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July 29, 2015

Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Comments: Special Committee on Attorney Ethics and Admissions

Richard J. Hughes Justice Complex

P.O. Box 037

Trenton, NJ 06825-0037

Re: Special Committee's Report and Recommendations: *Pro Hac Vice* Admissions

Dear Mr. Grant:

I am a trial lawyer.

I have been admitted *pro hac vice* in three New Jersey state cases and one New Jersey federal court case and I spent 7 weeks in trial in Essex County defending the Newark Public Schools in the highly publicized civil trial of the Newark schoolyard gangland murder case.

Despite the qualifications and experience I will set out below, as a lawyer admitted *pro hac vice* in New Jersey courts I cannot even send a letter to the trial judge. It must be sent by my local counsel. In addition I cannot be designated as trial counsel as a *pro hac vice* admitted counsel. Further, I cannot file documents in the New Jersey federal district court through the PACER CM/ECF system. In none of the over 40 states and federal courts in which I have been admitted and tried cases have such draconian *pro hac vice* rules ever been a condition to my admission.

I have tried over 300 jury cases in over 40 state and federal courts in a 45 year career. I have been licensed in Wisconsin since 1970. I graduated second in my law school class. I am admitted to practice in numerous federal courts of appeal, federal district courts, and the United States Supreme Court. I have never been subject to any complaints of unethical conduct and no judge has ever admonished me for poor or unethical conduct. I am frequently told by trial judges that my trial presentation has been exemplary and none have ever imposed the restrictions on my participation in the litigation and trial that are routinely imposed in New Jersey courts on *pro hac vice* counsel.

I have been nominated and elected to Fellow in the American College of Trial Lawyers (membership limited to top 1% of lawyers in a state), The International Society of Barristers, and the Litigation Counsel of America (membership limited to 3000). I have been elected to the highest rank of membership, Diplomat, in the American Board of Trial Advocates. I have been the president of the Litigation Counsel of America and also serve as the Lifetime Dean of the Trial Law Institute of the LCA.

In the defense community I have been nominated and elected as a member in the Federation of Defense and Corporate Counsel (FDCC membership is limited to 1000), the International Association of Defense Counsel (IADC membership limited to 2500), served as a board member of the Defense Research Institute. I have served as the president of the FDCC and the president of the Lawyers For Civil Justice (<http://www.lfcj.com/>).

I was an adjunct associate professor of law at Marquette University Law School for ten years teaching not only the basic evidence class but also advanced evidence.

I am regularly invited to lecture nationally to groups of trial lawyers of both defense and plaintiff's lawyers and to consult with and teach trial lawyers who are panel counsel for insurance companies. I have given over 250 such presentations and have a substantial list of published articles and chapters in treatises on trial practice. My full bio information can be found at <http://www.gasswebermullins.com/#gass>.

In two of the three cases in which insurance carriers have asked me to take over as lead trial counsel, I have had to correct substantial errors by the prior New Jersey counsel. In one case I am defending two public entities including a state entity. The New Jersey lawyer whom I replaced as trial counsel failed to raise the immunity defenses available to each public body. Thanks to a partial reversal of the verdict in the first trial we can now raise those defenses and will likely secure a reversal of a multi-million dollar verdict against the public entities involved.

I make this submission not to claim I am brighter or better than many New Jersey lawyers but to advise the committee and the court that the rules of New Jersey regarding the admission of out of state lawyers on a *pro hac vice* basis are out dated, draconian, ill-advised, and are unduly restrictive to the right of New Jersey citizens, corporations, and other entities to select a trial lawyer of their choosing. The rules, at least in my observation and experience, give the appearance of being more interested in protection of the New Jersey bar as opposed to a litigant's right to select a trial counsel of their choice and to allow that trial counsel of their choice to represent them in New Jersey courts.

I have devoted my entire professional career to improving trial practice. I took personal time to help educate law students how to be good trial lawyers. I continue to take personal time to train lawyers to be better trial lawyers. My skills and expertise in trying lawsuits has been recognized by my peers in the trial bar. However, the rules of the bar in New Jersey don't welcome out of state trial lawyers of recognized skill, but render them second class lawyers,

New Jersey has many great lawyers and it is my good fortune to now be handling cases with some. The New Jersey rules on *pro hac vice* admission ought to encourage other qualified and

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recognized lawyers to practice with them when clients request their help. The best legal results come from having great lawyers on both sides of cases. Great lawyers welcome other great lawyers as their opposition. The existing New Jersey *pro hac vice* rules discourage clients and out of state counsel from appearing in New Jersey litigation.

I recognize that New Jersey sits opposite of the New York legal center, and I cannot comment on the effects of New Jersey *pro hac vice* rules relative to practice areas other than the practice of trial law. However, at least as to trial practice, New Jersey's *pro hac vice* rules are more restrictive and out-dated than in any of the other forty state and federal courts in which I have tried jury cases.

Thank you for the opportunity to submit my comments.

Respectfully submitted,

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Ric Gass". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

J. Ric Gass

JRG:dmp