Supreme Court of New Jersey
Disciplinary Review Board
Docket No. DRB 21-228
District Docket No. XIV-2021-0084E

In the Matter of	:
Rhashea Lynn Harmon	:
An Attorney at Law	:

Decision

Argued: February 17, 2022

Decided: March 29, 2022

Darrell M. Felsenstein appeared on behalf of the Office of Attorney Ethics.

Respondent did not appear, despite proper notice.

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

This matter was before us on a motion for reciprocal discipline filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-14(a), following the Supreme Court of Pennsylvania's July 13, 2020 order disbarring respondent.

The OAE asserted that respondent was found guilty of having violated the equivalents of New Jersey RPC 3.1 (frivolous litigation); RPC 3.3(a)(1) (false statement of material fact to a tribunal); RPC 3.5(c) (a lawyer shall not engage in conduct intended to disrupt a tribunal); RPC 4.1 (truthfulness in statements to others); RPC 4.4(a)(1) (conduct that has no substantial purpose other than to embarrass, delay, or burden a third person); RPC 5.5(a)(1) (unauthorized practice of law); RPC 7.1(a)(1) (false or misleading communications about the lawyer, the lawyer's services, or any matter in which the lawyer has or seeks a professional involvement); RPC 8.4(a) (knowing assistance or inducement of another to violate the RPCs, or to do so through the acts of another); RPC 8.4(b) (commission of a criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer); RPC 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation); and RPC 8.4(d) (conduct prejudicial to the administration of justice).

For the reasons set forth below, we determine to grant the OAE's motion and recommend to the Court that respondent be disbarred.

Respondent earned admission to the New Jersey and Pennsylvania bars in 2012 and to the New York bar in 2011.[1] Effective December 4, 2019, the Court

[1] On February 18, 2021, the Supreme Court of New York, Appellate Division, Third Department, reciprocally disbarred respondent for her misconduct in New Jersey and Pennsylvania; her failure to cooperate with disciplinary authorities; and her acts of misconduct, many of which were

suspended respondent for an indeterminate period and prohibited her from applying for reinstatement for five years. In re Harmon, 240 N.J. 124 (2019).

In that matter, which proceeded as a default, respondent violated RPC 1.4(b) (failure to communicate with a client); RPC 1.16(c) (failure to comply with applicable law when terminating a representation); RPC 1.16(d) (upon termination of the representation, failure to take steps reasonably practicable to protect a client's interests); RPC 8.1(b) (failure to cooperate with disciplinary authorities); and RPC 8.4(d) (conduct prejudicial to the administration of justice).

Respondent's client had been charged with violating the conditions of his lifetime supervision imposed in connection with a prior conviction. Respondent failed to appear for a pretrial hearing, but subsequently attended jury selection proceedings. However, the day prior to the trial, respondent notified the assistant prosecutor, via e-mail with a copy to the court, that she was no longer the attorney of record and that her client was representing himself. Respondent stated that the e-mail would serve as her notice that she was withdrawing from the representation, which was a violation of R. 1:11-2. The e-mail also contained

designed to harass and retaliate against others. In re Harmon, 142 N.Y.S.3d 631 (2021). The New York court found that, beyond her misconduct, respondent's statements in her submission to the court demonstrated that she did not believe she was obligated to conform "her conduct to the ethics rules of any state" and that she had no remorse for her misconduct.

multiple accusations of prosecutorial misconduct, in addition to numerous "sovereign citizen" elements.[2] Respondent's client had expected respondent to appear and defend him against the charges. The judge was forced to declare a mistrial and asserted that respondent's misconduct wasted more than two weeks of court time.

We determined that respondent's most serious ethics infraction was her improper and unilateral termination of the representation of her client, on the eve of his criminal jury trial, and determined that a three-month suspension was the appropriate quantum of discipline for respondent's misconduct. However, the Court imposed an indeterminate suspension after respondent failed to appear on its Order to Show Cause.

Turning to this matter, the following facts are taken from the Report and Recommendations of the Disciplinary Board of the Supreme Court of Pennsylvania. On April 16, 2019, the Pennsylvania Office of Disciplinary Counsel (the ODC) filed a Petition for Discipline alleging that respondent had engaged in criminal conduct; abused the legal system to file frivolous, meritless, and vexatious claims; engaged in the unauthorized practice of law; and failed to cooperate with its investigation into her misconduct.

[2] Respondent identifies as a "sovereign citizen," a political movement of people who oppose taxation, question the legitimacy of government, and believe they are not subject to the law. See https://www.splcenter.org/fighting-hate/extremist-files/ideology/sovereign-citizens-movement.

Respondent's Criminal Conduct

In 2014, respondent leased an apartment from Francine Beyer. According to the signed lease agreement, respondent agreed to pay Beyer $1,500 in rent per month. However, respondent subsequently informed Beyer she was not required to pay any rent because she was an "aboriginal indigenous Moorish American" and, therefore, "owned it all." Besides providing the first and last month's rent as a deposit, respondent did not pay any rent to Beyer after signing the lease.

Consequently, on December 5, 2014, Beyer filed a landlord-tenant action, in Philadelphia Municipal Court, seeking to evict respondent from the apartment for her failure to pay rent. Beyer later retained Susan J. Kupersmith, Esq., to represent her in the landlord-tenant action.

On April 22, 2015, the parties reached a settlement agreement whereby respondent agreed to vacate and return possession of the apartment to Beyer on or before May 17, 2015. Thereafter, on May 18, 2015, Beyer arranged to have a sheriff post an eviction notice on the apartment's door and replaced the lock on the door. Beyer did not provide respondent with a copy of the new key. When she changed the locks, Beyer observed that respondent's belongings were still in the apartment. The next day, respondent and three other individuals were arrested by the Philadelphia Police Department after they broke into the

apartment. When she arrived on the scene, Beyer observed that the lock she had installed the day prior looked as if it had been drilled through and broken pieces were lying on the floor. Beyer observed a hole in the door where the lock had been. Respondent was charged with criminal trespass, criminal mischief, and criminal conspiracy.

