SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 26-026
District Docket No. XIV-2023-0074E

In the Matter of Morton Chirnomas
An Attorney at Law

Argued
April 16, 2026

Decided
July 27, 2026

Diane M. Yandach, Deputy Ethics Counsel, appeared on behalf of the Office of Attorney Ethics.

Respondent did not appear, despite proper notice.

Table of Contents

Introduction 1
Ethics History 1
Facts 4
The Parties' Positions Before the Board 12
Analysis and Discipline 13
    Violations of the Rules of Professional Conduct 13
    Quantum of Discipline 13
Conclusion 18

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 United States District Court for the District of New Jersey (the DNJ), for wire fraud, in violation of 18 U.S.C. § 1343. 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 recommend to the Court that respondent be disbarred.

Ethics History

Respondent earned admission to the New Jersey bar in 1990 and to the Massachusetts bar in 2003. During the relevant timeframe, he maintained a practice of law in Mount Freedom, New Jersey.

Chirnomas I

Effective June 12, 2023, the Court suspended respondent for six months for having violated 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 1.15(a) (commingling); RPC 1.16(d) (upon termination of the representation, failing to take steps to the extent reasonably practicable to protect a client's interests); RPC 8.1(b) (failing to cooperate with disciplinary authorities); and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation). In re Chirnomas, 254 N.J. 5 (2023) (Chirnomas I).

In that matter, the OAE filed a motion for reciprocal discipline following respondent's exclusion from practice before the United States Patent and Trademark Office (USPTO). In the Matter of Morton Chirnomas, DRB 22-039 (August 18, 2022) at 1-2. Additionally, the Supreme Judicial Court of Massachusetts disbarred him, effective December 18, 2021, pursuant to a reciprocal disciplinary hearing. In re Chirnomas, 37 Mass. Att'y Disc. R. 117 (2021).

Specifically, in December 2017, a foreign business entity (FZU), through an attorney based in the Czech Republic, retained respondent to prepare and file a national stage utility (a form of intellectual property) patent application with

the USPTO. Id. at 4. In January 2018, respondent sent an e-mail to the attorney, attaching a $2,610 invoice for filing the application and satisfying a patent legal services fee, along with information so that FZU could pay the amount requested to respondent's personal bank account. Ibid.

On January 15, 2018, after accepting $2,610 from FZU, respondent filed the patent application for FZU's invention but failed to pay the required filing fee. Id. at 4-5. Thereafter, despite notice from the USPTO, respondent failed to cure the deficiency or to reply to the USPTO's notices. Id. at 5. Consequently, FZU's application was "deemed abandoned" but respondent failed to notify FZU or the attorney of the USPTO's abandonment notice. Ibid. When the attorney learned that the application had been abandoned, he contacted respondent and sent him e-mails and messages on LinkedIn; respondent ignored all the attorney's attempts to contact him. Ibid. FZU retained new counsel, but the application remained abandoned for more than one year. Ibid. Subsequently, respondent failed to cooperate with the USPTO's Office of Enrollment and Discipline and allowed that matter to proceed as a default. Id. at 6-11. Consequently, on April 29, 2021, the USPTO excluded respondent from practice in that jurisdiction. Id. at 9-11.

In determining that a six-month suspension was the appropriate quantum of discipline, we weighed, in aggravation, respondent's failure to report both his

exclusion from practice before the USPTO and his disbarment in Massachusetts to the OAE, as R. 1:20-14(a)(1) requires. Id. at 26. We also considered (1) the default status of the matter; (2) his failure to cooperate with investigative authorities in the USPTO, Massachusetts, and New Jersey; (3) his failure to demonstrate any remorse for his misconduct; and (4) the fact that he had yet to return FZU's unearned fees. Ibid. The Court agreed with the recommended discipline and conditioned respondent's reinstatement upon his refund of the USPTO filing fees to FZU.

Chirnomas II

On April 14, 2025, in a default matter, the Court reprimanded respondent for his failure to file the R. 1:20-20 affidavit required of suspended attorneys, in violation of RPC 8.1(b) (two instances) and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice), following his suspension in Chirnomas I. In re Chirnomas, 260 N.J. 280 (2025) (Chirnomas II).

To date, respondent remains suspended from the practice of law.

Facts

On February 7, 2023, the United States charged respondent with having committed wire fraud, in violation of 18 U.S.C. § 1343. He consented to being

"remanded to custody with the right to make a bail application at a later time." On February 10, 2023, respondent's sister posted a $100,000 unsecured appearance bond and he was released from custody and placed under pretrial release supervision. Respondent's crimes were related to COVID-19 financial aid the federal government had provided through various programs.

