

## **RULE 2:13. Administration**

### **2:13-1. Presiding Justice or Judge**

- **(a) Supreme Court.** The Chief Justice or, pursuant to R. 1:33-1, the Acting Chief Justice, shall preside over sessions and conferences of the court and shall sign all orders relating to the administration of the judicial system. If the Chief Justice is absent or unable to serve, the senior justice shall serve temporarily as presiding justice. Seniority shall be determined by order of taking of oath as a member of the court.
- **(b) Appellate Division.** The presiding judge of each part, designated by the Chief Justice, shall preside over its sessions and conferences. If the presiding judge is absent or unable to serve or if none has been designated, the senior judge attending shall serve temporarily as presiding judge. Seniority shall be determined by length of service on the Appellate Division. The Chief Justice shall designate one presiding judge as the Presiding Judge for Administration to be responsible for the administration of the Appellate Division pursuant to R. 1:33-4. The Chief Justice may designate another presiding judge as the Deputy Presiding Judge for Administration, who shall assist the Presiding Judge for Administration.

Note: Source-R.R. 1:1-4, 1:1-6, 2:1-5, 2:1-8. Paragraph (a) amended November 27, 1974 to be effective April 1, 1975; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a) and (b) amended July 10, 1998 to be effective September 1, 1998; paragraph (b) amended October 8, 2013 to be effective immediately.

### **2:13-2. Quorum; Temporary Assignment**

- **(a) Supreme Court.** Five members of the court shall constitute a quorum. When necessary to constitute a quorum, to replace a justice who is absent or unable to act, or to expedite the business of the court, the presiding justice may assign one or more retired justices of the Supreme Court who are not engaged in the practice of law and who consent thereto or the judge or judges of the Appellate Division, senior in length of service therein, to serve temporarily in the Supreme Court. If the judge of the Appellate Division senior in service is unable to serve or shall waive assignment, the presiding justice may assign the judge next senior in service; and if two or more judges have equal seniority, the presiding justice may assign either or any of them.
- **(b) Appellate Division.** The Appellate Division shall consist of such parts with such number of judges as the Chief Justice shall from time to time designate. Appeals shall be decided by panels of 2 judges designated by the presiding judge of the part except when the presiding judge determines that an appeal should be decided by a panel of 3 judges. Such a determination may be made where the appeal presents a question of public importance, of special difficulty, of precedential value, or for such other special reason as the presiding judge shall determine. The panel of 2 judges to which an appeal is submitted for decision may elect to call a third judge to participate in the decision at any time before making its determination and shall do so if the 2 judges cannot agree as to the determination. In either case the appeal shall be reargued if it has already been argued unless reargument is waived. When an appeal is designated for decision by the full part, 3 judges shall constitute a quorum unless all parties consent to a quorum of 2 judges and, if only 2 of the 3 judges have heard the oral argument, the parties may consent to the participation in the court's decision by the third judge. Judges assigned to one part may be assigned to serve temporarily in any other part.

Note: Source-R.R. 1:1-5(a)(b), 2:1-3, 2:1-6(a)(b), 2:1-7(a)(b). Paragraphs (a) and (b) amended July 24, 1978 to be effective September 11, 1978; paragraph (b) amended November 2, 1987 to be effective January 1, 1988; paragraph (b) amended July 13, 1994 to be effective September 1, 1994.

### **2:13-3. Places of Sitting**

The Supreme Court shall sit in Trenton, and the Appellate Division shall sit in Trenton, Newark, Morristown and Hackensack, unless the Chief Justice or a presiding judge deems it temporarily necessary or desirable to convene court elsewhere.

**Note: Source-R.R. 1:1-3, 2:1-4; amended November 27, 1974 to be effective April 1, 1975; amended July 13, 1994 to be effective September 1, 1994.**