

APR 23 2026

IN THE MATTER OF STEVEN BRISTER JUDGE OF THE MUNICIPAL COURT	SUPREME COURT OF NEW JERSEY ADVISORY COMMITTEE ON JUDICIAL CONDUCT DOCKET NO.: ACJC 2025-491 FORMAL ANSWER
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Steven Brister, Judge of the Municipal Court ("Respondent"), does by way of Answer to the Complaint answer says:

FACTS

1. Admitted.
2. Admitted.
3. Admitted in part. Respondent is not an acting judge in the municipal court for the City of Orange.

COUNT 1

4. Respondent repeats the answers contained in the foregoing paragraphs as if each were set forth fully and at length herein.
5. Admitted.
6. Admitted in part. Respondent admits the Conference was held at a national hotel chain in Bergen County. However, respondent can neither admit nor deny the remainder of the allegations contained in Count 1, Paragraph 6 of the Complaint. Respondent has no way to ascertain how many people attended the Conference.
7. Admitted.
8. Admitted.
9. Respondent denies the allegation contained in Count 1, Paragraph 9. At the time that Respondent wore the attire in question, he was totally unaware of the

prospect that his attire could be even potentially be viewed as a political statement and maintains that he never intended for his attire to constitute a political statement or to make any statement at all. Respondent chose his attire for purely personal reasons, none of which were political in nature. His reasons for his attire were: 1) with regard to the cap to protect against the elements and for stylistic reasons; and 2) with regard to the keffiyeh, for religious purposes, to protect against the rain and to stay warm while in the conference. However, in retrospect, Respondent, having spoken to a member of the Municipal Court bench whom he respects and having conducted research on the topic, now acknowledges that, while he does not feel his clothing constituted a political statement, wearing a keffiyeh coupled with the cap may have been offensive to others. Respondent never intended to convey such offense. Respondent further submits, that rather than being punished for his choice of clothing, the New Jersey Judiciary can treat this as a teachable moment for all its judge's and provide more specific training pertaining to religion so that a better understanding of various religions can be promoted. Further, Respondent asserts that he did not engage in political activity for the following reasons:

- a. Respondent's attire was not a political statement. There is no evidence to suggest otherwise. Respondent is a proud member of the New Jersey Judiciary, and considers it a privilege and honor to serve as a judge. Respondent is also an observant Muslim. When not on the bench, Respondent frequently wears traditional Muslim attire and in fact has worn a keffiyeh and thobe to prior annual Municipal Division conferences without incident. While some judges do, Respondent does not wear outward displays of his Muslim faith while on the bench. Respondent has been attending the annual conference since 2017 and always has worn at least one article of Muslim attire. There is no dress code for the annual conference. Respondent is frequently asked by other Muslim judges to lead prayer at the annual Municipal Division Conference. On the specified date, the Respondent was wearing a baseball cap displaying a flag and only the name of a country

(Palestine), with no other words on it. It has now been improperly imputed upon Respondent that he made a political statement and/or engaged in political activity.

- b. There were several other judges in attendance who were wearing baseball caps with insignia and items expressive of their religion, such yarmulkes.
- c. Upon information and belief, a Presiding Municipal Court Judge ("PMCJ") from another vicinage, made a gross mistake and falsely accused Respondent of wearing a baseball cap that stated, "Free Palestine." The word "Free" was not on Respondent's cap. The only word on Respondent's cap was "Palestine." The accuser certainly did not know Respondent's intention in wearing the cap. Respondent contends that it is the incorrect reading of his hat that led to the instant ACJC Complaint being filed against him. Had his hat been properly observed, Respondent's attire would likely not be before this Committee.
- d. When the Acting Presiding Judge Municipal ("APMCJ") for the Essex Vicinage approached Respondent to advise Respondent of the complaint, she observed that the cap did not have the words "Free Palestine" on it and advised Respondent that it was up to him whether to take the cap off. As the APMCJ left it up to Respondent to make the decision, he cannot be deemed to have engaged in political activity or deemed insubordinate by choosing to leave the cap on.
- e. Merely wearing a cap that has the name of a country and the country's flag cannot be deemed as "political," even when worn with a keffiyeh.
- f. Moreover, Respondent was informed by the APMCJ that because the cap only had the flag and "Palestine" on it, the cap did not constitute a political statement, and it was Respondent's decision as to whether he should remove the cap. Further, in Respondent's estimation, wearing a keffiyeh in Islam is similar to wearing a Sudra, or tallit in Judaism.
- g. Respondent was given the choice by the APMCJ to continue to wear the cap or remove it. Having been given that option, Respondent chose the former because others were wearing caps with wording on it and had not been singled out and told to remove their caps.
- h. After the false complaint was made that Respondent wore a hat with the phrase "free Palestine" on it, this fictional account of the language on

