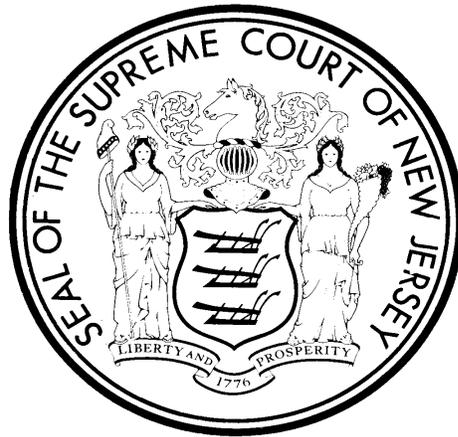


**ANNOTATED  
GUIDELINES FOR  
EXTRAJUDICIAL ACTIVITIES**



**NOVEMBER 2007**

**ANNOTATED THROUGH OPINION NO. 33-05**

**GUIDELINES FOR  
EXTRAJUDICIAL ACTIVITIES**

**ANNOTATED**

**NOVEMBER**

**2007**

**SUPREME COURT OF NEW JERSEY  
ADVISORY COMMITTEE ON EXTRAJUDICIAL ACTIVITIES  
[Rule 1:18A]**

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**GUIDELINES FOR EXTRAJUDICIAL ACTIVITIES**  
**FOR NEW JERSEY JUDGES**  
**ANNOTATED**

**I. APPLICABILITY**

- A. These guidelines are intended to implement the Code of Judicial Conduct.
- B. The guidelines apply to part-time judges to the extent that they are required to comply with the Code of Judicial Conduct.
- C. The guidelines do not apply to retired judges recalled to judicial service except to the extent that they are required to comply with the Code of Judicial Conduct.

**II. GENERAL GUIDELINES \***

- A. Since under Canon 3 of the Code of Judicial Conduct, "[t]he judicial duties of a judge take precedence over all [his or her] other activities," extrajudicial activities, whether law-related or not, must not encroach upon or conflict with those duties. Care must be taken that outside interests are not so extensive as to impair one's ability to perform properly the judicial function.
  - 1. Participation in activities, not law-related, shall not ordinarily occur during times normally allocated to the performance of judicial functions, and then only with permission.
  - 2. Court personnel should not be called upon to assist a judge in the performance of any non-law-related extrajudicial activity.
  - 3. If participating in or preparation for a law-related activity should require some use of court time, permission should first be obtained from the designated approving authority upon a showing that the infringement upon judicial duties will not be significant and will be outweighed by the benefits to be derived from the activity.
- B. Judges must always guard against the appearance of bias or partiality or the perception of prejudgment of issues likely to come before them.
- C. In light of the injunction in Canon 2 of the Code to "avoid impropriety or the appearance of impropriety," judges must not risk:

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\* The annotations to this guideline are matters governed by general provisions in the Canons for which there are no specific guidelines.

**NOTE:** The Guidelines for Extrajudicial Activities adopted by the New Jersey Supreme Court June 23, 1987 to be effective immediately; Guidelines IIIA, IIIB, IIIC, IIIE, VD, VIB amended and a new Guideline XI added January 30, 1995 to be effective immediately; Guideline IIIA3b, IIIA5a, IIIE3b, IVC and IVD amended December 12, 1996 to be effective immediately; Guideline IIIA amended and a new subparagraph IIIA.6. added March 29, 1999 to be effective immediately.

1. **subjecting themselves to improper influences or the appearance of being so subjected; or,**
  2. **participating in activities of such nature or allowing themselves to be used in such manner as to impair the dignity and esteem in which the court should be held.**
- D. By reason of the constitutional restriction against other "gainful pursuits," reflected in Canon 6 of the Code, judges may not be compensated for any extrajudicial activity, except that they may receive reimbursement for such expenses as are allowed in Canon 6.**
- E. In any case where prior approval must be obtained for an extrajudicial activity, the approving authority is:**
1. **The Assignment Judge of the vicinage, for judges of the trial divisions and parts thereof;**
  2. **The Presiding Judge of the Tax Court, for judges of that court;**
  3. **The Presiding Judge for Administration, for judges of the Appellate Division;**
  4. **The Supreme Court, in the case of Justices of that Court or an Assignment Judge or the above Presiding Judges, or where expressly required by the Code, Court Rule, these guidelines or other established policy.**

#### **OPINIONS: II**

- 17-88 A judge may be interviewed by Modern Maturity magazine for a feature article on vital women engaged in serious and interesting work. Although the magazine carries advertising it is the non-commercial publication of the American Association of Retired People.
- 15-89 A judge may attend, all expenses paid, a symposium and conference designed for judges with three or more Johns-Manville asbestos cases to explore issues and strategies of their management. The symposium was sponsored by the National Judicial College and funded by both sides of the litigation.
- 20-89 A judge may not under Canon 4.D. submit a letter in support of an application for a certificate of need for an Adult Alcohol/Drug Detox Unit at a particular hospital, but could in an appropriate situation make known a general need for more detoxification units.
- 21-89 Pursuant to Canon 4.D. a judge may properly write to the IOLTA Fund of the Bar of New Jersey at the request of the Board of Trustees of the county Legal Aid Association in support of the Association's funding application because the factual basis of need is uniquely within the knowledge of the courts.
- 25-89 A judge may not under Canon 4.D. serve on a citizens' task force seeking a grant from a foundation for a particular agency used by the court regularly providing mediation services to the court.
- 26-90 A county municipal court judges' association may not invite the chiefs of police to their annual holiday dinner as their invited guests.
- 29-90 A judge may sponsor a law clerk for admission to practice before the Federal 3rd Circuit.
- 42-90 A judge may be the guest of a local bar association at its dinner show which is not a fundraiser.

- 60-90 A judge may not be interviewed for New Jersey Stylemakers magazine. This magazine is primarily a vehicle for commercial advertising and the interview would be subordinate to that purpose.
- 62-90 A municipal court judge may not sit as outside hearing officer in Civil Service hearing for insubordination and incompetence against the Court Clerk of another municipality.
- 69-90 A judge may be one of the subjects of a "McCall's Makeover" article featuring professional women, in McCall's magazine. Although advertising is carried the publication is informational in nature.
- 5-91 (1) A municipal court judge may not appear in TV commercial for Shredded Wheat.  
(2) A municipal court judge whose avocation is body building may not present trophy at body building contest at commercial gym.
- 24-91 Pursuant to Canon 4.D., a judge may write letter of endorsement to Department of Human Services in support of application for grant to County Youth Services. County Youth Services is a public entity upon which the court uniquely depends. It has no competition. Only a judge knows the court's need.
- 5-92 A judge may serve on her law school class 10th anniversary reunion committee to plan a dinner dance for which tickets will be sold. No fundraising is involved.
- 21-92 A municipal court judge may be among those featured in an article in EBONY MAGAZINE on fathers and sons. Although advertising is carried the publication is informational in nature.
- 39-92 Assignment Judge may serve on County Bar Association committee for dinner to honor retirement of Appellate Division Judge who had served previously as Assignment Judge of the vicinage.
- 54-92 A municipal court judge may attend the League of Municipalities convention.
- 62-92 It is not proper for municipal court judges and court employees to attend a holiday party hosted by a law firm.
- 6-93 A municipal court judge may send a letter thanking Council members for appointing him to his position.
- 17-93 Judges may not attend ATLA (American Trial Lawyers Association) Boardwalk Seminar without paying.
- 24-93 Judge may not submit nominations for Young Lawyer of the Year Award in response to request for nominations by the Annual Awards Committee of the Young Lawyers Division of the New Jersey State Bar Association.
- 35-93 An attorney may continue as proctor for an impaired attorney after becoming part-time municipal court judge.
- 55-93 Municipal court judge may not purchase tax sales certificates in the municipality where he sits.
- 57-93 Superior Court judge may not be interviewed by author who is writing book on a high profile capital murder case tried by the judge. The author sought to inquire about the judge's background and general approach to his work, his objectives on beginning a trial, and how

he feels about the judicial system and his place in it.

- 3-94 Judge who teaches a night course in Federal Taxation may use the university's computer data service, which is available to all adjunct faculty, to obtain Internal Revenue code regulations, rulings, and decisions, etc. for course.
- 18-94 Judge may permit her biographical material to be included in a display on the county's "first women" at a municipal Historical Museum.
- 71-94 Superior Court judge may not assist a police department in developing a training video for their officers concerning requirements under the Domestic Violence Statute.
- 6-95 Superior Court judge may not speak at a Board of Adjustment meeting in support of a variance on property adjacent to property on which he resides.
- 19-95 Municipal court judge may not represent Police Vest Fund of the Greater Pascack Valley, Inc., a corporation for the purpose of providing bulletproof vests for all police officers in the greater Pascack Valley region.
- 42-96 Superior Court judges may play the lottery and collect if they win. (Canon 2)
- 43-97 Tax Court judge may not serve on a committee representing the interests of the rabbi of the judge's synagogue in negotiating terms relating to his retirement.
- 25-99 Municipal Court judge may:
  - 1. Have his picture hung in another municipal court of which he is a former judge along with other former judges.
  - 2. Attend ceremony for the picture at which mayor will speak.
  - 3. Attend reception after picture hanging to which mayor or other counsel members may be invited.
  - 4. When new judges are sworn in in the court in which the municipal court judge now sits, the mayor may be invited to speak. (See also, Guideline X.)
- 1-00 Superior Court judge may swear in the officers for the Coalition of 100 Black Women, Inc. The coalition is a non-profit, non-political organization whose purpose is to improve the quality of life for the community, serve as a vehicle to mentor high schools students, hold annual health forum to educate about medical concerns unique to the community, and other informational seminars and forums.
- 6-00 Superior Court judge may co-host a law school alumni reception which is an informational get-together on recent developments at the law school and is not a fundraiser.
- 7-00 Superior Court judge as a private home owner may appear at a Planning Board hearing as a witness to a drainage problem against a proposed major subdivision within 200 feet of his property.
- 3-01 Superior Court judge may not accept a check from the county Bar Association in her honor which would go toward the cost of her swearing-in reception. Code of Judicial Conduct, Canon 5.D.(4).

- 5-01 Superior Court judge may serve on the Board of Our Children's Foundation of New Jersey, Inc. This opinion is limited to its specific facts that the effort is an outgrowth of the Minority Concerns Committee.
- 10-01 Superior Court judge may not use a courtroom to conduct an observance of the National Day of Prayer. Judges may, of course, in their private capacity, freely engage in the exercise of their religions. However, the judge in the courtroom is not acting in a private capacity and would therefore create the impression in the public mind that the Judiciary was not impartial with respect to issues involving religion that come before the court. If the National Day of Prayer observance were conducted outside the courthouse, on the steps or on the sidewalk, the judge would still be within the sphere of the courtroom and appearing to act in his official capacity.
- 12-01 Superior Court judge may not attend a graduation party given by the families of three graduating high school seniors, including his daughter, at the home of one of the other seniors, if a man who recently pled guilty to insurance fraud in the county will also be in attendance. Code of Judicial Conduct, Canons 1 & 2.
- 14-01 Superior Court judge should not host the monthly county Bar Association meeting at his shore home. Lawyers could feel compelled to attend for fear of offending the judge.
- 36-01 Judges are permitted to complete a questionnaire for the American Bench to update information on it. However, they are not under any obligation to do so. They should not complete the part which asks for A Personal Statement or Quote" or "share a favorite quotation or a philosophy; give advice to attorneys who practice in your courtroom." Completing that section could create a perception that the judge has a predisposition regarding a particular area.
- 4-02 Superior Court judge, newly confirmed, may not accept a retirement gift from his law firm in the form of a trip with a value of approximately \$5,000. He may only accept the gift if he takes the trip before confirmation.
- 25-02 (1) Superior Court judges may not address members of the bar in the county's civil presiding judge's courtroom during the first civil calendar call and urge the bar members to participate in the Trial Lawyers Care Program (TLC), which provides pro bono legal assistance to the victims and families of the September 11, 2001 terrorist bombings.
- (2) Judges may not prepare a letter for the presiding judge to read to the bar members sitting in the judge's courtroom during the first civil calendar call to urge the bar members to participate in the TLC program. The presiding judge may not urge the members of the bar sitting in his courtroom during the first civil calendar call to participate in the program. The judges assisting this program could be construed as expressing a preference for a specific charity and it is impermissible for judges to use the courtroom for that purpose.
- 26-03 A Superior Court judge may not write letters to prospective students on behalf of the Georgian Court College, extolling the virtues of education at the college and how it prepared her for challenges faced as a lawyer, legislator and judge. The letter would be akin to an endorsement letter for the college.
- 31-03 A part-time municipal court judge may continue to represent the Police and Firemen's Federal Credit Union on the condition that he recuses himself if a Credit Union member appears before him, and from any matter involving the Credit Union. The judge may provide general legal advice and prepare mortgage documents for Credit Union members obtaining a home equity loan. However, he may not play a role in the loan application or approval

process, nor may he have any discussions or communications with Credit Union members regarding their loans or loan documents. Inquiries by mortgagors / Credit Union members are referred to the Credit Union. The judge is paid by the Credit Union.

- 44-03 A Superior Court judge may not purchase Tax Sale Certificates (Certificates) in the vicinage where he sits or in any other vicinage. Members of the judge's immediate family may not purchase Tax Sale Certificates in the vicinage where the judge sits; however, they may purchase such Certificates in a different vicinage. The judge may not participate in the related processes that may ensue from the purchase of Certificates by his immediate family members. The judge's involvement in such matters in any vicinage and his family members' involvement in the vicinage where he sits could create the impression that the purchase of the Certificates was influenced by his judicial status. Additionally, the judge and/or his family members could become involved in litigation ensuing from the purchase of Certificates.
- 16-04 A municipal court judge may not act as a hearing officer in police department disciplinary actions brought against police officers. The judge does not sit in the municipality and is not cross-assigned to it. However, acting as a hearing officer in these cases could create the appearance of bias or partiality.
- 20-04 A Superior Court judge may (1) appear as an objector before the township Board of Adjustment, (2) testify at the township Board of Adjustment hearing, and (3) contribute to another objector's expenses for the costs of experts, subject to the following conditions: he is not identified or referred to as judge, no reference is made to his judicial status, and he only performs these activities as a private citizen and neighbor. The judge lives very close to the property that is involved in the use variance application that will be addressed at the hearing.
- 2-05 Judges may not complete a New Jersey Law Journal survey which will be conducted by Readex Research to enable the Law Journal to learn more about its readers' work and interests. Respondents to the survey must identify their job titles or positions, including judgeships. The judges may not keep or donate to Legal Services Corp. the dollar bill provided with the survey (they must return it to the Law Journal), and their names may not be entered into an accompanying prize drawing.
- 10-05 Superior Court judges may not accept the waiver of an initiation fee or a reduced annual dues structure offered by a private country club. The initiation fee waiver and the special dues structure would be available to full-time state and federal judges, state legislators and the Governor. Local attorneys are club members, some of whom participate in the club's management. Some of these attorneys litigate in the vicinage and may appear before the judges.
- 14-05 A municipal court judge may not also hold the position of contract attorney for the same municipality. She may, however, continue to sit in a different municipality in the same vicinage. The judge does not serve as a hearing officer in any administrative proceedings against police officers in either municipality. In her judicial capacity, she does not hear cases against police officers; these cases are assigned to a conflicts judge.

### **III. LAW-RELATED ACTIVITIES**

- A. Lecturing, Speaking, Teaching, Appearances as Panel Member, etc; Attendance at or Other Participation in Events, Including Television and Radio Programs.**

1. Because their position and experience enables judges to contribute positively to the improvement of the law, the legal system and the administration of justice, on appropriate occasions and before appropriate audiences, and subject to the general guidelines, judges are encouraged to accept invitations to speak, lecture, appear as a panel member or moderator of a panel discussion on topics related to the law, or preside over a mock trial. Additionally, on appropriate occasions and before appropriate audiences, and subject to the general guidelines, judges, including full- and part-time municipal court judges, may otherwise participate in or attend law related events; provided, however, that participation in television or radio programs is subject to the restrictions contained in subparagraph 6.
2. In determining whether engaging in any of the foregoing activities might be improper or create the appearance of impropriety, a judge should ascertain and carefully consider:
  - a. the nature of the sponsoring organization, including whatever interest it may represent, and whether participation may tend to identify the judge with the aim or purpose of the organization;
  - b. the nature of the audience;
  - c. the purpose of the occasion (if fundraising is involved see Guideline V);
  - d. the charge, if any, for admission.
3. To avoid any impropriety or appearance of impropriety or perception of partiality:
  - a. A judge shall not engage in any of the foregoing activities, or participate in television or radio programs (subject to the restrictions contained in subparagraph 6), if the activity is political in nature or if it is likely that:
    - (1) the sponsoring organization may be expected to appear in court;
    - (2) persons may be seeking to use the prestige of the judicial office to advance the private interests of themselves or others;
    - (3) the judge's presence at the occasion might convey or permit others to convey the impression that the sponsor or anyone else present is in a special position to influence the judge;
    - (4) the judge would be educating or perceived to be educating a special interest audience to the disadvantage of any other group;
    - (5) the judge might be perceived as advocating or being identified with a particular position on a political or controversial issue.
  - b. Additionally, with respect to a limited membership association of lawyers as defined in Guideline III.E.3, judges shall not engage in any of the foregoing activities unless:
    - (1) the association's membership, though limited to a type of practice, is all-inclusive; e.g., American Academy of Matrimonial Lawyers; or is based upon gender, race, or national or ethnic origin;
    - (2) in all other cases, the event is open to non-members and is non-partisan and non-political, and will not involve the judge in controversial issues or expose the judge to the perception of bias or partiality.

- c. Judges shall not participate in professional seminars or other events sponsored by a profit-making entity unless the event is a public service and the sponsoring organization is closely related to the legal profession, and any fee or other charge for attendance is merely to defray the cost of the event.
4. In lecturing, speaking and other appearances, including participation in television or radio programs, if permitted by subparagraph 6, a judge may:
  - a. discuss or analyze existing law, its history, and trends but without implication that the judge favors or disfavors the trend;
  - b. describe the workings of the judicial system or a particular court;
  - c. discuss the role of a judge;
  - d. inform the audience generally concerning the proofs necessary to make or defend a case in particular areas of litigation.
5. To preserve the independence and prestige which are indispensable assets in the performance of judicial duty; to preserve respect for and confidence in the judicial office, and to dispel any doubt respecting a judge's capacity to decide impartially any issue pending or likely to come before the judge, a judge, in speaking, lecturing or otherwise, including participation in television or radio programs, if permitted by subparagraph 6, shall not:
  - a. comment on cases or proceedings pending in any court except to explain what the issues are;
  - b. express an opinion on any pending legislative reform, except as set forth in Guideline III.D.1;
  - c. discuss the judge's approach toward the resolution of legal issues;
  - d. clarify, defend or justify any of the judge's decisions or opinions, or reasoning therein, even in the absence of an appeal;
  - e. discuss a legal topic from the point of view of any special interest group.
6. Participation by judges, including full- or part-time municipal court judges, in commercial or non-commercial television and radio programs, is subject to the general guidelines; the relevant portions of subparagraphs 1 to 5, inclusive; and the guidelines set forth below. In the determination of circumstances when such participation would be appropriate, the Supreme Court has emphasized that exceptional caution and discretion are essential. (See In re Broadbelt, 146 NJ 501 (1996)). This admonition is especially pertinent to television and radio programs that have the potential of reaching a large number of viewers or listeners.
  - a. In considering whether to participate in television or radio programs, or, in accepting an invitation to participate, a judge, in addition to the guidelines below, shall abide by the relevant provisions of subparagraphs 3.a. and 5.
  - b. If a judge accepts an invitation to participate in a television or radio program, whether commercial or non-commercial, involving a case pending in any court, the judge's comment shall be limited to and not go beyond an explanation of what the issue or issues are. In all other appearances, a judge, depending on the subject-matter, may discuss or explain topics such as, for example, are listed in

subparagraph 4; or by way of further illustration, the role of municipal court judges in the Judiciary or the advantages or disadvantages of televising court proceedings.

- c. Before accepting an invitation to participate in a television or radio program, a judge shall consult with:
- (1) In the case of trial divisions and parts thereof, including temporarily assigned Tax Court judges and also full- and part-time municipal court judges, the Assignment Judge of the vicinage;
  - (2) In the case of judges of the Tax Court, the Presiding Judge of that court;
  - (3) In the case of judges of the Appellate Division, including those temporarily assigned, the Presiding Judge for Administration;
  - (4) In the case of Assignment Judges, the Presiding Judge of the Tax Court, and the Presiding Judge for Administration of the Appellate Division, the Chief Justice of the Supreme Court or such Associate Justice as may be designated for that purpose;
  - (5) In the case of any Justice of the Supreme Court, pursuant to such procedure as that court may establish.
  - (6) In the case of the Acting Administrative Director of the courts who is also a judge, the Chief Justice of the Supreme Court.
- d. Assignment Judges and others charged with responsibility for consulting with judges on the propriety of media appearances are encouraged to request the advice of the Advisory Committee on Extrajudicial Activities.

#### OPINIONS: IIIA

#### **(LECTURING, SPEAKING, APPEARANCE AS PANEL MEMBER, OR OTHER ATTENDANCE AT OR PARTICIPATION IN LAW-RELATED EVENTS)**

#### **LECTURING, SPEAKING, TEACHING, APPEARANCE AS PANEL MEMBER**

- 2-88 A judge may not participate in a law school seminar on post-conviction issues in death penalty cases. The subject matter of the seminar was a capital case over which the judge had recently presided. The case in question was then before the Supreme Court on direct appeal. While assured by the judge that any remarks would be within the limitations set out in the canons and guidelines, the committee was of the opinion that the give and take in this type of seminar might expose the judge to the hazard of clarifying, defending or justifying rulings made at the trial, or commenting on the issues. Moreover, the judge's participation might be viewed as educating a special interest group to the disadvantage of any other group because students who wished to do so could submit their work product to the public defender or prosecutors.
- 3-88 An Appellate Division judge may not participate in a bar association symposium the principal subject of which was to be a case then pending before the Supreme Court in which the judge had delivered the opinion of the court. The committee was of the opinion that the judge would be exposed to the hazard of clarifying, defending or justifying the opinion. The opinion should rest on its own footing without further elaboration.
- 5-88 A judge may not participate at a symposium sponsored and attended only by Public Defenders.

- 10-88 Tax Court judges may address organizations of appraisers. Appraisers are retained as expert witnesses. They testify for either a municipality or a taxpayer from case to case, and the information they impart is beneficial to both sides.
- 11-88 Tax Court judges may not address organizations of tax assessors. While technically not parties to tax cases, assessors are part of the executive branch and their assessments are subject to judicial review. Appearances by Tax Court judges would be of assistance to one side of litigation and thus create a perception of partiality.
- 1-89 (1) A judge may not accept a luncheon speaking invitation extended by a law firm. It appears that the primary purpose of the informal gathering would be to have the judge discuss the work of the Appellate Division and the nuances of appellate practice with the younger associates. The judge's participation might be perceived as educating one group of lawyers to the potential disadvantage of another. Speaking or lecturing to young associates of law firms should more appropriately be done in a seminar held, for example, under the auspices of a county bar association.
- (2) A judge may not speak at nor be a panelist for a legal education program on family law sponsored by a profit-making enterprise in the legal education business.
- 2-89 A judge may swear in the officers of the New Jersey Legal Assistants Association and deliver the keynote speech.
- 4-89 A municipal court judge may speak at a public Veterans' Day ceremony hosted by the Veterans of Foreign Wars, although the roster of speakers also would include the mayor. The judge would confine his speech to comments on the patriotic nature of the day.
- 11-89 A judge may not speak at a conference on juvenile auto theft sponsored by a municipal police department because such involvement with a law enforcement group would tend to impair the judge's appearance of impartiality.
- 12-89 A municipal court judge may participate in the New Jersey State Bar Association's Speakers Bureau to speak on drunk driving laws or other municipal court matters. The judge should, as to each specific engagement, seek advice if there is any question of suitability of the audience.
- 13-89 Tax Court judges may participate in and serve as instructors for 2-3 day educational programs held for county tax commissioners and administrators, if the instruction is limited to the commissioners' quasi-judicial function, and the judges' participation is limited to a review of Tax Court opinions.
- 22-89 A judge may speak at an open meeting of the Organization for Marriage and Family Therapy to describe court procedures in domestic violence matters.
- 23-89 A judge may not serve as panelist in public hearings on domestic violence sponsored by a county commission on women where the open format might require the judge to comment or refuse to comment on issues, and prove embarrassing or damaging to the dignity of the Judiciary.
- 24-89 A judge may participate as moderator of a program at the League of Municipalities Convention on the question of the obligation of a municipality to provide services to private communities such as condominiums and cooperatives.
- 8-90 A judge may speak at the annual meeting of ASPIRA (an organization devoted to raising the educational aspirations of Hispanic youth) concerning the judge's involvement as a youth in the organization. The committee advised that the presence of the mayor did not make this a political event.

- 19-90 A judge may not serve on the judicial advisory board of, nor on the faculty for, a training project titled "Victim Rights and the Judiciary."
- 32-90 A judge may lead a class on land use which is part of a program leading to a Diplomat in New Jersey Municipal Law offered jointly by the Institute of Municipal Attorneys, Rutgers University and the ICLE. The judge may discuss cases in which the judge sat subject to the limitations enumerated in the Guidelines.
- 47-90 A judge may speak at the annual conference of the NJ Chapter of the American Correctional Association (ACA) on the operation and impact of the new juvenile code. The ACA has broad membership related to all aspects of corrections. It is not engaged in political activity or lobbying.
- 51-90 A judge may appear as keynote speaker for Rutgers University Carr Scholarship awards reception.
- 57-90 A judge may speak on "linkage fees" at the League of Municipalities convention at the invitation of the NJ Federation of Planning Officials.
- 76-90 A judge may participate in a continuing education program of a chapter of the New Jersey Society of Certified Public Accountants and discuss procedure and relevant substantive law. The judge should not coach the accountants with respect to court appearances.
- 4-91 A judge may deliver the lecture on civil practice and procedure to Deputies Attorney General that the judge often gives through the ICLE so long as it is offered also to Public Defenders.
- 20-91 A judge may participate as panelist in the American Judicature Society's "Sidebar" program open to all law firm summer interns.
- 33-91 A judge may serve as consultant for a public radio series, "Right to Know," that examines First Amendment and other Constitutional issues for Intercollegiate Broadcasting system, a non-profit consortium. The judge should avoid comment on pending cases and not permit use of name for fundraising or commercial purposes.
- 35-91 A judge may not be interviewed for videotape being produced for U.S. Office of Hazardous Materials Transportation on hazardous waste issues. One interview topic would be the impact of judges on hazardous materials law. The program may be perceived as an effort to influence actions of judges and lawyers. It encourages litigation and might compromise the judge's appearance of impartiality.
- 43-91 A judge may not participate in a discussion of domestic violence on the TV program CAUCUS-NJ.
- 60-91 Judges may participate in training session for assistant prosecutors and DAGs on unethical conduct in summations, if the program is offered also to public defenders.
- 14-92 A judge may, subject to conditions, participate as a panelist in a public "Round Table on Child Abuse" sponsored by two assemblymen, one of whom is chair of the Judiciary/Law and Public Safety Committees.
- 15-92 A judge may participate on panel WOMEN AS POLITICAL ACTIVISTS sponsored by YMCA. Despite the title, the substance was the personal experiences of women entering public life, and not politics per se.
- 28-92 A judge may participate on a panel conducted in New Jersey State Prison concerning Drug Crisis in the U.S. sponsored by New Jersey State Prison and National Issues Forum Program.

- 52-92 Judge may participate in medical jurisprudence course for 3rd year students at UMDNJ/School of Osteopathic Medicine on panel which will cover issues of 1. competence and incompetence; 2. involuntary commitment; 3. case discussions of dilemmas of various sorts.
- 56-92 A municipal court judge may give short speech on human rights at Jersey City Human Rights Commission Awards Day Celebration. A teacher will be honored who makes human rights a part of the curriculum.
- 59-92 Judge may attend and speak at county bar Family Law Committee's presentation on "Counsel Fees: How to Collect Them". Talk would cover counsel fee applications from the judicial point of view, balancing test under the statutes and recent cases. Because the program will include attorneys to speak on collecting fees, moderator must be asked to announce that it is a two-part program and that the judge will not participate in the second part. After speaking the judge shall leave.
- 3-93 Judge, a former Commissioner of Corrections, may not be keynote speaker at a symposium of the Council of State Government and the American Probation and Parole Association for legislators, judicial personnel and corrections administrators on effective community-based correctional programming.
- 7-93 Judge may not speak at symposium on "Carjacking, Car Theft: Legislative, Judicial, Executive, Law Enforcement and Community Response" sponsored by the by Seton Hall Science and Technology Law Society.
- 10-93 Judge may not speak at a public seminar on the divorce process focusing on women going through a divorce presented by Divorce Reform Task Force of NJ-NOW and sponsored by a law firm.
- 21-93 A judge may sit on a panel at the ATLA Boardwalk Seminar on "How the media impacts potential jurors." Panelists will discuss the effects if any the media has on jurors; what a high profile case means to the attorneys and the clients; what the judge must do to safeguard the rights of all.
- 26-93 Judge may not be keynote speaker at Northern Region Conference for Foster Parents/DYFS/CASA/CPR Boards. Topic suggested includes judiciary's approach to issues affecting children in placement. Foster parents have an interest in cases of termination of parental rights although they are not parties.
- 37-93 Judge may not appear on segment of the TV program "20/20" regarding a case where he gave the minimum sentence to a daughter in the mercy killing of her mother.
- 44-93 Judge may not write an article for the New Jersey Law Journal Op/Ed page on "Jury Voir Dire". This is a policy issue on which the Supreme Court has spoken.
- 50-93 Judge may participate in a Domestic Violence workshop at Child Support Conference in Atlantic City sponsored by NJ Child Support Council (Council). Workshop provides child support workers with training in how domestic violence bears on child support matters. Council membership is open to individuals and organizations furthering the cause of child support and child support money collections. It chiefly consists of employees of the courts and AOC. Child support workers from Probation, Welfare, Family Court, AOC attend, as do advocacy groups, e.g., fathers' rights groups.
- 52-93 Judge may speak at dinner sponsored by the Jean Robertson Women Lawyers Scholarship Foundation which provides scholarships for deserving female law students attending law school in New Jersey; and judge may be honored at the dinner as a founder, for service to the organization, and for her accomplishments and contributions to the legal profession.

Dinner is to honor outstanding member of bar and to present annual scholarship award. The event is not a fundraiser.

- 62-93 Assignment Judge may be keynote speaker for the Annual Institute of the Volunteers in Courts and Corrections. The members of this organization are coordinators of judiciary volunteers in the Judiciary and coordinators of volunteers in Corrections. The organization provides training, principally at the annual institute, and gives awards to volunteers.
- 63-93 Judge may not be a panelist in workshop entitled "Politics, Legislation and Sentencing: Where are We Going?" at a symposium on Hispanics and Corrections, sponsored by the Office of Hispanic Services, NJ Department of Corrections. Panelists were asked to consider the theme elements: "1. The long-term incarceration: 10 years of possible productive life maintained in a state of dependency on the state deprived of self determination and with stunted emotional growth. 2. Of Hispanics and other minorities: The cultural differences that when not taken into consideration, deprive the inmate from taking advantage and participating in treatment programs. 3. Does it affect me? The impact that society has in the criminal justice system and the price it pays: a) the view of the criminal, b) the establishment of the method of punishment, c) the creation of the revolving door of recidivism and d) the creation of a generation of dysfunctional adults; the children of the incarcerated. Are minorities becoming a majority? What alternatives do we have as a society?"
- 67-93 Assignment Judge may participate in seminar on gender problems encountered by women litigators at ATLA Boardwalk Seminar.
- 72-93 Judge may participate in Second Annual Community Education and Prevention Program sponsored by Boys and Girls Club of Monmouth County and be the keynote speaker.
- 12-94 Judge may not be a presenter at 3rd Symposium for the Delaware Valley, VOICE OF REASON a "Summit on Crime and Violence," nor on the Steering Committee, nor in charge of identifying appropriate people from New Jersey to attend. Attorney General Janet Reno will be keynote speaker. At the conclusion of the symposium a facilitator will prepare a paper to be delivered by a United States Senator to the President on new approaches and solutions. The VOICE OF REASON is an unincorporated association of a lawyer and a physician propounding "Proposals for Reasonable Hand Gun Control."
- 13-94 Judge may not meet with the insurance claims managers who routinely appear in the vicinage to speak about utilizing the binding arbitration program. The judge could properly speak on this subject to the civil bar at a meeting open to claims managers of insurance carriers.
- 19-94 Judge may join in a panel discussion on "African-Americans in the Judiciary" sponsored by Black Law Students Association of Seton Hall University.
- 23-94 Judge may not be principal speaker or master of ceremonies at annual dinner of NJ Federation of Planning Officials to honor its outgoing counsel.
- 25-94 Judge may not participate in National Organization for Women of New Jersey and Englewood Hospital and Medical Center joint conference entitled STOP THE VIOLENCE and be on panel.
- 29-94 Municipal court judge may not do sensitivity training for a Dept. of Interior Park Service unit to educate the Park Rangers concerning their interactions with the Gay and Lesbian community.
- 30-94 Judge may serve on panel on juvenile violence at a public Conference on Crime organized by a Congressman, if the panel is balanced and the judge speaks only on how the Juvenile

Part functions.

- 38-94 Municipal court presiding judge may not attend Police Department annual retirement dinner and be guest speaker. This dinner honors the year's retirees. It is not an open event.
- 42-94 Judge may not address the organization GRANDPARENTS COUNT, a group to help grandparents fighting visitation battles. Judge is asked to explain what criteria are used to grant grandparents visitation.
- 43-94 Judge may not be interviewed for FOR A CHANGE magazine on his views on a judge's "professional moral role in dealing with those who have broken the law and to assist them should they desire to embark upon a different path."
- 45-94 Judge may accept an invitation to participate in a panel discussion at the NJ Corporate Counsel Association's Annual Dinner. Topic of panel discussion is "Ethics Issues for In-house Counsel."
- 46-94 Judges may participate in a two-day Family Law Forum sponsored by NJ Institute for Continuing Legal Education and cosponsored by American Academy of Matrimonial Lawyers.
- 47-94 Tax Court Judge, sitting in the Family Part, may participate in round table discussion on domestic violence hosted by a municipality.
- 50-94 Assignment Judge, who chairs the county Youth Services Commission, may attend and provide conference welcome at County Juvenile Officers' Association's Juvenile Justice Conference on Youth in the Year 2000. The Juvenile Officers' Association is an association of police officers who work on juvenile matters. Those in attendance will be police officers, prosecutor's office staff, social service agency personnel, school personnel, members of service organizations that work with youth and other interested parties. Governor Whitman was asked to be keynote speaker.
- 54-94 Municipal court judge may not give a presentation at the New Jersey Coalition Against Impaired Driving conference regarding "prevention and beyond."
- 64-94 Judge may participate in a forum on "Branches of Government, Separation of Powers; Checks and Balances" at a local school along with County Executive and Freeholder.
- 69-94 Judge may be speaker at a panel discussion with mayor, deputy mayor, and freeholder on "Minorities in Government Service" sponsored by the Hispanic Education Committee of the Latin American Student Organization at Rutgers University to discuss importance of minorities in government service and how they individually got started in their careers. All the discussants are of Hispanic heritage.
- 70-94 Judge of the Tax Court may appear on a national panel of state tax judges to offer a critique and evaluation of a videotaped presentation of a property tax trial, attended by members of the International Association of Assessing Officers (IAAO), attorneys and appraisers representing both taxpayers and taxing authorities. The event is sponsored by the IAAO.
- 75-94 Superior Court judge may attend and share observations at symposium "Children at Risk: Ensuring Their Protection by Law, Their Nurturance by Families" sponsored by The Children's Home Society of NJ, but may not speak on policy issues.
- 13-95 Municipal court judge may not appear on Court TV and Geraldo Live as a commentator on the O.J. Simpson trial.
- 24-95 Assignment Judge may not participate as a panel member in a 2-part program on the jury system to be taped at Cablevision. Cablevision is a commercial provider of cable television

programming. The panelists will discuss the concept of unanimous decisions, the selection of alternate jurors, sequestration, mis-trials, hung juries, etc. The O. J. Simpson trial prompts interest in these issues and inevitably will come up in the discussion.

