

# SUPREME COURT OF NEW JERSEY

## NOTICE TO THE BAR

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### **Amendments to the Rules of Court -- August 21, 2000 Corrections to Amendments Published July 31**

The Supreme Court's 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. This Notice sets forth a number of minor editing/typographical errors in certain of the rule amendments published with that Order (which all should be considered as having been adopted on July 5):

- (1) Rule 1:5-6(c)(2) -- The word "except" was inadvertently omitted; this subsection thus should have read:
  - (2) Except in mortgage and tax foreclosure actions, if an answer is presented by a defendant against whom default has been entered, the clerk shall return the same stamped "Received but not Filed (date)" with notice that the defendant may move to vacate the default.
- (2) Rule 1:39-1, source note -- The source note omitted reference to the February 8, 1993 amendments and also contained an inaccurate date for the June 28, 1996 amendments; the source note thus should have read:  
Note: Adopted January 26, 1979 to be effective April 1, 1979; paragraphs (a), (b), (c), (d), (g), (h), and (i) amended May 15, 1980 to be effective September 8, 1980; paragraph (i) amended November 5, 1986 to be effective January 1, 1987; paragraph (a) amended February 8, 1993 to be effective immediately; paragraphs (a), (b), (c), (d), (e), (g), (h), and (i) amended June 28, 1996, to take effect September 1, 1996; paragraphs (a), (b), (c), (d), (e), and (f) amended July 5, 2000 to be effective September 5, 2000.
- (3) Rule 1:39-1A, source note -- The source note contained an inaccurate 1996 adoption date; the source note thus should have read:  
Note: Adopted June 28, 1996, to be effective September 1, 1996; paragraphs (a) and (c) amended and new paragraph (d) adopted July 5, 2000 to be effective September 5, 2000.
- (4) Rule 1:39-2, source note -- The source note omitted reference to the July 13, 1994 amendments, contained an inaccurate date for the June 28, 1996 amendments, and omitted reference to the August 1, 1996 corrective amendment; the source note thus should have read:  
Note: Adopted January 29, 1979 to be effective April 1, 1979; paragraph (a) amended, former paragraph (b) deleted and former paragraph (c) redesignated as (b) and amended, former paragraph (d) redesignated as (c) and amended, and new paragraph (d) adopted May 15, 1980 to be effective September 8, 1980; paragraph (a) amended November 1, 1985 to be effective January 2, 1986; paragraph (d) amended November 7, 1988 to be effective January 2, 1989; paragraphs (b)(2) and (c) amended July 13, 1994 to be effective September 1, 1994; introduction and paragraphs (b), (c), and (d) amended June 28, 1996, to be effective September 1, 1996; corrective amendment to paragraph (c) adopted August 1, 1996 to be effective September 1, 1996; paragraphs (a), (b), (c), and (d) amended and new paragraph (e) adopted July 5, 2000 to be effective September 5, 2000.
- (5) Rule 1:39-3, source note -- The source note contained an inaccurate date for the June 28, 1996 amendments and also omitted reference to the August 1, 1996 corrective amendment; the source note thus should have read:  
Note: Former rule adopted January 26, 1979 to be effective April 1, 1979; former rule deleted and present rule adopted May 15, 1980 to be effective September 8, 1980; amended June 28, 1996, to be effective September 1, 1996; corrective amendment adopted August 1, 1996 to be effective September 1, 1996; amended July 5, 2000 to be effective September 5, 2000.

