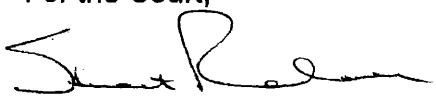
SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to the Rules Governing the Courts of the State of New Jersey are adopted to be effective September 1, 2018.

For the Court,



Chief Justice

Dated: July 27, 2018

The Rules and Appendices Amended and Adopted by this Order Are as Follows:

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1:2-1. Proceedings in Open Court; Robes

All trials, hearings of motions and other applications, first appearances, pretrial conferences, arraignments, sentencing conferences (except with members of the probation department) and appeals shall be conducted in open court unless otherwise provided by rule or statute. If a proceeding is required to be conducted in open court, no record of any portion thereof shall be sealed by order of the court except for good cause shown, as defined by *Rule* 1:38-11(b), which shall be set forth on the record. Settlement conferences may be heard at the bench or in chambers. Every judge shall wear judicial robes during proceedings in open court.

Note: Source – *R.R.* 1:28-6, 3:5-1 (first clause), 4:29-5, 4:118-5, 7:7-1, 8:13-7(c); amended July 14, 1992 to be effective September 1, 1992; amended July 16, 2009 to be effective September 1, 2009; amended July 27, 2018 to be effective September 1, 2018.

1:5-1. Service: When Required

(a) Civil Actions. In all civil actions, unless otherwise provided by rule or court order, orders, judgments, pleadings subsequent to the original complaint, written motions (not made *ex parte*), briefs, appendices, petitions and other papers except a judgment signed by the clerk shall be served upon all attorneys of record in the action and upon parties appearing *pro se*; but no service need be made on parties who have failed to appear except that pleadings asserting new or additional claims for relief against such parties in default shall be served upon them in the manner provided for service of original process. The party obtaining an order or judgment shall serve it on all parties who have not been electronically served through an approved Electronic Court System pursuant to *R.* 1:32-2A, nor served personally in court, as herein prescribed within 7 days after the date it was signed unless the court otherwise orders therein.

(b) ...no change.

Note: Source — *R.R.* 3:11-4(a), 4:5-1. Paragraph (a) amended July 16, 1979 to be effective September 10, 1979; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended August 1, 2016 to be effective September 1, 2016; paragraph (a) amended July 27, 2018 to be effective September 1, 2018.

1:8-1. Trial by Jury

(a) Criminal Actions. Criminal actions required to be tried by a jury shall be so tried unless the defendant, in writing and with the approval of the court, after notice to the prosecuting attorney and an opportunity to be heard, waives a jury trial. [In sentencing proceedings conducted pursuant to *N.J.S.A.* 2C:11-3(c)(1), the consent of prosecutor shall be required for such waiver.]

(b) ...no change.

Note: Source — *R.R.* 3:7-1(a), 4:40-3; paragraph (a) amended September 28, 1982 to be effective immediately; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; captions added to paragraphs (a) and (b) and paragraph (b) amended July 10, 1998 to be effective September 1, 1998; paragraph (a) amended July 27, 2018 to be effective September 1, 2018.

1:8-2. Number of Jurors

(a) Number Deliberating in Criminal Actions. A deliberating jury in a criminal action shall consist of 12 persons, but at any time before verdict the parties may stipulate that the jury shall consist of any number less than 12 [except in the trials of crimes punishable by death]. Such stipulations shall be in writing and with the approval of the court.

(b) ...no change.

(c) ...no change.

(d) ...no change.

Note: Source — *R.R.* 3:7-1(b), 3:7-2(d), 4:48-2, 4:49-1(a)(b). Amended July 7, 1971 to be effective September 13, 1971; paragraph (d) amended July 14, 1972 to be effective September 5, 1972; paragraph (d) amended June 29, 1973 to be effective September 10, 1973; paragraph (b) amended July 17, 1975 to be effective September 8, 1975; paragraph (d) amended July 29, 1977 to be effective September 6, 1977; paragraph (d) amended July 21, 1980 to be effective September 8, 1980; paragraph (a) amended September 28, 1982 to be effective immediately; paragraph (d) amended July 13, 1994 to be effective September 1, 1994; amended July 10, 1998 to be effective September 1, 1998; paragraph (a) amended July 27, 2018 to be effective September 1, 2018.

1:8-3. Examination of Jurors; Challenges

(a) Examination of Jurors. For the purpose of determining whether a challenge should be interposed, the court shall interrogate the prospective jurors in the box after the required number are drawn without placing them under oath. The parties or their attorneys may supplement the court's interrogation in its discretion. [At trials of crimes punishable by death, the examination shall be made of each juror individually, as his name is drawn, and under oath.]

(b) ...no change.

(c) ...no change.

(d) Peremptory Challenges in Criminal Actions. Upon indictment for kidnapping, murder, aggravated manslaughter, manslaughter, aggravated assault, aggravated sexual assault, sexual assault, aggravated criminal sexual contact, aggravated arson, arson, burglary, robbery, forgery if it constitutes a crime of the third degree as defined by *N.J.S.A.* 2C:21-1b, or perjury, the defendant shall be entitled to 20 peremptory challenges if tried alone and to 10 such challenges when tried jointly; and the State shall have 12 peremptory challenges if the defendant is tried alone and 6 peremptory challenges for each 10 afforded defendants when tried jointly. In other criminal actions each defendant shall be entitled to 10 peremptory challenges and the State shall have 10 peremptory challenges for each 10 challenges afforded defendants. [The trial judge shall have the discretionary authority to increase proportionally the number of peremptory challenges available to the defendant and the State in any case in which the sentencing procedure set forth in subsection c. of *N.J.S.* 2C:11-3 might be utilized.] When the case is to be tried by a foreign jury, each defendant shall be entitled to 5 peremptory challenges, and the State 5 peremptory challenges for each 5 peremptory challenges afforded defendants.

(e) ...no change.

(f) ...no change.

(g) ...no change.

Note: Source — R.R. 3:7-2(b)(c), 4:48-1, 4:48-3. Paragraphs (c) and (d) amended July 7, 1971 to be effective September 13, 1971; paragraph (d) amended July 21, 1980 to be effective September 8, 1980; paragraph (a) amended September 28, 1982 to be effective immediately; paragraph (d) amended July 22, 1983 to be effective September 12, 1983; paragraph (d) amended July 26, 1984 to be effective September 10, 1984; paragraph (d) amended November 5, 1986 to be effective January 1, 1987; paragraph (c) amended November 7, 1988 to be effective January 2, 1989; paragraph (e) added July 14, 1992 to be effective September 1, 1992; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (f) added July 5, 2000 to be effective September 5, 2000; paragraph (f) amended July 27, 2006 to be effective September 1, 2006; paragraph (g) added July 9, 2013 to be effective September 1, 2013; paragraphs (a) and (d) amended July 27, 2018 to be effective September 1, 2018.

1:8-5. Availability of Petit Jury List

The list of the general panel of petit jurors shall be made available by the clerk of the court to any party requesting the same at least 10 days prior to the date fixed for trial. [In cases where the death penalty may be imposed, the list shall be made available to any party requesting it at least twenty days prior to the date fixed for trial.]

Note: Source — *R.R.* 3:7-2(a). Amended July 16, 1979 to be effective September 10, 1979; amended September 28, 1982 to be effective immediately; amended July 27, 2018 to be effective September 1, 2018.

1:13-7. Dismissal of Civil Cases for Lack of Prosecution

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) Special Civil Part. If original process in an action filed in the Special Civil Part has not been served within 60 days after the date of the filing of the complaint, the clerk of the court shall dismiss the action as to any unserved defendant and notify plaintiff that it has been marked "dismissed subject to automatic reinstatement within one year as to the non-answering defendant or defendants." The action shall be reinstated without motion or further order of the court if the complaint and summons are served within one year from the date of the dismissal. A case dismissed pursuant to this rule may be restored after one year only by order upon application, which may be made ex parte, and a showing of good cause for the delay in making service and due diligence in attempting to serve the summons and complaint. A new [page 2 of the] summons and the re-service fee shall be included with the documents submitted to support the application. The entry of such an order shall not prejudice any right the defendant has to raise a statute of limitations defense in the restored action.

Note: Source — R.R. 1:30-3(a) (b) (c) (d), 1:30-4. Amended July 7, 1971 to be effective September 13, 1971; former rule redesignated as paragraph (a) and paragraph (b) adopted July 15, 1982 to be effective September 13, 1982; paragraph (b) amended November 5, 1986 to be effective January 1, 1987; paragraph (a) amended June 28, 1996 to be effective September 1, 1996; caption and paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a) and (b) amended July 12, 2002 to be effective September 3, 2002; paragraph (a) amended, former paragraph (b) deleted, and new paragraphs (b), (c), and (d) adopted July 28, 2004 to be effective September 1, 2004; paragraph (a) amended July 9, 2008 to be effective September 1, 2008; paragraph (c) amended July 23, 2010 to be effective September 1, 2010; paragraph (d) amended July 19, 2012 to be effective September 4, 2012; paragraph (d) amended July 27, 2018 to be effective September 1, 2018.

1:38-3. Court Records Excluded from Public Access

The following court records are excluded from public access:

(a) ... no change

(b) ... no change

(c) Records of Criminal and Municipal Court Proceedings.

(1) ... no change

(2) ... no change

(3) ... no change

(4) ... no change

(5) ... no change

(6) ... no change

(7) ... no change

(8) ... no change

(9) ... no change

(10) ... no change

(11) ... no change

(12) Names and addresses of victims or alleged victims of domestic violence or sexual offenses[.];

(13) Complaint-Warrants sealed pursuant to R. 1:38-11(e).

(d) ... no change

(e) ... no change

(f) ... no change

Note: New Rule 1:38-3 adopted July 16, 2009 to be effective September 1, 2009; subparagraph (b)(1) amended December 9, 2009 to be effective immediately; paragraphs (e) and (f) amended January 5, 2010 to be effective immediately; subparagraph (c)(11) amended, subparagraph (c)(12) adopted, and subparagraph (d)(10) amended February 16, 2010 to be effective immediately; subparagraph (d)(1) amended June 23, 2010 to be effective July 1, 2010; paragraph (e) amended October 26, 2010 to be effective immediately; paragraph (e) amended February 28, 2013 to be effective immediately; subparagraph (d)(12) amended July 9, 2013 to be effective September 1, 2013; subparagraphs (f)(2) and (f)(5) amended, and new subparagraph (f)(9) added December 9, 2014 to be effective immediately; subparagraph (d)(2) amended July 27, 2015 to be effective September 1, 2015; subparagraph (b)(1) amended May 30, 2017 to be effective immediately; paragraph (a) and subparagraphs (d)(1) and (d)(13) amended July 28, 2017 to be effective September 1, 2017; subparagraphs (c)(1), (d)(1), (d)(2), (d)(5), (d)(6), (d)(9), and (f)(6) amended May 15 to be effective immediately; new subparagraph (c)(13) adopted July 27, 2018 to be effective September 1, 2018.

1:38-11. Sealing of Court Records

(a) Information in a court record may be sealed by court order for good cause as defined in [this section] paragraph (b) or subparagraph (e)(2) for the temporary sealing of a Complaint-Warrant (CDR-2). The moving party shall bear the burden of proving by a preponderance of the evidence that good cause exists.

(b) Good cause to seal a record except as provided in subparagraph (e)(2) shall exist when:

(1) Disclosure will likely cause a clearly defined and serious injury to any person or entity; and

(2) The person's or entity's interest in privacy substantially outweighs the presumption that all court and administrative records are open for public inspection pursuant to R. 1:38.

(c) ... no change

(d) ... no change

(e) Temporary Seal of Complaint-Warrant (CDR-2).

(1) Application for Temporary Seal of Complaint-Warrant (CDR-2) by Prosecutor. Upon submission of a Complaint-Warrant (CDR-2) on an initial charge in the Judiciary's computerized system used to generate complaints, a prosecutor may request a Superior Court judge to temporarily seal the Complaint-Warrant. For purposes of paragraph (e), the Complaint-Warrant (CDR-2) includes information contained within and attached to the Complaint-Warrant (CDR-2).

(2) Good Cause for a Temporary Seal of Complaint-Warrant (CDR-2). The application requesting a temporary seal of the Complaint-Warrant (CDR-2) shall contain the facts and circumstances that are alleged to establish good cause for the temporary seal. In determining

whether good cause exists to temporarily seal the Complaint-Warrant (CDR-2), among the factors a Superior Court judge should consider are:

(A) the risk of physical harm to any person(s);

(B) the risk of harm to any law enforcement investigation, including, but not limited to, destruction of evidence or witness tampering;

(C) the risk of defendant's flight; and

(D) when sealing would be required by any other law, including, but not limited to, the New Jersey Wiretapping and Electronic Surveillance Control Act, N.J.S.A. 2A:156A-1 to -37. The availability of reasonable alternative means to address the concerns in the above factors should be considered in determining whether to seal the Complaint-Warrant (CDR-2).

(3) Period of Temporary Seal; Extension. Upon a finding of good cause, a Superior Court judge shall grant a request for the temporary sealing of the Complaint-Warrant (CDR-2) for a period of no more than ten calendar days following issuance of the warrant or until the warrant has been executed, whichever occurs first. Any order for a temporary seal of a Complaint-Warrant (CDR-2) shall certify that for good cause shown the Complaint-Warrant (CDR-2) is sealed and state the date that the sealing shall expire. If the defendant has not yet been arrested, the prosecutor may apply to the court to extend the temporary seal for additional periods of time no greater than ten days each.

(4) Confidentiality. The Complaint-Warrant (CDR-2) and the sealing order shall be kept confidential pursuant to R. 1:38-3(c)(13) until the expiration of the sealing period or the execution of the Complaint-Warrant, except that it shall not be kept confidential from law enforcement as needed to perform their official duties.

Note: New Rule 1:38-11 adopted July 16, 2009 to be effective September 1, 2009; new paragraph (c) adopted January 5, 2010 to be effective immediately; new paragraph (d) adopted June 23, 2010 to be effective July 1, 2010; paragraph (c) amended December 8, 2010 to be effective immediately; paragraphs (a) and (b) amended, and new paragraph (e) adopted July 27, 2018 to be effective September 1, 2018.

1:43. Filing and Other Fees Established Pursuant to N.J.S.A. 2B:1-7

The following filing fees and other fees payable to the court, revised and supplemented by the Supreme Court in accordance with N.J.S.A. 2B:1-7, are established effective November 17, 2014. All other filing fees or other fees not here listed are unchanged by the process set forth in N.J.S.A. 2B:1-7.

All State Courts ... no change

Supreme Court ... no change

Superior Court, Appellate Division ... no change

Superior Court, Law Division, Civil Part ... no change

Superior Court, Law Division, Special Civil Part

Fee Subject	Fee	Authority
DC Motion (including Orders to Show Cause) **(No Fee for Turnover Motions Satisfying Judgment, per R. 6:3-3(c)(6))**	$25.00	- - -
Small Claims Complaint	$35.00	N.J.S.A. 22A:2-37.1
Tenancy Complaint	$50.00	N.J.S.A. 22A:2-37.1
Initial Pleading for more than $3000	$75.00	N.J.S.A. 22A:2-37.1
Initial Pleading for $3000 or less	$50.00	N.J.S.A. 22A:2-37.1
Writ of execution or replevin	$35.00	N.J.S.A. 22A:2-37.1
Warrant of Removal	$35.00	N.J.S.A. 22A:2-37.1
Wage Garnishment	$35.00	N.J.S.A. 22A:2-37.1
Warrant for Arrest	$35.00	N.J.S.A. 22A:2-37.1
DC Answer to Complaint or 3rd Party Complaint	$30.00	N.J.S.A. 22A:2-37.1
Filing of Appearance	$30.00	N.J.S.A. 22A:2-37.1
DC or Small Claims Jury Demand	$100.00	N.J.S.A. 22A:2-37.1

Answer with crossclaim, counterclaim, 3rd party claim or $3000 or less $50.00 N.J.S.A. 22A:2-37.1

Answer with crossclaim, counterclaim, 3rd party claim greater than $3000 $75.00 N.J.S.A. 22A:2-37.1

Small Claims Counterclaim $30.00 ---

Filing Complaint or Other Initial Pleading Against Each Additional Party $5.00 N.J.S.A. 22A:2-37.1

Reservice of Summons or Other Original Process by Court Officer: One Defendant (Plus Mileage) $3.00 N.J.S.A. 22A:2-37.1

Reservice of Summons or Other Original Process by Court Officer: Each Additional Defendant (Plus Mileage) $5.00 N.J.S.A. 22A:2-37.1

Writ of Possession $35.00 N.J.S.A. 22A:2-37.1

Assignment of Judgment (not an allowable taxed cost) $35.00 - - -

Warrant to Satisfy with docketed judgment (not an allowable taxed cost) $35.00 - - -

Warrant to Satisfy without docketed judgment (not an allowable taxed cost) $15.00 - - -

Advertising Property under execution or any order $50.00 N.J.S.A. 22A:2-37.1

Selling Property under execution or any order $50.00 N.J.S.A. 22A:2-37.1

Superior Court, Law Division, Chancery Part General Equity ... no change

Superior Court, Law Division, Chancery Part Family ... no change

Superior Court, Law Division, Criminal Part ... no change

Superior Court, Probation Division ... no change

Superior Court Clerk's Office ... no change

Tax Court ... no change

Note: Adopted October 31, 2014 to be effective November 17, 2014; amended March 7, 2017 to be effective immediately; Special Civil Part section amended July 27, 2018 to be effective September 1, 2018.

2:2-1. Appeals to the Supreme Court from Final Judgments

(a) As of Right. Appeals may be taken to the Supreme Court from final judgments as of right: (1) in cases determined by the Appellate Division involving a substantial question arising under the Constitution of the United States or this State; (2) in cases where, and with regard to those issues as to which, there is a dissent in the Appellate Division; and (3) [directly from the trial courts in cases where the death penalty has been imposed and in post-conviction proceedings in such cases; (4)] in such cases as are provided by law.

(b) ...no change.

Note: Source — *R.R.* 1:2-1(a) (b) (c) (d) (e). Paragraph (a)(2) amended February 28, 1979 to be effective immediately; paragraph (a) amended July 27, 2018 to be effective September 1, 2018.

2:2-2. Appeals to the Supreme Court From Interlocutory Orders

Appeals may be taken to the Supreme Court by its leave from interlocutory orders:

[(a) Of trial courts in cases where the death penalty has been imposed.]

(a) [(b)] Of the Appellate Division when necessary to prevent irreparable injury; or

(b) [(c)] On certification by the Supreme Court to the Appellate Division pursuant to *R.* 2:12-1.

Note: Source — *R.R.* 1:2-3(a); amended July 17, 1975 to be effective September 8, 1975; amended September 28, 1982 to be effective immediately; paragraph (a) deleted, former paragraph (b) amended and redesignated as paragraph (a), and former paragraph (c) redesignated as paragraph (b) July 27, 2018 to be effective September 1, 2018.

2:2-4. Appeals to the Appellate Division From Interlocutory Orders, Decisions or Actions

Except as otherwise provided by R. 3:28, the Appellate Division may grant leave to appeal, in the interest of justice, from an interlocutory order of a court or of a judge sitting as a statutory agent, or from an interlocutory decision or action of a state administrative agency or officer, if the final judgment, decision or action thereof is appealable as of right pursuant to R.2:2-3(a)[, but no such appeal shall be allowed in cases referred to in R. 2:2-2(a)].

Note: Source – R.R. 2:2-3(a) (first sentence), 4:88-8(b). Amended October 25, 1982 to be effective December 1, 1982; amended July 27, 2018 to be effective September 1, 2018.

2:3-1. Appeal by the State in Criminal Actions

In any criminal action the State may appeal or, where appropriate, seek leave to appeal pursuant to R. 2:5-6(a):

(a) to the Supreme Court from a final judgment or from an order of the Appellate Division, pursuant to R. 2:2-2(a) [2:2-2(b)] or R. 2:2-3;

(b) to the appropriate appellate court from: (1) a judgment of the trial court dismissing an indictment, accusation or complaint, where not precluded by the constitution of the United States or of New Jersey; (2) an order of the trial court entered before trial in accordance with R. 3:5 (search warrants); (3) a judgment of acquittal entered in accordance with R. 3:18-2 (judgment n.o.v.) following a jury verdict of guilty; (4) a judgment in a post-conviction proceeding collaterally attacking a conviction or sentence; (5) an interlocutory order entered before, during or after trial, or, (6) as otherwise provided by law.

Note: Source – R.R. 1:2-4(a) (c) (1) (2), 3:2A-10, 3:5-5(b)(7). Paragraph (b)(3) amended July 29, 1977 to be effective September 6, 1977; paragraph (b)(1) amended July 16, 1979 to be effective September 10, 1979; paragraph (b)(5) amended and (6) adopted August 28, 1979 to be effective September 1, 1979; paragraph (a) amended July 27, 2018 to be effective September 1, 2018.

2:4-1. Time: From Judgments, Orders, Decisions, Actions and From Rules

(a) Except as set forth in subparagraphs (1) and (2), appeals [Appeals] from final judgments of courts, final judgments or orders of judges sitting as statutory agents and final judgments of the Division of Workers' Compensation shall be [taken] filed within 45 days of their entry.

(1) [However appeals] Appeals from final judgments terminating parental rights shall be [taken] filed within 21 days of their entry.

(2) Direct appeals from judgments of conviction and sentences shall be filed within 45 days of entry of trial court orders granting petitions for post-conviction relief pursuant to R. 3:22-11 under the limited circumstances where defendant has demonstrated ineffective assistance of counsel in trial counsel's failure to file a direct appeal from the judgment of conviction and sentence upon defendant's timely request.

(b) Appeals from final decisions or actions of state administrative agencies or officers, other than appeals from judgments of the Division of Workers' Compensation and other than those governed by *R.* 8:2 (tax matters) and by *R.* 4:74-8 (Wage Collection Section appeals), shall be [taken] filed within 45 days from the date of service of the decision or notice of the action taken.

(c) ...no change.

Note: Source — R.R. 1:3-1, 4:88-15(a), 4:88-15(b)(7); paragraph (b) amended November 27, 1974 to be effective April 1, 1975; paragraph (b) amended June 20, 1979 to be effective July 1, 1979; paragraphs (a) and (b) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended June 26, 2012 to be effective September 4, 2012; effective date of June 26, 2012 amendments changed to November 5, 2012 by order of August 20, 2012; paragraphs (a) and (b) amended July 27, 2018 to be effective September 1, 2018.

2:5-1. Notice of Appeal; Order in Lieu Thereof; Case Information Statement

(a) ...no change.

(b) ...no change.

[(c) Service in Capital Cases. In criminal actions in which the death penalty has been imposed the defendant's attorney shall forthwith serve upon the principal keeper of the state prison a copy of the notice of appeal, certified to be a true copy by the clerk of the Supreme Court.]

(c) [(d)] Service in Juvenile Delinquency Actions. If the appeal is from a judgment in a juvenile delinquency action, a copy of the notice of appeal shall be served, within 3 days after the filing thereof, on [upon] the county prosecutor, who shall appear and participate in the appellate proceedings.

