

#048



MORRIS COUNTY BAR ASSOCIATION

40 Maple Avenue, 2W
Morristown, NJ 07960
973.267.6089 Fax: 862.579.2014
www.morriscountybar.com

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May 20, 2021

VIA electronic mail: Comments.mailbox@njcourts.gov

Honorable Glenn A. Grant, J.A.D., Acting Administrative Director
Comments on Report of the Judiciary Special Committee
on Landlord Tenant
Hughes Justice Complex
P.O. Box 307
Trenton, New Jersey 08625-0037

Re: Comments on Report of the Judiciary Special Committee
on Landlord Tenant

Dear Judge Grant:

Please accept this correspondence in response to your request for comments on the Report of the Judiciary Special Committee on Landlord Tenant, dated April 21, 2021. On behalf of the Morris County Bar Association, we would first like to thank the Committee for all its efforts in identifying the needs of litigants, the Judiciary and the Bar while facing this unprecedented legal crisis.

We in Morris County are cognizant of the urgency created by all aspects of the pending landlord tenant litigation. In addition to the strains that COVID has already placed on our Courts, in Morris County, there are currently five judicial vacancies. This, coupled with the looming deluge of landlord tenant litigation, will create an almost unimaginable strain on our Judges, Court staff and Attorneys. With that in mind, the Morris County Bar Association has sought to proactively assist the Courts by identifying ways that we could help represent litigants, match litigants with counsel, and marshal the resources of our members. We would like to share with your Committee the program that we have designed and intend to implement in the hopes that our efforts will assist this Committee with identifying additional ways that County Bar Associations, working with the Judiciary, can help.

The Committee has identified several ways that attorney members of the bar, working in conjunction with the Judiciary and Legal Services, can assist in resolving landlord tenant litigation. The MCBA has developed a program whereby attorney volunteers will be trained by Legal Services of Northwest New Jersey to take direct referrals from legal services and represent litigants pro-bono in resolving their matters. The MCBA will host two training sessions conducted by the staff attorneys at LSNWNJ, which will be presented via Zoom. Once a volunteer attorney has completed the training sessions, they will be placed on a referral list and assigned a matter or matters from LSNWNJ to handle on behalf of the litigant who has qualified for representation through legal services. In this way, the MCBA volunteers are helping to alleviate LSNWNJ's caseload and providing representation to landlord tenant litigants.

In conjunction with that effort, the MCBA's Reduced Fee Referral Program, which to date has matched over 200 unrepresented litigants who do not qualify for the Public Defender or Legal Services with counsel, has created a streamlined application process specifically for Landlord Tenant litigation. The RFP will enable additional landlord tenant litigants who do not qualify for Legal Services to retain counsel. The RFP landlord tenant application includes additional questions specific to landlord tenant litigation and is available on the MCBA website as a fillable form, enabling a litigant to seamlessly complete the application online and have their matter referred to counsel expeditiously. It is our hope that the Reduced Fee Program will capture an additional subset of landlord tenant litigants and match them with counsel thereby further alleviating the volume of pro se litigants navigating the Court system.

We agree with the Committee's recommendations five (5) and seven (7) that all Landlord Tenant cases should be scheduled for case management conferences. We suggest that one of the resources to be used in that regard is the assistance of the county bar associations. During the case management conferences, litigants can be directly referred to programs such as Reduced Fee Referral program. Litigants who do not qualify for assistance through Legal Services can potentially be matched with counsel enabling them to navigate their matter with counsel, while also assisting the Courts by involving attorneys where litigants might otherwise go unrepresented.


With respect to recommendation seven (7), it is respectfully requested that the Case Management Conference that is scheduled subsequent to the non-appearance of one or both of the parties be scheduled simultaneous to the trial date in order to avoid delay tactics that may unnecessarily result in an additional court appearance. The practical effect of which being that the second Case Management Conference will either result in a dismissal or default in the event of a second non-appearance or the matter could proceed to trial if a settlement is not reached. This may be more efficient for all parties.


Another area of the concern that we respectfully raise is that recommendation eight (8) shall delay the ability of landlords to conclude litigation against tenants that are likely not paying rent during the pendency of the case. Moreover, the recommendations that the landlords comply with the Landlord Case Information Statement (LCIS) for matters that have already been filed may unnecessarily delay cases that have been pending. It is our suggestion

that this recommendation be made prospective, rather than applied retroactively on the filed docket.

