

TAX COURT OF NEW JERSEY



ANNUAL REPORT OF THE PRESIDING JUDGE OF THE TAX COURT OF NEW JERSEY JULY 1, 2010 - JUNE 30, 2011

The Tax Court of New Jersey
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I.

INTRODUCTION & HIGHLIGHTS

During the 2010-2011 court year, 19,646 cases were docketed in the Tax Court of New Jersey, more than in any year in the court's thirty-two-year history, and 130 previously closed matters were reinstated. This is the second year in a row the number of filings has been at a record high. An additional approximately 3,200 complaints were filed, but not yet docketed as of June 30, 2011, the last day of the 2010-2011 court year. Because of the single filing deadline, April 1, for the vast majority of our cases, the court was unable to docket all of the complaints filed prior to the last day of the court year. The docketing of complaints is labor intensive for the Tax Court staff given the number of data fields that must be entered into the court's case management system and the absence of electronic filing.

Filings are expected to increase or remain steady during the 2011-2012 court year for a variety of reasons. First, the national economy's continuing negative effect on real property values, which is the core issue in the vast majority of cases before the court, will likely continue to cause heightened filings of local property tax appeals. In addition, a number of municipal-wide revaluations and reassessments were implemented for tax year 2012. Revaluations and reassessments historically result in increased Tax Court filings from the affected municipalities.

During the 2010-2011 court year, the court disposed of 15,467 cases. This represents approximately 2,578 dispositions per judge for the court year. We disposed of a large number of cases despite the fact that the court had one vacancy for the entire 2010-2011 court year. This accomplishment is due, in part, to streamlining the processes for docketing complaints, memorializing settlements and issuing judgments. Additionally, judges and non-judicial staff, including the staff in the Tax Court Management Office, have made a concerted effort to close cases with increased efficiency and speed while maintaining the accuracy that is

essential to an effective system of taxation. On the last day of the court year, 35,699 cases were pending in the Tax Court, the highest number in the history of the Tax Court.

In addition to the one vacancy during the 2010-2011 court year, five Tax Court Judges were assigned to other parts of the judicial system. While awaiting the appointment of a new judge by the Executive and Legislative branches, the six judges assigned to the Tax Court have had caseloads averaging 6,000 cases each. The court faces this challenging environment with enthusiasm. However, litigants may experience delays in having matters scheduled for trial or brought to resolution until the vacancy is filled.

II.

THE COURT

The Tax Court was established on July 1, 1979 as a trial court with statewide jurisdiction to review State and local property tax assessments. Over the past thirty-two years, the court has disposed of over 250,000 cases. By publishing more than 1,100 of its opinions, the court has established a uniform and coherent framework for the resolution of tax disputes in New Jersey. The development of a body of legal precedents in the area of taxation benefits the State and its taxpayers by facilitating the implementation of tax policy, as decided by our Legislature and Governor, and providing a reliable structure in which to resolve tax conflicts. In addition to deciding tax disputes, Tax Court judges hear Superior Court cases in which the court's expertise in taxation is desirable. The court has helped resolve complex issues relating to taxation and asset valuation in business, matrimonial, foreclosure, condemnation, and other cases.

One judicial vacancy existed on the Tax Court at the start of the 2010-2011 court year as the result of Judge Peter D. Pizzuto's retirement during the prior court year. Then, on October 1, 2010, Judge Raymond A. Hayser retired after seventeen years of service, creating a second vacancy. A week later, on October 8, 2010, Judge Christine M. Nugent took the

oath of office as a Judge of the Tax Court. These events left the court with one vacancy among the twelve authorized Tax Court judgeships. In addition to the six judges assigned to the Tax Court, two Tax Court judges are temporarily assigned to the Superior Court, Appellate Division, and three Tax Court judges are temporarily assigned to Superior Court trial divisions. In this way, the court contributes to the disposition of cases by the judiciary overall.

