

166 N.J. 25
Supreme Court of New Jersey.

In the Matter of Judge Wolf A. SAMAY,
Judge of the Municipal Court of Passaic.

Argued Nov. 8, 2000.

|

Decided Jan. 12, 2001.

Synopsis

Judicial disciplinary proceeding was commenced against municipal court judge on complaint to the Advisory Committee on Judicial Conduct (ACJC). On an order to show cause why judge should not be removed from judicial office, the Supreme Court held that judge's use of his judicial title for his personal benefit, failing to recuse himself in matter involving a long-term colleague, and having his son's teacher arrested and then arraigned before him warranted removal from office.

Judge removed.

West Headnotes (18)

[1] **Judges**

🔑 Reference and review

227 Judges

227I Appointment, Qualification, and Tenure

227k11 Removal or Discipline

227k11(5) Proceedings and Review

227k11(8) Reference and review

Matters of judicial discipline brought before the Supreme Court on the presentment of the Advisory Committee on Judicial Conduct (ACJC) receive a de novo review of the record.

Cases that cite this headnote

[2] **Judges**

🔑 Evidence

227 Judges

227I Appointment, Qualification, and Tenure

227k11 Removal or Discipline

227k11(5) Proceedings and Review

227k11(7) Evidence

Where a form of judicial discipline short of removal is to be imposed, the Supreme Court applies a clear and convincing burden of proof.

Cases that cite this headnote

[3] **Evidence**

🔑 Degree of Proof in General

157 Evidence

157XIV Weight and Sufficiency

157k596 Degree of Proof in General

157k596(1) In general

“Clear and convincing evidence” is that which produces in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; it is evidence so clear, direct, weighty, and convincing as to enable the factfinder to come to a clear conviction, without hesitancy, of the truth of the precise facts in issue. N.J.S.A. 2A:84A, App. A, Rules of Evid., N.J.R.E. 101(b)(1).

5 Cases that cite this headnote

[4] **Judges**

🔑 Evidence

227 Judges

227I Appointment, Qualification, and Tenure

227k11 Removal or Discipline

227k11(5) Proceedings and Review

227k11(7) Evidence

Where removal of a Superior Court or municipal court judge is urged for misconduct in office, willful neglect of duty, or other conduct evidencing unfitness for judicial office, the reason for removal must be established beyond a reasonable doubt. N.J.S.A. 2B:2A-2, 2B:2A-9.

Cases that cite this headnote**[5] Judges** Evidence227 Judges227I Appointment, Qualification, and Tenure227k11 Removal or Discipline227k11(5) Proceedings and Review227k11(7) Evidence

“Reasonable doubt,” for purposes of requirement that reason for removal of judge must be established beyond a reasonable doubt, is an honest and reasonable uncertainty in one's mind about the guilt of the accused after one has given full and impartial consideration to all of the evidence. N.J.S.A. 2B:2A-9.

Cases that cite this headnote**[6] Judges** Evidence227 Judges227I Appointment, Qualification, and Tenure227k11 Removal or Discipline227k11(5) Proceedings and Review227k11(7) Evidence

Reasonable doubt, for purposes of requirement that reason for removal of judge must be established beyond a reasonable doubt, may arise from the evidence itself or from a lack of evidence; it is a doubt that a reasonable person hearing the same evidence would have. N.J.S.A. 2B:2A-9.

Cases that cite this headnote**[7] Judges** Evidence227 Judges227I Appointment, Qualification, and Tenure227k11 Removal or Discipline227k11(5) Proceedings and Review227k11(7) Evidence

Reasonable doubt standard, for purposes of requirement that reason for removal of judge must be established beyond a reasonable doubt, may be satisfied by uncorroborated testimonial evidence. N.J.S.A. 2B:2A-9.

3 Cases that cite this headnote**[8] Judges** Standards, canons, or codes of conduct, in general**Judges** Grounds and sanctions227 Judges227I Appointment, Qualification, and Tenure227k11 Removal or Discipline227k11(2) Standards, canons, or codes of conduct, in general227 Judges227I Appointment, Qualification, and Tenure227k11 Removal or Discipline227k11(4) Grounds and sanctions

In judicial disciplinary proceedings, the effect of judicial misconduct on other persons is not an essential element of an alleged violation of a canon of the Code of Judicial Conduct or the Supreme Court's disciplinary rules; the effect upon other persons, however, may be a relevant factor in assessing the gravity of the misconduct and the appropriate discipline.

Cases that cite this headnote**[9] Judges** Standards, canons, or codes of conduct, in general227 Judges227I Appointment, Qualification, and Tenure227k11 Removal or Discipline227k11(2) Standards, canons, or codes of conduct, in general

Municipal court judge's designation of himself as a judge in his signature on

a non-judicial, personal letter involving a dispute over a financial obligation violated provisions of Code of Judicial Conduct requiring judges to uphold the integrity and independence of the judiciary, to respect and comply with the law, and to refrain from lending the prestige of office to advance the private interests of others. Code of Jud.Conduct, Canons 1, 2, subds. A, B.

2 Cases that cite this headnote

[10] **Judges**

🔑 Standards, canons, or codes of conduct, in general

227 Judges

227I Appointment, Qualification, and Tenure

227k11 Removal or Discipline

227k11(2) Standards, canons, or codes of conduct, in general

Municipal court judge's purposeful and intentional use of the initials "J.M.C." in personal letter disputing a financial obligation violated disciplinary rule prohibiting conduct prejudicial to the administration of justice that brings the judicial office into disrepute. R. 2:15-8(a)(6).

1 Cases that cite this headnote

[11] **Judges**

🔑 Grounds and sanctions

227 Judges

227I Appointment, Qualification, and Tenure

227k11 Removal or Discipline

227k11(4) Grounds and sanctions

Although it was inappropriate for municipal court judge to have intentionally misused the initials "J.M.C." for his personal gain, his removal from office was not warranted based on that judicial misconduct alone, although such conduct would be considered as part-and-parcel of a larger pattern of judicial misconduct.

1 Cases that cite this headnote

[12] **Judges**

🔑 In general;constitutional and statutory provisions

227 Judges

227I Appointment, Qualification, and Tenure

227k11 Removal or Discipline

227k11(1) In general;constitutional and statutory provisions

Most significant goal of judicial removal statutes is the preservation of the public's confidence in the judicial system. N.J.S.A. 2A:1B-3 (Repealed).

Cases that cite this headnote

[13] **Judges**

🔑 In general;constitutional and statutory provisions

227 Judges

227I Appointment, Qualification, and Tenure

227k11 Removal or Discipline

227k11(1) In general;constitutional and statutory provisions

Focus of a judicial removal proceeding is determined solely by the public interest and by the Supreme Court's steadfast commitment to maintaining an independent and incorruptible judiciary.

Cases that cite this headnote

[14] **Judges**

🔑 In general;constitutional and statutory provisions

227 Judges

227I Appointment, Qualification, and Tenure

227k11 Removal or Discipline

227k11(1) In general;constitutional and statutory provisions

Public confidence in the judiciary is shaken when a judge commits an offense or conduct that subjects

him or her to removal; the removal proceedings are designed to restore faith.

