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DIRECTIVE # 10-19
[Supersedes Directive #15-67]
[Questions or comments may be directed to 609-815-2900 ext. 54900]

TO: **Assignment Judges**

FROM: **Glenn A. Grant, J.A.D.**

SUBJ: **Condemnation Commissioners**

DATE: **June 5, 2019**

This Directive promulgates information regarding the appointment, fees and expenses of condemnation commissioners and supersedes Directive #15-67.

N.J.S.A. 20:3-12 governs the appointment of condemnation commissioners and hearings. The Supreme Court previously provided the following guidance regarding the appointment of condemnation commissioners, which remains in effect:

> (1) no attorney should serve as a condemnation commissioner while that attorney or members of his or her firm have any cases pending against the authority involved;
>
> (2) assignment Judges before appointing a condemnation commissioner should make inquiry to make certain that no such conflict of interest appears; and
>
> (3) the same limitations should be observed when appointing real estate brokers or appraisers as condemnation commissioners.

The application of these guidelines as to when a conflict of interest exists should be left to the discretion of the Assignment Judge.

With regard to Condemnation Commissioner compensation, at the January 17, 2013 Conference of Assignment Judges meeting, the Chief Justice approved the presumptive hourly fees to be paid to Presiding Condemnation Commissioners and Commissioners of $250 and $225, respectively, with the court retaining discretion to increase these rates in complex cases. Furthermore, pursuant to R. 4:73-5 and N.J.S.A. 20:3-12(i), the court may, upon

application and proper showing, allow such fees, expenses and/or costs of the commissioners to be paid by plaintiff.

Questions regarding this Directive may be directed to Taironda E. Phoenix, Assistant Director for Civil Practice, by email at Taironda.Phoenix@njcourts.gov or by phone at 609-815-2900 extension 54900.

cc: Chief Justice Stuart Rabner
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