

FILED

JUL 11 2018

A.C.J.C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2017-181

IN THE MATTER OF

FORMAL COMPLAINT

CHRISTINE JONES-TUCKER,
JUDGE OF THE MUNICIPAL COURT

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of Municipal Court Judge Christine Jones-Tucker (“Respondent”), says:

Facts

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1984.
2. At all times relevant to this matter, Respondent served as a full-time municipal court judge in the City of Camden, a position to which she was first appointed in June 2013 and continues to hold. Effective August 2016, Respondent was named Chief Judge of the City of Camden Municipal Court.

Count I

3. From September 2016 until January 2017, Kristina M. Bryant (“Ms. Bryant”) was a Camden City Municipal Prosecutor.
4. On January 3, 2017, Ms. Bryant and John S. Sitzler (“Mr. Sitzler”), counsel for defendant, Derek Heimstra, were scheduled to appear before Respondent to assign a trial date in

the matter of State v. Heimstra (the “Heimstra” matter”). Respondent advised the parties that if they provided Respondent with their witnesses’ availability prior to January 3, 2017, they would not need to appear on that date.

5. On December 27, 2016, Ms. Bryant sent an email to Respondent advising of her witnesses’ availability for trial in the Heimstra matter. In addition, Ms. Bryant provided Respondent with the dates on which the defendant’s expert would be available.

6. On that same date, Mr. Sitzler’s office sent an email to the Camden City Municipal Court and Ms. Bryant advising of his expert witness’s availability for trial.

7. On that same date, Respondent sent an email to Ms. Bryant advising that the trial was scheduled for February 24, 2017.

8. Ms. Bryant notified Mr. Sitzler’s office, via email, on December 27, 2016 of the February 24, 2017 trial date.

9. On December 30, 2016, while on the record, Respondent rescheduled the trial in the Heimstra matter for February 22, 2017 due to Respondent’s unavailability on February 24, 2017.

10. On that same date, Respondent emailed Ms. Bryant and Camden City Municipal Court Director Tonya Stewart, with a copy to Court Administrator Palmira White, Camden City Municipal Prosecutor Sharon D. Eggleston, Cheryl Hendler Cohen, Esq. and Camden City Attorney Marc Riondino, advising that the Heimstra trial was rescheduled for February 22, 2017 due to Respondent’s unavailability on February 24, 2017.

11. On that same date, Ms. Bryant sent the following response to Respondent: “OK I will resend subpoenas to all necessary parties.”

12. On December 31, 2016 at 6:21 PM, Ms. Bryant sent an email to Respondent and the individuals copied on Respondent's email advising that the defense expert was not available on February 22, 2017. Ms. Bryant provided Respondent with four other dates – February 21st, 23rd, 24th and 27th – on which the defense expert would be available.

13. On December 31, 2016, Respondent, using her official Camden City email account, began to email Ms. Bryant. The emails began at 10:54 PM, with subsequent emails at 10:56 PM, 10:59 PM. and 11:09 PM. All of the emails related to the Heimstra matter.

- a. On December 31, 2016 at 10:54 PM, Respondent responded to Ms. Bryant's email as follows: "We need a certification as to unavailability with reference to the designated trial counsel and experts b4 changing the date. Thank you. I am not scheduling a special date like last Friday which was a complete waste of court resource time. Too bad. That is the trial date. Get with the program." Respondent also sent the email to Ms. Stewart, Mr. Riondino, Ms. White, Ms. Eggleston, Ms. Moore and Ms. Hendler Cohen. Respondent did not copy Mr. Sitzler on her email.
- b. Two minutes later, at 10:56 PM, Respondent sent another email to Ms. Bryant stating, "Court rules say dvis have priority. Follow the rules."
- c. Shortly thereafter, at 10:59 PM, Respondent sent another email to Ms. Bryant, Ms. Stewart and Mr. Riondino, with a copy to Ms. White, Ms. Eggleston, Ms. Moore, and Ms. Hendler Cohen. Respondent stated, "Your last message was you would send the appropriate subpoenas. What changed?" Respondent failed to copy Mr. Sitzler on her email.
- d. Ten minutes later, at 11:09 PM, Respondent sent another email to Ms. Bryant, Ms. Stewart, Mr. Riondino, and Ms. White, with a copy to Ms. Eggleston and Ms.

