

O'TOOLE SCRIVO, LLC
Thomas P. Scrivo (029101989)
James H. Leckie (155332015)
14 Village Park Road
Cedar Grove, New Jersey 07009
(973) 239-5700
Attorneys for Respondent,
Honorable Britt J. Simon, J.M.C.

FILED
AUG 18 2025
A.C.J.C.

IN THE MATTER OF

BRITT J. SIMON,
JUDGE OF THE MUNICIPAL COURT

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON JUDICIAL
CONDUCT
DOCKET NO.: ACJC 2025-257

Disciplinary Action

**VERIFIED ANSWER TO
COMPLAINT, AFFIRMATIVE
DEFENSES, MITIGATING FACTORS,
DEMAND FOR DISCOVERY, AND
DESIGNATION OF TRIAL COUNSEL**

Respondent, Honorable Britt J. Simon, J.M.C. ("Respondent"), by way of Answer to the Formal Complaint, hereby states as follows:

RESPONSE TO PARAGRAPHS ENTITLED "FACTS"

1. Respondent admits to the allegations in Paragraph 1.
2. Respondent admits to the allegations in Paragraph 2, and further adds that his suspension, which was levied without a hearing or investigation, was indefinite and without pay. In fact, the Honorable Kevin M. Shanahan, A.J.S.C. (Ret.) told Judge Simon at the time of the suspension that he was being disciplined for asking truant juveniles and their parents about their immigration status. Because Directive No. 07-19 of the Supreme Court of New Jersey expressly states that "Judges retain discretionary authority to ask about immigration status," the basis for the suspension, and this Complaint, was seemingly modified.

RESPONSE TO PARAGRAPHS ENTITLED "COUNT I"

3. Respondent neither admits nor denies the allegations in Paragraph 3 insofar as none of the allegations contained therein pertain to him.

4. Respondent admits the allegations in Paragraph 4.

5. As to the allegations in Paragraph 5, Respondent acknowledges N.J.S.A. 18A:38-31. Further, the allegations contained in Paragraph 5 are legal conclusions to which no response is necessary.

6. The allegations contained in Paragraph 6 are legal conclusions to which no response is necessary.

7. As to the allegations in Paragraph 7, Respondent acknowledges N.J.S.A. 2B:25-5(a). Further, the allegations contained in Paragraph 7 are legal conclusions to which no response is necessary.

8. As to the allegations in Paragraph 8, Respondent admits only that he presided over truancy matters in Bound Brook Municipal Court. Respondent denies the remainder of the allegations in Paragraph 8. Respondent further states that he was appointed as the Municipal Court Judge in Bound Brook in or around February 2024, and he is not aware of any truancy matter until August 13, 2024. Upon being appointed as a Municipal Court Judge, Judge Simon received certain training from the Administrative Office of the Courts. Judge Simon attended five days of training in February 2024, at which time he received two binders of materials and a course on municipal law and the administration of the municipal court system, including topics like DWIs and traffic offenses, search warrants, domestic violence, appeals, fiscal management, and virtual court. At no point during this training seminar or at any subsequent training did Judge Simon receive instruction or training related to the administration or adjudication of truancy matters.

9. As to the allegations in Paragraph 9, Respondent admits only that he presided over two truancy matters on August 13, 2024, and that although the full and complete transcripts from those proceedings speak for themselves, additional context is required to fully respond to the allegations in Paragraph 9. To that end, any remaining factual allegations in Paragraph 9 are denied. Respondent further states that the Complaint omits that August 13, 2024, was early in his tenure as a Municipal Court Judge in Bound Brook, and as a result, these were two of the early truancy matters presided over by Judge Simon. As referenced above, he presided over these matters with zero formal training, guidance, or any level of instruction from the Administrative Office of the Courts, Municipal Court Presiding Judge, or any other representative of the judiciary. To the extent that the Complaint alleges that Judge Simon presided over the two truancy matters and “failed to include the municipal prosecutor in either case,” Judge Simon reasonably believed that the truancy officer was the conduit for any information conveyed during preliminary discussions with the juveniles and their parents prior to any adjudication on the merits. Indeed, as stated above, he received no training to the contrary. Moreover, it is common practice in New Jersey for municipal prosecutors to work in a separate room, adjacent to the courtroom unless and until they are required for a proceeding. As the Complaint confirms, the defendants were “not sworn under oath,” no testimony was taken, and “there was no adjudication” or disposition in either case. Further still, it is also common practice in New Jersey for municipal prosecutors to dismiss any truancy matters so long as the truancy issue has been resolved. Accordingly, because Judge Simon did not consider the merits of either case, no rights were violated.

