

LAWYERS' ADVISORY COMMITTEE

MINUTES - DECEMBER 7, 2011 MEETING

The Lawyers' Advisory Committee met at the Hilton in East Brunswick. The meeting was opened by Chair Thomas R. Curtin at 6:15 p.m. and thereafter the following occurred:

1. The minutes of September 13, 2011 meeting were approved without changes.
2. Report by Chief Judge Garrett E. Brown, Jr.:

Chief Judge Brown reported that the Court is not currently at full strength and has two vacancies and hopes that the President will be making nominations soon.

Chief Judge Brown announced a Patent seminar for the Court was held at the Trenton Courthouse on December 6, 2011. Professor Peter Menell and George Pappas, Esquire participated at this seminar.

Chief Judge Brown also announced that the "gavel" of the Chief Judge will be passed to Judge Simandle on January 2, 2012, and that he (Judge Brown) will be retiring on January 26, 2012, which will be his final day on the bench. Judge Brown recited the following quote: "A barrister's triumphs are short-lived. Those you have got off don't wish to be reminded of the cells where they met you and those whose cases you have lost aren't often keen to share memories."

Chief Judge Brown also quoted former Chief Judge John F. Gerry: "I have a boundless admiration for the extraordinary talent and commitment of the judges of the Court whose respect and friendship I cherish as little else, and for the members of our Court family. As all of those before us, during the proud history of this second oldest District Court in the Nation, we are but temporary custodians of its traditions and authority. And the living institution that is the Court has afforded each of us that rare privilege most often denied to others, to reach beyond ourselves in its service." June 20, 1991.

3. Judge Jerome B. Simandle commented that he is very appreciative of Chief Judge Brown for advising him of the responsibilities of the position of Chief Judge. Judge Simandle commented that he joined the Lawyers' Advisory Committee in 1984 when then Chief Judge Clarkson S. Fisher started the LAC along with Judges Gerry, Bissell, Debevoise and seven attorneys.
4. Thomas Curtin commented that the LAC is at a proper size and a goal of the Committee is for its member to be a diverse group.
5. Chief Judge Brown and Judge Simandle consented not to take any action on the suggested revisions of the following Local Rules due to the Board of Judges' meeting next week on December 13:

- Thomas Curtin announced that any comments to the suggested revisions to Local Civil Rule 16.1 be forwarded to Donald Robinson.
 - Arnie Calmann and members of his subcommittee discussed proposed amendments to the following Local Civil Rules: 6.1; 7.1(d)(5); 7.2(d); 72.1; 7.1(h); 54.2; 12(b). Any comments to these proposed amendments should be submitted to Arnie Calmann.
 - As to the proposed revisions to the Final Pretrial Order, Thomas Curtin recommended that a subcommittee be selected to explore whether to adopt a Model Final Pretrial Order form or to adopt two Final Pretrial Order forms. A subcommittee was selected consisting of the following members to consider the matter: Judge Simandle, Judge Thompson, Magistrate Judges Goodman and Shwartz and a District Judge from the Newark vicinage.
6. Judge Jerome B. Simandle reported on the status of the Patent Pilot Project adopted on October 4, 2011 and an effective date of September 19, 2011. The national experiment involves, among other items, the assignment and reassignment of Patent cases. Judge Simandle reported that Patent cases have been assigned to all of the judges and so far there are no reports of non-designated Patent judges requesting reassignments of their cases.
 7. Jeffrey Greenbaum reported on a continued discussion on behalf of the subcommittee concerning proposed new Local Civil Rules 33.2 Interrogatories and 36.1 Requests for Admissions regarding certain written discovery requests. (See Attachment A). Thomas Curtin announced that this agenda item will be carried to next meeting.
 8. Kerri Chewning reported on the continued discussion regarding the “timing” of preparing and the submission of the Joint Final Pretrial Order. Thomas Curtin announced that this agenda item will be continued to next meeting.
 9. Thomas Curtin announced that Professor Hartnett’s discussion of Local Civil Rule 56.1(a) regarding motions for summary judgment will be continued to next meeting.
 10. Ronald Hedges reported on the “New Frontiers in E-Discovery - and - What to expect in 2012 and beyond.” Mr. Hedges reported that the Judicial Conference of the United States will be reviewing the issue(s) involving “e-discovery.” Philip Sellenger recommended that a subcommittee be selected to review “e-discovery issues.”
 11. Jack O’Brien discussed posting on the Court’s Web site “information” to assist the bar regarding Post Judgment Relief which would include: prejudgment interest; writs of execution, etc. Thomas Curtin selected a subcommittee to review the matter. The following members were appointed: Jack O’Brien, Chair; James Clark; Steven Richman; Dennis Gleason; and Ronald Hedges.

12. Thomas Curtin and Judge Simandle, on behalf of the members of the LAC, presented Chief Judge Brown a gift for his twenty-seven years on the bench including six and half years as the Court's Chief Judge. The gift is a series of three photographs showing all three Courthouses and a photograph of the Trenton Courthouse.

Chief Judge Brown praised and thanked the members of the LAC and announced his consistent message that the mission of the second oldest Court in the nation is for prompt and efficient justice for all.

13. The meeting was adjourned at 8:15 PM. Thomas Curtin will notify the members of the date of the next LAC meeting.

Respectfully submitted,

John T. O'Brien

ATTACHMENT A

Rule 33.2 INTERROGATORIES

(a) Unless otherwise ordered by the court, at the commencement of discovery, interrogatories shall be deferred except those seeking (i) names, addresses and telephone numbers of persons with knowledge of information relevant to the subject matter of the action along with the subjects of that information; (ii) the computation of each category of damage alleged; (iii) the existence, custodian, location and general description of relevant documents, including pertinent insurance agreements, physical evidence or information of a similar nature; (iv) statistical or technical data or information best produced in written or tabular form; and (v) up to five contention interrogatories seeking to obtain legal contentions or facts supporting allegations set forth in pleadings. Additional contention interrogatories may be served only in accordance with subsection (c) below.

(b) Unless otherwise ordered by the court, during discovery, interrogatories other than those seeking information described in paragraph (a) above may only be served if they are a more practical method of obtaining the information sought than a request for production or a deposition.

(c) Unless otherwise ordered by the court, no earlier than 90 days before the discovery cut-off date, contention interrogatories may be served if they are narrowly tailored to elicit claims and contentions of the opposing party or seek to elicit the material facts supporting specific allegations.

(d) Nothing contained in this rule shall expand the number of interrogatories permitted to be served by Fed. R. Civ. P. 33(a)(1).

Rule 36.1 REQUESTS FOR ADMISSIONS

(a) Requests for admission shall not be used for the authentication of documents unless the parties have first met and conferred in an attempt to reach agreement on authentication issues and were unable to reach agreement.