

NOTICE TO THE BAR

Service by Mail Program in Special Civil Part to be Terminated April 1, 2009 in Absence of Legislative Action on Fees

As announced in my January 7, 2009 Notice to the Bar, the fee charged to plaintiffs for service of process by mail in Special Civil Part cases and small claims was reduced from \$7.00 to \$4.00 effective January 14, 2009 because the statutory authority of the Administrative Director of the Courts to adjust the fee, as set forth in N.J.S.A. 22A:2-37.1 and -37.2, expired on that date due to a sunset provision in L. 2003, c. 259. While that statutory provision was in effect, the Administrative Director had periodically increased the fee charged to plaintiffs so as to accommodate U.S. Postal rate increases from 2004 through 2008. Those increases were canceled by the sunset provision of the 2003 legislation with the fee thus reverting to the statutory \$4.00 that existed in 2003. This \$4.00 per defendant postage fee is not sufficient to cover the actual cost to the Judiciary of mailing process. Up to now, we nonetheless have continued to operate the service by mail program while the Judiciary worked with the Legislature and the Governor to address this fee discrepancy. However, despite our best efforts to preserve the service by mail program, it now appears that a workable statutory solution will not be enacted by mid-March. As my earlier Notice to the Bar suggested might occur, the Judiciary will no longer have sufficient funds to support the service by mail program. It therefore will be necessary to terminate the long-standing Special Civil Part service by mail program as of Wednesday, April 1, 2009 and return to some form of personal service of process for Special Civil Part actions. The Bar will continue to be kept advised on this matter through subsequent Notices.

/s/ Glenn A. Grant

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: February 9, 2009