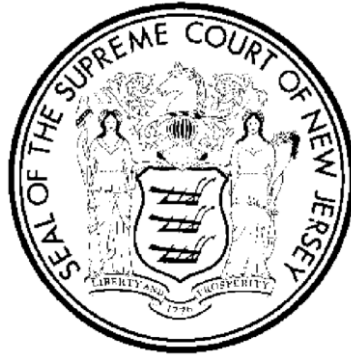


**2014**

**SUPREME COURT  
STATE OF NEW JERSEY**



**CODE OF CONDUCT  
FOR  
JUDICIARY EMPLOYEES**

**(As Adopted by the Supreme Court)**

**Opinions current through #8-2002**

**CODE OF CONDUCT FOR JUDICIARY EMPLOYEES**

**Table of Contents**

**Scope.....3**

**Applicability .....3**

**Canon 1 -- Performance of Duties.....3**

**Canon 2 -- Protection of Confidential Information.....4**

**Canon 3 -- Avoiding Actual or Apparent Impropriety .....5**

**Canon 4 -- Avoiding Actual or Apparent Conflicts of Interest .....6**

**Canon 5 -- Outside Employment and Other Outside Activities.....7**

**Canon 5B**

**Outside employment .....7**

**Notification procedures .....11**

**Canon 5C**

**Appointment to public positions; Community activities.....13**

**Notification procedures for public appointments  
        and community activities .....14**

**Canon 5D**

**Solicit funds .....16**

**Canon 6 -- Political Activities.....16**

**Canon 6H**

**Application procedures .....18**

**Canon 7 -- Nepotism .....20**

**Canon 8 -- Testimonials, Awards and Other Honors.....21**

**Appendix: Chart Showing Allocation of Various Types of Staff (e.g., Chambers Staff,  
Courtroom Personnel,...) to the Four Employment Categories.....23**

**Index of Opinions through #8-2002.....24**

**CODE OF CONDUCT FOR JUDICIARY EMPLOYEES  
(As Adopted by the Supreme Court Pursuant to Rule 1:14)**

[Includes all amendments through those effective September 9, 2014]

**CANON 1 -- PERFORMANCE OF DUTIES**

**CANON 2 -- PROTECTION OF CONFIDENTIAL INFORMATION**

**CANON 3 -- AVOIDING ACTUAL OR APPARENT IMPROPRIETY**

**CANON 4 -- AVOIDING ACTUAL OR APPARENT CONFLICTS OF INTEREST**

**CANON 5 -- OUTSIDE EMPLOYMENT AND OTHER OUTSIDE ACTIVITIES**

**CANON 6 -- POLITICAL ACTIVITIES**

**CANON 7 -- NEPOTISM**

**CANON 8 -- TESTIMONIALS, AWARDS AND OTHER HONORS**

**SCOPE**

The following Canons govern the professional and outside activities of judiciary employees. Guidelines herein that offer examples are intended to be not exhaustive but merely illustrative of conduct that would conform to or violate a Canon. When in doubt, an employee should refer to the explicit language of the Canon, and direct any questions to the appropriate judiciary supervisor. If necessary, the supervisor or the employee may make written application to the Advisory Committee on Outside Activities of Judiciary Employees for an opinion on matters that do not appear to be resolved readily by the Canons.

**Note: Scope section adopted December 7, 1993, to be effective immediately.**

**APPLICABILITY**

- A.** This Code applies to all non-judge employees performing judicial branch functions, including temporary employees. It takes precedence, to the extent it is more restrictive, over any professional code of ethics to which the employee is subject.
- B.** The Code does not apply to those employees of county sheriffs who provide only security services.
- C.** This Code shall not limit union activities by members of labor organizations that are matters of right under the Constitution of the United States, the Constitution of New Jersey, or statutes applicable to and accepted by the judiciary, or that have been approved by the Supreme Court of New Jersey.

**Note: Applicability section adopted December 7, 1993, to be effective immediately.**

**CANON 1 -- PERFORMANCE OF DUTIES**

- A.** A court employee shall uphold the Constitutions and laws of the United States and the State of New Jersey, and shall faithfully carry out all duties assigned to the employee's judicial function.

**Comment:** Judiciary employees shall put loyalty to the principles embodied in this Code above loyalty to persons or parties.

**B.** Every court employee shall endeavor at all times to perform official duties properly, courteously, and with diligence.

**C.** Every court employee shall maintain or obtain current licenses or certificates as may be required by law or court rule for their employment.

**D.** No court employee shall intentionally alter, falsify, destroy, mutilate, backdate, or fail to make required entries on any records within the employee's control. This provision does not prohibit alteration or expungement of records or documents pursuant to a court order.

**E.** No court employee shall in the conduct of official duties discriminate or harass on the basis of, or manifest by words or conduct, bias or prejudice based on race, creed, color, national origin/nationality, ancestry, language, religion/religious practices or observances, age, sex, pregnancy, gender identity or expression, affectional or sexual orientation, marital status, civil union status, domestic partnership status, socioeconomic status, disability or perceived disability, atypical hereditary cellular or blood trait, genetic information, or status as a veteran or disabled veteran of, or liability for service in, the Armed Forces of the United States.

The Judiciary prohibits all forms of unlawful bias, harassment, and discrimination in all of its operations, including humiliating or degrading jokes, insults or comments about one's race, creed, color, national origin/nationality, ancestry, religion, age, disability or perceived disability, sex, pregnancy, gender identity or expression, affectional or sexual orientation, or any other unlawful criteria. Harassment, coercion, or intimidation of any individual based on these or other unlawful criteria is strictly forbidden.

**F.** No court employee shall give legal advice outside the scope of his or her judiciary employment, or as provided in Canon 5.B.5., nor recommend the names of private attorneys.

**Comment:** A court employee may respond to questions regarding court procedures within the scope of the employee's duties.

**G.** No court employee shall refuse to enforce or otherwise carry out any properly issued rule or order of court, nor shall court employees exceed that authority.

**H.** Court employees who are attorneys, law students, or members of other professional groups are also bound by the appropriate professional duties of those roles.

**Note:** Canon 1 adopted December 7, 1993, to be effective immediately; section E amended May 3, 1994, to be effective September 1, 1994; section E amended October 16, 2008, to be effective immediately; section E amended September 9, 2014 to be effective immediately.

## **CANON 2 -- PROTECTION OF CONFIDENTIAL INFORMATION**

**A.** A court employee may not disclose to any unauthorized person for any purpose any confidential information acquired in the course of employment, or knowingly acquired through unauthorized disclosure by another.

**Comment:** "Confidential information" includes information about pending matters that is not already a matter of public record and information concerning

the work product of any judge, law clerk, staff attorney, or other employee including, but not limited to, notes, papers, discussions, and memoranda. Employees should note that Canon 5.B.5 specifically addresses restrictions on the disclosure to an outside employer of any information obtained in the course of judiciary employment, whether or not confidential.

**B.** Every court employee shall report confidential information to an appropriate authority within the judicial system when the employee reasonably believes that that information is or may be evidence of a violation of law or of this Code. This obligation does not preclude reporting to a law enforcement or other appropriate authority. No court employee shall be adversely affected for disclosing such confidential information to an appropriate authority.

**C.** A court employee, after termination of employment, shall not disclose confidential information obtained in the course of employment.

**Note:** Canon 2 adopted December 7, 1993, to be effective immediately.

### **CANON 3 -- AVOIDING ACTUAL OR APPARENT IMPROPRIETY**

A court employee shall observe high standards of conduct so that the integrity and independence of the courts may be preserved, and shall avoid impropriety or the appearance of impropriety.

**Comment:** The holding of public employment in the court system is a public trust. That trust is sustained by conduct that maintains the confidence of the citizenry in the integrity of officers and employees of the judicial branch.

**Guideline:** In light of the injunction to "avoid impropriety or the appearance of impropriety" judiciary employees must not risk: (1) subjecting themselves to improper influences; (2) participating in activities or allowing themselves to be used in such manner as to impair the dignity and esteem in which the court should be held.

Specifically a judiciary employee shall not:

- a.** Use or attempt to use the official position or the prestige of judicial affiliation to secure special privileges or exemptions for the employee or for others. For example, an employee shall not use official letterhead for private business correspondence, write letters of recommendation on official letterhead (other than when requested to give a reference on current or former co-workers or subordinates seeking new employment), nor carry a judiciary business card unless authorized by the appointing authority.
- b.** Solicit, accept, or agree to accept any gifts, loans, gratuities, discounts, favors, hospitality, or services directly or indirectly from any attorney or other person who has had or is likely to have any professional or official transaction with such employee or with the employee's court or office.

- c. Solicit, accept or agree to accept any gifts, loans, gratuities, discounts, favors, hospitality, or services from anyone:
  - 1) based on any understanding, whether explicit or implicit, that the official actions, decisions, or judgment of any employee would be influenced thereby;
  - 2) under circumstances from which one reasonably could infer that the purpose of the donor is to influence the court employee in the performance of official duties.
- d. Dispense special favors to anyone, whether or not for remuneration, nor be or appear to be unduly affected by favoritism, cronyism, kinship, rank, position, or influence of any person in the discharge of official duties.
- e. Request or accept any outside fee or additional compensation for advice or assistance given in the course of the employment.

Guideline: Each employee shall use the resources, property, and funds under the employee's official control solely for official purposes.

**Note:** Canon 3 adopted December 7, 1993, to be effective immediately.

#### **CANON 4 -- AVOIDING ACTUAL OR APPARENT CONFLICTS OF INTEREST**

Court employees shall regulate outside activities to minimize the risk of conflict with court-related duties. Generally a conflict of interest exists when the court employee's objective ability or independence of judgment in the performance of his or her job is impaired or reasonably may appear to be impaired. Outside employment or other activities, whether related to judicial administration or not, must not involve the court employee in conflict of interest nor appear to do so, nor encroach on or conflict with judiciary-related duties.

Comment: A conflict of interest involving a court employee can seriously undermine the community's confidence and trust in the court system. Therefore, every court employee is required to exercise diligence in becoming aware of his or her own conflicts of interest, and in ending them when they arise. Care must be taken that outside interests are not so extensive or of such a nature as to impair the ability to perform court-related duties.

#### **Guideline:**

- a. A conflict of interest exists when the court employee, or the employee's immediate family, as defined below, or the employee's business would derive advantage as a result of official action taken by the employee. No conflict of interest exists if any benefit accrues to the employee or the employee's immediate family as a member of a profession, business, or group to the same extent as any other member of the profession, business, or group who does not hold a position within the court system.

- b. For the purposes of this Code, "immediate family" shall include all members of the employee's household, as well as the following, whether related by marriage or by adoption: spouse or the substantial equivalent; child; foster child; brother; sister; parent; grandparent; grandchild; father-in-law; mother-in-law; sister-in-law; brother-in-law; son-in-law; daughter-in-law; stepfather; stepmother; stepson; stepdaughter; stepbrother; stepsister; half-brother; half-sister; nephew; niece; aunt; uncle; children of an aunt or uncle.
- c. Prohibited activities under this Canon include, but are not limited to, the following:
  - 1) Entering into any contract with the court system apart from the employment contract relating to the employee's position, or using that position to assist any member of his or her immediate family in securing a contract with the court system in a manner not available to any other interested party.
  - 2) Receiving any unauthorized compensation for assisting or consulting with parties engaged in transactions or involved in proceedings with the court system.
  - 3) Participating in any official decision involving an entity or person outside the court system with whom either the court employee or any member of the employee's immediate family is negotiating for future employment.
  - 4) Engaging in official transactions with any former employee for one year after the former employee's termination of employment: (a) with regard to any matter in which the former employee had been substantially involved; or (b) with regard to any financial matter if the former employee had held a position in the same office.
- d. [text deleted]
- e. Nothing in this section shall prohibit an employee from receiving a reasonable commercial loan made as part of the ordinary transaction of the lender's business.

**Note:** Canon 4 adopted December 7, 1993, to be effective immediately; text of Guideline (d) deleted June 4, 2002 to be effective immediately.

## **CANON 5 -- OUTSIDE EMPLOYMENT AND OTHER OUTSIDE ACTIVITIES**

The court-related duties of a judiciary employee shall take precedence over all outside activities.

**A.** Each full-time court employee's position with the court system must be the employee's primary employment.

**Comment:** Outside employment or non-paying activities must be capable of being fulfilled regularly outside of normal working hours.

**B.** To avoid impropriety and/or conflict of interest or the appearance thereof, the following provisions shall apply to the holding of outside employment by judiciary employees.

**Comment:** Although the propriety of holding outside employment is determined by this Code, particularly by the provisions of Canon 5.B., employees are advised that to hold other employment while working for the judiciary, they must meet certain procedural requirements, as detailed in Section 15 below.

The term "Outside Employment" refers to positions of gainful pursuit, including (a) additional employment with the judiciary or (b) self-employment.

**1a.** Subject to this Code, as interpreted by the Advisory Committee on Outside Activities of Judiciary Employees and by the Supreme Court, and except as set forth below, all non-judge judiciary employees may hold outside employment.

**Comment:** Outside employment is presumptively permissible and may be held if not prohibited, restricted, or in conflict with the principles, goals, or standards of the Code.

**2.** Subject to the notice requirements of 5.B.15, any court employee may teach, lecture, or write on any subject, as long as:

- a.** any compensation is commensurate with the prevailing rate;
- b.** any presentation or document clearly states that the employee is not speaking on behalf of the Supreme Court or the court system, unless the employee has expressly been authorized to do so; and
- c.** no confidential information is disclosed.

**3.** Subject to the notice requirements of 5.B.15, all judiciary employees are presumptively permitted to hold outside employment, with the following exceptions:

- a.** judiciary employees shall obtain the written permission of the Administrative Director prior to undertaking outside consulting work;
- b.** the Administrative Director shall obtain the written permission of the Supreme Court prior to undertaking outside consulting work;
- c.** Superior Court or Tax Court law clerks shall obtain written permission of (a) their judge, and (b) the Assignment Judge, the Appellate Division Presiding Judge for Administration, or the Tax Court Presiding Judge prior to taking outside employment; Supreme Court law clerks shall obtain written permission of (a) their justice, and (b) the Chief Justice.

**4.** No judiciary employee shall engage in outside employment that involves the use of judiciary equipment, materials, supplies, telephone services, office space, computer time, or facilities.

**Comment:** To use judiciary resources for outside employment is improper. Included within this prohibition are resources used by judiciary employees for publications for profit. However, when the publication is not for profit and it advances the interests of the judiciary, judiciary resources may be used with the advance written approval of the Chief Justice for employees of the Supreme Court, the Presiding Judge for Administration of the Appellate Division for Appellate Division employees (including official court reporters), the Assignment Judges for employees in their respective vicinages, the Assignment Judges and Municipal Court Judges for municipal court employees, the Presiding Judge of the Tax Court for Tax Court employees, and the Administrative Director of the Courts for



employees of the Administrative Office of the Courts. All such advance written approvals shall be filed with the Administrative Director.

**5.** No judiciary employee shall engage in outside employment that requires, induces, or encourages the employee to disclose information acquired in the course of the judiciary employment. Information obtained during employment with the judiciary shall not be used for the benefit of the outside employment.

**Comment:** This non-disclosure requirement imposes two separate restrictions on judiciary employees. It requires that judiciary employees be prohibited from outside employment when the employee is placed in the position of having to disclose information obtained in the course of performance of official duties. It further prohibits the disclosure of such information for the benefit of the outside employment even when the employee is not required or induced to disclose it. Thus, the non-disclosure requirement is to be construed broadly and is not limited only to confidential information.

**6.** No judiciary employee shall engage in the practice of law, except as permitted by Court Rule.

**Comment:** This Canon will, for example, continue the current provisions in Court Rule 1:15 governing the practice of law by Surrogates and deputy surrogates.

**7.** No judiciary employee shall engage in outside employment that regularly requires the employee's appearance in court, or before an arbitrator, mediator, or hearing officer.

**Comment:** This Canon shall not be construed as limiting judiciary employees from engaging in legitimate union activity, either when an employee is acting on behalf of his or her union, or is working for the union on an approved leave of absence from judiciary employment.

**8.** No judiciary employee shall accept court appointment as an appraiser, receiver, commissioner, guardian ad litem, administrator, or other title for which a fee may be allowed in any matter pending in any court unless the employee agrees in advance to waive such fee.

**Comment:** This prohibition applies to situations in which the appointment is made by a court; it is not intended to apply where an employee may be named outside of court to serve for a fee in one of these capacities, e.g., an employee named in a will to execute a decedent's estate; in that event the employee may accept an executor's commission.

**9.** No judiciary employee shall engage in outside employment with attorneys, persons, or business entities who regularly appear in court.

**Comment:** To avoid any impropriety, outside employment is prohibited when the employer regularly appears in court. The phrase "regularly appear in court" applies to those entities that reasonably can be expected to make court appearances, such as debt-collection services, law enforcement and private security agencies, and political organizations. However, official court reporters are not restricted from engaging in the reporting of hearings before municipal governing bodies, local boards and agencies, and such other activities that have been permitted by the Administrative Regulations Governing Court Reporters.

**10.** No judiciary employee shall engage in outside employment with any person or business entity regularly providing goods or services to the judiciary.

**11.** No judiciary employee shall engage in outside employment that involves any kind of supervisory relationship with another judiciary employee when a supervisory relationship exists in their judiciary employment.

**Comment:** This prohibition is necessary to preclude the creation of management difficulties that could arise from outside-employment relationships that reflect, or reverse, supervisory roles held in the judiciary. The prohibition does not extend to situations that do not present the opportunity for such conflicts (for example, two employees who have a supervisory relationship in the judiciary also serving as salesclerks in different departments of the same retail store).

**12.** No judiciary employee shall engage in outside employment with or as a bail bondsman.

**13.** No judiciary employee shall engage in outside employment that in any way reflects adversely, or gives the appearance of reflecting adversely, on the integrity, independence, and dignity of the judicial system. The following areas of employment, although acceptable for nonjudiciary employees, if engaged in by judiciary employees are deemed so susceptible of adversely reflecting on the judicial system as to warrant specific prohibition:

- a.** Engaging in outside employment as a paid lobbyist.
- b.** Engaging in outside employment soliciting funds as a paid fund-raiser.
- c.** Engaging in outside employment when the position is gaming related and requires the employee to hold a casino employee license.

**Comment:** Judiciary employees are prohibited from outside employment in the casino industry when the employment is in a gaming-related position requiring the holding of a casino employee license pursuant to N.J.S.A. 5:12-90. The restriction does not apply to an employee whose duties are limited to the hotel operations of a casino, even though such employment may require registration under N.J.S.A. 5:12-91.

- d.** Engaging in outside employment when the primary function of such employment is dispensing alcohol by the drink.

**Comment:** Certain types of outside employment involving the serving of alcoholic beverages are prohibited. The restriction is imposed when the primary function of the employment is dispensing alcohol by the drink, such as in bartending or being a cocktail waiter/waitress. It is not meant to apply to other types of food-service employment where dispensing alcohol by the drink is incidental to the position's primary function. The restriction also does not apply to retail-liquor-store employment.

**14.** All judiciary employees holding occupational or professional licenses shall be permitted to maintain such licenses. No judiciary employee shall use an occupational or professional license in contravention of the provisions of this Code.

## **15. Procedure**

### **a. Written Notification**

Pursuant to the policy of Canon 5.B, and subject to its limitations, the holding of outside employment is presumptively permissible and, subject to the limitation of Canon 5.B.15.d, does not require approval by the immediate supervisor for the employee seeking such employment. However, any judiciary employee wishing to hold outside employment shall provide written notice ten days prior to the commencement of that employment.

#### **(1) Contents of Notification**

Written notification of outside employment shall contain the following information regarding the outside employment:

- (a)** employer's name and address;
- (b)** duties and responsibilities;
- (c)** total hours per day;
- (d)** total hours per week;
- (e)** scheduled work hours each day; and
- (f)** whether a license is required.

