

SUPREME COURT OF NEW JERSEY
D-100 September Term 2018

IN THE MATTER OF :
:
JOHN F. RUSSO, JR., :
:
A JUDGE OF THE SUPERIOR COURT :
:
OF THE STATE OF NEW JERSEY :

ORDER

This matter was opened to the Court with the filing of a presentment by the Advisory Committee on Judicial Conduct (ACJC) on March 13, 2019.

The ACJC found clear and convincing evidence that Respondent John F. Russo, Jr., a Judge of the Superior Court, committed misconduct in four matters and violated Canon 1, Rule 1.1; Canon 2, Rules 2.1 and 2.3(A); Canon 3, Rules 3.5, 3.8, and 3.17(B) of the Code of Judicial Conduct, and Court Rule 1:12-1(g).

The four matters involve Respondent's questioning of an alleged victim of domestic violence, who testified she had been sexually assaulted, at a hearing for a final restraining order (Count 1); a personal guardianship matter in which he asked a judiciary employee to contact her counterpart in another vicinage and request that a hearing be rescheduled to accommodate him (Count 2); his conduct in creating the appearance of a conflict of interest while he

presided over a Family Part matter (Count 3); and an ex parte conversation he had with an unrepresented litigant (Count 4).

A majority of the ACJC recommended that Respondent be suspended without pay for three months; four members recommended a six-month suspension.

Respondent accepted the findings and recommendation for discipline and waived his right to the issuance of an Order to Show Cause and a full hearing before this Court. The Court then scheduled the matter for a hearing to decide what discipline to impose. That hearing took place on July 9, 2019.

The Court has now considered the full, current record in this matter, including the evidentiary hearing before the ACJC at which Respondent testified, and the written and oral arguments of counsel before both the ACJC and this Court.

Details of the multiple episodes of serious misconduct appear in the Presentment. The most serious of the incidents relates to Respondent's conduct at the hearing on an application for a final restraining order, which the ACJC concluded "constitute[d] a breach of the high standards of conduct demanded of jurists." The ACJC found that Respondent's questions "suggest[ed] a degree of intolerance and insensitivity towards victims of sexual assault that is antithetical to the public policy of this state and to the

Judiciary's mandate to act with integrity.”

When the hearing in the Family Part ended, Respondent also made comments to staff members in court. The ACJC found that they “besp[oke] an absolute disregard for the solemnity that must attend every court proceeding, particularly those involving such serious concerns as domestic violence.”

The findings in this case, which Respondent accepts, involve ethical misconduct in office that violated the Code of Judicial Conduct. All four violations factor into the decision about what level of discipline to impose, especially Respondent's treatment of an alleged victim of domestic violence who claimed she was sexually assaulted. Because of the seriousness of the ethical violations here, it is appropriate for the Court to consider the full range of potential discipline, up to and including removal from office.

Removal procedures are governed by statute and court rules. See N.J.S.A. 2B:2A-1 to -11; R. 2:14-1 to -3. The statute provides for a formal hearing at which both sides have the right to produce evidence and compel witnesses to appear. N.J.S.A. 2B:2A-6. The hearing may be held before the full Supreme Court or a panel of three justices or judges designated by the Chief Justice. N.J.S.A. 2B:2A-7. To initiate a proceeding for removal, the Court may file a complaint on its own motion, accompanied by an order to show cause. N.J.S.A. 2B:2A-3; R. 2:14-1, -2. Removal is authorized only

“[i]f the Supreme Court finds beyond a reasonable doubt that there is cause for removal.” N.J.S.A. 2B:2A-9. The standard for proceedings before the ACJC, by comparison, is “clear and convincing evidence.” R. 2:15-15(a).

For those reasons, and for good cause shown, we direct the Clerk of the Court to prepare a complaint for removal from office and issue an order to show cause why Judge Russo should not be removed from office.

It is further ORDERED, in light of the ACJC’s findings of serious instances of misconduct, which we have reviewed in full and which Respondent does not contest, that Respondent shall be suspended from office without pay pending the outcome of the removal proceeding, pursuant to N.J.S.A. 2B:2A-5.



Chief Justice Stuart Rabner
For the Court

July 17, 2019