

ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY

PHILIP S. CARCHMAN, J.A.D.
ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS



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P.O. Box 037
TRENTON, NEW JERSEY 08625-0037

Directive #19-06
[Supplements Directive #4-05]

TO: Assignment Judges
Trial Court Administrators

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

SUBJECT: Judiciary Volunteers – (1) Code of Conduct; (2) Litigation Reporting Policy

DATE: October 27, 2006

Attached are two new policy documents relating to Judiciary volunteers as approved by the Supreme Court: (1) the *Code of Conduct for Judiciary Volunteers* (Attachment A) and (2) the *Litigation Reporting Policy for Judiciary Volunteers* (Attachments B and C). These policies, which the Court approved at its July 6, 2006 administrative conference, supplement the Judiciary Volunteer Services Program Standards promulgated by Directive #4-05.

These policies apply to “individuals who provide services without remuneration or academic credit in certain court-connected programs.” They expressly do not apply to “unpaid student interns; members of Supreme Court committees or advisory committees at the local level; attorneys serving on settlement panels, fee arbitration panels and District Ethics Committees or as mediators in Superior Court; and those providing services to the Judiciary through not-for-profit entities.” To the extent that either policy contains provisions that conflict with earlier policies or procedures for specific volunteer programs, most notably those for Juvenile Conference Committees, the attached documents take precedence.

These two policies are effective immediately. The vicinage volunteer coordinators should distribute copies of each to all current Judiciary volunteers, who must sign an acknowledgment of receipt form (Attachment D). The signed acknowledgment of receipt form is to be retained in each volunteer’s official file. As new volunteers are sworn in, they should sign the revised uniform Oath of Office and of Confidentiality for Judiciary Volunteers (Attachment E), which includes a pledge to conform to the canons of the Code of Conduct for Judiciary Volunteers.

By January 5, 2007, each vicinage should provide me with a written status report on the distribution of the two policies to the volunteers. If full distribution has

not been completed by that date, your report should detail the steps necessary to complete the distribution and a timetable for those remaining steps.

The *Litigation Reporting Policy for Judiciary Volunteers* requires Judiciary volunteers to complete a litigation-involvement reporting form (attached) when they are involved in certain litigation. The Policy details the types of litigation that trigger the reporting requirement. The completed reporting forms are confidential and shall be kept in a file separate from the volunteer's official file.

Using a train the trainer approach, training on both the *Code of Conduct for Judiciary Volunteers* and the *Litigation Reporting Policy for Judiciary Volunteers* is in the process of development by the Programs and Procedures Division in the AOC Office of Trial Court Services. Those who receive that training then will administer training to the volunteers on a statewide basis over the next several months.

In addition to this hard copy distribution of the two policies, electronic versions of both (including attachments) will be posted on the Judiciary's InfoNet. Questions or comments may be addressed to Karen June, Manager, Volunteer Services, Programs and Procedures Division, Office of Trial Court Services by phone (609-633-9782) or by e-mail (Karen.June@judiciary.state.nj.us) .

P.S.C.

Attachments

- A – Code of Conduct for Judiciary Volunteers
- B – Litigation Reporting Policy for Judiciary Volunteers
- C – Litigation Reporting Form for Judiciary Volunteers
- D – Acknowledgment of Receipt Form
- E – Uniform Oath of Office and of Confidentiality for Judiciary Volunteers

cc: Chief Justice James R. Zazzali
Theodore J. Fetter, Deputy Administrative Director
AOC Directors and Assistant Directors
Vicinage Division Managers (All Divisions)
Vicinage Volunteer Coordinators
Marilyn C. Slivka, Program and Procedures
Karen June, Programs and Procedures
Steven D. Bonville, Special Assistant
Francis W. Hoeber, Special Assistant

DIRECTIVE #19-06

ATTACHMENT A

CODE OF CONDUCT FOR
JUDICIARY VOLUNTEERS

CODE OF CONDUCT FOR JUDICIARY VOLUNTEERS

Purpose:

To keep the trust of the people it serves, the Judiciary must maintain the highest degree of integrity. This means that its actions should be impartial and dependent only upon the law that it administers. The Judiciary should never appear to be favoring one side over another, nor should it inject itself into a dispute. Unlike many other kinds of volunteers, Judiciary volunteers carry the responsibility for furthering the public trust through their words and actions. Judiciary volunteers consequently have the obligation to conduct themselves with integrity, with neutrality, and without the least suggestion that they give or seek special treatment because of their relationship with the Judiciary. This Code of Conduct outlines the basic tenets that need to be followed to foster such conduct.

