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FILED

MAR 27 2014

A. C. J. C.

IN THE MATTER OF : SUPREME COURT OF
: NEW JERSEY
: ADVISORY COMMITTEE ON
: JUDICIAL CONDUCT
:
: DOCKET No. ACJC 2013-265
:
C. WILLIAM BOWKLEY, JR., :
JUDGE OF THE MUNICIPAL COURT :
:
: ANSWER TO
: FORMAL COMPLAINT

Respondent C. William Bowkley Jr., Judge of the Municipal Courts of Hopatcong and Stanhope, Jefferson Township, Chester Borough and Mendham Borough says as follows:

1. As to Paragraph 1, ADMITTED.
2. As to Paragraph 2, ADMITTED.
3. As to Paragraph 3, ADMITTED.

COUNT 1

4. As to Paragraph 4, ADMITTED.
5. As to Paragraph 5, ADMITTED.
6. As to Paragraph 6, ADMITTED.
7. As to Paragraph 7, ADMITTED.
8. As to Paragraph 8, ADMITTED.

9. As to Paragraph 9, ADMITTED to the best of Respondent's knowledge and belief.

10. As to Paragraph 10, ADMITTED.

11. As to paragraph 11, ADMITTED.

12. As to paragraph 12, ADMITTED.

13. As to Paragraph 13, ADMITTED.

14. As to Paragraph 14, Respondent admits this allegation but says that Ms. Mangan had been referred to him by a former client of his and that neither he or Ms. Mangan initially recognized each other when they first met.

15. As to Paragraph 15, ADMITTED.

16. As to Paragraph 16, Respondent admits on January 14, 2013 he and Ms. Mangan entered into a retainer agreement but denies he knew at the time the harassment complaints were still pending as he had directed his court administrator to transfer the "carried" complaint to another court after the initial consultation which had occurred on January 9, 2013.

17. As to Paragraph 17, Respondent says that on January 10, 2013 before he was retained but after he first met with Ms. Mangan, he told his court administrator to transfer the harassment complaints to another court.

18. As to Paragraph 18, ADMITTED.

19. As to Paragraph 19, ADMITTED.

20. As to Paragraph 20, ADMITTED to the best of Respondent's knowledge and belief.

21. As to Paragraph 21, Respondent says he did receive a letter from Murphy which did say, among others, that he recuse himself.

22. As to Paragraph 22, Respondent admits that he previously directed that the harassment complaints be transferred and says that this was the second time he had so directed this.

23. As to Paragraph 23, ADMITTED.

24. As to Paragraph 24, ADMITTED to the best of Respondent's knowledge and belief.

25. As to Paragraph 25, Respondent admits to sending a letter to Murphy dated May 30, 2013 and to using the words mentioned in this quotation. The letter speaks for itself.

26. As to Paragraph 26, ADMITTED.

27. As to Paragraph 27, Respondent says it was not clear to him at the time there was a conflict as the matter had been "carried" at the recommendation of the prosecutor after consulting with both parties. There was no substantive discussion of this matter. After first meeting with Mangan on January 9 and before he agreed to represent Ms. Mangan, Respondent requested that the "carried" matters be transferred to another court although the act of doing so was not accomplished until April 24 when Respondent became aware the requested transfer had not taken place.

28. As to Paragraph 28, Respondent says he did immediately request that his Court Administrator transfer the carried harassment complaints to another court. Upon hearing they were not transferred, he immediately again requested his Court

Administrator do so which was accomplished. For the reasons stated, Respondent denies violating Canon 3C(1) and Rule 1:12-1(g).

29. As to Paragraph 29, Respondent acknowledges once he met with Ms. Mangan he could no longer function as a judge in the matter and thus immediately requested a transfer of the carried matters to another court. Carry orders are routinely granted once requested by a prosecutor after consulting with the parties. This matter, as with the vast majority of cases "carried" was ultimately dismissed the Denville Municipal Court with consent of the parties. Respondent thus denies the allegations contained in Paragraph 29.

