

NOTICE TO THE BAR

SUPREME COURT ADOPTS AMENDMENTS TO THE RULES OF COURT GOVERNING ATTORNEY REGULATION AND DISCIPLINE

The Supreme Court has adopted amendments to Court Rules 1:20-1 et seq., governing attorney regulation and discipline, and 1:20B-4, governing the Disciplinary Oversight Committee. The amendments primarily arise from the Court's introduction of a process for readmission from disbarment in New Jersey. Most notably, the Court has adopted new Court Rule (Rule 1:20-15B) creating the Attorney Regulatory Board ("ARB"), the post-disciplinary tribunal responsible for reviewing petitions for reinstatement from suspension (formerly reviewed by the Disciplinary Review Board ("DRB")) and petitions for readmission from disbarment. The Court further amended the Court Rules to update disciplinary costs and promote clarity and consistency.

The Court's Order adopting the amendments is attached to this Notice. The amendments became effective March 1, 2026. Highlights of the amendments include the following:

Adoption of R. 1:20-15B Governing the Creation and Functions of the Attorney Regulatory Board and Related Amendments to Existing Rules

In furtherance of a process for readmission from disbarment, the new Rule establishes the ARB, which will consist of six members, four of whom shall be attorneys and two of whom shall be public members.

The amendments expand the role of the Office of Board Counsel, to serve as counsel to the ARB in addition to continuing to serve as counsel to the DRB. The amendments also make revisions to a number of Rules made necessary by these notable changes.

Updated Disciplinary Costs

The Rule amendments moderately increase disciplinary costs, including administrative fees, which have remained constant for more than two decades.

Questions

Questions may be directed to the Office of Board Counsel at 609-815-2920 or via e-mail at DRB.mbx@njcourts.gov.


Heather Joy Baker
Supreme Court Clerk

Date: March 17, 2026

Supreme Court of New Jersey

It is ORDERED that the attached amendments to the Rules Governing the Courts of the State of New Jersey are adopted to be effective March 1, 2026.

For the Court,

A handwritten signature in blue ink, appearing to read "Stuart Rosen", is written over a horizontal line.

Chief Justice

Dated: February 27, 2026

The Rules Amended and Adopted by this Order Are as Follows:

1:20
1:20-1
1:20-2
1:20-3
1:20-4
1:20-5
1:20-6
1:20-7
1:20-8
1:20-9
1:20-10
1:20-11A
1:20-12
1:20-13
1:20-14
1:20-15
1:20-15A
1:20-15B (new)
1:20-16
1:20-17
1:20-18
1:20-20
1:20-21
1:20-21A
1:20B-4

Rule 1:20. Discipline of Members of the Bar – Glossary of Attorney Discipline Terms

Agreement in Lieu of Discipline – the vehicle used to accomplish diversion of “minor” unethical conduct matters where an attorney admits “minor” unethical conduct has been committed and that attorney qualifies for diversionary treatment. See R. 1:20-3(i)(2)(B).

Attorney Regulatory Board – the post-disciplinary tribunal responsible for, among other functions, reviewing petitions for reinstatement from suspension and petitions for readmission to the practice of law. See R. 1:20-15B.

Complaint – the written document formally charging the respondent with specific violations of unethical conduct. A complaint is issued after completion of an investigation if it meets the standard of R. 1:20-4(a).

Consent Matter – the appellate process before the Disciplinary Review Board and the Supreme Court by which the extent of discipline to be imposed as the result of discipline by consent is reviewed, without oral argument. See R. 1:20-15(g) and R. 1:20-16(e).

Director – the Director of the Office of Attorney Ethics, who administers the Office of Attorney Ethics, Ethics Committees, Fee Committees, the Random Audit

Program, the Annual Attorney Registration Statement, and the Trust Overdraft Notification Program.

Disciplinary Costs – costs incurred in connection with disciplinary matters, petitions for reinstatement, petitions for readmission, and other attorney regulatory or disciplinary proceedings.

Disciplinary Oversight Committee – the Disciplinary Oversight Committee reviews the annual disciplinary system budget and makes recommendations to the Supreme Court concerning the disciplinary system.

[Board or] Disciplinary Review Board – the intermediate appellate tribunal in disciplinary matters. See R. 1:20-15.

Discipline by Consent – a procedure whereby a respondent may agree with an investigator, presenter or ethics counsel to admit facts constituting unethical conduct and recommend specific discipline or a range of specific discipline, subject to review by the Disciplinary Review Board. See R. 1:20-10(b).

Diversion – a non-disciplinary treatment by consent for attorneys who admit they have committed “minor” unethical conduct and who otherwise qualify for diversionary treatment. Diversion is accomplished through an “Agreement In Lieu of Discipline.” See R. 1:20-3(i)(2)(A) and (B).

Ethics Committee(s) – one or more district ethics committees throughout the state that screen, investigate, prosecute, and hear disciplinary and disability-inactive matters.

Ethics Counsel – an attorney of the Office of Attorney Ethics. See R. 1:20-2(a).

Fee Committee(s) – one or more district fee arbitration committees throughout the state that screen, hear, and decide disputes by clients over legal fees.

Grievance – any allegation of unethical conduct made against an attorney. A grievance, if docketed, is assigned for investigation by the Director or by an Ethics Committee.

Minor Unethical Conduct – minor types of unethical conduct which, if proved, would not warrant discipline greater than an admonition. Minor unethical conduct matters are eligible for diversionary treatment. R. 1:20-3(i)(2).

Presenter – the attorney who is appointed to prosecute a complaint. R. 1:20-4(g)(1).

Respondent – the attorney who is the subject of disciplinary charges.

Trier of Fact – refers to an ethics committee hearing panel or single member adjudicator or special ethics adjudicator.

Unethical Conduct – all ethics violations that would subject an attorney to discipline are referred to as unethical conduct. R. 1:20-3(i)(1).

Note: Adopted January 31, 1995 to be effective March 1, 1995; “Agreement In Lieu of Discipline,” “Complaint,” “Discipline By Consent,” “Diversion,” “Ethics Counsel,” “Grievance,” “Minor Misconduct,” and “Presenter” modified, “Misconduct” deleted, and “Board or Disciplinary Review Board,” “Director,” “Disciplinary Oversight Committee,” “Ethics Committee(s),” “Fee Committee(s),” “Respondent,” and “Unethical Conduct” added July 28, 2004 to be effective September 1, 2004; “Trier of Fact” amended May 7, 2024 to be effective immediately; “Attorney Regulatory Board” and “Disciplinary Costs” added, “Board or Disciplinary Review Board” changed to “Disciplinary Review Board” and modified and re-sequenced February 27, 2026 to be effective March 1, 2026.

1:20-1. Disciplinary Jurisdiction; Annual Fee and Registration

(a) Generally. Every attorney and business entity authorized to practice law in the State of New Jersey, including those attorneys specially authorized for a limited purpose or in connection with a particular proceeding, shall be subject to the disciplinary jurisdiction of the Supreme Court as set forth in the Constitution of 1947, Article 6, Section 2, Paragraph 3. Attorneys who have resigned without prejudice pursuant to Rule 1:20-22 shall also be subject to such jurisdiction in respect of conduct undertaken prior to the acceptance of the resignation by the Court.

To assist in the administration of its disciplinary function, the Supreme Court shall establish, in accordance with these Rules, district ethics committees (hereinafter referred to as the Ethics Committees or the Ethics Committee), district fee arbitration committees (hereinafter referred to as the Fee Committee or the Fee Committees), a Disciplinary Review Board (hereinafter referred to as the [Board or] Disciplinary Review Board), an Attorney Regulatory Board (hereinafter referred to as the Attorney Regulatory Board), a Disciplinary Oversight Committee (hereinafter referred to as the Oversight Committee), and an Office of Attorney Ethics and a Director thereof (hereinafter referred to as the Director).

(b) Annual Fee. ...no change

(c) Annual Registration Statement. ...no change

(d) Remedies for Failure to Pay or File. ... no change

Note: Adopted February 23, 1978, to be effective April 1, 1978. Any matter pending unheard before a County Ethics Committee as of April 1, 1978 shall be transferred, as appropriate, to the District Ethics Committee or the District Fee Arbitration Committee having jurisdiction. Any matter heard or partially heard by a County Ethics Committee by April 1, 1978 shall be concluded by such Ethics Committee and shall be reported on in accordance with these rules; amended July 16, 1981 to be effective September 14, 1981. Caption amended and first two paragraphs amended and redesignated as paragraph (a); new paragraphs (b), (c) and (d) adopted January 31, 1984 to be effective February 15, 1984; paragraph (c) amended November 5, 1986 to be effective January 1, 1987; paragraph (d) amended June 29, 1990 to be effective September 4, 1990; paragraph (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) amended September 15, 1992, to be effective January 1, 1993; caption added to all paragraphs and paragraphs (a), (b), (c), and (d) amended February 8, 1993 to be effective immediately; paragraphs (a), (b) and (c) amended January 31, 1995, to be effective March 1, 1995; paragraph (a) amended July 10, 1998, to be effective September 1, 1998; paragraph (b) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a), (b), (c) and (d) amended July 28, 2004 to be effective September 1, 2004; paragraph (c) amended July 9, 2008 to be effective September 1, 2008; paragraphs (b) and (c) amended July 23, 2010 to be effective September 1, 2010; paragraph (c) amended July 9, 2013 to be effective September 1, 2013; paragraph (c) amended December 2, 2019 to be effective immediately; paragraph (a) amended February 27, 2026 to be effective March 1, 2026.

1:20-2. Office of Attorney Ethics

(a) Appointment. ...no change

(b) Authority. The Director shall have the discretion and the authority to:

(1) exercise exclusive jurisdiction over the investigation and prosecution of the following:

(A) any case in which the Director determines the matter involves serious or complex issues that must be immediately addressed or one that requires emergent action;

(B) all cases in which an attorney is a defendant in any criminal proceedings;

(C) any case in which the Ethics Committee requests intervention;

(D) any case in which an Ethics Committee has not resolved a matter within one year of the filing of a grievance;

(E) any case in which the Disciplinary Review Board or the Supreme Court determines the matter should be assigned to the Director;

(F) any case involving multijurisdictional practice or practice as in-house counsel[.] ;

(G) any case involving the unauthorized practice of law contrary to a Supreme Court order of Suspension or Disbarment consistent with R. 1:20-16(j);

(H) any information coming to the attention of the Director in connection with a disbarred attorney seeking to be readmitted to the practice of law.

(2) investigate any information coming to the Director's attention, whether by grievance or otherwise, which, in the Director's judgment, may be grounds for discipline or transfer to disability-inactive status;

(3) dispose of, by investigation or dismissal, all matters involving alleged unethical conduct, by transfer to disability-inactive status, by agreement in lieu of discipline in minor unethical conduct cases, or by the prosecution of formal charges before a duly constituted hearing panel or special ethics adjudicator, all in accordance with these Rules;

(4) prosecute ethics proceedings before the Disciplinary Review Board;

(5) prosecute all ethics proceedings before the Supreme Court, unless the Court or the Director requests the assistance of the Office of Board Counsel to do so;

(6) seek from the Supreme Court judicial review of any final determination of the Disciplinary Review Board within the time and in the manner prescribed by the Rules of the Court;

(7) transfer any matter pending before an Ethics Committee or Fee Committee to another district;

(8) maintain records of all ethics and fee arbitration matters;

(9) administer the programs of the Fee Committees in accordance with R. 1:20A-1 et seq., of the Ethics Committees in accordance with R. 1:20-3 et seq., and to render to both of them appropriate legal and administrative advice;

(10) administer the Random Audit Compliance Program in accordance with R. 1:21-6(c);

(11) prepare annually, jointly with the Office of Board Counsel [for the Disciplinary Review Board], a proposed budget for the attorney regulatory and disciplinary system of the state;

(12) hire and discharge secretaries of Ethics Committees and Fee Committees and recommend and pay their compensation;

(13) recommend to the Supreme Court the appointment and replacement of members of Ethics Committees and Fee Committees;

(14) recommend the creation of new Ethics Committees and Fee Committees and the reorganization and termination of existing Ethics Committees and Fee Committees;

(15) recommend to the Supreme Court rules and guidelines governing the procedures to be followed in all ethics and fee arbitration proceedings in this state;

(16) hire and discharge all staff of the Office of Attorney Ethics consistent with personnel policies of the judiciary and subject to the approval of the Chief Justice, and to recommend the hiring of all ethics counsel to the Supreme Court;

(17) select attorneys and non-attorneys from among former Ethics and Fee Committee members to act as hearing panel members; and

(18) approve additional volunteer attorneys who are not members of an Ethics Committee to act as investigators or presenters.

In all actions the Director shall exercise all of the investigative and prosecutorial authority of an Ethics Committee in addition to any authority invested in the Director under these rules.

