

FILED

MAY 01 2017

A.C.J.C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO: ACJC 2016-377

IN THE MATTER OF

CAROLYN E. WRIGHT
JUDGE OF THE SUPERIOR COURT

FORMAL COMPLAINT

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct
("Complainant"), complaining of Superior Court Judge Carolyn E. Wright ("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 judge in the Superior Court of New Jersey, assigned to the Family Division in the Essex Vicinage, a position she continues to hold.
3. On August 5, 2016, Respondent accompanied Benjamin Hayes ("Hayes") to the Family Division Intake Unit ("Intake Unit") in the Essex Vicinage to assist him in obtaining the necessary paperwork to file for immediate custody of his grandchild.
4. Upon arrival in the reception area of the Intake Unit, Respondent approached Senior Probation Officer, Mariela Gabriel ("Gabriel"), who was walking out of the Intake Unit, and asked for Damaris Alvarado ("Alvarado").

5. Gabriel advised Respondent that Alvarado no longer supervised the Intake Unit and that the current supervisor was not there at the time.

6. While speaking with Alvarado, Respondent pointed to a red lanyard with an identification holder around her neck. The Judiciary provides red lanyards to judges and blue lanyards to all other judiciary employees.

7. Gabriel acknowledged that she knew who Respondent was and offered her assistance.

8. Respondent and Hayes walked into the Intake Unit. Respondent's secretary, Tammy Garner ("Garner"), was also present but did not proceed into the Intake Unit.

9. Respondent stated to Gabriel that Hayes was her nephew and needed an emergency hearing to obtain custody of his grandson. Respondent presented Gabriel with paperwork that had been given to Hayes and stated that she believed it to be incorrect for this purpose.

11. Gabriel asked questions to determine the appropriate paperwork for Hayes, obtained the documents and directed Hayes to the lobby area to complete the paperwork.

12. Respondent asked Gabriel who was assigned emergent duty that day. Gabriel advised that it was Judge Nora J. Grimbergen ("Judge Grimbergen").

13. Respondent left the Intake Unit and went to Judge Grimbergen's courtroom. Judge Grimbergen was on the bench at the time, but on seeing Respondent, stopped what she was doing and walked over to Respondent.

14. Respondent asked Judge Grimbergen if she had time to hear a matter. Judge Grimbergen stated that she "was swamped" and did not have time to hear anything that was not properly before her.

15. Respondent related that her nephew had a matter involving an issue with medical insurance for his grandchild that he was going to bring as an Order to Show Cause.

16. Judge Grimbergen acknowledged that if the matter were truly emergent, it would be properly done as an Order to Show Cause, but otherwise should proceed as a regular motion. Respondent then left the courtroom.

17. Respondent informed Gabriel that she spoke to Judge Grimbergen, that Judge Grimbergen did not see it as an emergent issue, and that Hayes should proceed with a regular filing.

18. Gabriel advised Respondent that she would take Hayes upstairs to her own desk so that he could finish the application.

19. Respondent and Garner departed the courthouse shortly thereafter to go to lunch. Approximately two blocks from the courthouse, Respondent saw Alvarado and stated that her nephew was at the Intake Unit completing an application for custody. Respondent asked Alvarado for an early court date, to which Alvarado replied that those court dates are set by the judge assigned to hear the matter if an Order to Show Cause is granted.

20. Respondent stated that she would speak to Judge Mark S. Ali ("Judge Ali") on Monday. Judge Ali was designated to hear emergent matters the following week.

21. Gabriel spoke with Joseph Wright ("Wright"), Assistant Family Division Manager, that same day about her encounter with Respondent and Hayes. Gabriel questioned whether Hayes' matter should be docketed in Essex County given his relationship to Respondent. Wright instructed Gabriel to wait for further instructions before docketing Hayes' matter.

22. Wright later instructed Gabriel to refrain from docketing Hayes' matter. After learning that the matter would be transferred to Hudson County, Gabriel notified Hayes.

23. Family Division Manager, Karen Smith (“Smith”), notified Judge David B. Katz (“Judge Katz”), Presiding Judge of the Family Division in the Essex Vicinage, that same day of the circumstances surrounding Respondent’s actions in respect of Hayes.

24. Judge Katz telephoned Respondent that afternoon and requested she meet with him to discuss the matter, which Respondent did later that day.

25. At the meeting with Judge Katz, Respondent stated that Hayes was not a relative by definition but had a long time relationship with her family and that Respondent inappropriately referred to him as “like a nephew.”

26. Judge Katz recommended that Respondent complete a Judge’s Personal or Family Member Involvement in Litigation Report (“Involvement in Litigation Report”) in compliance with judiciary policy.

27. Judge Katz notified Judge Sallyanne Floria (“Judge Floria”), Assignment Judge in the Essex Vicinage, of the circumstances surrounding Respondent’s actions in respect of Hayes.

28. Judge Floria and Judge Katz met with Respondent. Respondent stated that she thought the Involvement in Litigation Report was not appropriate since Hayes was not her nephew. Judge Floria advised Respondent that the term “relative” was broad and she should complete the report. Respondent expressed her concern with Judge Floria’s decision to transfer the matter out of county.

29. By her conduct in interceding on behalf of Hayes, Respondent demonstrated a failure 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.

30. By her conduct as described above, Respondent created the risk that her judicial office would be an influential factor in the processing of his application to obtain custody of his grandchild and acquire an earlier court date for Hayes. In so doing, Respondent used or allowed the power and prestige of her judicial office to influence or advance a private matter in violation of Canon 2, Rule 2.3 (A) 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 so that the integrity and independence of the judiciary may be preserved;

Canon 2, Rule 2.1, which requires judges to avoid 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;

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

DATED: May 1, 2017



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