

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 03-322

IN THE MATTER OF
L. GILBERT FARR
AN ATTORNEY AT LAW

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Decision
Default [R.1:20-4(f)]

Decided: November 21, 2003

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

These matters were before us as defaults, even though respondent submitted answers to the nine complaints. However, on May 15, 2003, the hearing date for the matter under Docket No. IIIA-00-008E, respondent's counsel notified the special master that respondent did not intend to appear at the hearing, motivated by a desire to "default" as to the testimony to be presented. Respondent also instructed his counsel not to appear at the hearing. The special master then struck respondent's answer, on the grounds that respondent's appearance at the hearing was mandatory (R.1:20-6(c)(2)(D)), and that respondent's answer was not verified, as required by R.1:20-4(e). The special master

concluded that respondent's failure to file a verified answer could be deemed a failure to answer, pursuant to R.1:20-4(e), as well as an admission of the allegations in the complaint, pursuant to R.1:20-4(f)(1). The special master noted respondent's intention not to verify his answer, were he given that opportunity.

On May 17, 2003, the date of the scheduled hearings in the remaining eight matters, respondent's counsel informed the special master that respondent would not appear to contest the allegations, and that he desired to withdraw his answers. Accordingly, on that same date, the special master entered an order striking the answers in the remaining matters, deeming the allegations in the complaints admitted, and directing that the record be certified to us for the imposition of sanction, pursuant to R.1:20-4(f)(1).

Both orders barred the Office of Attorney Ethics ("OAE") and/or the District IIIA Ethics Committee ("DEC") from considering respondent's failure to appear on the scheduled hearing dates, failure to file a verified answer, and withdrawal of the other eight answers as failure to cooperate with the disciplinary system.

Notwithstanding the treatment of these matters as defaults, the special master took the unusual step of making findings and recommending discipline, instead of certifying the record directly to us for the imposition of sanction, in accordance with R. 1:20-4(f)(1). The special master found that respondent's serious violations in these nine matters, coupled with a prior suspension in 1989, mandated his disbarment. According to the special master,

[r]espondent's conduct suggests that he has stopped struggling to make a good faith attempt to comply with the Code of Professional Responsibility. He has dishonored himself, insulted the integrity of the system, walked away from clients after taking their money and their hope, and betrayed the trust that the Supreme Court extended to him twenty years ago when it forgave the serious and gross improprieties of his youth.

* * *

While I am aware that the Court has sometimes extended numerous chances to an attorney who might have 'lost his ethical compass and went [sic] astray,' Farr, 115 N.J. 237, *see e.g.*, In the Matter of Frost, 171 N.J. 308 (2002), I submit that additional patience is not appropriate here. Mr. Farr has not participated in these proceedings to offer any explanation of remorse, or of an awareness of the depths of his difficulties and a plan for improvement. He has provided no reason to hope that the courts, his colleagues or the public might one day trust in him again. Given all of the circumstances, I sadly recommend disbarment.

[Report and Recommendation of Special Master at 7,8.]

Notwithstanding the special master's findings, it was incumbent on us to review the allegations of the complaints to determine if they contain sufficient factual support for each charged violation.

Respondent was admitted to the New Jersey bar in 1977. He is also a member of the Pennsylvania, Florida, and the District of Columbia bars. At the relevant times, he maintained an office for the practice of law in Manahawkin, New Jersey.

In 1989, respondent embroiled himself in a bizarre incident in which he committed serious ethics infractions. He became entangled with two police informants, one of whom was a convicted criminal. In the course of his involvement with the couple, he became infatuated with the female informant and, in order to ingratiate himself with her, he committed a series of gross improprieties. Among others things, he stole evidence —

marijuana and phencyclidine (“PCP”) — from the prosecutor’s office for his personal use and that of his friends. He also promised to bury in his desk drawer a murder warrant on the convicted informant, and threatened that informant with severe consequences in his criminal case, if he did not accede to respondent’s demands to see the female informant more often. Respondent also committed several improprieties in connection with the convicted informant’s release on bail, and lied to the Attorney General’s Office, when he denied his use and possession of controlled dangerous substances. Finding that respondent’s conduct was aberrational and not likely to occur again, the Court imposed only a six-month suspension. The Court also took into account the remoteness of the transactions — nine years before.