- 31-95 Tax Court judge may participate in a program at the annual education conference of the NJ Association of County Tax Board Commissioners and County Tax Administrators. The judges will speak on Tax Court policy and procedures and will review recent Tax Court opinions and Appellate opinions dealing with local property taxation. The program will be open to all interested persons, this will include tax assessors, attorneys representing both taxpayers and tax authorities, and appraisers who may testify at Tax Court hearings on behalf of either taxpayers or taxing authorities.
- 35-95 Superior Court judge may participate as moderator for a multi-disciplinary panel discussion "When a client discloses an unknown sexual offense: legal and ethical issues" given by NJ Network for the Treatment of Sexual Offenders. The Network is a professional organization of clinicians, probation officers, prosecutors, prison staff and others who work with adult and juvenile sexual offenders.
- 36-95
1. Superior Court judge may lecture at the Family Law Forum co-sponsored by the American Association of Matrimonial Lawyers - NJ and ICLE.
  2. The judge may lecture/moderate at seminar at ATLA-NJ on Battered Women. The program is open to all attorneys and will be advertised in the bar journals.
- 39-95 Superior Court judge may not participate in a County Bar Association cable telephone program "Legalities" along with three local attorneys. The format will be question and answer segments regarding the law.
- 55-95 Superior Court judge may not lecture to a local police department on the requirements of the law concerning strip searches and body cavity searches. The fact that under a settlement agreement between the ACLU and the town both sides designate the judge as their choice to deliver the lectures does not overcome the prohibition on judges participating in the training of law enforcement officers.
- 3-96 Superior Court judge may coach a mock trial team.
- 6-96 Superior Court judge may participate as a panelist at an ABA conference in California on settlement of insurance coverage disputes using the New Jersey FRTB litigation as the model, and have his expenses paid by the ABA.
- 8-96 Superior Court judge may not sit on the Advisory Committee of the Statewide Moratorium on Family Violence. The role of the Advisory Committee is to promote the moratorium, enlist participation in it, help obtain financial and in-kind resources and personally pledge to help stop family violence. The moratorium is a one day event spearheaded by a private individual with a number of private and governmental entities participating.
- 19-96 Superior Court judge may accept an invitation to participate as a panelist with two other judges on the topic "How Lawyers Could Improve Their Performance in Criminal Trials" at the New Jersey Prosecutors Association's convention in Atlantic City. This event is open to the public without charge and will be advertised in the New Jersey Lawyer and with the Association of Criminal Defense Lawyers.
- 23-96 Under the auspices of a county bar association a broad spectrum of organizations is sponsoring an education and training program to promote pro bono legal services to indigent persons affected by AIDS and HIV disease.

Issue 1: A judge may participate on a panel on the rights and obligations of landlords and tenants.

Issue 2: A judge may present the Judiciary's AIDS policy.

- 29-96 Tax Court judge may participate on a panel at the New Jersey State League of Municipalities convention concerning an overview of the tax appeal process and review of current court decisions. The session is jointly sponsored by the Tax Assessors' Association and the NJ Institute of Municipal Attorneys. The convention is open to anyone who wishes to attend, and anyone registered can attend the panel discussion.
- 30-96 Superior Court judge, a former prosecutor and Adjunct Professor of Criminal Law at Seton Hall Law School, may participate in a roundtable panel discussion entitled "IS MIRANDA ENOUGH: THE NEED FOR VIDEOTAPED CONFESSIONS," sponsored by the Criminal Law Society of Seton Hall Law School. He will avoid expressing an opinion on current law, pending matters and pending legislation.
- 31-96 Superior Court judges may participate in a continuing legal education seminar, sponsored by the Association of Criminal Defense Lawyers of NJ, that will focus on state and federal court sentencing issues and practices. The seminar is open to state and federal prosecutors, public defenders and the private bar.
- 17-97 Superior Court judge may address the graduates of the Stabilization and Re-integration Program, a "boot camp" program run by the Juvenile Justice Commission. Judges throughout the state have sent the children in the program to it.
- 18-97 Superior Court judge may speak to the freshman and junior classes of a private school as part of an all day program to celebrate Earth Day. There will be panels, programs, and work groups examining environmental issues. The judge will speak on three problems that confronted her as DEP Commissioner and were resolved successfully.
- 24-97 A Superior Court judge may not participate in "Meet the Chiefs" night hosted by the Municipal Alliance and ParenTEEN of Wyckoff. The purpose of the event is to discuss drug and alcohol abuse among teenagers and explore means of prevention. The judge would participate in panel discussions with Police Chiefs from other municipalities; DARE/Juvenile Officers; Municipal Alliance Chairmen, and a FLOW area Township Prosecutor.
- 30-97 A Superior Court judge may participate in a panel-workshop, sponsored by New Jersey Community Focus, on professional careers in the justice system.
- 32-97 A Superior Court judge may participate in a panel discussion for the Greater Paterson Chamber of Commerce "Leadership Paterson 1997 Crime and Justice Seminar" at the Courthouse. The panel will discuss the criminal justice system in all of its aspects.
- 34-97 A Superior Court judge may participate in a criminal justice seminar to discuss critical issues of the criminal justice system and the challenges judges face sponsored by Leadership New Jersey. Approval is conditioned on judge confining comments to the matters permissible under Guideline IIIA4.
- 45-97 Superior Court judge may participate as a panelist at a joint function of the New Jersey Women Lawyers Association and the New Jersey Women's Press Association. The program is entitled "Right to Know vs. Right to Privacy: Who Wins?" Approval turned on the judge's limiting her remarks to the subject of the guidelines on cameras in the court.
- 8-98 Superior Court judge assigned to the Family Part may speak to members of the Bergen County Police Chief's Juvenile Group on how the Juvenile Court System works.

- 15-98 Superior Court judge may not participate in a workshop series on "Juvenile Problems: Assessing the System" sponsored by the Healthcare Committee of the Bergen Community Resource Council, and open to the public. There will be a question and answer period. A judge should not take part in a question and answer period in this context, nor be in the position of having to assess the juvenile justice system. (See Op. 25-98)
- 18-98 The Superior Court judge designated to hear all toxic tort cases may speak at the Association of Trial Lawyers of America's Annual Convention on a panel titled "Ethics in Mass Tort Settlements" sponsored by the Section on Toxic Environmental Pharmaceutical Litigation. The judge will stress ethical considerations in this growing field of law.
- 22-98 Superior Court judge may not be a speaker at a domestic violence working group meeting organized by the State Police under a federal grant.
- 25-98 Superior Court judge may not speak at a seminar sponsored by the Bergen Community Resource Council on the subject of the Juvenile Justice System. The Community Resource Council is a community based nonprofit organization, which serves as a clearing house for resources for members of the community. The Community Resource Council provides health and human service assistance to anyone living or working in Bergen County through their information and referral service. (See Op. 15-98)
- 26-98 Superior Court judge may not participate in a roundtable discussion on school violence at the invitation of the Mayor of the Township. The subject is beyond judicial expertise and remedial measures are beyond the judicial function.
- 32-98 Superior Court judge may not participate in a panel discussion before the National Association of Corporate Counsel on communication with current and former corporate employees because the organization's membership is one-sided and the judge would be perceived to be educating a special interest audience to the disadvantage of any other group.
- 5-99 Superior Court judge may not accept an invitation from the Provost of Rutgers University, Newark, the US Attorney and the Newark Director of Police to attend a luncheon meeting on reducing youth violence. The organizers propose the creation of an interagency task force involving law enforcement, criminal justice, other governmental agencies and private sector interests. This activity is beyond the scope of the judicial function and creates an appearance of impropriety.
- 11-99 Appellate Division judge may not attend or speak at the Public Interest Law Center of New Jersey's First Annual Dinner honoring Stanley Van Ness. The Public Interest Law Center is comparable to a law firm. The PILC should be advised not to invite judges next year.
- 18-99 Assignment Judge who is the Megan's law coordinator for the Judiciary may participate as a panelist in a program on the implementation of Megan's law with respect to juvenile sex offenders sponsored by NJ Division of Youth and Family Services - Southern Regional Office. The participants invited to this forum represent all the various agencies and disciplines that affect or are affected by the application of this law, including judges. The judge is the appropriate representative to explain the role of the courts. He should observe the limitations of Guidelines IIIA4 and 5 in his remarks and should not answer questions except on the role of the judge.
- 19-99 Assignment Judge may be the guest speaker at a conference entitled "Women and Leadership: Our Past, Our Challenge, Our Future" sponsored by the Human Resource Development Institute, Department of Personnel, State of NJ. The theme of the conference will be "how women are uniquely positioned to emerge and thrive in the 21st century."

Participation in this Executive Branch program will not impair the appearance of independence of the Judiciary.

- 21-99 Superior Court judge designated to hear all toxic tort cases in the State may participate as a panelist in the American Bar Association's Third National Institute on Class Actions. All interested parties are represented at this event. The judge's participation would benefit the legal system, and afford an opportunity to enlarge the judge's perspective and the perspectives of the other participants.
- 26-99 Family Part Presiding judge may not participate in the New Jersey Regional Community Policing Institute's Domestic Violence Conference to "develop ways in which law enforcement, the judiciary, service providers and advocacy community can integrate community policing principles with domestic violence prevention efforts." The Institute, which operates under the direction of the U.S. Department of Justice, teaches community policing broadly to all affected groups. The conference will produce a white paper for broad distribution and possibly recommend legislative change. This event is too closely associated with law enforcement and efforts for legislative change. Participation would tend to impair the appearance of impartiality.
- 31-99 Superior Court judge may not participate as a panelist in a New Jersey Network TV call-in program on the issue of domestic violence in New Jersey. The panelists will include several domestic violence specialists and advocates. A one-hour call-in program will follow a one-hour discussion among the panelists. The subjects will include New Jersey laws, the impact of domestic violence on children, battered immigrants, coordinated community response and batterer accountability. The format of the program and the composition of the panel compels the conclusion that the judge should not participate.
- 32-99 Superior Court judge may participate in a roundtable discussion in conjunction with the 24th Annual Training Institute of the American Probation and Parole Association on the subject of the Juvenile Interstate Compact. The intent of the program is educational. The audience will be composed of interstate compact administrators, probation and parole administrators and officers, and representatives of victim advocacy and community groups and policy makers. The judge is expected to give briefly his views on the operation of the interstate compact and how it can be improved, based on his experience. There will be both prepared questions and open questions from the audience. This is a balanced professional education program appropriate for a judge's participation.
- 36-99 Retired appellate judge, serving on recall, may submit remarks for inclusion in a brochure to celebrate the Office of Administrative Law's 20th Anniversary. The judge's remarks should be confined to an historical perspective on the establishment of the OAL.
- 38-99 Acting Administrator Director may be the keynote speaker at the Trial Attorneys of New Jersey's 32nd Annual Trial Bar Awards Banquet at which a special Golden Award will be presented to retired Associate Justice Stewart Pollock. TANJ is a general membership association of lawyers.
- 40-99 Superior Court judge may teach on the subject of Constitutional Criminal Procedure to the Secret Service of the U.S. Department of Treasury in Washington D.C. Because of the physical and jurisdictional remoteness of the Secret Service and the broad nature of the topic, this activity does not violate Guideline IIIA3.
- 41-99 Superior Court judge may speak on the role of mental health assessments in the process of juvenile dispositions at a professional workshop co-sponsored by the National Alliance for the Mentally Ill and the New Jersey Association of Mental Health Agencies, Inc. The judge will confine his remarks to the disposition process, and the importance of early and accurate

mental health assessments to the appropriate disposition of matters in family and criminal courts.

- 43-99 Superior Court judge may be the keynote speaker at "Girl Power 2000 Conference," sponsored by the Teenage Pregnancy Task Force of the Center for Women's Health at Community Medical Center, and affiliate of the Saint Barnabas Health Care System. Many local hospitals, schools and agencies that address the issues of teenage pregnancy are represented on the Task Force. Intermediate students from throughout the county are invited to attend. The judge is invited because she is known to be an excellent role model to women with a commitment to family issues. She is the parental notification judge in the county, but the conference will not touch on parental notification. The Task Force's program focuses on self-esteem, stress reduction, and maintaining focus and confidence. The judge's appearance meets the criteria of Guideline IVA1b: the sponsor is a health care group; the subject is broad and not controversial.
- 52-99 Superior Court judge may not be the keynote speaker at the graduating ceremonies of a county police academy.
- 3-00 A Family Part judge may not attend the dedication of the Domestic Violence Victim and Family Room at a township police department in the county where the judge sits. The program will include an overview of the partnership between the Coalition Against Rape and Abuse and the Domestic Violence Victim Response Team. Although the event could provide the judge with an opportunity to clarify the court's role in this difficult area, the potential benefit does not outweigh any damage to the judge's appearance of impartiality that could result.
- 4-00 Superior Court judges may attend a dinner sponsored by the Justice Society of the Anti-Defamation League at which retired Justice Alan Handler will be honored and a posthumous award honoring the late Chief Justice Wilentz will be presented to his brother on his behalf. Because of the nature of the occasion, attendance will not impair the appearance of impartiality.
- 9-00 Superior Court judge may not participate as a panelist on family law a for-profit business entity. (Guideline IIIA.3.c.)
- 10-00 A Family Part judge may not attend the annual luncheon of the New Jersey Child Assault Prevention (CAP) Project. CAP is a project of the New Jersey Task Force on Abuse and Neglect, which originated as a Governor's commission, and is fully funded by DYFS. It offers educational programs for children in all New Jersey public schools, teaching children to protect themselves, and programs for teachers and staff, and for parents. Attendance could impair the judge's appearance of impartiality.
- 11-00 Superior Court judges may attend a dinner honoring DYFS for its hundred year anniversary.
- 16-00 A municipal court judge may not attend the retirement dinner of Chief of Police in the town where the judge sits. Although the family of the retiring Chief is arranging the event and it is open to the public, a municipal court judge should not attend because the event honors a law enforcement officer.
- 17-00 A Superior Court judge may not administer the oath of office to the incoming President of the Association of Criminal Defense Lawyers of New Jersey because of the appearance of bias such an appearance, with its attendant publicity, could create. This advice reverses the Committee's 1990 advice that a Superior Court judge may attend the annual dinner of the Association to swear in his former partner as President (Op. 68-90) but does not affect its

1993 advice that judges may attend the annual dinner. Although the Association is a partisan bar, the event is open to all lawyers and is advertised widely in legal journals, bar journals and newsletters. (Op. 20-93) (See Provisional Opinion No. 5-06.)

- 19-00 A Superior Court judge, who was a founder of the DARE program in the county, may speak to fifth grade students at a DARE ceremony. This determination is based on the understanding that the DARE program, although conducted by the local police department, is designed to deter drug abuse in the community and to encourage students' self-esteem, and is not prosecutorial in nature. The judge's remarks should be confined, however, to the history of the establishment of the DARE program in the county.
- 26-00 Superior Court judges may not speak at the swearing-in nor attend the reception following the swearing-in of a local prosecutor as an Assistant Attorney General. They may of course attend the swearing-in.
- 30-00 A Superior Court judge may participate in a 5-minute one-on-one interview on the concept of Drug Court on FOX News Channel's "The O'Reilly Factor". In approving this appearance the Committee considered that the subject of the interview and the format of the program with no audience participation and no call-ins brought it clearly within the limits of Guideline III.A.6.
- 9-01 Superior Court judge may not participate in a conference workshop as a panelist on "Resources for Grandparents As Parents" where the judge would be asked to discuss specific questions such as "Can a mother get children back from grandmother?" and "What are the grandparents' rights?". The legal rights of grandparents as parents is an issue of public concern, and also an issue before the courts. Further, the judge would be asked to give legal advice in a context the audience expects an answer, and where the answer could come back to embarrass the judge later.
- 24-01 Superior Court judge may participate in a Mock Trial Training Course at the Treatment Center for the Sexually Dangerous in Bridgewater, Mass. The course is organized by the psychologist who is in charge of the NJ Division of Mental Health Services' evaluations of sexually violent predators. The purpose of the conference is to train Massachusetts forensic psychologists in conducting evaluations involving an actuarial approach, that is, measuring the probability of recidivism by sexual offenders. The judge would only act as a judge at a mock trial in which forensic testimony would be presented by both sides. Only Massachusetts forensic psychologists would attend the conference.
- 25-01 Municipal court judge may participate in a domestic violence presentation at a symposium entitled "Family Violence Through the Life Cycle: Emerging Trends and Explications" sponsored by the Jewish Renaissance, a non-profit organization that assists Jewish immigrants. The symposium will be attended by counselors and other professionals, some of whom specialize in domestic violence. The judge is to restrict the presentation to the role of the municipal court in processing domestic violence cases and the volume of domestic violence cases in municipal courts. The judge would not discuss specific cases.
- 29-01 A Superior Court judge may lecture at the American Academy of Matrimonial Lawyers' Seminar in Atlantic City. However, the judge may not attend the dinner dance (regardless of whether or not the dinner dance is open) following his lecture unless he pays his own way. A judge may accept a free meal or hotel accommodations from the Academy only if his lecture or presentation, because of its timing, necessarily includes the meal or requires a hotel stay for the immediately preceding night. Acceptance of a free meal or a hotel stay in such circumstances would be analogous to the provision of Directive 6-96, which does not prohibit the New Jersey Bar Association or any bar association of which a judge may become a member under Guideline III from providing a meal to judges during the course of a bar meeting, and permits judges to accept reimbursement of expenses from that association.

- 33-01 Superior Court judge may not present his views on the impact of the Motor Vehicle laws on addicts' recovery, or a brief summary of the Safer Cities Campaign at a Drug Treatment Symposium. It would be improper for judges to present their views regarding these areas. Judges may, however, attend only. The symposium is organized with the support of the United Way and in cooperation with many agencies including the Webus Treatment Group and Integrity House. Invitations were sent to the following: judges, drug treatment agencies, county and state officials involved in drug treatment and church groups. The Commissioner of Health, a Senator, church leaders and other key individuals will participate in the symposium.
- 8-02 Superior Court Judge may be on a panel entitled Lesbian, Gay, Bisexual and Transgender Issues in the Courtroom sponsored by the Pennsylvania Bar Institute, a continuing education arm of the Pennsylvania Bar Association. The judge would only discuss the Task Force Report, current case law, statutes and administrative regulations and would not discuss the attitude of the bar, judiciary or court personnel regarding the Task Force's work.
- 16-02 Appellate Division judge may participate in the Separation and Loss Forum sponsored by CASA of New Jersey and held at Montclair University. The Forum will address "the effect of loss and separation on children and adolescents in placement." The judge would discuss best case practices and what is expected of litigators as to same but would not discuss case law.
- 17-02 Superior Court judge may participate in the History Channel taping of a documentary on the "Camden 28" trial. The judge was the law clerk for the federal District Court judge who presided over the trial and has since died. The judge's participation would be limited to introducing program participants and giving biographic information about the late federal District Court judge. He would only be identified as a former law clerk, not as a judge.
- 22-02 Municipal Court judge may not appear in a scene, sitting in the back of the courtroom in the public spectator section in the filming of a proposed TV pilot for cable TV. The judge would appear as part of a crowd and would not be identified or have a speaking role. However, the televised scene was a skit that lacked decorum, making the judge's televised appearance inappropriate.
- 30-02 Superior Court judges may attend the retirement party for a county assistant prosecutor on condition that the judges not sit on the dais and not give a speech or have any comments videotaped. The approval is based on the judges' long-standing personal and professional relationship with the assistant prosecutor. The event, held at a local restaurant, will be open and will be attended by prosecutors, public defenders and private defense counsel.
- 33-02 Superior Court judge may not be a panelist at the Annual Meeting and Conference of the Insurance Council of New Jersey and may not attend the conference. The Insurance Council is an advocacy and lobbying group. Only insurance companies and trade organizations were invited to attend and plaintiffs' attorneys were not invited.
- 36-02 Superior Court judge may not attend the reception celebrating the opening of a law firm in which the judge's husband is a partner. The attendees to this invitation-only event will include attorneys, the law firm's members, clients and family members, federal judges and various political officials, including a mayor and city council members and, possibly, a State Senator. One of the law firm's partners ran unsuccessfully in the last mayoralty race in the county in which the judge sits. The law firm will finance the reception.
- 37-02 Superior Court judge may give a presentation on matrimonial law at the annual ATLA Boardwalk Seminar and participate in a roundtable discussion and question and answer session. The seminar is publicly advertised and anyone wishing to may attend. It will be

primarily attended by matrimonial attorneys. The judge will give a “nuts and bolts” type of presentation and will not discuss policy issues, pending cases or the law. The judge may also attend the reception and dinner immediately following his presentation, but only if he pays his own way, rather than as a guest of ATLA.

- 9-03 Superior Court judge, Family Part, may not participate as the moderator for a key panel at a Children’s Symposium. The event is sponsored by the Prudential Foundation in cooperation with United Way and the Association for the Children of New Jersey, which is a private, non-profit children’s advocacy organization, whose mission is to advocate for meeting children’s health and educational needs. Attendees will include elected officials, funders, community advocates, parent and foster-parent advocacy groups and the key political officials of the county in which the judge sits. The judge’s presentation would focus on the need for many review points of children’s placements and the shared responsibility for such placements.
- 15-03 Municipal court judge may not be a guest speaker at a Coalition of Domestic Violence Crisis Team’s quarterly meeting. Speaking at this event could create a perception of partiality toward domestic violence complainants. The event will take place at a police station. The only attendees will be members of the domestic violence crisis teams from the same county in which the judge sits and he would be the only speaker. He would speak about his decision-making process regarding the issuance of temporary restraining orders in domestic violence cases. Giving a presentation in this situation could later embarrass the judge when hearing domestic violence cases.
- 16-03 Superior Court judge, Family Part, may not make a presentation at the Rachel’s Circle event sponsored by the Rachel Coalition, Jewish Family Services, which is a domestic violence services organization that primarily services the county in which the judge sits, as well as several adjacent counties. The judge’s presentation would educate attendees about the court experience in domestic violence cases and how the law is available to protect domestic violence victims. The attendees of this invitation-only event will be past donors to the Rachel Coalition and domestic violence service providers. The Coordinator of Client Services of the Coalition appears before the judge as a victim advocate.
- 18-03 Municipal court judge may not attend a Financial Literacy Summit at the invitation of a State Senator. While on its face the Summit, which is sponsored by a Senator, appears to be politically neutral, it could be later used for political purposes. The issuance of an invitation to the judge by a Senator could create a public perception of political involvement by the judge.
- 20-03 Municipal court judge may attend the Annual Latino Education Conference hosted by ASPIRA, a private, non-profit charitable organization dedicated to educational excellence for Latino and other minority and economically disadvantaged students. However, the judge may not make a presentation in a segment titled Legal Clinic for Parents. This is a question and answer segment for parents to obtain an overview of legal issues with respect to their legal rights and responsibilities in school matters. The presentation would comprise giving legal advice to the parents of students.
- 23-03 A Superior Court judge may not participate in a roundtable discussion on “The New Jersey Legislature: How it was; How it could be” on NJ Network at the invitation of the Eagleton Institute of Politics. The discussion would focus on the role of legislators and would be shown on New Jersey Network at election time in order to build interest in the upcoming legislative election.
- 32-03 A municipal court judge may attend the South Jersey Latino Parent Conference, “An Agenda for Action,” which is sponsored by ASPIRA, Inc., of New Jersey, South Jersey School Districts. The judge may not, however, participate in the workshops or presentations conducted at the Conference, including but not limited to a “Legal Clinic for Parents”. The workshops and presentations deal with truancy matters and would entail the judge giving

legal advice regarding matters which are heard in municipal court.

- 35-03 A Superior Court judge may attend and be the principal speaker at the New Jersey Planning Officials' (NJPO) Annual Conference on the condition that he does not participate in a question and answer session. Attendance at the conference is not one-sided. In light of the distance between the judge's vicinage and the Conference site, the judge may accept the overnight lodgings and breakfast provided by the NJPO; however, the spouse's expenses may not be covered.
- 41-03 A municipal court judge may attend a domestic violence forum that is sponsored by the Human Relations Commission of a municipality located in a different vicinage. However, the judge may not participate in the forum in any way, e.g. in the question and answer segment. Attendees will include representatives of various community groups, Hispanic Community Centers, domestic violence shelters, domestic violence victims, and legal services, all on a statewide basis. The judge should be circumspect with regard to any contact he may have with any political figures who may attend.
- 7-04 A Superior Court judge may not participate in a Lecture Series conducted by the New Jersey Law Journal, since it is a for-profit event.
- 10-04 A Superior Court judge may be a panelist in the New Jersey Affirmative Action Officers' Council (NJAAOC) Annual Training and Awards Luncheon, subject to the following conditions:  
(1) she does not attend the awards luncheon or any other part of the event in which fundraising occurs;  
(2) her comments are restricted to explaining the need for Affirmative Action (AA) officers to be knowledgeable about employment laws, policies and practices and related areas;  
(3) she does not comment on the law / judicial decision making, does not participate in a question and answer session; and is not identified in any brochure, agenda or any other distribution that refers to fundraising.  
Attendees will include AA Officers and Human Resources representatives from various state agencies. No litigants, litigating attorneys or advocacy group members will attend.
- 22-04 A judge may not speak at the Advanced Course for the Investigation and Prosecution of Domestic Violence Cases, which is conducted by the Department of Law and Public Safety – Division of Criminal Justice. The course will be held at the county Department of Public Safety Institute and will be attended by assistant prosecutors and law enforcement officers who handle domestic violence matters. It will encompass various legal and law enforcement issues regarding domestic violence.
- 23-04 A Family Division judge may participate on a panel of judges at a seminar sponsored by the Audrey Hepburn Children's Fund, and have her expenses paid by the Fund. The purpose of the seminar is to develop a curriculum and training resources for judges in the child abuse and neglect area. Mental health professionals will also participate. No DYFS representatives or attorneys will attend.
- 33-04 Family Division judges may not appear on a nationally broadcast television program to "educate the general public about the role of the New Jersey Family Court System." The Public Defender and the Director of DYFS would also participate, but the prosecutor's office and the Attorney General's office would not. The judges were asked to address their caseloads, the average time in resolving them, and their decision making process.
- 39-04 An Appellate Division judge may not give a motivational speech at the Bethel Family and Youth Resource Center, CDC to probationers, parolees and others who are involved in a municipal Safer Cities Initiative of the same vicinage. The judge may attend the event without giving a speech. The Center offers services to inmates upon their release.

Attendees include probationers, probation officers, parolees, parole officers, recovering addicts and alcoholics, representatives of Integrity House, which is a substance abuse treatment center, and the local mayor. The Safer Cities Initiative is a collaborative effort among criminal justice agencies and others to reduce crime in the municipality. The judge previously heard criminal cases in the vicinage.

- 40-04 A municipal court judge may not participate in an on-camera interview for a promotional video that a college she attended is producing. The video will be sent to prospective students and others for possible use as a recruiting tool and to promote public awareness of the college's academic and community service strengths.
- 41-04 An Assignment Judge and a Family Division Judge who handles juvenile delinquency matters may attend, but not give a presentation at a Conference of school youths. The Conference is jointly sponsored by the County Youth Service Bureau and the Juvenile Justice Commission. Some of the attendees are juveniles who appeared before the court. Many of the presenters are from the Juvenile Justice Commission.
- 17-05 A Superior Court judge may not participate as a panel member in a litigation program, which is part of the 3rd Annual Full Day Conference of the New Jersey Chapter of the Association of Corporate Counsel (NJACCA). The NJACCA is a bar organization that is comprised of and devoted entirely to the interests of New Jersey in-house corporate counsel. Attendance is by invitation only and attendees will be members of NJACCA as well as other New Jersey in-house corporate counsel; private practitioners will not attend. The presenters are usually partners from prominent law firms and vendors. Some of the vendors will underwrite some program costs. The Judge may not attend the Conference even if he does not make a presentation.
- 26-05 A jurist may not deliver a motivational speech at the 2nd Annual Minority Law Student Leadership Summit (Summit). The Summit was initiated by a law firm and will be held at the law firm's New York City offices. Under the circumstances, he may not attend the Summit even if he does not deliver a speech.
- 29-05 A municipal court judge may speak at educational sessions conducted by the county domestic violence shelter for the staff of Children's Futures, a local service provider that assists families with children's pre-school readiness. Children's Futures' staff do not appear in court or act as legal advocates, and do not accompany their clients to court. The presentations will be balanced. The judge may discuss the procedures followed in the Superior and Municipal Courts after the filing of a domestic violence complaint, on the condition that he:
- (1) does not discuss specific cases,
  - (2) does not give his personal opinion,
  - (3) limits his remarks to explaining court procedures,
  - (4) does not participate in a question and answer period (except to clarify information he provided) or in an open discussion with the other panelists.
- 33-05 A Family Division Judge, who hears juvenile delinquency cases, may speak at the Domestic Violence Representation Project, sponsored by Legal Services of New Jersey. Afterwards, the judge may preside over a moot court of a final restraining order hearing. The Project provides training on domestic violence for pro bono attorneys, domestic violence advocates, and new Legal Services attorneys. Since Legal Services represents both plaintiffs and defendants (in different cases), attendance will not be one-sided. The judge's participation is on the condition that he:
- (1) does not discuss specific cases,
  - (2) does not give his personal opinion,
  - (3) limits his remarks to an explanation of court procedures,
  - (4) does not participate in a question and answer period except to clarify the information he

provides, and  
(5) does not participate in an open discussion with the other panelists.

#### **ATTENDANCE AT OR OTHER PARTICIPATION IN EVENTS**

- 6-88 A judge may not attend a police academy graduation ceremony.
- 19-88 Judges may not attend a dinner to honor a prosecutor on his reappointment. Attendance might create an appearance of favoring law enforcement.
- 21-88 A judge may not attend the annual dinner of a county sheriff's department PBA and receive the award of a Silver Card Life Membership.
- 10-89 A judge was advised that he could not properly attend the annual meeting of the South Jersey Investigators Association for the purpose of swearing in the new President and Vice-President.
- 15-89 A judge may attend, all expenses paid, a symposium and conference designed for judges with three or more Johns-Manville asbestos cases to explore issues and strategies of their management. The symposium was sponsored by the National Judicial College and funded by both sides of the litigation.
- 10-90 A judge may be the guest of the American Academy of Matrimonial Lawyers at its annual dinner dance, as is traditional, pending review of the issue. (But see Opinion 29-01.)
- 12-90 A judge, who is on the adjunct faculty of a law school may attend an annual banquet sponsored by one of the school's law societies as its guest. The fact that the Governor would be honored at the banquet did not make this a political event.
- 13-90 A judge may attend a fundraising dinner sponsored by the Eagleton Institute Center for the American Woman and Politics in honor of a local mayor. The primary purpose of the event was to raise funds for the Center. The event did not become political because a mayor was honored.
- 23-90 A judge may attend the Legislative Correspondents Club annual dinner as the guest of a particular newspaper. Traditionally a number of judges and Justices have attended this event, tickets to which are available only to club members.
- 42-90 A judge may be the guest of a local bar association at its dinner show which is not a fundraiser.
- 43-90 Vicinage judges may attend a retirement dinner given for a county prosecutor by his staff if it is an open event.
- 50-90 A judge may not allow his name to be placed in nomination by a committee of NJ lawyers as an officer of the NJ Chapter of the ABA Foundation. There is an automatic progression of officers to the office of President. The chapter sends an annual letter to its members on letterhead that lists the chapter officers to remind them of their obligation as members to contribute to the scholarship fund.
- 52-90 A municipal court judge of another municipality who is the Acting City Solicitor of Atlantic City may attend the inauguration of the Mayor of Atlantic City and the reception in a public park, open to all citizens, no-host [buy your own hot dogs, etc.]. The mayoral election was non-partisan.

- 54-90 Judges of the vicinage may attend 1st Assistant Prosecutor retirement dinner if it is an open event. After 17 years in public service the 1st Assistant Prosecutor has retired to a law firm with a civil practice.
- 61-90 Assignment Judge may attend first public dinner meeting of County Municipal Prosecutors Association as a matter of comity. Other judges may not.
- 64-90 A judge may attend party for outgoing president of Trial Attorneys of NJ. Judge had been a board member for several years. TANJ is a non-partisan organization of the trial bar.
- 68-90 A Superior Court Judge may attend the annual dinner of the Association of Criminal Defense Lawyers to swear in his former partner as President. [This opinion is overruled by Opinion 17-00]
- 34-91 Judges may attend 25th Anniversary dinner of Legal Services of New Jersey.
- 42-91 Vicinage judges may attend Executive Assistant Prosecutor's retirement dinner given by office staff and colleagues if it is an open event. Honoree is retiring completely.
- 51-91 Judges may attend the swearing in ceremony of the county prosecutor as a body in their robes. This is a ceremonial event customary in the county.
- 53-91 Assignment Judge may attend the dedication of the new Police Academy as a matter of comity but other judges may not attend.
- 31-92 Judge may not attend ATLA-NJ Convention annual dinner where husband will be installed as Treasurer. (Overruled by Opinion 7-97.)
- 48-92 Appellate judges may not attend dinner dance sponsored by law firm despite the fact that the honored guest would be retired Associate Justice of U.S. Supreme Court the Hon. Wm. J. Brennan, Jr.
- 54-92 (b) Municipal court judge may attend Women in Government breakfast at the League of Municipalities convention.
- 62-92 It is not proper for municipal court judges and court employees to attend a holiday party hosted by a law firm.
- 12-93 Family Division judges may attend New Jersey State Bar Association Family Law Section's Annual Dinner. Tischler Award will be presented to a practicing lawyer. Governor Florio will speak.
- 14-93 Judges may attend dinner honoring Stanley C. Van Ness, the First Public Advocate and Public Defender, and celebrating the 25th anniversary of the creation of the Office of Public Defender. Governor Florio will speak and former Governor Byrne will attend.
- 15-93 Judge may attend the Garden State Bar's annual scholarship dinner dance at which State Senator Wynona Lipman will be the honored guest.
- 16-93 Judge may not speak at the Monmouth County 200 Club's annual recognition and awards luncheon. The 200-Club, Monmouth County Chapter, gives monetary and supportive assistance to members of the New Jersey State, county and municipal police, firemen and first-aid personnel. The expected audience consists of members of the club, law enforcement professionals, and others.
- 20-93 Judges may attend the Association of Criminal Defense Lawyers of NJ Officer Installation Dinner. This dinner is offered annually. It is open to all lawyers, and will be advertised widely in legal journals, bar journals and newsletters. Judges would pay their own way.

- 29-93 Judge may not speak at the Morris County 200 Club's Valor Awards Dinner.
- 31-93 Judge may attend "Changing of the Guard" dinner given by Criminal Law Division of the Essex County Bar Association to welcome new county prosecutors and new deputy public defender.
- 34-93 Judges may attend event sponsored by Ocean County Emerald Society honoring Special Assistant to the Ocean County Prosecutor, a former Superior Court Judge, as Irishman of the Year. The event is open.
- 40-93 Judge may not attend dinner of Hispanic Law Enforcement Society.
- 49-93 Judges may attend retirement dinner for Chief Investigator, Monmouth Region, Office of the Public Defender. Event is open.
- 65-93 Tax Court judge may attend joint meeting of the NJSBA Taxation Section and the New Jersey Society of CPA's on the topic "New Jersey S Corporations - A Roundtable Discussion".
- 73-93 Presiding Judge of the Family Part may attend luncheon conference under auspices of Attorney General's Statewide Narcotics Action Plan focusing on how enforcement officials can better respond to problems of drug and alcohol abuse, violence, youth gangs and vandalism in our schools. This opinion recognizes the need for the Family Division to be involved with the community.
- 51-94 Judge may not attend a dinner sponsored by the PBA and make a presentation to honor the Chief of the Monmouth County Prosecutor's Office who is retiring after 42 years of service.
- 18-95 Superior Court judges may attend a farewell party for County Prosecutor who is retiring to private practice. The event is sponsored by the Prosecutor's office. The invitation is open; the notice is posted and widely distributed.
- 22-95 Superior Court judges may attend the annual dinner of the South Jersey Chapter of the American Board of Trial Advocates. This organization is comprised of trial lawyers who represent the plaintiff and defense sides in their practice.
- 37-95 Superior Court judge may attend a dinner honoring former county prosecutors and public defenders sponsored by the County Bar Association.
- 42-95 Superior Court judges may not attend a dinner meeting of the Trial Lawyers Association of Middlesex County in which the honoree will be Senator John A. Lynch.
- 47-95 Superior Court judge may attend farewell dinner for county prosecutor. The event will be given by members of staff, and public defenders, members of the bar and others will be present. The prosecutor is a long-time personal friend of the judge.
- 51-95 Superior Court judge may not swear in municipal police chief as president of police chiefs' statewide association at the associations' annual meeting in Atlantic City.
- 56-95 Superior Court judges may not attend a reception celebrating the opening of a law firm's new offices.
- 57-95 Superior Court judges may not attend a holiday party hosted by the county prosecutor's office. The fact that the invitation is extended not only to law enforcement agencies such as police departments, but also to members of the Public Defender's office and the private

- defense bar, does not overcome the impairment of the appearance of impartiality.
- 10-96 Superior Court female judges may attend the Women's Law Forum of Seton Hall University School of Law's Fourth Annual Networking Reception as honored guests.
- 40-96 Superior Court judge may attend annual Borough Christmas party in the Borough in which the judge was formerly Director of the Department of Law.
- 41-96 Superior Court judge may attend a luncheon at the New Jersey Bar Association's annual meeting in Atlantic City to celebrate the publication of the memoirs of a Professor of Law, a law school classmate of the judge. The judge should not introduce the author.
- 5-97 Superior Court judges (1) may attend swearing-in of the County Prosecutor; and (2) may attend the reception following the swearing-in given by the prosecutor personally. The reception is open.
- 7-97 Superior Court judge may attend the annual dinner of the Association of Trial Lawyers of America-NJ at which her husband will be installed as president. (Overrules Opinion 31-92.)
- 26-97 A Superior Court judge may attend the Chamber of Commerce "Distinguished Citizen Award" buffet/cocktail reception honoring a resigned Superior Court judge, who is a practicing lawyer, and the former TCA of the Vicinage.
- 27-97 A Superior Court judge may not attend a special breakfast for Cuban American Community Leaders at Drumthwacket, the Governor's official residence. The judge was president of the Hispanic Bar Association and Regional President of the National Hispanic Bar Association, and is a Cuban American.
- 29-97 A Superior Court judge may not attend the reception after the swearing in of the Public Defender of the State of New Jersey.
- 31-97 A Municipal Court judge may not attend the Chamber of Commerce Annual Awards Banquet in the municipality where he sits. The judge, a former president of the Chamber initiated the dinners and has attended each year. The award this year goes to a Captain in the Police Department.
- 33-97 A Superior Court judge may attend as a guest of the United Way's invitation-only reception introducing the participants in the volunteer training program to the Advisory Board. It is not a fundraising event. The judge formerly served on the United Way Board.
- 37-97 Superior Court judges may attend a County Bar Association dinner meeting at which Michael Aaron, a New Jersey Network journalist, will discuss the current gubernatorial and legislative campaigns.
- 39-97 Superior Court judges may not attend a retirement dinner for the county prosecutor. The prosecutor will be joining a private law firm.
- 40-97 Superior Court judges may not attend an invitation only reception honoring a retiring County Prosecutor given by the National Black Prosecutors Association.
- 2-98 Superior Court judge may attend a luncheon given by the FOP to honor a sergeant who is a longtime personal friend of the judge and is retiring from the police department to private life after 26 years of service. The invitation was extended to various friends and family as well as law enforcement.
- 7-98 Superior Court judge may not attend the Hispanic Bar Association meeting at which a State

Senator will be honored. See Guideline X, Political Activities.