On June 2, 2015, a preliminary hearing on the criminal charges was held before the Honorable David C. Shuter. At the beginning of the hearing, respondent was uncooperative, refused to identify herself, and refused to stand or walk to the front of the court when the judge called her case. Additionally, during the hearing, respondent and her co-defendants shouted and waved Moorish flags.

Beyer and the arresting officer testified during the hearing. Respondent repeatedly made baseless objections during their testimony and Judge Shuter ultimately excused both witnesses from the stand during the defendants' cross-examination, because respondent was "not asking questions about the facts of the case." During her cross-examination of Beyer, respondent argued with Judge Shuter, and he told respondent there was no need to scream. Judge Shuter also told respondent that, if he had already overruled her objections, she could not make the same objection.

Following the hearing, Judge Shuter ordered respondent held for court and her case bound over for a trial on all the criminal charges against her. Additionally, Judge Shuter entered a protective order prohibiting respondent from contacting, intimidating, or harassing Beyer.

On June 23, 2015, respondent failed to appear in court for her scheduled arraignment. Consequently, Judge Jeffrey P. Minehart issued a bench warrant for respondent's arrest.

At the time of the Pennsylvania disciplinary proceedings, respondent's criminal case remained open and the bench warrant for her arrest outstanding.[3] Because the criminal case has been ongoing for more than six years, Beyer periodically has been subpoenaed to testify each time law enforcement located one of the defendants.

Respondent's Frivolous Lawsuit and Fraudulent Tax Filings

Separately, on June 26, 2015, respondent, along with her three co-defendants, filed a pro se federal civil complaint in the United States District Court for the Eastern District of Pennsylvania, captioned The NorthWest

[3] According to the Philadelphia County Court of Common Pleas criminal docket as of March 11, 2022, respondent was arrested on October 7, 2021, released on her own recognizance and a "Pretrial Bring Back" hearing was scheduled for February 24, 2022. No further information was available regarding the hearing.

Amexem, Fez Province, et al. v. Tom Wolfe, et al., against fifty-one defendants, including Beyer and Kupersmith, in the United States District Court for the Eastern District of Pennsylvania. Respondent alleged the defendants had committed constitutional conspiracy; intentional breach of fiduciary trust; defamation; libel; slander; invasion of privacy; theft; and conversion of cultural relics, with all claims arising out of her arrest in the aforementioned criminal case. On July 6, 2015, respondent filed an amended complaint and added an allegation that the defendants had violated the "United States Constitution, the Racketeer Influenced and Corrupt Organizations Act, and various international Codes and Accords."

On July 27, 2015, counsel for Kupersmith and other defendants filed a motion to dismiss respondent's complaint for lack of jurisdiction and failure to state a claim. By order dated August 20, 2015, United States District Court Judge Paul S. Diamond dismissed respondent's complaint, in its entirety, with prejudice. Judge Diamond specifically found that respondent's claims were without merit.

Due to the federal lawsuit; attorney's fees; lost rental income; handling of respondent's belongings; and repairs for the damage done to her property, Beyer testified that she had incurred a loss of more than $43,000 as a direct result of respondent's misconduct. Kupersmith testified that her legal fees in an eviction

action usually amount to $2,500 or $3,000. However, Beyer paid approximately $22,000 in legal fees because respondent "did everything possible under the law and somewhat not under the law to delay and cause the costs to get extreme in this particular case."

Furthermore, approximately one month prior to the Pennsylvania disciplinary hearing, respondent sent Beyer a "Notice of Audit," from the "Guale Yamassee Audit and Compliance Office," purporting to be judicial notice regarding "numerous Treaty violations and international human rights violations occurring against Indigenous People." On August 21, 2019, respondent also sent a similar "Notice of Audit" to the ODC.

Three years earlier, respondent had filed two separate fraudulent Internal Revenue Service (IRS) 1099-OID tax forms with the IRS. In the tax forms, respondent identified herself as the "payer" and claimed that Kupersmith had received $615,588.1 [sic] in "Inventory Indebtness' Acquisition of personal property and nonpayment of personal Property received and realized on debt." In a separate 1099-OID form, respondent claimed that Beyer had received $635,088.10 from her in "Realized Income from Cash, Accounts and personal property that added value to promissory note debt instrument."

Kupersmith contacted the IRS on behalf of herself and Beyer to address and resolve respondent's fraudulent tax filings and ultimately was informed that the IRS had not processed the 1099-OID forms.

Respondent's Unauthorized Practice of Law

On September 26, 2017, the Supreme Court of Pennsylvania administratively suspended respondent from the practice of law. Despite that order, respondent continued to engage in the practice of law in Pennsylvania.

For example, Michael S. Bomstein, Esq., represented the plaintiffs in Matrix Financial Services v. McCloud, et al. The defendants in that matter proceeded pro se and the court granted them in forma pauperis status. On January 14, 2019, notwithstanding her suspension, respondent sent a letter to Bomstein informing him that she had been retained to represent the defendants in a pending foreclosure action. Respondent claimed that the scope of her representation was limited, but that the defendants had "bestowed" her with the authority to discuss matters as if her representation was unlimited. Respondent's letter was printed on letterhead that identified her law firm as "RLH Ma' at Law" and indicated she was licensed to practice law in Pennsylvania. On January 25, 2019, respondent sent a second, similar letter, reiterating that Bomstein should contact her, and not the defendants in the case.

