

OFFICE OF ATTORNEY ETHICS
OF THE
SUPREME COURT OF NEW JERSEY

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**CALL FOR ATTORNEY AND PUBLIC CANDIDATE VOLUNTEERS
FOR THE DISTRICT ETHICS AND FEE ARBITRATION COMMITTEES**

**FOUR-YEAR TERM OF SERVICE BEGINS ON
SEPTEMBER 1 EACH YEAR**

The Office of Attorney Ethics welcomes applicants to apply for appointment by the New Jersey Supreme Court to the District Ethics and Fee Arbitration Committees. The next term of service will begin on September 1, and we are presently compiling the nominations packets. Please pass along the Volunteer Information Sheet for the **attorney or public member positions**. All candidate nominations would be submitted for review by the Assignment Judges, before being submitted to the New Jersey Supreme Court. The Supreme Court oversees all of the committees and appoints the members. Please submit (or ask any other candidates to submit) application materials directly to the Office of Attorney Ethics for appointment for the four-year term to begin on September 1 of the upcoming year. We would need the completed Volunteer Information Sheet (attached), as well as a summary or resume for each candidate.

The attorney disciplinary system in New Jersey has as its foundation the volunteer service of so many attorneys and lay members who give their time to the fee and ethics committees in every district of the State. We attach the description of duties of volunteers and the appointment process. Thank you for your consideration, and any additional help, as we seek a robust and diverse applicant pool, reflective of our districts throughout the State.

Sincerely,

A handwritten signature in black ink that reads "Isabel McGinty".

Isabel McGinty
Statewide Ethics Coordinator

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District Ethics Committee (DEC) Candidates

Summary of Duties; Terms; Time Commitment; and Appointments Process

- District Ethics Committee (**DEC**) members serve at the pleasure of the Supreme Court for a four-year term (and are eligible for re-appointment to one additional consecutive four-year term).
- Service on the DEC's includes the obligation to keep confidential all information which the Supreme Court has designated as confidential attorney disciplinary information. It is mandatory that all volunteers for the DEC's abide by the confidentiality rules and procedures.
- The work of all who participate on the DEC's is provided on a volunteer basis, and the attorney disciplinary system in New Jersey depends on – and thrives because of – the dedication, commitment, and efforts of all of the volunteers (who include all committee members and officers).
- There is a *pro bono* exemption for attorney members. Attorney members also receive 2 CLE credits in ethics/professionalism for every year of DEC membership.
- Selected attorney candidates should expect to spend at least 12 hours per month on ethics work, depending on the workload of the particular committee. Selected public members may expect to spend approximately 3 hours per month on ethics work, depending on their particular hearing assignments, on the workload of the committee, and on their other committee assignments, such as grievance review (see DPM description below).
- In addition, all selected members are required to attend monthly DEC meetings. The **public members** are absolutely essential to this process, as they bring an indispensable and invaluable perspective to meetings. Monthly meetings last approximately an hour to an hour-and-a-half, at the end of the business day.
- **Public members** also may be asked to serve as a "designated public member" (**DPM**) to review a DEC secretary's decision to decline to docket a grievance. If the DPM does not concur in that decision, then the matter must be docketed and investigated. If the DPM does concur in that decision, the declination is not appealable.
- Attorney members investigate grievances and prosecute complaints.
 - The Supreme Court has set time goals for the completion of investigations and hearings. Part of the DEC officers' and attorney-member's job is to complete the investigation and/or hearing within those time goals without compromising the quality of the work product.
 - The assigned attorney **Investigator** determines both the facts and the law surrounding the grievance and reports them in an investigation report, which concludes with the statement of whether the evidence meets the clear and convincing standard for the filing of any charge of violation of any RPC or any other ethics rule or law against the respondent attorney. There is a six- or nine-month time goal for the completion of this report, depending on whether the matter is categorized by the Office of Attorney Ethics (**OAE**) as "standard" or "complex."
 - The assigned attorney **Presenter** (who may also have served as the Investigator, up to the point that the complaint is issued) acts as a "prosecutor" in a disciplinary hearing after the filing of a formal complaint. The Rules of Evidence are relaxed but not suspended for such proceedings, and the Presenter should expect to prepare for the hearing as for any other civil or criminal case, including preparation of legal issues, as they arise (such as the submission of a written summation brief). After the hearing, the Presenter may be called upon to argue the case before the statewide Disciplinary Review Board (**DRB**), if the DEC hearing panel makes a finding of unethical conduct and makes a recommendation for discipline greater than an admonition. The Presenter may be asked to submit an additional letter-brief to the DRB summarizing the issues.