- 10-98 Municipal court judge may not attend a retirement dinner for a police sergeant injured in the line of duty who is retiring on disability. The event is open to the public. The fact that the officer was injured as a result of a homicide only increases the apparent impairment of impartiality and is not persuasive to overcome the basic rule that it is not appropriate for a judge to attend a police officer's retirement dinner.
- 17-98 Superior Court judges may attend an open event farewell dinner honoring a Deputy First Assistant Prosecutor, who is retiring to private practice, given by Prosecutor's Office. Both sides of the bar have been invited as well as chiefs of police, judges and personal friends. The invitation has been posted in the courthouse.
- 27-98 Municipal court judge may not attend a retirement dinner in honor of a police captain organized by the PBA, although the police captain is a personal friend of the judge and the captain after his retirement will serve as the Court Officer for the municipal court. Most of the elected township committee members will attend.
- 31-98 Superior Court judge may not attend the swearing in or reception for Deputy Mayors of a municipality. Deputy Mayor is an honorary position, not a public office; the swearing in is therefore a political event.
- 33-98 Superior Court judge may attend the retirement dinner for the county Assistant Prosecutor because it is an open event which many defense counsel attend.
- 34-98 Superior Court judges may attend the opening lecture of Andrew P. Napolitano's Review of New Jersey Civil Case Law, and a light supper, at Seton Hall Law School without charge at the invitation of the New Jersey Law Journal. Code of Judicial Conduct, Canon 5D4a.
- 17-99 Superior Court judge may attend an event sponsored by the Hispanic Bar Association of NJ, the NJ Hispanic Bar Foundation Inc., the National Hispanic Prosecutor's Association, the Hispanic National Bar Association-NJ Region, the Garden State Bar Association, and the Asian Pacific Bar Association in conjunction with the NJ Bar Association, Task Force on Diversity, Individual Rights, Minorities in the Profession and Women in the Profession Sections at which the speaker will be a Washington Post political and national correspondent and best selling author. Attendance will not impair the judge's appearance of impartiality.
- 25-99 Issue #1: Municipal Court judge may have his picture hung in another municipal court of which he is a former judge along with other former judges, attend ceremony for the picture at which the mayor will speak, and attend a reception following the picture hanging at which the mayor or other counsel members may be invited.  
Issue #2: Municipal Court judge may invite the mayor to speak in the court when new judges are sworn in.  
Issue #3: Municipal Court judge may invite the mayor to a private party to celebrate the judge's swearing in. (See also, Guideline X.)
- 44-99 Superior Court judge may not attend a welcoming reception in honor of retired Assignment Judge given by the law firm of which the Judge is now Of Counsel.
- 24-00 A municipal court judge should not attend a retirement dinner for the Chief of Police of the municipality. The judge's attendance at a retirement dinner for a police officer undermines the structural separation of the court from the police that is necessary to preserve the appearance of independence and impartiality of the municipal courts and maintain the public

- confidence in the court. The Committee has determined to resolve the inconsistencies in its past opinions and avoid uncertainty in the future by reaffirming its Opinion 21-91 that a judge should not attend a police retirement dinner in the municipality where the judge sits even if the event is sponsored by the municipality and is open to the public.
- 27-00 An Assignment Judge may not attend the annual "National Night Out Against Crime" sponsored by a city's Police Department, where members of the police softball team play the softball team from the State Police of Puerto Rico.
- 33-00 In the future it would be inappropriate for Superior Court judges to attend the Annual Community Service/Volunteer Recognition Luncheon given by Alternatives to Domestic Violence (ADV). With respect to this year's luncheon, however, judges' brief attendance for the luncheon only is in the interest of the judiciary. The Committee considered that ADV is an advocacy group on behalf of victims of domestic violence. It noted that ADV is a participant in the Vicinage Domestic Violence Working Group, but considered also that this request contemplates a further involvement with ADV alone. The members were aware of the beneficial balancing effect that can result from judges' participation in this annual ADV event. However, without deprecation of the group or the court's work with it, they concluded that future attendance at this event would impair the appearance of the impartiality of the court.
- 37-00 A Superior Court Judge may participate in DYFS-sponsored Foster Child Recognition Day activities in the courtroom. The judge should not issue a "court order" to the children as DYFS suggests but instead could present them with certificates. It would impair the dignity of the court to issue a sham court order.
- 38-00 A municipal court judge may not attend the National Domestic Violence and Sexual Assault Conference, a conference designed for law enforcement, judicial personnel and victim advocates. The event is sponsored by victim advocates, police officers are prominent among the presenters, and the event is billed as a training conference for law enforcement and victim advocates. For these reasons attendance is impermissible.
- 42-00 Superior Court judge may not attend the annual county Mayors' Prayer Breakfast. Although this event is traditional in the county and judges have always attended and have even moderated it, judges should no longer attend because 1) the event is political, and 2) a case involving prayer may come before a judge who had attended. Canon 1 of Code of Judicial Conduct.
- 46-00 Superior Court judges may not attend the county Hispanic Bar Association's holiday reception if it is to be held at a law office. Judges are not to attend functions at law offices because to do so impairs the appearance of impartiality.
- 13-01 Superior Court judge, Family Part, may attend as a guest the Annual Academy of Matrimonial Attorneys Dinner this year. He may not accept an invitation to ride to the dinner in a limo with local lawyers and judges, sharing the expense. (See Opinion 29-01.)
- 20-01 Superior Court judge may attend a dinner meeting of the American Board of Trial Advocates (ABOTA). ABOTA is a national organization whose members are equally divided between plaintiff and defense civil trial attorneys. The organization provides continuing legal education to attorneys in trial advocacy.
- 31-01 Superior Court judge may attend the Trial Attorneys of New Jersey's 34th Annual Trial Bar Awards Banquet where a partner in the judge's old law firm, with whom the judge has been friends for 40 years, will be the recipient of one of the awards given. The law firm does not practice in front of the judge. The judge may not be the guest of his old law firm.

- 35-01 Superior Court judges may not attend the Mediators' Peer Consultation Group dinner meeting at the invitation of the New Jersey Association of Professional Mediators. The purpose of inviting the judge is to let the mediators know the judge who makes referrals, promote communication, and learn something about the mediators' varied skills, experience and areas of expertise. The membership consists of business, commercial, civil, divorce and other family mediators. Attendance is impermissible because the dinner meeting invitation is tantamount to solicitation for business.
- 19-02 Superior Court judges may attend the Inns of Court Graduation Ceremony that is co-sponsored by the county Bar Association. The cost of the dinner is covered for all member judges as part of their membership fees. The Inns of Court will pay for the dinner of non-member judges.
- 24-03 A Superior Court judge and a municipal court judge may attend the swearing-in ceremony of a former county prosecutor as Assistant Attorney General and Director of the Office of State Police Affairs. The swearing-in will be attended by criminal defense attorneys, as well as law enforcement, and will be an open public event. However, neither judge may attend the subsequent reception.
- 25-03 A Superior Court judge may participate in the NJ State Legislature's Oral History Project. The Project is sponsored by the Legislative Services Commission, is funded by a grant to Rutgers University, and is administered by the University. The Project will assemble a detailed historical composite picture of the Legislature's evolution since 1965.
- 9-04 Superior Court judges may not attend a party celebrating the retirement of a former County Chief Assistant Prosecutor, who was asked to resign by the Acting County Prosecutor, based on an internal dispute in the prosecutor's office. Attendance by judges would create the impression that they were taking sides in an internal dispute within the prosecutor's office of the vicinage where they sit.
- 14-04 Superior Court judges may not attend the National Institute Against Hate Crimes and Terrorism, at which teams of criminal justice professionals from the same jurisdiction would work collaboratively to combat hate crimes. Team members would describe successful efforts or barriers they have encountered either individually or in their agency in dealing with hate crimes and design an action plan for a collaborative response to hate crimes in their jurisdiction. After completing the program, the team members would motivate their agencies and communities to implement their plan and also perform additional follow-up work.
- 18-04 Appellate Division judges may not attend a program offered by the Roscoe Pound Institute, that is an integral part of and is financially supported by ATLA, which would pay the judges' expenses. The program, which will be held in Boston, Massachusetts, will address the state Courts, Legislatures and separation of powers.
- 27-04 A municipal court judge may not administer the oath of office to police officers who have recently been promoted in rank and who are members of the police department of the same municipality. The swearing-in will take place at a special City Council meeting which will be attended by the local mayor and council members.
- 32-04 A municipal court judge may not attend a "farewell" dinner party to celebrate the change in law firms by a part-time municipal prosecutor of the same municipality. The event will be attended by members of the prosecutor's past and present law firms, the municipal public defender, and possibly by municipal employees.
- 36-04 A Superior Court judge may attend the Annual Women's Equality Day celebration honoring a domestic violence counselor from the local shelter. However, the judge may not speak at

the event or write a letter regarding the honoree to be read at the event. The honoree assisted domestic violence victims with their court appearances before the judge when he previously sat in the Family Division. The judge currently sits in Criminal Division and shelter representatives do not appear before him. The event is open and both sides of the litigation will attend. It is sponsored by the local Women's Resource Fund, a non-profit organization that funds programs and scholarships for women. It is not involved in litigation.

- 37-04 State-level and municipal court judges (1) may not attend networking breakfasts held by the County Bar Association, and (2) may not attend the gala event. The events did not have an agenda or other structure. They were sponsored by various commercial vendors, including a bank, a brokerage house, a title company, as well as a court reporting agency, with only one representative of each type of sponsor. Some of the commercial vendors helped finance the meal, would attend and solicit business for their organizations. Some of the vendors were local and were involved in litigation in the vicinage.
- 38-04 A Superior Court judge may attend the swearing-in ceremony for the newly appointed Deputy Director of State Police Affairs, which is a part of the Attorney General's office. Since the swearing-in is a public, formal ceremonial event, attendance is permissible. However, the judge may not attend the reception following the swearing-in ceremony. The reception is sponsored by the Attorney General's office and will be heavily attended by its employees and by law enforcement officers.
- 45-04 Judges of the vicinage may attend the swearing-in ceremony for the new county Sheriff. The event will be open to the public. They will not attend the reception.
- 46-04 Judges, including those handling mass tort cases, may not attend a "Mass (tort) Celebration" in honor of a recently retired – former mass tort judge who sat in the vicinage, for her accomplishments on the bench. The event is sponsored by law firms handling mass tort cases and is one-sided.
- 47-04 Judges may attend the annual New Jersey Bar Association Family Law Section's anniversary holiday party, at which all former Chairs of the Family Law Section will be honored. The judges must pay their own way.
- 1-05 Municipal court judges may swear-in the newly elected mayor and other newly elected municipal officials at a municipal reorganization meeting, which will be an open, public event. The judges may not, however, attend the celebratory reception following the swearing-in ceremony. The judges do not have a close personal or professional relationship with the honorees.
- 17-05 A Superior Court judge may not participate as a panel member in a litigation program, which is part of the 3rd Annual Full Day Conference of the New Jersey Chapter of the Association of Corporate Counsel (NJACCA). The NJACCA is a bar organization that is comprised of and devoted entirely to the interests of New Jersey in-house corporate counsel. Attendance is by invitation only and attendees will be members of NJACCA as well as other New Jersey in-house corporate counsel; private practitioners will not attend. The presenters are usually partners from prominent law firms and vendors. Some of the vendors will underwrite some program costs. The Judge may not attend the Conference even if he does not make a presentation.
- 26-05 A jurist may not deliver a motivational speech at the 2nd Annual Minority Law Student Leadership Summit (Summit). The Summit was initiated by a law firm and will be held at the law firm's New York City offices. Under the circumstances, he may not attend the Summit even if he does not deliver a speech.

**B. Teaching**

1. **Subject to the General Guidelines and the relevant provisions of Guideline IIIA, judges may teach law-related courses.**
2. **A judge should not teach at a law school that is not approved by the American Bar Association without prior approval of the Supreme Court.**
3. **Because a teaching commitment would be time consuming to a much greater degree than many other law related activities and tends to implicate the prohibition against compensation, before undertaking to teach a judge should notify the Supreme Court and the Assignment or Presiding Judge as listed in Guideline IIE of the commitment:**
  - a. **setting forth the institution, the subject matter, the hours and the duration of the assignment;**
  - b. **certifying that preparation will not encroach upon or conflict with judicial duties;**
  - c. **certifying that the judge will receive no compensation and setting forth the plan, if any, for diverting or allocating to an eleemosynary or other non- profit recipient the money that would otherwise have been paid, which must completely divorce the judge from the creation of the fund or the designation or approval of the recipient and vest the matter in the sole discretion of the school.**

**OPINIONS: IIIB - TEACHING**

47-93(c) Municipal Court judge may continue to teach "Law and the Latino Community in the U.S." an undergraduate course in Rutgers University that focuses on constitutional and statutory law.

**C. Writing and Publication**

1. **In writing, a judge should observe the relevant provisions of Guideline IIIA.**
2. **There shall be no compensation for publication of a judge's writing nor should there be a perception that the judge benefits financially from the work.**
3. **Because of the prohibition against compensation, judges should not write for commercial publication unless the writing contains a prominently displayed preface or footnote that the author has received no compensation for the work. Further, to avoid a financial windfall to a commercial publisher, there should be a suitable diversion by the publisher to an eleemosynary or other non-profit recipient of the royalties or other compensation which would otherwise have been paid to the author. Such plan of diversion, to be approved by the Supreme Court, shall establish that:**
  - a. **the judge will receive no compensation directly or indirectly;**
  - b. **the judge will be completely divorced from the creation of the fund or the designation or approval of the recipient, which are to be in the sole discretion of the publisher; provided, however, that the eleemosynary or other non-profit recipient of the royalties or other compensation should, to the extent possible, be a law related, national or New Jersey organization, institution or association.**
4. **Nothing herein is intended to deprive a judge of royalties or compensation for work**

completed before assuming judicial office or for work completed prior thereto except for subsequent prepublication proof-reading or other editing by the judge; provided, however, that, in the latter case, the judge may not receive additional compensation therefore.

5. The approval of the Supreme Court must be obtained before the writer of a work published or, as set forth in subparagraph 4, substantially completed, prior to assuming office may undertake to update or supplement that work. The submission to the Court must clearly establish:
  - a. that the royalty or other payments will be exclusively for the original writing and will not include, even in part, compensation for the updating or supplementation;
  - b. any compensation for the updating or supplementation must be diverted to an eleemosynary or non-profit recipient and must fairly reflect the value of the work, otherwise approval will be denied unless the original royalties or other compensation are either discontinued or diverted.
6. Whenever approval of the Supreme Court is required the judge shall submit the details of the plan to the Administrative Director for transmittal to the Supreme Court and the Supreme Court may refer the matter to the Advisory Committee for study and recommendation.

#### **OPINIONS: IIIC - WRITING AND PUBLICATION**

- 14-88 A judge may serve as an unpaid consultant to the developer of a bilingual lexicon for criminal proceedings funded by the State Justice Institute.
- 15-88 Judges may contribute to a feature column in the New Jersey Lawyer modeled on the "From the Bench" feature in Litigation, a publication of the ABA litigation section.
- 71-90 A judge may serve on an advisory board of Judicial Associate Editors in connection with a new law journal. The members of the advisory board would each read one anonymous manuscript a year to determine its suitability for publication. The committee advised the judge that the journal should not identify which judicial editor participated in a particular issue.
- 61-91 A judge may receive royalties from books authored before assuming judicial office.
- 25-95 Superior Court judge may participate as a member of the Publications Advisory Committee in the creation of an American Inns of Court practice guide series on NJ Civil Procedure. The judge serves as President of the C. Willard Heckel Inn of Court sponsored by Rutgers University School of Law. The American Inns of Court Foundation has entered into an agreement with Lawyers Cooperative Publishing by which the publisher will pay royalties on the series to the American Inns of Court Foundation. The New Jersey Institute for Continuing Legal Education will market the series.
- 24-04 An Appellate Division judge may have a lecture he presented at the Adult Education Program at the local Jewish Center (Center), which was part of a lecture series on trials and related events involving Jewish participants, included in a publication to be commercially published by the Center, subject to the following conditions:
  - (1) he receives no financial benefit or remuneration for the lectures or publication,
  - (2) he executes a release assigning all rights, title and interest in the work and

- intellectual property to the Center for its use, including publication,  
(3) that the publication contains a prominently displayed preface or footnote indicating that the judge received no compensation for the work, and  
(4) all royalties or other compensation for the work shall inure to the benefit of the Center.

**D. Appearances Before or Appointments to Legislative or Executive Bodies**

- 1. With permission of the Supreme Court a judge who has been invited to do so may appear before an executive or legislative body or official on matters concerning the law, the legal system and the administration of justice, but only when:**
  - a. the hearing is public;**
  - b. the subject matter reasonably may be considered to merit the attention and comment of a judge as a judge, and not merely as an individual;**
  - c. the appearance will not involve the office in political controversy.**
- 2. A judge should not accept appointment to a governmental committee, commission or other position except with prior approval of the Supreme Court.**
- 3. Where an Act of the Legislature provides that a judge shall be a member of a committee or commission, the designation of the judge shall be made only by the Chief Justice or other authority designated by the Supreme Court.**
- 4. It is Supreme Court policy that judges should not serve on governmental commissions or committees where the functions would include participation in:**
  - a. the allocation of funds;**
  - b. matters which may become the subject of political controversy;**
  - c. formulating or promoting proposals for legislative action.**

**OPINIONS: IIID**

**APPEARANCES BEFORE OR APPOINTMENTS TO LEGISLATIVE OR EXECUTIVE BODIES**

- 59-93 Judge may not attend an informal meeting of President Clinton's Working Group on Welfare Reform, Family Support and Independence to discuss insights into child support enforcement system in NJ and give input for scheduled federal reform. The working group operates under a charge from President Clinton to make work pay; dramatically improve child support enforcement; provide education, training, and other services to help people get off and stay off welfare; and create a time-limited transitional support system followed by work. Under Canon 4C and Guideline IIID1 such an appearance requires permission of the Supreme Court.
- 12-95 Superior Court judge may not accept the request of the Mayor of Paterson to lead a "Blue Ribbon" panel to analyze and make recommendations and plans for youth services in Paterson. Both the Prosecutor and Public Defender will be represented on the panel. The panel's formation is precipitated by the tragic shooting death of a youth in a drug surveillance operation by the Paterson police, a matter presently pending grand jury hearing.
- 28-99 Assignment Judge may not serve on the Sex Offender Management Program Collaborative Team which is being formed by the Department of Corrections to develop a strategic plan for supervising sex offenders in the community and to seek a federal grant. This is an Executive Branch function, in which the Judiciary does not have an independent interest. Judge is being asked to act in an executive capacity.

- 34-00 A Superior Court judge may not serve on a committee of the township where the judge lives to meet with State Park and Forestry staff to discuss location of a state park in the township. Under Guideline IIID appointment to a governmental committee requires prior approval of the Supreme Court. The Guideline further provides that judges should not serve where the committee functions would include participation in matters which may become the subject of political controversy, or formulating or promoting proposals for legislative action.

**E. Membership or Other Participation in Non-Governmental Organizations**

1. **As a general concept, a judge should take care that membership or participation in any organization does not impair or seem to impair the judge's impartiality.**
2. **General Membership Associations of Lawyers or Judges.**
  - a. **A judge may be a member of any general membership national or international bar association, the New Jersey State Bar Association, any general membership county or local bar association; any association, institute or society devoted to the improvement of the law, the legal system or the administration of justice, or any association of judges;**
  - b. **A judge may not serve as an officer, director or trustee of any of the foregoing bar associations;**
  - c. **Subject to relevant limitations in the Code of Judicial Conduct, administrative directives or these Guidelines, judges may serve on suitable committees of the New Jersey State Bar Association; and also on suitable committees of any general membership national or international bar associations;**
  - d. **Subject to the limitations referred to in subparagraph c, judges may serve as officers, directors, trustees or committee members of other non-governmental associations or institutes devoted to the improvement of the law, the legal system or the administration of justice; or any association of judges.**
3. **Limited Membership Associations of Lawyers.**
  - a. **A limited membership association is one the members of which have a community of interest based upon:**
    - (1) **Type of practice:**
      - (a) **all-inclusive membership; e.g. American Academy of Matrimonial Lawyers, or**
      - (b) **membership limited to a particular side of litigation; e.g. Association of Trial Lawyers of America, Association of Criminal Defense Lawyers of New Jersey;**
    - (2) **Particular political issues and goals;**
    - (3) **Gender, race, national or ethnic origin;**
  - b. **Membership in (1) and (2) above is prohibited. With respect to (1)(a), judges may accept or continue regular or honorary membership in such associations unless the Supreme Court has established as a matter of policy that membership in such associations or any of them is not appropriate;**

- c. **As to a.(3) above judges may accept or continue regular or honorary membership in an association of lawyers based on gender, race, national or ethnic origin unless the Supreme Court has established as a matter of policy that membership in such associations or any of them is not appropriate;**
  - d. **Judges' consideration of whether to accept invitations by limited membership associations to lecture, speak, appear as a panel member, etc; or to attend or otherwise participate in events or activities conducted by such associations shall be governed by Guideline III.A.3.b.;**
  - e. **Judges' acceptance of awards, honors and tributes offered by a limited membership association shall be governed by Guideline VI.**
- 4. Other non-governmental associations.**
- a. **Subject to the limitations herein above, judges may be members of and serve as officers in or trustees of other non-governmental organizations devoted to the improvement of the law, the legal system, or the administration of justice.**
  - b. **Judges may not assist such organizations in raising funds nor participate in the management and investment of the assets of the organization.**

**OPINIONS: III E - NON-GOVERNMENTAL ORGANIZATIONS**

- 9-88 A judge may be a member of a subcommittee of a County Bar Foundation to review scholarship applications and forward recommendations to the Bar Association and Bar Foundation. The Foundation is a separate body from the Bar Association.
- 1-90 A judge may accept an offer by a local lawyer to nominate the judge to be a Fellow of the American Bar Foundation.
- 18-90 A judge may not serve as an officer of the National Association for Victim Assistance. The organization promotes victim assistance programs nationally.
- 27-90 A judge may vote in a contested election for officers of a county bar association of which the judge is a member.
- 48-90 A judge may serve on ABA Task Force on Insurance Coverage Litigation, which will be preparing a manual for complex insurance coverage litigation.
- 50-90 A judge may not allow his name to be placed in nomination by a committee of NJ lawyers as an officer of the NJ Chapter of the ABA Foundation. There is an automatic progression of officers to the office of President. The chapter sends an annual letter to its members on letterhead that lists the chapter officers to remind them of their obligation as members to contribute to the scholarship fund.
- 77-90 A judge may continue to belong to a county bar association that has issued an analysis of gubernatorial candidates' platform proposals.
- 49-91 A judge may chair a panel for the Bench/Bar Conference.
- 62-91 A judge may serve on the Child Abuse Protocol Subcommittee of the NJSBA Family Law Committee.
- 7-92 A new judge may attend a National Conference on Juvenile Justice sponsored by National

Council of Juvenile and Family Court judges and National District Attorneys Association (NDAA). The judge has been chair of NDAA Juvenile Justice Association and had major input on reports that would receive final approval at the conference.

- 8-92 A new judge may attend a meeting of the ABA Criminal Law Section Committee on Revising Standards on Trial by Jury and Discovery at which standards will receive final approval. As a member of the Committee, the judge had participated in drafting the standards.
- 38-92 Judges may serve on honorary dinner committee for Rutgers Newark Law School annual dinner, which is not a fundraising event, if there are no politicians on the committee.
- 61-92 Judge may not continue as Trustee of the NJ State Bar Foundation.
- 12-93 Family Division judges may attend New Jersey State Bar Association Family Law Section's Annual Dinner. Tischler Award will be presented to a practicing lawyer. Governor Florio will speak.
- 15-93 Judge may attend the Garden State Bar's annual scholarship dinner dance at which State Senator Wynona Lipman will be the honored guest.
- 20-93 Judges may attend the Association of Criminal Defense Lawyers of NJ Officer Installation Dinner. This dinner is offered annually. It is open to all lawyers, and will be advertised widely in legal journals, bar journals and newsletters. Judges would pay their own way.
- 47.2-93 Municipal court judge may not continue to serve on Board of Directors of county Legal Services, Inc. within the same county.
- 35-96 Superior Court judges, husband and wife, may accept an invitation to attend the traditional party hosted by the outgoing president of Trial Attorneys of NJ (TANJ). The outgoing president is a personal friend. TANJ is a non-partisan bar association.

**OPINIONS: III.E.2 - GENERAL MEMBERSHIP ASSOCIATIONS OF LAWYERS OR JUDGES**

- 12-99 Superior Court judge may accept appointment as a member of the American Bar Association's Criminal Justice Standards Committee. The Standards Committee develops and publishes, with the approval of the ABA, standards in many areas of criminal law. Members include judges, prosecutors, defense lawyers and academics. Service on this committee will not impair the judge's appearance of impartiality.
- 18-00 A Superior Court judge may not accept membership in the American Board of Trial Advocates (ABOTA). The nomination and election process for membership in ABOTA is analogous to the process for selecting recipients of certain awards. Guideline VIB2 provides that a judge "shall not accept an award, honor or tribute for any law-related activity where the recipient is selected through a nomination or election process." On the basis of this analogy, a Superior Court judge who has been selected to do so should not apply for membership in ABOTA.
- 18-05 A part-time municipal court judge (1) may investigate the establishment of a NJ Affiliate Chapter to the National Bar Association (NBA) Judicial Council, (2) may, upon establishment of a Chapter, become a member of the Chapter, and (3) may seek election to the position of Chapter Chair. The Garden State Bar Association is an affiliate of the National Bar Association. The Council's membership would be limited to judges. Pursuant to Administrative Directive, unlike State-level judges, municipal court judges are permitted to be officers of state, county or local Bar Associations. The Council may sponsor educational events, but would not be involved in fundraising.

- 22-05 A Superior Court judge may be a member of the Council of the Judicial Division of the American Bar Association (ABA), which is comprised of trial, administrative law and appellate judges. However, the judge may not run for re-election to the ABA's Council of the State & Local Government Law Section or be nominated as an officer of the State & Local Government Council. The State & Local Government Council, which is comprised of attorneys, academics, and some judges, is the governing body of the State & Local Government Section. Although the State & Local Government Council does not set policy, it is responsible for governance, and its members vote on issues that go to the ABA Board.
- 25-05 Judges may not accept an invitation from the Association of Trial Lawyers of America (ATLA) to become Judicial Fellows of the organization. ATLA is a partisan bar association, whose membership is limited to a particular side of litigation. Pursuant to Guideline III.E.3.a and 3.b., judges are not permitted to join partisan bar associations.

#### **OPINIONS: III.E.4**

#### **MEMBERSHIP OR OTHER PARTICIPATION IN NON-GOVERNMENTAL ORGANIZATIONS**

- 57-94 Judge may serve on the Board of Trustees of the American Inns of Court Foundation if he is appointed not elected and so long as the judge's name does not appear in connection with fundraising.
- 1-98 Municipal court judge may not serve on the Law Committee of the Bergen Community Resource Council. The Community Resource Council provides health and human service assistance to anyone living or working in Bergen County through their information and referral service. The Law Committee sponsors a series of talks on various topics of current interest, some of which are political.
- 16-99 Superior Court judge of Portuguese heritage may be a member of the Commission for Justice Across the Atlantic. The Commission's purpose is to develop and sustain dialogue between the judicial systems of the U.S. and Portugal.
- 39-00 A Family Division Presiding Judge may serve as Vice President of the local chapter of the Association of Family and Conciliation Courts now under formation in New Jersey. However, because the vice-president becomes the president in the subsequent year, and the president is responsible for fundraising and other inappropriate duties, the judge is reminded of Guideline III E4 for guidance in deciding whether to proceed to the presidency.
- 30-01 Assignment Judge may serve as a member of the Advisory Board for the KITES (Kids Instructed in Tolerance through Education and Support) Program. However, the judge's name may not appear on the letterhead, the judge may not be involved in fundraising, or have contact with the bar, public defenders' office or police.
- 12-03 Superior Court judge may not serve on the Board of Trustees for the Wynona M. Lipman Child Advocacy Center. The Advocacy Center partners with litigants of one side only (DYFS and the County Prosecutor's Office) regarding the handling of child abuse matters. The Board of Trustees' membership includes a litigant in child abuse matters of one side only, i.e. a chief of police. Additional litigants of one side only, a representative of DYFS and the prosecutor's office, may also become Board of Trustee members. Interviews of child abuse victims are conducted by a forensic interviewer on the Advocacy Center's premises, while the interviews are simultaneously observed via closed circuit television by representatives of

DYFS and the prosecutor's office. The Advocacy Center provides education to schools and elected officials regarding child abuse and helps develop community awareness programs, and also performs fundraising and grant writing functions. The Advocacy Center also represents one side in a current political or legal issue of prominence, actively pursues specific controversial issues of local, state or national importance, and is committed to the analysis of or action on social, economic, political or other major public issues. Under the circumstances, the judge's membership on the Board of Trustees of the Advocacy Center would create the appearance of bias or partiality and the appearance of impropriety and is, therefore, inappropriate.

26-04 A Family Division Judge hearing juvenile delinquency matters may become a member of the Board of Directors and Executive Committee of a local social service agency, on the condition that he:

(1) is not directly or indirectly involved in fundraising and his name is not used for fundraising purposes;

(2) does not participate in the investment or supervision of the investment of funds;

(3) is not identified or referred to as "judge".

The agency is a private, non-profit organization, which is not a service provider and is not involved in advocacy or litigation. The judge does not refer juveniles or their parents to the agency.

#### **IV. NON-LAW-RELATED ACTIVITIES**

##### **A. Avocational Activities**

##### **1. Writing, lecturing, speaking; engaging in the arts, sports and other social and recreational activities.**

a. **The General Guidelines apply to avocational activities.**

b. **Because of the range of permissible activities, judges should be particularly careful:**

(1) **not to engage in activities that might detract from the dignity of the judicial office or interfere with the performance of judicial duties;**

(2) **to examine the composition and purposes of any organization, group or club before joining, speaking to or otherwise becoming associated with it, in order to avoid any appearance of bias or association with bodies or groups having clear interests in litigation in state or federal courts;**

(3) **to avoid unnecessary public controversy, or involvement in political matters.**

c. **Judges should not allow social relations or friendships to influence or appear to influence their judicial conduct.**

d. **With respect to writing for commercial publication Guideline IIIC is applicable.**

##### **2. Teaching non-legal subjects.**

a. **Subject to the General Guidelines and the relevant provisions of Guidelines IIIA.1 and IIIA.2, judges may teach non-legal subjects.**

b. **In teaching non-legal subjects judges should be particularly careful to avoid entanglement in controversial issues which might detract from the dignity of the judicial office or embroil the judge in issues of a political nature.**

- c. **As in the case of law-related teaching, the judge should notify the Supreme Court, and the Assignment or Presiding Judge in accordance with Guideline III.B.3.**

**OPINIONS: IVA - AVOCATIONAL ACTIVITIES**

- 3-88 A judge may be interviewed on videotape concerning the influence in his own life of ASPIRA, an organization that promotes education in the Hispanic community, provided that the videotape is shown only at the ASPIRA conference for which it was made.
- 4-88 A judge may not play the role of a judge in a commercial film.
- 16-88 A judge may be photographed in chambers with a former intern who is handicapped to illustrate an article in a pamphlet to be published by the Governor's office featuring the intern as a handicapped person who had overcome overwhelming obstacles to become not only a lawyer but a wheelchair athlete.
- 3-89 The New Jersey Department of Higher Education Office of Student Assistance distributes a publication called "Finding Your College in New Jersey" to encourage high school students to attend college. Among other items it carries feature stories on graduates of New Jersey colleges as role models for students. A municipal court judge was advised that she could permit this publication to feature her as a Hispanic woman of achievement.
- 4-89 A municipal court judge may speak at a public Veterans' Day ceremony hosted by the Veterans of Foreign Wars, although the roster of speakers also would include the mayor. The judge would confine his speech to comments on the patriotic nature of the day.
- 8-90 A judge may speak at the annual meeting of ASPIRA (an organization devoted to raising the educational aspirations of Hispanic Youth) concerning the judge's involvement as a youth in the organization. The committee advised that the presence of the mayor did not make this a political event.
- 20-90 A judge may speak as a role model at a conference sponsored by a Hispanic organization in another state.
- 2-91 A municipal court judge may not attend and read biblical passage at memorial service for police officers killed in line of duty. The judge had been a 1<sup>st</sup> Assistant Prosecutor. The event would be heavily attended by law enforcement people.
- 5-91 (1) A municipal court judge may not appear in TV commercial for Shredded Wheat.  
(2) A municipal court judge whose avocation is body building may not present trophy at body building contest at commercial gym.
- 25-91 A new judge may not continue to give annual party for lawyers.
- 29-91 A municipal court judge may not continue to serve on a country club's board of trustees where the club's liquor license must be renewed yearly and the names of board members are disclosed on the application.
- 37-91 A judge may not properly serve as toastmaster or as member of committee for dinner honoring County Manager who has just been signed to a 2-yr. contract. County Manager is theoretically apolitical but serves at pleasure of politicians.
- 23-92 A judge may participate on panel discussion with other prominent county women at the county's first Women's Conference: "What the World Holds for Women in the 21st Century,"

co-sponsored by the County Executive and Rockland Electric Co.

- 47-92 Judge may:
- a. participate in poetry readings;
  - b. be identified in publication as translator of wife's poetry, but not by title, and provided a statement appears that no compensation is received;
  - c. submit short stories for publication, provided that publication includes a disclaimer of compensation. When the writings are published the judge may be identified as a judge in the customary biographical sketch but must not in any circumstance be so identified prior to publication;
  - d. submit short stories to writing contests with no cash prize;
  - e. submit short stories to writing contests with cash prize, provided contest sponsor donates the prize to charity of its choice.
- 19-93 A municipal court judge may judge compositions of school children aged 9-12. Others on the panel are teachers and community members.
- 27-93 Judge may join Order of AHEPA. The organization's purpose is to assist all Greek immigrants to achieve American citizenship and facilitate assimilation by encouraging participation in American civic life.
- 38-93 (b) Judge may continue membership in Country Club. Club does not invidiously discriminate.
- 48-93 Judge may play the part of a judge in the musical "Oklahoma" given by a non-profit community theater group. The judge's name does not appear in playbill.
- 56-93 Judge may, at the invitation of the county executive, attend and speak at a special proclamation-signing ceremony celebrating "Women's Equality Day" commemorating the 73rd anniversary of the ratification of the 19th Amendment to the U.S. Constitution. This is a non-partisan and non-political event.
- 14-94 Judge may participate as panelist in a church-sponsored public evening program on family and parenting presented in a public school.
- 32-94 Superior Court judge may not attend and speak at charitable event honoring a citizen for her many charitable activities to the community of Woodbridge sponsored by the George Otowski Citizens' League.
- 40-94 Judge may do one-liner in the summer stock production of ANNIE playing the role of Judge Brandeis.
- 48-94 Municipal court judge and his family may be featured on a 1-minute TV segment for NBC NEWS on the correct way of recycling and how it is done in their home. The judge will not be identified as a judge and will not be paid.
- 56-94 Municipal court judge may be guest speaker at Annual Black Women's Day Awards Banquet and receive award for being guest.
- 67-94 Municipal court judge may be a member of the Board of Directors of a private professional basketball organization.
- 7-95 Assignment Judge may address The Columbians, an organization made up primarily of businessmen and professionals of Italian-American heritage, at a monthly dinner meeting. The main purpose of this organization is to promote Italian-American heritage and culture, fellowship and charitable causes.

- 17-95 Superior Court judge may report to NJ Network after trip to Vietnam to communicate feelings as a Viet Nam war veteran returning to the Far East, in conjunction with the May 7 dedication of the NJ Vietnam Memorial.
- 32-95 Superior Court judge may not be a panelist at a "Fathering the Community Rally" sponsored by the Urban League for Bergen County, Inc.
- 33-95 Superior Court judge may not attend a meeting of the Homicide Survivors of Camden County, a grief support group, and address the group.
- 45-95 Municipal Court judge married three days after swearing-in, may accept wedding gifts from wedding guest attorneys who would likely appear before him in court. He may also continue to do a weekly column for the New York Times in the Sunday Real Estate section entitled "Your Home."
  
