

**AN OPEN LETTER AND DISCIPLINARY COMPLAINT TO THE ATTENTION OF
THE NEW JERSEY SUPREME COURT
RE JUDGE JAMES S. ROTHSCHILD, JR., J.S.C.**

October 1, 2014

Honorable Stuart Rabner,
Chief Justice
The Supreme Court of New Jersey
Richard J. Hughes Justice Complex
25 Market Street P.O. Box 023
Trenton, New Jersey 08625-0023
Certified # 7009 0080 0002 2053 8013

RE: Bailey v. Zucker Goldberg, New Jersey Superior Court,
Essex County Law Division Docket # L-008231-13

Dear Chief Justice Rabner:

This letter raises very serious and sobering questions regarding the conduct of Judge James S. Rothschild, Jr. during his handling of the above referenced case. I filed that case as the Plaintiff and as a Private Attorney General.

I have filed a Notice of Appeal for that case (A-000239-14), copies of the transcripts, and submitted the applicable fees. In the midst of preparing my Appellate Brief, I came across a startling and troubling matter. I discovered that a crucial 20± seconds of the July 25, 2014 Court hearing tape recording appears to have been deleted.

During the June 20, 2014 hearing on Defendants' Motions to Dismiss, Judge Rothschild declared:

"I don't think it was the fault of the Zucker firm. Let me be clear. I don't think they did anything wrong." (Transcript page # 17, lines 12-14)

I found Judge Rothschild's declaration very unsettling. I made a mental note of his predisposition.

I was completely blown away when at the beginning of the July 25, 2014 hearing on my Motion to Reconsider Judge Rothschild reiterated the same sentiment regarding Zucker Goldberg's "innocence", almost verbatim, with slightly more vigor. I was stunned. Thus, when I received my copy of the transcripts, the first item I sought was Judge Rothschild's July 25, 2014 profession of abiding faith towards Zucker Goldberg. I searched, and searched, and then searched some more. Since that entire

transcript is only 10 pages long, my perusal did not consume much time. At that point I was in disbelief. How could I have recalled something so clearly that was now nowhere to be found ??? I calmed down and decided to listen to the CD-Audio of the proceedings. There was no sign of Judge Rothschild's affirmation to Zucker Goldberg's "innocence". I was beyond dumb-founded.

I carefully and slowly re-read the transcript. AH HA ! On page 9 of the July 25, 2014 transcript, Attorney Steven Kroll of Connell Foley, LLC, appearing for the Defendants, made a statement that reinforced and supported my own vivid recollection:

"And – and, lastly, Your Honor correctly pointed out that they [Defendants Zucker Goldberg] did nothing wrong." (Lines 17-18)

At that moment, I felt both gladness and sadness. I was relieved to no longer portray Gladys of TV comedy "Bewitched" fame. However, I was and remain both overwhelmed and disillusioned by the obvious implications of my unfortunate discovery.

I therefore beseech this Court to conduct an internal probe of my allegation, and of the general security of the New Jersey Courts' recording systems and procedures.

Thanks in advance for your thorough investigation into this situation. I will be happy to appear and answer questions related to this complaint.

Sincerely,

/s/ Carolyn Bailey

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"The eyes of the Lord are in every place, beholding the evil and the good." Proverbs 15:3