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March 21, 2017

Mark Neary, Clerk
Supreme Court of New Jersey
P.O. Box 970
Trenton, New Jersey 08625-0962

Re: **In the Matter of Ralph Alexander Gonzalez**
Docket No. DRB 16-422
District Docket No. XIV-2014-0543E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (a censure or a three-month suspension, as the Board deems appropriate) filed by the Office of Attorney Ethics (OAE), pursuant to R. 1:20-10(b)(1). Following a review of the record, the Board determined to grant the motion. In the Board's view, a three-month suspension is the appropriate discipline for respondent's violations of RPC 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer) and RPC 8.4(d) (conduct prejudicial to the administration of justice).

On February 19, 2015, a Burlington County Grand Jury indicted respondent on one count of third-degree possession of a weapon for an unlawful purpose, a violation of N.J.S.A. 2C:39-4(d), and one count of fourth-degree criminal mischief, a violation of N.J.S.A. 2C:17-3(a)(1). The indictment resulted from respondent's involvement in an August 15, 2014 "road rage" incident in Evesham Township.

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Although the events leading up to the incident are disputed, respondent admitted that, as a result of aggressive interactions on the roadway, he initiated a confrontation with twenty-one-year old Julia Bouclier. Although he claimed that Bouclier drove recklessly, he admitted that, after Bouclier stopped her vehicle, he exited his vehicle "probably wanting to hurt someone. I would say even worse than that."

Specifically, respondent retrieved a golf club from his trunk and swung the club at Bouclier's vehicle "as if he were going to hit it," and then threw the club at her car as she attempted to drive away. The club struck Bouclier's vehicle multiple times as it caromed about. He then retrieved the club and closely approached Bouclier's vehicle. Respondent stipulated that, from close range, he could see and hear Bouclier crying and attempting to explain herself, but that he was unmoved. He stated that "this could have been my daughter and this is a lesson. You don't go running people off the side of the road." Nevertheless, respondent then left the scene without contacting the police, rationalizing that "nobody [was] bleeding." He admitted that "he lost control over his emotions and is remorseful." Ultimately, the police identified and contacted respondent, and he cooperated with the police investigation. Respondent also reported his charges to the OAE.

According to Bouclier, the incident with respondent began when she suddenly braked to avoid a deer. She claimed that respondent began to aggressively "tailgate" her vehicle, and attempted to improperly pass her. At some point, she stopped her vehicle at an intersection. Respondent then exited his vehicle, and began striking the trunk of her vehicle with his golf club. When she attempted to leave the scene, respondent threw the club at her vehicle, striking it again. Bouclier called the police, who interviewed her at the scene and photographed two large dents in her trunk and marks on her rear windshield. Bouclier was distraught, and reported being unable to sleep for fear that respondent might know where she lived and could hurt her and her family.

On June 5, 2015, respondent entered into a consent order in Superior Court, Burlington County, whereby he was admitted into the Pre-Trial Intervention (PTI) Program, conditioned on payment of \$2,248.66 in restitution to Bouclier; successful completion of an anger management course; his agreement to refrain from

filing complaints against Bouclier;¹ and his agreement to abide by the terms of the PTI program. Respondent accepted responsibility for all damage to Bouclier's vehicle, including the dents that he claims, in the stipulation, he did not make. On July 8, 2016, the Superior Court entered an order memorializing respondent's successful completion of PTI.

The stipulation cited respondent's prior discipline as an aggravating factor but offered no mitigation.² The parties asserted that, based on disciplinary precedent, the proper quantum of discipline is a censure or a three-month suspension.

Recently, the Court has imposed three-month suspensions on attorneys who engaged in violent behavior. In In re Buckley, 226 N.J. 478 (2016), the attorney violently assaulted a taxi driver in Jersey City. In the Matter of Christopher J. Buckley, DRB 15-148 (December 15, 2015) (slip op. at 4-5). The incident began when the attorney informed the taxi driver that he had only \$9 for a \$63 fare, and needed to go to his apartment to retrieve his ATM card (slip op. at 4). When the taxi driver locked the attorney in the back of the taxi, the attorney, who was 6'5" tall and weighed 280 pounds, began to kick at a door and window of the vehicle. Ibid. Presumably to preserve his vehicle, the taxi driver allowed the attorney to exit, but pursued him, seeking payment of his fare. Id. at 5. In response, the attorney grabbed the taxi driver's face and then struck him in the face with a closed fist. Ibid. The police were summoned, interviewed the taxi driver, and arrested the attorney, who was in a bar near the scene of the assault. Ibid. As a result of the assault,

¹ Respondent had twice attempted to file criminal complaints against Bouclier, which were dismissed by the municipal court.

