SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 00-229

IN THE MATTER OF

SHARON HALL

AN ATTORNEY AT LAW

Decision

Argued: November 16, 2000

Decided: April 11, 2001

John McGill, III 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 based on a recommendation for discipline filed by Special Master Bernard A. Kuttner. The fifteen-count complaint[1] charged that respondent engaged

[1] Although the complaint ends with count sixteen, there is no count five. Count fourteen was withdrawn by the Office of Attorney Ethics.

in a pattern of neglect, in violation of *RPC* 1.1(b), exhibited a lack of diligence, in violation of *RPC* 1.3, asserted frivolous claims and contentions, in violation of *RPC* 3.1 and *R.* 1:20-7(f), failed to expedite litigation, in violation of *RPC* 3.2, unlawfully obstructed another party's access to evidence, in violation of *RPC* 3.4(a), knowingly disobeyed an obligation under the rules of a tribunal, in violation of *RPC* 3.4(c), alluded to irrelevant matters in trial, in violation of *RPC* 3.4(e), engaged in conduct intended to disrupt a tribunal, in violation of *RPC* 3.5(c), engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of *RPC* 8.4(c), engaged in conduct prejudicial to the administration of justice, in violation of *RPC* 8.4(d), and failed to maintain a *bona fide* office, in violation of *R.* 1:21-1 [more appropriately, a violation of *RPC* 5.5(a)].

Respondent was admitted to the New Jersey bar in 1995. On June 24, 1999, she was temporarily suspended from the practice of law until the disposition of several ethics matters pending against her. *In re Hall,* 158 *N.J.* 579 (1999). The suspension order required respondent to submit proof of fitness to practice law before filing a petition for reinstatement. The order further provided that, if appropriate, disability inactive status proceedings, pursuant to *R.* 1:20-12, could be instituted against respondent.

In *In the Matter of Sharon Hall*, DRB Docket No. 99-450 (October 11, 2000), we determined to impose a three-month suspension for respondent's failure to file an affidavit with the Office of Attorney Ethics ("OAE") after her temporary suspension, in violation of *R.* 1:20-20(b)(14) and *RPC* 8.4(d); her continued maintenance of a law office after her

temporary suspension, in violation of *R.* 1:20-20(b)(4) and *RPC* 8.4(d); her contemptuous conduct, as found by a Superior Court judge, in accusing her adversaries of lying, maligning the court, refusing to abide by the court's instructions, suggesting the existence of a conspiracy between the court and her adversaries and making baseless charges of racism against the court, in violation of *RPC* 3.5(c) and *RPC* 8.4(d); and her failure to reply to the ethics grievances, in violation of *RPC* 8.1(b). That matter is pending with the Court.

Until her suspension, respondent maintained a law office in South Orange, Essex County, New Jersey.

* * *

This matter was previously before us as a default. On June 3, 1999 the OAE certified the record to us as a default, based on a ruling by special master Joseph A. Ferriero that respondent's answer was deficient because it was not verified and did not contain the specificity required by *In re Gavel*, 22 *N.J.* 248, 263 (1956). On October 28, 1999 we vacated the default and remanded the matter for a hearing before another special master. The matter is now before us based on special master Bernard A. Kuttner's recommendation for discipline. Although there were three hearing days, respondent appeared only on the first day, March 29, 2000. At the hearing, the special master granted the presenter's motion to (1) bar respondent from submitting evidence in connection with counts three through eleven,

thirteen and fifteen, because she failed to file an answer to the violations charged in those counts, despite a January 21, 2000 case management order directing her to file an answer; (2) preclude respondent's answer from being given any evidential weight, other than admissions; (3) amend the complaint to include reference to various exhibits; and (4) consolidate count four with count ten, since both allege the same conduct.

Respondent failed to appear for the April 18 and April 19, 2000 hearing days and to give prior notice of her absence to the presenter or the special master. Because respondent did not testify at the ethics hearing, her arguments have been gleaned from the documentary evidence.

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The Fulton Matter (Counts One Through Eleven)

In November 1995 respondent was retained to represent Benjamin Fulton, the defendant in a matrimonial proceeding. Mr. Fulton and his wife, Donnie Lee Fulton, had been married in 1953 and lived together until 1992, when Mr. Fulton relocated to South Carolina, after winning a $7,000,000 New Jersey lottery award. The award was payable in twenty annual installments of $290,000. The couple had nine children, all of whom were emancipated when Mr. Fulton left the marital home. Although on August 2, 1994 Mr. Fulton was personally served with a summons and complaint for divorce in South Carolina, he failed to file an answer, resulting in the entry of a default against him.

On November 8, 1994 Mr. Fulton was personally served at a gambling casino in Atlantic City, New Jersey, with a subpoena and a notice of equitable distribution, which indicated that Mrs. Fulton was seeking a share of the lottery winnings, the marital home and its contents. After Mr. Fulton failed to file any pleadings or appear at the trial, Judge Herbert S. Glickman granted Mrs. Fulton an equitable distribution award of one-half of the lottery payments, retroactive to 1994, as well as one-half of the marital home and its contents. On February 27, 1995 Judge Glickman entered a final judgment of divorce.

At some point, Mr. Fulton retained an attorney, Richard Slavitt, who filed a motion to vacate the final judgment in May 1995. Before Judge Glickman ruled on the motion, counsel began settlement negotiations and, in July 1995, asked Judge Glickman for additional time to attempt to reach a compromise. Although the request was granted, the parties did not settle the matter. On October 26, 1995 Judge Glickman notified the attorneys that a plenary hearing was required, in order to resolve factual disputes. In the October 26, 1995 letter, Judge Glickman also authorized limited discovery; set deadlines for interrogatories and depositions; announced that he would award a *pendente lite* counsel fee to Mrs. Fulton's attorney; and strongly recommended that the parties review the case of *DeVane v. DeVane*, 280 *N.J. Super.* 488 (App. Div. 1995)[2], and try to resolve the matter

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[2] In *DeVane*, the Appellate Division ruled that the factors in the equitable distribution statute apply to lottery winnings and that judges must fashion an award of marital assets guided by the principles of that statute.

without a plenary hearing. Judge Glickman instructed Slavitt to prepare an order for a plenary hearing.

On November 1, 1995 respondent sent a letter to Judge Glickman indicating that she had been retained to represent Mr. Fulton and that she was forwarding a substitution of attorney to his prior counsel. On November 15, 1995, before the substitution of attorney had been filed, respondent filed a motion returnable on December 1, 1995, seeking relief similar to the relief sought in Slavitt's earlier motion to vacate the default. Pursuant to Judge Glickman's instructions, his law clerk advised respondent not to appear on December 1, 1995. Judge Glickman extended the discovery deadlines, directed respondent to submit the order requested in his October 26, 1995 letter to Slavitt, as well as a substitution of attorney, and reserved decision on respondent's motion to vacate the default, pending receipt of the requested documents. It was not until January 11, 1996, more than two months after she wrote to Judge Glickman, that respondent filed the substitution of attorney.

On January 27, 1996 Judge Glickman scheduled a case management conference for February 16, 1996 and directed both parties to appear. Mrs. Fulton and her attorney, Yale Greenspoon, appeared at the conference, which had been rescheduled for February 22, 1996. Respondent and Mr. Fulton did not appear. On March 22, 1996 Judge Glickman entered an order denying respondent's motion to vacate the default or modify the divorce judgment and granting Mrs. Fulton $3,200 in counsel fees.

After respondent filed an emergent motion, on April 25, 1996 the Appellate Division reversed the March 22, 1996 order and remanded the matter for a plenary hearing.[3] On July 9, 1996, in response to Mrs. Fulton's application for an order to show cause, Judge Glickman heard oral argument and entered an order requiring respondent to appear on July 23, 1996 to show cause why an order should not be entered compelling the New Jersey State Lottery Commission to release $131,580 to Mrs. Fulton's attorneys, to be held in escrow pending the plenary hearing. Greenspoon and a deputy attorney general representing the New Jersey State Lottery Commission appeared at the July 9, 1996 hearing. Respondent did not appear. Although respondent claimed that she had filed a response to the order to show cause, neither Greenspoon nor Judge Glickman received those papers.

On July 19, 1996, four days before the return date of the order to show cause, respondent filed an emergent motion for leave to appeal, which was denied by the Appellate Division. Respondent failed to provide Judge Glickman with notice of the emergent application. She appeared late for the July 23, 1996 proceeding and claimed that she had not received notice of the July 9, 1999 hearing.

At the ethics hearing, Frances Zuckerman, Greenspoon's secretary, testified that she had provided telephonic notice of the hearing to respondent on July 8, 1996. Zuckerman's notes, made during the telephone conversation, indicated that respondent replied that she

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[3] In a 1998 opinion stemming from an appeal from a later order, the Appellate Division discussed this interlocutory appeal as follows: "Insofar as we are able to reconstruct the record, it appears that the basis for our order was [respondent's] disingenuous certification challenging the court's acquisition of jurisdiction to have distributed the marital assets in the default judgment."

was too busy to appear at the show cause proceeding. Zuckerman asserted that, after advising respondent of the July 9, 1996 court proceeding, she telephoned respondent twice that afternoon and again the next morning, asking for respondent's telefax number, in order to transmit the motion papers to her. According to Zuckerman, she left messages on respondent's answering machine on those three occasions, as well as many other times. Zuckerman added that she rarely reached respondent by telephone. Judge Glickman found that, although Greenspoon's office had sent a copy of the order to show cause papers by regular and certified mail, respondent did not accept the certified copy, despite three delivery attempts by the post office.

