APPENDIX A1. CLIENT'S & SUPERVISING ATTORNEY'S AUTHORIZATIONS FOR APPEARANCE BY LAW STUDENT.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

FORM TO BE COMPLETED BY THE CLIENT FOR WHOM A LAW STUDENT IS RENDERING SERVICES; OR IF THE SERVICES ARE RENDERED FOR THE GOVERNMENT, BY THE UNITED STATES ATTORNEY OR HIS OR HER AUTHORIZED REPRESENTATIVE.

I authorize _____, a law student, to appear in court or at other proceedings and to prepare documents on my behalf. I am aware that (he) (she) is not admitted to the bar and that (he) (she) will appear pursuant to the Student Practice Rule (L.Civ.R. 101.1(h)) of the District of New Jersey.

_____

_____

(Date) (Signature of Client)

(If more than one client is involved, approvals from each shall be attached. If a class action is involved, approvals from class members named in the caption shall be attached.)

TO BE COMPLETED BY THE LAW STUDENT'S SUPERVISING ATTORNEY:

I will carefully supervise all of this student's work. I authorize this student to appear in court or at other proceedings and to prepare documents. I will accompany the student at such appearances and sign all documents prepared by the student. I personally assume professional responsibility for the student's work.

_____

_____

(Date) (Signature of Attorney)

APPENDIX A2. FORM FOR DESIGNATING COMPLIANCE WITH THE STUDENT PRACTICE RULE

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

FORM FOR DESIGNATING COMPLIANCE WITH THE STUDENT PRACTICE RULE OF THE DISTRICT OF NEW JERSEY

_____	_____
(Name of Student)	(Name of Supervising Attorney)
Address & Phone of Above:	Address & Phone of Above:
_____	_____
_____	_____
_____	_____

Name of Law School student is attending: _____

Number of credits student has successfully completed: _____

Number of credits needed for graduation: _____

TO BE COMPLETED BY LAW STUDENT:

I certify that: I have successfully completed _____ credits of law school, I am familiar and will comply with the Code of Professional Responsibility of the American Bar Association as amended by the Supreme Court of New Jersey, and I am familiar with the Federal procedural and evidentiary rules relevant to the action in which I am appearing.

_____

_____

(Date) (Student Signature)

TO BE COMPLETED BY THE DEAN OR A FACULTY MEMBER OF THE STUDENT'S LAW SCHOOL:

I certify that this student has successfully completed _____ credits law school work, and is, to the best of my knowledge, qualified to provide the legal representation permitted by the Local Civil and Criminal Rules of the United States District Court for the District of New Jersey.

_____	_____
(Date)	(Signature of Dean or Faculty Member)
	_____
	(Position of Above)

APPENDIX B. CRIMINAL CASE APPEARANCE FORM

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

Criminal No. _____

United States

v.

Appearance for Defendant(s)

John Doe

I (We) hereby enter my (our) appearance as attorney(s) for the following named defendant(s).

_____

Attorney(s)

By: _____

(Member of above Firm)

Date: _____

_____

Address

_____

_____

Phone

APPENDIX C. AFFIDAVIT BY OWNER OF CASH SECURITY

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA
v.

Case No. _____
Affidavit re Appearance Bond
(Cash Security)

AFFIDAVIT BY OWNER OF CASH SECURITY

I, _____, on oath say that I reside at _____ and that the $_____ cash deposited as security on the foregoing bond is owned by me and is to be returned to me at the above address upon examination of this bond.

I hereby subject said fund to the provisions of L.Cr.R. 46.1 and consent and agree that in case of default or contumacy on the part of the principal, the Court may proceed summarily and render judgment against said cash security in accordance with my obligation herein and award execution thereon.

Sworn to and subscribed before me this _____ day of _____, 20____

_____

_____

Deputy

Signature of Cash Security Owner

APPENDIX D. ORDER GRANTING MOTION TO DEPOSIT SUM OF MONEY WITH THE COURT

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

	Civil No.
Plaintiff(s)	
vs.	ORDER GRANTING MOTION TO DEPOSIT SUM OF MONEY WITH THE COURT
Defendant(s)	

The above-entitled cause having come before the Court upon the _____ Motion to Deposit Sum of Money with the Court pursuant to Fed. R. Civ. P. 67 and L.Civ.R. 67.1, and the Court having considered the motion,

NOW, THEREFORE, it is on this _____ day of _____, 20___;

ORDERED that the Motion to Deposit Sum of Money with the Court shall be, and is hereby, granted; it is

FURTHER ORDERED that such sum, to wit; _____ dollars, be deposited by the Clerk into the Registry of this Court and then, as soon as the business of his or her office allows, the Clerk shall deposit these funds into the interest-bearing Court Registry Investment System (C.R.I.S.) administered by the Clerk of the United States District Court for the Southern District of Texas as Custodian, pursuant to L.Civ.R. 67.1(a)(2); it is

FURTHER ORDERED that sum of money so invested in the interest-bearing C.R.I.S. fund shall remain on deposit until further order of this Court at which time the funds, together with interest thereon, shall be retrieved by the Clerk and redeposited into the non-interest-bearing Registry of the Court for disposition pursuant to the further order of the Court; it is

FURTHER ORDERED that the Custodian deduct a miscellaneous schedule fee for the handling of registry funds, as authorized by the Judicial Conference of the United States and the Standing Order of this Court dated June 30, 1989, as amended November 30, 1990, of 10% of the income earned on this account and each subsequent deposit of new principal so deposited while invested in the C.R.I.S; and it is

FURTHER ORDERED that a certified copy of this Order shall be by the _____ personally served upon the Clerk of this Court, the Chief Deputy Clerk, or upon the Chief Financial Deputy Clerk.

_____

UNITED STATES DISTRICT JUDGE

APPENDIX E. LIST OF PETTY OFFENSES AND MINIMUM FINES APPLICABLE THERETO PURSUANT TO L.CR.R. 58.1(c)

LIST OF PENALTIES FOR MOTOR VEHICLE VIOLATIONS COMMITTED ON THE FEDERAL ENCLAVES IN THE DISTRICT OF NEW JERSEY

Persons charged with violations of the offenses set forth below may be required to pay the fines set forth below. Certain offenses may also carry a jail term, which is listed in the applicable section of the New Jersey Statutes Annotated. In certain instances, persons charged with such violations may, in lieu of appearance post collateral in the amount indicated for the offense, waive appearance before a Magistrate Judge, and consent to forfeiture of collateral. Persons charged with offenses not listed must appear for trial as in the case of other petty offenses.

The collateral and minimum fine for motor vehicle violations committed on the federal enclaves, including the military installations, except as otherwise provided by federal law, such as Titles 36 and 50 of the Code of Federal Regulations, is fixed as follows:

Motor Vehicle Section			**Penalty**
N.J.S.A.	39:3-4	Driving or parking unregistered motor vehicle	$44
	3-9.a	Failure to notify change in name	$10-22
	3-9.a	Failure to endorse license	$20-42
	3-10	Driving with an expired license	$44
		Driving without a license who has never been licensed in N.J. or elsewhere & no license issued for at least 180 days	$200
	3-10.18	Driving a commercial vehicle without a CDL	$250-500
		Accident or personal injury while violating this section	$5,000
	3-10.24	Refusal to consent to breath samples after arrest for operation of commercial vehicle while under influence (N.J.S.A. 39:3-10.13)	$250-500
	3-11	Conditional license violation	$48
	3-12	Illegal securing of driver's license	$200-500
	3-17	Failure of possession of driver's license and/or registration (Non-resident motorists)	$44
	3-19.1	Transporting passengers for hire without omnibus regulation	$25
	3-20	Excess weight	$523 plus $100 for each 1,000lbs. or fraction thereof
	3-20	Speed violation	See 39:4-98
		Violation in a Construction Zone of 65 M.P.H. Area	See 39:4-98
	3-20.1	Misuse of registration of empty trucks	$25-100
	3-27.17	Unauthorized use of "Disabled Veteran" plates	$25-50
	3-27.21	Improper use of "Commuter Van" plates	$25-50

3-27.27	Misuse of "Street Rod" plates	$25-50
3-29	Failure of possession of driver's and/or registration and/or insurance identification card (Note–if violation is for more than one offense involving license, registration or insurance card, they are separate offenses and the Penalty indicated is for each offense)	$44
3-29	Refusal to exhibit driver's license and/or registration and/or insurance identification card (Note–if violation is for more than one offense involving license, registration or insurance card, they are separate offenses and the Penalty indicated is for each offense)	$44
3-32	Failure to replace lost, destroyed or defaced plates	$44
3-33	Display of unclear, indistinct license plates	$44
3-35	Lending or using registration certificate or plates	$25-50
3-36	Failure to notify complete change of address	$22
3-37	Falsifying application on examination	$200-500
3-38	Counterfeiting plate or marker	$50-100
	Use of marker other than issued	$25-50
	Using counterfeit plate	$50-100
3-39a	Loaning license	$25-100
3-39c	Operator who exhibits driver's license of another	$200
3-39d	Exhibiting driver's license of another for purposes of identification	$25-100
3-40	Driving while suspended (1st offense)	$500
	(2nd offense)	$750
	(3rd offense)	$1000
	In addition to other penalties, if suspension was for violation of N.J.S.A. 17:29A-35	$3000
	Offense during suspension for driving while intoxicated	$500
3-44	Vehicle in unsafe condition	$44
3-47	Improper lighting equipment; altering equipment	$44
3-47a	Headlights required with wipers	$44
3-49	Headlights	$44
3-49(a)	Headlights while wipers on	$25
3-50	Improper use of emergency lights (Limited to subsection (a) and (b) only)	$44
3-51	Improper auxiliary driving lamps	$44
3-52	Improper additional lighting equipment and use thereof	$44
3-53	Spot lamps	$44
3-54	Special restriction on lights	$44
3-55	Improper operation with alternate road lighting equipment	$44

3-56	Operating without front lighted lamps	$44
3-57	Improper single beam lighting	$44
3-58	Improper multiple beam headlights	$44
3-59	No light beam indicator	$44
3-60	Improper use of high and low headlight beams	$44
3-61	Lamps and reflectors required on particular vehicles	$44
3-61.1	Mounting of lamps and reflectors	$44
3-61.2	Combination of lighting devices and reflectors; prohibited combinations	$44
3-61.3	Stop Lamps: construction, placement and use	$44
3-61.4	Overhanging loads; placement and use of red lamps and flags	$44
3-62	Unlighted lamps on parked vehicle	$44
3-64	Emergency warning light equipment	$44
3-64.3	Signals to flash simultaneously when stopped for transacting business	$44
3-65	Lamps on other vehicle and equipment	$44
3-66	Maintenance of lamps	$44
3-69	Horns and warning devices	$44
3-70	Noisy muffler	$44
3-70.2	Air pollution	$25-100
3-71	Mirrors	$44
3-72	Tire equipment	$44
3-73	Tire chains	$44
3-74	Obstruction of windshield for vision	$44
3-75	Safety glass requirement	$44
3-76.2	Safety belt equipment	$44
3-76.2a	Failure to use child passenger restraint when transporting child under age five	$10-25
3-76.2f	Failure to wear seat belts	$20-42
3-76.3	Motorcycles; height of handlebar grips	$44
3-76.4	Muffler systems for motorcycles	$44
3-76.5	Footrests and helmet for motorcycle passengers	$50-100
3-76.6 to 76.10	Motorcycle operation and equipment violations	$44

3-79.1	Device to prevent throwing of dirt on following vehicles (buses, trucks trailers)	$44
3-79.8	Prohibition of supplying fuel to vehicle without label	$25
	Subsequent Offense	$50
3-80	Equipment with rubber tires of approved material	$50-100
	Subsequent offense	$100-200
3-81	Use of stud tires (before Nov. 15 or after April 1)(Limited to this portion of Statute only)	$25-50
3-84.3j	Violation of dimensional limitations	$150-500
	Weight violation	$50
	plus $.02 per pound of total excess weight if total excess weight is 10,000 lbs. or less; if total excess weight is more than 10,000 lbs., $.03 per pound of total excess weight	
4-11 to 4-14.2	Bicycles and roller skates	$44
	Committed by juveniles under age 17 (N.J.S.A. 39:4-203.3)	$22
4-14.3(c)	Driving a moped under 15	$50
4-14.3(d)	Driving Moped without License	$50
4-14.3g	Operating moped without helmet	See 39:450
4-14.3h	Second Violation of Operating Moped under 17	$100
4-15 to 4-25.1	Horses and Horse-Drawn Vehicles	$44
4:22-25.1	Report of Injury by Motorist	$5-25
	Subsequent Offense	$25-50
4-26 to 4-30	Machinery, vehicles or apparatus of unusual size or weight	$78
4-32 to 4-37.1	Pedestrian violations	$44
	Committed by juveniles under age 17 (N.J.S.A. 39:4-203.3)	$22
4-38 to 4-45	Street cars	$44
4-46	Commercial vehicle-Display of owner's name and address	$22
4-46(b)	Failure to display gross weight over 26000 pounds	$25
4-48	Operating or using a vehicle without consent of owner	$100
4-49	Tampering with vehicle	$10-50
	Subsequent offense	$50-100
4-49.1	Operation of or in a motor vehicle while in possession of CDS	$50
4-50	DWI: 1st offense	$250-400
	2nd offense	$500-1000
	3rd offense	$1000
	Violation while on or within 1,000 feet of school property or at school crossing:	
	1st offense	$500-800
	2nd offense	$1000-2000
	3rd offense	$2000
	Surcharges	$175

4-50.2	Refusal to undergo breathalyzer test	$250-500
	Subsequent offense	$250-500
	Violation while on or within 1,000 feet of school property or at school crossing	
	1st offense	$500-1000
	2nd offense	$500-1000
	3rd offense	$500-1000
4-51a	Open container of alcohol in vehicle	$200
	Subsequent offense	$250
4-52	Racing on highway	$25-100
	Second or Subsequent offense	$100-200
4-53	Leaving vehicle with engine running	$10-25
4-54	Trailers–equipment required, towing, etc.	$78
	Dimensional restrictions	See 39:3-84
	Excess weight (See 39:3-20 and 39:3-84, as applicable)	min. $78
4-55	Action on steep grades and curves	$44
4-56	Delaying traffic	$44
4-56.1	Willful Abandonment of vehicle on public highways	$200-500
	Subsequent offense	$500-1000
4-56.5	Abandonment of motor vehicle	$100-500
	Subsequent offense	$500-1000
4-56.6	Abandonment of vehicle on private property (First paragraph)	$48
4-56.8	Failure of towing service to tow disabled vehicle	$25-50
4-57	Failure to comply with direction of officer	$44
	Violation in Construction Zone or 65 M.P.H. Area	$65
4-57.1	Refusal to activate interior light upon officer's request	$73
4-58	Vehicle loaded obstructing view	$44
4-59	Hitch-Hiking	$44
4-60	Soliciting trade or contributions on highway	$44
4-61	Tailboard riding	$44
4-62	Leaving curb	$44
4-63	Placing injurious substances on highway	$100-500
4-64	Throwing matter from vehicles	$200-1000
4-65	Letting off or taking on persons	$44
4-66	Emerging from alley, driveway or garage	$44

4-66.1	Yield right-of-way when entering or leaving highway to or from private road or driveway	$44
	Violation in Construction Zone	$65
4-66.2	Use of public or private property to avoid traffic control device	$50-200
4-67	Obstructing passage of vehicles	$44
4-68	Doors of streetcar or autobus closed	$44
4-69	Riding on part of truck, bus or vehicle not intended for passenger	$44
4-71	Driving on sidewalk	$44
	Violation in Construction Zone	$65
4-72	Stopping on signal from driver of horse	$44
4-76	Overweight vehicles on bridges (interstate) Same Penalties as 393-84	min. $78
4-77	Loading so as to spill	$48
4-77.1	Snow or ice dislodged from moving vehicle causing injury or property damage: Cars	$200-1000
	Commercial	$500-1500
4-78	Carrying metals (Noise)	$44
4-79	Backing vehicle to curb to unload	$44
4-80	Disobedience of traffic officer	$50-200
	Violation in Construction Zone or 65 M.P.H. Area	$100-400
4-81	Failure to observe traffic signal	$50-200
	Violation in Construction Zone or 65 M.P.H. Area	$100-400
4-82	Failing to keep right	$50-200
	Violation in Construction Zone	$100-400
4-82.1	Driving on safety island	$78
	Violation in Construction Zone or 65 M.P.H. Area	$133
4-82.1	Failure to drive on right-hand roadway	$50-200
4-83	Failure to keep to right at intersections	$50-200
	Violation in Construction Zone	$100-400
4-84	Failure to pass to the right when proceeding opposite directions	$50-200
	Violation in Construction Zone or 65 M.P.H. Area	$100-400
4-85	Failure to pass to the left when overtaking; passing when in line, signals, etc.	$50-200
	Violation in Construction Zone or 65 M.P.H. Area	$100-400
4-85.1	One-way traffic	$50-200
4-86	Failure to overtake and pass properly; crossing “no passing” lines	$50-200
	Violation in Construction Zone or 65 M.P.H. Area	$100-400
4-87	Failing to give overtaking vehicle right of way	$50-200

