

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to the Rules Governing the Courts of the State of New Jersey are adopted to be effective immediately.

For the Court,

/s/ Stuart Rabner

Chief Justice

Dated: May 7, 2024

The Rules Amended by this Order Are as Follows:

1:20
1:20-2
1:20-4
1:20-5
1:20-6
1:20-7
1:20-8
1:20-12
1:20-14
1:20-15
1:20-17
1:21-5
4:41-1
4:41-2
4:41-3
4:41-4
4:41-5
4:103-3

Rule 1:20. Discipline of Members of the Bar – Glossary of Attorney Discipline Terms

* * *

Trier of Fact – refers to an ethics committee hearing panel or single member adjudicator or special ethics [master] adjudicator.

* * *

Note: Adopted January 31, 1995 to be effective March 1, 1995; “Agreement In Lieu of Discipline,” “Complaint,” “Discipline By Consent,” “Diversion,” “Ethics Counsel,” “Grievance,” “Minor Misconduct,” and “Presenter” modified, “Misconduct” deleted, and “Board or Disciplinary Review Board,” “Director,” “Disciplinary Oversight Committee,” “Ethics Committee(s),” “Fee Committee(s),” “Respondent,” and “Unethical Conduct” added July 28, 2004 to be effective September 1, 2004; “Trier of Fact” amended May 7, 2024 to be effective immediately.

1:20-2. Office of Attorney Ethics

(a) ... no change

(b) Authority. The Director shall have the discretion and authority to:

(1) ... no change

(2) ... no change

(3) ... no change

(4) dispose of, by investigation or dismissal, all matters involving alleged unethical conduct, by transfer to disability-inactive status, by agreement in lieu of discipline in minor unethical conduct cases, or by the prosecution of formal charges before a duly constituted hearing panel or special ethics [master] adjudicator, all in accordance with these Rules.

(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 change

(14) ... no change

(15) ... no change

(16) ... no change

(17) ... no change

(18) ... no change

In all actions the Director shall exercise all of the investigative and prosecutorial authority of an Ethics Committee in addition to any authority invested in the Director under these rules.

(c) ... no change

(d) ... no change

Note: Former rule redesignated R. 1:20-3 and new rule adopted January 31, 1984 to be effective February 15, 1984; paragraph (b)(15) amended and new paragraph (16) adopted November 5, 1986 to be effective January 1, 1987; paragraph (b)(8) amended June 29, 1990 to be effective September 4, 1990; paragraphs (a) and (b) amended, subparagraphs (b)(1) (i) (ii) (iii) (iv) (v) amended and redesignated (b)(1) (A) (B) (C) (D) and (E), new subparagraph (b)(17) added, paragraphs (c) and (d) adopted January 31, 1995 to become effective March 1, 1995; paragraph (b)(1) amended, subparagraph (b)(1)(E) amended, new subparagraph (b)(1)(F) adopted, new subparagraph (b)(2) added, former subparagraphs (b)(2) and (b)(3) renumbered as (b)(3) and (b)(4) and amended, former subparagraphs (b)(4) to (b)(9) renumbered as (b)(5) to (b)(10), former subparagraphs (b)(10) and (b)(11) renumbered as (b)(11) and (b)(12) and amended, former subparagraph (b)(12) renumbered as (b)(13), former subparagraph (b)(13) renumbered as (b)(14) and amended, former subparagraphs (b)(14) to (b)(17) renumbered as (b)(15) to (b)(18), and new last sentence added to paragraph (b) July 28, 2004 to be effective September 1, 2004; subparagraphs (b)(16) and (b)(17) amended July 9, 2008 to be effective September 1, 2008; subparagraph (b)(3) amended May 7, 2024 to be effective immediately.

1:20-4. Formal Pleadings

(a) ... no change

(b) ... no change

(c) ... no change

(d) Filing and Service. The original complaint shall be filed with the secretary of the Ethics Committee or the designated special ethics [master] adjudicator to whom the case is assigned. If the matter will be determined by an Ethics Committee, service of the complaint shall be made by the secretary; otherwise, service shall be made by the Director. A copy of the complaint shall be served on the respondent and respondent's attorney, if known, in accordance with R. 1:20-7(h), together with written notice advising the respondent of the requirements of R. 1:20-4(e) and (f), the name and address of the secretary or the Director as appropriate, as well as the address and telephone number of the vice chair of the Ethics Committee or special ethics [master] adjudicator to whom all questions and requests for extension of time to file answers shall be directed. In appropriate circumstances, the secretary or the Director shall forward a copy of every complaint to the respondent's law firm or public agency employer in accordance with R. 1:20-9(k).

