

# **Regulations Governing the Municipal Court Administrator Certification Board and Certification Process**

## **Regulation 1. Authority and Citation of Regulations**

**1:1** The Municipal Court Administrator Certification Board (“Board”) has adopted these regulations, with the prior approval of the Supreme Court, in accordance with R. 1:41-1(f) to be effective on January 1, 2022.

**1:2** These regulations may be cited as, for example, “M.C.A.C.B.Reg. 3:3-2(a).”

## **Regulation 2. Membership and Operations of the Municipal Court Administrator Certification Board**

**2:1** Membership. The membership of the Board shall be as indicated in R. 1:41-1.

**2:2** Operations. The Board shall:

1. Oversee the requirements of the certification, conditional accreditation, and accreditation processes, including but not limited to, education, training, and testing;
2. Design examinations for certification of municipal court administrators;
3. Establish committees and subcommittees, as necessary, to carry out the duties of the Board;
4. Establish procedures for certification, recertification, conditional accreditation, accreditation, and for the revocation or suspension of certification, conditional accreditation, or accreditation.

**2:3** Quorum. Six (6) board members shall constitute a quorum in order to transact business. All determinations shall be made by a majority of Board members in attendance. Subject to the approval of the Chair, Board members may attend meetings by video or telephone conference.

**2:4** Reports. Reports as to the activities of the Board may be submitted to the Supreme Court from time to time or as otherwise required by the Supreme Court.

**2:5** Effect of Board Membership. No Board member, or designee shall apply for or be examined for certification or seek conditional accreditation or accreditation. A certified Board member may be recertified in accordance with M.C.A.C.B.Reg. 8:3 during the member’s term of service on the Board.

### **Regulation 3. Records**

**3:1** Recordkeeping. The Board shall maintain all records necessary for the administration of the Board, including those pertaining to:

1. Certification and recertification of applicants and candidates;
2. Certified municipal court administrators;
3. The standing of certified municipal court administrators;
4. The status of certified municipal court administrators;
5. The conditional accreditation, or accreditation of municipal court directors, municipal court administrators, and deputy municipal court administrators;
6. Municipal court employees whose certification, conditional accreditation, or accreditation has been revoked or suspended;
7. Continuing education credits earned by certified municipal court administrators and non-certified municipal court administrators pursuant to N.J.S.A. 2B:12-11(f);
8. Certification examination results.

**3:2** Public Access. The reports of the Board to the Supreme Court and lists identifying the names of certified, conditionally accredited, and accredited municipal court employees, the names of certified, conditionally accredited, and accredited municipal court employees who have been revoked or suspended, and the standing and status of certified and non-certified municipal court administrators shall be deemed public records and shall be available for public inspection and copying, as provided by Court Rule 1:38-1 to -13.

**3:3** Confidentiality.

- (a) Board Records. All records of the Board, except those listed in M.C.A.C.B.Reg. 3:2 and subsection (b) below, shall remain confidential under R. 1:41-7, until and unless the Supreme Court orders otherwise, or:
  - i. Upon the request of the municipal court director, municipal court administrator, deputy municipal court administrator, or candidate, in which event he or she shall only have access to materials he or she submitted to the Board; or

- ii. Upon the request of a third party, with the written consent of the municipal court director, municipal court administrator, deputy municipal court administrator, or candidate, in which event the person or entity obtaining the consent will only have access to the materials submitted to the Board by that municipal court director, municipal court administrator, deputy municipal court administrator, or candidate.
- (b) Discipline records. If the Board files a formal complaint against the respondent, the complaint and all further proceedings thereon shall be available to the public except that the Board may for good cause retain confidentiality in a matter involving special circumstances, such as when the Board determines that the privacy interests of a witness or other person connected with the matter outweigh the public interest in the matter.

#### **Regulation 4. Application for Certification.**

**4:1** Submission; Fee. All candidates for certification are required to complete and submit the application form prescribed by the Board. Each application shall be accompanied by the application fee specified in M.C.A.C.B.Reg. 13.

