

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 08-006  
District Docket No. XIV-05-500E

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IN THE MATTER OF  
PAUL STEPHEN BEATTY  
AN ATTORNEY AT LAW

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Decision

Argued: April 17, 2008

Decided: June 10, 2008

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

This matter came before us on a motion for final discipline filed by the Office of Attorney Ethics ("OAE"), based on respondent's guilty plea to one count of fourth-degree stalking. The OAE recommended a three-month suspension. We concur with the OAE's recommendation.

Respondent was admitted to the New Jersey bar in 1990. On March 30, 1993, he received a private reprimand for failing to treat with courtesy a person involved in a workers' compensation matter. There, respondent asked a medical expert to revise his

report, which contained conclusions adverse to his client's interests, lest respondent file a complaint, with the doctor's employer, a medical school.

On May 16, 2007, respondent pleaded guilty to fourth-degree stalking, in violation of N.J.S.A. 2C:12-10(b), which states that:

A person is guilty of stalking, a crime of the fourth degree, if he purposefully or knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to himself or a member of his immediate family or to fear the death of himself or a member of his immediate family.

[OAEb1.]<sup>1</sup>

In 2004, respondent was employed as a security guard at Monmouth Park Racetrack for the 2004 horse-racing season. During that time, he noticed, and later became fixated on, a young woman who was a frequent guest of horse-trainer Jamie Woodington. Woodington worked in the paddock area of the track.

Respondent's curiosity was peaked when the young woman ceased appearing at the track. Without any basis in fact, respondent convinced himself that something terrible must have happened to the visitor, whom he described as a petite red-headed twenty-year old woman. Respondent came to refer to the

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<sup>1</sup> "OAEb" refers to the OAE's brief in support of the motion for final discipline.

young woman as "Little Jamie Woodington."

At respondent's May 16, 2007 plea hearing, his attorney elicited the factual basis for the plea:

Q. Mr. Beatty, sometime in 2004 through June 14th 2005, you worked at Monmouth Race Track as a security person, is that correct?

A. Yes.

Q: At some point during that time?

A: Yes, that's correct.

Q: And you also had come to meet or at least know someone by the name of Jamie Woodington, is that correct?

A: Yes, I did, she was a trainer in the stable area.

Q: She's a trainer. Okay. The year before that you had seen another young person at the track with Jamie Woodington, is that correct?

A: Yes.

Q: A young red haired girl, or some small young woman?

A: A little five foot redhead, about 20 years old, full of spunk.

Q: Coming into June into 2004, you didn't see her come back with Jamie Woodington back to the track, is that correct?

A: Actually I didn't see her after September of 2004. I never [saw] her in person again.

Q: Okay. Did you start to ask questions of people at the track as to where she was?

A: Yes, I did.

Q: Did you specifically try to ask Jamie Woodington as to where she was?

A: No, I didn't.

Q: Okay. But you talked to a lot of people in the stable area, around her?

A: I had talked to her personnel in her stable, but not to her directly.

Q: Okay. But asking questions about where's - and you termed it -

A: Happened to the little kid, yeah.

Q: At some point you, in your mind you named it Little Jamie Woodington, because you had no name for the person, is that right?

A: That's what they called her all season.

Q: Okay.

A: At first I thought it was the trainer's daughter.

Q: Okay. And at some point you actually went down to Camden, South Carolina?

A: Oh, yes.

Q: Looking for, trying to investigate-

A: Trying to locate this young girl, yeah.

Q: Now, that's where Jamie Woodington, the trainer, lives, is that correct?

A: She calls that her winter home.

Q: Okay. But you were looking for information, not so much about Jamie Woodington, Sr., but about the person who has been described Little Jamie Woodington?

A: Correct.

Q: Okay. And you actually at some point, somehow, found out where she, her address was, where she lived.

A: The only time I saw Jamie Woodington was one time at, going into a restaurant in Camden.