(d) [(e)] Service and Filing in Administrative Proceedings. An appeal to the Appellate Division to review the decision, action or administrative rule of any state administrative agency or officer is taken by serving copies of the notice of appeal on [upon] the agency or officer, the Attorney General and all other interested parties, and by filing the original of the notice with the Appellate Division. Service on the Attorney General shall be made pursuant to *R.* 4:4-4(a)(7). On an appeal from the Division of Workers' Compensation the Division shall not be considered a party to the appeal, and the notice of appeal shall not be served on [upon] the Attorney General unless representing a party to the appeal.

(e) [(f)] Contents of Notice of Appeal and Case Information Statement; Form; Certifications.

(1) [1.] Form of Notice of Appeal. A notice of appeal to the Appellate Division may be in the form prescribed by the Administrative Director of the Courts as set forth in Appendix IV

of these Rules. The use of that [said] form shall be deemed to be compliance with the requirements of subparagraphs (2) [2] and (3) [3] hereof. A notice of appeal to the Supreme Court shall meet the requirements of subparagraphs [subparagraph 3] (3)(i), (ii) and the portions of (iii) that address service of the notice and the payment of fees. [Notices of appeal in capital causes shall also include the appropriate attorney's certification in respect of transcripts.] The notice of appeal to the Appellate Division shall have annexed thereto a Case Information Statement as prescribed by subparagraph (2) [2] of this rule.

(2) [2.] Form of the Case Information Statement; Sanctions. The Case Information Statement shall be in the form prescribed by the Administrative Director of the Courts as set forth in Appendices [Appendix] VII and VIII to [of] these Rules (civil and criminal appeals, respectively). The appellant's Case Information Statement shall have annexed to it a copy of the final judgment, order, or agency decision appealed from, except final judgments entered by the clerk on a jury verdict. In the event there is any change with respect to any entry on the Case Information Statement, appellant shall have a continuing obligation to file an amended Case Information Statement on the prescribed form. Failure to comply with the requirement for filing a Case Information Statement or any deficiencies in the completion of this statement shall be ground for such action as the appellate court deems appropriate, including rejection of the notice of appeal, or on application of any party or on the court's own motion, dismissal of the appeal.

(3) [3.] Requirements of Notice of Appeal.

(i) [A.] Civil Actions. In civil actions the notice of appeal shall set forth the name and address of the party taking the appeal; the name and address of counsel, if any; the names of all other parties to the action and to the appeal; and shall designate the judgment, decision, action or

rule, or part thereof appealed from, the name of the judge who sat below, and the name of the court, agency or officer from which and to which the appeal is taken.

(ii) [B.] Criminal, Quasi-Criminal and Juvenile Delinquency Actions. In criminal, quasi-criminal and juvenile delinquency actions the notice of appeal shall set forth the name and address of the appellant; the name and address of counsel, if any; a concise statement of the offense and of the judgment, giving its date and any sentence or disposition imposed; the place of confinement, if the defendant is in custody; the name of the judge who sat below; and the name of the court from which and to which the appeal is taken.

(iii) [C.] All Actions. In addition to the foregoing requirements, the notice of appeal in every action shall certify service of a copy thereof on all parties, the Attorney General if necessary, and the trial judge, agency or officer. In all appeals from adult criminal convictions the notice of appeal shall certify service of a copy thereof and of a copy of the Case Information Statement upon the appropriate county prosecutor and the New Jersey Division of Criminal Justice, Appellate Section. In all actions the notice of appeal shall also certify payment of filing fees required by *N.J.S.A.* 22A:2. The notice of appeal shall also certify compliance with *R.* 2:5-1(e)(2) [2:5-1(f)(2)] (filing of Case Information Statement), affixing a copy of the actual Case Information Statement to the notice of appeal. In all actions where a verbatim record of the proceedings was taken, the notice of appeal shall also contain the attorney's certification of compliance with *R.* 2:5-3(a) (request for transcript) and *R.* 2:5-3(d) (deposit for transcript), or a certification stating the reasons for exemption from compliance. Certifications of compliance shall specify from whom the transcript was ordered, the date ordered, and the fact of deposit, affixing a copy of the actual request for the transcript to the notice of appeal.

(f) [(g)] Order in Lieu of Notice of Appeal. An order of the appellate court granting an interlocutory appeal or, on an appeal by an indigent, waiving the payment of filing fees and the deposit for costs shall serve as the notice of appeal if no notice of appeal has been filed, and, except as otherwise provided by *R.* 2:7-1, the date of the order shall be deemed to be the date of the filing of the notice of appeal for purposes of these rules. Within 10 days of the entry of such order, the appellant must file and serve the prescribed Case Information Statement in accordance with these rules. Upon the entry of such order the appeal shall be deemed pending, and the appellant, or the clerk of the appellate court if the appellant appears pro se, shall forthwith so notify all parties or their attorneys; the clerk of the court or state administrative agency or officer from which the appeal is taken; and the trial judge if the appeal is from a judgment or order of a trial court sitting without a jury or if in an action tried with a jury, the appeal is from an order granting or denying a new trial or a motion for judgment notwithstanding the verdict[; and the principal keeper of the state prison if the appeal is in a criminal action in which the death penalty has been imposed]. The trial judge shall file an opinion or may supplement a filed opinion as provided in paragraph (b) of this rule.

(g) [(h)] Attorney General and Attorneys for Other Governmental Bodies. If the validity of a federal, state, or local enactment is questioned, the party raising the question shall serve notice of the appeal on the appropriate official as provided by *R.* 4:28-4 unless he or she is a party to the appeal or has received notice of the action in the court below. The notice shall specify the provision thereof that is challenged and shall be mailed within five days after the filing of the notice of appeal, but the appellate court shall have jurisdiction of the appeal notwithstanding a failure to give the notice required by this rule.

Note: Source — *R.R.* 1:2-8(a) (first, second and fifth sentences) (b) (c) (d) (h), 1:4-3(a) (second sentence), 4:61-1(d), 4:88-8 (second sentence), 4:88-10 (second, third and fourth sentences), 6:3-11(b), 7:16-3. Paragraph (f) amended and paragraph (h) adopted July 7, 1971 to be effective September 13, 1971; paragraphs (a), (b), (e) and (f) amended June 29, 1973 to be effective September 10, 1973; paragraph (a) amended October 5, 1973 to be effective immediately; paragraphs (a) and (b) amended November 27, 1974 to be effective April 1, 1975; paragraphs (b) and (f) amended July 29, 1977 to be effective September 6, 1977; paragraph (f) amended July 24, 1978 to be effective September 11, 1978; paragraph (e) amended and paragraph (f)(1) adopted and (f)(2) amended July 16, 1981 to be effective September 14, 1981; paragraph (d) amended December 20, 1983 to be effective December 31, 1983; paragraphs (a), (f) and (g) amended March 22, 1984, to be effective April 15, 1984; caption, paragraphs (a), (b), (e), (f)(1) and (f)(2) amended November 1, 1985 to be effective January 2, 1986; paragraphs (f)(1) and (f)(2) amended November 7, 1988 to be effective January 2, 1989; paragraph (h) amended July 14, 1992 to be effective September 1, 1992; paragraphs (b), (e) and (f)(3)(i)(ii) and (iii) amended July 13, 1994 to be effective September 1, 1994; paragraphs (f)(2) and (f)(3)(i) amended June 28, 1996 to be effective September 1, 1996; paragraph (f)(1) amended July 5, 2000 to be effective September 5, 2000; caption of paragraph (f)(2) amended, paragraphs (f)(3)(i), (ii) and (iii) redesignated (f)(3)(A), (B) and (C), and paragraph (h) amended July 27, 2006 to be effective September 1, 2006; paragraph (c) deleted, former paragraphs (d), (e), (f), and (g) amended and redesignated as paragraphs (c), (d), (e), and (f), and former paragraph (h) redesignated as paragraph (g) July 27, 2018 to be effective September 1, 2018.

2:6-1. Preparation of Appellant's Appendix; Joint Appendix; Contents

(a) Contents of Appendix.

(1) Required Contents. The appendix prepared by the appellant or jointly by the appellant and the respondent shall contain (A) in civil actions, the complete pretrial order, if any, and the pleadings; (B) in criminal, quasi-criminal or juvenile delinquency actions, the indictment or accusation and, where applicable, the complaint and all docket entries in the proceedings below; (C) the judgment, order or determination appealed from or sought to be reviewed or enforced, including the jury verdict sheet, if any; (D) the trial judge's charge to the jury, if at issue, and any opinions or statement of findings and conclusions; (E) the statement of proceedings in lieu of record made pursuant to *R.* 2:5-3(f); (F) the notice or notices of appeal; (G) the transcript delivery certification prescribed by *R.* 2:5-3(e); (H) any unpublished opinions cited pursuant to *R.* 1:36-3; and (I) such other parts of the record, excluding the stenographic transcript, as are essential to the proper consideration of the issues, including such parts as the appellant should reasonably assume will be relied upon by the respondent in meeting the issues raised. If the appeal is from a disposition of a motion for summary judgment, the appendix shall also include a statement of all items submitted to the court on the summary judgment motion and all such items shall be included in the appendix, except that briefs in support of and opposition to the motion shall be included only as permitted by subparagraph (2) of this rule.

(2) Prohibited Contents. ... no change

(3) Confidential Documents. ... no change

(b) ...no change.

(c) ...no change.

(d) ... no change.

Note: Source — *R.R.* 1:7-1(f), 1:7-2 (first six sentences), 1:7-3. Paragraph (a) amended June 29, 1973 to be effective September 10, 1973; paragraph (a) amended July 16, 1979 to be effective September 10, 1979; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended July 22, 1983 to be effective September 12, 1983; paragraphs (a), (b) and (c) amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a)(1) and (c) amended July 12, 2002 to be effective September 3, 2002; new subparagraph (a)(3) adopted July 19, 2012 to be effective September 4, 2012; subparagraph (a)(1) amended July 27, 2018 to be effective September 1, 2018.

2:9-3. Stay Pending Review in Criminal Actions

[(a) Death Penalty. Unless the Supreme Court by leave granted otherwise orders, a sentence of death shall be stayed only as follows:

(1) during the pendency of defendant's direct appeal to the New Jersey Supreme Court and, on the affirmance of defendant's conviction and sentence, during the period allowed for the timely filing of a petition for a writ of certiorari to the United States Supreme Court and, if filed, while that petition is pending disposition;

(2) during the pendency of a first petition for post-conviction relief that is filed within thirty days after the United States Supreme Court's disposition of defendant's application under paragraph (a)(1), and, on the denial or dismissal of that petition for post-conviction relief, during the pendency of defendant's appeal to the New Jersey Supreme Court and, on the affirmance of defendant's conviction and sentence, during the period allowed for the timely filing of a petition for a writ of certiorari to the United States Supreme Court and, if filed, while that petition is pending disposition; and

(3) during the pendency of a timely first petition for a writ of *habeas corpus* in the United States District Court and, if the petition is denied or dismissed, during the pendency of a timely appeal to the Third Circuit and petition for a writ of certiorari to the United States Supreme Court for review of the disposition of the habeas petition.

The State shall notify defendant and defense counsel, the judge authorized to issue the death warrant pursuant to *N.J.S.A.* 2C:49-5, and the New Jersey Supreme Court forthwith on the expiration of any stay of the death sentence provided for herein or on the expiration of a stay ordered pursuant to this Rule.]

(a) [(b)] Imprisonment. A sentence of imprisonment shall not be stayed by the taking of an appeal or by the filing of a notice of petition for certification, but the defendant may be admitted to bail as provided in *R.* 2:9-4.

(b) [(c)] Fine; Probation. A sentence to pay a fine and an order placing the defendant on probation may be stayed by the trial court on appropriate terms if an appeal is taken or a notice of petition for certification is filed. If the court denies a stay, it shall state its reasons briefly, and the application may be renewed before the appellate court. Pending the appellate proceedings, the court may require the defendant to deposit, in whole or part, the fine and costs with the official authorized by law to receive the same in the county in which the conviction was had, or may require a bond for the payment thereof, or may require the defendant to submit to an examination of assets, and may make an appropriate order restraining the defendant from dissipating any assets.

(c) [(d)] Stay Following Appeal by the State. Notwithstanding paragraphs (a) and (b) [and (c)] of this rule, execution of sentence shall be stayed pending appeal by the State pursuant to N.J.S.A. 2C:44-1(f)(2) or N.J.S.A. 2C:35-14(c). Whether the sentence is custodial or non-custodial, bail pursuant to *R.* 2:9-4 shall be established as appropriate under the circumstances. A defendant may elect to execute a sentence stayed by the State's appeal but such election shall constitute a waiver of the right to challenge any sentence on the ground that execution has commenced.

(d) [(e)] Stay of Order of Enrollment in a Pretrial Intervention Program. An order of the trial court enrolling a defendant into a pretrial intervention program over the objection of the prosecutor shall be automatically stayed for fifteen days following the date of its entry, and if the

prosecutor files a notice of appeal within said fifteen-day period, during the pendency of the appeal.

(e) [(f)] Court to Which Motion Is Made. Pending appeal or certification to the Supreme Court respecting a judgment of the Appellate Division, application for a stay pending review shall be first made to the Appellate Division.

Note: Source — *R.R.* 1:2-8(a) (sixth sentence), 1:4-3(a) (first sentence) (b)(c)(d); paragraph (c) amended and paragraph (d) deleted July 29, 1977 to be effective September 6, 1977; paragraph (c) caption amended July 24, 1978 to be effective September 11, 1978; paragraph (d) adopted September 10, 1979 to be effective immediately; paragraph (d) amended July 16, 1981 to be effective September 14, 1981; paragraph (e) adopted November 1, 1985 to be effective January 2, 1986; paragraphs (c) and (d) amended July 13, 1994 to be effective September 1, 1994; paragraph (e) redesignated as paragraph (f) and new paragraph (e) adopted June 28, 1996 to be effective September 1, 1996; paragraph (a) amended July 12, 2002 to be effective September 3, 2002; paragraph (d) amended July 28, 2004 to be effective September 1, 2004; paragraph (a) deleted, former paragraphs (b) and (c) redesignated as paragraphs (a) and (b), former paragraph (d) amended and redesignated as paragraph (c), and former paragraphs (e) and (f) redesignated as paragraphs (d) and (e) July 27, 2018 to be effective September 1, 2018.

2:9-4. Bail after Conviction

Except as otherwise provided by *R.* 2:9-5(a), the defendant in criminal actions shall be admitted to bail on motion and notice to the county prosecutor pending the prosecution of an appeal or proceedings for certification only if it appears that the case involves a substantial question that should be determined by the appellate court, that the safety of any person or of the community will not be seriously threatened if the defendant remains on bail, and that there is no significant risk of defendant's flight. Pending appeal to the Appellate Division, bail may be allowed by the trial court; [,] or if denied by the trial court, by the Appellate Division; [,] or if denied by the Appellate Division, by the Supreme Court. Following disposition in the Appellate Division and pending proceedings in the Supreme Court, bail may be allowed by the Appellate Division, or if denied by the Appellate Division [it], by the Supreme Court. A copy of an order entered by an appellate court granting bail shall be forwarded by the clerk of the appellate court to the sentencing court and clerk of the trial court. A trial court denying bail shall state briefly its reasons therefor. A judge or court allowing bail may at any time revoke the order admitting defendant to bail. [In no case shall a defendant who has received a sentence of death be admitted to bail.]

Note: Source — *R.R.* 1:4-3(e), 1:4-4. Amended June 29, 1973 to be effective September 10, 1973. Amended July 17, 1975 to be effective September 8, 1975; amended July 13, 1994 to be effective September 1, 1994; amended July 10, 1998 to be effective September 1, 1998; amended July 27, 2018 to be effective September 1, 2018.

[2:9-12. Proportionality Review in Capital Cases

All hearings conducted by the Standing Master appointed by the Supreme Court to oversee data collection for the proportionality review of death sentences shall be confidential. The transcripts of such hearings, the written and oral submissions of the parties, and the records maintained for proportionality review by the Administrative Office of the Courts shall be confidential. The arguments or representations of counsel at or in contemplation of such hearings shall not be used for any purpose other than proportionality review.]

Note: Rule 2:9-12 ("Proportionality Review in Capital Cases") adopted [Adopted] July 5, 2000 to be effective September 5, 2000; rule deleted July 27, 2018 to be effective September 1, 2018.

2:11-1. Appellate Calendar; Oral Argument

(a) Calendar. ... no change

(b) Oral Argument.

(1) ... no change

(2) ... no change

(3) Counsel shall not be permitted to argue for a party who has neither filed a brief nor joined in another party's brief. The appellant shall be entitled to open and conclude argument. An appeal and cross appeal shall be argued together, the party first appealing being entitled to open and conclude, unless the court otherwise orders. Unless the court determines more time is necessary, each [Each] party will be allowed [a maximum of] 30 minutes for argument in the Supreme Court[, unless the Court determines more time is necessary,] and 15 [30] minutes in the Appellate Division, but the court may terminate the argument at any time it deems the issues adequately argued. No more than two attorneys will be heard for each party in the Appellate Division, and one attorney will be heard for each party in the Supreme Court, unless the Court otherwise orders. An attorney will not be permitted to read at length from the briefs, appendices, transcripts or decision.

Note: Source -- R.R. 1:8-1(a) (b), 1:8-2(a), 1:8-3, 1:8-4, 2:8-3. Amended July 7, 1971 to be effective September 13, 1971; paragraph (b) amended June 29, 1973 to be effective September 10, 1973; paragraph (b) amended November 1, 1985 to be effective January 2, 1986; paragraph (b) amended November 5, 1986 to be effective January 1, 1987; paragraph (a) amended November 2, 1987 to be effective January 1, 1988; paragraph (a) amended June 28, 1996 to be effective September 1, 1996; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 19, 2012 to be effective September 4, 2012; paragraph (b) amended July 22, 2014 to be effective September 1, 2014; paragraph (b)(3) amended July 27, 2018 to be effective September 1, 2018.

2:11-4. Attorney's Fees on Appeal

An application for a fee for legal services rendered on appeal shall be made by motion supported by affidavits as prescribed by *R.* 4:42-9(b) and (c), which shall be served and filed within 10 days after the determination of the appeal. The application shall state how much has been previously paid to or received by the attorney for legal services both in the trial and appellate courts or otherwise, including any amount received by way of pendente lite allowances, and what arrangements, if any, have been made for the payment of a fee in the future. Fees may be allowed by the appellate court in its discretion:

(a) ...no change.

(b) ...no change.

(c) As a sanction for violation by the opposing party of the rules for prosecution of appeals.

In its disposition of a motion or on an order of remand for further trial or administrative agency proceedings, where the award of counsel fees abides the event, the appellate court may refer the issue of attorney's fees for appellate services [to the trial court for disposition] for disposition by the trial court or, if applicable, by the agency that is serving solely as the forum and that has the authority to award counsel fees against litigants appearing in that forum.

Note: Source — *R.R.* 1:9-3, 2:9-3, 1:12-9(f), 4:55-7(a)(b)(e), 5:2-5(f). Paragraph (d) amended July 14, 1972 to be effective September 5, 1972; text amended and paragraph (g) and (h) adopted July 29, 1977 to be effective September 6, 1977; paragraphs (a) (b) (c) (e) (g) and (h) deleted, new paragraph (a) adopted, former paragraph (d) redesignated (b) and former paragraph (f) redesignated paragraph (c) November 1, 1985 to be effective January 2, 1986; introductory paragraph amended July 13, 1994 to be effective September 1, 1994; final paragraph added June 28, 1996 to be effective September 1, 1996; final paragraph amended July 27, 2018 to be effective September 1, 2018.

3:4-1. Procedure After Arrest

(a) ... no change

(b) Arrest on an Arrest Warrant. The person who is arrested on that warrant shall be remanded to the county jail pending a determination of conditions of pretrial release or a determination regarding pretrial detention if a motion has been filed by the prosecutor. For a defendant for whom a Complaint-Warrant has been issued following waiver of jurisdiction by the Family Part, the place of commitment should be continued as previously determined by the court waiving jurisdiction, unless otherwise ordered, in accordance with N.J.S.A. 2A:4A-36(a).

(c) ... no change

Note: Source - R.R. 3:2-3(a), 8:3-3(a). Amended July 7, 1971 to be effective September 13, 1971; caption amended, former rule redesignated as paragraph (a) and paragraphs (b) and (c) adopted July 21, 1980 to be effective September 8, 1980; paragraph (b) amended July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended, new paragraph (c) adopted and former paragraph (c) redesignated paragraph (d) and paragraph (d)(7) deleted November 5, 1986 to be effective January 1, 1987; paragraphs (b) and (c) amended April 10, 1987 to be effective immediately; paragraph (b) amended January 5, 1988 to be effective February 1, 1988; captions added to paragraphs (a)(b) and (c), new paragraph (c) adopted, paragraph (d) introductory text deleted and paragraphs (d)(1)(2)(3)(4)(5) and (6) redesignated as paragraphs (b)(1)(a)(b)(c)(d) and (f) and paragraph (1)(e) amended and paragraphs (b)(2) and (3) adopted, July 13, 1994 to be effective January 1, 1995; paragraph (a) amended and redesignated as paragraph (b), paragraph (b) amended and redesignated as paragraph (a), paragraph (c) deleted, and new paragraph (c) adopted July 5, 2000 to be effective September 5, 2000; paragraph (a) caption amended, paragraphs (a)(1) and (a)(2) amended, and paragraph (b) caption and text amended August 30, 2016 to be effective January 1, 2017; paragraph (b) amended July 27, 2018 to be effective September 1, 2018.

3:4-2. First Appearance After Filing Complaint

(a) Time of First Appearance. Following the filing of a complaint the defendant shall be brought before a judge for a first appearance as provided in this Rule.

(1) If the defendant remains in custody and the prosecutor has not filed a motion for pretrial detention, the first appearance shall occur within 48 hours of a defendant's commitment to the county jail, and shall be before a judge with authority to set conditions of release for the offenses charged. However, if a motion for pretrial detention is filed [at or] prior to the first appearance, the first appearance shall occur within three working days of the date of the filing of the motion and shall be before a Superior Court judge. If the motion for pretrial detention is withdrawn prior to the first appearance, then the first appearance shall occur no later than the next business day after the withdrawal of the motion and shall be before a Superior Court judge or a judge designated by the Chief Justice. [for a person charged with homicide, the judge designated to preside over the centralized first appearance may conduct that proceeding in accordance with this Rule, except that conditions of pretrial release shall not be set.]

(2) ... no change.

(b) First Appearance; Where Held. All first appearances for indictable offenses shall occur at a centralized location and before a Superior Court judge or a judge designated by the Chief Justice. If the defendant is unrepresented at the first appearance, the court is authorized to assign the Office of the Public Defender to represent the defendant for purposes of the first appearance.

(c) Discovery.

(1) If the prosecutor is not seeking pretrial detention, the prosecutor at or before the first appearance shall provide the defendant with a copy of any available preliminary law enforcement incident report concerning the offense and the affidavit of probable cause.

