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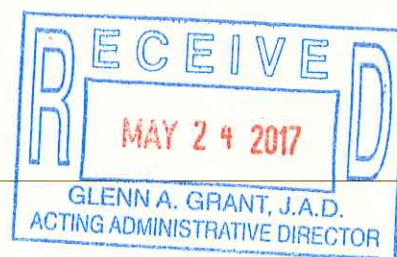


NEW JERSEY STATE BAR ASSOCIATION

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May 23, 2017

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments – Committee on Character Regulations
Hughes Justice Complex; P.O. Box 037
Trenton, New Jersey 08625-0037



Re: Proposed Amendments to Regulations Governing the
Supreme Court Committee on Character

Dear Judge Grant:

Thank you for the opportunity to review the Committee on Character's ("Committee") proposed amendments to the Committee's governing regulations. The New Jersey State Bar Association ("NJSBA") has previously voiced concerns about the review process undertaken in connection with candidates for admission to the bar, the types of conduct that give rise to more intense scrutiny by the Committee, and the often inordinate length of time it takes for a candidate to be certified by the Committee. Unfortunately, the proposed amendments do not appear to address these issues and may even exacerbate them.

The NJSBA believes a new perspective is needed, and encourages the ad hoc Committee recently appointed by the Supreme Court to take a fresh look at the review process, rather than use this proposal as a starting point. Despite the obvious commendable effort made by the Committee to improve the system, these amendments appear to validate the existing procedures, which, in fact, have been the basis of many of the NJSBA's complaints.

For example, the current process has at least three layers of review, and that is retained in the proposed amendments. An appeal process, though, which admittedly only adds more time and delay, has been eliminated, leaving candidates denied admission with no recourse. While candidates are required to act within certain timeframes or have their applications deemed abandoned, there are no timeframes by which the Committee or any of its members must act in reviewing submitted information, in scheduling interviews or a hearing, or in issuing a decision. This has proven to be the source of many complaints, and the reason for some candidates to simply withdraw their bar applications and seek admission elsewhere. NJSBA members have advised of instances where candidates have been notified of a need for a hearing under RG 303, and then the hearing had not been scheduled for more than a year after that notice. Once that hearing is conducted, it often takes the Committee months and, in some cases, an additional year to issue a determination and report. Absent exceptional circumstances, the NJSBA believes it is a serious hardship for candidates to be kept waiting for more than a year for a hearing and then many additional months for a decision. The Committee should be mindful that, while waiting, candidates are unable to pursue job opportunities, yet they must begin to account for their student loan debt and other post-law school bills that quickly become due.

In addition, under the proposed amendments, the delineated conduct that could trigger the need for further investigation or action remains vague and ambiguous. For example, "nondisclosure of information," is listed as conduct triggering review; however, there is no guidance about what kind of information must be initially disclosed. NJSBA members have advised of instances where the failure to disclose dormitory infractions in college, or discipline for a high school prank have resulted in lengthy investigations being conducted by the Committee. Similarly, affirmative disclosure of such actions on a bar admission application without having disclosed them on a law school application has raised a red flag as well. Other examples of unacceptable conduct are listed in the proposed amendments as "acts which demonstrate disregard for the rights and welfare of others" and "any other conduct or condition which reflects adversely on the moral character or fitness of the candidate to practice law." These standards provide, with little guidance or specificity, a wide array of discretion to the members of the Committee to hold or delay a candidate's admission, yet give no guidance to the candidate regarding what specific conduct will be considered problematic.

We believe there should be a provision that allows for quick disposition of minor, one-off issues for which there is no indication of any broader overarching problem or concern. We do agree with the concept of conditional admission, however the process defined in the proposed amendments remains cumbersome and prolonged. The ad hoc Committee should seek to further flesh out the concept of conditional admission while being mindful that it should be a tool for expediting the admission of some candidates, without multiple layers of review and with defined timeframes.

Finally, the NJSBA notes that Committee members are asked to perform a tremendous amount of work in serving on the Committee, and there is no doubt that members strive to diligently carry out their responsibilities. However, there does not appear to be formal training or guidance available to members before they begin their service. The NJSBA believes such training would be beneficial to ensure more consistency and uniformity in interpreting and applying the regulations and addressing perceived problems in a more timely and efficient manner. The NJSBA therefore suggests that a training component for Committee members be part of any additional regulations governing the Committee's operations.

The NJSBA offers these broad concerns to urge the ad hoc Committee to start its evaluation of the Committee on Character review process anew. The NJSBA appreciates the desire and efforts of the Committee on Character and the Supreme Court to ensure only those truly fit to practice law are admitted in New Jersey; however, the NJSBA believes the process to make that determination must also be clear, straightforward, time sensitive and fair to candidates seeking admission. The NJSBA stands ready to assist the Supreme Court and the ad hoc Committee in working toward revising the process to create a system that meets both of those goals.

Sincerely,



Robert B. Hille
President

cc: John E. Keefe, Esq., NJSBA President-Elect
Angela C. Scheck, NJSBA Executive Director