SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 23-156
District Docket Nos. XIV-2023-0243E
and XIV-2023-0244E

In the Matter of Julie Anna LaVan
An Attorney at Law

Argued
October 19, 2023

Decided
January 2, 2024

Rachael L. Weeks appeared on behalf of the
Office of Attorney Ethics.

John McGill, III, appeared on behalf of respondent.

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Introduction

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

This matter was before us on a motion for final discipline filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-13(c)(2), following respondent's guilty plea and convictions, in the Superior Court of New Jersey, to disorderly persons obstructing the administration of law, in violation of N.J.S.A. 2C:29-1(a), and petty disorderly persons harassment, in violation of N.J.S.A. 2C:33-4(a). The OAE asserted that these offenses constitute violations of RPC 8.4(b) (committing a criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects).

For the reasons set forth below, we determine to grant the motion for final discipline and conclude that a censure, with a condition, is the appropriate quantum of discipline for respondent's misconduct.

Respondent earned admission to the New Jersey and Pennsylvania bars in 2006 and to the District of Columbia bar in 2011. At the relevant time, she maintained a practice of law in Moorestown, New Jersey.

In July 2019, respondent was reprimanded for her violation of RPC 8.4(a) (knowingly assisting or inducing another to violate the Rules of Professional Conduct) and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud,

deceit, or misrepresentation). In re LaVan, 238 N.J. 474 (2019) (LaVan I). In that matter, in April 2013, respondent misrepresented to the United States District Court for the District of New Jersey and to her adversary that a fee agreement between her and her client, which she produced in response to her adversary's motion to compel production of that agreement, was the original document. In the Matter of Julie Anna LaVan, DRB 18-232 (December 27, 2018) at 7, 9-10. In fact, after the filing of the motion, respondent had re-created and backdated the document, and then had instructed her client to re-execute it, because she could not locate the original. Ibid.

In November 2021, respondent was censured for her violation of RPC 1.7(a) (engaging in a concurrent conflict of interest). In re LaVan, 249 N.J. 5 (2021) (LaVan II). In that matter, in February 2014, respondent represented a client who agreed to hire an environmental remediation contractor, Impact Environmental Closures, Inc. (IE Closures). In the Matter of Julie Anna LaVan, DRB 20-187 (April 27, 2021) at 4. Unbeknownst to the client, respondent was a principal of, had an ownership interest in, and was vice president and general counsel of IE Closures. Respondent failed to inform the client of her representation of, and interest in, IE Closures until after the client paid the retainer. Id. at 6. In addition to censuring respondent, the Court required that she

complete two continuing legal education courses in ethics, as approved by the OAE.

In January 2023, in connection with a motion for final discipline, we determined that respondent should be suspended for three months for her violation of RPC 8.4(b). In the Matter of Julie Anna LaVan, DRB 22-140 (January 30, 2023) at 1-2. In that matter, in May 2022, in the Shelby Town Court, Orleans County, New York, respondent pleaded guilty to second-degree misdemeanor obstructing governmental administration, in violation of New York Penal Law § 195.05. Id. at 5-6. During her limited plea allocution, respondent admitted that, on July 4, 2021, she had intentionally obstructed and impaired or prevented the administration of law and interfered with the performance of police duties. Id. at 7.

On July 12, 2023, the Court remanded the matter to us to convene an evidentiary hearing before a special ethics master to develop a record and make findings on the issue of whether respondent's misconduct directly touched upon her law license. In re LaVan, 254 N.J. 431 (2023). That matter remains pending completion of the evidentiary hearing and the submission and our review of the special ethics master's report.

We now turn to the facts of this matter.

Facts

The facts underpinning respondent's criminal convictions stem from two offenses that she committed in 2019, for which she was separately indicted. We address each in turn below.

By way of background, in 2018, respondent and her then husband, William, separated.[1] Acrimonious divorce and custody proceedings ensued. In addition to being married, the couple had worked together in lucrative environmental businesses; consequently, the dissolution of their personal relationship also affected their business and professional interests. Civil lawsuits pertaining to respondent's business interests, including companies in which William also was involved, were pending at various times during the events underlying the instant matter. In one such lawsuit, the Superior Court of New Jersey, Chancery Division, Burlington County, characterized respondent, in early 2019, as "involved in a messy, contested divorce where both spouses previously enjoyed close relations to the principal members" of a number of businesses. Findings of Fact and Conclusions of Law at 33, Parrish et al. v. Julie A. LaVan, No. C-43-19 (Ch. Div. Sept. 30, 2021).

[1] Because respondent and William share a last name, this decision refers to William by his first name to avoid any confusion.

