

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT
DOCKET NO: ACJC 2008-072

IN THE MATTER OF

ARNOLD H. MINIMAN,
JUDGE OF THE MUNICIPAL COURT

STIPULATIONS

The undersigned Disciplinary Counsel ("Presenter") to the Advisory Committee on Judicial Conduct and the Honorable Arnold H. Miniman, J.M.C. ("Respondent"), through counsel, hereby enter into these Stipulations:

1. The parties have no objection to the admittance into evidence of the Presenter's exhibits at the Formal Hearing scheduled in this matter for April 17, 2008. The aforementioned exhibits consist of the following: Presenter's exhibits P-1 and P-2.

2. At all times relevant to these matters, Respondent held the position of Judge of the Municipal Court of Mount Arlington.

3. On October 11, 2007, the Appellate Division of the Superior Court of New Jersey reversed and remanded to the municipal court the matter of Linda Cook v. Martin W. Struble, A-4887-05T3, a domestic violence matter that originated in the Mount Arlington Municipal Court before Respondent.

4. Ms. Cook was the Court Administrator for the Mount Arlington Municipal Court at the time that the Cook matter was pending in that Court.

5. Prior to the initiation of the Cook matter, Ms. Cook discussed with Respondent her decision to leave Mr. Struble, whom she had learned engaged in sexual relations with her

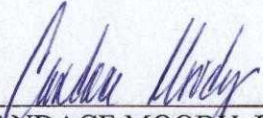
older daughter from a prior relationship. Ms. Cook also discussed with Respondent her decision to take their younger child with her.

6. Subsequently, Ms. Cook went to the Mount Arlington Police Department seeking a temporary restraining order (“TRO”) against Mr. Struble. A Mount Arlington police officer then contacted Respondent and indicated to Respondent that Ms. Cook was seeking a TRO against Mr. Struble, whom she alleged had made numerous harassing telephone calls to her at her place of employment. After eliciting a factual basis from the police officer for the imposition of a TRO against Mr. Struble, Respondent spoke with Ms. Cook, who reiterated the factual basis for the TRO previously supplied to Respondent by the police officer. Following these telephone discussions, Respondent found that probable cause existed and signed the TRO. The Superior Court of New Jersey subsequently issued a final restraining order (“FRO”) against Mr. Struble.

7. Mr. Struble appealed the Superior Court’s issuance of the FRO to the Appellate Division, alleging, among other things, that Respondent engaged in a conflict of interest when he presided over Ms. Cook’s application for a TRO.

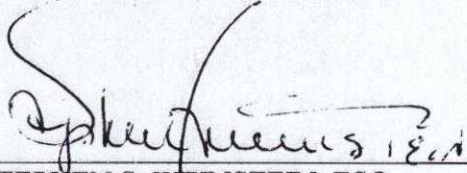
8. The Appellate Division found in favor of the appellant, Mr. Struble, on the conflict of interest issue and reversed and remanded the Cook matter to the municipal court for a new application to a different municipal court judge for a TRO. The Appellate Division determined that Respondent should have disqualified himself from hearing Ms. Cook’s application for a TRO pursuant to Rule 1:12-1(d), (e) and (f) and in conformity with Canon 3C(1)(a), and his failure to do so rendered the TRO a nullity. The Appellate Division did not address the issue of whether probable cause to support the issuance of a TRO existed as that issue was not before them.

9. Respondent's professional relationship with Ms. Cook created a conflict of interest for Respondent that required his recusal from any and all matters involving Ms. Cook.



CANDACE MOODY, ESQ.
Advisory Committee on Judicial Conduct

DATED: April 14, 2008



STEPHEN S. WEINSTEIN, ESQ.
Attorney for Respondent, Arnold H. Miniman, J.M.C.

DATED: April 14, 2008