

LEGISLATIVE HISTORY OF R.S.2A:1B-1 to 2A:1B-11
(Judges Removal from Office)

Related bills introduced 1965 to 1970.

- 1965 - AJR31 - Kimmelman
Create study commission.
- 1968 - A 652 (Coleman and others) [enclosed].
S 678 (McDermott and others same as A 652)
- 1969 - S 224 (McDermott and others) [enclosed].
- 1970 - S 439 (McDermott and others) [enclosed].
Bill was withdrawn.

L.1970 - chap.151 - S 166 - McDermott and others. Prefiled
No statement.

- Mar.9 - Passed Senate, amended.
- Apr.27 - Committee Substitute passed Assembly.
- May 4 - Assembly Committee Substitute passed Senate, amended.
- May 11 - Senate amendment passed Assembly.
- July 24 - Approved chap.151
(Bill and amendments enclosed.)

Governor's Press Release July 24 1970.

Governor William T. Cahill today signed into law bills which establish the causes and methods for removing a judge from office.

Cahill explained that under bill S 166, introduced by Senator Frank X. McDermott (R., Union) a judge may be removed from the bench for misconduct, willful neglect of duty, incompetence or other evidence which shows he is unfit for judicial office.

Action for removal of a judge can be instituted by either house of the Legislature, the Governor or the Supreme Court. The case will then be heard by the Supreme Court or by a panel of three justices or judges designated by the Chief Justice.

For background see:

Micro no.101	Smith, Kermitt W. The politics of judicial reform in New Jersey 1965.
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974.90 Senfert, Evelyn M.
 C758 Problems of judicial selection and
 1947c tenure.
 In, N.J. Constitutional Convention,
 Vol.II, Monographs

974.901 Edward B. McConnell
 C86 A blueprint for the development of the
 New Jersey Judicial System. p.14
 In Proceedings of the New Jersey Judicial
 Conference 1968/69.

New Jersey Law Review Articles:

Seek American Bar study on discipline and removal of judges
 88 N.J.L.J.505, August 5, 1965, Conscientious legislator
 [editorial praising Assemblyman Kimmelman for his resolution
 to make judges subject also to removal by Supreme Court]
 88 N.J.L.J.360 June 3, 1965, Disciplining and removal of
judges [editorial] 88 N.J.L.J.268, April 29, 1965 Sullivan,
Mark A. Discipline of judges 88N.J.L.J.265 April 29, 1965,
 11 N.J. State Bar Journal 14, November 1967. Legislation
needed for judicial discipline and removal [editorial] 92
 N.J.L.J.336, May 22, 1969. Removal of judges - Senate no.166
 [editorial] New Jersey is falling behind other states in
 establishing plans for removal of judges. 92 N.J.L.J.52
 January 22, 1970. Removal of judges - bill signed 98 N.J.L.J.
 597. ~~September~~ 20, 1970. 3

August

Newspaper clippings - V.F.-N.J.-Judges

Court wants right to oust judges	1/7/70	S-L
Bill covers removal of judges	3/10/70	NEN
Legislature takes aim on judges	3/10/70	TET
Judicial removal spelled out in bill	4/28/70	NEN
Senate, House 'feud' over judges removal	5/5/70	C-P

(Copies of clippings enclosed)

HP/EH
 Encl.

CHAPTER 151, L.L.C. OF N.J. 1970

APPROVED 7/24/70

[OFFICIAL COPY REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

SENATE, No. 166

STATE OF NEW JERSEY

ADOPTED APRIL 20, 1970

AN ACT concerning removal of judges from office.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. "Judge" as used herein means any judge of the superior
2 court, county court, county district court, juvenile and domestic
3 relations court and municipal court.

1 2. A judge may be removed from office by the Supreme Court for
2 misconduct in office, willful neglect of duty, or other conduct evi-
3 dencing unfitness for judicial office, or for incompetence.

1 3. A proceeding for removal may be instituted by either house
2 of the Legislature acting by a majority of all its members, or the
3 Governor, by the filing of a complaint with the clerk of the supreme
4 court, or such proceeding may be instituted by the Supreme Court
5 on its own motion.

1 4. The Attorney General or his representative shall prosecute
2 the proceedings unless the Supreme Court shall specially designate
3 an attorney for that purpose.

1 5. The Supreme Court may suspend a judge from office, with or
2 without pay, pending the determination of the proceeding; provided,
3 however, that a judge shall receive pay for the period of suspension
4 exceeding ***[30]*** *90* days.

1 6. The judge shall be given a reasonable time to prepare his
2 defense and shall be entitled to be represented by counsel. The
3 prosecuting attorney and the judge shall have the right of com-
4 pulsory process to compel the attendance of witnesses and the pro-
5 duction of evidence at the hearing.

1 7. Evidence may be taken either before the Supreme Court sitting
2 en banc, ***[before a single justice thereof, or before a judge desig-**
3 **nated for that purpose, as the Supreme Court shall determine]***
4 **or before three justices or judges, or a combination thereof,*
5 *specially designated therefor by the Chief Justice*.*

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

1 8. Except as otherwise provided in this act, proceedings shall be
2 governed by rules of the Supreme Court.

