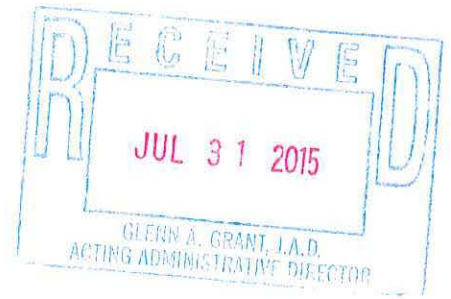


#004

Charles J. Hollenbeck, Esq.  
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July 27, 2015

Hon. Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts  
Comments: Special Committee on Attorney Ethics and Admission  
Hughes Justice Complex  
PO Box 037  
Trenton, NJ 08625-0037

Dear Judge Grant:

Thank you for providing interested parties an opportunity to comment on the important report of the Special Committee on Attorney Ethics and Admission. As former Executive Director of the Commission on Professionalism in the Law I have been quite interested in the recommendations made by the Special Committee, particularly the proposed expansion of RPC 8.4. The comments expressed below are my own, and are not intended to reflect any position of the Commission.

The Special Committee proposes, by amendment to RPC 8.4, to underscore a lawyer's obligation of courtesy and civility to others within the legal process. This would be a beneficial and important change in the rule that would make it clear to practitioners that "professionalism" is more than just a noble goal. It is, rather, an essential component of the standards of conduct that make up the ethical boundaries that govern the profession.

The proposed amendment to PRC 8.4 will also assist judges. First, it should prove to be a valuable tool for judges to use in curbing certain types of litigation abuse, and will no doubt assist in efforts to effectively control courtroom proceedings. Second, the proposed amendment will underscore for judges the importance of professionalism and civility. I recall, a few years ago, being part of a presentation to newly appointed Superior Court judges. At one point they were asked whether judges had a role in enforcing standards of professionalism during the course of litigation. Surprisingly, about half the judges in attendance indicated they would not take such action, concluding that lawyers should be able to settle their differences. Adoption of the proposed amendment to RPC 8.4 would serve to highlight for judges the importance of intervening when necessary to address conduct that is beyond the bounds of appropriate professional behavior.

Although beyond the scope of the Special Committee report, I have a suggestion for consideration by the Supreme Court. As noted in the report of the Special Committee, some years ago the Commission on Professionalism in the Law adopted Principles of Professionalism for Lawyers and Judges. I can't speak for the Commission, but I suggest that this might be the time to place the Principles in the Court Rules. Although aspirational in nature the Principles nonetheless provide guidance in a number of areas, including a lawyer's obligations to clients, adversaries and the court. As such, their inclusion in the rulebook would assist both the bar and bench.

Finally, I commend the Special Committee, and the Supreme Court, for addressing a number of important topics and difficult issues facing the legal profession.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles J. Hollenbeck", written in a cursive style.

Charles J. Hollenbeck

c: Honorable James R. Zazzali