- 5-96 An Assistant Prosecutor is directing a play at a local non-profit theater. Called "Twelve Angry Jurors", it is an adaptation of the movie "Twelve Angry Men". A Superior Court judge may play the part of a judge in a video-taped lead-in to the play that shows the juror-actors being charged.
- 17-96 Superior Court judge, a Navy Captain, may accept an invitation from the New Jersey Naval and Maritime Museum to be the keynote speaker for their annual Memorial Day Observance. This is not a fundraising event and is not political.
- 21-96 Superior Court judge may not speak at the Annual Meeting of WOMANSPACE, an organization that provides shelter for battered women. This is a membership meeting that includes staff and friends but not the general public.
- 5-98 Superior Court judge may join the Advisory Board of Seton Hall University's Center for Catholic Studies which aims at deepening and enhancing the Catholic character of Seton Hall.
- 11-98 Municipal court judge may not continue as a member of the Commission on Social Action of the Union of American Hebrew Congregations (UAHC). The commission is created jointly by the UAHC and the Central Conference of American Rabbis to assist congregations in establishing effective social action committees and programs that encourage the application of Judaic ethics.
- 14-98 Superior Court judge may not serve on a Scientific Advisory Board of the Center for Molecular Therapeutics of NJ, presently under the auspices of the University of Medicine and Dentistry of NJ. The Center intends to assist pharmaceutical companies in the commercialization of the therapies they develop.
- 6-99 Superior court judge may not speak or introduce the speaker at an educational program offered by the county Jewish Family and Children's Services Task Force SARAH (Stop Abuse Relationships at Home). The judge is invited to address the issue of domestic violence in Jewish homes, and introduce the author of a new book on spousal abuse in Jewish homes. This participation could create an appearance of bias.
- 8-99 Superior Court judge may participate as a guest speaker at a municipal council's "Woman of Action" awards ceremony in the council chambers. The judge is invited to speak briefly on the topic of "women." Local women are to be honored for their spirit of commitment to the community. This activity will not involve the judge in public controversy or political matters.
- 22-99 Municipal court judge may lecture on topics related to medical case management and health

care at a meeting of the county chapter of the New Jersey Association of Women Business Owners. The judge is also a registered professional nurse and a certified medical case manager. In speaking she should observe the limitations of Guidelines IIIA4 and 5.

- 24-99 Municipal court judge who owns a handicapped accessible waterfront residence may invite a quadriplegic municipal council member who is a long time friend to use the house. A judge may invite friends privately but should exercise sound judgment in relation to the appearances created.
- 30-99 Superior Court judge may not act as master of ceremonies at the retirement dinner of the warden of an adult correction center. This is a law enforcement event.
- 34-99 Superior Court judge may participate in a Town Meeting on the issues of youth violence, drugs and alcohol, in the town where the judge lives. Parents, teachers, administrators, and residents will attend. As an assistant prosecutor the judge was instrumental in organizing the DARE program in the county. The judge's presentation must be confined to the history of DARE.
- 47-99 Superior Court judge may participate as a panelist in a seminar on Race and Public Policy for Leadership New Jersey as part of a series of presentations on major issues facing the people of New Jersey.
- 55-99 A municipal court judge may not participate as a panelist or speaker at the Black on Black Crime Conference sponsored by the Institute for Social Justice, Inc. at a session entitled "Prisons: More Blacks in Prison than any other Race." The Institute is a professional organization composed of criminologists, psychologists and others. The purpose of the conference is to follow up on recommendations of a previous conference on the causes and cures for Black on Black crime. Although this is a professional conference the session topics include matters that are subjects of public controversy and political in nature.
- 12-00 Superior Court Judge may speak at a "Parents Forum" given by a city's Office of Employment & Training/Workforce Development. The judge would speak to parents about how they can help their young people prepare for successful employment. This activity will not detract from the dignity of the judicial office nor embroil the judge in public controversy or political issues.
- 29-00 A Superior Court judge may not serve on the Founding Advisory Board of Governors for a golf club. Because the golf club is in formation and a promotional package is being assembled, there may be an appearance of lending the prestige of judicial office to advance private interests of others.
- 32-00 A part-time municipal court judge may not accept a paid speaking engagement through a speaker's bureau for speaking in his judicial capacity. If the judge wants to accept an unpaid invitation to speak at an event, he should request the Committee's advice on a case-by-case basis.
- 9-02 A Superior Court judge may attend the Annual Freedom Fund Awards Dinner of the County East Branch of the NAACP. However, the judge may not be the keynote speaker, or receive a leadership award at this event since it is a fundraiser.
- 10-02 Municipal court judge may not receive a plaque or give a speech at the 2002 Women of Excellence Award presented at the tenth annual dinner of the County Commission on the Status of Women. Accepting this award is not permissible because it is equivalent to a

"judge of the year" award. Also, since the County Commission on the Status of Women serves as an advisory board to the county freeholders, it performs a county governmental function. However, the judge may attend the event.

- 25-02 Superior Court judges may not address members of the bar in the county's civil presiding judge's courtroom during the first civil calendar call and urge the bar members to participate in the Trial Lawyers Care Program (TLC), which provides pro bono legal assistance to the victims and families of the September 11, 2001 terrorist bombings. Further, judges may not prepare a letter for the presiding judge to read to the bar members sitting in the judge's courtroom during the first civil calendar call to urge the bar members to participate in the TLC program. The presiding judge may not urge the members of the bar sitting in his courtroom during first civil calendar call to participate in the program. The judges assisting this program could be construed as expressing a preference for a specific charity and it is impermissible for judges to use the courtroom for that purpose.
- 30-02 Superior Court judges may attend the retirement party for a county assistant prosecutor on condition that the judges not sit on the dais and not give a speech or have any comments videotaped. The approval is based on the judges' long-standing personal and professional relationship with the assistant prosecutor. The event, held at a local restaurant, will be open and will be attended by prosecutors, public defenders and private defense counsel.
- 33-02 Superior Court judge may attend a memorial service for a deputy attorney general and be a eulogist at the service. The judge worked closely with her in the Attorney General's office during his tenure in that office, socialized with her and her family and was a very close personal friend of the deceased. The memorial service will be an open event and secular in nature. The judge will not mention in his eulogy any cases on which they worked while in the Attorney General's Office or since he assumed judicial office.
- 35-02 (1) Municipal Court judge may not participate in a scholarship golf tournament in Puerto Rico sponsored by ASPIRA. The sponsors and members of the organizing committee of the event are politicians. Although it will be an open event, anticipated attendees will be Senators and Assembly members. The tournament will include a Congressional / Legislative breakfast and will be a scholarship fundraiser to benefit ASPIRA. ASPIRA, Inc. of New Jersey is a private, non-profit organization founded in Newark, New Jersey in 1968. The organization provides education enrichment services on a statewide basis to public school students. The organization also provides professional development seminars and events for teachers, parents and other educators.
- (2) The judge, however, may attend a separate ASPIRA sponsored *Technology Tools for Teaching and Learning Conference* which will also be held in Puerto Rico. The Conference will discuss how technology impacts education. It will be an open event, predominantly attended by college personnel, school teachers and school administrators from the United States and Puerto Rico.
- 10-03 Municipal court judge may not accompany his fiancée on a cruise where the tickets would be purchased by the judge's fiancée from the mayor's civic association (of the same municipality in which the judge sits.) The civic association, which is sponsoring this event, probably supports the mayor and raises funds for him. The mayor will also go on the cruise.
- 27-03 A Superior Court judge may be a member of a professional musical band on the conditions that (1) participation does not detract from the dignity of the judicial office or interfere with the performance of judicial duties, and (2) there is no compensation for the judge's participation. It is also important for the judge to be sensitive to the venues in which the band performs. The judge will not perform at a casino, a political event, or any event that might compromise the judiciary's impartiality. The judge will not be introduced or identified by name or by his judicial position.

**B. Civic and Charitable Activities**

- 1. Subject to the general guidelines, judges are encouraged to participate in educational, religious, charitable, fraternal, or civic organizations not conducted for the economic or political advantage of their members.**
- 2. Judges may serve as officers, trustees, or non-legal advisors of such organizations unless the duties would include investment or supervising the investment of funds.**
- 3. Judges should refrain from joining organizations or groups which:**
  - a. are regular or likely litigants in New Jersey courts, or otherwise resort to the New Jersey courts in support of their stated goal;**
  - b. represent one side in any current political or legal issue of prominence;**
  - c. actively pursue specific controversial issues of local, state, national or international importance;**
  - d. are composed of members selected by a sponsoring organization and are not broadly representative;**
  - e. are committed to the analysis of or action on social, economic, political or other major public issues.**
- 4. The holding of office in neighborhood, community, condominium or homeowners associations, or active participation on behalf of such organizations, carries a potential for political involvement or public controversy and should be avoided.**

**OPINIONS: IVB - CIVIC AND CHARITABLE ACTIVITIES**

- 1-88 A judge may be a member of an honorary committee for a dinner given by the University of Medicine and Dentistry of New Jersey to honor the city of Newark. The event did not involve fundraising and was non-political.
- 18-88 A municipal court judge may accept the office of vice-president for membership relations on the Boy Scout Council. The duties of the office, which are carried out mainly by staff, are to establish and maintain relations with other community and youth service groups.
- 11-90 A judge may not serve as president of a local Lions Club. It is not possible to separate the club's president from its fundraising activities.
- 72-90 A judge, subject to certain limitations, may serve on the advisory board of a college's Center for the Study of Public Issues, an institution aimed at building a more informed body politic in New Jersey. The judge, pursuant to the guidelines, may not take a position on any of the public issues or participate in fundraising for the Center.
- 7-91 A judge may serve as general chairman of 125th Anniversary of Camden Diocese Cathedral Liturgical Celebration at invitation of Bishop. It was represented to the Committee that no fundraising was involved.
- 14-91 A municipal court judge may continue to serve as volunteer firefighter, but may not remain on board of fire commissioners.
- 26-91 A judge may serve on the Commission on Accreditation for Law Enforcement Agencies, Inc.

The Commission is a non-profit, tax-exempt corporation that accredits law enforcement agencies based on standards pertaining to policies and procedures, management, operations and support services. Eleven of the 21 commissioners come from outside the law enforcement community.

- 32-91 A judge may serve on committee for the Red Mass where no fundraising is involved.
- 52-91 A municipal court judge may not serve on the Board of Trustees of a hospital. (But see Opinion 19-05.)
- 59-91 A judge may serve on the Board of Trustees of a chiropractic college in another state, if name does not appear in connection with fundraising.
- 46-92 Municipal court judge may serve as the Chairman/Facilitator for Salem County 2000, an effort that supports "lifelong learning."
- 38-93 (a) Judge may continue activities in Red Cross so long as judge does not engage actively in fundraising.  
(b) Judge may continue membership in Country Club. Club does not invidiously discriminate.
- 68-93 Municipal court judge may not serve on board of a community hospital in another community. The hospital never appears before his court but police may take suspect to that hospital.
- 2-94 Municipal Court Judge may not:
1. Continue to serve as chair of the Board of Directors of Black United Fund of NJ, Inc. This organization is actively involved in the solicitation of funds.
  2. Continue as member of the NJ Public Policy Research Institute. The purpose of the Institute is to identify and research significant public policy issues, providing reports on those subjects to elected and appointed officials, libraries and other interested organizations.
  3. Continue on the board of the National Black United Fund and as Chairman of that board's Legal/Legislative Committee. His activities as a board member parallel his similar activities with the state organization.
- 20-95 Assignment Judge may serve on Board of Directors of an extended care facility providing nursing care for an order of Catholic nuns. Board members are not compensated in any way and do not engage in any fundraising activities.
- 28-95 Superior Court judge may serve on the Board of Georgetown Alumni Association of North Jersey.
- 34-95 Superior Court judge may sit on Advisory Board of Rutgers, Project C.O.R.E, a program for reorienting adjudicated youth from Newark. The judge would have no contact with (1) Bar, (2) Prosecutors/Public Defenders, (3) Police Department/PBA, (4) other individuals enrolled in the Project.
- 58-95 New Tax Court judge may not continue as a member of the Sierra Club; he may continue as a member of the Nature Conservancy. The Sierra Club actively pursues specific controversial environmental issues. The Nature Conservancy acquires endangered natural habitats.

- 11-96 Municipal court judge may play on a team with several P.B.A. officers in a basketball game at a local high school against a team composed of members of the New York Giants football team. The event will benefit a P.B.A. Scholarship Fund and the American Cancer Society. Ordinarily it would be improper for a judge to participate actively in a fundraising event, or in association with P.B.A. members, but, because of the uniqueness of the opportunity for the judge as basketball player, the activity is approved on condition that he not be listed on the program nor wear the P.B.A. shirt. (See Op. 16-98 below.)
- 14-96 Superior Court judge may not serve on a national advisory board that edits and reviews materials and training programs designed to educate professionals in the effort to curtail and eliminate the exploitation and abuse of children.
- 33-96 Superior Court judge may serve as a member of the Board of Trustees of the Newark Museum. The judge's name should not appear on the letterhead, nor in connection with any fundraising, and the judge should not participate in the investment and management of museum funds.
- 1-97 Superior Court judge may continue as a member of the Board of Trustees for the Buehler Challenger & Science Center. The Buehler Center is an educational organization that encourages grade school students to further their studies in math, science and technology.
- 2-97 Superior Court judge may not be interviewed by the Chair of the Strategic Planning Committee of the Jewish Family and Childrens Service of Greater Mercer County as a resource regarding issues and trends in juvenile, family and domestic relations, and services for and needs of juveniles and families in crisis.
- 25-97 A municipal court judge and his wife, who is a teacher, may chaperone a high school prom at a restaurant in a town other than the one in which the judge sits.
- 16-98 Municipal court judge may play in a basketball game against the Harlem Wizards to benefit a scholarship fund in the name of a young girl who died of cancer. Police officers, members of the PBA, and other township employees will play. The judge would not be identified as a judge and would wear a plain T-shirt, without the Harlem Wizards logo. (See Op. 11-96.)
- 36-98 Superior Court judge may serve on the Boards of:
1. United Community Center Scholarship Fund. The fund provides college scholarships to residents of a particular area. It does not engage in fundraising.
  2. Leadership Newark Foundation. Leadership Newark is patterned on Leadership New Jersey. It introduces participants (who have been selected from a pool of applicants) to the operations of government. The judge' name will not appear on any fundraising materials.
  3. Newark Museum. The judge' name will not appear on any fundraising materials.
- 48-99 Superior Court Judge may become a charter member of the Criminal Advisory Council of Hudson County Community College. The Council's mission is to provide guidance and input to the College regarding its criminal justice curriculum. Membership would not impair the judge's appearance of impartiality.
- 2-00 Superior Court judge may serve on the Advisory Board for the Walter Rand Institute for Public Affairs at Rutgers, created in honor of his father, a former State Senator. The primary function of the board is to provide guidance to the Institute to develop its public service and research agenda. The position does not entail any fundraising.

- 5-00 Superior Court judge may join the Program of Acceleration Challenge and Enrichment (P.A.C.E.) advisory committee at the public school his children attend. The role of the committee is to make recommendations regarding curriculum changes to improve upon the courses currently available.
- 8-00 Superior Court judge may not become a member of a group of business and civic leaders convened by the new Bishop of Camden to discuss ideas on "Restoring Confidence in Camden's Future." Participation entails a potential for political involvement or public controversy.
- 28-00 A Superior Court judge may not serve on the Housing Board of Directors for a Diocese. The Committee was of the view that housing issues such as location, selection of tenants, and funding sources are inevitably in the political arena.
- 36-00 A Superior Court judge should not speak at a dedication ceremony for the installation of the sternplate of the U.S.S. Enterprise in the Township Veteran's Monument Park. The Committee rested its determination on the absence of a nexus between the judge and the event other than the judge's residence in the township. The judge may attend the event.
- 2-01 Superior Court judge may become a member of the Advisory Board for a program of the College of Nursing and School of Criminal Justice at Rutgers University entitled "Strengthening Families," a training program for drug abusing parents who are court involved. The judge handles DYFS matters and refers abusing parents to a different program run by the university, one which works to obtain drug treatment, counseling and jobs for them in the community. However, there is no direct relationship between the Advisory Board on which the judge would serve and the university's program to which the judge refers certain DYFS cases.
- 5-01 Superior Court judge may serve on the Board of Our Children's Foundation of New Jersey, Inc. This opinion is limited to its specific facts that the effort is an outgrowth of the Minority Concerns Committee.
- 17-01 Municipal Court Judge may properly accept an invitation to take part as a presenter of one of the unsung heroes awards at the Morning Baptist Church's 3rd Annual "Unsung Heroes" celebration. The unsung heroes are people who have served the less fortunate as volunteers without anticipation of reward. The dinner is not a fundraiser.
- 23-01 Superior Court judge may not participate in the 11th Annual Charity Tennis Tournament to benefit the New Jersey Vietnam Veterans' Memorial Commission. The chair of the event is a Senator. The event is a fundraiser at which the government employees' (including judges') participation would be paid for by corporate sponsors. This event is different than the situation involved in Opinion 11-96, where a judge, a basketball player, was permitted to play on a team with PBA officers against a team comprised of the New York Giants football team. Opinion 11-96, which also involved fundraising, comprised a highly unique situation that was limited to its facts.
- 12-02 Superior Court judges of African American heritage may be Grand Marshal, Honorary Marshal and Deputy Marshals in the 14<sup>th</sup> Annual Martin Luther King, Jr. Parade. The judges may also receive a plaque or certificate as Marshals and have their names mentioned in local newspapers indicating their roles as Marshals.
- 25-02 Superior Court judges may not address members of the bar in the county's civil presiding Judge's courtroom during the first civil calendar call and urge the bar members to participate in the Trial Lawyers Care Program (TLC), which provides pro bono legal assistance to the victims and families of the September 11, 2001 terrorist bombings. Further, judges may not prepare a letter for the presiding judge to read to the bar members sitting in the judge's courtroom during the first civil calendar call to urge the bar members to participate in the

TLC program. The presiding judge may not urge the members of the bar sitting in his courtroom during the first civil calendar call to participate in the program. The judges assisting this program could be construed as expressing a preference for a specific charity and it is impermissible for judges to use the courtroom for that purpose.

- 27-02 Superior Court judge may not continue to participate as a member of the Board of Directors of the Girl Scouts of the U.S.A. The Board members perform policy making functions, including soliciting input from policy-influencing groups. Additionally, the Board members identify and cultivate sources of financial support and are involved in fundraising.
- 34-02 Superior Court judges may participate in the county bar association's Adopt-a-Family Holiday Program by buying presents to be delivered to the recipients by the bar association or by sending money to the bar association for that purpose. However, judges will observe the following conditions: they will not circulate the program flyer to or solicit participation by other judges or judiciary employees, other organizations that seek participation by judges in holiday charitable programs will be given a similar opportunity to request the judges' participation, and both the donor and the recipient will remain anonymous.
- 35-02 (1) Municipal Court judge may not participate in a scholarship golf tournament in Puerto Rico sponsored by ASPIRA. The sponsors and members of the organizing committee of the event are politicians. Although it will be an open event, anticipated attendees will be Senators and Assembly members. The tournament will include a Congressional / Legislative breakfast and will be a scholarship fundraiser to benefit ASPIRA. ASPIRA, Inc. of New Jersey is a private, non-profit organization founded in Newark, New Jersey in 1968. The organization provides education enrichment services on a statewide basis to public school students. The organization also provides professional development seminars and events for teachers, parents and other educators.
- (2) The judge, however, may attend a separate ASPIRA sponsored *Technology Tools for Teaching and Learning Conference* which will also be held in Puerto Rico. The Conference will discuss how technology impacts education. It will be an open event, predominantly attended by college personnel, school teachers and school administrators from the United States and Puerto Rico.
- 3-03 Superior Court judge may be on the NAACP Brotherhood Essay Committee to select a grand prize winner for the local Brotherhood Essay Contest. Although other members of the Essay Committee include a township committee member from the same county in which the judge sits, the Essay Committee members will read the essays individually and will not meet as a group. The judge will only be involved in judging the essays and will not be involved in the presentation ceremony to the prize winners. Approval is conditioned on the judge not being directly involved in any fundraising.
- 4-03 Superior Court judge, retired on recall, may not serve on the regional Board of Trustees or Directors of Planned Parenthood while serving as a recall judge on the ISP Panel. The Board performs policy-making and fundraising functions and makes decisions about Planned Parenthood's operation. Planned Parenthood is a regular litigant in court and is involved in advocacy activities.
- 10-03 Municipal court judge may not accompany his fiancée on a cruise where the tickets would be purchased by the judge's fiancée from the mayor's civic association (of the same municipality in which the judge sits.) The civic association, which is sponsoring this event, probably supports the mayor and raises funds for him. The mayor will also go on the cruise.
- 14-03 Superior Court judge may not be the main speaker at a Veterans of Foreign Wars Loyalty Day Ceremony in conjunction with the Ladies Auxiliary. Speaking at this event is

inappropriate since a law enforcement officer may be honored, many law enforcement officials may attend this open event, as well as the mayor and city council members. The mayor will give a speech and the city council members will be introduced (but will not speak.)

- 22-03 Municipal court judge may not be the master of ceremonies at the Whitney Young Award Dinner, since it will be a fundraiser. However, he may attend this event. The dinner is sponsored by a regional council of the Boy Scouts of America.
- 12-05 A Superior Court judge may become an unpaid member of the Board of Directors for the Alcove Center for Grieving Children and their Families (Alcove). Alcove is a non-profit organization that provides bereavement support services to children and families in the vicinage. It is not involved in any litigation, the court does not have a contract with it or refer cases to it. The judge's position would be administrative and would involve working on Alcove's projects. The judge may also attend Alcove fundraisers, so long as her participation is limited to purchasing tickets, she is not a speaker, is not involved in the solicitation of funds, and her name and/or position are not listed on solicitation documents or otherwise used for fundraising. Additionally, the judge's name may not be listed on the Alcove stationery.
- 19-05 A municipal court judge may continue to serve as Chairman of the Board of Trustees of a hospital in the same vicinage, but in a different municipality. There is a separate autonomous foundation for fundraising purposes with which the judge has no involvement. His service as Chairman is subject to the conditions that he:
1. recuses himself in cases where a member of the hospital staff is a plaintiff, defendant or witness, a patient who is a victim or a criminal or municipal court defendant is taken to or treated at the hospital or the hospital performed bloodwork or other work in such matters;
  2. is in no way involved in any fundraising, nor is his name used for any fundraising purposes;
  3. is not involved in funding questions regarding outside agencies;
  4. serves pro bono;
  5. is not identified on hospital letterhead / stationery as a judge.
- 21-05 A Superior Court judge may be appointed to the Honorary Board of Trustees of Jewish Family Service (JFS) which provides referral, job search and other services to seniors, the elderly, immigrants and others in the vicinage, along with other Board members. Her appointment is subject to the following conditions: (1) the judge does not handle any matters involving JFS, (2) she is not a speaker at JFS fundraising events, (3) she is not involved in the solicitation of funds, (4) her name and/or position are not listed on solicitation documents and are not otherwise used for the purpose of fundraising, (5) she is not involved in the investment or supervision of the investment of funds, and (6) her name is not listed on the JFS letterhead or stationery. The judge, who was President of this organization before going on the bench, will continue to participate only in an honorary, ceremonial capacity.

**C. Attending Events**

1. **A judge should avoid lending the prestige of the office to advance the private interests of others and should avoid conveying or permitting others to convey the impression that they are in a special position to influence the judge.**
2. **Before accepting any invitation a judge should carefully consider, in the light of Canon 7, whether:**
  - a. **the judge's presence might appear to advance some political, commercial or other interest of the host or of another;**

- b. **the event is to honor an active political figure;**
- c. **the event is of a non-political nature although active political figures may be present.**

**OPINIONS: IVC - ATTENDING EVENTS**

- 2-88 At his own expense a judge may participate in a trip to Japan for distinguished members of the Hispanic community.
- 6-88 A judge should not attend a police academy graduation ceremony.
- 7-88 A judge, at his own expense, may visit the Soviet Union as a member of the delegation of the Citizen Ambassador Program of People to People International.
- 19-88 Judges may not attend a dinner to honor a prosecutor on his reappointment. Attendance might create an appearance of favoring law enforcement.
- 20-88 A municipal court judge may not attend a dinner celebrating the swearing-in of the mayor of a different municipality, because it is a political celebration.
- 21-88 A judge may not attend the annual dinner of a county sheriff's department PBA and receive the award of a Silver Card Life Membership.
- 5-89 A judge may not attend a local Rotary Club testimonial dinner honoring a State senator.
- 9-89 A judge may properly attend a dinner in honor of his father-in-law hosted by the Police Benevolent Association in the father-in-law's home community in recognition of over 40 years of service and support to community organizations and needs. The father-in-law had not had any involvement with the PBA itself.
- 10-89 A judge was advised that he could not properly attend the annual meeting of the South Jersey Investigators Association for the purpose of swearing in the new President and Vice-President.
- 16-89 A Tax Court judge and a municipal court judge may attend a dinner honoring the former mayor and clerk of a township. While political figures would be present at the event, the dinner was deemed to constitute a community event as opposed to a political one.
- 17-89 An Assignment Judge was advised that the judges of the county may not attend a 70th birthday party for a state senator, offered by personal friends of the senator, because the dinner was a political event.
- 18-89 An Assignment Judge was advised that the judges of the vicinage may not attend a testimonial dinner for the Chairman of the County Utilities Commission, a recently resigned former prosecutor of the county. No host or sponsor of the event was indicated, but payment was to be made to the Chief of Investigators in the County Prosecutor's Office; the honorary chairman and master of ceremonies was the County Executive; and the Attorney General and all prosecutors were invited. The committee viewed this a political event.
- 13-90 A judge may attend a fundraising dinner sponsored by the Eagleton Institute Center for the American Woman and Politics which was honoring a local mayor. The primary purpose of

- the event was to raise funds for the Center. The event did not become political because a mayor was honored.
- 28-90 A judge may attend the annual dinner fundraiser of the Institute for Human Relations of the American Jewish Committee. The event is not political although a Senator is the honoree.
- 40-90 A Superior Court judge was advised that he could properly attend a retirement dinner hosted by a Police Benevolent Association in honor of a chief of police who was a personal friend of the judge.
- 42-90 A judge may be the guest of a local bar association at its dinner show which is not a fundraiser.
- 53-90 Judge may not attend cocktail dinner party at home of V.P. Dan Quayle in D.C. for those, both Democrats and Republicans, who were sworn in as congressmen with Quayle. Some of these are now senators, some still congressmen, some no longer in public life.
- 55-90 A judge may attend retirement dinner for retiring counsel to Newark Housing Authority, a personal friend, given by co-workers. Counsel will retire completely and has no political ambitions.
- 61-90 Assignment Judge may attend first public dinner meeting of County Municipal Prosecutors Association as a matter of comity. Other judges may not.
- 64-90 A judge may attend party for outgoing president of Trial Attorneys of NJ. Judge had been a board member for several years. TANJ is a non-partisan organization of the trial bar.
- 3-91 A judge may not attend a reception at law firm given by an attorney to celebrate his promotion to Brigadier General, Reserves.
- 12-91 Judges of the vicinage may attend fundraising dinner, a roast of a popular basketball coach, for the benefit of the Wm. Perkins Jr. Scholarship Fund which supports minority Seton Hall Law Students. Perkins is an active lawyer in the county.
- 13-91 A judge may attend the Governor's Holocaust Ceremony, a memorial ceremony to honor victims and survivors of the holocaust. The list of 2000 invitees consists primarily of persons active in Jewish organizations. This is not a fundraiser, and not a political event.
- 15-91 A judge may not attend a Rutgers Law School reception honoring an alumnus on his appointment to the New Jersey Senate.
- 16-91 A municipal court judge may not attend the testimonial dinner for a citizen active in the community and in the Democratic party, given by the Democratic organization, even though the Republican mayor and council will attend.
- 18-91 Issue 1: A judge may not attend the retirement dinner for a County Treasurer who was the Republican county chairman when the judge was Solicitor of the county.
- Issue 2: A Superior Court judge may attend but not speak at a retirement dinner given by police department for a police officer who was a client.
- 21-91 A municipal court judge may not attend a police retirement dinner in the municipality where he sits. The fact that the dinner is sponsored by the municipality, not the PBA, is of no consequence. (Reaffirmed by Opinion 24-00)

- 23-91 Judges may not attend a "common service of concern and solidarity" concerning desecration of a synagogue to be held at the synagogue cosponsored by it and 19 local churches and synagogues.
- 28-91 Judges may not attend a dinner tribute honoring law enforcement officers activated to the military service for "Operation Desert Storm" given by members of the law enforcement community of the County.
- 31-91 A judge may attend swearing-in of Commissioner of Highway Authority and reception by invitation following. It was represented to the Committee that the event was non-political.
- 34-91 Judges may attend 25th Anniversary dinner of Legal Services of New Jersey.
- 36-91 A judge may attend a private reception in Washington, DC for a personal friend who is a U.S. Senator from Arkansas returning to work after a heart attack.
- 38-91 A municipal court judge may not attend retirement dinner given by municipality for a Councilman, even though Councilman will have no further political activity.
- 40-91 Judges may attend Second Annual Public Advocate/Public Defender Golf and Tennis Charity Event, but not as speaker or at head table. This was not an exhibition tournament and judges' attendance was not advertised nor noted. The event was open to all.
- 42-91 Vicinage judges may attend Executive Assistant Prosecutor's retirement dinner given by office staff and colleagues if it is an open event. Honoree is retiring completely.
- 47-91 Judges of Hispanic origin may attend and be recognized at a reception given by the Puerto Rican Congress during its annual convention. The notice will state that the judges will be recognized. There will be no award or plaque. The Puerto Rican Congress, established in 1970, is a Section 501(c)(3) organization that gives technical assistance, training and information on domestic violence, child abuse, AIDS prevention, etc. to Spanish organizations under a DYFS contract. The event is not a fundraiser.
- 48-91 A judge may not attend a local Chamber of Commerce dinner honoring a State Senator retiring from the Senate but still active on local boards.
- 51-91 Judges may attend the swearing in ceremony of the county prosecutor as a body in their robes. This is a ceremonial event customary in the county.
- 53-91 Assignment Judge may attend the dedication of the new Police Academy as a matter of comity but other judges may not attend.
- 54-91 A judge may not attend a retirement dinner for a State Senator.
- 56-91 A judge may not accept an invitation to attend and say "nice things" at breakfast hosted by Rabbi and congregation to honor a lawyer.
- 57-91 A Superior Court judge may attend testimonial dinner for lifelong friend for services to Borough on expiration of term on Borough council. Honoree is retiring from public life and testimonial is given by a group of friends.
- 58-91 A judge may attend dinner honoring State politician, his former law partner, for more than thirty years of public service. Basis of approval was the long-standing personal relationship.
- 1-92 A municipal court judge may attend retirement dinner for Police Chief in another municipality. Police Chief's wife was judge's court administrator for many years.
- 3-92 A judge may not attend dinner for political figure in honor of his more than 30 years of public

service. Judge has known honoree for 30 years but in a "political context," not personally.

- 11-92 A municipal court judge may be luncheon guest of mayor with other members of the centennial celebration committee as a token of thanks for serving. The judge served on the committee before assuming judicial office.
- 19-92 Judges who are adjunct faculty may attend Rutgers-Newark Law School annual spring dinner as guests, like all other adjunct faculty.
- 22-92 A municipal court judge may not attend a family picnic sponsored by the Police Department.
- 26-92 A judge may not attend a testimonial dinner for the retiring Executive Director of the Assembly Democratic Office.
- 27-92 A municipal court judge may attend a dinner for the Police Chief retiring after 30 years sponsored by the Township, open to the public.
- 29-92 Judges may attend a fundraising dinner for a private high school's capitol building campaign at which a retired judge will be guest of honor.
- 30-92 Municipal court judge may not attend a roast for the Mayor given by local Republican Women's Club.
- 32-92 Judge who is a former county counsel may not attend testimonial dinner honoring county administrator.
- 34-92 Vicinage judges may attend retirement party for County Superintendent, Buildings and Grounds, if no political purpose or sponsorship.
- 35-92 Judge may attend a barbecue for visiting governors hosted by the NJ Governors' Conference.
- 36-92 Judges may not attend retirement dinner for Public Advocate Wilfredo Caraballo.
- 37-92 Judges, who were former assistant prosecutors, may not attend prosecutor's office dinner for retirement of Detective with whom they had worked.
- 40-92 A new judge and former Prosecutor may not attend annual Prosecutors Assoc. of New Jersey/Attorney General's Office convention dinner. Judge may receive memento (clock) customarily given to all former prosecutors by mail.
- 41-92 Judge may not attend reception following swearing in of Public Advocate/Public Defender.
- 42-92 Hispanic judges may attend reception at Hispanic National Bar Association convention in Atlantic City and be introduced along with all judges in attendance. Joint sponsor is HBA-NJ.
- 44-92 Municipal court judge may attend a public dinner given by the family of a patrolman in another municipality who retired after 35 years service. Dinner is a benefit. Patrolman's son is Mayor of South Amboy; judge is attorney for Redevelopment Agency of South Amboy.
- 45-92 Municipal court judge may attend annual golf outing held by Board of Governors of the Archdiocese CYO. This is not a fundraising event.
- 49-92 Judges may not attend an appreciation dinner dance in honor of 1st Asst.. Public Defender/Department of the Public Advocate/Office of the Public Defender for his two decades of service.

- 50-92 Judge may attend testimonial dinner in honor of retiring Trenton Psychiatric Hospital Medical Security Officer.
- 53-92 Judge may attend a fundraising dinner given by Community Health Law Project, an advocacy group to benefit the disabled. Judge's wife serves on the Board of Directors.
- 57-92 Judges may attend an open retirement dinner for County prosecutor going on to unknown position.
- 60-92 Municipal court judge may attend viewing and funeral of local police officer charged with DWI in accident in which he was killed.
- 63-92 A Municipal court judge, a college classmate and friend, may attend President Clinton's inaugural ball.
- 1-93 Municipal court judge may, if wife is appointed to fill Freeholder vacancy, swear her in and attend reception after.
- 2-93 Judge may attend Rotary Club dinner to honor Honorable Raymond H. Bateman who served in NJ Assembly and Senate for 20 yrs., was Majority Leader, President of Senate and Acting Governor. Bateman is no longer in a party position nor politically active.
- 4-93 Judges may not attend testimonial buffet dinner for former acting Essex County Prosecutor who will be returning to the Office of Assistant Attorney General.
- 5-93 Judge's former law partner is retiring after 25 years as town attorney for town in which the judge lives. He will continue to practice law. Judge may attend the retirement dinner.
- 8-93 Judge may not attend a dinner to honor the policeman of the year sponsored by an Exchange Club.
- 9-93 Municipal court judge may attend retirement dinner for township engineer. When judge served as township attorney he worked daily with him, and is a personal friend.
- 11-93 Judge may attend Annual American Cancer Society Dinner Dance given by the county Cancer Society. Honoree is the County Executive.
- 23-93 A Family Division judge may not attend dinner sponsored by Prevention Education Inc., a non-profit, social services organization. The organization receives funding from DYFS and IOLTA to provide sex abuse education in the schools to identify victims of sex abuse and report them to DYFS, and to provide support to children appearing in court in sex abuse cases.
- 33-93 Assignment judge may speak at a Boy Scout event to honor old friend for service in the Scouts. The friend is a lawyer whose practice is confined to bankruptcy and who serves as a U.S. Trustee. He is a member of a large law firm in the county. The event is not a fundraiser.
- 45-93 Judges, friends of the honoree, may attend 30th anniversary dinner of Horizon Health Center that honors a founding member, a lawyer practicing in the county. The honoree is the Assignment Judge's former law partner. He does not appear before the judges who wish to attend, who sit in Criminal Part.
- 46-93 Judge may attend a fundraising dinner for the Samaritan Homeless Interim Program (SHIP). SHIP is a non-profit organization which provides short-term housing to those who need it,

and support for persons with AIDS. They do not appear in court and are not an advocacy group for any class of litigants.

- 51-93 Municipal court judge may attend a dinner given by Mercer County State of Israel Bonds at which Trenton Mayor will receive the Israel Peace Medal for his commitment to betterment of community relations and dedication to public service. The judge may not serve as a member of the Tribute Committee. The judge's name should not appear in connection with the event.
- 53-93 Municipal court judge may attend the First Annual Mayor's Ball to benefit the municipality's Volunteer Emergency Services. This is an open event.
- 58-93 Superior court judge may attend gala dinner event, the "first annual tribute" to late Governor and State Chief Justice Richard J. Hughes sponsored by R.J. Hughes Foundation a non-profit charitable trust. The honoree will be Representative H. James Saxton for his contribution to saving McGuire Air Force Base from closing.
- 64-93 Superior Court Judge may attend the Tricentennial dinner of the Township where he lives and sit at the Mayor's table. The purpose of the event is to "unite the Township." The event is non-partisan but politicians will be present. A municipal court judge may attend the same event and sit at the Mayor's table.
- 66-93 Municipal court judge and staff may attend cocktail hour and dinner at the Historical Society to honor 50th anniversary of the Saddle Brook Police Dept. This is a civic celebration, not a law enforcement event.
- 70-93 Judge may not attend reunion of Governor Byrne's cabinet and senior staff for dinner to commemorate the 20th anniversary of his election.
- 74-93 Judge may attend holiday party at White House.
- 1-94 Municipal court judge may not attend Chief of Police swearing in. This is a police function, not a public ceremony.
- 4-94 Judge may attend Division of Law 50th Anniversary celebration.
- 5-94 Judges may not attend farewell retirement dinner for former Freeholder Director who is still the county chairman for the Democratic party in the county.
- 6-94 Judge may attend but not speak at fundraising dinner sponsored by Middle Earth honoring a former client who is a former councilwoman and member of Board of Education. Middle Earth provides after school activities and counseling for teenage children.
- 7-94 Superior Court Judge may attend friendship dinner in honor of former Mayor, a close personal friend.
- 10-94 Municipal court judge may not attend retirement dinner given by the town in honor of a police officer who served also as a municipal court officer.
- 11-94 Municipal court judge may not attend testimonial retirement dinner for Chief of Police given by friends of the Chief. Attendance is by invitation. Invitation list is not balanced, consisting largely of law enforcement officials and politicians. Event is open.
- 16-94 Judge may attend reception hosted by Chief Justice of U.S. Supreme Court in honor of Wm. J. Hughes. Hughes is a U.S. Representative from Atlantic County who chaired the Judiciary Committee's Subcommittee on Crime. He is 67 and has announced that he will not run

again.

