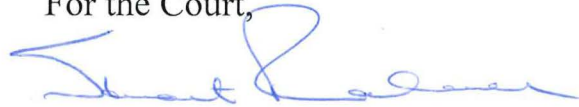


SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached new **Rule 1:20-21A** (“Readmission After Disbarment”) of the Rules Governing the Courts of the State of New Jersey is adopted to be effective immediately.

For the Court,



Chief Justice

Dated: October 15, 2024

1:20-21A. Readmission After Disbarment

(a) Waiver of Confidentiality. All petitioners filing for readmission waive the confidentiality of (i) Supreme Court Committee on Character materials, and (ii) such other information and records required pursuant to this rule. Petitioners shall execute such written waivers, releases, or consents as the Office of Attorney Ethics and Attorney Regulatory Board may require to access all records involving conduct, past and present. The petitioner's file will be deemed abandoned if the petitioner withdraws or modifies petitioner's written waivers, releases, or consents.

(b) Permanent Disbarment and Second Disbarment. An attorney who has been permanently disbarred following the effective date of this rule or has been disbarred a second time may not file a petition for readmission with the Attorney Regulatory Board. A second disbarment shall be permanent.

(c) Other Disbarments. In all other disbarment cases, a petitioner may file a petition for readmission and publish notice of their intent to apply for readmission forty days prior to the expiration of five years from the effective date of the disbarment. As conditions precedent to the filing of such a petition, a petitioner must, within the twelve months prior to the filing of the petition

for readmission:

- (1) pass the New Jersey bar examination;
- (2) pass the Multistate Professional Responsibility Examination with a score of 75 or higher; and
- (3) complete all continuing legal education courses the Supreme Court designates as required for readmission.

(d) Additional Criteria for Readmission. The petitioner shall prove fitness to practice law in this state; possession of the requisite traits of honesty, integrity, fiscal responsibility, and trustworthiness, and a professional commitment to the judicial process and the administration of justice required of members of the bar. Moreover, a petitioner may be readmitted to the practice of law in New Jersey only if the petitioner satisfies each of the following criteria:

- (1) The petitioner proves full compliance with the terms and conditions of all prior disciplinary orders, temporary suspension orders, and fee arbitration determinations (including restitution and disgorgement orders and the petitioner's compliance with R. 1:20-20), unless an extraordinary financial hardship claim has been timely requested;

(2) The petitioner has reimbursed, or has reached agreement in writing with the New Jersey Lawyers' Fund for Client Protection, to reimburse it in full for all sums paid or authorized to be paid because of petitioner's misconduct, unless an extraordinary financial hardship claim has been timely requested;

(3) The petitioner has paid all annual registration fees and charges to the satisfaction of the New Jersey Lawyers' Fund for Client Protection;

(4) The petitioner has obeyed applicable Court Rules in this jurisdiction and other jurisdictions where now or previously licensed;

(5) The petitioner has not engaged, or attempted to engage, in any jurisdiction, in the unauthorized practice of law during the period of disbarment;

(6) If the petitioner was suffering under a physical or mental condition, disability, or infirmity at the time of disbarment or other prior discipline, including any addiction, the condition, disability, or infirmity has been addressed. Where addiction was a causative factor in the petitioner's misconduct, the petitioner shall not be readmitted unless petitioner can establish:

i. The petitioner has successfully pursued and participated in

appropriate rehabilitative treatment;

ii. The petitioner has abstained from the cause of the addiction for at least one year; and

iii. The petitioner is likely to continue to abstain.

(7) The petitioner clearly demonstrates rehabilitation in the form of acts evidencing personal reform and current good character and recognizes that the Rules of Professional Conduct and disciplinary precedent govern their future practice of law in New Jersey;

(8) During the period of disbarment, the petitioner has not engaged in any misconduct, as a professional or otherwise, which reflects adversely on the moral character or fitness of the petitioner;

(9) During the period of disbarment, the petitioner has not been convicted or adjudicated of, or received the benefit of diversionary treatment for, any criminal or quasi-criminal offense (all levels of such offenses);

(10) A petitioner who has been disbarred must have fully paid the required petition fee; and

(11) If disbarred on a motion for reciprocal discipline, the petitioner must be readmitted in the originating jurisdiction, unless the petitioner can show good cause for not seeking readmission in the

originating jurisdiction.

(e) Filing and Service of Petition. The petitioner shall file redacted and unredacted copies of the verified petition with the Attorney Regulatory Board and shall serve redacted and unredacted copies on the (i) Director of the Office of Attorney Ethics, and (ii) Director of the New Jersey Lawyers' Fund for Client Protection.

