SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 24-008
District Docket No. XIV-2022-0110E

In the Matter of Diane L. Rohrman
An Attorney at Law

Argued
March 21, 2024

Decided
June 26, 2024

Hillary K. Horton appeared on behalf of the
Office of Attorney Ethics.

Respondent did not appear for oral argument.

Table of Contents

Introduction

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 (the OAE), pursuant to R. 1:20-13(c)(2), following respondent's convictions, in the Commonwealth of Pennsylvania, Court of Common Pleas, Bucks County, for second-degree theft by unlawful taking, in violation of 18 Pa. C.S. § 3921(a); second-degree identity theft, in violation of 18 Pa. C.S. § 4120(a); third-degree access device fraud, in violation of 18 Pa. C.S. § 4106(a)(1)(iv); and third-degree computer trespass, in violation of 18 Pa. C.S. § 7615(a)(4). The OAE asserted that these offenses constitute violations of RPC 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer).

For the reasons set forth below, we determine to grant the motion for final discipline and recommend to the Court that respondent be disbarred.

Respondent earned admission to the New Jersey and Pennsylvania bars in 2001. The record before us does not disclose whether respondent maintained a practice of law during the relevant time.

On May 6, 2021, the Supreme Court of Pennsylvania temporarily suspended respondent in connection with her guilty plea for involuntary manslaughter in Pennsylvania.[1] In re Rohrman, 2021 Pa. LEXIS 2016 (2021).

In turn, on August 23, 2022, our Court temporarily suspended respondent in connection with her guilty plea for involuntary manslaughter in Pennsylvania. In re Rohrman, __ N.J. __ (2022). To date, respondent remains temporarily suspended from the practice of law.

On April 25, 2023, the Supreme Court of Pennsylvania, upon consideration of respondent's verified statement of resignation, disbarred her for her criminal conduct underlying this matter, retroactive to May 6, 2021.[2] Office of Disciplinary Counsel v. Rohrman, 2023 Pa. LEXIS 588 (2023).

We now turn to the facts of this matter.

Facts

On December 13, 2022, following a four-day jury trial, respondent was convicted of second-degree theft by unlawful taking, in violation of 18 Pa. C.S.

[1] On August 29, 2022, respondent withdrew her guilty plea, and all charges were reinstated. In September 2023, she was sentenced to a term of incarceration of eighteen months to five years.

[2] In Pennsylvania, an attorney who has been disbarred may apply for reinstatement after the passage of five years, pursuant to Pa. R.D.E. 218.

§ 3921(a)[3] (count one); second-degree identity theft, in violation of 18 Pa. C.S. § 4120(a)[4] (count two); third-degree access device fraud, in violation of 18 Pa. C.S. § 4106(a)(1)(iv)[5] (count three); and third-degree computer trespass, in violation of 18 Pa. C.S. § 7615(a)(4)[6] (count four).

On April 11, 2023, the Honorable Stephen A. Corr, Jr., sentenced respondent, for her criminal conviction on counts one and two, to a term of incarceration of no less than eighteen months and no more than three years. The court also imposed a two-year term of probation following her release. On counts three and four, the court imposed two separate five-year terms of probation. Last, the court ordered restitution in the amount of $169,478.76.

The facts underlying respondent's conviction are as follows.

---

[3] 18 Pa. C.S. § 3921(a) provides, "a person is guilty of theft if he unlawfully takes, or exercises unlawful control over, movable property of another with intent to deprive him thereof."

[4] 18 Pa. C.S. § 4120(a) provides, "a person commits the offense of identity theft of another person if he possesses or uses, through any means, identifying information of another person without the consent of that person to further an unlawful purpose."

[5] 18 Pa. C.S. § 4106(a)(1)(iv) provides, "a person commits an offense if he, uses an access device to obtain or in an attempt to obtain property or services with the knowledge that, for any other reason his use of the access device is unauthorized by the issuer or the device holder."