- 17-94 Judge may attend Governor's reception to benefit the Governor's Schools of NJ.
- 22-94 Judge may not attend farewell dinner honoring U.S. District Attorney for his superb stewardship of the U.S. Attorney's office, District of New Jersey.
- 26-94 Tax court judges may attend retirement dinner for county tax administrator.
- 27-94 Judges may attend the Association of Criminal Defense Lawyers of NJ installation dinner.
- 31-94 Superior Court judges may not attend Man of the Year Brunch in honor of Alvin G. Shpeen, Esq. for his civic and professional services given by B'nai B'rith of the Gloucester County Lodge. The honoree is an active public figure and may return to private practice.
- 33-94 Superior Court judge may attend benefit for Jersey Battered Women's Service honoring Chairman and CEO of the Schering-Plough Corporation.
- 34-94 Municipal court judge may attend unveiling of memorial plaque honoring Mayor emeritus (deceased) and reception following.
- 36-94 Municipal court judge may not attend reception in recognition of African-American appointees in Governor Whitman's administration.
- 37-94 Municipal court judge may not take trip to Belfast, Ireland to observe trial currently underway of the "Ballymurphy Seven" charged with IRA related incidents and attempted murder defendants.
- 41-94 Judge may attend unveiling of Mayors' portraits at a regular township meeting. Judge was mayor of township before becoming Superior Court Judge. His portrait will be unveiled along with other previous mayors.
- 44-94 Municipal court judge may attend DARE culmination ceremony sponsored by police department. DARE is a program given to all 5th grade students for drug abuse prevention education designed to equip elementary school children with skills for resisting peer pressure to experiment with alcohol, drugs, tobacco. All the students who have completed the program will be present.
- 52-94 Judge may attend retirement appreciation party for Captain after 25 years of service with the Somerset County Prosecutor's office. The invitation has been widely disseminated and a large turnout of law enforcement people, private bar, some public defenders, county executive employees and political figures are expected to attend.
- 55-94 Municipal court judge may attend retirement dinner for Police Chief in the town in which the judge sits. The dinner is open to the general public.
- 59-94 Judge may attend retirement dinner of Chief of Monmouth County Detectives sponsored by PBA local 256. It is an open event.
- 60-94 Judge may attend gala benefit performance of NJ Ballet Co. honoring NJ State Senator.
- 61-94 Judge may attend Seton Hall Law School, Peter W. Rodino, Jr. Law Society's Annual Banquet honoring 1994 recipients of the distinguished service award, public service award, community contribution award and outstanding achievement award.
- 65-94 Judges may not attend a Congressional Candidates Night Informational Forum at a County

Bar Association dinner meeting.

- 68-94 Judge may attend a reception for a long-time friend upon his retirement given by the NJ Pharmaceutical Association and the Pharmacist Institute of NJ.
- 73-94 Municipal court judge may not attend Holiday Open House at home of a township trustee. Others invited are Village President, Trustees, Village Administrator, Clerk, Counsel and all Department Heads.
- 1-95 Municipal court judge may not attend a retirement dinner for the superintendent of schools for the City of Union who is also an elected Commissioner of the City of Union and will remain in that position.
- 2-95 Family Division judges may attend a celebration of Dr. Martin Luther King, Jr.'s birthday, sponsored by the Boys' and Girls' Clubs of Newark, and the Association for Children of New Jersey at which Marian Wright Edelman, "the premiere advocate for children in the nation," will be the keynote speaker.
- 3-95 Appellate Division judge may not attend a reception for newly elected partner of a law firm, who is a personal friend of the judge, given by the law firm.
- 4-95 Superior Court judges may attend a retirement dinner for a just-retired Mayor who was also the former County Clerk. The honoree is a personal friend of the judge. He is retiring completely from political life. The dinner committee is composed of many politicians and is bipartisan.
- 5-95 Tax Court judge may attend a testimonial retirement dinner for former Congressman William Hughes. The proceeds of the dinner will benefit Rutgers University. He is retiring from political life.
- 9-95 Superior Court judges may not attend a meeting sponsored by the Residents and Merchants of North Newark to discuss the many problems of the area.
- 11-95 Municipal court judge may not attend a retirement dinner honoring the retiring Chief of Police in the municipality where he sits. The event is sponsored by the PBA.
- 15-95 Superior Court judge may be a guest speaker at the Union County Commission on the Status of Women testimonial dinner to honor women in the county.
- 16-95 Municipal court judge and spouse may not attend the Chamber of Commerce installation dinner as guests of a member. Members are asked to invite local elected officials and department heads.
- 26-95 Assignment Judge may attend retirement dinner for two former Board of Election members with whom he had served as Election Commissioner many years ago.
- 29-95 Superior Court judge may attend testimonial dinner for a personal friend, a businessman, formerly Secretary to Board of Chosen Freeholders.
- 30-95 Superior Court judge may attend a 10th Anniversary of the Bernard W. Gimbel Multiple Sclerosis Center at which there will be a rededication of the Center with a ribbon cutting ceremony. Governor Whitman is expected to attend, as well as a number of local mayors, the County Executive and the County Sheriff. The judge had served as Chairman of the Board for a number of years. He will not sit on the dais, nor speak.
- 38-95 Municipal Court judge with her husband may attend a vacation auction to benefit Planned Parenthood of Central New Jersey and both may bid on vacations.

- 40-95 Municipal Court judge with his wife and children may attend the wedding of a neighbor, a close friend, who is marrying the daughter of the Chief of Police in the town in which the judge sits.
- 43-95 Municipal Court judge may not attend a cruise and brunch in Washington, D.C., honoring Congressman Donald M. Payne, Chairman, Congressional Black Caucus. Payne is both a personal friend and former colleague of the judge and his wife. Judge does not sit in the District represented by the Congressman.
- 48-95 Superior Court judge may raise the flag for the opening game of the NJ Devils Hockey team at the Meadowlands. The judge has had a special relationship with the team from its inception. He is a charter season ticket holder, attends Devils' camp and boards a team member at his house.
- 49-95 Assignment Judge may judge an environmental calendar poster competition sponsored by the Prosecutor's Office.
- 51-95 Issue #2 -- A judge, who before becoming a judge served as a member of a township governing body and as mayor of the township, may attend the retirement dinner for a very popular detective retiring from township police department. Although sponsored by the local police department and the P.B.A., the dinner is an open community event. Although local politicians will attend, it is not a political event.
- 52-95 Municipal court judge may participate as moderator for an open forum "From Dream to Reality, A Response to the Million Man March" sponsored by the municipality's Human Relations Commission (Commission). It was the Commission's belief that the judge was the only one in the community who because of his "widely recognized and respected skills in listening, critical thinking and fairness will ensure a decorum that permits positive dialogue."
- 53-95 Superior Court judges of Italian heritage may attend a reception in their honor given by the Consulate General of Italy in New York.
- 54-95 Municipal court judge may attend a dinner sponsored by the municipality's Chamber of Commerce, an annual event where the Chamber gives awards for business improvement achievements. This is an open event.
- 59-95 Municipal court judge may not attend a reception honoring an Assemblyman on the occasion of his swearing in as a member of the General Assembly.
- 1-96 Superior Court judge may attend the Distinguished Citizens Award Dinner of the Boys Scouts of America honoring the mayor of the township in which he had served as judge of the municipal court. He may not serve on the dinner committee.
- 9-96 Municipal court judges may not attend the Trenton Annual Mayor's Ball. In past years this event has been a fundraiser for the Mayor and clearly a political event. Although this year the Ball proceeds will be dedicated to the Trenton First Fund, a not-for-profit corporation organized by the Mayor, it remains political in nature.
- 12-96 Superior Court judge may not attend, as a past president and honored guest, the opening luncheon of the New Jersey Conference of Mayors' Annual Conference and Exposition in Atlantic City.
- 27-96 Superior Court judges may not attend a testimonial dinner, chaired by the Senate President, in honor of the Republican Chairman of Essex County.

- 28-96 Municipal court judge may accept an invitation to the America's PRIDE Team Dinner. America's PRIDE is an international drug prevention program for youth in high school. The teams are composed of students; their mission is to reach out to friends, younger students and community with an assertive drug free message. The team in question is sponsored by the county Department of Human Services and the Municipal Alliance. The judge is invited because he serves on the board of a teen advisory center. Although Freeholders and Township Committee members will be in attendance, this is not a political event.
- 34-96 Superior Court judge may not act as Master of Ceremonies or speaker at a testimonial dinner honoring the owners of a catering facility for their great contributions over years to the people and community.
- 36-96 Municipal court judge may attend a fundraising event hosted by the local District of the Boy Scouts of America.
- 39-96 Superior Court judge may attend the dedication of new borough recreation facility. As a legislator the judge had sponsored the enabling legislation.
- 43-96 Superior Court judge may attend the Martin Luther King, Jr., State of New Jersey Commission's Twelfth Annual Commemorative Birthday Celebration.
- 44-96 Municipal court judge may not attend a dinner honoring outgoing and incoming councilmen in the borough in which the judge sits.
- 3-97 Municipal Court judge may attend a retirement dinner organized by police officers for the police officer who serves as his Court Officer. This is a public function; the flier is widely posted and distributed in the Borough. The event is not a PBA function nor a fundraiser. The judge will not be on the dais nor speak at the event.
- 6-97 Superior Court judge may not attend the County Republican Committee's Lincoln Day Brunch at which a portrait of his late father will be unveiled.
- 9-97 Superior Court judge may attend the Fordham Club of Northern New Jersey's first Alumni Networking Night and be identified in the official program with name and short biography.
- 12-97 Superior Court judge may attend the Boys Scouts of America Troop 96's ceremony in which the Eagle Scout Award is conferred.
- 13-97 New Superior Court judge may not attend the Bergen County Department of Human Services' Alternatives to Domestic Violence (ADV) ceremony where the Governor will present a check representing the special legislative funding to ADV for its 1997 domestic violence intervention services program. Other invitees include the Governor, an Assemblywoman and the Commissioner of Human Services.
- 14-97 Superior Court judge may attend the Borough of Paramus 75th Anniversary Celebration dinner-dance. It is an open event and invitations have been sent to every household in Paramus.
- 20-97 Superior Court judge may not attend a "retirement" dinner for the former acting county prosecutor, given by the Prosecutor's office. The former acting prosecutor is a Deputy Attorney General in the Criminal Justice Division of the Department of Law and Public Safety.
- 21-97 Superior Court judge may attend the dedication of the new Atlantic City Convention Center. The judge had served as chairman of the Atlantic County Improvement Authority.
- 38-97 Superior Court judge may attend a Rotary Club dinner honoring his brother, an

Assemblyman, with a "Service Above Self Award."

- 12-98 Superior Court judges of Italian descent may attend a meeting with the Italian Undersecretary of State on a visit to the U.S. The Undersecretary will speak at the county administration building on the Italian Government's position regarding Italians living abroad.
- 13-98 Superior Court judge may not attend the Women's Political Caucus of New Jersey's 8th annual Good Guys Award dinner in which her husband is a nominee for the Annual Good Guys Award.
- 19-98 Municipal court judge may attend the upcoming Recognition Dinner for the Women's Center of Monmouth County, a non-political group that services families through counseling, shelter and other programs. One of the honorees at the dinner is a personal friend of the judge. Invitations were sent out to board members, past contributors, social services providers, businesses, collaborative partners of the Center, as well as individuals named by the honorees.
- 21-98 Municipal court judge may not attend a cocktail party given by a retirement committee to honor the Mayor of the municipality in which the judge sits, even though the event is open and the Mayor is retiring from politics.
- 23-98
  1. Municipal court judge may attend a dinner honoring his father for his civic contributions given by the local Republican Club and open to the entire community. The Committee is of the view that where the honoree is an immediate family member, and the event is public, the public will understand the motivation for the attendance, and an appearance of bias will not arise.
  2. Municipal court judge not related to honoree may not attend the same event.
- 24-98 Superior Court judge may not attend a dinner given by the Passaic County Police Chiefs' Association where the honoree is a dear friend and former client.
- 28-98 Superior Court judge may attend an award reception for "Excellence in Hispanic Leadership sponsored by the Department of Community Affairs and Center for Hispanic Policy, Research and Development.
- 29-98 Superior Court judges may attend the George Brauning Humanitarian Award dinner at which the Honorable A. Leon Higginbotham, Jr. (retired Chief Judge, Third Circuit), a Trenton native, is one of the honorees.
- 35-98 Superior Court judge may attend the Women's Fund of New Jersey's Fourth Annual Fundraiser/Recognition Event at the New Jersey Performing Arts Center. The Women's Fund is a non-profit organization that raises and distributes money to member groups. It is dedicated to improving the lives of women and, in so doing, improving society as a whole. The judge's presence at this event would not appear to advance some political, commercial or other interest of another, nor impair the judge's appearance of impartiality.
- 37-98 Municipal court judge may not attend the holiday party for township employees and staff organized by township employees. Attendance could impair the appearance of impartiality of the judge.
- 38-98 Assignment Judge may attend a church sponsored event to celebrate Martin Luther King Day and honor five African-American judges. Assignment Judge may also praise these judges as examples of what Rev. Martin Luther King, Jr. stood for. This activity does not tend to impair the appearance of impartiality of the judge.
- 39-98 Superior Court judge may not attend a holiday party given by the Public Defender's office and pool attorneys. Although, the event has been given for the last 25 years for the bench,

the bar, and the judicial and county employees, and has been well attended by all, the Committee has determined that judges should attend no holiday parties of prosecutors or public defenders regardless of whether the event is open or not. Judges should not attend law firms' holiday parties unless attendance is limited to members and former members of the firm.

- 1-99 Municipal court judge may not attend along with other Leadership NJ participants the WWOR-TV program AMERICA AGAIN. The program is one of a live series of public forums where participants can talk with a public figure "at a time when impeachment of the President is pending." Senator Torrecelli would be participating in this public forum.
- 4-99 Municipal court judge may not attend the reception after the swearing in of the Chief of the county Police Department in the county where the judge sits. Judge may attend the swearing in itself.
- 7-99 Superior court judges may attend an awards dinner for a retired judge given by the Emerald Society. The Emerald Society is a fraternal association of Irish policemen and firemen. The event is open to the public and widely publicized. Attendance will not create an appearance of bias under the circumstances.
- 13-99 Superior Court judge may attend a Girl Scout Council fundraising dinner and be recognized as a past president along with other past presidents.
- 20-99 Superior Court judges may attend the N.A.A.C.P. Annual Freedom Fund Award Banquet of a Branch of the N.A.A.C.P. The Branch is not engaged in litigation. Attendance will not create an appearance of bias.
- 23-99 Superior Court judge may attend a church's Annual Scholarship Fund Awards Banquet, but should pay his own way and may not be a speaker or presenter.
- 33-99 Superior Court judge may not attend a dinner for the Executive Director of New Jersey Transit hosted by a State Senator, even though the judge is a friend of both the Director and the Senator.
- 37-99 Municipal court judge may attend a retirement party for the Township Clerk with whom he worked for a number of years when he was Township Attorney and who is a personal friend. The event is open to the public.
- 39-99 Superior Court judge may not attend a "pre-New Year's Eve of fun" cruise on the Delaware River hosted by a large engineering firm very active in the area. Family, friends, business associates and political figures from many municipalities attend. A firm of this nature is inevitably involved in litigation as expert witnesses in the vicinage. Also the judge's presence could enhance the firm's prestige with the business persons and politicians who attend.
- 42-99 Superior Court Judge may attend a retirement dinner for the Municipal Clerk of the township where he resides. The judge has known the honoree for over 30 years. This is an open event.
- 46-99 Superior Court Judge may not attend annual dinner of the Jersey Coast Anglers Association (a social sports fishing group). The judge when serving in the Legislature had received the sports person of the year award from the Association. The association is an interest group that takes public positions on controversial topics affecting sports fishing.
- 50-99 Superior Court judges may attend an appreciation dinner offered by an otherwise unidentified dinner committee to honor a county executive who is retiring. One judge is a former county counsel and another two judges also were formerly associated with the

retiring Executive. Attendance will not tend to impair the judges' appearance of impartiality.

- 51-99 Municipal court judge
- (1) may not attend a roast/retirement party for the outgoing Mayor and Councilmen of the borough where he served as Borough Attorney for a number of years even though he does not presently sit in this town. A judge may not attend an event organized to honor a political figure.
  - (2) may attend a UNICO dinner which is a fundraiser for Colley's anemia and is also a man of the year award function.
- 54-99 Municipal court judges may not attend a holiday party organized by the township employees.
- 14-00 Superior Court judge may not attend the East Brunswick Education Foundation's Partner in Excellence Award Dinner at which a senator will be honored along with a high school teacher although the senator is a personal friend of the judge.
- 20-00 A Superior Court judge may not attend an event organized to honor a former mayor. Attendance at the event is by invitation and the overwhelming preponderance of invitees will be of one political party. Such an occasion is a political event under Guideline X and Canon 7 of the Code of Judicial Conduct.
- 42-00 Superior Court judge may not attend the annual county Mayors' Prayer Breakfast. Although this event is traditional in the county and judges have always attended and have even moderated it, judges should no longer attend because 1) the event is political, and 2) a case involving prayer may come before a judge who had attended. Canon 1 of Code of Judicial Conduct.
- 43-00 Superior Court judge may not attend the Anti-Defamation League Women of Achievement Awards dinner. The Anti-Defamation League is a politically active advocacy group. The appearance of impropriety is not diminished by the nature of the particular event.
- 44-00 Superior Court judge may attend a community dinner sponsored by The American Muslim Union on the occasion of the Islamic Fasting Month and Festival of the Breaking of the Fast at the end of Ramadan. The purpose of the dinner is to establish and strengthen relationship between the Islamic community and New Jersey communities. The judge would be attending in his private capacity.
- 45-00 Municipal court judge may not attend a retirement dinner for the business administrator of the township where he sits. The dinner is organized by the finance officer of the township and the event is open. The municipal politicians would be in attendance.
- 47-00 Municipal court judge may not attend a holiday party given by and for township employees, even though attendees pay their own way.
- 48-00 Superior Court judge may attend "Bosslift" to U.S. military facilities in Texas at the invitation of the New Jersey Committee for Employer Support of the Guard and Reserve.
- 7-01 Superior Court judge may attend an 80th birthday party for a friend given by the family. Although the friend had been in politics for many years as freeholder, mayor, member of a city's Expressway Authority and Democratic County Chairman of the county, he has not held public office since 1994 and only one elected official is invited. This is not a political event.
- 8-01 Superior Court Family Part judges may not participate in "Give the Light of Hope to a Child" Candlelight Vigil in conjunction with celebrating the one millionth child served by CASA programs across the nation even though the vigil is nonpartisan and not connected with fundraising.

- 18-01 Superior Court judges may not attend the Stanley M. Levine Memorial Foundation Annual Birthday Party. The Foundation was organized by friends of Stanley M. Levine, and the beneficiary of the dinner is a hospital. The dinner is attended by businessmen, policemen, and some political figures. Judges should not attend such events if, as here, men only are invited. Judges are reminded that before accepting such an invitation they should consider the history of the event, its possibly undignified nature, and that political figures involved in the criminal process may attend.
- 21-01 Superior Court judges may not attend the retirement dinner honoring the undersheriff of the same county. The event honors an active political figure and is customarily attended by politicians and others associated with county politics. The position of sheriff is up for election, is hotly contested, a potential sheriff's candidate may attend, and the undersheriff was politically active. Therefore, the undersheriff's retirement dinner has political overtones.
- 22-01 Superior Court judge may attend a retirement dinner for a sergeant of the county sheriff's department. Judges, courthouse employees and the sheriff's family members have been invited. The sheriff, prosecutor, other law enforcement organizations, public defenders, freeholders, or other political figures were not invited. The retirement event is given by the family of the sheriff's officer. The officer served for a long time for several Family Division judges in the county. The sheriff's officer's duties were akin to a bailiff's and the officer acted like a mentor to others. He had little contact with the undersheriff or political figures, and the event has no political overtones. These factors distinguished this event from Opinion 21-01.
- 26-01 Superior Court judge, who has had a long-standing friendship with a Senator and was a partner in the Senator's law firm before assuming judicial office, may attend the Senator's retirement dinner. The dinner, which is sponsored by the Senator's law firm, is an open event. Attendance is permissible based on the judge's long-standing personal and professional relationship with the Senator. Other attendees include the Senator's family, friends, law partners, and possibly elected officials. Other judges invited, who did not have such a close relationship with the Senator, may not attend the retirement dinner.
- 27-01 Superior Court judge may attend the retirement reception for the Chairperson, Victims of Crime Compensation Board (VCCB). The judge may also act as master of ceremonies. The judge may attend and act as master of ceremonies based on his close personal relationship with the Chairperson and in light of the fact that the invitation does not mention the honoree's role in the VCCB.
- 34-01 A Superior Court Judge may attend the upcoming Islamic Festival of the Breaking of the Fast at a multi-faith occasion. The judge may not however receive a certificate in recognition of the multi-cultural sensitivity he demonstrated after the World Trade Center tragedy, since the recognition would be for performing his judicial duties. Guideline VIB 1.d. only permits receipt of an award, honor or tribute from a public, non-profit or non-political organization for activity in a non-law related capacity directly related to that organization.
- 37-01 Superior Court judge may attend the retirement celebration for the New Jersey Education Association (NJEA) Director of Government Relations, which is sponsored by the NJEA. The event is open to the public. The Director is a long-time personal friend of the judge and has no plans to reenter the profession. The judge would not be seated on the dais or head table and would make no speeches.
- 6-02 Superior Court judge may attend a retirement party for the Chief of Police of his hometown. The event is sponsored by the Police Department. The approval is based on the unique factual situation that the Chief is a long-time acquaintance of the judge, and that the judge is presently assigned to the Civil Division.

- 7-02 A Superior Court judge may attend the Girl Scout Anniversary Dinner 2002 Spring Gala that celebrates the 90<sup>th</sup> anniversary of the county Girl Scout Organization. The judge, however, may not give a brief talk or appear in a fund-raising ad journal for the event.
- 9-02 A Superior Court judge may attend the Annual Freedom Fund Awards Dinner of the County East Branch of the NAACP. However, the judge may not be the keynote speaker, or receive a leadership award at this event since it is a fundraiser.
- 10-02 Municipal court judge may not receive a plaque or give a speech at the 2002 Women of Excellence Award presented at the tenth annual dinner of the County Commission on the Status of Women. Accepting this award is not permissible because it is equivalent to a "judge of the year" award. Also, since the County Commission on the Status of Women serves as an advisory board to the county freeholders, it performs a county governmental function. However, the judge may attend the event.
- 11-02 Superior Court judge may not attend the UNICO's Citizen of the Year award dinner at which the honoree is the County Republican Treasurer. This opinion differs from Opinion 51.2-99, in which a municipal court judge was permitted to attend a UNICO fundraiser dinner that was also a man of the year function, but which did not honor a prominent political figure.
- 14-02 Superior Court judge may not attend a testimonial dinner for the former mayor of a municipality even though the judge had represented the municipality before his judicial appointment. Since this was an invitation only, rather than an open event that was sponsored by the municipality's Republican Club, attendance was impermissible, even though Democratic friends of the mayor would also attend and give speeches.
- 20-02 Superior Court judge may not attend the 2<sup>nd</sup> Annual Community Awards Cocktail Party. The event is a fundraiser, with proceeds benefiting the city's rescue squad. The party is hosted by the city Democratic Committee and honors, among others, the city police director.
- 21-02 Superior Court judges may attend the retirement party of attorneys and an investigator who work for the Public Defender's Office. The event is an open, the invitation has been posted in the courthouse and members of the Prosecutor's Office will likely attend.
- 23-02 Municipal court judges may not attend a farewell party for the former mayor of a township who has been appointed Commissioner of a high-level State governmental agency. The event is by invitation only. Invitations were issued to all council members, the mayor, all members of municipal advisory boards and all municipal employees. All are from the same municipality as the municipal court judges, who have also been invited. The event is organized by the honoree's former chief of staff, who is still a municipal employee, but is now employed in a different capacity. The honoree will still be involved in public life after her retirement as mayor.
- 24-02 Superior Court judges may attend a reception honoring Puerto Rico at the invitation of the Governor and First Lady at the residence of the Governor at Drumthwacket, but may not sit on the dais. The event is an informal community building cultural function to celebrate Puerto Rican pride. It will honor the anniversary of Puerto Rico's Constitution and will be simultaneously celebrated by the governors of New Jersey and Puerto Rico. The celebration will be nonpartisan in nature. It is an invitational event to which attendees are selected by the Puerto Rico Federal Affairs Administration, which is a nonpartisan governmental agency of Puerto Rico. The judge was invited because he supported Puerto Rican cultural events.
- 29-02 Associate Justice may attend a reunion barbeque for former cabinet members and staff to be hosted by a former Governor and her husband at their home, a private location. This is distinguished from Opinion 70-93 in which the reunion dinner of a former Governor and his former staff took place at a public restaurant and received publicity.

- 30-02 Superior Court judges may attend the retirement party for a county assistant prosecutor on condition that the judges not sit on the dais and not give a speech or have any comments videotaped. The approval is based on the judges' long-standing personal and professional relationship with the assistant prosecutor. The event, held at a local restaurant, will be open and will be attended by prosecutors, public defenders and private defense counsel.
- 33-02 Superior Court judge may attend a memorial service for a deputy attorney general and be a eulogist at the service. The judge worked closely with her in the Attorney General's office during his tenure in that office, socialized with her and her family and was a very close personal friend of the deceased. The memorial service will be an open event and secular in nature. The judge will not mention in his eulogy any cases on which they worked while in the Attorney General's Office or since he assumed judicial office.
- 36-02 Superior Court judge may not attend the reception celebrating the opening of a law firm in which the judge's husband is a partner. The attendees to this invitation-only event will include attorneys, the law firm's members, clients and family members, federal judges and various political officials, including a mayor and city council members and, possibly, a State Senator. One of the law firm's partners ran unsuccessfully in the last mayoralty race in the county in which the judge sits. The law firm will finance the reception.
- 38-02 Superior Court judges may not attend a holiday party given by the Public Defender's Office. (Affirming Opinion 39-98, which is indistinguishable.)
- 2-03 Superior Court judge may not attend a testimonial dinner for a former county freeholder. The county freeholder recently resigned from that office, but continues to hold office as an elected member of a municipal Board of Education and continues to be employed by the county Municipal Utilities Authority, all in the same county in which the judge sits. Local public and political officials will attend, though this will not be an elected officials-only event. The judge is acquainted with the honoree through his family, but does not personally have a close relationship with the honoree.
- 5-03 Municipal Court Chief Judge may go on a Sisters City Program to Japan to visit the Japanese government in Fukui to extend good will on behalf of his city, which is Fukui's Sister City. This event is a "people to people" travel opportunity program and since the visit will take place in Japan, there would be little perceptual impact in New Jersey. The judge will pay his own way.
- 10-03 Municipal court judge may not accompany his fiancée on a cruise where the tickets would be purchased by the judge's fiancée from the mayor's civic association (of the same municipality in which the judge sits.) The civic association, which is sponsoring this event, probably supports the mayor and raises funds for him. The mayor will also go on the cruise.
- 19-03 Municipal court judge may attend the Bread and Roses Ball of the Roman Catholic Diocese (in a different county.) This open event is a charity fundraiser to benefit Catholic Charities, which will distribute the funds to various charitable purposes. The judge will not sit on a dais and will not give a speech. He will not contribute to an ad journal.
- 21-03 Municipal court judge may not attend a wine tasting event that is sponsored by a county political party club. The judge's law office is located in the same county, with a branch office in an adjacent county, where the judge sits. This event is an invitation only fundraiser, which will be attended by politicians and political party members.
- 22-03 Municipal court judge may not be the master of ceremonies at the Whitney Young Award Dinner, since it will be a fundraiser. However, he may attend this event. The dinner is

sponsored by a regional council of the Boy Scouts of America.

- 29-03 A Superior Court judge may not attend the Governor's Roundtable for Women: Prioritizing for the Future, conducted by the Department of Community Affairs and the Division on Women. The roundtable discussion includes various womens' issues, such as emerging trends and issues in violence against women, employment, education and health care matters. Attendees are to provide their insight regarding these areas in order to assist the Division on Women with identifying and prioritizing issues for women in the state.
- 47-03 A Superior Court judge may attend a dinner honoring a locally prominent attorney that is hosted by the Jewish Federation of the same vicinage. The honoree is a friend of the judge in a professional context and does not currently appear before him. Members of the business and real estate community, and of synagogues will attend. The dinner will be a fund-raiser to benefit the Jewish Federation, which supports various non-sectarian charitable agencies. However, since the dinner is a fundraiser, the judge may not give a speech.
- 49-03 A Superior Court judge may not attend the annual holiday party for the Environmental Enforcement and Environmental Permitting and Counseling Sections of the Division of Law, Office of the Attorney General, held at the home of a Deputy Attorney General from the Section. Attendees include current and former Environmental Section employees, Deputy Attorneys General, paralegals and spouses (some of whom are private attorneys). The judge's spouse had previously been employed by the Environmental Section and is currently employed by the office of the Governor's counsel.
- 4-04 A municipal court judge may take part in the 20<sup>th</sup> Anniversary celebration of the St. Patrick's Day Parade by riding on a parade float. The parade is sponsored by the county's St. Patrick's Parade Committee, a non-profit organization, and will be held in the same municipality. It is an open event. He may participate and be honored as a past Parade Chairman on the condition that he is not identified as a judge. He may also attend the post-parade party on the condition that he pays his own way.
- 28-04 A Superior Court judge may not attend (1) an open Board Meeting of the New Jersey Sports and Exposition Authority (NJSEA), (2) an NJSEA invitational reunion luncheon, and (3) the invitational Monmouth Park Races with attendees of the luncheon. The cost of the luncheon and the races is to be paid by the NJSEA, which is a state administrative agency within the Department of Community Affairs. Attendees include the current and former Board members.
- 35-04 A municipal court judge may not attend the employee appreciation & safety picnic hosted by the same municipality. The event is to be attended by municipal employees and is in recognition of their safety consciousness. It is to be paid for from an insurance fund that is maintained by the municipality.
- 42-04 A municipal court judge may not attend the 2004 Prominent Hispanic Honorary Awards Dinner hosted by the county Board of Freeholders, the county Office of Hispanic Affairs and the Puerto Rican Culture and Arts Center, a local non-profit organization. The event will honor local elected and other municipal and county officials, some of whom are from the municipality and the vicinage where the judge sits.
- 3-05 A municipal court judge may appear as the guest speaker to discuss his personal experiences at a luncheon program honoring Black History Month. The judge would not discuss matters within the municipal court's jurisdiction. The event is hosted by the Department of the Treasury, Division of Contract and Compliance & EEO in Public Contracts. Although the Department's Affirmative Action investigators who testify in court will attend, they do not appear before the judge.
- 23-05 Superior Court judges may not attend the CWA Union Local 1045 Annual Dinner Dance.

Although admission will be charged, it will not fully cover the expenses incurred for the event. The CWA will pay for the costs not covered by ticket sales.

24-05 A Superior Court judge may participate as Master of Ceremonies at the retirement dinner for the retiring Family Service President and CEO, whom the judge has known for 30 years. Family Service is a local private, non-profit organization that provides mental health services to various individuals, including court involved youth pursuant to a contract with the county's Youth Services Commission. The event will be open to the public. The judge served on the Family Services Board of Trustees and was President of the Board prior to her judicial appointment. The judge sits in the Civil Division and does not hear cases involving this organization and has no interaction with it.

31-05 Vicinage judges may attend a retirement party for the county Surrogate, who will fully retire from public life, on the condition that they pay their own way. The event will take place after the election which will determine the retiree's successor and will be open to the public.

**D. Organizations Practicing Invidious Discrimination**

1. **It is inappropriate for a judge to hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion or national origin.**
2. **Organizations dedicated to the preservation of religious, spiritual, charitable, civic or cultural values, which do not stigmatize any excluded persons as inferior and therefore unworthy of membership are not considered to discriminate invidiously.**

**OPINIONS: IVD - ORGANIZATIONS PRACTICING INVIDIOUS DISCRIMINATION**

38-93 Judge may continue membership in country club. Club has non-discriminatory membership standards.

66-94 Judge may not continue membership in UNICO and The Moose.

**V. FUNDRAISING ACTIVITIES**

**A. In order to avoid misuse of the judicial office through possible intimidation of potential donors, or embarrassment if the donation is not made, or arousal of an expectation of future favors, a judge should not:**

1. **take part in any fundraising event as an honored guest, speaker, toastmaster, or entertainer or in any other significant capacity;**
2. **serve on a committee or otherwise engage in activities related to fundraising;**
3. **sign or be mentioned in the text of a fundraising letter;**
4. **permit the judge's name to appear on the letterhead or in any other materials if they will be used in soliciting funds.**

**B. It is permissible for judges to attend fundraising events of, and contribute to appropriate organizations whether law-related or non-law-related, but not to make a contribution pledge in public.**

**C. Fundraising activities include all charitable and other events from which an organization derives direct financial benefits, through the sale of tickets or otherwise, even if the financial benefit is incidental to the main purpose of the event, or the funds raised are to be**

**donated to another organization, charity or cause. Events where tickets are priced merely to defray the cost of the occasion are not fundraising events.**

- D. Subject to the general guidelines, judges may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, legal system, and the administration of justice.**

**OPINIONS: V - FUNDRAISING ACTIVITIES**

- 7-89 A judge may attend a fundraising dinner honoring the 14 former presidents of his local temple and provide the planners of the event with his biography to be listed in the program with those of the other past presidents. The dinner is an event of the institution and it is an unavoidable fact that the judge was a past president. The judge would not be the drawing card; he would not be seated on dais; and he would not make a public contribution, nor be involved in the solicitation of funds.
- 11-90 A judge may not serve as president of a local Lions Club because of their fundraising activities.
- 28-90 A judge may attend the annual dinner fundraiser of the Institute for Human Relations of the American Jewish Committee. The event is not political although a Senator is the honoree.
- 12-91 Judges of the vicinage may attend fundraising dinner, a roast of a popular basketball coach, for the benefit of the Wm. Perkins Jr. Scholarship Fund which supports minority Seton Hall Law Students. Perkins is an active lawyer in the county.
- 19-91 Judges may buy tickets to Sheriff's Youth Day Picnic.
- 30-91 A judge who performs a marriage ceremony may not name a charity to which a donation is made in lieu of an honorarium. Judge who was being pressed to name a charity was advised to indicate only a general area of charitable interest.
- 40-91 Judges may attend Second Annual Public Advocate/Public Defender Golf and Tennis Charity Event, but not as speaker or at head table. This was not an exhibition tournament and judges' attendance was not advertised nor noted. The event was open to all.
- 61-92 Judge may not continue as Trustee of the NJ State Bar Foundation.
- 42-93 Judge may not attend meeting of foundation to start a memorial fund.
- 43-93 Judge may not participate in the County Unit of the American Cancer Society's Second Annual Tennis Challenge Cup Tournament as a substitute for one of the celebrities who is unable to attend. This is a fundraising event.
- 47-93 Municipal court judge may not continue to serve on Friends Committee of the Puerto Rican Legal Defense and Education Fund whose purpose it is to assist in attracting people to attend a fundraising dance.
- 60-93 Municipal court judge may not speak and be introduced at a church's "annual mortgage fund breakfast." This is a fundraising event.
- 69-93 Judge may not participate in the annual national phonathon fundraiser for daughter's college, even if she makes no calls to NJ residents.
- 63-94 Judges may not participate in a county bar association Family Law Seminar to benefit a scholarship fund.
- 21-95 Assignment Judge may not attend and address a breakfast hosted by Bell Atlantic and co-

- sponsored by the Probation Services Division to interest selected private sector employers in providing summer jobs for court-involved youth through the Private Industry Council.
- 23-95 Family Division judges may not attend a fundraiser for the Brian Belson Foundation, a non-profit corporation, in process of purchasing a residence to convert to facility for supervised visitations for children of separated or divorced parents.
- 14-99 Superior Court judge may not participate in the Martin Luther King Day parade sponsored by the local Martin Luther King Jr. Parade and Scholarship Committee.
- 23-01 Superior Court judge may not participate in the 11th Annual Charity Tennis Tournament to benefit the New Jersey Vietnam Veterans' Memorial Commission. The chair of the event is a Senator. The event is a fundraiser at which the government employees' (including judges') participation would be paid for by corporate sponsors. This event is different than the situation involved in Opinion 11-96, where a judge, a basketball player, was permitted to play on a team with PBA officers against a team comprised of the New York Giants football team. Opinion 11-96, which also involved fundraising, comprised a highly unique situation that was limited to its facts.
- 1-02 A Superior Court judge may be inducted into the 2002 County Women's Hall of Fame for which she was designated prior to her judicial appointment. The Women's Hall of Fame is a non-profit organization that sponsors an education program for local young women in which the judge will participate. The organization does not usually engage in fundraising, but may raise scholarship funds in the future. In such a case, the judge may not participate in solicitation.
- 2-02 A Superior Court judge may not be honored at the Executive Women of New Jersey's "Salute to the Policy Makers" awards dinner, which is given for women who served on corporate boards and/or who were senior level officers of New Jersey corporations or foundations. The judge was designated for this honor prior to judicial appointment. Accepting this honor is not permissible since the event is tantamount to a fundraiser.
- 7-02 A Superior Court judge may attend the Girl Scout Anniversary Dinner 2002 Spring Gala that celebrates the 90<sup>th</sup> anniversary of the county Girl Scout Organization. The judge, however, may not give a brief talk or appear in a fund-raising ad journal for the event.
- 9-02 A Superior Court judge may attend the Annual Freedom Fund Awards Dinner of the County East Branch of the NAACP. However, the judge may not be the keynote speaker, or receive a leadership award at this event since it is a fundraiser.
- 27-02 Superior Court judge may not continue to participate as a member of the Board of Directors of the Girl Scouts of the U.S.A. The Board members perform policy making functions, including soliciting input from policy-influencing groups. Additionally, the Board members identify and cultivate sources of financial support and are involved in fundraising.
- 35-02 (1) Municipal Court judge may not participate in a scholarship golf tournament in Puerto Rico sponsored by ASPIRA. The sponsors and members of the organizing committee of the event are politicians. Although it will be an open event, anticipated attendees will be Senators and Assembly members. The tournament will include a Congressional / Legislative breakfast and will be a scholarship fundraiser to benefit ASPIRA. ASPIRA, Inc. of New Jersey is a private, non-profit organization founded in Newark, New Jersey in 1968. The organization provides education enrichment services on a statewide basis to public school students. The organization also provides professional development seminars and events for teachers, parents and other educators.

