

FILED

JUN 14 2019

A.C.J.C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2018-224

IN THE MATTER OF

GUY W. KILLEN,
JUDGE OF THE MUNICIPAL COURT

FORMAL COMPLAINT

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of Municipal Court Judge Guy W. Killen (“Respondent”), says:

Facts

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1981.
2. At all times relevant to this matter, Respondent served as a part-time judge in the Municipal Court of Vineland, a position he held until he was suspended from his judicial duties by order of the Honorable Benjamin C. Telsey, A.J.S.C., effective May 14, 2018. The Order of Suspension remained in effect until June 5, 2018.
3. At all times relevant to this matter, Respondent operated his law office as “Guy W. Killen, P.C.,” a professional corporation.

Count I

4. Complainant repeats the allegations contained in the foregoing paragraphs as if each were set forth fully and at length herein.

5. Pursuant to Rule 1:28A, any attorney admitted to practice law in New Jersey must maintain interest-bearing accounts (“IOLTA”) into which all sums received on behalf of clients are deposited. Failure to maintain such accounts results in the inclusion of the attorney on a list of attorneys who, by Supreme Court order, will be deemed ineligible to practice law until they submit the required trust account forms to the IOLTA Fund Trustee.
6. From October 17, 2017 through March 29, 2018, Respondent was on the IOLTA list of ineligible attorneys for failing to comply with Rule 1:28A.
7. On or about October 17, 2017, pursuant to Rule 1:28A-2(d), the Supreme Court of New Jersey entered an Order, effective October 20, 2017, declaring Respondent to be administratively ineligible to practice law based on his noncompliance with Rule 1:28A in respect of the Court’s mandatory IOLTA program.
8. Respondent appeared in court on behalf of clients and continued to sit as a municipal court judge in Vineland during the period of IOLTA ineligibility.
9. On or about March 29, 2018, the Office of Attorney Ethics (“OAE”) filed a Complaint against Respondent charging him with failing to comply with the requirements of the IOLTA program which resulted in Respondent being administratively ineligible to practice law.
10. In his Answer to the OAE’s Complaint and at a hearing on December 5, 2018, Respondent admitted that he failed to comply with the requirements of the IOLTA program.
11. On or about March 29, 2018, Respondent satisfied the requirement to comply with IOLTA by submitting the proper registration forms to the IOLTA Fund.
12. By his conduct in practicing law and sitting as a municipal court judge in Vineland from October 17, 2017 to March 29, 2018 when Respondent was administratively ineligible to practice

law based on his failure to comply with IOLTA requirements as per Rule 1:28A, et seq., Respondent violated Canon 1, Rule 1.1 and Rule 1.2 of the Code of Judicial Conduct.

13. By his conduct as described above, Respondent also violated Canon 2, Rule 2.1 of the Code of Judicial Conduct.

Count II

14. Complainant repeats the allegations contained in the foregoing paragraphs as if each were set forth at length herein.

15. Pursuant to Rule 1:21-1A, et seq., attorneys or law firms practicing as professional corporations in New Jersey shall maintain professional liability insurance. Each professional corporation shall file a certificate of insurance with the Clerk of the Supreme Court within thirty days after it files its certificate of incorporation.

16. As per Rule 1:21-1A(a)(3), Respondent was required to obtain and maintain in good standing a policy of lawyers' professional liability insurance because he operated his law office as a professional corporation.

17. Respondent was further required to file a certificate of insurance with the Clerk of the Supreme Court of New Jersey within 30 days after filing its certificate of incorporation pursuant to Rule 1:21:1A(b).

18. Despite repeated written requests from the Clerk of the Supreme Court of New Jersey, Respondent failed to file a certificate of insurance verifying that he obtained professional liability insurance as per Rule 1:21-1A(a)(3).

19. On or about July 10, 2014, a voicemail message was left at Respondent's law firm on behalf of the Clerk of the Supreme Court of New Jersey advising Respondent that his failure to

produce the required certificate of insurance would result in notification of such non-compliance to the OAE.

20. Respondent failed to provide proof of professional liability insurance as requested by the Clerk of the Supreme Court of New Jersey and the matter was referred to the OAE.

21. The OAE's March 29, 2018 Complaint also charged Respondent with failure to maintain professional liability insurance as required by Rule 1:21-1A (a)(3).

22. In his Answer to the Complaint, Respondent admitted that he failed to obtain and maintain in good standing a policy of lawyers' professional liability insurance, as required by Rule 1:21:1A (a)(3).

23. By his conduct in practicing law as a professional corporation and failing to obtain and maintain in good standing a policy of lawyers' professional liability insurance as required by Rule 1:21-1A et seq., Respondent violated Canon 1, Rule 1.1 and Rule 1.2 of the Code of Judicial Conduct.

24. By his conduct as described above, Respondent also violated Canon 2, Rule 2.1 of the Code of Judicial Conduct.

WHEREFORE, Complainant charges that Respondent has violated the following Canons of the Code of Judicial Conduct:

Canon 1, Rule 1.1, which requires judges to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved;

Canon 1, Rule 1.2, which requires judges to respect and comply with the law; and

Canon 2, Rule 2.1, which requires judges to promote public confidence in the independence, integrity and impartiality of the Judiciary.

Complainant also charges that Respondent's conduct violated Rule 1:14 and Rule 1:18 of the New Jersey Court Rules.

DATED: June 14, 2019

Maureen G. Bauman

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