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April 14, 2016

VIA E-MAIL (Comments.Mailbox@judiciary.state.nj.us)
Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Rules Comments
Hughes Justice Complex: P.O. Box 037
Trenton, New Jersey 08625-0037

Re: Proposed Change to Rule 1:6-5

Dear Judge Grant:

I am a Senior Partner and Chair of the Litigation Department at the law firm of Piro, Zinna, Cifelli, Paris & Genitempo, LLC. Our firm's Civil Litigation practice has flourished for nearly forty seven years, and we have represented clients in a wide variety of actions in New Jersey's trial courts. Out of concern that our firm's clients may, in many instances, be prejudiced by a limitation on the length of briefs submitted to the trial court, I submit this correspondence on behalf of my firm for the purpose of opposing the adoption of the page limitations set forth in the proposed change to Rule 1:6-5.

Throughout the past several decades, my partners and I have encountered many situations in which it would be difficult, if not impossible, to serve the best interests of our clients without submitting briefs to the court that exceed the proposed limitation of forty pages. While we have always done our best to be concise and to respect the Court's time and resources, there are simply some cases so complex that a voluminous submission is necessary to ensure that our clients are able to meet their burden of proof. By way of example, we most often encounter such circumstances when we respond to summary judgment motions on behalf of plaintiffs in Product Liability or Employment Discrimination cases.

Although I note that the proposed Rule provides judges the discretion to give parties permission to submit longer briefs, I anticipate that this will be logistically problematic. Practically speaking, due to time constraints, attorneys tasked with opposing motions would often be required to request such permission before they even have an opportunity to review an adversary's submission and outline a response. Moreover, I respectfully submit that members of the Bar, who have firsthand knowledge of the strengths and limitations of their own cases, are the best situated to make determinations about the size of an application or opposition that may be warranted in a particular action, as the requisite length of a brief submitted in the trial court can be influenced by a wide variety of factors.

I am also aware that proponents of the proposed change may reference the fact that the Appellate Division already imposes a page limit on submissions. However, the Appellate Division's role vastly differs from that of the trial court, which is where the record of a case is created. Page limitations would, in many cases, hinder the process of creating such a record to the detriment of the parties.

Finally, Judges are not without recourse with respect to the submission of egregiously lengthy papers, as they reserve the right to sanction attorneys who truly abuse the process of litigation with submissions that are frivolous.

In light of our sincere belief that we must be able to advocate without arbitrary restraint in order to best represent the interests of our clients, my colleagues and I respectfully request that the proposed change to Rule 1:6-5 be rejected to the extent that it imposes page limitations on briefs submitted in the trial court.

I thank you for your time and consideration.

Respectfully,

David M. Paris