Harassing Communications to J.D.[2]

On or about February 21, 2019, while in Chicago, respondent learned that William was involved in a romantic relationship with her friend and confidante, J.D. The next day, respondent communicated with J.D. in a threatening manner via text, e-mail, and voicemail messages. By her own admission, respondent's text messages were "cast in offensively coarse and alarming language.'" Moreover, on February 22, she sent an e-mail message to J.D., William, respondent's accountant, and the accountant's wife, under the subject heading "I will fucking kill you over and over again;" therein, she referred to one person (unidentified in the record) as a "gold digging slut;" stated to the accountant, "if this bitch touches my stuff it will be the end of your career;" and stated to the accountant's wife, "you are a lying bitch, too."[3]

According to respondent, the next day, she apologized to J.D. via voicemail, e-mail, or text message. She also promptly enrolled in a six-week intensive psychotherapy program, which she successfully completed in April 2019.

[2] To preserve the victim's anonymity, she is referred to by the initials J.D., for "Jane Doe."

[3] It is undisputed that respondent made multiple threatening communications to J.D. on or around February 22, 2019. However, except for the e-mail described here, the contents of respondent's communications are not included in competent evidence in the record before us.

On February 26, 2019, J.D. reported to law enforcement that, starting in January 2019, respondent had sent her "harassing, threatening, and obscene texts, emails and cell phone voicemails[.]"

On February 27, 2019, respondent was charged with one count of third-degree terroristic threats, contrary to N.J.S.A. 2C:12-3(a), and one count of disorderly persons harassment, contrary to N.J.S.A. 2C:33-4(c). Subsequently, on September 10, 2021, a grand jury indicted respondent on the first count, on grounds that, on or about February 22, 2019, she made threatening communications to J.D.[4]

On June 16, 2022, before the Honorable John J. Burke, III, J.S.C., respondent entered a plea of guilty to one count of harassment, in violation of N.J.S.A. 2C:33-4(a),[5] a petty disorderly persons offense, based on her communications to J.D. Specifically, respondent allocuted, under oath, that on

[4] Although J.D. alleged that respondent also made threatening communications to her on January 27, 2019, the record before us does not include corroboration of these hearsay allegations. See R. 1:20-7(b) (providing that "[t]he rules of evidence may be relaxed in all disciplinary proceedings, but the residuum evidence rule shall apply"), and N.J.A.C. 1:1-15.5 ("residuum rule") (providing, in relevant part, that in administrative proceedings, "[n]otwithstanding the admissibility of hearsay evidence, some legally competent evidence must exist to support each ultimate finding of fact to an extent sufficient to provide assurances of reliability and to avoid the fact or appearance of arbitrariness").

[5] N.J.S.A. 2C:33-4(a) provides that "a person commits a petty disorderly persons offense if, with purpose to harass another, [the person] . . . [m]akes, or causes to be made, one or more communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm[.]"

February 22, 2019, she "sent text messages to [J.D.] that [she] knew to be cast in offensively co[a]rse and alarming language[.]"

Attempted Deposit of Checks from Impact Environmental Consulting, Inc.

On May 7, 2019, respondent signed and attempted to deposit in her personal checking account at Liberty Bell Bank, three checks, totaling $13,500, issued by Impact Environmental Consulting, Inc. (IEC), payable to William's company, Bella Earth, LLC. She admittedly endorsed the checks without William's consent. At the time, IEC had filed a civil suit, pending in the Supreme Court for Suffolk County, New York, against respondent and her law firm. On May 16, 2019, William reported respondent's alleged theft of the checks to the police.

On May 29, 2019, respondent was charged with third-degree criminal attempt to commit theft by deception, contrary to N.J.S.A. 2C:5-1(a)(1) and N.J.S.A. 2C:20-4; third-degree forgery, contrary to N.J.S.A. 2C:21-1(a)(1); and disorderly persons theft by unlawful taking, contrary to N.J.S.A. 2C:20-3(a).

On September 9, 2021, a grand jury indicted respondent for third-degree wrongful impersonation, contrary to N.J.S.A. 2C:21-17(a)(2); third-degree criminal attempt to commit theft by deception, contrary to N.J.S.A. 2C:5-1(a)(1) and N.J.S.A. 2C:20-4; third-degree forgery, contrary to N.J.S.A. 2C:21-1(a)(1);

and three counts of third-degree forgery, contrary to N.J.S.A. 2C:21-1(a)(3) (one count for each check).

