

## **NOTICE TO THE BAR**

### **UPDATES RELATING TO APPELLATE DIVISION OPINIONS, NOTICES OF APPEAL, AND CASE INFORMATION STATEMENTS**

This notice explains certain updates relating to Appellate Division opinions, Notices of Appeal, and civil and criminal Case Information Statements. The refinements are intended to do the following: (1) to advise at the outset of a concurrence or dissent in opinions; (2) to note in published opinions whether the version is a redacted opinion; (3) to distinguish between the mere posting of an opinion and any precedential value; (4) to provide a specific box on the notice of appeal to indicate whether the appeal is from the Tax Court; and (5) to alert parties on the Case Information Statement that the Judiciary posts all Appellate Division opinions on the Internet.

#### **1. NOTICE OF CONCURRENCE OR DISSENT IN PER CURIAM OPINIONS**

Where an opinion in the Appellate Division includes a concurrence or dissent, that fact and the author's name will appear in the attorney appearance section of the opinion. This addition will notify readers immediately that a concurrence or dissent is attached to the opinion.

#### **2. NOTICE WHEN PUBLISHED OPINION IS A REDACTED VERSION**

Where a published opinion is a redacted version of a longer unpublished opinion, the words "AS REDACTED" will appear in the "APPROVED FOR PUBLICATION" stamp on the opinion. This information will alert persons performing computer-assisted legal research who encounter a signal indicating "negative treatment" that the reason may be the existence of two opinions – the redacted published one and the unredacted unpublished one.

#### **3. NOTICE THAT THE POSTING OF AN OPINION DOES NOT CONFER PRECEDENTIAL VALUE**

The following supplemental language will be added to the notice on unpublished opinions required by R. 1:36-1: "This opinion shall not 'constitute precedent or be binding upon any court.' Although it is posted on the internet, this opinion is only binding on the parties in the case and its use in other cases is limited. R. 1:36-3." The addition of this language has become necessary due to the fact that all opinions of the Appellate Division, whether published or unpublished, are posted on the Internet. This advisory clarifies that although a "posted" opinion may be considered in a sense to be "published" on the Internet, the effect of that "publication" does not extend to the conferral of precedential value. Only those opinions that bear the "APPROVED FOR PUBLICATION-(date)-APPELLATE DIVISION" stamp are precedential.

#### **4. ADDITION OF TAX COURT AS A SELECTION OPTION ON THE NOTICE OF APPEAL FORM**

A box for the Tax Court has been added to the portion of the Notice of Appeal form that seeks information about the forum from which the appeal originates. This will provide more accuracy in the Notice of Appeal and ensure that the Tax Court is notified of appeals from its orders and judgments.

#### **5. NOTICE ADDED TO CASE INFORMATION STATEMENT FORMS THAT THE COURT'S OPINION WILL BE POSTED ON THE INTERNET**

The following statement is being added to the Appellate Division Civil and Criminal Case Information Statements (Rules Appendices VII and VIII): "Whether or not an opinion is approved for publication in the official Court Reporter books, the Judiciary posts all Appellate Division opinions on the Internet." This advisory notice alerts parties at the beginning of an appeal that the opinion eventually filed in the matter will be posted on the Internet and thus immediately available to the public electronically.

/s/ Joseph H. Orlando

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Joseph H. Orlando  
Clerk of the Appellate Division

Dated: August 17, 2016