

OFFICE OF ATTORNEY ETHICS
SUPREME COURT OF NEW JERSEY
P.O. Box 963
Trenton, New Jersey 08625
Trial Counsel: Missy Urban, Esq.
609-530-4282

SUPREME COURT OF NEW JERSEY
OFFICE OF ATTORNEY ETHICS
Docket No. XIV-2012-0275E

OFFICE OF ATTORNEY ETHICS,
Complainant

v.

JOSEPH RAKOFSKY, ESQ.,
Respondent.

COMPLAINT
Misconduct (Complex)
R. 1:20-4(b)

Complainant, Office of Attorney Ethics ("OAE") of the Supreme Court of New Jersey, Mountainview Office Complex, 840 Bear Tavern Road, P.O. Box 963, Trenton, New Jersey 08625, by way of complaint against Respondent, says:

GENERAL ALLEGATIONS

1. The respondent, Joseph Rakofsky, was admitted to practice law in the State of New Jersey in 2010.
2. At the time of the events forming the basis for this complaint, respondent's law office was located at 4400 US Route 9, Freehold, New Jersey 07728.
3. Respondent was not licensed to practice law in any other jurisdiction.
4. At all relevant times herein, respondent maintained the following bank accounts in connection with his practice of law:

Attorney Trust Accounts at TD Bank:

XXXXXXX8930

XXXXXXX9764

XXXXXXX9813

XXXXXXX9821

Attorney Business Accounts at TD Bank:

XXXXXXX9665

XXXXXXX1291

XXXXXXX0084

XXXXXXX9748

5. Respondent was a member of the Rakofsky Law Firm ("the Firm").
6. Sherlock Grigsby ("Grigsby") who is licensed in Washington, D.C., Maryland and Virginia; and Richard Borzouye ("Borzouye"), who is licensed in New York, were affiliated with the Firm.

COUNT I

(Rakofsky Law Firm Website and Yahoo Local Advertisements)

- I-1. The general allegations are repeated as if set forth herein.
- I-2. Pursuant to R. 1:19A-4, the Committee on Attorney Advertising Committee initiated a grievance against the respondent. (Exhibit 1).
- I-3. Respondent graduated Touro Law School in 2009.
- I-4. Respondent worked for Jacoby & Meyers in New York for at least 10 weeks in 2009 as an unpaid intern after graduating law school and before being admitted to the New Jersey bar.
- I-5. Respondent sat for the New Jersey bar exam in July 2009.
- I-6. Respondent worked for the Blanch Law Firm in New York from winter 2009 until February 2010, after graduating from law school and before being admitted to the bar.
- I-7. Respondent received notice that he passed the New Jersey bar in November 2009.
- I-8. Respondent worked for the Borzouye Law Firm from February 2010 until Spring 2010.
- I-9. Respondent became licensed to practice as an attorney in New Jersey in April 2010.

- I-10. Respondent formed the Firm after April 2010.
- I-11. The Firm had a website at lawyersearch.net ("Website") from at least June 2010 until April 2011.
- I-12. The Firm advertised on Yahoo Local from at least June 2010 until April 2011.
- I-13. The Website stated that the Firm "worked on cases involving Murder, Embezzlement, Tax Evasion, Civil RICO, Securities Fraud, Bank Fraud, Insurance Fraud, Wire Fraud, Conspiracy, Money Laundering, Drug Trafficking, Grand Larceny, Identity Theft, Counterfeit Credit Card Enterprise and Aggravated Harassment." (Exhibit 2).
- I-14. The Website stated that since respondent graduated from law school he worked for "one of the biggest civil litigation firms on the east coast" and for "boutique white-collar criminal defense firms in Manhattan." (Exhibit 2).
- I-15. The Website stated, the Firm "has experience providing defense for people who have been charged with Sale and Intent to Sell: Crack, Cocaine, PCP, Heroin, Marijuana, Ecstasy, Oxycontin, Vicodin, Percocet, etc. as well as Manufacture, Distribution, Trafficking, Possession, Paraphernalia." The advertising text further stated that "[o]ur firm has experience defending individuals who are charged with Drug Prescription Forgery and all species of Pharmaceutical-related fraud." (Exhibit 3).
- I-16. Yahoo Local stated that the Firm was "experienced" and had "federal and state trial experience." (See Exhibit 1).
- I-17. Yahoo Local stated that the Firm was "founded [] firm on a commitment to set the standard for criminal defense in New York City." (See Exhibit 1).
- I-18. Respondent is responsible for all content on the Website and Yahoo Local.
- I-19. Respondent does not have experience handling drug-related criminal matters and Grigsby handled all drug-offense related cases.
- I-20. Any reference in the Firm's advertisements to "we," "our lawyers," "us" or other plurality descriptions referred to respondent, Borzouye and Grigsby.
- I-21. Respondent was retained to represent Dontrell Deaner ("Deaner") in a murder trial in Washington, D.C.
- I-22. Respondent was admitted *pro hac vice* and the Deaner trial commenced on April 1, 2011.
- I-23. During respondent's opening statement in the Deaner trial, respondent stated it was his first trial.
- I-24. Respondent committed the following violations of the Rules of Professional Conduct:
 - (a) RPC 7.1(a) – the Firm's advertisement on the Website was false and/or misleading in that it contained a material misrepresentation of fact or omitted a necessary fact when it stated that

respondent worked on cases involving murder, embezzlement, tax evasion, civil RICO, securities fraud, bank fraud, insurance fraud, wire fraud, conspiracy, money laundering, drug trafficking, grand larceny, identity theft, counterfeit credit card enterprise, and aggravated harassment.

