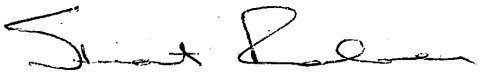
Supreme Court of New Jersey

It is ORDERED that the attached amendments to the Rules Governing the Courts of the State of New Jersey are adopted to be effective September 1, 2022.

For the Court,



Chief Justice

Dated: August 5, 2022

The Rules and Appendices Amended and Adopted by this Order Are as Follows:

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1:2-1. Proceedings in Open Court; Robes

(a) ...no change

(b) [Virtual Transmission of Testimony] Contemporaneous Transmission of Testimony. Upon application in advance of appearance, unless otherwise provided by statute, the court may permit testimony in open court by contemporaneous transmission from a different location for good cause and with appropriate safeguards.

(c) ...no change.

(d) ...no change.

Note: Source – *R.R.* 1:28-6, 3:5-1 (first clause), 4:29-5, 4:118-5, 7:7-1, 8:13-7(c); amended July 14, 1992 to be effective September 1, 1992; amended July 16, 2009 to be effective September 1, 2009; amended July 27, 2018 to be effective September 1, 2018; text redesignated as paragraphs (a) (c) and (d) with captions added and text of paragraph (d) amended, and new paragraph (b) adopted July 30, 2021 to be effective September 1, 2021; paragraph (b) caption amended August 5, 2022 to be effective September 1, 2022.

1:2-2. Trial Courts: Verbatim Record of Proceedings

In the trial divisions of the Superior Court and in the Tax Court, all proceedings in court shall be recorded verbatim except, unless the court otherwise orders, settlement conferences, case management conferences, calendar calls, and *ex parte* motions. [Unless a transcript thereof is marked into evidence, a] A verbatim record shall also be made of the content of [an] all audio or video [tape] recordings as actually played or proffered during the proceedings and the [tape] recording itself, whether admitted or not, shall be marked into evidence as a court's exhibit and retained by [the court] the parties, unless otherwise directed by the court. *Ex parte* proceedings pursuant to *R.* 4:52 and *R.* 4:67 shall, however, be recorded verbatim subject to the availability of either a court reporter or a recording device. In the municipal courts, the taking of a verbatim record of the proceedings shall be governed by *R.* 7:8-8. Charge conferences, whether conducted in open court or in chambers, including those at sidebar, shall be recorded verbatim as required by *R.* 1:8-7(a).

Note: Source – *R.R.* 3:7-5 (first sentence), 3:7-10(d) (fifth sentence), 4:44-2 (first sentence), 4:44-5, 4:61-1(b). Amended June 20, 1979 to be effective July 1, 1979; amended December 20, 1983 to be effective December 31, 1983; amended July 26, 1984 to be effective September 10, 1984; amended January 5, 1998, to be effective February 1, 1998; amended July 10, 1998 to be effective September 1, 1998; amended July 5, 2000 to be effective September 5, 2000; amended July 12, 2002 to be effective September 3, 2002; amended July 28, 2004 to be effective September 1, 2004; amended August 5, 2022 to be effective September 1, 2022.

1:6-2. Form of Motion; Hearing

(a) Generally. An application to the court for an order shall be by motion, or in special cases, by order to show cause. A motion, other than one made during a trial or hearing, shall be by notice of motion in writing unless the court permits it to be made orally. Every motion shall state the time and place when it is to be presented to the court, the grounds upon which it is made and the nature of the relief sought, and, as to motions filed in the Law Division-Civil Part only, the discovery end date or a statement that no such date has been assigned. The motion shall be accompanied by a proposed form of order in accordance with *R.* 3:1-4(a) or *R.* 4:42-1(a)(4) and (e), as applicable. The form of order shall note whether the motion was opposed or unopposed. If the motion or response thereto relies on facts not of record or not subject of judicial notice, it shall be supported by affidavit made in compliance with *R.* 1:6-6. The motion shall be deemed uncontested and there shall be no right to argue orally in opposition unless responsive papers are timely filed and served stating with particularity the basis of the opposition to the relief sought. If the motion is withdrawn or the matter settled, counsel shall forthwith inform the court.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) ...no change.

(f) ...no change.

Note: Source – *R.R.* 3:11-2, 4:8-5(a) (second sentence). Amended July 14, 1972 to be effective September 5, 1972; amended November 27, 1974 to be effective April 1, 1975; amended July 24, 1978 to be effective September 11, 1978; former rule amended and redesignated as paragraph (a) and paragraphs (b), (c), (d), and (e) adopted July 16, 1981 to be effective September 14, 1981; paragraph (c) amended July 15, 1982 to be effective September 13, 1982; paragraph (c) amended July 22, 1983 to be effective September 12, 1983; paragraph (b) amended December 20, 1983 to be effective December 31, 1983; paragraphs (a) and (c) amended and paragraph (f) adopted November 1, 1985 to be effective January 2, 1986; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraph (c) amended and paragraph (d) caption and text amended June 29, 1990 to be effective September 4, 1990; paragraph (d) amended July 14, 1992 to be effective September 1, 1992; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 13, 1994 to be effective January 1, 1995; paragraphs (a) and (f) amended January 21, 1999 to be effective April 5, 1999; paragraphs (c) and (d) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 28, 2004 to be effective September 1, 2004; paragraphs (b), (c), and (f) amended July 27, 2006 to be effective September 1, 2006; paragraph (b) caption amended, former text of paragraph (b) captioned and redesignated as paragraph (1), and new paragraph (2) adopted July 9, 2008 to be effective September 1, 2008; paragraph (c) amended July 23, 2010 to be effective September 1, 2010; paragraph (a) amended July 9, 2013 to be effective September 1, 2013; paragraph (a) amended August 5, 2022 to be effective September 1, 2022.

1:18A-4. Disposition of Inquiries

Except as may otherwise be determined by the Committee in the case of routine inquiries that require a response before the Committee can act, no opinion shall be given by the Committee unless concurred in by a majority thereof. In every matter, the secretary shall convey the Committee's response in writing to the judge making the inquiry. Such written response to the judge shall be in the form of an informal opinion. The judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Chief Judge of the Appellate Division [Appellate Division Presiding Judge for Administration], or Appellate Division Deputy Presiding Judge for Administration, as appropriate, shall be copied on such informal opinion. The Committee may, in its discretion, issue, in addition, a formal opinion for distribution to all judges and make suitable arrangements for its publication. Formal opinions shall not, insofar as practicable, identify the judge making the inquiry. The Committee's written response, whether an informal opinion or a formal opinion, shall be subject to a request for reconsideration from the judge who submitted the inquiry or from that judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Chief Judge of the Appellate Division [Appellate Division Presiding Judge for Administration], or Appellate Division Deputy Presiding Judge for Administration, as appropriate. Requests for reconsideration shall be made in accordance with *R.* 1:18A-6(b).

Note: Adopted November 29, 1988, to be effective January 2, 1989; amended July 19, 2012 to be effective September 4, 2012; amended August 5, 2022 to be effective September 1, 2022.

1:18A-6. Procedure; Requests for Reconsideration

(a) ...no change.

(b) Reconsideration. Subsequent to the Committee's response, whether an informal opinion or a formal opinion, either the judge or the judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Chief Judge of the Appellate Division [Appellate Division Presiding Judge for Administration], or Appellate Division Deputy Presiding Judge for Administration, as appropriate, may seek reconsideration.

(c) Form of Reconsideration; Notice to Judge. The request for reconsideration shall be in writing and should be sent to the secretary for distribution to the Committee for its consideration. Where the request for reconsideration is made by the inquiring judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Chief Judge of the Appellate Division [Appellate Division Presiding Judge for Administration], or Appellate Division Deputy Presiding Judge for Administration, as appropriate, notice of such request for reconsideration shall be provided in writing to the inquiring judge.

(d) Determination on Reconsideration. The secretary shall convey the Committee's determination on reconsideration in writing to the judge who submitted the inquiry and to the judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Chief Judge of the Appellate Division [Appellate Division

Presiding Judge for Administration], or Appellate Division Deputy Presiding Judge for Administration, as appropriate.

Note: Adopted November 29, 1988, to be effective January 2, 1989; caption amended, former text designated as paragraph (a), caption added to paragraph (a), new paragraphs (b), (c), and (d) adopted July 19, 2012 to be effective September 4, 2012; paragraphs (b), (c) and (d) amended August 5, 2022 to be effective September 1, 2022.

1:18A-7. Petitions for Review

(a) Notice. Within 30 days after a judge is notified in writing of the Committee's response to the initial inquiry or to the inquiry on reconsideration, or, if a formal opinion has been rendered, within 20 days after its publication, the judge, if aggrieved thereby, or the judge's Municipal Court Presiding Judge, Tax Court Presiding Judge, Assignment Judge, Chief Judge of the Appellate Division [Appellate Division Presiding Judge for Administration], or Appellate Division Deputy Presiding Judge for Administration, as appropriate, may seek review thereof by filing a notice of petition for review with the Clerk of the Supreme Court.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) ...no change.

Note: Adopted November 29, 1988, to be effective January 2, 1989; paragraph (a) amended July 17, 2012 to be effective September 4, 2012; paragraph (a) amended August 5, 2022 to be effective September 1, 2022.

1:20-9. Confidentiality; Access to and Dissemination of Disciplinary Information

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) ...no change.

(f) ...no change.

(g) ...no change.

(h) ...no change.

(i) ...no change.

(j) ...no change.

(k) ...no change.

(l) ...no change.

(m) ...no change.

(n) Notice to the Courts. The Clerk of the Supreme Court shall promptly transmit a copy of all orders of discipline, whether temporary or final, transfers to or from disability-inactive status and reinstatements to all Assignment Judges, to the Chief Judge of the Appellate Division [Appellate Division Presiding Judge for Administration], the Presiding Judge of the Tax Court of New Jersey, and to the

Clerk of the United States District Court for the District of New Jersey. If a respondent has been suspended, disbarred or the subject of an equivalent sanction or transferred to disability-inactive status and fails to or is unable to comply with the requirement of *Rule* 1:20-20, the Office of Attorney Ethics or the County Bar Association may, where necessary, request the Assignment Judge of the county in which the respondent practiced law to designate a practicing attorney member of the bar of that county to take such action pursuant to *Rule* 1:20-19 as may be necessary to protect the interests of the respondent and the respondent's clients.

(o) ...no change.

(p) ...no change.

Note: Former *R.* 1:20-9 redesignated *R.* 1:20-12, new text adopted January 31, 1995 to be effective March 1, 1995; paragraph (k) amended July 10, 1998 to be effective September 1, 1998; paragraphs (d) and (g) amended July 5, 2000 to be effective September 5, 2000 paragraphs (a), (b), (c), (f), (g), (i), (k), (l), (m), and (n) amended, and paragraphs (e) and (j) caption and text amended July 28, 2004 to be effective September 1, 2004; paragraph (a) caption and text amended, new paragraph (b) adopted, former paragraphs (b), (c), and (h) amended and redesignated as paragraphs (c), (d), and (i), former paragraphs (d), (e), (f), (g), (i), (j), (k), (l), (m), (n), and (o) redesignated as paragraphs (e), (f), (g), (h), (j), (k), (l), (m), (n), (o), and (p) July 27, 2006 to be effective September 1, 2006; corrective amendment to paragraph (b) adopted September 26, 2006 to be retroactive to September 1, 2006; paragraph (a), subparagraphs (d)(1) and (f)(1), and paragraph (k) amended July 9, 2008 to be effective September 1, 2008; subparagraphs (d)(4) and (d)(5) amended July 28, 2017, to be effective September 1, 2017; new subparagraph (f)(2) adopted and former subparagraph (f)(2) renumbered as (f)(3) August 2, 2017 to be effective September 1, 2017; paragraph (n) amended August 5, 2022 to be effective September 1, 2022.

1:33-4. Assignment Judges; Chief Judge of the Appellate Division [Presiding Judge for Administration of the Appellate Division]

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) ...no change.

(f) ...no change.

(g) The Chief Judge of the Appellate Division [Presiding Judge for Administration of the Appellate Division], with the assistance of the Deputy Presiding Judge for Administration, shall have responsibility for the administration of the Appellate Division subject to the direction of the Chief Justice and the rules of the Supreme Court. The Chief Judge [Presiding Judge for Administration] shall be responsible for the implementation and enforcement of the rules, policies and directives of the Supreme Court, the Chief Justice and the Administrative Director; the responsibilities of the Chief Judge [Presiding Judge for Administration] shall include all personnel and management matters as are assigned by the Chief Justice or by rule of the Supreme Court, and the Chief Judge [Presiding Judge for Administration] shall perform such additional duties as may be assigned.

Note: Former Rule redesignated *R.* 1:33-6 October 26, 1983, to be effective immediately. Source (Current Rule) – *R.R.* 1:29-1, 1:29-1A, 1:29-2, 1:31-1, 3:11-5 (first sentence), 4:41-4(b) (first sentence); caption amended and paragraph (g) adopted November 1, 1985 to be effective January 2, 1986; paragraphs (a) (b) (e) and (f) amended June 29, 1990 to be effective September 4, 1990; paragraph (g) amended October 8, 2013 to be effective immediately; caption amended and paragraph (g) amended August 5, 2022 to be effective September 1, 2022.

1:34-2. Clerks of Court; Municipal Court Administrators

(a) The clerks of the Supreme and Superior Courts shall be responsible to and under the supervision of the Administrative Director of the Courts and the Chief Justice. The clerk of the Appellate Division shall be responsible to and under the supervision of the Administrative Director of the Courts, the Chief Justice, and the Chief Judge of the Appellate Division [Presiding Judge for Administration of the court]. The clerk of the Tax Court shall be responsible to and under the supervision of the Presiding Judge of the Tax Court and the Administrative Director of the Courts. Each county shall have one or more deputy clerks of the Superior Court with respect to Superior Court matters filed in that county; deputy clerks may issue writs out of the Superior Court. The Surrogate of the county shall be the deputy clerk of the Superior Court, Chancery Division, Probate Part, with respect to probate matters pending in that county. The Vicinage Chief Probation Officer/ Probation Division Manager for the vicinage shall be the acting deputy clerk of the Superior Court for that vicinage for the purpose of certifying child support judgments and orders as required by *R.* 4:101, and with respect to writs of execution as provided by *R.* 4:59-1(c). All employees serving as deputy clerks of the Superior Court shall be, in that capacity, responsible to the clerk of the Superior Court.

(b) ...no change.

Note: Source — *R.R.* 6:2-7, 7:21-1, 7:21-2, 8:13-4. Amended July 14, 1972 to be effective September 5, 1972; amended June 20, 1979 to be effective July 1, 1979; amended June 29, 1990 to be effective September 4, 1990; amended July 14, 1992 to be effective September 1, 1992; amended June 28, 1996 to be effective June 28, 1996; amended July 28, 2004 to be effective September 1, 2004; amended July 19, 2012 to be effective September 4, 2012; caption amended, text amended and designated as paragraph (a), and new paragraph (b) adopted July 30, 2021 to be effective September 1, 2021; paragraph (a) amended August 5, 2022 to be effective September 1, 2022.

1:36-1. Filing of Opinions

The original of each written opinion handed down in each court, including letter opinions and memorandum decisions, shall be filed with the clerk of the court in which rendered and copies thereof shall be sent to [counsel] all parties of record and, on all appeals, to the court or agency below. Opinions of the Appellate Division shall have typed or stamped thereon the following notice: "Not for Publication Without the Approval of the Appellate Division." Opinions of the trial courts shall have typed or stamped thereon the following notice: "Not for Publication Without the Approval of the Committee on Opinions."

Note: Source – *R.R.* 1:32(a)(b); amended July 13, 1994 to be effective September 1, 1994; amended August 5, 2022 to be effective September 1, 2022.

1:36-2. Publication

(a) Appellate Opinions. All opinions of the Supreme Court shall be published except where otherwise directed by the Court. Opinions of the Appellate Division shall be published only upon the direction of a majority of the panel members issuing the opinion and with the approval of the Part's presiding judge.

(b) Committee on Opinions; Trial Court Opinions. The Chief Justice shall appoint a Committee on Opinions to review formal written opinions submitted for publication by a trial judge. Except in extraordinary circumstances, the Committee shall not review a trial court opinion until the time for appeal from the final judgment in the cause has expired. If an appeal has not been taken, the Committee shall determine whether to approve publication of the trial court opinion. If an appeal has been taken, the Appellate Division panel, in the manner described in paragraph (a), shall determine, when it decides the appeal, whether the trial court opinion shall be published. A trial judge submitting an opinion for review for publication shall file it with the Administrative Office of the Courts in triplicate with the notation on its face that it is being submitted for publication.

(c) Request for Publication. Any person may request publication of an opinion by letter to the Committee on Opinions explaining the basis of the request with specificity and with reference to the guidelines prescribed by paragraph (d). In the case of Appellate Division opinions, the Committee shall transmit the request to the presiding judge of the

panel together with its recommendation, but the court shall retain the publication decision which will be exercised in the manner described in paragraph (a).

(d) ... no change

Note: Source – *R.R.* 1:32(c) (d); amended July 29, 1977, to be effective September 6, 1977; text deleted and paragraphs (a)(b)(c) and (d) substituted July 13, 1994 to be effective September 1, 1994; paragraphs (a), (b) and (c) amended August 5, 2022 to be effective September 1, 2022.

1:37-3. Abbreviations; Title on Temporary Assignment

The following abbreviations may be used in orders, judgments, opinions and memoranda:

C.J.	for Chief Justice of the Supreme Court
J.	for Associate Justice of the Supreme Court
C.J.A.D.	for Chief Judge of the Appellate Division
P.J.A.D.	for Presiding Judge of a Part of the Appellate Division
J.A.D.	for Judge of the Appellate Division
A.J.S.C.	for Assignment Judge
J.S.C.	for Judge of the Superior Court
P.J.Ch.	for Presiding Judge of the Superior Court, Chancery Division
P.J.F.P.	for Presiding Judge of the Family Part, Chancery Division
P.J.Cv.	for Presiding Judge of the Civil Part, Law Division
P.J.Cr.	for Presiding Judge of the Criminal Part, Law Division
P.J.T.C.	for Presiding Judge of the Tax Court
J.T.C.	for Judge of the Tax Court
P.J.M.C.	for Presiding Judge-Municipal Courts
J.M.C.	for Judge of the Municipal Court

If a judge is temporarily assigned to a court, that judge's permanent title followed by the words "(temporarily assigned)" shall be used. If a retired judge is

recalled and assigned pursuant to *N.J.S.* 43:6A-13, that judge's permanent title at the time of retirement followed by the phrase "(retired and temporarily assigned on recall)" shall be used.

Note: Source – *R.R.* 1:33; amended November 27, 1974 to be effective April 1, 1975; amended July 29, 1977, to be effective September 6, 1977; amended June 20, 1979 to be effective July 1, 1979; amended December 20, 1983 to be effective December 31, 1983; amended July 13, 1994 to be effective September 1, 1994; amended July 28, 2004 to be effective September 1, 2004; amended August 5, 2022 to be effective September 1, 2022.

2:2-3. Appeals to the Appellate Division from Final Judgments, Decisions, Actions and from Rules; Tax Court

(a) As of Right. Except as otherwise provided by *R.* 2:2-1(a)(3) (final judgments appealable directly to the Supreme Court), and except for appeals from a denial by the State Police of an application to make a gun purchase under a previously issued gun purchaser card, which appeals shall be taken to the designated gun permit judge in the vicinage, appeals may be taken to the Appellate Division as of right

(1) from final judgments of the Superior Court trial divisions, or the judges thereof sitting as statutory agents; the Tax Court; and in summary contempt proceedings in all trial courts except municipal courts;

(2) to review final decisions or actions of any state administrative agency or officer, and to review the validity of any rule promulgated by such agency or officer excepting matters prescribed by *R.* 8:2 (tax matters) and matters governed by *R.* 4:74-8 (Wage Collection Section appeals), except that review pursuant to this subparagraph shall not be maintainable so long as there is available a right of review before any administrative agency or officer, unless the interest of justice requires otherwise;

(3) in such cases as are provided by law.

