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Glenn A. Grant, Administrative Director
of the New Jersey Courts
Hughes Justice Complex
P.O. Box 037
Trenton, New Jersey 08625-0037



Re: Comments on proposal to require submission of arbitration statements to the arbitrators before the hearing.

Dear Mr. Grant:

I am writing with respect to the Civil Arbitration proposal above. I have been sitting as a court appointed arbitrator for many years and hopefully my comments may be of some use.

For virtual hearings it is critical that arbitration statements be provided in advance of the scheduled hearing date. The job of the arbitrator has been significantly more difficult in terms of time spent both prior to and on the day of the hearing. I believe this can be ameliorated by requiring that statements be provided three days in advance of the hearing date. As the number of automobile and personal injury arbitrations generally ranges between five and ten on any given day, it seems that three days in advance would be sufficient.

As a practical matter I am not sure how effective it would be to require submissions in advance for in-person arbitration hearings. Speaking for myself, I do not see how it would be feasible to print these submissions and bring them to court. It would be equally difficult to take paper submissions physically to court. Also, not all attorneys have computer access to these submissions when away from the office.

Lastly, with respect to consequences, if any, to a party failing to submit an arbitration statement by an established deadline, it would be too draconian to have this result in a dismissed Complaint or stricken Answer. However, I believe it would be fair to alert the parties that the arbitrator has no obligation to review statements submitted late, therefore prohibiting the arbitrator from giving that party full consideration of his or her position.

Very truly yours,

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JTC/lg