

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 01-400

IN THE MATTER OF
ROBERT R. HYDE
AN ATTORNEY AT LAW

Decision

Argued: December 20, 2001

Decided: March 14, 2002

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

Respondent failed to appear, 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"), based on respondent's disbarment in North Carolina.

Respondent was admitted to the New Jersey bar in 1983 and has no prior discipline.

Respondent's disbarment followed his admission to North Carolina ethics authorities that he had knowingly misappropriated client funds in three client matters. The facts that form the basis for respondent's disbarment are contained in the North Carolina State Bar Report of Investigation, wherein respondent admitted knowingly misappropriating client funds in three separate matters. Exhibit C. Specifically, while representing Ann Ballentine in a real estate purchase, respondent misappropriated \$700 in escrow funds. In a second matter, while representing Jeremiah Day in a real estate transaction, respondent misappropriated a \$40 title insurance premium. In a third matter, respondent misappropriated \$215.25, representing a title insurance premium from client Donna Bryant. In all three matters, respondent converted the funds to his own personal use.

The OAE urged us to recommend respondent's disbarment.

* * *

Upon a de novo review of the full record, we determined to grant the OAE's motion. We adopted the findings of the Council of the North Carolina State Bar.

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

. . . The Board shall recommend imposition of the identical action or discipline unless the Respondent demonstrates, or the Board finds on the face of the record upon 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 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, a disbarred North Carolina attorney may seek reinstatement five years after the effective date of disbarment. 27 NCAC 1B, §.0125(a)(2). In New Jersey, however, knowing misappropriation of client or escrow funds requires permanent disbarment. In re Wilson, 81 N.J. 451 (1979); In re Hollendonner, 102 N.J. 21 (1985). For respondent's admitted misuse of client and escrow

funds in Ballentine, Day and Bryant, we unanimously determined to recommend his disbarment. One member did not participate.

We also required respondent to reimburse the Disciplinary Oversight Committee for administrative expenses.

A handwritten signature in black ink, appearing to read 'R. L. Peterson', written over a horizontal line.

ROCKY L. PETERSON
Chair
Disciplinary Review Board

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

In the Matter of Robert R. Hyde
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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>Peterson</i>	X						
<i>Maudsley</i>	X						
<i>Boylan</i>	X						
<i>Brody</i>	X						
<i>Lolla</i>	X						
<i>O'Shaughnessy</i>	X						
<i>Pashman</i>	X						
<i>Schwartz</i>							X
<i>Wissinger</i>	X						
Total:	8						1

Robyn M. Hill 4/1/02
Robyn M. Hill
Chief Counsel