

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 16-227
District Docket No. XIV-2014-0349E

IN THE MATTER OF
RONALD P. SIERZEGA
AN ATTORNEY AT LAW

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Decision

Argued: November 17, 2016

Decided: January 31, 2017

Al Garcia appeared on behalf of the Office of Attorney Ethics.

Robert N. Agre appeared on behalf of respondent.

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), pursuant to R.
1:20-13(c), following respondent's conviction in the Superior
Court, Gloucester County with cruelty and neglect of a child, a
fourth degree crime under N.J.S.A. 9:6-3. We determine to
impose a reprimand.

Respondent was admitted to the New Jersey bar in 1995. He has no prior discipline.

Respondent pleaded guilty to a November 19, 2014 Accusation charging him with Cruelty and Neglect to a Child in the Fourth Degree, a violation of N.J.S.A. 9:6-3, which states, in relevant part:

Any parent, guardian or person having the care, custody or control of any child, who shall abuse, abandon, be cruel to or neglectful of such child, or any person who shall abuse, be cruel to or neglectful of any child shall be deemed to be guilty of a crime of the fourth degree.

The accusation was based on a complaint filed by the Clayton Township Police Department, alleging that respondent had endangered the welfare of a child, a second-degree crime. Respondent was also issued motor vehicle summonses for driving under the influence, refusal to submit to an alcohol breath test, and leaving the scene of an accident.

On November 19, 2014, respondent pleaded guilty before the Honorable Robert P. Becker, Jr., J.S.C., to the lesser, fourth-degree crime of child neglect. At the plea hearing, respondent's attorney elicited from respondent the following basic facts about the events leading to the charges. On March 20, 2014, respondent consumed alcohol and then operated a motor

vehicle in the Borough of Clayton. Respondent's seven-year old daughter was located in the rear seat when the vehicle was then involved in an accident. By his actions, respondent caused his daughter to be neglected and/or caused cruelty toward the child.

On January 28, 2015, Judge Becker sentenced respondent to one year of noncustodial probation, ordered him to pay mandatory financial penalties, and required him to submit to a mandatory substance abuse evaluation, and random urine monitoring. Judge Becker also dismissed the remaining counts of the accusation and remanded the three motor vehicle summonses to the Elk Joint Municipal Court.

Thereafter, the Elk Joint Municipal Court dismissed the charges of driving while under the influence and failure to submit to an alcohol breath test. Respondent pleaded guilty to leaving the scene of an accident. His driver's license was suspended for six months and he was required to pay \$189 in fines and court costs.

In his July 11, 2016 brief to us, respondent indicated that he has completed a six-month Outpatient Treatment Program and Individual Group Therapy Education on Chemical Dependence, Anger & Related Issues, provided by SODAT, Inc. Since March 2014, respondent also has attended twice-weekly Alcoholics Anonymous

(AA) meetings and has voluntarily purchased and installed an "interlock device" on his vehicle.¹ Further, respondent has remained sober since the March 20, 2014 accident.

Attached to respondent's brief are character letters from his employer, his wife, a fellow AA participant, and legal colleagues, all of whom attest to his good character. Many of the letters refer to the steps that respondent has taken to address his alcohol problem and the authors' belief in the unlikelihood that respondent will repeat this sort of behavior.

Both respondent and the OAE agree that he should receive a reprimand for his misconduct, citing In re Costill, 174 N.J. 563 (2002).

Following a review of the record, we determined to grant the OAE's motion. Respondent's criminal conviction for fourth-degree child cruelty and neglect clearly and convincingly establishes that he has committed a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer, in violation of RPC 8.4(b).

A criminal conviction is conclusive evidence of guilt in a disciplinary proceeding. R. 1:20-13(c)(1); In re Magid, 139 N.J.

¹ An interlock device prevents a motorist from starting a vehicle if the person's blood alcohol content exceeds a certain level. N.J.S.A. 39:4-50.17(d).

449, 451 (1995); In re Principato, 139 N.J. 456, 460 (1995). Hence, the sole issue is the extent of discipline to be imposed. R. 1:20-13(c)(2); In re Maqid, supra, 139 N.J. at 451-52; In re Principato, supra, 139 N.J. at 460.

In determining the appropriate measure of discipline, the interests of the public, the bar, and the respondent must be considered. "The primary purpose of discipline is not to punish the attorney but to preserve the confidence of the public in the bar." In re Principato, supra, 139 N.J. at 460 (citations omitted).

Fashioning the appropriate penalty involves a consideration of many factors, including the "nature and severity of the crime, whether the crime is related to the practice of law, and any mitigating factors such as respondent's reputation, his prior trustworthy conduct, and general good conduct." In re Lunetta, 118 N.J. 443, 445-46 (1989).

That an attorney's conduct did not involve the practice of law or arise from a client relationship will not excuse the ethics transgression or lessen the degree of sanction. In re Musto, 152 N.J. 167, 173 (1997) (citation omitted). Offenses that evidence ethics shortcomings, although not committed in the attorney's professional capacity, may, nevertheless, warrant

discipline. In re Hasbrouck, 140 N.J. 162, 167 (1995). The obligation of an attorney to maintain the high standard of conduct required by a member of the bar applies even to activities that may not directly involve the practice of law or affect his or her clients. In re Schaffer, 140 N.J. 148, 156 (1995).

In re Costill, supra, 174 N.J. 563 appears to be the only New Jersey attorney discipline case that addresses a conviction for cruelty and neglect of a child. Costill received a reprimand following his guilty plea to the same neglect statute to which respondent pleaded guilty, N.J.S.A. 9:6-3. Costill left his two infant children alone in his automobile for almost an hour, in the parking lot of a Cherry Hill bar, on a cold, dark, January night, while he drank inside the establishment. Costill is similar to the present matter in several respects. Costill, like respondent, had no prior discipline, was sentenced to a one-year term of probation, and underwent alcohol-related treatment. In addition, here, respondent voluntarily installed an interlock device on his vehicle, attends regular AA meetings, and remains sober to date. Thus, it is clear to us that respondent both appreciates his misconduct and has taken measures to ensure that it is not repeated.

Based both on Costill, supra, and on respondent's significant rehabilitation efforts, we determine to impose a reprimand. We also require respondent's continued attendance at regular AA meetings for two years.

Vice-Chair Baugh did not participate.

Member Singer was recused.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board
Bonnie C. Frost, Chair

By: 
Ellen A. Brodsky
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Ronald P. Sierzega
Docket No. DRB 16-227

Argued: November 17, 2016

Decided: January 31, 2017

Disposition: Reprimand

<i>Members</i>	Reprimand	Recused	Did not participate
Frost	X		
Baugh			X
Boyer	X		
Clark	X		
Gallipoli	X		
Hoberman	X		
Rivera	X		
Singer		X	
Zmirich	X		
Total:	7	1	1


Ellen A. Brodsky
Chief Counsel