FILED
SEP 12 2007
A. C. J. C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2007-096

IN THE MATTER OF SYBIL M. ELIAS, JUDGE OF THE MUNICIPAL COURT	FORMAL COMPLAINT

Candace Moody, Disciplinary Counsel, Advisory Committee on Judicial Conduct ("Complainant"), complaining of Municipal Court Judge Sybil M. Elias (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 1997.

2. At all times relevant to this matter, Respondent held the position of Judge of the Municipal Courts of East Orange and Irvington. Respondent held these positions and continues to hold these positions on a part-time basis.

3. Prior to holding her present position as a municipal court judge in the Municipal Courts of East Orange and Irvington, Respondent was employed as an Assistant Prosecutor in the Essex County Prosecutor's Office for the period of time beginning in or around 1998 and extending through 2002.

4. While working at the Essex County Prosecutor's Office, Respondent was supervised for approximately one year by then Essex County Assistant Prosecutor Patrice Davis.

5. In addition to having once shared a professional relationship with Ms. Davis, Respondent was and continues to be friends with Ms. Davis, who served as a guest speaker at Respondent's ceremonial swearing in as a municipal court judge in September 2003.

6. On December 1, 2006, despite their personal relationship, Respondent presided over a municipal court matter involving Ms. Davis captioned State v. Patrice Davis.

7. On that date, Ms. Davis appeared in the East Orange Municipal Court to answer for a ticket that was issued to her by the East Orange Police Department following a traffic accident.

8. Prior to the beginning of the court session that day, Ms. Davis met with the municipal prosecutor, Derrick Griffin, to discuss her case. Following this meeting, Prosecutor Griffin recommended, via a handwritten note on the court's file, that Ms. Davis' ticket be dismissed and she be assessed the appropriate court costs.

9. Following her meeting with Prosecutor Griffin, but before Respondent took the bench, Ms. Davis met with Respondent in her chambers. Prosecutor Griffin was not present for this meeting.

10. During the *ex parte* meeting in Respondent's chambers, Ms. Davis and Respondent discussed Ms. Davis' ticket and Prosecutor Griffin's recommendation.

11. Thereafter, while still in chambers and without the involvement or presence of Prosecutor Griffin, Respondent dismissed Ms. Davis' ticket off the record. Further, contrary to Prosecutor Griffin's recommendation and without his knowledge, Respondent waived the court costs associated with Ms. Davis' matter.

12. In light of Respondent's relationship with Ms. Davis, Respondent should have immediately disqualified herself from presiding over any matters involving Ms. Davis, and to avoid the appearance of impropriety Respondent should have had any and all matters involving Ms. Davis transferred to another municipal court judge.

13. By presiding over the matter of State v. Patrice Davis and dismissing Ms. Davis' case in her chambers, off the record, and without the participation of the municipal prosecutor, Respondent violated Canons 3A(6) and 3C(1) of the Code of Judicial Conduct, R. 1:2-1, and engaged in misconduct in office in violation of R. 2:15-8(a)(1).

14. Respondent's conduct also violated Canons 1, 2A, and 2B of the Code of Judicial Conduct and constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute in violation of R. 2:15-8(a)(6).

WHEREFORE, Complainant charges that Respondent, Municipal Court Judge Sybil M. Elias, has by the conduct set forth above, violated the following Canons of the Code of Judicial Conduct:

Canon 1, which requires judges to personally observe high standards of conduct so that the integrity and independence of the judiciary may be preserved;

Canon 2A, which requires judges to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary;

Canon 2B, which prohibits judges from allowing family, social, political, or other relationships to influence judicial conduct or judgment, and requires judges to guard against conveying or permitting others to convey the impression that they are in a special position of influence;

Canon 3A(6) which requires judges to accord to every person who is legally interested in a proceeding full right to be heard and, except as authorized by law, neither initiate nor consider *ex parte* or other communications concerning a pending or impending proceeding; and

Canon 3C(1), which requires judges to disqualify themselves from matters in which their impartiality might reasonably be questioned.

Complainant also charges that Respondent's conduct constitutes misconduct in office and conduct prejudicial to the administration of justice that brings the judicial office into disrepute, in violation of R. 2:15-8(a)(1) and (6), and is a violation of R. 1:2-1.

DATED: September 12, 2007

Candace Moody, Disciplinary Counsel
ADVISORY COMMITTEE ON JUDICIAL CONDUCT
Richard J. Hughes Justice Complex
P.O. Box 037
Trenton, NJ 08625-0037
(609) 292-2552