

VL v. Corteset (Cranbury, Monroe, Piscataway, <sup>2/21</sup> (1986)  
S. Plainfield)

Letter in response to the Notice of Motion filed  
in above case, request for ct to deny

2 pgs

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March 27, 1986

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Hon. Eugene D. Serpentelli, AJSC  
Ocean County Courthouse  
CN 2191  
Toms River, NJ 08754

Re: Urban League, et al v. Carterett, et al.  
(Cranbury, Monroe, Piscataway, South  
Plainfield) No. C 4122-73

Dear Judge Serpentelli:

Please accept this letter on behalf of the Executive Commission on Ethical Standards of the State of New Jersey ("Commission") in response to the Notice of Motion filed in the above matter by Barbara Stark, Esq., the attorney for the Urban League plaintiffs. Although the Commission is not a party in these matters, Ms. Stark provided copies of her moving papers to the Commission in light of the fact that she seeks a determination by this Court that her office, the Constitutional Litigation Clinic of the School of Law - Newark may properly represent the Urban League plaintiffs in this matter consistent with the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq. For the reasons set forth below, the Commission respectfully requests that the Court decline to enter any relief as to this question.

The matters presently before the Court are to be transferred to the Council on Affordable Housing, and as I understand it the remaining proceedings to be conducted in the Superior Court will consider only any conditions as might be needed on the transfer of those cases to the Council. However, following that transfer, all proceedings will proceed at an administrative level pending

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a final administrative determination by the Council. Insofar as the Constitutional Litigation Clinic seeks a determination that it may properly represent the Urban League plaintiffs before your Honor, there is no need for any relief by this court since the Conflicts of Interest Law explicitly permits State employees to represent parties other than the State in matters which, such as this, involve municipalities, where no State agency is itself an adverse party in the proceeding. See N.J.S.A. 52:13D-16(c). Accordingly, there is no need for this court to render any determination on that issue since the propriety of the Clinic proceeding in this matter is expressly granted by statute. In addition, insofar as there may be any doubt as to the Commission's position, it is hereby represented to the Court on behalf thereof that such representational activities are considered by it to be proper and consistent with the Conflicts of Interest Law.

Insofar as Ms. Stark seeks a determination of this Court as to the propriety of the Clinic's representation of the Urban League plaintiffs before the Affordable Living Council, it is respectfully submitted that there is no necessity to address this question in light of the primary jurisdiction given the Ethics Commission by the Legislature in issuing such advisory opinions. See N.J.S.A. 52:13B-21(h). Indeed, as Ms. Stark is no doubt aware, there is presently pending before the Ethics Commission a request for an advisory opinion regarding the propriety of the State employees associated with the Rutgers University-Newark Prison Law Clinic representing State inmates in proceedings against the Department of Corrections before the Office of Administrative Law. This advisory opinion was requested by T. Gary Mitchell of the Office of Inmate Advocacy of the Public Advocate. Accordingly, since there is no need for the Court to address the question of the propriety of counsel appearing before it, and there is a matter presently pending before the Ethics Commission as to the propriety of such individuals appearing against the State on behalf of private parties in administrative proceedings, it is respectfully submitted that this Court should decline to enter any of the relief requested by the Urban League plaintiffs as to these questions.

Thank you for your consideration of the Commission's position on this matter.

Respectfully submitted,

W. CARY EDWARDS  
Attorney General of New Jersey

By   
Michael R. Clancy  
Deputy Attorney General