

## Procedures to be Followed in Submitting an Opinion for Review to the Committee on Opinions

Directive #11-95  
Issued by:

July 10, 1995  
Robert D. Lipscher  
Administrative Director

The Committee on Opinions has requested that I issue this directive to aid in its implementation of Rule 1:36-2(b), which was amended effective September 1, 1994 and which establishes the guidelines for the Committee's review of an opinion submitted by a trial judge for publication.

A trial judge submitting an opinion for review by the Committee on Opinions is to file it in triplicate, along with a "squib," a short statement of the principal issues considered in the opinion, with the Administrative Office of the Courts, Committee on Opinions, CN-964, Trenton, NJ 08625, with a notation on its face that it is being submitted for publication. Opinions submitted for Committee review are to be accompanied by a filed copy of the judgment or order entered pursuant to the opinion. This will aid the Committee in monitoring the appeal status in coordination with the Clerk of the Appellate Division.

Also, please be reminded that *Rule* 1:36-2(b) stipulates that, except in extraordinary circumstances, opinions shall not be reviewed by the Committee until the time for appeal from the final judgment in the cause has expired. If an appeal is taken, the Appellate Division panel, when it decides the appeal, will determine whether the opinion should be published. For appeal purposes, as set forth in *Rule* 2:2-3, final judgments, *i.e.*, dispositions eligible for appellate review as of right, include those referred to in *Rule* 4:42-2 (certification of interlocutory orders), *Rule* 4:53-1 (orders appointing statutory or liquidating receivers), *Rule* 5:8-6 (final custody determinations in bifurcated matrimonial actions), and *Rule* 5:10-6 (orders on preliminary hearing in adoption actions).

If a trial judge believes that extraordinary circumstances exist for publication of an opinion prior to the expiration of the time for appeal from the final judgment, the judge, on submission of an opinion for Committee review, is to accompany the submission with a detailed explanation of the circumstances justifying publication. (The guidelines for publication contained in *Rule* 1:36-2(d) do not constitute extraordinary circumstances.)

Opinions deciding interlocutory issues not appealable as of right should not be submitted for Committee review prior to the entry of final judgment in the cause; provided, however, that in the event a motion for leave to appeal the order is granted, the trial judge may file the opinion as prescribed in *Rule* 1:36-2(b), noting the granting of leave to appeal. In such cases, the Appellate Division panel will determine, when it decides the appeal, whether the opinion should be published.

The Committee, its staff, and I wish to thank you in advance for your compliance with this directive.

### EDITOR-S NOTE

No change has been made to the original text.  
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