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SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 99-016

IN THE MATTER OF
MICHAEL PARISER
AN ATTORNEY AT LAW

Decision

Argued: March 18, 1999

Decided: December 17, 1999

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

Respondent waived appearance for oral argument.

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

This matter was before us on a motion for final discipline filed by the Office of Attorney Ethics ("OAE"), based upon respondent's guilty plea to one count of third degree

official misconduct, in violation of N.J.S.A. 2C:30-2a.¹ Respondent was admitted to the New Jersey bar in 1992. He has no prior ethics history.

On August 24, 1998, the Attorney General of the State of New Jersey filed an accusation against respondent charging him with one count of third degree official misconduct. Respondent had stolen items from co-workers in the Newark office of the Attorney General. That same day, respondent pleaded guilty to the charge.

On September 28, 1998, respondent was sentenced to a three-year probationary term and ordered to pay a \$5,000 fine. He was required to forfeit his public office and, as a condition of probation, to continue psychological counseling until medically discharged.

The facts underlying respondent's conviction are contained in a report prepared by the Division of Criminal Justice, which states, in relevant part:

This investigation was initiated on Tuesday, April 29, 1998 as a result of complaints from the Division of Law, Newark Office, that items were taken from various offices. Initially, the Division of Law, Newark Office, had experienced instances of inappropriate use of the official telephones after normal working hours and thefts of small items. Video surveillance was established in the public areas of the office in an attempt to identify the person(s) involved in these instances.

On April 28, 1998, Mr. Jack Walton, the Assistant Director for Administration, revealed the tape for April 22, 1998. At approximately 19:10, Mr. Walton observed Deputy Attorney General Michael Pariser enter the offices of Deputy Attorney General Lauren Carlton and remove an

¹N.J.S.A. 2C:30-2a provides that "(a) public servant is guilty of official misconduct when, with purpose to obtain a benefit for himself or another or to injure or to deprive another of a benefit: (h)e commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized or he is committing such act in an unauthorized manner . . ."

unidentified item from her office. Mr. Pariser appeared to use a master key to enter the office space.

Ms. Carlton was interviewed on April 28, 1998. She stated that the only thing that appeared to be missing at this time is a personal diary that was in a briefcase in her office. Ms. Carlton consented to the installation of a hidden video recorder in her office. This video recorder was installed and tested to be operational in the morning hours of April 29, 1998.

On April 29, 1998, Ms. Carlton was supplied with certain items that were to (be) left in her office as controlled property. Included in these items was \$70 in United States currency, whose serial numbers had been previously recorded. These items were placed in her office and the money was placed in an envelope in her desk drawer. No instances occurred on the night of April 29, 1998. Mr. Pariser left work early upon this date.

On May 1, 1998, Ms. Carlton telephoned the undersigned and reported that the \$70 had been removed from her desk. A review of the video tapes for the night of April 30, 1998, show Mr. Pariser entering the office, sitting at the desk and removing the planted cash.

On May 1, 1998, Mr. Pariser was secured in the office of Mr. Walton, searched and advised of his constitutional rights. Mr. Pariser had a \$10 bill which was one of the bills secreted in Ms. Carlton's desk, folded in his wallet. Mr. Pariser also had a master key on his keyring that was tested and found to open several doors, including the door to Ms. Carlton's office.

Mr. Pariser was shown the video tape of his exploits on the night of April 30, 1998, and he decided to cooperate in this matter. Mr. Pariser agreed to permit a search of his automobile and home, and agreed to make a taped statement as to the involvement in these matters. Mr. Pariser also agreed to show and identify stolen items to the investigative staff. Mr. Pariser was terminated from his employment and taken home. He was informed that the undersigned would prepare and issue summonses within the next several days.

At Mr. Pariser's house a total of seventeen \$20 bills were recovered. Three of these bills contained the serial numbers previously recorded by the undersigned. All of the other items recovered are listed on the attached evidence voucher.

The OAE urged the Board to suspend respondent for a period of six months.

* * *

Following a review of the full record, we have determined to grant the OAE's Motion for Final Discipline. 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). Only the quantum of discipline to be imposed remains at issue. R. 1:20-13(c)(2); In re Lunetta, 118 N.J. 443, 445(1989).

The purpose of discipline is to protect the public from attorneys who do not meet the standards of responsibility of their profession. In re Barbour, 109 N.J. 143(1988). Whenever an attorney commits a crime, he or she violates his or her professional duty to uphold and honor the law. In re Bricker, 90 N.J. 6, 11(1982). Moreover, "[a]ttorneys who hold public office are invested with a public trust and are thereby more visible to the public. Such attorneys are held to the highest of standards." In re Magid, 139 N.J. 449, 445 (1995).

This matter is similar to In re Burns, 142 N.J. 490(1995) (six-month suspension after admitting to the commission of three instances of knowing and unlawful burglary of an automobile, two instances of theft by unlawful taking and one incident of unlawful possession of burglary tools).

Although we gave some significance to Burns' psychiatric problems as mitigation, we determined that theft by an attorney must never be tolerated. Here, as in Burns, respondent's misconduct was not an isolated incident but a series of petty thefts occurring over a period of time. In addition, respondent, too, suffered from psychiatric problems at the time of the thefts. That respondent was a Deputy Attorney General at the time of his criminal acts is an aggravating factor. In re Magid, 139 N.J. 449, 445(1995).

In light of the foregoing, we unanimously determined to suspend respondent for a period of six months. In addition, prior to reinstatement respondent must provide proof of fitness to practice law. One member recused himself and three members did not participate.

We further determined to require respondent to reimburse the Disciplinary Oversight Committee for administrative expenses.

Dated:

12/17/95



LEE M. HYMERLING

Chair

Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

**DISCIPLINARY REVIEW BOARD
VOTING RECORD**

**In the Matter of Michael Pariser
Docket No. DRB 99-016**

Argued: March 18, 1999

Decided: December 6, 1999

Disposition: Six-Month Suspension

Members	Disbar	Six-Month Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hyerling		x					
Zazzali							x
Cole						x	
Brody		x					
Lolla		x					
Maudsley							x
Peterson		x					
Schwartz		x					
Thompson							x
Total:		5				1	3

Robyn M. Hill 12/17/99
Robyn M. Hill
Chief Counsel