- (2) The judge, however, may attend a separate ASPIRA sponsored *Technology Tools for Teaching and Learning Conference* which will also be held in Puerto Rico. The Conference will discuss how technology impacts education. It will be an open event, predominantly attended by college personnel, school teachers and school administrators from the United States and Puerto Rico.
- 19-03 Municipal court judge may attend the Bread and Roses Ball of the Roman Catholic Diocese (in a different county.) This open event is a charity fundraiser to benefit Catholic Charities, which will distribute the funds to various charitable purposes. The judge will not sit on a dais and will not give a speech. He will not contribute to an ad journal.
- 22-03 Municipal court judge may not be the master of ceremonies at the Whitney Young Award Dinner, since it will be a fundraiser. However, he may attend this event. The dinner is sponsored by a regional council of the Boy Scouts of America.
- 45-03 A Family Division judge, who is the vicinage's lead domestic violence judge, may not provide a letter of recommendation in support of a YMCA grant application for funding a domestic violence program. The grant application emanated from the police director of a municipality in the same vicinage and the funds will be disbursed by the Division of Criminal Justice. The program would recruit pro bono attorneys to represent only the victims in domestic violence matters. Therefore, the provision of a recommendation letter could create the impression that the judge favors one side of the litigation. Additionally, as plaintiffs, domestic violence victims are not entitled to pro bono representation.
- 48-03 A municipal court judge may not review a grant application for federal funds by the police department of the same municipality. The funds would be used to hire and train law enforcement and support personnel in the municipality, and to procure equipment and technology to enhance crime fighting resources.
- 21-04 Judges may attend a fundraiser which is sponsored by Friends at the Bar Foundation, for the benefit of the honoree, an attorney who is very ill. Friends at the Bar is a non-profit corporation of the State Bar Association that helps lawyers in need due to medical and financial catastrophe. Judges may attend this event in their private capacity only. They may not sit on the dais, be introduced, or be otherwise singled out and their names may not be used for fundraising purposes. They may contribute to the fundraiser on a personal basis only, on the condition that they are not identified in their judicial capacity.
- 4-05 Attorneys may not, upon the death of a judge's son, send a letter to other family law practitioners in the same vicinage soliciting donations for a college fund that has been set up for the judge's grandchildren. Nor may such a notice be sent for publication to a local legal periodical. Although neither the letter nor the notice would refer to the judge by name, they would mention the name of the judge's grandchildren.
- 5-05 A Presiding Family Division Judge may submit a letter to the Board of the Red Cross in support of funding for the American Red Cross Twelve Week EPIC Parenting Program (EPIC). The program, a private, non-profit organization, provides parents help with child raising skills. Parents are generally referred to the program by the court or by DYFS. The letter may merely briefly state that the court finds the EPIC Program to be useful and helpful.
- 6-05 A Family Division Judge may submit a letter to the Juvenile Justice Commission in support of the renewal of a grant to fund a portion of the MultiSystemic Therapy (MST) Program. MST provides services to pre-delinquent and delinquent juveniles in an effort to prevent or reduce recidivism. The court refers juvenile delinquency cases to the program, but does not have a contract with it. Program representatives provide updates on a juvenile's progress, but are not involved in placement. The letter may merely briefly state that the court finds the

MST Program to be useful and helpful.

- 15-05 Vicinage judges may attend a fundraiser held to benefit a Sergeant of the county Sheriff's Office for the loss of his home and two young children in a fire. The event will be open to the public.

## **VI. TESTIMONIALS, AWARDS AND OTHER HONORS**

### **A. Testimonial Functions**

1. **There shall be no testimonial functions permitted honoring a judge while the judge is still on the bench unless the function is organized, sponsored and hosted by persons or an organization related to the judiciary such as a court clerks' association, a judges' association, the judges' law clerks or former law clerks, the State Bar Association, a County Bar Association, law school alumni association or any other organization listed in Sections III E2, 3a(1)(a) and (3), and 4.**
2. **The judge who is being honored may accept a gift of nominal value such as: a gavel or plaque; a trophy or award for activities incident to a hobby; a book; a painting; a modestly priced remembrance such as a brief case or sporting equipment and similar items.**

### **OPINIONS VIA - TESTIMONIAL FUNCTIONS**

- 22-88 A Family Division judge may not be honored by a county branch of the Family Service Association. The Association, though performing evaluation and counseling under contract with the court, is not "an agency involved in the administration of justice".
- 50-91 Where the guests will pay a portion of the cost of the dinner, only friends and family may be invited to celebration dinner for newly appointed municipal court judge. Mayor and Council may not be invited.
- 2-99 A Workers Compensation Division judge newly confirmed as a Superior Court judge may not accept a testimonial dinner before his swearing if offered by a group of attorneys who practiced before him and otherwise know him locally. RPC 8.2(b) provides that "[a] lawyer who has been confirmed for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct."
- 19-01 Superior Court judge may have a retirement dinner given for him by a group of criminal defense lawyers in conjunction with the Atlantic County Bar Association. The announcement is to be printed on Bar letterhead and all Bar members are invited. This is an open event for which the announcement was publicly posted in the courthouse.
- 3-02 Newly appointed Superior Court judges may have a testimonial dinner given by the Division of Workers' Compensation. The judges were Workers Compensation judges prior to their judicial appointment to the Superior Court. The Division of Workers' Compensation does not include attorneys who appear before Compensation Judges, as the state is represented by the Attorney General's Office in such matters.

### **B. Awards, Honors and Tributes**

1. **Subject to the general guidelines, a judge may accept an offered award, honor or tribute in special recognition of the judge's achievement or service, as follows:**
  - a. **An honorary degree or other award or honor from a law school, university,**

college, or other educational institution or from its alumni or alumnae association;

- b. An award, honor or tribute for special achievement in judicial administration from the American Bar Association or other national general membership bar association, or any committee or section thereof; the State Bar Association; an institute or society devoted to judicial administration, or a judges' association;
- c. An award, honor or tribute in recognition of a judge's years of service, assignment to another vicinage, or impending retirement, from persons or an organization closely associated with the judiciary, such as a court clerk's association; a judge's association; the judge's law clerks, present former or both; or any general membership bar association; or any limited membership bar association based upon gender, race or national or ethnic origin, or whose membership is all-inclusive;
- d. An award, honor or tribute from a public or non-profit or non-political organization for activity in a non-law-related capacity directly related to that organization; provided, however, that the presentation shall not be at a fundraising event.

- 2. A judge shall not accept an award, honor or tribute for any law-related activity where the recipient is selected through a nomination or election process and in no event shall such award, honor or tribute be accepted where the selection process is for the purpose of designating the recipient as "Judge of the Year", "Man of the Year" or the equivalent.
- 3 The judge receiving an honor, award or tribute may accept a modestly priced gift, such as a trophy, gavel, plaque, book, picture, or briefcase.

#### **OPINIONS: VIB - AWARDS AND OTHER HONORS**

- 1-88 The nomination of a judge for the ABA's Flaschner award would be inappropriate under circumstances where, contrary to Flaschner award guidelines, the nomination became that of a county bar association rather than an individual and the judge became aware of the nomination.
- 8-88 Members of the judicial family, such as staff in the Family Division, may nominate a judge of their court for an award conferred by a National Judges' Association.
- 12-88 It is not inappropriate for a judge to allow a New Jersey law school chapter of a national law fraternity to be named after him. The judge is a former member.
- 21-88 A judge may not attend a dinner and receive the award of a Silver Card Life Membership from a county sheriff's department PBA.
- 23-88 A judge may accept an Equal Justice Medal at a reception co-hosted by Legal Services and the New Jersey State Bar Association for leadership in exploring the propriety and feasibility of the IOLTA program in New Jersey. No process of selection from among a group was involved.
- 24-88 A municipal court judge may receive a "Women Honoring Women" award from a unit of the New Jersey Federation of Business and Professional Women. The judge was being honored for extraordinary civic activity prior to becoming a judge. No selection process from among a group was involved nor was the giving of such award an annual event.
- 19-89 A judge was advised to withdraw her name from nomination for the Mary Philbrook Award

sponsored by the Women's Political Caucus of New Jersey for which she was nominated for her service and personal qualities of intelligence, leadership, fairness, and dedication to the cause of justice.

- 26-89 A county chapter of Zonta International, an organization of professional women, invited the two women Superior Court judges of the county to attend their annual dinner and be honored there as outstanding women in the county for their legal achievements. The judges were advised that they may not accept the invitation because the award was the equivalent of "Judge of the Year" or "Man of the Year" award.
- 27-89 A judge was advised that he could properly receive by mail a plaque from his Township Council and Mayor honoring him for his appointment to Army Reserve Unit Commander, but ought not to receive it at a Township Council meeting.
- 22-90 A judge may receive an award from a local bar association for innovations in improving criminal calendar administration.
- 24-90 A judge may accept a plaque from a county bar's Young Lawyer Association in acknowledgment of his support of young lawyers.
- 35-90 Upon transfer to another vicinage a judge may receive a plaque from a local unit of Criminal Defense Lawyers in recognition of his administrative work.
- 46-90 A minority judge may accept an award from Mack E. Williams Memorial Foundation for perseverance, achievements and contributions to society previous to assuming judicial office.
- 74-90 A judge may accept a Distinguished Alumni Citation in the field of law from her alma mater.
- 7-91 Judges of Hispanic origin may attend and be recognized at a reception given by the Puerto Rican Congress during its annual convention. The notice will state that the judges will be recognized. There will be no award or plaque. The Puerto Rican Congress, established in 1970, is a Section 501(c)(3) organization that gives technical assistance, training and information on domestic violence, child abuse, AIDS prevention, etc. to Spanish organizations under a DYFS contract. The event is not a fundraiser.
- 10-91 A judge may be honored at annual dinner of the Editorial Board of New Jersey Law Journal. Only members and past members, including some who are presently judges, attend. The honoree is usually from the Board or other distinguished person. Judges and Justices previously honored had been Board members.
- 46-91 A municipal court judge may not accept a plaque from a police association.
- 2-92 A judge may not allow her name to be put in nomination for Women of Achievement Award co-sponsored by Douglas College and the New Jersey State Federation of Women's Clubs. Recipients are selected by a committee from the nominees.
- 6-92 A new judge may accept man-of-the-year award from National Association of Social Workers, awarded before his confirmation.
- 12-92 Mount Laurel judges may not be honored by Land Use Section of the NJSBA at its annual dinner for work in "Mount Laurel" area, although both sides are represented in section membership. Some Mount Laurel cases continue before these judges.
- 20-92 A judge may attend fundraising event of a temple and be recognized with other past presidents.

- 33-92 Municipal court judge may be honored at pre-parade dinner of the Puerto Rican Parade Committee for her "countless hours of volunteer work in the Hispanic community." She would not be identified by her judicial title.
- 55-92 Judge may attend and be recognized at a Trial Attorneys of New Jersey (TANJ) Silver Anniversary banquet for his contributions to TANJ and stand up for recognition along with all other past presidents.
- 13-93 Judge may accept the Institute for Continuing Legal Education's 1993 Alfred C. Clapp Award for excellence in continuing legal education.
- 25-93 Judge may be recognized for significant contributions to bench and bar by initiation as an honorary member of Phi Delta Phi. At Rutgers Law School, Beasley Inn, the local Phi Delta Phi chapter, works with law students to foster high ethical standards, both professionally and personally.
- 8-94 Judge may not have name placed in nomination for the Medal of Honor Award given by the NJSB Foundation.
- 9-94 Judge may have name put in nomination to serve on the Board of Directors of the National Center for State Courts.
- 15-94 Judge may not accept an award from the planning committee of the Fifth Annual Community Child Abuse Prevention Conference for the manner in which he performed judicial tasks on the Family court bench.
- 21-94 Judge may not receive an award given by the local Rotary club for his professional achievement.
- 24-94 Judge of Hellenic heritage may be honored at a dinner sponsored by the Hellenic Bar Association.
- 28-94 Municipal court judge may accept Community Leadership award for outstanding service to various charities including Boy Scouts, Red Cross and the Salvation Army given by Volunteer Center of Atlantic County.
- 53-94 Judge may accept award from TANJ in recognition of services in supporting and creating the INNS OF COURT program in NJ.
- 58-94 Judge may not receive "Woman of the Year" award from a local chapter of Business and Professional Women of the National Federation of Business and Professional Women.
- 10-95 Superior Court judge may not receive an award from the Association of Criminal Defense Lawyers at its installation dinner, which is an open event. The judge may attend the dinner.
- 14-95 Superior Court judge may not receive an award from the County DYFS office recognizing the judge's contributions to both child abuse prevention and child advocacy.
- 27-95 Superior Court judge may not be honored at the League of Women Voters 75th Anniversary Dinner.
- 41-95 A recently retired Assignment Judge, serving on recall, may accept the Michael J. Nizolek award for service to the bar from the County Bar Association, in honor of his "historic contributions to the legal system" in the county. The judge would be the first recipient of the award, which is named for a lawyer who had clerked for him and had recently died at a

young age.

- 7-96 Superior Court judge may accept the National Society of the Daughters of American Revolution Medal of Honor award.
- 18-96 Superior Court judge may:
  - (1) accept a distinguished service award presented by the Consul General of Italy on behalf of the Italian Government; and
  - (2) attend a reception on the occasion of Italian National Day at the Consulate General of Italy and be recognized at the reception as a recipient of the award.
- 24-96 Associate Justice may accept the Daniel L. Golden Lifetime Achievement Award from the Trial Attorneys of NJ (TANJ) at its Trial Bar Awards Banquet. The award, which is not given annually, is designated for "particularly distinguished lawyers who by their service to the public as lawyers, service to the profession as leaders of the organized bar, service to the community for the betterment of the general public and service to the profession as spoke persons for the profession enhancing the public's perception of the attorney and the practice of law."
- 25-96 Superior Court judge may accept a Certificate of Appreciation at the annual dinner of the Jean Robertson Women Lawyers Scholarship Foundation. The judge had been a founder of the organization and active in it as an attorney. The dinner is not a fundraising event.
- 32-96 Superior Court judge may accept the Public Service Award given by the Peter W. Rodino, Jr. Law Society of Seton Hall University School of Law (Society). The Society is a non-profit, philanthropic student organization which also celebrates Italian-American culture. The dinner, although a large gala affair, is not a fundraising event.
- 8-97 Superior Court judge may be honored at the Awards Banquet of the Legal Secretaries of Middlesex County for support and help provided to the association over a number of years when he was a practicing attorney.
- 15-97 New Superior Court judge may not attend the Bergen County Education Association's Legislative dinner and be honored for the judge's "many years of commitment to education in Bergen County" by receiving the 1997 "Friend of Education" award.
- 19-97 New Superior Court judge may not accept an award from the Displaced Homemakers Network of New Jersey, Inc. in recognition of service and outstanding contributions on behalf of displaced homemakers in New Jersey.
- 22-97 Superior Court judge may attend the 25th anniversary dinner of NJ State Bar Association's/Women's Rights Section and be honored there as the first woman Assignment Judge.
- 36-97 Superior Court judge may not be recognized as an honoree by the Pioneer Women of the 90's at their Eighth Annual Luncheon.
- 41-97 Superior Court Judge may be honored by Rutgers University Alumni Federation with the Rutgers Distinguished Alumni Award.
- 42-97 Municipal court judge may not be honored with an achievement award at the Inaugural Dinner Dance of the Spanish American Cultural Association, but may attend the event.
- 44-97 Superior Court judge may be honored by the Middlesex County Bar Association Women Lawyers' Section as a founding member of the Section at its Annual Judicial Reception.
- 9-98 Superior Court judge may not be an honoree at the Essex County Advisory Board on the

Status of Women's 1998 Women's History Month Celebration.

- 20-98 Superior Court judge may be honored by the Asian American Heritage Council of New Jersey, or be the keynote speaker at their annual celebration. The judge is being honored as the only Asian American judge on the New Jersey Superior Court. The decision is confined to the fact of the judge being a "first."
- 3-99 Assignment Judge may accept an award from the College of New Jersey for her several years of work as advisor to the local chapter of the American Criminal Justice Association. The judge is a former Assistant Professor in the Department of Law and Justice at the College.
- 13-99 Superior Court judge may attend a Girl Scout Council fundraising dinner and be recognized as a past president along with other past presidents.
- 15-99 Superior Court judge may attend a Mayoral Tribute sponsored by the City Council and be honored as a former mayor of the city along with other former mayors.
- 49-99 Superior Court judge may not have a scholarship established at the local high school in his name by the Golden Shield, a minority law enforcement organization. The judge may not present the scholarship to the students nor receive a plaque from Golden Shield for his contributions to the community. To do so would tend to impair the judge's appearance of impartiality.
- 53-99 Superior Court judge may be honored by the Black Law Students Association of Rutgers School of Law-Camden at their 4th annual Rev. Dr. Martin Luther King, Jr. "Champions for Social Justice and Equality" dinner and award ceremony in recognition of his dedication and contribution to the legal profession.
- 13-00 Superior Court Judge may be honored by the Asian Pacific American Lawyers Association (APALA) of New Jersey with an achievement award for the judge's distinguished service to the New Jersey Asian Pacific American legal community. The judge has been a member of APALA since its inception.
- 21-00 A Superior Court judge may accept an award as the 2000 National Court Appointed Special Advocate (CASA) Association Judge of the Year for extraordinary efforts on behalf of CASA. The Committee considered that CASA provides a volunteer service to the courts that is recognized by court rule and thus can be considered a court related organization under Guideline VIB1c.
- 22-00 A Superior Court judge may be honored for contributions to the community by the Upsilon Delta Omega chapter of the Alpha Kappa Alpha Sorority, Inc. at its Fifth Annual Salute to African American Men.
- 23-00 The Advisory Committee does not have jurisdiction to advise whether a municipal court judge's law firm may properly receive the Business of the First Quarter award from the Chamber of Commerce at a township meeting. The Committee declined jurisdiction because the award is proffered to the law firm and not to the judge individually.
- 32-00 A Superior Court judge may not accept a plaque from the American Academy of Matrimonial Lawyers (AAML) in recognition of dedicated services to family law and on the occasion of the judge's reassignment to the Criminal Division. This opinion reaffirms the previous advice that acceptance of this award is not permissible under Guideline VIBb because it is not offered for special achievement in judicial administration, and the AAML is not among the acceptable donors listed in the Guideline. Further, it is not permissible under Guideline VIB1c because neither the occasion for the honor nor the organization offering it qualifies under the limits of that Guideline.

- 1-01 Superior Court judge may not accept an award at a multi-cultural conference entitled "Empowerment Summit IV – Diversity" sponsored by IWATSU & Associates a not-for-profit organization; the judge may however speak at this event.
- 6-01 Superior Court judge may receive the 2001 Woman of Distinction Award from the county chapter of the National Association of Negro Business and Professional Women's Clubs, Inc. The judge is one of nine judges in the county the association will pay tribute to.
- 15-01 Superior Court Judge, recently retired and serving on recall, may be recognized with other recently retired judges as one who contributed much to the administration of justice in the State at the New Jersey at the State Bar Foundation's Annual Awards Dinner and Ceremony.
- 28-01 Superior Court judge may not accept the 2001 New Jersey Division of American Association of Marriage and Family Therapy award at the State Conference. The award is given to outstanding government officials who have demonstrated "family friendliness" and through their decisions and powerful leadership, share the Association's respect for the integrity of parents and children. The Association is a professional, rather than an educational organization. Guideline VI.B.d. permits a judge to accept an award from a public or non-profit or non-political organization for activity in a non-law related capacity directly related to that organization. Since the award here would be for the judge's activity in a law-related capacity, it is not permissible under this or any other section of Guideline VI.
- 34-01 Superior Court Judge may attend the upcoming Islamic Festival of the Breaking of the Fast at a multi-faith occasion. The judge may not however receive a certificate in recognition of the multi-cultural sensitivity he demonstrated after the World Trade Center tragedy, since the recognition would be for performing his judicial duties. Guideline VI.B.1.d. only permits receipt of an award, honor or tribute from a public, non-profit or non-political organization for activity in a non-law related capacity directly related to that organization.
- 1-02 A Superior Court judge may be inducted into the 2002 County Women's Hall of Fame for which she was designated prior to her judicial appointment. The Women's Hall of Fame is a non-profit organization that sponsors an education program for local young women in which the judge will participate. The organization does not usually engage in fundraising, but may raise scholarship funds in the future. In such a case, the judge may not participate in solicitation.
- 2-02 A Superior Court judge may not be honored at the Executive Women of New Jersey's "Salute to the Policy Makers" awards dinner, which is given for women who served on corporate boards and/or who were senior level officers of New Jersey corporations or foundations. The judge was designated for this honor prior to judicial appointment. Accepting this honor is not permissible since the event is tantamount to a fundraiser.
- 5-02 Superior Court judge may receive an achievement award given by the Hispanic Bar Association of New Jersey at its annual scholarship gala. This award is in recognition of his achievements as the only Hispanic Family Division Presiding Judge in the State. The Committee was advised that the event was not a fundraiser.
- 9-02 A Superior Court judge may attend the Annual Freedom Fund Awards Dinner of the County East Branch of the NAACP. However, the judge may not be the keynote speaker, or receive a leadership award at this event since it is a fundraiser.
- 10-02 Municipal court judge may not receive a plaque or give a speech at the 2002 Women of Excellence Award presented at the tenth annual dinner of the County Commission on the Status of Women. Accepting this award is not permissible because it is equivalent to a "judge of the year" award. Also, since the County Commission on the Status of Women

serves as an advisory board to the county freeholders, it performs a county governmental function. However, the judge may attend the event.

- 12-02 Superior Court judges of African American heritage may be Grand Marshal, Honorary Marshal and Deputy Marshals in the 14<sup>th</sup> Annual Martin Luther King, Jr. Parade. The judges may also receive a plaque or certificate as Marshals and have their names mentioned in local newspapers indicating their roles as Marshals.
- 13-02 A Superior Court judge may attend and receive recognition for service to the local Lions Club at a banquet sponsored by Club, but may not receive recognition for his judicial appointment. The County Sheriff, who is an honorary Lions Club member, will attend. The Lions Club may pay for the banquet. A local Spanish language weekly magazine will report on this event.
- 18-02 A Superior Court judge may not receive a Community Justice Award for outstanding achievements within the community during the judge's tenure as county prosecutor. The award would be given for the judge's work, while prosecutor, in proactively investigating and prosecuting bias crimes. The Community Justice Program is a state- funded initiative which operates within the prosecutor's office and the award would be given at a forum sponsored by the county prosecutor's office.
- 28-02 Superior Court judge may be included in the Women of Distinction Network Directory regarding a local Girl Scouts organization. The judge may also update her biography to include her judicial office. The approval is conditioned on the judge not being involved in fundraising. The Directory lists and includes a biography of women who earlier received the Women of Distinction Award from the Girl Scouts. The judge received the award before she was appointed to the bench.
- 31-02 Superior Court judge may not attend a county chapter of Mothers Against Drunk Driving (MADD) awards dinner and may not receive the Outstanding Commitment and Service award from MADD. The award was proffered as to activities in drunk driving prevention and victim assistance by the judge when he had been a county prosecutor. The award will also be given to law enforcement officials, victim-witness coordinators, the county Board of Freeholders from the county in which the judge sits, and to others from an adjacent county. The organization proffering the award, MADD, frequently appears in court.
- 7-03 Municipal Court judge may receive the Hispanic Alliance Public Service Award at the Nuestro Pueblo Awards dinner. The award is being given for the judge's participation in a youth summit retreat, at which he was a keynote speaker. The award will be presented at a public event.
- 8-03 Superior Court judge may not be honored with a resolution of recognition by the New Jersey General Assembly in conjunction with Women's History Month. The resolution will be adopted by members of the General Assembly pursuant to an honorary (not actual) vote. Honorees will receive a certificate of the resolution. This open event will take place in the General Assembly Chambers at the State House, at which Assembly members and the honorees will speak. Attendees will include Assembly members, family members and friends of the honorees, as well as the press.
- 36-03 A jurist may not be recognized as an honoree at the Annual Achievement Banquet of the Alumni Chapter of Kappa Alpha Psi Fraternity, Inc., a social fraternity of which he was a member. Accepting an honor for a non-law-related activity is not permissible if the event is a fundraiser. However, he may attend the banquet provided he is not honored or named in the souvenir booklet or ad journal.
- 46-03 A Superior Court judge may attend a luncheon hosted by "My Daughter's Keeper, Inc.," a

non-profit organization. It is an open event, attended by mothers, daughters and community members. However, the judge may not be honored for a non-law-related activity since the event is a fundraiser.

- 51-03 A jurist may not be nominated by members of the NJ judiciary to receive the "Dwight D. Opperman Award" from the American Judicature Society to recognize distinguished service in the state judiciary. The recipient is selected through a nomination or election process.
- 2-04 The propriety of displaying a municipal court judge's photo or portrait in the Municipal Court where he previously sat is subject to the Assignment Judge's discretion, pursuant to Directive 11-97. This Directive states that the Assignment Judges may "exercise their discretion to prohibit the display of a portrait in a courtroom or public corridor when it appears from the facts and circumstances that such display would create an appearance of favoritism or undermine the public's confidence in the impartiality of the judicial system." The judge is currently sitting in another municipality in the same vicinage.
- 4-04 A municipal court judge may take part in the 20<sup>th</sup> Anniversary celebration of the St. Patrick's Day Parade by riding on a parade float. The parade is sponsored by the county's St. Patrick's Parade Committee, a non-profit organization, and will be held in the same municipality. It is an open event. He may participate and be honored as a past Parade Chairman on the condition that he is not identified as a judge. He may also attend the post-parade party on the condition that he pays his own way.
- 6-04 A municipal court judge may not accept the "Professionalism in the Law Award" from the State Bar Association. The award will be given for a law-related activity; the judge was selected through a nomination or election process by the County Bar Association of his vicinage. Accepting such an award could raise the inference that a Bar member nominated him to curry favor, especially if the attorney has a case pending before him.
- 11-04 An Assignment Judge may not have a monetary pledge donated in his honor to the County Bar Association Foundation (Foundation) of his vicinage. The pledge would be by a law firm from the same vicinage and would be applied to the Foundation's Building Renovation Capital Campaign. The donation would create the perception that the law firm is attempting to curry favor with the judge.
- 15-04 State-level Judges who were employed by the Public Defender's Office prior to going on the bench may not be recognized at or attend a Convention Dinner that will be held by the State Public Defender's Office. The event is invitational and will be attended by current and former Public Defender employees and designated counsel who handle Public Defender matters.
- 44-04 Judges may attend a holiday party hosted by a local social service agency. However, judges may not accept the "Public / Private Partnership Award" or a gift from the agency. The judges were selected for the award via nomination and vote. The honor would be bestowed for law related activities.
- 48-04 A Superior Court judge may not accept the Annual Gatekeeper Award from the Common Good organization for her decision in a case. Common Good, which is a legal reform coalition, has testified before the House Judiciary Committee and the organization has filed an amicus brief in an unrelated case. Its Advisory Board includes prominent current and former politicians.
- 9-05 A municipal court judge may not accept the county Bar Association's Annual Lawyer Achievement Award for his law-related activities. The judge was selected for this honor by nomination and vote.

- 13-05 Superior Court judges may be honored for their professionalism on the bench, as well as their service to the community, by the Garden State Bar Association at their Annual Dinner Dance. The honorees were not selected by nomination / vote. The judges may attend for free.
- 16-05 A Family Division Judge may not be honored and presented with an award for his work with the Commission on Abused, Neglected and Missing Children (Commission) and for his years of service to county youth at the Commissioner's Annual Cherish the Children Awards Dinner. The Commission was created by municipal ordinance that was adopted by the county freeholders and acts in an advisory capacity to county government. It is comprised of volunteers who are appointed by the County Executive. The Commission is co-sponsoring the event with the County Executive. The judge may, however, attend the event (without being honored) if he pays his own way.
- 30-05 A municipal court judge may accept the 5<sup>th</sup> Annual Award of Excellence at a dinner and dance scholarship event given by the Jamaican Organization of New Jersey / JON-J (JON-J), in recognition of his civic activities. JON-J is a non-profit organization that provides scholarship and humanitarian assistance throughout the world. The event will be open and will not be a fundraiser.

**VII. BUSINESS AND FINANCIAL ACTIVITIES**

**Sufficient guidelines are contained in Canon 5D of the Code of Judicial Conduct.**

**OPINIONS: VII – FINANCIAL ACTIVITIES**

- 29-04 The spouse of a Superior Court judge may be a stockholder, director and officer of a closely held corporation, which is the owner of a liquor license and would operate a restaurant utilizing the liquor license. The judge's spouse may not finance this venture in whole or in part by (a) a loan from the judge, and/or (b) a home equity loan against the marital residence, even if the deed to the marital residence is solely in the name of the non-judge spouse. However, the judge's spouse may finance this venture in whole or in part by a loan obtained independently and solely in the spouse's name, on the conditions that (a) no jointly owned property is used as collateral for the loan, (b) the judge does not co-sign the loan, and (c) property (other than the marital residence) or funds solely, privately and separately owned by the spouse and independent of the marital assets are used as collateral for the loan.

**VIII. FIDUCIARY ACTIVITIES**

**Sufficient guidelines are contained in Canon 5E of the Code of Judicial Conduct.**

**OPINIONS: VIII - FIDUCIARY ACTIVITIES**

- 28-93 Judge may continue to serve as a trustee of two family trusts.
- 13-96 Superior Court judge may serve as trustee of his childless uncle's living trust. (Canon 5E)
- 15-96 Superior Court judge may not serve as executor of the Will of a close personal friend. (Canon 5E)
- 22-96 Superior Court judge may act as executor of the Will of his uncle through marriage, who was his godfather and with whom he maintained a close relationship. (Canon 5E)
- 26-96 Superior Court judge may represent himself in the sale of his home, but may not represent

his wife. (Canon 5E; NJ Const. Art. 6, '6, &6)

- 38-96 Judges may accept subscriptions to Counsel Connect, which have been offered to them without cost. Counsel Connect is an online Internet service for lawyers. (Canon 5D)
- 15-00 A Superior Court judge should not act as executor of the will of a priest to whom he is not related. Although the priest is a personal friend and has no relatives in New Jersey, the relationship does not meet the standard of "close familial relationship" in Canon 5E of the Code of Judicial Conduct.
- 11-01 Superior Court judge may serve as executor of his mother's estate and in that capacity renew the liquor license for a property in the estate so as to be able to complete its sale under a contract entered into by his mother some months before her death. The judge may hold the license in his fiduciary capacity only, and only for the purposes of consummating the transaction of sale. The bar has been closed for a number of years and no operation of the business is planned.
- 15-02 A Superior Court judge may not serve as trustee of an educational trust fund nor may the judge give power of attorney to a medical center. Before his judicial appointment, while in private practice, the judge had drawn up a will for a client, who was not a family member of the judge. The will named the judge co-executor and trustee of an educational trust fund, which also did not involve a family member of the judge.
- 5-04 A Superior Court judge may not serve as the representative / proxy to make final decisions as to life sustaining mechanisms (life support oxygen and feeding device) for a close friend who has a terminal illness. These matters often result in litigation and, in such a case, may necessitate a judge testifying.
- 7-05 A Superior Court judge may serve as trustee for a trust set up by his deceased aunt's will for the benefit of his cousin. He had a close familial relationship with his aunt. He may serve as trustee until the funds are released to the beneficiary.

#### **IX. ARBITRATION**

**Canon 5F prohibits judges from acting as arbitrators or mediators. With regard to the system of judicial arbitration for tort actions determined by N.J.S.A. 39:6A-24 et seq., the Supreme Court has established that retired judges on recall are not eligible to serve in this system.**

#### **OPINIONS: IX**

- 8-05 A part-time municipal court judge may serve as a Civil Arbitrator in a vicinage where he does not sit. Canon 5F, which prohibits full-time judges from acting as arbitrators or mediators, does not apply to part-time municipal court judges.

#### **X. POLITICAL ACTIVITIES**

**Sufficient guidelines are contained in Canon 7 of the Code of Judicial Conduct.**

#### **OPINIONS: X**

- 4-89 A municipal court judge may speak at a public Veterans' Day ceremony hosted by the Veterans of Foreign Wars, although the roster of speakers also would include the mayor. The judge would confine his speech to comments on the patriotic nature of the day.

- 16-89 A Tax Court judge and a municipal court judge may attend a dinner honoring the former mayor and clerk of a township. While political figures would be present at the event, the dinner was deemed to constitute a community event as opposed to a political one.
- 15-90 A judge, as chairman of a law school alumni award committee, may present a Distinguished Alumnus Award to the Governor. This was not considered to be a political activity.
- 67-90 A municipal court judge may not let his landlord use the judge's law office to make phone calls regarding his campaign for Town Council.
- 9-91 A municipal court judge who is the municipal attorney in another municipality may have lunch with members of the other municipality's governing body to discuss ordinances and other municipal legal business, and pick up the tab for the lunch.
- 39-91 A municipal court judge who is a member of the National Guard, may participate as one of four honorary marshals for Columbus Day Parade. Marshals are members of the armed services, and will be in uniform. Judge will be identified by military rank, not by judicial title.
- 50-91 Where the guests will pay a portion of the cost of the dinner, only friends and family may be invited to celebration dinner for newly appointed municipal court judge. Mayor and Council may not be invited.
- 55-91 A newly appointed Municipal Court judge may invite the Mayor and Council, county committee members, Boro Administrator, and court staff to his swearing in ceremony.
- 61-93 It is inappropriate for judge to continue to reside on the premises while political signs placed there by his father/landlord remain on the lawn. Members of the public have called the judge to complain that he is engaging in political activity.
- 4-96 Superior Court judges may not participate in a commemorative book for the County Sheriff's Department. The Assignment Judge should not provide comments and should not permit judges to be photographed for inclusion in the book. The Sheriff is running for reelection.
- 4-97 Municipal Court judge may not sign a nominating petition for an incumbent state senator.
- 4-98 Municipal court judge must distance himself in every possible way from the circulation of petition by a group of friends, business people and other citizens urging the judge's reappointment. The petition is to be submitted at the next Council meeting.
- 6-98 Superior Court judge may not participate in a conference entitled "Women and Politics: Advocacy, Activism and Empowerment" sponsored by the Women's Center at Rutgers University.
- 31-98 Superior Court judge may not attend the swearing in or reception for Deputy Mayors of a municipality. Deputy Mayor is an honorary position, not a public office; the swearing in is therefore a political event.
- 1-99 Municipal court judge may not attend along with other Leadership NJ participants the WWOR-TV program AMERICA AGAIN. The program is one of a live series of public forums where participants can talk with a public figure "at a time when impeachment of the President is pending." Senator Torrecelli would be participating in this public forum.
- 25.4-99 Municipal court judge may invite the mayor to a private party to celebrate the judge's swearing in.
- 27-99 Newly appointed Associate Justice may attend and be recognized at and congratulated on his appointment at a Township Council meeting in the township in which he lives at the

invitation of the people of the township.

