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DIRECTIVE #13-22

(Supersedes Directive #11-05)

**TO: Assignment Judges
Hon. Mala Sundar, P.J.T.C.**

FROM: Glenn A. Grant, Administrative Director



SUBJ: Reserved Decisions – Amendments to Rule 1:32-1 (“Reports by Judges; Court Clerks; Court Reporters”) and New Rule 1:36-5 (“Reserved Decisions”)

DATE: December 9, 2022

The Supreme Court in its [April 5, 2022 Order](#) adopted amendments to Rule 1:32-1 (“Reports by Judges; Court Clerks; Court Reporters”) and new Rule 1:36-5 (“Reserved Decisions”), effective July 1, 2022. This Directive provides further information and guidance on those rule amendments. It supersedes Directive #11-05 (“Reserved Matters”), issued June 3, 2005.

A Judiciary policy requiring judges to report reserved decisions has been in place since the establishment of the modern New Jersey court system in 1947. The accurate and timely reporting of reserved decisions is of critical importance to the bench, the bar, and the public in order for counsel to effectively represent their clients, to preserve the public’s confidence in the integrity of the court system, and to support the prompt resolution of matters.

The longstanding requirement that judges report reserved decisions derives from Canon 3.9 of the Code of Judicial Conduct, which requires that “a judge shall dispose promptly of the business of the court.” The Court in *In Re Alvino*, 100 N.J. 92 (1985), addressed the requirement that judges accurately report reserved decisions as part of standard reports pursuant to Rule 1:32-1, and the potential ultimate consequence of judicial discipline for failure to do so. Based on this decision, the Judiciary developed a uniform process to ensure consistent and accurate reporting of reserved decisions.

To further bolster reporting and oversight of reserved decisions, the Court amended Rule 1:32-1(a) and adopted new Rule 1:36-5. Among other provisions, the Rule amendments continue the requirement that Superior Court and Tax Court trial judges submit reports of reserved decisions, clarify and update the definition of when a matter should be reported as reserved, and establish a presumptive 30-day timeframe for submissions after a final proceeding.

Questions regarding this Directive or reserved decisions may be directed to Vicinage Assignment Judges (for Superior Court matters) or the Presiding Judge of the Tax Court (for Tax Court matters).

cc: Chief Justice Stuart Rabner
Steven D. Bonville, Chief of Staff
Clerks of Court
AOC Directors and Assistant Directors
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