

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached revised Code of Judicial Conduct is adopted to be effective September 1, 2016, superseding the current Code of Judicial Conduct as of that date; this revised Code of Judicial Conduct shall be included in the Rules Governing the Courts of the State of New Jersey as an appendix to the Part I Rules.

For the Court,



Chief Justice

Dated: August 2, 2016

1 **REVISED CODE OF JUDICIAL CONDUCT**

2
3 **CANON 1**

4 **AN INDEPENDENT AND IMPARTIAL JUDICIARY IS INDISPENSABLE TO**
5 **JUSTICE. A JUDGE THEREFORE SHALL UPHOLD AND SHOULD PROMOTE**
6 **THE INDEPENDENCE, INTEGRITY AND IMPARTIALITY OF THE**
7 **JUDICIARY**

8
9 **RULE 1.1 Independence, Integrity and Impartiality of the Judiciary**

10
11 **A judge shall participate in establishing, maintaining and enforcing, and shall**
12 **personally observe, high standards of conduct so that the integrity, impartiality and**
13 **independence of the judiciary is preserved. This Code shall be construed and applied**
14 **to further these objectives.**

15
16 **RULE 1.2 Compliance with the Law**

17
18 **A judge shall respect and comply with the law.**

19
20 **COMMENT:**

21 **Violations of this Code, or violations of law or court rules that reflect adversely on a judge’s**
22 **honesty, impartiality, temperament or fitness constitute a failure to respect and comply with**
23 **the law.**

24
25 **CANON 2**

26 **A JUDGE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF**
27 **IMPROPRIETY**

28
29 **RULE 2.1 Promoting Confidence in the Judiciary**

30
31 **A judge shall act at all times in a manner that promotes public confidence in the**
32 **independence, integrity and impartiality of the judiciary, and shall avoid impropriety**
33 **and the appearance of impropriety.**

34
35 **COMMENT:**

36 **[1] Public confidence in the judiciary is eroded by irresponsible or improper conduct by**
37 **judges. A judge must avoid all impropriety and appearance of impropriety and must expect**
38 **to be the subject of constant public scrutiny. This principle applies to both the professional**
39 **and personal conduct of a judge. A judge must therefore accept restrictions on personal**
40 **conduct that might be viewed as burdensome by the ordinary citizen and should do so**
41 **freely and willingly.**

42
43 **[2] Actual impropriety is conduct that reflects adversely on the honesty, impartiality,**
44 **temperament or fitness to serve as a judge.**

1 [3] With regard to the judicial conduct of a judge, an appearance of impropriety is created
2 when a reasonable, fully informed person observing the judge's conduct would have doubts
3 about the judge's impartiality.

4
5 With regard to the personal conduct of a judge, an appearance of impropriety is created
6 when an individual who observes the judge's personal conduct has a reasonable basis to
7 doubt the judge's integrity and impartiality.

8
9 **RULE 2.2 External Influences on Judicial Conduct**

10
11 **Judges shall decide cases according to the law and facts. Judges shall not permit**
12 **family, social, political, financial or other relationships or interests to influence their**
13 **judicial conduct or judgment.**

14
15 **RULE 2.3 Avoiding Abuse of the Prestige of Judicial Office**

16
17 **(A) A judge shall not lend the prestige of judicial office to advance the personal or**
18 **economic interests of the judge or others, or allow others to do so.**

19
20 **(B) A judge shall not convey or permit others to convey the impression that any**
21 **person or organization is in a position to influence the judge.**

22
23 **COMMENT:**

24 [1] It is improper for judges to use or attempt to use their position to gain personal
25 advantage or deferential treatment of any kind. For example, it would be improper for a
26 judge to allude to his or her judicial status to gain favorable treatment in encounters with
27 others, such as persons in official positions and members of the public.

28
29 [2] The New Jersey Supreme Court has determined that in certain limited situations a judge
30 may write a letter of recommendation for a current or former law clerk or intern on judicial
31 letterhead; in all other situations, if a letter of recommendation is appropriate, it should be
32 on the judge's personal stationery.

33
34 The situations in which the judge may use judicial letterhead for letters of recommendation
35 for law clerks or interns are as follows: (a) when the letter is addressed to another state or
36 federal government official (this would include letters regarding subsequent additional
37 clerkships or internships); (b) when the letter is addressed to a law school, university, or
38 college in connection with a possible teaching position for the law clerk or intern; and (c)
39 when a potential employer requests a recommendation.

40
41 [3] Judges may participate in the process of judicial selection or judicial reappointment by
42 cooperating with appointing authorities and screening committees, and by responding to
43 inquiries from such entities concerning the professional qualifications of a person being
44 considered for judicial office.

1 **RULE 2.4 Testifying as a Character Witness**

2
3 **A judge shall not testify as a character witness in a judicial, administrative, or other**
4 **adjudicatory proceeding, or otherwise vouch for the character of a person in a legal**
5 **proceeding.**

6
7 **COMMENT:**

8 The testimony of a judge as a character witness injects the prestige of the office into the
9 proceeding in which the judge testifies and may be misunderstood to be an official
10 testimonial. This rule, however, does not afford a judge a privilege against testifying as a
11 witness as to evidentiary facts of which the judge has personal knowledge.

12
13 **CANON 3**

14 **A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE**
15 **IMPARTIALLY AND DILIGENTLY**

16
17 **RULE 3.1 Precedence of Judicial Office**

18
19 **The judicial duties of a judge shall take precedence over all other activities. Judicial**
20 **duties include the duties of the office prescribed by law, this Code, court rule, and**
21 **administrative directive.**

22
23 **RULE 3.2 Competence**

24
25 **A judge shall maintain professional competence.**

26
27 **COMMENT:**

28 Competence in the performance of judicial duties requires the legal knowledge, skill,
29 thoroughness, and preparation reasonably necessary to perform judges' responsibilities of
30 judicial office.

