

FILED

MAY 05 2004

SUPREME COURT OF NEW JERSEY
D-59 September Term 2003

Stephen W. Bernard

IN THE MATTER OF

CLERK

PHILIP S. NOCE,

AN ATTORNEY AT LAW

(Attorney No. 259121972)

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ORDER

The Disciplinary Review Board having filed with the Court its decision in DRB 03-225 and DRB 03-169, concluding that as a matter of final discipline pursuant to Rule 1:20-13(c), based on respondent's conviction in the United States District Court, District of New Jersey of one count of conspiracy to commit mail fraud, PHILIP S. NOCE of RIVER EDGE, who was admitted to the bar of this State in 1972, should be suspended from the practice of law for a period of three years for violating RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), RPC 8.4(d) (conduct prejudicial to the administration of justice), and ACPE Opinion 639, 125 N.J.L.J. 894 (1990) (an attorney who represents a purchaser of real estate cannot provide the title insurance through a title insurance company in which he has a beneficial interest);

And the Disciplinary Review Board having determined that the term of suspension should be retroactive to July 25, 2002, the date on which respondent was temporarily suspended from the

practice of law by Order of this Court;

And the Disciplinary Review Board having further concluded that prior to reinstatement to practice, respondent should be required to submit proof of payment of the fine and restitution required by the federal judgment of conviction;

And PHILIP S. NOCE having been ordered to show cause why he should not be disbarred or otherwise disciplined;

And good cause appearing;

It is ORDERED that PHILIP S. NOCE is suspended from the practice of law for a period of three years, retroactive to July 25, 2002, and until the further Order of the Court; and it is further

ORDERED that with any application for reinstatement to practice, respondent shall submit proof that he is in compliance with the payment schedule for the fine and restitution ordered by the United States District Court; and it is further

ORDERED that if at any time following reinstatement, respondent fails to comply with the fine and restitution payment schedule, he shall be subject to an order of suspension, which will be lifted only on respondent's return to full compliance with the payment schedule and on further Order of the Court; and it is further

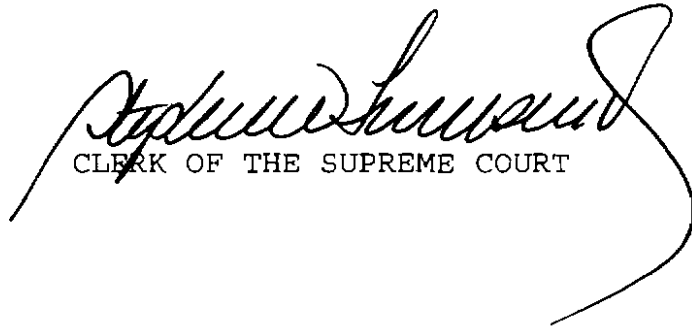
ORDERED that respondent continue to be restrained and enjoined from practicing law during the period of his suspension and that respondent continue to comply with Rule 1:20-20; and it

is further

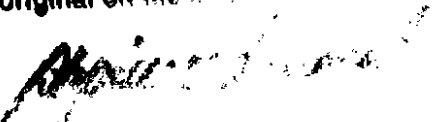
ORDERED that the entire record of this matter be made a permanent part of respondent's file as an attorney at law of this State; and it is further

ORDERED that respondent reimburse the Disciplinary Oversight Committee for appropriate administrative costs incurred in the prosecution of this matter.

WITNESS, the Honorable Deborah T. Poritz, Chief Justice,
at Trenton, this 4th day of May, 2004.


CLERK OF THE SUPREME COURT

The foregoing is a true copy of the original on file in my office


CLERK OF THE SUPREME COURT
NEW JERSEY

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MAY 6 2004
ORIGINAL
DISCIPLINARY REVIEW BOARD