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New Jersey Statutes Annotated Currentness

New Jersey Rules of Court

Part II. Rules Governing Appellate Practice in the Supreme Court and the Appellate Division of the Superior Court

Rule 2:12A. Certification of Questions of Law by the Supreme Court

PUBLISHER'S NOTE

On November 5, 2003, the New Jersey Supreme Court issued the following Order:

The Supreme Court having entered an Order on November 19, 1999, adopting Rule 2:12A, Certification of Questions of Law by the Supreme Court, for a period of two years effective January 3, 2000; and the Court having entered a subsequent order on September 17, 2001 extending Rule 2:12A for a period of two years, through January 2, 2004, to provide additional experience with the Rule in order to determine whether it should be retained permanently;

It is ORDERED that Rule 2:12A of the Rules Governing the Courts of the State of New Jersey, as initially adopted by Order of November 19, 1999, is hereby adopted on a permanent basis effective immediately.

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↖ Part II. Rules Governing Appellate Practice in the Supreme Court and the Appellate Division of the Superior Court

↖ Rule 2:12A. Certification of Questions of Law by the Supreme Court (Refs & Annos)

→ 2:12A-1. Responding to Questions of Law

The Supreme Court may answer a question of law certified to it by the United States Court of Appeals for the Third Circuit, if the answer may be determinative of an issue in litigation pending in the Third Circuit and there is no controlling appellate decision, constitutional provision, or statute in this State.

CREDIT(S)

Note: Adopted November 19, 1999, to take effect January 3, 2000 for a period of two years; extended September 17, 2001 for two additional years through January 2, 2004; adopted on a permanent basis November 5, 2003 effective immediately.

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→ **2:12A-2. Power to Reformulate Question**

The Supreme Court may reformulate a question of law certified to it.

CREDIT(S)

Note: Adopted November 19, 1999, to take effect January 3, 2000 for a period of two years; extended September 17, 2001 for two additional years through January 2, 2004; adopted on a permanent basis November 5, 2003 effective immediately.

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→ 2:12A-3. Certification Order; Record

The Court of Appeals for the Third Circuit shall issue a certification order and forward it to the Supreme Court. Within five days of the filing of the order with the Supreme Court, the parties may comment on the order by serving and filing nine copies of a statement that does not exceed five pages.

Before responding to a certified question, the Court may request of the Court of Appeals for the Third Circuit that it deliver all or part of the record in the pending litigation.

CREDIT(S)

Note: Adopted November 19, 1999, to take effect January 3, 2000 for a period of two years; extended September 17, 2001 for two additional years through January 2, 2004; adopted on a permanent basis November 5, 2003 effective immediately.

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- Rule 2:12A. Certification of Questions of Law by the Supreme Court (Refs & Annos)

→ 2:12A-4. Contents of Certification Order

A certification order must contain:

- (a) The question of law sought to be answered;
- (b) The facts relevant to the question, showing fully the nature of the controversy out of which the question arose. If the parties cannot agree on a statement of facts, the certifying court shall set forth what it believes to be the relevant facts;
- (c) A statement acknowledging that the Supreme Court, acting as the receiving court, may reformulate the question; and
- (d) The names and addresses of counsel of record and all parties appearing without counsel.

CREDIT(S)

Note: Adopted November 19, 1999, to take effect January 3, 2000 for a period of two years; extended September 17, 2001 for two additional years through January 2, 2004; adopted on a permanent basis November 5, 2003 effective immediately.

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↖ Rule 2:12A. Certification of Questions of Law by the Supreme Court (Refs & Annos)

→ 2:12A-5. Notice; Response

The Supreme Court, acting as the receiving court, shall notify the Court of Appeals for the Third Circuit of its acceptance or rejection of the question and shall respond to an accepted certified question as soon as practicable.

CREDIT(S)

Note: Adopted November 19, 1999, to take effect January 3, 2000 for a period of two years; extended September 17, 2001 for two additional years through January 2, 2004; adopted on a permanent basis November 5, 2003 effective immediately.

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Rule 2:12A. Certification of Questions of Law by the Supreme Court (Refs & Annos)

→ 2:12A-6. Procedures

After the Supreme Court has accepted a certified question, the matter shall proceed in the same manner as an appeal as of right. The Court shall issue a scheduling order and all briefs shall comply with the requirements and limitations of Rule 2:6 unless otherwise directed by the Court. Unless the Court dispenses with oral argument, it shall proceed pursuant to Rule 2:11- 1(b).

CREDIT(S)

Note: Adopted November 19, 1999, to take effect January 3, 2000 for a period of two years; extended September 17, 2001 for two additional years through January 2, 2004; adopted on a permanent basis November 5, 2003 effective immediately.

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▣ Rule 2:12A. Certification of Questions of Law by the Supreme Court (Refs & Annos)

→ 2:12A-7. Disposition

The Supreme Court shall dispose of the matter by an opinion or order, as may be appropriate.

CREDIT(S)

Note: Adopted November 19, 1999, to take effect January 3, 2000 for a period of two years; extended September 17, 2001 for two additional years through January 2, 2004; adopted on a permanent basis November 5, 2003 effective immediately.

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Rule 2:12A. Certification of Questions of Law by the Supreme Court (Refs & Annos)

→ 2:12A-8. Cost of Certification

Fees and costs are the same as in appeals as of right to the Supreme Court except that they are to be divided equally among the parties unless otherwise provided in the order entered by the Court of Appeals for the Third Circuit.

CREDIT(S)

Note: Adopted November 19, 1999, to take effect January 3, 2000 for a period of two years; extended September 17, 2001 for two additional years through January 2, 2004; adopted on a permanent basis November 5, 2003 effective immediately.

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- ▣ Part II. Rules Governing Appellate Practice in the Supreme Court and the Appellate Division of the Superior Court

- ▣ Rule 2:13. Administration

- **2:13-1. Presiding Justice or Judge**

(a) Supreme Court. The Chief Justice or, pursuant to R. 1:33-1, the Acting Chief Justice, shall preside over sessions and conferences of the court and shall sign all orders relating to the administration of the judicial system. If the Chief Justice is absent or unable to serve, the senior justice shall serve temporarily as presiding justice. Seniority shall be determined by order of taking of oath as a member of the court.

(b) Appellate Division. The presiding judge of each part, designated by the Chief Justice, shall preside over its sessions and conferences. If the presiding judge is absent or unable to serve or if none has been designated, the senior judge attending shall serve temporarily as presiding judge. Seniority shall be determined by length of service on the Appellate Division. The Chief Justice shall designate one presiding judge to be responsible for the administration of the Appellate Division pursuant to R. 1:33-4.

CREDIT(S)

Note: Source--CR.R. 1:1-4, 1:1-6, 2:1-5, 2:1-8. Paragraph (a) amended November 27, 1974 to be effective April 1, 1975; paragraph (b) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a) and (b) amended July 10, 1998 to be effective September 1, 1998.

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