PART I. PRETRIAL PRACTICE AND PROCEDURE

CHAPTER 1. THE PRETRIAL ORDER

A. PRETRIAL IN CIVIL MATTERS

§ 1:1	Author's notes on the pretrial conference in civi	il
	matters	
_		

- § 1:2 (Text of) Rule 4:25-1. Pretrial Conferences
- § 1:3 (*Text of*) Rule 4:25-2. Notices; Filing of Pretrial Memorandum
- § 1:4 (Text of) Rule 4:25-3. Form of Pretrial Memoranda
- § 1:5 (Text of) Rule 4:25-4. Designation of Trial Counsel
- § 1:6 Author's notes on designation of counsel
- § 1:7 (*Text of*) Rule 4:25-5. Scheduling of Pretrial Conferences
- § 1:8 Exchange of Information where no formal Pretrial Conference
- § 1:9 (*Text of*) Rule 4:25-7. Attorney Conferences; Exchange of Information
- § 1:10 Author's checklist on the attorney conference

B. SPECIAL PRETRIAL PLEADINGS CONSIDERATIONS IN CIVIL MATTERS

- § 1:11 (Text of) Rule 4:25-8. Motions in Limine
- § 1:12 Author's Comments on Rule 4:25-8
- § 1:13 Author's notes on special pretrial pleadings considerations in civil matters
- § 1:14 (Text of) Rule 4:29-1. Permissive Joinder
- § 1:15 (Text of) Rule 4:29-2. Separate Trials
- § 1:16 (*Text of*) Rule 4:30. Misjoinder and Non-Joinder of Parties
- § 1:17 (Text of) Rule 4:30A. Entire Controversy Doctrine
- § 1:18 (Text of) Rule 4:38-1. Consolidation
- § 1:19 (Text of) Rule 4:38-2. Separate Trials

C. PRETRIAL IN CRIMINAL MATTERS

§ 1:20 Author's notes on the pretrial conference in criminal matters

- § 1:21 (Text of) Rule 3:9-1. Post-Indictment Procedure; Arraignment; Meet and Confer; Plea Offer; Conferences; Pretrial Hearings; Pretrial Conference
- § 1:22 (Text of) Rule 3:9-2. Pleas
- § 1:23 (*Text of*) Rule 3:10-2. Time and Manner of Making Motion; Hearing on Motion
- § 1:24 Author's checklist on the pretrial memorandum
- § 1:25 Author's notes on joinder and severance in criminal trials
- § 1:26 (Text of) Rule 3:15-1. Trial of Indictments or Accusations Together
- § 1:27 (Text of) Rule 3:15-2. Relief From Prejudicial Joinder
- § 1:28 (Text of) Rule 3:15-3. Trial of Criminal Offenses and Lesser, Related Infractions

D. PRETRIAL IN FAMILY MATTERS

- § 1:29 Author's notes on pretrial conference in family matters
- § 1:30 (*Text of*) Rule 5:1-4. Differentiated Case Management in Civil Family Actions
- § 1:31 (Text of) Rule 5:3-6. Continuous Trials
- § 1:32 (*Text of*) Rule 5:5-7. Case Management Conferences in Civil Family Actions
- § 1:33 (*Text of*) Rule 5:5-9. Procedures Concerning the Entry of Certain Final Judgments of Divorce, Dissolutions of Civil Unions, and Terminations of Domestic Partnerships
- § 1:34 (Text of) Rule 5:7-8. Bifurcation

CHAPTER 2. PRETRIAL PREPARATION

A. ARRANGING FOR WITNESS

- § 2:1 Author's notes on pretrial witness preparation for civil and criminal trials
- § 2:2 Related statute on compelling witness' attendance at trial—Author's notes
- § 2:3 (*Text of*) N.J.S.A. 22A:1-4. Fees and Mileage of Witnesses and Others
- § 2:4 Court rules regarding subpoenas—Author's notes
- § 2:5 (*Text of*) Rule 1:9-1. For Attendance of Witnesses; Forms; Issuance; Notice in Lieu of Subpoena
- § 2:6 (Text of) Rule 1:9-2. For Production of Documentary Evidence and Electronically Stored Information; Notice in Lieu of Subpoena
- § 2:7 (*Text of*) Rule 1:9-3. Service
- § 2:8 (Text of) Rule 1:9-4. Place of Service

§ 2:9	(Text of) Rule 1:9-5. Failure to Appear
§ 2:10	(<i>Text of</i>) Rule 1:9-6. Enforcement of Subpoena of Public Officer or Agency
§ 2:11	(<i>Text of</i>) N.J.S.A. 2A:67-12. Witnesses, Production of Prisoners or Inmates as
§ 2:12	Statutes on subpoena of witnesses in criminal matters—Author's notes
§ 2:13	(<i>Text of</i>) N.J.S.A. 2A:81-17.3. Order Compelling Person to Testify or Produce Evidence; Immunity from Use of Such Evidence; Contempt
§ 2:14	(<i>Text of</i>) N.J.S.A. 2A:81-20. Witness From Another State Summoned to Testify in this State
§ 2:15	Court rules on notification to adverse party of witnesses and experts prior to trial—Author's notes
§ 2:16	(Text of) Rule 4:17-4. Form, Service and Time of Answers
$\S 2:17$	(Text of) Rule 4:17-7. Amendment of Answers
§ 2:18	(Text of) Rule 3:10-3. Notice by the State-Expert Witness Testimony When Testifying Expert Did Not Participate in Underlying Tests
§ 2:19	(Text of) Rule 3:10-9. Notice of Intention to Proffer Affidavit Regarding Search of Firearm Permit Database
§ 2:20	Author's Notes on Rue 3:10-9
B. Pl	REPARING DEPOSITIONS FOR USE AT TH

RIAL

§ 2:21 Author's notes on depositions at trial § 2:22 Rules on depositions—Author's notes (Text of) Rule 4:16-1. Use of Depositions § 2:23 § 2:24 (Text of) Rule 4:16-2. Objections to Admissibility (Text of) Rule 4:16-3. Effect of Taking or Using § 2:25 Deposition (Text of) Rule 4:16-4. Effect of Errors and Irregularities § 2:26 in Depositions § 2:27 (Text of) Rule 4:14-9. Audiovisual Recording of Depositions § 2:28 Author's notes on depositions in criminal matters (Text of) Rule 3:13-2. Depositions § 2:29

