

Table of Contents

PART I. DISCIPLINARY PROCEDURES

CHAPTER 1. FOUNDATIONS OF JUDICIAL DISCIPLINE

- § 1:1 Introduction
- § 1:2 New Jersey Constitution
- § 1:3 Public policy
- § 1:4 The Code of Judicial Conduct
- § 1:5 Rules of Court
- § 1:6 The Advisory Committee on Judicial Conduct
- § 1:7 Types of discipline
- § 1:8 Seminal judicial disciplinary case—In re Mattera
- § 1:9 In re Mattera
- § 1:10 Conclusion

CHAPTER 2. THE JUDICIAL DISCIPLINARY PROCESS

- § 2:1 Introduction
- § 2:2 Governing rules of the Court
- § 2:3 The Advisory Committee on Judicial Conduct
- § 2:4 Preliminary investigation
- § 2:5 Confidentiality during investigative phase
- § 2:6 State v. Clark
- § 2:7 Formal disciplinary proceedings
- § 2:8 Sample Advisory Committee on Judicial Conduct (ACJC) Complaint
- § 2:9 Sample Advisory Committee on Judicial Conduct (ACJC) Answer
- § 2:10 Action by the Supreme Court
- § 2:11 Removal from judicial office
- § 2:12 Other disciplinary actions
- § 2:13 In Re Kotok

CHAPTER 3. AGGRAVATING AND MITIGATING FACTORS

- § 3:1 Introduction

A. AGGRAVATING FACTORS

- § 3:2 Violations of public policy
- § 3:3 Criminal offenses
- § 3:4 Harm to others
- § 3:5 Pattern of misconduct
- § 3:6 Lack of contrition

B. MITIGATING FACTORS

- § 3:7 Contrition and rehabilitation
- § 3:8 Prior unblemished record
- § 3:9 Single Act of misconduct
- § 3:10 Recovery from a serious medical condition

PART II. MISCONDUCT

CHAPTER 4. DRUNK DRIVING

- § 4:1 Introduction
- § 4:2 Cases resulting in a public reprimand
- § 4:3 Statement of the Supreme Court concerning Justice Clifford,
and Advisory Committee Report and Recommendations
- § 4:4 Cases resulting in censure
- § 4:5 In re Connor
- § 4:6 Case resulting in suspension from judicial office
- § 4:7 In re Collester
- § 4:8 Progressive discipline

CHAPTER 5. PERSONAL MISCONDUCT

- § 5:1 Introduction
- § 5:2 Judicial standards and basis for discipline
- § 5:3 Range of discipline
- § 5:4 Suspension from judicial office
- § 5:5 In re Williams
- § 5:6 Removal from judicial office— Matter of Yaccarino
- § 5:7 Removal from Judicial Office—In re Samay

CHAPTER 6. CONDUCT OF JUDICIAL PROCEEDINGS

- § 6:1 Introduction
- § 6:2 Abuse of attorneys and litigants
- § 6:3 Cases resulting in removal
- § 6:4 In re Yengo
- § 6:5 Cases resulting in censure

TABLE OF CONTENTS

§ 6:6	In re Albino
§ 6:7	Cases resulting in public reprimand
§ 6:8	In re Horan
§ 6:9	Matter of Sadofski
§ 6:10	Matter of Bozarth
§ 6:11	Conduct of trial
§ 6:12	Cases resulting in removal
§ 6:13	Cases resulting in suspension
§ 6:14	Matter of Fenster
§ 6:15	In re Mathesius
§ 6:16	Cases resulting in censure or reprimand
§ 6:17	Cases resulting in no discipline
§ 6:18	In re Stevens
§ 6:19	In the Matter of Thomson (1985)
§ 6:20	Ticket-fixing—Introduction
§ 6:21	—Cases resulting in removal from judicial office
§ 6:22	In the Matter of Hardt
§ 6:23	Ticket-fixing—Cases resulting in suspension from the practice of law
§ 6:24	In the Matter of Spitalnick
§ 6:25	In the Matter of Sgro
§ 6:26	In the Matter of DeLucia
§ 6:27	Ticket-fixing—Cases resulting in public reprimands
§ 6:28	In the Matter of Holder
§ 6:29	Administrative responsibilities
§ 6:30	In the Matter of Alvino
§ 6:31	Bias and prejudice—Introduction
§ 6:32	Rules of court—Pretrial disqualification for bias
§ 6:33	Bias during the course of trial
§ 6:34	Bias resulting in formal discipline
§ 6:35	Conclusion
§ 6:36	State v. Roberts

CHAPTER 7. EXTRAJUDICIAL ACTIVITIES

§ 7:1	Introduction
§ 7:2	The Advisory Committee on Extrajudicial Conduct
§ 7:3	Guidelines for Extrajudicial Activities
§ 7:4	Disciplinary cases—Overview
§ 7:5	Appearances on broadcast media
§ 7:6	In re Broadbelt
§ 7:7	Attendance at social events
§ 7:8	Case resulting in public reprimand
§ 7:9	Matter of Blackman
§ 7:10	Case resulting in suspension of license to practice law

§ 7:11 In the Matter of D'Auria

CHAPTER 8. SEXUAL HARASSMENT

- § 8:1 Introduction
- § 8:2 Public policy
- § 8:3 Burden of proof
- § 8:4 Credibility determinations
- § 8:5 Aggravating and mitigating factors
- § 8:6 Cases resulting in suspension from judicial office
- § 8:7 In re Seaman
- § 8:8 In re Subryan
- § 8:9 Case resulting in private reprimand
- § 8:10 In the Matter of Brenner

