

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

Harvey Patrick Short
Your Name
500 Cheyney Road
P.O. Box 23
Street Address
Thornton, PA 19373
Town, State, Zip Code

Middlesex County
Docket Number MD-L-000128-2015

CIVIL ACTION
Order

Harvey Patrick Short
Telephone Number
Plaintiff
vs.
Janssen Pharmaceuticals, Inc
Defendant

FILED

#127

SEP 04 2015

JUDGE JESSICA R. MAYER

This matter having been brought before the Court on Motion of (check one)
 plaintiff defendant for an Order (describe relief requested)

and the Court having considered the matter and for good cause appearing,

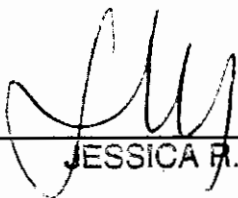
It is on this 4th day of September, 2015
ORDERED as follows:

Denied for the reasons set forth in the attached memorandum of decision dated Sept. 4, 2015.

PLEASE MAIL A COPY OF THIS DECISION
TO ALL INTERESTED PARTIES WITHIN
7 DAYS OF THE DATE HEREOF.

*A copy of this order shall be
posted online by the court.*

opposed
 unopposed


_____, J.S.C.
JESSICA R. MAYER, J.S.C.

SUPERIOR COURT OF NEW JERSEY

CHAMBERS OF
JESSICA R. MAYER, J.S.C.
JUDGE



MIDDLESEX COUNTY COURTHOUSE
P.O. BOX 964
NEW BRUNSWICK, NEW JERSEY 08903-964

NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE COMMITTEE ON OPINIONS

Memorandum of Decision on Plaintiff's
Motion for Appointment of Counsel

FILED
SEP 04 2015
JUDGE JESSICA R. MAYER

Harvey Patrick Short v Janssen Pharmaceuticals, Inc.

Docket No. MID-L-128-15, Motion #127

Return date: September 4, 2015

Court's decision on plaintiff's motion: DENIED for the reasons set forth below.

This court is assigned to handle the mass tort/multicounty litigation matter known as Risperdal/Seroquel/Zyprexa. On or about May 28, 2015, Mr. Harvey Patrick Short ("Plaintiff") filed a complaint against defendant Janssen Pharmaceuticals, Inc. ("Defendant"). Plaintiff is self-represented in connection with his personal injury/product liability claim against Defendant. By way of this motion, Plaintiff seeks the appointment of counsel "to help protect his legal rights."

As best as the court can determine from Plaintiff's filed pleadings, Plaintiff alleges he was injured as a result of ingesting psychotropic medications, including "prozac, Zyprexa®, etc." prescribed to treat Plaintiff's schizophrenia and schizo-affective disorder. See Plaintiff's Certification dated July 13, 2015 ("Pl. Cert."), ¶¶ 2-3. Plaintiff states that he was "admitted to psychiatric crisis units in March, April and May of 2015." Pl. Cert., ¶4. Plaintiff alleges he "ingests psychotropic medicals [sic]" on a daily basis. Pl. Cert., ¶3.

In support of his request for the appointment of counsel in this personal injury/product liability litigation, Plaintiff claims he "is at a serious disadvantage in protecting his legal rights in this lawsuit." Pl. Cert., ¶5. Plaintiff also alleges that he "needs counsel to assist him in this litigation as the Defendant has counsel assisting it." Pl. Cert., ¶6. At the present time, Plaintiff is incarcerated at a correctional facility located in Pennsylvania. Pl. Cert., ¶1.

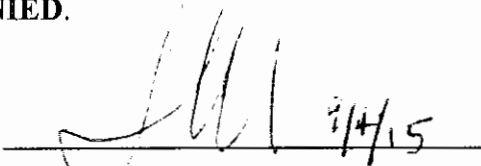
While the court appreciates the difficulties that may be encountered by a non-lawyer, such as Plaintiff, in attempting to prove a personal injury/product liability claim against a manufacturing defendant, there is no legal right or entitlement to the appointment of counsel in such an action. The right to appointment of counsel is only available in limited legal actions where the potential for a "consequence of magnitude" such as a sentence of imprisonment or loss of license exists.

See Rodriguez v. Rosenblatt, 58 N.J. 218, 295 (1971). Other civil actions that may give rise to the assignment of counsel include: potential imprisonment for failure to pay child support, Pasqua v. Council, 186 N.J. 127, 149 (2006); termination of parental rights, N.J. Div. of Youth and Family Servs. V. B.R., 192 N.J. 301, 306-07 (2007); Megan's law cases, Doe v. Poritz, 142 N.J. 1, 31 (1995); involuntary civil commitment, In re S.L., 94 N.J. 128, 142 (1983); and contempt proceedings for violation of a restraining order, State v. Ashford, 374 N.J. Super. 332, 337 (App. Div. 2004). The court has not found any case law favoring appointment of counsel in a personal injury/product liability action. Nor has Plaintiff cited any such law to this court. The absence of any right to the appointment of counsel in a personal injury/product liability action, such as instituted by Plaintiff in this case, is especially true when the party requesting the appointment of legal counsel is the party who initiated the litigation.

Plaintiff may continue to represent himself in this action as a self-represented litigant. The New Jersey Court Rules permit Plaintiff to act as his own attorney in this matter. However, the court recommends that Plaintiff undertake efforts to locate counsel to represent his interests in this complex legal matter. Plaintiff may contact the New Jersey State Bar Association and request a list of attorneys who handle personal injury matters on a "contingent fee" basis such that Plaintiff would not be required to pay any legal fees to counsel in the absence of a favorable resolution of the matter.

A copy of this order shall be served upon Plaintiff at his last known address set forth in Plaintiff's motion papers. Plaintiff is required to serve the order upon Defendant's counsel within seven (7) days from the date of this opinion. The court shall also post a copy of this order online within seven (7) days from the date of this opinion.

For the foregoing reasons, Plaintiff's motion is **DENIED**.



Jessica R. Mayer, J.S.C.