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April 15, 2016

BY EMAIL AND ORDINARY MAIL

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Rules Comments
Hughes Justices Complex; P. O. Box 037
Trenton, New Jersey 08625-0037

Re: Proposed Change to Rule 1:6-5

Dear Judge Grant:

I am a civil trial attorney, certified by the New Jersey Supreme Court, and have been practicing law for more than forty years. My practice focuses on the represention of employees in employment cases, including claims under the *LAD* and *CEPA*. I am a member of *NELA-NJ*, *NELA*, The National Association, and the New Jersey Association of Justice. My practice also includes medical malpractice and personal injury claims.

I am writing to Your Honor and the Rules Committee to express my opposition to the proposed change to *Rule 1:6-5*, which will impose page limits on summary judgment briefs.

From my experience in handling and trying employment cases, there are times when it is absolutely necessary to write an opposition brief longer than forty pages. First, there are many employment cases where the history in a workplace environment and the facts can be quite lengthy and complicated.

Second, many times we as plaintiffs' lawyers encounter defense summary judgments supporting briefs where broad factual assertions are made by defense counsel that often paint an erroneous picture of the facts of the case. It takes substantial time and space to outline the workplace history and important facts involving multiple defendants that the court needs to consider on a motion for summary judgment. In a word, it often takes more pages to lay out all of the relevant facts and evidence to prove a *prima facie* case and demonstrate pretext, and prove that the reasons asserted by the defendants for adverse employment decisions are false.

Moreover, when a plaintiffs' counsel writes an opposition brief on a summary judgment motion, the counsel needs to anticipate the arguments that the defendants will make in their reply brief, since defense counsel will have "two bites of the apple." This factor requires more pages in an opposition brief to lay out those facts and the arguments needed to rebut anticipated arguments in the defense reply brief.

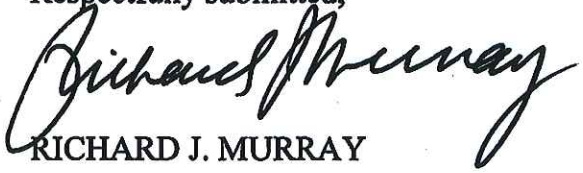
Lastly, some trial judges do not have extensive experience in employment law and therefore, it is necessary to provide the motion judge with, not only the citations of controlling case law from the Supreme Court and Appellate Division, but also explanations of the Courts' rulings and their applicability to the case in hand.

For example, one of my employment cases involves claims of gender discrimination, retaliation, a hostile work environment and aiding and abetting at a municipal police department over many years with many defendants. These multiple legal issues require proper briefing, including the case law established by our Supreme Court in *Aguas v. State, 220 N.J. 494 (2015)*. *Aguas* now requires discussion of facts regarding the adequacy of defendants anti-harassment policies. Further, briefing of the law on punitive damages law and its applicability to the facts often requires extensive argument and pages in a brief.

I therefore respectfully urge the Court not to make this change to *Rule 1:6-5*. Such a change will be most prejudicial to employee plaintiffs in these cases.

Thank you for your kind consideration.

Respectfully submitted,



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