

FILED

JUL 28 2025

A.C.J.C.

**SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT**

DOCKET NO: ACJC 2025-257

IN THE MATTER OF

**BRITT J. SIMON,
JUDGE OF THE MUNICIPAL COURT**

FORMAL COMPLAINT

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of Municipal Court Judge, Britt J. Simon, (“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 2002.
2. At all times relevant to this matter, Respondent served as a part-time judge in the shared Municipal Courts of Bridgewater Township, Somerville Borough, and Raritan Borough, as well as Borough of Bound Brook, positions he held until February 11, 2025, when Respondent was suspended from his judicial duties in all municipal courts within Vicinage 13 (Somerset / Hunterdon / Warren Counties).

COUNT I

3. Complainant repeats the allegations contained in the foregoing paragraphs as if each were set forth fully and at length herein.
4. Respondent's judicial duties included, among other things, presiding over truancy matters in the Borough of Bound Brook.
5. N.J.S.A. § 18A:38-31 makes it a disorderly persons offense when "a parent, guardian, or other person having charge and control of a child between the ages of six and 16 years, fails to cause that child to regularly attend school, as compelled by N.J.S.A. § 18A:38-25, and shall be subject to a fine of not more than \$25.00 for a first offense and not more than \$100.00 for each subsequent offense, in the discretion of the court.
6. The Municipal Court has jurisdiction only over the charge against the child's parent(s), guardian(s), or other person(s) having charge and control over the child and is not involved in any direct proceeding over the child.
7. N.J.S.A. § 2B:25-5(a) provides that a municipal prosecutor shall represent the State in the prosecution of all offenses in municipal court, except in cases of duly authorized and approved private prosecutions.
8. Respondent, while presiding over three truancy matters in Bound Brook Municipal Court, when speaking to parents and children, raised his voice and spoke in an agitated and aggressive manner, expressed hostility towards the children by

yelling at them in an accusatory tone, made remarks creating issues of bias and discrimination, and directly inquired of the parent and/or child about their immigration status.

9. On August 13, 2024, Respondent presided over two truancy matters and failed to include the municipal prosecutor in either case. The defendants were not sworn under oath and there was no adjudication of either case at the time of the appearance. In each of these cases, Respondent interacted primarily with the children who were alleged to have been chronically absent from school, although their parents were the named defendants.

10. In the matter of State of New Jersey vs. M.L.,¹ Docket No. S-2024-95-1804, Respondent made the following remarks to the parent and/or 16-year-old child when addressing the student's tardiness and lack of work or progress in school. With the parent and truant officer present, the following colloquy occurred:

RESPONDENT: Get your hands out of your pockets now.
I told you the last time I saw you I wanted you to be at the
school in 45 minutes. You didn't show up. Did you?

JUVENILE: (Indiscernible).

RESPONDENT: I'm sorry. What?

JUVENILE: (Indiscernible).

¹ All individuals involved in these matters will be referred to by their initials to maintain the confidentiality of their identities.

RESPONDENT: Did you show up the next day? But he did show up the next day?

TRUANT OFFICER: As far as I know. Yes.

RESPONDENT: You're looking to be a beggar, piece of garbage. Aren't you? Because you don't even go to school. You heard what I said to the person before you, right?

JUVENILE: Yes.

RESPONDENT: You're (indiscernible). I'm more interested in you. When I say something, you do it immediately. Your mother here is not legal in this country. Is she?

JUVENILE: No.

RESPONDENT: So you want to call attention to the school truant officer - - two officers sitting here - - that you get law enforcement involves (sic) in your lives. Don't you? So your mother can get picked up and deported by ICE. That sound like a great idea? You're a wonderful son. I say sarcastically because you're not. You are vile and contemptuous. You want your mother to get deported? You know what's going to happen if she does, right?

JUVENILE: No. What's going to happen? No.

RESPONDENT: I'm sorry. What? Speak up?

JUVENILE: I'm not saying nothing.

RESPONDENT: Your mother's going to get deported. You are going to end your mother's life. You want other people involved in your family business? Your mother came to this country because she thought she was going to get a better life. Where are you from, ma'am?

DEFENDANT: El Salvador.

RESPONDENT: San Salvador? This was a bad investment for you. Why did she come here?

LITIGANT: For a better future.

RESPONDENT: Think it's a better future for you or him?

DEFENDANT: For both.

RESPONDENT: Yeah. Apparently not. He gets the chance at having an education and he throws it in the garbage.