At the July 23, 1996 proceeding, Judge Glickman scheduled the plenary hearing for October 28, 1996 at 9:30 a.m. He also fixed timeframes for discovery, including interrogatories and depositions, extending those deadlines for two weeks to accommodate respondent's schedule. Judge Glickman also required respondent to file a memorandum of law by September 16, 1996, supporting her position that, notwithstanding the *DeVane* case, Mrs. Fulton was not entitled to any portion of the lottery winnings. Respondent contended that, because Mrs. Fulton had opposed Mr. Fulton's habit of buying lottery tickets, she was precluded from sharing in the lottery proceeds. Greenspoon was required to file a responsive brief by September 23, 1996. These rulings were memorialized in an August 12, 1996 order. Respondent filed a motion for leave to appeal the August 12, 1996 order, which was denied.

On October 7, 1996 Judge Glickman heard oral argument on Mrs. Fulton's motion to enforce three orders requiring Mr. Fulton to pay a total of $14,405.80 in counsel fees and to suppress Mr. Fulton's defenses and enter default against him for failure to comply with the August 12, 1996 discovery order. As of October 7, 1996, respondent had not served interrogatories, a notice to produce documents or a notice to take depositions.

At the October 7, 1996 proceeding, respondent argued that, because Mrs. Fulton had already paid her attorney, she was not entitled to an award of counsel fees. Respondent further maintained that, despite the discovery deadlines fixed in Judge Glickman's August 12, 1996 order, she was entitled to follow the court rules, which grant a party sixty days to file answers to interrogatories.

In addition, respondent filed a cross-motion seeking to consolidate the matrimonial action and a new lawsuit by Mr. Fulton against Mrs. Fulton's attorneys, seeking compensatory and punitive damages for the alleged conversion of his lottery winnings, for emotional distress and for bad faith litigation.

Respondent filed another cross-motion to set a discovery schedule and a trial date. She contended that she could not comply with Mrs. Fulton's discovery requests or propound discovery of her own because her time had been consumed by the interlocutory appeals that she had filed in the *Fulton* case. Respondent also asserted that, because the discovery had not been completed, she could not file the legal memorandum by the September 16, 1996

deadline. She also complained that Greenspoon had not complied with her request for production of documents, which, as it turned out, she had never served on him.

During the October 7, 1996 proceeding, Judge Glickman noted that respondent, not Mr. Fulton, had signed all of the certifications filed in connection with the pending motions, despite the requirement in the court rules that certifications be signed by litigants.

Notwithstanding that at the July 23, 1996 proceeding and in the August 12, 1996 order Judge Glickman had scheduled the plenary hearing for October 28, 1996, at the October 7, 1996 proceeding respondent claimed that she was required to appear before another judge on October 28, 1996. Judge Glickman ordered respondent to disclose to him the name of the parties, the case's docket number and the name of the judge to whom it had been assigned. The judge told respondent that, if she had a conflicting schedule, he would arrange for her to be excused from appearing before the other judge and that, therefore, she should appear before him on October 28, 1996. In addition, at the October 7, 1996 proceeding, respondent represented to the judge that she would be taking Mrs. Fulton's deposition on October 17, 1996, at Greenspoon's office.

In summary, at the October 7, 1996 proceeding, Judge Glickman made the following rulings:

- Respondent was to file and serve a legal memorandum by October 14, 1996 or be sanctioned $100, payable to the Superior Court clerk. The memorandum had to state the factual basis for respondent's position, a discussion of the cases and statutes relied upon and the names of proposed witnesses.

- Greenspoon was to file a responding memorandum by October 18, 1996.

- Respondent was to depose Mrs. Fulton at Greenspoon's office on October 17,1996.
- The plenary hearing was to be held on October 28, 1996 at 10:00 a.m.
- Respondent was to advise the court, by October 8, 1996, of any conflict she had with the October 28, 1996 hearing date.
- Judgment of $14,405.80 was entered against Mr. Fulton for counsel fees previously awarded, plus an additional $750 for appearances at the motion and the appellate hearings.
- Respondent's motion to alter the discovery and trial dates was denied.
- Respondent's motion to consolidate the matter with the complaint filed against Mrs. Fulton's attorneys was denied.
- Mrs. Fulton's motion to suppress Mr. Fulton's defenses and to enter default was denied.

Although respondent timely submitted a letter to Judge Glickman indicating the name of the case before the other judge, she neglected to provide the name of the judge or the docket number. On October 11, 1996 Judge Glickman directed her to provide the name of the judge and the docket number and told her the following:

> I will call that judge to get you excused so that the Fulton case can proceed on October 28th, 1996. You do not have the option of deciding which case will proceed on that date. Unless you are otherwise advised by me or some other judge, you are to appear before me on October 28th, 1996 with your client and other witnesses prepared to proceed in the Fulton matter.

Despite the judge's clear direction, instead of attending the hearing on the *Fulton* matter, respondent appeared before Judge Convery on a default matter that concluded at about 10:00 a.m., after which respondent left the courthouse. Judge Convery's courtroom

was across the hall from Judge Glickman's courtroom. Greenspoon had seen respondent in the courthouse at approximately 9:40 a.m. on October 28, 1996.

Moreover, despite agreeing, at the October 7, 1996 proceeding, to take Mrs. Fulton's deposition at Greenspoon's office on October 17, 1996, respondent scheduled the deposition to take place at the office of the court reporter, claiming that her client was unwilling to attend Greenspoon's office because "this conjures up traumatic memories of pain of what this attorney has put Mr. Fulton through." When Greenspoon refused to change the location of the court-ordered deposition, respondent filed a motion to compel Mrs. Fulton's deposition and for counsel fees. She filed a subsequent motion for Judge Glickman's recusal from the case.

On October 28, 1996 Judge Glickman (1) denied respondent's motions to vacate the divorce judgment, to compel Mrs. Fulton's deposition, to award counsel fees to Mr. Fulton and to recuse himself, and (2) awarded Mrs. Fulton counsel fees of $16,412.75. Judge Glickman then made the following statement:

> This case is outrageous. I've been a judge more than 18 years. I have never had an attorney deal with the Court as deceptively and as disrespectfully as Miss Hall has done in this case. I believe part of her problem is that she does not appear to understand what she's doing and she may very well be the most incompetent attorney who has appeared before me in 18 years of being a judge.

On October 29, 1996, as a result of respondent's failure to file the legal memorandum that was due on October 14, 1996, Judge Glickman entered an order requiring her to pay a

$100 sanction to the Superior Court clerk by November 12, 1996. The order warned respondent that, if she did not pay the sanction timely, further sanctions would be imposed.

Also on October 29, 1996, Judge Glickman wrote to respondent, warning her that he would impose a $500 sanction for her failure to appear at the October 28, 1996 plenary hearing, unless she appeared on November 13, 1996 with an acceptable explanation. When respondent appeared before Judge Glickman on that date, she announced that she was there to collect an order on her motion for his recusal. After Judge Glickman reminded respondent that she was there to explain her failure to appear at the plenary hearing, respondent stated the following:

> Your Honor, as the Court is well aware, Mr. Fulton's not the only client that I have. I have a lot of clients, and I informed the court many weeks ago that I had other business to take care of. Now if the Court gave Greenspoon a one-month adjournment to celebrate his birthday with his wife, the other attorney who stole the money from my client,[4] then surely the Court should give me an adjournment to conduct regular business.

At first, thus, respondent stated that she did not attend the plenary hearing because she had other clients and because her adversary had previously obtained an adjournment. Apparently, respondent did not understand the difference between obtaining an advance adjournment ordered by the court with notice to one's adversary and simply failing to appear at a scheduled hearing. Respondent next claimed that Judge Glickman's law clerk had left

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[4] Greenspoon had received an adjournment of a hearing, ostensibly because of a birthday. Greenspoon, as well as his law partner and wife, Ellisa Kasdan Waknine, were sued by respondent based on the court-ordered lottery distributions to Mrs. Fulton, which respondent characterized as "stealing."

three telephone messages advising her that, on October 28, 1996, Judge Glickman would be hearing respondent's motion for his recusal and to compel plaintiff's deposition. Respondent, therefore, contended that she did not appear because she understood that the judge would be considering motions, instead of conducting a plenary hearing.

Also at the November 13, 1996 proceeding, respondent denied that, on October 7, 1998 she had agreed to take Mrs. Fulton's deposition at Greenspoon's office. According to respondent, she had agreed only to the date and time of the deposition, not the location. Respondent denied that she had agreed to appear at Greenspoon's office, even after Judge Glickman read the following statement from the October 7, 1996 transcript:

> The Court: It will be at Mr. Greenspoon's office at --
> Ms. Hall: Yeah, I can go over there.

On November 14, 1996 Judge Glickman entered an order imposing a $500 sanction for respondent's failure to appear at the October 28, 1996 plenary hearing, finding that her explanation was "completely unacceptable" and her conduct "clearly contumacious." Respondent did not pay the $100 and the $500 sanctions.