4-88	Failure to obey regulations in marked lanes	$50-200
	Violation in Construction Zone or 65 M.P.H. Area	$100-400
4-88(b)	Unsafe lane change	$50-200
4-89	Following to closely, except to pass	
	Violation in Construction Zone or 65 M.P.H.	$50-200
		$100-400
4-90	Failure to yield right of way at intersection	$50-200
	Violation in Construction Zone or 65 M.P.H. Area	$100-400
4-90.1	Entering or leaving limited access highways improperly	$50-200
	Violation in Construction Zone or 65 M.P.H. Area	$100-400
4-91	Failure to yield right of way of emergency vehicles	$50-200
4-92	Failure to provide clearance for, following or parking near emergency vehicles	$50-200
4-92.1	Failure to provide clearance for fire vehicles; following too closely	$50-200
4-94	Railroad employee unnecessarily blocking highway with train	$50-200
4-94.1	Failure to comply with regulations for limited access highway	$50-200
4-96	Reckless driving	$50-200
	Second or subsequent offense	$100-500
4-97	Careless driving where no accident involving personal injury	$50-200
	Violation in Construction Zone or 65 M.P.H. Area	$100-400
4.97a	Motor Vehicles operation causing property damage	$50-200
4-97.1	Slow speed as to block traffic	$78
4-98	Speeding (minimum penalties)	
	Exceeding the limit by:	
	1-9 miles per hour over speed limit	$78
	Violation in Construction Zone	$133
	10-14 miles per hour	$88
	Violation in Construction Zone or 65 M.P.H. Area	$153
	15-19 miles per hour	$98
	Violation in Construction Zone or 65 M.P.H. Area	$173
	20-24 miles per hour	$193
	25-29 miles per hour	$213
	30-34 miles per hour	$233
	35-39 miles per hour	$253
	40 miles per hour or more	
4-100	Speeding across sidewalk	$50-200
4-115	Failure to make proper right or left turn	$50-200
	Violation in Construction Zone	$100-400
4-115(b)	Failure to stop before right turn on red	$50-200
4-116	Special right or left turn	$50-200

4-117	Special pedestrian signals–(pedestrian violation)	$50-200
	(motorist violation)	$50-200
4-119	Failure to observe flashing traffic signals	$50-200
	Violation in Construction Zone	$100-400
4-122	Failure to obey signal of whistle of police officer	$50-200
	Violation in Construction Zone	$100-400
4-123	Right and left-hand turns	$50-200
	Violation in Construction Zone	$100-400
4-124	Failure to turn as indicated by buttons or markers at intersection	$50-200
	Violation in Construction Zone	$100-400
4-125	U-Turn on curve or grade or where view obstructed or "No U-Turn" sign	$50-200
	Violation in Construction Zone	$100-400
4-126	Failure to signal before starting, turning or stopping	$50-200
	Violation in 65 M.P.H. Area	$100-400
4-127	Backing or turning in street	$50-200
	Violation in Construction Zone or 65 M.P.H. Area	$100-400
4-127.1	Failure to stop at railroad crossing	$50-200
4-127.2	Failure to stop at approaches to movable span bridge	$50-200
4-128.1	Failure to stop for school bus while picking up or discharging	min $100
	Subsequent offense	min $250
4-128.4	Failure to stop for frozen dessert truck	$100
4-129a	Leaving the scene of accident (other than injury to the defendant)	$500-1000
	Subsequent offense	$1000-2000
4-129b	Leaving the scene of accident (damage to vehicle - attended)	$200-400
	Subsequent offense	$400-600
4-129d	Leaving the scene of accident (damage to vehicle - unattended)	$200-400
	Subsequent offense	$400-600
4-130	Failure to report an accident	$25-100
	Subsequent offense	$100-200
4-132	Damages reported by repairman	$100-500
4-135	Parking: direction and side of street; angle parking and one-way street parking	$44
4-136	Parking on highway; removing disabled vehicle	$44
4-137	Vehicle without driver; brakes set; motor stopped, etc.	$44

4-138	Improper parking	
	a. Within intersection	$44
	b. On a crosswalk	$44
	c. Safety (bus) zone	$44
	d. In front of driveway	$44
	e. Within 25 ft. of crosswalk	$44
	f. On a sidewalk	$44
	g. "No Parking" area	$44
	h. Within 50 feet of "Stop" sign	$44
	i. Within 10 feet of fire hydrant	$44
	j. Within 50 feet of railroad	$44
	k. Within 20 feet of driveway entrance to fire state or 75 feet opposite of side of street (when properly signposted)	$44
	l. Alongside or opposite street excavation or obstruction, causing traffic obstruction when properly signposted	$44
	m. Double parking	$44
	n. On a bridge, elevated structure, underpass or immediate approaches (except where space for parking is provided)	$44
4-139	Loading or unloading for unreasonable period of time	$44
4-144	Failure to obey "Stop" or "Yield Right of Way" signs	$50-200
	Violation in Construction Zone or 65 M.P.H. Area	$100-400
4-145	Failure to yield to vehicle entering stop or yield intersection after stopping	$50-200
4-201	Parking in space for handicapped contrary to country resolution, ordin. or reg.	$50
4-203.5	Traffic fines doubled in construction area	
4-208	Parking on State property	$1-15
4-215	Failure to obey signals, signs or directions	$100
5B-19	Failure to produce certificate of handling or certificate number	$50-5000
	Second offense	$100-10000
	Third or subsequent offense	$250-25000
5B-20	Failure to properly post placard containing radiation symbol and warning	$50-5000
	Second offense	$100-10000
	Third or subsequent offense	$250-25000
5B-22	Deviating from conditions of certificate handling	$50-5000
	Second offense	$100-10000
	Third or subsequent offense	$250-25000
5C-1	Attempting to or agreeing to operate a motor vehicle in a speed racing event	$25-100
	Subsequent offense	$100-200
5E-23	Bulk Commodities Transportation Act (where no other penalty provided), first offense	$25-100
	Not more than $200 for subsequent offense. Each day of violation is a separate offense.	
5-35	Failure to surrender license	$25

6B-2	No insurance: first offense Subsequent offense	$300-1000 $500
8-1	Failure to have inspection	$100-200
8-4	Failure to make repairs	$100-200
8-6	Failure to display approval certificate	$123
8-9	Uninspected	$100-200
8-18	Affixing approval sticker without inspection or conformity to standards Subsequent offense	$1000-1500 $2000-3500
8-62	Operation of Diesel Powered Motor Vehicle–Emission Violation (first offense only) (Amount may be reduced to $172 **if** Certification of Repair provided **and** it is acceptable to the court)	$723
9-2	Hours of duty of operator Subsequent offense	$25 $50
10-10	Delivery of certificate of ownership	$25
10-12	Duplicate certificate, false application	$200-500
10B-2	Identification of motor component parts	$25-100
11-3 and -9	Operation of junk yards	$25-100
12-12	Driving schools Subsequent offense	$100-250 $250-500
12-15	Non-use of seat belts in drivers' school (instructor and student)	$25
4:22-25.1	Report of injury to certain animals by motorist required Subsequent offense	$5-25 $25-50
N.J.A.C. 54:39A-10	Failure to exhibit identification marker or card–Motor Fuels Use Tax Act	$48

Motor Carrier Safety Violations

(N.J.A.C. 13:30, unless transporting hazardous materials; then N.J.A.C. 16:49)

N.J.A.C. 392.16	Seat Belt Use	$48
393-9	Inoperative Lamps (General)	$44
393.18	Lamps on Projecting Loads–4 feet plus	$44
393.19	Turn Signals/4-Way Flashers	$44
393.25(G)	Stop Lamps to Rear/At Least One	$44
393.60(B)	Windshield Correction	$44
393.60(C)	Vision Reducing Matter/Decals	$44

393.78	Windshield Wipers (on Driver's Side)	$44
393.81	Horn (Inoperative/Missing)	$44

Unauthorized or Prohibited Use of Aircraft and Parachute Deliveries, Except in Emergency	$25.00
Unauthorized Use of Public Address System	$25.00
Unauthorized Installation of Aerials and Other Special Radio, Telephone and Television Equipment	$25.00
Unauthorized Operation or Use of Portable Engine or Motor Driven Equipment	$25.00
Holding Public Meeting, Assembly, Gathering, Demonstration, or Parade Without Permit or in Violation of Conditions Stated Therein	$50.00
Conducting Sports Events, Entertainment and Other Public Spectator Attractions Without Permit or in Violation of Conditions in Permit	$25.00
Tampering With Personal Property Not Under One's Lawful Control Without Theft or Damage	$50.00
Violation of Powerless Flight Regulations	$25.00
Advertising Within Park Area Without Permit	$50.00
Wrongful Entry and Use of Recreation Area Without Payment of Entrance Fee	$25.00
Begging or Soliciting Rides	$15.00
Unauthorized Camping	$15.00
Closed Area Violation	$25.00
Unleashed Dogs or Cats	$15.00
Unauthorized Use or Possession of Fireworks or Explosives	$25.00
Unauthorized Use of Firearms and Other Implements	$25.00
Fire in Other Than Designated Places	$25.00
Picnicking in Undesignated Area	$15.00
Destruction, Injury, Defacement or Removal of Public Property	$50.00
Failure to Report Injury to Persons or Property Damage	$25.00
Riding a Horse in Undesignated Area	$15.00
Littering or Depositing Trash	$15.00
Unauthorized Collection of Scientific Specimens	$25.00
Use of Roller Skates or Skateboards in Undesignated Area	$15.00
Swimming or Bathing in Undesignated Area	$15.00
Winter Sports Violations	$25.00
Federal Boating Act; Numbering Violation	$15.00
Failure to Carry Lifesaving Equipment in Boat	$15.00
Failure to Comply With Boating Regulations	$15.00
Bicycles; Failure to Comply With Traffic Regulations	$15.00
Failure to use Established Entrance or Exit	$25.00
Unauthorized Use of Commercial Vehicle in Park	$25.00
Throwing of Articles From a Building or the Unauthorized Climbing Upon any Part of a Building	$15.00
Defacement, Destruction, Mutilation or Injury to, or Removal, or Disturbance of, Gravemarker or Headstone	$50.00
Failure to Comply With Signs of a Directive and Restrictive Nature Posted for Safety Purposes	$15.00

Unauthorized Demonstration or Service in a National Cemetery or on Other Veterans Administration Property	$25.00
Creating a Disturbance During a Burial Ceremony	$25.00
Disorderly Conduct Which Creates Loud, Boisterous, and Unusual Noise, or Which Obstructs the Normal Use of Entrances, Exits, Foyers, Offices, Corridors, Elevators, and Stairways, or Which Tends to Impede or Prevent the Normal Operation of a Service or Operation of a Facility	$25.00
Entering Any Premises Under the Influence of Alcoholic Beverages or Non-prescribed Narcotic Drugs, Hallucinogens, Marijuana, Barbiturates or Amphetamines	$50.00
Unauthorized Use, Sale or Introduction of Alcoholic Beverages	$50.00
Unauthorized Solicitation of Alms and Contributions on Premises	$25.00
Commercial Soliciting or Vending, or the Collection of Private Debts on Property	$25.00
Unauthorized Sale or Distribution of Pamphlets, Handbills and Flyers	$25.00
Unauthorized Commercial Photography, Motion Picture Filming, Television or Sound Track Production on Premises	$50.00
Creating Excessive Noise By Muffler Cut Out, Excessive Use of a Horn, or Other Means	$25.00
Introduction or Possession of Explosives or Explosive Devices Which Fire a Projectile, Ammunition, or Combustibles	$25.00
Possession of Knives Which Exceed a Blade Length of Three Inches; Switchblade Knives; and Hand-Held Weapons; and Brass Knuckles	$25.00
The Unauthorized Possession of any of the Variety of Incapacitating Liquids or Gas-Emitting Weapons	$25.00
Unauthorized Possession, Manufacture or Use of Keys or Barrier Card-Type Keys to Rooms or Areas on the Property	$25.00
The Surreptitious Opening, or Attempted Opening, of Locks or Card-Operated Barrier Mechanisms on Property	$25.00

VIOLATIONS OF FEDERAL WILDLIFE ACTS

The following forfeiture provisions are not applicable if "sale" is involved. 16 U.S.C. §707(b).

Taking of Migratory Game Birds During Closed Season	$100.00
Unlawful Taking of Migratory Non-Game Birds	$100.00 **Per Bird**
Excess Daily Bag or Possession Limit	$25.00 **Per Bird**
Taking Waterfowl or Doves With the Aid of Bait	$200.00
Use of Live Decoys	$100.00
Hunting Before or After Legal Hours--$2.00 Per Minute	$25.00 **Minimum**
Using Improperly Plugged Gun	$25.00
Using Unplugged Gun	$50.00
Unlawful Taking of Birds By Boat	$50.00
Unlawful Taking of Birds by Motor Land Vehicle and/or Aircraft	$100.00
Unlawful Transport Migratory Game Birds	$25.00
Transport Migratory Game Birds With Species ID Removed	$25.00 **Per Bird**
Unlawful Possession of Live Migratory Game Birds	$100.00
Unlawful Possession of Live Migratory Non-Game Birds	$100.00
Unlawful Import of Migratory Birds	$25.00 **Per Bird**
Unlawful Export of Migratory Birds	$25.00 **Per Bird**
Unlawful Trapping of Migratory Birds	$100.00

Take Migratory Game Birds/Rifle	$25.00
Hunting Without Duck Stamp	$50.00
Hunting With an Unsigned "Duck" Stamp	$25.00
Violation of Permit Regulations	$50.00
Using Illegal Call Device	$25.00
Using Illegal Weapons	$100.00
Possess Wounded, Live Migratory Game Birds	$25.00
Violation of Tagging Regulations	$100.00
Wanton Waste of Migratory Game Birds	$25.00 **Per Bird**
Violation of State Law/Migratory Birds	$50.00
Mis- or Non-Marking of Packages or Containers in Transporting Migratory Game Birds in U.S. as Required	$50.00 **Per Package or Container**
Import, Possess, Transport, or Ship Any Migratory Birds or Their Parts, Eggs, or Nests if Taken, Bought, Sold, Transported, Shipped, Possessed or Exported Contrary to the Law or Regulation of the Foreign Country, or State or Province Thereof	$25.00 **Per Bird**
Commercial Facility With Untagged Migratory Birds of Another	$100.00
Violation of Record Keeping Requirements	$100.00
Not Permitting Premise Inspection	$150.00
Purchase, Sell, or Barter--or the Offer Thereof--For Millinery or Ornamental use the Feathers of Migratory Game Birds	$25.00 **Per Carton or Container**
Purchase, Sell or Barter--Or the Offer Thereof--For Mounted Specimens Taken by Hunting	$25.00 **Per Bird**
Fish Imported At Non-Designated Port of Entry Except in Case of Emergency Diversion	$100.00 **Per Shipment**
Filing of Incomplete Declaration For Importation of Fish or Wildlife (Form 3-177) at Port of Entry Where Customs Clearance Occurs	$50.00 **Per Shipment**
Import Prohibited Species of Live Animals (Including Reptiles, Amphibians, Fish, Mollusks and Crustaceans) or Bird Without Authorization	$250.00 **Per Shipment** $50.00 **Each Prohibited Specimen**
Importation of Live Wildlife or Dead Salmonids Without Filing, by Importer or His or Her Broker, Form 3-177 and/or Without Furnishing All Required Information	$150.00 **Per Shipment**
Cause or Permit Wild Animals (Including Fish, Reptiles, Amphibians, Crustaceans and Mollusks) or Birds to Be Transported to the U.S. Under Inhumane and Unhealthful Conditions	$250.00 **Per Shipment** $10.00 **For Each Dead, Crippled, Diseased or Starved Specimen**
Destruction or Removal of Property	$100.00
Use of Artificial Lights	$50.00
Disorderly Conduct	$50.00
Interference With Persons Engaged in Authorized Activities	$50.00
Search and Removal of Valued Objects	$50.00
Unauthorized use of Aircraft	$100.00
Any Other Violation of Law or Regulation Relating to U.S. Fish	

and Wildlife Service $50.00

Approved by the Court this 30th day of Aug., 1983

Clarkson S. Fisher, Chief Judge for the Court

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

U.S. FISH AND WILDLIFE SERVICE

VIOLATIONS OF TITLE 50, CODE OF FEDERAL REGULATIONS

AND

TITLES 16 AND 18, UNITED STATES CODE

LIST OF MINIMUM FINES APPLICABLE THERETO PURSUANT TO RULES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY.