#### **(2) Filing of Notification**

Each judiciary employee, at least ten days prior to the commencement of outside employment, shall file the written notification specified above with his or her immediate supervisor and shall provide a copy of such notification to the following:

- (a)** for employees of the Supreme Court, including the Supreme Court Clerk's Office, to the Chief Justice and the Administrative Director;
- (b)** for employees of the Appellate Division, including the Appellate Division Clerk's Office and all Official Court Reporters, to the Presiding Judge for Administration of the Appellate Division and the Administrative Director;
- (c)** for vicinage employees, to the Assignment Judge and the Administrative Director;
- (d)** for municipal court employees, to the Assignment Judge, the municipal court judge, and the Administrative Director;
- (e)** for employees of the Tax Court, including the Tax Court Clerk's Office, to the Presiding Judge of the Tax Court and the Administrative Director;
- (f)** for employees of the Administrative Office of the Courts and the Superior Court Clerk's Office, to the Administrative Director.

### **b. Annual Notification**

All judiciary employees holding outside employment shall file an annual report with their immediate supervisors regarding the current status of such employment,

and shall provide a copy of that report to those persons required to be provided a copy the original notification. The judiciary shall annually provide for use by all employees an appropriate reporting form promulgated by the Administrative Director with the approval of the Supreme Court. For the sake of conformity, such notice shall be filed on or before January 15 of each year, regardless of the date of commencement of the outside employment.

**c. Change in Employment Status**

All judiciary employees holding outside employment shall promptly notify their immediate supervisor in writing when a change in employment status occurs, and shall provide a copy of that notice to those other persons required to be copied on the original and annual notifications. The employee must demonstrate that no conflict results from changes in employment status either in the work for the judiciary or for the outside employment. Written notification of a change in employment status shall be made when any of the following has occurred:

- (1) change in the identity of the outside employer;
- (2) change in the duties or responsibilities of the judiciary employment;
- (3) change in the duties or responsibilities of the outside employment;
- (4) change in the work hours of the judiciary employment;
- (5) change in the work hours of the outside employment;
- (6) the employee has reason to believe that an actual or potential conflict of interest, as specified in Canon 4, has developed; or
- (7) the employee has reason to believe that the employment may reflect adversely on the judiciary, as specified in Canon 5.B.13.

**d. Multiple Public Employment**

Notwithstanding the provisions of Canon 5.B.15.a, when a court employee seeks outside employment, other than military service, with another public agency or governmental unit, whether federal, state, county, or municipal, or within another area of the judiciary, the written consent of both employers is required.

**e. Review**

In instances when, on the filing of the initial written notification of outside employment, the annual notification, or the notice of change in employment status, an employee's immediate supervisor or the person entitled to notice under Canon 5.B.15a(2)(a)-(f) determines that the outside employment violates, contravenes, or conflicts with specific provisions of the Code or with the principles, goals, or standards of the Code, the employee may seek a determination from the Advisory Committee on the Outside Activities of Judiciary Employees regarding the propriety of the outside employment. The supervisor or other person named in Canon 5.B.15a(2)(a)-(f) above shall inform the court employee, within five days of receipt of the employee's written notification of employment status, of any adverse decision prohibiting acceptance of such employment. Upon a written appeal of an adverse decision by an employee, the Advisory Committee shall render its decision within thirty days of its receipt of that written appeal.

**C.** In order to avoid impropriety and/or conflict of interest or the appearance thereof the following provisions shall apply to appointment to public positions and the pursuit of community activities by judiciary employees.

**1.** Law clerks, judges' secretaries, and employees in high-level managerial or policy-making positions shall be subject to the same limitations imposed on judges by the Guidelines for Extrajudicial Activities for New Jersey Judges, which are incorporated by reference herein. Employees subject to this Canon may apply for permission on a case-by-case basis to undertake activities otherwise precluded that could not reasonably be perceived by the public as impairing the appearance of impartiality of the judiciary. Such application shall be made in writing to the Advisory Committee on Outside Activities of Judiciary Employees. Employees subject to this Canon are also subject to the provisions concerning fundraising which are contained in Canons 5.D.1 and 5.D.2.

**Comment:** This Canon is intended to apply to high-level court personnel, including the Administrative Director, Deputy Director, AOC Assistant Directors, AOC chiefs, trial court administrators, vicinage chief probation officers, and division managers, as well as the judge's secretary, law clerk, and other immediate office staff. These are the same employees subject to the restrictions in Canon 6.C below.

**2.** All other employees who are or appear to be close to the judge or the judicial decision-making process, whether by reason of influence or physical proximity, may accept any public appointment, subject to the notice and other requirements of Canon 5.C.2.e below, or engage in any community activity, except the following:

- a.** Such employees of the Superior Court at the trial level may not sit on quasijudicial boards, such as planning boards or boards of adjustment, of any governmental unit in the county in which they work, and such employees of appellate courts may not sit on any quasi-judicial boards whatsoever.
- b.** Employees subject to this Canon may not be officers of any organization that practices invidious discrimination on the basis of race, religion, national origin, gender, or sexual orientation.

**Comment:** Organizations dedicated to the preservation of religious, spiritual, charitable, civic, or cultural values, and which do not stigmatize any excluded persons as inferior and therefore unworthy of membership, are not considered to discriminate invidiously.

- c.** Employees subject to this Canon shall disclose on an on-going, confidential basis to the appropriate designated supervisor all permitted public appointments, and such information shall be made available to all judges of the court in which the employee works.
- d.** Employees subject to this Canon are subject to the provisions concerning fundraising, as contained in Canons 5.D.1 and 5.D.2.

**Comment:** This Canon is designed to apply to employees who by reason of their high visibility to the public in the courtroom or court offices play or may reasonably be perceived to play a substantial role in the processing or disposing of court matters. This provision is intended to apply to those who actually or may be perceived to play a substantial role in the judicial decision-making process, regardless of the position held. These are the same employees who are subject to the restrictions in Canon 6.D.

e. Such employees wishing to accept appointment to a public position shall provide written notice ten days prior to the commencement of service in that position.

**(1) Contents of Notification**

Written notification of such position shall contain the following information:

- (a) the name of the public entity; its statutory functions, if any; and its actual functions and activities in fact;
- (b) the duties and responsibilities of the judiciary employee as a member of the public entity;
- (c) the total amount of time expected to be devoted to such a position;
- (d) the duration of the membership;
- (e) any circumstances that would help determine whether the standards of Canon 5.C.2.e(5) below are met.

**(2) Filing of Notification**

Each judiciary employee shall file, at least ten days prior to the commencement of the holding of such public position, the written notification specified above with his or her immediate supervisor and shall provide a copy of such notification to the following:

- (a) for employees of the Supreme Court including the Supreme Court Clerk's Office, to the Chief Justice and the Administrative Director;
- (b) for employees of the Appellate Division, including the Appellate Division Clerk's Office and all Official Court Reporters, to the Presiding Judge for Administration of the Appellate Division and the Administrative Director;
- (c) for vicinage employees, to the Assignment Judge and the Administrative Director;
- (d) for municipal court employees, to the Assignment Judge, the municipal court judge, and the Administrative Director;
- (e) for employees of the Tax Court, including the Tax Court Clerk's Office, to the Presiding Judge of the Tax Court and the Administrative Director;
- (f) for employees of the Administrative Office of the Courts and the Superior Court Clerk's Office, to the Administrative Director of the Courts.

**(3) Annual Notification**

All judiciary employees holding public positions shall file an annual report with their immediate supervisors regarding the current status of such public position, and shall provide a copy of the annual report to those persons required to be provided a copy of the original notification. The judiciary shall annually provide for use by all employees an appropriate reporting form promulgated by the Administrative Director with the approval of the Supreme Court. For the sake of conformity, such notice shall be filed on or before January 15 of each year, regardless of the date of commencement of the public position.

**(4) Change in Status of Public Position**

All judiciary employees holding public positions shall promptly notify their immediate supervisor in writing when a change in the status of that public position occurs, and shall provide a copy of that notice to those persons required to be copied on the original and annual notifications. The employee must demonstrate that any such change does not result in a violation of the standard applicable to all public positions set forth in Canon 5.C.2.e(5) below. Written notification of a change in public position status shall be made when any of the following has occurred:

- (a)** change in the identity of the public agency;
- (b)** change in the duties or responsibilities of the judiciary employee if it affects the applicability of that standard;
- (c)** change in the duties or responsibilities of the public position;
- (d)** any change that the employee has reason to believe might result in a violation of the standard of Canon 5.C.2.e(5) below.

**(5) Review**

The court employee may not accept the public appointment in instances when, on the filing of the initial written notification of public position, the annual notification, or the notice of change in public position status, an employee's immediate supervisor or the person entitled to notice under Canon 5.C.2.e(2) above determines that the public position will involve the employee in recurring political issues that are the subject of political controversies and the employee is or appears to be so close to the judge or the judicial decision-making process as to pose a realistic likelihood that the judiciary or a reasonable citizen would be concerned that the judiciary might not be able to render impartial decisions on matters relating to the public position or the activities connected to the public position. The employee may seek a determination from the Advisory Committee on the Outside Activities of Judiciary Employees regarding the propriety of the public position. The supervisor or other person named in Canon 5.C.2.e(2) above shall inform the employee within five days of receipt of the employee's written notification of public position of any adverse decision prohibiting acceptance of such appointment. Upon written appeal of an

adverse decision by an employee, the Advisory Committee shall render its decision within thirty days of its receipt of that written appeal.

**3.** Professional judiciary employees not in high-level managerial or policy-making positions and remote from the judge and the judicial decision-making process are not limited with regard to any public appointment or community activity, subject to the following:

- a.** Such employees may not perform any official functions with regard to matters before the court involving an entity with which they are connected.
- b.** The restrictions contained in Canons 5.D.1 and 5.D.2 apply.

**Comment:** These are the same employees who are subject to the restrictions in Canon 6.E.

**4.** Non-professional judiciary employees who are remote from the judge and the judicial decision-making process are subject only to the limitations on fundraising in Canon 5.D.1 in connection with any public appointment or community activity.

**Comment:** These are the same employees who are subject to the restrictions in Canon 6.F.

**D.** The following restrictions shall apply to fundraising efforts by court employees on behalf of public entities, civic organizations, or charitable organizations.

**1.** No court employee may solicit funds for any entity while at the courthouse or while engaged in official functions, nor target solicitations to lawyers or litigants at any time.

**Comment:** The current practice of allowing employees to accept small donations from co-workers for such things as scout cookies or walkathons is not intended to be restricted hereby.

**2.** Employees subject to Canons 5.C.1, 5.C.2, and 5.C.3 may not solicit funds at any time from persons known to them as lawyers or litigants.

**Note:** Canon 5 adopted December 7, 1993 to be effective immediately; Canon 5.B, 5.B.1 Comments amended, 5.B.1b deleted, 5.B.2 text added, 5.B.3 new text adopted, former paragraphs 5.B.3, 5.B.4, 5.B.5, 5.B.6, 5.B.7, 5.B.8, 5.B.9, 5.B.10, 5.B.11, 5.B.12, and 5.B.13, 5.B.14 redesignated as 5.B.4, 5.B.5, 5.B.6, 5.B.7, 5.B.8, 5.B.9, 5.B.10, 5.B.11, 5.B.12, 5.B.13, 5.B.14, 5.B.15 and 5.B.15.c7.d., and e. amended February 3, 1997 to be effective March 6, 1997; Canon 5.E deleted June 4, 2002 to be effective immediately; Canons 5.B.2 and 5.B.3 amended February 2, 2004 to be effective immediately.

## **CANON 6 -- POLITICAL ACTIVITIES**

**A.** The prohibition against judiciary employees engaging in partisan political activity shall continue (see Court Rule 1:17-1). In particular a judiciary employee shall not:

- 1.** hold an elective governmental office or position, except for the office of Surrogate.
- 2.** be a candidate for such office or position, except that Surrogates may be candidates for re-election to the office of Surrogate. A judiciary employee may



not run for an initial term as Surrogate without first resigning his or her judicial employment. As an exception to the general prohibition that employees may not run for political office, the deputy surrogate in a county is permitted to run for an initial term as Surrogate where: (a) the deputy surrogate is the acting surrogate; or (b) the Surrogate is not running for re-election to office.

3. hold an office or position of leadership in or serve as spokesperson for a political party, organization, or club supporting partisan political activity.

**B.** A judiciary employee shall not engage in non-partisan political activities that would put into question the propriety of the employee's conduct in carrying out the duties of employment. Therefore, no judiciary employee shall:

1. use or refer to the employee's employment, position, or title in connection with any such non-partisan political activity.
2. conduct such non-partisan political activity in or about a courthouse or other judicial building.
3. participate in non-partisan political activities during working hours.

**Comment:** For purposes of this Canon, partisan political activity is defined as activity that is primarily aimed at electing candidates. An organization or club whose primary purpose is engaging in nonpartisan political activity, but that may also endorse political candidates, is considered to be an organization or club that supports partisan political activity.

4. use government supplies and vehicles in connection with any non-partisan political activity, or, for Surrogates, in connection with any permitted partisan political activity.

**Comment:** Except as noted above regarding Surrogates the above provisions apply to every judiciary employee. Provisions concerning Surrogates are contained in Canon 6.G. Nothing in this section shall prohibit a judiciary employee from exercising the right to vote in any election.

**C.** Law clerks, judges' secretaries, and employees in high-level managerial or policy-making positions shall be subject to Canon 7 of the Code of Judicial Conduct ("A Judge Should Refrain from Political Activity").

**Comment:** This Canon is intended to apply to high-level court personnel, including the Administrative Director, Deputy Director, AOC Assistant Directors, AOC chiefs, trial court administrators, vicinage chief probation officers and division managers, as well as the judge's secretary, law clerk, and other immediate office staff. These are the same employees who are subject to the restrictions in Canon 5.C.1. This section conforms with and supplements Canon 6.A. and 6.B.

**D.** All other employees who are or appear to be close to the judge or the judicial decision-making process, whether by reason of influence or physical proximity, may, with prior written permission pursuant to Canon 6.H, engage in non-partisan political activity.

**Comment:** This Canon is designed to apply to employees who by reason of their high visibility to the public in the courtroom or court offices may play or reasonably be perceived to play a substantial role in the processing or disposing of court matters. This provision is intended to apply to those who actually play or who may be perceived to play a substantial role in the judicial decision-making process, regardless of the position held. These are the same employees who are subject to the restrictions in Canon 5.C.2.

Permission to engage in non-partisan political activity under Canons 6.D and 6.E may be obtained only on written request to the approving authority. Procedures for requesting permission to engage in such political activity are specified in Canon 6.H.

**E.** With prior written permission pursuant to Canon 6.H, and subject to the provisions of Canon 6.A, professional judiciary employees not in high-level managerial or policy-making positions and remote from the judge and the judicial decision-making process may engage in non-partisan political activity otherwise prohibited by Canon 7 of the Code of Judicial Conduct ("A Judge Should Refrain from Political Activity").

**Comment:** These are the same employees subject to the restrictions in Canon 5.C.3.

**F.** Non-professional judiciary employees who are remote from the judge and the judicial decision-making process may engage in non-partisan political activity without prior written permission.

**Comment:** These are the same employees who are subject to the restrictions in Canon 5.C.4.

**G.** All Surrogates are subject to Canons 6.A.1, 6.A.2, 6.A.3, 6.B.2, 6.B.3, and 6.B.4. Subject to these specific restrictions (and for this purpose those restrictions apply both to partisan and to non-partisan political activity), Surrogates may participate in partisan and non-partisan political activities.

**Comment:** On implementation of P.L. 1989, c.296, the Deputy Clerk of the Superior Court in each county (formerly the County Clerk) will be subject to the restrictions placed on professional judiciary employees who are in high-level managerial or policy-making positions. See Canon 6.C. above.

**H.** The following procedures shall apply to all requests by judiciary employees for permission to engage in non-partisan political activity.

**1. Application**

In making application for permission to engage in non-partisan political activity subject to the restrictions contained in this Code, the following procedures shall be followed:

**a.** Prior to undertaking such political activity court employees shall make written requests to the supervisory persons designated in Canon 6.H.2. Such requests shall set forth:

**(1)** the nature of the political activity to be performed by the court employee;

- (2) the nature of the group, club, organization, or association affiliated with the political activity (if applicable); or attaching the constitution, by-laws, or statement of purpose of the group, club, organization, or association;
  - (3) any compensation to be awarded (so that the guidelines on outside employment can also be applied);
  - (4) the duration of the activity/membership;
  - (5) any special circumstances that will help explain the request;
  - (6) and such other information as may be requested by the approving authority.
- b. Requests shall also include a certification that the activity requested will not violate the restrictions applicable to the employee as contained in this Code, and that the activity will not conflict with job responsibilities that might include afterhour duties.

## **2. Submission**

The court employee shall submit requests for approval or recommendation as follows:

- (a) for employees of the Supreme Court, including the Supreme Court Clerk's Office, to the Chief Justice;
- (b) for employees of the Appellate Division, including the Appellate Division Clerk's Office and all Official Court Reporters, to the Presiding Judge for Administration of the Appellate Division;
- (c) for vicinage employees, to the Assignment Judge;
- (d) for municipal court employees, to the Assignment Judge and the municipal court judge;
- (e) for employees of the Tax Court, including the Tax Court Clerk's Office, to the Presiding Judge of the Tax Court;
- (f) for employees of the Administrative Office of the Courts and the Superior Court Clerk's Office, to the Administrative Director of the Courts.

Requests submitted by eligible employees shall be decided by the above authorities, who at their option may defer in any case to the Advisory Committee. If the above authorities deny the employee's request, the employee shall have the right to file a written appeal with the Advisory Committee. Any right of appeal to the Supreme Court shall be in accordance with any Court Rule adopted by the Supreme Court.

## **3. Approval Procedure**

In acting on a request, the approving authority shall consider all material supplied by the court employee and, if appropriate, shall request clarifying information. The request shall be considered in light of (a) the provisions of this Code and (b) a determination of whether the activity will interfere with the performance of the court employee's official duties or will involve the employee in recurring political issues that are the subject of political controversy, and, if that is the case, whether the employee is or appears to be so close to the judge or the judicial decision-making process as to pose a realistic likelihood that the judiciary, or a reasonable citizen, would be concerned that the judiciary might not be able to render impartial decisions on

matters relating to the activity in question. All decisions shall be in writing and shall include a supporting rationale. The court employee shall receive a copy of the decision. All applications and decisions shall be filed with the Administrative Director.

**Note: Canon 6 adopted December 7, 1993, to be effective immediately; section A-2 amended February 28, 1994, to be effective immediately.**

## **CANON 7 -- NEPOTISM**

**A.** All personnel transactions, including but not limited to selection, appointment, promotion, transfer, and assignment of judiciary employees, shall be based on bona fide work-related factors and shall not be based on personal relationships or on any form of favoritism.

**Comment:** The same standards that apply to the hiring of employees, as they relate to conflicts of interest or to appearances of conflict, apply to personnel actions other than hiring. Although hiring is of prime importance, this Canon is universal in application to all personnel transactions, e.g., appointment, promotion, and transfer. The use of the term "personal relationships" is intentional, so as to encompass relationships outside the commonly used definition of family.

**B.** This Canon shall apply to personnel actions taken by all State, county, and municipal judiciary employees.

**Comment:** This Canon applies to all judiciary employees. When an issue of conflict or appearance of conflict arises, restrictions cannot be limited to situations involving only appointing authorities or managers. However, the application of this Canon must be tempered by appropriate standards of flexibility so that the judiciary insures that it can find the most qualified person for the position. Additionally, local governing bodies are encouraged not to appoint court personnel who are relatives of members of the local governing body.

**C.** A judiciary employee shall not be appointed by or assigned to a person who is a member of the employee's immediate family, nor shall there be any assignments as supervisor and subordinate between employees engaged in a dating relationship.

