

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 99-450

IN THE MATTER OF :
SHARON HALL :
AN ATTORNEY AT LAW :

Decision
Default [R. 1:20-4(f)(1)]

Decided: September 18, 2000

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

Pursuant to R. 1:20-4(f)(1), the Office of Attorney Ethics (“OAE”) certified the record in this matter directly to us for the imposition of discipline, following respondent’s failure to file an answer to the formal ethics complaint.

On October 22, 1999 the OAE forwarded a copy of the complaint to respondent by certified and regular mail. The certified mail receipt was returned dated October 26, 1999. The signature was illegible. The regular mail was not returned. On November 30, 1999 a second letter was forwarded to respondent by certified and regular mail. The letter advised

respondent that, if she failed to file an answer within five days, the allegations of the complaint would be deemed admitted and the record would be certified directly to the Board for the imposition of discipline. The letter also amended the complaint to include a charge of RPC 8.1(b) (failure to respond to a lawful request for information from a disciplinary authority). Neither the certified mail nor the regular mail was returned.

Respondent did not file an answer to the formal ethics complaint. The record was certified directly to the Board for the imposition of discipline, pursuant to R. 1:20-4(f).

Respondent was admitted to the New Jersey bar in 1995. At all relevant times, she maintained a law office in South Orange, New Jersey.

Respondent was temporarily suspended on June 23, 1999 until the disposition of pending ethics matters against her. In re Hall, 158 N.J. 579 (1999). To date, she has not been reinstated. The Court's order of suspension also requires her to submit proof of her fitness to practice law, prior to filing for reinstatement.

Although respondent has not been otherwise disciplined, an additional matter is scheduled for hearing before the Board in the fall. In that matter, docketed as DRB 00-229, the special master filed a presentment for discipline following hearing on a sixteen-count complaint that alleged serious improprieties, including failure to abide by several court orders, inappropriate behavior toward the court, filing a frivolous suit against a judge, obstruction of discovery process, misrepresentation and pattern of neglect.

* * *

In the default matter now before us, the three-count complaint charged respondent with a violation of RPC 8.4(d) (conduct prejudicial to the administration of justice) for her willful violation of R. 1:20-20 (future activities of attorney who has been disciplined) and R. 1:20-20(b)(14) (count one); R. 1:10-1 (contempt of court), RPC 3.5(c) (conduct intended to disrupt a tribunal); and RPC 8.4(d) (conduct prejudicial to the administration of justice) for her contemptuous behavior toward the court (count two); and RPC 8.1(b) (failure to cooperate with the disciplinary authorities) (count three).

According to the first count of the complaint, the Court's order temporarily suspending respondent from the practice of law directed her to comply with R. 1:20-20, concerning suspended attorneys. Among other things, R. 1:20-20(b)(14) required respondent to file with the OAE a detailed affidavit of her compliance with the provisions of R. 1:20-20 and with the Court's order, within thirty days of her suspension. By letters dated July 1, 1999 and August 10, 1999, the OAE informed respondent that she was required to comply with her obligations under R. 1:20-20 and that her failure to do so would be considered contempt of court, pursuant to R. 1:20-20(b)(14). The letters also notified respondent that her failure to substantially comply with these requirements would preclude the consideration of an application for reinstatement.

Respondent did not timely file an affidavit demonstrating her compliance with R. 1:20-20. Instead, on October 4, 1999 the OAE received a copy of a letter she sent to the Court,

dated September 29, 1999, about her “Emergent Application to Vacate and Reinstate License.” The letter listed a telephone number. When an OAE employee dialed that number, the following voice mail message was received: “You’ve reached the law office of Sharon Hall.” The complaint, thus, also charged that respondent’s telephone message violated R.1:20-20(b)(4), which states that a suspended attorney should not use any sign or advertising suggesting that the attorney conducts or maintains a law office of any kind or that the attorney is entitled to practice law. The complaint further charged that this conduct violated RPC 8.4(d) (conduct prejudicial to the administration of justice).

The second count of the complaint alleged that respondent represented the plaintiff in the matter of Boyd v. Plainfield Police Department, et al., which was dismissed in February 1999. Respondent filed a motion for reconsideration, which was denied on March 25, 1999. By order dated April 20, 1999, the judge found respondent in contempt of court for conduct that had occurred the day before. Specifically, respondent accused her adversaries of being liars, maligned the court, refused to abide by the court’s instructions, intimated that there was a conspiracy between the court and defense counsel and made baseless charges of racism against the court. The judge imposed a \$650 fine for respondent’s contempt of court.

Despite the court’s finding that respondent had engaged in contemptuous conduct, on April 21, 1999 she continued her improper behavior by filing a motion for reconsideration to restore the case to the trial list and to have the judge disqualified from the case. The

complaint alleged that respondent's conduct in this regard was a violation of R. 1:10-1, RPC 3.5(c) and RPC 8.4(d).