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Persons charged with violations of any offense listed below may, in lieu of appearance, post collateral in the dollar amount indicated for the offense, waive appearance before a Magistrate, and consent to forfeiture of collateral. Persons charged with offenses not listed must appear for trial.

(Note: 'take', as used in this Schedule, means, "to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect", as defined in 50 C.F.R. Part 10.12.)

GENERAL FISH AND WILDLIFE SERVICE PERMIT REGULATIONS
(16 USC 704; 16 USC 668a; 16 USC 1538(d); 16 USC 3373)

SECTION NUMBER	OFFENSE	COLLATERAL
50 CFR 13		
13.1	Engage in activity for which a permit is required without having a valid permit	200.00
13.41	Failure to maintain wildlife possessed pursuant to a permit, under humane and healthful conditions	200.00
13.45	Failure to file reports required by FWS permit	100.00
13.46	Failure to maintain records required by FWS	100.00
13.47	Failure to allow entry to premise for the purpose of inspecting activity authorized by FWS permit	300.00
13.1 thru end	All other violations	75.00

REGULATIONS FOR IMPORTATION, EXPORTATION & TRANSPORTATION OF WILDLIFE
(16 USC 3371; 16 USC 1538)

50 CFR 14

SECTION NUMBER	OFFENSE	COLLATERAL
14.11	Import or export wildlife at non-designated port of entry	
	Non-commercial	50.00
	Commercial	300.00
14.l6	Import or export wildlife in violation of border port restrictions	
	Non-commercial	50.00
	Commercial	300.00

SECTION NUMBER	OFFENSE	COLLATERAL
14.32 & 14.33	Violation of non-designated port permit conditions	250.00
14.51	Fail to allow detention and inspection of imported or exported wildlife	250.00
l4.52(a)	Obtain release from U.S. Customs without FWS clearance	250.00
14.52(b)	Fail to return wildlife released without FWS clearance	250.00
14.52(c)	Fail to make available all required documents	250.00
14.61 thru 14.63	Fail to file completed declaration as required	
	Non-commercial	50.00
	Commercial	300.00/1st offense 500.00/2nd & subs. offenses
14.81	Fail to mark wildlife container shipped in interstate or foreign commerce	
	Non-commercial	50.00
	Commercial	200.00
14.91	Engage in business as importer/exporter of wildlife without obtaining import/export license	300.00/1st offense 500.00/2nd & subs. offenses
14.93(c)	Violate conditions of import/export license	300.00
14.93(c)(4)	Fail to allow FWS officers access to licensee's place of business for inspection	300.00

Standards For The Humane & Healthful Transport of Wildlife To The U.S.

14.103 Import/transport wildlife under inhumane/unhealthful conditions or in violation of other legal requirements..... 300.00

14.104 thru 14.172 Violate Humane Transport Regulations..... 100.00

14.1 thru end All other violations..... 100.00

WILD BIRD CONSERVATION ACT
(16 USC 4901)

STATUTE	OFFENSE	COLLATERAL
16 USC 4901	Import any exotic bird in violation of any prohibition, suspension, or quota on importation; import an exotic bird not captive bred at a qualifying facility; or violate any regulation promulgated pursuant to this act.....	500.00+50/bird/egg

50 CFR 15: Regulations for the Importation of Exotic Birds

SECTION NUMBER	OFFENSE	COLLATERAL
15.11(a) thru (e)	Import exotic bird contrary to regulations.....	300.00+50/bird/egg
15.11(f)	Violate conditions of exotic bird import permit.....	200.00
15.21 thru 15.26	Violate conditions of wild bird permit.....	200.00

SECTION NUMBER	OFFENSE	COLLATERAL
15.1 thru end	All other violations.....	100.00

IMPORTATION OR SHIPMENT OF INJURIOUS SPECIES
LACEY ACT (18 USC 42)

STATUTE	OFFENSE	COLLATERAL
18 USC 42(c)	Import wildlife under inhumane or unhealthful conditions.....	250.00

50 CFR 16: Regulations for the Importation or Shipment of Injurious Species

SECTION NUMBER	OFFENSE	COLLATERAL
16.3 thru 16.15	Unauthorized import, transport, acquisition, or release of prohibited species, progeny or eggs.....	200.00+25/specimen
16.22(b)(1)	Failure to properly confine permitted injurious species.....	100.00
16.22(b)(2)	Sell, donate, trade, loan or transfer injurious species to unauthorized person.....	100.00

16.23(b)(3) Fail to notify authorities of escape of permitted injurious species..... 100.00

16.1 thru end All other violations..... 100.00

ENDANGERED SPECIES ACT
16 USC 1538

STATUTE	OFFENSE	COLLATERAL
1538(a)(1)(A) thru 1538(a)(1)(G)	Import or export any endangered species; take within the U.S. or territorial sea of the U.S.; take upon the high seas; possess, sell, deliver, carry, transport, or ship in interstate or foreign commerce and in the course of a commercial activity; sell or offer for sale in interstate or foreign commerce; or violate any regulation of this act.....	1000.00 +100.00/specimen
1538(a)(2)(A) thru 1538 (a)(2)(E)	Import or export any endangered plant; remove & possess any such species taken from federal jurisdiction; damage or destroy; remove, cut, dig up; damage or destroy such species on any other area in violation of any law or regulation of any state or in the course of any violation of a state criminal trespass law; deliver, receive, carry transport, or ship in interstate or foreign commerce and in the course of a commercial activity; sell or offer for sale in interstate or foreign commerce; or violate any regulation of this act.....	1000.00 +100.00/specimen

50 CFR 17: Endangered & Threatened Wildlife & Plant Regulations

Endangered Wildlife

SECTION NUMBER	OFFENSE	COLLATERAL
17.21(a)	Commit prohibited act regarding endangered wildlife.....	400.00+100.00/specimen
17.21 (b)	Import or export endangered wildlife.....	400.00+100.00/specimen
17.21 (c)	Take, an endangered species.....	500.00+100.00/specimen
17.21(d)	Possess, sell, deliver, carry, transport or ship unlawfully taken endangered wildlife.....	400.00+50.00/specimen
17.21(e)	Deliver, receive, carry, transport or ship endangered wildlife in interstate/foreign commerce for commercial purposes.....	400.00+100.00/specimen

17.21(f) Sell/offer for sale in interstate or foreign commerce any endangered species..... 400.00+100.00/specimen

17.21(g) Violate captive-bred endangered species regulations..... 300.00+50.00/specimen

17.22 & 17.23 Violate conditions of endangered species permit..... 200.00+50.00/specimen

Threatened Wildlife

17.31 Violate threatened wildlife prohibitions:

Commit prohibited act regarding threatened wildlife 350.00+50.00/specimen

Import/export threatened wildlife..... 350.00+50.00/specimen

Take, a threatened species..... 400.00+100.00/specimen

Possess, sell, deliver, carry, transport or ship unlawfully taken threatened wildlife..... 350.00+100.00/specimen

Deliver, receive, carry, transport or ship in interstate or foreign commerce for commercial purposes any threatened wildlife..... 350.00+50.00/specimen

Sell/offer for sale in interstate or foreign commerce any threatened species..... 450.00+100.00/specimen

Violate captive-bred threatened species regulations..... 200.00

17.40 thru 17.48 Violate special regulations for threatened wildlife..... 250.00+50.00/specimen

Endangered Plants

17.61 Violate endangered plant regulations..... 300.00+50.00/specimen

17.62 & 17.63 Fail to comply with permit conditions..... 250.00+50.00/specimen

Threatened Plants

17.71 Violate threatened plant regulations..... 200.00+50.00/specimen

17.72 Violate conditions of threatened plant permit..... 200.00+50.00/specimen

Other Threatened Wildlife

SECTION NUMBER	OFFENSE	COLLATERAL
17.82 thru 17.86	Violate experimental regulations and/or Special Rules.....	200.00+50.00/specimen
17.1	All other violations.....	150.00

thru end

MARINE MAMMAL PROTECTION ACT
(16 USC 1371-1372)

STATUTE

16 USC 1371 thru 1372 — Take or import any marine mammal, parts or products ..... 1000.00 + 100.00/specimen

50 CFR 18: Marine Mammal Regulations

SECTION NUMBER	OFFENSE	COLLATERAL
18.11	Take marine mammals	500.00+100.00/specimen
18.12	Import marine mammal/product	
	Non-Commercial	50.00
	Commercial	300.00/1st offense 500.00/2nd & subs. offenses
18.13	Unlawful port use, possess, transport, sell, purchase or import illegally taken marine mammals	500.00+100.00/specimen
18.1 thru end	All other violations	250.00

AIRBORNE HUNTING ACT
(16 USC 742j-1)

STATUTE	OFFENSE	COLLATERAL
16 USC 742j-1	General Airborne Hunting Act Violations	1000.00 + 100.00/specimen

50 CFR 19: Airborne Hunting Regulations

SECTION NUMBER	OFFENSE	COLLATERAL
19.11(a)(1)	Shoot from an aircraft for purposes of capturing or killing wildlife	500.00
19.11(a)(2)	Use aircraft to harass wildlife	250.00
19.11(a)(3)	Participate in using aircraft to shoot/harass wildlife	500.00
19.32	Failure to file annual report	100.00
19.1 thru end	All other violations	250.00

MIGRATORY BIRD TREATY ACT
16 USC 703-712

STATUTE	OFFENSE	COLLATERAL
16 USC 703	Pursue, hunt, take, capture, kill, or the attempt thereof; possess, sell, barter, purchase, or the attempt thereof; deliver for shipment, ship, export, import, or the causation thereof; deliver for transportation, transport, carry or causation thereof; receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, thereof, without authorization	350.00+50.00/specimen
16 USC 705	Ship, transport, carry in interstate or foreign commerce, any bird, part, nest or egg thereof, captured, killed, taken shipped, transported, or carried contrary to law of the place where captured, killed taken, shipped, transported or carried; import any such bird, part, nest or egg	350.00+50.00/specimen

50 CFR 20: Migratory Bird Hunting Regulations

SECTION NUMBER	OFFENSE	COLLATERAL
20.21(a)	Take with illegal device or substance	200.00 + 50.00/bird
20.21(b)	Take with shotgun capable of holding more than 3 shells	100.00 + 50.00/bird
20.21(c)	Take by means, aid or use of sinkbox	150.00 + 50.00/bird
20.21(d)	Take via motor driven conveyance or aircraft	150.00 + 50.00/bird
20.21(e)	Take by means of motorboat or other craft under power	150.00 + 50.00/bird
20.21(f)	Take by use or aid of live birds	200.00 + 50.00/bird
20.21(g)	Take by use or aid of recorded or amplified bird calls	200.00 + 50.00/bird
20.21(h)	Take by means or aid of motor driven conveyance for concentrating, driving, rallying or stirring up waterfowl	200.00 + 50.00/bird
20.21(i)	Take by the aid of baiting or on or over any baited area	300.00 + 50.00/bird
20.21(j)	Possession of shot shells loaded with non-approved shot	100.00 + 10.00/shell
20.22	Take during closed season	200.00 + 50.00/bird
20.23	Take before or after legal hours:	
	1-15 minutes	50.00 + 50.00/bird
	16-30 minutes	100.00 + 50.00/bird
	31-60 minutes	150.00 + 50.00/bird
	Over 60 minutes	250.00 + 50.00/bird

20.24	Exceed daily bag limit	150.00 + 50.00/bird
20.25	Wanton waste	100.00 + 50.00/bird
20.31	Possession of birds taken in violation of 20.21 through 20.23	100.00 + 50.00/bird
20.32	Possess freshly killed migratory bird in closed season	150.00 + 50.00/bird
20.33	Exceed possession limit taken in the U.S.	100.00 + 50.00/bird

SECTION. NUMBER	OFFENSE	COLLATERAL
20.34	Possession in excess of daily limit on opening day	150.00 + 50.00/bird
20.35	Possess or transport in excess of daily field limit	100.00 + 50.00/bird
20.36	Leave untagged birds in place or custody of another person	100.00 + 50.00/bird
20.37	Receive or have in custody untagged birds of another	100.00 + 50.00/bird
20.38	Possess live wounded bird	75.00 + 50.00/bird
20.40	Gift of improperly tagged migratory game bird	50.00 + 25.00/bird
20.41	Transport birds taken in violation of 20.21 thru 20.23	100.00 + 50.00/bird
20.42	Transport untagged birds of another person	75.00 + 50.00/bird
20.43	Transport birds without species identification	75.00 + 50.00/bird
20.44	Mis- or non-marking of package/container with birds transported via Postal Service or common carrier within the U.S.	100.00 + 50.00/package
20.51	Export birds taken in violation of 20.21 thru 20.23	100.00 + 50.00/bird
20.52	Export birds with species identification removed	100.00 + 50.00/bird
20.53	Mis- or non-marking of package/container with birds exported via the Postal Service or common carrier	100.00 + 50.00/bird
20.61	Import in excess of importation limits	100.00 + 50.00/bird
20.62	Import birds of another	75.00 + 50.00/bird
20.63	Import birds with species identification removed	100.00 + 50.00/bird
20.64	Import, possess, transport, or ship birds without required export permits	100.00 + 50.00/bird
20.65	Import birds not drawn or dressed as required	100.00 + 50.00/bird
20.66	Mis- or non-marking of package/container with birds imported by Postal Service or common carrier	100.00 + 50.00/package
20.71	Take, possess, transport, ship, or export migratory birds,	

their parts, eggs, or nest in violation of any other
Federal law or regulation..... 100.00+50.00/specimen

20.72 Take, possess, transport, ship, or export migratory
birds, their parts, eggs, or nest in violation of state
law or regulation..... 100.00+50.00/specimen

Take without State hunting license in possession..... 100.00
Take without State hunting stamp in possession..... 75.00
Take with invalid State hunting stamp in possession 50.00

20.73 Import, possess, transport, or ship any migratory birds,
their parts, eggs, or nests if taken, bought, sold,
transported, shipped, possessed, or exported contrary to
law/regulation of any foreign country, state, or province..... 100.00+50.00/specimen

Migratory Bird Preservation Facilities

SECTION NUMBER	OFFENSE	COLLATERAL
20.81	Commercial facility with untagged birds of another as required by 20.36	250.00
20.82	Violation of record-keeping requirement	100.00
20.83	Fail to permit inspection of premise and/or records	300.00
20.91(a)	Purchase, sell, barter, or offer thereof, for millinery or ornamental use, the feathers of migratory birds	250.00
20.91(b)	Purchase, sell, barter, or offer thereof, of mounted specimens taken by hunting	250.00 + 50.00/bird
20.100	Take mig. bird for which no season has been established	200.00 + 50.00/bird
20.133	Violate crow hunting regulations	75.00 + 25.00/bird
20.1 thru end	All other violations	100.00 + 25.00/bird

50 CFR 21: Migratory Bird Permit Regulations

SECTION NUMBER	OFFENSE	COLLATERAL
21.2(a)	Import, export, purchase, sell or barter pre-act migratory birds	200.00+50.00/specimen

21.11	Take, possess, import, export, transport, sell, purchase, barter or offer for sale, or purchase migratory birds or their parts, nests, or eggs without authorization	100.00+50.00/specimen
21.12(b)	Acquisition or disposition of migratory birds from or to unauthorized person(s)	100.00+50.00/specimen
21.13 & 21.14	Violation of captive-reared waterfowl requirements	100.00+50.00/specimen
21.22 thru 21.23	Violation of banding/marking/scientific collecting permit	100.00
21.24(a)	Perform taxidermy services on migratory birds without a permit	200.00
21.24(d)(1) & 21.24(d)(2)	Taxidermy permit violation	100.00
21.25(a)	Sell captive-reared migratory waterfowl without required permit	200.00
21.25(c)	Violation of captive-reared waterfowl sale/disposal permit	100.00
21.27	Violation of migratory bird special purpose permit	100.00

