

Preface

The instant that a New Jersey judge completes reciting his initial oath of office and lowers his hand, he is deemed to be entirely conversant with the rules, statutes and ethical obligations attendant upon his judicial office. As our Supreme Court noted in *In re Sgro*,¹ “It also goes without saying that all municipal court judges, even though inexperienced and part-time, are charged with knowledge of the rules and statutes governing that court and are bound to act accordingly.” Of course, this proposition is a legal fiction. It takes many years for judges to acquire a reasonable degree experience and expertise in deciding the cases and associated issues that come before them. Notwithstanding the fiction, the fact is that there is one area where judges must quickly acquire expertise: judicial ethics. In acquiring this type of knowledge, the New Jersey Code of Judicial Conduct is of little help. The Canons are largely hortatory, vague, general and cannot be understood outside of the context provided by decades of published and unpublished case law. The good news is that this volume provides a method for New Jersey judges to quickly acquire comprehensive knowledge about judicial discipline and their ethical obligations under the Code.

This volume represents an attempt to assemble and present the complete body of New Jersey judicial disciplinary law as it has developed over the decades under the State Constitution of 1947. In order to accomplish this goal, the volume is organized according to the major categories of misconduct that have historically been subject to the imposition of discipline by the Supreme Court. Within each category, there are extensive author analysis and commentary related to the prosecution and defense of the specific violations of the Canons of Judicial Conduct as well as the full text of the important decisions dealing with those issues.

In order to complement the Supreme Court opinions, Part III of the volume contains assorted presentments of the Advisory Committee on Judicial Conduct (ACJC). These presentments are of critical importance in understanding the justification for a given quantum of discipline when the Supreme Court does not release a written opinion with the disciplinary order. The presentments also provide an important source for legal research and are useful in providing a deeper context to the legal principles at issue.

Finally, since the users of this book overwhelmingly will be interested in preparing defenses to formal ACJC complaints, each chapter presents a detailed review of the levels of discipline that have been imposed for specific instances of misconduct as well as the relevant mitigating and aggravating factors that can influence the

¹ *In re Sgro*, 63 N.J. 538, 540, 310 A.2d 459 (1973).

ultimate quantum of discipline in a close case.

As a general rule, New Jersey judicial disciplinary law develops at a slow pace. This is due, in large measure, to the immutable principles of integrity, honesty and dedication to individual justice that our Supreme Court has championed since 1947. In short, the foundations of judicial disciplinary law do not change. However, while those foundations do not change, the human failings to which we are all subject will ensure an ongoing stream of new disciplinary cases based upon allegations of misconduct by a minuscule segment of the judiciary. For this reason, this volume will be updated on a yearly basis in order to provide the users with the most up-to-date and accurate statement of the law.

ROBERT RAMSEY
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This volume of the New Jersey Practice Series contains the opinions of the Advisory Committee on Judicial Conduct (ACJC). The New Jersey Supreme Court has delegated to the ACJC the responsibility for investigating and judging allegation of unethical judicial conduct by municipal and Superior Court judges, as well as county surrogates. In the vast majority of cases, the Court will accept the Committee's factual and legal findings and will impose a quantum of judicial discipline consistent with the Committee's recommendations. Although each of the Committee's opinions is subject to *de novo* review by the Court, only rarely will the Justices publish a superseding judicial disciplinary opinion unless the legal issues are extraordinarily important to the bench, bar and public.

Given this practice, in the overwhelmingly vast majority of cases, the opinions of the ACJC become the final word on a wide array of issues related to judicial misconduct. The imposition of a quantum of discipline recommended by the ACJC places the imprimatur of the Court on the opinion.

This new volume of the New Jersey Practice Series will provide the reader with a review of ACJC opinions, organized by subject-matter. The volume will facilitate legal research in defending these cases and make predictions as to possible disciplinary outcomes much easier to calculate.

Finally, this volume will continue to be updated on a yearly basis with ACJC opinions that have been subject to review and the issuance of an order of final judicial discipline by the Supreme Court.

ROBERT RAMSEY
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