On March 18, 2020, the Families First Coronavirus Response Act was signed into law, providing state unemployment agencies flexibility in funding. Additionally, the Coronavirus Aid, Relief, and Economic Security Act (the CARES Act) was signed into law. The CARES Act granted states the expanded ability to provide assistance to workers impacted by the COVID-19 pandemic, including permitting workers who ordinarily would not qualify for unemployment insurance benefits (UIBs) to apply for UIBs. To accomplish its mandate, the CARES Act created three new temporary unemployment insurance programs – the Pandemic Unemployment Assistance (the PUA) program, the Pandemic Emergency Unemployment Compensation (PEUC) program, and the Federal Pandemic Unemployment Compensation (FPUC) program.

On August 8, 2020, after the FPUC program expired, a presidential memorandum authorized the Federal Emergency Management Agency to utilize disaster relief funds to provide additional payments to individuals who were unemployed due to the COVID-19 pandemic.

State Workforce Agencies (SWAs) were responsible for distributing federal funding offered by the PUA, PEUC, and FPUC programs. Thus, when a SWA approved a UIB application, it transferred federal funds to the applicant, typically by mailing the applicant a credit or debit card.

The CARES Act also permitted the Small Business Association (the SBA) to offer funding to business owners negatively impacted by the COVID-19 pandemic through Economic Injury Disaster Loans (EIDL).

To secure an EIDL, a qualified business applied through an online portal through the SBA and provided certain information about its operations. After submitting the required information, an applicant affirmed that the information was true and correct, under the penalty of perjury.

On February 7, 2023, the Department of Justice (the DOJ) filed a criminal complaint against respondent alleging that he had illegally applied for and received COVID-19 financial aid. The criminal complaint provided the following details regarding respondent's wire fraud scheme.

On July 16, 2020, respondent opened a bank account (the 3062 Account), using his personal identifiers. He was the sole signatory on the 3062 Account. Twelve days later, on July 28, 2020, respondent submitted an EIDL application to the SBA purporting to be from a company (the Company). The application stated that the Company's gross revenues in 2019 were $22 million and that it

expended $18 million for the costs of the goods it sold that year. The application instructed the SBA to send the EIDL funds to the 3062 Account, if approved.

On August 3, 2020, the SBA approved the Company's EIDL application and transferred $149,900 to the 3062 Account. The DOJ spoke with the owner of the Company, who confirmed that he did not apply for the EIDL, did not authorize anyone else to apply for an EIDL on behalf of the Company, and did not know respondent.

After the SBA transferred the EIDL funds to the 3062 Account, respondent used a debit card associated with the account to purchase cloud storage space from Google, LLC. He also transferred $20,000 to a bank account ending in 8396 (the 8396 Account) and transferred an additional $10,000 to a bank account ending in 4824 (the 4824 Account).[1] Thereafter, respondent linked his cryptocurrency exchange account with the 3062, the 8396, and the 4824 Accounts. Additionally, respondent transferred funds from the 8396 Account to his cryptocurrency exchange account.

Regarding UIBs, the DOJ alleged that, between May 19, 2020 and September 18, 2020, respondent submitted approximately twenty-six UIB

[1] On July 22, 2020, respondent opened the 8396 and 4824 Accounts using his personal identifiers.

applications using the identities of twenty-six different individuals.[2] Consequently, two SWAs sent $195,000 in UIB funds to five separate bank accounts that respondent controlled. After receiving the UIB funds, respondent used a bank account, ending in 9307 (the 9307 Account), to pay for a motor vehicle ticket he received for driving with an obstructed windshield. He also used a debit card associated with the 9307 Account to purchase automobile insurance.

On June 2, 2020, respondent opened another bank account ending in 2089 (the 2089 Account). On July 22, 2022, UIB funds were transferred from a location outside of New Jersey to this account. Respondent thereafter transferred funds from the 2089 Account to the 9307 Account.

The DOJ successfully contacted eighteen of the twenty-six individuals whose identities respondent used to apply for UIBs. All eighteen individuals confirmed they did not fill out a UIB application, did not authorize anyone to apply for UIBs on their behalf, and did not know respondent.

Thus, the DOJ charged respondent with knowingly devising a scheme to defraud the SBA, SWAs, and others "to obtain property and money by means of materially false and fraudulent pretenses, representations, and promises," via

[2] It is not clear from the record before us how respondent obtained identity information about the individuals.

wire communications, with the goal of enriching himself by "fraudulently obtaining UIBs and EIDLs." Through his fraudulent scheme, respondent obtained more than $300,000 in relief funds to which was not entitled.

On November 2, 2023, before the Honorable Christine P. O'Hearn, U.S.D.J., after signing a waiver of indictment and consenting to proceed by way of a superseding information, respondent pleaded guilty to having committed wire fraud, in violation of 18 U.S.C. § 1343, from May 2020 through November 2020.