(2) If the prosecutor is seeking pretrial detention, the prosecutor no later than 24 hours before the detention hearing shall provide the defendant with (A) the discovery referenced in subparagraph (1) above, (B) all statements or reports relating to the affidavit of probable cause, (C) all statements or reports relating to additional evidence the State relies on to establish probable cause at the hearing, (D) all statements or reports relating to the factors listed in N.J.S.A. 2A:162-18(a)(1) that the State advances at the hearing, and (E) all exculpatory evidence.

(d) [(c)] Procedure in Indictable Offenses. At the defendant's first appearance before a judge, if the defendant is charged with an indictable offense, the judge shall:

(1) give the defendant a copy of the complaint[, discovery as provided in subsections (A) and (B) below,] and inform the defendant of the charge; .

[(A) if the prosecutor is not seeking pretrial detention, the prosecutor shall provide the defendant with a copy of any available preliminary law enforcement incident report concerning the offense and the affidavit of probable cause;

(B) if the prosecutor is seeking pretrial detention, the prosecutor shall provide the defendant with (i) the discovery listed in subsection (A) above, (ii) all statements or reports relating to the affidavit of probable cause, (iii) all statements or reports relating to additional evidence the State relies on to establish probable cause at the hearing, (iv) all statements or reports relating to the factors listed in N.J.S.A. 2A:162-18(a)(1) that the State advances at the hearing, and (v) all exculpatory evidence.]

(2) ... no change

(3) ... no change

(4) ... no change

(5) ... no change

(6) ... no change

(7) ... no change

(8) inform the defendant of his or her right to have a hearing as to probable cause and of his or her right to indictment by the grand jury and trial by jury, and if the offense charged may be tried by the court upon waiver of indictment and trial by jury, the court shall so inform the defendant. All such waivers shall be in writing, signed by the defendant, and shall be filed and entered on the docket. If the complaint charges an indictable offense which cannot be tried by the court on waiver, it shall not ask for or accept a plea to the offense; [and,]

(9) set conditions of pretrial release, when appropriate as provided in Rule 3:26, unless a motion for pretrial detention has been filed or granted; and,

(10) schedule a pre-indictment disposition conference to occur no later than 45 days after the date of the first appearance[; and].

[(11) in those cases in which the prosecutor has filed a motion for an order of pretrial detention pursuant to R. 3:4A, set the date and time for the required hearing and inform the defendant of his or her right to seek a continuance of such hearing.]

(e) [(d)] Procedure in Non-Indictable Offenses. At the defendant's first appearance before a judge, if the defendant is charged with a non-indictable offense, the judge shall:

(1) ... no change

(2) ... no change

(3) ... no change

(4) ... no change

(5) set conditions of pretrial release as provided in Rule 3:26 if the defendant has been committed to the county jail, unless a motion for pretrial detention has been filed or granted.

(f) [(e)] Trial of Indictable Offenses in Municipal Court. If a defendant who is charged with an indictable offense that may be tried in Municipal Court is brought before a Municipal Court, that court may try the matter provided that the defendant waives the rights to indictment and trial by jury. The waivers shall be in writing, signed by the defendant, and approved by the county prosecutor, and retained by the Municipal Court.

(g) [(f)] Waiver of First Appearance By Written Statement. Unless otherwise ordered by the court, a defendant charged on a complaint-summons (CDR-1) for an indictable offense and who is represented by an attorney and is not incarcerated may waive the first appearance by electronically filing, at or before the time fixed for the first appearance, a written statement in a form prescribed by the Administrative Director of the Courts, signed by the attorney, certifying that the defendant has:

(1) ... no change

(2) ... no change

(3) ... no change

(4) ... no change

(5) ... no change

(6) ... no change

(7) ... no change

The written statement waiving the first appearance shall be electronically filed with the court, and notification provided to the County Prosecutor or the Attorney General, if the Attorney General is the prosecuting attorney.

Note: Source – R.R. 3:2-3(b), 8:4-2 (second sentence). Amended July 7, 1971 effective September 13, 1971; amended April 1, 1974 effective immediately; text of former Rule 3:4-2 amended and redesignated paragraphs (a) and (b) and text of former Rules 3:27-1 and -2 amended and incorporated into Rule 3:4-2, July 13, 1994 to be effective January 1, 1995; paragraphs (a) and (b) amended June 28, 1996 to be effective September 1, 1996; paragraph (b) amended January 5, 1998 to be effective February 1, 1998; caption amended, paragraphs (a) and (b) deleted, new paragraphs (a), (b), (c), and (d) adopted July 5, 2000 to be effective September 5, 2000; new paragraph (e) adopted July 21, 2011 to be effective September 1, 2011; paragraph (a) amended, new paragraph (b) added, former paragraphs (b), (c), and (e) amended and redesignated as paragraphs (c), (d), and (f), and former paragraph (d) redesignated as paragraph (e) April 12, 2016 to be effective September 1, 2016; paragraphs (a) and (b) amended, subparagraph (c)(1) amended, new subparagraphs (c)(1)(A) and (c)(1)(B) adopted, subparagraphs (c)(9) and (c)(10) amended, new subparagraph (c)(11) adopted, subparagraphs (d)(3) and (d)(4) amended, and new subparagraph (d)(5) adopted August 30, 2016 to be effective January 1, 2017; paragraph (a) amended December 6, 2016 to be effective January 1, 2017; subparagraph (c)(1) amended May 10, 2017 to be effective immediately; paragraph (f) amended July 28, 2017 to be effective September 1, 2017; subparagraph (a)(1) amended, paragraph (b) amended, new paragraph (c) adopted, former paragraph (c) amended and redesignated as paragraph (d) , former paragraph (d) amended and redesignated as paragraph (e), former paragraph (e) redesignated as paragraph (f), and former paragraph (f) redesignated as paragraph (g) July 27, 2018 to be effective September 1, 2018.

3:4A. Pretrial Detention

(a) ... no change

(b) Hearing on Motion.

(1) A pretrial detention hearing shall be held before a Superior Court judge no later than the defendant's first appearance unless the defendant or the prosecutor seeks a continuance or the prosecutor files a motion [at or] after the defendant's first appearance. If the prosecutor files a motion [at or subsequent to] after the defendant's first appearance the pretrial detention hearing shall be held within three working days of the date of the prosecutor's motion unless the defendant or prosecutor seek a continuance. Except for good cause, a continuance on motion of the defendant may not exceed five days, not including any intermediate Saturday, Sunday or holiday. Except for good cause, a continuance on motion of the prosecutor may not exceed three days, not including any intervening Saturday, Sunday or holiday. The Superior Court judge in making the pretrial detention decision may take into account information as set forth in N.J.S.A. 2A:162-20.

(2) The defendant shall have a right to be represented by counsel and, if indigent, to have counsel appointed if he or she cannot afford counsel. The defendant shall be provided discovery pursuant to Rule [3:4-2(c)(1)(B)] 3:4-2(c)(2). The defendant shall be afforded the right to testify, to present witnesses, to cross-examine witnesses who appear at the hearing and to present information by proffer or otherwise. Testimony of the defendant given during the hearing shall not be admissible on the issue of guilt in any other judicial proceeding, but the testimony shall be admissible in proceedings related to the defendant's subsequent failure to appear, proceedings related to any subsequent offenses committed during the defendant's release, proceedings related to the defendant's subsequent violation of any conditions of release, any subsequent perjury

proceedings, and for the purpose of impeachment in any subsequent proceedings. The defendant shall have the right to be present at the hearing. The rules governing admissibility of evidence in criminal trials shall not apply to the presentation and consideration of information at the hearing. The return of an indictment shall establish probable cause to believe that the defendant committed any offense alleged therein. Where there is no indictment at the point of the detention hearing, the prosecutor shall establish probable cause that the defendant committed the predicate offense.

(3) ... no change

(4) ... no change

(5) ... no change

(c) ... no change

(d) ... no change

(e) ... no change

Note: Adopted August 30, 2016 to be effective January 1, 2017; paragraph (a) amended July 28, 2017 to be effective September 1, 2017; paragraph (b)(5) amended May 1, 2018 to be effective immediately; subparagraphs (b)(1) and (b)(2) amended July 27, 2018 to be effective September 1, 2018.

3:22-2. Grounds

A petition for post-conviction relief is cognizable if based upon any of the following grounds:

(a) ... no change

(b) ... no change

(c) ... no change

(d) ... no change

(e) A claim of ineffective assistance of counsel based on trial counsel's failure to file a direct appeal of the judgment of conviction and sentence upon defendant's timely request.

Note: Source -- R.R. 3:10A-2; paragraph (c) amended July 16, 2009 to be effective September 1, 2009; new paragraph (e) adopted July 27, 2018 to be effective September 1, 2018.

3:22-11. Determination; Findings and Conclusions; Judgment; Supplementary Orders

The court shall make its final determination not later than 60 days after the hearing or, if there is no hearing, not later than 60 days after the filing of the last amended petition or answer, with discretion to extend the final determination an additional 30 days, if approved by the Criminal Presiding Judge. In making final determination upon a petition, the court shall state separately its findings of fact and conclusions of law, and shall enter a judgment, which shall include an appropriate order or direction with respect to the judgment or sentence in the conviction proceedings and any appropriate provisions as to rearraignment, retrial, custody, bail, discharge, correction of sentence, or as may otherwise be required. When a defendant raises a claim pursuant to R. 3:22-2(e), the court is authorized to allow defendant 45 days from entry of an order granting defendant's petition for post-conviction relief to file a direct appeal.

Note: Source - R.R. 3:10A-12; amended July 16, 2009 to be effective September 1, 2009; amended January 14, 2010 to be effective February 1, 2010; amended July 27, 2018 to be effective September 1, 2018.

3:25-4. Speedy Trial for Certain Defendants

(a) Eligible Defendant. For purposes of this rule, the term "defendant" or "eligible defendant" shall mean a person for whom a complaint-warrant or warrant on indictment was issued for an initial charge involving an indictable offense or a disorderly persons offense and who: (1) is detained pursuant to R. 3:4A or R. 3:26-2(d)(1), or (2) is detained in jail or a juvenile detention facility due to an inability to post monetary bail pursuant to R. 3:26. A defendant who is the subject of a warrant on indictment is an eligible defendant pursuant to N.J.S.A. 2A:162-15 et seq. This rule only applies to an eligible defendant who is arrested on or after January 1, 2017, regardless of whether the crime or offense related to the arrest was allegedly committed before, on, or after January 1, 2017. For defendants who are detained only for a disorderly persons offense, the limits on pretrial incarceration are governed by R. 7:8-11.

(b) On Failure to Indict.

(1) Time Period. Except as provided in paragraph (d), prior to the return of an indictment, an eligible defendant shall not remain detained in jail for more than 90 days following the date of the defendant's commitment to county jail, pursuant to R. 3:4-1(a)(2) or (b) or R. 3:26-2(d)(1) not counting excludable time as set forth in paragraph (i) of this rule.

For a defendant who has been detained following waiver of jurisdiction by the Family Part, the time shall commence from the date following the issuance of a complaint-warrant after waiver has been ordered.

(2) Motion by the Prosecutor to Extend Time for Failure to Indict. If the eligible defendant is not indicted within the time frame calculated pursuant to subparagraph (b)(1) of this rule, the eligible defendant shall be released from jail or a juvenile detention facility unless on motion of the prosecutor, the court finds that a substantial and unjustifiable risk to the safety of

any other person or the community or the obstruction of the criminal justice process would result from the defendant's release from custody, so that no appropriate conditions for the defendant's release could reasonably address that risk, and also finds that the failure to indict the defendant in accordance with the time requirement set forth in this rule was not due to unreasonable delay by the prosecutor. The prosecutor must file a notice of motion accompanied by a brief with an explanation of the reasons for the delay that justify the extension of time for return of the indictment. The motion to extend the time to return an indictment shall be filed with the court and served upon the defendant and defense counsel by the prosecutor no later than 15 calendar days prior to the expiration of the 90 day time frame, adjusted for excludable time, calculated pursuant to paragraph (b)(1) of this rule. Upon good cause shown this deadline may be relaxed.

(3) ... no change

(4) ... no change

(c) On Failure to Commence Trial.

(1) Time Period. Except as provided in paragraph (d), an eligible defendant who has been indicted shall not remain detained in jail or a juvenile detention facility for more than 180 days on that charge following the return or unsealing of the indictment or the detention of the eligible defendant pursuant to R. 3:26-2(d)(1), whichever is later, not counting excludable time as set forth in paragraph (i) of this rule, before commencement of the trial. For an eligible defendant whose most serious charge is a disorderly persons offense, the time period shall begin with the defendant's initial detention. See R. 7:8-11.

(2) Motion by the Prosecutor. If the trial does not commence within the time frame calculated pursuant to paragraph (c)(1) of this rule, the eligible defendant shall be released from jail or a juvenile detention facility unless, on motion of the prosecutor, the court finds that a

substantial and unjustifiable risk to the safety of any other person or the community or the obstruction of the criminal justice process would result from the defendant's release from custody, so that no appropriate conditions for the defendant's release could reasonably address that risk, and also finds that the failure to commence trial in accordance with the time requirement set forth in this rule was not due to unreasonable delay by the prosecutor. The prosecutor must file a notice of motion accompanied by a brief explaining the reasons for the delay that justify the extension of time to commence trial. The motion to extend time to commence trial shall be filed with the court and served upon the defendant and defense counsel by the prosecutor no later than 15 calendar days prior to the date of the expiration of the 180 day time frame, adjusted for excludable time, calculated pursuant to subparagraph (c)(1) of this rule. Upon good cause shown this deadline may be relaxed.

(3) ... no change

(4) ... no change

(d) Period to Readiness of Prosecutor for Trial.

(1) An eligible defendant shall be released from jail or a juvenile detention facility upon conditions set by the court, after a release hearing if, excluding any delays attributable to the defendant, two years after the court's issuance of the pretrial detention order pursuant to R. 3:4A or R. 3:26-2(d)(1) for the eligible defendant or after the detention of the eligible defendant in jail due to an inability to post monetary bail as a condition of release, the prosecutor is not ready to proceed to voir dire or to opening argument, or to proceed to the hearing of any motions that had been reserved for the time of trial. In the case of an eligible defendant whose most serious charge is a fourth-degree offense, the maximum time period for the defendant's incarceration shall be 18 months. In the case of an eligible defendant whose most serious charge is a

disorderly persons offense, the maximum time period for the defendant's incarceration shall be six months. See R. 7:8-11.

(2) ... no change

(3) An eligible defendant shall not be released from jail or a juvenile detention facility pursuant to subparagraph (1) of this paragraph if, on or before the expiration of the applicable period of detention, the prosecutor has represented that the State is ready to proceed to voir dire or to opening arguments, or to proceed to the hearing of any motions that had been reserved for trial. The prosecutor's statement of readiness shall be made on the record in open court or in writing.

(e) ... no change

(f) ... no change

(g) ... no change

(h) ... no change

(i) ... no change

(j) ... no change

Note: Adopted August 30, 2016 to be effective January 1, 2017; paragraphs (a), (c)(1), and (d)(1) amended November 14, 2016 to be effective January 1, 2017; paragraphs (a), (b)(4)(C), (c)(1), (c)(4)(C), and (d)(1) amended December 13, 2016 to be effective January 1, 2017; paragraph (a) amended July 28, 2017 to be effective September 1, 2017; paragraph (a) and subparagraphs (b)(1), (b)(2), (c)(1), (c)(2), (d)(1), and (d)(3) amended July 27, 2018 to be effective September 1, 2018.

3:26-2. Authority to Set Conditions of Pretrial Release

(a) Authority to Set Conditions of Pretrial Release. A Superior Court judge may set conditions of pretrial release for a person charged with any offense and may set monetary bail or take any action in accordance with the Uniform Criminal Extradition Law, N.J.S.A. 2A:160-6 et seq., for any person arrested in any extradition proceeding. Conditions of pretrial release for any offense except [homicide or] a person arrested in any extradition proceeding may be set by any other judge provided that judge is setting conditions of pretrial release as part of a first appearance pursuant to Rule 3:4-2(b).

(b) Conditions of Release. Conditions of pretrial release shall be set pursuant to R. 3:4-2(d) or (e) [3:4-2(c) or (d)] for persons for whom a complaint-warrant or a warrant on indictment is issued for an initial charge involving an indictable offense or a disorderly persons offense. A defendant who is the subject of a warrant on indictment is an eligible defendant pursuant to N.J.S.A. 2A:162-15 et seq.

(1) ... no change

(2) ... no change

(3) ... no change

(c) ... no change

(d) Violations of Conditions of Release

(1) ... no change

(2) Hearing on Violations of Conditions of Release. The defendant shall have a right to be represented by counsel and, if indigent, to have counsel appointed if he or she cannot afford counsel. [The defendant shall be provided all available discovery.] The defendant shall be afforded the right to testify, to present witnesses, to cross-examine witnesses who appear at the

hearing and to present information by proffer or otherwise. Testimony of the defendant given during the hearing shall not be admissible on the issue of guilt in any other judicial proceeding, but the testimony shall be admissible in proceedings related to the defendant's subsequent failure to appear, proceedings related to any subsequent offenses committed during the defendant's release, proceedings related to the defendant's subsequent violation of any conditions of release, any subsequent perjury proceedings, and for the purpose of impeachment in any subsequent proceedings. The defendant shall have the right to be present at the hearing. The rules governing admissibility of evidence in criminal trials shall not apply to the presentation and consideration of information at the hearing.

(3) Discovery. If the prosecutor is seeking release revocation, and the prosecutor had not previously moved to detain defendant, then the prosecutor no later than 24 hours before the release revocation hearing must comply with the discovery obligations as set forth in R. 3:4-2(c)(2), as well as provide defendant with (A) all statements or reports relating to evidence the State relies on to establish the violation, (B) all statements or reports relating to the factors listed in N.J.S.A. 2A:162-24 that the State relies upon to support release revocation at the hearing, and (C) all exculpatory evidence.

(e) ... no change

Note: Source-R.R. 3:9-3(a) (b) (c); amended July 24, 1978 to be effective September 11, 1978; amended May 21, 1979 to be effective June 1, 1979; amended August 28, 1979 to be effective September 1, 1979; amended July 26, 1984 to be effective September 10, 1984; caption amended, former text amended and redesignated paragraph (a) and new paragraphs (b), (c) and (d) adopted July 13, 1994 to be effective January 1, 1995; paragraph (b) amended January 5, 1998 to be effective February 1, 1998; paragraph (d) amended July 9, 2013 to be effective September 1, 2013; paragraph (a) amended July 27, 2015 to be effective September 1, 2015; caption amended, paragraphs (a) and (b) caption and text amended, former paragraphs (c) and (d) deleted, and new paragraphs (c), (d), and (e) adopted August 30, 2016 to be effective January 1, 2017; paragraphs (b) and (d)(1) amended November 14, 2016 to be effective January 1, 2017; paragraph (a) amended December 6, 2016 to be effective January 1, 2017; paragraphs (b) and

(d)(1) amended, and caption and text of paragraph (e) amended July 28, 2017 to be effective September 1, 2017[.] ; paragraphs (a) and (b) amended, subparagraph (d)(2) amended, and new subparagraph (d)(3) adopted July 27, 2018 to be effective September 1, 2018.

3:28-1. Eligibility for Pretrial Intervention

(a) ... no change

(b) ... no change

(c) Persons Ineligible to Apply for Pretrial Intervention.

(1) Prior Diversion. A person who has previously been enrolled in a program of pretrial intervention; previously been placed into supervisory treatment in New Jersey under the conditional discharge statute pursuant to N.J.S.A. 24:21-27 or N.J.S.A. 2C:36A-1, or the conditional dismissal statute, N.J.S.A. 2C:43-13.1 et seq.; previously was granted a dismissal due to successful participation in the Veterans Diversion Program pursuant to N.J.S.A. 2C:43-23 et seq.; or previously was enrolled in a diversionary program under the laws of any other state or the United States for a felony or indictable offense, shall be ineligible to apply for admission into pretrial intervention.

(2) Non-Criminal Matters. A person who is charged with a disorderly persons offense, a petty disorderly persons offense, an ordinance or health code violation or a similar violation shall be ineligible to apply for pretrial intervention, except that a person who is charged with a disorderly persons offense or a petty disorderly persons offense involving domestic violence may apply for pretrial intervention.

[(3) Prior Convictions. A person who previously has been convicted of (i) any first or second degree offense or its equivalent under the laws of another state or the United States, or (ii) any other indictable offense or its equivalent under the laws of another state or the United States for which the person was sentenced to a state prison, institution or other state facility shall be ineligible to apply for admission into pretrial intervention.]

(d) Persons Ineligible for Pretrial Intervention Without Prosecutor Consent to Consideration of the Application.

The following persons who are not ineligible for pretrial intervention under paragraph (c) shall be ineligible for pretrial intervention without prosecutor consent to consideration of the application:

(1) Certain Crimes. A person who [has not previously been convicted of an indictable offense in New Jersey, and who has not previously been convicted of an indictable or felony offense under the laws of another state or the United States, but who] is charged with a crime, or crimes, for which there is a presumption of incarceration or a mandatory minimum period of parole ineligibility.

(2) Prior Convictions. A person who has previously been convicted of [a third or fourth degree] an indictable offense in New Jersey, or its equivalent under the laws of another state or of the United States [, and who was not sentenced to a term of imprisonment for that prior offense].

(e) ... no change

Note: Adopted September 15, 2017 to be effective July 1, 2018; paragraphs (c) and (d) amended July 27, 2018 to be effective September 1, 2018.

4:3-1. Divisions of Court; Commencement and Transfer of Actions

(a) Where Instituted.

(1) Chancery Division-General Equity. Actions in which the plaintiff's primary right or the principal relief sought is equitable in nature, except as otherwise provided by subparagraphs (2) and (3), shall be [brought] filed and heard in the Chancery Division, General Equity, even though legal relief is demanded in addition or alternative to equitable relief.

(2) Chancery Division-Probate Part. All actions [brought] pursuant to R. 4:83 et seq. shall be filed and heard in the Chancery Division, Probate Part.

(3) Chancery Division-Family Part. All [civil] actions in which the principal claim is unique to and arises out of a family or family-type relationship, including palimony actions, shall be [brought] filed and heard in the Chancery Division, Family Part. [Civil family actions] Actions cognizable in the Family Part shall include all actions and proceedings [provided for] referenced in [of] Part V of these rules, unless otherwise provided in subparagraph (a)(4) of this rule; all [civil] actions and proceedings formerly cognizable in the juvenile and domestic relations court; and all other actions and proceedings unique to and arising out of a family or family-type relationship.

(4) Specific Case Types. The following types of cases shall be filed and heard in the Division and Part as specified:

(A) Name Change. Actions seeking to change the name of an adult and/or minor shall be filed and heard in accordance with applicable provisions of *R.* 4:72.

(B) Partition. Notwithstanding a family or family-type relationship, if partition is the only relief sought, the matter shall be filed and heard in the Chancery Division, General Equity. If any other form of relief is sought that affects the family or family-type relationship, including

but not limited to divorce, termination of domestic partnership, dissolution of civil union, spousal support, child support, custody, parenting time, property distribution or palimony, the matter shall be filed and heard in the Chancery Division, Family Part.