[6] 18 Pa. C.S. § 7615(a)(4) provides, "a person commits the offense of computer trespass if he knowingly and without authority or in excess of given authority uses a computer or computer network with the intent to, effect the creation or alteration of a financial instrument or of an electronic transfer of funds."

In or around July 2016, respondent's father, Gerald Rohrman, moved into a continuing care facility following the death of his wife, Marjorie Rohrman, who was respondent's mother.[7] During the marriage, Marjorie handled the couple's finances. At the time of Marjorie's death, Mr. Rohrman was seventy-seven and did not know how to write a check, use a computer, or conduct electronic banking.

In August 2016, Mr. Rohrman granted respondent power of attorney (POA) to handle his financial affairs.[8] Mr. Rohrman testified – during the criminal trial underlying this matter – that he chose respondent over his two other daughters because "she knew a . . . lot about business and [he] thought she was the one [he] should choose . . . and she was an attorney . . . ." In connection with granting respondent a POA, Mr. Rohrman testified that he gave her permission to use his money for his benefit.

---

[7] Marjorie Rohrman is referred to herein as "Marjorie." This is done solely for ease of reference. No disrespect is meant by the informal designation.

[8] The POA specifies that, "this Power of Attorney does not impose a duty on your agent to exercise granted powers, but when the powers are exercised, your agent must use due care to act for your benefit and in accordance with this Power of Attorney." The POA included the following specific provisions for respondent in her role as the agent assuming the appointment: "I shall act in accordance with the Principal's reasonable expectations to the extent actually known by me and, otherwise, in the Principal's best interest, act in good faith and act only within the scope of authority granted to me by the Principal in this Power of Attorney; I shall keep the assets of the Principal's separate from my assets; I shall act loyally for the Principal's benefit; and I shall keep a full and accurate record of all transactions, receipts, and disbursements on behalf of the Principal."

Marjorie's successful investment strategies had left Mr. Rohrman in a secure financial position. Specifically, Mr. Rohrman held various accounts, including two Wells Fargo checking accounts (ending in #5815 and #6271), retirement accounts, and an American Funds investment account, holding approximately $150,000. Mr. Rohrman also owned a home in Feasterville, Pennsylvania, where he had lived with his wife for many years prior to her death.

Three years after respondent was granted the POA, in August 2019, and following her guilty plea to manslaughter, Mr. Rohrman and his two other daughters discovered that a significant amount of money was missing from his accounts. As a result, Mr. Rohrman went to the police to report the theft.

In November 2019, Detective William Bonacquisti of the Warminster Township Police Department took over the open investigation into the alleged theft by respondent. In connection with the investigation, Detective Bonacquisti obtained eleven search warrants for Mr. Rohrman's and respondent's financial records. The investigation revealed that, between August 2016 and August 2019, respondent accessed Mr. Rohrman's accounts and stole a total of $169,478.76.

Specifically, between December 2016 and February 2019, respondent wrote seventy-four checks, totaling $58,750, from Mr. Rohrman's Wells Fargo accounts, which she deposited in her PNC bank account. On at least five occasions when respondent deposited checks from Mr. Rohrman's Wells Fargo accounts in her PNC bank account, her account balance was less than $100. A review of the withdrawals and expenditures from respondent's PNC bank account revealed that most of the transactions took place in Chester County, near respondent's home, and did not relate to Mr. Rohrman's care.

Between August 2016 and August 2019, respondent cashed sixty additional checks from Mr. Rohrman's Wells Fargo accounts, totaling $34,010.

Between December 2018 and February 2019, respondent wrote five additional checks, totaling $3,221.45, from the Wells Fargo accounts to third parties for expenditures related solely to respondent, including payments to contractors working on her home, and payments for her court fees.[9]

Between November 2016 and August 2019, respondent made fourteen counter withdrawals, totaling $35,645, from Mr. Rohrman's Wells Fargo accounts. Further, in 2019, respondent made two bank to bank Zelle transfers,

[9] The record reflects that Mr. Rohrman's funds were used to pay a filing fee for a civil matter involving respondent and her fine for a traffic offense in West Chester, PA.

totaling $950, from Mr. Rohrman's Wells Fargo account to her PNC bank account.