Falconry

21.28	Violation of falconry permit requirement	250.00
21.28(a)	Take, possess, transport, sell, purchase raptors for falconry without required permit	250.00 + 50.00/bird

SECTION NUMBER	OFFENSE	COLLATERAL
21.28(d)(1)	Take, transport, possess golden eagle for falconry without a permit	350.00 + 50.00/bird
21.28(d)(2)	Practice falconry without required State falconry permit	200.00
21.28(d)(3)	Unauthorized purchase, barter or sale of raptor	350.00 + 50.00/bird
21.28(d)(4)	Take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor without submitting Form 3-186A (Migratory Bird Acquisition/ Disposition Report	100.00 + 50/bird
21.28(d)(5)	Possess raptor without the required Form 3-186A	100.00 + 50/bird
21.28(d)(7)	Take, possess or transport peregrine falcon, gyrfalcon or Harris hawk without the required band	150.00 + 50/bird
21.28(d)(8)	Sell, purchase, barter raptor without required band	350.00 + 50/bird

21.28(d)(9)	Propagate raptors without required permit	100.00 + 50/bird
21.29(e)(1) -21.29(e)(2)	Violation of federal falconry standards	200.00 + 50.00/bird
21.29(e)(3)(ii)	Possession by master class permittee of more than three raptors or taking more than two replacement birds in a 12 month period	250.00 + 50.00/bird
21.29(g)(3)	Failure to meet minimum falconry facility standards and/or equipment as defined in 21.29(g)	150.00 + 50.00/bird
21.29(g)(4)	Transporting or temporarily holding raptors without adequate facilities or protection	200.00 + 50.00/bird
21.29(h)	Violation of marking laws/regulations	200.00 + 50.00/bird
21.29(i)	Unauthorized take of raptor for falconry	250.00 + 50.00/bird
21.29(j)(4)	Care for raptor belonging to another without authorization	100.00 + 50.00/bird
21.29(j)(5)	Retain or exchange molted feathers for other than imping purposes	100.00 + 25.00/feather
21.30	Violation of raptor propagation permit	250.00 + 50.00/bird
21.30(a)	Take, possess, transport, sell, purchase, barter or transfer any raptor, raptor egg or raptor semen for propagation without authorization	350.00+50.00/specimen
21.30(d)(2)	Failure to notify of eggs laid	200.00
21.30(d)(4)	Unauthorized take of raptors from the wild for propagation by permittee	250.00 + 50.00/bird
21.30(d)(5)	Unauthorized purchase, sale or barter of propagated raptor by permittee	350.00 + 50.00/bird

Depredating Migratory Birds

21.41 thru 21.43	Violation of migratory bird depredation regulations	150.00 + 50.00/bird

SECTION NUMBER	OFFENSE	COLLATERAL
21.41(a)	Take, possess, transport, depredating migratory birds without authorization	100.00 + 50.00/bird
21.41(c)	Violation of migratory bird depredation permit	100.00 + 50.00/bird
21.1 thru	All other violations	100.00 + 50.00/bird

end

MIGRATORY WATERFOWL HUNTING AND CONSERVATION STAMP ACT
(16 USC 718)

STATUTE	OFFENSE	COLLATERAL
16 USC 718a	Hunt migratory waterfowl without duck stamp	100.00
16 USC 718b	Hunt migratory waterfowl with unsigned duck stamp	50.00
16 USC 718e(a)	Loan, or transfer migratory waterfowl stamp to another, or use stamp validated by another	100.00
16 USC 718e(b)	Alter, mutilate, imitate, or counterfeit duck stamp	500.00

BALD AND GOLDEN EAGLE PROTECTION ACT
(16 USC 668d)

STATUTE	OFFENSE	COLLATERAL
16 USC 668d	Import, export, take, possess, sell, purchase, barter, transport, any bald or golden eagle, or their parts, nests, or eggs	1000.00 + 100.00/specimen

50 CFR 22: Eagle and Eagle Permit Regulations

SECTION NUMBER	OFFENSE	COLLATERAL
22.11	Take, possess, or transport a bald or golden eagle, part, nests or eggs thereof	750.00

SECTION NUMBER	OFFENSE	COLLATERAL
22.12	Sell, purchase, barter, trade, or offer for sale, purchase, barter or trade, export or import bald or golden eagle or parts, nests, or eggs thereof	600.00+100.00/specimen
22.21-22.32	Violate eagle permit requirements	300.00
22.1 thru end	All other violations	250.00

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA & FLORA (CITES)
(16 USC 1531-1543)

50 CFR 23: CITES Regulations

SECTION NUMBER	OFFENSE	COLLATERAL
23.11(a) thru (e)	Unlawfully import, export, re-export, or possess	

unlawfully imported, exported, or re-exported

	Appendix I species	500.00+100.00/specimen
	Appendix II species	350.00+ 75.00/specimen
	Appendix III species	250.00+ 50.00/specimen
23.1 to end	All other violations	250.00

50 CFR 24: Importation and Exportation of Plants:

SECTION NUMBER	OFFENSE	COLLATERAL
24.11	Import, export, re-export plants at non-designated port	
	Non-Commercial	50.00
	Commercial	300.00
24.1 to end	All other violations	100.00

NATIONAL RECREATIONAL AREAS ACT AND
NATIONAL WILDLIFE REFUGE (NWR) ADMINISTRATION ACT
16 USC 460K and 16 USC 668dd

50 CFR 25: NWR Administrative Provisions

SECTION NUMBER	OFFENSE	COLLATERAL
25.22	Failure to immediately turn in lost articles or money found on a NWR	50.00
25.42	Failure or refusal to display permit or identification upon request	75.00
25.56	Failure to pay entrance fee or display valid permit upon request	50.00
25.72	Failure to report accidents	100.00
25.1 to end	All other administrative provisions & regulations	50.00

50 CFR 26: NWR Public Entry and Use

SECTION NUMBER	OFFENSE	COLLATERAL
26.21(a)	Trespass on NWR	50.00
	Enter a closed area on a NWR	85.00
26.21(b)	Permit unconfined domestic animal to enter or roam at large upon any NWR	50.00/animal
26.22(a)	Violations of regulations, special regulations, posted signs or official notifications not enumerated elsewhere	50.00

	Park/moor/anchor vehicle in an unauthorized area on a NWR, as per general provisions contained in 25.31	25.00

SECTION NUMBER	OFFENSE	COLLATERAL
26.22(b)	Violation of the conditions of a NWR special use permit	75.00
26.33	Violation of special regulations	100.00
26.34	Violate special regulations of certain individual NWR's not enumerated elsewhere	50.00
26.36	Conduct public assembly, meeting, demonstration, or parade without a permit	100.00
26.1 to end	All other public entry and use regulations	50.00

50 CFR 27: NWR Prohibited Acts

SECTION NUMBER	OFFENSE	COLLATERAL
27.21	Take any animal or plant without authorization	100.00+50.00/specimen
27.31	Travel in or use of any motorized or other vehicle except on designated route of travel	150.00
27.31(a)	Operate a vehicle in violation of State Law	100.00
27.31(b)	Operate motor vehicle while under influence of intoxicating beverage or controlled substance	300.00
27.31(c)	Operate any vehicle carelessly or heedlessly	75.00
	Operate any vehicle in a willful manner or with wanton disregard for the rights or safety of others	200.00
27.31(d)	Exceed posted speed limit:	
	0 to 10 MPH over posted limit	25.00
	11 to 20 MPH over posted limit	50.00
	More than 20 MPH over posted limit	75.00+5.00/mi over 20
27.31(e)-(g), 27.31(j), 27.31(l)-(m)	Violation of NWR motor vehicle regulations	50.00
27.31(h)	Obstruction of motor vehicle traffic on a NWR	50.00
27.31(i)	Failure to obey orders of authorized official regulating traffic on a NWR	100.00
27.31(k)	Unauthorized moving of vehicle involved in an accident	100.00

27.32(a)	Unauthorized use of boat	50.00
27.32(b)(l)(i)	Operate boat in violation of U.S. Coast Guard laws	50.00
27.32(b)(l)(ii)	Operate boat in violation of State laws	50.00
27.32(b)2)	Operate boat in reckless or negligent manner	100.00
27.32(b)(3)	Operate boat while under the influence of intoxicating beverages or controlled substance	300.00
27.32(b)(4)	Operate boat so as to interfere with the operation of other boats	100.00
27.32(b)(5)	Operate boat without proper marine head	50.00

SECTION NUMBER	OFFENSE	COLLATERAL
27.32(b)(6)	Operate sailboat at night without proper lights	100.00
27.32(b)(7)	Leave boat unattended for 72 hours	100.00 + removal cost
27.32(b)(8)	Unauthorized use of government-owned dock	50.00
27.33	Unauthorized waterskiing on NWR	50.00
27.34	Unauthorized operation of an aircraft on or over a NWR	200.00
27.4l	Carry, possess, or discharge firearm, fireworks, or explosives without authorization	l50.00
27.42	Possess, use, transport firearms contrary to federal or state law or 50 CFR 27.42	150.00
27.43	Use or possess prohibited weapon on a NWR	l50.00
27.5l	Disturb, injure, spear, poison, destroy, collect, or attempt thereto any plant or animal on a NWR	l50.00+25.00/specimen
27.52	Introduce or liberate onto NWR any animal or plant take elsewhere	l00.00+25.00/specimen
27.6l	Destruction of/removal of property on/from a NWR	200.00 + Repair or replacement cost of property
27.62	Search for objects of antiquity on a NWR without authorization	200.00 + Restoration Cost
	Remove objects of antiquity from a NWR without authorization	200.00 + 25.00/object + Restoration cost
27.63(a)	Unauthorized search for other valued objects	l00.00 +

		Restoration cost
27.63(b)	Conduct archeological studies without authorization	100.00 + Restoration Cost
27.64	Prospect, locate or file mining claims on a NWR	200.00 + Restoration cost
27.65	Tamper with vehicles and/or other equipment on a NWR	250.00 + Repair Cost
27.71	Take or film motion or sound pictures on a NWR for commercial use without authorization	100.00
27.72	Operate or use audio devices on a NWR so as to cause disturbance to others	75.00
27.73	Unauthorized use of artificial lights on a NWR to locate or spot wildlife	100.00
	Unauthorized use of artificial lights on a NWR for the purpose of taking animals	250.00 + 50.00/animal
27.81	Entering or remaining on a NWR while under the influence alcohol	100.00
27.82(b)(1)	Deliver any controlled substance on a NWR	500.00

SECTION NUMBER	OFFENSE	COLLATERAL
27.82(b)(2)	Possess any controlled substance on a NWR	250.00
27.82(b)(3)	Presence in a NWR while under the influence of controlled substance	200.00
27.83	Indecency or disorderly conduct on a NWR	100.00
27.84	Disturb/interfere with official in performance of duty or, a private person engaged in authorized activity	300.00
	Interfere (provide false information) with official in performance of duty	150.00
27.85	Gambling on a NWR	100.00
27.86	Begging or soliciting funds on a NWR	50.00
27.91	Violation of field trial prohibition	50.00
27.92	Construct, install, occupy, or maintain private structure on a NWR	100.00 + Removal Cost
27.93	Abandon private property on a NWR	100.00 + Removal Cost
27.94(a)	Dump refuse, wastes, debris, garbage, sludge, earth, oils,	

	pesticides, poisons, medical waste, et. cet. on a NWR	300.00 + Clean up Cost
	Littering on a NWR	50.00 + Clean up Cost
27.94(b)	Violation of sanitary regulations	100.00
27.95(a)	Setting or causing a fire on a NWR	300.00 + Restoration Cost
	Unauthorized campfire on a NWR	100.00
27.95(b) & (c)	Unattended campfire/throw lighted substance	100.00
27.95(d)	Smoking violations	50.00
27.96	Unauthorized advertising on a NWR	100.00 + Removal Cost
27.97	Soliciting or conducting a commercial enterprise on a NWR	100.00
27.1 to end	All other violations	50.00

50 CFR 28: NWR Enforcement Penalties

SECTION NUMBER	OFFENSE	COLLATERAL
28.31	All other violations	100.00
28.32(b)	Cut and/or remove timber growing on a NWR	250.00
	Cut, injure or destroy trees growing on a NWR	250.00

50 CFR 31: NWR Trapping Regulations

SECTION NUMBER	OFFENSE	COLLATERAL
31.16	Violation of federal or state trapping laws/regulations:	
	Violate state law	50.00
	Violate permit conditions, marking of stakes, traps, etc	50.00
	Failure to inspect traps, other violations not enumerated	75.00
	Unlawful sets, or use of unlawful equipment	100.00
	Each animal unlawfully trapped	50.00
	Trap without state license	100.00
31.1 to end	All other violations	50.00

50 CFR 32: NWR Hunting & Fishing Regulations

SECTION NUMBER	OFFENSE	COLLATERAL
32.2(a)	Hunt without possessing state license	100.00
32.2(b)	Hunt without federal duck stamp	100.00
32.2(c)	Hunt in violation of other federal laws or regulations	50.00
32.2(d)	Failure to comply with state laws and regulations	50.00
32.2(e)	Failure to comply with terms and conditions authorizing access or use of wildlife refuge areas	50.00
32.2(f)	Failure to comply with refuge special hunting regulations	50.00
32.2(g)	Use/possession of drug on arrow for bow hunting on a NWR	100.00
32.2(h)	Unauthorized use of bait and hunting over bait	250.00 + $50.00/animal
32.2(i)	Unauthorized use of nails, wires, bolts to attach a stand to a tree	150.00 + Removal Cost
	Hunting from a tree into which a metal object has been driven to support a hunter	75.00 + Removal Cost
32.2(j)	Use/possession of alcohol while hunting on a NWR	150.00
32.5(a)	Fishing on a NWR without possessing state license	100.00
32.5(b) thru (e)	Violation of NWR fishing regulations	50.00
32.1 to end	All other violations	50.00

NATIONAL WILDERNESS PRESERVATION SYSTEM OF 1964
(16 USC 1131 - 1146)

50 CFR 35: NWR Special Regulations

SECTION NUMBER	OFFENSE	COLLATERAL
35.5	Unauthorized use of motor vehicles, motorized equipment, motorboats, landing of aircraft within a NWR Wilderness Area	150.00

SECTION NUMBER	OFFENSE	COLLATERAL
35.5	Use of a structure or other installation within a NWR Wilderness Area	50.00
35.6(b)	Non-compliance of "All persons entering a Wilderness unit will be required to remove any materials that they carry	

in."..... 100.00

LACEY ACT
(16 USC 3371-3378)

STATUTE	OFFENSE	COLLATERAL
16 USC 3372(a)(1)		
	Import, export, transport, sell receive, acquire, or purchase any fish, wildlife, or plant, taken, possessed, transported, or sold in violation of any law, treaty or regulation of the U.S. or in violation of any Indian tribal Law.....	450.00+50.00/specimen
16 USC 3372(a)(2)		
	Import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce:	
	(A) any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any state or in violation of any foreign law or.....	450.00+50.00/specimen
	(B) any plant taken, possessed, transported, or sold in violation of any law or regulation of any state.....	450.00+50.00/specimen
16 USC 3372(a)(3)		
	Within the special maritime and territorial jurisdiction of the U.S.:	
	(A) possess any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any state or in violation of any foreign law or Indian tribal law.....	450.00+50.00/specimen
	(B) possess any plant taken, possessed, transported or sold in violation of any law or regulation of any state.....	450.00+50.00/specimen

STATUTE	OFFENSE	COLLATERAL

16 USC 3372(a)(4)

Attempt to commit any act described in 3372(a) paragraphs (1) through (4)	450.00+50.00/specimen

16 USC 3372(b)

Import, export or transport in interstate commerce any fish or wildlife in unmarked or improperly marked, labelled or tagged container or package	450.00

16 USC 3372(c)(1)(A) & (B) and 16 USC 3372(c)(2)(A) & (B)

Provide guiding, outfitting, or other services; or a hunting or fishing license or permit; for the illegal taking, acquiring, receiving, transporting, or possessing of fish or wildlife	500.00