1 9. If the Supreme Court finds beyond a reasonable doubt that
2 there is cause for removal, it shall remove the judge from office.
3 A judge so removed shall not thereafter hold judicial office.

1 10. No hearing to remove a judge from office as provided for in
2 this act shall be held until the cause for suspension, if the cause is
3 a result of an independent civil, criminal or administrative action
4 against the judge, is finally decided in a tribunal in which the judge
5 had an opportunity to prepare his defense and was entitled to be
6 represented by counsel.

1 11. The action of the Supreme Court may not extend further than
2 removal from office, but proceedings under this act shall not pre-
3 clude the institution of impeachment proceedings against a judge
4 pursuant to Article VII, Section III of the Constitution or sub-
5 jecting a judge to such criminal or penal proceedings as may be
6 authorized by law.

1 12. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]

SENATE, No. 166

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1970 SESSION

By Senators McDERMOTT, GIULIANO, LACORTE,
FARLEY, WHITE and RINALDO

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2 defense and shall be entitled to be represented by counsel. The
3 prosecuting attorney and the judge shall have the right of com-
4 pulsory process to compel the attendance of witnesses and the
5 production of evidence at the hearing.

1 7. Evidence ***[may]*** **shall** be taken ***[either]*** before the
2 Supreme Court sitting en banc*****, before a single justice thereof,
3 or before a judge designated for that purpose, as the Supreme
4 Court shall determine*****.

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1 9. If the Supreme Court finds beyond a reasonable doubt that
2 there is cause for removal, it shall remove the judge from office.
3 A judge so removed shall not thereafter hold judicial office.

1 10. The action of the Supreme Court may not extend further
2 than removal from office, but proceedings under this act shall not
3 preclude **the institution of impeachment proceedings against a*
4 *judge pursuant to Article VII, Section III of the Constitution or*
5 *subjecting a judge to** such criminal or penal proceedings as may
6 be authorized by law.

1 11. This act shall take effect immediately.

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2 without pay, pending the determination of the proceeding.

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1 10. The action of the Supreme Court may not extend further
2 than removal from office, but proceedings under this act shall not
3 preclude such criminal or penal proceedings as may be authorized
4 by law.

1 11. This act shall take effect immediately.

SENATE AMENDMENTS TO
SENATE, No. 166

—•—
STATE OF NEW JERSEY
—•—

ADOPTED FEBRUARY 16, 1970

Amend page 1, section 7, line 1, omit “may”, insert “shall”; omit “either”.

Amend page 1, section 7, line 2, after “en banc”, insert a period and omit remainder of line.

Amend page 1, section 7, line 3, omit.

Amend page 2, section 10, line 3, after “preclude”, insert “the institution of impeachment proceedings against a judge pursuant to Article VII, Section III of the Constitution or subjecting a judge to”.

[OFFICIAL COPY REPRINT]
ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE, No. 166

STATE OF NEW JERSEY

ADOPTED APRIL 20, 1970

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2 of the Legislature acting by a majority of all its members, or the
3 Governor, by the filing of a complaint with the clerk of the supreme
4 court, or such proceeding may be instituted by the Supreme Court
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2 the proceedings unless the Supreme Court shall specially designate
3 an attorney for that purpose.

1 5. The Supreme Court may suspend a judge from office, with or
2 without pay, pending the determination of the proceeding; provided,
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4 against the judge, is finally decided in a tribunal in which the judge
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2 removal from office, but proceedings under this act shall not pre-
3 clude the institution of impeachment proceedings against a judge
4 pursuant to Article VII, Section III of the Constitution or sub-
5 jecting a judge to such criminal or penal proceedings as may be
6 authorized by law.

1 12. This act shall take effect immediately.

SENATE COMMITTEE AMENDMENTS TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR

SENATE, No. 166

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED APRIL 30, 1970

Amend page 1, section 5, line 4, omit "30", insert "90".

Amend page 1, section 7, line 2, after "en banc", omit remainder of line.

Amend page 1, section 7, line 3, omit and insert "or before three justices or judges, or a combination thereof, specially designated therefor by the Chief Justice."

S-166

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE: 7/24/70

Governor William T. Cahill today signed into law bills which establish the causes and methods for removing a judge from office; provides for control of junkyards on interstate and federal-aid primary highway systems; and prohibits pedestrians crossings on highways separated by barriers.

The three new laws were among 15 other bills signed by the Governor.

Cahill explained that under bill S-166, introduced by Sen. Frank X. McDermott (R., Union) a judge may be removed from the bench for misconduct, willful neglect of duty, incompetence or other evidence which shows he is unfit for judicial office.

Action for removal of a judge can be instituted by either house of the Legislature, the Governor or the Supreme Court. The case will then be heard by the Supreme Court or by a panel of three justices or judges designated by the Chief Justice.

Under the "Junkyard Control Act", (S-276) sponsored by Sen. J. Edward Crabel (D., Middlesex) New Jersey will conform with the requirements of the federal Highway Beautification Act of 1965. The new law will prevent any cut in federal highway funds for the State and qualify New Jersey for future federal aid.

The Governor said that another bill (S-570) sponsored by Sen. Crabel is designed as a safety measure. The new law prohibits pedestrians from crossing highways with medial barriers, except at those places where crossings are clearly indicated.