Supreme Court of New Jersey
Disciplinary Review Board
Docket No. DRB 19-336
District Docket No. XIV-2016-0104E

In the Matter of

J. Michael Farrell

An Attorney at Law

Decision

Argued: February 20, 2020

Decided: May 12, 2020

Eugene A. Racz appeared on behalf of the Office of Attorney Ethics.

Respondent did not appear, despite proper notice.

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(c)(2), following respondent's convictions, in the United States District Court for the District of Maryland (DMD), of ten offenses, including conspiracy to commit money

laundering, in violation of Title 18 U.S.C. § 1956(h); money laundering, in violation of Title 18 U.S.C. § 1956(a)(1)(B)(i); tampering with official proceedings, in violation of Title 18 U.S.C. § 1512(c)(2); and tampering with a witness, in violation of Title 18 U.S.C. § 1512(b)(3). These offenses constitute violations of RPC 8.4(b) (criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects) and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation).

For the reasons set forth below, we determine to grant the motion for final discipline and recommend respondent's disbarment.

Respondent earned admission to the New Jersey and Pennsylvania bars in 1980, the South Carolina bar in 1979, and the District of Columbia bar in 1978. During the relevant timeframe, he maintained an office for the practice of law in Philadelphia, Pennsylvania. On February 16, 2017, following respondent's convictions, the Court temporarily suspended him from the practice of law. In re Farrell, 228 N.J. 3 (2017).

We now turn to the facts of this matter, which were gleaned primarily from the opinion of the Fourth Circuit Court of Appeals. United States v. Farrell, 921 F.3d 116 (4th Cir. 2019).

From 2009 through 2013, respondent was the "consigliere," "fixer," and "adviser" to Matt Nicka and the "Nicka Organization" (the Organization), an

"elaborate multi-state marijuana trafficking organization," named for its kingpin. Farrell, 921 F.3d at 123-25.[1] The Organization operated primarily in Maryland and consisted of at least fifteen co-conspirators.

In May 2012, the DMD grand jury returned a superseding indictment charging Nicka and his co-conspirators with conspiracy to distribute marijuana and possession with intent to distribute marijuana, distributing and possessing with intent to distribute marijuana, conspiracy to commit money laundering, money laundering, and maintaining a drug premises. After several years of litigation, many of the co-conspirators pleaded guilty to federal offenses. In August 2013, Nicka, who had been a fugitive, was arrested in Canada. In January 2016, he pleaded guilty to conspiracy to distribute, possession with intent to distribute 1,000 kilograms or more of marijuana, and money laundering, and was sentenced to 188 months in prison.

The Organization generated millions of dollars by distributing thousands of pounds of marijuana in the eastern and southern United States. Respondent was "intimately involved in the unlawful activity of Nicka and the

[1] A "consigliere" has been defined as "'an adviser, esp[ecially] to a crime boss,' and may sometimes be called a 'fixer,'" a person who "'makes arrangements for other people, esp[ecially] of an illicit or devious kind'" and then "assists and conspires with a 'drug kingpin,' who is '[a]n organizer, leader, manager, financier, or supervisor of a drug conspiracy; [or] a person who has great authority in running an illegal drug operation.'" Farrell, 921 F.3d at 125 n.7 (internal citations omitted).

Organization," despite never appearing as attorney of record for Nicka or any of the Organization's co-conspirators. Farrell, 921 F.3d at 125, 137. Instead, respondent served as the Organization's in-house counsel, attempting to provide himself a layer of insulation and a veneer of legitimacy.

The Fourth Circuit's opinion observed that the trial evidence against respondent was consistent with the way drug trafficking organizations and their lawyers typically operate. Specifically, the lawyers

> *become the dealer's lawyer in much the same way that a Wall Street lawyer may become "house counsel" to a corporation (or the way a "consigliere" may become a legal advisor to an organized crime family).* They give advice about ongoing transactions; their business cards and home phone numbers are given to the mules in the event of an arrest; they are "on call" any time a problem arises; they socialize and become friendly with the dealers . . . Though certain practices are unquestionably illegal, the line between proper representation of a drug dealer and improper participation in his business is not always a clear one . . . Many of the specialists [in such representation] clearly remain on the proper side of the line; some play close to the edges; a few cross over and become part of the [illegal] business. The temptations are great because the profits are enormous. But so are the risks.
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> [Farrell, 921 F.3d at 126 n.9 (quoting Alan M. Dershowitz, The Best Defense, 398-400 (1982))].

