

NJSBA Policy re: Representation

Any legislative / amicus / court rules position or statement must be approved by the NJSBA Board of Trustees.

The NJSBA President is the official spokesperson of the organization. The President may designate others to speak on the NJSBA's behalf.

Advocacy Overview

Judicial Administration Committee

Amicus Committee

Legislative Committee

Judicial Administration Committee

- Members include retired judges and experienced practitioners in all practice areas. The Committee assists the Board of Trustees in finalizing information to submit to the Court for consideration.
- Sections and committees are asked to review pertinent court proposals, including Court Rule amendments, proposed court forms and other court initiatives. Court Rules Committees issue annual reports in the spring, which are circulated for review and recommendation.
- The Judicial Administration Committee receives all recommendations and makes a final recommendation to the Board of Trustees about action.
- NJSBA-initiated proposals are welcome for review and potential action as well.

Amicus Committee

- Review requests to participate as *amicus curiae* in pending cases where issues are believed to affect the legal profession or the system of justice.
- Requests can come from NJSBA sections or committees; sometimes from individual members.
- Cases are reviewed by the Amicus Committee and the final decision is made by the NJSBA Board of Trustees or, when time demands require, by its Executive Committee.
- Expertise of other interested sections and committees is often sought.
- The Executive Committee reviews each brief before each filing to make sure it is consistent with the position approved by the Board of Trustees.

Amicus Committee

NJSBA


NJSBA | NJICLE | NJSBF



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Amicus Submissions

Home > Advocacy > Amicus Submissions

The NJSBA sometimes acts as *amicus curiae* in pending cases before New Jersey and federal courts where issues are believed to affect the legal profession or the system of justice. Most generally, this takes place in state court when these cases reach the Supreme Court level. *Amicus* requests usually come from NJSBA sections but sometimes come from individual members. Each is reviewed by the *Amicus* Committee and the final decision is made by the NJSBA Board of Trustees or, when time demands require, by its Executive Committee. The expertise of other interested Sections and Committees is often sought. The NJSBA has been fortunate in having members with outstanding expertise and ability prepare the necessary brief and oral argument, on a completely *pro bono* basis. The *Amicus* Committee reviews each brief before filing with the final decisions about filing or content made by the Board of Trustees or by the Executive Committee or President acting on its behalf.

To obtain a copy of an *amicus* brief or to pass on questions or comments about any *amicus* issue, please **send an email** to the Legal Affairs Department.

Bring A Possible Amicus Issue To Our Attention:

Your contact information

Name: *

Address

Street Address 1

Street Address 2

City State Zip/Postal

City State Zip/Postal

Legislative Committee

- Assists the Board of Trustees in the formulation of legislative policy by reviewing section and committee recommendations on legislation.
- Analyzes the legal and political implications of legislation on NJSBA membership and on the public generally.
- Legislation to review comes from staff, sections or committees, members, or legislators.
- NJSBA also drafts legislation to address issues raised by sections and committees that may be addressed by statutory changes.


Legislative Review Criteria


- The bill directly affects lawyers as a profession.
- The bill affects public access to the judicial system, fairness in the administration of justice or the independence and integrity of the judicial branch.
- The bill affects a constitutional right.
- The bill has the potential of making substantial changes to the practice of law in a substantive practice area.
- The bill was drafted by an NJSBA Section/Committee/Division.



Legislative Position Form

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Legislative Position Form

Legislative Position Forms (LPFs) are critical to NJSBA's Legislative Department because these forms initiate the legislative process.

Completing Legislative Position Forms

Sections and committees are encouraged to provide completed LPFs. The bill needs to meet the NJSBA's Criteria for Reviewing Legislation which can be found [here](#). The information provided on these forms are reviewed by the Legislative Committee, Board of Trustees and/or Executive Committee. They are also used to create letters to bill sponsors, position statements, among other things. Incomplete LPFs may cause delays in the legislative process and, in worse case scenarios, key legislation may be overlooked if a section or committee fails to clearly express the impact that a specific bill or rule proposal may have on their area of practice.

Note, all Legislative Position Forms are confidential and for internal use only – please do not circulate the forms to anyone outside the NJSBA entities.

Bill #: *

Section/ Committee Name: *

Date of Meeting *

Email Address *

Section/ Committee Contact Person RE LPF: *

Does this bill fall within the purview of the New Jersey State Bar Association's "Criteria for Reviewing Legislation?" *

