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Attorneys for Respondent  
Municipal Court Judge Wilson J. Campbell

**FILED**  
**FEB 26 2009**  
**A. C. J. C.**

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IN THE MATTER OF	:	SUPREME COURT OF NEW JERSEY
	:	ADVISORY COMMITTEE ON
	:	JUDICIAL CONDUCT
WILSON J. CAMPBELL,	:	DOCKET NO.: ACJC 2008-317
JUDGE OF THE MUNICIPAL COURT	:	
	:	<b>ANSWER TO COMPLAINT</b>
	:	

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Respondent, Municipal Court Judge Wilson J. Campbell, by way of Answer to the Complaint filed by complainant, Advisory Committee on Judicial Conduct, respectfully represents as follows:

1. Respondent admits the allegations contained in paragraph 1 of the Complaint.
2. Respondent admits the allegations contained in paragraph 2 of the Complaint.
3. Respondent admits that A. K. was employed as a bailiff in the Jersey City Municipal Court on June 26, 2008. Respondent denies the remainder of the allegations in paragraph 3, and avers that A. K.'s medical condition, cause or treatment thereof is a private, confidential and sensitive matter between A. K. and her healthcare provider, which is prohibited from public disclosure.

4. Respondent admits the allegations contained in sentence 1 of paragraph 4. Respondent admits the allegation in sentence 2 of paragraph 4 which states that Respondent had a relationship with A. K. and denies the remainder of the allegations contained therein. Respondent states that he had a brief consensual dating relationship with A. K. that A. K.

initiated by placing several telephone calls to Respondent's home telephone. Respondent is without sufficient knowledge or information to confirm that the relationship began in April 2008 and ended in June 2008, but admits that the dating relationship occurred sometime during the stated period. Respondent states that consensual dating relationships between judiciary employees are specifically allowed under New Jersey's Judiciary Policy on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination, dated July 2007.<sup>1</sup> Respondent states that at the time of the relationship:

- (a) Neither A. K. nor Respondent was married,
- (b) Both A. K. and Respondent were legal adults, A. K. was approximately 32 years old and Respondent was 37 years old,
- (c) A. K. was a college graduate with a Masters Degree in English Literature from Rutgers University, and
- (d) A. K. was a former high school teacher in Jersey City.

5. Respondent denies the allegations contained in paragraph 5 of the Complaint, and states that A. K. did not serve as his bailiff during the dating relationship. Respondent further states that when his relationship began with A. K. she was not assigned to his courtroom and did not work in his courtroom. Respondent states that A. K. was assigned to specific courts by the chief bailiff and that Respondent never requested that A. K. be assigned to his courtroom. Respondent states that he presided over night court, while A. K.'s schedule rotated between the day and night shifts. Respondent states that at all times when he presided over court a minimum of three courts were in session simultaneously and under no circumstances would A. K. be

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<sup>1</sup> See Exhibit A, Judiciary Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination, dated 3 July 2007, which states in pertinent part, "Consensual dating relationships between Judiciary employees are generally not the business of the judiciary." The Policy is publically available and posted on the New Jersey Judiciary website.

required to serve as Respondent's bailiff. Respondent states that the Jersey City Municipal Court has ten judges and more than thirty support staff, including bailiffs. The court has six courtrooms which are contained on two levels of the Jersey City Municipal Courthouse and it is one of the largest municipal courts in the State of New Jersey.

6. Respondent admits the allegation in paragraph 6 of the Complaint that states Respondent was not A. K.'s supervisor. Respondent denies the remaining allegations in paragraph 6. Respondent denies that he exercised supervisory control over A. K. in the various courtrooms to which A. K. was assigned as bailiff. Respondent avers that at all times A. K. was under the supervisory control of the chief bailiff, who directed the assignment and location of all bailiffs. Respondent admits that he exercised limited control over bailiffs assigned to his court, whose primary duties were to take documents from the court clerk, deliver those documents to defendants and maintain security over court personnel and litigants. Respondent states that as a part-time judge he does not evaluate, promote or rate A. K. or other bailiffs. Respondent states he did not exercise administrative or supervisory control over A. K.

7. Respondent admits the allegations in paragraph 7 of the Complaint. Respondent states that due to the brief nature of the dating relationship, the fact that A. K. was not assigned as Respondent's bailiff, and the fact that Respondent only served on the bench part-time, the existence of the relationship was not reported to his supervisors. Respondent states that the reporting of such a relationship was not mandatory since A. K. was not assigned as his bailiff and Respondent did not serve as A. K.'s supervisor for reporting purposes.

