAE's Bates stamped exhibits admitted to evidence during the ethics hearing.
"R" refers to respondent's Bates stamped exhibits admitted to evidence during the ethics hearing.
"1T" refers to the transcript of the May 29, 2019 family part hearing (Bates stamped OAE000598).
"2T" refers to the transcript of the November 4, 2019 family part hearing (Bates stamped OAE000713).
"3T" refers to the transcript of the January 16, 2020 family part hearing (Bates stamped OAE000794).

(Footnote continued on next page)

In early December 2019, Superior Court Judge 4 denied the fourth recusal motion. Just five weeks later, on January 2, 2020, respondent filed the fifth recusal motion, followed a week later by the sixth recusal motion.

In mid-January 2020, respondent filed an action in the District Court, on S.M.'s behalf, captioned [S.M.] v. State, et al. Respondent named Superior Court Judges 3 and 4, the then Attorney General, and others as defendants in that matter.

In late January 2020, Superior Court Judge 4 denied the fifth and sixth recusal motions and restrained S.M., or anyone on his behalf, from visiting or contacting any private high school in New Jersey concerning S.M.'s son's enrollment. Superior Court Judge 4 stated that the recusal applications raised "no new or additional facts."

In July 2020, respondent filed another action in the District Court, on S.M.'s behalf, captioned [S.M.] v. [Superior Court Judge 4], et al. Respondent named Superior Court Judge 4, the then Attorney General, and the then Governor of New Jersey as defendants in that matter, accusing them of depriving

---

"4T" refers to the transcript of the July 7, 2020 family part hearing (Bates stamped OAE001062).
"5T" refers to the transcript of the June 16, 2020 podcast (Bates stamped OAE001541).
"RT" refers to the transcript of the OAE's January 25, 2021 interview of respondent (Bates stamped OAE000178).
"1HT" refers to the transcript of the June 25, 2024 ethics hearing.
"RSb" refers to respondent' summation brief, undated.
"Rb" refers to respondent's brief to us, dated August 20, 2025.
"DRBTr" refers to the transcript of the October 23, 2025 oral argument before us.

S.M. of "liberty (free speech, freedom of association, right to privacy and freedom of the press) under color of law by several 'gag orders' prohibiting [him] from discussing ongoing litigation of civil rights lawsuits pending in federal and state courts, and from various restrictions on [his] movement and association." As of the filing date of that District Court action, the trial court had imposed more than $450,000 in sanctions against S.M. for his repeated violations of the various "gag orders."

In August 2020, Superior Court Judge 4 recused himself from the divorce proceedings due to personal safety concerns discussed, in detail, below. Following Superior Court Judge 4's recusal, the court transferred the matter to Superior Court Judge 5, in Bergen County. The next day, respondent filed a motion, on S.M.'s behalf, again requesting that the matter be transferred back to Hudson County.

In January 2021, A.M. filed an emergent application with the Supreme Court, seeking relief from the trial schedule imposed by Superior Court Judge 5 following the reassignment of the matter. A.M. sought to avoid starting the trial anew after eighteen months, which included, at that time, twenty-five trial days for which she represented she had incurred more than $800,000 in unpaid legal fees.

On April 6, 2021, the Supreme Court entered an order directing the newly

assigned Superior Court Judge 5 to proceed with the trial to the fullest extent possible based on the transcripts, exhibits, and other evidence. The Supreme Court noted:

> [T]his matter has been assigned to a fifth judge. The voluminous record before the Court, as well as the parties' submissions keyed to this issue, support the conclusion that the prior judges recused themselves in this matter based in part, if not exclusively, on [respondent's] course of conduct, which included the filing of six federal lawsuits against the judges presiding in this matter.
>
> [OAE004135.]

In February 2022, eleven years after the divorce complaint was filed, Superior Court Judge 5 entered the final judgment of divorce. In his 338-page written opinion, he determined that both S.M. and respondent had engaged in unreasonable behavior and exhibited bad faith throughout the litigation. He added, "to say their conduct merely was violative of Court Orders would be a terribly gross understatement." Specifically, Superior Court Judge 5 emphasized that the actions of S.M. and respondent prompted the assignment of five different trial court judges to the matter and the transfer of venue twice, following the original filing in Hudson County.

Superior Court Judge 5 noted that the majority of the 110 orders entered over the course of the divorce proceedings denied many of S.M.'s prayers for relief and granted A.M.'s motions to enforce litigant's rights. He also noted that

respondent had filed in the Appellate Division numerous unsuccessful motions for leave to appeal orders on S.M.'s behalf.

Superior Court Judge 5 stated that respondent filed "derivative" federal lawsuits, on S.M.'s behalf, against presiding judges that led to multiple recusals and successfully protracted the divorce litigation through his relentless attempts to vacate the recused judge's prior rulings or to relitigate issues previously addressed. He further stated that filing recusal motions, and the subsequent motions for the new judge to reconsider past orders, became a litigation tactic for S.M. and respondent. He stated that respondent had attempted to provoke Superior Court Judge 4, through personal attacks on the record, repeatedly seeking to create a basis for a recusal motion.

In addition, Superior Court Judge 5 noted that respondent filed "extremely repetitive," "multi-duplicative," and "frivolous" motions, with some motions seeking the same relief that the trial court previously had considered and denied as many as five times, as well as numerous motions for reconsideration, and second motions for reconsideration, revisiting prior unsuccessful arguments and failing to present a valid basis for reconsideration, resulting in repeated denials by the court. Superior Court Judge 5 stated that S.M.'s and respondent's "abuses" resulted in a waste of judicial resources, which led him to conclude that they both acted in a manner for the purpose of "intimidat[ing]" the trial

court.

Superior Court Judge 5 stated that respondent's conduct, over the more than one hundred days of trial, "served to delay the trial" or simply "reflected bad faith and, often, demonstrated a lack of candor to the court," including: (1) an opening argument which lasted five hours and spanned the course of three trial days; (2) improper attempts to show "exhibits" that were "unmarked, not authenticated and not marked into evidence;" (3) a motion to "unadmit" multiple joint trial exhibits following several months of coordination with A.M.'s counsel to prepare the list of joint exhibits to be admitted into evidence; (4) the delivery of "many boxes" of trial exhibits that were "out of order, not labeled and incomplete" to both A.M.'s counsel and the court; (5) frequent presentations of incomplete exhibits with a "mismatched" numbering system; and (6) calling witnesses that offered "little to no usable information."

Superior Court Judge 5 determined that the frequency of filings, the aggressive behaviors of both S.M. and respondent, their strategies to delay the proceedings, and their attempts to intimidate the trial court warranted a fee award against S.M. of more than $1.9 million, intended to compensate A.M. for the improper litigation tactics.

In October 2022, despite the divorce litigation having ended eight months earlier, respondent filed an action in the District Court, captioned <u>[S.M.], et al.</u>

v. State, et al., against Superior Court Judge 4 and two other Superior Court Judges, as well as the then Attorney General, again challenging the constitutionality of the June 2015 "gag order."

Conduct Towards Superior Court Judge 4

On July 31, 2020, the Trial Court Administrator for Essex County submitted an ethics referral to the Office of Attorney Ethics (the OAE), alleging that, during the period Superior Court Judge 4 presided over the underlying divorce proceedings, respondent "displayed troubling behavior and [made] inappropriate submissions." That alleged improper behavior included "numerous certifications" that contained S.M.'s accusations that Superior Court Judge 4 was "a child predator" and was "the head of a child predator/Mafia ring;" that Superior Court Judge 4 "psychologically murdered" S.M.'s children; and likening Superior Court Judge 4 to "Hitler, Stalin[,] and Saddam Hussein." The referral noted that, although many of these statements were that of S.M., respondent "permitted these submissions to be made under his letterhead/captioned with his attorney identifying information."

Respondent's submissions and the statements made therein are addressed below.

The May 24, 2019 Family Part Certification

The May 24, 2019 certification prepared by S.M., that respondent filed on his behalf in connection with a motion to disqualify Superior Court Judge 4, referred to Superior Court Judge 4 as an incredibly "conniving Judge who is clever, conniving, cruel and evil . . . only sociopaths and psychopaths behave this way," and added that, "the Judge has an incredible bias . . . is a Serial Child Predator . . . has the brain of a 2-year-old."

The June 5, 2019 District Court Certification

The June 5, 2019 certification prepared by S.M., that respondent filed in the District Court in connection with an emergent application in P.A. v. [Superior Court Judge 4], included the following:

> I cannot, I will not surrender my freedoms to [Superior Court Judge 4] or to anyone! Shame on me! I don't have to face bombs and bullets like those who bravely charged ahead on the beaches of Normandy and in all battles at home and abroad till date. Shame on me, if I cannot face [Superior Court Judge 4] to protect our freedoms for myself, for fellow Americans and above all for our children – and also for [Superior Court Judge 4's] children!
>
> . . .
>
> Through my Facebook posting I am reporting several crimes: kidnapping my children, rapid psychological murder of my children, incredible inhuman levels of child abuse: incredible levels of crime corruption In

> family courts: Sadly, tragically, now our family courts qualify to be called the Child Predator Industry
>
> . . .
> And then the family court takes the trauma to a whole new level. Family court Judges inflict on children and a parent, trauma that is at least ten times more than the mere divorce and leaves them irreparably harmed for life. Only a psychopath would inflict such trauma on another human being and then say it is in the best interests of the children to deprive them of their parent
>
> . . .
>
> Such cruelty only a sociopath, psychopath, serial child predatory (sic) will inflict on innocent children and parents.
>
> [OAE001350-51, 1359.]

<u>The August 30, 2019 Family Part Certification</u>

The August 30, 2019 certification prepared by S.M., that respondent filed on his behalf, included the following:

> Judge, I think you can be as insanely evil as Hitler, Stalin, etc. I can expect nothing but evil and injustice from you! You have to kidnap children! You have to work as a child predator! You have to inflict evil and injustice on poor, innocent, helpless children. Like millions of human beings led to concentration camps and gas chambers, I expect NOTHING FROM YOU! Please know that one day soon you too will die as did Hitler, Stalin and you will be judged. One day your children, grandchildren will be ashamed of you.
>
> [R03527.]

The September 20, 2019 Family Part Certification

The September 20, 2019 certification prepared by S.M., that respondent filed on his behalf, referred to Superior Court Judge 4 as "totally incompetent," and added that "[o]nly an Evil, Inhuman, Corrupt Court/Judge will look the other way!"

The October 18, 2019 Family Part Certification

The October 18, 2019 certification prepared by S.M., that respondent filed on his behalf, referred to the court's handling of the child custody issues as "a sadistic evil game," and added that, "[i]n [E.S.'s] case also [Superior Court Judge 4] and [another Superior Court Judge] worked as a team. I am sure in all kidnappings this is the 'modus operandi,' to confuse, to mitigate risk, to play the blame game, to point the finger at the other person – Judge, therapist, etc."

The October 21, 2019 Family Part Certification

The October 21, 2019 certification prepared by S.M., that respondent filed on his behalf regarding the "gag orders," referred to Superior Court Judge 4 as having "cover[ed] up the disappearance of hundreds of thousands of dollars," which "support[ed] [the] inference" that he had been "bought and paid for," adding that, "the many Gag Orders that have always been illegal appear to be

self-serving efforts by Superior Court Judge 4 to conceal his own corruption."

The October 30, 2019 Family Part Certification

The October 30, 2019 certification prepared by S.M., that respondent filed on his behalf, included the statement that "[s]omeday . . . this insanity will end. One day all EVIL does end! One day we will be in our grave! Being Evil does not mean you will live forever!" The certification continued:

> Step-1 in this evil game is kidnapping of the children. Step-2 in this evil game is to give the mother and all accomplices enough time to get a grip on the children - i.e. to brainwash, alienate and psychologically murder them. Every decision, every court order from 9/12/17 till date has served to accomplish this goal. We are showing to the world that we can be as evil, cruel, sadistic as Hitler, Stalin, Saddam Hussein, etc. Judge you are pretty much in the same situation as those who worked for Hitler, Stalin, Saddam Hussein, etc. Few did have courage to defy and refuse to participate in evil, injustice, crime and corruption.
>
> [OAE001296.]

The certification further claimed that S.M.'s children were suffering a "severe decline" in their mental health and, "[o]nly a Judge working for Hitler, Staling [sic], Saddam and the like" would take the position that the children's therapy was working.

Moreover, the referral to the OAE alleged that respondent, himself, both in open court and in his submissions, had accused Superior Court Judge 4 of

being a child predator, referred to Superior Court Judge 4 as having been "bribed on several occasions," and displayed on many occasions a "flippant, disrespectful, unprofessional, and impolite demeanor" to the court.

The May 24, 2019 Legal Memorandum

In respondent's May 24, 2019 memorandum of law submitted in support of one of his motions to disqualify Superior Court Judge 4, he asserted that "[e]very day (every month, every year) that goes by with [Superior Court Judge 4] refusing to allow S.M. any physical custody whatsoever of his children exposes more fully the dishonesty, corruption, bias and favoritism of [Superior Court Judge 4]."

The May 29, 2019 Family Part Proceeding

During the May 29, 2019 oral argument in connection with S.M.'s application to vacate a "gag order," respondent read from S.M.'s April 6, 2019 online post, which stated:

> "There's nothing more dangerous than when those in government are corrupt and commit crimes in broad daylight. If this is not stopped, then very soon a civilized nation will become as barbaric as Nazi Germany, Stalin's Soviet Union, Saddam's Iraq, et cetera. It all begins with a small child predatory court of [Superior Court Judge 4]. Tomorrow he can be governor or president and then imagine he will

> proclaim himself Fuhrer sending people like [S.M.] to concentration camps and gas chambers. This is no joke! That is how all psychopaths grew in size, stature, and power, because no one dared to speak up.
>
> Taking a child away from a loving parent is traumatic, profoundly traumatic. Only an evil, cruel-to-the-bone sociopath would do this. And a person doing this on a routine basis is a sociopath, a serial child predator."
>
> [1T26:4-24 (OAE000623).]

