SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 16-222
District Docket No. XIV-2010-0305E

IN THE MATTER OF	
TOBIN G. NILSEN	
AN ATTORNEY AT LAW	

Decision

Argued: November 17, 2016

Decided: February 23, 2017

Hillary K. Horton appeared on behalf of the Office of Attorney Ethics.

Respondent, who was incarcerated, did not appear.

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 (OAE), pursuant to R. 1:20-13, following respondent's guilty plea in federal court to the use of a computer to entice a minor to engage in sexual activity, contrary to 18 U.S.C. § 2422(b), and his guilty plea in the Superior Court of New Jersey, Criminal Division – Bergen County, to second-degree attempted child luring, contrary to N.J.S.A. 2C:5-1 and 2C:13-6.

For the reasons stated below, we recommend respondent's disbarment.

Respondent was admitted to the New Jersey and New York bars in 1982. He has no history of final discipline. On April 19, 2012, he was temporarily suspended in connection with the instant matter. In re Nilsen, 210 N.J. 105 (2012).

On June 27, 2016, respondent sent a letter to the Office of Board Counsel (OBC) seeking an adjournment until his release from federal prison. He argued that, as a federal prisoner, he has no access to New Jersey case law or to the internet. He contended that due process and simple notions of fairness required a continuance of the matter. Respondent argued that his incarceration prevents him from practicing law and, therefore, no significant impact on the disciplinary process or on the public as a whole would result from the delay in proceeding with this matter. We denied respondent's adjournment request on July 7, 2016.

Federal Charges

On July 20, 2010, a federal grand jury for the United States District Court for the Northern District of Georgia, Atlanta Division, returned Indictment No. 10-CR-308, charging respondent with use of a computer to entice a minor to engage in sexual activity, contrary to 18 U.S.C. §2422(b).

On September 28, 2011, respondent pleaded guilty to child enticement before the Honorable Julie E. Carnes, U.S.D.J. He admitted that, in May 2010, he began chatting over the internet with a person whom he believed, at the time, to be a thirty-two-year-old mother of a nine-year-old girl living in the Atlanta, Georgia, area. Unbeknownst to him, however, he was communicating with an undercover law enforcement officer. Respondent made contact with the "mother" in an on-line chat room titled, "child sex slaves." In this chat room, respondent identified himself as "m50sperv." He and the mother discussed respondent having sex with both the mother and her nine-year-old daughter.

Over a three-week period, respondent sent photos of himself to the mother, and explained how she could access child pornography on the internet in order to acclimate her daughter to the notion of engaging in sex with him. He also described the sex acts in which he wanted to engage with the mother and daughter. At some point, respondent and the mother spoke on the phone to arrange a specific date for him to meet with her and her daughter.

Eventually, respondent purchased an airline ticket to travel from New Jersey to Atlanta. Respondent never made it to the airport, however, because, prior to his scheduled flight, he was arrested by law enforcement officers in New Jersey for

soliciting a different putative mother/daughter pair for sex (discussed below).

On November 29, 2011, Judge Carnes sentenced respondent to twelve years in federal prison and to lifetime supervised release. In determining the appropriate sentence to impose, the judge took into consideration, as an aggravating factor, respondent's almost identical criminal conduct in New Jersey, commenting that respondent's conduct, therefore, was not aberrational.

State Charges

On October 29, 2010, a Bergen County grand jury returned Indictment No. s-1942-10, charging respondent with second-degree attempted child luring, contrary to N.J.S.A. 2C:5-1 and 2C:13-6; second-degree attempted aggravated sexual assault, contrary to N.J.S.A. 2C:5-1 and 2C:14-2a(1); and third-degree attempted endangering the welfare of a child, contrary to N.J.S.A. 2C:5-1 and 2C:24-4a.

On October 1, 2012, respondent pleaded guilty before the Honorable Edward A. Jerejian, J.S.C., to second-degree child luring. Respondent admitted that, between May 13, 2010 and June 15, 2010, he communicated in an internet chatroom using the screen name "m50sperv" with a person known to him as "Kris,"

whom he believed to be the mother of a six-year-old girl named "Samantha," but who was an undercover police officer. He further admitted that the communications were an attempt to lure the six-year-old into sexual conduct. Respondent was arrested when he appeared for a meeting with the putative mother/daughter pair.

