

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 16-118  
District Docket No. XIV-2014-0143E

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IN THE MATTER OF  
STEVEN R. FRENCH  
AN ATTORNEY AT LAW

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Decision

Argued: September 15, 2016

Decided: November 10, 2016

Al Garcia appeared on behalf of the Office of Attorney Ethics.

Respondent did not appear, despite proper service.

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

This matter was before us on a motion for final discipline filed by the Office of Attorney Ethics (OAE), pursuant to R. 1:20-13(c), following respondent's conviction in the Court of Common Pleas of the 22<sup>nd</sup> Judicial District, Commonwealth of Pennsylvania, County of Wayne (the Pennsylvania court) of: bank robbery, a second degree felony (18 Pa.C.S. §3701(a)(1)(vi)); simple assault, a second degree misdemeanor (18 Pa.C.S.

§2701(a)(3)); and terroristic threats, a first degree misdemeanor (18 Pa.C.S. §2706(a)(1)). We recommend respondent's disbarment.

Respondent was admitted to the New Jersey and New York bars in 2002. On October 22, 2015, New York authorities disbarred respondent as a result of the criminal convictions in Pennsylvania.

On April 8, 2014, the Court temporarily suspended respondent in New Jersey, during the resolution of ethics charges pending against him in this matter. In re French, 217 N.J. 275 (2014). He has no other disciplinary history in New Jersey.

Respondent pleaded guilty to an April 11, 2013 information charging him with bank robbery, simple assault, and terroristic threats. The latter two charges were based on respondent's statement to the bank teller, during the robbery, that he had a gun, and the money should be placed in a blue bag "quickly and naturally so that everyone would be safe."

At respondent's June 6, 2013 plea hearing before the Honorable Raymond L. Hamill, President Judge, the District Attorney recited the facts, as follows:

Your Honor, on February 20, 2013 around 1:50 p.m. there was a bank robbery at the Citizen Savings Bank, 335 Willow Avenue, Honesdale Borough, Wayne County. The defendant came in, handed the cashier a hand written robbery note demanding cash and indicated that he had a gun and a partner outside. He was handed \$2,420.00 in cash, and he fled the scene.

On that same day at about 5:30 p.m. he went to Cordaro's Restaurant and obtained a taxi cab. He went to Dover, New Jersey, in that taxi cab and paid the taxi cab driver \$160.00 in cash and gave her \$20 [sic] tip.

On March 13, 2013 the defendant gave a written mirandized confession to the bank robbery.

[OAEbEx.C,2-3.]<sup>1</sup>

At the plea hearing, respondent confirmed the accuracy of the above account.

On August 8, 2013, Judge Hamill sentenced respondent to a prison term of twelve to eighty-four months, restitution in the amount of \$2,420, and \$250 to cover the cost of a required DNA sample.

Following a review of the record, we determine to grant the OAE's motion for final discipline. A criminal conviction is conclusive evidence of guilt in a disciplinary proceeding. R. 1:20-13(c)(1); In re Magid, 139 N.J. 449, 451 (1995); In re

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<sup>1</sup> "OAEb" refers to the March 31, 2016 brief in support of the motion for final discipline.

Principato, 139 N.J. 456, 460 (1995). Respondent's criminal conviction for felony second-degree bank robbery, simple assault, and terroristic threats clearly and convincingly establishes that he has committed a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer, in violation of RPC 8.4(b).

The sole issue is the extent of discipline to be imposed. R. 1:20-13(c)(2); In re Maqid, supra, 139 N.J. at 451-52; In re Principato, supra, 139 N.J. at 460. In determining the appropriate measure of discipline, the interests of the public, the bar, and the respondent must be considered. "The primary purpose of discipline is not to punish the attorney but to preserve the confidence of the public in the bar." In re Principato, supra, 139 N.J. at 460 (citations omitted).

Fashioning the appropriate penalty involves a consideration of many factors, including the "nature and severity of the crime, whether the crime is related to the practice of law, and any mitigating factors such as respondent's reputation, his prior trustworthy conduct, and general good conduct." In re Lunetta, 118 N.J. 443, 445-46 (1989).

