

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. 00-260

IN THE MATTER OF
SCOTT RINE HAZEL
AN ATTORNEY AT LAW

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Decision

Argued: October 19, 2000

Decided: April 11, 2001

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

Respondent failed to appear, despite proper notice.

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

This matter was before us on a motion for reciprocal discipline filed by the Office of Attorney Ethics (“OAE”) based on the Pennsylvania Supreme Court’s decision to discipline respondent. Respondent was admitted to the Pennsylvania bar in 1990 and the New Jersey bar in 1991. He has no history of discipline. Respondent has been on the ineligible list of the New Jersey Lawyers’ Fund for Client Protection since September 20, 1993. This matter came to the attention of the OAE from the Pennsylvania Office of Disciplinary Counsel, not

respondent, as required pursuant to R.1:20-14(a)(1) (duty to report discipline in another jurisdiction).

The Disciplinary Board of the Supreme Court of Pennsylvania (“Pennsylvania Disciplinary Board”) placed respondent on substance abuse probation in 1997 after it privately reprimanded him for a driving while under the influence conviction. The probation was for a period of one year, subject to various terms and conditions relating to respondent’s alcohol abuse. Respondent was assigned a sobriety monitor who, in accordance with his responsibilities, filed written reports that established respondent’s failure to comply with the conditions of his substance abuse probation. Thereafter, a Petition for Revocation of Probation was filed. The Pennsylvania Disciplinary Board reviewed the matter on June 10, 1998 and found that respondent had violated the conditions of his probation and recommended a suspended suspension for a period of one year and one day and that respondent be placed on probation for a period of one year with certain conditions.

Respondent again failed to comply with his probation. Following the review of a second petition to revoke respondent’s probation, the Pennsylvania Disciplinary Board ordered a one year and one day suspension on March 1, 2000.

The basis for respondent’s suspension is set forth in the November 2, 1999 report and recommendation of the Pennsylvania Disciplinary Board:

Respondent has violated the terms of his probation. Pursuant to the Order of the Supreme Court of Pennsylvania dated January 12, 1999, Respondent was required to attend Alcoholics Anonymous meetings on a weekly basis. Respondent attended infrequently, according to the quarterly reports of

Attorney Jones. Respondent was required to meet at least twice monthly with Attorney Jones, as well as maintain weekly telephone contact with him. These face-to-face meetings occurred sporadically and the telephone contacts were equally infrequent. Attorney Jones indicates in his reports that Respondent did not make attempts to meet or talk to him. Attorney Jones contacted Respondent's AA sponsor, who informed Attorney Jones that Respondent had not been in contact with him. The sponsor did meet with Respondent after this conversation with Attorney Jones and reported that the meeting was not productive. Attorney Jones became sufficiently alarmed by information he heard concerning Respondent to schedule a meeting with him. This meeting lasted for three hours and was unproductive. Attorney Jones asked Respondent if he would be willing to take an immediate blood or urine test, and Respondent declined to do so. This prompted Attorney Jones to write to the Board to express his concerns.

Respondent admitted all of the allegations in the Petition for Revocation of Probation and stated at the hearing that he had nothing to add to Petitioner's presentation of evidence.

This is the second time that a Probation Revocation Petition has been filed against respondent. The first Petition resulted in a determination that respondent violated his probation. Instead of simply suspending respondent, the Court permitted him another opportunity to demonstrate that he could abide by the terms of substance abuse probation. The record is clear that Respondent was unable to comply with these conditions. Respondent poses a danger to the public by being allowed to continue to practice law. This member of the Board recommends that the Court lift the stay of suspension and impose a suspension of one year and one day effective from the date of the Court's Order.

The OAE urged that we impose an indefinite suspension on respondent and condition his application for reinstatement upon his submission of proof that he has been reinstated to practice law in Pennsylvania.

* * *

Upon a de novo review of the full record, we determined to grant the OAE's motion for reciprocal discipline. Pursuant to R.1:20-14(a)(5) (another jurisdiction's finding of misconduct shall establish conclusively the facts on which the Board rests for purposes of a disciplinary proceeding), we adopt the findings of the Disciplinary Board of the Supreme Court of Pennsylvania.

Reciprocal disciplinary proceedings in New Jersey are governed by R.1:20-14(a), which directs that

[t]he Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates or the Board finds on the face of the record upon which the discipline in another jurisdiction was predicated that it clearly appears that:

- (A) the disciplinary or disability order of the foreign jurisdiction was not entered;
- (B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;
- (C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;
- (D) the procedure followed in the following disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
- (E) the misconduct established warrants substantially different discipline.

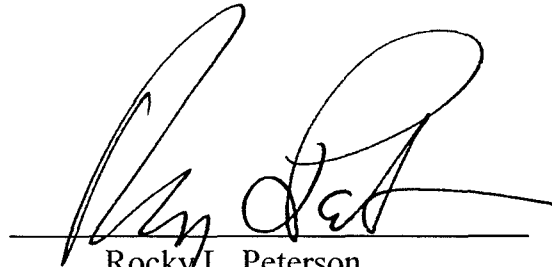
Nothing in the record indicates any condition that would fall within subparagraphs (A) through (E).

Generally, in New Jersey, attorneys who have failed to abide by a court's order, would normally be placed on temporary suspension until compliance is achieved. See, e.g., In re Mandle, 163 N.J. 438 (2000) (attorney temporarily suspended for failing to comply with the court's order); In re Harrison, 152 N.J. 427 (1998) (attorney temporarily suspended for failure to submit audits and drug testing reports to the OAE as required by the Court's Order); and In re Hinds, 143 N.J. 411 (1996) (attorney temporarily suspended for failing to provide ordered audited attorney account reconciliations).

Based on the foregoing, we unanimously determined to suspend respondent until he is reinstated to practice law in Pennsylvania. One member did not participate.

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

Dated: April 11, 2001


Rocky L. Peterson
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

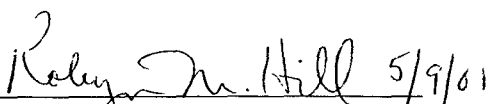
**DISCIPLINARY REVIEW BOARD
VOTING RECORD**

**In the Matter of Scott Rine Hazel
Docket No. DRB 00-260**

Decided: April 11, 2001

Disposition: suspended until restored in Pennsylvania

Members	Disbar	Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hyerling		x					
Peterson		x					
Boylan							x
Brody		x					
Lolla		x					
Maudsley		x					
O'Shaughnessy		x					
Schwartz		x					
Wissinger		x					
Total:		8					1


Robyn M. Hill
Chief Counsel