

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 New Jersey 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 Court
- § 2:3 The Advisory Committee on Judicial Conduct
- § 2:4 Preliminary investigation
- § 2:5 Confidentiality during investigative phase
- § 2:6 Private admonitions to judges
- § 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—Matter of Mullen, 253
N.J. 49, 289 A.3d 406 (2022)
- § 2:12 Other disciplinary actions
- § 2:13 Progressive discipline
- § 2:14 Post-discipline obligations of judges
- § 2:15 Challenges to recommended discipline in a
presentment

CHAPTER 3. DEFENDING A JUDICIAL DISCIPLINE CASE

- § 3:1 In general
- § 3:2 Grievance procedures—In general
- § 3:3 Grievance procedures for the general public
- § 3:4 Grievance form
- § 3:5 Informal conference
- § 3:6 Formal proceedings before the ACJC—Filing an answer
- § 3:7 —Sample complaint and answer
- § 3:8 Stipulation of discipline
- § 3:9 Conduct of the hearing
- § 3:10 Return of ACJC presentment
- § 3:11 Arguing a case before the Supreme Court
- § 3:12 Aggravating and mitigating factors—In general

A. AGGRAVATING FACTORS

- § 3:13 Violations of public policy
- § 3:14 Criminal offenses
- § 3:15 Harm to others
- § 3:16 Pattern of misconduct
- § 3:17 Lack of contrition

B. MITIGATING FACTORS

- § 3:18 Contrition and rehabilitation
- § 3:19 Prior unblemished record
- § 3:20 Single Act of misconduct
- § 3:21 Recovery from a serious medical condition

PART II. MISCONDUCT

CHAPTER 4. DRUNK DRIVING

- § 4:1 Prohibition of hearing drunk-driving cases following arrest—In re Benitez, 262 N.J. 37 (2025)
- § 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 Case resulting in suspension from judicial office

TABLE OF CONTENTS

CHAPTER 5. PERSONAL AND PROFESSIONAL MISCONDUCT

- § 5:1 Standard of review for personal conduct
- § 5:2 In re Reddin, 221 N.J. 221 (2015)
- § 5:3 Misconduct related to personal life: Examples
- § 5:4 Judicial standards and basis for discipline
- § 5:5 Range of discipline
- § 5:6 Suspension from judicial office
- § 5:7 Hearing cases while ineligible to practice law
- § 5:8 Matter of Brady, 243 N.J. 395, 235 A.3d 175 (2020)
- § 5:9 Prohibition on hearing domestic violence cases

CHAPTER 6. CONDUCT OF JUDICIAL PROCEEDINGS

- § 6:1 Public policy
- § 6:2 Abuse of attorneys and litigants
- § 6:3 Cases resulting in removal
- § 6:4 Matter of Russo, 242 N.J. 179, 231 A.3d 563 (2020)
- § 6:5 Cases resulting in censure
- § 6:6 Cases resulting in public reprimand
- § 6:7 Conduct of trial
- § 6:8 Cases resulting in removal
- § 6:9 Cases resulting in suspension
- § 6:10 Cases resulting in censure or reprimand
- § 6:11 Cases resulting in no discipline
- § 6:12 Ticket-fixing—Introduction
- § 6:13 —Cases resulting in removal from judicial office
- § 6:14 —Cases resulting in suspension from the practice of law
- § 6:15 —Cases resulting in public reprimands
- § 6:16 Administrative responsibilities
- § 6:17 Bias and prejudice—Introduction
- § 6:18 Rules of court—Pretrial disqualification for bias
- § 6:19 Bias during the course of trial
- § 6:20 Bias resulting in formal discipline
- § 6:21 Bias resulting in a suspension from judicial office
- § 6:22 Conclusion
- § 6:23 Egregious legal errors during trial—Reasonably prudent and competent judge standard
- § 6:24 In re DiLeo 216 N.J. 449, 83 A.3d 11 (2014)