10. Answering the allegations of Paragraph 10, the full and complete transcript from the proceeding in the matter captioned State of New Jersey v. M.L., Docket No. S-2024-95-1804, speaks for itself and Respondent denies any characterization of its contents. Any remaining factual

allegations in Paragraph 10 are denied. Respondent further states that although the Complaint includes certain excerpts from the proceeding, it omits necessary context. For example, the Complaint does not mention that M.L. had previously been before the Municipal Court for truant behavior, and at that time, only eleven school days remained in the academic year. While the truancy officer stated that M.L. had attended school eight of those remaining eleven days, M.L. was only on time for three of those days, and when he did attend school, he did not perform any work, but rather, spent most of his time sleeping. When Judge Simon asked the truancy officer whether a plan was in place to assist M.L. so that he could eventually graduate high school, the truancy officer explained that M.L. was already enrolled in the school's alternative program and was receiving all the support available to graduate. That said, although the truancy officer confirmed that M.L. has "got everything in front of him," he said, "there is no plan until he attends school." Seeing no value in levying a fine against M.L.'s mother, who by all accounts was not the reason for M.L.'s truancy, Judge Simon opted for strong speech, raising his voice, and empty threats against M.L. in hopes that he would correct his behavior.

11. Answering the allegations of Paragraph 11, the full and complete transcript from the proceeding in the matter captioned State of New Jersey v. M.L., Docket No. S-2024-95-1804, speaks for itself and Respondent denies any characterization of its contents. Any remaining factual allegations in Paragraph 11 are denied, as Respondent relies on and incorporates his response herein to Paragraph 10.

12. Answering the allegations of Paragraph 12, the full and complete transcript from the proceeding in the matter captioned State of New Jersey v. M.L., Docket No. S-2024-95-1804, speaks for itself and Respondent denies any characterization of its contents. Any remaining factual

allegations in Paragraph 12 are denied, as Respondent relies on and incorporates his response herein to Paragraph 10.

13. Answering the allegations of Paragraph 13, the full and complete transcript from the proceeding in the matter captioned State of New Jersey v. M.L., Docket No. S-2024-95-1804, speaks for itself and Respondent denies any characterization of its contents. Any remaining factual allegations in Paragraph 13 are denied as Respondent relies on and incorporates his response herein to Paragraph 10.

14. Answering the allegations of Paragraph 14, the full and complete transcript from the proceeding in the matter captioned State of New Jersey v. C.C., Docket No. S-2024-96-1804, speaks for itself and Respondent denies any characterization of its contents. Any remaining factual allegations in Paragraph 14 are denied. Respondent further states that this truancy hearing also occurred on August 13, 2024. As previously noted, Judge Simon had no experience or training with truancy matters prior to that date. Once again, the Complaint also selectively highlights certain passages of the transcript and omits important context. For example, the Complaint fails to state that C.C. was habitually tardy, often arriving at school anywhere from one half-hour to an hour-and-a-half late, and then completely failed to attend school as the academic year progressed. The Complaint also fails to mention that despite enrolling C.C. in the summer program to afford her the opportunity to catch up on school credits, C.C. attended only two of the last eleven days of the summer program.

Additionally, Judge Simon was so impacted by the August 13 truancy proceedings that on August 14, 2024, he contacted Judge Gerard Shamey, the Presiding Judge of Municipal Court Vicinage 13, to express concern for the truant children and ask for guidance on how to handle future truancy matters. Attached as Exhibit A is a true and accurate copy of a correspondence

between Judge Simon and Presiding Judge Shamey. In the August 14 communication, Judge Simon explicitly advised Presiding Judge Shamey that he had tried “speaking to the kids, then yelling, then empty threats” to encourage their return to school. Id. Judge Simon also expressed his belief that the Court “system[] i[s] failing” adolescent children who desperately need routine “during this critical time” of their youth. Id. Indeed, Judge Simon demonstrated his compassion for those involved by explaining to Presiding Judge Shamey the ineffectiveness of fines as a form of punishment, stating, “I am not going to fine a non English speaking single mother that works two full-time jobs to keep her and her kid(s) head above water, all because a 15 or 16 year old kid is lost. Our fine means that [] family doesn’t eat that night[.]” Id. Despite writing to Presiding Judge Shamey pleading for instruction, Judge Simon received no direction from Presiding Judge Shamey or the Administrative Office of the Courts. Instead, Presiding Judge Shamey responded simply, “Let me give this one some thought-busy week.” Although Presiding Judge Shamey seemed to acknowledge that the truancy dilemma in Bound Brook—and other municipalities across the State—deserved attention, Judge Simon never heard from him again on the issue. Given Presiding Judge Shamey’s silence in response to Judge Simon’s express inquiry on the subject, Judge Simon was left to conclude that his approach to these matters was appropriate.

