SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 26-008
District Docket No. XIV-2025-0078E

In the Matter of Michael A. Rowek
An Attorney at Law

Argued
April 16, 2026

Decided
June 30, 2026

Brian P. Keenan, Deputy Ethics Counsel, appeared on behalf of the Office of Attorney Ethics.

Respondent did not appear, despite proper notice.

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Introduction

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

This matter was before us on a motion for final discipline filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-13(c)(2), following respondent's guilty plea and conviction, in the Superior Court of New Jersey, for third-degree defrauding the administration of a drug test, in violation of N.J.S.A. 2C:36-10(d). The OAE asserted that this offense constitutes a violation of RPC 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer).

For the reasons set forth below, we determine to grant the motion for final discipline and conclude that 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 1987. During the relevant timeframe, he was suspended from the practice of law in New Jersey.

Respondent has an escalating disciplinary history for possessing controlled dangerous substances (CDS) and defrauding the administration of drug tests.

Rowek I

Effective September 24, 2013, the Court temporarily suspended respondent in connection with his 2013 guilty plea and convictions for three counts of third-degree possession of CDS (Vicodin, gamma-Butyrolactone, and Percocet), in violation of N.J.S.A. 2C:35-10(a)(1), and one count of fourth-degree possession of a device to defraud the administration of a drug test, in violation of N.J.S.A. 2C:36-10(e). In re Rowek, 215 N.J. 518 (2013).

On January 30, 2015, the Court suspended respondent for one year, retroactive to his September 2013 temporary suspension, for his criminal conduct underlying his temporary suspension. In re Rowek, 220 N.J. 348 (2015) (Rowek I).

In that matter, on January 14, 2009, the Superior Court admitted respondent to the Pretrial Intervention Program (PTI) in connection with his third-degree possession of heroin and crystal methamphetamine, in violation of N.J.S.A. 2C:35-10(a)(1), and fourth-degree possession of a large quantity of

syringes, with the intent to distribute, in violation of N.J.S.A. 2C:36-3. In the Matter of Michael A. Rowek, DRB 14-144 (November 24, 2014) at 2-3. On January 22, 2009, just eight days after his January 14 admission to PTI, he attempted to defraud the administration of a drug test to conceal his recent, criminal use of heroin, crystal methamphetamine, and Percocet. Id. at 3.

Subsequently, in February 2009, respondent provided his probation officer with two urine samples, the first of which was "adulterated" and "inconsistent with a normal sample," and the second of which tested positive for benzodiazepines. Id. at 3. Consequently, on August 3, 2010, the Superior Court terminated respondent's PTI and, between October 6, 2010 and April 18, 2013, the Morris County Prosecutor's Office obtained multiple indictments against him, charging him with several third- and fourth-degree CDS offenses. Id. at 3-4.

On May 1, 2013, respondent pleaded guilty to three counts of third-degree possession of CDS (Vicodin, gamma-Butyrolactone, and Percocet), and one count of fourth-degree possession of a device to defraud the administration of a drug test. Id. at 4. During his plea hearing, he allocuted that, between August 2010 and April 2013, he had (1) possessed large quantities of Vicodin and Percocet, (2) utilized a device to assist him in passing a drug test, and (3) driven

under the influence of gamma-Butyrolactone. Id. at 5. Following his guilty plea, the State dismissed the remaining charges, including the original charges underlying his 2009 admission to PTI. Id. at 4.

On August 2, 2013, the Superior Court sentenced respondent to a five-year term of Recovery Court probation, pursuant to N.J.S.A. 2C:35-14. Id. at 5.[1] At sentencing, respondent asserted that, in 1985, he had been the victim of a serious accident that required his use of prescription drugs. Ibid. Although he recovered from that accident, he suffered another accident, in 2000, that again led to use his of prescription drugs. Id. at 6. Following his accident in 2000, respondent became addicted to prescription drugs and began a "downward spiral." Ibid.

In determining that a one-year suspension was the appropriate quantum of discipline, we found that respondent failed to adequately appreciate his original CDS offenses underlying his admission to PTI, given that, within days of his admission to PTI, he attempted to defraud a drug test to conceal his continued drug abuse. Id. at 10. We also emphasized that respondent had taken little action to mitigate his prolonged addiction. Ibid.

