

LAWYERS' ADVISORY COMMITTEE

MINUTES - NOVEMBER 16, 2006 MEETING

The Lawyers' Advisory Committee met at the East Brunswick Hilton in East Brunswick, New Jersey on November 16, 2006. The meeting was opened by Chair Philip R. Sellinger at 6:30 p.m. and thereafter the following occurred:

1. The minutes of May 3, 2006, meeting were approved.
2. Philip Sellinger welcomed Michael Sirota, Esquire as member to the LAC. Judge Sheridan was also welcomed to the meeting.
3. Chief Judge Brown reported that the Court is currently at full strength with 17 full-time Judges and 8 Senior Judges. In addition, Magistrate Judge Joel Schneider has been sworn-in and sitting in Camden, and Magistrate Judge Esther Salas has been sworn-in and is sitting in Newark.

Judge Brown provided the following case load statistics: Judge Brown reported that because of the Court is at full strength Judges have 78 fewer pending civil cases. The average civil case load per judge is 270 cases, a reduction of 18%. Only 4% of the pending civil cases are older than three years.

Judge Brown expressed that he is honored to be Chief Judge of the second oldest Court in the nation with the finest bar in the nation.

4. Jack O'Brien, Dennis Gleason, Joel Sterns, and Jim Murphy reported on the subcommittee on amending Local Civil Rule 54.1 regarding taxation of costs. It was reported that the subcommittee met in May of 2006 and discussed whether to streamline procedures in Rule 54.1. In support of streamlining the procedures, it was discussed that the Clerk's responsibility in taxing costs is ministerial in nature and that a party may appeal the decision of the Clerk to the Judge assigned the case. The subcommittee reported that this project is a work in progress and will report back to the LAC at its next meeting.
5. Michael Griffinger reported on behalf of the subcommittee on L.Civ.R. 5.3(c) in regards to sealing of documents. Although a formal report will be forthcoming in the future, Mr. Griffinger reported on Rule 5.3 and its operation. There were 265 motions to seal in a 10 month period, according to a report submitted by Mary Sue Henifin. He reported that many litigants, especially litigation involving intellectual property, seek ADR because of the jeopardy of disclosure of confidential materials and the high hurdle to get a sealed order from the Court. Phil Sellinger raised the issue of electronic discovery and how his clients request a review of discovery at corporate headquarters because of confidential materials being reviewed.

Another issue concerning sealing of documents is when a Judge issues an opinion where confidential materials were relied on. Chief Judge Brown spoke to this issue and stated that he has on occasion will reach out to the parties and ask how they wish the Court to refer to confidential exhibits in the written opinion. One example discussed, was requesting a Judge to submit for publication a generic version of the opinion or provide opportunity to the parties to review the opinion before it is published.

6. Philip Sellinger reported that Donald Robinson will report on New Jersey Historical Society at the next LAC meeting.

The meeting was adjourned at 8:00 p.m. It was agreed that the next LAC meeting will be scheduled for February 1, 2006.

Respectfully submitted,

John T. O'Brien