30. As to Paragraph 30, Respondent repeats his answer to Paragraph 29 as though set forth at length herein, denies violating Canon 5B(1) and says all monies tendered to him by Ms. Mangan were returned to her.

31. As to Paragraph 31, Respondent says he has always sought to maintain high standards of conduct and to act in a manner promoting public confidence in the integrity and impartiality of the judiciary and thus denies violating Canons 1 and 2A.

COUNT 2

32. As to Paragraph 32, Respondent repeats the answers to the foregoing paragraphs as though set forth at length herein.

33. As to Paragraph 33, Respondent says by answer to this paragraph that he is attaching the Report to the Supreme Court by the Advisory Committee on Judicial Conduct (Committee) and the Order of the Supreme Court regarding this matter. In that case the Committee recommended the dismissal of the Complaint

and the imposition of private discipline having found Judge Bowkley credible as to the first count charging him with conflict of interest as it was determined he did not know that the person (DiMaccio) he issued an arrest warrant for not appearing in court on a charge of failing to connect to the municipal sewer system was the same person whose wife (Slegers) he represented against DiMaccio on issues of child support almost two years earlier.

It was also determined by the Committee that he was credible when he presided over an arraignment of Ms. Slegers on a charge brought against her by DiMaccio for interference with custody of their minor children. The Committee noted that the case of In re Newman ACJC 2004-196, 189 NJ 477 (2006) making it clear judges should recuse themselves from taking even ministerial judicial action where a conflict of interest exists, had not yet been released by the Supreme Court and accepted Judge Bowkley's statement that had he known of the Newman opinion prior to the arraignment of Ms. Slegers, he would not have arraigned her. (Committee Report, **Exhibit A**)

Exhibit B is the Supreme Court Order reflecting that it did not agree with the Committee and which ordered a public admonishment.

34. As to Paragraph 34, Respondent disagrees with this paragraph for reasons outlined in his answers to Paragraph 33.

35. As to Paragraph 35, Respondent disagrees with this paragraph for the reasons outlined in his answer to paragraph 33.

Wherefore, Respondent agrees that given what has happened, the better course of action would have been to decline representation and withdraw from his

role as judge once Mangan conferred with him about her divorce but denies his conduct rose to the level of a violation of the Code of Judicial Conduct.

SEPARATE DEFENSES

1. Respondent at no time intended or thought he had violated Rules of Court or the Canons of the Code of Judicial Conduct.

a. Ms. Mangan and Mr. Chibbaro filed harassment complains against each other in October 2012. At this time Judge Bowkley granted Ms. Mangan a TRO after speaking to her and a police officer by telephone.

The parties then appeared before Judge Bowkley on January 2, 2013 where, after consulting with the prosecutor, they consented to a carry order for six (6) months meaning the charges would be dismissed if there were no further problems between them. The harassment complaints were later dismissed by the Denville Municipal Court after six months had elapsed and with the consent of both parties.

Ms. Mangan thereafter consulted with Judge Bowkley for a divorce after being referred by a former client.

Judge Bowkley directed his court administrator transfer the harassment complaints after his interview with Ms. Mangan and repeated the same request after receiving a letter from Mr. Murphy, the attorney for Mr. Chibbaro.

2. When the issue of a conflict of interest was raised, Judge Bowkley consulted with an attorney experienced in ethics matters to see if there was a conflict and was advised in that attorney's opinion, there was none.

a. A motion was then made to recuse him from the case and after submission of materials and telephonic argument, Judge Bowkley was ordered recused from representing Ms. Mangan. Upon this conclusive determination, Judge Bowkley apologized to both Ms. Mangan and Mr. Murphy and returned all monies to Ms. Mangan. He remains apologetic and remorseful.

2. Although Respondent was admonished in 2008 by the Supreme Court, it was done after the ACJC recommended the complaint against him be dismissed and that he be privately reprimanded. The prior matter was the first and only discipline of Respondent leading up to this matter. Judge Bowkley has been a judge for 35 years in a number of courts and has handled literally thousands of cases.