Thereafter, on June 16, 2022, in addition to accepting her guilty plea to harassment, Judge Burke accepted respondent's guilty plea to one count of disorderly persons obstructing the administration of law or other governmental function, in violation of N.J.S.A. 2C:29-1(a),[6] based on her misconduct involving the checks. Specifically, respondent allocuted, under oath, that "on May 7, 2019[,] in conjunction with some of [her] dealings at Liberty Bell Bank . . . in Burlington County[, she] provided some documents which were [] non-compliant with banking regulations and [she] knew that the provision of those documents obstructed the normal administration of law[.]"

On September 22, 2022, respondent was sentenced to a five-year probationary term for each offense, with the terms running concurrently, and with no eligibility for early termination. Prior to sentencing, the prosecutor informed the court that William and other family members had expressed a desire "to put this behind" them and to "move on from this experience with some

[6] N.J.S.A. 2C:29-1(a) provides that "[a] person commits an offense if he purposely obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from lawfully performing an official function by means of flight, intimidation, force, violence, or physical interference or obstacle, or by means of any independently unlawful act." Obstruction is a fourth-degree crime "if the actor obstructs the detection or investigation of a crime or the prosecution of a person for a crime;" otherwise, as here, it is a disorderly persons offense. N.J.S.A. 2C:29-1(b).

support and help so that these occurrences would not happen again." Respondent's counsel highlighted mitigating factors, which are detailed below.

As conditions of respondent's sentence, the court ordered that she complete mental health and substance abuse evaluations and follow all recommendations, if any, for treatment; abide by the terms and conditions of a final restraining order that William had obtained against her; and perform 250 hours of community service.

Subsequently, in October and November 2022, respectively, respondent complied with court-ordered mental health and substance abuse evaluations. In addition, between January and April 2023, she completed her community service at Catholic Charities, Providence House Domestic Violence Services, Diocese of Trenton. In a letter dated May 16, 2023, Providence House's community affairs manager stated that respondent made significant contributions to that organization's program for delivering food to its clients.

Initially, respondent failed to inform the OAE that she had been charged with indictable offenses, as R. 1:20-13(a)(1) requires. However, on September 28, 2021, respondent, through her counsel, notified the OAE that she had been indicted and, subsequently, on June 27, 2022, that she had been convicted.

The Parties' Positions Before the Board

The OAE's Motion for Final Discipline

In its brief in support of its motion for final discipline, and at oral argument before us, the OAE urged that respondent's attempt to deposit, to her personal account, checks made payable to Bella Earth, warranted a term of suspension. Further, the OAE alleged that respondent's threatening messages to J.D., standing alone, also would warrant a suspension because they included threats of violence.

First, the OAE observed that suspensions typically are imposed on attorneys convicted of obstruction. See In re Silverman, 80 N.J. 489 (1979) (eighteen-month suspension for attorney who pleaded guilty to a one-count indictment for obstruction of justice; in a bankruptcy matter brought against the attorney's client, the attorney filed an answer which falsely stated that his client had a lawful right to maintain custody of approximately twenty-six tractors and trailers); In re Marotta, 167 N.J. 595 (2001) (two-year, retroactive suspension for attorney who pleaded guilty to one count of obstruction of justice; the attorney assisted two individuals in an improper real estate transaction; when a grand jury issued a subpoena seeking documents pertaining to the transaction, the attorney instructed the individuals to destroy the documents; in mitigation, the attorney was seventy-one years old and the

primary caregiver of his wife, who was very ill; he did not benefit from his wrongdoing; he had been active in civic and pro bono activities and submitted to the sentencing judge thirty-six letters attesting to his good character and his contributions to the community; he became involved in the fraudulent real estate transaction after its inception, his involvement was limited to about one month, and his conduct was aberrational); In re Van Dam, 140 N.J. 78 (1995) (three-year suspension for attorney who pleaded guilty to a two-count felony information charging him with obstructing justice and making a false statement to an institution insured by the Federal Savings and Loan Insurance Corporation; the attorney concealed his law partner's connection to a corporation that improperly had obtained loans exceeding one million dollars and then made a false statement during a deposition to mislead the investigation); In re Power, 114 N.J. 540 (1989) (three-year suspension for attorney who pleaded guilty to disorderly persons obstructing the administration of law; the attorney purposely advised a client not to disclose any information to law enforcement authorities concerning a stock fraud investigation, advocated a cover-up, not for the client's protection, but because of his fear that he was also a target in the investigation, aided his client in filing a false claim with an insurance company, despite harboring a reasonable suspicion that the claim was fraudulent, and forwarded false information to an

insurance company regarding the inflated value of a dead racehorse, in spite of access to extrinsic evidence reflecting a substantially lesser value).[7]

Based upon the foregoing precedent, the OAE urged that, standing alone, respondent's obstruction conviction warrants a term of suspension.

