

Nelson C. Johnson, JSC (Ret.)
Author-Historian-Public Speaker
5 Waterfront Way, Hammonton, NJ. 08037
Nucky1883@yahoo.com

#002

July 17, 2023

To: New Jersey Supreme Court

Not long after becoming an attorney in 1974, my first mentor taught me to always think of trust account funds as “OPM.” Naively, I asked, “What is OPM?” He replied, “Other people’s money. Lawyers don’t get to mess with other people’s money, *ever!*”

To me, an attorney engaged in the private practice of law for 31 years, and who served as Chairperson of the District One Ethics Committee, talk of “mitigating circumstances” speaks past the point at hand. I find such talk disconcerting. The subject is theft. C.J. Wilentz, and a unanimous Supreme Court got it right in *In Re Wilson* when they stated, “There is nothing clearer to the public, however, than stealing a client’s money, and nothing worse.” There is no need to revisit this issue. Am I lacking in compassion? Yes, but the subject is “lawyers who knowingly misappropriate” their client’s money. Why am I unforgiving? Because such conduct bespeaks a deep character flaw.

Representing a client creates a sacred trust. Violation of that trust undermines all we do. Throughout my career, I have – and continue - to interact with the public in many situations. I’m sad to report that confidence in our profession is in decline. Societal “norms” are being tossed aside daily. We are witnessing the unravelling of American Society. The public is growing increasingly distrustful of both our courts and lawyers. We are in danger of running off the tracks into chaos. As stated by Judge Gallipoli, “more than at any time in the past,” on this issue, our high court must not budge an inch.

I was taught -and taught my children- at a young age, “You know when you are crossing the line.” As made abundantly clear by *In Re Wilson*, clients must be assured that when a member of our profession crosses the line by invading a trust account, “that never again will that person be a lawyer.” The Committee’s recommendation troubles me deeply. It steers our profession in the wrong direction. I urge you to hold fast to the “bright line” laid down by *In Re Wilson*.

Respectfully submitted,

Nelson C. Johnson, JSC (Ret.)