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A.C.J.C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2013-265

IN THE MATTER OF C. WILLIAM BOWKLEY, JR., JUDGE OF THE MUNICIPAL COURT	STIPULATIONS

Tracie H. Gelbstein, Disciplinary Counsel, Advisory Committee on Judicial Conduct ("Presenter"), and Municipal Court Judge C. William Bowkley, Jr. ("Respondent"), through counsel, Gerald E. Hanlon, Esq., hereby enter into the following stipulations:

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1971.
2. Respondent has continuously served as a municipal court judge in various municipalities for more than 36 years having served in the Boroughs of Chester, Mendham, Hopatcong, Stanhope, and Victory Gardens, and the Township of Vernon.
3. At all times relevant to these matters, Respondent also served as the Municipal Court Judge in the Township of

Jefferson, Morris County, a position he held on a part-time basis.

4. On October 8, 2012, the Jefferson Township police arrested John Chibbaro ("Mr. Chibbaro"), the grievant in this disciplinary matter, because of a domestic violence incident involving his wife Linda Mangan Chibbaro ("Mrs. Chibbaro").

5. On that same day, Mrs. Chibbaro went to the Jefferson Police Department to apply for a temporary restraining order ("TRO").

6. The Jefferson police contacted Respondent, as municipal court judge for Jefferson Township, regarding Mrs. Chibbaro's application for a TRO and the police department's harassment complaint filed against Mr. Chibbaro. Mrs. Chibbaro and a police officer provided telephonic testimony to Respondent to support the TRO and harassment complaint.

7. Based on the testimony received from Mrs. Chibbaro and the police officer, Respondent found probable cause to issue an *ex parte* TRO and a warrant for harassment against Mr. Chibbaro under State v. John Chibbaro, Docket No. W-2012-000395.

8. On October 9, 2012, Mr. Chibbaro filed a citizen's complaint for harassment against Mrs. Chibbaro in Jefferson Township under State v. Linda Chibbaro, Docket No. S-2012-000396.

9. Two days later on October 11, 2012, Mr. Chibbaro filed a complaint for divorce in Morris County Superior Court, Family Division, against Mrs. Chibbaro under John Chibbaro v. Linda (Mangan) Chibbaro, Docket No. FM-14-484-13 ("Divorce Matter").

10. On October 18, 2012, Respondent arraigned both Mr. Chibbaro and Mrs. Chibbaro on the complaints for harassment ("Harassment Complaints), and approved Mr. Chibbaro's application for a public defender.

11. On November 1, 2012, the Jefferson Municipal Court sent out Notices of Appearance to Mr. Chibbaro and Mrs. Chibbaro to appear before Respondent on January 3, 2013 on the Harassment Complaints.

12. On January 3, 2013, Mr. Chibbaro and Mrs. Chibbaro appeared before Respondent on the Harassment Complaints. Upon the agreement of the municipal prosecutor and the Chibbaros, Respondent carried the Harassment Complaints for six months in order for each of the defendants to attend counseling.

13. On January 4, 2013, the Jefferson Municipal Court sent out Notices of Appearance to Mr. Chibbaro and Mrs. Chibbaro to appear before Respondent at the end of the six-month period on July 11, 2013.

14. On January 9, 2013, six days after he presided over the Harassment Complaints, Respondent, in his capacity as private counsel, met with Mrs. Chibbaro for an initial consultation on the Divorce Matter.

15. During the initial consultation, Respondent determined that he, in his capacity as Jefferson municipal court judge, had issued an *ex parte* TRO and harassment warrant against Mr. Chibbaro, Mr. Chibbaro had filed a cross-complaint against Mrs. Chibbaro alleging harassment, Mr. Chibbaro and she had appeared before Respondent in Jefferson Municipal Court on those Harassment Complaints, and that Respondent placed the Harassment Complaints on hold for six months.

16. On January 14, 2013, Respondent entered into a retainer agreement with Mrs. Chibbaro to represent her in the Divorce Matter.

17. On February 8, 2013, Respondent filed an Answer and Counterclaim on behalf of Mrs. Chibbaro that included his certification that there were no other related actions pending or contemplated "except a previously concluded

action brought pursuant to the Prevention of Domestic Violence Act bearing Docket No. FV-14-403-13."

18. On April 15, 2013, Jefferson Municipal Court sent out second Notices of Appearance to Mr. Chibbaro and Mrs. Chibbaro to appear before Respondent on July 11, 2013 on the Harassment Complaints.

19. On April 22, 2013, Mr. Chibbaro retained the legal services of Joel A. Murphy, Esq. ("Mr. Murphy") to represent him in the Divorce Matter.

20. On that same day, Mr. Murphy wrote to Respondent advising that Respondent was "in direct conflict with [his] representation of Mrs. Chibbaro and acting as the sitting Municipal Court Judge of Jefferson Township." Mr. Murphy specifically pointed out that Respondent, in his capacity as municipal court judge, issued a TRO against Mr. Chibbaro that led to a final restraining order and issued a notice that Mr. Chibbaro appear before him on July 11, 2013 in Jefferson Municipal Court. Mr. Murphy went on to write that "your representation of Mrs. Chibbaro commenced sometime in the middle of these two proceedings and mandates that you recuse yourself in the Municipal Court matter, sending it to another court and finding new representation for Mrs. Chibbaro in the Divorce matter."

21. On April 23, 2013, Respondent ordered the Harassment Complaints transferred to Denville Municipal Court for disposition.

22. On April 24, 2013, Respondent sent a letter to Mr. Murphy indicating that the municipal court matters will be heard in a different court, but that Respondent disagreed with Mr. Murphy that his legal representation of Mrs. Chibbaro created a conflict of interest that necessitated his withdrawal as counsel in the Divorce Matter.

23. On May 29, 2013, Mr. Murphy sent a letter to the Morris County Superior Court raising the issue of Respondent's conflict of interest in his legal representation of Mrs. Chibbaro.

24. On May 30, 2013, Respondent sent a letter of response to the Superior Court challenging the need to withdraw from the matter contending that he had "taken no action on the Chibbaro matter in my capacity as Municipal Court Judge (other than to remove it from the Jefferson Township Municipal Court) subsequent to my representation of [Mrs. Chibbaro]" and "I received no information, confidential or otherwise, in my position as Municipal Court Judge which could be utilized against Mr. Chibbaro."

25. On June 3, 2013, the Superior Court advised the parties that Respondent had a conflict in the representation of Mrs. Chibbaro, and Respondent withdrew as her counsel in the Divorce Matter.

26. Respondent's initial consultation with Mrs. Chibbaro to discuss the Divorce Matter, and Respondent's subsequent agreement to represent Mrs. Chibbaro as private counsel in that matter, knowing that the Harassment Complaints involving Mrs. Chibbaro and Mr. Chibbaro were pending before him in Jefferson Municipal Court, created a conflict of interest that necessitated Respondent's disqualification from the municipal court matter and the transfer of the Harassment Complaints to a different court.

27. In 2008, the Court publicly admonished Respondent in the matter of In re Bowkley, 195 N.J. 176 (2008) finding that Respondent engaged in conflicts of interest in violation of Canons 1, 2A and 3C(1) of the Code of Judicial Conduct.

Tracie H. Gelbstein, Esq.
Presenter

DATED: April 21, 2015

Gerard E. Hanlon, Esq.
Counsel for Respondent

DATED: April 21, 2015