(C) Enforcement of Judgments. Except as otherwise provided in the court rules, all motions or applications to modify or enforce a judgment, regardless of the relief sought, shall be filed and heard in the Division and Part where the judgment was entered.

(D) Parenting Time/Visitation. All parenting time/visitation issues relating to minors shall be filed and heard in the Chancery Division, Family Part. Parenting time/visitation issues related to adults shall be filed and heard in the Chancery Division, General Equity, except that actions seeking visitation of adjudicated incapacitated adults shall be filed and heard in the Chancery Division, Probate Part.

(E) Personal Possessions. If ownership interest or monetary damages pertaining to personal property, including pets, is the only relief sought, the matter shall be filed and heard in the Law Division, Civil Part or Law Division, Special Civil Part. If any other form of relief is sought that affects the family or family-type relationship, including but not limited to divorce, termination of domestic partnership, dissolution of civil union, spousal support, child support, custody, parenting time, property distribution or palimony, the matter shall be filed and heard in the Chancery Division, Family Part.

(F) Ejectment. If ownership interest or monetary damages pertaining to an ejectment is the only relief sought, the matter shall be filed and heard in the Law Division, Civil Part, the Law Division, Special Civil Part, or the Chancery Division, General Equity. If any other form of relief is sought that affects the family or family-type relationship, including but not limited to divorce, termination of domestic partnership, dissolution of civil union, spousal support, child

support, custody, parenting time, property distribution or palimony, the matter shall be filed and heard in the Chancery Division, Family Part.

(G) Requests for Transcripts of Closed Family Court Proceedings Made in a Civil Action. Where, in a Civil action, a request is made for a transcript of a Chancery Division, Family Part proceeding deemed closed by court rules, court order or statute, an application shall be filed and heard in the Law Division, Civil Part to determine the disclosure of the Family Part transcript and to establish whether any conditions should be attached to the provision of the transcript. The parties to the Family Part matter shall be provided notice of the application.

(H) Birth Certificates and Marriage Certificates. Applications seeking to alter the name of a parent on a birth certificate shall be filed and heard in the Chancery Division, Family Part if the application is filed on behalf of a minor. Applications for issuance of a vital record in cases in which the Bureau of Vital Statistics declines to act, such as a request for a delayed certificate of birth, shall be filed in the Law Division, Civil Part as an action in lieu of prerogative writ. If the county of venue is unknown, then application may be made to the Civil Division in Mercer County on the basis of convenience to the State Registrar. Otherwise, the action in lieu of prerogative writ shall be filed in the county where the birth or marriage took place.

(I) Post-Judgment Relief Relating to Incapacitated Adult Child of Parents Subject to Family Part Order. An action seeking to modify or enforce the terms of a Chancery Division, Family Part order addressing custody and/or parenting time/visitation of an unemancipated minor child who was later adjudicated incapacitated as defined in N.J.S.A. 3B:1-2 after reaching age 18, shall be filed and heard in the Chancery Division, Probate Part. If the action affects support and the incapacitated child has not yet turned age 23, the matter shall be filed and heard

in the Chancery Division, Family Part. If the action affects support and the incapacitated child has turned age 23, the matter shall be filed and heard in the Chancery Division, Probate Part pursuant to *R.* 4:86-7A. Notwithstanding the foregoing, when an application is filed relating to support of an incapacitated child over the age of 23 and either parent remains subject to a Family Part support or financial maintenance order related to other dependents, the support issue for the incapacitated child shall be determined in the Chancery Division, Family Part.

(5) [(4)] Law Division. All actions in the Superior Court except those encompassed by subparagraphs (1), (2), [and] (3), and (4) herein shall be [brought] filed and heard in the Law Division, Civil Part or the Law Division, Special Civil Part.

(b) ...no change.

Note: Source – *R.R.* 4:41-2, 4:41-3, 5:1-2. Paragraphs (a) and (b) amended and caption amended July 22, 1983 to be effective September 12, 1983; new paragraph (a) adopted and paragraph (b) amended December 20, 1983 to be effective December 31, 1983; paragraphs (a) and (b) amended November 7, 1988 to be effective January 2, 1989; subparagraph (a)(1) amended, subparagraph (a)(2) recaptioned and adopted, former subparagraphs (a)(2) and (a)(3) redesignated (a)(3) and (a)(4) respectively, and subparagraph (a)(4) amended June 29, 1990 to be effective September 4, 1990; subparagraphs (a)(1), (a)(2) and (a)(3) amended, new subparagraph (a)(4) adopted, and former subparagraph (a)(4) amended and redesignated as subparagraph (a)(5) July 27, 2018 to be effective September 1, 2018.

4:5B-4. Professional Malpractice Case Management

(a) Case Management Conference. Within ninety (90) days of the filing of the first answer in all professional malpractice cases, the court shall conduct a case management conference to address discovery related issues, including the sufficiency of an affidavit of merit provided pursuant to N.J.S.A. 2A:53A-27 and the qualifications of the affiant or other designated medical expert pursuant to the Patients First Act, N.J.S.A. 2A:53A-41. Any party required to provide an affidavit of merit pursuant to the statute shall supply a reasonably current curriculum vitae of the affiant no less than thirty (30) days before the conference. No less than fifteen (15) days before the conference, the defendant must serve the court and all parties with specific written objections, if any, to the served affidavit of merit.

(b) Case Management Order. A case management order shall memorialize the conference conducted under paragraph (a) of this Rule and shall address: (1) the sufficiency of the affidavit of merit; (2) whether there are any disputes regarding the affidavit of merit; and (3) in medical malpractice cases, the sufficiency of the qualifications of the affiant or the designated medical expert under the Patients First Act, N.J.S.A. 2A:53A-41.

(c) Later Added Defendants. For any defendant joined after the case management conference, any party required to provide an affidavit of merit pursuant to the statute must also serve on such defendant a copy of the affidavit of merit, along with a reasonably current curriculum vitae of the affiant, within thirty (30) days of joinder of such additional defendant. Where there is no objection to the sufficiency of the affidavit of merit, a consent order to that effect shall be submitted by the party required to provide an affidavit of merit-within sixty (60) days of the service of the affidavit and curriculum vitae. Any objections to the sufficiency of the affidavit of merit must be in writing and served by the added defendant within fifteen (15) days

of its receipt. If any dispute concerning the sufficiency of the affidavit is not resolved within sixty (60) days of service of the objections, the added defendant shall promptly file a motion to resolve the issue.

Note: Former Rule 4:5B-4 deleted July 27, 2006 to be effective September 1, 2006. New Rule 4:5B-4 adopted July 27, 2018 to be effective September 1, 2018.

4:6-2. How Presented

Every defense, legal or equitable, in law or fact, to a claim for relief in any complaint, counterclaim, cross-claim, or third-party complaint shall be asserted in the answer thereto, except that the following defenses, unless otherwise provided by R. 4:6-3, may at the option of the pleader be made by motion, with briefs: (a) lack of jurisdiction over the subject matter, (b) lack of jurisdiction over the person, (c) insufficiency of process, (d) insufficiency of service of process, (e) failure to state a claim upon which relief can be granted, (f) failure to join a party without whom the action cannot proceed, as provided by *R.* 4:28-1. If a motion is made raising any of these defenses, it shall be made before pleading if a further pleading is to be made. No defense or objection is waived by being joined with one or more other defenses in an answer or motion. Special appearances are superseded. If, on a motion to dismiss based on the defense numbered (e), matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided by R. 4:46, and all parties shall be given reasonable notice of the court's intention to treat the motion as one for summary judgment and a reasonable opportunity to present all material pertinent to such a motion.

Note: Source — *R.R.* 4:12-2 (first, second and fourth sentences); amended July 23, 2010 to be effective September 1, 2010; amended July 27, 2018 to be effective September 1, 2018.

4:21A-2. Qualification, Selection, Assignment and Compensation of Arbitrators

(a) ...no change.

(b) Appointment From Roster. If the parties fail to stipulate to the arbitrators pursuant to paragraph (a) of this rule, the arbitrator shall be designated by the civil division manager from the roster of arbitrators maintained by the Assignment Judge on recommendation of the arbitrator selection committee of the county bar association. Inclusion on the roster shall be limited to retired judges of any court of this State who are not on recall and attorneys admitted to practice in this State having at least ten years of consistent and extensive experience in New Jersey in any of the substantive areas of law subject to arbitration under these rules, and who have completed the training and continuing education required by *R.* 1:40-12(c). A Certified Civil Trial Attorney with the requisite experience, who has also completed the training and continuing education required by *R.* 1:40-12(c), will be entitled to automatic inclusion on the roster. The arbitrator selection committee, which shall meet at least once annually, shall be appointed by the county bar association and shall consist of one attorney regularly representing plaintiffs in each of the substantive areas of law subject to arbitration under these rules, one attorney regularly representing defendants in each of the substantive areas of law subject to arbitration under these rules, and one member of the bar who does not regularly represent either plaintiff or defendant in each of the substantive areas of law subject to arbitration under these rules. The arbitrator selection committee shall review the roster of arbitrators annually and, when appropriate, shall make recommendations to the Assignment Judge to remove arbitrators from the roster. The members of the arbitrator selection committee shall be eligible for inclusion in the roster of arbitrators. The Assignment Judge shall file the roster with the Administrative

Director of the Courts. A motion to disqualify a designated arbitrator shall be made to the Assignment Judge on the date of the hearing.

(c) ...no change.

(d) ...no change.

Note: Adopted November 1, 1985 to be effective January 2, 1986; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraphs (a) and (b) amended July 10, 1998 to be effective September 1, 1998; caption amended, paragraph (c) amended, and new paragraph (d) adopted July 5, 2000 to be effective September 5, 2000; paragraphs (b) and (d)(1) amended, and former paragraph (d)(3) deleted July 12, 2002 to be effective September 3, 2002; paragraphs (b), (c), (d)(1), and (d)(2) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended July 27, 2006 to be effective September 1, 2006; paragraph (b) amended July 28, 2017 to be effective September 1, 2017; paragraph (b) amended July 27, 2018 to be effective September 1, 2018.

4:24-1. Time for Completion of Discovery; Effect of Remand from the Federal Courts

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) Remand from the [United States District] Federal Courts. On matters remanded from [the] a United States District Court, or United States Bankruptcy Court, all injunctions, orders, and other proceedings in such action prior to its remand shall remain in full force and effect until dissolved or modified by the Superior Court. The [the] computation of the discovery end date in such matters shall exclude the period from the date of the notice of removal to the date the order of remand is filed with the civil division manager in the county of venue in the Superior Court action. [The designated pretrial judge] Unless the court directs otherwise, the court to which the matter has been remanded shall conduct a case management conference pursuant to R. 4:5B-2 within thirty days of the filing of the order of remand to enter a case management order that provides dates for (1) the filing of motions for reconsideration of interlocutory orders entered by the federal court and for leave to amend pleadings filed in the federal court, and for (2) the completion of all discovery.

Note: Source – *R.R.* 4:28(a)(d); amended July 13, 1994 to be effective September 1, 1994; amended January 21, 1999 to be effective April 5, 1999; caption amended, text amended and designated as paragraph (a), new paragraphs (b), (c), and (d) adopted July 5, 2000 to be effective September 5, 2000; corrective amendment to paragraph (d) adopted February 26, 2001 to be effective immediately; paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 27, 2006 to be effective September 1, 2006; paragraphs (b) and (c) amended July 9, 2008 to be effective September 1, 2008; paragraph (c) amended July 23, 2010 to be effective September 1, 2010; paragraph (d) deleted and new paragraph (d) adopted July 22, 2014 to be effective September 1, 2014; caption amended, and paragraph (d) caption and text amended July 27, 2018 to be effective September 1, 2018.

4:24-2. Motions Required to Be Made During Discovery Period

(a) General. No motion for the relief provided by the following rules may be granted in any action unless it is returnable before the expiration of the time limited for discovery unless on notice and motion, for good cause shown, the court otherwise permits: *R.* 4:8 (motion for leave to file a third-party complaint); *R.* 4:7-6, 4:28-1, or 4:30 (motion for joinder of additional parties); *R.* 4:38-1 (motion for consolidation); and *R.* 4:38-2 (motion for separate trials). Unless the court otherwise permits for good cause shown, motions to compel discovery and to impose or enforce sanctions for failure to provide discovery must be made returnable prior to the expiration of the discovery period.

(b) Disputes Regarding the Credentials of Experts in Medical Malpractice Actions. Any party challenging the credentials of an expert in a medical malpractice action pursuant to the Patients First Act, *N.J.S.A.* 2A:53A-41, shall file a motion in accordance with the following requirements:

(1) If the defendant seeks to challenge the credentials of plaintiff's expert who is someone other than the affiant whose credentials have been the subject of a case management conference in accordance with *R.* 4:5B-4, defendant's motion shall be filed not later than thirty (30) days from the service of that expert's report. The motion shall be accompanied by a certification setting forth the defendant's alleged area of specialty and qualifications that form the basis for the challenge of the expert's qualifications under the Patients First Act and a copy of the defendant's curriculum vitae.

(2) If the plaintiff seeks to challenge the credentials of a defendant's expert, the plaintiff's motion shall be filed not later than thirty (30) days from the service of that expert's report. The motion shall be accompanied by a certification setting forth the plaintiff's alleged

area of specialty and qualifications that form the basis for the challenge of the expert's qualifications under the Patients First Act and a copy of the plaintiff's curriculum vitae.

Note: Source – *R.R.* 4:28(b); amended June 7, 2005 to be effective immediately; amended December 6, 2005 to be effective immediately; prior text designated as paragraph (a) with new caption added and new paragraph (d) caption and text added July 27, 2018 to be effective September 1, 2018.

4:24A. High-Low Agreements.

A high-low agreement is one in which the parties, or some of them, agree that if a verdict is above a specified range of numbers agreed upon by such parties, the defendant's liability for damages shall be the highest number in that range, and that if a verdict is less than the lowest number in that range, including a verdict of no cause for action against such defendant, defendant shall pay the plaintiff the lowest number in the range. If the verdict against the defendant falls within the range, the damages the defendant shall pay is the verdict reached by the jury.

Whenever a plaintiff and a defendant enter into a high-low agreement in a multi-defendant action that is to be tried by jury, the parties shall disclose the existence of that agreement and its terms to the court and to all other parties to the action immediately after entering into the agreement.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:72-1. Complaint

(a) [Generally.] Change of Name for Adult.

(1) Generally. An action for change of name of an adult shall be [commenced by filing a verified complaint setting forth the grounds of the application] filed and heard in the Law Division, Civil Part. The action shall be commenced by filing a verified complaint which shall contain the date of birth of the plaintiff and shall state: (1) that the application is not made with the intent to avoid creditors or to obstruct criminal prosecution or for other fraudulent purposes; (2) whether plaintiff has ever been convicted of a crime and, if so, the nature of the crime and the sentence imposed; (3) whether any criminal charges are pending against plaintiff and, if so, such detail regarding the charges as is reasonably necessary to enable the Division of Criminal Justice or the appropriate county prosecutor to identify the matter. If criminal charges are pending, at least 20 days prior to the hearing a copy of the complaint shall [, at least 20 days prior to the hearing,] be served on [upon] the Director of the Division of Criminal Justice to the attention of the Records and Identification Section if the charges were initiated by the Division of Criminal Justice, or [and] otherwise on [upon] the appropriate county prosecutor. Service on [upon] the Division of Criminal Justice or on a county prosecutor shall be accompanied by a request that the official make such response as may be deemed appropriate.

(2) Return to Prior Name or Assumption of New Surname in Dissolution Matters. Any action for return to a name used prior to a marriage or civil union shall be filed and heard in the Chancery Division, Family Part, either as part of the dissolution complaint or by post-judgment motion. Any action to assume a new surname may be filed and heard in the Chancery Division, Family Part only when it is sought as part of the final relief in a pending dissolution case.

(b) Change of Name for Minor [Involved in a Family Action]. [If the complaint seeks a name change for a minor, the complaint shall state whether the child or any party in interest in the name change application is the subject of a family action pending or concluded within the three years preceding the filing of the complaint. In such event, the action shall be transferred to the Family Part in the vicinage in which the family action is pending or was concluded. If neither the child nor any party in interest is or has been the subject of such action, a certification to that effect shall be appended to the complaint.] An action for the change of name of a minor shall be filed and heard in the Chancery Division, Family Part. The action shall be commenced by filing a verified complaint by a parent or guardian on behalf of the minor which shall contain the date of birth of the minor and shall state: (1) that the application is not made with the intent to avoid creditors or to obstruct criminal prosecution or for other fraudulent purposes; (2) whether the minor has ever been adjudicated delinquent or convicted of a crime and, if so, the nature of the crime and the disposition/sentence imposed; (3) whether any criminal charges are pending against the minor and, if so, such detail regarding the charges as is reasonably necessary to enable the Division of Criminal Justice or the appropriate county prosecutor to identify the matter. If criminal charges are pending, at least 20 days prior to the hearing a copy of the complaint shall be served on the Director of the Division of Criminal Justice to the attention of the Records and Identification Section if the charges were initiated by the Division of Criminal Justice, or otherwise on the appropriate county prosecutor. Service on the Division of Criminal Justice or a county prosecutor shall be accompanied by a request that the official make such response as may be deemed appropriate. Absent extraordinary circumstances, where the parent or guardian and the minor consent to the change of name, the

court shall conduct the hearing in a summary fashion for the limited purpose of creating a record and confirming the information set forth in the verified complaint.

(c) Change of Name of Adults and Minors in Same Family. An action for change of name of both adults and minors in the same family shall be filed and heard in the Chancery Division, Family Part and shall follow the same process as set forth in paragraph (b) of this rule.

Note: Source – *R.R.* 4:91-1. Amended July 11, 1979 to be effective September 10, 1979; amended July 15, 1982 to be effective September 13, 1982; amended November 1, 1985 to be effective January 2, 1986; amended July 13, 1994 to be effective September 1, 1994; former text of rule designated as paragraph (a) and amended, paragraph (a) caption added, and new paragraph (b) adopted July 9, 2008 to be effective September 1, 2008; paragraph (a) caption amended, paragraph (a) text amended and designated as subparagraph (a)(1) with new caption, new subparagraph (a)(2) caption and text adopted, paragraph (b) caption and text amended, and new paragraph (c) caption and text adopted July 27, 2018 to be effective September 1, 2018.

4:72-4. Hearing; Judgment; Publication; Filing

Except as otherwise provided in *R.* 4:72-1(b) and (c) regarding consent to a name change for a minor, on [On] the date fixed for hearing, the court, if satisfied from the filed papers, with or without oral testimony, that there is no reasonable objection to the assumption of another name by plaintiff, shall by its judgment authorize plaintiff to assume such other name from and after the time fixed therein, which shall be not less than 30 days from the entry thereof. At the hearing, plaintiff must present adequate proof of his or her current name. Within 20 days after entry of judgment, a copy thereof, from which plaintiff's Social Security [social security] number shall be redacted, shall be published in a newspaper of general circulation in the county of plaintiff's residence, and within 45 days after entry of judgment, the unredacted judgment and affidavit of publication of the judgment shall be filed with the deputy clerk of the Superior Court in the county of venue and a certified copy of the unredacted judgment shall be filed with the appropriate office within the Department of Treasury. If plaintiff has been convicted of a crime or if criminal charges are pending, the clerk shall mail a copy of the judgment to the State Bureau of Identification.

Note: Source – *R.R.* 4:91-4; amended July 24, 1978 to be effective September 11, 1978; amended July 11, 1979 to be effective September 10, 1979; amended July 22, 1983 to be effective September 12, 1983; amended July 14, 1992 to be effective September 1, 1992; amended July 13, 1994 to be effective September 1, 1994; amended June 20, 2003 to be effective immediately; amended August 1, 2016 to be effective September 1, 2016; amended July 27, 2018 to be effective September 1, 2018.

4:86-7A. Application for Financial Maintenance for Incapacitated Adults Subject to Prior Chancery Division, Family Part Order

As to a person alleged or adjudicated to be incapacitated as defined in N.J.S.A. 3B:1-2 and who has reached the age of 23, an application for conversion of a child support obligation to another form of financial maintenance pursuant to N.J.S.A. 2A:17-56.67 et seq. may be made as follows:

(a) Prior to Adjudication of Incapacity. A plaintiff filing a complaint for adjudication of incapacity and appointment of guardian pursuant to *R.* 4:86-2 may request such conversion in a separate count of the complaint.

(b) After Adjudication of Incapacity. A guardian or custodial parent of an adjudicated incapacitated person may request such conversion by filing a motion on notice to the parent responsible for paying child support and any interested parties setting forth the basis for the relief requested pursuant to *R.* 4:86-7.

(c) Required Materials for Submission. Any action brought pursuant to either paragraph (a) or paragraph (b) shall set forth the exceptional circumstances pursuant to which such conversion to another form of financial maintenance is requested and shall have the following annexed thereto:

(1) Copies of any prior Chancery Division, Family Part orders related to the child support obligation; and

(2) A financial maintenance statement in such form as promulgated by the Administrative Director of the Courts.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

CHAPTER XI. COMPLEX BUSINESS LITIGATION PROGRAM

Rule 4:102. Scope, Cognizability, and Administration

4:102-1. Scope and Applicability of Rules

The rules in Part IV, Chapter XI govern the practice and procedure in cases included in the Complex Business Litigation Program (the CBLP or the Program) heretofore established by the New Jersey Supreme Court.

(a) Applicability. Absent an express contradictory rule contained in this Chapter, the Rules Governing the Courts of the State of New Jersey Parts I and IV shall otherwise apply to any case in the CBLP.

(b) Caption. In addition to the requirements of *R.* 1:4-1, once accepted into the CBLP and for as long as the action remains there, actions being conducted in the CBLP shall indicate that they are CBLP matters by inserting the notation "CBLP Action" under the words "Civil Action".

(c) Filings. Unless otherwise noted, all filings in CBLP matters should be made in accordance with the Rules governing filing in the Superior Court, Law Division.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:102-2. Cognizability

(a) The matters presumptively assigned to the CBLP shall be those cases with an amount in controversy of at least $200,000 that are designated either complex commercial (case type 508) or complex construction (case type 513) on the Civil Case Information Statement.

(b) Cases appropriate for the CBLP arise from business or commercial transactions or construction projects that involve potentially significant damages awards. Program cases may have complex or novel factual or legal issues; large numbers of separately represented parties; large numbers of lay and expert witnesses; a substantial amount of documentary evidence, including electronically stored information; or require a substantial amount of time to complete trial.

(c) The CBLP does not include matters that are otherwise handled by General Equity, or matters primarily involving consumers, labor organizations, personal injury, or condemnation.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:102-3. Judges Assigned.

In each vicinage a Superior Court judge shall be designated by the Chief Justice as the CBLP judge to preside over cases conducted in the CBLP from filing through termination of the action unless the action is removed from the CBLP prior to completion.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:102-4. Admittance to or Removal from the CBLP

(a) Opt-in/Opt-Out. Parties may file a motion for inclusion in the CBLP where a case is not presumptively assigned to the CBLP but involves complex business related issues and/or the amount in controversy is less than $200,000. Parties may also move for removal from the CBLP on the grounds that the action does not meet the eligibility criteria.

