



# NEW JERSEY STATE BAR ASSOCIATION

EVELYN PADIN, PRESIDENT  
Law Office of Evelyn Padin  
286 First Street  
Jersey City, NJ 07302  
201-963-8822 • FAX: 201-963-8874  
evelyn@lawjcnj.com

February 5, 2020

Honorable Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts  
Comments on Proposed Amendments to Rule 3:11  
(Record of an Out-of-Court Identification Procedure)  
Hughes Justice Complex, P.O. Box 037  
Trenton, NJ 08625-0037

Re: Comments on Proposed Amendments to Rule 3:11  
(Record of an Out-of-Court Identification Procedure)

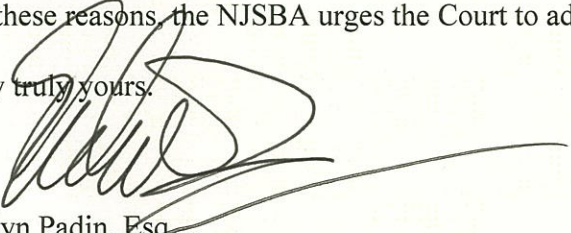
Dear Judge Grant:

The New Jersey State Bar Association (NJSBA) thanks the Court for the opportunity to comment on the proposed amendments to Court Rule 3:11 to provide additional guidance about best practices when conducting an out-of-court identification. The NJSBA also thanks the members of the Court's Criminal Practice Committee for undertaking an expedited review of the issue and providing a detailed analysis and thoughtful recommendation.

The NJSBA supports the proposal, as supplemented by the Supreme Court. Given the potential consequences to a defendant who is the subject of an out-of-court identification, the issues the Court noted in reviewing the processes used in *State v. Anthony* and *State v. Green* are critical to address going forward. It is essential that law enforcement is provided with clear guidance about the proper procedures to follow in securing an out-of-court identification. That will ensure reliability in the result and bolster public confidence and credibility in the justice system. The proposed procedures in the amended Rule meet those standards and appear to be able to be incorporated by law enforcement into their protocols without undue burden or hardship.

For these reasons, the NJSBA urges the Court to adopt the proposed amendments.

Very truly yours,

  
Evelyn Padin, Esq.  
President

/sab

cc: Kimberly A. Yonta, Esq., NJSBA President-Elect  
Angela C. Scheck, NJSBA Executive Director