

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 13-335  
District Docket No. XIV-2011-0059E

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IN THE MATTER OF :  
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MARC D. MANOFF :  
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AN ATTORNEY AT LAW :  
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Dissent

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

The majority has recommended that respondent receive a three-year suspension, retroactive to the date of his temporary suspension, February 16, 2011. I dissent from that recommendation for the reasons that follow and recommend his disbarment.

As I have maintained in previous dissenting opinions, most recently in In re Engelhart, DRB 13-271, and In re Sommer, DRB 13-272 (February 10, 2014) (Gallipoli dissent at 1-3), I do not adhere to the belief that any criminal conviction should per se result in a respondent's disbarment. However, I do continue to believe 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, respondent pleaded guilty to not only participating in, but also spearheading, a conspiracy to commit securities fraud. He also pleaded guilty to two counts of security fraud. He knowingly and purposely engaged in fraudulent stock purchases to increase the demand for those stocks, a result of which the price rose artificially. Those who would have purchased the stock would have been defrauded because of the false appearance of an active market in the stock. To preserve the public's confidence in the legal profession, such egregious conduct must not be tolerated.

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, the public's confidence in the bar can only be served by disbarment.

Disciplinary Review Board  
Maurice J. Gallipoli

By: Isabel Frank  
Isabel Frank  
Acting Chief Counsel