- (6) Rule 1:39-4, source note -- The source note contained an inaccurate date for the June 28, 1996 amendments; the source note thus should have read:  
Note: Former rule adopted January 26, 1979 to be effective April 1, 1979; former rule deleted and former Rule 1:39B5 redesignated Rule 1:39B4 and amended May 15, 1980 to be effective September 8, 1980; new paragraph (a) adopted and former rule amended and designated paragraph (b) June 28, 1996, to be effective September 1, 1996; paragraphs (a) and (b) amended July 5, 2000 to be effective September 5, 2000.
- (7) Rule 1:39-5, source note -- The source note omitted reference to the July 13, 1994 amendments and also contained an inaccurate date for the June 28, 1996 amendments; the source note thus should have read:  
Note: Adopted January 26, 1979 as Rule 1:39B6 to be effective April 1, 1979; redesignated Rule 1:39B5 and paragraphs (a) and (c) amended and paragraph (d) deleted May 15, 1980 to be effective September 8, 1980; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a) and (c) amended June 28, 1996, to be effective September 1, 1996; paragraph (b) amended July 5, 2000 to be effective September 5, 2000.
- (8) Rule 1:39-6, source note -- The source note omitted reference to the July 13, 1994 amendments, contained an inaccurate date for the June 28, 1996 amendments, and omitted reference to the August 1, 1996 corrective amendment; the source note thus should have read:  
Note: Adopted January 26, 1979 as Rule 1:39B7 to be effective April 1, 1979; amended and redesignated Rule 1:39B6 May 15, 1980 to be effective September 8, 1980; amended December 13, 1983 to be effective January 3, 1984; paragraph (d) adopted November 1, 1985 to be effective January 2, 1986; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (d) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a), (b), (c), and (d) amended June 28, 1996, to be effective September 1, 1996; corrective amendment adopted August 1, 1996 to be effective September 1, 1996; new paragraph (e) adopted July 5, 2000 to be effective September 5, 2000.
- (9) Rule 1:39-7, source note -- The source note contained an inaccurate date for the June 28, 1996 amendments; the source note thus should have read: Note: Adopted January 26, 1979, as Rule 1:39B8 to be effective April 1, 1979; amended and redesignated Rule 1:39B7 May 15, 1980 to be effective September 8, 1980; amended November 2, 1987 to be effective January 1, 1988; amended June 28, 1996, to be effective September 1, 1996; amended July 5, 2000 to be effective September 5, 2000.
- (10) Rule 1:39-8, source note -- The source note contained an inaccurate date for the June 28, 1996 amendments; the source note thus should have read:  
Note: Adopted January 26, 1979, as Rule 1:39B9 to be effective April 1, 1979; amended and redesignated Rule 1:39B8 May 15, 1980 to be effective September 8, 1980; amended November 2, 1987 to be effective January 1, 1988; amended and rule designated as paragraphs (a), (b), (c), (d), and (e) June 28, 1996, to be effective September 1, 1996; paragraph (d) amended and new paragraph (f) adopted July 5, 2000 to be effective September 5, 2000.
- (11) Rule 1:39-9 -- In the last sentence, "the file" was incorrectly written as "his or her file" that last sentence (which also is a separate paragraph) thus should have read: "The applicant shall not have access to the materials in the file submitted by another person."
- (12) Rule 1:39-9, source note -- The source note omitted reference to the July 13, 1994 amendments and also contained an inaccurate date for the June 28, 1996 amendments; the source note thus should have read:  
Note: Adopted January 26, 1979, as Rule 1:39B10 to be effective April 1, 1979; amended and redesignated Rule 1:39B9 May 15, 1980 to be effective September 8, 1980; amended November 2, 1987 to be effective January 1, 1988; amended July 13, 1994 to be effective September 1, 1994; amended June 28, 1996, to be effective September 1, 1996; amended July 5, 2000 to be effective September 5, 2000.
- (13) Rule 3:4-2(d) -- The caption for this subsection should have read: "Trial of Indictable Offenses in Municipal Court." In the version previously distributed the word "Offenses" was inadvertently omitted.
- (14) Rule 4:21A-5 -- While the material previously distributed accurately stated that former subsections (b) and (c) are being deleted in full (since the substance of those subsections will be addressed elsewhere in Rule 4:21A), the to-be-deleted text of subsection (c)(3) inadvertently was not set forth as it should have been (instead of the "...no change" that

was shown). Subsection (c)(3) thus should have read:

(c) Retired Judges. Retired judges who are not on recall shall be paid at the rate in effect for judges on recall service.]

(15) Rule 5:14-1 -- In the second sentence, the first occurrence of the word "action" was incorrectly made plural. That second sentence thus should have read: "The natural mother, the man presumed by law to be the natural father, anyone whose name appears on the birth certificate and anyone who has attempted to file an acknowledgment of paternity as provided by law shall be made parties to the action, or, if not subject to the jurisdiction of the court, shall be given notice of the action in accordance with R. 4:4-5, or in a manner prescribed by the court, and an opportunity to be heard."

