

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 95-482

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IN THE MATTER OF  
ROBERT C. BROWN  
AN ATTORNEY AT LAW

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Decision  
Default [R.1:20-4(f)(1)]

Argued: March 20, 1996

Decided: September 16, 1996

Joseph M. Fuoco appeared on behalf of the District VIII Ethics Committee.

Daniel C. Fleming appeared on behalf of respondent.

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

This matter was before the Board based on a recommendation for discipline by the District VIII Ethics Committee ("DEC"), following respondent's failure to file an answer to the formal ethics complaint. Service of the complaint was made by regular mail, after two certified mailings to respondent's current address were returned as unclaimed. Pursuant to R.1:20-4(f)(1), the DEC certified the record directly to the Board for the imposition of discipline. While R.1:20-4(f)(1) does not require hearing before the Board, in light of the egregious and

somewhat unique nature of the charges filed against respondent, the Board called the matter on for hearing. Respondent's motion for remand, filed the day before hearing, was denied and the matter moved ahead as a default. It should be noted that there was considerable correspondence between respondent and DEC in the months preceding the filing of the complaint. Respondent had ample opportunity to refute the charges against him.

At the Board hearing, respondent's counsel requested and was granted additional time to file an updated certification regarding claimed mitigating factors. Respondent filed the certification on March 29, 1996.

The formal complaint charged respondent with violations of RPC 3.5(a) (seeking to influence a judge); 3.5(c) (conduct intended to disrupt a tribunal); 8.4(d) (conduct prejudicial to administration of justice) and 8.4(e) (stated or implied ability to influence a government agency or official).

Respondent, a retired police officer, was admitted to the New Jersey Bar in 1988. He currently maintains an office in Old Bridge, Middlesex County. Respondent has no prior history of discipline.

According to the complaint, respondent and his wife and law partner, Ann K. Brown, were appointed by Old Bridge Municipal Court Judge Lawrence A. Carton and Piscataway Municipal Court Judge William H. Gazi, respectively, as assigned counsel in different matters. Respondent objected to the appointments and thereafter drafted various letters and applications to each judge in order that he and his wife might be relieved as assigned counsel. In a letter dated November 4, 1994 to Judge Gazi, respondent used obscene and inappropriate language,

and indicated that he could greatly injure the judge in the event he was not relieved as assigned counsel.

The various letters and applications were then forwarded to Assignment Judge Robert A. Longhi for a determination. Thereafter, on November 16, 1994, respondent wrote a rambling letter to Judge Longhi that contained language and allegations impugning the judge's motives and containing personal attacks against him.

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Following a de novo review of the record, the Board deemed the allegations contained in the complaint admitted. The record contains sufficient evidence of respondent's unethical conduct, which was intended to threaten, influence, prejudice and impede the judicial system in order to achieve respondent's ends. Of particular gravity and insult were certain passages in the Gazi and Longhi letters.

This leaves only the issue of appropriate discipline. In the past, conduct similar to that displayed by respondent has resulted in a short term of suspension. See In re McAlevy, 94 N.J. 201 (1983), (where attorney was suspended for three months for failure to appear at a scheduled trial date, disruptive and insulting conduct during trial, and use of obscenities in presence of counsel, jury and parties) and In re Yengo 92 N.J. 9 (1983), (attorney suspended for three months for persistent, unrepentant affront to the authority of the courts and lack of respect for the administration of justice).

The Board unanimously determined that, under the circumstances, a three-month suspension is appropriate discipline. Prior to reinstatement, respondent shall submit proof of psychiatric fitness, quarterly psychiatric reports, and letters of apology to the judges. Three members did not participate.

Dated: 9/16/56



LES M. HYMERLING  
Chair  
Disciplinary Review Board