



Garden State CLE  
21 Winthrop Road • Lawrenceville, New Jersey 08648  
(609) 895-0046 fax- 609-895-1899  
[Atty2starz@aol.com](mailto:Atty2starz@aol.com)

## Video Course Evaluation Form

Attorney Name \_\_\_\_\_

Atty ID number for Pennsylvania: \_\_\_\_\_

Name of Course You Just Watched \_\_\_\_\_

### Please Circle the Appropriate Answer

Instructors:      Poor              Satisfactory              Good              Excellent

Materials:        Poor              Satisfactory              Good              Excellent

CLE Rating:      Poor              Satisfactory              Good              Excellent

**Required:** When you hear the bell sound, write down the secret word that appears on your screen on this form.

Word #1 was: \_\_\_\_\_ Word #2 was: \_\_\_\_\_

Word #3 was: \_\_\_\_\_ Word #4 was: \_\_\_\_\_

What did you like most about the seminar?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What criticisms, if any, do you have?

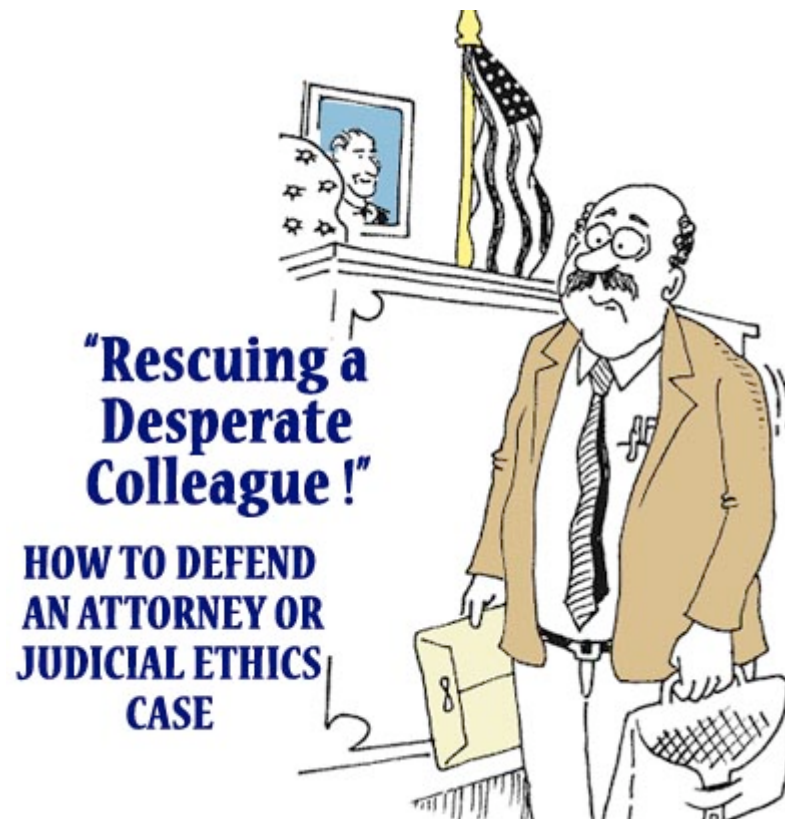
\_\_\_\_\_  
\_\_\_\_\_

I Certify that I watched, in its entirety, the above-listed CLE Course

Signature \_\_\_\_\_ Date \_\_\_\_\_

New Jersey Continuing Legal Education  
Services presents:

A CLE Ethics Seminar:



Lesson Plan

# **TABLE OF CONTENTS**

## Part I - Defending an Attorney Ethics Complaint

1. Agencies Charged with the Discipline of Attorneys
2. Law Regulating Attorney Conduct
3. Authorized Attorney Disciplinary Measures
4. The Attorney Disciplinary Process
5. Criminal Conduct
6. Misappropriation of Entrusted Funds
7. Admission to Practice/Character Cases
8. Attorney & Client Relations
9. Reciprocal Discipline – Rule 1:20-14
10. Affirmative Defenses

## Part II - Defending a Judicial Ethics Complaint

1. Agencies Charged with the Discipline of Judges
2. Law Regulating Judicial Conduct
3. Authorized Judicial Public Disciplinary Measures
4. The Judicial Disciplinary Process