Bomstein had not received a notice of appearance from respondent and learned that respondent had been suspended from the practice of law in Pennsylvania. Consequently, on February 5, 2019, he filed a "Motion for Declaratory Relief" with the court, seeking a finding that respondent engaged in the unauthorized practice of law. Bomstein testified that he filed the motion because respondent had not filed a formal notice of appearance in the case and, therefore, he felt he had an obligation to communicate with the defendants directly. However, respondent had directed him not to communicate with the pro se defendants, even though she was suspended from the practice of law.

On February 26, 2019, respondent filed a reply to Bomstein's motion, entitled "Preliminary Objections, Affirmative Defenses and Counterclaims to Plaintiff's Motion for Declaratory Relief." In her reply, respondent claimed that paying her yearly attorney registration to the Pennsylvania, New York, and New Jersey bars:

> encourages and/or supports the suppression and oppression of Indigenous people and holding their members out to be "officers of the court" creates a direct conflict of interest and places any Tribal member who pays dues to these associates, organizations et cetera, in a compromising position that may include a violation of moral and ethical conduct to both.
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> [ODCEx.51.][4]

[4] "ODCEx." and "Ex." refers to the exhibits attached to the OAE's motion, dated October 15, 2021.

Respondent explained that she was "counsel authorized through [the] Mund Barrefan Clan," and that, because members of the Mund Barrefan Clan are not United States Citizens, they are "not subject, unless they choose, by contract or agreement, to the rules created by the arrival and nefarious actions of their colonial occupiers."

Addressing the September 26, 2017 order administratively suspending her in Pennsylvania, respondent argued that Bomstein had failed:

> to present specifically how besides finding an on line copy of ™Rhashea Lynn Harmon-El©, Esq. status with Supreme Court of Pennsylvania 'Administrative Suspension' that such status is a lawful representation that ™Rhashea Lynn Harmon-El©, Esq. is engaged in the unauthorized practice of law.
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> [Ibid.]

Respondent elaborated that Bomstein had failed to "specifically identify which 'law[s]' and whose 'law', if any, it is that ™Rhashea Lynn Harmon-El©, Esq. has violated or to offer any lawful evidence substantiating any such contentions." Respondent offered that the defendants in the Matrix case had "a right to be represented by their own and not by someone whose allegiance is with the court of the colonizer, Indigenous people do not trust Attorneys BARred and operating under the system that was designed to erase them and/or profit from them." Respondent concluded by claiming Bomstein brought a wrongful

claim against her and "made false assertions of material facts, that ™Rhashea Lynn Harmon-El©, Esq. is engaged in the unauthorized practice of law" and that she "cannot be bought and will not dishonor her duties and responsibilities to her Tribe."

On May 22, 2019, the Honorable Paula Patrick held a hearing on Bomstein's motion. Respondent appeared at the hearing, identified herself as "counsel for the Indigenous Native American Association of Nations," and informed the court that she was authorized to represent the defendants in the matter. Respondent confirmed that she was representing the defendants in the Matrix case and had sent Bomstein letters regarding her representation. Judge Patrick then granted Bomstein's motion, finding that respondent had engaged in the unauthorized practice of law in Pennsylvania. Judge Patrick informed the parties that she was going to refer the matter of respondent's unauthorized practice of law to the ODC.

Subsequently, in a July 19, 2019 pleading addressed to Bomstein, respondent provided an "executed Order of Judgment by the Guale Yamassee Sui Juris Consular Court against the listed debtors," which purported to enable respondent to file liens and attach judgments against Bomstein.

Respondent's Failure to Cooperate with Disciplinary Authorities

On September 4, 2018, the ODC sent a DB-7 letter[5] to respondent, to four known addresses, with respect to her criminal charges, the federal lawsuit, and the fraudulent IRS tax documents. Respondent did not reply within the required thirty-day period. Thereafter, on February 4, 2019, the ODC personally served respondent, at her office address, with a second copy of the DB-7 letter.

On February 6, 2019, the ODC sent respondent a second, separate DB-7 letter concerning the allegations that respondent engaged in the unauthorized practice of law. At an unknown time, the ODC granted respondent's request for an extension of time to provide her reply to the DB-7 letter, by March 6, 2019. On February 28, 2019, the ODC also sent a copy of the DB-7 letter to the e-mail address set forth on respondent's letterhead.

By e-mail dated March 1, 2019, respondent acknowledged receipt of the personal service of the DB-7 letter "regarding the Allegations submitted by the reprobate and attempted murderer Kupersmith," and stated that she would provide a reply by the March 6, 2019 deadline.

On March 6, 2019, respondent sent the ODC an "Affidavit for Summary Declaratory Judgment and Counter Claim in Full Opposition to Susan

[5] In Pennsylvania, a DB-7 letter, also known as a letter of inquiry, seeks the attorney's reply to the facts alleged in an ethics grievance. It is, thus, akin to a New Jersey request for a reply to an ethics grievance. (www.padisciplinaryboard.com/attorneys/faqs).

Kupersmith, Esq. And Disciplinary Counsel 'Blue Mice And Pink Elephant' Unsound and Unfounded Fraudulently Contrived Statements."

In her reply, respondent restated that she is an indigenous member of the Mund Barrefan Nation and that her payment of annual attorney registrations in Pennsylvania, New York, and New Jersey encourages the suppression of indigenous people and places her in an ethically compromised position. Respondent claimed that she was not a United States citizen but, rather, as a member of the Mund Barrefan Nation, she was

> entitled and within her lawful rights superseding the colorable laws of the occupying colonizers to protect, defend, and expose the nefarious acts committed by Citizens of the United States and Foreign Agents, known as and doing business as 'attorneys' operating under the authority of the BAR.
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> [ODCEx.17,p4.]

