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SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 96-313

IN THE MATTER OF :
PATRICIA L. HASBROUCK :
AN ATTORNEY AT LAW :

Decision

Argued: October 17, 1996

Decided: September 2, 1997

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

Steven S. Weinstein 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 on a Motion for Final Discipline filed by the Office of Attorney Ethics ("OAE"), based upon respondent's criminal conviction of burglary, in violation of N.J.S.A. 2C:18-2, and theft by unlawful taking, in violation of N.J.S.A. 2C:20-3.

Respondent was admitted to the New Jersey bar in 1981. She is no newcomer to the disciplinary system. She was temporarily suspended by consent order dated March 16, 1995. On May 12, 1995, she was suspended for one year for obtaining a controlled dangerous substance by fraud and uttering a forged prescription. In re Hasbrouck, 140 N.J. 162 (1995). That suspension remains in effect.

On June 1, 1995, an eight-count accusation was filed against respondent in Warren County Superior Court, charging her with four counts of burglary, in violation of N.J.S.A. 2C:18-2; three

counts of third-degree theft by unlawful taking, in violation of N.J.S.A. 2C:20-3; and one count of fourth-degree theft by unlawful taking, in violation of N.J.S.A. 2C:20-3. On June 1, 1995, respondent pleaded guilty to all eight counts.

On May 31, 1996, respondent was sentenced to four years' imprisonment and ordered to pay a \$400 Violent Crimes' Compensation Board penalty, a \$600 Safe and Secure Communities' Program fee and restitution of \$4,178.38.

The misconduct that gave rise to this disciplinary action is described in the Offense Information Report as follows:

Between 11/94 and 02/95, Patricia Hasbrouck burglarized the homes of doctors in four (4) different counties (Warren, Hunterdon, Somerset and Morris). She was attempting to obtain keys to the doctors' offices in order to obtain prescription drugs. After she obtained the keys, she would go to the doctors' offices and take the samples of prescription drugs.

Ms. Hasbrouck would also take jewelry and the purses of the doctors' wives from the homes. The purses contained cash, credit cards and address books. These address books would have other doctors' names and addresses in them. Ms. Hasbrouck would also obtain the addresses of doctors from the tax maps as well as the IRS tax returns.

Police Reports indicate that the burglaries and thefts were sometimes in isolated areas. The victims were sometimes home and sleeping when she entered the homes. She used gloves so not to leave fingerprints. She would also call the victims to see if anyone was home.

The OAE urged the Board to suspend respondent for three years.

* * *

The existence of a criminal conviction is conclusive evidence of an attorney's guilt. R. 1:20-13(c)(1); In re Gibson, 103 N.J. 75, 77 (1986). Respondent's conviction clearly and convincingly demonstrates that she committed a criminal act that adversely reflects on her honesty, trustworthiness or fitness as a lawyer [RPC 8.4(b)] and that she engaged in conduct involving dishonesty, fraud, deceit or misrepresentation [RPC 8.4(c)].

Commission of a criminal act by an attorney is also a violation of that attorney's professional duty to uphold and honor the law. In re Bricker, 90 N.J. 6, 11 (1982). That respondent's offense does not relate directly to the practice of law does not negate the need for discipline. Whether or not related to the practice of law, even a minor violation tends to lessen public confidence in the legal profession as a whole. In re Addonizio, 94 N.J. 121, 124 (1984). "An attorney is bound even in the absence of the attorney-client relationship to a more rigid standard of conduct than required of laymen. To the public he is a lawyer whether he acts in a representative capacity or otherwise." In re Katz, 109 N.J. 17, 22-23 (1987).

Only the quantum of discipline to be imposed remains at issue. R. 1:20-13(c)(2)(ii); In re Goldberg, 105 N.J. 278, 280 (1987). In In re Burns, 142 N.J. 490 (1995), the attorney was suspended for six months based on his conviction of burglary of three automobiles and theft of a small amount of money and tokens. Several mitigating factors were considered in determining the appropriate discipline: the attorney notified the OAE of the indictable charges filed against him, in accordance with R. 1:20-13(a)(1); the attorney had no prior ethics history; and finally the attorney submitted a medical report indicating that his misconduct may have been caused by depression and the medication prescribed for this condition (Prozac).

Here, respondent notified the OAE of the criminal proceedings against her. More significant, however, are the aggravating factors of a criminal record and prior discipline for serious unethical conduct (one-year suspension for obtaining a controlled dangerous substance by fraud and uttering a forged prescription). The Board was not persuaded by respondent's claim of drug addiction as a mitigating factor. Indeed, illegal use of drugs – prescriptive or not – has been treated as an aggravating factor for disciplinary purposes. See, e.g., In re Zauber, 122 N.J. 87 (1991); In re Steinhoff, 114 N.J. 268 (1989); In re Stein, 97 N.J. 550 (1984). Moreover, in her prior disciplinary matter, respondent assured the Board that her addiction was under control. Yet, as pointed out by the OAE, respondent committed the instant criminal offenses while the prior matter was pending before the Court. Although respondent's obviously untamed drug addiction stirs a sense of compassion, her crimes – four counts of burglary, three counts of third-degree theft and one count of fourth-degree theft – and the circumstances by which she committed them are exceedingly damaging to the public's perception of the legal profession.

Mindful of one of the central goals of the attorney disciplinary system – to maintain public confidence in the bar and in the professionalism of its members – and painfully aware of respondent's failed efforts to overcome her addiction, the Board unanimously determined to recommend disbarment. The Board's decision was not reached lightly. Nevertheless, protection of the integrity of the profession requires no less. See In re Verdiramo, 96 N.J. 183, 186 (1984) (crimes of dishonesty require disbarment); In re Zauber, supra, 122 N.J. at 93 (appropriate discipline for crimes of dishonesty is disbarment).

The Board also determined to require respondent to reimburse the Disciplinary Oversight

Committee for administrative costs.

Dated: 9/2/97

By: 

Lee M. Hymerling
Chair
Disciplinary Review Board