

## **RULE 1:17. Judges And Court Personnel: Limitation On Political Activity, Holding Of Other Public Office Or Position And Other Gainful Pursuit**

### **1:17-1. Persons Prohibited**

The following persons in or serving the judicial branch of government shall not hold any elective public office nor be a candidate therefor, nor engage in partisan political activity:

- (a)** Judges;
- (b)** The Administrative Director of the Courts, the Clerk of the Supreme Court, the Clerk of the Appellate Division of the Superior Court, the Clerk of the Superior Court, the Administrator of the Tax Court, and all employees of their respective offices, and official court reporters;
- (c)** Probation officers and all employees of county probation divisions;
- (d)** Clerks to grand juries, assistants to clerks of grand juries, and all employees regularly assigned to attend or serve grand or petit juries;
- (e)** Law secretaries, administrative assistants to judges, stenographers, sergeants-at-arms, assignment clerks, courtroom clerks, court attendants, court aides, court interpreters, sound recording operators, and all public employees regularly assigned to a judge or court, except those employees of county sheriffs who provide only security services;
- (f)** Surrogates, except such political activity as is permitted under the Code of Conduct for Judiciary Employees, included as an Appendix to Part I of these Rules. A person elected to the office of Surrogate shall, prior to taking the oath of office, resign from any other public office, position or employment, elected or appointed, held by such person;
- (g)** Deputy surrogates and all persons employed by or regularly assigned to a surrogate's office;
- (h)** Directors, administrators, deputy administrators, violations clerks, and all persons employed by or regularly assigned to a municipal court.

Note: Source -- R.R. 1:25C(a); paragraph (b) amended November 27, 1974 to be effective April 1, 1975; paragraph (b) amended July 15, 1982 to be effective September 13, 1982; paragraph (g) amended June 15, 1983 to be effective immediately; paragraph (i) amended July 26, 1984 to be effective September 10, 1984; paragraph (g) amended June 29, 1990 to be effective September 4, 1990; caption amended, paragraphs (b) and (c) amended, paragraph (d) deleted, former paragraph (e) redesignated paragraph (d), former paragraph (f) amended and redesignated paragraph (e), former paragraph (g) amended and redesignated paragraph (f), former paragraph (h) redesignated paragraph (g), and former paragraph (i) amended and redesignated paragraph (h) December 7, 1993, to be effective immediately; paragraph (b) amended July 28, 2004 to be effective September 1, 2004.

### **1:17-2. Judges**

Judges may not engage in non-partisan political activity. Without prior written approval of the Supreme Court, requested through the Administrative Director of the Courts, judges may not hold any other public office, position, or employment.

Note: Former Rule 1:17-2 redesignated as Rule 1:17-4; new Rule 1:17-2 adopted December 7, 1993, to be effective immediately.

### **1:17-3. Non-judge Employees**

Whether non-judge employees may participate in non-partisan political activity or hold any other public office, position or employment shall be determined according to the Code of Conduct for Judiciary Employees, included as an Appendix to Part I of these Rules, as that Code is interpreted and applied by the Advisory Committee on Outside Activities of Judiciary Employees, established under Rule 1:17A.

**Note:** Former Rule 1:17-3 redesignated as Rule 1:17-5; new Rule 1:17-3 adopted December 7, 1993, to be effective immediately.

### **1:17-4. Non-applicability**

Rule 1:17-1 shall not apply to county clerks, county prosecutors, sheriffs, or employees of their respective offices except as such employees are specifically referred to therein and except as otherwise provided by N.J.S. 2A:158-21 (proscribed political activity of county prosecutors and their staffs).

**Note:** Source-R.R. 1:25C(b); amended June 15, 1983 to be effective immediately. Former Rule 1:17-4 redesignated as Rule 1:17-6; Rule 1:17-4, formerly Rule 1:17-2, amended December 7, 1993, to be effective immediately.

### **1:17-5. Ineligibility of Judicial Employees for Appointments**

**(a)** No person in or serving the judicial branch of government full time including any person in the employ of a surrogate shall be eligible for appointment as or serve as an appraiser, receiver, commissioner, guardian ad litem, administrator, or other appointment for which a fee may be allowed in any matter pending in any court unless he or she agrees in advance to waive such fee.

**(b)** The foregoing applies to situations in which the appointment is made by a court. It shall not apply when an employee may be named outside of court to serve for a fee in one of the enumerated capacities, e.g., an employee named in a will to execute a decedent's estate, in which event the employee may accept an executor's commission. See Canon 5.B.7. of the Code of Conduct for Judiciary Employees, included as an Appendix to Part I of these Rules.

**Note:** Source-R.R. 5:5-4. Rule 1:17-5, formerly Rule 1:17-3, former text amended and designated as paragraph (a) and paragraph (b) adopted December 7, 1993, to be effective immediately.

### **1:17-6. Other Employment of Judicial Employees**

No public officer or employee employed by or regularly assigned to a judge shall hold any position or employment in private business or engage in other gainful pursuit except as the same may be permitted under the Code of Conduct for Judiciary Employees, included as an Appendix to Part I of these Rules.

**Note:** Source-R.R. 1:25C(c). Rule 1:17-6, formerly Rule 1:17-4, amended December 7, 1993, to be effective immediately.