

SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
Docket No. DRB 24-200  
District Docket No. XIV-2022-0173E

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In the Matter of Javonna C. Baker  
An Attorney at Law

Argued  
November 21, 2024

Decided  
February 28, 2025

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

Anthony C. Gunst, IV 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 disciplinary stipulation between the Office of Attorney Ethics (the OAE) and respondent. Respondent stipulated to having violated RPC 1.7(a)(2) (engaging in a concurrent conflict of interest), RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

For the reasons set forth below, we determine that a reprimand is the appropriate quantum of discipline for respondent's misconduct.

## **Ethics History**

Respondent earned admission to the New Jersey bar in 2013. She has no prior discipline. At the relevant time, she maintained a practice of law in East Orange, New Jersey.

## **Facts**

Respondent and the OAE entered into a disciplinary stipulation, dated September 9, 2024, which sets forth the following facts in support of her admitted ethics violations.

Respondent served as a pool attorney for the Office of Parental Representation (the OPR), a division of the Office of the Public Defender (the OPD). On May 31, 2022, the OAE docketed a referral from the New Jersey Department of Corrections (the NJDOC), Northern State Prison, Special Investigations Division (the NSP/SID), regarding inappropriate contact between respondent and an inmate.

Specifically, the NSP/SID reported that, on February 11, 2022, respondent met with inmate A.A. for more than an hour in a private attorney client room and, at the conclusion of the meeting, as respondent moved toward the door to leave, A.A. approached her from behind and used both hands to grab her buttocks. The room was equipped with video surveillance, but no audio was recorded or transmitted. Respondent did not report the contact to prison officials.

Subsequently, the NSP/SID investigated and determined that respondent was in a romantic relationship with A.A. Specifically, the NSP/SID discovered

letters and electronic mail between respondent and A.A., sent via J-Pay,<sup>1</sup> that were romantic in nature, including photographs and videos of respondent in various stages of undress. Further, A.A.'s J-Pay and letters revealed that respondent corresponded with him under the alias "Jaelya Adamez." Additionally, a review of A.A.'s recorded telephone calls revealed that respondent's telephone number, falsely listed as an aunt, was dialed numerous times by A.A.

On February 23, 2022, the NSP/SID interviewed respondent about the incident. During that interview, she denied having a romantic relationship with A.A. and denied knowledge of J-Pay. Further, when confronted by the NSP/SID with the J-Pay e-mails and other communications between her and A.A., she ended the interview. Subsequently, she was banned from entering all NJDOC institutions. Thereafter, the NSP/SID referred the matter to the OAE.

By way of background, on December 17, 2019, the OPR assigned respondent to represent AA. in a custody matter. Her representation of A.A. in that matter spanned from December 17, 2019 to June 16, 2021, when the case was dismissed. She billed the OPR \$1,700 for services rendered through March 30, 2021. Subsequently, on July 19, 2021, a second custody matter involving

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<sup>1</sup> J-Pay is an electronic mail system used to communicate with inmates throughout NJDOC institutions.

A.A. was docketed, and respondent, again, was assigned to represent him. In connection with her representation of A.A. in the second custody matter, she prepared, but did not submit to the OPR, a bill in the amount of \$1,432.50.

Respondent's representation of A.A. consisted of letters, telephone calls, and meetings with the Attorney General's Office of the Law Guardian and with the trial court. Additionally, between July 19, 2021 and February 24, 2022, she appeared on A.A.'s behalf in at least four compliance hearings.

During a November 14, 2022 demand interview with the OAE, respondent admitted that her relationship with A.A. became romantic in 2021. Despite being in a romantic relationship with A.A., she admittedly accepted the subsequent representation through the OPR.

On January 4, 2022, respondent sent A.A. a letter at the NSP. In that letter, respondent asked him numerous personal questions, including where he lived, his religious beliefs, his sexual preferences, and his expectations if the two lived together. The next day, on January 5, 2022, she appeared on A.A.'s behalf in family court for a compliance hearing. Thereafter, on January 7, 2022, she sent him two pictures of herself, via J-Pay.

On February 4, 2022, respondent again sent A.A., via J-Pay, two pictures of herself wearing what appeared to be a bra. On February 9, 2022, she sent him a picture of her vehicle. That same date, she submitted a request to the NSP to

meet with A.A. in the facility's attorney-client room. On February 11, 2022, as detailed above, she met with A.A.

On February 15, 2022, respondent was banned from entering all institutions within the NJDOC, effective immediately, pending the outcome of the NSP/SID investigation. She did not inform the OPR of her ban from NJDOC facilities.

On February 16, 2022, the NSP/SID called respondent and left a voicemail requesting that she return their call. Two days later, on February 18, 2022, before returning the NSP/SID telephone call, she called A.A. and discussed the investigation. On February 23, 2022, as previously detailed, the NSP/SID interviewed her.