(b) Final Judgments; Certain Orders Appealable as of Right. Final judgments of a court, for appeal purposes, [shall also include those referred to by *R.* 3:28-6(c) (order enrolling defendant into the pretrial intervention program over the objection of the prosecutor), *R.* 3:26-3 (material witness order), *R.* 4:42-2 (certification of interlocutory order), *R.* 4:53-1 (order appointing statutory or liquidating receiver), *R.* 5:8-6 (final custody determination in bifurcated family action), and *R.* 5:10-9 (order on preliminary hearing in adoption action). An order granting or denying a motion to extend the time to file a notice of tort claim pursuant to *N.J.S.A.* 59:8-9, whether entered in the cause or by a separate action, and any order either compelling arbitration, whether the action is dismissed or stayed, or denying arbitration shall also be deemed a final judgment of the court for appeal purposes.] are judgments that finally resolve all issues as to all parties, except the following are also appealable as of right:

(1) orders enrolling a defendant into the pretrial intervention program over the objection of the prosecutor, *R.* 3:28-6(c);

(2) material witness orders, *R.* 3:26-3;

(3) orders properly certified as final under *R.* 4:42-2;

(4) orders appointing statutory or liquidating receivers, *R.* 4:53-1;

(5) orders determining final custody in bifurcated family actions, *R.* 5:8-6;

(6) orders on preliminary hearings in adoption actions, *R.* 5:10-9;

(7) orders granting or denying motions to extend the time to file a notice of tort claim pursuant to *N.J.S.A.* 59:8-9, whether entered in the cause or by a separate action;

(8) orders compelling or denying arbitration, whether the action is dismissed or stayed;

(9) orders granting or denying as a final matter class certification, *R.* 4:32;

(10) orders denying motions for intervention as of right, *R.* 4:33-1;

(11) orders granting pretrial detention, *R.* 2:9-13 and *R.* 3:4A; and

(12) any other orders as are provided by case law.

[(b)] (c) By Leave. On application made pursuant to *R.* 2:5-6, appeals may be taken to the Appellate Division by leave granted, in extraordinary cases and in the interest of justice, from final judgments of a court of limited jurisdiction or from actions or decisions of an administrative agency or officer if the matter is appealable or reviewable as of right in a trial division of the Superior Court, as where the jurisdiction of the court, agency or officer is questioned on substantial grounds.

Note: Source – *R.R.* 2:2-1(a) (b) (c) (d) (f) (g), 2:2-4, 2:12-1, 3:10-11, 4:88-7, 4:88-8(a) (first sentence), 4:88-10 (first sentence), 4:88-14, 6:3-11(a). Paragraph (a) amended July 14, 1972 to be effective September 5, 1972; paragraph (b) amended November 27, 1974 to be effective April 1, 1975; caption and paragraph (a) amended June 20, 1979 to be effective July 1, 1979; paragraph (a) amended July 8, 1980 to be effective July 15, 1980; paragraph (a) amended July 15, 1982 to be effective September 13, 1982; paragraph (a)(1) amended July 22, 1983 to be effective September 12, 1983; paragraph (a) amended December 20, 1983 to be effective December 31, 1983; paragraph (b) amended July 26, 1984 to be effective September

10, 1984; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; paragraph (a) amended June 28, 1996 to be effective September 1, 1996; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 27, 2006 to be effective September 1, 2006; paragraph (a)(3) amended July 23, 2010 to be effective September 1, 2010; paragraph (a) amended July 21, 2011 to be effective September 1, 2011; paragraph (a) amended July 19, 2012 to be effective September 4, 2012; paragraph (a) amended July 31, 2020 to be effective September 1, 2020; paragraph (a) amended and redesignated as paragraphs (a) and (b), caption adopted for paragraph (b), former paragraph (b) redesignated as paragraph (c) August 5, 2022 to be effective September 1, 2022.

2:2-4. Appeals to the Appellate Division from Interlocutory Orders, Decisions or Actions

Except as otherwise provided by R. 3:28, the Appellate Division may grant leave to appeal, in the interest of justice, from an interlocutory order of a court or of a judge sitting as a statutory agent, or from an interlocutory decision or action of a state administrative agency or officer, if the final judgment, decision or action thereof is appealable as of right pursuant to R. 2:2-3(a) and R. 2:2-3(b).

Note: Source – R. 2:2-3(a) (first sentence), 4:88-8(b). Amended October 25, 1982 to be effective December 1, 1982; amended July 27, 2018 to be effective September 1, 2018; amended August 5, 2022 to be effective September 1, 2022.

2:3-3. Joint and Several Appeals; Other Appeals

(a) Parties interested jointly, severally, or otherwise in a judgment, order, decision or action may join in an appeal therefrom or may appeal separately.

(b) When aware of any other pending appeal or an appeal already decided arising out of the same judgment, order, decision, or action, parties are obligated to immediately notify the clerk of the court of the existence of the other appeal even if the other appeal is filed after the party's appeal. This obligation requires the party to advise of other appeals pending or decided even if pending in or decided by a court of some other jurisdiction.

Note: Source – *R.R.* 1:2-5; caption amended, text designated as paragraph (a), and new paragraph (b) adopted August 5, 2022 to be effective September 1, 2022.

2:4-1. Time: From Judgments, Orders, Decisions, Actions and From Rules

(a) Except as set forth in subparagraphs (1) and (2), appeals from final judgments of courts, final judgments or orders of judges sitting as statutory agents, and final judgments of the Division of Workers' Compensation shall be filed within 45 days of their entry.

(1) Appeals from final judgments terminating parental rights and appealable orders in adoption matters shall be filed within 21 days of their entry.

(2) Direct appeals from judgments of conviction and sentences shall be filed within 45 days of entry of trial court orders granting petitions for post-conviction relief pursuant to *R.* 3:22-11 under the limited circumstances where defendant has demonstrated ineffective assistance of counsel in trial counsel's failure to file a direct appeal from the judgment of conviction and sentence upon defendant's timely request.

(3) Appeals from orders granting pretrial detention shall be filed within 7 days of their entry and follow the process described in *R.* 2:9-13.

(b) ...no change.

(c) ...no change.

Note: Source – *R.R.* 1:3-1, 4:88-15(a), 4:88-15(b)(7); paragraph (b) amended November 27, 1974 to be effective April 1, 1975; paragraph (b) amended June 20, 1979 to be effective July 1, 1979; paragraphs (a) and (b) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended June 26, 2012 to be

effective September 4, 2012; effective date of June 26, 2012 amendments changed to November 5, 2012 by order of August 20, 2012; paragraphs (a) and (b) amended July 27, 2018 to be effective September 1, 2018; paragraph (a) amended August 5, 2022 to be effective September 1, 2022.

2:4-2. Time for Cross Appeals and Appeals by Respondents

(a) As of Right. Cross appeals from final judgments, orders, administrative decisions or actions and cross appeals from orders as to which leave to appeal has been granted may be taken by serving and filing a notice of cross appeal and, where required under R. 2:5-1(e) [2:5- 1(a)], a Case Information Statement, within 15 days after the service of the notice of appeal or the entry of an order granting leave to appeal. A respondent on appeal may appeal against a non-appealing party by serving and filing a notice of appeal and, where required under R. 2:5-1(a)(3) [2:5-1(a)], a Case Information Statement, within the time fixed for cross appeals.

(b) Where Leave is Required. ... no change

Note: Paragraph (a) amended March 22, 1984 to be effective April 15, 1984; paragraph (a) amended November 1, 1985 to be effective January 2, 1986; paragraph (a) amended August 5, 2022 to be effective September 1, 2022.

2:5-1. Notice of Appeal, [; Order in Lieu Thereof;] Transcript Request Form, and Case Information Statement

[(a) Service and Filing in Judicial Proceedings. An appeal from the final judgment of a court is taken by serving a copy of a notice of appeal and the request for transcript upon all other parties who have appeared in the action and, in adult criminal matters, upon the Appellate Section of the New Jersey Division of Criminal Justice, and by filing the originals with the appellate court and a copy of the notice of appeal and the transcript request with the court from which the appeal is taken. In criminal matters when bail pending appeal is sought, the party seeking bail shall present to the sentencing judge a copy of the notice of appeal with a certification thereon that the original has been filed with the appellate court. A notice of appeal to the Appellate Division shall have annexed thereto a Case Information Statement in the form prescribed by paragraph (f) of this rule, and the respondent shall file such a Case Information Statement within 15 days after service upon him of the notice of appeal.

(b) Notice to Trial Judge or Agency. In addition to the filing of the notice of appeal the appellant shall mail a copy thereof, with a copy of the Case Information Statement annexed, by ordinary mail to the trial judge. If the appeal is taken directly from the decision or action of an administrative agency or officer, the appellant shall mail a copy of the notice of appeal, with a copy of the Case Information Statement

annexed, to the agency or officer, except that if the appeal is taken from the Division of Workers' Compensation, a copy of the notice of appeal shall also be sent to the Workers' Compensation judge who decided the matter. Within 15 days thereafter, the trial judge, agency or officer, may file and mail to the parties an amplification of a prior statement, opinion or memorandum made either in writing or orally and recorded pursuant to *R.* 1:2-2. If there is no such prior statement, opinion or memorandum, the trial judge, agency or officer shall within such time file with the Clerk of the Appellate Division and mail to the parties a written opinion stating findings of fact and conclusions of law. The appellate court shall have jurisdiction of the appeal notwithstanding a failure to give notice to the trial judge, agency or officer, as required by this rule.

(c) Service in Juvenile Delinquency Actions. If the appeal is from a judgment in a juvenile delinquency action, a copy of the notice of appeal shall be served, within 3 days after the filing thereof, upon the county prosecutor, who shall appear and participate in the appellate proceedings.

(d) Service and Filing in Administrative Proceedings. An appeal to the Appellate Division to review the decision, action or administrative rule of any state administrative agency or officer is taken by serving copies of the notice of appeal upon the agency or officer, the Attorney General and all other interested parties, and by filing the original of the notice with the Appellate Division. Service on the

Attorney General shall be made pursuant to *R.* 4:4-4(a)(7). On an appeal from the Division of Workers' Compensation the Division shall not be considered a party to the appeal, and the notice of appeal shall not be served upon the Attorney General unless representing a party to the appeal.

(e) Contents of Notice of Appeal and Case Information Statement; Form; Certifications.

(1) Form of Notice of Appeal. A notice of appeal to the Appellate Division may be in the form prescribed by the Administrative Director of the Courts as set forth in Appendix IV of these Rules. The use of that form shall be deemed to be compliance with the requirements of subparagraphs 2 and 3 hereof. A notice of appeal to the Supreme Court shall meet the requirements of subparagraph 3(i), (ii) and the portions of (iii) that address service of the notice and the payment of fees. The notice of appeal to the Appellate Division shall have annexed thereto a Case Information Statement as prescribed by subparagraph 2 of this rule.

(2) Form of the Case Information Statement; Sanctions. The Case Information Statement shall be in the form prescribed by the Administrative Director of the Courts as set forth in Appendices VII and VIII to these Rules (civil and criminal appeals, respectively). The appellant's Case Information Statement shall have annexed to it a copy of the final judgment, order, or agency decision appealed from except final judgments entered by the clerk on a jury verdict. In the event there

is any change with respect to any entry on the Case Information Statement, appellant shall have a continuing obligation to file an amended Case Information Statement on the prescribed form. Failure to comply with the requirement for filing a Case Information Statement or any deficiencies in the completion of this statement shall be ground for such action as the appellate court deems appropriate, including rejection of the notice of appeal, or on application of any party or on the court's own motion, dismissal of the appeal.

(3) Requirements of Notice of Appeal.

(i) Civil Actions. In civil actions the notice of appeal shall set forth the name and address of the party taking the appeal; the name and address of counsel, if any; the names of all other parties to the action and to the appeal; and shall designate the judgment, decision, action or rule, or part thereof appealed from, the name of the judge who sat below, and the name of the court, agency or officer from which and to which the appeal is taken.

(ii) Criminal, Quasi-Criminal and Juvenile Delinquency Actions. In criminal, quasi-criminal and juvenile delinquency actions the notice of appeal shall set forth the name and address of the appellant; the name and address of counsel, if any; a concise statement of the offense and of the judgment, giving its date and any sentence or disposition imposed; the place of confinement, if the defendant is in

custody; the name of the judge who sat below; and the name of the court from which and to which the appeal is taken.

(iii) All Actions. In addition to the foregoing requirements, the notice of appeal in every action shall certify service of a copy thereof on all parties, the Attorney General if necessary, and the trial judge, agency or officer. In all appeals from adult criminal convictions the notice of appeal shall certify service of a copy thereof and of a copy of the Case Information Statement upon the appropriate county prosecutor and the New Jersey Division of Criminal Justice, Appellate Section. In all actions the notice of appeal shall also certify payment of filing fees required by *N.J.S.A.* 22A:2. The notice of appeal shall also certify compliance with *R.* 2:5-1(e)(2) (filing of Case Information Statement), affixing a copy of the actual Case Information Statement to the notice of appeal. In all actions where a verbatim record of the proceedings was taken, the notice of appeal shall also contain the attorney's certification of compliance with *R.* 2:5-3(a) (request for transcript) and *R.* 2:5-3(d) (deposit for transcript), or a certification stating the reasons for exemption from compliance. Certifications of compliance shall specify from whom the transcript was ordered, the date ordered, and the fact of deposit, affixing a copy of the actual request for the transcript to the notice of appeal.

(f) Order in Lieu of Notice of Appeal. An order of the appellate court granting an interlocutory appeal or, on an appeal by an indigent, waiving the

payment of filing fees and the deposit for costs shall serve as the notice of appeal if no notice of appeal has been filed, and, except as otherwise provided by *R.* 2:7-1, the date of the order shall be deemed to be the date of the filing of the notice of appeal for purposes of these rules. Within 10 days of the entry of such order, the appellant must file and serve the prescribed Case Information Statement in accordance with these rules. Upon the entry of such order the appeal shall be deemed pending, and the appellant, or the clerk of the appellate court if the appellant appears pro se, shall forthwith so notify all parties or their attorneys; the clerk of the court or state administrative agency or officer from which the appeal is taken; and the trial judge if the appeal is from a judgment or order of a trial court sitting without a jury or if in an action tried with a jury, the appeal is from an order granting or denying a new trial or a motion for judgment notwithstanding the verdict. The trial judge shall file an opinion or may supplement a filed opinion as provided in paragraph (b) of this rule.

(g) Attorney General and Attorneys for Other Governmental Bodies. If the validity of a federal, state, or local enactment is questioned, the party raising the question shall serve notice of the appeal on the appropriate official as provided by *R.* 4:28-4 unless he or she is a party to the appeal or has received notice of the action in the court below. The notice shall specify the provision thereof that is challenged and shall be mailed within five days after the filing of the notice of appeal, but the

appellate court shall have jurisdiction of the appeal notwithstanding a failure to give the notice required by this rule.]

(a) Commencing the Appeal. An appeal from the final judgment of a court is taken by filing with the court from which the appeal is taken and the appellate court, and serving those identified in paragraph (b) of this rule with:

(1) a notice of appeal in the format required by paragraph (f) of this rule;

(2) a transcript request form in the format required by paragraph (g) of this rule or the certifying of compliance with *R.* 2:5-3(c); and

(3) a case information statement in the format required by paragraph (h) of this rule.

(b) Service. The notice of appeal, transcript request form, and case information statement must be served on all other parties who have appeared in the action and when applicable, the following:

(1) in adult criminal matters, the Appellate Section of the New Jersey Division of Criminal Justice. When bail pending appeal is sought, the party seeking bail shall present to the sentencing judge a copy of the notice of appeal with a certification that the original has been filed with the appellate court.

(2) in juvenile delinquency matters, on the county prosecutor within three days after the filing of the appeal.

(3) in administrative appeals, on the Attorney General and all other interested parties, in the manner prescribed by *R.* 4:4-4(a)(7), except in workers' compensation appeals the Attorney General shall not be served unless representing a party to the appeal.

(4) in appeals challenging the validity of a federal, state, or local enactment, the party raising the question shall serve the appropriate official as provided by *R.* 4:28-4, and the Attorney General, unless they are already a party to the appeal or have received notice of the action in the court below.

(c) Notice to Trial Judge or Agency.

(1) The appellant must provide a copy of the notice of appeal, transcript request form, and case information statement to the trial judge or the administrative agency or officer who rendered the decision under review. If the appeal is taken from the Division of Workers' Compensation, a copy shall also be sent to the workers' compensation judge who decided the matter.

(2) The appellate court shall have jurisdiction of the appeal notwithstanding a failure to comply with paragraph (c)(1) of this rule.

(d) Trial Judge or Agency Amplification. Within 30 days of receipt of the notice of appeal, or an order in lieu of notice of appeal as described in paragraph (f)(4) of this rule, the trial judge, agency or officer who entered the order or judgment under review, may file and send to the clerk of the appellate court and the parties an

amplification of a prior written or oral statement, opinion or memorandum. If oral, the amplification shall be recorded pursuant to R. 1:2-2. If there is no such oral or written statement, opinion or memorandum, the trial judge, agency or officer shall within 15 days file with the clerk of the appellate court and send to the parties a written opinion stating findings of fact and conclusions of law.

(e) Respondent. The respondent shall file a case information statement within 15 days after service of the notice of appeal.

(f) The Notice of Appeal.

(1) A notice of appeal to the Appellate Division may be in the form prescribed by the Administrative Director of the Courts as set forth in Appendix IV of these Rules. The use of that form shall be deemed to be compliance with the requirements of paragraph (f)(2). A notice of appeal to the Supreme Court shall meet the requirements of paragraph (b) regarding the service of the notice, paragraph (f)(2), and the rules applicable to the payment of fees.

(2) Contents and Requirements of Notice of Appeal.

(i) In all appeals, the notice of appeal shall set forth the name, street address, and email address of the party taking the appeal, of all other parties to the action and to the appeal, and of counsel, if any. In all appeals, the notice of appeal shall certify service of a copy thereof on all parties, including when applicable those persons or parties identified in paragraph (b).

(ii) In civil actions, the notice of appeal shall contain the information set forth in subparagraph (i) and shall also designate the judgment, decision, action, or rule, or part thereof, appealed from, the name of the judge who sat below, and the name of the court, agency, or officer from which and to which the appeal is taken.

(iii) In criminal, quasi-criminal, and juvenile delinquency actions, the notice of appeal shall comply with subparagraph (i) and shall also include a concise statement of the offense and of the judgment, giving its date and any sentence or disposition imposed; the place of confinement, if the defendant is in custody; the name of the judge who sat below; and the name of the court from which and to which the appeal is taken.

(3) Certification of Compliance. The notice of appeal shall certify compliance with paragraphs (g) and (h) or certify the reasons for exemption from compliance.

(4) Order in Lieu of Notice of Appeal. An order of the appellate court granting an interlocutory appeal or, on an appeal by an indigent, waiving the payment of filing fees shall serve as the notice of appeal if no notice of appeal has been filed, and, except as otherwise provided by *R.* 2:7-1, the date of the order shall be deemed to be the date of the filing of the notice of appeal for purposes of these rules. Within 10 days of the entry of such order, the appellant must file and serve the case information statement in accordance with paragraphs (b) and (h) of this rule.

Upon the entry of such order the appeal shall be deemed pending, and the appellant, or the clerk of the appellate court if the appellant appears *pro se*, shall forthwith so notify: all parties or their attorneys; the clerk of the court or state administrative agency or officer from which the appeal is taken; and the trial judge if the appeal is from a judgment or order of a trial court sitting without a jury or, if in an action tried with a jury, the appeal is from an order granting or denying a new trial or a motion for judgment notwithstanding the verdict.

(g) The Transcript Request Form. The request for transcript shall be in a form prescribed by the Administrative Director of the Courts. Except as otherwise provided by *R.* 2:5-3(c), if a verbatim record was made of the proceedings before the court, agency, or officer from which the appeal is taken, the appellant shall, no later than the time of the filing and service of the notice of appeal, serve a request for the preparation of the transcript.

(1) The transcripts necessary shall be ordered by serving the request on the Appellate Division transcript unit by email to appeal-trans.mailbox@njcourts.gov; on the clerk of the court if the appeal is from a judgment of the Superior Court, the Tax Court, or a municipal court; or on the agency or officer if the appeal is from administrative action. The request for transcript shall state the name of the judge or officer who heard the proceedings, and the date or dates of the trial or hearing.