Who is covered by this Code of Conduct:

The code applies to Judiciary volunteers, individuals who provide services without remuneration from the Judiciary in certain court-connected programs, including but not limited to those mediating in municipal court, serving on Juvenile Conference Committees or Child Placement Review Boards, assisting with supervised visitation or supervision of probationers and serving with the adult or juvenile intensive supervision programs (JISP/ISP).

This code does not apply to unpaid student interns; members of Supreme Court Committees or advisory committees at the local level; attorneys serving on settlement panels, fee arbitration panels and District Ethics Committees or as mediators in Superior Court; and those providing services to the Judiciary through not-for-profit entities.

CANON I. PERFORMANCE OF DUTIES

Judiciary volunteers shall uphold the Constitutions and laws of the United States and the State of New Jersey and shall faithfully perform all duties assigned with honesty, integrity, and humanity.

Comment: Volunteers should perform official duties properly, courteously, and diligently. They must always treat people with dignity and respect, without regard to race, color, religion, age, sex, sexual orientation, or any other protected category under the Judiciary's Policy Statement on Equal Employment, Affirmative Action and Anti-Discrimination. In addition, volunteers should not treat people differently on the basis of their socio-economic status.

Volunteers should have only authorized and appropriate contact with court users with whom they come in contact during their volunteer responsibilities. They should not use their Judiciary position as a platform for “unofficial statements” or for material benefit.

CANON II. CONFIDENTIALITY

Judiciary volunteers shall respect all information obtained during the course of official volunteer duties and disclose confidential information only to such persons as may be authorized to receive it.

Comment: Judiciary volunteers must sign an “Oath of Office and of Confidentiality” as part of the application and appointment process.

For purposes of this code, "confidential information" includes information about cases, administrative, or personnel matters that is not already a matter of public record. It includes, but is not limited to, information in regard to case and personal histories, court records, discussions about court users, and deliberations among volunteer panel members. Information that would otherwise be considered confidential does not lose its confidentiality by virtue of the fact that it was communicated to the volunteer by an unauthorized person. Even though information may be a matter of public record that information should still be treated sensitively so as to respect an individual's privacy.

Volunteers who know that information received is confidential in nature and should not have been disclosed are obligated not to disclose the information to any one else in any form except as provided below. They shall report breaches of confidentiality or attempts by unauthorized persons to obtain confidential information to an appropriate authority within the judicial system. If they reasonably believe that a breach is, or may be a threat to someone's safety, they may also report to law enforcement. In such case, an appropriate authority within the judicial system must be notified as soon as possible. Judiciary volunteers shall not be adversely affected for reporting a breach of confidentiality to an appropriate authority.

The requirement that Judiciary volunteers honor the confidentiality of information obtained during the course of official duty remains in effect even after their terms of service are completed.

CANON III. AVOIDING ACTUAL OR APPARENT IMPROPRIETY

Judiciary volunteers must always act in a way that preserves the integrity and independence of the court. They shall act only within the scope of assigned duties.

Comment: Holding a volunteer position in the court system is a public trust. Keeping that trust depends, in part, on people having confidence in the integrity of the conduct of Judiciary volunteers. Both actual improper conduct and the appearance of improper conduct can affect the trust adversely, and Judiciary volunteers should avoid acting in any manner that casts doubt on their ability to carry out their assigned duties in a competent and open manner.

Volunteers should ordinarily not participate in any case in which they or someone they know personally has an interest. If such a relationship exists, they must disclose that relationship to the Judiciary staff to whom they report, as well as to ALL parties to the case. Volunteers may continue to be involved in the case ONLY if Judiciary staff and all parties agree to their continued involvement.