(e) Answer. Within twenty-one days after service of the complaint, the respondent shall file with and serve on the secretary the original and one copy

of a written, verified answer designated as such in the caption. The respondent shall also file a copy with the presenter, the vice chair or special ethics [master] adjudicator and, in cases prosecuted by the Director, two copies with that office. The verification shall be made in the following form:

“Verification of Answer

I, (insert respondent’s name), am the respondent in the within disciplinary action and hereby certify as follows:

(1) I have read every paragraph of the foregoing Answer to the Complaint and verify that the statements therein are true and based on my personal knowledge.

(2) I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.”

An answer that has not been verified within ten days after the respondent is given notice of the defect shall be deemed a failure to answer as defined within these Rules.

For good cause shown, the vice chair or the special ethics [master] adjudicator, if one has been appointed, may, on written application made within twenty-one days after service of the complaint, extend the time to answer. The Director shall be notified of any extension granted in cases prosecuted by that office. The secretary shall forward one copy of all answers

to the Director. The respondent's answer shall set forth (1) a full, candid, and complete disclosure of all facts reasonably within the scope of the formal complaint; (2) all affirmative defenses, including any claim of mental or physical disability and whether it is alleged to be causally related to the offenses charged; (3) any mitigating circumstances; (4) a request for a hearing either on the charges or in mitigation, and (5) any constitutional challenges to the proceedings. All constitutional questions shall be held for consideration by the Supreme Court as part of its review of any final decision of the Board. Interlocutory relief may be sought only in accordance with R. 1:20-16(f)(1). Failure to request a hearing shall be deemed a waiver thereof. A respondent is required to file an answer even if the respondent does not wish to contest the complaint.

(f) Failure to Answer

(1) ... no change

(2) Certification to Disciplinary Review Board. If a respondent has been duly served with a complaint but has failed to file a verified answer within the prescribed time, a certification detailing that failure may be filed with the Director by the secretary or special ethics [master] adjudicator, or, in cases prosecuted by the Director, by ethics counsel. The Director may thereafter file

that certification with the Board, which shall treat the matter as a default. A copy of the certification shall be mailed to the respondent.

(g) Counsel

(1) ... no change

(2) Respondent's Counsel; Assignment for Indigents. A respondent may be represented by counsel admitted to practice law in New Jersey or admitted pro hac vice by the Board, or may appear pro se. A respondent desiring representation but claiming inability to retain counsel by reason of indigency, shall promptly so notify the vice chair and special ethics [master] adjudicator, if one is appointed, and shall, within 14 days after service of the complaint, make written application to the Assignment Judge of the vicinage in which respondent practices or formerly practiced, simultaneously serving the application on the vice chair and special ethics [master] adjudicator, if one has been assigned, and on the presenter. The application shall be supported by a certification complying with R. 1:4-4(b), which shall contain a current statement of all assets and liabilities, any bankruptcy petition and orders, and copies of the respondent's state and federal income and business tax returns for the prior three-year period. For good cause shown, the Assignment Judge shall assign an attorney to represent the respondent without compensation, so notifying the respondent, the secretary, the vice chair and special ethics

[master] adjudicator, if one has been assigned, and the Office of Attorney Ethics of any decision.

(3) ... no change

* * *

Note: Text and former R.1:20-4 redesignated R. 1:20-15. New text to R. 1:20-4, adopted January 31, 1995 to be effective March 1, 1995; paragraph (e) amended July 5, 2000 to be effective September 5, 2000; paragraphs (e) and (f)(2) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a), (b), (d), (e), (f), and (g) amended July 28, 2004 to be effective September 1, 2004; paragraph (d) amended August 1, 2006 to be effective September 1, 2006; paragraph (b) amended July 9, 2008 to be effective September 1, 2008; paragraphs (d) and (e), and subparagraphs (f)(2) and (g)(2) amended May 7, 2024 to be effective immediately.

1:20-5. Prehearing Procedures

(a) Discovery.

(1) ... no change

(2) ... no change

(3) ... no change

(4) ... no change

(5) ... no change

(6) ... no change

(7) Discovery Applications. All discovery applications shall be made on notice to the hearing panel chair or special ethics [master] adjudicator if one has been appointed. An interlocutory appeal may be sought only pursuant to R. 1:20-16(f)(1).

(b) Prehearing Conference.

(1) Attendance. A prehearing conference may be held in standard unethical conduct cases in the discretion of the trier of fact if requested by the presenter, the respondent, or the trier of fact. A prehearing conference shall be held in all complex cases alleging unethical conduct at the request of the presenter, the respondent, or the trier of fact. The prehearing conference shall be held by the hearing panel chair, sitting alone or, if assigned, a special ethics [master] adjudicator, within 45 days after the time within which an answer to a

complaint is due. At least 14 days written notice of the date of the conference shall be given. Attendance at the conference is mandatory by all parties. A prehearing conference may be held by telephone call where appropriate. No transcript shall be made of the prehearing conference, except in unusual circumstances.

