

**SUPREME COURT OF NEW JERSEY
D-109 September Term 2023
089519**

In the Matter of :
Lewis J. Korngut : **ORDER**
A Judge of the Municipal Court :

The Advisory Committee on Judicial Conduct (ACJC) having submitted to the Court a report and recommendation in ACJC 2023-020, pursuant to Rule 2:15-15A(a), recommending that the Court accept the removal by consent of **Lewis J. Korngut**, a Judge of the Municipal Court;

And respondent having submitted an executed affidavit of consent to permanent removal from judicial office, acknowledging that the material facts alleged in the amended complaint are true, the alleged unethical conduct cannot be defended, and respondent's conduct violated Canon 1, Rule 1.1 (requiring judges to observe high standards of conduct so that the integrity and independence of the Judiciary may be preserved), Canon 2, Rule 2.1 (requiring judges to avoid impropriety and the appearance of impropriety and to always act in a manner that promotes public confidence in the integrity and impartiality of the Judiciary), Canon 3, Rule 3.4 (requiring judges to maintain order and decorum in judicial proceedings), Canon 3, Rule 3.5 (requiring

judges to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity), Canon 3, Rule 3.8 (prohibiting judges from engaging in ex parte communications concerning a pending proceeding), Canon 3, Rule 3.17 (A) and (B) (requiring judges to disqualify themselves in proceedings where their impartiality or their appearance of impartiality might reasonably be questioned), and Canon 5, Rule 5.1(B)(2) (prohibiting judges from participating in activities that would appear to reasonable, fully informed persons to undermine the judge's independence, integrity, or impartiality);

And the Court having determined to accept the tendered removal by consent;

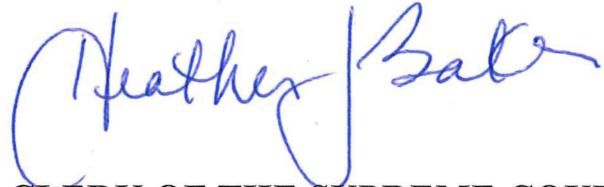
And good cause appearing;

It is ORDERED that **Lewis J. Korngut** is removed from judicial office and is permanently barred from holding judicial office in this State; and it is further

ORDERED that respondent's affidavit of consent with the attached amended formal complaint and the ACJC's report and recommendation are attached to this order. The additional supporting documentation in the certified record submitted to the Court are hereby incorporated by reference

into this order, in accordance with Rule 2:15-15A(a)(3).

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this
11th day of July, 2024.

A handwritten signature in blue ink, appearing to read "Heather J. Bato". The signature is written in a cursive style with a large initial "H".

CLERK OF THE SUPREME COURT

7. Although my Verified Answer to the Amended Formal Complaint, filed October 30, 2023, denied that the facts alleged constitute violations of the Code of Judicial Conduct, I now concede, through the filing of this Affidavit of Consent, that my conduct constitutes violations of the following canons of the Code:

Canon 1, Rule 1.1, which requires judges to observe high standards of conduct so that the integrity and independence of the Judiciary may be preserved;

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 3, Rule 3.4, which requires judges to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity;

Canon 3, Rule 3.5, which requires judges to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity;

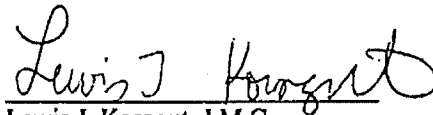
Canon 3, Rule 3.8, which prohibits a judge from initiating *ex parte* communications concerning a pending or impending proceeding;

Canon 3, Rule 3.17 (A) and (B), which prohibits a judge from participating in proceedings in which their impartiality might reasonably be questioned; and

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

8. I acknowledge that the allegations of unethical judicial conduct can not be successfully defended; and

9. I understand that this removal by consent, if accepted by the Supreme Court, is tantamount to an order of removal and constitutes an absolute bar to holding judicial office in the future; and
10. The implications of submitting this consent are fully known to me; and
11. I understand that this document and the record, to include Presenter's Exhibits 1 through 14, will become part of the public record.



Lewis J. Korngut, J.M.C.

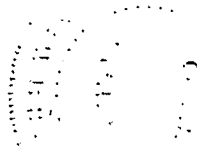
Respondent

Sworn and subscribed to
Before me this ^{24th} day
of ^{May}, 2024.



Notary Public or Attorney-At-Law,
The State of New Jersey

ALECIA M. IMBERT
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 11/14/2026



RECEIVED
CLERK OF THE SUPREME COURT
STATE OF NEW JERSEY



FILED

SEP 18 2023

A.C.J.C.