8. Respondent is without sufficient knowledge of the allegations in paragraph 8 relating to A. K.'s specific medical condition, cause or treatment thereof. Respondent states that A. K.'s specific medical condition is a confidential, private and sensitive matter between A. K.

and her health care provider. Respondent denies that A.K. was reassigned to a different location within the courthouse and states that A.K. still works in the position of bailiff in various courts in the Jersey City Municipal Court. Respondent admits that A.K. does not work in Respondent's court. Respondent denies that A.K. no longer works during the same hours as Respondent, and states that A. K. and Respondent worked during the same court hours as recently as January 2009.

9. Respondent denies the allegations contained in paragraph 9.

10. Respondent denies the allegations contained in paragraph 10.

WHEREFORE, Respondent respectfully requests that the Advisory Committee on Judicial Conduct recommend that the Supreme Court dismiss this Complaint in its entirety with prejudice.

#### **DEFENSES AND AFFIRMATIVE DEFENSES**

1. Respondent states that consensual dating relationships between judiciary employees, to include relationships between superiors and subordinates, are specifically allowed under published Judiciary Policy. (See Attached Judiciary Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination, dated July 3, 2007 and Revised Judiciary Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination, dated October 29, 2008 – Both policies are published and readily available on the Internet). The relationship between Respondent and A. K. was in compliance with the Judiciary's stated policy. There is nothing to suggest that Respondent's dating relationship with A. K. was anything other than consensual. Since such relationships are allowed by formal policy, the existence of such a relationship cannot form the basis of the subject Complaint which, in

essence, alleges a consensual relationship between two well-educated judiciary employees who were not in a supervisor and subordinate reporting position.

2. Respondent states that A. K. makes no claim or allegation of sexual harassment against Respondent.

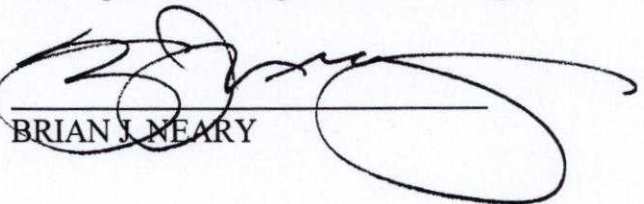
3. A. K.'s alleged reaction at the end of a consensual relationship with Respondent could not have been anticipated or expected and cannot form the basis of a valid ethics Complaint against Respondent.

4. The requisite elements to support an ethics Complaint against respondent do not exist, and the subject Complaint must be dismissed with prejudice.

5. Respondent specifically reserves the right to amend his Answer and to include additional Defenses or Affirmative Defenses after reviewing the discovery in this matter.

LAW OFFICE OF BRIAN J. NEARY  
Attorneys for Respondent  
Municipal Court Judge Wilson J. Campbell

By:

  
BRIAN J. NEARY

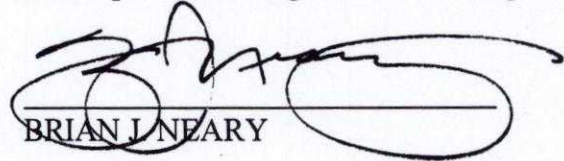
Dated: February 20, 2009

**CERTIFICATION**

I hereby certify that this pleading was served within the time period allowed under R. 2:15-12(c), and served upon the Advisory Committee on Judicial Conduct in the accordance with applicable court rules.

LAW OFFICE OF BRIAN J. NEARY  
Attorneys for Respondent  
Municipal Court Judge Wilson J. Campbell

By:

  
BRIAN J. NEARY

Dated: February 20, 2009

**Judiciary of the State of New Jersey**  
**Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination**

The Chief Justice and Supreme Court of New Jersey declare the following to be the policy of the New Jersey Judiciary in order to ensure equal opportunity for all Judiciary employees and applicants for employment, and in order to ensure that all court users, volunteers, attorneys, litigants, witnesses or others who come into contact with the court system are treated in a non-discriminatory manner with civility, dignity, and respect. All who serve in the Judicial Branch are responsible for implementing this policy.

***Policy on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination***

The New Jersey Judiciary is committed to the principles of equal employment opportunity and prohibits discrimination in hiring, promotion and terms and conditions of employment on the basis of race, creed, color, national origin/nationality, ancestry, religion, age, sex, gender identity or expression, affectional or sexual orientation, marital status, civil union status, domestic partnership status, disability or perceived disability, atypical hereditary cellular or blood trait, genetic information, status as a disabled veteran or veteran of the Armed Forces of the United States, or liability for service in the Armed Forces of the United States.