[1] Recovery Court "is a nationally acclaimed program created and administered by the New Jersey judiciary to link qualified drug dependent defendants to court-supervised and state-funded treatment and aftercare services." State v. Harris, 466 N.J. Super. 502, 521 (App. Div. 2021).

As conditions to his reinstatement to the practice of law, the Court required that respondent (1) demonstrate his continued sobriety, (2) participate in an OAE-approved drug rehabilitation program, and (3) establish his fitness to practice law, as attested to by an OAE-approved mental health professional. Rowek, 220 N.J. at 348-49.

Meanwhile, on October 2, 2014, approximately one month before we issued our Rowek I decision, the Superior Court found respondent guilty of a violation of his Recovery Court probation, due to his relapse in drug use, and sentenced him to a five-year term of imprisonment. On July 10, 2015, respondent was granted parole.

Subsequently, effective May 20, 2016, the Court reinstated respondent to the practice of law and required that he submit to OAE-monitored random drug tests, until further Order of the Court. In re Rowek, 225 N.J. 12 (2016).

Rowek II

Effective March 3, 2023, the Court suspended respondent for two years in connection with his convictions for two counts of third-degree possession of suboxone. In re Rowek, 253 N.J. 1 (2023) (Rowek II).

In that matter, on November 30, 2019, a Parsippany-Troy Hills Township police officer conducted a traffic stop of respondent's vehicle and discovered that he possessed suboxone, a drug for which he did not have a valid prescription. In the Matter of Michael A. Rowek, DRB 22-103 (December 1, 2022) at 6.

Subsequently, on August 9, 2020, a Montville Township police officer encountered respondent at the scene of a motor vehicle accident on a dead-end street. Id. at 7. During that incident, the officer observed multiple "loose pills" and prescription pill bottles, labeled in the name of another person, in respondent's vehicle. Id. at 8. One such pill bottle contained suboxone. Ibid. The officer also noticed that respondent had a "powdered substance" on his face and in his nostril and a "hypodermic syringe mark" on his arm. Ibid. Following these observations, the officer attempted to administer field sobriety tests, which respondent struggled to perform. Id. at 8-9.

On January 12, 2021, respondent waived indictment in connection with the November 30, 2019 and August 9, 2020 incidents and pleaded guilty to two counts of third-degree possession of suboxone. Id. at 10. During the plea proceedings, respondent admitted that, during the November 30, 2019 incident,

he possessed a suboxone "strip" and, during the August 9, 2020 incident, he possessed a suboxone "pill," both without a valid prescription. Ibid.[2]

On February 5, 2021, respondent appeared for sentencing, where he acknowledged his substantial history of substance abuse and expressed his willingness to put those issues "behind him." Ibid. Thereafter, the Honorable Michael E. Hubner, J.S.C., sentenced respondent to a term of Recovery Court probation, not to exceed five years, and ordered him to comply with the requirements of his drug treatment program. Ibid.

On November 16, 2021, following a trial, a municipal court found respondent guilty, in connection with the August 9, 2020 incident, of (1) driving while intoxicated (DWI), in violation of N.J.S.A. 39:4-50, (2) careless driving, in violation of N.J.S.A. 39:4-97, and (3) possessing CDS in a motor vehicle, in violation of N.J.S.A. 39:4-49.1. Id. at 14. Thereafter, on May 3, 2023, the Appellate Division affirmed respondent's conviction for careless driving but reversed his conviction for possessing CDS in a motor vehicle, determining that there was insufficient evidence presented during the municipal trial that respondent was not prescribed suboxone. State v. Rowek, 2023 N.J. Super.

[2] On October 19, 2021, the Parsippany-Troy Hills municipal court found respondent guilty of reckless driving, in violation of N.J.S.A. 39:4-96, in connection with the November 30, 2019 incident. Rowek, DRB 22-103 at 13.

Unpub. LEXIS 664 (App. Div. 2023).[3] Ten months later, on February 22, 2024, the Appellate Division reversed respondent's conviction for DWI, determining that the officer's observational testimony alone was insufficient to establish that respondent was "under the influence" at the time of the August 2020 incident. State v. Rowek, 2024 N.J. Super. Unpub. LEXIS 270 (App. Div. 2024).