In addition, between March 2017 and July 2019, respondent added four telephone lines to Mr. Rohrman's Verizon Wireless account, thus, increasing his monthly charges from $133, in 2016, to $485, by August 2019.[10] The added Verizon lines resulted in additional charges of $7,397.31, which were paid from Mr. Rohrman's Wells Fargo accounts.

On August 21, 2019, respondent used $12,100 from Mr. Rohrman's accounts to pay down the balances of three of her credit cards, including two Capital One accounts and one Citadel account.[11] All but one of the charges on respondent's Citadel credit card had been incurred in Chester County, where respondent resided.

Respondent also illegally utilized Mr. Rohrman's Wells Fargo credit card. From August 2016 through August 2019, she made thirty-five payments from Mr. Rohrman's bank account to his Wells Fargo credit card accounts, totaling $17,405. The credit card records revealed that all but one of the

[10] The record indicated the address associated with the Verizon account was changed to respondent's address.

[11] Respondent used Mr. Rohrman's funds to pay her credit card debt two days after she was released on $50,000 bail, following her August 17, 2019 arrest in connection with the death of her second husband.

purchases made with Mr. Rohrman's credit card occurred in Chester County, PA, where respondent resided.

The investigation further revealed that, between August 2016 and August 2019, respondent replenished the Wells Fargo accounts with $88,294.02, via thirty-three transfers of funds from Mr. Rohrman's American Funds investment account.

Initially, the printed checks for the Wells Fargo accounts reflected the names Gerald A. Rohrman and Marjorie L. Rohrman, at their home address in Feasterville, PA. At some point in time, however, respondent executed a change of address with Wells Fargo and the address for the accounts was changed to respondent's address in Downingtown, Pennsylvania, and not the care facility where Mr. Rohrman resided.

Based on the foregoing facts, on or about December 23, 2021, respondent was arrested and charged with theft by unlawful taking, in violation of 18 Pa. C.S. § 3921(a), a second-degree felony; identity theft, in violation of 18 Pa. C.S. § 4120(a), a second-degree felony; access device fraud, in violation of 18

Pa. C.S. § 4106(a)(1)(iv), a third-degree felony; and computer trespass, in violation of 18 Pa. C.S. § 7615(a)(4).[12]

A four-day jury trial took place between December 8 and December 13, 2022, during which Mr. Rohrman and Detective Bonacquisti testified on behalf of the prosecution. Specifically, Mr. Rohrman testified that respondent did not keep him apprised of how she was using his funds and what money remained. Although he testified that he left everything to respondent to handle, he stated that he did not give respondent permission to utilize his funds for her benefit.

Respondent did not testify at trial. However, during her closing argument, she asserted that the evidence established her innocence. Specifically, she argued that she had incurred substantial expenses related to remodeling Mr. Rohrman's home, moving Mr. Rohrman to the care facility, paying the funeral expenses for Marjorie, and covering other expenses for Mr. Rohrman. She maintained that she legitimately reimbursed herself.[13] Respondent further asserted that there were significant gaps in the investigation and that Detective

[12] Respondent also had been charged with receiving stolen property, in violation of 18 Pa. C.S. § 3925, a second-degree felony; and unlawful use of computer-access to disrupt functioning, in violation of 18 Pa. C.S. § 7611(a)(1), a third-degree felony. On March 10, 2022, at the preliminary hearing, the government dismissed the charges of receiving stolen property and unlawful use of a computer.

[13] Marjorie passed away in July 2016, Mr. Rohrman moved into the care facility in September 2016, and the house sold in March 2017.

Bonacquisti ignored 900 pages of documents, including receipts, which she claimed verified the expenses she incurred related to the remodel project.

In turn, the prosecution argued that respondent was not charged with using any funds related to remodeling the home; moving Mr. Rohrman to the care facility; paying the funeral expenses; or paying any of Mr. Rohrman's legitimate expenses. To the contrary, the prosecution asserted that the evidence established that respondent, in fact, took the majority of Mr. Rohrman's funds after the home had been sold, continuing her scheme of theft through August 2019.

