2026 REPORT

OF THE SUPREME COURT

CIVIL PRACTICE COMMITTEE

January 2026

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I. RULE AMENDMENTS RECOMMENDED FOR ADOPTION

A. Proposed Amendments to *Rule* 1:6-2(d) – Civil and Family Part Motions – Oral Argument

A Superior Court judge suggested amending paragraph (d) of *Rule* 1:6-2 to provide that a request for oral argument on a motion for reconsideration shall be granted at the court's discretion rather than as of right. The judge submitted that oral argument on most reconsideration motions consumes time that could be better spent on other matters because the same arguments are being raised on reconsideration.

Judges observed a significant increase in these motions following *Lawson v. Dewar*, 468 N.J. Super. 128 (App. Div. 2021), where the Appellate Division substantially clarified the framework and procedures for filing motions for reconsideration of both final orders and interlocutory orders. This item was referred to the Conferences of Civil and Family Presiding Judges for input. The Conference of Civil Presiding Judges endorsed the proposed amendments to the rule. The Conference of Family Presiding Judges commented that judges should have discretion to decide whether oral argument is appropriate.

The Committee debated the value of oral argument on reconsideration motions. Ultimately, a majority of the Committee was in favor of the proposed amendments to *Rule* 1:6-2(d). The Committee concluded that judges are best positioned to decide if oral argument is necessary on motions for reconsideration, as they have already assessed the merits of the arguments and overseen the case.

The proposed amendments to *Rule* 1:6-2(d) follow.

1:6-2. Form of Motion; Hearing

(a) …no change.

(b) …no change.

(c) …no change.

(d) Civil and Family Part Motions - Oral Argument. Except as otherwise provided by R. 5:5-4 (family actions), no motion shall be listed for oral argument unless a party requests oral argument in the moving papers or in timely-filed answering or reply papers, or unless the court directs. A party requesting oral argument may, however, condition the request on the motion being contested. If the motion involves pretrial discovery or is directly addressed to the calendar, the request shall be considered only if accompanied by a statement of reasons and shall be deemed denied unless the court otherwise advises counsel prior to the return day. As to all other motions, except for motions for reconsideration under R. 4:42-2(b) and R. 4:49-2, the request shall be granted as of right; a request for oral argument on a motion for reconsideration shall be granted at the court's discretion.

(e) …no change.

(f) …no change.

Note: Source–R.R. 3:11-2, 4:8-5(a) (second sentence). Amended July 14, 1972 to be effective September 5, 1972; amended November 27, 1974 to be effective April 1, 1975; amended July 24, 1978 to be effective September 11, 1978; former rule amended and redesignated as paragraph (a) and paragraphs (b), (c), (d), and (e) adopted July 16, 1981 to be effective September 14, 1981; paragraph (c) amended July 15, 1982 to be effective September 13, 1982; paragraph (c) amended July 22, 1983 to be effective September 12, 1983; paragraph (b) amended December 20, 1983 to be effective December 31, 1983; paragraphs (a) and (c) amended and paragraph (f) adopted

November 1, 1985 to be effective January 2, 1986; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraph (c) amended and paragraph (d) caption and text amended June 29, 1990 to be effective September 4, 1990; paragraph (d) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 13, 1994 to be effective January 1, 1995; paragraphs (a) and (f) amended January 21, 1999 to be effective April 5, 1999; paragraphs (c) and (d) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraphs (b), (c), and (f) amended July 27, 2006 to be effective September 1, 2006; paragraph (b) caption amended, former text of paragraph (b) captioned and redesignated as paragraph (1), and new paragraph (2) adopted July 9, 2008 to be effective September 1, 2008; paragraph (c) amended July 23, 2010 to be effective September 1, 2010; paragraph (a) amended July 9, 2013 to be effective September 1, 2013; paragraph (a) amended August 5, 2022 to be effective September 1, 2022; paragraph (d) amended to be effective

B. Proposed Amendments to *Rule* 1:6-4 – Superior Court; Place for Filing Motions, Orders to Show Cause and Orders

A Superior Court Judge proposed that *Rule* 1:6-4 be amended to prohibit submission of two-sided motion papers. The Committee agreed, recognizing that courtesy copies of large motions printed on both sides are difficult to read.

The proposed amendments to *Rule* 1:6-4 follow.

1:6-4. Superior Court; Place for Filing Motions, Orders to Show Cause and Orders

The original of all motion papers, orders to show cause and orders in civil actions in the Superior Court shall be filed in accordance with R. 1:5-6(b), except that in all actions in the Chancery Division or specially assigned to a judge of the Law Division or, if the judge to whom the motion is assigned is known, a single-sided copy of all motion papers shall also be simultaneously submitted to the judge.

Note: Source–R.R. 3:11-1, 4:5-5(b) (first sentence), 4:5-6(b); amended July 16, 1981 to be effective September 14, 1981; caption amended and paragraphs (a) and (b) adopted November 7, 1988 to be effective January 2, 1989; paragraph (a) amended June 29, 1990 to be effective September 4, 1990; former caption and text replaced July 13, 1994 to be effective September 1, 1994; amended June 28, 1996 to be effective September 1, 1996; amended July 27, 2006 to be effective September 1, 2006; amended _____ to be effective _____.

C. Proposed Amendments to *Rule* 2:5-3(e) – Preparation and Filing and Rule 2:6-1(a)(1) – Required Contents

The Appellate Division Rules Committee proposed amendments to *Rules* 2:5-3(e) and 2:6-1(a)(1) to eliminate the transcript delivery certification requirement. Pursuant to *Rule* 2:5-3(e), the Appellate Division Transcript Unit ("Transcript Unit") certifies in a form, titled "CERTIFICATION OF TRANSCRIPT COMPLETION AND DELIVERY," that the preparation of all ordered transcript(s) was completed and the transcript(s) delivered to the Transcript Unit as well as the ordering party(ies). A representative from the Transcript Unit prepares the form and certifies as to its contents. The Transcript Unit then files the certification and transcript(s) in the appeal.

As a practical matter, since the centralization of the preparation and completion of transcripts by the Transcript Unit, *see* October 12, 2018 Notice to the Bar, the transcript delivery certification form has become unnecessary because (1) the Transcript Unit notifies the parties and the case manager when transcript(s) delivery is complete; and (2) the certification is not created in appeals where transcripts are in appellant's possession or are already on file with the court, *see Rule* 2:5-1(g). The time within which the parties must submit their respective merits briefs begins to run after the delivery to appellant of the transcript(s). *Rule* 2:6-11(c).

The Committee agreed with the Appellate Division Rules Committee.

The proposed amendments to *Rules* 2:5-3(e) and 2:6-1(a)(1) follow.

2:5-3. Preparation and Filing of Transcript; Statement of Proceedings; Prescribed Transcript Request Form

(a) …no change.

(b) …no change.

(c) …no change.

(d) …no change.

(e) Preparation and Filing. The court reporter, clerk, or agency, as the case may be, shall promptly prepare or arrange for the preparation of the transcript in accordance with standards fixed by the Administrative Director of the Courts. The person preparing the transcript shall deliver the original to the Appellate Division transcript unit when the appeal is from the Superior Court, the Tax Court, a municipal court, or an administrative agency or officer. The transcript shall be text searchable and in a format as prescribed by Administrative Directive. The person preparing the transcript shall also forthwith notify all parties of such deliveries, and a complete set of the transcripts shall be forwarded immediately to the clerk of the court to which the appeal is being taken. [When the last volume of the entire transcript has been delivered to the Appellate Division, the court reporter supervisor, clerk or agency, as the case may be, shall certify its delivery on a form to be prescribed by the Administrative Director of the Courts. That transcript delivery certification and a complete set of the transcripts shall be forwarded immediately to the clerk of the court to which the appeal is being taken. A copy of the certification

shall also then be sent to the appellant. The Appellate Division shall serve a copy of the certification on all other parties upon filing within the electronic case jacket and, if the appeal is from a conviction on an indictable offense, on the New Jersey Division of Criminal Justice, Appellate Section.]

(f) …no change.

Note: Source–R.R. 1:2-8(e) (first, second, third, fourth, sixth and seventh sentences), 1:2-8(g), 1:6-3, 1:7-1(f) (fifth sentence), 3:7-5 (second sentence), 4:44-2 (second sentence), 4:61-1(c), 4:88-8 (third and fourth sentences), 4:88-10 (sixth sentence). Paragraphs (a)(b)(c) and (d) amended July 7, 1971 to be effective September 13, 1971; paragraphs (b) and (d) amended July 14, 1972 to be effective September 5, 1972; paragraph (c) amended June 29, 1973 to be effective September 10, 1973; caption amended and paragraph (a) caption and text amended July 24, 1978 to be effective September 11, 1978; paragraphs (c) and (d) amended July 16, 1981 to be effective September 14, 1981; paragraph (e) amended November 1, 1985 to be effective January 2, 1986; paragraph (a) amended, paragraph (d) caption and text amended, former paragraph (e) redesignated paragraph (f), and paragraph (e) caption and text adopted November 7, 1988 to be effective January 2, 1989; paragraphs (a) and (e) amended July 14, 1992 to be effective September 1, 1992; paragraphs (c), (e) and (f) amended July 13, 1994 to be effective September 1, 1994; paragraph (d) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a) and (e) amended July 27, 2006 to be effective September 1, 2006; paragraph (d) amended July 16, 2009 to be effective September 1, 2009; paragraph (a) caption and text amended, and paragraphs (b), (c), (d) and (e) amended August 5, 2022 to be effective September 1, 2022; paragraph (e) amended to be effective _____.

2:6-1. Preparation of Appellant's Appendix; Joint Appendix; Contents

(a) …no change.

(1) Required Contents. The appendix prepared by the appellant or jointly by the appellant and the respondent shall contain (A) in civil actions, the complete pretrial order, if any, and the pleadings; (B) in criminal, quasi-criminal or juvenile delinquency actions, the indictment or accusation and, where applicable, the complaint and all docket entries in the proceedings below; (C) the judgment, order or determination appealed from or sought to be reviewed or enforced, including the jury verdict sheet, if any; (D) the trial judge's charge to the jury, if at issue, and any opinions or statement of findings and conclusions; (E) the statement of proceedings in lieu of record made pursuant to R. 2:5-3(f); (F) the notice or notices of appeal; [(G) the transcript delivery certification prescribed by R. 2:5-3(e)]; [(H)] (G) any unpublished opinions cited pursuant to R. 1:36-3; and [(I)] (H) such other parts of the record, excluding the stenographic transcript, as are essential to the proper consideration of the issues, including such parts as the appellant should reasonably assume will be relied upon by the respondent in meeting the issues raised. If the appeal is from a disposition of a motion for summary judgment, the appendix shall also include a statement of all items submitted to the court on the summary judgment motion and all such items shall be included in the appendix, except that briefs in support of and opposition to the motion shall be included only as permitted by subparagraph (2) of this rule.

(2) …no change.

(3) …no change.

(b) …no change.

(c) …no change.

(d) …no change.

Note: Source–R.R. 1:7-1(f), 1:7-2 (first six sentences), 1:7-3. Paragraph (a) amended June 29, 1973 to be effective September 10, 1973; paragraph (a) amended July 16, 1979 to be effective September 10, 1979; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended July 22, 1983 to be effective September 12, 1983; paragraphs (a), (b) and (c) amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a)(1) and (c) amended July 12, 2002 to be effective September 3, 2002; new subparagraph (a)(3) adopted July 19, 2012 to be effective September 4, 2012; subparagraph (a)(1) amended July 27, 2018 to be effective September 1, 2018; paragraph (a)(1)(G) deleted, former paragraphs a(1)(H), and (I) redesignated as paragraphs (a)(1)(G) and (H) to be effective _____.

D. Proposed Amendments to the Court Rules on Publication; Proposed Amendments to *Rules* 4:4-4(a)(9); 4:4-5(a)(3); 4:56-2; 4:64-7(b); 4:69-6(b)(3); 4:73-3(b); 4:80-6; 4:90-3; and 4:93-2

The former Acting Administrative Director and the Conference of Civil Presiding Judges sought the Committee's recommendation as to whether the Court Rules, including those related to service of process by publication, should be amended to address potential issues due to the decline and/or elimination of print newspapers.

The former Acting Administrative Director also asked the Family Practice Committee to consider this issue in relation to Court Rules applicable to Family cases. The Family Practice Committee did not recommend any changes to Part V of the Court Rules and found that any necessary amendments on this matter would fall under Part IV of the Court Rules.

The Committee Chair referred this matter to the Conference of General Equity Presiding Judges for consideration given the potential impact on General Equity and foreclosure matters. The Conference of General Equity Presiding Judges submitted a proposal for the Committee's consideration.

Thereafter, a new law was enacted effective July 1, 2025 that set forth a framework for the publication of required legal notices on government and municipality Internet websites and through certain online news publications. Additional revisions were made to the proposed amendments because of the new

law. The Committee agreed with the proposed amendments, finding that they conformed to the terminology used in the new law.

The proposed amendments to *Rules* 4:4-4(a)(9); 4:4-5(a)(3); 4:56-2; 4:64-7(b); 4:69-6(b)(3); 4:73-3(b); 4:80-6; 4:90-3; and 4:93-2 follow.

4:4-4. Summons; Personal Service; In Personam Jurisdiction

Service of summons, writs and complaints shall be made as follows:

(a) . . .no change.

(1) . . .no change.

(2) . . .no change.

(3) . . .no change.

(4) . . .no change.

(5) . . .no change.

(6) . . .no change.

(7) . . .no change.

(8) . . .no change.

(9) Upon a junior judgment creditor defendant in a foreclosure action, by delivering a copy of the summons and complaint via mail to the last known address or [by publication], when the last known address cannot be ascertained after diligent inquiry, by publication in an online news publication eligible to publish legal notices in accordance with N.J.S.A. 35:3-1 et seq. in the county in which the venue is laid.

The foregoing subparagraphs (a)(1) through (a)(9) notwithstanding, in personam jurisdiction may be obtained by mail under the circumstances and in the manner provided by R. 4:4-3.

(b) . . .no change.

(c) . . .no change.

Note: Source–R.R. 4:4-4. Paragraph (a) amended July 7, 1971 to be effective September 13, 1971; paragraphs (a) and (b) amended July 14, 1972 to be effective September 5, 1972; paragraph (f) amended July 15, 1982 to be effective September 13, 1982; paragraph (e) amended July 26, 1984 to be effective September 10, 1984; paragraph (a) amended November 1, 1985 to be effective January 2, 1986; paragraphs (a), (f) and (g) amended November 5, 1986 to be effective January 1, 1987; paragraph (i) amended November 2, 1987 to be effective January 1, 1988; paragraph (e) amended November 7, 1988 to be effective January 2, 1989; paragraphs (a) and (b) amended July 14, 1992 to be effective September 1, 1992; text deleted and new text substituted July 13, 1994 to be effective September 1, 1994; paragraph (c) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a)(3), (b)(1)(A), (b)(1)(C), and (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (a) amended July 9, 2008 to be effective September 1, 2008; paragraph (b)(1) amended July 23, 2010 to be effective September 1, 2010; paragraph (a) amended April 30, 2019 to be effective May 1, 2019; paragraph (a)(9) amended to be effective .

4:4-5. Summons; Service on Absent Defendants; In Rem or Quasi In Rem Jurisdiction

(a) . . .no change.

(1) . . .no change.

(2) . . .no change.

(3) by publication of a notice to absent defendants [once in a newspaper published or of general circulation in the county in which the venue is laid] in an online news publication eligible to publish legal notices in accordance with N.J.S.A. 35:3-1 et seq. in the county in which the venue is laid; and also by mailing, within 7 days after publication, a copy of the notice as herein provided and the complaint to the defendant, prepaid, to the defendant's residence or the place where the defendant usually receives mail, unless it shall appear by affidavit that such residence or place is unknown, and cannot be ascertained after inquiry as herein provided or unless the defendants are proceeded against as unknown owners or claimants pursuant to R. 4:26-5(c). If defendants are proceeded against pursuant to R. 4:26-5(c), a copy of the notice shall be posted upon the lands affected by the action within 7 days after publication. The notice of publication to absent defendants required by this rule shall be in the form of a summons, without a caption. The top of the notice shall include the docket number of the action, the court, and county of venue. The notice shall state briefly:

(A) . . .no change.

(B) . . .no change.

(C) . . .no change.

(D) . . .no change.

(4) . . .no change.

(b) . . .no change.

Note: Source–R.R. 4:4-5(a)(b)(c)(d), 4:30-4(b) (second sentence). Paragraph (c) amended July 7, 1971 to be effective September 13, 1971; paragraph (c) amended July 14, 1972 to be effective September 5, 1972; amended July 24, 1978 to be effective September 11, 1978; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraphs (a) (b) (c) (d) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended June 28, 1996 to be effective September 1, 1996; introductory paragraph amended, paragraph (c) amended, and portion of paragraph (c) relocated as closing paragraph of rule July 9, 2008 to be effective September 1, 2008; introductory paragraph designated as paragraph (a), paragraph (a) caption adopted, former paragraphs (a), (b), and (c) redesignated as subparagraphs (a)(1), (a)(2), and (a)(3), former subparagraphs (c)(1), (c)(2), (c)(3), and (c)(4) redesignated as subparagraphs (a)(3)(A), (a)(3)(B), (a)(3)(C), and (a)(3)(D), former paragraph (d) redesignated as subparagraph (a)(4), concluding paragraph designated as paragraph (b), and paragraph (b) caption adopted July 23, 2010 to be effective September 1, 2010; paragraph (a)(3) amended to be effective _____.

4:56-2. Order to Show Cause to Approve Plan; Service

Upon the filing of the complaint, the court shall make an order returnable in not less than 14 days after its service, directing the depositors, other creditors and stockholders of the bank, and the Commissioner, if not the plaintiff, to show cause why the proposed plan or such modified plan as may be prepared under the direction of the court, should not be approved. Within one week after the entry of the order a copy thereof, together with a copy of the proposed plan, shall be mailed to each depositor, other creditor, and stockholder at the address appearing in the bank's records and to the Commissioner, if not the plaintiff. If, however, the class of stockholders or other class appears in the action by representation pursuant to R. 4:32, in addition to such service on the representatives, the order or a summary thereof approved by the court shall be printed once at least 10 days before the return day [in a newspaper generally circulated in the municipality in which the bank has its principal office.] in an online news publication eligible to publish legal notices in accordance with N.J.S.A. 35:3-1 et seq. in the county in which the venue is laid, and shall be posted at least 10 days before the return day in a conspicuous place or places in and about the bank's place of business. The judgment of the court shall then be binding upon the persons so represented.

Note: Source–R.R. 4:71-2, 4:71-3; amended July 13, 1994 to be effective September 1, 1994; amended _____ to be effective _____.

4:64-7. In Rem Tax Foreclosure

(a) …no change.

(b) Publication; Contents of Notice. The plaintiff shall publish once a notice of foreclosure [in a newspaper generally circulated] in accordance with N.J.S.A. 35:3-1 et seq. in the municipality where the lands affected are located stating (1) that it has commenced an action in the Superior Court by filing a complaint on a specified date to foreclose and forever bar any and all rights of redemption of the parcels described in the tax foreclosure list contained in the notice and that the action is brought against the land only and no personal judgment may be entered therein; (2) that any person desiring to protect a right, title or interest in any said parcel by redemption or to contest plaintiff's right to foreclose, must do so by paying the amount required to redeem (which shall be set forth in the notice) plus interest to the date of redemption and such costs as the court may allow, prior to the entry of judgment therein, or by filing and serving an answer to the complaint setting forth defendant's answer within 45 days after the date of publication of the notice; and (3) that in the event of failure of redemption or answer by a person having the right to redeem or answer, such person shall be forever barred and foreclosed of all right, title and interest and equity of redemption in and to the parcels of land described in the tax foreclosure list. The notice shall contain a copy of the tax foreclosure list.

(c) …no change.

(d) …no change.

(e) …no change.

(f) …no change.

(g) …no change.

Note: Source–R.R. 4:82-7(a)(b)(c)(d)(e)(f)(g)(h)(i); paragraphs (c), (e) and (g) amended July 29, 1977 to be effective September 6, 1977; paragraph (c) amended July 16, 1981 to be effective September 14, 1981; paragraph (c) amended November 7, 1988 to be effective January 2, 1989; paragraph (c) amended June 29, 1990 to be effective September 4, 1990; paragraphs (b), (c) and (f) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended to be effective .

4:69-6. Limitation on Bringing Certain Actions

(a) …no change.

(b) …no change.

(1) …no change.

(2) …no change.

(3) to review a determination of a planning board or board of adjustment, or a resolution by the governing body or board of public works of a municipality approving or disapproving a recommendation made by the planning board or board of adjustment, after 45 days from the publication of a notice once [in the official newspaper of the municipality or a newspaper of general circulation] on the municipality's official Internet website or in an online news publication eligible to publish legal notices in accordance with N.J.S.A. 35:3-1 et seq. in the municipality, provided, however, that if the determination or resolution results in a denial or modification of an application, after 45 days from the publication of the notice or the mailing of the notice to the applicant, whichever is later. The notice shall state the name of the applicant, the location of the property and in brief the nature of the application and the effect of the determination or resolution (e.g., "Variance-Store in residential zone denied"), and shall advise that the determination or resolution has been filed in the office of the board or the municipal clerk and is available for inspection; or

(4) …no change.

(5) …no change.

(6) …no change.

(7) …no change.

(8) …no change.

(9) …no change.

(10) …no change.

(11) …no change.

(c) …no change.

Note: Source–R.R. 4:88-15(a) (b)(1)(2)(3)(4)(5)(6)(8)(9) (10)(11)(12) (c). Paragraph (b)(1) amended July 7, 1971 to be effective September 13, 1971; paragraph (b)(3) amended November 2, 1987 to be effective January 1, 1988; paragraph (b)(3) amended to be effective .

4.73-3. Service of Process

(a) …no change.

(b) Non-resident or Unknown Parties. If a defendant resides outside this State or if the plaintiff does not know defendant's residence address, notice shall be given to defendant by publication once [in a newspaper published or of general circulation] in an online news publication eligible to publish legal notices in accordance with N.J.S.A. 35:3-1 et seq. in the county or counties in which the land or property to be taken is located and by mailing to defendant's last known address a copy of the notice at least 10 days before the return date of the order to show cause. If the name of a defendant is unknown the published notice shall be addressed to "Unknown Owner" or "Unknown Claimant".

(c) …no change.

Note: Source–R.R. 4:92-3(a) (b) (c). Paragraph (c) adopted July 14, 1972 to be effective September 5, 1972; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended June 28, 1996 to be effective September 1, 1996; paragraph (b) amended to be effective .

4:80-6. Notice of Probate of Will

Within 60 days after the date of the probate of a will, the personal representative shall cause to be mailed to all beneficiaries under the will and to all persons designated by R. 4:80-1(a)(3), at their last known addresses, a notice in writing that the will has been probated, the place and date of probate, the name and address of the personal representative and a statement that a copy of the will shall be furnished upon request. Proof of mailing shall be filed with the Surrogate within 10 days thereof. If the names or addresses of any of those persons are not known, or cannot by reasonable inquiry be determined, then a notice of probate of the will shall be published [in a newspaper of general circulation] in an online news publication eligible to publish legal notices in accordance with N.J.S.A. 35:3-1 et seq. in the county naming or identifying those persons as having a possible interest in the probate estate. If by the terms of the will property is devoted to a present or future charitable use or purpose, like notice and a copy of the will shall be mailed to the Attorney General.

Note: Source–R.R. 4:99-7; former R. 4:80-8 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; amended to be effective _____.

4:90-3. Order to Show Cause

Upon filing of the complaint, and if the complaint is made by a creditor upon notice to the executor or administrator, the court may make an order requiring all persons interested in the decedent's real or personal estate, including the State Treasurer and the Attorney General, to show cause on a specified date not less than two months after the date of the order why so much of the real or personal estate should not be sold as will be sufficient to pay the decedent's debts or the residue thereof. A copy of the order to show cause together with a copy of the complaint shall be sent by registered or certified mail to the State Treasurer and the Attorney General and no further proceedings shall be taken unless a certificate, signed by the Attorney General and the State Treasurer certifying that the State will interpose no objection to the making of an Order authorizing the sale of such property, has been received by the Court. The order to show cause shall, one month prior to the date fixed in the order for the hearing, be published [once in a newspaper of this State] in an online news publication of this State eligible to publish legal notices in accordance with N.J.S.A. 35:3-1 et seq., as the court directs.

Note: Source–R.R. 4:109-4, 4:109-8. Amended July 7, 1971 to be effective September 13, 1971; amended June 29, 1990 to be effective September 4, 1990; amended to be effective .

4:93-2. Declaration of Death

The action may be brought in a summary manner in accordance with R. 4:83 on an order to show cause returnable not less than 30 days nor more than three months from the date of the order why judgment should not be entered declaring such person to be dead. Notice of the order shall be published once [in a newspaper of general circulation] in an online news publication eligible to publish legal notices in accordance with N.J.S.A. 35:3-1 et seq. in the county where the absentee was last domiciled and shall be served by mail or otherwise as the court directs.

Note: Source–R.R. 4:111-2. Amended July 7, 1971 to be effective September 13, 1971; former R. 4:92-2 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; amended to be effective .

E. Proposed Amendments to *Rule* 4:10-2(g) – Scope of Discovery; Treating Physician – Limitation on Frequency of Discovery

In *Trenton Renewable Power, LLC v. Denali Water Sols., LLC*, 470 N.J. Super. 218 (App. Div. 2022), a trial court granted a defendant's motion to compel discovery sought from non-parties by way of subpoena, relying on the broad scope of discovery permitted by the Court Rules and case law. The subpoena to one non-party required it to identify a corporate designee with familiarity in seventeen topic areas and demanded documents and electronically stored information in thirteen categories. In its review and reversal of the trial court's order, the Appellate Division examined "whether the general policies recognized by our Court Rules that support broad discovery between parties to the litigation necessarily apply with equal voice to discovery demanded from non-parties." The Appellate Division requested the Committee consider "whether our Rules, like the Federal Rules, should provide for explicit recognition of discovery demands served on non-parties."

This issue was referred to the Discovery Subcommittee. While noting that several cases, such as *Trenton Renewable Power*, *Beckwith v. Bethlehem Steel Corp.*, 182 N.J. Super. 376 (Law Div. 1981), and *Rules* 1:9-2, 4:10-2, 4:10-3, and 4:14-7 protect non-parties served with discovery demands, the Discovery Subcommittee proposed adding a referral to non-parties in paragraph (g) of *Rule* 4:10-2 to provide additional assistance to non-parties faced with voluminous discovery requests. The Committee agreed that the frequency or extent of discovery should be limited where

appropriate for both parties and nonparties, and supported the amendments to *Rule* 4:10-2(g).

The proposed amendments to *Rule* 4:10-2(g) follow.

4:10-2. Scope of Discovery; Treating Physician

Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:

(a) …no change.

(b) …no change.

(c) …no change.

(d) …no change.

(f) …no change.

(g) Limitation on Frequency of Discovery. The frequency or extent of use of the discovery methods otherwise permitted under these rules for both parties and nonparties shall be limited by the court if it determines that: (1) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; (2) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or (3) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. The court may act pursuant to a motion or on its own initiative after reasonable notice to the parties.

Note: Source–R.R. 4:16-2, 4:23-1, 4:23-9, 5:5-1(f). Amended July 14, 1972 to be effective September 5, 1972 (paragraphs (d)(1) and (2) formerly in R. 4:17-1); paragraph (d)(2) amended July 14, 1992 to be effective September 1, 1992; paragraphs (c) and (d)(1) and (3) amended July 13, 1994 to be effective September 1, 1994; paragraph (d)(1) amended June 28, 1996 to be effective September 1, 1996; paragraph (e) adopted July 10, 1998 to be effective September 1, 1998; paragraph (d)(1) amended July 12, 2002 to be effective September 3, 2002; corrective amendments to paragraph (d)(1) adopted September 9, 2002 to be effective immediately; caption amended, paragraphs (a), (c), and (e) amended, and new paragraphs (d)(4), (f), and (g) adopted July 27, 2006 to be effective September 1, 2006; subparagraph (d)(1) amended July 19, 2012 to be effective September 4, 2012; new caption added to paragraph (f), caption and text of former subparagraph (f) redesignated as subparagraph (f)(2), new subparagraph (f)(1) and Official Comment adopted August 1, 2016 to be effective September 1, 2016; paragraph (d) amended July 15, 2024 to be effective September 1, 2024; paragraph (g) amended _____ to be effective _____.

F. Proposed Amendments to *Rule* 4:48-1 – Execution and Delivery of Warrant of Satisfaction

In *Brehme v. Irwin*, 259 N.J. 505 (2025), the Court directed the Committee to assess whether *Rule* 4:48-1 required clarification based upon the principles set forth in the opinion. *Brehme* involved a warrant to mark a judgment satisfied in a personal injury action. Defendant paid the full final judgment, and plaintiff signed a warrant to satisfy the judgment. Thereafter, plaintiff appealed an *in limine* ruling barring evidence of future medical expenses. The Court dismissed the appeal but found that, "when a plaintiff accepts a final judgment, that party may still appeal if the party can show that (1) it made its intention to appeal known prior to accepting payment of the final judgment and prior to executing a warrant to satisfy that judgment, and also that (2) prevailing on the appellate issue will not in any way impact the final judgment other than to potentially increase it."

Initially, the Committee did not think *Rule* 4:48-1 required amendment because typically, where an appeal is anticipated, the Court Rules (*Rules* 1:13-3(c) and 2:9-5(a)) adequately address procedures for protecting the party against whom a verdict has been entered. Ultimately, for completeness, the majority of the Committee concluded *Rule* 4:48-1 should be amended to add modified language from the *Brehme* opinion.

The proposed amendments to *Rule* 4:48-1 follow.

4:48-1. Execution and Delivery of Warrant of Satisfaction; Appeal after Satisfaction and Execution

(a) Execution and Delivery. Upon satisfaction of a judgment duly entered and docketed, a warrant shall be executed and delivered to the party making satisfaction or to the party's representative, guardian or attorney, or to the clerk of the court, stating the judgment docket number or book and page where it is recorded and directing the clerk to satisfy the same of record. The warrant shall be executed by anyone entitled to receive satisfaction or by the attorney of record in the action. If executed by anyone other than the attorney of record the warrant shall be duly acknowledged. If executed by the attorney of record the attorney's certification shall suffice.

(b) Appeal after Satisfaction and Execution. A party may appeal after acceptance of payment of a final judgment only if the party can show: (1) the party made an intention to appeal known prior to accepting payment of the final judgment and prior to executing a warrant to satisfy that judgment and (2) prevailing on the appellate issue would not impact the final judgment other than to potentially increase the judgment amount.

Note: Source–R.R. 4:60-1. Amended July 14, 1972 to be effective September 5, 1972; amended July 13, 1994 to be effective September 1, 1994; caption amended and text redesignated as paragraph (a) and new paragraph (b) added to be effective _____.

G. Proposed Amendments to *Rule* 4:86 – Action for Guardianship of an Incapacitated Person or for the Appointment of a Conservator and Guardianship Procedures

The Civil Practice Division proposed amendments to several provisions of *Rule* 4:86 to address various procedures for appointing guardians of individuals who are of eighteen years of age or older and alleged to be incapacitated.