Meanwhile, on April 7, 2021, two months into respondent's term of Recovery Court probation, a Montville police officer discovered him, in an apparent drug-impaired state, at the scene of a motor vehicle accident on the same dead-end road that was the scene of his August 9, 2020 incident. Rowek, DRB 22-103 at 11. During that incident, the officer did not discover any drugs in respondent's vehicle but, when the officer asked him whether he had taken any drugs, he replied that he "did meth a couple days before." Id. at 12. Respondent also told the officer that he recently had "r[u]n out of everything he [had] take[n]." Ibid.

On November 16, 2021, following a trial, a municipal court found respondent not guilty of the charged motor vehicle offenses, including DWI, in connection with the April 7, 2021 incident. Id. at 15.

[3] Respondent never appealed his January 2021 guilty pleas and convictions for third-degree possession of suboxone in which he allocuted that he did not have a valid prescription for that CDS.

In determining that a two-year suspension was the appropriate quantum of discipline for respondent's undisturbed convictions for two counts of third-degree possession of suboxone, we emphasized that, despite the imposition of PTI, two terms of Recovery Court probation, and a one-year disciplinary suspension, his long-spanning and debilitating drug abuse had continued in much the same way as it did in Rowek I. Id. at 26. We also underscored how, within two months of beginning his February 2021 Recovery Court probation, he admitted to using methamphetamine just days before an officer encountered him, on April 7, 2021, in an apparent drug-impaired state, at the scene of a motor vehicle accident. Ibid. In our view, respondent's protracted drug abuse and criminal behavior demonstrated that he had not taken his addiction or criminal offenses seriously, despite numerous opportunities to participate in probation, diversionary programs, and outpatient treatment programs. Id. at 27.

The Court agreed with our recommended conditions that respondent must (1) immediately notify the OAE of any positive drug tests, (2) prior to reinstatement, provide proof of (i) fitness to practice law, as attested to by an OAE-approved medical doctor, and (ii) continuous attendance at a substance use disorder treatment program following the termination, or the successful completion, of his probation, and (3) upon reinstatement, provide the OAE

quarterly reports of his weekly attendance at a substance use disorder treatment program, for two years. Rowek, 253 N.J. at 2.

To date, respondent remains suspended from the practice of law in New Jersey and has not petitioned for reinstatement.

Post-Rowek II – Compliance with Conditions (Positive Drug Screens)

On June 27, 2023, more than three months after the effective date of his two-year suspension in Rowek II, respondent notified the OAE that, between December 20, 2022 and April 13, 2023, in connection with his Recovery Court probation, he had tested positive for what he claimed were small quantities of (1) alprazolam; (2) ketamine; (3) methamphetamine; and (4) oxazepam. Respondent, however, "contested" the results of those positive drug tests and claimed that he "underwent additional testing," which purportedly detected no ketamine or methamphetamine in his system. Additionally, respondent informed the OAE that, following those positive drug screens, he successfully completed a twenty-eight day "drug treatment program," as his probation officer required.

Approximately three months later, on September 30, 2023, respondent notified the OAE that, between September 2 and 4, 2023, he had tested positive for methamphetamine.[4]

Several months later, on March 8, 2024, respondent informed the OAE that, between October 25 and November 8, 2023, he had tested positive for ketamine, on three occasions, and gamma hydroxybutyrate, on one occasion. Respondent, however, told the OAE that the "last two positive ketamine's were for only a trace amount as it was still getting out of my system."

We now turn to the facts of this matter.

Facts

On October 4, 2024, respondent reported for a mandatory random drug test in connection with his Recovery Court probation imposed in Rowek II. During that drug screen, he provided a urine sample that did not "register" on a "temp[erature] strip."

Later that same date, respondent returned to the probation office and provided a new urine sample, which again did not "register" on a temperature strip. The probation officer then queried respondent regarding whether he had

[4] Respondent provided no further details to the OAE regarding that positive drug screen.

"a device on him," in reply to which respondent stated, "just put me down for positive." When the probation officer told respondent that he could not "ignore a device," respondent conceded that he possessed a device to defraud the administration of a drug test. Following respondent's admission, he provided the device and a bag of "clean urine" to Morris County sheriff's officers, who arrested and charged him with third-degree defrauding the administration of a drug test and fourth-degree possessing a device to defraud the administration of a drug test.

Several weeks later, on November 12, 2024, the Morris County Prosecutor's Office issued a two-count accusation, charging respondent with those same offenses. On that same date, respondent waived indictment and pleaded guilty to one count of third-degree defrauding the administration of a drug test. In exchange for respondent's guilty plea, the State agreed to recommend the imposition of a five-year term of Recovery Court probation, which would "run concurrent, but not coterminous," with the term of Recovery Court probation imposed in Rowek II.