Three months later, on February 19, 1997, respondent filed a motion with the Appellate Division to file *nunc pro tunc* a notice of appeal from Judge Glickman's November 14, 1996 order denying her motion to vacate the default. On March 11, 1997 the Appellate Division denied the motion as untimely filed.[5] In her certification in support of

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[5] *R.* 2:4-4(a) permits the appellate court to extend the forty-five day period for filing an appeal for an additional thirty days if the notice of appeal is filed within the thirty-day period.

the motion, respondent alleged that Judge Glickman had not signed the November 14, 1996 order on that date, accusing him of "back-dating" the order and thereby depriving her of the opportunity to file a timely notice of appeal. Respondent claimed that Judge Glickman had directed her adversary to send the November 14, 1996 order to her client, instead of to her, that her client had not received the order until December 2, 1996 and that, in turn, she had not received the order until the end of December 1996.[6]

On April 17, 1997, after respondent's unsuccessful motion to the Appellate Division, she filed a motion to vacate Judge Glickman's November 14, 1996 order denying her previous motion to vacate the divorce judgment. Greenspoon filed a cross-motion for entry of judgment of legal fees of $17,792.75 and for the distribution of the July 1997 lottery proceeds directly to him, as Mrs. Fulton's attorney. On May 28, 1997, Jeralyn Paulson, Judge Glickman's law clerk, left a message on respondent's answering machine, asking if respondent had filed an objection to the cross-motion. Respondent failed to return the telephone call. On May 29, 1997 Ms. Paulson again left a message on respondent's answering machine, advising her not to appear for oral argument on May 30, 1997 because Judge Glickman had decided the motions on the papers. Judge Glickman was present when Ms. Paulson left both messages. Yet, on May 30, 1997 respondent appeared for oral argument, claiming that she had not received the telephone messages or the cross-motion.

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[6] Had respondent filed a motion to extend the time to file the notice of appeal immediately upon receipt of the order from her client, her motion would have been timely under *R.* 2:4-4(a). Although the motion may not have been granted, respondent at least had the opportunity to obtain an order allowing the appeal to be filed out-of-time.

The return receipt indicated that the cross-motion had been delivered to respondent on May 12, 1997.

On June 17, 1997, Judge Glickman entered an order denying respondent's motion and granting her adversary's cross-motion. Respondent's subsequent emergent applications to both the Appellate Division and the Supreme Court were denied on July 21 and July 22, 1997, respectively.

Respondent then filed a notice of appeal from Judge Glickman's June 17, 1997 order, denying her motion to vacate the November 14, 1996 order. On December 21, 1998 the Appellate Division affirmed the appealed order:

> We are constrained to note that in the collective judicial experience of this panel,[7] the incompetence, contumacious conduct, and ethical improprieties of [respondent] are unparalleled by far. Suffice it to say that after every reasonable opportunity had been granted defendant and his attorney by Judge Glickman for a plenary hearing on the merits, Hall persisted in her outrageous and inexplicable conduct, failing to comply with the court's discovery and scheduling directions.
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> We are constrained further to point out that just prior to the entry of the June 17, 1997 order, defendant, by Hall, instituted a separate action against plaintiff's attorneys charging them with conversion of defendant's lottery jackpot. Hall has continued, in her various court papers and oral addresses to the court, to assert that plaintiff's attorney's [sic] 'stole' and 'misappropriated' those funds. Our review of the record, however, makes it clear, that plaintiff's attorneys have always acted with respect to the one-half of the lottery jackpot awarded plaintiff under court order and authorization. Hall's wholly unfounded charges against plaintiff's lawyers, to say nothing of her

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[7] As of the date of the decision, Judges Pressler, Brochin and Kleiner had been judges for at least thirty-eight years, collectively.

> unfounded, repeated and slanderous charges against Judge Glickman, are in our view and in light of the record, completely irrational and incomprehensible.

The Appellate Division was concerned that, because Hall "unilaterally sabotaged defendant's adjudicated right to a plenary hearing," Mr. Fulton may have been deprived of the opportunity to challenge the equitable distribution scheme ordered by Judge Glickman. Thus, the court directed counsel to submit arguments on that issue. The Appellate Division characterized respondent's submission as follows:

> Insofar as we understood Hall's oral argument before us, she was relying, in opposition to the distributability of the lottery jackpot, solely on the hearsay and legally irrelevant assertion that plaintiff should not share in it because she had opposed defendant's practice of buying lottery tickets . . . [W]e received from Hall only another vituperation charging both the trial judge and plaintiff's attorneys with wrongful conduct, charges that are entirely unsupported by the record.

Noting that Judge Glickman had contacted the ethics authorities about respondent, the Appellate Division directed the clerk of the court to transmit a copy of its opinion to the OAE and to notify that office that the court would retain its record, if required.

On December 28, 1998 respondent filed a notice of petition for certification with the Supreme Court. Although the record is silent on this point, presumably respondent's petition for certification was denied.

For her part, respondent contended that the OAE never provided her with a written grievance or any documents in support of the charges contained in counts three through eleven, thirteen and fifteen. Respondent argued before the special master that *R.*1:20-3(g)(2)

required those counts to be dismissed or designated as untriable. Notwithstanding that argument, respondent was directed in a January 21, 2000 case management order to file an answer to those counts. She did not do so.

In a July 29, 1997 letter to the OAE, respondent asserted that she had been unable to write the legal memorandum that Judge Glickman had ordered because (1) the judge had not given her a specific subject or issue to write about and (2) the judge had not permitted her to take Mrs. Fulton's deposition. With respect to the $500 fine for respondent's failure to appear at the October 28, 1996 plenary hearing, respondent contended that she reasonably believed that the judge would not be holding a plenary hearing on that day. According to respondent, Judge Glickman's law clerk had left three telephone messages stating that Judge Glickman would be ruling on her recusal motion on that day. Respondent claimed that, because the law clerk did not mention that the judge wanted oral argument, she understood that the motion would be decided on the papers and that, therefore, her appearance was not required. Respondent also argued that, even if there was to be oral argument on the motion, her client would not have attended it and, therefore, the judge could not have held a plenary hearing in her client's absence. Respondent maintained that Judge Glickman never explained to her that the plenary hearing could have taken place after the recusal motion was heard.

The complaint charged respondent with the following violations:

- Count one - *RPC* 3.4(c), *RPC* 8.4(c) and *RPC* 8.4(d) for respondent's failure to submit the legal memorandum, failure to pay the $100 sanction and misrepresentation to the OAE that Judge Glickman had not given her an issue to address in the legal memorandum.

- Count two - *RPC* 3.4(c) and *RPC* 8.4(d) for respondent's failure to appear at the October 28, 1996 plenary hearing, failure to provide Judge Glickman, as he requested, with the name of the judge and the docket number of the case that allegedly conflicted with the plenary hearing and failure to pay the $500 sanction.

- Count three - *RPC* 3.2, *RPC* 3.4(c) and *RPC* 8.4(d) for respondent's failure to appear at the February 22, 1996 case management conference.

- Count four - *RPC* 3.2, *RPC* 3.4(c), *RPC* 8.4(c) and *RPC* 8.4(d) for respondent's attempt to change the location of Mrs. Fulton's deposition, failure to appear at her adversary's office for the deposition, denial, at the November 13, 1996 proceeding, that she had agreed to appear at her adversary's office and misrepresentation to the OAE that Judge Glickman would not permit her to depose Mrs. Fulton.

- Count six[8] - *RPC* 3.1, *RPC* 3.4(e), *RPC* 8.4(c) and *RPC* 8.4(d) for respondent's filing a February 13, 1997 certification with the Appellate Division, accusing Judge Glickman of back-dating documents and accusing Judge Glickman and Greenspoon of failing to forward a copy of the November 14, 1996 order, when respondent knew that the allegations were untrue or that there was no meritorious basis for such claims.

- Count seven - *R.* 1:21-1 [more appropriately *RPC* 5.5(a)], *RPC* 3.2, *RPC* 8.4(c) and *RPC* 8.4(d) for respondent's failure to appear at the July 9, 1996 show cause hearing, misrepresentation that she had not received notice of the hearing, misrepresentation that she had not received notice of Greenspoon's cross-motion filed on May 9, 1996, despite the return receipt evidencing delivery of the cross-motion on May 12, 1996 and failure to either be present in her law office or adequately staff her office, with the result that telephone messages were not retrieved or returned.

- Count eight - *RPC* 3.2, *RPC* 3.1, *RPC* 8.4(c) and *RPC* 8.4(d) for respondent's October 7, 1996 false accusation that Greenspoon had not complied with her notice to produce documents, when she had never served such a notice.

- Count nine - *RPC* 3.4(c) for respondent's conduct in filing certifications bearing her signature, instead of her client's, when respondent did not have personal knowledge of the contents of the certifications and the facts were not of record or subject to judicial notice.

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[8] As mentioned above, there is no count five in the complaint.

- Count ten - *RPC* 1.3, *RPC* 3.2, *RPC* 3.4(c) and *RPC* 3.5(c) for respondent's failure to file answers to interrogatories or to comply with a notice to produce documents, resulting in her adversary's cancellation of Mr. Fulton's deposition. [This count was merged with count four.]

- Count eleven - *RPC* 3.4(c) for respondent's failure to provide Judge Glickman with a copy of her July 19, 1996 emergent application filed with the Appellate Division in connection with the July 9, 1996 show cause order.

The Thompkins Matter (Count Twelve)

Respondent was retained to represent Rachel Simms Thompkins and Kim Thompkins against Chase Manhattan Bank, as well as numerous individual defendants, in an employment discrimination matter filed in the Superior Court of New Jersey. On December 6, 1996, respondent served a *subpoena duces tecum* on NYNEX Telephone Company ("NYNEX"), a New York corporation. Respondent sought the telephone records of one of the individual defendants. She failed to send a copy of the subpoena to grievant David MacGregor, the attorney for Chase Manhattan Bank and for some of the individual defendants. NYNEX informed respondent that, under New York state law, it was "not governed by the jurisdiction of any other state or local court" and declined to provide the requested records. On December 15, 1996 respondent sent a similar subpoena to NYNEX, this time on a United States District Court subpoena form. She inserted on the subpoena the caption of the case pending in Superior Court, omitting the case number and the federal district in which the matter was allegedly pending. As it turned out, respondent had not filed any proceeding in federal court, but merely used the federal court form because NYNEX had

indicated that it was not subject to the jurisdiction of the New Jersey state courts. In response to the subpoena, NYNEX provided the requested records to respondent. Respondent failed to notify her adversary, MacGregor, of the federal subpoena.

