

NOTICE TO THE BAR

**DEFAULTS SCHEDULED FOR REVIEW
BY THE DISCIPLINARY REVIEW BOARD
THURSDAY, JANUARY 18, 2024**

The following matters have been certified to the Disciplinary Review Board as defaults, in accordance with R. 1:20-4(f):

In the Matter of Andrew G. Bitar

Docket No. DRB 23-219

District Docket Nos. XIV-2023-0307E and XIV-2023-0308E

In the Matters of Mary Elizabeth Lenti

Docket No. DRB 23-227 and 23-228

District Docket Nos. IIIB-2022-0005E and IIIB-2022-0019E

In the Matter of Brian J. Smith

Docket No. DRB 23-231

District Docket No. XIV-2022-0146E

In the Matters of Nabil Nadim Kassem

Docket Nos. DRB 23-239 and 23-240

District Docket Nos. XI-2023-0004E and XI-2023-0005E

In the Matter of David Richard Cubby, Jr.

Docket No. DRB 23-243

District Docket Nos. XIV-2021-0321E, XIV-2021-0343E, and IIA-2023-0900E

These matters are scheduled to be reviewed by the Board on **Thursday, January 18, 2024**. R. 1:20-4(f) provides that an attorney-respondent's failure to timely file an answer "shall be deemed an admission that the allegations of the complaint are true and . . . provide sufficient basis for the imposition of discipline." Although chances for a successful motion are limited, a motion to vacate the default may be filed with the Board by no later than **December 18,**

2023. MOTIONS RECEIVED AFTER THE DEADLINE WILL NOT BE REVIEWED BY THE BOARD. The motion should specify why the attorney-respondent failed to file a timely answer (including lack of notice) and should set forth any claimed meritorious defenses to the ethics charge. The motion must also be simultaneously served on the Director of the Office of Attorney Ethics and, where appropriate, the district ethics committee responsible for the underlying ethics matter. A certification regarding that service must accompany any documents filed with the Board.

Respondents are hereby advised that, generally, in a default matter, the discipline is enhanced to reflect a respondent's failure to cooperate with disciplinary authorities as an aggravating factor. In re Kivler, 193 N.J. 332, 338 (2008).

Respondents may communicate with the Board by contacting the Office of Board Counsel at:

P.O. Box 962, Trenton, NJ 08625, Telephone: 609-815-2920, E-Mail:
DRB.MBX@njcourts.gov.

Dated: November 27, 2023

/s/ Timothy M. Ellis

Timothy M. Ellis
Chief Counsel
Disciplinary Review Board