

SUPREME COURT OF NEW JERSEY  
ADVISORY COMMITTEE ON  
JUDICIAL CONDUCT

DOCKET NO: ACJC 2006-151

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IN THE MATTER OF

FRANK M. LEANZA  
JUDGE OF THE MUNICIPAL COURT

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FORMAL COMPLAINT

Candace Moody, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of Municipal Court Judge Frank M. Leanza (“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 1978.
2. At all times relevant to these matters, Respondent served as judge of the Municipal Court of Guttenberg, Hudson County.
3. On March 7, 2006, Respondent presided over a bail hearing in the matter of State v. Zaklama in the Guttenberg Municipal Court. The named defendant in that matter was Esmat Zaklama (“Grievant”). Grievant, a property owner in Hudson County, had been arrested and brought before Respondent on several outstanding bench warrants totaling \$65,000.00 for numerous violations of local fire, construction, health, and property maintenance codes.
4. As of March 7, 2006, the total of assessed fines and penalties against Grievant for the above referenced violations had increased to \$1,000,000.00.

5. While laughing, Respondent advised counsel for Grievant that Grievant would be incarcerated if he did not post double the bail or pay the total amount of the fines and penalties.

6. Respondent further advised counsel: "I don't expect Dr. Zaklama to pull a million bucks out of his pockets because it's not there. But as Monty Hall used to say, let's make a deal."

7. Upon learning that the total of assessed fines and penalties against Grievant was \$1,000,000.00, not \$65,000.00, counsel for Grievant initially replied, "I'm disturbed by the fact that, at least, I sense from your Honor that you were smiling as you were going through this." Respondent did not reply to counsel's accusation.

8. Following additional colloquy about the fines and penalties, and in response to Respondent's requests to Grievant for an offer of bail to avoid incarceration, counsel stated: "Your Honor, part of the problem is there are a large number of offenses. I've been peripherally involved in some of these over the past probably year or so. . . . What I'm requesting of the Court on behalf of Dr. Zaklama . . . is . . . a chance to compile everything and figure out what's really going on."

9. Respondent replied: "I'm going to ask you where the hell were you the past year? You know what? Our number is listed. It's in the phone book. . . .As a matter of fact, they've been chasing your client for over a year."

10. Grievant responded: "I wasn't in the state, Your Honor."

11. To which Respondent stated: "You know what? I wasn't born yesterday. It's a lot of bullshit, okay?"

12. After further colloquy about the fines and penalties, Respondent set bail at \$200,000.00.

13. Grievant was unable to post the \$200,000.00 bail, resulting in his immediate incarceration.

14. In a subsequent written statement to the Advisory Committee on Judicial Conduct (“ACJC”), dated May 12, 2006, Respondent admits laughing “. . . at the point when I suggested that Dr. Zaklama go to jail and he crossed his [sic] both hands over his heart (as a physician, he is excellent at describing the symptoms of a heart attack whenever he faces incarceration) and he reminded me of Redd Foxx as Fred Sanford on his way to Elizabeth with the big one.” Respondent further admits that he “. . . consciously impuned [sic] the dignity of the Court to make a point . . . .”

15. Respondent’s remarks to Grievant and his counsel, as cited in paragraphs 5 through 11, were disrespectful and insulting, in violation of Canon 3A(2)(3) of the Code of Judicial Conduct, intemperate in violation of Rule 2:15-8(a)(4), and prejudicial to the administration of justice thereby bringing the judicial office into disrepute, in violation of Rule 2:15-8(a)(6).

16. By his remarks, Respondent also violated Canons 1 and 2A of the Code of Judicial Conduct in that he did not maintain high standards of conduct and did not act in a manner that promotes public confidence in the integrity and impartiality of the Judiciary.

WHEREFORE, Complainant charges that Respondent, Municipal Court Judge Frank M. Leanza, has violated the following Canons of the Code of Judicial Conduct:

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

Canon 2A, which requires judges to respect and comply with the law and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary;

Canon 3A(2), which requires judges to maintain order and decorum in judicial proceedings;

Canon 3A(3), which requires judges to be patient, dignified, and courteous to all those with whom they deal in an official capacity; and

Complainant also charges that Respondent's remarks were intemperate and prejudicial to the administration of justice thereby bringing the judicial office into disrepute, in violation of Rule 2:15-8(a)(4)(6).

DATED: February 16, 2007

/s/ Candace Moody, Esq.  
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