The Conference of General Equity Presiding Judges and Probate Part Judges Committee, the Judiciary-Surrogates Liaison Committee, and the Judiciary Working Group on Elder Justice endorsed the proposed amendments to *Rule* 4:86. The Committee was informed that the Administrative Office of the Courts in recent years has worked diligently to make the Rule more reflective of modern times and able to address the abuses of the current day.

The proposed amendments are summarized as follows:

- Proposed amendments to *R.* 4:86-1(a) codify language from the Supreme Court's Seventh Omnibus COVID-19 order of July 24, 2020 related to relaxation and modification of procedural requirements, including as to in-person examinations and communications, based on the individual circumstances of the guardianship case.
- Proposed amendments to *Rules* 4:86-2(b)(2) and -10(b) provide that a licensed physician assistant having qualifications set forth in N.J.S.A. 45:9-27.10 and under a delegation agreement with a supervising

physician as defined in N.J.S.A. 45:9-27.17 and -27.18, or a registered nurse licensed as an Advance Practice Nurse having qualifications set forth in N.J.A.C. 13:37-7.1 et seq. and under a joint protocol with a collaborating physician as defined in N.J.A.C. 13:35-6.6, may provide an affidavit or certification as to their personal examination of an alleged incapacitated person.

- Proposed amendments to *Rules* 4:86-4(a)(5), -6(d), and -7(a) support proposed revisions to forms promulgated by the AOC to incorporate language from the National Guardianship Association's model Bill of Rights for Adults Who Have a Guardian.
- Proposed amendments to *R.* 4:86-6(c) conform to the language of N.J.S.A. 3B:12-25 regarding appointment of guardians.
- Proposed new *R.* 4:86-7(d) clarifies procedures for proceedings for appointment of a substitute, successor, or co-guardian of an adjudicated incapacitated person.
- Proposed amendments to *R.* 4:86-10(a) require use of forms promulgated by the AOC for applications for guardianship of individuals eligible for or receiving services from the Division of Developmental Disabilities (DDD).

- Additional proposed amendments to *Rules* 4:86-2(b)(1)(B), -2(c)(2), -4(a)(5), -4(b)(1), -4(c), -7(b)(4), and -10(b) ensure compliance with Administrative Directive #07-22 – New Jersey Judiciary Policy on Accessible and Inclusive Communications.

The Committee unanimously agreed with the proposed amendments but added reference to civil union partnership in *Rules* 4:86-6 and -10.

The proposed amendments to *Rule* 4:86 follow.

4:86-1. Action; Records; Guardianship Monitoring Program

(a) Every action for the determination of incapacity of a person and for the appointment of a guardian of that person or of the person's estate or both, other than an action with respect to a veteran under N.J.S.A. 3B:13-1 et seq., or with respect to a kinship legal guardianship under N.J.S.A. 3B:12A-1 et seq., shall be brought pursuant to R. 4:86- 1 through R. 4:86-8 for appointment of a general, limited or pendente lite temporary guardian. The court in any case may relax and modify procedural requirements, including as related to in-person examinations and communications, based on the individual circumstances of the case.

(b) …no change.

(c) …no change.

(1) …no change.

(2) …no change.

(3) …no change.

(4) …no change.

Note: Source–R.R. 4:102-1. Amended July 22, 1983 to be effective September 12, 1983; former R. 4:83-1 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; R. 4:86 caption amended, and text of R. 4:86-1 amended July 12, 2002 to be effective September 3, 2002; caption to Rule 4:86 amended, and text of Rule 4:86-1 amended July 9, 2008 to be effective September 1, 2008; caption amended, former text amended and designated as paragraph (a), and new paragraphs (b) and (c) added August 1, 2016 to be effective September 1, 2016; paragraph (a) amended to be effective .

4:86-2. Complaint; Accompanying Documents; Alternative Affidavits or Certifications

(a) …no change.

(b) …no change.

(1) …no change.

(A) …no change.

(B) all the personal estate which [he or she] the alleged incapacitated person is, will or may in all probability become entitled to, including stocks, bonds, mutual funds, securities and investment accounts; money on hand, annuities, checking and savings accounts and certificates of deposit in banks and notes or other indebtedness due the alleged incapacitated person; pensions and retirement accounts, including annuities and profit sharing plans; miscellaneous personal property; and the nature and total monthly amount of any income which may be payable to the alleged incapacitated person; and

(C) …no change.

[(2) Affidavits or certifications of: two physicians having qualifications set forth in N.J.S.A. 30:4-27.2t; or the affidavit or certification of one such physician and one licensed practicing psychologist as defined in N.J.S.A. 45:14B-2; or one such physician and one licensed physician assistant having qualifications set forth in N.J.S.A. 45:9-27.10 et seq. and under a delegation agreement with a supervising physician as defined in N.J.S.A. 45:9-27.17 and -27.18; or one such physician and

one registered nurse licensed as an Advance Practice Nurse having qualifications set forth in N.J.A.C. 13:37-7.1 et seq. and under a joint protocol with a collaborating physician as defined in N.J.A.C. 13:35-6.6. A supervising or collaborating physician of an affiant shall not separately certify as to the alleged incapacity of the individual. The affidavits or certifications shall be in such form as promulgated by the Administrative Director of the Courts. Pursuant to N.J.S.A. 3B:12-24.1(d), the affidavits or certifications may make disclosures about the alleged incapacitated person. If an alleged incapacitated person has been committed to a public institution and is confined therein, one of the affidavits or certifications shall be that of the chief executive officer, the medical director, or the chief of service providing that person is also the physician with overall responsibility for the professional program of care and treatment in the administrative unit of the institution. Where an alleged incapacitated person is domiciled within this State but resident elsewhere, the affidavits or certifications required by this rule may be those of persons who are residents of the state or jurisdiction of the alleged incapacitated person's residence. Each affiant shall have made a personal examination of the alleged incapacitated person not more than 30 days prior to the filing of the complaint, but said time period may be relaxed by the court on an ex parte showing of good cause. To support the complaint, each affiant shall state:]

(2) Affidavits or certifications of: two physicians having qualifications set forth in N.J.S.A. 30:4-27.2t; or one such physician and one licensed practicing

psychologist as defined in N.J.S.A. 45:14B-2; or one such physician and one licensed physician assistant having qualifications set forth in N.J.S.A. 45:9-27.10 et seq. and under a delegation agreement with a supervising physician as defined in N.J.S.A. 45:9-27.17 and -27.18; or one such physician and one registered nurse licensed as an Advance Practice Nurse having qualifications set forth in N.J.A.C. 13:37-7.1 et seq. and under a joint protocol with a collaborating physician as defined in N.J.A.C. 13:35-6.6. A supervising or collaborating physician of an affiant shall not separately certify as to the alleged incapacity of the individual.

The affidavits or certifications shall be in such form as promulgated by the Administrative Director of the Courts. Pursuant to N.J.S.A. 3B:12-24.1(d), the affidavits or certifications may make disclosures about the alleged incapacitated person.

If an alleged incapacitated person has been committed to a public institution and is confined therein, one of the affidavits or certifications shall be that of the chief executive officer, the medical director, or the chief of service providing that person is also the physician with overall responsibility for the professional program of care and treatment in the administrative unit of the institution. Where an alleged incapacitated person is domiciled within this State but resident elsewhere, the affidavits or certifications required by this rule may be those of persons who are residents of the state or jurisdiction of the alleged incapacitated person's residence.

Each affiant shall have made a personal examination of the alleged incapacitated person not more than 30 days prior to the filing of the complaint, but said time period may be relaxed by the court on an ex parte showing of good cause. To support the complaint, each affiant shall state:

(A) …no change.

(B) …no change.

(C) …no change.

(D) …no change.

(E) …no change.

(F) …no change.

(G) …no change.

(H) …no change.

(3) …no change.

(4) …no change.

(c) …no change.

(1) …no change.

(2) In lieu of the affidavits or certifications provided for in paragraph (b)(2), an affidavit or certification of one affiant having the qualifications as required therein shall be submitted, stating that [he or she] the affiant has endeavored to make a personal examination of the alleged incapacitated person not more than 30 days prior to the filing of the complaint but that the alleged incapacitated person or those

in charge of [him or her] the alleged incapacitated person have refused or are unwilling to have the affiant make such an examination. The time period herein prescribed may be relaxed by the court on an ex parte showing of good cause.

Note: Source–R.R. 4:102-2; former R. 4:83-2 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraphs (b) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a), (b), and (c) amended July 12, 2002 to be effective September 3, 2002; paragraphs (b) and (c) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a), (b) and (c) amended July 9, 2008 to be effective September 1, 2008; caption amended, and paragraphs (a), (b) and (c) amended and captions added August 1, 2016 to be effective September 1, 2016; new subparagraph (b)(3) added and former subparagraph (b)(3) redesignated as (b)(4) March 15, 2021 to be effective May 15, 2021;paragraph (b)(3) revised April 5, 2023 to be effective May 1, 2023; paragraph (b)(1)(B), (b)(2), and (c)(2) amended to be effective .

4:86-4. Order for Hearing

(a) …no change.

(1) …no change.

(2) …no change.

(3) …no change.

(4) …no change.

(5) A separate notice shall be personally served on the alleged incapacitated person stating that if [he or she desires] they desire to oppose the action [he or she] they may appear either in person or by attorney, and may demand a trial by jury. The notice shall be in such form and include all such provisions as promulgated by the Administrative Director of the Courts, including as to the rights of an alleged or adjudicated incapacitated person.

(6) …no change.

(7) …no change.

(8) …no change.

(b) …no change.

(1) Counsel shall (i) personally interview the alleged incapacitated person; (ii) make inquiry of persons having knowledge of the alleged incapacitated person's circumstances, [his or her] physical and mental state and [his or her] property; (iii) make reasonable inquiry to locate any will, powers of attorney, or health care

directives previously executed by the alleged incapacitated person or to discover any interests the alleged incapacitated person may have as beneficiary of a will or trust.

(2) …no change.

(i) …no change.

(ii) …no change.

(iii) …no change.

(iv) …no change.

(v) …no change.

(vi) …no change.

(3) …no change.

(c) Examination. If the affidavit or certification supporting the complaint is made pursuant to R. 4:86-2(c), the court may, on motion and upon notice to all persons entitled to notice of the hearing under paragraph (a), order the alleged incapacitated person to submit to an examination. The motion shall set forth the names and addresses of the physicians who will conduct the examination, and the order shall specify the time, place and conditions of the examination. Upon request, the report thereof shall be furnished to either the examined party or [his or her] their attorney.

(d) …no change.

(e) …no change.

Note: Source–R.R. 4:102-4(a) (b). Paragraph (b) amended July 16, 1979 to be effective September 10, 1979; paragraph (a) amended July 21, 1980 to be effective September 8, 1980; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; caption of former R. 4:83-4 amended, caption and text of paragraph (a) amended and in part redesignated as paragraph (b) and former paragraph (b) redesignated as paragraph (c) and amended, and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended and paragraphs (d) and (e) added June 28, 1996 to be effective September 1, 1996; paragraphs (a), (b), (c), (d), and (e) amended July 12, 2002 to be effective September 3, 2002; paragraph (e) amended July 27, 2006 to be effective September 1, 2006; paragraphs (a), (b),(c),(d) and (e) amended July 9, 2008 to be effective September 1, 2008; paragraph (a) amended, subparagraphs enumerated and paragraphs (a)(6) and (a)(7) adopted, paragraph (b) amended and subparagraphs enumerated, and paragraph (c) amended August 1, 2016 to be effective September 1, 2016; new subparagraph (a)(7) added and former subparagraph (a)(7) redesignated as (a)(8) March 15, 2021 to be effective May 15, 2021; subparagraph (b)(2) amended April 6, 2021 to be effective May 15, 2021; paragraph (a)(5); (b)(1), and (c) amended to be effective .

4:86-6. Hearing; Judgment

(a) …no change.

(b) …no change.

(c) …no change.

(1) the incapacitated person's spouse or domestic partner or civil union partner, if the spouse or domestic partner or civil union partner was living with the incapacitated person as [husband or wife] spouse or as a domestic partner or civil union partner at the time the incapacity arose [; (2)], or the incapacitated person's [next of kin] heirs, or friends; or

[(3)] (2) thereafter, first consideration shall be given to the Office of the Public Guardian for Elderly Adults within the statutory mandate of that office[. If]; or

(3) if none of them will accept the appointment, or if the court is satisfied that no appointment from among them will be in the best interests of the incapacitated person or estate, then the court shall appoint and letters shall be granted to such other person who will accept appointment as the court determines is in the best interests of the incapacitated person. Such persons may include registered professional guardians or surrogate decision-makers chosen by the incapacitated person before incapacity by way of a durable power of attorney, health care proxy, or advance directive.

(d) …no change.

(1) The judgment of legal incapacity and appointment of guardian shall be in such form and include all such provisions as promulgated by the Administrative Director of the Courts, including as to the rights of the incapacitated person, except to the extent that the court explicitly directs otherwise.

(2) …no change.

(3) …no change.

(e) …no change.

(1) …no change.

(2) …no change.

(3) …no change.

(4) …no change.

(5) …no change.

(6) A guardian shall cooperate fully with any [Court] court or Surrogate staff or volunteers until the guardianship is terminated by the death or return to capacity of the incapacitated person, or the guardian's death, removal or discharge.

(7) …no change.

(f) …no change.

(1) …no change.

(2) …no change.

(3) …no change.

(4) …no change.

(5) …no change.

(A) …no change.

(B) …no change.

(6) …no change.

(7) …no change.

Note: Source–R.R. 4:102-6(a) (b) (c), 4:103-3 (second sentence). Paragraph (a) amended July 26, 1984 to be effective September 10, 1984; paragraph (a) amended November 5, 1986 to be effective January 1, 1987; paragraphs (a) and (c) of former R. 4:83-6 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a) and (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraph (a) amended, text of paragraph (c) redesignated as paragraphs (c) and (d) and amended, paragraph (c) caption amended, and paragraph (d) caption adopted July 9, 2008 to be effective September 1, 2008; paragraphs (a) and (c) amended, new paragraph (d) added, former paragraph (d) amended and redesignated as paragraph (e), and new paragraph (f) added August 1, 2016 to be effective September 1, 2016; by order dated August 25, 2016 effective date of paragraph (f)(5) extended to March 1, 2017; subparagraphs (f)(4) and (f)(5)(B) amended July 31, 2020 to be effective September 1, 2020; subparagraph (e)(1) amended March 15, 2021 to be effective May 15, 2021; paragraph (c)(1), (2), and (3) amended; paragraph (d)(1) and (6) amended to be effective .

4:86-7. Rights of an Incapacitated Person; Proceedings for Return to Capacity [or], Review of Guardianship, or Appointment of a Substitute, Successor, or Co-Guardian

(a) Rights of an Incapacitated Person. An individual subject to a general or limited guardianship shall retain the rights listed in the judgment of legal incapacity and appointment of guardian, as well as:

(1) …no change.

(2) …no change.

(3) …no change.

(4) …no change.

(5) …no change.

(6) …no change.

(7) …no change.

(b) …no change.

(1) …no change.

(2) …no change.

(3) …no change.

(4) The court may render judgment that the person no longer is fully or partially incapacitated, that [his or her] the person's guardianship be modified or discharged subject to the duty to account, and that [his or her] their person and estate

be restored to [his or her] their control, or may render judgment that the guardianship be modified but not terminated.

(c) …no change.

(d) Proceedings for Appointment of a Substitute, Successor, or Co-Guardian.

(1) The guardian or an interested person may seek appointment of a substitute, successor, or co-guardian by commencing a separate summary action by verified complaint. The complaint shall be supported by an affidavit or certification for each proposed substitute, successor, or co-guardian as described in R. 4:86-2(b)(3).

(2) The court shall, on notice to the persons who would be set forth in a complaint filed pursuant to R. 4:86-2, set a date for hearing, appoint counsel for the incapacitated person if the incapacitated person is not represented, and take oral testimony in open court with or without a jury. In addition, the court may appoint a guardian ad litem to evaluate the best interests of the incapacitated person and to present that evaluation to the court in accordance with R. 4:86-4(d).

(3) The court may render judgment appointing a substitute, successor, or co-guardian in accordance with R. 4:86-6.

(4) An appointed substitute, successor, or co-guardian shall perform the duties set forth in R. 4:86-6(e).

Note: Source–R.R. 4:102-7; former R. 4:83-7 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; caption and text amended July 12, 2002 to be effective September 3, 2002; caption and text amended July 9, 2008 to be effective September 1, 2008; caption and text of former rule deleted, new caption adopted, new paragraphs (a), (b) and (c) adopted August 1, 2016 to be effective September 1, 2016; caption amended, paragraph (a) caption added, paragraph (b) caption added and text amended, paragraph (c) caption added and text amended September 27, 2023 to be effective January 1, 2024; caption amended, paragraph (a) text amended, paragraph (b)(4) text amended and deleted, new paragraph (d) adopted to be effective .

4:86-10. Appointment of Guardian For Persons Eligible For and/or Receiving Services From the Division of Developmental Disabilities

An action pursuant to N.J.S.A. 30:4-165.7 et seq. for the appointment of a guardian for a person over the age of 18 who is eligible for and/or receiving services from the Division of Developmental Disabilities shall be brought pursuant to these rules insofar as applicable, except that:

(a) The complaint may be brought by the Commissioner of Human Services; [or] a parent[,]; a spouse or domestic partner or civil union partner[,]; a relative; or [other] another party interested in the welfare of such person. The complaint and all accompanying documents shall be in such form and include all such provisions as promulgated by the Administrative Director of the Courts.

(b) In lieu of the affidavits or certifications prescribed by R. 4:86-2(b)(2), the verified complaint shall have annexed thereto two documents. One document shall be an affidavit or certification submitted by a practicing physician or a psychologist licensed pursuant to P.L. 1966, c.282 (N.J.S.A. 45:14B-1 et seq.), or an affidavit or certification of a licensed physician assistant having qualifications set forth in N.J.S.A. 45:9-27.10 et seq. and under a delegation agreement with a supervising physician as defined in N.J.S.A. 45:9-27.17 and -27.18, or an affidavit or certification of a registered nurse licensed as an Advance Practice Nurse having qualifications set forth in N.J.A.C. 13:37-7.1 et seq. and under a joint protocol with a collaborating physician as defined in N.J.A.C. 13:35-6.6 who has made a personal

examination of the alleged incapacitated person not more than six months prior to the filing of the verified complaint. The other document shall be one of the following: (1) an affidavit or certification from the chief executive officer, medical director or other officer having administrative control over a Division of Developmental Disabilities program from which the individual is receiving functional or other services; (2) an affidavit or certification from a designee of the Division of Developmental Disabilities having personal knowledge of the functional capacity of the individual who is the subject of the guardianship action; (3) a second affidavit or certification from a practicing physician or psychologist licensed pursuant to P.L. 1966, c.282 (N.J.S.A. 45:14B-1 et seq.), or of a licensed physician assistant having qualifications set forth in N.J.S.A. 45:9-27.10 et seq. and under a delegation agreement with a supervising physician as defined in N.J.S.A. 45:9-27.17 and -27.18, or of a registered nurse licensed as an Advance Practice Nurse having qualifications set forth in N.J.A.C. 13:37-7.1 et seq. and under a joint protocol with a collaborating physician as defined in N.J.A.C. 13:35-6.6, except that a supervising or collaborating physician of an affiant shall not separately certify as to the alleged incapacity of the individual; (4) a copy of the Individualized Education Program, including any medical or other reports, for the individual who is subject to the guardianship action, which shall have been prepared no more than two years prior to the filing of the verified complaint; or (5) an affidavit or certification from a licensed care professional having personal knowledge of the functional capacity of

the individual who is the subject of the guardianship action. The documents shall set forth with particularity the facts supporting the belief that the alleged incapacitated person suffers from a significant chronic functional impairment to such a degree that the person lacks the cognitive capacity either to make decisions or to communicate, in any way, decisions to others. The court in its discretion may require additional proofs as needed.

(c) …no change.

(d) The hearing shall be held pursuant to R. 4:86-6 except that a guardian may be summarily appointed if the attorney for the alleged incapacitated person, by affidavit or certification, does not dispute either the need for the guardianship or the fitness of the proposed guardian and if a plenary hearing is not requested either by the alleged incapacitated person or on [his or her] the alleged incapacitated person's behalf.

Note: Adopted July 7, 1971 to be effective September 13, 1971; amended July 24, 1978 to be effective September 11, 1978. Former rule deleted and new rule adopted November 5, 1986 to be effective January 1, 1987; caption amended and paragraphs (b), (c) and (d) of former R. 4:83-10 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraphs (b) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) amended June 28, 1996 to be effective September 1, 1996; paragraphs (b), (c) and (d) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 28, 2004 to be effective September 1, 2004; paragraph (c) amended July 9, 2008 to be effective September 1, 2008; paragraph (c) amended July 22, 2014 to be effective September 1, 2014; caption amended, introductory paragraph and paragraphs (b), (c) and (d) amended August 1, 2016 to be effective September 1, 2016; paragraph (a), (b) and (d) amended to be effective .

H. Proposed Amendments to *Rule* 4:86-2 – Complaint; Accompanying Documents; Alternative Affidavits or Certifications and *Rule* 4:86-4 – Order for Hearing

Following issuance of its opinion, *In re A.D.*, 259 N.J. 337 (2024), the Supreme Court directed the Civil Practice Committee to propose rule amendments and/or commentary to provide judges, counsel, and guardians with clear guidance explaining distinctions among different categories of fiduciaries and the respective role of each category of fiduciary. In *A.D.*, the Court affirmed the Appellate Division on the issue of payment of attorney and expert fees by Adult Protective Services in a guardianship action and made reference to different fiduciaries.

The Civil Practice Division and the Conference of General Equity Presiding Judges proposed amendments to *Rules* 4:86-2 and 4:86-4 in response to this request. The Committee agreed that the proposed amendments clarified the different types of fiduciaries and their respective responsibilities and supported their adoption.

The proposed amendments to *Rule* 4:86-2 and *Rule* 4:86-4 follow.

4:86-2. Complaint; Accompanying Documents[:]; Alternative Affidavits or Certifications; Request for *Pendente Lite* Temporary Guardian

(a) …no change.

(1) …no change.

(2) …no change.

(3) …no change.

(4) …no change.

(5) …no change.

(6) …no change.

(7) …no change.

(b) …no change.

(1) …no change.

(A) …no change.

(B) all the personal estate which [he or she is] they are, will or may in all probability become entitled to, including stocks, bonds, mutual funds, securities and investment accounts: money on hand, annuities, checking and savings accounts and certificates of deposit in banks and notes or other indebtedness due the alleged incapacitated person; pensions and retirement accounts, including annuities and profit sharing plans; miscellaneous personal property; and the nature and total monthly amount of any income which may be payable to the alleged incapacitated person; and

(C) …no change.

(2) …no change.

(A) …no change.

(B) …no change.

(C) …no change.

(D) …no change.

(E) …no change.

(F) the affiant's opinion of the extent to which the alleged incapacitated person is unfit and unable to govern [himself or herself] themself and to manage [his or her] their affairs and shall set forth with particularity the circumstances and conduct of the alleged incapacitated person upon which this opinion is based, including a history of the alleged incapacitated person's condition;

(G) …no change.

(H) …no change.

(3) …no change.

(A) …no change.

(B) …no change.

(C) …no change.

(D) …no change.

(E) …no change.

(F) …no change.

(G) …no change.

(H) …no change.

(i) …no change.

(ii) …no change.

(4) …no change.

(c) …no change.

(1) …no change.

(2) In lieu of the affidavits or certifications provided for in paragraph (b)(2), an affidavit or certification of one affiant having the qualifications as required therein shall be submitted, stating that [he or she] the affiant has endeavored to make a personal examination of the alleged incapacitated person not more than 30 days prior to the filing of the complaint but that the alleged incapacitated person or those in charge of [him or her] the alleged incapacitated person have refused or are unwilling to have the affiant make such an examination. The time period herein prescribed may be relaxed by the court on an ex parte showing of good cause.

(d) Request for *Pendente Lite* Temporary Guardian. The complaint may also request the appointment of a *pendente lite* temporary guardian of the person or estate, or both, pursuant to N.J.S.A. 3B:12-24.1(c). Notice of this application shall be given to the alleged incapacitated person or alleged incapacitated person's

attorney or the attorney appointed by the court to represent the alleged incapacitated person.

Note: Source–R.R. 4:102-2; former R. 4:83-2 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraphs (b) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a), (b), and (c) amended July 12, 2002 to be effective September 3, 2002; paragraphs (b) and (c) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a), (b) and (c) amended July 9, 2008 to be effective September 1, 2008; caption amended, and paragraphs (a), (b) and (c) amended and captions added August 1, 2016 to be effective September 1, 2016; new subparagraph (b)(3) added and former subparagraph (b)(3) redesignated as (b)(4) March 15, 2021 to be effective May 15, 2021; paragraph (b)(3) revised April 5, 2023 to be effective May 1, 2023; paragraphs (b)(1)(B), (b)(2)(F), and (c)(2) amended and new paragraph (d) added to be effective .

4:86-4. Order for Hearing; Appointment and Duties of Counsel, *Pendente Lite* Temporary Guardian, Guardian ad Litem; Examination.

(a) Contents of Order for Hearing.

(1) …no change.

(2) …no change.

(3) …no change.

(4) …no change.

(5) …no change.

(6) …no change.

(7) …no change.

(8) …no change.

(9) *Pendente Lite* Temporary Guardian.

(i) The order may include the appointment of a *pendente lite* temporary guardian of the person or estate, or both, pursuant to N.J.S.A. 3B:12-24.1(c) if the court finds on good cause shown that there is a critical need or risk of substantial harm to the physical or mental health, safety, and well-being of the alleged incapacitated person or to their property or business affairs, and that it is in the person's best interest to have a *pendente lite* temporary guardian appointed before the hearing to determine incapacity and appoint a permanent guardian.

(ii) Unless expressly waived therein, the order appointing the *pendente lite* temporary guardian shall fix the amount of the bond in accordance with N.J.S.A.

3B:15-1 et seq. If there are extraordinary reasons justifying the waiver of a bond, that determination shall be set forth in a decision supported by appropriate factual findings.

(iii) If an order appointing a *pendente lite* temporary guardian is entered without notice, the alleged incapacitated person may appear and move for its dissolution or modification on two days' notice to the plaintiff and to the *pendente lite* temporary guardian or on such shorter notice as the court prescribes. An order appointing a *pendente lite* temporary guardian entered without notice shall expire as prescribed by the court, but within a period of not more than 45 days, unless within that time the court extends it for good cause shown for the same period.

(b) Duties of Counsel for Alleged Incapacitated Person.

(1) [Counsel] In their role as advocate for the alleged incapacitated person, whether appointed pursuant to subparagraph (a)(8) above or retained, counsel shall (i) personally interview the alleged incapacitated person; (ii) make inquiry of persons having knowledge of the alleged incapacitated person's circumstances, [his or her] physical and mental state and [his or her] property; and (iii) make reasonable inquiry to locate any will, powers of attorney, or health care directives previously executed by the alleged incapacitated person or to discover any interests the alleged incapacitated person may have as beneficiary of a will or trust.

(2) …no change.

(i) …no change.

(ii) …no change.

(iii) …no change.

(iv) …no change.

(v) …no change.

(vi) …no change.

(3) Counsel shall protect the rights of the alleged incapacitated person and zealously advocate for their wishes and decisions, so long as such are not patently absurd or pose an undue risk of harm to the client.

(4) If the alleged incapacitated person obtains other counsel, such counsel shall notify the court and appointed counsel at least ten days prior to the hearing date.

[(c) Examination. If the affidavit or certification supporting the complaint is made pursuant to R. 4:86-2(c), the court may, on motion and upon notice to all persons entitled to notice of the hearing under paragraph (a), order the alleged incapacitated person to submit to an examination. The motion shall set forth the names and addresses of the physicians who will conduct the examination, and the order shall specify the time, place and conditions of the examination. Upon request, the report thereof shall be furnished to either the examined party or his or her attorney.]

(c) Duties of *Pendente Lite* Temporary Guardian.

(1) A *pendente lite* temporary guardian appointed pursuant to N.J.S.A. 3B:12-24.1 and subparagraph (a)(9) above is limited to act only for those services specified in the court's order. Appointment of a *pendente lite* temporary guardian does not have the effect of an adjudication of incapacity and does not limit the legal rights of the alleged incapacitated person other than as specified in the court's order.

(2) The court's order may authorize a *pendente lite* temporary guardian to arrange interim financial, social, medical or mental health services or temporary accommodations deemed necessary by the court to deal with the alleged incapacitated person's critical needs or risk of substantial harm, and to make arrangements for payment for such services from the person's estate.

(3) A *pendente lite* temporary guardian shall communicate all actions taken on behalf of the person to counsel for the alleged incapacitated person, who has the right to object to such actions.

(d) Appointment and Duties of Guardian Ad Litem. At any time prior to or following entry of a judgment of incapacity and appointment of guardian pursuant to N.J.S.A. 3B:12-24.1 et seq. and R. 4:86-6, where special circumstances come to the attention of the court by formal motion or otherwise, the court may appoint a guardian ad litem to serve as an independent factfinder, investigator, and evaluator for the court. The guardian ad litem [may, in addition to counsel, be appointed to] [evaluate] shall conduct an independent investigation as to the best interests of the alleged incapacitated person [and to present that evaluation to the court]. Following

the investigation, the guardian ad litem shall submit a report to the court containing the results of the investigation and making a recommendation as to the best interests of the alleged incapacitated person. The guardian ad litem shall not have authority to make decisions on behalf of the alleged incapacitated person.

(e) Compensation. The compensation of the attorney for the party seeking guardianship, appointed counsel, *pendente lite* temporary guardian, and [of the] guardian ad litem, if any, may be fixed by the court to be paid out of the estate of the alleged incapacitated person or in such other manner as the court shall direct.

(f) Examination. If the affidavit or certification supporting the complaint is made pursuant to R. 4:86-2(c), the court may, on motion and upon notice to all persons entitled to notice of the hearing under paragraph (a), order the alleged incapacitated person to submit to an examination. The motion shall set forth the name and address of the physician who will conduct the examination, and the order shall specify the time, place and conditions of the examination. Upon request, the report thereof shall be furnished to either the alleged incapacitated person or their counsel.