**Comment:** A judiciary employee should not serve under a member of that employee's immediate family nor where a dating relationship exists between supervisor and subordinate. This restriction may result in a qualified candidate being summarily rejected for a position; it may also present a hardship to smaller counties. However, when balanced by the need for actions free of the taint of nepotism both in appearance and in fact, this restriction is necessary. Regardless of the fact that situations may arise in which the persons involved may be personally free from conflict, some employment decisions will remain susceptible to prejudices that occur simply because of the relationship.

**D.** Persons shall not be appointed as court employees when their relatives are employees of a law-enforcement agency within the same unit of government and when that appointment creates an appearance that the law-enforcement agency may have an improper influence over court matters. Nothing contained herein shall diminish the restrictions imposed by the various court

directives following the decision in Hughes v. Lipscher, 720 F. Supp. 454 (D.N.J. 1989), vacated 906 F.2d 961 (3rd Cir. 1990), which shall remain in full force and effect.

**Comment:** Employees are referred to Directive #1-92, "Supreme Court Policy Governing Municipal Court Administrators and Deputy Administrators Who Are Married to or Are the Parents or Children of Police Officers," and any subsequent Directives on this or related topics.

**E.** Selection, appointment, promotion, or other personnel actions shall not be influenced by the criminal record of a relative of the person being considered.

**Comment:** Unless a conflict in fact is created by a judiciary employee's having substantive review or custodial review of records relating to criminal activities of a relative, employment opportunities for a judiciary employee shall not be affected based on a relative's criminal record. When an actual or apparent conflict arises, the employee may be transferred or assigned to different tasks.

**F.** Law clerks may be employed within the same vicinage as a related judiciary employee, provided that no direct supervisory relationship exists between the law clerk and the related employee.

**Comment:** This permits intra-vicinage employment of law clerks with relatives employed in the vicinage. As long as no direct supervision by related persons is involved the intra-vicinage employment would not be expected to cause an apparent impropriety, particularly because the law clerk's tenure is limited to one year in duration.

**Note:** Canon 7 adopted December 7, 1993, to be effective immediately; Canon 7C and Comment to Canon 7C amended March 1, 1999 to be effective immediately.

## **CANON 8 - TESTIMONIALS, AWARDS AND OTHER HONORS**

1. Subject to the general guidelines, a judiciary employee may accept an offered award, honor or tribute in special recognition of the employee's achievement or service, as follows:
  - a. An honorary degree or other award or honor from a 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 a national or state general membership professional association, or any committee or section thereof; an institute or society devoted to judicial administration, or a judiciary employees' association;
  - c. An award, honor or tribute in recognition of a judiciary employee'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 administrators' association; a judiciary employees' association; or any general membership professional association; or any limited membership professional

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-professional-related capacity directly related to that organization; provided, however, that the presentation shall not be at a fundraising event.
2. A judiciary employee 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 “Employee of the Year,” “Man of the Year,” “Woman of the Year,” or the equivalent.
3. A judiciary employee shall not accept an award, honor, or tribute from interest groups that might be involved in litigation in the court system, including from a bar association.
4. The judiciary employee receiving an honor, award or tribute may accept a modestly priced gift, such as a trophy, plaque, book, picture, or briefcase.

**Note: Canon 8 adopted June 4, 2002 to be effective immediately.**

**ALLOCATION OF VARIOUS TYPES OF STAFF (E.G., CHAMBERS STAFF, COURTROOM PERSONNEL...) TO THE FOUR EMPLOYMENT CATEGORIES**

JUDICIARY PERSONNEL CODE OF CONDUCT EMPLOYMENT CATEGORIES	CHAMBERS STAFF	COURTROOM PERSONNEL	CASE MANAGEMENT AND CASE PROCESSING STAFFS	OTHER VICINAGE PERSONNEL	MUNICIPAL COURT PERSONNEL	STAFF IN TRENTON	RESTRICTIONS	
1. Judges' secretaries, law clerks, and employees in management and policy positions.	All judges' secretaries  All law clerks	None	Division Managers Deputy Clerks of Superior Court (County Clerks) All Attorneys in Central Appellate Research Child Support Hearing Officers Domestic Violence Hearing Officers Juvenile Referees	Trial Court Administrators Assistant Trial Court Administrators Vicinage Chief Probation Officers	Municipal Court Directors, Administrators and Deputy Administrators	Administrative Director Deputy Director, Chiefs Appellate Administrator Clerks and Deputy Clerks Assistant Directors Public Affairs Administrator Public Information Officer Counsel to Director Directors and Counsels to OAE, DRB and CPF	Community Activities  Fundraising  Partisan Political Act.  Non-Partisan Political Act.	Full  Full  Full  Full
2. All other employees who appear to be or are close to the judge or the judicial decision-making process.	Administrative Assistants to Judges  Sergeants-at-Arms	Official Court Reporters All Court Clerks All Court Aides All Sound Recording Operators All Court Interpreters	All Professional Staff in State-level Clerks' Offices, Case Management, Probation Supervision, or Child Support Enforcement Units* Jury and Grand Jury Professional Staff Personal secretaries to Division Managers and Deputy Clerks of Superior Court (County Clerks)  *Includes all Probation Officers and equivalent staff in case management appointed under Rule 1:33-4(e).	All professional or supervisory staff appointed under Rule 1:33-4(e) Personal secretaries to all staff above	Violations Bureau Clerks Personal secretaries to all staff above Court Attendants	All AOC Chiefs and Assistant Chiefs All ISP Professional Staff Personal secretaries to all staff above All staff in Director's and Deputy Director's offices	Community Activities Fundraising Partisan Political Act. Non-Partisan Political Act.	Partial  Full  Full  Partial
3. Remote professional employees not in high-level managerial or policy-making positions.	None	None	None	Accountants Data Processing Professional Staff Law Librarian	All other professional staff including accountants, bookkeepers, and data processing professionals	All other professional staff in AOC, clerks' offices, and dedicated fund units	Community Activities Fundraising Partisan Political Act. Non-Partisan Political Act.	Partial  Full  Full  Partial
4. Remote non-professional employees.	None	None	All non-professional staff except personal secretaries to Division Managers and Deputy Clerks of Superior Court (County Clerks)	All non-professional staff except personal secretaries to staff listed in 1 and 2 above	All non-professional staff (including cashiers, data entry and clerical staff), except personal secretaries to staff listed in 1 and 2 above	All non-professional staff except staff in Director's and Deputy Director's offices and personal secretaries to staff listed in 1 and 2 above	Community Activities Fundraising Partisan Political Act. Non-Partisan Political Act.	None  Partial Full  None

Full – Equal to restrictions on judges; Partial – Permitted, if prior written authorization is obtained, or partial restrictions only; None – No restriction.

Revised 9/20/13

**CODE OF CONDUCT FOR JUDICIARY EMPLOYEES**  
**INDEX OF OPINIONS #1-94 -- #8-2002**

**I. PUBLIC POSITION**

Advisory Committee/Council of College/University/High School .....	28
Bar Associations .....	28
Board of Directors .....	28
Boy Scouts of America .....	29
CASA Board .....	29
Child Placement Review Board.....	29
College Alumni Officer .....	29
County Commission/Council/Board/Case Management.....	29
Gubernatorial Commission .....	30
Housing Authority .....	30
Human Services Advisory Council .....	31
Juvenile Conference Committees/Juvenile Officers Associations .....	31
Law Enforcement Block Grant Advisory Committee/Investigators Association .....	31
Legislative Task Force .....	31
Mental Health Service Provider Board Member.....	32
Minority Committees/Committees/Task Forces .....	32
Municipal Commission/Committee.....	32
Quasi-Government Board.....	33
School Board .....	33
Social Service/Mental Health Agency Board .....	33

**II. ACTIVITY (CIVIC/SOCIAL/VOLUNTEER/OTHER)**

Attend Retirement Dinner .....	33
Awards. ....	34
Bar Exam Reader .....	34
Blood Drive Donation.....	34
CASA or Youth Advocate Program Volunteer .....	34
Civic.....	34
Condominium/Homeowners Association.....	34
Consultant on Textbook Preparation .....	35
County Correctional Facility Volunteer .....	35
Disabled Americans.....	35



<b>Display of Sticker or Seal.....</b>	<b>35</b>
<b>Domestic Violence Victims.....</b>	<b>36</b>
<b>Firefighter - Volunteer/Auxiliary.....</b>	<b>36</b>
<b>First Aid/Paramedic/Rescue Squad .....</b>	<b>36</b>
<b>Fundraising/Benefit.....</b>	<b>37</b>
<b>Gifts Judiciary Acceptance .....</b>	<b>38</b>
<b>Guardianship Association.....</b>	<b>38</b>
<b>Habitat for Humanity.....</b>	<b>38</b>
<b>Honors.....</b>	<b>38</b>
<b>JISP Core Team Member .....</b>	<b>38</b>
<b>Law Enforcement Training .....</b>	<b>39</b>
<b>League of Municipalities Convention .....</b>	<b>39</b>
<b>Letters of Reference/Recommendation/Support.....</b>	<b>39</b>
<b>Mentor Minority Law Students .....</b>	<b>39</b>
<b>Monitor Legislation.....</b>	<b>39</b>
<b>Municipal Court Administrator Association Decals .....</b>	<b>39</b>
<b>Municipal Court Administrators Functions .....</b>	<b>39</b>
<b>Municipal Court/Holiday Parties.....</b>	<b>40</b>
<b>PBA/FOP Functions .....</b>	<b>40</b>
<b>Police Related.....</b>	<b>41</b>
<b>Political .....</b>	<b>41</b>
<b>Partisan .....</b>	<b>41</b>
<b>Non-partisan .....</b>	<b>42</b>
<b>Professional Associations .....</b>	<b>42</b>
<b>Rape Crisis Counselor.....</b>	<b>42</b>
<b>Recycling Committee Volunteer.....</b>	<b>43</b>
<b>Religious .....</b>	<b>43</b>
<b>Roadside Litter Cleaning .....</b>	<b>43</b>
<b>Speaking .....</b>	<b>43</b>
<b>Testify....</b>	<b>43</b>
<b>Volunteer Mediator .....</b>	<b>43</b>
<b>Volunteer - Crisis Intervention Hotline.....</b>	<b>44</b>

**III. EMPLOYMENT/BUSINESS ACTIVITY**

Arbitrator..... 44

Bartender ..... 44

CART..... 44

Casino.... 45

Clerical ..... 45

Counselor/Drug and Alcohol/Mental Illness/Supervised Visitation/Private Practice ..... 45

Court Reporter ..... 46

Division of Taxation ..... 46

Driving Instructor ..... 46

Dual Employment ..... 46

Elections/County Election Board ..... 47

Fire Inspector..... 47

Golf Course ..... 48

Hearing Officer..... 48

Interpreting..... 48

Investigator/Detective..... 48

Judiciary..... 49

    Post Employment ..... 49

    While Employed ..... 49

Juvenile Detention Center /Juvenile Shelter ..... 49

Law/Legal Firm ..... 50

Liquor License ..... 50

Mediator ..... 50

Mental Disabilities Services ..... 50

Mentoring/Big Sister/Big Brother ..... 50

Municipal Clerk, Court Administrator, Deputy Director ..... 51

Planning Board Clerk ..... 52

Police ..... 52

Practice of Law ..... 53

Race Horse ..... 53

Real Estate ..... 54

Sales ..... 54

School Employment ..... 55

Security ..... 55

Social Service Agency/Social Worker ..... 56

Talk Show..... 56

<b>Tax Returns .....</b>	<b>56</b>
<b>Transcription .....</b>	<b>57</b>
<b>Welfare Director .....</b>	<b>57</b>
<b>Youth Advisor .....</b>	<b>57</b>
<b>Youth Advocate .....</b>	<b>57</b>
<b>IV. NEPOTISM .....</b>	<b>57</b>
<b>V. LAW CLERKS .....</b>	<b>58</b>
<b>VI. DEFINITIONS .....</b>	<b>59</b>
<b>ADVISORY COMMITTEE MEMBERS.....</b>	<b>61</b>

## **I. PUBLIC POSITION**

### **ADVISORY COMMITTEE/COUNCIL OF COLLEGE/UNIVERSITY/HIGH SCHOOL**

- 25-99 A criminal case supervisor performing presentence investigations may not serve as U.S. Air Force Representative on a Congressman's Military Academies Nomination Panel. This panel of citizens makes nominations to the service academies for the Congressman. This service is perceived by the public as political in nature. Also, because Academy nominations are the prerogative of the Congressman, an elected official, the members of the committee are perceived as his surrogates. For these reasons service on this committee is improper for a Judiciary employee. (Canon 3) 11/4/99
- 5-98 A vicinage chief probation officer may serve on the Criminal Justice Advisory Board at Fairleigh Dickinson University in accordance with prior Opinions 8-97, 18-96, and 7-94. (Canon 5C1) 2/4/98
- 8-97 A probation officer may serve as a member of a community college's criminal justice curriculum advisory committee. (Canon 5C2) 2/5/97
- 18-96 A division manager may serve on the curriculum advisory council of a high school within the vicinage. (Canon 5C1) 4/3/96
- 7-94 A vicinage chief probation officer may serve on the advisory board of the county community college. (Canon 5C1) 2/2/94

### **BAR ASSOCIATIONS**

- 20-00 An AOC attorney in family Court Services may serve as Secretary of the Camden County Hispanic Bar Association. However, if the association should undertake non-partisan political activity the employee must obtain prior approval of the Administrative Director. (Canon 5H) 10/5/00

### **BOARD OF DIRECTORS**

- 36-98 A high-level employee of the Administrative Director may be nominated to the Board of Directors of the Arts and Business Partnership of Southern New Jersey. However, the employee may not be identified by Judiciary affiliation on the letterhead of the organization. Participation in fundraising activities is governed by Canon 5D1 and 2. (Canons 5C, 5D) 9/9/98
- 13-98 A senior probation officer may serve on the Board of AIDS Coalition of Southern New Jersey. According to its bylaws the AIDS Coalition is a volunteer based, not-for-profit organization whose focus is to insure the quality of care and the continuity of vital resources for persons affected by HIV/AIDS. Service on the Board could not reasonably be perceived by the public as impairing the appearance of impartiality of the Judiciary (Canon 5C). It does not constitute participating in non-partisan political activity (Canon 6D). The employee must take care, however, not to violate the provisions of Canon 5B regarding fundraising. 4/1/98
- 30-97 An employee of the Superior Court, Criminal Division who coordinates part of a project providing treatment services to the criminally involved substance abuser may not serve as a member of the Board of Directors for Turning Point, Inc., a non-profit agency for the treatment of alcoholism and drug dependencies. Because Turning Point is an ancillary program to which the court sends indigent drug dependent individuals and is a potential designated provider, service on its Board would create both a conflict of interest and an appearance of impropriety. (Canons 3 and 4) 9/3/97
- 26-95 Service on the Board of a statewide organization providing assistance to battered spouses constitutes nonpartisan political activity. Subject to the requirements of the Code of Conduct, employees in categories 2, 3 and 4 may serve on such boards, provided that they do not participate in any board decisions that might result in endorsing candidates for public office or promoting changes in legislation, since such participation would involve the employee in partisan political activities. Canons 6D, 6E and 6F 6/7/95

### **BOY SCOUTS OF AMERICA**

- 40-01 A criminal case management team leader may not serve as a board member on the Boys Scouts of America Jersey Shore Council to help organize scout troops. While the law permits the Boy Scouts to determine their membership, judiciary employees subject to Canon 5C2 may not be officers of any organization that admittedly practices discrimination on the basis of sexual orientation. 10/2/01

### **CASA BOARD**

- 11-00 It would be improper for Judiciary employees to serve on the Board of Trustees of Court Appointed Special Advocates of New Jersey Inc. (CASA) CASA is a volunteer service provider with a necessity for fundraising and is self described as a possible future sponsor of legislative initiatives. Judiciary employees serving as members of the Board would create an appearance that the Judiciary was associated with these activities, in violation of policies established by the Supreme Court.

Further, under the Rules of Court, CASA volunteers are supervised by Judiciary staff, and, as CASA programs are developed in more and more counties, various issues between CASA and the Judiciary will need to be negotiated. Judiciary employees as members of the CASA Board could find themselves in conflict situations for both these reasons. (Canon 3) 4/6/00

### **CHILD PLACEMENT REVIEW BOARD**

- 3-00 The wife of an Appellate Division judge may serve on a Child Placement Review Board. Any cases that might pose a conflict for the judge can be assigned to others without undue administrative burden. 3/2/00

### **COLLEGE ALUMNI OFFICER**

- 28-01 An attorney in the Municipal Court Services Division of the AOC may serve as vice-president and reunion coordinator for a college's graduating class, subject to the restrictions of Canon 5D1. 10/02/01

### **COUNTY COMMISSION/COUNCIL/BOARD/COURT MANAGEMENT**

- 3-01 Under R. 17-1 and Guideline IIID of the Guidelines for Extrajudicial Activities a surrogate may not participate formally on a county internal committee on the merger of county colleges. The surrogate may, however, offer expertise and respond to any requests for background information based on the Surrogates long experience in this area in her former county position. 2/8/01
- 9-01 An AOC project manager in the Automated Court Systems Services may serve on the Board of Court Management Associates, Inc. (CMA), a not-for-profit corporation, and as its principal associate for international studies. His duties would include foreign travel; writing court analysis and federal and world bank applications; and participation in forming organization policies and plans. The employee's activities with CMA would not present a conflict under Canon 4 with his position as Manager of Technical Assistance and Operations Reviews until such time as CMA might seek to become a consultant to the New Jersey Judiciary. 4/5/01
- 12-00 A municipal court director may properly serve on the Steering Committee of a county Cultural Planning Project, County Department of Economic Development Division of Cultural and Heritage Affairs. In the pursuit of community activities, a municipal court director is subject to the same limitations imposed on a judge by the Guidelines for Extrajudicial Activities for New Jersey Judges, but may apply for permission to the Advisory Committee. On a case by case basis to undertake activities otherwise precluded that could not reasonably be perceived by the public as impairing the appearance of impartiality of the Judiciary. Although a judge could not accept this appointment, in this case the activity qualifies for permission because it could not reasonably be perceived by the public as impairing the appearance of impartiality of the Judiciary when engaged by a municipal court director. (Canon 5C1) 6/8/00
- 8-00 A judge's secretary may not accept the position of President of a Jewish Family Services Board in the county (Board). In the pursuit of community activities the secretary to a judge is subject to the same limitations imposed on judges by the Guidelines for Extrajudicial Activities for New Jersey

Judges, but may apply for permission to the Advisory Committee on a case-by-case basis to undertake activities otherwise precluded that could not reasonably be perceived by the public as impairing the appearance of impartiality of the Judiciary. (Canon 5C1)

Considering the broad-based fundraising that the Board must necessarily conduct, and that the President's name is necessarily on the letterhead used; the high likelihood that solicitation would at some time be directed at lawyers, as a number of lawyers serve on the Board; that the widespread activities of Jewish Family Services make the presidency a high-profile position requiring non-partisan political activity (Canon 6) and lobbying (Canon 7), an appearance of impropriety would unavoidably be created by this service (Canon 3), impairing the court's appearance of impartiality. 4/6/00

- 41-98 An ATCA may not serve on the Board of the Community Resource Council of Bergen County (CRC). The activities of the CRC include an impermissible fundraising function, (Opinion 34-98), and have certain impermissible political aspects. (Canon 6C1) 11/5/98
- 34-98 An ATCA may not serve as a member of the Lawyers Advisory Committee of the Community Resource Council of Bergen County because it appears to be engaged in non-partisan political activity or advocacy. However, pursuant to Canon 5C1, the ATCA may petition the Committee to undertake this activity, upon demonstration that it could not reasonably be perceived by the public as impairing the appearance of impartiality of the judiciary. Canon 5C1 subjects persons in this position to the same limitations imposed on judges by the Guidelines for Extrajudicial Activities for New Jersey judges, but provides for relaxation in the circumstances described above. 9/9/98
- 31-96 An administrative assistant in a vicinage may serve as a member of the county Human Relations Commission, provided that no contact is had with any court matters in which the Commission may be involved. (Canon 5C3)
- 35-96 A probation officer may serve as an officer of the county council on alcoholism and drug abuse, since the council is neither a provider of clinical patient services, nor is it a referral source for the courts. (Canon 5C1) 9/4/96
- 17-95 A deputy municipal court administrator may not serve as a member of a county Commission on Women. Because the Commission is required to take positions on controversial matters of public policy it is necessarily involved in non-partisan political activity in which employees in positions close to the judge (category 1) may not engage. (Canon 6C) 4/5/95
- 19-95 A Judiciary employee in a non-professional job title who is remote from the judge (category 4) may hold a seat on the County Mental Health Board. Although the Board takes positions on controversial matters of public policy and so is necessarily involved in non-partisan political activity, a category 4 employee may engage in such activity without first obtaining permission. (Canon 6F)
- 15-94 A probation child support investigator may not serve as a member of the county welfare board. Since nearly half of the child support enforcement caseload concerns claims initiated by the welfare department, involvement by a child support investigator with the welfare establishment creates an apparent conflict of interest with respect to the discharge of the investigator's child support enforcement duties. (Canon 4) 3/9/94

#### **GUBERNATORIAL COMMISSION**

- 45-94 A vicinage assistant chief probation officer may not serve on a gubernatorial commission whose membership is largely comprised of representatives of police and prosecutors' organizations, so as to avoid undermining the appearance of judicial impartiality and compromise the appearance of judicial independence. (Canons 3, 5C2) 6/1/94

#### **HOUSING AUTHORITY**

- 16-00 A hearing officer may not continue to serve on a Housing Authority under both Canons 5C1 and 5H3. Housing authorities are frequent litigants, as are their tenants. Public meetings can be contentious and the issues are commonly subjects of political controversy. 6/8/00

## **HUMAN SERVICES ADVISORY COUNCIL**

43-97 The Committee reaffirmed Opinion 26-97 that a Judiciary employee may not serve as a member of a county Human Services Advisory Council (HSAC). As an additional basis for Opinion 26-97, the Committee invoked the Supreme Court policy that Judiciary employees should not take part in the allocation of funds. The Committee observed that HSACs give out block grant monies and that the distribution of funds is their primary function.

