

## **LAWYERS' ADVISORY COMMITTEE**

### **MINUTES - MARCH 31, 2011 MEETING**

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

1. The minutes of October 12, 2010 meeting were approved without changes.
2. Report by Chief Judge Garrett E. Brown, Jr.:

Chief Judge Brown reported that the Court is not presently at full strength. Judges Cecchi and Salas had their hearings and have been reported out of Committee and it is expected that they will soon be confirmed by the U.S. Senate.

3. Thomas Curtin acknowledged Cythnia Jacob for being selected to receive the Medal of Honor award by The New Jersey State Bar Foundation Board of Trustees, and Philip Sellinger who will receive the Judge Learned Hand Award on April 7, 2011.

Thomas Curtin also announced that the Local Patent Rules and Local Civil Rule 33.1 were adopted after public comment on March 18, 2011.

4. Paul Fishman was not able to attend the LAC meeting and as a result his remarks will be continued to the next meeting.
5. Dennis Drasco discussed a proposed Local Civil Rule 48.3 in connection with the ABA Jury Project which is to encourage judges to allow jury participation during trials. The proposed Local Civil Rule is taken from N.J. Court Rule 1:8-8. Thomas Curtin selected a subcommittee to further review this proposed Local Rule and report back to the LAC at its next meeting. A subcommittee consisting of the following members was appointed by the Chair to consider this matter: Dennis Drasco, Chair; Frank X. Dee; and Bruce Goldstein.
6. Kerri Chewning discussed the "timing" of preparing and the submission of the Joint Final Pretrial Order before pending motions for summary judgment having been decided. Thomas Curtin selected a subcommittee to review the matter. The following members were appointed: Kerri Chewning, Chair; Jeffrey Greenbaum; Peter Pearlman; Michael Furey, and Michael Griffinger.
7. Thomas Curtin included David Kott's letter for informational purposes regarding Magistrate Judges appointing arbitrators. If anyone has comments, they can be directed to Magistrate Judge Schneider.

8. Magistrate Judge Bongiovanni reported on implementing procedures including amending L.Civ.R. 5.3, regarding motions to redact and seal portions of court transcripts. Judge Bongiovanni raised this issue because of confusion among the court and bar regarding what docketing event to use when filing a “motion to seal” or a “motion to redact.” Thomas Curtin requested comments to be submitted to Judge Bongiovanni by April 15, 2011.
9. Jack O’Brien reported on behalf of a Committee studying procedures regarding Social Security matters. The Committee recommends amending L. Civ. R. 9.1 relating to Social Security Appeals filed with in District Court. The LAC voted on the proposed amendments and approved the amendments to L. Civ. R. 9.1. The proposed amendments will be reviewed by the Court’s Rules Committee and then presented at the Board of Judges meeting in June.
10. Judge Simandle reported that the Board of Judges at its March meeting decided not to approve amendments to L. Civ. Rs. 10.1(c) (requiring disclosure of documents referred to in a pleading), and 30.1(a) (consulting with a witness during deposition), and 43.1 (consulting with witness during trial).
11. Jeffrey Greenbaum reported on behalf of the subcommittee regarding “contention interrogatories” and whether the District of New Jersey should adopt a local rule similar to the Southern District of New York. Greenbaum reported that the subcommittee has no recommendation at this time and the subcommittee will meet again and should have a report at the next LAC meeting.
12. Chief Judge Brown praised and thanked the members of the LAC and recommended that members attend the Third Circuit Conference which is to take place during May at Philadelphia.
13. The meeting was adjourned at 8:00 PM. Thomas Curtin will notify the members of the date of the next LAC meeting.

Respectfully submitted,

John T. O’Brien