SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to the Rules Governing the Courts of the State of New Jersey are adopted to be effective September 1, 2014; except that the amendments to Rules 1:13-2, 1:21-3, 1:21-10, 1:27-2, and 4:25-4, the amendments to RPC 1.8, and new Rules 1:21-11 and 1:21-12 shall be effective January 1, 2015.

For the Court,

Chief Justice

Dated: July 22, 2014

The Rules and Appendices Amended and Adopted by this Order Are as Follows:

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1:4-4. Affidavits

(a) ...no change.

(b) ...no change.

(c) [Facsimile Signature. If the affiant is not available to sign an affidavit or certification, it may be filed with a facsimile of the original signature provided the attorney offering the document certifies that the affiant acknowledged the genuineness of the signature and that the document or a copy with an original signature affixed will be filed if requested by the court or a party.] Requirement for Original Signature. Every affidavit or certification shall be filed with an original signature, except that a copy of an affidavit or certification may be filed instead, provided that the affiant signs a document that is sent by facsimile or in Portable Document Format (PDF), or similar format, by the affiant and provided that the attorney or party filing the copy of the affidavit or certification files the original document if requested by the court or a party.

Note: Source *R.R.* 1:27F, 4:10-4; paragraph (c) adopted June 29, 1990 to be effective September 4, 1990; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) caption and text amended July 22, 2014 to be effective September 1, 2014.

1:13-2. Proceedings by Indigents

(a) Waiver of Fees. Except when otherwise specifically provided by these rules, whenever any person by reason of poverty seeks relief from the payment of any fees provided for by law which are payable to any court or clerk of court including the office of the surrogate or any public officer of this State, any court upon the verified application of such person, which application may be filed without fee, may in its discretion order the payment of such fees waived. In any case in which a person is represented by a legal [aid society, a Legal Services project] services or public interest organization or law school clinical or pro bono program approved under R. 1:21-11(b)(2), private counsel representing indigents in cooperation with any of the preceding entities, the Office of the Public Defender, or counsel assigned in accordance with these rules, all such fees and any charges of public officers of this State for service of process shall be waived without the necessity of a court order.

(b) . . . no change

Note: Source - R.R. 1:27E, 4:98-2(c). Paragraph (a) amended and paragraph (b) adopted July 7, 1971 to be effective September 13, 1971; paragraph (a) amended July 29, 1977 to be effective September 6, 1977; amended May 3, 1982 to be effective immediately; paragraph (a) amended July 22, 1983 to be effective September 12, 1983; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 22, 2014 to be effective January 1, 2015.

1:13-9. Amicus Curiae; Motion; Grounds for Relief; Briefs

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) An *amicus curiae* who has not been granted leave to appear in a cause may file a motion for leave to appear in the Supreme Court in connection with a petition for certification, a motion for leave to appeal, or an appeal, provided that the motion is accompanied by the proposed *amicus curiae* brief. Except as provided in Subsection (f) of this Rule, motions for leave to appear as an amicus curiae in the Supreme Court in connection with a petition for certification or a motion for leave to appeal shall be filed on or before the day on which the last brief is due from any party. Motions for leave to appear as an amicus curiae in connection with an appeal shall be filed within seventy-five (75) days of the date when the Supreme Court posts on its public website a notice of:

(1) an order granting certification;

(2) an order granting leave to appeal; or

(3) the filing of a notice of appeal.

Untimely motions may be granted by the Supreme Court only on a showing of good cause demonstrated to the satisfaction of the Court.

(f) ...no change.

Note: Adopted July 16, 1979 to be effective September 10, 1979; caption and text amended July 13, 1994 to be effective September 1, 1994; former text reallocated as paragraphs (a) and (b), paragraph (a) amended, and new paragraphs (c), (d), (e) and (f) adopted July 23, 2010 to be effective September 1, 2010; paragraph (f) amended March 24, 2011 to be effective immediately; paragraph (e) amended July 22, 2014 to be effective September 1, 2014.

1:20-3. District Ethics Committees; Investigations

(a) . . . no change

(b) Appointments. Members of Ethics Committees shall be appointed by, and shall serve at the pleasure of the Supreme Court for a term of four years, except that members who are subsequently designated to serve as officers pursuant to paragraph (c) shall serve for an additional two years from the date of such designation or until the end of their initial appointment term, whichever is longer. With the approval of the Supreme Court, a member or officer who has served a full term may be reappointed to one successive term. A member serving in connection with an investigation pending at the time the member's term expires may continue to serve in such matter until its conclusion. In order that, as nearly as possible, the terms of one-quarter of the members shall expire each year, the Supreme Court may, when establishing a new Ethics Committee, appoint members for terms of less than four years and members so appointed shall be eligible for reappointment to a full successive term.

(c) Officers; Organization. The Supreme Court shall biennially [annually] designate a member of each Ethics Committee to serve at its pleasure as chair and another member to serve as vice-chair. Whenever the chair is absent or unable to act or disqualified from acting due to a conflict, the vice-chair shall perform the duties of the chair. The chair shall be responsible for administering the Ethics Committee. Under the chair's direction, the vice-chair, or another Ethics Committee member designated by the chair, shall be responsible for administering all matters where a complaint has been filed.

Each Ethics Committee shall hold an organization meeting in September of each year and shall meet thereafter at least monthly except that, with the approval of the Director, an Ethics

Committee may meet less frequently. The Ethics Committee shall also meet at the call of the Supreme Court, the chair, the Board or the Director.

The Director shall, after consultation with the chair, appoint a secretary who shall not be a member of the Ethics Committee but who shall be a member of the bar maintaining an office within the district or county in which the district is located. The secretary shall continue to serve at the pleasure of the Director and shall be paid an amount annually set by the Supreme Court to reimburse the secretary for costs and expenses. The secretary shall keep full and complete records of all Ethics Committee proceedings, shall maintain files with respect to all inquiries and grievances received and investigations undertaken, shall transmit copies of all documents filed immediately on receipt thereof to the Director and shall promptly notify the latter of each final disposition. Reports with respect to the work of the Ethics Committee shall be filed by the secretary with the Director as instructed by the Director.

(d) . . . no change

(e) . . . no change

(f) . . . no change

(g) . . . no change

(h) . . . no change

(i) . . . no change

(j) . . . no change

Note: Former Rule redesignated as Rule 1:20-4 January 31, 1984 to be effective February 15, 1984. Source-Former Rule 1:20-2 adopted February 23, 1978, to be effective April 1, 1978; paragraphs (a), (h), (l) and (m) amended January 17, 1979, which were superseded on March 2, 1979, to be effective April 1, 1979; and paragraphs (n) and (o) restored on March 22, 1979, to be effective April 1, 1979; subparagraph (l)(3) deleted and new paragraph (p) adopted June 19, 1981, to be effective immediately; paragraphs (c), (h), (j) and (l)(1)(i) amended July 16, 1981, to be effective September 14, 1981; Rule redesignated as Rule 1:20-3; paragraphs (a) through (e)

amended; paragraphs (f), (g) and part of (k) deleted; paragraphs (h), (i), (j), (k), (l), (m), (n), (o) and (p) amended and redesignated (f), (h), (i), (j), (k), (l), (m), (n) and (o) and new paragraphs (g)and (p) adopted January 31, 1984, to be effective February 15, 1984; paragraphs (f), (g), (h), (i), (l), (n), (o) and (p) amended November 5, 1986, to be effective January 1, 1987; paragraphs (e) and (m) amended June 26, 1987 to be effective July 1, 1987; paragraphs (i), (j) and (o) amended November 7, 1988 to be effective January 2, 1989; paragraphs (f) and (i) amended, and paragraph (n)(3) caption and text amended June 29, 1990 to be effective September 4, 1990; paragraph (f) amended July 13, 1994 to be effective September 1, 1994; paragraph (g) and (n)(2) captions and text amended August 8, 1994 to be effective immediately; paragraphs (a), (b), (c) and (d) amended, paragraphs (e) through (p) deleted and new paragraphs (e) through (j) adopted January 31, 1995 to be effective March 1, 1995; paragraphs (f), (g)(5), and (h) amended July 5, 2000 to be effective September 5, 2000; paragraph (g)(1) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a), (b), (c), (e), (f), (g), (h), (i) (text and caption), and (j) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended June 15, 2007 to be effective September 1, 2007; paragraphs (b) and (c) amended July 22, 2014, to be effective September 1, 2014.

1:20-10. Discipline by Consent

(a) . . . no change

(b) Other Discipline by Consent.

(1) Timeliness and Form of Petition. At any time during the investigation or hearing of a disciplinary matter [or within 60 days after the time prescribed for the filing of any answer to a complaint], but prior to the issuance of the hearing report, the respondent may agree with the investigator or presenter to submit an affidavit of discipline by consent in exchange for a specific recommendation for discipline. Following approval by the chair or Director, the matter shall be submitted to the Board as an agreed matter by way of a motion to impose discipline on consent in accordance with R. 1:20-15(g). A copy of the motion shall be provided to the Director.

(2) . . . no change

(3) . . . no change

Note: Former R. 1:20-10 text deleted, new text adopted January 31, 1995 to be effective March 1, 1995; paragraph (a)(2)(H) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a) and (b) amended July 28, 2004 to be effective September 1, 2004; paragraph (b)(1) amended July 22, 2014, to be effective September 1, 2014.

1:21-3. Appearance by Law Graduates and Students; Special Permission for Out-of-State Attorneys

(a) Appearance Prior to Passing Bar Examination. A graduate of a law school approved by the American Bar Association [who has successfully completed an approved skills and methods course] may, before passing the bar examination, appear in any court for the purpose of answering the calendar call in an action in which the attorney or firm employing the graduate is the attorney of record.

(b) Appearance by Law Students and Graduates. A third year law student at, or graduate of, a law school approved by the American Bar Association may appear before a trial court or agency in [accordance] conjunction with a legal services or public interest organization or law school clinical or pro bono program certified under R. 1:21-11(b)(1) or (b)(3), [program approved by the Supreme Court on submission by such law school, a legal aid society, legal services project] or an agency of municipal, county or state government certified under 1:21-11(b)(3). [A program once approved, need not be resubmitted to the Supreme Court provided that reports are filed listing the participants and the nature of their assignments, as required by the Administrative Office of the Courts. Participation in a program] Permission to appear pursuant to this paragraph by a law graduate who has not passed the New Jersey bar examination shall terminate upon the graduate's failure to pass the bar examination for the third time, or after two years of employment following graduation, whichever is sooner.

(c) Permission for Out-of-State Attorneys to Practice in This State. A graduate of an approved law school who is a member of the bar of another state or of the District of Columbia and is employed by, associated with, or serving as a volunteer pro bono attorney with [an organization described in R. 1:21-1(e) and approved by the Supreme Court] a legal services or public interest organization or law school clinical or pro bono program certified under R. 1:21-

11(b)(1) or (b)(3), shall be permitted to practice, under the supervision of a member of the bar of the State, before all courts of this State in all causes [in which the attorney is associated or serving pro bono with] on behalf of such entities, [legal services program,] subject to the following conditions:

(1) Permission for an out-of-state attorney to practice under this rule shall become effective on filing with the Clerk of the Supreme Court evidence of graduation from an approved law school, a certificate of any court of last resort certifying that the out-of-state attorney is a member in good standing of the bar of another state or of the District of Columbia, and [, (a) in the case of attorneys employed by or associated with, an approved R. 1:21-1(e) organization,] a statement [signed by the President, Legal Services of New Jersey,] that the out-of-state attorney is currently employed by, [or] associated with, [such organization; or (b) in the case of a pro bono attorney with an approved R. 1:21-1(e) organization, on the filing of a statement by the executive director of that organization certifying that the attorney is] or serving on a voluntary pro bono basis with [the] a legal services or public interest organization or law school clinical or pro bono program certified under R. 1:21-11(b)(1) or (b)(3), which statement shall be signed by the entity's lead attorney who practices law in New Jersey;

(2) Permission to practice under this rule shall [cease whenever] apply only in matters in which the out-of-state attorney [ceases to be] is employed by, associated with, or serving as a volunteer pro bono attorney with a legal services or public interest organization or law school clinical or pro bono program certified under R. 1:21-11(b)(1) or (b)(3); [an approved R. 1:21-1(e) organization in this State;]

[(3) Notice of said cessation shall be filed with the Clerk of the Supreme Court by the President, Legal Services of New Jersey, within five days after being notified of the cessation of

the out-of-state attorney's employment or association; or by the executive director of the organization, in the case of a volunteer pro bono attorney;]

[(4) Permission to practice in this State under this rule shall remain in effect no longer than 2 1/2 years, except that there is no time limit on volunteer pro bono service with an approved R. 1:21-1(e) organization;]

(3) [(5)] Permission to practice [in this State] under this rule may be revoked or suspended by the Supreme Court, in its discretion, at any time either by written notice to the out-of-state attorney or by amendment or deletion of this rule; and

(4) [(6)] Out-of-state attorneys permitted to practice under this rule are not, and shall not represent themselves to be, members of the bar of this State.

Note: Source-R.R. 1:12-8A(a)(b)(c). Caption amended and paragraph (d) adopted July 1, 1970 effective immediately; paragraph (c) amended July 7, 1971 to be effective September 13, 1971; paragraph (a) amended April 2, 1973 to be effective immediately; paragraph (c) amended July 17, 1975 to be effective September 8, 1975; caption and paragraph (a) amended July 29, 1977 to be effective September 6, 1977; paragraph (c) amended July 16, 1979 to be effective September 10, 1979; paragraph (c) amended October 9, 1979 to be effective immediately but amendment stayed October 31, 1979; paragraph (c) amended July 21, 1980 to be effective September 8, 1980; paragraph (d) amended July 16, 1981 to be effective September 14, 1981; former paragraph (b) deleted and former paragraphs (c) and (d) redesignated as (b) and (c) November 1, 1985 to be effective January 2, 1986; paragraphs (a), (b) and (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 (a), (b) and (c) amended, subparagraphs (c)(1) and (c)(2) amended, former subparagraphs (c)(3) and (c)(4) deleted, and former subparagraphs (c)(5) and (c)(6) redesignated as (c)(3) and (c)(4) July 22, 2014 to be effective January 1, 2015.