On October 26, 2015, respondent was indicted by the DMD grand jury on charges including conspiracy to commit money laundering, money laundering,

tampering with official proceedings, and tampering with witnesses, in violation of 18 U.S.C. §§ 1956(h), 1956(a)(1)(B)(i), 1512(c)(2), and 1512(b)(3), respectively. Farrell, 921 F.3d at 123.

On January 10, 2017, respondent's fourteen-day jury trial began before the Honorable Roger W. Titus, S.U.S.D.J of the United States District Court for the Southern District of Maryland. At trial, the government offered the testimony of over thirty witnesses, including state and federal law enforcement officers, former co-conspirators cooperating with the government, lawyers who represented cooperating witnesses, federal agents who examined respondent's records, and inculpatory, recorded conversations between respondent and cooperating witnesses. The jury returned guilty verdicts on ten counts of the indictment: conspiracy to commit money laundering (count one); money laundering (counts two, three, five, six, seven, and twelve); attempted tampering with an official proceeding (counts four and nine); and attempted witness tampering (count eight). The jury acquitted respondent of one count of attempted witness tampering (count ten) and one count of attempted tampering with an official proceeding (count eleven).

Count one alleged that, from 2009 to 2013, respondent engaged in a money laundering conspiracy involving the illicit revenue produced by the Organization's drug sales. Counts two, three, five, six, seven, and twelve alleged

substantive money laundering offenses, whereby respondent laundered money by depositing Organization funds "to assist several of its drug dealers, or so-called 'members,' in obtaining legal services." Farrell, 921 F.3d at 123. Counts seven and twelve of the indictment alleged that respondent "laundered drug trafficking proceeds by securing money orders that he used to support an imprisoned member of the Organization." Ibid.

To prove these counts, the government offered testimony and exhibits that illustrated respondent's deep involvement with the Organization and its finances. Specifically, witnesses testified that respondent "received thousands of dollars in cash from Nicka and the Organization," and "obtained and distributed cash from" a "defense fund created and controlled by Nicka – and funded by the Organization's drug dealers – for use in defending Nicka and the Organization;" respondent also was recorded by an informant admitting he knew "'everything' about the Nicka Organization, including that Nicka and the Organization's drug dealers made large sums of cash money from marijuana trafficking." Id. at 137-38.

In an attempt to conceal the money laundering, respondent falsified his law firm's financial records regarding its receipt of "defense fund" cash. Respondent, however, unknowingly explained to a cooperating witness, in a

taped recording, that respondent's role in the Organization was to "protect the family, the group of us." Ibid.

From 2009 through 2011, respondent's financial records attributed to several of the Organization's drug dealers thousands of dollars of cash deposits in his firm account; however, several of those drug dealers testified at trial that they never personally paid respondent for legal services. Additionally, in 2012, respondent deposited more than $57,000 in cash in his account without creating any corresponding client records. To support the Organization's drug dealers, respondent used the "defense fund" to pay other lawyers to represent co-conspirators; informed other co-conspirators that their legal fees were "being taken care of," then falsified his client ledgers to "show on the books" that a co-conspirator had actually paid him; and used "defense fund" cash to fund co-conspirators' jail commissary accounts. Ibid.

As further proof of respondent's crimes, the government offered evidence regarding his advice to the co-conspirators who had brushes with the law. Throughout meetings with various drug dealers in the Organization, respondent explained the Organization's "collapsed defense," theory, which was that the drug dealer co-conspirators "are to 'stand[] strong' and 'stick[] together.'" Id. at 129. During one of these conversations, respondent threatened a co-conspirator "that sticking with the collapsed defense was important, and would

be much better than 'someone coming to see [him],'" which the drug dealer understood as "an explicit threat of physical harm." Ibid. Additionally, when respondent learned that someone had mentioned a co-conspirator's name to the grand jury, he advised that individual that he should take "a vacation somewhere." Id. at 128, 138.