Hendler Cohen. Respondent did not copy Mr. Sitzler on her email. Respondent's email stated, "Not a game. Trial is 2/22/17. You agreed to send subpoenaed (sic) trial date. Not a game. Not a game. That is the trial date. Not a game. This is the trial date. No more repeats of what happened this past Friday. Not a game. That is the date. You agreed to send revised dates. That is the scheduled trial date. Sick of this. Respect for the city if (sic) Camden. Respect for our court."

14. On Sunday, January 1, 2017 at 6:09 PM, Ms. Bryant sent the following email to Respondent: "I was attending seminars and when I said I would send subpoenas when I reloaded (sic) at defense counsels (sic) email of experts (sic) availability dates is when I sent you the email that their expert wasn't available that date. I have no issue with whatever date you assign as trial date. In no way do I believe this is a game."

15. On Sunday, January 1, 2017 at 6:24 PM, Ms. Bryant sent the following email to Mr. Riondino:

Good evening. I am not sure if you have read judge tickers (sic) emails the first one on Friday changing a trial date. I initially responded saying I would resend subpoenas. Then I realized after seminars were over and I was home at 8:30 pm Friday night I emailed Judge tucker advising the defense expert is not available on the date she relished (sic) the trial for. Today I received a series of emails that quite frankly I found to be disrespectful and condescending. Please advise how I handle this situation without making the situation worse.

16. On January 2, 2017 at 4:25 AM, Respondent sent the following email to Ms. Bryant, Ms. Stewart and Ms. White: "Not having a repeat of last week. This is it (sic) a game in have already scheduled the trial for Wed 2/22. Last time I am sending you this message. This is (sic) not a game. Respect for this court. Respect for this city."

17. At 4:26 AM, Respondent forwarded her email above to Mr. Riondino with a message, “Meant to include you”

18. At 4:32 AM, Respondent sent the following email to Ms. Bryant, Mr. Riondino and Ms. Stewart: “they can come in with their proofs of trial availability. . . proofs as to cases and docket dates Tues wed (sic) or Fri of the coming week. Otherwise I will see all of you on 2/22.” Respondent did not provide a copy of her email to Mr. Sitzler.

19. On January 5, 2017, Ms. Bryant sent an email to Respondent, Mr. Riondino and Ms. Stewart advising that Mr. Sitzler would appear in court. Ms. Bryant’s email stated: “Judge I want to make you aware that the defense attorney, John Sitzler, advised he will be coming in tomorrow January 6th at 9 am to address the trial date on the above referenced matter per your directive. I believe he is faxing a notice of motion to the court to that effect. I wanted to ensure you had as much notice as possible.” Respondent replied, “Got it”

20. On January 6, 2017, Mr. Sitzler appeared before Respondent “at the Order of the Court” after receiving notification from the Municipal Prosecutor in respect of his motion for a firm trial date in the Heimstra matter. Mr. Sitzler stated that it came to his attention that there exists a series of emails between the Court and the Municipal Prosecutor wherein he was not copied. Mr. Sitzler requested copies of the emails concerning the case.

21. Despite her multiple emails to Ms. Bryant and others in respect of the Heimstra matter three days earlier, Respondent feigned ignorance of those emails and replied to Mr. Sitzler, “I’m not sure what emails you’re referring to.” Respondent directed Mr. Sitzler to make his request in writing to the Court Director.

