SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 25-034
District Docket No. XIV-2023-0204E

In the Matter of Christopher J. Tucci
An Attorney at Law

Argued
May 21, 2025

Decided
June 27, 2025

Christopher W. Goodwin appeared on behalf of
the Office of Attorney Ethics.

Robert E. Ramsey appeared on behalf of respondent.

CORRECTED DECISION

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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 8.4(b) (two instances – committing a criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects), following his criminal charges for one count of wrongful impersonation, in violation of N.J.S.A. 2C:21-17(a)(1), a fourth-degree crime, and one count of harassment, in violation of N.J.S.A. 2C:33-4(c), a petty disorderly persons offense.

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

Ethics History

Respondent earned admission to the New Jersey and Pennsylvania bars in 2001. He has no prior discipline. During the relevant period, he was employed as Vice President, Business Development and Client Relations, for a class-action claims administrator located in Philadelphia, Pennsylvania. He does not maintain an active practice of law in New Jersey.

Facts

Respondent and the OAE entered into a disciplinary stipulation, dated June 19, 2024, which sets forth the following facts in support of respondent's admitted ethics violations.

Specifically, in addition to practicing law, respondent coached girls' lacrosse for the Medford Youth Athletic Association (the MYAA), with players ranging in age from six through fourteen, including his twelve-year-old daughter. At the time of the incident underpinning this matter, respondent had been a coach for MYAA for twelve years.

In January 2023, respondent was one of six coaches participating in a lacrosse training session. Approximately two days after the training session, E.K.[1] sent an e-mail to a commissioner of the MYAA, asserting that respondent had not afforded her daughter sufficient playing time and exposure in front of a high school coach. E.K. also expressed other grievances concerning respondent's coaching that had occurred four years earlier. E.K. added that she did not want respondent to coach her daughter any longer. E.K. had never communicated or expressed her dissatisfaction with respondent's coaching during any of the approximately forty games in which he had coached her

[1] We have anonymized the victim's name from our decision in this matter.

daughter from 2017 through 2019.

Although respondent denied all of the allegations in E.K.'s e-mail, he informed the commissioner that he would resign from coaching and attend future events only as a spectator. He acknowledged that the disagreement with E.K. concerned his "coaching style" and, although he did not agree with her critiques of his coaching, he agreed to step aside for the season. Respondent's daughter and E.K.'s daughter remained teammates following his resignation. Over the course of the next month, he and E.K. attended various team practices but did not speak to each other, which left respondent feeling very uncomfortable.

In what respondent described as an attempt to "break the ice," he decided to orchestrate a "practical joke" on E.K. with the goal of "re-ingratiat[ing]" himself with E.K., whom he had considered to be a friend "for over twelve years."

On February 18, 2023, in furtherance of his intended prank, respondent posted an advertisement on Craigslist offering free labrador puppies at E.K.'s home.[2] The posting specifically directed anyone interested to "[p]lease stop by or text" and included a Google Maps pin of E.K.'s home address and her cellular

[2] Respondent stated that an acquaintance of his previously had posted a Craigslist advertisement for a free chicken coop available at respondent's home that included his personal information without his knowledge or consent. As a result of the listing, multiple individuals unexpectedly appeared at respondent's home to inquire about the free chicken coop.

telephone number. Respondent was aware that E.K. was not giving away free labrador puppies and, concededly, did he have or request her consent to create the posting.

The Craigslist posting attracted immediate attention and, the same day it was posted, E.K. began receiving text messages and telephone calls from individuals looking to acquire a puppy. E.K. contacted Craigslist to report the fraudulent posting and to have it removed. Respondent asserted that the posting remained visible on the internet for only "a few hours."