As of October 8, 2010, six judges were assigned to the Tax Court: Presiding Judge Patrick DeAlmeida, Judge Vito L. Bianco, Judge Gail L. Menyuk, Judge Mala Narayanan, Judge Joseph M. Andresini, and Judge Christine M. Nugent. The judges maintain chambers and hear cases in Hackensack (Judge Andresini), Newark (Judge Narayanan and Judge Nugent), Morristown (Judge Bianco), and Trenton (Presiding Judge DeAlmeida and Judge Menyuk). Each judge is designated to hear local property tax cases from specific counties and municipalities. These cases are assigned by the Tax Court Management Office according to the location of the property at issue. Cases concerning State taxes are individually assigned by Presiding Judge DeAlmeida generally based on the location of the lawyers or parties.

Table 1 categorizes filings and dispositions for the 2010-2011 court year. The analysis represents Tax Court cases only and does not include Superior Court cases or miscellaneous tax applications handled by the judges of the Tax Court. An examination of the table shows that the vast majority of the court's cases, 97%, involve local property tax. The remaining 3% of cases concern assessments by the Director, Division of Taxation, of State taxes, such as gross income tax, corporation business tax, sales and use tax, transfer inheritance tax, as well as other taxes, homestead rebate cases, and challenges to equalization tables and school aid ratios. Although these cases are small in number, they tend to be complicated and often involve difficult questions of constitutional law, statutory interpretation and evidentiary issues that require significant judicial resources.

TABLE 1
TAX COURT OF NEW JERSEY
CATEGORIES OF CASES FILED
COURT YEAR 2010-2011

A. Cases filed by general category		
Local property tax cases ¹	97%	19,274
State tax and Equalization Table cases	3%	502
Total	100%	19,776
B. Local property tax cases filed during the court year		
Regular cases	65%	12,504
Small claims cases	35%	6,770
Total	100%	19,274
C. State tax and Equalization Table cases filed during The court year		
State tax cases (other than Homestead Rebate & related cases)	76%	381
Homestead rebate & related cases	22%	109
Equalization Table cases	2%	12
Total	100%	502

More detailed statistics for the 2010-2011 court year can be found in the appendix.

¹ As noted above, as of June 30, 2011, approximately 3,200 complaints were filed with the court but not docketed. These additional cases are not reflected in the 19,776 cases docketed.

III.

THE TAX COURT MANAGEMENT OFFICE

The Tax Court Management Office is the administrative arm of the Tax Court. Cheryl A. Ryan has been the Clerk/Administrator since her appointment on October 1, 2005. This office provides the support services necessary for the efficient functioning of the court. Not only is the office responsible for case flow management, record keeping and case management functions necessary to move cases to disposition, it also manages the resources needed to support the Tax Court judges and support staff in four separate locations. Specifically, the Tax Court Management Office accepts papers for filing, assigns local property tax cases, prepares calendars and judgments, responds to attorney and litigant inquiries and provides procedural guidance.

The office is comprised of three case management teams that are responsible for docketing, screening, data processing, calendaring, records management and administrative services. Each team at various stages in the litigation process provides taxpayers, attorneys, and tax administrators with information about the filing of complaints, opinions of the court, judgments and other information regarding the review of state and local property tax assessments. The staff of the Tax Court Management Office also furnishes sample forms, court rules and pamphlets explaining Tax Court procedures.

The Tax Court Management Office has continued to improve its automated case management system and case processing procedures as necessary. Specifically, enhancements made during the 2010-2011 court year streamlined procedures for docketing complaints, processing settlements and entering judgments has enabled the court to process cases more efficiently. Additionally, changes allowed the staff to perform more meaningful analyses of filings, dispositions, caseload assignments, and time frames that ultimately will

aid the court in its ability to meet the demands of litigants. Training and encouraging chambers' staff to utilize fully the case management system facilitated calendar management.

The Tax Court has been identified by the Administrative Office of the Courts as an appropriate target for implementation of electronic filing and a new case management system. Our case types lend themselves well to electronic filing, given the data-intensive nature of most matters. A detailed analysis of the court's case management practices and case information system is underway to chart the course for a paperless Tax Court docket. The new case management system will be a significant upgrade to the current system and will include electronic filing, electronic file jackets, enhanced flexibility for calendar and case management and increased public access to Tax Court case information and documents. An aggressive schedule has been established for the development and implementation of the new system and electronic filing. The judges and staff have offered their suggestions for the new system and are excited about the prospect of modernizing our management of cases. While we await the implementation of the upgraded system, the judges and staff have continued to take advantage of existing technology to facilitate the efficient management of our docket with our existing system, including temporary upgrades. Talented Judiciary in-house resources have been invaluable to this process.