Thank you on behalf of our entire bar association for the time and consideration that you have given to these issues. If there is any additional assistance that we can offer the Committee we would gladly give it. We have enclosed for your ease of reference a copy of our RFP Landlord/Tenant litigant application.

Respectfully Submitted,


Joseph P. Cadicina, Esq.
MCBA President


Jennifer McAndrew Vuotto, Esq.
RFP Co-Chair


John Paul Velez, Esq.
RFP Co-Chair

Enc.

cc: David Saltzman, Esq. - LSNWNJ
Deborah Woodbury, Esq. Executive Director MCBA

PLEASE READ THE FOLLOWING AND SIGN AND DATE THE APPLICATION

1. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are false, I will not be accepted for attorney representation through the MCBA/SCBA's Reduced Fee Panel Program.
2. *I understand that at the attorney's request I am required to provide documentation (pay stubs, tax return and/or bank statements to determine eligibility).*
3. I understand that I must inform my attorney of any significant changes in my financial circumstances and that if I become ineligible for services through the RFP due to a change in my financial circumstances my attorney will no longer be obligated to provide service at a reduced fee. In that event I am free to enter into a new agreement with the attorney or retain another attorney.
4. I understand that I must pay a \$30 application fee to participate in the RFP and that payment shall be in money order or by credit card and shall be due and payable to The Morris County Bar Association prior to or at the time the application is processed.
5. I understand that before any legal services are provided to me through the Reduced Fee Program I must sign this agreement in the space provided below.
6. I understand that the MCBA has not promised or guaranteed representation by the referred attorney nor has the MCBA guaranteed the outcome of my matter.

Applicant Signature: _____

Date: _____

Please return this form to:
The Morris County Bar Association
40 Maple Avenue, Unit 2W
Morristown, NJ 07960
Phone: 973-267-6089
Fax: 862-579-2014
Or scan and email to
assistant@morriscountybar.com



**MORRIS/SUSSEX VICINAGE
REDUCED FEE REFERRAL PROGRAM
MORRIS COUNTY BAR ASSOCIATION LRS**

**CLIENT APPLICATION AND CERTIFICATION OF ELIGIBILITY
LANDLORD/TENANT ONLY**

Date: _____ Have You Used the RFP Before? Yes No
 Referred By: _____ Attorney Referral: _____
 Name: _____ Attorney Phone: _____
 Addr: _____
 City: _____ Date of Birth: _____
 State: ___ Zip: ___ Phone: _____ How long at current address? _____
 Are you presently working? Yes ___ No ___ Length of Employment: _____
 Employer/Name/Address: _____
 Marital Status: Are you (check one) Married? ___ Separated? ___ Divorced? ___ Single? ___
 Spouse's Name: _____ Address: _____
 Employer: _____ Number of Persons Living in Household: _____

Do you receive/have any of the following:

- | | | | | |
|---------------------------------|---------|--------|------------------|--------------|
| 1) Salary (circle one) | Yes ___ | No ___ | Amount per month | Amount _____ |
| 2) Spouse's Salary (circle one) | Yes ___ | No ___ | | Amount _____ |
| 3) Child Support | Yes ___ | No ___ | | Amount _____ |
| 4) Alimony | Yes ___ | No ___ | | Amount _____ |
| 5) Social Security | Yes ___ | No ___ | | Amount _____ |
| 6) TANF | Yes ___ | No ___ | | Amount _____ |
| 7) Unemployment Benefits | Yes ___ | No ___ | | Amount _____ |
| 8) Disability Benefits | Yes ___ | No ___ | | Amount _____ |
| 9) Other Income | Yes ___ | No ___ | | Amount _____ |

TOTAL INCOME _____

Please list your assets:

Checking Account	Yes ___	No ___	Balance _____
Savings Account	Yes ___	No ___	Balance _____
Automobile	Own ___ /Monthly Payment	Lease ___ /Monthly Payment	Make/Model/Year
Stocks/Bonds	Yes ___	No ___	Attach a list each & value
Own Property	Yes ___	No ___	Monthly Mortgage Payment
Other Assets	Yes ___	No ___	Attach a list of each

Has a complaint been filed? Y / N Morris / Sussex (circle one) Docket No.: _____

Amount owed in unpaid rent: _____

Have you received any notices from your landlord in the past? Y / N
 If so, please indicate what notice(s) was previously received and attach, if possible, a copy of said notice(s).

If you believe you have a defense or claim against your landlord please specify:

