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SUPREME COURT OF NEW JERSEY

IN THE MATTER OF

JOHN F. RUSSO, Jr.
JUDGE OF THE SUPERIOR COURT

Docket No.
D-100 September Term 2018 082636

**ANSWER TO COMPLAINT FOR
REMOVAL FROM OFFICE**

Respondent, the Honorable John F. Russo, Jr., by way of Answer to Complaint for Removal from Office, says:

1. Respondent admits the allegations of Paragraph 1.
2. Respondent incorporates and makes part hereof the defenses presented before the Advisory Committee on Judicial Conduct (“ACJC”) in his Answers of May 14, 2018 and September 13, 2018 regarding the matters contained in the Presentment of March 13, 2019 and the

record before the Supreme Court, including the arguments and defenses made during the oral proceedings on the Order to Show Cause on July 9, 2019.

3. Respondent relies on the defenses put forth in his Answers of May 14, 2018 and September 13, 2018. Respondent denies the remainder of the allegations of this paragraph and further pleads that the infractions alleged, found by the ACJC, and/or admitted by Respondent do not amount to a demonstration beyond a reasonable doubt that the Respondent is unfit for judicial office.

Separate Defenses

First Separate Defense

Respondent received ACJC's Presentment of March 13, 2019 recommending that Respondent be suspended for a period of three months, without pay, and that he be required to attend additional training upon his return on appropriate courtroom demeanor. In that Presentment, the Committee commented that Respondent's failure to acknowledge his wrongdoing as to Counts I and II suggested to them that he failed to appreciate the ethical constraints governing his judicial office and that he was susceptible to repeating this misconduct. (Presentment, p.42). In direct response, Respondent on March 20, 2019 accepted the findings and recommendations of the Committee so as to take steps to accept responsibility for his actions, to show this Court that he did appreciate the ethical constraints governing his judicial office and was not susceptible for repeating this conduct. During oral argument on July 9, 2019, Respondent again acknowledged his missteps and accepted the responsibility for his actions. In doing so, Respondent has demonstrated the following: sincere commitment to overcoming the fault, remorse and attempts and apology, and showing that the inappropriate behavior is subject to modification. For these

reasons and others, removal is not warranted to preserve the public's confidence in the judicial system for the infractions alleged.

Second Separate Defense

After receiving the recommendations of the Committee in its Presentment of March 13, 2019, Respondent informed this Court that he would accept the Committee and this Court's finding with regard to its April 3, 2019 Order to Show Cause why he should not be disciplined through an appropriate sanction that does not include removal from judicial office. Despite Respondent's acceptance, on July 17, 2019, this Court issued a second Order to Show Cause as to why Respondent should not be removed from office and suspended Respondent immediately without pay. Removal from office would be sufficiently harsh as to serve only to punish Respondent, not to preserve the confidence in the judiciary. The punishment of removal will be severe and disproportionate to the infractions and compared to others who have been disciplined in the past for more serious offenses. There has been no instance in our state where a Supreme Court in New Jersey has taken the extreme action taken of requesting removal when it was not recommended by the Committee. Further, Respondent's immediate suspension without pay is significantly harsh and punishing in that in compliance with the New Jersey Constitution, Respondent is unable to work for in any capacity indefinitely during the pendency of this matter.

Third Separate Defense

In each instance alleged, Respondent did not rise to the level of intentional misconduct. Respondent did not mean to cause harm, but instead chose words poorly, something to which he admits wrongdoing and will be careful not to repeat in the future.

Fourth Separate Defense

Respondent has fully cooperated with the investigation of this matter and with this Court. Prior to the significant negative publicity surrounding this case, Respondent had a good reputation. Respondent has had exemplary conduct both prior to and since the alleged incidents. Respondent has respected and complied with the law. Never did Respondent discriminate because of race, color, religion, age, sexual orientation, national origin, language, marital status, socioeconomic status, or disability. During the time that Respondent was on the bench, Respondent worked hard and handled cases efficiently and is unaware of any complaints against him or his strong work ethic. Respondent was restored to duty in December 2018 in Burlington County and faithfully served there without complaint or incident until being suspended by this Court without pay in July 2019.

Fifth Separate Defense

At the time of the events alleged, Respondent was newly appointed to the Superior Court bench. Respondent complied with all requests and advice by his superiors when mistakes were pointed out to him or suggestions made and took steps to make sure that they were not repeated.

Respondent has not engaged in similar alleged misconduct in the past nor has he shown the propensity to do so in the future.

Respectfully submitted,

THE CORRIGAN LAW FIRM

Dated: September 17, 2019

/s/ David Corrigan

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