

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 13-356
District Docket No. XIV-2011-0636E
and
Docket No. DRB 13-357
District Docket No. XIV-2011-0637E

IN THE MATTER OF :
:
DONALD J. GRASSO :
:
AN ATTORNEY AT LAW :
:

IN THE MATTER OF :
:
DALE S. ORLOVSKY :
:
AN ATTORNEY AT LAW :
:

Dissent

The majority has recommended that respondents receive a two-year suspension, retroactive to the date of their respective temporary suspensions. I dissent from that recommendation for the reasons that follow and recommend their disbarment.

As I have maintained in previous dissenting opinions, such as in In the Matter of Edward G. Engelhart, DRB 13-271 and In the Matter of Goldie C. Sommer, DRB 13-272 (February 10, 2014), 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.

Again, we are faced with a case where respondents admitted to participating in a scheme based on fraud and dishonesty - in this matter, tax evasion. I write here only to reiterate my previous concerns. How can we expect the public to put their trust in any member of the bar if we continue to allow those who violate that trust in such an egregious manner to be licensed attorneys?

I do acknowledge that, in determining the appropriate discipline in a given case, the interests of the public, the bar and a respondent 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 of them - 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