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 Attendance at social events
- § 7:7 Case resulting in public reprimand
- § 7:8 Case resulting in suspension of license to practice law
- § 7:9 Parallel Careers—In general
- § 7:10 Employment as an entertainer—In re Advisory Letter No. 3-11
- § 7:11 Son employed on municipal police force—In re Advisory Letter 7-11

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 Cases resulting in reprimands
- § 8:9 Case resulting in private reprimand
- § 8:10 Cases resulting in removal from judicial office
- § 8:11 In re Hoffman 260 N.J. 130 (2025)

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 Supreme Court statement imposing discipline
- § 9:5 Involvement in politics by spouses of judges
- § 9:6 Application of Gaulkin
- § 9:7 The Reappointment Process—In general
- § 9:8 —Statement by the Supreme Court

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

TABLE OF CONTENTS

§ 10:3 Case involving censure

B. LEGAL MALPRACTICE

§ 10:4 Case involving public reprimand

C. CONTACTING OTHER JUDGES ON BEHALF OF CLIENTS

§ 10:5 Cases resulting in public reprimands

§ 10:6 Cases Resulting in Censure

§ 10:7 Cases resulting in suspension from practice of law

D. REPRESENTATION OF FAMILY MEMBERS

§ 10:8 Case resulting in censure

§ 10:9 Cases resulting in removal from judicial office

E. SEEKING FUTURE EMPLOYMENT BY A SITTING JUDGE

§ 10:10 DeNike v. Cupo

F. PUBLIC ASSOCIATION WITH LITIGANTS

§ 10:11 In general

§ 10:12 Family members on the municipal police department

§ 10:13 Municipal employees

G. RECUSALS

§ 10:14 Recusal—In General

§ 10:15 Recusal required by statute—NJSA 2A:15-49 (1903)

§ 10:16 Recusal required by Rule 1:12-1 and Rule 1:12-2

§ 10:17 Recusal required Code of Judicial Conduct

§ 10:18 Recusal required by the Rules of Professional Conduct

§ 10:19 Recusal required by Supreme Court Directive

§ 10:20 Recusal based upon post-judicial career employment

§ 10:21 Recusal based upon going litigation

§ 10:22 Recusal based upon personal animosity

§ 10:23 Recusal based upon ethnic or cultural bias

§ 10:24 Recusal based upon prior representation

§ 10:25 Recusal not necessarily required—Prior rulings in a case

§ 10:26 —Pending judicial conduct complaint

CHAPTER 11. CRIMINAL CONDUCT

§ 11:1 Introduction

- § 11:2 Criminal prosecutions—Duties inherent in judicial office
- § 11:3 Cases resulting in removal and disbarment
- § 11:4 In the Matter of Coruzzi
- § 11:5 Reciprocal discipline imposed on a judge's license to practice law
- § 11:6 Case resulting in removal and suspension from practice
- § 11:7 Case resulting in removal
- § 11:8 Cases resulting in resignation and suspension from practice
- § 11:9 Conclusion

PART III. JUDICIAL DISCIPLINE IN ADMINISTRATIVE COURTS

CHAPTER 12. DISCIPLINE IN THE OFFICE OF ADMINISTRATIVE LAW

- § 12:1 Office of Administrative Law—Introduction
- § 12:2 Judicial Code of Conduct for Administrative Law Judges
- § 12:3 General causes for discipline
- § 12:4 Range of disciplinary sanctions
- § 12:5 Office of Administrative Law Advisory Committee on Judicial Conduct—Preliminary investigations
- § 12:6 Formal disciplinary hearings

CHAPTER 13. DISCIPLINE FOR WORKERS' COMPENSATION JUDGES

- § 13:1 Code of Conduct for Judges of the Workers' Compensation Court
- § 13:2 Causes for discipline or removal
- § 13:3 Authorized range of discipline
- § 13:4 Investigation of allegations of judicial misconduct: Commission on Judicial Performance
- § 13:5 Final disciplinary hearing

