SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 98-101

IN THE MATTER OF :
:
MORRIS L. CHUCAS :
:
AN ATTORNEY AT LAW :

Decision

Argued: April 16, 1998

Decided: September 28, 1998

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

Respondent did not appear for oral argument.[1]

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 in one case and guilty plea in another case for various counts of conspiracy to commit wire fraud, wire fraud

[1]Notice of the Board hearing was made by certified and regular mail at an address that was used successfully by the OAE. Neither the regular mail nor the certified mail receipt was returned. Service was presumed proper.

and unlawful monetary transactions, in violation of 18 U.S.C.A. § 371, 18 U.S.C.A. § 1343 and 18 U.S.C.A. § 1957(a), respectively.

Respondent was admitted to the New Jersey bar in 1972. He was also admitted to the Massachusetts bar in 1957 and the Pennsylvania bar in 1968. He was disbarred by consent in Pennsylvania following his conviction and guilty plea for crimes that included conspiracy, wire fraud and unlawful monetary transactions. On July 24, 1995, respondent was temporarily suspended following his conviction in the first criminal matter. In re Chucas, 141 N.J. 82 (1995). He has not been reinstated.

Two separate indictments were returned against respondent: indictment 94-332, filed on August 18, 1994, and indictment 96-202, filed on May 9, 1996. In indictment 94-332, after a trial by jury, respondent was found guilty of one count of conspiracy to commit wire fraud and engaging in unlawful monetary transactions, in violation of 18 U.S.C.A. § 371; four counts of wire fraud, in violation of 18 U.S.C.A. § 1343; and two counts of engaging in unlawful monetary transactions, in violation of 18 U.S.C.A. § 1957(a). Respondent and a co-defendant collected a total of $238,000 from numerous victims by telling them that the money would be used to purchase stock for them. Respondent and his co-defendant neither delivered nor intended to deliver the stock to the victims; in fact, respondent and his co-defendant used the money for personal purposes.

Following his conviction, respondent cooperated with the government in its investigation of other criminal activity. On October 17, 1996, respondent pleaded guilty to

all forty counts of indictment 96-202, which charged one count of conspiracy to commit wire fraud, in violation of 18 U.S.C.A. § 371; twenty-seven counts of wire fraud, in violation of 18 U.S.C.A. § 1343; and twelve counts of engaging in unlawful monetary transactions, in violation of 18 U.S.C.A. § 1957(a). Respondent and several co-defendants were involved in these transactions. The defendants presented themselves as agents of Turnbull and Sons, Ltd. ("Turnbull"). Among other fraudulent representations was that it was a prosperous and well-established corporation that engaged in the business of assisting people seeking loans. Respondent initially acted as an attorney for Turnbull and later assumed the office of president. Respondent and his co-defendants, on behalf of Turnbull, offered to assist their clients in obtaining loans from banks of the clients' choice by offering to provide collateral to the lenders, typically in the form of a letter of credit issued by a major United States bank, for the full amount of the proposed loan. In exchange for these services, Turnbull required that the clients pay an advance fee ranging from $10,000 to $300,000. Turnbull never issued a single letter of credit or other collateral on behalf of a client, but retained in excess of $1,500,000 in advance fees.

* * *

Following a de novo review of the record, the Board determined to grant the OAE's motion for final discipline.

A criminal conviction or a guilty plea is conclusive evidence of guilt in a disciplinary proceeding. R. 1:20-13(c)(1). Without question, respondent's criminal conduct reflects

adversely on his honesty, trustworthiness and fitness as a lawyer, in violation of RPC 8.4(b). Furthermore, his conduct involved "dishonesty, fraud, deceit or misrepresentation." RPC 8.4(c). The only issue remaining is, thus, the quantum of discipline to be imposed. R. 1:20-13(c)(2).

Even in those cases where the attorney's conduct per se may not have warranted disbarment, the presence of certain aggravating factors in connection with the misconduct may result in disbarment. In In re Alosio, 99 N.J. 84 (1985), the attorney pleaded guilty to one count of presenting a fraudulent insurance claim and six counts of receiving stolen property. In disbarring Alosio, the Court gave substantial weight to the fact that he had devised a well-planned criminal scheme. Such criminal activity, said the Court, "clearly establishes a total lack of moral fiber requisite in any member of the Bar." Id. at 89.

More recently, the Court disbarred an attorney who was convicted of mail fraud and conspiracy to defraud the United States. In re Goldberg, 142 N.J. 557 (1995). In finding that no lesser sanction would suffice, the Court emphasized that, "when a criminal conspiracy evidences 'continuing and prolonged, rather than episodic, involvement in crime,' is 'motivated by personal greed,' and involves the use of the lawyers' skills 'to assist in the engineering of the criminal scheme,' the offense merits disbarment." Id. at 567 (citations omitted). Here, respondent was involved in a scheme that was designed specifically for the perpetration of criminal fraud. In addition, respondent's misconduct was aggravated by the fact that he was acting in his capacity as attorney for Turnbull. And even if he had not

committed the crimes in question as Turnbull's attorney, the fact that he acted with such disregard for the public trust and the integrity of the bar would warrant the ultimate sanction of disbarment. Accordingly, the Board unanimously voted to disbar respondent. One member did not participate.

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

Dated: 9/25/98

By: _____
LEE M. HYMERLING
Chair
Disciplinary Review Board