

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 10-052  
District Docket No. XIV-09-021E

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IN THE MATTER OF  
A. DENNIS TERRELL  
AN ATTORNEY AT LAW

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Decision

Argued: April 15, 2010

Decided: June 21, 2010

Nitza I. Blasini appeared on behalf of the Office of Attorney Ethics.

Respondent appeared pro se.

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

This matter was before us on a disciplinary stipulation between the Office of Attorney Ethics ("OAE") and respondent. Respondent admitted having violated RPC 8.4(b) (commission of a criminal act that reflects adversely on the attorney's honesty, trustworthiness or fitness as a lawyer). The OAE recommended

either an admonition or a reprimand. We determine to impose an admonition.

Respondent was admitted to the practice of law in New Jersey in 1967. He has no history of discipline.

On December 11, 2008, respondent attended his office holiday party at the Morris County Museum, where he consumed wine. At approximately 10:00 p.m., while on his way home, respondent rear-ended an automobile, causing minor damage to both vehicles. Respondent exited his vehicle, examined the damage, and left the scene of the accident. Shortly thereafter, Morris Township police officers were called to the scene. The officers interviewed the occupants of the second vehicle. They were advised that one passenger was experiencing neck pain. An ambulance was dispatched to the scene and transported the passenger to the hospital.

Information from the accident victims led police to respondent's house, where they questioned him. Respondent appeared to be intoxicated. His speech was slurred, his eyes were bloodshot, and the odor of alcohol emanated from his breath. Respondent admitted that he had consumed four glasses of wine. After the officers questioned him and administered several tests, including taking breath samples, he was arrested

and charged with reckless driving (N.J.S.A. 39:4-96); leaving the scene of an accident (N.J.S.A. 39:4-129); failure to report an accident (N.J.S.A. 39:4-130), and driving while intoxicated (N.J.S.A. 39:4-50).

On April 1, 2009, respondent appeared before the Honorable Salem Vincent Ahto, J.S.C., and was admitted into the Morris County Pre-Trial Intervention Program ("PTI"), pursuant to an accusation charging him with fourth degree assault by auto, a violation of N.J.S.A. 2C:12-1(c).<sup>1</sup> Respondent also pled guilty to driving while intoxicated and leaving the scene of an accident.

Respondent stipulated that his conduct violated RPC 8.4(b).

In mitigation, the parties noted that respondent has no prior discipline, that he cooperated with the OAE, and that no serious injuries resulted from his misconduct. Upon a de novo review of the record, we are satisfied that the stipulated facts

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<sup>1</sup> N.J.S.A. 2C:12-1(c) provides:

A person is guilty of assault by auto or vessel when the person drives a vehicle or vessel recklessly and causes either serious bodily injury or bodily injury to another. Assault by auto or vessel is a crime of the fourth degree if serious bodily injury results and is a disorderly persons offense if bodily injury results.

support a finding that respondent was guilty of unethical conduct.

Respondent admitted to the offenses of fourth degree assault by auto, driving while intoxicated, and leaving the scene of an accident, in violation of RPC 8.4(b).

The level of discipline imposed in disciplinary matters involving the commission of a crime depends on numerous 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, supra, 118 N.J. at 445-46. "That respondent's misconduct did not directly involve the practice of law or a client is of little moment. It is well-established that the private conduct of attorneys may be the subject of public discipline." In re Magid, 139 N.J. 449, 452 (1995).

Ordinarily, the attorney disciplinary system does not address driving-while-intoxicated violations, standing alone. Nevertheless, respondent committed two other offenses. In In re Cardullo, 175 N.J. 107 (2003), a reprimand was imposed on an attorney who, like respondent, pled guilty to assault by auto and leaving the scene of an accident. Cardullo told the police

that, following the accident, she could hear the driver of the other vehicle crying, that she sat in her car for ten to fifteen minutes, and that she pulled around the stopped car and left the scene.<sup>2</sup> The driver of the other vehicle suffered neck and back injuries, necessitating physical therapy for one month. She was unable to work for two weeks. The incident was Cardullo's third conviction for driving while intoxicated. In imposing only a reprimand, we took into consideration that the victim did not suffer serious bodily injury and that Cardullo took measures to combat her alcohol addiction.

This case is not as serious as Cardullo. Cardullo left the scene of the accident, knowing that the other driver was in distress. In addition, when Cardullo was questioned by the police, she initially denied having been involved in an accident. Finally, that incident was Cardullo's third conviction for driving while intoxicated.

In the matter before us, it appears that the occupants of the other vehicle did not suffer serious injuries. In addition,

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<sup>2</sup> Cardullo later told the police that the other driver was screaming, rather than crying.

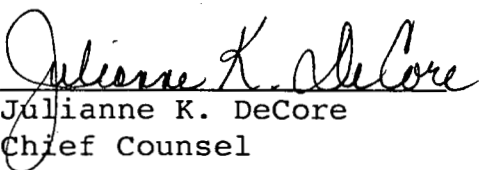
respondent has had no history of discipline for over forty years.

In light of the reprimand imposed in Cardullo, a more serious case, we determine that an admonition is sufficient discipline here.

Member Stanton recused himself. Member Wissinger did not participate.

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  
Louis Pashman, Chair

By:   
Julianne K. DeCore  
Chief Counsel

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SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
VOTING RECORD

In the Matter of A. Dennis Terrell  
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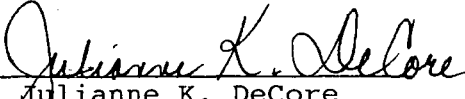
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Argued: April 15, 2010

Decided: June 21, 2010

Disposition: Admonition

Members	Disbar	Suspension	Admonition	Dismiss	Disqualified	Did not participate
Pashman			X			
Frost			X			
Baugh			X			
Clark			X			
Doremus			X			
Stanton					X	
Wissinger						X
Yamner			X			
Zmirich			X			
Total:			7		1	1

  
Julianne K. DeCore  
Chief Counsel