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SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 07-243
District Docket No. XIV-06-176E

IN THE MATTER OF	:
GREGORY G. HAWN	:
AN ATTORNEY AT LAW	:

Decision

Argued: November 15, 2007

Decided: December 17, 2007

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

Respondent waived appearance.

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

This matter came before us on a motion for reciprocal discipline filed by the Office of Attorney Ethics (OAE), pursuant to R. 1:20-14(a). The motion is based on respondent's thirty-day suspension in the District of Columbia for violating RPC 8.4 (c) (conduct involving dishonesty, fraud, deceit or misrepresentation)

by falsifying his resumé and altering his law school transcripts in an attempt to obtain legal employment in California. On March 10, 2007, respondent reported his thirty-day suspension in the District of Columbia. We determine that a three-month suspension is warranted.

Respondent was admitted to the New Jersey bar in 2003, and the bar of the District of Columbia in 2004. He is also admitted to practice in Pennsylvania and California. He has no history of discipline in New Jersey. The OAE's ethics history report shows that he currently resides in Washington, D.C., but it does not list a law office address.

Respondent's August 4, 2004 letter to the District of Columbia's Office of Bar Counsel gives some background information about this matter.

In September 2003, respondent was employed by the law firm of Bracewell & Giuliani, LLP, in Washington, D.C. In early March 2005, he began experiencing financial and family problems over his purchase of an apartment in Washington, D.C. During the same time period, he began having similar problems with his girlfriend of three years. To escape the conflicts and start "anew", he moved to Los Angeles, where he had friends and other family members.

In early April 2005, respondent contacted an attorney-recruiting coordinator ("head hunter") to assist him with his

job search. From mid-May to mid-June 2005, he received rejection letters from nearly all of the firms to which he had forwarded his resumé. He thereafter felt that he would have to embellish his resumé, in order to obtain employment.

The Board on Professional Responsibility for the District of Columbia Court of Appeals (D.C. Board) adopted the findings of the Ad Hoc Hearing Committee, which reviewed respondent's matter. The findings were based on a joint stipulation of facts, which is not a part of the record before us. The D.C. Board set forth the following facts.

When respondent engaged the services of a "head hunter," he also requested his law school transcript from the registrar's office of American University-Washington College of Law (American University). On a resumé he supplied to the "head hunter," respondent knowingly misrepresented that, while in law school:

> 4.a. he had received the "Myers Society Scholarship for Academic Achievement," when, in fact, he had not;
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> b. he had received the "American Jurisprudence Legal Rhetoric and Writing Award," when, in fact, he had not;
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> c. he had been an "E. Robert Hinneman Finalist for Moot Court Appellate Advocacy," when, in fact, he had not (citations omitted).
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> . . . .

> [5]a. he was the "Co-Chairman" of the American Bar Association's "Working Group Corporate Aspects of Information Technology," when, in fact, he merely assisted in coordinating activities for the group;
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> b. he was "Program Director" of the D.C. Bar's Standing Committee on Pro Bono and Public Service, when, in fact, he was only affiliated as a member of the program through "Probono.net" an online resource for attorneys interested in *pro bono* services;
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> c. he was Advisory Board Member and Docent of the Smithsonian/Behring National Museum of American History, when, in fact, he had no affiliation with the Museum at the time (citations omitted) [this misrepresentation was included in the first version of his resumé supplied to the "head hunter," but was omitted from a later version].
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> [Ex.B3-B4.]

In May 2005, the "head hunter" mailed copies of respondent's falsified resumé and law school transcript to several law firms, including Mayer Brown Rowe & Maw (Mayer Brown), in California. Respondent also independently mailed out copies of his transcript and resumé. Respondent used the "falsified" resumés because he "felt he had no choice but to overly impress each prospective employer in order to obtain employment."

In May and June 2005, respondent started receiving rejection letters from virtually all of the firms that had been contacted. Respondent believed that his grade point average (GPA) was preventing him from obtaining employment.

In June 2005, respondent read an article discussing computer programs designed to alter computer document files. Afterwards, he downloaded a program to alter "Adobe Acrobat pdf files" and used it to alter an electronic version of his law school transcript by changing twelve of his grades. He, thus, raised his cumulative GPA from 3.12 to 3.59. In late June, early July 2005, respondent mailed his resumé and altered transcript to five large Los Angeles firms.

On June 29, 2005, respondent learned that Mayer Brown was seeking a real estate associate with experience similar to his. He, therefore, mailed a second resumé to that firm, together with the altered law school transcript. On July 26, 2005, after that firm determined that it had two different transcripts, its general counsel contacted American University about the discrepancies. Two days later, the Associate Dean for Academic Affairs requested that respondent explain the discrepancy.