15. Answering the allegations of Paragraph 15, the full and complete transcript from the proceeding in the matter captioned State of New Jersey v. C.C., Docket No. S-2024-96-1804, speaks for itself and Respondent denies any characterization of its contents. Any remaining factual allegations in Paragraph 15 are denied as Respondent relies on and references his response herein to Paragraph 14.

16. Answering the allegations of Paragraph 16, the full and complete transcript from the proceeding in the matter captioned State of New Jersey v. C.C., Docket No. S-2024-96-1804,

speaks for itself and Respondent denies any characterization of its contents. Any remaining factual allegations in Paragraph 16 are denied as Respondent relies on and references his response herein to Paragraph 14.

17. Answering the allegations of Paragraph 17, the full and complete transcript from the proceeding in the matter captioned State of New Jersey v. E.A., Docket No. S-2024-203-1804, speaks for itself and Respondent denies any characterization of its contents. Any remaining factual allegations in Paragraph 17 are denied. Respondent further states that this truancy hearing occurred on January 28, 2025—five months after Judge Simon sought guidance from Presiding Judge Shamey on how to approach truancy matters. Despite Judge Simon’s explicit request for advice (and honest depiction of the tactics employed), neither Presiding Judge Shamey nor the Administrative Office of the Courts provided any direction. Instead, Judge Simon—and countless other municipal court judges throughout the State—were left to navigate these complicated and sensitive matters on their own.

Moreover, like with M.L. and C.C., the Complaint neglects certain facts demonstrating the challenges faced by Municipal Court Judges on a regular basis. At the time of the hearing, E.A. was fourteen years old, had missed 67 out of 91 days of school, and repeatedly refused to attend school despite multiple intervention attempts by E.A.’s own family and community organizations. Additionally, the truancy officer emphasized, on multiple occasions, that E.A.’s mother was “at her wits’ end,” “call[ing] the school every day seeking their help, saying [E.A.] is refusing to come to school.” In fact, the truancy officer detailed how the school convened with several community organizations and E.A.’s family to develop a plan to “try to get him to at least come [to school] for a half day,” believing that “eas[ing] his way back” might prove more effective. It was not. Instead, E.A.’s truant behavior continued.

Finally, the Complaint omits the aftermath of the January 28, 2025 truancy proceedings, including Judge Simon's blindside suspension. On February 7, 2025—nearly six months after Judge Simon first asked Presiding Judge Shamey for assistance and receiving zero response—Judge Simon was told (for the first time) that his conduct during truancy proceedings in August and January was inappropriate and potentially worthy of disciplinary action. On February 11, 2025, Judge Simon received written notification from Assignment Judge Shanahan of his indefinite suspension without pay—a punishment that was levied without a hearing, formal investigation, or the opportunity to provide any input on his own behalf. Attached as Exhibit B is a true and accurate copy of a letter dated February 11, 2025 from Judge Shanahan to Judge Simon. Alarming, the February 11 letter from Judge Shanahan states that Presiding Judge Shamey “conducted counseling sessions regarding truancy cases and specifically advised [Judge Simon] that such comments as are reflected in the August 13, 2024 transcripts were strictly prohibited. The incidents reflected in the January 28, 2025 transcript shows that such counseling was not sufficient to deter [Judge Simon's] inappropriate conduct.” Id. Despite the contents of this letter from Shanahan, the truth is that Presiding Judge Shamey provided no such counseling sessions to Judge Simon. In fact, full phone records reveal that Judge Simon only spoke to Presiding Judge Shamey on one occasion between August 10, 2024 and September 9, 2024—a conversation on August 19, 2024 which lasted only twelve minutes and did not concern truancy. Attached as Exhibit C is a true and accurate copy of phone records between Judge Simon and Presiding Judge Shamey from August 9, 2024 to September 9, 2024. In fact, a voicemail left by Presiding Judge Shamey on the morning of August 19, 2024, confirms the conversation later that day did not concern truancy. Put simply, any notion that a counseling session occurred is a fabrication.

18. Respondent denies the allegations in Paragraph 18.
19. Respondent denies the allegations in Paragraph 19.
20. Respondent denies the allegations in Paragraph 20.
21. Respondent denies the allegations in Paragraph 21.

WHEREFORE, Respondent denies violating any and all Canons of the Code of Judicial Conduct, and specifically denies violating the following Canons of the Code of Judicial Conduct: Canon 1, Rules 1.1 and 1.2; Canon 2, Rule 2.1; and Canon 3, Rules 3.5, 3.6(A), and 3.6(C).

