

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 02-400

IN THE MATTER OF
JOSEPH E. POVEROMO
AN ATTORNEY AT LAW

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Decision

Argued: December 19, 2002

Decided: April 2, 2003

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

Joseph E. Poveromo 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 on respondent’s conviction of the fourth degree crime of contempt, in violation of N.J.S.A. 2C:29-9b, which provides, in relevant part:

[A] person is guilty of a crime of the fourth degree if a person purposely or knowingly violates any provision in an order entered under the provisions of the ‘Prevention of Domestic Violence Act of 1990,’ . . . when the conduct which constitutes the violation could also constitute a crime or a

disorderly persons offense. In all other cases a person is guilty of a disorderly persons offense if that person knowingly violates an order entered under the provisions of this act.

Respondent was admitted to the New Jersey bar in 1988. He was reprimanded in 2002 for gross neglect, lack of diligence, failure to communicate with client and failure to cooperate with ethics authorities. That matter proceeded on a default basis. In re Poveromo, 170 N.J. 625 (2002). In that same year he received another reprimand for failure to cooperate with ethics authorities and violation of the Rules of Professional Conduct. In re Poveromo, 170 N.J. 627 (2002). That matter, too, was certified to us as a default.

Since September 24, 2001, respondent has been on the Supreme Court's ineligible list for failure to pay the annual attorney assessment to the New Jersey Lawyers' Fund for Client Protection.

* * *

Simmi Poveromo, respondent's estranged wife, filed a domestic violence complaint against him in July 2001. Thereafter, Judge Harold C. Hollenbeck issued a temporary restraining order ("TRO") that, among other things, barred respondent from his wife's residence.¹ Exhibit A to OAE's brief.

Approximately two weeks later, respondent was arrested, following Simmi's telephone call to the police. She claimed that she had spotted respondent near her

¹ A final restraining order was issued in September 2001. Exhibit B to OAE's brief.

apartment, in violation of the TRO. The investigating officer's report stated that, on July 24, 2001, at 11:50 P.M.,

[t]he victim (Simmi Poveromo) phoned headquarters stating that her ex-husband, Joseph E. Poveromo, was standing outside her apartment window in the rear of 839 C Berkley Street The victim stated further she noticed her ex-husband standing in the rear court yard of her apartment, just under her window. The suspect looked up towards her and then started to walk towards the rear of the parking lot. The suspect fled the area prior to police arrival.

[Exhibit C to OAE's brief]

The investigating officer filed a complaint against respondent, charging him with the disorderly persons offenses of contempt, in violation of N.J.S.A. 2C:29-9b and criminal trespass, in violation of N.J.S.A. 18-3b. Exhibit E to OAE's brief.

Venue of the case was transferred from Bergen to Passaic County. On March 25, 2002, Judge George E. Sabbath issued an oral decision finding respondent in violation of the TRO and, therefore, guilty of contempt, in violation of N.J.S.A. 2C:29-9b. The judge dismissed the trespassing charge. The judge imposed a fine and monetary sanctions and warned respondent that a second conviction would result in automatic incarceration for thirty-days. Exhibit G to OAE's brief.

The OAE urged the imposition of a reprimand.

* * *

Following a de novo 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); In re Rosen, 88 N.J. 1,3 (1981). Only the level of discipline to be imposed remains at issue. R.1:20-13(c)(20); In re Lunetta, 118 N.J. 443, 445 (1989).

The purpose of discipline is to protect the public from attorneys who do not meet the standards of responsibility of their profession. In re Barbour, 107 N.J. 143 (1988). Whenever an attorney commits a crime, he or she violates his or her professional duty to uphold and honor the law. In re Bricker, 90 N.J. 6, 11 (1982). As noted by the OAE, the fact that respondent's offense does not relate directly to the practice of law does not negate the need for discipline.

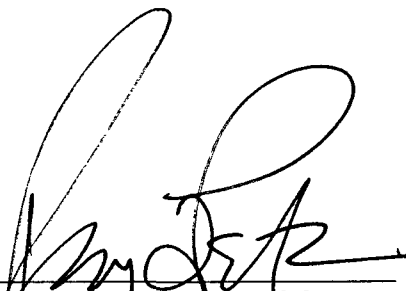
Previously, reprimands have been imposed in matters involving the violation of court orders. See In re Skripek, 156 N.J. 399 (1998) (reprimand for attorney found guilty of civil contempt for failing to pay court ordered spousal support and failing to appear at a hearing) and In re Hartman, 142 N.J. 587 (1995) (reprimand where attorney intentionally and repeatedly ignored court orders to pay opposing counsel a fee, and in another case, engaged in discourteous and abusive conduct toward a judge with intent to intimidate her).

Convictions for some disorderly persons offenses have also resulted in the imposition of reprimands. See In re Gonzalez, 142 N.J. 482 (1995) (reprimand where attorney lied to a police officer during a traffic stop, and then recanted and confessed to the fabrication when questioned by the officer; attorney pleaded guilty to the disorderly person's offense of obstruction of justice, in violation of N.J.S.A. 2C:29-1); and In re

Lekas, 136 N.J. 514 (1994) (reprimand where attorney was convicted of the disorderly persons offense of obstructing the administration of justice, in violation of N.J.S.A. 2C:29-1, for interrupting a court proceeding and refusing to leave when ordered to do so by a municipal court judge).

Although respondent has been disciplined twice before, we have considered that his conduct here did not involve the practice of law, as did his prior discipline. Thus, it cannot be said that he did not learn from his prior mistakes. Based on this consideration, and guided by the above cases, we unanimously determined to reprimand respondent. One member did not participate.

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

By: 
ROCKY L. PETERSON
Chair
Disciplinary Review Board

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

In the Matter of Joseph E. Poveromo
Docket No. DRB 02-400

Argued: December 19, 2002

Decided: April 2, 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>Peterson</i> | | | X | | | | |
| <i>Maudsley</i> | | | X | | | | |
| <i>Boylan</i> | | | X | | | | |
| <i>Brody</i> | | | X | | | | |
| <i>Lolla</i> | | | X | | | | |
| <i>O'Shaughnessy</i> | | | X | | | | |
| <i>Pashman</i> | | | X | | | | |
| <i>Schwartz</i> | | | | | | | X |
| <i>Wissinger</i> | | | X | | | | |
| Total: | | | 8 | | | | 1 |

Robyn M. Hill 4/3/03

Robyn M. Hill
Chief Counsel