

**GIBBONS ON
FEDERAL PRACTICE
IN NEW JERSEY**

By Honorable John J. Gibbons (1924-2018)

Edited By Richard S. Zackin

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INTRODUCTION TO THE FOURTH EDITION

Years ago our firm put together a practice manual for internal use to assist the attorneys in the firm in litigating civil cases in the United States District Court for the District of New Jersey. Just at the time when we were in the process of revising and updating the manual, it was a happy coincidence that the New Jersey Institute for Continuing Legal Education asked the firm to develop a new federal practice manual comparable to our firm's internal manual to replace an existing NJICLE manual. This Fourth Edition of the manual reflects the most recent changes to both the Federal Rules of Civil Procedure and the Local Civil Rules of the District Court and provides updates to the case law interpreting and applying these rules.

Obviously, as a practice manual, this volume does not purport to be an academic treatise on federal procedure. Rather, the manual is intended as a practical reference for the attorney who litigates civil cases in the District Court of New Jersey on a frequent or infrequent basis and who seeks to know what is either required or permitted by the Federal Rules of Civil Procedure, the Local Civil Rules, and statutory provisions that govern how an attorney should proceed in litigating a civil case in the District of New Jersey.

The decision of what to include - and not include - in a manual of this type is always difficult. It is hoped that this volume presents a thorough discussion of the major aspects of litigating a civil matter in the federal courts in New Jersey. The objective is to provide an understanding of what the rules mandate and what choices or options they provide to an attorney engaged in the process of organizing and structuring the litigation to the client's best advantage. The manual takes the attorney from the initial stages of the commencement of litigation and joinder of issue through case management and discovery, motion practice, and post-judgment proceedings. It also includes a chapter devoted to the appellate process.

Much of this manual concerns the content and form of pleadings and other documents filed with the court during the course of litigation. The sample documents referenced in the text that appear after Chapter 6 are intended as guides to help the practitioner draft documents that meet the requirements of both the local and federal rules. Obviously, as the number of claims and issues that can arise in civil litigation is virtually limitless, the sample documents cannot specifically address each possible claim or issue. We trust, however, that they will provide a source from which the practitioner will be able to draw in preparing documents that meet the needs of the matter at hand. In addition, the sample documents are available on CD-ROM for use in drafting your own documents.

Although, as noted, the manual is not intended as a treatise on federal procedure, it does provide case law references of importance or of interest with regard to virtually all of the topics addressed. These references have been selected to provide further insights into the topic under discussion and as a starting point if additional research is required.

We trust that with the Fourth Edition, this manual will continue to provide the practitioner with a thorough understanding of how to proceed in litigating a civil case in the District of New Jersey.

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