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Judge, Superior Court, Law Division, Ocean Vicinage

**FILED**  
FEB 22 2018  
A.C.J.C.

IN THE MATTER OF

JAMES W. PALMER, JR., J.S.C.  
(LAW DIVISION) OCEAN VICINAGE

SUPERIOR COURT OF NEW JERSEY  
ADVISORY COMMITTEE ON  
JUDICIAL CONDUCT

DOCKET NO. ACJC 2017-229

**CIVIL ACTION**

VERIFIED ANSWER TO COMPLAINT  
SEPARATE DEFENSES, MITIGATING  
FACTORS AND DESIGNATION OF  
TRIAL COUNSEL

Respondent, James W. Palmer, J.S.C. (Law Division) Ocean Vicinage, (“Respondent”),  
by way of Verified Answer to the New Jersey Supreme Court Advisory committee on Judicial  
Conduct’s (“Complainant”) Complaint, hereby states:

**FIRST DEFENSE TO PARAGRAPHS TITLED “FACTS”**

1. The allegations of paragraph 1 thereof are admitted.
2. The allegations of paragraph 2 thereof are admitted.
3. The allegations of paragraph 3 thereof are admitted.
4. The allegations of paragraph 4 thereof are admitted.
5. The allegations of paragraph 5 thereof are admitted.
6. The allegations of paragraph 6 thereof are admitted.

7. The allegations of paragraph 7 thereof are denied.
8. The allegations of paragraph 8 thereof are admitted. I was wearing my lanyard and she did see it.
9. Answering the allegations of paragraph 9 thereof, insofar as same are not directed to or against Respondent, Respondent makes no response to same and leaves complainant to its proofs.
10. Answering the allegations of paragraph 10 thereof, Respondent identified himself as "Judge Palmer" only after Ms. Perkins noted it was her first day and that she was a new Probation Officer, in an attempt to put her at ease.
11. The allegations of paragraph 11 thereof are admitted, however, I was aware of the new law based on what I have learned at the reception desk.
12. The allegations of paragraph 12 thereof are admitted.
13. The allegations of paragraph 13 thereof are denied. The only item on my phone was the postal receipt for the document allegedly sent in by my wife.
14. The allegations of paragraph 14 thereof are admitted.
15. The allegations of paragraph 15 thereof are admitted.
16. The allegations of paragraph 16 thereof are admitted.
17. Answering the allegations of paragraph 17 thereof, Respondent acknowledges he did state "he understood what needed to be done" and indicated he had previously filed two (2) objections to the COLA. Respondent denies saying it was because "he previously sat in the Family Division."
18. The allegations of paragraph 18 thereof are admitted.
19. The allegations of paragraph 19 thereof are admitted.
20. The allegations of paragraph 20 thereof are admitted.
21. The allegations of paragraph 21 thereof are admitted.

22. The allegations of paragraph 22 thereof are admitted.
23. The allegations of paragraph 23 thereof are admitted.
24. The allegations of paragraph 24 thereof are admitted.
25. The allegations of paragraph 25 thereof are admitted.
26. Answering the allegations of paragraph 26 thereof, Respondent admits that Ms. DeVries orally advised Respondent of the notification procedure. Respondent denies, however, that he ever received said notification through the mail.
27. The allegations of paragraph 27 thereof are admitted, in so far as this is what my wife represented to me.
28. The allegations of paragraph 28 thereof are admitted.
29. Answering the allegations of paragraph 29, thereof, Respondent denies saying "because you voted that I don't get a raise," however, Respondent admits saying, "you the tax payers decided that a long time ago."
30. The allegations of paragraph 30 thereof are admitted.
31. Answering the allegations of paragraph 31, thereof, Respondent, upon reflection, acknowledges at this time that his conduct in identifying himself as a judge to judiciary employees in the Probation Division had the potential to be perceived as an attempt at deferential treatment, however, this was not the intent of the Respondent.

## **SEPARATE DEFENSES**

### **FIRST SEPARATE DEFENSE TO ALL COUNTS**

The Complaint fails to state a cause for action under the New Jersey Code of Judicial Conduct (“CJC”) against Respondent and Respondent reserves the right to move at or before the hearing in this matter to dismiss same.

### **SECOND SEPARATE DEFENSE TO ALL COUNTS**

Respondent’s conduct did not violate Canon 1, Rule 1.1, or Canon 2, Rule 2.1 of the Code of Judicial Ethics.

### **THIRD SEPARATE DEFENSE TO ALL COUNTS**

At all times relevant hereto, Respondent personally observed the highest standards of conduct.

### **FOURTH SEPARATE DEFENSE TO ALL COUNTS**

At all times relevant hereto, Respondent acted in the manner that promoted public confidence in the independence, integrity and impartiality of the judiciary and took reasonable efforts to avoid impropriety and the appearance of impropriety.