ACCORDINGLY, Respondent respectfully requests that the Formal Complaint be **DISMISSED**.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE TO ALL COUNTS

The Complaint fails to state a cause for action under the New Jersey Code of Judicial Conduct (“CJC”) against Respondent and Respondent reserves the right to move at or before the hearing in this matter to dismiss same. As outlined above, Judge Simon conducted court proceedings in Bound Brook Municipal Court on August 13, 2024, where he presided over several truancy complaints. Prior to doing so, Judge Simon had only been a regular Municipal Court Judge for approximately five months, and he had received no formal or informal training regarding truancy matters. While presiding over these truancy matters, Judge Simon saw little to no value in imposing a fine against the parents of the offending children—often single mothers—for their child’s repeated disobedience and failure to attend school. Instead, Judge Simon attempted to “scare” the juveniles into attending school, using empty threats and a stern voice, often raised. In part, he inquired about some juveniles’ immigration status and sternly warned them about potential immigration consequences flowing from their decision to repeatedly skip school.

Clearly impacted and troubled by what he had witnessed during the truancy proceedings, Judge Simon immediately wrote to Gerard J. Shamey, the Presiding Judge of Municipal Court Vicinage 13, to express his concern for these children and to seek direction for handling these matters. In full transparency, Judge Simon explained his graduated approach to the truancy hearings, stating that he initially tried speaking to the delinquent juveniles, then raised his voice, and finally made empty threats. Judge Simon admitted to Presiding Judge Shamey that when those tactics proved ineffective, he warned those children whose mothers were living in the United States illegally that bringing the government into their homes could result in unintended consequences for their families, including deportation. While Judge Simon regrets the insensitivity of his

message, his sincere goal was to correct the juveniles' behavior, and his intentions were compassionate. Indeed, in his email to Presiding Judge Shamey on August 14, Judge Simon explained the ineffectiveness of fines as a form of punishment, stating, "I am not going to fine a non English speaking single mother that works two full-time jobs to keep her and her kid(s) head above water, all because a 15 or 16 year old kid is lost. Our fine means that [] family doesn't eat that night[.]" As can be clearly gleaned from Judge Simon's plea, this was not a rogue judicial actor purposefully exceeding his authority. To be sure, Judge Simon was earnestly trying to appeal to the juveniles' emotions in a last-ditch effort to avoid further absenteeism. In fact, had a fine been imposed against the juvenile's parent, it would also result in a disorderly persons offense on the parent's criminal record. See N.J.S.A. 18A:38-31.

In response to his August 14 email, Presiding Judge Shamey stated simply, "Let me give this one some thought-busy week." Judge Simon, however, never heard from Presiding Judge Shamey again on the issue.

Several months later, on January 28, 2025, Judge Simon presided over more truancy matters in Bound Brook. In State of New Jersey v. E.A., a juvenile had missed a staggering 67 of 91 school days despite the unwavering concern and support of the child's mother and several community organizations. Feeling especially helpless when his initial remarks seemed to have no impression on the juvenile, Judge Simon asked the juvenile and his mother, who were present in the courtroom, whether they were legally in the United States. Both responded that they were not, and that they were citizens of El Salvador. Having received no instruction from the Administrative Office of the Courts, Presiding Judge Shamey, or anyone else in the Judiciary on how to navigate the interconnectedness of immigration status and truancy matters, Judge Simon used the same approach communicated to Presiding Judge Shamey in August 2024. Indeed, Presiding Judge

Shamey was well aware of Judge Simon's approach, and never voiced any concern nor told Judge Simon that his tactics violated the CJC.

On February 7, 2025, Judge Simon was told—for the first time—that his conduct during truancy proceedings was inappropriate and potentially worthy of disciplinary action. On February 11, Judge Simon received written confirmation of his suspension, which indicated that the sole basis for his suspension was his disregard of counseling sessions that purportedly occurred in August 2024. Critically, the February 11 letter states that Presiding Judge Shamey “conducted counseling sessions regarding truancy cases and specifically advised [Judge Simon] that such comments as are reflected in the August 13, 2024 transcripts were strictly prohibited. The incidents reflected in the January 28, 2025 transcript shows that such counseling was not sufficient to deter [Judge Simon's] inappropriate conduct.” As stated above, however, no such “counseling sessions” with Judge Shamey ever occurred. In fact, full phone records reveal that Judge Simon only spoke to Presiding Judge Shamey on one occasion between August 10, 2024 and September 9, 2024—a conversation on August 19, 2024, which lasted only twelve minutes and did not concern truancy. To be sure, a voicemail left by Presiding Judge Shamey on the morning of August 19, 2024, confirms the conversation later that day did not concern truancy.

Accordingly, while Judge Simon understands the language that he used was, at times, harsh, he had asked for guidance, instruction, and mentorship on dealing with these complex and sensitive legal and social issues. He received nothing in return.

SECOND AFFIRMATIVE DEFENSE TO ALL COUNTS

Respondent's conduct did not violate Canon 1, Rules 1.1 and 1.2; Canon 2, Rule 2.1; Canon 3, Rules 3.5, 3.6(A), and 3.6(C) of the CJC.

