New Jersey Courts
Independence • Integrity • Fairness • Quality Service

Administrative Office of the Courts

GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

www.njcourts.com • Phone: 609-376-3000 • Fax: 609-376-3002

Directive # 11-18
(Supersedes Directive #7-11)

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

[Questions and/or comments may be directed to Counsel's Office at 609-815-2900, ext.52400.]

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

Subj: **Judges Reporting Personal or Immediate Family Member Involvement in Litigation and Resulting Changes of Venue and Transfer of Cases**

Date: **August 8, 2018**

I. Purpose

All Judges and Justices 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 clarifies the reporting requirements for judges[1] to report their personal or immediate family member's involvement in litigation, and updates the circumstances in which such involvement in litigation necessitates a transfer of venue to another forum. Section A of the Directive maintains several provisions previously approved by the Judicial Council and the Chief Justice, and resulting from the efforts of the Judicial Council's Ad Hoc Committee on Change of Venue and Transfer of Cases. This section of the revised policy also broadens the scope of the reporting requirements for immediate family member involvement in litigation and it sets forth specific reporting requirements for bankruptcy litigation. Section B of the revised policy modifies the procedures for judges to report both the involvement in litigation and the disposition of the matter. It also includes a new form for use when a reporting judge's immediate family member has employment requiring regular court appearances. Section C

[1] This reporting policy applies to all Judges and Justices.

incorporates new protocols for notice to the parties and transfer of venue. These new and revised procedures have been approved by the Judicial Council. This Directive, which supersedes Directive #7-11, is effective immediately.

II. Policy

A. Reporting Requirements

1. Reporting Requirements - In General

All judges must immediately report their own involvement or immediate family member involvement in any type of litigation, contested or uncontested, in any state or federal court, and any administrative tribunal. For a bankruptcy matter, judges shall report their own personal or commercial involvement in any proceeding in bankruptcy court and/or the personal or commercial involvement in a bankruptcy proceeding of a spouse, civil union partner or domestic partner who lives in the same domicile.

For municipal court cases, judges shall report their own involvement or immediate family member involvement in litigation contested or uncontested, for all disorderly persons, petty disorderly persons, and driving while intoxicated (DWI) matters. Judges must also report their involvement or immediate family member involvement in litigation, contested or uncontested, in all other municipal court matters, including ordinance violations and traffic tickets, where a court appearance is required or scheduled. These reporting requirements include matters where a judge is personally named and those in which a judge is a party in interest.

2. Reporting for an Immediate Family Member with Employment Requiring Regular Court Appearances

Judges who have an immediate family member who regularly appears in any New Jersey State or municipal court as an attorney, expert witness, police officer, or other regular participant, will file a one-time notice in the attached reporting form captioned "**Reporting Form for an Immediate Family Member with Employment Requiring Regular Court Appearances**." (Attachment 2). A new notice will need to be filed if the judge's immediate family member has a change in the level of involvement previously reported.

B. Procedure For Reporting Involvement in Litigation

1. Revised - Judge's Personal or Family Member Involvement in Litigation Report (CN 11516A)

The attached reporting form, captioned **"Judge's Personal or Family Member Involvement in Litigation Report,"** (Attachment 1) 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. When submitting the reporting form, judges should attach copies, if available, of any complaint or other document initiating the court or tribunal's jurisdiction. When submitting a report of personal or commercial litigation related to a bankruptcy filing involving the judge, a spouse, a civil union partner or a domestic partner who lives in the same domicile, the judge must also identify the bankruptcy court and the docket number of the filing.

The Involvement in Litigation 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), and the nature of the involvement by the judge or the judge's family member.

Part B shall be completed by the supervising judge and contains that judge's recommendation as to whether transfer of venue or any other further action may be required. The supervising judge shall indicate on the form whether he or she has made a decision to transfer venue of the matter, by filling in the appropriate checkbox. 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.

2. New - Reporting Form for an Immediate Family Member with Employment Requiring Regular Court Appearances (CN 11516B)

This new form "**Reporting Form for an Immediate Family Member with Employment Requiring Regular Court Appearances**" (Attachment 2) shall be completed by the reporting judge and submitted to the supervising judge, if an immediate family member's employment requires regular court appearances.