31
32 **RULE 3.3 Judicial Independence**

33
34 **A judge shall be unswayed by partisan interest, public clamor or fear of criticism.**

35
36 **COMMENT:**

37 A judge shall decide cases without regard to whether particular laws or litigants are popular
38 or unpopular with the public, the media, government officials, or the judge's friends or
39 family. Confidence in the judiciary is eroded if judicial decision-making is perceived to
40 be subject to outside influences.

41
42 **RULE 3.4 Decorum**

43
44 **A judge shall maintain order and decorum in judicial proceedings.**
45
46

1 **RULE 3.5 Demeanor**

2
3 **A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses,**
4 **lawyers and others with whom the judge deals in an official capacity, and shall not**
5 **permit lawyers, court officials, and others subject to the judge's direction and control**
6 **to display impatience or discourtesy or to detract from the dignity of the court.**
7

8 **RULE 3.6 Bias and Prejudice**

9
10 **(A) A judge shall be impartial and shall not discriminate because of race, creed, color,**
11 **sex, gender identity or expression, religion/religious practices or observances,**
12 **national origin/nationality, ancestry, language, ethnicity, disability or perceived**
13 **disability, atypical hereditary cellular or blood trait, genetic information, status as a**
14 **veteran or disabled veteran of, or liability for service in, the Armed Forces of the**
15 **United States, age, affectional or sexual orientation, marital status, civil union status,**
16 **domestic partnership status, socioeconomic status or political affiliation.**
17

18 **(B) A judge shall require lawyers in proceedings before the judge to refrain from**
19 **manifesting, by words or conduct, bias or prejudice on the bases specified in Rule**
20 **3.6(A), against parties, witnesses, counsel or others. This section does not preclude**
21 **legitimate advocacy when the listed bases are issues in or relevant to the proceeding.**
22

23 **(C) A judge shall not, in the performance of judicial duties, by words or conduct**
24 **manifest bias or prejudice, or engage in harassment, including but not limited to bias,**
25 **prejudice or harassment on the bases specified in Rule 3.6(A), and shall not permit**
26 **court staff, court officials or others subject to the judge's direction and control to do**
27 **so. This section does not preclude reference to the listed bases when they are issues**
28 **in or relevant to the proceeding.**
29

30 **COMMENT:**

31 [1] The prohibited bases in this rule are primarily drawn from the Law Against
32 Discrimination, N.J.S.A. 10:5-1, et seq.
33

34 [2] Examples of manifestations of bias or prejudice include but are not limited to epithets,
35 slurs, demeaning nicknames, negative stereotyping, attempted humor based on stereotypes,
36 threatening, intimidating, or hostile acts, suggestions of connections between race,
37 ethnicity, or nationality and crime and irrelevant references to personal characteristics.
38 Even facial expressions and body language can convey to parties and lawyers in the
39 proceeding, jurors, the media and others an appearance of bias or prejudice. A judge must
40 avoid conduct that may reasonably be perceived as prejudiced or biased.
41

42 [3] Harassment is verbal or physical conduct that denigrates or shows hostility or aversion
43 toward a person on prohibited bases listed in Rule 3.6(A).
44

45 [4] Sexual harassment includes but is not limited to sexual advances, requests for sexual
46 favors and other verbal or physical conduct of a sexual nature that is unwelcome.

1
2 **RULE 3.7 Ensuring the Right to Be Heard**

3
4 **A judge shall accord to every person who is legally interested in a proceeding, or to**
5 **that person's lawyer, the right to be heard according to law or court rule.**

6
7 COMMENT:

8 A judge may make reasonable accommodations to ensure *pro se* litigants the opportunity
9 to have their matters fairly heard.

10
11 **RULE 3.8 Ex Parte Communications**

12
13 **Except as authorized by law or court rule, a judge shall not initiate or consider *ex***
14 ***parte* or other communications concerning a pending or impending proceeding.**

15
16 COMMENT:

17 [1] This rule does not prohibit a judge from appointing an independent expert in accordance
18 with the rules of court.

19
20 [2] The proscription against communications concerning a proceeding generally includes
21 communications with or from lawyers and other persons who are participants in the
22 proceeding. It does not preclude a judge from consulting with other judges on pending
23 matters, provided that the judge avoids *ex parte* discussions of a case with judges who have
24 previously been disqualified from hearing the matter and with judges who have appellate
25 jurisdiction over the matter, or from consulting with court personnel whose function is to
26 aid the judge in carrying out adjudicative responsibilities.

27
28 [3] A judge may initiate, permit or consider *ex parte* communications appropriate to service
29 in the drug court or other similar programs.

30
31 [4] In general, settlement discussions, discussions regarding scheduling and a judge's
32 handling of emergent issues are not considered to constitute *ex parte* communications in
33 violation of this rule.

34
35 **RULE 3.9 Diligence**

36
37 **A judge shall dispose promptly of the business of the court.**

38
39 COMMENT:

40 Prompt disposition of the court's business requires judges to devote adequate time to their
41 duties, to be punctual in attending court and expeditious in determining matters before the
42 court, and to insist that court officials, litigants and lawyers cooperate to that end. In
43 disposing of matters promptly, a judge must demonstrate due regard for the rights of the
44 parties to be heard and to have issues resolved without unnecessary cost or delay.