In 1998, a matter involving respondent was diverted, pursuant to R. 1:20-(i)(2)(B)(i). Respondent successfully complied with the terms of the diversionary agreement.

On October 31, 2000, respondent was temporarily suspended for failure to cooperate with an OAE audit, following an overdraft in his trust account. In re Farr, 165 N.J. 540 (2000). Respondent remains suspended to date.

For ease of reference, our findings in each of the nine matters below follow the respective factual recitation.

I. District Docket No. IIA-00-08E (The Pyatt Matter)

In 1995, respondent filed an appeal from the denial of a petition for post-conviction relief on behalf of Leisa Pyatt. The Appellate Division remanded the case to

the trial court. Respondent represented Pyatt at the remand hearing, in July 1999. After the court denied the petition for post-conviction relief, respondent neglected to file an appeal from that denial.

On December 2, 1999, Pyatt terminated respondent's representation and instructed him to turn over her file to her new attorney, Evan Levow, the grievant in this matter. On several occasions, Levow contacted respondent, both by letters and by telephone, asking for the release of the file. Levow had agreed to pay any outstanding costs in connection with the post-conviction relief matter.

On December 22, 1999, respondent sent to Levow what he represented to be the entire file. Levow discovered, however, that essential parts of the file were missing, namely, all materials regarding the petition for post-conviction relief litigated in July 1999. There followed a series of letters and telephone calls between respondent and Levow regarding the turnover of the balance of the file. During those conversations, respondent admitted to Levow that he had not filed a notice of appeal because, in his view, it was not required, since the matter had been previously remanded from the Appellate Division.

In early January 2000, respondent assured Levow that the remainder of the file would be forwarded to him shortly. On January 13, 2000, however, respondent informed Levow that he would not release further documents from the file until he received a substitution of attorney and reimbursement for the costs that he had allegedly incurred, in the total amount of \$949.20. Respondent had agreed to represent Pyatt on a pro bono basis, subject to reimbursement for expenses.

A new series of letters and telephone calls between respondent and Levow ensued. Levow learned that respondent had not paid for all the costs for which he was seeking reimbursement. Levow then filed a motion for leave to appeal nunc pro tunc, which the Appellate Division granted. According to the Appellate Division's briefing schedule, Levow had to submit his brief on or before August 8, 2000.

On July 3, 2000, Levow sent a check to respondent in the amount of \$455 to cover his alleged costs in the matter. Levow requested that the file be transmitted to him as soon possible and offered to pay for a courier. Despite the payment of the costs, respondent still refused to forward the balance of the file to Levow.

In August 2000, Levow again attempted to obtain the remainder of the file from respondent. When his efforts proved unsuccessful, Levow filed a motion with the Appellate Division, requesting an extension of time to file the brief. That motion was granted. On August 24, 2000, Levow filed another motion with the Appellate Division, seeking to compel respondent to produce "all the materials he has in his possession or his control regarding the [Pyatt] matter...."

On September 25, 2000, the Appellate Division granted the motion and required respondent to immediately turn over to Levow the entire post-conviction file. Respondent did not comply with the Appellate Division's order.

The first count of the complaint charged that (1) respondent's failure to file an appeal from the denial of post-conviction relief, failure to order a transcript in a timely matter, and failure to cooperate with the turnover of the file, after being paid the applicable costs, constituted gross neglect, a pattern of neglect, and lack of diligence, in

violation of RPC 1.1(a), RPC 1.1(b), and RPC 1.3, respectively; (2) respondent's failure to keep Pyatt reasonably informed about the status of the matter, including his failure to disclose to her that he had not filed a notice of appeal from the denial of post-conviction relief, violated RPC 1.4; (3) respondent's failure to promptly deliver the file to Levow violated RPC 1.15(b) and RPC 1.16(d); (4) respondent's conduct caused needless and unnecessary motion practice with the Appellate Division, and has "caused Ms. Pyatt's opportunity for review of her denial of the petition for post-conviction relief to be prolonged in violation of R.P.C. 3.2 requiring counsel to make reasonable efforts to expedite litigation;" and (5) respondent's conduct constituted deceit and misrepresentation, in violation of RPC 8.4, because his correspondence transmitting the file to Levow gave the impression that the entire file was being sent, and because he sought reimbursement for costs that had not been paid.

