

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2008-179

IN THE MATTER OF

ROBERT A. JONES,
JUDGE OF THE MUNICIPAL COURT

PRESENTMENT

The Advisory Committee on Judicial Conduct ("Committee" or "ACJC") hereby presents to the Supreme Court its Findings and Recommendation in this matter in accordance with Rule 2:15-15(a) of the New Jersey Court Rules. The Committee's Findings demonstrate that the charges set forth in the Formal Complaint against Robert A. Jones, Judge of the Municipal Court ("Respondent"), have been proven by clear and convincing evidence. The Committee recommends that the Respondent be publicly reprimanded.

On December 17, 2008, the Committee issued a Formal Complaint against the Respondent, which alleged that by driving while intoxicated in violation of N.J.S.A. 39:4-50, Respondent violated Canons 1, 2A and 5A(2) of the New Jersey Code of Judicial Conduct and Rule 2:15-8(a)(6) of the New Jersey Court Rules. The Respondent filed a Response to the Complaint in Lieu

of an Answer on January 13, 2009, in which he indicated he did not "dispute any of the allegations set forth in the complaint." Respondent requested an opportunity to appear before the ACJC to offer testimony "by way of mitigation related to the quantum of discipline to be recommended by the committee to the Supreme Court."

The Committee convened a formal hearing on January 29, 2009. Respondent appeared with counsel and offered testimony in his defense. Exhibits were offered by both parties and accepted into evidence.

After carefully reviewing all of the evidence, the Committee made factual determinations, supported by clear and convincing evidence, which form the basis for its Findings and Recommendation.

I. FINDINGS

Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1984. At all times relevant to this matter, Respondent served as a part-time judge in the Municipal Court of the Township of Livingston, Essex County, a position he continues to hold.

At approximately 12:00 a.m. on February 17, 2008, Respondent was operating his vehicle on Parsippany Boulevard in the Township of Parsippany-Troy Hills, Morris County, when Patrolmen Brian Conover and Thomas Pomroy of the Parsippany-Troy Hills

Police Department stopped him. Patrolman Conover detected an odor of alcohol from Respondent and observed Respondent's eyes to be bloodshot and watery. P-1. After conducting field sobriety tests, all of which Respondent failed, Patrolman Conover determined that Respondent was driving while intoxicated in violation of N.J.S.A. 39:4-50 ("DWI") and placed him under arrest. Id. When the police asked Respondent if he had consumed anything alcoholic that night, Respondent answered no. Transcript of January 29, 2009 Hearing ("T") at T28-21 to 24.

Respondent was transported to the Parsippany-Troy Hills Police Department, where Respondent consented to and was administered the Alcotest. Respondent provided two breath samples on the evening of his arrest. The results of his first breath sample indicated that Respondent's blood alcohol level was 0.16%, while the results of his second breath sample indicated that Respondent's blood alcohol level was 0.17%. P-1.

On November 5, 2008, Respondent appeared before Superior Court Judge Salem Vincent Ahto, who was presiding over the Parsippany-Troy Hills Municipal Court by order of the Honorable B. Theodore Bozonelis, A.J.S.C. Respondent entered a plea of guilty to the charge of DWI. P-3. Judge Ahto found Respondent guilty and imposed standard penalties, including a fine of \$375, \$39 in costs, \$100 DWI surcharge, \$50 VCCB penalty, \$100 Drunk Driving Enforcement Fund, and \$75 Safe Neighborhood Services

Fund. See P-2 and P-3. Judge Ahto also suspended Respondent's driving privileges for a period of seven months and directed that he spend 12 hours at the Intoxicated Driver Resource Center. Id.

At the Formal Hearing before the Committee, Respondent admitted that he "made a very big mistake in judgment" when he drove while intoxicated. T11-21 to 22. Respondent testified he consumed at least six alcoholic beverages on the evening in question. T28-5 to 8. He further testified that, following his arrest, he realized that he had a problem with alcohol and consequently sought immediate assistance. T12-2 to 10. Respondent called his Presiding Judge and Court Administrator and reported what had occurred. T12-14 to 21. Respondent thereafter entered the "High Focus" outpatient program and attended both the New Jersey Lawyers Assistance Program and Alcoholics Anonymous ("AA") meetings. T13-21 to T14-2. He continues to be involved with the New Jersey Lawyers Assistance and AA programs to this day. T14-9 to 12. Respondent informed the Committee he has not consumed an alcoholic beverage since the night he was arrested. T14-12 to 13. He apologized for his conduct. T17-9 to 12.

The Committee finds that by driving while intoxicated in violation of N.J.S.A. 39:4-50, Respondent violated Canons 1, 2A and 5A(2) of the New Jersey Code of Judicial Conduct and Rule 2:15-8(a)(6) of the New Jersey Court Rules. Canon 1 requires

judges to maintain high standards of conduct so that the integrity and independence of the Judiciary is preserved. Canon 2A directs that judges conduct themselves in a manner that promotes public confidence in the integrity and impartiality of the Judiciary. Canon 5A(2) provides that a judge must carry out his or her extra-judicial activities in a manner that does not demean the judicial office. Finally, Rule 2:15-8(a)(6) prohibits conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

It is abundantly clear that by driving under the influence of a significant amount of alcohol, Respondent failed to maintain the high standard of conduct expected of all judges, thereby demeaning his judicial office and the entire judiciary. Driving while intoxicated further exemplified Respondent's failure to abide by the very statutory law that he is expected to enforce and uphold as part of his judicial duties. Such conduct can only have a demoralizing effect on the public's view of judges and detracts from the integrity of the judiciary.

II. RECOMMENDATION

The Committee recommends that Respondent be publicly reprimanded. This recommendation accounts for the seriousness of Respondent's offense, as well as the fact that he has not been previously charged with similar conduct. See In re Annich, ACJC 1992-165.

The Committee notes with disapproval Respondent's dishonesty when asked by the police at the road stop if he had consumed any alcoholic beverages. We acknowledge, however, Respondent's representation that his statement was uttered out of fear and, further, his immediate and continuing efforts to take responsibility for his conduct and to confront his issue with alcohol.

Based upon the foregoing, the Committee respectfully recommends that Respondent be publicly reprimanded for his conduct.

Respectfully submitted,

ADVISORY COMMITTEE ON JUDICIAL CONDUCT

April 2, 2009

By:



Alan B. Handler, Chair