

Supreme Court of New Jersey
Disciplinary Review Board
Docket No. DRB 20-085
District Docket No. XIV-2019-0150E

In the Matter of
Robert J. Bernot,
An Attorney at Law

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Dissent

Decided: February 11, 2021

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

For the following two reasons, I dissent from the majority and vote to recommend respondent's disbarment.

First, although I agree with the majority that respondent's flagrant disregard of the ethics system and his failure to learn from his past mistakes constitutes egregious misconduct, in contrast to the majority, I dissent because this misconduct warrants the imposition of nothing less than a recommendation that respondent be disbarred. Despite a two-year suspension imposed on November 2, 2018, and a six-month suspension being served consecutively to

that two-year suspension, respondent continually disrespects the Office of Attorney Ethics, the New Jersey Court Rules concerning ethics procedures, and the Rules of Professional Conduct. He has offered no indication that he is willing to comply with disciplinary authorities or the Court Rules in the future, or that he values his position as a member of the New Jersey Bar. Indeed, he defaulted in the current matter, with no attempt to offer mitigating evidence for his failure to comply with the disciplinary system.


Second, I vote to recommend respondent's disbarment because an attorney who fails to comply with an Order of the Court to file the affidavit that R. 1:20-20 requires of all suspended attorneys, in my humble opinion, manifests a disdain for the disciplinary process and the responsibilities attendant to the privilege of being permitted to practice the profession of the law.

I am fully aware that the Court has rejected a recommendation by the Disciplinary Review Board to address the recurring failure of suspended respondents to comply with the requirements of R. 1:20-20. While I disagree with the Court's rejection, I respect the Court's decision and mean no disrespect by filing a dissent in this case and in similar cases in the future. Absent enactment of the Board's recommendation or some other remedial rule change to address this problem, I will continue to vote for disbarment so as to compel

respondents to appear before the Court to explain why they have not complied with the Court's Order requiring the filing of the R. 1:20-20 affidavit.

By such a procedure, I believe that the public and respondent's clients would be protected from the consequences of respondent's suspension and all attorneys would quickly come to understand and appreciate the importance of compliance with the Court's Orders and the grave potential consequences of non-compliance.

Disciplinary Review Board
Maurice J. Gallipoli
Vice-Chair

By: 
Johanna Barba Jones
Chief Counsel