Volunteers should not comment on judicial matters to the media, even unofficially, unless specifically authorized to do so.

CANON IV. HOLDING ELECTED OR APPOINTED POLITICAL OFFICE

Judiciary volunteers may hold elected or appointed political offices so long as doing so neither is nor appears to be in conflict with the nature of their volunteer duties.

Volunteers, however, may not use their position with the Judiciary to further personal political ambitions to hold or retain public office or use the affiliation with the Judiciary in campaigning for themselves or any candidate.

Comment: The nature of the Judiciary's mission requires it to remain apart from political activity. For this reason, employees of the Judiciary may not hold any kind of elected or appointed public office. Imposing such a blanket prohibition on its volunteers, however, would be unreasonable.

It would be equally unreasonable to suppose that volunteers may hold any elected or official position that they want and still continue to volunteer for the Judiciary. Holding such a position is acceptable so long as it neither is, nor appears to be, a conflict of interest with their volunteer duties. Each case must be considered on its own merits, and volunteers are obligated to disclose their intent to seek or hold public office to the Judiciary staff member to whom they report. Context is critical, and the ultimate decision on whether the pursuit or the holding of public office bars further volunteer service should rest with the appointing Judiciary authority or designee. (For vicinage volunteers, appointing authorities are the Assignment Judges.) In no event, however, may volunteers use their

affiliation with the Judiciary to engage in campaigning, fundraising, or any other activity that might compromise the public's confidence in the Judiciary's impartiality.

Because of their missions, some volunteer programs will have narrower definitions of what is appropriate activity than will others.

CANON V. ENGAGING IN POLITICAL ACTIVITY

Volunteers may advocate on public issues and litigation so long as such advocacy activities do not compromise their performance as volunteers, create the appearance that their exercise of judgment while serving as a volunteer might be affected by that activity, or suggest that they speak on behalf of the Judiciary.

Comment: The Judiciary must not take ‘sides’ on issues that involve partisan political activities, nor should it even appear to be doing so. Therefore, when they are carrying out their volunteer duties, Judiciary volunteers must not take any position that would suggest that they favor one political party over others; however, Judiciary volunteers may actively advocate for the programs and issues they support as long as there is no negative effect on the Judiciary or on their personal service as Judiciary volunteers.

CANON VI. JUDICIARY POLICIES

Judiciary volunteers must adhere to all applicable Judiciary policies.

Comment: Although many Judiciary policies do not have any applicability to volunteers, others (like workplace violence, reporting involvement in litigation, and sexual harassment) do. Volunteers are responsible for complying with all such policies, copies of which will be given to them at the time of their initial appointments.

In addition to adhering to written policies, Judiciary volunteers should follow judges’ orders and be generally guided by staff as to the scope of their volunteer responsibilities and the manner of the fulfillment of those responsibilities.

DIRECTIVE #19-06

ATTACHMENT B

LITIGATION REPORTING POLICY
FOR JUDICIARY VOLUNTEERS

LITIGATION REPORTING POLICY FOR JUDICIARY VOLUNTEERS

The Purpose of the Policy

To keep the trust of the people it serves, the Judiciary must maintain the highest degree of integrity. This means that its actions should be impartial and dependent only upon the law that it administers. The Judiciary should never appear to be favoring one side over another, nor should it inject itself into a dispute. Judiciary volunteers consequently have the obligation to conduct themselves with integrity, with neutrality, and without the least suggestion that they give or seek special treatment because of their relationship with the Judiciary.

The Judiciary needs to be able to take any step necessary to avoid an actual or apparent conflict of interest. It is with this need in mind that, within certain parameters, the Judiciary requires all volunteers to report on involvement in:

1. any criminal case anywhere in the country in which they are defendants or any criminal case in New Jersey in which they have personal involvement; and,
2. certain, civil, family, quasi-criminal and traffic matters (see definitions below) depending on the penalties involved or the ability of the matters to impact the actual or apparent quality of a volunteer's service adversely.

Volunteers must also report the involvement of immediate family members (see definition below) in certain cases.

