

FILED

APR - 4 2017

A.C.J.C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO. ACJC 2016-135

IN THE MATTER OF

DEBORAH M. GROSS-QUATRONE
JUDGE OF THE SUPERIOR COURT

ANSWER TO FORMAL COMPLAINT
AND NARRATIVE

Deborah M. Gross-Quatrone, Judge of the Superior Court (“Respondent”) by way of answer to Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), says:

- 1, Respondent admits to paragraphs 1 – 3 of the Formal Complaint.

COUNT I

4. Respondent has no personal knowledge of paragraph 4, but if Honorable Glen Grant’s represents paragraph #4 as a fact, Respondent accept it.

5. See response to paragraph #4.

6. See response to paragraph #4.

7. To the best of Respondent’s recollection, she did not receive an e-mail as set forth in paragraph #7. Additionally, no e-mail was ever produced during Respondent’s interview sessions.

8. Respondent admits this paragraph, however, the interview occurred on July 20, 2015.

9. Admit. Respondent requested Ms. DeLeon contact Nadya Comas, hereinafter referred to as “Comas”, to advise her she received the clerkship, but denies telling Ms. DeLeon to advise

Comas that she would be required to begin her clerkship the week of August 3, 2015. Upon information and belief, Ms. DeLeon did not instruct Comas to begin clerkship week of August 3, 2015. Respondent told Ms. DeLeon to suggest, but not require that Comas should come in early to meet the then current law clerk, Sabrina Porter, to effectuate a smooth transition of law clerks.

10. Respondent did not know that it was forbidden to have a law clerk start earlier than August 24, 2015. When Comas came in early, Respondent held her out as the “incoming” law clerk; in addition, at the time Respondent was sharing chambers with Judge Gallina-Mecca and her then current law clerk, Samantha Sannazzaro was sharing a work area with Respondent’s then current law clerk, Sabrina Porter and Comas. Human Resources also validated Comas’ parking ticket without question.

11. To the best of Respondent’s knowledge, Wendy Bernier never provided Ms. DeLeon with the May 20, 2015 memo. The paperwork requested was for Respondent’s then intern, Alexander Cirocco, who was interviewed and hired on August 4, 2015.

12. Respondent denies this; however, on August 6, 2015, Comas was provided with copies of forms pertaining to her clerkship.

13. Respondent admits this paragraph.

14. Respondent cannot admit or deny the dates and exact number of hours Comas was in chambers.

15. Respondent denies this paragraph.

16. Respondent does not have sufficient knowledge to admit or deny.

17. Respondent does not have sufficient knowledge to admit or deny.

18. Respondent does not have sufficient knowledge to admit or deny. Also, Respondent never required Comas to “make up time”, only to complete her work.

19. On December 10, 2015 at approximately 5:30 p.m., Simoldoni advised Respondent that Comas would not be working with her any longer but never mentioned a “re-assignment”.

20. Denied. As a newly appointed Judge, Respondent would have complied with Honorable Grant’s May 20, 2015 memo.

COUNT II

21. Incorporate answers 4 through 20 from Count I.

22. Respondent admits a recordation, but vehemently believes she was completely justified in doing so. Respondent will expound on this answer at the Hearing; suffice it to say, Honorable Bonnie Mizdol’s words and conduct for at least six (6) months prior there warranted her doing so. It may have been in bad taste, but, in light of inconsistent recollections, it was, in Respondent’s opinion, necessary to record the meeting.

23. Honorable Bonnie Mizdol knows of Respondent’s purpose. Respondent attempted to explain to Honorable Mizdol she was unaware of Honorable Grant’s memo. Honorable Mizdol’s words and conduct at this meeting will be expounded upon at the Hearing.

24. Respondent did not instruct the law clerk to report early. Respondent did not admit she did to Honorable Mizdol. Respondent did deny receiving Honorable Grant’s memo.

25. Respondent admits this paragraph. Honorable Mizdol advised Respondent that allowing the law clerk to commence early violated Honorable Grant’s memo, but Respondent denies being informed about Comas’ reassignment.

26. There was a meeting on December 21, 2015 not December 21, 2105 part of which was recorded. Respondent will testify to the specifics of this at the Hearing; including requesting her secretary be present, requesting the meeting be recorded on Court Smart, and requesting the

meeting be recorded on the back-up system. Respondent wanted to memorialize with exactitude all that was to occur. Respondent will also testify to her medical and emotional condition.

27. Respondent lacks sufficient knowledge to admit or deny.

28. Respondent admits she wanted her confidential secretary to attend the meeting. Respondent will testify at the Hearing as to her expectation of the recordation.

29. Respondent admits this paragraph.

30. Respondent did not refuse to meet without a witness but did want to have her secretary present or to be recorded on Court Smart.

31. Respondent admits this paragraph, but it was Honorable Mizdol not Honorable Melchionne.

32. Simoldoni committed an illegal act by taking Respondent's recorder, which does not have a flashing "red light". It must be noted that during this entire meeting, Respondent was having nose bleeds, which were ignored, except for when used as Simoldoni's excuse for reaching into Respondent's hand bag.

33. Respondent does not recall this conversation.

34. Respondent lacks sufficient evidence to admit or deny.

35. Respondent admits but no tape exists. Respondent's recording was illegally confiscated.

36. Respondent denies this paragraph.

37. Respondent denies this paragraph.

COUNT III

38. Incorporate answers 4 through 37 from Count I and Count II.

39. Ms. DeLeon did so on her breaks and personal time, but it was voluntary and de minimus.

40. This allegation is partially correct. Respondent will expound at the hearing, but she did not require Ms. DeLeon do her son's homework. Between July – December 2015, Respondent was working between 12 – 18 hours a day at her judicial duties (some days not even taking a lunch break). Respondent never had a backlog nor failed to complete her calendar. Finally, Respondent had the heaviest Post-Judgment Motion load of any Judge in her Division, an assignment created “especially for her” according to Honorable Melchionne.

