

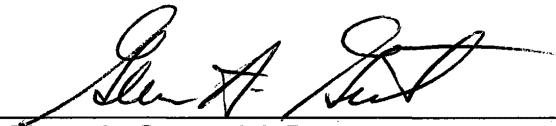
NOTICE TO THE BAR

SPECIAL CIVIL PART – AMENDMENT OF CERTAIN PART VI RULES -- REPLACING “CLERK OF THE SPECIAL CIVIL PART” WITH “CLERK OF THE SUPERIOR COURT”

The Supreme Court by order dated March 7, 2017 adopted technical amendments to certain Part VI Rules of Court. The amendments, which were effective upon adoption, replace “Clerk of the Special Civil Part” with “Clerk of the Superior Court ” in Rules 6:1-1, 6:1-3, 6:2-2, 6:4-1, and 6:7-3. Those amendments are appended to this notice. The amendments require all Special Civil Part forms that are included as Appendices in the Rules of Court to bear the name of the Clerk of the Superior Court. The system-generated forms, such as goods and chattel writs, wage executions, certifications of judgment, and statements for docketing, shall be issued by the Special Civil Part in the name of the Clerk of the Superior Court.

Forms that contain the "Clerk of the Special Civil Part" nomenclature will continue to be accepted. Effective immediately, all judiciary system generated forms will reflect the name of the Clerk of the Superior Court, thereby creating statewide uniformity and consistency throughout the Special Civil Part of the Law Division.

Questions regarding this notice may be directed to Michelle M. Smith, Clerk of the Superior Court, by email at michelle.smith@njcourts.gov or by telephone at 609-421-6100.



Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: April 6, 2017

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to the following Rules Governing the Courts of the State of New Jersey are adopted to be effective immediately: Rules 6:1-1, 6:1-3, 6:2-2, 6:4-1, and 6:7-3.

For the Court,

/s/ Stuart Rabner

Chief Justice

Dated: March 7, 2017

6:1-1. Scope and Applicability of Rules

The rules in Part VI govern the practice and procedure in the Special Civil Part, heretofore established within and by this rule continued in the Law Division of the Superior Court.

(a) ... no change.

(b) ... no change.

(c) ... no change.

(d) ... no change.

(e) ... no change.

(f) Judgments. R. 4:101 shall not apply to judgments of the Special Civil Part unless a statement for docketing is filed with the Clerk of the Superior Court. A statement for docketing shall issue on request to the Clerk of the Superior Court [Clerk of the Special Civil Part], on ex parte application of the party requesting docketing and payment of the statutory fees.

(g) Forms. The forms contained in Appendix XI to these rules are approved and, except as otherwise provided in R. 6:2-1 (form of summons), R. 6:7-1(a) (execution against goods and chattels and wage execution) and R. 6:7-2(b) through (g) (information subpoena), suggested for use in the Special Civil Part. Samples of each form shall be made available to litigants by the Clerk of the Superior Court [Clerk of the Special Civil Part].

Note: Caption amended and paragraphs (a) through (g) adopted November 7, 1988 to be effective January 2, 1989; paragraph (c) amended July 17, 1991 to be effective immediately; paragraph (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 (e) and (g) amended July 9, 2008 to be effective September 1, 2008; paragraph (e) amended July 19, 2012 to be effective September 4, 2012; paragraph (g) amended August 1, 2016 to be effective September 1, 2016; paragraphs (f) and (g) amended March 7, 2017 to be effective immediately.

6:1-3. Venue

(a) ... no change

(b) Improperly Venued Complaints. If a Special Civil Part complaint is presented for filing in a county where venue does not lie, and the error is apparent prior to acceptance of the complaint for filing and processing, the complaint shall be date stamped and returned to the plaintiff with instructions to file it in the county in which venue is properly laid. The original stamped date shall be considered the filing date only if the complaint is filed within 15 days thereof with the Clerk of the Superior Court [Clerk of the Special Civil Part] or the Deputy Clerk of the Superior Court in the appropriate county. The stamp bearing the filing date shall so inform the plaintiff.

If, however, the complaint has been filed and it becomes apparent before service is effectuated that venue is improper, the court [clerk] shall forward the complaint and all other documents filed in the matter to the proper county and advise the litigants of the correct county of venue as well as the address of that county [the Special Civil Part Clerk of the county].

