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A.C.J.C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2016-135

IN THE MATTER OF

DEBORAH M. GROSS-QUATRONE
JUDGE OF THE SUPERIOR COURT

FORMAL COMPLAINT

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of Superior Court Judge Deborah M. Gross-Quatrone (“Respondent”), says:

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1990.

2. At all times relevant to this matter, Respondent served as a judge in the Superior Court of New Jersey, assigned to the Family Division in the Bergen Vicinage, a position she held until January 4, 2016. Prior thereto, Respondent was assigned to the Family Division in the Passaic Vicinage from March 3, 2015 to July 3, 2015.

3. Effective January 11, 2016, Respondent was assigned to the Civil Division in the Essex Vicinage.

COUNT I

4. On May 20, 2015, Glenn A. Grant, J.A.D., Acting Administrative Director of the Courts, issued a memo (“Memo”) to all Assignment Judges and Trial Court Administrators entitled “Training Requirements Memo for 2015-2016 Trial Court Law Clerks.”

5. As provided in the Memo, the 2015-2016 clerkship began on August 24, 2015 and continued for 53 weeks. The additional week, placed at the front end of the term was to be utilized for in-chambers training and for specialized Family training.

6. Per the Memo, Judge Grant strictly prohibited “in-chamber training days” of incoming law clerks “even if the law clerk’s participation is voluntarily offered.”

7. On or around June 3, 2015, Sandee Nole-Nieves (“Nole-Nieves”), Training Coordinator for the Passaic Vicinage, sent an email to all Passaic judges, including Respondent. Attached to Nole-Nieves’s email was a letter that was sent to all incoming law clerks specifying the dates of mandatory training and Judge Grant’s May 20, 2015 memo that stated their term would begin on Monday, August 24, 2015.

8. In or around the summer of 2015, following Respondent’s transfer to Bergen, Respondent interviewed the individual who would be her 2015-2016 law clerk (the “law clerk”).

9. On or around August 3, 2015, at Respondent’s direction, Maria DeLeon (“DeLeon”), Respondent’s secretary, called the law clerk and advised her that she received the clerkship and that she would be required to begin her employment that week, which was three weeks prior to the official start date.

10. Respondent knew or should have known that the law clerk’s official start date was August 24, 2015.

11. On August 4, 2015, DeLeon sent an email to Windy Bernier (“Bernier”), Judiciary Coordinator 2, Bergen Judiciary Resources, requesting paperwork for an intern to complete and the law clerk training schedule. Bernier provided DeLeon with the requested paperwork for the intern that same day as well as Judge Grant’s May 20, 2015 memo containing the training schedule and the law clerk’s term of service.

12. When the law clerk agreed to begin her clerkship on August 4, 2015, the law clerk had not yet received any materials pertaining to her clerkship and was not aware that the official start date for law clerks was August 24, 2015, or that there could be no training/in-chamber days as an incoming law clerk prior to the August 24, 2015 start date.

13. On or around August 6, 2015, subsequent to the law clerk's actual start date, Respondent extended a Conditional Offer of Employment to the law clerk for the September 1, 2015 through August 31, 2016 term. Respondent also executed a Judicial Certification appointing the law clerk, effective August 24, 2015.

14. With the exception of August 12, 13, and 14, 2015 when the law clerk was on vacation, the law clerk worked for Respondent from 7:30 AM until 7:30 PM, Monday through Friday, from August 4, 2015 until the official start date of the clerkship on August 24, 2015.

15. On Sunday, August 23, 2015, the law clerk also worked from 10:00 AM until 5:00 PM, as Respondent required her to make up the three (3) days that she took off for vacation on August 12, 13, and 14, 2015. Respondent also required the law clerk to work additional hours to make up time spent at the mandatory training sessions for Family Division law clerks.

16. The law clerk was not compensated for her work with the Judiciary between August 4, 2015 and August 23, 2015, though she was ultimately compensated for that time once the Judiciary became aware of the issue.

17. On or around December 11, 2015, Lynda Villareal ("Villareal"), Human Resources Manager for the Bergen Vicinage, and Laura A. Simoldoni ("Simoldoni"), Trial Court Administrator for the Bergen Vicinage, met with the law clerk.

18. At that meeting, Villareal and Simoldoni learned that Respondent required the law clerk to begin her clerkship prior to the official start date of August 24, 2015, and that the

law clerk was not compensated for that time. Villareal and Simoldoni also learned that Respondent required the law clerk to make up the time she spent at the mandatory training sessions for Family Division law clerks.