Cases that cite this headnote

[15] Judges

🔑 Standards, canons, or codes of conduct, in general

227 Judges

227I Appointment, Qualification, and Tenure

227k11 Removal or Discipline

227k11(2) Standards, canons, or codes of conduct, in general

Municipal court judge's issuing a search and arrest warrants and presiding over arraignment of the wife of his long-term colleague in municipal government, so that he could benefit his colleague, knowingly and purposely violated provisions of Code of Judicial Conduct requiring judges to uphold the integrity and independence of the judiciary, and to respect and comply with the law, as well as disciplinary rule prohibiting conduct prejudicial to the administration of justice that brings the judicial office into disrepute. Code of Jud.Conduct, Canons 1, 2, subd. A; R. 2:15-8(a)(6).

2 Cases that cite this headnote

[16] Judges

🔑 Standards, canons, or codes of conduct, in general

227 Judges

227I Appointment, Qualification, and Tenure

227k11 Removal or Discipline

227k11(2) Standards, canons, or codes of conduct, in general

Municipal court judge's giving false and misleading information to police in alleging that teacher, during incident involving judge's son, threatened to bash in his son's head or kill him knowingly and purposely violated

canons of judicial conduct requiring judges to uphold integrity and independence of the judiciary, to respect and comply with the law, and to refrain from lending prestige of office to advance the private interests of others. Code of Jud.Conduct, Canons 1, 2, subds. A, B.

Cases that cite this headnote

[17] Judges

🔑 Standards, canons, or codes of conduct, in general

227 Judges

227I Appointment, Qualification, and Tenure

227k11 Removal or Discipline

227k11(2) Standards, canons, or codes of conduct, in general

Municipal court judge's failure to disqualify himself from sitting in any phase of matters involving his son's teacher, against whom he had filed criminal charges, and wife of councilman with whom judge had prior long-term relationship violated canon of judicial conduct requiring a judge to disqualify himself in any proceeding in which the judge's impartiality might reasonably be questioned. Code of Jud.Conduct, Canon 3, subd. C(1).

Cases that cite this headnote

[18] Judges

🔑 Grounds and sanctions

227 Judges

227I Appointment, Qualification, and Tenure

227k11 Removal or Discipline

227k11(4) Grounds and sanctions

Municipal court judge's use of his judicial title for his personal benefit in connection with a financial obligation, failing to recuse himself in matter involving his long-term colleague in municipal government from issuing a search and arrest

warrant or presiding over arraignment of colleague's wife, and his vendetta motive on having his son's teacher arrested and then arraigned before him warranted removal from office on grounds of unfitness. N.J.S.A. 2B:2A-2.

1 Cases that cite this headnote

Attorneys and Law Firms

****400 *29** Jeffrey J. Miller, Assistant Attorney General, argued the cause on behalf of the Advisory Committee on Judicial Conduct (John J. Farmer, Jr., Attorney General of New Jersey, attorney; Mark J. Fleming and Michael J. Haas, Assistant Attorneys General and Dawn C. O'Connor, Deputy Attorney General, on the brief).

Peter W. Till, Newark, argued the cause for respondent.

PER CURIAM.

This is a judicial-disciplinary case. The proceedings commenced with the filing of a complaint and an amended complaint with the Advisory Committee on Judicial Conduct (ACJC or Committee) against respondent, Wolf A. Samay, a Judge of the Municipal Court of the City of Passaic, for cause involving his judicial conduct. The gravamen of the complaint was that respondent had violated several Canons of the Code of Judicial Conduct and the Court's Disciplinary Rules.

The ACJC issued a presentment in which it found the allegations in the amended complaint had been established by clear and convincing evidence and that ****401** respondent violated Canons 1, 2A, 2B, 3A(1), and 3C(1) of the Code of Judicial Conduct, and Rule 2:15-8(a)(1) and Rule 2:15-8(a)(6). The presentment concluded that respondent "is not fit to continue to serve as a judge in the State of New Jersey" and recommended "that proceedings be ***30** instituted to remove him from judicial office in accordance with Rule 2:14-1 and N.J.S.A. 2B:2A-1 to -11."

This Court issued and filed a formal Complaint and Order to Show Cause why respondent should not be removed from office. The Chief Justice, pursuant to N.J.S.A. 2B:2A-7, appointed a hearing panel, consisting of one Appellate Division judge and two Law Division judges, "to conduct a hearing, take evidence, and report findings" with respect to the complaint. The hearing panel concluded that respondent violated Canons 1, 2A, 2B, 3A(1), and 3C(1) of the Code of Judicial Conduct, and Rules 2:15-8(a)(1) and (a)(6). It unanimously recommended removal.

I.

[1] [2] [3] First, we articulate a few principles that inform and guide us in the performance of our responsibility. Matters of judicial discipline brought before this Court on the presentment of the ACJC receive a *de novo* review of the record. Where a form of discipline short of removal is to be imposed, we apply a clear and convincing burden of proof. In re Collester, 126 N.J. 468, 476, 599 A.2d 1275 (1992). Clear and convincing "evidence is that which 'produce[s] in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established,' evidence 'so clear, direct and weighty and convincing as to enable (the factfinder) to come to a clear conviction, without hesitancy, of the truth of the precise facts in issue.' " In re Boardwalk Regency Corp., 180 N.J. Super. 324, 339, 434 A.2d 1111 (App.Div.1981) (alteration in original) (quoting Aiello v. Knoll Golf Club, 64 N.J. Super. 156, 162, 165 A.2d 531 (App.Div.1960)), modified, 90 N.J. 361, 447 A.2d 1335 (1982), appeal dismissed sub nom, Perlman v. Attorney Gen., 459 U.S. 1081, 103 S.Ct. 562, 74 L.Ed.2d 927 (1982); see In re Purrazzella, 134 N.J. 228, 240, 633 A.2d 507 (1993); Biunno, *Current N.J. Rules of Evidence*, comment 6 on N.J.R.E. 101(b)(1) (2000). The clear and convincing standard may be satisfied by uncorroborated testimonial evidence. In re Seaman, 133 N.J. 67, 84, 627 A.2d 106 (1993).

***31 [4] [5] [6] [7]** On the other hand, where removal of a Superior Court or municipal court judge is urged "for misconduct in office, willful neglect of duty, or other conduct evidencing

unfitness for judicial office,” *N.J.S.A. 2B:2A-2*, the reason for removal must be established beyond a reasonable doubt. *N.J.S.A. 2B:2A-9*; *In re Coruzzi*, 95 N.J. 557, 569, 472 A.2d 546 (1984). Reasonable doubt is defined as “an honest and reasonable uncertainty in [one’s mind] about the guilt of the [accused] after [one has] given full and impartial consideration to all of the evidence. A reasonable doubt may arise from the evidence itself or from a lack of evidence. It is a doubt that a reasonable person hearing the same evidence would have.” *State v. Medina*, 147 N.J. 43, 61, 685 A.2d 1242 (1996). The reasonable doubt standard also may be satisfied by uncorroborated testimonial evidence.

[8] In judicial disciplinary proceedings, the effect of judicial misconduct on other persons is not an essential element of an alleged violation of a Canon of the Code of Judicial Conduct or the Court’s Disciplinary Rules. The effect upon other persons, however, may be a relevant factor in assessing the gravity of the misconduct and the appropriate discipline. *In re Connor*, 124 N.J. 18, 26-27, 589 A.2d 1347 (1991).

II.

Respondent was admitted to practice law in New Jersey in 1980 and has no prior disciplinary history. He became a Judge of the Municipal Court of the City of Passaic effective December 1, 1993, and **402 has been reappointed to two successive three-year terms. He was a full-time judge by virtue of a local ordinance enacted pursuant to *N.J.S.A. 2B:12-4a*.

