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Administrative Office of the Courts

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Acting Administrative Director of the Courts

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MEMORANDUM

Directive # 07-11
(Supersedes Directives #4-81, 2-84 and 4-08)

[Questions or comments may be directed to Counsel's Office at 609-633-6540.]

To: **Assignment Judges**
Superior Court Judges
Tax Court Judges
Presiding Judges-Municipal Courts
Municipal Court Judges

From: **Glenn A. Grant, J.A.D.**

Subj: **Judges Reporting Personal or Family Involvement in Litigation and Resulting Changes of Venue and Transfer of Cases—Policy Statement**

Date: **August 25, 2011**

I. Purpose

All judges have an obligation to perform their judicial role with a high degree of integrity and to avoid any actual, potential or appearance of partiality or conflict of interest in the handling of all cases. Even the appearance of a potential conflict of interest undermines the core values of the New Jersey Judiciary and hampers its mission.

This Directive sets forth revised reporting requirements for judges to report their personal or family involvement in litigation, and the circumstances in which such involvement in litigation necessitates a transfer of venue to another forum. **This policy, which supersedes Directives #4-81, 2-84 and 4-08, is effective immediately.**

The provisions of this Directive, approved by the Judicial Council and the Chief Justice, are the results of the efforts of the Judicial Council's Ad Hoc Committee on Change of Venue and Transfer of Cases, which was chaired by Assignment Judge Peter Doyne and which also included as members Assignment Judges Yolanda Ciccone, Travis Francis, Lawrence Lawson, Francis Orlando, and Judge Marilyn Clark, then-Chair of the Conference of Criminal Presiding Judges.

II. Policy

All judges must immediately report their involvement in any type of litigation in any court. Judges must also immediately report the involvement of an immediate family member, as defined below, in any litigation in the vicinage or the municipality in which the judge sits.

With respect to both personal and family member involvement in litigation, the reporting judge's supervising judge shall have the discretion to determine whether a transfer of venue is required, and, if so, to which vicinage. Each Assignment Judge shall designate a primary and a secondary conflict vicinage, with those designations subject to review and approval by the Chief Justice and the Administrative Director of the Courts.

Judges who are involved in litigation may, at their option, also report and briefly describe the ultimate disposition of the litigation to the Chief Justice, the Administrative Director, and his/her supervising judge.

III. Procedure

The attached reporting form, captioned "Judge's Personal or Family Member **Involvement in Litigation Report**," is to be used by judges in complying with this policy. Additional copies of the reporting form may be obtained on the Judiciary InfoNet. For municipal court judges, copies of the form also will be available from the vicinage Municipal Division Manager. The completed forms are in the nature of personnel records and thus shall be handled and retained as confidential under Rule 1:38.

The Involvement in Litigation reporting form is divided into two parts:

Part A, which shall be completed by the reporting judge and submitted to the supervising judge, requests informational data (with applicable documents, if the judge was personally involved in the litigation), and the nature of the involvement by the judge or the judge's family member; and

Part B, which shall be completed by the supervising judge and contains that judge's recommendation as to whether a transfer of venue or any other further action may be required. After completing Part B, the supervising judge shall submit the entire form (Parts A and B) to the Chief Justice and the Administrative Director of the Courts.

Also attached is the "Judge's Personal or Family Member Involvement in Litigation **Disposition Report**" form, which may be subsequently completed by the

reporting judge at his/her option, and which briefly describes the outcome/disposition of litigation in which the judge or the judge's relative is personally involved.

In all matters that require reporting under this policy, the supervising judge shall take such action as is appropriate to avoid even the appearance of impropriety.

In cases in which an immediate family member of a municipal court judge is involved in a municipal court matter in the judge's own municipality, the Assignment Judge, after receiving Part A of the completed Involvement in Litigation Reporting form, will assign the case to be heard by a Superior Court Judge, by the Vicinage Presiding Municipal Court Judge, or by such other Judge designated by the Assignment Judge.

IV. Guidelines/Definitions

A judge's obligation to report personal involvement or family member involvement in litigation commences immediately upon the judge becoming aware of such involvement.