Following his recitation of S.M.'s online post, respondent had the following exchange with Superior Court Judge 4:

> RESPONDENT: Referring to Your Honor. Now, I'm assuming Your Honor denies you're a child predator; would I be correct in making that assumption?
>
> SUPERIOR COURT JUDGE 4: Mr. Clark, make your argument, please.
>
> RESPONDENT: Well, my point is I don't believe it's up to you to decide if you are a child predator. You -- I'm sure even child predators, like all child predators, deny they're child predators. So, you know, for you to decide whether or not these are true certainly is a problem. I mean, they basically are true, Your Honor. I mean that's one of the -- the defenses, you're scowling, but one of the defenses -- I mean, the 1st Amendment protects true statements. True statements can never be contrary to the 1st Amendment and these are true statements.
>
> SUPERIOR COURT JUDGE 4: As an officer of this court, are you saying I'm a child predator? You, not your client?
>
> RESPONDENT: I'm saying that is a true statement.

> SUPERIOR COURT JUDGE 4: Is that your argument?
>
> RESPONDENT: It is a true statement that given the actions of this Court you could correctly be described as a child predator.
>
> SUPERIOR COURT JUDGE 4: Are you describing me as a child predator?
>
> RESPONDENT: I think that is an accurate description.
>
> SUPERIOR COURT JUDGE 4: Okay, thank you.
>
> RESPONDENT: Again, looking at the fact that this Court has separated [S.M.] from his children for two years without any conceivable reason, the children are going through torture. The family is going through torture. But, again, you know, we say you're a child predator, you say you aren't. Well, I -- I don't think that's a determination for Your Honor to make.
>
> [1T26:25-28:11 (OAE000623-625).]

<u>The November 4, 2019 Family Part Proceeding</u>

During the November 4, 2019 oral argument in connection with pending motions in the divorce proceeding, respondent referred to Superior Court Judge 4's reunification therapy plan for the parties' children as follows:

> RESPONDENT: . . . She never tells [S.M.] there's no therapy. He finally finds out about it, it's not until September/October he finally gets to the bottom of this. So you were saying well we want – plaintiff [sic] is not being followed, if your plan that we think is a disaster is not being followed well it is a disaster. It's been two years and three months.

> Your Honor, said September of 2017 I don't keep father away from his children one day more than necessary. We're going on one decade more than necessary. In less than 60 it will be a new calendar decade. You made a ruling that anything that he missed would be made up.
>
> But again, the point of this is this plan that you put together in March which we said was, I used the word once garbage, it's evil, it's disgusting. He has a right to his children. His children have a right to their father. And they've been kept apart for two years and over two months, going on 25 months.
>
> [2T10:14-11:7 (OAE000722-723).]

Respondent later characterized Superior Court Judge 4's decision to quash a subpoena that respondent had served as an "outrageous double standard."

<u>The January 3, 2020 Family Part Legal Memorandum</u>

In his January 3, 2020 legal memorandum submitted to the court in connection with a pending motion and cross-motion, respondent asserted that A.M. had failed to offer an accounting of her legal and expert fees and alleged that she had "squandered over $1 million" in counsel fees. Respondent contended that there had been no accounting of this money, as well as a $200,000 payment from New Chapter Capital, which respondent alleged had disappeared and that Superior Court Judge 4 aided in the "cover up, leading to the inference that this $200,000 went to bribe [Superior Court Judge 4]."

The January 16, 2020 Family Part Proceeding

During the January 16, 2020 oral arguments in connection with pending motions in the divorce proceedings, respondent engaged in the following exchange with Superior Court Judge 4:

> RESPONDENT: . . . So I don't mean to make light of a disgusting situation, but I thought I would start with an old joke because I think it's illustrative.
>
> SUPERIOR COURT JUDGE 4: A joke?
>
> RESPONDENT: An old joke, yes, Your Honor. You've probably heard it.
>
> So there's a story that's told about a gentleman who's applying to the circus and he goes in, applies to be ringmaster, and he says, well, what do you do . . . he actually starts flapping his arms and . . . flies around the tent . . . soars all the way up to the top and comes back down, and he lands and he says to the circus master, well, do I have the job. He says, no, are you kidding me, that's all you do? Bird imitations?
>
> Now, I start with this, again, I say not to make light, because no one could be so willfully obtuse as to think a guy flapping his arms and flying around the tent is just a bird imitation. And it's also true in this case. Nobody could be so obtuse as to not to know what's really going on in this case.
>
> [3T50:13-51:10 (OAE000843-844).]

Later in the oral argument, respondent referred to Superior Court Judge 4's interpretation of certain provisions of the court's order, stating:

> RESPONDENT: . . . Your Honor has presented a

> ludicrous interpretation of [paragraph] D and I was wondering how -- you're scowling, but, you know, I've just been saying for a year this was a sham order. You never intended to implement it and now I'm getting an . . . off the wall interpretation of D that doesn't say it.
>
> SUPERIOR COURT JUDGE 4: Well, that's . . . that's my order and . . . that's the way I interpret it.
>
> [3T102:3-16 (OAE000895).]

Next, respondent alleged that Superior Court Judge 4 was "signaling" to the experts to use therapy as a roadblock to S.M.'s parenting time, stating:

> RESPONDENT: No, you came up with the idea of therapy on November 30th. You said, oh, I – gee, I got these -- these things, I'm thinking [S.M.] should go into therapy, and we said, look, he'll do anything --
>
> SUPERIOR COURT JUDGE 4: Well, --
>
> RESPONDENT: -- to see his kids.
>
> SUPERIOR COURT JUDGE 4: -- since then, I think every expert that's weighed in on this has recommended therapy. And if I'm not mistaken you can certainly correct me.
>
> RESPONDENT: Well, you -- you are mistaken.
>
> SUPERIOR COURT JUDGE 4: And the experts, you're telling me that I've got -- I'm -- I'm controlling the experts?
>
> RESPONDENT: Your Honor, you're the judge.
>
> SUPERIOR COURT JUDGE 4: Okay, so you're saying I control the experts. The experts are -- I'm signaling to the experts that there needs to be therapy?

> RESPONDENT: well, that's exactly . . .
>
> SUPERIOR COURT JUDGE 4: Is that what I heard?
>
> RESPONDENT: -- what you asked [K.O.] when you -- when you -- you called her as a witness and you directed --.
>
> SUPERIOR COURT JUDGE 4: So the answer's yes? Okay.
>
> . . .
>
> RESPONDENT: -- and you asked – you asked leading questions saying, well, didn't you think there should be some kind of therapeutic visitation, --
>
> SUPERIOR COURT JUDGE 4: Okay, and that applies --
>
> RESPONDENT: -- [K.O.]?
>
> SUPERIOR COURT JUDGE 4: -- to the – the -- the subsequent experts as well who I haven't spoken to?
>
> RESPONDENT: Well, I don't know if you've spoken to them or not.
>
> SUPERIOR COURT JUDGE 4: I'm telling you I haven't spoken to them.
>
> RESPONDENT: Well, I'm glad to hear it. I mean we'll have to -- we'll have to see when we -- when we finally ever get a chance to examine [K.O.]
>
> [3T115:21-117:10 (OAE000908-910).]

Respondent added:

> RESPONDENT: . . . Your Honor has this bizarre order

FILED, Clerk of the Supreme Court, 09 Apr 2026, **091572**

> about he can only say a few things to [P.H.] and – and, yes, you put your thumb on the scales and then [P.H.] gets this strange order from the Court. He's like, what in the world is this?
>
> SUPERIOR COURT JUDGE 4: What order is that?
>
> RESPONDENT: And now –
>
> SUPERIOR COURT JUDGE 4: What order is that?
>
> RESPONDENT: That [S.M.] is limited what he can communicate with people.
>
> SUPERIOR COURT JUDGE 4: And [A.M.]. No one's is supposed to inter -- interfere with it.
>
> [3T119:16-120:4 (OAE000912-913).]

Later, respondent repeated the accusation that Superior Court Judge 4 received a bribe:

> RESPONDENT: . . . So there's $200,000 missing and I can't even imagine a non-corrupt reason this Court would not allow us to track down the $200,000.
>
> SUPERIOR COURT JUDGE 4: A non-corrupt reason? What's that mean?
>
> RESPONDENT: A non-corrupt reason, it –
>
> . . .
>
> SUPERIOR COURT JUDGE 4: -- is that, I'm not being sarcastic, that's in connection with the inference that I'm being bribed?
>
> RESPONDENT: Yes, --

> . . .
>
> RESPONDENT: -- exactly. Why else would you not let us get to the bottom? They tried to hide this $200,000 . . . .
>
> [3T134:24-135:15 (OAE000927-928).]

The July 7, 2020 Family Part Proceeding

Respondent made additional comments concerning Superior Court Judge 4 during the July 7, 2020 oral arguments at trial:

> SUPERIOR COURT JUDGE 4: Alright, Mr. Clark, you're on your feet. Any --
>
> RESPONDENT: Well, I --
>
> SUPERIOR COURT JUDGE 4: -- issue?
>
> RESPONDENT: -- just want to respond, Your Honor. You've boxed him out of his children's lives for three years. For the last six months he's had virtually zero contact. I don't think he's had one phone call with them in six months. Not one email. Not one Skype call. So to sit there -- I mean, this is absurd. This whole nonsense about the education is that they bring this stuff, they boxed him out and you've boxed him out with no record for three years and the whole trial is a farce, Your Honor. We know where you're going with this. No – no one in their right mind is going to box him out for three years and come back in five years later and after two years and say, wow, I made a mistake and now your son is 18 anyway. But this whole thing -- we want to make sure this is clear, he's shut out of their -- their lives. Their -- Your Honor can't come back and say, well, I didn't know that for the last few months we haven't been here he's not had any contact with his children,

zero, not one phone call.

SUPERIOR COURT JUDGE 4: Alright, I said you can make a motion. I gave you permission. We've heard motions all along. I don't know where you're at with -- with the therapies that have been required. I don't know if he's been to his therapist that's been required. I don't know if he's been to the Court-ordered therapist. I don't know anything other than what the parties have told me. I haven't heard from anybody in three months.

A.M.'S COUNSEL: There's an order --

RESPONDENT: Well, I'm very glad that --

A.M.'S COUNSEL: for a psychological examination, --

. . .

RESPONDENT: -- I'm very glad to hear . . .

SUPERIOR COURT JUDGE 4: Okay.

RESPONDENT: -- Your Honor acknowledging your ignorance . . . about the facts of the case.

. . .

SUPERIOR COURT JUDGE 4: You never told me anything. There's no -- I don't know day to day what's happening in the parties' lives. I know everything that comes in is read. . . .

[4T45:10-47:9 (OAE0001106-1108).]

Service of Process at Superior Court Judge 4's Residence

As noted above, on July 15, 2020, following the denial of the sixth motion to recuse Superior Court Judge 4, respondent filed an action in the District Court, on S.M.'s behalf, against Superior Court Judge 4, the then Attorney General, and the then Governor of New Jersey. The action was captioned [S.M.] v. [Superior Court Judge 4].

On July 16, 2020, respondent forwarded, by e-mail, a copy of the order to show cause and complaint, filed in connection with [S.M.] v. [Superior Court Judge 4], to the Deputy Attorney General (the DAG) who routinely executed waivers of service for Superior Court Judge 4, as well as several other Superior Court judges, in connection with the multiple federal lawsuits that respondent had filed on behalf of S.M. That same date, respondent executed a certification of service in which he identified the DAG as Superior Court Judge 4's "current counsel in related cases" based on his knowledge that the DAG would "likely" be representing Superior Court Judge 4 in connection with [S.M.] v. [Superior Court Judge 4].

Nevertheless, on July 27, 2020, at approximately 7:15 p.m., respondent drove L.C., a former employee of S.M. who did freelance work for respondent, to Superior Court Judge 4's residence to personally serve the pleadings in

connection with the newly filed matter.[7] Respondent parked his vehicle near Superior Court Judge 4's residence, a vantage point from which he was able to take photographs of "the process server effectuating service . . . to memorialize the service of papers should personal service be denied."

Following a knock, Superior Court Judge 4's spouse opened the door to the process server, who indicated he had something for Superior Court Judge 4. Superior Court Judge 4 approached and the process server stated that he was serving papers on behalf of respondent, which caused Superior Court Judge 4 alarm because it had been eight days since the tragic events that occurred at the home of a District Court judge.[8] Superior Court Judge 4 closed the door on the process server but also noticed a car just down the street from his home. He noted the license plate number and later the New Jersey State Police (the NJSP) confirmed that the vehicle belonged to respondent.

Due to the timing of the incident, Superior Court Judge 4 was very concerned about his safety and notified the Court and Judicial Security Unit. Superior Court Judge 4 noted that, at the time, they were just learning that the

---

[7] As of July 2020, respondent had filed several federal lawsuits against various Superior Court judges, including those filed against Superior Court Judge 4. The DAG represented Superior Court Judge 4 in those matters. Respondent never personally served pleadings on any other judge in any other matter, including the prior lawsuits involving Superior Court Judge 4.

[8] On July 19, 2020, an attorney and aggrieved former litigant posing as a FedEx delivery driver appeared at the home of a District Court judge, where he shot her husband three times and shot and killed her son.

attorney who perpetrated the attack on the District Court judge was "a litigant associated with a cause that [was] somewhat perceived . . . to be what [S.M.'s] cause was, unfairness with respect to gender in the courtroom."

Superior Court Judge 4 later learned that respondent had suggested to the listeners of podcasts that they "follow judges" and "watch their extracurricular activities, because that's the only way to get to them." Superior Court Judge 4 noted that the activities respondent described closely mirrored his own personal habits, which caused him significant concern and led him to ask the Assignment Judge to remove him from the S.M. matter because of the "perception of [him] potentially being biased or unfair [was] a real concern – this was all kind of boiling up at that point."

On July 28, 2020, the NJSP contacted respondent who confirmed that he had a courier hand deliver court documents to Superior Court Judge 4's residence. However, respondent would not "confirm or deny" that he was present for the delivery.