(c) Advisory Opinions Prohibited. ...no change

(d) Exemption From Costs. ...no change

Note: Former rule redesignated R. 1:20-3 and new rule adopted January 31, 1984 to be effective February 15, 1984; paragraph (b)(15); amended and new paragraph (16) adopted November 5, 1986 to be effective January 1, 1987; paragraph (b)(8); amended June 29, 1990 to be effective September 4, 1990; paragraphs (a) and (b); amended, subparagraphs (b)(1) (i) (ii) (iii) (iv) (v); amended and redesignated (b)(1) (A) (B) (C) (D) and (E), new subparagraph (b)(17) added, paragraphs (c) and (d) adopted January 31, 1995 to become effective March 1, 1995; paragraph (b)(1); amended, subparagraph (b)(1)(E); amended, new subparagraph (b)(1)(F) adopted, new subparagraph (b)(2) added, former subparagraphs (b)(2) and (b)(3) renumbered as (b)(3) and (b)(4) and; amended, former subparagraphs (b)(4) to (b)(9) renumbered as (b)(5) to (b)(10), former subparagraphs (b)(10) and (b)(11) renumbered as (b)(11) and (b)(12) and; amended, former subparagraph (b)(12)

renumbered as (b)(13), former subparagraph (b)(13) renumbered as (b)(14) and; amended, former subparagraphs (b)(14) to (b)(17) renumbered as (b)(15) to (b)(18), and new last sentence added to paragraph (b) July 28, 2004 to be effective September 1, 2004; subparagraphs (b)(16) and (b)(17); amended July 9, 2008 to be effective September 1, 2008; subparagraph (b)(4) amended May 7, 2024 to be effective immediately; subparagraphs (b)(1)(E), (b)(1)(F), (b)(5), (b)(6) and (b)(11) amended, subparagraphs (b)(1)(G) and (b)(1)(H) added February 27, 2026 to be effective March 1, 2026.

1:20-3. District Ethics Committees; Investigations

(a) Disciplinary Districts. ...no change

(b) Appointments. ...no change

(c) Officers; Organization. ...no change

(d) Office. ...no change

(e) Screening; Docketing. ...no change

(f) Related Pending Litigation. If a grievance alleges facts that, if true, would constitute unethical conduct and if those facts are substantially similar to the material allegations of pending civil or criminal litigation, the grievance shall be docketed and investigated if, in the opinion of the secretary or Director, the facts alleged clearly demonstrate provable ethical violations or if the facts alleged present a substantial threat of imminent harm to the public. All other grievances involving such related pending civil and criminal litigation may be declined and not docketed. If the matter has already been docketed when the related pending litigation is discovered, the matter may be administratively dismissed or held in abeyance on untriable status, in the Director's discretion, provided the matter is still in the investigative stage. The grievant shall be informed in writing of any decision, together with a brief statement of the reasons therefor and a copy of any Court Rule or written guideline supporting declination. Once a formal complaint has been filed, the matter shall not be dismissed nor held in abeyance pending

completion of the related litigation, unless so authorized by the Director. Whenever an attorney is a defendant in any criminal proceeding, the Director shall docket the matter and may, in the Director's discretion, investigate and prosecute the disciplinary case.

(g) Investigation.

(1) Generally. ...no change

(2) Notice to Respondent. ...no change

(3) Duty to Cooperate. ...no change

(4) Failure to Cooperate. ...no change

(5) Notice to Grievant. ...no change

(6) Investigative Subpoena. During the investigation of any matter, or in connection with a readmission proceeding under R. 1:20-21A, a subpoena may be issued in accordance with R. 1:20-7(i) in the name of the Supreme Court of New Jersey.

(h) Dismissal and Appeal; Administrative Dismissal. The investigator shall report in writing to the chair, providing a copy to the secretary. The report shall set forth the facts, together with a recommendation for action. If the chair concludes that there is no reasonable prospect of proving unethical conduct or incapacity by clear and convincing evidence, the matter shall be dismissed. Written notice of the facts and reasons for dismissal shall be provided to the respondent, the Director,

and the grievant, who shall be advised of the right of appeal to the Disciplinary Review Board within 21 days as provided by Rule 1:20-15(e)(2).

The Director may authorize that a grievance be declined or administratively dismissed where either the attorney has been disciplined and the Director determines that the processing of additional matters against the respondent would not likely result in the imposition of substantially different discipline, or the attorney, although not yet disciplined, is already the subject of disciplinary proceedings and the nature or time periods covered by the additional grievances are similar to other unethical conduct already being pursued, so that the results would be likely to be merely cumulative. If so approved, the secretary shall give notice of declination or administrative dismissal to any grievant, together with an explanation of the reasons supporting the action.

(i) Determination of Unethical Conduct.

(1) Generally. ...no change

(2) Minor Unethical Conduct. ...no change

(3) Unethical Conduct.

A. Defined. All [ethical] violations of the Rules of Professional Conduct, case law, or other authority not determined in accordance with these rules to be minor unethical conduct shall be processed as unethical conduct.

B. Process. ...no change

(j) Incapacity. ...no change

Note: Former Rule redesignated as Rule 1:20-4 January 31, 1984 to be effective February 15, 1984. Source: Former Rule 1:20-2 adopted February 23, 1978, to be effective April 1, 1978; paragraphs (a), (h), (l) and (m) amended January 17, 1979, which were superseded on March 2, 1979, to be effective April 1, 1979; and paragraphs (n) and (o) restored on March 22, 1979, to be effective April 1, 1979; subparagraph (l)(3) deleted and new paragraph (p) adopted June 19, 1981, to be effective immediately; paragraphs (c), (h), (j) and (l)(1)(i) amended July 16, 1981, to be effective September 14, 1981; Rule redesignated as Rule 1:20-3; paragraphs (a) through (e) amended; paragraphs (f), (g) and part of (k) deleted; paragraphs (h), (i), (j), (k), (l), (m), (n), (o) and (p) amended and redesignated (f), (h), (i), (j), (k), (l), (m), (n) and (o) and new paragraphs (g) and (p) adopted January 31, 1984, to be effective February 15, 1984; paragraphs (f), (g), (h), (i), (l), (n), (o) and (p) amended November 5, 1986, to be effective January 1, 1987; paragraph (e) and (m) amended June 26, 1987 to be effective July 1, 1987; paragraphs (i), (j) and (o) amended November 7, 1988 to be effective January 2, 1989; paragraphs (f) and (i) amended, and paragraph (n)(3) caption and text amended June 29, 1990 to be effective September 4, 1990; paragraph (f) amended July 13, 1994 to be effective September 1, 1994; paragraphs (g) and (n)(2) captions and text amended August 8, 1994, to be effective immediately; paragraphs (a), (b), (c) and (d) amended, paragraphs (e) through (p) deleted and new paragraphs (e) through (j) adopted January 31, 1995 to be effective March 1, 1995; paragraphs (f), (g)(5), and (h) amended July 5, 2000 to be effective September 5, 2000; paragraph (g)(1) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a), (b), (c), (e), (f), (g), (h), (i) (text and caption), and (j) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended June 15, 2007 to be effective September 1, 2007; paragraphs (b) and (c) amended July 22, 2014, to be effective September 1, 2014; subparagraph (e)(2)(B) amended May 9, 2019 to be effective immediately; subparagraph (i)(2)(B) amended May 11, 2023 to be effective immediately; paragraph (b) amended December 5, 2023 to be effective immediately; paragraphs (f), (g)(6), (h), and (i)(3)(A) amended February 27, 2026 to be effective March 1, 2026.

1:20-4. Formal Pleadings

(a) Complaint Determination. ...no change

(b) Contents of Complaint. ...no change

(c) Consolidation of Charges and Respondents. ...no change

(d) Filing and Service. ...no change

(e) Answer. Within twenty-one days after service of the complaint, the respondent shall file with and serve on the secretary the original and one copy of a written, verified answer designated as such in the caption. The respondent shall also file a copy with the presenter, the vice chair or special ethics adjudicator and, in cases prosecuted by the Director, two copies with that office. The verification shall be made in the following form:

“Verification of Answer

I, (insert respondent’s name), am the respondent in the within disciplinary action and hereby certify as follows:

(1) I have read every paragraph of the foregoing Answer to the Complaint and verify that the statements therein are true and based on my personal knowledge.

(2) I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.”

An answer that has not been verified within ten days after the respondent is given notice of the defect shall be deemed a failure to answer as defined within these Rules.

For good cause shown, the vice chair or the special ethics adjudicator, if one has been appointed, may, on written application made within twenty-one days after service of the complaint, extend the time to answer. The Director shall be notified of any extension granted in cases prosecuted by that office. The secretary shall forward one copy of all answers to the Director. The respondent's answer shall set forth (1) a full, candid, and complete disclosure of all facts reasonably 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 offenses charged; (3) any mitigating circumstances; (4) a request for a hearing either on the charges or in mitigation, and (5) any constitutional challenges to the proceedings. All constitutional questions shall be held for consideration by the Supreme Court as part of its review of any final decision of the Disciplinary Review Board. Interlocutory relief may be sought only in accordance with R. 1:20-16(f)(1). Failure to request a hearing shall be deemed a waiver thereof. A respondent is required to file an answer even if the respondent does not wish to contest the complaint.

(f) Failure to Answer.

(1) Admission. ...no change

(2) Certification to Disciplinary Review Board. If a respondent has been duly served with a complaint but has failed to file a verified answer within the prescribed time, a certification detailing that failure may be filed with the Director by the secretary or special ethics adjudicator, or, in cases prosecuted by the Director, by ethics counsel. The Director may thereafter file that certification with the Disciplinary Review Board, which shall treat the matter as a default. A copy of the certification shall be mailed to the respondent.

(g) Counsel.

(1) Presenter. ...no change

(2) Respondent's Counsel; Assignment for Indigents. A respondent may be represented by counsel admitted to practice law in New Jersey or admitted pro hac vice by the Disciplinary Review Board, or may appear pro se. A respondent desiring representation but claiming inability to retain counsel by reason of indigency, shall promptly so notify the vice chair and special ethics adjudicator, if one is appointed, and shall, within 14 days after service of the complaint, make written application to the Assignment Judge of the vicinage in which respondent practices or formerly practiced, simultaneously serving the application on the vice chair and special ethics adjudicator, if one has been

assigned, and on the presenter. The application shall be supported by a certification complying with R. 1:4-4(b), which shall contain a current statement of all assets and liabilities, any bankruptcy petition and orders, and copies of the respondent's state and federal income and business tax returns for the prior three-year period. For good cause shown, the Assignment Judge shall assign an attorney to represent the respondent without compensation, so notifying the respondent, the secretary, the vice chair and special ethics adjudicator, if one has been assigned, and the Office of Attorney Ethics of any decision.

(3) Grievant's Counsel. ...no change

Note: Text and former R. 1:20-4 redesignated R. 1:20-15. New text to R. 1:20-4, adopted January 31, 1995 to be effective March 1, 1995; paragraph (e) amended July 5, 2000 to be effective September 5, 2000; paragraphs (e) and (f)(2) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a), (b), (d), (e), (f), and (g) amended July 28, 2004 to be effective September 1, 2004; paragraph (d) amended August 1, 2006 to be effective September 1, 2006; paragraph (b) amended July 9, 2008 to be effective September 1, 2008; paragraph (d) amended December 28, 2023 to be effective immediately; paragraphs (d) and (e), and subparagraphs (f)(2) and (g)(2) amended May 7, 2024 to be effective immediately; paragraphs (e), (f)(2), and (g)(2) amended February 27, 2026 to be effective March 1, 2026.

1:20-5. Prehearing Procedures

(a) Discovery. ...no change

(b) Prehearing Conference.

(1) Attendance. ...no change

(2) Prehearing Report. ...no change

(3) Objectives. ...no change

(4) Case Management Order. ...no change

(5) Setting Hearing Date and Conclusion. At the prehearing conference the hearing panel chair or special ethics adjudicator shall schedule dates for the hearing of the case within 60 days after the date of the conference, except in extraordinary circumstances, which hearing dates shall be promptly reported to the vice chair and Director. The hearing shall be concluded within 45 days after its commencement and a hearing report shall be filed with the Disciplinary Review Board and served on the parties within 60 days after the hearing's conclusion, except in extraordinary circumstances.

(c) Sanctions. ...no change

(d) Motion to Dismiss. ...no change

Note: Former R. 1:20-5 redesignated R.1:20-16 adopted January 31, 1995 to be effective March 1, 1995; paragraph (b)(6); amended July 5, 2000 to be effective September 5, 2000; paragraph (a)(7); amended July 12, 2002 to be effective September 3, 2002; paragraphs (a) and (b); amended, former subparagraph (b)(c)

redesignated as paragraph (c), former paragraph (c) redesignated as paragraph (d) and; amended July 28, 2004 to be effective September 1, 2004; subparagraphs (a)(3) and (b)(2); amended July 9, 2008 to be effective September 1, 2008; subparagraphs (a)(7), (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), and paragraph (c) amended May 7, 2024 to be effective immediately; paragraph (b)(5) amended February 27, 2026 to be effective March 1, 2026.

1:20-6. Hearings

(a) Hearing Panels.

(1) Hearing Panel Designations; Oversight. ...no change

(2) Quorum. ...no change

(3) Powers and Duties. Hearing panels shall have the following powers and duties:

(A) to conduct hearings on formal charges of unethical conduct and petitions for reinstatement where requested by the Disciplinary Review Board or the Court;

(B) to submit to the Disciplinary Review Board written findings or fact, conclusions of law and recommendations, together with the record of the hearing; and

(C) to determine issues of unethical conduct by majority vote, provided a quorum is present.

(4) Powers and Duties of Hearing Panel Chair. ...no change

(b) Special Ethics Adjudicators.

(1) Qualifications. A retired or recalled judge of this state, a former member of the Disciplinary Review Board or the Attorney Regulatory Board, a former member of the Disciplinary Oversight Committee, a former officer of a district ethics committee, or a former chair of a hearing panel may be appointed, with his or her consent, to serve as a special ethics adjudicator.

(2) Appointment; Compensation. ...no change

(3) Designation; Oversight. ...no change

(4) Powers and Authority. ...no change

(c) Hearings Involving Unethical Conduct; When Required.

(1) When Required. A hearing shall be held only if the pleadings raise genuine disputes of material fact, if the respondent's answer requests an opportunity to be heard in mitigation, or if the presenter requests to be heard in aggravation. In all other cases the pleadings, together with a statement of procedural history, shall be filed by the trier of fact directly with the Disciplinary Review Board for its consideration in determining the appropriate sanction to be imposed.

