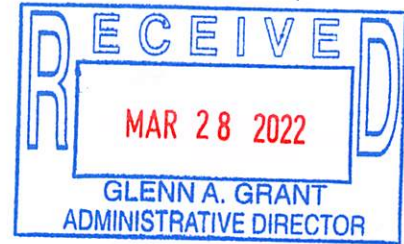


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#002b



March 24, 2022

Administrative Director Glenn A. Grant

Administrative Office of the Courts

Attn: Rules Comments

P.O. Box 037

Trenton, New Jersey 08625-0037

Re: **Additional Comment on Proposed Amendments to:
Court Rule 2:6-10 Format of Briefs and Other Papers.**

Dear Hon. Grant,

On February 24, 2022 I submitted comments on the above noted proposed rule change.

Since that time I have seen an editorial in the New Jersey Law Journal, February 28, 2022, edition wherein they discussed the Federal Rules of Appellate Procedure and the three possible choices of proportional fonts and certification of compliance with the word counts for the lengths of briefs.

The editorial went on to discuss the disbelief of “why the committee has chosen not to follow the well-established federal example, for briefs of whatever length it considers desirable.

I believe that this would be a reasonable resolution to solve the issue regarding incarcerated individuals and being able to continue to use Courier New font or 10 pitch typewriters to submit briefs.

I still take the position that “Copy may be printed on both sides of the paper provided legibility is not impaired” - should **still be allowed**, which has been the practice of the Courts for over 20 years now, to reduce paper, costs of copies and mailing for incarcerated individuals.

Incarcerated individuals should not be penalized further and placed on an already uneven playing field – protect the rights of incarcerated individuals and allow an exception to the noted changes above.

Thank you for your immediate attention in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Anthony DeFazio". The signature is written in black ink and is positioned above the printed name.

Anthony DeFazio

c: File
Office of the Public Defender
ACLU

Farewell, Courier Font

The 2022 Report of the Supreme Court Committee On Civil Practice proposes a number substantial revisions to Part II of the rules, which govern appellate procedure. One is purely formal. The revised R. 2:6-10 finally recognizes that the typewriter is a thing of the past and that proportional fonts are not a mere subterfuge to squeeze more words into the same space. Instead of 65-space lines of 12-point type, the familiar courier font, henceforth all briefs shall be in 14-point Times New Roman, presumably to accommodate the eyesight of the more senior members of the bench.

Having given with one hand, however, the committee takes back with the other. The proposed revision to R. 2:6-7 cuts the page limit for main and reply briefs from 65 and 20 pages, to 50 and 15. Longer briefs will require leave of court for good cause shown, sought by motion filed 20 days before the due date of the brief. While we don't wish to denigrate this one limited aspect of the committee's comprehensive review of the appellate rules, we do have some concerns. Since a reply brief will be due

under revised R. 2:11-1(a) 14 days after the respondent's brief, the proposal doesn't seem to allow for overlength reply briefs. And we fear there will be many cases in which counsel is simply not in a position to know 20 days before the filing deadline whether an overlength brief will be required.

The Federal Rules of Appellate Procedure give parties a choice of three different but presumably equivalent length restrictions: a page count, a line count in monospaced fonts like courier, or a number of characters in proportional fonts like Times New Roman. The second and third require the author to certify compliance, which can easily be done by using the word count function of the word processing software. The clerks of the federal courts of appeals are apparently able to enforce these limits. Given the present day universality of word processing software in the profession, we think it is reasonable to ask why the committee has chosen not to follow the well-established federal example, for briefs of whatever length it considers desirable.

NJLJ Feb. 28, 2022
Editorial