

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket Nos. DRB 25-258 and DRB 25-319
District Docket Nos. XIV-2023-0453E and XIV-2024-0345E

In the Matters of Paul S. Foreman
An Attorney at Law

Argued
March 19, 2026

Decided
April 13, 2026

Saleel V. Sabnis appeared on behalf of the
Office of Attorney Ethics in DRB 25-258.

Respondent did not appear, despite proper notice,
in DRB 25-258.

Certification of the Record in DRB 25-319.

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Introduction

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

We consolidated these matters for review. The matter docketed as DRB 25-258 was before us pursuant to R. 1:20-6(c)(1).¹ The Office of Attorney Ethics (the OAE) charged respondent with having violated RPC 1.1(a) (engaging in gross neglect); RPC 1.3 (lacking diligence); RPC 1.4(b) (failing to keep a client reasonably informed about the status of a matter and to comply with reasonable requests for information); RPC 1.4(c) (failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation); RPC 1.5(c) (failing to provide a written accounting of how a retainer was applied); RPC 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6); RPC 1.16(d) (two instances – failing to protect a client’s interests upon termination of representation and to refund the unearned portion of the fee); RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal); and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

¹ That Rule provides that the pleadings and a statement of the procedural history of the matter may be filed directly with us, without a hearing, if the pleadings do not raise genuine disputes of material fact, respondent does not request an opportunity to be heard in mitigation, and the presenter does not request an opportunity to present aggravating circumstances.

The matter docketed as DRB 25-319 was before us on a certification of the record filed by the OAE, pursuant to R. 1:20-4(f). The formal ethics complaint charged respondent with having violated RPC 8.1(b) (two instances – failing to cooperate with disciplinary authorities) and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).²

For the reasons set forth below, we determine that a three-month suspension, with conditions, is the appropriate quantum of discipline for the totality of respondent’s misconduct.

Ethics History

Respondent earned admission to the New Jersey bar in 2006. During the relevant period, he maintained a practice of law in Roseland, New Jersey. He has prior discipline and Court interaction in New Jersey.

Temporary Suspension

Effective May 10, 2024, the Court temporarily suspended respondent for his failure to cooperate with the OAE’s investigation underlying DRB 25-258. In re Foreman, 257 N.J. 228 (2024). To date, he remains temporarily suspended

² Due to respondent’s failure to file an answer to the formal ethics complaint, and on notice to him, the OAE amended the complaint to include the second RPC 8.1(b) charge.

from the practice of law in New Jersey.

Foreman I

On January 30, 2026, the Court censured respondent, in another default matter, for his violation of RPC 1.1(a); RPC 1.3; RPC 1.4(b); RPC 1.4(c); RPC 1.16(d); and RPC 8.1(b). In re Foreman, 262 N.J. 500 (2026) (Foreman I). In that matter, respondent mishandled one client matter over the course of ten months. In the Matter of Paul S. Foreman, DRB 25-106 (September 22, 2025). Specifically, he failed to appear, on the client's behalf, at three motion hearings and performed little to no work in furtherance of the representation, thereby causing considerable delays in connection with a child support modification hearing. Id. at 13, 21. Further, he failed to refund any portion of the unearned retainer, despite his client's numerous requests that he do so. Id. at 14. In determining to impose a censure for misconduct that, typically, is met with a reprimand, we weighed, in aggravation, the harm his misconduct caused his client, who ultimately proceeded pro se. Id. at 21.

DRB 25-258 (R. 1:20-6(c)(1))

Facts

The Kim Matter

In January 2023, Jin Kim retained respondent to represent her in connection with a personal injury action stemming from a slip and fall accident and, on January 10, Kim and respondent executed a contingent fee agreement governing that representation.

Contemporaneously, Kim executed a separate fee agreement, memorializing respondent's representation of her in connection with an alleged assault and battery committed against her by another individual. That fee agreement required a retainer in the amount of \$12,000, payable in two installments, with the first payment due immediately and the second payment due on March 10, 2023. The agreement also set an hourly rate of "\$200 reduced from \$500 per hour." Kim made the initial \$6,000 retainer payment, which respondent deposited in his attorney business account (ABA).

In or around July 2023, prior to filing a lawsuit, respondent settled Kim's personal injury matter for \$17,500. It is undisputed that, on or about August 18, 2023, Kim agreed that respondent would hold her share of the net settlement proceeds to pay the legal fees to be incurred in connection with the ongoing assault matter. However, at that time, respondent failed to (1) provide Kim with

a settlement statement detailing her share of the settlement funds, (2) demonstrate to Kim how he had calculated that amount, or (3) document her authorization that he could utilize the settlement funds to pay future legal fees. On August 24, 2023, respondent deposited the \$17,500 in settlement funds in his ABA.

