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A.C.J.C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

IN THE MATTER OF	DOCKET NO.: ACJC 2008-116
LAWRENCE P. DeBELLO JUDGE OF THE SUPERIOR COURT	FORMAL COMPLAINT

Candace Moody, Disciplinary Counsel, Advisory Committee on Judicial Conduct ("Complainant"), complaining of Superior Court Judge Lawrence P. DeBello (Respondent), says:

FACTS

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1982.

2. At all times relevant to this matter, Respondent was a Judge of the Superior Court of New Jersey, Family Division, assigned initially to the Hudson Vicinage and, beginning on or about January 22, 2008, to the Mercer Vicinage, a position he continues to hold.

3. Beginning in September 2006, Respondent had a female law clerk ("former law clerk") whose term expired on August 31, 2007.

4. Thereafter, for approximately ten months, beginning in September 2007 and ending in July 2008, Respondent communicated with his former law clerk primarily by e-mail, using his Judiciary e-mail account.

5. On December 4, 2007, following receipt of a copy of two e-mail exchanges between Respondent and his former law clerk dated November 28 and 29, 2007, in which Respondent and his former law clerk discussed personal matters and included offensive language, the Honorable Maurice J. Gallipoli, A.J.S.C. interviewed Respondent in the presence of Trial Court Administrator Joseph Davis about Respondent's interaction with his former law

clerk. During the interview, Respondent admitted to engaging in the aforementioned e-mail exchanges with his former law clerk and further admitted to engaging in similar e-mail exchanges with her beginning in September 2007. Respondent acknowledged to Assignment Judge Gallipoli that these e-mail exchanges with his former law clerk were inappropriate.

6. Thereafter, despite having met with Assignment Judge Gallipoli and acknowledging to Judge Gallipoli the impropriety of his e-mail communications with his former law clerk, Respondent not only continued to communicate inappropriately with his former law clerk over Judiciary e-mail about personal and intimate matters, but between December 2007 and mid-January 2008, participated in the escalation of the intimate tone and nature of those e-mail exchanges, which concerned their respective romantic feelings for one another.

7. Administrative Directive #3-06, issued on February 15, 2006, establishes the New Jersey Judiciary's IT Security Policy (the "Policy"). The Policy prohibits, among other things, the use of Judiciary e-mail for personal matters. The Policy further states that users of the Judiciary's electronic communication systems shall have no reasonable expectation of privacy and are subject to monitoring and interception by management.

8. The substance of the e-mail communications between Respondent and his former law clerk during six of the ten months – February 2008 through July 2008 -- concerned Respondent's efforts to assist his former law clerk in her search for employment in both the private and public sector. In addition to serving as a reference for his former law clerk, for whom he had expressed intimate feelings, Respondent's efforts to assist his former law clerk in her job search included making an unsolicited telephone call to Edward Marable, the Deputy Public Defender for the Northwest Region of the Office of the Public Defender, Office of Law Guardian, regarding his former law clerk's interest in working for the Office of Law Guardian. Respondent is familiar with Mr. Marable because Mr. Marable has appeared before Respondent on behalf of the Office of the Public Defender, Office of Law Guardian.

9. The Annotated Guidelines for Extrajudicial Activities (the "Guidelines"), November 2007 edition, provides guidance on the circumstances in which a judge may provide a letter of recommendation. The Guidelines provide, in part, that judges should not provide an unsolicited written or oral recommendation, and recommendations by telephone should be avoided where possible.

10. On October 20, 2008, Respondent met with John Tonelli, Executive Director of the Advisory Committee on Judicial Conduct (the "Committee"), and Jennifer Endrzejewski, an investigator for the Committee, and submitted to an interview, under oath, about his interaction with his former law clerk both during her clerkship with Respondent and thereafter.

11. During the interview, Respondent was asked questions about the frequency with which he communicated with his former law clerk and his decision to continue communicating with her even after his meeting with Assignment Judge Gallipoli, to which Respondent gave misleading answers.

COUNT I

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

13. By his conduct in communicating with his former law clerk over Judiciary e-mail about personal matters of an intimate nature, and by continuing to engage in that conduct even after being advised by Assignment Judge Gallipoli that it was inappropriate, Respondent impugned the integrity of the Judiciary, demonstrated disrespect for the Judiciary and an inability to conform his conduct to the high standards of conduct expected of judges, displayed poor judgment and violated the Judiciary's IT Security Policy. Such conduct undermines public confidence in the integrity of the Judiciary and violates Canons 1 and 2A of the Code of Judicial Conduct. Further, such conduct is prejudicial to the administration of justice that brings the judicial office into disrepute in violation of Rule 2:15-8(a)(6).

COUNT II

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

15. By his conduct in making an unsolicited telephone call to Deputy Public Defender Edward Marable regarding his former law clerk's interest in working for the Office of Law Guardian, in contravention of the Annotated Guidelines for Extrajudicial Activities, Respondent used the power and prestige of his office as a judge to advance the private interests of his former law clerk. Respondent's conduct in this regard violated Canons 1, 2A and 2B of the Code of Judicial Conduct. Further, such conduct is prejudicial to the administration of justice that brings the judicial office into disrepute in violation of Rule 2:15-8(a)(6).

16. By his conduct in acting as a reference for his former law clerk despite his romantic feelings for her, Respondent demonstrated poor judgment and impugned the integrity and impartiality of the Judiciary in violation of Canons 1 and 2A of the Code of Judicial Conduct.

COUNT III

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

18. By his conduct in testifying under oath to the Executive Director and an investigator for the Committee in a misleading fashion, Respondent impugned the integrity of the Judiciary, demonstrated disrespect for the Judiciary and an inability to conform his conduct to the high standards of conduct expected of judges and exhibited poor judgment. Such conduct undermines public confidence in the integrity of the Judiciary and violates Canons 1 and 2A of the Code of Judicial Conduct. Further, such conduct is 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, Superior Court Judge Lawrence P. DeBello, 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; and

Canon 2B, which requires judges to avoid lending the prestige of their office to advance the private interests of others.

Complainant also charges that Respondent's conduct was in violation of Rule 2:15-8(a)(6).

DATED: March 4, 2009

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