Q: Okay. But I'm saying to you, you found out where she lived in South Carolina?

A: Yes, she was in the telephone book.

Q: Okay. And you asked questions of people down there as to Little Jamie, -- as to Jamie Woodington, Sr. and Little Jamie Woodington, is that correct?

A: To find Little Jamie Woodington.

Q: You understand, although that may have not have been your initial reasoning, but you can understand how that would alarm Mrs. Woodington that you were asking questions about her and following her up here in New Jersey and also down in South Carolina. You can understand in her mind how that would alarm her.

A: I can understand that.

Q: And how she could be in fear that maybe somebody, not that you were doing that, but maybe someone is out trying to hurt her, or to find something -- in her mind.

A: I can understand.

Q: Okay. And [that's] basically what the stalking is, is you're following her or, looking after her, and in her mind she's alarmed by that, do you understand that?

A: Yes, I understand.

Q: And you understand you're not going to do that at this point?

A: I'll never do it again.

[OAEbExE at 21-7 to 24-18.]

The Woodington matter was not respondent's first stalking incident. In 2003 and 2004, he stalked his next-door neighbor, Karen Restivo. Restivo had turned down respondent's dinner

invitation before he contacted the police about her. With no basis in fact, respondent imagined that Restivo had hosted a loud party at her apartment one evening, at which a young man was tortured in preparation for his murder. Respondent named two local police detectives as participants in the imagined ordeal. He alerted the local police, whom he later accused of conspiring against him.

Eventually, respondent's conduct deteriorated to the point that he was caught peering into Restivo's apartment window while she dressed. When Restivo later moved away in order to be rid of him, respondent found her and resumed his stalking, again peering into the windows of her new residence, a condominium that she shared with her mother.

Stalking, peering, and other charges ensued in the Restivo matter, for which respondent was granted enrollment in a pretrial intervention ("PTI") program. Respondent's PTI was later terminated, upon his arrest in this matter.

During the course of these matters, respondent conceded that he suffers from mental illness, for which he had been treated for over thirty years. He had previously been a patient at a mental health facility (referred to as Ann Klein) and has been treated by his own psychiatrist, Dr. Bransfield, for bipolar disorder.

On July 13, 2007, respondent was sentenced to a one-year term of unsupervised probation and was assessed penalties and fines totaling \$155, subject to the following conditions: 1) he was barred from contacting Jamie Woodington; 2) he was permanently barred from contacting the Monmouth County Prosecutor's Office; 3) he was required to continue with counseling and treatment with his psychiatrist; and 4) he was required to take all prescribed medications, until medically discharged by the psychiatrist.<sup>2</sup>

Following a review of the record, we determine to grant the OAE's motion for final discipline.

Respondent stalked a horse trainer at a New Jersey racetrack and followed her to her South Carolina home, in an effort to learn what had happened to a woman whom respondent had named "Little Jamie Woodington." Respondent pleaded guilty to fourth degree stalking, a violation of N.J.S.A. 2C:12-10(b).

The existence of a criminal conviction is conclusive evidence of respondent's guilt. R. 1:20-13(c)(1); In re Gipson, 103 N.J. 75, 77 (1986). Respondent's guilty plea to fourth-degree stalking constitutes a violation of RPC 8.4(b) (commission of a criminal act that reflects adversely on his

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<sup>2</sup> The court dismissed the charges in the Restivo matter, based on the prosecutor's representation in court that respondent had fulfilled all of the PTI conditions for that case.

honesty, trustworthiness or fitness as a lawyer). Only the quantum of discipline to be imposed remains at issue. R. 1:20-13(c)(2); In re Lunetta, 118 N.J. 443, 445 (1989).

The sanction 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. Discipline is imposed even when the attorney's offense is not related to the practice of law. In re Kinnear, 105 N.J. 391 (1987).