On August 28, 2023, respondent filed a complaint in the assault matter. On September 13, 2023, he filed an amended complaint but incorrectly designated that electronic filing as “general correspondence.” The next day, the trial court issued a deficiency notice, informing him that he needed to file a motion to correct the filing error in connection with the amended complaint. Respondent, however, failed to (1) file a motion to correct the error; (2) serve the amended complaint on the defendant; (3) initiate discovery or otherwise prosecute the case; and (4) take any further action in the matter. He also failed to respond to Kim’s questions concerning his error in filing the complaint or otherwise address how he intended to proceed with her matter.

Between August 24 and September 6, 2023, respondent spent the entirety of the \$17,500 in Kim’s settlement funds on personal expenses.³ By October

³ Although the OAE investigated this matter for the potential knowing misappropriation of client funds, it determined that, based Kim’s verbal authorization permitting respondent to retain the \$17,500 stemming from the personal injury matter for future legal fees, it would be unable to prove such a charge.

2023, respondent no longer held any portion of either Kim's initial \$6,000 retainer payment or the \$17,500 in settlement proceeds. Despite Kim's requests that respondent return the unused portion of the retainer funds in the assault matter, he failed to refund any funds to her.

In October 2023, when Kim attempted to schedule a meeting with respondent, he told her that his office would be moving but failed to provide her with the new location.⁴ In late October 2023, as a result of respondent's failure to communicate or take any further action in her case, Kim retained new counsel to represent her in the assault matter.

Moreover, in November 2023, Kim filed an ethics grievance against respondent. During a subsequent OAE interview, respondent asserted that he had performed sufficient work on Kim's assault matter to exhaust the entirety of the initial \$6,000 retainer payment. He maintained that he had accounted for the time he spent drafting the complaint and the amended complaint, as well as the associated fees, against the retainer.

On November 9, 2023, Kim requested a fee arbitration hearing concerning the initial \$6,000 retainer payment for the assault matter and the \$17,500 in settlement proceeds that she verbally had authorized respondent to utilize

⁴ At some point not reflected in the record, respondent was evicted from his office location for failure to pay rent.

toward future legal fees. Respondent, however, failed to submit a reply to the request for fee arbitration and then failed to appear for the hearing.

In July 2024, the fee arbitration panel decided that Kim was entitled to a \$17,725 refund and sent a copy of the determination to respondent's home address. Although respondent was required to issue a refund within thirty days of the determination, he failed to do so. However, as detailed below, he ultimately made a payment to Kim.

Recordkeeping Deficiencies

In connection with its investigation of the Kim matter, the OAE obtained and reviewed respondent's financial records, via subpoena, discovering the following recordkeeping infractions: (1) failing to deposit entrusted funds in an attorney trust account (ATA), as R. 1:21-6(a)(1) requires; (2) failing to properly designate ABA statements and checks, as R. 1:21-6(a) requires; (3) failing to maintain ATA and ABA receipts and disbursements journals, as R. 1:21-6(c)(1)(A) requires; (4) failing to maintain properly imaged copies of ABA checks, as R. 1:21-6(b) requires; (5) failing to maintain separate ATA ledger cards for each client, as R. 1:21-6(c)(1)(B) requires; (6) failing to conduct three-way reconciliations of the ATA, as R. 1:21-6(c)(1)(H) requires; (7) failing to retain ATA and ABA records for seven years, as R. 1:21-6(c)(1) requires; (8)

failing to conduct proper electronic transfers from ATA, as R. 1:21-6(c)(1)(A) requires; and (9) overdrawing the ABA, in violation of R. 1:21-6(d).⁵

Based on the above facts, the OAE charged respondent with having violated RPC 1.1(a) by grossly neglecting Kim's assault matter; RPC 1.3 by failing to act with diligence and promptness when representing Kim and, ultimately, "abandoning" his representation of her; RPC 1.4(b) by failing to reply to Kim's requests for information; and RPC 1.4(c) by failing to adequately explain the matter to Kim. The OAE further alleged that respondent violated RPC 1.5(c) by failing to issue a settlement statement to confirm Kim's share of the personal injury settlement proceeds, explain how that amount was calculated, or confirm, in writing, that Kim agreed that respondent would retain the entirety of the settlement proceeds to apply toward legal fees in the assault matter.

Next, the OAE asserted that respondent violated RPC 1.15(d) by failing to maintain his books and records in accordance with R. 1:21-6. The OAE also alleged that respondent RPC 1.16(d) (two instances) by abandoning his representation of Kim and failing to protect Kim's interests, in the assault matter, as well as failing to return the unearned portion of the retainer, RPC 3.4(c) by

⁵ The complaint does not indicate whether respondent cured the recordkeeping deficiencies or include any documentation related to the OAE's discussions with respondent concerning those deficiencies.

failing to promptly pay the fee arbitration award, and RPC 8.4(c) by engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

In respondent's verified answer, he admitted all the allegations set forth in the complaint.

The Parties' Positions Before the Board

In its submission to us, the OAE argued that respondent violated RPC 1.1(a); RPC 1.3; RPC 1.4(b); RPC 1.5(c); and RPC 1.16(d) by failing to (1) adequately communicate with Kim, (2) prosecute the assault matter from mid-September 2023 through late-October 2023, when Kim retained new counsel, and (3) provide a settlement statement to Kim.

