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SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 94-095

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IN THE MATTER OF                   :  
  :  
RICHARD D. SILVERBLATT,       :  
  :  
AN ATTORNEY AT LAW           :  

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Decision of the  
Disciplinary Review Board

Argued: May 18, 1994

Decided: June 22, 1995

Richard J. Engelhardt appeared on behalf of the Office of Attorney Ethics.

Respondent waived appearance for oral argument.

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

This matter was before the Board on a Motion for Reciprocal Discipline filed by the Office of Attorney Ethics (OAE) pursuant to R. 1:20-7(b) (currently R. 1:20-14, effective March 1, 1995), based upon respondent's disbarment in the State of New York on November 12, 1985. Respondent's disbarment in New York resulted from his plea of guilty to one count of a federal indictment charging him with ten counts of wilfully and knowingly presenting documents containing false statements of material fact to the United States Naturalization and Immigration Service, in violation of 18 U.S.C.A.

1001. That indictment, issued in March 1985, charged respondent with misrepresenting to the Naturalization and Immigration Service reasons allegedly justifying changes in a number of clients' official alien immigration status, resulting in the issuance of employment authorization forms to these clients. Respondent entered into a plea agreement on April 18, 1985, and was sentenced on July 19, 1985 to a suspended sentence, two years' probation and a fine of \$5,000.00.

As set out in the pre-sentence report, the government's version of respondent's misconduct is as follows:

At all times relevant to this Indictment, Richard Dennis Silverblatt was a practicing attorney in the State of New York. While a partner in the law firm of Silverblatt & Hamilton, which is located at 335 Broadway, New York, New York, the defendant on ten verifiable occasions from 12/13/82 to 1/31/83 submitted false statements on behalf of his clients to the U.S. Immigration and Naturalization Service. These individuals were aliens who had come to the defendant's law firm seeking authorization through United States Employment Form I-94 to legally remain and work in the United States. Silverblatt knowingly and illegally listed political reasons on behalf of his clients on U.S. Immigration Form I-485. The defendant was aware that in fact that [sic] there were no political reasons or need for political asylum for these individuals and therefore they were not entitled to a change in their alien immigration status.

U.S. Immigration agents noticed a large number of requests from aliens for permanent status due to political reasons, which were submitted through Silverblatt's law office. Further investigation revealed that the defendant was submitting fraudulent forms to the Immigration Service. It is estimated that Silverblatt earned anywhere from \$25,000.00 to \$50,000 for his actions in this crime. He did however have a sliding scale of fees and would often charge his poor clients less for legal services. After seeking political asylum, an illegal alien would then have permission to work and could obtain a valid Social Security Card. Apparently, the defendant's partner John Hamilton had no knowledge of

the defendant's illegal practices and was not involved in any way with this crime.

[Pre-sentence report at 3.]

Following sentencing, respondent was disbarred in New York on November 12, 1985.

In light of the fact that respondent failed to report either his conviction or his disbarment in New York to the OAE, as was required by R. 1:20-6(a) and R. 1:20-7(a), the OAE did not learn of this matter until May 19, 1993. At that time, disciplinary officials from New York had fortuitously forwarded various disciplinary orders to the OAE. Included in those orders was an April 1993 Order relating to respondent's application for reinstatement in New York.

Following the receipt of that information, the matter was pursued by the OAE. On July 1, 1993, respondent was temporarily suspended in New Jersey, pursuant to R. 1:20-6(b).

In its Motion for Reciprocal Discipline, the OAE urged respondent's suspension from the practice of law for a period of three years. During argument before the Board, the OAE noted that, in the event that suspension is retroactive, it should only be retroactive to the day of his temporary suspension in New Jersey, i.e., July 1, 1993.

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Reciprocal disciplinary proceedings in New Jersey were, at the time of this motion, governed by R. 1:20-7(d), which directed that:

\* \* \* the Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the record upon which the discipline in another jurisdiction was predicated, that it clearly appears that:

- (1) the disciplinary order of the foreign jurisdiction was not entered;
- (2) the disciplinary order of the foreign jurisdiction does not apply to the respondent;
- (3) the disciplinary order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;
- (4) the procedure followed in the foreign matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
- (5) the misconduct established warrants substantially different discipline.

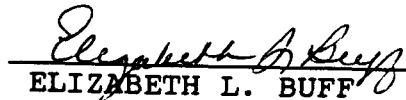
The Board's review of the record does not disclose any circumstances that fall within the ambit of subparagraphs one through four. With regard to subparagraph 5, however, recent New Jersey cases with similar fact patterns have not resulted in disbarment, but have led to suspensions of eighteen months to three years. In re Biederman, 134 N.J. 217(1993) (eighteen-month suspension for knowingly and willfully encouraging and inducing aliens to reside in the United States); In re Konigsberg, 132 N.J. 263(1993) (thirty-three month suspension resulted from violation of 18 U.S.C.A. 1001, where an attorney backdated an insurance claim form to assist a client and lied to a postal inspector investigating the matter); In re Brumer, 122 N.J. 294(1991) (three-year suspension where attorney knowingly and willfully induced aliens to reside illegally in the United States). In this case, respondent's offense was significant and directly involved his law

practice. His conduct is most similar to that of In Brumer, supra, where Brumer's misconduct directly involved the practice of law, resulted in financial benefit to the attorney, and related to violation of immigration and naturalization laws.

As with Brumer, respondent's conduct merits a three-year suspension. A majority of the Board has, therefore, voted to impose a three-year suspension, retroactive to the date of his temporary suspension in New Jersey, July 1, 1993. Three members of the Board dissented, voting for disbarment. Two members did not participate.

Respondent is also required to reimburse the Disciplinary Oversight Committee for administrative costs.

Dated: June 22, 1995

  
ELIZABETH L. BUFF  
Vice-Chair  
Disciplinary Review Board