

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 13-271
District Docket No. XIV-2011-638E
and
Docket No. DRB 13-272
District Docket No. XIV-2011-639E

IN THE MATTER OF
EDWARD G. ENGELHART
AN ATTORNEY AT LAW

IN THE MATTER OF
GOLDIE C. SOMMER
AN ATTORNEY AT LAW

Dissent

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

The majority has recommended that both respondents receive a one-year suspension, retroactive to the date of respondents' temporary suspension, May 22, 2013. I dissent from that recommendation for the reasons that follow and recommend the disbarment of both respondents.

Initially, I wish to make clear that I do not adhere to the belief that any criminal conviction should per se result in a

respondent's disbarment. However, I do wish to make clear that, regardless of past precedent, with which I respectfully disagree, because of the predicate acts that give rise to certain criminal convictions, disbarment, not suspension, is the only appropriate measure of discipline that will preserve the confidence of the public in the bar. Such is the situation here.

In this case, respondents admitted they knowingly and purposely "laundered" \$354,000 through their trust account, in a manner that would not result in the filing of a reporting form (amounts less than \$10,000). They did this by making in excess of thirty deposits, involving people close to them in the illegal activity. They alternatively offer as an explanation for their conduct (1) they were unaware of the requirements of the federal law or (2) the deposits were made in the fashion they were so as to preclude the depository bank from reporting the deposits to the wife of respondents' client (argument of counsel for respondent Sommer before the Disciplinary Review Board).


Neither explanation, I respectfully submit, makes sense. First, if respondents were unaware of the federal reporting requirement, why did they need to enlist the assistance of family and friends to make the multiple deposits? If there was

no pre-knowledge that making such deposits was illegal, why would not the respondents themselves make each and every deposit to their trust account? Second, the explanation of counsel - that respondents believed the depository bank would notify the wife of respondents' client of the deposit of money into the respondents' trust account and, thus, their conduct should be excused or the sanction reduced - is simply incomprehensible and, thus, rejected by me.

I do acknowledge that, in determining the appropriate discipline in a given case, the interests of the public, the bar and respondent(s) must be considered and that the primary purpose of discipline is not to punish the attorney, but to preserve the confidence of the public in the bar. However, I respectfully submit that, in certain situations - and this is one such situation - where the illegal conduct deals with the honesty and trustworthiness of the lawyer(s), the public's confidence in the bar can only be served by disbarment.

Disciplinary Review Board
Maurice J. Gallipoli

Dated: 2/10/14

By: 
Isabel Frank
Acting Chief Counsel