(2) Notice and Conduct of Hearings.

(A) Generally. ...no change

(B) Standard of Proof. ...no change

(C) Burden of Proof; Burden of Going Forward. ...no change

(D) Respondent's Presence and Testimony; Presence and Sequestration of Witnesses. ...no change

(E) Findings and Report. The trier of fact shall submit to the Disciplinary Review Board written findings of fact and conclusions of law on each issue

presented, together with the record of the hearing, and shall take one of the following actions:

(i) Dismissal. If the trier of fact finds that there has been no unethical conduct, the secretary or special ethics adjudicator shall send to the presenter, the respondent, the grievant, if any, the Director and the vice chair, a letter of dismissal in a form approved by the Director, together with a copy of the hearing panel's report. The original report and record shall be filed with the Director. The hearing panel or special ethics adjudicator shall not order any transcript without the prior approval of the Director or the Disciplinary Review Board. Appeals may be taken in accordance with R. 1:20-15(e)(2).

(ii) Admonition Recommendation. If the hearing panel or special ethics master finds that there has been unethical conduct for which an admonition constitutes adequate discipline, the panel chair or special ethics adjudicator shall submit the original hearing panel report stating the specific discipline recommended and the record of all proceedings before it to the Director for transmittal to the Disciplinary Review Board. The hearing panel or special ethics adjudicator shall not order any transcript without the prior approval of either the Director or the Disciplinary Review Board. A copy of the hearing panel's report shall be served on the presenter, the respondent, the grievant, if any, the vice chair

and secretary. The Disciplinary Review Board shall proceed pursuant to R. 1:20-15(f).

(iii) Reprimand, Censure, Suspension or Disbarment Recommendations. If the hearing panel or special ethics adjudicator finds that there has been unethical conduct that requires the imposition of a reprimand, censure, suspension or disbarment, the panel chair or special ethics adjudicator shall submit the original hearing panel report stating the specific nature of the discipline recommended and the record of all proceedings, including the original transcript, to the Director for transmittal to the Disciplinary Review Board. A copy of the hearing panel's report shall be served on the presenter, the respondent, the grievant, if any, the vice chair and secretary. The Disciplinary Review Board shall proceed pursuant to R. 1:20-15(f).

(F) Public Hearings. ...no change

(d) Abstention and Request for Disqualification. ...no change

(e) Withdrawal by Respondent's Counsel; When Permitted. ...no change

Note: Adopted January 31, 1995 to be effective March 1, 1995 paragraph (c) amended July 25, 1995, to be effective immediately; paragraph (b)(2) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a)(1), (a)(2), and (c)(2)(E)(i) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a) and (b) amended, paragraph (c) caption and text amended, former paragraph (d) deleted, and new paragraph (d) adopted July 28, 2004 to be effective September 1, 2004; new paragraph (e) adopted July 27, 2006 to be effective September 1, 2006; subparagraph (c)(2)(F) amended August 1, 2006 to be effective September 1, 2006;

subparagraphs (b)(1) and (c)(2)(A) amended July 9, 2008 to be effective September 1, 2008; paragraph (b)(3) amended December 8, 2010 to be effective January 1, 2011; subparagraph (b)(2) amended July 28, 2017 to be effective September 1, 2017; subparagraph (b)(2) amended July 31, 2020 to be effective September 1, 2020; subparagraph (c)(2)(F) amended December 28, 2023 to be effective immediately; paragraph (b) caption, subparagraphs (b)(1), (b)(2), (b)(3), (b)(4), (c)(2)(A), (c)(2)(E) amended May 7, 2024 to be effective immediately; subparagraphs (a)(2)(A), (a)(2)(B), (b)(1), (c)(1), and (c)(2)(E) amended February 27, 2026 to be effective March 1, 2026.

R. 1:20-7. Additional Rules of Procedure

(a) Nature of Proceedings. ...no change

(b) Evidence Rules Relaxed. ...no change

(c) Time Limitations. ...no change

(d) Delay Caused by Grievant. ...no change

(e) Immunity of Disciplinary and Fee Authorities. Members of the Office of Attorney Ethics, the Disciplinary Review Board, the Attorney Regulatory Board, the Office of Board Counsel, Disciplinary Oversight Committee, Ethics Committees, Fee Committees, their secretaries, special ethics adjudicators and their lawfully appointed designees and staff, shall be absolutely immune from suit, whether legal or equitable in nature, based on their respective conduct in performing their official duties. The Supreme Court shall request the Attorney General to represent disciplinary authorities in all civil or criminal litigation in state or federal courts.

(f) Immunity of Grievants, Witnesses and Others. Grievants in ethics matters, clients in fee arbitration cases and witnesses and potential witnesses in both ethics and fee matters shall be absolutely immune from suit, whether legal or equitable in nature, for all communications, including testimony, only to the Office of Attorney Ethics, the Disciplinary Review Board, the Attorney Regulatory Board, the Office of Board Counsel, Disciplinary Oversight Committee, Ethics

Committees, Fee Committees, their secretaries, special ethics adjudicators and their lawfully appointed designees and staff.

(g) Immunity from Criminal Prosecution. ...no changes

(h) Service. ...no changes

(i) Subpoena Power.

(1) Oaths. In discipline, reinstatement, readmission, and disability matters, members of a hearing panel, special ethics adjudicators, court reporters or ethics counsel may administer oaths and affirmations.

(2) Investigative and Hearing Subpoenas. During the investigation, pendency, or hearing of a matter, a subpoena may be issued in the name of the Supreme Court to compel the appearance of any person for questioning or testimony or to compel the production of books, records, documents or other items designated therein. A showing of relevance or materiality may be required before the issuance of any subpoena. The subpoena shall issue in a form approved by the Supreme Court. Investigative and hearing subpoenas may be signed by any Ethics Committee member, the presenter, ethics counsel or by the Disciplinary Review Board, Attorney Regulatory Board, or [its] legal staff in the Office of Board Counsel. Hearing subpoenas may also be issued by a hearing panel member, special ethics adjudicator or by the Disciplinary Review Board, Attorney Regulatory Board, or [its] legal staff in the Office of Board Counsel.

(3) Service; Fees. ...no change

(4) Enforcement; Contempt. ...no change

(5) Standards; Quashing Subpoena; Appeals.

(A) Generally. The Disciplinary Review Board chair, during the investigation stage of a matter, or the hearing panel chair or special ethics adjudicator, after the filing of a complaint, or the Attorney Regulatory Board Chair, during the pendency of a petition for reinstatement or readmission, may, on motion made promptly, quash or modify a subpoena if the subject testimony or documentation is patently irrelevant or if compliance would be unreasonable or oppressive.

(B) Interlocutory Appeals. The determination on a challenge to a subpoena shall not be subject to interlocutory appeal, but any objection thereto will be preserved for review on appeal, if any, or on an authorized review under R. 1:20-15 and 16.

(6) Subpoena Pursuant to Law of Another Jurisdiction. ...no change

(j) Grievances Against Disciplinary Agency Members.

(1) Grievances Alleging Improper Processing. Any grievance against Ethics Committee or Fee Committee members and secretaries, members of the Office of Attorney Ethics, hearing panels, special ethics adjudicators or the Disciplinary Review Board, their lawfully appointed designees and staff, arising out of their

processing of an ethics grievance or fee arbitration request shall be filed with and considered exclusively by the Disciplinary Review Board in connection with any appeal or other authorized review of a matter in the normal course under R. 1:20-15(e). After review, the Disciplinary Review Board shall make any appropriate direction regarding the grievance. Nothing herein shall preclude introduction of the facts which underlie the grievance in evidence in any ethics proceeding if relevant.

(2) Other Grievances. Except as provided in section (1), if a grievance is filed against the Director, Office of Attorney Ethics, ethics counsel or staff, or a member of the Disciplinary Review Board, Attorney Regulatory Board, or the Office of Board Counsel or its staff, the matter shall be transmitted to the Clerk of the Supreme Court, who shall make any appropriate direction for processing the matter.

(k) Extension of Time; Adjournments. ...no change

(l) Absent or Non-responding Respondent. ...no change

(m) Transcripts. Where in a pending matter a respondent is found guilty of unethical conduct warranting reprimand, censure, suspension, or disbarment, the trier of fact shall order the original transcript and shall file it, together with its report and the record of the matter, with the Disciplinary Review Board. If no finding of unethical conduct is made, the trier of fact may order the transcript only with prior permission of the Director or the Disciplinary Review Board. Where a

matter is pending, a respondent may, at personal expense, order a transcript of the hearing, provided that the respondent also directs the reporter to furnish a copy of the transcript to the trier of fact. Where a matter is concluded the respondent may, at personal expense, order a transcript of the hearing. Except where a protective order has been issued pursuant to Rule 1:20-9(i), any other person may order all or any part of a transcript at the individual's prepaid expense. Either the Disciplinary Review Board or the Director shall have the right to order a transcript wherever necessary.

(n) Prior Discipline or Disability. ...no change

Note: Adopted January 31, 1995 to be effective March 1, 1995; paragraphs (h), (i), (m), and (n) amended July 28, 2004 to be effective September 1, 2004; paragraph (m) amended August 1, 2006 to be effective September 1, 2006; paragraph (m) amended December 28, 2023, to be effective immediately; paragraphs (e), (f), (i), (j), and (k) amended May 7, 2024 to be effective immediately; paragraphs (e), (f), (i), (j), and (m) amended February 27, 2026 to be effective March 1, 2026.

1:20-8. Priority of Disciplinary Matters

(a) Investigations. ...no change

(b) Formal Hearings. ...no change

(c) Appellate Review. The disciplinary system shall endeavor to complete all recommendations for discipline filed with the Disciplinary Review Board within six months from the date of docketing by the Office of Board Counsel until the issuance of the Disciplinary Review Board's decision. All ethics and fee arbitration appeals should be completed and a decision issued within three months of docketing the appeal by the Disciplinary Review Board.

(d) Supreme Court Review. ...no change

(e) Effect of Goals. ...no change

(f) Accountability. ...no change

(g) Priority of Disciplinary Matters. ...no change

Note: Former R. 1:20-8 deleted, new text adopted January 31, 1995 to be effective March 1, 1995; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a), (b), (c), and (g) amended July 28, 2004 to be effective September 1, 2004; paragraph (g) amended May 7, 2024 to be effective immediately; paragraph (c) amended February 27, 2026 to be effective March 1, 2026.

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

(a) Confidentiality by the Director. ...no change

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

(c) Public Proceedings. All proceedings shall be public except:

(1) as otherwise provided by paragraph (a); or

(2) prehearing conferences; or

(3) deliberations of the trier of fact, Disciplinary Review Board, Attorney

Regulatory Board, or Supreme Court; or

(4) information subject to a protective order; or

(5) proceedings alleging disability in accordance with paragraph (g).

(d) Public Records.

(1) ... no change

(2) In the event an attorney has been temporarily suspended for disciplinary reasons, the motion papers, any response and any orders issued by the Disciplinary Review Board or the Court shall be available to the public by their respective offices. Unless the Court otherwise orders, all other records regarding emergent applications, including but not limited to those for temporary suspension (either for disciplinary reasons, failure to pay disciplinary costs, failure to pay fee arbitration determinations or settlements or otherwise), license restrictions, conditions of

practice, transfer to temporary disability-inactive status, shall be confidential, except for orders issued by the Supreme Court.

(3) ...no change

(4) Ethics Committees, Office of Attorney Ethics, [or] the Disciplinary Review Board, or Attorney Regulatory Board may charge for copies of records in accordance with Rule 1:38-9.

(5) The District Ethics Committee Manual and the District Fee Arbitration Manual are also public documents, copies of which shall be available from the Office of Attorney Ethics [, the Disciplinary Review Board] and the secretaries of the respective Ethics Committees and Fee Committees.

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

(f) Disclosure of Evidence of Criminal Conduct; All Other Disclosure Including Subpoenas.

(1) Subsequent to the filing 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 Director may refer any matter to law enforcement authorities without prior notice to respondent if criminal conduct may be involved. Prior to the filing and service of a complaint, the Director may refer a matter to law enforcement authorities if criminal conduct may be involved and the respondent has been temporarily suspended. In both cases, a copy of the

letter of referral shall be sent to the respondent and any known counsel. Where criminal conduct may be involved but where the respondent has not been temporarily suspended or served with a complaint, the Director shall, prior to such referral, give ten days written notice to the respondent and any known counsel of the intention to make a referral. The respondent may, within said period, apply to the Disciplinary Review Board for a protective order based on good cause shown.

(2) ...no change

(3) In all other cases, including cases where civil or criminal subpoenas have been issued to disciplinary personnel, the Disciplinary Review Board may authorize the referral of any confidential documentary information to the appropriate authority only for good cause shown. When a requesting authority shall seek such information, it shall issue its subpoena, which shall be transmitted to the Disciplinary Review Board or shall file a motion seeking disclosure with the Disciplinary Review Board, on ten days' notice to the respondent and any known counsel, and the Director, both of whom shall be given an opportunity to be heard.

(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) Protective Orders. In exceptional cases, protective orders may be sought to prohibit the disclosure of specific information to protect the interests of a grievant, witness, third party or respondent. The presenter or respondent shall make any application for a protective order. On application or on its own motion, and for good cause shown, the Supreme Court, the Disciplinary Review Board, the Attorney Regulatory Board, or the trier of fact may issue the protective order. A copy of any protective order entered shall be sent promptly to the Director, the secretary of any appropriate Ethics Committee, all parties, the Office of Board Counsel, and the Clerk of the Supreme Court. The trier of fact or the Disciplinary Review Board or the Attorney Regulatory Board may also direct that implementation of the protective order include a requirement that any hearing on the matter be conducted in such a manner as to preserve the confidentiality of the information that is the subject of the order.

