

NOTICE TO THE BAR

NEW JERSEY LAWYERS ASSISTANCE PROGRAM – COURT RULE AMENDMENTS TO ALLOW THIRD-PARTY REFERRALS

The Supreme Court in the attached December 5, 2023 Order has authorized the New Jersey Lawyers Assistance Program (NJ LAP) to accept third-party referrals.

Effective immediately, any individual can contact the NJ LAP at 1-800-246-5527 to seek help for a law professional in need. The NJ LAP will continue to maintain client confidentiality and will not disclose client information except if requested by the person receiving NJ LAP services.

The Court in its December 5, 2023 Order has adopted amendments to Rule 1:20-9 (“Confidentiality; Access to and Dissemination of Disciplinary Information”) and Rule 1:28B-3 (“Confidentiality”) so as to permit a third party to refer a law professional to the NJ LAP. This critical step advances the Court’s commitment to support well-being for judges, attorneys, law students, and law graduates, including through provision of services to individuals in crisis. In addition, the rule amendments also specifically permit the Office of Attorney Ethics to refer a law professional to the NJ LAP. Like all third-party referrals now authorized by the Court, once a referral is made by the OAE, NJ LAP’s process shall remain entirely confidential and nothing will be shared with the OAE or any other individual making a referral.

See the NJ LAP website (www.njlap.org) for further information about available resources.



Glenn A. Grant
Administrative Director of the Courts

Dated: December 8, 2023

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rules 1:20-9 (“Confidentiality; Access to and Dissemination of Disciplinary Information”) and 1:28B-3 (“[Lawyers Assistance Program] Confidentiality”) of the Rules Governing the Courts of the State of New Jersey are adopted to be effective immediately.

For the Court,



Chief Justice

Dated: December 5, 2023

1:20-9. Confidentiality; Access to and Dissemination of Disciplinary Information

(a) Confidentiality by the Director. Prior to the filing and service of a complaint, a disciplinary stipulation waiving the filing of a formal complaint, a motion for final or reciprocal discipline, or the approval of a motion for discipline by consent, the disciplinary matter and all written records gathered and made pursuant to these rules shall be kept confidential by the Director, except that the pendency, subject matter, and status of a grievance may be disclosed by the Director if:

(1) the respondent has waived or breached confidentiality; or

(2) the proceeding is based on allegations of reciprocal discipline, a pending criminal charge, or a guilty plea or conviction of a crime, either before or after sentencing; or

(3) there is a need to notify another person or organization, including the Lawyers' Fund for Client Protection, in order to protect the public, the attorney, the administration of justice, or the legal profession; or

(4) the Supreme Court has granted an emergent disciplinary application for relief; or

(5) the matter has become common knowledge to the public.

(b) Disclosure by Grievant. ... no change

(c) Public Proceedings. ... no change

(d) Public Records. ... no change

(e) Referral to Admissions/Disciplinary Agencies. ... no change

(f) Disclosure of Evidence of Criminal Conduct; All Other Disclosure Including Subpoenas. ... no change

(g) Proceedings Alleging Disability. ... no change

(h) Referral to the New Jersey Lawyers Assistance Program. When an investigation instituted under R. 1:20-2 reveals reasonable cause to believe that a respondent may benefit from the services of a Lawyers Assistance Program, the OAE Director may make a referral to the New Jersey Lawyers Assistance Program and may share information otherwise deemed confidential under this Rule. Upon receipt of such a third-party referral, the New Jersey Lawyers Assistance Program may contact the identified attorney to offer services. Referrals made pursuant to this Rule remain confidential in accordance with R. 1:28B-3.

(i) [(h)] Protective Orders. ... no change

(j) [(i)] Duty to Maintain Confidentiality. ... no change

(k) [(j)] Records Retention. ... no change

(l) [(k)] Law Firm/Public Agency Notice of Public Action. ... no change

(m) [(l)] Notice to National Lawyer Regulatory Data Bank. ... no

change

(n) [(m)] Public Notice of Discipline Imposed. ...no change

(o) [(n)] Notice to the Courts. ... no change

(p) [(o)] Notice to Disciplinary Agencies. ... no change

(q) [(p)] Annual Reports. ... no change

Note: Former R. 1:20-9 redesignated R. 1:20-12, new text adopted January 31, 1995 to be effective March 1, 1995; paragraph (k) amended July 10, 1998 to be effective September 1, 1998; paragraphs (d) and (g) amended July 5, 2000 to be effective September 5, 2000 paragraphs (a), (b), (c), (f), (g), (i), (k), (l), (m), and (n) amended, and paragraphs (e) and (j) caption and text amended July 28, 2004 to be effective September 1, 2004; paragraph (a) caption and text amended, new paragraph (b) adopted, former paragraphs (b), (c), and (h) amended and redesignated as paragraphs (c), (d), and (i), former paragraphs (d), (e), (f), (g), (i), (j), (k), (l), (m), (n), and (o) redesignated as paragraphs (e), (f), (g), (h), (j), (k), (l), (m), (n), (o), and (p) July 27, 2006 to be effective September 1, 2006; corrective amendment to paragraph (b) adopted September 26, 2006 to be retroactive to September 1, 2006; paragraph (a), subparagraphs (d)(1) and (f)(1), and paragraph (k) amended July 9, 2008 to be effective September 1, 2008; subparagraphs (d)(4) and (d)(5) amended July 28, 2017, to be effective September 1, 2017; new subparagraph (f)(2) adopted and former subparagraph (f)(2) renumbered as (f)(3) August 2, 2017 to be effective September 1, 2017; paragraph (n) amended August 5, 2022 to be effective September 1, 2022; paragraph (a) amended, new paragraph (h) adopted, paragraphs (h) through (p) redesignated as paragraphs (i) through (q) December 5, 2023 to be effective immediately.

1:28B-3. Confidentiality

The records, documents, and meetings of LAP and the Board of Trustees are confidential, with the following exceptions:

- (a) Annual audit reports;
- (b) Annual reports of the Board of Trustees to the Supreme Court;
- (c) Quarterly reports to the Board of Trustees from the LAP Director;

and

(d) All materials relating to the budget process that do not identify clients of the program or otherwise disclose information that would compromise the confidentiality of the program as detailed in regulations adopted by the Board of Trustees and approved by the Supreme Court.

In no event, however, shall the identity of program clients be disclosed in the above reports.

Nothing in this Rule precludes LAP from receiving and acting on a referral from any third party. Such referrals shall be confidential.

Note: Adopted July 15, 1999, to be effective September 1, 1999; amended December 5, 2023 to be effective immediately.