SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2007-243

IN THE MATTER OF	:	
LAWSON R. McELROY, FORMER JUDGE OF THE MUNICIPAL COURT:	:	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 Lawson R. McElroy, Judge of the Municipal Court, have been proved by clear and convincing evidence and its Recommendation that the Respondent be publicly disciplined.

The Advisory Committee on Judicial Conduct issued a Formal Complaint alleging that Respondent, Municipal Court Judge Lawson R. McElroy, engaged in conduct in violation of Canons 1, 2A, 3A(3) and 5G of the Code of Judicial Conduct and in violation of Rule 2:15-8(a)(4) by representing a court-employee, and interfering with and obstructing personnel procedures relating to the employee; and by engaging in the practice of law as a full-time municipal court judge by representing two municipal court employees in real estate transactions and acting as an

attorney for a municipal court employee in an administrative matter in violation of Rule 1:15-1(a).

Respondent did not file an Answer to the Complaint. The parties entered into Stipulations. Pursuant thereto, Respondent waived his right to a Formal Hearing, exhibits of the respective parties were admitted into evidence, viz: Presenter's exhibits P-1 through P-19 and Respondent's exhibit R-1. The Committee carefully reviewed the Stipulations and documentary record. 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 1983. At all times relevant to this matter, he was a full-time Judge of the Municipal Court of the City of Trenton. Respondent was appointed as a full-time municipal court judge in the Trenton Municipal Court on July 24, 2000, and was subsequently reappointed to that position for consecutive three-year terms ending April 1, 2008, at which time Respondent retired from the municipal court bench. Respondent does not currently serve as a municipal court judge in any other municipality.

As to Count I, on June 13, 2007, Maria Cosme, the Court Administrator for the Trenton Municipal Court, met with Maria

Ivette Gonzales, a security officer in the Trenton Municipal Court in Ms. Cosme's office, to discuss an issue relative to the daily presence of Ms. Gonzales's niece in the municipal court while Ms. Gonzales was on duty. Within minutes, and in full view of several other court employees, Respondent appeared at Ms. Cosme's closed office door, knocked loudly and sternly ordered Ms. Gonzales, through the closed office door, to remain silent. Respondent further stated, through the closed office door, that he was, in fact, Ms. Gonzales's lawyer, and that she needed her lawyer present. In an angry and hostile tone, Respondent demanded to be a part of the meeting. Ms. Cosme did not initially open her office door, but rather replied to Respondent, through the closed door, that she was having a meeting with one of her staff members, that the meeting had just started and that Ms. Gonzales did not need a lawyer present at the meeting. Respondent continued to knock loudly and angrily demand to be admitted and Ms. Cosme directed Ms. Gonzales to open the office door. Ms. Cosme again advised Respondent that she was meeting with one of her employees and that the employee did not need a lawyer. Respondent replied by again directing Ms. Gonzales to remain silent and advising Ms. Cosme that he would file a lawsuit against her, the Court Director, and the City of Trenton. Ms. Cosme replied to Respondent by stating that it was within her job duties to conduct meetings with her

staff. Ms. Cosme then directed Ms. Gonzales to return to her desk without having had the opportunity to discuss with Ms. Gonzales the purpose of the meeting.

Subsequent to the verbal exchange between Ms. Cosme and Respondent, Ms. Cosme met with Judge Louis Sancinito, Chief Judge of the Trenton Municipal Court, in the Judge's Chambers, to discuss Respondent's conduct towards Ms. Cosme. Eunice Samuels Lewis, the Court Director for the Trenton Municipal Court, was also present at this meeting. During Judge Sancinito's meeting with Ms. Cosme and Ms. Lewis, Respondent knocked on the door and requested to be a part of the meting. Judge Sancinito permitted Respondent to join the meeting, but prior to admitting Respondent into his chambers, Judge Sancinito excused Ms. Cosme and Ms. Lewis. When questioned by Judge Sancinito about his interaction with Ms. Cosme, Respondent did not deny representing to Ms. Cosme that he was Ms. Gonzales's attorney. Respondent likewise did not deny that he told Ms. Cosme that he would sue the City of Trenton.

Respondent's remarks to Ms. Cosme were disrespectful and insulting and obstreperous contrary to Canon 3A(3) of the Code of Judicial Conduct, and intemperate in violation of Rule 2:15-8(a)(4). By his remarks to Ms. Cosme, Respondent also violated Canons 1 and 2A of the Code of Judicial Conduct in that he did not maintain high standards of conduct and did not act in a

manner that promotes public confidence in the integrity and impartiality of the Judiciary.