We are satisfied from our independent review of the record that the evidence demonstrates beyond a reasonable doubt that respondent engaged in a course of conduct evidencing unfitness for judicial office by abusing his authority as a judge. We conclude that respondent engaged in judicial misconduct spanning a period of approximately eighteen months that violated *N.J.S.A. 2B:2A-2*, *32 the Code of Judicial Conduct, and the Court’s Disciplinary Rules. He should therefore be removed from his judicial office.

A.

The first matter that we address arises out of a debt respondent owed to a privately owned and operated school, the Collegiate School in the City of Passaic, which his sons, Patrick and William, attended. Respondent shared a close relationship with the school for approximately twenty years and eventually became a member of its Board of Trustees.

Because of an illness and lack of insurance coverage prior to becoming a municipal court judge, respondent became delinquent in his payment of tuition and fees to the Collegiate School. As part of an agreement to conclude litigation over that indebtedness, respondent executed a promissory note for the balance owed to the school and agreed to liquidate that balance through installment payments; the last installment became due on May 1, 1998. Believing that respondent was delinquent in his payments, on July 3, 1996, John Lazor, Jr., President of the Board of Trustees of the Collegiate School, wrote to respondent and his wife “in reference to [their] financial obligation to [the] Collegiate School.” Reference was made to respondent’s failure to make a payment under the agreement and to a “new” indebtedness. Lazor requested that “the matter be attended to immediately” and indicated that he would “seek legal [counsel]” if he did not hear from respondent and his wife “in the next few days.”

Respondent’s July 7, 1996 reply to that letter reads as follows:

WOLF SAMAY
[] PASSAIC AVENUE
PASSAIC, NEW JERSEY 07055

July 7, 1996

John Lazor, Jr., President

*33 Board of Trustees

Collegiate School

Kent Court

Passaic, New Jersey 07055

Dear Mr. Lazor:

This letter is in response to your letter dated July 3, 1996. The substance of your letter attempts to address two separate instances of arrearages in tuition payments. Your letter also suggests the "way to correct this situation."

Firstly, regarding my "previous indebtedness," an agreement was reached in September of 1993 between Mr. Boscia and myself, with the consent of Dean Gibson, to pay off the arrearage no later than May of 1998. I have paid on account of my indebtedness the approximate amount of \$6,000.00, which payments represent approximately three (3) times the amount which I was required to pay under the agreement. The agreement is in full force and legally defensible. As to the "impression" that you had and as to what you knew or what you now know is of no significance and of little import. The agreement is being honored and legally stands on its own.

Furthermore, regarding my recent outstanding balance of \$2,625.00, I promised Miss Ellie that I would pay in \$1,000.00 increments for June, July, and August which would pay off the indebtedness before September. As promised, I made my **403 payment for June. Consequently, your assertion that I failed to honor my promise is inaccurate.

I would like to emphasize [sic] at this point that your "suggestion" as to how I can resolve my problem is both simplistic and presumptuous. Please do not ever again take the liberty of advising me as to how I can resolve my problems. Neither by your age, by your occupation, by your life experiences or by your education are you qualified to do so.

Lastly, and most importantly, I intensely resent the tone of your letter. It is arrogant, overbearing, and totally unwarranted. Given my eighteen (18) year relationship with Collegiate School, as a long-standing member and immediate past president of the Board of Trustees and as an active parent, the format and tone by which you

chose to communicate with me is egregiously offensive. Moreover, your threat that unless you hear from me in the next few days this \$1,625.00 matter may be subject to legal action is unconscionable and ludicrous.

In conclusion, suffice it to say that your letter was highly inappropriate, in bad taste, and blatantly ignorant of the factual matrix of the last eighteen years.

Very truly yours,

[*34 [Signature]

Wolf Samay, Esq., JMC

Member of the Board of Trustees

P.S. To protect the image of Collegiate School, please have any future correspondence edited to correct your blatant sixth grade errors.

Respondent sent copies of that letter to Angela Gibson, the Headmaster at Collegiate School, and to other school officials. The aspect of respondent's letter that has disciplinary significance is the fact that respondent signed the letter as an attorney ("Esq.") and as a judge ("JMC"). Respondent testified that he used the "JMC" initials only to "impress" upon Lazor that respondent "had enough intelligence" to "make [his] own decisions" and "take care of [his] financial problems." Thus, respondent acknowledged using the "JMC" initials intentionally. Respondent also acknowledged knowing that utilization of the initials in a non-judicial, personal letter was "[w]holly inappropriate." We find respondent's alleged motive for using the initials "JMC" totally lacking in credibility. *Cf. State v. Locurto*, 157 N.J. 463, 470-75, 724 A.2d 234 (1999) (discussing appellate review of witness credibility determinations).

B.

Next, we consider the Jakubovic matter. In 1995, Susan Jakubovic Dauber (Susan), an attorney in New Jersey, and her husband Benjamin Jakubovic (Benni) were having marital difficulties. She

obtained a temporary restraining order (TRO) against her husband, removing him from the marital home. In an apparent attempt to make Susan safer under the TRO, a search warrant was issued to seize several weapons belonging to Benni. The TRO and the search warrant were authorized by respondent. Thereafter, a dispute arose between Susan and Benni concerning an automobile that led to the filing of a complaint alleging theft. Respondent recused himself from presiding over any court proceeding regarding those two matters because he had a long-term relationship with Benni, who was a municipal official.

***35** Benni was a Councilman in the City of Passaic during the pertinent period between December 1993 and July 1997. In that capacity, he signed a resolution confirming the mayor's initial appointment of respondent as a municipal court judge in 1993 and his reappointment resolution in 1996. He also signed an ordinance that provided a pay increase for respondent in February 1997. Prior to becoming a councilman, Benni and respondent had served together on the City of Passaic's Board of Adjustment for a number of years.

On July 14, 1997, Benni reported two incidents of domestic violence by Susan to ****404** the City of Passaic Police Department. He signed two harassment complaints alleging petty disorderly persons offenses. One alleged that on June 27 and 29, 1997, Susan harassed him by yelling at him, by calling him obscene names, and by using offensively coarse language causing him to be annoyed and alarmed, in violation of *N.J.S.A. 2C:33-4*. The second complaint alleged that on July 13, 1997 Susan committed an act of harassment "by calling [Benni's] residence at 6:00 a.m., two times hanging up the telephone when he answered," also in violation of *N.J.S.A. 2C:33-4*. Benni also signed a "New Jersey Domestic Violence Civil Complaint" based on the same conduct.

In response to those complaints, Lieutenant Robert Fulleman contacted respondent by telephone shortly after 11:00 p.m. that night. Although no recordation of that conversation was made to reflect the asserted basis for the probable cause requirement, it is undisputed that as a result of

that conversation, respondent authorized a TRO, a search warrant, and an arrest of Susan pursuant to the petty disorderly persons offenses alleged in the complaint. It is undisputed that, not only was there no recordation of the communication between Lieutenant Fulleman and respondent, but no papers were ever presented to respondent, including a copy of the TRO or search warrant he authorized.