#### **Regulation 5. Certification Process.**

**5:1** The certification process consists of the following phases and shall be completed in the order set forth below:

1. Phase I -- Educational Requirements. A certification candidate must successfully complete the Principles of Municipal Court Administration curricula.
2. Phase II -- Written and Oral Examinations:
  - (a) Written Examination. Upon the completion of the Phase I curricula, the certification candidate must pass a written certification examination with no less than 80% of the questions answered correctly.
  - (b) Oral Examination. If the certification candidate successfully completes the written examination, then the certification candidate must take an oral examination before a three-member panel of examiners. The certification candidate will be afforded a limited opportunity for closed-book preparation of responses, including the development of a written outline or other notes, if desired. The certification candidate's oral response to each question will be graded on a pass/fail basis, and the certification candidate's written outline or other notes will be collected, but not graded, at the conclusion of the oral examination. The oral examination panel will be comprised of two certified municipal court

administrators, in good standing, and a municipal division manager or other qualified person designated by the Board Secretary. In the event of the unavailability of a panel member, the Board Secretary may designate additional panel members, as necessary.

(c) Examination Fees. Prior to the administration of the Phase II certification examination, the certification candidate shall pay the examination fee(s) specified in M.C.A.C.B.Reg. 13. If the certification candidate fails any written or oral examination, he or she may retake the examination, subject to a reexamination fee, as specified in M.C.A.C.B.Reg. 13, for each subsequent examination that is administered.

3. Phase III -- Court Improvement Project.

(a) General. After successfully completing Phases I and II, the certification candidate is to develop and submit a court improvement project, the subject of which has been pre-approved by the Board. The project should demonstrate the candidate's knowledge derived from experience, the Principles of Municipal Court Administration curricula, and any other formal training; problem-solving ability; and writing skills, including appropriate spelling and use of grammar. The subject of the project must contribute to improving the administration of justice and further the municipal court's interests as a part of the local community. The project shall be in writing, setting forth findings, conclusions, recommendations and/or implementation plans for municipal court improvement.

(b) Mentor Groups. The Board may establish statewide, regional, or other mentor committees. With the approval of the Board, a municipal division in a vicinage may establish a vicinage mentor committee. Certification candidates entering Phase III will have the opportunity, if desired, to contact a mentor committee as a support group for assistance relating to development of project ideas or topics. Certification candidates in Phase III are not required to seek the assistance of a mentor committee. They will, however, be advised of the opportunity to do so. Certification candidates will continue to have the option of submitting project requests directly to the Board's attention.

(c) Phase III Court Improvement Guidelines. Each project shall conform to the "Phase III Court Improvement Guidelines" approved by the Board and available on the Board's website or from the Board Secretary.

(d) Time Periods.

i. Approval of Court Improvement Project Proposal. After

successful completion of the oral examination, the certification candidate has one year to obtain approval of a court improvement project proposal. Requests for an extension of this time period must be submitted to the Board and may be granted for good cause shown.

ii. Approval of Court Improvement Project. Upon approval of a court improvement project proposal, the certification candidate must successfully complete Phase III within two years of the Board's approval of the project proposal. Phase III is completed when the candidate's court improvement project has been approved by the Board. Requests for an extension of this time period must be submitted to the Board and may be granted for good cause shown.

iii. Current Certification Candidates. A certification candidate who has completed Phase II as of the effective date of this regulation must obtain approval of a court improvement project proposal within one year of that effective date.

(e) Consequences of Failure to Meet Time Period Requirements. In the event of failure to satisfy the time requirements contained in M.C.A.C.B.Reg. 5:1-3(d), the certification candidate will be required to retake and pass the Phase II written certification examination with no less than 80% of the questions answered correctly. The certification candidate will be subject to the reexamination fee, as specified in M.C.A.C.B.Reg. 13, for each subsequent examination that is administered. When a certification candidate fails to obtain approval of a court improvement project proposal within the required time period, the written certification examination must be passed prior to the submission of a new court improvement project proposal to the Board.

## **Regulation 6. Accreditation Process**

### **6:1 Conditional Accreditation Requirements.**

To obtain conditional accreditation, a non-certified municipal court director, municipal court administrator, or deputy municipal court administrator must successfully complete Levels I and II of the Principles of Municipal Court Administration curricula within six (6) months from the date of appointment to that position.

