

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 13-324
District Docket No. XIV-2011-0285E

IN THE MATTER OF

ERIK W. MUELLER

AN ATTORNEY AT LAW

Dissent

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

I am unable to agree with the majority's determination that a three-year suspension sufficiently addresses respondent's serious ethics, -- indeed, criminal -- offenses. In my view, nothing short of disbarment is justified in this matter.

Had respondent been applying for admission to the bar, given his conduct and his admission of guilt to a crime involving dishonesty, as well as the loss of great amount of funds that he was obligated to keep in his trust account, he would never have been granted the privilege of admission to the New Jersey bar. Therefore, I see no reason why, after respondent's admission to the bar, such conduct should be countenanced and, in effect, excused. Because such a great majority of the public believes that lawyers, even those who are

of good moral standing, are dishonest, allowing respondent to again practice law would only justify and give life to that misconception. I, therefore, recommend that respondent be disbarred.

Disciplinary Review Board
Maurice J. Gallipoli

By: Isabel Frank
Isabel Frank
Acting Chief Counsel