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A.C.J.C.

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Attorneys for Honorable Mary F. Thurber, J.S.C.

IN THE MATTER OF
MARY F. THURBER,
JUDGE OF THE SUPERIOR COURT

:
:
: SUPREME COURT OF NEW JERSEY
:
: ADVISORY COMMITTEE ON
:
: JUDICIAL CONDUCT DOCKET
:
: DOCKET NO: ACJC 2022-118
:
: ANSWER, DEFENSES,
:
: AND MITIGATING FACTORS
:

MARY F. THURBER, Judge of the Superior Court (“RESPONDENT”) by and through her counsel, Carbone and Faasse, (John M. Carbone, Esq., appearing) in the above captioned matter now answers and responds as follows:

RESPONSES TO THE FORMAL COMPLAINT

1. Respondent admits the allegations contained in paragraph 1.
2. Respondent admits the allegations contained in paragraph 2.
3. Respondent admits the allegations contained in paragraph 3.
4. Respondent admits the allegations contained in paragraph 4.

5. Respondent in part admits the allegations contained in paragraph 5, but the year was in late 1991.
6. Respondent admits the allegations contained in paragraph 6.
7. Respondent admits in part the allegations contained in paragraph 7, but the estate administration was complete except the trust remained open.
8. Respondent in part admits the allegations contained in paragraph 8, but Respondent was contacted to discuss the probate of the McKinley Estate.
9. Respondent admits the allegations contained in paragraph 9.
10. Respondent admits in part the allegations contained in paragraph 10, that she remained the Administrator, but all administration of the Estate was completed before 2009, and respondent continued as Administrator in name only after that time.
11. Respondent in part admits the allegations contained in paragraph. 11, but sought to secure Respondent's discharge as Administrator and the filing of an accounting.
12. Respondent admits the allegations contained in paragraph 12.
13. Respondent admits the allegations contained in paragraph 13.
14. Respondent admits the allegations contained in paragraph 14.
15. Respondent admits the allegations contained in paragraph 15.
16. Respondent admits the allegations contained in paragraph 16,
17. Respondent admits the allegations contained in paragraph 17.
18. Respondent denies the allegations contained in paragraph 18
19. Respondent denies the allegations contained in paragraph 19.

WHEREFORE, Respondent denies violating any and specifically the following Canons of the Code of Judicial Conduct and Court Rules:

- (a) Respondent denies having violated Canon 5, Rule 5.8 of the Code of Judicial Conduct;
- (b) Respondent denies having violated Canon 1, Rule 1.1 of the Code of Judicial Conduct; and,
- (c) Respondent denies having violated Canon 2, Rule 2.1 of the Code of Judicial Conduct.

ACCORDINGLY, Respondent respectfully requests that the Formal Complaint be DISMISSED.

AFFIRMATIVE DEFENSES AND FACTORS IN MITIGATION

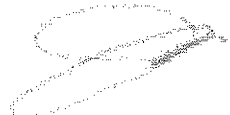
1. Respondent self-reported this matter to the Advisory Committee Judicial Conduct.

2. Respondent produced files and records, searched for other records, willingly appeared for the interview, and offered full cooperation,
3. Respondent displayed openness, candor and truthfulness in this process.
4. Respondent readily admitted the errors.
5. Respondent displayed contrition and remorse for the actions.
6. There is little likelihood of repetition of this conduct.
7. The alleged actions are an isolated and singular incident.
8. Respondent took no formal actions as Administrator while in a judicial capacity.
9. Respondent has had no prior complaints or discipline as a Judge.
10. Respondent has had and continues to retain an excellent reputation as an attorney and Judge.
11. Respondent is perceived and recognized by her peers, the legal profession, and the public as a Judge who displays excellent character and behavior.

DESIGNATION OF TRIAL COUNSEL

Respondent hereby designates John M. Carbone, Esq. as hearing counsel.

Carbone and Faasse:



John M. Carbone,
Dated: February 21, 2023