

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 03-151

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IN THE MATTER OF :  
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CYNTHIA SHARP MYERS :  
:   
AN ATTORNEY AT LAW :  
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Decision

Argued: June 19, 2003

Decided: August 25, 2003

Michael J. Sweeney appeared on behalf of the Office of Attorney Ethics.

Carl D. Poplar 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 stipulation between respondent and the Office of Attorney Ethics ("OAE"), arising out of respondent's misstatement of fact to a police officer. The OAE contended that respondent violated RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Respondent denied that contention.

Respondent was admitted to the New Jersey bar in 1983, and maintains an office for the practice of law in Haddon Heights, Camden County.

In 1999, respondent received a reprimand after she had a flyer published and circulated in several newspapers regarding living trusts and estate practice. The flyers contained a number of inaccurate and misleading statements, in violation of RPC 7.1(a)(1) (making false or misleading communications about the lawyer's services). In re Sharp, 157 N.J. 27 (1999).

On March 13, 1995, Detective John S. Long of the Cherry Hill Police Department and Investigator Martin Devlin of the Camden County Prosecutor's Office interviewed respondent at her law office. Respondent knew that the interview was related to the murder investigation of Carol Neulander, wife of Rabbi Fred Neulander, who has since been convicted of her murder. During the interview, respondent was questioned about a conversation she had with Peppi<sup>1</sup> Levin, in which Levin related that Neulander had said that he would like to find his wife dead and asked if Levin knew anyone who could help him. During respondent's March 13, 1995, interview, she denied to the investigators that she had the above conversation with Levin.

On October 6, 1997, respondent was again interviewed by Investigator Devlin<sup>2</sup>. During this interview respondent truthfully related the conversation she had with Levin, wherein Neulander stated to Levin that he would like to come home and find his wife

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<sup>1</sup> There are various spellings of Peppi throughout the record.

<sup>2</sup> Respondent received a grand jury subpoena in September or October 1997.

dead on the floor and wherein he asked Levin if he could find someone who would kill Mrs. Neulander.<sup>3</sup>

On October 18, 2001, respondent testified truthfully in the matter of State of New Jersey v. Fred Neulander. During her testimony, she admitted that she had lied to the investigators during the March 13, 1995, interview.<sup>4</sup>

On October 29, 2002, respondent testified truthfully in the retrial of the matter of State of New Jersey v. Fred Neulander. During her testimony, respondent again admitted that she had lied to the investigators during the March 13, 1995, interview.

The transcript of Neulander's trial is exhibit C to the stipulation. Respondent testified that when the police arrived at her office on March 13, 1995, she was "taken aback and hoping that [she] would not be involved in the situation." Exhibit C at 21. She testified further that, after the police left, she telephoned Levin and told him what had occurred. Levin told her to "forget about it." Thereafter, respondent did not telephone the police.

The transcript of respondent's testimony in Neulander's retrial is in evidence as exhibit D to the stipulation. At the retrial, when asked why she denied the conversation when questioned by the police in 1995, respondent testified: "I've asked myself that a thousand times. It was a surprise that they came in. I wasn't considering it a formal investigation. I'm human. I don't think I understood its importance." She added further that she had used poor judgment and regretted her actions.

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<sup>3</sup> Respondent was placed under oath during the interview.

<sup>4</sup> This matter was referred to the disciplinary system by the trial judge.

The OAE contended that respondent's conduct violated RPC 8.4(c). Respondent denied that her conduct was in violation of that rule.

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Following a de novo review of the record, we found that the stipulated facts support a finding that respondent's conduct was unethical, and in violation of RPC 8.4(c).

Respondent's argument that she lied to the police because she was taken aback during the March 1995 interview does not hold up to scrutiny. Two and a half years passed before she was again interviewed by the police. At some point during that time she should have gotten over her shock and come forward with the information she had available. Her failure to correct her original misrepresentation for that length of time, and until she was facing a subpoena, belies her contentions.

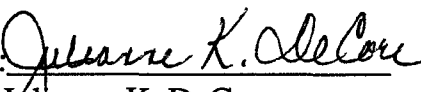
In support of its position that respondent should receive a reprimand, the OAE pointed to In re Devin, 138 N.J. 46 (1994), where the attorney misrepresented to a police officer that his client was on vacation in New York, when the attorney knew that his client had been incarcerated in New York. Devin received a three-month suspension for his misconduct, which also included a series of misrepresentations to his client. See also In re Farr, 115 N.J. 231 (1989) (where the attorney was suspended for six months for serious misconduct while serving as an assistant prosecutor, which misconduct included lying to the Attorney General's office during the course of an official investigation, by denying his use and possession of controlled dangerous substance).

Using Devin as a starting point, the OAE argued that, since a single misrepresentation to law enforcement officials in a capital murder investigation is at issue

here, a reprimand is appropriate. We disagree. Unlike Devin, respondent's misrepresentation was not made to benefit a client but, rather, was self-serving and against the public interest. Respondent did not want to become involved, even though she had information that would have been of use in a capital murder investigation. Although this matter does not rise to the level of Farr, where a six-month suspension was imposed, a majority of our members determined that case law supports the imposition of a three-month suspension. Four members dissented and would impose a reprimand. The dissenting members considered that respondent's testimony in the two murder trials mitigated to some extent her failure to be candid with the police.

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

Disciplinary Review Board  
Mary J. Maudsley, Chair

By:   
Julianne K. DeCore  
Acting Chief Counsel

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

In the Matter of Cynthia Sharp-Myers  
Docket No. DRB 03-151

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Argued: June 19, 2003

Decided: August 25, 2003

Disposition: Three-month suspension

<i>Members</i>	<i>Disbar</i>	<i>Three-month 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>		5	4				

  
Julianne K. DeCore  
Acting Chief Counsel

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