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FILED
NOV 06 2023
A.C.J.C.

IN THE MATTE OF
ROBERT M. LEPORE,

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

JUDGE OF THE
MUNICIPAL COURT

DOCKET NO. ACJC 2023-317
ANSWER

Respondent, Robert M. Lepore, by way of answer to the Complaint filed by the Advisory Committee on Judicial Conduct, respectfully represents as follows:

FACTS

- 1) Admitted.
- 2) Respondent wishes to correct the dates set forth in paragraph 2 of the complaint. Respondent was not appointed to the Point Pleasant Beach Municipal Court until August 1, 2020. During the several years prior, he was not a Municipal Court Judge in any jurisdiction. However, Respondent served as a Municipal Court Judge in Brick Township from January 1, 2008 through August 2016.
- 3) Admitted.
- 4) Admitted.
- 5) Admitted.

6) Admitted.

7) Admitted.

8) Admitted.

9) Admitted.

10) Admitted.

11) Admitted.

12) Admitted.

13) Admitted.

COUNT I

14) No response required to paragraph 14.

15) Admitted.

16) Admitted.

COUNT II

17) No response required to paragraph 17.

18) Admitted.

19) Admitted.

COUNT III

20) No response required to paragraph 20.

21) Admitted.

22) Admitted.

23) Admitted.

COUNT IV

24) No response required to paragraph 24.

25) Admitted.

STATEMENT SUBMITTED IN MITIGATION OF DISCIPLINE

By way of mitigation of the quantum of discipline to be recommended by this Committee to the New Jersey Supreme Court based upon the foregoing admissions, Respondent would like the Committee members to consider the following statements as set forth in the paragraphs below:

1) In response to the ethics grievance filed against Respondent and the ACJC inquiry, Respondent retained my law office. Respondent and counsel reviewed the relevant law associated with the grievance. Respondent was advised to go through his Facebook page and remove any materials that could conceivably be interpreted as demonstrating political sentiments or that could relate to the support of law enforcement.

2) Respondent was also counseled to provide the password to his Facebook page to the ACJC investigators so that they could review its contents for any remaining objectionable materials and to alert him to same. Respondent's intentions, both then and now were to provide the maximum cooperation to the ACJC in its investigation.

3) Respondent provided his password and thereafter proceeded to review his Facebook page in an effort to delete any objectionable materials.

4) Respondent strenuously maintains that he did not intentionally misrepresent to the ACJC that he had reviewed prohibited posts and materials that could be interpreted as demonstrating political sentiments or opinion or postings that relate to the support of law enforcement.

5) After counsel advised Respondent to review his Facebook pages and to remove any objectionable postings, Respondent spend several days and numerous hours going over his Facebook account starting with the most recent postings and continuing through his very first posting from a dozen or so years earlier. Respondent then repeated that process at least three more times to ensure that he had not missed anything. Respondent's review can fairly be characterized as painstaking and exhaustive.

6) The first materials that Respondent removed were the posts that were cited in the underlying Ethics Grievance against him.

7) Respondent also went through his "Friends" list several times and unfriended anyone whom he believe conflicted with his obligations under the New Jersey Code of Judicial Conduct.

8) Unfortunately, Respondent was not comprehensive as he did not search the "like" or "follow" options available to Facebook users.

9) Respondent's unfamiliarity with the technical aspects of Facebook contributed to this the problem. Upon reviewing the formal complaint, Respondent had to ask his spouse who located those options on his Facebook page for him. However, to delete, block, unlike or unfollow, Respondent had to use tutorials that he and his spouse found through Safari. Thereafter, Respondent immediately took the actions allowed.

10) To the extent that any objectionable or improper postings remained on Respondent's Facebook page following his efforts to purge them, his failures are attributable to mere negligence as opposed to purposeful misconduct.

11) Respondent was genuinely shocked and dismayed to find so many "like" and "follow" groups affiliated with law enforcement, police officers and members of the prosecutor's office. By way of explanation, Respondent has a son, Michael, who is a detective with the Ocean County Prosecutors Office. Respondent supports and appreciates him and his police officer friends and member of the Ocean County Prosecutors Office. Although not subject to proof, Respondent can represent that to the

best of his knowledge the majority of those "likes" and/or "follows" did not occur during the time period when he was a Municipal Court Judge. Respondent should have "unfollowed" those immediately upon being appointed to the Municipal Court in Point Pleasant Beach but he did not.

12) With the able assistance of his daughter, who is much more knowledgeable on Facebook maintenance than he, Respondent has taken the steps to remove, delete, block, unlike and unfollow any and all groups affiliated with law enforcement, individual police officers and member of the Ocean County Prosecutors Office from his Facebook page.

13) Regarding a campaign advertisement "Holzapfel for Senate, McGuckin & Catalano for Assembly", this posting occurred during the time Respondent was not a Municipal Court Judge as Mr. Catalano's four-year term ends this year. However, Mr. Catalano, who is a thirty-year personal friend of Respondent is running for mayor of Brick Township. Respondent has un-friended him and his campaign.

14) Regarding the several law firms, a paralegal, realtors, mortgage companies, insurance companies and numerous private businesses, Respondent has taken the required steps to delete, remove, block or unfriend them from his Facebook page. However, please consider that for

the majority of his legal career, Respondent was a real estate attorney. In fact, the last twenty years of his private practice (he retired two years ago), consisted of 99% solely Real Estate. As a result, he knew and became "friends" with "liked" or "followed" all of the above individuals.

15) As noted in the answers given above to the various counts in the complaint, Respondent readily agrees that some of the content on his Facebook page as stated in his response to the ethical grievance did call into question his independence and impartiality and was inconsistent with the responsibility of his judicial obligations. Respondent maintains that he had never considered the Judicial Canons and Rules of Court in this context previously as his Facebook page did not and does not indicate that he is a member of the Judiciary.

16) Respondent wishes this Committee to know that he now recognizes that omission is not a viable justification or excuse. He is still subject to the restrictions set forth in the Code of Judicial Conduct. Accordingly, working with his daughter, he has taken all the steps to eliminate such postings and can assure the Committee that there will be no such postings in the future.

17) Finally, notwithstanding the efforts made by Respondent's daughter to remove objectionable materials, and in an effort to provide the maximum level of assurance to this Committee and the New Jersey Supreme Court that these ethical violations will not recur, on or about November 4, 2023, Respondent took the necessary steps to delete his entire Facebook page from that social media platform.

REQUEST FOR HEARING

Respondent requests a formal hearing on the merits.



Robert Ramsey
Attorney for Respondent

Dated: November 6, 2023

TESTIMONY

I, Robert H. Johnson, do hereby certify as follows:

1) I have read every paragraph of the foregoing and verify that the statements therein are true and based on my personal knowledge.

2) I declare that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Robert H. Johnson

made 11/2/53