CHAPTER 14. THE COUNTY SURROGATE

- § 14:1 County surrogates—In general
- § 14:2 In re Conda 72 N.J. 229, 370 A. 2d 16
- § 14:3 County surrogates—Discipline

TABLE OF CONTENTS

APPENDIX A CODE OF JUDICIAL CONDUCT

CANON 1 AN INDEPENDENT AND IMPARTIAL JUDICIARY IS INDISPENSABLE TO JUSTICE. A JUDGE THEREFORE SHALL UPHOLD AND SHOULD PROMOTE THE INDEPENDENCE, INTEGRITY AND IMPARTIALITY OF THE JUDICIARY

- Rule 1.1 Independence, Integrity and Impartiality of the Judiciary
- Rule 1.2 Compliance With the Law

CANON 2 A JUDGE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY

- Rule 2.1 Promoting Confidence in the Judiciary
- Rule 2.2 External Influences on Judicial Conduct
- Rule 2.3 Avoiding Abuse of the Prestige of Judicial Office
- Rule 2.4 Testifying as a Character Witness

CANON 3 A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY

- Rule 3.1 Precedence of Judicial Office
- Rule 3.2 Competence
- Rule 3.3 Judicial Independence
- Rule 3.4 Decorum
- Rule 3.5 Demeanor
- Rule 3.6 Bias and Prejudice
- Rule 3.7 Ensuring the Right to be Heard
- Rule 3.8 *Ex Parte* Communications
- Rule 3.9 Diligence
- Rule 3.10 Judicial Statements on Pending and Impending Cases
- Rule 3.11 Broadcasting
- Rule 3.12 Communication With Jurors
- Rule 3.13 Judicial Administration
- Rule 3.14 Supervisory Duties
- Rule 3.15 Responding to Judicial and Lawyer Misconduct
- Rule 3.16 Administrative Appointments
- Rule 3.17 Disqualification

CANON 4 A JUDGE MAY ENGAGE IN ACTIVITIES TO IMPROVE THE LAW, THE LEGAL SYSTEM AND THE ADMINISTRATION OF JUSTICE

- Rule 4 Activities Related to the Judicial Function

CANON 5 A JUDGE SHALL SO CONDUCT THE JUDGE'S EXTRAJUDICIAL ACTIVITIES AS TO MINIMIZE THE RISK OF CONFLICT WITH JUDICIAL OBLIGATIONS

- Rule 5.1 Extrajudicial Activities in General
- Rule 5.2 Avocational Activities

JUDICIAL DISCIPLINE

- Rule 5.3 Affiliation With Discriminatory Organizations
- Rule 5.4 Participation in Educational, Religious, Charitable,
Fraternal or Civic Organizations and Activities
- Rule 5.5 Financial, Business, or Remunerative Activities
- Rule 5.6 Acceptance of Gifts, Loans, Bequests, Benefits, or Other
Things of Value
- Rule 5.7 Disclosure of Information
- Rule 5.8 Fiduciary Activities
- Rule 5.9 Serving as Arbitrator or Mediator
- Rule 5.10 Practice of Law
- Rule 5.11 Appointments to Governmental Positions

CANON 6 A JUDGE SHALL NOT RECEIVE COMPENSATION FOR QUASI-JUDICIAL AND EXTRAJUDICIAL ACTIVITIES

- Rule 6 Compensation for Quasi-Judicial and Extrajudicial Activities

CANON 7 A JUDGE SHALL REFRAIN FROM POLITICAL ACTIVITY

- Rule 7 Political Activity
Applicability

APPENDIX B GUIDELINES FOR EXTRAJUDICIAL ACTIVITIES FOR NEW JERSEY JUDGES—ANNOTATED

- I APPLICABILITY
- II GENERAL GUIDELINES
- III LAW-RELATED ACTIVITIES
- IV NON-LAW-RELATED ACTIVITIES
- V FUNDRAISING ACTIVITIES
- VI TESTIMONIALS, AWARDS AND OTHER HONORS
- VII BUSINESS AND FINANCIAL ACTIVITIES
- VIII FIDUCIARY ACTIVITIES
- IX ARBITRATION
- X POLITICAL ACTIVITIES
- XI LETTERS OF RECOMMENDATION

