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To: Hon. Carmen Messano, P.J.A.D.
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DIRECTIVE # 02-15
[Supplements Guideline 10 of the
Guidelines for Extrajudicial Activities]

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

Subj: Limitations on Judges Attending State of the City, County, or State
Addresses – Supplement to Guideline 10 of the Guidelines for
Extrajudicial Activities

Date: January 8, 2015

This Directive sets forth certain limitations for all judges and justices who wish to attend State of the City, County, or State Addresses.¹ These limitations, described below, are a result of the Supreme Court's consideration of a February 25, 2014 appeal of Formal Advisory Letter No. 3-14 on Reconsideration from the Advisory Committee on Extrajudicial Activities, pursuant to R. 1:18A-7, regarding whether Municipal Court judges may attend a State of the City Address. The Court, in that matter, determined that while Municipal Court judges may attend the State of the City address upon their receipt of an invitation, their attendance would be subject to certain limitations.

Therefore, Supreme Court justices, Superior Court judges, Tax Court judges, Municipal Court judges, and retired judges on recall may attend annual addresses, upon receipt of either a general invitation (as a member of the public) or a formal invitation, that are given by elected officials such as a County Executive, Mayor or Governor, for the purposes of outlining his or her proposals and policies for the upcoming year. This Directive applies to formal addresses that are organized by the appropriate government office, such as the County Executive, Mayor or Governor's Office, and not those sponsored/organized by a private non-profit or for-profit entity, in which case, judges should seek approval to attend.

¹ This Directive will be incorporated in Guideline 10 (Political Activities) of the Guidelines for Extrajudicial Activities. Guideline 10 is intended to implement Canon 7, *A Judge Should Refrain from Political Activity*, of the Code of Judicial Conduct.

In order to uphold the integrity and independence of the Judiciary, judges are reminded to generally maintain a low-key, impartial and polite demeanor. During the address judges should not applaud/stand or otherwise signify their approval/disapproval (i.e., through facial expressions or other physical reactions or gestures) of policies, proposals or partisan positions or rhetoric that are highlighted during the address. Judges should be very circumspect in their demeanor and reactions in order to avoid a public perception that the judge is expressing agreement with or support for policies being advocated by the elected official that might subsequently be subject to litigation. Judges at such events thus should applaud, stand, or otherwise acknowledge an elected official in limited circumstances only, e.g., acknowledging the elected official's arrival and departure from the forum, or remarks made that are related to recognizing certain non-political individuals of the community such as veterans or first responders. Judges should not attend any reception/event pre- or post-address and should leave immediately after the conclusion of the address so as to avoid having their presence noted or recognized (e.g., media pictures). Judges, including recently appointed judges, should not be singled out for recognition in any way, and should avoid giving comments to the press about the address. While wearing robes is normally limited for judicial activities only, such as on the bench or for solemnizing a marriage, judges are permitted to wear their robes at addresses as well as sit in a reserved seating section.

Assignment Judges, Presiding Municipal Court judges or other judicial leaders may attend municipal reorganization meetings for the sole purpose of swearing in elected officials and newly appointed Municipal Court judges. At such meetings, swearing-in ceremonies conducted by judges often are interspersed throughout the meeting where other municipal business is attended to. Therefore, judges who administer oaths of office should similarly be mindful of their demeanor and reactions during the meeting.

Questions or concerns regarding Guideline 10 may be directed to Pearl Ann E. Hendrix, Counsel to the Advisory Committee on Extrajudicial Activities, by telephone at 609-984-7150 or by email at pearlann.hendrix@judiciary.state.nj.us.

G.A.G.

cc: Chief Justice Stuart Rabner
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