## Appendices

- I. Code of Judicial Conduct
- II. Rules of Professional Conduct for Attorneys

# Part I - Defending an Attorney Ethics Complaint

## 1. Agencies Charged with the Discipline of Attorneys

- a. NJ Constitution of 1947 – Art VI, Section 2, Paragraph 3

The Supreme Court shall make rules governing the administration of all courts in the State and, subject to the law, the practice and procedure in all such courts. The Supreme Court shall have jurisdiction over the admission to the practice of law and the discipline of persons admitted.

- b. Office of Attorney Ethics – Founded 1983 (Rule 1:20-2)

- c. District Ethics Committees

- d. Supreme Court *en banc* (Disbarments (Rule 1:20-16(a) & “interesting cases of note”)

## 2. Law Regulating Attorney Conduct

- a. Established case Law from 1949 to date
- b. Decisions of the Disciplinary Review Board (with confirming order)
- c. The Rules of Court – Rule 1:20-1 *et seq.*
- d. New Jersey Rules of Professional Conduct (adopted in 1984)
- e. New Jersey Statutes Annotated – Code of Criminal Justice (runners, practice while suspended, contempt of court, etc.)

### RULE 1:14. CODES OF ETHICS

The Rules of Professional Conduct and the Code of Judicial Conduct of the American Bar Association, as amended and supplemented by the Supreme Court and included as an Appendix to Part I of these Rules, and the Code of Conduct for Judiciary Employees, also included as an Appendix to Part I of these Rules, shall govern the conduct of the members of the bar and the judges and employees of all courts of this State.

- f. Proof must be by Clear & Convincing Evidence – In re Mininsohn, 162 N.J. 62 (1999)

Clear-and-convincing evidence is that which produces in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established, evidence so clear, direct and weighty and convincing as to enable the fact-finder to come to a clear conviction, without hesitancy, of the precise facts in issue. In re Seaman, 133 N.J. 67, 74 (1993).

### 3. Authorized Attorney Disciplinary Measures

#### 1. Minor Misconduct – Rule 1:20-3(i)(2)

“Minor unethical conduct is conduct, which, if proved, would not warrant a sanction greater than a public admonition”

Diversion – “If, as a result of investigation, the chair concludes that minor unethical conduct has occurred, the chair may request that the Director, or his designee, divert the matter and approve an agreement in lieu of discipline.

“An agreement in lieu of discipline may contain an agreement to meet, within a specified period (usually no more than six months), stated conditions addressed, to the extent practicable, to the remediation of the cause of the unethical conduct. Such conditions may include, but are not limited to, reimbursement of fees or costs, completion of legal work, participation in alcohol or drug rehabilitation program, psychological counseling or satisfactory completion of a course of study and such other programs as are developed. If approved, the Director shall monitor the terms of agreement. If the respondent fulfills the terms, the matter shall be dismissed”.

#### 2. Public Discipline – Rule 1:20-15A

##### Disbarment

1. Knowing misappropriation of entrusted funds; ([Wilson Rule](#))
2. An ongoing pattern of ethical deficiencies that are intractable and irremediable and, show a profound lack of professional good character and fitness; (The main event: Vincenti vs. McAlevy)
3. Bribery of a public official;
4. Conduct related to the practice of law that directly poisons the well of justice;
5. Serious misconduct committed while serving in public office;
6. Distribution of illegal controlled dangerous substances done for profit;
7. Conviction for serious criminal violations that involve massive fraud, theft, or violence;
8. Misconduct motivated by greed or self-enrichment involving fraud, dishonesty or deceit;
9. Misconduct in another jurisdiction that requires disbarment via reciprocal discipline
10. Disbarment by consent.