(2) Compliance with the obligation to order the transcripts necessary for the appeal is satisfied where the notice of appeal states that the transcripts are in appellant's possession and will be filed with the appellate court or that they already are on file with the appellate court.

(3) If a cross-appeal requires the preparation of a transcript not encompassed by the appellant's obligation to obtain and file transcripts pursuant to this rule, the appellant/cross respondent shall be responsible for ordering and filing and serving the transcript.

(h) The Case Information Statement.

(1) The Case Information Statement shall be in the form prescribed by the Administrative Director of the Courts as set forth in Appendices VII and VIII to these Rules (civil and criminal appeals, respectively). The appellant's Case Information Statement shall have annexed to it a copy of the final judgment, order, or agency decision appealed from except final judgments entered by the clerk on a jury verdict.

(2) All parties to the appeal have a continuing obligation to file an amended Case Information Statement in the event there is any change with respect to any entry on the filed Case Information Statement.

(3) Any deficiencies in the completion of the Case Information Statement and any failure to comply with the obligation to file and seasonably amend a Case

Information Statement, shall be grounds for such action as the appellate court deems appropriate, including rejection of the notice of appeal or, on application of any party or on the court's own motion, dismissal of the appeal.

Note: Source – *R.R.* 1:2-8(a) (first, second and fifth sentences) (b) (c) (d) (h), 1:4-3(a) (second sentence), 4:61-1(d), 4:88-8 (second sentence), 4:88-10 (second, third and fourth sentences), 6:3-11(b), 7:16-3. Paragraph (f) amended and paragraph (h) adopted July 7, 1971 to be effective September 13, 1971; paragraphs (a), (b), (e) and (f) amended June 29, 1973 to be effective September 10, 1973; paragraph (a) amended October 5, 1973 to be effective immediately; paragraphs (a) and (b) amended November 27, 1974 to be effective April 1, 1975; paragraphs (b) and (f) amended July 29, 1977 to be effective September 6, 1977; paragraph (f) amended July 24, 1978 to be effective September 11, 1978; paragraph (e) amended and paragraph (f)(1) adopted and (f)(2) amended July 16, 1981 to be effective September 14, 1981; paragraph (d) amended December 20, 1983 to be effective December 31, 1983; paragraphs (a), (f) and (g) amended March 22, 1984, to be effective April 15, 1984; caption, paragraphs (a), (b), (e), (f)(1) and (f)(2) amended November 1, 1985 to be effective January 2, 1986; paragraphs (f)(1) and (f)(2) amended November 7, 1988 to be effective January 2, 1989; paragraph (h) amended July 14, 1992 to be effective September 1, 1992; paragraphs (b), (e) and (f)(3)(i)(ii) and (iii) amended July 13, 1994 to be effective September 1, 1994; paragraphs (f)(2) and (f)(3)(i) amended June 28, 1996 to be effective September 1, 1996; paragraph (f)(1) amended July 5, 2000 to be effective September 5, 2000; caption of paragraph (f)(2) amended, paragraphs (f)(3)(i), (ii) and (iii) redesignated (f)(3)(A), (B) and (C), and paragraph (h) amended July 27, 2006 to be effective September 1, 2006; paragraph (c) deleted, former paragraphs (d), (e), (f) and (g) amended and redesignated as paragraphs (c), (d), (e), and (f), and former paragraph (h) redesignated as paragraph (g) July 27, 2018 to be effective September 1, 2018; caption amended, paragraphs (a) through (g) captions and text deleted, new paragraphs (a) through (h) adopted August 5, 2022 to be effective September 1, 2022.

2:5-2. [Deposits for Costs; Application for Dismissal for Default] *[Rule Deleted]*

[In all civil appeals the appellant shall, within 30 days after filing the notice of appeal or after entry of an order granting leave to appeal, deposit with the clerk of the appellate court $300 to answer the costs of the appeal. The party making the deposit shall give notice thereof to all other interested parties. If the deposit is not made within the time stated herein the appeal may be dismissed with costs on the application of any party. No deposit for costs shall be required where an appeal is taken by the State or any agency, officer or political subdivision thereof, or by an appellant who has filed a supersedeas bond or made a deposit in lieu thereof pursuant to *R.* 1:13-3(c), or if leave is granted to appeal as an indigent pursuant to *R.* 2:7-1.]

[Note: Source – *R.R.* 1:2-10, 2:2-3(b), 2:2-5 amended July 16, 1981 to be effective September 14, 1981; amended July 14, 1992 to be effective September 1, 1992; rule deleted August 5, 2022 effective September 1, 2022.]

2:5-3. Preparation and Filing of Transcript; Statement of Proceedings; Prescribed Transcript Request Form

(a) [Request for] Ordering the Transcript [; Prescribed Form]. [Except as otherwise provided by *R.* 2:5-3(c), if a verbatim record was made of the proceedings before the court, agency or officer from which the appeal is taken, the appellant shall, no later than the time of the filing and service of the notice of appeal, serve a request for the preparation of an original and copy of the transcript, as appropriate, (1) upon the reporter who recorded the proceedings and upon the reporter supervisor for the county if the appeal is from a judgment of the Superior Court, or (2) upon the clerk of the court if the appeal is from a judgment of the Tax Court or a municipal court, or (3) upon the agency or officer if the appeal is from administrative action. The appellant may, at the same time, order from the reporter, court clerk, or agency the number of additional copies required by *R.* 2:6-12 to file and serve. If the appeal is from an administrative agency or officer which has had the verbatim record transcribed, such transcript shall be made available to the appellant on request for reproduction for filing and service. The request for transcript shall state the name of the judge or officer who heard the proceedings, the date or dates of the trial or hearing and shall be accompanied by a deposit as required by *R.* 2:5-3(d). The request for transcript shall be in a form prescribed by the Administrative Director of the Courts. A copy of the request for transcript shall be mailed to all other interested

parties and to the clerk of the appellate court. The provisions of this paragraph shall not apply if the original and copy of the transcript have already been prepared and are on file with the court.] In ordering a transcript, the appellant shall comply with *R.* 2:5-1(g) and all other provisions in this rule.

(b) Contents of Transcript; Omissions. Except if abbreviated pursuant to *R.* 2:5-3(c), the transcript shall include the entire proceedings in the court or agency from which the appeal is taken, including the reasons given by the trial judge in determining a motion for a new trial, unless a written statement of such reasons was filed by the judge. The transcript shall not, however, include opening and closing statements to the jury or *voir dire* examinations or legal arguments by [counsel] the parties unless a question with respect thereto is raised on appeal, in which case the appellant shall specifically order the same in the request for transcript.

(c) Abbreviation of Transcript. The transcript may be abbreviated in all actions either:

(1) ...no change.

(2) by order of the trial judge or agency which determined the matter on appellant's motion specifying the points on which the appellant will rely on the appeal. The motion shall be filed and served no later than the time of filing and service of the notice of appeal, and service of the request for transcript [prescribed

by paragraph (a) of this rule] shall be made within 3 days after entry of the order determining the motion.

(d) Deposit for Transcript; Payment Completion. [The appellant, if not the State or a political subdivision thereof, shall, at the time of making the request for the transcript, deposit with the reporter or the clerk of the court or agency from whom a transcript is ordered, either the estimated cost of the transcript as determined by the court reporter, clerk or agency, or the sum of $ 500.00 for each day or fraction thereof of trial or hearing. If the appellant is the State or a political subdivision thereof, it shall provide a voucher to the reporter or the clerk or the agency for billing for the cost of the transcript. The reporter, clerk or agency, as the case may be, shall upon completion of the transcript, bill or reimburse the appellant, as appropriate, for any sum due for the preparation of the transcript or overpayment made therefore. If the appellant is indigent and is entitled to have a transcript of the proceedings below furnished without charge for use on appeal, either the trial or the appellate court, on application, may order the transcript prepared at public expense. Unless the indigent defendant is represented by the Public Defender or that office is otherwise obligated by law to provide the transcript to an indigent, the court may order the transcript of the proceedings below furnished at the county's expense if the appeal involves prosecution for violation of a statute and at the municipality's expense if the appeal involves prosecution for violation of an ordinance.]

(1) Unless the necessary transcripts already exist, or unless exempted by subparagraphs (2) or (3), the appellant shall, at the notification of the court reporter or transcription agency, deposit either the estimated cost of the transcript as determined by the reporter, clerk, or agency, or the sum of $500 for each day or fraction thereof of trial or hearing;

(2) If the appellant is the State or a political subdivision thereof, the appellant shall provide a voucher to the reporter or the clerk or the agency for billing for the cost of the transcript. The reporter, clerk, or agency shall, upon completion of the transcript, bill or reimburse the appellant, as appropriate, for any sum due for the preparation of the transcript or overpayment made therefor.

(3) Absent specific authority in statute, case law, rule, or administrative directive, if the appellant is indigent and

(i) may be entitled to have a transcript of the proceedings below furnished without charge for use on appeal, either the trial court or the appellate court, on application, may order the transcript prepared at public expense for the following proceedings: Division of Child Protection and Permanency termination of parental rights cases and Title 9 abuse and neglect cases, certain adoptions, and involuntary civil commitments;

(ii) a defendant in a criminal proceeding represented by the Public Defender, or the Public Defender is otherwise obligated by law to provide the

transcript to an indigent, the court may order the transcript of the proceedings below furnished at the county's expense if the appeal involves prosecution for violation of a statute and at the municipality's expense if the appeal involves prosecution for violation of an ordinance;

(iii) a defendant in a criminal or quasi-criminal appeal and is not represented by the Public Defender, or the Public Defender is not otherwise obligated by law to provide the transcript, the court may order the transcript of the proceedings below furnished at the county's expense if the appeal involves prosecution for violation of a statute and at the municipality's expense if the appeal involves prosecution for violation of an ordinance. If the sentence imposed does not constitute a consequence of magnitude, as set forth in the "Guidelines for Determining a Consequence of Magnitude" in Appendix 2 of Part VII of the Rules of Court, and the applicant is not constitutionally or otherwise entitled by law to transcripts at public expense, the trial court may determine whether to grant the motion for purposes of the appeal even if other transcripts in the case were previously provided. If the trial court denies the application, the trial court shall briefly state the reasons for its determination, and the application may be renewed within 20 days before the appellate court in accordance with *R.* 2:7-3.

(e) Preparation and Filing. The court reporter, clerk, or agency, as the case may be, shall promptly prepare or arrange for the preparation of the transcript in

accordance with standards fixed by the Administrative Director of the Courts. The person preparing the transcript shall deliver the original to [the appellant and shall deliver a copy together with a computer diskette or CD-ROM of the transcript to the court reporter supervisor in the case of an appeal] the Appellate Division transcript unit when the appeal is from the Superior Court, [to the clerk of the court in the case of an appeal from] the Tax Court, [or] a municipal court, or [to the] an administrative agency or officer [in the case of an administrative appeal]. The transcript [diskette or CD-ROM] shall be [in Microsoft Word, Microsoft Word compatible or] text searchable [Adobe PDF format] and in a format as prescribed by Administrative Directive. The person preparing the transcript shall also forthwith notify all parties of such deliveries. When the last volume of the entire transcript has been delivered to [the appellant] the Appellate Division, the court reporter supervisor, clerk or agency, as the case may be, shall certify its delivery on a form to be prescribed by the Administrative Director of the Courts. That transcript delivery certification and a complete set of the transcripts [and diskettes/CD-ROMs] shall be forwarded immediately to the clerk of the court to which the appeal is being taken. A copy of the certification shall also then be sent to the appellant. The [appellant] Appellate Division shall serve a copy of the certification on all other parties [within seven days after receipt] upon filing within the electronic case jacket and, if the appeal is from a conviction on an indictable offense, on the New Jersey Division of Criminal

Justice, Appellate Section. [The appellant shall file proof of such service with the clerk of the court to which the appeal has been taken.]

(f) ...no change.

Note: Source – *R.R.* 1:2-8(e) (first, second, third, fourth, sixth and seventh sentences), 1:2-8(g), 1:6-3, 1:7-1(f) (fifth sentence), 3:7-5 (second sentence), 4:44-2 (second sentence), 4:61-1(c), 4:88-8 (third and fourth sentences), 4:88- 10 (sixth sentence). Paragraphs (a)(b)(c) and (d) amended July 7, 1971 to be effective September 13, 1971; paragraphs (b) and (d) amended July 14, 1972 to be effective September 5, 1972; paragraph (c) amended June 29, 1973 to be effective September 10, 1973; caption amended and paragraph (a) caption and text amended July 24, 1978 to be effective September 11, 1978; paragraphs (c) and (d) amended July 16, 1981 to be effective September 14, 1981; paragraph (e) amended November 1, 1985 to be effective January 2, 1986; paragraph (a) amended, paragraph (d) caption and text amended, former paragraph (e) redesignated paragraph (f), and paragraph (e) caption and text adopted November 7, 1988 to be effective January 2, 1989; paragraphs (a) and (e) amended July 14, 1992 to be effective September 1, 1992; paragraphs (c), (e) and (f) amended July 13, 1994 to be effective September 1, 1994; paragraph (d) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a) and (e) amended July 27, 2006 to be effective September 1, 2006; paragraph (d) amended July 16, 2009 to be effective September 1, 2009; paragraph (a) caption and text amended, and paragraphs (b), (c), (d) and (e) amended August 5, 2022 to be effective September 1, 2022.

2:5-4. Record on Appeal

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) Use of Record by Court. On the request of a party or of a judge of the appellate court, the clerk of the court or courts below or the agency from which the appeal is taken shall deliver to the clerk of the appellate court for use by [counsel] the advocates at the argument or for the personal inspection by the judges thereof such portions of the record as may be designated.

Note: Source – *R.R.* 1:6-1(a) (b) (c), 7:16-4; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraph (d) amended August 5, 2022 to be effective September 1, 2022.

2:6-6. Covers of Briefs and Appendices

Except as otherwise provided by *R.* 2:6-2(b), covers of briefs and appendices shall be as follows:

(a) Contents. The cover of each brief, and of the appendix if bound separately, shall contain the following matter: (1) the name of the appellate court and the docket number of the action; (2) the date of submission to the court; [(2)] (3) the title of the action, which shall add to the designation of the parties in the trial court the designation of appellant and respondent; [(3)] (4) the nature of the proceeding in the appellate court, the name of the court or agency or officer below, and, if a court, the name of the judge or judges who sat below; [(4)] (5) the title of the document and the designation of the party for whom it is filed; [(5)] (6) the name and office address of the attorney of record and the names of any attorneys "of counsel" or "on the brief[.]"; (7) when not represented by counsel, the name and address, including email address, if any, of the unrepresented party, unless the confidentiality of some or all of this information is protected by statute, rule, or case law.

(b) ...no change.

Note: Source – *R.R.* 1:7-6(a)(b)(c)(d)(e)(f). Paragraph (b) amended July 7, 1971 to be effective September 13, 1971; first sentence adopted July 24, 1978 to be effective September 11, 1978; paragraph (b) amended July 14, 1992 to be effective September

1, 1992; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended August 5, 2022 to be effective September 1, 2022.

2:6-7. Length of Briefs

The initial briefs of parties shall not exceed [65] 50 pages and reply briefs shall not exceed [20] 15 pages. The brief of a respondent/cross appellant filed pursuant to *R.* 2:6-2(d) shall not exceed [90] 75 pages, and the brief of an appellant/cross respondent filed pursuant to *R.* 2:6-4(e) shall not exceed [65] 50 pages. These page limitations shall be exclusive of tables of contents and citations [and may be relaxed by leave of court]. Parties may seek a relaxation of these page limitations of the party's first brief upon a showing of good cause by motion. The movant must certify the motion is made in good faith and not for purposes of delay.

Note: Source – *R.R.* 1:7-7; amended November 7, 1988 to be effective January 2, 1989; amended July 14, 1992 to be effective September 1, 1992; amended August 5, 2022 to be effective September 1, 2022.

2:6-10. Format of Briefs and Other Papers

(a) All briefs, [appendices,] petitions, and motions [, transcripts, and other papers may be reproduced by any method capable of providing plainly legible copies. Paper shall be of good quality, opaque and unglazed. Coated paper may be used. Where the method of reproduction permits, color of paper shall be India eggshell. Copy may be printed on both sides provided legibility is not impaired. Papers] must be in the following format unless otherwise provided by Administrative Directive: Each page shall be [approximately] 8.5 inches by 11 inches [and, unless a compressed transcript format is used, shall contain no more than 26 double-spaced lines of no more than 65 characters including spaces, each of no less than 10-pitch or 12-point type]. All briefs, petitions, and motions shall be double-spaced and use Times New Roman or a similar font in 14 point with character spacing expanded by 0.3 points. Footnotes and indented quotations may [, however,] be single-spaced.

(b) When a compressed transcript format is used, two transcript pages may be reproduced on a single page, provided that no compressed page contains more than 25 lines of no more than 55 characters including spaces, each of no less than 9-pitch type. Except for compressed transcript format pages, margins shall be approximately one inch. Papers on file or in evidence may be reproduced.

(c) [Papers] Any documents, pleadings or other filings that are submitted in any fashion other than electronic filing shall be securely fastened, either bound along the left margin or stapled in the upper left-hand corner. [Covers shall conform to *R.* 2:6-6(b).]

Note: Source – *R.R.* 1:7-10. Amended July 7, 1971 to be effective September 13, 1971; amended July 14, 1992 to be effective September 1, 1992; amended July 13, 1994 to be effective September 1, 1994; amended July 5, 2000 to be effective September 5, 2000; amended and divided into paragraphs (a), (b) and (c) August 5, 2022 to be effective September 1, 2022.

2:6-11. Time for Serving and Filing Briefs; Appendices; Transcript; [Notice of Custodial Status] Other Permissible Submission

(a) Time Where No Cross Appeal Taken. Within ten days after the filing of a complete set of transcripts pursuant to *R.* 2:5-3(e), the appellant shall file three additional copies with the clerk, as provided by *R.* 2:6-12(d), and shall serve the transcript as provided by *R.* 2:6-12(a). Except as otherwise provided by *R.* 2:9-11 (sentencing appeals), the appellant shall serve and file a brief and appendix within 45 days after the delivery to appellant of the transcript, if a verbatim record was made of the proceedings below; or within 45 days after the filing of the settled statement of the proceedings, if no verbatim record was made of the proceedings below; or within 45 days of the filing of the notice of appeal if a transcript or settled statement has been filed prior to a filing of the notice of appeal or if no transcript or settled statement is to be filed; or, on an appeal from a state administrative agency, within the time stated above or within 45 days after the service of the statement of the items comprising the record on appeal required by *R.* 2:5-4(b), whichever is later. The respondent shall serve and file an answering brief and appendix, if any, within 30 days after the service of the appellant's brief. The appellant may serve and file a reply brief within [10] 14 days after the service of the respondent's brief.

(b) Time Where Cross Appeal Taken. Except as otherwise provided by *R.* 2:9-11 (sentencing appeals), if a cross appeal has been taken, the party first

appealing, who shall be designated the appellant/cross respondent, shall serve and file the first brief and appendix within 30 days after the service of the notice of cross appeal or within the time prescribed for appellants by *R* 2:6-11(a), whichever is later. Within 30 days after the service of such brief and appendix, the respondent/cross appellant shall serve and file an answering brief and appendix, if any, which shall also include therein the points and arguments on the cross appeal. Within 30 days thereafter, the appellant/cross respondent shall serve and file a reply brief, which shall also include the points and arguments answering the cross appeal. Within [10] 14 days thereafter, the respondent/cross appellant may serve and file a reply brief, which shall be limited to the issues raised on the cross appeal. [No other briefs shall be served or filed without leave of court. If a cross appeal has been taken, the appellant/cross respondent shall be responsible for ordering and filing the transcript pursuant to *R*. 2:5-3(e) and for serving it pursuant to paragraph (a) of this rule and *R*. 2:6-12(a).]

(c) ...no change.

(d) [Letter to Court After Brief Filed] Permissible Submissions. No briefs other than those permitted in paragraphs (a) and (b) of this rule shall be filed or served without leave of court, except that:[.]

