

Book

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket Nos. DRB 97-297

IN THE MATTER OF :
:
WILLIAM C. ISRAEL, :
:
AN ATTORNEY AT LAW :
:

Decision

Argued: October 16, 1997

Decided: June 29, 1998

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

Respondent did not appear for oral argument.

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 Reciprocal Discipline filed by the Office of Attorney Ethics ("OAE"), pursuant to R. 1:20-14, following respondent's disbarment in the State of New York.

Respondent failed to notify the OAE of his New York disbarment, as required by R. 1:20-14(a)(1). The OAE sent a copy of the Motion for Reciprocal Discipline to respondent at his listed home address via certified and regular mail. Although the certified mail was

returned as unclaimed, the regular mail was not returned. Service of process is, therefore, presumed to have been made.

Respondent has been a member of the New Jersey bar since 1987 and the New York bar since 1986. In 1996, respondent was reciprocally suspended in New Jersey for two years following discipline for misconduct in New York. The underlying charges in the New York matter included neglecting six matters, handling one matter incompetently and without adequate preparation, engaging in conduct prejudicial to the administration of justice and failing to carry out a contract of employment. Respondent has not applied for reinstatement in New Jersey.

* * *

Respondent was disbarred in New York both for the knowing misappropriation of client funds and for practicing law while under suspension. Three matters formed the basis for respondent's discipline in New York: *Figueroa*, *Stokes*, and *Cooper*.

In the *Figueroa* matter, respondent was retained by Figueroa to represent the interests of her children in the estate of their father. Respondent deposited the money for the estate into his own account and failed to distribute to the children the entirety of their shares. When respondent wrote checks to the heirs from his attorney trust account, the checks were returned for insufficient funds.

When questioned under oath about this matter, respondent refused to answer on constitutional grounds. However, he had previously asked Figueroa to "drop the charges"

and admitted that he had taken the money to pay his own debts, promising to replace the money even if he had to "rob or kill someone to do it." Respondent never informed Figueroa that he was under suspension from the practice of law while he was representing her children.

In the *Stokes* matter, Stokes retained respondent to represent her in a personal injury matter. Respondent failed to pay Stokes any part of the \$45,000 settlement money owed to her. Moreover, within a month of respondent's deposit of the funds, less than \$6,000 of the original \$45,000 remained in his escrow account. Respondent never informed Stokes that he was under suspension from the practice of law while he was representing her.

In the *Cooper* matter, respondent represented Cooper in the purchase of an apartment. At the time, respondent was under suspension from the practice of law.

In addition, respondent failed to file an affidavit of compliance with the New York order of suspension, in violation of state law.

On January 3, 1997, the New York Departmental Disciplinary Committee for the First Judicial Department filed a notice of motion seeking to disbar respondent for failure to comply with the order suspending him from the practice of law, failure to file an affidavit of compliance with the order of suspension and converting client funds entrusted to him. On April 10, 1997, the Appellate Division of the Supreme Court of New York, First Judicial Department, issued an order granting the motion and ordering that respondent be disbarred in New York.

The OAE urged the Board to recommend respondent's permanent disbarment, based on his disbarment in New York for misappropriation of client funds and the higher level of discipline applied to such conduct in New Jersey.

* * *

Upon a de novo review of the full record, the Board determined to grant the OAE's motion for reciprocal discipline and to recommend that respondent be disbarred. Pursuant to R. 1:20-14(a)(5) (another jurisdiction's finding of misconduct shall establish conclusively the facts on which the Board rests for purposes of a disciplinary proceeding), the Board adopted the factual findings of the Supreme Court of the State of New York, First Judicial Department.

Reciprocal disciplinary proceedings in New Jersey are governed by R. 1:20-14(a), which provides in pertinent part that:

...[t]he Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the record on 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 disciplinary 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.

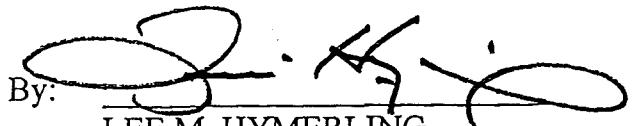
Nothing in the record indicates any conditions that would fall within the ambit of subparagraphs (A) through (D). However, subparagraph (E) is critical to the disposition of this matter. Although respondent was disbarred in New York, a disbarred New York attorney may seek reinstatement seven years after the effective date of disbarment. 22 N.Y.C.R. 603.14. In New Jersey, knowing misappropriation of trust funds mandates permanent disbarment. In re Wilson, 81 N.J. 451, 453 (1979); In re Noonan, 102 N.J. 157 (1986). The Board, therefore, unanimously determined to recommend respondent's disbarment.

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

Dated: _____

6/29/97

By: _____



LEE M. HYMERLING

Chair

Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

**DISCIPLINARY REVIEW BOARD
VOTING RECORD**

**In the Matter of William C. Israel
Docket No. 97-297**

Argued: October 16, 1997

Decided: June 29, 1998

Disposition: Disbar

Members	Disbar	Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hyerling	x						
Zazzali	x						
Brody	x						
Cole	x						
Lolla	x						
Maudsley	x						
Peterson	x						
Schwartz	x						
Thompson	x						
Total:	9						

Robyn M. Hill 7/20/98
Robyn M. Hill
Chief Counsel