

Supreme Court of New Jersey  
Disciplinary Review Board  
Docket No. DRB 21-248  
District Docket No. XIV-2021-0101E

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In the Matter of  
Michele S. Austin  
An Attorney at Law

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Dissent

Decided: February 25, 2022

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

I concur with the majority’s view expressed in this matter – that absent contrary direction from the Court, the Board will almost invariably apply additional discipline for a R. 1:20-20 violation proven by clear and convincing evidence.

However, consistent with my past practice, I write separately to dissent from my colleagues concerning the appropriate quantum of discipline for a suspended attorney’s violation of the basic public protections afforded by R.

1:20-20. Specifically, 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  
Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.),  
Chair



By: \_\_\_\_\_

Johanna Barba Jones  
Chief Counsel