The Committee determined further that a member of the Judiciary should not serve as the Youth Services Commission (YSC) liaison to the HSAC; members of the Judiciary should represent only Judiciary interests. Therefore, a Judiciary employee, who is the YSC chair person, must decline ex officio HSAC service. (Canon 3; Canon 4) 12/3/97

26-97 A Judiciary employee may not serve as a member of a county Human Services Advisory Council. The functions of these Councils are so far removed from Judiciary concerns that their activities are only of slight benefit to the courts. In the Committee's view, this benefit is outweighed by the harm to the appearance of judicial independence that would be occasioned by Judiciary involvement in the unrelated executive-branch decision-making which the Councils undertake. In addition, because many members of the Council represent agencies that either receive client referrals from the Judiciary or are frequent litigants in court, membership on the Council would be likely to involve the Judiciary in the appearance of conflict of interest. (Canons 3 and 4) 7/2/97

## **JUVENILE CONFERENCE COMMITTEES/COUNTY JUVENILE OFFICERS ASSOC.**

21-99 It is a violation of Canon 3 for a probation officer to be a member of the County Juvenile Officers Association (JOA). The Committee noted that the JOA bylaws include in its mission to provide lobbying for the children of the county and that membership represents law enforcement. Because JOA is a law enforcement officer association membership in the organization would create an appearance to the public that the Judiciary is partial to one side of cases that come before the courts. (Canon 3; Canon 5C2) Directive #6-67

30-96 Although service on a Juvenile Conference Committee would appear to be permissible under the Conduct Code for category 4 employees, such service is precluded under the Supreme Court's 1998 Guidelines for Juvenile Conference Committees. (Canon 5C4)

56-94 A Judiciary employee may not serve as a member of a Juvenile Conference Committee. The Code of Conduct does not supersede the guidelines adopted by the Supreme Court in 1988 which set forth this prohibition. 9/7/94

## **LAW ENFORCEMENT BLOCK GRANT ADVISORY COMMITTEE/INVESTIGATORS ASSOCIATIONS**

20-99 A senior probation officer may not serve as Secretary to the South Jersey Investigators Association (SJIA). Having reviewed the membership and objectives of the SJIA, the Committee determined that it is essentially an association of law enforcement professionals. They considered it important for Judiciary employees who work closely with law enforcement not to lose the perspective that they are not arms of the police. For probation officers to serve as officers of an organization which is an association of law enforcement professionals, would create an appearance of impropriety in violation of Canon 3. (Canon 3; Canon 5C2) Directive #6-97 9/9/99

16-97 At its April 28, 1997 Administrative Conference, the Supreme Court approved the appointment on an ex officio basis of municipal court employees as non-voting members of Local Law Enforcement Block Grant (LLEBG) Advisory Committees. As ex officio members, the court employees may not vote on any matters but may contribute to committee discussions. The Court's grant of permission does not extend to municipal court judges, who may not serve on the LLEBG advisory committees in any capacity. (Canon 3) 5/7/97

## **LEGISLATIVE TASK FORCE**

28-97 A municipal court administrator may not serve as a member of the Senate Task Force on Alcohol Related Motor Vehicle Accidents and Fatalities in New Jersey. The employee is subject to the same restrictions as to community activities and appointments to public positions as a judge. This standard limits service on a committee, commission, or task force of another branch of government

- to those few instances where the work of the committee directly serves an interest of the Judiciary, and prior written permission has been obtained. (Canon 5C1) 9/3/97
- 42-97 Judiciary employees are not necessarily barred by the Code from serving as resource persons for legislative task forces. However, the Committee on Outside Activities of Judiciary Employees does not have jurisdiction over the question whether a particular employee may serve as such a resource person. Designation of a resource person is a management decision. (Canon 5C1; Canon 6B, 6C, 6D) 12/3/97
- 31-97 An AOC employee with responsibilities in the area of domestic violence may not serve as a member of the Assembly Task Force on Domestic Violence as a public member. Because the Task Force is charged to evaluate the effectiveness of current domestic violence programs and make legislative recommendations, this service would create a conflict of interest under Canon 3 and involve the employee in formulation of legislation contrary to Canon 6C. 10/28/97

#### **MENTAL HEALTH SERVICE PROVIDER BOARD MEMBER**

- 42-98 A vicinage Administrative Assistant in the Civil Division, who has budgeting and related responsibilities and also coordinates with team leaders in a manner similar to an assistant division manager, may serve on a Health Center Board of Directors under Canon 5C of the Code of Conduct. It was the understanding of the Committee that as a Board member he would oversee budget, personnel and policy matters; that the Community Health Center is not a contractor with the courts, although it does receive some court referrals; and that as a court employee he is not involved in the court referral process. (Canon 5C) 11/5/98
- 22-96 A municipal court administrator may not serve as a board member of a mental health service provider that renders service within the municipality in which the employee works. (Canon 4) 6/5/96
- 50-94 A senior probation officer may not serve as a member of the Board of Trustees of a mental health service agency that provides court-ordered psychiatric evaluations in the vicinage. (Canon 4) 7/6/94

#### **MINORITY COMMITTEES/COMMITTEES/TASK FORCES**

- 17-00 An AOC employee in the Minority Concerns Unit may serve on the Board of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts (Consortium). The Consortium is composed of race and ethnic bias task forces and commissions of the several states that have such bodies. 6/8/00

#### **MUNICIPAL COMMISSION/COMMITTEE**

- 27-01 A probation officer working in the intake unit may serve on a Township Planning Commission out of the state on a volunteer basis. The Commission advises locally elected officials on planning and community development matters. The outside activity is advisory in nature and is comprised of collecting and analyzing information and educating the community about the best choices for the community. (10/02/01) Canon 5C2 and 5C2e(5).
- 21-00 An AOC attorney in Family Court Services may serve as Board Secretary and Chair of the Personnel Committee for the Latin American Economic Development Association Inc. of Camden. The Association conducts programs to teach small business and trade skills in the Latin community. (Canon 5C2) 10/5/00 17-98 A municipal court administrator may not serve on the municipality's Ordinance Committee. The Committee is appointed by the mayor to update the Borough ordinances and is empowered to suggest new ordinances. Such service may require commenting on court opinions in violation of Canons 3 and 4. The information on court decisions the committee requires can be provided by the municipal prosecutor or the municipal attorney. As a category 1 employee a municipal court administrator may not engage in nonpartisan political activity unless the funds he finds that the activity could not reasonably be perceived by the public as impairing the appearance of impartiality of the Judiciary. (Canon 5C1) 5/6/98
- 14-99 A Senior Probation Officer, Family Division, may serve on an advisory committee of a Township Planning Board. The Committee considered this issue under Canon 5C2 and the review procedure in Canon 5C2e(5). It determined in the given circumstances that the position would "not involve



- the employee in recurring political issues that are the subject of political controversy” nor would it “pose a realistic likelihood that the Judiciary or a reasonable citizen would be concerned that the Judiciary might not be able to render impartial decisions on matters relating to the public position or the activities connect to the public position.” (Canon 5C2 and 5Ce(5)) 5/6/99
- 38-97 A municipal court administrator may not serve on the Economic Development Committee of another town. A municipal court administrator is a category 1 employee under the Code of Conduct subject to the same restrictions as to community activities and appointments to public positions as a judge (Opinion 28-97). Service on the Economic Development Committee would involve the employee in political issues contrary to the restrictions of Canon 6C that imposes on high-level managerial employees in category 1 the same restrictions on political activity as Canon 7 of the Code of Judicial Conduct imposes on judges. (Canon 5C1) 2/3/97
- 1-97 The secretary to a civil division presiding judge may to serve on the recreation commission of a municipality located in the vicinage. Although the matters that recreation commissions deal with occasionally result in public controversy, the Committee regarded the activities of such commissions to be not such as to impair the appearance of impartiality of the Judiciary. (Canon 5C1) 2/5/97

### **QUASI-GOVERNMENT BOARD**

- 41-95 Because the appointments to local quasi-government boards are made by the local governing body and can be expected to involve political considerations, service on such boards constitutes non-partisan political activity and is thus foreclosed for category 1 employees. (Canons 5C1, 6C) 12/6/95

### **SCHOOL BOARD**

- 7-02 An AOC employee may not run for election to the School Board. Running for School Board election comprises partisan political activity that is prohibited by Canon 6A. (4/16/02)
- 12-97 A Judiciary employee may not accept an appointment to fill a vacancy on a public school board, since under the Code of Conduct service as a member of a publicly elected body constitutes partisan political activity. (Canon 6) (Affirming Opinion 27-94) 5/7/97
- 25-95 Service on an appointed school board constitutes non-partisan political activity, in which employees in categories 2, 3 and 4 may engage, subject to the requirements of the Conduct Code. (Canons 6D, 6E and 6F) 6/7/95
- 27-94 A Judiciary employee may not accept an appointment to fill a vacancy on an elected school board. (Canon 6A1; cf. Opinion 3-94) 4/6/94

### **SOCIAL SERVICE/MENTAL HEALTH AGENCY BOARD**

- 7-96 A Probation officer may not serve on the community advisory board of a social service/mental health agency that handles clients referred by the courts, but may serve as the Judiciary's liaison to the advisory board, without voting authority and with no listing on the board's letterhead. 3/6/96

## **II. ACTIVITY (CIVIC/SOCIAL/VOLUNTEER/OTHER)**

### **ATTEND RETIREMENT DINNER**

- 21-01 It would be inappropriate for employees to attend a retirement event honoring an Undersheriff. The event honors an active political figure and is customarily attended by politicians and others associated with Passaic county politics. The office of sheriff was up for election and hotly contested. The undersheriff is an appointed political position and the event was political. (Canon 3) 10/5/00
- 39-01 Municipal court employees may attend a retirement party for clerks employed by the Tax Collector's office of the same municipality. The event was open and was not sponsored by the police or the municipality. (Canon 3). 12/4/01
- 13-97 Municipal court employees may neither attend a retirement dinner in honor of the mayor of the municipality nor contribute to a retirement gift for the mayor, because Judiciary participation in

- an event honoring a current political figure might undermine public confidence in the independence of the Judiciary. (Canon 3) 5/7/97
- 19-96 Vicinage employees may attend a retirement dinner for a long-time clerical employee in the county Public Defender's Office, where prosecutors office employees were also among the dinner invitees. (Canon 3) 4/3/96

### **AWARDS**

- 18-00 Acceptance by a Civil Division Manager of the civilian service award of the county Bar Foundation at its annual awards dinner would be improper on two grounds:  
First, under Canon 3, Guideline b. which provides that a Judiciary employee shall not accept any gifts, favors or hospitality directly from any attorney or other person who has had or is likely to have and professional or official transaction with such employee or with the employee's court office. Second, under Canon 5D2 use of the employee's name in connection with a fundraising event for lawyers is prohibited. 10/5/00

### **BAR EXAM READER**

- 1-96 A part-time bar exam reader may concurrently hold full-time Judiciary employment. (Canon 5B) 2/7/96

### **BLOOD DRIVE DONATION**

- 10-97 It is a matter within the Assignment Judge's discretion to decide whether court employees may donate blood during the workday at a blood drive conducted by the county in the courthouse facility. (4/2/97)
- 8-96 Because a blood-drive is similar to a fund-raising activity, Judiciary resources may not be provided to the drive sponsors. (Canon 5D) 3/6/96

### **CASA OR YOUTH ADVOCATE PROGRAM VOLUNTEER**

- 27-96 A Judiciary employee who is remote from the judge may serve as a volunteer in the Youth Advocate Program in the county of the judiciary employment. (Canon 5C4) 9/4/96
- 39-97 A probation officer may not serve as a Case Appointed Special Advocate (CASA). The CASA programs are private non-profit agencies which contract with the courts to provide Child Placement Review Boards and Family court judges with information concerning children in placement. CASA participants, who are volunteers, and are assigned to particular cases, conduct on-sight investigations and in-person interviews in order to write reports for the court record. They are advocates for the child; they testify in court and appear before CPR boards. Probation officers are category 2 employees under the Code of Conduct.  
Category 2 employees are not remote from the judge. Therefore, it is not appropriate for a Probation Officer to serve as a CASA. (Canon 5C2; Canon 4) 12/3/97
- 46-94 A municipal court administrator may serve as a volunteer member of a Youth Aid Panel in her local Pennsylvania community. Although the volunteer services are quasi-judicial in nature, their out-of-state location avoids any appearance of conflict of interest. (Canon 4) 7/6/94

### **CIVIC**

- 6-00 A Special Assistant to the Administrative Director may serve on a peer review panel of the Philadelphia Cultural Fund. The Fund recommends the allocation of City funds to private and semi-public non-profit museums and cultural organizations. (Canon 5C(1) 4/6/00
- 3-95 A division manager may serve on a citizens' committee to dedicate a memorial to a local war hero, but may not participate in fundraising activities in connection therewith. (Canon 5C1) 1/4/95

### **CONDOMINIUM/HOMEOWNERS ASSOCIATION**

- 1-02 A records manager in the Superior Court Clerk's Office may serve as an officer of her homeowners' association outside the state. Since any litigation would likely not take place in New

- Jersey, no actual or apparent impropriety or actual or apparent conflict of interest would arise. (Canons 3;4) 4/16/02
- 28-00 A team leader may not serve as an officer of her homeowners association. Under Canon 5C1 a team leader is a level one employee held to the same standards as a judge with respect to civic activities unless the particular activity could not reasonably be perceived by the public as impairing the appearance of impartiality of the Judiciary. Homeowners associations by their nature are quasi-political and are involved in litigation over issues such as common, properties, drainage and open space. As an officer she could be named defendant, requiring a change of venue. Homeowners associations are often involved in controversial issues and political activities in their communities. The employee may be a board member but not serve as an officer of her homeowners association. (12/7/00)
- 2-97 A probation officer may serve as a member, but not as an officer, of his condominium association. The Committee's concern with service as an officer (as opposed to that as a member) stems from the officers' greater exposure to involvement in litigation. (Canon 3) 2/5/97
- 41-96 A judge's secretary may not serve as an officer of a condominium association board of directors, but may serve as a member of such an association. (Canon 4) 11/6/96
- 17-96 A law clerk may serve as a member but not as an officer of a condo association board of directors. (Canon 5C1) 4/3/96
- 22-95 An AOC Chief may not serve as an officer of a homeowners' association board of trustees, due to the potential likelihood of litigation between the board and association members over such matters as unpaid association dues, special assessments, and resulting property liens. Although service as a board officer is not permitted, board membership is allowed. (Canon 5C1; cf. Opinion 43-94) 5/3/95
- 43-94 An AOC Chief may serve as a member of the board of trustees of his condominium homeowners' association. However, because there is the potential for homeowners' associations to get involved in politically controversial issues, the grant of permission does not extend to the employee's service as an officer of the board. (Canon 5C1) 6/1/94

#### **CONSULTANT ON TEXTBOOK PREPARATION**

- 34-96 A probation officer may serve as a voluntary consultant for the preparation of a textbook to be used in community corrections courses. (Canon 3) 9/4/96

#### **COUNTY CORRECTIONAL FACILITY VOLUNTEER**

- 18-98 A vicinage Probation Officer working in the Family Division may serve as a volunteer for a county correctional facility as a Parents Anonymous Group Facilitator, facilitating group meetings for women inmates and teaching parenting skills. (Canons 3 and 4) 5/6/98

#### **DISABLED AMERICANS**

- 2-00 A probation officer may serve as state representative for dba Dogs for Disabled Americans (NEADS), on the understanding that this is a volunteer position which would involve no impermissible fundraising. NEADS provides information and dogs for disabled vets who need them. The probation officer will represent the organization to give information to disabled Americans about the services of NEADS. 3/2/00

#### **DISPLAY OF STICKER OR SEAL**

- 29-96 Cars that are parked in designated municipal court parking spaces may not display a PBA shield or sticker, so as to avoid creating an appearance of pro-police bias on the part of the municipal court. (Canon 3) 9/4/96
- 21-95 Superior Court judges, who are permitted by statute to display the State Seal on their auto license plates, are exempted from the Supreme Court's 1972 policy that otherwise prohibits judges or others from using special identification shields or signs in or on a car. Subject to the policy, members of a municipal court administrators association may not display auto decals identifying the association. The policy accords with the Committee's earlier advice, rendered in Opinion 69-

94, that display of an identifying auto decal by court employees would create an appearance of impropriety in contravention of Canon 3 of the Conduct Code. (Cf. Opinion 69-94)

#### **DOMESTIC VIOLENCE VICTIMS**

- 5-01 A probation officer in the child support enforcement unit may not serve on a domestic violence response team to provide information to victims at the police department. This activity creates a conflict under Canon 4 because the victim is or likely will be involved in litigation. It also creates an appearance of impropriety under Canon 3 and Opinion 13-95 which states: A probation officer assigned to the Family Division may not assist domestic violence victims as a volunteer with a women's outreach group. Provision by a family court employee of assistance to one category of litigants who utilize the Family Courts could undermine the appearance of Judiciary impartiality. (Canon 3) 2/8/01
- 10-01 A probation officer in the Criminal Division may not participate as a volunteer in a county Domestic Violence Service/Response Team because the appearance of impartiality of the Judiciary might be undermined by participation. Although a team member simply goes to the police station, listens to the victim, offers the name and number of a shelter and advises the victim that counseling is available, the employee might in fact have to listen to the victim's story and give advice to the victim in the situation where other members of the response team are not present. Further, the employee could become familiar with a particular victim of domestic violence, who could subsequently appear in the Superior Court as a complaining witness. Also the employee might be called as a witness. Finally, court employees should not be present as volunteers in police stations just as they should not be employed by law enforcement. (Canon 3) 4/5/01
- 13-95 A probation officer assigned to the Family Division may not assist domestic violence victims as a volunteer with a women's outreach group. Provision by a family court employee of assistance to one category of litigants who utilize the Family Courts could undermine the appearance of Judiciary impartiality. (Canon 3) 4/5/95
- 19-94 A family division supervising clerk with intake and docketing responsibilities may not serve as a member of a local police department's volunteer domestic violence/family crisis team. Involvement by a Judiciary employee who provides services to family court litigants in the activities of the local police unit that deals with such litigants could impair the public perception of an independent Judiciary. (Canon 3) 3/9/94

#### **FIREFIGHTER - VOLUNTEER/AUXILIARY**

- 43-98 An AOC DP Analyst II may serve as Fire Marshal in a Pennsylvania municipality and also as a firefighter/emergency medical technician for another fire company in Pennsylvania provided that these services are not performed during work hours. (Canon 5C3) 11/5/98
- 9-98 A Municipal Court Deputy Court Administrator may serve on the Ladies Fire Auxiliary subject to the restrictions of Canon 5D on fundraising. To comply with the restriction that no court employee may target solicitations to lawyers or litigants, the administrator's name should not appear on the letterhead of any fundraising materials that are broadly distributed. (Canon 5D) 2/4/98
- 6-96 A Judiciary employee may serve as a volunteer firefighter provided that such service does not interfere with Judiciary work hours. (Canon 3) 2/7/96

#### **FIRST AID/PARAMEDIC/RESCUE SQUAD**

- 34-01 A probation officer employed by the Family Division, Child Support Enforcement Unit may work as a volunteer on an emergency squad to provide emergency medical treatment as long as he was not involved in fundraising activities and performed this activity outside of his Judiciary employment.