1:21-7. Contingent Fees

(a) ...no change.

(b) ...no change.

(c) In any matter where a client's claim for damages is based upon the alleged tortious conduct of another, including products liability claims and claims among family members that are subject to Part V of these Rules but excluding statutorily based discrimination and employment claims, and the client is not a subrogee, an attorney shall not contract for, charge, or collect a contingent fee in excess of the following limits:

(1) 33⅓% on the first [$500,000] $750,000 recovered;

(2) 30% on the next [$500,000] $750,000 recovered;

(3) 25% on the next [$500,000] $750,000 recovered;

(4) 20% on the next [$500,000] $750,000; and

(5) ...no change.

(6) where the amount recovered is for the benefit of a client who was a minor or mentally incapacitated when the contingent fee arrangement was made, the foregoing limits shall apply, except that the fee on any amount recovered by settlement [without trial] before empaneling of the jury or, in a bench trial, the earlier to occur of plaintiff's opening statement or the commencement of testimony of the first witness, shall not exceed 25%.

(d) ...no change.

(e) ...no change.

(f) ...no change.

(g) ...no change.

(h) ...no change.

(i) ...no change.

Note: Source — *R.* 1:21-6(f), as adopted July 7, 1971 to be effective September 13, 1971 and deleted December 21, 1971 to be effective January 31, 1972. Adopted December 21, 1971 to be effective January 31, 1972. Amended June 29, 1973 to be effective September 10, 1973. Paragraphs (c) and (e) amended October 13, 1976, effective as to contingent fee arrangements entered into on November 1, 1976 and thereafter. Closing statements on all contingent fee arrangements filed as previously required between January 31, 1972 and January 31, 1973 shall be filed with the Administrative Office of the Courts whenever the case is closed; paragraph (c) amended July 29, 1977 to be effective September 6, 1977; paragraph (d) amended July 24, 1978 to be effective September 11, 1978; paragraph (c) amended and new paragraphs (h) and (i) adopted January 16, 1984, to be effective immediately; paragraph (d) amended July 26, 1984 to be effective September 10, 1984; paragraph (e) amended June 29, 1990 to be effective September 4, 1990; paragraphs (b) and (c)(5) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended June 28, 1996 to be effective September 1, 1996; paragraph (c) amended January 21, 1999 to be effective April 5, 1999; paragraphs (g) and (h) amended July 5, 2000 to be effective September 5, 2000; paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraphs (d) and (f) amended July 9, 2008 to be effective September 1, 2008; paragraph (f) amended July 19, 2012 to be effective September 4, 2012; paragraph (c) amended July 22, 2014 to be effective September 1, 2014.

1:21-10. Provision of Legal Services Following Determination of Major Disaster

(a) . . . no change

(b) Temporary Practice in New Jersey Following Major Disaster. Following the determination of an emergency affecting the justice system in New Jersey pursuant to paragraph (a) of this Rule, or a determination that persons displaced by a major disaster in another jurisdiction and residing in New Jersey are in need of pro bono services and the assistance of lawyers from outside of New Jersey is required to help provide such assistance, a lawyer authorized to practice law in another United States jurisdiction, and not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in this jurisdiction on a temporary basis. Such legal services must be provided on a pro bono basis without compensation, expectation of compensation or other direct or indirect pecuniary gain to the lawyer. Such legal services shall be assigned and supervised through [an established not-for-profit bar association, pro bono program or legal services program] a legal services or public interest organization or law school clinical or pro bono program certified under R. 1:21-11(b)(1) or (b)(3), or through such organization(s) specifically designated by the Court.

(c) . . . no change

(d) . . . no change

(e) . . . no change

(f) . . . no change

(g) . . . no change

Note: Adopted July 9, 2008 to be effective September 1, 2008; paragraph (b) amended July 22, 2014, to be effective January 1, 2015.

1:21-11. Definitions and Certifications Regarding Pro Bono Practice [new]

(a) Definitions.

(1) Qualifying Pro Bono Service. Qualifying pro bono service consists of:

(i) legal assistance to low-income persons;

(ii) legal assistance to nonprofit charitable, religious, civic, community, or educational organizations or governmental entities in matters that are designed primarily to address the needs of low-income persons;

(iii) legal assistance to individuals, groups, or organizations seeking to secure, protect, or advance civil rights, civil liberties, or other rights of great public importance; or

(iv) legal assistance to nonprofit charitable, religious, civic, community, or educational organizations or governmental entities in matters in furtherance of their purposes, where payment of standard legal fees would significantly deplete the organization's or entity's economic resources or would otherwise be inappropriate.

Qualifying pro bono service does not include partisan political activity or service on a nonprofit board of directors or other service that is unrelated to the provision of legal representation or legal advice. It does include legal mentoring and training to prepare attorneys, or students in a law school clinical or pro bono program as defined in subsection (a)(3), to provide qualifying pro bono service.

Qualifying pro bono service is undertaken outside the course of ordinary commercial practice and is performed without a fee from the client. If a fee-shifting statute applies in a qualifying pro bono case, attorneys or firms in commercial practice

may seek fees and are strongly encouraged to donate them to a legal services or public interest organization or law school clinical or pro bono program as defined in subsections (a)(2) and (3). If an attorney or firm in commercial practice retains fees in a qualifying pro bono case, no attorney may claim an exemption from court-appointed pro bono service based on the hours expended on that case. See R. 1:21-12(b). Cases accepted on a contingency fee basis do not constitute qualifying pro bono service regardless of whether the attorney receives a fee.

(2) Legal Services or Public Interest Organization. Legal Services of New Jersey and the associated regional programs are legal services organizations. Other legal services or public interest organizations include any nonprofit organization incorporated in this or any state with a central purpose of providing qualifying pro bono service as defined in subsection (a)(1).

(3) Law School Clinical or Pro Bono Program. A law school clinical or pro bono program is one that operates under the auspices of a law school accredited in this state and has a central purpose of providing qualifying pro bono service as defined in subsection (a)(1).

(b) Certifications.

(1) Certification of Legal Services or Public Interest Organizations and Law School Clinical or Pro Bono Programs.

Legal Services of New Jersey and the associated regional programs shall be deemed certified under this Rule without the need to file certifications.

Except as provided in subsection (b)(3), any other legal services or public interest organization or law school clinical or pro bono program that provides legal assistance at least in part through the cooperation of pro bono volunteers and seeks to take advantage of the opportunities offered in Rules 1:21-12(a) (Madden-exemption based on pro bono service in conjunction with certified organization or program); 1:21-3(b), (c) (special practice rule for law students, recent graduates, and out-of-state attorneys); 1:21-10 (special practice rule following determination of major disaster); or 1:27-2(g) (special practice rule for limited license attorneys) shall:

(i) file with the Clerk of the Supreme Court an initial certification on a Judiciary-approved form, signed by the organization's or program's lead attorney who practices law in New Jersey, demonstrating that the organization or program meets the definition in subsection (a)(2) or (a)(3) of this rule, provided, however, that any organization or program that has already received Supreme Court approval as of the effective date of this rule, as reflected in a list to be made available by the Administrative Director of the Courts, shall not be required to provide such a certification; and

(ii) file with the Clerk of the Supreme Court, by April 30 of every year, a certification on a Judiciary-approved form signed by the organization's or program's lead attorney who practices law in New Jersey certifying

(a) that the organization or program continues to meet the definition in subsection (a)(2) or (3) of this rule; and

(b) a list of attorneys who have provided qualifying pro bono service under the auspices of the organization or program in the preceding year;

(iii) notify the Clerk of the Supreme Court at such time as the organization or program no longer meets the definition in subsection (a)(2) or (3) of this rule.

An organization or program that fails to timely file its yearly certification under R. 1:21-11(b)(1)(ii) will lose its status as a certified entity under subsection (b)(1).

(2) Approval and Certification for Waiver of Fees. Legal Services of New Jersey and the associated regional programs shall be deemed eligible, without the need to seek approval or file certifications, for a waiver of fees without the necessity of a court order as provided in R. 1:13-2(a).

Any other public interest or legal services organization or law school clinical or pro bono program may seek approval for such a waiver by filing a certification on a Judiciary- approved form with the Clerk of the Supreme Court, which may be included with an initial certification filed under subsection (b)(1)(i), demonstrating that the organization or program screens its clients to establish their low incomes, provided, however, that organizations and programs that have already received Supreme Court approval for a fee waiver as of the date of this Rule, and submit documentation of such prior approval to the Clerk of the Supreme Court, shall not be required to provide such a certification.

If approval is granted, the entity shall:

(i) file with the Clerk of the Supreme Court by April 30 of every year a certification on a Judiciary-approved form, which may be included with the certifications filed annually under subsection (b)(1)(ii), demonstrating that the organization or program continues to screen its clients to establish their low incomes; and

(ii) notify the Clerk of the Supreme Court at such time as the organization or program, or any part thereof, no longer screens clients to establish their low incomes.

An organization or program that fails to timely file its yearly certification under R. 1:21-11(b)(2)(i) shall lose the ability to waive fees under R. 1:13-2.

(3) Certification of Governmental Entities.

Federal, state, or local governmental entities that provide legal assistance at least in part through the cooperation of pro bono volunteers and seek to take advantage of the opportunities offered in Rules 1:21-12(a) (*Madden*-exemption based on pro bono service in conjunction with certified organization or program);1:21-3(b), (c) (special practice rule for law students, recent graduates, and out-of-state attorneys); 1:21-10 (special practice rule following determination of major disaster); or 1:27-2(g) (special practice rule for limited license attorneys) shall:

(i) file with the Clerk of the Supreme Court an initial certification on a Judiciary-approved form, signed by the government entity's lead attorney who practices law in New Jersey, provided, however, that any government entity that already has received Supreme Court approval as of the effective date of this rule, as reflected in a list to be made available by the Administrative Director of the Courts, shall not be required to provide such a certification; and

(ii) file with the Clerk of the Supreme Court, by April 30 of every year, a certification on a Judiciary-approved form signed by the government entity's lead attorney who practices law in New Jersey certifying a list of attorneys who have provided qualifying pro bono service under the auspices of the government entity in the preceding year.

A government entity that fails to timely file its yearly certification under R. 1:21-11(b)(3) will lose its status as a certified entity.

Note: Adopted July 22, 2014 to be effective January 1, 2015.

1:21-12. *Madden*-Exemption Based on Voluntary Qualifying Pro Bono Service [new]

(a) Exemption Based on Qualifying Pro Bono Service in Conjunction with a Certified Entity. Attorneys who certify that they have performed at least twenty-five (25) hours of voluntary (as distinct from court-appointed) qualifying pro bono service in New Jersey in the year ending on December 31 before the certification date shall be exempt from court-appointed pro bono service under *Madden v. Delran*, 126 *N.J.* 591 (1992), for the following year, provided that the certification states that the voluntary qualifying pro bono service was performed in conjunction with an entity certified under R. 1:21-11(b)(1) or (3) and identifies the entity with which the attorney collaborated.

(b) No *Madden*-Exemption If Attorney Retains Fees. If an attorney or firm in commercial practice retains fees (as distinct from costs) in a qualifying pro bono case, whether awarded by a court or negotiated in settlement of a matter in which a fee-shifting statute applies, such attorney may not claim an exemption from court-appointed pro bono service based on the hours expended on that case.

Note: Adopted July 22, 2014 to be effective January 1, 2015.

1:27-2. Limited License; In-House Counsel

To be eligible to practice law in New Jersey as an in-house counsel, a lawyer must comply with the provisions of this Rule. A limited license issued by the Supreme Court pursuant to this Rule shall authorize the lawyer to practice solely for the designated employer in New Jersey. Except as specifically limited herein, the rules, rights and privileges governing the practice of law in this State shall be applicable to a lawyer admitted under this Rule.

(a) . . . no change

(b) Requirements. All applications under this Rule are to be submitted to the Secretary to the Board of Bar Examiners. An in-house counsel who is admitted to practice law before the highest court of any other state, territory of the United States, Puerto Rico, or the District of Columbia (hereinafter a United States jurisdiction) may receive a limited license to practice law in this State under the following conditions:

(i) . . . no change

(ii) . . . no change

(iii) Except as provided in paragraph (g), the [The] applicant certifies that he or she performs legal services in this State solely for the identified employer, or that he or she performs legal services in this State solely for the identified employer and its constituents (employees, directors, officers, members, partners, shareholders) in respect of the same proceeding or claim as the employer, provided that the performance of such services is consistent with RPC 1.13 and RPC 1.7; and

(iv) . . . no change

(c) . . . no change

(d) . . . no change

(e) Duration. The limited license to practice law in this State shall expire if such lawyer is admitted to the Bar of this State under any other rule of this Court, or if such lawyer ceases to be an employee for the employer or its parent, subsidiary, or affiliated entities, listed on such lawyer's application, whichever shall first occur; provided, however, that if such lawyer, within ninety days of ceasing to be an employee for the employer or its parent, subsidiary, or affiliated entities listed on such lawyer's application, becomes employed by another employer for which such lawyer shall perform legal services as in-house counsel, such lawyer may maintain his or her admission under this Rule by promptly filing with the Secretary to the Board of Bar Examiners a certification to such effect, stating the date on which his or her prior employment ceased and his/her new employment commenced, identifying his or her new employer and reaffirming that he or she shall not provide legal services, in this State, to any individual or entity other than as described in paragraphs (b)(iii) or (g). The lawyer shall also file a certification of the new employer as described in paragraph (b)(iv). In the event that the employment of a lawyer admitted under this Rule shall cease with no subsequent employment by a successor employer within ninety days, such lawyer shall promptly file with the Secretary to the Board of Bar Examiners a statement to such effect, stating the date that such employment ceased.

(f) . . . no change

(g) Pro Bono. A lawyer with a limited license to practice pursuant to this rule is exempt from court-appointed pro bono service under *Madden v. Delran*, 126 *N.J.* 591 (1992). Such lawyer may nevertheless serve as a volunteer pro bono attorney with an entity certified under R. 1:21-11(b)(1) or (3), provided that such pro bono service shall cease upon expiration of the limited license to practice in this State as described in paragraph (e).