The next day, on February 24, 2022, respondent asked the OPR to remove her from A.A.'s matter, claiming she "needed a break from pool work." She did not reveal to the OPR her personal relationship with A.A.

During her November 14, 2022 demand interview, respondent informed the OAE that she had asked the OPR for reassignment of any cases that involved inmates, given her ban from entering institutions within the NJDOC. She also stated that she had denied her relationship with A.A. to the NSP/SID because she did not want to discuss her personal life. Last, she claimed that she did not disclose her romantic relationship to the OPR because it was personal.

Based on the foregoing facts, respondent stipulated that she violated RPC 1.7(a)(2) by her continued representation of A.A. Further, she stipulated to having violated RPC 8.4(c) by denying to the NSP/SID her romantic relationship with A.A., denying her improper use of J-Pay, and failing to disclose to the OPR both her relationship and her ban from correctional facilities. She also stipulated to having violated RPC 8.4(d) by continuing to represent A.A. until the NSP/SID took the step of banning her from all facilities.

### **The Parties' Positions Before the Board**

Citing disciplinary precedent, discussed below, the OAE recommended the imposition of a censure or such lesser discipline as we deem appropriate. Although the OAE acknowledged that attorneys who engage in sexual relationships with their clients typically receive at least a reprimand, it asserted that respondent's misconduct warranted greater discipline because she leveraged her position as an attorney to gain access to an attorney-client room at the prison. Further, the OAE emphasized that she failed to abide by her obligation to timely report her conflict of interest to the OPD and, subsequently, lied to the NSP/SID about her relationship with A.A., and failed to disclose the relationship or her ban from prisons to the OPD.



In mitigation, the OAE noted respondent's lack of prior discipline. The OAE also emphasized that she admitted her wrongdoing and entered into a disciplinary stipulation. In further mitigation, the OAE stated that she expressed contrition, was remorseful, and had participated in community service, demonstrating her good character and reputation.

The OAE urged, as aggravation, the fact that respondent had leveraged her status as an attorney to gain access to the attorney-client room, where she engaged in misconduct.

In her written submission to us and during oral argument, respondent, through counsel, urged the imposition of an admonition. In support of her position, she emphasized that her relationship with A.A. was not sexual, which she argued was an "important overarching distinguishing factor" between her conduct and that of the reprimanded attorneys who had engaged in consensual relationships. She argued that her misconduct was most analogous to that of the attorney in In the Matter of Peter A. Ouda, DRB 13-124 (October 25, 2013), who we admonished for failing to terminate the representation of his client after their consensual sexual relationship had ended.

In mitigation, respondent reiterated the factors highlighted in the stipulation. She disputed the OAE's assertion, in aggravation, that she had leveraged her position as an attorney to gain access to the attorney-client room

but, instead, vehemently maintained that she had met with A.A. in that room for the legitimate purpose of meeting with her client to discuss his case.

## **Analysis and Discipline**

### *Violations of the Rules of Professional Conduct*

Following a review of the record, we conclude that the stipulated facts in this matter clearly and convincingly support respondent's admitted violation of RPC 1.7(a)(2) and RPC 8.4(c). However, we determine to dismiss the charge that respondent violated RPC 8.4(d).

Specifically, RPC 1.7(a)(2) prohibits a lawyer from representing a client if the representation involves a concurrent conflict of interest. Under the Rule, a concurrent conflict of interest exists if:

(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client, or a third person or by a personal interest of the lawyer.

Here, respondent engaged in a concurrent conflict of interest, in violation of RPC 1.7(a)(2), by engaging in a romantic relationship with A.A., while serving as his appointed counsel, thereby creating a "significant risk" that her representation of him would be materially limited by her own personal interests. Although her relationship with A.A. was not sexual, she nevertheless sought out

a romantic relationship with him while representing him in a child custody proceeding. Further, she was aware that her actions were unethical at the time, as evidenced by her affirmative efforts to keep the relationship secret. Indeed, she ensured that all her personal communications by letter and by J-Pay were sent under the alias of “Jaelya Adamez,” in an effort to conceal her real identity. Consequently, she violated RPC 1.7(a)(2).

Next, respondent repeatedly violated RPC 8.4(c), which prohibits a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. First, in reply to the NSP/SID’s inquiry into whether she had engaged in a romantic relationship with A.A., she denied having anything other than a professional relationship with him. Next, during her interview with the NSP/SID, she denied her use and knowledge of J-Pay, despite having sent several intimate photographs of herself and of her personal belongings via J-Pay. Further, she used the alias “Jaelya Adamez” when corresponding with A.A. by letters and J-Pay with the intention to misrepresent that she was someone other than A.A.’s attorney. Additionally, when specifically asked by the NSP/SID whether anything had happened during her February 11, 2022 visit with A.A. that should have been reported, she replied no, contrary to the inappropriate contact captured by the video surveillance. Last, she failed to disclose to the OPR both her relationship with A.A. and the resulting NJDOC

ban. Rather, she misrepresented to the OPR that she “needed a break from pool work” and requested the OPR to reassign all her matters that involved detainees.