- 42-00 Superior Court judge may not attend the annual county Mayors' Prayer Breakfast. Although this event is traditional in the county and judges have always attended and have even moderated it, judges should no longer attend because 1) the event is political, and 2) a case involving prayer may come before a judge who had attended. Guideline IIIA, X and Canon 1 of Code of Judicial Conduct.
- 21-01 Superior Court judges may not attend the retirement dinner honoring the undersheriff of the same county. The event honors an active political figure and is customarily attended by politicians and others associated with county politics. The position of sheriff is up for election, is hotly contested, a potential sheriff's candidate may attend, and the undersheriff was politically active. Therefore, the undersheriff's retirement dinner has political overtones.
- 14-02 Superior Court judge may not attend a testimonial dinner for the former mayor of a municipality even though the judge had represented the municipality before his judicial appointment. Since this was an invitation only, rather than an open event that was sponsored by the municipality's Republican Club, attendance was impermissible, even though Democratic friends of the mayor would also attend and give speeches.
- 20-02 Superior Court judge may not attend the 2<sup>nd</sup> Annual Community Awards Cocktail Party. The event is a fundraiser, with proceeds benefiting the city's rescue squad. The party is hosted by the city Democratic Committee and honors, among others, the city police director.
- 23-02 Municipal court judges may not attend a farewell party for the former mayor of a township who has been appointed Commissioner of a high-level State governmental agency. The event is by invitation only. Invitations were issued to all council members, the mayor, all members of municipal advisory boards and all municipal employees. All are from the same municipality as the municipal court judges, who have also been invited. The event is organized by the honoree's former chief of staff, who is still a municipal employee, but is now employed in a different capacity. The honoree will still be involved in public life after her retirement as mayor.
- 24-02 Superior Court judges may attend a reception honoring Puerto Rico at the invitation of the Governor and First Lady at the residence of the Governor at Drumthwacket, but may not sit on the dais. The event is an informal community building cultural function to celebrate Puerto Rican pride. It will honor the anniversary of Puerto Rico's Constitution and will be simultaneously celebrated by the governors of New Jersey and Puerto Rico. The celebration will be nonpartisan in nature. It is an invitational event to which attendees are selected by the Puerto Rico Federal Affairs Administration, which is a nonpartisan governmental agency of Puerto Rico. The judge was invited because he supported Puerto Rican cultural events.
- 35-02 (1) Municipal Court judge may not participate in a scholarship golf tournament in Puerto Rico sponsored by ASPIRA. The sponsors and members of the organizing committee of the event are politicians. Although it will be an open event, anticipated attendees will be Senators and Assembly members. The tournament will include a Congressional / Legislative breakfast and will be a scholarship fundraiser to benefit ASPIRA. ASPIRA, Inc. of New Jersey is a private, non-profit organization founded in Newark, New Jersey in 1968. The organization provides education enrichment services on a statewide basis to public school students. The organization also provides professional development seminars and events for teachers, parents and other educators.
- (2) The judge, however, may attend a separate ASPIRA sponsored *Technology Tools for Teaching and Learning Conference* which will also be held in Puerto Rico. The Conference will discuss how technology impacts education. It will be an open event, predominantly attended by college personnel, school teachers and school

administrators from the United States and Puerto Rico.

- 6-03 Superior Court judge may not attend an anti-war rally to be held in New York City since it involves political activity. Attendance is not permissible even though the sponsoring committee is not religiously or politically affiliated and the event is nonpartisan.
- 10-03 Municipal court judge may not accompany his fiancée on a cruise where the tickets would be purchased by the judge's fiancée from the mayor's civic association (of the same municipality in which the judge sits.) The civic association, which is sponsoring this event, probably supports the mayor and raises funds for him. The mayor will also go on the cruise.
- 11-03 It is inappropriate for a law firm to continue to employ a secretary who will seek nomination for township committee in the same municipality in which the part-time municipal court judge sits. The law firm's continued employment of the secretary is impermissible even though she works for the judge's law partner (rather than directly for the judge) and, if elected to the township committee, she would not vote on budget matters involving the municipal court.
- 21-03 Municipal court judge may not attend a wine tasting event that is sponsored by a county political party club. The judge's law office is located in the same county, with a branch office in an adjacent county, where the judge sits. This event is an invitation only fundraiser, which will be attended by politicians and political party members.
- 33-03 A municipal court judge may not continue to serve as a legislative agent. As a legislative agent, the judge lobbies legislative proposals on behalf of his clients before the legislature.

## **XI. LETTERS OF RECOMMENDATION**

**This Guideline incorporates by reference the Chief Justice's memorandum to Assignment Judges dated June 8, 1982 affixed hereto as Addendum A.**

### **OPINIONS: XI - LETTERS OF RECOMMENDATION**

- 45-91 A municipal court judge may write a letter for an attorney for admission on reciprocity to the bar in Wyoming and Montana. The Montana bar requires letters from two judges.
- 41-93 Judge may furnish a recommendation for membership on form provided by the American Academy of Matrimonial Lawyers for a lawyer in the county who had listed the judge as a reference. (Overruled by Opinion 16-01.)
- 50-95 Assignment Judge may permit his name to be listed as a professional reference by the County Legal Services organization in its application to Legal Services Corporation for funding. (Canon 4D)
- 20-96 Municipal Court Judge may not write a letter, as an attorney, to a U.S. District Court judge on behalf of an acquaintance who has entered a guilty plea to fraud charges, to be used in a sentencing memorandum.
- 9-99 Assignment Judge may write a letter of recommendation on behalf of a lawyer being proposed to receive the 1999 Pro Bono Public Award given by the American Bar

Association. The lawyer is active in promoting the idea of lawyers serving as volunteer guardians. The basis for the recommendation would be that volunteer guardians are a potential benefit to the court. The judge's knowledge of the nominee is based on his court appearances.

- 16-01 Superior Court Judge should not fill out a questionnaire about a particular attorney who is seeking admission to the American Academy of Matrimonial Lawyers. (Overruled 41-93)
- 1-03 A Superior Court judge may write a letter of confirmation of practice for an attorney who is applying for admission to the Pennsylvania Bar. The letter should not comprise a recommendation letter. Rather, the letter should be limited to providing factual confirmation that the Bar applicant practiced before the judge and of the type of case(s) in which the applicant appeared before the judge. The judge's letter should indicate that the judge cannot comment on the applicant's abilities. The letter may be written on judicial stationery since unlike a recommendation letter, this letter is limited to factually confirming the Bar applicant's practice before the judge and the jurisdiction to which the Bar applicant is seeking admission requires that the confirmation letter be provided on judicial stationery. Also, the Pennsylvania Bar requires that out-of-state applicants who are solo practitioners obtain a recommendation from a judge on judicial letterhead.
- 37-03 A retired judge, not on recall, may not write a letter of support in which he identifies himself as such to a U.S. District Court judge in a distant state in connection with the sentencing of a criminal defendant who is a friend of the judge. The retired judge may write such a letter if he only identifies himself as an attorney.
- 11-05 A Special Civil Part supervising judge may not send a letter of support for a nomination of a Special Civil Part mediator to receive the Governor's Volunteer Award.

## **ADDENDUM A**

### **LETTERS OF RECOMMENDATION**

#### **General Policy**

Probably the most important thing to remember is that a judge should never give recommendations, whether oral or written, unless he or she has substantial personal knowledge of the applicant, gathered over a substantial period of time. Recommendations should never be provided solely as a favor for friends or relatives. Letters should be sent on personal stationery only, and except for applications to law school or college should be written only in response to an express solicitation, preferably received in writing.

Recommendations should not be given by phone unless that is clearly the appropriate form of response. The letter form itself is probably the best discipline to assure that we stay within the confines of what is permitted for judges. The usual exceptions, where a telephone may be appropriate, occur when the Executive solicits judges for their opinion about lawyers being considered for the bench or, on occasion, for other public employment; or where law firms call seeking the judge's opinion about former law clerks. Obviously there may be other examples where telephone response is appropriate.

#### **Specific Restrictions**

1. Law school and college admission and/or scholarship.

You may write a letter of recommendation for a student or prospective student known personally to you setting forth knowledge of the applicant and conclusions as to his or her ability and character.

Since law schools and colleges do not ordinarily have procedures for soliciting letters of recommendation you may grant a student permission to list your name as a reference (and thereafter you may write a letter as a result of an inquiry from the school) or you may write a letter upon request of the applicant without any inquiry from the school.

2. Employment in the private sector.

To avoid seeming to pressure potential employers, you should not write an unsolicited letter of recommendation for employment in the private sector. You may, however, allow your name to be listed as a reference and write in response to a solicitation, based, as always, solely on your personal knowledge of the applicant.

3. Employment in the public sector.

As in the private sector, you may be listed as a reference, may write a letter of recommendation that has been solicited, but must never write an unsolicited recommendation. You must avoid being perceived as a supporter of or active in any political party or activity or any branch or faction of a party. This is an area where the greatest sensitivity is needed and where your recommendations should be confined very carefully to those whom you know extremely well, and even then, there may be many occasions where good judgment requires that you stay completely out of the matter. The thought that it "would be unfair" to deprive one whom you know of the benefit of your observations has to be balanced against what might be unfair to the entire judiciary when something a judge does makes it appear that we are involved in politics.

As suggested above, you may respond to inquiries from the Executive or Legislative Branches, especially about attorneys being considered for judicial posts, provided the inquirer has official responsibilities in the matter. Ordinarily such inquiries would be on a confidential basis.

4. Trial certification and approved lists.

If listed as a reference by an attorney seeking New Jersey Trial Certification or National Board of Trial Advocates certification or acceptance on an approved attorneys' list, you may respond on the form submitted. You may not, however (and this is the subject of a directive of many years' standing), make confidential ratings for Martindale-Hubbell or others (other than the above) as to the legal capability and professional integrity of practicing attorneys.

5. Law firms in your county.

Particular care should be exercised in giving recommendations for employment with law firms actively practicing in your vicinage. You should avoid making such recommendations where possible, but there may be circumstances that require it, e.g., where such firm solicits your opinion about someone who has just served as your law clerk. Even in such case, it is important to avoid as best you can the impression that might otherwise be given that pressure is being exerted on the firm.

I am sure the foregoing does not cover everything, and that there may be exceptions to some of those suggested guidelines. I hope it is helpful.

## ADDENDUM B

### GUIDELINES ON THE PRACTICE OF LAW BY RETIRED JUDGES

The Supreme Court has authorized issuance of these guidelines, which illustrate the extent of the restriction upon the practice of law by a retired judge who has retired under the provisions of the Judicial Retirement System Act (N.J.S.A. 43:6A-1 et seq.). (Administrative Directive #7-04, dated May 17, 2004, which supersedes Administrative Directive #2-97, dated March 19, 1997).

**Guideline 1.** A retired judge may be associated in the practice of law with other attorneys. A retired judge's name may appear on the letterhead, on the office door, but not in the firm name. A retired judge may not sign any papers filed in court, including pleadings. In any cases tried by the firm before a jury, the retired judge's name should not be referred to in the presence of the jury. The restrictions on the practice of law by the retired judge are personal and do not extend to those with whom the judge may be associated in the practice of law; R. 1:15-4 does not apply to retired judges. Retired judges should be aware of N.J.S.A. 52:13D-17.2c, which prohibits any representation of, appearance for, or negotiation on behalf of a casino licensee or an applicant to be a casino licensee by a firm, partnership, or corporation with which a retired judge is associated for a period of two years from the date of retirement unless (a) the retired judge is associated with the firm, partnership or corporation in a position considered "of counsel" that does not entail any equity interest in the firm, partnership, or corporation; and (b) the retired judge is screened for that two-year period from personal participation in any such representation, appearance, or negotiation.

**Guideline 2.** A retired judge may not serve as an attorney in any contested matter in any court of the State of New Jersey. This prohibition includes participating in the actual conduct of any proceeding before the court, appearing at counsel table during the course of a court proceeding, and serving therein either as associate counsel or counsel of record.

Office work in connection with pending or proposed litigation is not prohibited. Thus, pleadings may be drafted, interrogatories framed and answered, and briefs, motions and other papers may be prepared. It is not permissible, however, for the retired judge's name to appear on any papers, including any indication that the judge is "of counsel," "on the brief," or is connected in any way with the litigation. Similarly, a retired judge may participate in out-of-court settlement discussions, or in the taking of depositions prior to trial, but may not participate in any settlement conference before the court (whether in open court or in chambers), nor should reference be made in any courthouse conferences to the fact that the judge has personally been involved in such negotiations, nor should the judge participate in any court proceeding with regard to any depositions that he or she may have taken.

**Guideline 3.** Subject to the provisions of Guideline 7 *infra*, a retired judge is not precluded from serving as attorney for a decedent's estate or as an executor, guardian, trustee, or in any other fiduciary capacity, provided that in any litigation that may develop in the course of the performance of such duties the judge is represented by other counsel, who may be a member of the firm with which the judge is associated. A retired judge may not handle any other uncontested matters in any court, including those that require only approval of *ex parte* orders or other papers which may be considered *pro forma* and require little if any exercise of judicial discretion.

**Guideline 4.** A retired judge may not serve as attorney in any contested or uncontested matters before either State or local administrative agencies, boards, or tribunals exercising a discretionary or quasi-judicial function, except before the Transfer Inheritance Tax Bureau when acting as attorney for the estate and not specially retained. A retired judge may not represent parties before auto arbitration panels.

**Guideline 5.** A retired judge may not serve as attorney for any person before a District Ethics Committee, a Committee on Character, or any other committee or body appointed by the Supreme Court.

**Guideline 6.** A retired judge may practice before the federal courts or federal agencies, whether within or without the State.

**Guideline 7.** A retired judge may not accept fee-generating court-initiated appointments, e.g., appointments to serve as a receiver, condemnation commissioner, guardian ad litem, mediator, arbitrator, or discovery master except as set forth below.

A retired judge may accept fee-generating court-initiated appointments in the following circumstances only:

- (a) as an arbitrator in the statutory or Court-approved arbitration programs, as set forth in R. 4:21A-1 et seq.;
- (b) as a mediator in the Statewide Civil Mediation Program, and in the Court-approved presumptive mediation pilot program, provided that the retired judge meets the experiential and training requirements set forth in Rules 1:40-12(a), 1:40-4(d)(1) and 1:40-4-12(b) and provided that the retired judge agrees to be subject to the same conditions that are applicable to all other mediators in the program, e.g., providing the first three hours of mediation at no cost to the litigants pursuant to R. 1:40-4(b) and the Court-approved Mediator Compensation Guidelines.

This guideline is not intended to preclude a retired judge from accepting a fee-generating position as a mediator, arbitrator, or discovery master where the parties to the case initiate the appointment, select the retired judge who is to be appointed, establish the fee arrangement, and the court's only participation is to memorialize their agreement in an appropriate order. Such memorialization shall be by the Assignment Judge. A retired judge may accept fiduciary appointments at the specific request of interested family members (e.g., Administrator C.T.A.) provided such appointments do not contravene any of the other restrictions set forth in this Directive.

**Guideline 8.** It is improper for a retired judge to appear in a New Jersey court as an expert witness (such as to testify as to reasonableness of attorney fees) or in any court as a character witness.

**Guideline 9.** It is improper for a retired judge to appear in court to testify as an expert witness in legal malpractice cases or as to a standard of conduct by a lawyer in related matters.

**Guideline 10.** A retired judge may serve as legal adviser to a public agency, if the duties and responsibilities of such position do not contravene these Guidelines. Generally, the role of a retired judge associated with a public agency should be of the same nature as that of a retired judge acting as "of counsel" to a law firm. A retired judge should not act as chief counsel to a public agency (e.g. county counsel), since such a role would directly involve the judge in the conduct of litigation involving the agency. Further, it would be inappropriate for a retired judge to appear at a public meeting as an adviser to a public agency. Such an appearance may give rise to a suspicion that the judge is attempting to use the judge's status to advance the position of the agency.

**OPINIONS: ADDENDUM B**  
**GUIDELINES ON THE PRACTICE OF LAW BY RETIRED JUDGES**

- 4-01 Retired Superior Court judge engaged in the practice of law may not represent an individual and corporation to prepare and present to the Governor a certification concerning past events for the purpose of persuading the Governor to set aside a denial of the right to construct a TV tower. This is indistinguishable from appearing before an executive branch agency, under Guideline (4).
- 13-03 Retired Superior Court judge, of counsel, may sit in the spectator portion of an appellate courtroom during an Appellate Division oral argument. The retired judge, however, may not sit at counsel table at any time, may not consult with counsel while the oral argument is in progress, may not participate in oral argument, may not go into chambers at any time, may not have discussions with the Appellate Division judges, and no mention is to be made of the retired judge's presence. Additionally, the retired judge may not issue press releases, may not speak to the press and is to be completely passive in the courtroom. Further, the retired judge may not consult with counsel so as to be viewed as conferring about the case. This opinion is limited to the narrow facts the retired judge presented at the time of his inquiry.
- 17-03 Retired Superior Court judge, of counsel, may not sit in the audience section of the trial courtroom during trial proceedings of a high profile murder case in which the retired judge has been retained to render legal advice to the criminal defense team. The case is of considerable notoriety and has attracted considerable newspaper publicity. In the newspaper the retired judge was identified by name as having been a judge in the county in which the trial was to take place and as having supervised the trial judge while Presiding Judge in the vicinage, as well as while both had been in the Prosecutor's office in the same county. A retired judge sitting in the audience section of a trial courtroom is tantamount to signing briefs, especially in light of the preceding persuasive newspaper publicity regarding his role in the litigation regarding a high-profile criminal defendant. The publicity indicated that he had been retained in the litigation and the publicist who prepared the newspaper article sought to exploit the inquiring judge's status as a retired Superior Court judge.
- 28-03 A retired Superior Court judge, of counsel to a law firm, may not attend Township Committee meetings in the capacity of assistant municipal attorney. He may not serve as parliamentarian at public meetings of the Committee.
- 30-03 A retired Superior Court judge may accept the position of Executive Director of the State Commission of Investigations (SCI), on the condition that he:
- (1) only performs administrative responsibilities and manages the day to day operations of the SCI as Administrative Manager;
  - (2) does not act as general or chief counsel or as counsel in any other capacity, and is not designated as counsel in any litigation involving the SCI;
  - (3) does not appear as an advisor to the SCI at hearings conducted by the agency, or participate in or serve as legal advisor at such hearings;
  - (4) is not referred to as "judge" or "retired judge" on the SCI's letterhead or in any other capacity involving his position; and
  - (5) the SCI establishes his duties in written form consistent with these conditions.

- 34-03 At no time and under no circumstances should judges trade on their former office regardless of whether the judges resigned without pension or retired with pension. However, neither the Supreme Court Guidelines on Extrajudicial Activities nor the Supreme Court Guidelines on the Practice of Law by Retired Judges, subject to the Judicial Retirement System Act (JRS), in their present form govern the conduct of judges who have resigned and are not subject to the JRS. The Committee does not have jurisdiction to advise whether a former judge who has resigned and did not retire under the JRS may act as an expert witness in a legal malpractice case. Whether the jury is permitted to learn that an expert witness was previously a judge and whether the former judge may testify that part of the basis for his opinion is his experience as a judge implicate the New Jersey Rules of Evidence and should properly be addressed by the trial judge in the case where the former judge is proffered as an expert.
- 38-03 A retired Superior Court judge may not submit a response to a “Letter to the Editor” of a newspaper regarding medical malpractice litigation, in which he refers to his former judgeship and judicial experience. The judge may submit a response to a “Letter to the Editor” if he signs by name only, does not indicate that he is an attorney, and makes no reference to his former judgeship or judicial experience.
- 39-03 A retired jurist may not use the title “Honorable” in alternative dispute resolution advertising by the law firm to which he is acting “of counsel.” Use of the title “Honorable” in law firm advertising could create a misimpression as to his current status.
- 40-03 A retired Superior Court judge may not use the title “Honorable” on the door or sign of the law firm to which she serves “of counsel.”
- 42-03 A retired Superior Court judge may not indicate that she is a “Judge of the Superior Court – Retired” after her name on the office door or sign of the law firm to which she serves “of counsel.”
- 43-03 A retired Superior Court judge, “of counsel” to a law firm, may not
- (1) undertake *pro bono* legal work for “The Appleseed Legal Foundation,” a non-profit organization, which would involve communicating with state officers / agencies by mail or telephone to urge the adoption, enforcement or modification of administrative regulations;
  - (2) sign his name on correspondence as *pro bono* counsel for the Foundation, or
  - (3) appear at a hearing before a State agency on behalf of the Foundation.
- The judge may, however, become a member of the Board of Trustees for the Foundation, provided that his membership is *pro bono*, does not involve lobbying type activities, and does not involve the use of the judge’s name in litigation.
- 1-04 A retired Superior Court judge may serve in a paid capacity as Special Counsel to the Executive Commission on Ethical Standards (Commission) on a single matter. This service is subject to the conditions that
- (1) his service as Special Counsel is limited to reviewing an investigation conducted by the Commission staff and making recommendations including possible additional investigation by the Commission;
  - (2) the matter does not involve his participation in any litigation or proceedings initiated by the Commission;
  - (3) he is not designated as counsel in any litigation involving the Commission and he does not serve in the capacity of General Counsel to the Commission;
  - (4) he not appear as an advisor to the Commission at public hearings conducted by the Commission, or participate in or serve as legal advisor at such hearings; and
  - (5) he is not referred to as “judge” or “retired judge”.

- 3-04 A retired jurist, “of counsel” to a law firm, may provide an opinion letter not bearing his name or judicial title, to another law firm (retaining law firm) as to whether or not a conflict of interest exists with regard to the retaining law firm representing an applicant before a Municipal Land Use Board (Board). The opinion letter would be akin to office work in connection with pending or proposed litigation. However, since he would provide the opinion letter as an expert, the retaining law firm may not give it to the Board. He may not attend the Board meeting with a lawyer from the retaining law firm or from his of counsel law firm. He may provide a copy of his opinion letter to the client whose representation is the subject of the opinion letter as a part of ordinary attorney-client communication and to other clients for informational purposes only and not for use before the Board or a court.
- 8-04 A retired Superior Court judge who is an expert in the landlord/tenant area and sat in the Special Civil Part for many years may serve in a paid capacity as an advisor to the State Legislature or one of its committees to assist in rewriting the laws on landlord-tenant rights and obligations; subject to the following conditions:
- (1) he does not legislate or advocate any position;
  - (2) he does not solicit the position through political sources;
  - (3) the position is apolitical;
  - (4) he serves only as a “behind the scenes” advisor (i.e. assists with the drafting or rewriting of legislation to clarify the law);
  - (5) his name does not appear on any documents and he is not publicly identified with the legislation that is ultimately drafted;
  - (6) he does not use the title “judge” or “retired judge”; and
  - (7) he does not appear in public.
- 12-04 A retired Superior Court judge may not represent a former client who is a family friend at a preliminary hearing before the New Jersey Board of Medical Examiners. Serving as an attorney in a contested or uncontested matter before a State Board is prohibited by Guideline 4 of the Guidelines on the Practice of Law by Retired Judges.
- 13-04 A law firm’s announcement that a retired judge is joining it as “of counsel” may mention the court from which the judge retired, on the condition that the judge’s retired status is clearly set forth. The announcement may refer to a retired judge as: “(judge’s name), Esq.”, retired judge of the Superior Court” (or other applicable court from which the judge retired). However, the law firm’s letterhead may only refer to the retired judge as: “(judge’s name), Esq.”, with no reference to his former judgeship or judicial title.
- 17-04 A written announcement by a law firm on its website that a retired judge has joined the law firm as “of counsel” may refer to him as follows: “(judge’s name), Esq., retired judge of the Superior Court” (or other applicable court from which the judge retired). However, the law firm may not place his photo on its website which depicts the hanging of his portrait in a presentation at a courthouse.
- 19-04 Retired judges may serve as members of the Legislative Committee on Ethical Standards and as commissioners of the Elections Law Enforcement Commission, on the condition that they:
- (1) do not participate in any litigation conducted by the agencies;
  - (2) are not designated as counsel in any litigation, do not sign any pleadings or take testimony in any litigation, and do not serve in the capacity of counsel to the agencies;
  - (3) do not appear as advisors to the agencies at public hearings conducted by the agencies or participate in or serve as legal advisor at such hearings (legal counsel assigned to the agencies would conduct the presentations at the hearings); and
  - (4) are not referred to as “judge” or “retired judge.”

- 25-04 A retired Superior Court judge (serving of counsel to a law firm) may conduct a videotaped deposition in New York in a civil (negligence) matter that involves litigation in the vicinage in which she sat prior to retiring, subject to the following conditions: (1) she is identified as an attorney only, with no reference to her prior judicial status, and (2) she does not appear on the videotape.
- 30-04 The law firm for which a retired judge serves “of counsel” may not place an ad in the New Jersey Law Journal, the New Jersey Lawyer or a newspaper of general circulation in which he is identified as “Former Presiding Criminal Judge of the Superior Court” of the county. The ad may only refer to him as “(judge’s name), Esq., retired judge of the Superior Court.” The ad may not mention that:
- (1) the law firm is opening a Criminal Law Department under his supervision or refer to him as Chair of the law firm’s Criminal Law Department;
  - (2) he served as a criminal law judge for a certain amount of time;
  - (3) he presided over capital murder, other homicide, sexual assault or other trials, list the number of such trials or indicate that he is an expert in such trials;
  - (4) he founded a substance abuse program at the adult correction center of the vicinage where he sat, or that he has extensive experience in the placement of substance abusers;
  - (5) he will handle certain types of cases;
  - (6) he will provide criminal defense support services or list these services; or
  - (7) he will be available for consultation with criminal defense attorneys.
- 31-04 A retired Superior Court judge, who is of counsel to a law firm, may not serve as guardian ad litem in a contested divorce case involving custody and parenting time issues. As guardian ad litem, he would write a report to the trial judge and, if necessary, confer with the court and counsel, and testify in court. He would be paid for his services.
- 34-04 A retired Superior Court judge may be identified and designated as “J.S.C., Ret.” in a book on landlord-tenant law that he revised for the NJ Institute for Continuing Legal Education.
- 43-04 A retired Superior Court judge, of counsel to a law firm, may serve as an appointed unpaid member of the Municipal Board of Adjustment (Board) in the same vicinage in which he previously sat. This service is subject to the following conditions: that he is limited to voting on variance applications at public Board meetings, he sits as a lay member and is not identified or referred to as a judge or retired judge, and that he does not act as attorney or legal advisor to the Board in any capacity.
- 20-05 A law firm’s business cards may not refer to the prior judicial status of a retired Superior Court judge, who is of counsel to the law firm. The business cards may only identify him as of counsel to the law firm.
- 28-05 A retired Superior Court judge may serve as a citizen volunteer in (1) the Child Placement Review Program in any vicinage, (2) the Juvenile Conference Committee Program in any vicinage, (3) another Family Division Program in any vicinage, or (4) a Program in a Division other than Family Division in any vicinage, on the conditions that he (a) does not join a law firm or become of counsel to a law firm, (b) does not run for political office, (c) does not serve on recall or serve in any other capacity in which he would receive compensation from the judiciary or the AOC, (d) resigns his volunteer position if he is recalled as a judge or serves in any other capacity in which he receives compensation from the judiciary or the AOC – in either event the judge must recuse himself from any matters which came before him as a volunteer.
- 32-05 A retired Superior Court judge, of counsel to a law firm, may sign a letter to the Senate only as a private citizen and with no reference to his prior judgeship or attorney status. The letter, which is from private citizens, suggests changes to two pending bills which, if enacted, would affect the judge’s senior housing community.

REPORT OF THE  
SUPREME COURT COMMITTEE ON  
EXTRAJUDICIAL ACTIVITIES  
(Abridged)

The Committee on Extrajudicial Activities was appointed in March 1984 to undertake a comprehensive study of permissible activities for New Jersey judges outside of their strictly judicial functions and to develop criteria or guidelines to aid judges in avoiding ethical improprieties in fact and appearance in their off-the-bench lives. The descriptive term "extrajudicial" as used in this report includes both "quasi-judicial," or law-related, and non-law-related conduct. The study was not intended to include related questions involving activities of (a) spouses and other relatives of judges, (b) judicial support personnel or 8 part-time judges. The general subject of permissible financial and business interests of judges was also excluded.

Introductory observations. In a free and democratic society, the independence and integrity of the judiciary are essential. The public expects judges to be honest, competent and devoted to the fair and impartial administration of justice. Any deviation from these high standards or any perception on the part of the public that judges are deficient in any of these qualities will inevitably result in a loss of confidence in the judiciary and seriously impair its effectiveness.

The notion that a judge should do nothing but judge has the virtue of simplicity, but little more. Like others, judges read newspapers, periodicals and books; watch television or listen to the radio; converse with family and friends; engage in recreational activities; travel and, in general, lead normal lives. While a cloistered existence would minimize the risk of improper conduct or exposure to the appearance of impropriety, it would be unrealistic to expect judges to be entirely unaffected by the world in which they live. As Chief Justice Wilentz cogently remarked at the Committee's workshop session on December 13, 1984, it is conceivable that judges could be helpful to society by wider participation without threatening an important value, since the very isolation which to some degree promotes the judiciary's fine reputation may also dilute its real understanding of society. On the other hand too expansive a view of how judges should conduct themselves when not actually engaged in the performance of their judicial role is also undesirable. Their status is such that their extrajudicial activities cannot be totally unrestricted. The obligations of judges do not cease at the courtroom door. Judges are cautioned by the Code of Judicial Conduct to act "at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." The Commentary to Canon 2 observes that judges "must therefore accept restrictions on [their] conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly."

A reasonable position between the two extremes has been achieved by the Code. With some limitations, law-related activities are encouraged. Others are carefully circumscribed. Thus, while judges are not separated from their communities, a degree of insulation is provided so as to lessen the hazard of impropriety or the appearance of impropriety. The Committee endorses this approach.

The guidelines recommended by the Committee are intended to implement, not to supplant or modify, the Code. The goal has been to enable judges, in most cases, to evaluate for themselves, within the parameters of the Code, the appropriateness of the particular activity under consideration before deciding whether to undertake it.

Prior Court approval for extrajudicial activities; in general. It has been commonplace in the past for judges to solicit from the Supreme Court approval of or advice on a broad range of extrajudicial activities. These inquiries have been dealt with mainly on an ad hoc basis, and are still being handled in that manner pending receipt of this report. The Committee believes that the practice should be sharply curtailed.

To the extent that the Code permits, and in many cases encourages, extrajudicial activities, prior approval is unwarranted unless specifically required by the Code, Court Rules or administrative directives. To seek permission to do that which is already permitted without prior approval is redundant.

By consulting the Code and applying the guidelines, judges should be able to resolve the propriety of the contemplated activity and to heed such limitations as may be placed upon the activity itself without further assistance. There will undoubtedly be occasions when the guidelines may not be entirely helpful or clarification is desired. The Committee's view is that requests for further guidance in such cases should be diverted from the Supreme Court. We propose later herein the establishment of an advisory committee to deal with these matters without referral to the Court except where policy matters are involved.

It is clear from our review of past Supreme Court action on judges' inquiries that the Court's concern has correctly been the hazard of impropriety or the appearance of impropriety. Nevertheless, the Committee is satisfied that extrajudicial activities of judges need not be subjected to prior scrutiny except in a limited number of cases. More extensive supervision would be contrary to the spirit and purpose of the Code and the implementing guidelines. There is reason to believe that the vast majority of judges will act responsibly and with discretion. In any event, they are accountable for their conduct and subject to discipline for transgressions.

Methodology employed in drafting guidelines. Drafting suitable guidelines was not an easy task. An ever present temptation in these matters, to be avoided at all cost, is to try to anticipate every conceivable problem and frame a guideline to fit. The end result would be so lengthy and complex as to be virtually unworkable. But the other extreme of excessive generality is equally faulty, because too little information is almost as useless as none. An approach was evolved to steer clear of the pitfalls of both excess and inadequacy.

To avoid unnecessary repetition the format called for an opening statement of general guidelines pertinent to all extrajudicial activities, although the degree of relevancy might vary with the particular activity. Canons 4 and 5 were divided into their component parts, and each was studied to determine the particular guidelines that would be needed. Since Canon 4, which deals with quasi-judicial activities to improve the law, the legal system and the administration of justice, is essentially permissive, the focal point was not the activity itself in most instances; rather, it was the restrictions or limitations most appropriate for each. In the case of Canon 5, where matters other than law-related ones are involved, the focal point was more frequently the activity itself, with guidelines to assist in identifying those to be avoided. Care was taken to ground all guidelines on one or more of the general standards and to keep them as concise as possible.

Restricting extrajudicial activities; rationale. Justification for reasonable limitations upon judges' off-the-bench activities is found in these basic policy considerations:

First. Canon 3 of the Code voices the cardinal principle that "[t]he judicial duties of a judge take precedence over all his other activities." Extrajudicial activities, whether law-related or not, must not encroach upon or conflict with those duties. Care must be taken that outside interests are not so extensive as measurably to impair one's ability to perform properly the judicial function.

Second. Judges must always guard against the appearance of bias or partiality or the perception of prejudgment of issues likely to come before them.

Third. Canon 2 of the Code enjoins judges to "avoid impropriety or the appearance of impropriety." Judges must not risk subjecting themselves to improper influences or the appearance of being so subjected, or participating in activities of such nature or allowing themselves to be used in such manner as to impair the dignity and esteem in which the court should be held.

Fourth. By reason of the constitutional restriction against other "gainful pursuits," reflected in Canon 6, judges may not be compensated for any extrajudicial activity, except that they may receive reimbursement for certain expenses.

The general guidelines essentially incorporate the foregoing policy considerations. With particular regard to the primary function of judges, the Committee was firmly of the opinion that extrajudicial activities should not ordinarily be conducted during court time, nor should law clerks, secretaries or other court personnel assist a judge in the performance of such activity, unless, and then only in the case of a law-related activity, prior approval is obtained. Such approval, whether in this case or in any other situation where it is appropriate, should be obtained from: (1) the assignment judge of the vicinage, for judges of the trial divisions and parts thereof, (2) the Presiding Judge of the Tax Court, (3) the Presiding Judge for Administration of the Appellate Division, or (4) the Supreme Court in the case of members of that Court, an Assignment Judge or the foregoing Presiding Judges, or where expressly required by the Code, Court Rule, guidelines or other established policy of the Supreme Court.

Law-related activities; teaching, speaking, writing, etc. Canon 4 recognizes the unique opportunity of judges, because of their position and experience, to contribute positively to the improvement of the law, the legal system and the administration of justice, by speaking, writing, lecturing, teaching and participating in seminars and panel discussions. There are only four restrictive clauses in the Canon: (1) engaging in the activities is subject to the proper performance of judicial duties; (2) judges should not cast doubt on their capacity to decide impartially any issue that may come before them; (3) no compensation may be received other than reimbursement for certain expenses, and (4), in the case of teaching, prior approval of the Supreme Court is required.

Encroachment upon judicial duties. The Committee is in complete accord that no extrajudicial activity should result in neglect of or interference with judicial duties. There is always the potential hazard of distraction from those duties when judges undertake to speak, lecture, teach, write or engage in related activities, ranging from minimal in the case of an occasional, informal talk before a group such as a bar association, to possibly worrisome where teaching or writing is involved. The guidelines, in the view of the majority, adequately alert the judiciary to the problem.

Need for prior approval - speaking, writing, etc. There are occasions when engaging in or preparation for a contemplated law-related activity might require some use of court time or court personnel. In such cases, it is appropriate that permission should first be obtained from the approving authority upon a showing that the impingement upon the judge's duties will not be significant and will be outweighed by the benefits to be derived from the presentation.

Whether prior approval should generally be obtained before engaging in any of the listed activities, including teaching, irrespective of the use of court time, was a matter of dispute within the Committee. The minority that favored this procedure correctly took note of factors to be considered in determining the question of participation: (1) the probable time and effort involved in preparation and the impact upon ordinary judicial schedules, (2) the nature of the activity and the subject matter under consideration, (3) the organization or group to whom or before whom the presentation will be made, and (4) the purpose of the program. It was the view of the minority that the task of weighing these factors and any others that might be relevant, and of ultimately determining the appropriateness of the particular activity, should be given to an approving authority.

A majority of the Committee believes that the need for such broad supervision has not been demonstrated. Significantly, the Code does not require prior approval of any of the activities in question except teaching. Judges will have the benefit of guidelines from which they should be able to decide for themselves the propriety of activities that are not inherently suspect, but are, on the contrary, permitted and even encouraged. To add a layer of approving authorities, except in limited circumstances, would not only proliferate the existing unsatisfactory ad hoc system, but also raise the specter of censorship. The majority does not recommend the adoption of so extensive a prior approval procedure.

Screening invitations. The Committee agrees that, in order to minimize the risk of creating the perception of bias or prejudgment of issues, or of exposure to impropriety in fact or appearance, judges should carefully screen invitations to speak or lecture. None should be accepted unless the judge is fully informed of the aims and purposes, as well as the membership, of the sponsoring group. There are also topics to be avoided, such as defending one's decisions or opinions or expressing views on what the law ought to be. The guidelines on this subject are framed so as adequately to inform the judiciary on what and what is not appropriate.

Teaching and writing. The Committee recognizes that teaching and writing present special problems. They are time-consuming to a much greater degree than other law-related activities and, in addition, particularly implicate the prohibition against compensation, except for allowable expenses.

Why teaching was singled out in the Code for prior Supreme Court approval is not clear. It is a fact that before the advent of the Code teaching was not permitted as a matter of Supreme Court policy. The reasons, at least in part, seem to have been possible interference with court duties, improper use of court personnel to assist in preparation and the question of prejudgment of issues likely to come before the court. But the same fears would be relevant today in the case of other law-related activities, for which, under the Code, prior approval is not a requisite. And if, as has been suggested, the qualifications of the judge to teach are a proper subject for inquiry, the answer is that whether a judge is qualified to teach is better left to the judgment of the dean of the law school, if that is where the teaching is to be done, or whoever elsewhere is charged with the responsibility of passing upon credentials.

It may be that the requirement of prior approval for teaching was a compromise between those who wished to retain the policy against teaching and those who preferred to adopt the Canon as originally recommended by the American Bar Association, which did not contain any provision for prior approval. In any event, a majority of the Committee voted to recommend that the requirement for prior approval be deleted. Other methods of obtaining approval for or notification of a teaching engagement were considered but not endorsed. However, a limited degree of supervision is advisable to insure that the time required for preparation and teaching will not adversely affect the judge's performance of his or her judicial duties. For that reason, before undertaking the engagement, the judge should inform the Supreme Court and the judge's assignment or Presiding Judge, as the case may be, of the particulars, including the diversion plan, if any, for the compensation that otherwise would have been received. The subject of diversion of compensation is discussed in more detail below under the caption "Law-related commercial publication."