Throughout the 2010-2011 court year the caseload per Tax Court FTE (full time equivalent) employee was higher than the staffing models established for the Superior Court's Law Division and General Equity cases, Landlord-Tenant cases and Small Claims cases.² Additionally, unlike the management of cases in the Superior Court, the intensity of case

2. The Tax Court Management Office case processing staff was comprised of thirteen FTEs: eleven permanent full time and four part-time hourly employees calculated as two FTEs. The staff had on average 2,756 cases per FTE to manage and 1,531 new filings per FTE to docket. Directive # 08-10 dated August 9, 2010, effective during the 2010-2011 court year indicates a Superior Court, Civil Division staffing model of one FTE for every 182 Law Division and General Equity cases, one FTE for every 1,500 landlord-tenant cases and one FTE for every 1,100 small claims cases.

management by the Tax Court case managers continued to be more complex and the vast majority of Tax Court judgments were prepared and mailed by support staff in the Tax Court Management Office. Nonetheless, during the 2010-2011 court year, the Tax Court Management Office successfully streamlined the process of preparing judgments. This contributed to the 41% increase in the disposition of cases over last court year.

To provide timely and efficient service to litigants, various reports and information are made available on the Tax Court Website. For example, the Tax Court regularly updates reports listing the judgments entered each month and new cases docketed. Other information available on the court's website includes: published and unpublished Tax Court opinions, related Appellate Division opinions, notices regarding important changes to Tax Court policies, all state and local property Tax Court forms, the Rules of the Tax Court (Part VIII), a small claims handbook, the Tax Court's standard form interrogatories, as well as the Annual Reports of the Presiding Judge and the Biennial Reports of the Supreme Court Committee on the Tax Court. Links to access the State's twenty-one county boards of taxation are also available on-line.

IV.

CASELOAD

A.

FILINGS AND DISPOSITIONS

Table 2 in the Appendix (page 1a) summarizes the history of filings and dispositions of Tax Court cases since 1982. At the beginning of the 2010-2011 court year, the Tax Court had an inventory of 31,390 cases. Tax Court cases filed during the court year totaled 19,646 and 130 previously closed cases were reinstated. Thus, the aggregate total number of cases in inventory was 51,166. Dispositions for the court year totaled 15,467 cases, resulting in an

inventory of 35,699 cases at the end of the court year.³ Due to several years of increasing filings, the Tax Court judges were not able to clear the calendar. However, the court accomplished a great deal by resolving 49% of the caseload pending at the beginning of the court year and by issuing opinions in several notable cases described in detail later in this report. The inventory of cases at the close of the court year constitutes approximately two and a quarter years of dispositions at the current rate of disposition. That is not consistent with our objective of closing standard track cases within eighteen months to two years after filing. As of the last day of the 2010-2011 court year, approximately 26% of the court's caseload is in "backlog" (cases over two years old). We find that this is an unacceptably high number, but one that can reasonably be expected given the increase in case filings each year over the past six years and continued judicial vacancies.

B.

PRODUCTIVITY

Table 3 in the Appendix (page 1b) indicates the number of dispositions per Tax Court Judge per year for the past fourteen years. The column captioned "# of judges" needs some explanation. Over the history of the court, judges have been appointed, retired, and resigned at times other than the beginning or end of a court year. When the real estate market was robust (approximately 1986-1990) the number of court filings declined and some of the Tax Court judges were assigned almost full-time to hear Superior Court cases. For several years before his retirement, Judge Evers was ill and did not hear any cases. After their retirements, Judges Lasser and Lario were on recall and carried almost a full caseload. Thus, the final column, "Dispositions per Judge," is less than perfectly accurate.

3. The figures do not include miscellaneous tax applications and Superior Court cases assigned to Tax Court Judges.

In the first three years of this court's existence (when it was disposing of a large number of cases backlogged from the old Division of Tax Appeals) and the years ending June 30, 1993 and June 30, 1995 (when the previous years' filings had reached all time highs), productivity per judge was very high. Dispositions per judge in the past five years (2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011) are greater than they have been in any of the past fourteen years. The increase in the number of total dispositions, as well as dispositions per judge, reflects the significant efforts of the judges and the staff to respond to both the decline in the number of judges and the increase in filings.

