

Preface

In 2007, the Supreme Court revived an abandoned tradition by staging a public, mass swearing-in of the newly admitted attorneys to the New Jersey bar. At the ceremony, the Justices appeared *en banc*, together with several respected jurists from New Jersey's federal bench. During the proceedings, the Chief Justice formally addressed the new attorneys and their proud families.

As part of his remarks, the Chief Justice noted that no attorney begins his career with an idea that the unique privileges that are part of the license to practice law will afford him the opportunity to engage in unethical or dishonest behavior. Attorneys invariably begin their careers with the highest hopes and most sincerely held aspirations. Of course, although the Chief Justice's comments were intended to be hortatory, the sad reality is that in the years to come, a small number of those proud attorneys who took the oath of office that day will be subject to disciplinary grievances, formal complaints and final discipline. These future disciplinary cases may ultimately turn out to be unfounded or based upon solid evidence. They may come about as a result of gross negligence, inadvertence or purposeful, criminal conduct. Regardless of the facts in the case, each one of them will have to go through the attorney disciplinary process, a procedure that invariably places enormous and relentless stress on the respondent attorney's professional and personal life.

With this in mind, it is important to understand the purpose of this volume. This book is not about attorney ethics. It is solely about attorney discipline. The entire text is intended to aid attorneys who are in the midst of a potentially catastrophic professional crisis brought on as a result of disciplinary proceedings. It will provide the respondent attorney and his counsel with practical advice and useful tools for defending the widest array of disciplinary infractions. Furthermore, in those cases where the proofs will establish an ethical violation, this volume will enable the respondent attorney and his counsel to predict the likely quantum of discipline that will ultimately be imposed. In addition, the book will provide detailed information on the many aggravating and mitigating factors that can dramatically affect final discipline imposed by the Court in a given case.

Finally, due to the number of new cases subject to final discipline each year, the New Jersey disciplinary process tends to be

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highly dynamic. As a result, this volume will be updated on a yearly basis. In this way, an effective defense strategy and accurate predictions about final discipline can be based upon the most current statements of the law as expressed by the Disciplinary Review Board and the Supreme Court.

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