On July 31, 2020, the DAG forwarded a letter to District Court Judge 1, seeking an immediate order prohibiting respondent from serving process at the home of any member of the Judiciary, and requiring him to serve all pleadings on the DAG.

On August 1, 2020, respondent submitted a reply to District Court Judge

1. Although respondent did not deny that he was aware the DAG had represented Superior Court Judge 4 for several years in connection with the prior federal lawsuits in which Superior Court Judge 4 was a defendant, or that the DAG had executed waivers of service for Superior Court Judge 4 in those other matters, he contended that the DAG had not entered an appearance in [S.M.] v. [Superior Court Judge 4] on behalf of Superior Court Judge 4, and thus, the District Court rules required him to personally serve the pleadings. Respondent asserted that, on February 10, 2020, the District Court ordered him to serve all pleadings, in connection with in FCLU v. N.J., by "delivery: (1) to the individual personally; (2) to an individual's dwelling or usual place of abode; or (3) to an agent authorized by appointment or by law to receive service of process," pursuant to Fed. R. Civ. Pro. 4(e)(2).

On August 12, 2020, the District Court entered an order directing respondent to serve any member of the Judiciary, including Superior Court Judge 4, by directing such service to the DAG acting as defense counsel.

Respondent's Media Appearances

The referral to the OAE further alleged that respondent and S.M. appeared on other platforms to "further harass and demean [Superior Court Judge 4]."

In June 2020, respondent took part in a podcast interview hosted by D.G.

and D.J., during which he repeated his claims that there was "incredible corruption" in the New Jersey Family Courts. He continued:

> RESPONDENT: . . . So it's [Superior Court Judge 4]. We call him crooked [Superior Court Judge 4]. So crooked [Superior Court Judge 4] quashes, he quashes the subpoena to the bank in New York.
>
> Now, again, there's -- there's a payment of $200,000 that we don't know what happened to it; it doesn't go into [A.M.'s] bank accounts . . . The $200,000 does not go directly – does not go into her bank account, she never acknowledges she ever got a penny. But there's $200,000 missing.
>
> And judge crooked [Superior Court Judge 4] quashes the subpoena to the bank in New York so that we can't find out what happened to the money. Now, this is the first thing. Let me ask you, why -- what legitimate basis could there be for a judge not to permit a subpoena to a bank . . . I can't imagine a legitimate reason.
>
> . . .
>
> . . . They refuse to -- to tell us one penny if they got any money, and of course crooked [Superior Court Judge 4] doesn't do anything. We go to the crooked judge say . . . we still don't know what happened to this money. And he says, I don't care, tough luck.
>
> . . .
>
> . . . Again, the idea that a judge would -- would allow hundreds of thousands of dollars to disappear into thin air without a trace, not allowing people to get to the bottom of it, is just incredibility (sic) suspicious.
>
> . . .

> . . . This was two years ago, this $200,000. And, you know, whether it went to the judge or went to . . . his family, again we're -- it just disappeared into thin air . . .
>
> . . . this tolling of statute of limitations when something is secret, the statute of limitations is tolled or -- stayed.
>
> And I think in that case certainly we can make a very strong case that this was hidden, it was concealed, this – this judge deliberately concealed it, you know . . .
>
> . . .
>
> But if you're trying to cover something up, it's a convenient thing to say, right? So if another . . . judge or federal judge gets involved and says, you know what? Judge so and so, [Superior Court Judge 4], who goes to the same country club as I do, is an old friend of mine, statute of limitations tolled, we can't prosecute him for that.
>
> . . .
>
> . . . so where it stands is we filed a suit against – against [Superior Court Judge 4], . . . for a lot of the stuff that's going on that's totally suspicious.
>
> [5T14:1-13;16:6-10;16:23-17:2;32:5-19;33:2-9,19-22.]

Respondent continued:

> Judicial immunity is very, very broad. I mean, basically -- I'm not – really not exaggerating. Basically what the case law says is the judge sitting on the bench and he stands up, pulls out a gun and shoots somebody, literally blows someone's brains out, the defendant, you can't be prosecuted for that because he was acting as a judge, he was in the courtroom.

[5T38:11-18 (OAE001578).]

Respondent added that "[n]obody wants to believe judges are crooked, but lots of judges are crooked." He suggested that if people suspect that a judge is "crooked" or "taking bribes" they should obtain a copy of the judge's financial disclosure; "check the judge out, go to that judge's house;" "band together and take different days and you each follow him on a different day, you follow the judge everywhere he goes;" "videotape them . . . committing crimes;" "do your own investigation;" "keep track of them;" go to any business the judge owns, "see who they are meeting with;" and "find out what they are doing, because I know a lot of these judges are crooked."

In the days following the July 27, 2020 attempted service on Superior Court Judge 4, respondent and S.M. appeared on another podcast, with P.A., to discuss what had occurred. During his appearance, respondent admitted having driven L.C. to Superior Court Judge 4's home. He also accused Superior Court Judge 4 of being a "corrupt" "little petty [tyrant]" who was using his "influence and his office to lash out at people he dislikes," as well as using his "cronies" within the NJSP to harass and punish someone he does not like. Further, during the podcast, respondent identified the town in which Superior Court Judge 4 lived.

<u>S.M.'s Online Posts</u>

The referral further alleged that respondent had failed to take any action to prohibit or restrain S.M. from making allegations and statements concerning Superior Court Judge 4 across social media platforms. Specifically, in separate "February 16, 22, and 24" Facebook posts, S.M. wrote the following:[9]

> Today [Superior Court Judge 4] is kidnapping children, if we don't have courage to speak up then the day is not far when our great nation will become like Nazi Germany or Stalin's Russia and loving parents will be sent to concentration camps by [Superior Court Judge 4] on the recommendations of therapists like [K.O.].
>
> . . .
>
> I fear [Superior Court Judge 4] can easily hire someone to assassinate me. From what I have seen, I think he is the head of a huge child predator Mafia gang.
>
> . . .
>
> [Superior Court Judge 4] and his Mafia gang preys on innocent helpless children who don't have a voice, who cannot defend themselves. My head hangs in shame, [Superior Court Judge 4] brings such shame to America and Americans all over the world. A terrorist is anyone who traumatizes and terrorizes other people. I wonder if in some way, shape or form we can call [Superior Court Judge 4] a terrorist?
>
> [OAE001425-26,1429.]

[9] None of the Facebook posts reflect the year. A.M. attached the various posts as exhibits to her March 27 and November 13, 2019 certifications filed in the matrimonial matter.

Further, in a "June 5" Facebook post, S.M. wrote the following:

> After kidnapping my children on 12 September 2017 in broad daylight, [Superior Court Judge 4] ordered that I should not talk about it, I should not write about it on any social media. I should keep it a "SECRET"
>
> . . .
>
> . . . I will NOT surrender my "Freedom of Speech" to Child Predator [Superior Court Judge 4]. I know what it means to speak up against a Judge like [Superior Court Judge 4] who is an expert in using his judicial power to commit crimes.
>
> [OAE001348.]

In a "June 13" Facebook post, S.M. wrote the following:

> [Superior Court Judge 4] who masterminded this evil kidnapping, abuse and "Psychological Murder" of my two poor helpless children, was very supportive of and very happy with [J.R.]. This just shows that anyone can be as evil, as cruel, as sadistic, as much a psychopath as Hitler, Stalin, Kim Jong-un, Saddam, etc.
>
> Today a Retired Family Court Judge . . . expressed deep shock, and deep disappointment at the openly blatant evil criminal activities of [Superior Court Judge 4]
>
> . . .
>
> I wonder who taught [Superior Court Judge 4] to become a Child Predator.
>
> [OAE001363.]

In a "July 22" Facebook post, S.M. wrote the following:

> Our family courts have become INSANELY EVIL!

> God! What sadistic joy this psychotic Judge is deriving from torturing innocent children and fathers like this!
>
> . . .
>
> The best place for criminals to hide is - family court. After a bone chilling, brutally evil, horrendous marriage fraud, immigration fraud, attempted murder, theft of over $500,000, endless list of incredible crimes, -- [Superior Court Judge 4] found it fit and safe to kidnap my children and hand them over to [A.M.] . . . . Through them [Superior Court Judge 4] has safely brought about the psychological murder of my children
>
> . . .
>
> Recently I was sent a ransom demand -- typical in cases of kidnapping. Through [A.M.] and her lawyers, [Superior Court Judge 4] sent me this ransom demand - that I pay them $1.2 million plus pay over $5000 per month for next eight years, and in return [Superior Court Judge 4] will still not set my children free!
>
> [OAE001365-66.]

In addition, the referral asserted that it was of "greater concern" that S.M.'s posts were "rife with attacks" against Superior Court Judge 4's character and had amassed followers who made "extremely alarming comments to the effect of 'I'm surprised . . . there hasn't been a trend to kill the horrible people involved in this crap, especially baby moms.'"

Respondent's Position to the OAE

In his 136-page submission to the OAE – in reply to the referral – respondent provided a lengthy recitation of the procedural history of the matrimonial matter, arguing how "defendant [Superior Court Judge 4]" mishandled the underlying divorce proceedings and exhibited hostility towards S.M. and respondent throughout, while tangentially replying to the allegations set forth in the referral. Specifically, respondent asserted that (1) he was not responsible for the content of S.M.'s certifications or his online postings, (2) Superior Court Judge 4 had demanded to know if it was respondent's personal opinion that the judge was a child predator, and (3) S.M. had "every right and duty to personally serve Superior Court Judge 4."

Respondent continued his attacks by (1) referring to Superior Court Judge 4 as a "liar" and "biased," (2) referring to the divorce proceedings as a "sham," a "farce," and a "rigged system," and (3) accusing Superior Court Judge 4 of accepting a bribe.

On January 25, 2021, during the OAE's interview in connection with its investigation in this matter, respondent again provided a lengthy recitation of his view of Superior Court Judge 4's mishandling of the custody issues in the divorce matter. He also confirmed that S.M. described Superior Court Judge 4 as "a child predator in one or more of his certifications." He confirmed that he

did not decline to submit the certifications despite knowing that S.M. referred to Superior Court Judge 4 as a child predator, stating that S.M. was "free to write what he wants." He further stated that he would not permit S.M. to submit a certification that respondent "knew" contained false statements and he would "not submit a factually false certification."

Respondent emphasized that S.M. did not accuse Superior Court Judge 4 of being a child predator, rather "that was a description of [Superior Court Judge 4]." He maintained that no one had accused Superior Court Judge 4 of being "a child molester." He argued that S.M. described Superior Court Judge 4 as a "child predator" or part of the "child predator industry . . . where attorneys and judges look the other way and they enable people to abuse children."

Respondent did not believe that he ever referred to Superior Court Judge 4 as a child predator in any of his own certifications, stating "that's not something that I would put in a certification for counsel," adding that he did not offer personal opinions in his filings; rather, he represented S.M. He added that, during the May 29, 2019 exchange on the record, Superior Court Judge 4 specifically wanted respondent to provide his "personal opinion," which he found to be "improper" and "a violation of [Superior Court Judge 4's] own ethical responsibility."

Respondent reiterated that Superior Court Judge 4's decision to quash a

subpoena for records related to the missing $200,000 was "substantial evidence" of his corruption and that he had reported the issue to the "judicial committee." He added that "no honest judge would quash a subpoena for information that had been requested in interrogatories . . . ." He continued:

> there [were] so many bizarre, off the wall, totally outrageous actions taken by [Superior Court Judge 4] in this action that incompetence alone cannot be the explanation. In fact, I don't think he's incompetent. I think he's actually a pretty smart guy . . . The actions from [Superior Court Judge 4] from beginning to end have been inexplicable, full of facts in effect that there's hundreds of thousands of dollars missing that he will not permit us to find, leads to the inference that this needs to be investigated.
>
> [RT51:1-16 (OAE000228).]

Respondent contended that he did not engage in any disruptive behavior in Superior Court Judge 4's courtroom, and he did not recall submitting any documents withdrawing any criticism that S.M. advanced against Superior Court Judge 4. When asked about his statements on the record during the various court proceedings identified in the referral, respondent stated that "the transcript speaks for itself." He added that the First Amendment is broad, and that the Third Circuit has stated that attorneys have the constitutional right, on behalf of their clients, to "be offensive," "but short of being disruptive . . . a lawyer does not have to worry about upsetting the judge or saying something the judge may find offensive." He insisted that "no statement [he] made in court violated the

Rules of Professional Conduct." Respondent argued that the referral took many of the identified statements out of context and that S.M. never said anything that "could remotely be constituted as any sort of a threat." He maintained that he had a First Amendment right to give interviews and questioned which Rule prohibited attorneys from speaking to the media outside of those pertaining to contaminating or influencing juries.

Respondent refused to specifically admit that he went to Superior Court Judge 4's residence, stating that "I did not arrive at [Superior Court Judge 4's] personal residence . . . I did not go to the residence. I did not step foot on the property . . . I drove the process server." He added that he had parked "on the opposite side of the street two or three houses down" because he did not want to make himself "a witness in the case" concerning service of process, despite acknowledging that he had taken photographs of the service to document that L.C. had been there. Respondent refused to answer whether he would attempt to serve Superior Court Judge 4 at his personal residence again if he filed another lawsuit against him, stating that "I don't know. I can't answer future hypotheticals . . . it would depend on the circumstances."

Throughout the interview, respondent often avoided providing direct replies to the OAE's questions, instead offering long explanations of the circumstances of the divorce litigation or debating the specific wording of the

questions. For example, he argued the minutia of whether he had filed certifications with the court that contained the allegation that Superior Court Judge 4 was the head of child predator gang "on his letterhead," stating that "submissions are not submitted on letterhead. So no." When asked if he used social media platforms to make disparaging allegations against Superior Court Judge 4, respondent replied:

> I don't believe I use social media. You would have to define that . . . I think I have a Facebook page I have not used in years . . . So what you mean by social media. So again, I am not sure I follow what you mean . . . And when you say the internet I mean, I send things to the Court over the internet, email them. So that's why that's incredibly broad term, the whole world is on the internet.
>
> [RT63:6-64:8 (OAE000240-241).]