(2) Prehearing Report. At least five business days before the date scheduled for the prehearing conference, both the presenter and the respondent shall file a report with the hearing panel chair or special ethics [master] adjudicator, and with the adversary, disclosing the name, address and telephone numbers of each person expected to be called at hearing, including any person who will testify as to the character or reputation of the respondent, and all experts. With respect to an expert witness, the report shall state the person's name, address, qualifications, and the subject matter on which the expert is expected to testify. A copy of the expert's report, if any, or, if no written report is prepared, a statement of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, shall be attached. Every respondent shall also include his or her own office and home address (including a street address) and telephone number where the attorney can be reached at all times. The respondent shall have a continuing duty to promptly advise the hearing panel chair, special ethics [master]

adjudicator, presenter, secretary of any district committee and the Director of any changes in any of the items required above.

(3) Objectives. At the prehearing conference, the hearing panel chair or special ethics [master] adjudicator shall address the following matters:

A. ... no change

B. ... no change

C. ... no change

D. ... no change

E. ... no change

F. ... no change

G. ... no change

H. ... no change

I. the priority of disciplinary proceedings under R. 1:20-8 and any known trial commitments by the presenter, respondent, and respondent's counsel that could conflict with the scheduling of the matter. Counsel shall be under a continuing duty to promptly notify the hearing panel chair or the special ethics [master] adjudicator of any such trial dates assigned as soon as known; and

J. ... no change

(4) Case Management Order. Within seven days following the

prehearing conference, the hearing panel chair or special ethics [master] adjudicator shall issue a case management order, designated as such in the caption, memorializing any agreements by the parties and any determinations made respecting any matters considered at the conference. The case management order, which constitutes part of the record, shall be served on the presenter or ethics counsel and the respondent, and filed with the vice chair and the Director.

(5) Setting Hearing Date and Conclusion. At the prehearing conference the hearing panel chair or special ethics [master] adjudicator shall schedule dates for the hearing of the case within 60 days after the date of the conference, except in extraordinary circumstances, which hearing dates shall be promptly reported to the vice chair and Director. The hearing shall be concluded within 45 days after its commencement and a hearing report shall be filed with the Board and served on the parties within 60 days after the hearing's conclusion, except in extraordinary circumstances.

(c) Sanctions. The hearing panel chair or special ethics [master] adjudicator shall make and enforce all Rules and orders necessary to compel compliance with this Rule and may suppress an answer, bar defenses, or bar the admissibility of any evidence offered that is in substantial violation of the case management order, discovery obligations, or any other order.

(d) ... no change

Note: Former R. 1:20-5 redesignated R. 1:20-16 adopted January 31, 1995 to be effective March 1, 1995; paragraph (b)(6) amended July 5, 2000 to be effective September 5, 2000; paragraph (a)(7) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a) and (b) amended, former subparagraph (b)(c) redesignated as paragraph (c), former paragraph (c) redesignated as paragraph (d) and amended July 28, 2004 to be effective September 1, 2004; subparagraphs (a)(3) and (b)(2) amended July 9, 2008 to be effective September 1, 2008; subparagraphs (a)(7), (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), and paragraph (c) amended May 7, 2024 to be effective immediately.

1:20-6. Hearings

(a) ... no change

(b) Special Ethics [Masters] Adjudicators.

(1) Qualifications. A retired or recalled judge of this state, a former member of the Disciplinary Review Board, a former member of the Disciplinary Oversight Committee, a former officer of a district ethics committee, or a former chair of a hearing panel may be appointed, with his or her consent, to serve as a special ethics [master] adjudicator.

(2) Appointment; Compensation. Special ethics [masters] adjudicators shall be appointed by, and shall serve at the pleasure of, the Supreme Court under the administration of the Director of the Office of Attorney Ethics. Attorneys shall be paid the per diem rate in effect for single arbitrators under R. 4:21A-2(d)(1). The full per diem rate shall be paid for each day of a prehearing conference or hearing, or part thereof, and for each day or part thereof for opinion preparation. The number of days or part thereof that are paid for opinion preparation in a particular matter may not exceed the total number of days that are paid in that matter for prehearing conference and hearing. A reasonable additional amount may be paid for actual typing expenses. Retired judges may serve pro bono or with compensation or, if they are on recall, shall be paid at the rate in effect for judges on recall service.

(3) Designation; Oversight. When, in the judgment of the Director, a hearing may reasonably be expected to take three days or more, or where the case should be heard continuously from day to day until conclusion, or when the Director believes it is in the interest of justice to do so, the Director may request designation of a special ethics [master] adjudicator to try the case. An Ethics Committee chair may request the Director to request the appointment of a special ethics [master] adjudicator. The Director shall determine the appropriateness of such an appointment pursuant to the above criteria and other relevant considerations, and shall notify the Clerk of the Supreme Court of that determination. Upon receipt of that notification, the Clerk of the Supreme Court shall select a special ethics [master] adjudicator from a list of qualified individuals maintained and approved by the Supreme Court. The Director shall render appropriate administrative and legal services to special ethics [masters] adjudicators.

