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SUPPLEMENT TO
DIRECTIVE # 05-08

TO: Hon. Thomas W. Sumners, Jr.
Assignment Judges
Hon. Mala Sundar

FROM: Glenn A. Grant, Administrative Director 

RE: Guidelines on the Practice of Law by Retired Judges – Revision to Guideline 1

DATE: August 25, 2023

Directive #05-08 reissued the **Guidelines on the Practice of Law by Retired Judges** regarding the limitations on the practice of law by former judges who have retired under the provisions of the Judicial Retirement System Act (N.J.S.A. 43:6A-1 et seq.). This Supplement to that Directive promulgates a revision to Guideline 1, effective immediately.

In 2019 and 2021, the Legislature amended N.J.S.A. 52:13D-17.2, part of the New Jersey Conflicts of Interest Law (“NJCOIL”), to reflect changes to the law regarding medical and personal use of cannabis. These amendments to NJCOIL necessitate a conforming amendment to Guideline 1, adding reference to cannabis businesses.

Guideline 1 is amended as follows, with the amended language underlined:

Guideline 1. A retired judge may be associated in the practice of law with other attorneys. A retired judge’s name may appear on the letterhead, on the office door, but not in the firm name. A retired judge

may not sign any papers filed in court, including pleadings. In any cases tried by the firm before a jury, the retired judge's name should not be referred to in the presence of the jury. The restrictions on the practice of law by the retired judge are personal and do not extend to those with whom the judge may be associated in the practice of law; R. 1:15-4 does not apply to retired judges. Retired judges should be aware of N.J.S.A. 52:13D-17.2(c), which prohibits any representation of, appearance for, or negotiation on behalf of a casino licensee, applicant to be a casino licensee, cannabis licensee or permittee, or applicant to be a cannabis licensee or permittee by a firm, partnership, or corporation with which a retired judge is associated for a period of two years from the date of retirement unless (a) the retired judge is associated with the firm, partnership or corporation in a position considered "of counsel" that does not entail any equity interest in the firm, partnership, or corporation; and (b) the retired judge is screened for that two-year period from personal participation in any such representation, appearance, or negotiation.

Please note that this amendment to Guideline 1 relates only to the effect of the NJCOIL amendments on the practice of law by retired judges.

I would ask that you share this with your judges, including recall judges. We will take steps to share this Supplement with retired judges not on recall.

cc: Chief Justice Stuart Rabner
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Trial Court Administrators
Special Assistants to the Administrative Director
Robert P. Arter, Counsel, Advisory Committee on Extrajudicial Activities
Luanh D'Mello, Counsel, Advisory Committee on Outside Activities of Judiciary Employees