(1) A party may, [however,] without leave, serve and file a letter calling to the court's attention, with a brief indication of their significance, relevant published

opinions issued, or legislation enacted, or rules, regulations, and ordinances adopted, subsequent to the filing of the brief. Unpublished opinions shall not be submitted pursuant to this rule, unless they are of a type that the reviewing court is permitted under *R.* 1:36-3 to cite in its own opinions. Any other party to the appeal may, without leave, file and serve a letter in response thereto within five days after receipt thereof. The initial letter and subsequent responses shall not exceed two pages in length without leave; [.]

(2) In criminal, quasi-criminal, and juvenile matters the appellant shall by letter advise the court of any change in the custodial status of a defendant, juvenile, or other party subject to confinement, during the pendency of the appeal; and

(3) In appeals involving Division of Child Protection and Permanency matters, the appellant or respondent shall by letter advise the court of any change in the placement status of the child during the pendency of the appeal.

[(e) Advising Court of Custodial Change. In criminal, quasi-criminal and juvenile matters the appellant shall by letter advise the court of any change in the custodial status of a defendant, juvenile or other party subject to confinement, during the pendency of the appeal.]

[(f) Division of Child Protection and Permanency Matters; Advising Court of Child's Placement Status. In Division of Child Protection and Permanency

matters, the appellant or respondent shall by letter advise the court of any change in the placement status of the child during the pendency of the appeal.]

(e) [(g)] Motions that Toll the Time for Serving and Filing Briefs in the Appellate Division.

(1) Subject to subparagraph (e)(2) [(g)(2)] of this rule, in addition to the filing of those motions that toll the time for the filing of briefs and appendices as provided by *R.* 2:5-5(a) and *R.* 2:8-3(b), [the filing of the following motions in the Appellate Division pursuant to this rule shall toll] the time for the filing of briefs and appendices [in the Appellate Division] will be tolled by the filing of a motion:

(A) [Motion] to correct or supplement the record in trial court [or] , administrative agency or Appellate Division [proceedings made directly to the Appellate Division by any party or on the court's own motion. If granted, the proceedings, if any, required to supplement the record shall continue to toll the time for the filing of briefs and appendices];

(B) for summary disposition pursuant to *R.* 2:8-3(b);

(C) [(B)] [Motion] to strike the entirety or portions of a brief or appendix;

(D) [(C)] [Motion] to dismiss the appeal;

(E) [(D)] [Motion] for final remand;

(F) [(E)] [Motion] to stay appellate proceedings; and

(G) [(F)] [Motion] to file an overlength merits brief.

(2) The time for the filing of briefs and appendices will not be tolled if the party filing the motion under subparagraph (e)(1) was previously granted one or more prior extensions of time to file its brief and appendix. In that event, the party seeking the tolling of the time to file a brief and appendix shall be required to file a separate motion seeking an extension. [If the party filing the motion under this section has been granted prior extension(s) of time to file its brief and appendix, the motion will not toll the time and the party should request a further extension by motion.]

(3) [The making of a motion pursuant to this rule shall toll the time for serving and filing the next brief due, but] If the time to file a brief and appendix is tolled by the filing of a motion, the remaining time shall begin again to run from the date of entry of an order disposing of [such a] the motion, unless otherwise directed by the court [or provided in this section].

Note: Source — *R.R.* 1:7-12(a)(c), 1:10-14(b), 2:7-3. Paragraph (b) amended by order of September 5, 1969 effective September 8, 1969; paragraph (a) amended July 7, 1971 to be effective September 13, 1971; caption and paragraphs (a) and (b) amended June 29, 1973 to be effective September 10, 1973; paragraph (a) amended May 8, 1975 to be effective immediately; paragraphs (c), (d) and (e) adopted July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (b) amended and titles of paragraphs (c)(d) and (e) added November 2, 1987 to be effective January 1, 1988; paragraphs (a) and (b) amended July 14, 1992 to be effective September 1, 1992; paragraph (d) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraph

(b) amended July 28, 2004 to be effective September 1, 2004; paragraph (f) adopted July 16, 2009 to be effective September 1, 2009; paragraph (f) caption and text amended July 9, 2013 to be effective September 1, 2013; new paragraph (g) adopted July 22, 2014 to be effective September 1, 2014; paragraph (d) amended August 1, 2016 to be effective September 1, 2016; caption amended, paragraphs (a) and (b) amended, paragraph (d) caption and text amended, paragraph (e) deleted with text added as subparagraph (d)(2), paragraph (f) deleted with text amended and added as subparagraph (d)(3), paragraph (g) amended and renumbered as paragraph (e) August 5, 2022 to be effective September 1, 2022.

2:7-1. Relief From Filing Fees; [Deposit for Costs]

(a) Appeals from Trial Court Judgments and Orders. Except as otherwise provided by R. 2:7-4 and R. 2:7-5, [a person who, by reason of poverty,] a person who claims indigency and seeks relief from the payment of appellate filing fees [and the deposit for costs] may without fee file with the trial court a verified petition setting forth the facts relied upon, and the trial court, if satisfied of the facts of indigency, shall enter an order waiving such payment [and deposit] and shall forthwith transmit a copy thereof to the clerk [of the appellate court] to which the appeal is taken. [If the appeal is taken from the action of a State administrative agency or officer, the verified petition shall be filed directly with the Appellate Division. If a person is, however, represented as an indigent by any person, society or project enumerated in *R.* 1:13-2, all filing fees and deposits shall be waived by the appropriate clerk or clerks without the necessity of court order. The appeal is timely if the date of the filing of the petition is within the period provided by *R.* 2:4-1.] If the trial court denies the application, it shall briefly state its reasons therefor, and the petition may be renewed within 20 days thereafter before the appellate court in accordance with *R.* 2:7-3.

(b) Appeals from Agency Determinations. If the appeal is taken from the action of an administrative agency or officer, the verified petition shall be filed directly with the Appellate Division. If the Appellate Division denies the

application, it shall briefly state its reasons therefor, and the petition may be renewed within 20 days thereafter before the Supreme Court in accordance with *R.* 2:7-3.

(c) Representation by Rule 1:13-2 Entities. If an indigent party is represented by any person, society, or project enumerated in *R.* 1:13-2, all filing fees and deposits shall be waived by the appropriate clerk or clerks without the necessity of court order.

(d) Timeliness. The appeal is timely if the filing of the verified petition to waive filing fees is made (1) to the trial court when the appeal is taken from a trial court order or judgment, or (2) to the Appellate Division, if the appeal is taken from an agency determination, within the period provided by R. 2:4-1. If the petition is made to the trial court, a copy of the submission must be included with the notice of appeal. If the petition is made to the Appellate Division, it must be filed simultaneously with the notice of appeal.

Note: Source – *R.R.* 1:2-7(a) (first and fourth sentences); amended July 24, 1978 to be effective September 11, 1978; amended July 13, 1994 to be effective September 1, 1994; caption amended, text amended and divided into paragraphs (a), (b), (c) and (d), and paragraph captions added August 5, 2022 to be effective September 1, 2022.

2:7-2. Assignment of Counsel on Appeal

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) Responsibility of Counsel Assigned by the Trial Court for Non-Indictable Offenses. Assigned counsel representing a defendant in a non-indictable prosecution shall file an appeal for a defendant who elects to exercise [his or her] the right to appeal. An attorney filing a notice of appeal shall be deemed the attorney of record for the appeal unless the attorney files with the notice of appeal [an application] a motion to be relieved as counsel and for the assignment of counsel on appeal.

Note: *R.R.* 1:2-7(b), 1:12-9(b) (d). Paragraph (c) adopted November 1, 1985 to be effective January 2, 1986; paragraph (a) amended, paragraph (b) caption and text amended, paragraph (c) adopted and former paragraph (c) redesignated paragraph (d) November 5, 1986 to be effective January 1, 1987; paragraphs (b) and (d) amended July 10, 1998 to be effective September 1, 1998; paragraphs (b) and (d) amended July 12, 2002 to be effective September 3, 2002; paragraph (d) amended June 15, 2007 to be effective September 1, 2007; paragraph (d) caption and text amended July 16, 2009 to be effective September 1, 2009; paragraph (b) amended July 22, 2014 to be effective September 1, 2014; paragraph (d) amended August 5, 2022 to be effective September 1, 2022.

2:7-4. Relief in Subsequent Courts

Except as provided in *R.* 2:7-2(b), with respect to the assignment of counsel, a person who has been granted relief as an indigent by any court shall be granted relief as an indigent in all subsequent proceedings resulting from the same indictment, accusation or criminal or civil complaint in any court without making application therefor upon filing with the court in the subsequent proceeding a copy of the order granting such relief or a sworn statement to the effect that such relief was previously granted and stating the court and proceeding in which it was granted. The filing of such order or statement shall be accompanied by an affidavit stating that there has been no substantial change in the petitioner's financial circumstances since the date of the entry of the order granting such relief. [An indigent defendant appealing from a judgment of conviction by the Law Division entered on a trial de novo, who has been afforded or had a right to a transcript at public expense of municipal court proceedings pursuant to *R.* 3:23-8(a), shall be entitled to a transcript of the Law Division proceedings paid for in the same manner as the municipal court transcript.]

Note: Amended July 13, 1994 to be effective September 1, 1994; amended July 28, 2004 to be effective September 1, 2004; amended July 22, 2014 to be effective September 1, 2014; amended August 5, 2022 to be effective September 1, 2022.

2:7-5. Transcripts in Appeals by Indigent Defendants from Judgment of Conviction Entered on Trial de Novo

An indigent defendant appealing from a judgment of conviction by the Law Division entered on a trial de novo, who has been afforded or had a right to a transcript at public expense of municipal court proceedings pursuant to *R.* 3:23-8(a)(3), may be entitled to a transcript of the Law Division proceedings furnished at the county's expense if the appeal involves violation of a statute and at the municipality's expense if the appeal involves violation of an ordinance. If the sentence imposed does not constitute a consequence of magnitude, as set forth in the "Guidelines for Determining a Consequence of Magnitude" in Appendix 2 to Part VII of the Rules of Court, and the applicant is not constitutionally or otherwise entitled by law to transcripts at public expense, the trial court, upon application, may determine whether to grant the motion for purposes of the appeal, irrespective of whether transcripts previously were provided in the case. If the trial court denies the application, it shall briefly state its reasons therefor, and the petition may be renewed within 20 days thereafter before the appellate court in accordance with R. 2:7-3.

Note: New Rule 2:7-5 adopted August 5, 2022 to be effective September 1, 2022.

2:8-3. Motion for Summary Disposition

(a) ...no change.

(b) Appellate Division. Any party to an appeal may move the Appellate Division for summary disposition in accordance with *R.* 2:8-1(a). Such motion shall demonstrate that the issues on appeal do not require further briefs or full record. The motion may be filed at any time after filing of the notice of appeal; [but unless leave is otherwise granted not later than 25 days after the filing of respondents' briefs] provided, however, that the motion for summary disposition may not be filed, absent leave granted by the court, if 25 days have elapsed from the filing of all respondent briefs. The court may deny the motion; may grant it by affirming, reversing, or modifying the judgment or order appealed from on the record before it or on such further record as it may direct; or may take such other action in respect of limitation of the issues or otherwise as it deems appropriate. The court may summarily dispose of any appeal on its own motion at any time, and on such notice, if any, to the parties as the court directs, provided that the merits have been briefed. A motion for summary disposition shall toll the time prescribed by these rules for further perfection of the appeal.

Note: Source – Adopted December 21, 1971 to be effective January 31, 1972. Paragraph (a) designation added and paragraph (b) adopted July 24, 1978 to be effective September 11, 1978; paragraph (b) amended July 16, 1981 to be effective September 14, 1981; paragraph (b) amended November 1, 1985 to be effective January 2, 1986; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended August 5, 2022 to be effective September 1, 2022.

2:9-1. Control by Appellate Court of Proceedings Pending Appeal or Certification

(a) Control Prior to Appellate Disposition. The supervision and control of the proceedings on appeal or certification shall be in the appellate court from the time the appeal is taken or the notice of petition for certification filed. [Except] except:

(1) as otherwise provided by *R.* 2:9-3 (stay pending review in criminal actions)[,];

(2) as otherwise provided by *R.* 2:9-4 (bail)[,];

(3) as otherwise provided by *R.* 2:9-5 (stay pending appeal)[,];

(4) as otherwise provided by *R.* 2:9-7 (temporary relief in administrative proceedings[,];

(5) as otherwise provided by *R.* 2:9-13(f) (pretrial detention appeals)[,]; [and]

(6) as otherwise provided by *R.* 3:21-10(d) (reduction or change in sentence)[,]; [the supervision and control of the proceedings on appeal or certification shall be in the appellate court from the time the appeal is taken or the notice of petition for certification filed.]

(7) that the [The] trial court [, however], shall have continuing jurisdiction to enforce judgments and orders pursuant to *R.* 1:10 and as otherwise provided[.];

(8) [In addition,] when an appeal is taken from an order compelling or denying arbitration, the trial court shall retain jurisdiction to address issues relating to claims and parties that remain in that court unless otherwise ordered by the appellate court possessing supervision and control[.]; and

(9) [When] when an appeal is taken from an order involving a child who has been placed in care by the Division of Child Protection and Permanency, the trial court shall retain jurisdiction to conduct summary hearings in due course to address issues not the subject of the appeal relating to the child or the child's family. Unless the appeal concerns the permanency plan of the child, the trial court also shall retain jurisdiction to conduct hearings to address the permanency plan of the child. The appellate court may at any time entertain a motion for directions to the court or courts or agencies below or to modify or vacate any order made by such courts or agencies or by any judge below.

(b) ...no change.

(c) ...no change.

Note: Source – *R.R.* 1:4-1 (first sentence), 1:10-6(a) (first and third sentences). Paragraph (a) amended July 16, 1981 to be effective September 14, 1981; paragraph (a) amended November 1, 1985 to be effective January 2, 1986; new paragraph (c) adopted July 16, 2009 to be effective September 1, 2009; paragraph (a) amended July 19, 2012 to be effective September 4, 2012; paragraph (a) amended July 27, 2015 to be effective September 1, 2015; paragraph (a) amended October 19, 2016 to be effective January 1, 2017; paragraph (a) amended and divided into numbered subparagraphs August 5, 2022 to be effective September 1, 2022.

2:9-5. Stay of Proceedings in Civil Actions, Contempts, and Arbitrations

(a) ... no change

(b) ... no change

(c) Stay of Arbitration Pending Appeal. If an order compelling arbitration is appealed as of right pursuant to R. 2:2-3(b) [2:2-3(a)], then any party subject to the order may move in the trial court for a stay of the arbitration pending appeal. If so requested, the stay of the arbitration shall be granted unless the court finds that exceptional circumstances warrant the arbitration to proceed while the appeal is pending. If an order compelling or denying arbitration is appealed as of right pursuant to R. 2:2-3(b) [2:2-3(a)] in circumstances where the trial court retains jurisdiction over remaining claims or parties pursuant to the exception set forth in R. 2:9-1(a), any party may move in that court for a stay of proceedings pertaining to such remaining claims or parties pending appeal. The trial court shall exercise its sound discretion in the interests of justice in deciding whether to grant or deny the stay and whether any conditions shall apply. Any party may apply to the appellate court, by way of a timely motion filed in accordance with R. 2:8-1, to obtain review of the trial court's disposition of the application for a stay pending appeal.

Note: Source – R.R. 1:4-5, 1:4-6, 1:4-7, 1:10-6(b), 2:4-3 (first three sentences). Paragraph (b) amended July 14, 1972 to be effective September 5, 1972; paragraph

(a) amended July 16, 1981 to be effective September 14, 1981; paragraph (b) amended November 1, 1985 to be effective January 2, 1986; paragraph (a) amended July 13, 1994 to be effective September 1, 1994; caption amended, paragraph (a) caption and text amended, and new paragraph (c) adopted July 19, 2012 to be effective September 4, 2012; paragraph (c) amended August 5, 2022 to be effective September 1, 2022.

2:9-8. Temporary Relief in Emergent Matters

When necessary, temporary relief, stays, and emergency orders may be granted, with or without notice, by a single Justice of the Supreme Court or by a single judge of the Appellate Division [, if the matter is pending in the Appellate Division, by a single judge thereof,] to remain in effect until the court acts on [upon] the application. A request to the Supreme Court for emergent relief from an order or emergent application disposition of the Appellate Division may be made by contacting the Supreme Court Clerk's office, which will handle intake and referral of the matter to a single Justice on a rotating basis or to the full Court, as appropriate.

Note: Source – *R.R.* 1:1-5A, 2:4-3 (fourth sentence), 4:88-12(a) (second sentence), 4:88-12(b); amended January 22, 1974, effective immediately; amended July 29, 1977 to be effective September 6, 1977; amended July 19, 2012 to be effective September 4, 2012; amended August 5, 2022 to be effective September 1, 2022.

2:11-1. Appellate Calendar; Oral Argument

(a) Calendar. The clerk of the appellate court shall enter all appeals upon a docket in chronological order and, except for appeals on leave granted or from orders [compelling or denying arbitration] made appealable as of right pursuant to subparagraphs (5), (6), (8), and (9) of *R.* 2:2-3(b) which shall be entitled to a preference, cases shall be argued or submitted for consideration without argument in the order of perfection, insofar as practicable, unless the court otherwise directs with respect to a category of cases or unless the court enters an order of acceleration as to a particular appeal on its own or a party's motion.

(b) Oral Argument.

(1) Supreme Court. In the Supreme Court, appeals shall be argued orally unless the court dispenses with argument.

(2) Argument Time Line in the Appellate Division

(A) [In the Appellate Division, a] Appeals shall be submitted for consideration without argument, unless argument is requested by one of the parties [within 14 days after service of the respondent's brief or is ordered by the court] or unless the court deems oral argument appropriate. [Such request shall be made by a separate captioned paper filed with the Clerk in duplicate. The clerk shall notify counsel of the assigned argument date. If one of the parties has filed a timely request for oral argument, the other parties may rely upon that request and need not file their

own separate requests for argument. A party may withdraw its request for oral argument only if it has the consent to do so from all other parties participating in the appeal.]

(B) A party's request for oral argument must be submitted, by way of a separate filing, to the clerk no later than 14 days after service of the respondent's brief. If one of the parties has filed a timely request for oral argument, the other parties may rely upon that request and need not file their own separate requests for argument.

(C) A party may withdraw its request for oral argument only if it has the consent to do so from all other parties participating in the appeal.

(D) When oral argument is timely requested or when it is scheduled by the court when the parties have not requested oral argument, the clerk shall notify counsel of the assigned argument date.

(3) Details; Sequence; Time; Number of Attorneys. [Counsel] A party who has neither filed a brief nor joined in another party's brief shall not be permitted to argue [for a party who has neither filed a brief nor joined in another party's brief]. The appellant shall be entitled to open and conclude argument. An appeal and cross appeal shall be argued together, the party first appealing being entitled to open and conclude, unless the court otherwise orders. Unless the court determines more time is necessary, each party will be allowed 30 minutes for argument in the Supreme

Court and 15 minutes in the Appellate Division, but the court may terminate the argument at any time it deems the issues adequately argued. No more than two attorneys will be heard for each party in the Appellate Division, and one attorney will be heard for each party in the Supreme Court, unless the Court otherwise orders. An [attorney] advocate will not be permitted to read at length from the briefs, appendices, transcripts or decision.

Note: Source – *R.R.* 1:8-1(a) (b), 1:8-2(a), 1:8-3, 1:8-4, 2:8-3. Amended July 7, 1971 to be effective September 13, 1971; paragraph (b) amended June 29, 1973 to be effective September 10, 1973; paragraph (b) amended November 1, 1985 to be effective January 2, 1986; paragraph (b) amended November 5, 1986 to be effective January 1, 1987; paragraph (a) amended November 2, 1987 to be effective January 1, 1988; paragraph (a) amended June 28, 1996 to be effective September 1, 1996; paragraph (a) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended July 19, 2012 to be effective September 4, 2012; paragraph (b) amended July 22, 2014 to be effective September 1, 2014; paragraph (b)(3) amended July 27, 2018 to be effective September 1, 2018; paragraph (a) amended, paragraph (b) amended and subparagraph captions added August 5, 2022 to be effective September 1, 2022.

