

## **DIRECTIVE # 2-05**

[Questions may be directed  
to 609-292-8470]

**TO:** Assignment Judges  
Civil Presiding Judges  
Special Civil Part Supervising Judges

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

**SUBJ:** Fee Increase – Service by Mail in the Special Civil Part

**DATE:** January 27, 2005

Recent amendments to *N.J.S.A. 22A:2-37.1(a)(5)* and *-37.2* authorize the Administrative Director of the Courts to set the amount of the fee to be charged for simultaneous service of the summons by certified and regular mail in Special Civil Part cases. Pursuant to this legislative authority, and after analyzing the Judiciary's expenses related to the service by mail program, I have determined, following consultation with the Chief Justice, to increase the fee for service by mail in the Special Civil Part from \$4.00 to \$6.00, per defendant, effective April 1, 2005.

As a result of past postage increases, the Judiciary has lost substantial amounts of money in its service by mail program. For example, based on the current fee of \$4.00 per defendant, approximately \$1.6 million was collected for mail service in the Special Civil Part in calendar year 2003, whereas the Judiciary incurred a cost of approximately \$2.1 million to serve Special Civil Part process by mail in that same period. Postage rates will rise again in 2005. The service by mail fee increase will stem the Judiciary's losses in operating this program and will accommodate the planned increase in postage rates.

As you know, pursuant to *Rule 6:2-3(b)* and *N.J.S.A. 2A:18-54*, the summons and complaint in tenancy actions are served personally by court officers and by regular mail; the fee increase thus does not apply to such service. In the rare case in which the landlord believes that the tenant cannot be served at the premises that are the subject of the action, a recent amendment to the rule became effective on September 1, 2004 that permits additional service to be made by

certified and regular mail at a second address; accordingly, the fee increase for simultaneous service by certified and regular mail will apply in such instances.

Please note further that, pursuant to *N.J.S.A.* 22A:2-37.1(a)(5) and -37.2(d), the fee increase for certified and regular mail will also apply to wage executions that are to be served on federal employers and that those fees will be turned over by the clerk to the court officers in those vicinages where the Assignment Judge has determined that court officers will do the mailings.

A copy of the Notice to the Bar advising of this fee increase is attached.

P.S.C.

LMJ

attachment

cc: Trial Court Administrators  
Civil Division Managers  
Assistant Civil Division Managers - Special Civil Part  
Theodore J. Fetter  
David P. Anderson, Jr.  
Winnie Comfort  
Christina Higgins  
John P. McCarthy, Jr.  
Jane F. Castner  
Shelley Webster  
Robert O'Neill  
William McDonald  
Thomas Porcelli  
Robert D. Pitt  
Robert J. Piscopo  
Vincent Burke

# NOTICE TO THE BAR

## INCREASE IN FEE FOR SERVICE BY MAIL IN THE SPECIAL CIVIL PART

Since July 2000, the fee for service by mail in the Special Civil Part has been \$4.00 per defendant. Because of increasing postage costs, the \$4.00 fee does not, and has not for some time, offset the Judiciary's expenses incurred in providing mail service. In calendar year 2003, for example, the Judiciary incurred a cost of \$2.1 million to serve Special Civil Part process by mail, while collecting only \$1.6 million for this purpose.

*N.J.S.A. 22A:2-37.1* and *-37.2* empower the Administrative Director of the Courts to set the amount of the fee that is to be charged for simultaneous service of the summons by certified and regular mail in Special Civil Part cases. Pursuant to the authority granted by this legislation, and after consultation with the Chief Justice, I am increasing the service by mail fee in the Special Civil Part from \$4.00 to \$6.00, per defendant, **effective April 1, 2005**. This increase will stem the Judiciary's losses in providing service by mail and will accommodate the rise in postage rates scheduled for 2005.

Please note that pursuant to *Rule 6:2-3(b)* and *N.J.S.A. 2A:18-54*, the summons and complaint in tenancy actions are served personally by court officers and by regular mail. The increased fee thus does not apply. In those instances in which the landlord believes that the tenant cannot be served at the premises that are the subject of the action, a recent amendment to the rule became effective on September 1, 2004 that permits additional service to be made by certified and regular mail at a second address. Thus, the fee increase for simultaneous service by certified and regular mail will apply to these cases.

Please note further that, pursuant to *N.J.S.A. 22A:1-37.1(a)(5)* and *37.2(d)*, the fee increase will also apply to wage executions that are to be served on federal employers.

Any questions concerning this fee should be directed to Robert D. Pitt, Esq., Chief, Special Civil Part Services, P. O. Box 981, Trenton, NJ 08625-0981; telephone (609) 292-8470.

/s/ Philip S. Carchman

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Hon. Philip S. Carchman, J.A.D.  
Acting Administrative Director of the Courts

Dated: January 27, 2005