It should be noted that dispositions per judge per year is not the sole measure of the quantity and quality of the court's work. The court has developed a significant body of law through published opinions reported in Volumes 1 to 26 of the New Jersey Tax Court Reports. The published opinions reflect a small fraction of the detailed written and oral opinions issued by Tax Court judges during the 2010-2011 court year. A description of the most significant Tax Court opinions, as well as significant published opinions of appellate courts, follows.

C.

DECISIONS

1. SUPREME COURT OF NEW JERSEY

During the 2010-2011 court year, the Supreme Court of New Jersey denied certification in three cases that originated in the Tax Court, denied leave to appeal in one case and granted certification in two cases. The Court rendered no opinions in Tax Court matters.

2. SUPERIOR COURT, APPELLATE DIVISION

During the 2010-2011 court year, appeals from 27 Tax Court decisions were filed with the Superior Court, Appellate Division. Table 4 (page 1c) provides the number of Tax Court cases appealed to the Appellate Division over the past thirty-one years. Table 5 (page 1d) shows the disposition of Tax Court cases by the Appellate Division during the 2010-2011 court year. Appellate Division opinions concerning tax matters are published either in the New Jersey Superior Court Reports or the New Jersey Tax Court Reports. Significant published opinions issued by the Superior Court, Appellate Division during the 2010-2011 court year in cases that originated in the Tax Court included:

A. **Hunterdon Medical Center v. Township of Readington**
416 N.J. Super. 127 (App. Div. 2010)

Portion of non-profit hospital's off-site building containing physical therapy service is exempt from local property tax as property used for hospital purposes, even though physical therapy services were not necessarily tied to admission to hospital.

B. **Society of the Holy Child Jesus v. City of Summit**
418 N.J. Super. 365 (App. Div. 2011)

Taxpayer, if it complied with requirements of statute establishing exemption from local property taxes for non-profit organizations, was entitled to tax exemption for property used for school-related purposes, even if use of the property did not comply with municipal zoning ordinance.

C. **Prime Accounting Dept v. Township of Carney's Point**
421 N.J. Super. 199 (App. Div.), certif. granted, 208 N.J. 382 (2011)

Tax Court jurisdiction to review assessment on real property not established where Complaint was filed in name of non-legal entity with no ownership interest in subject property and no financial responsibility for taxes on subject property. Tax Court correctly denied leave to amend Complaint to name sublessee with interest in subject property where statutory deadline for filing Complaint had expired and relation back under R. 4:9-3 was not warranted.

- D. **Dover-Chester Associates v. Township of Randolph**
419 N.J. Super. 184 (App. Div.), certif. denied, 208 N.J. 338 (2011)

Interest of justice exception to statutory requirement that all taxes due and payable for the year for which review is sought be paid at the time of the filing of a Complaint is not satisfied where, prior to return date of motion to dismiss Complaint, municipality had issued tax sale certificates to collect outstanding taxes. Purpose of tax payment requirement is to prevent interruption in flow of revenue to municipal coffers and sales of tax certificates took place months after taxes were due.

- E. **Wells REIT II – 80 Park Plaza, LLC v. Director, Division of Taxation**
414 N.J. Super. 453 (App. Div. 2010)

In determining if “mansion tax” portion of realty transfer fee applies to a sale of real property the phrase “fully executed before July 1, 2006” in statute means a real estate contract that is signed and binding upon the parties before July 1, 2006, whether or not there are subsequent amendments to the terms of the contract.

- F. **Whirlpool Properties, Inc. v. Director, Division of Taxation**
25 N.J. Tax 519 (App. Div. 2010), aff’d in part, modified in part, 208 N.J. 141 (2011)

Subsection of Corporation Business Tax Act known as the Throwout Rule, which applied to any corporation that maintained a regular place of business outside State, does not facially violate the Due Process Clause; rule taxes transactions with a sufficient degree of in-state business activity. In addition, rule does not facially violate Commerce Clause, as it is applied to activity with a substantial nexus to State, does not discriminate against interstate commerce, and is fairly related to the services provided by State. Finally, rule does not facially violate Supremacy Clause, as there are circumstances in which the rule could operate in a manner consistent with federal law.

