

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 03-205

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IN THE MATTER OF  
WILLIAM F. WOLFSON  
AN ATTORNEY AT LAW

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Decision

Argued: September 11, 2003

Decided: October 17, 2003

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

David H. Duggan, III appeared on behalf of respondent.

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

This matter was before us based on a motion for final discipline filed by the Office of Attorney Ethics ("OAE"), following respondent's guilty plea to a one-count accusation charging him with fourth degree criminal sexual contact, in violation of *N.J.S.A. 2C:14-3b*.

Respondent was admitted to the New Jersey bar in 1976. He has no disciplinary history.

On December 19, 2002 respondent pleaded guilty to a one-count accusation charging him with criminal sexual contact. During the plea hearing, respondent admitted that on August 22, 2002, he had touched the breast of a female employee at his doctor's office while he was receiving a medical test. Respondent further admitted that his conduct was intentional and that his purpose was his own sexual gratification. On December 3, 2002, respondent gave a statement to the Hunterdon County Prosecutor's Office in which he revealed that over a period of three to four years, he had touched six female employees at his doctor's office between ten and fifteen times. According to respondent's statement, he could recall the details of only two of these incidents. Respondent admitted that, on those two occasions, he had "cupped" the breast of female staff for his own sexual gratification. Respondent stated that both victims had looked upset as a result of his conduct and that during other incidents that he could not specifically recall, the victims had pushed his hand away, told him to stop, or had walked out of the examining room.

Respondent was admitted to the pretrial intervention program, on condition that he have no contact with the victims of his crime, that he submit to a psychosexual evaluation by psychologist Philip Witt, and that he follow Witt's recommended treatment.

According to a report prepared by Witt, respondent is a "low risk individual" whose behavior was an anomaly and substantially out of character for him. Witt stated

that respondent is deeply ashamed of his behavior and of the emotional distress he caused his victims. Witt recommended a treatment plan consisting of relapse prevention training, victim empathy exercises, and individual psychotherapy.

Respondent also presented numerous letters from individuals attesting to his good character and professionalism.

The OAE recommended the imposition of a six-month suspension. Respondent urged us to impose a reprimand or a suspended suspension, conditioned on his performance of *pro bono* services in the bankruptcy law field.

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

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 one count of criminal sexual contact constituted a violation of *RPC* 8.4(b) (commission of a criminal act that reflects adversely on his 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 level of discipline 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 cases involving sexual misconduct by attorneys, the discipline has ranged from a reprimand to disbarment. Reprimand cases include *In re Gilligan*, 147 *N.J.* 268 (1997) (conviction of lewdness for exposing and fondling genitals for sexual gratification in front of three individuals, two of whom were children under the age of thirteen) and *In re Pierce*, 139 *N.J.* 533 (1995) (conviction of lewdness for exposing genitals to a twelve-year old girl). Suspension cases include *In re Addonizio*, 95 *N.J.* 121 (1984) (three-month suspension for attorney who pleaded guilty to criminal sexual contact; although the attorney's association with the victim arose from the lawyer-client relationship, the offense was not related to the practice of law); *In re Ferraiolo*, 170 *N.J.* 600 (2002) (one-year suspension for attorney who pleaded guilty to the third-degree offense of attempting to endanger the welfare of a child; the attorney, who had communicated in an internet chat room with someone whom he believed to be a fourteen-year old boy, was arrested after he arranged to meet the "boy" for the purpose of engaging in sexual acts; the "boy" was a law enforcement officer); *In re Gernert*, 147 *N.J.* 289 (1997) (one-year suspension for attorney who pleaded guilty to the petty disorderly offense of harassment by offensive touching; the victim was the attorney's teenage client); *In re Ruddy*, 130 *N.J.* 85 (1992) (two-year suspension for attorney who pleaded guilty to four counts of endangering the welfare of a child, a third-degree offense, for fondling several young boys); *In re Herman*, 108 *N.J.* 66 (1987) (three-year suspension for attorney who pleaded guilty to the second

degree offense of sexual assault for touching the buttocks of a ten-year old boy). The most serious cases involving sexual misconduct have resulted in disbarment. *In re Wright*, 152 N.J. 35 (1997) (attorney was convicted of aggravated sexual assault); *In re Palmer*, 147 N.J. 312 (1997) (attorney pleaded guilty to seven counts of third-degree aggravated criminal sexual contact and one count of fourth-degree criminal sexual contact); *In re X*, 120 N.J. 459 (1990) (attorney pleaded guilty to three counts of second-degree sexual assault; the victims were his three daughters).

*Addonizio, supra*, is the case most similar to this matter. In that case, the attorney was guilty of criminal sexual contact, the same crime to which respondent pleaded guilty. The Court in *Addonizio* imposed a three-month suspension.

Based on the foregoing, a six-member majority determined to suspend respondent for three months. Two members voted to suspend respondent for six months. One member did not participate.

We further required respondent to reimburse the Disciplinary Oversight Committee for administrative costs.

Disciplinary Review Board  
Mary J. Maudsley, Chair

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

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**SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
VOTING RECORD**

In the Matter of William S. Wolfson  
Docket No. DRB 03-295

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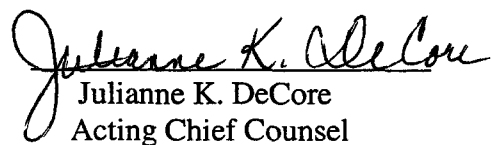
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Argued: September 11, 2003

Decided: October 17, 2003

Disposition: Three-month suspension

<i>Members</i>	<i>Disbar</i>	<i>Three-month Suspension</i>	<i>Reprimand</i>	<i>Six-month suspension</i>	<i>Dismiss</i>	<i>Disqualified</i>	<i>Did not participate</i>
<i>Maudsley</i>		X					
<i>O'Shaughnessy</i>		X					
<i>Boylan</i>							X
<i>Holmes</i>		X					
<i>Lolla</i>				X			
<i>Pashman</i>		X					
<i>Schwartz</i>				X			
<i>Stanton</i>		X					
<i>Wissinger</i>		X					
<b>Total:</b>		6		2			1

  
Julianne K. DeCore  
Acting Chief Counsel