Respondent offered the same lengthy and evasive replies when asked whether he had filed federal lawsuits on S.M.'s behalf against Superior Court Judge 4, and how many he filed against Superior Court Judge 4:

> I wouldn't put it that way, but essentially I have filed lawsuits for [S.M] in federal court which [Superior Court Judge 4] is a defendant . . . Well I represent [S.M.]. Often people will say have you sued -- have you, Paul Clark, sued [Superior Court Judge 4]? No I haven't sued [Superior Court Judge 4]. [S.M.] has sued [Superior Court Judge 4].
>
> . . .
>
> [How many] [a]gainst [Superior Court Judge 4]? Well

> again, I have to qualify this because the main suit that is again still in federal court was first filed against [Superior Court Judge 3]. Then when [Superior Court Judge 3] retired, he recused himself and he retired actually shortly thereafter, the Judge the federal court substituted was [Superior Court Judge 4] as the successor to [Superior Court Judge 3]. So that was not filed strictly speaking against [Superior Court Judge 4], but the judge in that case, [District Court Judge 2] . . . specifically said that [Superior Court Judge 4] would be substituted as defendant in the case. Actually I should take it back, it might have been the magistrate judge.
>
> But in any case the federal court said that. So I'm just trying to be absolutely clear here that was not a suit against [Superior Court Judge 4]. Now that suit was first filed in, I believe in November or December of 2017, again at that point it was [Superior Court Judge 3]. [Superior Court Judge 4] was later added. Now we asked for a -- a preliminary injunction against that, and that preliminary injunction was denied. So once we appeal that the jurisdiction goes up to the Third Circuit Court of Appeals. And when [Superior Court Judge 4] issued additional gag orders, we couldn't amend our complaint because that case was on appeal. So we filed a new case involving those new gag orders that we anticipated would be consolidated with the other case, the original 2017/2018 case when it came back from the Third circuit.
>
> . . .
>
> You just want a number . . . I believe it's three.
>
> [RT64:9-66:24 (OAE000241-243).]

Based on the foregoing, on February 23, 2023, the OAE filed a formal ethics complaint against respondent, charging him with having violated <u>RPC</u> 3.1

by asserting an issue in a proceeding without a basis in fact; RPC 3.2 by failing to treat Superior Court Judge 4 and the opposing party with courtesy and consideration; RPC 3.5(c) by engaging in conduct intended to disrupt a tribunal; RPC 8.2(a) by making reckless statements about the qualifications of a judge; and RPC 8.4(d) by (1) filing certifications from S.M. which contained baseless accusations and discourteous arguments against a sitting Superior Court judge; (2) making statements in an attempt to create a false record that Superior Court Judge 4 had accepted a bribe; (3) engaging in this behavior in front of his client and others; and (4) wasting judicial resources because Superior Court Judge 4 had to expend time to respond to baseless accusations asserted by both respondent and his client.

The Ethics Proceeding

The OAE's Motion to Strike Individuals from Respondent's Witness List

On July 28, 2023, the OAE filed a motion to strike the following seven witnesses from respondent's witness list: P.A.; J.B.M.; K.R.; M.A.P.; G.F.; D.P.; and Superior Court Judge 6. The OAE asserted that respondent had (1) failed to provide specific information concerning what testimony the proposed witnesses would offer, and (2) identified certain witnesses that, if allowed to testify, would offer "irrelevant testimony," leading to "an undue consumption

of time." The OAE further argued that respondent selected the witnesses to attack Superior Court Judge 4's work, or to establish that Superior Court Judge 4 retaliated against respondent, and not to offer testimony concerning respondent's conduct or the allegations in the complaint.

In reply, respondent, through counsel, argued that the witnesses would offer testimony that would (1) explain their "understanding of perceived instances of bias and/or retaliation" by Superior Court Judge 4; (2) "tend to demonstrate respondent's considerations and reflections made prior to engaging in the conduct which is the focus of the proceedings;" (3) "prove" respondent's motivation concerning the service of process upon Superior Court Judge 4; (4) "offer knowledge relative to Superior Court Judge 4's adamance on remaining on the [S.M.] case;" (5) offer testimony establishing that the Attorney General's office would not accept service for judges; (6) provide "highly relevant testimony" in support of respondent's defense; and (7) "rebut idea that respondent's comments would lead to the risk of litigants in family court losing confidence in the legal system."

Ultimately, the SEA determined to strike and bar the following witnesses from testifying: J.B.M.; K.R.; M.A.P.; G.F.; D.P.; and Superior Court Judge 6. The SEA reasoned that the potential witnesses did not have "any evidence that bore directly on the charges pending against respondent."

The Ethics Hearing

Commencing on June 17, 2024, the SEA conducted a six-day ethics hearing, during which he heard testimony from respondent; the OAE disciplinary investigator; Superior Court Judge 4; the DAG; S.M.; L.C.; R.M.; and T.C.[10]

Respondent testified that, although he "certainly made mistakes," he did not believe that he violated any "ethical rules of attorney conduct." He testified that, following Superior Court Judge 3's denial of his request to be relieved as S.M.'s counsel, he was "forced to continue to represent" S.M. adding:

> I was . . . obviously placed in a very difficult position. I didn't want to be in the case . . . I'm being charged with somehow violating an ethical violation by submitting certifications for [S.M.] . . . I was forced by the court to continue to represent [S.M.], and once that is the case, I have to do my best to represent him, which I believe I did.
>
> [1HT225:14-226:2.]

Respondent conceded that Superior Court Judge 3's denial of his request to be relieved did not necessitate that he litigate the matter entirely in the manner that S.M. directed or require him to allow S.M. to file any certification he wished to file.

---

[10] R.M. is Chief of the Court and Judicial Security Unit for the New Jersey Judiciary. In August 2012, S.M. hired T.C. as in-house counsel for his company and T.C. also represented S.M. as his divorce counsel from August 2012 through May 2014.

Respondent maintained that A.M. had attached S.M.'s Facebook post that referred to Superior Court Judge 4 as a child predator as an exhibit to her certification for the purpose of angering Superior Court Judge 4 "to try and get him to throw the book at [S.M.]." He conceded that the content of S.M.'s post angered Superior Court Judge 4 but maintained that his reaction was a basis for transferring the matter to a different judge because Superior Court Judge 4 was "clearly furious about [it]," and A.M. repeatedly exploited the gag order to "poison the case." He added that S.M.'s definition of a "child predator" was "someone who . . . separates children from loving families without a good reason and without due process." He testified that he read the post "verbatim" to avoid Superior Court Judge 4 saying "well, you're making this argument." He continued:

> And so I was very careful to read the entire thing and put it in context, and made the point that given the under -- given the definition of child predator, you could -- you could say it is true, that [Superior Court Judge 4] has done the things; he has taken [S.M.'s] children away from him without due process, and by that definition it would be a true statement; what [S.M.] said would be a true statement, and therefore is protected by the First Amendment.
>
> [1HT251:3-12.]

He testified that he, personally, was not calling Superior Court Judge 4 a child predator even as defined by S.M.'s specific understanding of the term; rather,

he was representing S.M. and arguing on his behalf.

Respondent conceded that he referred to Superior Court Judge 4 as a "little petty tyrant" but characterized it as an "opinion judgment." He testified that he still believed Superior Court Judge 4's reunification plan was "garbage," but stated that he did not intend it to be disrespectful, conceding that, in hindsight, he could have used a better term.

Respondent asserted that he never accused Superior Court Judge 4 of accepting bribes but, rather, stated that "there was a reasonable inference of some kind of nefarious activity." He added:

> I don't think I ever used the "B" word with [Superior Court Judge 4] . . . I simply made the argument on [S.M.'s] behalf . . . I'm saying that no honest judge would quash a subpoena. I didn't say [Superior Court Judge 4] you're dishonest. I'm making an argument . . . This is a figure of speech . . . it's not an accusation, it's an argument. And I believe it was in the proper confines of an argument to say what I said at the time . . . and I am sorry if someone took it the wrong way.
>
> [1HT195:24-197:14.]

Respondent further testified that he had "no personal knowledge about a murder at anyone's home" when he elected, for the first time, to drive the process server to personally serve Superior Court Judge 4 at his residence just eight days after the murder at a District Court judge's home. He maintained that he did not "go to his house" but, rather, he took the process server to [Superior

Court Judge 4's] "neighborhood."

Respondent testified, in detail, concerning the basis for filing several of the federal lawsuits and the outcome of those cases, asserting that, although the federal courts had dismissed some of the actions, the courts did not determine those actions to be frivolous.

Respondent moved, through counsel, to dismiss the charged violation of RPC 3.1 on the basis that respondent's alleged use of inflammatory and offensive terms or other inappropriate comments concerning Superior Court Judge 4 is not the type of misconduct generally associated with an RPC 3.1 charge. He further argued that the OAE failed to present any substantive evidence to establish that he violated the frivolous filings component of the Rule beyond Superior Court Judge 5's decision in the underlying divorce proceeding, which respondent argued was an "uncorroborated, unsupported hearsay document, that does not meet the threshold required under the residuum rule . . . or constitute res judicata or collateral estoppel to allow the OAE to meet its burden . . . or establish that there were frivolous filings."

During direct examination, Superior Court Judge 4 testified that he presided over the underlying divorce matter for several months, during which respondent directly accused him of being a "child predator;" being "crooked;" being "bribed;" and prejudging the case. He added that S.M. went further,

equating him to Hitler and Stalin and accusing him of kidnapping children and holding them for ransom. He noted that, rather than withdrawing, mitigating, or minimizing S.M.'s statements, respondent endorsed them.

Superior Court Judge 4 further testified that, when respondent disagreed with an order, he "attacked" Superior Court Judge 4, referred to him as "ignorant," and described his orders as "worthless" or "garbage." Superior Court Judge 4 noted that he never placed any limits on respondent's ability to file motions, even though the filings were "repetitive," including the six recusal motions that offered no new facts. Superior Court Judge 4 emphasized that he could have sought a "Rosenblum order" from his assignment judge to address respondent's "vexatious" and "repetitive" litigation tactics, but elected not to do so to ensure that the litigants felt they had "a fair and complete trial and that they were heard."[11]

Superior Court Judge 4 stated that his orders repeatedly were challenged or ignored, causing him to spend an inordinate amount of time writing statements of reasons to support his decisions, in order to avoid any confusion as to the issues or arguments that he already had addressed.

---

[11] In Rosenblum v. Borough of Closter, the Appellate Division held that "an Assignment Judge can prevent the filing of a complaint, or issuance of a summons thereon, when the plaintiff's prior litigation demonstrates a pattern of frivolous pleadings." 333 N.J. Super. 385, 387 (App. Div. 2000). "[C]ourts have the inherent authority, if not the obligation, to control the filing of frivolous motions and to curtail 'harassing and vexatious litigation.'" Zehl v. City of Elizabeth Bd. of Educ., 426 N.J. Super. 129, 139 (App. Div. 2012) (quoting Rosenblum, 333 N.J. Super. at 387, 391).

Superior Court Judge 4 recounted the day that respondent sent a process server to his home, stating that, due to the incident, he felt he was in "real danger," "felt very threatened," and was "scared" for himself and his family. He confirmed that he contacted the Court and Judicial Security Unit and the Essex County Sheriff, but did not contact the NJSP, because that was not part of the judicial security protocol. Superior Court Judge 4 emphasized that the document respondent had served at his home appeared "contrived" because it included "stale" allegations that were "months old" and which the District Court already had addressed in prior lawsuits and, thus, did not include anything emergent. He confirmed that respondent had not personally served him in any of the prior federal lawsuits.

During cross examination by respondent's counsel, Superior Court Judge 4 confirmed that he did not hold respondent in contempt of court or sanction him for the comments he made that Superior Court Judge 4 found to be objectionable.

S.M. testified that respondent had told him, "at times," to remove the references to Superior Court Judge 4 being a child predator from his certifications, but that S.M. "insisted" that he wanted to keep the reference in his certification to the court. He added that several times respondent "slice[d] and dice[d]" his certifications, removing "all such terminology," and instructing

S.M. to "stick with the facts, stick with the point, don't digress, don't do anything," and S.M. would simply put the language back in, at the last-minute, following respondent's final review. He further testified that, while he was pro se, he submitted at least ten certifications to the court, and during the time respondent represented him in the divorce litigation, he submitted one certification directly to the trial court without respondent's assistance.

The DAG testified that he represented Superior Court Judge 4 in six separate lawsuits, including those filed in the District Court, as well as the subsequent appeals to the Third Circuit. He testified that, upon receiving respondent's July 16, 2020 e-mail forwarding the complaint in the new action against Superior Court Judge 4, his expectation was that he and respondent would "proceed as usual and . . . negotiate a waiver of service." He confirmed that he never had any discussions with respondent about executing a waiver in connection with the July 2020 federal lawsuit prior to the service of process at Superior Court Judge 4's home, and that he never replied to respondent's e-mail.

T.C. testified that respondent requested that he be on "standby" to prepare a writ of habeas corpus, on his or S.M.'s behalf, in the event the trial judge held either of them in contempt of court for including the accusation that the judge committed misconduct and accepted a bribe in a certification respondent intended to file with the court, and for making the same accusation during oral

argument.

R.M. testified that, as Chief of Court and Judicial Security, she received video recordings of two of respondent's web-based interviews regarding the Family Court matter. She testified that the NJSP provided the recordings to Judicial Security following the service of process at Superior Court Judge 4's residence. She further testified that the thirty-six minute recording of one interview was available on "an open forum" online and stated her opinion that, if something is readily available online, it created a "higher risk" for Superior Court Judge 4. She testified that there were no online posts by S.M. or respondent, or video recordings or podcasts, in which they expressed a threat or an intention to harm Superior Court Judge 4, but that Judicial Security considered respondent, S.M., and P.A. to be "significant security risk[s]" based on "their behaviors and their rhetoric."

