

LAWYERS ADVISORY COMMITTEE

MINUTES – DECEMBER 16, 2019

The Lawyers Advisory Committee met at the Hilton East Brunswick. The meeting was convened by Chair Thomas R. Curtin at 6:45 p.m. and the following occurred:

1. The Chair invited a motion to approve the minutes of the October 7, 2019 meeting. The motion was made, seconded and the minutes were approved.
2. Thomas Curtin congratulated Judge Joseph H. Rodriguez on having received the Donald Robinson Award on December 12.

Curtin announced that the LAC will participate in the Association of the Federal Bar of New Jersey (AFBNJ) fundraiser on March 4, 2020 (Basketball: Villanova v. Seton Hall), benefitting DNJ's ReEntry and POP programs. Proceeds from the event will support these two programs, which assist inmates recently released from confinement, with life coaching, job mentoring and social/family matters.

The Chair introduced new members and requested that others in attendance introduce themselves to the Committee.

3. Chief Judge Freda L. Wolfson delivered her first LAC Report:

The Chief Judge expressed her gratitude to the members of the Committee.

She reported that the District Court's judicial vacancies remain at six, while the court is facing a significant spike in criminal and civil filings. The court remains first in the nation on the number of civil filings and second nationally on the number of MDL matters. The Chief reported that due to the vacancies and increased workload, the Administrative Office approved six additional law clerks to assist our court. The Eastern District of Pennsylvania (EDPA) volunteered its assistance in handling civil matters. DNJ appreciated the offer and transferred 42 civil cases to EDPA.

The Chief reported that at the recommendation of the criminal defense bar and the U.S. Attorney's Office, the court will be forming a criminal law committee similar to the LAC.

Chief Judge Wolfson announced that the 2020 Third Circuit Conference, scheduled for May 13-15 in Philadelphia, will be open to attorneys.

4. In his introduction, Craig Carpenito, U.S. Attorney for the District of New Jersey, reported that the U.S. Attorney's Office has been restructuring certain civil litigation units, such as healthcare fraud, and the civil rights violations unit has been moved to the criminal section. As for the criminal section of the Office, Carpenito reported a 70% volume increase in federal prosecutions. Carpenito reported that the Office has been consumed with the recent "hate crime" tragedy in Jersey City and has been working very

closely with the New Jersey Attorney General. He reported that his office recently filed Bitcoin and Ransomware matters.

5. Jack O'Brien reported on the Court's anticipated transition to NextGen ECF on January 21, 2020 and explained the steps that attorneys must perform in order to file documents on the new ECF system.
6. Edward Kole reported on whether our L. Civ. R. 33.1 (Interrogatories) should be amended to follow SDNY Local Rule 33.3, which restricts interrogatories. Kole reported that members of the subcommittee submitted their reports to him and the consensus was in favor of the SDNY rule.

Magistrate Judge Wettre commented that she had heard from certain Magistrate Judges on this proposal and raised some concerns about this rule change. Judge Wettre recommended that this matter be continued during the next meeting and in the interim, she will gather additional comments from her colleagues.

7. Steve Richman provided a status report on the Court's adoption of a local rule requiring disclosure to adversaries of third-party funding. Richman reported that the subcommittee is focusing on only the "disclosure" issue. After discussion, the subcommittee decided to continue studying the matter. Additional LAC members joined this subcommittee. The original members, Steve Richman (chair), Phil Sellinger, Lisa Rodriguez, Justin Quinn, Elizabeth Sher, Sharon King and Michael Furey, were joined by new members, Hon. John W. Bissell (Ret.), Peter Harvey, Jeffrey Greenbaum, Peter Pearlman and Dennis Drasco.

Jeffrey Greenbaum reported that the ABA Section of Litigation will be issuing a report in January on "Best Practices for Third-Party Litigation Funding," which it is proposing for adoption by the ABA House of Delegates. The report describes the various uses of litigation funding, which has greatly increased in recent years, and is a guide to lawyers on how to protect themselves and their clients in structuring these arrangements.

8. Third Circuit Judge Michael Chagares (Chair of the Advisory Committee of the Judicial Conference on Appellate Rules) reported on his committee's study of a proposal to place a time limit on ECF filing. Judge Chagares commented that the Federal Judicial Center is currently compiling data for this proposal and he emphasized that this is only a "study" at present. Curtin instructed that anyone wishing to become a member of this subcommittee should email him.
9. Thomas Curtin announced a Happy Birthday to Jack O'Brien. There being no further business, a motion to adjourn was made and seconded. The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

John O'Brien