On February 18, 2023, also in furtherance of his intended prank, respondent placed an online order for what he described as a "fringe" magazine dealing with "outlandish science and religious issues," and directed the magazine to be mailed to E.K.'s home address. Respondent knew E.K. would not want to receive the "very odd and bizarre religious" magazine. He did not notify her that he had ordered a magazine in her name at her address, nor did he have her consent to do so. The subscription order prompted the magazine publisher to forward an invoice for $158 to E.K.'s e-mail address.[3]

On February 18, 2023, E.K. reported the fraudulent Craigslist posting and magazine subscription to the Medford Lakes Police Department (the MLPD). From February 18 through May 31, 2023, the MLPD sought to obtain the

[3] E.K. did not pay the invoice and ultimately was not charged the subscription fee.

internet protocol (IP) address for the Craigslist posting.[4] Although Google provided the e-mail address associated with the posting, along with information related to the "account creation," Google would not provide a name or any subscriber information without a search warrant. Consequently, the MLPD elected to attempt to speak with respondent prior to proceeding with a search warrant.

On May 31, 2023, during an interview with the MLPD, respondent admitted to creating the posting and ordering the magazine subscription in E.K.'s name. That same date, the Honorable Peter C. Lange, J.M.C., determined that there was probable cause to believe that a crime and petty disorderly persons offense had been committed and, as a result, respondent was charged with fourth-degree impersonation, in violation of N.J.S.A. 2C:21-17(a)(1), and petty disorderly persons harassment, in violation of N.J.S.A. 2C:33-4(c).

On June 6, 2023, the Burlington County Prosecutor's Office notified the OAE of the filing of the criminal charges. On June 19, 2023, the OAE docketed the matter for investigation. The next day, respondent notified the OAE of the criminal charges, as R. 1:20-13 requires.

On July 18, 2023, respondent filed an application for entry into the pre-

[4] Respondent used a unique IP address that was registered to an individual residing at his home address to create the Craigslist posting and to order the magazine.

trial intervention program (PTI).[5]

On July 30, 2023, E.K. submitted a victim impact statement in opposition to respondent's application for PTI. She stated that respondent's actions had left her feeling "violated and traumatized" and that she was "struggling to cope with the aftermath." She emphasized that respondent had placed her personal information on Craigslist, which invaded her privacy and put her family's physical safety and security at risk. She noted that respondent had added to the online posting that people could contact her "with services or other commercial interests," which led to continued harassment from spam telephone calls and text messages. She further noted that the online posting included a Google Maps pin for her address and instructed people to "stop by" her home for the free puppies, which caused her then thirteen-year-old daughter to refuse to be home alone for fear that strangers would go to the house. She added that she had lived in the area for more than forty years and that the incident, as well as respondent's initial accusations that she had lied about it, could damage her personal and professional reputation in the community.

E.K. emphasized her concern that PTI may not adequately address the underlying issues leading to respondent's actions, would set a precedent for

[5] PTI is a diversionary program that provides first time offenders with opportunities for alternatives to the traditional criminal justice process of ordinary prosecution. If the offender satisfies all the conditions set by the court, the charges will be dismissed.

leniency in similar cases, and would prevent respondent from bearing the consequences of his actions.

On December 6, 2023, in the Superior Court of New Jersey, Burlington County, respondent appeared before the Honorable Mark P. Tarantino, J.S.C. for a PTI hearing. The court admitted respondent to PTI on the charges of fourth-degree impersonation and petty disorderly persons harassment and, consequently, postponed all criminal proceedings for a period of thirty-six months. As additional conditions to PTI, Judge Tarantino ordered respondent to have no contact with E.K or her family; maintain verifiable employment; complete forty hours of community service; and apologize to E.K. in court at the time of PTI acceptance. During the December 6 hearing, respondent apologized to E.K. and her family for his "lack of judgment," and added, "If I -- anybody was aggravated, made anxious, inconvenienced as a result of what happened, I -- I really am sorry and I feel really bad about this. Thank you."

On April 25, 2024, during his interview with the OAE, respondent again admitted to creating the fraudulent Craigslist posting and ordering the magazine subscription, without E.K.'s knowledge or consent.

Based on the forgoing facts, respondent stipulated to having violated RPC 8.4(b) by both knowingly impersonating E.K. and assuming her character when posting the online Craigslist advertisement, and by ordering the magazine subscription to E.K.'s address for the purpose of alarming or annoying her.

