



## NEW JERSEY STATE BAR ASSOCIATION

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February 28, 2025

Hon. Glenn A. Grant  
Acting Administrative Director of the Courts  
Comments on Arbitration Rules and Procedures  
Hughes Justice Complex / P.O. Box 037  
Trenton, NJ 08625-0037

Re: Recommendations of the Supreme Court Working Group on Arbitration  
Rules and Procedures

Dear Judge Grant:

Thank you for providing the opportunity for the New Jersey State Bar Association (NJSBA) to submit comments on the recommendations of the Working Group on Arbitration Rules and Procedures. We appreciate the time and effort of the Working Group to discuss and debate proposals submitted by the NJSBA with an aim of improving the civil arbitration system, and we commend the members for their comprehensive recommendations.

One of the most important proposals considered by the Working Group focuses on the time limit to file a demand for a trial de novo, and the standard that is used by judges in considering any motion to allow a filing out of time. The NJSBA wholeheartedly agrees with allowing a seven-day window beyond the deadline for submission of a trial de novo demand to submit a motion for a late filing, and having that motion be evaluated under a "good cause" standard. We do not believe this will dramatically increase the number of motions for late filings or unduly impede the movement of a case; rather it will provide an avenue of relief in some unfortunate situations where a filing deadline was inadvertently missed. To provide additional safeguards against unnecessary delay and to discourage parties from habitually relying on the seven-day safe harbor, the NJSBA supports the trial date issued after the granting of any motion for an extended deadline to be based on the 30<sup>th</sup> day following a timely filed trial de novo demand, and the doubling of the fee to file a

trial de novo demand during the safe harbor period. The NJSBA still also urges consideration of a longer initial timeframe for the original filing to allow attorneys adequate time to consult with their clients, the insurance carrier and others about how to proceed. While we originally proposed an initial 60-day timeframe, we now would urge consideration of 45 days to file a trial de novo demand, although we understand that may require statutory changes as well as a Court Rule change.

The NJSBA is pleased that the Working Group recommended an increase in the compensation for arbitrators, even if that means an increase in the trial de novo filing fee. We believe a compensation increase is long overdue and the Working Group's recommendation will more fairly and equitably compensate arbitrators.

The NJSBA also agrees with the Working Group's recommendations for 5-page limits on arbitration submission and a 35-page limit on appendices, as well as the Working Group's determinations that an online portal is not necessary or workable, and that mandating settlement conferences should be left to individual vicinages.

There were a number of proposals submitted by the NJSBA on which the Working Group took no position. The NJSBA asks the Judiciary to consider implementing three of those proposals to ensure all parties have sufficient time to review and prepare for the hearing and sufficient opportunity to present their case to the arbitrator: (1) requiring submission of arbitration statements three days before the arbitration; (2) allowing an opt-in for in-person hearings when remote hearings are scheduled; and (3) prohibiting telephonic arbitrations.

Thank you again for the opportunity to submit these comments and for the Judiciary's consideration of these important changes to the civil arbitration system. We believe, if implemented, they will provide improvements to the system for all involved.

Sincerely,



William H. Mergner, Jr., Esq.  
President

cc: Christine A. Amalfe, Esq., NJSBA President-Elect  
Angela C. Scheck, NJSBA Executive Director