

MICHAEL R. PAGLIONE, ESQ., Presenter
PAGLIONE & MASSI
Golden Crest Corporate Center
2273 State Hwy #33, Suite 207
Trenton, New Jersey 08690
(609) 890-2273

DISTRICT VII ETHICS COMMITTEE, :
 : DOCKET NO: VII-96-005E
 Complainant, :
 :
 vs. : DISCIPLINARY ACTION
 :
 MARTIN MORRISON : COMPLAINT FOR MISCONDUCT
 : R. 1:20-4
 Respondent, :

District VII Ethics Committee by way of complaint against
respondent, says:

GENERAL ALLEGATIONS

1. Martin Morrison (respondent) was admitted to the bar of this State in 1973.
2. Respondent maintains law offices at Morrison & Morrison, P.C., 1 Cochran Plaza, Newton, New Jersey 07860.

**FIRST COUNT
(Alesio Politi)**

1. In 1989, respondent initially was retained by Alesio Politi (hereinafter referred to as "Politi"), now residing at New Jersey State Prison (#232977), Trenton, New Jersey. This representation consisted of various minor motor vehicle and criminal matters.
2. In 1990, Politi retained respondent as defense counsel in the matter of State v. Adam Mayo, Al Politi and Emilio Rodriguez, Superior Court of New Jersey, Law Division, Morris County, Indictment

No. 90-04-0275, AD No. A-3779-90-T4. On September 27, 1990, this matter was presented for trial before the Honorable Herbert S. Friend, J.S.C. Politi was convicted on October 22, 1990 on six counts including kidnapping in the first degree. Bail was set by Judge Friend at \$500,000.00 cash or bail bond. Politi was subsequently sentenced to 15 years with parole ineligibility of 5 years.

3. Respondent agreed to represent Politi on both his appeal and a motion for new bail. Politi paid respondent \$3,000.00 toward the cost of all transcripts and an additional \$3,000.00 for the preparation of both the notice of appeal and the motion for new bail pending appeal. Politi paid respondent by separate checks both dated January 14, 1991 bearing numbers 3901 and 3902. (See attached Exhibit A).

4. During the course of the next 4 years and on numerous occasions, respondent would report to Politi on the activity of both the motion for bail pending appeal as well as the appeal itself.

5. Prior to the sentencing for kidnapping in Morris County, Politi was charged and indicted for arson in Monmouth County. This matter was entitled State of New Jersey v, Alesio Politi, Superior Court of New Jersey, County of Monmouth, Law Division - Criminal Part, Indictment No. 91-03-00430. The trial took place in the summer of 1992 and Politi was convicted of aggravated arson for which he was sentenced to an extended term of 20 years with 10 years parole ineligibility.

6. Politi was also represented by respondent in the arson matter. Sentencing on the arson charge was conducted on October 23, 1992 in the Monmouth County Courthouse before the Honorable John A. Ricciardi, P.J.Cr.

7. Respondent represented to the Asst. County Prosecutor Peter Warshaw that the conviction for kidnapping out of Morris County was under appeal. On that same date, the Asst. County Prosecutor relayed this information in open court to Judge Ricciardi asking the court not to consider the kidnapping conviction for purposes of sentencing as same was under appeal.

8. In addition, on that same date, Judge Ricciardi addressed the issue on the record by indicating that regardless of its status of the kidnapping appeal it still remains a conviction and must be taken into consideration. By respondent's silence as each of these statements were made, he directly and indirectly misrepresented the status of the appeal of the kidnapping conviction to Asst. County Prosecutor Warshaw, Judge Ricciardi and Politi.

9. Respondent's failure to institute appropriate, timely motion pleadings for Politi's appeal and motion for new bail constituted gross neglect in violation of RPC 1.1(a).

10. Respondent's failure to keep his client adequately and accurately informed and his deceit and misrepresentation of facts constituted a violation of RPC 1.4(a) and RPC 8.4(c).

11. Respondent's failure to have written retainer agreements for any or all of the hereinmentioned representations constituted a violation of RPC 1.5(b).

12. Respondent's direct and indirect misrepresentation on October 23, 1992 to the Honorable John A. Ricciardi, Asst. County Prosecutor Peter Warshaw and Politi constituted a violation of RPC 3.3(a)(1) and RPC 8.4(c).

WHEREFORE, respondent should be disciplined.

DISTRICT VII ETHICS COMMITTEE

By: /s/ Michael R. Paglione, Esq.