The OAE confirmed that, on November 19, 2024, respondent paid Kim \$17,500 of the \$17,725 fee arbitration award. Nevertheless, the OAE argued that respondent violated RPC 3.4(c) by failing to pay the fee arbitration award within the timeframe required by the fee arbitration determination. The OAE further confirmed that respondent failed to correct the recordkeeping deficiencies noted in his financial records.

The OAE maintained that respondent violated RPC 8.4(c) by "induc[ing]" Kim to allow him to retain the \$17,500 in settlement funds for the payment of future legal fees incurred in the assault matter and then "dishonest[ly] and

deceitful[ly]” using those funds for personal expenses while also failing to fully prosecute the assault matter.

Last, the OAE noted that, had this matter proceeded to a hearing, it would have sought to dismiss the charged violation of RPC 1.16(d), based on the theory of client abandonment, because we had dismissed the same charge in Foreman I due to lack of clear and convincing evidence that respondent had shuttered his office and disappeared.

The OAE did not assert any aggravating factors but argued, in mitigation, that respondent admitted his wrongdoing and had no prior discipline in his eighteen-year career.⁶

Citing disciplinary precedent, discussed below, the OAE urged that a reprimand is the appropriate quantum of discipline for respondent’s misconduct underlying DRB 25-258.

Respondent did not submit a brief for our consideration.

DRB 25-319 (Certification of the Record)

Service of Process

Service of process was proper in this matter. On April 14, 2025, the OAE

⁶ As of the date of the OAE’s submission to us, the Court had not issued its Order censuring respondent in connection with Foreman I.

sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's home address of record. According to the United States Postal Service (USPS) tracking system, on June 2, 2025, the certified mail was delivered to an individual at respondent's home. The regular mail was not returned to the OAE.

On May 12, 2025, the OAE sent respondent a second letter, by certified and regular mail, to the same home address of record, with an additional copy sent by electronic mail, to his e-mail address of record, informing him that, unless he filed a verified answer within five days of the date of the letter, the allegations of the complaint would be deemed admitted, the record would be certified to us for the imposition of discipline, and the complaint would be deemed amended to charge a willful violation of RPC 8.1(b). According to the USPS tracking system, on May 16, 2025, the certified mail was delivered to an individual at respondent's home address.

On May 14, 2025, respondent filed an unverified answer, in contravention of R. 1:20-4(e).

On June 2, 2025, the OAE sent respondent a letter, by certified and regular mail, to the same home address, with an additional copy sent by electronic mail, to his e-mail address of record, informing him that the answer was deficient because it failed to include a proper verification, as R. 1:20-4(e) requires, citing

R. 1:20-5(c) and In the Matter of Peter Jonathan Cresci, DRB 17-270 (October 23, 2017). The letter further stated that, unless he filed a conforming verified answer to the complaint within ten days of the date of the letter, the OAE “may file a motion to suppress [his] answer” and bar him from presenting a defense, and, thus, the matter would proceed as a default, the record would be certified to us for the imposition of discipline, and the complaint would be deemed amended to charge a willful violation of RPC 8.1(b). Respondent failed to file a conforming answer by the deadline.

On November 5, 2025, the OAE sent an e-mail to respondent, stating:

There is also the issue of the Rule 1:20-20 Complaint which I have attached again. The issue there was we needed a verification. Since you made certain denials in your original answer to the Rule 1:20-20 Complaint, that matter should go to hearing unless you wish to revisit the denials you made.

[CRExF.]⁷

On December 3, 2025, the OAE sent another e-mail to respondent, reminding him of his obligation to provide a verification in connection with his answer and, further, informing him that his failure to do so by December 10, 2025 would result in the OAE “tak[ing] steps to file a motion to suppress [his] answer” and certifying the matter to us.

⁷ “CREx.” refers to the exhibits appended to the certification of the record (DRB 25-319), dated December 17, 2025.

As of December 17, 2025, the OAE represented that respondent had failed to file a conforming answer, despite having been provided with several extensions to do so.

On January 30, 2026, Chief Counsel to the Board sent respondent a letter, by certified and regular mail, to his home address of record, with an additional copy sent by electronic mail, to his e-mail address of record, informing him that this matter was scheduled before us on March 19, 2026, and that any motion to vacate the default (MVD) must be filed by February 17, 2026. The same date, the Office of Board Counsel (the OBC) received a relayed receipt indicating that delivery to respondent's e-mail address was complete. On March 9, 2026, the letter sent via certified mail was returned to the OBC as "unclaimed" and "unable to forward." The regular mail was not returned to the OBC.

Moreover, the OBC published a notice dated February 5, 2026 in the New Jersey Law Journal and on the New Jersey Courts website, stating that we would consider this matter on March 19, 2026. The notice informed respondent that, unless he filed a successful MVD by February 17, 2026, his prior failure to answer the complaint would remain deemed an admission of the allegations of the complaint.