1 **RULE 3.10 Judicial Statements on Pending and Impending Cases**

2
3 **A judge shall not publicly comment about a pending or impending proceeding in any**
4 **court and shall not permit court personnel subject to the judge's direction and control**
5 **to do so. This rule does not prohibit judges from making public statements in the**
6 **course of their official duties or from explaining to the public the procedures of the**
7 **court.**

8
9 **COMMENT:**

10 [1] "Court personnel" does not include the lawyers in a proceeding before a judge. The
11 conduct of lawyers is governed by RPC 3.6 of the Rules of Professional Conduct.

12
13 [2] This rule is not intended to prohibit a judge from discussing the facts and holdings,
14 subject to the guidelines of the Advisory Committee on Extrajudicial Activities, in a matter
15 that has been concluded.

16
17 **RULE 3.11 Broadcasting**

18
19 **A judge should permit broadcasting, televising, recording and the taking of**
20 **photographs in the courtroom and areas immediately adjacent thereto during**
21 **sessions of court and during recesses between sessions only in accordance with the**
22 **guidelines promulgated by the Supreme Court and subject to the restrictions**
23 **contained therein.**

24
25 **RULE 3.12 Communication with Jurors**

26
27 **(A) A judge shall not commend or criticize jurors for their verdict other than in a**
28 **court order or opinion in a proceeding.**

29
30 **(B) Following the verdict, a judge may express appreciation to jurors for their service**
31 **to the judicial system and the community in open court and in the presence of counsel**
32 **or the parties. A judge may not have post-verdict discussions with jurors, unless those**
33 **discussions are part of a hearing ordered on good cause shown pursuant to Rule 1:16-**
34 **1.**

35
36 **RULE 3.13 Judicial Administration**

37
38 **A judge shall diligently discharge the administrative responsibilities of the office**
39 **without bias or prejudice, maintain professional competence in judicial**
40 **administration, and facilitate the performance of the administrative responsibilities**
41 **of other judges and court officials.**

42
43 **RULE 3.14 Supervisory Duties**

44
45 **A judge shall require staff, court officials and others subject to the judge's direction**
46 **and control to observe the standards of fidelity and diligence that apply to the judge**

1 and to refrain from manifesting bias or prejudice in the performance of their official
2 duties.

3
4 **RULE 3.15 Responding to Judicial and Lawyer Misconduct**

5
6 A judge has the following disciplinary responsibilities:

7
8 (A) A judge who receives reliable information indicating a substantial likelihood that
9 another judge has committed a violation of this Code should take appropriate action.
10 A judge having knowledge that another judge has committed a violation of this Code
11 that raises a substantial question as to the other judge's fitness for office shall inform
12 the appropriate authority.

13
14 (B) A judge who receives reliable information indicating a substantial likelihood that
15 a lawyer has committed a violation of the Rules of Professional Conduct should take
16 appropriate action. A judge having knowledge that a lawyer has committed a
17 violation of the Rules of Professional Conduct that raises a substantial question as to
18 the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall
19 inform the appropriate authority.

20
21 (C) Acts of a judge in the discharge of disciplinary responsibilities under this rule
22 shall be absolutely privileged.

23
24 COMMENT:

25 Appropriate action includes notification to the Assignment Judge, the Administrative
26 Director of the Courts, or the proper disciplinary authority.

27
28 **RULE 3.16 Administrative Appointments**

29
30 (A) A judge shall not make unnecessary appointments and shall exercise the power of
31 appointment only on the basis of merit, avoiding nepotism and favoritism.

32
33 (B) A judge shall not approve compensation of appointees beyond the fair value of
34 services rendered.

35
36 COMMENT:

37 Appointees of the judge include officials such as commissioners, receivers, guardians and
38 personnel such as clerks and secretaries. Consent by the parties to an appointment or to the
39 fixing of compensation does not relieve the judge of the obligation prescribed by this rule.

40
41 **RULE 3.17 Disqualification**

42
43 (A) Judges shall hear and decide all assigned matters unless disqualification is
44 required by this rule or other law.

1 **(B) Judges shall disqualify themselves in proceedings in which their impartiality or**
2 **the appearance of their impartiality might reasonably be questioned, including but**
3 **not limited to the following:**
4

5 **(1) Personal bias, prejudice or knowledge. Judges shall disqualify themselves if they**
6 **have a personal bias or prejudice toward a party or a party's lawyer or have personal**
7 **knowledge of disputed evidentiary facts involved in the proceeding.**
8

9 **(2) Financial interest. Judges shall disqualify themselves if they individually or as a**
10 **fiduciary have a financial interest in an enterprise related to the litigation. Subject**
11 **to subparagraphs (i), (ii), (iii), and (iv) hereof, a financial interest means ownership**
12 **of a legal or equitable interest, however small, or a relationship as director or**
13 **advisor or other participation in the affairs of a party.**
14

15 **(a) Financial interest does not include:**
16

17 **(i) Ownership of an interest in securities held by a mutual fund or common investment**
18 **fund, or ownership of securities held in managed funds, provided, in respect of**
19 **managed funds, that no investment discretion has been retained by the judge or the**
20 **judge's spouse, civil union partner, or domestic partner.**
21

22 **(ii) Ownership in securities held by an educational, religious, charitable, fraternal or**
23 **civic organization in which the judge holds an office;**
24

25 **(iii) The proprietary interest of a policyholder in a mutual insurance company, of a**
26 **depositor in a mutual savings association, or a similar proprietary interest unless**
27 **there is a reasonable possibility that the value of the interest will be affected by the**
28 **judge's decision;**
29

30 **(iv) Ownership of an interest in government securities unless there is a reasonable**
31 **possibility that the value of the interest will be affected by the judge's decision.**
32

