

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 96-064

IN THE MATTER OF :
IRWIN RAVIN :
AN ATTORNEY AT LAW :

Decision of the
Disciplinary Review Board

Argued: April 17, 1996

Decided: July 15, 1996

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

Respondent did not appear, 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 Reciprocal Discipline filed by the Office of Attorney Ethics (OAE). R.1:20-14. The motion was based on respondent's six-month suspension from the practice of law in the State of Alaska for non-cooperation with the disciplinary authorities and for continuing to practice law in Alaska while suspended due to non-payment of bar dues.

Respondent was admitted to the bar of New Jersey in 1966 and of Alaska in 1968. Respondent's six-month suspension in Alaska originated from an August 25, 1994 grievance from the Alaska Bar Association. Respondent did not reply to this grievance. On

April 4, 1995, he was suspended from the practice of law for non-payment of bar dues by order of the Alaska Supreme Court. (Exhibit D to OAE's letter-brief). In spite of this suspension, respondent continued to practice law in Alaska. Specifically, he continued to represent his client, Theodore Benhardt, in Benhardt v. Cannava. Respondent discussed settlement of the case with opposing counsel on several occasions, exchanged settlement documents with opposing counsel, filed a pretrial memorandum with the court, settled the case and signed a stipulation for dismissal to be filed with the court (Exhibit D to OAE's letter-brief).

The Alaska Bar Association also filed another grievance against respondent for practicing law while on suspended status. Respondent did not reply to these charges either. Respondent consented to a six-month suspension, pursuant to Alaska Bar Rule 1.6(a)(2) (Exhibit D to OAE's letter-brief).

The OAE has requested the imposition of a reciprocal suspension for six months.

* * *

Upon a review of the full record, the Board recommends that the OAE's motion be granted. The Board adopts the factual findings of the Alaska Supreme Court. In re Pavilonis, 98 N.J. 36, 40 (1984); In re Tumini, 95 N.J. 18, 21 (1979); In re Kaufman, 81 N.J.

300, 302 (1979). Reciprocal disciplinary proceedings in New Jersey are governed by R.1:20-14(a)(4), which directs 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:

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

In this instance, the record does not demonstrate any of the conditions set forth above to warrant the imposition of discipline different from that imposed in Alaska. Ordinarily, unless good reason to the contrary exists, the disciplinary action in New Jersey will comport with that imposed in the other jurisdiction. In re Kaufman, supra, 81 N.J. at 303.

In New Jersey, attorneys who have failed to cooperate with the disciplinary authorities and have practiced law while on the ineligible list for failure to pay the annual assessment to the New Jersey Lawyers' Fund for Client Protection have been suspended from

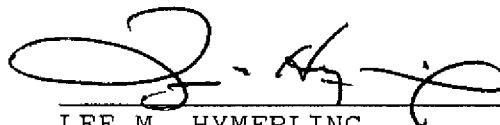
the practice of law. See, e.g., In re Beltre, 119 N.J. 190 (1990) (three-month suspension for, among other things, failing to cooperate with the ethics system as well as appearing at a pretrial conference and filing an answer in a matrimonial matter, despite being on the ineligible list for non-payment of the annual attorney registration fee). Here, respondent's misconduct was more pervasive than Beltre's, in that he discussed settlement of a medical malpractice case with his adversary on several occasions; exchanged settlement documents with the adversary; filed a pretrial memorandum with the court; ultimately settled the case; and filed a stipulation of dismissal with the court. In light of the foregoing, the Board sees no reason to deviate from the discipline imposed by the State of Alaska.

The Board has unanimously determined to impose a six-month suspension. One member did not participate.

In addition, the Board further determined to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs.

Dated: _____

7/15/96



LEE M. HYMERLING
Chair
Disciplinary Review Board