Respondent did not file an MVD.

We now turn to the allegations of the complaint.

Facts

As detailed above, effective May 10, 2024, the Court temporarily suspended respondent from the practice of law for his failure to cooperate with an OAE investigation. He has not moved for relief from the Court's temporary suspension Order and, thus, remains temporarily suspended.

The Court's temporary suspension Order directed respondent to comply with R. 1:20- 20, which requires, among other obligations, that he, "within 30 days after the date of the order of suspension (regardless of the effective date thereof) file with the Director the original of a detailed affidavit specifying by correlatively numbered paragraphs, how the disciplined attorney has complied with each of the provisions of this Rule and the Supreme Court's order." Further, R. 1:20-20(c) expressly provides that an attorney's failure to file the affidavit of compliance constitutes a violation of RPC 8.1(b) and RPC 8.4(d).

Respondent failed to file the required affidavit of compliance. Consequently, on September 26, 2024, the OAE sent him a letter, by certified and regular mail, to his office and home addresses of record, as well as an alternate address maintained by the OAE, with an additional copy sent by electronic mail to his e-mail address of record, reminding him of his obligation to file the affidavit, pursuant to R. 1:20-20, and directing that he file it by October 10, 2024.

The certified mail receipts were returned to the OAE, indicating that the mailings sent to respondent's home address of record and the secondary address were delivered on September 30, 2024.⁸ The regular mail sent to the home secondary addresses was not returned to the OAE. Both the certified and regular mail sent to respondent's office address was returned to the OAE marked "insufficient address" and "attempted not known."

On November 7, 2024, the OAE sent a second letter to respondent, by certified and regular mail, to both his home and secondary addresses, with an additional copy sent by electronic mail, to both his e-mail address of record and a personal e-mail address, advising that his failure to file a conforming affidavit by November 21, 2024, may result in the OAE filing a disciplinary complaint and also may preclude consideration of any application for reinstatement for up to six months. The same date, the OAE received a relayed receipt indicating that delivery to respondent's personal e-mail address was complete; however, delivery to his office e-mail address was undeliverable. The certified mail receipt for the letter sent to respondent's home address was returned to the OAE, indicating delivery on November 14, 2024; however, the signature was illegible. The certified mail receipt for the letter sent to his secondary address was

⁸ The certified mail receipt sent to the home address bore the signature "P. Foreman." The certified mail receipt sent to the secondary address reflected the signature of a family member.

returned to the OAE, signed by an individual at the address, indicating delivery on November 15, 2024. The regular mail sent to his home and secondary addresses was not returned to the OAE.

On November 20, 2024, respondent sent an e-mail to the OAE in which he apologized for the “untimely nature of [his] reply” and stated:

Regarding informing my clients that I am presently suspended was undertaken by [R.S.], Esq. I haven’t had access to my files since his firm was appointed as receiver in my predicament.⁹ It is my understanding that he sent a letter out to all my clients explaining exactly where I stand in this matter. Hopefully the contents of his letter as the receiver satisfies this request. I understand that a letter went out to each client including my own sister. I can draft another letter should I get access to my desk top [sic] computer. Anything to comply with the committee. I am happy to speak about this if further is necessary. I do not want to be in noncompliance.

[C1Ex13.]¹⁰

On January 29, 2025, the OAE spoke with respondent by telephone. In a confirming e-mail sent that same date, the OAE informed respondent that he needed to contact the attorney-trustee to obtain the necessary information to complete the affidavit, by February 14, 2025. Respondent informed the OAE he

⁹ On February 21, 2024, an attorney-trustee was appointed for respondent’s practice. Foreman, 257 N.J. 228.

¹⁰ “C1Ex” refers to the exhibits appended to the formal ethics complaint, dated April 11, 2025, in connection with DRB 25-319.

would do so.

On February 20, 2025, respondent left the OAE a voicemail stating that the OAE could expect his submission “shortly.” On February 24, 2025, the OAE left respondent a voicemail concerning his outstanding affidavit of compliance, followed by an e-mail setting March 3, 2025 as the final deadline. On February 24, 2025, respondent sent the OAE an e-mail stating that he would file the affidavit.

On March 3, 2025, respondent filed a noncompliant affidavit and provided an updated mailing address.

On March 17, 2025, the OAE sent respondent a letter, at the updated address, detailing how the affidavit was noncompliant and reminding him that his failure to file a conforming affidavit may preclude consideration of any application for reinstatement by up to six months.

As of April 11, 2025, the date of the formal ethics complaint, respondent had failed to file a conforming affidavit. Consequently, the OAE charged him with having violated RPC 8.1(b) and RPC 8.4(d) for his willful violation of the Court’s temporary suspension Order.

