

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 04-115
District Docket No. XIV-04-097E

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

Decision

Argued: May 20, 2004

Decided: June 21, 2004

Richard J. Engelhardt appeared on behalf of the Office of Attorney Ethics.

Respondent did not appear for oral argument, despite proper notice.

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

This matter was before us on a motion for reciprocal discipline filed by the Office of Attorney Ethics ("OAE"), following respondent's disbarment in the Commonwealth of Pennsylvania.

Respondent was admitted to the New Jersey bar in 1978 and to the Pennsylvania bar in 1977. Although he has no history of final discipline in New Jersey, on April 26, 2004, he was

temporarily suspended for failure to comply with a fee arbitration determination. In re Richmond, ___ N.J. ___ (2004). Since September 20, 1999, he has been ineligible to practice law in New Jersey for failure to pay the annual assessment to the New Jersey Lawyers' Fund for Client Protection.

On September 24, 2003, respondent tendered his unconditional resignation from the practice of law in Pennsylvania. He acknowledged the existence of serious disciplinary charges against him, including knowing misappropriation of client funds, and admitted that he could not successfully defend himself against them. On November 18, 2003, the Supreme Court of Pennsylvania issued an order accepting respondent's disbarment on consent.¹

The seven-charge Pennsylvania Petition for Discipline alleged that respondent knowingly misappropriated \$2,875 from Carmela Pisacano; in excess of \$185,000 from Janice Iannece and James Piccirilli; \$90,000 from Linda Pavese; \$22,000 from Joseph Novelli; \$2,500 from Ken Thompson; \$106,000 from Louis Costello Jr.; and \$33,000 from Paul J. Campagna, for a total of \$441,375.

The OAE urged us to recommend respondent's disbarment.

¹ Under Rule 215, Pa.R.D.E., upon receipt of a resignation by an attorney who is the subject of investigation, the Supreme Court shall enter an order disbarring the attorney on consent.

Following a review of the record, we determine to grant the OAE's motion for reciprocal discipline. Pursuant to R. 1:20-14 (a)(5), a final adjudication in another jurisdiction that the attorney is guilty of misconduct shall establish conclusively the facts on which it rests for purposes of a disciplinary proceeding in this State.

Reciprocal disciplinary proceedings in New Jersey are governed by R.1:20-14(a)(4), which states that

[t]he Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the record on which the discipline in another jurisdiction was predicated that it clearly appears that:

(A) the disciplinary or disability order of the foreign jurisdiction was not entered;

(B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;

(C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;

(D) the procedure followed in the foreign disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(E) the misconduct established warrants substantially different discipline.

A review of the record does not reveal any conditions that would fall within the ambit of subparagraphs (A) through (D).

As to subparagraph (E), although respondent was disbarred in Pennsylvania, in that jurisdiction a disbarred attorney may seek reinstatement five years after the effective date of disbarment. In New Jersey, however, knowing misappropriation of client funds mandates permanent disbarment. In re Wilson, 81 451 (1979). We, therefore, recommend to the Court that respondent be disbarred. One member did not participate.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for costs incurred in connection with the prosecution of this matter.

Disciplinary Review Board
Mary J. Maudsley, Chair

By: Julianne K. DeCore
Julianne K. DeCore
Chief Counsel

**SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD**

In the Matter of Donald J. Richmond
Docket No. DRB 04-115

Argued: May 20, 2004

Decided: June 21, 2004

Disposition: Disbar

<i>Members</i>	<i>Disbar</i>	<i>Suspension</i>	<i>Reprimand</i>	<i>Admonition</i>	<i>Dismiss</i>	<i>Disqualified</i>	<i>Did not participate</i>
<i>Maudsley</i>	X						
<i>O'Shaughnessy</i>	X						
<i>Boylan</i>							X
<i>Holmes</i>	X						
<i>Lolla</i>	X						
<i>Pashman</i>	X						
<i>Schwartz</i>	X						
<i>Stanton</i>	X						
<i>Wissinger</i>	X						
Total:	8						1


 Julianne K. DeCore
 Chief Counsel