On January 2, 1997, after MacGregor's client advised him of the subpoena, he demanded that respondent serve him with a copy of the subpoena served on NYNEX and all other subpoenas that she had served in the *Thompkins* matter. On January 7, 1997 MacGregor informed respondent that he had learned that, not only had respondent served additional subpoenas seeking the personal telephone records of the defendants, but she had also received documents from NYNEX in response to at least one of the subpoenas. MacGregor advised respondent that the subpoenas were baseless because the matter was pending in state, not federal, court. He further warned respondent that she had committed an ethics violation by issuing those subpoenas. He demanded that she immediately notify the recipients of all subpoenas that they are null and void and that she return any documents received in response to the subpoenas. He renewed his demand that respondent provide copies of all subpoenas sent and records received in response. Respondent failed to reply to MacGregor's letters or to comply with his demands.

MacGregor then filed a motion to compel respondent to provide copies of the subpoenas served and documents produced. On February 7, 1997 the motion was heard by Judge June Strelecki. When Judge Strelecki asked respondent why she had used a federal subpoena, respondent replied that NYNEX would not accept a New Jersey subpoena and

that "[t]hey only recognize a subpoena from that court." Indeed, in her reply to MacGregor's grievance, respondent stated in a July 29, 1997 letter to the OAE:

> I followed proper procedure with respect to issuing a subpoena on Nynex in the Thompkins vs. Davis case. I first issued a New Jersey state subpoena on Nynex, a New York entity. I am enclosing a copy of the New Jersey subpoena which I first issued. Nynex wrote me back and said that 'Under New York Law, we are not governed by the jurisdiction of any other state or local court.' In response to this letter, I telephoned them, and they indicated that this meant that they would not accept a New Jersey subpoena on their New York entity because of a jurisdictional issue. They will only accept a federal subpoena if an out of state resident (NJ) is attempting to serve a New York entity, Nynex. I subsequently sent them the federal subpoena.

Later, in an October 13, 1997 letter to the OAE, respondent made the following additional explanation:

> In fact, the Federal Court of the Southern District Court in New York mailed me the federal subpoena that was ultimately used! This particular federal court mailed me the form since they are the closest court of competent jurisdiction to regulate Nynex. Therefore, this is contrary to Mr. MacGregor's assertion that the subpoena was false . . . Moreover, I am bit [sic] surprised that he does not understand this basic concept since he has been practicing law for some time.

Judge Strelecki granted MacGregor's motion, denied respondent's motion to compel the production of documents and indicated that she would send a copy of the February 7, 1997 transcript to the ethics authorities. On March 21, 1997 Judge Strelecki dismissed the complaint for respondent's failure to comply with her February 7, 1997 and March 11, 1997 orders, requiring her to provide to MacGregor copies of the subpoenas and documents produced in response to the subpoenas. According to MacGregor's testimony at the ethics

hearing, although respondent filed an appeal of the order dismissing the complaint, the Appellate Division dismissed the appeal for respondent's failure to file a brief.

In her October 13, 1997 reply to the OAE, respondent contended that (1) in December 1996 when she issued the NYNEX subpoena, MacGregor had not filed an answer on behalf of any of the defendants, (2) it was not until February 1997 that MacGregor filed an answer, and (3) pursuant to *R.* 1:5-1, she need not serve parties who have failed to appear. However, on October 31, 1996, almost two months before respondent issued the NYNEX subpoena, MacGregor had filed an answer in the *Thompkins* matter, certifying that an answer had been served within the time required by the court rules, as extended by stipulation among counsel. On October 31, 1996 MacGregor also filed a motion to dismiss certain counts of the complaint. His transmittal letter to the court clerk indicated that a copy had been sent to respondent. MacGregor testified at the ethics hearing that he had, indeed, served respondent with the answer and motion to dismiss. Moreover, on November 20, 1996, one month before respondent served the NYNEX subpoena, she served on MacGregor a request for the production of documents. Respondent, thus, was aware in November 1996, if not in October 1996, that MacGregor's clients had filed an answer and, therefore, should have served them with a copy of the NYNEX subpoena, as well as all pleadings filed in the matter.

Count twelve of the complaint charged respondent with a violation of *RPC* 3.4(a) and (c), *RPC* 8.4(c) and *RPC* 8.4(d) for failing to notify her adversary of the subpoenas she had

served, filing a false federal subpoena, failing to withdraw the subpoena, failing to provide her adversary with copies of the documents she had received in response to the subpoena and failing to respond to her adversary's letters.

The Jones Matter (Count Thirteen)

Respondent was retained to represent Curtis Jones, the defendant in a matrimonial proceeding, after a default was entered against him. On August 5, 1994 Cynthia Smith, Esq. filed the divorce complaint on behalf of the plaintiff, Beverly Jones, serving Mr. Jones on August 29, 1994. Although on September 16, 1994 Dennis Salerno notified Smith that he represented Mr. Jones and acknowledged service of the complaint, Salerno never filed an appearance.

On November 4, 1994 Smith filed with the court, and served on both Salerno and Mr. Jones, several documents, including a notice of application for equitable distribution and a case information statement. Neither Salerno nor Jones appeared at the November 29, 1994 default hearing before Judge Kahn, when the divorce was granted and equitable distribution was awarded to Mrs. Jones.

On December 24, 1994 Smith sent Mr. Jones a copy of the December 15, 1994 final judgment of divorce. On January 5, 1995 Mr. Jones filed a *pro se* motion to vacate the final judgment, which Judge Kahn denied on January 25, 1995. In February 1995 Mr. Jones filed a motion for reconsideration and Smith filed a motion to enforce litigant's rights.

On March 11, 1995 respondent filed an appearance on behalf of Mr. Jones. On March 14, 1995 Judge Kahn denied Mr. Jones' *pro se* motion for reconsideration and on April 4, 1995 he granted Smith's motion to enforce litigant's rights. On April 4, 1995 respondent filed an emergent application with the Appellate Division. That court entered an order on April 6, 1995, summarily reversing Judge Kahn's January 25, 1995 order denying Mr. Jones' motion to vacate the divorce judgment. The Appellate Division order directed the trial court to rule on equitable distribution issues and to award Mrs. Jones reasonable attorneys' fees for services rendered after the entry of the divorce judgment in December 1994.

Pursuant to the Appellate Division order, on April 13, 1995 Judge Kahn entered an order confirming that, although the divorce was final, the equitable distribution award was vacated. He set various discovery deadlines, scheduled a case conference and ordered Mr. Jones to file a case information statement so that the court could determine Mr. Jones' ability to pay counsel fees, as ordered by the Appellate Division. Although respondent filed an opposition to an award of attorneys' fees, she did not file a case information statement. On June 2, 1995 Judge Kahn, acknowledging Mr. Jones' failure to file a case information statement, entered an order requiring him to pay counsel fees of $3,455 within thirty days of the date of the order. On June 27, 1995 respondent filed a motion for leave to appeal the award of attorneys' fees. The Appellate Division denied the motion on August 10, 1995.

Respondent filed several motions asking Judge Kahn to dismiss Mrs. Jones' notice of application for equitable distribution and to set a trial date. Before Judge Kahn ruled on

those motions, the matter was assigned to Judge Camp. On October 18, 1995 Judge Camp signed a case management order scheduling a trial date for November 27, 1995 on a "try or dismiss" basis and requiring the parties to provide certain information, including updated case information statements, by October 31, 1995. Because, however, of the priority of other family court matters, Judge Camp was not able to conduct the trial on November 27, 1995. On January 18, 1996 Judge Camp entered an order requiring Mr. Jones to pay counsel fees of $3,455, plus interest retroactive to April 6, 1995, by January 26, 1996 and scheduling the trial for February 26, 1996.

On February 2, 1996 respondent approached Judge Camp's law clerk and demanded to know whether testimony would be taken on the first day of trial, February 26, 1996. Respondent told the law clerk that otherwise she would attend another trial scheduled for that same day. Because respondent became belligerent when the law clerk indicated that she could not guarantee that testimony would be taken on that day, the law clerk called sheriff's officers to accompany her to Judge Camp's chambers. After Judge Camp's law clerk gave the judge an account of respondent's actions, respondent gave her version of the events. According to the transcript of what transpired that day, respondent stated as follows:

> Judge, my version is this: I want to know simply whether or not testimony is going to be taken. I have another trial which is more complicated than this trial. This is a simple Family Court matter between two divorcing individuals, and my version is whether or not we're going to have testimony or whether or not I should go to my other trial instead of putting my other trials off at the expense of coming here one date, eight hours; the other date, four hours with no testimony. It's a simple case, and I want to know -- and I wrote the Court

three weeks ago; asked the Court to respond over three weeks ago and the Court has not responded.

On that day, Judge Camp remarked that, because the *Jones* case was very simple, it was a disservice to the litigants for the case to have endured such long and protracted proceedings. He noted that respondent's incompetence had prevented the case from being resolved. In fact, Judge Camp predicted that respondent's career would be short-lived.

The *Jones* trial took place on February 26 and 27 and March 5, 6 and 11, 1996. The record abounds with instances in which respondent (1) alluded to matters that were irrelevant or could not be supported by evidence, (2) sought to litigate issues that were not included in the case management order, (3) resisted Judge Camp's efforts to conduct an orderly trial, (4) was abusive and disrespectful toward her adversary and the court, (5) accused her adversary of fraud and dishonesty, (6) accused the court of engaging in a conspiracy against her client and (7) unnecessarily prolonged the litigation with a rambling, repetitive presentation of the issues. During the trial, Judge Camp held respondent in contempt six times.