In his answer, respondent asserted that he did his best to comply, but that the attorney-trustee would not permit him to take his files or computer, “making

it difficult to contact every adversary and client.”¹¹ He further asserted that he intended to comply but that his truck was in “a bad car accident,” which precluded him from retrieving items from his office. He further claimed that he would make another attempt with a thumb drive, but all [his] clients have been made aware of [his] suspension.”

Analysis and Discipline

Violations of the Rules of Professional Conduct

DRB 25-258 (R. 1:20-6(c)(1))

Following a review of the record, we determine that the facts clearly and convincingly support the finding that respondent violated RPC 1.1(a); RPC 1.3; RPC 1.4(b) and (c); RPC 1.5(c); RPC 1.15(d); and RPC 1.16(d). We determine to dismiss, however, the second charged violation of RPC 1.16(d), as well as the charged violations of RPC 3.4(c) and RPC 8.4(c).

RPC 1.1(a) forbids lawyers from handling matters entrusted to them in a manner that constitutes gross neglect. This Rule was designed to address “deviations from professional standards which are so far below the common understanding of those standards as to leave no question of inadequacy.” In the

¹¹ Notwithstanding respondent having filed an answer, his failure to verify his answer, despite the OAE’s directive that he do so, requires us to treat the matter as a default and deem the allegations admitted. See R.1:20-4(f) and In the Matter of Peter Jonahntan Cresci, DRB 17-270 at 1-2.

Matter of Dorothy L. Wright, DRB 22-100 (November 7, 2022) at 17 (citation omitted), so ordered, 254 N.J. 118 (2023). Further, RPC 1.3 requires lawyers to act with reasonable diligence and promptness in representing clients. Here, respondent violated RPC 1.1(a) and RPC 1.3 by failing to file a motion on behalf of Kim to correct the filing error with the amended assault complaint; serve the amended complaint on the defendant; initiate discovery; or otherwise take any further action in Kim’s assault matter.

In addition, the OAE charged respondent with two instances of having violated RPC 1.16(d) by “abandoning” the representation and failing to protect Kim’s interests, as well as his failure to return the unearned portion of her retainer. RPC 1.16(d) provides that, upon termination of representation:

A lawyer shall take steps to the extent reasonably practicable to protect a client’s interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned or incurred.

“Termination,” as set forth in the Rule, encompasses instances of constructive termination, where the attorney-client relationship is not formally severed. For example, in In the Matter of Stephen Paul Hildebrand, DRB 22-208 (May 1, 2023) at 10, 11, 20, we found that the attorney violated RPC 1.16(d) by ceasing all work and missing all court appearances before the court removed him as

counsel, pursuant to his client's request. The fact that the attorney's shortcomings occurred before the removal order did not prevent a finding that he violated RPC 1.16(d). In re Hildebrand 254 N.J. 371 (2023). Here, respondent's unilateral decision to cease all work on Kim's assault matter, as well as his failure to refund the unearned portion of the retainer, clearly and convincingly supports the finding that he violated RPC 1.16(d).

The OAE also charged respondent with having violated RPC 1.16(d) under the theory of client abandonment. However, it is well-settled that "client abandonment requires a clear and convincing showing that the attorney disappeared and cannot be found." In re Fogle, 235 N.J. 417 (2018); compare In re Ashton, ___ N.J. ___ (2022) (May 17, 2022), 2022 N.J. LEXIS 462 (finding abandonment of three clients where attorney was no longer renting the office from which he had practiced law and clients were unable to contact or locate him; for gross neglect and other misconduct, two-year suspension), and In re Saponaro, 249 N.J. 352 (2022) (attorney abandoned his law practice and could not be located; we determined that respondent's abandonment of three clients warranted at least a three-month suspension; one-year suspension imposed based on aggravating factors), to In re Brown, 246 N.J. 456 (2021) (although the formal ethics complaint characterized the attorney's misconduct as "abandonment," we did not employ this analysis, where the attorney terminated

the client's representation midway through litigation, without explanation and without informing the client about an upcoming hearing, causing the client to be subject to fees and a sanction; the attorney further delayed returning a file to the client; based on this and other misconduct, including making misrepresentations to the client, failing to abide by the client's decisions concerning the objectives of representation, and conduct prejudicial to the administration of justice, we determined the baseline quantum of discipline to be a reprimand but found a three-month suspension was warranted based on harm to client and the matter's default nature).

Here, although respondent was evicted from his office location and, thereafter, failed to provide Kim with a new office location, the record does not definitely confirm that he had, in fact, shuttered his office and disappeared during the period he represented Kim. Accordingly, we dismiss the second charged violation of RPC 1.16(d) under the narrow theory of client abandonment.

With respect to respondent's failure to communicate, the record amply supports a finding that he violated RPC 1.4(b), which requires that attorneys keep their clients "reasonably informed about the status of a matter," and RPC 1.4(c), which requires that attorneys "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the

representation.” Respondent clearly violated both Rules by failing to reply to Kim’s attempts to contact him and by failing to reply to her questions concerning the filing error or otherwise address how he intended to proceed with her matter. Thus, Kim was unable to make an informed decision concerning her case, including her need to seek new counsel.

