

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 09-046
District Docket No. VC-07-0036E

IN THE MATTER OF
RICHARD M. ROBERTS
AN ATTORNEY AT LAW

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Supplemental Decision

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

This matter was argued before us on April 16, 2009, at which time we determined to censure respondent for his conduct in the course of his representation of Brian Mellette.

On June 19, 2009, we transmitted our formal decision to the Court. Our vote for the imposition of only a censure was based, in part, on the anticipation that the Court would accept our decision to suspend respondent for three months in DRB 08-362 and DRB 08-363, then pending with the Court, thereby offering

some assurance to members of the public, at least temporarily, that this respondent would not be harming them.

Later, on the same day that we forwarded our decision to the Court, the Court filed an Order censuring, rather than suspending, respondent in DRB 08-362 and DRB 08-363. Accordingly, by letter dated July 15, 2009, the Court offered us an opportunity to file a supplement to our June 19, 2009 decision to address what effect, if any, the Court's decision to impose a censure in DRB 08-362 and DRB 08-363 would have on our determination to censure respondent in DRB 09-046. A copy of that letter was sent to respondent's counsel.

At our July 16, 2009 session, without oral argument and without any papers filed by respondent's counsel, we considered whether to re-affirm our vote for a censure or to impose other discipline, in light of the changed circumstances. After re-examining respondent's ethics offenses in DRB 09-046, his disciplinary record, the need to protect prospective clients from respondent's errant ways, and the need to assure the public that respondent's abandonment of client Brian Mellette's interests will not be tolerated, we determine that discipline more severe than a censure is required. By a majority of the vote, we determine that respondent should be suspended for three months.

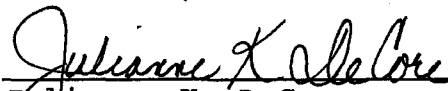
We also reiterate our recommendation that, upon reinstatement, respondent be proctored by an OAE-approved attorney for a period of two years.

Member Baugh affirmed her prior decision to impose a censure. She would also require a two-year proctorship.

Member Yamner did not participate.

As in our original decision, we determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board
Louis Pashman, Chair

By: 
Julianne K. DeCore
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
REVISED VOTING RECORD

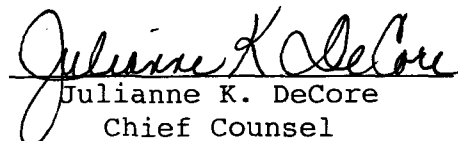
In the Matter of Richard M. Roberts
Docket No. DRB 09-046

Argued: April 16, 2009

Decided: August 6, 2009

Disposition: Three-month suspension

Members	Disbar	Three-month Suspension	Censure	Dismiss	Disqualified	Did not participate
Pashman		X				
Frost		X				
Baugh			X			
Clark		X				
Doremus		X				
Stanton		X				
Wissinger		X				
Yamner						X
Zmirich		X				
Total:		7	1			1


Julianne K. DeCore
Chief Counsel