

ASSEMBLY, No. 2604

STATE OF NEW JERSEY

INTRODUCED DECEMBER 16, 1996

By Assemblymen ARNONE, STUHLTRAGER, Corodemus,
Garcia, Charles, Assemblywoman Farragher and
Assemblyman Holzapfel

1 AN Act concerning the practice of law by retired judges and amending
2 P.L. 1973,c.140.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 13 of P. L. 1973, c.140 (C.43:6A-13) is amended to
8 read as follows:

9 13. a. No member of the retirement system shall, while receiving
10 a pension or retirement allowance pursuant to this act, engage in the
11 practice of law before any of the courts of this State. Nothing in this
12 subsection shall be construed to prohibit a member of the retirement
13 system who is not serving on a recall basis pursuant to this section
14 from representing parties before auto arbitration panels or from
15 serving as an attorney in matters before State or local administrative
16 agencies.

17 b. Subject to rules of the Supreme Court, any justice of the
18 Supreme Court who has retired on pension or retirement allowance
19 may, with his consent, be recalled by the Supreme Court for temporary
20 service in the Supreme Court or elsewhere within the judicial system,
21 and any judge of the Superior Court, juvenile and domestic relations
22 court, county district court or tax court who has retired on pension or
23 retirement allowance may, with his consent, be recalled by the
24 Supreme Court for temporary service within the judicial system other
25 than the Supreme Court.

26 c. Upon such recall the retired justice or judge shall have all the
27 powers of a justice or judge of the court to which he is assigned and
28 shall be paid a per diem allowance fixed by the Supreme Court in
29 accordance with its rules, provided however that in no event shall he
30 receive a salary which together with his pension or retirement
31 allowance exceeds the current salary of a justice or judge of the court
32 from which he retired. In addition the recalled justice or judge shall

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 be reimbursed for reasonable expenses actually incurred by him in
2 connection with his assignment and shall be provided with such
3 facilities as may be required in the performance of his duties. Such per
4 diem compensation and expenses shall be paid by the State.

5 d. Payment for services and expenses shall be made in the same
6 manner as payment is made to the justices or judges of the court from
7 which he retired.

8 e. The Supreme Court is empowered to adopt such rules as it
9 deems necessary or appropriate for the prompt and efficient
10 administration of justice in furtherance of the purposes of this act.

11 (cf: P.L. 1990, c.45, s.1)

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13 2. This act shall take effect immediately.

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STATEMENT

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18 Under the provisions of the "Judicial Retirement System Act,"
19 (N.J.S.A.43:6A-1 et seq.), retired Supreme Court jurists and Superior
20 Court judges while permitted to practice law, are not permitted to
21 appear in any State court. This bill would clarify that this prohibition
22 against appearing in court should not be construed as prohibiting
23 retired jurists from representing parties before auto arbitration panels
24 or from serving as an attorney in matters before State or local
25 administrative agencies such as zoning and planning boards.

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30 Clarifies the rights of retired members of the judicial retirement system
31 with regard to the practice of law.