The Parties' Written Summations to the SEA

In his written summation to the SEA, respondent, through counsel, reiterated the difficulty that he faced representing S.M. in "a highly contentious and extremely complex divorce," adding:

> [he had] very little experience in the practice of matrimonial law when he initially agreed to assist his employer-turned-client, [S.M.], in his ongoing divorce. At the time he was under the mistaken belief that his

> services would be limited to handling a trial that was already scheduled to be heard within a matter of months, which was the anticipated duration of Mr. Clark's representation of [S.M.].
>
> What Mr. Clark unwittingly signed up for was a highly contentious and extremely complex divorce and child custody proceeding that lasted the better part of a decade and burst at the seams with vitriol. And there can be no doubt whatsoever that [S.M.] was an extremely difficult client. His inflammatory views of the judiciary are well documented . . . .
>
> [Rsb72.]

Respondent reiterated his argument that the allegations that formed the basis of the complaint "were largely taken out of context and embedded with assumptions rather that facts proven by clear and convincing evidence," and included inflammatory and controversial statements made by S.M. on social media, which respondent had nothing to do with "the development or publication" thereof, and which A.M. introduced into the trial record, through her certifications to the court, for her own strategic purposes.

Respondent emphasized that the divorce litigation spanned many years and included "somewhat less than one hundred court appearances." He argued that there were only "a handful of instances of allegedly inappropriate remarks that he made to the court, as cited in [the ethics] referral letter." He suggested that his conduct "was appropriate, or at least not objectionable," throughout much of the divorce litigation, which explained why Superior Court Judge 4 had

no intention of referring the matter to the OAE until the incident with service at his home. He noted that Superior Court Judge 4 conceded, during his testimony, that he never sanctioned or reprimanded respondent for the statements identified in the ethics referral, nor did Superior Court Judge 4 ask him to refrain from making similar comments in the future, arguing that his failure to raise the issue with respondent "was comparable to a waiver."

Respondent argued that the OAE failed to present evidence that he was familiar with the homicide at a District Court judge's home and "intentionally arranged service-of-process at a judge's residence approximately one week after [the] shooting . . . ostensibly as a means of intimidation." He added that the OAE's assumption that "the two incidents were somehow connected," despite his uncontroverted testimony explaining his rationale for the personal service at Superior Court Judge 4's residence, was insufficient to establish a violation of the Rules of Professional Conduct by clear and convincing evidence. He contended that L.C. did not threaten Superior Court Judge 4 and that Superior Court Judge 4 testified that he did not feel threatened.

Respondent reasoned that, because the DAG did not enter an appearance in the July 2020 matter until after the service of process, he should be "absolve[d]" of "whatever expectation the OAE had for him to request a waiver from [the DAG] prior to attempting service." He argued that his conduct in the

instant matter was analogous to that of the attorneys in In the Matter of David K. Chin, DRB 23-224, March 13, 2023 (we determined that the attorney had not violated RPC 1.1 (engaging in gross neglect) or RPC 1.3 (lacking diligence) because the record lacked clear and convincing evidence that he was required to prepare a mediation statement and the record fell short of establishing that his failure to do so constituted unethical conduct), and In re Robertelli, 248 N.J. 293 (2021) (an attorney was charged with having violated RPC 4.2 (engaging in improper communication with a person represented by counsel) because his paralegal accepted a Facebook "friend request" from a litigant who was represented by counsel, without that lawyer's authorization) because, in the instant matter, there were "no ethics guidelines regarding service-of-process on judges" and he had "articulated [a] good faith basis for arranging service." He maintained that "the service-of-process was entirely lawful - it violated no known laws, rules, directives, ethics guidelines, or regulations," and thus, all charges specific to the service of process at Superior Court Judge 4's residence should be dismissed.

Respondent further argued that the OAE had failed to provide him with proper notice of the allegations pertaining to his alleged frivolous litigation on behalf of S.M., because neither the referral nor the complaint mentioned "frivolous litigation, malicious prosecution, or unduly aggressive litigation

FILED, Clerk of the Supreme Court, 09 Apr 2026, **091572**

tactics" on his part. Rather, the complaint included only allegations concerning "inappropriate remarks;" "disruptive behavior;" claims that "[Superior Court Judge 4] was bribed;" and "the service-of-process incident." He asserted that the first time the OAE had notified him of the frivolous litigation allegation was during the hearing. Thus, he maintained that the SEA should dismiss the charges related to alleged frivolous litigation and malicious prosecution.

Respondent added that, even if the SEA were to consider the frivolous litigation allegations, the OAE failed to establish, by clear and convincing evidence, that he had engaged in such conduct. He noted that the DAG never sought sanctions against him in connection with any of the federal lawsuits and the District Court did not make a finding that he or S.M. had engaged in frivolous litigation or that the filings lacked merit.

Respondent asserted that the OAE relied exclusively on the written opinion entered in the underlying divorce litigation, in which Superior Court Judge 5 found that respondent and S.M. engaged in bad faith litigation. He argued that the OAE could not prove the allegation by relying solely on the trial court's "dicta" which was "not corroborated by competent evidence, such as expert witness testimony," because to do so would constitute a violation of the residuum rule, adding that the trial court's determinations "were not made in the context of an ethics case and did not operate under the clear and convincing

evidentiary standard." He argued that the trial court's opinion as to respondent's conduct in the matrimonial matter "does not constitute clear and convincing evidence, or evidence at all, that he engaged in frivolous litigation," noting that "testimony from a qualified expert in complex matrimonial cases would have been required for the OAE to meet this onerous burden."

Respondent further argued that the OAE failed to establish, by clear and convincing evidence, that he violated RPC 3.1 by "falsely accus[ing] [Superior Court Judge 4] of corruption or, more specifically, accepting a bribe." He reasoned that he did not violate the Rule because he did not directly accuse the judge of accepting a bribe, nor did he assert, or intend to assert, that Superior Court Judge 4 accepted a bribe "as a matter of fact." He maintained that his comments were nothing more than a "figure-of-speech." He thus, urged the SEA to dismiss the charged violation of RPC 3.1 on this basis alone, but added that the OAE had failed to prove that respondent's statements concerning Superior Court Judge 4 and the $200,000 were false.

Respondent argued that there were substantial mitigating circumstances that "severely outweigh[ed]" any aggravating factors. He emphasized that he had no prior discipline in his eighteen years in legal practice or any subsequent discipline in the four years since the referral; no clients were harmed by his conduct; he has an "extremely impressive educational and professional

background;" he is a decorated war veteran; he has a good professional reputation; and he expressed remorse at the hearing by admitting that he "certainly made mistakes and, in hindsight, would have handled things differently."

In its written summation to the SEA, the OAE argued that the evidence clearly and convincingly established respondent's violation of RPC 3.1 by (1) engaging in "frivolous litigation;" (2) "making frivolous allegations," while in court, about Superior Court Judge 4 being a child predator; (3) falsely accusing Superior Court Judge 4 of accepting a $200,000 bribe, both on the record and in a legal brief; (4) alleging that Superior Court Judge 4 engaged in "a sadistic evil game" and worked "as a team with another judge in kidnappings;" and (5) driving his part-time employee to serve pleadings at Superior Court Judge 4's personal residence shortly after an attack at another judge's home, with the intention of intimidating Superior Court Judge 4.

In reply to respondent's argument that it had failed to establish, by clear and convincing evidence, that he violated RPC 3.1, the OAE argued that "references throughout the complaint," and during the testimony provided at the ethics hearing, established in "multiple ways" how respondent violated RPC 3.1. To supports its position, the OAE relied on In the Matter of Joseph J. Giannini, DRB 11-328 (March 26, 2012), so ordered, 212 N.J. 479 (2012), in which we

found that an attorney had violated RPC 3.1 by including in his pleadings and other writings over the course of the representation, "unprovoked, inflammatory, disparaging, and fictitious statements about various judges and other parties," alleging that the trial court judge was "heavily biased" against his client because of a long-standing friendship with the adverse party, and complaining about the "corrupt judicial system in a reciprocal discipline matter, in Camden County." The OAE added that the "litigation privilege" does not shield respondent from disciplinary sanctions for comments he made during course of the litigation that violated the Rules of Professional Conduct.[12]

The OAE argued that the evidence clearly and convincingly established that respondent violated RPC 3.2; RPC 3.5(c); RPC 8.2(a); and RPC 8.4(d) by (1) referring to Superior Court Judge 4 as a "child predator" and "obtuse;" (2) asserting that Superior Court Judge 4 was ignorant to the facts of the case; (3) referring to Superior Court Judge 4's interpretation of his orders as "ludicrous" and "off the wall;" (4) referring to Superior Court Judge 4's orders as "shams," "bizarre," and "strange;" (5) referring to Superior Court Judge 4's reunification

---

[12] The litigation privilege "protects an attorney from civil liability arising from words he has uttered in the course of judicial proceedings." Loigman v. Twp. Comm. of Twp. Middletown, 185 N.J. 566, 579 (2006). New Jersey's litigation privilege applies to "'any communication (1) made in judicial or quasi-judicial proceedings; (2) by litigants or other participants authorized by law; (3) to achieve the objects of the litigation; and (4) that have some connection or logical relation to the action.'" Hawkins v. Harris, 141 N.J. 207, 216 (1995) (quoting Silberg v. Anderson, 786 P.2d 365 (Cal. 1990)).

plan as "garbage," "evil," and "disgusting;" (6) reading S.M.'s internet post on the record, which alleged that Superior Court Judge 4's court was a "small child predatory court" and referred to Superior Court Judge 4 as an "an evil, cruel-to-the-bone sociopath;" (7) asserting that Superior Court Judge 4 accepted a bribe; (8) stating, during a podcast, that Superior Court Judge 4 was "a liar," "above the law," and "a little petty tyrant" who abused his office by directing his "cronies" to intimidate, harass, and retaliate against S.M. and respondent; (9) repeatedly referring to Superior Court Judge 4 as "crooked [Superior Court Judge 4];" (10) accusing Superior Court Judge 4 of "signaling to experts;" and (11) "disclosing in a podcast the township where [Superior Court Judge 4] resides."

The OAE further asserted that respondent violated RPC 3.1, RPC 3.5(c), and RPC 8.4(d) under the theory that he drove his part-time employee to serve pleadings at Superior Court Judge 4's personal residence, shortly after a deadly attack at another judge's home, for the purpose of intimidating Superior Court Judge 4.

The OAE argued that the evidence clearly and convincingly established that respondent further violated RPC 8.4(d) by (1) submitting certifications to the court, prepared by S.M., under a caption that included respondent's attorney information, that advanced "baseless accusations and discourteous arguments

against [Superior Court Judge 4] and other members of the judiciary," and "inappropriate criticism and attacks" against Superior Court Judge 4, (2) engaging in "demeaning conduct overall" both on the record and in the media, and (3) wasting judicial resources "since Superior Court Judge 4 had to expend time to respond to [respondent's] baseless accusations."

In aggravation, the OAE emphasized that, throughout his summation brief, respondent continued to make this ethics matter a referendum on Superior Court Judge 4 and refused to accept responsibility for his misconduct. The OAE disputed respondent's assertion that his inexperience in handling highly contentious divorce and custody proceedings was a mitigating factor. The OAE asserted that respondent's failure to properly educate his client, and his actions in embracing the emotional acrimony of the divorce and proceeding with aggressive litigation tactics, "poisoned" his client's opinion of the Family Court and Superior Court Judge 4 and were the "driving force" behind the contentious proceedings. The OAE added that respondent's aggressive litigation tactics resulted in an immense waste of judicial resources and served to harm his client.

In mitigation, the OAE acknowledged respondent's lack of prior discipline, his military service, and the character references provided on respondent's behalf.

In recommending the imposition of a two-year suspension, the OAE cited

relevant disciplinary precedent, discussed below, in which attorneys who engaged in frivolous litigation, impugned the integrity of the trial judge, or failed to treat all persons involved in the legal process with courtesy and consideration received terms of suspension. The OAE further recommended, as conditions to his reinstatement, that respondent (1) demonstrate his fitness to practice law, as attested to by a medical doctor approved by the OAE, and (2) within sixty days of the Court's disciplinary Order, enroll in an anger management course approved by the OAE, with submission of proof of attendance to the OAE.

The Special Ethics Adjudicator's Findings

The SEA found, by clear and convincing evidence, that respondent violated RPC 3.1; RPC 3.2; RPC 3.5(c); RPC 8.2(a); and RPC 8.4(d). Specifically, the SEA found respondent's "denials and claims of ignorance of the totality of circumstances" lacked credibility, and his claims that his comments "were taken out of context" were unsupported both by the record and by the testimony provided at the hearing. The SEA found that, throughout his opening statement, his testimony, and his written summation, respondent refused to accept responsibility for his actions and the statements he made both in open court and outside of court. The SEA further found that respondent

intended to disrupt the tribunal by making false statements concerning Superior Court Judge 4 that "he knew to be false or with reckless disregard" as to the veracity of the statements and by knowingly attempting to provoke members of the public into following Superior Court Judge 4 in his personal life, going so far as to publicly disclose the town in which Superior Court Judge 4 lives.

The SEA considered, in mitigation, that respondent had no disciplinary history; readily admitted his wrongdoing; had a good reputation and character; provided service to the community; and the misconduct did not result in harm to the client.

In aggravation, the SEA considered respondent's lack of contrition and his continued attacks on Superior Court Judge 4 throughout the presentation of his defense.

Although the SEA did not cite specific disciplinary precedent to support his recommendation for a three-month suspension, noting the lack of precedent involving similar "egregious behavior," he emphasized that respondent's misconduct spanned years and included him appearing at Superior Court Judge 4's home under the pretext of service of process mere days after the deadly attack on a District Court judge's family; publicly disclosing Superior Court Judge 4's hometown; and imploring the public to follow Superior Court Judge 4 in his private life. He added the respondent "knew he was treading on thin ice

and in danger of being held in contempt for his baseless allegations against [Superior Court Judge 4].” The SEA concluded that “nothing short of a suspension will fully deter respondent from ever conducting himself as he did here.”