THIRD AFFIRMATIVE DEFENSE TO ALL COUNTS

At all times relevant hereto, Respondent personally observed the highest standards of conduct.

FOURTH AFFIRMATIVE DEFENSE TO ALL COUNTS

At all times relevant hereto, Respondent acted in a manner that promoted public confidence in the independence, integrity, and impartiality of the judiciary and took reasonable efforts to avoid impartiality and the appearance of impartiality.

FIFTH AFFIRMATIVE DEFENSE TO ALL COUNTS

At all times relevant hereto, Respondent did not in any way use or attempt to use his position to gain personal advantage or deferential treatment of any kind.

SIXTH AFFIRMATIVE DEFENSE TO ALL COUNTS

While denying that any misconduct occurred, and to the extent that any misconduct may be found, any such misconduct is only minor misconduct.

SEVENTH AFFIRMATIVE DEFENSE TO ALL COUNTS

Complainant cannot prove the allegations set forth in the Complaint by clear and convincing evidence.

EIGHTH AFFIRMATIVE DEFENSE TO ALL COUNTS

Respondent undertook reasonable efforts to ensure his actions conformed to the CJC. Indeed, he asked for assistance in presiding over truancy matters, and he was told on at least one

occasion between August 13, 2024 and February 11, 2025, that the truancy epidemic in Bound Brook had been improving. Accordingly, he continued to use his tactics.

NINTH AFFIRMATIVE DEFENSE TO ALL COUNTS

Respondent never acted contrary to the CJC.

TENTH AFFIRMATIVE DEFENSE TO ALL COUNTS

Respondent never acted contrary to the CJC with knowledge of the specific misconduct.

ELEVENTH AFFIRMATIVE DEFENSE TO ALL COUNTS

If any misconduct is found it is, at best, an honest mistake as to the scope of Respondent's discretion in presiding over truancy matters.

TWELFTH AFFIRMATIVE DEFENSE TO ALL COUNTS

Respondent is not aware of any prior Formal Complaints against Judges in this jurisdiction or any other jurisdictions of a similar nature. In fact, an informal survey of Municipal Court Judges in response to this Complaint reveals the sheer lack of consistency in handling these matters throughout the State of New Jersey. Put simply, because of the lack of training and education, most municipal court judges do not know how to properly or effectively preside over truancy matters. This Complaint only serves to further blur the line. Prior to this Complaint, it was generally common practice for Municipal Court Judges to sternly confront truant teenagers. Using vivid, real-world descriptions of the consequences flowing from a life without an education, and sometimes colorful language, judges found success. Indeed, the alternative was to impose a fine against the juvenile's parent, who in Judge Simon's estimation was already doing everything in his or her power to help their child recognize the importance of school. Now, since this investigation and Complaint, the approach to truancy matters is in flux. For example, one Municipal Court Judge is known to have recently sentenced a truant juvenile—not the child's

parent who serves as the defendant according to statute—to thirty days of community service as punishment for absenteeism, while other Municipal Court Judges have seemingly refused to take any action against truant juveniles for fear of discipline.

Finally, and perhaps just as troubling, is why Judge Shamey would initiate this investigation in the first place, knowing that he failed to provide the leadership or instruction desperately needed—and asked for—by one of his more inexperienced judges. Whether serving in the municipal courts or for the Supreme Court of New Jersey, judges at all levels should feel supported and empowered, especially when they ask for help.

THIRTEENTH AFFIRMATIVE DEFENSE TO ALL COUNTS

Respondent reserves the right to amend his Verified Answer to assert additional affirmative defenses prior to or at the hearing of this matter.

MITIGATING FACTORS

FIRST MITIGATING FACTOR

Respondent has the highest respect for the work of the Committee and its members and staff and acknowledges that the work of the Committee and its members and staff is of immense value to the administration of justice.

SECOND MITIGATING FACTOR

Respondent has great respect for the work of the Administrative Office of the Courts and respects its Policies and Directives.

THIRD MITIGATING FACTOR

Respondent was completely forthcoming about his handling of truancy matters in Bound Brook Municipal Court, including asking the Presiding Judge of his Vicinage for guidance and

instruction. Additionally, Respondent was forthcoming and honest during his interview with the ACJC.

FOURTH MITIGATING FACTOR

Respondent has displayed openness, candor, truthfulness, and contrition in this process.

FIFTH MITIGATING FACTOR

There is no risk that Respondent will engage in similar misconduct in the future and the circumstances likewise show no likelihood of repeat offenses.

SIXTH MITIGATING FACTOR

Respondent has had and continues to retain an excellent reputation as a Judge and a member of the New Jersey Bar.

SEVENTH MITIGATING FACTOR

Respondent is perceived and recognized by his peers, the legal profession and litigants as a Judge who works hard and displays excellent character and behavior.

