

Corrections/Errata -- Supreme Court Committee Reports

Reports Published in February 25, 2002 *New Jersey Law Journal*

Civil Practice Committee

1. In Part I ("Rule Amendments Recommended for Adoption"), Section E -- The words "and Cross-Motion" in the caption of Rule 1:7-4(b) should be double underscored.
2. In Part I, Section J -- In the proposed revised text, Rule 1:36-3 is mislabeled as Rule 1:36B-3.
3. In Part I, Section Z -- All references to Rule 4:5-1 should instead be to Rule 4:5B-1 ("Assignment for Case Management"). In that same section, while there are references to Appendix XXIV ("Trial Information Statement"), the form itself was omitted; it can be viewed in the version of the report posted on the Judiciary's Internet website at <http://www.judiciary.state.nj.us/reports/civrpt.pdf>.
4. In Part I, Section JJ -- In the captions of the following rules the words "Mental Incapacity" should be double underscored: Rules 1:20-12(a), 4:34-2, 4:64-1(f), 4:66, 4:86-5, 4:86-8, 4:86-9, 4:86-9(c), 4:86-9(d), 4:86-9(f), and 4:94.

Committee on Complementary Dispute Resolution

1. In the first sentence of the first paragraph of Section V(A), insert "1:40-8" after "CDR Rule".

Criminal Practice Committee

1. In Part A ("Proposed Rule Amendments Recommended for Adoption"), Section 2 ("Trials in Absentia"), the proposed four-page standard Pretrial Memorandum form referenced in that section should have appeared at the end of the proposed revised text of Rule 3:16; part of the form was printed at the end of the report, but was incomplete. The complete form can be found on the appropriate pages of the version of the Committee's report that is posted on the Judiciary's Internet website at <http://www.judiciary.state.nj.us/reports/crmrpt.pdf>.
2. In Part B ("Other Recommendations"), Section 2 ("Parole Supervision Form"), the two-page Judgment of Conviction form referenced in that section should have appeared at the end of that section; part of the form was printed at the end of the

report, but was incomplete. The complete form can be found on the appropriate pages of the version of the Committee's report that is posted on the Judiciary 's Internet website at <http://www.judiciary.state.nj.us/reports/crmrpt.pdf>.

3. In Part B, Section 3 ("DNA Testing"), the two-page Judgment of Conviction form referenced in that section should have appeared at the end of that section; part of the form was printed at the end of the report, but was incomplete. The complete form can be found on the appropriate pages of the version of the Committee's report that is posted on the Judiciary 's Internet website at <http://www.judiciary.state.nj.us/reports/crmrpt.pdf>.
4. In Part B, Section 5 ("Statewide Sexual Assault Nurse Program"), the two-page Judgment of Conviction form referenced in that section should have appeared at the end of that section; part of the form was printed at the end of the report, but was incomplete. The complete form can be found on the appropriate pages of the version of the Committee's report that is posted on the Judiciary 's Internet website at <http://www.judiciary.state.nj.us/reports/crmrpt.pdf>.
5. In Part B, Section 6 ("Supplemental Plea Form for Theft of a Motor Vehicle or Unlawful Taking of a Motor Vehicle"), the three-page Judgment of Conviction form for offenses involving motor vehicles should have appeared at the end of that section; part of the form was printed at the end of the report, but was incomplete. The complete form can be found on the appropriate pages of the version of the Committee's report that is posted on the Judiciary 's Internet website at <http://www.judiciary.state.nj.us/reports/crmrpt.pdf>.

Family Practice Committee (no corrections)

Municipal Court Practice Committee

1. In Section 1B, in the proposed text of Rule 7:4-5(a), underscore the word "a" after the bracketed text.
2. In Section 1B, in the proposed text of Rule 7:4-5(b), underscore the words "an order of".
3. In Section I, the Committee is recommending renumbering the subsections of Rule 7:2-1 as follows: subsections (a), (b), and (c) changed to (a)(1), (a)(2), and (a)(3) under a new heading of "Non-Traffic Offenses" for section (a); subsection (d) renumbered as subsection (b) ("Traffic Offenses"); subsection (e) renumbered as subsection (c) ("Penalty Enforcement Proceedings" [the word "Enforcement" should

be double underscored]); and subsection (f) renumbered as subsection (d) (“Special Form of Complaint and Summons”).

4. In the Section I(D) text, insert the word “it” in the first sentence between “if” and “appears.” The closing portion of that sentence thus should read: “permits a judicial officer to issue process if it appears that probable cause exists ‘form the complaint, affidavit or deposition.’”
5. In Section I, in the second sentence of the text of Rule 7:2-2(a)(1), underscore the word “testimony”.
6. In Section I, the text shown for Rule 7:2-2(b)(5) is new and thus should be underscored (“the defendant cannot be satisfactorily identified”); former subsection (5) has been renumbered to be subsection (6).
7. In Section I, underscore the words “or Uniform Traffic Ticket (UTT)” in Rule 7:3-1(b)(3).

Professional Responsibility Rules Committee

1. Regarding the proposed amendments to RPC 1.8(e), in subsection (2) of the proposed text underscore the semicolon and the word “and” at the end of the subsection.
2. Regarding the proposed amendments to Rule 1:20-6, in the first sentence of the proposed text for R. 1:20-6(c)(2)(E)(i) underscore the word “secretary” that precedes the bracketed material and the word “and” that precedes “the vice chair”.
3. Proposed amendment to Rule 1:20-21(e) -- This proposed amendment and the accompanying narrative were inadvertently omitted. Thus, after the proposed amendments to Rule 1:20-6, add the following narrative and proposed amendment (and add a reference to this in the table of contents):

Proposed Amendment to Rule 1:20-21(e) **(Reinstatement After Final Discipline)**

This proposed amendment merely corrects the address of the Chief Counsel of the Disciplinary Review Board as set forth in Rule 1:20-21(e).

* * *

1:20–21. Reinstatement After Final Discipline

(a) Definite Suspension of More Than Six Months and Indefinite Suspensions. ... no change

(b) Definite Suspension of Six Months or Less. ... no change

(c) Filing and Service of Petition. ... no change

(d) Costs. ... no change

(e) Publication of Notice. Contemporaneously with the filing of the petition for reinstatement, or within twenty-one days prior thereto, the petitioner shall publish a notice of application for reinstatement in bold-faced type in all official newspapers designated by the Supreme Court and in a newspaper of general circulation in each county in which the respondent last maintained a law office and in the county in which respondent resided at the time of the imposition of discipline. Publication of a notice shall be sufficient if in the following language: NOTICE TO THE PUBLIC. John Doe, who was admitted to the bar of the State of New Jersey on, 19.. and who was thereafter suspended from the practice of law by the Supreme Court, is applying to be reinstated to the practice. Objections or relevant information concerning this application for reinstatement should be forwarded immediately to Chief Counsel, Disciplinary Review Board, P.O. Box 962 [CN 962], Trenton, New Jersey 08625-0962.

(f) Contents of Petition. ... no change

(g) Objections by Director; Recommendation by the Board. ... no change

(h) Referral to Trier of Fact. ... no change

(i) Consideration of Petition for Reinstatement. ... no change

(j) Successive Petitions. ... no change

(k) Public Proceedings and Records. ... no change

Note: Adopted January 31, 1995 to be effective March 1, 1995; paragraph (e) amended _____, 2002 to be effective 2002.

4. Proposed amendment to Rule 1:20B-2 -- With regard to the narrative preceding the proposed amendment, change “Disciplinary Review Board” to “Disciplinary Oversight Committee” in both the section heading and the first sentence.
5. In the proposed revised text of Rule 1:21-3(c) and Rule 1:21-3(c)(2), underscore the commas that follow “employed by”.
6. In the proposed revised text of Rule 1:21-6(c) underscore the word “that” preceding the bracketed “which”.
7. In the Section entitled “Proposed Rule Amendments Requested and Rejected or Resolved Without Changes to the Rules,” replace the subsection entitled “Complaints Regarding Confidentiality Requirements...” in its entirety as follows:

Complaints Regarding Confidentiality Requirements for Disciplinary Matters.
The PRRC received letters from two citizens complaining that the confidentiality requirements for disciplinary matters, which they characterized as a “gag rule,” are unfair. The letters were sent by Meryl Jacobs and K. S. Pitta.