- G. **Trump Plaza Associates v. Director, Division of Taxation**
25 N.J. Tax 555 (App. Div. 2010)

Director, Division of Taxation not estopped from denying refund of embedded sales tax erroneously charged by electric public utility on exempt purchases of electricity, as taxpayer did not rely on affirmative statement of representative of the Division. In addition, square corners doctrine does not preclude Director’s denial of sales tax refund claim where Director had no way of knowing that monthly submissions of sales tax collected by electric public utility from its customers contained sales tax charged on exempt purchases.

H. **General Motors Acceptance Corporation v. Director, Division of Taxation**
26 N.J. Tax 93 (App. Div.), certif. denied, 208 N.J. 337 (2011)

Statute enabling a taxpayer to seek an offset of taxes erroneously or illegally collected provided no basis to offset the increase in tax resulting from corporate taxpayer's federal tax adjustment, which occurred due to taxpayer's own mischaracterization of its ownership interest in its foreign subsidiary.

3. **TAX COURT OPINIONS**

Published Tax Court opinions are reported in New Jersey Tax Court Reports. As of the date of this report, there are 25 complete volumes of the New Jersey Tax Court Reports and a 26th volume which is partially complete.

(1) **LOCAL PROPERTY TAX CASES**

The following published opinions of the Tax Court concerning local property taxes were the most significant of the 2010-2011 court year:

A. **Sun Pipe Line Co. v. Township of West Deptford**
25 N.J. Tax 466 (Tax 2010)

Tax Court lacks statutory authority to reduce taxpayer's ongoing local property tax payment obligation during pendency of appeal of assessment on taxpayer's property. Statutory scheme enacted by Legislature requires uninterrupted flow of tax revenue to taxing district during appeal process.

B. **John E. Kean v. Township of Monroe**
25 N.J. Tax 479 (Tax 2010)

Complete revaluation of township warranted in order to bring uniformity to assessment of real property in the municipality, as required by Uniformity Clause of the State Constitution. Director, Division of Taxation has the independent authority to order or undertake municipal-wide revaluation and need not wait for municipality or county board of taxation to act where need for revaluation is present.

C. **Lowe's Home Centers, Inc. v. City of Millville**
25 N.J. Tax 591 (Tax 2010)

Municipality violated square corners doctrine by attempting to rescind five-year exemption and abatement granted to plaintiff after its construction of a retail shopping center on land deemed by municipality to be in need of redevelopment. If, as the municipality alleged, the taxpayer's application for the exemption and abatement was filed late, municipality's forfeited its opportunity to deny the exemption and abatement on lateness grounds when the governing body approved the exemption and abatement application over two years prior to its attempt at rescission. In addition, any late filing of the exemption and abatement application was caused by the conduct of the tax assessor, not the taxpayer.

D. **Town of Phillipsburg v. ME Realty, LLC**
26 N.J. Tax 57 (Tax 2011)

Tax assessor's request for income and expense information pursuant to N.J.S.A. 54:4-34 was deficient because it did not clearly and unequivocally indicate what information was sought. One-hundred-and-eighty-day period set forth in R. 8:7(e) for seeking dismissal of Complaint pursuant to N.J.S.A. 54:4-34 begins running on date that municipality's Complaint to correct assessment was filed rather than date that taxpayer's counterclaim to reduce assessment was filed.

E. **Township of Jefferson v. Director, Division of Taxation**
26 N.J. Tax 1 (Tax 2011)

Director, Division of Taxation, in calculating average ratio of assessed value to true value of real property for purposes of promulgating table of equalized valuations for the apportionment of school aid, was not prohibited by Uniformity Clause of the State Constitution from using an average true value that exceeded the equalized true value.

F. **Lesley Greenblatt v. City of Englewood**
26 N.J. Tax 41 (Tax 2011)

Appraisal expert's opinion of value of real property was insufficient for a determination of the value of the property because the expert offered naked assertions as to adjustments to comparable sales, unsupported by market derived evidence. Without such evidentiary support, expert's opinion is of little assistance to court in assigning market value to the subject property.