- (b) RPC 7.1(a) – the Firm’s advertisement on the Website was false and/or misleading in that it contained a material misrepresentation of fact or omitted a necessary fact when it stated that respondent worked for one of the biggest civil litigation firms on the east coast and boutique white-collar criminal defense firms in Manhattan.
- (c) RPC 7.1(a) – the Firm’s advertisement on the Website was false and/or misleading in that it contained a material misrepresentation of fact or omitted a necessary fact when it stated that respondent had experience defending people who were charged with sale and intent to sell: crack, cocaine, PCP, heroin, marijuana, ecstasy, oxycontin, vicodin, percocet, as well as manufacture, distribution, trafficking, possession, paraphernalia and defending individuals charged with drug prescription forgery and other pharmaceutical-related fraud.
- (d) RPC 7.1(a) – the Firm’s advertisement on Yahoo Local was false and/or misleading in that it contained a material misrepresentation of fact or omitted a necessary fact when it stated that respondent was experienced and had federal and state trial experience.
- (e) RPC 7.1(a) – respondent’s advertisement on Yahoo Local was false and/or misleading in that it contained a material misrepresentation of fact or omitted a necessary fact when it stated respondent founded the Firm on a commitment to set the standard for criminal defense in New York City, because respondent was not licensed to practice in the State of New York.

COUNT II

(Rakofsky Law Firm Letterhead)

- II-1. The General Allegations and the allegations of Count I are repeated as if set forth fully at length herein.
- II-2. As of January 2011, respondent was associated with Borzouye and Grigsby.
- II-3. Borzouye and Grigsby were not partners of the Firm but were affiliated with the Firm.
- II-4. The Firm’s letterhead indicated that the Firm had offices in New Jersey, New York and Washington D.C. (Exhibit 4).
- II-5. As of January 2011, Grigsby was not licensed in New Jersey.
- II-6. As of January 2011, Borzouye was not licensed in New Jersey.
- II-7. As of August 2011, the office addresses in New York and Washington D.C. were removed from the Firm’s letterhead. (Exhibit 5).
- II-8. The Firm’s letterhead as of January 2011 violated Rule 7.5(b) of the Rules of Professional Conduct in that it failed to indicate the jurisdictional limitations on the lawyers that were not licensed to practice in New Jersey.

COUNT III
(Maria Esteve)

- III-1. The General Allegations and the allegations of the prior Counts are repeated as if set forth fully at length herein.
- III-2. Respondent was hired by Maria Esteve ("Esteve") in December 2010.
- III-3. The Esteve matter involved a fraud investigation in which one of Esteve's employees committed identity theft using one of Esteve's company computers.
- III-4. The Esteve matter was based solely in the State of New York and on the law of New York.
- III-5. Respondent met with Esteve on December 20, 2010 at her Brooklyn, New York office.
- III-6. Respondent was not licensed in New York.
- III-7. Esteve asked respondent if he would be able to represent her since his office was in New Jersey.
- III-8. Respondent told her it would not be a problem because he was associated with a New York attorney.
- III-9. Esteve paid respondent \$2,500.00 on December 20, 2010 by check number 1522. (Exhibit 6).
- III-10. On February 18, 2011, Esteve paid respondent an additional \$2,000.00 by check number 124. (Exhibit 7).
- III-11. Respondent made several phone calls and did other work in furtherance of Esteve's case.
- III-12. Respondent was the only attorney at the Firm to discuss this case with Esteve.
- III-13. Respondent did not provide a fee agreement to the OAE for the Esteve matter.
- III-14. Respondent did not maintain a client file for Esteve.
- III-15. Respondent's conduct constituted the unauthorized practice of law in violation of Rule 5.5(a)(1) of the New Jersey Rules of Professional Conduct and Rule 5.5(a) of the New York Rules of Professional Conduct.
- III-16. Respondent failed to maintain or provide a written fee agreement for the Esteve matter in violation of Rule 1.5(b) of the Rules of Professional Conduct.
- III-17. Respondent failed to maintain a client file for Esteve in violation of Rule 1.15(d) and N.J. Ct. R. 1:21-6.

COUNT IV
(Rasheed Akhter)

- IV-1. The General Allegations and the allegations of the prior Counts are repeated as if set forth fully at length herein.
- IV-2. Respondent was hired by Rasheed Akhter ("Akhter") in 2010.
- IV-3. Akhter hired respondent to represent him in an overtime dispute with his former employer Rainbow, Corp. ("Rainbow") located in Brooklyn, New York.
- IV-4. The Akhter matter was based solely in the State of New York and on the law of New York.
- IV-5. Respondent met with Akhter in November 2010 at respondent's office on Wall Street in Manhattan, New York.
- IV-6. Respondent was not licensed in New York.
- IV-7. Akhter agreed to pay respondent 30% of any settlement funds received.
- IV-8. The matter settled and on March 16, 2012, respondent received check number 1030471 in the amount of \$9,500.00 on behalf of Akhter. (Exhibit 8).
- IV-9. Respondent was the only attorney at the Firm to handle Akhter's matter and communicate with Akhter.
- IV-10. Respondent did not provide a fee agreement to the OAE for the Akhter matter.
- IV-11. Respondent's conduct constituted the unauthorized practice of law in violation of Rule 5.5(a)(1) of the Rules of Professional Conduct and Rule 5.5(a) of the New York Rules of Professional Conduct.
- IV-12. Respondent failed to maintain or provide a written fee agreement for the Akhter matter in violation of Rule 1.5(b) of the Rules of Professional Conduct.

