

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 03-439

IN THE MATTER OF
JOHN DE LAURENTIS
AN ATTORNEY AT LAW

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Decision

Argued: February 13, 2004

Decided: April 13, 2004

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

Respondent waived appearance.

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

This matter was before us based on a motion for final discipline filed by the Office of Attorney Ethics (“OAE”), following respondent’s conviction of thirty-five counts of animal cruelty, in violation of *N.J.S.A. 4:22-17(c)*, as well as accumulating garbage and failing to license a dog, in violation of Cherry Hill municipal ordinances.

Respondent was admitted to the New Jersey bar in 1980. On April 25, 2002, he received a reprimand for gross neglect, lack of diligence, and failure to communicate in three matters, failure to expedite litigation in two of those matters, pattern of neglect, practicing law while ineligible, and failure to cooperate with ethics authorities. *In re DeLaurentis*, 172 N.J. 35 (2002). Our decision cautioned respondent that future ethics infractions would be met with harsher discipline and, indeed, on October 7, 2002, respondent was suspended for one year. *In re DeLaurentis*, 174 N.J. 299 (2002). In that case, respondent engaged in fraudulent conduct in a series of matters, including concealing from welfare agencies that his clients, who were recipients of welfare assistance, had obtained personal injury settlements, thereby precluding the welfare agencies from enforcing liens; settling a personal injury claim without disclosing his client's death to the insurance company; engaging in several conflicts of interest; providing financial assistance to clients; failing to disburse funds to a welfare agency; failing to notify a welfare agency of the receipt of funds to which the welfare agency was entitled; failing to prepare written fee agreements; displaying a lack of diligence; and failing to comply with recordkeeping rules.

In May 2001, the Camden County Prosecutor's Office executed a search warrant on respondent's Cherry Hill residence. Respondent was charged with forty-two counts of animal cruelty, in violation of *N.J.S.A. 4:22-17(c)*; one count of maintaining a nuisance, in violation of *N.J.S.A. 2C:33-12(a)*; and violations of two municipal ordinances — failing to license a dog and accumulating garbage and rubbish on property.

On November 2, 2001, after a six-day municipal court trial, Judge Jeffrey S. Karl found respondent guilty of thirty-six counts of animal cruelty. Although Judge Karl imposed a fine of

\$250 and costs of \$30 on each charge, he suspended one-half of the fines. Respondent was also placed on probation for two years and ordered to perform community service for thirty-six days. An indeterminate jail term was suspended, on the condition that respondent own no more than two dogs at the same time and that he permit quarterly inspections by the municipal animal control officer. Judge Karl further ordered respondent to pay restitution of \$5,092.50 to the Township of Cherry Hill, \$34,470 to the Animal Orphanage of Voorhees, and \$7,978.75 to the Camden County Humane Society. The judge found respondent guilty of maintaining a nuisance, imposed a fine of \$1,000, plus costs and other fees, and ordered respondent to serve probation for two years and to serve an indeterminate jail sentence that was suspended, subject to the same conditions imposed for the animal cruelty violations. Judge Karl also ordered respondent to clean the inside and outside of his residence within thirty days. For failing to license a dog, respondent was fined \$30 and ordered to pay costs of \$30. For accumulating garbage, respondent was ordered to pay a fine of \$250 and costs of \$30. Finally, Judge Karl ordered respondent's ownership of the dogs forfeited.

Respondent appealed the municipal court ruling to the Superior Court, Law Division, in Camden County. On February 6, 2002, Judge Frank M. Lario, Jr., found respondent guilty of thirty-five counts of animal cruelty and, for sentencing purposes, merged all counts into one act of improper shelter of animals. He further determined that none of the dogs had been harmed. Judge Lario imposed a fine of \$1,000, plus costs and other fees totaling \$150; ordered respondent to serve probation for two years, on the condition that respondent not harbor dogs at his residence without the written consent of his probation officer, the municipal health department, and the municipal animal control officer; ordered respondent to perform 180 hours

of community service by providing *pro bono* legal services to the local Society for the Prevention of Cruelty to Animals; and ordered respondent to pay restitution of \$5,092.50 to the Township of Cherry Hill, \$34,470 to the Animal Orphanage of Voorhees, and \$7,988.75 to the Camden County Humane Society. Judge Lario imposed a fine of \$25 and costs of \$25 for respondent's failure to license a dog, and a fine of \$250 and costs of \$30 for permitting the accumulation of rubbish and garbage on respondent's property. Judge Lario found respondent not guilty of maintaining a nuisance.

On June 2, 2003, the Appellate Division affirmed the convictions. On October 7, 2003, respondent's petition for certification to the Court was dismissed for lack of prosecution.