### **6:2 Full Accreditation Requirements.**

To obtain full accreditation, a non-certified municipal court director, municipal court administrator, or deputy municipal court administrator must successfully complete Levels I - IV of the Principles of Municipal Court Administration curricula within three (3) years from the date of appointment to that position.

## **Regulation 7. Ongoing Reporting Responsibility.**

Each certified, conditionally accredited, and accredited municipal court employee or candidate has an affirmative responsibility to promptly report to the Board and the Assignment Judge of that vicinage any misconduct, as defined in R. 1:41-4(a). Each certified, conditionally accredited, and accredited municipal court employee or candidate also has an ongoing obligation to notify the Board and the Assignment Judge of that vicinage during and after the certification, conditional accreditation, or accreditation process of any additional information that relates to the requirements for obtaining and maintaining certification, conditional accreditation, or accreditation.

## **Regulation 8. Post-Certification Continuing Education and Certification Renewal.**

### **8:1 Continuing Education; Compliance Reporting Groups.**

1. Certified Municipal Court Administrators. For the purpose of meeting the continuing education credit (CEC) requirements set forth in N.J.S.A. 2B:12-11 and R. 1:41-2, each certified municipal court administrator must complete at least 24 contact hours (as defined below) of Board approved or required continuing education within the two-year compliance period as set forth in M.C.A.C.B.Reg. 8:3-1. Those 24 contact hours shall include at least five (5) credits in ethics and/or professional responsibility. At least two (2) of the five (5) hours of credit in ethics and/or professional responsibility shall be in diversity, inclusion, and elimination of bias. Diversity, inclusion, and elimination of bias programs may include, among other topics, implicit and explicit bias, equal access to justice, serving a diverse population, diversity and inclusion initiatives in the justice system, and cultural competency in the administration of justice. The Board may also require any additional training, in its discretion.

2. Pre-approval of Course. For purposes of M.C.A.C.B.Reg. 8:1 and 8:4, unless a course has been pre-approved by the Board, certified and non-certified municipal court administrators shall submit to the Board a written request for approval of a course, seminar, conference, or vicinage training. The written request must include the name of the course, the dates of the course, the name of the provider, the number of contact hours, and a statement of how the course is related to the administrator's job.

3. Criteria for Board Approval. The Board will approve courses based on the provider's reputation, length of time in the training field, faculty credentials, experience, and knowledge. Examples of such educational and training providers are accredited colleges, universities, local community or continuing education institutions, local vicinage training units, the AOC, the National Center for State Courts' Institute for Court Management, Mid-Atlantic Association of Court Management, the American Management Association, local, state, and national bar

associations, and other state or local professional court associations.

4. Proof of Successful Completion of Course. Certified and non-certified municipal court administrators shall submit proof of any successful completion of approved courses on a form approved by the Board and posted on the Board's website or available from the Board Secretary.

### **8:2 Contact Hours**

1. General. A continuing education contact hour, pursuant to M.C.A.C.B.Reg. 8:1 and 8:6, is defined as the number of hours actually spent in classroom instruction. For example, a program starting at 9:00 a.m. and concluding at 3:30 p.m., with two 15-minute breaks and an hour for lunch, would qualify for 5 contact hours. (that is, the total program time less any lunch or break time).

2. Ethics. "Ethics" courses shall mean those courses or segments of courses devoted to the substance, underlying rationale, and practical application of the Code of Conduct for Judiciary Employees.

3. Professional Responsibility. "Professional responsibility" courses shall mean those courses or segments of courses devoted to the professional expectations and obligations of the certified municipal court administrator to the public, the court and its various members, and other branches of government.

4. Publishing. Publishing an article on a topic related to municipal court administration may be substituted for course attendance, with the prior approval of the Board.

5. Committee Work. Service on a professional or government committee related to municipal court administration may be substituted for course attendance, with the prior approval of the Board.

6. Teaching or Lecturing. With the prior approval of the Board, a certified municipal court administrator may receive contact hour credit for teaching or lecturing on a subject related to municipal court administration. In addition to the actual time teaching or lecturing, one (1) contact hour may be awarded for preparation time for each hour and one half (1.5) of course or lecture time. For example, a three (3) hour lecture would result in a CEC credit of five (5) hours.