(j) Duty to Maintain Confidentiality. ...no change

(k) Records Retention, Expungement and Reporting. The Clerk of the Supreme Court shall maintain permanently all disciplinary and disability files

processed by the Supreme Court for decision including, but not limited to, all files resulting in the imposition of final or temporary discipline or the transfer to disability-inactive status, and all applications for reinstatement, readmission, or restoration. Chief Counsel to the Disciplinary Review Board shall permanently maintain all ethics files previously resulting in private reprimands and admonitions issued by the Disciplinary Review Board, and shall maintain files of all ethics and fee arbitration appeals processed to the Disciplinary Review Board for a period of three years after the matter is terminated or for one year after the date of death of the attorney, whichever is earlier. All Ethics Committees shall maintain files for one year after the date a matter is terminated or after the attorney's death. All files maintained by the Office of Attorney Ethics and all other files maintained by the Disciplinary Review Board and Attorney Regulatory Board may be destroyed after five years following the date the matter is terminated or after one year following the date of the attorney's death. However, Chief Counsel to the Disciplinary Review Board and the Attorney Regulatory Board and the Director of the Office of Attorney Ethics shall permanently maintain a summary of all docketed matters processed by each office containing the name of the respondent and any grievant or client, a brief summary of the nature and disposition of the matter and the date the case was opened and closed by their respective offices.

Except with respect to any application by an attorney for appointment to or employment by a judicial branch of government or a law enforcement or corrections agency, the matter shall, after the time herein specified for destruction of the file, be deemed expunged and any agency response to an inquiry requiring a reference to such matter shall state that there is no record of the filing of cases that are over five years old where the matter is dismissed or terminated other than by discipline or transfer to disability-inactive status. Except with respect to inquiries by the judicial branch of government, or a law enforcement or corrections agency, the respondent may answer any inquiry requiring a reference to a destroyed file by stating that the grievance was dismissed and thereafter expunged pursuant to court rule.

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

(m) Notice to National Lawyer Regulatory Data Bank. ...no change

(n) Public Notice of Discipline Imposed. The Clerk of the Supreme Court shall cause promptly notices of all discipline, whether temporary or final, imposed against an attorney, transfers to or from disability-inactive status and reinstatements and readmissions to be published in the official newspaper designated by the Supreme Court.

(o) Notice to the Courts. The Clerk of the Supreme Court shall promptly transmit a copy of all orders of discipline, whether temporary or final, transfers to

or from disability-inactive status and reinstatements and readmissions to all Assignment Judges, to the Chief Judge of the Appellate Division, the Presiding Judge of the Tax Court of New Jersey, and to the Clerk of the United States District Court for the District of New Jersey. If a respondent has been suspended, disbarred or the subject of an equivalent sanction or transferred to disability-inactive status and fails to or is unable to comply with the requirement of Rule 1:20-20, the Office of Attorney Ethics or the County Bar Association may, where necessary, request the Assignment Judge of the county in which the respondent practiced law to designate a practicing attorney member of the bar of that county to take such action pursuant to Rule 1:20-19 as may be necessary to protect the interests of the respondent and the respondent's clients.

(p) Notice to Disciplinary Agencies. ...no change

(q) Annual Reports. The Office of Attorney Ethics, the Disciplinary Review Board, and the Attorney Regulatory Board shall each annually publish reports to the Supreme Court concerning their respective activities.

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; subparagraphs (c)(3), (d)(2), (d)(4), (d)(5), (f)(1), and (f)(3) amended, and paragraphs (h), (i), (k), (n), (o), and (q) amended February 27, 2026 to be effective March 1, 2026.

1:20-10. Discipline by Consent

(a) Disbarment by Consent.

(1) General Procedure. ...no change

(2) Affidavit of Consent. Consents to disbarment shall be by affidavit in the form approved by the Supreme Court in which the respondent asserts:

(A) ...no change

(B) ...no change

(C) ...no change

(D) ...no change

(E) ...no change

(F) ...no change

(G) the understanding that the disbarment by consent, if accepted by the Supreme Court, is tantamount to disbarment and may constitute[s] an absolute bar to [reinstatement] readmission to the practice of law; and

(H) ...no change

(3) Action by Supreme Court. ...no change

(b) [Other] Motions for Discipline by Consent.

(1) Timeliness and Form of Petition. At any time during the investigation or hearing of a disciplinary matter, but prior to the issuance of the hearing report, the respondent may agree with the investigator or presenter to submit an affidavit of

discipline by consent in exchange for a specific recommendation for discipline. Following approval by the chair or Director, the matter shall be submitted to the Disciplinary Review Board as an agreed matter by way of a motion to impose discipline on consent in accordance with Rule 1:20-15(g). A copy of the motion shall be provided to the Director.

(2) Contents of Motion. ...no change

(3) Action by the Disciplinary Review Board. Pursuant to Rule 1:20-15(g), the perfected motion shall be submitted to the Disciplinary Review Board. The Disciplinary Review Board may allow the motion and accept the discipline recommended. The Disciplinary Review Board shall either deny the motion in which case the disciplinary proceeding shall resume as if no motion had been made or the Disciplinary Review Board shall grant the motion. If accepted by the Disciplinary Review Board, it shall submit the record of the proceedings to the Clerk of the Supreme Court for entry of a consent order of discipline in accordance with Rule 1:20-16(e). If the motion is denied, no admissions made therein shall be admitted into evidence.

Note: Former R. 1:20-10 text deleted, new text adopted January 31, 1995 to be effective March 1, 1995; paragraph (a)(2)(H) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a) and (b) amended July 28, 2004 to be effective September 1, 2004; paragraph (b)(1) amended July 22, 2014, to be effective September 1, 2014; subparagraph (a)(2)(G) amended, paragraph (b) caption amended, paragraph (b)(1) amended, and paragraph (b)(3) caption and text amended February 27, 2026 to be effective March 1, 2026.

1:20-11A. Suspension of License to Practice Law for Failure to Support Dependents

(a) Suspension and Reinstatement of License. ...no change

(b) Release of Attorney Information to Probation Division. The Office of Attorney Ethics and the New Jersey Lawyers' [Lawyer's] Fund for Client Protection shall, upon request, provide the Probation Division of the Superior Court with, if available, an attorney's social security number, home address and primary law office address when the basis for such a request is a license revocation proceeding in accordance with Rule 5:7-5(b).

Note: Adopted March 15, 1996, to be effective immediately; paragraph (b) amended February 27, 2026 to be effective March 1, 2026.

1:20-12. Incapacity and Disability

(a) Disability Inactive Status; Effect of Judicial Determination of Mental Incapacity or on Involuntary Commitment. ...no change

(b) Request for Medical Examination. Whenever the Director presents evidence which reasonably brings into question the capacity of an attorney to practice law, whether by reason of mental or physical infirmity or illness, or because of addiction to drugs or intoxicants, the Disciplinary Review Board shall direct that the attorney submit to such medical examination as may be appropriate to enable the Director to determine whether the attorney is so incapacitated. Such action shall be taken on an expedited basis. Thereafter the Director may request the Disciplinary Review Board to recommend to the Supreme Court that the attorney be immediately transferred to Disability Inactive Status. If the Disciplinary Review Board concludes that the attorney lacks the capacity to practice law, it shall forthwith recommend to the Supreme Court that the attorney be transferred to disability inactive status until the further order of the Court. No pending disciplinary proceeding against the attorney shall be held in abeyance unless the Court shall additionally find that the respondent is incapable of assisting counsel in defense of any ethics proceedings.

(c) Assignment of Counsel; Notice of Proceedings. Either the Court or the Disciplinary Review Board may order the assignment of counsel for an attorney during any proceeding under this rule if it is in the interest of justice to do so. A copy of all applications and orders made pursuant to this rule shall be served on the attorney or counsel, any guardian, or the director of any institution to which the attorney has been committed.

(d) Proceedings to Determine Incapacity. Information relating to an attorney's physical or mental condition that adversely affects the capacity to practice law may be investigated and, where warranted, shall be the subject of a hearing to determine whether the attorney shall be transferred to disability inactive status. In conjunction with any such investigation the Director may also request the Disciplinary Review Board to direct the attorney to submit to an appropriate medical examination. All proceedings and any formal hearing shall be conducted in the same manner as disciplinary proceedings. The issue before the hearing panel or special ethics adjudicator, the Disciplinary Review Board and the Court shall be whether the attorney lacks the capacity to practice law. If on due consideration of the matter the Court concludes that the attorney lacks the capacity to practice law, it shall enter an order transferring the attorney to disability inactive status for an indefinite period and until the further order of the Court.

(e) Inability to Properly Defend. ...no change

(f) Transfer to Active Status on Termination of Disability. ...no change

(g) Burden of Proof. ...no change

(h) Waiver of Doctor-Patient Privilege. ...no change

Note: Adopted January 31, 1984 to be effective February 15, 1984; paragraph (g) amended November 5, 1986 to be effective January 1, 1987; paragraphs (a) and (b) caption and text amended, paragraphs (c) and (d) deleted, new paragraphs (c), (d) and (e) added and former paragraphs (e), (f) and (g) amended and redesignated (f), (g) and (h) November 7, 1988 to be effective January 2, 1989; paragraph (d) amended July 13, 1994 to be effective September 1, 1994; former R. 1:20-9 redesignated as R. 1:20-12, paragraphs (a) through (h) amended January 31, 1995 to be effective March 1, 1995; caption and text of paragraph (a) amended July 12, 2002 to be effective September 3, 2002; paragraph (d) amended May 7, 2024 to be effective immediately; paragraphs (b), (c), and (d) amended February 27, 2026 to be effective March 1, 2026.

1:20-13. Attorneys Charged with or Convicted of Crimes

(a) Reporting Criminal Matters. ...no change

(b) Automatic Temporary Suspension. ...no change

(c) Final Discipline.

(1) Conclusive Evidence. ...no change

(2) Procedure. At the conclusion of all criminal matters, including disorderly persons offenses, involving findings or admissions of guilt that are not the subject of a direct appeal, or at the conclusion of all direct appeals from all such matters, the Director may file directly with the Disciplinary Review Board and serve on the respondent or counsel, if any, a motion for final discipline based on a criminal conviction or admission of guilt specifying the sanction requested. Within 21 days after service of such motion the respondent shall file with the Disciplinary Review Board and serve on the Director a brief together with any other permissible filings. The Director may within 21 days thereafter file and serve any responding brief. If the respondent either fails to file a timely brief or timely files a brief which does not disagree with the sanction requested, no oral argument is required and the Disciplinary Review Board may decide the matter on the record. In all other cases the Disciplinary Review Board shall notify the parties of a date for oral argument. Following oral argument, the Disciplinary Review Board shall issue its decision and recommendation for final discipline to the Supreme Court.

The sole issue to be determined shall be the extent of final discipline to be imposed. The Disciplinary Review Board and Court may consider any relevant evidence in mitigation that is not inconsistent with the essential elements of the criminal matter for which the attorney was convicted or has admitted guilt as determined by the statute defining the criminal matter. No witnesses shall be allowed and no oral testimony shall be taken; however, both the Disciplinary Review Board and the Court may consider written materials otherwise allowed by this rule that are submitted to it. Either the Disciplinary Review Board or the Court, on the showing of good cause therefore or on its own motion, may remand a case to a trier of fact for a limited evidentiary hearing and report consistent with this subsection.

Nothing in this rule shall be construed to preclude the Office of Attorney Ethics from filing a complaint and proceeding by hearing where the Director determines that procedure to be appropriate.

Note: Source-Former Rule 1:20-6 adopted January 31, 1984 to be effective February 15, 1984; paragraph (a)(1) amended November 1, 1985 to be effective January 2, 1986; paragraphs (a) and (b) amended November 5, 1986 to be effective January 1, 1987; new paragraph (a) adopted and paragraphs (a) and (b) redesignated (b) and (c) November 7, 1988 to be effective January 2, 1989; former R. 1:20-6 redesignated as R. 1:20-13, captions added, former text of paragraph (a) redesignated (a)(1); new paragraph (a)(2) adopted, paragraph (b) and (c) amended January 31, 1995 to be effective March 1, 1995; paragraph (b) amended July 28, 2004 to be effective September 1, 2004; paragraph (c)(2) amended February 27, 2026 to be effective March 1, 2026.

1:20-14. Reciprocal Discipline and Disability Proceedings

(a) Reciprocal Attorney Discipline and Disability.

(1) Reporting Duty. ...no change

(2) Procedure. On the filing with the Disciplinary Review Board and service on the respondent by the Director of a motion for reciprocal discipline or disability attaching a certified or exemplified copy of a judgment or order that demonstrates that an attorney admitted to practice in this state, including those attorneys specially authorized for a limited purpose or in connection with a particular proceeding, has been transferred to disability-inactive status or disciplined as an attorney or otherwise in connection with the practice of law by another court, agency or tribunal, the respondent shall have 21 days after service of that motion to file and serve any brief containing any claim predicated on the grounds set forth in subsection (4) hereof that the recommendation to the Supreme Court of the imposition of the identical action or discipline by the Disciplinary Review Board would be unwarranted, together with the reasons therefor. The attorney shall have the burden of establishing by clear and convincing evidence the grounds asserted. The Director shall prosecute these proceedings and may submit a reply brief within 21 days after the expiration of the attorney's time for filing.

(3) Stay of Foreign Proceedings. ...no change

(4) Disciplinary Review Board Decision. On the expiration of the time allowed for the Director's filing of a reply brief, the matter shall be set down before the Disciplinary Review Board. If the respondent either fails to file a timely brief or timely files a brief that does not contest the sanction requested by the Director, no oral argument is required and the Disciplinary Review Board may decide the matter on the record. The Disciplinary Review Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Disciplinary Review Board finds on the face of the record on which the discipline in another jurisdiction was predicated that it clearly appears that:

(A) the disciplinary or disability order of the foreign jurisdiction was not entered;

(B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;

(C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;

(D) the procedure followed in the foreign disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(E) the unethical conduct established warrants substantially different discipline.