WHEREFORE, respondent should be disciplined.

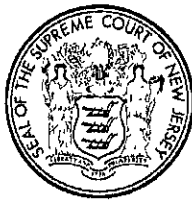
DATE: December 16, 2013

OFFICE OF ATTORNEY ETHICS

By: 
Charles Centinaro, Director

Office of Attorney Ethics v. Joseph Rakofsky, Esq.
Docket No. XIV-2012-0275E
Complaint Exhibit List

- Exhibit 1** May 2, 2012 Grievance from Committee on Attorney Advertising.
- Exhibit 2** Excerpts from the firm's website at lawyersearch.net.
- Exhibit 3** Excerpts from the firm's website at lawyersearch.net.
- Exhibit 4** January 10, 2011 letter from Joseph Rakofsky, Esq. to Judge Solomon.
- Exhibit 5** August 15, 2011 letter from Joseph Rakofsky, Esq. to Carol Johnston, Esq.
- Exhibit 6** December 20, 2010 check no. 1522 from account no. xxxxxxxx6464 payable to Rakofsky Law Firm, P.C. in the amount of \$2,500.00.
- Exhibit 7** February 18, 2011 check no. 124 from account no. xxxxxx4052 payable to Joseph Rakofsky in the amount of \$2,000.00.
- Exhibit 8** March 16, 2012 check no. 1030471 from account no. xxxxx1279 payable to Rakofsky Law Firm, c/o Joseph Rakofsky, Esq. in the amount of \$9,500.00.




RECEIVED

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177 01 17 100

COMMITTEE ON ATTORNEY ADVERTISING

TO: Charles Centinaro
Director, Office of Attorney Ethics

FROM: Carol Johnston 
Secretary to the Committee on Attorney Advertising

DATE: May 2, 2012

RE: Joseph Rakofsky
CAA Docket No. 32-2011

Enclosed please find the Committee on Attorney Advertising file relating to lawyer advertising by lawyer Joseph Rakofsky. The matter came to the Secretary's attention after reading a Washington Post article where the attorney was hired to defend a client in a murder trial, admitted to the jury in his opening statement that this was his first trial, and after the respondent made more mistakes, the judge declared a mistrial. The Committee on its own motion after reviewing the advertisements initiated the grievance. See R. 1:19A-4(a).

There may be other ethical infractions relating to respondent's conduct in the murder trial. The Committee focuses only on the advertising infractions but invites the Office of Attorney Ethics to review the matter more broadly. Respondent was admitted to the New Jersey bar in April 2010 and, according to his opening statement in the Washington, D.C., case, that murder trial was the first case he ever tried. The trial judge referred to infractions concerning the lawyer's interaction with his investigator. If the OAE has an existing ethics investigation of respondent, please fold the advertising infractions into the larger matter.

Respondent graduated from Touro Law School in 2009 and was admitted to the New Jersey bar in April 2010. Respondent's law firm website states that he worked on cases involving murder, embezzlement, many other major crimes; since he graduated from law school (in 2009) he worked for "one of the biggest civil litigation firms on the east coast" (he is referring to a 12-week internship at Jacoby & Meyers, before he was admitted to the bar), and for "boutique white-collar criminal defense firms in Manhattan" (which turn out to be Blanch Law Firm, where he worked as a law clerk and wrote research memos, and a firm called Borzouye Law Firm, also before he was admitted, where he wrote research memos); he is "experienced" and has an "extensive and intricate understanding of legal procedures and loopholes." The

EXHIBIT

1

Committee hereby refers this matter to the Office of Attorney Ethics due to the gross misrepresentation of respondent's experience in his advertisements.

The Committee requested information from the respondent, including print-outs of other advertising websites and videos that have been removed since the mistrial publicity and the names of the three firms he worked for (and proof of his employment) since his 2009 law school graduation. Pursuant to RPC 7.2(b), attorneys are required to keep copies of recordings of advertisements for three years after its dissemination along with a record of when and where it was used.

Respondent, through counsel, responded to the request for copies of respondent's advertising. The Committee then made a second request for more specific information, and counsel for respondent submitted a reply. The request for information is copied below, with the Secretary's synopsis of the reply.

1. The advertisements state that, after graduating from law school, respondent "worked on cases involving Murder, Embezzlement, Tax Evasion, Civil RICO, Securities Fraud, Bank Fraud, Insurance Fraud, Conspiracy, Money Laundering, Drug Trafficking, Grand Larceny, Identity Theft, Counterfeit Credit Card Enterprise, and Aggravated Harassment." Please describe in detail each case respondent has worked on that involved each of these specified offenses, including the venue, docket number, date or dates of representation by respondent and/or the firm with which he was affiliated, name of firm at which respondent was working at the time, whether respondent worked at the firm as an associate, of counsel, partner, or *per diem* lawyer, whether respondent and/or his firm handled the case in its entirety or the defendant had other counsel in the course of the case, either before or after respondent provided services, and role respondent played in providing the legal services (*i.e.*, solo counsel, lead counsel, second chair, on the defense team (if "on the team," include how many other lawyers were on the team and what contribution respondent made to the team for the case and what matters respondent was responsible for)), and whether respondent was admitted to the New Jersey bar at the time.