### **8:3 Requirements for Renewal of Certification**

1. Compliance period. The compliance period shall mean any period of 24 consecutive months commencing on January first of one year and ending December thirty-first of the following year. Certified municipal court administrators will be assigned a compliance period based on birth month.

2. Compliance obligation. Every certified municipal court administrator is subject to the mandatory requirements of M.C.A.C.B.Reg. 8:1 and shall submit to the Board

documentation of 24 hours of CECs prior to the expiration of the continuing education cycle. CEC hours accumulated in excess of the required 24 hours may not be carried over to the next continuing education cycle. Every certified municipal court administrator shall also keep and maintain a record of CEC course attendance for a period of three years from the date of attendance, regardless of the person, entity, organization, or association that offered the CEC course.

3. Compliance reporting groups. Each certified municipal court administrator is permanently assigned to one of two compliance reporting groups for CEC reporting purposes, with one group reporting every two years ending in an odd-numbered year, and the other group reporting every two years ending in an even-numbered year. Those certified municipal court administrators whose birth month falls within January through June (Compliance Group 1) must certify their compliance for that compliance period on the Certification Renewal Form (or on such other form provided by the Board) by December 31<sup>st</sup> of odd-numbered years. Those whose birth month falls within July through December (Compliance Group 2) must certify their compliance for that compliance period on the Certification Renewal Form (or on such other form as provided by the Board) by December 31<sup>st</sup> of even-numbered years.

4. Transitional reporting requirements. A compliance report for one-half of the mandatory CEC requirements is due from Compliance Group 2 on the Certification Renewal Form due by December 31, 2022. Commencing with the Certification Renewal Form due in 2023 and continuing thereafter, compliance reports become due as provided in M.C.A.C.B.Reg. 8:3-3.

5. Reporting requirements for newly certified CMCAs. Commencement of the compliance reporting period for newly certified CMCAs is deferred until January 1 of the year immediately following the achievement of certification. Newly certified CMCAs automatically will be assigned to a compliance group based on their respective birth months, as provided in M.C.A.C.B.Reg. 8:3-3. Newly certified CMCAs who achieve certification during the first year of their two-year compliance cycle shall report one-half of the mandatory CEC requirements for their first compliance cycle. Continuing thereafter, compliance reports become due as provided in M.C.A.C.B.Reg. 8:3-3.

6. Failure to Submit Proof of Contact Hours. A certified municipal court administrator who fails to submit proof of sufficient contact hours by the end of a compliance cycle shall be “not in good standing”, as provided by R. 1:41-2(b) and M.C.A.C.B.Reg. 9:2. Such certified municipal court administrator shall remain not in good standing until she or he submits proof that the delinquent continuing education requirements have been satisfied.

7. Notification of Non-Compliance. A failure to submit proof of sufficient contact hours by the end of a compliance cycle shall be reported to the appropriate Assignment Judge and the Board, who, in their discretion, shall take appropriate action, including discipline.

**8:4 Continuing Education for Non-Certified Municipal Court Administrators Who Have Completed the Phase I Training**

1. A non-certified municipal court administrator holding her or his position under N.J.S.A. 2B:12-11(f) and who has successfully completed the Phase I curricula before May 25, 2006 must satisfy the continuing education requirements set forth in M.C.A.C.B.Reg. 8:1-1 and 8:3.

**8.5 Fee for Renewal of Certification.** The certification renewal fee specified in M.C.A.C.B.Reg. 13 must accompany each application for recertification.

**Regulation 9. Certification Standing**

**9:1 Good Standing—Certified Municipal Court Administrator.** To be in good standing, a certified municipal court administrator must meet all of the requirements of the certification program.

**9:2 Not in Good Standing—Certified Municipal Court Administrator.** A certified municipal court administrator, who fails to pay any required fees, fails to meet the continuing education requirements, fails to timely renew certification or fails to meet all of the requirements of the certification program shall be not in good standing. A certified municipal court administrator who is not in good standing shall not hold himself or herself before the public and the courts of this State as being certified, nor use the title C.M.C.A. in any official or unofficial capacity, until such time as his or her good standing is restored by the Board.