Note: Source–R.R. 4:102-4(a) (b). Paragraph (b) amended July 16, 1979 to be effective September 10, 1979; paragraph (a) amended July 21, 1980 to be effective September 8, 1980; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; caption of former R. 4:83-4 amended, caption and text of paragraph (a) amended and in part redesignated as paragraph (b) and former paragraph (b) redesignated as paragraph (c) and amended, and rule redesignated June 29, 1990 to be effective September 4, 1990; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended and paragraphs (d) and (e) added June 28, 1996 to be effective September 1, 1996; paragraphs (a), (b), (c), (d), and (e) amended July 12, 2002 to be effective September 3, 2002; paragraph (e) amended July 27, 2006 to be effective September 1, 2006; paragraphs (a), (b),(c),(d) and (e) amended July 9, 2008 to be effective

September 1, 2008; paragraph (a) amended, subparagraphs enumerated and paragraphs (a)(6) and (a)(7) adopted, paragraph (b) amended and subparagraphs enumerated, and paragraph (c) amended August 1, 2016 to be effective September 1, 2016; new subparagraph (a)(7) added and former subparagraph (a)(7) redesignated as (a)(8) March 15, 2021 to be effective May 15, 2021; subparagraph (b)(2) amended April 6, 2021 to be effective May 15, 2021; caption amended, paragraph (a) caption amended and subparagraph (a)(9) added, paragraph (b) caption amended and subparagraphs (b)(1) and (b)(3) text amended, former paragraph (b)(3) redesignated as (b)(4), former paragraph (c) redesignated as paragraph (f), new paragraph (c) added, paragraph (d) caption and text amended, and paragraph (e) text amended to be effective _____.

I. Proposed Amendments to *Rule* 4:86-7 – Rights of an Incapacitated Person; Proceedings for Return to Capacity or Review of Guardianship

The Civil Practice Division proposed amendments to paragraphs (e) and (f) of *Rule* 4:86-7 to set forth procedures for transfers of guardianships from New Jersey to another state, and from another state to New Jersey. Although *N.J.S.A.* 3B:12B-17 and -18 govern transfers of New Jersey and out of state guardianships, court rule amendments delineating procedures for such applications have not yet been adopted, causing confusion among judges, Surrogates, attorneys, and litigants.

The proposed amendments have been endorsed by the Conference of General Equity Presiding Judges, Probate Part Judges Committee, Working Group on Elder Justice, and Judiciary-Surrogates Liaison Committee. The Committee agreed with the proposed amendments to *Rule* 4:86-7(e) and (f), which conform with *N.J.S.A.* 3B:12B-17 and -18.

The proposed amendments to *Rule* 4:86-7(e) and (f) follow.

4:86-7. Rights of an Incapacitated Person; Proceedings for Return to Capacity or Review of Guardianship, or Transfer of Guardianship

(a) . . .no change.

(b) . . .no change.

(c) . . .no change.

(d) Proceedings for Appointment of a Substitute, Successor, or Co-Guardian.

(1) The guardian or an interested person may seek appointment of a substitute, successor, or co-guardian by commencing a separate summary action by verified complaint. The complaint shall be supported by an affidavit or certification for each proposed substitute, successor, or co-guardian as described in R. 4:86-2(b)(3).

(2) The court shall, on notice to the persons who would be set forth in a complaint filed pursuant to R. 4:86-2, set a date for hearing, appoint counsel for the incapacitated person if the incapacitated person is not represented, and take oral testimony in open court with or without a jury. In addition, the court may appoint a guardian ad litem to evaluate the best interests of the incapacitated person and to present that evaluation to the court in accordance with R. 4:86-4(d).

(3) The court may render judgment appointing a substitute, successor, or co-guardian in accordance with R. 4:86-6.

(4) An appointed substitute, successor, or co-guardian shall perform the

duties set forth in R. 4:86-6(e).

(e) Proceedings for Transfer of Guardianship from New Jersey to Another State.

(1) A guardian of an incapacitated person appointed by a New Jersey court may seek transfer of the guardianship to another state pursuant to N.J.S.A.3B:12B-17 by filing a motion setting forth the basis for the transfer.

(2) Notice of the motion shall be served on all individuals entitled to notice of a complaint, supporting affidavits, and order for hearing pursuant to R. 4:86-4.

(3) The court may schedule a hearing on its own motion, or upon the request of the guardian or those entitled to notice of the motion.

(4) If the court is satisfied that the guardianship will be accepted by the court of the other state and makes findings as set forth in N.J.S.A. 3B:12B-17, it shall issue a provisional order granting the motion and directing the guardian to file for guardianship in the other state.

(5) Upon receipt of a provisional order accepting the guardianship from the court of the other state and any other documents required for termination, the court shall enter a final order confirming the transfer and terminating the New Jersey guardianship.

(f) Proceedings for Transfer of Guardianship from Another State to New Jersey.

(1) A guardian of an incapacitated person appointed by the court of another

state may seek transfer of the guardianship to New Jersey pursuant to N.J.S.A.3B:12B-18 by filing a motion setting forth the basis for the transfer. A certified copy of the provisional order of transfer from the court of the transferring state shall be annexed to the motion.

(2) Notice of the motion shall be served on all individuals entitled to notice of a complaint, supporting affidavits, and order for hearing pursuant to R. 4:86-4, and any persons entitled to such notice under the laws of the transferring state.

(3) The court may schedule a hearing on its own motion, or upon the request of the guardian or those entitled to notice of the motion.

(4) The court shall enter a provisional order accepting the guardianship unless:

(A) an objection is raised, and the court determines that acceptance of the transfer would be contrary to the interests of the incapacitated person; or

(B) the guardian is ineligible for appointment under New Jersey law.

(5) Upon receipt of a final order from the court of the transferring state confirming the transfer, the court shall render judgment accepting the transfer and appointing the guardian in accordance with R. 4:86-6.

(A) On the motion of any party, or on the court's own motion, the court shall determine whether the guardianship must be modified to conform to New Jersey law.

(B) The judgment shall recognize the guardianship order from the transferring state, including its determination of incapacity and appointment of guardian.

(C) The appointed guardian shall perform the duties set forth in R. 4:86-6(e).

(6) Denial of a motion seeking transfer of a guardianship to New Jersey under this rule shall not preclude the guardian from seeking appointment under R. 4:86-2 or paragraph (d) above.

Note: Source–R.R. 4:102-7; former R. 4:83-7 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; caption and text amended July 12, 2002 to be effective September 3, 2002; caption and text amended July 9, 2008 to be effective September 1, 2008; caption and text of former rule deleted, new caption adopted, new paragraphs (a), (b) and (c) adopted August 1, 2016 to be effective September 1, 2016; caption amended, paragraph (a) caption added, paragraph (b) caption added and text amended, paragraph (c) caption added and text amended September 27, 2023 to be effective January 1, 2024; new paragraphs (d), (e), and (f) adopted _____ to be effective _____.

J. Proposed Amendments to the Part VI Rules of Court (Rules Governing Civil Practice in the Law Division, Special Civil Part)

The Part VI Rules of Court, which govern practice in the Special Civil Part of the Law Division, have been amended on an issue-by-issue basis for decades, leading to unclear, inconsistent and, in some instances, overcomplicated rules. The Special Civil Part Subcommittee (SCP Subcommittee) was tasked with conducting a comprehensive review and restyling of the Rules. The SCP Subcommittee sought to clarify the rules without substantively changing, rewriting, or reorganizing them. The proposed amendments, if adopted, will increase readability and fair and efficient operations of the Special Civil Part. The vast majority of the Committee agreed with the proposed restyled Part VI Rules finding they will clarify practice in the Special Civil Part.

A summary of the restyled Rules and proposed amendments follow.

1. Proposed Amendments to *Rule* 6:1-1 – Scope and Applicability of Rules

Rule 6:1-1 addresses the rules that apply in the Special Civil Part, fees charged, and responsibilities of Special Civil Part Officers. The proposed revisions to the Rule shorten sentences, replace legal jargon with plain language, and eliminate redundant language. Importantly, the proposed revisions clearly specify the dockets in the Special Civil Part as follows: Special Civil (DC), Small Claims (SC) or Landlord Tenant (LT). This specification forms the basis for restyling throughout the revised rules.

The proposed amendments to *Rule* 6:1-1 follow.

6:1-1. Scope and Applicability [of Rules]

(a) Special Civil Part rules. The rules in Part VI govern the practice and procedure in the Special Civil Part [, heretofore established within and by this rule continued in] of the Law Division of the Superior Court.

[(a)] (b) Jurisdictional [R]references. [The jurisdictional requirements of R. 6:2-3 shall be deemed to be venue requirements and all other references] References in Part VI to jurisdiction [shall be deemed to] refer [, as appropriate,] to venue or cognizability.

[(b)] (c) Caption. In addition to the requirements set forth in R. 6:3-2, actions brought in the Special Civil Part [shall] must be captioned with the name of the part [and the], nature of the action [as follows], and docket number: Special Civil Part, [(] Special Civil [, Landlord/Tenant] (DC), Small Claims (SC) [, Statutory Penalties or Concurrent Municipal) and shall state, on the face of the pleading and summons, the amount in controversy] or Landlord Tenant (LT). The dockets in the Special Civil Part are designated as DC for Special Civil (successor to the District Courts), SC for Small Claims, and LT for Landlord Tenant.

[(c)] (d) Fees. The fees charged [for actions] in the Special Civil Part [shall be in accordance with] are pursuant to N.J.S.A. 22A:2-37.1 and R. 1:43. [(insofar as applicable), provided that the face of the pleading and summons alleges the amount in controversy does not exceed $20,000, and the fees for actions which are not filed in the Special Civil Part shall be in accordance with N.J.S.A. 22A:2-6

et seq.] Checks for fees and [all] other deposits [shall] must be made payable to the Treasurer, State of New Jersey.

[(d) Filings. All papers filed in the Special Civil Part shall be filed in accordance with R. 6:12 at the principal location of the Part in each county.]

(e) [Service of Process and Enforcement of Judgments] Special Civil Part Officers. [Officers of the] Special Civil Part [shall] Officers are authorized to serve process [in accordance with] pursuant to R. 6:2-3 and enforce judgments [in accordance with] pursuant to R. 6:7. [A writ of execution issued by the Civil Part of the Law Division shall not be directed to a Special Civil Part Officer except by order of the Civil Presiding Judge and such order shall specify the amount of the Officer's fee, require the Officer to account to the court for all funds collected and disbursed pursuant to the writ, and require the Officer to obtain and file a bond in such sum and form as the Civil Presiding Judge may deem necessary.]

(f) Judgments. Rule[.] 4:101 [shall] does not apply to judgments of the Special Civil Part unless a statement for docketing is filed with the Clerk of the Superior Court. A statement for docketing [shall] must issue upon ex parte application of the party requesting docketing [to the Office of the]. The application must be filed in Special Civil Part [in the appropriate county;] where the judgment was entered. [i]It [shall] must bear the name of the Clerk of the Superior Court [thereon] and [shall] be filed by the requesting party with the Clerk of the Superior Court [upon] with payment of the statutory fees.

(g) Forms. The forms contained in Appendix XI to these rules are approved. [and, except as otherwise provided in R. 6:2-1 (form of summons), R. 6:7-1(a) (execution against goods and chattels and wage execution) and R. 6:7-2(b) through (g) (information subpoena), suggested for use in the Special Civil Part. Samples of each form shall be made available to litigants by the Special Civil Part Office.] These forms must be available on the Judiciary website and in Special Civil Part offices.

Note: Caption amended and paragraphs (a) through (g) adopted November 7, 1988 to be effective January 2, 1989; paragraph (c) amended July 17, 1991 to be effective immediately; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 27, 2006 to be effective September 1, 2006; paragraphs (e) and (g) amended July 9, 2008 to be effective September 1, 2008; paragraph (e) amended July 19, 2012 to be effective September 4, 2012; paragraph (g) amended August 1, 2016 to be effective September 1, 2016; paragraphs (f) and (g) amended March 7, 2017 to be effective immediately; paragraphs (c), (f), and (g) amended July 27, 2018 to be effective September 1, 2018; paragraph (c) amended May 10, 2022 to be effective July 1, 2022; new paragraph (a) and caption; former paragraph (a) redesignated as paragraph (b); former paragraph (b) redesignated as paragraph (c); former paragraph (c) redesignated as paragraph (d); former paragraph (d) deleted; new caption and amendments paragraph (e); paragraphs (f) and (g) amended to be effective .

2. Proposed Amendments to *Rule* 6:1-2 – Cognizability

The proposed amendments to *Rule* 6:1-2 split current paragraph (a) into an (a) and (b) and make further revisions therein to sections of the Rule describing the characteristics of the Special Civil (DC), Small Claims (SC) or Landlord Tenant (LT) actions in the Special Civil Part. A new paragraph (c) entitled "Prohibited Matters" is added identifying the matters that are not cognizable in the Special Civil Part such as professional malpractice, tax court, and Probate and Family Part of the Chancery Division actions. New paragraphs (d) and (e) contain shorter and distinct sentences.

The proposed amendments to *Rule* 6:1-2 follow.

6:1-2. Cognizability

[(a) Matters Cognizable in the Special Civil Part. The following matters shall be cognizable in the Special Civil Part, except as otherwise specifically provided in R. 4:3-1(a)(4):

(1) Civil actions (exclusive of professional malpractice, probate, and matters cognizable in the Family Part of the Chancery Division or Tax Court) seeking legal relief when the amount in controversy does not exceed $20,000.

(2) Small claims actions, which are defined as all actions in contract and tort (exclusive of professional malpractice, probate, and matters cognizable in the Family Division or Tax Court) and actions between a landlord and tenant for rent, return of all or part of a security deposit, or money damages, when the amount [in dispute, including any applicable penalties, does not exceed, exclusive of costs, the sum of $5,000. The Small Claim Section may provide such ancillary equitable relief as may be necessary to effect a complete remedy. Actions in lieu of prerogative writs and actions in which the primary relief sought is equitable in nature are excluded from the Small Claims Section;

(3) Summary landlord/tenant actions

(4) Summary actions for the possession of real property pursuant to N.J.S.A. 2A:35-1 et seq., where the defendant has no colorable claim of title or possession, or pursuant to N.J.S.A. 2A:39-1 et seq.;

(5) Summary proceedings for the collection of statutory penalties not exceeding $15,000 per complaint.

(b) Distinct Negligence Claims. An action for damages resulting from negligence composed of several distinct claims may be brought in the Special Civil Part if the amount recoverable on each claim is within the monetary limit even though the amount recoverable on all claims exceeds that limit.

(c) Waiver of Excess. Where the amount recoverable on a claim exceeds the monetary limit of the Special Civil Part or the Small Claims Section, the party asserting the claim shall not recover a sum exceeding the limit plus costs and on the entry of judgment shall be deemed to have waived the excess over the applicable limit.]

(a) Applicability of Part IV rules. Rule 4:3-1 (Divisions of Court; Commencement and Transfer of Actions) applies to the Special Civil Part.

(b) Cognizable matters. The following matters are cognizable in the Special Civil Part:

(1) Special Civil. Special Civil (DC) actions when the amount in controversy does not exceed $20,000;

(2) Small claims. Small Claims (SC) actions in contract and tort when the amount sought does not exceed $5,000. Ancillary equitable relief as may be necessary to effect a complete remedy may be granted;

(3) Landlord tenant. Landlord Tenant (LT) summary actions by landlord for the recovery of premises;

(4) Ejectments. Special Civil (DC) summary ejectment actions, including illegal lockouts, for the possession of real property pursuant to N.J.S.A. 2A:35-1 et seq., where the defendant has no colorable claim of title or possession, or pursuant to N.J.S.A. 2A:39-1 et seq.; and

(5) Statutory penalties. Special Civil (DC) summary proceedings for the collection of statutory penalties not exceeding $20,000 per complaint.

(c) Prohibited matters. Professional malpractice, Tax Court, and Probate and Family Part of the Chancery Division actions are not cognizable in the Special Civil Part. Pursuant to R. 4:69-1, actions in lieu of prerogative writs are not cognizable in the Special Civil Part.

(d) Distinct negligence claims. Distinct negligence claims may be brought in an action in Special Civil (DC) or Small Claims (SC) if the amount recoverable on each claim is within the monetary limit. The action can be brought even though the amount recoverable on all claims exceeds that limit.

(e) Waiver of excess. Except for distinct negligence claims, when the amount recoverable exceeds the monetary limit of Special Civil (DC) or Small Claims (SC), the party asserting the claim may not recover a sum exceeding the limit plus costs. On the entry of judgment, the excess is deemed waived.

Note: Adopted November 7, 1988 to be effective January 2, 1989; caption added to paragraph (a) and paragraph (a) amended July 17, 1991 to be effective immediately; paragraphs (a)(1) and (2) amended July 14, 1992 to be effective September 1, 1992; paragraphs (a)(1) and (2) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a)(1) and (a)(2) amended July 12, 2002 to be effective September 3, 2002; paragraph (a)(2) amended July 28, 2004 to be effective September 1, 2004; subparagraph (a)(4) and paragraph (c) amended July 27, 2006 to be effective September 1, 2006; subparagraphs(a)(1) and (a)(2) amended, new subparagraph (a)(4) adopted, former subparagraph (a)(4) redesignated as subparagraph (a)(5), and former subparagraph (a)(5) deleted July 19, 2012 to be effective September 4, 2012; paragraph (a) amended July 27, 2018 to be effective September 1, 2018; subparagraph (a)(1) amended July 31, 2020 to be effective September 1, 2020; subparagraph (a)(1) and subparagraph (a)(2) amended May 10, 2022 to be effective July 1, 2022; new paragraphs (a) and (b)(1) through (5); former paragraph (b) redesignated as paragraph (d); new paragraph (c) and former paragraph (c) is redesignated as paragraph (e) to be effective .

3. Proposed amendments to *Rule* 6:1-3 – Venue

Rule 6:1-3 addresses venue in the Special Civil Part. The proposed amendments to the rule seek to clarify venue requirements by reorganizing them into new paragraphs. The proposed amendments increase readability and the ability of users to more quickly identify the situation that may apply to the particular circumstances they face.

The proposed amendments to *Rule* 6:1-3 follow.

6:1-3. Venue

(a) Where [L]laid. Except as [otherwise] provided by statute, venue [in actions in the Special Civil Part and the Small Claims Section shall be laid in the county in which at least one defendant in the action resides. For purposes of this rule, a business entity shall be deemed to reside in the county in which its registered office is located or in any county in which it is actually doing business. Except as otherwise provided by statute, venue in landlord and tenant actions shall be laid in the county where the rental premises is located and actions for the recovery of a security deposit may be brought in the county where the property is situated. If all defendants are non-residents of this state, venue shall be laid in the county in which the cause of action arose.] must be as follows:

(1) Special Civil (DC) and Small Claims (SC). Special Civil (DC) and Small Claims (SC) must be filed in the county where at least one defendant resides. A business entity resides in any county where it is doing business or has a registered office.

(2) Landlord Tenant (LT). Landlord Tenant (LT) must be filed in the county where the rental premises is located.

(3) All defendants out-of-state. If all defendants are out-of-state residents, venue is in the county where the cause of action arose.

(b) Improper[ly V] venue[d Complaints].

(1) Before filing. If a [Special Civil Part]complaint is presented [for filing in a county] where venue [does not lie,] is improper and the error is [apparent prior to] identified before acceptance of the complaint [for filing and processing], [the complaint shall] it must be date-stamped and returned [to the plaintiff] with instructions to refile [it in the county in which venue is properly laid. The original stamped date shall be considered the filing date only if the complaint is filed within 15 days thereof with the Office of the Special Civil Part in the appropriate county. The stamp bearing the filing date shall so inform the plaintiff] in a proper venue. The instructions must also state that the stamped date will be the filing date if refiled within 15 days.

[If, however, the complaint has been filed and it becomes apparent before service is effectuated that venue is improper, the Office of the Special Civil Part shall forward the complaint and all other documents filed in the matter to the proper county and]

(2) Before Service. If the clerk determines that venue is improper after the complaint is filed and before the complaint is served, the clerk must transfer the case to the proper county. The clerk must advise the [litigants] parties of the [correct county of venue as well as the] address of the Special Civil Part [Office] in [that county] the proper county.

Note: Adopted November 7, 1988 to be effective January 2, 1989; paragraph (a); amended July 14, 1992 to be effective September 1, 1992; paragraph (a); amended July 27, 2006

to be effective September 1, 2006; paragraph (a); amended August 1, 2016 to be effective September 1, 2016; paragraph (b); amended March 7, 2017 to be effective immediately; paragraph (b) amended July 27, 2018 to be effective September 1, 2018; paragraph (a) amended and new paragraphs (1) through (3); paragraph (b) caption amended and new paragraphs (1) and (2) to be effective .

4. Proposed Amendments to *Rule* 6-2 – Process

Rule 6:2 addresses process in the Special Civil Part. The proposed amendments to *Rule* 6:2-1 and 6:2-2 reorganize the rule into paragraphs to clarify the procedure for initiating process and the requirements for filings and the issuance of process in the Special Civil Part. The proposed amendments to *Rule* 6:2-3 eliminate redundant references to modes of service in the Special Civil Part. In *Rule* 6:2-4, the term "State" is replaced with "Superior Court of New Jersey" to specify that process in the Special Civil Part is issued in the name of the Superior Court of New Jersey.

The proposed amendments to *Rules* 6:2-1, 6:2-2, 6:2-3, and 6:2-4 follow.

6:2-1. Form of Summons

[The form of the summons shall conform with the requirements of R. 4:4-2 and shall be in the form set forth in Appendix XI-A(1) to these Rules or, for small claims, in the form set forth in Appendix XI-A(2) or, for tenancy actions, in the form set forth in Appendix XI-B. However in landlord and tenant actions for the recovery of premises, summary ejectment and unlawful entry and detainer actions, and actions in the Small Claims Section, in lieu of directing the defendant to file an answer, the summons or signed order to show cause used as original process, shall require the defendant to appear and state a defense at a certain time and place, to be therein specified, which time shall be not less than 21 days in summary dispossess actions and not less than 5 business days, nor more than 30 days from the date of service of the summons in small claims actions, and shall notify the defendant that upon failure to do so, judgment by default may be rendered for the relief demanded in the complaint.]

(a) Generally. Except ejectments, the content of the summons must be pursuant to R. 4:4-2. The summons form in Appendix XI-A(1) must be used in Special Civil (DC). The summons form in Appendix XI-A(2) must be used in Small Claims (SC). The summons form in Appendix XI-B must be used in Landlord Tenant (LT).

(b) Summary proceedings.

(1) In ejectments, Small Claims (SC) and Landlord Tenant (LT), instead of filing an answer, the summons must direct defendant to appear and present a defense at a certain time and place. The summons must warn that failure to do so may result in default judgment for the relief demanded in the complaint.

(2) In Landlord Tenant (LT) the appearance must not be less than 21 days from the date of service.

(3) In Small Claims (SC) the appearance must not be less than 5 days from the date of service.

(c) Ejectments. Ejectments must proceed by order to show cause.

Note: Source–R.R. 7:4-1(a)(b), 7:17B2. Amended July 16, 1979 to be effective September 10, 1979; amended July 15, 1982 to be effective September 13, 1982; amended November 7, 1988 to be effective January 2, 1989; amended July 10, 1998 to be effective September 1, 1998; amended July 5, 2000 to be effective September 5, 2000; amended July 12, 2002 to be effective September 3, 2002; amended August 1, 2016, to be effective September 1, 2016; amended July 31, 2025 to be effective September 1, 2025; new paragraphs (a), (b)(1) through (3), and (c) to be effective .

6:2-2. [Process:] Filing and Issuance

(a) [Delivery to Clerk; Issuance] Filing. [The plaintiff shall, when filing the] Plaintiff's complaint [, furnish the clerk with] must include the summons [as set forth in Appendix XI-B for tenancy actions, with the summons as set forth] in Appendix XI-A(1) for Special Civil (DC) [actions], [and with the summons as set forth in] Appendix XI-A(2)-(page 2 only) for Small Claims [actions] (SC), and Appendix XI-B for Landlord Tenant (LT). [In tenancy actions,] Unless filed electronically, in Landlord Tenant (LT) two additional copies of the summons and complaint [shall] must be filed for each defendant. [The clerk shall issue the summons except as otherwise provided by law and, in tenancy actions, shall attach to the summons and complaint for service on each defendant English and Spanish copies of the announcement contained in Appendix XI-S to these rules and copies of any notices upon which the plaintiff intends to rely, as set forth in R. 6:3-4(d). Original process shall issue out of the court and shall require an answer or an appearance at a specific time.]

(b) Issuance. Original process must be issued by the clerk. Except when an appearance is directed instead of an answer, the summons must require defendant to file an answer by a specific date. In Landlord Tenant (LT), the clerk issuing the summons must attach to the summons and complaint English and Spanish versions of the announcement in Appendix XI-S and copies of any notices required by R. 6:3-4(f).

[(b)] (c) Non-resident Defendants[; Filing]. If no defendant can be served [with process] within this State, [the] plaintiff may file the complaint with the [Office of the] Special Civil Part in the county [in which the subject transaction or occurrence took place] where the cause of action arose.

Note: Source–R.R. 7:3 (second sentence), 7:4-2, 7:4-4; former rule amended and designated paragraph (a) and paragraph (b) adopted July 17, 1975 to be effective September 8, 1975; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 18, 2001 to be effective November 1, 2001; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended March 7, 2017 to be effective immediately; paragraphs (a) and (b) amended July 27, 2018 to be effective September 1, 2018; caption and paragraph (a) amended; new paragraph (b); former paragraph (b) designated as paragraph (c) and amended to be effective _____.

6:2-3. Service of Process

(a) By Whom Served. Personal service of process within this State may be [made] by a Special Civil Part Officer[s] and [such] other persons authorized by law [to serve such process as the Assignment Judge designates]. [Persons so designated shall receive in payment] Officers must be paid the statutory fees for their services. [the fees allowed therefor by statute. Service of all process outside this State may be made in accordance with R. 4:4-4 and R. 4:4-5. After the filing of a complaint and receipt of a docket number, service may be made by mail pursuant to either R. 4:4-4(c) by plaintiff or, pursuant to R. 6:2-3(d), by the clerk, without the payment of mileage fees.]

(b) Manner of Service. [Service of process within this State shall be made in accordance with R. 6:2-3(d) or as otherwise provided by court order consistent with due process of law, or in accordance with R. 4:4-5. Substituted service within this State shall be made pursuant to R. 6:2-3(d). Substituted or constructive service outside this State may be made pursuant to the applicable provisions in R. 4:4-4 or R. 4:4-5.

In summary actions for the recovery of premises, service of process shall be by ordinary mail and by delivery personally pursuant to R. 4:4-4. When the person serving process is unable to effectuate service by delivering process personally, service may be effectuated by affixing a copy of the summons and complaint on the door of the unit occupied by the defendant or, if that is not possible, on another

conspicuous part of the subject premises. When the plaintiff-landlord has reason to believe that service may not be made at the subject premises, the landlord shall also request service at an address, by certified and regular mail addressed to the tenant, where the landlord believes that service will be effectuated. The landlord shall furnish to the clerk two additional copies of the summons and complaint for each defendant for this purpose.]

(1) In Special Civil (DC) and Small Claims (SC) service of process must be made:

(A) pursuant to R. 6:2-3(d);

(B) as provided by order to show cause in ejectments; or

(C) pursuant to R. 4:4-5.

(2) In Landlord Tenant (LT) service of process must be by both ordinary mail and by personal delivery. When the process server is unable to make personal service, service may be by posting a copy of the summons and complaint on the door of the unit. If that is not possible, then it can be posted on a conspicuous part of the premises. When plaintiff has reason to believe that service will not be made at the premises, plaintiff must request service at an alternate known address of defendant pursuant to R. 6:2-3(d).

(3) If the above forms of service are not effective, a motion for substituted service pursuant to R. 4:4-4 or R. 4:4-5 may be made.

(c) Notice of Service. Except [in landlord and tenant actions for recovery of the premises and actions in the Small Claims Section, upon the return of service of original process] for ejectment actions, the clerk [shall] must inform [the] plaintiff or plaintiff's attorney of the date of service in Special Civil (DC).

(d) Service by [M]mail [P]program. [If the process is to be served in this State, or if substituted service of process is to be made within this state:]

(1) Initial Service. [The clerk of the court shall simultaneously mail such process by both certified and ordinary mail. A plaintiff or attorney shall submit to the clerk the mailing addresses of parties to be served and the appropriate number of copies of the summons and complaint. The clerk shall furnish postage, envelopes, and return receipts and shall address same. Mail service on each defendant shall be placed in separate envelopes by the clerk regardless of marital status or address. Process shall be mailed within 12 days of the filing of the complaint. The clerk thereafter shall send a postcard to plaintiff or the attorney showing the docket number, date of mailing and a statement that, unless the plaintiff is otherwise notified, default will be entered on the date shown. If service cannot be effected by mail, the clerk shall send a second card to the plaintiff or attorney stating the reasons for incomplete service and requesting instructions for reservice.]

(A) Except for ejectment actions, initial service in Special Civil (DC) and Small Claims (SC) must be by the clerk of the court. The clerk must simultaneously mail process by both certified and ordinary mail.

(B) A plaintiff must submit the mailing addresses of parties to be served. Unless filed electronically, plaintiff must provide the appropriate number of copies of the summons and complaint.

(C) The clerk must furnish postage, envelopes, and return receipts and must address same. Mail service on each individual defendant must be placed in separate individual envelopes. Process must be mailed within 12 days of filing of the complaint.

(D) The clerk must send a notice to plaintiff or plaintiff's attorney showing the docket number, the date of mailing, and unless plaintiff is otherwise notified, the date that default will be entered.

(E) If service cannot be effected by mail, the clerk must send a second card to plaintiff or plaintiff's attorney stating the reason and requesting instructions for reservice.

(2) Reservice. Where initial service by mail is not effected, plaintiff or [the] plaintiff's attorney may request reservice by mail or personal service by [court officer] a Special Civil Part Officer [personally pursuant to R. 4:4-4] without a motion. If reservice by mail at the same address is requested [the], plaintiff or plaintiff's attorney [shall be required to] must provide a postal verification[, affidavit containing a statement that sets forth the source of the address used for service of the summons and complaint,] or [other] affidavit of proof [satisfactory to the court] that the party to be served receives mail at that address.

(3) Fees. [The f] Fees for service by mail [shall be as provided by] are allowed pursuant to N.J.S.A. 22A:2-37.1.

(4) Effective Service. [Consistent with due process of law, service by mail pursuant to this rule shall have the same effect as personal service, and the simultaneous mailing shall constitute effective service unless the mail is returned to the court by the postal service with a marking indicating it has not been delivered, such as "Moved, Left No Address," "Attempted — Addressee Not Known," "No Such Number/Street," "Insufficient Address," "Not Deliverable as Addressed—Unable to Forward," or the court has other reason to believe that service was not effected. However, if the certified mail is returned to the court marked "unclaimed" or "refused," service is effective provided that the ordinary mail has not been returned. Process served by mail may be addressed to a post office box. Service shall be effective when forwarded by the postal service to an address outside the county in which the action is instituted. Where process is addressed to the defendant at a place of business or employment, with postal instructions to deliver to addressee only, service will be deemed effective only if the signature on the return receipt appears to be that of the defendant to whom process was mailed.]

(A) Consistent with due process of law, service by mail pursuant to this rule has the same effect as personal service.

(B) Simultaneous mailing constitutes effect service unless the court has reason to believe that service was not effected or the mail is returned to

the court by the post office with a marking that it has not been delivered. Such markings include "Moved, Left No Address, " Attempted—Addressee Not Known," "No Such Number/Street," "Insufficient Address," "Not Deliverable as Addressed—Unable to Forward."

(C) If the certified mail is returned to the court marked "unclaimed" or "refused," service is effective provided that the ordinary mail has not been returned.