C. PREPARING EXHIBITS FOR TRIAL

§ 2:30 Author's notes on preparing exhibits for trial § 2:31 Master list of exhibits for trial § 2:32 Court rules on exhibits—Author's notes § 2:33 (Text of) Rule 1:2-3. Exhibits § 2:34 (Text of) Rule 1:7-6. Non-public Business Records

- § 2:35 (*Text of*) Rule 1:8-8. Materials to be Submitted to the Jury (Exhibits and Lists: Jury Instructions); Note-Taking; Juror Questions
- § 2:36 (*Text of*) Rule 4:14-6. Certification and Filing by Officer; Exhibits; Copies
- § 2:37 (*Text of*) Rule 4:17-8. Use, Filing and Effect of Interrogatories
- § 2:38 (Text of) Rule 4:23-5. Failure to Make Discovery
- § 2:39 (Text of) Rule 3:13-3. Discovery and Inspection
- § 2:40 (*Text of*) Rule of Evidence 1007. Testimony or Written Admission of Party

CHAPTER 3. THE OFFER OF JUDGMENT

- § 3:1 Author's notes on offer of judgment
- § 3:2 Court rules on offer of judgment—Author's notes
- § 3:3 (*Text of*) Rule 4:58-1. Time and Manner of Making and Accepting Offer
- § 3:4 (Text of) Rule 4:58-2. Consequences of Non-acceptance of Claimant's Offer
- § 3:5 (*Text of*) Rule 4:58-3. Consequences of Non-acceptance of Offer of Party Not a Claimant
- § 3:6 (Text of) Rule 4:58-4. Multiple Claims; Multiple Parties
- § 3:7 (Text of) Rule 4:58-5. New Trial
- § 3:8 (Text of) Rule 4:58-6. Application for Fee; Limitations
- § 3:9 (*Text of Rule*) 4:58-7. Acceptance of Offer Not Deemed a Judgment; Payment of Accepted Offer

PART II. AT THE COURTHOUSE

CHAPTER 4. THE PHYSICAL PLANT

- § 4:1 Author's notes on the courthouse
- § 4:2 (Text of) Rule 1:34-2. Clerks of Court; Municipal Court Administrators
- § 4:3 (Text of) Rule 1:33-5. Trial Court Administrators—Case coordinators
- § 4:4 (Text of) Rule 1:34-5. Court reporters
- § 4:5 Statutes related to court reporters—Author's notes
- § 4:6 (*Text of*) N.J.S.A. 2B:7-1. Reporting of court proceedings; court reporters
- § 4:7 (*Text of*) N.J.S.A. 2B:7-2. Assignment; designation of supervisors
- § 4:8 (Text of) N.J.S.A. 2B:7-3. Temporary service
- § 4:9 (Text of) N.J.S.A. 2B:7-4. Transcript; fees
- § 4:10 (*Text* of) N.J.S.A. 2B:7-5. Employment of court reporters

§ 4:11	(Text of) N.J.S.A. 2B:7-6. Records and reports
§ 4:12	Author's notes on interpreters
§ 4:13	(Text of) Text of Rule 1:34-7. Interpreters,
	transliterators, and translators
§ 4:14	(Text of) Text of Evidence Rule 604. Interpreters
§ 4:15	Author's notes on courthouse equipment
§ 4:16	(Text of) N.J.S.A. 2B:6-1. Courtrooms and equipment;
	security
§ 4:17	Author's notes
§ 4:18	Vicinage 1 (Atlantic and Cape May)
§ 4:19	Vicinage 2 (Bergen)
§ 4:20	Vicinage 3 (Burlington)
§ 4:21	Vicinage 4 (Camden)
§ 4:22	Vicinage 5 (Essex)
§ 4:23	Vicinage 6 (Hudson)
§ 4:24	Vicinage 7 (Mercer)
§ 4:25	Vicinage 8 (Middlesex)
§ 4:26	Vicinage 9 (Monmouth)
§ 4:27	Vicinage 10 (Morris and Sussex)
§ 4:28	Vicinage 11 (Passaic)
§ 4:29	Vicinage 12 (Union)
§ 4:30	Vicinage 13 (Somerset, Hunterdon and Warren)
§ 4:31	Vicinage 14 (Ocean)
§ 4:32	Vicinage 15 (Gloucester, Cumberland and Salem)
§ 4:33	Supreme Court Guidelines on Electronic Devices in the
	Court
	Court

APPENDIX I

APPENDIX II

CHAPTER 5. THE JUDGE

§ 5:1	Author's notes on the function of the judge
§ 5:2	Court rules and Canons related to judges—Author's notes
§ 5:3	(<i>Text of</i>) Rule 1:2-1. Proceedings in open court; Robes
§ 5:4	(<i>Text of</i>) Rule 1:2-2. Trial courts; verbatim record of proceedings
§ 5:5	(Text of) Rule 1:12-1. Cause for disqualification; on the court's motion
§ 5:6	(Text of) Rule 1:12-2. Disqualification on party's motion
§ 5:7	(<i>Text of</i>) Rule 1:12-3. Proceedings in the trial courts in the event of disqualification or inability
§ 5:8	(<i>Text of</i>) Canon l. An independent and impartial judiciary is indispensable to justice. A judge therefore shall uphold and should promote the independence, integrity and impartiality of the judiciary

