

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. 97-128

IN THE MATTER OF :
 :
WILLIAM D. HOBSON :
 :
AN ATTORNEY AT LAW :

 :

Decision

Argued: May 15, 1997

Decided: July 17, 1997

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

Respondent did not appear for oral argument, despite proper notice of the hearing.

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"), based upon respondent's disbarment by consent in the State of Pennsylvania for knowing misappropriation of clients funds.

Respondent has been a member of the New Jersey bar since 1989 and the Pennsylvania bar since 1981. Respondent has a prior ethics history in New Jersey. On September 11, 1995, he was temporarily suspended following his failure to refund \$12,500 to a former client, as ordered by the District IV Fee Arbitration Committee. In addition, on September 28, 1994, he was admonished for failure to establish and maintain a bona fide office in New Jersey, as required by R. 1:21-1.

The events underlying respondent's disbarment in Pennsylvania occurred between 1993 and 1995. In November 1994, respondent was retained by Alice Harris in a personal injury matter.

Respondent filed suit on her behalf, and then proceeded to settle the case for \$17,500, of which \$11,631.91 was to be disbursed to Harris. Respondent never informed Harris of the settlement, nor obtained Harris's permission to spend any of the settlement funds, other than disbursements to her.

In February 1993, respondent was retained by Debra L. Liccardi to represent her with regard to injuries sustained in an automobile accident. Thereafter, in February 1994, respondent settled the case for \$155,000, of which \$110,718.31 was to be disbursed to Liccardi. While Liccardi received a significant portion of the settlement, respondent failed to turn over at least \$35,498.09 that was owed to his client.

In both of these matters, respondent kept the sums that were owed to his clients for his own personal use. Respondent knowingly misappropriated the funds due Harris and Liccardi.

On January 22, 1997, the Supreme Court of Pennsylvania accepted the disbarment by consent of respondent. Respondent did not notify the OAE of his disbarment in Pennsylvania. R. 1:20-14(a)(1). The OAE was so informed by the Pennsylvania disciplinary authorities.

The OAE urged the Board to recommend respondent's disbarment.

* * *

Upon review of the full record, the Board determined to grant the OAE's Motion for Reciprocal Discipline. 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 findings of the Pennsylvania Supreme Court. The Board also considered respondent's failure to notify the OAE of his Pennsylvania disbarment, in violation of R. 1:20-14(a)(1).

Reciprocal discipline proceedings in New Jersey are governed by R. 1:20-14(a), which directs 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 upon 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.

There is nothing in the record to indicate any conditions that would fall within the ambit of subparagraphs (A) through (D). As to subparagraph (E), although respondent was disbarred in Pennsylvania, a disbarred Pennsylvania attorney may seek reinstatement five years after the effective date of disbarment. See Pa.R.D.E. Rule 218(b). Respondent's knowing misappropriation of client funds, however, warrants more severe discipline in New Jersey than a five-year suspension. It warrants disbarment. In re Wilson, 81 N.J. 451 (1979).

Accordingly, the Board unanimously recommended that respondent be disbarred.

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

Dated: 7/17/97

By: 

LEE M. HYMERLING
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

**DISCIPLINARY REVIEW BOARD
VOTING RECORD**

**In the Matter of William D. Hobson
Docket No. DRB 97-128**

Hearing Held: May 15, 1997

Decided: July 17, 1997

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 7/25/97
Robyn M. Hill
Chief Counsel