

FILED

AUG 06 2003

A. C. J. C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2002-219

IN THE MATTER OF : FORMAL COMPLAINT
:
LAWSON R. MC ELROY, :
JUDGE OF THE MUNICIPAL COURT :
:

Patrick J. Monahan, Jr., Secretary, Advisory Committee on Judicial Conduct

("Complainant"), complaining of Municipal Court Judge Lawson R. McElroy ("Respondent"),

says:

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1983.
2. At all times relevant to this matter, Respondent held the part-time position of Judge of the Municipal Court of Trenton, a position that he continues to hold.
3. At all times relevant to this matter, Respondent had an office for the practice of law in Trenton, as he was permitted to do because of his status as a part-time municipal court judge.
4. At all times relevant to this matter, Ms. Yvonne Adams of Pennington, New Jersey, was a social acquaintance of Respondent.
5. On April 24, 2002, Ms. Adams was issued a summons in Lawrence Township, New Jersey, charging her with speeding in violation of N.J.S.A. 39:4-98.

6. At some time between April 24, 2002, and July 29, 2002, Ms. Adams visited Respondent at his private law office and asked him if he would represent her in a traffic matter. Respondent replied that he could not because he was a Municipal Court Judge.

7. Ms. Adams asked Respondent if there were any way that she could have the charge against her reduced. Respondent replied that she could go to court and speak to the prosecutor, who would have the discretion to consider downgrading the charge.

8. Ms. Adams then asked what lower charge she should request, whereupon Respondent took one of his attorney business cards and wrote on the back of it: "Please consider an amendment from N.J.S.A. 39:4-98 to N.J.S.A. 39:4-97.2 Unsafe Driving. RE: Yvonne Adams. Thanks Lawson Mc Elroy."

9. In giving his card to Ms. Adams and in writing the note on the back of the card, Respondent intended that Ms. Adams present the card to the Municipal Prosecutor of Lawrence Township.

10. Respondent intended the note on the back of the card to be a request from him to the Municipal Prosecutor of Lawrence Township on behalf of Ms. Adams.

11. On July 29, 2002, Ms. Adams appeared at the Lawrence Township Municipal Court and presented Respondent's card to Municipal Prosecutor Robert W. Rubinstein. She informed Mr. Rubinstein that Respondent could not appear because he was a judge.

12. Mr. Rubinstein reported the matter to the Judge of the Lawrence Township Municipal Court.

13. By advising Ms. Adams concerning her traffic matter and by presenting her with a note for the Municipal Prosecutor of Lawrence Township, Respondent violated Rule 1:15-

1(b), which prohibits an attorney who is a judge of a municipal court from practicing in any quasi-criminal or penal matter, whether judicial or administrative in nature.

14. By presenting Ms. Adams with a note to give to the Municipal Prosecutor of Lawrence Township, 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.

15. Respondent's conduct also violated Canons 1 and 2A of the Code of Judicial Conduct and constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute, in violation of Rule 2:15-8(a)(6).

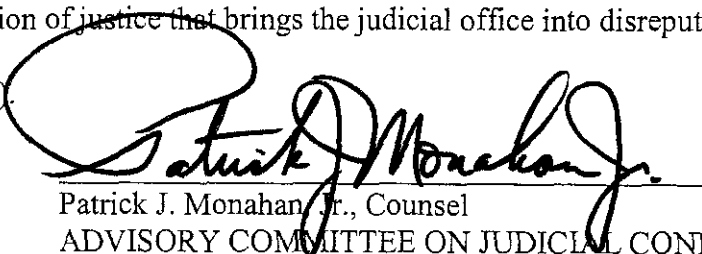
WHEREFORE, Complainant charges that Respondent, Municipal Court Judge Lawson R. McElroy, has by the conduct set forth above, violated the following Canons of the Code of Judicial Conduct:

Canon 1, which requires judges to personally observe high standards of conduct so that the integrity and independence of the judiciary may be preserved;

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

Canon 2B, which prohibits judges from lending the prestige of office to advance the private interests of others.

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



Patrick J. Monahan Jr., Counsel
ADVISORY COMMITTEE ON JUDICIAL CONDUCT
Hughes Justice Complex
P.O. Box 037
Trenton, NJ 08625
(609) 292-2552