

FILED

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A.C.J.C.

**SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT**

DOCKET NO: ACJC 2023-317

**IN THE MATTER OF
ROBERT M. LEPORE,**

JUDGE OF THE MUNICIPAL COURT

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FORMAL COMPLAINT

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of Robert M. LePore (“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 1984.
2. At all times relevant to this matter, Respondent served as a part time judge of the Point Pleasant Beach Municipal Court, a position to which he was first appointed on January 1, 2016 to December 31, 2016, reappointed on August 1, 2020, and continues to hold.
3. At all times relevant to this matter, Respondent maintained a personal Facebook account, which was publicly available.

4. Respondent's Facebook account contained posts, reposts, "likes," and "friends" list affiliations that conflicted with Respondent's ethical obligations under the Code of Judicial Conduct. See Policy on the Use of Social Media by Judiciary Employees, effective January 31, 2011 (requiring judges to "adhere to the Code of Judicial Conduct when participating in social media).

5. For example, Respondent's Facebook posts and reposts included expressions of support for law enforcement, including imagery associated with "Blue Lives Matter" and similar social movements, and contained multiple references to partisan political viewpoints with which Respondent expressed agreement and/or endorsed.

6. In July 2020, Respondent, in a post to his Facebook page, expressed approval for a private business's efforts to "honor[]" Law Enforcement Appreciation Day with various initiatives.

7. Similarly, Respondent, using the "like" or "follow" option available to Facebook users, expressed on his Facebook account support for groups affiliated with law enforcement, individual police officers, and members of the prosecutor's office. Respondent's support for these entities and individuals subsequently appeared on Respondent's "Likes" page and/or "Follows" list.

8. Examples of Respondent's "Likes" page and/or "Follows" list include:

- American Police Beat
- Brick Police Athletic League ("PAL")

- Brick Township PBA Local #230
- Law Officer
- Point Pleasant Police Department
- Police1
- Ocean County Police Academy
- New Jersey State Police
- Survive the Streets: A Page for Cops

9. Respondent's "Likes" page also included the group "NJ Bail Reform – Why New Jersey is LESS SAFE at the Taxpayers Expense," which espouses views that contravene the Criminal Justice Reform initiative launched by the Judiciary on January 1, 2017 with which Respondent is charged with implementing as a municipal court judge.

10. In addition, as of July 5, 2023, Respondent's Facebook account "friends" list, followers, and following activity, included affiliations with partisan political groups.

11. In September 2023, Respondent "liked" a Facebook page for candidates running for the Senate and Assembly. As a result, a campaign advertisement for the candidates appeared on Respondent's Facebook "Likes" page above the wording, "Holzapfel for Senate McGuckin & Catalano for Assembly."

12. Moreover, Respondent's Facebook account included a list of "friends" and followers, and displayed those followed by Respondent, which included several law

firms in Ocean County, a paralegal at a law office, realtors, a mortgage company, insurance companies, and numerous local private businesses.

13. Respondent, though having been advised by the Advisory Committee on Judicial Conduct (“ACJC”) of these ethical issues and attesting to the ACJC that he eliminated the referenced ethically inappropriate content from his Facebook account, failed to do so, leaving, to date, his affiliations with law enforcement and partisan political entities and his support in the form of “likes” of these same entities on his Facebook account.

Count I

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

15. By his affiliations with law enforcement on his personal Facebook account, Respondent expressed a bias for law enforcement, or minimally created the appearance of a bias, that cast reasonable doubt on Respondent’s ability to act impartially as a judge, in violation of Canon 5, Rule 5.1(A), and Rule (B)(1) and (2), of the Code of Judicial Conduct.

16. By this same conduct, Respondent created and engaged in a conflict of interest when presiding over matters involving police officers, in violation of Canon 3, Rule 3.17(B), of the Code and impugned the integrity and impartiality of the Judiciary in violation of Canon 1, Rule 1.1, and Canon 2, Rule 2.1, of the Code.

Count II

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

18. By his affiliation on social media with partisan political groups, Respondent violated Canon 7, Rule 7(A)(2), of the Code of Judicial Conduct.

19. By this same conduct, Respondent impugned the integrity and impartiality of the Judiciary in violation of Canon 1, Rule 1.1, and Canon 2, Rule 2.1, of the Code of Judicial Conduct.

Count III

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

21. Respondent's "likes" of private businesses, including law firms and individual business professionals, may reasonably be construed as a judicial endorsement of those entities and individual's business practices, thereby impermissibly lending the prestige of the judicial office for the personal or economic benefit of others, in violation of Canon 2, Rule 2.3(A), of the Code.

22. By his conduct in creating and maintaining Facebook "friendships" with attorneys and private businesses, Respondent conveyed the impression that these persons or organizations are in a position to influence Respondent and cast reasonable doubt on Respondent's capacity to act impartially as a judge, in violation

of Canon 2, Rule, 2.3(B), and Canon 5, Rule 5.1(A), and (B)(1) and (2), of the Code of Judicial Conduct.

23. By this same conduct, Respondent impugned the integrity and impartiality of the Judiciary in violation of Canon 1, Rule 1.1, and Canon 2, Rule 2.1, of the Code of Judicial Conduct.

Count IV

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

25. By his misrepresentation to the ACJC concerning his removal of prohibited posts and materials that could conceivably be interpreted as demonstrating political sentiments or opinions and postings that relate to his general support of law enforcement, Respondent demonstrated a failure to conform his conduct to the high standards 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.

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 to preserve the integrity and independence of the Judiciary;

Canon 2, Rule 2.1, which requires judges to avoid impropriety and 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(A), which requires judges to avoid lending the prestige of the judicial office to advance the private interests of the judge or others, or allow others to do so;

Canon 2, Rule 2.3(B), which prohibits judges from conveying the impression that any person or organization is in a position to influence them;

Canon 3, Rule 3.17(B), which requires judges to disqualify themselves in proceedings in which their impartiality or the appearance of their impartiality might reasonably be questioned;

Canon 5, Rule 5.1(A), which requires judges to conduct their extrajudicial activities in a manner that would not demean the judicial office;

Canon 5, Rule 5.1(B)(1), which prohibits judges from participating in activities that can be reasonably anticipated to lead to frequent disqualifications;

Canon 5, Rule 5.1(B)(2), which prohibits judges from participating in activities that would appear to reasonable, fully informed persons to undermine the judge's independence, integrity, or impartiality; and

Canon 7, Rule 7(A)(2), which requires judges to remain free of politics and the political process, including making speeches for a political organization or candidate, or publicly endorsing a candidate for public office.

DATED: October 26, 2023

Maureen G. Bauman

Maureen G. Bauman, Disciplinary Counsel

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