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

DOCKET NO: ACJC 2023-020

IN THE MATTER OF

LEWIS J. KORNGUT,
JUDGE OF THE MUNICIPAL
COURT

**AMENDED
FORMAL COMPLAINT**

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct ("Complainant"), complaining of Lewis J. Korngut ("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 1986.
2. At all times relevant to this matter, Respondent served as a part-time judge in the Municipal Court of the Township of Lawrence, a position to which he was first appointed in 2017, re-appointed in 2018 and 2021, and continues to hold. Respondent also served as a part-time judge in the Township of North Hanover, a position to which he was first appointed in 2020, re-appointed in 2023, and continues to hold.

3. Respondent's prior employment includes 16 years as an Assistant Prosecutor with the Mercer County Prosecutor's Office and 10 years as a Deputy Attorney General with the State of New Jersey, Office of the Attorney General, Department of Law & Public Safety, Division of Criminal Justice, in the Office of the Insurance Fraud Prosecutor, and later as Assistant Attorney General, Chief of the Corruption Unit, and as Counsel to the Director of the Division of Criminal Justice.

Count I

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

5. In the matter of State v. Duke Duguay, Summons Nos. E19-4337 thru E19-4341, Respondent engaged in an *ex parte* conversation with the arresting police officer about the facts of the Duguay matter, including a discussion about the defendant's blood alcohol level and that the matter involved an automobile accident. Defense counsel first learned of this *ex parte* conversation during a plea discussion in chambers with Respondent on October 21, 2020, approximately 16 months after the defendant's arrest.

6. On October 21, 2020, after Respondent denied two pretrial motions filed on behalf of the defendant, defendant entered a conditional guilty plea to driving while intoxicated, preserving his right to appeal Respondent's orders denying his pretrial

motions. Respondent imposed fines on defendant and suspended his driving privileges for nine months.

7. Between January 2022 and June 2022, Respondent engaged the municipal prosecutor in *ex parte* conversations concerning pending court matters.

8. On or about April 29, 2022, in the matter of State v. Andre A. Hunt, Complaint Number S-2018-716, et. al., during a conference in Respondent's chambers with the municipal prosecutor, the public defender, and private defense counsel, Respondent reviewed an accident report that had not previously been made available to the municipal prosecutor and defense counsel and was not part of the court's file.

9. When the municipal prosecutor later advised Respondent of a potential resolution to the matter, Respondent inquired whether the police officers were consulted, which was not required to resolve the matter.

10. In the presence of the municipal prosecutor, public defender, and private defense counsel, Respondent spoke to the officer about the facts of the case.

11. Following Respondent's interaction with the police officer, private defense counsel immediately moved for Respondent's recusal, which Respondent denied.

12. In denying the motion, Respondent assured defense counsel that he was not prejudiced by anything contained in the accident report nor by anything he learned in speaking with a fact witness.

13. On or about May 10, 2022, during a conference with Respondent and the public defender in the matter of State v. Tyrone Thomas, Complaint Numbers 2017-000001 thru 000005, the municipal prosecutor advised Respondent that the State's case was weak due to the lack of corroborating statements or testimony from witnesses and the unavailability of the investigating police officer.

14. The matter resolved by plea and defendant was sentenced to thirty days in jail and credit for time served.

15. The defendant subsequently retained a private attorney. On or about May 17, 2022, defense counsel filed an emergent motion to permit withdrawal of defendant's guilty plea.

16. Prior to deciding defense counsel's motion to vacate the judgment, and outside of defense counsel's presence, Respondent engaged in a series of *ex parte* discussions with the municipal prosecutor about the merits of the motion and the strength of the State's case, and subsequently advised the municipal prosecutor of the investigating police officer's retirement and availability to be subpoenaed for trial, which Respondent obtained via a telephone call to the Lawrence Township Police Department.

17. By initiating and engaging in *ex parte* communications about pending matters with the municipal prosecutor and police officers, Respondent violated Canon 3, Rule 3.8 of the Code of Judicial Conduct.

18. By his conduct as described above, Respondent demonstrated a failure to conform his conduct to the high standards of conduct 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.

Count II

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

20. At various times during 2021 and 2022 in between trials and during downtime waiting for matters to begin, Respondent, on occasion, conversed with Lawrence Township police officers who were waiting in the hallway.

21. On or about July 27, 2022, Respondent was seen speaking with a Lawrence Township police officer in the hallway in front of a defendant against whom the officer was to testify in the matter of State v. Kashon L. Cooper, Complaint Number E-21-2593.

