

FILED
JUN - 7 2021
A.C.J.C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2020-001

IN THE MATTER OF

NINO F. FALCONE,
JUDGE OF THE MUNICIPAL COURT

FORMAL COMPLAINT

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of Municipal Court Judge Nino F. Falcone, (“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 1984.
2. At all times relevant to this matter, Respondent served as a part-time judge in the Municipal Court of the Township of North Bergen. On September 12, 2019, the New Jersey Supreme Court suspended Respondent from the exercise of his judicial duties after criminal charges were filed against him for criminal sexual contact in violation of N.J.S.A. 2C:14-3(b).
3. Respondent maintains a private office for the practice of law in North Bergen.
4. On or about August 29, 2019, A.C.¹ went to Respondent’s law office on behalf of her employer, a physician with whom Respondent had a professional relationship for years.
5. Respondent personally knew A.C. prior to her employment with the physician and had represented A.C. in personal matters as well.

¹ To preserve the victim’s anonymity, she is referred to by her initials. In re Seaman 133 N.J. 67, 75 (1993) (directing that “judicial-disciplinary cases involving . . . activities that humiliate or degrade those with whom a judge comes into contact, should preserve the anonymity of the alleged victim.”).

6. After discussing business with Respondent and engaging in small talk, A.C. attempted to leave Respondent's office. Respondent pulled A.C. into him and began rubbing her back. A.C. tried to push Respondent away, but Respondent held her arm, squeezed her breast and told her to "let me touch you, let me play with you."

7. As A.C. continued to push Respondent away, he grabbed her wrist.

8. Respondent released A.C.'s wrist, took out his wallet, and offered A.C. "birthday money," which A.C. refused. A.C. abruptly left Respondent's office.

9. When A.C. returned to her employer's office, she advised her employer and her co-workers about Respondent's treatment of her.

10. When A.C. got home, she told her husband what occurred in Respondent's office.

11. Later that evening, A.C. and her husband went to the Teaneck Police Department to report the incident. A.C. was referred to the Special Victims Unit ("SVU") of the Hudson County Prosecutor's Office for further investigation.

12. Detectives in the Hudson County Prosecutor's Office SVU investigated A.C.'s allegations against Respondent, which included the interviews of A.C., her husband, her employer, and co-workers.

13. Using a recorded undercover telephone line located in a station house interview room, A.C. placed a call to Respondent. During their ensuing conversation, Respondent admitted to A.C. that he touched her "inappropriately" and apologized to her.

14. On September 12, 2019, Respondent was arrested at his home and charged with criminal sexual contact, a crime of the fourth-degree, in violation of N.J.S.A. 2C:14-3(b). He was transported to the Hudson County Prosecutor's Office SVU where he declined to make a statement to the investigating officer.

15. Respondent was fingerprinted, photographed, and released on his own recognizance.

16. On March 12, 2020, Respondent was admitted into the Pretrial Intervention Program (“PTI”). All further proceedings were postponed for a period of 12 months, beginning May 18, 2020.

17. Respondent complied with all conditions of PTI and on May 18, 2021, the matter was dismissed.

18. By his treatment of A.C. as detailed above, resulting in a charge of criminal sexual contact, in violation of N.J.S.A. 2C:14-3(b), Respondent demonstrated a failure to conform his conduct to the high standards of conduct expected of judges and impugned the integrity of the Judiciary in violation of Canon 1, Rule 1.1 and Rule 1.2 and Canon 2, Rule 2.1 of the Code of Judicial Conduct.

19. By the same conduct, Respondent demeaned the judicial office in violation of Canon 5, Rule 5.1(A) of the Code of Judicial Conduct.

WHEREFORE, Complainant charges that Respondent, Municipal Court Judge Nino F. Falcone, has violated the following Canons of the Code of Judicial Conduct:

Canon 1, Rule 1.1, which requires judges to observe high standards of conduct so that the integrity and independence of the Judiciary may be preserved;

Canon 1, Rule 1.2, which requires judges to respect and comply with the law;

Canon 2, Rule 2.1, which requires judges to avoid impropriety and the appearance of impropriety and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary; and

Canon 5, Rule 5.1 (A), which requires judges to conduct their extrajudicial activities in a manner that would not demean the judicial office.

DATED: June 7, 2021

Maureen G. Bauman

Maureen G. Bauman, Disciplinary Counsel
ADVISORY COMMITTEE ON JUDICIAL CONDUCT
Richard J. Hughes Justice Complex
25 Market Street
4th Floor, North Wing
P.O. Box 037
Trenton, New Jersey 08625
(609) 815-2900 x51910