§	5:9	(<i>Text of</i>) Canon 2. A judge shall avoid impropriety and the appearance of impropriety
§	5:10	(<i>Text of</i>) Canon 3. A judge shall perform the duties of judicial office impartially and diligently
§	5:11	Evidence rules pertaining to role of trial judge— Author's notes
8	5:12	(Text of) Evidence Rule 104. Preliminary questions
_	5:13	(Text of) Evidence Rule 605. Restriction on Judge as Witness
§	5:14	(<i>Text of</i>) Evidence Rule 611. Mode and order of interrogation and presentation
§	5:15	(<i>Text of</i>) Evidence Rule 614. Calling and Interrogation of Witnesses by Court
§	5:16	(<i>Text of</i>) Evidence Rule 807. Discretion of Court to Exclude Evidence Under Certain Exceptions
§	5:17	(<i>Text of</i>) Evidence Rule 1008. Functions of court and jury
§	5:18	(Text of) N.J.S.A. 2A:15-49. What constitutes
§	5:19	Trial Court Judges of the New Jersey Superior Court
		PTER 6. THE LAWYER
§	6:1	Author's notes on the trial lawyer
§	6:2	Rules of professional conduct related to trial lawyers—Author's notes
§	6:3	(Text of) RPC 3.1 Meritorious Claims and Contentions
§	6:4	(Text of) RPC 3.2 Expediting Litigation
§	6:5	(Text of) RPC 3.3 Candor Toward the Tribunal
§	6:6	(Text of) RPC 3.4 Fairness to Opposing Party and Counsel
§	6:7	(<i>Text of</i>) RPC 3.5 Impartiality and Decorum of the Tribunal
§	6:8	(Text of) RPC 3.6 Trial Publicity
§	6:9	(Text of) RPC 3.7 Lawyer as Witness
§	6:10	(Text of) RPC 3.8 Special Responsibilities of a Prosecutor
§	6:11	Court rules related to trial attorneys—Author's notes
§	6:12	(Text of) Rule 1:4-8. Frivolous Litigation
§	6:13	(Text of) Rule 1:11-1. Death, Removal or Disbarment of Attorney
§	6:14	(Text of) Rule 1:11-2. Withdrawal or Substitution
§	6:15	(<i>Text of</i>) Rule 1:11-3. Termination of Responsibility in the Trial Court; Responsibility on Appeal
§	6:16	(Text of) Rule 3:4-2. First Appearance After Filing Complaint; Prehearing Rights Advisement

§ 6:17 (Text of) Rule 3:8-1. Filing Appearance

- § 6:18 (Text of) Rule 3:8-2. Joint Representation
- § 6:19 (Text of) Rule 5:3-4. Counsel: Appearance; Prosecutor
- § 6:20 (Text of) N.J.S.A. 2A:15-59.1 Frivolous Complaint, Counterclaim, Cross-claim or Defense of Nonprevailing Party; Award of Costs and Attorney Fees to Prevailing Party

CHAPTER 7. THE JURY

- § 7:1 Author's notes on the jury
- § 7:2 Selected statutes pertaining to jurors—Author's notes
- § 7:3 (Text of) N.J.S.A. 2B:20-1. Qualifications of jurors
- § 7:4 (Text of) N.J.S.A. 2B:20-2. Preparation of juror note list
- § 7:5 (Text of) N.J.S.A. 2B:23-1. Number of jurors
- § 7:6 (*Text of*) N.J.S.A. 2B:23-2. Selection of trial jury from panel
- § 7:7 (*Text of*) N.J.S.A. 2B:23-3. Impaneling of additional jurors
- § 7:8 (Text of) N.J.S.A. 2B:23-4. Names of selected trial jurors
- § 7:9 (*Text of*) N.J.S.A. 2B:23-5. Names of jurors drawn for trial jury replace in pool
- § 7:10 (*Text of*) N.J.S.A. 2B:23-6. Oath of jurors
- § 7:11 (*Text of*) N.J.S.A. 2B:23-7. Oath of Officer Attending Jury
- § 7:12 (*Text of*) N.J.S.A. 2B:23-8. Jurors to serve beyond period for which drawn until completion of trial
- § 7:13 (*Text of*) N.J.S.A. 2B:23-9. Juries drawn from other counties
- § 7:14 (Text of) N.J.S.A. 2B:23-10. Examination of jurors
- § 7:15 (*Text of*) N.J.S.A. 2B:23-11. Challenge to qualifications of jurors
- § 7:16 (*Text of*) N.J.S.A. 2B:23-12. Interest in action by or against county or municipality
- § 7:17 (Text of) N.J.S.A. 2B:23-13. Peremptory challenges
- § 7:18 (*Text of*) N.J.S.A. 2B:23-14. Trial of challenges to jurors
- § 7:19 (Text of) N.J.S.A. 2B:23-15. Time for making challenges
- § 7:20 (Text of) N.J.S.A. 2B:23-16. Jury of view
- § 7:21 (*Text of*) N.J.S.A. 2B:23-17. Verdict by five-sixths of the jury
- § 7:22 (Text of) N.J.S.A. 2B:23-18. Disagreement of jurors
- § 7:23 (*Text of*) N.J.S.A. 2C:29-8. Corrupting or influencing a jury
- § 7:24 Court rules pertaining to jurors—Author's notes
- § 7:25 (*Text of*) Rule 1:8-1. Trial by jury
- § 7:26 (Text of) Rule 1:8-2. Number of jurors

§ 7:27	(Text of) Rule 1:8-3. Examination of jurors; Challenges
§ 7:28	Text of Rule 1:8-3A. Reduction of bias in the exercise of peremptory challenges
§ 7:29	(Text of) Rule 1:38-5. Administrative records excluded
	from public access
§ 7:30	(Text of) Rule 1:8-4. Foreperson
§ 7:31	(Text of) Rule 1:8-5. Availability of petit jury list
§ 7:32	(Text of) Rule 1:8-6. Sequestration of juries
§ 7:33	(<i>Text of</i>) Rule 1:8-7. Requests to charge the jury;
	charge conference; objections
§ 7:34	(Text of) Rule 1:8-8. Materials to be submitted to the
	jury (exhibits and lists: jury instructions); Note-
	taking; juror questions
§ 7:35	(Text of) Rule 1:8-9. Return of verdict
§ 7:36	(Text of) Rule 1:8-10. Polling of jury
§ 7:37	(Text of) Rule 3:14-2. Motion for change of venue or
	foreign jury
§ 7:38	(Text of) Rule 4:35-1. Demand for jury trial
§ 7:39	(Text of) Rule 4:35-2. Advisory jury and trial by consent
§ 7:40	(Text of) Rule 4:39-1. Special verdicts
§ 7:41	(Text of) Rule 4:39-2. General verdict accompanied by
	answer to interrogatories
§ 7:42	(Text of) Rule 4:39-3. Omissions in verdict in action to
	recover personal property
§ 7:43	(Text of) Rule 6:5-3. Trial by jury
§ 7:44	Evidence rule pertaining to jurors—Author's sources
§ 7:45	(Text of) Evidence Rule 606. Restriction on juror as
	witness
§ 7:46	Jurors may ask questions
§ 7:47	Expedited jury trials
-	1 U U