Respondent's cap was published in the press, causing Respondent severe reputational harm. More specifically, the New Jersey Law Journal, published an article on June 12, 2025, which read as follows: "Judge Wears "Free Palestine" Cap to Court Training Session...and the "Free Palestine" cap is a thinly -veiled dog-whistle and the Keffiyeh has become the modern-day swastika." In that same article the New Jersey Muslim Lawyers Association disagreed with the above-mentioned statement and asserted that neither the keffiyeh or the cap was a political statement.

On or about October 24, 2025, Respondent was requested by the staff of the Advisory Committee on Judicial Conduct ("ACJC") to provide them with information/data regarding Respondent's attire at a Judicial Conference. On or about November 10, 2025 a three-page letter was submitted to the "ACJC" from the Council on American-Islamic Relations, New Jersey ("CAIR-NJ"), Respondent requests that that letter be submitted in its' entirety for the ACJC's consideration. The conclusion of "CAIR-NJ" was "Respondent's attire was a faith-based expression of humility, identity...that his actions fall well within the sphere of protected religious expression consistent with judicial impartiality. (A copy of the November 10, 2025 CAIR-NJ letter is attached hereto as Exhibit A)

10. Admitted. Respondent admits that his APMCJ advised him that she received Complaints about him wearing a cap with the words "Free Palestine" on it. Respondent was not aware, nor was he made aware, that a complaint had been made about him wearing a keffiyeh. Respondent notes that the complaint was not based on facts. It was represented that the cap worn by the Respondent said something it absolutely did not say. Again, it cannot be overemphasized that Respondent's cap did not have the words "Free Palestine" on it.

11. Respondent admits the allegations contained in Count 1, Paragraph 11 of the Complaint and states that when the APMCJ approached Respondent, she stated, "I am only the messenger," and informed him that a request was made for him to remove his cap. Respondent's Presiding Judge never directed him to remove his cap. At that time, the APMCJ acknowledged that the cap did not contain the words that were reported

to her. Based upon the false report, the APMCJ advised Respondent that it was up to him as to whether to take the cap off or leave it on. Moreover, upon information and belief the APMCJ advised the PMCJ that the cap did not state "Free Palestine" and that she could personally make the request of Respondent to remove his cap. The PMCJ never approached Respondent, a fellow judge, to express her concerns about Respondent's attire.

12. Admitted. Respondent does not recollect using the exact words in the Complaint. Respondent's recollection is that after the APMCJ advised him that it was his decision as to whether he should take the cap off, in an effort to remedy the situation without him being singled out and without his First Amendment Rights being violated, Respondent advised the APMCJ that if an announcement was made that everyone must remove their headgear (referring to non-religious headgear), he would remove his. Respondent reasonably assumed that this message was relayed to the Presiding Judge who lodged the Complaint (who also happened to be the Vice-Chairperson of the conference and could have made such an announcement). When the announcement was not made, Respondent reasonably assumed it was fine for him to leave the hat on and that the request to remove his hat had been withdrawn. Respondent submits that he is the target of viewpoint discrimination in that others were allowed to wear headgear while he was not. As noted previously, however, a viewpoint has been imputed upon Respondent that he in no way expressed or intended to express. More specifically, Respondent had no intention of engaging (and did not) in political speech and did not intend for his attire to act "as a statement in support of the ongoing conflict in the region at the time." Interestingly, the attendees at the June 9, 2025, "training conference" were

scheduled to attend sessions which included sessions pertaining to Diversity, Inclusion & Elimination of Bias. However, it is during the training conference where Respondent was singled out for his choice of religious attire and because of his alleged sympathy to the Palestinian cause. Certainly, Respondent's suggestion that all non-religious headgear be removed represented a common-sense approach to treating Respondent and everyone else in an equitable, nondiscriminatory manner.

