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A. C. J. C.

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IN THE MATTER OF STEVEN P. PERSKIE JUDGE OF THE SUPERIOR COURT	: SUPREME COURT OF NEW JERSEY : ADVISORY COMMITTEE ON : JUDICIAL CONDUCT : DOCKET NO. ACJC 2009-003 :
	: ANSWER

Steven P. Perskie, Respondent, hereby answers the complaint in this matter in accordance with its numbered paragraphs as follows:

1. Admitted.

2. Admitted, except that Respondent is also assigned to the Chancery Division.

3. Admitted.

4. Admitted.

5. Denied as stated. Respondent does not know what the parties "anticipated." The parties told the court Siracusa might be called as a witness, but neither party ever told the court Siracusa would be called as a witness. In fact, Siracusa never testified at the trial.

6. Admitted.

7. Admitted.

8. Denied as stated. Respondent told the parties Siracusa had actively assisted in several of his political activities in the years before 1982. Respondent expressly denies any implication in this paragraph that Respondent withheld specific items of information from the parties, and refers the Committee to the full transcript of the October 12, 2005 proceeding.

9. Denied. See answer to Paragraph 8.

10. Admitted.

11. Denied as stated. Defense counsel did not say that Respondent would "likely" have to make credibility determinations about Siracusa. Counsel described the issue of Siracusa as "a miscellaneous issue that may at some point in the future affect the court's thinking," said that issues about Siracusa's credibility "may" arise, and suggested that "perhaps" those issues be tried to a jury. He also said, "I don't think that's something you need to decide now."

12. Admitted that Respondent made the statements alleged. Respondent expressly denies any implication in this paragraph that Respondent withheld specific items of information from the parties. Furthermore, the quoted statements were made in the

context of the discussion referenced in paragraph 11 of this answer, and Respondent explicitly reserved decision on the recusal issue. Respondent refers the Committee to the full transcript of the May 26, 2006, proceeding.

13. Denied as stated. Defense counsel never said Siracusa would be called as a witness.

14. Admitted that Respondent made the statement alleged. By way of further answer, neither at this point in the proceeding nor at any other time did any party ever tell the court Siracusa would be a witness; nor was the jury trial issue determined while the case was before Respondent. Respondent refers the Committee to the full transcript of the September 8, 2006, proceeding.

15. Denied as stated. The reference to "seeing" Siracusa at lunch meant only that Siracusa and Respondent were occasionally at the same restaurant and waved "hello" to each other across the room. Respondent expressly denies any implication that he and Siracusa shared a lunch after 1982.

16. Admitted. By way of further answer, at that hearing defense counsel affirmatively suggested that he would "tee this issue up" for Respondent's consideration and Respondent told him to do so. Respondent further stated: "I don't know whether I would need to recuse or not. It's possible, and it's also

possible I would not." Defense counsel replied: "Yeah. That's why I want to get the whole context before Your Honor so you can make that decision."

17. Denied as stated. Admitted that Respondent heard and denied Rosefielde's motion for recusal. At the time, no party had told the court Siracusa would be a witness; nor had the issue of a jury trial been determined. Respondent refers the Committee to the full transcript of the October 6, 2006, proceeding. Furthermore, on previous occasions, Respondent had told the parties that from his own subjective perspective, he thought he could continue to retain responsibility even if Siracusa were to be named as a witness only if the matter were to be heard by a jury; but that if Siracusa were to be named as a witness in a non-jury trial, he would have to reconsider the recusal issue, on his own motion or that of any party.

18. Denied as stated. Respondent expressly denies any implication in this paragraph that Respondent withheld specific items of information from the parties.

19. Denied as stated. Respondent expressly denies any implication in this paragraph that Respondent withheld specific items of information from the parties.

20. Admitted, except that this was not the sole reason Respondent recused himself. Respondent had "significant

concerns" about the handling of the matter that he believed created the risk that his objectivity might reasonably be questioned by others.

21. Admitted.

22. Denied. Respondent appeared in Judge Nugent's courtroom on May 16 and May 22, 2007.

23. Admitted.

24. Denied. Kaye did not testify when respondent appeared in the courtroom on May 22, 2007. An expert witness, Carl Poplar, did. Respondent denies he spoke to Kaye after Poplar's testimony. He spoke briefly to Kaye's counsel, after Judge Nugent left the courtroom.

25. Admitted.

26. Admitted.

27.-28. Respondent has not yet seen and reviewed the transcript of his testimony before the Judiciary Committee and consequently reserves the right to amend his answer to these two paragraphs. With that caveat, to the best of his recollection, Respondent admits making the quoted statements. Respondent denies any implication in these paragraphs that he misled, or was less than candid with, the committee.

29. Respondent has not yet seen and reviewed the transcript of his testimony before the Judiciary Committee and

consequently reserves the right to amend this answer. With that caveat, to the best of his recollection, Respondent admits making the quoted statement. Respondent denies any implication in this paragraph that he misled, or was less than candid with, the committee.

30. Respondent admits he was not on the bench on May 16, 2007. His records indicate he attended a "Career Day" at a local elementary school that morning.

31. Denied. Respondent was in Judge Nugent's courtroom on May 22, 2007, and his court records for that date confirm he had nothing on his schedule that morning. On May 21, 2007, Respondent heard a matter on the record early in the morning, and then conferenced two cases for most of the rest of the morning. Late in the morning, after settling one of the cases, Respondent spent a few minutes putting the settlement on the record in open court. Respondent was not on the bench during the afternoon of May 21, 2007.

32. Admitted that the expert testified on May 22, 2007. Respondent was in the courtroom to hear that testimony.

COUNT I

33. Respondent incorporates his previous answers as if fully set forth.

34. Denied.

35. Denied.

COUNT II

36. Respondent incorporates his previous answers as if fully set forth.

37. Denied.

COUNT III

38. Respondent repeats his previous answers as if fully set forth.

39. Denied.

40. Denied.

WHEREFORE, Respondent denies all charges against him and prays that the Advisory Committee on Judicial Conduct recommend that the Supreme Court dismiss the complaint in its entirety.

SEPARATE DEFENSES

Respondent specifically reserves the right to amend his answer to include any defenses or affirmative defenses upon reviewing the discovery in this matter.

BARRY, CORRADO, GRASSI & GIBSON, PC

9/22/09

FRANK L. CORRADO, ESQUIRE