PART III. THE TRIAL

CHAPTER 8. THE CALL, PRELIMINARIES AND JURY SELECTION

§ 8:1	Author's notes on the trial call
§ 8:2	Constitutional right of persons accused of a crime
§ 8:3	Criminal law (Text of) Rule 3:14 Place of Trial; Foreign
	Juries
§ 8:4	(Text of) Rule 3:15-3. Trial of Criminal Offenses and
	Lesser, Related Infractions
§ 8:5	(Text of) Rule 3:16. Presence of The Defendant
§ 8:6	(Text of) Rule 3:18-1. Motion Before Submission to
	Jury

TABLE OF CONTENTS

ş i	8:7	(Text of) Rule 3:18-2. Motion After Discharge of Jury
§ a	8:8	Text of Rule 3:19. Verdict
§ 8	8:9	Civil rules-selected court rules related to the trial calendar—Author's Notes
§ a	8:10	(Text of) Rule 4:35-3. Trial by the Court
§ 8	8:11	(Text of) Rule 4:35-4. Continuous Trials
§ 8	8:12	(Text of) Rule 4:36-1. County Where Tried
§ 8	8:13	(<i>Text of</i>) Rule 4:36-2. Notice of Expiration of Discovery Period
§ a	8:14	(Text of) Rule 4:36-3. Trial Calendar
§ a	8:15	Request for adjournment
§ 8	8:16	Family court trial rules: (<i>Text of</i>) Rule 5:3-2. Closed Hearings; Record
§ 8	8:17	Special civil part trials: (<i>Text of</i>) Rule 6:5-1.
		Applicability of Part IV Rules; Sanctions
§ 8	8:18	(<i>Text of</i>) Rule 6:5-2. Notice of Trial; Assignment for Trial
§ 8	8:19	Tax court trial rules (<i>Text of</i>) Rule 8:8-1. Trial by Court; Submission Without Trial
§ a	8:20	(Text of) Rule 8:8-2. Assignment for Hearing
§ a	8:21	(Text of) Rule 8:8-3. Consolidation and Severance
§ a	8:22	(Text of) Rule 8:8-4. Non-appearance
§ a	8:23	(Text of) Rule 8:8-5. Adjournments
ş i	8:24	(Text of) Rule 8:8-6. Full Court Review
§ 8	8:25	Author's notes on preliminaries
§ 8	8:26	Criminal law pretrial conference (<i>Text of</i>) Rule 3:9-1(a) Post-Indictment Procedure; Arraignment; Meet and Confer; Plea Offer; Conferences; Pretrial Hearings; Pretrial Conference
§ a	8:27	Civil trials (Text of) Rule 4:25-1. Pretrial Conferences
§ 8	8:28	(<i>Text of</i>) Rule 4:25-7. Attorney Conferences; Exchange of Information
§ 8	8:29	Tax court pretrial conference-(Text of) Rule 8:6-2. Pretrial Conferences
§ a	8:30	Rule 1:8-3. Examination of Jurors; Challenges
	8:31	Rule 1:38-5. Administrative Records Excluded from Public Access
§ a	8:32	Required voir dire
§ a	8:33	(Text of) Rule 1:8-7. Requests to Charge the Jury
	8:34	Update of civil and criminal jury charges to address implicit bias

CHAPTER 9. THE TRIAL MOTIONS

- § 9:1 Author's notes on the trial motions
- § 9:2 —The cleanup motions

§ 9:3	—In limine motions
§ 9:4	(Text of) Rule 4:25-8. Motions in Liming
§ 9:5	Author's notes on the trial motions—Motions for continuance
§ 9:6	—Motions for dismissal
§ 9:7	—Motions for mistrial
§ 9:8	—Motions on evidence during trial—Rule 104 Hearings
§ 9:9	—Motions directed toward the trial results
§ 9:10	Selected rules related to trial motions—Author's notes
§ 9:11	(Text of) Rule 1:7-2. Objections
§ 9:12	(Text of) Rule 1:7-3. Record of Excluded Evidence
§ 9:13	(<i>Text of</i>) Rule 1:7-4. Findings by the Court in Non-jury Trials and on Motions
§ 9:14	(Text of) Rule 1:7-5. Trial Errors
§ 9:15	(Text of) Rule 3:10-1. Pleadings and Motions
§ 9:16	(Text of) Rule 3:10-2. Time and Manner of Making Motion; Hearing on Motion
§ 9:17	(Text of) Rule 3:10-7. Effect of Determination of Motion
§ 9:18	(Text of) Rule 3:18-1. Motion Before Submission to Jury
§ 9:19	(Text of) Rule 3:18-2. Motion After Discharge of Jury
§ 9:20	(Text of) Rule 3:20-1. Trial by Court or Jury
§ 9:21	(Text of) Rule 3:20-2. Time for Making Motion
§ 9:22	(Text of) Rule 3:25-1. Upon Motion of the Prosecutor
3	Before or During Trial
§ 9:23	(Text of) Rule 3:25-2. Order for Trial
§ 9:24	(Text of) Rule 3:25-3. Dismissal for Delay
§ 9:25	(Text of) Rule 3:25-4. Speedy Trial for Certain Defendants
§ 9:26	(<i>Text of</i>) Rule 3:25A-1. Application for Disposition
§ 9:27	(<i>Text of</i>) Rule 3:25A-2. Order of Disposition; Filing
§ 9:28	(<i>Text of</i>) Rule 4:9-2. Amendments to Conform to the
	Evidence
§ 9:29	(Text of) Rule 4:37-1. Voluntary Dismissal; Effect Thereof
§ 9:30	(<i>Text of</i>) Rule 4:37-2. Involuntary Dismissal; Effect Thereof
§ 9:31	(<i>Text of</i>) Rule 4:37-3. Dismissal of Counterclaim, Cross-Claim or Third-Party Claim
§ 9:32	(Text of) Rule 4:37-4. Costs of Previously Dismissed Action
§ 9:33	(Text of) Rule 4:40-1. Motion for Judgment at Trial
§ 9:34	(<i>Text of</i>) Rule 4:40-2. Reservation of Decision on Motion; Motion for Judgment Notwithstanding the Verdict

