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July 24, 2023

Honorable Glen A. Grant, J.A.D.
Administrative Director of the Courts
Richard J. Hughes Justice Complex
PO Box 037
Trenton, NJ 08625-0037
Sent via regular mail and email: comments.mailbox@njcourts.gov



Re: Response to Request for Comment on the Report and Recommendation of the Supreme Court Special Committee on the Duration of Disbarment for knowing Misappropriation, (Wade Committee)

Dear Judge Grant:

As a member of the Supreme Court of New Jersey District IV Ethics Committee the following comments have no reflection and/or opinion provided to me by that Committee. They are personal and in direct response to your request for comments.

I am in full support of the dissenting opinion of the Honorable Maurice J. Gallipoli, A.J.S.C. (ret.), with an emphasis on his words “more than ever”.

Contrary to the 41 other jurisdictions that have readmission programs for lawyers who take something that belongs to another without their consent; and using it to benefit themselves but allowing a disbarred attorney to return to the practice of law is rewarding a thief. As a person licensed to practice law in the State of New Jersey specifically lawyers, judges and/or those licensed to practice law in the public sector or a corporate entity, all who have the privilege of practicing law in the State of New Jersey should suffer the most severe of consequence for making that poor individual decision to steal.

In New Jersey disbarment for knowingly misappropriating funds shows the world we recognize the demands, the importance and honor of our profession that if licensed to practice law in New Jersey is an honor and privilege but if you steal, you lose and you are removed.

In support of my comments, I had the opportunity prior to returning to law school at age 36 to manage 8 executives and 500 employees per day for a period of 13 years as a department head then executive working for a well-known Chicago family who owns hotels. Stealing, whether on the executive level, department head

level or on the line employee level, was unacceptable, intolerable and damaging. The single act of stealing resulted in career changing consequences. As attorneys we cannot become the exception to that standard.

One of my positions prior to becoming an attorney was to go and babysit multimillion dollar operations during the transition of General Managers because of a General Manager's termination for making a poor decision such as stealing. Stealing denigrates, embarrasses and lessens the quality and reputation of the other executives in the organization. The toll on the good and decent human element of an attorney who holds their position in high character only stands to suffer for someone else's wrong doings. The consequences when caught should be swift with no retribution.

As a solo practitioner for the past 25 plus years, I have maintained a no steal standard whether it is an employee using a mail machine to mail personal mail, to opening computer files and servicing friends outside of the office for their own personal gain without consent is unacceptable.

Wade sets the standard of intolerability for a position of such high esteem; and that high esteem cannot be compromised or diminished. By allowing a reinstatement program for a disbarred attorney for knowingly misappropriating someone else's funds for their own benefit will only continue to erode our already damaged reputation as attorneys.

To quote Judge Gallipoli, "more than ever" we need to take the position of intolerability for acts of impropriety. With the erosion of our public's confidence in our judiciary to the already beleaguered reputation we have as attorneys, what a better time then now "more than ever" to distinguish ourselves from the other 41 jurisdictions.

Please feel free to share my comments publicly, contact me if you would like me to testify before any committees and/or provide further comment if needed.

Respectfully submitted,


JOHN G. DeSIMONE, ESQUIRE

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