22. On or about September 13, 2022, in the matter of State v. Ronald August Jr., Complaint Number E22-2006-49, Respondent stated to the defendant before him that a particular police officer who previously issued a summons to the defendant, “. . . is a buddy of mine, a great guy.”

23. In addition to fraternizing with police officers in court, Respondent socialized with the officers at public and private events outside of the courthouse.

24. On at least three occasions during his judicial tenure in Lawrence Township, the last being August 2, 2022, Respondent attended "National Night Out," an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie held at the Municipal Center in Lawrence Township.

25. On or about August 31, 2022, Respondent appeared at a retirement party for the outgoing Chief of Police held in the municipal building and attended only by police officers.

26. Respondent attended various sporting events with Lawrence Township police officers and frequented a local Hooters restaurant with those police officers.

27. On or about August 22, 2022, the code enforcement officer in Lawrence Township showed the Court Administrator pictures of himself at a recent Giants football game that he attended using tickets he received from Respondent.

28. The code enforcement officer appears before Respondent regularly in respect of ordinance violations he issues to township residents.

29. In 2022, the code enforcement officer issued 74 ordinance violations to residents of Lawrence Township, 12 of which were issued subsequent to August 22, 2022.

30. By his conduct in fraternizing with Lawrence Township police officers in the courthouse and at social events, Respondent acted in a manner that cast reasonable

doubt on Respondent's capacity to act impartially as a judge in violation of Canon 5, Rule 5.1 (B)(2) of the Code of Judicial Conduct.

31. By his conduct in gifting sporting event tickets to the code enforcement officer who regularly appears before Respondent, Respondent created the appearance of partiality in violation of Canon 3, Rule 3.17 (A) and (B) of the Code of Judicial Conduct.

32. By his conduct described above, Respondent demonstrated a failure to conform his conduct to the high standards of conduct 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.

Count III

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

34. Although not directed at court staff, and not in the presence of litigants, Respondent has a propensity to use profanity, which is sometimes in relation to Respondent's inability to operate his laptop.

35. For example, Respondent made the following remarks on the record and within earshot of court staff and counsel:

- On or about May 18, 2022, Respondent stated, "I am going to throw this computer through the f*****g window."

- On or about June 15, 2022, Respondent stated, "I'm going to f*****g kill somebody," due to his frustration with his computer. Later that same day, Respondent stated, "Another computer just went f*****g black. Oh my God, this is a f*****g nightmare. This is a f*****g nightmare."
- On or about August 29, 2022, before a proceeding began, Respondent stated, "What the hell, what the f**k, these f*****g people."

36. Respondent's repeated use of profanity in the presence of court staff and counsel contravened Respondent's obligations under Canon 3, Rule 3.4, which requires a judge to maintain order and decorum in judicial proceedings, and Canon 3, Rule 3.5 of the Code of Judicial Conduct to treat all those with whom he deals with dignity, patience, and courtesy.

37. By his conduct as described above, Respondent demonstrated a failure to conform his conduct to the high standards of conduct 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 so that the integrity and independence of the judiciary may be preserved;

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 3, Rule 3.4, which requires judges to maintain order and decorum in judicial proceedings;

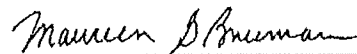
Canon 3, Rule 3.5, which requires judges to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity;

Canon 3 Rule 3.8, which prohibits a judge from initiating *ex parte* communications concerning a pending or impending proceeding;

Canon 3, Rule 3.17 (A) and (B), which prohibits a judge from participating in proceedings in which their impartiality might reasonably be questioned; and

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

DATED: September 18, 2023



Maureen G. Bauman, Disciplinary Counsel
ADVISORY COMMITTEE ON JUDICIAL
CONDUCT

Richard J. Hughes Justice Complex
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4th Floor, North Wing
P.O. Box 037
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SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON JUDICIAL CONDUCT

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HONORABLE STEPHEN SKILLMAN, VICE CHAIR
HONORABLE GEORGIA M. CURIO
HONORABLE ROBERT T. ZANE
A. MATTHEW BOXER, ESQUIRE
PAUL J. WALKER
VINCENT E. GENTILE, ESQUIRE
KAREN KESSLER
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DANIEL BURNS, ASSISTANT COUNSEL
LOUIS H. TARANTO, CHIEF INVESTIGATOR

June 13, 2024

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: IMO Lewis J. Korngut, Judge of the Municipal Court
ACJC 2023-020

Dear Chief Justice and Associate Justices:

Pursuant to R. 2:15-15A(a)(1), the Advisory Committee on Judicial Conduct (“the Committee” or “ACJC”) submits this “Report and Recommendation” to the Supreme Court relative to the disposition of the above-referenced matter.