- The **hearing panel chair** (an attorney) is the DEC lead on the three-member hearing panel (made up of one additional attorney member and one public member of that DEC) and is responsible for preparing the hearing panel report and the record for submission to the DRB. The hearing may not proceed without a public member sitting on the panel.
- Hearings are public and are held during the regular business hours. Candidates who cannot commit to attend hearings during regular business hours should refrain from volunteering for service on a DEC. All hearings are held in a formal courtroom setting and are recorded, either through the CourtSmart system or by a State-authorized court reporting service.
- The Supreme Court is the only entity constitutionally empowered to impose attorney discipline. In most cases, the Court issues an Order of discipline based on the DRB's decision. But if the Court issues an Order to Show Cause, requiring the attorney to appear before the Court, either on its own motion or at the request of one of the parties, a staff attorney from the OAE will appear before the Court and argue the matter. The DEC will be fully informed of the outcome of the matter.
- Both attorney and public member candidate names (along with resumes or candidate summaries) are submitted by the DEC Vice Chairs to the OAE Statewide Coordinator's office several months before the start of the term of service (which will begin on September 1) each year. Ethics checks are run on every attorney candidate, after which the names of all candidates are sent to the vicinage Assignment Judge for review. It is the responsibility of all district officers to take continuing steps to recruit new candidates for seats on the DEC. The pool of candidates should reflect the diversity of the bar and the community in the particular district.
- Thereafter, all candidate names are submitted to the Supreme Court Justice liaison for each DEC. More candidate names than actual vacancies are submitted to the Justices to allow for choice and variation, and to make sure that the liaison Justice will have a meaningful opportunity to select from a cross section of candidates from each district.
- Actual selections are made by the Supreme Court Justice liaison for each DEC, after review by the vicinage Assignment Judge.
- Because of the variation in the selection practices of each liaison Justice, candidates should not expect to hear from the OAE regarding whether they have been selected until close to the start of the new term of service, which commences on September 1 of each year.
- Selected candidates will be invited to attend a half-day orientation/training session to be offered in the late summer/early September each year.
- Selected candidates will receive meeting schedules directly from their committee officers.
- Training and reference materials will be provided by the OAE to all selected candidates.
- Selection by the Supreme Court for membership on one of its DEC's is indeed an honor, but it also entails substantial and difficult responsibilities. Thus, candidates must be sure that they are able to make the significant time commitment that will be expected of them. Furthermore, all candidates – and particularly attorney candidates – must understand that they may be asked and expected to make difficult determinations at the end of their investigations and prosecutions/hearings, which ultimately may affect a fellow attorney's ability to practice law. Candidates who do not wish to be asked to make these difficult determinations may want to look into the many other available opportunities of volunteer public service.
- On completion of their term of service, DEC members are encouraged to seek appointment to the District Fee Arbitration Committees, which are also overseen by the Supreme Court.

District Fee Arbitration Committee Candidates -- Summary of Duties, Term, Time Commitment, and Appointment Process

- District Fee Arbitration Committee (DFAC) members serve at the pleasure of the Supreme Court for a four-year term.
- Service on the DFACs includes the obligation to keep confidential **all** records and information about fee arbitration cases. It is mandatory that all volunteers for the DFACs abide by the confidentiality rules and procedures.
- The work of all who participate on the DFACs is provided on a volunteer basis, and the fee arbitration system in New Jersey depends on – and thrives because of – the dedication, commitment, and efforts of all of the volunteers (who include all committee members and officers).
- Both attorney and public member candidate names (along with (a) the Volunteer Information Sheet and (b) the candidate’s resume or candidate summary) are submitted by the DFAC vice chairs to the Statewide Fee Arbitration Coordinator’s office within the Office of Attorney Ethics (OAE) several months before the start of the term of service (which begins on September 1 each year). Ethics checks are run on every attorney candidate, after which the names of all candidates are sent to the vicinage Assignment Judge for review.
- It is the responsibility of all district officers to take continuing steps to recruit new candidates for seats on the district committee. The pool of candidates should reflect the diversity of the bar and the community in the particular district.
- All candidate names are submitted to the Supreme Court liaison Justice for each district whenever a vacancy may occur, or at regular intervals to set the committee membership in place for an upcoming term of service. More candidate names than actual vacancies are submitted to the Justices to allow for choice and variation. If the list of candidates is short or light for any reason, the Justice may decline to appoint the full number of members requested for the particular district for the upcoming term of service.
- Actual selections are made by the Supreme Court liaison Justice for each DFAC, after approval by the vicinage Assignment Judge.
- Because of the variation in the selection practices of each liaison Justice, candidates should not expect to hear from the OAE regarding whether they have been selected until close to the start of the term of service in September of any year.
- Please be aware that prior disciplinary history or a diversion will cause the disqualification of an attorney candidate. For confidentiality reasons, the OAE can give no information to the district committee about why a particular candidate was not appointed.
- Selected candidates will be invited to attend an orientation/training session prior to the commencement of their term of service, with the date to be set by the OAE. The training session should last under three hours.
- Selected candidates will receive schedules for hearings or any meetings directly from the committee officers in their own district. The committee officers for each district include the DFAC secretary (a continuing position, with the secretary acting as the screener of cases submitted, and not acting as a hearing officer for any matter), and the district chair and vice chair (annually-appointed positions).