Respondent appeared for sentencing before Judge Jerejian, on November 12, 2012. At his sentencing, defense counsel urged the court to consider, as a mitigating factor, the aberrational nature of respondent's conduct, which had been precipitated by significant financial issues "unlikely to recur in the future." In addition, he argued, respondent's character and attitude indicate that he was "unlikely to commit another offense."

In his statement to the court, respondent apologized for his conduct, noting that it was "out of character" for him. He explained that he "went on this chat situation, and the chat situation got out of control." Thereafter, the following brief colloquy took place:

> THE COURT: All right. What's concerning is I know they quote you as saying that you have urges for young girls, and quote "he has gotten lucky a few times over the years."
>
> THE DEFENDANT: Well, your Honor --
>
> THE COURT: Which implies more than the chats. But, nonetheless, I mean, you're paying the price but -- you don't have to respond.

Respondent did not deny making those statements. Rather he suggested that, in making them, he had formed "a persona to match the chat rooms."

Judge Jerejian sentenced respondent to seven years in prison to run concurrently with the federal sentence he already was serving. The judge also imposed Megan's Law and Parole Supervision for Life restrictions.

The OAE urged respondent's disbarment. In support, it noted that the Court consistently has found criminal convictions involving sexual misconduct directed at children to be serious unethical conduct. It acknowledged, however, that a wide range of discipline has been imposed in such cases.

In its brief, the OAE cited numerous cases involving sexual misconduct directed at children, including brief improper conduct with minors, physical sexual assault of minors, child pornography, and offenses involving communication of a sexual nature with minors. The discipline in these cases ranged from a reprimand to disbarment. Most applicable to the instant matter, however, are the cases involving online sexual communications with a minor.

The OAE notes that attorneys convicted of offenses involving communications of a sexual nature to minors have been suspended and disbarred from the practice of law. In one matter,

an attorney contacted an undercover officer, who was posing as a fourteen-year-old child. In re Ferraiolo, 170 N.J. 600 (2002). The attorney arranged to meet "the minor" for sexual activity; however, when he appeared for the meeting, he was confronted by the undercover police officer. The Court suspended Ferraiolo for one year.

In a later case, an attorney contacted an undercover officer, who was posing as a twelve-year-old boy, and solicited him for sex. In re Cunningham, 192 N.J. 219 (2007). The attorney sent messages to the child and invited him to a secluded area. We noted that "as societal standards evolve, so does our attitude toward this sort of criminal behavior, and that predatory conduct directed at our young children requires more serious discipline" and recommended a two-year suspension. One member, however, voted for disbarment. In the Matter of Steven C. Cunningham, DRB 06-250 (December 21, 2006) (slip op. at 8). The Court disbarred Cunningham.

The OAE asserts that awareness of the dangers of sexual exploitation of children has increased, such that this type of misconduct merits enhanced discipline beyond that imposed in the past. Hence, the OAE contends, the dissent in Cunningham properly concluded that "an attorney who seeks to meet a twelve-year-old boy in a secluded area for sex poses a very dangerous

threat to juveniles and is unfit to practice law." Even more recently, the OAE notes, the Court observed that "crimes involving the sexual exploitation of children have a devastating impact and create serious consequences for the victims." In re Cohen, 220 N.J. 7,12 (2014).

In addition, the OAE relies on three cases, currently pending before the Court, that may affect the outcome here. In In the Matter of Mark Gerard Legato, DRB 15-219 (April 4, 2016), the attorney pleaded guilty to third-degree attempting to endanger the welfare of a child and admitted that he engaged in sexually explicit online conversations with an undercover officer, posing as a twelve-year-old child. Legato admitted asking the child to touch her own genitals and telling her that he would like to engage in oral and vaginal sex with her. We voted to disbar Legato. Three members did not participate in our decision.

