

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2002-111

IN THE MATTER OF :
 :
 :
 E. RONALD WRIGHT :
 :
 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 E. Ronald Wright, Judge of the Municipal Court, have been proved by clear and convincing evidence and its Recommendation that the Respondent be publicly reprimanded.

The Advisory Committee on Judicial Conduct issued a Formal Complaint alleging that Respondent, Municipal Court Judge E. Ronald Wright, engaged in conduct in violation of Canons 1, 2A, and 2B of the Code of Judicial Conduct and in violation of Rule 2:15-8(a)(6) by speaking over the telephone to the Municipal Prosecutor of Montgomery Township, identifying himself as a municipal court judge, and suggesting the amendment of traffic charges pending against the nephew of Respondent's secretary, whose family Respondent represented in his private practice of law.

Respondent filed an Answer to the Complaint, denying that he had spoken to the municipal prosecutor and maintaining that he had spoken only to the prosecutor's secretary, that he had identified himself to her as a municipal court judge and as attorney for the defendant's family, and that he asked that consideration be shown to the defendant, who was to appear in court that evening.

The Committee held a formal hearing. Respondent appeared, with counsel, and testified under oath, as did his secretary and the municipal prosecutor. After carefully reviewing the testimony and the other evidence, 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 1973. At all times relevant to this matter, he was a part-time Judge of the Municipal Court of the City of New Brunswick, a position that he continues to hold. In addition, Respondent had, and still has, an office for the practice of law in New Brunswick, as is permitted for those who serve in part-time positions on the municipal bench.

On October 12, 2001, Joseph Maimone was driving in Montgomery Township when he received a summons for throwing a cigarette from his vehicle, in violation of N.J.S.A. 39:4-64. Joseph Maimone appeared in the Montgomery Township Municipal Court on December 18, 2001, and entered a plea of not guilty. The municipal prosecutor told him that the violation carried a heavy mandatory fine and suggested to him that he return during a session when the citing police officer would be present and seek an amendment of the charge to one of an ordinance violation. The case was carried to January 29, 2002.

Joseph Maimone is the nephew of Sandra Romanko, the long-time secretary/administrative assistant to Respondent in his private practice of law. On January 29, 2002, Ms. Romanko informed Respondent that her nephew had received the aforementioned summons and would be returning to the Montgomery Township Municipal Court that evening in the hope of obtaining an amendment of the charge against him to one of violation of a municipal

ordinance. Ms. Romanko asked Respondent a few times to call the municipal prosecutor on Maimone's behalf.

In response to Ms. Romanko's repeated requests, Respondent placed a telephone call to the private law office of Kim Augustus Otis, Esq., who had recently been appointed Municipal Prosecutor of Montgomery Township. Respondent did not reach Mr. Otis in that telephone call. He left a message in which he identified himself as a municipal court judge and as attorney for the Maimone family. He said that Joseph Maimone would be appearing in the Montgomery Township Municipal Court that evening, and he asked if Mr. Otis could extend any consideration to Mr. Maimone.

It is at that point that the testimony of Mr. Otis diverges from that of Respondent and Ms. Romanko. According to Mr. Otis, Respondent's message was left on an answering machine and when he got the message later that afternoon, he returned the call and spoke to Respondent. Respondent identified himself in that conversation as an attorney and a judge in New Brunswick. He said that he represented the Maimones, that Joseph Maimone would be appearing in the Montgomery Township Municipal Court that evening, and that he was not sure exactly what the charge was against Maimone but thought it would be appropriate for the charge to be amended to that of violation of a municipal ordinance.

Respondent and Ms. Romanko testified that Respondent did not speak to Mr. Otis directly. He spoke to Mr. Otis' secretary, left the message with her, and then went to court in New Brunswick. When Mr. Otis returned the call, it was Ms. Romanko who spoke to him and told him what Respondent had instructed her to say, *viz.*, that Joseph Maimone was going to appear that evening in the Montgomery Township Municipal Court, that Respondent was the

Maimone family attorney but could not appear because he was a municipal court judge, and that any consideration that could be shown Mr. Maimone would be appreciated.

In the Committee's opinion, the difference between the two versions of events is without significance. Either way, Respondent brought his judicial office to the attention of Mr. Otis in connection with a request for consideration for a defendant in Mr. Otis' court. That is an improper use of the judicial office for the benefit of Mr. Maimone and a violation of Canon 2B of the Code of Judicial Conduct, which provides in pertinent part:

A judge should not allow family, social, political, or other relationships to influence judicial conduct or judgment. A judge should not lend the prestige of office to advance the private interests of others; nor should a judge convey or permit others to convey the impression that they are in a special position of influence.

Furthermore, by taking the action he did in the face of settled law proscribing it, Respondent also violated Canon 1, which requires judges to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved, and 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 independence of the judiciary, and he engaged in conduct prejudicial to the administration of justice that brings the judicial office into disrepute, in violation of Rule 2:15-8(a)(6).

RECOMMENDATION

Asked at the hearing why he had made the telephone call to Mr. Otis' office when, as he had testified, he "probably" knew he should not be making the call, Respondent answered:

"I was asked once too often." He sought to placate his long-time secretary by making the call. However understandable was the motivation, in the process of communicating with the prosecutor in a pending matter, he violated his ethical responsibilities.

As this Committee observed in its presentment in In re McElroy, ACJC Docket No. 2002-219, municipal court judges may not appear on behalf of others in municipal court. There has been no reported instance of such conduct since In re Di Sabato, 76 N.J. 46 (1978) (imposing censure for municipal court judge who appeared in a speeding case in another municipal court on behalf of his son). There have been, however, reported instances over that twenty-five year period of municipal court judges who violated the ethical stricture against the misuse of their judicial office involving actions short of actual appearance to benefit themselves, their clients, or their friends: In re Murray, 92 N.J. 567 (1983) (issuing public reprimand for writing letter to another municipal court judge on behalf of long-time clients); In re Santini, 126 N.J. 291 (1991) (issuing public reprimand for contacting staff and judge of another municipal court on behalf of a client); In re Carton, 140 N.J. 330 (1995) (issuing public reprimand for permitting request for adjournment for son of court staff member to be faxed from his private law office to another municipal court judge); In re Sonstein, 175 N.J. 70 (2003) (issuing public reprimand for contacting another municipal court judge about his own parking ticket pending in that judge's court); In re McElroy, supra (issuing Presentment recommending discipline for judge who advised client and communicated through the client with prosecutor of another municipality suggesting downgrade of traffic charges).

The clear and compelling standards of Rule 1:15-1(b) cannot be evaded or compromised. There is no proper way for a municipal court judge to communicate with the

prosecutor of another municipal court concerning a defendant before that court. However, to appease his secretary, Respondent did just that. For that he deserves public discipline.

Accordingly, the Committee respectfully recommends that Respondent, Municipal Court Judge E. Ronald Wright, be publicly reprimanded.

Respectfully submitted,

Advisory Committee on Judicial Conduct

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