

## **RULE 1:15. Limitation On Practice Of Attorneys**

### **1:15-1. Limitation on Practice of Attorneys Serving as Judges and Surrogates**

- **(a) Full Time Judges.** An attorney who is a judge required by law to devote full time to judicial duties shall not practice law.
- **(b) Judges of Municipal Courts.** An attorney who is a judge or acting judge of a municipal court shall not practice in any criminal, quasi-criminal or penal matter, whether judicial or administrative in nature, except to perform the official duties of a municipal attorney of another municipality. Nor shall a municipal court judge act as attorney for the municipality or any of the municipalities served by that court or as attorney for any agency or officer thereof; nor practice before the governing body or any agency or officer thereof; nor be associated in the practice of law, either as "of counsel" to or as partner, employer, employee or agent of, or office associate, with an attorney who is a member of such governing body.

An attorney who is a judge of a municipal court shall be subject to the terms of that section of the New Jersey Conflicts of Interest Law which restricts involvement with specific casino industry activities (N.J.S.A. 52:13D-17.2).

- **(c) Surrogates.** An attorney who is a surrogate or deputy surrogate in any county, or who is in the employ of any such official, shall not practice law in any estate or trust matter, including the preparation of wills, trust documents, or any other probate documents, in or out of court. Furthermore, a surrogate or deputy surrogate shall not practice law in any criminal, quasi-criminal or penal matter, whether judicial or administrative in nature, in that county, nor in the Superior Court, Chancery Division, Probate Part in any county.

Note: Source-R.R. 1:26-1(a)(b)(c)(d)(e)(f), 8:13-7(b). Paragraph (d) amended November 22, 1978 to be effective December 7, 1978; paragraph (c) amended July 16, 1981 to be effective September 14, 1981, except that, as to part-time municipal court judges outside of Atlantic City, the last sentence shall be effective December 26, 1981; paragraph (d) amended February 17, 1983 to be effective immediately; former paragraph (b) deleted and former paragraphs (c) and (d) redesignated to paragraphs (b) and (c) July 26, 1984 to be effective September 10, 1984; paragraphs (a) and (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 9, 2008 to be effective September 1, 2008.

### **1:15-2. Limitations on Practice of Attorneys Serving as Clerks and Employees of Courts and Judges**

An attorney who is a clerk or deputy clerk of any court, other than a surrogate or deputy surrogate, or who is, or is in the employ of or regularly assigned to a court, judge, or court clerk, shall not practice in any court, but the limitation so imposed upon him shall not be greater than the limitation on the practice of the judge of such court. An attorney who is, or is regularly assigned to, a jury commissioner, grand jury or probation department shall not practice in any court in that county.

Note: Source-R.R. 1:26-2. As to a surrogate or deputy surrogate, see R. 1:15-1(d).

### **1:15-3. Limitations on Practice of Other Attorneys**

- **(a) Sheriffs and County Prosecutors.** An attorney who is a sheriff or county prosecutor, or is in the employ or service of such an official, shall not practice on behalf of any defendant in any criminal, quasi-criminal or penal matter, whether judicial or administrative in nature. Nor shall an attorney who is a sheriff of any county or in the sheriff's employ practice in any court in that county.

- **(b) Municipal Attorneys and Members of Governing Bodies.** A municipal attorney of any municipality shall not represent any defendant in the municipal court thereof, except to perform official duties, but may represent a defendant in a joint municipal court if the defendant resides and the offense was allegedly committed in a municipality for which the attorney is not the municipal attorney. A municipal prosecutor shall not represent a defendant in any other municipal court in that county or in a criminal proceeding in the Superior Court in that county but may represent a defendant in a municipal court or in a criminal proceeding in the Superior Court in a county other than the one in which he or she serves as a municipal prosecutor. An attorney who is a member of the governing body of a municipality shall not practice in the municipal court of that municipality. For purposes of this rule, a municipal public defender shall not be deemed a municipal attorney.
- **(c) Other Attorneys Representing Public Bodies.** Paragraphs (a) and (b) of the rule shall not be deemed to exhaust the limitations on practice necessitated by a conflict of interest on the part of an attorney representing a public body, agency or officer.

Note: Source-R.R. 1:26-3(a)(b)(c)(d); paragraphs (a) and (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended January 19, 2000 to be effective immediately; paragraph (b) amended July 5, 2000 to be effective September 5, 2000.

#### **1:15-4. Limitations Extended to Partners, etc.; Municipal Court Judges; Municipal Prosecutors**

- **(a) General Application.** Subject to paragraphs (b) and (c), whenever R. 1:15 imposes limitations on the practice of law by an attorney, such limitations shall also extend to the attorney's partners, employers, employees, office associates, shareholders in a professional corporation or members in a limited liability entity in which the attorney practices. The limitations imposed by R. 1:15 on attorneys shall not preclude assignments of partners, employers, employees, office associates or shareholders by a court for the representation of indigents.
- **(b) Municipal Court Judges.** As applied to partners, employers, employees, office associates, shareholders, and members, the limitations imposed on the practice of law by judges of municipal courts by R. 1:15-1(b) shall extend only to the county in which the court of the judge or acting judge is located. Except for full-time municipal court judges and all judges appointed to the municipal court of the City of Atlantic City, this rule shall not apply to the two-year post-employment restrictions on casino industry related activities referred to in N.J.S.A. 52:13D-17.2(c) and imposed on municipal court judges by R. 1:15-1(b).
- **(c) Municipal Prosecutors.** As applied to partners, employers, employees, office associates, shareholders, and members, the limitations imposed on the practice of law by municipal prosecutors by R. 1:15-3(b) shall extend only to matters that have occurred in the municipality in which the prosecutor serves and any matters that involve law enforcement personnel or other material witnesses from that municipality.

Note: Source-R.R. 1:26-4; amended July 16, 1981 to be effective September 14, 1981; amended November 1, 1985 to be effective January 2, 1986; amended July 13, 1994 to be effective September 1, 1994; amended July 10, 1998 to be effective September 1, 1998; caption amended, text amended and redesignated as paragraphs (a) and (b), and new paragraph (c) added November 17, 2003 to be effective January 1, 2004.

#### **1:15-5. Application of Rule**

- **(a)** Limitations under R. 1:15 upon the practice in criminal, quasi-criminal or penal matters, whether judicial or administrative in nature, shall extend to proceedings before courts and agencies or officers established under the laws of the United States, but in all other respects R. 1:15 shall not apply to such courts and agencies.

- **(b)** The term "office associates" as used in R. 1:15 includes attorneys who share common office facilities.