Dated: June 12, 1997



MARTIN MORRISON, ESQ.
 Attorney at Law
 One Cochran Plaza, 2nd. Floor
 Newton, New Jersey 07860 (973) 579-9550
 RESPONDENT- Pro Se

DISTRICT VII ETHICS COMMITTEE,	:	
	:	DOCKET NO: VII-96-005E
Complainant,	:	
	:	
vs.	:	DISCIPLINARY ACTION
	:	
MARTIN MORRISON	:	ANSWER
	:	
Respondent,	:	

MARTIN MORRISON by way of Answer to the Complaint of the District VII Ethics Committee dated June 12th, 1997, says:

AS TO THE GENERAL ALLEGATIONS

1. The Respondent admits the allegations of Paragraph 1 of the Complaint.
2. The Respondent admits the allegations of Paragraph 2 of the Complaint, but by way of supplemental answer to said allegations submits that at the times referred to in the Complaint, the Respondent practiced as a sole practitioner at 93 Spring Street, P.O. Box 501, Newton, New Jersey 07860-0501.

AS TO THE FIRST COUNT (Alesio Politi)

1. The Respondent admits the allegations of Paragraph 1 of the Complaint, except that he denies that he was initially retained by Politi to represent him in "various minor motor vehicle and criminal matters". By way of supplemental answer, the Respondent submits that Politi initially retained Respondent to represent him on pending

criminal charges regarding the Burglary and Theft of a supermarket in Neptune, Monmouth County, New Jersey.

2. The Respondent admits the allegations of Paragraph 2 of the Complaint, except that he denies that "Bail was set by Judge Friend at \$500,000.00 cash or bail bond" as alleged.

3. The Respondent denies the allegations of Paragraph 3 of the Complaint.

4. The Respondent denies the allegations of Paragraph 4 of the Complaint.

5. The Respondent admits the allegations of Paragraph 5 of the Complaint, except that he denies that part of that paragraph that states "Prior to sentencing for kidnapping in Morris County, Politi was charged and indicted for arson in Monmouth County".

6. The Respondent admits the allegations of Paragraph 6 of the Complaint.

7. The Respondent denies the allegations of Paragraph 7 of the Complaint, or has insufficient information or recollection upon which to form an opinion or position regarding the truth of certain allegations of that Paragraph, and therefore denies the allegations of Paragraph 7 of the Complaint.

8. The Respondent denies the allegations of Paragraph 8 of the Complaint.

9. The Respondent denies the allegations of Paragraph 9 of the Complaint.

10. The Respondent denies the allegations of Paragraph 10 of the Complaint.

11. The Respondent denies the allegations of Paragraph 11 of the Complaint.

12. The Respondent denies the allegations of Paragraph 12 of the Complaint.

FIRST SEPARATE DEFENSE

The Complaint fails to state factual or legal grounds sufficient for the granting of the reliefs sought under the Disciplinary Rules.

SECOND SEPARATE DEFENSE

The Respondent had no ethical or legal obligation to represent Politi or to perform all of the acts on behalf of Politi as alleged.

THIRD SEPARATE DEFENSE

RPC 1.5(b) is inapplicable to the within charges, and no written Retainer Agreements were required.

FOURTH SEPARATE DEFENSE

Politi was aware that no Appeals were filed by Respondent in his cases.

FIFTH SEPARATE DEFENSE

Politi has misrepresented and misstated facts regarding the actual terms of Respondent's representations of him.

SIXTH SEPARATE DEFENSE

Politi committed criminal acts for which he received convictions and sentences which were appropriate to the circumstances of his cases. He was not wronged, damaged or prejudiced by any alleged action or

inaction of the Respondent, nor did he receive any punishment which he was not entitled to receive under those circumstances under the law.

SEVENTH SEPARATE DEFENSE

Respondent was not required as an Attorney in properly representing his client to suborn perjury of witnesses, or to raise sham or untrue defenses at the behest of his client.

WHEREFORE, the Respondent demands that the Complaint against him be dismissed.

Dated: July 25th, 1997

/s/ Martin Morrison
Attorney at Law
Respondent Pro Se

REQUEST FOR HEARING

The Respondent hereby requests that a Hearing be held on all charges raised by the Complaint and/or in mitigation in this action.

DEMAND FOR DISCOVERY

The Respondent hereby demands DISCOVERY from the Presenter, Michael R. Paglione, Esq. as provided for in R. 1:20- (a).

Dated: July 25th, 1997

/s/ Martin Morrison
Attorney at Law
Respondent Pro Se

CERTIFICATION OF VERIFICATION

I certify that the foregoing statements contained in the within ANSWER are true.

I am aware that if any statement herein made by me is willfully false, I may be subject to punishment.

Dated: July 25th, 1997

/s/ Martin Morrison
Attorney at Law
Respondent Pro Se