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BY EMAIL
Glenn A. Grant, J.A.D.
Acting Administrative Director ofthe Courts
Rules Comments
Hughes Justices Complex; P. O. Box 037
Trenton, New Jersey 08625-0037

Re: Proposed Change to Rule 1:6-5

Dear Judge Grant:

I am writing to object to the proposed page limitation amendment to Court Rule 1:6-5. I have been an active employee rights litigator in New Jersey Courts for the past 23 years, and I am convinced that the rule as proposed is both unnecessary and is unfairly written. I urge the Committee to table this proposal and consider alternative ideas.

The length of legal briefs are very much like the length of judicial opinions. How long the brief or opinion are depends upon the number of issues and the complexity of those issues. Judicial opinions range from one page to over a hundred pages. Limiting the length of judicial would prohibit judges from fully and properly analyzing important points of law. In cases in which the factual background is key to understanding the import of the opinion, it is sometimes necessary for the Court to embark on a lengthy dissertation of the facts.

Legal briefs are no different. There are no cookie cutter cases. Some cases are straightforward and some cases are factually or legally complicated. Sometimes a moving party may throw many different legal arguments at the same time. It usually takes much more time and space to respond to a laundry list of allegations than it takes to make those allegations. Sometimes 40 pages is more than enough - but not always. Complex summary judgment briefs and post-trial briefs are the most common exceptions because they are so fact intensive.

I certainly understand the desire of judges to have less to read. At the same time, I can assure this Court that if I exceed 40 pages in a brief it is for very good reason, and the judges I have worked with have always been appreciative of the work and detail that went into these very important legal documents. I understand that Federal Court has page limits. I believe that those are also unfair and unnecessary and I try my best to stay out of Federal Court for that reason and other reasons. Our Courts do not need to be so hostile to the needs of counsel who are trying their best to protect their clients' important legal matters.

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My second objection to the Rule is that it is written unfairly. The Rule, as written, provides 40 pages to the Movant and Respondent and then provides an additional 15 pages to the Movant for the reply brief. This unfairly gives the Movant 55 pages and the Respondent only 40 pages. In the event that the Court imposes page limitations, the page limitation should be more in keeping with the Appellate Rule 2:6-7, which provides for 85-90 pages of briefing and ensures that movant and respondent have similar page limits. Ultimately, however, I believe that page limitations will prevent the fair and full exposition of important points of law, and will harm rather than help the Court and those that practice in the Court.

Thank you for considering this opposition.

Respectfully submitted,

Alan H. Schorr