

## Recall Judge Policy

Directive 12-01  
Issued by:

July 19, 2001  
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Administrative Director

Attached is the Judiciary's "Policy Governing Recall for Temporary Service Within the Judicial System," as adopted by the Supreme Court to be effective September 1, 2001. This statement of the Recall Judge Policy supersedes any and all prior such statements as of its effective date. Please ensure that the judges in your courts and vicinages, particularly those currently on recall and those contemplating the possibility of recall, are aware of its provisions.

As with all Directives, this Directive also will be published (*New Jersey Law Journal*, *New Jersey Lawyer*) and posted (Internet, InfoNet).

**POLICY GOVERNING RECALL FOR TEMPORARY SERVICE  
WITHIN THE JUDICIAL SYSTEM (N.J.S.A. 43:6A-13)**

Over the years, the Judiciary has benefited greatly from the willingness of retired judges to be recalled for judicial service. Recall judges provide stability and continuity for the work of the Judiciary by accepting assignments for special projects and programs, so that judges on permanent assignment are not diverted from their primary responsibilities.

As the Judiciary's experience with recall judges has grown over the years, so too has the number of retired judges who would like to be recalled for service. Faced with increasing recall requests and with a finite capacity to accommodate everyone who would like to serve, the Judiciary has undertaken a review of its recall program and has established the following policy to govern recall service pursuant to N.J.S.A. 43:6A-13.

1. Recall and termination of the recall are at the pleasure of the Supreme Court subject to the adequacy of funding in the state recall judge budget. Recall is effected by Supreme Court order with such orders covering a maximum period of two years, which may be renewed from time to time by further order of the Supreme Court for additional periods not exceeding two years each.
2. Recall service on the Appellate Division is limited primarily to retired judges who had appellate assignments while in active service. Service in all trial courts and on special assignments within the judicial system will be generally available to all recall judges.
3. All retired judges recalled to service must terminate the practice of law and "of counsel" associations. Temporary "leaves of absence" from such associations for recall service within the judicial system are not permitted.
4. For retired judges under the age of seventy, no application for recall shall be made or considered by the Supreme Court until one year after the effective date of the judge's retirement.
5. No retired justice or judge shall serve on recall beyond his or her eightieth birthday.<sup>1</sup>
6. Every justice or judge recalled for temporary service shall be bound by the ethical restrictions on judges set forth in N.J.S.A. 52:13D-17. Knight v. Margate, 86 N.J.

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<sup>1</sup> Note: This provision, as with all provisions of this policy, is applicable to those judges who are on recall at the time of the adoption and promulgation of the policy; this particular limitation, however, is not intended to terminate any recall term already in existence at the time of the policy's promulgation prior to the expiration date set forth in the recall order.

374 (1981). See also L. 2001, c. 75.

7. Compensation for judges on recall service shall be at a per diem rate set by Supreme Court order (currently \$300 per diem, by the Court's February 28, 2000 order), subject to the statutory limitation that in no event shall a recall judge receive a total annual salary that together with pension exceeds the current salary of a judge of the court from which the recall judge retired.
8. A prerequisite for recall, either an initial recall or a recall continuation, is a report or certificate by a medical doctor based on a full medical examination, attesting that the retired judge is mentally and physically qualified to perform the proposed recall service. The examination shall be conducted by an independent doctor selected by the Administrative Director, with costs to be covered by the Judiciary.
9. In all instances of initial recall or continuation of recall service, approval of the Presiding Judge of the Appellate Division, relevant Assignment Judge, Presiding Judge of the Tax Court, or Administrative Director of the Courts as appropriate, shall be required before an application for service may be considered.
10. The Supreme Court screening committee, which consists of a Supreme Court Justice, the Administrative Director, and the Clerk of the Supreme Court, will review relevant doctors' reports and certificates and other available information and make recommendations to the Supreme Court on all recall applications (both initial as well as continuation).
11. Priority for approving requests for recall service will be based on the following factors:
  - a. Willingness to accept an assignment that meets a significant need in the vicinage, Tax Court, or Appellate Division.
  - b. Willingness to serve on a designated statewide priority for recall judges, e.g., civil commitment hearings, ISP, sexually violent predator cases.
  - c. Willingness of the judge to serve for at least 120 days per year.
  - d. The judicial staffing needs of the vicinage.
  - e. The ability of the vicinage to accommodate the support needs of a recall judge.
12. Except for paragraphs 3, 6, and 7, the Supreme Court may, for good cause, approve the waiver of any of the aforesaid provisions.

**Note: Policy promulgated July 19, 2001 to be effective September 1, 2001.**