

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 93-249

IN THE MATTER OF :
ALAN C. SUGARMAN, :
AN ATTORNEY AT LAW :

Decision and Recommendation
of the
Disciplinary Review Board

Argued: October 20, 1993

Decided: July 1, 1994

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

Respondent did not appear for oral argument, despite proper notice of the hearing.

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 seventeen counts of embezzlement, in violation of 18 U.S.C.A. 153.

Respondent was admitted to the New Jersey bar in 1955. He was admitted to the bar of the State of California in 1982. The underlying events occurred while respondent was practicing as a bankruptcy attorney in Los Angeles, California. In that capacity, respondent embezzled funds from the bankruptcy estate of two Beverly Hills doctors, Ruben and Joseph Marmet, who were brothers. Respondent's misconduct involved seventeen separate thefts, occurring from April 1987 through December 1988.

In February 1992, respondent was the subject of a seventeen-count indictment returned in the United States District Court for the Central District of California, which charged him with embezzlement, in violation of 18 U.S.C.A. 153. On November 3, 1992, respondent pleaded guilty to all seventeen counts of the indictment in the United States District Court for the Southern District of Florida. On February 26, 1993, respondent was sentenced to four years' probation and ordered to pay restitution in the amount of \$285,120.56. As a special condition of probation, respondent was ordered to participate in a home-confinement program for a period of 180 days, due to his poor health at the time.

As a result of his criminal conviction, respondent was temporarily suspended by the Court on December 16, 1992. In re Sugarman, 130 N.J. 436 (1992). His resignation from the bar of the State of California was accepted on October 28, 1992.

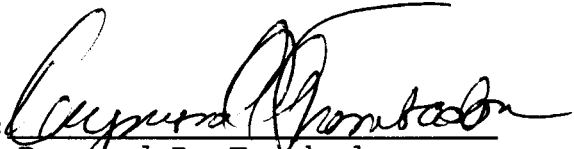
CONCLUSION AND RECOMMENDATION

A criminal conviction is conclusive evidence of respondent's guilt. R.1:20-6(b)(1). Accordingly, there is no need to make an independent examination of the underlying facts to ascertain guilt. In re Bricker, 90 N.J. 6, 10 (1982). The only issue to be determined is the extent of the final discipline to be imposed. R. 1:20-6(b)(2)(ii). Respondent's guilty plea established that he engaged in illegal conduct which adversely reflected on his fitness as a lawyer. RPC 8.4 (b).

Respondent pleaded guilty to seventeen counts of embezzlement, in violation of 18 U.S.C.A. 153. Since the embezzled funds belonged to respondent's clients, it is clear that he intentionally misappropriated approximately \$285,000 from their accounts. This alone requires disbarment. In re Noonan, 102 N.J. 157, 160 (1986); In re Wilson, 81 N.J. 451, 455 (1979). The maintenance of public confidence in the Supreme Court and the bar as a whole requires the strictest discipline in misappropriation cases. In re Wilson, supra, 81 N.J. at 461. Accordingly, the Board unanimously recommends that respondent be disbarred. Three members did not participate.

The Board further recommends that respondent be required to reimburse the Ethics Financial Committee for administrative costs.

Dated: 7/1/94

By: 
Raymond R. Trombadore
Chair
Disciplinary Review Board