The Parties’ Positions Before the Board

In his brief to us, respondent argued that the SEA failed to cite facts or findings specifically correlated to the charged RPC violations. He further argued that the SEA failed to address his constitutional arguments despite each of the “findings” touching upon constitutionally protected speech. Respondent asserted that many of the SEA’s findings were inaccurate and not supported by the record, including, that respondent (1) called Superior Court Judge 4 “obtuse,” (2) told podcast listeners to follow judges, and (3) equated Superior Court Judge 4 to Hitler. He added that the SEA should have found that Superior Court Judge 4 was “thin[ned] skinned and biased, determined to take anything and everything as a personal affront.” He asserted that he was not responsible for S.M.’s comments and should not be sanctioned for any comments he did not make himself.

Although respondent conceded that some of the comments included in the complaint “arguably” involved the “integrity” or “conduct” of a judge, he

maintained that the charged violation of RPC 8.2 must be dismissed because there were no allegations that he made any comments concerning the "qualifications" of a judge.

Respondent argued that the SEA improperly barred Superior Court Judge 6 from testifying despite confirming, in the report, that she held relevant information that directly bore on the charges. Specifically, respondent emphasized that the SEA determined that:

> [Superior Court Judge 4] testified that as he was handling the case there was a significant amount of conduct by Respondent that concerned him. [Superior Court Judge 4] was in contact with his assignment judge [Superior Court Judge 6] . . . throughout the time he presided over the case with respect to Respondent's statements that he thought were problematic.
>
> [Rb2.]

Respondent argued that the OAE bears the burden of establishing, by clear and convincing evidence, that the statements he made were false, capable of being proven to be false, and made with the knowledge they were false or with conscious disregard of the likelihood of falsity. He emphasized that all comments attributed to him, "and S.M. insofar as they are relevant," were constitutionally protected speech, citing In re Hinds, 90 N.J. 604 (1982); Gentile v. State Bar, 501 U.S. 1030 (1991); U.S. v. Seale, 461 F.2d 345 (7th Cir. 1972); Pennsylvania v. Int'l Union of Operating Engineers, 552 F.2d 498 (3d. Cir.

1977). He added that disclosing the town of residence of a judicial officer does not violate any Rule and is constitutionally protected free speech. Respondent further contended that the OAE failed to establish by clear and convincing evidence that his conduct interfered with the administration of justice.

During oral argument before us, respondent exhibited a complete lack of remorse for his conduct and refused to acknowledge that his actions violated any Rules of Professional Conduct, choosing to focus primarily on his lack of responsibility for statements made by S.M. Throughout his argument, he referred to himself as "one" and "oneself," and referred to Superior Court Judge 4 as "he who cannot be named." For instance, during one such colloquy, respondent answered our questions as follows:

> BOARD MEMBER: Do you want to – do you want to tell us whether you acknowledge violating or not violating the charges that have been issued against you? Do you acknowledge –
>
> RESPONDENT; No. None – none –
>
> BOARD MEMBER: Do you acknowledge that –
>
> RESPONDENT: No.
>
> BOARD MEMBER: -- you're responsible –
>
> RESPONDENT: No.
>
> BOARD MEMBER: -- for frivolous litigation?
>
> RESPONDENT: No.

> BOARD MEMBER: Lack of courtesy?
>
> RESPONDENT: No.
>
> BOARD MEMBER: Disrupting a tribunal.
>
> RESPONDENT: No.
>
> BOARD MEMBER: Making a false statement?
>
> RESPONDENT: No.
>
> BOARD MEMBER: Conduct prejudicial to the administration of justice?
>
> RESPONDENT: No.
>
> BOARD MEMBER: And can you, in some summary fashion, tell me the basis for your denial of those charges?
>
> RESPONDENT: Well, I would – excuse me, one would need a week. There are thousands of transcripts. . . .
>
> [DRBTr.30-31.]

Respondent centered much of his argument on the alleged constitutionality of the statements made concerning Superior Court Judge 4. When confronted with the relevant disciplinary New Jersey case law that supports the principle that an attorney can disagree as vigorously and as forcefully as he wishes, but nevertheless must do so properly, with courtesy and a measure of restraint, respondent stated, "One is not familiar with that" and then refused to acknowledge New Jersey precedent, instead continuing to rely

on a Third Circuit decision.

Last, respondent argued that the ethics hearing lacked due process because the SEA barred witness testimony that would have been adverse to the OAE's case.

The OAE did not submit a brief for our consideration, relying instead on the November 27, 2024 summation brief to the SEA. However, during oral argument before us, the OAE emphasized respondent's "outright disrespectful," "discourteous" actions, and stated that his conduct that was "so contemptuous and malicious that it is beyond the pale of what it means to be an attorney licensed to practice law in this or any other state." The OAE noted that, although respondent may not have used expletives like the attorneys in the seminal cases of discourteousness, his rhetorical methods were "far worse due to the effect on the process and the importance of public perception of the integrity of the system and the judiciary." The OAE asserted that "no line was sacrosanct" and respondent chose to "harass, attempt intimidation, engage in insults, spew conspiracy theories" for the purpose of undermining the integrity of the system. The OAE argued that the Rules do not permit attorneys to advocate frivolous and abusive positions and then hide behind their client.

The OAE argued that respondent's "utter lack of remorse" should be an "extremely aggravating factor" and urged us to impose a two-year suspension.

Based on the calculated nature of respondent's actions, which did not appear to be spontaneous anger responses, the OAE recommended that we impose, as a condition to respondent's reinstatement, that he demonstrate fitness to practice rather than attend an anger management course, as previously proposed.

The OAE's Motion to Expand the Record

On September 11, 2025, the OAE filed a motion to expand the record before us to include the decision of the Superior Court of New Jersey, Appellate Division, Docket Nos. A-2156-21 and A-2787-21, dated August 20, 2025, which was entered after the decision of the SEA, and affirmed Superior Court Judge 5's findings from the 338-page comprehensive opinion in the underlying divorce litigation. The OAE argued that the Appellate Division ruling supported the SEA's decision and findings. On September 29, 2025, respondent sent an e-mail to the Office of Board Counsel stating that he had no objection to expanding the record in this regard.

As we previously noted in In the Matter of Michael A. Casale, DRB 12-143 (November 1, 2012), we can take judicial notice of further developments in a litigated matter that are relevant to the underlying disciplinary matter. Id. at 2. Thus, we determine to grant motion to expand the record to include the Appellate Division decision and take judicial notice of the Appellate Division's

decision affirming Superior Court Judge 5's findings.

Analysis and Discipline

Violations of the Rules of Professional Conduct

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

Specifically, the record contains clear and convincing evidence that respondent violated RPC 3.1, which states that "[a] lawyer shall not bring or defend a proceeding, nor assert or controvert an issue therein unless the lawyer knows or reasonably believes that there is a basis of law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law." The OAE alleged in the formal ethics complaint that respondent violated this Rule by "assert[ing] an issue in a proceeding without a basis in fact."[13] Specifically, the OAE argued, in its

[13] The record before us reveals that respondent filed numerous vexatious and repetitive motions in the underlying matrimonial action including, but not limited to, six recusal motions and other motions seeking the same relief that the Family Court previously had considered and denied, as many as five times, as well as numerous motions for reconsideration, and second motions for reconsideration, that revisited prior unsuccessful arguments and failed to present a valid basis for reconsideration resulting in repeated denials by the court, which arguably could establish that respondent, in fact, violated RPC 3.1 through frivolous litigation. However, the OAE did not

(Footnote continued on next page)

summation to the SEA, that respondent violated this Rule by alleging, without any basis of law or fact, that (1) Superior Court Judge 4 was a child predator, (2) Superior Court Judge 4 accepted a $200,000 bribe (an allegation made both on the record and in a legal brief), and (3) Superior Court Judge 4 engaged in "a sadistic evil game" and worked "as a team with another judge in kidnappings."

In support of this charge, the OAE relied on In the Matter of Joseph J. Giannini, DRB 11-328, in which we found Giannini had violated RPC 3.1 by attacking the integrity of the trial judge, accusing her of harboring a "heavy bias" in favor of his adversary after she issued a strongly worded opinion critical of Giannini. He also accused the judge of intentionally misrepresenting the testimony of witnesses in the underlying trial, which also was an unfounded accusation. Id. at 25-26. Giannini also accused the Camden County judiciary of "a clandestine fix," without any evidence to support the allegations. Id. at 26. Giannini further claimed that his adversary and adversary's wife (an Appellate Division judge with no nexus to the matter) had improperly "profited" from the litigation and that his adversary "stood in the shadow of his wife's robe." Id. at 16.

---

charge respondent with having violated RPC 3.1 under that theory. Nevertheless, we can consider uncharged misconduct in aggravation. See In re Steiert, 220 N.J. 103 (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).

Here, like the attorney in Giannini, respondent made "unprovoked, inflammatory, disparaging, and fictitious statements" about Superior Court Judge 4 on the record, in the media, and in his pleadings and other writings over the course of the representation, which statements were unsupported by any independent evidence beyond respondent's and S.M.'s conjecture. Respondent, thus, violated RPC 3.1.

Similarly, RPC 3.2 requires a lawyer to treat with courtesy and consideration all persons involved in the legal process. The Court has opined that attorneys who lack "'civility, good manners and common courtesy . . . tarnish[] the entire image of what the bar stands for.'" In re McLaughlin, 144 N.J. 133, 154 (1996) (quoting In re Vincenti, 114 N.J. 275, 282-83 (1989)) (second alteration added). Lawyers must, therefore, "display a courteous and respectful attitude not only towards the court but towards opposing counsel, parties in the case, witnesses, court officers, clerks – in short, towards everyone and anyone who has anything to do with the legal process." In re Vincenti, 92 N.J. 591, 603 (1983) (Vincenti I). "Vilification, intimidation, abuse and threats have no place in the legal arsenal." In re Mezzacca, 67 N.J. 387, 389-90 (1975).

Although respondent asserted that he was not responsible for S.M.'s disparaging online posts, there is sufficient evidence of respondent's own conduct to clearly and convincingly establish that he violated RPC 3.2. Indeed,

the voluminous record in this matter is replete with instances of respondent's utter contempt and lack of courtesy towards Superior Court Judge 4. For example, in his May 2019 legal memorandum, respondent openly asserted that "[e]very day (every month, every year) that goes by with Superior Court Judge 4 refusing to allow S.M. any physical custody whatsoever of his children exposes more fully the dishonesty, corruption, bias and favoritism of [Superior Court Judge 4]." Similarly, during the November 4, 2019 oral argument, respondent referred to Superior Court Judge 4's reunification plan for the parties as "a disaster," "garbage," "evil," and "disgusting." During oral argument on January 16, 2020, respondent referred to Superior Court Judge 4's orders as "shams," "bizarre," and "strange;" and Superior Court Judge 4's interpretation of those orders as "ludicrous" and "off the wall." He further stated, during oral argument in July 2020, that he was "glad to hear" Superior Court Judge 4 acknowledging his "ignorance about the facts of the case." Moreover, both in open court and in his submissions to the court, respondent brazenly and repeatedly implied that Superior Court Judge 4 aided in the "cover up" of an alleged "missing" $200,000 "leading to the inference that this money went to bribe [Superior Court Judge 4]."

Respondent further demonstrated his contempt for Superior Court Judge 4 outside the court during appearances on podcasts, during which he reiterated

his accusations that Superior Court Judge 4 (1) was corrupt; (2) accepted a bribe; (3) was a liar; (4) was a "little petty tyrant;" and (5) used his "cronies" to "intimidate, harass, and retaliate against" those he disliked.

Respondent was unwavering in his accusations against Superior Court Judge 4 throughout his reply to the ethics referral, reiterating that Superior Court Judge 4 was a "liar" and "biased," and referring to him as "defendant [Superior Court Judge 4]" and "crooked [Superior Court Judge 4]," and to the divorce proceeding as a "sham," a "farce," and a "rigged system." Respondent also blatantly stated that there was "substantial evidence" of Superior Court Judge 4's "corruption" and, again, accused him accepting a bribe.

During his testimony at the ethics hearing, respondent attempted to minimize his accusations concerning Superior Court Judge 4 taking a bribe by stating that he never accused him of accepting bribes but, instead, stated that "there was a reasonable inference of some kind of nefarious activity." In addition, he attempted to obfuscate the issue of whether he personally referred to Superior Court Judge 4 as a "child predator" by parsing the definition of the term and asserting that neither he nor S.M. accused Superior Court Judge 4 of being a "child molester." Rather, he claimed, he only applied S.M.'s specific definition of a "child predator." Respondent admitted that S.M. described Superior Court Judge 4 as "a child predator in one or more of his certifications."

He further admitted that he did not decline to submit S.M.'s multiple certifications to the court, under his name and attorney number, despite knowing that S.M. referred to Superior Court Judge 4 as a child predator. Instead, respondent argued that S.M. was "free to write what he want[ed]." Moreover, we are unpersuaded by respondent's claim that Superior Court Judge 4 cornered him into agreeing on the record that "it was an accurate description" to call Superior Court Judge 4 a child predator.

When considering, in totality, respondent's comments made in open court, in his submissions to the court, and across various platforms, it is unquestionable that his behavior exceeded the bounds of acceptable advocacy. The record clearly and convincingly establishes that respondent was not merely representing S.M.; rather, he repeatedly endorsed S.M.'s highly improper assertions made against Superior Court Judge 4.

Respondent's argument that Superior Court Judge 4 never held him in contempt of court for anything that he said in court or in his filings is wholly unpersuasive. It is clear from the record that respondent was well aware that his accusations warranted contempt sanctions. Indeed, he presented direct testimony from T.C., who confirmed that respondent had him on "standby" to prepare a writ of habeas corpus on his or S.M.'s behalf in the event Superior Court Judge 4 held either of them in contempt of court for including the accusation that the

judge committed misconduct and accepted a bribe in a certification respondent intended to file with the court, and for making the same accusation during oral argument. Respondent knew he was crossing the line and that his conduct was wrong.