The second count of the complaint charged that respondent failed to cooperate with the DEC investigation of the grievance, in violation of RPC 8.1(b) (cited as R.1:20-3 and R.1:20-7(i)).

The allegations of the complaint provide adequate basis for a finding of misconduct in this matter. Specifically, from December 1999 through at least September 2000, respondent failed — indeed refused — to release essential papers needed for the preparation of the appeal. Respondent's conduct in this regard violated RPC 1.15(b) and RPC 1.16(d). In addition, respondent's failure to file an appeal from the denial of the post-conviction relief motion violated RPC 1.1(a) and RPC 1.3; his failure to disclose to Pyatt that he had not filed a notice of appeal violated RPC 1.4(a); and, finally, his

correspondence to Levow, giving the appearance that the entire file was being transmitted, and his attempt to obtain reimbursement for costs that he had not incurred or paid were deceitful, in violation of RPC 8.4(c).

II. District Docket No. XIV-99-141E (The Select Audit Matter)

On March 10, 1999, Summit Bank notified the OAE of an overdraft in respondent's trust account. After respondent submitted to the OAE an explanation for the overdraft, the OAE scheduled a select audit of his attorney books and records.

At the audit, respondent informed the OAE that certain documents necessary to complete the audit were unavailable at that time. He was given a list of the required records, and was requested to furnish them to the OAE. He never did so, despite numerous telephone calls by the OAE.

On August 3, 2000, the OAE notified respondent that a demand audit of his attorney books and records was scheduled for September 14, 2000. Respondent retained counsel, who requested that the audit be rescheduled for September 27, 2000. That request was granted. Subsequently, counsel withdrew from representation because of respondent's lack of cooperation. The OAE then scheduled another audit for October 12, 2000. Respondent neither appeared for this rescheduled audit nor replied to the OAE's notification letter. Consequently, on October 19, 2000, the OAE filed a motion for respondent's temporary suspension from the practice of law. Respondent was suspended on October 31, 2000.

On January 24, 2001, the OAE met with respondent and his counsel, in order to complete the audit.

The audit of respondent's business and trust account records identified the following recordkeeping deficiencies:

- A running cash balance was not recorded in the trust account checkbook.
- A separate ledger sheet, detailing attorney funds held for bank charges, was not maintained.
- A separate ledger sheet was not maintained for each client.
- A trust account receipts and disbursements book was not maintained.
- A scheduled of clients' ledger account balances was not prepared and reconciled quarterly to the trust account bank statement.
- Trust account checks were signed by a non-attorney.
- A business account receipts and disbursements book was not maintained.
- Funds received for professional services were not deposited into the business account.

In March 1999, respondent's trust account became overdrawn by \$33.82. The overdraft occurred because of trust account check No. 226, in the amount of \$750, payable to respondent's secretary, Donna Welch.

According to respondent, he requested Welch to remove \$750 from his business account to pay for one of his personal expenses. Instead of drawing a check from the business account, Welch removed the funds from the trust account, by signing

respondent's name on the check. Welch had been using respondent's trust account as his business account since January 1999. At the time, the trust account was the only account associated with respondent's law practice. His business account had been closed earlier by his bank, without his knowledge.

Respondent stated that, when he discovered that \$750 had been removed from the trust account, he instructed Welch to redeposit it immediately. Respondent became aware, at that time, that his business account had been closed, and that Welch was utilizing his trust account as a business account.

According to the complaint, the negative balance on respondent's trust account caused, for one day, the negligent misappropriation of \$461.77 in client funds.