That an attorney's conduct did not involve the practice of law or arise from a client relationship will not excuse the

ethics transgression or lessen the degree of sanction. In re Musto, 152 N.J. 167, 173 (1997) (citation omitted). Offenses that evidence ethics shortcomings, although not committed in the attorney's professional capacity, may, nevertheless, warrant discipline. In re Hasbrouck, 140 N.J. 162, 167 (1995). The obligation of an attorney to maintain the high standard of conduct required by a member of the bar applies even to activities that may not directly involve the practice of law or affect his or her clients. In re Schaffer, 140 N.J. 148, 156 (1995).

Recently, in In re Goldman, 224 N.J. 33 (2016), the Court disbarred an attorney who pleaded guilty to felony second-degree robbery in New Jersey. Goldman, who was later sentenced to five years' imprisonment, admitted that she robbed a bakery in 2008, a violation of N.J.S.A. 2C:15-1a. She had entered the bakery concealing her finger in a paper bag and announced to employees "something to the effect of give me the money and nobody gets hurt." In the Matter of Elizabeth M. Goldman, DRB 13-257 (January 31, 2014) (slip op. at 2-3).

Attorneys who have been found guilty of thefts other than robbery also have been disbarred when the circumstances were egregious. See, e.g., In re Buonopane, 201 N.J. 408 (2007)

(attorney, as owner and operator of approximately twenty car-wash and oil-lube facilities, was convicted of two counts of misapplication of \$2.7 million in entrusted property and one count of failure to file corporate business tax returns with the intent to evade taxes; during a five-year period, the attorney withheld income and other taxes from his employees and failed to remit them to the government; he also failed to remit sales taxes that he had collected); In re Hasbrouck, 152 N.J. 366 (1998) (attorney pleaded guilty to four counts of third-degree burglary, three counts of third-degree theft by unlawful taking, and one count of fourth-degree theft by unlawful taking; the attorney burglarized the homes and offices of doctors in four counties in order to obtain prescription drugs; prior one-year suspension for obtaining a controlled dangerous substance by fraud and for uttering a forged prescription); In re Imbriani, 149 N.J. 521 (1997) (attorney, also a Superior Court judge, converted approximately \$75,000 from his business partners; the attorney, who managed a real estate corporation that leased offices to medical doctors, converted the rent checks from the tenants to his own use; disbarment required because of commission of crime of dishonesty, for personal gain, over an extended period of time and during tenure as a judge); and In re

Spina, 121 N.J. 378 (1990) (attorney, while employed by Georgetown University's International Law Institute, deposited the University's funds into his personal account and converted \$15,000 to his own use; the attorney pleaded guilty to a lesser-included offense of petty larceny and admitted that, during a two-and-one-half-year period, he had converted \$32,000, in addition to the \$15,000; the Court determined that no discipline short of disbarment could be justified).


There remains consideration of mitigating and aggravating factors. Aside from respondent's unblemished ethics history, we can discern no mitigating factors. In aggravation, however, we note that respondent placed people in fear of serious physical harm – and perhaps even death. Like the Court, in our view, "[s]ome criminal conduct is so utterly incompatible with the standard of honesty and integrity that we require of attorneys that the most severe discipline is justified by the seriousness of the offense alone." In re Hasbrouck, supra, 152 N.J. at 371-372. Here, too, the severity of respondent's crime requires nothing short of disbarment. We so recommend.

Member Clark did not participate.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and

actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board  
Bonnie C. Frost, Chair

By:   
Ellen A. Brousky  
Chief Counsel



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SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
VOTING RECORD

In the Matter of Steven R. French  
Docket No. DRB 16-118

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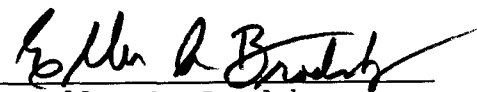
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Argued: September 15, 2016

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Disposition: Disbar

<i>Members</i>	Disbar	Recused	Did not participate
Frost	X		
Baugh	X		
Boyer	X		
Clark			X
Gallipoli	X		
Hoberman	X		
Rivera	X		
Singer	X		
Zmirich	X		
Total:	8		1

  
Ellen A. Brodsky  
Chief Counsel