- (Canon 5D) 12/4/01
- 33-01 A probation officer employed by the Family Division, Child Support Enforcement Unit may work as a volunteer on a county emergency response team, as long as he was not involved in fundraising activities and performed this activity outside of his Judiciary work hours. The duties would involve the identification and containment of hazardous materials and it is unlikely that he would be called as a witness. If in the future this becomes a paid position, both the Judiciary and the county employer would have to give written consent to the dual employment. (Canon 5B15d; 5D)
- 28-99 An ISP officer may accept employment as a paramedic with a hospital with the same limitations placed on volunteer emergency units in Opinions 22-99, 8-95, 63-94 and 23-94. The function here is not different from a volunteer emergency unit. (Canon 5B7; Canon 5B9) 11/4/99)
- 22-99 A probation officer may serve on the township ambulance squad on the representation that in the area served the ambulance squad responds to an emergency call after the police have arrived and members are not called as witnesses in court. The Committee found no violation of Canon 4, i.e., no conflict of interest in this activity. The employee may not respond to emergency calls during Judiciary work hours.
- 8-95 A municipal court employee may respond to auto accident calls as a member of a municipal rescue squad where it has been demonstrated that during an extended period of service as a squad member the employee had never been called to testify in an auto accident matter heard in court. (2/1/95)
- 63-94 Where a municipal court employee can show to the satisfaction of the Advisory Committee on Outside Activities for Judiciary Employees that there is little likelihood that service on a municipal first aid squad will involve the employee in a conflict of interest in his or her court duties, the employee may so serve. (Canon 4) 10/5/94 **NOTE:** This opinion amplifies Opinion 23-94.
- 23-94 A municipal violations bureau clerk may serve in a limited capacity on a municipal first aid squad, subject to the following restrictions:
1. the employee may not respond to first aid calls involving matters that are likely to come before the municipal court, including but not limited to vehicular accidents, domestic violence calls, and other assault calls;
  2. if, despite these restrictions, the employee provides emergency services in a situation that subsequently develops into a matter to be heard in municipal court, the employee must recuse herself from performing any court duties in connection with the matter; and
  3. the employee may not respond to permitted emergency calls during her Judiciary work hours.
- (Canon 4; cf. Opinions 5-94 and 6-94) 4/6/94 **NOTE:** This opinion is amplified by Opinion 63-94.

#### **FUNDRAISING/BENEFIT**

- 20-01 Court employees may not attend a PBA fundraiser for an injured sheriff officer and in memory of one who is deceased, or any PBA sponsored events. However, they can make a donation to the fund, because it is a donation to a private family fund and not to the PBA itself. (Canon 3) 6/7/01
- 24-99 The Director of the Office of Attorney Ethics may not answer telephones at a New Jersey Public Television Network telethon to raise money for the station. Because of the high level in the organization, this position is bound by the limitations on a judge. (9/9/99)
- 44-98 A judicial secretary may participate in a benefit karate demonstration which would apply toward her record in order to achieve a 2nd degree black belt in Tang Soo Do, and to participate in future demonstrations in order to perform as a martial artist. (Canon 3; Canon 5C1) 11/5/98
- 23-97 It would create an appearance of impropriety if a Municipal Court Administrator were to participate in a charitable fund-raising program that would involve the administrator's mock "arrest" and subsequent release via solicitation of charitable "bail" contributions. Although the program serves a worthy cause, it nevertheless tends to trivialize the criminal justice process and thus court personnel ought not to participate in it. (Canon 3) 7/2/97
- 24-97 Except when raising funds for their own re-election, surrogates may not refer to their title or position as surrogate in any fund-raising solicitation. (Canon 3) 7/2/97

- 39-95 Judiciary employees may not seek alumni contributions from either established lawyers or from fellow law school classmates, whether or not they have yet been admitted to the bar. Canon 5D1's prohibition on fundraising solicitations targeting lawyers is deemed to include law school graduates who are candidates for bar admission. (Canon 5D1) 11/1/95
- 32-95 A Judiciary employee may perform at a benefit concert for an out-of-state non-profit organization. Canon 5D) 9/6/95
- 9-95 A clerical supervisor may attend a charitable event to raise funds to defray the cost of medical care for a severely injured child. Even though the event was to be co-sponsored by the Fraternal Order of Police, the FOP would not benefit from the proceeds and the event was open to all. (Canon 3) 3/1/95
- 47-94 Vicinage employees may establish a scholarship fund honoring the memory 7/6/94 of a deceased Judiciary employee. However, contributions to the fund may be solicited only from co-workers, and not from lawyers or litigants. (Canon 5D) **Note:** Also Op. 8-96 on Blood Drive Donation, p. 33

#### **GIFTS JUDICIARY ACCEPTANCE**

- 5-97 A vicinage may accept a donation of toys from the local Junior League to equip an on-site child care dropoff center in the courthouse. (Canon 3) 2/5/97

#### **GUARDIANSHIP ASSOCIATION**

- 39-96 A deputy surrogate may serve as an officer of the Guardianship Association of New Jersey, but must refrain from legislative lobbying and fundraising activities, and must ensure that letterhead containing his name is not used for lobbying or fundraising purposes. 11/6/96

#### **HABITAT FOR HUMANITY**

- 33-98 An attorney employee of the Appellate Division may serve as a member of the Board of the South Philadelphia Habitat for Humanity and on its Development Committee, which is the organization's fundraising arm. This service involves contacting individuals, groups and businesses to encourage them to volunteer their time and skills or business materials, and to provide funds to underwrite the cost of Habitat homes; also planning fundraising events and preparing grant applications to foundations. The Delaware Valley Habitat for Humanity is a consortium of the nine Habitat affiliates in the Delaware Valley.

The employee may engage in these activities subject to the provisions of Canons 5D1 and 2 namely not to solicit funds while at the courthouse or engaged in official functions, target solicitations to lawyers or litigants, nor solicit funds at any time from persons known to the employee as lawyers or litigants. (Canon 5D) 9/9/98

- 20-98 An AOC Central Appellate Research attorney may serve on the Board of South Philadelphia Habitat for Humanities, an out-of-state, not-for-profit organization that builds housing in partnership with low income families. The attorney may publicize activities for the group to encourage people to volunteer their labor and time to keep the cost of homes to a minimum. (Canon 5D) 5/6/98
- 66-94 A judge's secretary may serve as a volunteer for Habitat for Humanity, Inc. (Canon 5C1) 11/2/94

#### **HONORS**

- 14-95 A Judiciary employee who has served as an officer of a non-profit public service organization may be honored at the organization's annual fundraising dinner, provided that no mention is made of the employee's court employment in connection with the fundraiser. (Canon 4C1, 5E) 4/5/95

#### **JISP CORE TEAM MEMBER**

- 10-96 (1) A Judiciary clerical employee may serve as a volunteer JISP core team member. (Canon 5C)  
 (2) Under the program as presently structured, a probation officer may not serve as a volunteer JISP core team member. (Canon 4) 3/6/96

### **LAW ENFORCEMENT TRAINING**

- 36-96 So as not to blur the lines between law enforcement and the courts, articles authored under the auspices of a county municipal court administrators' association may not be included in an official law enforcement publication. However, the association may be able to contribute to law enforcement education on issues of municipal court practice and procedure by participating in the cross-branch training programs conducted by the Municipal Court Services Division of the AOC. (Canon 3) 10/2/96
- 12-95 A Judiciary employee may not participate in a supervised drinking program run by the county prosecutor's office to enhance the drug-recognition and field-testing skills of police officers. (Canon 3) 4-5/95

### **LEAGUE OF MUNICIPALITIES CONVENTION**

- 65-94 A. Municipal court employees may attend the League of Municipalities Convention, including seminars and convention meetings. However, because it could give rise to an appearance of impropriety judicial employees may not attend events held in conjunction with the convention that include offers of hospitality or gratuities, such as invitation-only dinners, receptions and similar festivities. (Canon 3)
- B. The appearance of impropriety arising from acceptance of gratuitous hospitality by municipal court employees attending convention-related festivities is not dispelled where the municipal court employee's spouse is the recipient of the invitation to attend the hospitality function. (Canon 3) 10/5/94

### **LETTERS OF REFERENCE/RECOMMENDATION/SUPPORT**

- 27-99 Senior probation officer may not write a letter on behalf of her babysitter's adult son with regard to a custody/visitation matter in Family Court. It is not appropriate for a Judiciary employee to be involved in this way with a matter before the courts. (11/4/99) Canon 3
- 40-98 A vicinage chief probation officer may not provide a letter of reference on behalf of a friend involved with the criminal justice system in the county where he serves as VCPO. Even if the letter were written on private paper, his name would be known throughout the Judiciary in the vicinage. Canon 3 provides that "a court employee shall observe high standards of conduct so that the integrity and independence of the courts may be preserved, and shall avoid impropriety or appearance of impropriety". (Canon 3) 9/9/98
- The Committee did not consider the issue where the involvement is outside the county where the VCPO serves.

### **MENTOR MINORITY LAW STUDENTS**

- 25-96 An attorney employed by the Judiciary may serve as a mentor for minority law students via a program run by a consortium of New Jersey law firms. (Canon 5C1) 6/5/96

### **MONITOR LEGISLATION**

- 34-95 Serving on a special interest group's committee to monitor and evaluate proposed legislation affecting the group constitutes non-partisan political activity, in which a law clerk may not engage. (Canon 6C) 10/11/95

### **MUNICIPAL COURT ADMINISTRATOR ASSOCIATION DECALS**

- 69-94 In order to avoid an appearance of impropriety, members of a municipal court administrators association may not display automobile decals identifying the association. (Canon 3) 11/2/94

### **MUNICIPAL COURT ADMINISTRATORS FUNCTIONS**

- 28-96 A county municipal court administrators' association may not invite municipal officials to participate in social functions sponsored by the association, so as to avoid undermining the appearance of judicial independence. (Canon 3) 9/4/96

## **MUNICIPAL COURT/HOLIDAY PARTIES**

- 8-01 It is inappropriate for municipal court employees to attend holiday parties sponsored by the municipality or municipal officials and to invite employees of the municipality to the municipal courts holiday parties. Attendance either way would tend to impair the independence of the Judiciary; it would blur the fact that municipal courts are independent of local government. Likewise employees of the municipality should not be invited to the municipal court's holiday parties. This determination falls under Canon 3 of the Code of Conduct for Judiciary Employees "A court employee shall observe high standards of conduct so that the integrity and independence of the courts may be preserved, and shall avoid impropriety or the appearance of impropriety."  
2/8/01

Preserving the independence of the municipal courts is sometimes problematic. Their support by and physical proximity to municipal government tends to suggest that they are a department of municipal government. They are not. While dependent on the municipality for support, municipal courts operate independently of local government. The judicial powers of the municipal court derive from the State Constitution and Council of the City of Hoboken, 284 N.J. Super. 365 (Law Div. 1995). Nonetheless, because municipalities are required to provide the municipal courts with facilities, staff and an operating budget, and municipal court judges are appointed locally, the municipal courts are often erroneously perceived by the public as agencies of municipal government rather than as statewide, legislatively empowered courts of limited jurisdiction. Given this erroneous perception, it is particularly important that municipal court employees conduct themselves at all times in a manner consistent with their independence from the functioning of municipal government, even under circumstances such as holiday parties that may seem at first glance to be inconsequential or harmless.

Further, municipal government is the principal litigant in the municipal court in connection with the enforcement of local ordinances. It is inappropriate under Canon 3B, in the opinion of the Committee, for judiciary employees to attend holiday parties sponsored by litigants. In reaching its decision, the Committee was aware that the Supreme Court Committee on Extrajudicial Activities has expressed the view that Superior Court judges may not attend holiday parties sponsored by either the County Prosecutor or the Public Defender. That same Committee has advised that municipal court judges may not attend holiday parties for township employees. Nor may a municipal court judge attend a holiday open house at the home of a village trustee where the village president, trustees, and village department heads were other invitees. The rationale of all these decisions is the same: preservation of both the fact and appearance of judicial impartiality and judicial independence from undue influence by other branches of government. (Canon 3)  
2/8/01

## **PBA/FOP FUNCTIONS**

- 42-96 Judiciary employees may not attend any PBA social functions, even if the employee is married to or is dating a PBA officer so as to avoid creating the impression of partiality or favoritism by Judiciary employees towards law enforcement agencies when the agencies appear in court. (Canons 3 and 4) **NOTE:** This opinion overturns the Committee's prior decision, issued as Opinion 40-95, permitting Judiciary employees who are spouses or dates of PBA members to attend a PBA Christmas party.
- 40-95 Judiciary employees who are spouses or dates of PBA members may attend a PBA-sponsored Christmas party that is open only to PBA members and their invited guests. Because it is a closed holiday event, the risk of impairing the public perception of Judiciary impartiality is slight. (Canon 3) 12/6/95
- 9-95 A clerical supervisor may attend a charitable event to raise funds to defray the cost of medical care for a severely injured child. Even though the event was to be co-sponsored by the Fraternal Order of Police, the FOP would not benefit from the proceeds and the event was open to all. (Canon 3)  
3/1/95



## **POLICE RELATED**

- 19-01 Court staff should not hold an office picnic at the home of an employee who is married to a police officer. Although Directive 1-92 permitted her to retain her position after her husband became a police officer, the underlying problem that remains is the adverse appearances to the public of a close association between court staff and the police in the municipality. In the light of this underlying problem, the Committee determined that, because this is a police officer's house, the party should not be held there. (Canon 3) 6/7/01
- 23-96 A municipal court employee may not perform as a vocalist at police department functions in the municipality, so as not to undermine the appearance of Judiciary impartiality by obscuring the distinction between the courts and law enforcement agencies. (Canon 3) 6/5/96
- 13-96 A Judiciary employee may not serve as an officer of a Police Athletic League, so as to avoid an appearance of partiality towards law enforcement on the part of the court. (Canon 3)
- 19-94 A family division supervising clerk with intake and docketing responsibilities may not serve as a member of a local police department's volunteer domestic violence/family crisis team. Involvement by a Judiciary employee who provides services to family court litigants in the activities of the local police unit that deals with such litigants could impair the public perception of an independent Judiciary. (Canon 3) 3/9/94

## **POLITICAL [SEE SCHOOL BOARD]**

### **Partisan**

- 4-02 Canon 6 does not prohibit the placement by a tenant of a political sign on property which the tenant rents from a Municipal Court administrator and her husband, who jointly own the property. The restrictions of Canon 6 regarding political activity apply to the Municipal Court administrator, rather than to the tenant of property that is owned by the Municipal Court administrator. (Canon 6) 4/16/02
- 27-97 A Judiciary employee may not display a partisan political bumper sticker on his or her personal car, or lap top computer that is carried in and out of the building. (Canon 6) 9/3/97
- 15-97 A Judiciary employee may not join a political action committee (PAC). Because their purpose is to lobby elected officials, PACs are partisan political organizations under Canon 6 of the Code of Conduct, and so may not be supported by Judiciary employees. (Canon 6) 5/7/97
- 54-94 Activities in furtherance of reducing the federal budget deficit are partisan political activities if they involve soliciting public support for candidates to public office who advocate this goal. (Canon 6) 9/7/94
- 33-94 A Judiciary employee may not write a letter to the editor endorsing candidates for a board of education election. Activities that are primarily aimed at electing candidates to public office constitute partisan political activities, in which no Judiciary employee may engage. (Canon 6A) 5/4/94
- 24-94 A Judiciary employee may not run for election to a local board of education. (Canon 6A2; cf. Opinions 4-94 and 28-94) 4/6/94
- 18-94 A Judiciary employee may not run for election to a board of fire district commissioners. (Canon 6A2) 3/9/94
- 4-94 A Judiciary employee may not run for office in a public election, regardless of whether the place on the ballot is secured by party nomination or by non-partisan nominating petition. (Canon 6A2) 2/2/94
- 3-94 A Judiciary employee may not serve as an elected member of a committee to evaluate the form of municipal government. (Canon 6A1) 2/2/94
- 1-94 Attendance by Judiciary employees at partisan-sponsored pre-inaugural charity events in Atlantic City is prohibited. (Canon 6A; cf. Opinion 10-94) 1/11/94

### **Non-partisan**

- 5-00 An Officer of the Special Civil Part may not continue to serve both in his court position and as an elected official of a township. Court Rule 1:17-1 and Directives #2-82 and 3-82 require the officer

to relinquish one or the other of these positions. Directives #2-82 and 3-82, effective February 3, 1983, made clear that officers of the Special Civil Part are full-time non-salaried employees of the court and are subject to Rule 1:17-1, which prohibits "all public employees regularly assigned to a judge or court" (among many other persons in or serving the judicial branch) from holding any elective public office or being a candidate therefor. 4/6/00

- 26-95 Service on the board of a statewide organization providing assistance to battered spouses constitutes non-partisan political activity. Subject to the requirements of the Code of Conduct, employees in categories 2, 3 and 4 may serve on such boards, provided that they do not participate in any board decisions that might result in endorsing candidates for public office or promoting changes in legislation, since such participation would involve the employee in partisan political activities. (Canons 6D, 6E and 6F) 6/7/95
- 25-95 Service on an appointed school board constitutes non-partisan political activity, in which employees in categories 2, 3 and 4 may engage, subject to the requirements of the Conduct Code. (Canons 6D, 6E and 6F) 6/7/95
- 6-95 A municipal court administrator may not hold a prominent position in or be active in promoting activities of an organization supporting either side in matters of controversial public debate. (Canon 5C1) 2/1/95
- 67-94 A Judiciary employee who has contact with jurors may speak publicly regarding her experience as a relative of a victim injured by a drunk driver, and may be a member of Mothers Against Drunk Driving (MADD). However, the employee may not work actively to pursue MADD's political agenda, nor serve as an officer of or spokesperson for the organization. The latter restrictions are necessary in order to avoid undermining the appearance of Judiciary impartiality, particularly in auto injury or vehicular homicide cases that will be heard by juries. (Canon 6D) 11/2/94
- 52-94 A petition supporting a constitutional amendment prohibiting desecration of the American flag constitutes non-partisan political activity. (Canon 6) 9/7/94
- 29-94 Category 2, 3 and 4 Judiciary employees may sign a petition opposing the Governor's proposed elimination of a 2% subsidy currently paid by the State to reduce government employees' social security taxes, provided that they do not indicate on the petition their Judiciary employment, position or title. Signing the petition constitutes non-partisan political activity, in which category 2 and 3 employees may engage with prior permission, rather than partisan political activity, because the petition is not aimed primarily at electing candidates. Employees may not indicate their Judiciary affiliation on the petition because Canon 6B1 prohibits reference to an employee's Judiciary employment, position or title in connection with non-partisan activity. (Canon 6) 5/4/94
- 12-94 A gubernatorial proclamation-signing ceremony is a political event. Because the event is not directly connected with office-seeking, it constitutes non-partisan political activity. (Canons 6C6F) 3/9/94
- 10-94 A municipal violations bureau clerk may not attend meetings and events sponsored by a non-profit association that is prominently affiliated with a local politician. An event's legitimate charitable, civic or social purposes do not diminish the partisan character of any event with partisan sponsorship or affiliation. (Canon 6A; cf. Opinion 1-94) 2/2/94

