

**BENJAMIN M. DEL VENTO**  
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Attorneys for Respondent: Hon. James B. Convery, J.S.C.

**FILED**

**MAY 05 2009**

**A.C.J.C.**

**IN THE MATTER OF  
JAMES B. CONVERY  
JUDGE OF THE  
SUPERIOR COURT**

: SUPREME COURT OF NEW JERSEY  
: ADVISORY COMMITTEE ON  
: JUDICIAL CONDUCT  
  
: DOCKET Nos.: ACJC 2008-122  
ACJC 2008-136

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**ANSWER**

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James B. Convery, Judge of the Superior Court of New Jersey by way of an  
Answer to the Formal Complaint say:

1. He Admits the allegations contained in paragraph 1.
2. He Admits the allegations contained in paragraph 2.
3. He Admits the allegations contained in paragraph 3.
4. He Admits the allegations contained in paragraph 4.
5. He Admits the allegations contained in paragraph 5 and relies upon the  
visual and audio court recording of the hearing.
6. He Admits the allegations contained in paragraph 6 and relies upon the  
visual and audio court recording of the hearing.
7. He Admits the allegations contained in paragraph 7 and relies upon the  
visual and audio court recording of the hearing.

8. Upon information and belief he admits the allegations contained in paragraph 8.

9. He Admits the allegations contained in paragraph 9.

10. He Admits the allegations contained in paragraph 10 and relies upon the visual and audio court recording of the hearing.

11. He Admits the allegations contained in paragraph 11 and relies upon the visual and audio court recording of the hearing.

12. He Admits the allegations contained in paragraph 12 and relies upon the visual and audio court recording of the hearing.

13. He Admits the allegations contained in paragraph 13 and relies upon the visual and audio court recording of the hearing.

14. Upon information and belief he admits the allegations contained in paragraph 14.

15. He Admits the allegations contained in paragraph 15.

16. He Admits the allegations contained in paragraph 16.

17. He Admits the allegations contained in paragraph 17.

18. He Denies the allegations contained in paragraph 18.

19. He Denies the allegations contained in paragraph 19.

20. He Denies the allegations contained in paragraph 20.

#### FIRST AFFIRMATIVE DEFENSE

Respondent admits that the remarks he made in both the Kozielski and Taylor matters created an improper appearance. However by denying the allegations in the manner in which they are set forth in paragraphs 18, 19 and 20 of the Complaint, he does so to the effect that the statements were not made with the intent to offend, be derogatory or express any bias but were spontaneous reactions to address problems within the context of the proceedings before him.

#### SECOND AFFIRMATIVE DEFENSE

Respondent has acknowledged the appearance of impropriety of his statements and apologized for the conduct immediately on the public record which reflects that Respondent's statements were not made with the intention to offend, be derogatory or express any bias.

#### THIRD AFFIRMATIVE DEFENSE

Respondent's public acknowledgment of his impropriety in making statements which could have been perceived, though not intended to be, offensive, derogatory or an expression of bias is demonstrative of Respondent's good character and understanding of his responsibilities to act under the specific provisions of the Code of Judicial Conduct with which he has been charged.

#### FOURTH AFFIRMATIVE DEFENSE

Respondent has suffered from and continues to suffer from the public embarrassment of his acknowledged conduct which resulted in unintended wrongful

perception and harm to the individual complainants. He has already been meted out the appropriate and necessary public punishment for his conduct.

#### FIFTH AFFIRMATIVE DEFENSE

Respondent's immediate and sua sponte apology and acknowledgment of the perception of his inappropriate statements reflects conduct by him which was in effect self imposed imposition of punishment and his intention to carry out his responsibilities under the Code of Judicial Conduct.

#### SIXTH AFFIRMATIVE DEFENSE

Respondent is an exceptionally highly regarded jurist in the difficult area of family law who has carried out his duties and responsibilities in accordance with law and without bias or prejudice.

#### SEVENTH AFFIRMATIVE DEFENSE

While Respondent has acknowledged his inappropriate statements, the context in which they were made should be considered.

It is therefore respectfully submitted and requested that no further punishment be imposed upon Respondent.

LAW OFFICES OF  
BENJAMIN M. DEL VENTO, P.C.

BY: \_\_\_\_\_  
BENJAMIN M. DEL VENTO, Jr., ESQ.

DATED: April 30, 2009