FILED
MAR 10 2008
A. C. J. C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO.: ACJC 2008-072

IN THE MATTER OF

ARNOLD H. MINIMAN
JUDGE OF THE MUNICIPAL COURT

FORMAL COMPLAINT

Candace Moody, Disciplinary Counsel, Advisory Committee on Judicial Conduct ("Complainant"), complaining of Municipal Court Judge Arnold H. Miniman ("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 1971.

2. At all times relevant to these matters, Respondent held the position of Judge of the Municipal Court of Mount Arlington.

3. On October 11, 2007, the Appellate Division of the Superior Court of New Jersey reversed and remanded to the municipal court the matter of Linda Cook v. Martin W. Struble, A-4887-05T3, a domestic violence matter that originated in the Mount Arlington Municipal Court before Respondent.

4. Ms. Cook was the Court Administrator for the Mount Arlington Municipal Court at the time that the Cook matter was pending in that Court.

5. Prior to the initiation of the Cook matter, Ms. Cook discussed with Respondent her decision to leave Mr. Struble, who was her live-in boyfriend, and her simultaneous decision to take with her their child.

6. Subsequently, Ms. Cook went to the Mount Arlington Police Department seeking a temporary restraining order against Mr. Struble. A Mount Arlington police officer then contacted Respondent and indicated to Respondent that Ms. Cook was seeking a temporary restraining order ("TRO") against Mr. Struble. After eliciting a factual basis from the police officer for the imposition of a TRO against Mr. Struble, Respondent spoke with Ms. Cook who reiterated the factual basis for the TRO that was previously supplied to Respondent by the police officer. Following these telephone discussions, Respondent signed the TRO. The Superior Court of New Jersey subsequently issued a final restraining order ("FRO") against Mr. Struble.

7. Mr. Struble appealed the Superior Court's issuance of the FRO to the Appellate Division, alleging, among other things, that Respondent engaged in a conflict of interest when he presided over Ms. Cook's application for a TRO.

8. The Appellate Division found in favor of the appellant, Mr. Struble, on the conflict of interest issue and reversed and remanded the Cook matter to the municipal court for a new trial before a different municipal court judge. In reaching its decision, the Appellate Division recognized that "[m]unicipal court administrators are directly supervised by the municipal judges in their municipality." The Appellate Division determined that Respondent should have disqualified himself from hearing Ms. Cook's application for a TRO pursuant to Rule 1:12-1(d), (e) and (f) and in conformity with Canon 3C(1)(a). The Appellate Division held that Respondent engaged in a conflict of interest by presiding over the Cook matter, which rendered the TRO a nullity, and required the Appellate Division to vacate the TRO, reverse the FRO and remand the matter back to the municipal court.

9. Respondent's professional relationship with Ms. Cook and his prior conversations with her regarding the subject matter that formed the basis for her request for a TRO created a clear conflict of interest for Respondent that required his immediate recusal from any and all matters involving Ms. Cook. Respondent's failure to recuse himself in the face of this clear

conflict of interest violated Canon 3C(1)(a), which requires a judge to recuse himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including when the judge has personal knowledge of disputed evidentiary facts concerning the proceeding. Likewise, Respondent's failure to recuse himself from the Cook matter violated Rule 1:12-1(d), (e), and (f).

10. By his conduct as described above, Respondent also violated Canons 1 and 2A of the Code of Judicial Conduct and 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).

WHEREFORE, Complainant charges that, by the conduct set forth above, Respondent, Municipal Court Judge Arnold H. Miniman, violated the following Canons of the Code of Judicial Conduct:

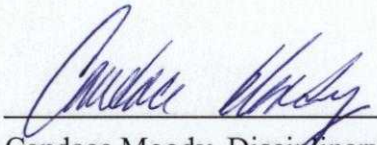
Canon 1, which requires judges to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved;

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; and

Canon 3C(1)(a), which requires judges to disqualify themselves from matters in which their impartiality might reasonably be questioned, including when the judge has personal knowledge of disputed evidentiary facts concerning the proceeding.

Complainant also charges that Respondent's conduct violated Rule 1:12-1(d), (e), and (f), and was prejudicial to the administration of justice that brings the judicial office into disrepute in violation of Rule 2:15-8(a)(6).

DATED: March 10, 2008



Candace Moody, Disciplinary Counsel
ADVISORY COMMITTEE ON JUDICIAL CONDUCT
Richard J. Hughes Justice Complex
P.O. Box 037
Trenton, NJ 08625-0037
(609) 292-2552