



**STATE OF NEW JERSEY
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November 20, 2007

MEMORANDUM

TO: Commissioners

FROM: Robert E. Anderson
General Counsel

SUBJECT: Supplemental Report on Developments in the Counsel's Office Since October 25, 2007

In Smith v. East Greenwich Tp., 2007 U.S. Dist. LEXIS 80191 (D. N.J. 2007), federal district court judge Joseph Irenas granted summary judgment and dismissed a police officer's claim that her 90-day suspension violated her constitutional rights, the New Jersey Law Against Discrimination, and CEPA. With respect to the constitutional issue, the Court found that the police officer had no property right to public employment so it was not necessary to consider whether the suspension was arbitrary or irrational. The only relevant issue was whether the employer had satisfied the requirements of procedural due process in imposing the suspension and the undisputed evidence showed that it had.

REA:aat