

LAWYERS ADVISORY COMMITTEE

MINUTES – SEPTEMBER 20, 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 June 14, 2021 meeting. The motion was made and seconded, and the minutes were approved.

The Chair requested that members introduce themselves. Retired Chief Judge John W. Bissell noted that he was a member of the very first Lawyers Advisory Committee.

The tentative date for the next LAC meeting is December 6, at the Park Chateau, and future meetings will take place at that venue.

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 has entered a new Standing Order providing for jury trials to begin June 1, and for one jury selection per courthouse at a time. The Chief indicated that she is currently hearing a multi-defendant criminal trial.

Another recent Standing Order, necessitated by the COVID-19 pandemic, requires the public and employees to be "masked" in all public areas of the courthouses. It further provides that, as a condition of entry into court locations, all visitors (except jurors) must show proof of either full vaccination or a negative result of a PCR test taken within the prior 72 hours. The Court has mandated that all judicial employees be fully vaccinated by October 19.

Also pursuant to Standing Order, the Court has extended the CARES Act authorization of video/teleconferencing of certain criminal proceedings, excluding jury trials.

The Chief acknowledged our Court's two newest District Judges, Zahid Quraishi (present at the LAC meeting) and Julien Neals. The hope is that Camden will soon have a full complement of district judges, with the Senate confirmation of Magistrate Judge Karen Williams and Christine O'Hearn. Two vacancies remain though, one in Trenton and one in Newark, with no nominations so far for those positions.

Chief Judge Wolfson reported that two Merit Selection Committees have been formed to fill Magistrate Judge Mark Falk's position, due to his retirement at the end of this month, and former Magistrate Judge Zahid Quraishi's position, due to his elevation to District Judge.

Richard Coughlin, Federal Public Defender for DNJ, will be retiring in 2022 and the vacancy announcement has been posted for this position, to be filled by the Third Circuit Court of Appeals.

3. Acting U.S. Attorney Rachael Honig provided her report. Her Office is pleased that criminal trials started up in June, moving criminal matters through the system.

She advised that by Executive Order, the President has mandated that all federal executive branch employees be vaccinated by November 22, 2021.

Honig further reported that her Office is following the current Administration's focus on violent crime and is now targeting: 1. Violent Crime; 2. Civil Rights; and 3. Cyber Crime.

Assistant Federal Public Defender, Anthony Thomas, advised that his Office is continually addressing health concerns at the Essex and Hudson County jails, in an effort to ensure safer communication with clients. A major concern is that the young inmates are not vaccinated.

4. Jeffrey Greenbaum reported on the proposed amendment to L. Civ. R. 15.1(b), requiring that a red-line version of a proposed amended complaint, along with a clean copy, be filed with the motion. The Chair directed that the discussion be continued at the next meeting in December. The subcommittee will consist of:

- Jeffrey Greenbaum, Co-Chair
- Peter Pearlman, Co-Chair
- Magistrate Judge Lois Goodman
- Magistrate Judge Leda Wettre
- Lisa Rodriguez
- Arnold Calman

5. The Chair requested that a subcommittee be selected to assist Professor Edward Harnett in reviewing pending Amendments to the Federal Rules, which will take effect December 1, 2021 and 2022. These amendments address: establishing diversity jurisdiction on the basis of a partnership or LLC; and the Social Security rules (in recognition of the limitations of the current rules due to Social Security appeals being based upon a fixed record).

The Chair selected the following members to review the proposed Amendments to the Federal Rules:

- Professor Edward Hartnett, Chair
- Ret. Chief Judge John W. Bissell
- Michael Furey
- Elizabeth Sher
- Edward Kole
- Karen Confoy
- Phillip Sellinger

6. Steve Richman provided an update on L. Civ. R. 7.1.1, "Disclosure of Third-Party Litigation Funding." He reported on a panel at the 3rd Annual Financing, Structuring and Investing in Litigation Finance Conference, held by Information Management Network (IMN), on September 13, 2021. Richman addressed the substance and purpose of DNJ's new L. Civ. R. 7.1.1. Steve reported that while the rule itself has not been viewed as problematic in the industry, there is concern that it might be used by those seeking greater up-front disclosure of the actual agreements.

7. Chief Judge Wolfson discussed Magistrate Judge Lois Goodman's request that the Local Rules be revised such that "Judge" be defined as including Magistrate Judges, in addition to District Judges.

Chair Curtin selected the following members for a "Title" subcommittee, to review the Local Rules and recommend amendments:

- Justin Quinn, Chair
 - Magistrate Judge Lois Goodman
 - Karol Corbin Walker
 - Peter Pearlman
7. The LAC discussed the practice of law during COVID, i.e., what has been working well during the pandemic and what has not.
 8. There being no further business, a motion to adjourn was made and seconded. The meeting was adjourned at

Respectfully submitted,

John T. O'Brien