16 USC 3372(d)(1) & (2)

Make or submit false record, label or identification of fish, wildlife or plant which has been, or is intended to be imported, exported, transported, sold, purchased, or received from any foreign country; or transported in interstate or foreign commerce	450.00

ASSIMILATIVE CRIMES ACT
(18 USC 13)

STATUTE	OFFENSE	COLLATERAL
18 USC 13	Violations of state fish and game statutes and regulations within the special maritime and territorial jurisdiction of the U.S	300.00+50.00/specimen

AMERICAN ANTIQUITIES ACT
(16 USC 433)

STATUTE	OFFENSE	COLLATERAL
16 USC 433	Appropriate, excavate, injure, or destroy historic or pre-historic ruin or monument or any object of antiquity	300.00 + Restoration Cost

AFRICAN ELEPHANT CONSERVATION ACT
(16 USC 4201-4245)

STATUTE	OFFENSE	COLLATERAL
16 USC 4223	Import or export elephant ivory contrary to 16 USC 4221	

and 16 USC 4222:

Non-Commercial	50.00
Commercial	350.00

OVERSIGHT PROVISION
(All regulatory provisions of 50 CFR et. seq. not previously listed)

SECTION NUMBER	OFFENSE	COLLATERAL
	All other violations not specifically listed on this schedule	250.00

WILDLIFE/PROPERTY FORFEITURE ORDER

Unless otherwise specifically ordered by a United States Court, any fish, wildlife or plant which has been seized under the authority of the Migratory Bird Treaty Act, 16 USC 703-711; the National Wildlife Refuge Systems Administration Act, 16 USC 668dd-668ee; the National Recreation Areas Act, 16 USC 460K; the Upper Mississippi River Wildlife and Fish Refuge Act, 16 USC 721-731; the Eagle Protection Act, 16 USC 668-668e; the Endangered Species Act, 16 USC 1531-1542; the Migratory Waterfowl Hunting Stamp Act, 16 USC 718-718i; the Airborne Hunting Act, 16 USC 742j-1; the Marine Mammal Protection Act, 16 USC 1361-1407; the Tariff Classification Act, 19 USC 1202; the Lacey Act, 18 USC 42; the Lacey Act Amendments of 1981, 16 USC 3371-3378; the American Antiquities Act, 16 USC 433; or the African Elephant Conservation Act, 16 USC 4201-4245, where the final disposition of the case has been made by either payment of a forfeiture of collateral or a judgment by the Court on behalf of the government and where so authorized by statute, such wildlife, or plant shall be forfeited to the U.S. Government and disposed of by the U.S. Fish and Wildlife Service in the manner prescribed by Title 50, Code of Federal Regulations, Part 12.

Approved by the Court this 30th day of June 1998
Anne E. Thompson, Chief Judge for the Court

LIST OF PETTY OFFENSES AND MINIMUM FINES APPLICABLE THERETO AT NATIONAL PARKS

Persons charged at a National Park with any offense listed below may, in lieu of appearance, post collateral in the amount indicated for the offense, waive appearance before a Magistrate, and consent to forfeiture of collateral. Persons charged with offenses not listed must appear for trial.

The collateral and minimum fine for the following offenses is fixed as follows.

MA means mandatory appearance.

		1st OFFENSE	2nd OFFENSE	3rd OFFENSE
36 CFR 1.5 - Closures and Public Use limit				
_____[f]	Closure, designation, use or activity restriction visiting hours, public use limit	$ 40.00		
36 CFR 1.6 - Permits				
[h]	Terms/conditions of permit	$ 50.00		
PART 2 - RESOURCE PROTECTION, PUBLIC USE AND RECREATION				
36 CFR 2.1 - Preservation of Natural, Cultural and Archeological Resources				
[a][1]	Possession, destroying, injuring, etc.			
	[i] living or dead wildlife and fish	$150.00		
	[ii] plants or parts	100.00		
	[iii] nonfossilized/fossilized specimens	100.00		
	[iv] mineral resources/cave formation	100.00		
[a][2]	Introducing wildlife, fish or plants	250.00		
[3]	Throwing/rolling rocks	50.00		
[4]	Using/possessing wood	50.00		
[5]	Walking on, climbing, entering, etc.	50.00		
[6]	Possessing, disturbing... a structure, Cultural or archeological resource	250.00	MA	
[7]	Possession or use of mineral or metal detector	150.00	MA	
36 CFR 2.2 - Wildlife Protection				
[a][1]	Taking of wildlife	$500.00	MA	
[2]	Disturbing wildlife	100.00	MA	
[3]	Possess unlawfully taken wildlife	500.00	MA	
	Transporting lawfully taken wildlife or parts, violation of conditions	500.00	MA	
[e]	Using artificial light to view wildlife in closed areas	100.00	150.00	MA

36 CFR 2.3 - Fishing

_____[a]	Adoption of non conflicting state laws of fishing	$ 50.00			
[d][1]	Improper method/unattended line	50.00			
[2]	Possessing/using unauthorized bait, etc.	50.00			
[3]	Feeding/attracting fish	50.00			
[4]	Commercial fishing	250.00	500.00	M	A
[5]	Illegal fishing aids; drugs, poison explosives, etc.	100.00	100.00	MA	
[6]	Digging for bait	50.00			
[7]	Improper catch and release	50.00			
[8]	Fishing from bridges, docks, etc.	50.00			

36 CFR 2.4 - Weapons, Traps and Nets

[b]	Improper transportation	250.00	500.00	MA
[c]	Use endangering persons or property	500.00	MA	
[d]	Violation of terms/conditions of permit	50.00		

36 CFR 2.5 - Research Specimens

[a]	Taking specimens without permit	$250.00	500.00	MA
[h]	Violation of terms/conditions of a permit	250.00		

36 CFR 2.10 - Camping and Food Storage

[a]	Prohibited	$ 50.00

36 CFR 2.11 - Picnicking

Violation of established conditions	$ 40.00

36 CFR 2.12 - Audio Disturbances

[a][1]	Operating motor equip, audio device	$ 50.00
[2]	Power saw without permit	50.00
[3]	Operating motorized equipment, in undeveloped area	50.00
[4]	Public address system without permit	50.00
[b]	Terms/conditions of permit	50.00

36 CFR 2.13 - Fires

[a][1]	Prohibited	$ 50.00		
[4]	Unattended fire	50.00		
[5]	Improper disposal of lighted/smoldering matter	50.00		
[b]	Failure to extinguish fires	50.00		

36 CFR 2.14 - Sanitation and Refuse

[a][1]	Improper disposal of refuse			
[i]	refuse/litter small amount	$ 50.00		
[ii]	refuse/litter large amount	100.00	250.00	
[2]	Unauthorized use of disposal receptacles	100.00	250.00	
[3]	Depos. Refuse in plumb. fixtures/toilets	50.00		
[4]	Improper draining of refuse from vehicle	50.00		
[5]	Improper use of public water outlets	50.00		
[6]	Pollution/contaminating park water	250.00	500.00	MA
[7]	Improper disposal of fish remains	50.00		
[9]	Improper disposal of human body waste in undeveloped areas	50.00		
[b]	Terms/conditions of permit	50.00		

36 CFR 2.15 - Pets

[a][1]	Pets in closed area	50.00
[2]	Failure to crate, cage, restrain leash	40.00
[3]	Unattended pet	40.00
[4]	Allowing pet to make unreasonable noise	40.00
[5]	Failure to comply w/pet excrement dispos.	40.00
[e]	Terms/conditions of pet permit, park res.	40.00

36 CFR 2.16 - Horses and Pack Animals

[a]	Use of undesignated pack animals	$ 50.00	
[b]	Pack animals off trails or in undesig. areas	50.00	100.00
[c]	Pack animals on park roads	40.00	
[d]	Free-trailing/loose herding, etc.	50.00	
	plus per animal	+10.00	
[e]	Moving too fast near persons	50.00	
[f]	Obstruct, impeding, disturb pack animals	50.00	
[g]	Terms/conditions of permit	50.00	

36 CFR 2.17 - Aircraft/Parachute

[a]	The following are prohibited:	
[1]	Operating or use of aircraft on lands	$100.00
[2]	Operating, using a parachute, or delivering or retrieving a person or object by any airborne means except in emergency involving public safety or property loss	$100.00

36 CFR 2.18 - Snowmobiles

[a]	Prohibited	$ 50.00

36 CFR 2.19 - Winter Activities

[a]	Skiing, snowshoeing, ice skating, etc. on park roads	$ 40.00
[b]	Towing skier, sledder, etc behind veh.	40.00
[c]	Failure to comply with restrictions	40.00

36 CFR 2.20 - Skating, Skateboards and Similar Devices

use of rollerskates, skateboards, coasting vehicles, in undesignated areas	$ 25.00

36 CFR 2.21 - Smoking

[a]	Smoking in prohibited areas	$ 25.00

36 CFR 2.22 - Property

[a][1]	Abandoning property	$ 50.00
[2]	Unattended property over 24 hours	50.00
[3]	Failure to turn in found property	50.00

36 CFR 2.23 - Recreation Fees

[b]	Failure to pay required fees	$ 50.00

36 CFR 2.31 - Trespassing, Tampering and Vandalism

_____[a][1]	Trespassing	$100.00		
[2]	Tampering/attempting	100.00		
[3]	Vandalism	250.00	500.00	MA

36 CFR 2.33 - Report of Injury or Damage

[b]	Failure to report	$150.00		

36 CFR 2.35 - Alcoholic Beverages and Controlled Substances

[a][3]	Alcoholic beverage in closed area	50.00	100.00	MA

36 CFR 2.36 - Gambling

[a]	Gambling in any form prohibited	$100.00		

36 CFR 2.37 - Noncommercial Soliciting

_____[a]	Soliciting without permit	50.00		

36 CFR 2.38 - Explosives

[a]	Use, possession, transporting, storing	$250.00		
[b]	Unauthorized use/possession of fireworks	50.00		
[c]	Terms/conditions established or of permit	50.00		

36 CFR 2.50 - Special Events

[e]	Terms/conditions of permit	$ 50.00		

36 CFR 2.51 - Public Assemblies, Meetings

[a]	W/o a permit	$ 50.00		
[h]	Permitees obstruct, impeding, etc	200.00		
[j]	Terms and conditions of permit	50.00		

36 CFR 2.52 - Sale or Distribution of Printed Matter

[a]	Sale or distribution without permit	$ 50.00		
[h]	Permitees obstruct, impeding, etc	200.00	MA	
[j]	Terms and conditions of permit	50.00		
[b]	Terms and conditions of permit	100.00		

36 CFR 2.60 - Livestock and Agriculture

[a]	Running-at-large, herding, drive across allowing on, pasturing or grazing of stock	$100.00

36 CFR 2.61 - Residing on Federal lands

[b]	Terms and conditions of permit	50.00

36 CFR 2.62 - Memorialization

_____[a]	Commemorative installation of memorials	$200.00
[b]	Scattering of human ashes from cremation	50.00
[c]	Failure to abide by area designations/ conditions	50.00
[d]	Terms and conditions of permit	50.00

PART 4 - VEHICLES AND TRAFFIC SAFETY

36 CFR 4.4 - Report of motor vehicle accident

[b]	Fail to notify prior to towing/moving	$100.00
[c]	Fail to report	100.00

36 CFR 4.10 - Travel on park roads and designated routes

[a]	Operating a motor vehicle [other than] on designated roads and parking areas	$ 50.00
[b]	Operating off road vehicles prohibited	50.00
[2]	Operating a MV causing unreasonable damage to road surface	100.00

36 CFR 4.11 - Load, weight and size limits

[b][1]	Exceeds load, weight or size limit	$250.00
[2]	Failure to obtain permit when required	250.00
[3]	Violating term or condition of permit	200.00
[4]	Use of detachable side mirror that extends more than 10" beyond fender line, except when towing	50.00

36 CFR 4.12 - Traffic control devices

Fail to comply w/a traffic control device	$ 50.00

(except parking which is) 40.00

36 CFR 4.13 - Obstructing traffic

_____[a] Stopping or parking on a park road except as authorized or under conditions beyond operators control $ 50.00

[b] Operating a motor vehicle so slowly as to interfere w/normal flow of traffic 50.00

36 CFR 4.14 - Open container of alcoholic beverage

[b] Carrying or storing a bottle, can or other receptacle containing an alcoholic beverage that is open or has been opened or whose seal has been broken or the contents of which have been partially removed within a motor vehicle in a readily accessible location including the glove compartment is prohibited and is the responsibility of the operator $100.00_____$250.00

36 CFR 4.20 - Right of way

Failure to yield right of way to pedestrians, saddle horses, pack animals and vehicles drawn by animals is prohibited $ 50.00

36 CFR 4.21 - Speed limits

In excess of the speed limit is prohibited

1-20 over	$ 70.00
21-30 over	90.00
31-and over	MA

36 CFR 4.22 - Unsafe operation

_____[b][1] Operating without due care	$150.00
[2] Squealing tires	75.00
[3] Fail to maintain control	150.00
[4][i] Allowing person to ride on or within a trailer towed behind not designated to carry passengers	100.00
[4][ii] Allowing persons to ride on exterior of a vehicle not designated for riding	100.00

STATE/COUNTY COLLATERALS [REFERENCE 36 CFR 4.2]

39:3-11	Conditional license violation	40.00	
39:3-75	Tinted windows	40.00	
39:3-29	Refusal to show license, regis., insur.	40.00	
39:3-32	Fail to repl. lost, defaced plates	40.00	
39:3-33	Display of unclear, indistinct plates	40.00	
39:3-36	Failure to notify of change of address	40.00	
39:3-44	Vehicle in unsafe condition	40.00	
39:3-47	Improper lighting equipment	40.00	
39:3-49	Headlights	40.00	
39:3-69	Horns and warning devices	40.00	
39:3-70	Noisy Muffler	40.00	
39:3-71	Mirrors	40.00	
39:3-74	Obstruction of windshield for vision	40.00	
39:3-76.2	Safety belt equipment	40.00	
39:3-76.2A	Fail to use Child Restrnt, under age 5	40.00	
39:3-76.2f	Failure to wear seatbelt	40.00	
39:3-76.4	Muffler system for motorcycles	40.00	
39:3-76.10	Motorcycle oper and equipment violations	40.00	
39:3-76.5	Footrests and helmet for passenger	70.00	
39:4-10.1	Bicycle Helmet, (under 14 yrs)	25.00	100.00
39:4-123	Right and Left hand turns	50.00	
39:4-124	Failure to turn as indicated	50.00	
39:4-125	U-turn on curve or grade w obst view/posted sign	50.00	
39:4-126	Failure to signal	50.00	
39:4-127	Backing or turning in street	50.00	

STATE/COUNTY COLLATERALS [REFERENCE 36 CFR 4.2]

39:4-135	Improper parking	40.00
	a. within intersection	
	b. on a crosswalk	
	d. in front of driveway	
	e. within 25' of a crosswalk	
	f. on a sidewalk	
	h. within 50' of a “stop” sign	
	i. within 10' of a fire hydrant	
	m. double parking	
39:4-91	Right of way emergency vehicles	70.00
39:4-197o	Handicapped Parking violation	$100.00

36 CFR 4.30 - Bicycles

[a]	Off designated roads	$ 40.00

PARTS 5 - COMMERCIAL AND PRIVATE OPERATIONS

36 CFR 5.1 - Advertisements

	Advertise, display, post, distribute commercial notice without permit	50.00

36 CFR 5.2 - Alcoholic Beverages; Sale of Intoxicants

[b]	Sale on privately owned lands within specified parks w/o permit	$150.00

36 CFR 5.3 - Business Operations

	Engaging in or soliciting business w/o permit, contract, etc.	$150.00

36 CFR 5.4 - Commercial Passenger Carrying Motor Vehicles

[a]	Commercial transportation by motor vehicle w/o contract or permit in specified parks	$150.00
[b]	Oversized passenger carrying motor veh.	150.00

36 CFR 5.5 - Commercial Photography

_____[a]	Motion pictures/television w/o permit	$150.00
[b]	Still photography for commercial advertising w/o permit	150.00

36 CFR 5.6 - Commercial Vehicles

_____[a]	Use of park roads prohibited	$150.00

36 CFR 5.13 - Nuisance

	Creating or maintaining a nuisance	$ 50.00

Approved by the Court this 6th day of July 1998

Anne E. Thompson, Chief Judge for the Court

BUREAU OF LAND MANAGEMENT

VIOLATIONS OF UNITED STATES CODE:

TITLE/SECTION		Collateral fine
16/433	American Antiquities	$200.00
18/1361	Vandalism	$200.00
18/1852	Timber removed or transported	$250.00
18/1853	Trees cut or injured	$250.00
18/1856	Fires left unattended	$100.00
18/1857	Fences destroyed; livestock entering	$100.00
18/1858	Survey marks destroyed or removed	Mandatory Appearance
43/1061	Unlawful enclosure	$250.00
43/1063	Obstruction of transit over Public Lands	$100.00

VIOLATIONS OCCURRING WITHIN LANDS ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT
CHARGED UNDER CITED SECTIONS OF TITLE 43, CODE OF FEDERAL REGULATIONS.