**9:3 Good Standing—Non-Certified Municipal Court Administrator.** To be in good standing, a non-certified municipal court administrator must be in compliance with the training and continuing education requirements specified in N.J.S.A. 2B:12-11(f) and M.C.A.C.B.Reg. 8:4. A non-certified court administrator who fails to complete all the training or meet the continuing education requirements specified in N.J.S.A. 2B:12-11(f) and M.C.A.C.B.Reg. 8:4 shall be not in good standing. Non-certified court administrators who are not in good standing cannot hold themselves out, for any reason, to be in compliance with the statutory continuing education requirements as set forth by law and in these Regulations.

**9:4 Restoration of Good Standing.** A certified or non-certified municipal court administrator may be restored to good standing by the Board Secretary, at the direction of the Board Chair, if the matter in question is of a ministerial nature, such as supplying proof of continuing education credits. Otherwise, restoration of good standing status requires approval by the Board.

## **Regulation 10. Certification Status**

**10:1 Active Status.** A certified municipal court administrator, in good standing, shall be on active status and authorized to hold himself or herself before the public and the courts of this State as being certified and may use the title C.M.C.A., during good behavior, before the public and the courts of this State in accordance with law and the Rules of Court.

**10:2 Inactive Status.** A certified municipal court administrator may apply to the Board for inactive status. The Board, in its discretion, may place an applicant on inactive status for professional or personal reasons, including retirement, hardship, illness or other good cause. Except when retired, a certified municipal court administrator who is on inactive status shall not hold himself or herself before the public and the courts of this State as being certified, nor use the title C.M.C.A. in any official or unofficial capacity. Inactive-retired certified municipal court administrators may continue to use the title C.M.C.A. followed by the phrase “(retired)” or “(ret.)” in an unofficial capacity. Such inactive-retired certified municipal court administrators may not use the C.M.C.A. title in any official capacity so long as they remain on inactive-retired status. During any period of inactive status, the certified municipal court administrator shall not be required to meet the fee or continuing education requirements established by the Board for those on active status.

**10:3 Reinstatement Application.** An inactive certified municipal court administrator may apply to the Board to be reinstated to active status. The Board will consider reinstatement on a case-by-case basis, depending on the administrator’s length of time on inactive status.

## **Regulation 11. Publication.**

The Board may publish its reports and the lists set forth in M.C.A.C.B.Reg. 3:2. The Board may publish public notices or other information pursuant to law, rules of court or these regulations in the official publications designated by the Supreme Court of New Jersey and on the Board's internet and intranet web sites.

## **Regulation 12. Revocation and Suspension.**

**12:1 Grievance Procedures.** The Board shall review any written statement, criticism, grievance or application (referred hereinafter as a “grievance”) that is directed to the Board and that contains allegations to the effect that a municipal court employee who is certified, conditionally accredited, or accredited has engaged in misconduct as defined in R. 1:41-4(a). The grievance shall include any supporting facts or documentation. In the absence of a written grievance, the Board on its own initiative may review any information concerning conduct by an employee who is certified, conditionally accredited, or accredited that would be grounds for revocation or suspension of certification, conditional accreditation, or accreditation or other action by the Board.

**12:2 Temporary Immediate Suspension.** Pending action by the Board pursuant to Rule 1:41-4(a) and Regulation 12, the Assignment Judge of the Vicinage pursuant to Rule 1:41-4(b) may immediately temporarily suspend certification, conditional accreditation, or accreditation where the employee has been charged with or there are credible allegations that he or she has committed a serious offense or has engaged in serious misconduct.

**12:3 Receipt of Grievance.** Upon receipt of a grievance, the Secretary shall make written acknowledgment thereof to the person who submitted it.

**12:4 Initial Review of Grievance.** The Board shall review any written statement, criticism, or grievance that is directed to the Board. If the Board determines that there is not sufficient cause to warrant an investigation, it shall close the matter. If a matter has been closed, the Board shall so notify the person who submitted the grievance. There shall be no appeal from a decision to close a matter. A closed matter may be reopened by the Board at any time.