#### **PROFESSIONAL ASSOCIATIONS**

- 14-98 An AOC manager in Probation Services may represent the American Probation and Parole Association on the Board of the Commission on Accreditation for Corrections so long as the employee does not act on any application for accreditation of a New Jersey facility. The Board reviews and acts on accreditation applications from correctional agencies and programs, applying standards adopted by the American Correctional Association. (Canons 3 and 4) 4/1/98

#### **RAPE CRISIS COUNSELOR**

- 19-98 A Vicinage Probation Investigator in the Child Support unit may not serve as a volunteer rape crisis counselor to counsel rape victims and their families at hospitals and to accompany them to police stations as necessary. Judiciary employees should be seen as neutral and not connected with law enforcement, witnesses or the defense. (Canon 3; Opinion 13-95) 5/6/98

### **RECYCLING COMMITTEE VOLUNTEER**

3-02 A Senior Probation Officer, assigned to the Family Division, Family Crisis Intervention Unit, may serve as a volunteer member of the Dover Township Recycling Committee. The Recycling Committee makes recommendations to the town council for improvement and development of recycling measures, education of the public about recycling, reducing and reusing waste. This activity is permissible since it is not likely to involve the Judiciary employee in political controversy. (Canon 5.C.2.e.(5)) 4/16/02

### **RELIGIOUS**

37-94 A probation officer may serve as both an officer and a member of a parish religious society that involves itself in politically controversial issues. However, because of his close and visible relationship to the judge, the probation officer may not involve himself directly, either pro or con, in political activities conducted by the organization. 5/4/94

### **ROADSIDE LITTER CLEANING**

68-94 Vicinage employees may participate in a county-sponsored program to clear roadside litter. Employees who participate in the program may attend the annual county volunteer awards banquet, and may be recognized via roadside signs which state that the roadside is maintained by employee volunteers of the County Superior Court. (Canon 5C) 11/2/94

### **SPEAKING**

13-94 A supervisor of a juvenile services unit may participate in a church-sponsored community panel discussion concerning juvenile justice provided that only matters of court practice and procedure are addressed, and that no comment is made concerning pending cases or proposals for reform. These limitations are necessary in order to avoid creating an appearance of a Judiciary lacking in impartiality. (Canon 3) 3/9/94

### **TESTIFY**

20-95 A Judiciary employee may not testify as an expert witness in the continuation of a matter for which the employee had provided an expert opinion prior to beginning employment with the Judiciary, as such testimony could undermine the appearance of Judiciary impartiality. (Canon 3) 4/5/95

### **VOLUNTEER MEDIATOR**

2-02 A master probation officer may serve as a volunteer mediator with a Municipal Court's township dispute panel. Since community dispute resolution is a court operated program, in which under R. 1:40-8, the Assignment Judge must approve the mediator and the Municipal Court judge selects the cases for mediation, this activity is permissible. (Canon 3) (Reaffirming Opinion 12-01) 4/16/02

12-01 A probation officer in the Family Division may serve as a volunteer mediator with the municipal court's community dispute resolution committee. Community dispute resolution is a court operated program, where the Assignment Judge under Rule 1:40-8 must approve the mediator and the municipal court judge selects the cases for mediation. In light of this Judiciary control over the program, this activity is approved, subject to the approval of the Assignment Judge. (Canon 3) 4/5/01

30-00 A Probation Officer may serve as a municipal mediation volunteer under the direction of the Comprehensive Justice Program. The service should be performed in a different county and the employee should not identify herself as a probation officer. (12/7/00)

41-97 1) Opinion 4-97 is affirmed. The fact that a Family Division employee, as a volunteer mediator of court-referred cases, would mediate only cases in the county of a multi-vicinity other than the one where the cases arise does not cure the conflict because, upon failure of mediation, the cases would be heard in the county where the employee serves. 2) Service with a provider to the courts creates an appearance of conflict. (Canon 5C; Canon 4) 12/3/97

40-97 A Superior Court employee may not serve as a mediator for the Community Justice Institute.

- Service with a provider paid by the courts creates an appearance of conflict. (Canon 5C; Canon 4) 12/3/97
- 4-97 A Family Division court clerk may not serve as a volunteer family mediator within the county. The Committee determined involvement as a volunteer in family mediation matters is inappropriate for family court employees. Involvement of family court employees in private mediation of family matters creates an appearance of conflict, since mediated matters must be returned to family court for entry of judgment to adopt the resolution achieved via mediation, and of course, where mediation is unsuccessful the matter will be returned to court for judicial resolution. In addition, the Committee noted that since family matters are highly volatile, mediation is unlikely to achieve a high success rate and most matters will ultimately be returned to court for disposition. (Canon 5C) 2/5/97
- 9-96 A clerical employee may serve as a volunteer mediator with a local community dispute resolution committee. (Canon 5C) 3/6/96

#### **VOLUNTEER - CRISIS INTERVENTION HOTLINE**

- 36-01.1 A vicinage Human Resources Division Administrative Supervisor may work as a volunteer for a crisis intervention hotline answering the telephone and responding to callers. The hotline does not have a contract with the Judiciary and does not receive any court referrals. Neither the hotline staffers nor their records have ever been subpoenaed to testify in connection with litigation. (Canon 3; 4). 12/4/01

### **III. EMPLOYMENT/BUSINESS ACTIVITY**

#### **ARBITRATOR**

- 11-01 An attorney in the AOC Labor and Employee Relations Unit may not arbitrate automotive warranty disputes with the Better Business Bureau. The arbitrator's decision is frequently submitted to the court for a determination converting the award to a judgment, N.J.S.A. 2A:24-1. Thus the activity is analogous to employment that regularly requires appearance in court and with business entities that regularly appear in court, both covered by Canon 5B. 4/5/01

#### **BARTENDER**

- 9-99 A team leader in the Criminal Division may not work as a bartender/bar server, even though the employee would work solely in an isolated alcove in the dining area and would have no personal contact with the patrons. (Canon 5B13d) 2/2/99
- 19-97 A Judiciary employee may not tend bar at private parties. The exception in Canon 5B12d permitting service of alcoholic beverages as an incident to the service of food could not reasonably be extended to cover preparation and service of drinks by a bartender, even if the bar is connected with a catering establishment. (Canon 5B12d) 7/2/97
- 5-96 A Judiciary employee may not serve drinks or tend bar except where such service is incidental to the service of food. (Canon 5B12d) 2/7/96

#### **CART**

- 6-01 A probation officer in juvenile supervision may not accept employment with Preferred Children Services (PCS) a social service agency which provides services to the court under contract with the county CART for the following reasons:
- (1) This creates both a conflict (Canon 4) and an appearance of impropriety (Canon 3) because PCS is under contract with the CART to provide services to the courts, and Judiciary personnel serve as members of the CART and thus participate in determining the types of services to the Judiciary for which the CART will contract. Probation officers should not be employed with agencies that are under contract with the courts or are contractually engaged by another entity to deliver court related services. See Opinion 22-97.

(2) PCS serves children placed there by DYFS. Children who are referred by DYFS or are otherwise subject to Child Placement Review are considered court involved as well as those currently directly involved with the courts.

- 22-97 A probation officer may not accept outside employment with a county CART or its affiliated social service agencies. Because the CART receives client referrals from the Judiciary, it would create an appearance of impropriety/conflict if the CART were to provide part-time employment for Judiciary employees. (Canons 3 and 4) 7/2/97

#### **CASINO**

- 23-95 A Judiciary employee may not be employed by a casino as a cage cashier or coin cashier, since these are gaming-related positions that require a casino gaming license. (Canon 5B12c) 5/3/95
- 31-94 A Judiciary employee may accept part-time employment as a casino licensing representative assisting in the preparation of non-gaming license applications for casino hotel employees. (Canon 5B12d) 5/4/94

#### **CLERICAL**

- 4-96 Because there is little likelihood that clerical employees of municipal welfare departments will be called upon to appear on behalf of the welfare department in municipal court matters, part-time municipal court employees in small municipalities may jointly hold clerical employment in municipal welfare departments. (Canon 3) 2/7/96

#### **COUNSELOR/DRUG AND ALCOHOL/MENTAL ILLNESS/SUPERVISED VISITATION/PRIVATE PRACTICE**

- 2-01 A probation officer in adult probation may not work for the Childrens Home of another county as a residential child care counselor. This employment creates a conflict under Canon 4 because the children are placed in the Home by DYFS and therefore are court involved through Child Placement Review. (Canon 3) 2/8/01
- 18-01 A Probation Officer in the Criminal Case Management Division may not be employed as a Substitute Safe house Advocate with Women's Crisis Service, because the organization is an advocacy group for victims of domestic violence and sexual assault. It would impair the appearance of impartiality of the courts for the probation officer to be employed by a group whose clientele are commonly court involved. 6/7/01
- 17-01 A Probation Officer in the Criminal Case Management Division may serve as an intern with Cathedral Counseling Center for the purpose of obtaining her license as a clinical social worker on the condition that she accept no court referred or court involved clients or cases where there is a potential for her to be called as a witness. Canon 7B 6/7/01
- 23-01 A Family Division Probation Officer may not work for the Capital Health System at Fuld as a mental health counselor. This employment would create an appearance of impropriety in light of her duties as a Family Division Probation Officer in making referrals for mental health services. (Canon 3) 10/2/01
- 16-99 A Family Division clinical psychologist may not accept employment as a psychotherapist in private practice. Because the employee is the only psychologist in the Family Division in the vicinage there is an unavoidable potential for conflict of interest under Canon 4 arising from the possibility that private clients will become court involved in the Family Division. (Canon 4) 9/9/99
- 12-99 A Judiciary employee may not be employed, under Canon 5B10, by the New Hope Foundation if the foundation "regularly provides services to the court." The foundation provides treatment programs and services for alcohol related addictions. The Committee took note of the fact that New Hope is in another county, but noted also that adolescents are referred to agencies by the court on an as available basis so that referral to an out-of-county facility is possible. (Canon 5B10) 5/6/99
- 3-99 An employee in the Child Support Unit may work for Cape Counseling Services (CCS) as a residential counselor to counsel and monitor severely mentally ill clients. This permission is

- granted on the understanding that the employee not work with any court involved clients in the program, and that CCS is not a contractor with the courts. (Canons 3 and 4) 1/7/99
- 2-99 A senior probation officer may not work for a county treatment center as a drug counselor. A conflict exists between the probation officer's obligation to report violations to the court and a drug counselor's obligation of confidentiality. (Canons 3 and 4) 1/7/99
- 38-98 A Family Counseling Specialist may accept a part-time position as a therapist with the Foundation for Family Guidance (Foundation). The Foundation is not a contractor with the Judiciary, although the courts sometimes refer patients to the Foundation because it offers a graduated fee schedule. In this circumstance, there is no violation of Canon 5B10 which provides that no Judiciary employee shall engage in outside employment with any person or business entity regularly providing goods or services to the Judiciary. As a therapist with the Foundation the employee will not take any Judiciary involved patients. (Canons 3 and 4) 9/9/98
- 29-98 A TASC evaluator may not properly accept employment with a contractor that receives client referrals from the Judiciary. The source of clients for the contractor here is ISP. The committee has determined that employment of this sort would create an appearance of impropriety/conflict (Canons 3 and 4) 6/3/98
- 22-98 Vicinage employees in Probation Services may act as residence counselors in a residence for the mentally ill to supervise medication and help clients with daily living skills so long as their employment with the Judiciary remains their primary employment. The clients are not courtinvolved. (Canon 4) 5/6/98
- 15-98 An investigator for a vicinage criminal division may not work as a counselor for Supervised Visitation, a not-for-profit agency that provides visitation supervision under a contract with the courts. An employee may not accept employment with an employer that is under contract to provide services to the court. (Canon 4) 4/1/98
- 20-96 An ISP Counselor may continue to hold part-time employment as a counselor's aide at a drug and alcohol rehabilitation center that accepts referrals from DYFS and the Juvenile Justice System for the time required to complete his certification degree program. All referrals OF ISP participants for treatment are made by the Regional Director and the ISP officer will have no professional contact with any ISP participant involved with the rehabilitation center. (Canon 4) 4/3/96
- 24-95 Provided that there is no conflict with work duties or work hours, a probation officer may work part-time as a counselor for a county Intoxicated Driver Resource Center. (Canon 3) 5/3/95
- 10-95 A family court mediator may not hold outside employment as a substance abuse counselor for a school district located in the county of the Judiciary employment. (Canon 3) 3/1/95

#### **COURT REPORTER**

- 16-98 A Municipal Court Administrator may serve as a court reporter in the same court in which the administrator's spouse appears as a public defender so long as the administrator not record matters where either the administrator's spouse or the spouse's partner appears. (Canon 4) 4/1/98

#### **DIVISION OF TAXATION**

- 14-96 A tax court clerical employee may work part-time processing tax returns for the Division of Taxation, since both positions are ministerial in nature and the likelihood of conflict is remote. (Canon 4) 3/6/96

#### **DRIVING INSTRUCTOR**

- 14-97 A municipal court administrator may operate a business as an instructor teaching defensive driving courses for the New Jersey Safety Program, provided that those who have had any involvement in or business before the municipal court are neither solicited nor accepted as clients, students, or customers, and that no reference is made to the Judiciary employment in any advertising for the driving program. (Canon 4) 5/7/97

#### **DUAL EMPLOYMENT**

- 7-01 A part-time municipal court employee who performs data entry, accepts payments and affidavits for issuance of complaints may also work part-time as a clerk in the tax department for the

- township . The Committee saw no opportunity for conflict in this dual employment as presented. (Canon 4) 2/8/01
- 24-01 A probate clerk in the Surrogate's Office may not be permitted to work in the County Clerk's satellite office. This dual employment would conflict with the employee's full-time Judiciary employment pursuant to Canon 5A. (10/2/01)
- 13-01 A municipal deputy court administrator may not also work as the payroll clerk for the municipality for two reasons: Under Canon 5A a Judiciary employee's Judicial employment is his or her primary employment and outside employments permissible under the Code are to be performed outside of normal working hours. Because the deputy court administrator is a full-time municipal court employee, the Canon does not permit the deputy to be employed elsewhere during normal working hours. Further, in the Committee's view the normal interaction between the payroll clerk function and the mayor and other officials of the municipality would in itself preclude the employment. (Canon 4) 4/5/01
- 31-01 A part-time municipal court violations clerk:
- (1) May not work for the Clerk's office for the same municipality as a part-time clerical employee, where her supervisor would be the borough clerk, who is also the court administrator, and who also supervises her in her municipal court job (Canon 5B11);
  - (2) May not work for the Building Department of the same municipality as a part-time clerical employee, where her supervisor in that position, the building inspector, may appear in the municipal court where she is a part-time violations clerk (Canon 5B9) and;
  - (3) May not continue to serve as an elected school board member of a neighboring municipality.
- Service as an elected school board member violates Canon 6A1. (10/02/01)
- 32-01 A municipal deputy court administrator, may perform part-time clerical work as a borough clerk for the same municipality outside of judiciary employment hours where she would neither supervise nor be supervised by the same person at the two jobs. The predecessor as borough clerk had never been subpoenaed or appeared as a witness in court. Written consent from both the employee's Judiciary and municipal employers must be obtained. (Canon 3) 12/4/01
- 37-01 A part-time municipal deputy court administrator may work part-time for the City Administrator of the same municipality performing research and assisting with writing grant applications for the city in order to obtain State grants. This work would not appear to compromise the independence of the Judiciary. It is permissible so long as the employee's Judiciary duties take precedence over the outside employment. (Canon 3; 5) 12/4/01

#### **ELECTIONS/COUNTY ELECTION BOARD**

- 4-00 A Judiciary employee may not work for a county Board of Elections at the polling place. Because poll workers are chosen by the Democratic and Republican parties this employment would constitute partisan political activity in violation of Canon 6A. 3/2/00
- 24-96 A Judiciary employee may hold part-time employment entering new voter registration data for the county election board, since the work does not involve the handling or processing of ballots or vote tallies. (Canon 3) 6/5/96
- 44-94 Judiciary employees may not work in the county clerk's office on election eve recording vote tallies. Such activity could impair the appearance of judicial independence by involving court employees in electoral matters. (Canon 3; cf. Opinion 21-94) 6/1/94
- 21-94 Judiciary employees may not collect and deliver to the county clerk the vote tallies from precinct polling places after the polls have closed on election day, since doing so could undermine the appearance of an independent Judiciary. (Canon 3; cf. Opinion 44-94) 3/9/94

#### **FIRE INSPECTOR**

- 27-95 An employee may not work part-time as a fire inspector. Fire violation citations are subject to appeal that would be expected to require the employee's appearance before a hearing officer. (Canon 5B6) 6/7/95

## **GOLF COURSE**

- 9-97 A Judiciary employee may hold outside employment at a public golf course, but may not accept tips from golf course patrons since the course is a public facility. (Canon 3) 4/2/97

## **HEARING OFFICER**

- 6-97 It would undermine the appearance of Judiciary impartiality and independence if a municipal court administrator were to serve as a hearing officer for the municipality in a personnel matter involving a member of the municipal police force. (Canon 3) 2/5/97
- 16-01 A Child Support Hearing Officer may not hear cases in the county where his wife is an Investigator with County Probation Division in child support enforcement. The Committee determined that there would be a conflict or an appearance of impropriety under Canons 3 and 4 of the Code of Conduct for Judiciary Employees. 6/7/01

## **INTERPRETING**

- 15-01 A Spanish Translator who works for the New Jersey Department of Corrections may work as an independent contractor for Trenton Municipal Court. The Committee determined that the employment as a Spanish Translator for New Jersey Department of Corrections would not constitute a conflict with service as an interpreter in the Trenton Municipal Court. With respect to this issue the members noted that court interpreters, whether employees or under contract, are governed by a code of professional conduct adopted by the New Jersey Supreme Court. (Canon 4) In approving this request the Committee waived the provision of Canon 4, Guideline C4 against engaging in certain official transactions with a former employee for one year after the termination of employment on the understanding that this employee is the only approved Spanish language interpreter in Trenton. 6/7/01
- 29-01 A Superior Court interpreter, upon resignation, may work as a free-lance interpreter for another vicinage and for a municipal court. The one year bar to engaging in official transactions with a former employee upon the former employee's termination of employment, as set forth in Canon 4c4 does not apply here. (10/2/01)
- 30-01 A vicinage court interpreter and translator: (1) may free lance for municipal courts; (2) may not free lance for private individuals and law firms who have the potential of appearing in the same court, pursuant to Canon 5B9. (10/02/01)
- 23-00 A Court Interpreter may accept employment as an interpreter for municipal courts in the same county where she serves in the Superior Court with no conflict of interest under Canon 4. 10/5/00  
A Superior Court Interpreter may not serve as interpreter for the Department of Law and Public Safety in interviews of applicants for casino licenses to bring tours from abroad into Atlantic City on junkets; the subject matter is a detailed check on their financial activities. The interviews are attended by Gaming Enforcement lawyers and investigators, a court reporter and the interpreter. The Department of Law and Safety, as a law enforcement agency, regularly appears in court.  
A Court Interpreter may accept employment translating financial, medical and scientific documents for agencies in other states, with the proviso that she adhere strictly to the restrictions of Canon 5B9. 10/5/00
- 32-94 An AOC administrative assistant may interpret part-time in the municipal courts. There is no actual or apparent conflict of interest, since the employee has qualified as an approved interpreter and she would be paid by the municipal courts, not by the litigants. (Canon 4, guidelines C1 and C2) 5/4/94