Reporting involvement in litigation is a way to help ensure the impartiality and integrity of our volunteers. Generally, no additional action on the report will be needed after it is filed. If, however, there is a possible conflict-of-interest identified, further action may be taken, such as moving the litigation to a nearby county or suspending the volunteer's services for the duration of the litigation.

NOTE: THIS POLICY IS TO BE UNDERSTOOD WITHIN THE CONTEXT OF THE CODE OF CONDUCT FOR VOLUNTEERS.

Who is Covered by This Policy

All individuals who provide judiciary-related services without remuneration or academic credit in certain court-connected programs, including but not limited to those who mediate in municipal court, serve on Juvenile Conference Committees or Child Placement Review Boards, assist with supervised visitation or supervision of

probationers, and serve with probation programs (Juvenile and Adult Intensive Supervision Programs).

This policy does not apply to unpaid student interns; members of Supreme Court Committees or advisory committees at the local level; attorneys serving on settlement panels, fee arbitration panels and District Ethics Committees or as mediators in Superior Court; and those providing services to the Judiciary through not-for-profit entities.

Definitions of Terms Used

“Civil matters” means an event connected with a case filed in court that is neither criminal nor quasi-criminal. Examples of civil matters are cases involving personal injury, employment matters, landlord/tenant disputes, and breach of contract claims. For purposes of this policy, “civil matters” excludes matters included below in “family matters” and “traffic matters.”

“Criminal matters” means any court proceeding (case, hearing, etc.) that involves a violation or alleged violation of a Federal statute or a statute in this or any other state or any other alleged offense, the penalty for which involves the possibility of incarceration (*i.e.*, “jail time”).

“Family matters” means a proceeding that takes place in, or under the oversight of, the Family Part of the Chancery Division of the New Jersey Superior Court. Some examples of Family matters are juvenile delinquency charges, termination of parental rights proceedings, domestic violence complaints, and adoption.

“Geographic area of service” means vicinage, region, or State of New Jersey, depending on the volunteer program in which a person serves. For most volunteers, including volunteers in municipal court, the geographical area will be the vicinage.

“Immediate family” includes spouse, children, parents, and siblings, as well as all persons living with the volunteer, whether related by blood, marriage, adoption, or an equivalent relationship (*e.g.*, foster child, domestic partner).

“Involvement” includes being a defendant, complainant, petitioner, respondent, witness or other participant (*e.g.*, parent of a juvenile in court or a legal guardian of an incompetent person) in a criminal, quasi-criminal matter, civil, family, or traffic matter. It does not include serving as a juror or appearing as a witness in a grand jury proceeding or appearing as an attorney.

“Programmatic area of service” means the specific program for which a person volunteers (*e.g.*, Juvenile Conference Committee or municipal mediation).

“Quasi-criminal matters” includes all municipal court offenses other than traffic matters (see immediately below) that require a court appearance or that are contested, including but not limited to local ordinances, shoplifting, crimes of dishonesty, and any drug offenses.

“Traffic matters” includes all driving while intoxicated (DWI) offenses and motor vehicle offenses that are contested or otherwise require a court appearance.

What Kinds of Involvement Must Be Reported

All volunteers must file reports about the following kinds of involvement in litigation with the Judiciary staff member supervising their program.

Criminal matters:

1. Their own involvement.
 - a. Volunteers must report their own involvement as defendants in any criminal matter pending in New Jersey or *anywhere* else in the country. Volunteers must inform their program coordinator of the subsequent disposition of any such matter in which they were defendants (*e.g.*, conviction, acquittal, guilty plea, no contest, pre-trial intervention, conditional discharge, probation, or similar disposition). The program coordinator will then update the original reporting form.
 - b. Volunteers must report any other involvement if the criminal matter is pending in New Jersey, *e.g.* as a witness in a criminal trial. Appearing as a witness before a grand jury should not be reported.
2. Involvement of immediate family members.

Volunteers must report as soon as they know of the involvement of any immediate family member in a criminal matter if the matter either is pending in the volunteer’s geographic and programmatic area of service or is, or appears to be, in conflict with the requirement that volunteers act in a way that preserves the integrity and independence of the courts, except that a family member’s appearance as a witness before a grand jury should not be reported.