(f) Costs. Petitions for readmission shall be accompanied by a non-refundable check payable to the Disciplinary Oversight Committee in the amount of \$1,500 to cover the reasonable administrative costs of processing the petition. Either the Attorney Regulatory Board or the Supreme Court may also direct the petitioner to pay such additional costs during the processing of a petition as required to satisfy actual out-of-pocket expenses, including transcripts and expenses deemed necessary to a proper evaluation of the readmission petition.

(g) Notice. Contemporaneously with the filing of the petition for readmission, or within twenty-one days prior thereto, the petitioner shall provide a notice of application for readmission to (1) all grievants whose grievances or complaints resulted in disbarment, (2) all grievants whose

grievances or complaints had been pending but were dismissed as a result of the disbarment, and (3) any grievants who received disbursement connected to the petitioner via a claim with the New Jersey Lawyers' Fund for Client Protection. The petitioner is responsible to obtain a list from the Office of Attorney Ethics and the Lawyers' Fund for Client Protection for the purpose of such notice. Objections or relevant information concerning this application for readmission should be forwarded immediately to Chief Counsel, Attorney Regulatory Board, P.O. Box 962, Trenton, New Jersey 08625-0962.

(h) Contents of Petition; Compliance with R. 1:38. The petitioner shall provide the Attorney Regulatory Board a certified petition for readmission setting forth all material facts on which the petitioner relies to establish fitness to be readmitted to the practice of law. As set forth above, the petitioner shall provide to the required agencies (i) copies of the petition and all supporting documents redacted in accordance with R. 1:38, and (ii) copies of the petition and all supporting documents in unredacted form. The petition shall, in the discretion of the Attorney Regulatory Board, considering the nature of the disciplinary offense, contain the following information in correlatively numbered paragraphs:

(1) the name of the petitioner and a copy of a current photograph of

petitioner, not smaller than three inches by three inches showing front and side views;

(2) the effective date of the disbarment and the citation of the Supreme Court's Order and reported opinion, if any;

(3) the age, current residence address, and telephone number of the petitioner, as well as the address of all residences maintained during the suspension period and the date of each residence;

(4) the nature of petitioner's occupation during the disbarment, including the name and address of each employer, the dates of each employment, the positions occupied and titles held, the name, address, and telephone number of the immediate supervisor, and the reason for leaving the employment;

(5) the case caption, general nature, dates, and disposition of every civil, criminal, municipal, administrative, bankruptcy, or disciplinary action that was pending during the period of disbarment to which petitioner was either a party or claimed an interest;

(6) petitioner's written consent or provision of a waiver to the Attorney Regulatory Board and to the Director of the Office of Attorney Ethics to examine and secure copies of any records relating to any criminal investigation of or action against petitioner (all levels

of offenses);

(7) a statement of the earnings and other income of the petitioner and the sources from which all earnings and income were derived during the period of disbarment;

(8) a statement of financial obligations, loans, and debts of the petitioner as of the date of the readmission application, including the dates when such obligations were acquired or incurred, the balances owed, and the names and addresses of all creditors. In its discretion, the Board may request a statement of assets and accounts on a case-by-case basis to obtain a complete picture of petitioner's finances, including when a petitioner is seeking a payment schedule based on financial hardship;

(9) copies of petitioner's federal and state income tax returns and any business tax returns for each year, or part of a year, during the period of disbarment and, in an appropriate form, petitioner's written consent to the Attorney Regulatory Board and the Director of the Office of Attorney Ethics to secure copies of the original returns;

(10) a statement of restitution made for all obligations to all former clients and the New Jersey Lawyers' Fund for Client Protection, and the source and amount of funds used for this purpose;

(11) in matters where the petitioner asserted a condition or impairment as a defense, in mitigation, or as an explanation for their conduct in connection with the underlying disbarment, furnish a thorough explanation and certification that the condition is or has been treated effectively by a health care provider;

(12) in matters where the petitioner, within the last five (5) years, exhibited conduct or behavior that could call into question their ability to practice law in a competent, ethical, and professional manner, furnish a thorough explanation, unless the conduct or behavior related to a mental health diagnosis, addiction, or other condition that is or has been treated effectively by a health care provider or other medical professional, or through consistent participation in an established treatment program, in which case the petitioner need not disclose the information;

(13) whether the petitioner, during the period of disbarment, applied for admission, readmission, or reinstatement to practice as an attorney in this state or any other state or jurisdiction, the caption and details of the application, and its disposition, if any;

(14) whether the petitioner has ever applied for or been granted a license or certificate relating to any business or occupation and

whether that license or certificate has ever been the subject of any disciplinary action and the details thereof;