3. Respondent has the respect and an exemplary reputation among members of the Bench and Bar.

REQUEST FOR HEARING

Respondent hereby requests a hearing on the charges in the Complaint.

REQUEST FOR DISCOVERY

Respondent hereby requests all discovery relevant to the allegations in the Complaint.


VERIFICATION OF ANSWER

I, C. William Bowkley, Jr., Judge of the Municipal Court, am the Respondent in the within disciplinary action and hereby certify as follows:

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

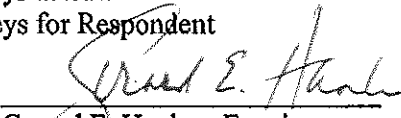
2. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: 3/25/14



C. William Bowkley, Jr.,
Judge of the Municipal Court

HANLON, DUNN AND ROBERTSON
Attorneys at Law
Attorneys for Respondent

By: 

Gerard E. Hanlon, Esquire


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IN THE MATTER OF : SUPREME COURT OF
: NEW JERSEY
: ADVISORY COMMITTEE ON
: JUDICIAL CONDUCT
:
: DOCKET No. ACJC 2013-265
:
C. WILLIAM BOWKLEY, JR., : FACSIMILE CERTIFICATION
JUDGE OF THE MUNICIPAL COURT :
:
:

GERARD E. HANLON, ESQUIRE, does hereby certify as follows:

1. I am an Attorney at Law in the State of New Jersey.
2. At all times relevant, I have been the attorney for C. William Bowkley, Jr.
3. I certify that C. William Bowkley, Jr., acknowledged the genuineness of his signature and advised that the document or a copy with an original signature affixed will be filed if requested by the Court or a party.
4. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: March 25, 2014



Gerard E. Hanlon, Esquire

Exhibit
A

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2007-112

IN THE MATTER OF

C. WILLIAM BOWKLEY, JR.,
JUDGE OF THE MUNICIPAL COURT

REPORT TO SUPREME COURT

The Advisory Committee on Judicial Conduct ("Committee" or "ACJC") presents this Report to the Supreme Court in accordance with Rule 2:15-15(b) of the New Jersey Court Rules. Although the Committee believes the charges set forth in a Formal Complaint against C. William Bowkley, Judge of the Municipal Court, have been proven by clear and convincing evidence, it recommends the dismissal of the Complaint with a private reprimand to Respondent in light of the extenuating circumstances present in this matter.

On June 13, 2007, the Advisory Committee on Judicial Conduct issued a Formal Complaint against the Respondent, which alleged that Respondent engaged in two separate conflicts of interest as a municipal court judge in 2006 in violation of Canons 1, 2A and 3C(1) of the New Jersey Code of Judicial Conduct and Rule 2:15-8(a)(6) of the New Jersey Court Rules.

Chester since January 1980, and in the Township of Jefferson since 1990. Respondent holds all three judicial positions on a part-time basis.

Between the Summer of 2004 and January 11, 2005, Respondent represented Paula A. (Mazur) Slegers ("Ms. Slegers") in his capacity as a private attorney in a family court matter venued in the Sussex County Superior Court, Family Part (the "Family Court Matter"). See Paula Mazur Slegers v. William DiMuccio, Docket No. FD-19-321-01. The Family Court Matter concerned Ms. Slegers' post-judgment application for the computation of child support, day care expenses and related issues. Damiano Fracasso, Esquire (the "Grievant") represented the defendant and father of the minor child at issue in the Family Court matter, William DiMuccio ("Mr. DiMuccio"). It was Mr. Fracasso who filed the complaint against Respondent in the current matter. See Stipulations at ¶2.

In January 2005, Respondent also began to represent Ms. Slegers in a civil action venued in the Sussex County Superior Court, Civil Part (the "Civil Court Matter"). See Paula A. Mazur v. Richard Pavia, et al., Docket No. L-118-05. That matter and representation continue today. The Civil Court Matter, unrelated to the Family Court Matter, involves a claim of fraud by Ms. Slegers incident to her purchase of real estate. Mr. DiMuccio is not a party to the Civil Court Matter.

