

## NOTICE TO THE BAR

### **Re: Constitutional challenge to New Jersey Court Rule 1:20-9 [Confidentiality; Access to and Dissemination of Disciplinary Information] -- Request for Comments**

In *R.M. v. Supreme Court of New Jersey (MER-L-2676-03)*, plaintiff challenges the constitutionality of Rule 1:20-9 insofar as it imposes a duty on a grievant to comply with the confidentiality provisions of the Rule. Plaintiff alleges that the Rule improperly infringes on the right to free speech under the New Jersey Constitution and the Constitution of the United States. Prior to a disposition in the Law Division, the Supreme Court certified the matter directly pursuant to *Rule 2:12-1*. In its Order, the Court directed the Professional Responsibility Rules Committee (PRRC) to solicit comments from interested members of the public and the New Jersey Bar on the subject of the litigation. To that end, a copy of [Rule 1:20-9](#) and [a description of the Rule](#), prepared by the Office of Attorney Ethics, are being published contemporaneously with this Notice.

Written comments are due by May 15, 2004, and are to be submitted to the Clerk of the Supreme Court, Hughes Justice Complex, POB 970, Trenton, New Jersey 08625-0970.

In addition to inviting written comments, the PRRC has scheduled a public hearing for Friday, May 21, 2004, at the site of the Annual Meeting of the New Jersey Bar Association. The hearing will begin at 10:00 a.m. and end at 12:30 p.m. It will take place in the Longwood Garden Room at Bally's Park Place Casino in Atlantic City, New Jersey.

If you are interested in speaking at the hearing, you must file a written request with the Clerk's Office no later than April 26, 2004. Presentations on behalf of an organization or group will be by a single representative and will be limited to ten minutes. Presentations by individuals speaking on their own behalf or on behalf of another individual will be limited to five minutes. Late registrants will be heard if time permits and after the other registrants have been heard. The PRRC also will accept written materials without an accompanying oral presentation. Please be advised that all statements, whether oral or written, will be made public after the Court enters its disposition in the matter.

Stephen W. Townsend, Esquire  
Clerk of the Supreme Court  
Dated: March 31, 2004

- [New Jersey Court Rule 1:20-9](#)
- [Statement explaining the confidentiality requirements taken from pamphlet published by the Office of Attorney Ethics, entitled "Information about Grievance Procedures and Discipline of Lawyers."](#)