



NEW JERSEY STATE BAR ASSOCIATION

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Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Hughes Justice Complex
25 West Market Street
Trenton, NJ 08625

RE: Proposed Amendment to R. 7:8-3

Dear Judge Grant:

On behalf of its members, the New Jersey State Bar Association (NJSBA) is raising an issue and proposing a resolution in connection with an inconsistent practice of sending municipal court notices to witnesses. This is separate and distinct from a subpoena, which is admittedly the obligation of the parties. It has been reported that some courts will send notices to all witnesses upon request of counsel, which appears to be consistent with current Court Rule language, but others will only provide notice to prosecution witnesses.

To address this inconsistency, and ensure there is uniform application throughout the state, the NJSBA proposes consideration of a Rule amendment explicitly requiring notices of municipal court proceedings be sent to any witness upon request of counsel.

The Court Rules currently provide:

Rule 7:8-3. Adjournment

On or before the first scheduled trial date, the court may adjourn the trial for not more than fourteen days, except that an adjournment for a longer period or additional adjournments may be granted if the court deems postponement of the trial to be reasonably necessary in the interest of justice. In contested matters, the court shall specify the new trial date in granting the adjournment and shall cause the complaining witness, all defendants, and all other known witnesses to be notified of the adjournment and of the new trial date.

The NJSBA proposes a new section to be added to Rule 7:8-3, as follows:

Upon written request by the state or defense, the court shall send mailed notices to both state and defense witnesses. This does not dispense with a duty to serve subpoenas.

The NJSBA believes the additional language is consistent with the intent of the original Rule, and will make it clear that court notices should be sent to all witnesses as designated by counsel. This will help ensure that matters can proceed when scheduled with a fair opportunity to all sides to present their best case.

Thank you for consideration of this request. The NJSBA would be happy to provide any further information that may be required to fully evaluate this proposal, and looks forward to assisting the Court in any way it can.

Respectfully,



Domenick Carmagnola, Esq.
President

/sab

cc: Jeralyn L. Lawrence, Esq., NJSBA President-Elect
Angela C. Scheck, NJSBA Executive Director