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The Honorable Glenn A. Grant, J.A.D., Administrative Director  
Administrative Office of the Courts  
Rules Comments  
Hughes Justice Complex  
P.O. Box 037  
Trenton, New Jersey 08625-0037  
Via email: [CommentsMailbox@njcourts.gov](mailto:CommentsMailbox@njcourts.gov)

**Re: Comments on the 2022 Report of the Supreme Court  
Committee on Civil Practice**

Dear Judge Grant:

The Division of Criminal Justice (DCJ) on behalf of the Office of the Attorney General (OAG) thanks the Court for this opportunity to offer its comments regarding some proposed amendments to the appellate court rules.

**1. Proposed Amendment to Rule 2:6-1 – Preparation of Appellant's Appendix; Joint Appendix; Contents**

The proposed amendment to R. 2:6-1 regarding the preparation of joint appendix would produce some practical issues in criminal cases. This proposal requires the appellant to serve on respondent a list of items to be included in joint appendix and a statement of issues for review within 14 days after receipt of transcripts. In the criminal area, it is difficult for the Office of the Public Defender to comply with this requirement because the cases are not assigned within that time frame to either a staff attorney or designated counsel. The administrative staff who handles the transcripts are in no position to know what documents should be included in the appendix or the issues that may be raised.

The rule amendment also requires respondent to notify appellant within 14 days of additional items to be included in the appendix. But DCJ does not assign



cases to a staff attorney or refer the case until appellant's brief is filed. Once the brief is filed the attorney assigned to the case would be in the best position to know what additional documents are missing and may be necessary for appendix. DCJ handles over 1,000 notices of appeals each year in addition to the hundreds of briefs that are filed, assigned and referred each year making the proposal infeasible to implement in practice. DCJ also agrees with the comments of the Office of the Public Defender (OPD) objecting to the application of this proposed rule, if adopted, to criminal and juvenile appeals.

## **2. Proposed Amendment to R. 2:6-7 – Length of Briefs – Reduction of Page Limitations**

DCJ also has concerns about the amendment to R. 2:6-7 which reduces the page limitations of briefs from 65 pages to 50. Even with the change of the font there is still a loss of approximately 7 pages. The amendment also requires that a motion to file an overlength brief has to be filed 20 days before brief is due. Especially given the new reduced length for briefs, it will be difficult to know 20 days in advance of filing how long a brief will be, particularly before supervisory review of the brief is complete. DCJ shares the concerns of the OPD and the county prosecutor offices that this rule change will not be realistic in practice.

## **3. Proposed Amendment to Rule 2:6-2(b) - Elimination of Letter Briefs on the Merits**

DCJ also has a concern about the elimination of letter briefs on the merits. The benefits of letter briefs on the merits encourage the preparation of shorter, more concise briefs.

The Division of Criminal Justice shares the concerns of the Office of the Public Defender regarding the proposed amendments to R.2:6-1 and R. 2:6-7. The Division of Criminal Justice respectfully urges this Court to reject the proposed amendments to Rules 2:6-1, 2:6-2(b) and 2:6-7.

Respectfully submitted,



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