Additional counts alleged that respondent attempted to obstruct proceedings of the Drug Enforcement Administration (DEA) (count four) and the DMD (count nine). According to count four, respondent attempted to influence a DEA forfeiture proceeding by advising a drug dealer in the Organization "not to disclose the source of certain property and by forging affidavits submitted to the DEA." Id. at 124. At respondent's direction, his legal assistant notarized these affidavits, using another notary's credentials, despite the fact that the legal assistant was not a notary, and then directed the drug dealer to sign the affidavits outside of the presence of the legal assistant. Once submitted, these fraudulent affidavits caused the DEA to forgo the forfeiture process for a period of time. The jury's verdict, and review by the Fourth Circuit regarding the sufficiency of the evidence, affirmed that the drug dealer's "signature on the affidavits, and the submission of those false affidavits to the DEA, constituted wrongful and corrupt efforts to influence and impede the DEA forfeiture proceeding." These efforts succeeded, as the DEA had to forgo, at

least temporarily, the administrative forfeiture of the seized property, due to the filing of the false affidavits. Id. at 141.

The same facts supported both counts eight and nine. In count eight, the indictment alleged that respondent attempted to tamper with witnesses by meeting with an Organization drug dealer, whom he did not represent, to "discuss the drug dealer's criminal case;" respondent then agreed "to obtain funds for the drug dealer's legal fees," and then directed "the drug dealer – in his cooperation with the federal authorities – to withhold relevant information." Id. at 124. Count eight additionally alleged that respondent's conduct was an effort to "corruptly persuade the Organization drug dealer to withhold relevant information from the federal authorities that related to Organization members." Farrell, 921 F.3d at 124. Count nine alleged that respondent had attempted to influence the prosecution of an Organization member by the same conduct, and specifically "by directing the drug dealer 'to meet with federal law enforcement officers and federal prosecutors . . . but to only tell them what they already knew rather than sharing all information known to [that member] about the [Organization's] drug conspiracy and money laundering conspiracy.'" Ibid. If the drug dealer had relied on respondent's advice, and agents had asked the drug dealer what he knew, the drug dealer would have given "false and incomplete information to them." Id. at 142.

During the trial, one of the lawyers who represented a co-conspirator testified for the government, opining that he would never instruct a client in a proffer meeting to tell the government only what it already knew. The attorney believed that such a direction could violate federal law and ethics rules, as the purposeful omission could equate to lying. Additionally, another lawyer testified that respondent's communication with a represented defendant, without his attorney present, would be "'a violation of the Code of Professional Responsibility, the rules of ethics' [sic] to do so." Id. at 128-29. The jury's verdict, and the Fourth Circuit's review of the sufficiency of the evidence, affirmed that respondent's direction to the drug dealer to "proffer to the authorities only the information that they already knew constitutes an instruction to lie to the federal agents." Id. at 142.

On July 17, 2017, following respondent's conviction, Judge Titus heard post-trial motions and imposed sentence. Prior to sentencing, respondent called several witnesses: Dr. Barry Kenneth Nelson, Lindsey Farrell, and his sponsor from Alcoholics Anonymous (AA).

Dr. Nelson had been respondent's treating psychiatrist since April 2004. A colleague referred respondent to Dr. Nelson after respondent had been found guilty of driving under the influence and after his subsequent treatment for substance abuse. Dr. Nelson recounted that, during his time caring for

respondent, respondent had reported trauma as a youth, and Dr. Nelson had concluded that respondent suffered from post-traumatic symptoms because of those experiences.

Dr. Nelson found that respondent had "grandiose" ideas that he was "going to be a hero for the good, and he didn't care, in a sense, what that took." Dr. Nelson found that, as a result, respondent was an extreme perfectionist and his "overzealousness in doing what he was doing" greatly impaired his judgment. Dr. Nelson opined that respondent performed "an extreme amount of pro bono work" and that his "whole goal" was "to save people."

Lindsey, respondent's eighteen-year-old daughter, and one of his seven children, testified that she has had a close relationship with him. Respondent had always been supportive of her, taken care of her and, above all else, taught her the importance of selflessness and service.