The *Jones* case was a very simple divorce matter. The parties were married in 1988, separated six years later and had no children. They had very few assets. The only issues for trial were:

- Allocation of credit card debts.
- Reimbursement of funds that Mrs. Jones allegedly contributed to real estate that Mr. Jones purchased in his name only during the marriage and subsequently conveyed to his mother.

- Enforcement of the order awarding Mrs. Jones attorneys' fees.
- Award of counsel fees for the trial.

Despite the simplicity of the issues involved, the trial spanned five days, encompassing more than 600 pages of transcripts. Most of the delay was caused by respondent's utter incompetence and unprofessional trial tactics. Indeed, during one of Judge Camp's many remonstrations of respondent, he commented that the trial should have taken no more than forty-five minutes. Respondent exhibited an inability to present an appropriate opening statement, to properly cross-examine witnesses, to make and respond to evidentiary objections, to advance a proper closing statement and to conduct herself with even the most basic civility and professionalism. She repeatedly interrupted the court and her adversary; exhibited inappropriate body language, such as "rolling" her eyes, smirking and laughing; berated Mrs. Jones during her testimony; and attempted to call her adversary, Smith, as a witness. Respondent argued that Smith was a material witness because she had intimate knowledge of the issues in the case. Judge Camp denied respondent's request to call Smith as a witness.

The following examples illustrate respondent's trial ineptitude and discourteous demeanor during the five-day trial:

(1) During her opening statement, after respondent accused Smith of submitting lies and misrepresentations to the court, Judge Camp cautioned respondent to refrain from making any accusations against her adversary. When respondent repeated the accusation,

Judge Camp warned respondent that she could be held in contempt for disregarding his instruction. Respondent then alleged that Mrs. Jones "along with another party, her attorney, cheated my client out of income tax," adding that they had defrauded both the federal government and the state of New Jersey. Respondent continued to disparage Smith, in flagrant disregard of Judge Camp's rulings.

(2) Respondent demonstrated a lack of understanding of even the most elementary issues, jeopardizing her client's financial interests. At the start of the trial, Smith indicated that her client was seeking to have Mr. Jones declared responsible for a portion of the debts, such as the lease, associated with Mrs. Jones' beauty shop business. Because Smith had not included this issue in her pre-trial submission to the court, Judge Camp ruled that she was precluded from seeking any relief with regard to the beauty shop. Obviously, this ruling benefitted respondent's client because he was no longer exposed to liability for those debts. Incredibly, respondent insisted on pursuing the issue of beauty shop debts:

Ms. Hall: Everything I've said has to do with this divorce. The evidence will show that plaintiff has engaged in a system of lies, deception and fraud. Furthermore, the evidence will show and prove, reveal to the Court that plaintiff -- the beauty parlor lease that plaintiff seeks from my client, the 34,000 --

The Court: Didn't you hear? Mr. Jones did you hear me take that issue off the tab -- you have no exposure on that issue.

Ms. Hall: She just mentioned it in her opening, Your Honor. I should be able to --

The Court: Didn't you hear me, Miss Hall? Do you -- do you pay attention? As a trial attorney –

Ms. Hall: Then I can do it and --

The Court: Miss Hall --

Ms. Hall: -- use it as impeachment.

The Court: -- Miss Hall, as a --

Ms. Hall: And that's always admissible.

The Court: -- Miss Hall, as a trial attorney I would be licking my chops when plaintiff at the opening statement says: I want money for a lease and a beauty parlor. And I said: Plaintiff, you're too late because you didn't raise that issue in your case management and I took it away from the plaintiff.

Are you now -- want me -- are you going to make statements to expose Mr. Jones --

Ms. Hall: Yes.

Although respondent persisted that the beauty shop lease should be an issue, contrary to her client's interest, Judge Camp ruled that, because it was not included in Smith's case management submission, the issue had been abandoned. Thus, despite respondent's best efforts to expose her client to potential liability for that lease (Judge Camp remarked that respondent tried to snatch defeat from the jaws of victory), the court did not permit it. Even during her summation, respondent again attempted to address the issue.

(3) During her opening statement, respondent alluded to the emotional distress that Mr. Jones allegedly suffered due to the protracted litigation. She contended that his business suffered, that he sought therapy and that he had to discontinue counseling for financial reasons. Respondent indicated that Mr. Jones would be requesting monetary relief for this

alleged emotional distress and loss of income. Judge Camp ruled that expert testimony would be required to support the emotional distress claim. Because respondent had not filed an answer or counterclaim seeking such relief and because she had not included this issue in her pre-trial submission, Judge Camp ruled as follows:

> With regard to the emotional distress issue, it is unbelievable that you would have the temerity to come into this court at the day of trial without ever filing an appearance, without ever filing a counterclaim and raising an issue as substantial as that and intending to do it under testimony of your client. For all those reasons this Court will not consider that issue and will make no award to your client in any amount.
>
> With regard to the loss of business you have again the audacity as an officer of the Court never having raised this issue before, never filing a counterclaim and making it part of your pleadings, that I should accept the issue and allow your client to submit certifications or affidavits from people to substantiate his loss of business. . . I'm denying it.

During the trial, Judge Camp held respondent in contempt on at least six occasions for interrupting the court, accusing the court of participating in a conspiracy against Mr. Jones and disregarding the court's instructions. The record is silent as to whether any sanctions were ordered against respondent for these contempt rulings.

(4) Throughout the trial, respondent indicated that Mr. Jones would testify to dispute many of the contentions raised by Mrs. Jones and to support respondent's numerous accusations of fraud and misrepresentation on the part of Mrs. Jones and her attorney. After plaintiff rested, however, respondent failed to present the testimony of Mr. Jones or any other witness.

Before the trial, both Judges Kahn and Camp, recognizing that the parties had few assets, encouraged settlement. On March 6, 1996, at the end of the trial, Judge Camp determined that judgment would be entered in favor of Mrs. Jones for $3,065: $1,210 for the credit card debts and $1,855 as equitable distribution for her contribution to property. Mr. Jones, thus, was ordered to pay a total of $6,520 ($3,065 plus attorneys' fees of $3,455, as ordered by the Appellate Division), plus any additional counsel fees ordered by Judge Camp.[9]

At the end of the trial, Judge Camp pointed out to Mr. Jones that, at a pre-trial settlement conference, Smith had indicated that Mrs. Jones would have accepted less than $4,000 to settle the matter. According to Smith, when she contacted respondent to negotiate settlement, respondent replied that "we will take care of this in court." Judge Camp stated that, in assessing attorneys' fees, he would take into consideration which party had been responsible for the delays and had taken a position contrary to his findings, in light of the original settlement demands. Mr. Jones replied that he understood that Mrs. Jones was seeking $100,000 from him.

After the trial, Mr. Jones retained new counsel and filed a certification stating that respondent never disclosed to him the $4,000 settlement offer, but instead led him to believe that Mrs. Jones was seeking "enormous amounts of money." Shortly after Mr. Jones retained new counsel, the matter was settled.

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[9] The record does not reveal the amount of attorneys' fees, if any, ordered by Judge Camp.

As stated earlier, following a remand by the Appellate Division, Judge Kahn entered an order requiring Mr. Jones to pay counsel fees of $3,455 by July 2, 1995. On August 10, 1995 respondent's motion for leave to appeal the attorneys' fee award was denied. At the end of the trial, when Judge Camp questioned Mr. Jones about his failure to pay the court-ordered counsel fees, Mr. Jones replied that, because he had been paying his own attorney, he could not afford to pay Smith. Over respondent's objection based on attorney-client privilege, Mr. Jones revealed that, to date, he had paid respondent more than $11,000. Respondent added that Mr. Jones still owed her additional fees.

Judge Camp ordered Mr. Jones to appear before him on March 11, 1996 with part of the court-ordered counsel fee and a reasonable proposal for paying the balance, or face incarceration. Mr. Jones failed to appear. Judge Camp placed a statement on the record indicating that respondent had filed an emergent application for a stay pending appeal, which was denied by the Appellate Division. Judge Camp's law clerk stated on the record that respondent had contacted Judge Camp's chambers, indicating at first that she could not attend the proceeding because she could not reach her client. According to Judge Camp's law clerk, respondent then announced that she was too busy to appear and that she would not allow her client to appear without her representation. The law clerk stated that, when she advised respondent that a bench warrant for Mr. Jones' arrest would be issued for his failure to appear, respondent replied that she had too many things to do and would not appear.

Accordingly, Judge Camp issued a bench warrant for Mr. Jones' arrest. The record does not reveal whether Mr. Jones was arrested or incarcerated.

In a December 16, 1996 memorandum, Judge Camp summed up his experience with respondent as follows:

> Ms. Hall was abusive to the Court, its staff, her adversary and everyone else involved. She accused her adversary of conspiracy and fraud without any basis. She ignored all attempts to move the case in an orderly fashion. She repeatedly said defendant wanted to tell his side and would prove fraud, conspiracy, etc. Plaintiff [sic] attorney out of sheer frustration offered to accept a total amount of $2,000.00 in equitable distribution,[10] plus the aforementioned $3,455.00 attorneys fee rather than proceed. Ms. Hall refused. Incredibly at the conclusion of plaintiff's case, the defendant did not testify. I awarded plaintiff a total of $3,065.00 in equitable distribution.
>
> I am attaching Plaintiff's Certification setting forth the history of this case as well as her Attorney's Certification for Services in the total amount of $28,000.00 all of which in my opinion has been earned. The defendant to his credit retained a new attorney post judgment who settled the $3,455.00 issue with plaintiff's attorney in a telephone call and a Consent Order (a copy of which is attached). He is in the process of making a motion to assess plaintiff's fees directly to Ms. Hall rather than his client . . . .
>
> In my entire career both as a Trial Attorney and Judge I have never seen anyone as incompetent as Sharon Hall. Her absolute lack of knowledge of both the law and procedure, coupled with a total lack of civility, strongly suggests that this is not merely a case of incompetence and inexperience. I feel it requires a psychological evaluation.

