

Was Morris judge simply offering a way out of jam?

Friday, October 12, 2007

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A lawsuit portrays it as an abuse of power.

George R. Korpita, a municipal judge, made a phone call that a lot of other people probably would have made under similar circumstances. He called an attorney representing a man who allegedly scratched his Maserati while leaning on it in the parking lot of a Rockaway restaurant.



George R. Korpita

The man had been arrested that night after allegedly threatening to beat up the judge. Korpita told the attorney that he'd forget about pursuing criminal charges if the man paid for damages.

That sounds reasonable – hardly the makings of a federal case.

Korpita – a judge in Rockaway, Dover and Victory Gardens – received a check for \$1,484.29 and probably thought that was the end of the matter.

But Warren Hartzman of Dover filed a federal civil rights lawsuit against Korpita claiming that the judge misused his position. Hartzman, a securities broker who allegedly feared losing his broker's license if convicted of criminal charges, said in court papers that the judge made a display of "unfettered and immeasurable power." The suit mentions "overt and implied threats" made by the judge.

What threats?

Some of the alleged threats appear to be more about perceptions than facts.

The suit refers to Korpita as the presiding judge in the disorderly persons charge against Hartzman – at least until it was transferred from Rockaway to Denville one month after the May 4 incident outside of Café Navona. But even Hartzman's criminal attorney, James Porfido, said that never was an issue, that

the case never was going to be heard in Rockaway.

Porfido is quoted in the suit as saying that he told Korpita the judge placed him in "an untenable position because of the judge's conflict of interest."

"Those were not my words," Porfido said.

Porfido said he did express concerns about potential conflicts because of other cases he had pending before Korpita. The issue never came up, Porfido said, because Hartzman's case was settled before those cases were scheduled to be heard.

The suit also says that Hartzman was charged with causing a public annoyance "by intentionally scratching Judge Korpita's Maserati."

But according to a police report, he wasn't arrested until after he allegedly made physical threats against the judge. The summons says Hartzman engaged in threatening behavior by scratching the car, leaning on it because he was drunk and cursing and threatening the judge.

A police investigative report says Hartzman allegedly threatened Korpita after they both went inside the restaurant by saying he was going to "kick his (posterior)." It also says Hartzman was so intoxicated that he had trouble walking when police took him outside, where he was arrested and handcuffed. It lists two witnesses who allegedly heard Hartzman threaten the judge.

But the main point of the lawsuit appears to be Korpita's offer to Porfido.

The judge called Porfido and then wrote a letter, according to the lawsuit, saying he would "end the matter" if Hartzman paid him for damages, agreed not to go back to Café Navona and apologized.

Hartzman's attorney for the lawsuit, William Pinilis, said neither he nor his client would comment on the case. They said in court papers that Korpita's offer to drop charges in exchange for restitution in a civil matter violated the state's rules of professional conduct for attorneys.

Here's what those rules say: "A lawyer shall not ... present, participate in presenting, or threaten to present criminal charges to obtain an improper advantage in a civil matter."

That's not what happened here.

Korpita wasn't threatening to bring criminal charges against Hartzman. Those charges already had been filed by a police officer. And while there may be some argument about whether state rules of conduct apply in this case, Korpita's letter certainly doesn't come across as sinister.

"I think it's perfectly appropriate to say I'll drop the claim if you pay the damages," said John Leubsdorf, a law professor at Rutgers University in Newark who specializes in legal ethics.

Leubsdorf, commenting generally on the application of the rule, said it's meant to prevent attorneys from using blackmail to gain an advantage in a civil matter. He said "it's always appropriate to file criminal charges if there's a reason," but added that it's not OK for attorneys to make threats to coerce someone to

make restitution. Attorneys are not allowed to ask for a civil payment in return for not filing a criminal complaint.

But what about the claim that it's against the rules to drop charges in exchange for such a payment?

"That sounds a little far out," Leubsdorf said.

"He (Korpita) was doing what you would do, or what I would do," said Robert Greenbaum, Korpita's attorney.

Hartzman claims in his lawsuit that Korpita screamed and swore at him in the parking lot of Café Navona, calling him an idiot for failing to recognize the value of the Maserati. He says he "may have" leaned on the car but denies scratching it. He claims that Korpita physically threatened him but did not report that to police, even though he was arrested for making an alleged threat. He acknowledges calling the judge "a pompous jerk," among other things.

This was not exactly an exchange of pleasantries.

From Hartzman's perspective, the judge probably seemed to have everything going for him. Korpita's phone call and letter might have seemed threatening to some people. To others, it might have looked like a not-so-unusual offer and the way out of a jam.

to us readers is to present us with unbiased fact so we are better able to form an intelligent opinion. Mr. Koloff has already made up his mind that this is a frivolous case and standing by Judge Korpita. Perhaps he has a pending matter in front of him that needs a little help. This doesn't sound frivolous at all. I can absolutely see where Mr. Hartzmann would feel like he was between a rock and a hard place. Judge Korpita should have passed along his offer through his own attorney. Any call from him to Mr. Porfido would and should be construed as "talk to your client or this is going to come back to you". Sounds like Mr. Porfido is backpedalling a bit. Who is Judge Korpita to not only demand that damages be paid for the car but that Mr. Hartzmann cannot come into Cafe Navonna again!! Are you kidding!! Take a stand Mr. Hartzmann. Whether Mr. Hartzmann was drunk or not, Judge Korpita stepped over the line and sanctions should be levied. He is not God, he is just a judge. I have been a bystander in Judge Korpita's courtroom. He's not the innocent little rose pedal he claims to be.

Punk With A Lawyer

Fri Oct 12, 2007 5:34 am

Hartzmann seems like a creep who was doing something he shouldn't have done, and who has filed a bogus suit just like he would buy a lottery ticket. Probably hoping for a quick settlement, since there isn't any way he has ever been injured or lost anything, as any trial would show. Kudos to Koloff for having the intelligence not to accept this ridiculous claim at face value (unlike the author of the article on this case that appeared the other day).

scratched egos worth more than scratched car?

Fri Oct 12, 2007 2:58 am

With all one reads these days in the newspapers and hears on the radio, I wonder if the phrase "lighten-up" might be appropriate?

I know neither individual, so I can only ask is this just another frivolous lawsuit in the making?