## **INVESTIGATOR/DETECTIVE**

- 25-99 A criminal case supervisor performing presentence investigations may not work for the FBI/BICS as a special contract investigator to do background checks for Bureau applicants and federal employees (interviewing relatives, neighbors, employers, co-workers, and applicants). Because this employment is with a law enforcement agency in the Executive Branch, it undercuts the appearance of independence of the Judiciary in violation of the Canon 5B13 and Canon 3. 11/4/99
- 2-95 A special civil part officer may not hold concurrent part-time employment as a private detective. (Canons 4, 5B8; cf. Opinion 51-94) 1/4/95



- 51-94 A Judiciary employee may not engage in outside employment as a private detective, whose clients would be expected to include attorneys seeking investigative services in connection with litigated matters. (Canon 4) 9/7/94

## **JUDICIARY**

### **Post Employment**

- 26-98 A former employee of the AOC may not be retained for services until a year has elapsed from the time of retirement. Canon 4, Guideline c(4) precludes engaging in official transactions with any former employee for one year after the former employee's termination of employment with regard to any matter in which the former employee had been substantially involved. For the purpose of this item the matter involved is training which was one of the employee's responsibilities during her Judiciary employment. 6/3/98
- 37-96 In order to avoid an appearance of conflict of interest, for a period of one year following the cessation of Judiciary employment a former Judiciary employee may not be retained to assist on any project with which he or she had been involved while employed by the Judiciary. (Canon 4, Guideline (c)(4)(a)) 10/2/96

### **While Employed**

- 10-00 A Court Services Supervisor who serves as an Assistant Superintendent of a Residential Group Center cannot, as a principal in Tomorrow's Youth, Inc., properly enter into a contract to provide educational programs in the probation Residential Education Program in any vicinage. Canon 4, Guideline c(1) prohibits an employee from entering into any contract with the court system apart from the employment contract relating to the employee's position. 4/6/00
- 5-99 An employee in the Grand Jury unit may work for the Register's office in the same county conditioned on written approval of both employers. (Canon 5B15d) 1/7/99
- 15-95 An employee may enter into a contract to perform work for the court system that is not related to the employee's Judiciary position. (Canon 4, guideline C1) 4/5/95
- 25-94 When a former employee is to be retained solely for a purpose beneficial to the Judiciary, and the employee is not involved in any capacity that is adversarial to the Judiciary agency in which the employee formerly had been employed, guideline c.4 of Canon 4 would not prohibit the Judiciary from temporarily retaining the services of the employee for the limited purpose sought by the Judiciary, even if the transaction were to take place within one year of the former employee's termination of Judiciary employment. (Canon 4, guideline c.4; cf. Opinion 20-94) 4/6/94
- NOTE:** This opinion supersedes Opinion 20-94.

## **JUVENILE DETENTION CENTER/JUVENILE SHELTER**

- 23-98 A vicinage employee in juvenile probation may not serve as a residential counselor at a shelter, counseling, supervising and assisting in youth treatment plans. It is not possible for the shelter to segregate court-involved juveniles from those who are not court-involved, giving rise to a potential for conflict. (Canon 4) 5/6/98
- 21-98 A vicinage employee in the Family Division may not work as a youth worker for a detention center in the same county in which the vicinage is located. The potential for conflict exists in the perception that the employee would be in a position to carry information about a juvenile back to the courts, and to disclose information contained in disposition reports to the detention center. (Canon 4) 5/6/98
- 26-94 If participation by a Family Division probation officer in the division's emergency on-call rotation schedule is mandatory, the probation officer may not accept part-time employment with the county juvenile detention center as a recreational specialist. This is necessary in order to avoid an appearance of conflict of interest, since one of the on-call duties of a family division probation officer is to participate in decisions involving emergency admissions to the detention center. However, in counties where participation in the on-call emergency rotation is voluntary, a family division probation officer may accept the part-time employment at the county detention center provided that the officer elects not to participate in the on-call rotation. In such an instance, the probation officer would not be permitted to perform custody investigations involving any juvenile

detained at the center, regardless of whether the detainee is the subject of a custody dispute as a minor, or is disputing custody of the detainee's own child as a parent. (Canon 4) 4/6/94

#### **LAW/LEGAL FIRM**

- 16-00 A hearing officer may not continue employment with Legal Services of New York under Canon 5B6. 6/8/00
- 9-00 A summer intern may not work for a law firm. (Canon 5B9) 4/6/00
- 17-99 A clerk in the Intensive Supervision Program may not work for a law firm. The fact that the ISP office out of which the employee works is a satellite office and is not in the courthouse and limited the nature the clerk's responsibilities, do not form a basis for exemption from the prohibition of Canon 5B9 against employment in a law firm. (Canon 5B9) 9/9/99
- 20-97 A Judiciary employee may not accept part-time employment with a law firm, even if the firm's legal practice is in a division of court other than the division of the Judiciary employment. (Canon 5B8) 7/2/97
- 38-95 A Judiciary employee may not work part-time in a law firm, so as to avoid creating an unavoidable appearance that the firm might become the recipient of favored treatment by the Judiciary. (Canon 3) 11/1/95

#### **LIQUOR LICENSE**

- 9-94 A probation officer may acquire an ownership and financial management interest in a restaurant that holds a liquor license. (Canon 5B12d) 2/2/94

#### **MEDIATOR**

- 11-98 A vicinage probation department employee may not serve as a mediator for the Community Justice Institute (CJI). This service would create an appearance of conflict even if CJI did not assign to the court employee any cases it had received through court referral. (Canon 5C; Canon 4; Opinion 40-97) 2/4/98
- 25-97 A Judiciary employee may not serve as a private mediator. If Judiciary employees were to be employed as private mediators, members of the public would be likely to infer the existence of an official Judiciary connection with the private mediation service, and this erroneous impression would undermine public confidence in Judiciary impartiality. (Canon 3) 7/2/97

#### **MENTAL DISABILITY SERVICES**

- 35-01 A probation officer in the Family Division, Child Support Unit may work for Community Action for Independent Living, Inc., which provides residential, employment and case management services for the adult mentally retarded and developmentally disabled, none of whom are courtinvolved. (Canon 3; 4). 12/4/01

#### **MENTORING/BIG SISTER/BIG BROTHER**

- 1-01 A probation officer in child support enforcement may serve as a mentor with the Atlantic County Healthy Youth Development Program under the following limited circumstances: that the Development Program is not under contract with the courts and that the supervisor can screen cases to avoid assigning her to any child who is court involved, in foster care, or referred by DYFS (because they are under court supervision through Child Placement Review).
- 14-01 A Judiciary clerk 2 in the Special Civil Part may volunteer as a "Big Sister" to support and assist young girls under foster care and or who are in need, on the condition that no girls who are in foster care or otherwise under court supervision are to be assigned to her. 6/7/01
- 26-00 A Probation Officer who supervises a caseload of juvenile probationers may not take employment with Kids Coach Program, a group mentoring/behavior modification program for 13-17 year old teenagers who are referred to it by the courts. This is a conflict of interest even though the juveniles he supervises as a probation officer would be assigned to other counselors. (Canon 4) 12/7/00
- 24-00 A Probation Officer in the Family Division who manages cases, mediates issues of custody, visitation, medical and child support, paternity and conducts custody investigations, etc. may accept

employment with Atlanticare Behavioral Health Creative Community Options with the understanding that Atlanticare is not under contract with the courts (although it does receive court referrals), that she would be mentoring, one-on-one, children who are 7 to 9 years old, taking them to the movies, library, and such, and that her supervisor can screen the cases to avoid assigning any child to her where there might be a conflict. The approval is limited to children who are referred to Atlanticare from independent agencies. The employee should not mentor children who are in foster care or are referred by DYFS because they are under court supervision through Child Placement Review. (Canon 5B) 10/5/00

#### **MUNICIPAL CLERK, COURT ADMINISTRATOR, DEPUTY DIRECTOR**

- 15-00 A Deputy Court Administrator may not serve as Secretary to the Zoning Board of Adjustments in the same municipality. The duties described are not limited to recording the minutes, but also include assisting applicants with the process of filing, and organizing the cases and caseload. Because the Zoning Board is the complainant in the various certificate of occupancy issues that regularly come before the municipal courts, to serve both as Deputy Court Administrator and Secretary to the Zoning Board would constitute a conflict under Canon 3 and a violation of Canon 5B9. 6/8/00
- 1-00 A municipal deputy court administrator may continue as the Recording Secretary for the Township's Planning Board meetings. Because the employee is not a member of the Board and her duties are limited to recording the Board's proceedings, the employment would not "reflect adversely, or give the appearance of reflecting adversely, on the independence of the judicial system" (Canon 5B13). The Planning Board might appear at some time in municipal court, but the appearances are not regular and so do not bar the employment. (Canon 5B9) 3/2/00
- 23-99 A municipal deputy court administrator may not work in a clerical position for the governing body of the town in which she serves. In the circumstances set forth it would create an appearance of impropriety in violation of Canon 3 of the Code of Conduct for Judiciary Employees. The Committee noted that the work, although clerical, would be with the governing body's investigation into the school board's reconstruction project, a matter that would be controversial, possibly a campaign issue, and might result in litigation. 9/9/99
- 15-99 A municipal court administrator may accept a clerical position in the municipal administration, regardless of the size of the municipality. This type of employment does not necessarily create an appearance of conflict or impairment of the independence of the judiciary. However, these matters are highly fact sensitive and must be determined on a case-by-case basis. In this case the employment consists of data entry, processing invoices, filing and phoning, which the Committee found to create no violation of Canon 3. (5/6/99)
- 13-99 A Deputy Court Administrator may not hold the position of Certified Financial Officer and Deputy Tax Collector in the same municipality. (5/6/99)
- 11-99 Regardless of the small size of the municipality, a municipal court clerk typist may not be employed as a secretary to the Mayor and Township Administrator in the municipality in which she serves the municipal court. Employment in the mayor's office could place a court employee in a position of conflict and undermines the appearance of independence of the Judiciary. (Canon 3) 5/6/99
- 8-99 A municipal court may not accept an employee to work, under a federal grant, as a floater both for the court and other departments of the township where needed. The Committee determined there should be no mix of municipal and Judiciary work. (Canon 3) 2/2/99
- 7-99 Because of the appearance of conflict of interest a municipal deputy court administrator may not transcribe records of the municipal court in which she works, but may transcribe for courts other than her own. (Canon 4, Guideline c(1)) 1/7/99
- 4-99 A municipal court clerk may work as a logging clerk for another municipal court so long as both employers give written consent. (Canon 5B15d) 1/7/99
- 35-98 A municipal court administrator may accept a position as marketing director in the same township in which he is a municipal court administrator. His duties as marketing director would include designing advertisements to be placed in local periodicals that would attract businesses to locate in

- the township; designing direct mail pieces, brochures, pamphlets, etc. He will not work directly with the Mayor, nor consent to design anything that is political in nature. (Canons 3 and 4) 9/9/98
- 33-96 A municipal court employee whose spouse is the municipal zoning officer may be considered for the position of deputy court administrator, provided that she continues to avoid any involvement with municipal court matters involving the zoning department. (Canon 3) 9/4/96
- 3-96 A borough administrator may not be appointed concurrently to the part-time position of municipal court director, since such dual office holding would undermine the appearance of municipal court independence. (Canon 3) 2/7/96
- 21-96 So as not to compromise the appearance of judicial independence, a deputy municipal court administrator may not hold concurrent part-time employment as deputy municipal clerk, since the deputy town clerk acts as town clerk in the absence of the incumbent. (Canon 3) 4/3/96
- 12-96 A technical assistant in a construction department of a small municipality may hold the part-time position of deputy court administrator in the same municipality. (Canon 4) 3/6/96
- 18-95 A municipal court administrator may hold the dual position of clerk/treasurer in a small municipality provided that she has no responsibility for budget preparation and does not handle financial transfers between the municipal court and the borough. (Canon 5B) 4/5/95
- 4-95 The court administrator in a small municipality may serve as the municipal clerk where the duties of the latter position do not involve budgetary authority. (Canon 5B14d) 1/4/95
- 38-94 In a small municipality that cannot maintain a full-time municipal court administrator, the parttime court administrator and deputy administrator may also hold part-time clerical positions in the municipal administration. However, the arrangement may not violate Canon 5B10, which prohibits outside employment that involves a supervisory relationship between employees who are in a supervisory relationship in their judiciary employment. (Canons 3, 5B10; cf. Opinion 39-94) 6/1/94
- 39-94 The full-time borough clerk of a large municipality may not hold the unsalaried title of violations bureau clerk in the borough municipal court. Because the arrangement would undermine the appearance of judicial independence and integrity, it would contravene Canon 3 of the Code of Conduct for Judiciary Employees. In this instance, special circumstances based on need do not exist that would warrant permission to hold both offices, and due to its nature the position in the municipal administration is not one that can be reconciled with any position in a properly independent municipal court. (Canon 3; cf. Opinion 38-94) 6/1/94

#### **PLANNING BOARD CLERK**

- 19-00 A Clerk in the Criminal Division may accept employment as Planning Board Clerk in a municipality in the county. This dual employment does not create a conflict of interest or appearance thereof under Canon 4. No matters come to the municipal court from the Planning Board. The employee does not appear in the courtroom. 10/5/00

#### **POLICE**

##### **Matron**

- 11-96 A Judiciary employee may not work part-time as a police matron, since such employment may impair the appearance of judiciary impartiality by involving the employee in the performance of a law enforcement function. (Canon 3) 3/6/96

##### **Data Entry**

- 53-94 A Judiciary data entry operator may accept part-time employment doing data entry for a local police department. Because both positions involve duties that are ministerial in nature and do not require the employee to make discretionary decisions, there is no impairment of the appearance of Judiciary impartiality. (Canon 3) 9/7/94
- 30-94 A data processing analyst may participate in a town watch program sponsored by the local police department, because the employee is remote from the judge and the judicial decision-making process. (Canon 3) 5/4/94

### **Desk Clerk**

- 3-98 A vicinage Investigator for the probation department may not work as a desk clerk for a police Department. Canon 5B9 prohibits employment with attorneys, persons, or business entities who regularly appear in court. **NOTE: Opinion 1-95 is overturned.** (Canon 5B9) 2/4/98

### **Dispatcher**

- 10-99 A Judiciary employee may not be employed as a 911 telecommunicator. The telecommunicator codes incoming calls for priority and enters them into the computer, which transmits them to the dispatcher in another office. The Committee determined that because the 911 operator receives the information as the for police dispatches, this employment falls within the prohibition of Canon 5B9 on outside employment with law enforcement entities and not under Op. 53-94 which permitted a Judiciary data entry operator to accept part-time employment doing data entry for a local police department. (Canon 5B9) 5/6/99
- 32-98 A municipal court sound recorder operator may not serve as the dispatcher/operator for the New Jersey State Police. Canon 5B9 provides that no Judiciary employee shall engage in outside employment with attorneys, persons, or business entities who regularly appear in court. The Comment to the Canon states that law enforcement agencies are among those entities that reasonably can be expected to appear in court. (Canons 5B9) 9/9/98
- 2-98 A vicinage employee who is the purchasing agent for the vicinage may not be a police dispatcher for the police department. Canon 5B9 prohibits employment with attorneys, persons, or business entities who regularly appear in court. **NOTE: Opinion 1-95 is overturned.** (Canon 5B9) 2/4/98
- 2-96 A deputy municipal court administrator may not hold part-time employment as a police dispatcher in an adjacent community, so as not to undermine the appearance of judiciary impartiality. (Canons 3, 5B) 2/7/96
- 1-95 A Judiciary clerical employee whose duties do not involve criminal, delinquency or domestic violence matters may accept part-time employment as a police dispatcher/clerk-typist. (Canons 3, 5B9) 1/4/95
- 14-94 A probation officer who performs pre-sentence investigations may not accept part-time employment as a police dispatcher, so as to avoid creating an appearance of a pro-police bias in the conduct of Judiciary duties. (Canon 3) 3/9/94

### **Special Officer/Crossing Guard**

- 26-99 Part time municipal court clerk may not work for the Police Department in the same municipality doing traffic detail (pedestrian crossing, special events, substitute for police receptionist). (Canon 4; Canon 5B9) 11/4/99
- 37-95 A Judiciary employee may not serve as a special police officer. Such officers are vested with statutory enforcement powers, the exercise of which would be likely to require the employee's testimony in court. (Canon 4) 11/1/95
- 31-95 A Judiciary employee may not serve as an auxiliary police officer. Since law enforcement agencies are regular litigants in Superior Court, it would undermine the appearance of Judiciary impartiality if courtroom staff were to serve as police officers, even if only in an auxiliary capacity. (Canon 3) 9/6/95

### **PRACTICE OF LAW**

- 61-94 Under Canon 5B5 and Rule 1:15-2, a part-time municipal court administrator who is admitted to the practice of law may maintain the same type of limited law practice that a part-time municipal court judge may maintain. However, since full-time municipal court judges may not engage in the practice of law, then under the Rule neither may full-time municipal court administrators. (Canon 5B5) 10/5/94

### **RACE HORSE**

- 60-94 A Judiciary employee may not purchase an ownership interest in a harness racehorse, as such involvement by Judiciary employees in this highly regulated industry could give rise to an appearance of impropriety. (Canon 3) 10/5/94

- 40-94 In order to avoid creating an appearance of impropriety, a Criminal Division Manager may not purchase an ownership interest in a harness racehorse. The appearance of impropriety stems from a number of factors, including the employee's policy-making position in criminal court matters and the association of organized crime with gambling in general, and with horse-racing in particular. (Canon 3; cf. Opinion 28-94) Manager may not purchase an ownership interest in a harness racehorse. The appearance of impropriety stems from a number of factors, including the employee's policy-making position in criminal court matters and the association of organized crime with gambling in general, and with horse-racing in particular. (Canon 3; cf. Opinion 28-94) 6/1/94
- 28-94 A Judiciary employee may purchase an ownership interest in a brood mare. (Canon 5B; cf. Opinion 40-94) 4/6/94

### **REAL ESTATE**

- 27-98 A team leader in the Special Civil Part may sell real estate and perform related activities for under the factual circumstances presented. Because the employer does not handle rental properties, and so would not be expected to have an interest in litigation in Special Civil Part, the Committee found no conflict of interest under Canon 4. The employee is cautioned not to engage in activities related to this employment during working hours and not to use information obtained in the course of her Judiciary employment to further her real estate activities or the interests of her employer (Canon 3) 6/3/98
- 12-98 An AOC Child Support Hearing Officer may work part-time as a real estate agent. Particular attention should be paid, however, to the Conduct Code provisions requiring the outside employment to be conducted only during non-working hours, and that Judiciary equipment and information obtained in the course of Judiciary employment not be used for the benefit of any outside employment. (Canons 5A and 5B; Opinion 6-94) 2/4/98
- 17-94 A Judiciary employee in the Child Support Enforcement Unit may work part-time as a real estate referral agent. Particular attention should be paid, however, to the Conduct Code provisions requiring that outside employment be conducted only during non-working hours (Canon 5A), and that information obtained in the course of judiciary employment not be used for the benefit of any outside employment. (Canon 5B4; cf. Opinion 16-94) 3/9/94
- 16-94 A municipal court liaison may work part-time as a real estate sales agent. Particular attention should be paid, however, to the Conduct Code provisions requiring that outside employment be conducted only during non-working hours (Canon 5A), and that information obtained in the course of Judiciary employment not be used for the benefit of any outside employment. (Canon 5B4; cf. Opinion 17-94) 3/9/94