(4) Powers and Authority. A special ethics [master] adjudicator shall have the full power and authority of a hearing panel.

(c) Hearings Involving Unethical Conduct; When Required.

(1) ... no change

(2) Notice and Conduct of Hearings.

(A) Generally. At least 25 days prior to the initial scheduled hearing date, a written notice of hearing shall be served on the presenter, the respondent, and any counsel of record, stating the date, time and place of hearing. Subsequent days of hearing may be scheduled orally or in writing. Prior to the hearing the respondent will be advised of the right to be represented by counsel, to cross-examine witnesses and to present evidence. Arrangements for the hearing, including location of hearing, recording, interpreters and transcripts, shall be made by the Ethics Committee or special ethics [master] adjudicator, if one has been appointed. A complete stenographic record of the hearing shall be made by an official court reporter or by a court reporter designated by the Director. Each trier of fact shall be obligated to inform every court reporter, witness and party of any protective order that has been issued and the effect thereof. All witnesses shall be duly sworn. If special circumstances dictate, the trier of fact may accept testimony of a witness by telephone and/or video conference.

(B) ... no change

(C) ... no change

(D) ... no change

(E) Findings and Report. The trier of fact shall submit to the Board written findings of fact and conclusions of law on each issue presented,

together with the record of the hearing, and shall take one of the following actions:

(i) Dismissal. If the trier of fact finds that there has been no unethical conduct, the secretary or special ethics [master] adjudicator shall send to the presenter, the respondent, the grievant, if any, the Director and the vice chair, a letter of dismissal in a form approved by the Director, together with a copy of the hearing panel's report. The original report and record shall be filed with the Director. The hearing panel or special ethics [master] adjudicator shall not order any transcript without the prior approval of the Director or the Board. Appeals may be taken in accordance with R. 1:20-15(e)(2).

(ii) Admonition Recommendation. If the hearing panel or special ethics master finds that there has been unethical conduct for which an admonition constitutes adequate discipline, the panel chair or special ethics [master] adjudicator shall submit the original hearing panel report stating the specific discipline recommended and the record of all proceedings before it to the Director for transmittal to the Board. The hearing panel or special ethics [master] adjudicator shall not order any transcript without the prior approval of either the Director or the Board. A copy of the hearing panel's report shall be served on the presenter, the respondent, the grievant, if any, the vice chair and secretary. The Board shall proceed pursuant to R. 1:20-15(f).

(iii) Reprimand, Censure, Suspension or Disbarment Recommendations.

If the hearing panel or special ethics [master] adjudicator finds that there has been unethical conduct that requires the imposition of a reprimand, censure, suspension or disbarment, the panel chair or special ethics [master] adjudicator shall submit the original hearing panel report stating the specific nature of the discipline recommended and the record of all proceedings, including the original transcript, to the Director for transmittal to the Board. A copy of the hearing panel's report shall be served on the presenter, the respondent, the grievant, if any, the vice chair and secretary. The Board shall proceed pursuant to R. 1:20-15(f).

(F) ... no change

(d) ... no change

(e) ... no change

Note: Adopted January 31, 1995 to be effective March 1, 1995 paragraph (c) amended July 25, 1995, to be effective immediately; paragraph (b)(2) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a)(1), (a)(2), and (c)(2)(E)(i) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a) and (b) amended, paragraph (c) caption and text amended, former paragraph (d) deleted, and new paragraph (d) adopted July 28, 2004 to be effective September 1, 2004; new paragraph (e) adopted July 27, 2006 to be effective September 1, 2006; subparagraph (c)(2)(F) amended August 1, 2006 to be effective September 1, 2006; subparagraphs (b)(1) and (c)(2)(A) amended July 9, 2008 to be effective September 1, 2008; paragraph (b)(3) amended December 8, 2010 to be effective January 1, 2011; subparagraph (b)(2) amended July 28, 2017 to be effective September 1 2017; paragraph (b) caption, subparagraphs (b)(1), (b)(2), (b)(3), (b)(4), (c)(2)(A), (c)(2)(E) amended May 7, 2024 to be effective immediately.

1:20-7. Additional Rules of Procedure.

(a) ... no change

(b) ... no change

(c) ... no change

(d) ... no change

(e) Immunity of Disciplinary and Fee Authorities. Members of the Office of Attorney Ethics, the Disciplinary Review Board, Disciplinary Oversight Committee, Ethics Committees, Fee Committees, their secretaries, special ethics [masters] adjudicators and their lawfully appointed designees and staff, shall be absolutely immune from suit, whether legal or equitable in nature, based on their respective conduct in performing their official duties. The Supreme Court shall request the Attorney General to represent disciplinary authorities in all civil or criminal litigation in state or federal courts.