Indeterminate Suspension (Five-year minimum)  
Suspension (Three-month minimum)  
Censure  
Reprimand  
Admonition

3. Each measure may also have associated terms & conditions imposed by the Court

Examples:

Drug & Alcohol  
Proctorship  
Mental Health  
Suspension of Suspension (In re Kotok, 108 N.J. 314 (1987); In re Schaffer, 140 N.J. 148 (1995))  
Probation conditioned on community service (In re Stier, 108 N.J. 455 (1987); In re Alum, 162 N.J. 313 (2000))

4. Other forms of public discipline

Accelerated Discipline in Drug Cases – In re Schaffer, 140 N.J. 148 (1995)  
Monetary Sanctions (Including reimbursement for investigative costs)

## 4. The Attorney Disciplinary Process

a. Temporary Suspension when the attorney poses a substantial threat of serious harm to an attorney, a client or the public. Rule 1:20-11(a)

b. Secretary Evaluates and screens inquiries – Rule 1:20-3 (Docket/Decline/Dismiss)

c. Docketed Inquiry becomes a grievance – Investigation remains confidential (Rule 1:20-9) – Critical Stage of Case – Targeted Attorney has a duty to cooperate (Rule 1:20-3(g)(3); In re Gavel, 22 N.J. 248 (1956)) – Preparing written answer to grievance & supplying documents.

d. Where evidence of RPC violation exists, case may take two tracks – Diversion or formal complaint (Rule 1:20-4(a).)

e. When complaint has been filed and served, respondent has 21 days to file a verified answer. (Rule 1:20-4(d)). Answer must include:

1. A full, candid and complete disclosure of all facts reasonably within the scope of the formal complaint;
2. All affirmative defenses, including any claim of mental or physical disability and whether it is alleged to be causally related to the misconduct that has been charged;
3. Any mitigating circumstances;
4. Any request for a hearing either on the charges or limited as to evidence in mitigation of discipline;
5. Any and all constitutional challenges to the proceedings;
6. Finally, it is not enough for the attorney to file a perfunctory answer that does not fully, comprehensively and professionally address the legal and factual issues in the case. The failure to conform the answer to reasonable professional standards will properly be viewed by the Supreme Court as an aggravating factor. (In re Gavel, 22 N.J. 248 (1956)).

f. Failure to file a timely answer constitutes an admission to the complaint (Rule 1:20-4(f))

g. Right to counsel (Rule 1:20-4(g)(2))

h. Discovery following the filing of an answer (Rule 1:20-5(a)(1))

i. Discipline by Consent – Functional Equivalent of a Guilty Plea & Sentence Rec.

j. All Hearings are open to the public

k. Conduct of the Hearing

Rules of Evidence do not apply

No statute of limitations

No need for unanimity

Remote Testimony Permitted

No motions to dismiss

Proof of facts in a criminal case (In re Rigolosi, 107 N.J. 192 (1987))



Special Master used in complex cases

I. Referral to Disciplinary Review Board (DRB) – *De novo* review

No witnesses or testimony

All discipline becomes final subject to confirmatory order by Supreme Court

Disbarments independently reviewed by Supreme Court.

Leave to Appeal to Supreme Court rarely granted.

m. Compliance with Rule 1:20-20 (CRITICAL!!)

n. Conclusion

“[T]he biggest mistake made by attorneys who are suddenly exposed to the disciplinary system is not mounting an effective defense. Often, attorneys will not cooperate, will seek to delay or simply ignore the proceedings. The results of this neglect will come swiftly and usually spell the end of a legal career. In one sense, this is understandable. The same forces that allowed an act or series of acts constituting unethical conduct will often result in the affected attorney irresponsibly attempting to avoid the disciplinary process, rather than aggressively confronting it head-on. As can be understood from the foregoing, there are numerous procedural opportunities for wayward attorneys to minimize or avoid discipline if they will simply participate in the process. Moreover, an experienced defense attorney who knows the details of the disciplinary process can literally save a respondent's career and livelihood. Unfortunately, despite the opportunities for diversion from the system or for mounting an effective defense, a large number of attorneys will continue to be subject to final discipline as a result of ignorance, neglect or surrender.” 46 NJ PRAC s 2:21.