The complaint charged that respondent's failure to cooperate with the OAE audit violated RPC 8.1(b); his recordkeeping deficiencies violated RPC 1.15(d); and his negligent misappropriation of client funds violated RPC 1.15(a).

The facts alleged in the complaint provide sufficient basis to find that respondent violated RPC 8.1(b), when he failed to cooperate with the OAE's request for the production of records, and failed to appear at the rescheduled demand audit. Only after the Supreme Court temporarily suspended him did respondent cooperate with the OAE. In addition, he violated RPC 1.15(d) by his failure to maintain his attorney records in accordance with R. 1:21-6. Lastly, respondent negligently misappropriated \$461.77 in client funds, in violation of RPC 1.15(a).

III. District Docket No. XIV-00-321E (The Guilty Plea Matter – Illegal Use of Heroin)

On March 15, 2002, respondent pleaded guilty to the disorderly persons' offense of illegal use of heroin, contrary to N.J.S.A. 2C:35-10(b). The formal ethics complaint alleged that respondent's guilty plea violated RPC 8.4(b) (criminal act that reflects adversely on his fitness as a lawyer) and RPC 8.4(d) (conduct prejudicial to the administration of justice).

The allegations of the complaint sufficiently establish that respondent violated RPC 8.4(b) and RPC 8.4(d) for his guilty plea to the illegal use of heroin.

IV. District Docket No. XIV-00-358E (The Contempt of Court Matter)

Respondent represented Anthony Baffa, who had been charged with driving under the influence of marijuana in Beachwood Boro. Respondent failed to attend several court hearings in Beachwood Boro Municipal Court, at which both the arresting police officer and the client appeared. When respondent failed to appear at a hearing scheduled by the presiding municipal court judge, on May 31, 2000, respondent was fined \$224, representing the overtime charges paid to the police officer for appearing in court. Respondent did not pay the fine. As a result, on August 25, 2000, the court administrator notified respondent that he had to appear in court on September 13, 2000, to give the presiding judge an explanation for his failure to pay the fine. Respondent was warned that, if he failed to appear, a warrant would be issued for his arrest.

During a telephone conversation with the court administrator on September 13, 2000, respondent promised to pay the fine that afternoon. When he did not, a bench warrant was issued for his arrest. The court added to the original fine \$100 in contempt charges.

On September 28, 2000, the court received a check for \$224 from respondent. The check was returned to him, however, because of his failure to include the additional \$100 in contempt charges. Respondent was directed to forward a check for \$324. When he failed to do so, he was arrested on the outstanding warrant, on or about November 1, 2000.

The complaint charged that respondent's failure to appear to answer the contempt citation and failure to pay the enhanced sanction constituted disrespect to the municipal court and, therefore, conduct prejudicial to the administration of justice, in violation RPC 8.4(d).

The allegations of the complaint contain sufficient basis to find a violation of RPC 8.4(d) for respondent's failure to appear on several hearing dates, failure to pay the fine, and failure to answer the contempt citation.

V. District Docket No. XIV-00-371E (The Guilty Plea Matter – Illegal Possession of Cocaine)

On December 10, 2001, respondent pleaded guilty to the charge of possession of a controlled dangerous substance in a motor vehicle, contrary to N.J.S.A. 2C:39-4-49.1.

Respondent admitted knowing that he had a small quantity of cocaine in his automobile, at the time of his arrest.

The complaint charged that respondent's guilty plea established violations of RPC 8.4(b) (criminal act that reflects adversely on his fitness as a lawyer) and RPC 8.4(d) (conduct prejudicial to the administration of justice).

The complaint contains sufficient basis to find violations of RPC 8.4(b) and RPC 8.4(d) for respondent's guilty plea to possession of cocaine in a motor vehicle.

VI. District Docket No. XIV-00-394E (The Horan Matter)

In February 1996, Susan Horan became the registered owner of a trailer located on a rental lot in a trailer park in Manahawkin, New Jersey. Admittedly, Horan acted as the "straw person" in the purchase of the mobile home, in order to help a girlfriend who wanted to live in it with respondent. Horan also signed a lease agreement with the trailer park, as tenant of the mobile home.