On December 13, 2022, the jury returned a guilty verdict on all counts.

On April 11, 2023, respondent's sentencing hearing took place before Judge Corr. Respondent was represented by counsel and testified at the sentencing hearing. Specifically, respondent testified regarding her incarceration, her post-release work options, and her mental health and medical history. Further, in anticipation of her sentencing, respondent's defense counsel submitted a confidential psychological evaluation of respondent.

Following the victim impact statements offered by Mr. Rohrman and respondent's sisters, Lynn Klaus and Christine Koper, Judge Corr sentenced respondent to concurrent terms of incarceration for eighteen to thirty-six months

for counts one and two, with credit for time served. Judge Corr also imposed a twenty-four-month period of probation following her release. On count three, Judge Corr imposed a concurrent sixty-month period of probation. On count four, Judge Corr imposed an additional sixty-month period of probation. Judge Corr also imposed restitution, in the amount of $169,478.76, payable to Mr. Rohrman. Judge Corr noted that respondent had mental health concerns but found that respondent manipulated and used those mental health issues to her own advantage when it suited her.

The Parties' Positions Before the Board

In support of its motion for final discipline, the OAE observed that theft by an attorney generally results in a period of suspension, the length of which depends on the severity of the crime and the consideration of mitigating or aggravating factors. The OAE cited numerous cases in support of its position, including In re Jaffe, 170 N.J. 187 (2001) (three-month suspension for an attorney convicted of third-degree theft by deception; over a nine-month period, the attorney improperly obtained $13,000 from a healthcare provider by submitting false health insurance claims to reimburse him for prescription formula purchased for his infant child, who was born with life threatening

medical problems; the attorney was entitled to reimbursements of only $4,400; mitigation included lack of prior discipline, the attorney's physical and emotional stress over his child's illness, his acceptance of responsibility for his actions, payment of full restitution ($15,985) to the insurer, a $10,000 civil penalty, and completion of pretrial intervention); In re Pariser, 162 N.J. 574 (2000) (six-month suspension for a deputy attorney general (DAG) found guilty of third-degree official misconduct for stealing items, including cash, from co-workers at the Division of Law, Newark office; his conduct was not an isolated incident, but a series of petty thefts occurring over a period of time; the attorney received a three-year probationary term and was ordered to pay a $5,000 fine, to forfeit his public office as a condition of probation, and to continue psychological counseling until medically discharged; the attorney's status as a DAG was considered an aggravating factor); In re Burns, 142 N.J. 490 (1995) (six-month suspension for an attorney who committed three instances of burglary of an automobile, two instances of theft by unlawful taking, and one instance of unlawful possession of burglary tools); In re Kopp, 206 N.J. 106 (2011) (retroactive three-year suspension for an attorney convicted of identity theft, credit card theft, theft by deception, and burglary; the attorney used the proceeds of her crimes to support her addiction; mitigating factors included her

successful drug and alcohol rehabilitation); In re Bevacqua, 85 N.J. 161 (2005) (three-year suspension for an attorney who used a stolen credit card to attempt to purchase merchandise at a K-Mart store, and had five additional fraudulent credit cards and a fake driver's license in his possession at the time; ethics history included prior reprimand and six-month suspension); In re Meaden, 165 N.J. 22 (2000) (three-year suspension for an attorney who wrongfully obtained the credit card number of a third party, then attempted to commit theft by using the credit card number to purchase golf clubs worth $5,800, and made multiple misrepresentations on firearms purchaser identification cards and handgun permit applications by failing to disclose his psychiatric condition and involuntary commitment; prior reprimand).

