

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 03-338

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IN THE MATTER OF  
ANTHONY M. MAGNOTTI  
AN ATTORNEY AT LAW

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Decision

Argued: November 20, 2003

Decided: February 18, 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 based on a motion for final discipline filed by the Office of Attorney Ethics ("OAE"), following respondent's guilty plea to one count of second degree grand larceny, in violation of New York Penal Law §155.40-1, one count of practice of law by a

count indicates that between May 2001 and November 2001 in Richmond County, it's charged that you stole the property of Thomas Visconti, namely U.S. currency, having a value in excess of \$50,000. Are those facts true?

THE DEFENDANT: Yes, your honor.

THE COURT: How do you plead to grand larceny in the second degree; do you plead guilty or not guilty?

THE DEFENDANT: Guilty.

THE COURT: With respect to count 82 of this indictment charging you with the class A misdemeanor of practicing law as an attorney while suspended, it is charged that in Richmond County between September 2001 and October 2001, it's charged that during that time period, your admission to practice as an attorney and counsel of law had been suspended and that you were not duly and regularly reinstated during that time period.

It is charged that during that time period, you committed an act forbidden by Article 15 of the Judiciary Law in that you held yourself out to Mary Shannon as being entitled to practice law. Are those facts true?

THE DEFENDANT: Yes.

THE COURT: How do you plead to the class A misdemeanor of practicing law by an attorney who has been suspended; do you plead guilty or not guilty?

THE DEFENDANT: Guilty, your Honor.

THE COURT: It is charged in count 96 of this indictment, scheming to defraud in the first degree, that count charges that in Richmond County between June of 1997 and March of 2002, it is charged that you engaged in a scheme consisting of a systematic and ongoing course of conduct with the intent to defraud ten or more other people and to obtain property from ten or more other people by false and fraudulent pretenses, and it is charged you thereby obtained property, namely U.S. currency, from one of the victims, Thomas Visconti. Are those facts true?

THE DEFENDANT: Yes.

THE COURT: How do you plead to scheming to defraud in the first degree as an E felony; do you plead guilty or not guilty?

THE DEFENDANT: Guilty.

At sentencing on March 14, 2003, respondent apologized to his clients, to members of the bar, and to the court. Judge Leonard P. Rienzi sentenced respondent in accordance with his plea agreement to one and two-thirds to five years in state prison on the grand larceny and scheming to defraud charges and one year for engaging in the unauthorized practice of law, all to be served concurrently. The judge addressed respondent as follows:

Mr. Magnotti, people turn to attorneys when they need help. Your clients placed their trust in you and you abused their trust. In many instances, you took your fee, and you did nothing in return. You lied to your clients, you told them their cases were moving forward, when you never filed the documents to begin the case. It was your job, your responsibility, to help people and you hurt them; and your clients' [sic] suffered and some of this suffering cannot be alleviated based on time deadlines that have passed, after what happened in their lives, after you did not follow up with your responsibilities.

As a result, your conduct – you have brought disgrace to the legal profession and to yourself. You have caused embarrassment to the overwhelming number of honest and caring and hard working attorneys in this county. You ignored your professional responsibility and in some instances, you use[d] your license to steal. You fully deserved, in my opinion, the prison sentence you are about to receive.

The OAE urged us to recommend respondent's disbarment.

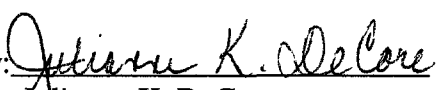
Following a review of the full record, we determined to grant the OAE's motion for final discipline.

The existence of a criminal conviction is conclusive evidence of respondent's guilt. *R.1:20-13(c)(1)*; *In re Gipson*, 103 *N.J.* 75, 77 (1986). Respondent's guilty plea to grand larceny, practicing law while disbarred or suspended, and scheme to defraud constituted a violation of *RPC 8.4(b)* (commission of a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer). Only the quantum of discipline to be imposed remains at issue. *R.1:20-13(c)(2)*; *In re Lunetta*, 118 *N.J.* 443, 445 (1989).

Respondent pleaded guilty to theft of client funds. Under *In re Wilson*, 81 N.J. 451 (1979), he must be disbarred. We, thus, unanimously voted to recommend respondent's disbarment. Four members did not participate.

We further required respondent to reimburse the Disciplinary Oversight Committee for administrative costs.

Disciplinary Review Board  
Mary J. Maudsley, Chair

By:   
Julianne K. DeCore  
Chief Counsel

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

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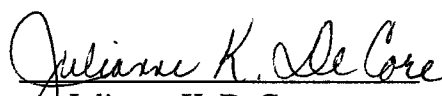
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Disposition: Disbar

<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						
<b>Total:</b>	5						4

  
Julianne K. DeCore  
Chief Counsel