DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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October 28, 2025

Heather Joy Baker, Clerk
Supreme Court of New Jersey
P.O. Box 970
Trenton, New Jersey 08625-0962

Re: **In the Matter of Carlos E. Jimenez**
Docket No. DRB 25-195
District Docket No. XIV-2024-0364E

Dear Ms. Baker:

The Disciplinary Review Board (the Board) has reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board deems appropriate) filed by the Office of Attorney Ethics (the OAE) in the above matter, pursuant to R. 1:20-10(b). Following a review of the record, the Board granted the motion and determined that a reprimand is the appropriate quantum of discipline for respondent's violation of RPC 3.2 (failing to treat all persons involved with the litigation process with courtesy and consideration) and RPC 8.4(g) (engaging, in a professional capacity, in conduct involving discrimination – sexual harassment).

The stipulated facts are as follows. From December 2020 through May 2024, respondent served as the municipal prosecutor for the City of Rahway,

New Jersey. On May 8, 2024, counsel for J.M.[1] filed a Title 59 Notice of Claim[2] (the Notice) against the City of Rahway, alleging respondent began sexually harassing her in February 2023. J.M. is a Rahway police officer.

J.M. alleged that respondent referred to her as "mi amor," which is Spanish for "my love," and made other comments that were sexual in nature that caused her to feel uncomfortable. As a result, J.M. asked her husband, who also is a Rahway police officer, to accompany her to court in an attempt to discourage respondent from making further romantic comments to her. J.M. also worked at the Rahway Municipal Courthouse to earn extra income but removed herself from that position because she did not wish to have further interactions with respondent due to his unwanted remarks toward her.

On January 8, 2024, respondent, through Garret Brown, who was a security officer at the Rahway Municipal Courthouse, requested that J.M. visit his office at the courthouse to discuss a case. Respondent met her in the lobby outside his office and said to her, "come into my office and make love to me." J.M. asked that respondent not speak to her that way and immediately reported his conduct to her supervisor.

Thereafter, on February 1, 2024, while J.M. was walking to her vehicle in the municipal parking lot, she passed the judge's reserved parking spot. At the same time, respondent was passing in his vehicle and, while laughing, asked J.M. if the reserved spot was for her. He then asked how J.M. was feeling, to which she replied she was feeling "OK."

Following J.M.'s report to her supervisor, James P. Nolan, Jr., Esq., from the Offices of Nolan & Lange, conducted an investigation on Rahway's behalf. In his March 21, 2024 report, Nolan concluded that, although respondent's conduct was inappropriate, it was "unintentional." During his investigation, Nolan interviewed J.M. She reported that she was assigned to the patrol division of the Rahway Police Department and had dealt with the municipal court "her whole career," which, at that point, had been eleven years.

[1] Due to the nature of the charges, this memorandum uses the initials of the police officer involved to protect her identity.

[2] Title 59 governs tort claims against the State of New Jersey.

J.M. described the January 8, 2024 incident as having begun with a telephone call from respondent, who told her that she charged someone under an incorrect statute. She reviewed the information and agreed. Ten minutes later, Brown went to the police department and told her respondent needed her. When J.M. approached respondent in a vestibule area outside his office, he said "come into my office and make love to me," a statement she believed could be heard by others in the vestibule. J.M. got nervous and "shaky" and told respondent to "please stop talking to me like that."

J.M. reported to Nolan that the conversation ended very quickly and she returned to the police department. She immediately reported the incident to her sergeant, who reported it to a lieutenant. The lieutenant asked J.M. to fill out a form to provide to her supervisor. J.M. also told Nolan that respondent had previously referred to her as "mi amore" [sic], which she believed was inappropriate.

In respect to respondent's remark about the judge's reserved parking spot, J.M. told Nolan that she was upset because she "assumed that [respondent] was suspended without pay" by that time.

During his investigation, Nolan also interviewed Brown. Brown reported he worked for Rahway as a site manager and as a security guard for the municipal court. As a court security guard, he sometimes assisted the municipal prosecutor with locating witnesses, including police officers.

