

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 02-178

IN THE MATTER OF
JON CHRISTIAN SAJOUS
AN ATTORNEY AT LAW

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Decision

Argued: September 12, 2002

Decided: November 21, 2002

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

Respondent did not appear for oral argument, despite notice by publication.

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

This matter was before us on a motion for reciprocal discipline filed by the Office of Attorney Ethics (OAE), pursuant to R.1:20-14, following respondent's disbarment in the State of New York.

Respondent was admitted to the New Jersey bar in 1986.¹ He has no history of discipline in New Jersey. On December 7, 1998, he was disbarred by order of the Supreme Court of New York, Appellate Division, Second Judicial Department, following his conviction of criminal solicitation.

The factual basis for respondent's suspension is set forth in the OAE's brief. Specifically, a criminal information against respondent filed on May 16, 1996, in the District Court of Nassau County, charged him with one count of criminal solicitation in the fourth degree and one count of attempted tampering with a witness. The charges arose from respondent's attempt to prevent a witness from testifying against his client. He engaged a third party to threaten the witness, a fourteen-year old boy, with physical injury. The details of respondent's actions are described in a deposition of a detective from the Hempstead Police Department:

[O]n the 7th day of May, 1996, at approximately noon, I equipped Gilbert Pagan with a recording device and watched as he entered the law office of Jon Christian Sajous at 21 West Columbia Street in West Hempstead, Nassau County, New York. When Pagan and Sajous left the office and entered Pagan's car, I followed them as they drove past Malverne High School and back and forth past a section of Woodfield Road in West Hempstead.

After Pagan dropped off Sajous, I removed his recording device and listened to the tape recording of the conversation that took place during their drive. On that tape, I heard Sajous give Pagan instructions to find Malverne High School and to locate Smith's home on Woodfield Road. Sajous gave Pagan a physical description of Smith and had Pagan write down all of the information relating to Smith. Sajous told Pagan that he wanted Pagan to cause Smith to be too frightened to testify. He told Pagan that paying Smith would not work. Sajous and Pagan had a conversation about getting somebody to help Pagan do the job and the amount of money

¹ Respondent has been ineligible to practice law in New Jersey as of September 20, 1993.

to be paid. Sajous agreed when Pagan stated that Sajous wanted him to '**** up' Smith. Sajous told Pagan that he wanted Smith to understand that Smith would be 'really hurt' if Smith testified against [his client].

[Exhibit A to OAE's Brief]

On February 24, 1997, respondent was found guilty of one count of criminal solicitation in the fourth degree, in violation of Section 100.05(1) of the Penal Law of the State of New York, a class A misdemeanor. That section provides as follows:

(a) person is guilty of criminal solicitation in the fourth degree when: with intent that another person engage in conduct constituting a felony, he solicits, requests, commands, importunes or otherwise attempts to cause such other person to engage in such conduct. . . .²

On June 24, 1997, respondent was sentenced to three years' probation, ordered to perform 100 hours of community service and fined the maximum amount of \$1,000.

Respondent was disbarred by order of the Supreme Court of New York, Appellate Division, Second Judicial Department on December 7, 1998, based on his conviction of a "serious crime."

According to the OAE, respondent did not inform it of his criminal conviction and New York disbarment, as required by R.1:20-13 and R.1:20-14. The OAE learned of respondent's New York proceedings from a letter supplied by the New Jersey Advisory Committee on Professional Ethics, in which respondent inquired about the steps required to practice law in New Jersey.

² In New York, a Class A misdemeanor is punishable by a term of imprisonment not to exceed one year and a fine not to exceed \$1,000 (Sections 80.15(1) and 80.05 of the Penal Law of the State of New York).

The OAE noted that an attorney who has been disbarred in New York may seek reinstatement seven years after the effective date of disbarment. See 22 N.Y.C.R. 603.14. The OAE argued that, based on the seriousness of respondent's conduct, permanent disbarment, rather than a seven year suspension, is the appropriate discipline in New Jersey. The OAE relied on In re Edson, 108 N.J. 464 (1987) (disbarment for counseling a client to fabricate a defense involving material facts that were known to be false, participating as defense counsel while the client perjured himself in court and personally lying to the prosecuting attorney) and In re Rigolosi, 107 N.J. 192 (1987) (disbarment from having knowing knew that \$5,000 had been paid to bribe a state police officer to file a false police report and counseling other co-conspirators on how to arrange, through improper means, the dismissal of the criminal charges that were the subject of the report).

