

Supreme Court Of New Jersey
Disciplinary Review Board
Docket No. DRB 18-277
District Docket No. XIV-2017-0265E

In The Matter Of

David Charles Berman

An Attorney At Law

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Dissent


Decided: January 23, 2019

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

I dissent from the majority and vote to recommend respondent's disbarment. I do so not because of respondent's disciplinary record, but because an already disciplined attorney, who then fails to comply with an Order of the Court entered because of conduct previously determined to be unethical, manifests a disdain for the disciplinary process and the responsibilities attendant to the privilege of being permitted to practice the profession of the law. If the Board were to recommend disbarment, respondent would be compelled to appear before the Court to explain why he has not complied with the Court's Order requiring the filing of the R. 1:20-20 affidavit. I believe that this should occur.

By such a procedure, I believe that the public and respondent's clients would be protected from the consequences of respondent's suspension and all attorneys would quickly come to understand and appreciate the importance of compliance with the Court's Orders and the grave potential consequences of non-compliance.

Disciplinary Review Board
Maurice J. Gallipoli

By: 
Ellen A. Brodsky
Chief Counsel