Next, respondent violated RPC 1.5(c) when, in connection with the contingent fee matter, he failed to provide Kim with a settlement statement detailing her share of the settlement proceeds or otherwise disclosing the manner in which he calculated the net amount due to her.

Respondent violated RPC 1.15(d) by admittedly failing to comply with the provisions of R. 1:21-6 in numerous respects, detailed above.

We determine to dismiss, however, the charges that respondent violated RPC 3.4(c) and RPC 8.4(c).

Specifically, the OAE charged respondent with having violated RPC 3.4(c), which provides that a lawyer shall not “knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists,” by failing to comply with the fee arbitration award within the thirty days set forth in the fee arbitration determination. Specifically, in November 2024 – more than thirty days after the date of service of the determination, but prior to the OAE filing a motion for his temporary suspension

based on his failure to pay – respondent paid Kim \$17,500 of the \$17,725 fee arbitration award. Notably, although Kim notified the OAE of the payment, the record does not indicate whether she sought to enforce the \$225 balance of the award.

Generally, an attorney’s refusal to comply with a fee arbitration award is a violation of RPC 3.4(c) and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice). *See, e.g., In re Epstein*, 256 N.J. 358 (2024) (we found that the attorney violated RPC 3.4(c) based on the Court’s temporary suspension of the attorney for failing to pay the fee arbitration award, noting that the attorney only paid the award after the Court imposed the temporary suspension); *In re Kivler*, 197 N.J. 255 (2009) (observing that “[t]he Court has found that an attorney who fails to abide by a fee arbitration award violates RPC 3.4(c) and RPC 8.4(d)”); *In re Harris*, 182 N.J. 594 (2005) (among other things, the attorney refused to comply with a fee arbitration committee’s determination that she refund the unearned portion of the fee paid to her in two client matters, in violation of RPC 3.4(c) and RPC 8.4(d)).

Here, the OAE argued that respondent violated RPC 3.4(c) based solely on his failure to pay the award within thirty days, rather than the shortfall in the payment or a complete refusal to pay. There are only a handful of disciplinary matters involving charged violations of RPC 3.4(c) based on the failure to pay

a fee arbitration award and even fewer related solely to the late payment of an award. In In re Cameron, 225 N.J. 370 (2016), we found that the attorney delayed the payment of a fee arbitration award for almost two months, in violation of RPC 8.4(d). However, the OAE did not charge respondent with a violation of RPC 8.4(d) in the instant matter. Thus, based on disciplinary precedent, and in the absence of a temporary suspension stemming from respondent's failure to pay, there is no basis for us to find that respondent's late fee arbitration payment violated RPC 3.4(c). In our view, RPC 8.4(d) better addresses his actual misconduct. Thus, we determine to dismiss the charged violation of RPC 3.4(c).

Finally, the OAE charged respondent with having violated RPC 8.4(c), which prohibits an attorney from engaging "in conduct involving dishonesty, fraud, deceit or misrepresentation." A violation of this Rule requires a finding that an attorney engaged in an intentional act of deception by clear and convincing evidence. See In re Hyderally, 208 N.J. 453, 460-61 (2011). However, the record before us lacks clear and convincing evidence that respondent intentionally lied to Kim, and, thus, we determine to dismiss the charged violation of RPC 8.4(c).

DRB 25-319 (Certification of the Record)

Following a review of the record, we determine that the facts set forth in the formal ethics complaint support all the charges of unethical conduct. Respondent's failure to file an answer to the formal ethics complaint is deemed an admission that the allegations are true and that they provide a sufficient basis for the imposition of discipline. R. 1:20-4(f)(1).

Specifically, R. 1:20-20(b)(15) requires a suspended attorney, within thirty days of the Court's Order of suspension, to "file with the Director [of the OAE] the original of a detailed affidavit specifying by correlatively numbered paragraphs how the disciplined attorney has complied with each of the provisions of this rule and the Supreme Court's order."

As the Appellate Division has observed, "the provisions of R. 1:20-20(b)(1) to (14) are designed to protect clients of the [suspended or] disbarred attorney, as well as any other individuals who might unknowingly seek to retain that attorney during the period of his suspension." Eichen, Levinson & Crutchlow, LLP v. Weiner, 397 N.J. Super. 588, 596 (App. Div. 2008). Non-compliance with R. 1:20-20, therefore, obstructs one of the primary purposes of the disciplinary system, "to protect the public from an untrustworthy lawyer." See In re Rigolosi, 107 N.J. 192, 206 (1987) ("The purpose of a disciplinary proceeding, as distinguished from a criminal prosecution, is not so much to

punish a wrongdoer as it is to protect the public from an untrustworthy lawyer.”) (citing In re Pennica, 36 N.J. 401, 418-19 (1962)). Non-compliance with R. 1:20-20 may also cause “confusion among . . . clients and an administrative burden for the courts.” In re Kramer, 172 N.J. 609, 626 (2002).

