

From: [Greg Riley, Esq](#)
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Subject: [External]Comments on the Wade Committee Report
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Honorable Justices:

I regret submitting these comments late. I am now retired and only recently came across the Committee's report. I hope that my brief comments will be considered notwithstanding their tardy submission.

I join fully in the Minority View authored by Judge Gallipoli. The bright line rule announced in Wilson should not be abandoned. Instead, the Court should reaffirm that there will be no deviation from the Wilson rule: "knowing misappropriation," a euphemism for stealing, will permanently end an attorney's career.

I find it difficult to fathom that a member of the bar could fail to appreciate the gravity of such an offense. The Committee's proposal is to make an excuse for a thief, a swindler, or a "borrower," one who has graduated from college, earned a law degree, and passed the bar. And one who is undoubtedly cognizant (or should be) of the Wilson rule which has been in force for more than 40 years.

This offense against common honesty should be clear even to the youngest; and to the distinguished practitioners, its grievousness should be even clearer. [Wilson at 459-460] Any such actor knows he is crossing the line, and if not, he shouldn't be practicing law anyway. Indeed, I am at a loss to understand why a substantial segment of the bar would urge the Court to ameliorate the Wilson rule. Misappropriation (stealing) impacts more than just the dishonest lawyer and his victim. It casts a pall over all members of the bar.

Unlike others, I do not consider this a harsh result. The practice of law is not a right, but a privilege. One that is offered to a select few who have not only completed a high level of education and passed a rigorous examination, but also only to those who have a reputation for high ethical standards, honesty, and integrity. Permanent disbarment should not be perceived as a sanction or penalty (that comes from our criminal justice system), but merely delayed recognition that the perpetrator does not possess the requisite character (or knowledge, if ignorance is the excuse) necessary for admission in the first place. Would we admit to the bar a candidate who has embezzled, or one who has defrauded victims in a Ponzi scheme? By way of analogy, I refer to public employees and officials who commit certain crimes or offenses while in office. Such offenses not only result in criminal punishment and possible pension forfeiture, but also generally entails permanent disqualification from ever again holding public office or employment. Are we to hold members of the bar to any lesser standard? Taking a line Judge Gallipoli quoted from Wilson, "Banks do not rehire tellers who 'borrow' depositors' funds." And neither should this Court. Public confidence in the bar demands unquestionable honesty and integrity from its members.

Respectfully yours,
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