As a part of his plea agreement, respondent agreed to pay restitution totaling $345,111 to an individual, the SBA, and three separate SWAs.[3] He also agreed to pay $83,000 in restitution to a second individual, W.H. In exchange for respondent's agreement to pay restitution to W.H., the government agreed not to charge him separately for defrauding W.H., in August 2022.[4] During oral argument before us, the OAE asserted that, as of May 2025, respondent still had not satisfied the restitution order.

On November 28, 2023, shortly after pleading guilty to having committed wire fraud, respondent became a member of the Nova Federal Credit Union (the

[3] The agencies include the Massachusetts Department of Unemployment, the Ohio Department of Jobs and Family Services, and the Arizona Department of Economic Security.

[4] The Assistant United States Attorney represented to Judge O'Hearn that respondent defrauded W.H. by fraudulently obtaining jewelry.

Credit Union) in Clifton, New Jersey. Respondent then allegedly deposited two checks in the new account and executed structured cash withdrawals. The two checks were drawn on a USAA Savings Bank account, held by two individuals from Wayne, New Jersey. After USAA notified the Credit Union that the checks were fraudulent, the Credit Union commenced an investigation, which confirmed that, on December 12, 2023, respondent deposited a $19,000 check in his Credit Union account and, on December 18, 2023, deposited a $16,500 check in the account.

On May 7, 2024, the Clifton Police Department issued a complaint charging respondent with having passed two fraudulent checks, in violation of N.J.S.A. 2C:21-5(a).[5]

Consequently, on June 6, 2024, in connection with his federal wire fraud matter, Judge O'Hearn revoked respondent's bail and remanded him, finding that there was probable cause to believe he committed a crime while on pretrial supervision release and that he was unlikely to abide by any condition of his release.

Approximately one year later, during respondent's May 21, 2025 sentencing hearing for his federal charges, his counsel described respondent's

[5] According to public records available through eCourts, on June 3, 2026, respondent pleaded guilty to presenting a fraudulent check for payment. As of the date of our decision, he has not yet been sentenced.

struggles with his mental health and noted that he had engaged in mental health treatment at Oaks Integrated Care. Specifically, respondent was diagnosed with bipolar disorder and major depressive disorder.

Also during the hearing, respondent addressed the District Court. He told Judge O'Hearn that he accepted full responsibility for his misconduct. He asserted that he was disturbed by "how much I've lied to myself over the years," explaining that he had begun to get the mental health treatment he needed but that he "derailed my own plans with my actions in not obeying the – the bail agreement," referencing his criminal charges for passing fraudulent checks. Respondent also stated that he was ashamed of the damage his behavior had caused the legal profession.

Ultimately, Judge O'Hearn sentenced respondent to a twenty-one-month term of incarceration. In crafting the appropriate sentence for respondent's crimes, she emphasized the need for him to obtain the proper treatment for his mental health issues if he wished to avoid future recidivism. Judge O'Hearn also ordered respondent to be placed on supervised release for three years following his term of incarceration.

Respondent failed to report his criminal charges to the OAE, as R. 1:20-13(a)(1) requires.

The Parties' Positions Before the Board

In support of its motion for final discipline, the OAE asserted that New Jersey disciplinary precedent, specifically, the well-settled principles of In re Goldberg, 142 N.J. 557 (1995), support its disbarment recommendation.

First, the OAE argued that respondent's criminal activity was "continuing and prolonged, rather than episodic" because he filed one fraudulent claim with the SBA and twenty-six fraudulent claims with SWAs, over the course of several months. Further, he opened five separate bank accounts in furtherance of his fraudulent scheme.

Second, the OAE contended that respondent's criminal conduct was motivated by greed because he was the mastermind of his own scheme and its sole participant. However, the OAE contended that respondent did not leverage his position as an attorney because his misconduct involved applying for COVID-19 benefits and most of his victims did not know him.

Next, the OAE asserted that respondent's disciplinary history and state criminal charges for passing fraudulent checks were aggravating factors.

In mitigation, the OAE noted that respondent had pleaded guilty to his criminal charges but urged us to accord that factor little weight.

Respondent neither submitted a brief for our consideration nor appeared for oral argument.