Civil, Family, Quasi-Criminal, and Traffic matters:

1. Their own involvement.

- a. Volunteers must report their own involvement in any Civil, Family, or traffic matter if the matter is either in the volunteer's geographic and programmatic area of service or is, or appears to be, in conflict with the requirement that volunteers act in a way that preserves the integrity and independence of the courts.
- b. Volunteers must also report any traffic matter in any court anywhere in which they are defendants in a DWI case, are exposed to potential incarceration, or suffer actual loss of driving privileges.
- c. Volunteers must also report any quasi-criminal matter in any court anywhere in which they are defendants and are exposed to potential incarceration.

2. Involvement of immediate family members.

Vicinage volunteers must report the involvement of an immediate family member, if known, in any pending Civil, Family, quasi-criminal, or traffic matter if the matter is either in the volunteer's geographic and programmatic area of services or is, or appears to be, in conflict with the requirement that volunteers act in a way that preserves the integrity and independence of the courts.

The Procedure for Filing a Report

Copies of the appropriate reporting form are available from vicinage and regional Volunteer Program Coordinators and from the Manager of Volunteer Services in the Administrative Office of the Courts (AOC). Completed forms are confidential and shall be kept in a file, separate from the volunteer's official file, in the office of the Vicinage Operations Division manager, regional supervisor, or the AOC Special Programs Unit, depending on the volunteer's assignment.

After consulting with appropriate judicial authorities, a manager may take the action necessary to avoid an appearance of impropriety. In vicinages, the decision to take such action will usually fall to the Trial Court Administrator after consultation with the

division manager and the Presiding Judge, if appropriate. Such action may include, but is not limited to, reassigning the volunteer during the pendency of the proceeding.

The Time Frame for Reporting Involvement

1. The obligation to report a volunteer's own involvement begins upon being formally charged, indicted, summoned, or scheduled to testify or upon the filing of a complaint or other document that gives the court jurisdiction.
2. The obligation to report an immediate family member's involvement in a court within the geographic and programmatic area of the program in which the volunteer serves begins when the volunteer learns of such events.

The Underlying Authority for This Policy

Canon VI, Code of Conduct for Judiciary Volunteers.

DIRECTIVE #19-06

ATTACHMENT C

LITIGATION REPORTING FORM
FOR JUDICIARY VOLUNTEERS



NEW JERSEY JUDICIARY

INVOLVEMENT OF VOLUNTEER OR FAMILY MEMBER IN COURT PROCEEDING

LAST NAME		FIRST NAME		MIDDLE INITIAL	DATE
COUNTY	VOLUNTEER PROGRAMS				
NATURE OF INVOLVEMENT (Check all that apply.)					
<input type="checkbox"/> Plaintiff / Petitioner / Complainant		<input type="checkbox"/> Defendant / Respondent		<input type="checkbox"/> Witness	
<input type="checkbox"/> Personal		<input type="checkbox"/> Personal		<input type="checkbox"/> Personal	
<input type="checkbox"/> Immediate Family*		<input type="checkbox"/> Immediate Family*		<input type="checkbox"/> Immediate Family*	
*IF IMMEDIATE FAMILY, PLEASE STATE NAME AND RELATIONSHIP					
JURISDICTION (if known)					
<input type="checkbox"/> New Jersey Superior Court		COUNTY	DIVISION		
<input type="checkbox"/> New Jersey Municipal Court		MUNICIPALITY	<input type="checkbox"/> Civil <input type="checkbox"/> Criminal <input type="checkbox"/> Family <input type="checkbox"/> Probation		
<input type="checkbox"/> Federal Court		FEDERAL COURT DISTRICT			
<input type="checkbox"/> Court In Another State		COUNTY OR MUNICIPALITY OR STATE			
CASE / DOCKET NUMBER / TICKET NUMBER		CASE NAME			
NATURE OF THE CASE (Briefly describe the type of case or alleged offense. Examples include contested traffic tickets, auto accident, personal injury, divorce, custody, landlord / tenant, DWI, robbery.)					
SIGNATURE OF VOLUNTEER				DATE	
■ NOTE TO VOLUNTEER: Submit completed form to your Volunteer Program Coordinator for signature by the appropriate Judiciary Manager.					
SIGNATURE OF JUDICIARY MANAGER				DATE	
FOR OFFICE USE ONLY: DISPOSITION OF CRIMINAL CASE IF VOLUNTEER IS DEFENDANT				DATE	

Instructions for using this form:

Not all involvement needs to be reported. If you need to report your involvement or that of an immediate family member in pending litigation, fill out this form and give it to the program coordinator of your volunteer program. Please read the information below.

