FILED
MAR 12 2008
A. C. J. C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2008-001

IN THE MATTER OF XAVIER C. RODRIGUEZ JUDGE OF THE MUNICIPAL COURT	FORMAL COMPLAINT

Candace Moody, Disciplinary Counsel, Advisory Committee on Judicial Conduct ("Complainant"), complaining of Municipal Court Judge Xavier C. Rodriguez ("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 1987.

2. At all times relevant to these matters, Respondent served as Chief Judge of the Municipal Court of Passaic City.

3. On September 7, 2007, The Record carried an article (the "Article") regarding criminal charges filed against Passaic City Mayor Samuel Rivera for allegedly taking a $5,000 bribe. In conjunction with the Article, The Record printed a photograph of a number of individuals who were standing outside of the Mayor's home on the day of his arrest. The individuals featured in the photograph included the Respondent, as well as a Passaic councilman and a campaign treasurer.

4. Respondent's presence at Mayor Rivera's house on the day of the Mayor's arrest for allegedly taking a bribe created the appearance of impropriety that had the potential to

negatively impact in the minds of the public the integrity and independence of the judiciary, in violation of Canons 1 and 2A of the Code of Judicial Conduct.

5. Respondent's presence at Mayor Rivera's house with a city councilman and a campaign treasurer, as depicted in the photograph in The Record, created the likelihood that the public would believe either that Respondent is somehow involved in politics or that Respondent is not completely independent of politics, politicians, and political influence. As such, Respondent's presence at the Mayor's house, in the company of such political figures, is a violation of Canon 7C of the Code of Judicial Conduct, which prohibits a judge from engaging in any political activity, and is prejudicial to the administration of justice that brings the judicial office into disrepute, in violation of Rule 2:15-8(a)(6).

WHEREFORE, Complainant charges that Respondent, Municipal Court Judge Xavier C. Rodriguez, 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;

Canon 7C, which prohibits judges from engaging in any political activity; and

Complainant also charges that Respondent's presence at the Mayor's house on the day of the Mayor's arrest, and in the company of political figures, was prejudicial to the

administration of justice that brings the judicial office into disrepute, in violation of Rule 2:15-8(a)(6).

DATED: March 12, 2008

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