Respondent also alleged that the ODC's use of the word "you" within its DB-7 letter rendered the allegations "ambiguous, confusing, and full of trickery," because respondent is a living being who should be "unambiguously referenced as ™Rhashea Lynn Harmon-El©," so "there is no confusion as to whom the questions are directed."

Furthermore, respondent asserted that the ODC had not established that it had authority to file an ethics action against her and therefore, in her reply to the DB-7 letter, "move[d] for a DECLARATORY JUDGMENT against Susan

Kupersmith and The Office of Disciplinary Counsel." Respondent accused the Pennsylvania Supreme Court of discriminating against indigenous people, and "engaging in fraud, corruption, bribery, racketeering and rendering unjust judgment for the sake of profiting *et cetera.*"

Respondent also alleged that her attorney in the eviction action, along with Kupersmith had "conspired and attempted to: 1) Commit Murder; 2) Commit Fraud; 3) Commit Theft; 4) Engage in Bribery and Extortion." Therefore, respondent asserted that Kupersmith "decided to utilize filing a 'Complaint' with the 'Disciplinary Board' in an attempt to advance her sodomizing murderous agenda to continue raping, robbing, and stealing from the public and particularly the Indigenous people."

Respondent also alleged that Kupersmith had acquired "allative valuable property" from her but had failed to file a "realization of wealth tax form with the IRS." Therefore, according to respondent, Kupersmith believed she was above the law.

Regarding the allegations that she had agreed to vacate the apartment pursuant to the eviction action settlement agreement, respondent claimed she was "not a slave whore and would never buy into agreeing to such an absurd offer if ever made," because the apartment was a "rodent infested death trap."

Respondent then posed the hypothetical question of whether her "moral and ethical obligations to execute her Divine rights of Queenship to her Tribe take a back seat to her alleged colonial occupiers' BAR Member Communist Party – go along to get along – crew?" Respondent then answered that her "obligations are solely to the upliftment and protection of her Tribe. ™Rhashea Lynn Harmon-El© any and allative contracts entered with the colonial occupier were rendered void by documents submitted to the [Pennsylvania] Attorney General's Office and The State Department." Respondent did not explain what documents she submitted that rendered her bar membership void. Nevertheless, respondent asserted that Kupersmith's "unfounded and unsubstantiated allegations" did not subject respondent to the jurisdiction of the Pennsylvania Board.

According to respondent, "the 'board' lacks jurisdiction, creates a direct Conflict of Interest, and has and continues to exhibit Bias, Arbitrariness, Capriciousness and false representation of fairness and a violation of privacy and treaty law." Respondent again asserted that the ODC had failed to explain its authority or jurisdiction over the allegations against her and claimed that the ODC had failed to identify "which 'law[s]' and whose 'law'" to substantiate the claim she had engaged in the unauthorized practice of law." Therefore, respondent contended that:

> because the Board failed to protect the public and honor the Treaty of Camp Holmes, ™Rhashea Lynn Harmon-El© no longer recognizes any contractual alliance with the Supreme Court of Pennsylvania and retains the title of Lawyer to operate and represent members of the Indigenous community who are fortunate to know their indigenous heritage and rights.
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> [ODCEx.17,p18.]

Respondent clarified that, by replying "to questions by an Agency that has not proved its authority to operate and demand responses against an Indigenous being, that she is **not consenting** to the jurisdiction of this Board."

On March 7, 2019, the ODC sent respondent a letter, via first-class mail and e-mail, requesting that she provide a responsive reply to the DB-7 letter that focused on the allegations contained in each numbered paragraph. Respondent did not provide a reply.

Thereafter, on April 16, 2019, the ODC filed a Petition for Discipline and, on May 23, 2019, respondent was personally served with a copy. Respondent did not file an Answer to the Petition for Discipline. Consequently, all the allegations contained in the Petition for Discipline were deemed admitted by respondent, pursuant to Pa.R.D.E 208(b)(3).

The Pennsylvania Ethics Proceeding

Despite receiving proper notice of the September 19, 2019 Pennsylvania disciplinary hearing, respondent failed to appear.

The hearing committee that presided over the matter found that the ODC had established that respondent violated the New Jersey equivalents of RPC 3.1; RPC 4.4(a); RPC 5.5(a)(1); RPC 7.1(a)(1); RPC 8.4(b); RPC 8.4(c); and RPC 8.4(d). The committee further found that respondent violated the Pennsylvania Rules governing the conduct of suspended or disbarred attorneys.

The Disciplinary Board of the Supreme Court of Pennsylvania affirmed and adopted the findings of the hearing committee and recommended that respondent be disbarred. The Pennsylvania Board emphasized respondent's:

> recalcitrant actions in her criminal matter, her frivolous and fraudulent filings, her disregard of the administrative suspension order, and her failure to participate in the instant proceeding, that she holds the courts, the legal system, and the disciplinary system in contempt and believes she is not subject to their authority.
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> [Ex.E,p25.]

The Pennsylvania Board also found that, despite respondent's refusal to "acknowledge and submit to the court's authority in the criminal matter, she felt no compunction about misusing the judicial system to her own ends when it suited her, seeking retaliation against those she believed were to blame for her predicament." Thus, the Pennsylvania Board found that respondent had

demonstrated that "she is wholly unfit to practice law, and most certainly poses a danger to the public."

In aggravation, the Pennsylvania Board noted that, following the entry of our Court's indeterminate suspension Order, the Supreme Court of Pennsylvania had reciprocally suspended respondent for three years.

In further aggravation, the Pennsylvania Board found that respondent had not shown remorse or accepted responsibility for her actions. Rather, it reasoned, respondent's "defiant attitude demonstrates nothing but disdain for the processes of the legal system to which, as an officer of the court, she was obligated to adhere." There were no mitigating factors for the Pennsylvania Board's consideration.

