

DIRECTIVE # 11-05

**[This Directive Supersedes
Directive #21-68.]**

TO: Assignment Judges

FROM: Philip S. Carchman, J.A.D.

SUBJ: Reserved Matters

DATE: June 3, 2005

This Directive supersedes Directive # 21-68 ("Reserved Matters"), which was issued May 15, 1969.

The accurate and complete reporting of reserved matters is of critical importance to the bench, to the bar, and to the public – to the bench in order to preserve the public's confidence in the integrity of the court system, to the bar in order for counsel to effectively represent their clients, and to the public in order to ensure the prompt resolution of matters.

The policy requiring reporting reserved matters has been in place since the establishment of the modern New Jersey court system in 1947 and has most recently been the subject of extensive discussion at each of the last several biannual meetings between the Supreme Court and the New Jersey State Bar Association. It also was raised by the NJSBA as a concern when the President and President-Elect attended a portion of the April 2005 Judicial Council meeting. And, as you know, it also has been the subject of discussion at several previous Judicial Council meetings.

Chief Justice Poritz has asked that I reiterate the message that Administrative Director McConnell issued on behalf of Chief Justice Weintraub in 1969, that is, to remind all trial court judges of the importance of reporting on their weekly reports required by Rule 1:32-1(a) all matters in which they have reserved decision. As set forth in the Weekly Report instructions, a case or motion should be reported as reserved when all hearings have been completed, no further appearance of attorneys in court is required, and the matter awaits the decision of the judge. A matter should be reported as reserved even though briefs, transcripts, or other documents may still need to be filed. Also, even if the judge uses terminology other than "reserved," e.g., "under

advisement" or "carried," if the circumstances meet the criteria noted above, the matter shall be reported as reserved.

Reserved matters shall be reported for the week in which they were heard and carried on each subsequent weekly report until the matter has been disposed of or resolved. The weekly report for the week in which the reserved matter was resolved should show its disposition by date.

If a case or motion has been reserved for more than two months, that reserved matter is listed in the monthly Judicial Council agenda, with the appropriate Assignment Judge reporting to the Chief Justice and the Judicial Council on the status of each such reserved matter over two months old. Historically, the list was compiled from the judges' weekly report; however, reserved decisions are also identified from the automated case management systems in Civil (ACMS) and Family (FACTS). Prior to the Judicial Council meeting, the Assignment Judge shall consult directly with the judges from that vicinage with matters appearing on the list to obtain the current status and the anticipated resolution date for each such matter.

Judges should be regularly reminded of the importance of the timely and accurate reporting of reserved matters. See, in that regard, the Supreme Court's decision in *In re Alvino*, 100 N.J. 92 (1985).

Please provide copies of this Directive to all of the judges in your vicinage. I am also providing a copy of this Directive to the Presiding Judge of the Tax Court to forward to the Tax Court judges.

P.S.C.

cc: Chief Justice Deborah T. Poritz
Associate Justices
Hon. Edwin H. Stern
Hon. Joseph C. Small
Theodore J. Fetter, Deputy Admin. Director
Clerks of Court
AOC Directors and Assistant Directors
Trial Court Administrators
Mark Davies, Quantitative Research
Steven D. Bonville, Special Assistant
Francis W. Hoeber, Special Assistant