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NEW JERSEY STATE BAR ASSOCIATION

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May 4, 2018

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

Re: Supplemental Comments on 2018 Report of the Civil Practice Committee

Dear Judge Grant:

Please accept this letter as a supplement to the previous comments submitted on behalf of the New Jersey State Bar Association in connection with the 2018 Report of the Civil Practice Committee. As I advised in my previous correspondence, the NJSBA generally supports the recommendations of the Committee, but I noted some concerns. Two areas of concern were inadvertently omitted relating to appellate practice.

The proposed amendment to R. 2:11-1, which would reduce the presumptive argument time in the Appellate Division to 15 minutes, imposes unnecessary constraints on oral argument, since judges can already terminate argument any time they deem the issues adequately argued. The NJSBA, therefore, urges that this amendment not be adopted.

In addition, the proposed amendments to R. 2:11-4, which would permit the Appellate Division to refer attorney fee issues to an administrative agency, appear to establish an inherent conflict of interest in asking an agency to enter fees against itself. The NJSBA suggests that the Court should retain its authority to order and oversee attorney's fees, and not delegate such decisions to an agency involved in the litigation at issue.

Thank you for your consideration of these supplemental comments. Once again, the opportunity to participate in the rule-making process is appreciated. If you have any questions regarding these recommendations, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. B. Hille", is written over a light blue horizontal line.

Robert B. Hille, Esq.
President

/sab

cc: John E. Keefe Jr., Esq., NJSBA President-Elect
Angela C. Scheck, NJSBA Executive Director

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