EIGHTH MITIGATING FACTOR

Respondent considers it an honor to be a Municipal Judge and takes this position and its responsibilities very seriously. Respondent works hard every day, including nights and weekends, to further the mission of the Judiciary. Respondent always acts in a manner to promote public confidence in the independence, integrity, and impartiality of the Judiciary.

DEMAND FOR HEARING

Respondent, Britt J. Simon, J.M.C., hereby requests a hearing on all issues raised in the Complaint.

DESIGNATION OF COUNSEL

Respondent, Britt J. Simon, J.M.C., hereby designates Thomas P. Scrivo, Esq. as counsel of record in this matter.

DEMAND FOR DISCOVERY

Consistent with Rule 2:15-13(a), Respondent hereby requests the following discovery:

1. All writings as defined by N.J.R.E. 801(e) or other tangible objects including audiotapes, transcripts or those obtained from or belonging to Respondent, including but not limited to any interviews conducted by the ACJC prior to the ACJC's filing of the Formal Complaint;
2. All transcripts of the interviews conducted by the ACJC prior to the ACJC'S filing of the Formal Complaint, including but not limited to Respondent, Presiding Judge Gerard Shamey, or any other witness interviewed by the ACJC;
3. Written statements including any memoranda, reporting, or summarizing oral statements made by any witness, including Respondent, Presiding Judge Gerard Shamey, or any other witness interviewed by the ACJC;
4. Identity and contact information for fact witnesses and list of all persons who will be called as witnesses;
5. Investigation reports;
6. Identity of expert witnesses and opinions;
7. Any and all documents Complainant intends to rely on at the hearing in this matter or that relate in any way to the allegations of the Formal Complaint;
8. All writings as defined by N.J.R.E. 801(e) or other tangible objects including audiotapes, transcripts, or those obtained from any person who was interviewed by the ACJC or has knowledge of Complainant's allegations against Respondent; and
9. All other information in the ACJC's file pertaining to Respondent or related to the Complaint in accordance with Rule 2:15-13.

O'TOOLE SCRIVO, LLC
Attorneys for Respondent,
Britt J. Simon, J.M.C.

By: /s/ Thomas P. Scrivo
Thomas P. Scrivo

Dated: August 18, 2025

VERIFICATION

Honorable Britt J. Simon, J.M.C., the Respondent in the within disciplinary action and hereby certifies:

1) I have read every paragraph of the foregoing Verified Answer to the Complaint and verify that the statements herein are true and based on my personal knowledge.

2) I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

/s/ Hon. Britt J. Simon, J.M.C.
Hon. Britt J. Simon, J.M.C.

Dated: August 18, 2025

EXHIBIT A



Simon, Britt <britt@simonattorneys.com>

Fw: RE:

2 messages

Britt Simon <britt.simon@njcourts.gov>

Fri, Feb 7, 2025 at 9:20 AM

To: "britt@simonattorneys.com" <britt@simonattorneys.com>

From: Gerard Shamey <gerard.shamey@njcourts.gov>

Sent: Thursday, August 15, 2024 10:04 AM

To: Britt Simon <britt.simon@njcourts.gov>

Subject: RE:

Hi Britt. Let me give this one some thought-busy week!

This is definitely an issue in Phillipsburg-we have a lot of these.

Let's talk about this some more soon.

Also, thanks for your input on the In-Person v. Virtual and Bench Warrant stuff.

Gerry

Gerard J. Shamey

Presiding Judge Municipal Courts

Somerset/Hunterdon/Warren Counties

40 North Bridge Street

Somerville, New Jersey 08876

Ph. 908-332-7700, ext. 13230

Efax. 908-527-7050

From: Britt Simon <britt.simon@njcourts.gov>

Sent: Wednesday, August 14, 2024 11:22 AM

To: Gerard Shamey <gerard.shamey@njcourts.gov>

Subject:

One thing that I wanted to mention that I have a problem with is truancy.

Kids in Bound Brook refuse to go to school. This is quite different than the kids in Bridgewater. Bridgewater kids are easily terrified and after a good tongue lashing, they go back to school and get their education. That's not the case in Bound Brook. I am betting that you have the same issue in P'burg.

Bound Brook has set up "alternative school" which is effectively just night school. Still though, many refuse this alternative.).

I have tried speaking to the kids, then yelling, then empty threats .

