SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO.: ACJC 2007-112

FILED

JUN 13 2007

A. C. J. C.

IN THE MATTER OF C. WILLIAM BOWKLEY, JR., JUDGE OF THE MUNICIPAL COURT	FORMAL COMPLAINT

Candace Moody, Disciplinary Counsel, Advisory Committee on Judicial Conduct ("Complainant"), complaining of Municipal Court Judge C. William Bowkley, Jr. ("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 1971.

2. At all times relevant to these matters, Respondent held the position of Judge of the Municipal Courts of the Borough of Hopatcong, the Township of Vernon, Sussex County, and the Township of Jefferson, Morris County. Respondent held these positions on a part-time basis.

3. Complainant repeats the allegations contained in the foregoing paragraphs of this Complaint as if each were set forth fully and at length herein.

4. Between June 2004 through early 2005, Respondent represented Paula A. (Mazur) Slegers ("Ms. Slegers") in a family court matter captioned Paula Mazur Slegers v. William DiMuccio, Sussex County Superior Court, Family Part, Docket No. FD-19-321-01 (the "Family Court Matter").

5. Thereafter, beginning on or around February 28, 2005 and continuing through to the present, Respondent has represented Ms. Slegers in a civil court matter captioned Paula A. Mazur v. Richard Pavia, et al., Sussex County Superior Court, Civil Part, Docket No. L-118-05 (the "Civil Court Matter").

6. The Family Court Matter concerned Ms. Slegers' post-judgment application for the computation of child support, day care expenses and related issues. William DiMuccio ("Mr. DiMuccio"), the defendant in the Family Court Matter and the father of the minor child at issue in that matter, was represented by Damiano M. Fracasso, Esquire ("Grievant"), who is the grievant in this disciplinary action.

7. The Civil Court Matter, which is unrelated to the Family Court Matter, involves a claim of fraud by Ms. Slegers incident to her purchase of real estate. Mr. DiMuccio is not a party to the Civil Court Matter.

8. On April 17, 2006, a municipal court complaint was issued against Mr. DiMuccio in the Hopatcong Municipal Court for his failure to connect to the municipal sewer system (the "Municipal Court Matter").

9. The trial in the Municipal Court Matter was scheduled to begin on October 16, 2006 before Respondent.

10. Despite having represented Ms. Slegers against Mr. DiMuccio in the Family Court Matter, Respondent failed to recuse himself from sitting as the trial judge in the Municipal Court Matter.

11. Rather, on October 16, 2006, when Mr. DiMuccio failed to appear for trial in the Municipal Court Matter, Respondent issued a warrant for his arrest and set bail at $500.00 without a 10% option.

12. On or around October 25, 2006, pursuant to the Grievant's request for an emergent bail hearing on behalf of Mr. DiMuccio, Judge John E. Mulhern of the Stillwater

Municipal Court adjusted Mr. DiMuccio's bail to provide for a 10% option. Mr. DiMuccio posted bail that same day.

13. The following day, October 26, 2006, Respondent, recognizing the conflict of interest created by presiding over a case involving Mr. DiMuccio, signed an Order transferring the Municipal Court Matter to the Municipal Court of Stillwater for disposition.

14. Four days later, on October 30, 2006, Respondent presided over the arraignment of his client, Ms. Slegers, with regard to eight new municipal court complaints filed against her by Mr. DiMuccio for her alleged interference with custody regarding their minor child.

15. Respondent should have immediately disqualified himself from presiding over any matters involving Ms. Slegers or Mr. DiMuccio due to Respondent's representation of Ms. Slegers in the Family Court Matter and the pending Civil Court Matter.

16. Further, to avoid the appearance of impropriety, Respondent should have had any and all matters involving Ms. Slegers or Mr. DiMuccio transferred to another municipal court.

17. By issuing a warrant for Mr. DiMuccio's arrest in the Municipal Court Matter and by presiding over the arraignment of his client with regard to the several municipal complaints filed against her by Mr. DiMuccio, Respondent exacerbated two situations in which inherent conflicts of interest existed.

18. By his conduct as described above, Respondent violated Canons 1, 2A, and 3C(1) of the Code of Judicial Conduct and engaged in conduct prejudicial to the administration of justice that brings the judicial office into disrepute, in violation of Rule 2:15-8(a)(6).

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

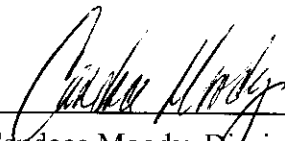
Canon 1, which requires judges to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved;

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; and

Canon 3C(1), which requires judges to disqualify themselves from matters in which their impartiality might reasonably be questioned.

Complainant also charges that Respondent has engaged in conduct prejudicial to the administration of justice that brings the judicial office into disrepute, in violation of Rule 2:15-8(a)(6).

DATED: June 12, 2007



Candace Moody, Disciplinary Counsel
ADVISORY COMMITTEE ON JUDICIAL CONDUCT
Richard J. Hughes Justice Complex
P.O. Box 037
Trenton, NJ 08625-0037
(609) 292-2552