(b) Review of Cases in CBLP. The Assignment Judge or the CBLP judge may conduct an initial review of a case to determine if it is appropriate for the CBLP. The judge may, *sua sponte*, assign it to the CBLP or remove it from the CBLP. If the case is removed from the CBLP it will be reassigned to the appropriate track for case management.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:102-5. General Principles

The CBLP is designed to streamline and expedite service to litigants in complex business litigation. Cases are generally assigned either to the complex commercial case type or the complex construction case type, and are individually managed by a judge with specialized training on business issues. The Supreme Court established the Program, which became effective on January 1, 2015, to resolve complex business, commercial, and construction cases.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

Rule 4:103. Case Management

4:103-1. Initial Disclosures

(a) Required Disclosures.

Except as otherwise stipulated or ordered by the court, a party must, without awaiting a discovery request, provide to the other parties:

(1) the name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;

(2) a copy – or a description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;

(3) a computation of each category of damages claimed by the disclosing party – who must also make available for inspection and copying as under *Rules* 4:18 and 4:104-5(a) the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and

(4) for inspection and copying as under *Rules* 4:18 and 4:104-5(a), any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

(b) Time for Initial Disclosures.

(1) In General. A party must make the initial disclosures at or within 14 days after the parties' *R.* 4:103-2 conference unless a different time is set by stipulation or court order, or unless a party objects during the conference that initial disclosures are not appropriate in this action and states the objection in the proposed discovery plan. In ruling on the objection, the court must determine what disclosures, if any, are to be made and must set the time for disclosure.

(2) For Parties Served or Joined Later. A party that is first served or otherwise joined after the *R.* 4:103-2 conference must make the initial disclosures within 30 days after being served or joined, unless a different time is set by stipulation or court order.

(c) Basis for Initial Disclosure; Unacceptable Excuses. A party must make its initial disclosures based on the information then reasonably available to it. A party is not excused from making its disclosures because it has not fully investigated the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosures.

(d) Format of Initial Disclosures. Unless the court orders otherwise, all initial disclosures under this rule must be in writing, signed, and served. The requirements of *R.* 4:104-8 shall apply to initial disclosures. The failure to provide compliant initial disclosures may lead to sanctions in the court's discretion.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:103-2. Initial Conference of the Parties

(a) Conference Timing. Except in a proceeding exempted from initial disclosure under *R.* 4:103-1(a)(1)(B) or when the court orders otherwise, the parties must confer as soon as practicable – and in any event at least 21 days before a scheduling conference is to be held or a scheduling order is due under *R.* 4:103-3(a). Such conference shall take place notwithstanding any dispositive motion that may be pending.

(b) Conference Content; Parties' Responsibilities. In conferring, the parties must (1) consider the nature and basis of their claims and defenses and the possibilities for promptly settling or resolving the case; (2) make or arrange for the disclosures required by *Rule* 4:103-1(a)(1); (3) discuss any issues about preserving discoverable information; and (4) develop a proposed discovery plan. The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging the conference, for attempting in good faith to agree on the proposed discovery plan, and for submitting to the court within 14 days after the conference a written report outlining the plan. The court may order the parties or attorneys to attend the conference in person.

(c) Discovery Plan. A discovery plan must state the parties' views and proposals on:

(1) what changes should be made in the timing, form, or requirement for disclosures under *R.* 4:103-1(a), including a statement of when initial disclosures were made or will be made;

(2) the subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues;

(3) any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced;

(4) any issues about claims of privilege or of protection as trial-preparation materials, including – if the parties agree on a procedure to assert these claims after production – whether to ask the court to include their agreement in an order under *R.* 4:10-2(c);

(5) what changes should be made in the limitations on discovery imposed under these rules, and what other limitations should be imposed; and

(6) any other orders that the court should issue under *R.* 4:10-3 or under *R.* 4:103-3(b) and (c).

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:103-3. Case Management Conferences and Scheduling Orders

(a) Initial Case Management Conference and Scheduling Order.

(1) An initial case management conference must be convened with the parties' attorneys and any unrepresented parties, and thereafter a scheduling order must be issued.

(2) The scheduling order must be issued as soon as practicable, but absent good cause for delay, within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared.

(3) The scheduling order must limit the time to join other parties, amend the pleadings, complete discovery, and file motions. *R.* 4:9-1 shall not apply to cases in the CBLP.

(4) The scheduling order may (i) modify the timing of disclosures under *R.* 4:103-1(a), (ii) modify the extent of discovery, (iii) provide for disclosure, discovery, or preservation of electronically stored information; (iv) include any agreements the parties reach for asserting claims of privilege or of protection as trial-preparation material after information is produced, including agreements reached under *R.* 4:10-2(c); (v) direct that before moving for an order related to discovery, the movant must request a conference with the court; (vi) set dates for case management conferences, the final pretrial conference and for trial; and (vii) include other appropriate matters.

(5) The parties may agree to set and/or modify interim deadlines without court approval, provided any such change will not have an impact on the discovery end date.

(b) Additional Case Management Conferences. The court in its discretion may convene additional case management conferences at any time. In connection with any case management, scheduling, or status conference, other than the final pretrial conference discussed in *R.* 4:25, the parties shall abide by the requirements of this rule.

(c) Attendance and Matters for Consideration at a Case Management Conference.

(1) Attendance. A represented party must authorize at least one of its attorneys to make stipulations and admissions about all matters that can reasonably be anticipated for discussion at a case management conference. If appropriate, the court may require that a party or its representative be present or reasonably available by other means to consider possible settlement.

(2) Matters for Consideration at a Case Management Conference. At any case management conference, in addition to the matters set forth in *R.* 4:25, the court may consider and take appropriate action on the following matters:

(A) formulating and simplifying the issues, and eliminating frivolous claims or defenses;

(B) amending the pleadings if necessary or desirable;

(C) obtaining admissions and stipulations about facts and documents to avoid unnecessary proof, and ruling in advance on the admissibility of evidence;

(D) avoiding unnecessary proof and cumulative evidence, and limiting the use of testimony under N.J.R.E. 702;

(E) determining the appropriateness and timing of summary adjudication under *R.* 4:56;

(F) controlling and scheduling discovery, including orders affecting disclosures and discovery under *Rules* 4:10 through 4:19 and 4:22;

(G) identifying witnesses and documents, scheduling the filing and exchange of any pretrial briefs, and setting dates for further conferences and for trial;

(H) referring matters to a master;

(I) settling the case and using special procedures to assist in resolving the dispute when authorized by statute or rule;

(J) determining the form and content of the pretrial order;

(K) disposing of pending motions;

(L) adopting special procedures for managing potentially difficult or protracted actions that may involve complex issues, multiple parties, difficult legal questions, or unusual proof problems;

(M) ordering a separate trial under *R.* 4:38-2 of a claim, cross-claim, counterclaim, third-party action, or separate issue;

(N) ordering the presentation of evidence early in the trial on a manageable issue that might, on the evidence, be the basis for a judgment as a matter of law under *R.* 4:40-1;

(O) establishing a reasonable limit on the time allowed to present evidence; and

(P) facilitating in other ways the just, speedy, and inexpensive disposition of the action.

(d) Final Pretrial Conference and Orders. All CBLP actions shall be pretried and the requirements of *R.* 4:25 shall apply to the final pretrial conference, which should lead to the formulation of a trial plan, including a plan to facilitate the admission of evidence. The conference must be held as close to the start of trial as is reasonable, and must be attended by at least one attorney who will conduct the trial for each party and by any unrepresented party. The court may modify the order issued after a final pretrial conference only to prevent manifest injustice.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

Rule 4:104. Discovery

4:104-1. General Principles.

Except as otherwise provided in this Chapter XI, *R.* 4:10 to *R.* 4:19, *R.* 4:22, and *R.* 4:23 shall apply to the conduct of discovery in cases in the CBLP.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:104-2. Timing of Discovery

(a) A party may not seek discovery from any source before the parties have conferred as required by *R.* 4:103-2, except when expressly authorized by these rules, by stipulation, or by court order.

(b) More than 35 days after the summons and complaint are served, a request under *R.* 4:18 may be delivered: (1) to that served party by another party or (2) by that served party to any plaintiff or to any other party that has been served. Any *R.* 4:18 requests served before the *R.* 4:103-2 conference shall be deemed served on the day of the first *R.* 4:103-2 conference.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:104-3. Depositions Upon Oral Examination

(a) Unless otherwise stipulated by the parties or ordered by the court:

(1) The number of depositions taken by plaintiffs shall be limited to 10. The number of depositions taken by defendants, including third-party defendants, shall also be limited to 10; and

(2) Depositions shall be limited to 7 hours per deponent, excluding breaks. The court must allow additional time consistent with *R.* 4:10-2(a) and (g) if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination. When multiple parties intend to examine a deponent, they shall agree in advance of the deposition to an allocation of the time allowed for the deposition. If they cannot agree on such an allocation, they shall raise the issue with the court for resolution, and the deposition will be adjourned, if necessary, until after the court has resolved the dispute.

(b) For purposes of assessing compliance with a limitation on the number of depositions, unless the parties stipulate or the court orders otherwise, every seven hours of testimony by witnesses testifying in response to a notice for the testimony of an organization under *R.* 4:14-2 shall constitute one deposition. For example, if an organization designates three individuals to testify in response to a *R.* 4:14-2 notice and the three individuals testify for a total of 14 hours, the deposition testimony shall count as two depositions. Alternatively, if two individuals are designated in response to a *R.* 4:14-2 notice and testify for a total of 21 hours, their testimony shall count as three depositions.

(c) The court may impose an appropriate sanction – including the reasonable expenses and attorney's fees incurred by any party – on a person who impedes, delays, or frustrates the fair examination of the deponent.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:104-4. Interrogatories to Parties

(a) Rules 4:17-2, -5, and -6 shall not apply to cases in the CBLP. The requirement in *R.* 4:13 that stipulations extending the time to answer interrogatories receive court approval shall not apply to cases in the CBLP.

(b) The 60-day period in *R.* 4:17-4(b) for serving answers to interrogatories is reduced to 30 days, unless another time period is stipulated by the parties or ordered by the court.

(c) Each party may serve on each adverse party no more than 15 interrogatories, including subparts, unless another limit is stipulated by the parties or ordered by the court.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:104-5. Production of Documents; Electronically Stored Information; Entry Upon Land for Inspection and Other Purposes; Pre-Litigation Discovery

(a) Contents of Response to Discovery Request. A party's written response under *R.* 4:18-1(b)(2) shall, in addition to providing the information described in *R.* 4:18-1(b)(2), state specifically: (1) whether the objection(s) interposed pertain to all or part of a request being challenged; (2) whether any documents or categories of documents are being withheld and, if so, which of the stated objections forms the basis for the responding party's decision to withhold otherwise responsive documents or categories of documents; and (3) the manner in which the responding party intends to limit the scope of its production.

(b) Failure to Provide Electronically Stored Information.

(1) If electronically stored information that should have been preserved in the anticipation or conduct of litigation is lost because a party failed to take reasonable steps to preserve it, and it cannot be restored or replaced through additional discovery, the court:

(A) upon finding prejudice to another party from loss of the information, may order measures no greater than necessary to cure the prejudice; or

(B) only upon finding that that the party acted with the intent to deprive another party of the information's use in the litigation may: (i) presume that the lost information was unfavorable to the party; (ii) instruct the jury that it may or must presume the information was unfavorable to the party; or (iii) dismiss the action or enter a default judgment.

(2) A party that is subject to an order entered by the court directing the preservation or production of electronically stored information and who acts in compliance with the terms of that order may thereafter apply its regular document destruction procedures to any electronically stored information that has not been ordered to be produced or preserved and shall not be subject

to any sanction for the destruction of electronically stored information that is not subject to its obligation to produce or preserve under such court order.

(c) Privilege Logs.

(1) The preference in the CBLP is for the parties to use categorical designations, where appropriate, to reduce the time and costs associated with preparing privilege logs. The parties are required to address such considerations in good faith as part of the meet and confer process and to agree, where possible, to employ a categorical approach to privilege designations. The parties are encouraged to use any reasoned method of organizing the documents that will facilitate an orderly assessment as to the appropriateness of withholding documents in the specified category. If the parties agree to use a categorical approach, for each category of documents that may be established, the producing party shall provide a certification, pursuant to *R.* 1:4-4, setting forth with specificity the facts supporting the privileged or protected status of the information included within the category. The certification shall also describe the steps taken to identify the documents so categorized, including but not limited to whether each document was reviewed or some form of sampling or electronic key-word searching was employed, and if the latter how the sampling or key-word searching was conducted.

(2) In the event the requesting party refuses to permit a categorical approach, and instead insists on a document-by-document listing on the privilege log, the producing party, on a showing of good cause, may apply to the court for an order allowing it to use a categorical approach or allocating costs, including attorneys' fees, incurred with respect to preparing the document-by-document log.

(3) In the event a document-by-document log is prepared, each uninterrupted e-mail chain shall constitute a single entry, and the description accompanying the entry shall include the following:

(A) an indication that the e-mails represent an uninterrupted dialogue;

(B) the beginning and ending dates and times (as noted in the e-mails) of the dialogue;

(C) the number of e-mails within the dialogue; and

(D) the names of all authors and recipients, together with sufficient identifying information about each person to allow for a considered assessment of the privilege issues.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:104-6. Proposed Form of Discovery Confidentiality Order

(a) For all cases in the CBLP that warrant the entry of a confidentiality order, the parties shall submit to the court the proposed stipulation and order that appears as Appendix XXX to these rules.

(b) In the event the parties wish to deviate from the form set forth in Appendix XXX, they shall submit to the court a red-line of the proposed changes and a written explanation of why the deviations are warranted in connection with the pending matter.

(c) Nothing in this rule shall preclude a party from seeking any relief available under *R.* 4:10-3.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:104-7. Expert Witness Discovery

(a) Any party intending to present evidence under *N.J.R.E.* 702, 703, or 705 shall disclose the information described in *R.* 4:17-4(e) without requiring the service of an interrogatory requesting such information.

(b) A party must make these disclosures at the times and in the sequence that the court orders. Absent a stipulation or a court order, the disclosures must be made:

(1) at least 90 days before the date set for trial or for the case to be ready for trial; or

(2) if the evidence is intended solely to contradict or rebut evidence on the same subject matter under *N.J.R.E.* 702, 703, or 705, within 30 days after the other party's disclosure.

(c) In its initial scheduling order, the court may require any party intending to introduce expert testimony as part of its affirmative case to identify its testifying experts 30 days in advance of the date on which expert disclosures are due.

(d) A party may depose any person who has been identified under *R.* 4:104-7(a), pursuant to the provisions of *R.* 4:10-2(d)(2). The deposition may be conducted only after the disclosures required by *R.* 4:104-7(a) have been made. Such witnesses shall appear for depositions without the necessity of subpoenas.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:104-8. Signature Required; Effect of Signature

(a) Required Signature as Certification. Every disclosure under Rules 4:103-1 and 4:104-7 and every discovery request, response, or objection under Rule 4:104 must be signed by at least one attorney of record in the attorney's own name – or by the party personally, if unrepresented – and must state the signer's address, e-mail address, and telephone number. By signing, an attorney or party certifies that to the best of the person's knowledge, information, and belief formed after reasonable inquiry:

(1) with respect to a disclosure, it is complete and accurate as of the time it is made; and

(2) with respect to a discovery request, response, or objection, it is:

(A) consistent with these rules and warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, or for establishing new law;

(B) not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and

(C) neither unreasonable nor unduly burdensome or expensive, considering the needs of the case, prior discovery in the case, the amount in controversy, and the importance of the issues at stake in the action.

(b) Failure to Sign. Other parties have no duty to act on an unsigned disclosure, request, response, or objection, and the court must strike such submission unless a signature is promptly supplied after the omission is called to the attention of the submitting attorney or party.

(c) Sanction for Improper Certification. If a certification violates this rule without substantial justification, the court, on motion or *sua sponte*, may impose an appropriate sanction on the signer, the party on whose behalf the signer was acting, or both. The sanction may

include an order to pay the reasonable expenses, including attorney's fees, caused by the violation.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:104-9. Sanctions for Failure To Make Discovery

(a) R. 4:23-1 through R. 4:23-5 shall apply to determining whether, when, and how a party may be sanctioned for failing to provide discovery, except that applications for the imposition of discovery sanctions shall be subject to the procedures set forth in *R.* 4:105-4.

(b) Any motion to be brought pursuant to *R.* 4:23-5 shall be considered a discovery motion subject to *R.* 4:105-4.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

Rule 4:105. Motions

4:105-1. General Principles

After a case has been assigned or designated to the CBLP, the parties shall seek rulings on all motions in the case only from the judge assigned to the case and not from other judges unless otherwise ordered by the court.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:105-2. Motions to be Addressed in the Scheduling Order

The initial scheduling order and any amendments thereto may include provisions agreed to by the parties with the approval of the court regarding the procedures for the filing of and the disposition of motions. The court may include provisions regarding sanctions for non-compliance with these rules.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:105-3. Extensions of Time for Initial Dispositive Motions

(a) Absent an order of the court, the hearing date for a dispositive motion may not be adjourned if a trial date has been set.

(b) Subject to paragraph (a), the original motion day of an initial dispositive motion may be adjourned once by a party opposing the motion, without the consent of the moving party, the court, or the clerk.

(c) To obtain the automatic extension, a party first must contact the CBLP judge to obtain a new motion date to be set by the court. Thereafter, the party must file with the clerk, and serve upon all other parties and the court, a letter stating that the originally noticed motion day has not previously been extended or adjourned and invoking the provisions of this rule prior to the date on which opposition papers would otherwise be due under the rules. That letter shall set forth the new motion day, which shall be provided by the CBLP judge.

(d) All parties opposing the motion shall timely file their opposition papers in accordance with the rules prior to the new motion day, and the moving party shall timely file its reply papers in accordance with the rules prior to the new motion day.

(e) No other extension of the time limits shall be permitted without an order of the court, and any application for such an extension shall advise the court whether other parties have or have not consented to such request.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:105-4. Advance Notice of Discovery Motions

(a) In order to permit the court the opportunity to resolve discovery issues before motion practice ensues and to control its calendar in the context of the discovery and trial schedule, pre-motion conferences in accordance herewith must be held.

(b) The parties are required to meet and confer (in-person or by phone) before bringing any discovery issue to the attention of the court.

(c) Prior to filing a discovery motion, counsel for the moving party shall advise the court in writing (no more than five pages), on notice to opposing counsel, outlining the issue(s) in dispute and the party's position on each such issue and requesting a telephone conference.

(d) Within three business days of receipt of the letter from counsel for the movant, any party opposing the relief shall submit a letter to the court (no more than five pages), on notice to opposing counsel, outlining the issue(s) in dispute and the party's position on each such issue.

(e) Upon review of the motion notice and response letter(s), the court will schedule a telephone or in-court conference with counsel. At the discretion of the court, the conference may be held on the record. Counsel fully familiar with the matter and with authority to bind their client must be available to participate in the conference. The unavailability of counsel for the scheduled conference, except for good cause shown, may result in granting of the application without opposition and/or the imposition of sanctions.

(f) If the court resolves the matter during the conference, an order consistent with such resolution may be issued or counsel will be directed to forward a letter confirming the resolution to be "so ordered."

(g) If the court does not resolve the matter during the conference, the court shall set a

briefing schedule for the motion. Except for good cause shown, the failure to comply with the briefing schedule may result in the submission of the motion unopposed or the dismissal of the motion, as may be appropriate.

(h) Where a motion must be made within a certain time pursuant to the rules or court order, the submission of a motion notice letter, as provided in this rule, within the prescribed time shall be deemed the timely making of the motion. This submission shall not be construed to extend any jurisdictional limitations period.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:105-5. Process Applicable to Summary Judgment Motions

This rule applies to any motion brought pursuant to *R.* 4:46, which shall continue to apply to the extent not inconsistent with this rule.

(a) The parties are to confer and agree on a briefing schedule for dispositive motions, including cross-motions.

(b) The moving party will prepare its notice of motion, brief, affidavits, other supporting documentation and statement of material facts. These papers will be sent to all adversaries and the original filed with the clerk with no motion date designated.

(c) An original of all opposition papers are then to be filed with the clerk in accordance with the agreed-upon schedule of the parties. Two copies of all opposition papers are to be served on the movant and all other parties.

(d) An original of all reply papers are then to be filed with the clerk in accordance with the agreed-upon schedule of the parties. Copies of all reply papers are to be served on all other parties.

(e) After the motion has been fully briefed, the movant shall file a letter with the clerk, and serve a copy on the CBLP judge and all other parties, certifying that the matter is fully briefed and asking the clerk to place the motion on the court's motion calendar for a motion date within 30 days of the submission date. The motion return date may be changed by the court, and if the court changes the motion date, it shall notify the parties. The clerk shall forward all original filed motion papers to the court. The movant shall provide one full set of all motion papers as a courtesy copy to the court, listing in the cover letter all papers submitted.

(f) If any party receiving a motion for summary judgment seeks to file a cross-motion for summary judgment, the cross-movant shall confer with the movant to agree on a

revised briefing schedule, as appropriate. The cross-movant thereafter shall file and serve a single brief consisting of its opposition to the original motion and its moving brief on the cross-motion. The original moving party shall then file and serve a single brief consisting of its reply on the original motion and its opposition to the cross-motion. The cross-movant shall then file and serve a reply brief limited to the issues on the cross-motion. After both the motion and cross-motion have been fully briefed, the original moving party shall file a letter with the clerk, and serve a copy on the CBLP judge and all other parties, certifying that the matters are fully briefed and asking the clerk to place the motions on the court's motion calendar for a motion date within 30 days of the submission date. The motion return date may be changed by the court, and if the court changes the motion date, it shall notify the parties. The clerk shall forward all original filed motion and cross-motion papers to the court. The original moving party shall collect all papers submitted in support of and in opposition to both the original motion and the cross-motion, and shall provide one full set of all motion papers as a courtesy copy to the court, listing in the cover letter all papers submitted.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:105-6. Length of Papers

Unless otherwise permitted by the court: (i) the page limitations for briefs or memoranda of law set forth in *R.* 1:6-5 shall apply; and (ii) affidavits/certifications, exclusive of exhibits, shall be limited to 25 pages.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:105-7. Sur-Reply and Post-Submission Papers

Absent express permission in advance, sur-reply papers, including correspondence, addressing the merits of a motion are not permitted, except that counsel may inform the court by letter of the citation of any post-submission court decision that is relevant to the pending issues, but there shall be no additional argument. Materials submitted in violation hereof will not be read or considered. Opposing counsel who receives a copy of materials submitted in violation of this rule shall not respond in kind unless instructed by the court.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:105-8. Joint Motion Submissions

A party who elects to join in any pending motion or opposition shall do so by timely submitting a letter stating that the party is joining in the relief sought and relying upon the papers submitted by the movant or opponent of the motion.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

4:105-9. Motions Not Requiring Briefs

(a) No brief is required by either movant or respondent, unless otherwise directed by the court, with respect to the following motions: for extension of time for the performance of an act required or allowed to be done, provided request therefor is made before the expiration of the period originally prescribed or extended by previous orders; to continue a pretrial conference, hearing, or the trial of an action; to add parties; to amend the pleadings; to file supplemental pleadings; for substitution of parties; or for *pro hac vice* admission of counsel who are not members of the New Jersey State Bar.