The record does not disclose whether Mr. Jones' new attorney filed a motion to assess attorneys' fees against respondent.

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[10] According to the transcript of the March 6, 1996 proceeding, Smith indicated that, before trial, Mrs. Jones had been willing to settle the matter for less than $4,000 plus the $3,455 attorneys' fee award.

In a July 29, 1997 letter to the OAE, respondent disputed the contents of Judge Camp's memorandum, alleging that it "is replete with lies, misrepresentations, innuendos and [sic] just plain false information." She then alleged that the "Judiciary Committee on Misconduct" has a large file on Judge Camp and that he has been investigated for "incompetency, wild and abusive conduct toward staff, attorneys and other serious violations." According to respondent, before the *Jones* trial, Judge Camp tried to force her client to pay close to $100,000, reducing that amount to $35,000 and then $15,000. She also alleged that he warned her that, if she did not force her client to settle, he would claim that she was incompetent and would make her wish she had settled. During the *Jones* trial, respondent did not dispute her client's statement that he had paid her $11,000 and, in fact, added that he still owed her additional fees. Yet, in her July 29, 1997 letter to the OAE, respondent claimed that she did not appear with her client for the proceeding to enforce the attorneys' fee award because she had performed legal services for Mr. Jones for eight months and had received no money from him.

The complaint charged respondent with violations of *RPC* 3.2, *RPC* 3.4(e) and *RPC* 8.4(d) for alluding to irrelevant matters, such as the beauty shop lease, during the trial; ignoring all attempts by Judge Camp to move the case in an orderly fashion; being abusive and making disrespectful remarks toward the court and her adversary; being held in contempt several times; and causing her client to incur unnecessary expenses in the defense of the matter.

Pattern of Neglect (Count Fifteen)

The complaint alleged that respondent's conduct in the *Fulton, Thompkins,* and *Jones* matters constituted a pattern of neglect, in violation of *RPC* 1.1(b).

The Ferentz Matter (Count Sixteen)

On December 5, 1996 the Honorable Carol A. Ferentz, then the Presiding Judge of the Civil Division in Essex County, sent the following letter to the Board[11]:

> I write this letter out of concern about the conduct of [respondent].
>
> In two brief appearances before me on somewhat routine calendar matters, she exhibited what I would consider to be bizarre conduct. Her demeanor was abrasive, erratic and confrontational from the start. Her presentation was disjointed, making no sense whatsoever. She made accusations about adverse counsel and court staff which were not based in truth.
>
> On one occasion when she came into my outer chambers to give papers to my law clerk, she was so abusive, I had to step out of my chambers to intercede and ask her to leave.
>
> It is my belief that an investigation should be performed as to her competence to represent clients and practice law.

One year later, on December 5, 1997, respondent filed a four-count civil complaint against Judge Ferentz in the Superior Court of Essex County, Law Division. Respondent alleged that Judge Ferentz (1) had written the above letter and intentionally and maliciously caused false charges to be published to third parties, (2) had made false oral statements to

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[11] That information should have been directed either to the OAE or a district ethics committee.

others about respondent, (3) committed an abuse of process and (4) abused the legal process, denied respondent due process and conspired with others to harm respondent.

The ethics complaint alleged that, by filing a civil lawsuit against Judge Ferentz, respondent violated *R.* 1:20-7(f), which provides immunity to grievants in ethics matters for communications to disciplinary authorities, and *RPC* 3.1, which prohibits attorneys from filing frivolous actions.

R. 1:20-7(f) provides as follows:

> Grievants in ethics matters . . . shall be absolutely immune from suit, whether legal or equitable in nature, for all communications, including testimony, **only** to the Office of Attorney Ethics, the Disciplinary Review Board, Disciplinary Oversight Committee, Ethics Committees, Fee Committees, their secretaries, special ethics masters and their lawfully appointed designees and staff. [Emphasis added].

Respondent contended that, although the above rule grants immunity for communications made to the disciplinary authorities, it does not protect "a grievant who disseminates slanderous and libelous communications to other third parties." Respondent, thus, argued that this count of the ethics complaint should be dismissed.

The record does not reveal the outcome of respondent's lawsuit against Judge Ferentz.

Respondent's Conduct in Connection with the Ethics Hearing

During the ethics hearing, respondent repeated much of the pattern described above. She refused to amend her answer to the ethics complaint to address the counts stemming from the *Fulton* and *Jones* matters, arguing that "nothing in the grievances that I have received from Judges Camp and Glickman suggest or make the allegations as set forth in those counts as made out by Mr. McGill, Esq." Several months before the ethics hearing, respondent questioned whether the special master would be able to sit fairly on the case, accusing him of having a close relationship with some of the proposed witnesses. She constantly claimed that she had not received documents sent to her by the presenter. Respondent also leveled accusations to the presenter, charging him with playing "games of delay and manipulation in order to orchestrate this case in a way that pursues his personal agenda." Respondent added the presenter's name to her witness list, which contained more than thirty names, including a Supreme Court justice, twenty judges and various court staff members.

During the March 29, 2000 ethics hearing, respondent claimed that her case was hampered because she had not been given subpoenas. Yet, when she was given subpoena forms at the ethics hearing as a courtesy, she left them in the courtroom. Respondent insisted that the hearing take place in a courtroom because she wanted the proceedings to be formal. She also complained that the hearing could not take place on consecutive days because a courtroom was not always available. The special master then adjourned the April 11, 2000

hearing to April 18, 2000 to give respondent an opportunity to issue subpoenas. Not only did respondent fail to issue the subpoenas, but she failed to appear at the April 18 and 19, 2000 hearing dates, without notice.

After the hearings had concluded, by letter dated April 24, 2000 respondent asked the OAE director to disqualify the special master, accusing him of having a conflict with witnesses, having inappropriate temperament (she claimed he was abusive, exploitative and sadistic) and lacking an understanding of rules and procedures.[12] Respondent also accused the court reporter of having a personal familiarity with the presenter, alleging that her transcription was not accurate.

* * *

The special master found respondent guilty of all of the violations charged in the complaint. He noted respondent's pattern of engaging in dishonesty and abuse, as well as her conduct in charging judges and her adversaries with fraud and conduct involving lies and misrepresentation.

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[12] We granted the OAE's motion, made at oral argument before us, to include in the record respondent's recusal motion. We also granted respondent's motion to include in the record (1) the findings of fact and conclusions of law that she had submitted to the special master out of time and (2) a brief she submitted out of time for our review. We took under advisement the OAE's motion to include in the record the order denying respondent's motion for the special master's recusal. We now grant that motion as well.

The special master recommended that respondent be suspended for two years and nine months, as follows:

- a one-year suspension for misconduct in the *Fulton* matter;
- a six-month suspension for misconduct in the *Thompkins* matter;
- a one-year suspension for misconduct in the *Jones* matter;
- a three-month suspension for misconduct in the *Ferentz* matter, noting that the suspension would have been for one year if respondent had not been a new attorney "obviously not familiar with the immunity granted in ethics matters."

In addition, the special master recommended that, prior to reinstatement, respondent submit proof of fitness by a mental health professional approved by the OAE, practice under the supervision of a proctor for a three-year period and be required to complete ICLE courses.

* * *

The special master's finding that respondent's conduct was unethical is supported by clear and convincing evidence. It is clear to us that respondent is either unable or unwilling to conform to the rules and standards applicable to all attorneys.

Respondent's contention that counts three through eleven, thirteen and fifteen must be dismissed or designated as untriable because she had not received written notice of those grievances is without merit. On March 11, 1997, the OAE provided respondent with written

notice of the grievances in the *Fulton* and *Jones* matters. Respondent replied to those grievances on July 29, 1997 and October 13, 1997. The OAE provided respondent with written notice of the *Thompkins* grievance on March 14, 1997, to which she replied on October 17, 1997. Apparently, when respondent received the complaint in this matter, she disagreed with some of the allegations, claiming that they were not based on the grievances. Despite respondent's contention, ethics complaints are not limited by the specific facts or allegations of the grievances, but may include other allegations based on the result of the investigation. The charges in the complaint were, thus, properly tried before the special master.

In the *Fulton* matter, respondent was retained after a default judgment had been entered against her client. Respondent converted the case into a procedural debacle. Despite Judge Glickman's best efforts to move the case in an orderly fashion, respondent continually caused delays. She took more than two months to file a substitution of counsel. She failed to appear at the February 22, 1996 case management conference. She failed to comply with the discovery schedule, even after Judge Glickman extended the deadlines by two weeks. She never served interrogatories, a notice to produce documents or a notice to take depositions. She did not comply with any of her adversary's discovery requests. She filed a lawsuit against her adversaries, claiming that they had stolen her client's funds, and then moved to consolidate that complaint with the matrimonial proceeding. She failed to file a memorandum, as ordered by Judge Glickman. Whenever she disagreed with the court's

ruling, she filed emergent appeals and then argued that she had not been able to engage in court-ordered discovery because her time had been consumed by the appeals. Although the court rules require litigants to sign certifications, respondent, not her client, signed all of the certifications in the *Fulton* motions. Ultimately, respondent failed to appear at the October 28, 1996 plenary hearing, despite having been orally informed of the hearing date on July 23, 1996 and October 7, 1996, as well as in writing by an August 12, 1996 order. Her conduct in this regard violated *RPC* 1.3, *RPC* 3.2, *RPC* 3.4(c) and *RPC* 8.4(d).