By contrast, however, we determine to dismiss the charge that respondent violated RPC 8.4(d). That Rule provides that it is misconduct for a lawyer to “engage in conduct that is prejudicial to the administration of justice.” The parties stipulated that respondent violated this Rule by her continued representation of A.A. until the NJDOC ban, “requiring the reassignment of all matters with detained clients.” In our view, the fact that respondent’s cases had to be reassigned following her ban from all NJDOC facilities fails to rise to the level of being prejudicial to the administration of justice. Specifically, the record lacks any clear and convincing evidence that judicial resources were wasted due to respondent’s misconduct.

In sum, we find that respondent violated RPC 1.7(a)(2) and RPC 8.4(c). We dismiss the charge that respondent further violated RPC 8.4(d). The sole issue left for our determination is the appropriate quantum of discipline for respondent’s misconduct.

### Quantum of Discipline

Typically, the discipline imposed on attorneys who engage in improper personal relationships with a client, in violation of RPC 1.7(a)(2), is a

reprimand. See, e.g., In re Carroll, 232 N.J. 111 (2018) (the attorney, who was also a public defender, engaged in a sexual relationship with an appointed client in a serious family court matter; given his trusted status as her appointed counsel, the attorney was aware that she was suffering from alcoholism so severe that she had lost custody of her child; despite his knowledge of her condition, the attorney sought and commenced a sexual relationship with her; further, the attorney failed to disclose the relationship to his employer or to withdraw from the representation, despite questioning his client's mental status; the attorney also violated RPC 8.4(d); we determined that the client lacked the capacity to freely consent to the relationship considering his status as her appointed attorney; no prior discipline and the attorney stipulated to his misconduct); In re Resnick, 219 N.J. 620 (2014) (the attorney engaged in a sexual relationship with a client, whom he initially had represented pro bono; after referral from a battered women's shelter; later he represented her, for a fee, in connection with her divorce from her alleged abuser; during the pendency of her divorce proceedings, the attorney informed the client that he desired a personal relationship with her; days earlier, the attorney had told the client that she "couldn't afford her divorce" and, in conjunction with his romantic overtures, offered to refund his \$5,500 retainer; they subsequently engaged in a consensual sexual relationship, which ended acrimoniously; the attorney later withdrew

from the representation, via an ex parte proceeding; we noted that the attorney had become sexually involved with his client knowing, due to the prior pro bono representation, that she had fled an abusive relationship and that he, therefore, knew that she was emotionally vulnerable to his advances; under the circumstances, we determined that the client “felt pressured to yield to [the attorney’s] romantic advances,” and, thus, the attorney had engaged in an impermissible conflict of interest, among other ethics infractions; prior reprimand); In re Warren, 214 N.J. 1 (2013) (the attorney engaged in a sexual relationship with an appointed client in a municipal court matter; the attorney also violated RPC 8.4(d); the relationship spanned six weeks and involved sexual contact and explicit text messages, but not intercourse; the attorney also gave the client money for various purposes; when the relationship ended, he failed to terminate the representation; in aggravation, we considered the client’s emotional vulnerability; no prior discipline).

However, an admonition may be imposed where the relationship was consensual and there was no imbalance of power between the attorney and the client. See In the Matter of Peter Ouda, DRB 13-124 (October 25, 2013) (admonition for an attorney who engaged in a brief sexual relationship with his client six months after the representation began; there was no clear and convincing evidence that the client had not consented to the relationship or was

so emotionally vulnerable that she was unable to freely consent to it; the attorney, however, should have terminated the representation once the sexual relationship ended; in determining to impose an admonition for misconduct typically met with a reprimand, we weighed the attorney's lack of prior discipline in twenty-three years at the bar and the lack of harm to the client's case).

Generally, for conduct involving dishonesty, fraud, deceit, or misrepresentation, the discipline ranges from a reprimand to a term of suspension, depending on the gravity of the offense, the presence of other unethical conduct, and aggravating or mitigating factors. See, e.g., In re Mehta, 227 N.J. 53 (2016) (reprimand for an attorney who fabricated a letter to a former client and submitted it to disciplinary authorities, in violation of RPC 8.1(a) and RPC 8.4(c); in mitigation, the letter did not harm the client, the attorney had no prior discipline and readily admitted to misconduct by consenting to discipline); In re Otlowski, 220 N.J. 217 (2015) (censure for an attorney who made misrepresentations to the OAE and to a client's lender by claiming that funds belonging to the lender, which had been deposited into the attorney's trust account, were frozen by a court order; to the contrary, they had been disbursed to various parties; violations of RPC 8.1(a) and RPC 8.4(c); no prior discipline); In re Allen, 250 N.J. 113 (2022) (three-month suspension for an attorney who

falsely represented to the OAE and to us that he had procured a settlement with a client, knowing he had not, in violation of RPC 3.3(a)(1) and RPC 8.4(c); the attorney also engaged in recordkeeping violations, failed to maintain required professional liability insurance, and did not produce a number of records requested by the OAE during its investigation, violations of RPC 1.15(d), RPC 5.5(a)(1), and RPC 8.1(b); prior admonition and censure).

