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ACJC

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November 4, 2016

VIA LAWYERS' SERVICE

Supreme Court of New Jersey
Advisory Committee on Judicial Conduct
P.O. Box 037
Trenton, New Jersey 08625-0037

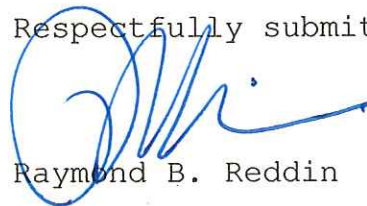
Re: In the Matter of Liliana DeAvila-Silebi
Docket No. ACJC 2016-001

Dear Sir/Madam:

Our firm represents Judge Silebi in connection with the above matter. Enclosed please find an original and two copies of an Answer to the Complaint. Please file same and return a copy marked "filed" to the above address.

Thank you in advance for your anticipated courtesies.

Respectfully submitted,



Raymond B. Reddin

RBR

Encl.

Cc: Maureen G. Bauman, Esq. (w/encl.)
Disciplinary Counsel
ACJC
Richard J. Hughes Complex
25 Market Street - 4th Floor
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A.C.J.C.

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Attorneys for Respondent

	:	SUPREME COURT OF NEW JERSEY
	:	ADVISORY COMMITTEE ON
IN THE MATTER OF	:	JUDICIAL CONDUCT
	:	
LILIANA DeAVILA-SILEBI	:	DOCKET NO. ACJC 2016-001
JUDGE OF THE SUPERIOR	:	
COURT	:	NOTICE OF APPEARANCE AND
	:	ANSWER TO FORMAL COMPLAINT
	:	
	:	
	:	

LILIANA DeAVILA-SILEBI, Judge of the Superior Court (hereinafter referred to as "Judge Silebi" or "Respondent"), by way of response to the ACJC's Complaint and factual allegations contained therein hereby says:

AS TO THE ALLEGED FACTS OF THE FORMAL COMPLAINT

1. Judge Silebi admits the allegations of Paragraph 1 of the Complaint.
2. Judge Silebi denies that she served as a Judge in the Passaic County Vicinage at all times relevant to this matter. To clarify, she formally began sitting and serving as a Judge in the Passaic County Superior Court of New Jersey, Civil Division, on May 11, 2015. Prior to taking the bench in the Passaic County Vicinage, she was assigned

to the Civil Division in the Bergen County Vicinage from June 16, 2008 to August 31, 2010. She then physically served as the Presiding Judge of the Criminal Division in the Bergen Vicinage from Sept 1, 2010 through May 1, 2015. The remaining allegations contained in Paragraph 2 are admitted.

3. Judge Silebi physically served her final day on the Bergen County bench on Friday, May 1, 2015. She did not physically serve on the Passaic County bench until May 11, 2015. Therefore, Judge Silebi denies that she was transferred from Bergen County to Passaic County effective May 1, 2015. During the timeframe between May 1, 2015 and May 10, 2015, she worked with the new incoming Presiding Judge in Bergen County and transferred her chambers from Bergen County to Passaic County. She did not sit on either bench during that week in flux. The incident that forms the basis of this Complaint occurred on Saturday, May 9, 2015, which was during the midst of the transfer. This is further evidenced by her truthful statement to the Fort Lee Police Department, "I'm in Bergen, but I'm also assigned in Passaic County".

4. Judge Silebi admits the allegations contained in Paragraph 4 of the Complaint.

5. Judge Silebi admits the allegations contained in Paragraph 5 of the Complaint.

6. Judge Silebi admits only that the selected excerpts of her conversation with Fort Lee Police Officer Sergeant Michael Ferraro (hereinafter "Officer Ferraro") contained in Paragraph 6 of the Complaint are accurate. However, it should be noted that the selective excerpts contained in Paragraph 6 do not capture the essence of the entire conversation.

7. Judge Silebi admits only that the excerpt of her conversation contained in Paragraph 7 is accurate. However, it should be further noted that Judge Silebi made this request to Officer Ferraro in the interest of all parties' safety and well-being, most notably the child, after having sensed the situation could become volatile and lead to an altercation based upon the emergent phone call she received.

8. Judge Silebi admits only the allegations of Paragraph 8 of the Complaint are accurate in that those selective excerpts contained therein were a portion of the conversation with Officer Ferraro. However, once again, these hand-picked selective excerpts taken from the entire transcript distort the essence of the conversation.