The convictions stem from respondent's neglect of forty-two dogs maintained at his residence. After receiving complaints about this neglect, the Camden County Prosecutor's Office executed a search warrant at respondent's residence. Judge Lario summarized the municipal court testimony of an investigator from the prosecutor's office, the municipal animal control officer, and an investigator from the New Jersey State Society for the Prevention of Cruelty to Animals, all of whom had observed the condition of the premises. The witnesses described a horrific odor detected at least ten feet from respondent's property. There were bags containing feces near the front of the house. Thousands of fleas surrounded the property and could be seen jumping from the grass. Dogs were observed at almost every window. Some of the dogs were very skinny, had puss in their eyes, had sores, were missing portions of hair, and were limping. Refuse was scattered inside and outside the property. The floors and walls were caked with urine and feces. The basement contained piles of feces, debris, and puddles of dried blood. There were spider webs and dust throughout the basement. The air-filtering mask worn by one witness was

rendered useless within seven minutes. Another witness used a respirator as he walked throughout the residence. The entry room, kitchen, and storage area contained garbage, debris, and shredded newspapers. One dog with a broken leg was observed lying in feces. In an upstairs bedroom, puppies were lying in an area covered with excrement. The dogs were removed from the property, a process that required six hours.

The existence of a criminal conviction is conclusive evidence of respondent's guilt. *R.1:20-13(c)(1)*; *In re Gipson*, 103 *N.J.* 75, 77 (1986). Respondent's conviction of cruelty to animals constituted a violation of *RPC* 8.4(b) (commission of a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer). Only the quantum of discipline to be imposed remains at issue. *Rule 1:20-13(c)(2)*; *In re Lunetta*, 118 *N.J.* 443, 445 (1989).

The level of discipline imposed in disciplinary matters involving the commission of a crime depends on numerous factors, including the "nature and severity of the crime, whether the crime is related to the practice of law, and any mitigating factors such as respondent's reputation, his prior trustworthy conduct, and general good conduct." *In re Lunetta, supra*, 118 *N.J.* at 445-46. Discipline is imposed even when the attorney's offense is not related to the practice of law. *In re Kinnear*, 105 *N.J.* 391 (1987).

Here, although respondent's offense was not related to the practice of law, his conviction violated *RPC* 8.4 (b). In recommending a reprimand, the OAE relied on a 1995 matter in which an attorney received a private reprimand for engaging in one instance of animal cruelty. The attorney had been involved in a dispute with a neighbor, whose dogs allegedly defecated on the attorney's lawn. After the attorney's attempts to resolve the matter by contacting the condominium association and the police failed, he resorted to placing bits of glass and poison in

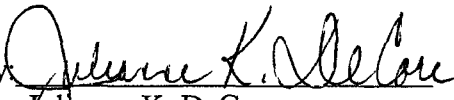
sausages that he left outside for the dogs. In that matter, the attorney had no disciplinary history and was remorseful. In addition, we found that the attorney had been provoked by the owner of the dogs. Here, the OAE argues that, in light of respondent's disciplinary history, a reprimand is warranted.

In another case involving animals, the attorney received a reprimand. *In re Dobis*, 170 N.J. 35 (2001). The attorney in that case transported venomous snakes into New Jersey and pleaded guilty to importing protected wildlife without a permit, a federal misdemeanor. He had not applied for a permit because he believed he would not qualify for one. The attorney previously had pleaded guilty to a similar offense in state court.

Based on respondent's extensive ethics history, we unanimously determine that a reprimand is the appropriate sanction. We further direct respondent to consult with a psychiatric professional approved by the OAE and to furnish proof of such consultation to the OAE before he is reinstated from his current suspension. Two members did not participate.

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

Disciplinary Review Board
Mary J. Maudsley, Chair

By 
Julianne K. DeCore
Chief Counsel

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

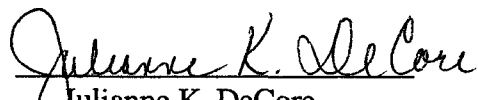
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Disposition: Reprimand

<i>Members</i>	<i>Disbar</i>	<i>Suspension</i>	<i>Reprimand</i>	<i>Admonition</i>	<i>Dismiss</i>	<i>Disqualified</i>	<i>Did not participate</i>
<i>Maudsley</i>			X				
<i>O'Shaughnessy</i>			X				
<i>Boylan</i>			X				
<i>Holmes</i>			X				
<i>Lolla</i>							X
<i>Pashman</i>							X
<i>Schwartz</i>			X				
<i>Stanton</i>			X				
<i>Wissinger</i>			X				
Total:			7				2


Julianne K. DeCore
Chief Counsel