<u>The Parties' Positions Before the Board</u>

The OAE recommended the imposition of a censure or such lesser discipline as we deem appropriate, based on respondent's criminal charges of impersonation and harassment.

In support of its position, the OAE cited disciplinary precedent, discussed below, in which we recommended discipline ranging from a reprimand to a term of suspension for attorneys who committed harassment or crimes related to deception or impersonation.

In aggravation, the OAE noted respondent's mobilization of multiple strangers as instruments of his harassment. Further, during oral argument before us, the OAE acknowledged that the harm to E.K. and to her family also served as an aggravating factor.

In mitigation, the OAE considered that respondent had (1) no prior discipline in his twenty-four years at the bar, (2) shown contrition, and (3) entered into a disciplinary stipulation, thereby accepting full responsibility for his misconduct.

Respondent did not submit a brief for our consideration. During oral argument before us, however, respondent's counsel acknowledged that the "bizarre" conduct exhibited by respondent in connection with his misguided prank was the result respondent investing a significant amount of "emotional capital" in his daughter's youth athletics. Respondent's counsel further stated that respondent's actions were "purposeful" and "predicated on harassing [E.K.]," and, thus, warranted a censure.

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 violations of RPC 8.4(b).

Pursuant to RPC 8.4(b), 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." Here, respondent was charged with and admitted to having committed fourth-degree impersonation, in violation of N.J.S.A. 2C:21-17(a)(1), which states:

> A person is guilty of a crime if the person engages in one or more of the following actions by any means including, but not limited to, the use of electronic communications or an Internet website:
>
> (1) Impersonates another or assumes a false identity and does an act in such assumed character or false identity for the purpose of obtaining a benefit for

himself or another or to injure or defraud another[.]

In addition, respondent was charged with and admitted to having committed harassment, in violation of N.J.S.A. 2C:33-4(c), which states that "a person commits a petty disorderly persons offense if, with purpose to harass another, he . . . [e]ngages in any other course of alarming conduct or of repeatedly committed acts with purpose to alarm or seriously annoy such other person."

Because respondent was charged with a fourth-degree crime and a petty disorderly persons offense that did not involve domestic violence, he was not required, pursuant to R. 3:28-5(b)(2), to plead guilty in connection with his admission to PTI. Nevertheless, his admission to PTI for fourth-degree impersonation, in violation of N.J.S.A. 2C:21-17(a)(1), and petty disorderly persons harassment, in violation of N.J.S.A. 2C:33-4(c), is sufficient to establish his violation of RPC 8.4(b).[6]

In sum, we find that respondent violated RPC 8.4(b) (two instances). The sole issue left for our determination is the appropriate quantum of discipline for

[6] It is well-settled that a violation of RPC 8.4(b) may be found even in the absence of a criminal conviction. 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). See also 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), and 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)).

respondent's misconduct.

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." Principato, 139 N.J. 456, 460 (1994). Fashioning the appropriate penalty involves a consideration of many factors, including the "nature and severity of the crime, whether the crime is related to the practice of law, and any mitigating factors such as respondent's reputation . . . prior trustworthy conduct, and general good conduct." In re Lunetta, 118 N.J. 443, 445-46 (1989).

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). Offenses that evidence ethics shortcomings, although not committed in an attorney's professional capacity, may nevertheless warrant discipline. 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).

Typically, the discipline imposed for conduct involving harassment and similar criminal offenses is an admonition or a reprimand. See In the Matter of Shauna Marie Fuggi, DRB 11-399 (February 17, 2012) (admonition for an 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, in violation of 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; and she admitted the misconduct and cooperated with law enforcement), and In re Thakker, 177 N.J. 228 (2003) (reprimand for an attorney who pleaded guilty to harassment; the attorney called the home of his former client fifteen to twenty times between 7:00 p.m. and 10:45 p.m., even after she had told him to stop; additionally, the attorney was abusive and belligerent to the police officer who had responded to the matter; when the police officer warned the attorney to stop calling his former client, the attorney invited the police officer to engage in a "hand to hand encounter between us men;" despite the police officer's warning, the attorney continued to call his former client until just after midnight).[7]