Respondent’s Affidavit of Consent, filed on May 29, 2024 and executed in accordance with R. 2:15-15A(a)(2), is enclosed, along with a copy of the Committee’s Amended Formal Complaint (“the Complaint”) filed September 13, 2023. Respondent, Lewis J. Korngut, who was admitted to the practice of law in 1986, served as a part-time municipal court Judge for the Townships of Lawrence (since 2017)¹ and North Hanover (since 2020). Through his counsel, Robert M. Perry, Esq., Respondent has conceded that the allegations of unethical judicial conduct as set forth in the Committee’s Complaint could not be successfully

¹ The Committee has been made aware that Respondent, by way of letter dated March 14, 2024, resigned from judicial office in Lawrence Township.

defended. As such, Respondent acknowledged the concomitant multitude of violations of the Code of Judicial Conduct (“the Code”).

More specifically, as set forth in Count I of the Committee’s Complaint, Respondent was charged with initiating and engaging in multiple *ex parte* communications about pending matters with the municipal prosecutor and police officers in violation of Canon 3, Rule 3.8 of the Code. Additionally, Respondent demonstrated a failure to conform his conduct to the high standards expected of judges and impugned the integrity of the Judiciary and conceded that his conduct in this regard violated Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code.

Relative to Count I, Respondent’s first violation occurred when he engaged in an *ex parte* conversation with the arresting officer in connection with Respondent’s processing of a matter entitled State of New Jersey v. Duke Duguay. During their conversation, Respondent and the police officer discussed certain material facts of the case, including defendant’s blood alcohol level and that the case involved an automobile accident. Exhibit P-1, T65-1 to T66-5. Defense counsel did not learn of the improper conversation until October 21, 2020, approximately 16 months after defendant’s arrest.

Next, on April 29, 2022, Respondent held an in-chambers conference with the municipal prosecutor, municipal public defender, and private defense counsel regarding a matter entitled State of New Jersey v. Andre A. Hunt. During the conference, Respondent reviewed an accident report that had not previously been made available to the prosecutor or defense counsel. Exhibit P-2, T9-3 to T16-6. When a potential resolution to the matter was offered, Respondent inquired whether certain police officers were consulted, which was not a requirement for resolving the matter. Thereafter, Respondent spoke to an officer about the facts of the case in the presence of the prosecutor, public defender, and private defense counsel. Following the interaction, private defense counsel immediately moved for Respondent’s recusal. In denying the recusal motion, Respondent claimed he was not prejudiced by his review of the accident report nor by anything he learned in speaking with a fact witness.

Lastly, during a conference in the matter of State of New Jersey v. Tyrone Thomas on May 10, 2022, the municipal prosecutor advised Respondent and the public defender that due to the lack of corroborating statements or testimony from witnesses, along with the unavailability of the investigating police officer, the State’s case against the defendant was weak. Exhibit P-4, T29-6 to T41-6; See also Exhibit P-3. Subsequently, the matter resolved by way of plea agreement and Respondent

sentenced defendant to 30 days in jail with credit for time served. Thereafter, defendant retained private counsel who, on May 17, 2022, filed an emergent motion to permit withdrawal of defendant's guilty plea. Prior to disposing of the plea withdrawal motion, and outside the presence of defense counsel, Respondent engaged in a series of *ex parte* discussions with the prosecutor about the merits of the pending motion and the strength of the State's case. Respondent subsequently advised the prosecutor of the investigating police officer's retirement and availability to be subpoenaed for trial, which Respondent learned via telephone call to the Lawrence Township Police Department.

In Count II of the Committee's Complaint, Respondent was charged with acting in a manner that cast reasonable doubt on his capacity to act impartially in violation of Canon 5, Rule 5.1(B)(2) of the Code. This charge emanates from Respondent's fraternizing with Lawrence Township police officers in the courthouse and at social events. Exhibit P-4, T51-21 to T54-11; Exhibit P-10, T25-11-21; Exhibit P-11, T39-15 to T41-13; Exhibit P-13, T83-16 to T86-10; Also in Count II, Respondent was charged with creating the appearance of partiality, in violation of Canon 3, Rule 3.17(A) and (B) of the Code, by gifting sporting event tickets to the code enforcement officer who regularly appeared before Respondent. Lastly, Respondent conceded that his conduct as charged in Count II also violated Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code.