Respondent submitted a rather vague answer to this question. He graduated from law school in 2009 and was admitted to the New Jersey bar in April 2010. He is not admitted in any other jurisdiction. He states that he worked on cases at the Blanch Law Firm in New York and the Borzouye Law Firm in New York. He does not list dates of when he worked there but lists a number of cases that the firm presumably handled. The exhibits reflect that he worked at these firms after graduating from law school but before being admitted to the bar, and his work largely consisted of writing research and factual-summary memos.

2. The advertisements state that, after graduating from law school, respondent "worked for one of the biggest civil litigation firms on the east coast and has worked for

boutique white-collar criminal defense firms in Manhattan.” Please specify the names and addresses of the firms referred to in this statement, along with the dates respondent worked for these firms, and whether respondent was admitted to the New Jersey bar at the time.

Respondent indicates he worked for Jacoby & Meyers in New York for 12 weeks after law school and before being admitted to the bar, and with the Blanch Law Firm in New York for three months, after graduating from law school and before being admitted to the bar. Lastly, he states that he worked for the Borzouye Law Firm in New York for about two months, and became licensed to practice during “some portion” of those two months.

3. The advertisements starting with the words “If you’re reading this because someone in your family” state that the firm “has experience defending people who were charged with Trafficking, Distribution, Manufacture, Possession, Paraphernalia, Sale and Intent to Sell: Cocaine, Crack, PCP, Marijuana, Heroin, Extasy, Oxycontin, Vicodin, Percocet, etc. as well as Manufacture, Distribution, Trafficking, Possession, Paraphernalia.” The advertising text further states that “our firm has experience defending people charged with Drug Prescription Forgery and other Pharmaceutical-related fraud.” Please describe in detail each case respondent has worked on that involved each of these specified offenses, including the venue, docket number, date or dates of representation by respondent and/or the firm with which he was affiliated, name of firm at which respondent was working at the time, whether respondent worked at the firm as an associate, of counsel, partner, or *per diem* lawyer, whether respondent and/or his firm handled the case in its entirety or the defendant had other counsel in the course of the case, either before or after respondent provided services, and role respondent played in providing the legal services (*i.e.*, solo counsel, lead counsel, second chair, on the defense team (if “on the team,” include how many other lawyers were on the team and what contribution respondent made to the team for the case and what matters respondent was responsible for)), and whether respondent was admitted to the New Jersey bar at the time.

Respondent replies that he had a partner in his law firm, Sherlock Grigsby, who would handle those cases, the partner is licensed in Washington, D.C., Maryland, and Virginia, and would have moved respondent in *pro hac vice* to try the cases. Respondent states that he does not have access to information about his partner’s clients because they were clients of his partner in his partner’s separate law firm. The exhibits reflect an email exchange between respondent and Grigsby where respondent is telling Grigsby to please talk with his lawyer in this advertising matter to explain how much experience Grigsby has in distribution and manufacture drug cases.

4. The pages in question-and-answer format (“Why should I retain the Rakofsky Law Firm”) uses the words “we” and “they” in referring to the firm. Please provide the dates this advertising text was used and specify how many lawyers were employed at the Rakofsky law firm during that time frame and provide the names of the other lawyers at the firm and the

dates during which they were affiliated with the firm, and whether these other lawyers were partners, members, associates, of counsel, or *per diem* lawyers..

Respondent replies that the lawyers in his firm were himself, Sherlock Grigsby (the Washington, D.C. / Maryland / Virginia licensed lawyer), and Richard Borzouye, who is licensed in New York (presumably the same Borzouye of the Borzouye law firm, alluded to above as a Manhattan "boutique white-collar criminal defense firm." Respondent states that there were other lawyers in his firm but he "no longer possesses" their names.

5. The pages that start with the language "If you're reading this because someone in your family" uses the word "we" in referring to the firm and invites the reader to speak with "one of our lawyers." Please provide the dates this advertising text was used and specify how many lawyers were employed at the Rakofsky law firm during that time frame and provide the names of the other lawyers at the firm, the dates during which they were affiliated with the firm, and whether these other lawyers were partners, members, associates, of counsel, or *per diem* lawyers.

Respondent replies that the advertisements were published from June 2010 to April 2011. For the portion of the question about other lawyers in his firm, see response to question numbered 4.

6. The pages that start with the language "There are many payment options" uses the words "our lawyers" in referring to the firm and "we, the attorneys at the Rakofsky Law Firm." Please provide the dates this advertising text was used, specify how many lawyers were employed at the Rakofsky law firm during that time frame and provide the names of the other lawyers at the firm and the dates during which they were affiliated with the firm, and whether these other lawyers were partners, members, associates, of counsel, or *per diem* lawyers.

