

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 97-202

IN THE MATTER OF
ALBERT S. PARSONNET
AN ATTORNEY AT LAW

Decision

Argued: June 19, 1997

Decided: February 17, 1998

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

Joseph W. Spagnoli appeared on behalf of respondent.

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

This matter was before the Board on a Motion for Final Discipline filed by the Office of Attorney Ethics (OAE), based upon respondent's criminal conviction for receiving stolen property, in violation of N.J.S.A. 2C:20-7.

Respondent was admitted to the bar of the State of New Jersey in 1955. On January 23, 1997, an accusation filed in Union County charged respondent with one count of receiving stolen property, in violation of N.J.S.A. 2C:20-7. Specifically, the charge involved respondent's receipt of a laptop computer in return for the payment of \$350, when respondent

had reason to believe that the computer was stolen property. On that same day, respondent pleaded guilty to that charge.

On March 6, 1997, respondent was temporarily suspended in New Jersey. That suspension remains in effect.

The OAE urged a two-year suspension for respondent's criminal offense.

* * *

Following a review of the record, the Board determined to grant the OAE's Motion for Final Discipline.

The existence of a conviction is conclusive evidence of respondent's guilt. R. 1:20-13(c)(1); In re Gipson, 103 N.J. 75, 77 (1986). Only the quantum of discipline to be imposed remains at issue. R. 1:20-13(c)(2)(ii); In re Lunetta, 118 N.J. 443, 445 (1989).

The primary purpose of discipline is not to punish the attorney, but to preserve the confidence of the public in the bar. In re Barbour, 109 N.J. 143 (1988). When an attorney commits a crime, he violates his professional duty to uphold and honor the law. In re Bricker, 90 N.J. 6, 11 (1982).

That respondent's offense does not relate directly to the practice of law does not negate the need for discipline. Even a minor violation of the law tends to lessen public confidence in the legal profession as a whole. In re Addonizio, 95 N.J. 121, 124 (1984). "An

attorney is bound even in the absence of the attorney-client relationship to a more rigid standard of conduct than required of laymen. To the public he is a lawyer whether he acts in a representative capacity or otherwise.” In re Gavel, 22 N.J. 248, 265 (1956). In re Katz, 109 N.J. 17, 22-23 (1987).

Although respondent’s criminal act did not directly involve his law practice, it was motivated by financial gain. Similar acts of criminal fraudulent activity have resulted in terms of suspension from the practice of law. See In re Burns, 142 N.J. 490 (1995) (where an attorney was suspended for six months for burglarizing an automobile and committing thefts from two other automobiles, as well as having possession of burglar tools); In re Hoerst, 135 N.J. 98 (1994) (where an attorney, who was the Salem County Prosecutor, was suspended for six months after pleading guilty to one count of theft by failure to make required disposition of property. The attorney had used \$15,000 from the county forfeiture fund to pay for a California trip for himself and three others).

An aggravating factor in this case is respondent’s position as a municipal court judge at the time of his criminal acts. As the Court stated in In re Magid, 139 N.J. 449 (1995),

[a]ttorneys who hold public office are vested with a public trust and are thereby more visible to the public. Such attorneys are held to the highest of standards. ‘Respondent’s conduct must be viewed from the perspective of an informed and concerned private citizen and be judged in the context of whether the image of the Bar would be diminished if such conduct were not publicly disapproved.’ [Citation omitted].

[Id. at 449]

After considering respondent's criminal activity and his position as a municipal court judge, and mindful of the need to preserve the public trust in the legal profession and the judicial system as a whole, the Board unanimously determined to suspend respondent for one year, retroactive to March 6, 1997, the date of his temporary suspension in New Jersey. Two members did not participate.

The Board also determined to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs.

Dated: 2/17/98

By: 

LEE M. HYMERLING
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

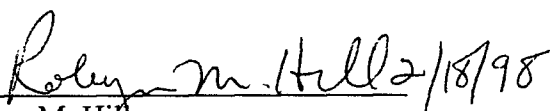
In the Matter of Albert S. Parsonnet
Docket No. DRB 97-202

Argued: June 19, 1997

Decided: February 17, 1998

Disposition: One-Year Suspension

Members	Disbar	One-Year Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hymerling		x					
Zazzali		x					
Brody		x					
Cole		x					
Lolla		x					
Maudsley							x
Peterson		x					
Schwartz							x
Thompson		x					
Total:		7					2


Robyn M. Hill
Chief Counsel