

THOMAS R. ASHLEY, ESQ.
Law Office of Thomas R. Ashley
50 Park Place, Suite 1400
Newark, New Jersey 07102
(973) 623-0501 * Fax (973) 623-0329
Attorneys for Respondent, Michael Giles

FILED

APR 22 2008

A. C. J. C.

IN THE MATTER OF : SUPREME COURT OF NEW JERSEY
F. MICHAEL GILES : ADVISORY COMMITTEE ON
 : JUDICIAL CONDUCT
 :
JUDGE OF THE SUPERIOR COURT : DOCKET NO. ACJC: 2006-162 &
 : 2008-169
 :
 : ANSWER TO AMENDED
 : COMPLAINT
 :
 :

Respondent, F. Michael Giles., by way of answer to the formal complaint filed against him by the Advisory Committee on Judicial Conduct, hereby states:

1. Respondent admits the allegations contained in Paragraph 1.
2. Respondent admits the allegations contained in Paragraph 2.

COUNT I

3. Respondent repeats the allegations contained in paragraph 1 and 2 as if set forth at length.
4. Respondent denies the allegations contained in paragraph 4.
5. Respondent is without sufficient knowledge to answer the allegations contained in paragraph 5.
6. Respondent is without sufficient knowledge to answer the allegations contained in paragraph 6.
7. Respondent is not certain of the time but admits the remainder of the allegations contained in paragraph 7.
8. Respondent admits the allegations contained in paragraph 8.
9. Respondent denies the allegations contained in paragraph 9.
10. Respondent admits the allegations contained in paragraph 10 insofar as it alleges that Respondent inquired as to whether he was on the record.
11. Respondent denies the allegations contained in paragraph 11.

12. Respondent denies the allegations contained in paragraph 12.
13. Respondent denies the allegations contained in paragraph 13.

COUNT II

14. Respondent repeats the answers contained in Paragraphs 1 through 13 as if set forth at length herein.
15. Respondent admits the allegations contained in paragraph 15.
16. Respondent denies the allegations contained in paragraph 16.
17. Respondent denies the allegation contained in paragraph 17.
18. Respondent denies the allegations contained in paragraph 18.
19. Respondent denies the allegations contained in paragraph 19.
20. Respondent denies the allegations contained in paragraph 20.

COUNT III

21. Respondent repeats the answers contained in Paragraphs 14 through 20 as if set forth at length herein.
22. Respondent admits the allegations contained in paragraph 22.
23. Respondent denies the allegation contained in paragraph 23.

STATEMENT IN MITIGATION

1. As to Count 1, the Respondent reiterates his letter of September 22, 2006, which states his version of the events. Respondent understands that even the provocation evidenced by the Grievant does not justify or excuse his use of profanity on the Bench. (A copy of said letter is attached hereto and incorporated by reference)

2. As to Count II, Respondent respectfully reminds the committee that the allegations by Ms. Bettino are from a Certification in support of her Motion to Recuse. The Application was opposed with briefs and certifications by Ms. Bettino's adversaries. The motion is presently scheduled for a hearing on April 24, 2008. The Respondent respectfully refers the Committee to the record of the proceedings. The Respondent respectfully reminds the Committee that he denies the fundamental premise, upon which the Motion to Recuse is based, that he cursed at Ms. Bettino on December 12, 2007 or at any time.

3. As to Count III, it is anticipated that one of the grievants involved in the 1998 matter will submit a written statement to the Committee.

4. Respondent and his wife lost their forty (40) year old daughter in October 2004. They have custody and Guardianship of two (2) granddaughters, ages nine (9) and fourteen (14).

Respondent and his wife have the attendant responsibility of parenthood again and find it can be challenging and exhausting.

5. On November 26, 2006, Respondent suffered a life threatening Type A aortic dissection and underwent surgery November 27, 2006; which to this date, he is continuing active treatment, and as recent as November 21, 2007 had additional surgery. Respondent remains on a four (4) day work schedule. Respondent is attaching a copy of his physician's recent letter to Assignment Judge Patricia K. Costello. (Please see attached letters from Paul M. Wangenheim, M.D., F.A.C.C., dated March 15, 2007; May 17, 2007; September 11, 2007; and March 12, 2008)

6. In light of Respondent's recent life-threatening experiences, the death of his daughter and the enormous emotional burdens associated with the responsibility of raising his two (2) granddaughters, Respondent requests that the Committee consider the stressors that he has encountered.

LAW OFFICES OF THOMAS R. ASHLEY

By: 

Thomas R. Ashley
Attorney for F. Michael Giles

Dated: April 22, 2008

CERTIFICATION OF RESPONDENT

I certify that the above answers to the Amended Complaint, and the circumstances in mitigation, also set forth above, are truthful and accurate. I am aware that if any of these statements are knowingly false, I may be subject to punishment.

