

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

FILED
FEB 12 2024

IN THE MATTER OF

**DOUGLAS H. HURD,
JUDGE OF THE SUPERIOR COURT**

**VERIFIED ANSWER TO FORMAL
COMPLAINT**

A.C.J.C.

Respondent in the above captioned matter now answers and responds, upon his Oath, as follows:

1. Respondent admits to the allegations in paragraph 1.
2. Respondent admits to the allegations in paragraph 2.
3. Respondent admits to the allegations in paragraph 3.
4. As to the allegations in paragraph 4, Respondent admits there was a Remote Work Policy ("Policy") and Broadcast Message to all judiciary staff.
5. As to the allegations in paragraph 5, Respondent acknowledges the Policy.
6. As to the allegations in paragraph 6, Respondent acknowledges the Policy.
7. Respondent admits to the allegations in paragraph 7.
8. As to the allegations in paragraph 8, Respondent admits that is a correct quote from the Bench Book. Respondent worked on site at the courthouse as required by the Bench Book.
9. As to the allegations in paragraph 9, Respondent admits that is a correct quote from the updated policy.
10. As to the allegations in paragraph 10, Respondent admits that is a correct quote.
11. Respondent admits to the allegations in paragraph 11.
12. Respondent repeats the Answers above for paragraphs 1 through 11.
13. Respondent admits to the allegations in paragraph 13.

14. Respondent admits to the allegations in paragraph 14.
15. Respondent admits to the allegations in paragraph 15, and emphasizes that at all times L.C. worked hard, was professional and was an exemplary secretary. She was an asset to all judges and staff, trained other secretaries, and patiently assisted self-represented litigants and lawyers with use of virtual proceedings.
16. Respondent admits to the allegations in paragraph 16, but respectfully notes that he thought he had the discretion as her manager to allow for periodic remote work in light of L.C.'s incredible work-ethic, the trust Respondent has in L.C. and because the periodic remote work did not negatively impact the work.
17. As to the allegations in paragraph 17, Respondent does not recall the exact interview, but yes that he indeed felt he had discretion to allow periodic remote work as her manager. Respondent does not recall the dates of remote work by L.C., but notes it was periodic, approximately 3 to 6 days in the course of a month. The phrase in the allegation "for a period of approximately five to six months in 2022" is not clear so Respondent is not sure how to respond, except to say it was definitely not remote work the entirety of a five to six month period, but rather was periodic as noted above.
18. Respondent denies the allegations in paragraph 18.
19. Respondent denies the allegations in paragraph 19.

WHEREFORE, Respondent denies violating any and specifically the following Canons of the Code of Judicial Conduct: Canon 1, Rule 1.1; Canon 2, Rule 2.1; and Canon 2, Rule 2.3(A).

ACCORDINGLY, Respondent respectfully requests that the Formal Complaint be DISMISSED.

AFFIRMATIVE DEFENSES

1. Respondent reserves the right to amend his answer and to assert any additional defenses upon reviewing discovery in this matter.
2. Respectfully, if any misconduct is found it is, at best, an honest mistake as to the scope of his discretion as a manager in running his chambers.
3. Respondent is not aware of any prior Formal Complaints against Judges in this jurisdiction or any other jurisdictions of a similar nature. Respectfully, the principles of In the Matter of Ernest L. Alvino, 100 N.J. 92 (1985) and In the Matter of Phillip N. Boggia, 203 N.J. 1 (2010) should be applied and the matter dismissed.

MITIGATING FACTORS

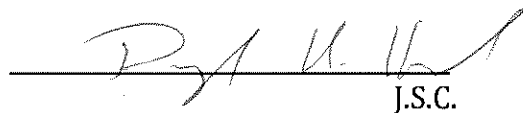
1. Respondent has the highest respect for the work of the Committee and its members and staff and acknowledges that the work of the Committee and its members and staff is of an immense value to the administration of justice.
2. Respondent has great respect for the work of the Administrative Office of the Courts and respects its Policies and Directives.
3. Respondent was completely forthcoming about the periodic remote work when asked about it by the Assignment Judge and Trial Court Administrator and during the ACJC interview and has been cooperative at all times.

4. Respondent ended the remote work for L.C. immediately when he was advised by the Assignment Judge and Trial Court Administrator that he did not have such discretion.
5. Respondent has displayed openness, candor, truthfulness, and contrition in this process.
6. There is no risk that the Respondent will engage in similar misconduct in the future.
7. Respondent has been a Judge for 22 years (2002-2009 as an Administrative Law Judge and 2009 to the present as a Superior Court Judge) and has had no prior complaints or discipline.
8. Respondent was selected by the Chief Justice to become Presiding Judge of the Civil Division in 2012, after which the backlog was reduced by well over fifty percent just prior to the pandemic, despite high judicial vacancies.
9. Respondent is the designated Acting Assignment Judge in the event the Assignment Judge is not available. Respondent is the designated Complex Business Litigation Judge and designated Environmental Judge.
10. Respondent handles one of the most complex, intense and large caseloads in the State. Despite this type of caseload, Respondent handles all matters in a timely, professional and thorough manner.
11. Respondent has had and continues to retain an excellent reputation as a Judge.
12. The New Jersey Law Journal Judicial Survey ranked Respondent as follows: in 2012 as the highest ranked Judge (No. 1) and in 2015 as the third highest ranked Judge in Mercer County. No surveys have been conducted since 2015.

13. Respondent is perceived and recognized by his peers, the legal profession and litigants as a Judge who works hard and displays excellent character and behavior.
14. Respondent is very proud as well of the frequent comments he receives from jurors following trials about the professional, respectful and efficient manner in which he presides over trials.
15. Respondent considers it an honor to be a Judge and takes this position and its responsibilities very seriously. Respondent works hard every day, including nights and weekends, to further the mission of the Judiciary. Respondent always acts in a manner to promote public confidence in the independence, integrity and impartiality of the Judiciary and would never lend the prestige of the office to advance the private interests of anyone.
16. Respondent (a) has served and continues to serve on Supreme Court Committees (currently as the Vice-Chair of the CDR Committee), (b) is active in the County and State Bar Association, (c) teaches numerous times each year for the ICLE, State Bar, County Bar and/or for Judges at Judicial College, new Judges training and at Judicial Civil Retreats, (d) volunteers to teach at local schools, (e) served as a Judge many times for the County and State mock trial competitions, and (f) in 2014 started an annual Veterans Day program at the courthouse that honors employees and their family members that have served our country; (g) will continue to engage in such "extra-judicial" activities in the future.
17. Respondent has been working with L.C. since 2009 and considers her an exemplary employee and person of the highest character. L.C. was chosen to be

head secretary for the Vicinage by Assignment Judge Mary Jacobson. L.C. is highly respected by her fellow Judiciary employees, Judges and the legal profession. L.C. observes the highest standards of conduct and is a model employee, and is frequently tasked with training new secretaries. L.C. was working at all times during the periodic remote work. In fact, L.C. works far more hours than the standard secretarial workweek. Respondent is aware L.C. was working at all times remotely since Respondent was in constant contact with L.C. throughout the day. During the periodic remote work, L.C. also provided court services to anyone that called or otherwise contacted her, including attorneys, litigants, fellow staff and any member of the public. L.C.'s periodic remote work never interfered with the Judiciary's operational needs. L.C. has never had any discipline or complaints prior to this matter.

DATED: 2/9/24



J.S.C.