(D) Process served by mail may be addressed to a post office box. Service effective when forwarded by the postal service to an address outside the county in which the action is instituted.

(E) When process is addressed to defendant at a place of business or employment by restricted delivery to addressee only, service is effective only if the signature on the return receipt appears to be that of the defendant to whom process was mailed.

(5) [Vacation of] Vacating [D]defaults. If process is returned to the court by the [postal service subsequent to] post office after entry of default and displays any of the markings listed in [the preceding paragraph] R. 6:2-3(d)(4), or other reason exists to believe that service was not effected, the clerk [shall] must vacate the default or default judgment and [shall] immediately notify [the] plaintiff or plaintiff's attorney [of the action taken].

(e) [General] Appearance and [; Acknowledgement of] acknowledged [S]service. A general appearance or an acceptance of the service of a summons, signed by the defendant's attorney or signed and acknowledged by the defendant [(] – other than a minor or mentally incapacitated person[),] – [shall have] has the same effect as if the defendant had been properly served.

Note: Source–R.R. 7:4-6(a)(b) (first three sentences), 7:4-7. Paragraph (a) amended July 7, 1971 effective September 13, 1971; paragraph (a) amended July 14, 1972 to be effective September 5, 1972; paragraph (b) amended November 27, 1974 to be effective April 1, 1975; paragraphs (a)(b) amended July 17, 1975 to be effective September 8, 1975; paragraph (a) amended July 16, 1979 to be effective September 10, 1979; paragraph (a) amended July 21, 1980 to be effective September 8, 1980; paragraph (b) amended July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended and paragraph (d) adopted November 5, 1986 to be effective January 1, 1987; paragraph (c) amended November 7, 1988 to be effective January 2, 1989; paragraphs (b) and (d) amended June 29, 1990 to be effective September 4, 1990; paragraph (d) amended July 17, 1991 to be effective immediately; paragraph (e) adopted July 14, 1992 to be effective September 1, 1992; paragraphs (a) and (e) amended July 13, 1994 to be effective September 1, 1994; paragraph (d)(4) amended July 5, 2000 to be effective September 5, 2000; paragraphs (a), (b), (d), (d)(2), and (e) amended July 12, 2002 to be effective September 3, 2002; paragraphs (b), (d)(4), and (5); amended July 28, 2004 to be effective September 1, 2004; paragraph (b); amended July 23, 2010 to be effective September 1, 2010; subparagraph (d)(2) amended July 19, 2012 to be effective September 4, 2012; paragraph (d)(1) amended August 1, 2016 to be effective September 1, 2016; paragraph (a) amended; new paragraphs (b)(1)(A)(B) and (C); new paragraphs (b)(2) and (3); paragraph (c) amended; paragraph (d)(1) amended and new paragraphs (d)(A) through (E); paragraph (d)(2)(3) and (4) amended; and new paragraphs (d)(4)(A) through (E); paragraph (d)(5) amended; paragraph (e) amended to be effective .

6:2-4. [Issuance and s]Signing of Process

All process [shall] must be issued in the name of the [State] Superior Court of New Jersey and signed by or in the name of the clerk. The clerk may designate subordinates to sign the clerk's name to [such] process.

Note: Source–R.R. 7:4-3 (first unnumbered paragraph); amended November 7, 1988 to be effective January 2, 1989; amended June 29, 1990 to be effective September 4, 1990; supplemented March 27, 2000 so as to permit the clerk or the clerk's designee to electronically affix a facsimile of the clerk's signature to all process issued by the court in cases that were filed electronically, to be effective September 1, 2000 and until further order; caption and paragraph amended to be effective .

5. Proposed Amendments to *Rule* 6:3-1 – Applicability of Part IV Rules

The proposed amendments to *Rule* 6:3-1 reorganize the rule for purposes of clarity by creating paragraphs on applicability of the Part IV rules and any exceptions to applicability of the Part IV rules to the Special Civil Part.

The proposed amendments to *Rule* 6:3-1 follow.

6:3-1. Applicability of Part IV Rules

[Except as otherwise provided by R. 6:3-4 (joinder in landlord and tenant actions), the following rules shall apply to the Special Civil Part: R. 4:2 (form and commencement of action); R. 4:3-3 (change of venue in the Superior Court), provided, however, that in Special Civil Part actions a change of venue may be ordered by the Assignment Judge of the county in which venue is laid or the Assignment Judge's designee; R. 4:5 to R. 4:9, inclusive (pleadings and motions); R. 4:26 to R. 4:34, inclusive (parties); and R. 4:52 (injunctions as applicable in landlord/tenant actions); provided, however, that, in Special Civil Part actions (1) a defendant who is served with process whether within or outside this State shall serve an answer including therein any counterclaim within 35 days after completion of service; (2) extension of time for response by consent provided by R. 4:6-1(c) shall not apply; (3) the 90-day periods prescribed by R. 4:6-3 (defenses raised by motion), R. 4:7-5(c) (cross claims), and R. 4:8-1(a) (third party complaints) shall each be reduced to 30 days; (4) the 45-day period prescribed by R. 4:8-1(b) (amended complaint asserting claims against third party defendant) shall be reduced to 30 days; (5) an appearance by a defendant appearing pro se shall be deemed an answer; (6) no answer shall be permitted in summary actions between landlord and tenant, summary ejectment and unlawful entry and detainer actions or in actions in the Small Claims Section; (7) if it becomes apparent that the name of any party listed in the

pleadings is incorrect, the court, at any time prior to judgment on its own motion or the motion of any party and consistent with due process of law, may correct the error, but following judgment such errors may be corrected only on motion with notice to all parties; (8) a defendant who is served with an amended complaint pursuant to R. 4:9-1 shall plead in response within 35 days after the completion of service; and (9) the double-spacing and type-size requirements of R. 1:4-9 do not apply.]

(a) Generally. The following rules apply to the Special Civil Part:

(1) R. 4:2 (Form; Commencement of Action);

(2) R. 3-3 (Change of Venue in the Superior Court);

(3) Chapter II of Part IV (R. 4:5 to 4:9) (Pleadings and Motions) as follows;

(A) R. 4:5 (General Rules of Pleading);

(B) R. 4:5B-3 (Settlement Conferences);

(C) R. 4:6 (Defenses and Objections: When and How Presented; by Pleading or Motion; Motion for Judgment on Pleadings);

(D) R. 4:7 (Counterclaim and Cross-Claim);

(E) R. 4:8 (Third Party Practice); and

(F) R. 4:9 (Amended and Supplemental Pleadings);

(4) Chapter IV of Part IV (R. 4:26 to 4:34) (parties) as follows;

(A) R. 4:27 (Joinder of Claims and Remedies);

(B) R. 4:28 (Joinder of Parties);

(C) R. 4:29 (Joinder of Multiple Parties);

(D) R. 4:30 (Misjoinder and Non-Joinder of Parties);

(E) R. 4:30A (Entire Controversy Doctrine);

(F) R. 4:31 (Interpleader);

(G) R. 4:32 (Class Actions);

(H) R. 4:33 (Intervention); and

(I) R. 4:34 (Substitution of Parties);

(5) R. 4:52 (Injunctions as applicable in Landlord Tenant (LT).

(b) Modifications. The rules in R. 6:3-1(a) are modified as follows:

(1) in Special Civil Part (DC), a defendant must serve an answer including any counterclaim within 35 days after completion of service;

(2) extension of time for response by consent provided by R. 4:6-1(c) does not apply;

(3) the 90-day periods in R. 4:6-3 (defenses raised by motion), R. 4:7-5(c)-(cross claims), and R. 4:8-1(a) (third party complaints) are reduced to 30 days;

(4) the 45-day period in R. 4:8-1(b)-(amended complaint asserting claims against third party defendant) is reduced to 30 days;

(5) an appearance by a self-represented defendant is deemed an answer;

(6) no answer is permitted in ejectments, Small Claims (SC) and Landlord Tenant (LT);

(7) if it becomes apparent before judgment that the name of any party in the pleadings is incorrect, the court, on its own or on the motion of any party and

consistent with due process of law, may correct the error, but post judgment correction may only be requested by motion;

(8) a defendant served with an amended complaint pursuant to R. 4:9-1 must plead in response within 35 days after service; and

(9) the double-spacing and type-size requirements pursuant to R. 1:4-9 do not apply.

Note: Source–R.R. 7:2, 7:3, 7:5-1, 7:5-3, 7:5-4(a)(b), 7:5-5, 7:5-6, 7:5-7, 7:5-8, 7:12-5(a)(b), 7:12-6. Amended June 29, 1973 to be effective September 10, 1973; amended July 24, 1978 to be effective September 11, 1978; amended November 5, 1986 to be effective January 1, 1987; amended November 2, 1987 to be effective January 1, 1988; amended November 7, 1988 to be effective January 2, 1989; amended June 29, 1990 to be effective September 4, 1990; amended July 13, 1994 to be effective September 1, 1994; amended July 12, 2002 to be effective September 3, 2002; amended July 27, 2006 to be effective September 1, 2006; amended August 1, 2016 to be effective September 1, 2016; amended to include (a)(1)(2)(3)(4) and (5); (b)(1)(2)(3)(4)(5)(6)(7)(8) and (9).

6. Proposed amendments to *Rule* 6:3-2 – Endorsement of Papers; Complaint; Summons

The proposed amendments to *Rule* 6:3-2 more clearly convey what captions in the Special Civil Part must contain and specific caption and pleading requirements for actions to collect assigned claims. Language is also added to paragraph (a) to specify that, in Special Civil (DC) and Small Claims (SC), the clerk must endorse on each summons the sum demanded in the complaint, with costs.

The proposed amendments to *Rule* 6:3-2 follow.

6:3-2. [Endorsement of Papers: Complaint; Summons] Captions

(a) [Classification of Pleading] General. [For classification by the clerk, t] The caption of the summons and complaint [shall] must state the nature of the action (e.g., "contract", "tort", ["replevin",] "disorderly tenant", "non-payment of rent", "holdover tenant"[, etc.]). In Special Civil (DC) and Small Claims (SC), [T] the clerk [shall] must endorse [up] on each summons the sum demanded in the complaint[,] with costs.

(b) [Caption in Actions on Assigned Claims] Assigned claims. The caption in any action to collect an assigned claim [shall] must name both the original creditor and the current assignee. The caption [shall also] must include the name of the vendor, if any, that appears on any credit card that may be involved in the action.

(c) Pleading Requirements in Actions on Assigned Claims. In an action to collect an assigned claim filed by an assignee, [T] the complaint [in actions to collect assigned claims shall set forth with specificity] must state the name of the original creditor, the last four digits of the original account number of the debt, the last three digits of [the] defendant-debtor's Social Security Number [(if known)] or that the number is unknown, the current owner of the debt, and the full chain of the assignment of the claim [, if the action is not filed by the original creditor].

Note: Source–R.R. 7:5-2(a) (third sentence) (b). Caption and text amended July 10, 1998, to be effective September 1, 1998; text designated as paragraph (a), caption added to paragraph (a), and new paragraphs (b) and (c) adopted July 19, 2012 to be effective September 4, 2012;

paragraph (c); amended July 22, 2014 to be effective September 1, 2014; caption amended, paragraphs (a)(b) and (c) amended to be effective .

7. Proposed Amendments to *Rule* 6:3-3 – Motion Practice

The proposed amendments to *Rule* 6:3-3 incorporate the requirements of electronic filing with respect to motion practice in the Special Civil Part. They also reorganize the rule to more clearly set forth processes for oral argument and various types of motions.

The proposed amendments to *Rule* 6:3-3 follow.

6:3-3. Motion Practice

(a) Serving and Filing Motions [Papers]. [On motions to which R. 6:3-3(c) is applicable, moving papers including proof of service shall be filed forthwith after service. On all other motions, except ex parte applications, moving papers including proof of service shall be served and filed within the time prescribed by R. 1:6-3. Ex parte applications shall be filed with the clerk.] Motions must be filed with the clerk. Proof of service of a motion is only required for a party who is not a registered participant in the court's electronic filing system. The proof of service must be filed either with the moving papers or promptly after filing. Opposition to the motion must be in writing, filed within ten days after the service, and include proof of service.

(b) When Heard. [Motions shall be heard on days designated by the Assignment Judge or designee.

(1) Subject to R. 1:6-2(d), upon receipt of an objection and a request for oral argument, or at the direction of the court, the clerk shall set the motion down for hearing and shall notify the parties or their attorneys by mail of the time and place thereof. Requests for oral argument of contested motions made in a timely and procedurally proper manner by any party shall be granted as a matter of right.

(2) A party who has not requested oral argument may waive in writing the right to appear at the hearing and instead rely on the papers. When oral argument

has been waived by all parties, it should not be required unless the court believes that it is necessary for disposition of the motion.

(3) The court may use telephone conferences to dispose of motions.]

(1) Oral Argument. *Rule* 1:6-2(d) applies to the Special Civil Part. The clerk must give notice of the hearing in the court's electronic filing system and by mail on any party who is not a registered participant in the court's electronic filing system.

(2) Waiver of oral argument. If oral argument is granted, the party who requested oral argument must appear. Any party who did not request oral argument may waive their appearance in writing. When oral argument has been waived by all parties, the court may require it if the court finds it is necessary.

(3) Mode of Oral Argument. In lieu of appearing in person, the court may direct oral argument by phone or video.

(c) Service and Form. The provisions of R. 1:6-2 are modified as follows. [Motions shall be made in the form and manner prescribed by R. 1:6, and in conformity with R. 6:6-1, provided, however, that:]

(1) No return date. The notice of motion [shall] must not state a [time and place for its presentation to the court, nor shall the discovery end date as specified in R. 1:6-2(a) be required. No oral argument of a motion shall be permitted unless specifically demanded by a party or directed by the court] return date or discovery end date.

(2) Time for opposition. The notice of motion [shall also] must state the court's address and that the order sought will be entered in the discretion of the court unless the attorney or [pro se] self-represented party [upon whom it has been served] notifies the [clerk of the] court and [the attorney for the moving party or the pro se party] the moving party's attorney or moving party in writing within ten days [after the date] of service [of the motion] that the responding party [objects to the entry of the order] opposes the motion.

(3) How to respond. [Every] The notice of motion [shall] must include the following language: "NOTICE. IF YOU WANT TO RESPOND TO THIS MOTION YOU MUST DO SO IN WRITING. Your written response must be in the form of a certification or affidavit. That means that the person signing it swears to the truth of the statements in the certification or affidavit and is aware that the court can punish him or her if the statements are knowingly false. You may ask for oral argument, which means you can ask to appear before the court to explain your position. If the court grants oral argument, you will be notified of the time, date, and place. Your response, if any, must be in writing even if you request oral argument. Any papers you send to the court must also be sent to the opposing party's attorney, or the opposing party if they are not represented by an attorney."

(4) Summary judgment. [In addition to the notice contained in subparagraph (3) above, all notices] A notice of motion for summary judgment must also state: "We are asking the court to make a final decision against you without a

trial or an opportunity for you to present your case to a judge. We are requesting that a decision be entered against you because we say that the important facts are not in dispute and the law entitles us to a judgment. If you object to the motion, you must file a written response stating what facts are disputed and why a decision should not be entered against you."

(5) Discovery sanction. [In addition to the notice contained in subparagraph (3) above, all notices] A notice of motion to dismiss or suppress for failure to answer interrogatories must also state: "We are requesting that your complaint be dismissed or your answer not be considered for failure to answer the interrogatories (questions) we sent you. In order to avoid this you must, within 10 days, either (a) send us answers to the questions and inform the court in writing that you have fully answered the questions or (b) respond to the motion. If you choose to respond, you must state your opposition in writing and send copies to us and to the court."

(6) Turnover to satisfy judgment. [In addition to the notice contained in subparagraph (3) above, all notices] A notice of motion for turnover that will satisfy the underlying judgment if granted must also state at the top of the page "NOTICE OF MOTION TO TURNOVER THAT WILL FULLY SATISFY THE JUDGMENT," and the motion filing fee [shall be waived as provided] in R. 1:43 will be waived upon the inclusion of an additional statement in the affidavit or certification in support thereof which states that "the judgment will be fully satisfied

if the requested relief is granted."

(7) The party seeking an order under this rule shall submit a proposed form of order with the moving papers.

[(d) Transfer of Landlord/Tenant Actions; Enforcement of Discovery Orders and Information Subpoenas. Motions to transfer landlord/tenant actions to the Civil Part of the Law Division shall be governed by R. 6:4-1(g). Motions to enforce discovery orders and information subpoenas shall be governed by R. 6:7-2.

(e) Motions to Vacate Defaults or Default Judgments. Motions to vacate defaults or default judgments that were entered because a written answer was not filed on time shall include the proffered answer and its filing fee.]

Note: Source–R.R. 7:5-9, 7:5-10, 7:5-11(a)(b); paragraph (c) amended July 15, 1982 to be effective September 13, 1982; paragraph (c) amended November 2, 1987 to be effective January 1, 1988; paragraph (b); amended November 7, 1988 to be effective January 2, 1989; paragraph (c) amended June 29, 1990 to be effective September 4, 1990; paragraph (c) amended and paragraph (d) adopted July 14, 1992 to be effective September 1, 1992; new text of subparagraph (c)(5) added and former subparagraph (c)(5) redesignated as (c)(6) July 13, 1994 to be effective September 1, 1994; subparagraph (c)(2) amended, subparagraphs (c)(4), (c)(5), and (c)(6) redesignated as subparagraphs (c)(6), (c)(7), and (c)(8), and new subparagraphs (c)(4) and (c)(5) adopted July 5, 2000, to be effective September 5, 2000; paragraph (a); amended, paragraph (b) caption and text amended, paragraphs (c)(6) and (c)(7) amended and redesignated as paragraphs (b)(1) and (b)(2), new paragraph (b)(3) added, paragraph (c)(8) redesignated as paragraph (c)(6), paragraph (d); amended, and new paragraph (e) added July 12, 2002 to be effective September 3, 2002; subparagraph (c)(1); amended July 28, 2004 to be effective September 1, 2004; new subparagraph (c)(6) added and former subparagraph (c)(6) redesignated as subparagraph (c)(7) July 27, 2018 to be effective September 1, 2018; paragraph (a) amended; new paragraphs (b)(1)(2)(3); paragraph (b)(c)(1)(2)(3)(4)(5) and (6) amended; paragraphs (d) and (e) deleted.

8. Proposed amendments to *Rule* 6:3-4 – Summary Actions for Possession of Premises

The proposed amendments to *Rule* 6:3-4 clarify and highlight the distinctive characteristics of the Landlord Tenant (LT) actions through reorganization. The proposed amendments also conform *Rule* 6:3-4 with the latest rule amendments set forth in the 2025 Omnibus Rule Amendment Order regarding Landlord Tenant (LT) requiring use of a new mandatory residential LT complaint form.

The proposed amendments to *Rule* 6:3-4 follow.

6:3-4. [Summary Actions for Possession of Premises

(a) No Joinder of Actions. Summary actions between landlord and tenant for the recovery of premises shall not be joined with any other cause of action, nor shall a defendant in such proceedings file a counterclaim or third-party complaint. A party may file a single complaint seeking the possession of a rental unit from a tenant of that party and from another in possession of that unit in a summary action for possession provided that (1) the defendants are separately identified by name or as otherwise permitted by R. 4:26-5(c) or (d) and R. 4:26-5(e), and (2) each party's interests are separately stated in the complaint.

(b) Acquisition of Title From Tenant; Option to Purchase. When the landlord acquired title from the tenant or has given the tenant an option to purchase the property, the complaint shall recite those facts.

(c) Form of Complaint in Residential Cases. Complaints in summary actions for possession of residential premises must be in the form set forth in Appendix XI-X to these Rules. The amount of rent owed for purposes of the dispossess action can include only the amount that the tenant is required to pay by federal, state or local law and the lease executed by the parties.

(d) Notices. Complaints in all tenancy actions shall have attached thereto copies of all notices upon which the plaintiff intends to rely.]

Pleadings in Landlord Tenant (LT)

(a) No Joinder of Actions. Landlord Tenant (LT) actions must not be joined with any other cause of action.

(b) No Responsive Pleadings. Defendant in the proceedings is prohibited from filing any responsive pleading. Prohibited pleadings include an answer, counterclaim and third-party complaint. A defendant may file a case information statement.

(c) Parties. Plaintiff may file a single complaint seeking the possession of a rental unit from tenant and other occupants in possession of that unit in Landlord Tenant (LT) provided that (1) defendants are separately identified by name or as permitted by R. 4:26-5(c), (d) or (e), and (2) each party's interests are separately stated in the complaint.

(d) Transfer of Title. When landlord acquired title from tenant or has given tenant an option to purchase the property, the complaint must recite those facts.

(e) Mandatory Form of Complaint in Residential Actions. Landlord Tenant (LT) complaints for possession of residential premises must be in the form in Appendix XI-X. For nonpayment of rent cases, the amount of rent owed may only include the amount tenant is required to pay by federal, state or local law and the lease executed by the parties.

(f) Notices. Notices plaintiff intends to rely on must be filed with the complaint.

Note: Source–R.R. 7:5-12. Caption and text amended July 14, 1992 to be effective

September 1, 1992; amended July 27, 2006 to be effective September 1, 2006; caption amended, former text allocated into paragraphs (a) and (b), captions to paragraphs (a) and (b) adopted, and new paragraphs (c) and (d) added July 9, 2008 to be effective September 1, 2008; paragraph (a) amended July 19, 2012 to be effective September 4, 2012; paragraph (c) amended July 31, 2025 to be effective September 1, 2025; new caption and new paragraphs (a)(b)(c)(d) and (e).

9. Proposed Amendments to *Rule* 6:4-1 – Transfer of Actions

The proposed amendments to *Rule* 6:4-1 clarify the process on how to transfer Special Civil Part cases to other courts and consolidate them with actions in other courts. The proposed amendments to *Rule* 6:4-1 follow. Revised paragraph (a) and (b) focus on transfer in specific circumstances while revised paragraph (c) addresses consolidation with actions in other courts. Revised paragraphs (d) through (f) address issues ancillary to transfer and consolidation relating to records, remand, and fees and paragraph (g) sets forth how to transfer Landlord Tenant (LT) actions.

6:4-1. Transfer of Actions

(a) [Consolidation with Actions in Other Courts. An action pending in the Special Civil Part may be transferred to another court for consolidation with an action pending in such other court in accordance with R. 4:38-1.]

[(b)] Transfer When Recovery Will Exceed Monetary Limit. A plaintiff [, after commencement of an action in the Special Civil Part, but before the trial date,] in Special Civil (DC) may apply for [removal] transfer of the action to the Civil Part of the Law Division[,] before the trial date on the ground that it appears likely that the recovery will exceed the Special Civil Part monetary limit by (1) filing and serving in the Special Civil Part an affidavit [or that of an authorized agent] stating that the affiant believes [that] the [amount of the] proofs will establish a claim[, when established by proof, will] that exceeds [the sum or value constituting] the monetary limit of the Special Civil Part and that it is filed in good faith and not for the purpose of delay[;], and (2) filing in the Civil Part [of the Law Division] and serving a motion for transfer. The Civil Part of the Law Division [shall] must order the transfer if [it finds that] there is [reasonable] cause to believe that the amended claim is founded on fact and that it has a reasonable chance for success [upon the trial thereof] at trial.

[(c)] (b) Transfer When Counterclaim Exceeds Monetary Limit. A defendant in Special Civil (DC) filing a counterclaim in excess of the Special Civil Part monetary limit may apply for [removal] transfer of the action to the Civil Part of the Law Division by (1) filing and serving in the Special Civil Part the

counterclaim together with an affidavit [or that of an authorized agent] stating that the affiant believes [that the amount of such claim, when established by proof, will exceed the sum or value constituting] the proofs will establish a claim that exceeds the monetary limit of the Special Civil Part and that it is filed in good faith and not for the purpose of delay[;], and (2) filing in the Civil Part of the Law Division and serving a motion for transfer. The Civil Part of the Law Division [shall] must order the transfer if [it finds that] there is [reasonable] cause to believe that the counterclaim is founded on fact and that it has a reasonable chance for success [upon the trial thereof] at trial.

(c) Consolidation with Actions in Other Courts. A Special Civil Part action may be consolidated with an action pending in another court pursuant to R. 4:38-1 by transferring the action to that court.

(d) Transmission of Record [; Costs]. [Upon presentation of an order transferring an action to the Civil Part of the Law Division, the Office of the Special Civil Part shall transmit the papers on file in the court to the Civil Part of the Law Division of the Superior Court in the county of venue] If an order to transfer is entered, the clerk must electronically transfer the action.

(e) Remand of Consolidated Actions to Special Civil Part. Upon [the] settlement or dismissal of [a Law Division, Civil Part action with which a Special Civil Part action has been consolidated, the Law Division, Civil Part on its own motion or the motion of a party may remand the action for trial in the Special Civil

Part, provided, however, that no such action shall be remanded to a county other than that in which the consolidated Law Division, Civil Part action would have been tried. If the plaintiff in a Special Civil Part action so transferred or consolidated is the prevailing party, the Law Division,] an action with which a Special Civil Part action had been consolidated by transfer, the Special Civil Part action may be remanded by transfer to the Special Civil Part of the county in which the Chancery Division or Civil Part of the Law Division action would have been tried. After disposition of a consolidated action, the court in the Chancery Division or Civil Part of the Law Division, on [plaintiff's] the prevailing party's or its own motion, may remand the action to the Special Civil Part [for] in the county in which it was instituted for the entry of judgment [and taxation of costs]. A consolidated action that is transferred for remand is not a prohibited retransfer pursuant to R. 4:3-1(b).

(f) Fees on Transfer to Special Civil Part. If a party in an action [transferred] remanded to the Special Civil Part [thereafter] prevails, the [filing] fees paid by that party to the court from which the action was transferred may be taxed as part of the costs. The fees may be taxed regardless of whether the transfer was to the Special Civil Part of the same or another county. Costs incurred by the prevailing party while on transfer to the Civil Part may be taxed pursuant to R. 4:42-8.

[(g) Transfer of Landlord/Tenant Actions. A motion to transfer a summary action for the recovery of premises to the Civil Part of the Law Division pursuant to N.J.S.A. 2A:18-60, shall be made by serving and filing the original of that motion

with the Office of the Special Civil Part no later than the last court day prior to the date set for trial. The motion shall be returnable in the Special Civil Part on the trial date, or such date thereafter as the court may determine in its discretion or upon application by the respondent for more time to prepare a response to the motion. Upon the filing of the motion, the Special Civil Part shall take no further action pending disposition of the motion. If the motion is not resolved on the original trial date, the court may require security for payment of rent pending disposition of the motion. If the motion is granted, the Office of the Special Civil Part shall transmit the record in accordance with R. 6:4-1(d). If the motion is denied, the court shall set the action expeditiously for summary hearing.]

(g) Transfer of Landlord Tenant (LT).

(1) A motion to transfer a Landlord Tenant (LT) action to the Civil Part pursuant to N.J.S.A. 2A:18-60 must be filed in the Special Civil Part no later than the business day before trial.

(2) The motion is returnable on the trial date or the date as may be scheduled by the court. The court has discretion to grant an application by the opposing party for more time to prepare a response. The Special Civil Part must take no further action until the motion is decided.

(3) If the motion is not resolved on the original trial date, the court may require security for payment of rent pending disposition of the motion. If the motion

is granted, the Special Civil Part must electronically transfer the action. If the motion is denied, the court must schedule an expedited trial date.

Note: Source–R.R. 7:6-1(a)(b)(c)(d)(e). Paragraph (b) adopted and former paragraphs (b)(c)(d)(e) redesignated June 29, 1973 to be effective September 10, 1973; paragraph (g) amended July 21, 1980 to be effective September 8, 1980; paragraph (f) amended November 2, 1987 to be effective January 1, 1988; paragraphs (a), (b), (c), (d), (e) and (g) and captions of paragraphs (b), (c) and (e) amended November 7, 1988 to be effective January 2, 1989; paragraph (g) amended July 14, 1992 to be effective September 1, 1992; paragraph (d) amended July 13, 1994 to be effective September 1, 1994; paragraph (d) amended July 19, 2012 to be effective September 4, 2012; paragraph (f) amended August 1, 2016 to be effective September 1, 2016; paragraphs (d) and (g) amended March 7, 2017 to be effective immediately; paragraphs (b), (c), (d) and (g) amended July 27, 2018 to be effective September 1, 2018; paragraph (e) amended July 31, 2020 to be effective September 1, 2020; new paragraph (a); paragraph (b) amended; new paragraph (c); paragraphs (d)(e) and (f) amended; paragraph (g) new caption and paragraphs (1)(2) and (3).

10. Proposed Amendments to *Rule* 6:4-2 – Pretrial Conference

The proposed amendments to *Rule* 6:4-2 correct terminology to provide authority for pretrial conference procedure.

The proposed amendments to *Rule* 6:4-2 follow.

6:4-2. Pretrial Conference

The pretrial conference procedure [provided by] pursuant to R. 4:25-1 to [R.] 4:25-6, inclusive, may be employed in the court's discretion on its own motion or the motion of a party.

Note: Source–R.R. 7:6-3.6:4-3; text amended to be effective .

11. Proposed amendments to *Rule* 6:4-3 – Interrogatories; Admissions; Production

The proposed amendments to *Rule* 6:4-3 simplify the procedures for discovery by type of discovery and applicability to the Special Civil Part dockets. The proposed amendments also clarify actions for which discovery is not permissible.

The proposed amendments to *Rule* 6:4-3 follow.

6:4-3. [Interrogatories; Admissions; Production] Discovery

(a) Interrogatories [G]generally. Except as otherwise provided by R. 6:4-3(b) and (f), interrogatories [may be served pursuant to the applicable provisions of R. 4:17 in all actions except forcible entry and detainer actions, summary landlord and tenant actions for the recovery of premises, and actions commenced or pending in the Small Claims Section. The 40-day and 60-day periods prescribed by R. 4:17-2 and R. 4:17-4, respectively, for serving and answering interrogatories shall, however, be each reduced to 30 days in Special Civil Part actions.] are allowed in Special Civil (DC) pursuant to R. 4:17. The 40-day and 60-day periods pursuant to R. 4:17-2 and 4:17-4, respectively, for serving and answering interrogatories are reduced to 30 days.

(b) Interrogatories in Automobile Negligence and Personal Injury Actions. [A party in an automobile negligence or personal injury action may propound interrogatories only by demanding, in the initial pleading, that the opposing party answer the appropriate standard set of interrogatories set forth in Forms A, A(1), A(2), C, C(1) through C(4), D, and E of Appendix II to these Rules, specifying to which set of interrogatories answers are demanded and to which questions, if less than all in the set. The demand shall be stated in the propounding party's initial pleading immediately following the signature. Interrogatories shall be served upon a party appearing pro se within 10 days after the date on which the pro se party's initial pleading is received. Answers to the interrogatories shall be served within 30

days after service of the answer, except that a pro se party shall serve answers within 30 days after receipt of the interrogatories. The answers shall be set forth in a document duplicating the appropriate Form, containing the questions propounded, each followed immediately by the answer thereto. Additional interrogatories may be served and enlargements of time to answer may be granted only by court order upon motion on notice, made within the 30-day period, for good cause shown, and on such terms as the court directs.]