From February 1996 through April 1997, Horan's girlfriend and respondent lived in the mobile home. In April 1997, after the girlfriend moved out of the area, Horan signed over the ownership of the mobile home to respondent. He continued to live in that mobile home, but was not added to the lease agreement until 1999.

On numerous occasions, starting in 1997, respondent defaulted on the monthly rental payments, as a result of which the trailer park filed suit against Horan. In answering pleadings and correspondence, respondent falsely represented to the court and to the trailer park's attorney that he represented Horan. In fact, he was the owner and

occupant of the mobile home, and the individual responsible for the delinquent rental payments. In one instance, in March 1999, respondent signed Horan's name to a "Request for Stay of a Warrant for Removal."

According to Horan, only in August 2000 did she become aware of the suit against her.

The complaint charged that respondent's failure to disclose to the court and to the trailer park's attorney that he was the owner and occupant of the mobile home, his signing of Horan's name to the warrant, his misrepresentation that he was Horan's attorney, and his misrepresentation that she was the owner and occupant of the mobile home violated RPC 3.3(a)(5) (failure to disclose to a tribunal material fact with knowledge that the tribunal may tend to be misled by such failure), RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and RPC 8.4(d) (conduct prejudicial to administration of justice).

The facts stated in the complaint provide sufficient basis for a finding that respondent's overall conduct in this matter violated the charged RPCs.

VII. District Docket No. XIV-00-429E (The Fletcher Matter)

In 1993, David Fletcher was convicted of three counts of kidnapping, one count of terroristic threats, and one count of burglary. He was sentenced to three thirty-year terms. Fletcher's appeal of the conviction was denied, as were a petition for certification to the Supreme Court of New Jersey and a post-conviction relief motion. The Office of the Public Defender had represented Fletcher in these proceedings.

In October 1999, Fletcher retained respondent to prepare an appeal of the denial of the post-conviction relief motion and, if necessary, a habeas corpus motion. Fletcher paid respondent \$4,000 for these services. Respondent did not prepare a fee agreement, although he had not represented Fletcher before.

Throughout the representation, Fletcher saw respondent only twice: when respondent was retained, and when he visited Fletcher in prison to take possession of documents related to the appeal of the post-conviction relief motion, namely, grand jury and trial transcripts, appeal papers, and briefs.

By August 2000, respondent had essentially abandoned Fletcher as a client. Respondent had not prepared any motion papers, or kept Fletcher advised of the status of the matter. Although Fletcher frequently telephoned respondent's office to obtain information about his case, his efforts were unavailing.

After respondent was suspended from the practice of law, in October 2000, Fletcher sought the assistance of the attorney disciplinary system to have his documents returned and his fee refunded. At a demand audit on January 24, 2001, the OAE asked respondent to produce the file that he supposedly maintained for Fletcher. The two folders that respondent presented to the OAE contained no work product created by him.

At the audit, respondent assured the OAE that either he or his attorney would personally see to it that all of the documents were properly returned to Fletcher. Although respondent claimed that he had asked someone to mail the materials to Fletcher in late February 2001, Fletcher never received them.

The complaint charged that (1) respondent's failure to file an appeal of the denial of the post-conviction relief motion constituted gross neglect and lack of diligence, in violation of RPC 1.1(a) and RPC 1.3, respectively; (2) his failure to keep Fletcher reasonably informed about the status of his matter, and failure to promptly comply with Fletcher's reasonable requests for information about his case violated RPC 1.4(a); (3) his failure to provide a written fee agreement to Fletcher violated RPC 1.5(a); (4) his abandonment of his client's interests violated RPC 1.16(d); (5) his failure to ensure that his client received his appeal papers constituted failure to safeguard client property, in violation of RPC 1.15(a); and (6) his retention of the \$4,000 retainer constituted conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of RPC 1.15 and RPC 8.4(c).

The complaint also alleged that respondent's conduct in the Pyatt, McGowan, and Irizarry (see below) matters constituted a pattern of neglect, in violation of RPC 1.1(b).