Respondent's AA sponsor, an attorney who had practiced in the same community as respondent, testified that, since respondent became sober in 2004, he had been respondent's sponsor. He characterized respondent as one of the best lawyers he had observed in trial and further testified to a belief that respondent was an honorable gentleman, regardless of his convictions. His sponsor believed it was important to testify regarding his role as respondent's

AA sponsor, in order to illustrate respondent's ability to change, as respondent did when he became sober.

During respondent's sentencing statement, he admitted that, "I crossed a line, a line that has resulted in shaming my family and my friends and the institution of American criminal defense which is so vital to America, especially now."

When he imposed sentence, Judge Titus balanced respondent's various positive attributes against the severity of his misconduct. Regarding his positive attributes, Judge Titus noted that respondent had defended several death penalty cases in his career. The judge recognized the enormous burden these cases have on attorneys, and commended respondent for having taken those cases. Judge Titus was troubled about respondent's status as a lawyer, however, concluding that, as a result of his wrongdoing, respondent had lost his right to be a lawyer. Judge Titus found it notable that respondent "acknowledged that he had crossed the line, which is unusual. Most criminal defendants will not do that unless they pled guilty, and this is a defendant who was found guilty and has acknowledged his transgression in his allocution, and that is not insignificant to me."

Judge Titus remarked that respondent "went overboard," but found that respondent was "devoted to his clients almost to the point of blindness . . . . He was blind to what should have been apparent to any attorney that all of this

money coming in and going out and managing all of these different people, some of whom he represented, some of whom he did not was strange stuff and should have had bells going off all over the place that this was crossing the line from being a vigorous advocate to being somebody helping a criminal enterprise." Judge Titus stated that respondent "was wedded to the cause of his clients and failed to see clients as they were, and that [who] he had in front of him were members of a drug organization that were asking him to help coordinate their overall defense for the good of the order, and that's not what an attorney is supposed to be doing."

Judge Titus concluded that respondent's age, "the enormous number of charitable works that he has done," and the fact he has been a devoted and loving father, did not diminish the seriousness of his crimes. Judge Titus described respondent as consigliere to a drug organization, but also stated that he did not "think that it necessarily is appropriate to equate him to the sentences imposed by the active members of the drug organization. That's not a perfect fit by any means." Accordingly, for each count, Judge Titus sentenced respondent to imprisonment for forty-two months, followed by eighteen months of supervised release, to run concurrently. Judge Titus also imposed a $15,000 fine, the mandatory and standard conditions of supervision, and a requirement that respondent participate in a mental health treatment program.

On April 5, 2019, following respondent's appeal, the United States Court of Appeals for the Fourth Circuit affirmed respondent's conviction. Farrell, 921 F.3d at 116.

The OAE recommends respondent's disbarment, characterizing his misconduct as "pervasive, shocking, and reprehensible," but noted there were "no cases exactly on point." The OAE analogized respondent's conduct to that of attorneys who have been convicted of running or aiding sophisticated narcotics operations, or who have participated in other serious criminal enterprises. Although respondent was not charged with the distribution of drugs, the OAE argues that respondent's actions in behalf of the Organization facilitated that conduct. Respondent has not replied to the OAE's motion for final discipline.

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); In re Magid, 139 N.J. 449, 451 (1995); In re Principato, 139 N.J. 456, 460 (1995). Respondent's convictions of conspiracy to commit money laundering, in violation of Title 18 U.S.C. § 1956(h); money laundering, in violation of Title 18 U.S.C. § 1956(a)(1)(B)(i); tampering with official proceedings, in violation of Title 18

U.S.C. § 1512(c)(2); and tampering with witnesses, in violation of Title 18 U.S.C. § 1512(b)(3), thus, establish violations of RPC 8.4(b) and RPC 8.4(c). Pursuant to RPC 8.4(b), 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." Moreover, pursuant to RPC 8.4(c), it is professional misconduct for an attorney to "engage in conduct involving dishonesty, fraud, deceit or misrepresentation." Hence, the sole issue is the extent of discipline to be imposed. R. 1:20-13(c)(2); In re Magid, 139 N.J. at 451-52; and In re Principato, 139 N.J. at 460.