***36** We agree with the hearing panel's findings of what occurred when the warrant was executed:

It is undisputed that, notwithstanding the fact that the police officers executing the search warrant on July 14, 1997 found no weapons, and notwithstanding the absence of any observable conduct that justified the arrest of Ms. Dauber at her home, she was arrested on the petty disorderly persons complaints at around midnight and taken to the police station where she was subsequently released on the R.O.R. set by respondent in his conversation with Fulleman. Susan returned home about three o'clock in the morning of July 15, 1997. Lieutenant Fulleman testified that respondent set the bail R.O.R. on a complaint-warrant or the complaint-warrants that had been signed by Benni before Fulleman's call to respondent.

Pursuant to directions received at police headquarters, [Susan] returned later on the morning of July 15, 1997 for a first appearance or arraignment on the petty disorderly persons complaints, which respondent conducted. After advising [Susan] of the charges against her and accepting pleas of not guilty, respondent indicated "I'm fixing your bail at \$5,000. I'm releasing you R-O-R, and we'll notify you when to come back for trial." Thereafter [Susan] asked respondent if he intended "to hold the trial here" or to recuse himself, and respondent indicated that he would recuse himself, and "transfer" the case to another municipality, in light of his prior recusal in matters involving the parties.¹

¹ The petty disorderly persons harassment charges were ultimately dismissed by the Family Part because the conduct was not

violative of the statute as interpreted by *State v. Hoffman*, 149 N.J. 564, 695 A.2d 236 (1997).

Respondent's position with respect to the Jakubovic matter is that he was aware when he received the telephone call from Lieutenant Fulleman that he should not take any action in a matter involving the councilman; however, he did so in this case because this situation was emergent in the sense that it involved domestic violence, and that there was an allegation of the presence of weapons in [Susan's] residence. He further asserts that he sat on her case on the morning of July 15, 1997 only because he was not aware that she would be in court that morning, that the appearance involved pro forma proceedings, and that the procedures followed in the Jakubovic case were no different than what ordinarily would occur in any other matter in the City of Passaic.

****405** We first address the issue of the emergent nature of the telephone call made on July 14, 1997. It is the emergent nature of that telephone call and the situation described therein that prompted respondent to proceed with the matter notwithstanding his knowledge that he should recuse himself. However, while it is alleged that [Susan] used obscenities, neither Lieutenant Fulleman nor respondent asked, or knew at the time, specifically what the obscenities were. Nor was there any indication that any threats had been made by [Susan] against the victim. While ***37** there was some dispute in the facts, it seems clear that Benni Jakubovic did not advise Lieutenant Fulleman, nor did Lieutenant Fulleman advise respondent, that Benni was in any fear. In fact, the testimony indicates that Benni was leaving on vacation and Fulleman so advised respondent.

Moreover, although there was an allegation of the presence of two specific weapons in [Susan's] home, there was no attempt to have the complainant so swear under oath, incident to issuance of the search warrant or otherwise. In addition, the context of Lieutenant Fulleman's advice to respondent was that these weapons remained in the home after the incident in 1995 when the home

was first searched for weapons on Susan's application, and there was no suggestion that Susan ever used or made a threat to use them. In view of the lack of circumstances that could be described as emergent, this panel is unable to conclude that respondent could not have advised Lieutenant Fulleman to call another judge to handle the matter. Furthermore, we question whether respondent perceived the matter as requiring emergent action, so that time could not be taken to call another judge, when he found that the circumstances justified the release of [Susan] R.O.R., irrespective of what the search warrant revealed.

....

The police have authority to arrest for any criminal or non-indictable conduct they observe and could have arrested [Susan] for such conduct they observed in serving the TRO and executing the search warrant. *See R. 3:4-1; R. 7:2*. Note that separate Part VII was adopted effective February 1, 1998, after these events, and that *R. 3:4-1* essentially governed the proceedings on non-indictables as well as the indictables the prior July. *See R. 7:2; 7:3*. We are cited to no portion or provision of the Domestic Violence Manuals respondent introduced which supports his contention that an arrest is required for a non-indictable petty disorderly persons harassment complaint when the complaint alleges or relates to a complaint alleging domestic violence....

Whether or not respondent authorized [Susan's] arrest on the complaint-warrants signed by Benni Jakubovic, respondent initialed his finding of probable cause the next morning. He so acknowledged before us, and Denise Bradshaw, the Deputy Clerk who signed the warrants on the morning of July 15, without making a finding of probable cause, testified that respondent added those initials during the arraignment. As the determination of probable cause was not made on the record during the arraignment, respondent's recordation of the probable cause determination is evidence which supports a

finding that he authorized the arrest the night before.

In any event, it appears that respondent knew on the evening of July 14, 1997, that [Susan] would be arrested and that the arrest would take place that night. Fulleman testified that he asked respondent to set the bail during his conversation with respondent in case the police were "able to serve this tonight." And the bail-
*38 R.O.R. was set at that time. We conclude, based upon all of the evidence, that respondent authorized the arrest of [Susan] on July 14, 1997, and had a strong belief that her arrest would occur that night.

Despite respondent's clear awareness that he should have recused himself from **406 the entire Jakubovic July 14-15, 1997 matter, his failure to do so set in motion a set of anticipated events that led to Susan's arrest late at night while her children were sleeping. Her house was searched, and she was required to appear before respondent on the morning of July 15, 1997.

C.

The third matter involves the arrest of Patrick's gym teacher, David Grassie, concerning an incident at the Collegiate School on November 6, 1997. Patrick was playing basketball in a gym class when he was observed by his gym teacher hanging on the basketball rim while attempting to dunk the ball. Because Patrick had previously broken his arm dunking the basketball in a gym class in January 1997, Grassie directed Patrick not to hang on the rim. That prompted a verbal confrontation between Patrick and Grassie that resulted in a conference the next morning with the Headmaster, respondent, his wife, Patrick, Grassie, and a few other student-witnesses. Although nothing mutually satisfactory was achieved at the November 7, 1997 conference, respondent did not report the incident to the police for more than a week.

On November 11, 1997, respondent called the Headmaster at Collegiate stating that unless Grassie was terminated within three days, respondent would bring criminal charges against

Grassie. Respondent reported the matter to the City of Passaic Police Department on November 18, 1997. As a first step toward having Grassie arrested, respondent arranged to have an incident report made out by a police officer, stating that respondent reported that on November 6, 1997, his son Patrick informed him that David *39 Grassie had threatened to slap him, made verbal assaults toward him, and threatened to "bash Patrick's head in and kill him" after a gym class. Patrick denied that he ever told his father that Grassie threatened to bash his head in or kill him.

The incident report was delivered to Detective Andrew White at the City of Passaic Police Department. That detective interviewed Patrick with respondent's permission. Patrick informed the detective that Grassie threatened to slap him and to cause him bodily harm. He denied that Grassie threatened to bash in his head or to kill him. Detective White prepared a complaint and warrant charging Grassie with third-degree terroristic threats, in violation of *N.J.S.A. 2C:12-3a*. Significantly, Detective White did not sign the complaint, but instead notified respondent that it was ready for respondent's signature. Respondent went to the Police Department and signed the complaint and warrant knowing that Grassie would be arrested and brought before the City of Passaic Municipal Court. Detective White arranged to have a municipal court judge in Paterson set the bail before taking Grassie into custody. That judge fixed the bail at \$2,500 R.O.R. Grassie was arrested at the school on November 21, 1997, at approximately 3:58 p.m. by Officer Steven Tobias of the City of Passaic Police Department. Grassie was fingerprinted and placed in a jail cell where he remained for approximately one hour before his release. As it turned out, the arrest was made without a proper warrant because the warrant was not duly authorized by a judicial officer until it was signed on November 24, 1997, by Dolores Bradshaw, then Deputy Court Clerk of the Passaic Municipal Court.