41. This paragraph is partially correct but is taken out of context and Respondent will expound at the Hearing and it was clearly not required.

42. Respondent denies this paragraph.

NARRATIVE

At the time I hired Law Clerk Comas, I was a newly appointed judge and had served approximately 140 days. Neither I, nor my staff recall receiving Judge Grant's May 20, 2015 memo.

My then current Law Clerk requested permission to utilize the last week of August as vacation due to a sudden illness to her mother who resided in Texas, which was granted.

I had no communication with Law Clerk Comas from the date of the interview until the day she reported to the Bergen County Court House. My secretary, Maria DeLeon suggested to the newly hired Law Clerk to come into chambers and work with the existing law clerk to transition into her role before the existing clerk left.

I accepts that this was at my request, but I meant no harm. I never intended to violate any rule or directive, have the utmost respect for the judiciary and takes pride in my personal

relationships. I felt I was doing my best to train and allow the incoming clerk a fair opportunity to acclimate herself to the sensitive and serious nature of the abuse and neglect calendar which I had been assigned to less than ten (10) days prior. I never dictated start days, hours or times.

To the extent that Judge Grant's Memo prohibits this procedure and if my recollection that I hadn't received this is erroneous, I acknowledge that it violates Judge Grant's directive.

I recorded the meeting with Assignment Judge Mizdol only after I had been subjected to workplace hostilities, belittling in the presence of staff, and verbal abuse. Judge Mizdol repeatedly berated me with profanity laced verbal assaults, sometimes in the presence of staff. I became physically and emotionally distressed as a result of the conduct. I remained calm, professional and respectful towards Judge Mizdol during each confrontation. Following these profanity laced attacks, Judge Mizdol's recollection of the "discussions" differed greatly from that recalled by me. My integrity was called into question and I was protecting my stellar legal and personal reputation over the past twenty-five (25) years. The recording does not violate the law.

Out of desperation, and in an effort to protect myself and memorialize the contents of the management meeting, I wanted to have my confidential secretary present as a witness. For whatever reason, Judge Mizdol would not allow a witness present so I suggested we privately meet in the courtroom so that the meeting could be recorded on either Court Smart, or the backup system. I had no fear of a recording, and thought the recording would protect all parties from misrepresentations by the other. For reasons known only to Judge Mizdol, she vehemently refused this request as well. Rather than be left with no form of protection, I recorded the meeting. However, I provided two (2) alternative options prior which serve as constructive

notice of my desire to memorialize the meeting. I was not acting in my judicial capacity as this was a management meeting.

Upon discovering the recorder at the bottom of Judge Gross-Quatrone's hand bag, the TCA Laura Simoldoni reached into my hand bag without permission and inexplicably removed the recorder.

I requested my property to be returned in the presence of Judge Mizdol, Judge Melchionne and Diana Moskal. My request was denied. Privately, I asked Judge Mizdol to return my recorder. Judge Mizdol replied, "What you have done today is irretrievable and you will pay".

The recorder was returned to me almost five (5) hours later and after a copy of the contents was taken without my permission or consent. I do not agree that I "surreptitiously" recorded the meeting. One can only imagine what would have occurred to me if I reached into Judge Mizdol or TCA Simoldoni's purse without permission and took their personal property.

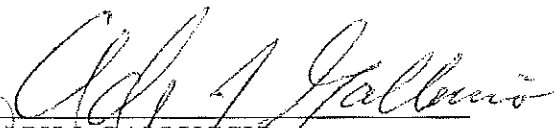
Maria DeLeon was my confidential secretary in private practice for years prior to my elevation to the bench. We enjoy a long standing friendship and mutual respect for one another. Maria DeLeon also has known my children for years and often communicates with my children and extended family directly. I never directed my secretary to do my personal tasks. I was following practices I witnessed as a lawyer and a judge over the course of many years.

My secretary performed personal tasks for me willingly, voluntarily and happily. She gladly did so on her breaks, and on her own time. I was seated in Bergen County for six (6) months at this point and working 12-18 hours a day at my new assignment. Secretary DeLeon was voluntarily working additional uncompensated hours as well to meet the demands of the

assignment. Any use of judiciary equipment and/or resources was de minimus and incidental. The utilization equates to a minimal amount of time.

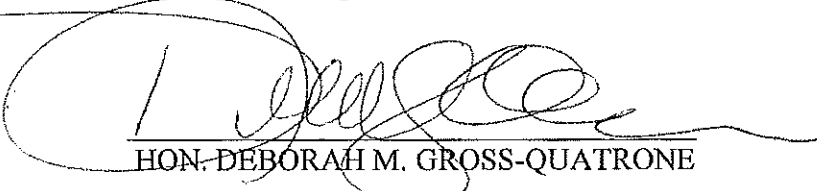
Having previously served several years on the District IIB Ethics Committee in Bergen County and several years on the Fee Arbitration Committee, I'm extremely sensitive to the requirements and importance of ethical behavior and would never intentionally conduct myself contrary to those standards.

DATED: March 31, 2017



ADOLPH J. GALLUCCIO
Attorney for Respondent

DATED: March 31, 2017



HON. DEBORAH M. GROSS-QUATRONE