

Brook

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 96-444

IN THE MATTER OF :
ROBERT M. CHRISTIE :
AN ATTORNEY AT LAW :

Decision
Default [R. 1:20-4(f)(1)]

Decided: September 2, 1997

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

Pursuant to R. 1:20-4(f)(1), the Office of Attorney Ethics ("OAE") certified the record in this matter directly to the Board for the imposition of discipline, following respondent's failure to file an answer to the formal ethics complaint. Service of the complaint was made by publication in the New Jersey Lawyer on April 1, 1996, and in the Star Ledger on March 26, 1996. Thereafter, personal service was made on respondent by Detective Steven M. Longo of the Montclair Police Department on April 30, 1996, at the Montclair Jail.

Respondent was admitted to the New Jersey bar in 1977. On March 21, 1995, in response to the OAE's motion for temporary suspension, the Court ordered respondent to practice under the supervision of a proctor, to have his trust account checks co-signed by another attorney, and to supply the OAE with certain documents. After respondent failed to comply with the Court Order, he was temporarily suspended on May 23, 1995. Respondent remains suspended to date.

The formal complaint charged respondent with violations of RPC 1.15 (knowing misappropriation), RPC 8.1(a) (false statement of material fact), RPC 8.1(b) (failure to cooperate with disciplinary authorities) and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation).

According to the complaint, respondent was retained by Mary Boone to represent her in connection with a personal injury action. On December 17, 1990, the parties reached a settlement in the amount of \$16,000. Upon receipt of the funds, respondent deposited them into his attorney trust account on December 31, 1990. Between January 2, 1991 and February 29, 1991, respondent issued six checks against the funds. Two were made payable to Boone in the amounts of \$2,000 and \$600. The remaining four checks were made payable to respondent for an amount totaling \$5,333, to which he was entitled as legal fees. A balance of \$8,067 was left.

By respondent's own admission, the balance of \$8,067 should have remained in the trust account. In an incomplete response to the grievance dated November 11, 1994, respondent stated that "[a]ll other funds were retained by [him] until [they] could determine what party was going to pay for the other bills incurred, resulting from this accident, which were due and owing." However, an analysis performed by the OAE revealed that, with the exception of July 11, 1994, respondent's trust account was out-of-trust from December 24, 1993 until April 30, 1995. As of April 30, 1995, the trust account balance was only \$23.18.

In his response to the grievance, respondent claimed that an alleged reoccurrence of an ulcer condition and a viral infection inhibited his ability to practice law and to cooperate with disciplinary authorities. He presented no defense to the charge of knowing misappropriation. In fact, in his letter to the DEC respondent denied being guilty of knowing misappropriation.

* * *

Following a de novo review of the record, the Board deemed the allegations contained in the complaint admitted. The record contains sufficient evidence of respondent's unethical conduct. Respondent knowingly misappropriated approximately \$8,000 in client funds. Furthermore, respondent's misrepresentation to the OAE, his failure to cooperate and his failure to comply with the Court Order evidenced his contempt for the disciplinary process.

This leaves only the issue of appropriate discipline. Knowing misappropriation of trust funds requires disbarment. "[M]aintenance of public confidence in this Court and in the bar as a whole requires the strictest discipline in misappropriation cases." In re Wilson, 81 N.J. 451, 461 (1979). See also In re Barlow, 140 N.J. 191 (1995) (disbarment for knowing misappropriation of \$2,800); In re Noonan, 102 N.J. 157 (1986) (disbarment for knowing misappropriation involving nine matters); In re Hein, 104 N.J. 267 (1986) (disbarment for knowing misappropriation of about \$1,400).

On the basis of the knowing misappropriation alone, respondent must be disbarred. In re Wilson, supra, 81 N.J. 451 (1979).

In light of the foregoing, the Board unanimously determined to recommend that respondent be disbarred. Two members did not participate. One member recused himself.

The Board further determined to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs.

Dated: 9/2/97



LEE M. HYMERLING
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

**DISCIPLINARY REVIEW BOARD
VOTING RECORD**

**In the Matter of Robert M. Christie
Docket No. DRB 96-444**

Decided: September 2, 1997

Disposition: Disbar

Members	Disbar	Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hymerling	x						
Zazzali							x
Huot	x						
Cole	x						
Lolla	x						
Maudsley	x						
Peterson	x						
Schwartz							x
Thompson						x	
Total:	6					1	2

Robyn M. Hill 9/9/97
Robyn M Hill
Chief Counsel