3. Revised - Judge's Personal or Family Member Involvement in Litigation Dispositional Report (CN 11517)

Also attached is the "**Judge's Personal or Family Member Involvement in Litigation Dispositional Report**" form (Attachment 3). For bankruptcy litigation, judges shall complete and submit the dispositional report form and attach a copy of the discharge order or other related closing documents entered by the bankruptcy court. For all other matters, upon request of the supervising judge or Administrative Director, the reporting judge shall complete the disposition form describing the outcome/disposition of the litigation in which the judge or his or her immediate family member is personally involved. The supervising judge or Administrative Director also may request periodic updates of any pending litigation.

C. Transfer of Venue

The transfer of venue policy applies to any litigation occurring in the vicinage or municipality where the judge sits and the litigation involves the judge or immediate family member who is either a party or witness or when an immediate family member has employment requiring regular court appearances. In the circumstances described in section C.1. below, prior to the transfer the court must provide advanced notice to the parties identifying the conflict and afford the parties an opportunity to object. Attached are a model notice to transfer venue letter (Attachment 4) and model transfer of venue order (Attachment 5).

1. Notice to Parties of a Transfer of Venue

For criminal cases, quasi-criminal juvenile delinquency cases (FJ docket) and quasi-criminal contempt proceedings for violations of domestic violence restraining orders (FO docket), the court shall provide advanced notice to the parties that the matter will be transferred to another vicinage because of litigation involving a judge or judge's immediate family member. The parties should have five (5) days to object to the transfer and to request a hearing. If a party objects to the transfer of venue and the case does not involve an emergent matter, the court shall make any necessary findings on the record prior to the transfer. If none of the parties respond within five (5) days, the transfer order may issue. A copy of the order transferring venue shall be provided to all parties within seven (7) days of execution.

For all other matters (civil, municipal and family matters other than quasi-criminal FO and FJ dockets), advanced notice to the parties is not required when a transfer of venue is made because of litigation involving a judge or judge's immediate family member. Notice of the transfer shall be provided to all parties along with a copy of the transfer order.

2. Mandatory Transfer of Venue

Subject to the notice provisions in subsection C.1., and except for the circumstances set forth in subsection C.3., when a Superior Court or Municipal Court judge or an immediate family member(s) of a judge is a party in litigation occurring in the vicinage or municipality where the judge sits, under certain circumstances, the supervising judge must transfer the matter out of the vicinage where that judge sits. The circumstances requiring transfer of venue to a different vicinage occur when the reporting judge or one of the following individuals is a party in the litigation: 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; or parent.

This mandatory transfer policy applies to matters that are being litigated in the New Jersey state courts, administrative tribunals and municipal courts, including charges for driving while intoxicated, and quasi-criminal matters, such as charges involving disorderly persons offenses and petty disorderly persons offenses.

Past practice has been to transfer matters involving a Municipal Court judge or his or her immediate family to another municipality in that county or to a Superior Court judge in that county. However, such practice may not adequately prevent an appearance of impartiality, favoritism, or potential conflict of interest when a judge or a certain immediate family member is a party in the litigation. To ensure the integrity of our courts and avoid any potential or appearance of partiality or conflict of interest in the handling of such matters, this new policy requires transfer of the matters described above to a vicinage other than where the judge who has filed the litigation report sits.

3. Discretionary Transfer of Venue

For cases, other than those listed in subsection C.2. above, the supervising judge, may, in his or her discretion, transfer the matter to another vicinage. Discretionary transfer includes circumstances when either a judge or immediate family member is a witness, or when certain immediate family members (other than those requiring transfer) are parties. It also applies when an immediate family member has employment requiring regular court appearances and to juvenile matters handled by a juvenile referee or juvenile conference/committee diversionary program, as opposed to being handled by a judge. For matters involving undisputed municipal court violations and parking tickets, where the judge or immediate family member is either a party or witness, the supervising judge shall have discretion to determine if transfer of venue is required.

4. Standard for Discretionary Transfer of Venue

In assessing whether to exercise discretion to transfer these matters outside of the vicinage, the supervising judge must evaluate whether the appearance of partiality or bias may reasonably be questioned based upon the relationship between the judge and the immediate family member who is a party or witness or who is otherwise appearing in the litigation.

D. Guidelines/Definitions

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

"Involvement" means any participation, either personally or as a business entity, in any litigation in any court, including, but not limited to being a plaintiff, defendant, complainant, petitioner, respondent, attorney 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 court of New Jersey.

