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SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 96-301

IN THE MATTER OF
RICHARD J. HANSSON
AN ATTORNEY AT LAW

Decision

Argued: October 17, 1996

Decided: March 25, 1997

Richard J. Engelhardt appeared on behalf of the Office of Attorney Ethics.

Respondent, through his counsel, waived appearance for oral argument.

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This matter was before the Board on a Motion for Final Discipline filed by the Office of Attorney Ethics ("OAE"), based upon respondent's criminal conviction of possession of narcotics paraphernalia, in violation of N.J.S.A. 2C:36-2.

Respondent was admitted to the New Jersey bar in 1988. On January 4, 1996, in the Superior Court of New Jersey, Law Division, Union County, respondent was charged with criminal possession of a controlled dangerous substance, in violation of N.J.S.A. 2C:35-10a(1). On March 8, 1996, pursuant to a plea agreement, respondent pleaded guilty to possession of narcotics paraphernalia, in violation of N.J.S.A. 2C:36-2. Respondent was sentenced to one-year probation, and ordered to pay a \$500 Drug Enforcement Demand Reduction penalty, a \$50 lab fee, a \$50 Violent Crimes

Compensation Board penalty and a \$75 Safe Street penalty. Additionally, respondent's driver's license was suspended for six months and he was ordered to attend a drug rehabilitation program.

The facts of the instant misconduct, as derived from the police investigation report, are as follows:

On January 4, 1996, two police officers observed respondent walking in the vicinity of 7th Street and Livingston Street, in Elizabeth, New Jersey. Respondent dropped a small item to the ground. Upon inspection of the item, one of the officers found that it was a glass vial containing a white powdery substance suspected of being a controlled dangerous substance (cocaine). Respondent was then arrested and searched. The search revealed that respondent was in possession of a small glassine enveloped stamped with the words "Wild Thing," which was ultimately determined to contain heroin.

The OAE urged the Board to suspend respondent for three months.

* * *

The existence of a criminal conviction is conclusive evidence of respondent's guilt. R. 1:20-13(c)(1); In re Gipson, 103 N.J. 75, 77 (1986). Respondent's criminal conviction clearly and convincingly demonstrates that he committed "a criminal act which adversely reflects on his honesty, trustworthiness or fitness as a lawyer . . ." [RPC 8.4(b)], and that he engaged in "conduct involving dishonesty, fraud, deceit or misrepresentation" [RPC 8.4(c)].

Commission of a crime by an attorney is also a violation of that attorney's professional duty to uphold and honor the law. In re Bricker, 90 N.J. 6, 11 (1982). The fact that respondent's

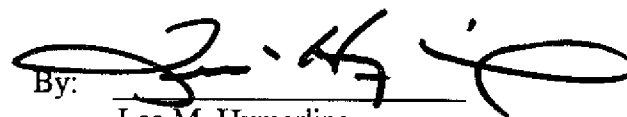
offense did not relate directly to the practice of law does not negate the need for discipline. Whether related to the practice of law or not, even a minor violation tends to lessen public confidence in the legal profession as a whole. In re Addonizio, 94 N.J. 121, 124 (1984). "An attorney is bound even in the absence of the attorney-client relationship to a more rigid standard of conduct than required of laymen. To the public he is a lawyer whether he acts in a representative capacity or otherwise." In re Katz, 109 N.J. 17, 22-3 (1987). Only the quantum of discipline to be imposed remains at issue. R. 1:20-13(c)(2)(ii); In re Goldberg, 105 N.J. 278, 280 (1987).

Prior cases involving criminal convictions for the possession of controlled dangerous substances have resulted in a three-month suspension. See, e.g., In re Pepe, 140 N.J. 561 (1995); In re Schaffer, 140 N.J. 148 (1995); In re Benjamin, 135 N.J. 461 (1994); and In re Karwell, 131 N.J. 397 (1993).

Accordingly, the Board unanimously determined to suspend respondent for three months. Additionally, every six months for a period of one year, respondent is required to submit a psychiatric report by a physician approved by the OAE, demonstrating his fitness to practice law.

The Board also determined to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs.

Dated: 3/25/97

By: 
Lee M. Hymerling
Chair
Disciplinary Review Board