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A. C. J. C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2004-101

IN THE MATTER OF RANDOLPH M. SUBRYAN, JUDGE OF THE SUPERIOR COURT	: : :	FORMAL COMPLAINT

Patrick J. Monahan, Jr., Secretary, Advisory Committee on Judicial Conduct ("Complainant"), complaining of Superior Court Judge Randolph M. Subryan ("Respondent"), says:

1. Respondent is a member of the Bar of the State of New Jersey and was admitted to the practice of law in 1980.

2. At all times relevant to this matter, Respondent served as a judge of the Superior Court of the State of New Jersey, assigned to the Passaic Vicinage, a position he continues to hold.

3. On September 3, 2002, a woman who shall be referred to herein as J.B. was hired to serve as Respondent's law clerk for a one-year term to expire on August 31, 2003.

4. After J.B. began her clerkship, Respondent began a pattern of improper conduct toward her that culminated in his kissing her against her will on May 30, 2003.

5. Respondent told J.B. that he was having dreams about her.

6. On more than one occasion, Respondent said in the presence of J.B. and of other women that "women under the age of eighteen are protected by law and women above the age of thirty-five are protected by nature."

7. During the Spring of 2003, Respondent said in the presence of J.B. and of another female law clerk that a certain female attorney was scheduled to appear before him later that day, that he was excited because the attorney was "hot," and that he was going to give the attorney a "writ of Rockmanus."

8. During the Spring of 2003, Respondent stood behind J.B. as she sat at her desk, and he placed his hands on her shoulders.

9. In May 2003, when Respondent was presiding over the case of State v. Parker, the attorney for the defendant marked for identification certain sexually explicit photographs of the defendant's girlfriend. Respondent reviewed those photographs and refused to allow them to be introduced into evidence.

10. During a recess in the trial of State v. Parker, Respondent told J.B. about the photographs and he described them as obscene. He asked J.B. if she wanted to see one of the photographs, and she said that she did not.

11. On May 22, 2003, Respondent entered J.B.'s office, which she shared with another law clerk who was present at that time, and he began to discuss the case of State v. Parker. Respondent told J.B. and the other clerk that the aforementioned pictures were obscene. He said that he had offered to show them to J.B. but that she did not want to see them. While the aforementioned conversation was in progress, another law clerk entered the office. She and the law clerk who shared the office with J.B. then questioned Respondent about the nature of the photographs.

12. Respondent returned to his chambers. J.B. and the two other law clerks joined him there, and the other two clerks asked Respondent to see the photographs. He refused.

The other two clerks then asked him to describe them, and he described in detail an obscene photograph. J.B. was present in Respondent's chambers when he described the photograph.

13. At some point between May 19 and May 30, 2003, J.B. was in Respondent's chambers discussing an upcoming job interview with a law firm. During the discussion, Respondent blurted out that J.B. was "going to turn him into" a judge who had been disciplined for conduct amounting to sexual harassment.

14. On May 27, 2003, J.B. was in Respondent's chambers when he began discussing a former law clerk who had been involved in an affair with a police officer and who had not been discreet about it. Respondent told J.B. that there was nothing wrong with having an affair as long as it was discreet. He then began to discuss others who were involved in affairs.

15. On May 30, 2003, J.B. went into Respondent's chambers to ask him for advice about a job interview that she had scheduled for June 2, 2003. Respondent closed the door to his chambers and stood in front of it. After a brief discussion, Respondent grabbed J.B., hugged her, and kissed her on the lips against her will. J.B. tried to push Respondent away, but he held her and then released her.

16. On December 10, 2003, after an investigation by the Administrative Office of the Courts, the Administrative Director of the Courts issued a determination in which he found actions by Respondent toward J.B. to have been in violation of the Judiciary's policy against sexual harassment.

17. Respondent's comments to J.B. and others, as detailed herein, his touching J.B. on the shoulders, and his kissing J.B. against her will violated Canons 1 and 2A of the Code

of Judicial Conduct and constitute 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 Respondent, Superior Court Judge Randolph M. Subryan, 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, and

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;

Complainant also charges that Respondent's conduct, as described herein, 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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