When the Disciplinary Review Board determines that any of said elements exists, it shall make such recommendation to the Court as it deems appropriate. The Director may argue that the law of this state or the facts of the case do or should warrant the imposition of greater discipline than that imposed in other jurisdictions, but in such event the Director shall bear the burden of establishing such contentions by clear and convincing evidence. In the event that the Disciplinary Review Board determines that the Director has met the burden in this regard, the Disciplinary Review Board shall recommend the imposition of such greater discipline as it deems appropriate.

(5) Conclusive Evidence. ...no change

(b) Reciprocal Judicial Discipline.

(1) Reporting Duty. ...no change

(2) Procedures for Foreign Judicial Determination. On the filing with the Disciplinary Review Board and service on the respondent by the Director of a motion for final discipline attaching a certified or exemplified copy of a judgment or order that demonstrates that an attorney admitted to practice in this state has been disciplined as a judge by another court, agency or tribunal, the matter shall proceed in accordance with subsections (a)(2) through (5).

(3) Procedure for New Jersey Judicial Determination. If a motion for final discipline is based on a final determination of unethical judicial conduct by the Supreme Court of New Jersey, that determination shall conclusively establish the facts on which it rests for purposes of an attorney disciplinary proceeding. In such case the Director may file directly with the Disciplinary Review Board and serve on the respondent or counsel, if any, a motion for reciprocal discipline. Within 21 days after service of such motion the respondent shall file with the Disciplinary Review Board and serve on the Director a brief together with any other permissible filings. The Director may within 21 days thereafter file and serve any responding brief. If the respondent either fails to file a timely brief or timely files a brief that does not disagree with the sanction requested; no oral argument is required, and the Disciplinary Review Board may decide the matter on the record. In all other cases the Disciplinary Review Board shall notify the parties of a date for oral argument, following which the Disciplinary Review Board shall issue its decision and recommendation for final discipline to the Supreme Court.

The sole issue to be determined under this section shall be the extent of final discipline to be imposed. The Disciplinary Review Board and Court may consider any relevant evidence in mitigation that is not inconsistent with the findings of fact and determinations of the Supreme Court of New Jersey in the judicial proceeding.

No witnesses shall be allowed, and no oral testimony shall be taken; however, both the Disciplinary Review Board and the Court may consider written materials otherwise allowed by this rule that are submitted to it. Either the Disciplinary Review Board or the Court, on the showing of good cause therefore or on its own motion, may remand a case to a special ethics adjudicator for a limited evidentiary hearing and report consistent with this subsection.

(c) Attorney Discipline Based on New Jersey Judicial Discipline. ...no change

(d) Alternative Procedure; Complaint. ...no change

Note: Adopted January 31, 1984 to be effective February 15, 1984; paragraphs (a), (b), (d) and (e) amended November 5, 1986 to be effective January 1, 1987; paragraph (d)(5) amended July 13, 1994 to be effective September 1, 1994; former R. 1:20-7 redesignated as R. 1:20-14, captions added, subsections (a)(b)(c)(d) and (e) amended and renumbered (a)(1) through (5), and new subsections (b) and (c) added January 31, 1995 to be effective March 1, 1995; paragraphs (a) and (b) amended and new paragraph (d) adopted July 28, 2004 to be effective September 1, 2004; subparagraph (b)(3) amended May 7, 2024 to be effective immediately; subparagraph (a)(2) amended, subparagraph (a)(4) caption and text amended, and subparagraphs (b)(2) and (b)(3) amended February 27, 2026 to be effective March 1, 2026.

1:20-15. Disciplinary Review Board

(a) Appointment; Officers. The Supreme Court shall appoint a Disciplinary Review Board consisting of nine members, at least five of whom shall be attorneys of this state and at least three of whom shall not be attorneys. Members shall be appointed for three-year terms and may be reappointed in the Supreme Court's discretion. The Supreme Court shall annually designate a chair and vice chair of the Disciplinary Review Board from among its members.

(b) Office of Board Counsel. The Supreme Court shall establish an Office of [Disciplinary Review] Board Counsel and shall [, with the advice of the Disciplinary Review Board,] appoint a counsel who shall be a member of the bar of the State of New Jersey. Neither counsel, assistant counsel nor staff shall be permitted to otherwise engage in the practice of law nor to be otherwise employed except as may be provided by these rules and R. 1:17. Counsel for the Disciplinary Review Board shall have the authority to:

- (1) provide legal counsel and advice to the Disciplinary Review Board;
- (2) represent the Disciplinary Review Board before the Supreme Court when so requested by the Court [or the Director];
- (3) serve as the secretariat for the Disciplinary Review Board;
- (4) maintain permanent records of all matters considered by the Disciplinary Review Board;

(5) prepare annually, jointly with the Director, a proposed budget for the attorney regulatory and disciplinary system of the state;

(6) recommend to the Disciplinary Review Board, for its adoption, subject to approval of the Supreme Court, regulations governing its own administrative procedures;

(7) hire and discharge all staff of the Office of [Disciplinary Review] Board Counsel consistent with personnel policies of the judiciary and subject to the approval of the Chief Justice [, and recommend the hiring of assistant and deputy counsel subject to the advice of the Board chair and approval of the Supreme Court]; and

(8) perform such other duties as may be specifically assigned by the Disciplinary Review Board or the Supreme Court.

(c) Quorum; Dissenting Report. Five members of the Disciplinary Review Board shall constitute a quorum and all determinations shall be made by a majority of a quorum, provided however that a determination that discipline be imposed or a recommendation for temporary suspension shall have the concurrence of at least five members of the Disciplinary Review Board who have considered the record and briefs, if any; and provided further that at least three of them were present at any oral argument. Any Disciplinary Review Board member not concurring in a majority decision may file a separate report.

(d) Regulations. The Disciplinary Review Board may, subject to the prior approval of the Supreme Court, promulgate rules governing proceedings before it.

(e) Review of Final Action.

(1) Ethics Actions Subject to Review. The Disciplinary Review Board shall review, upon the filing of an ethics appeal by the original grievant or the Director, the following actions taken by an Ethics Committee, a special ethics adjudicator or by the Committee on Attorney Advertising:

(i) a determination to dismiss after investigation on the basis that there is no unethical conduct.

(ii) a determination to dismiss made after hearing on the basis that there has been no unethical conduct.

(2) Perfection of Review. The original grievant or the Director may, within 21 days after receipt of notice of the action, file with the Disciplinary Review Board a notice of appeal in the form prescribed by the Disciplinary Review Board and shall serve a copy thereof by regular mail upon the respondent, and, where appropriate, the presenter and the secretary of the Ethics Committee, the Director or the Committee on Attorney Advertising. The notice of appeal shall have attached a complete copy of the investigation report. The secretary of the Ethics Committee or of the Committee on Attorney Advertising or the Director, as appropriate, shall provide the record of its proceedings to the Disciplinary Review

Board within ten days after its request. Within 21 days after receipt of the notice of appeal the respondent, the Ethics Committee, the Director, or the Committee on Attorney Advertising, as appropriate, may file a response with the Disciplinary Review Board.

(3) Review; Disposition. The review by the Disciplinary Review Board shall be de novo on the record with or without oral argument as it shall in its discretion determine. It shall by written determination affirm, modify, or reverse the action appealed from and may remand the matter for such further proceedings as it may direct. Review by the Disciplinary Review Board of decisions by the Committee on Attorney Advertising shall be limited as set forth in Rule 1:19A-4(b) and (d).

(f) Recommendations for Discipline.

(1) Generally. All recommendations for discipline received by the Disciplinary Review Board, except for admonitions and those consent matters that are reviewable only as to the recommended sanction, shall be promptly heard de novo on the record on notice to all parties. Recommendations for discipline filed by the Committee on Attorney Advertising shall be reviewed in accordance with Rule 1:19A-4(f). The Disciplinary Review Board's review shall include any portion of the charges dismissed by the trier of fact.

(2) Procedure; Waiver of Hearing. The notice of Disciplinary Review Board hearing shall contain a briefing schedule for the parties. Within ten days after

receipt of that notice, the respondent and the presenter shall enter an appearance with the Office of [Disciplinary Review] Board Counsel. At that time, respondent may agree in writing to proceed on the record and waive oral argument. The waiver shall specify whether or not respondent agrees with the conclusions and recommendation of the trier of fact. Neither the presenter nor assigned ethics counsel may elect to waive oral argument but if respondent has filed a complete waiver, the Disciplinary Review Board may elect to review the matter without argument.

(3) Disposition. The Disciplinary Review Board shall render a formal decision including findings of fact and conclusions of law as to each issue presented, and shall make a specific determination as to the appropriate disciplinary sanction, if any, to be imposed, except in those matters in which a reprimand has been recommended and the Disciplinary Review Board determines to impose an admonition. When the Disciplinary Review Board determines to impose an admonition rather than a reprimand, it shall promptly issue a letter in accordance with paragraph (4) of this Rule. The letter shall include a statement of reasons for the Disciplinary Review Board's conclusion that a lesser sanction is warranted. The Disciplinary Review Board's disposition shall require respondent to make reimbursement of disciplinary costs in accordance with Rule 1:20-17. The

Disciplinary Review Board's decision shall be promptly filed with the Clerk of the Supreme Court and served on the Director and the parties by regular mail.

(4) Admonitions. All post-hearing recommendations for admonitions received by the Disciplinary Review Board shall be considered promptly de novo on the record below on notice to all parties. Admonitions recommended by the Committee on Attorney Advertising shall be reviewed in accordance with Rule 1:19A-4(f). In its discretion the Disciplinary Review Board may direct that the transcript be produced, briefs be filed, or that oral argument be held. Except in minor unethical conduct matters the Disciplinary Review Board, in its discretion, may direct that a panel report recommending an admonition be treated as a recommendation for greater discipline. In that event, all proceedings shall be held in conformance with paragraph (1) above. The Disciplinary Review Board shall have the authority to impose an admonition together with a direction for reimbursement of costs. When the Disciplinary Review Board determines that an admonition should be imposed, including admonition by consent, it shall issue the letter of admonition. When the Disciplinary Review Board determines that no ethics violation has occurred, it shall dismiss the charges. The Disciplinary Review Board's determination, in letter form, shall be sent promptly to the respondent by certified mail. Copies shall be forwarded by regular mail to the Clerk of the Supreme Court, the Director, the Ethics Committee, the Committee on Attorney

Advertising, if applicable, and the original grievant, if any. The Supreme Court may review admonitions in accordance with Rule 1:20-16(b).

(g) Consent Matters. On its review of a motion for imposition of discipline by consent pursuant to Rule 1:20-10(b), the Disciplinary Review Board may either grant the motion and accept the recommendation, or deny the motion. If denied, the disciplinary proceeding shall resume as if no motion had been submitted and no such submission shall be evidentiary.

(h) Constitutional Challenges. Constitutional challenges to the proceedings raised before the trier of fact shall be preserved, without Disciplinary Review Board action, for Supreme Court consideration as a part of its review of the matter on the merits. Interlocutory relief may be sought only in accordance with Rule 1:20-16(f)(1).

(i) Temporary Suspension. On receipt of evidence demonstrating that an attorney subject to the disciplinary jurisdiction of this state has committed a violation of the Rules of Professional Conduct, case law or other authority, or is under a disability as herein defined, and poses a substantial threat of serious harm to the public or, where necessary to protect the interests of an attorney, a client or the public, or where otherwise authorized by these rules, the Disciplinary Review Board may, on the motion of the Director, or on its own motion, recommend to the

Supreme Court that an attorney be suspended temporarily from practice upon such terms and conditions as it deems appropriate.

(j) Imposition of Sanctions. In addition to any other authority granted by these Rules to impose or recommend the imposition of costs incurred in the prosecution of disciplinary proceedings, the Disciplinary Review Board may impose appropriate sanctions, including monetary sanctions as a form of discipline. The Disciplinary Review Board shall limit the imposition of such sanctions to those exceptional circumstances in which other forms of discipline are not appropriate to accomplish the purposes of attorney discipline.

(k) Enforcement of Fee Arbitration Committee Determination or Stipulation. When a matter involving a determination by a Fee Committee or a signed Stipulation of Settlement is referred to the Director because of the attorney's failure to comply within 30 days of receipt of the arbitration determination, or of the date set forth in the stipulation, the Disciplinary Review Board, upon motion of the Director and after affording the attorney an opportunity to be heard, may recommend to the Supreme Court that the attorney be temporarily suspended until compliance with the determination or stipulation.

(l) Fee Arbitration Appeals. The Disciplinary Review Board shall review an appeal from a determination of a fee arbitration committee in accordance with Rule 1:20A-3(c).

(m) Exemption from Costs. . . .no change

(n) [Committee on Disciplinary Decisions;] Publication of Disciplinary Dispositions. [The Chief Justice shall appoint a Committee on Disciplinary Decisions to review Disciplinary Review Board decisions to determine which should be published.] Decisions of the Disciplinary Review Board shall be published only after entry of a dispositional Supreme Court Order [and only if so directed by the Supreme Court or if approved for publication by the Committee on Disciplinary Decisions. Any person or entity may seek publication of a disciplinary decision by submitting to the Committee a written request explaining the basis for the request and identifying in what way the decision: (1) determines a new and important question of professional conduct, or (2) alters an established principle of professional conduct, or (3) establishes or changes a practice or procedure, or (4) is of continuing public or professional interest and importance, or (5) clarifies a principle or procedure].