However, when a lawyer with a limited license to practice ceases to be an employee for the employer or its parent, subsidiary, or affiliated entities listed on such lawyer's application, the lawyer may continue any ongoing pro bono representation for a maximum period of one year.

(h) Not Admitted. Lawyers with a limited license to practice pursuant to this rule are not, and should not represent themselves to be, members of the bar of this State.

Note: Adopted November 17, 2003 to be effective January 1, 2004 (Former Rule 1:27-2 redesignated as Rule 1:27-3 November 17, 2003 to be effective January 1, 2004); paragraph (e) amended November 29, 2006 to be effective immediately; first paragraph and subparagraph (b)(iii) and paragraphs (d) and (e) amended July 9, 2008 to be effective September 1, 2008; subparagraph (b)(iii) amended, paragraph (e) amended, and new paragraphs (g) and (h) adopted July 22, 2014 to be effective January 1, 2015.

1:27-4. Temporary Admission of a Military Spouse During Military Assignment in New Jersey [new]

(a) Qualifications. An applicant who is the spouse of an active member of the United States Uniformed Services ("servicemember"), assigned to serve in the State of New Jersey, may be temporarily admitted as an attorney of this State, without examination, provided that the applicant:

(1) has been admitted, after examination, as an attorney of another state, commonwealth, or territory of the United States with educational qualifications for admission to the bar equivalent to those of this State; and

(2) possesses the moral character and fitness required of all applicants for admission in this State; and

(3) has not failed the New Jersey bar examination; and

(4) resides in New Jersey due to the servicemember's military orders; and

(5) is at the time of application an active member of the bar in good standing in at least one jurisdiction of the United States; and

(6) is a member of the bar in good standing in every jurisdiction to which the applicant has been admitted to practice, or has resigned or been administratively revoked while in good standing from every jurisdiction without any pending or later disciplinary actions.

(b) Application for Temporary Admission. An application for temporary admission shall be made to the Board of Bar Examiners, in accordance with its rules, and the Board shall

expeditiously present the application to the Clerk of the Supreme Court for appropriate disposition. In addition to the completed application, the applicant must submit:

(1) the application fee as established by the Board of Bar Examiners and approved by the Supreme Court;

(2) the character questionnaire;

(3) a copy of the Applicant's Military Spouse Dependent Identification;

(4) documentation evidencing a spousal relationship with the servicemember; and

(5) a copy of the servicemember's military orders to a military installation in New Jersey authorizing dependents to accompany the servicemember to New Jersey;

(6) Certificate(s) of Good Standing and Disciplinary History(ies) to demonstrate satisfaction of the requirements of (a)(6) of this rule;

(7) all other documentation as required in the character application process.

(c) Duration and Renewal.

(1) A temporary license to practice law issued under this rule will be valid for two years provided that the temporary attorney remains a spouse of the servicemember and resides in New Jersey due to military orders or continues to reside in New Jersey after the servicemember is relocated from New Jersey due to unaccompanied orders for a permanent change of station outside of New Jersey. The temporary license may be renewed for two additional two-year periods.

(2) A renewal application must be submitted with the appropriate fee as established by the Board of Bar Examiners and approved by the Supreme Court and all other documentation required by the Board, including a copy of the servicemember's military orders.

(d) Practice Requirements. The temporary attorney shall comply with the registration requirements and payment of annual assessments as required of all New Jersey licensed attorneys during the duration of the temporary license, and shall also:

(1) be employed by a New Jersey licensed attorney who is in good standing and actively practicing in this State or by a law firm comprised of at least one attorney who is in good standing and actively practicing in this State; or

(2) be employed by the federal government, the State of New Jersey, or a subdivision of the State of New Jersey; or

(3) have been engaged in the practice of law in another state, commonwealth, or territory of the United States for a cumulative total of five out of the last eight years.

(e) Termination. The temporary license shall expire:

(1) upon the temporary attorney's failure to meet any licensing requirements applicable to all active attorneys possessing plenary license to practice law in this state; or

(2) upon the request of the temporary attorney; or

(3) upon the issuance to the temporary attorney of a New Jersey plenary license; or

(4) upon receipt by the temporary attorney of a failing score on the New Jersey bar examination; or

(5) upon the permanent relocation of the servicemember outside of New Jersey, except when such relocation is due to unaccompanied orders for a permanent change of station outside of New Jersey; or

(6) upon the termination of the temporary attorney's spousal relationship to the servicemember; or

(7) six months following the date of the servicemembers's death, separation or retirement from the United States Uniformed Services; or

(8) one year following the date of the servicemember's death, separation or retirement from the United States Uniformed Services provided the temporary attorney applies during the first six months of that year to sit for the New Jersey bar examination.

Note: Adopted July 22, 2014 to be effective September 1, 2014.

1:27-5. [1:27-4.] Oath or Affirmation on Admission

No person shall be admitted as an attorney of this State without first taking the oath to support the Constitution of the United States and the Constitution of New Jersey, the oath of allegiance to this State, and the oath of office as an attorney. An affirmation may be given in lieu of oath.

Note: Source--R.R. 1:22-3; adopted as R. 1:27-3; amended July 13, 1994 to be effective September 1, 1994; renumbered as R. 1:27-4 November 17, 2003 to be effective January 1, 2004; renumbered as R. 1:27-5 July 22, 2014 to be effective September 1, 2014.

2:5-6. Appeals From Interlocutory Orders, Decisions and Actions

(a) ...no change.

(b) ...no change.

(c) Notice to the Trial Judge or Officer; Findings. A party filing a motion for leave to appeal from an interlocutory order shall serve a copy thereof on the trial judge or officer who entered the order. If the judge or officer has not theretofore filed a written statement of reasons or if no verbatim record was made of any oral statement of reasons, the judge or officer shall, within [5] 10 days after receiving the motion, file and transmit to the Clerk of the Appellate Division and the parties a written statement of reasons for the disposition. The statement may also comment on whether the motion for leave to appeal should be granted on the ground, among others, that a controlling question of law not theretofore addressed by an appellate court of this state is involved and that the grant of leave to appeal may materially advance the ultimate resolution of the matter. Any statement of reasons previously made may also be amplified.

Note: Source — *R.R.* 1:2-3(b), 2:2-3(a) (second sentence), 4:53-1 (sixth sentence), 4:61-1(d). Paragraphs (a) and (c) amended July 7, 1971 to be effective September 13, 1971; paragraphs (a) and (c) amended July 16, 1981 to be effective September 14, 1981; paragraph (c) amended November 1, 1985 to be effective January 2, 1986; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a) and (b) amended July 5, 2000 to be effective September 5, 2000; paragraph (c) amended July 23, 2010 to be effective September 1, 2010; paragraph (c) amended July 22, 2014 to be effective September 1, 2014.

2:6-11. Time for Serving and Filing Briefs; Appendices; Transcript; Notice of Custodial Status

(a) ...no change.

(b) ... no change.

(c) ...no change.

(d) ...no change.

(e) ...no change.

(f) ...no change.

(g) Motions that Toll the Time for Serving and Filing Briefs in the Appellate Division.

(1) Subject to subparagraph (g)(2) of this rule, in addition to the filing of those motions that toll the time for the filing of briefs and appendices as provided by *R.* 2:5-5(a) and *R.* 2:8-3(b), the filing of the following motions in the Appellate Division pursuant to this rule shall toll the time for the filing of briefs and appendices in the Appellate Division:

(A) Motion to supplement the record in trial court or administrative agency proceedings made directly to the Appellate Division by any party or on the court's own motion. If granted, the proceedings, if any, required to supplement the record shall continue to toll the time for the filing of briefs and appendices;

(B) Motion to strike the entirety or portions of a brief or appendix;

(C) Motion to dismiss the appeal;

(D) Motion for final remand;

(E) Motion to stay appellate proceedings; and

(F) Motion to file overlength merits brief.

(2) If the party filing the motion under this section has been granted prior extension(s) of time to file its brief and appendix, the motion will not toll the time and the party should request a further extension by motion.

(3) The making of a motion pursuant to this rule shall toll the time for serving and filing the next brief due, but the remaining time shall again begin to run from the date of entry of an order disposing of such a motion, unless otherwise directed by the court or provided in this section.

Note: Source — *R.R.* 1:7-12(a)(c), 1:10-14(b), 2:7-3. Paragraph (b) amended by order of September 5, 1969 effective September 8, 1969; paragraph (a) amended July 7, 1971 to be effective September 13, 1971; caption and paragraphs (a) and (b) amended June 29, 1973 to be effective September 10, 1973; paragraph (a) amended May 8, 1975 to be effective immediately; paragraphs (c), (d) and (e) adopted July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended and titles of paragraphs (c)(d) and (e) added November 2, 1987 to be effective January 1, 1988; paragraphs (a) and (b) amended July 14, 1992 to be effective September 1, 1992; paragraph (d) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraph (b) amended July 28, 2004 to be effective September 1, 2004; paragraph (f) adopted July 16, 2009 to be effective September 1, 2009; paragraph (f) caption and text amended July 9, 2013 to be effective September 1, 2013; new paragraph (g) adopted July 22, 2014 to be effective September 1, 2014.

Rule 2:7-2. Assignment of Counsel on Appeal

(a) . . . no change.

(b) Non-indictable Offenses. All persons convicted of a non-indictable offense who desire to appeal their conviction and who assert they are indigent, shall complete and file, without fee, with the trial court, the appropriate form prescribed by the Administrative Director of the Courts, which shall be made available to them by the court in which they were convicted. If the court is satisfied that they are indigent [and are constitutionally or otherwise entitled by law to counsel], it shall assign counsel to represent them on the appeal (i) if the sentence imposed constitutes a consequence of magnitude as set forth in the "Guidelines for Determining a Consequence of Magnitude" in Appendix 2 to Part VII of the Rules of Court, or (ii) if the persons are constitutionally or otherwise entitled by law to counsel. If the sentence imposed does not constitute a consequence of magnitude, the court hearing the appeal may, in its discretion, determine whether to assign counsel for purposes of the appeal, irrespective of whether counsel was previously assigned in the case. [pursuant to R. 3:4-2(c). If the trial court denies an application for assignment of counsel, it shall briefly state its reasons therefore, and the application may be renewed within 20 days thereafter before the appellate court in accordance with R. 2:7-3.]

(c) . . . no change.

(d) . . . no change.

Note: Source-R.R. 1:2-7(b), 1:12-9(b) (d). Paragraph (c) adopted November 1, 1985 to be effective January 2, 1986; paragraph (a) amended, paragraph (b) caption and text amended, paragraph (c) adopted and former paragraph (c) redesignated paragraph (d) November 5, 1986 to be effective January 1, 1987; paragraphs (b) and (d) amended July 10, 1998 to be effective September 1, 1998; paragraphs (b) and (d) amended July 12, 2002 to be effective September 3, 2002; paragraph (d) amended June 15, 2007 to be effective September 1, 2007; paragraph (d) caption and text amended July 16, 2009 to be effective September 1, 2009; paragraph (b) amended July 22, 2014 to be effective September 1, 2014.

Rule 2:7-4. Relief in Subsequent Courts

Except as provided in R. 2:7-2(b), with respect to the assignment of counsel, a [A] person who has been granted relief as an indigent by any court shall be granted relief as an indigent in all subsequent proceedings resulting from the same indictment, accusation or criminal or civil complaint in any court without making application therefore upon filing with the court in the subsequent proceeding a copy of the order granting such relief or a sworn statement to the effect that such relief was previously granted and stating the court and proceeding in which it was granted. The filing of such order or statement shall be accompanied by an affidavit stating that there has been no substantial change in the petitioner's financial circumstances since the date of the entry of the order granting such relief. An indigent defendant appealing from a judgment of conviction by the Law Division entered on a trial de novo, who has been afforded or had a right to a transcript at public expense of municipal court proceedings pursuant to R. 3:23-8(a), shall be entitled to a transcript of the Law Division proceedings paid for in the same manner as the municipal court transcript.

Note: Amended July 13, 1994 to be effective September 1, 1994; amended July 28, 2004 to be effective September 1, 2004; amended July 22, 2014 to be effective September 1, 2014.

2:11-1. Appellate Calendar; Oral Argument

(a) ...no change.

(b) Oral Argument.

(1) In the Supreme Court, appeals shall be argued orally unless the court dispenses with argument.

(2) In the Appellate Division, appeals shall be submitted for consideration without argument, unless argument is requested by one of the parties within 14 days after service of the respondent's brief or is ordered by the court. Such request shall be made by a separate captioned paper filed with the Clerk in duplicate. The clerk shall notify counsel of the assigned argument date. If one of the parties has filed a timely request for oral argument, the other parties may rely upon that request and need not file their own separate requests for argument. A party may withdraw its request for oral argument only if it has the consent to do so from all other parties participating in the appeal.

(3) Counsel shall not be permitted to argue for a party who has neither filed a brief nor joined in another party's brief. The appellant shall be entitled to open and conclude argument. An appeal and cross appeal shall be argued together, the party first appealing being entitled to open and conclude, unless the court otherwise orders. Each party will be allowed a maximum of 30 minutes for argument in the Supreme Court, unless the Court determines more time is necessary, and 30 minutes in the Appellate Division, but the court may terminate the argument at any time it deems the issues adequately argued. No more than two attorneys will be heard for each party. An attorney will not be permitted to read at length from the briefs, appendices, transcripts or decisions.

Note: Source — *R.R.* 1:8-1(a) (b), 1:8-2(a), 1:8-3, 1:8-4, 2:8-3. Amended July 7, 1971 to be effective September 13, 1971; paragraph (b) amended June 29, 1973 to be effective September

10, 1973; paragraph (b) amended November 1, 1985 to be effective January 2, 1986; paragraph (b) amended November 5, 1986 to be effective January 1, 1987; paragraph (a) amended November 2, 1987 to be effective January 1, 1988; paragraph (a) amended June 28, 1996 to be effective September 1, 1996; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 19, 2012 to be effective September 4, 2012; paragraph (b) amended July 22, 2014 to be effective September 1, 2014.