(1) A party in an automobile negligence or personal injury action in Special Civil (DC) may propound interrogatories only by demanding them in the initial pleading. The interrogatories must be limited to demanding the opposing party answer the appropriate standard set of interrogatories in Forms A, A(1), A(2), C, C(1) through C(4), D, and E of Appendix II. The demand must specify which set of interrogatory answers are demanded. If the demand is for less than the full set, the demand must specify which questions must be answered. The demand must be in the propounding party's initial pleading immediately following the signature.

(2) Interrogatories must be served upon a party appearing without an attorney within 10 days after the date on which the self-represented party's initial pleading is received.

(3) Answers to the interrogatories must be served within 30 days after service of the answer, except that a self-represented party must serve answers within 30 days after receipt of the interrogatories. The answers must be in a document

duplicating the appropriate Form, containing the questions propounded, each followed immediately by the answer.

(4) A party may file a motion to propound additional interrogatories and for an enlargement of time to answer interrogatories. The motion must be filed within 30 days of the date of service of process. The motion may be granted for good cause and on terms as the court directs.

(c) Physical and Mental Examinations in Personal Injury Actions [; Protective Orders]. The provisions of R. 4:19 [shall] apply to personal injury actions in [the] Special Civil [Part, except that the time period prescribed by R. 4:19-1, requiring that an examination not be scheduled prior to 45 days following the notice of the examination and that a motion for a protective order be filed within this 45-day period,] (DC). The 45-day time periods pursuant to R. 4:19-1 [is] are reduced to 30 days. [In addition, a] A party requesting an examination [shall] must do so by specific demand in the party's answer immediately following the signature line.

(d) Request for Admissions. The provisions of R. 4:22 (admission of facts and genuineness of documents) [shall] apply to Special Civil (DC) actions [in the Special Civil Part].

(e) Production; Inspection. The provisions of R. 4:18 (production of documents, inspection) [shall] apply to Special Civil (DC) actions [in the Special Civil Part].

(f) Interrogatories in Actions Cognizable But Not Pending in Small Claims

[Section, Discovery] (SC). [Any action filed] A party in [the] a Special Civil [Part that is] (DC) action cognizable but not pending in [the] Small Claims [Section may proceed with discovery, but each party] (SC) is limited to serving interrogatories [consisting of]. Interrogatories are limited to no more than [five] ten questions without subparts. [Such interrogatories shall] Interrogatories must be served and answered within the time limits [set forth] in R. 6:4-3(a). Additional interrogatories may be served and enlargements of time to answer may be granted only by court order on timely notice of motion for good cause shown.

(g) Summary actions. Discovery is not allowed in:

(1) Small Claims (SC);

(2) Landlord Tenant (LT); and

(3) ejectment actions that plead only forcible entry and detainer pursuant to N.J.S.A. 2A:39-1 et seq.

Note: Source–R.R. 7:6-4A(a) (b) (c), 7:6-4B, 7:6-4C. Caption amended and paragraph (c) adopted July 7, 1971 to be effective September 13, 1971; caption amended, paragraph (a) amended, and paragraph (d) adopted July 29, 1977 to be effective September 6, 1977; paragraph (a) amended July 24, 1978 to be effective September 11, 1978; paragraph (e) adopted July 15, 1982 to be effective September 13, 1982; paragraph (e) amended July 22, 1983 to be effective September 12, 1983; paragraphs (a), (c), (d) and (e) amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended, paragraph (b) adopted and former paragraphs (b), (c), (d) and (e) redesignated as (c), (d), (e) and (f) respectively, June 29, 1990 to be effective September 4, 1990; paragraph (b) amended August 31, 1990, to be effective September 4, 1990; paragraphs (b) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) caption and text amended, and paragraph (f) amended July 12, 2002 to be effective September 3, 2002; former paragraph (b) deleted and paragraphs (c), (d), (e), and (f) redesignated as paragraphs (b), (c), (d) and (e), respectively, July 28, 2004 to be effective September 1, 2004; paragraph (b) amended, new paragraph (c) adopted, and former paragraphs (c), (d), (e) redesignated as paragraphs (d), (e), (f) July 27, 2006 to be effective September 1, 2006; paragraph (a) amended August 1, 2006 to be effective September 1, 2006; paragraph (f) caption and text amended July 23, 2010 to be effective September 1, 2010; paragraphs (c) and (f) amended July 15, 2024 to be effective September 1,

2024; new caption; paragraph (a) amended; new paragraph (b) and caption amended, new paragraphs (1)(2)(3)(4); caption amended paragraph (c); paragraphs (d)(e) amended; caption and paragraph (f) amended; new paragraphs (g)(1)(2)(3) to be effective _____.

12. Proposed Amendments to *Rule* 6:4-4 – Depositions

The proposed amendments to *Rule* 6:4-4 reorganize the rule to clarify when and how depositions may be taken in Special Civil (DC) actions and add a new paragraph to address depositions in ejectments.

The proposed revisions to *Rule* 6:4-4 follow.

6:4-4. Depositions

[No depositions are permitted in Special Civil Part actions except by order of the court, granted for good cause shown and on such terms as the court directs, on motion with notice to the other parties in the action. If a party or material witness in any action or proceeding resides outside this State, or is within this State but is physically incapacitated or about to leave the State, the person's deposition may be taken in accordance with R. 4:10 and R. 4:12 to R. 4:16 inclusive, on leave of court granted with notice or, for good cause, without notice.]

(a) Motion Required. Depositions are allowed in Special Civil (DC) actions only by court order, on timely notice of motion for good cause, and on terms as the court directs.

(b) Out of State or Incapacitated Individuals. If a party or material witness in Special Civil (DC) action resides outside this State, or is within this State but is physically incapacitated or about to leave the State, the person' deposition may be taken pursuant to R. 4:10 and R. 4:12 to 4:16 inclusive, on leave of court granted with notice or, for good cause, without notice.

(c) Ejectments. Depositions are not allowed in ejectments that plead only forcible entry and detainer pursuant to N.J.S.A. 2A39-1 et seq.

Note: Source–R.R. 7:6-5; amended July 13, 1994 to be effective September 1, 1994; amended July 27, 2006 to be effective September 1, 2006; former paragraph deleted and new paragraphs (a)(b) and (c) to be effective .

13. Proposed Amendments to *Rule* 6:4-5 – Time for Completion of Discovery Proceedings

The proposed amendments to *Rule* 6:4-5 rearrange the contents of the current rule into three paragraphs lettered (a) to (c). Proposed paragraph (a) is titled "Time for Completion" and significantly shortened to convey when and how discovery must be completed. Proposed paragraph (b) is titled "Extension" and separates and simplifies the procedure for seeking more time to complete discovery. Proposed paragraph (c) is titled "Transferred Actions" replaces a cross-reference to a Part IV rule with the relevant Part VI rule and restates content using plain language to improve comprehension.

The proposed amendments to *Rule* 6:4-5 follow.

6:4-5. Time for Completion of Discovery Proceedings

[All proceedings referred to in R. 6:4-3 and R. 6:4-4, including discovery in actions that are cognizable but not pending in the Small Claims Section, except for proceedings under R. 4:22 (request for admissions), shall be completed as to each defendant within 90 days of the date of service of that defendant's answer, unless on motion and notice, and for good cause shown, an order is entered before the expiration of said period enlarging the time for such proceedings to a date specified in the order. In actions transferred to the Special Civil Part pursuant to R. 4:3-4(c), however, the parties shall complete discovery within such time to which they would have been entitled under R. 4:24-1 had the action not been transferred.]

(a) Time for Completion. Except requests for admissions pursuant to R. 4:22, discovery must be completed as to each defendant within 90 days of the date of service of that defendant's answer.

(b) Extension. A motion for an enlargement of time on notice and for good cause is allowed if an order is entered before the expiration of the discovery end date. An order granting an enlargement must specify the new discovery end date.

(c) Transferred Actions. In an action transferred to the Special Civil Part pursuant to R. 6:4-1(e), the parties must complete discovery within the time allowed pursuant to R. 4:24-1 had the action not been transferred.

Note: Source–R.R. 7:6-6; amended November 7, 1988 to be effective January 2, 1989; amended July 12, 2002 to be effective September 3, 2002; amended July 19, 2012 to be effective September 4, 2012; former paragraph deleted and new paragraphs (a)(b) and (c) to be effective .

14. Proposed Amendments to *Rule* 6:4-6 – Sanctions

The proposed amendments to *Rule* 6:4-6 reorganize to clarify that the sanction provisions of *Rule* 4:23 apply to Special Civil (DC) actions, and to use plain language throughout.

The proposed amendments to *Rule* 6:4-6 follow.

6:4-6. Sanctions

(a) Applicability of Part IV Rules. The sanction provisions of R. 4:23 ([sanctions for f] Failure to [m]Make [d]Discovery; Sanctions) [shall] apply to [actions in the] Special Civil [Part, except that:] (DC).

[(a)] (b) Dismissal or Suppression [; Time Periods] without prejudice. The 90-day period [prescribed by] pursuant to R. 4:23-5(a)(1) for motions to vacate orders of dismissal or suppression is reduced to 60 days.

[(b)] (c) Restoration Fees. The amounts of the restoration fees of $100 and $300 [specified in] pursuant to R. 4:23-5(a) are reduced to $25 if the motion is made within 30 days and $75 thereafter.

[(c)] (d) Dismissal or Suppression With Prejudice [; Time Period]. The 60-day period [prescribed by] pursuant to R. 4:23-5(a)(2) is reduced to 45 days.

[(d)] (e) Form of Motion [; Attorney's Affidavit]. The motion to dismiss or suppress with prejudice [shall] must be filed [in accordance with] pursuant to R. 6:3-3(c)(5) [and]. If the delinquent party has an attorney, the attorney for the delinquent party [shall] must file the affidavit [specified in] pursuant to R. 4:23-5(a)(2) with the papers filed in response to the motion.

[(e)] (f) Notice to Client/[Pro Se] Self-Represented Party Pursuant to R. 4:23-5(a)(1). The notice [prescribed by] in Appendix II-A [of these rules shall] must be modified to reflect the time periods and restoration fees [set forth in paragraphs (a) and (b) above] pursuant to R. 6:4-6(b) and (c).

[(f)] (g) Notice to Client/[Pro Se] Self-Represented Party Pursuant to R. 4:23-5(a)(2). The notice [prescribed] in Appendix II-B [of these rules shall] must be modified to eliminate the second paragraph referring to a return date and substitute [in its stead] a statement that the Clerk will notify the party of the date, time, and place of the hearing on the motion.

Note: Adopted July 29, 1977 to be effective September 6, 1977; amended November 7, 1988 to be effective January 2, 1989; former text amended and new paragraphs (a) through (f) adopted July 28, 2004 to be effective September 1, 2004; paragraphs (c), (e), and (f) amended July 22, 2014 to be effective September 1, 2014; paragraph (e) amended July 15, 2024 to be effective September 1, 2024; paragraph amended and designated paragraph (a); former paragraph (a) redesignated as paragraph (b) and amended; paragraph (b) redesignated as paragraph (c) and amended; paragraph (c) redesignated as paragraph (d) and amended; paragraph (d) redesignated as paragraph (e) and amended; paragraph (e) redesignated as paragraph (f) and amended; paragraph (f0 redesignated as paragraph (g) and amended to be effective _____.

15. Proposed Amendments to *Rule* 6:4-7 – Adjournment of Proceedings

The proposed amendments to *Rule* 6:4-7 reorganize the rule to provide for procedures for requesting an adjournment of a hearing, trial or complementary dispute resolution event and notice requirements regarding such requests, and procedures for requesting an adjournment to complete discovery and notice requirements regarding those requests.

The proposed amendments to *Rule* 6:4-7 follow.

6:4-7. Adjournment of Proceedings.

(a) Generally. [All requests for adjournments of hearings, trials and complementary dispute resolution events shall be made to the clerk's office as soon as the need is known, but absent good cause for the delay not less than 5 days before the scheduled court event. Prior to contacting the clerk's office, the party requesting the adjournment shall notify the adversary that the request is going to be made and, except for requests made pursuant to paragraph (b) of this rule, shall then notify the clerk of the adversary's response. The court shall then decide the issue and, if granted, assign a new date. The requesting party shall notify the adversary of the court's response.]

(1) Requests for adjournments of hearings, trials and complementary dispute resolution events must be made to the clerk's office as soon as the need is known. Absent good cause for the delay, the request must be at least 5 days before the scheduled court event.

(2) Before contacting the clerks' office, the party requesting the adjournment must notify the adversary that the request is going to be made. Except requests made pursuant to R. 6:4-7(b), the requesting party must then notify the clerk of the adversary's response. The court must then decide the issue and, if granted, assign a new date.

(b) Adjournment to Complete Discovery. [If a case in which discovery is permitted is listed for mediation or trial before the expiration of the time allowed by

these rules or court order for discovery, an adjournment to complete discovery shall routinely be granted without necessity of an appearance or the consent of the adversary if the request is made within the discovery period and discovery was timely commenced, as required by these rules. The requesting party shall notify the adversary of the court's response.] A request for adjournment of a trial or mediation must routinely be granted without the necessity of an appearance or consent of the adversary if:

(1) the request is submitted in writing;

(2) made before the discovery end date; and

(3) explains that discovery was timely commenced.

(c) Notice of Decision. The requesting party must notify any party who is not a registered participant in the court's electronic filing system of the court's response.

Note: Adopted July 12, 2002 to be effective September 3, 2002, incorporating a portion of R. 6:5-2(a) as paragraph (b); paragraph (b) amended July 27, 2018, to be effective September 1, 2018; paragraphs (a) amended new (1) and (2); paragraph (b) amended, new paragraphs (1)(2) and (3); new paragraph (c) to be effective .

16. Proposed amendments to *Rule* 6:5-1 – Applicability of Part IV Rules; Sanctions

The proposed amendments to *Rule* 6:5-1 enumerate the Part IV Rules applicable to Trials in the Special Civil Part in list form. Redundant language regarding sanctions in the current rule is deleted.

The proposed amendments to *Rule* 6:5-1 follow.

6:5-1. Applicability of Part IV Rules [; Sanctions]

[R. 4:37 (dismissal of actions), R. 4:38 (consolidation), R. 4:39 (verdicts) and R. 4:40 (motion for judgment) are applicable to the Special Civil Part. The court may order a party whose complaint is dismissed pursuant to R. 1:2-4 or R. 4:37-1(b) for failure to appear for trial or who seeks to refile such a complaint pursuant to R. 4:37-4 to pay to the aggrieved party costs, reasonable attorney's fees and expenses related to the dismissed action.]

(a) The following rules apply to the Special Civil Part:

(1) R. 4:37 (Dismissal of Actions);

(2) R. 4:38 (Consolidation; Separate Trials);

(3) R. 4:39 (Verdicts); and

(4) R. 4:40 (Motion for Judgment).

Note: Source–1969 Revision; amended November 7, 1988 to be effective January 2, 1989; caption and text amended July 12, 2002 to be effective September 3, 2002; amended July 9, 2008 to be effective September 1, 2008; caption amended and former paragraph deleted and new paragraphs (a)(1)(2)(3) and (4) to be effective .

17. Proposed amendments to *Rule* 6:5-2 – Notice of Trial; Assignment for Trial

The proposed amendments to *Rule* 6:5-2 provide clarity on how Landlord Tenant (LT) trials are conducted and highlight topics such as when they are heard and when and how the Harris announcement must be given.

The proposed amendments to *Rule* 6:5-2 follow.

6:5-2. Notice of trial; [assignment for] Pre-[t]Trial

(a) Notice by Clerk. Except [for] summary actions [brought under] pursuant to R. 6:2-1(b), the clerk [shall] must inform the parties or their attorneys of the trial date at least 30 days before trial. For good cause [shown], the court may order [a longer or shorter] less than 30 days' notice [in any action].

[(b) Landlord and Tenant Actions. Summary actions between landlord and tenant shall be placed on a separate list on the calendar and shall be heard on the return day unless adjourned by the court, or by consent with the approval of the court. At the beginning of the calendar call and again at the end of the calendar call for latecomers, the judge presiding at the call shall provide instructions substantially conforming with the announcement contained in Appendix XI-S to these rules. Written copies of that announcement also shall be available to litigants in the courtroom. A video recording, prepared either by the Administrative Office of the Courts or by the vicinage, may be used for the second reading when the judge deems its use necessary. In those counties having a significant Spanish-speaking population, the announcement also shall be given in Spanish both orally and in writing; the oral presentation may be given by video recording or other audio-visual device or by the judge presiding at the call.]

(b) Landlord Tenant (LT).

(1) Landlord Tenant (LT) actions must be listed on separate calendars and must be heard on the return date. Trial may be adjourned by the court or by consent of the parties with the approval of the court.

(2) At the beginning of the calendar call and again at the end of the calendar call for latecomers, the judge presiding at the call must provide oral instructions substantially conforming with the trial information in Appendix XI-S. Written copies of that trial information must be available to litigants in the courtroom.

(3) In those counties having a significant Spanish-speaking population, the instructions must also be given in Spanish both orally and in writing.

(4) The oral instructions may be given by video recording, other audio-visual device or by the judge presiding at the call.

(c) Assignment to Particular Judge [; Common Issues]. If common issues of law or fact are involved in [2] two or more actions pending in the Special Civil Part, [all such] the actions [shall] must be assigned for hearing or trial to the same judge. If issues previously determined are involved in a subsequent action, [such] the subsequent action [shall] must be assigned for hearing or trial to the same judge who previously determined [such] the issues [unless otherwise]. Assignment to a different judge may be ordered by the Assignment Judge or designee.

(d) Avoidance of Multiple Appearances. Multiple appearances in cases that have been scheduled for trial [shall] must be avoided [and, consistent]. Consistent with R. 1:40-7, cases should be disposed of on the trial date by a

complementary dispute resolution event, trial, dismissal, or entry of default [(with a proof hearing if requested)]. The court has discretion to hold a proof hearing at the time of entry of default if requested.

Note: Source–R.R. 7:7-3, 7:7-4, 7:7-11, 7:7-12; paragraph (a) amended November 27, 1974 to be effective April 1, 1975; amended July 17, 1975 to be effective September 8, 1975; paragraph (c) amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraph (a) caption and text amended July 5, 2000 to be effective September 5, 2000; paragraph (b) amended July 18, 2001 to be effective November 1, 2001; paragraph (a) caption and text amended and new paragraph (d) added July 12, 2002 to be effective September 3, 2002; paragraph (b) amended July 15, 2024 to be effective September 1, 2024; paragraph (a) amended; new paragraph (b)(1)(2)(3) and (4); paragraphs (c) and (d) amended to be effective .

18. Proposed amendments to *Rule* 6:5-3 – Trial by Jury

The proposed amendments to *Rule* 6:5-3 reorganize the rule to provide clearer procedure on demanding a jury trial in Special Civil (DC) versus Small Claims (SC). Additional revisions eliminated passive voice and replaced legalese with plain language.

The proposed amendments to *Rule* 6:5-3 follow.

6:5-3. Trial by [j]Jury

(a) How Demanded. [In actions commenced in the Special Civil Part a written demand for trial by jury shall be filed with the clerk at the principal location of the court and served upon opposing parties not later than 10 days after the time provided for the defendant to answer; or in the case of a counterclaim the plaintiff may make such demand not later than 10 days after the time provided for the service of a defensive pleading to the counterclaim. In actions in the Small Claims Section, the demand may be filed and served by the defendant and the fee paid at least five days before the return day of the summons, whereupon the clerk shall transfer the action to the Special Civil Part.]

(1) In Special Civil (DC) a written demand for a jury trial must be filed with the clerk and served upon opposing parties not later than 10 days after the time provided for defendant to answer. In the case of a counterclaim, plaintiff may make the demand not later than 10 days after the time provided for the service of a defensive pleading to the counterclaim.

(2) In Small Claims (SC), a jury demand may be filed and served by the defendant and the fee paid at least five days before the return day of the summons. Upon timely demand and payment of the fee, the clerk must transfer the action to Special Civil (DC).

(b) Waiver. [A trial] Trial by jury [shall be deemed to be] is waived unless a demand [therefor] has been timely filed [in the time and manner herein provided

and unless the party demanding the same has, at the time of making such demand, paid the required fee therefor] and the required fee is paid. Trial by jury [shall] is also [be deemed to be] waived [in actions in which] when a judgment is entered [prior to] before a demand [therefor] for a jury trial.

(c) [On] By Court[’s] Order. [The court may, in its discretion, order a trial by jury at the plaintiff’s expense, to be taxed in the costs of the action notwithstanding the failure of all parties to have made demand therefor] In the event no party has made a timely jury demand, the court may order a jury trial and plaintiff to pay the associated fees.

(d) Mode of Trial. If a jury is demanded and the demand is not withdrawn by consent of all parties, or if a jury trial [by jury] is ordered by the court, the action [shall] must be tried by jury.

(e) Consolidated Actions. Where [2] two or more actions are consolidated for trial, [there need be] only one jury demand [for jury] and only one jury fee [shall be] is required.

Note: Source–R.R. 7:8-2(a) (c) (d) (e) (f) (g) (h). Paragraph (a) amended June 29, 1973 to be effective September 10, 1973; paragraph (a); amended July 15, 1982 to be effective September 13, 1982; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; new paragraph (a)(1) and (2); paragraphs (b)(c)(d) and (e) amended to be effective .

Proposed amendments to *Rule* 6:6-1 – Applicability of the Part IV Rules

The proposed amendments to *Rule* 6:6-1 reorganize the rule for purposes of clarity by creating paragraphs on applicability of the Part IV rules to Special Civil Part judgments and any exceptions to applicability of the Part IV rules.

The proposed revisions to *Rule* 6:6-1 follow.

6:6-1. Applicability of Part IV Rules

[R. 4:42 (insofar as applicable), R. 4:43-3, R. 4:44 to 4:46, inclusive, and R. 4:48 to 4:50, inclusive, shall apply to the Special Civil Part, except that the requirements of a statement of material facts and a responding statement contained in R. 4:46-2(a) and (b) shall not apply.]

(a) Generally. The following rules apply to the Special Civil Part:

(1) R. 4:42 (Judgment; Orders; Damages; Costs), insofar as applicable;

(2) R. 4:43-3 (Setting Aside Default);

(3) R. 4:44A (Proceedings to Approve Transfer of Structured Settlement Payment Rights);

(4) R. 4:45 (Judgment by Confession);

(5) R. 4:46 (Summary Judgment);

(6) R. 4:48 (Satisfaction or Cancellation of Judgment);

(7) R. 4:48A (Judgments for Minors and Mentally Incapacitated Persons);

(8) R. 4:49 (New Trials; Amendment of Judgments); and

(9) R. 4:50 (Relief from Judgment or Order).

(b) Modification. A statement of material facts and a responding statement in a motion for summary judgment pursuant to R. 4:46-2(a) and (b) does not apply.

Note: Source–R.R. 7:9-5, 7:9-6 (third sentence), 7:10-1, 7:10-2, 7:12-1, 7:12-2, 7:12-3, 7:12-4. Amended by order of September 5, 1969 effective September 8, 1969; amended November 7, 1988 to be effective January 2, 1989; amended July 5, 2000 to be effective September 5, 2000; former rule deleted; new paragraphs (a)(1)(2)(3)(4)(5)(6)(7)(8) and (9) and new paragraph (b) to be effective .

19. Proposed amendments to *Rule* 6:6-2 – Entry of Default and Automatic Vacation Thereof

The proposed amendments to *Rule* 6:6-2 reorganize the rule to clearly identify in paragraph (a) the factors that must exist for a clerk to enter a default against a party and in paragraph (b) the three steps that must be taken to vacate a default when there is a consent to vacate among the parties.

The proposed amendments to *Rule* 6:6-2 follow.

6:6-2. Entry of Default [and Automatic Vacation Thereof]

[When a party against whom affirmative relief is sought has failed to appear, plead or otherwise defend as provided by law or these rules, or has failed to appear at the time fixed for trial, or if the party's answer is stricken on order of the court, the clerk shall enter the party's default. A party against whom a default has been entered for failure to plead or enter an appearance may have same automatically removed by the clerk provided there is filed with the clerk within 30 days of its entry a written application with the consent of the adversary endorsed thereon consenting to the vacation of the default, which application shall include the answer or other responsive pleading of the party in default and its filing fee.]

(a) Entry. The clerk must enter a default against a party that has:

(1) failed to make an appearance as an answer pursuant to R. 6:3-1(b)(5);

(2) failed to appear at the return of an order to show cause;

(3) failed to timely file a required responsive pleading;

(4) failed to appear at trial; or

(5) had their answer stricken or suppressed on order of the court.

(b) Consent to vacate. A party against whom a default has been entered for failure to plead may have the default vacated by (1) filing a consent order within 30 days of entry of the default, (2) with the proposed responsive pleading, and (3) the applicable filing fee.

Note: Source–R.R. 7:9-1; caption and text; amended November 2, 1987 to be effective January 1, 1988; amended July 13, 1994 to be effective September 1, 1994; amended August 1,

2016, to be effective September 1, 2016; former paragraph deleted; new paragraphs (a)(1)(2)(3)(4)and (5); new paragraph (b) to be effective .

20. Proposed amendments to *Rule* 6:6-3 – Judgment by default

The proposed amendments to *Rule* 6:6-3 reorganize the rule to make clear requirements for default judgment distinguishing between judgments seeking money and those seeking possession.

The proposed amendments to *Rule* 6:6-3 follow.

6:6-3. Judgment by Default

(a) [Entry by] By the Clerk[; Judgment] for Money. [If the plaintiff's claim against a defendant is for a sum certain or for a sum that can by computation be made certain, the clerk on request of the plaintiff and on affidavit setting forth a particular statement of the items of the claim, the amounts and dates, the calculated amount of interest, the payments or credits, if any, the net amount due, and the name of the original creditor if the claim was acquired by assignment, shall enter judgment for the net amount and costs against the defendant, if a default has been entered against the defendant for failure to appear and the defendant is not a minor or mentally incapacitated person. If prejudgment interest is demanded in the complaint the clerk shall add that interest to the amount due provided the affidavit of proof states the date of defendant's breach and the amount of such interest. If the judgment is based on a document of obligation that provides a rate of interest, prejudgment interest shall be calculated in accordance therewith; otherwise it shall be calculated in accordance with R. 4:42-11(a). If a statute provides for a maximum fixed amount as an attorney fee, contractual or otherwise, and if the amount of the fee sought is specified in the complaint, the clerk shall add it to the amount due, provided that in lieu of the affidavit of services prescribed by R. 4:42-9(b) the attorney files a certification that sets forth the amount of the fee sought, how the amount was calculated, and specifies the statutory provision and, where applicable, the contractual provision that provides for the fixed amount. If the claim is founded on

a note, contract, check, or bill of exchange or is evidenced by entries in the plaintiff's book of account, or other records, a copy thereof shall be attached to the affidavit. The clerk may require for inspection the originals of such documents. The affidavit shall contain or be supported by a separate affidavit containing a statement, by or on behalf of the applicant for a default judgment, that sets forth the source of the address used for service of the summons and complaint. The affidavit prescribed by this Rule shall be sworn to not more than 30 days prior to its presentation to the clerk and, if not made by plaintiff, shall show that the affiant is authorized to make it.

In any action to collect an assigned claim, plaintiff/creditor shall submit a separate affidavit certifying with specificity the name of the original creditor, the last four digits of the original account number of the debt, the last three digits of the defendant-debtor's Social Security Number (if known), the current owner of the debt, and the full chain of the assignment of the claim, if the action is not filed by the original creditor.

If plaintiff's records are maintained electronically and the claim is founded on an open-end credit plan, as defined in 15 U.S.C. § 1602(i) and 12 C.F.R. § 10226.2(a)(20), a copy of the periodic statement for the last billing cycle, as prescribed by 15 U.S.C. §1637(b) and 12 C.F.R. § 10226.7, or a computer-generated report setting forth the previous balance, identification of transactions and credits, if any, periodic rates, balance on which the finance charge is computed, the amount of the finance charge, the annual percentage rate, other charges, if any, the closing date

of the billing cycle, and the new balance, if attached to the affidavit, shall be sufficient to support the entry of judgment.]

(1) Request. If plaintiff's claim against a defendant in default is for a sum certain or an amount that can be calculated to a sum certain, the clerk must enter judgment for the sum certain on request of plaintiff. Plaintiff's request must be by affidavit.

(2) Costs. The clerk must automatically add the costs to the judgment.

(3) Required content. Plaintiff's request must state:

(A) the items claimed;

(B) the amounts and dates;

(C) the calculated amount of interest;

(D) the payments or credits, if any; and

(E) the net amount due.

(4) Prejudgment contractual interest. If the complaint includes a demand for prejudgment contractual interest, plaintiff's request must include the date of breach and the contractual interest rate in sufficient detail to make the calculation. If the contract allows for prejudgment interest but does not specify the rate, the rate must be calculated pursuant to R. 4:42-11(a).

(5) Certain defaults. If default was entered pursuant to R. 6:6-2(a)(1) to (3), plaintiff's request must state that defendant is not a minor or mentally incapacitated person.

(6) Attorney's fee. If a statute provides for a maximum fixed amount as an attorney fee and if the amount of the fee is specified in the complaint, instead of an affidavit of services pursuant to R. 4:42-9(b), plaintiff may attach an alternative affidavit from the attorney. The alternative affidavit must state the amount of the fee sought, how it was calculated, the statutory provision and, where applicable, the contractual provision that provides for the fixed amount. The alternative affidavit may be used regardless of whether the statutory fixed fee is contractual.

(7) Affidavit of address. Plaintiff's request must include a separate affidavit that the source of the address used for service of the summons and complaint. It must be sworn not more than 30 days filing with the clerk. Except for plaintiff, it must specifically state that the sworn witness is authorized to make it.

(8) Affidavit of assigned claims. In an action to collect an assigned claim, plaintiff-creditor must file a separate affidavit specifically stating the name of the original creditor, the last four digits of the original account number of the debt, the last three digits of defendant-debtor's Social Security Number or that the number is unknown, the current owner of the debt, and the full chain of the assignment of the claim.

(9) Records of debt. If the claim is based on a note, contract, check, or bill of exchange or is evidenced by entries in plaintiff's book of account, or other records, a copy must be attached to plaintiff's request. The clerk may require the original documents for inspection.

(10) Credit card type accounts.

(A) If plaintiff's records are maintained electronically and the claim is founded on an open-end credit plan – such as a credit card – as defined in 15 U.S.C. § 1602(i) and 12 C.F.R. § 10226.2(a)(20), a copy of the periodic statement for the last billing cycle, pursuant to 15 U.S.C. § 1637(b) and 12 C.F.R. § 10226.7, or a computer-generated report must be attached to the affidavit.

(B) The report must state the previous balance, identification of transactions and credits, if any, periodic rates, balance on which the finance charge is computed, the amount of the finance charge, the annual percentage rate, other charges, if any, the closing date of the billing cycle, and the new balance.

(C) If attached to the affidavit, the report is sufficient to support the entry of judgment.

