

**ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY**

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[Questions or comments may
be directed to 609-984-8241]

**TO: Assignment Judges
Trial Court Administrators
Presiding Judges – Municipal Courts
Municipal Court Judges
Municipal Division Managers
Municipal Court Directors and Court Administrators**

DIRECTIVE # 03-08

FROM: Philip S. Carchman, P.J.A.D.

**SUBJ: Municipal Court Employees Reporting Involvement in Municipal Court
Cases and Criminal/Quasi-Criminal Matters – Policy Statement**

DATE: February 25, 2008

I. Purpose

Municipal court employees have an obligation to function with a high degree of integrity and to avoid any actual, potential or appearance of partiality or conflict of interest in the handling of all cases. Even the appearance of a potential conflict of interest undermines the core values of the New Jersey Judiciary and hampers its mission.

This Directive sets out the policy by which municipal court employees are required to report their personal involvement in municipal court and criminal/quasi-criminal matters, as well as the involvement of immediate family members (as defined below) in any municipal court matters in the vicinage in which the municipal court employee serves. The bases for this policy are Canons 3 and 4 of the Code of Conduct for Judiciary Employees and the fundamental ethical tenets set forth above. The policy is effective immediately.

For purposes of this Directive, “municipal court employees” refers to non-judge municipal court staff. A separate policy statement addresses the reporting requirements of municipal court judges.

II. Policy

A. Reporting Involvement

1. If a municipal court employee has any personal involvement in any municipal court case anywhere in the state, unless the matter is disposed of without any court appearance by paying through the violations bureau, that

employee must immediately advise his or her Municipal Division Manager in writing of such involvement on the attached form promulgated by the Administrative Director of the Courts. The submitted form shall be signed by the municipal court employee's municipal court administrator or director. If the municipal court administrator or director is completing the form, then it should be signed by the municipal court judge.

2. That same reporting obligation applies for any personal involvement by a municipal court employee in any criminal or quasi-criminal matter in any federal, state, county or local court in the United States, including New Jersey. That reporting requirement continues with regard to the disposition of any criminal or quasi-criminal proceeding in which the municipal court employee is a defendant (e.g., conviction, acquittal, guilty plea, no contest, pre-trial intervention, conditional discharge, probation, or similar disposition).

3. The detailed reporting requirement set forth in the first paragraph above is applicable as well when a municipal court employee is aware of the involvement of an immediate family member (as defined below) in any municipal court case pending in the vicinage in which the municipal court employee serves.

B. Preserving Data Integrity

No municipal court employee shall enter data into the judiciary computer system or in any way be involved in processing paperwork regarding any municipal court matter in the state in which that employee or an immediate family member is involved.

III. Procedure

The reporting form for use by municipal court employees in complying with this policy is attached. Additional copies of the reporting form may be obtained from the vicinage Municipal Division Manager or from the InfoNet. Completed forms submitted by municipal court employees to the Municipal Division Manager are in the nature of personnel records and thus shall be handled and retained as confidential.

If a municipal court employee or a member of a municipal court employee's immediate family is involved in a municipal court case in his or her own municipality, the Assignment Judge, after receiving the completed reporting form, will assign the case to be heard by a Superior Court judge, by the Vicinage Presiding Municipal Court Judge, or by such other judge designated by the Assignment Judge. In such other matters that require reporting pursuant to this policy, the Assignment Judge will take such action as is appropriate to avoid the appearance of impropriety.

IV. Guidelines/Definitions

The obligation to report personal involvement begins when the individual is formally charged, indicted, summoned or upon the filing of a complaint or other document that initiates the court's jurisdiction. The obligation to report an immediate

family member's involvement begins upon such events becoming known to the municipal court employee.

"Involvement" includes being a defendant, complainant, petitioner, respondent, witness or other participant in a municipal, criminal or quasi-criminal matter or proceeding within the jurisdiction of the New Jersey Judiciary or the jurisdiction of any other state, county, municipal, or federal court in the United States.

"Municipal court case" is any case cognizable in the municipal courts of New Jersey.

"Municipal court employee" includes all individuals, including all full-time, part-time, hourly staff, and paid interns, employed in the municipal courts of New Jersey.

"Immediate family" includes all members of the individual's household, as well as the following, whether related by marriage (or civil union or domestic partnership) or by adoption: spouse or the substantial equivalent; child; foster child; brother; sister; parent; grandparent; grandchild; father-in-law; mother-in-law; sister-in-law; brother-in-law; son-in-law; daughter-in-law; stepfather; stepmother; stepson; stepdaughter; stepbrother; stepsister; half-brother; half-sister; nephew; niece; aunt; uncle; children of aunt or uncle.

"Criminal matters" includes any violation, or alleged violation of N.J.S.A. 2C, or any other state or federal criminal statutes.

"Quasi-criminal matters" includes all disorderly persons offenses, petty disorderly persons offenses, traffic violations, and local ordinance violations, including but not limited to shoplifting, crimes of dishonesty, driving while intoxicated, and any drug offenses.

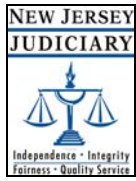
V. Reference

Canons 3 and 4 of the Code of Conduct for Judiciary Employees.

Any questions regarding this directive may be directed to Assistant Director Robert Smith, Municipal Court Services Division, at 609-984-8241.

Attachment (reporting form)

cc: Chief Justice Stuart Rabner
Attorney General Anne M. Milgram
Theodore J. Fetter, Deputy Administrative Director
AOC Directors and Assistant Directors
John Podeszwa, Municipal Court Services
Carol A. Welsch, Municipal Court Services
Steven D. Bonville, Special Assistant
Francis W. Hoeber, Special Assistant



CONFIDENTIAL

**MUNICIPAL COURT STAFF –
PERSONAL OR FAMILY MEMBER INVOLVEMENT IN LITIGATION**

This form is to be completed by the municipal court employee and signed by his/her Court Administrator/Court Director. (If a Court Administrator/Court Director is reporting involvement, this form is to be signed by the municipal court judge.)

Name: _____ Date: _____

Employee in What Municipal Court? _____

Title: _____ Division: _____

Personal Involvement _____ Family Member _____ Both _____

If a family member(s) is involved indicate (use more than one sheet if necessary)

Name: _____ Relationship: _____

Case or Complaint was filed in:

(1) Superior Court _____ (2) Municipal Court _____ (3) Federal Court _____
(4) Court in Another State (Specify) _____

Case/Ticket Number(s) _____

If filed in New Jersey Superior Court, indicate which county and division:

County: _____

Division: Civil _____ Criminal _____ Family _____ Probation _____

If filed in Municipal Court:

Municipality and State: _____ Was it a DWI? Yes No

Court Appearance Required? Yes No If yes, date: _____

If other than a traffic violations, specify: _____

Disposition (attach relevant documentation): _____

List type of case(s), offense(s), or other pertinent information. **Attach a copy of complaint, police report and/or other material if available.**

Signature of Employee Date

Signature of Court Administrator/Court Director* Date

*Signature of municipal court judge, if form is reporting involvement of court administrator/court director

Note: Submit completed form to employee's Municipal Division Manager.