22. Following Mr. Sitzler’s appearance in the Heimstra matter, Respondent requested that Ms. Bryant return to the courtroom, with which Ms. Bryant complied

23. Respondent addressed Ms. Bryant on the record, and noted she was doing it outside the presence of Mr. Sitzler. During that exchange, Respondent expressed full knowledge of the emails to which Mr. Sitzler referred, stating:

RESPONDENT: The Court has grave concerns about Mr. Sitzler's requests and why he would even make such a request considering they are from my personal emails to you. Have grave concerns about that and I believe this puts me in both a conflict of interest with him and with you. I do not expect you to prosecute any further cases in my Court until this matter is resolved.

MS. BRYANT: Okay.

RESPONDENT: You and Mr. Sitzler will hear from the Court Director as to which judge this case will be assigned to.

MS. BRYANT: Okay.

RESPONDENT: You're excused.

24. On January 6, 2017, following her interaction with Mr. Sitzler, Respondent sent an email to Ms. Stewart, Ms. White and Mr. Riondino stating:

Today Fri 1/6/17 following attorney John Sitzler's motion for a firm trial date in a DUI case he requested copies of my emails concerning the case. I directed him to make his request at the Information window. I object to the provision of any emails from me concerning this case or any other. As I am opposing him in this matter he will have to be assigned to another judge to avoid any potential conflicts. In addition he could have only made a request for the emails based on information from Prosecutor Bryant. Based on this requested that she return to my court room, which she did and I advised her that based on what transpired in the Heimstra case – until those matters are resolved she is not to prosecute any cases in my court as I am declaring a conflict with her. I

do not want her prosecuting cases in my court. I feel her actions are prejudicial to the court. Please adjust the prosecutors schedules accordingly. Thank you.

25. Respondent, when questioned by the Advisory Committee on Judicial Conduct (“ACJC”), denied a conflict of interest with Mr. Sitzler. Rather, she claimed that as” Chief Judge [she] assigned the Heimstra matter to another Judge simply because [she] did not want the defendant to feel because of the scheduling issues there was any negativity.”

26. Respondent, by misrepresenting to Mr. Sitzler that she was unsure of “what emails [Mr. Sitzler] was referring to,” demonstrated a lack of veracity and an inability to conform her conduct to the high standards of conduct expected of judges and impugned the integrity of the judiciary in violation of Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code of Judicial Conduct.

27. Respondent, by misrepresenting to the ACJC that as “Chief Judge [she] assigned the Heimstra matter to another judge simply because [she] did not want the defendant to feel because of the scheduling issues there was any negativity to him,” demonstrated a lack of veracity and an inability to conform her conduct to the high standards expected of judges and impugned the integrity of the judiciary in violation of Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code of Judicial Conduct.

28. The transfer of the Heimstra matter to another judge based on a conflict with Ms. Bryant and Mr. Sitzler was, by Respondent’s own admission, necessitated by her conduct in sending emails to the municipal prosecutor. This conduct, having interfered with the proper performance of Respondent’s judicial duties, was improper and violates Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code of Judicial Conduct.

29. By her conduct in addressing the municipal prosecutor *ex parte* about the Heimstra matter on January 6, 2017 concerning her conflict of interest with Mr. Sitzler and the municipal

prosecutor, Respondent violated Canon 1, Rule 1.1 and Canon 2, Rule 2.1 and Canon 3, Rule 3.8 of the Code of Judicial Conduct.

30. By her discourteous and undignified behavior to Ms. Bryant via emails referred to in Paragraphs 13 through 23 above, Respondent violated Canon 1, Rule 1.1 and Canon 2, Rule 2.1 and Canon 3, Rule 3.5 of the Code of Judicial Conduct.

WHEREFORE, Complainant charges that Respondent has violated the following Canons of the Code of Judicial Conduct:

Canon 1, Rule 1.1, which requires judges to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved;

Canon 2, Rule 2.1, which requires judges to avoid impropriety and the appearance of impropriety and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary;

Canon 3, Rule 3.5, which requires judges to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity; and

Canon 3, Rule 3.8, which prohibits a judge from initiating *ex parte* communications concerning a pending or impending proceeding.

DATED: July 11, 2018



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