(2) STATE TAX CASES

The following published opinions of the Tax Court concerning State taxes were among the most significant of the 2010-2011 court year:

A. **Millwork Installation, Inc. v. Director, Division of Taxation**
25 N.J. Tax 452 (Tax 2010)

R. 4:50-1 does not vest Tax Court with jurisdiction to vacate a certificate of debt issued by the Director, Division of Taxation to collect a fixed and final tax liability.

B. **ADVO, Inc. v. Director, Division of Taxation**
25 N.J. Tax 504 (Tax 2010)

Taxpayer's publication, a four-page, free, weekly mailer, which contained approximately 75% advertising and 25% non-advertising content, including articles on topics of general interest to readers who engage in pursuits common to a large number of people, was a newspaper within the meaning of the Sales and Use Tax Act. As a result, taxpayer was entitled to a refund of sales tax its customers paid for placing advertisements in plaintiff's publication. A publication need not contain traditional news coverage to qualify as a newspaper for sales and use tax purposes.

C. **Labor Ready Northeast, Inc. v. Director, Division of Taxation**
25 N.J. Tax 607 (Tax 2011)

Director, Division of Taxation's notice to taxpayer that its business activities would generally be subject to sales tax based on the Director's review of documents from prior settled litigation with taxpayer, created justiciable controversy between adverse parties. Taxpayer, therefore, had standing to seek declaratory judgment from Tax Court.

D. **Daniel Schulman v. Director, Division of Taxation**
25 N.J. Tax 573 (Tax 2011)

Taxpayer may not for gross income tax purposes offset his pro rata share of S corporation income from operation of karate schools by his payment of commissions to instructors.

E. International Business Machines Corp. v. Director, Division of Taxation
26 N.J. Tax 102 (Tax 2011)

Under corporation business tax, a corporate taxpayer's entire net income does not include extraterritorial income as that term is defined under the federal Internal Revenue Code §144(e). Although New Jersey and federal tax statutes differ, the Legislature expressly incorporated federal tax concepts when defining entire net income under the corporation business tax.

F. Estate of Kosakowski v. Director, Division of Taxation
26 N.J. Tax 21 (Tax 2011)

Retroactive application of amendment to estate tax, which sought to avoid loss of tax revenue as the result of a change in federal law, did not violate federal or State constitutional equal protection and due process requirements. In addition, doctrine of manifest injustice did not preclude retroactive application of amendment to plaintiff estate.

G. Daniel Sicardi v. Director, Division of Taxation
26 N.J. Tax 74 (Tax 2011)

Executor of estate not entitled to deduct from gross taxable estate attorney fees incurred in a will contest during period when he was not an executor. Value of bank accounts decedent held jointly with executor were not part of gross taxable estate, even though court appointed temporary administrator took control over the joint bank accounts and liquidated a portion of the accounts for estate purposes because remaining funds in account did not come into executor's hands in his capacity as executor.

V.

SUPREME COURT COMMITTEE ON THE TAX COURT

The Supreme Court Committee on the Tax Court is comprised of members of the bench and tax bar as well as representatives of taxpayers' groups, local, county, and state tax administrators, and others concerned with the administration and review of the New Jersey tax laws. The committee meets quarterly and intends to complete its charge for the 2010-2011 and 2011-2012 court years with the issuance of its report in January 2012.

The committee fulfills a vital role in its advisory capacity by developing and recommending rule changes affecting the conduct of the court and the litigants who file cases with the court. The committee continues to review the rules governing practice of the Tax Court, to comment on proposed legislation, and, when necessary, to make recommendations for amendments to statutes.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patrick DeAlmeida".

Patrick DeAlmeida, P.J.T.C.