(f) Immunity of Grievants, Witnesses and Others. Grievants in ethics matters, clients in fee arbitration cases and witnesses and potential witnesses in both ethics and fee matters shall be absolutely immune from suit, whether legal or equitable in nature, for all communications, including testimony, only to the Office of Attorney Ethics, the Disciplinary Review Board, Disciplinary Oversight Committee, Ethics Committees, Fee Committees, their

secretaries, special ethics [masters] adjudicators and their lawfully appointed designees and staff.

(g) ... no change

(h) ... no change

(i) Subpoena Power.

(1) Oaths. In discipline and disability matters, members of a hearing panel, special ethics [masters] adjudicators, court reporters or ethics counsel may administer oaths and affirmations.

(2) Investigative and Hearing Subpoenas. During the investigation or hearing of a matter, a subpoena may be issued in the name of the Supreme Court to compel the appearance of any person for questioning or testimony or to compel the production of books, records, documents or other items designated therein. A showing of relevance or materiality may be required before the issuance of any subpoena. The subpoena shall issue in a form approved by the Supreme Court. Investigative and hearing subpoenas may be signed by any Ethics Committee member, the presenter, ethics counsel or by the Board or its legal staff. Hearing subpoenas may also be issued by a hearing panel member, special ethics [master] adjudicator or by the Board or its staff.

(3) ... no change

(4) ... no change

(5) Standards; Quashing Subpoena; Appeals.

(A) Generally. The Board chair, during the investigation stage of a matter, or the hearing panel chair or special ethics [master] adjudicator, after the filing of a complaint, may, on motion made promptly, quash or modify a subpoena if the subject testimony or documentation is patently irrelevant or if compliance would be unreasonable or oppressive.

(B) ... no change

(6) ... no change

(j) Grievances Against Disciplinary Agency Members.

(1) Grievances Alleging Improper Processing. Any grievance against Ethics Committee or Fee Committee members and secretaries, members of the Office of Attorney Ethics, hearing panels, special ethics [masters] adjudicators or the Board, their lawfully appointed designees and staff, arising out of their processing of an ethics grievance or fee arbitration request shall be filed with and considered exclusively by the Board in connection with any appeal or other authorized review of a matter in the normal course under R. 1:20-15(e). After review, the Board shall make any appropriate direction regarding the grievance. Nothing herein shall preclude introduction of the facts which underlie the grievance in evidence in any ethics proceeding if relevant.

(2) ... no change

(k) Extension of Time; Adjournments. Reasonable extensions of time and adjournments may be granted for good cause. Such requests shall be made by writing, stating with specificity the facts on which the request is based. Such requests shall be either granted or denied in writing; if granted they shall be only for a definite and reasonably short interval. The vice chair or special ethics [master] adjudicator may grant extensions for the filing of an answer to a complaint. After the parties have been notified of the date of hearing, requests for adjournments shall be directed to the hearing panel chair or special ethics [master] adjudicator. If such request is based on an attorney's scheduling conflict, the hearing panel chair or special ethics [master] adjudicator should communicate with the appropriate assignment judge in order to accommodate the priority accorded disciplinary proceedings by R. 1:20-8(g).

(l) ... no change

(m) ... no change

(n) ... no change

Note: Adopted January 31, 1995 to be effective March 1, 1995; paragraphs (h), (i), (m), and (n) amended July 28, 2004 to be effective September 1, 2004; paragraph (m) amended August 1, 2006 to be effective September 1, 2006; paragraphs (e), (f), (i), (j), and (k) amended May 7, 2024 to be effective immediately.

1:20-8. Priority of Disciplinary Matters

(a) ... no change

(b) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

(f) ... no change

(g) Priority of Disciplinary Matters. Generally, disciplinary matters shall take precedence over administrative, civil and criminal cases. All courts and tribunals shall make reasonable accommodations for the attendance of counsel, witnesses, and other participants. Every participant in a disciplinary proceeding shall be obligated to give reasonable advance notice of potential litigation conflicts to the assignment judge or to the particular judge or officer in charge of the litigation. The same advance notice also shall be given to the presenter, respondent, counsel, and the panel chair or special ethics [master] adjudicator in the disciplinary matter.

Note: Former R. 1:20-8 deleted, new text adopted January 31, 1995 to be effective March 1, 1995; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a), (b), (c), and (g) amended July 28, 2004 to be effective September 1, 2004; paragraph (g) amended May 7, 2024 to be effective immediately.

1:20-12. Incapacity and Disability

(a) ... no change

(b) ... no change

(c) ... no change

(d) Proceedings to Determine Incapacity. Information relating to an attorney's physical or mental condition that adversely affects the capacity to practice law may be investigated and, where warranted, shall be the subject of a hearing to determine whether the attorney shall be transferred to disability inactive status. In conjunction with any such investigation the Director may also request the Board to direct the attorney to submit to an appropriate medical examination. All proceedings and any formal hearing shall be conducted in the same manner as disciplinary proceedings. The issue before the hearing panel or special ethics [master] adjudicator, the Board and the Court shall be whether the attorney lacks the capacity to practice law. If on due consideration of the matter the Court concludes that the attorney lacks the capacity to practice law, it shall enter an order transferring the attorney to disability inactive status for an indefinite period and until the further order of the Court.

