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SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 03-236

IN THE MATTER OF :
MICHAEL A. McLAUGHLIN, SR. :
AN ATTORNEY AT LAW :

Decision

Argued: October 16, 2003

Decided: December 18, 2003

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

Albert B. Jeffers appeared on behalf of respondent.

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

This matter was before us based on a disciplinary stipulation between the Office of Attorney Ethics ("OAE") and respondent.

Respondent was admitted to the New Jersey bar in 1999. He practices law in Kenilworth, Union County. He has no history of discipline.

Respondent appeared before the Committee on Character in 1999, after he was charged with a first offense of driving while intoxicated. As a result of that proceeding,

the Court entered an order on September 21, 1999, requiring respondent to file quarterly reports for two years, and until further order of the Court, stating that he had refrained from the use of alcohol and other intoxicating substances, and had continued his attendance at meetings of Alcoholics Anonymous and Lawyers Concerned for Lawyers, a minimum of three times per week. The two-year period was completed with respondent's certification filed in December 2001. Respondent, however, did not file an application to terminate the filing requirement, and he continued to provide the quarterly certifications.

On April 30, 2002, respondent had a one-evening relapse and was charged with driving while intoxicated ("DWI"). Thereafter, on June 18, 2002, he filed his first quarterly certification subsequent to the DWI arrest, in which he stated that he had refrained from the use of alcohol, in accordance with the Court's September 21, 1999 order. In October 2002, after respondent's motion to dismiss the DWI charge was denied, he entered a conditional guilty plea, pending appeal, with no judgment entered. The appeal of respondent's conditional plea was heard on February 14, 2003. The trial court's decision was affirmed and the conditional plea became a final plea of guilty. Respondent was sentenced to a two-year license revocation.

During the time that his appeal was pending, respondent became concerned that the Board of Bar Examiners would learn of his DWI arrest and contacted counsel, who reported the matter to the OAE on January 16, 2003.

The OAE recommended that respondent receive a reprimand for his violation of RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and that he

be required to file quarterly certifications with the Court for an additional two years and until further order of the Court.¹ In support of its recommendation, the OAE relied on In re Manns, 171 N.J. 145 (2002) (reprimand for lack of diligence, failure to communicate with a client, failure to expedite litigation, misrepresentation, and knowing false statement of material fact in a certification to a tribunal; the attorney had a prior reprimand); In re Kantor, 165 N.J. 572 (2000) (reprimand for knowing false statement of material fact to a tribunal, offering evidence the attorney knew to be false, and misrepresentation; the attorney misrepresented to a municipal court judge that his automobile was insured at the time of an accident); In re Salerno, 152 N.J. 431 (1998) (reprimand where an attorney certified that he had corrected deficiencies discovered during a 1988 audit, and was later found not to have done so); and In re Mazeau, 122 N.J. 244 (1991) (public reprimand for knowing false statement of material fact to a tribunal in a brief, and failure to disclose a material fact to a tribunal, with the knowledge that the court may tend to be misled; the attorney had two prior private reprimands).

Following a de novo review of the record, we found that the stipulated facts support a finding that respondent's conduct was unethical, and in violation of RPC 8.4(c). Respondent filed a certification with the Board of Bar Examiners in which he misrepresented that he had abstained from alcohol, as directed in the Court's order. His misrepresentation was self-serving and struck at the very heart of the conduct that had brought him before the bar examiners in the first place. In mitigation, however, respondent sought the advice of counsel, came forward, and admitted his transgression.

¹ Respondent did not stipulate to a violation of any of the Rules of Professional Conduct.


A term of suspension in this situation would be unduly harsh. The discipline recommended by the OAE is appropriate, based on the within circumstances.

Accordingly, we unanimously determined to impose a reprimand. In addition, the reporting requirement initially imposed on respondent by the Court is to be extended for an additional two years.

One member did not participate.

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**

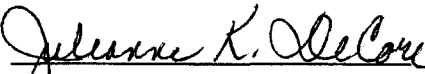
In the Matter of Michael A. McLaughlin
Docket No. DRB 03-236

Argued: October 16, 2003

Decided: December 8, 2003

Disposition: Reprimand

<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