Similarly, RPC 3.5(c) prohibits a lawyer from engaging in conduct intended to disrupt a tribunal and RPC 8.4(d) prohibits an attorney from engaging in conduct prejudicial to the administration of justice. The record clearly and convincingly establishes that respondent violated these Rules by, in front of the parties to the litigation, repeatedly impugning the integrity of Superior Court Judge 4 with unsubstantiated accusations that served no legitimate purpose. Instead, the entirety of respondent's conduct was designed to provoke and annoy. Respondent's conduct functioned to disrupt the judicial process and undermine the public's confidence in Superior Court Judge 4 and the judicial system.

Next, RPC 8.2(a) states that "a lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications of a judge, adjudicatory officer or other public legal officer, or of a candidate for election or appointment to judicial or legal office." Here, respondent violated this Rule countless times throughout the divorce action, and in his reply to the ethics referral, by relentlessly accusing

Superior Court Judge 4 of bias, dishonesty, corruption, cronyism, and of accepting a bribe. He further violated this Rule by accusing Superior Court Judge 4 of working "as a team with another judge in kidnappings." These brazen allegations unquestionably impugned the integrity of the court and are violative of RPC 8.2(a).

Although respondent attributed his actions to his zealous advocacy, his inexperience with handling matrimonial matters, and being forced to continue to represent S.M. following the court's denial of his motion to be relieved as counsel, these excuses are no defense for his belittling treatment of Superior Court Judge 4. Respondent's assertions that his claims of bias had a factual basis are not supported by the record, and we, thus, find these claims to be incredible.

In addition, the OAE alleged in the complaint that respondent violated RPC 3.1, RPC 3.5(c), and RPC 8.4(d) under the theory that he drove his part-time employee to serve pleadings at Superior Court Judge 4's personal residence shortly after an attack at another judge's home for the purpose of intimidating Superior Court Judge 4. We determine, however, that, on these facts, there is insufficient proof that respondent's conduct in this regard implicated these Rules of Professional Conduct. Specifically, RPC 3.1 pertains to lawyers asserting good faith claims and defenses in litigation. However, service of process does not concern the underlying merit of the claims. Moreover, although RPC 3.5(c)

and RPC 8.4(d) concern the impact of a lawyer's conduct on the tribunal and the administration of justice, we determine that respondent's isolated act of serving the complaint at Superior Court Judge 4's home did not touch on the improper behavior or the waste of judicial resources generally associated with violations of those Rules. Accordingly, we dismiss the charged violations of RPC 3.1, RPC 3.5(c), and RPC 8.4(d) under the OAE's theory.

Finally, to the extent that respondent raised constitutional challenges to this disciplinary matter, those objections are reserved for the Court. See R. 1:20-15(h).

In sum, we find that respondent violated RPC 3.1; RPC 3.2; RPC 3.5(c); RPC 8.2(a); and RPC 8.4(d). However, we dismiss the charges that respondent further violated RPC 3.1, RPC 3.5(c), and RPC 8.4(d) under the OAE's theory that he drove his employee to Superior Court Judge 4's home for the purpose of intimidation. The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

Quantum of Discipline

Disrespectful or insulting conduct to persons involved in the legal process leads to a broad spectrum of discipline, ranging from an admonition to disbarment, depending on the severity of the misconduct, the attorney's

disciplinary history, and the presence of other ethics violations.

Discipline less than a term of suspension was imposed in the following matters. In re Gahles, 182 N.J. 311 (2005) (admonition for an attorney who, during oral argument on a custody motion, called the other party "crazy," "a con artist," "a fraud," "a person who cries out for assault," and a person who belongs in a "loony bin;" in mitigation, we considered that the attorney's statements were not made to intimidate the party but, rather, in an improper attempt to acquaint the new judge on the case with what the attorney perceived to be the party's outrageous behavior in the course of the litigation; prior reprimand for unrelated conduct); In re Hickerson-Breedon, 258 N.J. 518 (2024) (reprimand for an attorney who engaged in disruptive and belligerent conduct by challenging the trial judge's authority to direct when counsel could address the court; when the attorney was warned that his conduct was disrespectful, and was directed to not interrupt, the attorney became incensed and made completely inappropriate and insensitive remarks, including that he was "in a free court" and that he was "not a slave;" we found that the attorney's inexperience did not excuse his indignant behavior towards the court); In re Geller, 177 N.J. 505 (2003) (reprimand for attorney who filed baseless motions accusing two judges of bias against him (characterizing one judge's orders as "horse***t," and, in a deposition, referring to two judges as "corrupt" and labeling one of them "short, ugly and insecure");

the attorney also made personal attacks against almost everyone involved in the matter, including his adversary ("a thief") and the opposing party ("a moron" who "lies like a rug"); in addition, the attorney failed to comply with court orders (at times defiantly) and with the SEA's direction not to contact a judge; the attorney also used means intended to delay, embarrass or burden third parties; made serious charges against two judges without any reasonable basis; made a discriminatory remark about a judge; and titled a certification filed with the court "Fraud in Freehold;" during the ethics proceedings, the attorney questioned whether the OAE presenter was "over prosecuting" the case because he "desire[d] to be a Monmouth County judge;" violations of RPC 3.1; RPC 3.2; RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal); RPC 3.4(e) (making prohibited allusions at trial); RPC 3.5(c); RPC 4.4(a) (engaging in conduct that has no substantial purpose other than to embarrass, delay, or burden a third person); RPC 8.2(a); and RPC 8.4(d); in mitigation, the attorney's conduct occurred in the course of his own child-custody case, he had an unblemished twenty-two-year career, and he was held in high regard personally and professionally because of his involvement in legal and community activities); In re Cubby, 250 N.J. 426 (2022) (Cubby I) (censure for an attorney who, in two consolidated matters, violated RPC 3.2; RPC 3.5(c); RPC 8.1(b) (failing to cooperate with disciplinary authorities); RPC 8.2(a); RPC

8.4(d); in the first matter, the attorney, in his capacity as a pro se defendant in a landlord tenant case, continually interrupted his adversary during mediation and called him a "scumbag;" after mediation failed, the attorney, during a court appearance, repeatedly interrupted the judge with insulting remarks, called her "corrupt," refused to accept the judge's rulings, and left the courtroom after she had directed that the matter proceed to trial; the attorney then filed an emergent motion to stay the Law Division's order of eviction, which the Appellate Division granted; despite his success, the attorney accused the Appellate Division of "either dropp[ing] the ball or [being] in on the scam" when the Appellate Division informed the attorney that it had no jurisdiction to consider his objections to the submissions of his adversary and the trial judge; in the second matter, the attorney, who represented a defendant in a Chancery Division matter, repeatedly interrupted the trial judge as he issued a decision from the bench, called the judge "corrupt," accused the judge of issuing an "extrajudicial" decision, referred to opposing counsel as "clowns," and accused the sheriff's officer of threatening him after the officer directed him not to interrupt the court; during the ensuing ethics proceedings, the attorney continued his vitriolic behavior by engaging in unsupported attacks against us, the OAE and its procedures, the witnesses, the District Ethics Committee (the DEC) chair, and the Office of Board Counsel (the OBC) and its procedures; among other attacks,

the attorney baselessly accused disciplinary authorities of corruption or incompetence, expressed his belief that the OAE had persecuted him in a "sham investigation" the purpose of which "only served to protect parties believed to be actively engaging in misappropriating government funds," and claimed that the OBC had attempted to "have [his] matter rubber stamped for discipline while allowing [the Board] to avoid accountability;" in aggravation, we considered the default status of the matter and the fact that the attorney's improper behavior had encompassed two separate matters and had continued, unabated, toward us, the OAE, the DEC, and the OBC; no prior discipline).

More severe discipline, ranging from a three-month suspension to disbarment, was imposed in the following matters. In re Cubby, 250 N.J. 428 (2022) (Cubby II) (three-month suspension for an attorney who, in an e-mail to a judicial secretary, with whom he had no prior interaction, baselessly accused her of engaging in a criminal conspiracy and threatened her with personal liability for transmitting a letter from Chief Counsel to the OBC, which informed relevant parties of basic procedural information regarding Cubby I; in that same e-mail, the attorney also attacked the integrity of the OBC and us, which he accused of "deliberate[ly] attempt[ing] to deny [him] his civil and due process rights" based on the default status of Cubby I; the attorney also baselessly accused the OBC of purposely scheduling the deadline by which he could move

to vacate the default in the earlier matter to conflict with his unrelated criminal matter pending in Passaic County; the attorney further accused the OAE and New Jersey prosecutors and judges of "deliberately disregarding the law and maintaining false charges [against him] in retaliation;" additionally, the attorney demanded that OAE staff prevent the OAE attorney from discharging his investigative duties and threatened that anyone who assisted the OAE attorney would, likewise, be guilty of misconduct; in determining that a three-month suspension was the appropriate quantum of discipline, we weighed our decision in Cubby I and the attorney's failure to learn from his mistakes); In re Van Syoc, 216 N.J. 427 (2014) (six-month suspension for an attorney who, during a deposition, called opposing counsel "stupid" and a "bush league lawyer," in violation of RPC 3.2; the attorney also impugned the integrity of the trial judge by stating that he was in the defense's pocket, in violation of RPC 8.2(a); in aggravation, we considered the attorney's disciplinary history, which included an admonition and a reprimand, his absence of remorse, and the fact that his misconduct occurred in the presence of his two clients, who, as plaintiffs in the very matter in which their lawyer had accused the judge of being in the pocket of the defense, were at risk of losing confidence in the legal system); In re McMahon, 256 N.J. 356 (2024) (one-year suspension for attorney who, for several years, exhibited a total inability to conform himself with the professional

standards expected of a lawyer; baselessly accused members of law enforcement agencies of official misconduct and perjury, and threatened civil litigation, ethics grievances, and criminal charges against members of those same agencies whom he erroneously accused of engaging in conspiracies against him; belittled and demeaned the credentials of a hearing officer; engaged in belligerent and hostile treatment towards everyone involved in depositions, referred to opposing counsel as "burdens on taxpayers," resulting in a court reporter walking out of one deposition in tears; and baldly alleged that a judge and his adversary had engaged in collusion, thus, impugning the integrity of the court); Vincenti I, 92 N.J. 591 (one-year suspension for attorney who, in two separate court proceedings, displayed a pattern of abuse, intimidation, and contempt toward judges; witnesses; opposing counsel; and other attorneys; the attorney engaged in intentional behavior that included insults, vulgar profanities, and physical intimidation consisting of, among other things, poking his finger in another attorney's chest and bumping the attorney with his stomach and then his shoulder; the attorney was disciplined for conduct prejudicial to the administration of justice; conduct that adversely reflects on one's ability to practice law; undignified or discourteous conduct degrading to a tribunal; and knowingly making false accusations against a judge); In re Hall, 170 N.J. 400 (2002) (three-year suspension for an attorney who made numerous

misrepresentations to trial and appellate judges, made false and baseless accusations against judges and adversaries, served a fraudulent subpoena, failed to appear for court proceedings and then misrepresented that she had not received notice, and displayed egregious courtroom demeanor by repeatedly interrupting others and becoming unduly argumentative and abusive; violations of RPC 1.3, former RPC 1.4(a) (failing to keep a client reasonably informed about the status of a matter and comply with reasonable requests for information), former RPC 1.4(b) (failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), RPC 3.1, RPC 3.2, RPC 3.4(a) (engaging in unlawful obstruction to and of evidence), RPC 3.4(e) (in trial, alluding to any matter that the lawyer does not reasonably believe is relevant or will not be supported), and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) and (d); her conduct occurred in four cases and spanned more than one year; as noted above, Hall had received a prior three-month suspension for similar misconduct); In re Vincenti, 152 N.J. 253 (1997) (Vincenti II) (disbarment for an attorney described by the Court as an "arrogant bully," "ethically bankrupt," and a "renegade attorney;" this was the attorney's fifth

encounter with the disciplinary system).[14]

In our view, respondent's misconduct is similar to that of the attorney in Vincenti I, who was suspended for one year for his pattern of abuse and discourteous conduct toward judges, witnesses, opposing counsel, and other attorneys during his defense of a client in a child abuse case. Like respondent, the attorney in Vincenti I exhibited a "constant and deliberate disregard of the minimum standards of conduct expected of a member of the bar" through repeated discourteous, insulting, and degrading verbal attacks on the judge and his rulings. Vincenti I, 92 N.J. at 593. Like respondent, the attorney in Vincenti I impugned the integrity of the court, on numerous occasions, through accusations of collusion with the prosecution, cronyism, racism, permitting the proceedings to have a "carnival nature," conducting "a kangaroo court" and a "sham hearing," prejudging the case, conducting a "cockamamie charade of

[14] The additional cases cited by the OAE are in accord. See In re Rheinstein, __ N.J. __ (2022), 2022 N.J. LEXIS 514 (one-year suspension imposed, on a motion for reciprocal discipline, in a case concerning a construction loan agreement; the attorney filed a motion to vacate and revise the judgments that had been entered prior to his involvement in the matter, during the hearing on the motion, the attorney interjected irrelevant accusations against his adversary's client and, thereafter, began sending threatening and erratic emails to opposing counsel; the attorney also began filing multiple frivolous lawsuits in different venues against the opposing party), and In the Matter of Joseph Rakofsky, DRB 23-040 (July 27, 2023) (attorney violated RPC 3.2 when he replied, "f**k you" to his client, because that person objected to the attorney's attempt to collect additional legal fees. The attorney violated this Rule a second time by sending a settlement demand e-mail to a person, threatening to sue her for "hundreds of thousands of dollars," asserting that a judgment would follow her around for the rest of her life, and demanding a response within ninety minutes or she would "pay the consequences." We noted that the attorney asserted that the e-mail was merely a litigation tactic, but we concluded it was not zealous advocacy but, rather, reflected attempted intimidation and an utter lack of civility, which the Rule prohibits).

witnesses," acting outside the law, and being caught up in his "own little dream world." Ibid. In addition to his verbal attacks in the courtroom, Vincenti engaged in collateral actions designed to gain advantage in the litigation, by demeaning and harassing the judge and opposing counsel. For instance, he sent a letter to the deputy attorney general representing the Division of Youth and Family Services and the assistant public defender, demanding that they remove themselves from the case based upon what he perceived to be a breach of confidentiality when, in fact, these allegations had no basis in fact. Id. at 594.