Brown indicated he was familiar with respondent and described him as a "joker" and a "very friendly" person. Regarding the January 8, 2024 incident, Brown observed that, when J.M. approached respondent in the vestibule, he heard him say "let's go in my office and make love." Nolan asked Brown whether respondent's remarks "sounded like a serious proposition," and Brown said that respondent did not sound serious. He added that respondent's comment was "not whispered, it was loud and open [for anyone to hear.]"

Nolan also interviewed respondent. He told Nolan that he knew J.M. professionally from municipal court matters.

When Nolan asked respondent about January 8, 2024, he said that, because he handled so many matters, he had only a vague recollection of speaking with J.M. about a case at that time. Nolan informed respondent of the allegations and

respondent maintained that he had no recollection of telling J.M. to enter his office to make love. Nevertheless, respondent did not deny that he made the comment, explaining that he is a joker and a very friendly person. He denied that he intended for J.M. to interpret his comment literally. Respondent told Nolan that, in hindsight, he understood why someone may be offended by the type of statement he made.

After interviewing respondent, J.M., and Brown, Nolan concluded that respondent had made the statement but did so as a joke. Nolan noted that "of course that does not make it ok," and that respondent should have known that someone would be offended by making that statement in a professional setting. However, Nolan observed that respondent did not use vulgar language toward J.M.

Because respondent did not recall, but did not deny, referring to J.M. as "mi amor," Nolan concluded that he did, in fact, make the statement. Respondent explained that it is a term of endearment in his culture and that he did not mean it to be harassing or sexual in nature.

In respect to the comments respondent made to J.M. about the judge's reserved parking spot, Nolan observed that, at the time he made the remarks, respondent was not yet aware of J.M.'s complaint against him. Therefore, Nolan determined that respondent did not intend to harass J.M. during that incident. Nevertheless, Nolan recommended that respondent receive counseling, a written admonition, and possibly be referred to "gender/bias/sensitivity" training that Rahway offered.

In May 2024, respondent resigned from his position as the Rahway municipal prosecutor.

Based on the foregoing facts, the parties stipulated that respondent violated RPC 3.2 by failing to treat J.M. with courtesy and consideration, and RPC 8.4(g) by sexually harassing her and causing her emotional and financial harm.

In the Board's view, there is no question respondent failed to treat J.M. with courtesy and consideration, in violation of RPC 3.2. Although not a client, J.M. was involved in municipal court matters as a Rahway police officer. However, respondent inexplicably believed it was appropriate to refer to her as

"mi amor" and to ask her to enter his office to make love.

Characterizing his comments as borne out of his "joker" personality misses the mark. Abusing his access to a Rahway police officer, respondent requested that a municipal court security officer retrieve J.M. to meet in his office about a case, following a conversation he had with her about an incorrect charge. Thus, J.M. went to his office thinking she was going to discuss a pending work matter and instead was met with a sexual invitation that was "not whispered" and could be heard by others in a public space in the courthouse. Accordingly, J.M. felt sexually harassed by respondent's comments.

The Supreme Court's official comment (May 3, 1994) to RPC 8.4(g) provides:

> [t]his rule amendment (the addition of paragraph g) is intended to make discriminatory conduct unethical when engaged in by lawyers in their professional capacity. It would, for example, cover activities . . . outside of the courthouse, whether or not related to litigation, such as treatment of other attorneys and their staff; bar association and similar activities; and activities in the lawyer's office and firm . . . [P]urely private activities are not intended to be covered by this rule amendment . . .
>
> "Discrimination" is intended to be construed broadly. It includes sexual harassment, derogatory or demeaning language, and, generally, any conduct towards the named groups that is both harmful and discriminatory.

Based on the record, the Board concluded that respondent's conduct clearly was discriminatory within the meaning of RPC 8.4(g). Respondent engaged in discrimination – more specifically, sexual harassment – by making uncouth remarks to J.M., in public, referring to her as "mi amor," and inviting her into his office at the municipal courthouse, not to speak about a case but to engage in sexual relations. Whether he intended his comment as a joke or used vulgar language is irrelevant. Nothing in the record supports that J.M. was in on the "joke." To the contrary, it should have been foreseeable to respondent that publicly and loudly inviting a police officer into his office to engage in sexual relations was likely to cause harm – both to the public's perception of the nature

of the relationship between the municipal prosecutor and a city police officer and to J.M. individually. Indeed, the record reflects that his misconduct caused J.M. actual harm. In her Notice, she alleged that she suffered psychological harm, as well as the loss of extra earned income due to respondent's sexual harassment of her, which respondent acknowledged in the stipulation.