33 **(3) Personal Relationships. Judges shall disqualify themselves if:**
34

35 **(a) The judge or the judge's spouse, civil union partner, or domestic partner, or a first**
36 **cousin or more closely related relative to either of them, or the spouse, civil union**
37 **partner, or domestic partner of such relative, or to the judge's knowledge, a second**
38 **cousin or related relative to either of them, as defined below, or the spouse, civil union**
39 **partner, or domestic partner of such relative is a party to the proceeding or is likely**
40 **to be called as a witness in the proceeding.**
41

42 **(b) The judge or the judge's spouse, civil union partner, or domestic partner, or a**
43 **first cousin or more closely related relative to either of them, or the spouse, civil union**
44 **partner, or domestic partner of such relative is a lawyer for a party.**
45

46 **(c) The judge or the judge's spouse, civil union partner, or domestic partner, or any**
47 **member of the judge's family residing in the judge's household has an interest in the**

1 litigation, including among other things, a financial interest, as defined by Rule
2 3.17(B)(2), in an enterprise related to the litigation.

3
4 (d) The judge has a social relationship with a party or a lawyer for a party of a nature
5 that would give rise to partiality or the appearance of partiality.

6
7 (4) Prior Professional Relationships. Judges shall disqualify themselves based on
8 their prior professional relationships as follows:

9
10 (a) In proceedings in which the judge served as a lawyer in the matter in controversy
11 or in which the judge has been a witness or may be called as a witness;

12
13 (b) In proceedings in which a party was a former private client for whose matter the
14 judge had primary responsibility, disqualification is necessary for a period of seven
15 years following the conclusion of that representation. However, disqualification for
16 a period of time in excess of seven years from the conclusion of the representation
17 may be required in certain circumstances. In making that determination, a judge
18 should consider, among other relevant factors: 1) the scope of the representation,
19 including but not limited to the cumulative number of matters handled by the judge,
20 whether a continuous fiduciary relationship existed with the client over an extended
21 period of time, and the length of time that has elapsed since the conclusion of that
22 representation; 2) the duration of the representation; 3) the nature of the
23 representation, including but not limited to the acrimonious nature of the underlying
24 litigation and any information acquired about the client as a consequence of that
25 representation that could cast doubt on the judge's impartiality; and 4) in respect of
26 a corporate client, whether the principals of the entity are the same as existed during
27 the representation.

28
29 For purposes of this rule, an insurance company that retained the judge to defend its
30 insureds in tort actions shall not be considered a former client of the judge.

31
32 (c) In proceedings in which a party is a governmental entity that previously employed
33 the judge:

34
35 (i) for a period of two years following judicial appointment if the judge was employed
36 as a state government attorney, county prosecutor or assistant county prosecutor,
37 provided, however, that prior employment as a state government attorney with broad
38 supervisory authority shall not disqualify judges who had no actual involvement in
39 the matter while in government service;

40
41 (ii) for a period of five years following judicial appointment if the judge represented
42 a local government entity.

43
44 (d) In proceedings in which the judge's former law firm is involved, for a period of at
45 least seven years following termination of the relationship or until all financial
46 obligations of the law firm to the judge are satisfied, whichever is longer;

1 (e) In proceedings in which the judge's former law clerk is appearing or has signed
2 papers, for a period of six months following termination of the clerkship.
3

4 (5) Post-Retirement Employment. Judges shall disqualify themselves if the judge has
5 initiated contact about or discussed or negotiated his or her post-retirement
6 employment with any party, attorney or law firm involved in any matter pending
7 before the judge in which the judge is participating personally and substantially,
8 regardless of whether or not the discussions or negotiations lead to employment of the
9 judge by the party, attorney or law firm;
10

11 (6) Irrespective of the time periods specified in this rule, judges shall disqualify
12 themselves whenever the nature of the relationship to a party or a lawyer, because of
13 a continuing social relationship or otherwise, would give rise to partiality or the
14 appearance of partiality.
15

16 (C) A disqualification required by this rule is not subject to the parties' waiver. The
17 judge shall, however, disclose to the parties any circumstance not deemed by the judge
18 to require disqualification but which might be regarded by the parties as affecting the
19 judge's impartiality.
20

21 (D) A judge shall address disqualification or issues of recusal and disqualification
22 promptly upon recognition of grounds which would give rise to partiality or the
23 appearance of partiality.
24

25 (E) A judge shall not be automatically disqualified upon learning that a complaint has
26 been filed against the judge with the Advisory Committee on Judicial Conduct,
27 litigation naming the judge as a party, or any other complaint about the judge by a
28 party. If, however, the judge concludes that there is a reasonable basis to question
29 the court's impartiality, the judge may recuse himself or herself. A judge shall
30 promptly disclose to the parties to the pending litigation that a complaint has been
31 filed or made.
32

33 COMMENT:

34 [1] Judges must be available to decide the matters that come before the court. Although
35 there are times when disqualification is necessary to protect the rights of litigants and
36 preserve public confidence in the independence, integrity and impartiality of the judiciary,
37 unwarranted disqualification may bring public disfavor to the court and to the judge
38 personally. The dignity of the court, the judge's respect for fulfillment of judicial duties,
39 and a proper concern for the burdens that may be imposed upon the judge's colleagues
40 require that a judge not use disqualification to avoid cases that present difficult,
41 controversial or unpopular issues.
42

43 [2] In determining whether disqualification is necessary, the applicable standard is as
44 follows: Would a reasonable, fully informed person have doubts about the judge's
45 impartiality. DeNike v. Cupo, 196 N.J. 502.
46

