

LAWYERS ADVISORY COMMITTEE

MINUTES – MARCH 2, 2020

The Lawyers Advisory Committee met at the Hilton East Brunswick. The meeting was convened by Chair Thomas R. Curtin at 6:15 p.m. and the following occurred:

1. The Chair invited a motion to approve the minutes of the December 16, 2019 meeting. The motion was made, seconded and the minutes were approved.
2. Thomas Curtin acknowledged and congratulated former Chief Judge Anne E. Thompson on having received the James J. McLaughlin, Esq. Award, presented to individuals who have demonstrated civility, legal competence and professionalism in the practice of the law. The award was presented at the NJSBA's annual dinner on February 20, 2020.
3. Chief Judge Freda L. Wolfson Report:

The Chief Judge expressed her gratitude to the members of the Committee.

She reported that the District Court's judicial vacancies remain at six, while the Court is facing a significant spike in criminal and civil filings. The Court remains first in the nation on the number of civil filings and second nationally on the number of MDL matters. The Chief reported that due to the increased workload at the Camden vicinage, the Administrative Office visited the District to determine the necessity of assigning an additional Magistrate Judge to Camden. The AO will issue its report in late March or early April.

The Chief further reported that the number of attorney discipline matters on its docket has increased and the matters are more complex. Therefore, the Court and the LAC must review our local rule on attorney discipline, L. Civ. R. 104.1. To complete this task, Thomas Curtin recruited a subcommittee of volunteers, who will submit their names to Magistrate Judge Leda Wettre, Chair of the Court's Rules Committee. The following LAC members volunteered to be subcommittee members: Former Chief Judge John Bissell; Peter Pearlman; Jeffrey Greenbaum; John Hoffman; Elizabeth Pascal; Keith Miller and Kerrie Chewning.

4. On behalf of U.S. Attorney Craig Carpenito, First Assistant Rachael Konig reported on recent changes in the Office: Brendan Day is now the AUSA in charge of the Trenton Office; Daniel Shapiro is one of the Deputy Chiefs of the Criminal Division, along with Nick Grippo and Mary Toscano; and Rahul Agarwal replaced Zach Intrater as the Executive Assistant U.S. Attorney.
5. Edward Kole reported on whether our L. Civ. R. 33.1 (Interrogatories) should be amended to follow SDNY Local Rule 33.3, which restricts interrogatories. Magistrate Judge Wettre commented that she had heard from certain Magistrate Judges who raised

some concerns about such a proposed rule change. Kole announced that this subject will be on the agenda of the March 19 Conference of the Association of the Federal Bar.

6. Elizabeth Sher discussed whether a local rule should be drafted to address the issue of location of depositions (Fed. R. Civ. P. 30) After discussing the issues surrounding this topic, it was decided that no action needs to be taken at this time.
7. Karen Confoy provided an in-depth report on behalf of the subcommittee studying the placing of a time limit on ECF filing. Confoy and her subcommittee members surveyed many attorneys and will provide the responses to Third Circuit Judge Michael Chagares (Chair of the Advisory Committee of the Judicial Conference on Appellate Rules), whose committee is studying this proposal. The subcommittee was not asked to and did not propose any rule change. The majority of the LAC members voted against changing the Court's efilng deadlines.
8. Steve Richman provided a status report on the Court's adoption of a local rule requiring disclosure to adversaries of third-party funding. Richman reported that the subcommittee is focusing on the existence of an agreement and the limited disclosure of such an agreement. Richman commented that the subcommittee is reluctant to require full or mandatory disclosure of an agreement, rather than a limited disclosure. In light of the complexity of this subject matter and evolving law, the subcommittee recommended taking incremental steps, starting with limited disclosure. After discussion, the Chair and Chief Judge asked that the subcommittee distill its findings into a local rule which can be discussed at the next meeting.
9. Philip Sellinger discussed whether the adoption of a local rule is required to address a trial judge's involvement in settlement negotiations. After discussion, Chair Thomas Curtin commented that the LAC makes no recommendation at this time. He asked Chief Judge Wolfson to inquire at the next meeting of the Board of Judges whether there is a need for further discussion, and the Chief Judge will report back at the next LAC meeting.
10. There being no further business, a motion to adjourn was made and seconded. The meeting was adjourned at 8:37 p.m.

Respectfully submitted,

John O'Brien