The third count of the complaint alleges that, on June 3, 1999, the OAE filed a petition with the Court seeking respondent's immediate temporary suspension. The petition relied, in part, on 1) the trial judge's finding that respondent was in contempt in the Boyd matter, 2) an Appellate Division opinion in the matter of Grant v. Newark Board of Education, et al., finding that respondent's client's claim had been dismissed because of respondent's contumacious and outrageous conduct and 3) a grievance dated May 5, 1999 filed with the OAE, alleging wrongful conduct by respondent in the matter of N.J. DYFS v. Robin Pulliam and Jerry Stebbins.

By letter dated July 16, 1999, the OAE requested that respondent reply to grievances filed against her in the Boyd, Grant and Pulliam matters within thirty days of her receipt of the letter. Respondent failed to reply to the OAE's request for information. The complaint, therefore, charged respondent with a violation of RPC 8.1(b).

* * *

Service of process was properly made in this matter. Following a review of the complaint, we find that the facts recited therein support the charges of unethical conduct. Because of respondent's failure to file an answer, the allegations of the complaint are

deemed admitted. R. 1:20-4(f)(1).

Respondent submitted a letter to the Board, dated March 8, 2000, which we treated as a motion to vacate the default in this matter. Even if respondent were to demonstrate good cause for her failure to file a timely answer, however, neither her belated answer to the complaint nor her statements in her letters of March 8, 2000 and March 22, 2000 (where respondent contested the adequacy of the certification of the default and claimed that she was never served with it) presented meritorious defenses to the charges of unethical conduct. We, therefore, determined to deny respondent's motion to vacate the default.

We now turn to our findings in this matter.

Respondent's failure to file an affidavit with the OAE after her temporary suspension support the charge that respondent violated R. 1:20-20(b)(14). She also violated R. 1:20-20(b)(4) by continuing to maintain a law office after she had been temporarily suspended by the Court. The above two improprieties also constituted violations of RPC 8.4(d). In addition, respondent's contemptuous conduct in the Boyd matter was a violation of RPC 3.5(c) and RPC 8.4. Finally, respondent's failure to provide a reply to the grievances against her violated RPC 8.1(b).

Intimidating and contemptuous conduct has resulted in discipline ranging from a reprimand to a suspension. See In re Hartmann, 142 N.J. 587 (1995) (reprimand where attorney intentionally and repeatedly ignored court orders to pay opposing counsel a fee and who, in a separate matter, engaged in discourteous and abusive behavior to a judge); In re

Stanley, 102 N.J. 244 (1986) (reprimand where attorney engaged in shouting and other discourteous behavior toward the court in three separate cases; in mitigation, it was considered that the attorney was retired from the practice of law, had no prior discipline and did not injure any party by his conduct); In re Vincenti, 92 N.J. 591 (1983) (one-year suspension for making twenty-three verbal attacks on judges, lawyers, witnesses and bystanders); In re Vincenti, 114 N.J. 275 (1998) (three-month suspension for one additional instance of abusive behavior, despite a one-year suspension for similar conduct).¹

Here, respondent's conduct was not as serious and pervasive as that of Vincenti; but more akin to that of Hartman and Stanley, which resulted in reprimands. Even with respondent's added violations of the rules dealing with suspended attorneys, had respondent participated in the ethics proceedings and fully cooperated with the disciplinary authorities, a suspension would most likely not be warranted. Because, however, of respondent's failure to answer the complaint, thereby allowing this matter to proceed as a default, we are convinced that enhanced discipline is required. We, therefore, unanimously determined to impose a three-month suspension.

As noted above, the Court's order for respondent's temporary suspension states that, when respondent applies for reinstatement, she must submit proof of fitness to practice law. Because of our continued concerns about respondent's psychological fitness to represent clients, we determined to require her to present proof of fitness to practice law, before we

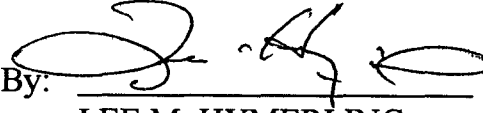
¹ Vincenti was later disbarred for further misconduct of this nature. In re Vincenti, 152 N.J. 253 (1998).

review her reinstatement application at the expiration of the three-month suspension now imposed. In accordance with the Court's prior Order, any application for reinstatement of respondent shall not be considered until all matters currently pending against her have been completed.

One member did not participate.

We further directed that respondent reimburse the Disciplinary Oversight Committee for administrative costs.

Dated: 9/18/00

By: 
LEE M. HYMERLING
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY


**DISCIPLINARY REVIEW BOARD
VOTING RECORD**

**In the Matter of Sharon Hall
Docket No. DRB 99-450**

Decided: September 18, 2000

Disposition: Three-month suspension

Members	Disbar	Three-month 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 10/11/00
Chief Counsel