4140.1(b)(1)(i)	Allowing livestock on Public Land without permit or lease.	$100.00
4140.1(b)(2)	Disturbing or installing range improvements	$100.00
4140.1(b)(3)	Cutting, burning, spraying, destroying or removing vegetation	$100.00
4140.1(b)(4)	Damaging or removing U.S. Property	Mandatory Appearance
4140.1(b)(5)	Molesting livestock	$100.00
4140.1(b)(6)	Littering	$100.00

4140.1(b)(7)	Interfering with lawful uses or users	$100.00
4140.1(b)(8)	False statements	$200.00
4770.1(a)	Maliciously or negligently injuring or harassing a wild Horse or Burro	$150.00
4770.1(c)	Destroying wild Horse or Burro w/o authorization except as act of mercy	$150.00
4770.1 (d)	Selling Wild Horse or Burro	$300.00
4770.1(e)	Uses Wild Horse or Burro for Commercial exploitation	$250.00
4770.1(f)	Inhumane treatment of Wild Horse or Burro	$300.00
4770.1(g)	Violating term or condition of private maintenance and care agreement	$150.00
4770.1(h)	Branding a Wild Horse or Burro	$200.00
4770.1(i)	Removal or alteration of official mark	Mandatory Appearance
4770.1(j)	Violating an order, term, or condition established by the Authorized Officer under this part.	$200.00
8365.1-4(a)(2)	Creating a hazard or nuisance	$100.00
8365.1-4(a)(3)	Refusing to disperse	$100.00
8365.1-4(a)(4)	Resisting arrest, citation; interfering with officer	$500.00
8365.1-4(a)(5)	Assault or battery on BLM Employee	Mandatory Appearance
8365.1-4(a)(6)	False emergency or crime report	$250.00
9262.1	Unauthorized use, occupancy, or development of public lands	$250.00
9264.7(a)(2)	Converts Wild Horse or Burro to private use	$200.00

9264.7(a)(3)	Causing death or harassment of Wild Horse or Burro	$250.00
9264.7(a)(4)	Processes Wild Horse or Burro into Commercial products	$150.00
9264.7(a)(8)	Use of Wild Horse or Burro for Bucking stock	$150.00
9264.7(a)(9)	Fails to produce Wild Horse or Burro for inspection	$100.00
9264.7(a)(10)	Failure to notify of death of Wild Horse or Burro	$100.00
9264.7(a)(12)	Abandoning Wild Horse or Burro	$200.00
9264.7(a)(13)	Failure to attempt to capture Wild Horse or Burro	$100.00
9264.7(a)(14)	Accepting Wild Horse or Burro for slaughter or destruction	Mandatory Appearance
9264.7(a)(15)	Failure to retain Wild Horse or Burro certification	$100.00

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: Amendment of Local Civil Rules Appendix F : **ORDER**

It is on this day of March, 2003,

ORDERED that the following rates be and hereby are established for transcripts furnished by the Official Court Reporters:

	Original	First Copy to Each Party	Each Add'l Copy to the Same Party
Ordinary Transcript A transcript to be delivered within 30 calendar days after receipt of order.	$3.30	$.83	$.55
Expedited Transcript A transcript to be delivered within seven calendar days after receipt of order.	4.40	.83	.55
Daily Transcript A transcript to be delivered following adjournment and prior to the normal opening hour of the Court on the following morning whether or not it actually be a court day.	5.50	1.10	.83
Hourly Transcript A transcript of proceedings ordered under unusual circumstances to be delivered within two hours.	6.60	1.10	.83
Realtime Transcript A draft unedited transcript produced by a certified realtime reporter as a byproduct of realtime to be delivered electronically during proceedings or immediately following adjournment.	2.75	1.10	

It is FURTHER ORDERED these amendments are effective April 15, 2003.

FOR THE COURT:

JOHN W. BISSELL
Chief Judge

APPENDIX G.

OFFICIAL NEWSPAPERS

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

The following have been designated as official newspapers, within their respective counties, for the publication of notices and orders under all statutes and under all rules and general orders of the Supreme Court of the United States requiring or permitting this Court to designate newspapers for official publications:

THE ASBURY PARK PRESS
3601 Highway 66
P.O. Box 1550
Neptune, NJ 07754-4818
Counties: Monmouth, Ocean

BURLINGTON COUNTY TIMES
4284 Route 130 North
Willingboro, NJ 08046
Counties: Burlington

THE COURIER-NEWS
1201 Route 22 West
P.O. Box 6600
Bridgewater, NJ 08807
Counties: Hunterdon, Middlesex, Somerset, Union

COURIER-POST
301 Cuthbert Boulevard
P.O. Box 5300
Cherry Hill, NJ 08002
Counties: Burlington, Camden, Gloucester

THE DAILY JOURNAL
891 East Oak Road
P.O. Box 1504
Vineland, NJ 08360
Counties: Atlantic, Cumberland, Salem

THE GLOUCESTER COUNTY TIMES
309 South Broad Street
Woodbury, NJ 08096-2488
Counties: Gloucester

HERALD NEWS
One Garrett Mountain Plaza
CN 473
West Paterson, NJ 07424
Counties: Bergen, Passaic

HOME NEWS TRIBUNE
35 Kennedy Boulevard
P.O. Box 1049
East Brunswick, NJ 08816
Counties: Middlesex, Somerset, Union

THE JERSEY JOURNAL
30 Journal Square
Jersey City, NJ 07306
Counties: Hudson

NEW JERSEY HERALD
2 Spring Street
P.O. Box 10
Newton, NJ 07860
Counties: Sussex

THE PRESS OF ATLANTIC CITY
Devins Lane
Pleasantville, NJ 08232-3806
Counties: Atlantic, Cape May, Cumberland, Gloucester, Ocean

THE RECORD
150 River Street
Hackensack, NJ 07601-7172
Counties: Bergen, some Morris, Passaic

THE STAR LEDGER
One Star Ledger Plaza
Newark, NJ 07102-1200
Atlantic, Bergen, Essex, Hudson, Hunterdon, Mercer, Monmouth, Morris, Somerset, Union, Warren

THE TIMES
500 Perry Street
P.O. Box 847
Trenton, NJ 08605
Counties: Burlington, Hunterdon, Mercer, Middlesex, Ocean

TODAY'S SUNBEAM
93 Fifth Street
Salem, NJ 08079
Counties: Gloucester, Salem

THE TRENTONIAN
600 Perry Street
Trenton, NJ 08619
Counties: Burlington, Hunterdon, Mercer

LEGAL PUBLICATIONS

NEW JERSEY LAW JOURNAL
238 Mulberry Street
P.O. Box 20081
Newark, NJ 07101-6081
Weekly Publication Throughout New Jersey

NEW JERSEY LAWYER
2035 Lincoln Highway
Edison, NJ 08817
Weekly Publication Throughout New Jersey

Appendix H: Appointment of Attorneys in *Pro Se* Civil Actions

The following procedures shall govern the appointment of attorneys to represent *pro se* parties in civil actions who lack sufficient resources to retain counsel.

The following procedures shall not govern the appointment of attorneys to represent *pro se* petitioners seeking a writ of habeas corpus on the ground they are in custody in violation of the Constitution or laws or treaties of the United States pursuant to 28 U.S.C. § 2254, or to *pro se* petitioners moving to vacate, set aside or correct their sentences pursuant to 28 U.S.C. § 2255. The appointment of attorneys in such cases shall be governed instead by 18 U.S.C. § 3006A, and counsel furnishing representation in such cases shall be selected from a panel of attorneys designated by the Court pursuant to 18 U.S.C. § 3006A(b) and its Criminal Justice Act Plan.

1. Civil *Pro Bono* Panel. There shall be a panel of attorneys who are willing to accept appointment to represent *pro se* parties in civil actions when such parties lack the resources to retain counsel. Appointment shall be made by the Office of the Clerk in accordance with the written procedures there on file, except that in special circumstances the Judge may appoint counsel directly.

2. Committee on Civil *Pro Bono* Litigation. The Chief Judge shall annually appoint a committee on civil *pro bono* litigation to oversee the operation of the *Pro Bono* Panel. This Committee shall include at least one United States District Judge, one United States Magistrate Judge, and representatives of the District of New Jersey bar who practice primarily in federal courts. The Committee shall oversee the Civil *Pro Bono* Panel established herein, recruit new members to the Panel and expert witnesses willing to accept reduced fees, provide training opportunities for Panel members, and annually report to the Chief Judge on the operation and utilization of the panel, recruitment, and recommended changes for improving the operation of the Panel.

3. Composition of the Civil *Pro Bono* Panel. The Civil *Pro Bono* Panel will consist of the following:

a. Attorney Instructors in Law School Clinical Programs. An attorney working with a clinical program from a law school accredited by the American Bar Association and located in the District of New Jersey may apply to participate by completing the appropriate forms available from the Clerk. In the application the attorney shall set forth, among other things:

1. that the attorney is in good standing in the District of New Jersey;
2. the number of cases per calendar year the attorney is willing to accept for the clinical program;
3. the preference for appointment among the types of actions (e.g., social security appeals, inmate civil rights, other civil rights, and miscellaneous);
4. the number of students involved in the clinical program;
5. the ability of the attorney and the clinical program to represent non-English-speaking clients;
6. the name of the supervisor of the clinical program.

b. Law Firms. Law firms, including public interest law firms, may apply to participate in the panel as firms by completing an application which sets forth, among other things:

1. the number of appointed cases per calendar year in which the firm is willing to accept appointment;
2. the names of the participating attorneys;
3. the ability of participating attorneys to represent non-English-speaking clients;
4. the firm's preference for appointment among various types of actions;
5. the name of the firm's attorney who will serve as the panel liaison.

Any matter assigned to a firm shall be directed to that firm's panel liaison, who, in turn, shall assign the matter to an attorney with that firm. Appearance in the action may be entered by either the firm or the assigned attorney, at the firm's option. The liaison, however, shall inform the Clerk, in writing, of the name of the attorney actually handling the matter.

c. Individual Attorneys. Attorneys who are willing to accept appointment to represent *pro se* parties shall submit an application setting forth, among other things:

1. the number of appointed cases per calendar year the attorney is willing to accept;
2. a description of the attorney's prior civil trial experience, including number of trials and areas of experience;
3. whether the attorney is able to represent non-English-speaking clients;
4. the attorney's preference for appointment among various types of actions.

d. Review of Applications. The Committee on Civil *Pro Bono* Litigation shall review all applications received and shall appoint attorneys to the panel when appropriate. The Committee may remove an attorney or firm from the panel at any time.

e. Amendment or Withdrawal. Information on an application may be amended at any time by letter. An attorney or firm may by letter withdraw from the panel at any time, subject to paragraphs 5 (Relief from Appointment) and 6 (Responsibilities of the Appointed Attorney).

4. Appointment Procedure

a. The Office of the Clerk shall advise and assist any party appearing *pro se* in filing an *in forma pauperis* affidavit. The Clerk shall notify every party who has been granted *in forma pauperis* status pursuant to 28 U.S.C. § 1915 and is appearing *pro se* of the opportunity to apply in writing to the assigned judge for the appointment of counsel. The Clerk shall enclose with such notice a copy of this Rule and a form application for appointment of counsel. If the party is an inmate and the case falls within a category for which this Court has provided that standard discovery shall occur, the Office of the Clerk shall provide the relevant forms to the party, who will be responsible for serving them, but no request for standard discovery shall issue in cases deemed frivolous under 28 U.S.C. § 1915A.

b. The Clerk shall identify each case in one of the following categories: social security appeals, employment discrimination actions, inmates' civil rights, other civil rights, and miscellaneous.

c. Upon the filing of an Application for Appointment of Counsel, the Judge or Magistrate Judge (hereinafter the term "Judge" also includes Magistrate Judges) to whom the action is assigned shall determine whether and when a panel attorney should be appointed to represent the *pro se* party. The Judge may also make this determination at any time *sua sponte*. In making this determination the Judge shall consider all relevant materials, including the standard discovery, if any, obtained by the litigant.

d. Whenever the assigned Judge concludes that appointment of counsel is warranted, the Judge shall refer the case to the Clerk for appointment of an attorney from the Civil *Pro Bono* Panel. In special circumstances, the Judge may appoint counsel directly, in which case the Judge shall notify the Clerk of that appointment. Assignment of cases to attorneys on the Civil *Pro Bono* Panel shall not be made without prior agreement by the attorney. Assignments to attorneys representing law school clinical programs will be made at appropriate times during the school's academic year.

e. The Clerk will select a law intern or attorney from the appropriate list unless the Judge orders appointment of a specific attorney. Assignments to law firms and attorneys will be made randomly throughout the year.

f. Before referring a case to a law firm or an attorney, the Clerk shall determine whether the litigant has any other case pending before the Court and whether an attorney has been appointed in such case. Where an appointed attorney is already representing the litigant in a prior action, such attorney is encouraged but not required to represent the litigant in the new action.

g. Once an attorney has agreed to accept an appointment, the Clerk shall immediately send written notice of the appointment to the selected law firm or attorney. Copies of the pleadings filed to date, any responses by the Department of

Corrections to standard discovery served by a *pro se* inmate, and relevant correspondence and other documents shall accompany such notice. Upon receipt of such notice, the appointed attorney shall promptly review the matter and enter an appearance in the action.

h. The Clerk shall also send immediate written notice of the appointment, including the name, address, and telephone number of the appointed attorney, to the party for whom the appointment is made and to all other parties in the action.

5. Relief From Appointment

a. An appointed attorney may apply to be relieved from appointment, on the following grounds:

(i) A conflict of interest precludes the attorney from representing the party;
(ii) the attorney believes that he or she is not competent to represent the party in the particular type of action assigned;
(iii) a personal incompatibility exists between the attorney and the party, or a substantial disagreement exists between the attorney and the party concerning litigation strategy; or
(iv) the attorney believes that the party is proceeding for the purposes of harassment or malicious injury, or that the party's claims or defenses are clearly unsupported by fact, are unwarranted under existing law, or cannot be supported by good faith argument to extend, modify, or reverse existing law.

b. If, at any time, the appointed attorney discovers that the party is or has become able to pay for legal services, the attorney shall bring this information to the attention of the assigned Judge. The Judge may thereupon relieve the attorney from the appointment and permit the party to retain another attorney, to proceed *pro se* or to continue with the appointed attorney, but on a paying basis.

c. Any attorney who seeks to be relieved from an appointment under 5a(i) or (ii) shall first make that request in writing to the client, setting forth the reasons therefor. If the client consents to the attorney's request to be relieved, the attorney, upon presenting such facts to the assigned Judge, shall be relieved.

d. If a client objects to an attorney's request to be relieved under 5a(i) or (ii), the attorney shall promptly submit his or her request in writing to the assigned Judge, along with a statement of the reasons for the request. The assigned Judge shall then decide whether to grant the request. Any request under this section, and the decision thereon, shall remain confidential and may not be made available to the other parties to the litigation.

e. If an application for relief from appointment is consented to or granted, the Judge may appoint or direct the Clerk to appoint another attorney from the panel to represent the party.

6. Responsibilities of the Appointed Attorney

a. Upon receiving an appointment, the attorney shall promptly communicate with the newly represented party concerning the action.

b. If, after reviewing the file and initial conference with the *pro se* litigant, the attorney concludes that he or she **[**cannot accept**]** must withdraw from the appointment because of the grounds enumerated in Section 5a(iii) or (iv), the attorney shall file a Notice of Withdrawal with the Court, with proof of service upon the client, stating without identification of reasons that "grounds for relief from appointment under 5(a)(iii) or (iv) exist" and return the case to the Clerk.

c. The appointed attorney should discuss the merits of the dispute with the party and explore with the party the possibilities of resolving the dispute by other means, including but not limited to administrative remedies.

d. If, after consultation with the appointed attorney, the party decides to prosecute or defend the action, the appointed attorney shall proceed to represent the party in the action, unless or until the attorney-client relationship is terminated as provided herein.

