

## LAWYERS' ADVISORY COMMITTEE

### MINUTES - MAY 3, 2006 MEETING

The Lawyers' Advisory Committee met at the East Brunswick Hilton in East Brunswick, New Jersey on May 3, 2006. The meeting was opened by Chair Philip R. Sellinger at 6:30 p.m. and thereafter the following occurred:

1. The minutes of the January 26, 2006, meeting were approved.
2. Chief Judge Brown reported that the four candidates for the new judges' positions have passed through the committee and are expected to be confirmed soon. Hon. Michael Chagaras was informally sworn in and is now a Judge sitting on the Third Circuit Court of Appeals. His formal swearing-in will take place on May 23 at the Newark Courthouse.

Judge Brown further reported that the Court, beginning May 1, 2006, will permit attorneys who are registered e-filers to electronically file initial pleadings such as Complaints and Notices of Removal and will permit payment of filing fees for Notices of Appeal, as with initial pleadings, will also be paid electronically via the internet.

Judges Bassler and Rosen will be retiring on August 31, 2006 and will be greatly missed.

3. Claire C. Cecchi was sworn in as Magistrate Judge in the Newark vicinage. Applications for the position of Magistrate Judge in Camden are now available at the Office of the Clerk.
4. James Murphy, Chief Deputy of the Court and Jack O'Brien, Legal Coordinator presented a power point presentation in regards to the court's recent policy of filing initial pleadings electronically and paying filing fees electronically via the internet.
5. Jack O'Brien, Legal Coordinator of the Court, reported on behalf of Judge Hughes relating to a proposal to amend Local Civil Rule 101.1(c)(1) addressing *pro hac vice* disclosures of prior disciplinary proceedings in other jurisdictions. Judge Hughes had an experience in a case he was handling, where an attorney admitted *pro hac vice* by counsel and the *pro hac* attorney unbeknownst to the Court or the adversary, had had a number of disciplinary actions imposed against him in another jurisdiction. Although this type of issue is rare, to avoid it in the future, the following amendment to the rule is proposed. The Committee voted on the

proposal to the amendment and unanimously approved the amendment to L. Civ. R. 101.1:

**(c) Appearance *Pro Hac Vice*; Local Counsel**

(1) Any member in good standing of the bar of any court of the United States or of the highest court of any state, who is not under suspension or disbarment by any court and is ineligible for admission to the bar of this Court under L.Civ.R. 101.1(b), may in the discretion of the Court, on motion, be permitted to appear and participate in a particular case. The motion shall contain a statement certifying that no disciplinary proceedings are pending against the attorney in any jurisdiction and no discipline has previously been imposed on the attorney in any jurisdiction. If discipline has previously been imposed, the certification shall state the date, jurisdiction, nature of the ethics violation and the penalty imposed. If proceedings are pending, the certification shall specify the jurisdiction, the charges and the likely time of their disposition. An attorney admitted pro hac vice shall have the continuing obligation during the period of such admission promptly to advise the court of the disposition made of pending charges or of the institution of new disciplinary proceedings. [See New Jersey Rule 1:21-2(b)(1)(D)] [Amended Text is underlined]

6. Mary Sue Henifin reported on behalf of the subcommittee on the availability of jurors viewing videotaped testimony of witnesses. Henifin stated that the focus of the subcommittee is to seek permission to videotape witnesses for the purpose of playback for jurors while deliberating. She cited two studies conducted by the Judicial Conference of the United States which did not recommend video taping court proceedings. Chief Judge Brown inquired whether this issue should be decided by the Judicial Conference of the United States rather than the Lawyers' Advisory Committee. The subcommittee will continue to research this matter.
7. Mary Sue Henifin discussed her experiences and concerns with L. Civ. R. 5.3(c) in regards to sealing of documents. She reported that she found it more efficient to submit a motion to seal after filing all motion papers. It was suggested to appoint a subcommittee to study Rule 5.3 and whether it can be amended to assist the confidentiality of clients' information relating to their businesses. The following members were selected to the subcommittee: Mary Sue Henifin; Michael Griffinger; Donald Robinson; Judge Hedges; James Murphy; and Jack O'Brien.
7. Donald Robinson reported on behalf of the Court's Historical Society advising that on May 10, 2006, a Historical Gala will take place in Newark at 4:30 p.m. to formerly introduce the book "This Honorable Court." In addition to the introduction of the book, Hon. William G. Bassler will be recognized for his 15 years of service on the bench. A reception will be held at 4:00 p.m. in the Whipple Room in Newark for members of the Historical Society.

The meeting was adjourned at 7:50 p.m.. It was agreed that the next Lawyers' Advisory Committee meeting would be scheduled in October. Philip Sellinger will send an email to all members of the Committee of several dates in October and request members to agree on a date certain in October.

Respectfully submitted,

John T. O'Brien