### **SALES**

- 29-97 An accountant with the New Jersey Lawyers' Fund for Client Protection, who is a night law student, may continue as a WestBar student sales representative. (Canon 5B) 9/3/97
- 28-95 Employee sales of for-profit items to co-workers at lunch or break time are prohibited under Canon 5B3, which provides that Judiciary resources may not be used in connection with outside employment. Sales made on Judiciary premises involve the use of Judiciary facilities and so run afoul of the Canon. This decision does not restrict employees' ability to sell items to co-workers in furtherance of non-profit fundraising. Such sales are permitted under Canon 5D1. (Canon 5B3) 9/6/95
- 16-95 A Judiciary employee may hold part-time employment in a shopping mall soliciting applications for retail credit services offered by a department store. (Canon 5B)
- 11-95 A Judiciary employee may hold a retail sales position despite the fact that the employer frequently appears in court to prosecute small claims and shoplifting complaints. (Canon 5B8) 3/1/95
- 55-94 A Judiciary employee may accept part-time employment as a retail clerk in a general purpose video rental store, even if the store contains an X-rated video rental section. (Canon 3) 9/7/94

## SCHOOL EMPLOYMENT

- 37-97 A probation officer who supervises juveniles, enforces court orders, provides judges with reports, conducts home visits, holds weekly reporting meetings, with juveniles, makes court appearances, etc., may work for the Rahway Board of Education as a home instructor with the following restrictions:  
The home study is unrelated to any disciplinary matter; the student is not involved with the court system or in any Judiciary related manner; the family is not involved in family division matters; the student is not homebound because of disciplinary actions; the teaching is on academic subjects; and the home instructor does not engage in advocacy for the student. (Canon 5B; Canon 4) 12/3/97

## SECURITY

- 25-01 A vicinage Judiciary employee in general operations may not be employed as a security guard at a mall because the responsibilities of employment as a security guard would include observing conduct which would require the employee's appearance in court as a witness. (Canon 5B7) 10/2/01
- 25-00 A Senior Probation Officer may accept employment as a contract security employee monitoring building alarms in a central control room and performing safety tours of buildings at scheduled intervals, and with New Jersey Public Television checking id's, monitoring alarms, performing crowd control, and securing property. (Canon 5B7) 12/7/00
- 14-00 A Judiciary clerk may accept employment with USI Strike Force, a private security agency, in a security position at PNC Bank Art Center under Canon 5B7 because the employment will not require the employee to regularly appear in court. The duties are to make sure cans, bottles, lawn chairs and umbrellas are not brought into the arena, and that people have the right credentials to go back stage. 6/8/00
- 13-00 A probation officer may accept employment with Personal Protection Specialist, a private security agency, to secure backstage areas for celebrity performances before during and after a concert, and check patrons' tickets going into and coming from these areas. This employment would not regularly require his appearance in court and so not run afoul of Canon 5B7. 6/8/00
- 18-99 A clerk typist in the county Family Division may be employed with Argenbright Security as a predeparture screener at Newark International Airport. The Committee determined that the employment does not violate Canon 5B7 in light of its understanding that the responsibilities of a pre-departure screener are to call security when any problem is observed, and that it is the security officer who makes the actual inspection and appears as a witness. (Canon 5B7) 9/9/99
- 19-99 A probation officer in the Child Support Unit may be employed with Gateway Security to inspect employee passes at the gate of Anheuser Busch and check incoming trucks for dangerous materials. The Committee was of the understanding that in such cases as may arise only the police testify in court and the security guard does not. Therefore, employment is approved under Canon 5B7. (Canon 5B7) 9/9/99
- 1-99 A municipal division employee who coordinates courtroom services may work for the Garden State Race Track as a security guard. This employment does not require regular appearance in court. (Canon 5B7) 1/7/99
- 31-98 A Probation Department employee may work for S.O.S. Security Systems so long as the assignment continues to be a job that has a low likelihood of requiring court appearances. (Canon 5B9) 6/3/98
- 30-98 A court aide may work for S.O.S. Security Systems so long as the assignment continues to be a job that has a low likelihood of requiring court appearances. (Canon 5B9) 6/3/98
- 24-98 A vicinage Probation Officer may work part-time for a security agency and accept assignment as a "custom protection officer" at a company headquarters if there is little likelihood that the employee might become a witness in court in connection with the employment. (Canon 5B7; Canon 5B9 and *Comment*) **NOTE: Opinion 7-98 is reconsidered and reversed based on additional information.** 5/6/98
- 8-98 A vicinage employee in the Criminal Case Management bail unit may not work as a security officer at a medical center if there is a significant likelihood of the employee appearing as a witness in court in connection with security operations. (Canons 5B7 and 5B9 ; Opinion 32-97) 2/4/98

- 7-98 A Vicinage Probation Officer in the Juvenile Supervision unit may not work as a "custom protection officer" at an industrial headquarters facility if there is a significant likelihood of the employee appearing as a witness in court in connection with security operations. (Canons 5B7 and 5B9; Opinion 32-97) 2/4/98 **NOTE: Opinion superseded by Opinion 24-98.** 5/6/98
- 6-98 A vicinage employee in the Family Case Management unit may not work as a security officer at a county college. It appears that there is a significant likelihood of the employee appearing as a witness in court in connection with security operations. (Canons 5B7 and 5B9; Opinion 32-97) 2/4/98
- 4-98 A vicinage Court Clerk may not accept employment as a security officer at a hospital monitoring security cameras if there is a significant likelihood of the employee appearing in court as a witness in connection with security operations. (Canons 5B7 and 5B9; Opinion 32-97) 2/4/98
- 32-97 A Probation Investigator may not serve as a "security representative" providing security services for a nightclub because the employee might become a witness in court in connection with the security operations. (Canon 5B) 12/3/97
- 62-94 Judiciary employees may accept part-time employment with private security agencies as security guards and in other non-investigative capacities (e.g. receptionist, data processing, clerical). (Canon 5B8) 10/5/94

### **SOCIAL SERVICE AGENCY/SOCIAL WORKER**

- 6-02 A Criminal Case Management probation officer may be employed as a clinical social worker by Cathedral Counseling Center, which is funded through a Baptist church. The employee would counsel families with emotional and relational issues. The agency does not service a high volume of legal related cases and would take special precaution to ensure that the probation officer would not be assigned such cases. The Counseling Center would provide her with clinical supervision for her assigned cases. Under these circumstances the long-term employment as a clinical social worker is permitted. (Canon 5B) 4/16/02
- 5-02 A Family Division Probation Officer may be employed by Collaborative Support Programs of New Jersey. The probation officer conducts pre-court conferences and performs risk assessments in juvenile delinquency matters. Collaborative Support Programs is an organization of mental health consumers that services individuals ranging from their late 30's to their 60's and does not service juvenile clients. The organization provides training for care center members to organize and facilitate group activities. It does not have a contract with the court and does not receive court referrals. The clients rarely come into contact with the Family Division, and, if they were to do so, the matter would be reassigned to another probation officer. Under these circumstances this outside employment is permissible. (Canon 5C) 4/16/02
- 22-00 A Family Counseling Specialist whose duties are solely to perform drug and alcohol testing in the courthouse may be self-employed as a clinical social worker to provide psychotherapy and consultation to clients provided she does not take referrals from the court. No conflict or appearance of impropriety arises under Canons 3 and 4. Ref. Opinion 38-98 which permits a family counseling specialist to work as a therapist provided she does not take referrals from the court. 10/5/00
- 21-97 A probation officer may not accept outside employment with a social service agency that receives client referrals from the Judiciary. It would create an appearance of impropriety/conflict if such agencies were to provide part-time employment for Judiciary employees. (Canons 3 and 4) 7/2/97

### **TALK SHOW**

- 17-97 A Judiciary employee may not accept outside employment hosting a talk show dealing with controversial topics. Such employment would involve the employee in public debate on both partisan and non-partisan political issues, and so would be prohibited under Canon 6 of the Code of Conduct for Judiciary Employees. (Canon 6) 7/2/97

### **TAX RETURNS**

- 3-97 Employees who undertake outside employment preparing tax returns must advise their clients that they may not represent or appear on behalf of clients before the New Jersey Division of Taxation



or before any other New Jersey State agency in the event that there is a controversy concerning information contained in a tax form filed within the State. (Canon 3) 2/5/97

### **TRANSCRIPTION**

- 22-01 A Superior Court judge's secretary, who is a certified transcriber, may not be employed by a private transcription agency to transcribe court tapes. A potential conflict existed with what she hears in the courts, as well as in interacting with attorneys for whom she would transcribe (on behalf of the private transcription agency), who could appear before her judge. (Canon 5B10) 10/02/01
- 1-98 A Municipal Deputy Court Administrator can properly transcribe records of municipal courts other than the court in which the administrator serves. (Canon 5B) 2/4/98
- 26-96 A Judiciary clerical employee may work as a part-time typist for a transcription agency that handles work for law firms in the vicinage. (Canon 4) 9/4/96

### **WELFARE DIRECTOR**

- 37-98 A Municipal Violations Clerk may be employed as Welfare Director of the same municipality if the Welfare Director does not regularly appear in court. If the Welfare Director does make regular court appearances, the employment is barred by Canon 5B7. 9/9/98
- 16-96 A municipal court administrator may not hold the part-time position of Welfare Director in the same municipality, since so doing would undermine the appearance of Judiciary independence and impartiality. (Canons 3, 4) 4/3/96
- 35-95 A deputy municipal court administrator may not hold part-time employment as the municipal welfare director. The municipal court is the forum in which downgraded charges of welfare fraud are decided, and the municipal court judge may make referrals to the welfare director in certain cases (e.g., a trespass case involving a homeless person). (Canons 3, 4) 10/11/95

### **YOUTH ADVISOR**

- 8-02 Division Probation Officer, assigned to the Family Crisis Intervention Unit, may be employed by Covenant House as a youth advisor. This outside employment is permissible because Covenant House, a short term temporary homeless shelter for adults, does not service court-referred youth and does not have a contract with the Judiciary. (Canon 5B10) 4/16/02

### **YOUTH ADVOCATE**

- 28-98 A crisis intervention counselor in the Family Division may not be employed with a Youth Advocate Program because youth involved in the program could become court involved again. Because of this possibility the employment would potentially involve the employee in an appearance of impropriety or conflict of interest (Canons 3 and 4) 6/3/98
- 11-97 A Judiciary employee may not hold part-time public employment as a youth advocate. An appearance of conflict of interest arises from the Youth Advocate Program's receipt of client referrals from the court system. (Canon 4, affirming Opinion 40-96) 5/7/97
- 40-96 A probation officer may not accept outside employment as a youth advocate. (Canons 3 and 4) 11/6/96

## **IV. NEPOTISM**

- 27-00 Under Canon 7C governing nepotism a Principle Probation Officer (PPO) who is dating the Vicinage Chief Probation Officer (VCPO) cannot be transferred to a position in which the PPO would be directly supervised by the Assistant Chief Probation Officer, i.e. only one level removed from the VCPO. The Committee reaffirmed its Opinion 18-97 that set a minimum of two levels of supervision between employees who are close family members or close personal companions. (Canon 7C) 12/7/00
- 7-00 The appointment in 1994 of an employee to the position of Deputy Court Administrator did not breach the nepotism provisions of Canon 7C even though her sister-in-law then held the position

- of Court Administrator. The appointment was made in accordance with civil service procedure and as required by union rules and therefore fulfilled the requirements of Canon 7A that all personnel transactions be based on bona fide work related factors. However, because Canon 7C prohibits supervision by a member of an employee's immediate family, the employee should be supervised by the Court Director or, if necessary, by the Presiding Judge of the municipal court. 4/6/00
- 39-98 The first cousin of the Civil Division Manager may not be employed in the vicinage in the same division. Canon 7C provides that a judiciary employee shall not be appointed by or assigned to a person who is a member of the employee's immediate family. Immediate family is defined in Canon 4 guideline b. to include children of aunts and uncles. (Canon 7C) 9/9/98
- 10-98 A Vicinage Human Resources Manager's daughter may be employed in an entry level position in the Family Division in the vicinage, provided that: the daughter's interview is conducted by a committee of Family Division supervisors and managers, and with the understanding that the daughter will report to a Division team leader who in turn reports to the Assistant Family Division Manager. (Canon 7) 2/4/98
- 7-97 A municipal court administrator's relative who is a first cousin once removed is not within the close degree of relationship that would prohibit her appointment as a deputy court administrator in the same municipality. (Canon 7C) 2/5/97
- 36-94 The nepotism provisions of the Code of Conduct (Canon 7) are not intended to supersede the Supreme Court's long-standing policy requiring Supreme Court approval in order to extend Judiciary employment to close relatives of judges. Rather, in Canon 7 the Supreme Court adopted a separate and distinct nepotism policy permitting Judiciary employment of close relatives of nonjudge Judiciary employees when such employment is justified on merit. 6/1/94
- 22-94 The nepotism provisions of the Conduct Code are to be applied prospectively, beginning with the date that the Code first became effective (December 7, 1993). (Canon 7) 4/6/94

## V. LAW CLERKS

- 26-01 A law clerk, who had previously worked for American Airlines as a flight attendant, could not continue to be carried on the rolls of American Airlines as an employee, even though she would not fly during her clerkship. Being carried on the Airlines' rolls during her clerkship would comprise prohibited employment, pursuant to Canon 5B3. (10/2/01)
- 38-01 A Superior Court judge's law clerk, may be a free-lance critic/journalist for Rockpile, a small independent music publication since this activity does not comprise employment and is only an avocation. However, it is only permissible if the writing does not implicate legal issues and does not reflect unfavorably on the judiciary. (Canon 5B2; 3; 5C1) 12/4/01
- 29-00 A law clerk may not continue to perform small claims mediation as a volunteer without pay for an independent agency. Mediation is an acceptable activity for a law clerk within the court system but a law clerk should not mediate for an independent agency. Canon 5C1 (12/7/00)
- 6-99 A law clerk to a Superior Court judge may not serve on a township drug awareness council. The law clerk is subject to the same restrictions as a judge absent special circumstances not shown here. (Canon 5C1) 1/7/99
- 36-97 A law clerk may not teach SAT preparation classes for Princeton Review. The provision of Canon 5B3 that permits law clerks to teach, write and lecture for pay is an exception to the general prohibition on law clerks' outside employment. In view of the sweeping prohibition of the Canon otherwise, the presumption is that the Supreme Court's intent was to limit teaching to law-related matters. (Canon 5B3) 12/3/97
- 35-97 A law clerk may not teach SAT preparation classes for Kaplan Educational Services (**See opinion 36-97**) (Canon 5B3) 12/3/97
- 34-97 A law clerk may not teach water polo skills and tactics for the Lawrenceville School. (See opinion 36-97) (Canon 5B3) 12/3/97

- 33-97 A law clerk may not assist an attorney in the preparation of a supplement to a legal publication. Canon 5B9 provides in part that “no Judiciary employee shall engage in outside employment with attorneys.” Opinion 57-94 limits law clerks’ writing to that which is done for publication directly by the law clerk. (Canon 5B9) 12/3/97
- 38-96 A law clerk may not hold outside employment as a tour guide for school students. In addition to giving educational lectures during the tour, the guide would have supervisory duties with respect to the students, and these additional duties would take the employment beyond the scope of lecturing that is permitted for law clerks under Canon 5B1b. 10/2/96
- 32-96 A law clerk may serve as secretary to the women lawyers section of the county bar association. (Canon 5C1) 9/4/96
- 15-96 A law clerk may teach an SAT-prep course. (Canon 5B1b) 3/6/96
- 36-95 A law clerk may publish in a law journal an article completed while in law school and may include in the biographical data to be published with the article the fact that the writer is serving a clerkship with the New Jersey Judiciary. (Canon 3) 11/1/95
- 33-95 A law clerk may participate in social and cultural organizations, but may not become involved in any partisan or non-partisan political activities conducted by such organizations. (Canon 5C1) 9/6/95
- 30-95 A law clerk may not operate a part-time business as a lecturer on nutrition and distributor of health products. Such an arrangement constitutes a sales practice, and is thus outside the scope of law clerks’ permitted outside employment as teachers, lecturers and writers. (Canon 5B1b) 9/6/95
- 29-95 A law clerk may not serve on a juvenile conference committee, nor as a CASA volunteer or a county jail corrections counselor. (Canon 5C1) 9/6/95
- 7-95 A law clerk may not accept part-time employment as a waitress. (Canon 5B1b) 2/1/95
- 59-94 A law clerk may not work part-time as a driver for a limousine service. (Canon 5B1b) 9/7/94
- 58-94 A law clerk may not work part-time on weekends as a registered nurse in a hospital intensive care unit. (Canon 5B1b) 9/7/94
- 57-94 A law clerk may not work part-time performing legal research for writings that are published under the authorship of another. The only type of writing permitted for law clerks under Canon 5B1b is that which is done for publication directly by the law clerk. (Canon 5B1b) 9/7/94
- 42-94 A law clerk may not write for publication, whether or not for compensation, a newspaper column dealing with legal issues, because such activity could reflect adversely on the appearance of independence and impartiality of the judicial system. (Canons 3, 5B13, 5C1) 6/1/94

## VI. DEFINITIONS

- 5-95 An employee seeking advice concerning prospective consulting activities should file an O-1 notification form. (Canon 5B14) 2/1/95
- 64-94 Central Appellate Research secretaries are category 2 employees under the Conduct Code, and as such are subject to Canons 5C2 and 6D. 10/5/94
- 41-94 A Judiciary employee may utilize earned vacation time to engage in outside employment. However, it is purely the province of Judiciary management to decide administratively whether an employee’s requested vacation schedule is reasonable and can be accommodated without undue hardship to other employees or other negative impact on the Judiciary work unit. (Canon 5A) 6/1/94
- 35-94 Probation Investigators are category 4 employees under the Conduct Code, and as such are subject to Canons 5C4 and 6F. 5/4/94
- 34-94 AOC Chiefs are category 1 employees under the Conduct Code, and as such are subject to Canons 5C1 and 6C. 5/4/94
- 20-94 Proposed amendment to Conduct Code, permitting Judiciary investigatory agencies to re-hire former employees in order to complete the investigation or prosecution of any matter with which

- the former employee had been substantially involved. (Canon 4, guideline c.4; cf. Opinion 25-94) 3/9/94 **NOTE: This opinion is superseded by Opinion 25-94.**
- 11-94 Court-appointed special masters and hearing officers are independent contractors to whom the Code of Conduct does not apply. Activities of special masters/hearing officers may be regulated under separate guidelines applicable specifically to them. (Cf. Opinion 8-94) 2/2/94
- 8-94 Court-appointed transcribers are independent contractors to whom the (2/2/94) Code of Conduct does not apply. Activities of the transcribers may be regulated under separate guidelines applicable specifically to them. (Cf. Opinion 11-94)
- 2-94 Proposed amendment to Conduct Code, permitting deputy surrogates to run for the office of surrogate where: 1) the deputy surrogate is the acting surrogate; or 2) the surrogate is not running for re-election. (Canon 6A2) **NOTE: Code amendment was adopted by the Supreme Court at its 2/28/94 Administrative Conference.** 2/2/94

**ADVISORY COMMITTEE ON OUTSIDE ACTIVITIES  
OF JUDICIARY EMPLOYEES PURSUANT TO RULE  
1:17A**

Hon. Yolanda Ciccone, Chair

Hon. Travis L. Francis, Vice Chair

Theodore J. Baker, Esq.  
Hon. Karen M. Cassidy  
Jude Del Preore  
Sally A. Fields, Esq.  
Hon. Roger T. Haley  
Adam Liebttag  
Meryl G. Nadler, Esq.

Harry T. Cassidy  
Dwight Covalleskie  
Brooks Durbin  
Diane Gerofsky, Surrogate  
Hon. Ellen L. Koblitz  
Hon. Julio L. Mendez  
Daniella M. Trancho  
Carmelita Vazquez

Linda D. Owens  
Advisory Committee Staff

**Effective 1/1/15**