

Sanctions Imposed on Attorneys

Directive #8-79
Issued by:

February 21, 1980
Robert D. Lipscher
Administrative Director

There are a number of rules and directives by which the Supreme Court has authorized the imposition of sanctions by judges on attorneys under specified circumstances. In addition, of course, a judge occasionally finds it necessary to hold an attorney in contempt for failure to carry out his or her responsibilities toward a client or the court as required. Heretofore, judges have taken action to regulate attorneys' conduct, as indicated, with few guidelines to assist them. The exercise of discretion in this area has led to some seeming inequities.

Accordingly, the Chief Justice requests that in the future, when sanctioning an attorney or holding an attorney in contempt, other than for conduct in the face of the court, you advise me about it, briefly setting forth the nature of the sanction and the circumstances necessitating its imposition. No special form has been devised for this purpose. A letter containing the requested information, addressed to me, and a copy to the assignment judge will be sufficient.

The Chief Justice has no desire, in making this request, to subtly suggest any change in your practice concerning the imposition of sanctions. On the contrary, the purpose of obtaining this information will be best served if you continue precisely the same practice that you have utilized in the past concerning this matter. What we want is enough information on what actually is occurring in order to determine whether it makes sense, or whether it should be changed.

EDITOR-S NOTE

The text has been changed to render it gender neutral. See, *R. 1:2-4* and *R. 2:9-9*. See also, *Notice to Appellate Bar*, 102 *N.J.L.J.* 201 (August 31, 1978), with regard to deficiency procedures and sanctions authorized in the prosecution of appeals, effective September 11, 1978. Implementation of the procedures has involved automatic assessments by the Clerk of \$50, chargeable to the attorney, not to the client, for the correction of various deficiencies in filings. The Court may also impose sanctions for reinstatement of some dismissals and for other infractions.