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December 31, 2009

Supreme Court of New Jersey
Advisory Committee on Judicial Conduct
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FILED

DEC 31 2009

A.C.J.C.

Re: In the Matter of Wilson J. Campbell, Former Judge
of the Municipal Court
ACJC Docket No. 2008-317

Dear Chairman Handler, Vice Chairman Zazzali and Committee
Members:

At the conclusion of the formal hearing held in this matter on December 16, 2009, the Committee, pursuant to Rule 2:15-14(g), granted Respondent's request to file a post-hearing brief with the Committee and afforded the same opportunity to the Presenter. Please accept this letter brief; in lieu of a formal brief, as a supplement to the Presenter's closing argument, which was given orally at the conclusion of the formal hearing.

Statement of Facts

Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1999. See Stipulations at ¶1. At all times relevant to this matter, Respondent served as a part-time judge in the Jersey City Municipal Court. Id. at ¶2. Respondent resigned his position as a part-time municipal court judge, effective October 23, 2009. Id. at ¶3.

Respondent admits that for approximately three months, beginning in the spring of 2008 and concluding on June 26, 2008, he was engaged in an intimate relationship with A.K., a bailiff in the Jersey City Municipal Court. Id. at ¶4. Respondent further admits that during their intimate relationship, A.K. was assigned and served as Respondent's bailiff. Id. at ¶5. Throughout his tenure at the Jersey City Municipal Court, Respondent presided over the night court sessions four nights a week. See Exhibit P-12 at T21-7-15.¹ Respondent concedes that at no time during his tenure as a Jersey City Municipal Court Judge did he notify his superiors of his intimate relationship with A.K. See Stipulations at ¶6.

It is likewise undisputed that during their intimate relationship, A.K. confided in other court employees about her relationship with Respondent. See Exhibit P-11 at T16-15 to T17-13. Respondent, however, told no one about his relationship with A.K. and even expressed to A.K. that their relationship would "get him in trouble with Gallipoli."² See Exhibit P-11 at T22-21 to T23-10.

When the relationship ended on June 26, 2008, A.K. became distraught and ingested a large amount of anti-anxiety medication both before and during her work day at the Jersey City Municipal Court, which required court personnel to seek emergency medical treatment for her (the "Incident"). See Exhibit P-1; see also Exhibit P-11 at T8-17 to T11-9.

Immediately following the Incident, Rebecca Mason, then the Court Director of the Jersey City Municipal Court,

¹ "T" refers to the transcript associated with the exhibit being referenced. The number following the "T" refers to the page of that exhibit being referenced and the number(s) following the page reference refers to the line(s) being referenced (e.g. "P-9 at "T7-4" refers to exhibit P-9 at page 7, line 4).

² The Honorable Maurice J. Gallipoli, A.J.S.C., is the Assignment Judge in the Hudson County Superior Court and has served in that capacity for approximately four years. See P-13 at T2-22 to T3-1. As the Assignment Judge in Hudson County, Judge Gallipoli supervises the municipal court judges in the various municipal courts located in Hudson County, including those judges who sit in the Jersey City Municipal Court.

informed the Honorable Maurice J. Gallipoli, A.J.S.C. of A.K.'s condition and of Respondent's intimate relationship with A.K. See Exhibit P-1.

Judge Gallipoli arranged a meeting with Respondent for June 30, 2008 (the "Meeting") to discuss Respondent's intimate relationship with A.K. See Exhibit P-2. During the Meeting, which was also attended by Hudson County Trial Court Administrator Joe Davis ("TCA Davis") and the Honorable Nesle Rodriguez, C.J.M.C., Chief Judge of the Jersey City Municipal Court, Respondent admitted to engaging in an intimate relationship with A.K. and to the impropriety of that relationship. See Exhibit P-3; see also Exhibit P-5 at p.2 (bate labeled ACJC 017 Davis File).