## 5. Criminal Conduct

a. In General – Rule 1:14 and RPC 8.4

**It is professional misconduct for a lawyer to:**

**(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;**

**(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;**

**(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;**

**(d) engage in conduct that is prejudicial to the administration of justice;**

**(Note: This would include misconduct before a tribunal, including contempt of court – Example – In re Seelig, 180 N.J. 234 (2004))**

b. A criminal conviction is conclusive evidence of unethical conduct

c. Disciplinary procedures after a criminal conviction are limited to the extent of discipline

d. Obligation of attorneys to report allegations of criminal conduct – Rule 1:20-13(a)(1)

e. Cooperation with law enforcement by OAE

f. Automatic temporary suspension upon conviction for a serious crime

g. Temporary suspension based upon allegation of serious criminal conduct (Rule 1:20-11)

h. Likely Outcomes - Range of Discipline

i. Disbarment:

Knowing misappropriation of entrusted funds (Wilson, 81 N.J. 451 (1979))

Criminal Conduct that poisons the well of justice (Verdiramo, 96 N.J. 183 (1984))

On-going pattern or profit motive (Kinnear, 105 N.J. 391 (1987))

Bribery of a public official (Hughes, 90 N.J. 32 (1982))

Immoral, venal or corrupt (Templeton, 99 N.J. 365 (1985))

j. Specific Crimes:

1. Drug Offenses – In re Kinnear, 105 N.J. 391 (1987); In re Hasbrouck, 140 N.J. 162 (1995)
2. Domestic Violence – In re Magid, 139 N.J. 449 (1995); In re Principato, 139 N.J. 456 (1995)
3. Sex Offenses – Harm to victim & Product of a diseased mind – In re Addonizio, 95 N.J. 121 (1984); In re Herman, 108 N.J. 66 (1987)
4. Internet sex – In re Ferraiolo, 170 N.J. 600 (2002)
5. Perjury & False Swearing – Pattern vs. Isolated incident vs. self-enrichment– In re Surgent, 79 N.J. 529 (1979); Suborning perjury – In re Edson, 108 N.J. 464 (1987)
6. Bribery – In re Rigolosi, 107 N.J. 192 (1987)
7. Tax Offenses – Failure to file vs. Evasion
8. Forgery – In re Yacavino, 100 N.J. 50 (1985) – Sink or swim case
9. Ticket Fixing – In re Norton, 128 N.J. 520 (1992)

k. Other Disciplinary outcomes based upon mitigating factors:

1. Prior unblemished record as a New Jersey attorney.
2. Reputation for honesty and trustworthiness as evidenced in writing from persons who know the attorney and are aware of the alleged misconduct.
3. Cooperation with ethics officials and law enforcement authorities.
4. Admission of guilt and display of sincere contrition.
5. Evidence that the criminal misconduct was an aberration.
6. Evidence that the misconduct is unlikely to be repeated.
7. Health concerns.
8. Family problems.
9. Passage of time since the criminal misconduct.
10. Evidence of rehabilitation from drug or alcohol abuse.
11. Any other evidence tending to show that the public interest would be served by allowing the respondent attorney to return to the practice of law at some point.

**Note: The absence of a mitigating factor is an aggravating factor and the absence of an aggravating factor is a mitigating factor.**

## 6. Misappropriation of Entrusted Funds

- a. In re Wilson, 81 N.J. 451 (1979)
- b. Contrast In re Noonan, 102 N.J. 157 (1986) and In re Ellis, 158 N.J. 255 (1999)  
(Knowing vs. Negligent misappropriation)
- c. In re Hollendonner, 102 N.J. 21 (1985) – Escrow Agency
- d. In re Greenberg, 155 N.J. 138 (1998) and In re Siegel, 133 N.J. 162 (1993) (Law Firm Funds)
- e. Claim of right defense

## 7. Admission to Practice/Character Cases

In General – The Rules established in *In re Matthews*, 94 N.J. 59 (1983)

## 8. Attorney & Client Relations

a. In general – Gross negligence or pattern of neglect – RPC 1.1 (In re Barry, 90 N.J. 286 (1982) and In re Cullen, 112 N.J. 13 (1988)) – Pattern defined failing to take action, ignoring or abandoning a client. Note that conscious disregard for the best interests of the client, passage of time and harm are key elements)

### **A lawyer shall not:**

**(a) Handle or neglect a matter entrusted to the lawyer in such manner that the lawyer's conduct constitutes gross negligence.**

**(b) Exhibit a pattern of negligence or neglect in the lawyer's handling of legal matters generally.**

b. Neglect – RPC 1.3 and 1.4 (Note that typical case has multiple counts involving multiple clients – harm to the clients is critical element)

### **RPC 1.3. Diligence**

A lawyer shall act with reasonable diligence and promptness in representing a client.

