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SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket Nos. DRB 97-280

IN THE MATTER OF :
:
HUBERT JOHNSON :
:
AN ATTORNEY AT LAW :
:

Decision

Argued: October 16, 1997

Decided: June 29, 1998

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

Respondent did not appear for oral argument.¹

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

Pursuant to R. 1:20-13(c)(1), this matter was before the Board on a Motion for Final Discipline filed by the Office of Attorney Ethics ("OAE"), based upon respondent's conviction for first-degree murder, in violation of Tenn. Code Ann. 39-13-202, and attempted first-degree murder, in violation of Tenn. Code Ann. 39-12-101 and 39-13-202.

¹ Respondent received notice of the Board hearing by certified mail. At the time of the hearing, however, he was incarcerated in Tennessee.

Respondent was admitted to the New Jersey bar in 1973. On December 16, 1982 respondent was suspended for three years for negligent misappropriation of \$20,000 in funds belonging to two infants and to an estate and for neglecting four other cases, thereby establishing a pattern of neglect, for which the Client Security Fund paid out \$29,501.68 in claims. In re Johnson, 91 N.J. 616 (1982). Respondent was restored to the practice of law on April 2, 1991. In re Johnson, 123 N.J. 361 (1991). Respondent was temporarily suspended by Order of the Supreme Court on November 21, 1994, following his conviction for first-degree murder and attempted first-degree murder. In re Johnson, 138 N.J. 171 (1994). That suspension continues to date.

Respondent's conviction arose from events that occurred in November 1993. A few weeks prior to her death, Deborah Sligh broke off a three-year live-in relationship with respondent. Sligh was living with her parents.

On November 23, 1993 respondent told two of Sligh's acquaintances, Yolanda Warren and Linda Walker, that, "if he were to come around and wink his eye, they should get out of the way because whatever was standing was going to fall." The two women told Sligh and her parents about the respondent's threat.

On November 24, 1993 respondent visited Sligh and her parents at her parents' home. Walker was also at the house. When the parents were both out of the house, respondent, who had been on the porch, entered the house, hit Sligh in the forehead with a gun, turned Sligh

around and shot her in the back of the head. Respondent then approached Walker, who asked respondent not to shoot her. He shot at her, not knowing that he had missed because Walker leaned forward and lay as though she had been shot. Respondent was arrested the next day with the gun in his pocket. On that same day Sligh died in the hospital.

On January 24, 1994 the Knox County Grand Jury in Tennessee returned an indictment against respondent for one count of first-degree murder and one count of attempted first-degree murder. On July 26, 1994, at the conclusion of a two-day trial, a jury found respondent guilty on both charges. He was immediately sentenced to a term of life imprisonment on the first-degree murder conviction. After a sentencing hearing on September 14, 1994, respondent was sentenced to a fifteen-year consecutive sentence on his conviction for attempted first-degree murder charge.

The convictions were affirmed by the Court of Criminal Appeals of Tennessee on September 18, 1996. On June 27, 1997, the Supreme Court of Tennessee denied respondent's application for leave to appeal.

* * *

Upon a de novo review of the full record, the Board determined to grant the OAE's Motion for Final Discipline. A criminal conviction is conclusive evidence of guilt in a disciplinary proceeding. R. 1:20-13(c)(1); In re Gipson, 103 N.J. 75, 77 (1986). Therefore, respondent's convictions of first degree murder and attempted first degree murder are clear and convincing evidence that he has violated RPC 8.4(b) (committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer).

The sole issue to be determined is the quantum of discipline to be imposed. R. 1:20-13(c)(2); In re Lunetta, 118 N.J. 443, 445 (1989). The primary purpose of discipline is not to punish the attorney, but to preserve the public's confidence in the bar. In re Barbour, 109 N.J. 143 (1988). When an attorney commits a crime, he violates his professional duty to uphold and honor the law. In re Bricker, 90 N.J. 6, 11 (1982).

The Court disbarred an attorney convicted of first-degree murder in Illinois where the attorney shot his former girlfriend six times, killing her, then wrapped her body in a sleeping bag and buried it in a landfill. In re Weber, 138 N.J. 31 (1994). Another attorney was disbarred after pleading guilty to one count of aggravated manslaughter after he pushed a teenager out of a ninth floor window, causing the victim to fall to her death. In re Rasheed, 134 N.J. 532 (1994). See also In re McAlesher, 93 N.J. 486 (1983) (where attorney was disbarred following a conviction for second-degree murder).

Here, defendant has been convicted of first-degree murder and attempted first-degree murder, both atrocious crimes. Disbarment is clearly required. The Board unanimously recommends to the Court that respondent be disbarred.

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

Dated: 6/29/98

By: 
LEE M. HYMERLING

Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

*DISCIPLINARY REVIEW BOARD
VOTING RECORD*

**In the Matter of Hubert Johnson
Docket No. DRB 97-280**

Argued: October 16, 1997

Decided: June 29, 1998

Disposition: Disbar

Members	Disbar	Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hymerling	x						
Zazzali	x						
Brody	x						
Cole	x						
Lolla	x						
Maudsley	x						
Peterson	x						
Schwartz	x						
Thompson	x						
Total:	9						

By Robyn M. Hill 8/12/98
Robyn M. Hill
Chief Counsel