§ 9:35	(Text of) Rule 4:42-1. Form; Settlement
§ 9:36	(Text of) Rule 4:42-2. Judgment Upon Multiple Claims
§ 9:37	(Text of) Rule 4:42-3. Declaratory Judgment
§ 9:38	(Text of) Rule 4:42-4. Effect of Unsatisfied Judgment
	Against One or More of Several Persons Jointly
	Liable
§ 9:39	(Text of) Rule 4:42-5. Effect of Judgment for Possession
§ 9:40	(Text of) Rule 4:42-6. Effect of Demand for Judgment
§ 9:41	(Text of) Rule 4:49-1. Motion for New Trial
§ 9:42	(Text of) Rule 4:49-2. Motion to Alter or Amend a
	Judgment or Order
§ 9:43	(Text of) Rule 4:50-1. Grounds of Motion
§ 9:44	(Text of) Rule 4:50-2. Time of Motion
§ 9:45	(Text of) Rule 4:50-3. Effect of Motion
§ 9:46	(Text of) Rule 8:10. New Trials; Amendment of
	Findings or Judgment
§ 9:47	Author's note on contempt
§ 9:48	(Text of) Rule 1:10-1. Summary Contempt in Presence of Court

CHAPTER 10. JEOPARDY ATTACHES

A. JURY SELECTION

§ 10:1 Author's notes on jury selection § 10:2 Changes to the jury system caused by Covid § 10:3 Jury service in the counties § 10:4 (Text of) Rule 1:8-3. Examination of Jurors; Challenges § 10:5 Author's Note on reduction of bias by means of enhanced data collection Juror profile sheet § 10:6 § 10:7 Explanation of jury box § 10:8 Model jury box

B. OPENING STATEMENT

- § 10:9 Author's notes on opening statement
- § 10:10 (Text of) Rule 1:7-1. Opening and Closing Statement

CHAPTER 11. EVIDENCE RULES

- § 11:1 Author's notes on the evidence rules
- § 11:2 Article I. General Provisions—Author's notes
- § 11:3 (*Text of*) Rule 101. Applicability; Exceptions; Definitions
- § 11:4 (Text of) Rule 102. Purpose and Construction

§	11:5	(Text of) Rule 104. Preliminary Questions
§	11:6	Author's Notes on Rule 104. Preliminary Questions
§	11:7	(Text of) Rule 105. Limited Admissibility
§	11:8	Author's notes on Rule 105
§	11:9	(Text of) Rule 106. Remainder of or Related Writings or Recorded Statements
§	11:10	Author's notes on Rule 106
§	11:11	Article II. Judicial Notice—Author's notes
§	11:12	(<i>Text of</i>) Rule 201. Judicial Notice of Law and Adjudicative Facts
§	11:13	Author's notes on Rule 201
§	11:14	Author's checklist for Rule 201
§	11:15	(<i>Text of</i>) Rule 202. Judicial Notice in Proceedings Subsequent to Trial
§	11:16	Article III. Presumptions—Author's notes
-	11:17	(Text of) Rule 301. Effect of Presumption
-	11:18	Author's Checklist on Rule 301
_	11:19	(Text of) Rule 302. Choice of Law
§	11:20	(<i>Text of</i>) Rule 303. Presumptions Against a Defendant in Criminal Proceedings
§	11:21	Article IV. Relevancy and its Limits—Author's Notes
§	11:22	(Text of) Rule 401. Definition of "Relevant Evidence"
§	11:23	(<i>Text of</i>) Rule 402. Relevant Evidence Generally Admissible
§	11:24	Author's checklist on Rule 402
§	11:25	(<i>Text of</i>) Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time
§	11:26	Author's checklist on Rule 403
§	11:27	(<i>Text of</i>) Rule 404. Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes; Evidence
§	11:28	Author's checklist on Rule 404
§	11:29	(Text of) Rule 405. Methods of Proving Character
§	11:30	Author's checklist on Rule 405
§	11:31	(Text of) Rule 406. Habit, Routine Practice
§	11:32	Author's checklist on Rule 406
§	11:33	(Text of) Rule 407. Subsequent Remedial Measures
§	11:34	Author's checklist on Rule 407
§	11:35	(Text of) Rule 408. Settlement Offers and Negotiations
§	11:36	Author's Checklist on Rule 408
	11:37	(Text of) Rule 409. Payment of Medical and Similar Expenses
Ş	11:38	Author's checklist on Rule 409

TABLE OF CONTENTS

§ 11:39	(<i>Text of</i>) Rule 410. Inadmissibility of Pleas, Plea Discussions and Related Statements
§ 11:40	Author's checklist on Rule 410
§ 11:41	(<i>Text of</i>) Rule 411. Liability Insurance
§ 11:42	Author's Checklist on Rule 411
§ 11:42	(Text of) N.J.S.A. 2C:14-7. Victim's Previous Sexual
	Conduct; Manner of Dress
§ 11:44	Author's notes on admissibility of evidence under Rape Shield Act
§ 11:45	Article V. Privileges—Author's notes
§ 11:46	(Text of) Rule 501. Privilege of Accused
§ 11:47	Author's notes on Rule 501
§ 11:48	(Text of) Rule 502. Definition of Incrimination
§ 11:49	(Text of) Rule 503. Self-incrimination
§ 11:50	(Text of) Rule 504. Lawyer-Client Privilege
§ 11:51	Author's checklist on Rule 504
§ 11:52	(<i>Text of</i>) Rule 505. Psychologist Privilege
§ 11:53	Author's notes on Rule 505
§ 11:54	(<i>Text of</i>) Rule 506. Patient and Physician Privilege
§ 11:55	Author's notes on Rule 506
§ 11.55 § 11:56	
8 11:90	(<i>Text of</i>) Rule 507. Utilization Review Committees of Certified Hospital or Extended Care Facility; Exceptions
§ 11:57	(Text of) Rule 508. Newsperson's Privilege
§ 11:58	Author's checklist on Rule 508
§ 11:59	(<i>Text of</i>) Rule 509. Marital Privilege Codified at N.J.S.A.2A:84A-22. Marital or civil union privilege; confidential communications
§ 11:60	Author's notes on Rule 509
§ 11:61	(<i>Text of</i>) Rule 510. Marriage and Family Therapist Privilege Codified at N.J.S.A. 45:8B-29. Confidential Communications; Waiver of Privilege
§ 11:62	(Text of) Rule 511. Priest-Penitent Privilege
§ 11:63	Author's notes on Rule 511
§ 11:64	(Text of) Rule 512. Religious Belief codified at N.J.S.A. 2A:84A-24
§ 11:65	(<i>Text of</i>) Rule 513. Political Vote Codified at N.J.S.A. 2A:84A-25
§ 11:66	(Text of) Rule 514. Trade Secret Codified at N.J.S.A. 2A:84A-26
§ 11:67	(Text of) Rule 515. Official Information codified at N.J.S.A. 2A:84A-27
§ 11:68	(<i>Text of</i>) Rule 516. Identity of Informer codified at N.J.S.A. 2A:84A-28
§ 11:69	(Text of) Rule 516. Identity of Informer—Author's Notes on Rule 516