Preparing for trial – In re Segal, 130 N.J. 468 (1992)

Preparing for appeal – In re Haft, 98 N.J. 1 (1984)

### **RPC 1.4. Communication**

**(a)** A lawyer shall fully inform a prospective client of how, when, and where the client may communicate with the lawyer.

**(b)** A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

**(c)** A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

**(d)** When a lawyer knows that a client expects assistance not permitted by the Rules of Professional Conduct or other law, the lawyer shall advise the client of the relevant limitations on the lawyer's conduct.

c. Failure to communicate & abandonment – In re Kantor, 180 N.J. 226 (2004)

d. Conflicts of Interest – RPC 1.7 – In re Guidone, 139 N.J. 272 (1994)

We have generally found that in cases involving a conflict of interest, absent egregious circumstances or serious economic injury to the clients involved, a public reprimand constitutes appropriate discipline. Of course, when an attorney's conflict of interest causes serious economic injury to clients, we have not hesitated to impose a period of suspension.

e. Legal fees – Overreaching – In re Hinnant, 121 N.J. 395 (1990) – Fee Splitting – In re Weinroth, 100 N.J. 343 (1985); In re Pajerowski, 156 N.J. 509 (1998)

f. Sexual Relations – In re Liebowitz, 104 N.J. 175 (1985); In re mintz, 101 N.J. 527 (1986); State v. Lasane, 371 N.J. Super. 151 (App. Div. 2004)

g. Sexual Harassment – In re Seaman, 133 N.J. 67 (1993); In re Subryan, 187 N.J. 139 (2004)

## 9. Reciprocal Discipline – Rule 1:20-14

No collateral Attacks allowed

Typically will track discipline imposed in foreign jurisdiction ...but not always – may be more or less.

In re Samay, 166 N.J. 25 (2001); 175 N.J. 438 (2003)



## 10. Affirmative Defenses

- a. Diminished Capacity – In re Jacob, 95 N.J. 132 (1984)
- b. Correction through treatment – In re Templeton, 99 N.J. 365 (1985)
  - See In re Farr, 115 N.J. 231 (1989)
  - In re Asbell, 135 N.J. 446 (1994)
  - In re Peterman, 134 N.J. 201 (1993) (Bar admission)
- c. Alcoholism – In re Hein, 104 N.J. 297 (1986); In re Barbour, 109 N.J. 143 (1988);  
In re Willis, 114 N.J. 42 (1989)
- d. Drug addiction – Generally not a mitigating factor- In re Zauber, 132 N.J. 87 (1991)
- e. Gambling addiction – In re Goldberg, 109 N.J. 163 (1988)

## Part II - Defending a Judicial Ethics Complaint

### 1. Agencies Charged with the Discipline of Judges

- a. NJ Constitution of 1947 – Art VI, Section 2, Paragraph 3

The Supreme Court shall make rules governing the administration of all courts in the State and, subject to the law, the practice and procedure in all such courts. The Supreme Court shall have jurisdiction over the admission to the practice of law and the discipline of persons admitted.

- b. Advisory Committee on Judicial Conduct (ACJC) (Rule 2:15-1) (Note both Investigative, Charging & Prosecutorial Functions)

- c. Legislature on motion of either house or the governor

- d. Supreme Court – Imposes final discipline in all cases.

## 2. Law Regulating Judicial Conduct

- a. Established Supreme Court decisions from 1949 to date
- b. Decisions of the Advisory Committee on Judicial conduct (with confirming order)
- c. The Rules of Court – Rule 2:15 *et seq.* (especially Rule 2:15-8(a)(6) “conduct prejudicial to the administration of justice that brings the judicial office into disrepute.”) as a link to the N.J. Code of Judicial Conduct.
- d. New Jersey Code of Judicial Conduct
- e. N.J.S.A.