7. Discharge. A party for whom an attorney has been appointed shall be permitted to relieve the attorney from the representation. The party may ask the Judge to discharge the attorney. Upon a showing by affidavit of satisfactory reasons, the Judge may appoint a new attorney.

8. Expenses. The appointed attorney or the firm with which he or she is affiliated may advance the expenses of the litigation. Appointed p*ro bono* attorneys or firms may apply to the Judge during the litigation or within a reasonable period thereafter for reimbursement of costs reasonably incurred in connection with the litigation, not including attorneys' fees, to be paid from the *Pro Bono* Fund ("Fund") and the Attorneys' Admission Fee Account ("Account"). Reimbursement shall be granted to the extent that funds are available for this purpose in the Fund and Account for all expenses reasonably incurred and not reimbursed by the opposing party pursuant to an Order of the Court. It shall be irrelevant to the application for reimbursement whether the attorney's client prevailed.

a. The Court should generally approve motions by the appointed attorney or stipulations designed to reduce discovery expenses, such as taking depositions by other than use of a stenographic transcript, for example by tape recorder or telephone. *See* Fed. R. Civ. P. 30(b)(7).

b. To the extent practicable and where the client is a prisoner, pretrial proceedings in which the prisoner's participation is permitted shall be conducted by telephone, video conference, or other telecommunications technology without removing the prisoner from the facility in which he or she is confined. *See* 42 U.S.C. § 1997e(f)(1).

c. On request to the Clerk, the appointed attorney may use the Court's video conferencing facilities to communicate with a client who is a prisoner in a facility that has confidential video conferencing capabilities.

d. Appointed attorneys are encouraged to seek free or reduced costs for depositions from the National Court Reporters Association, and free or reduced cost expert reports and/or witnesses from a list which shall be maintained by the Committee on Civil *Pro Bono* Litigation and shall be available from the Clerk.

9. Compensation for Services

a. If the action is one for which compensation for legal services may become available to the appointed attorney by statute and be deductible from any recovery, the Clerk shall furnish information regarding such facts to the *pro se* party at the time the appointment is made. The Clerk shall also inform the party that any statutory fee award may be made only by the Judge upon application of counsel.

b. *Pro se* litigants in social security disability cases shall be specifically advised by the Clerk that a statutory attorney's fee may be awarded to be paid from the award, if any, of retroactive disability benefits.

c. Upon appropriate application by the appointed attorney, the Judge may award attorney's fees to the appointed attorney or legal clinic for services rendered in the action, as authorized by applicable statute, regulation, rule, or other provision of law, and as the Judge deems just and proper.

10. Duration of Representation

a. An appointed attorney shall represent the party in the action in the trial court from the date he or she enters an appearance until he or she has been relieved from appointment by the Court or until a final judgment is entered in the action and reasonable efforts are made to enforce the judgment. The attorney shall, if it is appropriate in his or her judgment or requested by the litigant, file a notice of appeal from a final judgment as well as any post-trial motions.

b. If the party wishes to take an appeal from a final judgment or appealable interlocutory order, of if such judgment or order is appealed by another party, or if the matter is remanded to an administrative forum, the appointed attorney is encouraged but not required to represent the party on the appeal and in any proceeding, judicial or administrative, that may ensure upon an order of remand. If the attorney declines to perform such additional services, the client and the Court shall be notified in writing.

11. Training

The Committee on Civil *Pro Bono* Litigation shall, in cooperation with the New Jersey Bar, organize and conduct educational programs and prepare educational materials to train and advise attorneys on the Civil *Pro Bono* Panel in the preparation and trial of the most common types of civil actions involving *pro se* parties brought before the Court.

12. Annual Review

At the end of each fiscal year, the Clerk of the Court shall report to the Chief Judge, the Board of Judges, and the members of the Committee on Civil *Pro Bono* Litigation the following statistics broken down by type and judicial assignment:

a. the number of civil cases filed *in forma pauperis*, excluding petitions filed pursuant to 28 U.S.C. §§ 2241, 2254, and 2255;

b. the number of applications for appointed counsel filed;

c. the number of orders of appointment entered;

d. the number of applications for withdrawal filed;

e. the number of applications for withdrawal granted;

f. the number of applications for withdrawal denied; and

g. the number of appointments made subsequent to withdrawal of counsel.

Revised: June 16, 1999

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

APPENDIX I
TO THE CRIMINAL JUSTICE ACT PLAN

PLAN FOR THE COMPOSITION, ADMINISTRATION, AND MANAGEMENT OF THE PANEL OF PRIVATE ATTORNEYS UNDER THE CRIMINAL JUSTICE ACT

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

APPENDIX I
TO THE CRIMINAL JUSTICE ACT PLAN

PLAN FOR THE COMPOSITION, ADMINISTRATION, AND MANAGEMENT OF THE PANEL OF PRIVATE ATTORNEYS UNDER THE CRIMINAL JUSTICE ACT

I. **INTRODUCTION**

Pursuant to the Guidelines for the Administration of the Criminal Justice Act and the District of New Jersey Criminal Justice Act Plan, the United States District Court for the District of New Jersey has established the following "Plan for the Composition, Administration, and Management of the Panel of Private Attorneys Under the Criminal Justice Act."

II. **COMPOSITION OF PANEL OF PRIVATE ATTORNEYS**

A. PANELS

1. Approval

The Court shall establish one panel of private attorneys (hereinafter referred to as the "CJA Panel") who are eligible and willing to be appointed to provide representation under the Criminal Justice Act. The Court shall approve attorneys for membership on the panel after receiving recommendations from the "Panel Selection and Management Committee," established pursuant to paragraph II(B) of this Plan. Any attorney aggrieved by the decision on his or her application may present a written grievance to the Committee for review and decision and that decision can be appealed to the Court.

2. CJA Panel

A. Size

The CJA Panel established by the Court shall consist of one hundred (100) attorneys, divided by vicinage, with sixty (60) attorneys for the Newark vicinage, twenty (20) attorneys for the Trenton vicinage, and twenty (20) attorneys for the Camden vicinage. The division by vicinage shall not prohibit the Court where appropriate from appointing a panel member from one vicinage to serve in another vicinage, nor prohibit the Court on the basis of geographic considerations from allowing a panel member to serve in more than one vicinage. The Court may from time to time, on recommendation of the Panel Selection and Management Committee, redetermine the number of attorneys on the CJA Panel and/or the number of attorneys serving in each vicinage.

B. Term

Each panel member shall serve for a term of three (3) years, except that the initial panel shall serve staggered terms as follows: one-third of the members of the initial panel shall serve for one (1) year, another one-third shall serve for two (2) years, and the remaining one-third shall serve for three (3) years. Any member of the initial panel or subsequent panels whose term expires may be reappointed or replaced, as determined by the Panel Selection and Management Committee.

C. Eligibility

i. General Requirements

Attorneys who serve on the CJA Panel must be members in good standing of the bar of this Court, and have demonstrated experience in, and knowledge of, the Federal Rules of Criminal and Appellate Procedure, the Federal Rules of Evidence, the Sentencing Guidelines, and the local rules of both the District and Circuit Courts.

ii. Specific Requirements for CJA Panel

All attorneys seeking initial membership on the CJA Panel must meet the following minimum eligibility requirements:

a. 1. at least two (2) years in a public defender or prosecutor's office, either state or federal OR at least three (3) years in private practice, during which time the attorney was involved in at least 20 criminal cases in either state or federal court, 5 of which were state or federal felony trials ; AND

2. attendance at two (2) hours of seminar training on sentencing guideline topics within one year prior to the application; AND

3. attendance at two (2) hours of seminar training on federal criminal

defense topics within two years prior to the application;

OR

b. 1. at least two (2) years admission to the bar during which time the attorney was involved in at least 5 criminal cases in either state or federal court, 1 of which was a state or federal felony trial; AND

2. participation in the CJA training program established in section~~s~~ 2(D) of this Appendix; AND

3. participation in at least two (2) hours of seminar training on federal sentencing guidelines topics; AND

4. participation in at least four (4) hours of seminar training on topics relating to the defense of federal criminal cases.

D. Second Chair Training Procedure

Attorneys seeking membership on the CJA Panel who need experience to meet the eligibility requirements may pursue a second chair assignment. A list of CJA Panel attorneys expressing a willingness to accept a second chair will be maintained by the Clerk of the Court. Attorneys seeking membership on the CJA Panel who need second chair experience to meet their eligibility requirements will be responsible for calling both the Clerk of the Court and the attorney(s) with whom they wish

to second chair.

All arrangements for the applicant's second chair experience shall be made between the applicant and the first chair attorney, except that: it shall be the responsibility of the first chair attorney to make the status of the second chair attorney clear to both the Court and his/her client; AND the second chair attorney shall not represent the client in any part of the trial or guilty plea and sentencing hearing unless specifically authorized in writing by the client on a form provided, a copy of said form signed by the client to be presented to the Court; AND second chair attorneys shall not be compensated in any way for the time spent as second chair.

At the completion of the second chair experience, the first chair attorney shall, if requested, provide certification in writing that the applicant second chaired the entire trial and/or guilty plea and sentencing hearing. It shall be the responsibility of the applicant to complete this requirement. Completion of the Second Chair Training Procedure shall require participation in at least 1 trial AND participation in 3 guilty plea and sentencing hearings.

Service as "second chair" does not guarantee admission of an attorney to the CJA Panel.

3. Appointments

Counsel furnishing representation under the Plan shall be selected from the panel of attorneys designated or approved by the Court or from the defender organization furnishing representation pursuant to the provisions in part III below.

_____ 4. Appointment in Death Penalty Cases

Pursuant to Title 18 U.S.C. § 3005, a

defendant who is facing the possibility of the death penalty is entitled to the appointment of two attorneys, at least one of whom is learned in the law of capital punishment. In such a case, the Court is not limited to the CJA Panel list for its selection of the attorney learned in the law of capital cases, but may appoint counsel who satisfies the following minimum criteria:

i. unless appointment is made pursuant to § 5, below, an attorney must have been admitted to practice in the United States District Court for the District of New Jersey for not less than five (5) years; AND

ii. must have had not less than three (3) years experience in the actual trial of felony prosecutions in the District of New Jersey within the five (5) years prior to the application; AND

iii. must have attended a seminar on the topic of the death penalty within one (1) year of the application; AND

iv. must have had actual trial experience in state or federal court of a first degree murder case, capital or otherwise.

5. Special Appointments

When the District Judge presiding over the case, or the Chief Judge if a District Judge has not yet been assigned to the case, determines that the appointment of an attorney, who is not a member of the CJA Panel, is in the interest of justice, judicial economy or continuity of representation, or there is some other compelling circumstance warranting his or her appointment, the attorney may be admitted to the CJA Panel pro hac vice and appointed to represent the defendant. Consideration for preserving the integrity of the panel selection process suggests that such appointments should be made only in

exceptional circumstances. Further, the attorney, who may or may not be admitted to practice and/or maintain an office in the district, should possess such qualities as would qualify him or her for admission to the CJA Panel in the ordinary course of panel selection.

6. Removal from the CJA Panel

a. Removal from the CJA Panel shall be automatic upon proof made to the Chief Judge that a panel attorney has been convicted of any crime in either state or federal court carrying a possible maximum penalty of more than one (1) year imprisonment.

b. The Panel Selection and Management Committee may determine from time to time that, by reason of information received by the Committee, a panel member should be recommended for removal from the CJA Panel. In such instance, the panel member being considered for removal shall be asked to meet with the Panel Selection and Management Committee and shall be permitted to present information in his/her own behalf in response to the information received by the Committee. A decision shall be rendered by the Panel Selection and Management Committee after it is satisfied that all relevant information has been received and shall be communicated in writing to the panel member, with reasons stated for the decision. The decision of the Committee can be appealed to the Court.

There is no presumption that because a client has alleged the ineffectiveness of his/her attorney in a collateral attack on his/her conviction, that said attorney must be removed from the CJA Panel.

7. Equal Opportunity

All qualified attorneys shall be encouraged to participate in the furnishing of representation in CJA cases, without regard to race, color, religion, sex, age, national

origin or disabling condition.

8. Application

Application forms for membership on the CJA Panel shall be made available, upon request, by the Clerk of the Court. Completed applications shall be submitted to the Clerk of the Court who will transmit the applications to the chairperson of the Panel Selection and Management Committee.

B. PANEL SELECTION AND MANAGEMENT COMMITTEE

1. Membership

A Panel Selection and Management Committee shall be established by the Court. The Committee shall consist of one District Judge from each vicinage, one Magistrate Judge from each vicinage, the Federal Public Defender or his/her designee, and four private attorneys. The President of the Association of the Federal Bar and the President of the Association of Criminal Defense Attorneys - New Jersey shall each designate two of the private attorneys to serve on the panel.

Except for the Federal Public Defender, each Committee member shall serve for a term of three years. At the conclusion of the first three year term, the member may be reappointed or replaced, but no member may serve more than two successive three year terms.

2. Duties

a. The Panel Selection and Management Committee shall meet at least once a year to consider applications for vacancies on the CJA Panel. The Committee shall review the qualifications of applicants and recommend, for approval by the Court, those applicants best qualified to fill the vacancies.

Once a year, the Committee shall review the operation and administration of the CJA Panel over the preceding year, and recommend to the Court any changes deemed necessary or appropriate by the Committee regarding the appointment process and panel management. The Committee shall also inquire annually as to the continued availability and willingness of each panel member to accept appointments.

b. If, at any time during the course of a year, the number of vacancies due to resignation, removal, or death significantly decreases the size of the CJA Panel, the Committee shall solicit applications for the vacancies, convene a special meeting to review the qualifications of the applicants, and select prospective members for recommendation to the Court for approval. Members approved by the Court to fill mid-term vacancies shall serve until the expiration of the term that was vacated and shall be immediately eligible for reappointment.

c. Training. The Panel Selection and Management Committee through the Office of the Federal Public Defender, in conjunction with the Association of the Federal Bar and the Association of Criminal Defense Attorneys - New Jersey, will arrange annual training programs for new and experienced panel members. Members of the panel will be expected to attend such training programs.

III. SELECTION FOR APPOINTMENT

A. Maintenance of List

The Clerk of the Court shall maintain a current list of all attorneys included on the CJA Panel, with current office addresses and telephone numbers. Each attorney’s most recent application form, outlining their qualifications and experience, shall be kept on file by the Clerk. The Clerk shall furnish a copy of the list to each District Judge and Magistrate Judge. The Clerk shall also

maintain a public record of assignments to private counsel, and, when appropriate, statistical data reflecting the proration of appointments between attorneys from the Federal Public Defender's Office and private attorneys.

B. Distribution of Appointments

CJA Panel attorneys are to be appointed in multi-defendant and conflict cases, or where the Federal Defender Office is otherwise unavailable and where it is appropriate to provide federal court experience to CJA Panel attorneys and satisfy the Ratio of Appointments requirement as outlined in section VI(A)(4) of the District of New Jersey Criminal Justice Act Plan.

C. Method of Selection

Appointments from the CJA Panel should be made on a rotational basis, subject to the Court's discretion to make exceptions due to the nature and complexity of the case, an attorney's experience, and geographical considerations. This procedure should result in a balanced distribution of appointments and compensation among the members of the CJA Panel and quality representation for each CJA defendant.

Upon the determination of a need for the appointment of counsel, the District Judge or Magistrate Judge shall notify the Clerk of Court of the need for counsel and the nature of the case. Where, based on the status of the distribution of cases (See Ratio of Appointment, CJA Plan, section VI(A)(4)), the Clerk of the Court determines that the appointment of an attorney from the CJA Panel is appropriate, the Clerk shall determine the name of the next panel member on the list who is available for appointment, and shall provide the name to the appointing District Judge or Magistrate Judge.

In the event of an emergency, i.e., weekend, holidays, or other non-working hours of the Clerk of the Court's office, the presiding District Judge or Magistrate Judge may appoint any attorney from the list. In all cases where members of the CJA Panel are appointed out of sequence, the appointing District Judge or Magistrate Judge shall notify the Clerk of the Court as to the name of the attorney appointed and the date of the appointment.