Consequently, on July 13, 2020, the Supreme Court of Pennsylvania issued an order disbarring respondent.

In its motion and during oral argument before us, the OAE argued that identical discipline is warranted in this matter. Specifically, the OAE asserted that, although each of respondent's RPC violations in Pennsylvania, standing alone, might not warrant disbarment, when aggregated, "they paint a troubling picture of an attorney who will not comply with the law and who does not believe she is subject to the law."[6] Therefore, the OAE contended that the

[6] In addition to the RPC violations the Pennsylvania Board found, the OAE asserted that

totality of respondent's misconduct in Pennsylvania, in the context of her indeterminate suspension in New Jersey, supported disbarment.

Citing In re Hasbrouck, 140 N.J. 162, 166-67 (1995) (holding that offenses that evidence ethics shortcomings, although not committed in the attorney's professional capacity, may, nevertheless warrant discipline), the OAE asserted that we may find that respondent violated RPC 8.4(b) even in the absence of a criminal conviction for her misconduct.

Ultimately, the OAE argued that respondent's misconduct evidenced her lack of the traits required of attorneys to serve both their clients and the administration of justice and, consequently, has demonstrated herself unfit to practice law in New Jersey.

It is unclear from the record whether respondent reported her Pennsylvania disbarment to the OAE, as R. 1:20-14(a)(1) requires.

respondent also violated New Jersey RPC 3.3(a) (candor toward the tribunal); RPC 3.5(c) (a lawyer shall not engage in conduct intended to disrupt a tribunal); RPC 4.1(a) (truthfulness in statements to others); and RPC 8.4(a) (violating or attempting to violate the Rules of Professional Conduct, knowingly assisting or inducing another to do so, or doing so through the acts of another).

Notice of the Proceedings

On December 13, 2021, the OAE served respondent with a copy of the instant motion by publication in the New Jersey Law Journal and the Philadelphia Inquirer, notifying respondent that a motion for reciprocal discipline had been filed against her and informing her that she had twenty-one days in which to file a reply brief with us.

Additionally, the Office of Board Counsel (OBC) published a Notice to the Bar on the New Jersey Judiciary's website stating that we would consider this matter on February 17, 2022. The notice also was published in the February 14, 2022 edition of the New Jersey Law Journal, and the February 10, 2022 edition of the Philadelphia Inquirer. The notice informed respondent that, if she wished to appear before us for oral argument, she must immediately contact the OBC to obtain the information for the virtual hearing. Respondent did not appear for oral argument and did not provide us with a submission for consideration.

Following our review of the record, we determine to grant the OAE's motion for reciprocal discipline. Pursuant to R. 1:20-14(a)(5), "a final adjudication in another court, agency or tribunal, that an attorney admitted to practice in this state . . . is guilty of unethical conduct in another jurisdiction . . . shall establish conclusively the facts on which it rests for purposes of a disciplinary proceeding in this state." Thus, with respect to motions for

reciprocal discipline, "[t]he sole issue to be determined . . . shall be the extent of final discipline to be imposed." R. 1:20-14(b)(3).

In Pennsylvania, the standard of proof in attorney disciplinary matters is that the "[e]vidence is sufficient to prove unprofessional conduct if a preponderance of the evidence establishes the conduct and the proof . . . is clear and satisfactory." Office of Disciplinary Counsel v. Kissel, 442 A.2d 217 (Pa. 1982) (citing In re Berland, 328 A.2d 471 (Pa. 1974)). Moreover, "[t]he conduct may be proven solely by circumstantial evidence." Office of Disciplinary Counsel v. Grigsby, 425 A.2d 730 (Pa. 1981) (citations omitted).

Reciprocal discipline proceedings in New Jersey are governed by R. 1:20-14(a)(4), which provides in pertinent part:

> The Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the record on which the discipline in another jurisdiction was predicated that it clearly appears that:
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> (A) the disciplinary or disability order of the foreign jurisdiction was not entered;
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> (B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;
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> (C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;

> (D) the procedure followed in the foreign matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
>
> (E) the unethical conduct established warrants substantially different discipline.

None of the above subsections apply to this case. As discussed below, respondent's misconduct, particularly her repeated claims that she is not subject to the jurisdiction of disciplinary authorities, supports the imposition of identical discipline – disbarment in New Jersey.

This matter raises a question of first impression in New Jersey – what is the appropriate discipline for an attorney who repeatedly claims, despite her status as an officer of the court, that she is not subject to the jurisdiction of state courts and disciplinary authorities, yet, attempts to use the court systems (state and federal), government agencies, and the rule of law as a means to achieve her personal objectives. Based on a review of disciplinary precedent, respondent is the first sovereign citizen attorney encountered by us and the Court in connection with attorney disciplinary matters, and this is her second matter before us.

In this matter, respondent violated RPC 3.1 by filing a frivolous and retaliatory federal civil complaint against fifty-one individuals. The basis for the lawsuit – that her arrest subsequent to breaking into Beyer's apartment was unlawful because respondent owned the apartment – was wholly without merit.

Indeed, the complaint and amended complaint contained theories that have routinely been rejected by courts as frivolous. See Yun v. New Jersey, 2019 U.S. Dist. LEXIS 29548 (D.N.J. Feb. 22, 2019) ("it is well established that 'sovereign citizen' arguments, while made with some regularity, are patently frivolous"). Respondent's filings also demonstrate her willingness to abuse the legal system to retaliate against others.

Additionally, respondent violated RPC 3.3(a)(1) by repeatedly making false statements of material fact or law to the court in the Matrix matter concerning her eligibility to practice law in Pennsylvania. Respondent asserted that the administrative suspension order that was entered by the Supreme Court of Pennsylvania was invalid, when it was not. Respondent contended that the Pennsylvania Supreme Court did not have jurisdiction over her, when it did.[7] Respondent also misrepresented to the court that she owned Beyer's apartment, when she did not.