Note: Adopted November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; paragraph (a) amended July 27, 2006 to be effective September 1, 2006; paragraph (a) amended August 1, 2016 to be effective September 1, 2016; paragraph (b) amended March 7, 2017 to be effective immediately.

6:2-2. Process; Filing and Issuance

(a) ... no change

(b) Non-resident Defendants; Filing. If no defendant can be served with process within this State, the plaintiff may file the complaint with the Clerk of the Superior Court [clerk of the Special Civil Part of] or the Deputy Clerk of the Superior Court in the county in which the subject transaction or occurrence took place.

Note: Source -- R.R. 7:3 (second sentence), 7:4-2, 7:4-4; former rule amended and designated paragraph (a) and paragraph (b) adopted July 17, 1975 to be effective September 8, 1975; paragraph (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 18, 2001 to be effective November 1, 2001; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended March 7, 2017 to be effective immediately.

6:4-1. Transfer of Actions

(a) ... no change.

(b) ... no change.

(c) ... no change.

(d) Transmission of Record; Costs. Upon presentation of an order transferring an action to the Law Division, the Clerk of the Superior Court [clerk of the Special Civil Part] shall transmit the papers on file in the court, together with copies thereof, to the Deputy Clerk [deputy clerk] of the Superior Court in the county of venue.

(e) ... no change.

(f) ... no change

(g) Transfer of Landlord/Tenant Actions. A motion to transfer a summary action for the recovery of premises to the Law Division pursuant to N.J.S.A. 2A:18-60, shall be made by serving and filing the original of that [said] motion with the Clerk of the Superior Court [Clerk of the Special Civil Part] no later than the last court day prior to the date set for trial. The motion shall be returnable in the Special Civil Part on the trial date, or such date thereafter as the court may determine in its discretion or upon application by the respondent for more time to prepare a response to the motion. Upon the filing of the motion, the Special Civil Part shall take no further action pending disposition of the motion. If the motion is not resolved on the original trial date, the court may require security for payment of rent pending disposition of the motion. If the motion is granted, the Clerk of the Superior Court shall transmit the record in accordance with R. 6:4-1(d). If the motion is denied, the court shall set the action expeditiously for summary hearing.

Note: Source R.R. 7:6-1(a)(b)(c)(d)(e). Paragraph (b) adopted and former paragraphs (b)(c)(d)(e) redesignated June 29, 1973 to be effective September 10, 1973; paragraph (g) amended July 21, 1980 to be effective September 8, 1980; paragraph (f) amended November 2, 1987 to be effective January 1, 1988; paragraphs (a), (b), (c), (d), (e) and (g) and captions of paragraphs (b), (c) and (e) amended November 7, 1988 to be effective January 2, 1989; paragraph (g) amended

July 14, 1992 to be effective September 1, 1992; paragraph (d) amended July 13, 1994 to be effective September 1, 1994; paragraph (d) amended July 19, 2012 to be effective September 4, 2012; paragraph (f) amended August 1, 2016 to be effective September 1, 2016; paragraphs (d) and (g) amended March 7, 2017 to be effective immediately.

6:7-3 Wage Executions; Notice, Order, Hearing; Accrual of Interest

(a) Notice, Order, Hearing. The provisions of R. 4:59-1(e) (wage executions) are applicable to the Special Civil Part, except as otherwise provided by R. 6:7-1(a) and except that the judgment-debtor shall notify the Clerk of the Superior Court by filing in the county in which the execution originated [clerk of the Special Civil Part named in the notice of execution] and the judgment-creditor in writing within 10 days after service of the notice of any reasons why the order should not be entered and the judgment-creditor may waive in writing the right to appear at the hearing on the objection and rely on the papers.

(b) ... no change

Note: Source — *R.R.7:11-5*. Amended July 7, 1971 to be effective September 13, 1971; amended July 14, 1972 to be effective September 5, 1972; former rule redesignated as paragraph (a) and paragraph (b) adopted and caption amended July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended November 7, 1988 to be effective January 2, 1989; paragraph (b) amended June 29, 1990 to be effective September 4, 1990; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 27, 2006 to be effective September 1, 2006; paragraphs (a) and (b) amended July 19, 2012 to be effective September 4, 2012; paragraph (a) amended March 7, 2017 to be effective immediately.