Respondent replies that the advertisements were published from June 2010 to April 2011. For the portion of the question about other lawyers in his firm, see response to question numbered 4.

7. You did not provide the text for an advertisement on the website Yahoo Local (visited May 11, 2011), a copy of which is attached. The text of this advertisement states that "We have an extensive and intricate understanding of legal procedures and loopholes, as well as federal and state trial experience, especially in all areas of white collar crime including: * Embezzlement * Tax Evasion * Identity Theft * Securities & Bank Fraud * Grand Larceny * Drug Trafficking." Please describe in detail each case respondent has worked on that involved "federal and state trial experience," including the venue, docket number, date or dates of representation by respondent and/or the firm with which he was affiliated, name of firm at which respondent was working at the time, whether respondent worked at the firm as an associate, of counsel, partner, or *per diem* lawyer, whether respondent and/or his firm handled the case in its

entirety or the defendant had other counsel in the course of the case, either before or after respondent provided services, and role respondent played in providing the legal services (*i.e.*, solo counsel, lead counsel, second chair, on the defense team (if "on the team," include how many other lawyers were on the team and what contribution respondent made to the team for the case and what matters respondent was responsible for)), and whether respondent was admitted to the New Jersey bar at the time.

Respondent replies that his partners, Grigsby and Borzouye, were experienced in these matters, and they would move to admit respondent *pro hac vice* to try the cases.

8. The Yahoo Local page states that "I founded this firm on a commitment to set the standard for criminal defense in New York City." Please provide the date respondent was admitted to practice law in New York.

Respondent replies that he is not admitted to practice in New York but did handle two New York matters, admitted *pro hac vice*.

9. You did not provide a copy of the text for an advertisement that may have appeared at <http://ivi3.com/whitecollarlawdc.com/vc.html>, that is directed to persons charged with murder, and allegedly stated: "If you or a loved one has been charged with Homicide, you need a lawyer who will spend every second of his time concentrating on you and on how to protect you. You need a lawyer who will protect you with the Government is attacking you and trying to make you appear guilty. You need a lawyer who will take your hand and help you walk through this extremely difficult process. We, the lawyers at the Rakofsky Law Firm, are the only people who can protect you in this way." Please provide a copy of this advertisement and state the date it was posted and the date it was removed from the Internet website.

Respondent replies that he does not have a copy of this advertisement. The website may be that of Grigsby (see the email exchange between Grigsby and respondent).

10. If there is any other advertisement, profile page, or other communication about respondent or his firm that you have overlooked, please promptly provide them. Also, please provide the dates the content you submitted to the Committee by letter dated October 28, 2011 were posted or the dates any were removed, and on which websites any of the content appeared.

Respondent provided numerous documents as exhibits.

Exhibit A – Includes what appears to be summary memos on an insurance fraud and grand larceny matter (Richmond case) which he worked on after graduating from law school, before being admitted to the bar, at the Blanch Law Firm. The first memo is called "Post-Meeting Fact Memo" which relates to a meeting respondent had with the defendant in the case;

the second memo is called "Summary of Indictment" which includes ruminations on a defense; the third memo is called "Memo" which discusses the facts of the case, potential areas to explore in defense, and the charges; several pages of handwritten notes about the case; and an email printout between Ryan Blanch and co-defendant's lawyer. These materials merely support the assertion that respondent worked as a law clerk at this firm in 2009 and wrote some research memos.

Exhibit B – Includes what appears to be summary memos on a matter involving export of technology to China (Xie case) which he worked on after graduating from law school and before being admitted to the bar, at the Blanch Law Firm. The first memo is called "Post-Meeting Fact Memo" which relates to a meeting respondent had with defendants in the case; a memo called "Initial Memo (Internal Only)" that explores possible defenses. These materials merely support the assertion that respondent worked as a law clerk at this firm in 2009 and wrote some research memos.

Exhibit C – Includes what appears to be a research memo called "Sentencing and Safety Value" in a matter on sentencing when a defendant has assisted the government in a prosecution (Cerzo matter). These materials merely support the assertion that respondent worked as a law clerk at this firm in 2009 and wrote some research memos.

Exhibit D – Includes what appears to be a memo called "Timeline and Inferences" in an embezzlement matter; a memo called "Initial Analysis" about the case and potential defenses. These materials merely support the assertion that respondent worked as a law clerk at this firm in 2009 and wrote some research memos.

Exhibit E – Includes what appears to be a memo called "Wedding-related Evidence" in a matter involving money laundering (Balbuena case), along with a discovery request in the case signed by a different lawyer in the Blanch Law Firm. These materials merely support the assertion that respondent worked as a law clerk at this firm in 2009 and wrote some research memos.

Exhibit F – Includes a research memo called "Title 26 U.S.C. Section 7201 (Tax Evasion)" in a matter involving tax evasion (John Doe case). These materials merely support the assertion that respondent worked as a law clerk at the Borzouye law firm at some period of time wrote some research memos.

Exhibit G – Includes a memo on a matter involving a union official illegally making payments to another union official (Tanz case) called "Preliminary Memo." There is no date on this memo and it is not clear what law firm respondent worked at. These materials merely support the assertion that respondent worked as a law clerk at some firm and wrote research memos.

Exhibit H – Includes a printout of an email exchange where respondent requests that his existing websites be removed. A copy of this exhibit is attached.