2:12-10. Granting or Denial of Certification

A petition for certification shall be granted on the affirmative vote of 3 or more justices. Upon final determination of a petition for certification, unless the Supreme Court otherwise orders, the clerk shall enter forthwith an order granting or denying the certification in accordance with the Supreme Court's determination and shall mail true copies thereof to the clerk of the court below and to the parties or their attorneys. The date of the order granting certification shall be posted on the Judiciary's website.

Note: Source — *R.R.* 1:10-4(e), 1:10-13; amended July 22, 2014 to be effective September 1, 2014.

Rule 3:23-8. Hearing on Appeal

(a) Hearing on Record; Correction or Supplementation of Record; Remand; Transcript for Indigents; Assignment of Counsel. If a verbatim record or sound recording was made pursuant to *R. 7:8-8* in the court from which the appeal is taken, the original transcript thereof duly certified as correct shall be filed by the clerk of the court below with the criminal division manager's office, and a certified copy served on the prosecuting attorney by the clerk of the court below within 20 days after the filing of the notice of appeal or within such extension of time as the court permits.

(1) If it appears that the record is partially unintelligible, the court to which the appeal is taken may supplement the record or may remand the matter to the municipal court to reconstruct the portion of the record that is defective. If the record below is substantially unintelligible, the matter shall be remanded to the municipal court to reconstruct the entire record or, if the record cannot be reconstructed, for a new trial or hearing.

(2) The court to which the appeal has been taken may reverse and remand for a new trial or may conduct a trial de novo on the record below. The court shall provide the municipal court and the parties with reasons for a reversal and remand. If the court to which the appeal is taken decides the matter de novo on the record, the court may permit the record to be supplemented for the limited purpose of correcting a legal error in the proceedings below.

(3) If the appellant, upon application to the court appealed to, is found to be indigent, the court may order the transcript of the proceedings below furnished at the county's expense if the appeal involves violation of a statute and at the municipality's expense if the appeal involves violation of an ordinance.

(4) All persons convicted of non-indictable offenses who desire to appeal their conviction and who assert they are indigent shall complete and file, without fee, with the criminal division

manager's office the appropriate form prescribed by the Administrative Director of the Courts. If the court is satisfied that the person is indigent, an attorney shall be assigned (i) if the sentence imposed constitutes a consequence of magnitude as set forth in the "Guidelines for Determining a Consequence of Magnitude" in Appendix 2 to Part VII of the Rules of Court, or (ii) if the person is constitutionally or otherwise entitled by law to counsel. If the sentence imposed does not constitute a consequence of magnitude, the court hearing the appeal may, in its discretion, determine whether to assign counsel for purposes of the appeal, irrespective of whether counsel was previously assigned in the case.

(b) Briefs. . . . . no change.

(c) Waiver; Exception. . . . . no change.

(d) Defenses Which Must be Raised Before Trial. . . . . no change.

(e) Disposition by Superior Court, Law Division. . . . . no change.

(f) Appearance by Prosecuting Attorney. . . . no change.

Note: Source-R.R. 3:10-13. Paragraph (b) amended by order of September 5, 1969 effective September 8, 1969; paragraph (a) amended June 29, 1973 to be effective September 10, 1973; paragraph (a) amended July 29, 1977 to be effective September 6, 1977; paragraphs (a), (b) and (e) amended November 22, 1978 to be effective December 7, 1978; paragraphs (a), (b) and (e) amended July 11, 1979 to be effective September 10, 1979; paragraph (a) amended February, 1983 to be effective immediately; paragraph (a) amended January 5, 1998 to be effective February 1, 1998; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 16, 2009 to be effective September 1, 2009; paragraph (a) caption and text amended July 9, 2013 to be effective September 1, 2013; paragraph (a) caption and text amended July 22, 2014 to be effective September 1, 2014.

4:11-4. Testimony for Use in Foreign Jurisdictions

(a) Testimony for Use in the United States or Another Country. Whenever the deposition of a person is to be taken in this State pursuant to the laws of [another state,] the United States[,] or another country for use in connection with proceedings there, the Superior Court may, on ex parte petition, order the issuance of a subpoena to such person in accordance with *R.* 4:14-7. The petition shall be captioned in the Superior Court, Law Division, shall be designated "petition pursuant to *R.* 4:11-4" and shall be filed in accordance with *R.* 1:5-6(b). It shall be treated as a miscellaneous matter and the fee charged shall be pursuant to *N.J.S.A.* 22A:2-7.

(b) Testimony for Use in a Foreign State.

(1) Submission of Foreign Subpoena. Whenever the deposition of a person is to be taken in this State pursuant to the laws of a foreign state for use in connection with proceedings there, an out-of-state attorney or party may submit a foreign subpoena along with a New Jersey subpoena which complies with subparagraph (3) to an attorney authorized to practice in this State or to the clerk of the court in the county in which discovery is sought to be conducted in this State. The foreign subpoena must include the following phrase below the case number: "For the Issuance of a New Jersey Subpoena Under New Jersey Rule 4:11-4 (b)" and shall be filed in accordance with *R.* 1:5-6(b). It shall be treated as a miscellaneous matter and the fee charged shall be pursuant to *N.J.S.A.* 22A:2-7.

(2) Request Does Not Constitute Appearance. A request for the issuance of a subpoena does not constitute an appearance in the courts of this State. A request for the issuance of a subpoena does create the necessary jurisdiction in this State to enforce the subpoena; to quash or modify the subpoena; to issue any protective order or resolve any other dispute relating to the subpoena; to impose sanctions on the attorney or party requesting the issuance of the subpoena for any action which would constitute a violation of the Rules Governing the Courts of

the State of New Jersey, including the Rules of Professional Conduct; and to take such other action as may be appropriate.

(3) Contents of Subpoena. A subpoena under this subsection shall:

(A) state the name of the New Jersey court issuing it and comply with the requirements of *R.* 4:14-7;

(B) incorporate the terms and conditions used in the foreign subpoena to the extent those terms and conditions do not conflict with *R.* 4:14-7;

(C) advise the person to whom the subpoena is directed of that person's right to move to quash or modify the subpoena or otherwise move under *R.* 4:10-3, *R.* 4:14-4, *R.* 4:23-1 or any other Rules Governing the Courts of the State of New Jersey that are applicable to discovery;

(D) contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel; and

(E) bear the caption and case number of the foreign case to which it relates, identifying the foreign jurisdiction and the court where the case is pending.

(4) Service of Subpoena. A subpoena issued by an attorney authorized to practice in this State or by a clerk of the court must be served in compliance with *R.* 1:9-3 and *R.* 1:9-4.

(5) Deposition, Production, and Inspection. The provisions of *R.* 1:9-2 apply to a subpoena issued under this section. As required by *R.* 4:14-7(c), a subpoena commanding a person to produce evidence for discovery purposes may be issued only to a person whose attendance at a designated time and place for the taking of a deposition is simultaneously compelled. The subpoena shall state that the subpoenaed evidence shall not be produced or released until the date specified for the taking of the deposition and that if the deponent is notified that a motion to quash the subpoena has been filed, the deponent shall not produce or release the subpoenaed evidence until ordered to do so by the court or the release is consented to

by all parties to the action. The subpoena shall be simultaneously served no less than 10 days prior to the date therein scheduled on the witness and on all parties. Depositions and other discovery taken pursuant to the rule shall be conducted consistent with and subject to the limitations in the Rules Governing the Courts of the State of New Jersey, including the Rules of Professional Conduct, and all other applicable laws of this State.

(6) Motion or Application to a Court. A motion or an application to the court for a protective order or to enforce, quash, or modify a subpoena issued by an attorney authorized to practice in this State or by a clerk of the court under section (b) must comply with the rules and statutes of this State and be submitted to the court in the county in which discovery is to be conducted or the deponent resides, is employed or transacts business. It must be filed as a miscellaneous matter bearing the caption that appears on the subpoena. The following phrase must appear below the case number of the newly filed matter: "Motion or Application Related to a Subpoena Issued Under *R.* 4:11-4(b)." Any later motion or application relating to the same subpoena must be filed in the same matter.

(7) Application to Pending Actions. This section applies to requests for discovery in cases pending on the effective date of this section.

Note: Source — *R.R.* 4:17-4. Amended July 21, 1980 to be effective September 8, 1980; text amended and designated as paragraph (a), paragraph (a) caption adopted, and new paragraph (b) adopted July 22, 2014 to be effective September 1, 2014.

4:11-5. Depositions Outside the State

A deposition for use in an action in this state, whether pending, not yet commenced, or pending appeal, may be taken outside this state either (a) on notice pursuant to *R.* 4:14-2, or, in the case of a foreign country, pursuant to *R.* 4:12-3; (b) in accordance with a commission or letter rogatory issued by a court of this state, which shall be applied for by motion on notice; or (c) pursuant to a subpoena issued to the person to be deposed in accordance with *R.* 4:14-7 and in accordance with the procedures authorized by the foreign state; or (d) in any manner stipulated by the parties. Depositions within the United States taken on notice shall be taken before a person designated by *R.* 4:12-2. Commissions and letters rogatory shall be issued in accordance with *R.* 4:12-3. If the deposition is to be taken by stipulation, the person designated by the stipulation shall have the power by virtue of the designation to administer any necessary oath.

Note: Adopted July 22, 1983 to be effective September 12, 1983; amended July 26, 1984 to be effective September 10, 1984; amended July 22, 2014 to be effective September 1, 2014 .

4:17-4. Form, Service and Time of Answers

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) ...no change.

(f) Release of Medical Records. Subject to the issuance of a protective order for good cause under *R.* 4:10-3, a plaintiff or a counterclaimant in any action in which damages are sought for personal injuries shall serve, contemporaneous with his or her answers to interrogatories, an executed form authorizing disclosure to the opposing party or parties, for purposes of the litigation, of the plaintiff's or counterclaimant's medical records pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 *U.S.C.* §§ 1301 *et seq.*, as to each health care provider named in his or her answers to interrogatories excluding non-treating expert witnesses.

Note: Source — *R.R.* 4:23-4, 4:23-5, 4:23-6(a)(b)(c)(d). Paragraph (a) amended and paragraph (d) adopted July 14, 1972 to be effective September 5, 1972; paragraph (a) amended September 13, 1976 to be effective September 13, 1976; paragraph (a) amended and paragraph (e) adopted July 29, 1977 to be effective September 6, 1977; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended July 26, 1984 to be effective September 10, 1984; paragraph (a) amended November 2, 1987 to be effective January 1, 1988; paragraph (a) 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 (e) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended June 28, 1996 to be effective September 1, 1996; paragraph (b) amended July 5, 2000 to be effective September 5, 2000; paragraph (e) amended July 12, 2002 to be effective September 3, 2002; paragraph (e) amended July 28, 2004 to be effective September 1, 2004; paragraph (d) amended July 27, 2006 to be effective September 1, 2006; new paragraph (f) adopted July 22, 2014 to be effective September 1, 2014.

4:21A-9. Parties in Default

(a) ...no change.

(b) If a party against whom an arbitration award is sought has had default or default judgment on liability entered against it as set forth in paragraph (a), notice of the arbitration proceeding shall be provided to that party in the form set forth in Appendix [XXVII] XXIX to these Rules no later than 30 days prior to the arbitration hearing by ordinary mail addressed to the same address at which that party was served with process if the process was originally served personally or by certified or ordinary mail, unless the party providing the notice has actual knowledge of a different current address of the defaulting defendant, in which case the notice shall be sent to that address. Proof of service of the notice of arbitration hearing herein shall be filed with the clerk prior to the arbitration hearing and shall certify that the party serving the notice has no actual knowledge that the defaulting party's address has changed subsequent to service of original process, or, if the party has such knowledge, the proof shall certify the underlying facts. A copy of the filed proof of service of the notice provided to the defaulting party shall be provided to the arbitrator at the time of the arbitration hearing and the arbitrator shall indicate same in the arbitration award. In the event the arbitration hearing is adjourned or cancelled, the party providing such notice shall promptly notify the defaulting party of the underlying facts and the new hearing date, if applicable.

(c) ...no change.

(d) ...no change.

Note: Prior rule adopted July 5, 2000 to be effective September 5, 2000; rule deleted July 27, 2006 to be effective September 1, 2006. New rule adopted July 19, 2012 to be effective September 4, 2012; paragraph (b) amended July 22, 2014 to be effective September 1, 2014.

4:23-5. Failure to Make Discovery

(a) Dismissal.

(1) Without Prejudice. If a demand for discovery pursuant to *R.* 4:17, *R.* 4:18[-1], or *R.* 4:19 is not complied with and no timely motion for an extension or a protective order has been made, the party entitled to discovery may, except as otherwise provided by paragraph (c) of this rule, move, on notice, for an order dismissing or suppressing the pleading of the delinquent party. The motion shall be supported by an affidavit reciting the facts of the delinquent party's default and stating that the moving party is not in default in any discovery obligations owed to the delinquent party. Unless good cause for other relief is shown, the court shall enter an order of dismissal or suppression without prejudice. Upon being served with the order of dismissal or suppression without prejudice, counsel for the delinquent party shall forthwith serve a copy of the order on the client by regular and certified mail, return receipt requested, accompanied by a notice in the form prescribed by Appendix II-A of these rules, specifically explaining the consequences of failure to comply with the discovery obligation and to file and serve a timely motion to restore. If the delinquent party is appearing *pro se*, service of the order and notice hereby required shall be made by counsel for the moving party. The delinquent party may move on notice for vacation of the dismissal or suppression order at any time before the entry of an order of dismissal or suppression with prejudice. The motion shall be supported by affidavit reciting that the discovery asserted to have been withheld has been fully and responsively provided and shall be accompanied by payment of a $100 restoration fee to the Clerk of the Superior Court, made payable to the "Treasurer, State of New Jersey," if the motion to vacate is made within 30 days after entry of the order of dismissal or suppression, or a $300 restoration fee if the motion is made thereafter. If, however, the motion is not made within 90 days after entry

of the order of dismissal or suppression, the court may also order the delinquent party to pay sanctions or attorney's fees and costs, or both, as a condition of restoration.

(2) ...no change.

(3) ...no change.

(b) ...no change.

