

NOTICE TO THE BAR

APPELLATE DIVISION GUIDELINES FOR ENTERTAINING EMERGENT APPLICATIONS

The Appellate Division is reissuing the guidelines to clarify the circumstances and procedures pursuant to which emergent applications will be entertained. These guidelines distinguish between applications made during the pendency of trial and all other applications.

1. Initiation. An attorney or litigant who seeks relief on an emergent basis must contact the Clerk's office at (609)633-7082 between regular business hours of 8:30 a.m. to 4:30 p.m. The Clerk's office shall arrange for the completion by the applicant of an application for permission to file an emergent motion in the form set forth on the Judiciary's website njcourts.com. If an attorney or litigant seeks emergent relief after regular business hours, on holidays or weekends, he or she must contact the State Police Operational Dispatch Bureau duty trooper at (609)963-6900, option #1.

2. Emergent Applications Made During Trial. The court shall entertain an emergent application made during trial only upon a preliminary showing of likelihood of success of the application and that immediate and irreparable harm will result if the application is not entertained. If the application is not entertained, a denial shall be endorsed on the application form by the emergent judge so that the litigant has a record for further review by the Supreme Court should the litigant decide to pursue the matter on an emergent basis. If the application is entertained, the judge's chambers will advise the litigant with respect to the filing fee, notice to adversaries, motion and any other papers required and to whom they must be submitted, scheduling, and whether oral argument on the motion will be heard.

3. Emergent Applications Not Made During Trial. Applications not made during trial shall be entertained by the court on a showing that a definitive event will occur or specific action is required on a date prior to the date on which a motion made in the ordinary course can be considered by the court, usually three to four weeks after the filing of the motion. If the application is not entertained, the reason for the denial of consideration on an emergent basis shall be endorsed on the application form. If the application is entertained, the emergent judge's chambers will advise the litigant as provided in paragraph 2.

Applications involving jurisdictional or procedural deadlines set forth by court rule or order, such as applications to extend time to file a notice of appeal or motion for leave to appeal, to extend time to file a brief or motion answer, and similar requests, are not considered to be emergent matters. Motions for these reliefs should be filed in the ordinary course through the Clerk's office in Trenton.

Attorneys and litigants are reminded to be diligent and prompt in filing papers during the entire course of litigation, so as to avoid "self-created" emergencies.

Dated: November 12, 2014

Carmen Messano
Presiding Judge for Administration
Appellate Division