Matter to the Municipal Court of Stillwater for disposition.

Id.

Four days later, in yet another matter, Respondent presided over the arraignment of Ms. Slegers in the Hopatcong Municipal Court in reference to charges that had been filed against her by Mr. DiMuccio for alleged interference with custody regarding their minor child. Id. at ¶12.

Neither in his Answer nor during his testimony before the Committee did Respondent dispute the factual predicates of either conflict of interest allegation leveled against him by the Committee. With regard to the first allegation, Respondent admitted both that he represented Ms. Slegers, who was adverse to Mr. DiMuccio, in the Family Court Matter, and that he issued a warrant for Mr. DiMuccio's arrest in the Municipal Court Matter. Id. at ¶¶4-5, ¶¶9-10. Similarly, with regard to the second conflict of interest allegation, Respondent admitted that he presided over the arraignment of his own client, Ms. Slegers, in the Hopatcong Municipal Court despite having represented her in the Family Court Matter and continuing to represent her in the Civil Court Matter. Id. at ¶12.

Admitted

*Id
in plea =
Admitted*

Notwithstanding these admissions, Respondent offered further testimony in his defense during the hearing before the Committee. Respondent testified that the Family Court Matter in which he represented Ms. Slegers against Mr. DiMuccio occurred

that he was not precluded from taking. Tr. 28:3-7; 30:4:18. He further testified that had he been aware of the Newman opinion prior to the date on which he arraigned Ms. Slegers, he would not have presided over the arraignment. Tr. 30:15-18.

The Committee finds that Respondent's actions in issuing the arrest warrant against Mr. DiMuccio and presiding over his own client's arraignment represent Respondent's engagement in two distinct conflicts of interest that violate Canons 1, 2A and 3C(1) of the New Jersey Code of Judicial Conduct and Rule 2:15-8(a)(6) of the New Jersey Court Rules. Canon 1 requires judges to maintain high standards of conduct so that the integrity and independence of the Judiciary is preserved, while Canon 2A requires judges to conduct themselves in a manner that promotes public confidence in the integrity and impartiality of the Judiciary. Canons 3C(1) requires judges to disqualify themselves from proceedings in which the judge's impartiality might reasonably be questioned. Finally, Rule 2:15-8(a)(6) prohibits conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

A. Analysis of Respondent's Issuance of Arrest Warrant

*Should not
N.A.
LAW*

Here, there is no question that Respondent issued the arrest warrant against Mr. DiMuccio but should not have. As indicated above, Canon 3C(1) of the Code of Judicial Conduct requires a

demonstrates the existence of Respondent's conflict of interest and that the Committee cannot overlook. Respondent not only represented Ms. Slegers against Mr. DiMuccio in the Family Court Matter, his representation of Ms. Slegers was ongoing at the time the arrest warrant was issued. Respondent himself testified that had he known it was the same William DiMuccio against whom he litigated two years prior, he would have recused himself from the case. Tr. 40:9-16. The Committee underscores the vital importance of the manner in which the public perceives all judicial acts, whether routine or not. See State of New Jersey v. Tucker, 264 N.J. Super. 549, 554 (App. Div. 1993) ("There must be an appearance of impartiality which fosters the confidence of litigants in the justice system. Any questions concerning that impartiality threatens the integrity of our judicial process.").