(c) Motion to Compel. Prior to moving to dismiss pursuant to subparagraph (a)(1) of this rule, a party may move for an order compelling discovery demanded pursuant to *R.* 4:14, *R.* 4:18[-1] or *R.* 4:19. An order granting a motion to compel shall specify the date by which compliance is required. If the delinquent party fails to comply by said date, the aggrieved party may apply for dismissal or suppression pursuant to subparagraph (a)(1) of this rule by promptly filing a motion to which the order to compel shall be annexed, supported by a certification asserting the delinquent party's failure to comply therewith.

Note: Source — *R.R.* 4:23-6(c)(f), 4:25-2 (fourth sentence); paragraph (a) amended July 29, 1977 to be effective September 6, 1977; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended November 5, 1986 to be effective January 1, 1987; paragraph (a) caption amended and subparagraphs (a)(1) captioned and amended, and (a)(2) and (3) captioned and adopted, June 29, 1990 to be effective September 4, 1990; paragraph (a)(3) amended July 13, 1994 to be effective September 1, 1994; paragraph (a)(1) amended June 28, 1996 to be effective September 1, 1996; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; caption amended, paragraphs (a)(1) and (a)(2) amended, and new paragraph (a)(4) adopted July 5, 2000 to be effective September 5, 2000; paragraph (a)(1) amended and new paragraph (c) added July 12, 2002 to be effective September 3, 2002; paragraph (a)(1) amended and paragraph (a)(4) deleted July 27, 2006 to be effective September 1, 2006; paragraphs (a)(1) and (a)(2) amended July 9, 2008 to be effective September 1, 2008; subparagraphs (a)(1) and (a)(3) amended July 23, 2010 to be effective September 1, 2010; paragraph (c) amended July 19, 2012 to be effective September 4, 2012; paragraphs (a)(1) and (c) amended July 22, 2014 to be effective September 1, 2014.

4:24-1. Time for Completion of Discovery

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) [Applicability. This rule shall be applicable to all actions commenced on or after September 5, 2000. In all actions commenced prior to said date, the time for completion of discovery shall be 150 days from the date of service of the complaint on each defendant or as otherwise prescribed by the applicable differentiated case management rule in effect when the complaint was filed or by court order. In any pending action, however, the parties may agree and, in appropriate cases, the court may on notice direct sua sponte that further discovery shall be limited or extensions granted consistent with this amended rule.] Remand from the United States District Court. On matters remanded from the United States District Court, the computation of the discovery end date shall exclude the period from the date of the notice of removal to the date the order of remand is filed with the civil division manager in the county of venue in the Superior Court action. The designated pretrial judge shall conduct a case management conference pursuant to *R.* 4:5B-2 within thirty days of the filing of the order of remand.

Note: Source — *R.R.* 4:28(a)(d); amended July 13, 1994 to be effective September 1, 1994; amended January 21, 1999 to be effective April 5, 1999; caption amended, text amended and designated as paragraph (a), new paragraphs (b), (c), and (d) adopted July 5, 2000 to be effective September 5, 2000; corrective amendment to paragraph (d) adopted February 26, 2001 to be effective immediately; 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 (b) and (c) amended July 9, 2008 to be effective September 1, 2008; paragraph (c) amended July 23, 2010 to be effective September 1, 2010; paragraph (d) deleted and new paragraph (d) adopted July 22, 2014 to be effective September 1, 2014.

4:25-4. Designation of Trial Counsel

Counsel shall, either in the first pleading or in a writing filed no later than ten days after the expiration of the discovery period, notify the court that designated counsel is to try the case, and set forth the name specifically. If there has been no such notification to the court, the right to designate trial counsel shall be deemed waived. No change in such designated counsel shall be made without leave of court if such change will interfere with the trial schedule. In Track I or II tort cases pending for more than two years, and in Track III or IV tort cases, other than medical malpractice cases, pending for more than three years, the court, on such notice to the parties as it deems adequate in the circumstances, may disregard the designation if the unavailability of designated counsel will delay trial. If the name of trial counsel is not specifically set forth, the court and opposing counsel shall have the right to expect any partner or associate to proceed with the trial of the case, when reached on the calendar. Designations of trial counsel shall presumptively expire in all Track III medical malpractice cases pending for more than three years.

Note: Source — *R.R.* 4:29-3A(a); amended July 13, 1994 to be effective September 1, 1994; amended July 10, 1998 to be effective September 1, 1998; caption and text amended July 5, 2000 to be effective September 5, 2000; amended July 12, 2002 to be effective September 3, 2002; amended July 9, 2008 to be effective September 1, 2008; amended July 22, 2014 to be effective January 1, 2015.

4:42–11. Interest; Rate on Judgments; in Tort Actions

(a) Post Judgment Interest. Except as otherwise ordered by the court or provided by law, judgments, awards and orders for the payment of money, taxed costs and attorney's fees shall bear simple interest as follows:

(i) ...no change.

(ii) For judgments not exceeding the monetary limit of the Special Civil Part at the time of entry, regardless of the court in which the action was filed: commencing January 2, 1986 and for each calendar year thereafter, the annual rate of interest shall equal the average rate of return, to the nearest whole or one-half percent, for the corresponding preceding fiscal year terminating on June 30, of the State of New Jersey Cash Management Fund (State accounts) as reported by the Division of Investment in the Department of the Treasury, but the rate shall be not less than 0.25%.

(iii) ...no change.

(b) ...no change.

Note: Adopted December 21, 1971 to be effective January 31, 1972. Paragraph (b) amended June 29, 1973 to be effective September 10, 1973; paragraphs (a) and (b) amended November 27, 1974 to be effective April 1, 1975; paragraphs (a) and (b) amended July 29, 1977 to be effective September 6, 1977; paragraphs (a) and (b) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended July 15, 1982 to be effective September 13, 1982; paragraph (a) amended July 26, 1984 to be effective September 10, 1984; paragraph (a) amended November 1, 1985 to be effective January 2, 1986; paragraph (b) amended November 2, 1987 to be effective January 1, 1988; paragraph (a)(ii) amended and paragraph (a)(iii) added June 28, 1996 to be effective September 1, 1996; paragraph (b) amended April 28, 2003 to be effective July 1, 2003; paragraph (a) amended July 23, 2010 to be effective September 1, 2010; paragraph (a)(ii) amended July 22, 2014 to be effective September 1, 2014.

4:57-2. Procedure for Deposit and Withdrawal of Moneys

(a) Superior Court. Deposits with the Superior Court shall be made by check to the order of "Superior Court of New Jersey," and sent to the Clerk, who shall forthwith deposit it in an interest-bearing account in a depository designated by the Chief Justice, to the credit of the "Superior Court of New Jersey;" unless otherwise ordered by the Court as to a specified deposit or deposits, all estate and other funds so deposited with the Court shall be intermingled. No moneys on deposit under this rule shall be drawn, except by a draft or check of the Clerk, countersigned by a judge of the court or person designated by the Chief Justice.

All proposed orders to pay out along with any accompanying motion shall be submitted to the Superior Court Trust Fund Unit for review and verification of the amount on deposit prior to submission to the court.

Orders to pay out shall be reviewed by the Clerk, or other person designated by the Chief Justice, prior to payment. No draft or check shall be drawn until the reviewing party has established that:

(1) the order is consistent with the account records as to the amount involved;

(2) all interested parties have received notice of, or have consented to, the application to have the money paid out; and

(3) the order correctly identifies affected parties and those to whom payments are to be made.

Payment pursuant to the order shall be withheld pending the curing of any deficiencies.

Orders to pay out may be made under such terms and conditions as the trial court may, in its discretion, deem appropriate, subject to the above. Such orders may be stayed pending appeal upon application pursuant to *R.* 2:9-5 or, where necessary, *R.* 2:9-8.

(b) ...no change.

(c) ...no change.

Note: Source – *R.R.* 4:72-3, 4:72-5 (first sentence), 5:5-5(a) (b) (c) (e); paragraph (a) amended July 17, 1975 to be effective September 8, 1975; paragraph (b) amended December 26, 1979 to be effective January 1, 1980; paragraphs (a) and (b) amended July 16, 1981 to be effective September 14, 1981; paragraph (b) amended June 28, 1996 to be effective September 1, 1996; new paragraph (c) adopted July 27, 2006 to be effective September 1, 2006; paragraph (a) amended July 22, 2014 to be effective September 1, 2014.

4:59-1. Execution

(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) Forms. The forms in Appendices XI-I and XI-L through XI-R, inclusive, shall be used in the Law Division, Civil Part, as well as in the Special Civil Part. The Administrative Director of the Courts is authorized to prescribe the minimum mandatory weekly disposable earnings reflected in Appendix XI-I (Notice of Application for Wage Execution) and Appendix XI-J (Wage Execution), as may be necessary from time to time, so as to adjust those forms to the lawful limitations prescribed by paragraph (b).

Note: Source — *R.R.* 4:74-1, 4:74-2, 4:74-3, 4:74-4. Paragraph (c) amended November 17, 1970 effective immediately; paragraph (d) amended July 17, 1975 to be effective September 8, 1975; paragraph (a) amended, new paragraph (b) adopted and former paragraphs (b), (c), (d), and (e) redesignated (c), (d), (e) and (f) respectively, July 24, 1978 to be effective September 11, 1978; paragraph (b) amended July 21, 1980 to be effective September 8, 1980; paragraphs (a) and (b) amended July 15, 1982 to be effective September 13, 1982; paragraph (d) amended July 22, 1983 to be effective September 12, 1983; paragraph (b) amended and paragraph (g) adopted November 1, 1985 to be effective January 2, 1986; paragraph (d) amended June 29, 1990 to be effective September 4, 1990; paragraph (e) amended July 14, 1992 to be effective September 1, 1992; paragraphs (a), (c), (e), (f), and (g) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended June 28, 1996 to be effective June 28, 1996; paragraph (d) amended June 28, 1996 to be effective September 1, 1996; paragraph (e) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a), (e), and (g) amended July 5, 2000 to be effective September 5, 2000; paragraph (d) amended July 12, 2002 to be effective September 3,

2002; paragraph (d) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a) and (d) amended, and new paragraph (h) adopted July 27, 2006 to be effective September 1, 2006; paragraphs (a) and (f) amended July 9, 2008 to be effective September 1, 2008; paragraph (c) redesignated as subparagraph (c)(2), new paragraph (c) caption adopted, new subparagraph (c)(1) caption and text adopted, and paragraph (g) amended July 23, 2010 to be effective September 1, 2010; paragraph (a) amended, former paragraphs (b) through (h) redesignated as paragraphs (c) through (i), new paragraph (b) adopted, redesignated paragraph (h) amended, and caption added to redesignated paragraph (i) July 19, 2012 to be effective September 4, 2012; paragraph (i) amended July 22, 2014 to be effective September 1, 2014.

4:64-1. Foreclosure Complaint, Uncontested Judgment Other Than *In Rem* Tax Foreclosures

(a) Title Search; Certifications. ...no change.

(b) Contents of Mortgage Foreclosure Complaint. ...no change.

(c) Definition of Uncontested Action. ...no change.

(d) Procedure to Enter Judgment in Uncontested Cases; Objections to Amount Due.

(1) Application for Judgment. The application for entry of judgment shall be accompanied by proofs as required by R. 4:64-2. In lieu of the filing otherwise required by R. 1:6-4, the application shall be filed with the Office of Foreclosure in the Administrative Office of the Courts.

(2) [(1)] Prejudgment Notices [; responses] [(A)] Notice of motion for entry of judgment in the form prescribed by R. 4:64-9 shall be served within the time prescribed by subparagraph [(d)(2)] (d)(4) of this rule on mortgagors, [and] on all other named parties obligated on the debt, and on all parties who have appeared in the action, including defendants whose answers have been stricken or rendered noncontesting. The notice shall have annexed a copy of the affidavit of amount due filed with the court. Any other defaulting parties shall be noticed only if application for final judgment is made six months or more after the entry of default.

If the premises are residential, the notice of motion for entry of judgment shall be served on each tenant, by personal service or registered or certified mail, return receipt requested, accompanied by the notice of tenants' rights during foreclosure in the form prescribed by Appendix XII-K of the rules of court. Said notice of tenants' rights shall be contained in an envelope with the following text in bold and in at least 14 point type: "Important Notice about Tenants Rights." If the name of the tenant is unknown, the notice may be addressed to Tenant.

(3) Objections to Amount Due. Any party having the right of redemption who disputes the correctness of the affidavit of amount due may file with the Office of Foreclosure an objection stating with specificity the basis of the dispute and asking the court to fix the amount due. On receipt of a specific objection to the calculation of the amount due, the Office of Foreclosure shall refer the matter to the judge in the county of venue, who shall schedule such further proceedings and notify the parties or their attorneys of the time and place thereof.

[(B) Defaulting parties shall be noticed only if application for final judgment is not made within six months of the entry of default.]

(4) [(2)] Entry of Judgment. [Application for judgment; entry.] [If the action is uncontested as defined by paragraph (c) the] The court, on motion on 10 days notice if there are no other encumbrancers and on 30 days notice if there are other encumbrancers, and subject to paragraph (h) of this rule, may enter final judgment upon proofs as required by R. 4:64-2 [proof establishing the amount due]. [The application for entry of judgment shall be accompanied by proofs as required by *R.* 4:64-2 and in lieu of the filing otherwise required by *R.* 1:6-4 shall be only filed with the Office of Foreclosure in the Administrative Office of the Courts. The Office of Foreclosure may recommend entry of final judgment pursuant to *R.* 1:34-6.] The Office of Foreclosure may recommend entry of final judgment pursuant to R. 1:34-6.

(e) Priorities; Subsequent Encumbrances. ...no change.

(f) Tax Sale Foreclosure; Strict Mortgage Foreclosures. ... no change

(g) Security Interest Foreclosure. ...no change.

(h) Minors; Mentally Incapacitated Persons; Military Service. ...no change.

(i) Answer by United States and State of New Jersey. ...no change.