Exhibit I – Includes a printout of an email exchange that purportedly addresses the experience Sherlock Grigsby has with drug cases. A copy of this exhibit is attached.

Exhibit J – Includes the amended complaint in a business dispute case filed in New York alleging RICO violations. The complaint is dated June 27, 2010 and is signed by both

respondent (presumably admitted *pro hac vice*) and Richard Borzouye. A copy of this exhibit is attached.

Exhibit K – Includes a complaint in a landlord tenant and personal injury dispute (Lesne v. 15 Park Row), including a bathroom falling down on plaintiff, causing him to lose consciousness (page 31), which also alleges RICO violations. The complaint is dated January 17, 2011 and is signed by both respondent (admitted *pro hac vice*) and Richard Borzouye. A copy of this exhibit is attached though some of the initial pages of the complaint that identify the multitude of defendants have been omitted.

Exhibit L – Includes respondent's application for *pro hac vice* admission in Washington, D.C., to handle the murder trial of a defendant. The application is dated May 10, 2010, about a month after respondent was admitted to the New Jersey bar. A copy of this exhibit is attached.

Exhibit M – Includes a thank-you letter from Jacoby & Meyers dated October 23, 2009 concerning respondent's "12-week internship." A copy of this exhibit is attached.

The Committee identified these infractions:

Rule of Professional Conduct 7.1(a) states that "a lawyer shall not make false or misleading communications about the lawyer, the lawyer's services, or any matter in which the lawyer has or seeks a professional involvement." Rule of Professional Conduct 7.1(a)(1) states that a communication is false or misleading if it "contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading." Numerous statements in respondent's advertising are either false or misleading or omit facts necessary to make the statement considered as a whole not materially misleading.

On the "lawyersearch.net" webpage, respondent states that he "worked on cases involving Murder, Embezzlement, Tax Evasion, Civil RICO, Securities Fraud, Bank Fraud, Insurance Fraud, Wire Fraud, Conspiracy, Money Laundering, Drug Trafficking, Grand Larceny, Identity Theft, Counterfeit Credit Card Enterprise and Aggravated Harrassment." In response to the Committee's request for information about respondent's work on all these types of cases, respondent appears to state that he did research on such cases while serving as a law clerk or research assistant or intern or in some other subservient role. He stated at the murder trial that it was the first case he had ever tried. He does not appear to have served as a lawyer on any significant case prior to the one that resulted in a mistrial in Washington, D.C. It may be accurate that he "worked on" such cases, in a very limited and minor role, similar to a paralegal, but the Committee found it to be misleading lawyer advertising since the statement implies that he is far more experienced in such cases than he is.

On the "lawyersearch.net" webpage, respondent states that "following graduation from law school, he worked for one of the biggest civil litigation firms on the east coast and has worked for boutique white-collar criminal defense firms in Manhattan." Respondent graduated from law school in 2009. The statement that he "worked for one of the biggest civil litigation firms on the east coast" refers to a 12-week internship at Jacoby & Meyers in New York after law school and before being admitted to the bar. The statement is, therefore, misleading, in that

it omits pertinent information about his status as a nonlawyer during the limited internship at Jacoby & Meyers.

The reference to the “boutique white-collar criminal defense firms” refers to his job with the Blanch Law Firm in New York for three months, after graduating from law school and before being admitted to the bar, and with the Borzouye Law Firm in New York for about two months, during which time he became licensed to practice. The statement about his legal experience and the firms he worked for are misleading because they omit fact that he is referring to working total only five months at these firms and he was not admitted to the bar at the time, except for “some portion” of a two-month stint at one of the firms.

The Yahoo Local advertisement states that members of his firm, presumably including him, are “experienced” and have “an extensive and intricate understanding of legal procedures and loopholes, as well as federal and state trial experience.” This advertisement was printed in May 2011, a mere thirteen months after Mr. Rakofsky has admitted to the bar. Calling himself “experienced” with “federal and state trial experience” is inaccurate and misleading.

The Yahoo Local advertisement states that “I founded this firm on a commitment to set the standard for criminal defense in New York City.” Respondent is not admitted to practice law in New York. He indicates that he did handle two New York matters, admitted *pro hac vice*. The Committee finds it misleading to state that he will set the standard for criminal defense in a jurisdiction in which he is not licensed when he does not indicate in the advertisement that he is not licensed in New York and he does not list the name of the member of his firm, if there is one, who is licensed in New York and who he presumably relies on to set that standard.

The Committee asked respondent to provide a copy of an advertisement at <http://ivi3.com/whitecollarlawdc.com/vc.html>, referred to in an affidavit filed in the defamation action respondent filed against the Washington Post, the trial judge, and legal bloggers. This advertisement apparently is directed to persons charged with murder, and allegedly stated: “If you or a loved one has been charged with Homicide, you need a lawyer who will spend every second of his time concentrating on you and on how to protect you. You need a lawyer who will protect you with the Government is attacking you and trying to make you appear guilty. You need a lawyer who will take your hand and help you walk through this extremely difficult process. We, the lawyers at the Rakofsky Law Firm, are the only people who can protect you in this way.” The website was subsequently removed before the Committee could print it and respondent (in violation of RPC 7.2(b)) did not provide a copy. While respondent claims that the website may be that of Grigsby, respondent is responsible for all advertising concerning the Rakofsky Law Firm. The statement that “we, the lawyers at the Rakofsky Law Firm, are the only people who can protect you in this way” violates RPC 7.1(a)(3) (statement comparing the lawyer’s services to other lawyers’ services).