Specifically, at various times during 2021 and 2022 in between trials and during the court's downtime, Respondent occasionally conversed with Lawrence Township police officers who were waiting in the hallway. Exhibit P-12, T89-4-6. For instance, on July 27, 2022, in connection with a pending matter entitled State of New Jersey v. Kashon L. Cooper, Respondent spoke, in the presence of the defendant, in a public hallway in the courthouse to a police officer who would be testifying against that defendant. Moreover, on September 13, 2022, during Respondent's processing of a matter entitled State of New Jersey v. Ronald Argust, Jr.,² Respondent told a defendant who appeared before him that a particular police officer who previously issued a summons to the defendant "is a buddy of [Respondent's], a great guy." Exhibit P-13, T64-18 to T65-5.

Respondent's inappropriate interactions with police officers also occurred outside the courthouse. For instance, on at least three occasions during his judicial tenure, Respondent attended "National Night Out" events promoting police-community partnerships and neighborhood camaraderie held at Lawrence's

² The Committee's Complaint mistakenly referred to the defendant here as 'Ronald August, Jr.'

Municipal Center. Exhibit P-12, T80-2-18; Exhibit P-13, T91-22 to T94-6. In addition, Respondent briefly attended at a retirement party on August 31, 2022 for the outgoing Chief of Police, held in Lawrence's municipal building and attended by members of law enforcement. Exhibit P-12, T80-20 to T81-16; Exhibit P-13, T94-7 to T95-9. Moreover, Respondent attended various sporting events with Lawrence Township police officers and frequented a local Hooters restaurant with those officers. Exhibit P-12, T86-7-12. Furthermore, Respondent, gifted the Lawrence Township code enforcement officer tickets to a Giants football game. Exhibit P-12, T14-23 to T15-8; Exhibit P-13, T88-10 to T91-21. Thereafter, Respondent adjudicated at least 12 ordinance violations issued by the code enforcement officer. Exhibit P-5.

Finally, Count III of the Committee's Complaint charged Respondent with failing to maintain order and decorum in judicial proceedings in violation of Canon 3, Rule 3.4 of the Code. Count III also charged Respondent with failing to treat all those with whom he deals with dignity, patience, and courtesy in violation of Canon 3, Rule 3.5 of the Code. These charges both emanate from Respondent's repeated use of profanity while on the bench and in the presence of court staff and counsel. Exhibit P-9; Exhibit P-11, T48-6-14; Exhibit P-12, T21-3-20. In some instances, Respondent's profanity stemmed from his inability to operate his computer. Exhibit P-11, T49-4-24; Exhibit P-13, T48-6-14. Respondent conceded that his conduct as charged in Count III also violated Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code.

After careful consideration of the record, which includes Presenter's Exhibits 1 through 14, the Committee respectfully recommends to this Court that Respondent's consent to permanent removal from judicial office be accepted. The tendered discipline, submitted to the Committee through Respondent's counsel, conforms to the technical requirements set forth in R. 2:15-15A(a). In addition, Respondent's consent to removal serves as an appropriate imposition of discipline, given the undisputed material facts, the pervasive and varied instances of misconduct, and this State's judicial disciplinary precedent. See In re Toledo, 253 N.J. 330 (2023) (publicly censuring and permanently barring Surrogate Court judge for, *inter alia*, failing to disqualify from a proceeding in which there existed reasonable doubt about the judge's capacity to act impartially); In re Russo, 242 N.J. 179 (2020) (removing Superior Court judge from office for, *inter alia*, engaging in *ex parte* communications, failing to be patient, dignified, and courteous to others, and failing to disqualify from proceedings in which there existed reasonable doubt about the judge's capacity to act impartially); In re Scattergood, 224 N.J. 268 (2016) (publicly reprimanding and permanently barring municipal court judge for failing to

disqualify from proceedings in which there existed reasonable doubt about the judge's capacity to act impartially, multiple instances of inappropriate judicial demeanor, and other acts of misconduct); and In re Cook, 218 N.J. 167 (2014) (publicly censuring and permanently barring municipal court judge for, *inter alia*, failing to conduct extrajudicial activities in a manner so as not to demean the judicial office).

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

1. Respondent's Affidavit of Consent (per R. 2:15-15(A(a)) notarized and filed on May 29, 2024;
2. The Committee's Amended Formal Complaint filed September 18, 2023;
3. All material exhibits (Presenter's Exhibits 1 through 14) in support of the tendered removal by consent;
4. Certification of Record dated June 13, 2024; and
5. Certification of Service dated June 13, 2024.

Thank you.

Very truly yours,

/s/ Virginia A. Long

Virginia A. Long, Chair

Enclosures

Cc: Maureen G. Bauman, Esq., ACJC Presenter
Robert M. Perry, Esq., Counsel to Respondent