In defense of the disciplinary charges filed against him, Respondent maintains that although A.K. was assigned as his bailiff during their intimate relationship, he was not her supervisor. The uncontested evidence, however, establishes, clearly and convincingly, that Respondent, as a municipal court judge in the Jersey City Municipal Court, was A.K.'s supervisor. This evidence includes the uncontested testimony of Judge Rodriguez who stated unequivocally that Respondent exercised supervisory control over A.K. both in her capacity as Respondent's bailiff and in her capacity as a court employee generally.

The uncontested evidence also indicates that Respondent, in fact, recognized his supervisory role over A.K. both before and during his intimate relationship with her. Respondent admitted during his Meeting with Judge Gallipoli, about which Judge Rodriguez testified, that he repeatedly told A.K. it would be inappropriate for him to engage in an intimate relationship with her given his position as a municipal court judge. See Exhibit P-5 at ACJC 017. Once intimately involved with A.K., Respondent again expressed to her his concern that their relationship would "get him in trouble with Gallipoli." See Exhibit P-11 at T22-21 to T23-10. Judge Rodriguez testified that several months after the Incident, A.K. disclosed that Respondent had threatened her job security if she continued to discuss their relationship with other court employees. Respondent offered no evidence to contradict either Judge Rodriguez's testimony or any of the exhibits admitted into evidence.

When A.K. returned to work following the Incident, she was reassigned to a different location within the courthouse

and her hours were changed from the evening shift to the day shift to avoid any contact with Respondent. See Exhibit P-2; see also Exhibit P-4 at ¶4, Exhibit P-6, Exhibit P-7, and Exhibit P-11 at T29-10 to T30-23. Similarly, Respondent was told by Judge Rodriguez following the Incident and on several occasions thereafter to avoid any and all contact with A.K. See Exhibit P-8; see also Exhibit P-10.

Legal Argument

The issue confronting the Committee is whether Respondent's intimate relationship with a subordinate employee over whom he exercised supervisory control (i.e. his bailiff) was improper and/or created the appearance of impropriety in violation of Canons 1 and 2A of the Code of Judicial Conduct and Rule 2:15-8(a)(6). This issue has been addressed and answered definitively by both the Committee and the New Jersey Supreme Court on two prior occasions. On both occasions, the Committee and the Court determined that intimate contact between a judge and a subordinate employee constituted improper judicial conduct worthy of judicial discipline.

The Committee and the Supreme Court first confronted this issue in In re Hyland, 101 N.J. 631 (1985), ACJC Docket No. 83-25, which originated as a claim of wrongful discharge and sexual harassment filed by Judge Hyland's judicial secretary following her termination from employment with the New Jersey Judiciary. While the Committee and the Court determined that there was a lack of sufficient evidence to support a charge of sexual harassment or wrongful discharge, the Committee and the Court did find that Judge Hyland's admitted sexual relationship with his judicial secretary constituted a violation of Canons 1 and 2A of the Code of Judicial Conduct and Rule 2:15-8(a)(6), which warranted a public reprimand. Id. at ACJC Docket No. 83-25, Presentment at 10-12.

In this matter, Respondent has raised many of the same defenses that were raised by Judge Hyland and ultimately rejected by the Committee and the Court. Specifically, like Judge Hyland, Respondent emphasizes that his relationship with A.K. was consensual and not the product of sexual harassment, that it did not interfere with or impact Respondent's judicial duties or the public's perception of the Judiciary but rather occurred during off duty hours, and that A.K. initiated the relationship. Like Judge Hyland,

Respondent's defenses ignore the fundamental aspect of his judicial misconduct: namely, his manifest impropriety in entering into a sexual relationship with his bailiff, a subordinate court employee, over whom he exercised supervisory control.

The Committee's chastisement of Judge Hyland is equally applicable here:

The fact that the intimacies did not take place in the courthouse is irrelevant... . What is relevant and what Respondent continues to ignore is the fact that Complainant was his judicial secretary. He was her supervisor, and she had the right to expect that he would deal with her in a professional manner. She was his confidential assistant, and he had the right to expect her to perform her duties in a professional manner. By entering into a sexual relationship with her, no matter who may have initiated the relationship, Respondent placed himself in an untenable position in two ways. First, he permitted a situation to exist in which Complainant might herself think, or lead others to think, that she would be able to exert influence over a judge because of their intimate relationship. It goes without saying that such a situation cannot be tolerated because it leads, at the very least, to an appearance that the judicial office has been compromised. Second, the willingness of an employee to enter into such a relationship with a supervisor must always be suspect because of the power that the supervisor has with regard to the employee.

