

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 13-221  
District Docket No. XIV-2011-  
0258E

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IN THE MATTER OF  
ROGER PAUL FRYE  
AN ATTORNEY AT LAW

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Dissent

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

We are unable to concur with the majority that  
respondent's conduct is deserving of only a two-year  
suspension. In our view, he must be disbarred.

We find that respondent's behavior toward the child was  
abhorrent and that -- as the majority acknowledged -- the  
changes that the legislature has made to afford more  
protection against those who are guilty of sexual conduct  
toward children require that we, the disciplinary authorities,  
adopt corresponding measures to protect the public against the  
lawyers who commit such heinous crimes.

"Good moral character is a basic condition for membership  
in the bar." In re Pennica, 36 N.J. 401, 433-34 (1962). "There

is no profession, save perhaps the ministry, in which the highest morality is more necessary than that of the law [citations omitted]." In re Herr, 22 N.J. 276, 300 (1956). How can clients then trust the sound advice that they seek from an attorney -- in any area of the law -- when they know that the attorney is morally deficient? One could argue that an attorney who has deficiency of character may still be an effective advocate for the client in, say, a business-related lawsuit. But, in our view, lawyers who commit certain crimes should not be granted the privilege to practice law, no matter how competent they might be in some legal arenas. A brilliant thief who successfully escapes the clutches of the law is no less a thief. Similarly, a lawyer who is convicted of a crime and, in particular, a crime of this sort, is no less a criminal. Depending on the crime, the lawyer should not be practicing law. To those members, this is one of those situations.

Further evidence of respondent's lack of probity is his concealment of his crime from disciplinary authorities for almost fifteen years, despite his legal duty to notify the OAE of his guilty plea.

Extremely troubling also were (1) respondent's purported concern, expressed in his brief to us, for "my victim's" rights of privacy when, in truth, it was obvious that he was

concerned about his privacy rights and (2) the absence of remorse on his part.


Finally, as we have expressed in our dissent in In the Matter of Neil Cohen, DRB 13-208, we cannot help but wonder how members of the public would feel if, during the course of the representation, they learned that the attorney they had placed so much trust in was a registered Megan's Law offender. How would they then feel, when they learned that we, as a profession, allowed that attorney to maintain a license? We doubt they would have much faith in any of us going forward, always wondering what the next attorney might be hiding about his or her character. We also doubt many members of the public would be able to understand why this attorney was not disbarred.

We unhesitatingly vote to disbar respondent. Should respondent not be disbarred, we agree with the majority that psychological and alcoholism treatment should be required until he is discharged.

Bonnie C. Frost  
Chair

Jeanne Doremus  
Public Member

Dated: December 19, 2013

By:   
for Isabel Frank  
Acting Chief Counsel