

NEW JERSEY STATE BAR ASSOCIATION
New Jersey Law Center
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STATE OF NEW JERSEY	: CRIMINAL ACTION
	: ON APPEAL FROM A FINAL ORDER
	: DISMISSING INDICTMENT WITH
	: PREJUDICE
Plaintiff-Appellant	: SUPERIOR COURT OF NEW JERSEY
	: APPELLATE DIVISION
	: DOCKET NO.: A-1833-24T5
vs.	: ON APPEAL FROM:
	: SUPERIOR COURT OF NEW JERSEY
	: CRIMINAL DIVISION, MERCER COUNTY
GEORGE E. NORCROSS III,	: INDICTMENT NO.: 21-05-73-S
PHILIP A. NORCROSS,	:
WILLIAM M. TAMBUSI,	: SAT BELOW:
DANA L. REDD, SIDNEY R.	: HON. PETER E. WARSHAW, P.J.Cr.
BROWN, AND JOHN J.	:
O'DONNELL	: CERTIFICATION IN SUPPORT OF
	: NJSBA MOTION FOR LEAVE TO
Defendants-Respondents	: PARTICIPATE AS <i>AMICUS CURIAE</i>

Sharon A. Balsamo, Esq., of full age and sound mind, upon her oath and according to law, deposes and says:

1. I am an attorney at law of the State of New Jersey and I am general counsel to the New Jersey State Bar Association (NJSBA). As such, I am fully familiar with the facts set forth herein.

2. I submit this Certification in support of the NJSBA's motion to participate in this matter case as *amicus curiae*.

3. The NJSBA was founded in 1899 to “maintain the honor and dignity of the profession of the law; to cultivate social relations among its members; to suggest and urge reforms in the law; and to aid in the administration of justice.”

4. The mission of the NJSBA is to serve, protect, foster and promote the personal and professional interests of its members; to serve as the voice of the New Jersey attorneys to other organizations, governmental entities and the public with regard to the law, legal profession and legal system; to promote access to the justice system, fairness in its administration, and the independence and integrity of the judicial branch; to encourage participation in voluntary *pro bono* activities; to foster professionalism and pride in the profession and the NJSBA; to provide educational opportunities to New Jersey attorneys to enhance the quality of legal services; and to provide education to the public with respect to the legal system and legal profession.

5. There are approximately 15,000 members of the NJSBA, most of whom are attorneys whose practices, whether private or public, involve every area of the law.

6. The NJSBA has a Young Lawyers Division, 34 sections, 16 standing committees, and 37 special committees. It is also a continuing legal education provider.

7. The NJSBA has a professional staff that deals with issues of legal affairs, judicial administration, professionalism and legislative services. It provides support to the attorney disciplinary system and administers the Lawyers Assistance and Ethics Diversionary Programs. NJSBA officers, members and staff testify on a regular basis before committees of the Senate and Assembly and before various departments with the executive branch on issues involving the law and the administration of justice.

8. The NJSBA has appeared before the New Jersey Supreme Court and Appellate Division on many occasions as *amicus curiae*, sometimes at the invitation of the Court with respect to issues that affect the legal profession or the system of justice. Recent cases include Moynihan v. Lynch, 250 N.J. 60 (2022) (enforceability of palimony agreements); Sullivan v. Max Spann Real Estate, 251 N.J. 45 (2022) (application of attorney review clause to real estate auction contracts); In re Dionne Larrel Wade, 250 N.J. 581 (2022) (attorney discipline); State v. Gomes, 472 N.J. Super. 515 (App. Div. 2022) (pre-trial intervention eligibility for certain individuals following marijuana reform legislation) ; State v. Olenowski, 253 N.J. 133 (2023) (admissibility of drug recognition expert testimony in DWI trials); Facebook v. State of N.J., 254 N.J. 329 (2023) (warrant requirements for collection of prospective electronic communication); Cardali v. Cardali, 255 N.J. 85 (2023) (required proofs for reduction of alimony due to cohabitation); W.S. v. Hildreth, 252 N.J. 506 (2023)

(application of amendments to Child Sexual Abuse Act); State v. Zingis, 259 N.J. 1 (2024) (required proof for enhanced sentencing in certain DWI matters); J.H. v. Warren Hills School District, ___ N.J. Super. ___ (App. Div. 2025) (application of amendments to Child Sexual Abuse Act); and Anchor Law Firm v. State of N.J., ___ N.J. Super. ___ (App. Div. 2025) (application of Debt Adjustment Act to attorneys).

9. The NJSBA has played an active role in the development and enforcement of the Rules of Professional Conduct. For example, NJSBA volunteers help staff district ethics committees, the NJSBA routinely offers comments to the Supreme Court on proposed new rules, and the NJSBA often participates in cases involving the Rules of Professional Conduct.

10. The NJSBA has a special interest in this matter because the outcome will directly affect a foundational issue in an attorney's everyday practice of law: the ability to zealously represent their clients without fear of criminal prosecution. Attorney members of the NJSBA routinely advocate and strategize to ensure their clients' rights and interests are protected as fully as possible within the boundaries of the law and the Rules of Professional Conduct. It is critical to attorneys and central to the NJSBA's mission to have clear guidance from the Court that attorneys cannot be subject to criminal penalties for providing bona fide legal services on a good faith basis.

11. The NJSBA's participation will further the public interest. Members of the public have the right to select an attorney of their choice, and to rely on that attorney to zealously provide legal services focused on their best interest, without any hesitation that such representation will entangle the attorney in an alleged criminal enterprise beyond the scope of representation.

12. Through its *amicus curiae* participation, the NJSBA intends to advocate for the application of a heightened *mens rea* standard for criminal conspiracy charges asserted against an attorney who is engaged in the good-faith provision of legal services to a client. The NJSBA intends to urge that such charges in an indictment must involve more than an attorney's good-faith provision of legal services and must demonstrate some conscious effort by the attorney to further the criminal enterprise.

13. The NJSBA submits that its participation in this matter will assist the Appellate Division in the resolution of an issue of public importance and that no party to the litigation will be unduly prejudiced.

14. For the foregoing reasons, the NJSBA respectfully requests that the Court permit it to participate in this matter as *amicus curiae* through the filing of the within brief and presenting oral argument.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

s/Sharon A. Balsamo

Sharon A. Balsamo, Esq.
Asst. Executive Director/General Counsel
New Jersey State Bar Association
Attorney ID No.: 013691994

Dated: July 22, 2025