P(16) Rule 7:8-7(a) -- Some bracketing and underscoring was inadvertently omitted; this subsection thus should have read:

(a) Presence of Defendant. Except as otherwise provided by R. 7:6-1(b), the defendant shall be present, either in person, or by means of a video link as approved by the Administrative Office of the Courts, at every stage of the proceeding [trial] and at the imposition of sentence. If, however, defendant is voluntarily absent after the proceeding [trial] has begun in the defendant's presence or the defendant fails to appear at the proceeding [trial] after having been informed in open court of the time and place of the proceeding [trial], the proceeding [trial] may continue to and including entry of judgment. A corporation, partnership or unincorporated association shall appear by its attorney unless an appearance on its behalf by an officer or agent has been permitted pursuant to R. 7:6-2(a)(2). The defendant's presence is not, however, required at a hearing on a motion for reduction of sentence.

(17) Rule 7:11-4(a) -- In the first sentence, the word "costs" was incorrectly made singular. That first sentence thus should have read: "For violations where the statutory or ordinance penalty does not exceed \$50 for each offense, including where the minimum statutory or ordinance penalty does not exceed \$50 for each offense, the defendant at any time before the hearing date may[, upon presentation of a signed plea of guilty and waiver of trial endorsed on the summons,] pay the penalty and costs by appearing before the court or violations clerk or by mailing the same to the court or violations clerk, subject to the limitations prescribed in R. 7:12."

(18) Rule 7:12-4(d) -- In the caption, the word "Costs" was incorrectly made singular; in the first sentence, the phrase "for the offense charged" was inadvertently omitted. The caption and the first sentence thus should have read:

(d) Plea and Payment of Fines, Costs and Penalties. A person charged with an offense within the authority of the violations clerk, may, [upon signing the plea of guilty and waiver of trial on the back of the summons/complaint and] upon ascertaining the fines, costs and penalties established by the Statewide Violations Bureau Schedule or Local Supplemental Violations Bureau Schedule for the offense charged, pay the same, either by mail or in person, to the violations clerk on or before the return date of the summons, provided that when the summons is marked to indicate that a court appearance is required, payment may not be made to the violations clerk even though the offense is on the Statewide Violations Bureau Schedule or Local Supplemental Violations Bureau Schedule.

(19) Appendix to Part VII ("Guidelines for Operation of Plea Agreements in the Municipal Courts of New Jersey") -- The Supreme Court's Comment at the end of the Guidelines (which Comment was part of the Guidelines when they were adopted in 1997) was inadvertently deleted. That three-paragraph comment (which begins "Over the years, various unique practices and procedures....") is retained.

(20) Appendix IX-B ("Use of the Child Support Guidelines") -- The word "the" was inadvertently omitted from the title of this appendix; the title remains unchanged as "Use of the Child Support Guidelines." Additionally, in both the "Line Instructions for the Sole-Parenting Worksheet" and the "Line Instructions for the Shared-Parenting Worksheet," the section heading ALines 1 through 5 -- Determining Income@ was inadvertently written as "Lines 1-5 -- Determining Income"; no change to those headings was intended.

(21) Appendix XXII-A ("Uniform Arbitration Statement of Facts") and Appendix XXII-B ("Uniform Commercial Arbitration Memorandum") -- Source notes were inadvertently omitted from these two forms. The following source

note should be added to the bottom of each: "[Note: Form adopted July 5, 2000 to be effective September 5, 2000.]"

(22) Appendix XXIV ("Civil Trial Information Statement") -- (a) The word "insurance" was spelled incorrectly halfway down the page ("Name of Defendant's Primary Insurance Company, If Known"); and (b) the notation ADraft: March 2000" in the bottom left corner should be replaced with the notation AForm adopted July 5, 2000".

/s/ Richard J. Williams  
Richard J. Williams, J.A.D.  
Administrative Director of the Courts  
Dated: August 21, 2000

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