

SUPREME COURT OF NEW JERSEY

In the Matter of Robert S. Fisher, an Attorney at Law

948 A.2d 158 (2008) · No. D-131, September Term 2007 · Decided May 30, 2008

SUMMARY

The Supreme Court of New Jersey imposed reciprocal discipline on Robert S. Fisher based on disciplinary action in Pennsylvania. The court suspended Fisher from practicing law in New Jersey for two years, retroactive to September 19, 2006, conditioned reinstatement on his reinstatement in Pennsylvania and proof of mental fitness, and imposed related compliance and cost requirements.

CASE DETAILS

COURT	Supreme Court of New Jersey
JURISDICTION	New Jersey
DECIDED	May 30, 2008
DOCKET	D-131, September Term 2007
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding based on discipline imposed in Pennsylvania.
PRECEDENTIAL VALUE	published and precedential

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics attorney discipline professional responsibility

QUESTIONS PRESENTED

- Whether reciprocal discipline should be imposed based on the discipline imposed on Fisher in Pennsylvania.
- What duration and conditions should govern Fisher's suspension and any future reinstatement in New Jersey.

HOLDINGS

1. Fisher should be suspended from the practice of law in New Jersey for two years under the reciprocal-discipline procedure because the conduct underlying his Pennsylvania discipline constituted violations of New Jersey's Rules of Professional Conduct.
2. The two-year suspension is retroactive to September 19, 2006, and Fisher may not be reinstated in New Jersey until he is reinstated in Pennsylvania and submits approved proof of mental fitness to practice.
3. Fisher must continue complying with Rule 1:20-20, including its affidavit-of-compliance requirement, and must reimburse the Disciplinary Oversight Committee for appropriate administrative costs and actual prosecution expenses.

KEY QUOTATIONS

“It is ORDERED that ROBERT S. FISHER is suspended from the practice of law for a period of two years, retroactive to September 19, 2006, and until the further Order of the Court” (948 A.2d at 158)

“respondent shall not be reinstated to practice in New Jersey until he is reinstated in Pennsylvania and until he submits proof of his mental fitness to practice as attested to by a mental health professional approved by the Office of Attorney Ethics” (948 A.2d at 158)

FACTUAL BACKGROUND

Robert S. Fisher was admitted to the New Jersey bar in 1988 and was formerly located in Philadelphia, Pennsylvania. He had been suspended from practicing law in New Jersey since August 2, 2004, and had received discipline in Pennsylvania. The Pennsylvania discipline corresponded, under New Jersey law, to violations involving gross neglect, failure to communicate, failure to withdraw from representation, impaired ability to represent a client, and conduct prejudicial to the administration of justice.

PROCEDURAL HISTORY

The Disciplinary Review Board issued a decision in DRB 07-272 recommending reciprocal discipline against Robert S. Fisher based on his Pennsylvania suspension. The Board recommended a two-year suspension retroactive to the date of Pennsylvania discipline, conditioned reinstatement, and related compliance obligations. The Supreme Court of New Jersey adopted those recommendations by order.

DISPOSITION

other

OPINION

PER CURIAM.

948 A.2d 158 (2008) 195 N.J. 7 In the Matter of Robert S. FISHER, an Attorney at Law. D-131 September Term 2007 Supreme Court of New Jersey. May 30, 2008. ORDER The Disciplinary Review Board having filed with the Court its decision in DRB 07-272, concluding that as a matter of reciprocal discipline pursuant to Rule 1:20-14(a)(4)(E), ROBERT S. FISHER, formerly of

PHILADELPHIA, PENNSYLVANIA, who was admitted to the bar of this State in 1988, and who has been suspended from the practice of law since August 2, 2004, by Orders of this Court filed July 9, 2004, and September 12, 2005, should be suspended from the practice of law for a period of two years based on discipline imposed in the Commonwealth of Pennsylvania that in New Jersey constitutes violations of RPC 1.1(a) (gross neglect), RPC 1.4(a) and (b) (failure to communicate with clients) RPC 1.16(a)(2) (the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client), RPC 1.16(a)(2) and (3) (failure to withdraw from representation), and RPC 8.4(c) (conduct prejudicial to the administration of justice); And the Disciplinary Review Board having concluded that the term of suspension should be retroactive to the date of respondent's discipline in Pennsylvania, that respondent should not be reinstated to practice in New Jersey until he is reinstated in Pennsylvania and that prior to reinstatement, respondent should be required to submit proof of fitness to practice; And good cause appearing; It is ORDERED that ROBERT S. FISHER is suspended from the practice of law for a period of two years, retroactive to September 19, 2006, and until the further Order of the Court; and it is further ORDERED that respondent shall not be reinstated to practice in New Jersey until he is reinstated in Pennsylvania and until he submits proof of his mental fitness to practice as attested to by a mental health professional approved by the Office of Attorney Ethics; and it is further ORDERED that respondent shall continue to comply with Rule 1:20-20 dealing with suspended attorneys; and it is further *159 ORDERED that pursuant to Rule 1:20-20(c), respondent's failure to comply with the Affidavit of Compliance requirement of Rule 1:20-20(b)(15) may (1) preclude the Disciplinary Review Board from considering respondent's petition for reinstatement for a period of up to six months from the date respondent files proof of compliance; (2) be found to constitute a violation of RPC 8.1(b) and RPC 8.4(c); and (3) provide a basis for an action for contempt pursuant to Rule 1:10-2; and it is further ORDERED that the entire record of this matter be made a permanent part of respondent's file as an attorney at law of this State; and it is further ORDERED that respondent reimburse the Disciplinary Oversight Committee for appropriate administrative costs and actual expenses incurred in the prosecution of this matter, as provided in Rule 1:20-17.