

SUPREME COURT OF NEW JERSEY

NOTICE TO THE BAR

AMENDMENTS TO THE RULES OF COURT -- AUGUST 1, 2000 CORRECTIONS TO JULY 31 PUBLISHED AMENDMENTS

The Supreme Courts July 5, 2000 Order adopting amendments to the Rules of Court (and the Appendices to the Rules of Court) to be effective September 5, 2000 was published in the July 31, 2000 issue of this legal newspaper. There were minor editing/typographical errors in certain of the rule amendments published with that Order. Accordingly, please note the following corrections (all of which should be considered as having been adopted on July 5):

- (1) Rule 1:20-6(b)(2) -- This section should read: "Special ethics masters shall be appointed by, and shall serve at the pleasure of, the Supreme Court under the administration of the Director. [Retired judges may serve pro bono or, if they are placed on recall, may be paid at the rate in effect for judges on recall service. All other attorneys] Attorneys shall be paid the per diem rate in effect for single arbitrators under Rule 4:21A-5. The full per diem rate shall be paid for each day of a prehearing conference or hearing, or part thereof, but shall not be paid for separate days for opinion preparation. A reasonable additional amount may be paid for actual typing expenses. Retired judges may serve pro bono or with compensation or, if they are on recall, shall be paid at the rate in effect for judges on recall service."
- (2) Rule 1:20-20(b)(12) -- The closing punctuation for this new subsection should be a semicolon rather than a period.
- (3) Rule 1:20-20, source note -- The underscored portion of the source note should read: "; paragraphs (a), (b)(10), (b)(11), and (d) amended, paragraphs (b)(12), (b)(13), and (b)(14) amended and redesignated as paragraphs (b)(13), (b)(14), and (b)(15), and new paragraph (b)(12) adopted July 5, 2000 to be effective September 5, 2000".
- (4) Rule 1:40-5(b) -- An amendment to the text of this subsection was omitted; that amendment should read: "(b) Conduct of Mediation. In addition to the general requirements of [R.] Rule 1:40-4, the parties shall be required to attend a mediation orientation program and may be required to attend an initial mediation session. Mediation sessions shall be closed to the public. The mediator and the parties should consider whether it is appropriate to involve the child in the mediation process. The mediator or either party may terminate a mediation session in accordance with the provisions of [R. 1:40-4(e)] Rule 1:40-4(f)."
- (5) Rule 1:40-5, source note -- The underscored portion of the source note should read: "; caption and paragraphs (a) and (b) amended July 5, 2000 to be effective September 5, 2000".
- (6) Rule 1:40-12(a)(5) -- The last sentence of this subsection (entitled "Municipal Court Mediators") should read: "In [approving persons as mediators] considering the recommendation, the Assignment Judge shall review [their] the applicant's general background [and], suitability [to serve in accordance with Rule 1:40-4(c)] for service as a mediator, and [the] any mediation training [that they] the applicant may have completed."
- (7) Rule 1:40-12(b)(3) -- The last sentence of this subsection (entitled "Continuing Training") should read: "[This] To meet the requirement, this continuing education [will] should cover at least one of the following: ([a] A) [focus on] reinforcing and enhancing mediation and negotiation concepts and skills, ([b] B) [address] ethical issues associated with mediation practice, [and] or ([c] C) [concern] other professional matters related to mediation."
- (8) Rule 2:6-12, source note -- The underscored portion of the source note should read: "; paragraph (a) amended July 5, 2000 to be effective September 5, 2000".

