

NOTICE TO THE BAR

PUBLIC ACCESS IN THE SUPREME COURT AND APPELLATE DIVISION -- RELAXATION OF COURT RULES; REQUIREMENT FOR A FILING PARTY TO CERTIFY TO THE ABSENCE OF CONFIDENTIAL INFORMATION IN PUBLICLY FILED DOCUMENTS

As announced in a [September 3, 2024](#) notice to the bar, the Judiciary is enhancing transparency and improving public access to the court system, including through the posting of publicly filed briefs for cases being argued before the Supreme Court and the Appellate Division of the Superior Court, as well as livestreaming of arguments before the Appellate Division.

In furtherance of this effort, the Court in the attached October 15, 2024 Order has relaxed and supplemented Rule 1:38 (“Public Access to Court and Administrative Records”) and Rule 2:6-9 (“Inadequate Appendix or Brief”), so as to require a party who files a document or pleading in a public court matter in the Supreme Court or in the Appellate Division to certify to the court that the submission contains no confidential information or confidential personal identifiers. Further, to support the timely posting of briefs and motion briefs in the Appellate Division, the Court has relaxed Rules 2:6-1(c) (“Binding; Table of Contents”), 2:6-6(a) (“Contents”), and 2:8-1(a) (“Contents; Form of Brief and Appendix”).

The Court’s interim relaxation of these Court Rules is effective immediately and pending further review and action.

Questions about filings in specific appellate cases should be directed to the Clerk's Office for the court in which the matter is pending, as follows:

Office of the Clerk of the Supreme Court: 609-815-2955

Office of the Clerk of the Appellate Division: 609-815-2950

In addition to these and other efforts to expand public access to proceedings in the Supreme Court and the Appellate Division, the Court continues to assess public access to certain proceedings in the trial courts.

A handwritten signature in black ink, appearing to read "Glenn A. Grant", is written over a horizontal line.

Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Dated: October 15, 2024

SUPREME COURT OF NEW JERSEY

It is ORDERED that the provisions of Rule 1:38-3 (“Court Records Excluded From Public Access”), Rule 1:38-5 (“Administrative Records Excluded From Public Access”), Rule 1:38-7 (“Confidential Personal Identifiers”), Rule 2:6-9 (“Inadequate Appendix or Brief”), and any other Rules Governing the Courts of the State of New Jersey are relaxed and supplemented so as to provide that a party who files a document or pleading in a public court matter in the Supreme Court or in the Appellate Division of the Superior Court shall be required to certify to the court that the submission contains no confidential information (as set out in Rules 1:38-3 and 1:38-5) or confidential personal identifiers (as set out in Rule 1:38-7). Further, the filing party shall be required to avoid the disclosure (including, but not limited to, in an online posting or open or livestreamed court proceeding) of confidential information and confidential personal identifiers.

Accordingly, it is FURTHER ORDERED that effective immediately, a party who files a brief or other document for a case that is or may be argued before the Supreme Court or the Appellate Division of the Superior Court shall be required to file an additional certification, as follows:

1. Confidential Information / Confidential Personal Identifiers (must select one). I certify that I have reviewed Rules 1:38-3, 1:38-5, and 1:38-7 and:
 - This document or pleading does not contain any confidential information or any confidential personal identifiers, or
 - This document or pleading previously contained confidential

information or confidential personal identifiers, which have been redacted or anonymized, including through the use of fictitious first names or initials. The cover of the redacted version of the document or pleading contains the word “REDACTED.” I acknowledge that a non-redacted version must be filed contemporaneously with the redacted version in matters where the confidential information is necessary to the disposition of the matter.

2. Return and Resubmission. I certify that if any confidential information is discovered in this submission and brought to the court’s attention, the court will return the document or pleading to me, and I will be responsible to redact or anonymize the confidential information before resubmission. I understand the court may impose sanctions, including suppression of the brief, dismissal in extraordinary cases, and other measures for a failure to accurately make this certification or for the discovery of confidential information in a document that has been filed.
3. Briefs Posted Online. I understand that the presence of confidential information or confidential personal identifiers in a document that has been posted on the Judiciary’s public website will be grounds for the removal of such online posting, pending correction by the filing party, on an expedited timeline. The court in its discretion may postpone further proceedings pending the resubmission of the document.

To support timely posting of briefs for matters before the Supreme Court and Appellate Division of the Superior Court, IT IS FURTHER

ORDERED that Rules 2:6-1(c), 2:6-6(a), and 2:8-1(a) are relaxed to provide that briefs and motion briefs shall be filed separately from appendices.

This rule relaxation shall remain in effect pending the development and adoption of amendments to the Court Rules.

For the Court,

Chief Justice

Dated: October 15, 2024