(b) [Entry by] By the Clerk[;] for [J]judgment for Possession. [In summary actions between landlord and tenant for the recovery of premises, judgment for possession may be entered by the clerk on affidavit if the defendant fails to appear, plead or otherwise defend, and is not a minor or mentally incapacitated person, except where the landlord acquired title from the tenant or has given the tenant an option to purchase the property. The affidavit must state the facts establishing the jurisdictional good cause for eviction required by the applicable statute and that the

charges and fees claimed to be due as rent, other than the base rent, are permitted to be charged as rent by the lease and by applicable federal, state, and local law. If the landlord is not represented by an attorney, the affidavit must state that the landlord is not a corporation or other business entity precluded from appearing pro se by R. 6:10. If the landlord is represented by an attorney, that attorney must also submit a certification that the charges and fees claimed to be due as rent, other than the base rent, are permitted to be charged as rent by the lease and by applicable federal, state, and local law. If the basis for eviction requires service of a notice to quit, the landlord's affidavit must have a copy of all required notices attached, and the affidavit must state that the notices were served as required by law and that the facts alleged in the notices are true.

If the landlord fails to obtain or make written application for the entry of a judgment for possession within 30 days after the entry of default, such judgment shall not be entered thereafter except on application to the court and written notice to the tenant served at least seven days prior thereto by simultaneously mailing same by both certified and ordinary mail or in the manner prescribed for service of process in landlord/tenant actions by R. 6:2-3(b); provided, however, that the 30-day period may be extended by court order or written agreement executed by the parties subsequent to the entry of default and filed with the clerk.]

(1) Request. In Landlord Tenant (LT) a judgment for possession must be entered by the clerk against a defendant in default on request of plaintiff. Plaintiff's

request must be by affidavit.

(2) Required content. Plaintiff's affidavit must state:

(A) defendant is not a minor or mentally incapacitated person;

(B) landlord did not acquire title from tenant;

(C) landlord has not given tenant an option to purchase the property;

(D) facts establishing the jurisdictional good cause for eviction required by the applicable statute; and

(E) charges and fees due as rent – other than base rent – are permitted as additional rent by the lease and by applicable federal, state, and local law.

(3) Attorney not required. If plaintiff is self-represented, the affidavit must state that plaintiff is not a business entity that must be represented by an attorney pursuant to R. 6:10.

(4) Notices. If the basis for eviction required a notice to quit, the landlord's affidavit must state that notices were served as required by law, the facts alleged in them are true, and a copy of each is attached.

(5) Attorney's affidavit. If plaintiff is represented by an attorney, the attorney must also file an affidavit that the charges and fees due as rent – other than base rent – are permitted as additional rent by the lease and by applicable federal, state, and local law.

(6) Time for request.

(A) Generally. A request for judgment for possession must be filed

within 30 days after entry of default.

(B) Additional notice. If plaintiff's request is filed more than 30 days after entry of default, plaintiff's request must include proof of service of the request by either (1) simultaneously mailing by both certified and ordinary mail or (2) in the manner for service of process in Landlord Tenant (LT) by R. 6:2-3(b)(2). The clerk may enter default judgment after seven days from the date of service.

(C) Extension. The 30-day period to request judgment for possession may be extended by court order. After entry of default, the parties may enter a written agreement to extend the 30-day period. The agreement must be filed with the clerk no later than the filing of plaintiff's request for default judgment.

(c) [Entry by] By the Court; Particular Actions.

[In all actions to which paragraphs (a) or (b) do not apply, the party entitled to a judgment by default shall apply to the court therefor. No judgment by default shall be entered against a minor or mentally incapacitated person without 5 days' written notice to the guardian or a guardian ad litem appointed for the minor or mentally incapacitated person; nor against any other party without written notice to that party, if the court, in the interest of justice, orders such notice. When a landlord acquired title from the defendant or has given the tenant an option to purchase the property, a judgment for possession by default shall not be entered without proof in

open court. If application is made for the entry of judgment by default in deficiency suits or claims based directly or indirectly on the sale of a chattel that has been repossessed peaceably or by legal process, the plaintiff shall prove entitlement to a judgment by affidavit containing a description of the property, the amount realized at the sale or credited to the defendant, the costs of sale and such other proof as required by law. If the plaintiff's claim is for an unliquidated sum that the court finds is susceptible of proof through personal knowledge (as opposed to opinion or expert testimony), it shall enter judgment by default against a defendant either upon oral testimony in open court or upon affidavit containing the qualifications of the affiant and the information that would be required in the case of oral proof. In all negligence actions involving damage to property, proof of negligence of the defendant shall be by affidavit of the person with knowledge of the negligence of the defendant. In automobile negligence actions and insurance subrogation cases proof of the property damage shall be given by an affidavit of an automobile mechanic or an insurance adjuster or appraiser setting forth the affiant's occupation and business address; if employed, the name of the employer and the affiant's position; the date of inspection of the property involved and, if a vehicle, specifying its make or model, its condition at that time, and its mileage if available; the repairs actually made and the estimated cost thereof; a statement that the repairs were necessary and the charges therefor reasonable; and the amount actually paid for repairs, if completed. The plaintiff may request or the court, after review of the

affidavits submitted in accordance with this rule, may require oral testimony in open court.]

(1) Request. Except as provided in R. 6:6-3(a) or (b), a request for default judgment must be by motion. In the interest of justice, the court may require the motion to be on notice to the defaulting party or any other party.

(2) Minor and incapacitated person. Judgment by default may not be entered against a minor or mentally incapacitated person without 5 days' written notice to the defaulting defendant's guardian or a guardian ad litem.

(3) Judgment for possession with transfer of title. When a landlord acquired title from tenant or has given tenant an option to purchase the property, a request for judgment for possession by default must have a proof hearing on the record.

(4) Deficiency actions. If application is made for entry of judgment by default in deficiency actions based directly or indirectly on the sale of a chattel that has been repossessed peaceably or by legal process, plaintiff must prove entitlement to a judgment by affidavit. The affidavit must contain a description of the property, the amount realized at the sale or credited to defendant, the costs of sale, and other proof as required by law.

(5) Unliquidated damages. If plaintiff's claim is for an unliquidated sum that the court finds is susceptible of proof through personal knowledge – as opposed to opinion or expert testimony – judgment by default may be entered after a proof

hearing. Alternatively, an affidavit may be filed with the court stating the qualifications of the affiant and the information that would be required at a proof hearing.

(6) Negligent property damage. In negligence actions involving property damage, proof must be by affidavit of a person with knowledge of the negligence of defendant.

(7) In automobile negligence actions and insurance subrogation cases proof of property damage must be by affidavit of an automobile mechanic, an insurance adjuster, or appraiser. The affidavit must state:

(A) affiant's occupation and business address;

(B) if employed, name of employer and affiant's position;

(C) date of inspection of the property involved;

(D) if the property is a vehicle, make or model, condition at that time, and mileage, if available;

(E) repairs made;

(F) estimated cost of repairs;

(G) repairs are necessary and charges are reasonable; and

(H) amount actually paid for completed repairs.

(8) Request for proof hearing. Plaintiff may request a proof hearing. After reviewing the affidavits of proof, the court may require a proof hearing.

(d) Time for Entry. If a party entitled to [a] default judgment [by default fails to apply therefor] does not request a judgment within [6] six months after entry of default, judgment [shall] may not be entered except on motion [to the court and all applicable] with proofs attached as required [under] pursuant to R. 6:6-3(a) through (c) [shall be attached to the moving papers].

(e) Notice of Entry. At the time [a] default judgment is entered, the clerk [shall] must notify [the] judgment-creditor [or judgment-creditor's attorney] of the effective date and amount of the judgment. Upon receipt of the notice, [the] judgment-creditor [shall] must notify [the] judgment-debtor within [7] seven days by ordinary mail of the effective date and amount of the judgment.

Note: Source–R.R. 7:9-2(a) (b), 7:9-4. Paragraphs (a) and (d) amended June 29, 1973 to be effective September 10, 1973; paragraph (c) amended November 1, 1985 to be effective January 2, 1986; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (c) amended June 29, 1990 to be effective September 4, 1990; paragraphs (a), (b) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraphs (a), (b), and (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended July 18, 2001 to be effective November 1, 2001; paragraphs (a), (b), and (c) amended, and new paragraph (e) added July 12, 2002 to be effective September 3, 2002; paragraphs (a) and (d) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended July 27, 2006 to be effective September 1, 2006; paragraph (d) amended July 9, 2008 to be effective September 1, 2008; paragraph (a) amended July 19, 2012 to be effective September 4, 2012; paragraph (a) amended July 22, 2014 to be effective September 1, 2014; paragraph (a) amended August 1, 2016 to be effective September 1, 2016; paragraph (a) caption amended; new paragraphs (1)(2)(3)(A) through (E), (4)(5)(6)(7)(8)(9)(10)(A)(B) and (C); paragraph (b) caption amended, new paragraphs (1)(2)(A)(B)(C)(D) and (E), (3)(4)(5) and (6)(A)(B)(C); paragraph (c) caption amended and new paragraphs (1)(2)(3)(4)(5)(6)(7)(A)(B)(C)(D)(E)(F)(G)(H), and (8); paragraph (d) and (e) amended to be effective .

21. Proposed amendments to *Rule* 6:6-4 – Consent Judgments for Possession and Stipulations of Settlement, Residential Cases

The proposed amendments to *Rule* 6:6-4 reframe the rule to clarify procedure for entry of settlements by the court and entry of settlements by the clerk. The term "landlord" is replaced by "plaintiff" throughout the rule.

The proposed amendments to *Rule* 6:6-4 follow.

6:6-4. [Consent Judgments for Possession and Stipulations of Settlement, Residential Cases] Settlement Agreements in Landlord Tenant (LT)

(a) Entry by the Court. [A stipulation of settlement or an agreement that provides for entry of a judgment for possession against an unrepresented tenant must be written, either signed by the parties or placed on the record in lieu of signature, and reviewed, approved and signed by a judge on the day of the court proceeding. Additionally, if it requires the unrepresented tenant to both pay rent and vacate the premises, the judge shall also review it in open court. It must also be accompanied by the affidavit of the landlord and the certification of the landlord's attorney required by R. 6:6-3(b).]

(1) A settlement agreement reached on the day of a court proceeding that provides for entry of a judgment for possession against a self-represented tenant must be in writing, signed by the parties, and submitted to the court. A judge must review, approve and sign the settlement. The consent of the parties may be put on the record instead of signing the agreement.

(2) If a settlement requires a self-represented tenant to both pay rent and vacate the premises:

(A) a judge must review, approve and sign the settlement agreement; and

(B) the agreement and consent of the parties must be put on the record.

(3) Settlement agreements must be accompanied by the affidavits of plaintiff and plaintiff's attorney pursuant to R. 6:6-3(b).

(b) Entry by the Clerk. When the tenant is represented by an attorney and the attorney has signed the agreement, the clerk may enter judgment for possession upon receipt of the signed consent of the parties and the affidavits of [the landlord] plaintiff and [the certification of the landlord's] plaintiff's attorney [specified in] pursuant to R. 6:6-3(b).

Note: Adopted July 18, 2001 to be effective November 1, 2001; paragraph (a); amended July 31, 2020 to be effective September 1, 2020; caption amended, introductory sentence deleted, and paragraph (a) amended July 14, 2021 to be effective September 1, 2021; new caption; new paragraph (a)(1)(2)(A)(B) and (3); paragraph (b) amended to be effective .

22. Proposed amendments to *Rule* 6:6-5 – Judgment; Costs

The proposed amendments to *Rule* 6:6-5 eliminate redundant language and replace legalese with plain language to enhance clarity and readability.

The proposed amendments to *Rule* 6:6-5 follow.

6:6-5. Judgment[; costs]

[Upon receipt of the verdict of a jury, upon determination by a judge sitting without a jury, or upon other determination by a judge] After a court's determination or a jury verdict, the court must direct the entry of judgment. [t]The clerk [shall note the] must enter judgment [on the jacket] whenever directed by the court and [it shall take effect forthwith] automatically add the costs. The judgment is effective immediately. [The clerk shall thereupon enter the judgment and tax the costs.]

Note: Source–R.R. 7:9-6 (first two sentences), as Rule 6:6-4; redesignated as Rule 6:6-5 July 18, 2001 to be effective November 1, 2001; amended July 27, 2018 to be effective September 1, 2018; caption and paragraph amended to be effective .

23. Proposed amendments to *Rule* 6:6-6 – Post-Judgment Levy Exemption Claims and Applications for Relief in Tenancy Actions

The proposed amendments to *Rule* 6:6-6 retitle the rule to "Post judgment Relief." The revisions use the Special Civil (DC), Small Claims (SC), and Landlord Tenant (LT) nomenclature throughout the rule where appropriate. The proposed amendments restructure the provisions of the rule regarding orders for orderly removal. Legalese is replaced with plain language throughout the Rule.

The proposed amendments to *Rule* 6:6-6 follow.

6:6-6. Post[-] Judgment [Levy Exemption Claims and Applications for Relief in Tenancy Actions] Relief

(a) Generally. Rules 4:52-1 and 4:52-2 [shall] apply to: (1) post[-] judgment applications [for relief in tenancy actions] in Landlord Tenant (LT) and [to claims of exemption from levy] (2) objections to levies in Special Civil (DC) and Small Claims (SC). [other actions in the Special Civil Part, except that the filing of b] Briefs [shall] are not [be] required unless directed by the court.

(b) Orders for Orderly Removal. [An application for orderly removal requesting more time to move out, if there is a showing of good reason and applied for on notice to a landlord pursuant to paragraph (a) of this rule, need not have a return date if the sole relief is a stay of execution of a warrant of removal for seven calendar days or less, but it shall provide that the landlord may move for the dissolution or modification of the stay on two days' notice to the tenant or such other notice as the court sets in the order.]

(1) Defendant in Landlord Tenant (LT) may file an application to request more time to move out on notice to plaintiff pursuant to R. 6:6-6(a). An order for orderly removal may be granted if there is a showing of good cause.

(2) The application may be granted on the papers if the sole relief is a stay of the lockout for seven calendar days or less. An order for orderly removal granted on the papers must provide that plaintiff may move for the dissolution or

modification of the stay on two days' notice to defendant. The order may provide a shorter or longer notice in the court's discretion.

(c) Orders to Release Levies [on Exempt Funds]. An order to release [a] the full amount of the levy on funds because they are exempt from execution, levy or attachment under [New Jersey law] state or federal law [shall] must require the third-party garnishee to refund the fees charged to [the] judgment-debtor [all fees incurred as a result of] due to the levy. [However, i] If the court determines that the levying judgment-creditor [at whose instance the levy was made] knew or should have known that the funds were exempt from execution, levy or attachment, the order [can] may require that [party to] the levying creditor reimburse the judgment-debtor for [such] the fees.

(d) Forms. Forms for applications for post[-] judgment relief in [tenancy actions] Landlord Tenant (LT) and [claims of exemption from levy] objections to levies in Special Civil (DC) and Small Claims (SC) [other actions shall be] must be available to litigants [in the clerk's office] on the Judiciary website and in Special Civil Part offices.

(e) Collateral Defense. If [the] judgment[]-debtor appears in court on an objection to [a] levy and the court finds that the objection to levy is based upon any ground [under] pursuant to R. 4:50-1 for vacating judgment, the court [shall] must immediately release [to the judgment debtor all] the levy on funds that are exempt from levy [, and]. The court may stay turnover of any remaining funds to [the]

judgment[]-creditor from the [court officer] Special Civil Part Officer for 20 days to allow [the] judgment[ ]-debtor to file a motion to vacate default judgment. If a motion to vacate default judgment is filed, the stay [shall] must remain in effect until the disposition of the motion.

Note: Adopted July 12, 2002 to be effective September 3, 2002; caption and paragraphs (a), (b), and (c) amended July 27, 2006 to be effective September 1, 2006; former paragraph (c) redesignated as paragraph (d) and new paragraph (c) adopted July 19, 2012 to be effective September 4, 2012; paragraph (b) amended July 22, 2014 to be effective September 1, 2014; new paragraph (e) added July 15, 2024 to be effective September 1, 2024; caption amended; paragraph (a) amended; new paragraph (b)(1)(2); paragraphs (c)(d) and (e) amended to be effective .

24. Proposed amendments to *Rule* 6:6-7 – Issuance by Clerk of Certificate of Satisfaction of Judgment

The proposed amendments to *Rule* 6:6-7 reorganize the rule to clarify the procedures for a judgement debtor to apply for a certificate of satisfaction of judgment and the steps the clerk must take upon receipt of such application and to issue this certificate.

The proposed amendments to *Rule* 6:6-7 follow.

6:6-7. [Issuance by Clerk of Certificate of] Satisfaction of Judgment

[In cases where a judgment debtor has fully satisfied a judgment, but the clerk has not entered satisfaction on the record pursuant to R. 4:48-2(a) because either the party receiving full satisfaction has not given a warrant for satisfaction or no execution issued on the judgment has been returned fully paid, the judgment debtor may make written application to the clerk for the issuance of a certificate of satisfaction of judgment. Upon receipt of such written application along with proof of payment, the clerk shall send to the attorney for the judgment creditor or the judgment creditor, if pro se, a letter setting forth that the judgment debtor has filed a written application seeking the issuance of a certificate of satisfaction of judgment and that said certificate will be issued within 10 days, unless written objection is received by the clerk with a copy sent to the judgment debtor. The letter sent by the clerk shall include a copy of the written application and proof of payment filed by the judgment debtor. If no objection is received within 10 days from the date of the letter, the clerk shall issue the certificate of satisfaction of judgment to the judgment debtor and enter satisfaction on the record. If an objection is received, the clerk shall set the matter down for a hearing and notify all parties as to the date of the hearing.]

(a) When Available. In cases where a judgment-debtor has fully paid a judgment, but the clerk has not entered satisfaction on the record pursuant to R. 4:48-2(a), the judgment-debtor may make written application to the clerk for the issuance of a certificate of satisfaction of judgment.

(b) Required Content. The application must include proof of full payment of the judgment. It must also state that the judgment-creditor has not given a warrant of satisfaction and that no execution has been returned fully paid.

(c) Notice by the Clerk. Upon receipt of a written application along with proof of payment, the clerk must send a copy of the application and notice to judgment-creditor. The notice must state that judgment-debtor has requested a certificate of satisfaction and that it will issue within 10 days unless written objection is received by the clerk with a copy sent to judgment-debtor.

(d) Decision. If no objection is received within 10 days from the date of the notice, the clerk must issue the certificate of satisfaction and enter satisfaction on the record. If an objection is received, the clerk must schedule the matter for a hearing on notice to all parties.

Note: Adopted as Rule 6:6-5 November 7, 1988 to be effective January 2, 1989; redesignated as Rule 6:6-6 July 18, 2001 to be effective November 1, 2001; redesignated as Rule 6:6-7 July 12, 2002 to be effective September 3, 2002; caption and new paragraphs (a)(b)(c) and (d) to be effective .

25. Proposed amendments to *Rule* 6:7-1 – Requests for Issuance of Writs of Execution; Contents of Writs of Execution and Other Process for the Enforcement of Judgments; Notice to Debtor; Claim for Exemption; Warrant of Removal; Enforcement of Consent Judgments and Stipulations of Settlement in Tenancy Actions; Writs of Possession

The proposed amendments to *Rule* 6:7-1 adjust the structure of the rule so that it simplifies and better reflects the process to enforcement judgments. The proposed amendments clarify how to request and execution and what the affidavit accompanying the request must contain, and highlight both the forms the clerk must use in issuing an execution and the procedures for Special Civil Part Officers to return wage executions and unexpired executions against goods and chattels.

The proposed amendments to *Rule* 6:7-1 follow.

6:7-1. [Requests for Issuance of Writs of Execution; Contents of Writs of Execution and Other Process for the Enforcement of Judgments; Notice to Debtor; Claim for Exemption; Warrant of Removal; Enforcement of Consent Judgments and Stipulations of Settlement in Tenancy Actions; Writs of Possession] Enforcement of judgments

[(a) Requests for Issuance; Intention to Return. All requests for issuance of writs of execution and other process for the enforcement of judgments shall be made in writing to the clerk at the principal location of the court. A request for the issuance of a writ of execution against goods and chattels shall be accompanied by a statement of the amount due and shall be issued by the clerk in the form set forth in Appendix XI-H. A request for the issuance of a wage execution shall be accompanied by a certification of the amount due and shall be issued by the clerk, who may affix the designated judge's electronic signature thereon for uncontested wages using the form set forth in Appendix XI-J. The statement or certification of the amount due shall include the amount of the judgment, subsequent costs that have accrued, any credits for partial payments since entry of the judgment, and a detailed explanation of the method by which interest accrued subsequent to the judgment has been calculated, taking into account all partial payments made by the judgment-debtor. The court officer shall give to the judgment-creditor or judgment-creditor's attorney at least 30 days' notice of an intention to return a wage execution or an unexpired

writ of execution, marked unsatisfied or partially satisfied and may so return the writ unless further instructions are furnished within that time period.

(b) Contents of Writs of Execution and Other Process for the Enforcement of Judgments. All writs of execution and other process for the enforcement of judgments shall provide that any levy pursuant thereto shall exclude:

(1) all funds in an account of the debtor with a bank or other financial institution, if all deposits into the account during the 90 days immediately prior to service of the writ were electronic deposits, made on a recurring basis, of funds identifiable by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey or federal law, and

(2) all funds deposited electronically in an account of the debtor with a bank or other financial institution during the two months immediately prior to the account review undertaken by the bank or other financial institution in response to the writ that are identifiable by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey or federal law.

(c) Notice to Debtor. The provisions of R. 4:59-1(h) respecting notice to debtor, exemption claims and deferment of turnover and sales of assets shall apply to all writs of execution issued by the Law Division, Special Civil Part, except that a copy of the Notice to Debtor shall not be filed by the levying officer with the clerk of the court after a levy on a bank account. The notice to debtor shall be in the form prescribed by Appendix VI to these rules.

(d) Warrant of Removal; Issuance, Execution. No warrant of removal shall issue until the expiration of three business days after entry of a judgment for possession, except that a warrant shall be issued within two days from the date of the judgment in the case of a seasonal tenancy subject to N.J.S.A. 2A:42-10.17. A warrant of removal shall not be executed earlier than the third business day after service on a residential tenant. If a judgment for possession is entered in a summary action for the recovery of premises and the landlord fails to apply in writing for a warrant of removal within 30 days after the entry of the judgment, or if the warrant is not executed within 30 days of its issuance, such warrant shall not thereafter be issued or executed, as the case may be, except on application to the court and written notice to the tenant served at least seven days prior thereto by simultaneously mailing such notice by both certified and ordinary mail to the tenant or by ordinary mail to the tenant's attorney, if any; provided, however, that either 30 day period may be tolled for the duration of any order for orderly removal or any other court initiated stay, extended by court order or written agreement executed by the parties and filed with the clerk. For purposes of this rule, entry of judgment shall be defined as the date upon which the right to request a warrant for removal accrues.]

(a) Requests for Execution.

(1) Request content. A request for execution to enforce a judgment must be in writing and filed with the clerk. The request must be accompanied by an affidavit of the amount due. The affidavit must include the judgment amount, post

judgment costs, credit for post judgment payments, and a detailed calculation of post judgment interest. The post judgment interest calculation must account for each post judgment payment.

(b) Execution Form and Content.

(1) Form. The execution must be issued by the clerk. The clerk must use Appendix XI-H for an execution against goods and chattels and Appendix XI-J for a wage execution. The clerk may electronically sign the designated judge's name on uncontested wage executions.

(2) Content. An execution to enforce a judgment must provide that any levy exclude:

(A) the entire account of the debtor with a bank or other financial institution, if all deposits into the account during the 90 days immediately before service of the writ of execution were recurring electronic deposits identified by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey or federal law; and

(B) electronic deposits in the debtor's account with a bank or other financial institution during the two months immediately before service of the execution identified by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey or federal law.

(c) Return. The Special Civil Part Officer must give judgment-creditor or judgment-creditor's attorney at least 30 days' notice of an intention to return a wage

execution or an unexpired execution against goods and chattels. The execution may be returned unless further instructions are furnished by judgment-creditor or their attorney within the 30-day period. Returned executions must be marked unsatisfied or partially satisfied.

(d) Notice to debtor. Rule 4:59-1(h) applies to the Special Civil Part, except that a copy of the Notice to Debtor must not be filed with the clerk after a levy on a bank account. The Special Civil Part Officer must use Appendix VI for the Notice to Debtor.

(e) Warrant of Removal.

(1) Issuance. In Landlord Tenant (LT) a warrant of removal may issue after three business days from entry of a judgment for possession. In the case of a seasonal tenancy subject to N.J.S.A. 2A:42-10.17, a warrant must issue within two days from the date of the judgment.

(2) Request. A plaintiff in Landlord Tenant (LT) must file a request with the clerk for a warrant of removal within 30 days. The 30-day period begins when the right to request a warrant accrues.

(3) Execution. A warrant of removal must not be executed earlier than the third business day after service on a residential tenant. The warrant must be executed within 30 days of its issuance.

(4) Extension. A warrant may be issued or executed after the respective 30-day period by giving at least seven days' notice to defendant before filing a

request with the clerk. Proof of service must be attached to the request. Notice to defendant must be by both certified and ordinary mail. The 30-day period is extended: (1) during any court-initiated stay, (2) court ordered extension, or (3) by written agreement signed by the parties and filed with the clerk.

[(e)] (f) Enforcement of [Consent Judgments and Stipulations of Settlement in Tenancy Actions] Landlord Tenant (LT) Settlements. A request to enforce a settlement [agreement or consent judgment in a tenancy] in a Landlord Tenant (LT) action [shall] must be by [certification] affidavit. It must state the facts upon which the claim of breach is based and the desired relief. The [certification] affidavit must be filed with the clerk and a copy must be sent to the adverse party and the adverse party's attorney, if any, by ordinary mail [or a]. Alternatively, if directed to a [tenant] defendant, [by] the notice may be post[ing]ed on the door of the premises.

[(f)] (g) Writ[s] of Possession. A request for a writ of possession to enforce a judgment for possession in Landlord Tenant (LT) must be filed with the clerk. [Orders and] A writ[s] of possession [in summary actions for the possession of real property filed pursuant to R. 6:1-2(a)(4) shall] to enforce a judgment of possession in an ejectment must be issued to the sheriff [, except that in cases]. In actions brought by a tenant against a landlord pursuant to only N.J.S.A. 2A:39-1 et seq., [orders and] a writ[s] of possession may be issued to a Special Civil Part Officer.

Note: Source–R.R. 7:11-1; former rule redesignated as paragraph (a) and paragraph (b) adopted and caption amended July 16, 1981 to be effective September 14, 1981; paragraph (b) amended November 1, 1985 to be effective January 2, 1986; caption; amended and paragraph (c) adopted November 7, 1988 to be effective January 2, 1989; paragraphs (b) and (c) amended July 14, 1992 to be effective September 1, 1992; caption and paragraph (c), caption and text amended July 13, 1994 to be effective September 1, 1994; paragraph (a) caption and text amended June 28, 1996 to be effective September 1, 1996; caption amended and paragraph (d) adopted July 18, 2001 to be effective November 1, 2001; paragraph (c) amended September 14, 2004 to be effective immediately; paragraph (a) amended July 27, 2006 to be effective September 1, 2006; caption amended, former paragraph (b) redesignated as paragraph (c) and amended, former paragraphs (c) and (d) redesignated as paragraphs (d) and (e), and new paragraph (b) caption and text adopted July 23, 2010 to be effective September 1, 2010; subparagraph (b)(2) amended May 17, 2011 to be effective immediately; caption amended, paragraph (c) amended, and new paragraph (f) adopted July 19, 2012 to be effective September 4, 2012; paragraph (d) amended July 22, 2014 to be effective September 1, 2014; paragraph (a) amended August 1, 2016 to be effective September 1, 2016; paragraphs (a) and (d) amended July 31, 2020 to be effective September 1, 2020; new caption; paragraph (a) caption and text amended, new (1); paragraph (b) new caption and (1) and (2) amended, new paragraphs (A) and (B); paragraph (c) caption and text amended; paragraph (d) amended; former paragraph (e) redesignated paragraph (f) caption and text amended, new paragraphs (1)(2)(3) and (4); former paragraph (f) redesignated paragraph (g) caption and text amended to be effective .

26. Proposed amendments to *Rule* 6:7-2 – Orders for Discovery; Information Subpoena

The proposed amendments to *Rule* 6:7-2 restructure the rule to increase readability. Several heading titles throughout the rule are condensed, and the title of the rule itself is changed to Post judgment Discovery. Cross-references to rules are used to eliminate duplicative language. A satisfaction provision is added to proposed paragraph (g) providing that a "a warrant that result in an arrest is deemed executed and of no further effect." This ensures that a person cannot be continuously arrested under a warrant and brought to court for failing to respond to an information subpoena.

The proposed amendments to *Rule* 6:7-2 follow.

6:7-2. [Orders for] Post judgment Discovery [; Information Subpoenas]

(a) Order for Discovery. [The court may, upon the filing by the judgment creditor or a successor in interest (if that interest appears of record) of a petition verified by the judgment creditor or the creditor's agent or attorney stating the amount due on the judgment, make an order, upon good cause shown, requiring any person who may possess information concerning property of the judgment debtor to appear before the attorney for the judgment creditor or any other person authorized to administer an oath and make discovery under oath concerning that property at a time and place therein specified. The location specified shall be in the county where the person to be deposed lives or works.

No more than one appearance of any such person may be required without further court order. The time and place specified in the order shall not be changed without the written consent of the person to be deposed or upon further order of the court.]

(1) Request. Judgment-creditor may file a petition to request an order requiring any person who may possess information concerning property of judgment-debtor to appear before the attorney for the judgment-creditor – or any other person authorized to administer an oath – and make discovery under oath concerning that property at a time and place specified in the order. The place requested must be in the county where the person to be deposed lives or works.

(2) Petition content. The petition must be verified by the party, their agent

or, if appropriate, their attorney. The petition must state the amount due on the judgment and good cause for the request.

(3) Avoidance of multiple appearances. No more than one appearance of any person may be required without further court order. The time and place specified in the order must not be changed without written consent of the person to be deposed or further court order.

(b) Information Subpoena.

(1) [To] Judgment[ ]-Debtor.

(A) [An] The information subpoena form in Appendix XI-L may be served upon [the] judgment[ ]-debtor[,] without leave of court [, accompanied by an original and]. The original of the required form must be served with a copy [of written questions] and a prepaid, addressed return envelope. [The information subpoena and written questions shall be in the form and limited to those set forth in Appendix XI-L to these Rules.]

(B) Answers [shall] must be [made] under oath and in writing. [, under oath or certification, by the person upon whom served, if an individual, or by an officer, director, agent or employee having the information sought, if a corporation, partnership or sole proprietorship] If the person served is an individual, the answers must be by the individual. If the party served is a business entity, the answers must be by an officer, director, agent or employee having the information sought.

(C) The original information subpoena [, with] and the answers [to the written questions annexed thereto shall] must be returned [to the judgment creditor, if pro se, or judgment creditor's attorney] in the envelope provided within 14 days after service [thereof].