Next, the OAE argued that attorneys convicted of harassment receive discipline ranging from a reprimand to a suspension, citing disciplinary precedent addressed below. See e.g., In re Thakker, 177 N.J. 228 (2003) (reprimand); In re Mladenovich, 254 N.J. 272 (2023) (three-month suspension); In re Gonzalez, 204 N.J. 75 (2010) (three-month suspension); In re Frankfurt, 159 N.J. 521 (1999) (three-month suspension); In re Smith, 235 N.J. 169 (2018) (six-month suspension); In re Wachtel, 194 N.J. 509 (2008) (six-month suspension). Here, the OAE asserted, respondent's conduct toward J.D. warranted a term of suspension. The OAE distinguished the instant case from Thakker, where the attorney was convicted of harassment after he called a former client repeatedly during a single evening, asking to speak with her husband. Here, the OAE urged, the harassment was far more serious, because it included threats of violence.

[7] Although the OAE's written brief also cited cases involving attorneys who committed forgery, at oral argument, the OAE acknowledged that the record before us did not support a conclusion that respondent committed that crime.

Among cases in which attorneys have received suspensions for harassment, the OAE likened respondent's misconduct to that of the attorney in Wachtel, who received a six-month suspension. In Wachtel, during a four-year period, the attorney left several voicemails for his wife's divorce lawyer, including one in which he stated, "you're going to be dead soon;" the attorney also left several obscene voicemail messages threatening to injure a court-appointed mediator. Here, the OAE urged, respondent similarly left violent, threatening messages related to her ongoing divorce.

In aggravation, the OAE asserted that respondent had failed to demonstrate the honesty, integrity, and fitness that is expected of attorneys. Countering respondent's contentions that the events at issue were unlikely to recur, the OAE pointed out that respondent subsequently engaged in additional violations of ethics standards. Although the OAE acknowledged that respondent had no disciplinary history prior to the dates of the events under scrutiny, the OAE urged us to consider her continued infractions in aggravation. Further, the OAE noted that respondent failed to report her initial charges to the OAE, as R. 1:20-13(a)(1) requires.

The OAE asserted that there were no mitigating factors.

The OAE recommended that respondent receive a three-year suspension for the totality of her misconduct. Moreover, as a condition precedent to her

reinstatement, the OAE recommended that respondent provide proof of her fitness to practice law, as attested to by a medical doctor approved by the OAE.

Respondent's Submission to the Board

In respondent's brief to us and during oral argument, she urged, through her counsel, that a reprimand was warranted for her admittedly unethical conduct. She asserted that the OAE had omitted from its motion brief significant context and had failed to recognize mitigating circumstances. Specifically, she emphasized that she sent her harassing communications to J.D. after learning that J.D. and William were having an affair. In her words, when she received this information, she "went completely red, my whole marriage flashed in front of me, everything I thought about my life, my marriage, became completely false;" she then, admittedly, "got on the phone and emailed her. I don't remember, I threatened her and [William.]" She also claimed that, at the time, she "had reason to believe that her husband and her accountant were colluding against her." Thus, "in shock, [she] succumbed to her human emotions and 'lost it' and sent communications to her husband's paramour 'cast in offensively co[a]rse and alarming language." At the time, she was in Chicago. Moreover, she again stated that, the next morning, she apologized to J.D. via voicemail, e-mail, or text message and, at a later date, apologized to her again.

Turning to her conviction for obstruction of the administration of law, she claimed that she had:

> [r]esorted to self-help and intercepted three checks from [IEC] payable to her ex-husband's company, Bella Earth, based upon her credible and reasonable belief that her husband and her business partners were diverting income distributions from her and improperly benefitting her husband.
>
> [Rb14.][8]

She admitted that she had attempted to deposit the checks to her personal account and that her endorsements were without William's consent. Although admittedly characterizing her "self-help" as improper, she contended that "[t]he obstruction involved assets that [were] the subject of acrimonious matrimonial and civil actions between [her], her ex-business partners and her ex-husband." Further, she claimed that "most of the liability associated with [the couple's joint] ventures had [been] in [her] name" because William had a federal criminal record. She emphasized that, in Parrish, the Honorable Paula T. Dow, P.J.Ch., concluded that two of the environmental businesses in which she had significant ownership interests had reduced her payments drastically between December 2018 and March 2019, before stopping them altogether in April; further, she was deprived of

[8] "Rb" refers to respondent's August 2, 2023 brief to us.

documents relating to these companies, which she needed to file her own taxes; and, subsequently, these companies began paying William's company, Bella Earth.

