NO. BD-2011-038

S.J.C. Judgment of Disbarment entered by Justice Cordy on June 28, 2011, with an effective date of July 28, 2011.[1]

SUMMARY[2]

On February 18, 2011, the respondent, Robert C. Fishman, was disbarred by the Supreme Court of California. The disbarment was based in part upon the respondent's conviction on December 19, 2008, in the Superior Court of California, County of Los Angeles, of two counts of possession of child pornography, a felony. In addition, in connection with the California bar discipline proceedings, the respondent admitted that on three occasions in 2005 though 2007, he had distributed child pornography by uploading images onto the internet.

In aggravation of the respondent's misconduct, the respondent stipulated that he engaged in a pattern of misconduct over at least three years, that his misconduct involved dishonesty because he used a fictional name on the internet,and that his misconduct caused harm by stimulating the market for illegal child pornography.

In mitigation, the respondent had no prior discipline; during the period in question, he experienced financial and personal problems relating to the care of his sick and elderly parents. In recommending that the respondent be disbarred, the California State Bar Court approved the facts agreed to by the respondent.

The respondent did not report the California disbarment to Massachusetts bar counsel, as required by S.J.C. Rule 4:01, § 16(6).

On April 12, 2011, bar counsel filed a petition for reciprocal discipline with the Supreme Judicial Court for Suffolk County. The Court issued an order of notice giving the respondent thirty days to show cause why reciprocal discipline should not be ordered in Massachusetts. The respondent did not reply to the order of notice and did not appear at a hearing on June 23, 2011. On June 28, 2011, the Court (Cordy, J.) entered an order disbarring the respondent and striking his name from the roll of attorneys.

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[1] The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

[2] Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.