

FILED

MAR 05 2024

A.C.J.C.

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

**DOCKET NOS: ACJC 2023-109 &
ACJC 2024-018**

IN THE MATTER OF

**ANTONIO INACIO,
JUDGE OF THE MUNICIPAL COURT**

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FORMAL COMPLAINT

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of Antonio Inacio, J.M.C., (“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 1985.
2. At all times relevant to this matter, Respondent served as a part-time judge in the Municipal Court of the Township of Clark, a position to which he was appointed in 1994, and continues to hold.
3. Respondent maintains a private office for the practice of law in the Township of Clark.

Count I

4. Complainant repeats the allegations contained in the foregoing paragraphs as if each were set forth fully and at length herein.
5. Respondent, in his private capacity as an attorney, represented municipal employees who could potentially appear before him as complainants and witnesses in connection with matters over which Respondent presided.
6. Respondent presided over cases in which police officers whom he has represented in real estate or divorce matters were complainants, although the officers did not testify before him.
7. In 2014, Respondent represented Clark Township Police Officer Miguel Acabou ("Officer Acabou") in the purchase of real estate. In 2019, Respondent represented Officer Acabou in two matters - the sale of real estate in Clark Township and a matrimonial matter that was resolved by settlement agreement in the Superior Court of Union County.
8. Respondent disposed of seven tickets issued by Officer Acabou after Respondent's period of representation of him in 2014 and again in 2019.
9. In 2014, Respondent represented Clark Township Police Officer Sergio Henriques ("Officer Henriques") in the purchase of real estate in Clark Township.
10. Respondent disposed of 69 tickets issued by Officer Henriques after Respondent's period of representation of him in 2014.

11. In 2016, Respondent represented Clark Township Police Officer Ricardo Oliveira (“Officer Oliveira”) in the purchase of real estate in Clark Township.

12. Respondent disposed of 43 tickets issued by Officer Oliveira after Respondent’s period of representation of him in 2016.

13. In 2019, Respondent represented a limited liability corporation in which Clark Township Police Officer Antonio Manata (“Officer Manata”) had a 50% ownership interest, and in the purchase and sale of real estate in Clark Township.

14. Respondent disposed of 17 tickets issued by Officer Manata after Respondent’s period of representation of him in 2019.

15. Respondent has a personal relationship with the Clark Township Code Enforcement Officer, Michael Khoda (“Mr. Khoda”), whom Respondent has socialized with for approximately 35 years and describes as his “drinking buddy.”

16. Respondent represented Mr. Khoda in various legal matters from 2015 through 2017 and in 2019 through 2021.

17. Respondent presided over cases in which Mr. Khoda issued ordinance violations to township residents, although Mr. Khoda did not provide testimony.

18. Between 2019 and 2022, Respondent disposed of six tickets issued by Mr. Khoda. Five of the six tickets were issued by Mr. Khoda and disposed of by Respondent while Mr. Khoda was Respondent’s then-current/active client. The sixth ticket was issued when Mr. Khoda was Respondent’s former client.

19. Through his prior professional affiliations with the law enforcement officers and personal friendship and professional relationship with the Clark Township code enforcement officer, Respondent acted in a manner that cast reasonable doubt on Respondent's capacity to act impartially as a judge in violation of Canon 5, Rule 5.1(B)(2) of the Code of Judicial Conduct.

20. By disposing of tickets issued by the Clark Township's police officers and code enforcement officer whom Respondent represented in his personal capacity as a private attorney, Respondent engaged in a conflict of interest or minimally created the appearance of partiality in violation of Canon 3, Rule 3.17(B)(4)(b) of the Code.

21. By his conduct described above, Respondent demonstrated a failure to conform his conduct to the high standards of conduct expected of judges and impugned the integrity of the Judiciary in violation of Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code.

Count II

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

23. The Judiciary prohibits judges from conversing with litigants and processing their matters in languages other than English without the use of a certified interpreter.

24. Administrative Directive #21-23 New Jersey Judiciary Language Access Plan (“LAP”) issued by Administrative Director Glenn A. Grant on November 14, 2023 states, “. . . anyone who is limited in their ability to speak and/or understand English . . . is entitled to the same access to, and meaningful participation in, the court process and services as people without language access needs.” This Directive mandates that “only qualified interpreters may interpret”

25. On or about June 21, 2023, the Municipal Division Manager (“MDM”) for the Union Vicinage conducted a Virtual Administrative In-Session Visitation as a general review of the court’s administrative procedures and office practices of Clark Township’s Municipal Court via the ZOOM platform, in which Respondent participated from the courtroom.

26. Based on observations during the virtual session, the MDM noted in her report that on several occasions Respondent would interpret in Spanish from the bench to Spanish-speaking litigants both virtual and in-person while utilizing the Language Line for other defendants of different languages. The MDM stated, “[t]his is not best practice as interpreting services and or certified interpreters should be utilized/accessible during the entire court session.”