(b) The above motions, which are not required to be accompanied by a brief, shall state good cause therefor and cite any applicable rule, statute, or other authority justifying the relief sought. These motions shall be accompanied by a proposed order.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

Rule 5:1-2. Actions Cognizable

The following actions shall be cognizable in the Family Part:

(a) [Civil] Family Actions Generally. All [civil] actions in which the principal claim is unique to and arises out of a family or family-type relationship, including palimony actions, shall be [brought] filed and heard in the Chancery Division, Family Part. Such actions shall include all actions and proceedings referenced [provided for] in Chapters II and III of Part V, unless otherwise provided in Rule 4:3-1(a)(4); all [civil] actions and proceedings formerly designated as matrimonial actions; actions that arise under the Domestic Partnership Act, N.J.S.A. 26:8A-1 et seq.; actions arising under N.J.S.A. 37:1-28 et seq. relating to civil unions; and all [civil] actions and proceedings formerly cognizable in the Juvenile and Domestic Relations Court[; and all other civil actions and proceedings unique to and arising out of a family or a family-type relationship].

(b) ... no change

(c) ... no change

Note: Source-new. Adopted December 20, 1983, to be effective December 31, 1983; paragraph (c)(1) amended June 28, 1996 to be effective September 1, 1996; paragraph (a) amended June 15, 2007 to be effective September 1, 2007; paragraph (a) caption and text amended July 27, 2018 to be effective September 1, 2018.

5:22-2. Waiver of Jurisdiction and Referral Without Juvenile's Consent

(a) Motion for Waiver of Jurisdiction and Referral. . . . no change.

(b) Waiver Hearing. . . . no change.

(c) Factors to be Considered. . . . no change.

(d) Standards for Referral. . . . no change.

(e) Order to Waive Jurisdiction and for Referral. . . . no change.

(f) Filing Complaint Upon Granting of Waiver. Upon the issuance of an order granting waiver and a detention decision pursuant to N.J.S.A. 2A:4A-36, the waived juvenile shall, if necessary, be released to law enforcement for the sole purpose of any post-arrest identification procedures required by N.J.S.A. 53:1-15 or otherwise required by law, and the prosecutor shall file a complaint with the appropriate court within 12 hours.

Note: Source -- R.R. (1969) 5:9-5(b), (c). Adopted December 20, 1983, to be effective December 31, 1983; paragraph (b)(2)(E) amended July 14, 1992 to be effective September 1, 1992; paragraphs (a), (b)(2)(F) and (b)(4) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a) and (b)(2)(D), (E) and (F) amended, paragraph (b)(2)(G) adopted June 28, 1996 to be effective September 1, 1996; paragraphs (b) and (b)(1) amended, former paragraphs (b)(2), (b)(3), and (b)(4) deleted, new paragraphs (b)(2), (b)(3), and (b)(4) added July 10, 2002 to be effective September 3, 2002; paragraphs (b)(2)(B) and (b)(2)(C) amended, new paragraph (b)(2)(D) adopted, paragraph (b)(3) caption amended, paragraphs (b)(3)(B) and (b)(3)(C) amended, new paragraph (b)(3)(D) adopted July 28, 2004 to be effective September 1, 2004; new paragraph (b) added, and former paragraphs (b), (c), (d) redesignated as paragraphs (c), (d), (e) June 15, 2007 to be effective September 1, 2007; caption amended, paragraphs (a) and (b) caption and text amended, new paragraph (c) adopted, former paragraph (c) redesignated as paragraph (d) and text amended, former paragraph (d) redesignated as paragraph (e) and caption and text amended, former paragraph (e) deleted with text relocated to paragraph (b) August 1, 2016 to be effective September 1, 2016; new paragraph (f) adopted July 27, 2018 to be effective September 1, 2018.

6:1-1. Scope and Applicability of Rules

The rules in Part VI govern the practice and procedure in the Special Civil Part, heretofore established within and by this rule continued in the Law Division of the Superior Court.

(a) ... no change.

(b) ... no change.

(c) Fees. The fees charged for actions in the Special Civil Part shall be in accordance with N.J.S.A. 22A:2-37.1 and *R.* 1:43 (insofar as applicable), provided that the face of the pleading and summons alleges the amount in controversy does not exceed $15,000, and the fees for actions which are not filed in the Special Civil Part shall be in accordance with N.J.S.A. 22A:2-6 et seq. Checks for fees and all other deposits shall be made payable to the Treasurer, State of New Jersey.

(d) ... no change.

(e) ... no change.

(f) Judgments. R. 4:101 shall not apply to judgments of the Special Civil Part unless a statement for docketing is filed with the Clerk of the Superior Court. A statement for docketing shall issue [on request to the Clerk of the Superior Court on] upon ex parte application of the party requesting docketing to the Office of the Special Civil Part in the appropriate county; it shall bear the name of the Clerk of the Superior Court thereon [, on ex parte application of the party requesting docketing,] and shall be filed by the requesting party with the Clerk of the Superior Court upon payment of the statutory fees.

(g) Forms. The forms contained in Appendix XI to these rules are approved and, except as otherwise provided in R. 6:2-1 (form of summons), R. 6:7-1(a) (execution against goods and

chattels and wage execution) and R. 6:7-2(b) through (g) (information subpoena), suggested for use in the Special Civil Part. Samples of each form shall be made available to litigants by the [Clerk of the Superior Court] Special Civil Part Office.

Note: Caption amended and paragraphs (a) through (g) adopted November 7, 1988 to be effective January 2, 1989; paragraph (c) amended July 17, 1991 to be effective immediately; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 27, 2006 to be effective September 1, 2006; paragraphs (e) and (g) amended July 9, 2008 to be effective September 1, 2008; paragraph (e) amended July 19, 2012 to be effective September 4, 2012; paragraph (g) amended August 1, 2016 to be effective September 1, 2016; paragraphs (f) and (g) amended March 7, 2017 to be effective immediately; paragraphs (c), (f), and (g) amended July 27, 2018 to be effective September 1, 2018.

6:1-2. Cognizability

(a) Matters Cognizable in the Special Civil Part. The following matters shall be cognizable in the Special Civil Part, except as otherwise specifically provided in R. 4:3-1(a)(4):

(1) Civil actions (exclusive of professional malpractice, probate, and matters cognizable in the Family Division or Tax Court) seeking legal relief when the amount in controversy does not exceed $ 15,000;

(2) Small claims actions, which are defined as all actions in contract and tort (exclusive of professional malpractice, probate, and matters cognizable in the Family Division or Tax Court) and actions between a landlord and tenant for rent, or money damages, when the amount in dispute, including any applicable penalties, does not exceed, exclusive of costs, the sum of $ 3,000. Small claims also include actions for the return of all or part of a security deposit when the amount in dispute, including any applicable penalties, does not exceed, exclusive of costs, the sum of $ 5,000. The Small Claims Section may provide such ancillary equitable relief as may be necessary to effect a complete remedy. Actions in lieu of prerogative writs and actions in which the primary relief sought is equitable in nature are excluded from the Small Claims Section;

(3) Summary landlord/tenant actions;

(4) Summary actions for the possession of real property pursuant to N.J.S.A. 2A:35-1 et seq., where the defendant has no colorable claim of title or possession, or pursuant to N.J.S.A. 2A:39-1 et seq.;

(5) Summary proceedings for the collection of statutory penalties not exceeding $ 15,000 per complaint.

(b) . . . no change

(c) . . . no change

Note: Adopted November 7, 1988 to be effective January 2, 1989; caption added to paragraph (a) and paragraph (a) amended July 17, 1991 to be effective immediately; paragraphs (a)(1) and (2) amended July 14, 1992 to be effective September 1, 1992; paragraphs (a)(1) and (2) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a)(1) and (a)(2) amended July 12, 2002 to be effective September 3, 2002; paragraph (a)(2) amended July 28, 2004 to be effective September 1, 2004; subparagraph (a)(4) and paragraph (c) amended July 27, 2006 to be effective September 1, 2006; subparagraphs(a)(1) and (a)(2) amended, new subparagraph (a)(4) adopted, former subparagraph (a)(4) redesignated as subparagraph (a)(5), and former subparagraph (a)(5) deleted July 19, 2012 to be effective September 4, 2012; paragraph (a) amended July 27, 2018 to be effective September 1, 2018.

6:1-3. Venue

(a) ... no change.

(b) Improperly Venued Complaints. If a Special Civil Part complaint is presented for filing in a county where venue does not lie, and the error is apparent prior to acceptance of the complaint for filing and processing, the complaint shall be date stamped and returned to the plaintiff with instructions to file it in the county in which venue is properly laid. The original stamped date shall be considered the filing date only if the complaint is filed within 15 days thereof with the [Clerk of the Superior Court or the Deputy Clerk of the Superior Court] Office of the Special Civil Part in the appropriate county. The stamp bearing the filing date shall so inform the plaintiff.

If, however, the complaint has been filed and it becomes apparent before service is effectuated that venue is improper, the [court] Office of the Special Civil Part shall forward the complaint and all other documents filed in the matter to the proper county and advise the litigants of the correct county of venue as well as the address of the Special Civil Part Office in that county.

Note: Adopted November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; paragraph (a) amended July 27, 2006 to be effective September 1, 2006; paragraph (a) amended August 1, 2016 to be effective September 1, 2016; paragraph (b) amended March 7, 2017 to be effective immediately; paragraph (b) amended July 27, 2018 to be effective September 1, 2018.

6:2-2. Process; Filing and Issuance

(a) Delivery to Clerk; Issuance. The plaintiff shall, when filing the complaint, furnish the clerk [in tenancy actions] with the summons as set forth in Appendix XI-B for tenancy actions, [to be issued and in all other actions with page 2 of] with the summons as set forth in Appendix [Appendices] XI-A(1) [and (2)] for Special Civil (DC) actions, and with the summons as set forth in Appendix XI-A(2) (page 2 only) for Small Claims actions. [to these Rules and two copies with the complaint annexed for each defendant, together with two additional copies for each mentally incapacitated defendant.] In tenancy actions, two additional copies of the summons and complaint shall be filed for each defendant. The clerk shall issue the summons except as otherwise provided by law and, in tenancy actions, shall attach to the summons and complaint for service on each defendant English and Spanish copies of the announcement contained in Appendix XI-S to these rules and copies of any notices upon which the plaintiff intends to rely, as set forth in *R.* 6:3-4(d). Original process shall issue out of the court and shall require an answer or an appearance at a specific time.

(b) Non-resident Defendants; Filing. If no defendant can be served with process within this State, the plaintiff may file the complaint with the [Clerk of the Superior Court or Deputy Clerk of the Superior Court] Office of the Special Civil Part of the county in which the subject transaction or occurrence took place.

Note: Source -- R.R. 7:3 (second sentence), 7:4-2, 7:4-4; former rule amended and designated paragraph (a) and paragraph (b) adopted July 17, 1975 to be effective September 8, 1975; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 18, 2001 to be effective November 1, 2001; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended March 7, 2017 to be effective immediately; paragraphs (a) and (b) amended July 27, 2018 to be effective September 1, 2018.

6:3-3. Motion Practice

(a) ...no change.

(b) ...no change.

(c) Service and Form. Motions shall be made in the form and manner prescribed by R. 1:6, and in conformity with R. 6:6-1, provided, however, that:

(1) ...no change.

(2) ...no change.

(3) ...no change.

(4) ...no change.

(5) ...no change.

(6) In addition to the notice contained in subparagraph (3) above, all notices of motion for turnover that will satisfy the underlying judgment if granted must also state at the top of the page "NOTICE OF MOTION TO TURNOVER THAT WILL FULLY SATISFY THE JUDGMENT," and the filing fee shall be waived as provided in R. 1:43 upon the inclusion of an additional statement in the affidavit or certification in support thereof which states that "the judgment will be fully satisfied if the requested relief is granted."

(7) [(6)]... The party seeking an order under this rule shall submit a proposed form of order with the moving papers.

(d) ...no change.

(e) ...no change.

Note: Source -- R.R. 7:5-9, 7:5-10, 7:5-11(a)(b); paragraph (c) amended July 15, 1982 to be effective September 13, 1982; paragraph (c) amended November 2, 1987 to be effective January 1, 1988; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (c) amended June 29, 1990 to be effective September 4, 1990; paragraph (c) amended and paragraph (d) adopted July 14, 1992 to be effective September 1, 1992; new text of subparagraph (c)(5) added and former subparagraph (c)(5) redesignated as (c)(6) July 13, 1994 to be effective September 1, 1994; subparagraph (c)(2) amended, subparagraphs (c)(4), (c)(5), and (c)(6)

redesignated as subparagraphs (c)(6), (c)(7), and (c)(8), and new subparagraphs (c)(4) and (c)(5) adopted July 5, 2000, to be effective September 5, 2000; paragraph (a) amended, paragraph (b) caption and text amended, paragraphs (c)(6) and (c)(7) amended and redesignated as paragraphs (b)(1) and (b)(2), new paragraph (b)(3) added, paragraph (c)(8) redesignated as paragraph (c)(6), paragraph (d) amended, and new paragraph (e) added July 12, 2002 to be effective September 3, 2002; subparagraph (c)(1) amended July 28, 2004 to be effective September 1, 2004; new subparagraph (c)(6) added and former subparagraph (c)(6) redesignated as subparagraph (c)(7) July 27, 2018 to be effective September 1, 2018.

6:4-1. Transfer of Actions

(a) ... no change.

(b) Transfer When Recovery Will Exceed Monetary Limit. A plaintiff, after commencement of an action in the Special Civil Part, but before the trial date, may apply for removal of the action to the Civil Part of the Law Division, on the ground that it appears likely that the recovery will exceed the Special Civil Part monetary limit by (1) filing and serving in the Special Civil Part an affidavit or that of an authorized agent stating that the affiant believes that the amount of the claim, when established by proof, will exceed the sum or value constituting the monetary limit of the Special Civil Part and that it is filed in good faith and not for the purpose of delay; and (2) filing in the Civil Part of the Law Division and serving a motion for transfer. The Civil Part of the Law Division shall order the transfer if it finds that there is reasonable cause to believe that the amended claim is founded on fact and that it has reasonable chance for success upon the trial thereof.

(c) Transfer When Counterclaim Exceeds Monetary Limit. A defendant filing a counterclaim in excess of the Special Civil Part monetary limit may apply for removal of the action to the Civil Part of the Law Division by (1) filing and serving in the Special Civil Part the counterclaim together with an affidavit or that of an authorized agent stating that the affiant believes that the amount of such claim, when established by proof, will exceed the sum or value constituting the monetary limit of the Special Civil Part and that it is filed in good faith and not for the purpose of delay; and (2) filing in the Civil Part of the Law Division and serving a motion for transfer. The Civil Part of the Law Division shall order the transfer if it finds that there is

reasonable cause to believe that the counterclaim is founded on fact and that it has reasonable chance for success upon the trial thereof.

(d) Transmission of Record; Costs. Upon presentation of an order transferring an action to the Civil Part of the Law Division, the [Clerk of the Superior Court] Office of the Special Civil Part shall transmit the papers on file in the court [, together with copies thereof,] to the Civil Part of the Law Division [Deputy Clerk] of the Superior Court in the county of venue.

(e) ...no change.

(f) ...no change.

(g) Transfer of Landlord/Tenant Actions. A motion to transfer a summary action for the recovery of premises to the Civil Part of the Law Division pursuant to N.J.S.A. 2A:18-60, shall be made by serving and filing the original of that motion with the [Clerk of the Superior Court] Office of the Special Civil Part no later than the last court day prior to the date set for trial. The motion shall be returnable in the Special Civil Part on the trial date, or such date thereafter as the court may determine in its discretion or upon application by the respondent for more time to prepare a response to the motion. Upon the filing of the motion, the Special Civil Part shall take no further action pending disposition of the motion. If the motion is not resolved on the original trial date, the court may require security for payment of rent pending disposition of the motion. If the motion is granted, the [Clerk of the Superior Court] Office of the Special Civil Part shall transmit the record in accordance with R. 6:4-1(d). If the motion is denied, the court shall set the action expeditiously for summary hearing.

Note: Source -- R.R. 7:6-1(a)(b)(c)(d)(e). Paragraph (b) adopted and former paragraphs (b)(c)(d)(e) redesignated June 29, 1973 to be effective September 10, 1973; paragraph (g) amended July 21, 1980 to be effective September 8, 1980; paragraph (f) amended November 2, 1987 to be effective January 1, 1988; paragraphs (a), (b), (c), (d), (e) and (g) and captions of

paragraphs (b), (c) and (e) amended November 7, 1988 to be effective January 2, 1989; paragraph (g) amended July 14, 1992 to be effective September 1, 1992; paragraph (d) amended July 13, 1994 to be effective September 1, 1994; paragraph (d) amended July 19, 2012 to be effective September 4, 2012; paragraph (f) amended August 1, 2016 to be effective September 1, 2016; paragraphs (d) and (g) amended March 7, 2017 to be effective immediately; paragraphs (b), (c), (d) and (g) amended July 27, 2018 to be effective September 1, 2018.

6:4-7. Adjournment of Proceedings

(a) ...no change.

(b) Adjournment to Complete Discovery. If a case in which discovery is permitted is listed for [arbitration,] mediation[,] or trial before the expiration of the time allowed by these rules or court order for discovery, an adjournment to complete discovery shall routinely be granted without necessity of an appearance or the consent of the adversary if the request is made within the discovery period and discovery was timely commenced, as required by these rules. The requesting party shall notify the adversary of the court's response.

Note: Adopted July 12, 2002 to be effective September 3, 2002, incorporating a portion of R. 6:5-2(a) as paragraph (b); paragraph (b) amended July 27, 2018, to be effective September 1, 2018.

6:6-5. Judgment [After Trial]; Costs

Upon receipt of the verdict of a jury, [or] upon determination by a judge sitting without a jury, or upon other determination by a judge, the clerk shall note the judgment on the jacket and it shall take effect forthwith. The clerk shall thereupon enter the judgment and tax the costs.

Note: Source — R.R. 7:9-6 (first two sentences), as Rule 6:6-4; redesignated as Rule 6:6-5 July 18, 2001 to be effective November 1, 2001; amended July 27, 2018 to be effective September 1, 2018.

6:7-2. Orders for Discovery; Information Subpoenas

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) ...no change.

(f) Order to Enforce Litigant's Rights. If the judgment-debtor has failed to appear in court on the return date and the court enters an order to enforce litigant's rights, it shall be in the form set forth in Appendix XI-O to these Rules and shall state that upon the judgment-debtor's failure, within 10 days of the certified date of mailing or personal service of the order, to comply with the information subpoena or discovery order, the court [will] may issue an arrest warrant. The judgment-creditor shall serve a copy of the signed order upon the judgment-debtor either personally or by mailing it simultaneously by regular and certified mail, return receipt requested. The date of mailing or personal service shall be certified on the order.

(g) ...no change.

(h) ...no change.

(i) ...no change.

Note: Source — R.R. 7:11-3(a)(b), 7:11-4. Paragraph (a) amended June 29, 1973 to be effective September 10, 1973; paragraph (a) amended July 17, 1975 to be effective September 8, 1975; amended July 21, 1980 to be effective September 8, 1980; caption amended, paragraph (a) caption and text amended, paragraph (b) adopted and former paragraph (b) amended and redesignated as paragraph (c) June 29, 1990 to be effective September 4, 1990; paragraph (a) amended and paragraphs (d), (e) and (f) adopted July 14, 1992 to be effective September 1, 1992; paragraphs (b), (d), (e) and (f) amended July 13, 1994 to be effective September 1, 1994; former paragraph (b) redesignated as subparagraph (b)(1), subparagraph (b)(2) adopted, paragraph (c) amended, paragraph (d) adopted, former paragraph (d) amended and redesignated as paragraph (e), former paragraphs (e) and (f) redesignated as paragraphs (f) and (g) June 28, 1996 to be effective September 1, 1996; subparagraph (b)(2) and paragraph (g) amended July 10, 1998 to be effective September 1, 1998; paragraph (h) adopted July 5, 2000 to be effective

September 5, 2000; new paragraph (h) added, and former paragraph (h) redesignated as paragraph (i) July 12, 2002 to be effective September 3, 2002; paragraphs (f) and (g) amended July 28, 2004 to be effective September 1, 2004; paragraph (g) amended July 19, 2012 to be effective September 4, 2012; paragraph (f) amended July 27, 2018 to be effective September 1, 2018.

6:7-3. Wage Executions; Notice, Order, Hearing; Accrual of Interest

(a) Notice, Order, Hearing. The provisions of R. 4:59-1(e) (wage executions) are applicable to the Special Civil Part, except as otherwise provided by R. 6:7-1(a) and except that the judgment-debtor shall notify the [Clerk of the Superior Court] Office of the Special Civil Part by filing in the county in which the execution originated and the judgment-creditor in writing within 10 days after service of the notice of any reasons why the order should not be entered and the judgment-creditor may waive in writing the right to appear at the hearing on the objection and rely on the papers.

(b) ... no change.

Note: Source — R.R. 7:11-5. Amended July 7, 1971 to be effective September 13, 1971; amended July 14, 1972 to be effective September 5, 1972; former rule redesignated as paragraph (a) and paragraph (b) adopted and caption amended July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (b) amended June 29, 1990 to be effective September 4, 1990; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 27, 2006 to be effective September 1, 2006; paragraphs (a) and (b) amended July 19, 2012 to be effective September 4, 2012; paragraph (a) amended March 7, 2017 to be effective immediately; paragraph (a) amended July 27, 2018 to be effective September 1, 2018.

8:3-1. Commencement of Action

(a) An action is commenced by filing a complaint with the Clerk of the Tax Court. Pursuant to R. 1:32-2A, the Supreme Court has approved the mandatory use of eCourts Tax by attorneys to commence all local property tax matters in the Tax Court. All State tax matters are commenced through the filing of a paper complaint.

(b) ... no change.

(c) ... no change

Note: Adopted June 20, 1979 to be effective July 1, 1979. Former rule redesignated as paragraph (a) and paragraph (b) adopted July 22, 1983 to be effective September 12, 1983; new paragraph (c) adopted July 28, 2004 to be effective September 1, 2004; paragraph (a) amended July 27, 2018 to be effective September 1, 2018.

8:3-5. Contents of Complaint; Specific Actions

(a) Local Property Tax Cases.

(1) The first paragraph of every complaint and counterclaim shall set forth the block, lot and street address of the property. A Case Information Statement in the form specified by the Tax Court shall be attached to the face of the complaint or counterclaim, and a copy of the County Board of Taxation judgment and memorandum of judgment or order or determination to be reviewed shall be attached to the complaint, except in matters to be directly reviewed by the Tax Court pursuant to N.J.S.A. 54:3-21. The complaint shall include the name of the owner, the name of the plaintiff if other than the owner and the relationship of the plaintiff to the owner, the assessment, the type of property, the prior year(s) for which action is pending in the Tax Court for the same property and whether exemption or farmland qualification is claimed.