### 3. Authorized Judicial Public Disciplinary Measures

- a. Removal (NJSA 2B:2A-1 *et seq.*) (often resulting in reciprocal discipline)
- b. Suspension (without pay – usually for two months)
- c. Censure
- d. Reprimand
- e. Informal Discipline (caution or letter of guidance)
- f. Referral for Administrative Action (Rule 2:15-25)

## 4. The Judicial Disciplinary Process

### a. In general - Rule 2:15-8(a)

The Committee shall review any written statement, criticism, or grievance that is directed to the Committee and that contains allegations to the effect that a judge of the Superior Court, Surrogate's Court, Tax Court, or Municipal Court is guilty of:

- (1) misconduct in office,
  - (2) willful failure to perform judicial duties,
  - (3) incompetence,
  - (4) intemperate conduct,
  - (5) engaging in partisan politics, or
  - (6) conduct prejudicial to the administration of justice that brings the judicial office into disrepute.
- (b) The Committee shall also review allegations that any such judge may be suffering from a mental or physical disability that interferes with the performance of judicial duties.
- (c) On referral to the Committee by the Supreme Court, the Committee shall conduct such review concerning any Justice of the Supreme Court and proceed thereafter in accordance with these Rules subject to the terms of the referral.
- (d) The Committee may review on its own motion any matters as set forth in (a) above in the absence of a written statement, criticism, or grievance.
- (e) If the Committee determines that it requires additional information, it shall conduct a preliminary investigation.
- (f) If the Committee determines that the allegations under review relate to an action or other matter that is properly the subject of an appeal, or if the Committee determines that there is not sufficient cause to warrant a preliminary investigation, it shall dismiss the matter and notify the person who submitted the statement, criticism, or grievance.
- (g) In exceptional circumstances, the Chair or Vice Chair may authorize the commencement of a preliminary investigation.

### b. Preliminary Investigation by ACJC (Confidential under rule 2:15-20(a))

1. Interview or deposition with staff investigators
2. Informal conference with ACJC (Rule 2:15-10(c))
3. Written Response from Respondent

c. Formal Disciplinary Proceedings

1. Formal complaint requires a finding of probable cause to believe the judge has engaged in conduct specified in Rule 2:15-8(a).
2. Proceedings become public at this point
3. After service, judge has 20 days to file an answer (Rule 2:15-12(c))
4. After filing of an answer and exchange of discovery, a date will be set for formal, adversarial hearing before the ACJC
5. Sound recording of the hearing services as a basis for *de novo* review by the Supreme Court

d. Hearing Procedures

1. Rules of Evidence are generally relaxed – objections decided by the Chairman
2. Adverse Inferences – ACJC will draw an adverse inference when the judge declines to testify (Rule 2:15-14(f))
3. Burden of proof – beyond a reasonable doubt in removal proceedings before the Supreme Court – in all other cases, by clear and convincing evidence.
4. Conclusive presumptions – Evidence from a criminal conviction
5. Post-hearing briefs are permitted
6. Proven cases are reduced to a presentment (INCLUDING A RECOMMENDATION OF DISCIPLINE) and filed with the Clerk of the Supreme Court

Respondent judge may consent to discipline or request plenary hearing before the Supreme Court

e. Hearing before Supreme Court – tactics & strategy

1. Participation by Respondent
2. Briefing & oral argument

f. Aggravating Factors

1. Violation of public policy (sexual harassment/drunk driving)
2. Criminal offenses
3. Harm to innocent victims
4. Pattern of misconduct
5. Lack of contrition
6. Prior Judicial Discipline (Progressive Discipline)

g. Mitigating Factors

1. Contrition & Rehabilitation
2. Prior Unblemished Record
3. Single Act of Misconduct
4. Recovery from Serious Medical Condition (In re Piscal, 177 N.J. 525 (2003))

## 5. Examples of Judicial Misconduct; Defenses; Mitigation of Final discipline

Drunk Driving – In re Connor, 124 N.J. 18 (1991); In re Collester, 126 N.J. 468 (1992); Directive 04-09