Furthermore, respondent violated RPC 3.5(c) by intentionally and repeatedly disrupting the preliminary hearing following her arrest. Respondent refused to acknowledge that her proceeding had begun and repeatedly spoke over the judge, necessitating that he direct her not to scream. Respondent also

[7] Commonwealth Wajert v. State Ethics Comm'n, 420 A.2d 439, 442 (1980) (describing the Pennsylvania Supreme Court's "inherent and exclusive power to govern the conduct of those privileged to practice law" in that state) (citing Pa. Const. Art. V, § 10(c); Pa.R.D.E. 103).

made baseless objections, which continued even after the judge overruled them. Respondent's inappropriate conduct was so disruptive that it ultimately prevented two witnesses from testifying.

Additionally, respondent violated RPC 4.1(a) and RPC 8.4(c) when she represented to Bomstein, on January 14, 2019, that she was able to accept communication in the Matrix case, even though she knew she had been administratively suspended from the practice of law in Pennsylvania. At the time respondent sent Bomstein the letters, she also was suspended from the practice of law in both New Jersey and New York. Respondent's January 14, 2019 letter falsely claimed that she was eligible to practice in those jurisdictions, when she was not.

Following her involvement with the criminal justice system, respondent commenced a course of action that was retaliatory and clearly designed to embarrass, delay, or burden the individuals involved. She filed a frivolous federal lawsuit against, among others, Beyer and Kupersmith. After that lawsuit was dismissed, with prejudice, and on the eve of her Pennsylvania disciplinary hearing, respondent purported to serve Beyer and the ODC with a "Notice of Audit." Following the unauthorized practice hearing in the Matrix case, respondent filed liens against Bomstein. Respondent also filed fraudulent IRS tax forms, asserting that Beyer and Kupersmith had each received more than

$600,000 in income from her, when, in fact, she had paid no rent at all, and forced Beyer to spend more than $43,000 to defend herself against respondent's frivolous legal attacks. Even worse, respondent persisted in her harassment of Beyer, in violation of Judge Shuter's June 2, 2015 order expressly prohibiting her from contacting, intimidating, or harassing Beyer. Therefore, there is no question that respondent violated RPC 4.4(a)(1).

Regarding respondent's unauthorized practice of law, in violation of RPC 5.5(a)(1), respondent agreed to represent the defendants in the Matrix case, even though she was administratively suspended from the practice of law in Pennsylvania. She sent Bomstein letters informing him that the scope of her representation was "limited," but also representing that she had full authority from her clients to discuss the case. Respondent's communications were on letterhead which inaccurately represented that she was permitted to practice law in Pennsylvania, New Jersey, and New York. When Judge Patrick held a hearing on Bomstein's motion for declaratory relief, respondent unequivocally stated that not only had she practiced law, but that she intended to continue to do so because disciplinary authorities had no jurisdiction over her.

Respondent's attempts to question the legitimacy of the Pennsylvania Supreme Court's administrative suspension order, and her attempt to question "whose law" she was violating, are demonstrative of her utter disdain for

attorney regulation and discipline. Respondent's position is also disturbing because it indicates an ongoing propensity to continue practicing law, notwithstanding any orders entered prohibiting her from doing so. That defiance endangers both the public and the reputation of the bar. See generally, In re Torre, 223 N.J. 538, 548-549 (2015) ("[t]he attorney disciplinary system is not designed to punish lawyers. Its goals are to protect the public and preserve the public's confidence in the bar. The imposition of discipline in a particular case, thus, is meant to foster continued faith in the legal profession as a whole.") (internal citations omitted).

Moreover, after she agreed to vacate and return possession of Beyer's apartment, respondent damaged the new locks, forced entry, and was charged with criminal trespass, criminal mischief, and criminal conspiracy. Respondent appeared at the preliminary hearing but failed to appear for any other hearings. On June 23, 2015, the court entered a bench warrant for her arrest, which remained outstanding for six years until she was arrested, on October 7, 2021.

With respect to respondent's criminal conduct following her eviction from Beyer's apartment, it matters not that the criminal proceedings have not yet concluded. Nor does it matter that respondent's criminal conduct is before us in a motion for reciprocal discipline under R. 1:20-14, rather than a motion for final discipline under R. 1:20-13. See In re Gallo, 178 N.J. 115, 121 (2003) (the

scope of disciplinary review is not restricted, even though the attorney was neither charged with nor convicted of a crime). A violation of RPC 8.4(b) may be found even in the absence of a criminal conviction or guilty plea. In re McEnroe, 172 N.J. 324 (2002) (attorney found to have violated RPC 8.4(b), despite not having been charged with or found guilty of a criminal offense); see also In re Nazmiyal, 235 N.J. 222 (2018) (although an attorney was not charged with, or convicted of, violating New Jersey law surrounding the practice of debt adjustment, the attorney was found to have violated RPC 8.4(b)); In the Matter of Nancy Martellio, DRB 20-280 (June 29, 2021) (after an attorney committed forgery when she altered the lease of the law firm that employed her and stole the law firm's security deposit, we found an RPC 8.4(b) violation even though the attorney had never been criminally charged). Therefore, respondent's criminal conduct – damaging the locks on Beyer's apartment to gain entry to a dwelling she agreed to vacate by a date certain – establishes a violation of RPC 8.4(b) by clear and convincing evidence.

Finally, there is no question that respondent's misconduct, which ranged from protracting a criminal proceeding for six years, to intentionally disrupting a criminal court proceeding, to filing frivolous litigation and tax liens, was conduct prejudicial to the administration of justice, in violation of RPC 8.4(d).