On July 8, 2005, in a lengthy reply email, respondent denied that he had altered the transcript. Instead, he "falsely suggest[ed]" that the discrepancies "may have been caused by a malfunction in the electronic transmission of the transcript from the law school's registrar to Respondent." He added that he could think of no other way to verify

> that this was not an attempt by me to pass off the incorrect transcript as my own[.] I

> hereby give you permission to call any or all of the people I submitted my information to and to have them send you copies of the materials. . . . Also, I implore you if there are any measures that you can take to investigate within the Registrar's office to uncover the source of this error, I would greatly appreciate it. As I am stricken with grief over the thought that an error like this could affect my fitness to practice law for the remainder of my career.
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> [Ex.H.]

The six firms that respondent identified in the email, however, included none of the firms to which he had sent the altered transcript.

On July 18, 2005, respondent attended a meeting with the associate dean of the law school, and two other law school deans. After approximately ten minutes of questioning, respondent "became overwhelmed with emotion" and asked if he needed the assistance of an attorney. After being advised that it would be useful, he left without additional comment.

On July 21, 2005, respondent retained counsel. On the same day, he reported his conduct to the D.C. Office of Bar Counsel. Respondent explained:

> When confronted with the problem by American University which had been contacted by the employer, I was not honest in my initial e-mail response and did not disclos[e] what I knew. Not being able to live with this, I called the law school the very next morning to schedule a meeting with Professor Niles thinking I would "come clean" to a Professor I had known and

> respected. But instead, I was confronted by a hostile trio of investigating Deans, and in panic and tears could not bring myself to relate the true story of what had taken place. Three days later, after agonizing over why I had been so stupid to do this and after looking into the appropriate way to report my actions, I reported myself to the DC Bar.
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> [Ex.I2.]

On August 1, 2005, respondent withdrew his applications for employment and requested that the "head hunter" ensure that he had no outstanding applications with any other law firms.

Respondent's letter to the D.C. Bar Counsel noted that his actions did not affect any clients. He added that, because he had never done anything like it before, his actions had been caused by a lapse of judgment. He assured Bar Counsel that he could "practice ethically in the future."

By way of explanation for his conduct, respondent stated that, when his attempts to secure employment in the Los Angeles area were unsuccessful, he became discouraged. As the time passed, and "pressures increased, [he] started to panic." Respondent claimed that, when he sent the altered transcript to six law firms, he did so knowing that he "could never actually obtain employment with any such firms," or accept an interview, if offered. He sent the transcripts only to determine whether his inability to obtain a job interview was due to his GPA.

According to respondent, he inadvertently sent the incorrect transcript to Mayer Brown, which already had his correct transcript in its files. He added that he was "in a state of shock" when he discovered that he had unintentionally sent the altered transcript to that firm.

By way of mitigation, respondent alleged that, in early June 2005, his personal problems with his family and girlfriend caused him to experience severe anxiety for which he was prescribed Paxil. The record does not establish a nexus between respondent's misconduct to either his alleged anxiety or the medication. Respondent also noted that he has apologized to D.C. Bar Counsel for his actions, has resigned from his position with a D.C. law firm, has worked with underprivileged clients, was involved with several charitable organizations, and intends to seek employment in another field.

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

Pursuant to R. 1:20-14(a)(5), another jurisdiction's finding of misconduct shall establish conclusively the facts on which the Board rests for purposes of disciplinary proceedings. We, therefore, adopt the District of Columbia Court of Appeals' finding that respondent violated RPC 8.4(c) for falsifying his resumé and altering his law school transcript.

Reciprocal disciplinary proceedings in New Jersey are governed by R. 1:20-14(a)(4), which provides:

> The Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the record on which the discipline in another jurisdiction was predicated that it clearly appears that:
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> (A) the disciplinary or disability order of the foreign jurisdiction was not entered;
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> (B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;
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> (C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;
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> (D) the procedure followed in the foreign disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
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> (E) the unethical conduct established warrants substantially different discipline.

A review of the record does not reveal any conditions that fall within the scope of subparagraphs (A) through (D). The OAE properly noted, however, that the New Jersey Court Rules do not provide for a thirty-day suspension.[1] Therefore, subparagraph (E) applies. The OAE argued that New Jersey precedent supports imposing either a reprimand or a censure. We are unable to agree. For example, in one of the cases cited by the OAE, In re Tan, 188 N.J. 389 (2006), the attorney was reprimanded for

[1] R. 1:20-15A(a)(3) provides that, "[a]bsent special circumstances a suspension for a term shall be for a period that is no less than three months and no more than three years."

falsely representing to the Board of Bar Examiners that he had earned a Bachelor's degree, when he was one course shy of doing so. Notwithstanding, he attended Pace University Law School without revealing that deficiency, obtained a Juris Doctor degree in 1996, and was admitted to the New Jersey bar in 1998. Tan explained that he feared that, if his failure to earn a Bachelor's degree surfaced, he would not be permitted to practice law and would be unable to support his wife and child.