		,
§	11:70	(<i>Text of</i>) N.J.R.E. 517. Victim Counselor Privilege codified at N.J.S.A. 2A:84A-22.13
§	11:71	(Text of) Rule 518. Social Worker Privileges codified at N.J.S.A. 45:15BB-13
§	11:72	(<i>Text of</i>) Rule 519. Mediator Privilege codified at N.J.S.A. 2A:23C-4
§	11:73	(<i>Text of</i>) Rule 530. Waiver of Privilege by Contract or Previous Disclosure; Limitations
§	11:74	(Text of) Rule 531. Admissibility of Disclosure Wrongfully Compelled
§	11:75	(Text of) Rule 532. Reference to Exercise of Privileges
§	11:76	(Text of) Rule 533. Effect of Error in Overruling Claim of Privilege
§	11:77	(<i>Text of</i>) Rule 534. Mental Health Service Provider- Patient Privilege
8	11:78	Article VIII. Hearsay—Author's Notes
	11:79	(Text of) Rule 801. Definitions
	11:80	Author's notes on Rule 801
_	11:81	(Text of) Rule 802. Hearsay Rule
	11:82	Author's checklist on Rule 802
_		
	11:83	(Text of) Rule 803. Hearsay Exceptions Not Dependent on Declarant's Unavailability
_	11:84	Author's Comments to N.J.R.E. 803 (a) and (b)
_	11:85	Author's Checklist Comments to N.J.R.E 803(b)
_	11:86	Author's notes and checklist on Rule 803(a) and (b)
§	11:87	Author's foundational checklist on Rule 803(c)(1)
§	11:88	Author's foundational checklist on Rule 803(c)(2)
§	11:89	Author's foundational checklist on Rule 803(c)(3)
§	11:90	Author's foundational checklist on Rule 803(c)(4)
§	11:91	Author's foundational checklist on Rule 803(c)(5)
§	11:92	Author's foundational checklists on Rule 803(c)(6)
§	11:93	Author's foundational checklist on Rule 803(c)(7)
§	11:94	Author's foundational checklist on Rule 803(c)(8)
§	11:95	Author's foundational checklist on Rule 803(c)(9)
§	11:96	Author's foundational checklist on Rule 803(c)(10)
§	11:97	Author's foundational checklist on Rule 803(c)(16)
S	11:98	Author's foundational checklist on Rule 803(c)(17)
S	11:99	Author's foundational checklist on Rule 803(c)(18)
_	11:100	Author's foundational checklist on Rule 803(c)(22)
8	11:101	Author's checklist on Rule 803(c)(25)
_	11:102	(Text of) Rule 804(a). Hearsay Exceptions: Declarant Unavailable
8	11:103	Author's checklist on Rule 804(a)
	11:104	(<i>Text of</i>) Rule 804(b)(1). Testimony in Prior
o	. • -	Proceedings

§ 11:105	Author's checklist on Rule 804(b)(1)
§ 11:106	(<i>Text of</i>) Rule 804(b)(2). Statement in the Face of Death
§ 11:107	Author's checklist on Rule 804(b)(2)
§ 11:108	(Text of) Rule 804(b)(4). Statement of Family History
§ 11:109	(<i>Text of</i>) Rule 804(b)(6). Statements by Deceased Declarants
§ 11:110	(Text of) Rule 804(b)(7). Voters' Statements
§ 11:111	(Text of) Rule 804(b)(9). Forfeiture by Wrongdoing
§ 11:112	(Text of) Rule 805. Hearsay Within Hearsay
§ 11:113	Author's checklist on Rule 805
§ 11:114	(<i>Text of</i>) Rule 806. Attacking and Supporting Credibility of Declarant
§ 11:115	Author's notes on Rule 806
§ 11:116	(<i>Text of</i>) Rule 807. Discretion of Judge to Exclude Evidence Under Certain Exceptions
§ 11:117	(Text of) Rule 808. Expert Opinion Included in a Hearsay Statement Admissible Under an Exception
§ 11:118	Author's notes on Rule 808
§ 11:119	Article IX. Authentication and Identification— Author's Notes
§ 11:120	(<i>Text of</i>) Rule 901. Requirement of Authentication or Identification
§ 11:121	Author's notes on Rule 901
§ 11:122	(Text of) Rule 902. Self-Authentication
§ 11:123	Author's checklists on Rule 902
§ 11:124	(Text of) Rule 903. Testimony of Subscribing Witness Unnecessary
§ 11:125	Article X. Contents of Writings and Photographs— Author's notes
§ 11:126	(Text of) Rule 1001. Definitions
§ 11:127	Author's checklist on Rule 1001
§ 11:128	(Text of) Rule 1002. Requirement of Original
§ 11:129	Author's Checklist on Rule 1002
§ 11:130	(Text of) Rule 1003. Admissibility of Duplicates
§ 11:131	(<i>Text of</i>) Rule 1004. Admissibility of Other Evidence of Contents
§ 11:132	Author's checklist on Rule 1004
§ 11:133	(Text of) Rule 1005. Public Records
§ 11:134	(Text of) Rule 1006. Summaries
§ 11:135	Author's checklist on Rule 1006
§ 11:136	(Text of) Rule 1007. Testimony or Written Statement of Party
§ 11:137	(Text of) Rule 1008. Functions of Court and Jury

