

U. L. v. Carter

8/19

August 19, 1986

Piscataway

Letter to Judge "Carter's retention of jurisdiction may deter such mistakes until matter is properly brought before the Council"

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August 19, 1986

The Honorable Eugene D. Serpentelli  
Judge, Superior Court  
Ocean County Court House  
CN 2191  
Toms River, NJ 08754

Dear Judge Serpentelli:

As we advised Your Honor's clerk on Friday, the Civic League plaintiffs object to the proposed Order of Phillip Paley, Esq. It is respectfully submitted that Mr. Paley's Order is at best premature since no application has been filed to "reduce, enlarge or modify" the restraints imposed by the Court's prior Orders. As set forth in the Court's letter of August 8, 1986, pending applications have been transferred to the Council, not hypothetical ones. Here, there is nothing to be decided by the Council.

Moreover, despite the diligent efforts of the Civic League to obtain a ruling from the Executive Committee on Ethical Standards in accordance with Your Honor's May 21, 1986 Order, as of this date the Committee has not determined whether Rutgers attorneys may properly appear before the Council. It is respectfully submitted that at the very least Mr. Paley's Order should not be entered until the Executive Committee has rendered a decision. Since there is no application pending, this should not prejudice Piscataway.

Indeed, the only effect of the entry of Mr. Paley's Order at this point would be to deprive this Court of jurisdiction with respect to enforcement of existing restraints. It is unclear at this point whether counsel for the Civic League could appear before the Council to seek such enforcement. Piscataway has "inadvertently" disregarded such restraints in the past. It is respectfully submitted that this Court's retention of jurisdiction, at least pending receipt of the Executive Committee's ruling, may deter such "mistakes" until the matter is properly brought before the Council.

Respectfully yours,

cc/Phillip Paley, Esq.  
John Donnelly, Esq.