1 [3] For purposes of this rule, as with New Jersey Court Rule 1:12-1, a “first cousin or more
2 closely related relative” includes first cousin, aunt or uncle, niece or nephew, grandparent,
3 grandchild, child, parent, or sibling.
4

5 A “second cousin or related relative” includes a second cousin, great aunt or uncle, first
6 cousin once removed (e.g., a first cousin’s child or a great aunt or uncle’s child), great
7 grandparent, or grandniece or grandnephew, or great grandchild.
8

9 Judges shall keep informed about their personal and fiduciary interests and make
10 reasonable efforts to keep informed about the personal financial interests of their spouse,
11 civil union partner, or domestic partner, and family members residing in the judge’s
12 household.
13

14 “Knowledge” means actual knowledge of the fact in question. However, knowledge may
15 be inferred from the circumstances.
16

17 [4] The fact that a lawyer in a proceeding is affiliated with a law firm with which a lawyer-
18 relative of the judge is affiliated does not itself disqualify the judge. If, however, the
19 judge’s impartiality might reasonably be questioned under paragraph (B), or the lawyer-
20 relative is known by the judge to have an interest in the law firm that could be substantially
21 affected by the proceeding under paragraph (B)(3)(c), the judge’s disqualification is
22 required.
23

24 In making such a determination, a judge should consider, among other relevant factors: (1)
25 the degree of relationship between the judge and the relative affiliated with the firm (e.g.,
26 sister, nephew, nephew’s spouse); (2) the closeness of the relationship between the judge
27 and the relative; (3) whether the relative’s affiliation with the firm was known to the judge
28 without counsel making the court aware of such affiliation; (4) the size of the law firm the
29 relative is affiliated with; (5) the relative’s role in the law firm (e.g., owner or equity interest
30 holder, associate, intern); (6) the relative’s relationship, if any, to the lawyer in the
31 proceeding; (7) whether the law firm represents a named party to the action as opposed to
32 an entity proceeding (or seeking to proceed) as *amicus curiae*; (8) the timing of the law
33 firm’s commencement of participation in the proceeding; (9) whether the law firm is
34 providing its services *pro bono*, if such an arrangement is known by the judge; and (10)
35 the nature of the proceedings.
36

37 Note that this comment addresses only whether a lawyer-relative renders the judge
38 disqualified from hearing all matters involving the law firm with which the relative is
39 affiliated. Nothing in this comment should be read to permit a judge to hear proceedings
40 in which a lawyer in the case is related (as first cousin or closer) to the judge or the judge’s
41 spouse, civil union partner or domestic partner.
42

43 [5] In evaluating whether a judge should be disqualified from proceedings in which a
44 party was a former private client of the judge for a period of time in excess of seven years
45 from the conclusion of the representation, judges should be guided by DeNike v. Cupo,
46 196 N.J. 502.

1
2 [6] A lawyer in a governmental agency does not necessarily have an association with other
3 lawyers employed by that agency within the meaning of this rule; judges formerly
4 employed by governmental agencies, however, should disqualify themselves in a
5 proceeding if their impartiality might reasonably be questioned because of the association.
6

7 [7] With regard to Rule 3.17(B)(4)(c)(ii), a municipal court judge who was a former
8 municipal prosecutor in the same municipality may preside over local ordinance violations.
9

10 [8] A judge may not initiate contact about or discuss or negotiate his or her post-retirement
11 employment with any party, attorney or law firm involved in any matter pending before
12 the judge in which the judge is participating personally and substantially. A matter pending
13 before the judge includes any matter or aspect of a matter which has not been completed,
14 even if only the performance of a ministerial act remains outstanding, such as signing a
15 consent order or a similar order. If the subject is raised in any fashion, the judge must put
16 a halt to the discussion or negotiation at once, rebuff any offer, and disclose what occurred
17 on the record in the presence of all parties and counsel. The judge, all parties and attorneys
18 on the record should then evaluate objectively whether any further relief is needed.
19

20 A judge who engages in post-retirement employment negotiations or discussions while still
21 on the bench with any party, attorney or law firm that does not have a matter pending before
22 the judge, must do so in a way that minimizes the need for disqualification, does not
23 interfere with the proper performance of the judge's judicial duties, and upholds the
24 integrity of the courts. A judge should delay starting any such negotiations or discussions
25 until shortly before his or her planned retirement, and should discuss post-retirement
26 employment opportunities with the fewest possible number of prospective employers. A
27 judge should also inform the Appellate Division Presiding Judge for Administration or
28 Deputy Presiding Judge for Administration, his or her Assignment Judge, or the Tax Court
29 Presiding Judge about the post-retirement employment negotiations or discussions to the
30 extent that such negotiations or discussions will interfere with the judge's regular
31 assignments.
32

33 A judge should not initiate contact about or discuss or negotiate his or her post-retirement
34 employment with a party, attorney or law firm that has in the past appeared before the judge
35 until the passage of a reasonable interval of time, so that the judge's impartiality in the
36 handling of the case cannot reasonably be questioned. What is reasonable depends on the
37 circumstances. For instance, it may be that an uncontested matter resolved swiftly by entry
38 of a default judgment; such a circumstance may not call for the passage of a lengthy
39 intervening period of time. Prolonged or particularly acrimonious litigation may caution
40 in favor of a longer delay. Actions likely to result in continuing post-judgment matters
41 would also warrant a lengthier intervening period of time.
42

43 [9] The rule of necessity may override the rule of disqualification. For example, a judge
44 might be required to participate in judicial review of a judicial salary statute, or might be
45 the only judge available in a matter requiring immediate judicial action, such as a hearing
46 on probable cause or a temporary restraining order. In matters that require immediate

1 action, the judge must disclose on the record the basis for possible disqualification and
2 make reasonable efforts to transfer the matter to another judge as soon as practicable.