CHAPTER 9. POLITICAL ACTIVITIES

- § 9:1 Introduction
- § 9:2 Case resulting in suspension from judicial office
- § 9:3 Cases resulting in public reprimand
- § 9:4 In the Matter of Pagliughi
- § 9:5 In the Matter of Hayden
- § 9:6 Supreme Court statement imposing discipline
- § 9:7 Involvement in politics by spouses of judges
- § 9:8 Application of Gaulkin
- § 9:9 Surrogates
- § 9:10 Case resulting in censure
- § 9:11 Matter of Conda
- § 9:12 Other judiciary employees

CHAPTER 10. CONFLICTS OF INTEREST

§ 10:1 Introduction

A. REPRESENTATION OF PRIVATE CLIENTS— APPEARANCES BEFORE PUBLIC AGENCIES AND BODIES

- § 10:2 Cases resulting in public reprimands
- § 10:3 In the Matter of Palmisano
- § 10:4 In the Matter of Anastasi
- § 10:5 Case involving censure
- § 10:6 In the Matter of Klaisz

B. LEGAL MALPRACTICE

§ 10:7 Case involving public reprimand

TABLE OF CONTENTS

§ 10:8 In the Matter of Hazelwood

C. CONTACTING OTHER JUDGES ON BEHALF OF CLIENTS

§ 10:9 Cases resulting in public reprimands

§ 10:10 Cases Resulting in Censure

§ 10:11 In the Matter of Santini

§ 10:12 In the Matter of Murray

§ 10:13 In the Matter of Carton

§ 10:14 Cases resulting in suspension from practice of law

§ 10:15 In the Matter of Vasser

D. REPRESENTATION OF FAMILY MEMBERS

§ 10:16 Case resulting in censure

§ 10:17 In re Matter of Di Sabato

§ 10:18 Cases resulting in removal from judicial office

E. SEEKING FUTURE EMPLOYMENT BY A SITTING JUDGE

§ 10:19 DeNike v. Cupo

CHAPTER 11. CRIMINAL CONDUCT

§ 11:1 Introduction

§ 11:2 Cases resulting in removal and disbarment

§ 11:3 In re Imbriani

§ 11:4 In the Matter of Coruzzi

§ 11:5 In the Matter of Breslin

§ 11:6 Case resulting in removal and suspension from practice

§ 11:7 In the Matter of Pepe

§ 11:8 Case resulting in removal

§ 11:9 In the Matter of Breslin

§ 11:10 Cases resulting in resignation and suspension from practice

§ 11:11 In the Matter of Gurnik

§ 11:12 In the Matter of Polack

§ 11:13 In the Matter of Del Mauro

§ 11:14 In the Matter of DelSordo

§ 11:15 Conclusion

PART III. PRESENTMENTS FROM THE ADVISORY COMMITTEE ON JUDICIAL CONDUCT

CHAPTER 12. PRESENTMENTS FROM THE ADVISORY COMMITTEE ON JUDICIAL CONDUCT

§ 12:1 Introduction

CHAPTER 13. CONDUCT OF JUDICIAL PROCEEDINGS

- § 13:1 Introduction
- § 13:2 Ex parte communications—In re Piscal
- § 13:3 Bias—In re Gaeta
- § 13:4 Abuse of litigants—In re Rzemieniewski
- § 13:5 Conflict of interest/abuse of litigants—In re Saltman
- § 13:6 Conflict of interest—Newman
- § 13:7 Intemperate conduct—Maisto
- § 13:8 Ex parte communication/intemperate conduct—In re Mathesius
- § 13:9 Ex Parte communications—In re Elias
- § 13:10 Conflict of interest with litigant—In re Bowkle
- § 13:11 Conflict of interest with court staff—In re Miniman
- § 13:12 Intemperate conduct—Abuse of Attorneys—In re Giles
- § 13:13 Intemperate conduct with court staff—Outside employment by a full-time judge—In re McElroy
- § 13:14 Bias—Improper Involvement in Plea Bargaining Process—In re Broome

CHAPTER 14. SEXUAL HARASSMENT

- § 14:1 Introduction
- § 14:2 Subordinate staff member—In re Subryan

CHAPTER 15. MISUSE OF JUDICIAL OFFICE

- § 15:1 Introduction
- § 15:2 Letterhead—In re Sonstein
- § 15:3 Ex parte communications—In re Wright
- § 15:4 Business card—In re Mcelroy
- § 15:5 Improper influence—In re Kohlhepp
- § 15:6 Ex parte communications—In re Amana
- § 15:7 Use of Judicial Office to Advance Private Interests—Business Card—In re Rivera-Soto

TABLE OF CONTENTS

CHAPTER 16. CONFLICTS OF INTEREST

- § 16:1 Introduction
- § 16:2 Business dealings with litigants—In re Sciuto

CHAPTER 17. POLITICAL INVOLVEMENT

- § 17:1 Introduction
- § 17:2 Presence at a political event—In re Sanchez
- § 17:3 Photographed with Criminally Charged Public Official—In re Rodriguez

CHAPTER 18. DRIVING WHILE INTOXICATED

- § 18:1 Introduction
- § 18:2 Failure to report infraction to assignment judge—In re Frese
- § 18:3 —In re Parsons
- § 18:4 With related incident of domestic violence—In re Paragano
- § 18:5 Progressive discipline—In re Williams

CHAPTER 19. PATTERN OF MISCONDUCT

- § 19:1 Introduction
- § 19:2 In re Smoger

Appendix A. A Code of Judicial Conduct

Appendix B. Guidelines on the Practice of Law By Retired Judges

Appendix C. Guidelines for Extrajudicial Activities for New Jersey Judges—Annotated

Table of Laws and Rules

Table of Cases

Index