DEFENDANT: That's what I tell him.

RESPONDENT (addressing juvenile): You're spitting in the face of this country. Would you like me to spit in your face? Somebody's giving you something and you're spitting on it. You are disgusting. So here's what I'm going to do and I'm going to - - unlike the other crew that I found to follow up in 30 days, I'm going to refer this to D.Y.F.S., to D.C.P. & P. and at some point they're going to show up at your house, they're going to take you away. Okay? And they may - - may report your mother and then at some point, ICE is going to come and pick her up, all because of you.

11. After discussion with the truant officer, Respondent stated:

[The juvenile] wants to be the - - the - - the filth of the earth who hangs out behind the Dunkin' Donuts here in town who beat each other up, then as he ages, all of a sudden, he'll look back one day and realize he has no (indiscernible). But at that point it'll be too late for him (indiscernible). You don't take any of this serious (indiscernible).

12. After the student commented that he might join the military, Respondent remarked, “[y]ou need to graduate which you’re not capable of doing. The military doesn’t want garbage.” Respondent advised the student:

[Y]ou need to set up a plan. Is that correct? Okay. You’re going to do it and you’re going to show up here. Okay? Every (indiscernible) in person session that we have and I sit here from nine o’clock in the morning, okay, until I’m done with my calendar, you’re going to tell me what you did. You’re going to report to me. Okay? And if you miss school, I’m putting - - I’m going to have a D.Y.F.S. officer the next day and they’re going to come pick you up. They’ll investigate your mother. Okay? And you know what’s going to happen. And you, all by yourself, are going to be responsible for all of the horrible things that happen to your family. You. Otherwise you get your tail into school every single day. I don’t care if your limb is hanging off you, okay, and you lose a leg. Okay? You hop. Are we clear?

13. At the end of the proceeding, Respondent indicated the date the student should return to court, stating,

You’re going to tell me what happened and uh, he has a - - I’m making a referral, you can make a note of it - - make a note to the file that I said - - that I said I want D.Y.F.S. on the case. I’m not putting up with it anymore. You will be there every single day. I don’t want one second missed. You don’t be late. I am not kidding you. Look at your mother, get ready to say goodbye to her. Go ahead. Look at her. Look at her now. You want to say goodbye to her? Because once you’re deported, you’re gone and you can’t come back, again. You’ll be back on the 17th. Get out of my courtroom.

14. On August 13, 2024, Respondent presided over another truancy matter, State of New Jersey vs. C.C., Docket No. S-2024-96-1804. The defendant was the mother of a female high school student, both of whom were in court. Also present was the truant officer who advised Respondent that the student was late to school every day, then transferred to the alternative school because she was behind on credits, and then stopped going to school. Respondent and the child's mother interacted as follows:

RESPONDENT: What do you have to say about this, ma'am?

DEFENDANT: I go to work. I wake her up. I tell her that she has to study because I have to go to work. I have to be the mom and dad to provide for ourself (sic).

...

RESPONDENT: What do you do for a living, ma'am?

DEFENDANT: I have two jobs.

RESPONDENT: So you can afford \$2,000 a day for every day she misses?

DEFENDANT: I tell her to go -- to go to school.

RESPONDENT: You. Stop bouncing your legs and focus on what's going on in this courtroom. You got me?

JUVENILE: Yes.

RESPONDENT: You think this is acceptable because I'm going to charge your mother \$2,000 a day for every day you missed. You think that's a good plan? That's the penalty. You think you have any future if you drop out of school? You've got no future. You will be left in the

garbage. You can hang out behind the Dunkin' Donuts with all the other drunks and riff raff. You think that's fine? Why are you not going to school? You want to be taken away? I'll have you taken away. They'll put you in a group home in Newark. You better not sleep. Don't close your eyes. I'm not kidding you. You'll have everything you own stolen. You will be beaten. Is that the kind of life you want? You want to go to a Newark group home? Why are you not going to school? Answer me. Answer.

15. In discussing attendance with the student, Respondent admonished the student to “. . . work on a plan and you will live up to it because if you come before me, again, I will ship you in a group home. I will have D.Y.F.S. called, D.C.P. and P, and I will have you removed from your home. Are we clear?”

16. Turning his attention to the mother, Respondent asked,

RESPONDENT: Your job is to kick her out of the house and send her to school. Are you legally in this country?

DEFENDANT: No.

...