### **FIFTH SEPARATE DEFENSE TO ALL COUNTS**

At all times relevant hereto, Respondent did not in any way use or attempt to use his position to gain personal advantage or deferential treatment of any kind.

### **SIXTH SEPARATE DEFENSE TO ALL COUNT**

Any misconduct that may be found is only minor misconduct.

### **SEVENTH SEPARATE DEFENSE TO ALL COUNTS**

Complainant cannot prove the allegations set forth in the Complaint by clear and convincing evidence.

### **EIGHTH SEPARATE DEFENSE TO ALL COUNTS**

Respondent reserves the right to amend his Verified Answer to assert additional separate defenses prior to or at the hearing of this matter.

**WHEREFORE**, James W. Palmer, Jr., Judge-Superior Court Law Division asserts that discipline in this instance is inappropriate and demands that the Complaint be dismissed.

**MITIGATING FACTORS**

**FIRST MITIGATING FACTOR**

Respondent has fully cooperated with the investigation of this matter.

**SECOND MITIGATING FACTOR**

Respondent has engaged counsel to assist him in this matter.

**THIRD MITIGATING FACTOR**

Respondent has a good reputation and character.

**FOURTH MITIGATING FACTOR**

Respondent has shown contrition and remorse, including in his interview with the ACJC.

**FIFTH MITIGATING FACTOR**

Respondent gives service to the community.

**SIXTH MITIGATING FACTOR**

Respondent has had exemplary conduct both prior to and since the incident.

**SEVENTH MITIGATING FACTOR**

The circumstances show no likelihood of repeat offenses.

### **EIGHTH MITIGATING FACTOR**

This was an isolated incident.

### **NINTH MITIGATING FACTOR**

Respondent did not in any way act for personal gain.

### **TENTH MITIGATING FACTOR**

Respondent maintains a good reputation amongst the Bench and Bar and is a member of several Supreme Court Committees.

### **DEMAND FOR HEARING**

Respondent, James W. Palmer, Jr., Superior Court Law Division Judge, hereby requests a hearing on all issues raised in the Complaint.

### **DEMAND FOR DISCOVERY**

Respondent hereby requests the following discovery:

1. All writings as defined by N.J.R.E. 801(e) or other tangible objects including audiotapes, transcripts or those obtained from or belonging to Respondent.
2. Written statements including any memoranda, reporting or summarizing oral statements made by any witness including Respondent.
3. Identity and contact information for fact witnesses and list of all persons who will be called as witnesses, including the name of my male Probation Officer/ Case Worker who had previously been assigned to my case.
4. Investigation reports.
5. Identity of expert witnesses and opinions.
6. Any and all documents Complainant intends to rely on at the hearing in this matter or that relate in any way to the allegations of the Complaint.

ANSELL GRIMM & AARON  
Attorneys for Claimants/Defendants

By:   
MITCHELL J. ANSELL, ESQ.

Dated: 2/21/2018

**DESIGNATION OF TRIAL COUNSEL**

Respondent, James W. Palmer, Jr., Superior Court Law Division Judge, hereby designates Mitchell J. Ansell, Esq., as trial counsel of record in this matter.

ANSELL GRIMM & AARON  
Attorneys for Respondent, James W. Palmer, Jr.

By:   
MITCHELL J. ANSELL, ESQ.

Dated: 2/21/2018

**CERTIFICATE OF SERVICE**

I certify that an original and one copy of the foregoing Verified Answer, Separate Defenses, Mitigating Factors, Demand for Hearing, Demand for Discovery and Designation of Trial counsel have been filed by Regular Mail with the Advisory Committee on Judicial Conduct on this 21<sup>st</sup> day of February, 2018.

ANSELL GRIMM & AARON  
Attorneys for Respondent, James W. Palmer, Jr.

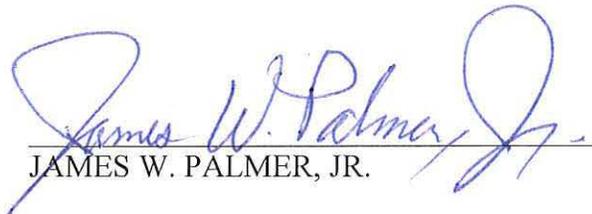
By:   
MITCHELL J. ANSELL, ESQ.

Dated: 2/21/2018

**VERIFICATION**

I, James W. Palmer, Jr., am the Respondent in the within disciplinary action and hereby certify as follows:

1. I have read every paragraph of the foregoing Answer to the Complaint and verify that the statements therein are true and based on my personal knowledge.
2. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
JAMES W. PALMER, JR.

Dated: 2/21/2018