

**FILED**

**JAN 29 2008**

**A. C. J. C.**

SUPREME COURT OF NEW JERSEY  
ADVISORY COMMITTEE ON  
JUDICIAL CONDUCT

---

IN THE MATTER OF

F. MICHAEL GILES

JUDGE OF THE SUPERIOR COURT

---

DOCKET NO.: ACJC 2006-162

FORMAL COMPLAINT

Candace Moody, Disciplinary Counsel, Advisory Committee on Judicial Conduct  
("Complainant"), complaining of Superior Court Judge F. Michael Giles (Respondent), says:

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1974.
2. At all times relevant to this matter, Respondent was a Judge of the Superior Court of New Jersey, assigned to the Criminal Division in the Essex vicinage.
3. On the morning of April 10, 2006, Sebastian M. Bio, Esq. (the "Grievant"), with the prior consent of Respondent, appeared in Respondent's courtroom with his client, Alterek Dunne, in response to a bench warrant previously issued on Mr. Dunne and to set bail. Mr. Dunne's matter was not reached by Respondent before lunch.
4. When Respondent recessed court for the lunch break, the Grievant escorted Mr. Dunne to the Essex County Sherriff's Department for processing.
5. After lunch, the Grievant learned from Bernardo Henry, Esq. of the Public Defender's Office, that Mr. Dunne had been remanded to the custody of the Essex County Sherriff's Department on several outstanding municipal warrants.
6. At or around 3:00 p.m., the Grievant appeared before Respondent and requested Respondent address Mr. Dunne's bench warrant.



7. Respondent advised the Grievant that he could do nothing about Mr. Dunne's recent incarceration on several outstanding municipal warrants.

8. The Grievant responded with a request that Respondent address only the Superior Court's warrant.

9. Prior to answering the Grievant, Respondent asked if he was still on the record.

10. After learning that he was no longer on the record, Respondent stated to the Grievant: "I said get the . . . [expletive] . . . out of my courtroom, what the . . . [expletive] . . . don't you understand, shut the . . . [expletive] . . . up and get the . . . [expletive] . . . out of here, I have a meeting this afternoon."

11. Respondent's conduct, as described above, violated Canons 1, 2A, 3A(2) and 3A(3) of the Code of Judicial Conduct in that he did not maintain high standards of conduct, did not act in a manner that promotes public confidence in the integrity and impartiality of the Judiciary, did not maintain order and decorum in judicial proceedings and was not patient, dignified or courteous to the Grievant or Mr. Dunne.

12. Respondent's conduct also constitutes intemperate conduct prejudicial to the administration of justice that brings the judicial office into disrepute, in violation of Rule 2:15-8(a)(4) and 8(a)(6).

WHEREFORE, Complainant charges that, by the conduct set forth above, Respondent, Superior Court Judge F. Michael Giles, has violated the following Canons of the Code of Judicial Conduct:

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


Canon 2A, which requires judges to respect and comply with the law and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary;

Canon 3A(2), which requires judges to maintain order and decorum in judicial proceedings;

Canon 3A(3), which requires judges to be patient, dignified, and courteous to all those with whom they deal in an official capacity; and

Complainant also charges that Respondent's remarks were intemperate and prejudicial to the administration of justice thereby bringing the judicial office into disrepute, in violation of Rule 2:15-8(a)(4) and 8(a)(6).

DATED: January 29, 2008

  
\_\_\_\_\_  
Candace Moody, Disciplinary Counsel  
ADVISORY COMMITTEE ON JUDICIAL CONDUCT  
Richard J. Hughes Justice Complex  
25 Market Street  
3<sup>rd</sup> Floor, North Wing  
P. O. Box 037  
Trenton, NJ 08625  
(609) 292-2552