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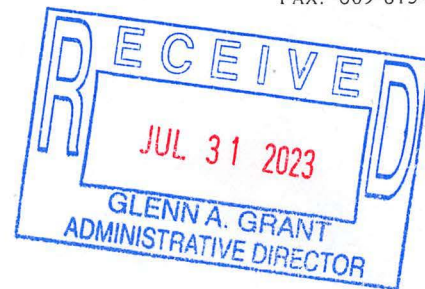
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July 31, 2023

Hon. Stuart Rabner, Chief Justice, and Associate Justices
Supreme Court of New Jersey
P.O. Box 970
Trenton, New Jersey 08625



Dear Chief Justice Rabner and Honorable Associate Justices:

Please accept this comment letter on behalf of the Trustees of the New Jersey Lawyers' Fund for Client Protection regarding the Report of the Supreme Court Special Committee on the Duration of Disbarment for Knowing Misappropriation. We are grateful for the thoughtful consideration given by the Committee members -- including our colleague, William Trimmer -- to an issue of critical importance to the practice of law in our State. As Trustees, it is our privilege to serve the Court, Bar and public through the Fund. We hope our shared experience on the Fund's Board will assist the Court in its review of the Committee's recommendations.

Any compensable claim before the Fund arises from a breach of the trust which is fundamental to the attorney-client relationship. It is axiomatic that to steal is wrong. Fund claims are born from the consequences of violating this axiom. A law client's injury, however, goes beyond the financial losses addressed by an award from the Fund. It is our hope (which we share with every Fund claimant) that the commitment made by the Court and New Jersey attorneys to support the Fund helps to heal the scar of broken trust inflicted whenever an attorney steals. As Trustees, we want victimized clients to know that the practice of law is still the noblest of professions, held to a higher standard. We want the public to know that the Fund exists precisely because of this truism and serves as "The Conscience of the Bar" to ensure that the trust upon which our system of justice rests remains inviolate.

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We therefore approach with great caution propositions which might dilute the message of the Fund's mission. Our interaction with injured clients who carry not only their own perspective on the legal profession, but that of the general public, colors our approach. It also tempers the empathy with which we might otherwise view the petition of a disbarred attorney seeking readmission. We appreciate that the Committee has identified prerequisites to readmission, including in our view, a paramount requirement for full repayment of any monies awarded by the Fund on the petitioner's behalf. Even so, concerns remain that readmission under any terms after violation of so basic a tenet threatens to inaccurately jade the public's view of our State's lawyers, the overwhelming majority of whom are honest, diligent, and dedicated to their clients' best interests. It is just one-half of one percent of our Bar who become respondents before the Fund.

We trust the Court's discretion will once again help us to find the right path in this challenging matter. The Court has previously exercised its discretion to avoid disbarment under the Wilson doctrine in instances where the facts suggest the misappropriation was more a consequence of negligence than malfeasance. The Court's case-by-case review could continue to address negligent misappropriation with a lesser degree of discipline without the seismic shift in both public perception and judicial administration which the proposed path to readmission will entail.

Thank you for the opportunity to share the Trustees' thoughts with the Court. As always, please do not hesitate to call upon us if we can be of any further assistance.

Respectfully,


Carmen Cortes-Sykes
Chair

CCS/mtm

cc: Hon. Glenn A. Grant, J.A.D.
Heather Joy Baker, Supreme Court Clerk
Steven D. Bonville, Chief of Staff