By way of background, the confidentiality requirement, Rule 1:20-9, bars grievants from discussing with non-parties the circumstances that formed the basis for the grievance unless and until an ethics complaint is filed. Once the ethics complaint is filed, the process becomes public in nature. The PRRC reviewed the purpose of the confidentiality requirement, which is to encourage grievants to complain to ethics authorities about unprofessional attorney conduct by removing the fear of a retaliatory suit by the attorney for harm to the attorney’s reputation. In effect, the Court extended to statements made by grievants the same absolute immunity that attaches to statements made in lawsuits so long as the confidentiality requirements of the rule are met. IMO Hearing on Immunity for Ethics Complaints, 96 N.J. 669 (1984). Based on its review, the PRRC advised these citizens that it would not recommend changes to the rules at this time.

Committee on the Tax Court (no corrections)

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Civil Practice Committee -- Supplemental Report

1. In Part I ("Rule Amendments Recommended for Adoption"), Section D -- In the proposed revised text of Rule 4:5A-2(b), the proposed new caption -- "Change of Track Assignment" -- should be double-underscored.
2. In Part I, Section E -- In the text of proposed new Rule 4:23-5(c), the proposed caption -- "Motion to Compel" -- should be double-underscored.
3. In Part III, Section B -- Note the updated citation for *Frigon v. DBA Holdings, Inc.*, 346 N.J. Super. 352 (App. Div. 2002).

Committee on Minority Concerns

1. List of Tables -- Several tables were omitted from the end of the list. Add the following:

Table 56	New Jersey Judiciary: Bilingual Variant Titles, AOC Central Clerks' Offices and Vicinages (December 2001)
Table 57	New Jersey Judiciary: Judicial Law Clerks by Race/Ethnicity and Gender for Court Year 2001-2002 (as of December 2001)
Table 58	New Jersey Judiciary: Comparison by Court Year of Law Clerk Appointments by Race/Ethnicity
Table 59	New Jersey Judiciary: Hiring of Law Clerks by Court Level and Race/Ethnicity (1996-2001)
Table 60	New Jersey Judiciary: Superior Court Law Clerks for Court Year 2001-2002 (Excluding Supreme Court, Appellate Division and Tax Court) by County, Race/Ethnicity and Gender as of December 2001
Table 61	New Jersey Judiciary: Law Clerks by Court Level, Race/Ethnicity and Gender for 2001-2002 as of December 2001
Table 62	Law Degrees Conferred by New Jersey Institutions by Race/Ethnicity - 1999 and 2000 (Average Data)

Table 63 New Jersey Judiciary: Law Clerk Appointments by Law School
(2001-2002 Court Year)

Table 64 New Jersey Judiciary: Volunteers by Vicinage and Race/Ethnicity as
of October 2001

2. In the Executive Summary, "Formatting Committee Recommendations" section, delete "page 8" at the end of the first paragraph.
3. In the Executive Summary, "Subcommittee on Minorities and Juvenile Justice/Family" section, fourth paragraph, third sentence, insert the word "initiatives" after "citizen advocacy".
4. In Chapter I, Part III-C, sixth paragraph, fourth sentence, change "innovate" to "innovative".
5. In Chapter I, Part III-C, eighth paragraph, first sentence, delete the word "for" after the word "rehabilitating".
6. Chapter II, Part III-C -- in the statement of Committee Recommendation 02:21.5, correct the spelling of "Managers" and "Minority".
7. Chapter II, Part IIIC -- in the second sentence of the last paragraph correct the spelling of the word "The".
8. In Chapter III, Part III-C, footnote 41, change "14.8%" to "8.1%".
9. In Chapter III, Part III-C, footnote 43, change "Dribble" to "Dibble" and insert a comma after "Court Executive".
10. In Chapter V, Introduction, first sentence of the first paragraph, change "in the continuing" to "toward ensuring".
11. In Chapter V, Part IV-F(2), second bulleted item, change "while" to "white".
12. In Chapter V, Part IV-F(2), footnote 85, delete the word "female".
13. In Chapter V, Part IV-K, second sentence of last paragraph, change "os" to "of" and insert the word "representation" after "necessary to increase".
14. In Chapter V, Part IV-L, first paragraph, change "with the monitoring of minority employment by the Judiciary" to "with monitoring minority employment in the Judiciary".

15. In Chapter V, Part IV-N(1), delete the word “shortly” at the end of the fourth sentence of first paragraph.

Committee on the Rules of Evidence (no corrections)

Special Civil Part Practice Committee (no corrections)