

**SUPREME COURT OF NEW JERSEY**

It is ORDERED that the attached amendments to Canon 5B of the Code of Conduct for Judiciary Employees, as contained as an Appendix to Part I of the Rules Governing the Courts of the State of New Jersey, are adopted to be effective immediately.

For the Court,



Chief Justice

Dated: August 3, 2023

**CANON 5 -- OUTSIDE EMPLOYMENT AND  
OTHER OUTSIDE ACTIVITIES**

The court-related duties of a judiciary employee shall take precedence over all outside activities.

A. ... no change

B. To avoid impropriety and/or conflict of interest or the appearance thereof, the following provisions shall apply to the holding of outside employment by judiciary employees.

Comment: Although the propriety of holding outside employment is determined by this Code, particularly by the provisions of Canon 5.B., employees are advised that to hold other employment while working for the judiciary, they must meet certain procedural requirements, as detailed in Section 15 below.

The term "Outside Employment" refers to positions of gainful pursuit, including (a) additional employment with the judiciary or (b) self-employment.

(1a) ... no change

(2) ... no change

(3) ... no change

(4) ... no change

(5) ... no change

(6) ... no change

(7) ... no change

(8) ... no change

(9) ... no change

(10) ... no change

(11) ... no change

(12) ... no change

(13) No judiciary employee shall engage in outside employment that in any way reflects adversely, or gives the appearance of reflecting adversely, on the integrity, independence, and dignity of the judicial system. The following areas of employment, although acceptable for non-judiciary employees, if engaged in by judiciary employees are deemed so susceptible of adversely reflecting on the judicial system as to warrant specific prohibition:

- a. Engaging in outside employment as a paid lobbyist.
- b. Engaging in outside employment soliciting funds as a paid fund-raiser.
- c. Engaging in outside employment when the position is gaming related and requires the employee to hold a casino employee license.

Comment: Judiciary employees are prohibited from outside employment in the casino industry when the employment is in a gaming-related position requiring the holding of a casino employee license pursuant to N.J.S.A. 5:12-90. Employees should refer to New Jersey Conflicts of Interest Law (NJCOIL), N.J.S.A. 52:13D-12 to -28. The restriction does not apply to an employee whose duties are limited to the hotel operations of a casino, even though such employment may require registration under N.J.S.A.5:12-91.

- d. Engaging in outside employment when the primary function of such employment is dispensing alcohol by the drink.

Comment: Certain types of outside employment involving the serving of alcoholic beverages are prohibited. The restriction is imposed when the primary function of the employment is dispensing alcohol by the drink, such as in bartending or being a cocktail waiter/waitress. It is not meant to apply to other types of food-service employment where dispensing alcohol by the drink is incidental to the position's primary function. The restriction also does not apply to retail-liquor-store employment.

e. Engaging in outside employment with, holding an interest in, or representing, appearing for, or negotiating on behalf of (1) any holder of or applicant for a medical cannabis permit or a personal use cannabis license, (2) any entity that employs any certified medical or personal use cannabis handler, or (3) any holding or intermediary company with respect to either (e)(1) or (e)(2).

Comment: Under the New Jersey Conflicts of Interest Law (NJCOIL) as amended in 2021 (N.J.S.A. 52:13D-12 to -28), New Jersey Judiciary employees are prohibited from holding an interest in or engaging in outside employment in the cannabis industry, including but not limited to the restrictions set forth in N.J.S.A. 52:13D-17.2 as described in section (e). The full list of cannabis businesses to which this prohibition applies can be found at N.J.S.A. 52:13D-17.2(b)(3).

(14) ... no change

(15) ... no change

C. ... no change

D. ... no change

Note: *Canon 5* adopted December 7, 1993 to be effective immediately; *Canon 5.B*, 5.B.1 Comments amended, 5.B.1b deleted, 5.B.2 text added, 5.B.3 new text adopted, former paragraphs 5.B.3, 5.B.4, 5.B.5, 5.B.6, 5.B.7, 5.B.8, 5.B.9, 5.B.10, 5.B.11, 5.B.12, and 5.B.13, 5.B.14 redesignated as 5.B.4, 5.B.5, 5.B.6, 5.B.7, 5.B.8, 5.B.9, 5.B.10, 5.B.11, 5.B.12, 5.B.13, 5.B.14, 5.B.15 and 5.B.15.c7.d., and e. amended February 3, 1997 to be effective March 6, 1997; *Canon 5.E* deleted June 4, 2002 to be effective immediately; Canons 5.B.2 and 5.B.3 amended February 2, 2004 to be effective immediately; subparagraph 5.B.13.c comment amended and subparagraph 5.B.13.e text and comment added August 3, 2023 to be effective immediately.