

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