(e) ... no change

(f) ... no change

(g) ... no change

(h) ... no change

Note: Adopted January 31, 1984 to be effective February 15, 1984; paragraph (g) amended November 5, 1986 to be effective January 1, 1987; paragraphs (a) and (b) caption and text amended, paragraphs (c) and (d) deleted, new paragraphs (c), (d) and (e) added and former paragraphs (e), (f) and (g) amended and redesignated (f), (g) and (h) November 7, 1988 to be effective January 2, 1989; paragraph (d) amended July 13, 1994 to be effective September 1, 1994; former R. 1:20-9 redesignated as R. 1:20-12, paragraphs (a) through (h) amended January 31, 1995 to be effective March 1, 1995; caption and text of paragraph (a) amended July 12, 2002 to be effective September 3, 2002; paragraph (d) amended May 7, 2024 to be effective immediately.

1:20-14. Reciprocal Discipline and Disability Proceedings

(a) ... no change

(b) Reciprocal Judicial Discipline.

(1) ... no change

(2) ... no change

(3) Procedure For New Jersey Judicial Determination. If a motion for final discipline is based on a final determination of unethical judicial conduct by the Supreme Court of New Jersey, that determination shall conclusively establish the facts on which it rests for purposes of an attorney disciplinary proceeding. In such case the Director may file directly with the Board and serve on the respondent or counsel, if any, a motion for reciprocal discipline. Within 21 days after service of such motion the respondent shall file with the Board and serve on the Director a brief together with any other permissible filings. The Director may within 21 days thereafter file and serve any responding brief. If the respondent either fails to file a timely brief or timely files a brief that does not disagree with the sanction requested; no oral argument is required, and the Board may decide the matter on the record. In all other cases the Board shall notify the parties of a date for oral argument, following which the Board shall issue its decision and recommendation for final discipline to the Supreme Court.

The sole issue to be determined under this section shall be the extent of final discipline to be imposed. The Board and Court may consider any relevant evidence in mitigation that is not inconsistent with the findings of fact and determinations of the Supreme Court of New Jersey in the judicial proceeding. No witnesses shall be allowed, and no oral testimony shall be taken; however, both the Board and the Court may consider written materials otherwise allowed by this rule that are submitted to it. Either the Board or the Court, on the showing of good cause therefore or on its own motion, may remand a case to a special ethics [master] adjudicator for a limited evidentiary hearing and report consistent with this subsection.

(c) ... no change

(d) ... no change

Note: Adopted January 31, 1984 to be effective February 15, 1984; paragraphs (a), (b), (d) and (e) amended November 5, 1986 to be effective January 1, 1987; paragraph (d)(5) amended July 13 1994 to be effective September 1, 1994; former R. 1:20-7 redesignated as R. 1:20-14, captions added, subsections (a)(b)(c)(d) and (e) amended and renumbered (a)(1) through (5), and new subsections (b) and (c) added January 31, 1995 to be effective March 1, 1995; paragraphs (a) and (b) amended and new paragraph (d) adopted July 28, 2004 to be effective September 1, 2004; subparagraph (b)(3) amended May 7, 2024 to be effective immediately.

1:20-15. Disciplinary Review Board

(a) ... no change

(b) ... no change

(c) ... no change

(d) ... no change

(e) Review of Final Action.

(1) Ethics Actions Subject to Review. The Board shall review, upon the filing of an ethics appeal by the original grievant or the Director, the following actions taken by an Ethics Committee, a special ethics [master] adjudicator or by the Committee on Attorney Advertising:

(i) ... no change

(ii) ... no change

(2) ... no change

(3) ... no change

(f) ... no change

(g) ... no change

(h) ... no change

(i) ... no change

(j) ... no change

(k) ... no change

(l) ... no change

(m) ... no change

(n) ... no change

Note: Former Rule redesignated as Rule 1:20-5 January 31, 1984, to be effective February 15, 1984. Source — Former Rule 1:20-3 adopted February 23, 1978, to be effective April 1, 1978; paragraphs (a), (e), (g), (h) and (i) amended July 16, 1981, to be effective September 14, 1981; paragraphs (f), (g), and (h) deleted; paragraph (a) amended; paragraphs (b), (c), (d), (e), (i) and (j) amended and redesignated (c), (d), (e), (f), (g) and (i); new paragraphs (b) and (h) adopted January 31, 1984, to be effective February 15, 1984; paragraph (i) amended November 1, 1985, to be effective January 2, 1986; paragraphs (e) and (f) amended November 5, 1986, to be effective January 1, 1987; paragraphs (e) and (f) amended June 26, 1987, to be effective July 1, 1987; paragraph (i) caption and text amended November 7, 1988 to be effective January 2, 1989; paragraph (f)(2) amended November 6, 1989, to be effective January 2, 1990; paragraph (f) amended June 29, 1990 to be effective September 4, 1990; paragraph (e)(2) amended July 13, 1994 to be effective September 1, 1994; paragraph (f)(2) caption and text amended August 8, 1994 to be effective immediately; R. 1:20-4 redesignated R. 1:20-15, paragraphs (a)(b)(c)(d) and (e) amended, former text of paragraph (f)(1) and (2) amended and incorporated into new (f)(1)(2)(3) and (4), and former paragraphs (f)(3), (g), (h) and (i) amended and redesignated paragraphs (h) (i) (j) and (k), new paragraphs (g), (l) and (m) adopted January 31, 1995 to be effective March 1, 1995; paragraph (j) amended July 10, 1998 to be effective September 1, 1998; paragraph (f)(3) amended and new paragraph (n) adopted March 20, 2003 to be effective immediately; paragraphs (a), (c), (e), (f), (i), and (l) amended July 28, 2004 to be effective September 1, 2004; subparagraph (e)(1) amended May 7, 2024 to be effective immediately.

1:20-17. Reimbursement of Disciplinary Costs

(a) ... no change

(b) Amount and Nature of Costs Assessed. In calculating its recommendation the Disciplinary Review Board shall assess both basic administrative costs and disciplinary expenses actually incurred.

(1) ... no change

(2) Disciplinary Expenses Actually Incurred. Disciplinary expenses actually incurred shall be separately assessed, including, but not limited to, the following:

(A) ... no change

(B) ... no change

(C) ... no change

(D) Costs of a special ethics [master] adjudicator;

(E) ... no change

(F) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

Note: Adopted January 31, 1995, to be effective March 1, 1995; paragraph (f) deleted July 10, 1998, to be effective September 1, 1998; paragraphs

(a), (b), (c), (d), and (e) amended July 28, 2004, to be effective September 1, 2004; paragraph (b) amended May 7, 2024 to be effective immediately.

1:21-5. Counsellors; Masters Abolished; Conclusion of Use of Special Master and Special Ethics Master Terminology

(a) The titles of Counsellor-at-law of this State, Master of the Superior Court, and Special Master, Commissioner or Examiner of the Superior Court are abolished.

(b) The terminology of “special master” and “special ethics master” in individual cases (and any other uses) shall be replaced with “special adjudicator” and “special ethics adjudicator.”

Note: Source-R.R. 1:21-1, 1:21-2, 1:21-3; caption amended, text designated as paragraph (a), and new paragraph (b) adopted May 7, 2024 to be effective immediately.

4:41-1. Reference

The reference for the hearing of a matter by a judge of the Superior Court shall be made to a [master] special adjudicator only upon approval by the Assignment Judge, and then only when all parties consent or under extraordinary circumstances. The order of reference shall state whether the reference is consensual and, if not, shall recite the extraordinary circumstances justifying the reference.

Note: Source – R.R. 4:54-1; amended July 26, 1984 to be effective September 10, 1984; amended July 13, 1994 to be effective September 1, 1994; amended June 28, 1996 to be effective September 1, 1996; amended May 7, 2024 to be effective immediately.

4:41-2. Compensation

The [master's] special adjudicator's compensation shall be fixed by the court and charged upon such of the parties or paid out of any fund or property as the court directs. The [master] special adjudicator is entitled to a writ of execution against a party failing to comply with an order for compensation.

Note: Source – R.R. 4:54-2; amended July 13, 1994 to be effective September 1, 1994; amended May 7, 2024 to be effective immediately.

4:41-3. Powers

The order of reference may specify or limit the [master's] special adjudicator's powers and may direct the [master] special adjudicator to report only upon particular issues or to do particular acts or to receive and report evidence only. Subject to such specifications and limitations, the [master] special adjudicator has and shall exercise the power to regulate all proceedings in every hearing, to pass upon the admissibility of the evidence and to do all acts necessary or proper for the efficient performance of the duties directed by the order. The [master] special adjudicator may require the production of testimonial and documentary evidence upon all matters within the scope of the reference and shall have the authority to put witnesses on oath and call the parties to the action and examine them on oath. Unless the order of reference otherwise directs, the [master] special adjudicator shall cause the proceedings to be recorded verbatim, shall rule upon the admissibility of evidence, and shall make a record of evidence offered and excluded as provided by *R. 1:7-3* for a court sitting without a jury. No objection to the admission or exclusion of evidence may be made before the court unless it was made before the [master] special adjudicator.

Note: Source – *R.R. 4:54-3*; amended July 13, 1994 to be effective September 1, 1994; amended May 7, 2024 to be effective immediately.

