

LAWYERS' ADVISORY COMMITTEE

MINUTES - MARCH 10, 2010 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 October 20, 2009 meeting were approved without changes.
2. Report of Chief Judge Garrett E. Brown, Jr.:

Chief Judge Brown discussed the size of the Lawyers' Advisory Committee commenting that the period of appointment as to some of the members has expired. Judge Brown will discuss with the Chair of Committee, Thomas Curtin, as to the appropriate size of the Committee.

3. Thomas Curtin welcomed Paul Fishman, United States Attorney for the District, as a member of the Lawyers' Advisory Committee. Mr. Fishman remarked on his new appointment as United States Attorney for the District of New Jersey.
4. Jack O'Brien reported on amendments to the Local Rules to reflect the changes (Revision of Computation of Time) to the Federal Rules of Civil Procedure effective December 1, 2009. The Board of Judges approved the amendments at their December Board of Judges' meeting. The effective date of the amendments to the Local Rules was March 1, 2010.
5. Philip Sellinger reported on behalf of the subcommittee considering proposed Local Civil Rule 30.1 concerning "Communications between witness and counsel during cross-examination at depositions and at trial." Although the subcommittee is near a consensus for the text of the proposed rule, certain issues remain. Chief Judge Brown recommended to the subcommittee to prepare a majority opinion and minority opinion as to the issue(s) remaining. Chief Judge Brown intends to present this topic at the next Board of Judges' meeting.
6. Jeffrey Greenbaum reported on behalf of the subcommittee reviewing a practice requiring counsel to seek permission before filing dispositive motions. The subcommittee will meet immediately after the LAC meeting has ended.
7. A subcommittee consisting of the following members was appointed by the Chair to consider the subject of filing "cross-motions" with the Court: William Mentlik, Chair, Peter Pearlman, and Frank X. Dee.
8. Cynthia Jacob discussed a revision to Local Civil Rule 8.1, as to adopt the State of New Jersey's Court Rule 4:18-2, which reads as follows:

When a document or paper is referred to in a pleading but is neither annexed thereto nor recited verbatim therein, a copy thereof shall be served on the adverse party within five days after service of a written demand therefor.

A subcommittee consisting of the following members was appointed by the Chair to consider this matter: Cynthia Jacob, Chair; Peter Pearlman; Jeffrey Greenbaum; Dennis Gleason and Karol Corbin Walker.

9. Thomas Curtin discussed the proposed article for *Nunc Pro Tunc* concerning the mission and the many accomplishments of the Lawyers' Advisory Committee.
10. Judge Jerome B. Simandle raised the topic as to why civil trials are decreasing in the federal court system including the District of New Jersey. A subcommittee consisting of the following members was appointed by the Chair to consider this matter: Dennis Drasko, Bruce Goldstein and Philip Sellinger.
11. Jeffrey Greenbaum discussed a Local Civil Rule from the Southern District of New York that restricts "contention interrogatories" and whether District of New Jersey should consider a similar rule. A subcommittee consisting of the following members was appointed by the Chair to consider this matter: Jeffrey Greenbaum and Judge Jerome B. Simandle.
12. Donald Robinson recommended and the Committee agreed to survey patent attorneys to determine if the Local Patent Rules have been assisting the bar in litigating patent matters. The subcommittee on the Local Patent Rules plans to meet in the summer to discuss the local patent rules and other issues relating to patent litigation.
13. The meeting was adjourned at 8:00 P.M. Thomas Curtin will notify the members of the date of the next LAC meeting.

Respectfully submitted,

John T. O'Brien