Note: Source — *R.R.* 4:82-1, 4:82-2. Paragraph (b) amended July 14, 1972 to be effective September 5, 1972; paragraphs (a) and (b) amended November 27, 1974 to be effective April 1, 1975; paragraph (a) amended July 16, 1979 to be effective September 10, 1979; paragraph (c) adopted November 1, 1985 to be effective January 2, 1986; caption amended, paragraphs (a) and (b) caption and text amended, former paragraph (c) redesignated paragraph (e), and paragraphs (c), (d) and (f) adopted November 7, 1988 to be effective January 2, 1989; paragraphs (b) and (c) amended and paragraph (g) adopted July 14, 1992 to be effective September 1, 1992; paragraphs (e) and (f) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended July 5, 2000 to be effective September 5, 2000; paragraph (f) caption and text amended July 12, 2002 to be effective September 3, 2002; new paragraphs (a) and (b) adopted, and former paragraphs (a), (b), (c), (d), (e), (f), and (g) redesignated as paragraphs (c), (d), (e), (f), (g), (h), and (i) July 27, 2006 to be effective September 1, 2006; paragraph (b) caption and text amended September 11, 2006 to be effective immediately; paragraphs (d) and (f) amended October 10, 2006 to be effective immediately; paragraph (d) amended July 9, 2008 to be effective September 1, 2008; text of paragraph (d) deleted, new subparagraphs (d)(1) and (d)(2) captions and text adopted, and paragraph (f) amended July 23, 2010 to be effective September 1, 2010; caption amended, paragraph (a) caption amended, text of former paragraph (a) renumbered as paragraph (a)(1), and new subparagraphs (a)(2) and (a)(3) added December 20, 2010 to be effective immediately; subparagraph (a)(2) amended June 9, 2011 to be effective immediately; paragraph (d) amended July 22, 2014 to be effective September 1, 2014.

4:64-1A. Foreclosure of Vacant and Abandoned Residential Property. [new]

(a) Verified Complaint and Order to Show Cause. In addition to the content required by R. 4:64-1(a) and (b), a complaint for foreclosure of vacant and abandoned residential property as established by N.J.S.A. 2A:50-73 shall set out facts that the plaintiff alleges demonstrate that the property is vacant and abandoned. The complaint shall have attached the R. 4:64-2(b) affidavit or certification of amount due that the plaintiff will rely upon to establish the judgment amount and the R. 4:64-2(d) affidavit of diligent inquiry . Copies of such affidavits or certifications shall be served with the R. 4:67-1 order to show cause.

(b) Notice of Motion to Proceed Summarily. An application to proceed summarily for foreclosure of vacant and abandoned residential property as established by N.J.S.A. 2A:50-73 shall have attached the R. 4:64-2(b) affidavit or certification of amount due that the plaintiff will rely upon to establish the judgment amount and the R. 4:64-2(d) affidavit of diligent inquiry. Copies of such affidavits or certifications shall be served with the R. 4:67-2 notice of motion to proceed summarily.

(c) Procedure to Enter Judgment.

(1) Application for Judgment. The application for judgment shall be accompanied by proofs as required by R. 4:64-2 not already of record. In lieu of the filing otherwise required by R. 1:6-4, the application shall be filed with the Office of Foreclosure in the Administrative Office of the Courts.

(2) Notices. Notwithstanding the procedure for judgment set forth in R. 4:64-1(d)(2), where residential property is vacant and abandoned as established by N.J.S.A. 2A:50-73, a notice of motion for entry of judgment and the notice of tenants' rights during foreclosure in the form prescribed by Appendix XII-K of the Rules of Court are not required to be served.

(3) Entry of Judgment. Notwithstanding the procedure for judgment set forth in Rule 4:64-1(d)(4), if the court determines that residential property is vacant and abandoned as established by N.J.S.A. 2A:50-73, the court on the order to show cause return date or the order to proceed summarily return date may enter final judgment. The Office of Foreclosure may recommend entry of final judgment pursuant to R. 1:34-6.

Note: Adopted July 22, 2014 to be effective September 1, 2014.

4:64-2. Proof; Affidavit

(a) ...no change.

(b) ...no change.

(c) Time; signatory. The affidavit prescribed by this rule shall be sworn to not more than [60] 90 days prior to its presentation to the court or the Office of Foreclosure. The affidavit shall be made either by an employee of the plaintiff, if the plaintiff services the mortgage, on the affiant's knowledge of the plaintiff's business records kept in the regular course of business, or by an employee of the plaintiff's mortgage loan servicer, on the affiant's knowledge of the mortgage loan servicer's business records kept in the regular course of business. In the affidavit the affiant shall confirm:

(1) that he or she is authorized to make the affidavit on behalf of the plaintiff or the plaintiff's mortgage loan servicer;

(2) that the affidavit is made based on a personal review of business records of the plaintiff or the plaintiff's mortgage loan servicer, which records are maintained in the regular course of business;

(3) that the financial information contained in the affidavit is accurate; and

(4) that the default remains uncured.

The affidavit shall also include the name, title, and responsibilities of the individual, and the name of his or her employer. If the employer is not the named plaintiff in the action, the affidavit shall provide a description of the relationship between the plaintiff and the employer.

(d) ...no change.

Note: Source — *R.R.* 4:82-3. Caption amended and paragraph (b) deleted July 7, 1971 to be effective September 13, 1971; amended November 27, 1974 to be effective April 1, 1975;

amended November 7, 1988 to be effective January 2, 1989; amended July 13, 1994 to be effective September 1, 1994; text amended and designated as paragraph (a), paragraph (a) caption adopted, new paragraphs (b) and (c) adopted July 9, 2008 to be effective September 1, 2008; caption amended and new paragraph (d) added December 20, 2010 to be effective immediately; paragraphs (c) and (d) amended June 9, 2011 to be effective immediately; paragraph (c) amended July 22, 2014 to be effective September 1, 2014.

4:64-9. Motions in Uncontested Matters

[A notice of motion filed with the Office of Foreclosure shall not state a time and place for its resolution. The notice of motion shall state the address of the Office of Foreclosure and that the order sought will be entered in the discretion of the court unless the attorney or pro se party on whom it has been served notifies in writing the Office of Foreclosure and the attorney for the moving party or the pro se party within ten days after the date of service of the motion that the responding party objects to the entry of the order. On receipt of a specific objection or at the direction of the court, the Office of Foreclosure shall deliver the foreclosure case file to the judge in the county of venue, who shall schedule such further proceedings and notify the parties or their attorneys of the time and place thereof.

Every notice of motion in a foreclosure action shall include the following language: "IF YOU WANT TO OBJECT TO THIS MOTION YOU MUST DO SO IN WRITING WITHIN 10 DAYS AFTER THE DAY YOU RECEIVED THIS MOTION. ANY OBJECTION MUST ADDRESS THE SUBJECT OF THE MOTION AND DETAIL WITH SPECIFICITY THE BASIS OF THE OBJECTION TO THE MOTION. YOU MUST FILE YOUR OBJECTION WITH THE OFFICE OF FORECLOSURE, P.O. BOX 971, 25 MARKET STREET, TRENTON, NEW JERSEY 08625, AND SERVE A COPY ON THE MOVING PARTY. THE OFFICE OF FORECLOSURE DOES NOT CONDUCT HEARINGS. YOUR PERSONAL APPEARANCE AT THE OFFICE WILL NOT QUALIFY AS AN OBJECTION. IF YOU FILE A SPECIFIC OBJECTION TO THE MOTION, THE CASE WILL BE SENT TO A JUDGE FOR RESOLUTION. YOU WILL BE INFORMED BY THE JUDGE OF THE TIME AND PLACE OF THE HEARING ON THE MOTION."]

(a) Contents of Notice of Motion; General. A notice of motion filed with the Office of Foreclosure pursuant to Rules 1:34-6, 4:64-1, and/or 4:64-2 shall not state a time and place for its resolution. The notice of motion shall state the address of the Office of Foreclosure and that

the order sought will be entered in the discretion of the court unless the attorney or *pro se* party on whom it has been served notifies in writing the Office of Foreclosure and the attorney for the moving party or the *pro se* party within ten days after the date of service of the motion that the responding party objects to the entry of the order.

(b) Notices of Motion for Entry of Final Judgment; Objection to Amount Due. Every notice of motion for entry of Final Judgment in a foreclosure action filed with the Office of Foreclosure pursuant to *Rules* 1:34-6, 4:64-1 and 4:64-2 shall include the following language:

"IF YOU WANT TO OBJECT TO THE CALCULATION OF AMOUNT DUE, YOU MUST DO SO IN WRITING WITHIN 10 DAYS AFTER THE DAY YOU RECEIVED THIS MOTION. ANY OBJECTION TO THE CALCULATION OF THE AMOUNT DUE MUST ADDRESS AND DETAIL WITH SPECIFICITY THE BASIS OF THE OBJECTION TO THE AMOUNT DUE. YOU MUST FILE YOUR OBJECTION WITH THE OFFICE OF FORECLOSURE, P.O. BOX 971, 25 MARKET STREET, TRENTON, NEW JERSEY 08625, AND SERVE A COPY ON THE MOVING PARTY. THE OFFICE OF FORECLOSURE DOES NOT CONDUCT HEARINGS. YOUR PERSONAL APPEARANCE AT THE OFFICE WILL NOT QUALIFY AS AN OBJECTION. IF YOU FILE A SPECIFIC OBJECTION TO THE CALCULATION OF THE AMOUNT DUE, ON RECEIPT OF A SPECIFIC OBJECTION TO THE CALCULATION OF THE AMOUNT DUE PURSUANT TO *R.* 4:64-1(d)(1)(A), THE OFFICE OF FORECLOSURE SHALL REFER THE MATTER TO THE JUDGE IN THE COUNTY OF VENUE, WHO SHALL SCHEDULE SUCH FURTHER PROCEEDINGS AND NOTIFY THE PARTIES OR THEIR ATTORNEYS OF THE TIME AND PLACE THEREOF."

On receipt of a specific objection to the calculation of the amount due pursuant to *R.* 4:64-1(d)(1)(A), the Office of Foreclosure shall refer the matter to the judge in the county of venue, who shall schedule such further proceedings and notify the parties or their attorneys of the time and place thereof.

(c) Contents of Notice of Motion; Specific Language. All other notices of motion in uncontested foreclosure actions filed with the Office of Foreclosure pursuant to Rule 1:34-6 and Rule 4:64-1(c) shall include the following language:

"IF YOU WANT TO OBJECT TO THIS MOTION YOU MUST DO SO IN WRITING WITHIN 10 DAYS AFTER THE DAY YOU RECEIVED THIS MOTION. ANY OBJECTION MUST ADDRESS THE SUBJECT OF THE MOTION AND DETAIL WITH SPECIFICITY THE BASIS OF THE OBJECTION TO THE MOTION. YOU MUST FILE YOUR OBJECTION WITH THE OFFICE OF FORECLOSURE, P.O. BOX 971, 25 MARKET STREET, TRENTON, NEW JERSEY 08625, AND SERVE A COPY ON THE MOVING PARTY. THE OFFICE OF FORECLOSURE DOES NOT CONDUCT HEARINGS. YOUR PERSONAL APPEARANCE AT THE OFFICE WILL NOT QUALIFY AS AN OBJECTION. IF YOU FILE A SPECIFIC OBJECTION TO THE MOTION, THE CASE WILL BE SENT TO A JUDGE FOR RESOLUTION. YOU WILL BE INFORMED BY THE JUDGE OF THE TIME AND PLACE OF THE HEARING ON THE MOTION."

On receipt of a specific objection to the motion, the Office of Foreclosure shall refer the matter to the judge in the county of venue, who shall schedule such further proceedings and notify the parties or their attorneys of the time and place thereof.

Note: Adopted July 9, 2008 to be effective September 1, 2008; amended July 23, 2010 to be effective September 1, 2010; former text deleted, new paragraphs (a), (b), and (c) adopted July 22, 2014 to be effective September 1, 2014.

4:86-10. Appointment of Guardian for Persons 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 receiving services from the Division of Developmental Disabilities shall be brought pursuant to these rules insofar as applicable, except that:

(a) ...no change.

(b) ...no change.

(c) If the petition seeks guardianship of the person only, the Division of [Advocacy for the Developmentally Disabled] Mental Health Advocacy, in the [Department of the Public Advocate] Office of the Public Defender, if available, shall be appointed as attorney for the alleged mentally incapacitated person, as required by *R.* 4:86-4. If the Division of [Advocacy for the Developmentally Disabled] Mental Health Advocacy, in the [Department of the Public Advocate] Office of the Public Defender, is unavailable or if the petition seeks guardianship of the person and the estate, the court shall appoint an attorney to represent the alleged mentally incapacitated person. The attorney for the alleged mentally incapacitated person may where appropriate retain an independent expert to render an opinion respecting the mental incapacity of the alleged mentally incapacitated person.

(d) ...no change.

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. 4:83B10 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.

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

(a) ...no change.

(b) ...no change.

(c) Pleading Requirements in Actions on Assigned Claims. The complaint in actions to collect assigned claims shall set forth with specificity the name of the original creditor, the last four digits of the original account number of the debt, the last three [four] 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.

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.

6:4-6. Sanctions

The provisions of *R.* 4:23 (sanctions for failure to make discovery) shall apply to actions in the Special Civil Part, except that:

(a) ...no change.

(b) ...no change.

(c) Dismissal or Suppression With Prejudice; Time Period. The [90] 60-day period prescribed by *R.* 4:23-5(a)(2) is reduced to [60] 45 days.

(d) ...no change.

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

(f) Notice to Client/Pro Se Party Pursuant to R. 4:23-5(a)(2). The notice prescribed in Appendix II-B [II-G] of these rules shall 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.

6:6-3. Judgment By Default

(a) Entry 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 [four] 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. §226.2(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. §226.7, 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.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) ...no change.

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.

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

(a) ...no change.

(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 [order for post-judgment relief,] 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.

(c) ...no change.

(d) ...no change.

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.

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.

(a) ...no change.

(b) ...no change.

(c) ...no change.

(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 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 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 subsequent to the entry of the judgment 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.

(e) ...no change.

(f) ...no change.

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.

8:3-4. Contents of Complaint, Generally

(a) Complaints Generally. The complaint shall set forth the claim for relief and a statement of the facts on which the claim is based and shall conform to the requirements of R. 8:3-5 and R. 4:5-7. The Clerk of the Tax Court shall make sample forms available to litigants on request. The wording of any sample form may be modified to conform to the claim made and relief sought in a particular case.