The OAE, however, urged us to recommend to the Court that respondent be disbarred based on her disturbing and illegal conduct in which she victimized her elderly and financially unsophisticated father. The OAE argued that the intimate and trusting relationship between respondent and her father must be considered, in aggravation, when determining the appropriate quantum of discipline. Moreover, the OAE maintained that respondent's position as an attorney led Mr. Rohrman to trust her to manage his finances and, in fact, was the primary reason he selected her, and not one of his other two daughters, to

act as his POA. The OAE argued that this placed respondent in a position uniquely situated to victimize Mr. Rohrman, since no one in the family suspected respondent would use the money inappropriately and no one monitored what respondent did with the money. The OAE noted that it was not until respondent encountered separate legal trouble that anyone in the family investigated the status of the accounts.

The OAE asserted that respondent took advantage of her father and stole from his retirement funds, then exhibited limited remorse, all of which warranted harsh discipline. Citing In re Torre, 223 N.J. 538 (2015), where the Court imposed a one-year suspension based on the egregious harm caused to a vulnerable, eighty-six-year-old victim, the OAE observed that the Court had notified the bar that misconduct sounding in elder abuse would not be tolerated and that "serious consequences," including disbarment, could be appropriate even in the absence of knowing misappropriation of funds.

In further aggravation, the OAE noted that respondent failed to report her criminal charges to the OAE, as R. 1:20-13(a)(1) requires.

In mitigation, the OAE noted respondent's lack of prior discipline. Further, although it acknowledged that respondent's mental health issues could be accorded some weight, the OAE noted that respondent did not assert a defense

under the Jacob standard. In re Jacob, 95 N.J. 132 (1984) (requiring competent medical proofs of a loss of competency, comprehension, or will of a magnitude that could excuse egregious misconduct that was clearly knowing, volitional, and purposeful). The OAE maintained that, unless respondent's mental illness was "causally related to the theft," it should not be considered significant mitigation.

Respondent did not submit a brief for our consideration, despite proper notice.

Analysis and Discipline

Violations of the Rules of Professional Conduct

Following a review of the record, we determine to grant the OAE's motion for final discipline. Final discipline proceedings in New Jersey are governed by R. 1:20-13(c). Under that Rule, 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 Principato, 139 N.J. 456, 460 (1995).

Pursuant to RPC 8.4(b), it is misconduct for an attorney to "commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer." Thus, respondent's convictions for second-degree theft by

unlawful taking; second-degree identity theft; third-degree use of an access device unauthorized by the device-holder; and third-degree computer trespass, establishes her violation of RPC 8.4(b).

In sum, we find that respondent violated RPC 8.4(b). Hence, the sole issue remaining for our determination is the proper quantum of discipline for her misconduct. R. 1:20-13(c)(2); Magid, 139 N.J. at 451-52; and Principato, 139 N.J. at 460.

Quantum of Discipline

In determining the appropriate measure of discipline, we must consider the interests of the public, the bar, and respondent. "The primary purpose of discipline is not to punish the attorney but to preserve the confidence of the public in the bar." In re Magid, 139 N.J. at 452 (emphasis added). Fashioning the appropriate penalty involves the 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).

The Court has noted that, although it does not conduct "an independent examination of the underlying facts to ascertain guilt," it will "consider them relevant to the nature and extent of discipline to be imposed." Magid, 139 N.J. at 452. In motions for final discipline, it is acceptable to "examine the totality of the circumstances, including the details of the offense, the background of respondent, and the pre-sentence report" before reaching a decision as to the sanction to be imposed. In re Spina, 121 N.J. 378, 389 (1990). The "appropriate decision" should provide "due consideration to the interests of the attorney involved and to the protection of the public." Ibid.

That an attorney's misconduct did not involve the practice of law or arise from a client relationship will not excuse an ethics transgression or lessen the degree of sanction. In re Musto, 152 N.J. 165, 173 (1997). Offenses that evidence ethics shortcomings, although not committed in an 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).