The complaint contains sufficient facts to support violations of RPC 1.1(a), RPC 1.1(b), RPC 1.3, RPC 1.4(a), RPC 1.5(a), RPC 1.16(d), RPC 1.15 and RPC 8.4(c).

VIII. District Docket No. XIV-00-430E (The Michael McGowan Matter)

A federal indictment charged Michael McGowan with various counts of mail fraud and the filing of a false tax return. His then-attorney had negotiated a plea agreement with Assistant United States Attorney Patrick Rocco, calling for a period of incarceration. When McGowan failed to appear for his arraignment on the indictment, a

bench warrant was issued for his arrest. On June 26, 2000, he was arrested as a fugitive, and eventually transferred to Union County Jail, in Elizabeth, New Jersey.

On July 17, 2000, the Federal Public Defender assigned to represent McGowan, Donald McCauley, met with McGowan and explained to him that his best course of action was to cooperate with the federal authorities, since neither bail nor a more favorable plea agreement would be considered by the federal authorities, unless he showed cooperation. To that end, McCauley arranged a meeting between McGowan and Rocco, scheduled for July 19, 2000. Although, at that meeting, the groundwork was laid for bail and a more favorable plea agreement to be considered, McGowan was anxious to be released on bail and to be represented by private counsel. Hence, on the recommendation of a fellow inmate, he retained respondent's services on July 25, 2000. He gave respondent a \$7,500 retainer. Respondent did not prepare a written fee agreement, although he had not previously represented McGowan.

On July 27, 2000, respondent advised Rocco that he was McGowan's attorney, but did not appear at the scheduled bail hearing on August 1, 2000. On August 8, 2000, respondent was several hours late for a rescheduled bail hearing. Neither bail hearing was favorable to McGowan.

In late August 2000, respondent appeared at the jail and told McGowan that he was "researching" his case. On September 28, 2000, McGowan telephoned respondent to inform him that there was a scheduled meeting with Rocco on the following day. Respondent attended the meeting with McGowan. Thereafter, McGowan never heard from respondent again.

At the meeting of September 29, 2000, Rocco discussed with respondent and McGowan a proposed plea agreement, dated September 28, 2000, which had a deadline of October 6, 2000. Rocco told respondent and McGowan that the plea agreement was the same one reached with McCauley and McGowan in July 2000. On October 12, 2000, Rocco wrote to respondent about the proposed plea agreement, reminding him that the deadline of October 6, 2000 had passed, and that respondent had not replied to his several telephone messages. On October 17, 2000, Rocco again wrote to respondent, reminding him that they needed to discuss, on that day, the impending trial date of October 19, 2000. On October 23, 2000, Rocco informed respondent of a mandatory status conference on October 26, 2000. Although McGowan was transported from jail for this court appearance, respondent never appeared. As a result, the Federal District Court reappointed McCauley to represent McGowan. Thereafter, McCauley counseled McGowan to accept the proposed plea agreement, which was signed on November 21, 2000. On December 15, 2000, McGowan was released on bail.

According to the complaint, respondent did nothing of substance to advance McGowan's interests with respect to either the plea agreement or his release on bail. The complaint charged that respondent's failure to appear at scheduled court proceedings, failure to reply to correspondence from Rocco, failure to communicate with his client, and abandonment of his client, after the payment of a \$7,500 retainer, amounted to gross neglect, in violation of RPC 1.1(a), lack of diligence, in violation of RPC 1.3, failure to communicate with the client, in violation of RPC 1.4(a), and unreasonable termination of the representation, in violation of RPC 1.16(d). The complaint also alleged that

respondent's failure to provide a written fee agreement to McGowan violated RPC 1.5(a), and that his retention of the \$7,500 retainer constituted conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of RPC 1.15 and RPC 8.4(c).

The facts alleged in the complaint provide sufficient basis to find violations of all the charged RPCs.

IX. District Docket No. XIV-00-431E (The José Irizarry Matter)

On September 7, 1999, José Irizarry was arrested for armed robbery. Bail was set at \$300,000.