Although respondent's conduct implicates RPC 1.15(d) (failure to comply with recordkeeping requirements); RPC 4.2 (improper communication with a person represented by counsel; and RPC 8.4(d) (conduct prejudicial to the administration of justice), because respondent was not charged with those violations, we may not find that he violated those Rules. See R. 1:20-4(b).

In determining the appropriate measure of discipline, we must consider the interests of the public, the bar, and the respondent. "The primary purpose of discipline is not to punish the attorney but to preserve the confidence of the public in the bar." In re Principato, 139 N.J. at 460 (citations omitted). Fashioning the appropriate penalty involves a 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, his prior trustworthy conduct, and general good conduct." In re Lunetta, 118 N.J. 443, 445-46 (1989).

In sum, we find that respondent committed multiple violations of RPC 8.4(b) and RPC 8.4(c). The only remaining issue is the appropriate quantum of discipline to be imposed for respondent's misconduct.

Generally, attorneys convicted of distribution of controlled dangerous substances have been disbarred, if the distribution is for gain or profit. In re Kinnear, 105 N.J. 391, 396 (1987). See In re Valentin, 147 N.J. 499 (1997) (attorney disbarred in New Jersey, following disbarment in New York, for selling more than a pound of cocaine to a police informant for $11,500); In re McCann, 110 N.J. 496 (1988) (attorney disbarred for a large scale and prolonged criminal narcotics conspiracy, as well as tax evasion); and In re Goldberg, 105 N.J. 278 (1987) (attorney disbarred for playing a significant role in a three-year criminal conspiracy to distribute, and to possess with intent to distribute, large quantities of phenylacetone (P-2P), a Schedule II controlled substance, contrary to 21 U.S.C.A. § 846; the defendants purchased nine tons of P-2P, enough for $200,000,000 worth of "speed," at a profit of at least $3.5 million).

Attorneys also have been disbarred for racketeering enterprises and witness tampering. See, e.g., In re Koufos, 220 N.J. 577 (2015) (after attending

a local bar association function, the attorney continued communicating, by mobile phone, with someone with whom he had been arguing at the event; while driving and looking down at his phone, he heard a loud noise, but did not stop to determine whether he had struck something or someone; in fact, he struck, and severely injured, a teenager as he walked with his friends; Koufos then fled the scene; the next day, he summoned a friend and sometime employee, who agreed to take the blame for the accident; after reviewing the New Jersey Criminal Code with his friend, Koufos told him to expect to be entered into a pre-trial intervention program or to be sentenced to probation for the accident; a certified criminal trial attorney, Koufos knew at the time that there was no presumptive sentence for such conduct, and that the friend risked incarceration, while Koufos stood to go free; the Court disbarred Koufos for his offending post-accident conduct, specifically, his egregious effort to corrupt the criminal process); In re Meiterman, 202 N.J. 31 (2010) (attorney pleaded guilty to using the United States mail to promote and facilitate a racketeering enterprise; the attorney admitted that he bribed public officials to expedite sewer connection approvals for land developments and coached a witness to lie to law enforcement authorities and a federal grand jury); and In re Curcio, 142 N.J. 476 (1995) (attorney was convicted of one count of racketeering, one count of conspiracy, and one count of mail fraud; the attorney, another member of his law firm, and

a surgeon conducted an enterprise to submit falsified reports to more than twenty insurance companies over a thirteen-year period; the scheme involved falsifying patient records to increase the number of visits for each patient/client; the sentencing judge found that the attorney was a brilliant lawyer but let greed overtake him; he was sentenced to a six-year prison term).