Table of Laws and Rules

Table of Cases

Index

Table of Contents

PART I. PRESENTMENTS FROM THE ADVISORY COMMITTEE ON JUDICIAL CONDUCT

CHAPTER 1. IMPROPER *EX PARTE* COMMUNICATIONS

- § 1:1 Foreword
- § 1:2 Introduction
- § 1:3 Ex parte communications—In re Piscal
- § 1:4 Ex Parte communications—In re Elias
- § 1:5 Involvement in plea bargaining/*ex parte*
communications—In re Delehey
- § 1:6 Ex Parte Communications with municipal prosecutor
during trial—In re McCloskey
- § 1:7 Ex Parte Communications with municipal prosecutor
prior to trial—In re Diamond
- § 1:8 Ex parte communications—In re Wright
- § 1:9 —In re Amana
- § 1:10 Improper contact with litigant—In re Montes
- § 1:11 *Ex parte* communication with police

CHAPTER 2. SEXUAL HARASSMENT

- § 2:1 Offensive touching and sexual harassment
- § 2:2 Offensive touching of a subordinate judicial employee—
In re Council
- § 2:3 Consensual sexual relations with a subordinate—In re
Campbell
- § 2:4 Offensive touching—In re Jones
- § 2:5 Municipal Court Judge—Remarks from the bench
implicating sexual innuendo—In re Rodriguez
- § 2:6 —Criminal allegations (Diverted through PTI); Sexual
harassment
- § 2:7 Sexual harassment of subordinate employees

CHAPTER 3. ABUSE OF LITIGANTS

- § 3:1 Introduction
- § 3:2 Abuse of litigants—In re Rzemieniewski
- § 3:3 Conflict of interest/abuse of litigants—In re Saltman
- § 3:4 Intemperate conduct—Maisto

- § 3:5 —Abuse of Attorneys—In re Giles
- § 3:6 Intemperate conduct with court staff—Outside employment by a full-time judge—In re McElroy
- § 3:7 Intoxicated while on the bench—Pattern of misconduct—In re Sasso
- § 3:8 Abuse of contempt of court powers—In re Toth
- § 3:9 Bias and intemperate conduct—In re Citta
- § 3:10 Inappropriate attempts at humor in the court room—In re Convery
- § 3:11 Rude, disrespectful and intimidating shouted remarks to a litigant—In re Baker
- § 3:12 Vulgar characterization of counsel to other litigants—In re Portelli
- § 3:13 Manifestations of bias toward litigants—In re Rivas
- § 3:14 Abuse of contempt of court powers—In re Adames
- § 3:15 Sexual innuendo and inappropriate attempt at humor from the bench—In re Rodriguez
- § 3:16 Deprivation of litigants rights—Matter of Rasul, 245 N.J. 267, 245 A.3d 535 (2021)
- § 3:17 Incompetence—In re Kassel

CHAPTER 4. CONFLICTS OF INTEREST

- § 4:1 Introduction
- § 4:2 Business dealings with litigants—In re Sciuto
- § 4:3 Representing municipal employees—In re Obuch
- § 4:4 —In re Davenport
- § 4:5 Failure to Recuse—In re Solomon
- § 4:6 Improper contact with litigant—In re Montes
- § 4:7 Creating and purposefully concealing a conflict of interest—In re Appleby
- § 4:8 Representing a municipal court litigant in a related matrimonial matter—In re Bowkely
- § 4:9 Failing to recuse in conflict cases—In re Scattergood
- § 4:10 Conflict of interest—Newman
- § 4:11 Conflict of interest with litigant—In re Bowkley
- § 4:12 Conflict of interest with court staff—In re Miniman
- § 4:13 Family members before the court/conflict of interest—In re Council
- § 4:14 Hearing numerous cases where respondent's landlord appeared as defense attorney—Matter of Munoz, 244 N.J. 390, 240 A.3d 870 (2020)
- § 4:15 Surrogate conflict of interest; advancing personal interests; failure to recuse
- § 4:16 Superior Court Judge—Conflict of interest