Writing differs from teaching and other forms of oral presentation in the degree of permanence of the record, the relative non-exclusivity of the body of readers and the opportunity for review and revision of the finished work. The need to avoid the appearance of prejudgment becomes more acute in the case of writing. A judge who has criticized the state of law or expressed a view on what the law ought to be in a published article or treatise may later, while on the bench, hear those views quoted by counsel during argument on the same issue. It would be difficult for opposing counsel or litigants to become convinced that the judge would respond affirmatively to a contrary argument.

Law-related commercial publication. The Supreme Court has requested the Committee to address the question of judges writing for commercial, but law-related, publication and to submit its views and recommendations thereon. Canon 4 encourages writing, but is silent on the method of publication. If a work is to be published in a bar association journal or a law review, then, as long as there is compliance with the applicable Canons and guidelines, there could be no valid objection. The same would be true of a more ambitious project, such as a book or treatise, although it is difficult to envisage a judge's undertaking a task of that magnitude without the prospect of commercial publication, unless underwriting could be obtained from a non-profit body or foundation.

The significant distinction, therefore, seems to be the method of publication; *i.e.*, commercial or non-commercial. Although compensation may not be received in either case, that fact may not be known to the general public. Consequently, there may be a perception that the author will benefit financially from the sale of the work, even if the publisher actually diverts to some eleemosynary or other non-profit

purpose the royalties or other compensation that otherwise would have been paid to the author. On balance, the Committee concluded that the benefit accruing to the readers from the knowledge and experience of the judge should ordinarily outweigh any adverse perception the public may arguably have from the fact of commercial publication. However, to eliminate any misconception the writing should contain a disclaimer of compensation in either a prominently displayed preface or footnote.

Since writing for publication requires a considerable amount of time and effort, judges must clearly understand that there can be no interference with their primary responsibility. Problems in this respect are not anticipated, in as much as the practice of extrajudicial writing for publication is not widespread, and major works are even less frequent.

The Committee recommends that writing for commercial publications of law-related writings should be permitted; provided, however, that (1) the proposed writing would clearly be unobjectionable if published non-commercially; (2) the author does not let the writing interfere in any way with his or her judicial duties; (3) the services of a secretary, law clerk or any other person employed in the judicial system are not used for the project; (4) no compensation is to be received, and (5) there is strict compliance in all other respects with the applicable Canons and guidelines.

Diversion of royalties or other compensation. The Committee was also requested to advise on the matter of diversion of royalties or other compensation. During the Committee's discussion of the issue, there was agreement, at least preliminarily, that no financial windfall should come to the publisher because of the prohibition against compensation. The committee still adheres to that view and recommends that judges should be advised not to write for commercial publication unless the publisher commits itself to a suitable diversion to an eleemosynary or other nonprofit recipient in a law-related field of the royalties or other compensation that would otherwise have been paid to the author.

Several years ago, the Court considered the use to be made by a university of savings resulting from the engagement of judge-teachers. The position taken at the time was that how the savings were to be applied was an internal matter for the university to decide, and the judge involved should not participate directly or indirectly by creating or suggesting the creation of a trust fund, or by designating or approving the eleemosynary or other non-profit recipient in any manner, shape or form. This policy, which can be applied without difficulty to commercial publishing, should be continued. But, in any case where such diversion is to occur, whether it be teaching or writing, the judge, before undertaking the engagement, should as was done here, submit the detailed plan to the Supreme Court for review and approval.

Continuation of royalties or other compensation for prior publications. Another question referred to the Committee deals with the continuation of payments in cases where the publication of the law-related work occurred prior to the author's becoming a judge. Ordinarily, this should present no problem, inasmuch as the payment would not be for an extrajudicial activity. Complications may arise where, as in one case, involving an annotation of the Court Rules, the writer has updated the annotations annually; and, in another, the author of a treatise on criminal practice and procedure has continued to prepare annual supplements or pocket parts. Unresolved was the issue of whether the arrangements in both cases should terminate after a period of time. The concern seems to have been whether royalties received might actually be in large part for present work rather than that done prior to the writer's becoming a judge.

The Committee shares the Court's concern but lacks sufficient details of the financial arrangements to enable it to offer definitive advice on the issue of terminating the approval. Instead, the Committee recommends that these matters, as well as all other similar requests for approval, should be referred as they arise to an advisory committee, the establishment of which is detailed later herein. This committee would obtain all available information pertinent to the submissions and then recommend to the Court the action to be taken, based upon the following considerations:

1. The Committee must be satisfied that the judge will receive no compensation, directly or indirectly, from the work done subsequent to becoming a judge.

2. Any plan for diverting or allocating to an eleemosynary or other non-profit recipient the money that would otherwise have been paid, must completely divorce the writer from the creation of the fund or the designation or approval of the recipient and vest the matter in the sole discretion of the publisher.

3. Where the approval sought is for supplementing or updating, annually or otherwise, a work published before the author became a judge, it must be clear from the financial arrangements that:

- (a) royalty or other payments, if continued, are exclusively for the original writing and may not include, even in part, the updating or supplementation;
- (b) any compensation for the updating or supplementation that would otherwise have been paid must be diverted to an eleemosynary or other non-profit recipient, and must fairly reflect the value of the work effort; otherwise, approval should be denied unless the royalties or other compensation for the original writing are either discontinued or diverted.

Appearances before executive or legislative bodies. Canon 4C permits judges to 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. Consultation with such body or official is permitted only on matters concerning the administration of justice and by a judge charged by the rules of court with responsibility for those matters.

The Committee is in accord, but recommends that any appearance by a judge should be on notice to and approval by the Supreme Court, and, to the extent necessary, that the Canon be amended accordingly. While a judge should make clear at such appearance that his or her own point of view is being expressed, unless instructed otherwise by the Court, overall policy considerations justify the Court's monitoring of the appearance. There should be assurance that the subject matter of the hearing merits the attention and comment of a judge, and that the judiciary will not become involved in political controversy. The judge must, of course, observe the general and other pertinent guidelines.

Appointment to executive or legislative commissions, committees, etc. Closely related to appearances before executive or legislative bodies is the subject of appointments to them. Canon 5G is explicit in this regard. A judge should 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. R. 1:17-1(a) prohibits judges from holding "any other public office, position or employment, without prior written approval of the Supreme Court, requested through the Administrative Director of the Courts."

Reviewing past actions by the Supreme Court in these matters reveals an evident reluctance to grant approval. Judges have been cautioned not to take part in the extrajudicial allocation of funds for any purpose, nor to be placed in the position of seeking or supporting legislation. Offers of appointment to any governmental commission or other body should be declined if there is danger of involvement in such matters. The Committee believes, as a matter of general policy, that judges should not accept appointment in the absence of a clearly demonstrated need for the inclusion of the judge.

Membership in non-governmental, general membership organizations or associations of lawyers and judges. Subject to the general limitations pertaining to the proper performance of judicial duties, the capacity to decide issues impartially and compensation, Canon 4D permits a judge to 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. However, Administrative Directive 8-75, issued on October 15, 1975, less than a year after the adoption of the Code, provides, in part, that judges should not be officers, trustees or committee members of bar associations. And, in 1983, in a letter from the Chief Justice to the president of a county bar association, that "long-standing" policy was restated.

The Committee is not opposed to the policy. It appears to have been motivated by a desire to preserve the independence of the bar associations, which should be free to criticize legislative or judicial policies without the potentially embarrassing or restraining presence of a member of the judiciary occupying a prominent position in the association. Moreover, control of a bar association should be by attorneys. These views are supported by the State Bar Association.

The Committee is impelled to comment, nevertheless, on the confusion that is likely to result from the apparent clash between a Canon that does not necessarily limit participation by judges in general membership bar associations, and Supreme Court policy that does. The Committee is of the view that either the Canon or the commentary should be amended to conform to the policy.

The Committee sees no reason to apply the policy to the American Bar Association or other national organizations such as the American Judicature Society, as long as it is made thoroughly clear that before any office or committee assignment is accepted, the judge must be satisfied that the duties will not be so time consuming as to interfere with the proper performance of judicial duties.

Limited membership organizations or associations of lawyers and judges. The New Jersey Lawyers Diary contains a listing of such groups. These are associations the members of which have a community of interest based upon type of practice, gender, race, ethnic origin or particular political issues and goals. Whether a judge should become or remain a member of any of these associations or groups was a controversial and, to an extent, highly sensitive issue that evoked extensive debate.

Several members of the committee argued that the prudent course would be for a judge to abstain from joining or to terminate membership, regular or honorary, in any organization of the types under consideration. The feared hazard was a possible perception or inference that the judge identified with the aims or purposes of the organization, thus creating doubt as to his or her impartiality when confronted with particular issues. These committee members recommended the adoption of a guideline advising judges to decline or terminate membership in these or similar associations.

Those who opposed the recommendation deemed it to be unduly harsh as it related to associations of attorneys or judges the membership of which consisted principally, if not entirely, of one gender, race or ethnic origin. They believed it would be unfair to single out such groups and assume that if, for example, a member of a women's bar association should be appointed to the bench, her impartiality might be suspect because of her affiliation with the group.

That a judge's impartiality must be absolute was not disputed. Equally clear was the need to avoid impropriety or the appearance of impropriety. But the committee also took into account the underlying concept of the guidelines, which is to enable judges to determine for themselves to the extent possible the appropriateness of a contemplated activity.

Accordingly, a compromise solution was agreed upon by the committee. A guideline was drafted cautioning judges, before accepting or continuing regular or honorary membership in any of the groups involved, particularly those based upon gender, race or ethnic origin, to make sure, after considering carefully all relevant factors, including purpose and membership, that he or she would not be or appear to be involved in controversy, invidious discrimination, or the appearance of bias. In this regard judges should take note of Directive #8-75 dated 10/15/75 (Compilation of Administrative Directives pp. 19-20) declaring that it would be inappropriate for judges to accept honorary membership in organizations which represent members of the bar having a special interest. Cited as an example was the acceptance of honorary judicial membership in the American Trial Lawyers Association. The committee is aware that judges might differ on whether to abstain from membership in a particular association, especially one based on gender, race or ethnic origin. Any judge who may have difficulty in determining the matter should seek an opinion from the Advisory Committee.

Fundraising activities. This subject is addressed in Canon 4D and, more extensively, in Canon 5B(2). Both Canons will be discussed in this segment of the report.

The former bars judges from assisting law-related, nongovernmental organizations in raising funds and from participating in the management and investment of the funds, although recommendations may be made to public and private fund-granting agencies on law-related projects and programs. The latter, which pertains to civil and charitable activities, is more explicit:

A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of his office for that purpose, nor may he be listed as an officer, director or trustee of such an organization in any letters or other documents used in such solicitations. He should not be a speaker or the guest of honor at an organization's fund raising events, but he may attend such events and contribute to such organizations.

Canon 5B(2) also provides that judges should not give investment advice to such an organization nor serve on its board of directors or trustees if it has the responsibility for approving investment decisions.

On the whole, the Committee agrees that judges should studiously avoid entanglement with fund-raising. A monograph recently published by the American Judicature Society sets forth the rationale for Canon 5B(2), which is equally applicable to Canon 4D:

The purpose of this prohibition is to avoid misuse of the judicial office. The rule addresses the dual fears that potential donors may either be intimidated into making contributions when solicited by a judge, or that they may expect future favors in return for their largesse. In either case, the dignity of the judiciary suffers, and since most charitable organizations can raise funds perfectly well without the involvement of judges, a per se prohibition was deemed appropriate. [Lubet, "Beyond Reproach: Ethical Restrictions on the Extrajudicial Activities of State and Federal Judges (1984)."]

The foregoing has long been the policy in New Jersey. Chief Justice Weintraub adhered strictly to the view, as does Chief Justice Wilentz, that it is a misuse of judicial office for a judge to engage in any activity that might pressure a lawyer or citizen into contributing because a judge has requested a contribution or because the judge's presence might cause embarrassment if the contribution is not made.

It is to be noted that, while Canon 5B(2) as adopted in New Jersey does not permit a judge's being listed as an officer, director, or trustee in any letter or other documents used in the solicitation of funds, the American Bar Association version, followed in other jurisdictions, does not contain the restriction. The Committee does not recommend any change in the New Jersey version in this respect.

The Committee discussed a possible exception to the strict requirements of the Canons in the case of raising funds for law schools. It was suggested that judges should be permitted to be honored or even speak at fund-raising affairs in such cases and support was found in the fact that Canon 4D is silent on the subject. Although opinion was divided, it is the consensus of the Committee that no exception is warranted.

That Canon 4D does not refer specifically to law schools is of no consequence. More significant is the refusal of this State to adopt even the slightly more liberal wording of the corresponding Canon in the American Bar Association version, which permits judges to assist in fund-raising but not to participate personally in public fund-raising activities. The Committee is not convinced that the potential perception of misuse of judicial office is diminished merely because the beneficiary of the fundraising activity is a law school. If there is the slightest possibility that a judge may help to raise funds or appear to do so, the activity should be prohibited.

Receipt of honors and awards. No Canon bears directly on the matter of a judge's accepting honors or awards, except to the extent that Canon 5C(4)(a) permits a judge to "accept a gift of nominal value incident to a public testimonial to him," and Canon 5B(2) provides that a judge may not be the guest of honor at a fund-raising event. However, guidelines were established by the Supreme Court with respect to testimonial or retirement functions. They are contained in an administrative bulletin issued by the Administrative Office of the Courts in 1982. They read as follows:

1. There shall be no testimonial or retirement functions permitted honoring a judge while the judge is still on the bench unless the function is organized, sponsored and hosted by persons or an organization related to the judiciary such as a court clerks' association, a judges' association, the judges' law clerks or former law clerks, the State Bar Association, County Bar Associations, the American Trial Lawyers' Association or a similar organization.
2. The judge so honored may accept a gift of "nominal value" such as: a gavel or plaque presented to the judge as an outstanding lawyer or judge; a trophy or award for activities incident to a hobby; a book; a painting, a modestly priced remembrance such as a brief case or sporting equipment and similar items.
3. The judge may accept an award of special recognition (whether for his judicial or extrajudicial activities) such as an honorary degree from a college or university or a certificate of achievement from an organization such as the Boy Scouts, provided the award is not made in connection with a fund-raising event.
4. The testimonial or retirement function when permitted may not be a fund-raising event.
5. When a judge has retired and is no longer serving as a judge, the prohibitions set forth in these guidelines are no longer applicable.

These guidelines have been thoroughly debated, first by sub-committees assigned to the task of drafting position papers on the subject, and then by the Committee itself. The Committee decided that it was sufficient to refer only to testimonial functions which would include those tendered in anticipation of a judge's retirement but not thereafter. A suggested standard was that a sitting judge who is tendered an award, honor or testimonial should exercise care to insure that the tender does not involve the judicial position and image in partisan advantage, political activities or fund-raising. In this context, it would be perfectly proper for a judge to accept an honor or award from a regular national, state or local bar association.

A question arose regarding the inclusion of the American Trial Lawyers' Association or a similar organization in the first paragraph of the 1982 Directive. In view of the foregoing discussion with regard to limited membership organizations, the Committee is of the view that judges should not accept any award or honor offered or sponsored by ATLA or a similar organization.

With respect to narrowly focused bar groups in general the Committee concludes that the same considerations which relate to judges' membership in them should also apply to the acceptance of honors or awards tendered by any of them or tendered by any non-law-related organization because of the judge's gender, race or ethnic background.

The Committee is aware that this is a troublesome area, particularly in the case of new judges. Upon ascending the bench, a judge undertakes the awesome burden of so conducting himself or herself as to promote public confidence in the integrity or impartiality of the judiciary. The judge must not allow gender, race or ethnic origin to influence the exercise of judgment or risk the perception by others that he or she is being influenced by such considerations. A recurring theme is that a judge should avoid impropriety and the appearance of impropriety in all activities.

In its deliberations, the Committee touched upon the matter of judges-designate; that is, those who have been nominated but are awaiting Senate confirmation, or if confirmed, have not yet taken the oath of office. Until such persons are officially members of the judiciary, they are not subject to the Code of Judicial Conduct or the implementing guidelines relating to extrajudicial activities. Nevertheless, at least as a matter of self-discipline, judges-designate should exercise discretion during the interim period in order to avoid possible embarrassment. The Committee believes that it would be helpful for the Supreme Court to cause a letter to be prepared for distribution to judges-designate advising them of activities deemed to be inappropriate.

The second AOC guideline, limiting gifts to those of nominal value, presents no problem and is endorsed, as are the last two, dealing with the avoidance of fund-raising events and the inapplicability of the rules to retired judges.

As to the third AOC guideline, the Committee deems it appropriate for a judge to accept honors from a law school, college, other educational institution, or from an alumni association. More difficult is the matter of special recognition of judges in such form as "Judge of the Year" and like awards. Another example is the award by Institute for Continuing Legal Education (ICLE) to a lawyer or judge for preeminence in post-admission legal education. These awards are based upon nomination, election or some other form of selection from among a group.

A position taken in the federal courts is that judges who have achieved a preeminence such as to prompt public recognition should ordinarily be able to accept such honors, in that, apart from the personal gratification involved, the entire judiciary benefits from public praise of one of its members. Although the point is not without merit, there are countervailing policy considerations. The Committee believes that it is inappropriate for a judge to appear, even involuntarily, to be in competition with other judges for an award. Furthermore, the possibility exists that a member of the organization might seek to curry favor with a judge by making known in some fashion that he has nominated the judge for an award. Finally, it would not be amiss to remove any possible temptation for a judge who becomes aware of a nomination to do some discreet campaigning for the award.

Therefore, the Committee recommends the adoption of a policy for judges to decline any award or honor involving a selective process. This policy would apply irrespective of whether the award or honor is tendered by a bar association or other law-related group, or by a private group. The ban is particularly applicable in the latter case, since there is the additional possibility that the judge is being singled out for recognition because of a perceived position with respect to the law.

The third AOC guideline also includes awards or honors for non-law related achievements. The example given is an award from an organization such as the Boy Scouts. It is assumed that recognition would be accorded in such case for activity in a private capacity; e.g., scoutmaster. The Committee is of the view that a certificate of achievement or comparable honor is acceptable, provided it is clearly understood that it is entirely unrelated to the honoree's position as a judge and, of course, that no fund-raising or gift of more than nominal value is involved.

Avocational Activities. Canon 5A accords judges a broad assortment of permissible activities outside the realm of the law. Included are writing, lecturing and speaking; engaging in the arts, sports and other social and recreational activities; and, subject to prior Supreme Court approval, teaching on non-legal subjects. Compensation is not permitted for any of these activities. Moreover, the avocational activities should not detract from the dignity of the judicial office nor interfere with the performance of judicial duties.

It is not necessary to dwell at length on these activities. In earlier segments of this report, there was a listing of basic policy considerations that justified reasonable limitation upon judges' off-the-bench activities. Encroachment upon judicial duties was discussed. The need to avoid any conduct that might cast doubt on a judge's ability to be impartial was emphasized. The points made and conclusions reached are relevant here and require no further elaboration.

Because of the range of permissible activities in this category, judges must be particularly careful to avoid unnecessary public controversy, involvement in political matters and association with bodies or groups having clear interests in litigation in state or federal courts. Judges should not allow social relations or friendships to influence or appear to influence their judicial conduct. They should carefully examine the composition and purposes of any organization, group or club before joining, speaking to or otherwise becoming associated with it.

As for teaching, the only aspect that calls for further comment is the requirement for prior Supreme Court approval. The Committee's discussion of the matter with regard to law-related teaching and recommendation that the requirement be deleted is equally pertinent here. However, as in the case of law-related teaching, the Supreme Court and the judge's assignment judge or Presiding Judge, as the case may be, should be informed of the particulars, including the diversion plan, if any, for the compensation that otherwise would have been received.

While investments are not within the scope of the Committee's assignment, a few caveats are in order with respect to financial activities. Pursuant to Canon 5C(2), judges should not serve as an officer, director, manager, advisor or employee of any business. In addition, because of the potential problem of disqualification, it would not be advisable for a judge to be an officer, director or trustee of an organization if the duties would include investing or supervising the investment of funds.

Civic and charitable activities. The Committee's views conform with Canon 5B. Judges should be encouraged to participate in educational, religious, charitable, fraternal, or other civic organizations not conducted for the economic or political advantage of its members, including positions as officer, director or trustee, subject to certain restrictions, many of which have already been referred to in other contexts. The restrictions have to do with activities that may adversely reflect on the judge's impartiality, interfere with the performance of judicial duties or involve fund-raising. Of course, all of the general guidelines are applicable. The restriction against involvement in fund-raising is especially pertinent in the case of civic and charitable activities. Reference should be made to the earlier segment on the subject.

Invidious discrimination. The Committee discussed the sensitive issue of shunning organizations that practice invidious discrimination on the basis of race, sex, religion or national origin. The Committee had no difficulty with this issue in principle. It was agreed that a judge should not be a member or otherwise associate with any organization that practiced such discrimination, and that a statement to that effect was needed. The problems were how to word the statement and what implementing guidelines, if any, were needed.

After several years of study and consideration, the American Bar Association's Standing Committee on Ethics and Professional Responsibility issued a report dated August, 1984, in which it recommended to the House of Delegates that the Commentary to Canon 2 be supplemented by a declaration against invidious discrimination. There is no need to detail the proposal and rationale at this time. Interoffice memoranda of the Administrative Office of the Courts are available to those who may wish to explore the matter more fully. It is sufficient simply to note that, after declaring that it is inappropriate for a judge to hold membership in any organization that practices invidious discrimination on the basis of race, religion or national origin, the rest of the proposal was of little help since, in essence, the question of whether an organization practices invidious discrimination was left to each judge to determine as a matter of conscience without further guidance.

The Administrative Office of the Courts has recommended the following language:

It is inappropriate for a judge to hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion or national origin. Ultimately, each judge must determine in the judge's own conscience whether an organization of which the judge is a member practices invidious discrimination.

The Committee agrees that the wording should be as concise as possible, and recommends that it be limited to the first sentence of the AOC recommendation. However, the Committee has not been able to agree on implementing guidelines. Accordingly, the Committee decided that the sentence should merely be restated as the guideline. In addition, the guidelines should state that organizations dedicated to the preservation of religious, spiritual, charitable, civic or cultural values, and which do not stigmatize as inferior and therefore unworthy of membership any excluded persons, would not be considered to discriminate invidiously.

The distinction to be drawn, however inartistically, is between inclusive organizations, like those limited to persons of a particular religion, and exclusive organizations, which limit their membership by purposely excluding persons identifiable by race, sex, religion or ethnic background. There are, for example, clubs that traditionally have excluded women. The issue will probably arise most frequently in the case of private country or golf clubs. It is here, particularly, that judges will have to be guided by their own consciences.

Fiduciary activities. Canon 5D fully covers the subject of a judge's serving as executor, administrator, trustee, guardian or other fiduciary. No further guidelines are needed.

Arbitration. Canon 5E states that a judge should not act as arbitrator or mediator. The Committee agrees, since judges should not be distracted from their normal duties by undertaking to act as arbitrator or mediator outside the judicial system.

Political activity. From time to time, in this report, reference has been made to the fact that judges should refrain from any activity that might have a political connotation. Canon 7A(1) spells out in sufficient detail the types of activities to be avoided.

In this regard, it should also be observed that events and occasions ethnic in nature, such as parades, commonly attract political figures. Judges, of course, should not participate.

Advisory Committee on Extrajudicial Activities. The Committee recommends the establishment of an Advisory Committee on extrajudicial activities. This committee should be separate and apart from the present Advisory Committee on Judicial Conduct, which deals mainly with complaints of alleged misconduct of judges. Its primary function would be to advise judges and the Supreme Court regarding the interpretation and application of the Canons and guidelines to matters of extrajudicial activities.

The Committee discussed earlier in this report the existing system of ad hoc rulings in individual cases either by the Supreme Court or the Administrative Office of the Courts. We advised that the practice be curtailed and that such matters, except in limited cases, should be referred to an Advisory Committee.

The Advisory Committee should consist of not less than seven members, and should include a member of the bar and a lay person. The remainder should be judges, active or retired, including a judge of the Appellate Division. For obvious reasons, no Supreme Court Justice should be on the committee, unless retired.

The Advisory Committee would render advisory opinions only when requested in writing by a judge or by the Supreme Court. The opinion would be based on the facts presented. If the response to the request and the advice given was deemed to be without precedential value, it need not be published. If the Advisory Committee concludes that the advice would be of value to the entire judiciary, a formal advisory opinion would be issued and published, but, in such case, the judge in question would not be identified. If the Advisory Committee should conclude that a policy question is involved requiring determination by the Supreme Court, the matter would be referred to the Court with such recommendation as the Committee may wish to make. The Supreme Court, as it deemed necessary, could from time to time solicit the views of the Advisory Committee on matters of interpretation and application of the Canons and guidelines or on proposed amendments or additions.

The Administrative Director of the Courts would provide the Advisory Committee with an appropriate administrative staff, including a staff attorney.

This type of advisory committee has worked very satisfactorily in the federal court system and in other jurisdictions. The Committee is convinced that there is a pressing need for one here and urges that its recommendations be accepted.

As for retired judges recalled to judicial service, the broad question to be considered is the extent to which they should be governed by the Code and the implementing guidelines. According to the "applicability" section of the Code, all retired judges recalled to judicial service "should comply with the provisions of this Code governing part-time judges." But part-time judges are not required to comply with the restrictions against serving as an officer, director, manager, advisor, or employee of any business (Canon 5C(2)); engaging in fiduciary activities (Canon 5D); acting as arbitrator or mediator (Canon 5E); practicing law (Canon 5F) (although, strangely, there is an apparent contradictory provision that a part-time judge shall not practice law except as permitted by the Rules of Court), and accepting extrajudicial appointments. Additionally, a part-time judge may receive compensation for teaching as set forth in Canon 4B; but, apparently, may not be compensated for teaching on non-legal subjects, since the restriction in Canon 5A(2) has not been lifted.

It is not necessary to dwell upon the inconsistencies and incongruities contained in the "applicability" section of the Code. The pertinent issue is whether, as a matter of policy, recalled judges should comply with the Code to the same extent as a full-time judge, except where the recall is for a limited and special purpose; e.g., to perform a marriage ceremony or to administer the oath of office to a newly appointed judge.

Conclusion. Despite the labors of the Committee, it does not pretend that the proposed guidelines will provide an answer to every problem involving extrajudicial activities. It is entirely possible that it has failed to address matters for which guidelines should have been drawn. Consequently, the guidelines should be under constant critical review, and supplemented or amended as often as may be necessary. With the assistance of the judiciary and the guidance of the Advisory Committee, should it be established, most, if not all, of such deficiencies as undoubtedly exist, will be corrected in time.

REPORT OF THE  
SUPREME COURT ADVISORY COMMITTEE ON  
EXTRAJUDICIAL ACTIVITIES ON  
PROPOSED REVISIONS OF GUIDELINES

Generally, the Guidelines on Extrajudicial Activities have worked well. Since their establishment, the Committee has received and responded to hundreds of inquiries by judges on a wide variety of issues. Most were narrow in scope, affecting only the inquiring judge, and without broader implications. It soon became clear, however, that in certain areas the guidelines were of insufficient assistance and required clarification or revision.

The underlying rationale of the guidelines has been and still is for judges to consult the guidelines and determine for themselves, to the extent possible, the propriety of engaging in a particular activity. However, a serious flaw is that, after considering the criteria, judges may reach opposite conclusions. This is especially so where the issue in question is one of broad application; such as, for example, joining limited membership bar associations, or attending or participating in their events and other activities. A related potential problem is that, in such cases, the response made to an inquiring judge would not become known to other judges in the absence of a formal opinion or some other method of general distribution.

The perplexing question facing the Committee was whether, in these matters, the guidelines should specifically identify the law- related organizations that judges should not join, or the events or activities that judges should not attend or in which they should not participate. The Committee is convinced that drafting guidelines with that degree of specificity is not feasible; moreover, such micro-management of judges' extrajudicial conduct is not desirable.

The Committee has endeavored to achieve a pragmatic resolution of these troublesome problems. Where necessary, the guidelines have been strengthened by the use of mandatory wording. Certain activities have been explicitly forbidden.

In its review of the guidelines, the Committee was aware that some of the restrictions on lecturing, speaking and comparable activities had been questioned, particularly with respect to commenting on pending cases or expressing views on what the law ought to be. The Committee agreed to review these guidelines and determine whether any should be relaxed. It has done so and, except for editorial revisions, has concluded that there is no need for substantial modification. Undoubtedly, some judges have acquired considerable expertise in a particular field. They should be encouraged to share that expertise by such activities as lecturing, teaching, and writing. But they should not lose sight of the fact that their primary role is that of a judge, not as a teacher. Canon 3A(7) of the Code of Judicial Conduct (1972) provides, in pertinent part, that "[a] judge should abstain from public comment about a pending or impending proceeding in any court..." Moreover, with regard to adverse comments, judges are obligated to uphold the integrity of the judiciary and not to demean the judicial office. The relevant guidelines implement the Code.

A summary of the recommended revisions, together with explanatory comments, follows.

Subparagraph 3b is new. It is intended to deal primarily with judges attending or participating in events held or sponsored by limited membership bar associations. There is no specific applicable guideline at this time. The Court will recall the questions that arose in 1991 with respect to the propriety of judges being honored at a dinner sponsored by the Coalition for the Minorities in the Judiciary and also of judges accepting invitations to attend an annual installation dinner of the Association of Criminal Defense Lawyers of New Jersey. These issues are intertwined with the troublesome problem of whether judges should become or remain a member of limited membership bar associations. The revised Guideline III E3, to be discussed later in this report, deals with such associations. It suffices at this time merely to comment that the revised guideline divides them into categories and then identifies those in which judges may not accept or continue regular or honorary membership unless the Supreme Court has declared as a matter of policy that membership in any association within that category is appropriate.

As indicated above, the new subparagraph 3(b) must be applied in the context of the revised Guideline III E3. With respect to the limited membership bar associations which judges may not join, it is now clearly mandated that judges shall not engage "in any of the foregoing activities" (See subparagraph 1), except where the membership, though limited to a type of practice, is all-inclusive; or, in all other cases, the event is open to non-members and is non-partisan and non-political, and will not involve the judge or controversial issues or expose the judge to the perception of bias or partiality.

The Committee is satisfied that substantially clearer guidelines have now been drafted both in terms of which limited membership bar associations judges may or may not join, and which events a judge may or may not attend.

#### Guideline III C

A change in subparagraph 3b of this guideline resulted from several complaints that out-of-state publishers were diverting royalties to eleemosynary or other non-profit organizations in the publishers' state. A proviso has been added "that the eleemosynary or other non-profit recipient of the royalties or other compensation should, to the extent possible, be a law-related, national or New Jersey organization, institution or association."

Subparagraph 4, which explains that these guidelines were not intended to deprive a judge of royalties for work published before assuming judicial office, has been clarified by adding "or for work completed prior thereto except for subsequent prepublication proof-reading or other editing by the judge; provided, however, that, in the latter case, the judge may not receive additional compensation therefor."

A like clarification appears in subparagraph 5, which requires Supreme Court approval before the writer of a work published prior to assuming office may undertake to update or supplement that work.

#### Guideline III E

The caption of this guideline has been slightly modified to "Membership or Other Participation in Non-Governmental Organizations."

Subparagraph 1 expresses the general concept that a judge should take care that membership or participation in any organization does not impair or seem to impair the judge's impartiality. The second sentence states that subject to that general qualification a judge may belong to organizations "as set forth herein." The sentence has been deleted because of its ambiguity and also because Guideline III E3, as revised, now contains designated categories of limited membership associations that judges are not permitted to join.

In addition to several editorial changes, subparagraph 2, General Member Associations of Lawyers or Judges, has been revised to reflect present Supreme Court policy that judges may serve on suitable committees of the New Jersey State Bar Association or any general membership national or international bar association. In addition, judges are permitted to serve as officers, directors, trustees or committee members of other associations or institutes devoted to the improvement of the law, the legal system or this administration of justice.

No portion of the Guidelines has been more difficult to solve than that dealing with judges joining or participating in the activities of limited membership associations of lawyers, particularly those the members of which have a community of interest based on gender, race or ethnic origin. The predecessor Committee struggled with it. Several members argued at the time that the prudent course would be to abstain from joining or continuing membership in any organization of the types under consideration. The feared hazard was a possible perception or inference of a judge's identification with the aims and purposes of the organization, thus creating doubt with respect to the judge's impartiality when confronted with certain issues. Those who opposed this view deemed it unduly harsh as it related to organizations based on gender, race or ethnic origin. They contended that it would be unfair to single out such groups and assume that a judge's impartiality might be suspect because of the judge's affiliation with any of them. A compromise produced Guideline III E3, which, in substance, left it to each judge to decide

whether to accept or continue regular or honorary membership, after considering carefully the factors set forth in the guideline.

Frequently, a compromise creates more problems that it solves. That was the case here. The serious defect, alluded to earlier in this report, was that notwithstanding the listed criteria, some judges might decide one way and others another. To avoid this dilemma, the Committee decided to revise the guideline by establishing categories of limited membership associations, rather than by listing every known association, and then to specify, by category, those that judges should not join or in which membership should be terminated, unless the Supreme Court determined as a matter of policy that membership in a particular association is appropriate. A judge or a limited membership association would be able to seek such determination from the Supreme Court. Obviously, the applicant would have the burden of demonstrating that membership would not contravene the Code of Judicial Conduct or any relevant guideline.

As noted above, in the discussion of the new Guideline IIIA3b, which deals with judges engaging in other activities of limited membership associations, the two guidelines are intertwined. The Committee is convinced that judges will have no difficulty in resolving problems of whether to engage in such other activities, if the new Guideline IIIA3b is read in the context of the revised Guideline IIIE3. In passing, the Committee invites attention to the fact that subparagraph 3d of the latter Guideline emphasizes that judges' acceptance of awards, honors and tributes offered by a limited membership association is governed by Guideline VI, to which reference must be made.

Limited membership associations are defined in the original guideline as those "the members of which have a community of interest based upon type of practice, gender, race, ethnic origin or particular political issues and goals." The revision divides them into these categories. The first is based upon type of practice, and is subdivided into (a) all-inclusive membership; for example, American Academy of Matrimonial Lawyers; and (b) membership limited to a particular side of litigation; for example, Association of Trial Lawyers of America and Association of Criminal Defense Lawyers of New Jersey. The second category consists of those associations having particular political issues and goals.

As to these categories, the Committee agreed without dissent that judges may not accept or continue regular or honorary membership in any of them absent a Supreme Court policy determination that membership is appropriate.

The Committee was not unanimous with regard to the third category: associations the members of which have a community of interest based upon gender, race, national or ethnic origin. A majority of the committee voted to permit judges to be members of this category.

The majority recognized that, increasingly, the judiciary is a culturally diverse institution, and therefore associations whose members have a community of interest based upon gender, race, national or ethnic origin can provide a source of needed sensitivity, encouragement and support for judges and can also promote better understanding of the judiciary among a broader spectrum of the public.

A final revision, minor in nature, relates to subparagraph 4. It adds a prohibition against judges assisting the designated organizations in raising funds or participating in the management and investment of the assets of the organization.

#### Guideline VI

The original caption, "Testimonials, Awards and Other Honors," has been changed to "Awards, Honors and Tributes," in order to clarify the scope of the guideline. The guideline has been redrafted in order to set forth as clearly as possible the limited extent to which a judge may accept a tendered award, honor or tribute. The tender must fit within the revised guideline; otherwise, it cannot be accepted.

The report of the predecessor committee noted that no Canon of the Code of Judicial Conduct (1974) bore directly on the matter of a judge's accepting honors or awards, except to the extent that Canon 5C(4)(a) permits a judge to "accept a gift of nominal value incident to a public testimonial to him [sic]"; and Canon 5B(2) prohibits a judge from being the guest of honor at a fund-raising event. However, guidelines on the subject were established by the Supreme Court and published in a bulletin issued by the Administrative Office of the Courts in 1982. These guidelines, with minor modifications, were the basis for the present Guideline VI. The Committee is satisfied that the recommended revisions substantially improve both the 1982 directive and the present guideline.

Paragraph 1 of the revised Guideline VI lists four categories of awards, honors or tributes that judges may accept in special recognition of the judges' achievement or service. The first, a restatement of Guideline VIB1a, related to honorary degrees or other awards or honors from academic institutions, including, but not limited to, law schools.

The second category is new. It permits the acceptance of an award, honor or tribute for special achievement in judicial administration, but only from the associations, institutes or societies mentioned. There are judges who have devoted much time and effort to the furtherance of judicial administration. The Committee is of the view that recognition of their accomplishments will not in any way compromise their integrity or impartiality.

The third category is a modification of Guideline VIA, which deals with "testimonial functions" honoring a judge while the judge is still on the bench. The revised version substitutes "award, honor or tribute" for "testimonial functions." The event is limited to recognition of a judge's years of service, assignment to another vicinage, or pending retirement. The sponsoring person or organization is limited to those set forth.

The fourth category is an edited version of the present Guideline VIB1b. An added provision is that the event shall not be for fundraising.

Paragraph 2 unequivocally states that an award, honor or tribute for any law-related activity may not be accepted through a nomination or election process, or where the selection process is for the purpose of designating the recipient as "Judge of the Year," "Man or Woman of the Year" or the equivalent.

Paragraph 3 retains the present proviso for "a modestly priced gift."

#### Miscellaneous

1. A new Guideline XI, Letters of Recommendation, has been added. It incorporates by reference to an addendum the Chief Justice's memorandum to assignment judges dated June 8, 1982.

2. The text of the present addendum, Guidelines on the Practice of Law by Retired Judges has been replaced by the superseding Administrator's Directive #2-97 dated March 19, 1997.