We find that respondent's assertions that he informed the police of the incident because of his concern as a parent for the safety of students at the Collegiate School and that he signed the

complaint against Grassie only because Detective White advised him that a parent must sign a complaint when a child is the victim, totally lack credibility. He signed the complaint for revenge; indeed he admitted as much.

40** We have no doubt that respondent knew that filing the incident report would set in motion a chain of events that would lead to *407** the arrest of David Grassie and Grassie's appearance in the municipal court in which respondent was the only judge. As expected, Grassie appeared before respondent on November 24, 1997, with counsel, for arraignment in the Passaic Municipal Court. On that morning, after counsel entered his appearance and noted that "the Court is the complainant," respondent answered "I am the complainant in my individual capacity" as if that would somehow purify the contaminated judicial atmosphere. Counsel then stated "I do not see how the Court can handle any aspect of the - of the proceedings" and respondent replied "I am not, sir. What I am doing is I'm basically advising Mr. Grassie of the charges, which you have." Thereafter, respondent accepted a waiver of the reading of the charges and advised defendant Grassie to report for a pre-indictment processing hearing in the Law Division. Respondent also noted that if the matter was remanded back to a municipal court for disposition, "it will be referred ... to a different municipal court, probably out of the county." Respondent also indicated that bail had already been set and that he was "just informing [Grassie] of the charges and somebody has to do it, nobody else is available. I'm doing it." Although Grassie was charged with a third-degree offense, the matter ultimately was remanded to another municipal court where Grassie was acquitted of all charges.

Even assuming that, notwithstanding the substantial contrary evidence, respondent first became aware that the complaint he had filed against Grassie was on respondent's court docket when the case was called on the morning of November 24, 1997, clearly respondent knew Grassie by name and what he looked like. Grassie had taught both of his sons, and respondent had just met with Grassie at a conference on November

7, 1997. Although there was only a brief colloquy between respondent and Grassie's counsel during the arraignment before counsel raised the issue of conflict, respondent should have immediately indicated that he would not preside in any manner over any aspect of the Grassie ***41** Grassie. Respondent should have recused himself at the outset of the colloquy, and he should have done so *sua sponte*, without forcing Grassie to make an appearance before his judicially-robed accuser.

III.

[9] [10] [11] We agree with the hearing panel, and so find, that respondent's letter dated July 7, 1996, addressed to John Lazor, Jr., violated Canons 1, 2A, and 2B of the Code of Judicial Conduct. Canon 1 requires judges to "uphold the integrity and independence of the judiciary." Canon 2A states that "[a] judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Canon 2B, in pertinent part, provides "[a] judge should not lend the prestige of office to advance the private interests of others." We also agree with the hearing panel, and so find, that respondent violated Disciplinary Rule 2:15-8(a)(6) in that his purposeful and intentional use of the initials "J.M.C." in the letter to Lazor constituted "conduct prejudicial to the administration of justice that bring[s] the judicial office into disrepute." Although it was inappropriate for respondent to have intentionally misused the initials "J.M.C." for his personal gain, a misuse that inevitably diminishes the public confidence in the judicial office, we do not find that removal is warranted based on that judicial misconduct alone. When viewed in isolation, it warrants discipline short of removal. Here, however, that misconduct will be considered as part-and-parcel of respondent's larger pattern of judicial misconduct.

[12] [13] [14] [15] [16] "[T]he most significant goal of judicial removal statutes is the preservation of the public's confidence in the judicial system." In re Coruzzi, 95 N.J. 557, 571-72, 472 A.2d 546 (1984). ***42** The focus of a removal proceeding

is determined solely ****408** by the public interest, *In re Yaccarino*, 101 N.J. 342, 396, 502 A.2d 3 (1985), and by the Court's "steadfast commitment to maintaining an independent and incorruptible judiciary." *In re Imbriani*, 139 N.J. 262, 266, 652 A.2d 1222 (1995). Public confidence in the judiciary "is shaken when a judge commits an offense [or conduct] that subjects him or her to removal; the removal proceedings are designed to restore faith." *In re Coruzzi*, *supra*, 95 N.J. at 572, 472 A.2d 546. By applying that standard to the Jakubovic and Grassie matters, we conclude that respondent knowingly and purposely violated Canons 1, 2A, and 3C(1), as well as Rule 2:15-8(a)(6) in the Jakubovic matter, and Canons 1, 2A, 2B, and 3C, as well as Rule 2:15-8(a)(6) in the Grassie matter, thereby requiring removal.

[17] Clearly respondent, as required by Canon 3C, should have disqualified himself from sitting in any phase of the Jakubovic and Grassie matters. Canon 3C(1) requires a judge to disqualify himself or herself in any "proceeding in which the judge's impartiality might reasonably be questioned." Respondent issued a TRO and a search and arrest warrant for the wife of a councilman based on two suspicious domestic violence complaints despite a clear conflict of interest based on his relationship with the councilman. Even if the complaints were credible, no arrest warrant should have been authorized for the alleged petty disorderly persons offenses. There was nothing in the circumstances that removed this case from the well-established rule requiring a complaint for a petty disorderly persons offense to be prepared on a complaint-summons form without an arrest warrant. *R. 3:3-1(c)*; *R. 3:4-1(a)(1)*; *R. 7:2-1*; *R. 7:2-2(b)*. Notwithstanding the obvious conflict of interest, previously recognized by respondent in 1995 when Susan filed a similar complaint against Benni, respondent presided over the arraignment of the complaints against the councilman's estranged wife. Four months later, after vindictively ***43** filing criminal charges against his son's gym teacher and having him arrested, respondent presided over the teacher's arraignment, despite his knowledge that doing so constituted judicial misconduct. The evidence established beyond a reasonable doubt that respondent corrupted his judicial office to

benefit his personal interest and to punish people for personal reasons.

When respondent gave false and misleading information to the police in the Grassie incident report and was less than truthful in his testimony before the ACJC and the hearing panel, he demonstrated a lack of respect for the law. Equally aggravating is the fact that respondent's motive in both the Jakubovic and Grassie matters was venality and corruption of justice to advance his personal interest. Respondent's actions in both cases had the clear capacity to undermine the proper administration of justice.

When respondent became a judge, he took an oath to "faithfully, impartially and justly perform all the duties" of judicial office. *N.J.S.A. 41:1-3*. Upon assuming that office, he was invested with many powers. "No power is greater, nor its responsibilities more awesome, than that given a judge." *In re Coruzzi*, *supra*, 95 N.J. at 563, 472 A.2d 546. That awesome power is bestowed upon a judge on the condition that the judge not abuse or misuse it to further a personal objective such as a vendetta or to help a friend. Respondent not only abused that power, but he betrayed the public trust and New Jersey's great tradition of judicial honesty and integrity. The polestar of our Canons of Judicial Conduct is to maintain judicial integrity and the public's confidence in that integrity. *In re Seaman*, *supra*, 133 N.J. at 96, 627 A.2d 106.