(b) State Tax Complaints. Complaints filed in State Tax cases shall set forth clear and concise allegations in separately numbered paragraphs. Each allegation shall be stated in simple, concise and direct terms.

(c) [(b)] Claim for Relief. A pleading which sets forth a claim for relief shall briefly state the factual basis of the claim and the relief sought. Each claim for relief shall be set forth in simple, concise and direct terms. Relief in the alternative may be demanded. A request may be made for a change in real property tax assessment without specifying the amount of such change. A claim for exemption shall be specifically pleaded.

(d) [(c)] Small Claims Classification . . . no change

(e) [(d)] Claim of Discrimination . . . no change

(f) [(e)] Separately Assessed Parcels in Common Ownership . . . no change

Note: Adopted June 20, 1979 to be effective July 1, 1979. Paragraphs (a) and (d) amended July 15, 1982 to be effective September 13, 1982; paragraph (e) adopted November 5, 1986 to be effective January 1, 1987; paragraphs (b) and (c) amended July 5, 2000 to be effective September 5, 2000; subparagraphs (c)(1) and (c)(2) amended July 23, 2010 to be effective September 1, 2010; paragraph (a) caption and text amended, new paragraph (b) adopted, former paragraph (b) redesignated as paragraph (c) and amended, paragraphs (c), (d), and (e) redesignated as paragraphs (d), (e), and (f) July 22, 2014 to be effective September 1, 2014.

8:3-8. Amended and Supplemental Pleadings

(a) Amendments Generally. . . . no change

(b) State Tax Cases – Additional Deficiency Notices and Claims. . . . no change

(c) Relation Back

(1) Local Property Tax: Amendments to pleadings in local property tax cases relate back to the date of the original pleading provided that no party is significantly prejudiced by said amendment.

(2) To the extent that R. 8:3-8 and R. 4:9-3 are not consistent, R. 8:3-8 governs.

(d) [(c)] Filing. . . . no change

Note: Adopted June 20, 1979 to be effective July 1, 1979. Paragraph (a) amended July 8, 1980 to be effective July 15, 1980; paragraph (b) amended and paragraph (c) adopted July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; new paragraph (c) adopted and former paragraph (c) redesignated as paragraph (d) July 22, 2014 to be effective September 1, 2014.

8:6-1. Discovery; Exchange of Appraisals and Comparable Sales and Rentals

(a) Discovery. Discovery may be taken in accordance with the provisions of R. 4:10-1 through R. 4:18-2 and R. 4:22 through R. 4:25 insofar as applicable except as follows:

(1) . . . no change

(2) In state tax cases the [150] 180 days for the completion of discovery [prescribed by R. 4:24-1] shall commence to run [60 days after the service of the complaint] on the date the answer is served. At any time the court, in its discretion or by agreement between the parties, may extend or reopen the time to complete discovery. Completion of discovery shall be coordinated with pretrial conferences and memoranda. Requests for admission shall be served in a separate document so titled and shall not be combined with interrogatories, document production requests, or any other material.

(3) . . . no change

(4) In local property tax cases assigned to the Small Claims Track under the provisions of R. 8:11, discovery shall be limited to the property record card for the subject premises, inspection of the subject premises, a closing statement if there has been a sale of the subject premises within three (3) years of the assessing date, the costs of improvements within three (3) years of the assessing date, [and] income, expense and lease information for income-producing property and information relating to a claim of damage to the property occurring between October 1 of the pretax year and January 1 of the tax year pursuant to N.J.S.A. 54:4-35.1. The court in its discretion may grant additional discovery for good cause shown.

(5) ... no change

(6) ... no change

(b) ... no change

Note: Adopted June 20, 1979 to be effective July 1, 1979. Amended July 8, 1980 to be effective July 15, 1980; paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended and caption amended July 15, 1982 to be effective September 13, 1982; paragraph (b)(1)(iii) adopted July 22, 1983 to be effective September 12, 1983; paragraph (a)(4) adopted November 5, 1986 to be effective January 1, 1987; paragraph (a)(5) adopted July 13, 1994 to be effective September 1, 1994; paragraphs (b)(1)(i) and (b)(1)(ii) amended July 10, 1998 to be effective September 1, 1998; new paragraph (a)(1) added, former paragraphs (a)(1), (a)(2), and (a)(3) amended and redesignated as paragraphs (a)(2), (a)(3), and (a)(4), and former paragraphs (a)(4) and (a)(5) redesignated as paragraphs (a)(5) and (a)(6) July 12, 2002 to be effective September 3, 2002; Rule 8:6 caption amended, paragraphs (a) and (b) amended July 9, 2008 to be effective September 1, 2008; paragraphs (a)(2) and (a)(4) amended July 22, 2014 to be effective September 1, 2014.

RPC 1.8 Conflict of Interest: Current Clients: Specific Rules

(a) . . . no change

(b) . . . no change

(c) . . . no change

(d) . . . no change

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

(1) . . . no change

(2) . . . no change

(3) [A non-profit] a legal services or public interest organization, a law school clinical or pro bono program, or an attorney providing qualifying pro bono service as defined in R. 1:21-11(a), [authorized under R. 1:21-1(e)] may provide financial assistance to indigent clients whom [it] the organization, program, or attorney is representing without fee.

(f) . . . no change

(g) . . . no change

(h) . . . no change

(i) . . . no change

(j) . . . no change

(k) . . . no change

(l) . . . no change

Note: Adopted September 10, 1984 to be effective immediately; paragraph (e) amended July 12, 2002 to be effective September 3, 2002; caption amended, paragraphs (a), (b), (c), (f), (g), (h) amended, former paragraph (i) deleted, former paragraph (j) redesignated as paragraph (i), former paragraph (k) deleted, and new paragraphs (j) , (k) and (l) added November 17, 2003 to be effective January 1, 2004; subparagraph (e)(3) amended July 22, 2014 to be effective January 1, 2015.

RPC 7.3. Personal Contact with Prospective Clients

(a) . . . no change

(b) A lawyer shall not contact, or send a written or electronic or other form of communication to, a prospective client for the purpose of obtaining professional employment if:

(1) . . . no change

(2) . . . no change

(3) . . . no change

(4) . . . no change

(5) the communication involves unsolicited direct contact with a prospective client concerning a specific event not covered by section (4) of this Rule when such contact has pecuniary gain as a significant motive except that a lawyer may send a letter by regular mail to a prospective client in such circumstances provided the letter:

(i) bears the word "ADVERTISEMENT" prominently displayed in capital letters at the top of the first page of text and on the outside envelope, unless the lawyer has a family, close personal, or prior professional relationship with the recipient. The envelope shall contain nothing other than the lawyer's name, firm, return address and "ADVERTISEMENT" prominently displayed; and

(ii) shall contain the party's name in the salutation and begin by advising the recipient that if a lawyer has already been retained the letter is to be disregarded; and

[(ii)] (iii) contains the following notice at the bottom of the last page of text: "Before making your choice of attorney, you should give this matter careful thought. The selection of an attorney is an important decision."; and

[(iii)] (iv) contains an additional notice also at the bottom of the last page of text that the recipient may, if the letter is inaccurate or misleading, report same to the Committee on Attorney Advertising, Hughes Justice Complex, P.O. Box 037, Trenton, New Jersey 08625. The name and address of the attorney responsible for the content of the letter shall be included in the notice.

(c) . . . no change

(d) . . . no change

(e) . . . no change

(f) . . . no change

Note: Adopted July 12, 1984, to be effective September 10, 1984; paragraph (b)(4) amended June 29, 1990, to be effective September 4, 1990; new paragraph (b)(4) adopted and former paragraph (b)(4) redesignated and amended as paragraph (b)(5) April 28, 1997, to be effective May 5, 1997; paragraph (b)(5) amended November 17, 2003 to be effective January 1, 2004; subparagraph (b)(5)(i) amended July 23, 2010 to be effective September 1, 2010; paragraphs (b) and (b)(5) amended July 22, 2014, to be effective September 1, 2014.

APPENDIX TO PART VII

GUIDELINES FOR DETERMINATION OF CONSEQUENCE OF MAGNITUDE (SEE RULE 7:3-2)

On October 6, 1997, the Supreme Court adopted the Comprehensive Revision of Part VII of the Rules of Court to be effective on February 1, 1998. *R. 7:3-2* of that Comprehensive Revision provides for the assignment of counsel "[i]f the court is satisfied that the defendant is indigent and that the defendant faces a consequence of magnitude or is otherwise constitutionally or by law entitled to counsel...." The Supreme Court directed that guidelines for the determination of a consequence of magnitude be developed by the Supreme Court Municipal Court Practice Committee to assist municipal court judges in deciding what factors should be considered when determining a consequence of magnitude.

In response to this direction, the Supreme Court Municipal Court Practice Committee developed the following set of guidelines. The Supreme Court, as recommended by the Committee, has included the guidelines as an Appendix to the Part VII Rules.

In determining if an offense constitutes a consequence of magnitude in terms of municipal court sentencing, the judge should consider the following:

(1) Any sentence of imprisonment;

(2) Any period of (a) driver's license suspension, (b) suspension of the defendant's nonresident reciprocity privileges or (c) driver's license ineligibility; or

(3) Any monetary sanction imposed by the court of [$ 750] $800 or greater in the aggregate, except for any public defender application fee or any costs imposed by the court. A monetary sanction is defined as the aggregate of any type of court imposed financial obligation, including fines, [costs,] restitution, penalties and/or assessments.

It should be noted that if a defendant is alleged to have a mental disease or defect, and the judge, after examination of the defendant on the record, agrees that the defendant may have a mental disease or defect, the judge shall appoint the municipal public defender to represent that defendant, if indigent, regardless of whether the defendant is facing a consequence of magnitude, if convicted.

Note: Guidelines adopted July 28, 2004 to be effective September 1, 2004; amended July 22, 2014 to be effective September 1, 2014.

APPENDIX II. — INTERROGATORY FORMS

Form C(1). Uniform Interrogatories to be Answered by Defendant in Automobile Accident Cases Only: 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).

(Caption)

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. 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.)

10. ...no change.

11. ...no change.

13. [State in terms of feet the distance between: (a) the front of your vehicle and the point of impact at the time you first observed the other vehicle or vehicles collided with, and

state your speed at that time; (b) the front of the other vehicle or vehicles collided with and the point of contact at the time you first observed it or them and state its or their speed at that time; and (c) your vehicle and the vehicle or vehicles collided with at the time you first saw it or them] 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.

14. ...no change.

15. [State what part of your vehicle came into contact with what part of the other vehicle or vehicles involved] 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.

16. ...no change.

17. ...no change.

18. [Did you observe the plaintiff's vehicle 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 plaintiff's vehicle until the impact occurred] 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.

19. ...no change.

20. ...no change.

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: New form interrogatory adopted June 28, 1996 to be effective September 1, 1996; new introductory paragraph added July 5, 2000 to be effective September 5, 2000; certification amended July 28, 2004 to be effective September 1, 2004; interrogatories 9, 13, 15, and 18 amended July 22, 2014 to be effective September 1, 2014.

APPENDIX XI-I. NOTICE OF APPLICATION FOR WAGE EXECUTION

Attorney(s): _____
Office Address & Tel. No. _____
Attorney for

_____
Plaintiff(s)

v.

_____
Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, SPECIAL CIVIL PART
_____ COUNTY
Docket No. _____

CIVIL ACTION

NOTICE OF APPLICATION
FOR WAGE EXECUTION

To:
Name of Judgment-Debtor

_____
_____
Address

TAKE NOTICE that an application is being made by the judgment-creditor to the above-named court, located at _____, New Jersey for a Wage Execution Order to issue against your salary, to be served on your employer, _____ (name and address of employer), for: (a) 10% of your gross salary when the same shall equal or exceed the amount of $217.50 per week; or (b) 25% of your disposable earnings for that week; or (c) the amount, if any, by which your disposable weekly earnings exceed $217.50, whichever shall be the least. Disposable earnings are defined as that portion of the earnings remaining after the deduction from the gross earnings of any amounts required by law to be withheld. In the event the disposable earnings so defined are $217.50 or less, no amount shall be withheld under this execution. In no event shall more than 10% of gross salary be withheld and only one execution against your wages shall be satisfied at a time. Your employer may not discharge, discipline or discriminate against you because your earnings have been subjected to garnishment.

You may notify the Clerk of the Court and the attorneys for judgment-creditor, whose address appears above, in writing, within ten days after service of this notice upon you, why such an Order should not be issued, and thereafter the application for the Order will be set down for a hearing of which you will receive notice of the date, time and place.

If you do not notify the Clerk of the Court and judgment-creditor's attorney, or the judgment-creditor if there is no attorney, in writing of your objection, you will receive no further notice and the Order will be signed by the Judge as a matter of course.

You also have a continuing right to object to the wage execution or apply for a reduction in the amount withheld even *after* it has been issued by the Court. To object or apply for a reduction, file a written statement of your objection or reasons for a reduction with the Clerk of the Court and send a copy to the creditor's attorney or directly to the creditor if there is no attorney. You will be entitled to a hearing within 7 days after you file your objection or application for a reduction.

CERTIFICATION OF SERVICE

I served the within Notice upon the judgment-debtor _____, on this date by sending it simultaneously by regular and certified mail, return receipt requested, to the judgment-debtor's last known address, set forth above. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to the punishment.

Date: _____, 20___

_____
Attorney for Judgment-Creditor
or Judgment-Creditor Pro Se

[Note: Adopted July 13, 1994, effective September 1, 1994; amended September 27, 1996, effective October 1, 1996; amended July 30, 1997, effective September 1, 1997; amended July 28, 2004, to be effective September 1, 2004; amended July 3, 2007, to be effective July 24, 2007; amended July 2, 2008, to be effective July 24, 2008; amended July 9, 2009 to be effective July 24, 2009; amended November 6, 2013 to be effective November 25, 2013; amended July 22, 2014 to be effective September 1, 2014.]

APPENDIX XI-J. WAGE EXECUTION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, SPECIAL CIVIL PART
_____ County Tel. _____

ORDER AND EXECUTION AGAINST EARNINGS
PURSUANT TO 15 U.S.C. 1673 and N.J.S.A. 2A:17-56

Docket No.:_____

Judgment No.: _____
Writ Number : ___ Issued _____

Name and Address of Employer Ordered to Make Deductions:

_____
_____
_____

Plaintiff

vs.

