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SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2007-243

IN THE MATTER OF LAWSON R. McELROY JUDGE OF THE MUNICIPAL COURT	:	FORMAL COMPLAINT

Candace Moody, Disciplinary Counsel, Advisory Committee on Judicial Conduct ("Complainant"), complaining of Municipal Court Judge Lawson R. McElroy ("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 1983.

2. At all times relevant to these matters, Respondent served as a full-time judge of the Municipal Court of Trenton, Mercer County.

COUNT I

3. Complainant repeats the allegations contained in the foregoing paragraphs as if each were set forth fully and at length herein.

4. On June 13, 2007, Maria Cosme, the Court Administrator for the Trenton Municipal Court, met with Maria Ivette Gonzales, a security officer in the Trenton Municipal Court (the "Meeting"), in Ms. Cosme's office, to discuss an issue relative to the daily presence of Ms. Gonzales' niece in the municipal court while Ms. Gonzales was on duty.

5. Within minutes of the start of the Meeting, and in full view of several other court employees, Respondent appeared at Ms. Cosme's closed office door, knocked loudly and sternly ordered Ms. Gonzales, through the closed office door, to remain silent. Respondent further stated, through the closed office door, that Ms. Gonzales needed her lawyer present at the Meeting, and that he was, in fact, Ms. Gonzales' lawyer. In an angry and hostile tone, Respondent demanded to be a part of the Meeting.

6. Ms. Cosme did not initially open her office door, but rather replied to Respondent, through the closed door, that she was having a meeting with one of her staff members, that the Meeting had just started and that Ms. Gonzales did not need a lawyer present at the Meeting.

7. As Respondent continued to knock loudly and angrily demand to be admitted into the Meeting, Ms. Cosme directed Ms. Gonzales to open the office door. At that time, Ms. Cosme again advised Respondent that she was meeting with one of her employees and that the employee did not need a lawyer.

8. Respondent replied to Ms. Cosme by again directing Ms. Gonzales to remain silent and advising Ms. Cosme that he would file a lawsuit against her, the Court Director, and the City of Trenton. Ms. Cosme replied to Respondent by stating that it was within her job duties to conduct meetings with her staff. Ms. Cosme then directed Ms. Gonzales to return to her desk without having had the opportunity to discuss with Ms. Gonzales the purpose of the Meeting.

9. Subsequent to the verbal exchange between Ms. Cosme and Respondent, Ms. Cosme met with Judge Louis Sancinito, Chief Judge of the Trenton Municipal Court, in the

Judge's chambers, to discuss Respondent's conduct towards Ms. Cosme. Eunice Samuels Lewis, the Court Director for the Trenton Municipal Court, was also present at this meeting.

10. During Judge Sancinito's meeting with Ms. Cosme and Ms. Lewis, Respondent knocked on the door and requested to be a part of the meeting. Judge Sancinito permitted Respondent to join the meeting, but prior to admitting Respondent into his chambers, Judge Sancinito excused Ms. Cosme and Ms. Lewis. When questioned by Judge Sancinito about his interaction with Ms. Cosme, Respondent did not deny representing to Ms. Cosme that he was Ms. Gonzales' attorney. Respondent likewise did not deny that he told Ms. Cosme that he would sue the City of Trenton.

11. Respondent's remarks to Ms. Cosme, as referenced in the foregoing paragraphs, were disrespectful and insulting, in violation of Canon 3A(3) of the Code of Judicial Conduct, and intemperate in violation of Rule 2:15-8(a)(4) of the New Jersey Rules of Court.

12. By his remarks to Ms. Cosme, Respondent also violated Canons 1 and 2A of the Code of Judicial Conduct in that he did not maintain high standards of conduct and did not act in a manner that promotes public confidence in the integrity and impartiality of the Judiciary.

COUNT II

13. Complainant repeats the allegations contained in the foregoing paragraphs as if each were set forth fully and at length herein.

14. On or about July 24, 2000, Respondent became a full-time judge for the Trenton Municipal Court.

15. On or about September 20, 2001, the City Council of the City of Trenton amended, by Ordinance No. 01-83, Chapter 2-14.2 of the City Code, to clarify certain restrictions

on the practice of law by municipal court judges. One of the restrictions included in Ordinance No. 01-83 was the prohibition against the practice of law by full-time municipal court judges.

16. On or about October 14, 2004, Douglas H. Palmer, the Mayor of the City of Trenton, reappointed Respondent to serve a three-year term in the position of a full-time municipal court judge. Respondent's three-year term ran from January 1, 2004 to December 31, 2007. Respondent continues to sit as a municipal court judge in the Trenton Municipal Court.

17. Despite his position as a full-time municipal court judge in the Trenton Municipal Court, Respondent maintained and continues to maintain a law office at 539 West State Street, in Trenton, New Jersey.

18. On at least two separate occasions, Respondent engaged in the practice of real estate law on behalf of two employees of the Trenton Municipal Court. In 2005, Respondent represented Rosa Thomas, a Deputy Court Administrator for the Trenton Municipal Court, in the sale and purchase of real property. Likewise, in 2006, Respondent represented Olga Pacheco in the sale and purchase of real property. At the time Respondent represented Ms. Pacheco, she was an employee of the Trenton Municipal Court.

19. On June 13, 2007, as set forth in Count I of this Complaint, Respondent held himself out to Maria Cosme, the Court Administrator for the Trenton Municipal Court, as the attorney for Maria Ivette Gonzales, a security officer in the Trenton Municipal Court.

20. On or about June 13, 2007, during a meeting with Respondent, Judge Sancinito questioned Respondent about his continued practice of law in violation of Rule 1:15-1(a) of the New Jersey Rules of Court. At that time, Respondent did not deny to Judge Sancinito that he was engaging in the practice of law while sitting as a full-time municipal court judge and did not offer any justification or excuse for doing so.

21. By maintaining a law office and engaging in the practice of law while sitting as a full-time municipal court judge, Respondent has violated Rule 1:15-1(a) of the New Jersey Rules of Court and Municipal Ordinance No. 01-83, both of which prohibit full-time judges from engaging in the practice of law.

22. By maintaining a law office and engaging in the practice of law while sitting as a full-time municipal court judge, Respondent has violated Canon 5G of the Code of Judicial Conduct, which prohibits full-time judges from engaging in the practice of law, with or without compensation.

23. Respondent's conduct also violates Canons 1 and 2A of the Code of Judicial Conduct, constitutes misconduct in office in violation of Rule 2:15-8(a)(1), and is prejudicial to the administration of justice that brings the judicial office into disrepute in violation of Rule 2:15-8(a)(6) of the New Jersey Rules of Court.

WHEREFORE, Complainant charges that Respondent, Municipal Court Judge Lawson R. McElroy, has violated the following Canons of the Code of Judicial Conduct:

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

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 impartiality of the judiciary;

Canon 3A(3), which requires judges to be patient, dignified, and courteous to all those with whom they deal in an official capacity;

Canon 5G, which prohibits full-time judges from practicing law, with or without compensation; and

Complainant also charges that Respondent's conduct was in violation of Rule 2:15-8(a)(4) of the New Jersey Court Rules.

Complainant also charges that Respondent's continued practice of law while sitting as a full-time municipal court judge violates Rule 1:15-1(a), constitutes misconduct in office in violation of Rule 2:15-8(a)(1), and constitutes conduct prejudicial to the administration of justice that brings the judicial office into disrepute in violation of Rule 2:15-8(a)(6).

DATED: March 7, 2008

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