(2) ... no change

(3) ... no change

(4) ... no change

(b) ... no change

(c) ... no change

Note: Adopted June 20, 1979 to be effective July 1, 1979. Paragraphs (a)(1), (2) and (3) amended July 8, 1980 to be effective July 15, 1980; paragraphs (a)(1) and (3) amended July 15, 1982 to be effective September 13, 1982; paragraph (a)(4) amended July 22, 1983 to be effective September 12, 1983; paragraph (b) amended November 1, 1985 to be effective January 2, 1986; paragraphs (a)(1), (2) and (4) amended November 5, 1986 to be effective January 1, 1987; paragraph (b)(2) amended November 7, 1988 to be effective January 2, 1989; paragraphs (a)(1), (b)(1) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (a)(4) amended July 10, 1997 to be effective September 1, 1997; paragraph (b)(1) amended July 9, 2008 to be effective September 1, 2008; paragraph (a)(3) amended February 9, 2010 to be effective immediately; subparagraph (a)(1) amended July 27, 2018 to be effective September 1, 2018.

8:4-1. Time for Filing Complaint

The time within which a complaint may be filed in the Tax Court is as follows:

(a) Local Property Tax Matters.

(1) ... no change

(2) ... no change

(3) ... no change

(4) Complaints pursuant to the direct review provisions of N.J.S.A. 54:3-21(a)(1) and appeals pursuant to N.J.S.A. 54:3-21(a)(2) [N.J.S. 54:3-21] shall be filed on or before April 1 of the tax year or 45 days from the date the bulk mailing of notification of assessment is completed in the taxing district, whichever is later. [In a taxing district where a municipal wide revaluation or a municipal-wide reassessment has been implemented, complaints pursuant to the direct review provisions of N.J.S.A. 54:3-21 shall be filed on or before May 1 of the tax year.] Complaints seeking to review a notification of change in assessment pursuant to the provisions of N.J.S.A. 54:3-21(a)(1) [54:3-21] shall be filed within 45 days of the service of the notice of change in assessment. Service of the notice of change in assessment, when by mail, shall be deemed complete as of the date the notice is mailed, subject to the provisions of R. 1:3-3.

(5) In a taxing district where a municipal-wide revaluation or a municipal-wide reassessment has been implemented, complaints pursuant to the direct review provision of N.J.S.A. 54:3-21(a)(1) shall be filed on or before May 1 of the tax year, or 45 days from the date the bulk mailing of notice of assessment is completed in the taxing district, whichever is later. This provision does not apply to taxing districts located in a county participating in the demonstration project established under N.J.S.A. 54:1-104, which shall be subject to the general provisions of subparagraph (4) above.

(b) ... no change

(c) ... no change

Note: Adopted June 20, 1979 to be effective July 1, 1979. Paragraph (a)(2) amended July 8, 1980 to be effective July 15, 1980; paragraphs (a)(2) and (3) amended July 22, 1983 to be effective September 12, 1983; paragraph (c) adopted July 22, 1983 to be effective September 12, 1983; paragraph (a)(1) amended November 5, 1986 to be effective January 1, 1987; paragraph (c) amended May 6, 1991 to be effective immediately; paragraph (a)(4) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) caption and text amended July 12, 2002 to be effective September 3, 2002; paragraphs (a)(4), (b) and (c) amended July 9, 2008 to be effective September 1, 2008; subparagraph (a)(4) amended and new subparagraph (a)(5) added July 27, 2018 to be effective September 1, 2018.

8:4-3. Time for Filing Responsive Pleadings

The time for filing of all pleadings other than the complaint, including answers to complaints filed under the Correction of Errors Law, N.J.S.A. 54:51A-7, shall be as prescribed by R. 4:6-1 and subject to R. 1:3-3 provided [except] that:

(a) All counterclaims in [In] a direct appeal of a local property tax matter pursuant to N.J.S.A. 54:3-21 shall be filed on or before April 1, unless the petition of appeal or complaint is filed on April 1 or during the 19 days next preceding April 1, in which case a taxpayer of a taxing district shall have [, a counterclaim may be filed within] 20 days from the date of service of the complaint to file a counterclaim [even if the counterclaim is filed after the deadline for filing the complaint provided by N.J.S.A. 54:3-21].

(b) ... no change

Note: Adopted June 20, 1979 to be effective July 1, 1979; amended July 16, 1981 to be effective September 14, 1981; amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; initial paragraph amended August 1, 2016 to be effective September 1, 2016; initial paragraph amended and paragraph (a) amended July 27, 2018 to be effective September 1, 2018.

8:6-1. Discovery; Exchange of Appraisals and Comparable Sales and Rentals

(a) Discovery. Discovery may be taken in accordance with the provisions of R. 4:10-1 through R. 4:18-2 and R. 4:22 through R. 4:25 insofar as applicable except as follows:

(1) ... no change

(2) In state tax cases the 180 days for the completion of discovery shall commence to run on the date the answer is served. At any time the court, in its discretion or by agreement between the parties, may extend or reopen the time to complete discovery. Completion of discovery shall be coordinated with pretrial conference and memoranda. Requests for admission shall be served in a separate document so titled and shall not be combined with interrogatories, document production requests, or any other material. All interrogatory answers shall first state the question and then beneath the question state the answer to that question. In state tax cases, discovery shall not be served or answered on eCourts Tax.

(3) ... no change

(4) ... no change

(5) In local property tax cases, interrogatories and requests for production of documents shall be in the form and manner prescribed by the Tax Court. In local property tax cases, discovery shall not be served or answered on eCourts Tax.

(6) ... no change

(b) ... no change

Note: Adopted June 20, 1979 to be effective July 1, 1979. Amended July 8, 1980 to be effective July 15, 1980; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended and caption amended July 15, 1982 to be effective September 13, 1982; paragraph (b)(1)(iii) adopted July 22, 1983 to be effective September 12, 1983; paragraph (a)(4) adopted November 5, 1986 to be effective January 1, 1987; paragraph (a)(5) adopted July 13, 1994 to be effective September 1, 1994; paragraphs (b)(1)(i) and (b)(1)(ii) amended July 10, 1998 to be effective September 1, 1998; new paragraph (a)(1) added, former

paragraphs (a)(1), (a)(2), and (a)(3) amended and redesignated as paragraphs (a)(2), (a)(3), and (a)(4), and former paragraphs (a)(4) and (a)(5) redesignated as paragraphs (a)(5) and (a)(6) July 12, 2002 to be effective September 3, 2002; Rule 8:6 caption amended, paragraphs (a) and (b) amended July 9, 2008 to be effective September 1, 2008; paragraphs (a)(2) and (a)(4) amended July 22, 2014 to be effective September 1, 2014; subparagraphs (a)(2) and (a)(5) amended July 27, 2018 to be effective September 1, 2018.

RULE 8:12. FILING FEES

(a) ... no change

(b) ... no change

(c) Multiple Causes of Action in a Single Complaint or Counterclaim.

(1) Real Property in Common Ownership. If a complaint or counterclaim in an action to review a real property tax assessment includes more than one separately assessed parcel of property in common ownership pursuant to R. 8:3-5(a)(2), (3) and (4), the filing fee shall be $250 for the first separately assessed parcel of property included in the complaint and $50 for each additional separately assessed parcel of property of said property owner included in the complaint; provided, however, that in the event the sole cause of action shall be the appeal of the grant or denial of an exemption, the fee for additional separately assessed parcels of property shall not be imposed.

(2) ... no change

(3) ... no change

(4) ... no change

(d) Matters Exempt from Fee.

(1) No fee shall be paid upon the filing of a complaint within the small claims jurisdiction in an action where the sole issue is eligibility for any homestead credit, rebate, or refund program administered by the Division of Taxation or a senior citizen's or veteran's exemption or deduction.

(2) No fee shall be paid by a taxing district upon the filing of a counterclaim or any responsive pleading.

Note: Adopted June 20, 1979 to be effective July 1, 1979; amended July 22, 1983 to be effective September 12, 1983; paragraph (d) redesignated (d)(1) and paragraph (d)(2) adopted November 5, 1986 to be effective January 1, 1987; paragraphs (a), (b) and (c) amended July 9, 1991 to be effective July 10, 1991; paragraphs (a), (b) and (c) amended, paragraph (c)(2) redesignated (c)(2)(i) and paragraph (c)(2)(ii) adopted July 10, 1997, to be effective September 1, 1997; paragraph (b) and (c)(2) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a), (c)(1), (c)(2)(i), (c)(2)(ii) and (c)(3) amended July 1, 2002 to be effective immediately; paragraphs (a) and (b) amended July 27, 2006 to be effective September 1, 2006; paragraph (d)(1) amended July 9, 2008 to be effective September 1, 2008; paragraphs (a), (b), and (c) amended and paragraph (d)(2) deleted October 31, 2014 to be effective November 17, 2014; paragraph (d) amended August 1, 2016 to be effective September 1, 2016; subparagraph (c) amended, text of paragraph (d) designated as subparagraph (d)(1), and new subparagraph (d)(2) added July 27, 2018 to be effective September 1, 2018.

RPC 1.6. Confidentiality of Information

(a) A lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for (1) disclosures that are impliedly authorized in order to carry out the representation, (2) disclosures of information that is generally known, and [except] (3) as stated in paragraphs (b), (c) and (d).

(b) A lawyer shall reveal such information to the proper authorities, as soon as, and to the extent the lawyer reasonably believes necessary, to prevent the client or another person:

(1) from committing a criminal, illegal or fraudulent act that the lawyer reasonably believes is likely to result in death or substantial bodily harm or substantial injury to the financial interest or property of another; or

(2) from committing a criminal, illegal or fraudulent act that the lawyer reasonably believes is likely to perpetrate a fraud upon a tribunal.

(c) If a lawyer reveals information pursuant to RPC 1.6(b), the lawyer also may reveal the information to the person threatened to the extent the lawyer reasonably believes is necessary to protect that person from death, substantial bodily harm, substantial financial injury, or substantial property loss.

(d) A lawyer may reveal such information to the extent the lawyer reasonably believes necessary:

(1) to rectify the consequences of a client's criminal, illegal or fraudulent act in the furtherance of which the lawyer's services had been used;

(2) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, or to establish a defense to a criminal charge, civil claim or disciplinary complaint against the lawyer based upon the conduct in which the client was involved; or

(3) to prevent the client from causing death or substantial bodily harm to himself or herself;

(4) to comply with other law; or

(5) to detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the composition or ownership, or resulting from the sale of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client. Any information so disclosed may be used or further disclosed only to the extent necessary to detect and resolve conflicts of interest.

(e) Reasonable belief for purposes of RPC 1.6 is the belief or conclusion of a reasonable lawyer that is based upon information that has some foundation in fact and constitutes prima facie evidence of the matters referred to in subsections (b), (c), or (d).

(f) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

Official Comment (August 1, 2016)

Paragraph (d)(5) recognizes that lawyers in different firms may need to disclose limited information to each other to detect and resolve conflicts of interest, such as when a lawyer is considering an association with another firm, two or more firms are considering merger, or a lawyer is considering the purchase of a law practice. Under these circumstances, lawyers and

law firms are permitted to disclose limited information, but only once substantive discussions regarding the new relationship have occurred. Any such disclosure should ordinarily include no more than the identity of the persons and entities involved in a matter, a brief summary of the general issues involved, and information about whether the matter has terminated. Even this limited information, however, should be disclosed only to the extent reasonably necessary to detect and resolve conflicts of interest that might arise from the possible new relationship. Moreover, the disclosure of any information is prohibited if it would compromise the attorney-client privilege or otherwise prejudice the client (e.g., the fact that a corporate client is seeking advice on a corporate takeover that has not been publicly announced; that a person has consulted a lawyer about the possibility of divorce before the person's intentions are known to the person's spouse; or that a person has consulted a lawyer about a criminal investigation that has not led to a public charge). Under those circumstances, paragraph (a) prohibits disclosure unless the client or former client gives informed written consent. A lawyer's fiduciary duty to the lawyer's firm may also govern a lawyer's conduct when exploring an association with another firm and is beyond the scope of these Rules.

Any information disclosed pursuant to paragraph (d)(5) may be used or further disclosed only to the extent necessary to detect and resolve conflicts of interest. Paragraph (d)(5) does not restrict the use of information acquired by means independent of any disclosure pursuant to paragraph (d)(5). Paragraph (d)(5) also does not affect the disclosure of information within a law firm when the disclosure is otherwise authorized, such as when a lawyer in a firm discloses information to another lawyer in the same firm to detect and resolve conflicts of interest that could arise in connection with undertaking a new representation.

Paragraph (f) requires a lawyer to act competently to safeguard information, including electronically stored information, relating to the representation of a client against unauthorized access by third parties and against inadvertent or unauthorized disclosure by the lawyer or other persons or entities who are participating in the representation of the client or who are subject to the lawyer's supervision. The unauthorized access to, or the inadvertent or unauthorized disclosure of, confidential information relating to the representation of a client does not constitute a violation of paragraph (f) if the lawyer has made reasonable efforts to prevent the access or disclosure. Factors to be considered in determining the reasonableness of the lawyer's efforts include, but are not limited to, the sensitivity of the information, the likelihood of disclosure if additional safeguards are not employed, the cost of employing additional safeguards, the difficulty of implementing the safeguards, and the extent to which the safeguards adversely affect the lawyer's ability to represent clients (e.g., by making a device or important piece of software excessively difficult to use). A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent in writing to forgo security measures that would otherwise be required by this Rule. Whether a lawyer may be required to take additional steps to safeguard a client's information in order to comply with other law, such as state and federal laws that govern data privacy or that impose notification requirements upon the loss of, or unauthorized access to, electronic information, is beyond the scope of these Rules.

Official Comment (September 1, 2018):

The Court adopts the comment in the Restatement (Third) of the Law Governing Lawyers on confidential information, which states:

Whether information is "generally known" depends on all circumstances relevant in obtaining the information. Information contained in books or records in public libraries, public-record depositaries such as government offices, or in publicly accessible electronic-data storage is generally known if the particular information is obtainable through publicly available indexes and similar methods of access. Information is not generally known when a person interested in knowing the information could obtain it only by means of special knowledge or substantial difficulty or expense. Special knowledge includes information about the whereabouts or identity of a person or other source from which the information can be acquired, if those facts are not themselves generally known.

Note: Adopted July 12, 1984 to be effective September 10, 1984; paragraphs (a) and (b) amended, new paragraph (c) added, former paragraph (c) redesignated as paragraph (d), and former paragraph (d) amended and redesignated as paragraph (e) November 17, 2003 to be effective January 1, 2004; former subparagraph (d)(3) redesignated as subparagraph (d)(4) and new subparagraph (d)(3) adopted July 19, 2012 to be effective September 4, 2012; new subparagraph (d)(5) and new paragraph (f) adopted, and Official Comment added, August 1, 2016 to be effective September 1, 2016; paragraphs (a) and (b) amended, and additional Official Comment added July 27, 2018 to be effective September 1, 2018.

RPC 7.2 Advertising

(a) Subject to the requirements of RPC 7.1, a lawyer may advertise services through public media, such as a telephone directory, legal directory, newspaper or other periodical, radio or television, internet or other electronic media, or through mailed written communication. All advertisements shall be predominantly informational. No drawings, animations, dramatizations, music, or lyrics shall be used in connection with televised advertising. No advertisement shall rely in any way on techniques to obtain attention that depend upon absurdity and that demonstrate a clear and intentional lack of relevance to the selection of counsel; included in this category are all advertisements that contain any extreme portrayal of counsel exhibiting characteristics clearly unrelated to legal competence.

(b) A copy or recording of an advertisement or written communication shall be kept for three years after its dissemination along with a record of when and where it was used. Lawyers shall capture all material on their websites, in the form of an electronic or paper backup, including all new content, on at least a monthly basis, and retain this information for three years.

(c) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that: (1) a lawyer may pay the reasonable cost of advertising or written communication permitted by this Rule; (2) a lawyer may pay the reasonable cost of advertising, written communication or other notification required in connection with the sale of a law practice as permitted by RPC 1.17; and (3) a lawyer may pay the usual charges of a not-for-profit lawyer referral service or other legal service organization.

Note: Adopted July 12, 1984, to be effective September 10, 1984; paragraph (a) amended December 10, 1986, to be effective December 10, 1986; paragraph (c) amended October 16, 1992, to be effective immediately; paragraph (a) amended November 17, 2003 to be effective January 1, 2004; paragraph (b) amended July 27, 2018, to be effective September 1, 2018.

[Appendix IV]
New Jersey Judiciary
Superior Court - Appellate Division

Notice of Appeal

Type or clearly print all information. Attach additional sheets if necessary.

Title in Full (As Captioned Below)	**Attorney/Law Firm/Pro Se Litigant**
	Name
	Street Address
	City / State / Zip / Telephone Number
	Email Address:

On Appeal from

Trial Court Judge	Trial Court or State Agency	Trial Court or Agency Number

Notice is hereby given that _____, appeals to the Appellate Division from a ☐ Judgment or ☐ Order entered on _____, in the (select one)
☐ Civil, ☐ Criminal, or ☐ Family Part of the Superior Court ☐ Tax Court or from a
☐ State Agency decision entered on _____.

If not appealing the entire judgment, order or agency decision, specify what parts or paragraphs are being appealed.

Have all issues, as to all parties in this action, before the trial court or agency been disposed of? (In consolidated actions, all issues as to all parties in all actions must have been disposed of.) ☐ Yes ☐ No

If not, has the order been properly certified as final pursuant to *R.* 4:42-2? ☐ Yes ☐ No

For criminal, quasi-criminal and juvenile actions only:

Give a concise statement of the offense and the judgment including date entered and any sentence or disposition imposed:

This appeal is from a ☐ conviction ☐ post judgment motion ☐ post-conviction relief.

If post-conviction relief, is it the ☐ 1st ☐ 2nd ☐ other _____ (specify)

Is defendant incarcerated? ☐ Yes ☐ No

Was bail granted or the sentence or disposition stayed? ☐ Yes ☐ No

If in custody, name the place of confinement:

Defendant was represented below by:
☐ Public Defender ☐ self ☐ private counsel _____ (specify)

Notice of appeal and attached case information statement have been served where applicable on the following:

Name	Date of Service
Trial Court Judge	
Trial Court Division Manager	
Tax Court Administrator	
State Agency	
Attorney General or Attorney for other Governmental body pursuant to [*R.* 2:5-1(a), (e) or (h)] R. 2:5-1 (a), (d) or (g)	

Other parties in this action:

Name and Designation	Attorney Name, Address and Telephone No.	Date of Service

Attached transcript request form has been served where applicable on the following:

[Name]	Date of Service	[Amount of Deposit]
[Trial Court] Appellate Division Transcript Office		
[Court Reporter (if applicable)]		
[Supervisor of Court Reporters]		
Clerk of the Tax Court		
State Agency (name)		

Exempt from submitting the transcript request form due to the following:

☐ No verbatim record.

☐ Transcript in possession of attorney or pro se litigant (four copies of the transcript must be submitted along with an electronic copy).

List the date(s) of the trial or hearing:

☐ Motion for abbreviation of transcript filed with the court or agency below. Attach copy.

☐ Motion for [free] transcript at public expense filed with the court below. Attach copy.

I certify that the foregoing statements are true to the best of my knowledge, information and belief. I also certify that, unless exempt, the filing fee required by N.J.S.A. 22A:2-5 and Rule 1:43 [*N.J.S.A.* 22A:2] has been paid.

Date

Signature of Attorney or Pro Se Litigant

Appendix VII

New Jersey Judiciary
Superior Court - Appellate Division

Civil Case Information Statement

Please type or clearly print all information.

Title in Full	Trial Court or Agency Docket Number

- Attach additional sheets as necessary for any information below.

Appellant's Attorney Email Address:

☐ Plaintiff ☐ Defendant ☐ Other (Specify)

Name Client

Street Address City State Zip Telephone Number

Respondent's Attorney* Email Address:

Name Client

Street Address City State Zip Telephone Number

* Indicate which parties, if any, did not participate below or were no longer parties to the action at the time of entry of the judgment or decision being appealed.

Give Date and Summary of Judgment, Order, or Decision Being Appealed and Attach a Copy:

Are there any claims against any party below, either in this or a consolidated action, which have not been disposed of, including counterclaims, cross-claims, third-party claims and applications for counsel fees? ☐ Yes ☐ No

If so, has the order been properly certified as final pursuant to *R.* 4:42-2? (If not, leave to appeal must be sought. *R.* 2:2-4,2:5-6) ☐ Yes ☐ No

(If the order has been certified, attach, together with a copy of the order, a copy of the complaint or any other relevant pleadings and a brief explanation as to why the order qualified for certification pursuant to *R.* 4:42-2.)

Were any claims dismissed without prejudice? ☐ Yes ☐ No

If so, explain and indicate any agreement between the parties concerning future disposition of those claims.

Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? [(*R.* 2:5-1(h))] (R. 2:5-1(g)) ☐ Yes ☐ No

Give a Brief Statement of the Facts and Procedural History:

To the extent possible, list the proposed issues to be raised on the appeal as they will be described in appropriate point headings pursuant to *R.* 2:6-2(a)(6). (Appellant or cross-appellant only.):

If you are appealing from a judgment entered by a trial judge sitting without a jury or from an order of the trial court, complete the following:

1. Did the trial judge issue oral findings or an opinion? If so, on what date? _____ ☐ Yes ☐ No
2. Did the trial judge issue written findings or an opinion? If so, on what date? _____ ☐ Yes ☐ No
3. Will the trial judge be filing a statement or an opinion pursuant to *R.* 2:5-1(b)? ☐ Yes ☐ No

Caution: Before you indicate that there was neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to *R.* 2:5-1(b).

Date of Your Inquiry: _____

1. Is there any appeal now pending or about to be brought before this court which:
   (A) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☐ No
   (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? ☐ Yes ☐ No
2. Was there any prior appeal involving this case or controversy? ☐ Yes ☐ No

If the answer to either 1 or 2 above is Yes, state:

Case Name: Appellate Division Docket Number:

Civil appeals are screened for submission to the Civil Appeals Settlement Program (CASP) to determine their potential for settlement or, in the alternative, a simplification of the issues and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question. A negative response will not necessarily rule out the scheduling of a preargument conference.

State whether you think this case may benefit from a CASP conference. ☐ Yes ☐ No
Explain your answer:

Whether or not an opinion is approved for publication in the official Court Reporter books, the Judiciary posts all Appellate Division opinions on the Internet.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

Name of Appellant or Respondent	Name of Counsel of Record (or your name if not represented by counsel)
Date	Signature of Counsel of Record (or your signature if not represented by counsel)

New Jersey Judiciary
Superior Court - Appellate Division

Criminal Case Information Statement

(For use in Criminal, Quasi-Criminal and Juvenile Actions)

Please type or clearly print all information.