"Reporting judge" means the judge reporting his/her personal, business, or immediate 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.

E. Confidentiality

The completed reporting and disposition forms and attachments are in the nature of personnel records and thus shall be handled and retained as confidential under Rule 1:38.

F. References

Canon 3 of the Code of Judicial Conduct
In Re Advisory Letter No. 7-11 of the Supreme Court Advisory Committee on Extrajudicial Activities, 212 N.J. 570 (2011)
State in the Interest of M.P., 450 N.J. Super. 539 (App. Div. 2017)
Rule 3:14-1
Rule 3:14-2
Rule 5:19-1

G. Conflict Vicinage Designations

In order to ensure that the list of conflict vicinages is current, each Assignment Judge is requested to designate a primary and a secondary conflict vicinage, subject to

review and approval by the Administrative Director of the Courts and the Chief Justice. The Assignment Judges should submit their proposed conflict vicinages by September 1, 2018. Any subsequent changes in designation of conflict vicinages should also be submitted to the Administrative Director of the Courts and the Chief Justice for review and approval.

Any questions or comments regarding this revised policy, or the appended forms, should be directed to Meryl G. Nadler, Esq., Counsel to the Administrative Director at 609-815-2900, ext. 52400 or by email.

G.A.G

Attachments
(1) Involvement in Litigation Reporting Form A&B
(2) Disposition Reporting Form
(3) Model Transfer of Venue Letter
(4) Model Transfer of Order Letter

cc: Chief Justice Stuart Rabner
Supreme Court Justices
Recall Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Meryl G. Nadler, Counsel
Trial Court Administrators
Melaney S. Payne, Special Assistant
Ann Marie Fleury, Special Assistant
Jessica Lewis Kelly, Special Assistant
V. Nicole Langfitt, Deputy Counsel
Criminal Division Managers
Family Division Managers
Civil Division Managers
Municipal Division Managers
Municipal Court Administrators and
Deputy Administrators

Attachment 1

Reporting Form

Judge's Personal or Family Member Involvement in Litigation

(CN 11516A)

Confidential
New Jersey Judiciary

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	☐ District Court _____	☐ Bankruptcy Court _____
☐ Out of state court	Town and/or County	State
☐ Administrative Tribunal	Identify	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 and attach a copy of the complaint, police report and/or other materials, if available)

Signature of Reporting Judge _____ Date _____

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

☐ On _____ this matter was/will be transferred to _____ county

☐ This matter will not be transferred to another county

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

Name _____ Signature _____ Date _____

Reporting Judge to send completed form to: Assignment Judge,
or Appellate Division Presiding Judge for Administration,
or Tax Court Presiding Judge

Supervising Judge to 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

Attachment 2

Reporting Form

Immediate Family Member with Employment Requiring Regular Court Appearances

(CN 11516B)

New Jersey Courts
www.njcourts.gov
Independence • Integrity
Fairness • Quality Service

Confidential
New Jersey Judiciary

Reporting Form for an Immediate Family Member with Employment Requiring Regular Court Appearances

To be Completed by Reporting Judge

Judge's Last Name	First Name	Middle Name

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

Name of family member	Relationship of family member to Judge

Occupation _____

Employer _____

Employer's Address _____

_____

Appears in Following Court(s):

	County	Division
☐ Superior Court		
☐ Municipal Court in NJ	County	Municipality
☐ Tax Court in NJ	County	

Frequency of Appearances _____

Type of Matter(s) Requiring Appearances:

_____ _____
Signature of Reporting Judge Date

Reporting Judge to send completed form to: Assignment Judge,
or Appellate Division Presiding Judge for Administration,
or Tax Court Presiding Judge

Supervising Judge to 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

Attachment 3

Dispositional Report

Judge's Personal or Immediate Family Member Involvement in Litigation

(CN 11517)

New Jersey Courts
www.njcourts.gov
Independence • Integrity
Fairness • Quality Service

Confidential

New Jersey Judiciary

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

To be Completed by the Reporting Judge for Bankruptcy Proceedings and Upon Request for all other Matters.