2:11-4. Attorney's Fees on Appeal

An application for a fee for legal services rendered on appeal shall be made by motion supported by affidavits as prescribed by *R.* 4:42-9(b) and (c), which shall be served and filed within 10 days after the determination of the appeal. Although a movant should append statements or invoices sent to the client as supportive of the claim for fees, the supporting affidavit must also list in detail the services rendered, the dates the services were rendered, and the type of service rendered on that date. The application shall also state how much has been previously paid to or received by the attorney for legal services both in the trial and appellate courts or otherwise, including any amount received by way of pendente lite allowances, and what arrangements, if any, have been made for the payment of a fee in the future. Fees may be allowed by the appellate court in its discretion:

(a) ...no change.

(b) ...no change.

(c) ...no change.

Note: Source – *R.R.* 1:9-3, 2:9-3, 1:12-9(f), 4:55-7(a)(b)(e), 5:2-5(f). Paragraph (d) amended July 14, 1972 to be effective September 5, 1972; text amended and paragraph (g) and (h) adopted July 29, 1977 to be effective September 6, 1977; paragraphs (a) (b) (c) (e) (g) and (h) deleted, new paragraph (a) adopted, former paragraph (d) redesignated (b) and former paragraph (f) redesignated paragraph (c) November 1, 1985 to be effective January 2, 1986; introductory paragraph amended July 13, 1994 to be effective September 1, 1994; final paragraph added June 28, 1996 to be effective September 1, 1996; final paragraph amended July 27, 2918 to be effective September 1, 2018; introductory paragraph amended August 5, 2022 to be effective September 1, 2022.

2:11-6. Motion for Reconsideration

(a) Service; Filing; Contents; Argument.

(1) Time for Filing. Within ten days after entry of judgment or order, unless such time is enlarged by court order, a party may apply for reconsideration by serving two copies of a motion on counsel for each of the opposing parties and filing nine copies thereof with the Supreme Court, or five copies thereof with the Appellate Division, as appropriate. One filed copy shall be signed by counsel.

(2) Content and Length of Moving Briefs. The motion shall not exceed [25] 15 pages and shall contain a brief statement and argument of the ground relied upon and a certificate of [counsel] the party's attorney or, when unrepresented, a certificate of the party that it is submitted in good faith and not for purposes of delay. The motion shall have annexed thereto a copy of the opinion or order that is the subject thereof.

(3) Answers. [An answer] No answer shall be filed [only if] unless requested by the court, and within ten days after such request or within such other time as the court fixes therein.

(4) Argument. The motion will not be argued orally unless directed by the court.

(b) ...no change.

(c) ...no change.

Note: Source – *R.R.* 1:9-4(a)(b)(c). Caption, paragraph (a) and paragraph (b) amended November 1, 1985 to be effective January 2, 1986; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a) and (b) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended and divided in subparagraphs (a)(1) through (a)(4) with subparagraph captions added August 5, 2022 to be effective September 1, 2022.

2:12-7. Form, Service and Filing of Petition for Certification

(a) Form and Contents. A petition for certification shall be in the form of a brief, conforming to the applicable provisions of R. 2:6 and not exceeding 20 pages exclusive of tables of contents, citations, and appendix. It shall contain a short statement of the matter involved, the question presented, the errors complained of, the reasons why certification should be allowed, and comments with respect to the Appellate Division opinion. It shall have annexed the notice of petition for certification; the written opinions of the courts below; a copy of the transcript of any relevant oral opinions or statements of findings and conclusions of law; and in the case of a sentencing appeal heard by the Appellate Division pursuant to *R.* 2:9-11, the transcript of the oral argument, which shall be requested from the Chief, Reporting Services in the Appellate Division. The petition shall be signed by petitioner's counsel [who] or by petitioner when not represented by counsel and shall certify that [it presents] the petition represents a substantial question and is filed in good faith and not for purposes of delay.

(b) ...no change.

Note: Source – *R.R.* 1:10-9, 1:10-10(a). Paragraph (a) amended March 5, 1974 to be effective immediately; paragraph (a) amended November 7, 1988 to be effective January 2, 1989; paragraph (a) amended January 19, 1989 to be effective February 1, 1989; paragraph (b) amended June 29, 1990 to be effective September 4, 1990; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended

July 27, 2006 to be effective September 1, 2006; paragraph (a) amended August 5, 2022 to be effective September 1, 2022.

2:13-1. Presiding Justice or Judge

(a) ...no change.

(b) Appellate Division. The presiding judge of each part, designated by the Chief Justice, shall preside over its sessions and conferences. If the presiding judge is absent or unable to serve or if none has been designated, the senior judge attending shall serve temporarily as presiding judge. Seniority shall be determined by length of service on the Appellate Division. The Chief Justice shall designate one presiding judge as the Chief Judge of the Appellate Division [Presiding Judge for Administration] to be responsible for the administration of the Appellate Division pursuant to *R.* 1:33-4. The Chief Justice may designate another presiding judge as the Deputy Presiding Judge for Administration, who shall assist the Chief Judge [Presiding Judge for Administration].

Note: Source – *R.R.* 1:1-4, 1:1-6, 2:1-5, 2:1-8. Paragraph (a) amended November 27, 1974 to be effective April 1, 1975; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a) and (b) amended July 10, 1998 to be effective September 1, 1998; paragraph (b) amended October 8, 2013 to be effective immediately; paragraph (b) amended August 5, 2022 to be effective September 1, 2022.

2:15-10. Action on Completion of Preliminary Investigation

On completion of its preliminary investigation, the Committee may:

(a) ...no change.

(b) ...no change.

(c) if it finds conduct by the judge that does not constitute conduct for which there is probable cause that public discipline should be imposed but that is conduct of the type set forth in *Rule* 2:15-8(a) or other conduct that would reflect unfavorably on the judicial office if it were to become habitual or more substantial in character,

(1) communicate to the judge its private censure, reprimand, admonition, caution, or guidance concerning the conduct in question and so notify the person who brought the allegations before the Committee, with a copy of the communication being sent to the Chief Justice, the Administrative Director of the Courts, and judge's Assignment Judge or, if applicable, the Presiding Judge of the Tax Court or the Chief Judge [Presiding Judge for Administration] of the Appellate Division. In the exercise of his or her discretion, an Assignment Judge may forward a copy of the communication to the judge's Superior Court or Municipal Court Presiding Judge, as may be applicable; or

(2) require the judge to appear for an informal conference pursuant to *Rule* 2:15-11; or

(3) on its own motion or at the request of the judge, issue a short explanatory statement, after reasonable notice to the Supreme Court, if the matter has received public attention and the Committee has determined after the conclusion of a preliminary investigation that there is no basis to initiate formal proceedings, but that private discipline is appropriate consistent with *Rule* 2:15-10(c)(1).

Note: Adopted July 23, 1974, effective immediately; paragraphs (b) and (c) amended July 13, 1994 to be effective September 1, 1994; caption and text of former Rule 2:15-10 deleted and new caption and text adopted February 3, 1997 to be effective March 1, 1997; subparagraph (c)(1) amended July 27, 2006 to be effective September 1, 2006; paragraph (a) amended and new subparagraph (c)(3) adopted December 2, 2019 to be effective immediately; subparagraph (c)(1) amended August 14, 202 to be effective September 2, 2020; subparagraph (c)(1) amended August 5, 2022 to be effective September 1, 2022.

2:15-25. Referral for Administrative Action

Whenever the Committee determines that any or all of the allegations it has received are more properly the subject of administrative remedy or other administrative action, it may refer such allegations to the Administrative Office of the Courts, an Assignment Judge, [or] the Chief Judge of [Presiding Judge for Administration for] the Appellate Division, or the Presiding Judge of the Tax Court, and may so notify the person making the allegations.

Note: Adopted February 3, 1997 to be effective March 1, 1997; amended December 2, 2019 to be effective immediately; amended August 5, 2022 to be effective September 1, 2022.

3:13-3. Discovery and Inspection

(a) ... no change

(b) Post-Indictment Discovery.

(1) Discovery by the Defendant. Except for good cause shown, the prosecutor's discovery for each defendant named in the indictment shall be provided by the prosecutor's office, upon the return or unsealing of the indictment. Good cause shall include, but is not limited to, circumstances in which the nature, format, manner of collation or volume of discoverable materials would involve an extraordinary expenditure of time and effort to copy. In such circumstances, the prosecutor may make discovery available by permitting defense counsel to inspect and copy or photograph discoverable materials at the prosecutor's office, rather than by copying and delivering such materials. The prosecutor shall also provide defense counsel with a listing of the materials that have been supplied in discovery. If any discoverable materials known to the prosecutor have not been supplied, the prosecutor shall also provide defense counsel with a listing of the materials that are missing and explain why they have not been supplied.

If the defendant is represented by the public defender, defendant's attorney shall obtain a copy of the discovery from the prosecutor's office prior to the arraignment. However, if the defendant has retained private counsel, upon written request of counsel submitted along with a copy of counsel's entry of appearance and

received by the prosecutor's office prior to the date of the arraignment, the prosecutor shall, within three business days, send the discovery to defense counsel either by U.S. mail at the defendant's cost or by e-mail without charge, with the manner of transmittal at the prosecutor's discretion.

A defendant who does not seek discovery from the State shall so notify the prosecutor, and the defendant need not provide discovery to the State pursuant to sections (b)(2) or (f), except as required by R. 3:12-1 or otherwise required by law.

Discovery shall include exculpatory information or material. It shall also include, but is not limited to, the following relevant material:

(A) ... no change.

(B) ... no change.

(C) ... no change.

(D) ... no change.

(E) ... no change.

(F) ... no change.

(G) ... no change.

(H) ... no change.

(I) names and addresses of each person whom the prosecutor expects to call to trial as an expert witness, the expert's qualifications, the subject matter on which the expert is expected to testify, a copy of the report, if any, of such

expert witness, or if no report is prepared, a statement of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. Except as otherwise provided in R. 3:10-3, if this information is not furnished 30 days in advance of trial, the expert witness may, upon application by the defendant, be barred from testifying at trial; [and]

(J) all records, including notes, reports and electronic recordings relating to an identification procedure, as well as identifications made or attempted to be made[.]; and

(K) the name of any jailhouse informant whom the prosecutor expects to call as a witness at trial. A jailhouse informant for the purposes of this subsection is defined as a person who lacks firsthand knowledge of a defendant's alleged criminal conduct but offers to testify for the State at a trial or hearing that the informant heard the defendant make inculpatory statements while detained or incarcerated in the same facility as the informant. The prosecutor also shall provide the known criminal history of the jailhouse informant, including any pending charges; any records of statements allegedly made by the defendant and heard by the jailhouse informant and, to the extent known, the time, location and manner of their alleged disclosure(s) to the jailhouse informant; any information relevant to the jailhouse informant's credibility as required to be disclosed by law or rule, including but not limited to any consideration or promises made to, or sought by, the jailhouse

informant, in exchange for truthful testimony; any prior recantation known to the prosecution in which the jailhouse informant recanted the defendant's statement, to include the time, location and manner of any such recantation; and the case name and jurisdiction of any criminal case known to the prosecutor in which the jailhouse informant testified, or in a case in which the prosecutor intended to have the informant testify, about statements made by another suspect or criminal defendant while detained or incarcerated, and whether the jailhouse informant was offered or received any benefit in exchange for, or subsequent to, such actual or intended testimony.

When the prosecutor intends to call a jailhouse informant as a witness at trial, the prosecutor shall conduct a search or cause an inquiry to be made of any and all record-keeping systems or centralized databases in which jailhouse informant information is maintained, including but not limited to those established by the Attorney General and each County Prosecutor.

(2) ... no change.

(3) ... no change.

(c) ... no change.

(d) ... no change.

(e) ... no change.

(f) ... no change.

Note: Source--R.R. 3:5-11(a) (b) (c) (d) (e) (f) (g) (h). Paragraphs (b) (c) (f) and (h) deleted; paragraph (a) amended and paragraphs (d) (e) (g) and (i) amended and redesignated June 29, 1973 to be effective September 10, 1973. Paragraph (b) amended July 17, 1975 to be effective September 8, 1975; paragraph (a) amended July 15, 1982 to be effective September 13, 1982; paragraphs (a) and (b) amended July 22, 1983, to be effective September 12, 1983; new paragraphs (a) and (b) added, former paragraphs (a), (b), (c), (d) and (f) amended and redesignated paragraphs (c), (d), (e), (f) and (g) respectively and former paragraph (e) deleted July 13, 1994 to be effective January 1, 1995; rule redesignation of July 13, 1994 eliminated December 9, 1994, to be effective January 1, 1995; paragraphs (c)(6) and (d)(3) amended June 15, 2007 to be effective September 1, 2007; subparagraph (f)(1) amended July 21, 2011 to be effective September 1, 2011; new subparagraph (c)(10) adopted July 19, 2012 to be effective September 4, 2012; paragraph (a) amended, paragraph (b) text deleted, paragraph (c) amended and renumbered as paragraph (b)(1), paragraph (d) amended and renumbered as paragraph (b)(2), new paragraphs (b)(3) and (c) adopted, paragraphs (e) and (f) renumbered as paragraphs (d) and (e), paragraph (g) amended and renumbered as paragraph (f) December 4, 2012 to be effective January 1, 2013; paragraph (b)(1)(I) amended July 27, 2015 to be effective September 1, 2015; paragraph (b) amended April 12, 2016 to be effective May 20, 2016; paragraph (c) amended August 1, 2016 to be effective September 1, 2016; subparagraph (b)(1) amended July 30, 2021 to be effective September 1, 2021; new subparagraph (b)(1)(K) adopted August 5, 2022 to be effective September 1, 2022.

3:23-1. Exclusive Method of Review

Except as provided by R. 2:2-3(c) [2:2-3(b)], review of a judgment of conviction in a criminal action or proceeding in a court of limited criminal jurisdiction shall be by appeal as provided by R. 3-23.

Note: Source – *R.R.* 3:10-1. Amended August 5, 2022 to be effective September 1, 2022.

3:23-3. Notice of Appeal; Contents

The notice of appeal shall set forth the title of the action; the name and the address of the appellant and appellant's attorney, if any; a general statement of the nature of the offense; the date of the judgment; the sentence imposed; whether the defendant is in custody; and if a fine was imposed, whether it was paid or suspended; and the name of the court from which the appeal is taken. There shall be included in the notice of appeal a statement as to whether or not a stenographic record or sound recording was made pursuant to R. 7:8-8 in the court from which the appeal is taken. Where a verbatim record of the proceeding was taken, the notice of appeal shall also contain the attorney's certification of compliance with R. 2:5-1(g) [2:5-3(a)] (request for transcript) and R. 2:5-3(d) (deposit for transcript) or certification of the filing and service of a motion for abbreviation of transcript pursuant to R. 2:5-3(c).

Note: Source--R.R. 3:10-3. Amended July 7, 1971 to be effective September 13, 1971; amended July 13, 1994 to be effective September 1, 1994; amended January 5, 1998 to be effective February 1, 1998; amended August 5, 2022 to be effective September 1, 2022.

4:11-1. Before Action

(a) ... no change

(b) Notice and Service. At least 20 days before the date of hearing the petitioner shall serve upon each person named in the petition as an expected adverse party, in the manner provided by R. 4:4-4 and R. 4:4-5(a)(1), a notice, with a copy of the petition attached, stating the time and place of the application for the order described in the petition. If it appears to the court after diligent inquiry that such service cannot be made, the court may order service by publication or otherwise, and shall appoint an attorney to represent persons so served, who, if such persons are not otherwise represented, may cross-examine the deponent. Such attorney's compensation may be fixed by the court and charged to the petitioner. The provisions of R. 4:26-2 apply if any expected adverse party is a minor or [mentally] incapacitated person.

(c) ... no change

(d) ... no change

Note: Source-R.R. 4:17-1. Paragraphs (c) and (d) amended July 14, 1972 to be effective September 5, 1972; paragraphs (a) and (c) amended July 16, 1981 to be effective September 14, 1981; paragraphs (a) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraph (b) amended July 12, 2002 to be effective September 3, 2002; paragraph (b) amended July 23, 2010 to be effective September 1, 2010; paragraph (b) amended August 5, 2022 to be effective September 1, 2022.

4:11-4. Testimony for Use in Foreign Jurisdictions

(a) ...no change.

(b) Testimony for Use in a Foreign State.

(1) Submission of Foreign Subpoena. Whenever the deposition of a person is to be taken in this State pursuant to the laws of a foreign state for use in connection with proceedings there, an out-of-state attorney or party may submit a foreign subpoena along with a New Jersey subpoena, in the name of the Clerk of the Superior Court, which complies with subparagraph (3) to an attorney authorized to practice in this State or to the Clerk of the Superior Court or designee. The foreign subpoena must include the following phrase below the case number: "For the Issuance of a New Jersey Subpoena Under New Jersey Rule 4:11-4 (b)" and shall be [filed with] submitted to the Clerk of the Superior Court. It shall be treated as a miscellaneous matter and the fee charged shall be pursuant to *R.* 1:43.

(2) Request Does Not Constitute Appearance. ... no change

(3) Contents of Subpoena. ... no change

(4) Service of Subpoena. ... no change

(5) Deposition, Production, and Inspection. ... no change

(6) Motion or Application to a Court. ... no change

Note: Source — *R.R.* 4:17-4. Amended July 21, 1980 to be effective September 8, 1980; text amended and designated as paragraph (a), paragraph (a) caption adopted, and new paragraph (b) adopted July 22, 2014 to be effective September 1, 2014; paragraph (a) and subparagraphs (b)(1), (b)(4) and (b)(6) amended and subparagraph (b)(7) deleted August 1, 2016 to be effective September 1, 2016; subparagraph (b)(1) amended August 5, 2022 to be effective September 1, 2022.

4:22-1. Request for Admission

A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters of fact or opinion within the scope of *R.* 4:10-2 set forth in the request, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. The request may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the summons and complaint upon that party.

Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by the party's attorney, but, unless the court shortens the time, a defendant shall not be required to serve answers or objections before the expiration of 45 days after being served with the summons and complaint. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party

qualify the answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless stating that a reasonable inquiry was made and that the information known or readily obtainable is insufficient to enable an admission or denial. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial, may not, on that ground alone, object to the request but may, subject to the provisions of *R.* 4:23-3, deny the matter or set forth reasons for not being able to admit or deny.

Requests for admission and answers thereto shall be served pursuant to *R.* 1:5-1 and shall not be filed unless the court otherwise directs.

The party who has requested the admissions may move to determine the sufficiency of the answers or objections. Unless the court determines that an objection is justified, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The provisions of *R.* 4:23-1(c) apply to the award of expenses incurred in relation to the motion.

Note: Source – *R.R.* 4:26-1. Former rule deleted and new *R.* 4:22-1 adopted July 14, 1972 to be effective September 5, 1972; amended November 27, 1974 to be effective April 1, 1975; amended July 24, 1978 to be effective September 11, 1978;

amended July 13, 1994 to be effective September 1, 1994; amended August 5, 2022 to be effective September 1, 2022.

4:26-2. Minor or [Mentally] Incapacitated Person

(a) Representation by Guardian. Except as otherwise provided by law or *R.* 4:26-3 (virtual representation), a minor or [mentally incapacitated person] an adult who has been adjudicated incapacitated pursuant to *R.* 4:86-1 *et seq.* shall be represented in an action by the guardian of either the person or the property, appointed in this State. [, or if] If no such guardian has been appointed, or if a conflict of interest exists between the guardian and [ward] the minor or adjudicated incapacitated person, or for other good cause, the minor or adjudicated incapacitated person shall be represented by a guardian *ad litem* appointed by the court in accordance with paragraph (b) of this rule.

(b) Appointment of Guardian Ad Litem.

(1) Appointment of Parent in Negligence Actions. In negligence actions, unless the court otherwise directs, a parent of a minor [or mentally incapacitated person] shall be deemed to be appointed guardian *ad litem* of the child without court order upon the filing of a pleading or [certificate] certification signed by an attorney stating the parental relationship; [,] the child's status and[, if a minor, the] age[,]; the parent's consent to act as guardian *ad litem*[,]; and the absence of a conflict of interest between parent and child.