Finally, the Court has concluded that attorneys who commit serious crimes or crimes that evidence a total lack of moral fiber must be disbarred in order to protect the public, the integrity of the bar, and the confidence of the public in the legal profession. See, e.g., In re Quatrella, 237 N.J. 402 (2019) (attorney 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); In re Klein, 231 N.J. 123 (2017) (attorney convicted of wire fraud for engaging in an "advanced fee" scheme that lasted eight years and defrauded twenty-one victims of more than $819,000; the attorney leveraged his status as an attorney to provide a "veneer of respectability and legality" to the criminal scheme, including the use of his attorney escrow account); In re Seltzer, 169 N.J. 590 (2001) (attorney working as a public adjuster committed insurance fraud by taking bribes for submitting falsely inflated claims to insurance companies and

failed to report the payments as income on his tax returns; attorney guilty of conspiracy to commit mail fraud, mail fraud, and conspiracy to defraud the Internal Revenue Service); In re Lurie, 163 N.J. 83 (2000) (attorney convicted of eight counts of scheming to commit fraud, nine counts of intentional real estate securities fraud, six counts of grand larceny, and one count of offering a false statement for filing); In re Chucas, 156 N.J. 542 (1999) (attorney convicted of wire fraud, unlawful monetary transactions, and conspiracy to commit wire fraud; attorney and co-defendant used for their own purposes $238,000 collected from numerous victims for the false purpose of buying stock); In re Hasbrouck, 152 N.J. 366 (1998) (attorney pleaded guilty to several counts of burglary and theft by unlawful taking, which she had committed to support her addiction to pain-killing drugs); In re Goldberg, 142 N.J. 557 (1995) (two separate convictions for mail fraud and conspiracy to defraud the United States); In re Messinger, 133 N.J. 173 (1993) (attorney convicted of conspiracy to defraud the United States by engaging in fraudulent securities transactions to generate tax losses, aiding in the filing of false tax returns for various partnerships, and filing a false personal tax return; the attorney was involved in the conspiracy for three years, directly benefited from the false tax deductions, and was motivated by personal gain); and In re Mallon, 118 N.J. 663 (1990) (attorney convicted of conspiracy to defraud the United States and aiding and abetting the submission

of false tax returns; attorney directly participated in the laundering of funds to fabricate two transactions reported on two tax returns in 1983 and 1984).

In its 1995 Goldberg opinion, the Court further enumerated the aggravating factors that normally lead to the disbarment of attorney 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. (citations omitted).
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> [In re Goldberg, 142 N.J. at 567.]

Here, respondent's misconduct is akin to that of the attorneys the Court has disbarred for their extensive involvement in crime, whereby they used their attorney skills in furtherance of the criminal enterprise, for their pecuniary gain. His criminal acts on behalf of the Organization were pervasive, abhorrent, and prolonged. He acted as the principal legal advisor to a drug trafficking enterprise that spanned several years and several states. He actively advised co-conspirators to not cooperate with law enforcement investigators, while

threatening at least one with physical harm if he did. Respondent had an intimate involvement with the Organization's unlawful activity of distributing copious amounts of illicit drugs, leveraging his law license to advance the criminal enterprise. Although he was not charged with trafficking, his role was no less egregious than those of other attorneys who have been convicted of trafficking in controlled dangerous substances, assisted with criminal enterprises, and committed witness tampering.

Although we acknowledge respondent's lack of prior discipline, his expression of remorse and contrition during the sentencing hearing, and his demonstrated history of service to the community, no amount of mitigation, in light of these facts, would salvage respondent's law license. To the contrary, the mitigation illustrates respondent's ability to make sound, lawful choices, juxtaposed against his terrible, willful decision to throw away a once good reputation and wed himself to a dark underworld of crime. As the Court has stated, "[s]ome criminal conduct is so utterly incompatible with the standard of honesty and integrity that we require of attorneys that the most severe discipline is justified by the seriousness of the offense alone." In re Hasbrouck, 152 N.J. at 371-72.

We determine that respondent's misconduct evidences such defective character that disbarment is required to protect the public and to preserve confidence in the bar.

Vice-Chair Gallipoli and Members Joseph and Petrou 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
Bruce W. Clark, Chair

By: _____
For: Ellen A. Brodsky
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of J. Michael Farrell
Docket No. DRB 19-336

Argued: February 20, 2020

Decided: May 12, 2020

Disposition: Disbar

Members	Disbar	Recused	Did Not Participate
Clark	X		
Boyer	X		
Gallipoli			X
Hoberman	X		
Joseph			X
Petrou			X
Rivera	X		
Singer	X		
Zmirich	X		
Total:	6	0	3

For: Ellen A. Brodsky
Chief Counsel