

NEW JERSEY APPELLATE PRACTICE HANDBOOK

NINTH EDITION

**NEW JERSEY
APPELLATE PRACTICE
STUDY COMMITTEE
OF THE
NEW JERSEY STATE BAR ASSOCIATION**

**NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION
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FOREWORD
Hon. Dorothea O'C. Wefing
Acting Presiding Judge for Administration
Superior Court of New Jersey, Appellate Division

With some 33 judges, the Appellate Division of the Superior Court of New Jersey is the largest single intermediate appellate court in the nation. It is also one of the busiest, handling among the highest volume of cases. Although some larger states, such as California, New York and Texas decide more cases, those states have more appellate judges, divided into geographic districts or circuits. During the court year from September 1, 2009 through August 31, 2010, the Appellate Division of the Superior Court of New Jersey disposed of 6,526 appeals by opinion, motion or order. Each judge authored approximately 105 formal written opinions. The court also disposed of 7,327 motions during that term.

Since the Appellate Division handles such a high volume of cases, it is essential that the attorneys and pro se litigants comply with the Rules of Court, including the provisions dealing with the filing time and format requirements for briefs and appendices. If appeals are to be processed expeditiously, the time requirements for filing briefs and appendices must be adhered to and deficiencies avoided. The Appellate Division, including the Clerk's office, does everything possible to process and dispose of appeals without delay. With your cooperation, we can perform our mission of achieving justice in a timely fashion as a high-volume nationally respected intermediate court of appeals. I therefore strongly urge all members of the bar to review the rules governing appeals and the Appellate Practice Handbook. The Handbook has been compiled by attorneys who have extensive appellate practice experience. Their advice will greatly assist every attorney in the step-by-step process involved in handling of appeals. In addition, each case has been assigned to a case manager within a team. The team designation can be ascertained by the T portion of the docket number. The staff attorney assigned to that team and the case manager of the appeal are able to answer questions about the processing of the appeal and can be called at the Clerk's office. They cannot, however, give substantive advice or accept briefs or excuse conduct that does not comply with the Rules of Court. Moreover, the Appellate Division website contains updated information of relevance to appellate practitioners.

On behalf of the Appellate Division, I express my sincere appreciation to the members of the New Jersey State Bar Appellate Practice Committee, the New Jersey Institute for Continuing Legal Education and to all the attorneys who participated in compiling this excellent Handbook. I know it will be of great assistance to those doing appellate work in New Jersey.

INTRODUCTION

The New Jersey Appellate Practice Handbook Committee was formed in 1983 as a part of a National Handbook Project sponsored by the Appellate Practice Committee and the Judicial Administration Division of the American Bar Association. In early 1983, starting with the noble idea of writing the first Appellate Practice Handbook for the bench and bar of New Jersey, Robert F. Blomquist contacted the President of the New Jersey State Bar Association, Vincent J. Apruzzese, for suggestions on how to enlist representatives of the appellate judiciary in aiding the project.

In May 1983, the Honorable Morton I. Greenberg, then a judge of the Superior Court of New Jersey, Appellate Division, came forward to co-chair the project. Judge Greenberg and Mr. Blomquist discussed the latter's outline for a complete, but useful, handbook that might provide a single source of information on how to represent clients before the appellate courts of New Jersey.

With the able assistance of Linda A. Palazzolo, the New Jersey Appellate Practice Handbook Committee was enlarged in September of 1983; lawyers from all regions of the state were recruited to serve as writers. Moreover, key attorney staff members of the New Jersey Supreme Court and Superior Court of New Jersey, Appellate Division, joined the effort. Committee members shared a wealth of collective experience and knowledge ranging from civil appeals to criminal appeals; from practice before the New Jersey Supreme Court to practice before the Appellate Division. Several members of the committee added further depth to the project by also being familiar with federal appellate practice and procedures. From this rich base of experience was born the first edition of the handbook.

The first committee built on collective experience, research, and discussion to produce a volume of the highest possible quality, both for New Jersey and as a model for similar handbooks throughout the nation. Committee members were assigned primary responsibility for drafting and revising particular chapters. Conscious effort was made in the editing process to produce a handbook of consistent style and substantive quality.

The original handbook committee consisted of:

Hon. Morton I. Greenberg, Judicial Co-Chairperson

Editor Robert F. Blomquist, ABA Co-Chairperson, Editor and Project Founder

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Edward O'Hara

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Linda A. Palazzolo

Marc J. Friedman

Jack G. Trubenbach

Seymour Margulies

Robert A. Vort

John P. Morris

Ellen T. Wry

Every three years or so thereafter, subcommittees of the New Jersey State Bar Association Appellate Practice Committee revised and updated the handbook while maintaining its basic format. The handbook became the basis for the triennial New Jersey Institute for Continuing Legal Education appellate practice seminars which have become the impetus for the regular revisions of the handbook.

The handbook subcommittee for the Second Edition consisted of:

Joseph A. Alessi	Jeffrey L. Knapp
Douglas S. Brierley	Laura M. LeWinn
Lewis B. Cohn	Brian W. Mason
Marc J. Friedman	Linda A. Palazzolo
Clifford A. Herrington	Danielle E. Reid
Ellen T. Wry	

The handbook subcommittee for the Third Edition consisted of:

Annmarie Cozzi	Carol M. Henderson
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The handbook subcommittee for the Fourth Edition consisted of:

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The handbook subcommittee for the Fifth Edition consisted of:

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The handbook subcommittee for the Sixth Edition consisted of:

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Jack G. Trubenbach

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This 2011 Ninth Edition of the handbook is a detailed, current primer on New Jersey appellate practice that will aid both the inexperienced and the seasoned appellate practitioner. The subcommittee members who devoted their time to the preparation of this Ninth Edition were:

Jeffrey J. Brookner

Eli L. Eytan

Holly Barbera Freed

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The Appellate Practice Committee expresses its continuing appreciation to the New Jersey State Bar Association and the New Jersey Institute for Continuing Legal Education for supporting the publication of the handbook and providing staff support for the effort. For this latest edition, the Committee would like to thank Michael Weisberg, Esq., Publications Director, and Donna Chamberlain at ICLE for their efforts.

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