



## NEW JERSEY STATE BAR ASSOCIATION

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September 24, 2018

Honorable Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts  
Attn: Comments on CBLP Guidelines and Forms/Orders  
Hughes Justice Complex, P.O. Box 037  
Trenton, NJ 08625-0037

Re: Comments on Proposed Overview, Case Management Guidelines and  
Model Forms and Orders for the Complex Business Litigation Program

Dear Judge Grant:

Thank you for allowing the New Jersey State Bar Association additional time to review the proposed guidelines and model forms and orders for use in the Complex Business Litigation Program. Our members appreciate the opportunity to participate in the development of these important protocols that will have a significant impact on the practice of law in New Jersey.

While the NJSBA agrees with the vast majority of the proposal, there is concern about one aspect of the Model Joint Discovery Plan. As presented, the Model Plan requires inclusion of information in connection with settlement discussions. Specifically, paragraph 3 of the Model Plan requires submission of the amount of plaintiff's last demand and defendant's last offer. This information is usually confidential until an agreement is reached, even to the extent that it is not typically shared with the judge overseeing the matter. The NJSBA recommends that this paragraph of the Model Plan be revised to seek only information about whether settlement negotiations have taken place, but not to include any details about those negotiations.

Thank you again for allowing the bar to review this proposal and to submit comments and recommendations. Please feel free to contact me with any questions or if you need additional information. The NJSBA looks forward to working with the Court to successfully implement the Complex Business Litigation Program as a means of addressing complex cases more efficiently and effectively.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John E. Keefe Jr.', is written over a circular stamp or watermark.

John E. Keefe Jr., Esq.  
President

/sab

cc: Evelyn Padin, Esq., NJSBA President-Elect  
Angela C. Scheck, NJSBA Executive Director