☐ Yes

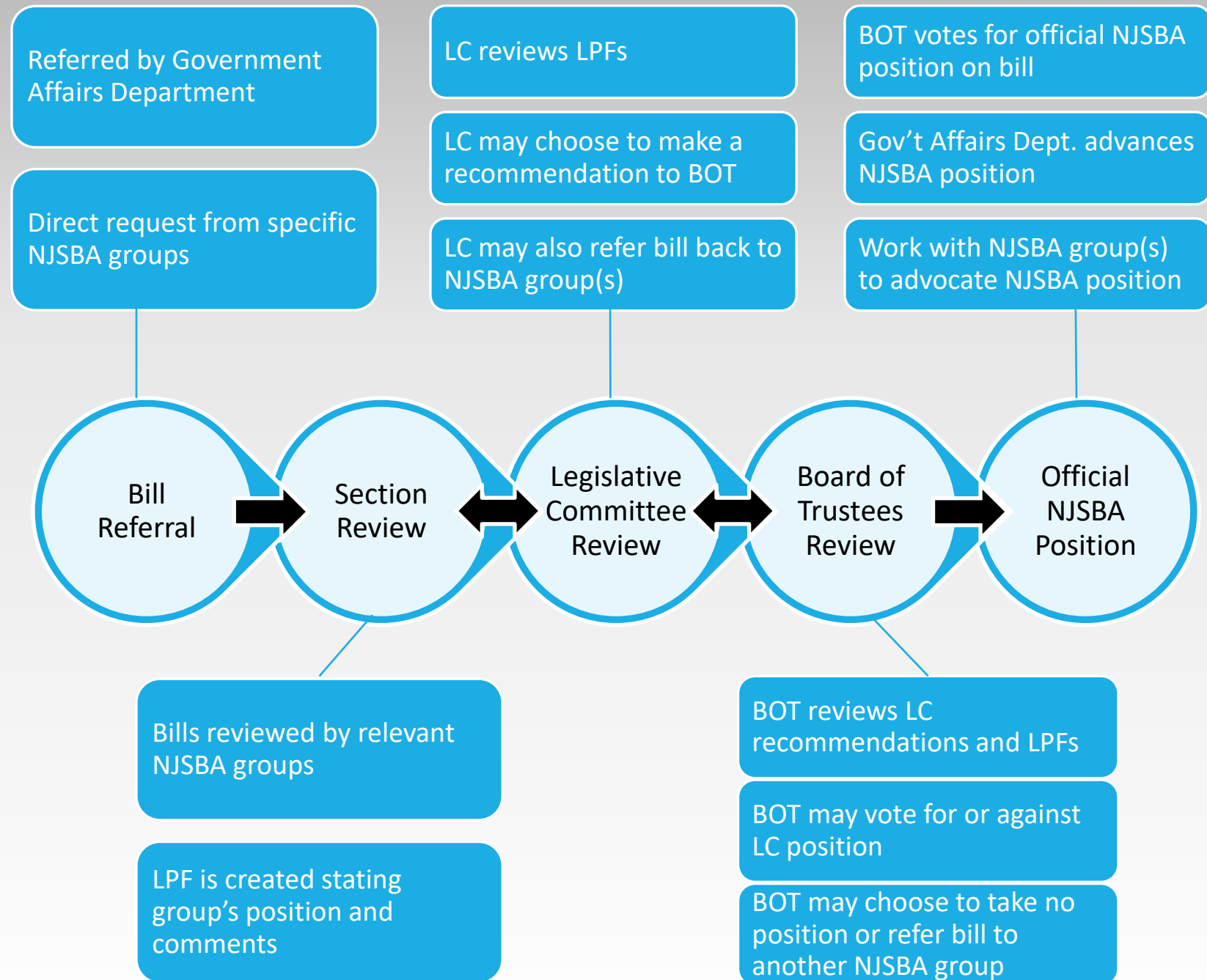
☐ No

If the bill does not fit any of the above criteria, please do not fill out the remainder of the Legislative Position Form.

Does the bill fall within the scope of the section/committee? *

Nuts and Bolts of the Legislative Process

NJSBA



NJSBA Advocacy at Work

NJSBA

Recent examples of the NJSBA's advocacy work

AMICUS

- Affirmed that certified attorneys can ethically pay **referral fees** to out-of-state attorneys in *In re ACPE Opinion 745*.
- Continues its ongoing efforts to assist the Court in examining the scientific reliability of the newest **Alcotest machine** used for breath-testing in driving while intoxicated cases.
- Recently filed a brief urging attorneys should not face **criminal prosecution** in connection with their legal work absent heightened requirements.

LEGISLATIVE

- Submitted comments expressing concerns about the impact of proposed **independent contractor regulations** on law firms and per diem or pool attorneys.
- Continues its efforts to obtain funding for the Public Defender to handle contempt of domestic violence matters, which would substantially lessen the number of **Madden assignments** in the state.
- Reached out to legislators and the Governor's office to encourage increased access to **electronic public notices**.
- Recommended amendments to a bill that presented concerning implications for certain contested **child custody** cases; the amendments have now been incorporated into the bill to clarify the procedures it will require.

COMMENTS TO THE JUDICIARY

- NJSBA recommendations on rules involving family matters were adopted including the **collaborative law privilege** and interrogatories to be used to explore **cohabitation** allegations in the context of alimony; others are under consideration by the Court such as excluding **Family Court records** from public access and establishing a **settlement track for divorce matters**.
- The Association supported increased education on **succession planning**, and is working with the Judiciary to develop CLE programs on the issues.
- The Judiciary adopted several NJSBA proposals on **civil arbitration** rules and procedures.