

Directive # 5-05
[supersedes Directive #7-67]

TO: Assignment Judges

FROM: Philip S. Carchman

SUBJ: Judicial Reporting of Attorney Misconduct

DATE: February 22, 2005

The Supreme Court considers that where a judge in the course of his or her duties becomes aware of conduct by an attorney that is described in Canon 3B(3)(b) of the Code of Judicial Conduct, the judge shall inform the Director of the Office of Attorney Ethics in Trenton. In all other cases that may constitute a violation of the Rules of Professional Conduct by an attorney, the judge may report the matter to the Director of the Office of Attorney Ethics if the situation so warrants. The OAE Director should then proceed to consider the matter or may refer it to a District Ethics Committee to proceed in accordance with Rule 1:20-3(d).

The judge shall not be considered a grievant. Any such referrals shall be made for whatever action the OAE Director may deem appropriate. Such referrals shall be discreetly communicated by the judge to the judge's supervisors, and may be communicated to other judges in the vicinage or to any other judge known or believed to have relevant information about the attorney.

This supersedes Directive #7-67 issued March 7, 1968.

P.S.C.

/sdb

cc: Chief Justice Deborah T. Poritz
Hon. Edwin H. Stern, PJAD
Hon. Joseph C. Small, PJTC
District Ethics Committee Chairs and Secretaries
Theodore J. Fetter, Deputy Admin. Director
David E. Johnson, Jr., OAE Director
Clerks of Court (Supreme Court, App. Div., Tax Court)
AOC Directors and Assistant Directors
Trial Court Administrators
Steven D. Bonville, Special Assistant
Francis W. Hoeber, Special Assistant