Precedent Involving Serious Crimes or Crimes that Demonstrate a Lack of Moral Fiber

Although the OAE relied on theft cases, cited above, we consider an additional line of precedent that, in our view, mandates respondent's disbarment. In In re Goldberg, 142 N.J. 557 (1995), the Court enumerated the aggravating factors that normally lead to the disbarment of attorneys convicted of crimes:

> Criminal convictions for conspiracy to commit a variety of crimes, such as bribery and official misconduct, **as well as an assortment of crimes related to theft by deception and fraud**, **ordinarily result in disbarment**. We have emphasized that when a criminal conspiracy evidences 'continuing and prolonged rather than episodic, involvement in crime,' is 'motivated by personal greed,' and involved the use of the lawyer's skills 'to assist in the engineering of the criminal scheme,' the offense merits disbarment.
>
> [In re Goldberg, 142 N.J. at 567.] (citations omitted) (emphasis added)

Consistently, the Court has found that attorneys who commit crimes that are serious or that evidence a total lack of moral fiber must be disbarred to protect the public, the integrity of the bar, and the confidence of the public in the legal profession. See, e.g., In re Grant, 2022 N.J. LEXIS 1069 (2022) (attorney convicted of wire fraud and conspiracy to commit wire fraud after taking part in an advanced fee scheme whereby he, together with co-conspirators, obtained $4.8 million from victims, over a five-year period, who

sought "stand-by letters of credit" from various financial institutions; to ensure confidence in the scheme and portray a veil of legitimacy, the attorney served as the escrow agent and deposited the victims' advanced fees in his attorney trust account; instead of holding the fees until the victim received the promised stand-by letter of credit, the attorney immediately disbursed the fees to his co-conspirators; for his involvement, the attorney was paid $160,000 for his role in the scheme; following his arrest, the attorney cooperated with the government, thereby enabling the federal agents to recover approximately $4.2 million and to arrest all co-conspirators; although the attorney also knowingly misappropriated client funds, in violation of the principles of In re Wilson, 81 N.J. 451 (1979), thereby warranting his disbarment, we concluded that the attorney's prolonged participation in the scheme, in which he defrauded victims of millions of dollars, evidenced a total lack of moral fiber and served as an independent basis for his disbarment); In re Luthmann, 246 N.J. 568 (2021) (attorney convicted of conspiracy to commit wire fraud and conspiracy to commit extortionate collection of credit; the attorney used his professional status to give an air of legitimacy to a criminal scrap metal scheme; he recruited clients to conspire with him to create fraudulent companies for the purpose of defrauding legitimate businesses and directed the proceeds of his criminal

enterprise to his attorney trust account; further, the attorney arranged for one client, whom he believed to be connected to organized crime, to intimidate and shake down another client who owed him fees; following his release on bail, the attorney engaged in witness tampering and releasing wiretap transcripts, in violation of a court order; in recommending his disbarment, we observed that the attorney was a clear danger to the public and that the severity of his crimes reflected a moral disconnect of great proportion); In re Quatrella, 237 N.J. 402 (2019) (attorney convicted of conspiracy to commit wire fraud after taking part in a scheme to defraud life insurance providers via three stranger-originated life insurance policies; the victims affected by the crimes lost $2.7 million and the intended loss to the insurance providers would have been more than $14 million); In re Klein, 231 N.J. 123 (2017) (attorney convicted of wire fraud for engaging in an advanced fee scheme that lasted eight years and defrauded twenty-one victims of more than $819,000; the attorney and his co-conspirator used bogus companies to dupe clients into paying thousands of dollars in advanced fees, in exchange for a promise of collateral that could be used to borrow much larger sums of money from well-known financial institutions; the clients, however, never received legitimate financial instruments that were acceptable to banks as collateral for financing; the attorney leveraged his status

as a lawyer to provide a "veneer of respectability and legality" to the criminal scheme, including the use of his attorney escrow account).

Here, like the attorneys in Grant and Klein, who were disbarred, respondent's theft and fraud spanned several years and only ceased when her conduct was discovered, following her guilty plea to an unrelated crime. Also like the attorneys in Grant and Klein, respondent committed the criminal conduct for her own pecuniary gain, and her crimes resulted in significant financial losses to her victim.

In our view, respondent's serious crimes of unlawful taking, identity theft, access device fraud, and computer trespass – all of which were perpetrated against her elderly father – demonstrate a total lack of moral fiber that endangers the public, the integrity of the bar, and the public's confidence in the legal profession, thereby warranting her disbarment.

