FILED
SEP 10 2003
A. C. J. C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2003-023

IN THE MATTER OF WILLIAM J. KOHLHEPP, JR., FORMER JUDGE OF THE MUNICIPAL COURT	: : : :	FORMAL COMPLAINT

Patrick J. Monahan, Jr., Secretary, Advisory Committee on Judicial Conduct ("Complainant"), complaining of former Municipal Court Judge William J. Kohlhepp, 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 1974

2. At all times relevant to this matter, Respondent served as Judge of the Municipal Court of the Township of Hillsborough, a position he no longer holds.

3. At approximately 9:30 p.m. on July 16, 2002, Patrolman Jeffrey VanderGoot of the Hillsborough Police Department was conducting a patrol of a wooded area when he took into custody four teen-aged juveniles for possession of marijuana and drug paraphernalia. Officer VanderGoot took the juveniles to police headquarters, at which time their parents were notified and asked to come to headquarters. When the parents arrived, they were seated in the lobby and then brought inside one at a time to be present during the interview of their respective children.

4. As the interviews of the juveniles were progressing, Respondent entered the lobby and was permitted to proceed into the interior, where he began to question the shift

commander about the incident. Respondent told the shift commander that he was there to represent one of the juveniles, Michael Coscia, and that he wished to sit in on the interview of Coscia.

5. At that point, Officer VanderGoot, who was present during Respondent's conversation with the shift commander, protested, and Respondent asked if his presence made the officer uncomfortable.

6. Officer VanderGoot told Respondent that it was inappropriate for a municipal court judge to represent a defendant in a criminal matter in the municipality where the judge sits.

7. Respondent replied that he would not sit in on the interview.

8. Respondent then went out into the lobby of police headquarters and spoke to the father of Michael Coscia.

9. On September 25, 2002, Officer VanderGoot received a letter that had been delivered to police headquarters for him.

10. The letter in question, dated September 25, 2002, bore the signature of Richard Prow, the father of another of the juveniles who had been taken into custody on July 16.

11. The letter recited in pertinent part: "Attorney William J. Kohlhepp, Jr., who was present the evening the boys were arrested, has provided me with a letter stating '....I can state emphatically that I did notice that your son's eyes were not bloodshot'."

12. By going to police headquarters on July 16, 2002, and seeking to represent Michael Coscia, Respondent violated Rule 1:15-1(b), which prohibits municipal court judges from practicing in any criminal, quasi-criminal or penal matter, whether judicial or administrative in nature.

13. By his conduct on July 16, 2002, and by his letter to Richard Prow, Respondent violated Canon 2B of the Code of Judicial Conduct and engaged in conduct prejudicial to the administration of justice that brings the judicial office into disrepute. R. 2:15-8(a)(6).

14. By his conduct on July 16, 2002, and by providing the aforementioned letter to Richard Prow, Respondent also violated Canons 1 and 2A of the Code of Judicial Conduct.

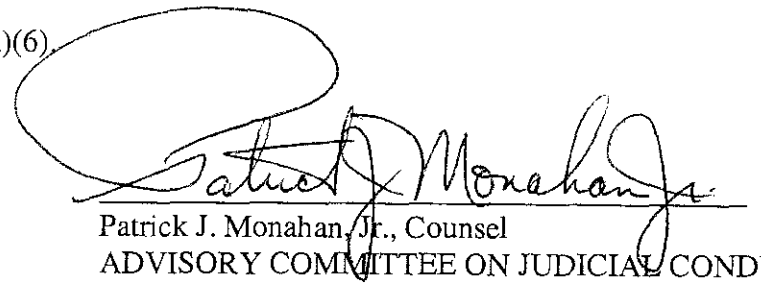
WHEREFORE, Complainant charges that Respondent, former Municipal Court Judge William J. Kohlhepp, Jr., has violated the following Canons of the Code of Judicial Conduct:

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; and

Canon 2B, which prohibits judges from lending the prestige of office to advance the private interests of others.

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



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