Note: Former Rule redesignated as Rule 1:20-5 January 31, 1984 to be effective February 15, 1984. Source-Former Rule 1:20-3 adopted February 23, 1978, to be effective April 1, 1978; paragraphs (a), (e), (g), (h) and (I) amended July 16, 1981, to be effective September 14, 1981; paragraph (f) (g), and (h) deleted; paragraph (a) amended; paragraphs (b), (c), (d), (e), (I) and (j) amended and redesignated (c), (d), (e), (f), (g) and (I); new paragraphs (b) and (h) adopted January 31, 1984, to be effective February 15, 1984; paragraph (I) amended November 1, 1985, to be effective January 2, 1986; paragraphs (e) and (f) amended November 5, 1986, to be effective January 1, 1987; paragraphs (e) and (f) amended June 26, 1987, to be effective July 1, 1987; paragraph (I) caption and text amended November 7, 1988 to be effective January 2, 1989; paragraph (f)(2) amended November 6, 1989, to be

effective January 2, 1990; paragraph (f) amended June 29, 1990 to be effective September 4, 1990; paragraph (e)(2) amended July 13, 1994 to be effective September 1, 1994; paragraph (f)(2) caption and text amended August 8, 1994 to be effective immediately; R. 1:20-4 redesignated R. 1:20-15, paragraphs (a), (b), (c), (d) and (e) amended, former text of paragraph (f)(1) and (2) amended and incorporated into new (f)(1)(2)(3) and (4), and former paragraphs (f)(3), (g),(h) and (I) amended and redesignated paragraphs (h)(i)(j) and (k), new paragraphs (g), (l) and (m) adopted January 31, 1995 to be effective March 1, 1995; paragraph (j) amended July 10, 1998 to be effective September 1, 1998; paragraph (f)(3) amended and new paragraph (n) adopted March 20, 2003, to be effective immediately; paragraphs (a), (c), (e), (f), (i), and (l) amended July 28, 2004 to be effective September 1, 2004; subparagraph (e)(1) amended May 7, 2024 to be effective immediately; paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) amended, and paragraph (n) caption and text amended February 27, 2026 to be effective March 1, 2026.

1:20-15A. Final Disciplinary Determinations; Sanctions

(a) Categories of Discipline. The imposition of final discipline may include any of the following sanctions, all of which shall be public:

(1) Disbarment. An attorney who is disbarred shall have his or her name [permanently] stricken from the roll of attorneys. In some cases, disbarment may be permanent (not subject to a petition for readmission).

(2) Indeterminate Suspension. Unless the Court's Order provides otherwise, an indeterminate suspension shall prohibit the attorney from seeking reinstatement for a minimum of [five] four years.

(3) Term of Suspension. Absent special circumstances, a suspension for a term shall be for a period that is no less than three months and no more than three years.

(4) Censure.

(5) Reprimand.

(6) Admonition.

(b) Conditions. ...no change

Note: Adopted July 30, 2002, to be effective September 3, 2002; paragraph (a) amended February 27, 2026 to be effective March 1, 2026.

1:20-15B. Attorney Regulatory Board (new)

(a) Appointment; Officers. The Supreme Court shall appoint an Attorney Regulatory Board consisting of six members, four of whom shall be attorneys of this state and two of whom shall not be attorneys. Members shall be appointed for three-year terms and may be reappointed in the Supreme Court's discretion. The Supreme Court shall annually designate a chair and vice chair of the Attorney Regulatory Board from among its members.

(b) Office of Board Counsel. The Office of Board Counsel, constituted pursuant to R. 1:20-15A, also shall serve the Attorney Regulatory Board. Chief Counsel to the Office of Board Counsel shall serve as counsel to the Attorney Regulatory Board. The Office of Board Counsel shall have the authority to:

- (1) provide legal counsel and advice to the Attorney Regulatory Board;
- (2) represent the Attorney Regulatory Board before the Supreme Court when so requested by the Court;
- (3) serve as the secretariat for the Attorney Regulatory Board;
- (4) maintain records of all matters considered by the Attorney Regulatory Board;
- (5) prepare annually, jointly with the Disciplinary Review Board and the Director, a proposed budget for the attorney regulatory and disciplinary system of

the state;

(6) recommend to the Attorney Regulatory Board, for its adoption, subject to approval of the Supreme Court, regulations governing its own administrative procedures;

(7) hire and discharge all staff of the Office of Board Counsel consistent with personnel policies of the judiciary and subject to the approval of the Chief Justice; and

(8) perform such other duties as may be specifically assigned by the Attorney Regulatory Board or the Supreme Court.

(c) Quorum; Dissenting Report. Four members of the Attorney Regulatory Board shall constitute a quorum and all determinations shall be made by a majority of a quorum. Any Attorney Regulatory Board member not concurring in a majority decision may file a separate report.

(d) Regulations. The Attorney Regulatory Board may, subject to the prior approval of the Supreme Court, promulgate rules governing proceedings before it.

(e) Functions. The Attorney Regulatory Board shall:

(1) review petitions for reinstatement to the practice of law pursuant to R. 1:20-21;

(2) review petitions for readmission to the practice of law pursuant to R. 1:20-21A; and

(3) complete such additional duties as the Supreme Court may assign.

(f) Petitioner's Counsel. A petitioner before the Attorney Regulatory Board may be represented by counsel admitted to practice law in New Jersey or admitted pro hac vice by the Attorney Regulatory Board, or may appear pro se.

(g) Recommendations. Following review of a petition for reinstatement or readmission, the Attorney Regulatory Board shall render a formal decision, submitting its findings and recommendations to the Supreme Court.

(h) Constitutional Challenges. Constitutional challenges to the proceedings before the Attorney Regulatory Board or any trier of fact to which the Attorney Regulatory Board has referred specific issues shall be preserved, without Attorney Regulatory Board action, for Supreme Court consideration as a part of its review of the matter on the merits.

(i) Temporary Suspension. On receipt of evidence demonstrating that an attorney subject to Court-imposed conditions of readmission has violated such conditions, has failed to pay necessary costs or to timely comply with approved payment plans, has committed a violation of the Rules of Professional Conduct, case law or other authority, or is under a disability as herein defined, or poses a substantial threat of serious harm to the public or, where necessary to protect the interests of an attorney, a client, or the public, or where otherwise authorized by these rules, the Attorney Regulatory Board may, on the motion of the Director, or

on its own motion, recommend to the Supreme Court that an attorney be suspended temporarily from practice upon such terms and conditions as the Court deems appropriate.

(j) Exemption from Costs. As an agency of the Supreme Court, the Attorney Regulatory Board and any lawfully appointed designee shall be exempt from the payment of any court costs required by rule of law of the State of New Jersey, including, but not limited to, for the filing or docketing of any document, deposit for costs, or service of process.

(k) Publication of Attorney Regulatory Board Dispositions. Decisions of the Attorney Regulatory Board shall be published only after entry of a dispositional Supreme Court Order.

(l) Effect of Time Goals. The time periods prescribed for the review and actions of the Attorney Regulatory Board are not jurisdictional and shall not serve as a bar or defense to any proceeding.

Note: Adopted February 27, 2026 to be effective March 1, 2026.

1:20-16. Action by the Supreme Court

(a) Review of Recommendations for Disbarment. The Supreme Court shall review all decisions of the Disciplinary Review Board that recommend disbarment. The review shall be on the basis of the decision, the transcript of the hearing before the Disciplinary Review Board, any briefs filed with the Disciplinary Review Board, and the record of the proceedings before the Ethics Committee, if any. The record shall be supplemented by the filing of briefs and by oral argument before the Supreme Court in accordance with Rules 2:5, 2:6 and 2:11, insofar as applicable.

(b) Review of Other Final Disciplinary Determinations. In all matters other than those in which disbarment has been recommended, the Disciplinary Review Board's decision shall become final on the entry of an appropriate Order by the Clerk of the Supreme Court. Unless the Court otherwise orders, entry of a final Order of discipline shall be stayed by the filing of a timely petition for review of the Disciplinary Review Board's decision by the respondent or the Office of Attorney Ethics or by the entry of an Order scheduling the matter for briefing and, where appropriate, oral argument on the Court's own motion.

The Court may, on its own motion, decide to review any determination of the Disciplinary Review Board where disbarment has not been recommended.

Either respondent or the Office of Attorney Ethics may seek review by filing a notice of petition for review within twenty days of the filing of the Disciplinary Review Board's decision with the Court. The notice shall be accompanied by nine copies of a petition for review, which shall be a brief that meets the format requirements of Rule 2:12-7(a). The responding party shall serve and file a responding brief within ten days of the filing of the petition for review. A reply brief, if any, shall be served and filed within seven days thereafter.

If the Court grants the petition for review, the record before it shall consist of the briefs filed on the petition and the record developed below, consistent with paragraph (a) of this Rule.

The Court may, in its discretion, elect to determine any matter on the papers submitted to it, without oral argument.

Unless the Court otherwise directs, the entry of its disposition shall vacate any stay in effect.

(c) De Novo Review. ...no change

(d) Non-appealable Matters. The Disciplinary Review Board's decision shall be final and not subject to further review by the Court, whether by appeal by leave or in any other manner, in all matters considered by the Disciplinary Review Board pursuant to Rule 1:20-15(e)(1)(i) (a determination to dismiss after investigation on

the basis that there is no unethical conduct) and Rule 1:20A-3(c) (governing the limited bases to appeal a determination by a Fee Committee).

(e) Consent Orders. ...no change

(f) Constitutional Issues.

(1) Interlocutory Review. An aggrieved party may file with the Supreme Court a motion for leave to appeal to seek interlocutory review of a constitutional challenge to proceedings pending before the trier of fact or the Disciplinary Review Board. The motion papers shall conform to Rule 2:8-1. Leave to appeal may be granted only when necessary to prevent irreparable injury. If leave to appeal is granted, the record below may, in the discretion of the Court, be supplemented by the filing of briefs and oral argument. The filing of any motion to the Supreme Court for interlocutory review authorized by these rules shall not automatically stay disciplinary proceedings unless the Court enters an order specifically granting a stay pending its resolution of the request.

(2) Final Review. ...no change

(g) Review of Other Matters. All recommendations of the Disciplinary Review Board or the Attorney Regulatory Board other than those otherwise referred to in this rule shall be reviewed by the Supreme Court on the full record below, supplemented as it may order on its own or a party's motion.

(h) Restraint on Attorney Accounts. ...no change

(i) Practice of Law Prohibited. No attorney who has been ordered disbarred, suspended, or transferred to disability-inactive status shall practice law after such disbarment or during the period of such suspension or disability, and every order of disbarment shall include an [permanent] injunction from such practice. In cases of permanent disbarment, the Supreme Court's order shall include a permanent injunction.

(j) Practicing Law in Violation of Supreme Court Order. ...no change

(k) Advice to Suspended and Disbarred Attorneys; Supreme Court Order. An order of the Supreme Court suspending an attorney shall contain a provision specifically advising the attorney of the requirements of R. 1:20-20(b)(15) for filing an affidavit of compliance within 30 days with the Director, the Clerk of the Supreme Court, and the Disciplinary Review Board; and of the serious consequences for failure to fully and timely comply with those requirements as provided in Rule 1:20-20(c).

Note: Former rule redesignated as R. 1:20-8, R. 1:20-10 and R. 1:20-11. Source-Former Rule 1:20-4 adopted February 23, 1978, to be effective April 1, 1978; paragraph (a) amended January 10, 1979 to be effective immediately; new paragraph (d) adopted and paragraphs (d) and (e) redesignated (e) and (f) July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended; paragraph (c) deleted; paragraphs (d), (e) and (f) amended and redesignated (c), (d) and (e) January 31, 1984 to be effective February 15, 1984; new paragraph (d) adopted and former paragraphs (d) and (e) redesignated (e) and (f) November 6, 1989, to be effective January 2, 1990; paragraph (a) amended June 29, 1990 to be effective September 4, 1990; paragraph (d) amended August 8, 1994 to be effective immediately; former R. 1:20-5 redesignated R. 1:20-16, caption and text of

paragraph (a) amended, paragraphs (b) and (d) deleted, new paragraphs (b)(c)(d)(e) and (i) adopted, former paragraphs (c)(e)(f) amended and redesignated (f)(g) and (h) January 31, 1995 to be effective March 1, 1995; paragraph (b) amended March 24, 1995, to be effective immediately; former paragraphs (h) and (i) redesignated as paragraphs (i) and (j) and new paragraph (h) adopted July 10, 1998 to be effective September 1, 1998; paragraphs (f), (i), and (j) amended and new paragraph (k) adopted July 28, 2004 to be effective September 1, 2004; paragraph (i) amended July 9, 2008 to be effective September 1, 2008; paragraphs (a), (b), (d), (f)(1), (g), (i), and (k) amended February 27, 2026 to be effective March 1, 2026.

1:20-17. Reimbursement of Disciplinary Costs

(a) Generally. Except in extraordinary cases, the final order of discipline or final order on reinstatement or readmission [,] shall impose disciplinary costs as recommended by the Disciplinary Review Board or by the Attorney Regulatory Board.

(b) Amount and Nature of Costs Assessed. In calculating its recommendation the Disciplinary Review Board or the Attorney Regulatory Board shall assess both basic administrative costs and disciplinary or reinstatement or readmission expenses actually incurred.

(1) Basic Administrative Costs. Basic administrative costs shall be assessed as follows:

(A) [For final Discipline by Consent (including Disbarment by Consent, if tendered prior to hearing, \$650.) For R. 1:20-6(c)(1) matters, final Discipline by Consent, and disciplinary stipulations, \$1,500.

(B) For a Motion for Final Discipline or a Motion for Reciprocal Discipline, [\$1,000] \$2,500.