Respondent's ability to protract the proceedings was surpassed only by her contumacious conduct in the case. She repeatedly accused her adversary of fraud, deceit, theft from her client and failure to serve documents on her. Respondent was disrespectful toward Judge Glickman by repeatedly interrupting him, "rolling" her eyes and laughing or smiling during court proceedings, failing to appear for court proceedings or appearing late without a valid reason and failing to serve him with copies of her interlocutory appeals. She accused him, without any basis, of (1) refusing to rule on motions, or "back-dating" orders, so as to frustrate her ability to file interlocutory appeals, (2) depriving her client of the ability to engage in discovery and present his case, (3) conducting an *ex parte* hearing on an order to show cause, in which he decided to "take" an additional $182,000 from her client and (4) permitting her adversary to proceed in bad faith. Also, respondent was sanctioned and fined for failing to file a legal memorandum and to appear at the plenary hearing. Her misconduct in the *Fulton* matter violated *RPC* 3.2, *RPC* 3.4(c) and (e), and *RPC* 8.4(c) and (d). With

respect to the charged violation of *RPC* 3.4(e), count six of the complaint alleged that, in a certification submitted in support of an interlocutory appeal, respondent made accusations against Judge Glickman knowing that they were untrue, frivolous and unsupported by evidence. *RPC* 3.4(e) prohibits this conduct by an attorney "in trial." Here, respondent's statement appeared in a certification in support of an application to the Appellate Division, not at trial. Because *RPC* 3.4(e) does not specifically apply to respondent's conduct, we determined to dismiss that charge.

Respondent offered no reasonable excuse for her failure to file the legal memorandum. Because she had argued that Mrs. Fulton was not entitled to equitable distribution of the lottery winnings, Judge Glickman ordered respondent to file a brief on that issue. Respondent's adversary was ordered to file a reply brief, upon receipt of respondent's brief. The issue was whether lottery awards are subject to equitable distribution. Although respondent claimed that she could not prepare the memorandum because she had not taken Mrs. Fulton's deposition, any factual information that respondent would have obtained from the deposition would not have been essential to the briefing of the legal issues involved. Respondent complained that Judge Glickman had not sanctioned Greenspoon, Mrs. Fulton's attorney, for failure to file a legal memorandum, despite the fact that the court had ordered Greenspoon to file a memorandum in reply to respondent's. Obviously, because respondent did not prepare her memorandum, Greenspoon was precluded from preparing a reply.

Similarly, respondent offered no reasonable excuse for her failure to appear at the October 28, 1996 plenary hearing and did not provide to Judge Glickman the information he had requested about her other case. Moreover, she left the courthouse at 10:00 a.m. after she appeared in that case, instead of proceeding to Judge Glickman's courtroom, which was located across the hall from the other judge's courtroom. According to respondent, she understood that the plenary hearing would not take place on that date. However, even if respondent had misunderstood the messages left by Judge Glickman's law clerk and had believed that the plenary hearing would not be conducted, she should have attended the oral argument on the motions. Respondent's contention that Judge Glickman had not ordered oral argument on those motions has no merit. She intentionally and wilfully refused to appear at the plenary hearing, just as she intentionally and wilfully refused to file a legal memorandum.

In addition, respondent presented several non-meritorious issues, in violation of *RPC* 3.1. For example, despite the *DeVane* holding that lottery awards are subject to equitable distribution, respondent maintained, without any legal support, that Mrs. Fulton was not entitled to any share of Mr. Fulton's lottery winnings because she had opposed the purchase of lottery tickets. Similarly, respondent argued that, because Mrs. Fulton had already paid her attorneys' fees, she was not entitled to an award of fees, a position without any merit. Moreover, although Mrs. Fulton's attorneys had obtained orders requiring the lottery commission to disburse one-half of Mr. Fulton's lottery winnings, to be held in escrow in

their trust account, respondent filed a civil lawsuit against her adversaries, alleging that they had stolen Mr. Fulton's lottery winnings.

Although respondent accused others of lying, she herself engaged in a pattern of deception and misrepresentation, in violation of *RPC* 8.4(c). She claimed that she had not received notice of Greenspoon's cross-motion filed on May 9, 1996, despite the return receipt evidencing delivery of those papers on May 12, 1996. Respondent also contended that she had not received notice of the July 9, 1996 show cause hearing, notwithstanding Greenspoon's secretary's recollection — based on her contemporaneous notes — that she had called respondent about the hearing and that respondent had replied that she was too busy to appear. Respondent denied that she had agreed to conduct Mrs. Fulton's deposition at Greenspoon's office, even after Judge Glickman read excerpts from the October 7, 1996 transcript that clearly demonstrated her agreement. Despite the fact that, in Judge Glickman's presence, his law clerk had left two telephone messages for respondent, notifying her not to appear at the May 30, 1997 hearing date, respondent appeared at the hearing, claiming that she had not received the telephone messages.

In addition, respondent failed to advance her client's interests. When she was retained to represent Mr. Fulton, a default judgment had already been entered against him and his *pro se* motions to vacate the default and for reconsideration had been denied. For all of respondent's machinations, procedural posturing and interlocutory appeals, the result of the *Fulton* matter was the reinstatement of the original divorce judgment. As pointed out by

the Appellate Division, respondent "unilaterally sabotaged defendant's adjudicated right to a plenary hearing." Thus, despite respondent's representation, there were no changes in the terms of the divorce judgment entered against Mr. Jones after he failed to answer the complaint.

In *Fulton*, thus, respondent violated *RPC* 1.3, *RPC* 3.1, *RPC* 3.2, *RPC* 3.4(c) and (e), *RPC* 8.4(c) and *RPC* 8.4(d). Although respondent was also charged with a violation of *R.* 1:21-1 [more appropriately *RPC* 5.5(a)] for failure to maintain a *bona fide* office, the record does not contain clear and convincing evidence of that violation. Even though the evidence showed that there were times that the court and other counsel had difficulty contacting respondent, there was no evidence that she did not maintain a *bona fide* office. We, thus, dismissed that charge.

In the *Thompkins* matter, respondent filed an employment discrimination matter in Superior Court in New Jersey and sought to subpoena the telephone records of NYNEX, a New York corporation. After NYNEX informed respondent that it would not honor a New Jersey subpoena, respondent simply obtained a subpoena from a federal district court in New York and issued it. Respondent seemed unable to understand that a federal subpoena may be issued only in federal litigation. Obviously, respondent lacks basic understanding of civil procedure.

Even more disturbing than respondent's professional inadequacy was her dishonesty. She intentionally failed to provide her adversary, MacGregor, with copies of either the

subpoenas that she issued or the records that she had received in response to the subpoenas, despite his demand for those documents, thereby obstructing his access to evidence. Contrary to the facts, she claimed that, in December, when she issued the NYNEX subpoena, MacGregor had not filed any pleadings in the matter, contending that he had not filed an answer until February 1997. Not only had MacGregor filed an answer on October 31, 1996, but on November 20, 1996, more than one month before she served the subpoena, respondent had served MacGregor with a request for production of documents. Accordingly, respondent's denial of any awareness of MacGregor's involvement in the matter can be viewed only as a flagrant misrepresentation. Her conduct in this regard violated *RPC* 3.4(a) and (c) and *RPC* 8.4(c) and (d).

Respondent also acted improperly when she failed to comply with Judge Strelecki's order compelling her to provide copies of the subpoenas and records to MacGregor. As a result of respondent's noncompliance, Judge Strelecki dismissed the complaint. Although respondent appealed the dismissal, her failure to file a brief caused the appeal to be dismissed. Respondent, thus, displayed a lack of diligence, in violation of *RPC* 1.3. While the complaint did not charge respondent with that violation, the record developed below contains clear and convincing evidence of a violation of *RPC* 1.3. Respondent did not object to the admission of such evidence in the record. In light of the foregoing, we deemed the complaint amended to conform to the proofs. *R.* 4:9-2; *In re Logan*, 70 *N.J.* 222, 232 (1976).

With respect to the *Jones* matter, although the parties had few assets, respondent refused to discuss settlement of the case with her adversary, Smith. More seriously, she did not convey to her client a settlement offer awarding Mrs. Jones less than $4,000 plus the $3,455 attorneys' fee granted by Judge Kahn. Respondent's failure to notify her client of a settlement offer violated *RPC* 1.4(a) (failure to keep a client reasonably informed about the status of a matter) and (b) (failure to explain a matter reasonably necessary to permit a client to make informed decisions regarding the representation). Although respondent was not specifically charged with a violation of *RPC* 1.4, the facts in the complaint gave her sufficient notice of the alleged improper conduct and of the potential violation of that *RPC*. Furthermore, the record developed below contains clear and convincing evidence of a violation of *RPC* 1.4(a) and (b). Respondent did not object to the admission of such evidence in the record. We, thus, deemed the complaint amended to conform to the proofs. *R.* 4:9-2; *In re Logan, supra,* 70 *N.J.* 222, 232 (1976).

Before the *Jones* trial had even started, respondent was abusive toward Judge Camp's law clerk. On February 2, 1996 respondent became hostile when Judge Camp's law clerk could not guarantee that testimony would be taken on the February 26, 1996 scheduled trial date. The law clerk was forced to call sheriff's officers to accompany respondent to Judge Camp's chambers. On the record, respondent told Judge Camp that the *Jones* case was a "simple Family Court matter" and that, if testimony was not scheduled to be taken on February 26, 1996, she would attend another trial.