3
4 [10] The provision in Rule 3.17(C) is designed to avoid the possibility that a party or lawyer
5 will feel coerced into consent.

7 **CANON 4**

8 **A JUDGE MAY ENGAGE IN ACTIVITIES TO IMPROVE THE LAW, THE** 9 **LEGAL SYSTEM AND THE ADMINISTRATION OF JUSTICE**

10 11 **RULE 4 Activities Related to the Judicial Function**

12
13 **A judge, subject to the proper performance of judicial duties, may engage in the**
14 **following related activities if in doing so the judge does not cast doubt on the judge's**
15 **capacity to decide impartially any issue that may come before the court and provided**
16 **the judge is not compensated therefor:**

17
18 **(A) A judge may speak, write, lecture and participate in other activities concerning**
19 **the law, the legal system and the administration of justice.**

20
21 **(B) A judge may teach concerning the law, the legal system and the administration of**
22 **justice.**

23
24 **(C) A judge may serve as a member, officer or director of a nongovernmental**
25 **organization devoted to the improvement of the law, the legal system, or the**
26 **administration of justice, but may not assist the organization in raising funds or**
27 **participate in their management and investment. A full-time judge may participate**
28 **as a member of a local or state bar association, but may not serve as an officer or**
29 **trustee, and may only serve on committees of the association subject to such**
30 **conditions as determined by the New Jersey Supreme Court.**

31
32 **(D) A judge may encourage lawyers to provide *pro bono* legal services.**

33 34 **COMMENT:**

35 A judge is in a unique position to contribute to the improvement of the law, the legal system
36 and the administration of justice, including revision of substantive and procedural law and
37 improvement of the justice system. To the extent that time permits, a judge is encouraged
38 to do so through a bar association, judicial conference, other organization dedicated to the
39 improvement of the law or through an appropriate judicial official charged with
40 administrative responsibility by the Rules of Court.

41
42 Nothing herein shall preclude a judge from serving as an officer of the Inns of Court.
43 If guidance is required as to the application of this Canon, judges should consult with the
44 Advisory Committee on Extrajudicial Activities.

1
2 **CANON 5**

3 **A JUDGE SHALL SO CONDUCT THE JUDGE'S EXTRAJUDICIAL ACTIVITIES**
4 **AS TO MINIMIZE THE RISK OF CONFLICT WITH JUDICIAL OBLIGATIONS**

5 **RULE 5.1 Extrajudicial Activities in General**
6

7 (A) Judges shall conduct their extrajudicial activities in a manner that would not cast
8 reasonable doubt on the judge's capacity to act impartially as a judge, demean the
9 judicial office, or interfere with the proper performance of judicial duties.

10
11 (B) A judge shall not:

12
13 (1) participate in activities that can be reasonably anticipated to lead to frequent
14 disqualification;

15
16 (2) participate in activities that would appear to reasonable, fully informed persons
17 to undermine the judge's independence, integrity or impartiality;

18
19 (3) make use of court premises, staff, stationery, equipment or other resources for
20 extrajudicial activities, except for incidental use involving activities that concern the
21 law, the legal system or the administration of justice, or unless such additional use is
22 permitted by law, administrative directive or judiciary policy. *De minimis* or other
23 incidental personal use of judiciary equipment or facilities, such as telephones,
24 computers, scanners, fax machines, and copiers, do not violate this rule.

25
26 (C) Upon notice to and approval by the Supreme Court, a judge may appear at a
27 public hearing before an executive or legislative body or official on matters
28 concerning the law, the legal system or the administration of justice.

29
30 (D) A judge may communicate with government officials on matters concerning the
31 administration of justice within the judge's official responsibility.

32
33 (E) A judge may act *pro se* in a matter involving the judge's legal or economic
34 interests, or when the judge is acting in a fiduciary capacity as permitted in Rule 5.8.

35
36 **RULE 5.2 Avocational Activities**
37

38 (A) A judge may write, lecture and speak on non-legal subjects, and engage in the
39 arts, sports and other social and recreational activities provided these activities do
40 not detract from the dignity of the judicial office or interfere with the performance of
41 judicial duties, and provided further that the judge is not compensated therefor.

42
43 (B) A judge may teach non-legal subjects provided the judge is not compensated
44 therefor.
45
46

1 **RULE 5.3 Affiliation with Discriminatory Organizations**

2
3 (A) A judge shall not hold membership in any organization that practices invidious
4 discrimination on any of the bases prohibited by Rule 3.6(A).

5
6 (B) A judge shall not accept benefits from or use the facilities of an organization if
7 the judge knows or should know that the organization practices invidious
8 discrimination on any of the bases prohibited by Rule 3.6(A), or as otherwise
9 proscribed by law.

10
11 COMMENT:

12 [1] A judge's membership in an organization that practices invidious discrimination creates
13 the perception that the judge's impartiality is impaired.

14
15 [2] An organization is generally said to discriminate invidiously if it arbitrarily excludes
16 from membership, on the bases prohibited by Rule 3.6(A), persons who would otherwise
17 be eligible for admission. Whether an organization practices invidious discrimination
18 cannot be determined from an examination of an organization's current membership rolls,
19 but rather depends on how the organization selects members, as well as other relevant
20 factors, including but not limited to whether the organization is dedicated to religious,
21 ethnic or cultural values of legitimate common interest to its members. Organizations
22 dedicated to the preservation of religious, spiritual, charitable, civic or cultural values that
23 do not stigmatize any excluded persons are not considered to discriminate invidiously.

