

## Letters of Recommendation

Memorandum to: Assignment Judges  
Issued by: Chief Justice Robert N. Wilentz  
Dated: June 8, 1982

I gather from our discussion that there is some uncertainty about when it is appropriate for a judge to write a letter of recommendation. This memo is intended to provide some guidance on the subject.

### General Policy

Probably the most important thing to remember is that a judge should never give recommendations, whether oral or written, unless he or she has substantial personal knowledge of the applicant, gathered over a substantial period of time. Recommendations should never be provided solely as a favor for friends or relatives. Letters should be sent on personal stationery only, and except for applications to law school or college should be written only in response to an express solicitation, preferably received in writing.

Recommendations should not be given by phone unless that is clearly the appropriate form of response. The letter form itself is probably the best discipline to assure that we stay within the confines of what is permitted for judges. The usual exceptions, where a telephone may be appropriate, occur when the Executive solicits judges for their opinion about lawyers being considered for the bench or, on occasion, for other public employment; or where law firms call seeking the judge's opinion about former law clerks. Obviously there may be other examples where telephone response is appropriate.

### Specific Restrictions

#### 1. Law school and college admission and/or scholarship.

You may write a letter of recommendation for a student or prospective student known personally to you setting forth knowledge of the applicant and conclusions as to his or her ability and character.

Since law schools and colleges do not ordinarily have procedures for soliciting letters of recommendation you may grant a student permission to list your name as a reference (and thereafter you may write a letter as a result of an inquiry from the school) or you may write a letter upon request of the applicant without any inquiry from the school.

#### 2. Employment in the private sector.

To avoid seeming to pressure potential employers, you should not write an unsolicited letter of recommendation for employment in the private sector. You may, however, allow your name to be listed as a reference and write in response to a solicitation, based, as always, solely on your personal knowledge of the applicant.

#### 3. Employment in the public sector.

As in private sector, you may be listed as a reference, may write a letter of recommendation that has been solicited, but must never write an unsolicited recommendation. You must avoid being perceived as a supporter of or active in any political party or activity or any branch or faction of a party. This is an area where the

greatest sensitivity is needed and where your recommendations should be confined very carefully to those whom you know extremely well, and even then, there may be many occasions where good judgment requires that you stay completely out of the matter. The thought that it would be unfair to deprive one whom you know of the benefit of your observations has to be balanced against what might be unfair to the entire judiciary when something a judge does makes it appear that we are involved in politics. The Supreme Court does not consider it proper for judges to write unsolicited letters of recommendation to the Governor or Governor's Counsel with respect to appointment of individuals to the bench.

As suggested above, you may respond to inquiries from the Executive or Legislative Branches, especially about attorneys being considered for judicial posts, provided the inquirer has official responsibilities in the matter. Ordinarily such inquiries would be made on a confidential basis.

4. Trial certification and approved lists.

If listed as a reference by an attorney seeking New Jersey Trial Certification or National Board of Trial Advocates certification or acceptance on an approved attorneys' list, you may respond on the form submitted. You may not, however (and this is the subject of a directive of many years' standing), make confidential ratings for Martindale-Hubbell or others (other than the above) as to the legal capability and professional integrity of practicing attorneys.

5. Law firms in your county.

Particular care should be exercised in giving recommendations for employment with law firms actively practicing in your vicinage. You should avoid making such recommendations where possible, but there may be circumstances that require it, e.g., where such firm solicits your opinion about someone who has just served as your law clerk. Even in such case, it is important to avoid as best you can the impression that might otherwise be given that pressure is being exerted on the firm.

I am sure the foregoing does not cover everything, and that there may be exceptions to some of those suggested guidelines. I hope it is helpful.

## **EDITOR=S NOTE**

Directive #13-74 has been replaced by the memorandum of the Chief Justice of June 8, 1982 because the letter gives more guidance.

The only change in the memorandum is the addition of the sentence making it clear that the Supreme Court does not consider it proper for judges to write unsolicited letters of recommendation to the Governor or Governor=s Counsel for appointment to the bench unless those letters have been specifically requested by the Governor, Governor=s Counsel or member of the Legislature.