In re Hyland, 101 N.J. 631 (1985); ACJC Docket No. 83-25, Presentment at 16-17.

By engaging in an intimate relationship with his bailiff, Respondent, like Judge Hyland, permitted a situation to exist in which A.K. might herself think, or lead others to think, that she would be able to exert influence over Respondent because of their intimate relationship.

Whether the subordinate employee is a judicial secretary or, as in this case, the judge's bailiff is immaterial. As expressed clearly by the Committee in Hyland, the fact that the judge engaged in an intimate relationship with a subordinate employee, no matter his or her title, undermined the integrity and independence of the Judiciary. The purported consensual nature of the relationship and Respondent's claim that A.K. initiated the relationship does nothing to mitigate or alleviate this misconduct.

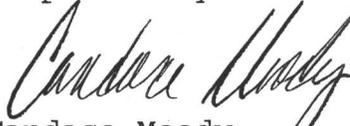
The inherent impropriety of a judge's intimate relationship with a subordinate employee, no matter that subordinate employee's title, was reinforced by the Committee and the Court when confronted with a second instance of intimate contact between a judge and a subordinate employee in In re Brenner, 147 N.J. 314 (1997). The Brenner matter was initiated by three court employees of the New Brunswick Municipal Court who claimed that they were sexually harassed by Judge Brenner, a municipal court judge in the New Brunswick Municipal Court. While the Committee and the Supreme Court concluded that Judge Brenner did not commit any acts of sexual harassment, they did find that Judge Brenner violated Canons 1 and 2A of the Code of Judicial Conduct and Rule 2:15-8(a)(6) when he hugged and kissed a municipal court employee in his private law office. In re Brenner, *supra*, 147 N.J. at 318-319 (1997). "By hugging and kissing Roberts, a subordinate employee, even if those advances were not unwelcome, Respondent engaged in conduct that embarrassed himself and his judicial office." Id. at 319.

Respondent's reliance on the Judiciary's Policy on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination, dated July 2007 (the "Policy"), to establish the propriety of his intimate relationship with A.K. is misplaced. The Policy coincides with the mandates of Canon 2A of the Code of Judicial Conduct to which Respondent, as a municipal court judge, was obligated to conform his conduct. The Policy with regard to consensual dating in the workplace requires that a supervisor, such as Respondent, who is involved in an intimate relationship with a subordinate, such as A.K., must inform his or her superior of the relationship so that the Judiciary may change the reporting relationship between the involved individuals. The stated purpose for this reporting requirement, in conformity with Canon 2A of the Code of Judicial Conduct, is to eliminate any appearance of, or actual, impropriety in the workplace.

Respondent admits that he did not notify his superiors of his intimate relationship with A.K. Respondent's decision to engage in an intimate relationship with a subordinate employee and his failure to report the existence of that relationship to his superiors, coupled with his inability to appreciate the impropriety of his conduct before the Committee, demonstrates a continuing lack of sound judgment. Such conduct impugns the integrity and independence of the Judiciary in violation of Canons 1 and 2A of the Code of Judicial Conduct.

Having admitted to engaging in an intimate relationship with a subordinate employee over the course of several months, and having failed to report the existence of that relationship to his superiors, Respondent violated Canons 1 and 2A of the Code of Judicial Conduct and engaged in conduct that was prejudicial to the administration of justice that brought the judicial office into disrepute in violation of Rule 2:15-8(a)(6). Such conduct, consistent with the Committee's reasoning in In re Hyland, supra, warrants a public reprimand.

Respectfully submitted,



Candace Moody
Designated Presenter

cc. Brian J. Neary, Esquire, Attorney for Respondent (via
electronic mail and regular mail)
Deirdre M. Naughton, Esquire, Counsel, Advisory
Committee on Judicial Conduct