

**FILED**

**DEC 12 2018**

**A.C.J.C.**

SUPREME COURT OF NEW JERSEY  
ADVISORY COMMITTEE ON  
JUDICIAL CONDUCT

DOCKET NO: ACJC 2017-398

---

IN THE MATTER OF

HECTOR I. RODRIGUEZ  
JUDGE OF THE MUNICIPAL COURT

---

**FORMAL COMPLAINT**

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of Municipal Court Judge Hector I. Rodriguez (“Respondent”), says:

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1982.
2. At all times relevant to this matter, Respondent served as the Chief Judge of the Municipal Court in the Township of Franklin, New Jersey, a position to which he was first appointed on January 1, 2014, reappointed on January 1, 2017, and continues to hold. Effective January 1, 2017, Respondent was designated as a Municipal Court judge authorized to handle Centralized Judicial Processing (“CJP”) for the Somerset Vicinage, a position he held until December 11, 2017.
3. On December 5, 2017, as part of his CJP assignment, Respondent presided over a “first appearance” involving a Defendant who was charged with multiple indictable offenses. The Defendant was represented by Public Defender Anthony Cowell, Esq.

4. Audra L. McEvoy, a team leader in the Pretrial Services Unit for Somerset, Hunterdon & Warren Counties, was present in court on December 5, 2017 and was operating the Court's audio recording equipment during the proceeding before Respondent.
5. After the Defendant pled "not guilty" to the offenses, Respondent read the Defendant her rights and explained how the matter would proceed. When Respondent finished, he asked the Defendant if she had any questions, to which she replied that she did not.
6. Somerset County Assistant Prosecutor Lauren Casale, Esq. inquired as to whether bail needed to be placed on the record. Mr. Cowell stated that bail was "ROR," meaning no bail was required prior to the Defendant's release.
7. To confirm the information received from Mr. Cowell, Respondent stated to the Defendant, "Your bail is ROR - - you're released on your own recognizance."
8. Respondent then asked the Defendant, "Do you understand? You seem a little - -"
9. Still uncertain if she would be required to pay bail to secure her release, the Defendant asked Respondent, "...do I owe you anything?" In response, Respondent stated, "Not that you can do in front of all these people, no."
10. When Respondent made the comment to the Defendant referred to in paragraph 9 above, Respondent knew that no payment from the Defendant was required because she was being released on her own recognizance.
11. Even if the Defendant were required to post bail to secure her release, payment would have been made in Pretrial Services or the Bail Unit, not to Respondent directly.
12. After leaving the courtroom, Ms. Casale and Mr. Cowell discussed Respondent's comment to the Defendant referred to in paragraph 9 above, agreed that it was inappropriate and that it should be reported.

13. Ms. Casale and Mr. Cowell then spoke with Ms. McEvoy about Respondent's comment to the Defendant referred to in paragraph 9 above. Ms. McEvoy agreed with the inappropriateness of Respondent's comment and stated she would bring the matter to her supervisor's attention.

14. Ms. McEvoy sent an email to Brian Rother, Assistant Criminal Division Manager, Pretrial Services, in the Somerset Vicinage. In the email, Ms. McEvoy advised Mr. Rother that the purpose of her email was "to memorialize a situation that occurred during First Appearances this afternoon." Ms. McEvoy quoted the conversation that Respondent had with the Defendant as referred to in paragraph 9 above and provided the time that it was captured on the audio recording.

15. In addition to reporting the event to Mr. Rother, Ms. McEvoy forwarded her email to several individuals, including the Honorable Yolanda Ciccone, Assignment Judge, Somerset, Hunterdon & Warren Counties and the Honorable William T. Kelleher, Jr., Presiding Judge, Municipal Courts, Somerset, Hunterdon & Warren Counties.

16. Ms. Casale reported Respondent's comment to her supervisor, First Assistant Prosecutor Thomas Chirichella.

17. Respondent, when questioned by the Advisory Committee on Judicial Conduct as to the meaning of his response, claimed that the context in which he intended the remark was in reference to paying him bail. Respondent stated, "Because she couldn't give it to the Court. Could be inferred as giving me cash and I couldn't collect the cash. . . ."

18. Respondent denied that his remark could be interpreted as sexual innuendo. Respondent stated:

You can't take it out of context. You take a statement and flip it around, throw it in the air, put spice on it and put it back into that - it's going to be the same when you - - in the context of what I said. It was all about the monetary bail. And I - - and she seemed confused. I said, well, you seem - - I didn't say confused. And she goes do I owe you anything and I was like

not that you would give me in front of all these people referring to money, a monetary bail.

19. By his conduct as set forth above, Respondent demonstrated an inability to conform his conduct to the high standards required of judges and impugned the integrity of the Judiciary in violation of Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code of Judicial Conduct, and demonstrated discourteous and undignified behavior in violation of Canon 3, Rule 3.5 of the Code of Judicial Conduct.

WHEREFORE, Complainant charges that, by the conduct set forth above, Respondent, Municipal Court Judge Hector I. Rodriguez, violated the following Canons of the Code of Judicial Conduct:

Canon 1, Rule 1.1, which requires judges to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved;

Canon 2, Rule 2.1, which requires judges to avoid the impropriety and the appearance of impropriety and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary; and

Canon 3, Rule 3.5, which requires judges to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity.

DATED: December 12, 2018



---

Maureen G. Bauman, Disciplinary Counsel  
ADVISORY COMMITTEE ON JUDICIAL CONDUCT  
Richard J. Hughes Justice Complex  
25 Market Street  
4<sup>th</sup> Floor, North Wing  
P.O. Box 037  
Trenton, New Jersey 08625  
(609) 815-2900 Ext. 54950