13. Respondent admits the allegations contained in Count 1, Paragraph 13 of the Complaint and states that there was no directive or suggestion from the APMCJ that he should remove his hat. Again, the APMCJ left it to Respondent's determination as to whether to remove the cap.

14. Respondent admits to the allegations contained Count 1, Paragraph 14 of the Complaint and states that the issue of religion was never raised.

15. Respondent denies the allegations contained in Count 1, Paragraph 15 of the Complaint.

16. Admitted.

17. Admitted.

18. Admitted.

19. Admitted.

20. Admitted.

21. Denied. Respondent further states: Canon 7(A) reads:

A judge shall not engage in any political activity, including but not limited to:

1. holding membership office in a political organization;
Respondent has not violated this provision.

2. making speeches for a political organization or candidate, or publicly endorsing a candidate for public office; **Respondent has not violated this provision.**
3. attending political functions that are likely to be considered as being political in nature; **Respondent has not violated this provision.**
4. soliciting funds, paying an assessment, or making a contribution to a political organization or candidate, or purchasing tickets for political party dinners or other functions. **Respondent has not violated this provision.**

22. Denied. Respondent further clarifies that he was never insubordinate at any point. He was never instructed to remove his cap by the APMCJ. Moreover, the APMCJ did not lodge a complaint against the Respondent. Respondent additionally states that in no way did he fail to meet the expectations of judges. In fact, judges are required to safeguard the constitutional rights of others and should likewise be entitled to protect their own constitutional rights so long as in doing so interfere with the orderly operation of the courts. As a result of the false allegations made against Respondent and for standing up for his constitutional rights, he has been publicly maligned.

The violations alleged to have been committed by Respondent are spurious. Respondent is accused of violating his duties as a judge based upon apparel that he was wearing. Respondent did not put the cap or the keffiyeh on to make a political statement. Respondent wore the cap simply because it matched the color of the black sweatsuit, he had on and to protect him from the weather. Respondent wore the black and white keffiyeh, again, because it matched his outfit, protected him from the weather and for its religious significance, especially because he is sometimes called to lead prayer for the Muslim judges at the annual Municipal Division conference. Certainly, one can have

more than two reasons for wearing a particular item of clothing. And this is the case for Respondent.

Moreover, since the conference was a private training for peers and staff, there was no risk of bias against a litigant (or a litigant sensing bias) or the public losing confidence in a specific case. It should be noted that Respondent does not wear any religious attire in the Courtroom, specifically because he wants to ensure that litigants have a sense that they will be treated fair with regard to cases over which he presides. Respondent certainly should not now be punished for engaging in constitutionally protected activity for wearing a keffiyeh and a cap while not on the bench.

DEFENSES

1. Respondent's First Amendment right of freedom of speech outweighs the government's interest in this matter.
2. Respondent's First Amendment right of freedom of expression outweighs the government's interest in this matter.
3. Respondent's First Amendment right of freedom of religion outweighs government's interest in this matter.
4. The allegations made against Respondent are false.
5. Respondent's selection of apparel and the clothing worn by him in no way affected his duties or functions as a judge.
6. Respondent, by attending a conference, was not performing an official duty in the same manner as if he were presiding over a courtroom, thus entitling Respondent to more constitutional protection.

7. The attempt to curtail Respondent's constitutional rights are not narrowly tailored to meet a compelling state interest.

8. There were no Canons of Judicial Conduct violated by Respondent by virtue of him wearing keffiyeh and cap that merely had the name of a country (Palestine) and the country's flag on it.