(2) Appointment on Petition. The court may appoint a guardian *ad litem* [for a minor or an alleged mentally incapacitated person,] upon the verified petition

of a friend on [his or her] behalf of a minor or an alleged or adjudicated incapacitated person. In an action in which the fiduciary seeks to have the account settled or has a personal interest in the matter, the petition shall state whether or not the proposed guardian *ad litem* [therein nominated] was [proposed] nominated by the fiduciary or the fiduciary's attorney. Each petition shall be accompanied by the sworn consent of the proposed guardian *ad litem*, stating [his or her] the proposed guardian *ad litem's* relationship to the minor or alleged [mentally] or adjudicated incapacitated person; [and] certifying that [he or she] the proposed guardian *ad litem* either has no interest in the litigation, or [if such interest exists,] setting forth the nature [thereof,] of any such interest; and certifying that [he or she] the proposed guardian *ad litem* will [with undivided fidelity] perform the duties of guardian *ad litem* with undivided fidelity[,] if appointed. The court shall appoint the proposed guardian *ad litem* [so proposed] unless it finds good cause for not doing so[,]. [in which] In such case, [it shall afford the petitioner opportunity to file] a new petition seeking the appointment of another [person] proposed guardian *ad litem* may be filed within 10 days of the rejection. If [such] a new petition is not filed within [such time, or if filed,] 10 days or is not granted, the court[, when designating some other person as guardian *ad litem*,] shall state [for the record] its reasons for rejecting petitioner's nominee on the record at the appointment of a guardian *ad litem* selected by the court. A conflict of interest between the petitioner and the minor or alleged [mentally] or adjudicated

incapacitated person shall be good cause for rejection of the petitioner's nominee. Only one guardian *ad litem* shall be appointed for all minors or alleged [mentally] or adjudicated incapacitated persons unless a conflict of interest exists.

(3) Appointment on Party's Motion. On motion by a party to [the] a pending action, the court may appoint a guardian ad litem for a minor or alleged [mentally] or adjudicated incapacitated person [if no petition has been filed and either default has been entered by the clerk or, in a summary action brought pursuant to *R.* 4:67 or in a probate action, 10 days have elapsed after service of the order. Notice of the motion shall be served at least 10 days before the return date fixed therein upon the appropriate persons as designated in *R.* 4:4-4(a)(1)(2)(3) or (c) either personally, at the time of service of process or thereafter, or by registered or certified mail, return receipt requested. The court on *ex parte* motion may, in lieu thereof, fix such notice of the motion, given to such persons in such manner as it deems appropriate].

(4) Appointment on Court's Motion. The court may appoint a guardian ad litem for a minor or alleged [mentally] or adjudicated incapacitated person on its own motion.

(5) Service. Notice of a petition or motion for appointment of a guardian ad litem pursuant to subparagraphs (2) through (4) above shall be served on an alleged or adjudicated incapacitated person personally, and on any other parties

pursuant to *R.* 4:4-4(a)(1)(2)(3) or (c) either personally at the time of service of process or thereafter, or by registered or certified mail, return receipt requested. If notice cannot be served as set forth above, the court on ex parte motion may determine the manner of service as it deems appropriate. Notice of a motion for appointment of a guardian *ad litem* shall be served at least 10 days before the return date.

(c) Duties of Guardian *Ad litem*.

(1) Guardian *Ad litem* of Minor or Adjudicated Incapacitated Person. A guardian *ad litem* of a minor or adjudicated incapacitated person appointed pursuant to subparagraphs (b)(2) through (b)(4) above shall represent the minor or adjudicated incapacitated person in the action pursuant to paragraph (a) above.

(2) Guardian *Ad litem* of Alleged Incapacitated Person. Except in foreclosure actions subject to subparagraph (c)(3) below, a guardian ad litem of an alleged incapacitated person appointed pursuant to subparagraphs (b)(2) through (b)(4) above shall conduct an independent investigation as to the alleged incapacity as defined in N.J.S.A. 3B:1-2. Following the investigation, the guardian ad litem shall submit a report to the court containing the results of the investigation and recommending whether the best interests of the alleged incapacitated person require the filing of an action for adjudication of incapacity and appointment of a guardian in the Superior Court, Chancery Division, Probate Part in accordance with *R.* 4:86-

1. The guardian ad litem shall not have authority to make decisions on behalf of the alleged incapacitated person. To the extent feasible, the proceedings under this Rule shall be completed in a reasonably timely manner, as specified in a case management order or otherwise by the court.

(3) Guardian *Ad litem* in Foreclosure Actions.

(A) The court shall limit the duties of a guardian ad litem appointed to represent the interests of a minor or an alleged or adjudicated incapacitated person in a foreclosure action to investigate whether the minor or alleged or adjudicated incapacitated person is entitled to raise an objection as to the right to foreclose or other valid claim or defense.

(B) Following the investigation, the guardian ad litem shall submit a written report containing the results of the investigation. If the report raises no objection as to the right to foreclose or other valid claim or defense, it shall be filed with the Superior Court Clerk in Trenton. If the report raises an objection as to the right to foreclose or other valid claim or defense, it shall be filed with the court that appointed the guardian ad litem.

(C) In matters in which a guardian ad litem is appointed to represent the interests of an alleged incapacitated person, and the report of the guardian ad litem raises an objection as to the right to foreclose or other valid claim or defense, the court shall discharge the guardian ad litem appointed in the foreclosure action

and appoint a guardian ad litem pursuant to subparagraph (b)(4) above to perform the duties set forth in subparagraph (c)(2) above.

(d) Action on Recommendation of Guardian Ad Litem of Alleged Incapacitated Person. On receipt of the report of the guardian ad litem pursuant to subparagraph (c)(2) above, the court shall make its own independent fact findings, with or without testimony, and exercise its discretion in determining whether an action for adjudication of incapacity and appointment of a guardian under *R.* 4:86-1 is required. Any action under *R.* 4:86-1 shall be filed by an interested party on behalf of the alleged incapacitated person or by the guardian ad litem, and shall be heard in the Superior Court, Chancery Division, Probate Part. Notice of the *R.* 4:86-1 action shall be provided to the court, which may stay the underlying matter pending adjudication of the action in the Probate Part.

[(c)] (e) Allowance of Fees. A guardian ad litem appointed pursuant to this rule or *R.* 4:26-3(c) (failure of virtual representation) who [intends to apply for an] seeks allowance of a fee shall [serve upon all parties and] file a written notice with the court. [at least 7 days before the hearing a] The [written] notice shall be served upon all parties at least 7 days before the hearing. [of] The notice shall state the fee amount [applied for] sought; [stating] that the report and affidavit of services have been filed, [(] unless [no such affidavit is] not required under *R.* 4:87-7; [) have been filed] and that copies [thereof] will be furnished on request.

[(d) Filing Foreclosure Reports. Notwithstanding the appointment of a guardian *ad litem* in a foreclosure action to represent the interests of a minor or incapacitated person by a judge, if the written report of the guardian *ad litem* raises no objection or dispute as to the right to foreclosure, the report shall be filed with the Superior Court Clerk in Trenton. Reports which raise an objection or dispute shall be filed with the judge who appointed the guardian *ad litem*.]

Note: Source – *R.R.* 4:30-2(a)(b)(c), 7:12-6; paragraph (b) amended July 16, 1981 to be effective September 14, 1981; paragraphs (a), (b) and (c) amended July 14, 1992 to be effective September 1, 1992; paragraph (b)(3) amended July 13, 1994 to be effective September 1, 1994; caption amended, and paragraphs (a), (b)(1), (b)(2), (b)(3), and (b)(4) amended July 12, 2002 to be effective September 3, 2002; new paragraph (d) added July 9, 2008 to be effective September 1, 2008; paragraphs (a) and (b) amended, paragraph (c) amended and renumbered as paragraph (e), paragraph (d) deleted, and new paragraphs (c) and (d) adopted August 5, 2022 to be effective September 1, 2022.

4:42-2. Judgment Upon Multiple Claims; Reconsideration of Interlocutory Orders

(a) If an order would be subject to process to enforce a judgment pursuant to *R.* 4:59 if it were final and if the trial court certifies that there is no just reason for delay of such enforcement, the trial court may direct the entry of final judgment upon fewer than all the claims as to all parties, but only in the following circumstances: (1) upon a complete adjudication of a separate claim; or (2) upon complete adjudication of all the rights and liabilities asserted in the litigation as to any party; or (3) where a partial summary judgment or other order for payment of part of a claim is awarded.

(b) In the absence of [such] a direction authorized by paragraph (a), any order or form of decision which adjudicates fewer than all the claims as to all the parties shall not terminate the action as to any of the claims, and it shall be subject to revision at any time before the entry of final judgment in the sound discretion of the court in the interest of justice. To the extent possible, application for reconsideration shall be made to the trial judge who entered the order.

Note: Source – *R.R.* 4:55-2; amended July 16, 1981 to be effective September 14, 1981; amended November 1, 1985 to be effective January 2, 1986; amended November 7, 1988 to be effective January 2, 1989; amended and divided into paragraphs (a) and (b) August 5, 2022 to be effective September 1, 2022.

4:49-2. Motion to Alter or Amend a Judgment or Final Order

Except as otherwise provided by *R.* 1:13-1 (clerical errors), a motion for rehearing or reconsideration seeking to alter or amend a judgment or final order shall be served not later than 20 days after service of the judgment or order upon all parties by the party obtaining it. The motion shall state with specificity the basis on which it is made, including a statement of the matters or controlling decisions that [which] counsel believes the court has overlooked or as to which it has erred, and shall have annexed thereto a copy of the judgment or final order sought to be reconsidered and a copy of the court's corresponding written opinion, if any.

Note: Source – *R.R.* 4:61-6. Amended November 5, 1986 to be effective January 1, 1987; amended July 14, 1992 to be effective September 1, 1992; amended July 10, 1998 to be effective September 1, 1998; amended July 19, 2012 to be effective September 4, 2012; caption and text amended August 5, 2022 to be effective September 1, 2022.

4:58-1. Time and Manner of Making and Accepting Offer

(a) Except in a matrimonial action or an action adjudicated in the Special Civil Part, any party may, at any time more than 20 days before the actual trial date, serve on any adverse party, without prejudice, and file with the court, an offer to take a monetary judgment in the offeror's favor, or as the case may be, to allow judgment to be taken against the offeror, for a sum stated therein (including costs). The offer shall not be effective unless, at the time the offer is extended, the relief sought by the parties in the case is exclusively monetary in nature. Any offer made under this rule shall not be withdrawn except as provided herein.

(b) ...no change.

(c) Except as otherwise provided under this Rule, prior to the service or filing of a notice of acceptance, an offeror may withdraw an offer by serving on the offeree and filing a notice of withdrawal with the court. An offer voluntarily withdrawn by the offeror shall not be subject to this Rule.

Note: Source – *R.R.* 4:73. Amended July 7, 1971 to be effective September 13, 1971; amended July 13, 1994 to be effective September 1, 1994; amended June 28, 1996 to be effective September 1, 1996; amended July 10, 1998 to be effective September 1, 1998; text allocated to paragraphs (a) and (b), and paragraphs (a) and (b) amended July 27, 2006 to be effective September 1, 2006; paragraph (a) amended and new paragraph (c) adopted August 5, 2022 to be effective September 1, 2022.

4:58-2. Consequences of Non-Acceptance of Claimant's Offer

(a) ...no change.

(b) ...no change.

(c) No allowances shall be granted pursuant to paragraphs (a) or (b) if they would impose undue hardship or otherwise result in unfairness to the offeree. If undue hardship can be eliminated by reducing the allowance to a lower sum, the court shall reduce the amount of the allowance accordingly. The burden is on the offeree to establish the offeree's claim of undue hardship or lack of fairness.

Note: Amended July 7, 1971 to be effective September 13, 1971; amended July 14, 1972 to be effective September 5, 1972; amended July 17, 1975 to be effective September 8, 1975; amended July 13, 1994 to be effective September 1, 1994; amended July 5, 2000 to be effective September 5, 2000; amended July 28, 2004 to be effective September 1, 2004; text amended and designated as paragraph (a), new paragraph (b) adopted July 27, 2006 to be effective September 1, 2006; paragraph (a) amended July 23, 2010 to be effective September 1, 2010; paragraph (a) amended, new paragraph (b) added, and previous paragraph (b) redesignated as paragraph (c) August 1, 2016 to be effective September 1, 2016; paragraph (c) amended August 5, 2022 to be effective September 1, 2022.

4:58-3. Consequences of Non-Acceptance of Offer of Party Not a Claimant

(a) If the offer of a party other than the claimant is not accepted, and the claimant obtains a [monetary] judgment, or in the case of a claim for uninsured/underinsured motorist benefits, a verdict (molded to reflect comparative negligence, if any)[,] that is favorable to the offeror as defined by this rule, the offeror shall be allowed, in addition to costs of suit, the allowances as prescribed by *R.* 4:58-2 [, which shall constitute a prior charge on the judgment or verdict in uninsured/underinsured motorist actions].

(b) A favorable determination qualifying for allowances under this rule is a [money] judgment or in the case of a claim for uninsured/underinsured motorist benefits, a verdict (molded to reflect comparative negligence, if any) in an amount, excluding allowable prejudgment interest and counsel fees, that is 80% of the offer or less.

(c) No allowances shall be granted if (1) the claimant's claim is dismissed, (2) a no-cause verdict is returned, (3) only nominal damages are awarded, (4) a fee allowance would conflict with the policies underlying a fee-shifting statute or rule of court, or (5) an allowance would impose undue hardship or otherwise result in unfairness to the offeree. If, however, undue hardship can be eliminated by reducing the allowance to a lower sum, the court shall reduce the amount of the allowance

accordingly. The burden is on the offeree to establish the offeree's claim of undue hardship or lack of fairness.

Note: Source – *R.R.* 4:73; amended July 13, 1994 to be effective September 1, 1994; amended July 5, 2000 to be effective September 5, 2000; amended July 28, 2004 to be effective September 1, 2004; text allocated into paragraphs (a), (b), (c), and paragraphs (a), (b), (c) amended July 27, 2006 to be effective September 1, 2006; paragraphs (a) and (b) amended August 1, 2016 to be effective September 1, 2016; paragraphs (a), (b), (c) amended August 5, 2022 to be effective September 1, 2022.

4:58-4. Multiple Claims; Multiple Parties

(a) [Multiple Plaintiffs] Per Quod and Derivative Plaintiffs. If a party joins as plaintiff for the purpose of asserting a per quod claim or if one or more plaintiffs seek a claim that is derivative of the claim of another plaintiff, the claimants may make a single unallocated offer. Otherwise, multiple claimants may file and serve any offer individually.

(b) Multiple Defendants. [If there are multiple defendants against whom a joint and several judgment is sought, and one of the defendants offers in response less than a pro rata share, that defendant shall, for purposes of the allowances under *R.* 4:58-2 and -3, be deemed not to have accepted the claimant's offer. If, however, the offer of a single defendant, whether or not intended as the offer of a prorated share, is at least as favorable to the offeree as the determination of total damages to which the offeree is entitled, the single offering defendant shall be entitled to the allowances prescribed in *R.* 4:58-3, provided, however, that the single defendant's offer is at least 80% of the total damages determined.] Where there are multiple defendants, offers shall be made as follows:

(1) Global Offer. Claimant may make a global offer to multiple defendants. If claimant obtains a money judgment in an amount that is 120% of the global offer or more, excluding allowable prejudgment interest and counsel fees, the claimant shall be allowed, in addition to costs of suit, those allowances as prescribed

in *R.* 4:58-2(a). In such case, the assessment of costs and fees shall be applied as follows:

(A) No Response. When there is a rejection of, or no response to, plaintiff's global offer, each defendant will be jointly and severally responsible for the entire allocation set forth pursuant to *R.* 4:58.

(B) Global Counteroffer. When there is a global counteroffer from defendants and plaintiff obtains a favorable determination qualifying for allowances under this rule, each defendant will be responsible for the portion of expenses and fees equal to the percentage for which such defendant was individually adjudicated responsible. Subject to *R.* 4:58-3(c), in the event the defendants obtain a global favorable determination, plaintiff will be responsible for the expenses and fees payable pro rata to each defendant in accordance with that defendant's proportionate share of the offer.

(C) Counteroffer to Claimant's Global Offer by One Defendant. When a single defendant makes a counteroffer to a global offer, it shall be treated as a counteroffer limited to that defendant's share.

i. If that defendant's final adjudicated share is less than 120% of their individual counteroffer, that defendant shall not be assessed any allowances under the rule and the remaining non-responsive defendants will remain jointly and severally responsible for the total allowances under the rule.

ii. If that defendant's final adjudication is greater than 120% of their counteroffer, that defendant should be responsible for the allowances equal to their percentage of adjudicated responsibility and the non-responsive defendants shall be jointly and severally liable for the balance of the allowances to which claimant is entitled under this rule.

(D) Counteroffers by Multiple but not All Defendants. When multiple defendants individually make a counteroffer representing only their individual share of responsibility, each defendant shall indicate that.

i. If any responsive individual defendant's final adjudicated share is less than 120% of their individual counteroffer, that defendant shall not be assessed any allowances under the rule and the remaining non-responsive defendants will remain jointly and severally responsible for the total allowances under the rule.

ii. If any responsive individual defendant's final adjudication is greater than 120% of their counteroffer, that defendant shall be responsible for the allowances equal to their percentage of adjudicated responsibility and the non-responsive defendants shall be joint and severally liable for the balance of the allowances to which claimant is entitled under this rule.

(E) All Defendants Respond Individually. When all defendants counteroffer individually to a global offer, the individual responses should be combined and treated as a global counteroffer. Each defendant who counteroffered

an amount where 120% of that amount is determined to be more than their adjudicated responsibility of the monetary judgment will not be responsible for any allowances. Any defendant who did not obtain a favorable determination will be assessed 100% of allowances. The allowances will be assessed based on that defendant's adjudicated percentage share of responsibility of the allowances and the combination of the remaining defendants must equal 100% of the allowances. However, if each defendant has individually offered an amount where 120% of that amount is determined to be more than that defendant's adjudicated responsibility of the monetary judgment, but 120% of all of the defendants' combined counteroffer amount is less than the claimant's global offer, then each defendant will be responsible for the portion of expenses and fees equal to the percentage that the defendant was adjudicated responsible.

(2) Defendants Against Whom No Joint and Several Judgment Is Sought. If there are multiple defendants and there are defendants against whom no joint and several judgment is sought, claimant may file and serve individual offers on those defendants against whom no joint and several judgment is sought as prescribed by this rule. Similarly, those defendants against whom no joint and several judgment is sought may file and serve individual offers as prescribed by *R.* 4:58-1. If such offeror is successful as prescribed by *R.* 4:58-2 or -3, such claimant or defendant

shall be entitled to the allowances as prescribed by *R.* 4:58-2 or -3 as the case may be and subject to the provisions of this rule.

(3) Individual Offer. If there are multiple defendants, individual offers of judgment may be filed and served as prescribed by *R.* 4:58-1. If such offeror is successful as prescribed by *R.* 4:58-2 or -3, such claimant or defendant shall be entitled to the allowances as prescribed by *R.* 4:58-2 or -3, as the case may be.

(c) ...no change.

Note: Adopted July 5, 2000 to be effective September 5, 2000; caption amended, former text redesignated as paragraph (b) and amended, and new paragraphs (a) and (c) adopted July 28, 2004 to be effective September 1, 2004; paragraph (a) caption and text amended, and paragraph (b) amended August 5, 2022 to be effective September 1, 2022.

4:58-7. Acceptance of Offer Not Deemed a Judgment; Payment of Accepted Offer

(a) Except as provided in paragraph (b), acceptance and payment of an offer under R. 4:58 will not be deemed a judgment against the offeree and will not require the filing of a Warrant of Satisfaction.

(b) Absent leave of court, or the agreement of the offeror and offeree, full payment of the accepted offer shall be made within 30 days after the date of service of notice of acceptance. Within 7 days after full payment, the offeror and the offeree shall file a Stipulation of Dismissal with Prejudice as to all claims that are the subject of the accepted offer. If full payment is not made within 30 days, then the party entitled to receive payment may (1) withdraw its offer or acceptance, or (2) apply for relief consistent with R. 1:6-2(a) for entry of final judgment. The court shall award reasonable expenses, including reasonable fees and costs for the application for final judgment, unless the court finds that the failure to make payment was substantially justified or that other circumstances make an award of expenses unjust.