As to Count II, on or about July 24, 2000, Respondent became a full-time judge for the Trenton Municipal Court. On or about September 20, 2001, the City Council of the City of Trenton amended, by Ordinance No. 01-83, Chapter 2-14.2 of the City Code to clarify certain restrictions on the practice of law by municipal court judges. One of the restrictions included in Ordinance No. 01-83 was the prohibition against the practice of law by full-time municipal court judges.

On or about October 14, 2004, Douglas H. Palmer, the Mayor of the City of Trenton, reappointed Respondent to serve a three-year term in the position of a full-time municipal court judge. Respondent's three-year term ran from January 1, 2004 to December 31, 2007. Despite his position as a full-time municipal court judge in the Trenton Municipal Court, Respondent maintained a law office at 539 West State Street, in Trenton, New Jersey.

On at least two separate occasions, Respondent engaged in the practice of real estate law on behalf of two employees of the Trenton Municipal Court. In 2005, Respondent represented Rosa Thomas, a Deputy Court Administrator for the Trenton Municipal Court, in the sale and purchase of real property. Likewise in 2006, Respondent represented Olga Pacheco in the

sale and purchase of real property. At the time Respondent represented Ms. Pacheco, she was an employee of the Trenton Municipal Court. Further, on June 13 2007, Respondent held himself out to Maria Cosme, the Court Administrator for the Trenton Municipal Court, as the attorney for Maria Ivette Gonzales, a security officer in the Trenton Municipal Court. On that day, during a meeting with Respondent, Judge Sancinito questioned Respondent about his continued practice of law in violation of Rule 1:15-1(a) of the New Jersey Rules of Court. At that time, Respondent did not deny to Judge Sancinito that he was engaging in the practice of law while sitting as a full-time municipal court judge and did not offer any justification or excuse for doing so.

Respondent engaged in the unlawful practice of law in representing two municipal court employees in real estate transactions and in holding himself out as representing a municipal employee in a municipal court administrative proceeding in violation of Rule 1:15-1(a) and Ordinance No. 01-83, Chapter 2-14.2 of the Trenton City Code. This serious misconduct is greatly aggravated by the fact that in a prior disciplinary proceeding, Presentment In Re McElroy, (adopting Presentment and imposing public reprimand by Order), Respondent was found guilty of misconduct and given a public reprimand by the Supreme Court for representing an individual who was a

defendant in a matter in another municipal court by writing a note on the back of his attorney business card and giving it to the defendant who was scheduled to appear to answer to a traffic charge. It was determined that Respondent intended the note be given to the municipal prosecutor to influence his actions. The circumstances of that prior misconduct are further exacerbated by the fact that in those proceedings Respondent was then a full-time municipal court judge and it was mistakenly alleged in the Formal Complaint of the Committee that he was a part-time municipal court judge. Yet Respondent falsely admitted and accepted, and failed to repudiate or correct, that mistaken allegation, allowing the disciplinary matter to proceed on the false ground that Respondent was not a full-time municipal court judge. Respondent demonstrated a lack of candor to the courts. cf. RPC 3.3 (Candor Toward the Tribunal).

Respondent's conduct violates Canons 1 and 2A and 3A(3) of the Code of Judicial Conduct and constitutes misconduct in office in violation of Rule 2:15-8(a)(1), and is prejudicial to the administration of justice that brings the judicial office into disrepute in violation of Rule 2:15-8(a)(6) of the New Jersey Rules of Court. By maintaining a law office and engaging in the practice of law while sitting as a full-time municipal court judge, Respondent has violated Canon 5G of the Code of Judicial Conduct, which prohibits full-time judges from engaging

Judicial Conduct, which prohibits full-time judges from engaging in the practice of law, with or without compensation and Rule 1:15-1(a) and Municipal Ordinance No. 01-83, both of which prohibit full-time judges from engaging in the practice of law.

The Committee determines by clear and convincing evidence that Respondent has engaged in serious and extensive misconduct. This misconduct warrants severe public discipline and the recommendation for removal. Because Respondent no longer holds judicial office, public discipline of removal or suspension from office would be moot. Accordingly, the Committee recommends that in lieu of removal, the Respondent be censured with the further condition that he be permanently barred from judicial office.

Respectfully submitted,

ADVISORY COMMITTEE ON JUDICIAL CONDUCT

DATED: July 30, 2008

By: Alan B. Handler
Alan B. Handler, Chair