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SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 06-338
District Docket No. XIV-2005-0524E

IN THE MATTER OF
ANGELA Y. WHITE
AN ATTORNEY AT LAW

Decision

Argued: February 15, 2007

Decided: March 19, 2007

Lee Gronikowski appeared on behalf of the Office of Attorney Ethics.

John Coccoziello appeared on behalf of respondent.

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

This matter came before us pursuant to R. 1:20-6(c)(1), which provides:

A hearing shall be held only if the pleadings raise genuine disputes of material fact, if the respondent's answer requests an opportunity to be heard in mitigation, or if the presenter requests to be heard in aggravation. In all other cases the pleadings, together with a statement of procedural history, shall be filed by the trier of fact directly with the Board for its consideration in determining the appropriate sanction to be imposed.

In her answer, respondent admitted that, while attending law school, she forged another woman's signature on a \$54,000 student loan application for herself. The Office of Attorney Ethics (OAE) urged a suspension of one to three years. We determine that a one-year suspension should be imposed.

Respondent was admitted to the New Jersey bar in 2000. She has no disciplinary history.

The ethics complaint charged that respondent violated RPC 8.4(b) (commission of a crime that reflects adversely on a lawyer's honesty, trustworthiness, and fitness as a lawyer) and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) for her role in obtaining a student loan under false pretenses.

Sometime between May 27 and June 3, 1999, respondent forged the signature of Tricia Gunter, a friend and co-worker, to an application for a student loan. According to the application,

respondent was a third-year law student at that time. Using Gunter's credit, respondent obtained a \$54,306.64 loan. As noted above, respondent was admitted to the New Jersey Bar in 2000, before these facts came to light.

On June 13, 2001, police in Teaneck filed a complaint charging respondent with forgery, a violation of N.J.S.A. 2C:21-1a(2). On January 10, 2002, a related Bergen County accusation charged that respondent, with the purpose to defraud, uttered a loan application purporting to be the act of Tricia Gunter, without her authority, a violation of N.J.S.A. 2C:21-1a(3).

During a January 10, 2002 court hearing on the criminal charge, respondent admitted forging Gunter's signature. Respondent was placed in a six-month pre-trial intervention program ("PTI"), requiring her to provide telephonic and written reports from her home state of California and to continue making payments on the ill-gotten student loan until paid in full. On August 14, 2002, upon respondent's completion of the PTI program, the criminal charge was dismissed.

Respondent admitted in her answer that she violated RPC 8.4(b) and RPC 8.4(c). She advanced the following mitigating factors: (1) the misconduct occurred before she was admitted as an attorney (eight months before she sat for the February 2000

bar examination); (2) the misconduct did not involve the practice of law; (3) she promptly cooperated with law enforcement and ethics authorities, once her criminal conduct came to light; (4) her conduct caused Gunter no harm; (5) she has an otherwise unblemished disciplinary record; (6) a substantial amount of time has passed since the 1999 infraction; (7) at the time of the offense, she was a young, African-American professional seeking to complete law school and open a business at the same time; she was under enormous debt upon leaving law school; and (8) her decision to forge Gunter's signature was an exercise of "poor judgment" and aberrational in nature.

Respondent did not address the issue of discipline.

Following a review of the record, we find that the facts contained in the pleadings support a finding of unethical conduct. Respondent admitted obtaining a \$54,000 student loan by fraud, having forged the signature of a co-worker on a student loan application. Respondent completed a six-month PTI program. She continues to make loan payments, and, presumably, will do so until the loan is paid in full.

Although the record presented to us is sparse, the facts establish that respondent's conduct was significantly dishonest.