Like respondent, who called Superior Court Judge 4 a "little petty tyrant" and "a liar," Vincenti also engaged in name calling, accusing the deputy attorney general, whom he filed an ethics grievance against, of being a "bald-faced liar" and "a thief, a liar and a cheat." Indeed, like respondent, Vincenti moved for the judge's disqualification, asserting "possible collusion between a witness (and) the Court," and calling the psychologist an "extortionist." Id. at 595. In addition to making these assertions in court, Vincenti alleged, in his appeals to the Appellate Division and to the Court, that the trial judge had engaged in "extortion as well as cronyism, bias, prejudice, racism and religious bigotry during the trial, again without any basis in fact." Id. at 595.

Respondent's conduct also is similar to that of the attorney in Van Syoc, who engaged in inappropriate behavior during a deposition, including name

calling and intimidation tactics. The court reporter described Van Syoc as "nasty and insulting." Also, during the deposition, Van Syoc declared the Superior Court judge to be corrupt, in the broadest sense possible, by stating that the judge was in his adversary's pocket, in violation of RPC 8.2(a). Because these unsubstantiated attacks on the Superior Court had occurred in front of Van Syoc's clients and a court reporter, the attorney also violated RPC 8.4(d).

Unlike Van Syoc's misconduct, which spanned several hours of a deposition, or the attorney's misconduct in Vincenti I, which also was limited in its duration, respondent's misconduct spanned several years. Respondent's alarming behavior also spanned multiple forums and has continued, unabated, throughout the disciplinary proceedings in this matter. He continued his attacks in his brief to us, stating that the SEA should have determined that Superior Court Judge 4 was "thin[ned] skinned and biased, determined to take anything and everything as a personal affront." In these respects, respondent's misconduct is far more severe than that of the attorneys in Van Syoc or Vincenti I.

The prolonged nature of respondent's inappropriate behavior is similar to the misconduct we addressed in McMahon. In that matter, we determined that a two-year suspension was the appropriate quantum of discipline for an attorney who, for several years, exhibited a total inability to conform himself with the

professional standards expected of a lawyer. In the Matter of Joshua F. McMahon, DRB 22-169 (March 27, 2023) at 110. Specifically, McMahon baselessly accused members of law enforcement agencies of official misconduct and perjury, and he threatened civil litigation, ethics grievances, and criminal charges against members of those same agencies whom he erroneously accused of engaging in conspiracies against him. Id. at 92-93. In another matter, McMahon belittled and demeaned the credentials of a hearing officer and, in a separate matter, engaged in belligerent and hostile treatment towards everyone involved in depositions, resulting in a court reporter walking out of one deposition in tears. Id. at 77-78, 94. During those depositions, McMahon repeatedly referred to opposing counsel as "burdens on taxpayers." Id. at 95. Moreover, McMahon baldly alleged that a judge and his adversary had engaged in collusion and, thus, impugned the integrity of the court. Ibid.

During the ethics proceedings, McMahon continued to malign everyone associated with the disciplinary process, including the special ethics adjudicator and the OAE presenters. Id. at 107. In recommending a two-year suspension, we observed that:

> McMahon's scorched-earth strategy of maligning everyone whom he perceives as expressing any form of disagreement against him is alarming. He quickly resorts to name calling, profane language, allegations of conspiracies, and an overall confrontational approach in nearly every

> communication. Over a prolonged period, [McMahon] has demonstrated an incapacity to conduct himself appropriately and professionally. No one, including prosecuting attorneys, police officers, adversaries, judges, and witnesses, are immune from his volatile personality. Indeed, during his direct testimony at the ethics hearing, [McMahon] baldly accused the entire criminal and disciplinary systems of unchecked corruption, stating "[t]hat's who all of you are. If it's not clear to all of you that I'm prepared to get up in front of your justices, it should be."
>
> [Id. at 109.][15]

Following his appearance at an Order to Show Cause, the Court suspended McMahon for one year.

Like McMahon, respondent exhibited a continuous and prolonged pattern of contemptuous and malicious conduct toward the judiciary, directed primarily toward Superior Court Judge 4, that far exceeded the bounds of professionalism or appropriate conduct of a member of the bar. In addition to the highly inappropriate remarks and attacks against Superior Court Judge 4, respondent engaged in unrelenting litigation tactics when a Superior Court judge entered orders contrary to his client's position by filing motions to disqualify the judges or baseless civil lawsuits against those very judges.

---

[15] The then Chair and two Board Members voted to recommend McMahon's disbarment and wrote a separate dissent, finding that McMahon's behavior was so contemptable that disbarment was necessary for the protection of the public and the preservation of the integrity of the bar.

Although respondent did not use expletives like McMahon, we view his conduct as far more insidious and egregious than that of McMahon due to the effect it had on the Family Court proceedings and the integrity of the judicial system. Specifically, over the course of his handling of a highly contentious and protracted divorce and custody dispute – the trial of which spanned 120 days – respondent chose to harass, attempt to intimidate, engage in insults, and spew conspiracy theories, including that Superior Court Judge 4 had accepted a bribe, all of which were intended to diminish the public's confidence in the judicial system.

Respondent's misconduct also bears a striking resemblance to the misconduct we addressed in Vincenti II, who was disbarred. In Vincenti II, the attorney, in connection with two client matters, engaged in "abominable" courtroom behavior. 152 N.J. at 277. In one matter comprising Vincenti II, involving the termination of parental rights, the attorney "was disrespectful and discourteous" to the trial judge; "antagonistic and hostile to the DAG;" intimidated witnesses; and, in general, was "combative and sarcastic." Ibid. We and the Court described his misconduct – remarkably similar to our description of respondent's misconduct – as follows:

> All in all, respondent failed to observe common courtesy, let alone proper courtroom decorum. Respondent repeatedly used vile tactics in an attempt to verbally and physically bully all involved in the

> litigation: the judge, opposing counsel and witnesses. Respondent had no basis for attacking these individuals, although he seemed to be operating under the premise that there was some kind of conspiracy in which the judge, the DAG, DYFS staff and DYFS's witnesses were all colluding to deprive his client of custody of her son. Respondent asked repetitive questions, pursued irrelevant lines of inquiry and launched into lengthy diatribes when making objections and motions. And when [the trial judge] ruled against him on motions or objections, he accused the court of bias and prejudice.
>
> [Id. at 277-78.]

In determining to disbar Vincenti, however, the Court accorded considerable aggravating weight to the fact that this was his fifth disciplinary matter and that the misconduct closely resembled misconduct for which he had been disciplined fourteen years earlier in connection with Vincenti I, a factor not present in the matter currently before us. Vincenti II, 152 N.J. at 280-81. Like here, however, the Court emphasized the attorney's lack of remorse or contrition, noting that he casts blame on the recipient of his attacks, such as telling the trial judge, in response to the judge's request that he cease arguing him, "Well, I'm sorry for that. But that's your misperception, not mine." Id. at 284.

Based on the foregoing disciplinary precedent, we determine that a quantum of discipline less than a significant term of suspension would be woefully insufficient for the totality of respondent's alarming and unrelenting

misconduct. In addition to his continuous improper, unprofessional, and discourteous conduct in multiple forums, spanning a prolonged period, respondent committed the serious misconduct of baselessly impugning the integrity of a tribunal. To craft the appropriate discipline in this case, however, we also consider mitigating and aggravating factors.

In mitigation, respondent has no formal discipline in his thirteen-year career at the New Jersey bar. In re Convery, 166 N.J. 298 (2001).

In aggravation, respondent has failed to demonstrate any contrition or remorse for his misconduct and, in fact, maintains that he did not violate any Rules of Professional Conduct. Indeed, in response to our questioning during oral argument, he refused to acknowledge having engaged in any misconduct whatsoever. His behavior reveals a disdain for the judicial system and signals to us that he is incapable of conforming his conduct with the rule of law or the standards of the legal profession. See In re Harmon, __ N.J. __ (2022), 2022 N.J. LEXIS 658 (disbarment for an attorney who, for at least eight years, had not acted in conformity with the standards of the profession; we found that the attorney had abandoned her oath of office and had articulated her belief that she was not subject to the jurisdiction of disciplinary authorities; in determining that disbarment was the only appropriate sanction, we observed that the attorney's "egregious acts of misconduct and her unambiguous statements that she was not

subject to attorney disciplinary systems rendered her a clear and present danger to the public;" the Court agreed with our recommendation and disbarred the attorney after she failed to appear for the Court's Order to Show Cause). Although respondent's misconduct was dissimilar to that of the attorney in Harmon, the underlying disdain for the judiciary and the Court's role in the oversight and regulation of the bar is equally alarming.

In further aggravation, although respondent was not charged with having filed frivolous litigation in this matter, the record establishes that his litigation tactics were troublesome, and, thus, we consider his conduct in that regard in aggravation. Specifically, Superior Court Judge 5 found, and the Appellate Division affirmed, that respondent had engaged in unreasonable behavior and exhibited bad faith throughout the divorce litigation. Superior Court Judge 5 found that respondent filed "derivative" federal lawsuits and "extremely repetitive," "multi-duplicative," and "frivolous" motions, with some motions seeking the same relief that the court had denied as many as five times, as well as numerous motions for reconsideration that revisited prior unsuccessful arguments resulting in repeated denials by the court.

Superior Court Judge 5 also found that respondent repeatedly attempted to provoke Superior Court Judge 4 through personal attacks on the record to create a basis for recusal motions. Following his sixth unsuccessful recusal

motion against Superior Court Judge 4, respondent increased the pressure through his decision to have Superior Court Judge 4 personally served at his home within days of the multiple shootings and murder at a District Court judge's home. When considering respondent had not served Superior Court Judge 4 personally with any federal complaints in the prior two years, and that he already had served the complaint on DAG McGuire via e-mail, his claims that he believed the District Court required him to serve Superior Court Judge 4 personally are unpersuasive and leave no legitimate motive for his actions other than to attempt to intimidate Superior Court Judge 4 into recusing from the S.M. matter.

Superior Court Judge 5 found that the lawsuits respondent had filed against presiding judges, on behalf of S.M., led to multiple recusals that successfully protracted the divorce litigation. He further found that respondent's actions "served to delay the trial," including a five-hour opening argument; unmarked and unauthenticated evidence; seeking to "unadmit" multiple joint trial exhibits; and calling witnesses that offered "little to no usable information." He found that respondent's "abuses" resulted in a waste of judicial resources.

Respondent's conduct in that regard continued in the instant disciplinary matter through his presentation of more than five thousand pages of irrelevant transcripts, certifications, and documents from the underlying divorce litigation;

including A.M.'s case information statements and unredacted tax returns; certifications that predated Superior Court Judge 4 presiding over the case; transcripts of depositions of A.M., A.M.'s mother, a psychologist, and the guardian ad litem, as well as thousands of pages of motion transcripts, which respondent failed to connect to the charged RPC violations.

Conclusion

The Court has held that "[l]awyering is a profession of 'great traditions and high standards.'" In re Jackman, 165 N.J. 580, 584 (2000) (quoting Speech by Chief Justice Robert N. Wilentz, Commencement Address-Rutgers University School of Law, Newark, New Jersey (June 2, 1991), 49 Rutgers L. Rev. 1061, 1062 (1997)). Attorneys are expected to hold themselves in the highest regard and must "possess a certain set of traits -- honesty and truthfulness, trustworthiness and reliability, and a professional commitment to the judicial process and the administration of justice." In re Application of Matthews, 94 N.J. 59, 77-78 (1983).

The Court has explained, when considering the character of a Bar applicant, that:

> [t]hese personal characteristics are required to ensure that lawyers will serve both their clients and the administration of justice honorably and responsibly. We also believe that applicants must demonstrate

> through the possession of such qualities of character the ability to adhere to the Disciplinary Rules governing the conduct of attorneys. These Rules embody basic ethical and professional precepts; they are fundamental norms that control the professional and personal behavior of those who as attorneys undertake to be officers of the court. These Rules reflect decades of tradition, experience and continuous careful consideration of the essential and indispensable ingredients that constitute the professional responsibility of attorneys.
>
> [Matthews, 94 N.J. at 77-78.]

Adherence to these basic ethical and professional precepts are demanded of all attorneys, from the newly admitted to the most seasoned practitioners.

In our view, respondent has wholly failed to meet these basic precepts. The record is replete with examples of the level of his disrespect, not just for Superior Court Judge 4, but for the New Jersey Family Court system and, arguably, the entire New Jersey Judiciary. He repeated his claims during his podcast appearances in which he alleged that the New Jersey Family Courts were corrupt; Family Court judges were "crooked" and should be investigated by the public; Superior Court Judge 4 was "crooked" and accepted a bribe; and Superior Court Judge 4 used his "cronies" within the NJSP to harass and punish people he did not like – statements that only served to undermine the public's confidence in the judicial process. Being a member of the New Jersey bar is a privilege, not a right. Respondent's clear disdain for the judiciary of this State

leads one to question why he wishes to be an officer of the court in our jurisdiction.

We accord significant weight to respondent's contemptuous attitude towards the judiciary, the continuation of the misconduct during the disciplinary process, and the uncharged misconduct related to his vexatious litigation tactics, which justify enhancement of the quantum of discipline.

Accordingly, based on relevant disciplinary precedent and the multiple, profound aggravating factors discussed above, we determine that an indeterminate suspension is the appropriate quantum of discipline necessary to protect the public and preserve confidence in the bar.

Additionally, we recommend, as conditions to his reinstatement, that respondent be required to (1) complete a continuing education course in legal ethics and professionalism, as approved by the OAE, and (2) submit to the OAE proof of his fitness to practice law as attested to by a medical doctor approved by the OAE.

Vice-Chair Boyer and Member Campelo were absent.

Member Spencer was recused.

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

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

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

FILED, Clerk of the Supreme Court, 09 Apr 2026, **091572**

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Paul Alexander Clark
Docket No. DRB 25-172

Argued: October 23, 2025

Decided: January 5, 2026

Disposition: Indeterminate Suspension

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

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