RESPONDENT: (addressing the juvenile) How are you going to feel when the law enforcement comes to the house - - ICE comes to the house because they get reported this and they deport your mother because of you? You going to feel good about that? You go to school every single day. Are we clear? I want to see this case back in 30 days. I want to know what the plan is. You deviate from the school plan for you, you're done. Thirty days, I'll see you back here.

17. On January 28, 2025, in the matter of State of New Jersey vs. E.A., Docket No. S-2024-203-1804, the truant officer advised Respondent that the defendant's

14-year-old child missed 67 of the last 91 days of school. Despite a plan for an alternative to full school days, the defendant failed to cause her child to regularly attend school. Respondent asked the defendant if she was legally in the United States and whether she was a citizen. She replied that she was not. Respondent inquired and learned the mother was from El Salvador. The following colloquy took place between Respondent and the juvenile:

RESPONDENT: Are you ready to go back? You're taking it very cavalier. Hey, there's a new sheriff in town, okay. You're illegal, you're getting deported. You know a great place to find people to deport is? The courts. You're bringing your mother in here because of your bad behavior. You're not a U.S. citizen, either. You think I'm kidding? The ICE officials wait outside the door for people like you. Get your hands out of your pocket. Stand up straight. You want to get sent back? Show up in court again. Do what you're not supposed to be doing. I don't have a lot of tolerance for you. You're wasting my time. Do you want to be in this country?

JUVENILE: Yes.

RESPONDENT: What?

JUVENILE: Yes.

RESPONDENT: Yes, sir. Speak it so I can hear it.

JUVENILE: Yes, sir.

RESPONDENT: What's wrong with you? Are you on drugs right now? How old are you?

JUVENILE: Fourteen.

RESPONDENT: Do you not understand what a great opportunity you've been given?

JUVENILE: Yes.

RESPONDENT: You're about to get plucked up by the ICE officials and sent back to El Salvador. Do you want to go there?

JUVENILE? No.

RESPONDENT: You miss another day for school and I'm going to personally have ICE here to pick you up. Are we clear?

JUVENILE: Yes.

RESPONDENT: You don't get to waste my time, waste the taxpayers' money. You go to school like you're supposed to. Are we clear?

JUVENILE: Yes.

18. By directly addressing the children present in the courtroom, who were not parties to the truancy matters and over whom Respondent had no jurisdiction, in a grossly appropriate manner and in the absence of the municipal prosecutor, Respondent failed to respect and comply with the law in violation of Canon 1, Rule 1.2 of the Code of Judicial Conduct.

19. Respondent's remarks to the defendants and expressions of dissatisfaction with the appearance and attitude of the children who appeared before him, as well as Respondent's repeated threats and abrasive demeanor towards the children, was discourteous, inappropriate, unprofessional, offensive, and contravened

Respondent's obligations under Canon 3, Rule 3.5 of the Code of Judicial Conduct, which requires jurists to treat all those with whom they deal in an official capacity in a dignified, patient and courteous manner.

20. By his inquiries regarding the immigration status of the defendants and children who appeared before him, which was irrelevant to the proceedings, Respondent engaged in harassing and injudicious conduct that had the potential to create the appearance of ethnic and/or nationality bias in violation of Canon 3, Rule 3.6 (A) and (C) of the Code of Judicial Conduct. See Administrative Directive #07-19 (May 23, 2019) and Administrative Directive #09-11 (Dec. 28, 2011).

21. By his conduct as described above, Respondent demonstrated a failure to conform his conduct to the high standards of conduct expected of judges and impugned the integrity of the Judiciary in violation of Canon 1, Rule 1.1 and 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 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;

Canon 2 Rule 2.1, which requires judges to avoid impropriety and the appearance of impropriety and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary;

Canon 3, Rule 3.5, which requires judges to be patient, dignified to all those with whom the judge deals in an official capacity;

Canon 3, Rule 3.6 (A), which requires judges to be impartial and to not discriminate because of race, creed, color, sex, gender identity or expression, religion/religious practices or observances, national origin/nationality, ancestry, language, ethnicity, disability or perceived disability, atypical hereditary cellular or blood trait, genetic information, status as a veteran or disabled veteran of, or liability for service in, the Armed Forces of the United States, age, affectional or sexual orientation, marital status, civil union status, domestic partnership status, socioeconomic or political affiliations; and

Canon 3, Rule 3.6 (C), which requires judges, in the performance of judicial duties, to refrain from using words or conduct which manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice or harassment on the bases specified in Rule 3.6 (A).

DATED: July 28, 2025

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