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Attorneys for Respondent,
Hon. Rosemarie R. Williams, J.S.C.

IN THE MATTER OF ROSEMARIE R. WILLIAMS, JUDGE OF THE SUPERIOR COURT	: : : :	SUPREME COURT OF NEW JERSEY ADVISORY COMMITTEE ON JUDICIAL CONDUCT DOCKET NO.: ACJC 2006-100 **ANSWER TO FORMAL COMPLAINT**

ROSEMARIE R. WILLIAMS, residing at 10 Elm Street, Hopewell, New Jersey, by way of Answer to the Formal Complaint, says:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted. The Court imposed the minimum suspension based on Respondent's good driving record.
11. Admitted.

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted. The Hon. Virginia Long dissented based on her view that suspension was inappropriate since the conduct occurred "entirely within the setting of respondent's private life; that it did not touch on her judicial office; that she is uniformly regarded as a good and fair judge; that after seven years of hard work she has been denied tenure due to the fallout from the very same romantic misadventure; and that she has been subjected to unusual obloquy in the media..." 169 N.J. 264, 281 (2001).

RESPONDENT'S COUNTERSTATEMENT

Respondent deeply regrets the poor decision she made on December 13, 2005. She operated her motor vehicle while under the influence of alcohol in violation of N.J.S.A. 39:4-82 and, as set forth above, pled guilty to the offense. Respondent further admits that her conduct violated Canons 1 and 2A, and Rule 2:15-8.

Respondent takes great pride in being a member of our judiciary and has worked hard to establish herself as a devoted and capable jurist. She is deeply sorry for engaging in conduct that brings the judicial office and others who hold such office into disrepute.

By this Counterstatement, Respondent would bring to the Committee's attention the presence of mitigating factors, which she requests the Committee to consider in determining the appropriate discipline.

First, respondent has been a Superior Court judge for thirteen years. During that period of time, through her hard work and dedication, she has established a reputation as a good and fair

judge. Since her elevation to Presiding Judge, Chancery Division for Somerset, Hunterdon and Warren Counties, she has burnished the reputation of the judiciary in New Jersey by publishing a number of written decisions and appearing at bar events. She has comported herself with dignity at each of these functions.

In her particular vicinage, she has computerized the Chancery Division and overseen the revision of all forms, which now comply with the best practices established by the Conference of Chancery Divisions. She has also made a point of attending bar events in Hunterdon and Warren Counties and established an office in Hunterdon County, so that the lawyers and litigants in those counties would feel more included in Vicinage 13. Her performance on the bench, her unselfish participation in bar events, and her efforts to reach out to the outlying counties in her vicinage have enhanced the reputation of the bench in Vicinage 13 and elsewhere in the State.

Second, since her three month suspension in 2001, Respondent has had an unblemished record. She has not been disciplined, and, on information and belief, no complaints have been made about her.

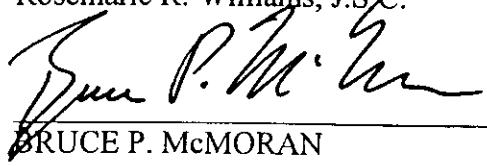
Third, although respondent's conviction for DWI detracts from the reputation of the judiciary, her DWI was an isolated incident that took place entirely within her private life and did not affect her performance as a judge. Driving while intoxicated is a serious offense. However, respondent did not cause an accident and no one was injured as a result. She did not attempt to conceal her alcohol consumption from the arresting officer and cooperated when he requested breathalyzer samples. At no time did respondent attempt to use her status to gain preferential treatment. She has no prior convictions for driving while intoxicated or misconduct related to alcohol use. Given her clean record since the events of April 2000, the DWI conviction is an aberration. She has not displayed any other lapses in judgment, and certainly has not ever

attempted to use her office for improper purposes. In similar circumstances, the appropriate sanction has been a private or public reprimand.

Lastly, the Committee should not place undue emphasis on the 2001 suspension Respondent received for conduct that occurred six years ago. Respondent received extensive counseling after that incident and resolved the personal issues that contributed to that episode of misconduct. She progressed with her counseling to such a degree that the Chief Justice, after consulting Respondent's counselor, allowed Respondent to discontinue her counseling sessions. Respondent has since assumed the role of Presiding Judge, Chancery Division, and by all accounts has performed admirably in that role. Respondent paid a substantial price for that transgression, as Justice Long noted in her dissent, and has responded by assuming additional responsibility and improving the administration of justice in her vicinage. She should not be punished again for the same offense, which bears no relation to the instant issue. She should be treated the same way that other judges convicted of driving while intoxicated without aggravating circumstances have been treated in the past.

Respectfully submitted,

McMORAN O'CONNOR & BRAMLEY, PC
Attorneys for Respondent,
Rosemarie R. Williams, J.S.C.

By: 
BRUCE P. McMORAN

Dated: May 23, 2006