

LAWYERS ADVISORY COMMITTEE

MINUTES –SEPTEMBER 8, 2020

The Lawyers Advisory Committee met **via Zoom**, due to the ongoing COVID-19 pandemic. The meeting was convened by Chair Thomas R. Curtin at 6:30 p.m. and the following occurred:

1. The Chair invited a motion to approve the minutes of the March 2, 2020 meeting. The motion was made and seconded, and the minutes were approved.
2. Thomas Curtin acknowledged Donald Robinson's 95th birthday on September 10.
3. Chief Judge Freda L. Wolfson's Report:

The Chief Judge expressed her gratitude to the members of the Committee.

She reported the tragic event in the District of the attack at Judge Salas' home. The Chief advised that various charitable organizations are considering creating foundation(s). This tragedy moved judges' security to the forefront and related plans by the Administrative Office are in progress. The Chief reported that DNJ is being proactive and the Clerk has authorized funding for security devices to be placed in judges' residences.

Chief Judge Wolfson reported that the Judicial Conference of the United States has approved funding for an additional Magistrate Judge position for the Camden vicinage, effective April 1, 2021. She stated that Magistrate Judge Merit Selection Panels have been chosen for the MJ vacancies, two in each of Newark and Camden.

The Chief reported that the Court received funding for six additional law clerks, due to our high judicial vacancies and overburdensome workload.

The Chief also commented on a poignant Star Ledger article which Chief Justice Stuart Rabner wrote, concerning his mother's passing and the trying experiences his mother encountered during WWII and subsequently, upon arriving in the United States.

Also mentioned by the Chief was the weekly conference call which Third Circuit Chief Judge D. Brooks Smith conducts with all Chief District Judges of the Circuit to discuss COVID-19 issues and to exchange information on court administration.

4. Steve Richman provided a status report on the Court's adoption of a local rule requiring disclosure to adversaries of third-party funding. Richman stated that the subcommittee will give its final report at the December meeting and propose a local rule to reflect the report.
5. Magistrate Judge Wettre and Elizabeth Sher reported on attorney discipline matters, specifically Local Civil Rule 104.1, and how the rule can be amended to address certain

issues which arose when the Court initiated a disciplinary investigation of an attorney. The subcommittee considered the following: 1) the extent to which the investigation file and other documents in the disciplinary procedure should be unsealed and whether the respondent should have input into what is unsealed; 2) the extent to which the respondent is entitled to discovery and the definition of failure to cooperate with the disciplinary process; and 3) when the respondent consents to discipline, the extent to which the Court and the respondent need to agree on a public “disclosure,” containing background information to accompany the discipline. The LAC discussed the various considerations, such as due process, standard of proof, timing of unsealing, etc.

The Chief Judge noted the general consensus of agreement with the subcommittee’s original report, as modified by the Court’s Rules Committee and the LAC, and the amendment to the rule will be placed on the agenda of the Board of Judges’ meeting on September 17.

6. Ed Kole’s report on amendments to Local Civil Rule 33.1 was carried to the next meeting.
7. The Chair, Thomas Curtin, introduced John Keefe, Jr., former President of the New Jersey State Bar, who was present to discuss with the LAC how the state and federal bars can work together on many issues common to the two courts. Several topics were addressed, such as: whether retired state judges can be of assistance; jury trials during the pandemic; CLE coordination; consultations with the Association of the Federal Bar; how courts serve the cities; and other topics. Keefe will report back as to these discussions.
8. There being no further business, a motion to adjourn was made and seconded. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

John O’Brien