Supreme Court of New Jersey
Disciplinary Review Board
Docket Nos. DRB 22-216 and 22-231
District Docket Nos. XIV-2020-0111E and
XIV-2022-0020E

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In the Matter of

Nabil Nadim Kassem

An Attorney at Law

Dissent

Decided: May 10, 2023

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

Once again, I dissent from my colleagues and vote to recommend respondent's disbarment, not because of respondent's disciplinary record, but because an attorney who fails to comply with an Order of the Court to file the affidavit that R. 1:20-20 requires of all suspended attorneys, in my humble opinion, manifests a disdain for the disciplinary process and the responsibilities attendant to the privilege of being permitted to practice the profession of the law.

I am fully aware that the Court has rejected a recommendation by the

Disciplinary Review Board to address the recurring failure of suspended

respondents to comply with the requirements of R. 1:20-20. While I disagree

with the Court's rejection, I respect the Court's decision and mean no disrespect

by filing a dissent in this case and in similar cases in the future. Absent

enactment of the Board's recommendation or some other remedial rule change

to address this problem, I will continue to vote for disbarment so as to compel

respondents to appear before the Court to explain why they have not complied

with the Court's Order requiring the filing of the R. 1:20-20 affidavit.

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

Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.),

Chair

By: /s/ Timothy M. Ellis

Timothy M. Ellis

**Acting Chief Counsel**