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## NEW JERSEY STATE BAR ASSOCIATION

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January 15, 2018

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

Re: Report of the Ad Hoc Committee on Character Review Process

Dear Judge Grant:

Thank you for the opportunity to review and comment on the report and recommendations of the Supreme Court Ad Hoc Committee on the Character Review Process. The New Jersey State Bar Association (NJSBA) commends the Ad Hoc Committee for its thorough examination of the character review process and its recommendations for streamlining that process.

The NJSBA appreciates the tremendous amount of work performed by the members of the Committee on Character (the Committee), and the individuals that staff the Committee, in ensuring that only those truly fit to practice law are admitted in New Jersey. The NJSBA believes, however, that everyone in the system will be better served with the establishment of more clear, straightforward and time-sensitive policies to be used in making a determination about a candidate's fitness to practice law. Toward that end, the NJSBA agrees with most of the Ad Hoc Committee's recommendations, but has further suggestions for improvement, as well.

The NJSBA has voiced concerns about the character review process in the past, and the inordinate length of time it takes for a candidate to be finally certified by the Committee for admission to the bar. Specifically, the NJSBA has urged that a less cumbersome review process be established, with definitive deadlines for action, clear guidance about what information must be disclosed to the Committee, a simplified process for conditional admission, and training and guidance for Committee members. A letter from the NJSBA dated May 23, 2017 that outlines these concerns in more detail is attached for your reference. The Ad Hoc Committee's recommendations address some of those concerns, but more review is necessary. Implementation of the recommendations for streamlining the process contained in the Ad Hoc Committee's report will be a good start to improving the system, but as noted in the report, review of the substance of the process is necessary as well.

Many of the Ad Hoc Committee's recommendations focus on establishing suggested timeframes by which each step of the review process should be completed. The NJSBA agrees with the timeframes, but suggests they be implemented with stronger, more definitive language to produce a positive impact on the review process. In reviewing a candidate's application, Committee members should be required to adhere to the established timeframes unless there is good cause why a timeframe cannot be met. The suggested timeframes should not just be goals to which Committee members should endeavor; they should be firm deadlines that can only be avoided for good reasons. This allows flexibility for unavoidable delays, but also provides more certainty to candidates awaiting a final determination, and instills more confidence in the review system by ensuring the process moves forward in a timely manner.

The NJSBA agrees with most of the Committee's other recommendations, which are aimed at addressing delays in obtaining necessary information, in scheduling hearings, and ensuring candidates are not penalized for delays that are out of their control. Encouraging candidates to maintain a dialogue about any difficulties they encounter in responding to Committee inquiries is important to ensure there are no misunderstandings and a delayed response is not misconstrued as disinterest. Utilizing abandonment in suitable circumstances as a means to address true disinterest by a candidate is also appropriate. Blocking days and times in advance for hearings should also be encouraged as a way to provide sufficient notice and a definitive time for consideration of an application. Finally, allowing the Statewide Panel to take into consideration the amount of time that a candidate's application has been pending when making decisions about conditional admission or withholding admission is a fair and reasonable way to ensure candidates are not penalized for delays in the process that are out of their control.

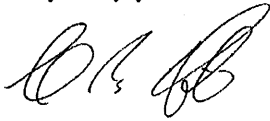
The NJSBA has concerns, though, with two of the Ad Hoc Committee's recommendations. While the elimination of a candidate's ability to appeal a determination, and reducing the RG 303 panel to just two attorneys will provide some time savings in the process, the NJSBA believes those actions may also lead to a less robust review process overall. The NJSBA appreciates the Ad Hoc Committee's efforts to balance all of the competing interests in making a timely final determination on an application, but the NJSBA believes these particular recommendations will lead to the undesirable result of diminished deliberations in arriving at that final determination.

Again, the NJSBA commends the Ad Hoc Committee for its comprehensive study of the character review process, and its recommendations aimed at streamlining that process. The NJSBA believes these recommendations are a first step in the process of improving the current system. The NJSBA also acknowledges the tremendous work being performed by the members and staff of the Committee on Character, but believes the system would benefit from further review. We therefore urge the Court to continue to evaluate the system and, in particular, to address the substantive policy issues previously raised by the NJSBA concerning the types of issues that should trigger more careful review by the Committee.

Finally, once changes are implemented, the NJSBA urges the Court to reassess the review process periodically to ensure the changes achieve their goal of addressing applications in a fair, reasonable and timely manner.

Thank you for your courtesies in considering these comments. The character review process is an important part of the bar admission journey. The NJSBA is grateful for being allowed to play a role in helping to ensure that process is designed to admit only those truly fit to practice law, but is also time-sensitive and fair to candidates in making that determination. The NJSBA stands ready to assist the Supreme Court in continuing to work toward those goals.

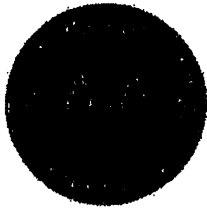
Very truly yours,

A handwritten signature in black ink, appearing to read 'R. B. Hille', written in a cursive style.

Robert B. Hille, Esq.  
President

/sab

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



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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.

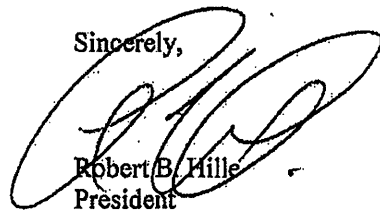
In addition, under the proposed amendments, the delineated conduct that could trigger the need for further investigation or action remains vague and ambiguous. For example, "nondisclosure of information," is listed as conduct triggering review; however, there is no guidance about what kind of information 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