We agree that respondent violated RPC 7.1(a)(1) when she misrepresented on her letterhead that she was permitted to practice law in Pennsylvania, even though she was suspended. That transgression would typically result in an admonition, but does not affect the quantum of discipline in this matter; the gravamen of respondent's misconduct is her belief that she is not subject to the Rules of Professional Conduct. See, e.g., In the Matter of Lamiaa E. Elfar, DRB 20-265 (January 26, 2021), In re Elfar, 246 N.J. 56 (2021); In the Matter of Raymond A. Oliver, DRB 09-368 (May 24, 2010); and In the Matter of Paul L. Abramo, DRB 08-209 (October 20, 2008).

However, the RPC 8.4(a) charge cannot be sustained. The complaint charged that respondent violated RPC 8.4(a) merely by violating other Rules of Professional Conduct, a posture that we historically have rejected as superfluous. Pursuant to stare decisis, we dismiss the RPC 8.4(a) allegation. See, e.g., In the Matter of David Jay Bernstein, DRB 21-011 (September 22, 2021) (RPC 8.4(a) charge dismissed as subsumed within the attorney's violations of other Rules of Professional Conduct), so ordered, 249 N.J. 257 (2022).

In sum, we find that respondent violated RPC 3.1; RPC 3.3(a)(1); RPC 3.5(c); RPC 4.1(a); RPC 4.4(a)(1); RPC 5.5(a)(1); RPC 7.1(a)(1); RPC 8.4(b); RPC 8.4(c); and RPC 8.4(d). We do not sustain the RPC 8.4(a) allegation because it is subsumed into respondent's other, more serious ethics violations.

The only remaining issue for our determination is the appropriate quantum of discipline to be imposed for respondent's misconduct.

The level of discipline for practicing law while suspended[8] ranges from a lengthy suspension to disbarment, depending on the presence of other misconduct, the attorney's disciplinary history, and aggravating or mitigating factors. See, e.g., In re Choi, 249 N.J. 18 (2021) (two-year suspension imposed on an attorney who practiced law after he was suspended following a federal conviction for conspiracy to commit money laundering and knowingly and willfully making a false statement during an investigation by the Department of Homeland Security); In re Nihamin, 235 N.J. 144 (2018) (one-year suspension imposed on attorney who continued to practice law by discussing client matters with law firm personnel after he received a three-month suspension in New York; prior admonition and three-month suspension arising from conviction of third-degree misapplication of entrusted property); In re Cubberley, 178 N.J. 101 (2003) (three-year suspension for attorney who solicited and continued to accept fees from a client after he had been suspended, misrepresented to the client that his disciplinary problems would be resolved within one month, failed

[8] N.J.S.A. 2C:21-22(b) provides that a person is guilty of a third-degree crime if the person knowingly engages in the unauthorized practice of law and "(1) Creates or reinforces, by any means, a false impression that the person is licensed to engage in the practice of law. [. . .] (2) Derives a benefit; or (3) In fact causes injury to another."

to notify the client or the courts of his suspension, failed to file the affidavit of compliance required by Rule 1:20-20(a), and failed to reply to the OAE's requests for information; the attorney had an egregious disciplinary history: an admonition, two reprimands, a three-month suspension, and two six-month suspensions); In re Walsh, Jr., 202 N.J. 134 (2010) (attorney disbarred in a default case for practicing law while suspended by attending a case conference and negotiating a consent order on behalf of five clients and making a court appearance on behalf of seven clients; the attorney also was guilty of gross neglect, lack of diligence, failure to communicate with a client, and failure to cooperate with disciplinary authorities during the investigation and processing of the grievances; the attorney failed to appear on an order to show cause before the Court; extensive disciplinary history: reprimanded in 2006, censured in 2007, and suspended twice in 2008); In re Olitsky, 174 N.J. 352 (2002) (attorney disbarred after he was suspended and agreed to represent four clients in bankruptcy cases, did not notify them that he was suspended from practice, charged clients for the prohibited representation, signed another attorney's name on the petitions without that attorney's consent and then filed the petitions with the bankruptcy court; in another matter, after the attorney was suspended, he agreed to represent a client in a mortgage foreclosure, accepted a fee, and took no action on the client's behalf; in yet another matter, the attorney continued to

represent a client in a criminal matter after the attorney's suspension; the attorney also made misrepresentations to a court and was convicted of stalking a woman with whom he previously had a romantic relationship; prior private reprimand, admonition, two three-month suspensions, and two six-month suspensions).

However, in this matter of first impression, we are presented with an attorney who once showed adherence to the rule of law. Indeed, the record shows that, at one point, respondent credibly applied her legal acumen to earn admission to the bars of New Jersey, New York, and Pennsylvania. At some point, for reasons unknown, respondent determined that not only was she no longer subject to the jurisdiction of courts or attorney disciplinary authorities, but that the rule of law no longer applied to her. Thus, after close examination of the unique and egregious facts of her misconduct, we are left to conclude that disbarment is the only appropriate sanction in this matter.

To begin, we acknowledge that attorneys, like all citizens, may argue against specific or general application of a rule to themselves or others. No matter what views or vision for change an individual may espouse within a locality, state, or nation, all citizens are entitled to advocate for change within the rule of law. However, respondent, as an attorney, had the further obligation to advocate for herself and her clients within the bounds of the Rules of

Professional Conduct. See State v. Sugar, 84 N.J. 1, 12 (1980) ("If the rule of law is this nation's secular faith, then the members of the Bar are its ministers"); In re McAlevy, 69 N.J. 349, 351-352 (1976) ("[t]he whole concept of the rule of law is bottomed on respect for the law and the courts and judges who administer it. Attorneys who practice law and appear in the courts are officers of the court").