Similarly, in In the Matter of Regan Clair Kenyon, DRB 15-351 (April 4, 2016), the attorney pleaded guilty to third-degree attempted endangering the welfare of a child and admitted that he engaged in multiple internet conversations with an undercover officer, whom he believed was a fourteen-year-old girl. Kenyon admitted that he had sent the child links to images of hardcore adult pornography. Additionally, during the sentencing hearing,

it was revealed that Kenyon had arranged to meet with the child but failed to appear for the meeting. Our majority (five members) voted to disbar Kenyon and noted that, by engaging in the exchange of sexual conversation and images, "the predator" was an "active agent" in the sexual exploitation and resultant harm. The majority decided that no sanction less than disbarment would sufficiently accomplish the disciplinary system's goal of insuring that the public can have "confidence" in members of the bar.

In In the Matter of Alexander D. Walter, DRB 15-362 (April 4, 2016), the attorney pleaded guilty to third-degree endangering the welfare of a child and admitted that, on multiple occasions, he masturbated in the presence of a nine-year-old girl, who, at the time, was living with him and his wife in their home. Our majority (seven members) voted to disbar Walter. Citing the multiple instances of abuse and the resultant emotional and psychological damage to the victim, the majority refused to accept Walter's "characterization" of his conduct as "one misguided action" to allow Walter to "trivialize[]" the reprehensible nature of his conduct.

Finally, the OAE advances additional considerations in support of its recommendation for disbarment. Specifically, because respondent was sentenced to Parole Supervision for Life,

pursuant to N.J.S.A. 2C:43-6.4, he "shall remain in the legal custody of the Commissioner of Corrections, shall be supervised by the Division of Parole of the State Parole Board, shall be subject to the provisions and conditions set forth in subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b) and sections 15 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.59 through 30:4-123.63 and 30:4-123.65), and shall be subject to conditions appropriate to protect the public and foster rehabilitation." N.J.S.A. 2C:43-6.4(b).

The OAE concedes that it is not aware of any case addressing the impact of the following factors on the quantum of discipline: (1) a respondent has admitted to the commission of an offense that carries a mandatory sentence of Parole Supervision for Life; and (2) a respondent is serving such a sentence at the time of the Court's review of the motion for final discipline, and the service of the term of Parole Supervision for Life will continue for at least another eleven years before the respondent could submit a motion to the sentencing court to have the conditions of such parole supervision eased or removed. See N.J.S.A. 2C:43-6.4(c) (person sentenced to parole supervision for life may petition for release from that parole supervision after fifteen years). That notwithstanding, the OAE questions whether respondent, if

permitted to practice law, could provide assurances that he would have no contact with children, or with issues relating to children. It notes:

> How could an attorney who "remain[s] in the legal custody of the Commissioner of Corrections [for life], . . . supervised by the Division of Parole of the Commissioner of Correction" engage in criminal, white collar, or municipal court practice without conflict? What happens when a corporate client has a question that touches on criminal practice, or when a real estate deal raises questions of criminal law? Might it be anticipated that respondent's status as a felon serving a lifetime sentence in the legal custody of the Commissioner of Corrections could impact his analysis of all sorts of legal issues, and that it could impede the diligence and alacrity with which he might respond (or elect not to respond, as his primary interest might dictate) to the spectrum of such issues as they may arise in the daily practice of law?
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> (OAE Brief,p.9,citing N.J.S.A. 2C:43-6.4(b)).

In aggravation, the OAE argues that respondent's conduct was reprehensible, irresponsible, and far below the standard expected of a member of the bar. Further, it argues, respondent appeared to have missed his meeting in Georgia with a putative mother and daughter only because he was arrested on the New Jersey charges before his scheduled flight. In mitigation, respondent reportedly led a law-abiding life, including honorable military service, for more than fifty years prior to his convictions.

* * *

Following a review of the record, we determine to grant the OAE's motion. 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); In re Maqid, 139 N.J. 449, 451 (1995); In re Principato, 139 N.J. 456, 460 (1995). Specifically, the conviction establishes a violation of RPC 8.4(b). Pursuant to that rule, it is professional misconduct for an attorney to "commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer." Hence, the sole issue before us is the extent of discipline to be imposed on respondent for his violation of RPC 8.4(b). R. 1:20-13(c)(2); In re Maqid, supra, 139 N.J. at 451-52; In re Principato, supra, 139 N.J. at 460.