(15) a statement as to whether any applications were made during the period of disbarment for a license requiring proof of good character, the dates, name, address, and telephone number of the authority to whom such applications were addressed, and the disposition thereof;

(16) whether petitioner, during the period of disbarment, engaged in the practice of law in any jurisdiction and all material facts relating thereto;

(17) a statement of any procedure or inquiry during the period of disbarment relating to petitioner's standing as a member of any other profession or organization, or holder of any license or office, which involved the censure, removal, suspension, revocation of license, or discipline of petitioner, and, as to each, the dates, facts, and the disposition thereof and the name, address, and telephone number of the authority in possession of the record thereof;

(18) a statement of petitioner's professional intentions if readmitted to practice law;

(19) a newly completed Annual Attorney Registration Statement;

(20) a copy of the detailed affidavit required to be filed in

accordance with R. 1:20-20; and

(21) such other information as the Director of the Office of Attorney Ethics, the Attorney Regulatory Board, or the Supreme Court may require.

(i) Docketing; Objections by Director; Recommendation by the Board.

Within ninety days following the Attorney Regulatory Board's formal docketing of a conforming petition for readmission, the Director of the Office of Attorney Ethics shall file an original and twelve copies of a response with the Attorney Regulatory Board either objecting or not objecting to the petition. The Director shall serve the petitioner with a copy of the response. If the Director consents or fails to file objections, the Attorney Regulatory Board may submit its findings and recommendations to the Supreme Court. If the Director files objections, the Attorney Regulatory Board may set the matter down for oral argument on notice to the parties or may, after considering the objections, submit its findings and recommendations as to the attorney's fitness to practice law to the Supreme Court without argument. The Attorney Regulatory Board may recommend, and the Supreme Court may impose, any conditions on the attorney's readmission deemed necessary to protect the petitioner, clients, or the public.

(j) Referral to Trier of Fact. In an appropriate case, the Attorney Regulatory Board may refer specific issues regarding readmission to a trier of fact, which shall then hold a hearing and furnish the Attorney Regulatory Board with a report of findings and recommendations.

(k) Consideration of Petition for Readmission. No petition for readmission shall be considered by the Attorney Regulatory Board unless:

- (1) the petitioner first affirmatively demonstrates full compliance with all conditions precedent set forth herein and in R. 1:20-20;
- (2) all disciplinary costs assessed have been paid, unless an extraordinary financial hardship claim has been timely requested;
- (3) all orders for restitution have been paid, and the petitioner has reimbursed or has reached agreement in writing with the Lawyers' Fund for Client Protection to reimburse it in full for all sums paid or authorized to be paid as a result of the petitioner's conduct, unless an extraordinary financial hardship claim has been timely requested; and
- (4) all annual registration fees and any late charges or other applicable assessments have been paid.

(l) Successive Petitions. Except as otherwise ordered by the Supreme Court, a petitioner may not file a subsequent petition for readmission until

twenty-four months after a Supreme Court order denying a prior petition.
Moreover, the Supreme Court retains the authority to order that no further submissions will be permitted or considered from a specific petitioner.

(m) Public Proceedings and Records. All readmission records and proceedings shall be considered public in accordance with R. 1:20-9. The burden of redacting any confidential material or information contained within the supporting documents that would otherwise be protected by Rule 1:38 or other authority is on the petitioner.

(n) Standard of Proof. The standard of proof in readmission proceedings shall be by clear and convincing evidence.

(o) Burden of Proof; Burden of Going Forward. The burden of proof in proceedings seeking readmission shall be on the petitioner.

(p) Review. All decisions of the Attorney Regulatory Board shall become final upon the entry of an Order of the Supreme Court. Unless the Supreme Court otherwise orders, entry of a final Order regarding readmission shall be stayed by the filing of a timely petition for review of the Attorney Regulatory Board's decision by the petitioner or the Office of Attorney Ethics

or by the entry of an Order scheduling the matter for briefing and, where appropriate, oral argument on the Supreme Court's own motion. The Supreme Court may, on its own motion, decide to review any determination of the Attorney Regulatory Board.

Either petitioner or the Office of Attorney Ethics may seek review by filing a notice of petition for review within twenty days of the filing of the Attorney Regulatory Board's decision with the Court. The notice shall be accompanied by nine copies of a petition for review, which shall be a brief that meets the format requirements of R. 2:12-7(a). The responding party shall serve and file a responding brief within ten days of the filing of the petition for review. A reply brief, if any, shall be served and filed within seven days thereafter. If the Supreme Court grants the petition for review, the record before it shall consist of the briefs filed on the petition and the record developed below.

Note: Adopted October 15, 2024 to be effective immediately.