

LAWYERS ADVISORY COMMITTEE

MINUTES – DECEMBER 6, 2021

The Lawyers Advisory Committee met at the Park Chateau, where the meeting was convened by Chair Thomas R. Curtin at 6:00 p.m., and the following occurred:

1. The Chair invited a motion to approve the minutes of the September 20, 2021 meeting. The motion was made and seconded, and the minutes were approved.

The Chair requested that members introduce themselves.

2. Chief Judge Freda L. Wolfson's Report:

After expressing her sincere gratitude to the Committee members, the Chief Judge commented as follows:

The Court welcomes two newly appointed District Judges, Christine P. O'Hearn and Karen M. Williams, who both sit in the Camden vicinage. The Chief noted that two district judgeship vacancies remain, one in the Newark vicinage and a second in the Trenton vicinage.

The Chief praised former Magistrate Judge Anthony Mautone, who recently passed, for his 20 years of loyal service to the District of New Jersey.

Interviews have been conducted for the District's two magistrate judge vacancies, in Newark and Trenton. The Court will make the official announcements on the selections after background checks have been finalized.

Chief Judge Wolfson acknowledged Acting U.S. Attorney Rachael Honig for her cooperation at the start of the COVID-19 pandemic in March 2020, in coordinating the empanelment of grand juries and the appearances of sitting grand juries in all three vicinages. The Chief remarked that the Court and U.S. Attorney's Office were required to address numerous other areas during the ongoing pandemic.

Chief Judge Wolfson announced the retirement of Chief Deputy Jack O'Brien, after 46 years of dedicated service, and the attendees recognized his contributions to the Court with a standing ovation.

3. Chief Judge Michael Chagares reported on the Third Circuit Court of Appeals and commended Chief Judge Freda Wolfson for her leadership during the pandemic.
4. Acting U.S. Attorney Rachael Honig provided her report. Her Office appreciated that during the COVID pandemic, the District of New Jersey was the first in the Circuit to empanel grand juries, enabling criminal matters to move through the system. She is grateful to the federal family, for the cooperation between the Court and the Department of Justice, during her 11 months as Acting U.S. Attorney. Like the current Administration, the U.S. Attorney's Office continues to focus on violent crime, with its priorities being: 1. Violent Crime; 2. Civil Rights; and 3. Cyber Crime. Rachael Honig acknowledged her Office's cooperation with New Jersey Acting Attorney General Andrew J. Bruck, on many areas aimed at protecting the public.

5. Assistant Federal Public Defender, Anthony Thomas, advised of the hiring of two AFPDs and announced Chester Keller's retirement on December 31, 2021. He commented that a committee appointed by the Circuit will be interviewing candidates for the position of Federal Public Defender, due to Richard Coughlin's anticipated retirement in July 2022.
6. Chair Thomas Curtin introduced New Jersey Acting Attorney General Andrew J. Bruck, who provided his report to the LAC. His office, which has 7,700 employees, has selected three areas on which to focus resources - Gun Violence, Policing, and Racial Justice. General Bruck described a mental health pilot program with Cumberland County, whereby two individuals will be sent to a residence, one trained in "crisis" mental health, and the other, a plain clothed state trooper.

Bruck acknowledged the continued cooperation between his office and the U.S. Attorney's Office, in addressing certain areas of public safety.

7. Judge Zahid N. Quraishi reported on the Third Circuit Committee on the Courts, about a community outreach program for laypersons, i.e., those in the public who are not members of the bar. He asked the LAC for suggestions to facilitate interactions with those in the community representing different demographics.
8. Professor Edward Hartnett reported on behalf of the subcommittee reviewing amendments to the Federal Rules, which took effect on December 1, 2021, and pending amendments which will take effect on December 1, 2022. The 2022 amendments address: the Social Security rules (necessitated by the limitations of the current rules, due to Social Security appeals being based upon a fixed record), which will affect this Court's L. Civ. R. 9.1; and the 2022 amendments will address corporate disclosures and discovery.
9. Justin T. Quinn reported on the subcommittee reviewing the local rules to expand the references therein to "Judge" to include magistrate judge, as well as district judge. The subcommittee agreed that "Judge" should be redefined within the local rules. The LAC approved the proposed changes to the local rules to both: 1) modify the definition of "Judge" to include both District Judge and Magistrate Judge; and 2) clarify instances where the local rules are distinguishing between a District Judge and a Magistrate Judge.
10. Jeffrey Greenbaum reported on the proposed amendment to L. Civ. R. 15.1(b), requiring that a red-lined version of a proposed amended complaint, along with a clean copy, be filed with the motion. The LAC approved the amendment as follows:

L. Civ. R. 15.1

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(b) Except as may be excused by the Court, a party who files an amended pleading **(i)** in response to an Order authorizing the filing of that pleading to cure a defect in its pleading, **or (ii) after a motion has been filed seeking to dismiss that pleading,** shall file;

(1) a copy of the amended pleading, complete with a handwritten or electronic signature; and (2) a form of the amended pleading that shall indicate in what respect(s) it differs from the pleading that it amends, by bracketing or striking through materials to be deleted and underlining materials to be added.

Service shall be accomplished consistent with the Fed. R. Civ. P. and these Rules.

11. In closing, Chief Judge Wolfson thanked Chair Tom Curtin for his continued efforts as Chair of this important committee and wished all of the LAC members a happy and safe holiday.

Respectfully submitted,

John T. O'Brien