(C) For other final discipline [or transfer to disability-inactive status] ordered by the Disciplinary Review Board or the Court, including Admonition, Reprimand, Censure, and Suspension, [Transfer to Disability-Inactive Status,

Disbarment and Disbarment by Consent (if tendered after the commencement of hearing), \$2,000] \$3,000.

(D) For Disbarment by Consent or Permanent Disbarment by Consent if tendered before the commencement of hearing, \$1,500.

(E) For other Disbarment or Permanent Disbarment, \$4,000.

(2) Disciplinary Expenses Actually Incurred. Disciplinary expenses actually incurred shall be separately assessed, including, but not limited to, the following:

(A) Costs of any outside experts, such as accountants, auditors, interpreters, physicians, and other consultants;

(B) Charges for service of process and notice by publication;

(C) Transcript and recording or court reporter costs;

(D) Costs of a special ethics adjudicator;

(E) Disciplinary Review Board and Attorney Regulatory Board reproduction costs at [15] 7 cents per page;

(F) Costs and fees paid to witness.

(c) Disputes; Procedure. On the entry of an order imposing final discipline or final transfer to disability-inactive status by the Supreme Court that includes an authorization for imposition of costs, the Office of Board Counsel [to the Board] shall promptly furnish the respondent with a statement of disciplinary costs. Within 20 days thereafter the respondent, if in connection with a disciplinary matter, or the

petitioner, if in connection with a reinstatement or readmission matter, shall reimburse in full all basic administrative costs and such disciplinary, readmission, or reinstatement expenses actually incurred as to which there is no dispute. A respondent or petitioner disputing any included actually-incurred disciplinary or post-disciplinary expense shall, within that time, specifically detail in writing the items disputed and the factual basis for the dispute. The Disciplinary Review Board or the Attorney Regulatory Board, as applicable, shall review a timely filed letter of dispute without oral argument. The Office of Board Counsel shall notify respondent or petitioner of the Disciplinary Review Board's or the Attorney Regulatory Board's decision, which shall be final and not subject to appeal. Respondent or petitioner shall remit full payment of any balance due within 20 days after receipt of said notice.

Interest shall be charged on the unpaid balance of costs assessed beginning ten days after the date the assessment becomes final. The rate of interest charged shall be 10% per annum, or such other rate established by the Supreme Court from time to time.

(d) Claims of Extraordinary Financial Hardship. Service on respondent or petitioner of the statement of disciplinary, readmission, or reinstatement costs shall be accompanied by a notice advising that, in the event of inability to make payment by reason of extraordinary financial hardship, an installment payment

schedule may be requested in writing. The request shall be made in writing within 20 days after service of the statement on respondent and shall include a proposed payment plan and be supported by a detailed statement of reasons together with such information specified in the notice. Respondent or petitioner shall certify the truth of the information provided in accordance with Rule 1:4-4.

The Disciplinary Review Board or the Attorney Regulatory Board shall review a timely request under this section. The Disciplinary Review Board's or the Attorney Regulatory Board's decision shall be final and not subject to appeal. On respondent's or petitioner's failure to comply with the schedule of payments, the entire unpaid balance of disciplinary costs shall become immediately due and payable. The Office of Board Counsel may, in the exercise of discretion, decline to enter into further installment agreements with a respondent or petitioner who has already defaulted on an agreed installment plan.

(e) Failure to Pay Disciplinary Costs.

(1) Temporary Suspension. On a default in payment required by this rule, the Office of Board Counsel, on ten days notice to the respondent or the petitioner, may file with the Supreme Court a certification of the default. The Supreme Court shall forthwith enter an order temporarily suspending the attorney from the practice of law until payment is made and until further order of the Court.

(2) Denial of Reinstatement or Readmission. The Supreme Court shall not consider a recommendation for reinstatement or readmission unless accompanied by an Office of Board Counsel certification that all assessed disciplinary, readmission, and reinstatement costs have been paid or that a petitioner is current on a previously approved payment plan.

(3) Docketing Judgment. Upon certification of the amount of disciplinary, readmission, or reinstatement costs assessed and due, the Clerk of the Superior Court shall, without fee, enter on the civil judgment and order docket both the order authorizing costs and the Office of Board Counsel's certification of the amount due. Upon payment, the Office of Board Counsel shall execute a warrant for satisfaction.

Note: Adopted January 31, 1995 to be effective March 15, 1995; paragraph (f) deleted July 10, 1998 to be effective September 1, 1998; paragraphs (a), (b), (c), (d), and (e) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended May 7, 2024 to be effective immediately; paragraphs (a), (b), (c), (d), and (e) amended February 27, 2026 to be effective March 1, 2026.

1:20-18. Supervision of Disciplined Attorney

(a) Generally. An order of discipline, readmission, or reinstatement entered by the Supreme Court may require the respondent to practice law under supervision by a practicing attorney. Such order shall include the general conditions prescribed by this rule and such specific additional conditions as the Director may require with the approval of the Supreme Court.

(b) Violation of Supervision or RPC's. ...no change

(c) Mental or Physical Disability. ...no change

(d) Weekly Conferences. ...no change

(e) Time Records. ...no change

(f) New Cases. ...no change

(g) Respondent's Monthly Reports. ...no change

(h) Supervisor's Quarterly Reports. ...no change

(i) Financial Record Keeping Instructions. ...no change

(j) Selection of Supervisor. ...no change

(k) Termination of Supervision. After the expiration of time set forth in the order of discipline, readmission, or reinstatement imposing the Conditions of Supervision, the respondent shall apply to the Supreme Court for termination of the conditions on notice to the Director, who shall file a report and recommendation with the Court.

(l) Failure to Comply. ...no change

Note: Adopted January 31, 1995 to be effective March 1, 1995; paragraphs (a), (b), (c), (f), (g), (h), (i), (j), (k), and (l) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a) and (k) amended February 27, 2026 to be effective March 1, 2026.

1:20-20. Future Activities of Attorney Who Has Been Disciplined or Transferred to Disability-Inactive Status

(a) Prohibited Association. No attorney or other entity authorized to practice law in the State of New Jersey shall, in connection with the practice of law, employ, permit or authorize to perform services for the attorney or other entity, or share or use office space with, another who [has been] is disbarred, has resigned with prejudice, was transferred to disability-inactive status, or is under suspension from the practice of law in this or any other jurisdiction.

(b) Notice to Clients, Adverse Parties and Others. ...no change

(c) Failure to Comply. Failure to comply fully and timely with the obligations of this rule and file the affidavit of compliance required by paragraph (b)(15) within the 30- day period, unless extended by the Director for good cause, shall, in the case of a suspension, preclude the Disciplinary Review Board from considering any petition for reinstatement until the expiration of six months from the date of filing proof of compliance in accordance with Rule 1:20-21(i)(A), and may also preclude the Attorney Regulatory Board from considering a petition for readmission in accordance with Rule 1:20-21A(k). Such failure shall also constitute a violation of RPC 8.1(b) (failure to cooperate with ethics authorities) and RPC 8.4(d) (conduct prejudicial to the administration of justice). The Director also may file and prosecute an action for contempt pursuant to Rule 1:10-2.

(d) Definite Suspension of Six Months or Less. ...no change

(e) Responsibility of Partners and Shareholders. ...no change

Note: Adopted February 23, 1978, to be effective April 1, 1978; amended January 31, 1984 to be effective February 15, 1984; amended July 13, 1994 to be effective September 1, 1994; paragraph (a) was former R. 1:21-8, new paragraphs (b), (c) and (d) adopted January 31, 1995 to be effective March 1, 1995; paragraph (d) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a), (b)(10), (b)(11) and (d) amended, paragraphs (b)(12), (b)(13), and (b)(14) amended and redesignated as paragraphs (b)(13), (b) (14), and (b)(15), and new paragraph (b)(12) adopted July 5, 2000 to be effective September 5, 2000; caption of rule amended, paragraphs (a) and (b) amended, former paragraph (c) redesignated as (d), former paragraph (d) redesignated as (e) and amended, and new paragraph (c) adopted July 28, 2004 to be effective September 1, 2004; subparagraphs (b)(5), (b)(7), and (b)(8) amended July 9, 2008 to be effective September 1, 2008; paragraphs (a) and (c) amended February 27, 2026 to be effective March 1, 2026.

1:20-21. Reinstatement After Final Discipline

(a) Definite Suspension of More Than Six Months and Indefinite

Suspensions. After the expiration of a definite suspension of more than six months or at any time after an indefinite suspension has been ordered, an attorney may file a verified petition for reinstatement with the [Disciplinary Review] Attorney Regulatory Board pursuant to this rule.

(b) Definite Suspension of Six Months or Less. . .no change

(c) Filing and Service of Petition. The petitioner shall file an original and 12 copies of the redacted and unredacted verified petition with the Attorney Regulatory Board and shall serve two copies on (i) the Director of the Office of Attorney Ethics, and (ii) the Director of the New Jersey Lawyers' Fund for Client Protection.

(d) Costs. Petitions for reinstatement shall be accompanied by a non-refundable check payable to the Disciplinary Oversight Committee in the amount of [\$750] \$1,000 to cover the reasonable administrative costs of processing the petition. Either the Attorney Regulatory Board or the Court may also direct the petitioner to pay such additional costs [sum] during the processing of a petition as required to satisfy actual out-of-pocket expenses, including transcripts and [it deems appropriate to meet the cost of actual out-of-pocket expenses, including, but not limited to, medical or psychiatric examinations, transcripts and other

investigatory and review] expenses deemed necessary to a proper evaluation of the reinstatement petition. The procedure for the assessment, collection, and enforcement of costs shall be governed by R. 1:20-17.

(e) Publication of Notice. ...no change

(f) Contents of Petition; Compliance with R. 1:38. The petitioner shall provide the Attorney Regulatory Board a [certified] verified petition for reinstatement in the form promulgated by the Office of Board Counsel setting forth all material facts on which the petitioner relies to establish fitness to resume the practice of law. As set forth above, the petitioner shall provide to the required agencies (i) copies of the petition and all supporting documents redacted in accordance with R. 1:38, and (ii) copies of the petition and all supporting documents in unredacted form. The petition shall, in the discretion of the Attorney Regulatory Board, considering the nature of the disciplinary offense contain the following information [,] in correlatively numbered paragraphs [, the following information]:

(1) the name of the petitioner and a copy of a current photograph of petitioner, not smaller than three inches by three inches showing front and side views;

(2) the effective date of [on which] the suspension [was imposed] and the citation of the Supreme Court's Order and reported opinion, if any;

(3) the age, current residence address and telephone number of the petitioner, as well as the address of all residences maintained during the suspension period and the date of each residence;

(4) the nature of petitioner's occupation during the suspension, including the name and address of each employer, the dates of each employment, the positions occupied and titles held, the name, address, and telephone of the immediate supervisor, and the reason for leaving the employment;

(5) the case caption, general nature, dates, and disposition of every civil, criminal, municipal, administrative, bankruptcy, or disciplinary action which was pending during the period of suspension to which petitioner was either a party or claimed an interest;

(6) petitioner's written consent or provision of a waiver to the Attorney Regulatory Board and to the Director of the Office of Attorney Ethics to examine and secure copies of any records relating to any criminal investigation of or action against petitioner (all levels of offenses);

(7) a statement of the [monthly] earnings and other income of the petitioner and the sources from which all earnings and income were derived during the period of suspension;

(8) [a statement of assets and financial obligations of the petitioner as of the date of the original suspension and at the time of the reinstatement application, the dates when acquired or incurred, and the names and addresses of all creditors;] a statement of financial obligations, loans, and debts of the petitioner as of the date of the suspension and at the time of the reinstatement application, including the dates when such obligations were acquired or incurred, the balances owed, and the names and addresses of all creditors. In its discretion, the Attorney Regulatory Board may request a statement of assets and accounts on a case-by-case basis to obtain a complete picture of petitioner's finances, if a petitioner is seeking a payment schedule based on financial hardship;

(9) the names and addresses of all financial institutions at which petitioner had, or was signatory to, accounts, safety deposit boxes, or deposits [or loans] during the period of suspension, the number of each account, box, or deposit [or loan]; the date each account, box, or deposit [or loan] was opened, approved or made; and the date each account, box, or deposit [or loan] was closed [, discharged] or paid;

(10) copies of petitioner's federal and state income tax returns and any business tax returns for each of the three years immediately preceding the date the petition is filed and for each year, or part of a year, during the period of suspension

and, in an appropriate form, petitioner's written consent to the Attorney Regulatory Board and the Director to secure copies of the original returns;

(11) a statement of restitution made for [any and] all obligations to all former clients and the New Jersey Lawyers' Fund for Client Protection, and the source and amount of funds used for this purpose;

(12) whether the petitioner, during the period of suspension, sought or obtained assistance, consultation or treatment, whether as an in- or out-patient, for a mental or emotional disorder or for addiction to drugs or alcohol, if such services relate to the disciplinary offenses or the Attorney Regulatory Board determines that such information is relevant to the petitioner's present ability to practice law. The name, address and telephone of each provider of these services, the services rendered, their duration and purpose and a copy of all medical records shall be provided to the Attorney Regulatory Board;

(13) whether the petitioner, during the period of suspension, applied for admission, readmission, or reinstatement to practice as an attorney in this state or any other state or jurisdiction, [and] the caption and details of the application and its disposition, if any;

(14) whether the petitioner has ever applied for or been granted a license or certificate relating to any business or occupation and whether that license or

certificate has ever been the subject of any disciplinary action and the details thereof;

(15) a statement as to whether [or not] any applications were made during the period of suspension for a license requiring proof of good character, the dates, name, address, and telephone of the authority to whom such applications were addressed, and the disposition thereof;

(16) whether petitioner, during the period of suspension, engaged in the practice of law in any jurisdiction and all material facts relating thereto;

(17) a statement of any procedure or inquiry during the period of suspension, relating to petitioner's standing as a member of any other profession or organization, or holder of any license or office, which involved the censure, removal, suspension, revocation of license, or discipline of petitioner, and, as to each, the dates, facts, and the disposition thereof and the name, address, and telephone number of the authority in possession of the record thereof;

(18) [a written representation of petitioner's intentions concerning the practice of law, if reinstated;] a statement of petitioner's professional intentions if reinstated to practice law;

(19) a newly completed Annual Attorney Registration Statement;

(20) a copy of the detailed affidavit required to be filed in accordance with Rule 1:20-20; and

(21) such other information as the Director of the Office of Attorney Ethics, the Attorney Regulatory Board, or the Supreme Court may [from time to time] require.