24
25 [3] When a judge learns that an organization to which the judge belongs engages in
26 invidious discrimination, the judge must resign immediately from the organization.

27
28 **RULE 5.4 Participation in Educational, Religious, Charitable, Fraternal or Civic**
29 **Organizations and Activities**

30
31 A judge may participate in civic and charitable activities that do not reflect adversely
32 on the judge's impartiality or interfere with the performance of judicial duties. A
33 judge may serve as an officer, director, trustee or non-legal advisor of an educational,
34 religious, charitable, fraternal or civic organization whose purpose is not to advance
35 the economic or political advantage of its members, subject to the following
36 limitations:

37
38 (A) A judge shall not serve if it is likely that the organization will be engaged in
39 proceedings that would ordinarily come before the judge or will be regularly engaged
40 in adversarial proceedings in any court.

41
42 (B) A judge shall not solicit funds for any educational, religious, charitable, fraternal
43 or civic organization, or use or permit the use of the prestige of the judicial office for
44 that purpose. A judge shall not be listed as an officer, director or trustee of such an
45 organization in any letters or other documents used in such solicitations. A judge shall

1 not be a speaker or the guest of honor at an organization's fundraising events, but
2 may attend such events and contribute to such organizations.

3
4 **(C) A judge shall not give investment advice to such an organization, nor may a judge**
5 **serve on its board of directors or trustees if the board has the responsibility for**
6 **approving investment decisions.**

7
8 **(D) A judge's name, but not a judge's position and title, may appear on the**
9 **organization's letterhead and in literature regarding that organization.**

10
11 COMMENT:

12 [1] The changing nature of some organizations and their relationship to the law makes it
13 necessary for judges to reexamine regularly the activities of each organization with which
14 they are affiliated to determine whether the relationship should be continued.

15
16 [2] Judges shall inform organizations of the limitations associated with their participation
17 in educational, religious, charitable, fraternal or civic organizations and activities. Specific
18 prohibitions include identification of a judge's position and title on the letterhead of an
19 organization, regardless of the intended use of that letterhead, and any involvement of a
20 judge in the solicitation of funds for the organization.

21
22 [3] A judge's participation in an organization devoted to law-related activities is governed
23 by Canon 4.

24
25 [4] If guidance is required as to the application of this Canon, judges should consult with
26 the Advisory Committee on Extrajudicial Activities.

27
28 **RULE 5.5 Financial, Business, or Remunerative Activities**

29
30 **(A) Judges shall refrain from financial and business dealings that tend to reflect**
31 **adversely on their impartiality, interfere with the proper performance of judicial**
32 **duties, exploit the judicial position, or involve the judge in transactions with lawyers**
33 **or persons likely to come before the court on which the judge serves.**

34
35 **(B) Judges may hold investments, including real estate, but shall not serve as an**
36 **officer, director, manager, advisor or employee of any business, except upon notice to**
37 **and approval by the Supreme Court.**

38
39 **(C) Judges should manage their investments and other financial interests to minimize**
40 **the number of cases in which they are disqualified.**

1 **RULE 5.6 Acceptance of Gifts, Loans, Bequests, Benefits, or Other Things of Value**

2
3 **Neither a judge nor a member of the judge's family residing in the same household**
4 **should accept a gift, bequest, favor or loan from anyone except as follows:**

5
6 **(A) A judge may accept a gift of nominal value incident to a public testimonial; books**
7 **supplied by publishers on a complimentary basis for official use; or an invitation to**
8 **the judge to attend a bar-related function or activity devoted to the improvement of**
9 **the law, the legal system or the administration of justice, except as limited by Canon**
10 **6, Rule 6;**

11
12 **(B) A judge may accept gifts, loans, bequests, benefits or other things of value from**
13 **persons whose appearance or interest in a proceeding pending or impending before**
14 **the judge would in any event require disqualification of the judge under Rule 3.17,**
15 **including Rule 3.17(B)(6), which requires disqualification of a judge when the nature**
16 **of the judge's relationship to a party or an attorney would give rise to partiality or**
17 **the appearance of partiality;**

18
19 **(C) A judge or a member of the judge's family residing in the same household may**
20 **accept ordinary social hospitality; gifts, favors or commercial loans made in the**
21 **regular course of business on the same terms available to the general public; or a**
22 **scholarship or fellowship awarded on the same terms applied to other applicants;**

23
24 **(D) A judge or a member of the judge's family residing in the same household may**
25 **accept any other gift, bequest, favor or loan only if the donor is not a party or other**
26 **person whose interests have come or are likely to come before the judge.**

27
28 **(E) For the purposes of this rule, "member of the judge's family residing in the same**
29 **household" means any relative of a judge by blood or marriage, civil union partner,**
30 **domestic partner or a person treated by a judge as a member of the family, who**
31 **resides in the same household as the judge.**

32
33 **RULE 5.7 Disclosure of Information**

34
35 **Information acquired by a judge in a judicial capacity shall not be used or disclosed**
36 **by the judge in financial dealings or for any purpose not related to judicial duties.**

37
38 **COMMENT:**

39 [1] In the course of performing judicial duties, a judge may acquire information of
40 commercial or other value that is unavailable to the public. Judges shall not reveal or use
41 such information for personal gain or for any purpose unrelated to their judicial duties.

42
43 [2] This rule is not intended to affect a judge's ability to act on information as necessary to
44 protect the health or safety of the judge or a member of a judge's family, court personnel
45 or other judicial officers when consistent with other provisions of this Code.

