

**FILED**

**JAN 16 2018**

**A.C.J.C.**

SUPREME COURT OF NEW JERSEY  
ADVISORY COMMITTEE ON  
JUDICIAL CONDUCT

DOCKET NO: ACJC 2017-229

---

IN THE MATTER OF

JAMES. W. PALMER, JR.,  
JUDGE OF THE SUPERIOR COURT

---

FORMAL COMPLAINT

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of Superior Court Judge James W. Palmer, Jr. (“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 1985.
2. At all times relevant to this matter, Respondent served as a judge of the Superior Court assigned to the Civil Division, Ocean Vicinage, a position he continues to hold. Prior thereto, Respondent was assigned to the Family Division in the Burlington Vicinage from January 14, 2009 until February 22, 2010 and the Criminal Division from February 22, 2010 until August 31, 2014.
3. Effective September 1, 2014, Respondent was assigned to the Ocean Vicinage.
4. In or around March 2011, Respondent obtained a Judgment of Divorce in Somerset County and arrangements were made at that time with the Somerset County Probation Division with regard to Respondent’s payment of his child support obligations.

5. On or about March 21, 2017, Respondent appeared at the Somerset County Courthouse, Probation Division, to discuss his child support obligations and emancipation of his child.

6. Upon arrival in the reception area of the Probation Division, Respondent approached Judiciary Clerk 3, Ann Keese ("Ms. Keese"), and asked to see a child support caseworker.

7. Respondent introduced himself to Ms. Keese as "Judge James Palmer."

8. Ms. Keese asked for identification and Respondent showed his Judiciary issued lanyard, which identified him as a Judge and which was hanging around his neck. Ms. Keese entered Respondent's name on the Visitor Access Log and recorded "Judge ID" as the form of identification presented at sign-in.

9. Ms. Keese telephoned the caseworker assigned to Respondent's Family Part matter, Shakemma Perkins ("Ms. Perkins"), advised that "Judge Palmer is here," and provided his case number to Ms. Perkins.

10. Ms. Perkins escorted Respondent to her work area. Respondent introduced himself to Ms. Perkins as "Judge Palmer" and stated that he sits in Ocean County.

11. Respondent stated that he was seeking to emancipate his child and needed information about child support payments.

12. Respondent stated that his ex-wife mailed the required consent form to effectuate an emancipation to the Probation Division. Ms. Perkins advised Respondent that the Probation Division had not received the consent form.

13. Respondent presented Ms. Perkins with his cell phone which he maintained displayed a picture of the consent form and repeated that his ex-wife sent the order to the Probation Division. Ms. Perkins again advised Respondent that the Probation Department did not have the consent form in its file.

14. Ms. Perkins confirmed Respondent's address and determined that it was the same address contained in the file and that none of the mail sent to Respondent was returned by the post office.

15. Respondent stated that he also wished to dispute a cost of living increase ("COLA") in respect of his child support obligation, claiming his child support obligation should not have increased because he "had not received a raise."

16. Ms. Perkins informed Respondent that in order to dispute the COLA, Respondent would need to file a motion as the time to dispute the increase had expired.

17. Respondent acknowledged that he understood what needed to be done since he previously sat in the Family Division.

18. After a twenty minute discussion with Respondent wherein Ms. Perkins repeated several times what Respondent was required to do to emancipate his child and dispute the COLA, Ms. Perkins requested assistance from senior probation officer Gladys Gomez ("Ms. Gomez").

19. Ms. Gomez reviewed Respondent's case file and advised Respondent that the necessary documentation for emancipation of his dependent had not been submitted by the custodial parent to the Probation Division.

20. Respondent repeated that his ex-wife had submitted the consent form and that his daughter should have been emancipated “a long time ago.” Ms. Gomez explained that a new law, effective February 1, 2017, required termination documents rather than the “child status letter” that Respondent referenced.

21. Respondent advised Ms. Gomez that he did not receive notification that his child support obligation would increase due to a COLA. Ms. Gomez verified Respondent’s address, compared it to information contained in his file, and determined that it was the same address.

22. Ms. Gomez explained to Respondent that since the time to dispute the COLA increase expired, Respondent would have to file a motion in the Family Division to dispute the increase.

23. After repeating again what needed to be done in respect of emancipation and to dispute the COLA increase, Ms. Gomez contacted her supervisor, Stacey DeVries, (“Ms. DeVries”) to assist Respondent.

24. Ms. DeVries escorted Respondent to her office. Respondent advised Ms. DeVries that he was a judge.

25. Respondent explained to Ms. DeVries that he was seeking to emancipate his daughter, that he did not receive any information on the new process regarding emancipation and that he did not understand why there was a COLA in his child support obligation.

26. Ms. DeVries reviewed Respondent’s case file, determined that Respondent and his ex-wife had been properly notified of the new law governing emancipation and advised Respondent that both he and the custodial parent were notified of these new protocols, however, neither responded.

27. Respondent maintained that his ex-wife submitted the required form. Ms. DeVries again advised Respondent that she had the file in front of her and saw no evidence that his ex-wife consented to emancipation.

28. Ms. DeVries again explained to Respondent that the process had not changed for the non-custodial parent's role in emancipation and that Respondent was required to file a motion in the Family Division to emancipate his child.

29. Respondent then remarked to Ms. DeVries that he should not have received a COLA increase "because you voted that I don't get a raise."

30. Ms. DeVries explained that all obligors receive a COLA increase every two years and stated that the increase could have been disputed if done within the timeframe specified in the notice.

31. By his conduct in identifying himself as a judge to Judiciary employees in the Probation Division, Respondent created the risk that his judicial office would be an influential factor in how his Family Part matter would be handled by the Probation Division, and in so doing, impugned the integrity of the Judiciary in violation of Canon 1, Rule 1.1, Canon 2, Rule 2.1 and Canon 2, Rule 2.3 (A) of the Code of Judicial Conduct.

WHEREFORE, Complainant charges that Respondent violated the following Canons of the Code of Judicial Conduct:

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

Canon 2, Rule 2.1, which requires judges to promote public confidence in the independence, integrity and impartiality of the judiciary; and

Canon 2, Rule 2.3 (A), which requires judges to avoid lending the prestige of their office to advance a personal interest.

DATED: January 16, 2018

*Maureen G. Bauman*

---

Maureen G. Bauman, Disciplinary Counsel  
ADVISORY COMMITTEE ON JUDICIAL CONDUCT  
Richard J. Hughes Justice Complex  
25 Market Street  
4<sup>th</sup> Floor, North Wing  
P.O. Box 037  
Trenton, New Jersey 08625  
(609) 815-2900 ext. 54950