In In re Thakker, 177 N.J. 228 (2003), an attorney received a reprimand after pleading guilty to one count of harassment. The attorney made repeated telephone calls in the span of a few hours to his former client and asked to speak with her husband. Respondent knew, and the client repeatedly reminded him during his first several calls, that her husband had been committed to a correctional facility that same day for an assault upon her. After the client called the police, the responding officer warned respondent over the telephone to cease harassing the client or be charged with harassment. The attorney then challenged the officer to come to his house and fight him.



In In re Frankfurt, 159 N.J. 521 (1999), the Court suspended an attorney for three months on a motion for final discipline, where, as here, the attorney pleaded guilty to a charge of fourth-degree stalking, in contravention of N.J.S.A. 2C:12-10(b). The victim was a Passaic County judge. During a one-month period, the attorney visited the judge's chambers on numerous occasions and asked to speak to the judge, although he had no matters pending before her. Even after the attorney was told that the judge would not speak to him, he returned to her chambers repeatedly and asked to speak with her. The attorney was also found guilty of contempt for failing to appear at a trial, after having been directed by a judge to appear.

In a recent case, In the Matter of Eric Wachtel, N.J. (2008), the attorney was suspended for six months for stalking two individuals. In the first matter, Wachtel left numerous threatening telephone messages for his wife's attorney, and inappropriately sent a box of feminine hygiene products with an obscene note attached, intended for that attorney's pregnant daughter. The note wished the mother-to-be's death during childbirth. In a second matter, Wachtel threatened a court-appointed mediator by leaving obscene messages for her with references to "doing certain sexual acts" to her. In aggravation, Wachtel had previous involvement with the law,

including a 2005 guilty plea to disorderly conduct and possession of drug paraphernalia after an arrest for shoplifting, and a 2006 guilty plea to harassment, a disorderly persons' offense. In further aggravation, as executor of his late father's estate, Wachtel sent his sister's attorney a harassing letter and left two harassing, obscene messages on the attorney's answering machine.

We find respondent's stalking actions as serious as in Frankfurt (three-month suspension), having taken place over a longer period of time (2003 to 2005) than Frankfurt's one month. Respondent also engaged in the criminal conduct here while enrolled in PTI for having stalked and peeked at his neighbor, Karen Restivo. So, too, respondent has a prior private reprimand, albeit from 1993 for unrelated conduct. We conclude that a term of suspension is warranted for the totality of respondent's actions.

The six-month cases above, however, involve conduct that is, on its face, somewhat more alarming than is present here. In Predham, the enraged attorney swung a baseball bat at his mother-in-law, while threatening to kill her and her daughter. In Wachtel, the attorney made a series of vile remarks in obscene messages, letters and packages to his wife's attorney and others, including an innocent pregnant woman. While we find

respondent's misconduct to be offensive, it was not as egregious as in Predham and Wachtel.

We determine that the Frankfurt case (three-month suspension) most closely resembles this matter. We, therefore, voted to impose a three-month suspension for respondent's criminal offense.

In addition, due to the seriousness of respondent's mental illness, we have, by separate letter to the OAE, requested that office to compel respondent, pursuant to R. 1:20-12, to undergo a medical examination for possible placement on disability inactive status.

Member Doremus did not participate.

We also 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  
Julianne K. DeCore  
Chief Counsel

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SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
VOTING RECORD

In the Matter of Paul Stephen Beatty  
Docket No. DRB 08-006

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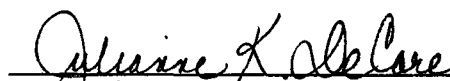
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Argued: April 17, 2008

Decided: June 10, 2008

Disposition: Three-month suspension

Members	Disbar	Three-month Suspension	Reprimand	Dismiss	Disqualified	Did not participate
Pashman		X				
Frost		X				
Baugh		X				
Boylan		X				
Doremus						X
Lolla		X				
Stanton		X				
Wissinger		X				
Total:		7				1

  
Julianne K. DeCore  
Chief Counsel