Respondent also provided us with her statement to the sentencing court in which she asserted, in relevant part, as follows:

> [d]uring my marriage I was subject to severe emotional and mental abuse. …
>
> It is hard to explain the fact that it took me the last few years to unravel it. I have been through lots of therapy beginning immediately after I overreacted to discovering the victim's affair and sent the emails. It was wrong and I should not have done it. I was in a bad emotional place and I apologized the very next day.
>
> What I did was unprofessional, emotional, wrong, and out of line. At the time I thought she was my friend and I was confiding about him and my divorce while she was sleeping with him. That does not matter to me anymore. I am thankful and blessed I have healed from that abuse.
>
> [Rb7.]

In mitigation, respondent highlighted her successful completion of her community service requirement at Providence House; provided five letters attesting to her good character and reputation; admitted her unethical conduct; and stated that she had expressed contrition and remorse by her apology to J.D., during her psychological evaluations, and in her presentation to us. She maintained that the misconduct was unlikely to recur because her "unethical

conduct was related to prior private and personal intimate relationships that had gone sour and are now terminated;" she had since remarried; she was resolving her business disputes through legal processes; psychological evaluations confirmed her favorable progress in "healing from the trauma suffered as a result of her prior friend's betrayal and the breakup of her prior marriage and certain prior business relationships;" and she "had continued to treat her mental health issues." Thus, she argued, stern discipline was not warranted to protect the public from her conduct going forward. Further, she asserted that her unethical conduct "was private and unrelated to her practice of law," and had not caused injury to anyone.

Also in mitigation, respondent stated that, "[a]t the time of the wrongdoing, [she] suffered from depression and anxiety. Her rational judgment was negatively impacted by a multitude of 'stressors' which attacked her mental health and emotional stability, including the betrayal by her prior friend and her marital and business financial difficulties." She pointed out that she had explained these stressors during her confidential October 2022 psychological evaluation and, further, asserted that an October 2019 report also corroborated her "considerable stress related to her financial pressures and her ex-husband's

affair."[9] She also claimed, based on her mental health documentation provided to us, that she had "established a nexus between her illness and her obstruction and harassment charges." In addition, respondent argued that the "policy of 'progressive discipline'" should not serve to enhance any discipline imposed.

Turning to the quantum of discipline, respondent argued that her conduct toward J.D. was less egregious than that of the reprimanded attorney in Thakker, 177 N.J. 228, who not only called his former client repeatedly in a single evening, but also became belligerent toward the police officer who warned him to stop calling her. Respondent asserted that, in contrast, her misconduct did not involve her practice of law or extend to a law enforcement officer and was mitigated by the psychological stressors she was experiencing at the time.

Respondent also distinguished her misconduct from that of the attorney in Mladenovich, 254 N.J. 272, who received a one-year suspension for her harassing behaviors. Mladenovich left threatening voicemail and text messages, including anti-Semitic remarks, on her psychologists' home, personal, and business telephone lines; had threatened and stalked the same victim two years earlier; and had a prior conviction for driving while intoxicated, coupled with other minor traffic offenses.

[9] Upon respondent's request, with the consent of the OAE, and on good cause shown, portions of these reports are subject to a protective order we issued, on January 2, 2024, sealing such information as confidential.

Moreover, respondent asserted that attorneys convicted of disorderly persons obstruction typically receive a reprimand. See In re Lanuto, 227 N.J. 568 (2017); In re Angelucci, 183 N.J. 472 (2005); In re Lekas, 136 N.J. 514 (1994)). She also highlighted In re Healy, 202 N.J. 131 (2010), in which the attorney, who was convicted of obstruction of justice and resisting arrest, received an admonition based on established mitigating factors.

In conclusion, respondent urged that we impose a reprimand.

Analysis and Discipline

Violations of the Rules of Professional Conduct

Following a review of the record, we determine to grant the OAE's motion for final discipline. Final discipline proceedings in New Jersey are governed by Rule 1:20-13(c). Under that Rule, a "transcript of a plea of guilty to a crime or disorderly persons offense, whether the plea results either in a judgment of conviction or admission to a diversionary program," is conclusive evidence of guilt in a disciplinary proceeding. R. 1:20-13(c)(1); In re Magid, 139 N.J. 449, 451 (1995); In re Principato, 139 N.J. 456, 460 (1995).

Thus, respondent's guilty plea to one count of disorderly persons obstruction of the administration of law and one count of petty disorderly persons harassment, with the respective convictions, establishes her violation of

RPC 8.4(b), which provides that it is misconduct for an attorney to "commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer." Hence, the sole issue is the extent of discipline for her misconduct. R. 1:20-13(c)(2); Magid, 139 N.J. at 451-52; Principato, 139 N.J. at 460.

