

## Opinions C Standards for Publication

Directive #5-79  
Issued by:

November 28, 1979  
Arthur J. Simpson, Jr., J.A.D.  
Acting Administrative Director

By direction of the Chief Justice and Supreme Court:

1. No trial court opinion will be approved for publication until the time for appeal has passed.
2. If there is no appeal or certification, the opinion will be approved for publication if it otherwise meets the standards for publication promulgated by the Supreme Court.
3. Where an appeal has been taken to the Appellate Division as of right or by leave, the opinion will not be published unless publication is specifically directed by the Appellate Division, either before the matter is reviewed on appeal or as part of its disposition. If leave to appeal is denied by the Appellate Division, no trial court opinion otherwise approved for publication by the Committee shall be published until any application for leave to appeal to the Supreme Court is also decided.

### EDITOR-S NOTE

This directive must be read together with Director Lipscher's memorandum to all trial judges dated March 28, 1980 (copy attached), which did not receive a directive number.

Paragraph three of this directive has been amended to incorporate the notices contained in the March 28, 1980 memorandum. The 1980 memorandum was also designed to make clear that publication of the trial court and Appellate Division opinion need not await the certification process. The Appellate Division, on an appeal as of right or on an appeal pursuant to leave granted, may, through the Committee or as part of its disposition in an opinion, refer to the trial court opinion and recommend its publication. Accordingly, for ease of understanding, the words "or certification" have been deleted from paragraph 1. Note also that there would not be a petition for certification, as opposed to a motion for leave to appeal, in an interlocutory situation.

**ADMINISTRATIVE OFFICE OF THE COURTS  
STATE OF NEW JERSEY**

March 28, 1980

MEMORANDUM TO: ALL TRIAL COURT JUDGES

FROM: Robert D. Lipscher, Esq.

Trial judges are submitting written opinions to the Committee on Opinions pursuant to *R. 1:36*, but the author rarely indicates whether he or she recommends the opinion for publication.

It will be helpful if an opinion filed with the Committee were accompanied by the trial judge's indication as to whether he or she recommends publication pursuant to the Standards for Publication promulgated by the Supreme Court.

Of course, all opinions recommended for publication must be in proper form pursuant to the Rules. No letter opinion will be approved for publication.

/JL

cc: Hon. Haydn Proctor  
Hon. Sidney Goldmann  
Edwin H. Stern, Esq.

*P.S.* While trial court opinions are not being approved for publication, if a timely appeal is taken, the Appellate Division may recommend publication of the trial court opinion as part of its disposition.