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 wire fraud, contrary to 18 U.S.C. § 1343, establishes his violation of RPC 8.4(b). Hence, the sole issue left for our determination is the proper 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 quantum of discipline for attorneys convicted of serious criminal offenses ranges from lengthy suspensions to disbarment. See In re Mueller, 218 N.J. 3 (2014) (three-year suspension), and In re Goldberg, 142 N.J. 557 (1995) (disbarment). In Goldberg, the Court enumerated aggravating factors that normally lead to disbarment of attorneys convicted of crimes:

> Criminal convictions for conspiracy to commit a variety of crimes, such as bribery and official misconduct, as well as an assortment of crimes related to theft by deception and fraud, ordinarily result in disbarment. We have emphasized that when a criminal conspiracy evidences "continuing and prolonged, rather than episodic, involvement in crime," is "motivated by personal greed," and involved the use of the lawyer's skills "to assist in the engineering of the criminal scheme," the offense merits disbarment.
>
> [Goldberg, 142 N.J. at 567 (citations omitted) (emphasis added).]

Indeed, the Court has determined that attorneys who commit crimes that are serious or that evidence a total lack of "moral fiber" must be disbarred to protect the public, the integrity of the bar, and the confidence of the public in the legal profession. See, e.g., In re Grant, __ N.J. __ (2022), 2022 N.J. LEXIS 1069 (the attorney committed wire fraud by diverting $316,699.08 in entrusted client funds, at the direction of a co-conspirator, to a bank account belonging to

a third-party; the attorney also participated in an advanced fee scheme by illegally obtaining at least $4.8 million from victims in the name of a fake bank with no assets); In re Perrucci, 249 N.J. 507 (2022) (the attorney was convicted of five counts of wire fraud for stealing between $250,000 and $500,000 of entrusted funds in connection with his legal work as administrator of an estate; the attorney repeatedly disbursed the estate's funds to his law firm's trust and operating accounts and to his personal account; thereafter, he utilized the stolen funds to pay his bills and to cover luxury purchases; the attorney's systematic theft, which he repeatedly attempted to conceal from the heirs, depleted virtually the entire estate account); In re Quatrella, 237 N.J. 402 (2019) (the attorney was convicted of conspiracy to commit wire fraud after taking part in a scheme to defraud life insurance providers via three stranger-originated life insurance policies; the victims affected by the crimes lost $2.7 million and the intended loss to the insurance providers would have been more than $14 million).

Notably, in determining the appropriate quantum of discipline, we may consider the totality of an attorney's admitted criminal conduct. See In re Gallo, 178 N.J. 115, 120-21(2003) (in motions for final discipline, the Court "cannot ignore relevant information that places an attorney's conduct in its true light;" moreover, "[a]s there are no restrictions on the scope of disciplinary review in a case of an attorney who was not charged with a crime or who was acquitted of

a crime, there is no commonsense or policy justification for imposing such restrictions when an attorney has pled guilty to a crime;" the Court emphasized that its "disciplinary oversight responsibility cannot be curtailed by artificial impediments to the ascertainment of truth"), and In re Garcia, 119 N.J. 86, 89 (1990) (even in the absence of a criminal conviction, the willful failure to file an income tax return requires the imposition of a suspension).

Here, we view respondent's crimes, in which he assumed the identities of one company and twenty-six individuals he did not know, to steal, for his own benefit, relief aid intended to assist individuals who had been negatively impacted by the COVID-19 pandemic and its associated lockdowns, as evidencing a total lack of moral fiber. Indeed, shortly before applying for the EIDL and UIBs, respondent opened multiple bank accounts, in his own name, to facilitate his fraud. He then transferred the ill-gotten funds among the multiple accounts he controlled to pay for personal expenses.

Worse, while on supervised release after pleading guilty to federal wire fraud, respondent committed another crime of moral turpitude by passing two fraudulent checks, impacting two individuals. Although not yet sentenced for those crimes, to which he pleaded guilty, respondent, during his federal sentencing hearing, acknowledged that he "derailed" his "own plans" by committing the crimes, thereby violating the conditions of his bail.

In our view, there is no mitigation to consider.

In aggravation, shortly after pleading guilty to committing federal wire fraud, respondent committed another act of fraud, victimizing two more individuals, so that he could obtain $35,500 to which he was not entitled.

In further aggravation, respondent failed to report his criminal charges or conviction to the OAE, as R. 1:20-13(a)(1) requires.

Conclusion

Respondent's illegal scheme to obtain nearly $350,000 in COVID-19 pandemic relief funds by falsifying an EIDL application and twenty-six UIB applications, in conjunction with his ongoing criminal conduct of passing fraudulent checks, demonstrate that he is "[in]capable of meeting 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)). Thus, on balance, when weighing respondent's extensive criminal conduct against the Goldberg factors, to effectively protect the public and preserve confidence in the bar, we recommend to the Court that respondent be disbarred.

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 Morton Chirnomas
Docket No. DRB 26-026

Argued: April 16, 2026

Decided: July 27, 2026

Disposition: Disbar

Members	Disbar	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