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JAN 12 2023

A.C.J.C.

**SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT**

DOCKET NO: ACJC 2022-118

IN THE MATTER OF

**MARY F. THURBER,
JUDGE OF THE SUPERIOR COURT**

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FORMAL COMPLAINT

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of Superior Court Judge Mary F. Thurber (“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 1986.
2. At all times relevant to this matter, Respondent served as a Judge of the Superior Court of New Jersey, assigned to the Civil Division in the Bergen Vicinage, a position she continues to hold.
3. Respondent, between 1991 and 1999, operated the “Law Offices of Mary Thurber.” In 1999, Respondent merged her practice with another attorney and operated as “Thurber Cappell, L.L.C.” until February 2009, when Respondent was appointed to the Superior Court.

4. While in private practice, Respondent provided legal services to clients in various areas of the law, including estate planning, estate administration, and estate litigation.
5. In or around 1998, Respondent was retained by the executor of the Estate of Alfred Dopkus to administer his estate.
6. Respondent probated Dopkus' will, administered his estate, and created a trust for the benefit of his sister, Isabelle McKinley.
7. On or about March 24, 1998, Mrs. McKinley died intestate. As of that date, the administration of the Dopkus Estate had not been completed.
8. In or around June 1998, the trustee of the Dopkus Trust retained Respondent to probate the McKinley Estate.
9. Respondent sought, and was granted, Letters of Administration from the Bergen County Surrogate on August 31, 1998 for the McKinley Estate.
10. Respondent remained the Administrator of the McKinley Estate for the ensuing 24 years (August 31, 1998 - April 8, 2022), 13 of which occurring *after* her judicial appointment in February 2009.
11. In or around December 2021, Respondent retained Hunziker, Jones & Sweeny, PA to file a Complaint and Order to Show Cause to discharge Respondent as Administrator of the McKinley Estate and to appoint a substitute administrator.

12. On or about December 7, 2021, Respondent, as Administrator of the McKinley Estate, received a check in the amount of \$88,823.18 from Bank of America (“BOA”), which represented all funds of the Estate on deposit with BOA.

13. Respondent endorsed the BOA check to the Hunziker firm’s attorney trust account.

14. On or about February 10, 2022, the Hunziker firm filed a Complaint and Order to Show Cause for Discharge of Administrator and Appointment of Substitute Administrator with the Bergen County Surrogate’s Court.

15. On or about February 14, 2022, the matter was transferred to Passaic County given Respondent’s position as a sitting judge in Bergen County.

16. On or about April 8, 2022, Respondent, by court order, was discharged as Administrator of the McKinley Estate, subject to providing the court with a final accounting.

17. As of the date of the filing of the within Formal Complaint, the final accounting has not yet been approved.

18. By her conduct in serving as fiduciary for the McKinley Estate while sitting as a Superior Court judge, Respondent violated Canon 5, Rule 5.8 of the Code of Judicial Conduct.

19. By her same conduct, Respondent violated Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code of Judicial Conduct.

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

Canon 5, Rule 5.8, which prohibits judges from serving as an executor, administrator, trustee, guardian or other fiduciary, except for the estate, trust or person of a member of the judge's family, and then only when such service will not interfere with the proper performance of judicial duties;

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; and

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.

Dated: January 12, 2023



Maureen G. Bauman, Disciplinary Counsel
ADVISORY COMMITTEE ON JUDICIAL
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