Municipal courts are critical to our judicial system. More cases are processed annually through those courts than any other branch of the judicial system. The large number of litigants who appear in those courts daily make it all the more important for the judges who serve in those courts to act responsibly and be ****409** sensitive to the public perception of their actions. It is the court ***44** of first and last resort for many, and for that reason, those courts are responsible "for the popular image of the entire system." *In re Mattera*, 34 N.J. 259, 275, 168 A.2d 38 (1961); *In re Yengo*, 72 N.J. 425, 433-34, 371 A.2d 41 (1977). Although disposing of traffic violations or violations of noise ordinances may not attract as much attention as the trial of a famous murder case, "the corruption of judicial administration of a

Municipal Court is of paramount importance. Such conduct, visible and apparent to the community, destroys the trust and confidence in our institutions upon which our entire governmental structure is predicated.” *In re Spitalnick*, 63 N.J. 429, 432, 308 A.2d 1 (1973).

[18] Respondent has urged us to impose a discipline short of removal. To support that claim, he relies on *In re Carton*, 140 N.J. 330, 341-42, 658 A.2d 1211 (1995); *In re Fenster*, 138 N.J. 134, 649 A.2d 393 (1994); *In re Seaman*, *supra*, 133 N.J. 67, 627 A.2d 106; *In re Santini*, 126 N.J. 291, 597 A.2d 1388 (1991); and *In re Murray*, 92 N.J. 567, 458 A.2d 116 (1983). Those cases are distinguishable from the present case because none of those cases came before the Court in a removal proceeding. They were before the Court for imposition of a sanction primarily in the form of a reprimand for acts of wrongdoing outside the scope of the performance of judicial duties. The present case is similar to cases such as *In re Hardt*, 72 N.J. 160, 168, 369 A.2d 5 (1977), and *In re Yengo*, *supra*, 72 N.J. at 451, 371 A.2d 41, where the judge was removed from office based on misuse of judicial office in the performance of judicial duties. Respondent's conduct was far more serious than the judicial misconduct in the cases he has cited. Indeed, respondent's misconduct “did violence to the fundamental principle of disinterested justice which is the bulwark of our judicial system.... We must guard not only against the spectacle of justice corrupted in one instance, but against the subversion of confidence in the system itself. A community *45 without certainty in the true administration of justice is a community without justice.” *In re Spitalnick*, *supra*, 63 N.J. at 431-32, 308 A.2d 1.

It is also disturbing that respondent minimizes his misconduct and has demonstrated that he has no compunction about being less than credible in support of his position. We deem that shortcoming to be further evidence that respondent lacks the honor and integrity demanded of a judge. Because respondent's transgressions in the Jakubovic and Grassie matters “ ‘directly subvert[ed] and corrupt[ed] the administration of

justice,’ ” respondent has “poisoned the well of justice.” *In re Pena*, 164 N.J. 222, 234, 753 A.2d 633 (2000) (quoting *In re Verdiramo*, 96 N.J. 183, 186, 475 A.2d 45 (1984)).

The record in this case establishes beyond a reasonable doubt that respondent was “intoxicat[ed] with judicial power which ... is a wholly unacceptable syndrome that cannot be tolerated in New Jersey courts.” *In re Yengo*, *supra*, 72 N.J. at 450, 371 A.2d 41. The record satisfies us beyond a reasonable doubt that respondent did not recuse himself in the Jakubovic matter from issuing a search and arrest warrant or presiding over the arraignment so that he could benefit his long-term colleague in municipal government. Even more egregious was his vendetta motive on having Grassie arrested and then arraigned before him.

Respondent's conduct as a judge cannot be tolerated. We find beyond a reasonable doubt that there is cause for removal based on “unfitness for judicial office.” *N.J.S.A. 2B:2A-2*. He is herewith ordered removed forthwith as a Judge of the Municipal Court of the City of Passaic.

For removal-Chief Justice PORITZ and Justices STEIN, COLEMAN, LONG, VERNIERO and LaVECCHIA-6

Opposed-None.

****410 *46 ORDER**

JUDGE WOLF A. SAMAY of the Municipal Court of the City of Passaic, having been ordered to show cause why he should not be removed from judicial office or otherwise disciplined, and good cause appearing;

It is **ORDERED** that **JUDGE WOLF A. SAMAY** is hereby removed from judicial office, effective immediately.

All Citations

166 N.J. 25, 764 A.2d 398

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Citing References (54)