"Involvement" means any participation in any litigation in any court, including, but not limited to, being a plaintiff, defendant, complainant or witness.

"Immediate family" includes all members of the reporting judge's household, as well as the following, whether related by marriage, civil union, domestic partnership, or by adoption: spouse, domestic partner 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 aunt or uncle.

"Municipal court judge" includes all full-time, part-time, chief, presiding, temporary, and acting judges, employed in the municipal courts of New Jersey.

"Reporting judge" means the judge reporting his/her personal or family member involvement in litigation.

"Supervising judge" includes the Appellate Division Presiding Judge for Administration, the Assignment Judge, or the Tax Court Presiding Judge, as appropriate.

V. References

Canon 3 of the Code of Judicial Conduct.

Questions pertaining to this directive may be addressed to Meryl G. Nadler, Esq., Counsel to the Administrative Director; or R. Brian McLaughlin, Esq., Deputy Counsel, at 609-633-6540 or by e-mail via Lotus Notes.

Attachments (1) Involvement in Litigation Reporting Form; (2) Disposition Reporting Form

c: Chief Justice Stuart Rabner
Supreme Court Justices
Recall Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Trial Court Administrators
Municipal Division Managers
Municipal Court Administrators and Directors
Meryl G. Nadler, Counsel
R. Brian McLaughlin, Deputy Counsel
Gurpreet M. Singh, Special Assistant

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Judge's Personal or Family Member Involvement in Litigation Report

PART A: To be Completed by Reporting Judge

Judge's Last Name	First Name	Middle Name

Court(s) in Which Judge Sits (Municipality/Vicinage/Division)

Caption of Case	Ticket or Docket No.	Was it a DWI? ☐ Yes ☐ No

Venue

☐ Superior Court	County	Division
☐ Municipal Court in NJ	County	Municipality
☐ Federal Court	Federal District	
☐ Out of state court	Town and/or County	State

Court appearance required? ☐ Yes ☐ No	If yes, date	Nature of Involvement ☐ Self ☐ Family Member

Name of family member (if applicable)	Relationship of family member to Judge

Nature of Involvement (additional detail)

Summary of Complaint (please include date filed)

Signature of Reporting Judge _____ Date _____

PART B: To be Completed by Assignment Judge, Appellate Division Presiding Judge for Administration, or Tax Court Presiding Judge

Further action required? If yes, briefly describe: ☐ Yes ☐ No

Name _____ Signature _____ Date _____

Send completed form to: Glenn A. Grant, J.A.D., Acting Administrative Director of the Courts
Justice Complex – P.O. Box 037
Trenton, New Jersey 08625

With copies to: Chief Justice Stuart Rabner
Assignment Judge, or Appellate Division Presiding Judge for Administration, or Tax Court Presiding Judge

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Judge's Personal or Family Member Involvement in Litigation Disposition Report

The Completion of This Form by the Reporting Judge is OPTIONAL.

Judge's Last Name	First Name	Middle Name

Court(s) in Which Judge Sits (Municipality/Vicinage/Division)

Caption of Case	Ticket or Docket No.	Was it a DWI? ☐ Yes ☐ No

Venue

☐ Superior Court	County	Division
☐ Municipal Court in NJ	County	Municipality
☐ Federal Court	Federal District	
☐ Out of state court	Town and/or County	State

Court appearance required? ☐ Yes ☐ No	If yes, date	Nature of Involvement ☐ Self ☐ Family Member

Name of family member (if applicable)	Relationship of family member to Judge

Nature of Involvement (additional detail)

Disposition (Please briefly describe outcome/disposition of litigation. Include date concluded.)

Signature of Reporting Judge

Date

Send completed form to: Glenn A. Grant, J.A.D., Acting Administrative Director of the Courts
Justice Complex – P.O. Box 037
Trenton, New Jersey 08625

With copies to: Chief Justice Stuart Rabner
Assignment Judge, **or** Appellate Division Presiding Judge for Administration, **or** Tax Court Presiding Judge

Form Promulgated by Directive #07-11 (08/25/2011), CN 11517