

Third Circuit Implies that Quasi-Judicial Decisions Can Have Preclusive Effect

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In a recent non-precedential opinion authored by Judge Patty Shwartz, the Third Circuit Court of Appeals implied that collateral estoppel may apply based on quasi-judicial decisions – in this case, a decision by the New Jersey Supreme Court’s Advisory Committee on Judicial Conduct (“ACJC”).

Plaintiff had been accused of various forms of misconduct when she was a New Jersey Superior Court judge. A complaint was filed against Plaintiff with the ACJC – which investigates claims of judicial misconduct in New Jersey – and after an investigation and hearings, the ACJC recommended the judge be suspended without pay for two months.

The judge sued her accusers in the District of New Jersey, alleging First Amendment, various conspiracy, New Jersey Civil Rights Act, New Jersey Law Against Discrimination, Equal Protection Clause, and Fourth Amendment causes of action. In ruling on Defendants’ motion to dismiss, the District Court determined the judge’s claims were barred by collateral estoppel because of the ACJC decision and even if they were not, they failed on the merits. Plaintiff appealed.

Pertinently, the Court of Appeals “assume[d], without deciding that decisions of the ACJ[C], like those of a state court, can have an issue preclusive effect.” However, the Court of Appeals noted that the ACJC had made no finding on whether she had been the victim of a hostile work environment, and therefore the decision did not preclude claims based on such a theory. It also observed that the ACJC made no findings on Plaintiff’s First and Fourth Amendment claims, and thus no preclusion applied on those claims as well. However, the Court of Appeals specifically left “to the District Court on remand to decide whether any of the ACJC’s findings of fact are entitled to preclusive effect” in the federal case. This direction suggests that a finding of preclusion could be accepted upon some future appeal.

The full decision, in *Gross-Quatrone v. Mizdol*, is attached hereto.