CHAPTER 5. POLITICAL INVOLVEMENT

- § 5:1 Introduction

TABLE OF CONTENTS

- § 5:2 Presence at a political event—In re Sanchez
- § 5:3 Photographed with Criminally Charged Public Official—
In re Rodriguez
- § 5:4 Surrogates
- § 5:5 Case resulting in censure
- § 5:6 Matter of Conda
- § 5:7 Case involving suspension from office—In re Curcio
- § 5:8 In re Curcio—ACJC Presentment

CHAPTER 6. DRUNK-DRIVING

- § 6:1 Introduction
- § 6:2 Failure to report infraction to assignment judge—In re
Frese
- § 6:3 —In re Parsons
- § 6:4 With related incident of domestic violence—In re
Paragano
- § 6:5 Progressive discipline—In re Williams
- § 6:6 Obstructing police investigation—In re Tourison
- § 6:7 High blood-alcohol level—Extensive post-arrest
rehabilitation efforts—In re Jones

CHAPTER 7. PATTERN OF JUDICIAL MISCONDUCT

- § 7:1 Introduction
- § 7:2 In re Smoger

CHAPTER 8. INSUBORDINATION

- § 8:1 Introduction
- § 8:2 In re Gross-Quatrone

CHAPTER 9. PERJURY AND FALSE EVIDENCE BEFORE THE ACJC

- § 9:1 Introduction
- § 9:2 In re DeAvila-Silebi

CHAPTER 10. ADVANCING PRIVATE OR PERSONAL INTERESTS

- § 10:1 Introduction
- § 10:2 Use of Judicial Office to Advance Private Interests—
Business Card—In re Rivera-Soto
- § 10:3 Use of Judicial Office to Advance Personal Interests—
In re Palmer
- § 10:4 —In re Wright
- § 10:5 —In re Benitez
- § 10:6 E-mail abuse and advancing private interests—In re
DeBello

- § 10:7 Advancing private interests—In re Muller
- § 10:8 Using judicial office to advance the private interests of another—In re Inacio
- § 10:9 Advancing a private interest and progressive discipline—In re Baptista

CHAPTER 11. MISUSE OF JUDICIAL OFFICE

- § 11:1 Introduction
- § 11:2 Letterhead—In re Sonstein
- § 11:3 Business card—In re McElroy
- § 11:4 Improper influence—In re Kohlhepp
- § 11:5 Ex parte communications—In re Amana
- § 11:6 Advancing private interests—In re Baptista
- § 11:7 Using judicial office to advance the private interests of another—In re Inacio
- § 11:8 Fraudulent business practices; failure to report litigation; judicial wage garnishment—In re Cook
- § 11:9 Intentional misuse of judicial office; Unauthorized access and sharing of criminal case history—In re Batelli
- § 11:10 Improper expenditure of DWI funds for personal enrichment without authority—In re Corradino

CHAPTER 12. ADMINISTRATIVE MISCONDUCT

- § 12:1 Ineligible to practice law
- § 12:2 ACJC opinion in In re Killen
- § 12:3 In re Cecilia Guzman, Judge of the Municipal Court

CHAPTER 13. OUTSIDE EMPLOYMENT

- § 13:1 In general
- § 13:2 Outside employment—In re Thurber

CHAPTER 14. SOCIAL MEDIA PLATFORMS

- § 14:1 In general
- § 14:2 Sexual content posted to social media sites
- § 14:3 Expressing support for local law enforcement organizations on social media

Table of Laws and Rules

Table of Cases

Index