9. Judge Silebi admits the allegations contained in Paragraph 9.

10. The allegations contained in Paragraph 10 do not take into account the entire factual circumstances of the situation; and therefore, Judge Silebi is unable to either admit or deny in its entirety. To summarize more accurately: Judge Silebi received a phone call on her cell-phone on a Saturday, and recalls the person calling in was a male purporting to be an attorney. Further, she was presented with an emergent application involving a custody dispute and the potential safety of the child. She did confirm the child was located in Fort Lee, Bergen County, thereby causing her to reasonably conclude it was a Bergen County matter. She did further confirm a Court Order was in place and had the purported attorney read her the relevant portions of the Court Order involving custody of the child. Given the volume, the unexpectedness, and the ex-parte nature of these emergent phone calls, it would be very unreasonable and unrealistic to expect an emergent Judge, without the protection of the record, or the benefit of a court staff or even a file, to field any emergent call on a weekend and completely vet the entire situation prior to making a decision. Although it turned out to be an Essex County Order, the Judge has state-wide jurisdiction. The

situation presented itself in an emergent manner and involved the potential safety of a child whom was situated in Bergen County at the time. Based on all of the above, Judge Silebi reacted in the manner she deemed best appropriate. Most importantly, none of the parties were physically harmed as a result.

11. Judge Silebi admits the allegations contained in Paragraph 11 of the Complaint. It should be noted that the identity of the owner of the cell phone, now known as Vivianne Chermont, was not known or revealed to Judge Silebi until days prior to the receipt of this Complaint, some seventeen (17) months after the call was placed.

12. Judge Silebi neither admits nor denies the allegations contained in Paragraph 12 of the Complaint as she had no further involvement with the matter after the phone call.

13. Judge Silebi neither admits nor denies the allegations contained in Paragraph 13 of the Complaint as she had no further involvement with the matter after the phone call.

14. Judge Silebi neither admits nor denies the allegations contained in Paragraph 14 of the Complaint as she had no further involvement with the matter after the phone call.

15. It is neither admitted nor denied that the Advisory Committee received the stated information, but Judge Silebi denies having violated the Judicial Code of Conduct.

16. Admitted.

17. Denied.

18. It is admitted that Judge Silebi was unable to exactly identify the person from whom she received the emergent phone call. However, she recalls the unidentified person was a male proclaiming to be an attorney. To clarify, when asked at her interview how that person may have gotten her phone number she explained, "an attorney, a sheriff's department, or the prosecutor's office or a local police department, but she couldn't remember offhand." This response was provided due to the large and unknown number of people that were privy to Judge Silebi's phone number given she was always an on-call emergent Judge in Bergen County in her role as the Criminal Presiding Judge.

19. It is admitted that after Judge Silebi had her recollection refreshed upon hearing the recording of her phone call to the Fort Lee Police Department and reading the transcript she recalled the entire contents of the conversation. It should be noted this was one out of many instances in which Judge Silebi fielded an emergent call

and handled accordingly during her entire tenure as a Presiding Judge in the Bergen County Superior Court. It is also acknowledged that Judge Silebi misspoke by using the word "saw" in her conversation with Fort Lee Police (in reference to the Court Order). To clarify, the Court Order was "read" to her over the phone by the purported attorney.

20. Admitted. And Judge Silebi maintains that she testified honestly and to the best of her recollection at her informal conference on May 11, 2016, and at all other times hereto.

WHEREFORE, Respondent requests that the Committee find that her conduct did not intentionally and/or unintentionally violate the applicable Canons of Judicial Conduct and that the Committee recommends to the Supreme Court of New Jersey that no discipline be imposed as to the Respondent.

AS TO COUNT I

21. Respondent repeats and realleges Paragraphs 1 through 20 of this Answer as if set forth fully herein.

22. It is denied that Judge Silebi misrepresented to Sergeant Ferraro that she received a call from an attorney. The person on the line identified himself as an attorney and she trusted his representation as an officer of the

Court. Judge Silebi admits that she simply inadvertently misspoke regarding her reference to having "seen" the Court Order instead having been read the Order. This was nothing more than a human "slip of the tongue", which often occurs during quick colloquy between two people speaking in phone conversation. The remaining allegations of Paragraph 22 are denied.

23. It is denied that Judge Silebi misrepresented she was the judge on emergent duty, as the protocol in Bergen County Superior Court as per the Assignment Judge is that all Presiding Judges handle emergent matters, as well as the designated emergent Judge on cycle. Judge Silebi maintains that at all times she was performing a legitimate, judicial function which is required by Law and under her oath of office to perform. Therefore, Judge Silebi denies the allegations in Paragraph 23.

AS TO COUNT II

Respondent repeats and realleges Paragraphs 1 through 23 of this Answer as if set forth fully herein.

24. Judge Silebi denies the allegations of Paragraph 24 in its entirety.

25. Denied.

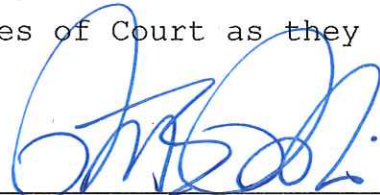
WHEREFORE, Respondent requests that the Committee find that her conduct did not intentionally and/or unintentionally violate the applicable Canons of Judicial Conduct and that the Committee recommends to the Supreme Court of New Jersey that no discipline be imposed as to the Respondent.



Raymond B. Reddin, Esq.
Attorney for Respondent

CERTIFICATION

I hereby certify that the within Answer has been filed and served in accordance with the Rules of Court as they apply to this proceeding.



Raymond B. Reddin, Esq.
Attorney for Respondent