In 2000, Tan had attempted to rectify the situation by writing to the dean of academic affairs at New York University (NYU). He explained to the district ethics committee that a family emergency relating to his then fiancée had required him to leave the country. As a result, he had not attended all of his classes. At the end of the semester, he had turned in a thesis for his History seminar, for which he had not obtained a passing grade. Also, during the summer of 1993, he had attempted to correct the deficiency by meeting with the head of the History department, but had not followed up on his intent, fearful that he would be expelled from law school.

In the summer of 2004, Tan submitted a paper to NYU's History department, got a passing grade, and received a bachelor's degree. The matter came to light when a secretary at

his former law firm found his July 5, 2000 letter to NYU, attempting to remedy the situation.

In imposing only a reprimand, we considered that Tan was not without a conscience because twice he had attempted to rectify the situation at NYU, but neither time pursued the matter to fruition for fear of being discovered. We found that Tan's misrepresentations were made under pressure and the result of poor judgment and inexperience, as opposed to a lack of scruples. We also considered that Tan accepted responsibility for his wrongdoing, recognized the impropriety of his conduct, was remorseful, and had no history of discipline. Furthermore, his offense had occurred more than eight years earlier, and in the intervening years, he had achieved a certain degree of professionalism and had given back to the Filipino community, of which he is member.

Clearly, this respondent's plight does not evoke the same sympathy as did Tan's. Tan initially made a misrepresentation by omission to his law school and then an affirmative misrepresentation on his bar application, but later attempted to rectify the problem. This respondent's conduct is much more serious. It went beyond misrepresentations about his achievements. After his false resumé failed to impress any prospective employers, he embarked on a scheme, which required research, to

alter an official law school document, a document on which others had a right to rely. Moreover, he involved the "head hunter" in his scheme, by supplying him with his false resumés. Respondent could have tarnished the "head hunter's" reputation, if it had become known in the field that he was sending out false resumés.

Respondent tried to justify his actions under the guise of an experiment to determine whether his inability to obtain employment was based on his GPA. In fact, he asserted that he had sent the transcripts knowing that he could never obtain employment with the firms or even accept an interview, if offered. His excuse is simply not believable and, instead, compounds his wrongdoing.

Respondent added to his problems after his deception was discovered. In reply to the law school dean's inquiry, he wrote that the transcript discrepancies may have been caused by a malfunction in the electronic transmittal of his transcript to him. He brazenly suggested that the dean investigate the problem and even offered the names of six law firms that could confirm his alleged "mistake." The names he supplied, however, were firms to which his unaltered transcript had been sent. After he had an opportunity to reflect on his misconduct, he purportedly contacted the dean to confess his misdeeds. Yet, when personally confronted, he broke down and did not confess

his fabrications until he retained counsel. Although respondent alleged that he self-reported his conduct, the circumstances – the timing of his retaining counsel coincides with his notifying the ethics authorities – strongly suggest that his counsel advised him to do so.

The following cases addressed conduct similar to respondent's. In In re Scavone, 106 N.J. 542 (1987), the attorney misrepresented on his law school application that he was a member of a minority group. After he completed one year of law school, he altered his grades on his transcript and falsified his resumé to indicate that he had achieved a higher score on the law school aptitude test, all in an effort to obtain employment. After the law school discovered the misrepresentations, it offered Scavone the option of withdrawing or being expelled. Scavone chose to withdraw, signing an agreement that, if he failed to do so, the law school would immediately convene a disciplinary committee to hear charges against him. Scavone subsequently graduated from another law school and applied to take the New Jersey bar examination. In his certified statement of candidate, he failed to disclose that he had withdrawn from another law school under the threat of disciplinary charges.

At a hearing conducted by the Committee on Character, Scavone maintained that his answer on the certified statement

was correct because his withdrawal from law school had been voluntary. He also asserted that he believed that the second law school would provide the information to the Committee on Character. At the hearing, Scavone showed no remorse and demonstrated that he continued to have no regard for the truth, testifying that he would still complete the application in the same way and that, if he answered differently, it would only be to "appease" the Committee on Character.

In revoking Scavone's license to practice law, the Court concluded that he was not fit to be a member of the bar because of his concealment of material facts from the Committee on Character. The Court noted that

> [c]andor and honesty are a lawyer's stock and trade. Truth is not a matter of convenience. Sometimes lawyers may find it inconvenient, embarrassing, or even painful to tell the truth. Nowhere is this more important than when an applicant applies for admission to the bar.
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> [Id. at 553.]

