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ACJC.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2016-022

IN THE MATTER OF

G. DOLPH CORRADINO,
FORMER PRESIDING JUDGE -
MUNICIPAL COURTS

FORMAL COMPLAINT

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of former Municipal Court Judge G. Dolph Corradino (“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 1966.

2. At all times relevant to this matter, Respondent served as a judge of the Municipal Court of the Township of Little Falls (“Little Falls”), first appointed in 1993, Presiding Judge of the Passaic Vicinage Municipal Courts, appointed July 2006, and as the Presiding Judge of the Passaic Vicinage Central Judicial Processing Court, appointed July 20, 2015, positions he held until he was temporarily suspended from his judicial duties, without compensation, by order of the Honorable Ernest M. Caposela, A.J.S.C. (“Judge Caposela”) effective September 14, 2015. The Order of Suspension was vacated on June 23, 2017.

3. Respondent resigned from his position as the Little Falls Municipal Court Judge effective July 6, 2017. Respondent was not reappointed as the Presiding Judge of the

Passaic Vicinage Municipal Courts and the Presiding Judge of the Passaic Vicinage Central Judicial Processing Court.

4. On May 14, 2009, Glenn A. Grant, J.A.D., Acting Administrative Director of the Courts (“Judge Grant”), via email, issued a memo (“Memo”) to all Municipal Treasurers, Assignment Judges, Trial Court Administrators, Presiding Judges of Municipal Court, Municipal Division Managers, Municipal Court Directors/Administrators, and others entitled “N.J.S.A. 26:2B-35(b) (3) – Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund” (“DWI Fund”).

5. The DWI Fund was statutorily created to assist municipal courts in their efforts to dispose promptly of DWI matters and to defray the costs associated with the additional court sessions needed to expeditiously address pending and backlogged DWI cases. The Administrative Office of the Courts (“AOC”) collects statistics and allocates the money annually to each municipality based on a preapproved formula.

6. As provided in the Memo, a municipality is eligible to receive funds from the DWI Fund if the number of DWI arrests made in the municipality during a given year was greater than the number of DWI arrests made in the municipality during the statutorily assigned base year.

7. In the Memo, Judge Grant advised those municipalities that qualified for such funding to “be cognizant that the statute expressly provides that these funds be used solely for the purpose of maintaining the Municipal Courts in their efforts to dispose of DWI cases. This includes ‘payments to municipal court judges, municipal prosecutors and other municipal court personnel for work performed in addition to regular employment hours [,]’ N.J.S.A. 26:2B-35(b).”

8. To assist a municipality in budgeting monies received from the DWI Fund, attached to the Memo was an August 20, 1985 memorandum from the Division of Local Government Services. That memorandum indicates that “municipalities may budget such funds as they would a categorical grant-in-aid (see N.J.S.A. 40A:4-67).”

9. The Memo stated “. . . use of this revenue is restricted to the statutorily specified areas, i.e., for the maintenance of the Municipal Courts. The monies are not intended to replace amounts normally budgeted to fund the operation of a Municipal Court, but rather should be viewed as funding only for the court’s additional DWI related work.”

10. On May 18, 2009, Judge Grant promulgated a set of Guidelines for the expenditure of monies from the Parking Offenses Adjudication Act Fund (“POAA”) and the DWI Fund (“Guidelines”). The Guidelines defined appropriate expenditures from each Fund and required that all expenditures be preapproved by the Assignment Judge before expending any of the Fund’s money by submitting a “Request for the Expenditure of DWI c.531 or POAA Funds” form. The typical expenditures would be for costs associated with additional court sessions deemed to handle necessary pending and backlogged DWI cases.

11. In accordance with the Guidelines, “. . . court staff can only be compensated if the session is conducted after the conclusion of regular court hours.”

12. In conjunction with these Guidelines, Judge Grant, beginning on May 18, 2009, circulated annually a memorandum to all municipal treasurers, with a copy to all presiding municipal court judges, reminding them of these Guidelines.

13. The AOC sends a memo, via email, every April to municipal court administrators, deputy court administrators, judges, presiding judges, municipal division managers, and select central office staff advising of the municipalities in the county that

qualified for DWI Funds, the amount of the distribution, and the approximate date that the funds will be distributed. DWI funds are mailed by the Department of Treasury to the respective Municipal Treasurer.

14. Included in the AOC's April email is a list of links to AOC promulgated documents, including Requests for Expenditures of DWI or POAA Funds Form and Instructions and Guidelines for the Expenditures of DWI or POAA Funds Form and Instructions.