Note: New Rule 4:58-7 adopted August 5, 2022 to be effective September 1, 2022.

4:59-1. Execution

(a) ...no change.

(b) ...no change.

(c) ...no change.

(d) ...no change.

(e) ...no change.

(f) ...no change.

(g) ...no change.

(h) Notice to Debtor. Every court officer or other person levying on a debtor's property shall, on the day the levy is made, mail a notice to the last known address of the person or business entity whose assets are to be levied on stating that a levy has been made and describing exemptions from levy and how such exemptions may be claimed by qualified persons. If the execution is served on a bank or other financial institution as garnishee pursuant to *N.J.S.A.* 2A:17-63, the officer shall mail the notice to the debtor on the day the officer serves the writ. The notice shall be in the form prescribed by Appendix VI to these rules and copies thereof shall be promptly filed by the levying officer with the clerk of the court and mailed to the person who requested the levy. If the clerk or the court receives a claim of exemption, whether formal or informal, it shall hold a hearing thereon within 7 days after the claim is made. The judgment-creditor may waive in writing

the right to appear at the hearing on the objection and rely on the papers. If an exemption claim is made to the levying officer, it shall be forthwith forwarded to the clerk of the court and no further action shall be taken with respect to the levy pending the outcome of the exemption hearing. No turnover of funds or sale of assets may be made, in any case, until 20 days after the date of the levy and the court has received a copy of the properly completed notice to debtor.

(i) ...no change.

Note: Source – *R.R.* 4:74-1, 4:74-2, 4:74-3, 4:74-4. Paragraph (c) amended November 17, 1970 effective immediately; paragraph (d) amended July 17, 1975 to be effective September 8, 1975; paragraph (a) amended, new paragraph (b) adopted and former paragraphs (b), (c), (d), and (e) redesignated (c), (d), (e) and (f) respectively, July 24, 1978 to be effective September 11, 1978; paragraph (b) amended July 21, 1980 to be effective September 8, 1980; paragraphs (a) and (b) amended July 15, 1982 to be effective September 13, 1982; paragraph (d) amended July 22, 1983 to be effective September 12, 1983; paragraph (b) amended and paragraph (g) adopted November 1, 1985 to be effective January 2, 1986; paragraph (d) amended June 29, 1990 to be effective September 4, 1990; paragraph (e) amended July 14, 1992 to be effective September 1, 1992; paragraphs (a), (c), (e), (f), and (g) amended July 13, 1994 to be effective September 1, 1994; paragraph (b) amended June 28, 1996 to be effective June 28, 1996; paragraph (d) amended June 28, 1996 to be effective September 1, 1996; paragraph (e) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a), (e), and (g) amended July 5, 2000 to be effective September 5, 2000; paragraph (d) amended July 12, 2002 to be effective September 3, 2002; paragraph (d) amended July 28, 2004 to be effective September 1, 2004; paragraphs (a) and (d) amended, and new paragraph (h) adopted July 27, 2006 to be effective September 1, 2006; paragraphs (a) and (f) amended July 9, 2008 to be effective September 1, 2008; paragraph (c) redesignated as subparagraph (c)(2), new paragraph (c) caption adopted, new subparagraph (c)(1) caption and text adopted, and paragraph (g) amended July 23, 2010 to be effective September 1, 2010; paragraph (a) amended, former paragraphs (b) through (h) redesignated as paragraphs (c) through (i), new paragraph (b) adopted, redesignated paragraph (h)

amended, and caption added to redesignated paragraph (i) July 19, 2012 to be effective September 4, 2012; paragraph (i) amended July 22, 2014 to be effective September 1, 2014; paragraph (c) amended July 27, 2015 to be effective September 1, 2015; paragraph (e) amended July 31, 2020 to be effective September 1, 2020; paragraph (h) amended August 5, 2022 to be effective September 1, 2022 .

4:72-1. Complaint

(a) Change of Name for Adult.

(1) Generally. An action for change of name of an adult shall be filed and heard in the Law Division, Civil Part. The action shall be commenced by filing a verified complaint which shall contain the date of birth of the plaintiff and shall state: (1) that the application is not made with the intent to avoid creditors or to obstruct criminal prosecution or for other fraudulent purposes; (2) whether plaintiff has ever been convicted of a crime and, if so, the nature of the crime and the sentence imposed; (3) whether any criminal charges are pending against plaintiff and, if so, such detail regarding the charges as is reasonably necessary to enable the Division of Criminal Justice or the appropriate county prosecutor to identify the matter. [If criminal charges are pending, at least 20 days prior to the hearing a copy of the complaint shall be served on the Director of the Division of Criminal Justice to the attention of the Records and Identification Section if the charges were initiated by the Division of Criminal Justice, or otherwise on the appropriate county prosecutor. Service on the Division of Criminal Justice or on a county prosecutor shall be accompanied by a request that the official make such response as may be deemed appropriate.]

(2) ...no change.

(b) Change of Name for Minor. An action for the change of name of a minor shall be filed and heard in the Chancery Division, Family Part. The action shall be commenced by filing a verified complaint by a parent or guardian on behalf of the minor which shall contain the date of birth of the minor and shall state: (1) that the application is not made with the intent to avoid creditors or to obstruct criminal prosecution or for other fraudulent purposes; (2) whether the minor has ever been adjudicated delinquent or convicted of a crime and, if so, the nature of the crime and the disposition/sentence imposed; (3) whether any criminal charges are pending against the minor and, if so, such detail regarding the charges as is reasonably necessary to enable the Division of Criminal Justice or the appropriate county prosecutor to identify the matter. [If criminal charges are pending, at least 20 days prior to the hearing a copy of the complaint shall be served on the Director of the Division of Criminal Justice to the attention of the Records and Identification Section if the charges were initiated by the Division of Criminal Justice, or otherwise on the appropriate county prosecutor. Service on the Division of Criminal Justice or a county prosecutor shall be accompanied by a request that the official make such response as may be deemed appropriate.] Absent extraordinary circumstances, where the parent or guardian and the minor consent to the change of name, the court shall conduct the hearing in a summary fashion for the limited purpose of creating a record and confirming the information set forth in the verified complaint.

(c) ...no change.

Note: Source – *R.R.* 4:91-1. Amended July 11, 1979 to be effective September 10, 1979; amended July 15, 1982 to be effective September 13, 1982; amended November 1, 1985 to be effective January 2, 1986; amended July 13, 1994 to be effective September 1, 1994; former text of rule designated as paragraph (a) and amended, paragraph (a) caption added, and new paragraph (b) adopted July 9, 2008 to be effective September 1, 2008; paragraph (a) caption amended, paragraph (a) text amended and designated as subparagraph (a)(1) with new caption, new subparagraph (a)(2) caption and text adopted, paragraph (b) caption and text amended, and new paragraph (c) caption and text adopted July 27, 2018 to be effective September 1, 2018; subparagraph (a)(1) and paragraph (b) amended August 5, 2022 to be effective September 1, 2022.

4:72-3. Notice of Application

The court by order shall fix a date for hearing not less than 30 days after the date of the order. In all name change actions, notice [Notice] of application must be served by certified and regular mail, at least 20 days prior to the hearing to the Director of the Division of Criminal Justice to the attention of the Records and Identification Section. If criminal charges initiated by a county prosecutor are pending, a copy of the complaint shall also be served on the county prosecutor by certified and regular mail at least 20 days prior to the hearing. Service on the Division of Criminal Justice or on a county prosecutor shall be accompanied by a request that the official make such response as may be deemed appropriate. The court shall also require, in the case of a minor plaintiff, that notice be served by registered or certified mail, return receipt requested, upon a non-party parent at that parent's last known address.

Note: Source – *R.R.* 4:91-3. Amended July 7, 1971 to be effective September 13, 1971; amended July 13, 1994 to be effective September 1, 1994; amended July 5, 2000 to be effective September 5, 2000; amended August 1, 2016 to be effective September 1, 2016; amended November 17, 2020 to be effective immediately; amended August 5, 2022 to be effective September 1, 2022.

4:87-7. Report of Guardian Ad Litem

A guardian ad litem for a minor or mentally incapacitated person shall file a written report with the court at least 7 days prior to the day on which the account is settled. If the guardian applies for the allowance of a fee in excess of $1,000, the report shall include, or be accompanied by, an affidavit of services. Notice of all applications for allowances shall be given as provided by R. 4:26-2(e) [4:26-2(c)].

Note: Source – *R.R.* 4:106-5A; former R. 4:86-7 amended and rule redesignated June 29, 1990 to be effective September 4, 1990; amended July 12, 2002 to be effective September 3, 2002; amended August 5, 2022 to be effective September 1, 2022.

7:13-1. Appeals

Appeals shall be taken in accordance with R. 3:23, 3:24, and 4:74-3, and in extraordinary cases and in the interest of justice, in accordance with R. 2:2-3(c) [2:2-3(b)].

Note: Source – R. (1969) 7:8-1. Adopted October 6, 1997 to be effective February 1, 1998; amended July 28, 2004 to be effective September 1, 2002; amended July 19, 2012 to be effective September 4, 2012; amended August 5, 2022 to be effective September 1, 2022.

8:3-1. Commencement of Action

(a) An action is commenced by filing a complaint with the Clerk of the Tax Court. Pursuant to R. 1:32-2A, the Supreme Court has approved the mandatory use of eCourts Tax by attorneys to commence all [local property] tax matters in the Tax Court. All [State] tax matters filed by pro se litigants may be [are] commenced through the filing of a paper complaint or through use of eCourts Tax.

(b)... no change

(c)... no change

Note: Adopted June 20, 1979 to be effective July 1, 1979. Former rule redesignated as paragraph (a) and paragraph (b) adopted July 22, 1983 to be effective September 12, 1983; new paragraph (c) adopted July 28, 2004 to be effective September 1, 2004; paragraph (a) amended July 27, 2018 to be effective September 1, 2018; paragraph (a) amended August 5, 2022 to be effective September 1, 2022.

8:3-3. General Form of Pleading; Appearances in Court

In addition to the special pleading requirements prescribed by these rules, all pleadings shall generally accord as to form with the rules governing pleadings in the Superior Court. A pleading shall be physically or electronically signed by the attorney of record or, if not represented by an attorney, by the party. If a party is not represented by an attorney, the pleading shall include the name, residence address, and telephone number of the party. Except as provided by R. 1:21-1(c), an entity other than a sole proprietorship, however formed and for whatever purpose, [other than a sole proprietorship] shall neither appear nor file any paper in any action in the Tax Court except through an attorney authorized to practice in this State.

Note: Adopted June 20, 1979 to be effective July 1, 1979. Amended July 22, 1983 to be effective September 12, 1983; amended July 13, 1994 to be effective September 1, 1994; caption and text amended July 31, 2020 to be effective September 1, 2020; amended August 5, 2022 to be effective September 1, 2022.

8:3-4. Contents of Complaint, Generally

(a) . . . no change

(b) . . . no change

(c) . . . no change

(d) Small Claims Classification.

(1) . . . no change

(2) In local property tax cases, the complaint shall state whether each separately assessed parcel of property under appeal is a class 2 property (1-4 family residence), [or] is a class 3A farm residence, is a local property tax case to correct an error pursuant to N.J.S.A. 54:51A-7, or is based on the amount of the prior year's taxes pursuant to R. 8:11(a)(2). [or, if] If small claims jurisdiction is based on the prior year's taxes, there shall be included with the complaint a copy of the prior year's final tax bill or the current year's notice of assessment or a statement certifying the prior year's taxes. Where small claims jurisdiction is based on the prior year's taxes, a complaint that fails to confirm the prior year's taxes as specified in this subparagraph shall be treated as a nonconforming paper that shall be returned stamped "Received but not filed (date)" as provided in R. 1:5-6(c).

(e) . . . no change

(f) . . . no change

Note: Adopted June 20, 1979 to be effective July 1, 1979. Paragraphs (a) and (d) amended July 15, 1982 to be effective September 13, 1982; paragraph (e) adopted November 5, 1986 to be effective January 1, 1987; paragraphs (b) and (c) amended July 5, 2000 to be effective September 5, 2000; subparagraphs (c)(1) and (c)(2) amended July 23, 2010 to be effective September 1, 2010; paragraph (a) caption and text amended, new paragraph (b) adopted, former paragraph (b) redesignated as paragraph (c) and amended, paragraphs (c), (d), and (e) redesignated as paragraphs (d), (e), and (f) July 22, 2014 to be effective September 1, 2014; paragraph (d)(1) amended August 1, 2016 to be effective September 1, 2016; subparagraph (d)(2) amended August 5, 2022 to be effective September 1, 2022.

8:5-3. On Whom Served

(a) Review of Action of a County Board of Taxation or Direct Review by the Tax Court

(1) . . . no change

(2) . . . no change

(3) . . . no change

(4) A complaint to review the action of a County Board of Taxation with respect to a County Equalization Table or Abstract of Ratables or any other action dealing with the equalization or apportionment of county taxes shall be served upon the County Board of Taxation and upon the Chief Executive Officer and the Clerk of the Board of Chosen Freeholders of the County and upon the Clerk of every taxing district in the county and upon the Attorney General of the State of New Jersey.

(5) . . . no change

(6) . . . no change

(7) . . . no change

(8) . . . no change

(9) . . . no change

(b) . . . no change

(c) ... no change

Note: Adopted June 20, 1979 to be effective July 1, 1979. Paragraph (a)(7) adopted and paragraphs (b)(1) and (2) amended July 8, 1980 to be effective July 15, 1980; paragraphs (a)(1), (2), (3) and (7) amended July 15, 1982 to be effective September 13, 1982; paragraph (a)(5) amended and paragraph (b)(4) adopted July 22, 1983 to be effective September 12, 1983; paragraph (a)(3) amended and paragraph (a)(8) adopted November 7, 1988 to be effective January 2, 1989; paragraph (a) caption and paragraphs (a)(7) and (8) amended and paragraph (c) adopted June 29, 1990 to be effective September 4, 1990; paragraph (a)(5) amended July 14, 1992 to be effective September 1, 1992; paragraph (a)(1) amended July 13, 1994; paragraph (b)(1) amended July 12, 2002 to be effective September 3, 2002; paragraphs (a)(7) and (a)(8) amended July 27, 2006 to be effective September 1, 2006; paragraph (b)(1) amended July 9, 2008 to be effective September 1, 2008; subparagraphs (a)(5)(ii) and (a)(7) amended July 19, 2012 to be effective September 4, 2012; paragraph (a)(8) amended August 1, 2016 to be effective September 1, 2016; subparagraph (a)(9) adopted July 31, 2020 to be effective September 1, 2020; subparagraph (a)(4) amended August 5, 2022 to be effective September 1, 2022.

8:11. Small Claims Division; Practice and Procedure

(a)(1) . . . no change

(2) The small claims division will hear all local property tax cases in which the property at issue is a class 2 property (1-4 family residence), [or] is a class 3A farm residence, is a case to correct an error pursuant to N.J.S.A. 54:51A-7, and all other local property tax cases in which the prior year's taxes for the subject property were less than $25,000. Cases raising exemption or abatement issues are not eligible for the small claims division. Local property tax cases in the small claims division shall be assigned to the small claims track.

(b) . . . no change

(c) . . . no change

(d) . . . no change

(e) . . . no change

Note: Adopted June 20, 1979 to be effective July 1, 1979; amended July 22, 1983 to be effective September 12, 1983; amended November 5, 1986 to be effective January 1, 1987; amended November 7, 1988 to be effective January 2, 1989; amended July 13, 1994 to be effective September 1, 1994 amended July 5, 2000 to be effective September 5, 2000; amended July 28, 2004 to be effective September 1, 2004; paragraph letters added, paragraphs (a), (b), (c) and (e) amended July 9, 2008 to be effective September 1, 2008; paragraphs (a) and (e) amended July 23, 2010 to be effective September 1, 2010; paragraph (a)(1) amended August 1, 2016 to be effective September 1, 2016; subparagraph (a)(2) amended August 5, 2022 to be effective September 1, 2022.

APPENDIX II. - INTERROGATORY FORMS

Form A. Uniform Interrogatories to be Answered by Plaintiff in All Personal Injury Cases (Except Medical Malpractice Cases): Superior Court

All questions must be answered unless the court otherwise orders or unless a claim of privilege or protective order is made in accordance with R. 4:17-1(b)(3). Information provided in response to these interrogatories shall not be used for any improper purpose. Use of such information shall be in accordance with the Rules of Court, including but not limited to R. 1:38, and the Rules of Professional Conduct.

(Caption)

1. ...no change.

2. Describe [in detail] your version of the alleged occurrence, incident, accident or [occurrence] act of negligence asserted in detail setting forth the date, location, time and weather.

3. ...no change.

4. ...no change.

5. ...no change.

6. ...no change.

7. ...no change.

8. ...no change.

9. ...no change.

10. ...no change.

11. ...no change.

12. ...no change.

13. ...no change.

14. ...no change.

15. ...no change.

16. State the names and addresses of all eyewitnesses to your version of the [accident or] alleged occurrence, incident, accident, or act of negligence asserted, their relationship to you and their interest in this lawsuit.

17. ...no change.

18. ...no change.

19. ...no change.

20. ...no change.

21. ...no change.

22. If you claim that the violation of any statute, rule, regulation or ordinance is a factor in this litigation, state the exact title and section.

23. ...no change.

24. ...no change.

25. State (a) the name and address of any person, including any person or party answering these interrogatories, who has made a statement regarding this lawsuit or the subject matter of this lawsuit; (b) whether the statement was oral or in writing; (c) the date the statement was made; (d) the name and address of the person to whom the statement was made; (e) the name and address of each person present when the statement was made; and (f) the name and address of each person who has knowledge of the statement.

Unless subject to a claim of privilege, which must be specified: (g) attach a copy of the statement, if it is in writing; (h) if the statement was oral, state whether a recording was made and, if so, set forth the nature of the recording and the name and address of the person who has custody of it; and (i) if the statement was oral and no recording was made, provide a detailed summary of its contents.

TO BE ANSWERED ONLY IN AUTOMOBILE ACCIDENT CASES

[25] 26. State on what street, highway, road or other place (designate which) and in what general direction (north, south, east or west) your vehicle was proceeding immediately prior to the collision. (You may include a sketch for greater clarity.)

[26] 27. With respect to fixed objects at the location of the collision, state as nearly as possible the point of impact. If you included a sketch, place an X thereon to denote the point of impact.

(Note: The term "point of impact" as used in this and other questions has reference to the exact point on the street, highway, road or other place where the vehicles collided or where any pedestrian was struck.)

[27] 28. State whether there were any traffic control devices, signs or police officers at or near the place of the collision. If there were, describe them (i.e., traffic lights, stop sign, police officers, etc.) and state the exact location of each.

[28] 29. If you contend that there was a malfunction of a motor vehicle or equipment, state: (a) make, model and year of the motor vehicle and whether or not that vehicle was equipped with power brakes and steering; (b) the nature of the malfunction; (c) the date the motor vehicle was purchased and the name and address of the person from whom the motor vehicle was purchased; (d) the date that that portion of the motor vehicle in which the malfunction occurred was last inspected and the name and address of the person inspecting same; (e) the last date prior to the accident that that portion of the motor vehicle was repaired or replaced, the nature and extent of the repairs, the name and address of the person repairing or replacing same; (f) if the motor vehicle was repaired after the accident, state the name and address of the person repairing same and the nature of the repairs; and (g) attach a copy of any repair bills.

[29] 30. If the collision occurred at an uncontrolled intersection, state: (a) which vehicle entered the intersection first; (b) whether your vehicle came to a full stop before entering the intersection; and (c) if your vehicle did not come to a full stop before entering the intersection, state the speed of your vehicle when it entered the intersection.

[30] 31. For each other vehicle or pedestrian collided with, state, at the time you first observed the other vehicle or pedestrian, (a) your speed and (b) the speed of the other vehicle or the movement, if any, of the pedestrian, and the distance in feet between (c) the front of your vehicle and the point of impact; (d) the front of the

other vehicle or pedestrian and the point of impact, and (e) the front of your vehicle and the other vehicle or pedestrian.