Title in Full	Trial Court Docket Number

Appellant's Attorney Email Address:

☐ Plaintiff ☐ Defendant ☐ Other (Specify)

Name Client

Mailing Address City State Zip Telephone Number

Respondent's Attorney Email Address:

Name Client

Mailing Address City State Zip Telephone Number

Give Date and Summary of Judgment or Order Being Appealed and Attach a Copy:

Are there any issues below in this action involving defendant which have not been disposed of? ☐ Yes ☐ No
(If so, leave to appeal must be sought. *R.* 2:2-4, 2:5-6)

Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? [(*R.* 2:5-1(h))] (R. 2:5-1(g)) ☐ Yes ☐ No

Is defendant presently confined? ☐ Yes ☐ No

If not, is defendant on bail? ☐ Yes ☐ No

Provide any State Bureau of Identification (SBI) number and date of birth: _____/_____

Will the issue(s) in this appeal involve only whether the trial court imposed a proper sentence? ☐ Yes ☐ No
If so, briefs shall not be filed without leave of court. (R. 2:9-11)

Are there co-defendants?

If so, state their names and whether they were tried with the defendant or shared any pretrial motion. ☐ Yes ☐ No

Give a Brief Statement of the Facts and Procedural History:

To the extent possible, list the proposed issues to be raised on the appeal as they will be described in appropriate point headings pursuant to *R.* 2:6-2(a)(6). (Appellant or cross-appellant only.):

If you are appealing from a judgment entered by a trial judge sitting without a jury or from an order of the trial court, complete the following:

1. Did the trial judge issue oral findings or an opinion? If so, on what date? _____ ☐ Yes ☐ No
2. Did the trial judge issue written findings or an opinion? If so, on what date? _____ ☐ Yes ☐ No
   (Attach a copy.)
3. Will the trial judge be filing a statement or an opinion pursuant to *R.* 2:5-1(b)? ☐ Yes ☐ No

Caution: Before you indicate that there was neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to *R.* 2:5-1(b).

Date of Your Inquiry: _____

1. Is there any case now pending or about to be brought before this court which:
   (A) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☐ No
   (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? ☐ Yes ☐ No
2. Was there any prior appeal involving this case or controversy? ☐ Yes ☐ No

If the answer to either 1 or 2 above is Yes, state:

Case Name and Type (direct, 1st PCR, other, etc.): Appellate Division Docket Number:

Whether or not an opinion is approved for publication in the official Court Reporter books, the Judiciary posts all Appellate Division opinions on the Internet.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

Name of Appellant or Respondent	Name of Counsel of Record (or your name if not represented by counsel)
Date	Signature of Counsel of Record (or your signature if not represented by counsel)

APPENDIX XI-E. ANSWER (AUTO ACCIDENT)

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

Filing Attorney Information or Pro Se Litigant:
Name _____
NJ Attorney ID Number _____
Address _____
_____
Telephone Number _____

_____
Plaintiff's Name

_____
Street Address [ ] Check if new address/phone number

_____
Town, State, Zip Code

_____
Telephone Number

vs.

_____
Defendant's Name

_____
Street Address

_____
Town, State, Zip Code

_____
Telephone Number

Superior Court of New Jersey
Law Division: Special Civil Part
_____ County
Docket Number: DC- _____

Civil Action

Answer
(Auto Accident)

Defendant(s), by way of answer to the complaint, say(s) (select all that apply):

I / We ☐ admit ☐ deny that the accident took place on the date stated in the complaint.
I / We ☐ admit ☐ deny that I was the owner of the vehicle on the date of the accident.
I / We ☐ admit ☐ deny that I was the operator of the vehicle on the date of the accident.
I / We ☐ admit ☐ deny that the accident took place at the location stated in the complaint.

The accident alleged in the complaint was not my/our fault because:

_____
_____
_____
_____
_____
_____

☐ Trial by jury [is] requested; an extra $100 cash, check or money order is [enclosed] submitted.

☐ Trial by jury requested; and I have submitted an application for a waiver of the $100.00 fee.

At the trial, Defendant requests:
An interpreter ☐ Yes ☐ No Indicate Language _____
An accommodation for a disability ☐ Yes ☐ No

Requested accommodation _____

Certification

I certify, to the best of my knowledge:

Must check one

☐ that the above matter [in controversy] is not the subject of any other court action or arbitration proceeding[,] now pending or contemplated, or

☐ that the following actions or arbitration proceedings are pending or contemplated

_____

AND

Must check one

☐ that no other parties should be joined in this action; or

☐ that the following persons or entities should be joined in this action

_____

I certify that confidential personal identifiers have been redacted from documents now submitted to the court[,] and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b).

I further certify that this answer was served [on plaintiff(s) within 35 days of the date the summons and complaint were mailed to me as indicated on page 2 of the summons] by me upon all existing parties.

_____ _____
Dated Defendant's Signature

_____
Defendant's Name - Typed or Printed

☐ DEMAND FOR PRODUCTION OF DOCUMENTS PURSUANT TO *R.* 4:18-2. By checking this box, demand is made for production of all documents or papers referred to in the pleading for which this answer is provided, within 5 days of this demand.

NOTE: Adopted effective January 2, 1989; amended July 13, 1994, effective September 1, 1994; amended July 19, 2012 to be effective September 4, 2012; amended July 27, 2018 to be effective September 1, 2018.

APPENDIX XI-F. ANSWER (CONTRACT)

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

Filing Attorney Information or Pro Se Litigant:

Name _____

NJ Attorney ID Number _____

Address _____

_____

Telephone Number _____

_____

Plaintiff's Name

_____

Street Address

_____

Town, State, Zip Code

_____

Telephone Number

vs.

_____

Defendant's Name

_____

Street Address

_____

Town, State, Zip Code

_____

Telephone Number

Superior Court of New Jersey
Law Division: Special Civil Part

_____ County

Docket Number: DC- _____

Civil Action

Answer

Defendant denies owing the debt to the Plaintiff. Check the appropriate statement(s) below which set forth why you claim you do not owe money to the plaintiff or owe less than the Plaintiff is claiming.

- ☐ The bill has been paid
- ☐ The dollar amount claimed by the plaintiff(s) is incorrect.
- ☐ The claim or the amount of the claim is unfair. (Must explain below)
- ☐ The goods or services were not received.
- ☐ The goods or services received were defective.
- ☐ I/We did not order the goods or services.
- ☐ I am a victim of identity theft or mistaken identity.
- ☐ The time has passed for plaintiff to sue on this debt.
- ☐ This debt has been discharged in bankruptcy.
- ☐ A lawsuit was previously filed and the claim has been resolved. (Must explain below)
- ☐ Defendant is in the military on active duty.
- ☐ Plaintiff did not file this lawsuit in the proper place. (Must explain below)
- ☐ Other – Set forth any other reasons why you believe money is not owed to the plaintiff(s).

(You may attach more sheets if you need to.)

_____

_____

_____

☐ Trial by jury [is] requested; an extra $100 cash, check or money order is [enclosed] submitted.

☐ Trial by jury requested; and I have submitted an application for a waiver of the $100.00 fee.

At the trial, Defendant requests:

An interpreter ☐ Yes ☐ No Indicate Language _____

An accommodation for a disability ☐ Yes ☐ No

Requested accommodation _____

Certification

I certify, to the best of my knowledge:

Must check one

☐ that the above matter [in controversy] is not the subject of any other court action or arbitration proceeding now pending or contemplated, or

☐ that the following actions or arbitration proceedings are pending or contemplated

_____

AND

Must check one

☐ that no other parties should be joined in this action; or

☐ that the following persons or entities should be joined in this action

_____

I certify that confidential personal identifiers have been redacted from documents now submitted to the court[,] and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b).

I further certify that this answer was served [on plaintiff(s) within 35 days of the date the summons and complaint were mailed to me as indicated on page 2 of the summons] by me upon all existing parties.

_____ _____

Dated Defendant's Signature

_____

Defendant's Name - Typed or Printed

☐ DEMAND FOR PRODUCTION OF DOCUMENTS PURSUANT TO *R.* 4:18-2. By checking this box, demand is made for production of all documents or papers referred to in the pleading for which this answer is provided, within 5 days of this demand.

NOTE: Adopted effective January 2, 1989; amended July 13, 1994, effective September 1, 1994; amended July 19, 2012 to be effective September 4, 2012; amended July 27, 2018 to be effective September 1, 2018.

APPENDIX XI-Z. (ANSWER & CROSSCLAIM, COUNTERCLAIM AND/OR THIRD PARTY COMPLAINT)

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

Filing Attorney Information or Pro Se Litigant:

Name _____

NJ Attorney ID Number _____

Address _____

_____

Telephone Number _____

_____

Plaintiff's Name

_____

Street Address

_____

Town, State, Zip Code

_____

Telephone Number

vs.

_____

Defendant's Name

_____

Street Address

_____

Town, State, Zip Code

_____

Telephone Number

Superior Court of New Jersey
Law Division: Special Civil Part

_____ County

Docket Number: DC- _____

Civil Action

Answer

AND

☐ **Counterclaim**
☐ **Cross-claim**
☐ **Third Party Complaint**

Defendant denies owing the debt to the Plaintiff. Check the appropriate statement(s) below which set forth why you claim you do not owe money to the plaintiff or owe less than the Plaintiff is claiming.

- ☐ The bill has been paid
- ☐ The dollar amount claimed by the plaintiff(s) is incorrect.
- ☐ The claim or the amount of the claim is unfair. (*Must explain below*)
- ☐ The goods or services were not received.
- ☐ The goods or services received were defective.
- ☐ I/We did not order the goods or services.
- ☐ I am a victim of identity theft or mistaken identity.
- ☐ The time has passed for plaintiff to sue on this debt.
- ☐ This debt has been discharged in bankruptcy.
- ☐ A lawsuit was previously filed and the claim has been resolved. (*Must explain below*)
- ☐ Defendant is in the military on active duty.
- ☐ Plaintiff did not file this lawsuit in the proper place. (*Must explain below*)
- ☐ Other – Set forth any other reasons why you believe money is not owed to the plaintiff(s).

(You may attach more sheets if you need to.)

_____

_____

_____

_____

☐ I have a claim against the plaintiff(s). [Counterclaim]

☐ I have a claim against another defendant(s). [Crossclaim] _____

☐ have a claim against the following 3rd party (new party) [Third Party Complaint:

You ***must*** provide a statement of facts below as to why the plaintiff(s) and/or named defendant(s) and/or third party defendant(s) are at fault: (You may attach additional sheets if necessary)

_____

_____

_____

Defendant's Demand:

I have a claim and demand judgment for $_____, plus interest, costs, attorney fees, if any, and such other relief as the court deems proper.

_____

Name of Third Party Defendant(s)

_____

Street Address

_____

Town, State, Zip Code

_____

Telephone Number

☐ Trial by jury requested; an extra $100 cash, check or money order is submitted.

☐ Trial by jury requested; and I have submitted an application for a waiver of the $100.00 fee.

At the trial, Defendant requests:

An interpreter ☐ Yes ☐ No Indicate Language _____

An accommodation for a disability ☐ Yes ☐ No

Requested accommodation _____

Certification

I certify, to the best of my knowledge:

Must check one

☐ that the above matter is not the subject of any other court action or arbitration proceeding now pending or contemplated, or

☐ that the following actions or arbitration proceedings are pending or contemplated

_____

AND

Must check one

☐ that no other parties should be joined in this action; or

☐ that the following persons or entities should be joined in this action

_____

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b). I further certify that this answer was served by me upon all existing parties.

_____ _____

Dated Defendant's Signature

_____

Defendant's Name - Typed or Printed

☐ **Demand for Production of Documents Pursuant to *R.* 4:18-2.** By checking this box, demand is made for production of all documents or papers referred to in the pleading for which this answer is provided, within 5 days of this demand.

Note: Adopted July 27, 2018 to be effective September 1, 2018.

Appendix XXX (Form Discovery Confidentiality Order for CBLP Cases)

Plaintiff, vs. Defendant.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION, _____COUNTY DOCKET NO. _____ CIVIL ACTION CBLP ACTION **DISCOVERY CONFIDENTIALITY ORDER**

It appearing that discovery in the above-captioned action is likely to involve the disclosure of confidential information, it is ORDERED as follows:

1. Any party to this litigation, and any third-party, shall have the right to designate as "Confidential" and subject to this Order any information, document, or thing, or portion of any document or thing: (a) that contains trade secrets, competitively sensitive technical, marketing, financial, sales or other confidential business information, or (b) that contains private or confidential personal information, or (c) that contains information received in confidence from third parties, or (d) which the producing party otherwise believes in good faith to be entitled to protection under *R.* 4:10-3(g). Any party to this litigation or any third party covered by this Order, who produces or discloses any Confidential material, including without limitation any information, document, thing, interrogatory answer, admission, pleading, or testimony, shall mark the same with the foregoing or similar legend: "CONFIDENTIAL" or "CONFIDENTIAL — SUBJECT TO DISCOVERY CONFIDENTIALITY ORDER" (hereinafter "Confidential").

2. [OPTIONAL: Any party to this litigation and any third-party shall have the right to designate as "Attorneys' Eyes Only" and subject to this Order any information, document, or thing, or portion of any document or thing that contains highly sensitive business or personal information, the disclosure of which is highly likely to cause significant harm to an individual or to the business or competitive position of the designating party. Any party to this litigation or any third party who is covered by this Order, who produces or discloses any Attorneys' Eyes Only material, including without limitation any information, document, thing, interrogatory answer, admission, pleading, or testimony, shall mark the same with the foregoing or similar legend:

"ATTORNEYS' EYES ONLY" or "ATTORNEYS' EYES ONLY - SUBJECT TO DISCOVERY CONFIDENTIALITY ORDER" (hereinafter "Attorneys' Eyes Only").]

Note: Adopted July 27, 2018 to be effective September 1, 2018.

3. All Confidential material [including all Attorneys' Eyes Only material] shall be used by the receiving party solely for purposes of the prosecution or defense of this action, shall not be used by the receiving party for any business, commercial, competitive, personal or other purpose, and shall not be disclosed by the receiving party to anyone other than those set forth in Paragraphs 4 or 5, unless and until the restrictions herein are removed either by written agreement of counsel for all parties, or by Order of the Court. It is, however, understood that counsel for a party may give advice and opinions to his or her client solely relating to the above-captioned action based on his or her evaluation of Confidential or Attorneys' Eyes Only material, provided that such advice and opinions shall not reveal the content of such Confidential material, except by prior written agreement of counsel for the parties, or by Order of the Court.

4. Confidential material, and the contents of Confidential material, may be disclosed only to the following individuals under the following conditions:

a. Outside counsel (herein defined as any attorney at the parties' outside law firms) and relevant in-house counsel for the parties;

b. Outside experts or consultants retained for purposes of this action, provided they have signed a Non-Disclosure Agreement in the form attached hereto as Exhibit A;

c. Secretarial, paralegal, clerical, duplicating and data processing personnel of the foregoing;

d. The Court and court personnel;

e. Any deponent may be shown or examined on any information, document or thing designated Confidential if it appears that the witness authored or received a copy of it, was involved in the subject matter described therein, or is employed by the party who produced the information, document or thing, or if the producing party consents to such disclosure;

f. Vendors retained by or for the parties to assist in preparing for pretrial discovery, trial and/or hearings including, but not limited to, court reporters, members of a document review team, litigation support personnel, jury consultants, individuals to prepare demonstrative and audiovisual aids for use in the courtroom or in depositions or mock jury sessions, as well as their staff, stenographic, and clerical employees whose duties and responsibilities require access to such materials, provided the vendor's representative and/or each member of the document review team has signed a Non-Disclosure Agreement in the form attached hereto as Exhibit A, which counsel for the party retaining the vendor(s) shall be obligated to retain and make available to all other parties and/or their counsel upon request; and

g. The parties. In the case of parties that are corporations or other business entities, "party" shall mean executives who are required to participate in decisions with reference to this lawsuit.

5. Material produced and marked as Attorneys' Eyes Only and the contents of such material may be disclosed only to the following individuals under the following conditions:

a. Outside counsel (herein defined as any attorney at the parties' outside law firms) and relevant in-house counsel for the parties;

b. Outside experts or consultants retained for purposes of this action, provided they have signed a Non-Disclosure Agreement in the form attached hereto as Exhibit A;

c. Secretarial, paralegal, clerical, duplicating and data processing personnel of the foregoing;

d. The Court and court personnel;

e. Any deponent may be shown or examined on any information, document or thing designated Attorneys' Eyes Only if it appears that the witness authored or received a copy of it, was involved in the subject matter described therein or is employed by the party who produced the information, document or thing, or if the producing party consents to such disclosure;

f. Vendors retained by or for the parties to assist in preparing for pretrial discovery, trial and/or hearings including, but not limited to, court reporters, members of a document review team, litigation support personnel, jury consultants, individuals to prepare demonstrative and audiovisual aids for use in the courtroom or in depositions or mock jury sessions, as well as their staff, stenographic, and clerical employees whose duties and responsibilities require access to such materials, provided the vendor's representative and/or each member of the document review team has signed a Non-Disclosure Agreement in the form attached hereto as Exhibit A, which counsel for the party retaining the vendor(s) shall be obligated to retain and make available to all other parties and/or their counsel upon request; and

6. With respect to any depositions that involve a disclosure of Confidential material or Attorneys' Eyes Only material of a party to this action, such party receiving the transcript shall notify all counsel by letter or other agreed-upon means upon such receipt and, if practicable, provide a copy thereof, and all other parties shall have until ten (10) days after receipt of the deposition transcript within which to inform all other parties that portions of the transcript are to be designated Confidential and/or for Attorneys' Eyes Only, which period may

be extended by agreement of the parties. No such deposition transcript shall be disclosed to any individual other than the individuals described in Paragraphs 4(a), (b), (c), (d) and (f) above and the deponent during these ten (10) days, and no individual attending such a deposition shall disclose the contents of the deposition to any individual other than those described in Paragraphs 4(a), (b), (c), (d) and (f) above during said ten (10) days. Upon being informed that certain portions of a deposition are to be designated as Confidential and/or for Attorneys' Eyes Only, all parties shall immediately cause each copy of the transcript in its custody or control to be appropriately marked and limit disclosure of that portion of the transcript in accordance with Paragraphs 4 and 5.

7. If counsel for a party receiving documents or information designated as Confidential [or Attorneys' Eyes Only] hereunder objects to such designation of any or all of such items, the following procedure shall apply:

a. Counsel for the objecting party shall serve on the designating party or third party a written objection to such designation, which shall describe with particularity the documents or information in question and shall state the grounds for objection. Counsel for the designating party or third party shall respond in writing to such objection within ten (10) days after receipt of the objection, and shall state with particularity the grounds for asserting that the document or information is Confidential [or Attorneys' Eyes Only]. If no timely written response is made to the objection, the challenged designation will be deemed to be void. If the designating party or nonparty makes a timely response to such objection asserting the propriety of the designation, counsel shall then confer in good faith in an effort to resolve the dispute.

b. If a dispute as to a Confidential [or Attorneys' Eyes Only] designation of a document or item of information cannot be resolved by agreement, the proponent of the designation being challenged shall present the dispute to the Court, in accordance with *R.* 4:105-4, before filing a formal motion for an order regarding the challenged designation. The document or information that is the subject of the filing shall be treated as originally designated pending resolution of the dispute.

8. If the need arises during trial or in any application to/at any hearing before the Court for any party to disclose Confidential [or Attorneys' Eyes Only] information, it may do so only after giving notice to the producing party, and as directed by the Court.

9. To the extent consistent with applicable law, the inadvertent or unintentional disclosure of Confidential material or Attorneys' Eyes Only material that should have been designated as such, regardless of whether the information, document or thing was so designated at the time of disclosure, shall not be deemed a waiver in whole or in part of a party's claim of confidentiality, either as to the specific information, document or thing disclosed, or as to any other material or information concerning the same or related subject matter. Within a reasonable time after disclosure such inadvertent or unintentional disclosure may be rectified by notifying, in writing, counsel for all parties to whom the material was disclosed that the material should have been designated Confidential [or Attorneys' Eyes Only]. Such notice shall constitute a

designation of the information, document or thing as Confidential or [Attorneys' Eyes Only] under this Discovery Confidentiality Order.

10. No information that is in the public domain, or which is already known by the receiving party through proper means, or which is or becomes available to a party from a source other than the party asserting confidentiality, rightfully in possession of such information on a non-confidential basis, shall be deemed or considered to be Confidential material [or Attorneys' Eyes Only] material under this Discovery Confidentiality Order.

11. This Discovery Confidentiality Order shall not deprive any party of its right to object to discovery by any other party or on any otherwise permitted ground. This Discovery Confidentiality Order is being entered without prejudice to the right of any party to move the Court for modification or for relief from any of its terms. This Discovery Confidentiality Order does not alter the Court Rules and case law regarding the court's obligation to conduct open hearings, or the parties' obligation to file pleadings electronically. The parties further acknowledge that electronic filing system used by the New Jersey Superior Court permits free and open access for the public. Any petition to seal pleadings, documents, records or testimony must be subject to a separate court order.

12. This Discovery Confidentiality Order shall survive the termination of this action and shall remain in full force and effect unless modified by an Order of this Court, or by the written stipulation of the parties filed with the Court.

13. Upon final conclusion of this litigation, which includes the exhaustion of all appeals and/or expiration of the time within which to file therefor, each party, or other individual subject to the terms hereof, shall be under an obligation to assemble and to return to the originating source all originals and unmarked copies of documents and things containing Confidential material [or Attorneys' Eyes Only material] and to destroy, should such source so request, all copies of Confidential material [or Attorneys' Eyes Only material] that contain and/or constitute attorney work product as well as excerpts, summaries and digests revealing Confidential material [or Attorneys' Eyes Only material]; provided, however, that counsel may retain complete copies of all transcripts and pleadings, including any exhibits attached thereto, for archival purposes, subject to the provisions of this Discovery Confidentiality Order. To the extent a party requests the return of Confidential material [or Attorneys' Eyes Only material] from the Court after the final conclusion of the litigation, including the exhaustion of all appeals therefrom, and all related proceedings, the party shall file a motion seeking such relief.

IT IS SO ORDERED.

Dated: _____ _____

_____, J.S.C.

EXHIBIT A

Plaintiff, vs. Defendant.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION, _____COUNTY DOCKET NO. _____ **NON-DISCLOSURE AGREEMENT TO BE BOUND BY DISCOVERY CONFIDENTIALITY ORDER**

I, _____, being duly sworn, state that:

1. My address is _____

2. My present employer is _____ and the address of my present employment is _____.

3. My present occupation or job description is _____

4. I have carefully read and understood the provisions of the attached Discovery Confidentiality Order in this case signed by the Court on _____, and I will comply with all provisions of the Discovery Confidentiality Order.

5. I will hold in confidence and not disclose to anyone not qualified under the Discovery Confidentiality Order any Confidential material [or Attorneys' Eyes Only material] or any words, summaries, abstracts, or indices of Confidential material [or Attorneys' Eyes Only material] disclosed to me.

6. I will limit use of Confidential material [and Attorneys' Eyes Only material] disclosed to me solely for purpose of this action.

7. No later than the final conclusion of the case, I will return all Confidential material [and Attorneys' Eyes Only material], including summaries, abstracts, and indices thereof, which come into my possession, and documents or things which I have prepared relating thereto, to counsel for the party for whom I was employed or retained.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated:_____ _____

[Name]

Note: Adopted July 27, 2018 to be effective September 1, 2018.