During his plea hearing, respondent allocuted that, on October 4, 2024, he "intentionally" "brought in clean urine" to his mandatory random drug test, in a false attempt to "trick[] the test" and demonstrate that he "had a clean [urine]

sample." Respondent also stated that, following the detection of his offense, he promptly admitted his conduct to his probation officer.

On January 3, 2025, respondent appeared before the Honorable Claudia R. Jones, J.S.C., for sentencing.

During that proceeding, respondent, through counsel, emphasized that his criminal conduct resulted from his long-standing struggle with drug addiction and was motivated by his intent "to avoid detection for his drug use, not to cause harm to others." Additionally, he expressed his willingness to address his substance abuse issues, noting that, since November 26, 2024, he had been participating in a long-term residential treatment program. Respondent also personally apologized for his misconduct, stating that "[i]t was stupid and I am learning my lesson."

The State, in turn, urged the imposition of a five-year term of Recovery Court probation, as set forth in the plea agreement. In support of its recommended sentence, the State noted that respondent had been "doing well" in his residential treatment program and indicated that, if he "embrace[d]" the "tools of recovery," he could successfully complete Recovery Court probation. Nevertheless, the State argued that respondent's criminal conduct exposed him to potential, serious harm, given that, had he defrauded the drug test, he likely

would have continued his illicit drug use. The State also underscored how respondent's offense reflected adversely on his "moral compass" as a lawyer.

In determining the appropriate sentence, Judge Jones weighed, in aggravation, (1) respondent's criminal history involving drug-related offenses, (2) the risk that he would commit another offense, and (3) the "very specific need" to deter him from violating the law. Judge Jones also stressed that "Recovery Court is based on urine screens[,] and [the] attempt[] to defraud one of them certainly undermines the essential principles of the Recovery Court system."

Judge Jones considered, in mitigation, that respondent's conduct neither caused nor threatened serious harm, and he was particularly likely to respond affirmatively to probationary treatment. However, Judge Judges expressed her agreement with the State's position that respondent placed himself at risk of serious harm.

Finding that the aggravation outweighed the mitigation, Judge Jones sentenced respondent to a five-year term of Recovery Court probation, to run concurrent, but not coterminous, with his ongoing term of Recovery Court probation, pursuant to the plea agreement. Further, at the State's request, Judge Jones dismissed the charge that respondent possessed a device to defraud the

administration of a drug test, as charged in the accusation.

More than three weeks later, on January 25, 2025, respondent, through counsel, notified the OAE of his criminal charges and conviction underlying this matter, as R. 1:20-13(a)(1) requires.

The Parties' Positions Before the Board

In support of its motion for final discipline, the OAE argued that respondent's guilty plea and conviction for defrauding the administration of a drug test constituted a violation of RPC 8.4(b).

The OAE urged the imposition of a three-year term of suspension, stressing that respondent's latest offense represented his seventh indictable conviction for a drug-related offense, his second conviction involving his attempt to defraud a drug test, and his third disciplinary matter before us involving his "unmitigated" drug abuse. The OAE argued that, despite numerous opportunities to address his addiction through Recovery Court probation, respondent has failed to address his serious substance abuse issues and has "continue[d] to flout and disrespect the courts."

Despite the unfortunate circumstances leading to his drug dependence, the OAE contended that, because respondent criminally attempted to defraud a drug

test – while on Recovery Court probation – following his two-year suspension in Rowek II, principles of progressive discipline support the imposition of a three-year suspension. The OAE urged us to recommend that, prior to reinstatement, respondent demonstrate his sobriety and fitness to practice law. Finally, upon reinstatement, the OAE recommended that we require respondent to submit "certifications of sobriety and proof of treatment by a qualified drug counselor[,] until further Order of the Court."

Respondent did not appear before us for oral argument. However, on April 20, 2026, following oral argument, he submitted a letter to us in which he claimed that, between December 2025 and March 2026, he had been attending an intensive, outpatient drug treatment program. He asserted that, because of a recent injury to his ankle, he could no longer attend that program. However, he expressed his intent to resume treatment at that program when he recovers from his injury.

