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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

ANSWER

FILED
MAR 26 2008
A. C. J. C.

ARNOLD H. MINIMAN, by way of Answer to the Formal Complaint, says as follows:

1. Paragraph #1 is admitted.
2. Paragraph #2 is admitted.
3. Paragraph #3 is admitted.
4. Paragraph #4 is admitted.
5. Respondent admits that prior to the institution of the Cook matter, Linda Cook advised him that she had left her boyfriend, Mr. Struble, after learning that he had engaged in sexual relations with her older daughter. She also advised him that she took their daughter with her because she was concerned about her younger daughter's well being.
6. Paragraph #6 is admitted.
7. Paragraph #7 is admitted.
8. Paragraph #8 is admitted, but only to the extent that the paragraph correctly states what the appellate panel did.
9. With regard to paragraph #9, respondent states that his prior discussion with Ms. Cook had nothing to do with the application for a TRO. Issuance of the TRO was solely based on the facts recited to respondent by the police and Ms. Cook on the date that respondent issued it, namely that she had

received numerous harassing phone calls from Mr. Struble on that date, information not known to respondent prior to that time. Thus, respondent did not have any personal knowledge of disputed evidentiary facts concerning the proceeding, as alleged.

10. Upon reflection, it is clear to respondent that he should not have issued a TRO because Ms. Cook was employed as the court administrator of the Municipal Court of Mount Arlington where respondent sat as Municipal Court Judge.

Respondent respectfully requests the Committee to consider his January 8, 2008 response to Deirdre Naughton, Esq. which is attached hereto and made a part hereof.

STEPHEN S. WEINSTEIN
A Professional Corporation
Attorney for Respondent

By: Stephen S. Weinstein
Stephen S. Weinstein

DATED: March 26, 2008

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~~March 18,~~ 2008

Supreme Court of New Jersey
Advisory Committee on Judicial Conduct
P. O. Box 037
Trenton, New Jersey 08625-0037

ATTN: DEIRDRE M. NAUGHTON, COUNSEL

RE: ACJC 2008-072

Dear Ms. Naughton;

The following is submitted in response to your letter dated December 17, 2007, regarding the above matter.

I certainly admit issuing a temporary restraining order on behalf of Linda Cook, the Court Administrator for the Borough of Mount Arlington. I would like to explain the circumstances surrounding the issuance of the TRO.

I do not recall the specific date that Ms. Cook sought a temporary restraining order. I do recall that prior to the date of application Ms. Cook advised me that she had left Mr. Struble, her former boyfriend, and that she had taken their child with her.

At no time did I suggest to Ms. Cook that she seek a restraining order. On the date in question I was contacted by a Mount Arlington police officer. I was in my office, and the officer indicated that Ms. Cook was seeking a temporary restraining order because Mr. Struble had allegedly subjected her to numerous harassing phone calls while she was at work in Mt. Arlington. The officer indicated that he had personally monitored some of the calls.

At that point I asked to speak to Ms. Cook, and she

reiterated what the officer had stated. She told me she was upset and felt threatened by the calls. I then spoke with the officer and approved the application for a temporary restraining order. I was satisfied, based upon my conversations with the police officer and complainant, that Ms. Cook had made a prima facie case of domestic violence.

I must point out what I believe are two inaccurate statements in the decision by the Appellate Court. First, as noted above, I never advised or suggested that Ms. Cook seek a restraining order. Second, the opinion makes no mention of the fact that the application for the TRO was initiated by a Mt. Arlington police officer.

I realize that I should have deferred on the application. I considered the conflict issue when the call was made and the facts were presented to me. I further realized that I should have never gotten to the point where I considered the factual basis for the application.

By way of mitigation I would submit that if the application had been made by a citizen, rather than the Court Administrator, under the same set of facts, I certainly would have granted the application for a TRO. Further, I felt that since the parties were already separated I would not be displacing anyone by granting the application.

I am not stating the foregoing in an effort to justify my handling of the application. I should have recused, the application should have been directed to another judge for consideration, and I ask that you accept my representation that I will never place myself in a conflict situation again. Please note that I have been a municipal court judge for nearly eighteen and one half years. I have served in six municipalities, and this is the first time I have been the subject of an inquiry by the Advisory Committee on Judicial Conduct.

I thank you for your consideration.

Very truly yours,

ARNOLD H. MINIMAN

AHM/me