

## NOTICE TO THE BAR

### CIVIL ARBITRATION -- PROPOSAL TO REQUIRE SUBMISSION OF ARBITRATION STATEMENTS TO THE ARBITRATOR BEFORE THE ARBITRATION HEARING – AMENDMENTS TO RULE 4:21A-4(a) – PUBLICATION FOR COMMENT

The Supreme Court invites written comments on a proposal to amend Rule 4:21A-4(a) (“Prehearing Submissions”) to require the parties to a civil arbitration to submit their arbitration statements (Appendices XXII-A and XXII-B to the Court Rules) to the arbitrator in advance of the scheduled date of the arbitration hearing. Two possible options that have been discussed are (1) at least five days before the scheduled hearing date, or (2) at least three days before the hearing date.

Rule 4:21A-4(a) currently requires submission of arbitration statements to the arbitrator on the day of the arbitration hearing. An attorney-arbitrator has suggested that the rule be relaxed or amended to provide time for the arbitrator to review the statements before the scheduled hearing. The practitioner noted that the current virtual format for arbitrations poses particular challenges, since an arbitrator may receive lengthy submissions electronically and then spend time downloading and printing those documents for review. The arbitrator suggested that submission three to five days before the arbitration hearing would support more thorough review and more effective hearings.

The Court invites comments as to all aspects and implications of this proposal, including (1) whether to require submission of the arbitration statements in advance of the scheduled hearing date; (2) if so, how far in advance of that date; (3) whether any requirement for advance submission should apply only to virtual arbitrations or also to in-person arbitration hearings; and (4) the consequences, if any, if a party fails to submit the arbitration statements by the established deadline.

Please send any comments on this proposal in writing by **Friday, November 11, 2022** to:

Glenn A. Grant  
Administrative Director of the Courts  
Comments on Proposal to Require Submission of Arbitration  
Statements to the Arbitrators Before the Hearing

Hughes Justice Complex, P.O. Box 037  
Trenton, NJ 08625-0037

Comments may also be submitted via email at the following address:  
[Comments.Mailbox@njcourts.gov](mailto:Comments.Mailbox@njcourts.gov).

The Supreme Court will not consider comments submitted anonymously. Thus, those submitting comments by mail should include their name and address, and those submitting comments by email should include their name and email address. Comments are subject to disclosure upon receipt.

  
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Glenn A. Grant  
Administrative Directors of the Courts

Dated: October 6, 2022