

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 03-047

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IN THE MATTER OF :  
JEFF EDWARD THAKKER :  
AN ATTORNEY AT LAW :

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Decision

Argued: April 17, 2003

Decided: June 5, 2003

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

Respondent appeared pro se.

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

This matter was before us on a motion for final discipline filed by the Office of Attorney Ethics (“OAE”), based upon respondent’s guilty plea to harassment, in violation of N.J.S.A. 2C:33-4a, a petty disorderly persons’ offense.

Respondent was admitted to the New Jersey bar in 1995. He has no disciplinary history. He is presently on the Supreme Court’s ineligible list for failure to pay the annual attorney assessment to the New Jersey Lawyers’ Fund for Client Protection

On June 22, 2002, respondent's former client, Jennifer O'Leary, reported to the police that respondent had telephoned her house fifteen to twenty times between 7 p.m. and 10:45 p.m. to speak with James O'Leary, Jennifer's husband.<sup>1</sup> James had been committed to the Monmouth County Correctional Center("MCCC") earlier that day, following his arrest for assault against Jennifer.

Jennifer told the police that she had advised respondent that James no longer resided at her house and that he should attempt to call James on his cell phone. Jennifer also told the police that she feared respondent because he was "a heavy drinker with a violent streak." A police officer telephoned respondent, explained that James was at MCCC and that there was a restraining order barring James from contacting Jennifer. Respondent's reply was that there was no restraining order preventing him from calling Jennifer. The officer then warned respondent that, if he continued to phone Jennifer, he would be charged with harassment. Respondent "began to mock the [officer] and invited [him] to come to his office so that [they] could go 'mano y mano.' The [officer] asked if he was threatening this officer, to which he replied he was and that [the officer] could take it any way [he] wanted."

That night, respondent continued to telephone Jennifer and the officer, as well. Jennifer taped several of the messages left on her answering machine. When the officer told respondent that he would be serving a harassment complaint on respondent,

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<sup>1</sup> Respondent had represented Jennifer and James in a real estate dispute that had been settled and had stored some of his client files at their house.

respondent

again invited the [officer] for a 'mano y mano' encounter. When asked to explain the meaning of same, [respondent] insulted the [officer] and stated a 'hand to hand encounter between us men.' [Respondent] was abusive, belligerent and appeared to have been highly intoxicated.

Respondent stopped telephoning Jennifer sometime after midnight. Thereafter, he told the police dispatcher "that he spoke with Judge Pappas and that the officer who is looking for him is in big trouble...[and] to tell the officer that he would meet him anywhere."

The officer mailed a summons to respondent, charging him with one count of harassment. On September 27, 2002, respondent pleaded guilty to the charge. Prior to the imposition of sentence, respondent made the following comments to the municipal court judge:

Well, I guess, you know, you are right. I guess, you know, there are certainly aggravating factors.

I think that your court is becoming the Jeff Thakker show a lot of times. And a lot of times alcohol is involved, and I am not getting it, and I know that.

But, I think that there are some mitigating circumstances. First of all, I just want to let the court know, I don't know whether or not, -- I certainly would have had a defense as to whether or not there was a purpose to harass.

I know Jennifer O'Leary, the victim. I know James O'Leary, her husband, the estranged husband, as I understand it.

As I understand, there was some kind of an incident between the parties, in which Mr. O'Leary, that day, was in jail. I was making

numerous calls to Ms. O'Leary to find what jail he was in, so I could arrange his bail.

That is something that is, I would disagree that there was a purpose to necessarily harass, even though, I certainly did, must have gotten her ire that day. I think that sort of mitigates in my favor.

Another thing, Your Honor, is, I did call up Ms. O'Leary a couple of days afterwards. And when I finally did get on the phone with her, all I told her was, I'm sorry I did it. And that was the end of the conversation.

Your Honor, you know, one thing, too, as you know, I went over to New Hope Foundation. That did not work out, because I have a dual diagnosis.

Right now, I don't know if you know...I am going to be seeing them in the very near future, to try and get placement.

The municipal judge imposed a \$200 fine and \$155 in costs and penalties. He also ordered respondent to have no further contact with Jennifer O'Leary.

The OAE urged us to reprimand respondent for his disorderly persons' guilty plea.

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

A criminal conviction is conclusive evidence of guilt in a disciplinary proceeding. R. 1:20-13(c)(1); In re Gipson, 103 N.J. 75, 77 (1986). Respondent's conviction established a violation of RPC 8.4(b) (commission of a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer). Even a disorderly

persons' offense can establish a violation of RPC 8.4(b). See In re Magid, 139 N.J. 449 (1995) and In re Principato, 139 N.J. 456 (1995) (attorneys reprimanded after convictions for simple assault, a disorderly persons' offense, involving acts of domestic violence); In re Power, 114 N.J. 540 (1989) (attorney reprimanded following his guilty plea to obstructing the law, a disorderly persons' offense).

The sole issue to be determined is the quantum of discipline to be imposed. R. 1:20-13(c)(2); In re Lunetta, 118 N.J. 443, 445 (1989).

The OAE urged us to impose a reprimand, citing In re Frankfurt, 164 N.J. 596 (2000) (reprimand where the attorney continually failed to appear in court for pretrial conferences in a criminal matter and became increasingly abusive to the judge, the case manager and the judge's staff, failed to expedite litigation and exhibited a lack of diligence); In re Hartmann, 142 N.J. 587 (1995) (reprimand where the attorney intentionally and repeatedly ignored court orders to pay opposing counsel a fee, resulting in a warrant for the attorney's arrest and, in a separate case, engaged in discourteous and abusive conduct toward a judge in an attempt to intimidate her into hearing his client's matter that day); In re Lekas, 136 N.J. 515 (1994) (reprimand for conviction of the disorderly persons' offense of obstructing the administration of law for interrupting a court proceeding and refusal to leave when the municipal court judge ordered her to do so).

Respondent harassed a former client, telephoning her repeatedly, after she told

him to stop. Furthermore, he was abusive to the police officer who told him that further calls to the former client would result in a harassment complaint. Despite the warning by the police officer, respondent continued to call the former client and the police officer.

Apparently, respondent's behavior was attributable, at least in part, to alcohol abuse. At the municipal court proceeding, he stated that he intended to seek help for his problem. At oral argument before us, respondent stated that he had attended Alcoholics Anonymous meetings for six months, but had stopped attending the meetings because he had "pretty much gotten the message." Yet, he admitted that he had consumed alcohol the day before the oral argument. Respondent also stated that he is in counseling and taking medication for "manic depression."

According to respondent, he is not practicing law at the present time. He is working for an attorney, whom he described as a mentor, assisting him with legal briefs and researching legal issues.

In light of the foregoing, we determined to reprimand respondent. Furthermore, within thirty days, respondent shall submit to an examination by a mental health professional approved by the Office of Attorney Ethics to determine his fitness to practice law.

Two members did not participate.

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

Disciplinary Review Board  
Mary J. Maudsley, Chair

By: Robyn M. Hill  
Robyn M. Hill  
Chief Counsel

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

In the Matter of Jeff Edward Thakker  
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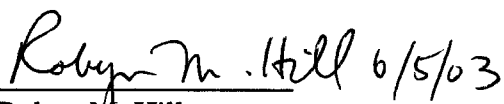
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Argued: April 17, 2003

Decided: June 5, 2003

Disposition: Reprimand

<i>Members</i>	<i>Disbar</i>	<i>Suspension</i>	<i>Reprimand</i>	<i>Admonition</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>			7				2

  
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Robyn M. Hill  
Chief Counsel