15. An analysis by the AOC of Little Falls' base year figures and its DWI arrests indicated that the municipality qualified for DWI funding.

16. Since 2009, Little Falls received \$15,289.28 from the Fund disbursed as follows:

Year of Disbursement	Disbursement
2009	\$4,524.84
2010	\$3,368.29
2011	\$1,941.65
2012	\$ 647.56
2013	\$2,744.28
2014	\$5,553.53
2015	\$2,062.66

17. A representative from the Vicinage Municipal Division is required to meet annually with representatives from each municipal court to conduct a general review of the court's administrative procedures and office practices. This yearly meeting is known as a "visitation" and once completed, a Municipal Court Visitation Report is generated and then submitted to the Municipal Court Judge, with a copy to the Assignment Judge, Trial Court Administrator and the Municipal Court Administrator/Director.

18. One of the major areas of court practices and procedures reviewed during the visitation is the financial records of the municipal court. This review focuses on the proper

collection, disbursement and general handling of monies collected by the court, including monies received from the DWI Fund.

19. Little Falls Municipal Court Visitation Reports from 2009 through 2015 reveal that the municipality maintained a separate account for DWI Funds which were used for "Special Sessions." The Court Administrator for Little Falls provided information, without any supporting documentation, as to the amount contained in the Fund to the representative from the Municipal Vicinage at the time of the visitation.

20. Those same visitation reports from 2009 through 2015 reflect a zero balance in the Little Falls DWI Fund account for each of those years.

21. From 2009 through 2011, monies from the Little Falls DWI Fund were used to pay Respondent, the Municipal Prosecutor, Court Administrator, and Deputy Court Administrator for DWI trials.

22. Other than Respondent, no other municipal court employees received payments from the DWI Fund between 2012 and 2015.

23. Contrary to the Guidelines, Respondent failed to submit any Requests for Expenditure of DWI Funds to his Assignment Judge while sitting as Judge of the Little Falls Municipal Court between 2009 and 2015 to obtain the necessary preapproval before holding any special DWI sessions. This information was discovered by Sonya Noyes, Municipal Division Manager for the Passaic Vicinage, during a clerical review of the Passaic Vicinage Municipal Division files.

24. Indeed, Respondent concedes that he never read Judge Grant's annual memo or the Guidelines to which it related concerning authorized expenditures from the DWI Fund.

25. Respondent, however, knew or should have known that any expenditure from the DWI Fund required preapproval by the Assignment Judge.

26. Instead of following the protocols for payments promulgated by the Judiciary, Respondent verbally requested payment from the Little Falls Township Manager for monies from the Fund. There was no paperwork of any kind submitted to Little Falls by Respondent or the Little Falls Municipal Court in connection with Respondent's requests for payments from the DWI Fund.

27. With the exception of 2014 when Respondent's payment of \$2,744.28 was charged to Little Falls Municipal Court salaries, during this time period, Respondent received the following payments from the DWI Fund:

Year of Disbursement	Disbursement
2009	\$3,001.30
2010	\$2,245.53
2011	\$1,295.08
2012	\$ 647.00
2013	\$2,744.28
2015	<u>\$2,062.66</u>
Total	\$11,995.85

28. Respondent admitted to Judge Caposela that he took the money from the DWI Fund "as his reward for the efficient performance of his court" and that he believed the funds "were available to pay himself a bonus." Respondent further conceded that he authorized bonuses to be paid from the DWI Fund to his court administrator, deputy court administrator and the municipal prosecutor in 2009, 2010 and 2011.

29. By his conduct in failing to submit any Requests for Expenditure of DWI Funds to Judge Caposela prior to holding special DWI sessions and in utilizing monies from the DWI Fund to pay himself "bonuses" unrelated to the costs associated with the administration of

additional court sessions to handle pending and backlogged DWI cases, Respondent demonstrated an inability 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 Conduct¹, for which public discipline to include censure with a permanent bar from judicial office is appropriate.


WHEREFORE, Complainant charges that Respondent has violated the following Canons of the Code of Judicial Conduct:

Canon 1, Rule 1.1, which requires that judges observe high standards of conduct so that the integrity and independence of the judiciary may be preserved;

Canon 2, Rule 2.1, which requires judges to promote public confidence in the independence, integrity and impartiality of the judiciary;

Complainant demands that Respondent make restitution in the amount of \$11,995.85 to the Treasurer, State of New Jersey, and \$2,744.28 to the Township of Little Falls for the monetary loss suffered as a result of Respondent's misconduct.

DATED: November 3, 2017



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¹ Formerly Canons 1 and 2 of the Code of Judicial Conduct