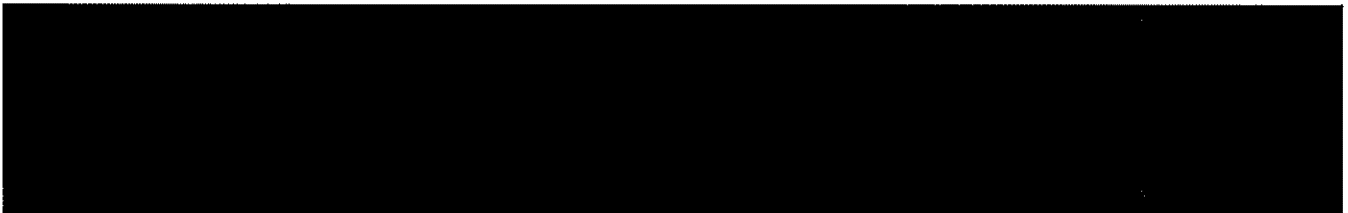
Nothing works.

Yesterday I yelled at 2 kids. Both mothers (illegal in country) were sobbing. The kids were emotionally flat.

I warned the kids that bringing the government into their home could result in their mothers being deported all because they drew attention of government and didn't do what they were supposed to do by going to school.

Kids seemed unfazed.

We are walking these kids into being dropouts. Carrots don't work. We need a stick!!!



These kids aren't stupid but the system, our system, is failing them.

I vent all of this to you because I think the demographic in P'Burg is similar to Bound Brook. Do you have a tool that works?

Here is the thing. These kids are falling down at 15 or 16. They aren't a huge problem before this and soon after they aren't a problem either. If they could be caught during this critical time and forced along, they would quickly adopt a routine and not need continued attention from the courts when adults.

I am not going to fine a non English speaking single mother that works two full-time jobs to keep her and her kid(s) head above water, all because a 15 or 16 year old kid is lost. Our fine means that that family doesn't eat that night and this is really the condition that these kids and the mothers, that I saw yesterday exist in.

Let me know your thoughts.

Britt

Britt Simon <britt.simon@njcourts.gov>
To: "britt@simonattorneys.com" <britt@simonattorneys.com>

Fri, Feb 7, 2025 at 9:20 AM

From: Britt Simon
Sent: Wednesday, August 14, 2024 11:22 AM
To: Gerard Shamey <gerard.shamey@njcourts.gov>
Subject:

[Quoted text hidden]

EXHIBIT B

Jack Failla
Trial Court Administrator

Kevin M. Shanahan
Assignment Judge

Somerset County Courthouse • 20 North Bridge Street/PO Box 3000 • Somerville, NJ 08876 • njcourts.gov • Tel. 908-332-7700

February 11, 2025

Hon. Britt J. Simon, J.M.C.

Dear Judge Simon:

This will confirm our recent conversation on February 7, 2025 concerning your continued appearance in the Bound Brook and Bridgewater/Somerville/Raritan Shared Municipal Courts.

On February 2, 2025 a Vicinage 13 Municipal Division employee was alerted by an employee of the County Family Crisis Intervention Unit that there had been an incident in the Bound Brook Municipal Court in which a Spanish speaking minor (who was in Court with family members on a truancy matter) was advised by you that you would contact Federal ICE officials if the child did not go to school. As a result, the Municipal Division Manager, Ellen Marinaccio, obtained a transcript of the January 28, 2025 Court Session in the matter of State v. Alas. A copy of that transcript is appended to this correspondence. In that transcript there is evidence that you told a minor that you would personally contact ICE officials and threatened both the minor and his mother with deportation to El Salvador.

Further investigation reveals that on November 12, 2024 in the matter of State v. Atista where the Defendant was charged with multiple ordinance violations, at an initial appearance you advised the Defendant that the charges carried a potential penalty of ninety days in jail and a \$2000 fine. You inquired of the Defendant if he intended to get a lawyer and after being advised that he was, you, on the record, indicated to the Defendant that if sentenced to jail time "when you leave the jail, you leave with ICE and they deport you." That transcript is also attached to this correspondence.

The record indicates that on August 13, 2025 in two matters, State v. Lopez and State v. Unknown, you inquired of two juveniles (truancy cases) whether their parents were illegal aliens and, if so, the minors' actions threatened their parents with deportation. You also threatened one juvenile with placement in a group home in Newark and threatened to have the Division of Child Protection & Permanency remove the juvenile from his home. The transcripts are attached hereto.

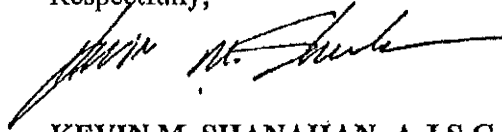
On August 16, 2024 Judge Gerard Shamey, Presiding Judge Municipal Court of Vicinage 13, conducted counseling sessions regarding truancy cases and specifically advised you that such comments as are reflected in the August 13, 2024 transcripts were strictly prohibited. The incidents reflected in the January 28, 2025 transcript shows that such counseling was not sufficient to deter your inappropriate conduct.

February 11, 2025
Page Two

As a result of the above, I have determined, pursuant to my authority under New Jersey Court Rule 1:33-4(a)-(f) to suspend you from your Municipal Court duties. A copy of my filed Order is attached hereto.

