

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 97-278

IN THE MATTER OF :
GLENN W. BANKS :
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 waived appearance 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 Final Discipline filed by the Office of Attorney Ethics (OAE), based upon respondent's criminal conviction for the manufacture and/or possession of marijuana, with intent to distribute, in violation of N.J.S.A. 2C:35-5a(1) and N.J.S.A. 2C:35-5b(11).

Respondent was admitted to the bar of the State of New Jersey in 1982. On September 26, 1996, a one-count accusation was filed in Sussex County, which charged respondent with the manufacture and/or possession of marijuana, with intent to distribute, in a quantity of more than one-half ounce, a crime of the third degree. On that same day, respondent pleaded guilty to that charge.

Respondent was temporarily suspended from the practice of law in New Jersey on April 3, 1997. That suspension remains in effect.

The OAE urged a two-year suspension for respondent's criminal offense.

Following a de novo review of the record, the Board determined to grant the OAE's Motion for Final Discipline.

The existence of a conviction is conclusive evidence of respondent's guilt. R. 1:20-13(c)(1); In re Gipson, 103 N.J. 75, 77 (1986). Only the quantum of discipline to be imposed remains at issue. R. 1:20-13(c)(2)(ii); In re Lunetta, 118 N.J. 443, 445 (1989).

The primary purpose of discipline is not to punish the attorney, but to preserve the confidence of the public in the bar. In re Barbour, 109 N.J. 143, 161 (1988). When an attorney commits a crime, he violates his professional duty to uphold and honor the law. In re Bricker, 90 N.J. 6, 11 (1982).

That respondent's offense does not relate directly to the practice of law does not negate the need for discipline. Even a minor violation of the law tends to lessen public confidence in the legal profession as a whole. In re Addonizio, 95 N.J. 121, 124 (1984).

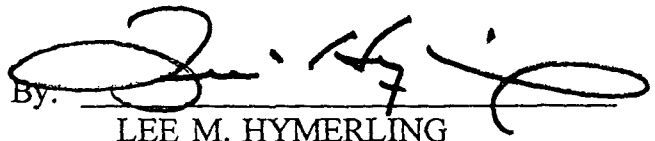
Criminal convictions based upon drug violations warrant strong disciplinary measures. In re Schaffer, 140 N.J. 148, 156 (1995). The Court has typically imposed a three-month suspension for simple possession of a controlled dangerous substance. In re Pepe, 140 N.J. 561, 570 (1995). Respondent's conviction involved more than mere possession of an illegal drug. When respondent was arrested, the police discovered eighteen marijuana plants growing on respondent's property, loose marijuana, equipment to grow the marijuana and other drug paraphernalia.

If respondent had been convicted of distribution of a controlled dangerous substance for profit, this Board would unquestionably have recommended disbarment. In re Goldberg, 105 N.J. 278 (1987). Although respondent was convicted of the manufacture and/or possession of marijuana, with intent to distribute, the record reflects that respondent intended to use the drug personally and to share it with some close friends. There is no evidence that respondent intended to sell the marijuana.

Respondent does not appear to have been motivated by financial gain and there is no indication that respondent's drug use adversely affected any clients. Further, respondent has no prior ethics violations. Therefore, the Board unanimously determined to suspend respondent for two years, retroactive to April 3, 1997, the date of his temporary suspension.

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

Dated: 6/29/98

By: 

LEE M. HYMERLING
Chair
Disciplinary Review Board

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SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

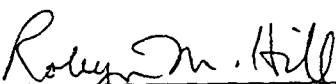
In the Matter of Glenn W. Banks
Docket No. DRB 97-278

Argued: October 16, 1997

Decided: June 29, 1998

Disposition: Two-Year Suspension (Retroactive to April 3, 1997)

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


Robyn M. Hill
Chief Counsel