9. Judges are entitled to rights conferred under the First Amendment and therefore, Respondent is entitled to such rights.

10. Wearing a cap with merely the name of a country and the country's flag is an expression of free speech covered by the First Amendment.

11. Wearing a cap with merely the name of a country and the country's flag does not in any way trigger an exception to the First Amendment.

12. There is no basis in law or fact to sustain this Complaint against Respondent.

13. The wearing of a Keffiyeh in the Muslim Faith is analogous to a person of the Jewish Faith wearing a Sudra or Tallit and to punish Respondent for wearing a keffiyeh would subject Respondent to discrimination based upon his religion and violate Respondent's First Amendment rights.

14. Respondent, in part, relied upon conversation held with the APMCJ of Essex County on June 9, 2025, who advised that it was Respondent's decision as to whether he should remove the cap.

15. Respondent, in attending a judicial educational training session, was not "performing official duties".

16. Any such restriction must have a compelling interest for which no such interest has been articulated.

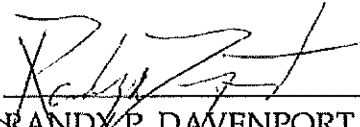
17. The attempt to regulate Respondent's attire is overbroad and advances viewpoint discrimination. If the "ACJC" allows some symbols (like a cross or a specific national pin and the wearing of yarmulkes, turbans, etc.) but attempts to punish others (like a Palestine flag and keffiyeh), the ACJC would be engaging in various types of discrimination, including viewpoint discrimination.

18. Respondent has been singled out for discriminatory treatment because of his religious beliefs as a practicing Muslim.

19. Respondent reserves the right to supplement these defenses as discovery and further investigation may reveal.

WHEREFORE, the Complaint must be dismissed with prejudice.

Dated: 4/22/25



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VERIFICATION

I, STEVEN BRISTER, of full age, hereby certify as follows:

I am the Respondent in this matter,

1. I have reviewed the contents of the foregoing Verified Answer and same are true to the best of my knowledge and belief.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the forgoing statements made by me are willfully false, I am subject to punishment.

Dated: 04/22/2026


STEVEN BRISTER, JMC

EXHIBIT A



CAIR
NEW JERSEY

AMERICA'S LARGEST ISLAMIC CIVIL
LIBERTIES AND ADVOCACY GROUP

Date: November 10, 2025

To:

Advisory Committee on Judicial Conduct
Richard J. Hughes Justice Complex
25 Market Street
Trenton, NJ 08625

Re: Inquiry Regarding Judge Steven Brister's Attire at a Judicial Conference

Dear Members of the Advisory Committee,

The Council on American-Islamic Relations, New Jersey (CAIR-NJ) writes regarding the inquiry currently under consideration concerning Judge Steven Brister's attendance at a judicial conference while wearing a keffiyeh and a hat bearing the word "Palestine." We respectfully submit that Judge Brister's attire represented an act of religious and conscientious expression, consistent with his Islamic faith and moral identity, rather than political activity prohibited under Canon 7 of the New Jersey Code of Judicial Conduct.

1. The Religious Significance of the Keffiyeh and Similar Garments

Islamic tradition emphasizes modesty, dignity, and remembrance of God in outward appearance. A central concept in Islam is the *Sunnah*—the recorded words, actions, and habits of the Prophet Muhammad (peace be upon him)—which serves as a moral and spiritual model for Muslims, much as the examples of prophets and saints guide followers in other faiths. Following the *Sunnah* includes voluntary practices that cultivate humility and devotion, such as wearing garments modeled on those the Prophet himself wore.

Authoritative sources affirm that the Prophet commonly covered his head and shoulders with a turban or shawl. *SeekersGuidance*, a leading institute of traditional Islamic scholarship, notes:

"It is established that the Messenger of Allah (Allah bless him and give him peace) wore a shawl. As such, it is a sunna; one would be rewarded if one followed him with intention."¹

and further that:

"[W]earing the turban is an established Sunnah of our beloved Prophet Muhammad (peace and blessings be upon him), even if it was an Arab custom. This is the position of scholars

¹ SeekersGuidance, "Is Wearing a Shawl (Chadar) a Sunna?" <https://seekersguidance.org/answers/sunna/is-wearing-a-shawl-chadar-a-sunna/>.