Correspondingly, within the structure of the rule of law, and the Rules of Professional Conduct, New Jersey disciplinary precedent makes it clear that, when an attorney behaves in a manner such "as to destroy totally any vestige of confidence that the individual could ever again practice in conformity with the standards of the profession," that attorney should be disbarred. In re Templeton, 99 N.J. 365, 376 (1985).

In the Matter of Marc D'Arienzo, DRB 16-345 (May 25, 2017) (slip op. at 26-27) we found disbarment was the appropriate sanction for an attorney's misconduct and stated:

> Given the contemptible set of facts present in these combined matters, we must consider the ultimate question of whether the protection of the public requires respondent's disbarment. When the totality of respondent's behavior in all matters, past and present, is examined, we find ample proof that he is unsalvageable, and that no amount of redemption, counseling, or education will overcome his penchant for disregarding ethics rules. As the Court held in

> another matter, "[n]othing in the record inspires confidence that if respondent were to return to practice [from his current suspension] that his conduct would improve. Given his lengthy disciplinary history and the absence of any hope for improvement, we expect that his assault on the Rules of Professional Conduct would continue." In re Vincenti, 152 N.J. 253, 254 (1998). Similarly, we determine that, based on his extensive record of misconduct and demonstrable refusal to learn from his mistakes, there is no evidence that respondent can return to practice and improve his conduct. Accordingly, we recommend respondent's disbarment.

The Court agreed with our recommendation and disbarred D'Arienzo. In re D'Arienzo, 232 N.J. 275 (2018).

Although not directly on point with this matter of first impression, conceptually, these cases stand for the proposition that attorneys who are privileged to practice law in the State of New Jersey must be of good character and demonstrate respect for the authority of courts and attorney disciplinary systems. On the record before us, respondent committed a crime and repeatedly stated that she has no respect for the authority of courts and attorney disciplinary systems – and has not for at least the past eight years. Thus, disbarment as a sanction for respondent's misconduct would send a clear message to the public and the bar that individuals who explicitly abandon the oath they took to uphold the rule of law in our court system will not be afforded the privilege of practicing law in New Jersey.

Precedent makes it clear that it is appropriate for us to send such a

deterrent message via a recommendation for disbarment. Although protection of the public and preservation of confidence of the public in the bar are the primary goals of attorney discipline, they are not the only goals. In re Principato, 139 N.J. 456, 460 (1995). In In re Makowski, 73 N.J. 265, 271 (1977), the Court held that "the ultimate objectives of imposing a disciplinary measure are 'the protection of the public, the purification of the bar and the prevention of a re-occurrence.'" (quoting In re Baron, 25 N.J. 445, 449 (1957)). For example, in In re Witherspoon, 203 N.J. 343,358-359 (2010), the Court held that "considering how best to protect the public from a particular attorney ordinarily involves considering ethical lapses both in comparison to our relevant disciplinary precedents and in the context of that attorney's history rather than merely identifying the attorney's specific unethical act." In so finding, the Court recognized our dissenting Members' conclusion that a six-month suspension was warranted for an attorney who practiced law while ineligible, failed to maintain proper records, and sexually harassed female clients. Id. at 360, 363. Our dissenting Members concluded that a suspension longer than the three-month suspension recommended by the majority was warranted because history demonstrated that "lesser punishments have not deterred further unethical acts." Id. The Court imposed a one-year suspension. Id.

On this record it is clear that respondent has not acted in conformity with the rule of law or standards of the profession for at least the past eight years, and has indicated that she will not in the future. She has abandoned her oath of office and has emphatically articulated her belief that she is not subject to the jurisdiction of disciplinary authorities. Therefore, we determine that respondent could never practice in conformity with the standards of the profession. We find that the reputation of the bar cannot tolerate individuals who abandon the very oaths that we take upon admission. R. 1:27-1(c); R. 1:27-5 ("[n]o person shall be admitted as an attorney of this State without first taking the oath to support the Constitution of the United States and the Constitution of New Jersey, the oath of allegiance to this State, and the oath of office as an attorney. An affirmation may be given in lieu of oath.")

We further determine that respondent's egregious acts of misconduct and her unambiguous statements that she is not subject to attorney disciplinary systems render her a clear and present danger to the public, necessitating her disbarment as a matter of public protection.

Finally, although we determine that disbarment is the appropriate sanction to recommend for respondent's misconduct, we explicitly state that the recommendation is not due to her identification as part of a particular group; rather, as an attorney licensed to practice law in New Jersey, she is required to

act in accordance with the Rules of Professional Conduct, which she has failed to do and has made clear that she will not do in the future.

Therefore, based upon the foregoing, we determine to recommend to the Court that respondent be disbarred.

Vice-Chair Singer wishes to note her concern that a serious mental illness may be the cause of respondent's extremely irrational, even delusional, behavior but feels constrained to vote for disbarment because there is no medical support in the record to substantiate this concern. Nonetheless, it appears that respondent was functioning normally in 2011 and 2012 when she passed the New York, New Jersey, and Pennsylvania bars and that her bizarre behavior began sometime later. The Vice-Chair's concern is that should it be the case that respondent is suffering from a mental illness and should she recover at some future date, disbarment will prevent her from ever being reinstated.

Member Hoberman was absent.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board
Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.),
Chair

By: 
Johanna Barba Jones
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Rhashea Lynn Harmon
Docket No. DRB 21-228

Argued: February 17, 2022

Decided: March 29, 2022

Disposition: Disbar

Members	Disbar	Absent
Gallipoli	X	
Singer	X	
Boyer	X	
Campelo	X	
Hoberman		X
Joseph	X	
Menaker	X	
Petrou	X	
Rivera	X	
Total:	8	1

Johanna Barba Jones
Chief Counsel