

**FILED**

**OCT 13 2015**

**A.C.J.C.**

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File No. 14749-6054

IN THE MATTER OF

JOSEPH A. PORTELLI  
JUDGE OF THE SUPERIOR COURT

SUPREME COURT OF NEW JERSEY  
ADVISORY COMMITTEE ON  
JUDICIAL CONDUCT

DOCKET NO. ACJC 2015-093

**ANSWER TO FORMAL COMPLAINT**

Joseph A. Portelli ("Respondent"), by and through his attorneys, states by way of Answer to the September 21, 2015 Formal Complaint filed by the Advisory Committee on Judicial Conduct (the "Committee") as follows:

1. Respondent admits the allegations of Paragraph 1.
2. Respondent admits the allegations of Paragraph 2.
3. Respondent admits the allegations of Paragraph 3.
4. Respondent admits the allegations of Paragraph 4.
5. Respondent admits the allegations of Paragraph 5.

**As to Count I**

6. Respondent repeats his responses to the allegations of the foregoing paragraphs of the Formal Complaint as if set forth fully herein.

7. Except to clarify that Respondent characterizes the motion argued by the Senior Deputy Attorney General as a motion to vacate a sanction rather than a motion to vacate a contempt order, Respondent admits the allegations of Paragraph 7.

8. Aside from lacking knowledge or information sufficient to form a belief as to each or all of the reasons why the Assistant Chief was present in the courtroom, Respondent admits that the Assistant Chief was present for argument on a motion to vacate a sanction that the Respondent had entered against the Division of Child Protection and Permanency (DCP&P) for its continued failure to file complaints in a timely manner.

9. Respondent admits that he invited the Chief and Assistant Chief to his chambers after he admonished the Assistant Chief on the record for grimacing and exhibiting disdain while Respondent was reciting his decision.

10. Respondent admits that he remarked, in sum or substance, that the Assistant Chief was doing a great job and was a good attorney. Respondent denies the remainder of the allegations of Paragraph 10. Respondent recalls that as part of his compliment to the Chief regarding the Assistant Chief's legal ability, he remarked that she "really sticks it to them," or words to that effect.

11. Respondent denies the allegations of Paragraph 11.

WHEREFORE, Respondent respectfully requests that the Committee dismiss Count I of the Formal Complaint in accordance with R. 2:15-15(b).

**As to Count II**

12. Respondent repeats his responses to the allegations of the foregoing paragraphs of the Formal Complaint as if set forth fully herein.

13. Although the allegations of Paragraph 13 are vague and fail to identify the attorney by name, Respondent admits that there were Deputy Attorneys General ("DAsG", or "DAG" in the singular) who routinely appeared before him in guardianship matters.

14. Respondent denies that he told any DAG on several occasions that he "hated" trying guardianship cases, but admits that there have been a few instances where he has remarked to other individuals that he finds guardianship hearings tedious.

15. Respondent is without information or knowledge sufficient to admit or deny the allegations of Paragraph 15, which refers to a DAG's state of mind that was never communicated to Respondent prior to this proceeding.

16. Respondent is unable to admit or deny the allegations of Paragraph 16 as written, which are vague and fail to identify a specific DAG or case. Respondent admits that he tried guardianship cases in August of 2014 in which DAsG appeared.

17. Respondent is unable to admit or deny the allegations of Paragraph 17 as written, which are vague and fail to identify any of the individuals or facts involved with sufficient specificity. Respondent admits that DCP&P specialists testified on behalf of DAsG in hearings involving termination of parental rights.

18. Respondent denies the allegations of Paragraph 18. Respondent admits that on one occasion he orally informed a DCP&P Family Specialist, with whom he exchanged occasional pleasantries and had prior casual conversations, that she looked nice that day.

19. Respondent is unable to admit or deny the allegations of Paragraph 19 as written, which are vague and fail to identify a specific DAG or case. Respondent admits that he tried guardianship cases in September of 2014 in which DAsG appeared.

20. Respondent is unable to admit or deny the allegations of Paragraph 20 as written, which are vague and fail to identify any of the individuals or facts involved with sufficient specificity. Respondent admits that DCP&P specialists testified on behalf of DAsG in hearings involving termination of parental rights.

21. Other than to admit that on one occasion Respondent orally informed a DCP&P Family Specialist that her manicure looked nice in response to her own compliment to the Respondent that she liked his watch, Respondent denies the allegations of Paragraph 21. Respondent denies ever keeping yellow Post-it® notes on his bench.

22. Respondent is without information or knowledge sufficient to admit or deny the allegations of Paragraph 22.

23. Respondent denies the allegations of Paragraph 23.

24. Respondent denies that his conduct was violative of Canons 1, 2A and 3A(3) of the Code of Judicial Conduct.

WHEREFORE, Respondent respectfully requests that the Committee dismiss Count II of the Formal Complaint in accordance with R. 2:15-15(b).

#### **As to Count III**

25. Respondent repeats his responses to the allegations of the foregoing paragraphs of the Formal Complaint as if set forth fully herein.

26. Respondent admits that when considering guardianship cases, he, as a matter of course, would invite the involved children—whose lives were in disarray and would often appear traumatized—and their law guardians to visit his courtroom and chambers and would, variably, engage them in conversations, permit them to sit behind the bench or upon his knee, or allow them to use the court's gavel.

27. The allegations of Paragraph 27 are, without additional context or identifying facts, overly broad and vague, and deprive Respondent of the ability to admit or deny them. Respondent admits that in the summer of 2013, there were matters in which children appeared in court.

28. The allegations of Paragraph 28 are, without additional context or identifying facts, overly broad and vague, and deprive Respondent of the ability to admit or deny them. Respondent admits that there were court appearances in 2013 in which DAsG would appear.

29. The allegations of Paragraph 29 are, without additional context or identifying facts, overly broad and vague, and deprive Respondent of the ability to admit or deny them. Respondent admits that on occasion he would invite children involved in guardianship hearings to sit behind the bench or upon his knee to demystify the proceedings, set them at ease, and provide a comforting atmosphere.

30. Respondent admits that he answered, in sum or substance "no, [DAG], you can't come sit on my lap," as the latter part of his response to friendly courtroom banter after a third individual remarked aloud whether he could be next to sit on Respondent's lap; Respondent replied that he could not, and then added that the DAG would not be permitted to sit on his lap either.

31. Respondent is without information or knowledge sufficient to admit or deny the allegations of Paragraph 31.

32. Respondent denies the allegations of Paragraph 32.

WHEREFORE, Respondent respectfully requests that the Committee dismiss Count III of the Formal Complaint in accordance with R. 2:15-15(b).

CHASAN LEYNER & LAMPARELLO, PC  
Attorneys for Respondent Joseph A. Portelli

  
RALPH J. LAMPARELLO

Dated: October 9, 2015