

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 16-121  
District Docket No. XII-2014-0001E

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IN THE MATTER OF :  
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TORKWASE YEJIDE SEKOU :  
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AN ATTORNEY AT LAW :  
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Dissent

Argued: September 15, 2016

Decided: December 20, 2016

I write in dissent from the majority's recommendation to impose a censure for respondent's unethical conduct and Member Singer's dissent wherein she votes to dismiss the complaint in its entirety. I respectfully recommend that Ms. Sekou be suspended for three months.

Respondent was charged with violations of RPC 8.1(a), RPC 8.4(b) and RPC 8.4(c). The majority dismissed the RPC 8.4(b) charge, but found that the record below demonstrates, by clear and convincing evidence, that respondent violated RPC 8.1(a) and RPC 8.4(c).<sup>1</sup> Significantly, the majority noted:

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<sup>1</sup> I will address the majority's dismissal of the RPC 8.4(b) charge later.

From the outset of the disciplinary process, respondent has made multiple misleading, contradictory, and ultimately, false statements of material fact to the disciplinary authorities regarding various topics . . . In our view, respondent's contradictions represent nothing more than an attempt to conceal her misconduct - an attempt that is foiled by ordinary common sense. Plainly stated, respondent's statements are simply implausible in several respects . . . Respondent's contradictions within her answer to the grievance, in her answer to the complaint, and in her statement annexed to her verified answer to the complaint constitute false statements of material fact to disciplinary authorities . . . Although the complaint was not amended to charge respondent with a violation of RPC 8.1(a) regarding her testimony before the DEC, we note that respondent persisted in her inconsistency throughout the hearing - a fact the DEC specifically considered in aggravation.

In the matter of Torkwase Yejide Sekou, DRB 16-121 (slip op. at 21).

Respondent was charged with a violation of RPC 8.1(b) (criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other aspects). The DEC and the majority dismissed this charge, finding a lack of clear and convincing evidence. The complaint charged that respondent engaged in criminal conduct by using a credit card belonging to the decedent after Spence's unfortunate death. Regardless that respondent denied the allegation, the predicate for this charge was a bill indicating the date, location, and the charge, with the admission that the credit card was in the exclusive control of

respondent when the charge to the credit card was made. The DEC and the majority found the charged violation of RPC 8.4(b) could not be sustained because, without more, "It is possible that a third party used Spence's credit card, without having possession of the card itself."

The DEC did, however, find a violation of RPC 8.4(b) based on the totality of respondent's conduct following Spence's suicide. The majority dismissed this charge too, not because the predicate proof was insufficient, and despite the DEC's compelling argument, but rather because respondent was not specifically charged with a violation of RPC 8.4(b) in this context, i.e., she was not charged with the theft of Spence's property.

I accept without question that Spence's death by suicide was a traumatic experience for respondent and that her grief may have clouded her judgment. However, I cannot ignore the reality that respondent was a judge of the Superior Court and is a municipal court judge for the City of Orange. Regardless that she has no history of discipline, throughout the disciplinary process she has demonstrated a lack of remorse and a refusal to accept responsibility for her conduct. Of utmost significance is that, despite being told by the police, after the death of Spence, that to gain access to Spence's residence she would need to first contact the Surrogate's office to gain permission, and would be

required to be accompanied by a representative of the sheriff's office, respondent took it upon herself to enter Spence's condominium unit.

My esteemed dissenting colleague's understanding of the record is markedly different from mine. She seems to have concluded that, on the morning after Spence's death, respondent went to the Surrogate's Court to discuss administering the estate. However, I can find no evidence of this in the record and, frankly, the record evidence is exactly to the contrary.

What is undisputed is that Michele Grazul discovered Spence's body and called the police. The police arrived and Grazul gave the key to Spence's condominium to Detective Michael O'Donnell of the West Orange Police Department. He took the key and brought it to headquarters as evidence.

The uncontradicted evidence is that, in the late evening of September 15, 2013, Michele Grazul called respondent at respondent's house, and told her of the suicide and that the key had been given to the police. Grazul also informed respondent, in this conversation, that Detective O'Donnell warned that no one was to go in the house unless they went there through and with the permission of the Surrogate's Office and the Sheriff.

In the early morning of September 16, according to respondent's own testimony, she called O'Donnell to inquire about

the key. He was not in and she left a message for him to return her call, which he did. O'Donnell testified that he advised respondent on that morning, that the key was being held for safekeeping in the records bureau, and that, to obtain that key, she would have to go through the Surrogate's Office. Despite this warning from both Grazul and O'Donnell, that access to Spence's residence could only be with the permission of the Surrogate, respondent took it upon herself to enter the residence with no such permission having been granted.

To paraphrase my dissenting colleague, this is, respectfully, more than a family or personal dispute, and it is appropriately being brought in the ethics forum not simply because respondent is a former Superior Court judge and lawyer, but because she was a Superior Court judge and is now an attorney who knew or should have known better.

Disciplinary Review Board  
Maurice J. Gallipoli

By: 

Ellen A. Brodsky  
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