*NY 8/4
mfg*

*appearance
of impartiality*

Despite this finding, the Committee must stress that it found the Respondent, during the hearing before the Committee, credible when he testified that he simply was not aware that the William DiMuccio against whom he issued the arrest warrant was the same party he was adverse to in the Slegers-DiMuccio Family Court Matter. The Committee was presented with no evidence to contradict this representation and notes the routineness with which Respondent issued arrest warrants for Borough of Hopatcong citizens who consistently refused to hook up to the sewer system

*of fact
'credibility' not
having*

officer presiding over a client's arraignment is not and cannot be excused because the judicial proceeding in question is one that is "ministerial" or one that requires little judicial discretion. "[T]he fact that a proceeding may involve ministerial, rather than discretionary, action is irrelevant to the issue of conflict. The reasonable observer sees only the conflict, the exercise of judicial office by one who lacks, or appears to lack, impartiality." Id.

Nevertheless, the Committee recognizes that the Newman decision had not yet been rendered by the Supreme Court at the time of Ms. Slegers' arraignment. Respondent testified that had he known of the Newman decision prior to Ms. Slegers' appearance before him, he would not have arraigned her. Tr. 29:12-14. The Committee further gives weight to Respondent's testimony that many municipal court judges were simply not aware, prior to Newman, that they could not preside over even ministerial matters when a conflict existed. Tr. 28:20 to 29:11.

In light of the foregoing, the Committee finds that Respondent did not knowingly violate the applicable Canons of Judicial Conduct when he arraigned Ms. Slegers.

II. RECOMMENDATION

Based on the above findings and discussion, the Committee recommends the dismissal of the Complaint and the imposition of

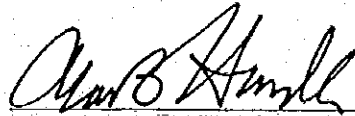
requirement may help these judges avoid replicating the
) conflicts in which the Respondent engaged or engaging in any
other conflicts of interest.

Respectfully submitted,

ADVISORY COMMITTEE ON JUDICIAL CONDUCT

March 11, 2008

By:



Alan B. Handler, Chair

Exhibit
B

195 N.J. 176, 949 A.2d 204

Judges and Attorneys

Supreme Court of New Jersey.

In the Matter of C. William BOWKLEY, Jr., a Judge of the Municipal Court.

June 10, 2008.

***176 ORDER**

The Advisory Committee on Judicial Conduct having filed a report with the Court pursuant to *Rule 2:15-15(b)* in respect of **C. WILLIAM BOWKLEY, JR.**, Judge of the Municipal Courts of the Borough of Hopatcong, the Township of Vernon (Sussex County), the Borough of Chester, and the Township of Jefferson (Morris County), finding by clear and convincing evidence that respondent engaged in conflicts of interest that violated *Canon 1* (a judge should personally observe high standards of conduct so the integrity and independence of the judiciary may be preserved), *Canon 2A* (a judge should act at all times in a manner that promotes public confidence in the integrity and impartiality of the ***177** judiciary), and *Canon 3C(1)* (a judge should disqualify himself from a proceeding in which the judge's impartiality might reasonably be questioned) of the *Code of Judicial Conduct*, and *Rule 2:15-8(a)(6)* (a judge should not engage in conduct prejudicial to the administration of justice that brings the judicial office into disrepute);

And the Committee having recommended that because of extenuating circumstances it found to be present in the matter, the formal complaint should be dismissed and respondent privately reprimanded for his misconduct;

And the Court having ordered respondent to show cause why public discipline less than removal from judicial office should not be imposed;

And the Court having considered the arguments of counsel and having determined from its review of the record that the complaint should not be dismissed and that a public admonition is warranted;

And good cause appearing;

It is ORDERED that **C. WILLIAM BOWKLEY, JR.**, Judge of the Municipal Court, is hereby admonished for violating *Canons 1, 2A, and 3C(1)* of the *Code of Judicial Conduct*, and *Rule 2:15-8(a)(6)*.

Justices LONG and RIVERA-SOTO dissent from the Order. They would dismiss the complaint and impose private discipline substantially for the reasons expressed and as recommended in the report of the Advisory Committee on Judicial Conduct.

Chief Justice RABNER and Justices LaVECCHIA, ALBIN, WALLACE, and HOENS join in the Court's Order. Justices LONG and RIVERA-SOTO dissent from the Order.