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FILED
JUN 15 2007
A. C. J. C.

**SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT**

DOCKET NO. ACJC 2006-151

IN THE MATTER OF

ANSWER TO COMPLAINT

**FRANK M. LEANZA,
JUDGE OF THE MUNICIPAL COURT**

Respondent, Frank M. Leanza., by way of answer to the formal complaint filed against him by the Advisory Committee on Judicial Conduct, hereby states:

ALLEGATIONS

1. Respondent admits the allegation in Paragraph 1.
2. Respondent admits the allegation in Paragraph 2.
3. Respondent admits the allegations in paragraph 3.
4. Respondent admits the allegations in paragraph 4.
5. Respondent's laughter was spontaneous and in reaction to the grievant's inappropriate behavior. Concerning the allegations in paragraph 5, respondent maintains that grievant had appeared before respondent many times before, and,

on more than one occasion, when faced with the prospect of incarceration, he feigned a heart attack by clutching his chest, as he did on this occasion. On one previous occasion, when respondent, who is a physician, did this, a precautionary hospital evaluation was ordered and was performed immediately thereafter. The examination reflected that he was not in any medical distress.

6. Respondent admits the allegations in Paragraph 6.
7. Concerning the allegations in paragraph 7, respondent maintains he was smiling because grievant was continuing his antics by continuing to clutch his chest in feigned distress.
8. Respondent admits the allegations in paragraph 8.
9. Concerning the allegations in paragraph 9, respondent replied in this fashion because he believed grievant's counsel was being disingenuous in maintaining he was substantially unfamiliar with the matters, that he needed more time to address the issue of bail, and that the grievant should not be faulted for failing to address the many warrants which had been outstanding for many months, and in some cases, for more than one year.
10. Respondent admits the allegation in paragraph 10.
11. Respondent admits the allegation in paragraph 11.
12. Respondent admits the allegation in paragraph 12.
13. Respondent admits the allegation in paragraph 13.
14. Respondent admits the allegation in paragraph 14.
15. Respondent denies the allegations in paragraph 15.
16. Respondent denies the allegations in paragraph 16.

STATEMENT IN MITIGATION OF PENALTY

Respondent, in mitigation of penalty, states the following:

1. Respondent's spontaneous reactions were the result of his extreme frustration with grievant's repeated flouting of the court's process. At the time the acts alleged in the complaint occurred, the grievant had previously appeared many times before respondent as a defendant in enforcement proceedings for collection of penalties assessed for housing code violations. The grievant had a history of failing to appear, and failing to timely address warrants issued for failure to appear. Also, respondent was aware that grievant owned residential rental properties in nearby municipalities, and that during the time the Guttenberg warrants were pending, grievant had appeared in neighboring municipal courts in enforcement proceedings in connection with those properties, yet he continued to ignore the Guttenberg warrants. Learning this, respondent alerted law enforcement to grievant's conduct, resulting in grievant's arrest in another municipal court, and in his appearance the same day before respondent. With rare exception, respondent's experience with grievant was: 1) that he would not appear voluntarily, except after posting a very high bail; 2) that his explanations for not appearing lacked credibility; and that, 3) he would pretend to be seriously ill in order to avoid incarceration when he was finally apprehended, requiring the expenditure of scarce municipal court resources for needless medical evaluations. Respondent also knew that grievant's evasions had the effect of perpetuating numerous dangerous conditions which threatened the safety of the tenants living in his properties, and the safety of public safety officers who might be required to

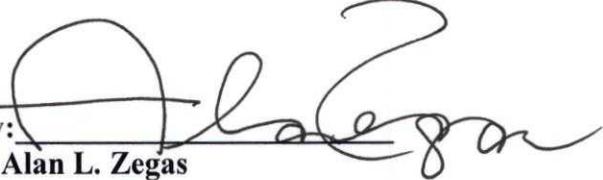
enter those premises. The deep frustration and anger caused by these experiences with the grievant greatly affected respondent's behavior on the day in question.

2. Respondent suffered a number of grave family crises that had significant effect upon his behavior, which was clearly aberrational for him. Defendant was married in 1999. He and his wife had a son in January 2004. In December 2005, four months before the proceeding in question, respondent's wife was diagnosed with breast cancer, and shortly thereafter she underwent a radical mastectomy, followed by six months of chemotherapy. In addition, in March, 2006, respondent's father was in declining health and living alone in Jersey City, and respondent was supervising his father's care, in addition to spending substantial time personally attending to his father's needs. Respondent's father now resides in an assisted living facility after being diagnosed with Alzheimer's, and his wife's cancer has recurred, requiring further surgery and additional chemotherapy. On March 7, 2006, respondent was affected by the enormous emotional burdens associated with his responsibilities as the parent of a two year old child, his obligations to and fears for his gravely ill wife, and his infirm father, who needed almost continuous attention at the time.
3. Respondent has been privileged to serve as judge of the Guttenberg Municipal Court for over seventeen years. During that time he presided over countless matters with fairness and moderation, while respecting the law, the litigants, and the standards for judicial conduct. Respondent takes pride in his considerate treatment of everyone who appears in his court, and his fair and effective administration of justice has been recognized by the community, and is reflected

in his multiple reappointments by the municipal authorities, and through expressions of high regard for his work from both attorneys and litigants. Respondent's behavior in this instance was the result of exceptional circumstances created by the respondent's frustration over the grievant's persistent, aggravated, and harmful behavior, and by the extreme stress in respondent's personal life. This was an isolated incident brought on by exceptional circumstances, an incident which was a departure from respondent's historically outstanding behavior. It is respectfully submitted that respondent's conduct does not warrant sanctions, in light of the underlying circumstances, and in light of the respondent's history of otherwise faultless judicial conduct.

4. Respondent accepts, without reservation, his obligation to fully comply with the canons of judicial conduct. He also understands how his behavior arguably cast doubt over his adherence, in this particular instance, to certain of these standards. He profoundly regrets that the aggrieved incident occurred. He respectfully asks that the Committee evaluate his behavior in light of the case circumstances, the contumacious conduct of the grievant and his counsel, the extreme stress respondent was suffering from in his personal life, and his long history of unblemished service as a judge.

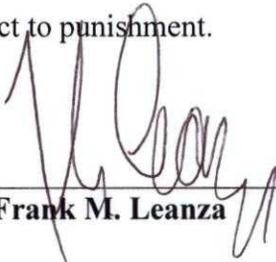
LAW OFFICES OF ALAN L. ZEGAS

By: 
Alan L. Zegas
Attorney for
Frank M. Leanza

Dated: 6-13-07

CERTIFICATION OF RESPONDENT

I certify that the above answers to the Complaint, and the circumstances in mitigation, also set forth above, are truthful and accurate. I am aware that if any of these statements is knowingly false, I may be subject to punishment.


Frank M. Leanza

Dated: 6-13-07