(D) An information subpoena [shall not] may be served on a judgment[ ]-debtor no more [frequently] than once [in any] every six[-] months [period] without leave of court.

(2) To Other Person or Entity.

(A) [An] The information subpoena form in Appendix XI-R may be served upon banking institutions possibly used by [the] judgment-debtor without leave of court. The information subpoena must be accompanied by an affidavit by judgment-creditor or the judgment-creditor's attorney. The affidavit must state that the debtor has failed to fully answer an information subpoena served pursuant to R. 6:7-2(b)(1) within 21 days of service, the information subpoena is reasonably necessary to enforce the judgment, and the bank may have information in its possession about the debtor that will assist the creditor in collecting the judgment.

(B) The information subpoena form in Appendix XI-R may be served on employers and account-debtors only with leave of court. If judgment-debtor fails to fully answer an information subpoena served pursuant to R. 6:7-2(b)(1) within 21 days of service, judgment-creditor may

file an ex parte application to serve an Appendix XI-R information subpoena [or upon] on possible employers or account-debtors [(] – who are business entities[)] – of [the] judgment[]-debtor [upon ex parte application, supported by certification, and court order, if the judgment-debtor has failed to fully answer an information subpoena served pursuant to subparagraph (1) within 21 days of service]. The ex parte application must be supported by affidavit. The application [shall] must be granted if the court determines that the information subpoena is reasonably necessary to [effectuate a post-judgment judicial remedy] enforce the judgment and that the party receiving the subpoena may have [in their possession] information about the debtor that will assist the creditor in collecting the judgment.

(C) The original Appendix XI-R information subpoena [shall] must be [accompanied by an original and] served with a copy [of written questions] and a prepaid, addressed return envelope. [The information subpoena and written questions shall be in the form and limited to those set forth in Appendix XI-R to these Rules, except that an information subpoena served upon a banking institution shall contain a certification by the judgment-creditor or the creditor's attorney that the debtor has failed to fully answer an information subpoena served pursuant to R. 6:7-2(b)(1) within 21 days of service, that the information subpoena is reasonably necessary to effectuate a post-judgment judicial remedy, and that the bank may have in its possession

information about the debtor that will assist the creditor in collecting the judgment.]

(D) Answers [shall] must be made under oath and in writing. [, under oath or certification, by the person served, if an individual, or] If the person served is an individual, the answers must be by the individual. If the party served is a business entity, the answers must be by an officer, director, agent or employee having the information sought [, if a corporation, partnership or sole proprietorship].

(E) The original subpoena [, with] and the answers [to the written questions annexed thereto, shall] must be returned [to the judgment creditor, if pro se, or judgment creditor's attorney] in the envelope provided within 14 days after service [thereof].

(c) Service [of Proceedings]. [A copy of the order for discovery as provided in paragraph (a) of this rule shall be served personally or by registered or certified mail, return receipt requested, and simultaneously by regular mail, at least 10 days before the date for appearance fixed therein. The information subpoena, as provided for in paragraph (b) of this rule shall be served personally or by registered or certified mail, return receipt requested, and simultaneously by regular mail.

Service of an order for discovery or an information subpoena shall be effective as set forth in R. 6:2-3(d)(4). Upon completion of service, the failure to comply with

an information subpoena shall be treated as a failure to comply with an order for discovery entered in accordance with paragraph (a) of this rule.]

(1) How served. Orders for discovery pursuant to R. 6:7-2(a) and information subpoenas pursuant to R. 6:7-2(b) must be served either: (1) personally or (2) by registered or certified mail, return receipt requested, and simultaneously by regular mail.

(2) Minimum notice. Orders for discovery must be served at least 10 days before the date for appearance.

(3) Effective service. Service of an order for discovery or an information subpoena is effective as set forth in R. 6:2-3(d)(4).

(4) Information subpoena as court order. Upon completion of service, the failure to comply with an information subpoena must be treated as a failure to comply with an order for discovery entered pursuant to R. 6:7-2(a).

(d) Enforcement Against Others [Person or Entity]. [Proceedings to seek relief pursuant to R. 1:10-3, w] When a person who is not a party fails to obey an order for discovery or an information subpoena [, may be commenced by] a request for an order to show cause or [notice of] motion to enforce litigant's rights pursuant to R. 1:10-3 may be filed. The request to enforce must be filed within [6] six months [thereof] of the date the answers were due.

(e) Enforcement by Motion. [Proceedings to seek relief pursuant to R. 1:10-3, when a judgment-debtor fails to obey an order for discovery or an

information subpoena, shall be commenced within 6 months thereof by notice of motion supported by affidavit or certification. The notice of motion and certification shall be in the form set forth in Appendices XI-M and N to these Rules. The notice of motion shall contain a return date and shall be served on the judgment-debtor and filed with the clerk of the court not later than 10 days before the time specified for the return date, which can be rescheduled by the court at its discretion on notice to the parties. The moving papers shall be served on the judgment-debtor either in person or simultaneously by regular and certified mail, return receipt requested. The notice of motion shall state that the relief sought will include an order:

(1) adjudicating that the judgment-debtor has violated the litigant's rights of the judgment-creditor by failing to comply with the order for discovery or information subpoena;

(2) compelling the judgment-debtor to immediately furnish answers as required by the order for discovery or information subpoena;

(3) directing that if the judgment-debtor fails to appear in court on the return date or to furnish the required answers the judgment-debtor shall be arrested and brought before a judge of the Superior Court in accordance with Rue 6:7-2(9), he or she shall be arrested and confined to the county jail until he or she has complied with the order for discovery or information subpoena;

(4) directing the judgment-debtor, if the judgment-debtor fails to appear in court on the return date, to pay the judgment-creditor's attorney fees, if any, in connection with the motion to enforce litigant's rights; and

(5) granting such other relief as may be appropriate.

The notice of motion shall also state, in the case of an information subpoena, that the court appearance may be avoided by furnishing to the judgment-creditor written answers to the information subpoena and questionnaire at least 3 days before the return date.]

(1) When judgment-debtor fails to obey an order for discovery or an information subpoena, a motion must be filed within six months of the date the answers were due.

(2) The motion and supporting certification in Appendices XI-M and N must be used. The notice of motion must contain a return date. It must be served on judgment-debtor and filed with the clerk of the court at least 10 days before the return date. The return date may be rescheduled by the court in its discretion and on notice to the parties.

(3) The moving papers must be served on judgment-debtor either (1) personally or (2) simultaneously by regular and certified mail, return receipt requested.

(4) The notice of motion must state that the relief sought will include an order:

(A) adjudicating that judgment-debtor has violated the litigant's rights of judgment-creditor by failing to comply with the order for discovery or information subpoena;

(B) compelling judgment-debtor to immediately furnish answers as required by the order for discovery or information subpoena;

(C) directing that if judgment-debtor fails to appear in court on the return date or to furnish the required answers, judgment-debtor may be arrested and brought before a judge of the Superior Court pursuant to R. 0;

(D) directing judgment-debtor, if judgment-debtor fails to appear in court on the return date, to pay judgment-creditor's attorney fees, if any, in connection with the motion to enforce litigant's rights; and

(E) granting other relief as may be appropriate.

(5) A notice of motion to enforce an information subpoena must also state that the court appearance may be avoided by furnishing to judgment-creditor written answers at least 3 days before the return date.

[(f) Order to Enforce Litigant's Rights. If the judgment-debtor has failed to appear in court on the return date and the court enters an order to enforce litigant's rights, it shall be in the form set forth in Appendix XI-O to these Rules and shall state that upon the judgment-debtor's failure, within 10 days of the certified date of mailing or personal service of the order, to comply with the information subpoena or discovery order, the court may issue an arrest warrant. The judgment-creditor

shall serve a copy of the signed order upon the judgment-debtor either personally or by mailing it simultaneously by regular and certified mail, return receipt requested. The date of mailing or personal service shall be certified on the order.]

(f) Hearing.

(1) Appearance of debtor. If judgment-debtor appears on the return date, the court may issue an Appendix XI-O form order or other order as appropriate.

(2) Failure to appear. If the court grants an order to enforce litigant's rights on the return date because judgment-debtor did not appear, the form order in Appendix XI-O must be used.

(3) Order content. The form order must direct judgment-debtor to comply with the order for discovery or information subpoena. The order must also state that failure to comply within 10 days of the date shown on the proof of service may result in an arrest warrant.

[(g) Warrant for Arrest. Upon the judgment-creditor's certification, in the form set forth in Appendix XI-P to these Rules, that a copy of the signed order to enforce litigant's rights has been served upon the judgment-debtor as provided in this rule, that 10 days have elapsed and that there has been no compliance with the information subpoena or discovery order, the court may issue an arrest warrant. The judgment-creditor's certification must be filed within 6 months from the date of the order to enforce litigant's rights. If the judgment-debtor is to be arrested in a county other than the one in which the judgment was entered, the warrant shall be issued

directly to a Special Civil Part Officer or the Sheriff of the county where the judgement-debtor is to be arrested, and the warrant shall have annexed to it copies of the order to enforce litigant's rights and the certification in support of the application for the warrant. The warrant shall be in the form set forth in Appendix XI-Q to these Rules and, except for good cause shown and upon such other terms as the court may direct, shall be executed by a Special Civil Part Officer or Sheriff only between the hours of 7:30 a.m. and 3:00 p.m. on a day when the court is in session. A judgment-debtor shall not be incarcerated at any time pursuant to the warrant. If the notice of motion and order to enforce litigant's right were served on the judgment-debtor by mail, the warrant may be executed only at the address to which they were sent. In all cases the arrested judgment- debtor shall promptly be brought before a judge of the Superior Court in the county where the judgment-debtor is arrested and released upon compliance with the order for discovery or information subpoena. When the judgment-debtor has been arrested for failure to answer an information subpoena, the clerk shall furnish the judgment-debtor with a blank form containing the questions attached to the information subpoena, as set forth in Appendix XI-L to these Rules.]

(g) Notice. Judgment-creditor must serve the form order on judgment-debtor either personally or by mailing it simultaneously by regular and certified mail, return receipt requested. Proof of service of the date of mailing or personal service must be attached to the order at the time it is served on judgment-debtor.

[(h) Execution of Warrants by Special Civil Part Officers and Sheriffs. A warrant may be directed to the sheriff in the first instance, but a warrant directed to a Special Civil Part Officer shall remain with the Officer for execution for six months, at the conclusion of which the Officer shall furnish a certification of his or her efforts to serve the warrant and the judgment creditor may apply ex parte for an order directing the issuance of a warrant to the sheriff.

(i) Expiration of Unserved Warrants. If the warrant for arrest is not executed within 24 months after the date of the entry of the order authorizing it, both the order and the warrant shall be deemed to have expired and to be of no further effect.]

(h) Arrest Warrant.

(1) Request for warrant. Judgment-creditor must use the certification in Appendix XI-P to request an arrest warrant. The certification must be filed within six months from the date of the order to enforce litigant's rights.

(2) Issuance. The court may issue an arrest warrant if the court finds that a copy of the signed order to enforce litigant's rights was served on judgment-debtor, 10 days have elapsed, and there has been no compliance with the information subpoena or discovery order.

(3) Form. The warrant form in Appendix XI-Q must be used. Copies of the order to enforce litigant's rights and the certification in support of the application must be attached to the warrant.

(4) Execution. A warrant may be directed to the sheriff for execution in the first instance, but a warrant directed to a Special Civil Part Officer must remain with the Special Civil Part Officer for execution for six months. At the conclusion of the six months the Special Civil Part Officer must furnish an affidavit of efforts to serve the warrant. After that, judgment-creditor may apply ex parte for an order directing a warrant be issued to the sheriff.

(5) Daytime execution. The warrant must be executed by a Special Civil Part Officer or sheriff only between the hours of 7:30 a.m. and 3:00 p.m. on a day when the court is in session. The execution of the warrant may be modified by the court for good cause.

(6) Location by mail. If the motion and order to enforce litigant's rights were served on judgment-debtor by mail, the warrant may be executed only at the address to which they were sent.

(7) Out of county. If judgment-debtor is to be arrested in a county other than the one in which the judgment was entered, the warrant must be issued directly to a Special Civil Part Officer or the sheriff of the county where judgment-debtor is to be arrested.

(8) Bring to court. A judgment-debtor must not be incarcerated at any time pursuant to the warrant. It is a bring-to-court warrant.

(9) Hearing. The arrested judgment-debtor must promptly be brought before a judge of the Superior Court in the county where judgment-debtor is arrested

and released upon compliance with the order for discovery or information subpoena. When judgment-debtor has been arrested for failure to answer an information subpoena, the clerk must furnish judgment-debtor with a copy of a blank information subpoena form in Appendix XI-L.

(10) Satisfaction of warrant. A warrant that resulted in an arrest is deemed executed and of no further effect.

(11) Expired arrest warrant. If the arrest warrant is not executed within 24 months after the date of the entry of the order authorizing it, both the order and the warrant are deemed to have expired and to be of no further effect.

Note: Source–R.R. 7:11-3(a) (b), 7:11-4. Paragraph (a) amended June 29, 1973 to be effective September 10, 1973; paragraph (a) amended July 17, 1975 to be effective September 8, 1975; amended July 21, 1980 to be effective September 8, 1980; caption amended, paragraph (a) caption and text amended, paragraph (b) adopted and former paragraph (b) amended and redesignated as paragraph (c) June 29, 1990 to be effective September 4, 1990; paragraph (a) amended and paragraphs (d), (e) and (f) adopted July 14, 1992 to be effective September 1, 1992; paragraphs (b), (d), (e) and (f) amended July 13, 1994 to be effective September 1, 1994; former paragraph (b) redesignated as subparagraph (b)(1), subparagraph (b)(2) adopted, paragraph (c) amended, paragraph (d) adopted, former paragraph (d) amended and redesignated as paragraph (e), former paragraphs (e) and (f) redesignated as paragraphs (f) and (g) June 28, 1996 to be effective September 1, 1996; subparagraph (b)(2) and paragraph (g) amended July 10, 1998 to be effective September 1, 1998; paragraph (h) adopted July 5, 2000 to be effective September 5, 2000; new paragraph (h) added, and former paragraph (h) redesignated as paragraph (i) July 12, 2002 to be effective September 3, 2002; paragraphs (f) and (g) amended July 28, 2004 to be effective September 1, 2004; paragraph (g) amended July 19, 2012 to be effective September 4, 2012; paragraph (f) amended July 27, 2018 to be effective September 1, 2018; paragraphs (d), (e), and (g) amended July 15, 2024 to be effective September 1, 2024; new paragraph (a); paragraph (b) amended; paragraph (c) caption amended and new paragraph; paragraph (d) amended; new paragraphs (e)(f)(g) and (h); paragraph (i) redesignated as paragraph (h)(11).

27. Proposed amendments to Rule 6:7-3 – Wage Executions; Notice, Order, Hearing; Accrual of Interest; Costs, and Credits

The proposed amendments to *Rule* 6:7-3 restructure the rule to clarify procedures for the wage execution process including judgment creditors seeking the addition of interest and costs, and adjustments for credits.

The proposed amendments to *Rule* 6:7-3 follow.

6:7-3. Wage Executions [; Notice, Order, Hearing; Accrual of Interest, Costs, and Credits]

(a) Notice [, Order,] and Hearing. [The provisions of R. 4:59-1(e) (wage executions) are applicable to the Special Civil Part, except as otherwise provided by R. 6:7-1(a) and except that the judgment-debtor shall notify the Office of the Special Civil Part by filing in the county in which the execution originated and the judgment-creditor in writing within 10 days after service of the notice of any reasons why the order should not be entered and the judgment-creditor may waive in writing the right to appear at the hearing on the objection and rely on the papers.] Rule 4:59-1(e)(wage executions) applies to the Special Civil Part. It is modified by R. 0(Requests for execution) and as follows.

(1) Judgment-debtor must file any objections why the wage execution should not be entered with the Special Civil Part in the county to issue the execution. The objections must be filed and served on judgment-creditor within 10 days of service of the notice of application.

(2) Judgment-creditor may file a written waiver of the right to appear at the hearing on the objection and rely on the papers.

(b) Accrual of Interest. [The judgment creditor or the judgment creditor's attorney who seeks to recover interest that has accrued subsequent to issuance of the execution must file an affidavit or certification with the Office of the Special Civil Part setting forth the amount of accrued interest. A copy of the affidavit or

certification shall be served personally or by certified mail on the judgment debtor's employer by the judgment creditor or judgment creditor's attorney. A copy of the affidavit or certification shall be sent by ordinary mail by the judgment creditor or judgment creditor's attorney to the judgment debtor at the judgment debtor's last known address and to the court officer who served the execution on the judgment debtor's employer. The affidavit or certification shall state that the interest and the court officer fees thereon have been imposed pursuant to R. 4:42-11 and must be collected in accordance with that rule by the employer. The court officer shall give the judgment creditor or judgment creditor's attorney at least 30 days' notice of intention to return the wage execution. The affidavit or certification shall be filed with the Office of the Special Civil Part prior to the return of the wage execution by the court officer. An affidavit or certification filed subsequent to the return of the wage execution shall be returned by the Office of the Special Civil Part to the judgment creditor or judgment creditor's attorney with a notation or notice that the wage execution has been returned.]

(1) Accrued interest. Judgment-creditor who seeks interest accrued after the execution was issued must file an affidavit with the Special Civil Part stating the amount. The affidavit must state that the interest and the Special Civil Part Officer fees have been imposed pursuant to R. 4:42-11 and must be collected by the employer.

(2) Notice. A copy of the affidavit must be served personally or by certified mail on judgment-debtor's employer by judgment-creditor. A copy of the affidavit must be sent by ordinary mail by judgment-creditor to judgment-debtor at their last known address and to the Special Civil Part Officer who served the execution.

(3) Return of execution. The Special Civil Part Officer must give judgment-creditor at least 30 days' notice of intention to return the wage execution. The affidavit must be filed with the Special Civil Part before the return of the execution by the Special Civil Part Officer. An affidavit filed after the return of the execution must be returned by the Special Civil Part to judgment-creditor with a notice that the execution has been returned.

(c) Accrual of Credits and Costs. [The judgment creditor or judgment creditor's attorney who seeks to amend an active wage execution to adjust for credits received or to recover taxed costs set forth in R. 1:43 that may have accrued subsequent to issuance of the wage execution must file an affidavit or certification with the Office of the Special Civil Part setting forth the amount of credits received or costs accrued. A copy of the affidavit or certification shall be served personally or by certified mail on the judgment debtor's employer by the judgment creditor or judgment creditor's attorney. A copy of the affidavit or certification shall be sent by ordinary mail by the judgment creditor or judgment creditor's attorney to the judgment debtor at the judgment debtor's last known address and to the court officer who served the wage execution on the judgment debtor's employer. An affidavit or

certification filed subsequent to the return of the wage execution shall be returned by the Office of the Special Civil Part to the judgment creditor or judgment creditor's attorney with a notation that their request to amend is denied because the wage execution is no longer active.]

(1) Accrued credits and costs. Judgment-creditor who seeks to amend an active execution to adjust for credits received or to recover taxed costs pursuant to R. 1:43 that accrued after the execution was issued must file an affidavit with the Special Civil Part. The affidavit must state the credits received and costs accrued.

(2) Notice. A copy of the affidavit must be served personally or by certified mail on judgment-debtor's employer by judgment-creditor. A copy of the affidavit must be sent by ordinary mail by judgment-creditor to judgment-debtor at their last known address and to the Special Civil Part Officer who served the execution.

(3) Return of execution. An affidavit filed after the return of the execution must be returned by the Special Civil Part to judgment-creditor with a notice that the execution has been returned.

Note: Source–R.R. 7:11-5. Amended July 7, 1971 to be effective September 13, 1971; amended July 14, 1972 to be effective September 5, 1972; former rule redesignated as paragraph (a) and paragraph (b) adopted and caption amended July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (b) amended June 29, 1990 to be effective September 4, 1990; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 27, 2006 to be effective September 1, 2006; paragraphs (a) and (b) amended July 19, 2012 to be effective September 4, 2012; paragraph (a) amended March 7, 2017 to be effective immediately; paragraph (a) amended July 27, 2018 to be effective September 1, 2018; caption amended, paragraph (b) amended, and new paragraph (c) adopted July 31, 2020 to be effective September 1, 2020; caption amended; new paragraphs (a)(1) and (2); new paragraphs (b)(1)(2)and (3); new paragraphs (c)(1)(2) and (3) to be effective .

28. Proposed amendments to *Rule* 6:7-4 – Chattel Executions; Time at Which Levy Can be Made; Accrual of Interest, Credits and Costs

The proposed amendments to *Rule* 6:7-4 restructure the rule to clarify the chattel execution process, including a cross-reference to *Rule* 6:7-3 regarding interest, credits and costs.

The proposed amendments to *Rule* 6:7-4 follow.

6:7-4. Goods and Chattel Executions [; Time at Which Levy Can be Made; Accrual of Interest, Credits and Costs]

(a) [Personal Property Within] Residential Premises. Levies on personal property located within residential premises [can] may be made only between the hours of 6:00 a.m. and 10:00 p.m. [, unless otherwise permitted by] A court order [, which] modifying the hours may be [sought] requested by ex parte [application] motion.

(b) [Other] Personal Property. [Levies on other personal property may be made at any time, but a] A Special Civil Part Officer may [be required to] levy on [such] nonresidential personal property outside the hours of 6:00 a.m. to 10:00 p.m. only if the property cannot be levied on between [the hours of 6:00 a.m. and 10:00 p.m.] the prescribed hours.

(c) [Accrual of] Interest, Credits and Costs. [The judgment creditor or judgment creditor's attorney who seeks to recover interest that has accrued subsequent to issuance of the execution must file an affidavit or certification with the Office of the Special Civil Part setting forth the amount of accrued interest. A copy of the affidavit or certification shall be sent by ordinary mail and by certified or registered mail, return receipt requested, by the judgment creditor or judgment creditor's attorney to the judgment debtor at the judgment debtor's last known address and by ordinary mail to the court officer to whom the writ of execution has been assigned. The affidavit or certification shall state that the interest and the court

officer fees thereon have been imposed pursuant to R. 4:42-11 and must be collected in accordance with that rule by the officer. The court officer shall give the judgment creditor or judgment creditor's attorney at least 30 days' notice of intention to return the chattel execution. The affidavit or certification shall be filed with the Office of the Special Civil Part prior to the return of the execution by the court officer. An affidavit or certification filed subsequent to the return of the execution shall be returned by the Office of the Special Civil Part to the judgment creditor or judgment creditor's attorney with a notation or notice that the execution has been returned.] Rule 6:7-3(b) and (c) apply to executions against goods and chattels.

[(d) Accrual of Credits and Costs. The judgment creditor or judgment creditor's attorney who seeks to amend an active chattel execution to adjust for credits received or to recover taxed costs set forth in R. 1:43 that may have accrued subsequent to issuance of the chattel execution must file an affidavit or certification with the Office of the Special Civil Part setting forth the amount of credits received or costs accrued. A copy of the affidavit or certification shall be sent by ordinary mail by the judgment creditor or judgment creditor's attorney to the judgment debtor at the judgment debtor's last known address. The affidavit or certification shall be filed with the Office of the Special Civil Part prior to return of the execution by the court officer and prior to the execution's expiration date. An affidavit or certification filed subsequent to the return of the execution or subsequent to the execution's expiration date shall be returned by the Office of the Special Civil Part to the

judgment creditor or judgment creditor's attorney with a notation that their request to amend the chattel execution is denied because the execution is no longer active.]

Note: Adopted July 12, 2002 to be effective September 3, 2002; caption amended and new paragraph (c) adopted July 28, 2004 to be effective September 1, 2004; paragraph (c) amended July 19, 2012 to be effective September 4, 2012; caption amended, paragraph (c) amended, and new paragraph (d) adopted July 31, 2020 to be effective September 1, 2020; paragraphs (a)(b) and (c) amended; paragraph (d) deleted to be effective .

29. Proposed amendments to *Rule* 6:8 – Special Actions: Attachment, Capias and Replevin; Return of Orders For Possession

The proposed amendments to *Rule* 6:8 shorten and simplify the title of the rule to "Special Actions." The proposed amendments also make more clear that writs of capias ad respondendum, attachment and replevin are not permitted to be filed in the Special Civil Part.

The proposed amendments to *Rule* 6:8 follow.

6:8. Special [a]Actions [: attachment, capias and replevin; return of orders for Possession]

Writs of capias ad respondendum, attachment and replevin [shall] may not be filed [with] in the Special Civil Part.

Note: Source–R.R. 7:12-7, 7:12-8; amended July 13, 1994 to be effective September 1, 1994; amended July 15, 2024 to be effective September 1, 2024; caption and paragraph amended to be effective .

30. Proposed amendments to *Rule* 6:9 – Procedure for collection of statutory penalties and for confiscation of chattels

The proposed amendments to *Rule* 6:9 significantly shorten and simplify the language making *Rule* 4:70 applicable to Special Civil Part. Additionally, the title of the rule is changed to "Collection of Statutory Penalties." The proposed amendments to *Rule* 6:9 follow.

6:9. [Procedure for c] Collection of [s]Statutory [p]Penalties [and for confiscation of chattels]

[The provisions of R.] Rule 4:70 ([procedure for collection of statutory penalties and confiscation of chattels] "Summary Proceedings for Collection of Statutory Penalties") [are applicable] applies to the Special Civil Part.

Note: Source–R.R. 7:13, 7:14; amended November 7, 1988 to be effective January 2, 1989; caption and paragraph amended _____ to be effective _____.

31. Proposed amendments to *Rule* 6:10 – Representations in Summary Actions for Possession of Premises

The proposed amendments to *Rule* 6:10 clarify when an attorney is required to appear in Landlord Tenant (LT) actions by eliminating extraneous language and stating that *Rule* 1:21-1(c) applies to this docket with one identified exception. The rule is also retitled to "Representation in Landlord Tenant (LT)." The proposed amendments to *Rule* 6:10 follow.

6:10. Representation in [Summary Actions for Possession of Premises] Landlord Tenant (LT)

[The prohibition of appearances and filing of court papers by business entities other than sole proprietors, contained in R.] Rule 1:21-1(c) [, shall apply] applies to [summary actions for possession of premises] Landlord Tenant (LT), except that a partner [in a general partnership] may file papers and appear [pro se] on behalf of a general partnership.

Note: Former R. 6:10 (bastardy proceedings) deleted December 13, 1983 to be effective December 31, 1983; present rule adopted July 14, 1992 to be effective September 1, 1992; amended July 13, 1994 to be effective September 1, 1994; caption and text amended July 9, 2008 to be effective September 1, 2008; caption and paragraph amended to be effective .

32. Proposed amendments to *Rule* 6:11 – Small Claims Section; Practice

The proposed amendments to *Rule* 6:11 reorganize the contents of the rule into five paragraphs to enhance readability, understanding and identification of areas of Small Claims (SC) where practices may deviate from those of other case types.

The proposed amendments to *Rule* 6:11 follow.

6:11. Small Claims [Section; Practice] (SC)

[The general rules of practice and procedure in the Special Civil Part, including the provisions of R. 1:40-6, shall apply to the Small Claims Section except that any authorized officer or employee may prosecute and defend on behalf of a party which is a business entity, whether formally incorporated or not, claims originating with and not held by transfer or assignment to that business entity, provided that such officer or employee is neither a suspended or disbarred attorney nor one who has resigned. This exception shall apply to every action cognizable in the Small Claims Section whether or not the complaint has been filed in the Small Claims Section. Notice in the Small Claims Section shall be by summons as provided by R. 6:2-1, and actions in such Section shall be disposed of on the return day unless adjourned by the court. Upon the filing of a counterclaim for a sum in excess of the monetary limit of the Small Claims Section, the action shall be transferred to the Special Civil Part upon proper payment by the defendant of the required fees.]

(a) Summons. Notice in Small Claims (SC) must be by summons pursuant to R. 6:2-1(b) and not by order to show cause.

(b) Mediation. The court may refer actions in Small Claims (SC) to mediation pursuant to R. 1:40-6.

(c) Summary Disposition. Actions must be disposed on the return day unless adjourned by the court.

(d) Agent Representative. Any authorized officer or employee may prosecute and defend on behalf of a party which is a business entity. This is an exception pursuant to R. 1:21-1(c).

(1) This exception applies to actions cognizable in Small Claims (SC) filed in Special Civil (DC) and in the Civil Part.

(2) The business entity is not required to be for profit or formally incorporated.

(3) The exception applies to claims originating with and not held by transfer or assignment to that business entity.

(4) This exception does not apply to claims held by transfer or assignment.

(5) The exception for officers and employees does not apply to an attorney currently suspended, disbarred or resigned.

(e) Transfer. Upon filing a counterclaim, crossclaim or third-party complaint pursuant to R. 6:3-1(a)(3) in Small Claims (SC) for a sum in excess of the monetary limit, the action must be transferred to Special Civil (DC). The action must not be transferred unless the party making the claim has timely paid the required fees.

Note: Source–R.R. 7:17-1, 7:17-2, 7:17-3. Amended June 29, 1973 to be effective September 10, 1973; amended November 27, 1974 to be effective April 1, 1975; amended November 1, 1985 to be effective January 2, 1986; amended November 7, 1988 to be effective January 2, 1989; amended July 14, 1992 to be effective September 1, 1992; caption amended; new paragraphs (a)(b)(c)(d)(1)(2)(3)(4)(5) and (e) to be effective _____.

33. Proposed amendments to *Rule* 6:12-1 – Recording and Transcript of Proceedings

The proposed amendments to *Rule* 6:12-1 incorporate *Rule* 1:34-5 (Court Reporters) by reference with modifications allowed by the Administrative Director and provides for more specific procedures. The proposed amendments to *Rule* 6:12-1 follow.

6:12-1. Recording and Transcripts [of Proceedings]

(a) Taking of Record. Rule 1:34-5 (Court Reporters) applies to the Special Civil Part unless modified by the Administrative Director. The Administrative Director is authorized to [provide for the verbatim recording of all] establish procedures for creating a verbatim record and transcript of proceedings in the Special Civil Part [either by an official or temporary stenographic reporter appointed pursuant to law or by sound recording device]. [Such] Audio recording devices [shall] may be [operated and any required transcripts prepared by personnel assigned by the court for that purpose, all in accordance with procedures established by the Administrative Director] used. Court personnel must be assigned to operate audio devices and arrange for the preparation of any required transcripts.

(b) Use of Transcripts. Transcripts of proceedings in the Special Civil Part for use on appeal or other authorized purposes [shall] must be prepared, insofar as practical, in accordance with the procedures applicable to the preparation of transcripts of proceedings in the Civil Part of the Law Division.

(c) Request of Party. [When] If the proceedings are [sound] audio recorded, [in addition thereto, at the request and expense of any party,] the court [shall] must permit a record of the proceedings to be made by a certified [shorthand] court reporter at the request and expense of any party.

(d) When No Record [Is Made]. [In the absence of a] If there is no stenographic or [sound] audio record of [any] a proceeding [, in the event of an

appeal] upon which an appeal is taken, a statement of proceedings [shall] must be prepared [as provided for by] pursuant to R. 2:5-3(f).

