

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 92-245

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IN THE MATTER OF :  
: :  
GEORGE P. PREDHAM, :  
: :  
AN ATTORNEY AT LAW :  
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Decision and Recommendation  
of the  
Disciplinary Review Board

Argued: September 16, 1992

Decided: December 29, 1992

Richard J. Engelhardt 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 the Board on a Motion for Final Discipline based upon a criminal conviction, pursuant to R. 1:20-6(c)(2)(i).

Respondent was admitted to the New Jersey bar in 1974. On July 3, 1989, he pleaded guilty to charges of contempt of court, terroristic threats, aggravated assault with a deadly weapon and possession of a weapon for unlawful purposes. On August 3, 1990, respondent was sentenced to three years' probation on each of the above counts, each period to run concurrently. He was also fined \$2,000 and ordered to make restitution in the amount of \$370. Additionally, he was ordered to undergo psychiatric and alcohol evaluation and treatment and to have no contact with the victims.

The events leading to respondent's conviction took place on July 7, 1989. They are described in the Office of Attorney Ethics' brief as follows:

Respondent entered the home of his now ex-wife in Neptune City. His ex-wife and her mother were upstairs when they heard respondent enter the house. His ex-wife started down the stairs and saw respondent at the bottom of the steps holding a baseball bat. He screamed that they were 'both going to die.' His ex-wife grabbed hold of the telephone which he ripped out of her hands, tore her shirt and asked her how she wanted to die. She managed to slip by respondent to go to a neighbor's house to call police. Her mother, after coming downstairs, also tried to elude respondent. She succeeded in getting out of the house and was chased down the road by respondent, who yelled 'I'm going to kill you.' Respondent was swinging the baseball bat and hit the mother twice, once in the right arm and once in the right thigh.

[OAE's brief at 2]

Respondent did not promptly notify the Office of Attorney Ethics that he had been charged with an indictable offense, as mandated by R. 1:20-6(a). It was only in April 21, 1992, that the OAE was informed of the conviction by the sentencing judge.

At the Board hearing, respondent acknowledged the wrongful nature of his conduct. He also explained that he was emotionally distraught at the time of the event because he was in the throes of a very bitter divorce and custody battle. He contended that it was not "a planned event. It as an event that happened at a split second." BT4.<sup>1</sup> Respondent also admitted that he had been

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<sup>1</sup> Denotes the transcript of the Board hearing of September 16, 1992.

drinking at that time and that he had "snapped under the pressure."

BT6.

The OAE requested that the Board recommend to the Court that respondent be suspended for a period of one or two years.

#### CONCLUSION AND RECOMMENDATION

Respondent's criminal conviction is conclusive evidence of his guilt. In re Goldberg, 105 N.J. 278, 280 (1987); In re Tusso, 104 N.J. 59, 61 (1986); R. 1:20-6(c)(1). Only the limited question of the quantum of discipline to be imposed remains an issue. R. 1:20-6(c)(2)(i); In re Infinito, 94 N.J. 56 (1983).

Respondent's criminal conviction clearly and convincingly demonstrates that he has engaged in activities that reflect adversely on his honesty, trustworthiness, and fitness as a lawyer, in violation of RPC 8.4(b). Although respondent's conduct did not directly relate to the practice of law, "an attorney is obligated to adhere to the high standards of conduct required of a member of the bar even though his activities do not involve the practice of law." In re Huber, 101 N.J. 1, 4 (1985). In re Suchanoff, 93 N.J. 226, 230-31 (1983).

Despite the fact that respondent's criminal offenses were unrelated to the practice of law, the Board has determined that a period of suspension is warranted for his conduct. The Board agrees with the OAE that respondent's acts of domestic violence against his ex-wife and her mother show a lack of disrespect for

both the law and his position as an attorney, requiring a period of suspension from the practice of law. Respondent's conduct was not the result of one isolated incident but, instead, part of an ongoing course of harassment directed not only at his ex-wife and her mother, but also toward his ex-wife's attorney. Indeed, respondent made numerous harassing telephone calls to that attorney, calling her a witch and accusing her of participating in a conspiracy with his ex-wife and her mother to turn his children against him.<sup>2</sup>

The Board has also considered respondent's failure to advise the Office of Attorney Ethics of his conviction as an aggravating factor.

The Board's majority recommends that he be suspended for six months. The Board also recommends that, before reinstatement, respondent submit proof that he is fit to practice law and that he receive psychiatric counseling for a period of one year. Two members dissented, believing that a one-year suspension was the appropriate measure of discipline for respondent's conduct. Three members did not participate.

The Board further recommends that respondent be required to reimburse the Ethics Financial Committee for administrative costs.

Dated: 12/29/1992

By: 

Raymond R. Trombadore  
Chair  
Disciplinary Review Board

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<sup>2</sup> On December 17, 1990, respondent was privately reprimanded for making harassing telephone calls to his wife's attorney in the then pending matrimonial action.