In determining the appropriate measure of discipline, the interests of the public, the bar, and the respondent must be considered. "The primary purpose of discipline is not to punish the attorney but to preserve the confidence of the public in the bar." Ibid. (citations omitted). Rather, we must take into consideration 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,

his prior trustworthy conduct, and general good conduct." In re Lunetta, 118 N.J. 443, 445-46 (1989).

That an attorney's conduct did not involve the practice of law or arise from a client relationship will not excuse the ethics transgression or lessen the degree of sanction. In re Musto, 152 N.J. 167, 173 (1997). 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). "To the public he is a lawyer whether he acts in a representative capacity or otherwise." In re Gavel, 22 N.J. 248, 265 (1956). Thus, offenses that evidence ethics shortcomings, although not committed in the attorney's professional capacity, will, nevertheless, warrant discipline. In re Hasbrouck, 140 N.J. 162, 167 (1995).

As the OAE asserted, in cases involving sexual misconduct, the discipline has ranged from a reprimand to disbarment. Reprimand cases include In re Gilligan, 147 N.J. 268 (1997) (attorney convicted of lewdness when he exposed and fondled his genitals for sexual gratification in front of three individuals, two of whom were children under the age of thirteen) and In re Pierce, 139 N.J. 533 (1995) (attorney convicted of lewdness after he exposed his genitals to a twelve-year-old girl).

Attorneys in the following cases were suspended: In re Ferraiolo, supra, 17 N.J. 600 (one-year suspension for attorney who pleaded guilty to the third-degree offense of attempting to endanger the welfare of a child; the attorney, who had communicated in an internet chat room with someone whom he believed to be a fourteen-year-old boy, was arrested after he arranged to meet the "boy" for the purpose of engaging in sexual acts; the "boy" was a law enforcement officer); In re Gernert, 147 N.J. 289 (1997) (one-year suspension for petty disorderly offense of harassment by offensive touching; the victim was the attorney's teenage client); In re Ruddy, 130 N.J. 85 (1992) (two-year suspension for endangering the welfare of a child; the attorney fondled several young boys); and In re Herman, 108 N.J. 66 (1987) (three-year retroactive suspension for attorney who pleaded guilty to second-degree sexual assault after he touched the buttocks of a ten-year old boy).

Several cases involving sexual misconduct have resulted in disbarment: In re Frye, 217 N.J. 438 (2014) (disbarment for attorney who pleaded guilty in the Superior Court of New Jersey to endangering the welfare of a child (third degree), in violation of N.J.S.A. 2C-24-4(a) and who failed, for fifteen years, to report his conviction to ethics authorities; attorney admitted to being entrusted with the care of a minor girl whom

he inappropriately touched on her rectal area; the attorney violated his probation six times over the course of fifteen years by failing to attend mandatory outpatient sexual offender therapy sessions); In re Cunningham, supra, 192 N.J. 219 (disbarment for attorney who, on three separate occasions, communicated with an individual, through the internet, whom he believed to be a twelve-year old boy and described, in explicit detail, acts that he hoped to engage in with the boy and to teach the boy; a psychological report concluded that the attorney was a compulsive and repetitive sex offender; attorney did not appear for the Order to Show Cause before the Court); and In re Wright, 152 N.J. 35 (1997) (attorney disbarred for digitally penetrating his daughter's vagina; behavior occurred over a three-year period and involved at least forty instances of assault).

Recently, the Court imposed an indeterminate suspension in a case involving child pornography. In re Cohen, supra, 220 N.J. 7. There, the attorney, a State Assemblyman at the time of his arrest, pleaded guilty to second-degree endangering the welfare of a child, following an investigation into sexually explicit pornographic images of children discovered on a state-issued desktop computer used by the attorney and on his private law office computer. Id. at 9. The Court stated that:

> [c]rimes involving the sexual exploitation of children have a devastating impact and create

> serious consequences for the victims. . . Thus, the moral reprehensibility of this type of behavior warrants serious disciplinary penalties, up to and including disbarment, albeit mitigating circumstances might call for lesser discipline in particular cases. . . Disbarment is the most severe punishment, reserved for circumstances in which 'the misconduct of [the] attorney is so immoral, venal, corrupt or criminal as to destroy totally any vestige of confidence that the individual could ever again practice in conformity with the standards of the profession.'
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> [Ibid.]