² In 1995, respondent received a reprimand for violating RPC 8.4(b), RPC 8.4(c), and RPC 8.4(d), after he had pleaded guilty to obstructing the administration of law, a disorderly persons offense. In re Gonzalez, 142 N.J. 482 (1995).

In 2012, respondent received an admonition for again violating RPC 8.4(d), after he had attempted to persuade a former client to withdraw her ethics grievance against him as part of the settlement of a civil suit he had filed against her. In the Matter of Ralph Alexander Gonzalez, DRB 12-283 (November 16, 2012).

the taxi driver sustained lacerations to his forehead and upper lip, his glasses were broken, he had blood on his shirt, and he reported pain in his nose and mouth. Ibid.

Initially, the attorney was charged with robbery, an indictable offense. Ibid. Ultimately, however, he entered a guilty plea to simple assault, a disorderly persons offense. Id. at 2. The attorney was sentenced to mandatory statutory fines and agreed to pay \$750 in restitution to the victim. Id. at 3.

In In re Collins, 226 N.J. 514 (2016), the attorney initiated a "road rage" incident in Jersey City. In the Matter of John J. Collins, DRB 15-140 (December 15, 2015) (slip op. at 3). Angered by the actions of another driver, the attorney exited his vehicle, retrieved a baseball bat from the trunk, and struck the driver's vehicle multiple times. Ibid. The attorney's strikes to the vehicle broke the windshield and a side mirror and caused the driver and a passenger imminent fear of bodily injury. Ibid.

Initially, the attorney was charged with aggravated assault, possession of a weapon for an unlawful purpose, and criminal mischief - all indictable offenses. Ibid. Ultimately, however, he entered a guilty plea to two counts of simple assault, and one count of criminal mischief - all disorderly persons offenses. Id. at 1-2. The attorney was sentenced to three concurrent one-year terms of probation, no contact with the victims, and mandatory statutory fines, and agreed to pay \$1,500 in restitution. Id. at 3.

Here, respondent's misconduct is similar to that of the attorney in Collins, where a three-month suspension was imposed, despite the attorney's lack of prior discipline. As in Collins, in an act of "road rage," respondent terrorized Bouclier on a public street. Although the stipulation asserted that respondent is remorseful for his behavior, the Board, nevertheless, was concerned, given his troubling statements that he exited his vehicle "probably wanting to hurt someone. I would say even worse than that;" and "this could have been my daughter and this is a lesson. You don't go running people off the side of the road." Moreover, this case marks the third time that respondent will be sanctioned for misconduct, including two prior violations of RPC 8.4(d).

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Respondent has demonstrated a penchant for lack of respect for the administration of justice. He has criminally attempted to evade traffic points by improperly using another's identification; has attempted to use a civil suit to leverage a former client into withdrawing a pending ethics grievance; and has now fled the scene of his violent criminal conduct before the police arrived. There is no mitigation to consider. Accordingly, the Board determined that respondent's misconduct warrants a three-month suspension to protect the public and to preserve confidence in the bar.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated December 2, 2016.
2. Stipulation of discipline by consent, dated December 5, 2016.
3. Affidavit of consent, dated December 6, 2016.
4. Ethics history, dated March 21, 2017.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

Encls.

c: Bonnie C. Frost, Chair

Disciplinary Review Board (w/o enclosures)

Charles Centinaro, Director

Office of Attorney Ethics (w/o enclosures)

Steven J. Zweig, Deputy Ethics Counsel,

Office of Attorney Ethics (w/o enclosures)

Ralph Alexander Gonzalez, Respondent (w/o enclosures)