Please be further advised that should this suspension be lifted at a future date, I will require assurance from Judge Shamey that the unrelated performance issues discussed with you on January 31, 2025 and referenced in Judge Shamey's February 3, 2025 email to you have been sufficiently laid to rest before signing any further Order. That particular email is attached to this correspondence as well.

Respectfully,

A handwritten signature in black ink, appearing to read "Kevin M. Shanahan", written over a horizontal line.

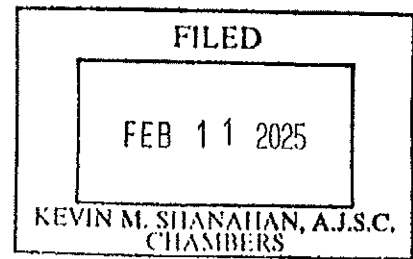
KEVIN M. SHANAHAN, A.J.S.C.

KMS/jml

Enclosures

CC: Gerard Shamey, P.J.M.C.
Ellen Marinaccio, V13 Municipal Division Manager
Jack Failla, V13 Trial Court Administrator

ORDER PREPARED BY THE COURT



IN THE MATTER OF BRITT J.
SIMON, JUDGE OF THE
MUNICIPAL COURT FOR
BOUND BROOK BOROUGH
MUNICIPAL COURT (SOMERSET
COUNTY); TOWNSHIP OF
BRIDGEWATER/BOROUGH OF
SOMERVILLE/BOROUGH OF
RARITAN SHARED MUNICIPAL
COURT (SOMERSET COUNTY)

SUPERIOR COURT OF NEW JERSEY
VICINAGE 13
(SOMERSET/HUNTERDON/WARREN
COUNTIES)

ORDER OF SUSPENSION

THIS MATTER, having been opened to the Court, *sua sponte*, pursuant to the responsibilities and authority of the Assignment Judge under Rule 1:33-4(a) – (f) of the Rules Governing the Courts of New Jersey, to administer and manage all courts within the Vicinage efficiently and effectively; and

IT APPEARING that Britt J. Simon, Judge of the Municipal Court, is alleged to have engaged in certain acts or omissions that are inconsistent with the Code of Judicial Conduct that could undermine the public trust in the Judiciary; and

IT APPEARING to be in the interest of justice and for good cause shown; therefore,

IT IS, on this 11th day of February, 2025;

ORDERED, that Britt J. Simon be and hereby is suspended as a Judge of the Municipal Court in all courts within Vicinage 13, effective immediately, pending the Advisory Committee on Judicial Conduct's review of his conduct. In addition, he shall be removed from the Vicinage 13 rotation schedule and precluded from making Probable Cause determinations or review and issue Temporary Restraining Order or Temporary Extreme Risk Protection Order petitions.



KEVIN M. SHANAHAN, A.J.S.C.

A copy of this Order has been served on all parties by the Court via email

EXHIBIT C

Sort by[Clear all](#)

- ☒ Date: Newest to oldest
- ☐ Date: Oldest to newest
- ☐ Location: A to Z ☐ Location: Z to A

Filters**Charges**

- ☐ Billed

Call type

- ☐ Incoming
- ☐ Outgoing

Location

- ☐ Domestic
- ☐ International

Network

- ☐ Cellular calls
- ☐ WiFi calls

Time of day

- ☐ Morning (12 am - 11:59 am)
- ☐ Afternoon (12 pm - 4:59 pm)

☐ Night (5 pm - 11:59 pm)

Search by name or number

908 [REDACTED]

Aug 10, 2024 - Sep 09, 2024

What would you like to do? [Download log\(.xls\)](#)

Incoming Outgoing

908 [REDACTED]	Aug 26, 2024	6:23 pm	4 mins	Incoming	Network	\$0.00
908 [REDACTED]	Aug 26, 2024	6:18 pm	1 mins	Cranford, NJ	Network	\$0.00
908 [REDACTED]	Aug 19, 2024	10:14 am	12 mins	Cranford, NJ	Network	\$0.00
908 [REDACTED]	Aug 19, 2024	10:14 am	1 mins	Cranford, NJ	Network	\$0.00
908 [REDACTED]	Aug 19, 2024	10:04 am	3 mins	Cranford, NJ	Network	\$0.00
908 [REDACTED]	Aug 19, 2024	9:57 am	2 mins	Incoming	Network	\$0.00

Prev

Next >

Sort by[Clear all](#)

- ☒ Date: Newest to oldest
- ☐ Date: Oldest to newest
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☐ Night (5 pm - 11:59 pm)

Search by name or number


908 [REDACTED]

Aug 10, 2024 - Sep 09, 2024


What would you like to do?

Download log(.xls)


Incoming Outgoing


 You don't have any calls data to display quite yet. Please try again later.


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