Designated Defendant
(Address)

Unless the designated defendant is currently subject to withholding under another wage execution, the [The] employer is ordered to deduct from the earnings which the designated defendant receives and to pay over to the court officer named below, the lesser of the following: (a) 10% of the gross weekly pay; or (b) 25% of disposable earnings for that week; or (c) the amount, if any, by which the designated defendant's disposable weekly earnings exceed $217.50 per week, until the total amount due has been deducted or the complete termination of employment. Upon either of these events, an immediate accounting is to be made to the court officer. Disposable earnings are defined as that portion of the earnings remaining after the deduction from gross earnings of any amounts required by law to be withheld. In the event the disposable earnings so defined are $217.50 or less, no amount shall be withheld under this execution. In no event shall more than 10% of gross salary be withheld and only one execution against the wages of the designated defendant shall be satisfied at a time.

The employer shall immediately give the designated defendant a copy of this order. The designated defendant may object to the wage execution or apply for a reduction in the amount withheld at any time. To object or apply for a reduction, a written statement of the objection or reasons for a reduction must be filed with the Clerk of the Court and a copy must be sent to the creditor's attorney or directly to the creditor if there is no attorney. A hearing will be held within 7 days after filing the objection or application for a reduction. According to law, no employer may terminate an employee because of a garnishment.

Judgment Date ..... ____
Judgment Award..... $ ____
Court Costs & Stat Atty. Fees ...$ ____
Total Judgment Amount. .....$ ____
Interest From Prior Writs.... .....$ ____
Costs From Prior Writs..... $ ____
Subtotal A ..... $ ____
Credits From Prior Writs ..... $ ____
Subtotal B ..... $ ____
New Miscellaneous Costs.....$ ____
New Interest On This Writ.. ..... $ ____
New Credits On This Writ.....$ ____
Execution Fees & Mileage..... ..$ ____
Subtotal C .....$ ____
Court Officer Fee..... $ ____
Total due this date ..... $ ____

Plaintiff's Attorney and Address:

_____
_____
_____
_____

Date_____

_____
Judge

_____
Jane B. Doe
Clerk of the Special Civil Part

Make payments at least monthly to Court Officer as set forth:

_____
Court Officer

I RETURN this execution to the Court
( ) Unsatisfied ( ) Satisfied ( ) Partly Satisfied
Amount Collected .....$ ____
Fee Deducted .....$ ____
Amount Due to Atty .....$ ____
Date: _____

_____
Court Officer

HOW TO CALCULATE PROPER GARNISHMENT AMOUNT

(1) Gross Salary per pay period ..... _____

(2) Less:

Amounts Required by Law to be Withheld:

(a) U.S. Income Tax ..... _____

(b) FICA (social security) ..... _____

(c) State Income Tax, ETT, etc..... _____

(d) N.J. SUI ..... _____

(e) Other State or Municipal Withholding..... _____

(f) TOTAL ..... _____ - _____

(3) Equals "disposable earnings" ..... = _____

(4) If salary is paid:
-- weekly, then subtract $217.50
-- every two weeks, then subtract $435.00
-- twice per month, then subtract $471.25
-- monthly, then subtract $942.50
(Federal law prohibits any garnishment when "disposable earnings" are smaller than the amount on line 4) ..... - _____

(5) Equals the amount potentially subject to garnishment (if less than zero, enter zero) ..... = _____

(6) Take "disposable earnings" (Line 3) and multiply by .25:
$_____ x .25 = $_____ ..... _____

(7) Take the gross salary (Line 1) and multiply by .10:
$_____ x .10 = $_____ ..... _____

(8) Compare lines 5, 6, and 7--the amount which may lawfully be deducted is the smallest amount on line 5, line 6, or line 7, i.e.,
..... _____

Source: 15 U.S.C. 1671 *et seq.*; 29 C.F.*R.* 870; *N.J.S.A.* 2A:17- 50 *et seq.*

[Note: Former Appendix XI-I adopted effective January 2, 1989; amended June 29, 1990, effective September 4, 1990; amended July 14, 1992, effective September 1, 1992; redesignated as Appendix XI-J and amended July 13, 1994, effective September 1, 1994; amended September 27, 1996, effective October 1, 1996; amended July 30, 1997, effective September 1, 1997; amended July 28, 2004 to be effective September 1, 2004; amended July 3, 2007, to be effective July 24, 2007; amended July 2, 2008, to be effective July 24, 2008; amended July 9, 2009 to be effective July 24, 2009; amended November 6, 2013 to be effective November 25, 2013; amended July 22, 2014 to be effective September 1, 2014.]

APPENDIX XI-L. INFORMATION SUBPOENA AND WRITTEN QUESTIONS

IMPORTANT NOTICE--PLEASE READ CAREFULLY

FAILURE TO COMPLY WITH THIS INFORMATION SUBPOENA
MAY RESULT IN YOUR ARREST AND INCARCERATION

NAME:
ADDRESS:

TELEPHONE NO.:
Attorneys for:

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: SPECIAL CIVIL PART
_____ COUNTY
DOCKET NO.

Plaintiff

-vs-

Defendant

CIVIL ACTION
INFORMATION SUBPOENA

THE STATE OF NEW JERSEY, to: _____

Judgment has been entered against you in the Superior Court of New Jersey, Law Division, Special Civil Part, _____ County, on _____, 20__, in the amount of $_____ plus costs, of which $_____ together with interest from _____, 20__, remains due and unpaid.

Attached to this Information Subpoena is a list of questions that court rules require you to answer within 14 days from the date you receive this subpoena. If you do not answer the attached questions within the time required, the opposing party may ask the court to conduct a hearing in order to determine if you should be held in contempt. You will be compelled to appear at the hearing and explain your reasons for your failure to answer.

If this judgment has resulted from a default, you may have the right to have this default judgment vacated by making an appropriate motion to the court. Contact an attorney or the clerk of the court for information on making such a motion. Even if you dispute the judgment you must answer all of the attached questions.

You must answer each question giving complete answers, attaching additional pages if necessary. False or misleading answers may subject you to punishment by the court. However, you need not provide information concerning the income and assets of others living in your household unless you have a financial interest in the assets or income. Be sure to sign and date your answers and return them to the address in the upper left hand corner within 14 days.

Dated: _____, 20__

_____
Attorney for

_____
Clerk

QUESTIONS FOR INDIVIDUALS

1. Full name _____

2. Address _____

3. Birthdate _____

4. Social Security # _____

5. Driver's license # and expiration date _____
   _____

6. Telephone # _____

7. Full name and address of your employer _____
   _____
   (a) Your weekly salary: Gross _____ Net _____
   (b) If not presently employed, name and address of last employer. _____
   _____

8. Is there currently a wage execution on your salary?
   Yes ___ No ___

9. List the names, addresses and account numbers of all bank accounts on which your name appears.

10. If you receive money from any of the following sources, list the amount, how often, and the name and address of the source:

Type	Amount & Frequency	Name & Address of Sources
Alimony		
Loan Payments		
Rental Income		
Pensions		
Bank Interest		
Stock Dividends		
Other		

11. Do you receive any of the following, which are exempt from levy? Any levy on disclosed exempt funds may result in monetary penalties including reimbursement of the debtor's out-of-pocket expenses.

Social Security benefits_	Yes ___	Amount per month_____	No __
S.S.I. benefits	Yes ___	Amount per month_____	No __
Welfare benefits	Yes ___	Amount per month_____	No __
V.A. benefits	Yes ___	Amount per month _____	No __
Unemployment benefits	Yes ___	Amount per month_____	No __
Workers' compensation benefits	Yes ___	Amount per month_____	No __
Child support payments	Yes ___	Amount per month_____	No __

Attach copies of the three most recent bank statements for each account listed in Question 9 that contains funds from these sources.

12. Do you own the property where you reside?
Yes ___ No ___ If yes, state the following:
(a) Name of the owner or owners _____
(b) Date property was purchased _____
(c) Purchase price _____
(d) Name and address of mortgage holder _____
_____
(e) Balance due on mortgage _____

13. Do you own any other real estate?
Yes ___ No ___ If yes, state the following for each property:
(a) Address of property _____
(b) Date property was purchased _____
(c) Purchase price _____
(d) Name and address of all owners _____
_____
(e) Name and address of mortgage holder _____
_____
(f) Balance due on mortgage _____
_____
(g) Names and address of all tenants and monthly rental paid by each tenant _____
_____
_____

14. Does the present value of your personal property, which includes automobiles, furniture, appliances, stocks, bonds, and cash on hand, exceed $1,000?
Yes ___ No ___ If the answer is "yes," you must itemize all personal property owned by you.

Cash on hand: $_____

Other personal property: (Set forth make, model and serial number. If financed, give name and address of party to whom payments are made).

Item	Date Purchased	Purchase Price	If Financed Balance Still Due	Present Value

15. Do you own a motor vehicle?
Yes ___ No ___ If yes, state the following for each vehicle owned:
(a) Make, model and year of motor vehicle _____
_____
(b) If there is a lien on the vehicle, state the name and address of the lienholder and the amount due to the lienholder _____
_____
(c) License plate # _____
_____
(d) Vehicle identification # _____
_____

16. Do you [own] have an ownership interest in a business [Yes ___ No ___]

If yes, state the following with respect to each business:

(a) Name and address of the business _____
_____
(b) Is the business a corporation _____, sole proprietorship _____, partnership _____ or limited liability company _____?
(c) The name and address of all stockholders, officers, partners or members
_____
_____
(d) The amount of income received by you from the business during the last twelve months _____
_____

17. Set forth all other judgments that you are aware of that have been entered against you and include:

Creditor's Name	Creditor's Attorney	Amount Due	Name of Court	Docket #

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: _____ _____

QUESTIONS FOR BUSINESS ENTITY

1. Name of business including all trade names. _____
_____

2. Addresses of all business locations. _____
_____

3. If the judgment-debtor is a corporation, the names and addresses of all stockholders, officers and directors.
_____
_____
_____

4. If a partnership, list the names and addresses of all partners.
_____
_____
_____

5. If a limited partnership, list the names and addresses of all general partners.
_____
_____
_____

6. If the judgment-debtor is a limited liability company, the names and addresses of all members.
_____
_____
_____

[6.]7. Set forth in detail the name, address and telephone number of all businesses in which the principals of the judgment-debtor now have an

interest and set forth the nature of the interest.

_____

[7.]8. For all bank accounts of the judgment-debtor business entity, list the name of the bank, the bank's address, the account number and the name in which the account is held.

_____

_____

[8.]9. Specifically state the present location of all books and records of the business, including checkbooks. _____

_____

[9.]10. State the name and address of the person, persons, or entities who prepare, maintain and/or control the business records and checkbooks.

_____

_____

[10.]11. List all physical assets of the business and their location. If any asset is subject to a lien, state the name and address of the lienholder and the amount due on the lien.

_____

_____

_____

[11.]12. Does the business own any real estate? Yes ___ No ___
If yes, state the following for each property:

(a) Name(s) in which property is owned _____
(b) Address of property _____
(c) Date property was purchased _____
(d) Purchase price _____
(e) Name and address of mortgage holder _____

_____

(f) Balance due on mortgage _____
(g) The names and addresses of all tenants and monthly rentals paid by each tenant.

NAME AND ADDRESS OF TENANT MONTHLY RENTAL

[12.]13. List all motor vehicles owned by the business, stating the following for each vehicle:

(a) Make, model and year _____

_____

(b) License plate number _____
(c) Vehicle identification number _____

(d) If there is a lien on the vehicle, the name and address of the lienholder and the amount due on the lien

_____

_____

[13.]14. List all accounts receivable due to the business, stating the name, address and amount due on each receivable.

NAME AND ADDRESS AMOUNT DUE

[14.]15. For any transfer of business assets that has occurred within six months from the date of this subpoena, specifically identify:

(a) The nature of the asset _____

_____

(b) The date of transfer _____

(c) Name and address of the person to whom the asset was transferred ____

_____

(d) The consideration paid for the asset and the form in which it was paid (check, cash, etc.) _____

_____

(e) Explain in detail what happened to the consideration paid for the asset _____

_____

[15.]16. If the business is alleged to be no longer active, set forth:

(a) The date of cessation _____

(b) All assets as of the date of cessation _____

_____

(c) The present location of those assets _____

_____

(d) If the assets were sold or transferred, set forth:

(1) The nature of the assets _____

_____

(2) Date of transfer _____

(3) Name and address of the person to whom the assets were transferred _____

_____

(4) The consideration paid for the assets and the form in which it was paid _____

_____

(5) Explain in detail what happened to the consideration paid for the assets _____

_____

[16.]17. Set forth all other judgments that you are aware of that have been entered against the business and include the following:

Creditor's Name	Creditor's Attorney	Amount Due	Name of Court	Docket Number

[17.]18. For all litigation in which the business is presently involved, state:

(a) Date litigation commenced _____

(b) Name of party who started the litigation _____

(c) Nature of the action _____

(d) Names of all parties and the names, addresses and telephone numbers of their attorneys _____

(e) Trial date _____

(f) Status of case _____

(g) Name of the court and docket number _____

[18.]19. State the name, address and position of the person answering these questions. _____

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: _____ _____

[Former Appendix XI-K adopted June 29, 1990, effective September 4, 1990; amended July 14, 1992, effective September 1, 1992; redesignated as Appendix XI-L and amended July 13, 1994, effective September 1, 1994; amended July 28, 2004 to be effective September 1, 2004; amended July 22, 2014 to be effective September 1, 2014.]

APPENDIX XXIX
[NOTICE OF ARBITRATION HEARING]

Attorney Name: _____
Address: _____
_____
Telephone: _____
Attorney for: _____

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, CIVIL PART
_____ COUNTY
DOCKET NO: _____

_____
Plaintiff,

v.

_____
Defendants.

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 _____.

(location)

You have the right to appear at the arbitration hearing and should take whatever action you deem appropriate with regard to the same.

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: Adopted July 22, 2014 to be effective September 1, 2014.]