Note: Source–R.R. 7:16-1(a) (b) (c). Paragraph (c) adopted July 7, 1971 to be effective September 13, 1971; paragraphs (a) and (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (b) amended July 19, 2012 to be effective September 4, 2012; paragraph (d) amended July 31, 2020 to be effective September 1, 2020; caption and paragraphs (a)(b)(c) and (d) amended to be effective .

34. Proposed amendments to *Rule* 6:12-2 – Clerk's Office; Place of Trials; Inquiries

The proposed amendments to *Rule* 6:12-2 arrange the contents of the current rule into three paragraphs for clarity.

The proposed amendments to *Rule* 6:12-2 follow.

6:12-2. Clerk's Office [; Place of Trials; Filing; Inquiries]

[The clerk's office shall be maintained at the principal location of the Special Civil Part. All business of the court shall be conducted there and all papers in pending actions filed there except as otherwise provided in these rules or by order of the Assignment Judge. Orders shall be filed forthwith upon signing. All inquiries shall be addressed to the clerk and answered in his or her name, and requests for information or for the return of papers shall be accompanied by an addressed stamped envelope. All fees must be paid in advance.]

(a) Clerk's location. The clerk's office must be maintained at the principal location of the Special Civil Part. Business of the court must be conducted there and papers in pending actions filed there except as otherwise provided by court rule or by order of the Assignment Judge.

(b) Filing orders. Orders must be filed promptly upon signing.

(c) Inquiries. Inquiries must be addressed to the clerk and answered in the clerk's name. Requests for information or for the return of papers must be accompanied by an addressed stamped envelope. Fees must be paid in advance.

Note: Source–R.R. 7:12-2, 7:19-3, 7:19-5, 7:19-7, 7:19-8, 7:19-10; amended November 7, 1988 to be effective January 2, 1989; amended July 19, 2012 to be effective September 4, 2012; caption amended and new paragraphs (a)(b) and (c) to be effective _____.

35. Proposed amendments to *Rule* 6:12-3 – Supporting Personnel

The proposed amendments to *Rule* 6:12-3 change the title of the rule to more accurately describe the subject of the rule. Legalese is removed from the rule, sentences are shortened, and procedures are placed into separate sentences for clarity.

The proposed amendments to *Rule* 6:12-3 follow.

6:12-3. [Supporting Personnel] Requirements for Special Civil Part Officers

(a) Special Civil Part Officers' Bonds[;] and Fiscal Accounts. Requirements for Special Civil Part Officers to post bonds for enforcement of money judgments and maintain fiscal records must be established by the Administrative Director of the Courts. [All officers executing writs issued out of the] Special Civil Part Officers assigned executions upon which money may be collected [shall, before entering upon the discharge of their duties,] must file [in the office of the deputy clerk] a bond in [such] the sum and form as [prescribed] established by the Administrative Director [of the Courts]. The bond must be filed with the clerk before enforcing money judgment executions. [Such officers shall] Special Civil Part Officers must maintain [such] fiscal records, subject to [such] an audit, as required by the Administrative Director [of the Courts prescribes].

(b) [Substitution for] Special Civil Part Officer [Deceased or Otherwise] Unable to Act. The Administrative Director is authorized to establish procedures to implement the use of Special Assistant Officers when a Special Civil Part Officer [When an officer] who serves post[-] judgment process dies [or], becomes incapacitated or [for any other reason that officer's appointment order is rescinded,] abruptly retires. [t]The court [shall] must use [in] that [officer's stead his or her] Special Civil Part Officer's predesignated and appointed [s]Special [a]Assistant [o]Officer [, as provided for by Administrative Directive, to]. In that instance, the Special Assistant Officer, after posting the required bond, must proceed with and

complete all work that had been assigned to the Special Civil Part [o]Officer. [In such instance, the [s]Special [a]Assistant [o]Officer shall have as to such matters] The Special Assistant Officer has the same powers and authority that the Special Civil Part [o]Officer had [as to those matters].

Note: Source–R.R. 7:21-4, 7:21-5; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 19, 2012 to be effective September 4, 2012; paragraph (a) amended August 1, 2016 effective September 1, 2016; paragraph (b) amended July 31, 2020 to be effective September 1, 2020; caption and paragraphs (a) and (b) amended to be effective .

36. Proposed amendments to *Rule* 6:12-4 – Accounting System

The proposed amendments to *Rule* 6:12-4 modernize the language of the rule by replacing the phrase "shall prescribe" with "must establish procedures for."

The proposed amendments to *Rule* 6:12-4 follow.

6:12-4. Accounting System

The Administrative Director of the Courts [shall prescribe the] must establish procedures for docket keeping, indices, bookkeeping and accounting procedures for the various types of financial transactions in the clerk's office.

Note: Source–R.R. 7:23, 7:24, 7:25; text amended to be effective _____.

K. Proposed Amendments to Appendix II – Interrogatory Forms – Form A

The New Jersey State Bar Association suggested revisions to the Uniform Interrogatories in Appendix II to the Court Rules to include standard questions requiring plaintiffs to disclose information related to prior accidents and lawsuits because the current Form C Interrogatories require defendants to answer as to their knowledge of plaintiff's prior accidents. This item was referred to the Discovery Subcommittee for consideration.

The Discovery Subcommittee, after its review, recommended adding the following question to the Form A Interrogatories as new question 10:

> 10. If plaintiff has ever sustained personal injuries in any prior or subsequent accident, state: (a) the date of said accident; (b) the injuries plaintiff alleged that they sustained in that accident; (c) the docket number and parties to any lawsuit arising out of that accident; (d) the names of any hospitals, imaging providers, and health care providers who provided care to plaintiff for any injuries alleged to have been sustained in that accident; and (e) attach a copy of any medical records related to that accident.

The Discovery Subcommittee determined the proposed new interrogatory achieves consistency in the questions posed to plaintiffs and defendants, and eliminates the need for defendants to request this information through supplemental interrogatories.

The Committee unanimously agreed with the proposed revisions to the Form A Interrogatories.

The proposed amendments to Appendix II follow.

Form A. Uniform Interrogatories to be Answered by Plaintiff in All Personal Injury Cases (Except Medical Malpractice Cases): Superior Court

All questions must be answered unless the court otherwise orders or unless a claim of privilege or protective order is made in accordance with R. 4:17-1(b)(3). Information provided in response to these interrogatories shall not be used for any improper purpose. Use of such information shall be in accordance with the Rules of Court, including but not limited to R. 1:38, and the Rules of Professional Conduct.

(Caption)

1. Full name, present address, date of birth, Social Security number, and Medicare number, if applicable. If Medicare number is applicable, attach a copy of the Medicare card.

2. Describe your version of the alleged occurrence, incident, accident or act of negligence asserted in detail setting forth the date, location, time and weather.

3. Detailed description of nature, extent and duration of any and all injuries.

4. Detailed description of injury or condition claimed to be permanent together with all present complaints.

5. If confined to a hospital, state its name and address, and dates of admission and discharge.

6. If any diagnostic tests were performed, state the type of test performed, name and address of place where performed, date each test was performed and what each test disclosed. Attach a copy of the test results.

7. If treated by any health care provider, state the name and present address of each health care provider, the dates and places where treatments were received and the date of last treatment. Attach true copies of all written reports provided to you by any such health care provider whom you propose to have testify in your behalf.

8. If still being treated, the name and address of each doctor or health care provider rendering treatment, where and how often treatment is received and the nature of the treatment.

9. If a previous injury, disease, illness or condition is claimed to have been aggravated, accelerated or exacerbated, specify in detail the nature of each and the name and present address of each health care provider, if any, who ever provided treatment for the condition.

10. If plaintiff has ever sustained personal injuries in any prior or subsequent accident, state: (a) the date of said accident; (b) the injuries plaintiff alleged that they sustained in that accident; (c) the docket number and parties to any lawsuit arising out of that accident; (d) the names of any hospitals, imaging providers, and health care providers who provided care to plaintiff for any injuries alleged to have been sustained in that accident; and (e) attach a copy of any medical records related to that accident.

[10.] 11. If employed at the time of the accident, state: (a) name and address of employer; (b) position held and nature of work performed; (c) average weekly wages for past year; (d) period

of time lost from employment, giving dates; and (e) amount of wages lost, if any.

[11.] 12. If there has been a return to employment or occupation, state: (a) name and address of present employer; (b) position held and nature of work performed; and (c) present weekly wages, earning, income or profit.

[12.] 13. If other loss of income, profit or earnings is claimed: (a) state total amount of the loss; (b) give a complete detailed computation of the loss; and (c) state the nature and source of the loss of income, profit and earnings, and the dates of the deprivation.

[13.] 14. Itemize in complete detail any and all moneys expended or expenses incurred for hospitals, doctors, nurses, diagnostic tests or health care providers, x-rays, medicines, care and appliances and state the name and address of each payee and the amount paid and owed each payee.

[14.] 15. Itemize any and all other losses or expenses incurred not otherwise set forth.

[15.] 16. Identify all documents that may relate to this action, and attach copies of each such document.

[16.] 17. State the names and addresses of all eyewitnesses to your version of the alleged occurrence, incident, accident, or act of negligence asserted, their relationship to you and their interest in this lawsuit.

[17.] 18. State the names and addresses of all persons who have knowledge of any facts relating to the case.

[18.] 19. If any photographs, videotapes, audio tapes or other forms of electronic recording, sketches, reproductions, charts or maps were made with respect to anything that is relevant to the subject matter of the complaint, describe: (a) the number of each; (b) what each shows or contains; (c) the date taken or made; (d) the names and addresses of the persons who made them; (e) in whose possession they are at present; and (f) if in your possession, attach a copy, or if not subject to convenient copying, state the location where inspection and copying may take place.

[19.] 20. If you claim that the defendant made any admissions as to the subject matter of this lawsuit, state: (a) the date made; (b) the name of the person by whom made; (c) the name and address of the person to whom made; (d) where made; (e) the name and address of each person present at the time the admission was made; (f) the contents of the admission; and (g) if in writing, attach a copy.

[20.] 21. If you or your representative and the defendant have had any oral communication concerning the subject matter of this lawsuit, state: (a) the date of the communication; (b) the name and address of each participant; (c) the name and address of each person present at the time of such communication; (d) where such communication took place; and (e) a summary of what was said by each party participating in the communication.

[21.] 22. If you have obtained a statement from any person not a party to this action, state: (a) the name and present address of the person who gave the statement; (b) whether the statement was oral or in writing and if in writing, attach a copy; (c) the date the statement was obtained; (d) if such statement was oral, whether a recording was made, and if so, the nature of the recording and the name and present address of the person who has custody of it; (e) if the statement was written, whether it was signed by the person making it; (f) the name and address of the person who obtained the statement; and (g) if the statement was oral, a detailed summary of its contents.

[22.] 23. If you claim that the violation of any statute, rule, regulation or ordinance is a factor in this litigation, state the exact title and section.

[23.] 24. State the names and addresses of any and all proposed expert witnesses. Set forth in detail the qualifications of each expert named and attach a copy of each expert's current resume. Also attach true copies of all written reports provided to you by any such proposed expert witnesses.

With respect to all expert witnesses, including treating physicians, who are expected to testify at trial and with respect to any person who has conducted an examination pursuant to Rule 4:19, who may testify, state each such witness's name, address and area of expertise and attach a true copy of all written reports provided to you.

State the subject matter on which your experts are expected to testify.

State the substance of the facts and opinions to which your experts are expected to testify and a summary of the grounds for each opinion.

[24.] 25. State whether you have ever been convicted of a crime. YES ( ) or NO ( ).

[25.] 26. State (a) the name and address of any person, including any person or party answering these interrogatories, who has made a statement regarding this lawsuit or the subject matter of this lawsuit; (b) whether the statement was oral or in writing; (c) the date the statement was made; (d) the name and address of the person to whom the statement was made; (e) the name and address of each person present when the statement was made; and (f) the name and address of each person who has knowledge of the statement.

Unless subject to a claim of privilege, which must be specified: (g) attach a copy of the statement, if it is in writing; (h) if the statement was oral, state whether a recording was made and, if so, set forth the nature of the recording and the name and address of the person who has custody of it; and (i) if the statement was oral and no recording was made, provide a detailed summary of its contents.

TO BE ANSWERED ONLY IN AUTOMOBILE ACCIDENT CASES

[26.] 27. State on what street, highway, road or other place (designate which) and in what general direction (north, south, east or west) your vehicle was proceeding immediately prior to the collision. (You may include a sketch for greater clarity.)

[27.] 28. With respect to fixed objects at the location of the collision, state as nearly as possible the point of impact. If you included a sketch, place an X thereon to denote the point of impact.

(Note: The term "point of impact" as used in this and other questions has reference to the exact point on the street, highway, road or other place where the vehicles collided or where any pedestrian was struck.)

[28.] 29. State whether there were any traffic control devices, signs or police officers at or near the place of the collision. If there were, describe them (i.e., traffic lights, stop sign, police officers, etc.) and state the exact location of each.

[29.] 30. If you contend that there was a malfunction of a motor vehicle or equipment, state: (a) make, model and year of the motor vehicle and whether or not that vehicle was equipped with power brakes and steering; (b) the nature of the malfunction; (c) the date the motor vehicle was purchased and the name and address of the person from whom the motor vehicle was purchased; (d) the date that that portion of the motor vehicle in which the malfunction occurred was last inspected and the name and address of the person inspecting same; (e) the last date prior to the accident that that portion of the motor vehicle was repaired or replaced, the nature and extent of the repairs, the name and address of the person repairing or replacing same; (f) if the motor vehicle was repaired after the accident, state the name and address of the person repairing same and the nature of the repairs; and (g) attach a copy of any repair bills.

[30.] 31. If the collision occurred at an uncontrolled intersection, state: (a) which vehicle entered the intersection first; (b) whether your vehicle came to a full stop before entering the intersection; and (c) if your vehicle did not come to a full stop before entering the intersection, state the speed of your vehicle when it entered the intersection.

[31.] 32. For each other vehicle or pedestrian collided with, state, at the time you first observed the other vehicle or pedestrian, (a) your speed and (b) the speed of the other vehicle or the movement, if any, of the pedestrian, and the distance in feet between (c) the front of your vehicle and the point of impact; (d) the front of the other vehicle or pedestrian and the point of impact, and (e) the front of your vehicle and the other vehicle or pedestrian.

[32.] 33. State where each vehicle came to rest after the impact. Include the distance in terms of feet from the point of impact to the point where each vehicle came to rest.

[33.] 34. For each other vehicle or pedestrian involved, state (a) which part of your vehicle; and (b) which part of the other vehicle or pedestrian came into contact.

[34.] 35. State the following facts with respect to the collision: (a) time; (b) condition of weather; (c) condition of visibility; and (d) condition of roadway.

[35.] 36. For each other vehicle or pedestrian involved, state whether you observed the vehicle or pedestrian prior to the accident? YES (__) or NO (__). If the answer is "yes," set forth the time that elapsed from the time you first saw the vehicle or pedestrian until the impact occurred.

[36.] 37. At the time of the impact, state the speeds of all vehicles involved in the collision.

[37.] 38. Were you charged with a motor vehicle violation as a result of the collision? YES (_____) or NO ( ). If the answer is "yes", state: (a) charge; (b) plea; and (c) disposition.

[38.] 39. Do you have insurance coverage and/or PIP benefits under an applicable policy or policies of automobile insurance? As to each such policy provide the name and address of the insurance carrier, policy number, the named insured and attach a copy of the declaration sheet.

[39.] 40. If the Plaintiff(s) or any occupant of the vehicle consumed any alcoholic beverage or took any drugs or medication within twenty-four (24) hours before the subject incident, state what was consumed.

[40.] 41. If at the time of the accident you were in the course of your employment, logged on to a Transportation Network Company's digital network or engaged in a prearranged ride for a Transportation Network Company (TNC), state the name and address of your employer or TNC.

If you are making a claim for property damage to a motor vehicle, provide answers to the uniform interrogatories contained in Form B, questions 1 through 18.

FOR PRODUCT LIABILITY CASES (OTHER THAN PHARMACEUTICAL AND TOXIC TORT CASES), ALSO ANSWER A(2)

CERTIFICATION

I hereby certify that the foregoing answers to interrogatories are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

I hereby certify that the copies of the reports annexed hereto provided by either treating physicians or proposed expert witnesses are exact copies of the entire report or reports provided by them; that the existence of other reports of said doctors or experts are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

Note: Amended July 17, 1975 to be effective September 8, 1975; entire text deleted and new text added Effective 09/01/2016, July 13, 1994 to be effective September 1, 1994; amended June 28, 1996 to be effective September 1, 1996; amended July 10, 1998 to be effective September 1, 1998; new introductory paragraph added July 5, 2000 to be effective September 5, 2000; interrogatory 23 and certification amended July 28, 2004 to be effective September 1, 2004; caption and final instruction amended July 23, 2010 to be effective September 1, 2010; interrogatory 1 amended July 19, 2012 to be effective September 4, 2012; former number 25 renumbered as 37, and new numbers 25 through 36 added August 1, 2016 to become effective September 1, 2016; introductory paragraph amended July 31, 2020 to be effective September 1, 2020; interrogatory numbers 2 and 16 amended, new interrogatory number 25 added, interrogatory numbers 26 through 37 renumbered as numbers 27 through 38, and new interrogatory

numbers 39 and 40 added August 5, 2022 to be effective September 1, 2022; new interrogatory 10 added, interrogatory numbers 10 through 40 renumbered as 11 through 41 to be effective .

L. Proposed Amendments to Appendix XXIX – Notice of Arbitration Hearing in a Civil Action

The Civil Practice Division proposed amendments to Appendix XXIX of the Court Rules to add language to accommodate remote arbitrations. *Rule* 4:21A sets forth the procedures for arbitration of certain civil actions. *Rule* 4:21A-9 (Parties in Default) requires an attorney for a party seeking an arbitration award against a defaulting party to send the form in Appendix XXIX to the defaulting party. The Conference of Civil Presiding Judges and the Conference of Civil Division Managers endorsed the revised form, and the Committee agreed with proposed amendments.

The proposed amendments to Appendix XXIX follow.

APPENDIX XXIX
[NOTICE OF ARBITRATION HEARING]

Attorney Name: _____
Address: _____
_____
Telephone: _____
Attorney for: _____

_____
Plaintiff,

v.

_____
Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION. CIVIL PART
_____ COUNTY
DOCEKT NO: _____

CIVIL ACTION
NOTICE OF ARBITRATION HEARING

TO: _____

TAKE NOTICE that a ☐ default / ☐ default judgment on liability was entered against you on _____ , 20 _____, in the above matter. An arbitration hearing in this matter is scheduled for _____ ☐ a.m./ ☐ p.m. on _____ , 20 _____, [at] for a(n)

☐ In Person Hearing

_____
(location)

☐ Remote/Virtual Hearing

_____
(Zoom link)

_____
(Teams link)

☐ Telephonic Hearing

Telephone Number: _____

You have the right to appear at the arbitration hearing and should take whatever action you deem

appropriate with regard to the same. Those scheduled for a remote/virtual hearing can appear virtually by using the above Zoom or Teams link. Those scheduled for a telephonic hearing can participate in the hearing by phone.

At the conclusion of the arbitration hearing an award of monetary damages may be entered against you which may then result in a final judgment being entered against you by the court. If the arbitration date is rescheduled or cancelled, you will be notified by separate correspondence. If you have a new address, it is your responsibility to notify the undersigned immediately in writing of your new address.

_____

Attorney for

Note: Effective 09/01/2014, CN 11669-English (Appendix XXIX); new text added to be effective .

II. RULES REJECTED

A. Proposal re: Withdrawal of Representation and Attorney's Fees

The New Jersey State Bar Association ("NJSBA") suggested amendments to several Court Rules and Rule of Professional Conduct ("RPC") 1.16 to streamline the process for attorneys to withdraw from representation. The proposed amendments to *Rules* 1:11-2, 5:3-5(e), 7:7-9, and RPC 1.16 would more readily allow an attorney to be relieved as counsel with a litigant's consent, regardless of the stage of the case. The proposal also included recommendations to provide avenues for attorneys to raise compensation issues. This proposal was referred to the Civil, Criminal, Family and Municipal Presiding Judge Conferences; the Professional Responsibility Rules Committee (PRRC); and the Criminal, Family and Municipal Practice Committees for consideration.

With respect to civil practice, the Conference of Civil Presiding Judges opposed the proposal, noting that explicit procedures already address attorney-client fee disputes and the proposal circumvents that process. Judges preside over claims between the named parties in the litigation and not between parties and their counsel. Changing the process for withdrawal of counsel is unwarranted. The Committee agreed with the Conference of Civil Presiding Judges and does not recommend any amendments to the Court Rules.

The Criminal Practice Committee opposed the proposal as it relates to substitution of counsel in criminal matters. The Municipal Practice Committee and

the Conference of Municipal Presiding Judges agreed that *Rule* 7:7-9 should not be amended as proposed by the NJSBA. The Conference of Family Presiding Judges was generally not in favor of the proposal. At the time of this report, the Family Practice Committee is still considering the proposal, and the proposal is still pending with the PRRC.

B. State v. Serghides, No. A-0316-22 (Unpub. App. Div. Aug. 1, 2025) – Proposed Amendments to *Rule* 2:5-4 – Record on Appeal and *Rule* 2:5-5 – Correction or Supplementation of Record

In *State v. Serghides*, No. A-0316-22 (Unpub. App. Div. Aug. 1, 2025), a defendant on appeal challenged his convictions and sentence contending evidentiary and procedural errors, among other claims. Although affirming the trial court, the Appellate Division noted there were three transcripts with more than fifty discrepancies. The attorneys in the case agreed which transcript would be used for appeal. The concurrence identified potential consequences if transcript discrepancies are not clarified, such as a discrepancy that might affect the court's assessment of an important legal issue. The concurrence suggested the Committee consider in more depth concerns related to discrepancies between and among multiple and varying transcripts of recorded conversations or proceedings. The Committee declined to recommend a rule change. It did not perceive widespread issues or concerns with varying transcripts. Instances where the interpretation of statements in a recorded interview are disputed or transcripts are garbled or unavailable are not prevalent and are generally resolved with the trial court's supervision, resolving by conference and stipulation among counsel. *See Rule* 2:5-3(f) (stating "If a verbatim record made of the proceedings has been lost, destroyed or is otherwise unavailable, the court or agency from which the appeal was taken shall supervise the reconstruction of the

record.). The concurrence in *State v. Serghides* also provides practices counsel can take to address transcript discrepancies. (*Slip concurring op.* at 4).

C. Proposed Amendments to *Rule* 4:3-3 – Change of Venue in Superior Court

An attorney suggested amending *Rule* 4:3-3 to allow for a reasonable period of venue discovery before a court decides a motion to change venue. Venue discovery includes interrogatories, document requests, and depositions.

The Committee determined that a rule change is not warranted at this time. The court generally affords parties the opportunity to conduct venue-related discovery when requested. Moreover, venue discovery is akin to jurisdictional discovery, which the court retains discretion to allow without the necessity of a court rule.

D. Proposed Amendments to *Rule* 4:44-2 – Medical Testimony

A practitioner suggested amending *Rule* 4:44-2 to allow for a broader range of professionals to provide medical testimony in trial court hearings to approve a settlement concerning the injuries of a minor or mentally incapacitated person. The practitioner proposed that, in addition to physicians, the rule should also include other professionally licensed or certified healthcare providers—such as licensed social workers.

The Committee concluded that no rule amendment is warranted at this time. As currently written, *Rule* 4:44-2 grants the court wide latitude to permit the testimony of other medical experts for good cause shown, which is often granted.

E. Proposed Amendments to *Rule* 4:14-2(c) – Notice of Examination; General Requirements; Deposition of Organization

A Committee member suggested amending *Rule* 4:14-2(c) to specify that individuals under a party organization's control, such as an officer, director, executive, employee, and/or managing agent can be noticed for deposition in an organization. It was reported that some attorneys have interpreted *Rule* 4:14-2(c) to suggest that the deposition of a party organization is limited to a subject matter designation. The Committee recognized that the party seeking the deposition of specific individuals in an organization may still issue a subpoena under *Rule* 4:14-7 and *Rule* 1:9-1.

The matter was referred to the Discovery Subcommittee for consideration. The Subcommittee did not observe enough instances or concerns regarding this issue to warrant a change. The Committee agreed and does not recommend adopting a rule change at this time.

F. Proposed Amendments to *Rule* 4:58-3 – Consequences of Non-Acceptance of Offer of Party Not A Claimant

An attorney who serves as the Chief Executive Officer of NJ PURE, a medical malpractice insurance company, and NJ CURE, an automobile insurance company, asked the Committee to reconsider recent amendments to *Rule* 4:58-3 allowing an exception to the award of costs and fees.

The attorney suggested that New Jersey adopt Michigan's practice where prevailing parties can seek costs and fees in the event of a dismissal, no-cause, or de minimis verdict. However, in Michigan, a court may refuse to award an attorney's fee "in the interest of justice."

The Committee declined to reconsider the attorney's proposal to amend the Offer of Judgment Rule. In a recent rules cycle, the Offer of Judgment Subcommittee conducted a comprehensive review of this issue. The Subcommittee concluded, and the Committee agreed, the proposal will turn the rule into a general fee-shifting rule and create a chilling effect on litigants' ability to exercise their right to a jury trial. Moreover, defendants in New Jersey are already protected from frivolous litigation through court rule and statute—*Rule* 1:4-8 and *N.J.S.A.* 2A:15-59.1—eliminating the need to rely on the offer of judgment rule for this purpose.

G. Proposed Amendments to *Rule* 6:2-3 – Service of Process

The former Acting Administrative Director asked the Committee to consider personal service (rather than service by mail) of the summons and complaint for Special Civil Part (DC docket) cases. The request noted that concerns about the reliability of service of process by mail have existed for decades, raising questions about the procedural fairness of court procedures in which original process is effectuated through mail rather than personal service. These issues are especially pronounced in high-volume dockets and those in which many or most parties represent themselves without the benefit of legal representation.

The matter was referred to the Special Civil Part Subcommittee for consideration. The Subcommittee opposed switching from service by mail to personal service. Recent statistics align with those in 2002 when this issue was also considered showing that in the court years 2019, 2020, 2024, and 2025 motions to vacate default and orders to vacate default in DC cases were filed in 1% of the cases. Legal Services of New Jersey expressed concern to the Subcommittee regarding the increasing number of default judgments in recent years. However, the Subcommittee did not suggest any service-related rule changes that could address that concern. The Committee agreed with the Subcommittee's recommendation not to propose any rule amendments at this time.

III. RULES HELD FOR CONSIDERATION

A. Proposed Amendments to *Rule* 1:21-7 - Contingent Fees

A group of trial lawyers submitted a proposal to amend *Rule* 1:21-7 to calculate personal injury contingency fees as a straight one-third of the gross recovery without limitation and without need for court intervention. This Rule was last examined by the Committee and amended in 2014. Committee members observed that the issue raised by the proposal is complex and implicates several areas for consideration. The Chair formed a subcommittee to study it and make recommendations. An investigation of contingency fees rules in other states was determined to be worthy of review in making a recommendation. This item is held over to the next rules cycle to provide the subcommittee with sufficient time to consider the complex issues of the proposal.

B. Proposed Amendments to *Rule* 4:24-1 – Time for Completion of Discovery and Other Pretrial Proceedings and the Extensions of Discovery Standards

The Committee was asked to consider whether *Rule* 4:24-1(c) needs to be clarified in light of two recent cases, *Hollywood Café Diner, Inc. v. Jaffe*, 473 N.J. Super. 210 (App. Div. 2022) and *Kronfeld v. Malone*, No. A-2044-23 (App. Div. Oct. 1, 2025). These cases address the standard judges should apply in evaluating a motion to extend discovery. The Chair referred this matter to the Discovery Subcommittee. This item was held over to the next rules cycle to provide the Discovery Subcommittee with sufficient time to consider the issue.

C. Proposed Amendments to *Rule* 6:7- Process to Enforce Judgments and Appendix XI-H – Execution Against Goods and Chattels

Two items were submitted to the Committee for consideration regarding *Rule* 6:7 ("Process to Enforcement Judgments"):

1. The Conference of Civil Presiding Judges referred the following questions to the Committee regarding *Rule* 6:7-1 (Requests for Issuance of Writs of Execution) and Appendix XI-H (Execution Against Goods and Chattels) related to whether a Special Civil Part Officer is permitted to levy only on property specifically listed on the writ of execution:

(a) Should Appendix XI-H and *Rule* 6:7-1 be amended to clarify whether a writ is limited to the property specified therein or may be levied against any non-exempt property of the debtor?

(b) Should *Rule* 6:7-1 be amended to require the requestor to have a good faith belief that the debtor owns the property specified in the writ or has funds in the financial institution to whom it is directed?

(c) Should *Rule* 6:7-1 be amended to clarify the alteration of writs is prohibited?

2. The former Acting Administrative Director asked the Committee to consider and recommend amendments to *Rule* 6:7 that would require attorneys to report direct collections through the Special Civil Part Collection Module ("Module"). The Supreme Court in December 2023 approved implementation of

the Module, which is a reporting system in eCourts designed to foster transparency in collections against Special Civil Part judgments. Special Civil Part Officers started to report collections through the Module effective February 1, 2024. However, this requirement has not yet been extended to attorneys.

The Committee Chair referred both issues to the Special Civil Part Subcommittee. The Subcommittee has continuously considered both of them but has yet come to a consensus on the issues. These two issues have been held over for further consideration to the next rules cycle.

Respectfully submitted,

Hon. Lisa Perez Friscia, J.A.D., Chair
Hon. Michael A. Toto, A.J.S.C., Vice-Chair
Hon. William Anklowitz, J.S.C.
Hon. Avion M. Benjamin, P.J.Cv.
Joseph G. Braunreuther, Esq.
David W. Burns, D.A.G.
Hon. Mark P. Ciarrocca, P.J.Cv.
Joel Clymer, Esq.
Hon. Mary K. Costello, P.J.Ch.
Hon. Patrick DeAlmeida, J.A.D.
Gerard J. Felt, Esq.
Tracey Goldstein, Esq.
Professor Edward A. Hartnett, Esq.
Maria A. Kershaw, Esq., Asst. Civil Division Mgr.
Reynold Lambert, Esq.
Jonathan H. Lomurro, Esq.
Professor J. C. Lore, III, Esq.
Hon. Robert T. Lougy, A.J.S.C.
Thomas J. Manzo, Esq.
Hon. Jessica R. Mayer, P.J.A.D.
Vera McCoy, Esq.
Renita McKinney, Civil Division Manager
Mary M. McManus-Smith, Esq.
William H. Mergner, Jr., Esq.
Hon. Joseph G. Monaghan, J.S.C.
Hon. Barry E. Moscowitz, ALJ
Barry J. Muller, Esq.
Taironda E. Phoenix, Esq., Assistant Director
Hon. Steven J. Polansky, A.J.S.C.
Professor Andrew J. Rothman, Esq.
Maura Sanders, Esq.
Asaad K. Siddiqi, Esq.
Michelle M. Smith, Esq., Clerk, Superior Court
Maria P. Vallejo, Esq.
Hon. Mara Zazzali-Hogan, P.J.Ch.
Suvarna Sampale, Esq., Committee Staff

Dated: January 2026