

RULE 1:18A. Advisory Committee On Extrajudicial Activities

1:18A-1. Appointment and Organization

The Supreme Court shall appoint an Advisory Committee on Extrajudicial Activities consisting of at least 9 members serving for terms of 2 years with the terms of approximately one half of the members expiring each year. The Committee shall include one practicing attorney and one public member. A vacancy occurring during a term shall be filled for the unexpired portion thereof. The Court shall annually designate a member of the Committee to serve as chairperson. The Administrative Director of the Courts or designee shall serve as secretary of the Committee.

Note: Adopted November 29, 1988, to be effective January 2, 1989.

1:18A-2. Jurisdiction

The Committee shall accept inquiries concerning extrajudicial activities only from a judge or the Supreme Court.

Note: Adopted November 29, 1988, to be effective January 2, 1989.

1:18A-3. Form of Inquiry

All inquiries shall be addressed to the secretary, who shall transmit them to the Committee. They shall be in writing, shall set out the factual situation in detail, and shall be accompanied by a short memorandum citing the relevant Code of Judicial Conduct or Guidelines for Extrajudicial Activities.

Note: Adopted November 29, 1988, to be effective January 2, 1989.

1:18A-4. Disposition of Inquiries

Except as may otherwise be determined by the Committee in the case of routine inquiries that require a response before the Committee can act, no opinion shall be given by the Committee unless concurred in by a majority thereof. In every matter, the secretary shall convey the Committee's response in writing to the judge making the inquiry. Such written response to the judge shall be in the form of an informal opinion. The judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Appellate Division Presiding Judge for Administration, or Appellate Division Deputy Presiding Judge for Administration, as appropriate, shall be copied on such informal opinion. The Committee may, in its discretion, issue, in addition, a formal opinion for distribution to all judges and make suitable arrangements for its publication. Formal opinions shall not, insofar as practicable, identify the judge making the inquiry. The Committee's written response, whether an informal opinion or a formal opinion, shall be subject to a request for reconsideration from the judge who submitted the inquiry or from that judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Appellate Division Presiding Judge for Administration, or Appellate Division Deputy Presiding Judge for Administration, as appropriate. Requests for reconsideration shall be made in accordance with R. 1:18A-6(b).

Note: Adopted November 29, 1988, to be effective January 2, 1989; amended July 19, 2012 to be effective September 4, 2012.

1:18A-5. Inquiries From Supreme Court

The Committee shall consider and advise the Supreme Court or render opinions on such matters as the Supreme Court may submit to it from time to time. Those opinions shall not be published without prior approval of the Court.

Note: Adopted November 29, 1988, to be effective January 2, 1989.

1:18A-6. Procedure; Requests for Reconsideration

- **(a) Procedures.** The Committee shall prescribe the methods and procedure to be followed in considering inquiries and expressing opinions.
- **(b) Reconsideration.** Subsequent to the Committee's response, whether an informal opinion or a formal opinion, either the judge or the judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Appellate Division Presiding Judge for Administration, or Appellate Division Deputy Presiding Judge for Administration, as appropriate, may seek reconsideration.
- **(c) Form of Reconsideration; Notice to Judge.** The request for reconsideration shall be in writing and should be sent to the secretary for distribution to the Committee for its consideration. Where the request for reconsideration is made by the inquiring judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Appellate Division Presiding Judge for Administration, or Appellate Division Deputy Presiding Judge for Administration, as appropriate, notice of such request for reconsideration shall be provided in writing to the inquiring judge.
- **(d) Determination on Reconsideration.** The secretary shall convey the Committee's determination on reconsideration in writing to the judge who submitted the inquiry and to the judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Appellate Division Presiding Judge for Administration, or Appellate Division Deputy Presiding Judge for Administration, as appropriate.

Note: Adopted November 29, 1988, to be effective January 2, 1989; caption amended, former text designated as paragraph (a), caption added to paragraph (a), new paragraphs (b), (c), and (d) adopted July 19, 2012 to be effective September 4, 2012.

1:18A-7. Petitions for Review

- **(a) Notice.** Within 30 days after a judge is notified in writing of the Committee's response to the initial inquiry or to the inquiry on reconsideration, or, if a formal opinion has been rendered, within 20 days after its publication, the judge, if aggrieved thereby, or the judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Appellate Division Presiding Judge for Administration, or Appellate Division Deputy Presiding Judge for Administration, as appropriate, may seek review thereof by filing a notice of petition for review with the Clerk of the Supreme Court.
- **(b) Record on Petition for Review.** If the petition for review is granted, the record on review shall be the formal opinion, if any, or the Committee's written response to the judge issued pursuant to R. 1:18A-4, the inquiry or memorandum submitted, and any documents relied on by the Committee in arriving at its determination.
- **(c) Form of Petition for Review.** A petition for review shall contain a short statement of the matter involved, the question presented, the errors complained of, and the arguments in support of the petitioner's position.
- **(d) Service and Filing of Petition for Review.** Within 10 days after filing of the notice of petition for review 2 copies of the petition shall be served on the secretary of the Committee and 9 copies thereof shall be filed with the Clerk of the Supreme Court.
- **(e) Final Determination.** The final determination of a petition for review may be either by written opinion or by order of the Supreme Court and shall state whether the opinion or other action of the Committee is affirmed, reversed, or modified, or shall provide for such other final disposition as is appropriate.

Note: Adopted November 29, 1988, to be effective January 2, 1989; paragraph (a) amended July 17, 2012 to be effective September 4, 2012.