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	☐ District Court _____	☐ Bankruptcy Court _____
☐ Out of state court	Town and/or County	State
☐ Administrative Tribunal	Identify	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 _____

Reporting Judge to send completed form to: Assignment Judge,
or Appellate Division Presiding Judge for Administration,
or Tax Court Presiding Judge

Supervising Judge to 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

Confidential

Attachment 4

Model Transfer of Venue Letter

New Jersey Courts
Independence • Integrity • Fairness • Quality Service

SUPERIOR COURT OF NEW JERSEY
_____ VICINAGE

_____
Assignment Judge
or
Trial Court Administrator

_____
[Civil, Family, Criminal, Municipal] Division Manager

www.njcourts.com • phone: xxx-xxx-xxxx • fax: xxx-xxx-xxxx

Date: _____

_____ _____
_____ _____
_____ _____
_____ _____

_____ _____
_____ _____
_____ _____
_____ _____

Re:_____ Docket No.

[County]-_____-_____-_____

NOTICE OF VENUE TRANSFER

Dear Sir/Madam:

PLEASE TAKE NOTICE, that because the **[Civil, Family, Criminal, Municipal]** Division Manager has received information from a Judge or Judiciary employee that warrants venue transfer of the above-referenced

matter to avoid a potential conflict of interest, it is anticipated that the above-referenced matter will be transferred to _____County in accordance with **[R. 4:3-3(a) or R. 3:14-2].** This venue transfer will ensure that the Judiciary maintains a high degree of integrity, and avoids any actual, potential or appearance of impropriety or conflict of interest.

If you object to the venue transfer, you may request a hearing before the Assignment Judge or his or her designee by completing the bottom portion of this form and returning it to the **[Civil, Family, Criminal, Municipal]** Division Manager's Office via delivery service or fax at (xxx) xxx-xxxx, within five (5) business days of this Notice. Please be advised that if the **[Civil, Family, Criminal, Municipal]** Division Manager does not receive a response from you within five (5) business days, an Order transferring venue shall issue.

If you have any questions, or require further assistance, you may contact the **[Civil, Family, Criminal, Municipal]** Division Manager's Office at **(xxx) xxx-xxxx**.

Very truly yours,

_____
Assignment Judge or Trial Court Administrator
_____ Vicinage

☐ Plaintiff/State respectfully objects to the venue transfer of the above-referenced matter and requests a hearing before the Assignment Judge or the Assignment Judge's designee.

☐ Defendant respectfully objects to the venue transfer of the above-referenced matter and requests a hearing before the Assignment Judge or the Assignment Judge's designee.

_____ _____
Signature of Party/Attorney Date

_____ _____
Printed Name of Party/Attorney Party Represented

Attachment 5

Model Transfer of Venue Order

ORDER PREPARED BY THE COURT

_____,	:	SUPERIOR COURT OF NEW JERSEY
	:	_____DIVISION:_____PART
Plaintiff(s),	:	COUNTY OF _____
	:	
v.	:	_____Action
	:	
_____,	:	Dkt./Ind./Acc./Cplt. No._____
	:	
Defendant(s).	:	**ORDER TRANSFERRING VENUE**
_____	:	

THIS MATTER, having been opened by the Court, *sua sponte,* upon notice to the Parties, and no opposition having been filed, and the Court finding that a change of venue is necessary in the interests of justice to avoid the appearance of impropriety in accordance with the following Court Rules, Codes, Policies and/or Directives: R. 1:12-1(e), (g); R. 4:3-3(a); Canon 2, Code of Judicial Conduct; Canon 3, Code of Conduct for Judiciary Employees; Administrative Office of the Courts ("AOC") Directive #11-18; and/or AOC Policy #5-15 (as adopted by the Supreme Court);[1] and for good cause having been shown, therefore,

IT IS, on this_____ day of_____, 20_____;

ORDERED, that venue of the above-captioned matter shall be transferred to _____County,_____Division,_____Part, under the provisions set forth in R. 3:14-4 (criminal and quasi-criminal matters) or R. 4:3-4 (non-criminal and quasi-criminal matters).

_____
_____, A.J.S.C.

The Court shall serve a courtesy copy of this Order on all parties to this action.

[1]Policies promulgated by the Supreme Court have the force of law. See Schochet v. Schochet, 435 N.J. Super. 542, 545 n.3 (App. Div. 2014), and State v. Morales, 390 N.J. Super. 470, 472 (App. Div. 2007).