In recent years, attorneys who have committed sexual harassment or who have attempted to engage in improper personal relationships with clients have received discipline ranging from a censure to a long-term suspension, including if they attempt to conceal their misconduct from disciplinary authorities. See, e.g., In re Vazquez, 253 N.J. 555 (2023) (censure for a recovery court prosecutor who repeatedly left the courtroom to speak with A.E., a recovery court participant, after her court appearances had concluded; A.E. described those interactions as "uncomfortable and intimidat[ing]," in part because the attorney did not leave the courtroom to wait for any other defendants; the attorney also twice visited a diner where A.E. was employed; during the attorney's first visit to the diner, he arranged to sit in A.E.'s assigned section, called her tattoos "hot," and left a $10 tip with a piece of paper listing his name and telephone number; during the attorney's second visit, A.E. claimed that the attorney "watch[ed] [her] the whole time;" although the record contained no allegation that the attorney had requested a sexual relationship with A.E., he, nevertheless, abused his position of power by engaging in harassing conduct toward a vulnerable recovery court participant; no prior discipline in seventeen years at the bar); In re Regan, 249 N.J. 17 (2021) (censure for attorney who sent a sexually explicit and extremely graphic e-mail to a current client requesting that he perform oral sex on her; the attorney sent his e-mail two days after the client's divorce had been finalized; the e-mail left the client shocked, scared, and disgusted because she never indicated that she sought a personal relationship with the attorney, who was many years older than her; the Board found that the attorney's subjective belief that his e-mail would be well-received did not obviate his violation of RPC 8.4(g); in mitigation, the attorney's misconduct was confined to a singular communication and he had no prior discipline in nineteen years at the bar; however, in aggravation, the attorney attempted to improperly persuade his client to withdraw her ethics grievance); In re Warren, 256 N.J. 363 (2024) (six-month suspension for an attorney who, for four months, sent a client, with whom he was in a romantic relationship, lewd and demeaning text messages; the attorney rejected the client's attempted to end the relationship, despite his own observation that the client appeared "scared" and would "freeze up" when she declined his sexual advances; the attorney had a disciplinary

history, including a reprimand for engaging in a sexual relationship with an appointed client in a municipal court matter; the attorney violated six other RPCs in two matters).

Here, in aggravation, respondent was a public official who abused his access to J.M. and sexually harassed her. In further aggravation, respondent's sexual harassment caused demonstrable harm to J.M.

In mitigation, respondent has no disciplinary history in nearly thirty years at the bar and has shown contrition for his misconduct by entering into a stipulation. He also agreed to complete sexual harassment training to remediate his admitted misconduct. The Board accorded minimal weight to his voluntary resignation as municipal prosecutor because, at the time he resigned, Rahway's investigation already had concluded his conduct was inappropriate and J.M. had already filed the Notice against Rahway citing respondent's sexual harassment.

On balance, the Board determined that a reprimand, with the condition that, within sixty days of the Court's disciplinary Order in this matter, respondent complete sexual harassment training, at his own expense, via a course pre-approved by the OAE, is the appropriate quantum of discipline to protect the public and preserve confidence in the bar.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated August 18, 2025.

2. Stipulation of discipline by consent, dated August 15, 2025.

3. Affidavit of consent, dated August 11, 2025.

4. Ethics history, dated October 28, 2025.

Very truly yours,

/s/ Timothy M. Ellis

Timothy M. Ellis
Chief Counsel

TME/knd
Enclosures

c: (w/o enclosures)
Hon. Mary Catherine Cuff, P.J.A.D. (Ret.), Chair
Disciplinary Review Board (e-mail)
Johanna Barba Jones, Director
Office of Attorney Ethics (e-mail and interoffice mail)
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