Reporting involvement in litigation is a way to help ensure the impartiality and integrity of our volunteers. Generally, no additional action on the report will be needed after it is filed. If, however, there is a possible conflict-of-interest identified, further action may be taken, such as moving the litigation to a nearby county or suspending the volunteer's services for the duration of the litigation.

What must you report?

The Judiciary needs to be able to take any step necessary to avoid an actual or apparent conflict-of-interest. It is with this need in mind that, within certain parameters, the Judiciary requires all volunteers to report on:

1. any criminal case anywhere in the country in which they are defendants or any criminal case in New Jersey in which they have personal involvement (e.g., as a witness); or,
2. any civil court case in the geographical area served by the program in which they volunteer.

See the Litigation Reporting Policy for Judiciary Volunteers posted on the Judiciary's website (<http://www.njcourtsonline.com>) for more information.

When must you report it?

A volunteer must report personal involvement upon being formally charged, indicted, summoned or scheduled to testify, or upon the filing of a complaint or other document that gives the court jurisdiction. The obligation to report a family member's involvement begins when the volunteer learns of such events.

Definition of terms:

DEFENDANT/RESPONDENT refers to the person against whom a legal action or lawsuit is started.

IMMEDIATE FAMILY includes spouse, children, parents, and siblings, as well as all persons living with the volunteer, whether related by blood, marriage, adoption, or an equivalent relationship (*e.g.*, foster child, domestic partner).

INVOLVEMENT includes being a defendant, complainant, petitioner, respondent, witness, or other participant in a criminal, quasi-criminal, civil, family or traffic matter. It does not include serving as a juror or appearing as an attorney.

PLAINTIFF/PETITIONER/COMPLAINANT refers to the person who begins a legal action or lawsuit.

DIRECTIVE #19-06

ATTACHMENT D

ACKNOWLEDGMENT OF RECEIPT FORM FOR CODE OF CONDUCT AND LITIGATION-REPORTING POLICY FOR JUDICIARY VOLUNTEERS

NEW JERSEY JUDICIARY

**ACKNOWLEDGMENT OF RECEIPT FORM
FOR THE CODE OF CONDUCT POLICY AND
THE LITIGATION REPORTING POLICY
FOR JUDICIARY VOLUNTEERS**

I understand that, as a Judiciary volunteer with responsibility for furthering public trust by promoting the independence, integrity, fairness and quality service inherent in the New Jersey Judiciary, I am subject to the Code of Conduct for Judiciary Volunteers and the Litigation Reporting Policy for Judiciary Volunteers as promulgated by Directive #19-06. I acknowledge receipt copies of each policy and agree to abide by their provisions.

Name (printed) _____

Signature _____ **Date** _____

Court / Vicinage _____

DIRECTIVE #19-06

ATTACHMENT E

OATH OF OFFICE AND OF
CONFIDENTIALITY FOR
JUDICIARY VOLUNTEERS

State of New Jersey

_____ **County**

**Oath of Office
and of Confidentiality
for Judiciary Volunteers**

I, _____, do solemnly swear/ affirm to support the
Constitutions of the United States and the State of New Jersey and to perform the duties
of my position as a New Jersey Judiciary Volunteer faithfully, impartially, and justly to
the best of my ability.

I will not disclose confidential information to any unauthorized person or agency and will
respect the right of court users to be treated with dignity and respect. I will also conform
to the Code of Conduct for Judiciary Volunteers and avoid even the appearance of
impropriety in my volunteer position.

Signature of Volunteer

Date

Signature of Assignment Judge