

NOTICE TO THE BAR

Service by Mail Fee in Special Civil Part Reduced to \$4 Effective January 14, 2009

The fee for service of process by mail in Special Civil Part cases and small claims will be reduced on at least a temporary basis from \$7.00 to \$4.00 effective January 14, 2009. This reduction is necessary because the statutory authority of the Administrative Director of the Courts to adjust the fee, as set forth in *N.J.S.A. 22A:2-37.1* and *-37.2*, will expire on that date because of a sunset provision in the 2003 legislation. As a result, all fee adjustments that were made to accommodate U.S. Postal rate increases from 2004 through 2008 must be canceled, with the fee thus reverting to the statutory \$4.00 that existed in 2003. While this \$4.00 per defendant postage fee collected will be insufficient to pay the cost of mailing process, the service by mail program nonetheless will continue as an essential component both of ensuring access to the court for many plaintiffs and of the expedited processing and disposition of complaints in the Special Civil Part. The Administrative Office of the Courts is working with the Legislature and the Governor to address this fee discrepancy in a cooperative effort to preserve the service by mail program. However, if a workable statutory solution is not enacted by mid-March, it may become necessary to terminate the long-standing service by mail program and return to some form of personal service of process for Special Civil Part actions. The Bar will be kept advised on this matter through subsequent Notices.

/s/ Glenn A. Grant

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: January 7, 2009