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	1. WOLF SAMAY, Petitioner, v. PUBLIC EMPLOYEES RETIREMENT SYSTEM, Respondent. ” 2010 WL 276335, *1+ , N.J. Adm. Petitioner Wolf A. Samay appeals the determination of Board of Trustees of the Public Employees' Retirement System (PERS or Board) of August 17, 2005 that he was not eligible for...	Jan. 19, 2010	Administrative Decision		—
Discussed by	2. In re Williams ” 777 A.2d 323, 330+ , N.J. JUDICIAL ADMINISTRATION - Judges. Three month suspension was appropriate sanction for judge's misconduct.	July 31, 2001	Case		11 15 18 A.2d
Cited by	3. In re Advisory Letter No. 3-11 ” 73 A.3d 1244, 1248+ , N.J. JUDICIAL ADMINISTRATION - Judges. Municipal court judge could not pursue parallel career as comedian and actor.	Sep. 19, 2013	Case		9 15 A.2d
Cited by	4. In re Advisory Letter No. 7-11 of Supreme Court Advisory Committee on Extrajudicial Activities ” 61 A.3d 136, 140 , N.J. JUDICIAL ADMINISTRATION - Judges. Chief municipal court judge was disqualified from presiding over any case, or supervising any municipal court judge, in municipality where son was...	Mar. 06, 2013	Case		9 A.2d
Cited by	5. Henry v. New Jersey Dept. of Human Services 9 A.3d 882, 933 , N.J. LABOR AND EMPLOYMENT - Discrimination. Retaliation cause of action accrued on date of employee's resignation.	Dec. 10, 2010	Case		10 A.2d
Cited by	6. State v. Hernandez 784 A.2d 1225, 1238 , N.J. CRIMINAL JUSTICE - Evidence. Accomplice's uncorroborated other-crimes testimony in drug prosecution was inadmissible.	Nov. 21, 2001	Case		3 A.2d
Cited by	7. State v. Ragland 2013 WL 5942238, *7 , N.J.Super.A.D. Tried by a jury, defendant Dyshon Ragland was convicted of first-degree armed robbery, N.J.S.A. 2C:15-1; first-degree conspiracy to commit murder, N.J.S.A. 2C:5-2 and 2C:11-3;...	Nov. 07, 2013	Case		—
Cited by	8. State v. Loc Van Nhan 2012 WL 685919, *8 , N.J.Super.A.D. Defendant Loc Van Nhan appeals from his conviction by a jury on charges arising out of a brutal attack and robbery of an elderly woman. He also appeals from his seventeen-year...	Mar. 05, 2012	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	9. <u>State v. Bullock</u>  2011 WL 3611347, *5, N.J.Super.A.D. Defendant was indicted, along with co-defendant Antwan Mitchell, for purposeful and knowing murder, N.J.S.A. 2C:11-3(a)(1)-(2); felony murder, N.J.S.A. 2C:11-3(a)(3); armed...	Aug. 18, 2011	Case		 A.2d
Cited by	 10. <u>State v. Jacques</u> 2010 WL 2696619, *3, N.J.Super.A.D. Defendant Gary Jacques appeals from the judgment of conviction entered against him on August 15, 2006. He was convicted by a jury of second degree robbery, N.J.S.A. 2C:15-1, and...	July 09, 2010	Case		 A.2d
Cited by	11. <u>State v. Clarke</u>  2007 WL 4139340, *3, N.J.Super.A.D. Defendant Christopher Clarke appeals from an order entered on July 31, 2006, finding him guilty of refusal to submit to a breathalyzer test, N.J.S.A. 39:4-50.4a, after de novo...	Nov. 23, 2007	Case		 A.2d
Cited by	12. <u>State v. Wilson</u> 2007 WL 609008, *5, N.J.Super.A.D. On November 12, 1997, a Mercer County Grand Jury returned Indictment No. 97-11-1297 charging defendant, Renford Wilson, and co-defendants, with purposeful or knowing murder,...	Mar. 01, 2007	Case		 A.2d
Cited by	13. <u>New Jersey Div. of Youth and Family Services v. D.M.S.</u>  2006 WL 941756, *17, N.J.Super.A.D. Background: Following a hearing, the Superior Court, Chancery Division, Family Part, Essex County, reconsidered its prior ruling and granted termination of mother's parental...	Apr. 13, 2006	Case		 A.2d
Cited by	14. <u>In re Price</u>  361 B.R. 68, 82, Bkrtcy.D.N.J. BANKRUPTCY - Attorney Fees. Doctrine of quasi-estoppel barred Chapter 11 trustee from seeking recovery of attorney fees pursuant to merger doctrine.	Feb. 06, 2007	Case		 A.2d
Cited by	15. <u>In re King</u> 857 So.2d 432, 450, La. JUDICIAL ADMINISTRATION - Judges. Removal from office was appropriate sanction for judicial misconduct.	Oct. 21, 2003	Case		—
Cited by	16. <u>In the Matter of Roy S. Moore, Chief Justice of the Supreme Court of Alabama</u> 2016 WL 7106075 (AL Jud. Inq. Comm.), *29+ Of Counsel: John L. Carroll (CAR036) Rosa Hamlett Davis (DAV043) Alabama Judicial Inquiry Commission P.O. Box 303400 Montgomery, AL 36130-3400 401 Adams Avenue Montgomery, AL 36104...	July 15, 2016	Administrative Decision		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	17. <u>State v. C.W.</u> 156 A.3d 1088, 1104 , N.J.Super.A.D. CRIMINAL JUSTICE - Bail. General standard of review of an order granting or denying pretrial detention, under state's Bail Reform Act, is abuse of discretion.	Mar. 21, 2017	Case		3 A.2d
Mentioned by	18. <u>In re Almodovar Marchany</u> 167 D.P.R. 421, 433 , P.R. Querella presentada por la Oficina de Administración de los Tribunales ante la Comisión de Disciplina y de Separación del Servicio por Razón de Salud de Jueces del Tribunal de...	Mar. 30, 2006	Case		—
—	19. <u>19 N.J. Prac. Series s 7:4, Court system and judicial administration-Constitutional scheme</u> N.J. Prac. Series Pursuant to Article III, Paragraph 1 of the 1947 Constitution, the powers of government are distributed among the legislative, executive and judicial branches. Those provisions of...	2017	Other Secondary Source	—	15 18 A.2d
—	20. <u>1A N.J. Prac. Series R 2:15-8, 2:15-8. Complaints; Preliminary Investigation</u> N.J. Prac. Series This rule was adopted in 1974. The rule outlines the seven general areas within which a preliminary investigation is to be made by the Committee to determine what action, if any,...	2017	Other Secondary Source	—	10 15 18 A.2d
—	21. <u>2B N.J. Prac. Series N.J.R.E. 101, Scope; Definitions</u> N.J. Prac. Series Rule 101 is based on N.J.Evid.R. 1, 2, and 3 of the 1967 Rules of Evidence; Fed.R.Evid. 101 and 1101 deal with the scope and applicability of the federal rules. Paragraph (a) of...	2017	Other Secondary Source	—	3 4 5 A.2d
—	22. <u>40 N.J. Prac. Series s 14.4, Standards of review</u> N.J. Prac. Series Normally, the Supreme Court will apply the same standards of review on appeal as were applied by the Appellate Division. Because the Supreme Court reviews issues of law de novo, it...	2017	Other Secondary Source	—	1 2 4 A.2d
—	23. <u>46 N.J. Prac. Series s 24:1, Reciprocal discipline-Generally</u> N.J. Prac. Series The New Jersey Supreme Court will impose discipline whenever a New Jersey attorney is subject to a disciplinary action in another jurisdiction. This particular type of procedure is...	2017	Other Secondary Source	—	11 A.2d
—	24. <u>47 N.J. Prac. Series s 9:1, Conduct and demeanor of judges</u> N.J. Prac. Series Canon 1 of the Code of Judicial Conduct provides that a judge should observe high standards of conduct in order to preserve the integrity and independence of the judiciary. Canon 1...	2017	Other Secondary Source	—	15 18 A.2d

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—	25. 47 N.J. Prac. Series s 26:6, Civil cases, generally N.J. Prac. Series In most civil cases, judicial as well as administrative, the party asserting a claim has the burden to prove it. WCI–Westinghouse, Inc. v. Edison Tp., 7 N.J.Tax 610 (1985),...	2017	Other Secondary Source	—	4 A.2d
—	26. 48 N.J. Prac. Series s 3:25, Neutral and detached magistrate-Research references N.J. Prac. Series Research References are provided as an aid to speed the researcher in solving legal issues involving New Jersey search and seizure. The Related Reference sections will provide the...	2017	Other Secondary Source	—	—
—	27. 48 N.J. Prac. Series s 3:27, Neutral and detached magistrate-State v. McCann, 391 N.J. Super. 542 (App. Div. 2007)-Analysis and review N.J. Prac. Series The precise facts and circumstances in this case had never been discussed in a New Jersey decision previously and the likelihood is that they will never come up again. The two new...	2017	Other Secondary Source	—	2 A.2d
—	28. 46A N.J. Prac. Series s 1:7, Types of discipline N.J. Prac. Series There are seven measures of discipline that the Supreme Court will generally impose. These include the following: Informal Discipline—This type of discipline is normally handled by...	2017	Other Secondary Source	—	4 A.2d
—	29. 46A N.J. Prac. Series s 2:7, Formal disciplinary proceedings N.J. Prac. Series Whenever there is probable cause to believe that a judge has engaged misconduct of the kind specified in Rule 2:15-8(a), the Advisory Committee on Judicial Conduct (ACJC) will...	2017	Other Secondary Source	—	3 A.2d
—	30. 46A N.J. Prac. Series s 3:1, In general N.J. Prac. Series It is fair to say that the defense of a member of the judiciary on allegations of judicial misconduct is a unique activity in the wide spectrum of professional activities that...	2017	Other Secondary Source	—	1 A.2d
—	31. 46A N.J. Prac. Series s 5:3, Misconduct related to personal life: Examples N.J. Prac. Series Apart from incidents involving drunk driving, the imposition of judicial discipline by the New Jersey Supreme Court based solely upon misconduct in the offending judge's personal...	2017	Other Secondary Source	—	—
—	32. 46A N.J. Prac. Series s 5:5, Range of discipline N.J. Prac. Series Normally, removal from judicial office as a measure of punishment requires misconduct that is flagrant and severe. That sanction is rarely imposed. Use of the judicial office to...	2017	Other Secondary Source	—	11 18 A.2d

