

NOTICE TO THE BAR

Supreme Court Arbitration Advisory Committee Recommendation to Amend Rule 4:21A-2(b) – Certified Civil Trial Attorneys as Arbitrators – Publication for Comment

In 2017, the Supreme Court approved certain recommendations of the Supreme Court Arbitration Advisory Committee to revamp the Civil Arbitration Program. One such recommendation was that certified civil trial attorneys with the requisite experience are entitled to automatic inclusion on the civil arbitrator roster, subject to compliance with the program's training requirements. The Committee's intention that certified civil trial attorneys not be exempt from the training requirements as set forth in Rule 1:40-12(c) was not reflected in the 2017 amendments to paragraph (b) of Rule 4:21A-2.

This notice is to advise that the Supreme Court Arbitration Advisory Committee is recommending to the Supreme Court that Rule 4:21A-2(b) be amended to expressly state that the training requirements set forth in that rule are applicable to certified civil trial attorneys. Attached to this notice are the proposed clarifying amendments to Rule 4:21A-2(b).

Please send any comments on this rule recommendation in writing by **April 27, 2018** to:

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Rules Comments – Arbitration Advisory Committee Rule
Hughes Justice Complex, P.O. Box 037
Trenton, NJ 08625-0037

Comments may also be submitted via Internet e-mail to the following address:
Comments.Mailbox@njcourts.gov.

The Supreme Court will not consider comments submitted anonymously. Thus those submitting comments by mail should include their name and address (and those submitting comments by e-mail should include their name and e-mail address). Comments submitted are subject to public disclosure.



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

Dated: March 28, 2018

4:21A-2. Qualification, Selection, Assignment and Compensation of Arbitrators

(a) ...no change.

(b) Appointment From Roster. If the parties fail to stipulate to the arbitrators pursuant to paragraph (a) of this rule, the arbitrator shall be designated by the civil division manager from the roster of arbitrators maintained by the Assignment Judge on recommendation of the arbitrator selection committee of the county bar association. Inclusion on the roster shall be limited to retired judges of any court of this State who are not on recall and attorneys admitted to practice in this State having at least ten years of consistent and extensive experience in New Jersey in any of the substantive areas of law subject to arbitration under these rules, and who have completed the training and continuing education required by R. 1:40-12(c). A Certified Civil Trial Attorney with the requisite experience, **and who has also completed the training required by Rule 1:40-12(c)**, will be entitled to automatic inclusion on the roster. The arbitrator selection committee, which shall meet at least once annually, shall be appointed by the county bar association and shall consist of one attorney regularly representing plaintiffs in each of the substantive areas of law subject to arbitration under these rules, one attorney regularly representing defendants in each of the substantive areas of law subject to arbitration under these rules, and one member of the bar who does not regularly represent either plaintiff or defendant in each of the substantive areas of law subject to arbitration under these rules. The arbitrator selection committee shall review the roster of arbitrators annually and, when appropriate, shall make recommendations to the Assignment Judge to remove arbitrators from the roster. The members of the arbitrator selection committee shall be eligible for inclusion in the roster of arbitrators. The Assignment Judge shall file the roster with the Administrative Director of the Courts. A motion to disqualify a designated arbitrator shall be made to the Assignment Judge on the date of the hearing.

(c) ...no change.

(d) ...no change.

Note: Adopted November 1, 1985 to be effective January 2, 1986; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraphs (a) and (b) amended July 10, 1998 to be effective September 1, 1998; caption amended, paragraph (c) amended, and new paragraph (d) adopted July 5, 2000 to be effective September 5, 2000; paragraphs (b) and (d)(1) amended, and former paragraph (d)(3) deleted July 12, 2002 to be effective September 3, 2002; paragraphs (b), (c), (d)(1), and (d)(2) amended July 28, 2004 to be effective September 1, 2004; paragraph (b) amended July 27, 2006 to be effective September 1, 2006; paragraph (b) amended July 28, 2017 to be effective September 1, 2017; paragraph (b) amended _____ to be effective _____.