Analysis and Discipline

Violations of the Rules of Professional Conduct

Following a review of the record, we determine to grant the OAE's motion for final discipline. Final discipline proceedings in New Jersey are governed by

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

Pursuant to RPC 8.4(b), it is misconduct for an attorney to "commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness[,] or fitness as a lawyer." Thus, respondent's guilty plea and conviction for third-degree defrauding the administration of a drug test, contrary to N.J.S.A. 2C:36-10(d), establishes his violation of RPC 8.4(b). Hence, the sole issue left for our determination is the appropriate quantum of discipline for his misconduct. R. 1:20-13(c)(2); Magid, 139 N.J. at 451-52; Principato, 139 N.J. at 460.

Quantum of Discipline

In determining the appropriate measure of discipline, we must consider the interests of the public, the bar, and respondent. "The primary purpose of discipline is not to punish the attorney but to preserve the confidence of the public in the bar." Principato, 139 N.J. at 460. Fashioning the appropriate penalty involves the consideration of many factors, including "the nature and severity of the crime, whether the crime is related to the practice of law, and any

mitigating factors such as respondent's reputation, [their] prior trustworthy conduct, and general good conduct." In re Lunetta, 118 N.J. 443, 445-46 (1989).

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

Moreover, the fact that an attorney's conduct did not involve the practice of law or arise from a client relationship will not excuse an ethics transgression or lessen the degree of sanction. In re Musto, 152 N.J. 165, 173 (1997). "Offenses that evidence ethical shortcomings, although not committed in the attorney's professional capacity, may, nevertheless, warrant discipline." Ibid. (citing In re Hasbrouck,140 N.J. 162, 167 (1995)). The obligation of an attorney to maintain the high standard of conduct required by a member of the bar applies

even to activities that may not directly involve the practice of law or affect the attorney's clients. In re Schaffer, 140 N.J. 148, 156 (1995).

The Court repeatedly has observed that "[a]n attorney who breaks criminal laws relating to [CDS] commits ethical infractions that demonstrate a disrespect for the law, denigrate the entire profession, and destroy public confidence in the practicing bar." Musto, 152 N.J. at 173 (citing Schaffer, 140 N.J. at 159 (reaffirming that offenses relating to the possession of CDS "cannot be countenanced")). Consistent with those principles, "[a] three-month suspension is a generally appropriate measure of discipline for possessory crimes related to [CDS]." Id. at 174. See, e.g., In re Kassem, 249 N.J. 97 (2021) (possession of heroin); In re Holland, 194 N.J. 165 (2008) (possession of cocaine); In re Sarmiento, 194 N.J. 164 (2008) (possession of ecstasy); In re McKeon, 185 N.J. 247 (2005) (possession of cocaine).

However, "[s]ome offenses attributable to drug addiction may warrant stronger disciplinary measures," including "in drug-related offenses that also involve[] dishonest, fraudulent, and deceptive conduct." Musto, 152 N.J. at 174-75. Such heightened discipline is also appropriate where, as here, an attorney has a longstanding, unresolved history of drug abuse. See, e.g., In re Dennerlein, 241 N.J. 533 (2020) (six-month suspension for an attorney convicted of

possessing more than one-half ounce of cocaine, with the intent to distribute; several months later, the attorney pleaded guilty to disorderly persons wandering to obtain CDS; we found that the attorney had advanced significant mitigation, including his great strides toward recovery; no prior discipline); In re Jones, 245 N.J. 379 (2021) (one-year suspension for felony possession of cocaine; the attorney did nothing above and beyond the requirements imposed on him to address his substance abuse problem; he also grossly mishandled a client matter and sent lewd communications to the client; no prior discipline); In re Hasbrouck, 140 N.J. 162 (1995) (one-year suspension for an attorney who, for seven years, criminally forged prescriptions to obtain illicit drugs; in imposing discipline, the Court observed that the attorney "did not confront her addiction but rather resorted to continuing unlawful and fraudulent measures to maintain her addiction;" no prior discipline); In re Salzman, 231 N.J. 2 (2017) (two-year suspension for an attorney who engaged in "blatant drug abuse" and criminal conduct, despite having been placed on supervised probation for a heroin conviction; while on supervised probation, the attorney continued to abuse drugs and drive while drug-impaired, even while his license was suspended, and then failed to appear for required court proceedings or to pay court-ordered fines, resulting in the issuance of warrants for his arrest; we enhanced the quantum of

discipline because of serious aggravation, including the attorney's extensive criminal history, "sheer disdain" for court appearances and court orders, and life-long drug abuse; prior admonition for recordkeeping infractions).

