FILED
JUL 3 1 2013
A. C. J. C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2013-130

IN THE MATTER OF ROMAN A. MONTES JUDGE OF THE MUNICIPAL COURT	FORMAL COMPLAINT

Tracie H. Gelbstein, Disciplinary Counsel, Advisory Committee on Judicial Conduct ("Complainant"), complaining of Municipal Court Judge Roman A. Montes, says:

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1992.

2. At all times relevant to this matter, Respondent served as a part-time Judge in the Municipal Courts of the City of Rahway and the City of Elizabeth.

3. On the evening of December 11, 2012, Respondent visited Breathless, a go-go bar located in Rahway, New Jersey ("Breathless").

4. While there, Respondent befriended an exotic dancer employed at Breathless.

5. Respondent and the dancer socialized for a couple of hours. They drank alcoholic beverages together and she danced for him. Respondent also acquired the dancer's phone number.

6. At some point during that evening, the dancer revealed to Respondent that she knew he was a judge in Rahway. The dancer explained that Respondent was the judge presiding over a domestic violence complaint filed against her boyfriend in Rahway Municipal Court in which she was the victim ("Martinez matter").

7. The Martinez matter was still pending before Respondent in Rahway Municipal Court at the time of the dancer's revelation to Respondent.

8. Although the dancer had appeared before Judge Montes less than two weeks earlier to request the case against her boyfriend be dismissed, it was only after she revealed her identity at Breathless that Respondent remembered her and the Martinez matter.

9. Respondent continued socializing with the dancer after learning of her identity, and left the bar that evening with her phone number.

10. The next day, on December 12, 2012, Respondent and the dancer exchanged text messages relaying pleasantries about meeting each other the previous evening at Breathless.

11. On Thursday, December 13, 2012, Respondent appeared on his regularly scheduled court day in Rahway Municipal Court. While there, Respondent verbally instructed court personnel to transfer the Martinez case out of Rahway because he had had a recent encounter with the victim in that case while visiting Breathless. Conflict cases in Rahway were sent to Clark Municipal Court.

12. Meanwhile, Respondent continued to communicate with the dancer through text messages and phone calls. The communications related both to the Martinez matter and casual conversation. Some of the conversations related to the dancer's concern about the transfer of her case to Clark. The dancer was worried about which judge would get her case. She asked Respondent questions like: "Can you speak to [the judge in Clark]? Is there anything you can do? Can you be the judge?"

13. Respondent entertained the dancer's questions about the pending matter because he did not want to "offend" the dancer and he "was afraid of just cutting [the dancer] off and not

speaking to her anymore." Respondent "did not want to be in a position . . . that she was making any claims that I was trying to influence the judge from Clark or anyone else."

14. The communications also included the dancer's invitation for Respondent to visit her again at Breathless and the Respondent's invitation to the dancer to have dinner with him.

15. Approximately one week after his initial request for the Martinez matter to be transferred, Respondent followed up with court personnel about the status of his request. Respondent learned that the case had not yet been transferred at the time of his inquiry.

16. On December 27, 2012, the Martinez matter was transferred out of Rahway Municipal Court to Clark Municipal Court.

17. On February 27, 2013, the Clark Municipal Court judge approved a plea agreement, and the Martinez matter was dismissed.

18. Shortly thereafter, Respondent told the Clark Municipal Court Judge that the Martinez matter had been transferred because Respondent had commenced an intimate relationship with the dancer that was sexual in nature.

19. By knowingly engaging in a personal relationship with a victim in a matter pending before Respondent and prior to the final disposition of that matter, Respondent violated Canons 1 and 2A of the Code of Judicial Conduct in that he did not personally observe high standards of conduct so that the integrity of the Judiciary is preserved and did not act in a way that promotes public confidence in the integrity and impartiality of the Judiciary.

20. By engaging in extra-judicial activities with a victim of a legal matter pending before Respondent and prior to its final disposition in Clark, Respondent demeaned the judicial office in violation of Canon 5A(2) of the Code of Judicial Conduct.

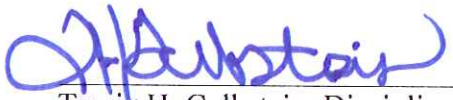
WHEREFORE, the Complainant charges that the Respondent, Municipal Court Judge Roman A. Montes, violated the following Canons of the Code of Judicial Conduct by engaging in the misconduct set forth above:

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 5A(2), which requires judges to conduct all of their extra-judicial activities so that they do not demean the judicial office.

DATED: July 31, 2013



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