

NOTICE TO THE BAR

Re: [Rule Amendments for Disciplinary Review Board/Disciplinary Oversight Committee](#)

At the direction of the Supreme Court, the Administrative Director of the Courts and a small team of Judiciary managers conducted a programmatic audit of the operations of the Office of Board Counsel (OBC), which provides legal counsel and administrative support to the Disciplinary Review Board (DRB). The Court's call for an examination of OBC operations was prompted by a variety of issues and concerns, including the operational efficiency of OBC, that office's adherence to the Judiciary's administrative policies and procedures, and the need for clarification of the role of the Disciplinary Oversight Committee (DOC). Also included were non-operational issues such as a proposal to make permanent a procedure whereby the DRB had been authorized to downgrade recommended reprimands to admonitions without a Supreme Court Order and whether the Court should authorize the publication of DRB decisions.

After considering the confidential report and recommendations of the audit team, the Supreme Court entered an internal Administrative Determination. To implement aspects of the Administrative Determination, the Court has amended [Rule 1:20-15](#) and [Rule 1:20B](#). The amendments are being published with this Notice.

An amendment to [Rule 1:20-15\(f\)\(3\)](#) makes permanent a procedure that the Court has authorized on a pilot basis since 2000: the DRB's ability to issue a letter of admonition in cases in which a District Ethics Committee or the Committee on Attorney Advertising has recommended a reprimand. The amendment deletes the requirement that the DRB file a written decision with the Court before "downgrading" the sanction to an admonition. Experience since 2000 has shown that although this procedure is used infrequently, there are a class of cases where the DRB correctly views the imposition of an admonition in lieu of a reprimand as the more appropriate sanction. The DRB is making that decision on the basis of its exposure to many more disciplinary cases through its Statewide jurisdiction. The Court is satisfied that the DRB will exercise its discretion appropriately in such matters.

A new paragraph in [Rule 1:20-15](#) creates a Committee on Disciplinary Decisions, the members of which are to be appointed by the Chief Justice. [R. 1:20-15\(n\)](#). Guided by standards established in the Rule, the Committee will determine which decisions of the Disciplinary Review Board will be published, along with the Supreme Court's dispositional Orders. The selected DRB decisions will be published on an appropriate website. The Court has asked the Board to consult with the Administrative Office of the Courts in developing an implementation plan for this purpose.

[Rule 1:20B](#), which pertains to the Disciplinary Oversight Committee, has been amended to add the Administrative Director of the Courts as a non-voting member of the Committee. [R. 1:20B-2](#). An amendment to [Rule 1:20B-4](#) clarifies the role of the DOC. [R. 1:20B-4\(a\)\(8\)](#). It provides that the DOC will report to the Court throughout the year in respect of personnel and other operational matters that affect the disciplinary system budget. In addition, the DOC has been granted the authority to take independent action in the budget and personnel areas within bounds set by the Court.

[The Rule Amendments](#) have taken effect as of the date of their adoption.

Stephen W. Townsend, Esquire
Clerk of the Supreme Court
Dated: March 20, 2003

ORDER

IT IS ORDERED that the [attached Rules of Court](#) are hereby amended, to be effective immediately:

1:20-15

1:20B-2
1:20B-3
1:20B-4

For the Court:

Deborah T. Poritz

C.J.

Dated: March 20, 2003