

NOTICE TO THE BAR

Proposed Amendments to Rules 1:6-2, 4:21A-1, and 4:24-1

The Conference of Civil Presiding Judges has recommended changes (a) to R. 4:21A-1, and (b) to Rules 4:24-1 and 1:6-2. These proposals, which are included with this notice, have been endorsed by the Judicial Council; the Supreme Court has authorized their publication for comment before acting on the proposals.

The proposed amendments to R. 4:21A-1 would specifically exclude products liability cases from the mandatory, court-annexed arbitration program, although individual products liability cases could still go to arbitration at the election of the parties. These cases were put into the arbitration program in 2000, with the thought that the results of this approach would be reviewed in several years. After such review, which revealed that our court-annexed arbitration program was not an effective mechanism for handling products liability cases, the Conference of Civil Presiding Judges recommended a rule change to remove them from the mandatory arbitration program.

The proposed amendments to Rules 4:24-1 and 1:6-2 would require motions to extend discovery to have appended copies of all previous court orders extending discovery in the case, so that the motion judge can easily ascertain how many times the court had previously extended discovery in the case, and why, as well as what discovery was to have occurred and when. If there are no prior court-ordered discovery extensions, the motion papers should so state.

Please send any comments on these proposed rule amendments in writing by Monday, April 24, 2006 to:

Philip S. Carchman, J.A.D.
Acting Administrative Director of the Courts
Rules Comments
Hughes Justice Complex; P.O. Box 037
Trenton, New Jersey 08625-0037

Comments on the Committee reports and recommendations may also be submitted via Internet e-mail to the following address: Comments.Mailbox@njcourts.gov.

The Supreme Court will not consider comments submitted anonymously. Thus, those submitting comments by mail should include their name and address (and those submitting comments by e-mail should include their name and e-mail address). However, comments submitted in response to this notice will be maintained in confidence if the author specifically requests confidentiality. In the absence of such a request, the author's identity and his or her comments may be subject to public disclosure after the Court has acted on the proposed rule amendments.

The Supreme Court will be acting on these recommendations in June 2006, with any rule amendments likely to become effective September 1, 2006.

Philip S. Carchman
Philip S. Carchman, J.A.D.
Acting Administrative Director of the Courts
Dated: March 6, 2006

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