

FILED

NOV 29 2019

A.C.J.C.

IN THE MATTER OF

STEVEN BRISTER
JUDGE OF THE MUNICIPAL COURT

:
: SUPREME COURT OF NEW JERSEY
: ADVISORY COMMITTEE ON
: JUDICIAL CONDUCT
: DOCKET NO. AC JC 2019-277

:
: FORMAL ANSWER
:

Steven Brister, Judge of the Municipal Court (“Respondent”), doth answer and say:

Facts

1. Admitted.
2. Admitted.
3. Admitted.

Count 1

4. Respondent repeats the answers contained in the foregoing paragraphs as if each were set forth fully and at length herein.
5. Admitted.
6. Admitted
7. Admitted.
8. Admitted. The single exception is that we believe the intended statement is that “Eve was created from the rib of a man.” We note that the correction is no less unacceptable for a reference from the bench than the statement as it is quoted in the Complaint.
9. Admitted in part. Respondent did mistakenly assimilate his personal religious beliefs into his judicial role and failed 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 and Rule 2.2 of the Code of Judicial Conduct. However, we submit that respondent has the ability to mold his behavior to conform to the high standards and has undertaken an education and enlightenment path. See, **Paragraphs 9-18, infra**.

Alleged Violations

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 2, Rule 2.2, which requires judges to decide cases according to the law and facts and not permit family, social, political, financial or other relationships or interests to influence their judicial conduct or judgment;

Canon 3, Rule 3.5, which requires judges to be patient, dignified and courteous to all those with whom the judge deals in an official capacity;

Canon 3, Rule 3.6 (A), which requires judges to be impartial and not to discriminate because of race, creed, color, sex, gender identity or expression, religion/religious practices or observances, national origin/nationality, ancestry, language, ethnicity, disability or perceived disability, atypical hereditary cellular or blood trait, genetic information, status as a veteran or disabled veteran of, or liability for service in, the Armed Forces of the United States, age affectional or sexual orientation, marital status, civil union status, domestic partnership status, socioeconomic status or political affiliation; and

Canon3, Rule 3.6 (C), which requires judges, in the performance of judicial duties, to refrain from using words or conduct which manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice or harassment on the bases specified in Rule 3.6 (A).

Defenses

10. Respondent does not raise any defense of denial to the charges. As admitted above in Paragraphs 4-9, the conduct was injudicious and the commentary inappropriate. The conduct implicated and transgressed the various Canons of the Code of Judicial Conduct.

11. Specifically, the comments improperly relied upon religious concepts. Such views are personal and not incorporated into the process of impartial judging. Religious neutrality stems from well-defined parameters and renders decisions free of personal religious precepts. Respondent now understands this principle and regrets transgression of it.

12. The comments also drew distinctions between males and females which are anathema to our principles of anti-discrimination decision-making applicable in litigation. To the extent that the colloquy inferred an inequality or other distinction between males and females, it must be identified as prohibited and remediated.

13. The best analysis is that the comments were well-meaning but undeniably misguided. In this context, the conduct pre-dated a previously issued private letter of censure. That letter was issued on February 25, 2019, four days after the conduct at issue. After receipt of the letter, respondent undertook various steps to cure the issue of gratuitous improper commentary in the form of life or spiritual advice and comparisons.

14. The first step was to study the relevant disciplinary case law. In that regard he reviewed in great detail several of this Committee's decisions. Each of the cases involve public disciplines of judges who engaged in conduct somewhat analogous to respondent's.

15. He next began a study concerning the subject of judicial ethics. He enrolled in and successfully completed for credits several online CLE ethics courses, amounting to seven credit hours through the Garden State CLE. These included the following classes:

- a. #YOUTOO... Sexual harassment in the Practice of law (1 credit)
- b. A Bad Day In Black Robes (2.5 credits)
- c. Maintaining A Bias-Free Court Room (1 credit)
- e. Some Legal Advice For New Judges (1.5 credits)

16. On July 2, 2019 he met with the municipal court presiding judge, the Hon. Anthony Frasca P.J.M.C. The training and counseling with Judge Frasca involved observing him conduct a session of court and meeting with him privately in chambers. Judge Frasca stressed that it is vital for the future that respondent omit extraneous, irrelevant references to religious beliefs and practices, irrelevant comments about human sexuality and other comments that may have any tendency to demonstrate bias. Judge Frasca devoted an enormous amount of his time to counseling and training respondent. He also indicated that his door is always open for further training and counseling.

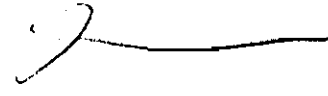
17. In order to continue his education and have a handy reference guide, respondent obtained and read New Jersey Judicial Discipline - 2017 (Thomas Reuter) by Robert Ramsey. This book is a resource center on judicial ethical issues and provides a vast reservoir of information as set forth in the case law by both this Committee and our Supreme Court.

18. Respondent is engaged in an ongoing course of private counseling on maintaining a bias free courtroom with Paulette Brown Esq. Ms. Brown is a former municipal court judge and a nationally recognized expert on diversity and antivirus training for attorneys

18. Respondent was particularly impressed with the video CLE "A Bad Day in Black Robes." Simply stated, judges must always be in compliance with judicial norms and cannot relax the

atmosphere of dignity austerly and decorum for which they are solely responsible. Respondent has a much deeper understanding and sensitivity to the negative impact of words and advice which not rooted in jurisprudence.

Dated: 12-1-19




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Verification

1. I am the Respondent in the above-captioned matter.
2. I have reviewed both the Complaint and Answer. The Answer is truthful in all respects. I understand that I am submitting it as a sworn and verified document.
3. There are legal consequences associated with any falsity, including penalties for perjury.
4. The facts herein are true.

Sworn and subscribed before
me this 1 day of December 2019.


Steven Brister, J.M.C.



Alan Dexter Bowman, Esq.