

NOTICE TO THE BAR

MODEL CIVIL JURY CHARGES UPDATE

The Supreme Court Committee on Model Civil Jury Charges has approved the revisions of the following Model Civil Jury Charges for use by the bar and trial courts. All approved Model Civil Jury Charges, including the following charges, are available for downloading at <https://www.njcourts.gov/attorneys/civilcharges.html>.

2.24A New Jersey Equal Pay Act (Approved 03/2019; revised 11/2019)

The first Note to Judge is revised to clarify the statutory basis for the charge.

2.24B Wage Disparity Under the NJLAD (Formerly 2.24) (Approved 05/1991; Revised 11/2019)

The Note to Judge is revised to clarify the statutory basis for the charge. Additionally, the charge is amended to remove all references and any instructions relative to the Federal Equal Pay Act to avoid confusion as the charge relates to the NJLAD.

2.31 Wage Disparity Under the Equal Pay Act [29 U.S.C. § 206(D)(1)] (Approved 5/1991; Removed 11/2019)

This charge is being removed in order to avoid potential confusion. The charge only relates to the Federal Equal Pay Act so any cases bringing such a claim would be likely be removed to federal court.

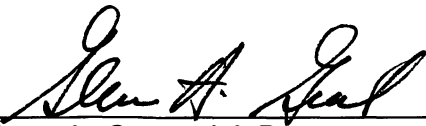
5.20F Duty Owed – Condition of Premises (Approved 03/2000; Revised 11/2019)

The Note to Judge under section (4), “Social Guest – Defined and General Duty Owed,” is updated to include clarifying language to Exceptions 1 (“Exception as to Voluntary Undertakings”) and 2 (“Exception as to Host’s Activities”) based on *Piech v. Layendecker*, 456 N.J. Super. 367 (App. Div. 2018). In *Piech*, the Appellate Division held that it was improper for the trial court judge to instruct the jury as to a general duty to warn against dangerous conditions to the property and also charge Exception 2 where the plaintiff’s injury resulted solely from an activity on the host’s property and not by a combination of that activity and a physical dangerous condition on the property.

6.10 Proximate Cause — General Charge (Approved 5/1998, Revised 11/2019)

The title of this charge is revised to remove “to Be Given in All Cases,” as there may be cases where this charge does not apply and should not be charged. Commentary was added at the end of the Note to Judge explaining the change in title.

Questions regarding this and other model civil jury charges may be directed to Kristi Jasberg Robinson, Esq., Chief, Civil Practice Liaison, Administrative Office of the Courts, Hughes Justice Complex, P.O. Box 981, Trenton, New Jersey 08625-0981; phone (609) 815-2900 ext. 54900; e-mail Kristi.Robinson@njcourts.gov.



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Dated: December 30, 2019