

LAWYERS ADVISORY COMMITTEE

MINUTES – SEPTEMBER 7, 2022

The Lawyers Advisory Committee (LAC) 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 welcomed all members and asked everyone to introduce themselves.
2. The Chair invited a motion to approve the minutes of the June 6, 2022 meeting. The motion was made and seconded and the minutes were approved.
3. Chief Judge Freda L. Wolfson's Report:

Chief Judge Wolfson announced that Philip Sellinger will be sworn-in on Friday, September 9th as the U.S. Attorney for the District of New Jersey.

Chief Judge Wolfson announced she sent a letter to President Biden on June 17, 2022 providing her February 1, 2023 retirement date. The intent of the advance notice was to give the Senators two nominations as Judge Hillman took senior status in April, 2022 with the hope of filling both vacancies early next year.

Current judicial vacancies include two Magistrate Judge positions. One part-time position to replace Judge Mautone closed on August 26th and one full-time position to backfill Judge Goodman closes next week. The same Merit Selection Panel used to select Magistrate Judge Singh will be utilized, although two panel members who are unable to serve will be substituted. Recommended candidates will be forwarded to the Board of Judges for interviews.

Chief Judge Wolfson discussed the current standing order which eliminates proof of vaccination or a negative test to enter the courthouse. Masking in public spaces will be based on the CDC community level status designations of low, medium or high while masking in courtrooms remains at the discretion of the judge.

The Court welcomes seven new Magistrate Judges who were sworn-in at a historic investiture ceremony on August 2, 2022. The Administrative Office (AO) published articles on both their internal website as well as USCourts.gov with a group photo of our newest Magistrate Judges: Judge Allen, Judge Skahill, Judge Espinosa, Judge King, Judge Almonte, Judge Singh, and Judge Pascal.

Chief Judge Wolfson announced the formal investiture dates for our newest District Judges:

Judge O'Hearn – September 29th;
Judge Williams – October 13th;
Judge Castner – November 4th;
Judge Padin – TBD.

Chief Judge Wolfson congratulated Chief Judge Chagares as being the honoree for Seton Hall's 38th Red Mass on September 30th at 4 p.m.

Chief Judge Wolfson announced the 1st annual Judges' Retreat, with a focus on promoting collegiality and learning, will take place in September. All District and Magistrate Judges will attend along with Bankruptcy Judges for certain sessions. The Board of Judges' meeting will take place in addition to a training on the new judicial requirements on financial disclosures.

The Judges' Holiday party will be held on December 13, 2022 at the Park Chateau.

Chief Judge Wolfson indicated terms on the LAC may be expiring and the next application period will begin in December. Current members were appointed for one or two year terms. Chief Judge Wolfson and Judge Bumb will work together on future selections of committee members.

Chief Judge Wolfson's final announcement was that the Yankees won last night in 12 innings!

4. Chief Judge Michael Chagares' Report:

Chief Judge Chagares announced upcoming events including the 3rd Circuit Judicial Conference to be held at the Hilton Penn's Landing in Philadelphia May 10 – 12, 2023. An advisory committee has been formed which includes Judge Wigenton who will help to select speakers. He also announced the Third Circuit will be sitting in Newark the week of December 5th.

Chief Judge Chagares announced three nominees have been named for 3rd Circuit vacancies. Arianna Freeman who should be voted on soon, and Cindy Chung and Justice Tamika Montgomery-Reeves who have their judiciary senate hearings today.

Chief Judge Chagares announced the U.S. Court of Appeals for the Federal Circuit will sit in Philadelphia the first week of November. CLE credit may be available for some of the events scheduled around their visit.

Chief Judge Chagares announced Chief Judge Wolfson was asked to serve as Chair for the District Judges for the Judicial Conference but she had to turn it down due to her retirement. He indicated this was a "well-earned ask" for her.

Chief Judge Chagares discussed the Court's Community and Rule of Law Committee whose mission is to advise the public on our justice system.

Chief Judge Chagares announced Judge Quraishi will be the Grand Marshal at the Muslim Day Parade in New York City on September 25th.

5. Assistant Federal Public Defender, K. Anthony Thomas announced their office has recently hired Assistant Public Defenders, as well as mitigation specialists as the court is trending in that direction.
6. Assistant U.S. Attorney Lee Cortes, filling in for the U.S. Attorney, reiterated Philip Sellinger's investiture will take place at Rutgers Law School on September 9th and all are invited to attend. He also welcomed John Basiak who succeeds Judge Pascal on the LAC and said he was happy to have a civil division presence in the LAC.

Lee Cortes discussed changes in the office leadership team. Nick Grippo left the office to serve as the Director of the SEC's Philadelphia office. Molly Lorber was promoted to Chief of the criminal division to backfill Nick and Jason Richardson backfilled Molly's position as head of the Camden office. Sarah Alibata is the deputy attorney in charge.

The office has hired over 20 new Assistant U.S. Attorneys this past year. One of the key priorities is a focus on violent crime. The summer months in general are tougher but there were bright spots in Jersey City and Newark where shootings were down 30%. The state and local partner crime initiatives have had an impact in this area. Car-related crimes are also an issue in New Jersey, as well as nationwide, and remain a priority.

7. LAC member, Peter Pearlman, proposed an amendment to L. Civ R. 5.2.5, Consequences of Electronic Filing, indicating that the rule as currently written contradicts a federal rule. After hearing from LAC members on the topic, Chief Judge Wolfson requested Mr. Pearlman draft a recommendation for presentation at the September Board of Judges' meeting. If adopted, they will then be forwarded to the Rules Committee.
8. LAC member, Professor Ed Hartnett, was selected to Chair a sub-committee to review the local rules for possible changes in light of the amendments to the federal rules taking effect on December 1, 2022. Committee members include Paul Fishman, Beth Scher, Steven Richman, Charlie Lizza, Jeffrey Greenbaum and K. Anthony Thomas. The sub-committee is tasked with making recommendations to the Board of Judges.
9. Judge O'Hearn provided proposed revisions to the local rules on behalf of the Rules Committee. The Rules Committee recommends revising L. Civ. R. 26.1(b)(2) to remove the prohibition against filing the joint discovery plan on the docket. The revision allows individual Magistrate Judges to determine whether or not the joint discovery plan should be filed. The Rules Committee also recommends revising L. Civ. R. 40.1 to remove the presumption that new cases filed by pro se litigants automatically get assigned to the same judge. This revision provides that all newly filed cases are reviewed for relatedness whether filed by counsel or a pro se litigant. Both of these proposed revisions will be sent to the Board of Judges for determination. A third proposed change regarding the creation of a local rule analogous to State Court Rule 4:18-2 expressly requiring a party to provide a document referenced in pleadings after receiving a formal demand was considered, but will not be forwarded to the Board of Judges.

10. Tom Curtin, raised concerns of counsel as Chair of the LAC. Issues discussed included delays in having motions decided and the concerns with differing practices of judges in having discovery proceed while motions to dismiss are pending.
11. An announcement was made that Judge Quraishi is being honored at a Rutgers alumni event on November 1st.
12. In closing, the next meeting date was announced as December 5, 2022.

Respectfully submitted,

Melissa E. Rhoads