[31] 32. State where each vehicle came to rest after the impact. Include the distance in terms of feet from the point of impact to the point where each vehicle came to rest.

[32] 33. For each other vehicle or pedestrian involved, state (a) which part of your vehicle; and (b) which part of the other vehicle or pedestrian came into contact.

[33] 34. State the following facts with respect to the collision: (a) time; (b) condition of weather; (c) condition of visibility; and (d) condition of roadway.

[34] 35. For each other vehicle or pedestrian involved, state whether you observed the vehicle or pedestrian prior to the accident? YES (__) or NO (__). If the answer is "yes," set forth the time that elapsed from the time you first saw the vehicle or pedestrian until the impact occurred.

[35] 36. At the time of the impact, state the speeds of all vehicles involved in the collision.

[36] 37. Were you charged with a motor vehicle violation as a result of the collision? YES (___) or NO (___). If the answer is "yes", state: (a) charge; (b) plea; and (c) disposition.

[37] 38. Do you have insurance coverage and/or PIP benefits under an applicable policy or policies of automobile insurance? As to each such policy provide the name and address of the insurance carrier, policy number, the named insured and attach a copy of the declaration sheet.

39. If the Plaintiff(s) or any occupant of the vehicle consumed any alcoholic beverage or took any drugs or medication within twenty-four (24) hours before the subject incident, state what was consumed.

40. If at the time of the accident you were in the course of your employment, logged on to a Transportation Network Company's digital network or engaged in a prearranged ride for a Transportation Network Company (TNC), state the name and address of your employer or TNC.

If you are making a claim for property damage to a motor vehicle, provide answers to the uniform interrogatories contained in Form B, questions 1 through 18.

FOR PRODUCT LIABILITY CASES (OTHER THAN PHARMACEUTICAL AND TOXIC TORT CASES), ALSO ANSWER A(2) CERTIFICATION

I hereby certify that the foregoing answers to interrogatories are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

I hereby certify that the copies of the reports annexed hereto provided by either treating physicians or proposed expert witnesses are exact copies of the entire report or reports provided by them; that the existence of other reports of said doctors or experts are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

Note: Amended July 17, 1975 to be effective September 8, 1975; entire text deleted and new text added Effective 09/01/2016, July 13, 1994 to be effective September 1, 1994; amended June 28, 1996 to be effective September 1, 1996; amended July 10, 1998 to be effective September 1, 1998; new introductory paragraph added July 5, 2000 to be effective September 5, 2000; interrogatory 23 and certification amended July 28, 2004 to be effective September 1, 2004; caption and final instruction amended July 23, 2010 to be effective September 1, 2010; interrogatory 1 amended July 19, 2012 to be effective September 4, 2012; former number 25 renumbered as 37, and new numbers 25 through 36 added August 1, 2016 to become effective September 1, 2016; introductory paragraph amended July 31, 2020 to be effective September 1, 2020; interrogatory numbers 2 and 16 amended, new interrogatory number 25 added, interrogatory numbers 26 through 37 renumbered as numbers 27 through 38, and new interrogatory numbers 39 and 40 added August 5, 2022 to be effective September 1, 2022.

Appendix II. - Interrogatory Forms
Form C. Uniform Interrogatories to be Answered by Defendant in All Personal Injury Cases: Superior Court

All questions must be answered unless the court otherwise orders or unless a claim of privilege or protective order is made in accordance with *R.* 4:17-1(b)(3).

(Caption)

1. ...no change.

2. Describe [the] your version of the alleged occurrence, incident, accident, or act of negligence asserted [or occurrence] in detail, setting forth the date, location, time and weather.

3. ...no change.

4. ...no change.

5. State (a) the name and address of any person, including any person or party answering these interrogatories, who has made a statement regarding this lawsuit or the subject matter of this lawsuit; (b) whether the statement was oral or in writing; (c) the date the statement was made; (d) the name and address of the person to whom the statement was made; (e) the name and address of each person present when the statement was made; and (f) the name and address of each person who has knowledge of the statement.

Unless subject to a claim of privilege, which must be specified: (g) attach a copy of the statement, if it is in writing; (h) if the statement was oral, state whether a recording was made and, if so, set forth the nature of the recording and the name and address of the person who has custody of it; and (i) if the statement was oral and no recording was made, provide a detailed summary of its contents.

6. ...no change.

7. ...no change.

8. State the names and addresses of all eyewitnesses to your version of the alleged occurrence, incident, accident, or act of negligence asserted [occurrence], their relationship to you and their interest in this lawsuit.

9. ...no change.

10. ...no change.

11. ...no change.

12. ...no change.

13. ...no change.

14. ...no change

15. ...no change.

16. If you or your representative and the plaintiff have had any oral communication concerning the subject matter of this lawsuit, state: (a) the date of the communication; (b) the name and address of each participant; (c) the name and address of each person present at the time of such communication; (d) where such communication took place; and (e) a summary of what was said by each party participating in the communication.

17. If you have obtained a statement from any person not a party to this action, state: (a) the name and present address of the person who gave the statement; (b) whether the statement was oral or in writing and if in writing, attach a copy; (c) the date the statement was obtained; (d) if such statement was oral, whether a recording was made, and if so, the nature of the recording and the name and present address of the person who has custody of it; (e) if the statement was written, whether it was signed by the person making it; (f) the name and address of the person who obtained the statement; and (g) if the statement was oral, a detailed summary of its contents.

For Automobile Cases also answer Form C(1),
for Fall down Cases also answer Form C(2),
for Medical Malpractice Cases also answer Form C(3), for Product Liability Cases (other than Pharmaceutical and Toxic Tort Cases) also answer Form C(4)

Certification

I hereby certify that the foregoing answers to interrogatories are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

I hereby certify that the copies of the reports annexed hereto provided by either treating physicians or proposed expert witnesses are exact copies of the entire report or reports provided by them; that the existence of other reports of said doctors or experts are

unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

Note: Amended July 17, 1975 to be effective September 8, 1975; entire text deleted and new text added July 13, 1994 to be effective September 1, 1994; entire text deleted and new text added June 28, 1996 to be effective September 1, 1996; amended July 10, 1998 to be effective September 1, 1998; new introductory paragraph added July 5, 2000 to be effective September 5, 2000; interrogatory 10 and certification amended July 28, 2004 to be effective September 1, 2004; interrogatory 3 amended July 27, 2006 to be effective September 1, 2006; interrogatory 2 amended July 19, 2012 to be effective September 4, 2012; interrogatory numbers 2, 5, and 8 amended and new interrogatory numbers 16 and 17 added August 5, 2022 to be effective September 1, 2022.

Form C(1). Uniform Interrogatories to be Answered by Defendant in Automobile Accident Cases Only: Superior Court

All questions must be answered unless the court otherwise orders or unless a claim of privilege or protective order is made in accordance with R. 4:17-1(b)(3).

(Caption)

1. ...no change.

2. ...no change.

3. ...no change.

4. ...no change.

5. ...no change.

6. ...no change.

7. ...no change.

8. ...no change.

9. ...no change.

10. ...no change.

11. ...no change.

12. ...no change.

13. ...no change.

14. ...no change.

15. ...no change.

16. ...no change.

17. ...no change.

18. ...no change.

19. ...no change.

20. ...no change.

21. If the Defendant(s) or any occupant of the vehicle consumed any alcoholic beverage or took any drugs or medication within twenty-four (24) hours before the subject incident, state what was consumed.

22. If at the time of the accident you were in the course of your employment, logged on to a Transportation Network Company's digital network or engaged in a prearranged ride for a Transportation Network Company (TNC), state the name and address of your employer or TNC.

Certification

I hereby certify that the foregoing answers to interrogatories are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

I hereby certify that the copies of the reports annexed hereto provided by either treating physicians or proposed expert witnesses are exact copies of the entire report or reports provided by them; that the existence of other reports of said doctors or experts are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

Note: New form interrogatory adopted June 28, 1996 to be effective September 1, 1996; new introductory paragraph added July 5, 2000 to be effective September 5, 2000; certification amended July 28, 2004 to be effective September 1, 2004; interrogatories 9, 13, 15, and 18 amended July 22, 2014 to be effective September 1, 2014; new interrogatory numbers 21 and 22 added August 5, 2022 to be effective September 1, 2022.

Form C(3). Uniform Interrogatories to be Answered by Defendant(s) [Physicians in Medical Malpractice Cases] in all Professional Malpractice Cases Involving Healthcare Providers Only: Superior Court

All questions must be answered unless the court otherwise orders or unless a claim of privilege or protective order is made in accordance with R. 4:17-1(b)(3).

(Caption)

1. Identify and describe the appearance of each and every person who was present in the vicinity of[the] your version of the alleged occurrence, incident, accident, or act of negligence asserted in this action, giving the name, address and occupation of each such person and stating your relationship to each.

2. ...no change.

3. ...no change.

4. ...no change.

5. ...no change.

6. ...no change.

7. ...no change.

8. ...no change.

9. ...no change.

10. ...no change.

11. ...no change.

12. ...no change.

13. ...no change.

14. ...no change.

15. ... no change.

16. ... no change.

Certification

I hereby certify that the foregoing answers to interrogatories are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

I hereby certify that the copies of the reports annexed hereto provided by either treating physicians or proposed expert witnesses are exact copies of the entire report or reports provided by them; that the existence of other reports of said doctors or experts are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

Note: New form interrogatory adopted June 28, 1996 to be effective September 1, 1996; new introductory paragraph added July 5, 2000 to be effective September 5, 2000; interrogatory 15(c) and certification amended July 28, 2004 to be effective September 1, 2004; interrogatory 15(c) amended July 27, 2006 to be effective September 1, 2006; interrogatory 13 amended July 19, 2012 to be effective September 4, 2012; title and interrogatory number 1 amended August 5, 2022 to be effective September 1, 2022.

APPENDIX IX-A
CONSIDERATIONS IN THE USE OF CHILD SUPPORT GUIDELINES

(Includes amendments through those effective [June 1, 2022] September 1, 2022)

1. Philosophy of the Child Support Guidelines . . . no change.

2. Use of the Child Support Guidelines as a Rebuttable Presumption

. . . no change.

3. Deviating from the Child Support Guidelines . . . no change.

4. The Income Shares Approach to Sharing Child-Rearing Expenses

. . . no change

5. Economic Basis for the Child Support Guidelines . . . no change

6. Economic Principles Included in the Child Support Guidelines

. . . no change.

7. Assumptions Included in the Child Support Guidelines . . . no change.

8. Expenses Included in the Child Support Schedules . . . no change.

9. Expenses That May Be Added to the Basic Child Support Obligation

. . . no change.

10. Adjustments to the Support Obligation . . . no change.

11. Defining Income . . . no change.

12. Imputing Income to Parent

The fairness of a child support award resulting from the application of these guidelines is dependent on the accurate determination of a parent's net income. If the court finds that either parent is, without just cause, voluntarily underemployed

or voluntarily unemployed, it shall impute income to that parent according to the following [priorities]:

a. [impute income based on potential employment and earning capacity using the parent's work history, occupational qualifications, educational background, and prevailing job opportunities in the region. The court may impute income based on the parent's former income at that person's usual or former occupation or the average earnings for that occupation as reported by the New Jersey Department of Labor (NJDOL);] In determining the amount of income to be imputed, the court must take into consideration the specific circumstances of the parent for whom income imputation is being considered, to the extent known, including but not limited to the following factors: assets; residence; employment and earnings history (as demonstrated by pay stubs, tax returns, Social Security records, disability statements or other records reflecting all sources of earned and unearned income); job skills; educational attainment; literacy; age; health; criminal record and other employment barriers; record of seeking work; the local job market; the availability of employers willing to hire; prevailing earnings level in the local community; what the employment status and earning capacity would have been if the family formed or remained intact; the reason and intent of the underemployment or unemployment; the ages of children in the household and child-care alternatives; the U.S. Bureau of Labor Statistics if the parent works outside of New Jersey; and other relevant background factors in the case. Incarceration may not be treated as voluntary unemployment in establishing or modifying support orders.

The determination of imputed income shall not be based on the gender or custodial position of the parent, except to the extent that it affects the ability-to-earn factors listed above. Income of other household members, current spouses, and children shall not be used to impute income to either parent except when determining the other-dependent credit. When imputing income to a parent who is caring for young children, the parent's income share of child-care costs necessary to allow that person to work outside the home shall be deducted from the imputed income. [; or]

b. [if potential earnings cannot be determined,] If evidence is unavailable or insufficient to determine income based on the factors in subparagraph 12(a), the court may impute income based on the parent's former income at that person's usual or former occupation or the earnings for that occupation as reported by the New Jersey Department of Labor (NJDOL) or the U.S. Bureau of Labor Statistics if the parent works outside of New Jersey, based on the parent's most recent wage

or benefit record (a minimum of two calendar quarters) on file with the NJDOL (note: NJDOL records include wage and benefit income only and, thus, may differ from the parent's actual income). If NJDOL records or data are unavailable or are insufficient to determine income, income may be imputed based on the prevailing State or federal minimum wage, whichever is higher. [; or]

c. [if a NJDOL wage or benefit record is not available, impute income based on the full-time employment (40 hours) at the prevailing New Jersey minimum wage.]

[In determining whether income should be imputed to a parent and the amount of such income, the court should consider: (1) what the employment status and earning capacity of that parent would have been if the family had remained intact or would have formed, (2) the reason and intent for the voluntary underemployment or unemployment, (3) the availability of other assets that may be used to pay support, and (4) the ages of any children in the parent's household and child-care alternatives. The determination of imputed income shall not be based on the gender or custodial position of the parent. Income of other household members, current spouses, and children shall not be used to impute income to either parent except when determining the other-dependent credit. When imputing income to a parent who is caring for young children, the parent's income share of child-care costs necessary to allow that person to work outside the home shall be deducted from the imputed income. For further information on imputing income, see Strahan v. Strahan, 402 N.J. Super. 298 (App. Div. 2008), Caplan v. Caplan, 182 N.J. 250 (2005), Gertcher v. Gertcher, 262 N.J. Super. 176 (Ch. Div. 1992), Bencivenga v. Bencivenga, 254 N.J. Super. 328 (App. Div. 1992), Thomas v. Thomas, 248 N.J. Super. 33 (Ch. Div. 1991), Arribi v. Arribi, 186 N.J. Super. 116 (Ch. Div. 1982), Lynn v. Lynn, 165 N.J. Super. 328 (App. Div. 1979), Mowery v. Mowery, 38 N.J. Super. 92 (App. Div. 1955).]

When evidence of a parent's current or prior earnings and income information is unavailable or insufficient, the court may seek any available information about the specific circumstances of that parent, which may be adduced from the other parent, to determine the amount of income to impute to a parent, and may consider the factors set forth in subparagraphs 12(a) and (b) above, as well as the case law and statutes.

d. The court shall develop a factual basis, memorializing its decision, in writing or on the record, as to whether to impute income to a parent and, if so, the

amount, using appropriate State statutes, procedures, case law, and legal processes in establishing and modifying support obligations.

13. Adjustments for PAR Time (formerly Visitation Time) . . . no change.

14. Sharing-Parenting Arrangements . . . no change.

15. Split-Parenting Arrangements . . . no change.

16. Child in the Custody of a Third Party . . . no change.

17. Adjustments of the Age of the Children . . . no change.

18. College or Other Post-Secondary Education Expenses . . . no change.

19. Determining Child Support and Alimony or Spousal Support Simultaneously . . . no change.

20. Extreme Parental Income Situations . . . no change.

21. Other Factors that May Require an Adjustment to a Guidelines-Based Award . . . no change.

22. Stipulated Agreements . . . no change.

23. Modification of Support Awards . . . no change.

24. Effect of Emancipation of a Child . . . no change.

25. Support for a Child who Reached Majority . . . no change.

26. Health Insurance for Children

Unless the parents agree to an alternative health care arrangement, all child support orders shall provide for the coverage of the child's health care needs (i.e., medical and dental) and health insurance (when such insurance is available to either parent at a reasonable cost). The parent's marginal cost of adding a child to a health insurance policy shall be added to the basic child support award and

deducted from the paying parent's income share of the total child support award (see Appendix IX-B). The following standards shall apply when determining if a health insurance provision is appropriate and which parent should provide health insurance for the child.

a. The cost of health insurance is considered reasonable if it is employment-related or available through a group plan, regardless of the service delivery mechanism, and does not reduce the net income of the obligor below 150% of the poverty guideline for one person (after paying the child support award) or the custodial parent's net household income below 150% of the poverty guideline for the number of persons in the primary household. If sufficient income is not available to pay child support and a health insurance premium without eroding these income reserves, priority shall be given to child support.

b. Health insurance includes fees for service, health maintenance organizations (HMO), preferred provider organizations (PPO) and other types of private or public coverage under which medical services could be provided to the dependent child.

c. When reasonably priced health insurance is available to only one parent, that parent shall be ordered to provide coverage for the child.

d. If health insurance is available to both parents, the parent who can obtain the most comprehensive coverage at the least cost shall be ordered to provide health insurance for the child. Alternatively, both parents may be ordered to provide health insurance if it is available to them at a reasonable cost and the combination of plans provides the most comprehensive coverage.

e. When neither parent has access to health insurance, the parents shall be ordered to share in health expenses in accordance with their relative incomes (see paragraph 9 for the treatment of predictable and recurring unreimbursed health care expenses in excess of $250 per child per year).

f. If the custodial parent and the child receive Medicaid, the non-custodial parent shall be ordered to enroll the child in a health insurance plan if it is available at a reasonable cost.

g. If health care insurance is not available to either parent at the time the support order is established, the court shall require that health insurance coverage

be obtained for the child if it becomes available to either parent in the future. The Probation Division shall monitor the availability of health insurance for the child.

27. Unpredictable, Non-Recurring Unreimbursed Health-Care In Excess of $250 Per Child Per Year . . . no change.

28. Distribution of Worksheets and Financial Affidavits . . . no change.

29. Background Reports and Publications . . . no change.

Note: Adopted May 13, 1997 to be effective September 1, 1997; amended July 10, 1998 to be effective September 1, 1998; amended May 25, 1999 to be effective July 1, 1999; amended April 4, 2000 to be effective immediately; paragraph 10(b) redesignated as paragraph 10(c), new paragraph 10(b) adopted, paragraphs 19 and 21 amended July 5, 2000 to be effective September 5, 2000; paragraphs 7(h), 14(e), 20(a) amended April 2, 2001 to be effective immediately; paragraphs 7(h), 14(e), 20(a) amended March 12, 2002 to be effective immediately; paragraphs 4, 7(f), 9(d), 13(b)-(d), 14(c), 14(f), 14(j), 15 amended July 12, 2002 to be effective September 3, 2002; paragraphs 7(h), 14(e), 20(a) amended March 17, 2003 to be effective immediately; amended March 15, 2004 to be effective immediately; March 14, 2005 to be effective immediately; February 14, 2006 to be effective immediately; July 27, 2006 to be effective September 1, 2006; September 11, 2006 to be effective immediately; February 13, 2007 to be effective immediately; June 15, 2007 to be effective September 1, 2007; March 11, 2008 to be effective immediately; March 24,2009 to be effective immediately; July 16, 2009 to be effective September 1, 2009; June 14, 2011 to be effective immediately; April 24, 2012 to be effective immediately; June 4, 2013 to be effective immediately; July 9, 2013 to be effective September 1,2013; amended April 8, 2014 to be effective immediately; amended April 21, 2015 to be effective May 1, 2015; Amended July 27, 2015 to be effective September 1, 2015; amended April 12, 2016 to be effective May 1, 2016; amended July 28, 2017 to be effective September 1, 2017; amended May 29, 2018 to be effective June 1, 2018; amended May 9, 2019 to be effective June 1, 2019; amended July 29, 2019 to be effective September 1, 2019; amended to be effective June 1, 2020; paragraphs 7(h), 20(a), and 26(a) amended July 30, 2021 to be effective September 1, 2021; paragraphs 7(h), 14(e), and 20(a), amended March 15, 2022 to be effective June 1, 2022; paragraphs 12 and 26 amended August 5, 2022 to be effective September 1, 2022.