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Formerly the Association of Trial Lawyers of America - New Jersey (ATLA-NJ)

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June 2, 2020

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

Dear Judge Grant:

The New Jersey Association for Justice (NJAJ) commends the work of the Civil Practice Committee and thanks the Committee for its attentive analysis of the issues before it. We appreciate the opportunity to offer our comments on two of the products of that work as set forth below. We apologize for the lateness of these comments.

## Regarding Proposed Amendment to R. 4:22 (Requests for Admission):

NJAJ supports harmonization of the state rule with the federal RFA rule. We suggest, however, that the use of the words "or opinion" in the proposed amendment creates the possibility that RFAs could be used to request that a party admit to the truth or accuracy of *all* opinions (such as expert opinions), rather than just opinions which "relate to statements or opinions of fact or of the application of law to fact." Fed. R. Civ. Pro. 36(a) does not presently permit a request to admit the truthfulness of *expert* opinions; nor, we respectfully suggest, is such an expansion of either the state or federal RFA rule advisable.

We suggest that any change to Rule 4:22 make clear that the rule may not be used to request admission of the truth of expert opinions, but that it be limited to requests addressing those issues presently allowable by the federal source rule.

## Regarding the Proposed Track V in the Law Division for Certain Matters:

NJAJ certainly agrees that there are matters complex enough that while those matters may not require the special management required under the present Track IV, they nonetheless necessitate additional time to complete discovery beyond those limits allowed by the present Track Assignment options. We appreciate the Committee's recognition that all attorneys in a matter should be expected to conduct discovery in an efficient and collegial manner without the need for special management, but that even in the face of such efficiency and collegiality, certain cases require significant investments of time to finish the process properly.

NJAJ supports the creation of a Track V assignment for appropriate matters.

We again thank your honor for entertaining our comments on these two important matters and once more thank the committee for its hard work.

Respectfully,

Kevin M. Costello, Esq.  
President

*Protecting People's Rights.*