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ASSISTANT COUNSEL

May 24, 2018

**VIA CERTIFIED MAIL, R.R.R., REGULAR MAIL, & E-MAIL**

William T. Haggerty  
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North Tower – Suite 1212  
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[marc@njethicsattorney.com](mailto:marc@njethicsattorney.com)

**Re: In the Matter of William T. Haggerty**  
Docket No. DRB 18-067  
District Docket No. IX-2016-0007E  
**LETTER OF ADMONITION**

Dear Mr. Haggerty:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition.

Specifically, Sussex Rural Electric Cooperative (SREC) filed a criminal complaint against David Zukowski, grievant, alleging criminal mischief greater than \$500 and theft of services. The Sussex County Prosecutor's Office downgraded the matter to a disorderly persons offense and remanded it to the Wantage Municipal Court. You were a municipal prosecutor in Wantage Municipal Court.

On October 17, 2011, Mr. Zukowski appeared in Wantage Municipal Court on the downgraded charge, to which he entered a

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not guilty plea. The trial was held on December 5, 2011; Mr. Zukowski appeared pro se. The State called Charles Tate, Manager of Marketing, Member Services, Customer Services and Billing, to testify on behalf of SREC. On cross-examination, Mr. Zukowski asked Mr. Tate whether he knew that the Chairman of the SREC Board was Jack Haggerty, Jr. Mr. Tate admitted that Jack Haggerty, Jr. was the Chairman and that he was your brother. The judge immediately declared a mistrial. You did not deny that the Chairman of the Board of Directors of SREC is your brother and that you had failed to inform the court of your familial relationship.

The Board found that your failure to disclose this familial relationship violated RPC 3.3(a)(5). The Board rejected your argument that you did not view your brother's position as a material fact, noting the immediate declaration of a mistrial and the perception that the familial relationship could influence how you prosecuted the matter. The Board also rejected your argument that you did not intend to deceive the court, noting that RPC 3.3(a)(5) does not require intent but, rather, only knowledge that the omission is reasonably certain to mislead the tribunal.

In imposing only an admonition, the Board considered your otherwise unblemished forty-two-year legal career.

Your conduct has adversely reflected not only upon you as an attorney but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, it will be taken into consideration.

The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded under separate cover.

Very truly yours,



Ellen A. Brodsky  
Chief Counsel

EAB/trj

I/M/O William T. Haggerty, DRB 18-067

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c: Chief Justice Stuart Rabner  
Associate Justices  
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Mark Neary, Clerk  
    Supreme Court of New Jersey  
Gail G. Haney, Deputy Clerk  
    Supreme Court of New Jersey (w/ethics history)  
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Joseph M. Casello, Secretary  
    District IX Ethics Committee (regular mail and e-mail)  
Lawrence H. Shapiro, Presenter  
    District IX Ethics Committee (e-mail)  
Rev. David Zukowski, Grievant (regular mail)