Shortly after his arrest and incarceration, Irizarry retained respondent to represent him on a bail-reduction motion. Respondent did not prepare a written retainer agreement, despite having received in excess of \$28,000 from Irizarry's family. Irizarry had an understanding with respondent that \$10,000 would be reserved for use for a cash surety bond. Respondent intended to persuade the court to reduce bail to \$100,000, so that a cash surety bond of \$10,000 could be obtained. Irizarry agreed that the remainder of the funds would be applied to legal fees and expert witness' fees. Respondent promised Irizarry that \$25,000 would be held in an interest-bearing escrow account. Instead, in December 1999, respondent deposited the funds in his business account.

In March 2000, Irizarry specifically asked respondent about the funds. Respondent assured him that they were being held in an escrow account and earning interest. That was untrue.

By July 6, 2000, respondent had utilized all of Irizarry's funds for his own business and personal expenses.

The OAE's review of the Irizarry file revealed that respondent prepared only a handful of pleadings, a couple of pages long. No correspondence or evidence of communications with expert witness was found in the file. In addition, the court's file showed that the only briefs in the case had been prepared by Irizarry himself and by the assistant prosecutor handling the case. Furthermore, with one exception, the dozen or so court appearances made by respondent had been brief and routine.

Despite respondent's duty to keep Irizarry apprised of the status of the matter, Irizarry often did not know when proceedings were coming up in court. As a result, on August 7, 2000, he filed his own bail motion, supported by a brief prepared by him.

The complaint charged that (1) the \$28,000 fee was unreasonable, in violation of RPC 1.5(a); (2) respondent's failure to prepare a retainer agreement violated RPC 1.5(b); (3) respondent's retention of all of the funds constituted conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of RPC 8.4(c); (4) respondent's failure to place \$25,000 of the funds in an interest-bearing account, as promised to Irizarry, violated RPC 1.15(c); (5) respondent's failure to reserve \$10,000 for bail purposes, violated RPC 1.15(c) and RPC 8.4(c); and (6) respondent's failure to keep Irizarry informed about the status of the matter and to promptly comply with Irizarry's reasonable requests for information about the case violated RPC 1.4(a).

The facts recited in the complaint support a finding that respondent violated all of the charged RPCs and, in addition, committed another violation of RPC 8.4(c), when he represented to Irizarry, in March 2000, that the funds were being held in escrow.

Quantum of Discipline


Almost fifteen years ago, the Court favored respondent's multiple ethics breaches with a generous disposition. He received only a six-month suspension for his involvement in a sorry state of affairs. In order to further what he hoped to be an intimate, personal relationship with an informant, respondent, then an assistant prosecutor, engaged in a path of atrocious conduct. Finding that respondent's conduct was offensive, the Court was nonetheless persuaded that 'the root of his transgressions [was] not intractable dishonesty, venality, immorality or incompetence.' In re Farr, supra, 115 N.J. at 237 (1989), citing In re Templeton, 99 N.J. 365, 374 (1985). The Court reasoned that, during a period of extreme personal stress, respondent "lost his ethical compass and went astray. In the interim, he has found his bearings." In re Farr, supra, 115 N.J. at 237 (1989).

As it turned out, respondent proved to be unworthy of the Court's compassion and trust. His actions in these nine matters make it obvious that there is no room for indulgence now. His conduct grossly discredited the legal professional in the eyes of the public. This new run of ethics violations "mirror[s] an unsalvageable professional character," leaving no doubt that respondent's fitness to practice law has been "permanently or irretrievably lost." In re Templeton, supra, 99 N.J. at 376-77.

Consequently, he should be ousted from the profession. We unanimously recommend to the Court that respondent be disbarred.

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

Disciplinary Review Board
Mary J. Maudsley, Chair

By: 
Julianne K. DeCore
Acting Chief Counsel


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

In the Matter of L. Gilbert Farr
Docket No. DRB 03-322

Decided: November 21, 2003

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:	9						


 for Julianne K. DeCore
 Chief Counsel