1
2 **RULE 5.8 Fiduciary Activities**

3
4 **A judge shall not serve as an executor, administrator, trustee, guardian or other**
5 **fiduciary, except for the estate, trust or person of a member of the judge's family, and**
6 **then only when such service will not interfere with the proper performance of judicial**
7 **duties. "Member of the judge's family" includes a spouse, civil union partner,**
8 **domestic partner, child, grandchild, parent, grandparent or other relative or person**
9 **with whom the judge maintains or maintained a familial relationship. As a family**
10 **fiduciary a judge is subject to the following restrictions:**

11
12 **(A) The judge shall not serve as a fiduciary if that service is likely to result in litigation**
13 **that would ordinarily come before the judge, or if the estate, trust or ward becomes**
14 **involved in adversary proceedings in the court on which the judge serves or under its**
15 **appellate jurisdiction.**

16
17 **(B) While acting as a fiduciary for a member of the judge's family, a judge is subject**
18 **to the same restrictions on financial activities that apply to the judge in a personal**
19 **capacity.**

20
21 **(C) On becoming a judge, persons serving as fiduciaries shall comply with this rule**
22 **as soon as reasonably practicable, upon notice to and approval by the Supreme Court.**

23
24 **COMMENT:**

25 When a judge who is a beneficiary of an estate serves as an executor or administrator as
26 permitted by this rule and receives a fee solely for the purpose of reducing the tax liability
27 of the estate, receipt of that fee does not constitute "compensation" under Canon 6.
28

29 **RULE 5.9 Serving as Arbitrator or Mediator**

30
31 **A judge shall not act as an arbitrator or mediator or perform other judicial functions**
32 **apart from the judge's official duties unless expressly authorized by law.**

33
34 **COMMENT:**

35 This Rule does not prohibit a judge from participating in arbitration, mediation, or
36 settlement conferences performed as part of assigned judicial duties. Rendering dispute
37 resolution services apart from those duties is prohibited unless it is expressly authorized by
38 law.
39

40 **RULE 5.10 Practice of Law**

41
42 **A judge shall not practice law, with or without compensation.**
43
44
45
46

1 **RULE 5.11 Appointments to Governmental Positions**

2
3 **A judge shall not accept appointment to a governmental committee, commission or**
4 **other position except with prior approval of the Supreme Court as provided in the**
5 **Rules of Court.**
6

7 **CANON 6**

8 **A JUDGE SHALL NOT RECEIVE COMPENSATION FOR QUASI-JUDICIAL**
9 **AND EXTRAJUDICIAL ACTIVITIES**

10
11 **RULE 6 Compensation for Quasi-Judicial and Extrajudicial Activities**

12
13 **A judge shall not receive compensation for quasi-judicial and extrajudicial activities**
14 **permitted by this Code, but may receive reimbursement of actual expenses that the**
15 **judge reasonably incurred for travel, food and lodging, provided that the source or**
16 **amount of such reimbursement, or the location of the activity, does not give the**
17 **appearance of influencing the judge in the exercise of judicial duties or otherwise**
18 **create an appearance of impropriety.**
19

20 **CANON 7**

21 **A JUDGE SHALL REFRAIN FROM POLITICAL ACTIVITY**

22
23 **RULE 7 Political Activity**

24
25 **(A) A judge shall not engage in any political activity, including but not limited to:**

26
27 **(1) holding membership or office in a political organization;**

28
29 **(2) making speeches for a political organization or candidate, or publicly endorsing a**
30 **candidate for public office;**

31
32 **(3) attending political functions that are likely to be considered as political in nature;**

33
34 **(4) soliciting funds, paying an assessment, or making a contribution to a political**
35 **organization or candidate, or purchasing tickets for political party dinners or other**
36 **functions;**

37
38 **(B) A judge shall resign from office when the judge becomes a candidate for an**
39 **elective public office or is nominated thereto.**

40
41 **(C) A part-time municipal court judge shall not affiliate with a law firm as a partner,**
42 **director, of counsel, associate, or some other comparable status if the law firm, or any**
43 **lawyer of the firm on the law firm's behalf, makes political contributions such as those**
44 **included in Subsection 7A(4). It shall be the responsibility of a part-time municipal**
45 **judge to take reasonable measures to ensure that a law firm with which the judge is**
46 **affiliated does not make political contributions. Lawyers within the firm with whom**

1 **the part-time municipal judge is affiliated, may nonetheless make personal political**
2 **contributions.**

3
4 **COMMENT:**

5 The proscription against membership in a political organization does not prohibit a judge
6 from registering with a political party to vote.

7 8 **Applicability**

9 10 **Compliance with the Code of Judicial Conduct**

11
12 **All judges shall comply with this Code except as provided below.**

13 14 **A. Part-Time Municipal Court Judge.**

15
16 **A part-time Municipal Court judge is a judge who serves on a continuing or periodic**
17 **basis, but is permitted by law to devote time to some other profession or occupation**
18 **and whose compensation for that reason is less than that of a full-time judge. A part-**
19 **time judge:**

20
21 **(1) is not required to comply with Rules 4(C), 5.5(B), 5.8, 5.9, and 5.10;**

22
23 **(2) shall not practice law except as permitted by the Rules of Court;**

24
25 **(3) may receive compensation for teaching in respect of the law, the legal system and**
26 **the administration of justice, and for teaching on non-legal subjects. (Rules 4.1(B) and**
27 **5.2(B))**

28 29 **B. Recalled Judges**

30
31 **All retired judges recalled to judicial service shall comply with the provisions of this**
32 **Code governing full-time judges.**

33
34
35 **Note: Revised Code of Judicial Conduct, as an Appendix to the Part I Rules, adopted**
36 **August 2, 2016 to be effective September 1, 2016.**