There may be other violations that will come to light. It is not clear what relationship other lawyers have to respondent and his law firm and whether respondent’s claim that these other lawyers have experience in specified areas of law is accurate and not misleading.

Please take appropriate action and do not hesitate to telephone if there is anything you would like to discuss. The original Committee file is enclosed.

C.J.

Encl.

c: Cynthia A. Cappell, Chair, CAA (w/o encl.)

Attorneys:

After graduating from law school, Mr. Rakofsky worked on cases involving Murder, Embezzlement, Tax Evasion, Civil RICO, Securities Fraud, Bank Fraud, Insurance Fraud, Wire Fraud, Conspiracy, Money Laundering, Drug Trafficking, Grand Larceny, Identity Theft, Counterfeit Credit Card Enterprise and Aggravated Harassment. Following graduation from law school, he worked for one of the biggest civil litigation firms on the east coast and has worked for boutique white-collar criminal defense firms in Manhattan. During law school, Mr. Rakofsky interned at the Legal Aid Society (in Suffolk County). Prior to studying law, Mr. Rakofsky studied Economics and interviewed at a well-respected investment bank with branches all over the world. Prior to law school, Mr. Rakofsky earned a Bachelor of Science in Biology, concentrating his attention on DNA.

Continuing Legal Education:

Trial Technique Workshop (Trial Lawyers College with Gerry Spence), Briarwood Manor, N.Y.
Certificate of Completion, April 2010

Trial Technique Workshop (Trial Lawyers College with Gerry Spence), Briarwood Manor, N.Y.
Certificate of Completion, April 2009

Basic Trial Techniques – Boot Camp for Lawyers (CLE with NYSTLA Past President & NYSTLI Dean Emeritus, Gary B. Pillersdorf), New York City, N.Y., (5 weeks: November 3, 10, 17, 24 and December 1, 2009)

DWI Cases on Long Island (CLE at Suffolk Academy of Law), Hauppauge, N.Y., (January 2009)

Updates on DWI Law in New York (CLE with Peter Gerstenzang), New York City, N.Y., (March 2009)

NYSBA Annual Meeting 2010 (Tax Section), New York City, N.Y. (January 2010)
Enforcement Issues

Trial Technique Instructional Courses (Video)

“Terrifying Trial Tactics” with Terence MacCarthy (specializing in white-collar crime in Chicago),
“Impeachment of Witnesses & Cross-examination” with Terence MacCarthy, *“Killer Cross-Examination”*
with Terence MacCarthy, Gerry Spence on *“How to Win in Opening Statements,”* Gerry Spence on *“Cross-examination,”* Irving Younger on *“Hearsay,”* etc.

Membership:

New York State Trial Lawyers Association (2009-2010)
American Bar Association (2006-Present)

If you are reading this because someone you love very much or someone in your family has been charged with a crime that is drug-related, WE WILL HELP YOU!

We are the experts for drug defense! We are equipped with the knowledge and experience to protect you and your loved one and to make sure that they are safe. Our firm has experience providing defense for people who have been charged with Sale and Intent to Sell: Crack, Cocaine, PCP, Heroin, Marijuana, Ecstasy, Oxycontin, Vicodin, Percocet, etc. as well as Manufacture, Distribution, Trafficking, Possession, Paraphernalia,

Our law firm has experience defending individuals who are charged with Drug Prescription Forgery and all species of Pharmaceutical-related fraud.

Speak with one of our lawyers RIGHT NOW!

EXHIBIT

3

RAKOFSKY LAW FIRM A Professional Corp.

14 WALL STREET, 20TH FLOOR • NEW YORK, NEW YORK 10005 • Tel. 877.401.1529
1101 PENNSYLVANIA AVE., 6TH FLOOR • WASHINGTON D.C. 20004
4400 US-9 • FREEHOLD, NEW JERSEY 07728

January 10, 2011

To Judge Solomon:

Please be advised that our client, Walter Coppage's case against U-Haul International, Inc. has been removed to the Southern District of New York federal court by the defendant. The new index number is 10-CV-8313 (RMB). The judge presiding is Richard Berman.

Please feel free to make contact with me if you have any questions. Thank you.

Best Regards,

Joseph Rakofsky, Esq.

TrialLawyerUSA@gmail.com

Cell: (917) 319-2699

FILED

JAN 11 2011

NEW YORK
COUNTY CLERK'S OFFICE

EXHIBIT

4

RAKOFSKY LAW FIRM A Professional Corp.

4400 US-9 • FREEHOLD, NEW JERSEY 07728 • Tel. 877.401.1529 • Fax 212.618.1705

RECEIVED

AUG 23 2011

August 15, 2011

CAA

Carol Johnston, Esq.
Secretary of the
Committee on Attorney Advertising
New Jersey Supreme Court
P.O. Box 037
Trenton, New Jersey 08625

Dear Ms. Johnston:

On August 4, 2011, I received your letter dated July 27, 2011, in which you notified me that you filed a grievance against or with respect to me. In it, you state: "Your Internet attorney advertising came to the attention of the Committee on Attorney Advertising after the mistrial in the Washington, D.C. murder trial and its subsequent media coverage in April 2011. The Secretary of the Committee filed the grievance." However, your letter did not indicate why a grievance was filed, nor did you apprise me of the contents of the grievance.