In *Jones*, respondent repeated much of the pattern displayed in the *Fulton* matter. Her dilatory tactics and obstreperous conduct caused this simple, low-asset divorce case to extend to five days of trial. She interfered with Judge Camp's attempts to move the case in an orderly fashion. On six separate occasions, she was held in contempt of court. Respondent repeatedly alluded to matters that were irrelevant or not supported by evidence; sought to litigate issues not included in the case management order; was abusive and disrespectful toward her adversary and the court, continually interrupting and arguing with them, as well as "rolling" her eyes and laughing; accused her adversary of fraud and dishonesty; accused the court of conspiring against her client; and prolonged the litigation with a rambling, repetitive presentation of the issues. Also, respondent attempted to call her adversary, Smith, as a witness, alleging that she had intimate knowledge of the issues. She constantly accused Smith of fraud and deceit, charging that she "cheated" Mr. Jones out of income tax and defrauded both the federal and state governments. Respondent's conduct here was nothing short of outrageous and violated *RPC* 3.2, *RPC* 3.4(e) and *RPC* 8.4(d).

Despite respondent's awareness that Mr. Jones would be arrested for failing to appear at the proceeding to enforce the attorneys' fee order, she refused to appear, first telling Judge Camp's law clerk that she could not reach her client, then alleging that she was too busy to appear and would not allow her client to appear without her representation. In her reply to the OAE about this matter, respondent claimed that, although she had represented Mr. Jones for eight months, he had not paid her any fees and she advised him to seek other counsel,

when he indicated he could not pay her. Respondent contended that she still had not received any money from Mr. Jones, despite her client's prior uncontradicted statement the he had paid respondent $11,000. Instead of appearing before Judge Camp, respondent filed yet another emergent application with the Appellate Division, which was denied. Respondent's representation of Mr. Jones in the Appellate Division was inconsistent with her statement to the OAE that she did not appear at the enforcement proceeding because her client had not paid her.

In addition, respondent's conduct raised the possibility of a violation of *RPC* 1.1(a) in the *Jones* matter. She jeopardized her client's financial interest by seeking to introduce as an issue Mr. Jones' potential liability for Mrs. Jones' beauty shop lease. Fortunately for Mr. Jones, Judge Camp precluded litigation of that issue. Moreover, respondent did not file an answer, a counterclaim, a case information statement or even an appearance in the matter. While we could find from this record that respondent lacked competence, because the complaint did not put her on notice of the potential violation of *RPC* 1.1(a), we did not find her guilty of gross neglect. Parenthetically, a finding of this additional violation would not affect the level of discipline imposed in this case.

In the *Ferentz* matter, respondent was charged with a violation of *RPC* 3.1 after she filed a civil lawsuit against Judge Ferentz. That charge was based on the theory that, because *R.* 1:20-7(f) provides grievants in ethics matters with absolute immunity for communications to disciplinary authorities, the lawsuit against Judge Ferentz was frivolous.

The immunity conveyed by *R.*1:20-7(f), however, applies only to communications made to ethics authorities. Communications made to third parties are not protected under that rule. Because respondent alleged in the complaint that Judge Ferentz communicated false allegations of a defamatory nature to third parties, there is no clear and convincing evidence of a violation of *RPC* 3.1.

Similarly, we dismissed the charge that respondent engaged in a pattern of neglect, in violation of *RPC* 1.1(b). Despite the allegation in the complaint that respondent engaged in a pattern of neglect in the *Fulton, Thompkins* and *Jones* matters, the complaint did not charge respondent with neglect and, therefore, did not put her on notice of the potential violation of that *RPC*.

In sum, respondent displayed a pattern of disrupting trials; abusing and showing disrespect to judges, adversaries and court staff; accusing judges, without any factual basis, of fraud, dishonesty and conspiracy; accusing adversaries of fraud, deceit and misrepresentation; attempting to call her adversaries as witnesses, thereby having them disqualified as counsel; failing to file necessary documents, resulting in the dismissal of her clients' litigation or appeals; failing to follow orders issued by judges, resulting in her being held in contempt; failing to observe courtroom decorum and civility and failing to follow basic civil procedure rules. Respondent repeatedly demonstrated both ignorance of the professional standards and guidelines applicable to all attorneys and an inability or refusal to become familiar with those standards and guidelines. Also, she continually displayed

questionable judgment (such as obtaining and issuing a federal subpoena in state litigation and seeking to litigate an excluded issue, thereby exposing her client to liability), inadequate pre-trial skills (such as failing to engage in discovery and failing to file necessary pleadings) and deplorable courtroom behavior, all of which were not attributable to her lack of experience.

Most disturbing was respondent's pattern of misrepresentation, as demonstrated by her conduct in *Fulton*, *Thompkins* and *Jones*.

The clearest sign of respondent's shortcomings is found in the statements of the judges before whom she has appeared:

- Appellate Division Judges Pressler, Brochin and Kleiner

  > We are constrained to note that in the collective judicial experience of this panel, the incompetence, contumacious conduct, and ethical improprieties of [respondent] are unparalleled by far. Suffice it to say that after every reasonable opportunity had been granted defendant and his attorney by Judge Glickman for a plenary hearing on the merits, Hall persisted in her outrageous and inexplicable conduct, failing to comply with the court's discovery and scheduling directions.... Hall's wholly unfounded charges against plaintiff's lawyers, to say nothing of her unfounded, repeated and slanderous charges against Judge Glickman, are in our view and in light of the record, completely irrational and incomprehensible.

- Judge Glickman

  > This case is outrageous. I've been a judge more than 18 years. I have never had an attorney deal with the Court as deceptively and as disrespectfully as Miss Hall has done in this case. I believe part of her problem is that she does not appear to understand what she's doing and she may very well be the most incompetent attorney who has appeared before me in 18 years of being a judge.

- Judge Camp

  Ms. Hall was abusive to the Court, its staff, her adversary and everyone else involved. She accused her adversary of conspiracy and fraud without any basis. She ignored all attempts to move the case in an orderly fashion. . . . In my entire career both as a Trial Attorney and Judge I have never seen anyone as incompetent as Sharon Hall. Her absolute lack of knowledge of both the law and procedure, coupled with a total lack of civility, strongly suggests that this is not merely a case of incompetence and inexperience. I feel it requires a psychological evaluation.

- Judge Ferentz

  In two brief appearances before me on somewhat routine calendar matters, she exhibited what I would consider to be bizarre conduct. Her demeanor was abrasive, erratic and confrontational from the start. Her presentation was disjointed, making no sense whatsoever. She made accusations about adverse counsel and court staff which were not based in truth.
  On one occasion when she came into my outer chambers to give papers to my law clerk, she was so abusive, I had to step out of my chambers to intercede and ask her to leave.
  It is my belief that an investigation should be performed as to her competence to represent clients and practice law.

Our review of the record convinces us that respondent's outrageous misconduct cannot be tolerated and must be met with substantial discipline. In *In re Vincenti*, 92 *N.J.* 591 (1983), the Court was confronted with an attorney who exceeded all boundaries of decency. He displayed a pattern of abuse, intimidation and contempt toward judges, witnesses, opposing counsel and other attorneys, often using insults, profanities and physical intimidation. In suspending Vincenti for one year, the Court remarked that

> the principles extracted from the foregoing passage translate into a requirement that lawyers display a courteous and respectful attitude not only towards the court but towards opposing counsel, parties in the case, witnesses, court officers, clerks – in short, towards everyone and anyone who has

> anything to do with the legal process. Bullying and insults are not part of a lawyer's arsenal.
>
> [*Id.* at 591]

In another matter, an attorney was suspended for three years for misconduct in a series of eleven matters that included gross neglect, failure to communicate, failure to return client's file, conduct involving dishonesty, deceit, fraud or misrepresentation and conduct prejudicial to the administration of justice. He was also ordered to complete twelve hours of ethics courses and the skills and methods courses offered by the Institute for Continuing Legal Education, provide proof of fitness to practice law and, upon reinstatement, to practice law under the supervision of a proctor until further order. The attorney previously had been reprimanded and suspended for two and one-half years. *In re Gaffney*, 146 *N.J.* 522 (1996).

Here, although respondent did not resort to profanities or physical intimidation, her behavior was as outrageous as Vincenti's. She made numerous misrepresentations to trial and appellate judges; she made false and baseless accusations against judges and her adversaries; she served a fraudulent subpoena; she failed to appear for court proceedings and then misrepresented that she had not received notice; and she displayed an egregious courtroom demeanor as she repeatedly interrupted others, became unduly argumentative and abusive and engaged in such sophomoric behavior as "rolling" her eyes and laughing, all the while demonstrating her utter incompetence and ignorance of basic civil procedure. Respondent's misconduct occurred in four cases and spanned more than one year. Moreover, in a recent default matter, we voted to suspend her for three months for similar misconduct.

In view of the foregoing, we unanimously determined to suspend respondent for two years. Before she may apply for reinstatement, she must submit the report of a mental health professional approved by the OAE, attesting to her fitness to practice law. In addition, within six months of her reinstatement, she must complete the core courses in skills and methods offered by the Institute for Continuing Legal Education and submit to the OAE proof of successful completion of those courses. Lastly, on reinstatement she must practice law under the supervision of a practicing attorney for a period of three years.

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

Dated: April 11, 2001

By: _____
ROCKY L. PETERSON
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Sharon Hall
Docket No. DRB 00-229

Argued: November 16, 2000

Decided: April 11, 2001

Disposition: Two-year suspension

Members	Disbar	Two-year suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hymerling		X					
Peterson		X					
Boylan		X					
Brody		X					
Lolla		X					
Maudsley		X					
O'Shaughnessy		X					
Schwartz		X					
Wissinger		X					
Total:		9					

Robyn M. Hill 7/25/01
Robyn M. Hill
Chief Counsel