4:41-4. Proceedings

(a) Meetings. Upon the entry of an order of reference the court shall forthwith transmit a copy thereof to the [master] special adjudicator who shall, unless the order otherwise provides, forthwith set a time and place for the first meeting of the parties or their attorneys to be held within 10 days after the date of the order and notify the parties or their attorneys thereof. The hearings shall thereafter be held continuously on all regular court days unless otherwise ordered by the court due to unusual circumstances stated at length in the order. Any party, on notice to the parties and [master] special adjudicator, may apply to the court for an order requiring the [master] special adjudicator to expedite the proceedings and to make a report. If a party fails to appear at the time and place appointed, the [master] special adjudicator may proceed ex parte or adjourn the proceedings to a future day, giving notice to the absent party of the adjournment.

(b) Witnesses. The parties may compel the attendance of witnesses before the [master] special adjudicator by the issuance and service of subpoenas as provided by *R. 1:9*. A witness failing to appear or give evidence may be punished as for a contempt and subjected to the sanctions provided by *R. 1:9* and *R. 4:23-1* to *4:23-4*, inclusive.

(c) Statement of Accounts. When matters of accounting are in issue, the [master] special adjudicator may prescribe the form in which the accounts shall be

submitted and may require or receive in evidence a statement by a certified public accountant who is called as a witness. Upon objection of a party to any of the items thus submitted or upon a showing that the form of statement is insufficient, the [master] special adjudicator may require a different form of statement to be furnished, or the accounts or specific items thereof to be proved by oral examination of the accounting parties or upon written interrogatories or in such other manner as the [master] special adjudicator directs.

Note: Source – *R.R. 4:54-4(a)(b)(c)*; paragraphs (a) and (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended June 28, 1996 to be effective September 1, 1996; paragraphs (a), (b), and (c) amended May 7, 2024 to be effective immediately.

4:41-5. Report

(a) Contents and Filing. The [master] special adjudicator shall prepare a report upon the matters submitted including any findings of fact and conclusions of law required by the order. The [master] special adjudicator shall file the report with the court within 10 days after the conclusion of the hearings, unless the court extends the time within such 10-day period by order reciting the unusual circumstances requiring such extension. The court shall forthwith notify all parties by mail of the filing of the report. Unless otherwise ordered, the [master] special adjudicator shall file the original transcript of the proceedings and the original exhibits with the deputy clerk of the Superior Court in the county where the case is to be tried, who shall, if the reference was made in an action pending in the Superior Court, transmit them to the Clerk of the Superior Court 3 years after the filing of the complaint, unless the court otherwise directs.

(b) In Non-jury Actions. In an action to be tried without a jury the court shall accept the [master's] special adjudicator's findings of fact unless contrary to the weight of the evidence. Within 10 days after being served with notice of the filing of the report any party may serve written objections thereto upon the other parties and may move the court for action upon the report and the objections thereto. The court after hearing on the motion may adopt the report, modify or reject it in whole or in part, receive further evidence, or recommit it with

instructions. A party failing to object in the trial court to the [master's] special adjudicator's findings shall be precluded from raising objections to the findings on appeal.

(c) In Jury Actions. In an action to be tried by a jury the findings of the [master] special adjudicator upon the issues submitted are admissible as evidence of the matters found, and may together with the evidence taken before the [master] special adjudicator be read to the jury, subject to the ruling of the court upon objections to the report or the evidence.

(d) Stipulation as to Findings. The effect of a [master's] special adjudicator's report is the same whether or not the parties have consented to the reference; but when the parties stipulate that a [master's] special adjudicator findings of fact shall be final, only questions of law arising upon the report may thereafter be considered.

(e) Draft Report. Before filing the report, a [master] special adjudicator may submit a draft thereof to the attorneys for all parties for the purpose of receiving their suggestions.

Note: Source – *R.R. 4:54-5(a)(b)(c)(d)(e)*; paragraphs (a), (c) and (e) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended June 28, 1996 to be effective September 1, 1996; paragraph (b) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a), (b), (c), (d), and (e) amended May 7, 2024 to be effective immediately.

4:103-3. Case Management Conferences and Scheduling Orders

(a) ...no change

(b) ...no change

(c) Attendance and Matters for Consideration at a Case Management Conference.

(1) ...no change.

(2) Matters for Consideration at a Case Management Conference. At any case management conference, in addition to the matters set forth in *R. 4:25*, the court may consider and take appropriate action on the following matters:

(A) ...no change

(B) ...no change

(C) ...no change

(D) ...no change

(E) ...no change

(F) ...no change

(G) ...no change

(H) referring matters to a [master] special adjudicator;

(I) ...no change

(J) ...no change

(K) ...no change

(L) ...no change

(M) ...no change

(N) ...no change

(O) ...no change

(P) ...no change

(d) ...no change

Note: Adopted July 27, 2018 to be effective September 1, 2018; subparagraph (c)(2)(H) amended May 7, 2024 to be effective immediately.