

Local Practice Rules

Directive #6-74
Directive #15-75
Issued by:

December 10, 1974
March 29, 1976
Chief Justice Richard J. Hughes

Complaints have been received from attorneys about local practice rules being promulgated by Assignment Judges in some of the vicinages. In some cases "Notice to the Bar" pronouncements have appeared in the *New Jersey Law Journal*, and special directions, procedures, and requirements for the handling of motions and orders in particular counties have been set forth in the NJLJ or by memoranda to counsel--all outside the provisions of the Rules Governing the Courts of the State of New Jersey.

The Rules Governing the Courts of the State of New Jersey were adopted by the Supreme Court pursuant to Article VI, Section II, Paragraph 3 of the New Jersey Constitution, the first sentence of which provides:

The Supreme Court shall make rules governing the administration of all courts in the State and, subject to law, the practice and procedure in all such courts.

The Rules are applicable to judges as well as lawyers and litigants, and this includes Assignment Judges. There are appropriate areas, where the Rules are silent, for Assignment Judges to accommodate local conditions. Relaxation in specific cases to avoid injustice is provided for by *R.1:1-2*. Local rules of general applicability, however, contrary to specific provisions of the Rules Governing the Courts are prohibited.

To preclude further complaints, requests for approval of local rules should be submitted to the Supreme Court, through the Administrative Director, prior to any promulgation thereof. Meritorious suggestions to improve procedures are always welcome and should likewise be similarly submitted for consideration.

Under a unified judicial system there is no reason for attorneys to be faced with perplexing local procedures not contemplated by the Rules governing the Courts of New Jersey. Assignment Judges will bring this memorandum to the attention of all judges in their vicinages and see that the provisions hereof are strictly followed.

EDITOR-S NOTE

These directives have been combined, deleting all repetitive paragraphs. Only the first paragraph of #6-74 has been retained and only the first paragraph of #15-75 has been deleted.

The Supreme Court has carved one exception to the prohibition against "local rules." On January 2, 1981 the Supreme Court entered an Order, pursuant to the Speedy Trial program, permitting the suspension of the time periods embodied in the Rules and in *R. 3:28*, Guideline 6, to permit the adoption of local speedy trial programs and "local rules" to be developed by county Criminal Delay Reduction Planning Committees. Thereafter the Supreme Court approved each plan. Each county's plan is on file with its County Clerk.

No other local rules have been authorized.