**12:5 Investigation.** If the Board determines that it requires additional information, it shall conduct an investigation. The Chair of the Board may assign the Secretary or other person to conduct such investigation as may be necessary to determine whether conduct warranting action, including revocation or suspension of certification, conditional accreditation, or accreditation has occurred.

If, in the course of the investigation, the investigator determines that there are insufficient grounds to warrant action, including revocation or suspension of certification, conditional accreditation, or accreditation, by the Board, the investigator shall submit a written report to the Board recommending the closing of the grievance or other appropriate action by the Board. In the event the investigator finds sufficient grounds to warrant action, including revocation or suspension of certification, conditional accreditation, or accreditation, the investigator shall so notify the Board in writing.

**12:6 Investigation Procedures.** If the Board concludes that the investigation reveals sufficient grounds to warrant action, including revocation or suspension of certification, conditional accreditation, or accreditation, the Board shall so notify the respondent in writing of the substance of the matter and shall afford respondent an opportunity to reply in writing within 30 days of the Board's notification. The respondent's reply shall be communicated to the person(s) or entity(s) who submitted the grievance, who shall be afforded the opportunity to reply in writing within 14 days. If the Board concludes, after the investigation, that there are insufficient grounds to warrant action, including revocation or suspension of certification, conditional accreditation, or accreditation, the Board shall close the matter. If a matter is closed, the Board shall notify the person who submitted the grievance. There shall be no appeal from a decision to close a matter. A closed matter may be reopened by the Board at any time.

**12:7 Disclosure of Investigation.** In the course of its investigation, the Board, in its discretion, may inform the respondent of the allegations and of the identity of the person or entity who is the source of the allegations and may request the respondent to submit a written response to the allegations or to be interviewed or deposed by the Board or by such person(s) as the Board may designate.

**12:8 Subpoena Procedures.** If the Board wishes to subpoena witnesses or documents under R. 1:41-4(c), application shall be made to the Assignment Judge of the involved vicinage.

**12:9 Action on Completion of Investigation.** On completion of its investigation, the Board may:

- (a) if it finds that the allegations are without merit, the Board shall close the matter and so inform the person who brought the allegations before the Board, as well as the respondent if the Board so desires; or
- (b) initiate formal proceedings by the filing of a complaint, pursuant to M.C.A.C.B.Reg. 12:11; or
- (c) if it finds conduct by the respondent that does not constitute conduct for which there is probable cause that discipline should be imposed but that is conduct of the type set forth in R. 1:41-4 or other conduct that would reflect unfavorably on the credential if it were to become habitual or more substantial in character,
  - (1) communicate to the respondent its guidance concerning the conduct in question and so notify the person who brought the allegations before the Board, with a copy of the communication being sent to, if applicable, the respondent's Assignment Judge; Presiding Judge; Municipal Court Judge; and Division Manager;
  - (2) invite the respondent to appear for an informal conference pursuant to M.C.A.C.B.Reg. 12:10.

**12:10 Informal Disposition.** The Board shall, whenever possible, attempt to arrive at an amicable disposition of any matter. At any time during the pendency of a matter, the Board, Board Secretary or other designee of the Board, may conduct an informal conference with the respondent (the employee under investigation who is certified, conditionally accredited, or accredited), which may result in a written settlement agreement without the necessity of a hearing. At the Board's discretion, a verbatim or summary record of the conference may be made. No oath need be administered. A respondent may be represented by counsel at the conference.

**12:11 Institution of Formal Proceedings Before the Board.**

- (a) Whenever the Board concludes from its preliminary investigation that probable cause exists for the imposition of public discipline, the Board shall

issue a formal complaint and shall serve it on the municipal court employee who is certified, conditionally accredited, or accredited.