CHAPTER 12. THE WITNESS

A. FACT WITNESS

§ 12:1	Author's notes on the presentation of evidence
§ 12:2	Author's notes on objections
§ 12:3	Selected court rules pertaining to objections— Author's notes
§ 12:4	(Text of) Rule 1:7-2. Objections
§ 12:5	(Text of) Rule 1:7-3. Record of Excluded Evidence
§ 12:6	Author's notes on witnesses
§ 12:7	Chart of witnesses
§ 12:8	(<i>Text of</i>) Statute on failure of witness to appear—N.J.S.A. 2A:81-15. Disobedience; Penalties
§ 12:9	Evidence Rules under Article VI Related to Witnesses—Author's Notes
§ 12:10	(Text of) Dead Man's Act—N.J.S.A. 2A:81-2. Transactions with Lunatic or Decedent; Proof Required
§ 12:11	(<i>Text of</i>) Evidence Rule 601. General Rule of Competency
§ 12:12	Author's notes on Rule 601
§ 12:13	(Text of) Evidence Rule 602. Lack of Personal Knowledge
§ 12:14	Author's checklist on Rule 602
§ 12:15	(Text of) Evidence Rule 603. Oath or Affirmation
§ 12:16	(<i>Text of</i>) Evidence Rule 607. Witness Impeachment, Support, and Neutralization
§ 12:17	Author's notes on Rule 607
§ 12:18	(<i>Text of</i>) Rule 607 Evidence of a Witness' Character for Truthfulness or Untruthfulness
§ 12:19	Author's checklist on Rule 608
§ 12:20	(<i>Text of</i>) N.J.R.E. 609. Impeachment by Evidence of Conviction of Crime
§ 12:21	Author's checklist on Rule 609
§ 12:22	(Text of) Evidence Rule 610. Religious Beliefs or Opinions
§ 12:23	(<i>Text of</i>) N.J.R.E. 611. Mode and Order of Interrogation and Presentation
§ 12:24	Author's notes on Rule 611
§ 12:25	(<i>Text of</i>) Evidence Rule 612. Writing Used to Refresh Memory
§ 12:26	Author's notes on Rule 612
§ 12:27	(Text of) Evidence Rule 613. Prior Statements of Witnesses
§ 12:28	Author's notes on Rule 613

- § 12:29 (Text of) Evidence Rule 614. Calling and Interrogation of Witnesses by Court
 § 12:30 Author's notes on Rule 614
- § 12:31 (*Text of*) Evidence Rule 615. Sequestration of Witnesses
- § 12:32 Author's notes on Rule 615

B. EXPERT WITNESSES

- § 12:33 Author's notes on scientific evidence and expert witnesses
- § 12:34 Author's notes and checklists on evidence rules under Article VII related to expert witnesses
- § 12:35 (*Text of*) Evidence Rule 701. Opinion Testimony of Lay Witnesses
- § 12:36 Author's checklist on Rule 701
- § 12:37 (Text of) Evidence Rule 702. Testimony by Experts
- § 12:38 Author's notes on Rule 702
- § 12:39 Author's checklist on Rule 702
- § 12:40 (*Text of*) Evidence Rule 703. Bases of Opinion Testimony by Experts
- § 12:41 Author's notes on Rule 703
- § 12:42 (Text of) Evidence Rule 704. Opinion on Ultimate
- § 12:43 Author's notes on Rule 704
- § 12:44 (*Text of*) Evidence Rule 705. Disclosure of Facts or Data Underlying Expert Opinion; Hypotheses Not Necessary
- § 12:45 Author's checklist on Rule 705
- § 12:46 Selected court rules on experts—Author's notes
- § 12:47 (Text of) Rule 4:36-3. Trial Calendar
- § 12:48 Civil Trials: (*Text of*) Rule 4:73-11. Pretrial Discovery, Exchange of Experts' Reports, Comparable Sales and Leases; Expert Testimony
- § 12:49 (Text of) Rule 4:74-7. Civil Commitment—Adults
- § 12:50 Criminal Trials: (Text of) Rule 3:10-3. Notice by the State—Expert Witness Testimony When Testifying Expert Did Not Participate in Underlying Tests
- § 12:51 Family Court Trials: (*Text of*) Rule 5:3-3. Appointment of Experts
- § 12:52 Tax Court Trials: (*Text of*) Rule 8:6-1. Discovery; Exchange of Appraisals and Comparable Sales and Rentals

CHAPTER 13. THE VERDICT AND ENDGAME

A. THE CLOSING ARGUMENT

- § 13:1 Author's notes on the closing argument
- § 13:2 Selected court rules—Author's notes
- § 13:3 (Text of) Rule 1:7-1. Opening and Closing Statement
- § 13:4 (*Text of*) Rule 4:9-2. Amendments to Conform to the Evidence

B. THE CHARGES OR INSTRUCTIONS TO THE JURY

- § 13:5 Author's notes on jury instruction or charge
- § 13:6 Selected court rules related to the jury—Author's notes
- § 13:7 (Text of) Rule 1:8-7. Requests to Charge the Jury
- § 13:8 (*Text of*) Rule 1:8-8. Materials to be Submitted to the Jury (Exhibits and Lists: Jury Instructions); Note-Taking; Juror Questions

C. THE VERDICT

- § 13:9 Author's notes on the verdict
- § 13:10 Selected court rules on verdicts—Author's notes
- § 13:11 (*Text of*) Rule 1:7-4. Findings by the Court in Non-jury Trials and on Motions
- § 13:12 (Text of) Rule 1:7-5. Trial Errors
- § 13:13 (Text of) Rule 1:8-9. Return of Verdict
- § 13:14 (Text of) Rule 1:8-10. Polling of Jury
- § 13:15 (Text of) Rule 3:19-1. Several Defendants or Counts; Written Verdict Sheets
- § 13:16 (Text of) Rule 3:19-2. Acquittal by Reason of Insanity
- § 13:17 (Text of) Rule 4:39-1. Special Verdicts
- § 13:18 (*Text of*) Rule 4:39-2. General Verdict Accompanied by Answer to Interrogatories
- § 13:19 (*Text of*) Rule 4:39-3. Omissions in Verdict in Action to Recover Personal Property
- § 13:20 (Text of) Rule 4:47. Entry of Judgment
- § 13:21 Selected statutes on judgments—Author's Sources
- § 13:22 (Text of) N.J.S.A. 2A:16-1. Time from which Judgment Binds Real Estate
- § 13:23 (Text of) N.J.S.A. 2A:16-11. Civil Judgment and Order Docket
- § 13:24 Selected statutes on Collateral Source Rule—Author's Notes

