

NJ Lawyers Convicted of Child Sex Offenses Lose Licenses

Michael Booth, New Jersey Law Journal

May 24, 2017



Hughes Justice Complex, Trenton, N.J. *Carmen Natale*

The New Jersey Supreme Court on Wednesday indefinitely suspended two lawyers and disbarred a third for sex offenses involving children, but stopped short of issuing a bright-line rule in such cases.

In a 6-1 ruling, the majority declined to mandate the automatic disbarment of lawyers who commit sex offenses involving children, and said matters must be resolved on a case-by-case basis—with particular emphasis on whether the attorney had actual physical contact with the child victim.

"We have refrained from establishing a bright-line rule requiring disbarment in all cases involving sexual offenses against children," Justice Walter Timpone wrote for the majority. "The imposition of discipline in cases involving sexual misconduct with a minor requires a fact-sensitive inquiry."

The consolidated ruling involved three attorneys in unrelated cases: Mark G. Legato, who heads a firm in Somerville; Titusville solo Regan C. Kenyon Jr.; and Alexander D. Walter, of the Maldjian Law Firm in Tinton Falls.

Legato and Kenyon, the ruling said, engaged in sexually explicit online conversations with persons they believed to be underage girls, but who in fact were undercover police officers.

Walter admitted to masturbating in front of a 9-year-old girl—the daughter of his girlfriend—in a swimming pool, according to the ruling.

All three pleaded guilty to third-degree charges of attempted endangering the welfare of a child, and are subject to Megan's Law registration requirements, restrictions on internet use, and parole supervision for life, according to the decision.

"With the protection of Megan's Law and [parole supervision for life] in place, we stop short of eliminating all hope of future reinstatement," Timpone said with regard to Legato and Kenyon. But the majority disbarred Walter, based on the "nature and severity of his conduct, the physical presence of the child, and his position of power over and responsibility for the child."

In a dissent, Justice Barry Albin called for a holding of automatic disbarment for any lawyer involved in a child sex-abuse case.

"The sexual exploitation of children—whether completed or ... attempted—is such an egregious violation of societal norms that no discipline short of disbarment will ensure public confidence in the bar or the judiciary's governance of the bar," Albin wrote.

Full story to be posted later today.