I should appreciate your forwarding to me a copy of the grievance to which you referred in your letter and informing me of any allegations that gave rise to its filing. Without that, I would be uncertain as to how to respond. Thank you.

Respectfully submitted,



Joseph Rakofsky

E-Mail: triallawyerusa@gmail.com

Cell: (917) 319-2699

EXHIBIT

5

ENDORSE HERE:

[Signature]

2112744500
TO BANK NA
CHERRY HILL, NJ

SPL 0707935901
R095 B48 P4
12/20/2010

The following security features (and others not listed) exceed industry standards:

Security Features: ☐ Permanent appearance of raised, embossed or modification of "Optical Clearcoat" screen on back of check

Security Screen: ☐ Absence of fine wavy or walled line appear in signature line

Microprint Signature Line: ☐ Colored stains or spots appear with chemical alteration

Chemical Sensitivity: ☐ Absence of padding icon

Padding Icon: ☐

Account: 6484
Amount: 2,500.00
PostDate: 20101220
Tran_ID: 707935881
CheckNum: 0
DIN: 707935901
ReturnReasonDescription:
ECEItemSeqNum: 000000707935901

2112744500
TO BANK NA
CHERRY HILL, NJ

SPL 0707935901
R095 B48 P4
12/20/2010

135 DEPOSIT 12/20/10 DE
Commercial Deposit
2 Wall Street
JERSEY CITY 07310 735

Account: 6665
Amount: 2,480.00
PostDate: 20101220
Tran_ID: 707935881
CheckNum: 0
DIN: 707935881
ReturnReasonDescription:
ECEItemSeqNum:

THE GIFT OF GOD IS ETERNAL LIFE THROUGH CHRIST JESUS ROMANS 8:31

Made Esleye
415 YARD AVE
ROCKAWAY CENTER, NY 11870

1522
1-800-0000

Dec 20th 2010

PAY TO THE ORDER OF: *[Signature]*
\$2,500.00

Two Thousand and Five Hundred Dollars

Banco Popular
Banco Popular North America
6000 Flatlands Ave
Brooklyn NY 11235

FOR: Dep on Return
1:0260088111

Account: 6484
Amount: 2,500.00
PostDate: 20101220
Tran_ID: 707935881
CheckNum: 0
DIN: 707935901
ReturnReasonDescription:
ECEItemSeqNum: 000000707935901

Bank

Dec. 29, 2010

[Signature]

Account: 6665
Amount: 2,480.00
PostDate: 20101220
Tran_ID: 707935881
CheckNum: 0
DIN: 707935881
ReturnReasonDescription:
ECEItemSeqNum:

EXHIBIT

6

ESTEE ENTERPRISES INC.
MARIE ESTEVE
BROOKLYN NY 11216

PAY TO THE ORDER OF Joseph Rakofsky DATE 02/18/2011 \$ 2,000 DOLLARS

Two thousand

BANCO POPULAR
Banco Popular Puerto Rico
Banco Popular de Puerto Rico

FOR Balance of Retainer to Thank!! Love & Grace

⑆00012⑆ ⑈025008811⑈ ⑆052⑆

Account: ⑆052
Amount: 2,000.00
PostDate: 20110222
Tran_ID: 758487551
CheckNum: 124
DIN: 758487551
ReturnReasonDescription:
ECEItemSeqNum: 000000758487551

EXHIBIT

7

ID Bank

CHECKING DEPOSIT

DATE 02.18.2011 DASH / CURRENCY 2000

NAME Joseph Rakofsky TOTAL DOLLARS 2000

ACCT. # ⑆052⑆ LESS CASH \$

NET DEPOSIT 2000

Account: ⑆052
Amount: 2,000.00
PostDate: 20110222
Tran_ID: 758487551
CheckNum: 0
DIN: 758487551
ReturnReasonDescription:
ECEItemSeqNum:

for deposit only

⑆052⑆ ⑈025008811⑈ ⑆052⑆

⑆052⑆ ⑈025008811⑈ ⑆052⑆

Account: ⑆052
Amount: 2,000.00
PostDate: 20110222
Tran_ID: 758487551
CheckNum: 124
DIN: 758487551
ReturnReasonDescription:
ECEItemSeqNum: 000000758487551

⑆052⑆ ⑈025008811⑈ ⑆052⑆

⑆052⑆ ⑈025008811⑈ ⑆052⑆

Account: ⑆052
Amount: 2,000.00
PostDate: 20110222
Tran_ID: 758487551
CheckNum: 0
DIN: 758487551
ReturnReasonDescription:
ECEItemSeqNum:

Account: 279
Amount: 9,500.00
PostDate: 20120329
Tran_ID: 590043126
CheckNum: 1030471
BIN: 590043131
ReturnReasonDescription:
ECEItemSeqNum: 00000590043131

Account: 1278
Amount: 9500.00
PostDate: 20120329
Tran_ID: 590043126
CheckNum: 1030471
DIN: 590043131
ReturnReasonDescription:
ECEItemSeqNum: 00000590043131