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A. C. J. C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2011-361

IN THE MATTER OF JOSEPH V. ISABELLA JUDGE OF THE SUPERIOR COURT	FORMAL COMPLAINT

Candace Moody, Disciplinary Counsel, Advisory Committee on Judicial Conduct ("Complainant"), complaining of Superior Court Judge Joseph V. Isabella ("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 this matter, Respondent served as a Judge in the Superior Court of New Jersey, assigned initially to the Criminal Division in the Essex Vicinage and thereafter to the Family Division in the Essex Vicinage. Effective September 1, 2009, Respondent was reassigned to the Criminal Division in the Hudson Vicinage, a position he continues to hold.

Count I

3. Since approximately 2005, Respondent has been in a relationship with T.M., whom he married in October 2011. T.M. has two children, a son and a daughter, from a previous relationship.

4. In or around 2008, T.M. decided to send her son, whose educational plan with the school district in Nutley, New Jersey required summer sessions, to a camp in Pennsylvania (the

"Pennsylvania Camp"), the cost of which was several thousand dollars. T.M. sought contribution from the Nutley Board of Education (the "Board of Education") for the cost of the Pennsylvania Camp.

5. In an effort to secure the desired funding from the Board of Education, Respondent called Frank Pomaco, Esq., counsel to the Board of Education, with whom he had practiced law prior to his judicial appointment, to discuss T.M.'s son's situation. Mr. Pomaco and Respondent were not only prior business partners, but were and remain close friends.

6. Respondent subsequently sent Mr. Pomaco a facsimile, on his judicial stationary, in which he outlined the facts of T.M.'s son's situation and to which he attached personal documentation concerning T.M.'s son.

7. On the advice of Mr. Pomaco, Respondent called Joseph Zarra, the then Superintendent of the Nutley School District, for assistance in obtaining the necessary funds from the Board of Education to defray the cost to T.M. of the Pennsylvania Camp to which she wanted to send her son.

8. Mr. Zarra is very familiar to Respondent. Prior to his appointment to the Superior Court, Respondent interacted with Mr. Zarra on multiple occasions during their mutual involvement in many of the same community activities in Nutley. Additionally, prior to becoming Superintendent of the Nutley School District, Mr. Zarra was the principal at Nutley High School where Respondent's children attended. Mr. Zarra was present at Respondent's swearing in ceremony as a Superior Court judge in November 2000.

9. Mr. Zarra advised Respondent that he would ask the Director of Special Services for the Nutley School District to investigate the matter involving T.M.'s son, which he did.

10. Subsequently, the Nutley School District agreed to pay for a portion of the cost of the Pennsylvania Camp for the benefit of T.M.'s son.

11. By his conduct in communicating by telephone and on his judicial stationary with counsel to the Nutley Board of Education and by telephone with the Superintendent of the Nutley School District about a personal matter involving a minor with whom Respondent was not related, Respondent created the risk that his judicial office would be an influential factor in the Nutley School District's decision to pay for a portion of the cost associated with T.M.'s son's attendance at the Pennsylvania Camp. In so doing, Respondent created the appearance that he was attempting to use the power and prestige of his judicial office to influence or advance the private interests of T.M, in violation of Canons 1, 2A and 2B of the Code of Judicial Conduct.

Count II

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

13. In or around 2008, T.M. advised Respondent of certain unresolved legal issues between T.M. and the father of her children. Respondent recommended T.M. seek the advice of counsel and referred her to an attorney with whom Respondent was professionally acquainted.

14. T.M. retained the attorney recommended by Respondent and, with counsel's assistance, filed a lawsuit in the Essex County Superior Court against the father of her children and his attorney (the "Lawsuit").

15. During the course of the Lawsuit, T.M. was served with interrogatories, which Respondent assisted T.M. in answering.

16. With the consent of all parties, the Lawsuit was referred to private mediation. During the course of that mediation, the mediator requested and received from T.M. certain

financial information concerning issues pertinent to the Lawsuit. Respondent again assisted T.M. in the preparation of the financial information conveyed to the mediator.

17. By his conduct in assisting T.M. with her responses to interrogatories and during the mediation process, Respondent created the appearance that he was inserting himself, improperly, into a contested legal matter in which he was not a party and utilizing his legal acumen as a lawyer and judge for the personal benefit of T.M. In so doing, Respondent undermined the integrity of the judicial process in violation of Canons 1 and 2A of the Code of Judicial Conduct and created the appearance that he was offering T.M. legal assistance in violation of Rule 1:15-1(a).

WHEREFORE, Complainant charges that Respondent has violated the following Canons of the Code of Judicial Conduct:

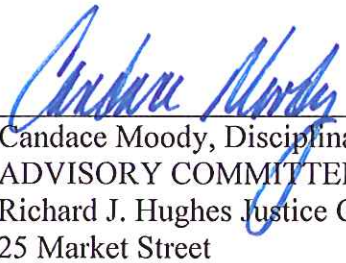
Canon 1, which requires judges to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved;

Canon 2A, which requires judges to avoid creating the appearance of impropriety 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 prohibits a judge from lending the prestige of the judicial office to advance the private interests of others.

Complainant also charges that Respondent's conduct in assisting T.M. with her legal matters while also serving as a Superior Court judge violated Rule 1:15-1(a), which prohibits full time judges from practicing law.

DATED: May 29, 2012



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