(g) Objections by Director; Recommendation by the Board. Within 21 days following receipt of the petition or 14 days if the period of suspension was six months or less, the Director of the Office of Attorney Ethics shall file an original and 12 copies of a response with the Attorney Regulatory Board either objecting or not objecting to the petition. The Director shall serve the [respondent] petitioner with a copy of the response. If the Director consents or fails to file objections after having received notice, the Attorney Regulatory Board may submit its findings and recommendations to the Supreme Court. If the Director files objections, the Attorney Regulatory Board may set the matter down for oral argument on notice to the parties or may, after considering the objections, submit its findings and recommendations as to the attorney's fitness to practice law to the Supreme Court without argument. The Attorney Regulatory Board may recommend, and the Court may impose, any conditions on the attorney's reinstatement deemed necessary to protect the [lawyer] petitioner, clients, or the public.

(h) Referral to Trier of Fact. In an appropriate case, the Attorney Regulatory Board may refer specific issues regarding reinstatement to a trier of fact, which

shall then hold a hearing and furnish the Attorney Regulatory Board with a report of findings and recommendations.

(i) Consideration of Petition for Reinstatement. No petition for reinstatement shall be considered by the Attorney Regulatory Board unless:

(A) the [respondent] petitioner first affirmatively demonstrates full and timely compliance with Rule 1:20-20. If compliance has not occurred, and if the required affidavit of compliance has not been timely filed, the Attorney Regulatory Board shall not consider the petition until the expiration of up to six months from the date of filing of that proof of compliance.

(B) all disciplinary costs assessed have been paid, unless an extraordinary financial hardship claim has been timely requested and granted and unless [respondent] petitioner is current in the schedule of payments thereunder;

(C) all orders for restitution have been paid;

(D) the [respondent] petitioner has reimbursed or has reached agreement in writing with the Lawyers' Fund for Client Protection to reimburse it in full for all sums paid or authorized to be paid as a result of the respondent's conduct;

(E) all annual registration fees and any late charges or other applicable assessments have been paid. [charges for ethics and the Lawyers' Fund for Client Protection have been paid.]

(j) Successive Petitions. ...no change

(k) Public Proceedings and Records. All reinstatement records and proceedings shall be considered public in accordance with Rule 1:20-9. The burden of redacting any confidential material or information contained within the supporting documents that would otherwise be protected by Rule 1:38 or other authority is on the petitioner.

(l) Standard of Proof. ...no change

(m) Burden of Proof; Burden of Going Forward. ...no change

Note: Adopted January 31, 1995 to be effective March 1, 1995; paragraph (e) amended July 12, 2002 to be effective September 3, 2002; paragraphs (c), (d), (e), (f), (g), (h), and (i) amended and new paragraphs (l) and (m) adopted July 28, 2004 to be effective September 1, 2004; paragraphs (a), (c), and (d) amended, paragraph (f) caption and text amended, paragraphs (g), (h), and (k) amended February 27, 2026 to be effective March 1, 2026.

1:20-21A. Readmission After Disbarment

(a) Waiver of Confidentiality. ...no change

(b) Permanent Disbarment and Second Disbarment. ...no change

(c) Other Disbarments. In all other disbarment cases, a petitioner may file a petition for readmission [and publish notice of their intent to apply for readmission] forty days prior to the expiration of five years from the effective date of the disbarment. As conditions precedent to the filing of such a petition, a petitioner must, within the twelve months prior to the filing of the petition for readmission:

(1) pass the New Jersey bar examination;

(2) pass the Multistate Professional Responsibility Examination with a score of 75 or higher; and

(3) complete all continuing legal education courses the Supreme Court designates as required for readmission.

(d) Additional Criteria for Readmission. ...no changes

(e) Filing and Service of Petition. The petitioner shall file redacted and unredacted copies of the verified petition in the form promulgated by the Office of Board Counsel with the Attorney Regulatory Board and shall serve redacted and unredacted copies on the (i) Director of the Office of Attorney Ethics, and (ii) Director of the New Jersey Lawyers' Fund for Client Protection.

(f) Costs. Petitions for readmission shall be accompanied by a non-refundable check payable to the Disciplinary Oversight Committee in the amount of \$1,500 to cover the reasonable administrative costs of processing the petition. Either the Attorney Regulatory Board or the Supreme Court may also direct the petitioner to pay such additional costs during the processing of a petition as required to satisfy actual out-of-pocket expenses, including transcripts and expenses deemed necessary to a proper evaluation of the readmission petition. The procedure for the assessment, collection, and enforcement of costs shall be governed by R. 1:20-17.

(g) Notice. ...no change

(h) Contents of Petition; Compliance with R. 1:38. The petitioner shall provide the Attorney Regulatory Board a [certified] verified petition for readmission setting forth all material facts on which the petitioner relies to establish fitness to be readmitted to the practice of law. As set forth above, the petitioner shall provide to the required agencies (i) copies of the petition and all supporting documents redacted in accordance with R. 1:38, and (ii) copies of the petition and all supporting documents in unredacted form. The petition shall, in the discretion of the Attorney Regulatory Board, considering the nature of the disciplinary offense, contain the following information in correlatively numbered paragraphs:

(1) the name of the petitioner and a copy of a current photograph of petitioner, not smaller than three inches by three inches showing front and side views;

(2) the effective date of the disbarment and the citation of the Supreme Court's Order and reported opinion, if any;

(3) the age, current residence address, and telephone number of the petitioner, as well as the address of all residences maintained during the [suspension] disbarment period and the date of each residence;

(4) the nature of petitioner's occupation during the disbarment, including the name and address of each employer, the dates of each employment, the positions occupied and titles held, the name, address, and telephone number of the immediate supervisor, and the reason for leaving the employment;

(5) the case caption, general nature, dates, and disposition of every civil, criminal, municipal, administrative, bankruptcy, or disciplinary action that was pending during the period of disbarment to which petitioner was either a party or claimed an interest;

(6) petitioner's written consent or provision of a waiver to the Attorney Regulatory Board and to the Director of the Office of Attorney Ethics to examine

and secure copies of any records relating to any criminal investigation of or action against petitioner (all levels of offenses);

(7) a statement of the earnings and other income of the petitioner and the sources from which all earnings and income were derived during the period of disbarment;

(8) a statement of financial obligations, loans, and debts of the petitioner as of the date of the readmission application, including the dates when such obligations were acquired or incurred, the balances owed, and the names and addresses of all creditors. In its discretion, the Attorney Regulatory Board may request a statement of assets and accounts on a case-by-case basis to obtain a complete picture of petitioner's finances, [including when] if a petitioner is seeking a payment schedule based on financial hardship;

(9) copies of petitioner's federal and state income tax returns and any business tax returns for each year, or part of a year, during the period of disbarment and, in an appropriate form, petitioner's written consent to the Attorney Regulatory Board and the Director of the Office of Attorney Ethics to secure copies of the original returns;

(10) a statement of restitution made for all obligations to all former clients and the New Jersey Lawyers' Fund for Client Protection, and the source and amount of funds used for this purpose;

(11) in matters where the petitioner asserted a condition or impairment as a defense, in mitigation, or as an explanation for their conduct in connection with the underlying disbarment, furnish a thorough explanation and certification that the condition is or has been treated effectively by a health care provider;

(12) in matters where the petitioner, within the last five (5) years, exhibited conduct or behavior that could call into question their ability to practice law in a competent, ethical, and professional manner, furnish a thorough explanation, unless the conduct or behavior related to a mental health diagnosis, addiction, or other condition that is or has been treated effectively by a health care provider or other medical professional, or through consistent participation in an established treatment program, in which case the petitioner need not disclose the information;

(13) whether the petitioner, during the period of disbarment, applied for admission, readmission, or reinstatement to practice as an attorney in this state or any other state or jurisdiction, the caption and details of the application, and its disposition, if any;

(14) whether the petitioner has ever applied for or been granted a license or certificate relating to any business or occupation and whether that license or certificate has ever been the subject of any disciplinary action and the details thereof;

(15) a statement as to whether any applications were made during the period of disbarment for a license requiring proof of good character, the dates, name, address, and telephone number of the authority to whom such applications were addressed, and the disposition thereof;

(16) whether petitioner, during the period of disbarment, engaged in the practice of law in any jurisdiction and all material facts relating thereto;

(17) a statement of any procedure or inquiry during the period of disbarment relating to petitioner's standing as a member of any other profession or organization, or holder of any license or office, which involved the censure, removal, suspension, revocation of license, or discipline of petitioner, and, as to each, the dates, facts, and the disposition thereof and the name, address, and telephone number of the authority in possession of the record thereof;

(18) a statement of petitioner's professional intentions if readmitted to practice law;

(19) a newly completed Annual Attorney Registration Statement;

(20) a copy of the detailed affidavit required to be filed in accordance with R. 1:20-20; and

(21) such other information as the Director of the Office of Attorney Ethics, the Attorney Regulatory Board, or the Supreme Court may require.

(i) Docketing; Objections by Director; Recommendation by the Attorney Regulatory Board. Within ninety days following the Attorney Regulatory Board's formal docketing of a conforming petition for readmission, the Director of the Office of Attorney Ethics shall file an original and twelve copies of a response with the Attorney Regulatory Board either objecting or not objecting to the petition. The Director shall serve the petitioner with a copy of the response. If the Director consents or fails to file objections, the Attorney Regulatory Board may submit its findings and recommendations to the Supreme Court. If the Director files objections, the Attorney Regulatory Board may set the matter down for oral argument on notice to the parties or may, after considering the objections, submit its findings and recommendations as to the attorney's fitness to practice law to the Supreme Court without argument. The Attorney Regulatory Board may recommend, and the Supreme Court may impose, any conditions on the attorney's readmission deemed necessary to protect the petitioner, clients, or the public.

(j) Referral to Trier of Fact. ...no change

(k) Consideration of Petition for Readmission. ...no change

(l) Successive Petitions. ...no change

(m) Public Proceedings and Records. ...no change

(n) Standard of Proof. ...no change

(o) Burden of Proof; Burden of Going Forward. ...no change

(p) Review. ...no change

Note: Adopted October 15, 2024 to be effective immediately; paragraphs (c), (e), (f) and (h) amended February 27, 2026 to be effective March 1, 2026.

1:20B-4. Powers; Confidentiality.

(a) The Oversight Committee shall have the following specific powers:

(1) to evaluate the efficiency and effectiveness of the attorney disciplinary system and to report to the Supreme Court quarterly and at such other times as the Supreme Court and the Oversight Committee deem appropriate, making whatever recommendations it believes would improve the quality and efficiency of the disciplinary system and strengthen adherence to high ethical standards. It shall be the responsibility of the Office of Attorney Ethics, [and] the Disciplinary Review Board, and the Attorney Regulatory Board to provide the Oversight Committee with all relevant information so as to enable it properly and thoroughly to perform its evaluating and reporting functions. The Oversight Committee shall also be entitled to any information it may request from any person or entity within the disciplinary system;

(2) to receive annually from the Director and Office of Board Counsel, on or before August 15, a proposed budget for the attorney disciplinary system in a form agreed to by the Oversight Committee; to review the same and to make a written recommendation to the Supreme Court concerning that budget each year; and to respond and make further recommendations as necessary to any written comments received from the Bar and the public after Supreme Court approval for publication

of a summary of the proposed budget and the Oversight Committee's recommendation;

(3) to receive quarterly from the Director and Office of Board Counsel a report, in a form agreed to by the Oversight Committee, detailing the expenditures incurred by the disciplinary system and revenues received for that quarter;

(4) to receive, hold, manage, distribute and invest the funds received pursuant to R. 1:20-1(b) and any other funds it may receive, all in accordance with these rules and policies approved by the Supreme Court;

(5) to establish necessary bank accounts and to require an independent annual financial audit of its accounts, which shall be submitted to the Supreme Court;

(6) to employ and compensate consultants, agents, and such other persons as it deems necessary and appropriate in the performance of its functions and responsibilities consistent with personnel policies of the Judiciary;

(7) to establish procedures and maintain records required for the performance of its responsibilities consistent with these rules and subject to the approval of the Supreme Court;

(8) to provide the Supreme Court with information and recommendations on personnel and other operational matters that affect the budget as such matters arise

throughout the fiscal year, and to act on such matters as are within the range of discretion accorded the Oversight Committee by the Supreme Court.

(b) Minutes of meetings and the Oversight Committee's synopsis of the budget recommended by the Director, Office of Attorney Ethics, and Office of Board Counsel [to the Disciplinary Review Board] shall be public. All other records, documents and proceedings are confidential.

Note: Adopted January 31, 1995, to be effective March 1, 1995; paragraph (a) amended, paragraph (b) deleted, and paragraph (c) redesignated as paragraph (b) March 20, 2003, to be effective immediately; paragraphs (a) and (b) amended February 27, 2026 to be effective March 1, 2026.