Personal Misconduct – In re Williams, 169 N.J. 264 (2001); In re Bock, 128 N.J. 270 (1992)

Conduct of Judicial Proceedings – In re Yengo, 72 N.J. 425 (1977); In re Albano, 75 N.J. 509 (1978) (temperament & Demeanor);

In re Gaeta

In re Newman

In re Maisto

In re Sasso

In re Toth

In re Mathesius

Political Activities/Involvement - In re Fenster, 138 N.J. 134 (1994)

Conflicts of interest (Family members/Clients); In re Rivera-Soto, 192 N.J. 109 (2008)

Criminal Conduct

# APPENDECIES

## I. Code of Judicial Conduct

Complete Code of Judicial Conduct Available at  
<http://www.judiciary.state.nj.us/rules/appjudicial.htm>  
(Outline of Code of Judicial Conduct Shown Below)

### CODE OF JUDICIAL CONDUCT

**Canon 1.** A Judge Should Uphold the Integrity and Independence of the Judiciary

**Canon 2.** A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge should not allow family, social, political, or other relationships to influence judicial conduct or judgment. A judge should not lend the prestige of office to advance the private interests of others; nor should a judge convey or permit others to convey the impression that they are in a special position of influence. A judge shall not testify as a character witness.

C. A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion or national origin.

**Canon 3.** A Judge Should Perform the Duties of Judicial Office Impartially and Diligently.

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of the office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

B. Administrative Responsibilities.

C. Disqualification. (see R. 1:12-1)

D. Remittal of Disqualification. A judge disqualified by the terms of this Canon may not avoid disqualification by disclosing on the record the disqualifying interest and securing the consent of the parties.

**Canon 4.** A Judge May Engage in Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities if in doing so the judge does not cast doubt on the judge's capacity to decide impartially any issue that may come before the court and provided the judge is not compensated therefor:

A. A judge may speak, write, lecture, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may teach concerning the law, the legal system, and the administration of justice.



C. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice upon notice to and approval by the Supreme Court, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice with which the judge is charged with responsibility by the Rules of Court.

D. A judge may serve as a member, officer or director of a nongovernmental organization devoted to the improvement of the law, the legal system, or the administration of justice. A judge may not, however, assist such an organization in raising funds nor may a judge participate in their management and investment. A judge may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, legal system, and the administration of justice.

**Canon 5. A Judge Shall so Conduct the Judge's Extra-Judicial Activities as to Minimize the Risk of Conflict With Judicial Obligations**

A. Extra-Judicial Activities in General.

B. Avocational Activities.

C. Civic and Charitable Activities.

D. Financial Activities.

E. Fiduciary Activities.

F. Arbitration. A judge shall not act as an arbitrator or mediator.

G. Practice of Law. A judge shall not practice law, with or without compensation.

H. Extra-Judicial Appointments. A judge shall not accept appointment to a governmental committee, commission, or other position except with prior approval of the Supreme Court as provided in the Rules of Court.

**Canon 6. A Judge Shall Not Receive Compensation for Quasi-Judicial and Extra-Judicial Activities**

A judge may not receive compensation for the quasi-judicial and extra-judicial activities permitted by this Code but may receive reimbursement of actual expenses that the judge reasonably incurred for travel, food, and lodging, provided that the source of such payments does not give the appearance of influencing the judge in the exercise of judicial duties or otherwise give the appearance of impropriety.

**Canon 7. A Judge Shall Refrain From Political Activity**

A. A judge shall not:

(1) act as a leader or hold any office in a political organization;

(2) make speeches for a political organization or candidate or publicly endorse a candidate for public office;

(3) attend political functions that are likely to be considered as being political in nature;

(4) solicit funds or pay an assessment or make a contribution to a political organization or candidate, or purchase tickets for political party dinners or other functions;

B. A judge shall resign from office when the judge becomes a candidate for an elective public office or for a nomination thereto.

C. A judge shall not otherwise engage in any political activity.

### **Compliance With the Code of Judicial Conduct**

All judges shall comply with this Code except as provided below.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge. A part-time judge:

- (1) is not required to comply with Canon 5D(2), E, F, and G;
- (2) should not practice law except as permitted by the Rules of Court;
- (3) may receive compensation for activities encompassed by Canons 4B and 5B(2).