Dated: April 22, 2008


F. Michael Giles

April 22, 2008

Advisory Committee on Judicial Conduct
PO Box 037
Trenton, New Jersey 08625-0037

RE: The Honorable F. Michael Giles
ACJC 2008-169

Members of the ACJC:

On May 7, 1997, the Brick Towers matter was ordered to Landlord and Tenant Court. There were 50 or more tenants present for the hearing. We first went to the first floor Basement of Landlord and Tenant Court. We waited there from 8:00 am until after 2:00 pm.

We were ordered to take our claim to Judge Giles who was located in the New Courts Building on the 11th floor. At the time he had a trial going on and his Courtroom was full. The Clerk who took us was ordered to bring the Brick Tenants into Judge Giles to see that his Court was full.

The Clerk told Judge Giles that he was told to bring the Brick Tenants to him after 1:00 pm. Judge Giles spoke very harsh to us, which at that time he was right, and if you were there you could see why. He was harsh and so was I, as President of the Brick Tenants. He was very harsh, so I spoke up and Brick Tenants were turned away until they gave us a new date.

This happened on a Wednesday and the following Monday, Judge Giles sent for me. I also work for the County. Judge Giles apologized to me and I accepted it. But whoever sent us to Judge Giles was wrong because he was in a trial and Court was also full. Whoever assigned us to him should also have apologized as well as Judge Giles.

I had no idea that the letters that I wrote resulted in a complaint against Judge Giles. I would have gone to the hearing and said what I am now writing.

Sincerely,



Virginia D. Jones, President
Brick Towers Tenants
685/715 Dr. Martin Luther King Jr. Blvd.
Newark, New Jersey 07102
Telephone: 973-621-7866

SUPERIOR COURT OF NEW JERSEY

CIVIL DIVISION

F. Michael Giles, JSC
Chambers 404
(973) 693-5864/65



Historic Courthouse
470 Martin Luther King Boulevard
Newark, New Jersey 07102

September 22, 2006

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

RE: ACJC 2006-162

Members of the Committee:

I have been asked to respond to the allegations in the letter of April 10, 2006 to the Committee from Sebastian Bio, Esq.

The genesis of the events of Monday, April 10, 2006, was Mr. Bio's request on Friday, April 7, 2006, that I allow him to present his client the following Monday for the purpose of executing a bench warrant and addressing bail. I agreed to accommodate the request, and at the first calendar call, Mr. Dunne answered and Mr. Bio did not. I was dealing with my own calendar and that of the Honorable Thomas Vena at his request that day. Sometime in mid-morning, Mr. Bio appeared in the Courtroom and inquired about this matter. When I indicated that I had a "window" at the time, he looked about the Courtroom and reported that his client was not in Court. I advised Mr. Bio that his client had answered earlier and if he located him, I would hear the application. I never saw Mr. Dunne again.

The next time that I saw Mr. Bio was when he stormed into Chambers asking about his client and why he had been remanded. After making inquiry to my Clerk of Court and Court Officers, I told Mr. Bio that I, nor anyone at my direction, had told Mr. Dunne to go anywhere and that I did not order him to be remanded. I told Mr. Bio that if Mr. Dunne had been arrested in some other location pursuant to my warrant or any other open warrant that the matter of my warrant was now academic. I told Mr. Bio that there was nothing that I could do and told him at that time that I needed to return to the calendar because of a meeting later that afternoon. Despite Mr. Bio's unwarranted entry into my chambers, I assisted him to the extent that I could. I honestly felt that the issue was closed. It was soon after returning to the Courtroom that Mr. Bio came in and renewed his inquiry about Mr. Dunne.

When Mr. Bio came into my Courtroom and up to counsel table, he interrupted the Court without regard for the Assistant Prosecutor, Defense Counsel, her client or anyone else. Notwithstanding our conversations in chambers in which I explained the circumstances of his client's incarceration, Mr. Bio nevertheless demanded that I explain completely again why I remanded his client. His courtroom actions were inappropriate and his demeanor unacceptable.

As noted in my letter of August 25 to Mr. Monahan, the events as set out by Mr. Bio are not accurate, nor are his characterizations of an unprovoked "outburst". There was no outburst. Mr. Bio's conduct resulted in comments to him which culminated in the use of profanity, yet not in the context stated by Mr. Bio.

I do humbly apologize for my use of any profanity. It was an aberration which will never occur again. I can only hope that this explanation of the events of that day will put this matter to rest.

On April 11, 2005, my Court Staff, Prosecutors, Public Defenders, Clerk of Court, Recorder and Court Officers were removed and transferred. My calendar was transferred to another Court. On April 12, 2006, I was advised by the Assignment Judge that if I wished to continue sitting in the Criminal Division, that I would be transferred out of County. She advised further of a need for a Judge in the Civil Division because of the impending retirement of the Honorable Donald Merklebach and suggested that she favored that option. I did indicate that I did not wish to be transferred.

