

Book

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 96-080

---

IN THE MATTER OF :  
:   
GLENN D. DeSANTIS :  
:   
AN ATTORNEY AT LAW :  
:

---

Decision

Argued: May 15, 1996

Decided: September 16, 1996

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

Respondent appeared pro se.

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 Final Discipline filed by the Office of Attorney Ethics (OAE), based upon respondent's guilty plea to one count of mail fraud, in violation of 18 U.S.C.A. § 1341.

Respondent was admitted to the New Jersey bar in 1986. On May 23, 1989, he was involved in a car accident in Philadelphia, Pennsylvania. He was diagnosed by Dr. Gary Berger as having sustained lower back injuries. Respondent went to see Dr. DeLia for treatment and subsequently agreed to and accepted a report containing false claims. The report was thereafter mailed from Dr. DeLia's office to State Farm Insurance on January 11, 1990.

Respondent admitted to wrongfully benefitting financially in the amount of \$6,500. Respondent was sentenced to three years' probation, ordered to perform 500 hours of community service and ordered to pay \$5,000 in fines and a \$50 special assessment fee. He was given credit for making restitution in the amount of \$6,500 (Exhibits D and E to OAE's brief).

Respondent did not advise the OAE of his criminal proceeding, as required under R. 1:20-13(a)(1). Respondent was temporarily suspended on October 2, 1995. In re DeSantis, 142 N.J. 471 (1995).

The OAE requests that respondent receive a two year suspension from the practice of law.

\* \* \*

Upon review of the full record, the Board has determined to grant the OAE's Motion for Final Discipline.

Respondent was convicted of one count of mail fraud, in violation of 18 U.S.C.A. § 1341. The existence of a criminal conviction constitutes conclusive proof of respondent's guilt. R. 1:20-13(c)(1); In re Gipson, 103 N.J. 75, 77 (1986). The only remaining issue is the extent of discipline to be imposed. R. 1:20-13(c)(2); In re Infinito, 94 N.J. 50, 56 (1983). Respondent's criminal conviction clearly and convincingly demonstrates that he engaged in activity that reflects adversely on his fitness as a lawyer. RPC 8.4(b).

Though respondent's misconduct is not related to the practice of law, any misbehavior, whether private or professional, that reveals an absence of the good character and integrity essential for an attorney constitutes a basis for discipline. In re La Duca, 62 N.J. 133, 140 (1979). Criminal misconduct as serious in nature as respondent's has resulted in substantial suspensions from the practice of law. See, e.g., In re Batalla, 142 N.J. 616 (1995) (two-year suspension imposed on an attorney who pleaded guilty to income tax evasion); In re Nedick, 122 N.J. 96 (1991) (two-year suspension for income tax evasion); In re Solomon, 110 N.J. 56 (1988) (two-year suspension for conspiracy to defraud the United States by trading upon confidential securities information).

The Board unanimously determined to suspend respondent for two years, retroactive to the date of his temporary suspension in New Jersey, October 2, 1995. Two members did not participate.

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

Dated: \_\_\_\_\_

9/6/96



LEE M. HYMERLING  
Chair  
Disciplinary Review Board