

Answering Questionnaires, Giving Interviews

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Chief Justice Richard J. Hughes

In recent months judges have been bombarded with requests to complete questionnaires and grant interviews on almost every conceivable subject. Webster describes a questionnaire as written or printed questions "often with spaces for answers." Although some valuable worthwhile information doubtless results from some of these projects, there are a number of associated problems:

1. The time involved may detract from judicial work, which is unacceptable in the light of current understaffing and underfunding of the judiciary as well as the huge backlog of cases.
2. The inquiries are often broad and/or vague, with a resultant risk of misinterpretation of responses, at least in the absence of extensive explanations.
3. The subject matters are sometimes highly controversial, raising the complex question as to whether judicial restraint is preferable to judges voicing personal opinions. Publicly expressed opinions on some sensitive matters should be avoided when the same subject may come before a judge in the course of his or her official duties.
4. The results of inquiries may improperly be represented as a "judiciary position" in areas of administration, rule making and procedure where the Supreme Court has such responsibility pursuant to Article VI, Section II, Paragraph 3 of the 1947 New Jersey Constitution.

To solve these problems without unnecessarily stifling valuable research, all judges should decline to complete questionnaires or grant interviews and, instead, refer the inquiries to the Administrative Director for screening and presentation to the Chief Justice and/or Supreme Court.

In like fashion, judges should decline to serve on executive and/or legislative commissions, committees, task forces, etc. without prior written approval from the Chief Justice (and requests should be submitted in writing through the Administrative Director of the Courts). The Supreme Court has recently liberalized the previous policy precluding most such activity, but the recent proliferation of such requests has also resulted in the above problems. Further guidance is provided in Guideline IIID of the Guidelines for Extrajudicial Activities.

EDITOR-S NOTE

The text has been changed to delete the name of the former Administrative Director, Judge Simpson, and the insertion of the name of the officer. The last sentence referring to the Guidelines for Extrajudicial Activities was added.