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New Jersey State Legislature

JOINT COMMITTEE ON ETHICAL STANDARDS

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ABRI PORRONI
Secretary and Counsel

JAMES G. WHITSON
Assistant Counsel

April 20, 2011

Honorable Sandra B. Cunningham
1738 Kennedy Blvd.
Jersey City, New Jersey 07305

Dear Senator:

The Joint Legislative Committee on Ethical Standards (Joint Committee) received your request through Tim Lydon, Esquire, for approval for you to send the attached letter for the consideration of Federal District Court Judge Jose Linares in the sentencing of Joseph Cardwell. The letter would be on your official Senate letterhead and would be sent to the attorney for Mr. Cardwell. If presented to Judge Linares, it would be through the attorney for Mr. Cardwell.

A prior opinion of the Joint Committee, decided on the basis of Legislative Code of Ethics §2:1 and Joint Rule 19 of the Joint Rules of the Senate and General Assembly, determined that members of the Legislature may not “. . . contact the Judicial Branch seeking specific redress on ongoing matters.” Such contact would create a “. . . justifiable impression among the public that the public trust was violated,” as well as reflecting negatively “. . . upon the good name, integrity and reputation of the Legislature.” As no specific provision of the Conflicts Law, N.J.S.A. 52:13D-12 et seq., or the Legislative Code of Ethics applied to prohibit such contact, the Code §2:1 appearance provision and Joint Rule 19 were used.

We note that N.J.S.A. 52:13D-16 does not prohibit a legislator from “. . . representing, appearing for or negotiating on behalf of, or agreeing to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any proceeding pending . . .” before any court of record of this State. Code §2:4 is similar but does not include the modifier “of this State.” Merely signing a letter considered by a

Honorable Sandra B. Cunningham

Page 2

April 20, 2011

court would not, under these facts, constitute an appearance before the court as appearance is used in N.J.S.A. 52:13D-16 and Code §2:4.

The Joint Committee believes that the cited 1995 Formal Opinion of the Joint Committee was intended to be limited to the Judicial Branch of New Jersey State Government. The letter that you wish to send is not intended for the use of the New Jersey Judicial Branch. It is intended that it will be seen by a federal District Court judge. New Jersey State Senators have no official role in the appointment or confirmation of federal judges.

Further, you are not seeking "specific redress." Your letter is merely an attempt to call Mr. Cardwell's prior public service to the attention of the federal court at sentencing. You have not asked the court for anything other than the implied request for the court to read and consider the facts contained in your letter which will be brought to the court's attention by counsel for Mr. Cardwell, if at all.

Accordingly, it is the opinion of the Joint Committee that you may send the proposed letter to the attorney for Mr. Cardwell with the intent that your letter be provided to the court. Insofar as the jurisdiction of the Joint Committee is concerned, the letter may be on your official Senate stationery as the Joint Committee views the letter as a constituent service and not an attempt to improperly influence the court.

The Joint Committee's belief that the 1995 opinion is limited to the Judicial Branch of New Jersey State Government does not mean that the Joint Committee authorizes contacts between members of the Legislature and the federal courts. This opinion is limited to the facts and procedures as set forth.

Very truly yours,

JOINT COMMITTEE ON ETHICAL STANDARDS

Albert Porroni
Counsel

By: 

James G. Willson
Assistant Counsel

AP:W/fa

April 20, 2011

To Whom It May Concern:

I am writing to attest to the moral character and personal integrity of Mr. Joseph Cardwell. I have known Mr. Cardwell for the past 15 years. For as long as I've known Mr. Cardwell, he has been a pillar in the community of Jersey City, NJ. He is known in Jersey City and throughout New Jersey as a civic leader and a man of honor who advocates on behalf of the less fortunate members of the community.

Throughout his career, Mr. Cardwell has demonstrated leadership. As a community organizer, Mr. Cardwell has a proven track record for uniting people to accomplish a shared goal. As a businessman, he has set an example by investing his time and money in socially responsible enterprises such as his early childhood centers. In addition, it is my experience that Joe Cardwell has been, and continues to be, a passionate advocate for those members of the community who lack the means or wherewithal to advocate for themselves. Whether it be helping connect people in need with affordable housing, employment and educational opportunities, or working to repair environmental degradation in minority neighborhoods, Mr. Cardwell is consistently serving those in need. In my opinion, this is the true judge of an individual's character. I am lucky to call him an associate and honored to call him a friend.

Again, I appreciate the opportunity to share my experience with you. It is without reservations that I express my full support for Mr. Joseph Cardwell. If you have any questions, please do not hesitate to contact me at (201) 451-5100. Thank you in advance for your time and consideration.

Sincerely,

Sandra Bolden Cunningham
Senator- 31st District