

FILED

JAN 30 2024

A.C.J.C.

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

DOCKET NO: ACJC 2023-140

IN THE MATTER OF

**DOUGLAS H. HURD,
JUDGE OF THE SUPERIOR COURT**

FORMAL COMPLAINT

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of Superior Court Judge Douglas H. Hurd, (“Respondent”), says:

Facts

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1994.
2. At all times relevant to this matter, Respondent served as a Presiding Judge of the Superior Court of New Jersey, assigned to the Civil Division in the Mercer Vicinage, a position he continues to hold.
3. Beginning in March 2020, the work of the courts was done remotely in response to the Coronavirus pandemic.

4. The Judiciary, when implementing a return to in-person court operations, instituted a remote work program (“Remote Work Policy” or “Policy”), effective September 7, 2021, which was the subject of a Broadcast Message to all Judiciary staff on August 26, 2021.

5. As per the Remote Work Policy, eligible state court staff could request approval to perform their duties at an alternate work location one day for each week that does not include a holiday.

6. The Policy further states: “Except for judicial law clerks and judge’s secretaries, all Judiciary staff in good standing are eligible for remote work days, with managers to decide individual requests based on operational need.”

7. On or about March 7, 2022, a Bench Book for Virtual Court Proceedings was issued to judges in the Superior Court, Tax Court, and Municipal Courts providing guidance to judges when managing virtual court proceedings.

8. The provisions of the Bench Book included the following requirement:

All judges, including Municipal Court judges, are expected to work from the courthouse unless current policy permits otherwise. See July 16, 2021 Notice to the Bar and Public setting forth 100% on-site presence as of September 7, 2021, as well as, the January 27, 2022 Broadcast Message from the Chief Justice and Director Grant resuming regular on-site presence.

9. On or about April 18, 2022, the Judiciary updated the Remote Work Program for Judiciary Staff providing two remote days weekly for eligible Judiciary employees. This

updated policy again contained the following language: “This policy applies to all fulltime employees excluding Judges, judicial law clerks, and judge’s secretaries.”

10. On or about July 1, 2022, Administrative Director Glenn A. Grant issued new and updated policies concerning the following procedures: (1) remote days for technology refreshers for trial level judges in the Superior Court and Tax Court and their chambers staff, (2) unscheduled court closures, and (3) updates to the policy on delayed openings, early releases, and closures. Director Grant’s memo provides, in relevant part, as follows:

The attached updated policy does not expand the provisions of the Remote Work Program for Judiciary Staff. As a general rule, judges and their support staff not otherwise eligible for remote work are required to report and remain on-site when a court location is open. A delayed opening, early release, or closure does not by itself create a basis for remote work for judges, judges’ secretaries, or law clerks.

11. In 2022 and 2023, the Chief Justice authorized remote work for judges’ secretaries during Judicial College and the recess between Christmas and New Year’s.

COUNT I

12. Complainant repeats the allegations contained in the foregoing paragraphs as if each were set forth fully and at length herein.

13. Since July 2009, L.C.¹ has been employed as Respondent’s secretary.

¹ Judiciary personnel will be referred to by their initials to maintain the confidentiality of their identity.

14. In late 2021, L.C. moved out of state and pursuant to policy, sought and received an exemption from the residency requirement.

15. With Respondent's knowledge and consent, L.C. worked remotely on a periodic basis after September 7, 2021, the effective date of the Remote Work Policy, through December 2022.

16. Respondent knew or should have known that his secretary was prohibited from working remotely subsequent to the effective date of the Remote Work Policy, September 7, 2021.

17. Respondent, when interviewed by staff to the Advisory Committee on Judicial Conduct, acknowledged L.C. worked remotely for a period of approximately five to six months in 2022 and that he authorized it, believing he had the discretion to do so.

18. Respondent abused the power and prestige of his judicial office for the benefit of his secretary by permitting her to work remotely in violation of Judiciary policies prohibiting remote work for judges' secretaries, in violation of Canon 2, Rule 2.3 (A) of the Code of Judicial Conduct.

19. By failing to adhere to Judiciary policies, Respondent demonstrated an inability to conform his conduct to the high standards of conduct expected of judges and impugned the integrity and impartiality of the Judiciary in violation of 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 1, Rule 1.1, which requires judges to observe high standards of conduct to preserve the integrity and independence of the Judiciary;

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; and

Canon 2, Rule 2.3(A), which requires judges to avoid lending the prestige of their office to advance the private interest of others.

DATED: January 30 , 2024



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