- District secretaries may seek ethics CLE credit for district meetings which comply with standards for such credit, by submitting the application materials for such credit to the OAE at least a month ahead of the scheduled meeting. The OAE will also seek such credit for attendees at OAE-organized seminars, meetings and trainings, if appropriate and if such authorization is received.
- Training and reference materials will be provided by the OAE to all selected candidates.
- There is a *pro bono* exemption for attorney members (*pro bono* exemption code 89; also referred to as a *Madden* exemption).
- Selected attorney candidates should expect to spend roughly one day per month on fee arbitration matters.
- Committee members who cannot keep up that commitment of service should consider stepping down. To do so, the volunteer should send a written letter of resignation to the district secretary, with a copy to the OAE. The OAE understands that the schedules of volunteers may change for any number of reasons, and the OAE will appreciate and value the service of members, even if it turns out to be abbreviated. By stepping down, the member would thereby start up the process of having a replacement member appointed to complete the unexpired term.
- The **public members** of the DFACs are absolutely essential to ensuring the integrity and fairness of the fee arbitration system, as they bring an indispensable and invaluable perspective to the process. Their participation on fee arbitration panels supports the Court's mission of maintaining public confidence in the integrity of the profession and the judicial process; their participation validates the fairness of the process.
- All DFAC members are supported by their own committee officers, co-workers, and the fee arbitration staff within the OAE.
- The fee arbitration process is designed for members to succeed (through support) in their various roles, as their success assures fairness of the process.
- On completion of their term of service, DFAC members are encouraged to seek appointment to the District Ethics Committees, which are also overseen by the Supreme Court.

(OAE March 2017)

**VOLUNTEER INFORMATION SHEET FOR
CONSIDERATION FOR MEMBERSHIP (FOUR-YEAR TERM) ON THE
DISTRICT FEE ARBITRATION OR ETHICS COMMITTEES**

Please be on notice that the District Fee Arbitration and District Ethics Committees are under the jurisdiction and control of the New Jersey Supreme Court. The Supreme Court oversees the appointment process, and no committee member may serve unless so approved and duly appointed by Order of the Supreme Court. The review process typically takes several months, and the four-year term of service begins on September 1 of each year.

Name of volunteer _____

I SEEK APPOINTMENT TO THE FOLLOWING COMMITTEE(S)
(mark "x" for one or both):

District Fee Arbitration Committee __ **District Ethics Committee** __

For which county/counties? _____

Volunteers must maintain an office or reside in the district in which they are nominated. If you live and work in different NJ counties (districts) please specify in which county or counties you are asking to be considered for membership (e.g., "Essex County, only"; or "both Middlesex and Essex"):

For all: Please specify all of your prior service on a District Fee Arbitration or Ethics Committee:

CONTACT INFORMATION

WORK:

Occupation _____

Business Address _____

Work Phone _____ Cell phone _____

Fax _____ E-mail _____

HOME:

Home Address _____

Home Phone _____ Cell phone _____

Fax _____ E-mail _____

Demographic information (required)

The New Jersey Supreme Court has made clear the importance and value of inclusiveness and diversity in membership of the Court's committees. The Court has also set a goal of having the Fee Arbitration and Ethics Committees reflect the local populations they serve.

Your Race/Ethnicity: _____ Male or Female: _____

Would you like the Court to consider additional information specific to your candidacy as to why you should be selected to serve on the Fee Arbitration or Ethics Committee for your district?

For attorneys:

Principal areas of practice: _____

How many attorneys (total) in your law firm: _____ Year of admission to the NJ Bar _____
(attorneys should be admitted to practice for at least 5 years, as of Sept. 1 of the year in which term of service will start)

For non-attorneys:

Your areas of work or business experience:

Please be aware that the following are typically disqualifiers from selection for service on the district fee arbitration and ethics committees:

1. Past history of discipline having been imposed on the attorney, or of agreement in lieu of discipline (diversion; R. 1:20-3(i)(2)(B)).
2. Pending ethics investigation
3. Present service as an appointed or elected county, state, or federal officeholder
4. Present employment as a state, county, or federal prosecutor, or with any law enforcement agency
5. Present representation of any party before any Supreme Court Committee in the disciplinary system
6. Record of criminal conviction or pending criminal charges

To the best of my knowledge, all information set forth on this Volunteer Information Sheet is true and accurate.

Date: _____

Your signature (required)

**** Please be sure to attach a current resume or summary of experience to this form ****

**Send completed form to: Isabel McGinty, Statewide Ethics Coordinator,
Office of Attorney Ethics, P.O. Box 963, Trenton, NJ 08625-0963
Fax to 609-403-7597, or
email to isabel.mcginty@njcourts.gov**