Although no disciplinary cases have directly addressed the fourth-degree crime of impersonation, the crimes most analogous are those involving the use of another's identification or identity theft, for which attorneys have received discipline ranging from a reprimand to lengthy terms of suspension. See, e.g., In re Murphy, 188 N.J. 584 (2006) (reprimand for an attorney whose driving privileges were suspended but had provided police officers, on two separate occasions in Connecticut, his brother's driver's license to falsely identify himself to avoid prosecution when stopped (and ultimately charged) by police for driving while under the influence of alcohol); In re Poreda, 139 N.J. 435 (1994) (three-month suspension for an attorney convicted in Pennsylvania of forgery and possession of a forged insurance identification card, a misdemeanor of the first degree; the attorney initially was cited for operating an uninsured vehicle but later produced, to the police officer and to the court at the scheduled hearing, a fraudulent insurance card that he had created in an attempt to have the charges dismissed; compelling mitigation was found); In re Kopp, 206 N.J. 106 (2011) (three-year suspension, on a motion for final discipline, for an

[7] The additional case cited by the OAE is in accord. See In re La Van, 238 N.J. 474 (2024) (censure, on a motion for final discipline, in connection with convictions of the disorderly persons offense of obstructing the administration of justice by submitting documents to a financial institution knowing they were noncompliant with banking regulations, and petty disorderly persons harassment for sending harassing messages to another; the attorney had a prior reprimand and censure).

attorney who used her sister's identity without her knowledge to obtain several credit cards in the sister's name for the purpose of fraudulently using the cards for purchases in excess of $500; the attorney entered a guilty plea to one count of third-degree identity theft, two counts of third-degree credit card theft, and one count of third-degree theft by deception; no prior discipline).

Based upon the foregoing disciplinary precedent, we determine that respondent's disorderly persons offense of harassment, standing alone, requires the imposition of at least a reprimand. However, when considering respondent also committed the additional misconduct of impersonating E.K., a greater quantum of discipline is appropriate. To craft the appropriate discipline in this case, we also consider mitigating and aggravating factors.

In mitigation, respondent has no prior discipline in his twenty-four years at the bar. Further, he admitted his wrongdoing, expressed remorse, and entered into a disciplinary stipulation.

In aggravation, we accord significant weight to the context in which respondent unleashed his misguided and juvenile attempt at repairing his friendship with E.K. Specifically, respondent finds himself facing discipline for misconduct related to youth sports for girls, ages six to fourteen, an environment in which respondent was the adult. We are hard-pressed to find a scenario in which respondent's actions would serve to improve the relationship or "reingratiate" him with E.K. and, quite frankly, it is more likely, in our view, that the "prank" was intended as retaliation for her complaint to the commissioner.

Respondent devised a plan to direct strangers to E.K.'s home as a means of indirectly harassing and annoying her and her family without any regard for the potential safety implications. He calculatingly included a Google Maps pin of E.K.'s home address and directed people to "stop by" to increase the likelihood that strangers unexpectedly would appear at E.K.'s home. At best, respondent's actions were intended to harass and annoy E.K. At worst, he deliberately put the safety of E.K.'s family in jeopardy solely for the purpose of retaliating against her. Either way, in our view, his actions reflect an alarming lack of judgment, maturity, and self-control.

<u>Conclusion</u>

On balance, we find that the serious aggravating factors outweigh the mitigating factors and, thus, determine that a censure is the appropriate quantum of discipline necessary to protect the public and to preserve confidence in the bar.

Member Campelo 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. 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 Christopher J. Tucci
Docket No. DRB 25-034

Argued: May 21, 2025

Decided: June 27, 2025

Disposition: Censure

Members	Censure	Absent
Cuff	X	
Boyer	X	
Campelo		X
Hoberman	X	
Menaker	X	
Modu	X	
Petrou	X	
Rodriguez	X	
Spencer	X	
Total:	8	1

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