Dated: December 29, 2011

TABLE 2

THIRTY-YEAR HISTORY OF TAX COURT FILINGS AND DISPOSITIONS

Year ended	Pending first day of period	Filings	Dispositions	Pending last day of period
8/31/82	13,227	6,376	12,288	7,315
8/31/83	* 7,311	8,647	9,003	6,955
6/30/84	** 6,299	8,633	9,004	5,928
6/30/85	5,928	6,523	8,012	4,439
6/30/86	4,439	5,310	6,312	3,437
6/30/87	3,437	4,619	4,687	3,369
6/30/88	3,369	4,764	5,629	2,504
6/30/89	* 2,532	6,570	4,627	4,475
6/30/90	4,475	7,901	5,262	7,114
6/30/91	7,114	11,371	6,026	12,459
6/30/92	* 12,402	16,300	9,224	19,478
6/30/93	19,478	14,967	16,560	17,885
6/30/94	17,885	15,223	11,697	21,411
6/30/95	21,411	12,741	17,402	16,750
6/30/96	16,750	9,410	12,075	14,085
6/30/97	14,085	7,954	10,406	11,633
6/30/98	11,633	7,124	9,390	9,367
6/30/99	9,367	6,356	7,005	8,718
6/30/00	* 9,069	5,386	6,702	7,753
6/30/01	7,753	4,815	4,515	8,053
6/30/02	8,053	5,952	5,932	8,073
6/30/03	8,073	6,639	5,444	9,268
6/30/04	9,268	8,105	5,973	11,400
6/30/05	11,400	7,332	6,719	*12,282
6/30/06	12,282	8,205	7,533	**13,120
6/30/07	13,120	10,759	8,283	15,596
6/30/08	15,596	11,760	8,749	18,607
6/30/09	18,607	14,103	8,808	23,902
6/30/10	23,902	18,426	10,938	31,390
6/30/11	31,390	19,776	15,467	35,699

* Adjusted to reflect year-end physical case inventory.

** Beginning July 1, 1983, the Judiciary changed its court year to end June 30, instead of August 31.

TABLE 3

TAX COURT OF NEW JERSEY PRODUCTIVITY
DISPOSITIONS PER JUDGE 1998-2011

Year ended	Pending first day of period	Filings	Dispositions	Pending last day of period	# of Judges (full time equivalents)	Dispositions per Judge
6/30/98	11,633	7,124	9,390	9,367	8 for 10 months - Axelrad appointed full time to Tax Court; Rimm retired 2/1998; Dougherty resigned 5/1998	1,174
6/30/99	9,367	6,356	7,005	8,718	6	1,168
6/30/00	* 9,069	5,386	6,702	7,753	6	1,117
6/30/01	7,753	4,815	4,515	8,053	4 - Axelrad appointed to Appellate Division 6/2000; Andrew retired 10/2000	1,129
6/30/02	8,053	5,952	5,932	8,073	5 - Bianco appointed 8/2001	1,186
6/30/03	8,073	6,639	5,444	* 9,268	6 - Menyuk appointed 8/2002	907
6/30/04	9,268	8,105	5,973	11,400	7 - Hayser transferred to Tax Court	853
6/30/05	11,400	7,332	6,719	12,282	7 - Kahn retired 6/2005	960
6/30/06	12,282	8,205	7,533	* 13,120	6	1,256
6/30/07	13,120	10,759	8,283	15,596	6	1,381
6/30/08	15,596	11,760	8,749	18,607	6.5 - DeAlmeida appointed 1/2008	1,346
6/30/09	18,607	14,103	8,808	23,902	7 - Kuskin retired 6/2009	1,258
6/30/10	23,902	18,426	10,938	31,390	6 - Small, Pizzuto retired 10/2009; Narayanan appointed 7/2009; Andresini appointed 10/2009	1,823
6/30/11	31,390	19,776	15,467	35,699	6 - Hayser retired 10/2010; Nugent appointed 10/2010	2,578

* Adjusted to reflect year-end physical case inventory.

TABLE 4
TAX COURT CASES APPEALED TO THE APPELLATE DIVISION 1979-2011

Court Year	Number of Cases
1979-1980	11
1980-1981	53
1981-1982	92
1982-1983	84
1983-1984	56
1984-1985	65
1985-1986	51
1986-1987	49
1987-1988	48
1988-1989	44
1989-1990	32
1990-1991	40
1991-1992	49
1992-1993	43
1993-1994	67
1994-1995	84
1995-1996	79
1996-1997	53
1997-1998	71
1998-1999	58
1999-2000	45
2000-2001	35
2001-2002	41
2002-2003	50
2003-2004	34
2004-2005	41
2005-2006	46
2006-2007	38
2007-2008	46
2008-2009	33
2009-2010	47
2010-2011	27