Ordinarily, "acts of dishonesty, such as the falsification of public documents or lending documents, warrant a period of suspension." In re Alum, 162 N.J. 313, 315 (2000). Moreover, attorneys who engage in fraudulent conduct for personal gain typically receive suspensions of varying terms, depending on the seriousness of the fraud and the presence of aggravating and mitigating factors. See, e.g., In re Lawrence, 185 N.J. 272 (2005) (attorney suspended for six months for concealing assets from his wife and from the courts in his own bankruptcy and matrimonial proceedings); In re Solvibile, 156 N.J. 321 (1998) (six-month suspension imposed on attorney who, in her application for admission to the Pennsylvania bar, misrepresented that her application for admission was mailed before the deadline, when she knew it was not; the attorney also prepared and submitted a misleading letter to the Pennsylvania Board of Law Examiners, signed by a postal employee, stating that her application and money order payment were timely); In re Brandon-Perez, 149 N.J. 25 (1997) (six-month suspension imposed on attorney who obtained a loan under false pretenses; in refinancing her own property, the attorney misrepresented to the lender, National Westminster Bank, that she would use the mortgage loan to satisfy four outstanding mortgages; she failed

to disclose that, rather than pay off one of the mortgages, she planned to substitute collateral; she then failed to satisfy one of the mortgages for a period of several years and ultimately defaulted on the National Westminster Bank loan); In re DeSantis, 171 N.J. 142 (2002) (one-year suspension for attorney who pleaded guilty to obstruction of justice; attorney had given false testimony and engaged in a cover-up to obstruct a Securities and Exchange Commission investigation of insider trading in which the attorney had been involved; substantial mitigating factors considered); In re Berger, 151 N.J. 476 (1997) (two-year suspension for attorney who submitted false information to his insurance agent with the intent to defraud the law firm's insurance carrier in connection with a fire loss); In re Capone, 147 N.J. 590 (1997) (two-year suspension, retroactive to date of temporary suspension, imposed on attorney who pleaded guilty in federal court to knowingly making a false statement on a loan application, in violation of 18 U.S.C.A. §§1014 and 2); and In re Sloane, 147 N.J. 279 (1997) (attorney suspended for two years, retroactive to date of his temporary suspension, after he pleaded guilty in federal court to mail fraud, in violation of 18 U.S.C.A. §§1341-1342, in connection with false medical reports and bills that he submitted to an

insurance company in connection with his own personal injury claim).

Here, mitigating factors include the substantial passage of time (more than seven years) since the wrongdoing occurred, the fact that respondent was not yet a member of the bar when she committed the criminal act, her otherwise unblemished disciplinary record, her cooperation with law enforcement and ethics authorities, her remorse, and her continuing payment of the loan in installments, coupled with her intent to completely repay it. On the other hand, there are egregious aggravating factors in this case. Respondent obtained a student loan for a large sum (\$54,000) by taking advantage of an innocent friend and co-worker, who, presumably, had no reason to distrust her.

Respondent obtained a loan through fraudulent means. The fraud was more serious than that of the attorneys in the six-month (Lawrence, Solvibile, and Brandon-Perez) suspension cases, because it constituted criminal activity, an element not present in the shorter suspension cases. Indeed, respondent was charged with forgery and admitted in her answer to the ethics complaint that she violated RPC 8.4(b) (commission of a crime that reflects adversely on a lawyer's honesty, trustworthiness, and fitness as a lawyer). We note, however, the significant

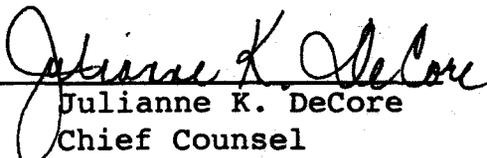
mitigating factors in this case, not present in the two-year (Berger, Capone, and Sloane) suspension cases. In our view, thus, respondent's infractions are deserving of a one-year prospective suspension. Five members so vote.

Members Baugh and Neuwirth also voted for a one-year suspension, but determined that it should be retroactive to April 14, 2002, the date on which respondent completed the PTI program, and that she should not be reinstated until she has completely repaid the loan.

Members Boylan and 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
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

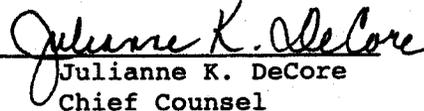
In the Matter of Angela Y. White
Docket No. DRB 0-338

Argued: February 15, 2007

Decided: March 19, 2007

Disposition: One-year prospective suspension

Members	One-year Prospective Suspension	One-year Retroactive Suspension	Dismiss	Disqualified	Did not participate
O'Shaughnessy	X				
Fashman	X				
Baugh		X			
Boylan					X
Frost	X				
Lolla					X
Neuwirth		X			
Stanton	X				
Wissinger	X				
Total:	5	2			2


Julianne K. DeCore
Chief Counsel