Quantum of Discipline

In determining the appropriate measure of discipline, we must consider the interests of the public, the bar, and respondent. "'The primary purpose of discipline is not to punish the attorney but to preserve the confidence of the public in the bar.'" In re Legato, 229 N.J. 173, 182 (2017) (quoting In re Cohen, 220 N.J. 7, 11 (2014)). The "appropriate decision" should provide "due consideration to the interests of the attorney involved and to the protection of the public." In re Spina, 121 N.J. 378, 389 (1990).

The fact that an attorney's misconduct did not involve the practice of law or arise from a client relationship will not excuse an ethics transgression or lessen the degree of sanction. In re Musto, 152 N.J. 165, 173 (1997); see also In re Hasbrouck, 140 N.J. 162, 167 (1995). "The obligation of an attorney to maintain the high standard of conduct required by a member of the bar applies

even to activities that may not directly involve the practice of law or affect his or her clients." In re Schaffer, 140 N.J. 148, 156 (1995).

Turning to the applicable precedent, we determine, as a threshold matter, that the OAE's reliance, in the brief underlying this matter, on cases involving attorneys who engaged in theft and forgery, is misplaced. The record before us, as conceded by the OAE during oral argument, does not provide sufficient competent evidence for us to determine that respondent committed either crime.

Discipline for Disorderly Persons Obstruction of the Administration of Law

Attorneys who have been convicted of disorderly persons obstruction typically receive an admonition or a reprimand, depending on the presence of aggravating or mitigating factors. See, e.g., In re Healy, 202 N.J. 131 (2010) (admonition for attorney convicted of obstructing administration of law or other governmental function (N.J.S.A. 2C:29-1) and resisting arrest (N.J.S.A. 2C:29-2(a)(1)); the attorney, while under the influence of alcohol, attempted to diffuse an argument between a woman and her drunken boyfriend outside a bar, interfered with the investigation by the police after they had arrived on the scene by interrupting their questioning of the participants and refusing to leave, and then struggled with an officer who tried to arrest him; in considerable mitigation, the attorney was attempting to diffuse a volatile situation, which he did not instigate and with which he was not involved; in mitigation, he was motivated

by a desire to help others and unblemished thirty-two-year career at the bar); In re Lanuto, 227 N.J. 568 (2017) (reprimand for attorney convicted of obstructing the administration of law and resisting arrest, both disorderly persons offenses; the attorney engaged in an altercation with police officers at his home, following an anonymous call reporting a disturbance and a need for police intervention; when the officers arrived at his residence, the attorney emerged, yelling and screaming that the officers "had no right" to be there; despite the officers' explanation that they were duty-bound to investigate, pursuant to domestic violence statutes, and could not leave without speaking to his wife and son, the attorney then slammed his front door on an officer's foot; when officers pushed the door open and attempted to arrest the attorney, he resisted arrest and grabbed at an officer's handcuffs; no prior discipline); In re Angelucci, 183 N.J. 472 (2005) (reprimand for attorney convicted of obstructing the administration of law; the attorney, whose van registration had expired and for whom an arrest warrant had been issued, refused to emerge from his house when an officer attempted to serve him with the warrant; the attorney also denied ownership of the van parked outside the house; ultimately, when three police officers arrived at the scene, the attorney resisted arrest and was wrestled to the floor; the judge who adjudicated the matter found that the attorney had been "hostile" and "antagonistic" toward the officers, necessitating the use of force; no prior

discipline); In re Gonzalez, 142 N.J. 482 (1995) (reprimand for attorney who pleaded guilty to obstructing the administration of law and speeding; the attorney presented his cousin's driver's license, rather than his own, when pulled over for speeding; the attorney feared losing his driving privileges due to the number of points on his own driver's license); In re Lekas, 136 N.J. 514 (1994) (reprimand for attorney convicted of obstructing the administration of law; the attorney interrupted a trial and refused to sit down or leave the courtroom, when ordered to do so by the judge numerous times; the attorney also paced in front of the judge's bench during a trial unrelated to the case in which she was appearing as attorney for one of the parties; when a police officer sought to escort the attorney out of the courtroom, she struggled against the officer, grabbing onto benches as she was removed; once outside the courtroom, she attempted to re-enter it, forcing the officer to bolt the door, whereupon she began pounding on the door).