TABLE 5

ACTIONS TAKEN BY APPELLATE DIVISION ON TAX COURT CASES
COURT YEAR 2010-2011

Action	Number of Cases
Affirmed	21
Dismissed	7
Affirmed/Reversed in part	2
Reversed	2
Reversed & Remanded	9
Remand - Fee Arbitration	1
Motion for leave to appeal granted	1
Total Dispositions	44

TABLE 6

TAX COURT CASES PENDING, FILED AND DISPOSED
COURT YEAR 2010-2011

	Local Property Tax	State Tax	Equalization & related cases	Totals
Cases pending as of first day of period	30,917	473	0	31,390
New cases filed during period	19,148	486	12	19,646
Reinstated	126	4	0	130
Subtotal	50,191	963	12	51,166
Cases disposed	15,164	291	12	15,467
Pending	35,027	672	0	35,699

TABLE 7
CHARACTER OF COMPLAINTS FILED
COURT YEAR 2010-2011

1.	<u>Local Property Tax</u>	<u>FILED</u>	<u>REINSTATED</u>
	Regular	12,405	99
	Small Claims (one to four family houses)	6,743	27
	Total	19,148	126
2.	<u>Cases Other than Local Property Tax</u>		
	<u>State Tax</u>		
	Regular	261	4
	Small Claims (mostly Homestead Rebates & related cases)	237	0
	Total	498	4
		19,646	130
	<u>Type of Tax</u>		
	Corporation Business	61	1
	Cigarette	2	
	Estate Tax	2	
	Gross Income	95	1
	Gross Receipts	3	
	Hotel	1	
	Fair Homestead Rebate	54	
	Insurance Premiums	1	
	Inheritance Tax	9	
	Litter Tax	1	
	Miscellaneous	1	
	Motor Fuels Sales	2	
	Motor Fuels Use	1	
	NJ Saver	3	
	Order to Implement Revaluation	2	
	Partnership Withholding	2	
	Property Tax Reimbursement	52	
	Railroad Property	2	
	Responsible Party	2	
	School Aid	12	
	Sales and Use	162	1
	Transfer from Superior Court	0	1
	Use Tax	1	
	10-Day Deficiencies	27	
	Grand Total	498	4

TABLE 8
LOCAL PROPERTY TAX COMPLAINTS FILED BY COUNTY
2002-2011

	6/30/02	6/30/03	6/30/04	6/30/05	6/30/06	6/30/07	6/30/08	6/30/09	6/30/10	6/30/11
Atlantic	99	59	90	53	78	148	128	256	374	406
Bergen	986	946	1,222	1,475	1,553	2,080	2,369	2,761	3699	3935
Burlington	54	52	69	97	120	115	160	248	395	424
Camden	68	80	75	69	96	137	120	158	214	218
Cape May	12	30	32	48	56	116	176	110	123	104
Cumberland	12	13	6	16	18	22	32	52	52	51
Essex	1,059	*1,433	*2,357	1,471	1,617	2,226	2,523	2,743	3109	3471
Gloucester	48	52	53	57	59	70	88	111	144	121
Hudson	381	645	457	412	439	424	522	773	1105	1214
Hunterdon	48	76	53	34	54	71	48	68	91	97
Mercer	78	79	103	91	153	222	180	206	243	374
Middlesex	248	339	464	536	752	896	901	966	1248	1490
Monmouth	265	292	375	488	487	537	848	1,019	1747	1433
Morris	486	690	563	560	583	574	581	797	1078	1228
Ocean	391	97	131	180	268	718	555	722	1015	876
Passaic	592	298	486	446	480	757	989	1,456	1546	1522
Salem	6	7	15	13	10	24	28	34	41	69
Somerset	296	269	164	212	271	229	221	316	546	619
Sussex	79	77	44	31	39	74	111	78	352	329
Union	346	338	456	519	526	586	573	711	948	1163
Warren	43	48	49	44	55	41	48	50	77	130
TOTALS*	5,597	5,920	7,264	6,852	7,714	10,067	11,201	13,635	18,147	19,274

* Large increase due to Newark revaluation