Mitigating and Aggravating Factors

In crafting the appropriate quantum of discipline, we also consider mitigating and aggravating factors which solidified our recommendation that respondent be disbarred.

In mitigation, respondent has no history of final discipline. Further, as the OAE observed, there is some evidence in the record before us relating to respondent's mental health and, in fact, she submitted a psychological evaluation to the trial court prior to her sentencing. Although we cannot ignore the role respondent's mental health may have played in her misconduct, she never asserted her mental health as a defense to the underlying criminal proceedings and, further, failed to raise it in connection with the disciplinary proceedings. Moreover, as previously noted, the trial court did not weigh respondent's mental health struggles in mitigation; rather, the court determined that respondent attempted to manipulate her history for her own benefit. Thus, we accord this factor minimal weight.

In aggravation, respondent was found guilty, beyond a reasonable doubt, of stealing her elderly father's money after he entrusted it to her based, at least in part, on her status as a lawyer. The Court has signaled harsher discipline for attorneys who exploit elderly and vulnerable victims. Torre, 223 N.J. at 546-47. The Court gives no quarter to those who prey on the vulnerable, be they frail and elderly or of limited cognitive ability or competency. In re Legome, 226 N.J. 590 (2016).

Here, like the attorney in Legome, who was disbarred, respondent targeted a vulnerable person. In Legome, we noted:

> Respondent took shameless advantage of an opportunity to line his own pockets at the expense of his significantly mentally impaired client. [The client] trusted respondent and relied on him to protect him and his interests, much as he trusted his own father. In fact, particularly following his own father's death, [the client] referred to respondent as "dad," and to respondent's secretary as "mom." Respondent himself acknowledged that [the client] considered his office staff to be his family. So devoted to respondent was [the client] that he would, by his own words, give him anything: "[respondent] can do anything he wants . . . that's my dad." Respondent, however, acted nothing like a dad -- and certainly nothing like a trustworthy attorney.
>
> [In the Matter of Harris C. Legome, DRB 15-394 (May 20, 2016) at 52-53.]

Like the attorney in Legome, respondent took advantage of her position as a trusted family member to gain access to and draw funds from Mr. Rohrman's accounts. Respondent then took advantage of her father's lack of financial awareness and used her position as his POA to siphon off his retirement savings for her own benefit. Instead of acting in her father's best interest, as the POA required, respondent unabashedly stole his money.

In further aggravation, respondent failed to express remorse for her gross exploitation of her own father. Despite the financial records clearly reflecting

that respondent took the bulk of the $169,000 funds after the funeral expenses were paid and the house was sold, respondent continued to assert that she was merely reimbursing herself for legitimate expenditures related to the remodel and funeral. In the face of overwhelming evidence, respondent still maintained she did nothing wrong.

Moreover, respondent failed to report her criminal charges to the OAE, as R. 1:20-13(a)(1) requires.

Conclusion

We conclude that this matter represents a clear and unmistakable example of the type of attorney who lacks sufficient moral fiber to be a member of the New Jersey bar. It is evident that respondent did not exhibit an iota of care or concern for her father following the death of her mother and, instead, she willingly and without hesitation victimized her father solely for her own gain. In our view, she presents a danger to the public and, therefore, recommend to the Court that she be disbarred in order to protect the public and preserve confidence in the bar.

Member Campelo was absent.

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
Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.),
Chair

By: */s/ Timothy M. Ellis*
Timothy M. Ellis
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Diane L. Rohrman
Docket No. DRB 24-008

Argued: March 21, 2024

Decided: June 26, 2024

Disposition: Disbar

Members	Disbar	Absent
Gallipoli	X	
Boyer	X	
Campelo		X
Hoberman	X	
Joseph	X	
Menaker	X	
Petrou	X	
Rivera	X	
Rodriguez	X	
Total:	8	1

/s/ Timothy M. Ellis
Timothy M. Ellis
Chief Counsel