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JAN 30 2007

A. C. J. C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO. ACJC 2006-242

IN THE MATTER OF

DENNIS L. MCGILL

JUDGE OF THE MUNICIPAL COURT

FORMAL RESPONSE TO COMPLAINT

I, DENNIS L. MCGILL, Respondent herein, in answer to the Formal Complaint, state the following:

1. I admit the allegations in paragraphs 1 through 4, without modification.

2. As to paragraphs 5 through 10, my recollection only partially agrees with the allegations therein, for instance:

(a) during the patient's continued and escalating aggression, I recall shouting for hospital security (present because of the patient's prior violent tendencies) to remove him from the room;

(b) the physical distance between the patient and I was approximately 8 feet, not only close enough to reach me by spitting, but close enough to effect a more physical assault, which I believed he intended before my response;

(c) my response to the perceived assault, was instantaneous and unthinking about whether the covered cardboard cup of soup (supplied hours earlier) contained any remains, and I was as shocked as the patient when the cup (I recall) hit him in the chest and burst open, splashing its contents on him and one other hospital staff member behind him;

(d) to put my response in perspective, the hearing was conducted in a combination recreation and meeting room at the hospital with the principals seated on regular plastic molded backed chairs around 4 segmented curved tables abutted to form a "donut" type round table approximately 8 feet in diameter with a 4 foot diameter opening in the middle. I was seated at one of the table abutments with my back against the east wall of the room. To my right

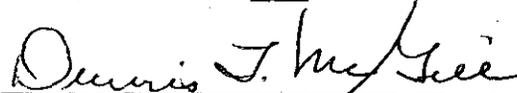
was the recording equipment, my clerk and the north wall of the room, said wall being about 5 to 6 feet away. To my left (south) sat the county attorney, whose chair back was near or at a room support column, again within 5 to 6 feet away from me, with a Sheriff Officer on the south wall approximately 15 feet away, the described layout offering no opportunity to duck or retreat from any attempted physical assault. Despite the fact that hospital security had entered and stayed in the hearing room because of the patient's violent tendencies, they did not sit next to him or even close to him, during the hearing nor did they nor the officer reach or restrain him before I responded.

3. As to the allegations of paragraphs 11 and 12, I admit my action physical, but not violent, without any conscious intent to injure the patient, but only to repel a perceived physical assault. Unfortunately, the actions taken I admit, and for which I will be forever remorseful, created the appearance of being inappropriate and unprofessional, especially since innocent others were unintentionally involved, and for that reason I am truly embarrassed and sorry, but I sincerely contend my actions were undertaken only to repel an unprovoked attack upon the person, the impartiality, the integrity, the independence, the decorum and order of the court, and not a violation of the Rules or Canons cited.

4. It has been brought to my attention that the Formal Complaint has not been issued "over the signature of the Secretary to the Committee", pursuant to Rule 2:15-12(b), and for that reason, I respectfully request, it be dismissed or withdrawn, and that before any other formal action is taken to correct the same, that I be afforded an opportunity to appear at an informal conference before the Committee, pursuant to Rule 2:15-11.

5. If I am denied my requests, stated in the previous paragraph, I request all factual information in the Committee's file, pursuant to Rule 2:15-13.

Dated: January 25, 2007



Dennis L. McGill, Respondent, Pro Se
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