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—	33. 46A N.J. Prac. Series s 6:3, Cases resulting in removal N.J. Prac. Series No judge has yet to be removed from office based solely upon a single incident of abusive conduct toward attorneys or litigants from the bench. Rather, the cases that have resulted...	2017	Other Secondary Source	—	15 A.2d
—	34. 46A N.J. Prac. Series s 8:3, Burden of proof N.J. Prac. Series There are two separate burdens of proof utilized by the Advisory Committee on Judicial Conduct and the Supreme Court in judicial disciplinary proceedings. Proof beyond a reasonable...	2017	Other Secondary Source	—	3 6 A.2d
—	35. 46A N.J. Prac. Series s 8:5, Aggravating and mitigating factors N.J. Prac. Series The determination of an appropriate measure of judicial discipline requires more than simply establishing some instance or instances of unethical conduct. Rather, the Court must...	2017	Other Secondary Source	—	8 A.2d
—	36. 46A N.J. Prac. Series s 10:1, Introduction N.J. Prac. Series In terms of the sheer number of reported cases, judicial disciplinary matters involving the representation of private clients and family members by judges have to rank as the most...	2017	Other Secondary Source	—	—
—	37. 46A N.J. Prac. Series s 13:6, Conflict of interest-Newman N.J. Prac. Series Please note that the disciplinary order released by the Supreme Court in this case carries a warning to the judiciary that future episodes of misconduct of this sort will result in...	2017	Other Secondary Source	—	—
—	38. 46A N.J. Prac. Series s 19:1, Introduction N.J. Prac. Series Cases where judges involve themselves in a wide-ranging pattern of on-going misconduct are rare and invariably result in removal from judicial office. Typical among these cases is...	2017	Other Secondary Source	—	11 A.2d
—	39. 46A N.J. Prac. Series s 2:10, Action by the Supreme Court N.J. Prac. Series Matters of judicial discipline brought to the Supreme Court based on a presentment from the Advisory Committee on Judicial Conduct receive a de novo review of the record. The de...	2017	Other Secondary Source	—	1 A.2d
—	40. 46A N.J. Prac. Series s 2:14, Post-discipline obligations of judges N.J. Prac. Series The imposition of public discipline by the New Jersey Supreme does not end the process for the offending judge. Rules of Court also require that the offending judge report the...	2017	Other Secondary Source	—	8 A.2d

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—	41. 46A N.J. Prac. Series s 3:15, Harm to others N.J. Prac. Series In those instances where the judge's misconduct results in harm to innocent persons, the Supreme Court will consider this to be an aggravating factor. As might be expected, this...	2017	Other Secondary Source	—	15 18 A.2d
—	42. 46A N.J. Prac. Series s 3:16, Pattern of misconduct N.J. Prac. Series While a single isolated instance of even serious misconduct will lead to some measure of discipline, the Supreme Court will consider repetitive acts of misconduct as an aggravating...	2017	Other Secondary Source	—	—
—	43. 46A N.J. Prac. Series s 7:13, Employment as an entertainer-In re Advisory Letter No. 3-11 N.J. Prac. Series Background: Part-time municipal court judge petitioned for review of decisions Advisory Committee on Extrajudicial Activities advising that his judicial position and his acting and...	2017	Other Secondary Source	—	9 A.2d
—	44. 46A N.J. Prac. Series s 7:14, Son employed on municipal police force-In re Advisory Letter 7-11 N.J. Prac. Series Background: Chief municipal court judge petitioned for review of opinion issued by Advisory Committee on Extrajudicial Activities that judge could not longer serve as judge in same...	2017	Other Secondary Source	—	17 A.2d
—	45. 46A N.J. Prac. Series s 10:18, Cases resulting in removal from judicial office N.J. Prac. Series Two published opinions detail incidents where judges were removed from judicial office for conduct involving family members. In In re Yaccarino, the judge was removed from judicial...	2017	Other Secondary Source	—	16 18 A.2d
—	46. 46A N.J. Prac. Series s 10:24, Recusal-In General N.J. Prac. Series Although the subject of recusal is mired in complexity, in the final analysis, the New Jersey Supreme Court has boiled the issue down to one simple question for judges: "Would a...	2017	Other Secondary Source	—	—
—	47. 46A N.J. Prac. Series s 10:26, Recusal required by Rule 1:12-1 and Rule 1:12-2 N.J. Prac. Series There are examples of utterly egregious instances where municipal court judges declined to recuse in a quasi-criminal case where the judge had a personal interest. The more usual...	2017	Other Secondary Source	—	—
—	48. 46A N.J. Prac. Series s 15:14, Intentional misuse of judicial office; Unauthorized access and sharing of criminal case history-In re Batelli N.J. Prac. Series Final Supreme Court Discipline: 30-day suspension from judicial office. In re Batelli, 225 N.J. 334, 137 A.3d 1194 (2016).	2017	Other Secondary Source	—	15 A.2d

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—	49. CJS Judges s 133, Degree of proof CJS Judges The same rules of proof applied in disciplinary proceedings to attorneys apply to judges as well. The standard of proof at an inquiry relating to judicial conduct, particularly...	2017	Other Secondary Source	—	5 6 7 A.2d
—	50. JUDICIAL DISCIPLINE AND THE APPEARANCE OF IMPROPRIETY: WHAT THE PUBLIC SEES IS WHAT THE JUDGE GETS 94 Minn. L. Rev. 1914 , 1996 Introduction. 1916 I. Development of the Appearance of Impropriety Standard. 1920 A. Judge Kenesaw Mountain Landis and the 1924 Canons of Judicial Ethics. 1921 B. The 1924...	2010	Law Review	—	—
—	51. JUDICIAL DISCIPLINE IN FLORIDA: THE COST OF MISCONDUCT 30 Nova L. Rev. 349 , 391+ I. Introduction 350 II. Process of Judicial Discipline in Florida 353 A. Constitutional Framework 353 B. Available Penalties 354 C. Factors Used to Determine...	2006	Law Review	—	11 A.2d
—	52. ETHICAL CONSIDERATIONS IN THE USE OF JUDICIAL STATIONERY FOR PRIVATE PURPOSES 112 Penn St. L. Rev. 471 , 527+ To a significant extent, codes of judicial conduct are designed to regulate a judge's speech inside and outside of the courthouse. Codes of conduct contain a multitude of rules...	2007	Law Review	—	9 16 A.2d
—	53. INDEPENDENCE OF DIRECTORS IN DELAWARE CORPORATE LAW 54 U. Louisville L. Rev. 73 , 129 Delaware courts have a clear process for handling most alleged breaches of fiduciary duty by corporate directors. First, the court determines whether a majority of the directors...	2016	Law Review	—	17 A.2d
—	54. P 178,283 LULA M. HENRY, PLAINTIFF-APPELLANT, V. NEW JERSEY DEPARTMENT OF HUMAN SERVICES; HON. CLARK E. BRUNO, ACTING COMMISSIONER OF HUMAN SERVICES; TRENTON STATE PSYCHIATRIC HOSPITAL; GREGORY P. ROBERTS, CHIEF EXECUTIVE OFFICER Labor & Employment Law LULA M. HENRY, Plaintiff—Appellant, v. NEW JERSEY DEPARTMENT OF HUMAN SERVICES; HON. CLARK E. BRUNO, Acting Commissioner of Human Services; TRENTON STATE PSYCHIATRIC HOSPITAL;...	2010	Other Secondary Source	—	—