The Court further observed that "[a]ttorneys who have been convicted of offenses involving the physical sexual assault of children have typically been disbarred by this Court." Id. at 16 (citing In re Wright, supra, 152 N.J. at 35; and In re "X", 120 N.J. 459, 464-65 (1990) (disbarment for attorney who sexually assaulted his three daughters over an eight-year period)). The Court noted, in contrast, In re Herman, supra, 108 N.J. at 67, where the attorney received a three-month suspension for second-degree assault.

Further, the Court took the opportunity, in Cohen, to provide insight into its reason for disbarring Frye.[1] The Court explained that it had based Frye's disbarment sanction on the

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[1] The Court did not issue an opinion in Frye.

crime itself, and on his failure to notify the OAE of his conviction for more than fifteen years, "during which he continued to practice law with impunity." Id. at 16.

More importantly, in Cohen, the Court acknowledged that, over time, society has become more acutely aware of the pernicious effects of sexual crimes against children. It also noted recent changes in the law increasing the severity of those crimes. The Court, therefore, cautioned the bar that, although it had not adopted a per se rule of disbarment, convictions in egregious cases will result in disbarment. Id. at 18-19.

As previously noted, we recently decided Legato, supra, in which we recommended that the attorney be disbarred. In that case, the attorney admitted that he had engaged in explicit conversations with an individual whom he believed was a twelve-year-old girl. The interactions included asking the girl to touch herself in her genital area and telling her that he would like to engage in oral sex with her as well as penetrate her. Unbeknownst to Legato, he was interacting with an undercover police officer. Eventually, Legato engaged in a video chat with the undercover officer during which he unzipped his pants and exposed his erect penis. He admitted that he did so knowingly and purposefully, and that, had the person actually been a twelve-year-old girl, engaging in explicit sexual conversation

with her would have impaired or debauched her morals. Legato also acknowledged that he had scheduled two meetings with the girl, but did not appear for either. He pleaded guilty to third-degree attempting to endanger the welfare of a child by attempting to engage in sexual conduct that would impair or debauch the morals of a child, in violation of N.J.S.A. 2C:5-1 and N.J.S.A. 2C:24-4(a). In the Matter of Mark Gerard Legato, supra, DRB 15-219 (slip op. at 3-4).

On the same date, we decided Kenyon, supra, and Walter, supra. In Kenyon, over the course of a four-month period, the attorney engaged in multiple internet chats with a person he believed to be a fourteen-year-old girl. Unbeknownst to him, he had been communicating with an undercover law enforcement officer. Kenyon admitted that, in addition to his illicit chats with the girl, he sent her images of, and links to, hardcore adult pornography; that he did so knowingly and purposefully; and that, had the person actually been a fourteen-year-old girl, his interactions with her would have impaired or debauched her morals. Like Legato, Kenyon also admitted that he arranged to meet with the girl, but ultimately did not appear for that meeting. Kenyon also was sentenced to lifetime parole. In the Matter of Regan Clair Kenyon, DRB 15-351 (April 4, 2016) (slip op. at 3-4).

Both Legato and Kenyon urged us to consider, in mitigation, that neither one of them posed a continuing danger to the public and that both of them had sought treatment following their arrest and had since made substantial progress in their rehabilitative efforts. Moreover, both attorneys, maintained that their conduct was aberrational and they posed no risk for re-offense.

In Walter, the attorney masturbated in the presence of K.P., a nine-year-old girl, who had moved into his home and for whom "he had a legal duty to assume responsibility." Respondent admitted that he masturbated in front of K.P. during times when he was alone with her and that he did so for his own sexual gratification. He further admitted that the child observed him masturbating and that his conduct was sexual conduct that would impair or debauch K.P.'s morals. In the Matter of Alexander D. Walter, supra, DRB 15-362 (slip op. at 2).

