

SUPREME COURT OF NEW JERSEY



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CHIEF JUSTICE

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**Statement of Chief Justice Stuart Rabner
July 17, 2019**

The Supreme Court today entered an order and directed the Clerk of the Court to file a complaint for removal from office as well as an order to show cause In the Matter of John F. Russo, Jr., a Judge of the Superior Court of the State of New Jersey. All three documents are attached.

As the Court's order states, "[b]ecause of the seriousness of the ethical violations" found by the Advisory Committee on Judicial Conduct, which Respondent accepts, "it is appropriate for the Court to consider the full range of potential discipline, up to and including removal from office." The attached documents therefore call for the start of formal removal proceedings against Judge Russo, which are guided by statute and court rules. See N.J.S.A. 2B:2A-1 to -11; R. 2:14-1 to -3. The Court's order also suspends Judge Russo without pay pending the outcome of removal proceedings.

This statement does not address the merits of the upcoming proceeding or the discipline that should be imposed. By law, Respondent has the right to a formal hearing before a three-judge panel. See N.J.S.A. 2B:2A-6, -7. Its findings will then be presented to the Court for consideration.

The comments that follow do not prejudge the outcome of the hearing. Instead, they apply to the work of the Judiciary and the disciplinary process more generally.

I.

The system of judicial discipline is not designed to punish judges. In re Yaccarino, 101 N.J. 342, 386-87 (1985). Its overriding purpose is to preserve “public confidence in the integrity and the independence of the judiciary.” In re Seaman, 133 N.J. 67, 96 (1993). The system provides a fair and structured process when it is necessary to consider discipline or removal of a judge for serious breaches of ethical obligations. Fortunately, those instances are rare.

About 450 Judges of the Superior Court handle more than 800,000 new cases each year with great professionalism and skill. Many of those matters are sensitive, and all of them call for careful attention to the facts and the law. Day in and day out, exemplary judges throughout our State promote the independence, integrity, and impartiality of New Jersey’s court system by serving the public in a thoughtful and ethical manner.

Judges are often called on to make difficult decisions. In all matters, they must follow the law even if an outcome may be unpopular. To uphold their oath of office, they must never hesitate to abide by and enforce the law. And there can be no reason for judges to fear discipline -- not from the court

system or any other entity -- when they carry out their solemn responsibilities in that way. Those vital principles lie at the heart of judicial independence, which is central to our constitutional democracy.

Like everyone else, judges may sometimes make mistakes while reasonably carrying out their duties in good faith. That, too, is not a basis for discipline. See id. at 97. In our system, arguments about possible legal errors are instead challenged and reviewed on appeal.

In the rare case when a judge's conduct calls for ethical review and potential discipline, the process requires a careful examination of the full record in context, not a rush to judgment.

II.

The Judiciary holds regular, mandatory training programs for judges beginning with their appointment to the bench and each year afterward. Last week, in response to recent events, I asked the Director of the Administrative Office of the Courts to assess existing educational courses and develop an enhanced training program for judges of the Municipal, Superior, and Supreme Courts in the areas of sexual assault, domestic violence, implicit bias, and diversity.

Sexual assault is an act of violence. It terrorizes, degrades, and induces fear in victims. Without question, it is a most serious matter in which fault lies

solely with the perpetrator, not the victim. And our State has a strong interest in protecting victims of sexual assault and domestic violence. See N.J.S.A. 2C:14-13 to -21 (Sexual Assault Survivor Protection Act); N.J.S.A. 2C:25-17 to -35 (Prevention of Domestic Violence Act).

The accused in a sexual assault matter -- as in every case -- is entitled to a fair hearing that fully protects the person's constitutional rights and seeks to find the truth. At the same time, victims asked to relive harrowing experiences are entitled to the utmost sensitivity and respect from law enforcement and the court system. The State Constitution guarantees that right as well.¹ So do basic principles of human decency. Every effort must be made not to revictimize a victim.

The Administrative Director has assembled a group of twelve judges from different parts of the Judiciary to review and improve upon its training efforts. Today, at the direction of the Supreme Court, the Director is issuing a directive on enhanced training initiatives for judges and court staff, a copy of which is attached. The working group will continue to develop this initiative in the months ahead.

¹ See N.J. Const. art. I, ¶ 22 (“A victim of a crime shall be treated with fairness, compassion and respect by the criminal justice system.”); see also N.J.S.A. 52:4B-34 to -38 (Crime Victim’s Bill of Rights).

Like the disciplinary process, those efforts are designed to ensure confidence in the integrity and independence of our system of justice.

Attachments:

Order of the Court, IMO John F. Russo, D-100-18

Complaint for Removal from Office, IMO John F. Russo, D-100-18

Order to Show Cause, IMO John F. Russo, D-100-18

Directive on Enhanced Training and Education Initiative, from Administrative Director Glenn A. Grant