SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

IN THE MATTER OF CARYL AMANA, JUDGE OF THE MUNICIPAL COURT	DOCKET NO.: ACJC 2004-144 PRESENTMENT

The Advisory Committee on Judicial Conduct, pursuant to Rule 2:15-15(a), presents to the Supreme Court its Findings that charges set forth in a formal complaint against Caryl Amana, Judge of the Municipal Court, have been proved by clear and convincing evidence and its Recommendation that the Respondent be publicly reprimanded.

The Advisory Committee on Judicial Conduct issued a Formal Complaint alleging that Respondent, Municipal Court Judge Caryl Amana, engaged in conduct in violation of Canons 1, 2A, and 2B of the Code of Judicial Conduct and in violation of Rule 2:15-8(a)(6) by placing a call to the law office of another municipal court judge concerning a matter before that other judge that involved Respondent's assistant.

Respondent filed an Answer to the Complaint, admitting the allegations and offering facts in mitigation.

The Committee held a formal hearing. Respondent appeared, with counsel, and testified under oath. After carefully reviewing the testimony and the other evidence, the Committee made factual determinations supported by clear and convincing evidence that are the basis for its Findings and Recommendation.

FINDINGS

Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1977. At all times relevant to this matter, Respondent held the position of Judge of the Municipal Court of Lawnside Borough, Camden County, a position that she continues to hold.

In March 2004, Respondent was also employed by the City of Trenton as the Director of the Law Department, as she was permitted to do by Rule 1:15-1(b). Respondent no longer holds that position.

On March 2, 2004, Respondent's secretary at the City of Trenton Law Department, Anthony Jackson, was arrested on a warrant that had been issued for his failure to complete a ten-day term in the Sheriff's Labor Assistance Program ("SLAP"), to which Judge Bonnie Goldman had sentenced him in August 2003 in the Hopewell Township Municipal Court. Upon learning of the arrest from Jackson's brother, Respondent placed a call to the private law office of Judge Goldman. In addition to maintaining a private practice, Judge Goldman was and is the Presiding Judge of Municipal Courts in the Burlington Vicinage and a municipal judge in various municipalities in both Mercer and Monmouth Counties.

Because her call to Judge Goldman went unanswered, Respondent left a voicemail message in which Respondent gave her name and identified herself as an attorney for the City of Trenton and as the Municipal Court Judge in Lawnside. Respondent also said, "We've met."

Respondent said that she was calling because she had an emergency concerning a matter in the Hopewell Township Municipal Court in that her secretary, Anthony Jackson, had been arrested and taken to the workhouse in Trenton. Respondent said that because of Jackson's arrest she was "desperate" because she was short-staffed at that time and she had just started a trial. She said she "wanted to find out if there's any way we could start the process again."

Respondent also stated in the voicemail message that she would ensure Mr. Jackson's attendance at and completion of the SLAP program. She left information about how she could

be reached and said that she would be appearing in federal court before Judge Garrett Brown the next day.

On March 3, Respondent called the Hopewell Township Municipal Court and spoke to Margaret Umbro, Court Administrator. Respondent identified herself as the employer of the defendant, Mr. Jackson, and as the attorney for the City of Trenton. She asked Ms. Umbro why her employee had been arrested, and Ms. Umbro told her the status of Mr. Jackson's case and said that the matter would be heard on March 4. Respondent replied that she would probably appear and bring an attorney to represent the defendant.

After receiving the voice mail message of March 2 from Respondent, and after learning of the conversation between Ms. Umbro and Respondent, Judge Goldman recused herself from Mr. Jackson's case on March 4, in order to avoid an appearance of impropriety.

By identifying herself as a judge in her call to Judge Goldman's office and by asking that Judge Goldman take action favorable to Mr. Jackson, Respondent violated Canon 2B of the Code of Judicial Conduct, which prohibits judges from lending the prestige of office to advance the private interests of others.

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

RECOMMENDATION

Respondent testified at the hearing that Jackson was an indispensable employee in her municipal office, that she was under "a lot of pressure and a lot of stress" because she was involved in a major trial in federal court, and that she felt "guilty" at the thought that Jackson might have failed to complete his SLAP requirement because he spent so much extra time at the office on nights and weekends. However understandable was Respondent's motivation, by calling Judge Goldman about the matter, she violated her ethical responsibilities.

Respondent also testified that although she knew when she placed the call to Judge Goldman that municipal court judges were not permitted to engage in the practice of law in municipal court, she did not know at the time that what she was doing was improper. It was not until she read about In re McElroy, 179 N.J. 418 (2004) (issuing public reprimand to municipal court judge who advised client and through the client communicated with prosecutor of another municipality suggesting downgrade of traffic charges), that she came to that realization and asked herself, "[M]y God, what have I done?"

As this Committee observed in its presentment in In re McElroy, supra, municipal court judges realize that they may not appear on behalf of others in municipal court. Indeed, there has been no reported instance of such conduct since In re Di Sabato, 76 N.J. 46 (1978) (imposing censure for municipal court judge who appeared in a speeding case in another municipal court on behalf of his son).

There have been, however, multiple reported instances over that twenty-seven year period of municipal court judges who violated the ethical stricture against the misuse of their judicial office involving actions short of actual appearance to benefit themselves, their clients, or their friends: In re Murray, 92 N.J. 567 (1983) (issuing public reprimand for writing letter to another municipal court judge on behalf of long-time clients); In re Santini, 126 N.J. 291 (1991)

(issuing public reprimand for contacting staff and judge of another municipal court on behalf of a client); In re Carton, 140 N.J. 330 (1995) (issuing public reprimand for permitting request for adjournment for son of court staff member to be faxed from his private law office to another municipal court judge); In re Sonstein, 175 N.J. 70 (2003) (issuing public reprimand for contacting another municipal court judge about his own parking ticket pending in that judge's court); In re Wright, 179 N.J. 417 (2004) (issuing public reprimand for requesting prosecutor of another municipal court to amend traffic charges against his secretary's nephew); and In re McElroy, supra.

All municipal court judges should by now be aware that there is no proper way for a municipal court judge to communicate with the judge or the staff of another municipal court concerning a defendant before that court except on a matter of official business involving both courts. In an attempt to avoid problems at her municipal job, Respondent violated her ethical obligations. For that, she deserves public discipline.

Accordingly, the Committee respectfully recommends that Respondent, Municipal Court Judge Caryl Amana, be publicly reprimanded.

Respectfully submitted,

Advisory Committee on Judicial Conduct

By: Alan B. Handler

Alan B. Handler, Chair