

NOTICE TO THE BAR

SEPTEMBER 7 JUDICIAL CONFERENCE ON AMENDMENTS TO THE RULES OF EVIDENCE – PROPOSED FORFEITURE BY WRONGDOING EXCEPTION TO THE HEARSAY RULE

Pursuant to N.J.S.A. 2A:84A-34, the Judiciary is convening a Judicial Conference on Tuesday, September 7, 2010 to discuss proposed amendments to the Rules of Evidence. The specific proposed amendment that will be considered at this session will be forfeiture by wrongdoing as an additional exception to the hearsay rule (N.J.R.E. 804), as recommended by the Supreme Court Committee on the Rules of Evidence. The Committee addressed this topic at the request of the Supreme Court, following up on the Court's 2009 decision in State v. Byrd, 198 N.J. 319 (2009). As summarized by the Court in that decision, the forfeiture by wrongdoing exception "will allow the admission of a witness's statement offered against a party who has engaged, directly or indirectly, in wrongdoing that was intended to, and did, procure the unavailability of the witness." 198 N.J. at 324.

The September 7 Judicial Conference session will be at the New Jersey Law Center on Ryders Lane in New Brunswick and will begin at 5:30 p.m.

/s/ Glenn A. Grant

Glenn A. Grant, J.A.D.
Acting Administrative Director

Dated: August 2, 2010