The OAE argued as follows:

[I]f an attorney is to be disbarred for fabricating an extrapolation defense to a drunk driving charge (Edson), and disbarred for counseling the improper dismissal of criminal charges after bribery of a witness (Rigolosi), then disbarment is also required in this case, where an experienced criminal defense attorney, who previously served for many years as an assistant district attorney, was found guilty of soliciting a convicted felon to threaten a fourteen year old child with physical injury to prevent the child from testifying as a witness against one of the respondent's criminal clients. Such conduct strikes at the very integrity of the criminal justice system.

What the Court stated regarding attorney Rigolosi, also applies to this respondent as well, in that his '...conduct reveals a flaw running so deep that he can never again be permitted to practice law. This is not a case of a novice who had not yet had opportunity to develop a sense of ethics. Respondent was an attorney steeped in the ways of law, government and politics. No amount of good works can save someone who, with all the knowledge and experience that he accumulated, 'poisons the well of justice.'" In re Rigolosi, supra at 210.

[OAE's brief at 6]

* * *

Following a de novo review of the full record, we determined to grant the OAE's motion for reciprocal discipline. Pursuant to R.1:20-14(a)(5) (another jurisdiction's finding of misconduct shall establish conclusively the facts on which the Board rests for purposes of a disciplinary proceeding), we adopted the findings of the Supreme Court of the State of New York, Appellate Division, Second Department.

Reciprocal disciplinary proceedings in New Jersey are governed by R.1:20-14(a), which directs that

[t]he Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates or the Board finds on the face of the record upon which the discipline in another jurisdiction was predicated that it clearly appears that:

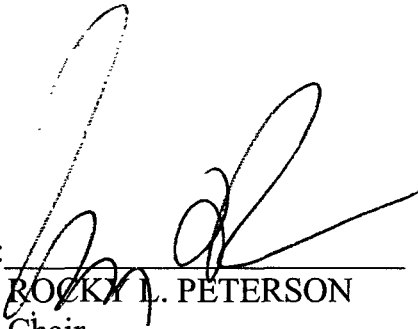
- (A) The disciplinary or disability order of the foreign jurisdiction was not entered;
- (B) The disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;
- (C) The disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;
- (D) The procedure followed in the foreign disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
- (E) The misconduct established warrants substantially different discipline.

We agree with the OAE that subsection (E) is applicable here, namely, that respondent's misconduct in New York warrants substantially different discipline in New

Jersey. As the OAE correctly pointed out, respondent's actions reveal such a flaw in his character that he should never again be permitted to practice law in this State. Respondent was not a novice practitioner. His solicitation of a convicted felon to threaten a child with physical injury to prevent the child from testifying subverted the administration of justice. This type of ethics violation, "the purposeful, knowing and corrupt subversion of a criminal prosecution," is per se evidence of professional unfitness. In re Conway, 107 N.J. 168, 182 (1987). Disbarment is appropriate for "ethical misconduct of this kind — involving the commission of crimes that directly poison the well of justice." In re Verdiramo, 96 N.J. 183, 186 (1984).

Based on the foregoing, we unanimously determined to recommend that respondent be disbarred.

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

By: 
ROCKY L. PETERSON
Chair
Disciplinary Review Board

**SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD**

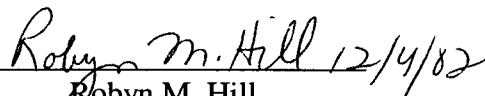
In the Matter of Jon Christian Sajous
Docket No. DRB 02-178

Argued: September 12, 2002

Decided: November 21, 2002

Disposition: Disbar

<i>Members</i>	<i>Disbar</i>	<i>Suspension</i>	<i>Reprimand</i>	<i>Admonition</i>	<i>Dismiss</i>	<i>Disqualified</i>	<i>Did not participate</i>
<i>Peterson</i>	X						
<i>Maudsley</i>	X						
<i>Boylan</i>	X						
<i>Brody</i>	X						
<i>Lolla</i>	X						
<i>O'Shaughnessy</i>	X						
<i>Pashman</i>	X						
<i>Schwartz</i>	X						
<i>Wissinger</i>	X						
Total:	9						


Robyn M. Hill
Chief Counsel