

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

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



**RICHARD J. HUGHES
JUSTICE COMPLEX
PO Box 037
TRENTON, NEW JERSEY 08625-0037**

[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**

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

**SUBJ: Municipal Court Judges Reporting Family Involvement in
 Municipal Court Cases – Policy Statement**

DATE: February 25, 2008

Directive # 04-08

I. Purpose

Municipal court judges, as do all judges, have an obligation to perform their judicial role 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.

Municipal court judges are covered by the same reporting requirements as to involvement in litigation as New Jersey's state-level judges. Those reporting requirements currently are set out in Directive #4-81.

This Directive sets out the further policy by which municipal court judges are required to report the involvement of immediate family members (as defined below) in any municipal court matters in the vicinage in which the municipal court judge sits. The policy is effective immediately.

II. Policy

In the event of the involvement of an immediate family member of a municipal court judge in any municipal court case in the vicinage in which that judge sits, the judge must immediately advise the Administrative Director of the Courts of such family member's involvement on the attached form promulgated by the Administrative Director.

III. Procedure

The reporting form for use by municipal court judges 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. Municipal court judges shall submit the completed forms to the Administrative Director, with copies to the Chief Justice and their Assignment Judge. These completed forms are in the nature of personnel records and thus shall be handled and retained as confidential.

If the involvement of the municipal court judge's immediate family is in a municipal court case in the judge's 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 a family member's involvement in a municipal court case commences upon such events being known to the judge.

"Involvement" includes being a defendant, complainant, witness or other participant in a litigated matter or proceeding within the jurisdiction of a municipal court in New Jersey.

"Municipal court judge" includes all full-time, part-time, chief, presiding, temporary, and acting judges, 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.

V. References

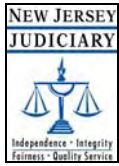
Canon 3 of the Code of Judicial Conduct.

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

P.S.C.

Attachment (reporting form)

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



**Municipal Court Judge
Family Involvement in Litigation Report
Confidential**

To: Philip S. Carchman, P.J.A.D.
Acting Administrative Director of the Courts
Justice Complex, 7th Floor, P.O. Box 037
Trenton, New Jersey 08625-0037

Judge's Last Name

First Name

Middle Name

Court(s) in Which Judge Sits (Municipality/Vicinage)

Judge's Address

Name of immediate family member involved in litigation

Relationship of immediate family member to Judge

Caption of Case

Docket Number

Venue

Summary of complaint (Include date filed)

Nature of involvement

Judge's Signature

Date