For those reasons, and by operation of Rule, in the absence of an extension granted by the Director of the OAE, failure to file an affidavit of compliance pursuant to R. 1:20-20(b)(15) within the time prescribed “constitute[s] a violation of RPC 8.1(b) . . . and RPC 8.4(d).” R. 1:20-20(c).

Here, respondent willfully violated the Court’s temporary suspension Order, filed on May 10, 2024, by failing to file a conforming affidavit, a step required of all suspended attorneys. He, thus, violated R. 1:20-20 and, consequently, RPC 8.1(b) and RPC 8.4(d). Moreover, he violated RPC 8.1(b) a second time by failing to file a conforming answer to the formal ethics complaint, thus, allowing this matter to proceed as a default.

In sum, in connection with DRB 25-258, we find that respondent violated RPC 1.1(a); RPC 1.3; RPC 1.4(b); 1.4(c); RPC 1.5(c); RPC 1.15(d); and RPC 1.16(d). We determine to dismiss the second charged violation of RPC 1.16(d), and the RPC 3.4(c) and RPC 8.4(c) allegations. In connection with DRB 25-319, we find that respondent violated RPC 8.1(b) (two instances) and RPC 8.4(d). The sole issue left for our determination is the appropriate quantum of discipline

for respondent's misconduct.

Quantum of Discipline

Respondent's misconduct falls into three distinct categories: (1) his mishandling of the Kim matter; (2) his failure to comply with the recordkeeping Rules, and (3) his failure to comply with R. 1:20-20 following his temporary suspension.

First, respondent violated multiple Rules of Professional Conduct in connection with the Kim matter, including failing to (1) act with diligence and promptness when representing Kim; (2) reply to Kim's requests for information or explain the matter to her; (3) issue a settlement statement to confirm Kim's share of the proceeds, explained how that amount was calculated, or confirm that she had agreed that respondent would retain the entirety of the settlement proceeds for work in the assault matter; or (4) protect Kim's interests in the assault matter and to return the unearned portion of the retainer.

Absent serious aggravating factors, such as harm to the client, conduct involving gross neglect, lack of diligence, and failure to communicate ordinarily results in an admonition, even when accompanied by other, non-serious ethics infractions, such as a violation of RPC 1.16(d). See In the Matter of James E. Gelman, DRB 24-004 (February 20, 2024) (a pro bono program assigned the

attorney, on a volunteer basis, to represent a veteran in connection with his service-related disability claim; for ten months, the attorney took very little action to advance his client's case; thereafter, the attorney took no further action on behalf of his client, incorrectly assuming that the pro bono program had replaced him as counsel due to his lack of experience; moreover, the attorney failed to advise his client that he was no longer pursuing his case; the attorney's conduct violated RPC 1.1(a), RPC 1.3, RPC 1.4(b), and RPC 1.16(d); no prior discipline in more than forty years at the bar), and In the Matter of Hayes R. Young, DRB 23-215 (November 22, 2023) (the attorney filed a medical malpractice lawsuit on behalf of a client without having obtained the required affidavit of merit; seven months later, the Superior Court dismissed the lawsuit for lack of prosecution; the attorney, however, failed to notify his client that he had filed her lawsuit or that it had been dismissed due to his inaction; meanwhile, during the span of several months, the attorney failed to reply to several of his client's e-mail messages inquiring about the status of her case; no prior discipline in thirty-eight years at the bar; finally, during the timeframe of the misconduct, the attorney experienced extenuating circumstances underlying his wife's illness and death).

Similarly, admonitions typically are imposed on attorneys who violate RPC 1.5(c), even when accompanied by other misconduct. See In the Matter of

Arthur G. Nevins, Jr., DRB 22-126 (2022) (the attorney settled one litigation matter for a client and retained settlement funds for the payment of past legal fees and expenses and future litigation expenses in a second matter for the same client, without providing a settlement statement; mitigation included lack of prior discipline and admission of misconduct), and In the Matter of Alan Monte Kamel, DRB 19-086 (May 30, 2019) (the attorney failed to communicate the method by which his fee in a contingent fee matter would be determined; attorney also violated RPC 1.4(c) and RPC 1.5(b) (failing to set forth, in writing, the basis or rate of the attorney's fee)).

Attorneys who violate RPC 1.16(d), even when accompanied by other, non-serious ethics infractions, also receive admonitions. See In the Matter of Karim K. Arzadi, DRB 23-169 (October 26, 2023) (admonition for an attorney who, following the client's termination of the representation, failed to file either a substitution of counsel or a motion to be relieved as counsel; during the next several months, while the attorney remained counsel of record, the client, who wished to proceed pro se, was unable to pursue settlement negotiations with the opposing party, and the client's lawsuit, ultimately, was dismissed for failure to prosecute; violations of RPC 1.16(a)(3) (failing to withdraw from the representation despite being discharged by the client) and RPC 1.16(d)).

