

SUPREME COURT OF NEW JERSEY
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August 9, 2023

VIA HAND-DELIVERY AND ELECTRONIC TRANSMITTAL

Supreme Court of New Jersey
Richard J. Hughes Justice Complex
25 W. Market Street
P.O. Box 970
Trenton, N.J. 08625

**Re: In the Matter of Honorable Mary F. Thurber,
Judge of the Superior Court
ACJC 2022-118**

Dear Chief Justice and Associate Justices:

Pursuant to Rule 2:15-15A(b)(3), please find enclosed herewith an application for discipline by consent filed with the Advisory Committee on Judicial Conduct ("the Committee" or "ACJC") on July 18, 2023 jointly by Maureen G. Bauman, Esq., ACJC Presenter, and Respondent, Mary F. Thurber, Judge of the Superior Court, through her counsel, John M. Carbone, Esq. Respondent has conceded to violating Canon 1, Rule 1.1, Canon 2, Rule 2.1, and Canon 5, Rule 5.8 of the Code of Judicial Conduct. These violations stem from Respondent's failure to resolve an estate matter for which she served for 24 years as the sole administrator. For 13 of those years, Respondent served

as a jurist, and as such, was expressly prohibited from serving in a fiduciary capacity.

The Committee granted the jointly filed application for discipline by consent on July 26, 2023. Pursuant to the enclosed stipulation, Presenter and Respondent agreed to a recommended disciplinary sanction within the range of a public reprimand to a public censure as the appropriate response to Respondent's judicial misconduct. After careful consideration, and for the reasons stated below, the Committee respectfully recommends to this Court that the appropriate sanction for Respondent's misconduct is the imposition of a public censure.

The Committee finds, based on a review of the incontrovertible evidence of record, that Respondent's misconduct in failing to properly divest herself of her fiduciary duties as the administrator of an estate matter on her appointment to the Superior Court bench and for 13 years thereafter, was inimical to the integrity and independence of the Judiciary, for which a public censure is warranted. While these offenses constitute Respondent's first disciplinary violations, the offending conduct, i.e., lengthy failure to address her impermissible status as an estate administrator while on the bench, without a sufficient justification or explanation, constitutes a significant departure from the standards expected of jurists. Moreover, Respondent's service as the administrator during this period and her failure to timely dispose of the estate's funds deprived at least five heirs, and possibly more, of their rightful inheritance for more than two decades. As such, the individuals entitled to inherit from the estate were harmed by Respondent's inaction in failing to distribute the estate assets, which totaled approximately \$89,000.

These circumstances, and consistent with disciplinary precedent, demonstrate that a censure,

rather than reprimand, is the more appropriate quantum of discipline. See In re Guzman, N.J. Supreme Court Order filed May 18, 2022 (censuring a judge for presiding over matters in two municipal courts for nearly two years while administratively ineligible to practice law, which resulted from her noncompliance with professional insurance liability and IOLTA program requirements); Cf. In re Hazelwood, 102 N.J. 635 (1986) (reprimanding a Superior Court judge who, for nine years while serving as a jurist, failed to keep his former client aware of the status of her case after his inaction in a civil matter caused its dismissal); and In re Killen, 245 N.J. 382 (2021) (reprimanding a judge for presiding over municipal court matters for more than five months though administratively ineligible to practice law due to his noncompliance with professional insurance liability and IOLTA program requirements).

While we acknowledge Respondent's reference to her extrajudicial work and volunteer endeavors as mitigating factors, as well as the character letter submitted on her behalf, those circumstances do not sufficiently mitigate Respondent's admitted misconduct to justify the imposition of a reprimand instead of a censure. Cf. In re Corradino, 238 N.J. 217 (2019) (censuring and permanently barring judge whose mitigation included an otherwise unblemished judicial disciplinary record, 22 character letters from members of the Bar demonstrating a reputation for fairness, and his approximately 23 years of service to the bench in multiple courts).

The Committee, on weighing Respondent's significant ethics violations against the mitigating circumstances presented, including Respondent's otherwise unblemished judicial disciplinary history, and the applicable precedent as cited herein and in the parties' Stipulation of Discipline by Consent, finds the imposition of a public censure to be the most appropriate quantum of discipline.

Please find enclosed herewith the record in this matter, which consists of the following documents:

1. Stipulation of Discipline by Consent;
2. Respondent's Affidavit of Consent;
3. All material exhibits (#1-8) in support of Stipulation;
4. ACJC's Formal Complaint filed January 12, 2023; and
5. Respondent's Verified Answer filed February 22, 2023.

Thank you.

Very truly yours,

/s/ *Virginia A. Long*

Virginia A. Long, Chair

Enclosures

Cc: Maureen G. Bauman, Esq., ACJC Presenter
John M. Carbone, Esq., Counsel to Respondent