The cases upon which the OAE relied to support the imposition of a three-year suspension involved attorneys who were convicted of criminal obstruction of justice, an offense that the Court has found especially egregious in the disciplinary context. Indeed, attorneys convicted of obstruction based on "transgressions that directly subvert and corrupt the administration of justice" have faced lengthy suspensions and disbarment. In the Matter of Joshua

Lawrence Gayl, DRB 17-418 (June 8, 2018) at 14-15 (quoting In re Convery, 166 N.J. 298, 307 (2001), and noting that, since Convery and In re Verdiramo, 96 N.J. 183 (1984), "attorneys who have been convicted of obstruction of justice, or conspiracy to obstruct justice, have continued to receive discipline ranging from a long-term suspension to disbarment."). However, these cases typically have involved conduct that impaired the investigation, prosecution, or adjudication of a crime, most often corresponding to N.J.S.A 2C:29-1(b) (designating, as a fourth-degree crime, the offense of obstruction "if the actor obstructs the detection or investigation of a crime or the prosecution of a person for a crime.").

Here, based on the record before us, we are unable to conclude that respondent's improper attempt to deposit William's checks "directly poison[ed] the well of justice" in the manner described in the precedent addressing forms of obstruction that have warranted lengthy suspensions or disbarment. Gayl, DRB 17-418 at 13-21 (quoting Convery, 166 N.J. at 307). Moreover, respondent was neither charged with nor convicted of criminal obstruction under N.J.S.A. 2C:29-1(b).

Discipline for Harassment and Similar Criminal Acts

Typically, the discipline imposed for conduct involving other, less serious criminal offenses is an admonition or a reprimand. See In the Matter of Shauna Marie Fuggi, DRB 11-399 (February 17, 2012) (admonition for attorney who brought some of her estranged husband's belongings outside on the driveway after he left the marital home to spend the evening with his long-term girlfriend; the attorney set the items on fire, then sent her husband a text message informing him that his possessions were aflame; the attorney was charged with third-degree arson (N.J.S.A. 2C:17-1(b)) and successfully completed a PTI program; in mitigation, she acted impulsively, in the context of her marital difficulties; she unsuccessfully attempted to extinguish the fire; only personal property was damaged; she admitted the misconduct; and she cooperated with law enforcement), and Thakker, 177 N.J. 228 (reprimand for attorney who pleaded guilty to harassment (N.J.S.A. 2C:33-4(a)), a petty disorderly persons offense; the attorney harassed a former client, telephoning her repeatedly, after she told him to stop; additionally, the attorney was abusive to the police officer who responded in the matter; despite that police officer's warning, the attorney continued to call the former client and also began calling the police officer).

However, we have not hesitated to impose censures or terms of suspension for crimes similar to those described above but involving more significant

consequences. See, e.g., In re Goiran, 224 N.J. 446 (2016) (censure, in a consent matter, for attorney who pleaded guilty, in Colorado, to one count of third-degree assault (a Class I misdemeanor) after striking and biting his father-in-law; the conduct occurred outside of the home of the attorney's in-laws, where his estranged wife resided, along with the couple's dog and cat; the attorney, believing that he and his wife had agreed to his possession of their pets, telephoned his father-in-law to tell him he planned to pick up the dog, but his father-in-law replied that he would not comply with the request until he had a chance to speak with the attorney's wife, who had gone out for the evening; the attorney went to the home anyway, where he engaged in a verbal confrontation with his father-in-law, which escalated to a physical altercation); In re Collins, 226 N.J. 514 (2016) (three-month suspension for attorney who, angered by the actions of another driver, exited his vehicle, retrieved a baseball bat from the trunk, and struck the driver's vehicle multiple times; the blows to the vehicle broke the windshield and a side mirror, and caused the driver and a passenger imminent fear of bodily injury; the attorney entered a guilty plea to two counts of simple assault (N.J.S.A. 2C:12-1(a)), and one count of criminal mischief (N.J.S.A. 2C:17-3(a)(1)), both disorderly persons offenses); In re Wachtel, 194 N.J. 509 (2008) (six-month suspension for attorney convicted of two counts of fourth-degree stalking (N.J.S.A. 2C:12-1(b)); in the first matter,

the attorney, during a four-month period, left several threatening voicemail messages for his wife's divorce lawyer; in one message, the attorney told his wife's lawyer that "you're going to be dead soon . . . I know where you sleep, where you drive, where you work, one mother-f[]er is going to be dead soon;" the attorney also sent his wife's lawyer, whose daughter was expecting a child, a box containing feminine hygiene products with a note that said, "[h]oping the whore mother and child die in childbirth;" in the second matter, the attorney left several obscene voicemail messages threatening to injure a court-appointed mediator; in aggravation, the attorney previously had engaged in harassing behavior toward his sister's attorney and had a prior conviction for possessing drug paraphernalia; in mitigation, the attorney's conduct resulted, in part, from his severe mental health and substance abuse issues, both of which he had continued to treat); Mladenovich, 254 N.J. 272 (one-year suspension for attorney who pleaded guilty, in Pennsylvania, to first-degree misdemeanor terroristic threats and first-degree misdemeanor stalking; over the course of several weeks, the attorney repeatedly threatened her former psychologist by sending at least seventeen voicemail messages and numerous text messages containing threatening and anti-Semitic language; the messages included death threats that the attorney would "bury" the psychologist with her "bare hands" and "end" her with a firearm; the attorney also had subjected the psychologist

to stalking and threatening behavior two years earlier; we weighed, in aggravation, that the attorney's conduct lasted several weeks, disparaged the psychologist's Jewish faith, and caused the psychologist severe emotional distress, to the point where she was afraid to leave her home).