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such as Imam al-Haytami and Imam al-Bajuri of the Shafi'i school and al-Qadi Ibn 'Arabi of the Maliki school, all of whom say it is an emphasized Sunnah."²

Likewise, *Sahih Muslim* records:

"Amr ibn Hurayth reported: I remember looking at the Messenger of Allah (peace and blessings be upon him) while he was upon the pulpit. The Prophet had a black turban on his head with the two ends hanging between his shoulders."³

For many Muslims—including converts from non-Arab backgrounds—wearing a head covering or shawl in this or a similar fashion is a personal act of devotion and a visible reminder of the Prophetic example. In this light, Judge Brister's attire expressed religious identity and humility, not political advocacy.

2. The Meaning of "Palestine" in a Religious and Humanitarian Context

The inclusion of the word "Palestine" on Judge Brister's hat does not transform his expression into political activity. "Palestine" is a geographic and spiritual term signifying a land sacred to Islam, Christianity, and Judaism—the home of Jerusalem and the Al-Aqsa Mosque, the third-holiest site in Islam. For Muslims worldwide, concern for Palestine is foremost a religious and humanitarian concern, reflecting the Qur'anic values of justice and solidarity with the oppressed.

Expressing empathy for a people or reverence for a sacred land is not the same as partisan or electoral political activity, which Canon 7 addresses. Faith-based and humanitarian references to Palestine appear routinely in sermons, interfaith dialogues, and community gatherings across religious traditions.

3. A Shared Religious Practice Across Cultures

While the keffiyeh originated in Arab regions, its religious resonance now transcends geography. Muslims of many ethnicities—including African American Muslims—adopt similar garments as expressions of the Sunnah's ethic of modesty and dignity. Scholars describe such garments as symbols of belonging and heritage, not political insignia.⁴ Judge Brister's adoption of this attire signifies his participation in a shared spiritual tradition that spans the global Muslim community (*ummah*).

² SeekersGuidance, "Is It a Sunna to Wear a Turban?" <https://seekersguidance.org/answers/general-counsel/is-it-a-sunna-to-wear-a-turban/>.

³ *Sahih Muslim* 1359, cited in Abu Amina Elias, "Description of the Prophet's Turban," <https://www.abuaminaelias.com/dailyhadithonline/2025/03/10/prophets-turban/>.

⁴ *The Symbolic Attributes of Shemagh and Its Intangible Cultural Heritage*, *ARJASS Journal* (2021), <https://journalarjass.com/index.php/ARJASS/article/view/147>.



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4. No Conflict with Judicial Ethics

Canon 7 of the New Jersey Code of Judicial Conduct prohibits judges from acting as leaders in political organizations, endorsing candidates, attending partisan events, or otherwise engaging in political activity. It does not forbid expressions of religious faith, moral conscience, or humanitarian solidarity.

There is no evidence that Judge Brister made political statements, endorsed a candidate or organization, or sought to influence any public debate. His attire communicated religious conviction and conscientious solidarity, comparable to accepted expressions of faith such as a Jewish judge's yarmulke, a Sikh judge's turban, or a Christian judge's cross lapel pin.

Treating Muslim religious or moral symbols as inherently political while regarding analogous symbols in other faiths as devotional would risk unequal treatment and erode public confidence in an inclusive judiciary.

Conclusion

Judge Brister's attire was a faith-based expression of humility, identity, and moral conscience rooted in the Prophetic tradition and informed by universal humanitarian values. CAIR-NJ respectfully urges the Committee to refrain from pursuing a formal ethics complaint and to recognize that his actions fall well within the sphere of protected religious expression consistent with judicial impartiality.

Respectfully,

Ramin Zareian
Advocacy Representative
Council on American-Islamic Relations – New Jersey