Respondent's second, distinct course of misconduct was his failure to

comply with the recordkeeping requirements of R. 1:21-6. Recordkeeping irregularities ordinarily are met with an admonition where, as here, they have not caused the negligent misappropriation of client funds. See In the Matters of Grant J. Robinson, DRB 21-059 and DRB 21-063 (July 16, 2021) (following an OAE demand audit, the OAE uncovered multiple recordkeeping deficiencies, including that the attorney (1) failed to properly designate the trust account; (2) failed to maintain trust account ledger cards for bank charges; (3) allowed an inactive balance to remain in the trust account; and (4) failed to maintain business receipts or disbursements journals; the attorney's recordkeeping deficiencies resulted in more than twenty dishonored checks, issued to the Superior Court, for insufficient funds; we found that the attorney's recordkeeping failures were neglectful, but not purposeful; in imposing only an admonition, we weighed the fact that the attorney corrected his recordkeeping errors and took remedial measures to decrease the likelihood of a future recordkeeping violation).

Finally, respondent also failed to file his required R. 1:20-20 affidavit of compliance following his temporary suspension. Attorneys with less serious disciplinary histories have received reprimands, in default matters, for their failure to file the required R. 1:20-20 affidavit. See, e.g., In re Parisi, 261 N.J. 86 (2025) (the attorney failed to file the required affidavit of compliance

following her temporary suspension for failing to cooperate with an OAE investigation; no prior final discipline); In re Hildebrand, 260 N.J. 20 (2025) (the attorney failed to file the required affidavit of compliance following his six-month suspension, in connection with a motion for reciprocal discipline; his disciplinary history consisted of only the prior six-month suspension); In re Ashton, 257 N.J. 225 (2024) (the attorney failed to file the required affidavit of compliance following his two-year suspension, in connection with a motion for reciprocal discipline; his disciplinary history consisted of only the prior two-year suspension).

Based upon the above disciplinary precedent, we conclude that the totality of respondent's misconduct could be met with a censure. Specifically, for his failure to file the required R. 1:20-20 affidavit alone, a reprimand is the baseline quantum of discipline. When considering his misconduct in the Kim matter, compounded by his recordkeeping infractions, at least a censure is warranted for the totality of his misconduct. To craft the appropriate discipline in this case, however, we also consider mitigating and aggravating factors.

In mitigation, respondent admitted his misconduct in connection with the matter docketed as DRB 25-258.

In aggravation, respondent allowed the matter docketed as DRB 25-319 to proceed as a default. In re Kivler, 193 N.J. 332, 342 (2008) (an attorney's

“default or failure to cooperate with the investigative authorities operates as an aggravating factor, which is sufficient to permit a penalty that would otherwise be appropriate to be further enhanced”). Nevertheless, because we already factored respondent’s default status into the baseline discipline for his R. 1:20-20 violation, we do not accord this aggravating factor additional weight.

In further aggravation, we consider the harm respondent caused to his client in the Kim matter. It is well-settled that harm to the client constitutes an aggravating factor. In the Matter of Brian Le Bon Calpin, DRB 13-152 (October 23, 2013) at 2, so ordered, 217 N.J. 617 (2014). Here, respondent’s failure to correct the filing deficiencies with the amended complaint or take any substantive action to further Kim’s assault case forced her to have to expend additional funds to retain new counsel. Moreover, his failure to refund the unearned portion of his fee forced Kim to spend additional time and money to recoup her settlement funds, via fee arbitration.

Although principles of progressive discipline do not apply, considering that the timing of the instant misconduct predated the imposition of discipline in Foreman I, we nevertheless accord aggravating weight to respondent’s heightened awareness of his obligation to conform his conduct to the Rules of Professional Conduct and to cooperate with the disciplinary authorities attempting to address his conduct. Notably, these consolidated matters represent

respondent's second and third disciplinary matter before us in the past year, and the second matter to proceed as a default. Nevertheless, respondent failed to reform his conduct in any attempt to avoid additional disciplinary actions.

Conclusion

On balance, in view of the compelling aggravating factors, including the harm to respondent's client, we determine that a three-month suspension is the appropriate quantum of discipline to protect the public and to preserve confidence in the bar.

Additionally, we recommend, as conditions to his reinstatement, that respondent be required to (1) complete a recordkeeping course pre-approved by the OAE, and (2) submit proof to the OAE that he has corrected the recordkeeping deficiencies identified in the complaint underlying DRB 25-258. We also recommend that, following his reinstatement, he be required to submit to the OAE, on a quarterly basis, his monthly three-way reconciliations, for a period of two years.

Member Campelo voted to impose a censure with the same conditions.

Members Modu and Spencer were absent.

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

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

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

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matters of Paul S. Forman
Docket Nos. DRB 25-258 and DRB 25-319

Argued: March 19, 2026

Decided: April 13, 2026

Disposition: Three-Month Suspension

| <i>Members</i> | Three-Month Suspension | Censure | 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