27. In addition to a discussion between the MDM and Respondent during the visitation, the Municipal Court Visitation Report, once completed, was emailed along with a summary cover letter to Respondent. In the cover letter, Respondent is

asked to review the visitation letter with staff and provide the Municipal Division with a written response, as appropriate, to the comments and recommendations offered in the report.

28. On or about June 21, 2023, the Presiding Judge for the Municipal Courts of the Union Vicinaje (“PJMC”) also conducted an audit of the Clark Municipal Court, called “Virtual In-Session Visitation.” In her report, the PJMC wrote, “Prosecutor was called into the courtroom to finalize matter with a defendant who was also in the courtroom and needed an interpreter. From time to time the Judge interpreted in Spanish when talking to the defendants. This is not the best practice.”

29. Following the Virtual In-Session Visitation, the PJMC discussed her findings with Respondent and a copy of her Report was later provided to Respondent.

30. Despite Respondent’s knowledge of Administrative Directive #21-23 LAP, receipt of oral and written audit reports from the Municipal Division Manager’s Administrative In-Session Visitation, and the PJMC’s Judicial In-Session Visitation, Respondent continued interpreting in Spanish in violation of Canon 3, Rule 3.7 of the Code of Judicial Conduct.

31. By this same conduct, Respondent violated Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code.

Count III

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

33. On or about August 26, 2020, in the matter of State of New Jersey v. Jamil A. Fowler, Tickets E20-001675 – E20-001677 and E20-001681, Respondent engaged inappropriately with a defendant.

34. While conversing with the defendant about his case, the following colloquy occurred:

RESPONDENT: Mr. Fowler. Mr. Fowler.

DEFENDANT: Yeah.

RESPONDENT: Who is that nice lady that's with you?

DEFENDANT: Girlfriend.

RESPONDENT: Well, she must love you. Let me get this straight. Let me get this straight. No job. No rent. No car. No, zero, nothing. Where do I find one? Please tell me. Where do I find it? I'm single, I want to find that.

DEFENDANT: I got a car.

RESPONDENT: Well, let me ask you something. When you worked, what did you do?

DEFENDANT: I do tattoos.

RESPONDENT: Well, you got to be busy, because that's all I see is people with tattoos. Well, wait a minute. Can I ask you

something? . . . What's your girlfriend's name?

DEFENDANT: What's my middle name?

RESPONDENT: No, what is your girlfriend's name?

DEFENDANT: Alejandra.

35. Respondent's references to the defendant's perceived shortcomings, i.e. no job, no rent, no car, was discourteous and could reasonably be understood as Respondent mocking an individual experiencing some unfortunate circumstances in violation of Canon 3, Rule 3.5 of the Code of Judicial Conduct.

36. Respondent's gratuitous questioning of the defendant concerning his relationship status, impugned the independence, integrity, and impartiality of the Judiciary and was improper in violation Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code.

Count IV

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

38. On or about March 3, 2023, the District XII Ethics Committee filed a Complaint, Docket No. XII-2-22-0020E, against Respondent in his capacity as an attorney alleging he signed an order, without the client's authorization, in a matrimonial matter, then executed the jurat following his client's signature falsely stating the client personally appeared before him and swore to the signature, conduct

involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule of Professional Conduct (“RPC”) 8.4(c) and failure to provide a client a written retainer agreement as required by R. 5:3-5 and in violation of RPC 1.5(b).

39. On or about March 21, 2023, Respondent filed his Verified Answer admitting the allegations against him and the violations of the cited RPCs.

40. Respondent’s admission in his Verified Answer that he engaged in conduct involving dishonesty required him to self-report his alleged misconduct to the proper disciplinary authority.

41. By his failure to notify his Assignment Judge, the Administrative Director of the Courts, or the ACJC of the attorney ethics complaint filed against him, Respondent violated Canon 3, Rule 3.15(B) of the Code of Judicial Conduct.

42. Respondent, by failing to notify any disciplinary authority of a Complaint filed against him alleging dishonest conduct as an attorney, impugned the integrity of the Judiciary in violation of Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code.

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 so that the integrity and independence of the Judiciary may be preserved;

Canon 2, Rule 2.1, which requires judges to promote public confidence in the independence, integrity and impartiality of the Judiciary;

Canon 3, Rule 3.5, which requires judges to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity;

Canon 3, Rule 3.7, which requires judges to accord to every person who is legally interested in a proceeding, or to that person's lawyer, the right to be heard according to law or court rule;

Canon 3, Rule 3.15(B), which requires a judge who receives reliable information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct should take appropriate action. A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority;

Canon 3, Rule 3.17(B), which prohibits a judge from participating in proceedings in which their impartiality might reasonably be questioned;

Canon 3, Rule 3.17(B)(4)(b), which requires judicial disqualification for a minimum of seven years following the conclusion of a judge's representation of a private client; and

Canon 5, Rule 5.1(B)(2), which prohibits a judge from participating in activities that would appear to reasonable, fully informed persons, to undermine the judge's independence, integrity, or impartiality.

DATED: March 5, 2024

Maureen G. Bauman

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