

Book

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 92-335

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IN THE MATTER OF :  
 :  
FAHEEM J. RASHEED, :  
 :  
AN ATTORNEY AT LAW :  
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Decision and Recommendation  
of the  
Disciplinary Review Board

Argued: November 18, 1992 and February 25, 1993

Decided: August 3, 1993

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

Samuel V. Convery, Jr., appeared on behalf of respondent at the February 25, 1993 hearing.

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 filed by the Office of Attorney Ethics ("OAE"). R. 1:20-6(c)(2)(i).

At its November 18, 1992 meeting, which respondent did not attend, the Board determined to adjourn the matter to afford respondent the opportunity to have counsel appointed as a result of his indigent status. After Samuel V. Convery, Jr. was appointed to represent respondent, the Board heard this matter on February 25, 1993. At that time, respondent's counsel requested the opportunity to submit a psychiatric report, which had been allegedly ordered by the Public Defender's Office at the time of the manslaughter charge and which had never been reduced to writing. The Board considered

counsel's request and determined to deny it. As pointed out by counsel, the insanity defense was waived and the plea to manslaughter was entered. Accordingly, the Board is bound by the judgment of conviction and the sole issue to be determined is the extent of final discipline to be imposed. R. 1:20-6(c)(2)(ii).

Respondent was admitted to the New Jersey bar in 1988. In September 1990, respondent was indicted for third degree burglary (N.J.S.A. 2C:18-12), third degree terroristic threats (N.J.S.A. 2C:12-3) and two counts of contempt (N.J.S.A. 2C:29-9(a)(b)). These charges stemmed from alleged improper conduct directed at respondent's ex-wife.

On October 17, 1991, respondent was indicted for one count of first degree murder (N.J.S.A. 2C:11-3(a)(1) and (2)) and four counts of third degree aggravated assault (N.J.S.A. 2C:12-1(b)(1)). The indictment accused respondent of pushing a teenager out of the ninth floor window of the YMCA in Newark, on September 19, 1991, causing the teenager to fall to his death. According to the indictment, following his arrest, respondent assaulted four Essex County Correction Officers.

On June 5, 1992, respondent pleaded guilty to one count of aggravated manslaughter (N.J.S.A. 2C:11-4(a)), four counts of aggravated assault (N.J.S.A. 2C:12-1(b)(1)) and one count of terroristic threats (N.J.S.A. 2C:12-3). On July 2, 1992, respondent was sentenced to a twenty-year prison term, with the provision that he must serve seven years of the sentence before being eligible for parole.

Pursuant to R. 1:20-6(b)(1), the Supreme Court temporarily suspended respondent from the practice of law on July 13, 1992. Said suspension remains in effect as of this date.

The OAE requested that the Board recommend to the Court that respondent be disbarred.

#### CONCLUSION AND RECOMMENDATION

A criminal conviction is conclusive evidence of an attorney's guilt in disciplinary proceedings. In re Goldberg, 105 N.J. 278, 280 (1987); In re Tusso, 104 N.J. 59, 61 (1986); In re Rosen, 88 N.J. 1, 319 (1981); R. 1:20-6(c)(1). No independent examination of the underlying conduct is, therefore, necessary to ascertain guilt. In re Bricker, 90 N.J. 6, 10 (1992). The only issue to be determined is the quantum of discipline to be imposed. In re Goldberg, supra, 105 N.J. at 280; In re Kaufman, 104 N.J. 509, 510 (1986); In re Rosen, supra, 88 N.J. at 3.

Respondent's guilty plea established that he engaged in conduct that adversely reflects on his fitness to practice law, in violation of RPC 8.4(b). An attorney is obligated to adhere to the high standard of conduct required of every member of the bar, even when the activities do not directly involve the practice of law. In re Rutledge, 101 N.J. 493, 498 (1986); In re Huber, 101 N.J. 1, 4 (1986); In re Suchanoff, 93 N.J. 226, 230 (1983). Good moral character is a basic condition for membership in the bar. In re Gavel, 22 N.J. 248, 266 (1956). Any misbehavior, private or professional, that reveals lack of good character and integrity

essential for an attorney constitutes a basis for discipline. In re LaDuca, 62 N.J. 133, 140 (1973). That respondent's misconduct did not arise from a lawyer-client relationship or that respondent did not commit the offense in his professional capacity is, therefore, immaterial. In re Suchanoff, supra, 93 N.J. at 226.

In In re McAlesher, 93 N.J. 486 (1983), an attorney was disbarred after he was convicted of the second degree murder of his wife, notwithstanding a finding that he was not in full possession of his faculties at the time of the murder as a result of alcohol addiction. Here, too, disbarment is the only appropriate sanction for respondent's grievous offenses. As pointed out in the OAE brief, although respondent contended, and the court found, that he was suffering from mental problems, he admitted during the plea proceeding that he understood, at the time of the offense, that, if he pushed the teenager out the window, the teenager might suffer serious injuries or die.


In light of the foregoing, the Board unanimously recommends that respondent be disbarred. Two members did not participate.

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

Dated: \_\_\_\_\_

8/3/1993

By: \_\_\_\_\_

  
Raymond R. Trombadore  
Chair  
Disciplinary Review Board