***Overcoming Barriers to Equal Opportunity***

The Judiciary will continue to take appropriate action to remove barriers that may prevent minorities and women from full participation in the Judiciary's workforce and full enjoyment of all of the privileges of employment. An important factor in evaluating management performance is compliance with the Judiciary's policy of fair employment practices as embodied in the Judiciary's Master Plan for EEO/AA. Management will periodically review Judiciary employment practices in order to ensure that all applicants and employees and, in particular, persons who are members of groups that have been historically disadvantaged because of discrimination are receiving fair and equal consideration for job opportunities. Affirmative efforts to ensure fairness will be undertaken with respect to all employment practices, including but not limited to recruitment, selection, hiring, training, promotions, transfers, discipline, discharge, demotion, layoffs, re-employment after layoff, job assignment, compensation, and fringe benefits.

***Policy on Disabilities Affecting Court Users, Job Applicants and Employees***

The Judiciary is committed to complying with the New Jersey Law Against Discrimination, and other anti-discrimination statutes applicable to the judiciary, and will not discriminate against any qualified employee or job applicant with respect to any terms, privileges or conditions of employment because of a physical or mental disability. Moreover, the Judiciary will not discharge a worker who develops a disability, including a disease such as cancer or AIDS, so long as that individual remains qualified and able to perform the essential functions of the job with or without reasonable accommodations. The Judiciary will make reasonable accommodations for all court users, employees, and applicants with disabilities, provided that the accommodations neither cause the Judiciary undue hardship, nor present a direct threat to their own health or safety, or the health and safety of others as defined under applicable law. Accommodations shall be requested by the disabled individual. This may be done by contacting the judge or Senior Manager/Supervisor in charge of the operations, services, program or activity. The individual also may contact either the local Access Coordinator or the Administrative Office of the Courts, Chief, Court Access Services at (609) 633-3902 (or (609) 292-3618 for Voice/Telecommunication Device for the Deaf (TDD)) regarding access issues or may contact the Administrator of Employee Relations at (609) 633-6540 (or (609) 292-0234 for TDD users) regarding employment issues.

***Policy on Sexual Harassment***

In recognition of the dignity and worth of each person who works for the Judiciary or who comes into contact with the courts, the New Jersey Judiciary promulgates this policy on sexual harassment for implementation throughout the court system. Sexual harassment is illegal, an abuse of authority and, if engaged in by a Judiciary employee, will be deemed to constitute misconduct. Sexual harassment undermines the public's confidence in the Judiciary and the integrity of employment relationships, debilitates morale and may be destructive to its victims and their associates. Accordingly, sexual harassment will not be tolerated whether it is practiced by judges, employees or non-employees, against court employees, attorneys, litigants, witnesses or others who come into contact with the court system. Managerial and supervisory personnel are required to ensure adherence to and compliance with this policy and, upon being informed of possible harassment, are required to take appropriate and immediate action in response thereto.

The New Jersey Judiciary has procedures for filing discrimination complaints, including sexual harassment complaints against judges, non-judge Judiciary employees, and non-employees, whether by Judiciary employees, attorneys, litigants, witnesses or others who come into contact with the court system. The Judiciary complaint procedures should be used for filing and addressing discrimination and sexual harassment complaints as noted in the "Filing a Complaint" section below.

***Policy Against Discrimination Based on Gender Identity or Expression***

The Judiciary respects the individual humanity and worth of each person who comes in contact with the courts. Discrimination in any form based on a person's gender identity or expression is prohibited. Gender identity or expression is defined as having or being perceived as having a gender related identity or expression whether or not stereotypically associated with a person's assigned sex at birth. The Judiciary shall not treat job applicants, employees, or individuals who come into contact with the courts differently because of their actual or perceived gender identity or expression.

***Policy Against Discrimination Based on Affectional or Sexual Orientation***

The Judiciary is committed to treating all employees and court users equally, with dignity and respect. Discrimination in any form against any individual on account of his or her affectional or sexual orientation is prohibited. Affectional or sexual orientation is defined as male or female heterosexuality, homosexuality, or bisexuality by inclination, practice, identity or expression, having a history thereof, or being perceived, presumed or identified by others as having such an orientation. The Judiciary shall not treat job applicants, employees, or individuals who come into contact with the courts differently because of their actual or perceived affectional or sexual orientation.

***Policy on Consensual Dating in the Workplace***

Consensual dating relationships between Judiciary employees are generally not the Judiciary's business. However, when the two people currently or previously involved in such relationships work as supervisor and subordinate, the supervisor must promptly inform his or her immediate superior of the personal relationship so that the Judiciary may take action to change the reporting relationship between the individuals. This is necessary in order to eliminate any appearance of, or actual, impropriety in the workplace. For justices, judges and Judiciary employees subject to the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, et seq., failure to give proper notice to the supervisor's immediate superior may result in the denial of legal representation and indemnification by the State in the event that a discrimination or sexual harassment lawsuit is filed in connection with the relationship.