Here, respondent's unmitigated drug abuse and penchant for defrauding drug tests while on supervised probation has continued, unabated, in this third consecutive disciplinary matter in eleven years. Echoing our observations in Rowek II, the imposition of PTI, two terms of Recovery Court probation, and two long-term disciplinary suspensions have not spurred respondent to zealously address his long-spanning and debilitating drug addiction. Rather, he attempted to defraud a drug screen, while on Recovery Court probation, to mask his continued use of illicit drugs, misconduct that is nearly identical to his crimes in Rowek I, where he attempted to defraud a drug test within days of his admission to PTI.

Moreover, as in Rowek II, where he admitted to using methamphetamine within two months of beginning a term of Recovery Court probation following his convictions for illegally possessing suboxone, respondent, in this matter, criminally attempted to conceal his continued use of illicit drugs while under that same term of probation. Applying the Court's reasoning in Hasbrouck, rather than confront his addiction, respondent resorted to "unlawful and

fraudulent measures" to sustain his addiction, conduct which "'demonstrate[s] a callous disregard of a lawyer's obligation to conduct himself . . . within the confines of the law.'" 140 N.J. at 169 (quoting In re Kaufman, 104 N.J. 509, 513 (1986) (first alteration in original).

Significantly, between the issuance of our December 2022 Rowek II decision and his October 2024 attempt to defraud the administration of a drug test, respondent participated in at least eight drug screens detecting various quantities of illegal narcotics, including methamphetamine, demonstrating that he has not taken his addiction or his criminal offenses seriously. Indeed, his criminal offense in this matter represents his seventh indictable conviction involving a drug-related offense, signifying his persistent disregard for the criminal justice system designed to help him achieve rehabilitation.

Viewing respondent's misconduct in this matter against his long-spanning criminal history of drug abuse, we determine that, despite numerous encounters with the attorney disciplinary and criminal justice systems and multiple opportunities to participate in probation, diversionary programs, and drug treatment programs, respondent has demonstrated a continued disinterest in reforming his behavior and, thus, is unable to meet "the standards that must guide all members of the profession." In re Cammarano, 219 N.J. 415, 421

(2014) (citing In re Harris, 182 N.J. 594, 609 (2005)).

Conclusion

Although we reiterate our sympathy towards respondent's debilitating struggles with addiction, "[t]he goal in a disciplinary proceeding is to protect the public, not to punish attorneys." In re Howard, 143 N.J. 526, 529-30 (1996) ("[E]ven in victimless crimes, we have found it necessary to suspend attorneys who have engaged in conduct that transgressed societal norms established by our Legislature."). Thus, based on principles of progressive discipline, and given the clear danger that respondent poses to the public considering his unmitigated drug abuse and penchant for defrauding the administration of drug tests while on supervised probation, we determine that an indeterminate suspension is the appropriate quantum of discipline necessary to protect the public and to preserve confidence in the bar. Consistent with the recent amendment to R. 1:20-15A(a)(2), we recommend that the Court prohibit respondent from applying for reinstatement for a minimum of four years.

Additionally, because of respondent's persistent struggles with substance abuse, we recommend the condition that, prior to reinstatement, he be required to demonstrate his successful completion of Recovery Court probation.

Finally, we recommend that respondent be required to comply the conditions previously imposed in Rowek II, including that (1) he immediately notify the OAE of any positive drug tests, (2) prior to reinstatement, he shall (i) submit proof of his fitness to practice law, as attested to by a medical doctor approved by the OAE, and (ii) demonstrate his continuous attendance at a substance use disorder treatment program following the termination, or the successful completion, of his Recovery Court probation, and (3) upon reinstatement, he must provide the OAE with quarterly reports of his weekly attendance at a substance use disorder treatment program, for two years.

Members Campelo, 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 Matter of Michael A. Rowek
Docket No. DRB 26-008

Argued: April 16, 2026

Decided: June 30, 2026

Disposition: Indeterminate Suspension

Members	Indeterminate Suspension	Absent
Cuff	X	
Boyer	X	
Campelo		X
Hoberman	X	
Menaker	X	
Modu		X
Petrou	X	
Rodriguez	X	
Spencer		X
Total:	6	3

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