- (b) The formal complaint shall issue over the signature of the Secretary to the Board, the Disciplinary Counsel or such other person as may be designated by the Chair and shall give notice to the respondent of the specific nature of the charges and of such facts as are then known to the Board on which the charges are based. The complaint shall set forth sufficient facts to constitute fair notice of the nature of the alleged misconduct, specifying the rules that were violated.
- (c) Within 20 days of service of the formal complaint on the respondent, the respondent shall file a letter response to the Board advising that they do not intend to contest the charges OR an original and one copy of a written, verified answer to the charges, designated as such in the caption, with the Board at its principal office. For good cause, the Board may extend the time within which the respondent may file an answer. The answer shall set forth (1) a candid and complete disclosure of all facts reasonable within the scope of the formal complaint; (2) all affirmative defenses, including any claim of mental or physical disability and whether it is alleged to be causally related to the offense charged; and (3) any mitigating circumstances.
- (d) Service on the respondent of any pleading shall be made by personal service, or by certified mail (return receipt requested) and regular mail, or by overnight mail or electronic transmission with confirmation of successful delivery to their home address. Service on a respondent may also be made by serving the respondent's attorney, if any, by certified mail (return receipt requested) or by facsimile or overnight mail or electronic transmission with confirmation of successful delivery.
- (e) After receiving the respondent's answer or after the expiration of the time within which an answer is due, the Board shall schedule a formal hearing and shall immediately notify the respondent of the time and place at which the hearing will be held.

#### **12:12 Discovery.**

- (a) Subsequent to the filing of a letter response or answer by the respondent, the Board shall make available to the respondent all of the factual information in the Board's file that is related to the complaint.
- (b) The Board may request and shall thereupon receive reciprocal discovery from the respondent.

**12:13** Hearing. The Chair may appoint a panel comprised of three (3) members of the Board to conduct a hearing. The ex officio member of the Board who is a member of the Conference of Assignment Judges or his/her designee shall be a member of any hearing panel. In the absence of the appointment of a hearing panel, the hearing shall be held before the Board. When hearings are held before a panel, that panel shall submit to the Board a written report stating its findings of fact and conclusions of law together with any recommendations for sanctions. As provided in 1:41-4(e), the Rules of Evidence shall not apply in these hearings. If the respondent refuses to testify and/or appear at the hearing, the Board may draw any reasonable inference, under the circumstances of the matter, from such refusal to testify and/or appear. A respondent's unexcused absence, non-responsiveness or other failure to reply or to file any document or to attend any required conference or hearing shall not delay the orderly processing of a case, provided the respondent has been properly served pursuant to M.C.A.C.B.Reg. 12:11(d).

**12:14** Presenter. The Disciplinary Counsel, or such other person as may be designated by the Chair, shall present to the hearing panel or the Board the evidence supporting the charges concerning the respondent.

**12:15** Respondent's Counsel; Defense to Charges. A respondent may be represented by counsel before the hearing panel or the Board or may appear pro se. The respondent and/or the respondent's attorney shall present any evidence in defense or explanation of the charges.

**12:16** Sound Recording. All hearings shall be recorded by sound recording equipment approved by the Administrative Office of the Courts.

**12:17** Decision of the Board.

- (a) If the Board determines after a formal hearing that the charges against the respondent have been proved by clear and convincing evidence and that the respondent should be subject to discipline, including, but not limited to, revocation or suspension of certification, conditional accreditation, or accreditation, it shall issue a written Final Decision which shall include its findings and the sanction(s), if any, to be imposed.
- (b) If the Board determines after a formal hearing that the charges against the respondent have not been proved by clear and convincing evidence or that the conduct does not warrant discipline it shall close the complaint.
- (c) When the Board issues its decision, the Secretary shall forthwith serve on the respondent and the grievant notice of its action and copies of its decision.

**12:18** Reinstatement. If a respondent's certification, conditional accreditation, or accreditation is suspended for a specified period of time, at the end of that period he or she may apply to the Board for reinstatement. Upon such application, the Board may reinstate the certification, conditional accreditation, or accreditation, unless the respondent has engaged in further misconduct or there is other good cause to deny reinstatement.

### **Regulation 13. Fees.**

**13:1** The Board authorizes the following fees under R. 1:41-1:

1. Application Fee \$25
2. Examination Fee \$75
3. Recertification Fee \$25
4. Re-examination Fee \$25

**13:2** All fees shall be paid by check, money order, or electronic format approved by the Board and the Administrative Office of the Courts, made payable to the order of "Treasurer, State of New Jersey - Municipal Court Administrator Certification Board."