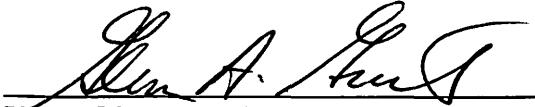


NOTICE

CODE OF JUDICIAL CONDUCT: NEW PARAGRAPH [12] ADDED TO OFFICIAL COMMENT TO RULE 3.17 (“DISQUALIFICATION”)

The Supreme Court, in the attached October 9, 2024 Order, adopted new paragraph [12] of the Official Comment to Rule 3.17 (“Disqualification”) of the Code of Judicial Conduct as included in the Rules Governing the Courts of the State of New Jersey. Effective immediately, new paragraph [12] of the official comment clarifies that a judge’s disqualification is not automatic in the case of an amicus filing. Rather, judges shall recuse themselves from matters in which their impartiality or the appearance of impartiality might reasonably be questioned.



Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director
of the Courts

Dated: October 9, 2024

SUPREME COURT OF NEW JERSEY

It is ORDERED that the following is added as new paragraph [12] of the Official Comment to Rule 3.17 (“Disqualification”) of the Code of Judicial Conduct as included in the Rules Governing the Courts of the State of New Jersey, effective immediately:

The interests of an amicus curiae are qualitatively different from parties who have a direct stake or liberty interest in the outcome of litigation. Participation by amicus, by its very terms, is in the public interest. R. 1:13-19(a). To be granted leave to participate, a court must be satisfied that amicus will assist in the resolution of an issue of public importance, and that no party to the litigation will be unduly prejudiced. Ibid.

In light of the role of amici, recusal of a judge is not automatic in the case of an amicus filing. Consistent with the Code, however, judges shall recuse themselves from matters in which their impartiality or the appearance of impartiality might reasonably be questioned. For example, if an attorney with whom a judge has an otherwise disqualifying personal relationship, see R. 3.17(B)(3), is participating in the representation of an amicus, or if the judge has a prior professional relationship with the amicus group, disqualification may be appropriate. But the involvement of a judge’s former law firm in an amicus filing, see R. 3.17(B)(4)(e), would not call for the judge’s recusal on that basis alone.

For the Court,



Chief Justice

Dated: October 9, 2024