- (9) Rule 3:4-1(b) -- This subsection should read: "(b) [(a)] Arrest on Warrant. If bail was not set when an arrest warrant [on a complaint] was issued, [a] the person who is arrested on that warrant shall have bail set without unnecessary delay, and no [but in no event] later than 12 hours after arrest."
- (10) Rule 3:4-2(b)(5) -- The closing punctuation for this subsection should be a semicolon rather than a period.
- (11) Rule 3:22-1, source note -- The source note should read: "Note: Source -- R.R. 3:10A-1. Amended July 5, 2000 to be effective September 5, 2000."
- (12) Rule 3:23-6, source note -- The source note should read: "Note: Source -- R.R. 3:10-7. Amended July 13, 1994 to be effective September 1, 1994; amended July 5, 2000 to be effective September 5, 2000."
- (13) Rule 4:17-1(b)(2) -- The last sentence of this subsection should read: "In all actions commenced prior to September 5, 2000, however, answers to uniform interrogatories shall be demanded by letter of demand served upon all adverse parties within the time prescribed by R. 4:17-2, and answers shall be served within the time prescribed by R. 4:17-4(b)."
- (14) Rule 4:17-1(b)(4) -- The heading was omitted for this subsection; the subsection should read: "(4) Obligation to Answer Every Question. Except as otherwise provided in subparagraph (b)(3) of this rule, every question propounded by a uniform interrogatory must be answered unless the court has otherwise ordered."
- (15) Rule 4:21A-1(c)(1) -- In the first sentence of this subsection the words "to the arbitration administrator" should be underscored; the first sentence thus should read: "Prior to the [case being scheduled for, and the attorneys noticed of an arbitration hearing, the case] notice of the scheduling of the case for arbitration or within 15 days thereafter, the case may be removed from arbitration upon submission to the arbitration administrator of a certification stating with specificity that [the medicals exceed \$4,500 or providing other reasons why the value of the case is greater than the applicable monetary limitations set forth in subsections (1) or (2) of paragraph (a) of this rule or why] the controversy involves novel legal or [unduly] unusually complex factual issues or is otherwise ineligible for arbitration pursuant to [subsection (2) of] paragraph (a)."
- (16) Rule 4:21A-8(c) -- This subsection should read: "(c) Civil Division Manager. The civil division manager or designee for the vicinage shall perform all of the functions specified by these rules and shall serve as arbitration administrator to perform all required non-judicial functions implementing the arbitration program."
- (17) Rule 4:23-5 -- The caption of this section should read: "Failure to [Serve Answers to Interrogatories] Make Discovery"
- (18) Rule 4:67-3, source note -- The source note should read: "Note: Source -- R.R. 4:85-3. Amended July 5, 2000 to be effective September 5, 2000."
- (19) Rule 6:6-1 -- The rule should read: "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."
- (20) Rule 8:12(c)(2)(i) -- This subsection should read: "As permitted by Rule 8:3-5(a)(4), when properties are in the same ownership and part of the same master deed, if a complaint or counterclaim in an action to review a real property tax assessment includes more than one parcel of real property separately assessed pursuant to the provisions of N.J.S.A. 46:8A-26 (Horizontal Property Act) or N.J.S.A. 46:8B-19 (Condominium Act), the filing fee shall be \$175 for the first separately assessed parcel of property of the property owner and \$50 for each additional separately assessed parcel of property of said property owner included in the complaint, or if all of the parcels of the property owner are within the jurisdiction[al limit] of the small claims division, \$35 for the first separately assessed parcel of property of the property owner and \$10 for each additional separately assessed parcel of property of said property owner included in the complaint."
- (21) Appendix II (Uniform Interrogatories) -- In the following Forms in this Appendix, the rule cited in the new

introductory paragraph should be R. 4:17-1(b)(3) rather than R. 4:17-1(b)(III): Form A(1), Form A(2), Form C(1), Form C(2), Form C(3), Form C(4).

(22) Appendix V (Revised Family CIS) -- (a) In Part C, Section 5 (History of Additional Compensation), paragraph 2, the word "calendar" was spelled incorrectly; (b) In Part D (Monthly Expenses), the following sentence, which appears immediately after the heading, should be in bold italics: **"Should reflect standard of living established during marriage, but not repeat those income deductions listed on Part C ."**

(23) Appendix VI (Notice to Debtor) -- The closing sentence in the Certification of Service portion of this form should read: "I am aware that if the foregoing statements made by me are willfully false, I am subject to punishment."

(24) Appendix XI-A(1) (Summons and Return of Service) -- (a) In the caption of the Spanish-text version of the summons, the first word in the second line should be "División" rather than "División"; (b) In the section "Return of Service if Served by Court Officer," the second line should read: AWM__ WF__ BM__ BF__ OTHER__ HT__ WT__ AGE__ MUSTACHE__ BEARD__ GLASSES__"

Dated: August 1, 2000

Richard J. Williams, J.A.D.

Administrative Director of the Courts

[Notices to the Bar](#)