***Policy on Racial/Ethnic Bias, Harassment, and Hostile Work Environment***

The Judiciary prohibits all forms of bias, harassment, and discrimination in all of its operations. This prohibition extends to workforce management, all aspects of employment practices, the processing and adjudication of cases, and all programs, services and activities of the Judiciary. Appropriate actions, up to and including discharge, will be taken against individuals who do not adhere to this policy. Judges, managers, and supervisors are to take all necessary steps to ensure that each employee's work environment is free of unlawful discrimination, including racial, ethnic or sexually-oriented jokes. Harassment, coercion or intimidation of any employee based on that employee's race, creed, color, national origin, age or other unlawful criteria is strictly forbidden.

***Dissemination***

This Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination will be (1) sent to all New Jersey Judiciary judges and employees, (2) distributed to new employees of the Judiciary, and (3) posted in areas visible to court users, volunteers, and job applicants.

***Filing a Complaint***

Employees, applicants, clients and users of the courts who have questions, problems or complaints regarding EEO, disability, sexual harassment, racial/ethnic bias, hostile work environment or other categories covered by the anti-discrimination laws may communicate their concerns to the Judge, manager or supervisor in charge of the court program or service involved. If the complainant is dissatisfied with the handling of the matter, or if the complainant prefers, the complainant may contact the local EEO/AA Officer or may pursue his or her complaint according to the New Jersey Judiciary's discrimination and sexual harassment complaint procedures, which can be obtained from the local EEO/AA Officer/Designee and/or Access Coordinator. The Judiciary EEO/AA Unit at the Administrative Office of the Courts in Trenton can be contacted by calling (609) 633-6537 for voice and TDD users. All complaints, inquiries, and investigations shall be handled in a confidential manner to the greatest extent possible. All Judiciary employees are to cooperate in the internal investigation of complaints. The local EEO/AA Officer can also provide information on other options available for filing complaints under state and federal complaint procedures.

***Prohibition Against Retaliation***

Retaliation in any form by anyone who serves in the Judicial Branch against any person who complains about discrimination, files a discrimination complaint or who assists in the investigation of such complaints is prohibited. A charge of retaliation may be raised at any step of the complaint procedures or may form the basis of a new complaint. Retaliation may result in legal liability even though the original discrimination complaint was unfounded and dismissed. Appropriate actions, up to and including discharge, will be taken against individuals who are found to have retaliated against a complainant or against any individual who assists in the investigation of a complaint.

/s/ Philip S. Carchman



ADMINISTRATIVE OFFICE OF THE COURTS  
STATE OF NEW JERSEY

GLENN A. GRANT, J.A.D.  
ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS



RICHARD J. HUGHES JUSTICE COMPLEX  
PO Box 037  
TRENTON, NEW JERSEY 08625-0037  
(609) 984-0275  
FAX: (609) 292.3320

October 29, 2008

To: Justices, Judges and Judiciary Employees  
From: Glenn A. Grant, J.A.D. *GAG*  
Subject: Revised Judiciary Policy Statement on Equal Employment Opportunity,  
Affirmative Action and Anti-Discrimination

Attached is a copy of the revised Judiciary Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination which is applicable to all judges and staff who serve in the Judiciary, including the Municipal Courts. The Supreme Court approved the revised Policy Statement to address: (a) the recent statutory amendment that extends protection and prohibits discrimination based on religious practices or observances and (b) recent case law involving a religious-based hostile work environment claim. These revisions are reflected in the section of the Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination and the section on Racial/Ethnic, Religious and Other Forms of Bias, Harassment, and Hostile Work Environment.

The Policy Statement sets forth the Judiciary's unwavering commitment to the principles and goals of fairness, equality, and respect for all individuals at every level of the court system. I urge you to read the Policy Statement carefully. Compliance with the provisions of the Policy is not only a legal responsibility, it also is the right thing to do. Thank you for your cooperation and support.

G.A.G.

Attachment

cc: Chief Justice Stuart Rabner  
R. Brian McLaughlin, Esq., Acting Counsel to Director  
Bobby E. Battle, Chief, Judiciary EEO/AA Officer

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The Judiciary will continue to take appropriate action to remove barriers that may prevent minorities and women from full participation in the Judiciary's workforce and full enjoyment of all of the privileges of employment. An important factor in evaluating management performance is compliance with the Judiciary's policy of fair employment practices as embodied in the Judiciary's Master Plan for EEO/AA. Management will periodically review Judiciary employment practices in order to ensure that all applicants and employees and, in particular, persons who are members of groups that have been historically disadvantaged because of discrimination are receiving fair and equal consideration for job opportunities. Affirmative efforts to ensure fairness will be undertaken with respect to all employment practices, including but not limited to recruitment, selection, hiring, training, promotions, transfers, discipline, discharge, demotion, layoffs, re-employment after layoff, job assignment, compensation, and fringe benefits.

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October 29, 2008

  
Hon. Glen A. Grant, Acting Administrative Director