B. Retired Judge. All retired judges recalled to judicial service shall comply with the provisions of this Code governing full-time judges.

## II. Rules of Professional Conduct for Attorneys

Complete Rules of Professional Conduct for Attorneys  
Available at...

<http://www.judiciary.state.nj.us/rules/apprpc.htm>

*(Table of Rules of Professional Conduct for Attorneys Shown Below)*

**RULES OF PROFESSIONAL CONDUCT FOR ATTORNEYS**  
**Adopted Effective September 10, 1984. Includes amendments through those**  
**effective November 2, 2009.**

### Table of Rules

- [1.0 Terminology.](#)
- [1.1 Competence.](#)
- [1.2 Scope of Representation and Allocation of Authority Between Client and Lawyer.](#)
- [1.3 Diligence.](#)
- [1.4 Communication.](#)
- [1.5 Fees.](#)
- [1.6 Confidentiality of Information.](#)
- [1.7 Conflict of Interest: General Rule.](#)
- [1.8 Conflict of Interest: Current Clients; Specific Rules.](#)
- [1.9 Duties to Former Clients.](#)
- [1.10 Imputation of Conflicts of Interest: General Rule.](#)
- [1.11 Successive Government and Private Employment.](#)
- [1.12 Former Judge, Arbitrator, Mediator or Other Third-Party Neutral or Law Clerk.](#)
- [1.13 Organization as the Client.](#)
- [1.14 Client Under a Disability.](#)
- [1.15 Safekeeping Property.](#)
- [1.16 Declining or Terminating Representation.](#)
- [1.17 Sale of Law Practice.](#)
- [1.18 Prospective Client](#)
- [2.1 Advisor.](#)
- [2.2 \(Reserved\)](#)
- [2.3 Evaluation for Use by Third Persons.](#)
- [2.4 Lawyer Serving as Third-Party Neutral](#)
- [3.1 Meritorious Claims and Contentions.](#)
- [3.2 Expediting Litigation.](#)
- [3.3 Candor Toward the Tribunal.](#)
- [3.4 Fairness to Opposing Party and Counsel.](#)
- [3.5 Impartiality and Decorum of the Tribunal.](#)
- [3.6 Trial Publicity.](#)
- [3.7 Lawyer as Witness.](#)

- [3.8 Special Responsibilities of a Prosecutor.](#)
- [3.9 Advocate in Nonadjudicative Proceedings.](#)
- [4.1 Truthfulness in Statements to Others.](#)
- [4.2 Communication With Person Represented by Counsel.](#)
- [4.3 Dealing With Unrepresented Person; Employee of Organization.](#)
- [4.4 Respect for Rights of Third Persons.](#)
- [5.1 Responsibilities of Partners, Supervisory Lawyers, and Law Firms.](#)
- [5.2 Responsibilities of a Subordinate Lawyer.](#)
- [5.3 Responsibilities Regarding Nonlawyer Assistants.](#)
- [5.4 Professional Independence of a Lawyer.](#)
- [5.5 Lawyers Not Admitted to the Bar of This State and the Lawful Practice of Law.](#)
- [5.6 Restrictions on Right to Practice.](#)
- [6.1 Voluntary Public Interest Legal Service.](#)
- [6.2 Accepting Appointments.](#)
- [6.3 Membership in Legal Services Organization.](#)
- [6.4 Law Reform Activities Affecting Client Interests.](#)
- [6.5 Nonprofit and Court-Annexed Limited Legal Service Programs.](#)
- [7.1 Communications Concerning a Lawyer's Service.](#)
- [7.2 Advertising.](#)
- [7.3 Personal Contact With Prospective Clients.](#)
- [7.4 Communication of Fields of Practice and Certification.](#)
- [7.5 Firm Names and Letterheads.](#)
- [8.1 Bar Admission and Disciplinary Matters.](#)
- [8.2 Judicial and Legal Officials.](#)
- [8.3 Reporting Professional Misconduct.](#)
- [8.4 Misconduct.](#)
- [8.5 Disciplinary Authority; Choice of Law.](#)