SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2010-151

IN THE MATTER OF MAX A. BAKER JUDGE OF THE SUPERIOR COURT	FORMAL COMPLAINT

FILED
AUG 04 2010
A. C. J. C.

Candace Moody, Disciplinary Counsel, Advisory Committee on Judicial Conduct ("Complainant"), complaining of Superior Court Judge Max A. Baker ("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 1974.

2. At all times relevant to this matter, Respondent served as a Presiding Judge in the Superior Court of New Jersey, assigned to the Family Division in the Atlantic Vicinage, which assignment ended on June 30, 2010. As of July 1, 2010, Respondent has served as a Judge in the Superior Court of New Jersey, assigned to the Criminal Division in the Atlantic Vicinage.

3. On December 31, 2009, Respondent presided over the matter of P[redacted] v. P[redacted], Docket Nos. FV-01-1010-10; FV-01-1012-10, in the Superior Court of New Jersey, Chancery Division, Family Part, Atlantic County.

4. D[redacted] P[redacted] and M[redacted] P[redacted], husband and wife, filed cross complaints against each other, each seeking a restraining order against the other.

5. The P[redacted] matter was before Respondent on December 31, 2009, as a first listing, to address the cross complaints. Both Mr. and Mrs. P[redacted] appeared before Respondent pro se.

6. After granting Mrs. P[redacted]'s request for an adjournment to obtain counsel, Respondent engaged in a colloquy with Mr. and Mrs. P[redacted] about their minor child and Mr. P[redacted]'s visitation with the minor child.

7. Upon learning that Mr. P[redacted] had not seen his minor child for over a week, Respondent established a temporary visitation schedule to address the time-period between December 31, 2009 and the date on which the parties would return to court on the P[redacted] matter.

8. When Mrs. P[redacted] expressed concern about the visitation arrangements, Respondent became irate with Mrs. P[redacted], screamed at her, and, among other things, accused her of being a bad parent, and threatened her with incarceration if she disobeyed his Order regarding visitation.

9. Respondent proceeded to make a series of additional remarks to Mrs. P[redacted], again in an extremely harsh and loud tone, that created an appearance of or reasonable belief that he was not objective and impartial with regard to the P[redacted] matter.

10. Respondent's remarks to Mrs. P[redacted] were disrespectful and insulting in violation of Canon 3A(3) of the Code of Judicial Conduct.

11. By his remarks, Respondent also violated Canons 1 and 2A of the Code of Judicial Conduct in that he did not maintain high standards of conduct and did not act in a manner that promotes public confidence in the integrity and impartiality of the Judiciary.

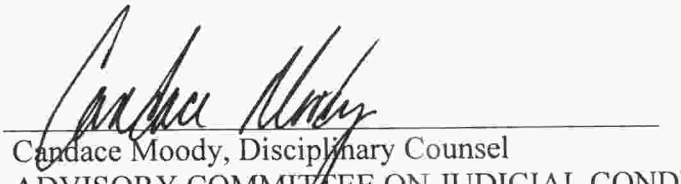
WHEREFORE, Complainant charges that Respondent, Superior Court Judge Max A. Baker, has violated the following Canons of the Code of Judicial Conduct:

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 3A(3), which requires judges to be patient, dignified, and courteous to all those with whom they deal in an official capacity.

DATED: August 4, 2010



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