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SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 95-483

IN THE MATTER OF
CHARMAN T. HARVEY
AN ATTORNEY AT LAW

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

Decided: October 15, 1996

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

Pursuant to R. 1:20-4(f)(1), the District V-B Ethics Committee ("DEC") 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 properly made on the attorney for respondent, Cassandra T. Savoy.

The formal complaint charged respondent with violations of RPC 1.15(a) (knowing misappropriation), RPC 8.4(c) (dishonesty, fraud, deceit and misrepresentation) and RPC 1.15 (failure to safeguard client funds).

Respondent was admitted to the New Jersey bar in 1986. She is currently under suspension for negligent misappropriation of client funds. According to the complaint,

respondent knowingly misappropriated funds from at least eight clients over a period of ten months. In each of these cases, respondent's trust account demonstrated that, after disbursements of trust funds by way of checks payable to respondent, the client account balances experienced significant shortages. These shortages varied in amount, generally ranging from \$1,000 to \$5,000. Respondent disbursed money from client Collins' trust account to client Beedo, creating a \$3,640 shortage in Collins' account. Additionally, when a disbursement was made to Collins, funds of other clients were invaded. Money held in trust for clients Rivera, Marques and Salaam were invaded early or improperly for the purpose of obtaining legal fees. Additionally, the account was \$7,000 short on funds to be held in trust for clients Salaam, Abdullah and Louissant.

Also significant is the fact that on a number of occasions respondent was less than truthful with the Office of Attorney Ethics ("OAE"). On several occasions, she denied having any clients with the last name Beedo and could not produce any files or trust records for the OAE. In fact, she had three clients named Beedo in the early 1990s. In addition, respondent altered the Marques ledger in an attempt to conceal the advance of fees prior to receipt of settlement funds for both the Marques and Salaam matters.

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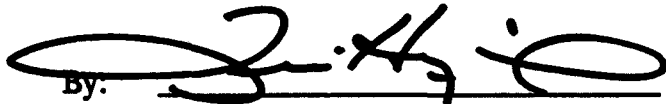
Following a de novo review of the record, the Board deemed the allegations contained in the complaint admitted. The record contains sufficient evidence of respondent's unethical conduct, which included knowing misappropriation. RPC 1.15(a), RPC 8.4(c).

This leaves only the issue of appropriate discipline. "The reason for discipline is to preserve the confidence of the public in the integrity and trustworthiness of lawyers in general. Anything less than strict discipline in cases like this would be a disservice to the bar, the judiciary and the public." In re Wilson, 81 N.J. 451, 456 (1979). Knowing misappropriation is sufficient in and of itself to mandate disbarment. Id. at 453.

The Board unanimously determined to recommend respondent's disbarment. Three members did not participate.

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

Dated: 10/15/96

By: 
LEE M. HYMERLING
Chair
Disciplinary Review Board