There is no doubt that respondent's misconduct is less serious than that of the attorneys who engaged in sexual relationships with their clients. Further, we note that an attorney's sexual relationship with a client is not per se unethical. Rather, the relative positions of the parties must be scrutinized to ascertain whether the relationship was prohibited. In re Liebowitz, 104 N.J. 175 (1985).

In our view, respondent's misconduct closely resembles that of the admonished attorney in Ouda, who engaged in a brief sexual relationship with his client six months after the representation began. In that matter, we concluded that there was no clear and convincing evidence that the client had not consented to the relationship or was so emotionally vulnerable that she was unable to freely consent to it. In the Matter of Peter A. Ouda, DRB 13-124, at 6. Nevertheless, we concluded that a conflict of interest arose, in violation of RPC 1.7(a)(2) and RPC 8.4(a), when Ouda continued to represent the client in her malpractice action after the relationship had ended, despite the significant risk that the



representation would be materially limited by Ouda's own personal interests. Id. at 7. In imposing only an admonition, we weighed, in mitigation, the attorney's lack of prior discipline in his twenty-three years at the bar and that the client had not been harmed by his conduct. Id. at 5, 7.

Here, like in Ouda, it appears that respondent's romantic relationship with A.A. was consensual, as the record does not establish any evidence of coercion or unwanted advances by respondent. Indeed, it was A.A. who initiated physical contact with respondent during the February 11, 2022 attorney-client visit. Additionally, like Ouda, respondent's client was not adversely affected by the relationship. Also like Ouda, respondent has no prior discipline in her eleven years at the bar. Thus, standing alone, respondent's violation of RPC 1.7(a)(2) could be met with an admonition.

However, respondent also engaged in other serious misconduct by (1) misrepresenting her relationship to the NSP/SID investigators, (2) corresponding with A.A. under a false alias to conceal her identity as his attorney, and (3) failing to disclose both her relationship and the NJDOC ban to the OPR. In our view, respondent's misrepresentations, though serious, were limited in nature and, thus, more similar to the misconduct of the attorney in Mehta, who was reprimanded for fabricating a letter to a former client and submitting it to the disciplinary authorities. In determining that a reprimand was

the appropriate quantum of discipline in that matter, we considered Mehta's unblemished career and that he had stipulated to his misconduct.

We do not, however, view respondent's misrepresentations as so limited to warrant an admonition. See In the Charles E. Austin, DRB 08-309 (March 12, 2009) (recognizing that, in rare circumstances, an admonition may be imposed for a misrepresentation if the attorney involved directly and immediately admitted to and corrected the misrepresentation), so ordered, 198 N.J. 599 (2009). Here, respondent neither directly nor immediately corrected her misrepresentations to the NSP/SID investigators and to the OPR.

Based on the above disciplinary precedent, and Ouda and Mehta in particular, we determine that the baseline discipline for respondent's misconduct is a reprimand. However, to craft the appropriate discipline in this case, we also consider aggravating and mitigating factors.

There is no aggravation to consider.

In mitigation, respondent has no prior discipline in her eleven years at the bar. In further mitigation, she eventually admitted her wrongdoing and entered into a disciplinary stipulation, thereby conserving judicial resources. Moreover, her failure to withdraw from the representation did not cause her client harm. As discussed above, however, we considered each of the foregoing mitigating

factors in setting the baseline discipline and, accordingly, do not accord them additional mitigating weight.

### **Conclusion**

On balance, consistent with disciplinary precedent, we determine that a reprimand is the appropriate quantum of discipline necessary to protect the public and preserve confidence in the bar.

Chair Cuff and Member Spencer voted to impose an admonition.

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. Mary Catherine Cuff, P.J.A.D. (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 Javonna C. Baker  
Docket No. DRB 24-200

Argued: November 21, 2024

Decided: February 28, 2025

Disposition: Reprimand

<i><b>Members</b></i>	Reprimand	Admonition
Cuff		X
Boyer	X	
Campelo	X	
Hoberman	X	
Menaker	X	
Petrou	X	
Rodriguez	X	
Spencer		X
Total:	6	2

/s/ Timothy M. Ellis

Timothy M. Ellis  
Chief Counsel