Although the Court was particularly troubled by Scavone's failure to rehabilitate himself, it did not foreclose the possibility that, at some future time, he might be able to demonstrate his fitness to practice law.

Another attorney who exhibited dishonesty not only on his bar application but also during the ethics proceedings that ensued had his license revoked and was precluded from seeking

readmission for a two-year period. In re Czmus, 170 N.J. 195 (2001). Prior to becoming an attorney, Czmus was a licensed physician in California. In his application for privileges to two local hospitals, he misrepresented that he was board-certified. After that misrepresentation was discovered, he entered into a stipulation providing for the stay of the revocation of his medical license for five years and probation during that time period. Thereafter, Czmus surrendered his California license and, ultimately, his New York license, when additional charges of medical misconduct came to light.

Although Czmus disclosed, in his law school application, that he had been a licensed physician, he failed to do so in his New Jersey bar application. In the bar application, Czmus lied about his education, employment, other licenses, disciplinary proceedings, and legal proceedings. We noted in our decision:

> [Czmus's] pattern of deception continued throughout the ethics investigation. He made [among others] the following misrepresentations during the OAE interview: (1) he did not disclose that he had a medical degree because he had misunderstood the bar application question about education, believing that it addressed only undergraduate education; (2) he did not disclose his employment history as a physician because he worked for a [lab] and did not have his own practice; (3) he did not disclose that he had been disciplined as a physician or that he was involved in legal proceedings because, at the time that he completed the bar application, he was advised by his California attorney . . . that the

> medical disciplinary matter had been administratively expunged and that disclosure was not required; (4) he did not disclose that he had been licensed as a physician because the question addressed licenses in which proof of good character had been required and, since he had completed the application twenty-five years earlier, he did not recall that proof of good character was required; and (5) [his California attorney] was ill, was of retirement age and could not be contacted because his telephone number was not known.
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> [In re Czmus, DRB 00-384 (August 2, 2001) (slip op. at 19).]

Czmus made similar misrepresentations in his answer to the formal ethics complaint. He also made misrepresentations to his medical experts about the circumstances surrounding his medical discipline and the bar application; was not forthcoming with his own attorney; and misrepresented to his character witnesses the reason for the ethics hearing, informing them that it was for renewal of his law license. We found it ironic that "[Czmus] lied to the same people he was counting on to testify to his veracity and good character."

Czmus refused to accept responsibility for his actions, blaming his mental state, his employer, or others for his problems.

In a different context involving the alteration of a court document, a six-month suspension was deemed to be appropriate discipline. In In re Telson, 138 N.J. 47 (1994), the attorney altered a court document to conceal the fact that a divorce

complaint had been dismissed. Thereafter, he submitted the uncontested divorce to another judge, who granted the divorce. The attorney then denied to a third judge that he had altered the document. One week later, the attorney admitted to the judge that he had lied because he was scared. But see In the Matter of Lawrence J. McGivney, 171 N.J. 34 (2002) (attorney admonished for improperly signing the name of his superior on an affidavit in support of an emergent wiretap application moments before it was reviewed by the court, knowing that the judge may have been misled; we considered, as mitigation, that his superior had authorized the application, that the omission of the superior's signature was an oversight, that the attorney was pressured by the moment, rather than moved by venality, that he brought the matter to the attention of the court within one day of his misconduct, and that he had an unblemished record).

Viewed in the context of the above cases, respondent's misconduct was certainly not explainable, as was McGivney's. McGivney was pressured by the exigencies of the moment, unlike respondent, who began his deception with a false resumé and, two months later, when that proved unsuccessful, altered an official document. Respondent's conduct was undertaken solely to advance his own interests.

Because respondent's misconduct did not involve misrepresentations on his bar application, revocation of his law license is clearly not appropriate here. Although his misconduct was more serious than either McGivney's (admonition) or Tan's (reprimand), it did not rise to the level of Telson's (six-month suspension), who altered a document provided to a court. In our view, respondent's misconduct falls somewhere between Tan's and Telson's. We, therefore, determine that he should be suspended for three months.

Chair O'Shaughnessy and Member Neuwirth voted to impose a six-month suspension. Member Lolla did not participate.

We further determine to 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
William J. O'Shaughnessy
Chair

By: Julianne K. DeCore
Julianne K. DeCore
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Gregory G. Hawn
Docket No. DRB 07-243

Argued: November 15, 2007

Decided: December 17, 2007

Disposition: Three-month suspension

Members	Disbar	Three-month Suspension	Six-month Suspension	Dismiss	Disqualified	Did not participate
O'Shaughnessy			x			
Pashman		X				
Baugh		X				
Boylan		X				
Frost		X				
Lolla						X
Neuwirth			X			
Stanton		X				
Wissinger		X				
Total:		6	2			1

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