§ 13:25	(<i>Text of</i>) N.J.S.A. 2A:15-97. Personal Injury or Wrongful Death Actions; Benefits from Sources Other than Joint Tortfeasor; Disclosure; Deduction
	from Plaintiff's Award
§ 13:26	(Text of) N.J.S.A. 39:6A-6. Collateral Source
§ 13:27	(<i>Text of</i>) N.J.S.A. 59:9-2. Interest and Limitations on Judgments
§ 13:28	Selected court rules on judgments—Author's notes
§ 13:29	(Text of) Rule 4:42-1. Form; Settlement
§ 13:30	(Text of) Rule 4:42-2. Judgment Upon Multiple Claims
§ 13:31	(Text of) Rule 4:42-3. Declaratory Judgment
§ 13:32	(Text of) Rule 4:42-7. Damages in Continuing Cause
§ 13:33	(<i>Text of</i>) Rule 6:6-1. Applicability of Part IV Rules
§ 13:34	(<i>Text of</i>) Rule 6:6-4. Consent Judgments for
0	Possession and Stipulations of Settlement
§ 13:35	(Text of) Rule 8:9-1. Form of Judgment
§ 13:36	(Text of) Rule 8:9-3. Agreed Computations
§ 13:37	(Text of) Rule 8:9-4. Failure to Agree on Computations
§ 13:38	(Text of) Rule 8:9-5. Judgment Pursuant to
	Stipulation
§ 13:39	Author's notes on contribution
§ 13:40	Selected statutes on contribution—Author's notes
§ 13:41	(Text of) N.J.S.A. 2A:53A-1. Joint Tortfeasors; Single Tortfeasor
§ 13:42	(<i>Text of</i>) N.J.S.A. 2A:53A-3. Judgment Against Joint Tortfeasor; Contribution
§ 13:43	Author's notes on comparative negligence
§ 13:44	Selected statutes on comparative negligence— Author's Notes
§ 13:45	(<i>Text of</i>) N.J.S.A. 2A:15-5.1 Contributory Negligence; Elimination as Bar to Recovery; Comparative Negligence to Determine Damages
§ 13:46	(<i>Text of</i>) N.J.S.A. 2A:15-5.2 Comparative Negligence; Findings of Fact; Damages; Percentage of
	Negligence of Each Party; Molded Judgment
§ 13:47	(Text of) N.J.S.A. 2A:15-5.3 Recovery of Damages
3 10.11	Based on Party's Responsibility; Exception for Environmental Torts; Definitions
§ 13:48	(Text of) N.J.S.A. 2A:15-5.4 Department of
, 10.10	Environmental Protection and Similar Agencies;
	Exemption from Act
§ 13:49	(Text of) N.J.S.A. 2A:15-5.5 Definitions
§ 13:50	(Text of) N.J.S.A. 2A:15-5.6 Exclusive Civil Remedy
	for Damages in Accident Involving Vehicle Resulting
	from Negligent Provision of Alcoholic Beverages by
	Social Host to Person of Legal Age; Conditions for
	Recovery: Blood Test Presumptions

- § 13:51 (Text of) N.J.S.A. 2A:15-5.7 Limitation of Nonliability of Social Host
 § 13:52 (Text of) N.J.S.A. 2A:15-5.8 Social Hosts or Other Parties as Joint Tortfeasors; Responsibility for
- Damages Equal to Percentage of Negligence § 13:53 (*Text of*) N.J.S.A. 2A:15-5.9 Punitive Damages Act; Short Title
- § 13:54 (*Text of*) N.J.S.A. 2A:16-2. Minute Entry of Verdict or Judgment as Record of Judgment
- § 13:55 (Text of) N.J.S.A. 2A:22A-6. Damage Awards; Limitations

D. THE ADDENDUM; COSTS, INTEREST, COUNSEL FEES AND SUCH OTHER RELIEF

- § 13:56 Author's notes on further relief
- § 13:57 Interest in tort actions—Author's notes
- § 13:58 (*Text of*) Rule 4:42-11. Interest; Rate on Judgments; in Tort Actions
- § 13:59 —Publisher's Note
- § 13:60 Selected statutes on interest—Author's notes
- § 13:61 (Text of) N.J.S.A. 31:1-1. Contract Rate; Rate on Mortgages on Dwellings and Other Loans; Computation of Interest or Discount; Determination of Rates
- § 13:62 (*Text of*) N.J.S.A. 59:9-2. Interest and Limitations on Judgments
- § 13:63 Selected statutes on costs—Author's notes
- § 13:64 (*Text of*) N.J.S.A. 22A:2-8. Bill of Costs; Disbursements Included
- § 13:65 (Text of) N.J.S.A. 2A:15-59. Costs Allowed in Discretion of Court
- § 13:66 (*Text of*) N.J.S.A. 2A:15-64. By Whom Taxed; Clerk to Sign Bill of Costs
- § 13:67 (*Text of*) N.J.S.A. 2A:15-65. Time Within Which Costs Must be Taxed
- § 13:68 (*Text of*) N.J.S.A. 2A:15-67. Bond for Costs by Nonresident Claimant
- § 13:69 Court rules as to costs—Author's notes
- § 13:70 (Text of) Rule 4:42-8. Costs
- § 13:71 (Text of) Rule 6:6-5. Judgment; Costs
- § 13:72 (Text of) Rule 8:9-2. Costs
- § 13:73 Court rules as to counsel fees—Author's notes
- § 13:74 (Text of) Rule 4:42-9. Attorney's Fees
- § 13:75 (Text of) Rule 1:4-8. Frivolous Litigation
- § 13:76 Statute as to counsel fees—Author's notes

 § 13:77 (Text of) N.J.S.A 2A:15-59.1 Frivolous Complaint, Counterclaim, Cross-claim or Defense of Nonprevailing Party; Award of Costs and Attorney Fees to Prevailing Party
 § 13:78 Civil and criminal jury charges

APPENDICES

Appendix 1. Final Organization For Trial
Appendix 2. Master List of Exhibits for Trial
Appendix 3. Juror Profile Sheet
Appendix 4. Model Jury Box

Appendix 5. Witness Checklist

Appendix 6. Appendix XII-B1 to Court Rules (Rule 4:5-1)

Appendix 7. Pretrial Information Exchange

Appendix 8. New Jersey Pilot Program for Attorney-Conducted Voir Dire

Appendix 9. Model Criminal Questionnaire

Table of Laws and Rules

Table of Cases

Index