19. On December 11, 2015, Simoldoni advised Respondent that the law clerk would be re-assigned to another Judge as of Monday, December 14, 2015.

20. By her conduct in requiring the law clerk to begin her clerkship prior to the official start date in violation of Judge Grant's May 20, 2015 memo, Respondent demonstrated an inability to conform her 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 of Judicial Conduct.

COUNT II

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

22. On December 14, 2015, Respondent attended a meeting with Bonnie J. Mizdol ("Judge Mizdol"), Assignment Judge of the Bergen County Vicinage, which Respondent surreptitiously recorded.

23. The purpose of the meeting with Judge Mizdol was to discuss Respondent's requirement that the law clerk commence her clerkship prior to the official start date, in direct violation of Judge Grant's memo.

24. Respondent admitted to Judge Mizdol that she instructed the law clerk to report for work in early August prior to the official start date of the clerkship, but denied receiving Judge Grant's memo.

25. Judge Mizdol advised Respondent that having the law clerk commence her clerkship prior to the official start date violated Judge Grant's policy and that she had been reassigned to a different judge.

26. Shortly thereafter, on December 21, 2105, Respondent attended a meeting with Judge Mizdol, Peter J. Melchionne ("Judge Melchionne"), Presiding Judge of the Family Division in the Bergen Vicinage, Diana Moskal ("Moskal"), Family Division Manager in the Bergen Vicinage, and Simoldoni, which she again surreptitiously recorded.

27. The purpose of the meeting was to review with Respondent the draft protocol that would be put in place to assist Respondent, in the absence of her law clerk, with motions and Orders to Show Cause.

28. Respondent appeared at the meeting with DeLeon and requested that DeLeon be permitted to attend the meeting. Respondent also brought with her a tape recorder in her purse expecting to use it if DeLeon was denied entry to the meeting.

29. Judge Mizdol advised Respondent that it was a meeting of management and DeLeon was not management.

30. Respondent initially refused to meet without "a witness," and requested that the meeting take place in a courtroom so that CourtSmart could be used to record the meeting, which Judge Mizdol denied.

31. Respondent ultimately agreed to participate in the meeting, but repeated her request to go on CourtSmart during the meeting, which Judge Melchionne denied.

32. As the meeting was in progress, Simoldoni observed a red flashing light in Respondent's purse, which Simoldoni ultimately discovered was a digital recorder and asked Respondent whether the meeting was being recorded, which Respondent denied.

33. Judge Mizdol also asked Respondent if she was tape recording the meeting, which respondent again denied.

34. Simoldoni subsequently rewound the digital recorder at which time it was evident that Respondent was recording the meeting.

35. Respondent's digital recorder was confiscated and eventually returned to her that same day after a copy of the tape was made.

36. By her conduct in repeatedly and surreptitiously recording her meetings with her Assignment Judge, Respondent demonstrated a disrespect for the judiciary and an inability to conform her 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 of Judicial Conduct.

37. By misrepresenting to Judge Mizdol and Simoldoni that Respondent was not recording the December 21, 2015 meeting, respondent demonstrated a lack of veracity and an inability to conform her 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 Conon 2, Rule 2.1 of the Code of Judicial Conduct.

COUNT III

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

39. DeLeon performed various personal and non-judiciary work on Respondent's behalf and at Respondent's direction.

40. For example, Respondent had DeLeon do her child's homework; check jewelry orders, rental car reservations and vacation itineraries; send letters concerning Louis Vuitton bags; inquire about Macy's store credit; and send out bills to clients from her prior private law practice.

41. On or around September 9, 2015, Respondent required DeLeon do a homework assignment and order a book for Respondent's son, who was a high school senior at the time. In an e-mail, Respondent asked DeLeon:

RESPONDENT: how is [the] assignemnt (sic) going? Did you get the book?

DeLEON: I am working on [the] assignment. I got the book on line. I will have a draft done by tomorrow am for him to look at.

42. By directing DeLeon to perform extrajudicial activities in the form of personal work for Respondent and homework for Respondent's son during work hours and using judiciary equipment, Respondent repeatedly misused judiciary resources, demonstrated an inability to conform her 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, Canon 2, Rule 2.1 and Canon 5, Rule 5.1 (B) (3) 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 that judges 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 5, Rule 5.1 (B) (3), which requires that judges shall not make use of court premises, staff, stationary, equipment or other resources for extrajudicial activities.

DATED: March 6, 2017

Maureen G. Bauman

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