In our view, for respondent's disorderly persons obstruction of the administration of law, a reprimand is the baseline quantum of discipline.

Respondent's additional misconduct – her harassment of J.D. – calls for the enhancement of the quantum of discipline. The context in which respondent sent threatening communications to J.D. most closely parallels the context that resulted in the imposition of an admonition in Fuggi. Like the attorney in that matter, respondent acted in outrage when confronted with her spouse's infidelity. Moreover, in both cases, the attorney's misconduct took place within a short period of time, in the immediate aftermath of the event that accentuated, or alerted the attorney to, the spouse's behavior.

We, thus, determine that a censure is the baseline discipline for the totality of respondent's misconduct. However, to craft the appropriate quantum of discipline in this case, we also consider mitigating and aggravating factors.

Pursuant to R. 1:20-13(c)(2), we may consider in mitigation "relevant evidence . . . that is not inconsistent with the essential elements of the criminal

matter for which the attorney was convicted or has admitted guilt as determined by the statute defining the criminal matter."

Here, in mitigation, respondent engaged in her harassment of J.D. immediately after learning that J.D. was romantically involved with William. Her outburst at that time also reflected other, long-term psychological stressors, documented in respondent's mental health evaluations. Within a day of sending the offensive communications, respondent apologized to J.D. Moreover, within days or weeks of making these communications, she engaged in a six-week program of intensive outpatient therapy to aid her in addressing the stressors that contributed to that behavior, and she continued in individual or group therapy at times thereafter.

In aggravation, respondent failed to timely inform the OAE, in 2019, that she had been charged with indictable offenses, as R. 1:20-13(a)(1) requires.

We note that this matter constitutes respondent's fourth disciplinary matter before us. The Court has signaled an inclination toward progressive discipline and the stern treatment of repeat offenders. To that end, a review of respondent's disciplinary timeline is appropriate. Notably, at the time respondent committed the instant misconduct (February and May 2019), she had no final discipline. Specifically, in July 2019, after she committed the instant misconduct, the Court reprimanded respondent in LaVan I. Thereafter, in

November 2021, the Court censured respondent in LaVan II. Respondent's third disciplinary matter was remanded by the Court in July 2023 and remains pending. Because the Court's disciplinary Orders post-date the instant misconduct, principles of progressive discipline do not apply.

Nevertheless, by early 2019, respondent should have had a heightened awareness of the importance of complying with the Rules of Professional Conduct, given that we had issued our decision underlying LaVan I in December 2018, prior to her instant misconduct. This is particularly true regarding her May 2019 misconduct, where she provided a bank with documents that were non-compliant with banking regulations, despite knowing that the provision of those documents would obstruct the normal administration of law. In our December 2018 decision, we determined that, in 2013, she had misrepresented to a federal court and her adversary that a document produced in response to a motion to compel was the original, when she actually had re-created and backdated it. LaVan I, at 7. Notwithstanding our clearly articulated concern about her prior improper production of documents in federal court, she nevertheless provided non-compliant documents to a bank in 2019.

Conclusion

On balance, we determine that the aggravating and mitigating factors are in equipoise and, thus, conclude that a censure is the proper quantum of discipline necessary to protect the public and preserve confidence in the bar.

As a condition to her discipline, we recommend that respondent be required to provide proof of fitness to practice law, as attested to by a medical doctor approved by the OAE, within sixty days of the Court's issuance of a disciplinary Order in this matter.

Chair Gallipoli voted to impose a three-month suspension, with the same condition.

Member Joseph voted to impose a reprimand, with the same condition.

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: */s/ Timothy M. Ellis*
Timothy M. Ellis
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Julie Anna LaVan
Docket No. DRB 23-156

Argued: October 19, 2023

Decided: January 2, 2024

Disposition: Censure

Members	Censure	Three-Month Suspension	Reprimand
Gallipoli		X	
Boyer	X		
Campelo	X		
Hoberman	X		
Joseph			X
Menaker	X		
Petrou	X		
Rivera	X		
Rodriguez	X		
Total:	7	1	1

/s/ Timothy M. Ellis
Timothy M. Ellis
Chief Counsel