In analyzing both the Legato and the Kenyon matters, we again considered the Court's observation in Cohen that both society and the courts have developed a more acute understanding of "the long lasting and pernicious effects of sexual crimes against children." In re Cohen, supra, 220 N.J. at 18-19. We determined that, based on those evolving views, the precedential value of older case law is limited and that the focus more properly belongs on the attorneys' intention and willingness to

commit such a reprehensible act. We could conceive of no explanation for the type of conduct committed by the attorneys and ultimately concluded that, regardless of any rehabilitative efforts and progress, and regardless of the absence of a risk of re-offense, the conduct committed by both attorneys was "so immoral, venal, corrupt or criminal as to destroy totally any vestige of confidence that the individual could ever again practice in conformity with the standards of the profession." In re Templeton, 99 N.J. 365, 376 (1985).

In determining to recommend that both attorneys be disbarred for their conduct, we specifically rejected, as mitigation, the rehabilitative progress that our dissenting members had urged the majority to consider, citing In re Cammarano, 219 N.J. 415 (2014). There, the Court stated:

> [The] concerns raised by this case are greater than whether this respondent is capable of rehabilitation . . . . In the end, we are charged with insuring that the public will have confidence in members of the bar . . . In this case, any discipline short of disbarment will not be keeping faith with that charge.
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> [Id. at 424.]

We applied the same reasoning to the Walter matter. There, the attorney admitted masturbating in the presence of a young child during times when he was alone with her for his own sexual gratification. Walter urged us to impose only a censure, noting

that he did not fondle the child and that he did not cause her physical harm. We rejected Walter's pleas, noting that the emotional and psychological damage he caused the child could not be accurately measured and that, by his own admission, his conduct would have a profound impact on that child's life and on the person she will become. In the Matter of Alexander D. Walter, DRB 15-362 (slip op. at 18).

Unfortunately, we are confronted with yet another attorney who has behaved in a manner that reflects poorly on the profession. With each case involving the sexual exploitation of children, our hope is that it will be the last. Sadly, that has yet to be the case and it is unlikely that the instant matter will be the last.

In our view, the conduct in this case should result in disbarment. To the extent, however, that the Court may disagree, we point to several facts present in this case with which we were not confronted in the Legato, Kenyon, and Walter matters.

Here, respondent was not communicating in an adult chat room, but, rather, in internet chat rooms specifically designated as "child sex slaves." Moreover, respondent has not produced any evidence, such as a report from a mental health professional, indicating that he is not a child predator and that he is at no or low risk to re-offend. Indeed, respondent

admitted an attraction to children. Further, respondent took affirmative steps to have sexual contact with children, first by communicating with adult intermediaries – the fictional mothers. In the federal matter, respondent then discussed having sex with both the mother and child, sent photos of himself to the mother, along with instructions on how to access child pornography to prepare the child for his planned sexual encounter with her, scheduled a date and time for that encounter, and, importantly, purchased an airline ticket to travel to Atlanta for that encounter. He never boarded that flight because he was arrested in New Jersey for similar conduct with another putative mother and child.

In the New Jersey matter, respondent again discussed a desire to have sex with the child, scheduled a meeting with her, and then drove three hours to attend that meeting, where he was arrested. Thus, it is clear to us, that, by his affirmative actions, respondent had every intention of carrying out his well-organized plans to meet with the mother/child pairs for the purpose of engaging in sexual conduct with children.

We recognize that, in 2002, an attorney who appeared for a scheduled meeting with a child for sexual purposes received only a one-year suspension. See Ferraiolo, supra, 170 N.J. 600. Nonetheless, we are not swayed by this precedent – especially in

the context of social realization and subsequent precedent recognizing the pernicious effects of sexual conduct directed at a child. Rather, it is our resolute recommendation that when, as here, an attorney behaves in a matter such "as to destroy totally any vestige of confidence that the individual could ever again practice in conformity with the standards of the profession," that attorney should be disbarred. In re Templeton, supra, 99 N.J. at 376. We so recommend.

Vice-Chair Baugh did not participate.

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
Bonnie C. Frost, Chair

By: Ellen A. Brodsky
Ellen A. Brodsky
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Tobin G. Nilsen
Docket No. DRB 16-222

Argued: November 17, 2016

Decided: February 23, 2017

Disposition: Disbar

Members	Disbar	Recused	Did not participate
Frost	X		
Baugh			X
Boyer	X		
Clark	X		
Gallipoli	X		
Hoberman	X		
Rivera	X		
Singer	X		
Zmirich	X		
Total:	8		1

Ellen A. Brodsky
Chief Counsel