On Monday, April 17, 2006, I was re-assigned to the Civil Division. I had to leave my former courtroom in the Essex County Courts Building. I now sit in another courtroom located across the street at the Historic Courthouse, 470 Dr. Martin Luther King, Jr. Boulevard, Newark, New Jersey.

I have been reprimanded; I believe that I have been sanctioned and I have been embarrassed by this incident.

Respectfully submitted,

F. Michael Giles, JSC

FMG:mal



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John M. Ciccone, MD, FACC
Paul M. Wangenheim, MD, FACC
Jacqueline M. Schwanwede, MD, FACC
Mark C. Goldberg, MD, FACC
Edward R. Harback, MD, FACC

Cardiac Electrophysiology

Nicholas G. Tullo, MD, FACC

Nurse Practitioners

Cheryl Hottenstein, APN-BC
Kristi Stinson, APN-BC
Persephone Vargas, APN-BC

March 15, 2007

To Whom It May Concern:

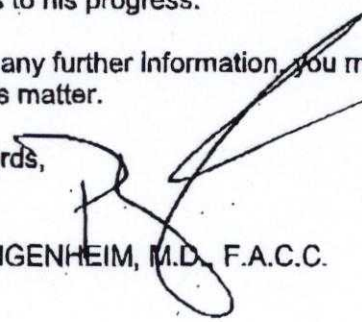
Re: **GILES, F. Michael, JSC**
72 Lowell Avenue
West Orange, New Jersey 07052
DOB: 11-21-43

I am the attending cardiologist for Judge F. Michael Giles, JSC. He is recovering from a life threatening Type A aortic dissection. He underwent surgery November 27, 2006. His full medical history, of course, would be available to you if the proper releases are signed. Suffice it to say, this was a near fatal event from which the Judge is now recovering. He has entered into a Cardiac Rehabilitation Program.

I do not recommend he return to the stressful work of the Superior Court until he recovers completely. I will re-evaluate him at the end of his Cardiac Rehabilitation Program and keep you abreast as to his progress.

If I can supply any further information, you may contact me personally. Thank you for your attention to this matter.

With best regards,


PAUL M. WANGENHEIM, M.D., F.A.C.C.
PMW:scr
Enclosure



West Orange Office
741 Northfield Avenue • Suite 205 • West Orange, NJ 07052 • www.cardiologynj.com
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May 17, 2007

Honorable Judge Costello
Veterans Court House
50 West Market Street
Sixth Floor, Room 618
Newark, New Jersey 07102

Re: **JUDGE MICHAEL GILES**
DOB: 11-21-1943

Dear Judge Costello:

I saw, Judge Giles in the office today on 5-17-07. He has completed his formal cardiac rehabilitation program and has voluntarily enrolled in continued rehabilitation at the local JCC. His medical condition has improved. He still fatigues easily. However, I think within the next few weeks, he should be able to go back to work part-time.

If I can supply any further information to you, do not hesitate to contact me.

Thank you for your attention to this matter.

Sincerely,

PAUL M. WANGENHEIM, M.D., F.A.C.C.
PMW:scr



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September 11, 2007

Honorable Patricia K. Costello
Essex County Vicinage
50 West Market Street
Room 608 VCH
Newark, New Jersey 07102

Re: **FAMBRO GILES, Michael**
DOB: 11-21-43

Dear Judge Costello:

Please allow this brief note to update you on the progress of Judge F. Michael Giles. He was in the office for a visit on 9-11-07. He is managing with working a 3-day work schedule. However, he has had another medical problem emerge. He has been found to have a cavernous sinus malformation and will have to undergo an angiogram of his brain and blood vessels that supply the brain. This will require adjustment of his Coumadin and will probably require a period of hospitalization as well. This is going to be done within the next 4-6 weeks and I would suggest that his workload not be increased until this other procedure is completed.

If I can supply any further information to you of course, do not hesitate to contact me.

With best regards,

PAUL M. WANGENHEIM, M.D., F.A.C.C.
PMW:scr



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March 12, 2008

Honorable Patricia K. Costello
Essex County Vicinage
50 West Market Street
Room 608 VCH
Newark, New Jersey 07102

Re: **GILES, Fambro Michael**
DOB: 11-21-1943

Dear Judge Costello:

I saw Judge Fambro Michael Giles in my office on 2-11-08. He has stabilized following his neurological procedure and cardiac surgery.

He fatigues extremely easily. This is his uniform complaint on every visit. After all he has been through, a full work schedule at his present pace is too much for him. It is adversely affecting his health (blood pressure, etc).

The Judge continues on six (6) medications, including Coumadin, which requires monitoring of his blood one or two times per month. These medications are required to control his blood pressure, thin his blood and treat his heart rhythm and blood cholesterol.

I strongly recommend that he have an abbreviated workweek. He feels that he can handle four (4) days and I will allow him to continue unless this proves excessive.

I trust that you will consider this recommendation.

With best regards,

PAUL M. WANGENHEIM, M.D., F.A.C.C.
PMW:scr



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