IV. COMPENSATION - FILING OF VOUCHERS

Claims for compensation shall be submitted on the appropriate CJA form to the office of the Clerk of the Court. The Clerk of the Court shall review the claim form for mathematical and technical accuracy, and for conformity with the Guidelines for the Administration of the Criminal Justice Act (Volume VII, Guide to Judiciary Policies and Procedures), and, if correct, shall forward the claim form for consideration by and action of the presiding District Judge or Magistrate Judge.

It is acknowledged that in some cases reduction of the amount of compensation sought will be necessary or appropriate. In those cases, the procedure set forth in the balance of this section shall be followed.

In any case where the judicial officer intends to reduce the amount of payment requested in a trial level voucher, CJA counsel shall be notified of the amount of the intended reduction and the reasons for same, and may request an opportunity for review by the judicial officer. However, notice need not be given where the reduction is based on mathematical or technical errors. After review of any submission by appointed counsel, including his/her response to the judicial officer's reasons for the reduction, and the completion of any other steps deemed appropriate by the judicial officer, the judicial officer shall take action on the

voucher consistent with the Plan, the Criminal Justice Act and the interests of justice.

The Third Circuit shall consider all vouchers submitted by appellate counsel.

Notice to CJA Panel Attorneys Regarding Availability of Investigative, Expert, and Other Services

Attorneys appointed to provide representation under the Criminal Justice Act, 18 U.S.C. § 3006A, may seek investigative, expert, and other services necessary for adequate representation, such services to be paid for out of funds appropriated for the administration of the Criminal Justice Act.

In addition to investigators, psychiatrists, psychologists and reporters, services other than counsel may include but are not necessarily limited to interpreters, neurologists, and laboratory experts in areas such as ballistics, fingerprinting, and handwriting.

Requests for authority to obtain subsection (e) services should be made to the presiding District Judge or Magistrate Judge (see cautionary note below). In order to prevent the possibility that an open hearing concerning a request for subsection (e) services will cause a defendant to reveal his or her defenses, these requests should be made by *ex parte* application. Guidelines promulgated by the Judicial Conference of the United States **(Guidelines for the Administration of the Criminal Justice Act**, Volume VII, **Guide to Judiciary Policies and Procedures)** provide that the applications shall be heard *in camera*, and not be revealed without the consent of the defendant. The **Guidelines** further state that such applications shall be placed under seal until the final disposition of the case in the trial court, subject to final order of the Court.

CAUTIONARY NOTE: Counsel should be aware of the limitations that apply to the obtaining of such services. *PRIOR AUTHORIZATION MUST BE SECURED* from the presiding judicial officer for all subsection (e) services where the cost of such services (exclusive of reimbursement for expenses) will exceed $500. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of $500, unless the presiding judicial officer finds that, in the interest of justice, timely procurement of necessary services could not await prior authorization.

Compensation to a service provider in excess of $1,600 can only be paid if the presiding District Judge or Magistrate Judge certifies that payment in excess of $1,600(excluding reimbursement for expenses) was necessary to provide for services of an unusual character or duration, and the amount of the excess payment is approved by the Chief Judge of the Circuit. Compensation for subsection (e) services should be claimed directly by the service provider on CJA form 21 "Authorization and Voucher for Expert and Other Services."

Further information about the availability of subsection (e) services and the procedures and limitations involved may be obtained from the Clerk of the Court. In addition, counsel should review both the Criminal Justice Act and the **CJA Guidelines**. A copy of the **Guidelines** is located in the office of the Clerk of the Court.

(Rev 2/2007)

APPENDIX J. PLAN FOR PROMPT DISPOSITION OF CRIMINAL CASES

Final Plan Pursuant to Speedy Trial Act of 1974, As Amended 1979 - 18 U.S.C. §3165(e)(3)

Approved June 26, 1980
Technical amendments April 1, 1997

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I. INTRODUCTORY MATERIAL

A. Adoption of Plan

Pursuant to the provisions of 18 U.S.C. §3165, the United States District Court for the District of New Jersey adopts this District Plan, subject to approval in accordance with 18 U.S.C. §3165(c). This District Plan was initially prepared by the District Planning Group, formulated according to the planning process authorized by 18 U.S.C. §3168. Part II of this Plan shall be the District Plan for Disposition of Criminal cases as required by Fed. R. Crim. P. 50(b).

B. Planning Group

The Planning Group for the District of New Jersey is comprised of the following members:

Honorable Clarkson S. Fisher, Chief Judge
Honorable Frederick B. Lacey, United States District Judge
Honorable William J. Hunt, United States Magistrate
Robert J. Del Tufo, United States Attorney
Angelo W. Locascio, Clerk of Court
John F. McMahon, Federal Public Defender
Richard A. Levin, Private Attorney
John E. Keale, Private Attorney
Allyn Z. Lite, Private Attorney
John L. Costley, Jr., Chief Probation Officer
Samuel F. Naples, United States Marshal
Professor Livingston Baker, Reporter, Seton Hall University, School of Law

C. Availability of Copies of the Plan

Copies of the District Plan and of the recommendations of the Planning Group will be available for public inspection in the offices of the Clerk of the Court for the District of New Jersey.

II. STATEMENT OF TIME LIMITS AND PROCEDURES FOR ACHIEVING PROMPT DISPOSITION OF CRIMINAL CASES

Pursuant to the requirements of Fed. R. Crim. P. 50(b) the Speedy Trial Act of 1974 (18 U.S.C. Chapter 208), the Speedy Trial Act Amendments Act of 1979 (Pub. L. No. 96-43, 93 Stat. 327), and the Federal Juvenile Delinquency Act (18 U.S.C. §§5036, 5037), the Judges of the United States District Court for the District of New Jersey have adopted the following time limits and procedures to minimize undue delay and to further the prompt disposition of criminal cases and certain juvenile proceedings.

1. Applicability

(a) Offenses. The time limits set forth herein are applicable to all criminal offenses triable in this Court, including cases triable by United States Magistrate Judges, except for petty offenses as defined in the Federal criminal code. Except as specifically provided, they are not applicable to proceedings under the Federal Juvenile Delinquency Act.

(b) Persons. The time limits are applicable to persons* accused who have not been indicted or informed against as well as those who have, and the word "defendant" includes such persons unless the context indicates otherwise.

*The term "person" shall be interpreted to include any business or corporate type entity as well as natural persons.

2. Priorities in Scheduling Criminal Cases

Preference shall be given to criminal proceedings as far as practicable as required by Fed. R. Crim. P. 50(a). The trial of defendants in custody solely because they are awaiting trial and of high-risk defendants as defined in section 5 should be given preference over other criminal cases.

3. Time Within Which an Indictment or Information Must Be Filed

(a) Time Limits. If an individual is arrested or served with a summons and the complaint charges an offense to be prosecuted in this District, any indictment or information subsequently filed in connection with such charge shall be filed within 30 days of arrest or service.

(b) Measurement of Time Periods. If a person has not been arrested or served with a summons on a Federal charge, an arrest will be deemed to have been made at such time as the person (i) is held in custody solely for the purpose of responding to a Federal charge; (ii) is delivered to the custody of a Federal official in connection with a Federal charge; or (iii) appears before a judicial officer in connection with a Federal charge.

(c) Related Procedures.

(1) At the time of the earliest appearance before a judicial officer of a person who has been arrested for an offense not charged in an indictment or information, the judicial officer shall establish for the record the date on which the arrest took place.

(2) In the absence of a showing to the contrary, a summons shall be considered to have been served on the date of service shown on the return thereof.

4. Time Within Which Trial Must Commence

(a) Time Limits. The trial of a defendant shall commence not later than 70 days after the last to occur of the following dates:

(1) The date on which an indictment or information is filed in this District;

(2) The date on which a sealed indictment or information is unsealed; or

(3) The date of the defendant's first appearance before a judicial officer of this District.

(b) Retrial. Subject to the exclusions provided in 18 U.S.C. §3161(h), where a new trial has been ordered by the District Court or a trial or new trial has been ordered by an appellate court, it shall commence at the earliest practicable time but, in any event, not later than 70 days after the finality of such order. When the defendant is to be retried following an appeal or collateral attack, if unavailability of witnesses or other factors resulting from passage of time shall make trial within 70 days impractical, the Court trying the case may extend such period for a total not to exceed 180 days from the date on which the order occasioning the retrial becomes final.

(c) Withdrawal of Plea. If a defendant enters a plea of guilty or *nolo contendere* to any or all charges in an indictment or information and is subsequently permitted to withdraw it, the time limit shall be determined for all counts as if the indictment or information were filed on the day the order permitting withdrawal of the plea became final.

(d) Superseding Charges. If, after an indictment or information has been filed, a complaint, indictment, or information is filed which charges the defendant with the same offense or with an offense required to be joined with that offense, the time limit applicable to the subsequent charge will be determined as follows:

(1) If the original indictment or information was dismissed on motion of the defendant before the filing of the subsequent charge, the time limit shall be determined without regard to the existence of the original charge.

(2) If the original indictment or information is pending at the time the subsequent charge is filed, the trial shall commence within the time limit for commencement of trial on the original indictment or information.

(3) If the original indictment or information was dismissed on motion of the United States Attorney before the filing of the subsequent charge, the trial shall commence within the time limit for commencement of trial on the original indictment or information, but the period during which the defendant was not under charges shall be excluded from the computations. Such period is the period between the dismissal of the original indictment or information and the date the time would have commenced to run on the subsequent charge had there been no previous charge.

If the subsequent charge is contained in a complaint, the formal time limit within which an indictment or information must be obtained on the charge shall be determined without regard to the existence of the original indictment or information, but earlier action may, in fact, be required if the time limit for commencement of trial is to be satisfied.

(e) Measurement of Time Periods. For the purposes of this section:

(1) If a defendant signs a written consent to be tried before a Magistrate Judge and no indictment or information charging the offense has been filed, the time limit shall run from the date of such consent.

(2) In the event of a transfer to this District under Fed. R. Crim. P. 20, the indictment or information shall be deemed filed in this District when the papers in the proceeding or certified copies thereof are received by the Clerk.

(3) A trial in a jury case shall be deemed to commence at the beginning of *voir dire*.

(4) A trial in a non-jury case shall be deemed to commence on the day the case is called, provided that some step in the trial procedure immediately follows.

(f) Related Procedures.

(1) At the time of the defendant's earliest appearance before a judicial officer of this District, the officer will take appropriate steps to assure that the defendant is represented by counsel and shall appoint counsel where appropriate under the Criminal Justice Act and Fed. R. Crim. P. 44. The Judicial officer will also inform the defendant of his or her rights under this Plan and pertinent legislation.

(2) The Court shall have sole responsibility for setting cases for trial after consultation with counsel. At the time of arraignment or as soon thereafter as is practicable, each case will be set for trial on a day certain or listed for trial on a weekly or other short-term calendar.

(3) Individual calendars shall be managed so that it will be reasonably anticipated that every criminal case set for trial will be reached during the week of original setting. A conflict in schedules of Assistant United States Attorneys or defense counsel will be grounds for a continuance or delayed setting only if approved by the Court and called to the Court's attention at the earliest practicable time.

(4) In the event that a complaint, indictment, or information is filed against a defendant charged in a pending indictment or information or in an indictment or information dismissed on motion of the United States Attorney, the trial on the new charge shall commence within the time limit for commencement of trial on the original indictment or information unless the Court finds that the new charge is not for the same offense charged in the original indictment or information or an offense required to be joined therewith.

(5) At the time of the filing of a complaint, indictment, or information described in the preceding Section 4(f)(4), the United States Attorney shall note on the cover sheet if the new charge is for the same offense charged in the original indictment or information, or for an offense required to be joined therewith.

(6) At the time of the filing of a complaint, indictment, or information described in Section 4(f)(4), the United States Attorney shall give written notice to the Court of that circumstance and of his or her position with respect to the computation of the time limits.

(7) All pretrial hearings shall be conducted as soon after the arraignment as possible, consistent with the priorities of other matters on the Court's criminal docket.

(8) A defendant contending that the time within which trial should have commenced has passed, must move for dismissal as provided in 18 U.S.C. §3162(a)(2) not less than 10 days before the scheduled trial date, unless the time within which trial should have commenced expires less than 10 days prior to the scheduled trial date, in which event the motion for dismissal must be made no later than the date defendant avers the trial should have commenced. Failure of the defendant to so move shall constitute a waiver of the rights set forth in 18 U.S.C. §3162(a)(2), unless the Court, for good cause shown, permits the motion to be made and heard at a later date.

(9) Except for good cause shown, the Court may not extend the time for filing motions after plea under Fed. R. Crim. P. 12(c) beyond 10 days. Such motions will be heard and ruled upon promptly, so that the trial need not be delayed.

5. Defendants in Custody and High-Risk Defendants

(a) Time Limits. Notwithstanding any longer time periods that may be permitted under Sections 3 and 4, the following time limits will also be applicable to defendants in custody and high-risk defendants as herein defined:

(1) The trial of a defendant held in custody solely for the purpose of trial on a Federal charge shall commence within 90 days following the beginning of continuous custody.

(2) The trial of a high-risk defendant shall commence within 90 days of the designation as high-risk.

(b) Definition of "High-Risk Defendant." A high-risk defendant is one reasonably designated by the United States Attorney as posing a danger to himself or herself or any other person or to the community.

(c) Measurement of Time Periods. For the purposes of this section:

(1) A defendant is deemed to be in detention awaiting trial when he or she is arrested on a Federal charge or otherwise held for the purpose of responding to a Federal charge. Detention is deemed to be solely because the defendant is awaiting trial

unless the person exercising custodial authority has an independent basis (not including a detainer) for continuing to hold the defendant.

(2) If a case is transferred pursuant to Fed. R. Crim. P. 20 and the defendant subsequently rejects disposition under Rule 20 or the Court declines to accept the plea, a new period of continuous detention awaiting trial will begin at that time.

(3) A trial shall be deemed to commence as provided in Sections 4(e)(3) and 4(e)(4).

(d) Related Procedures.

(1) If a defendant is being held in custody solely for the purpose of awaiting trial, the United States Attorney shall advise the Court at the earliest practicable time of the date of the beginning of such custody.

(2) The United States Attorney shall advise the Court at the earliest practicable time (usually at the hearing with respect to bail) if the defendant is considered by him or her to be high risk.

(3) If the Court finds that the filing of a "high-risk" designation as a public record may result in prejudice to the defendant, it may order the designation sealed for such period as is necessary to protect the defendant's right to a fair trial, but not beyond the time that the Court's judgment in the case becomes final. During the time the designation is under seal, it shall be made known to the defendant and his or her counsel but shall not be made known to other persons without the permission of the Court.

6. Exclusion of Time From Computations

(a) Applicability. In computing any time limit under Sections 3, 4 or 5, the periods of delay set forth in 18 U.S.C. §3161(h) shall be excluded. Such periods of delay shall not be excluded in computing the minimum period for commencement of trial under Section 7. In determining excludable time under 18 U.S.C. §3161(h)(1)(F), 90 days will be the maximum time excluded, unless the Court orders a hearing on the motion or additional extensions of time for filing briefs are specifically allowed by the Court. If the Court orders a hearing on the motion or additional extensions of time for filing briefs are allowed, the time consumed thereby shall be excluded only if the Court makes a specific and approximately contemporaneous determination that such delays are reasonably necessary to make the motion ready for judicial determination.

(b) Records of Excludable Time. The Clerk of the Court shall enter on the docket, in the form prescribed by the Administrative Office of the United States Courts, verifiable information received from any Federal criminal justice agency, the Court and/or the Magistrate Judge with respect to excludable periods of time for each criminal defendant. In any removal of a defendant from this District to another, under Fed. R. Crim. P. 40, the Magistrate Judge shall initially determine the amount of excludable time accrued from the time of arrest to the signing of the warrant of removal. This information shall be transmitted by the Clerk to the clerk of the transferee district. With respect to proceedings prior to the filing of an indictment or information, excludable time shall be reported to the Clerk by the United States Attorney on the criminal cover sheet appended to the indictment or information.

(c) Stipulations.

(1) The attorney for the Government and counsel for the defendant may at any time enter into stipulations with respect to the accuracy of the docket entries recording excludable time. The word "docket" for the purposes of this provision shall include all or any part of the docket assembly form issued by the Administrative Office of the United States Courts and is not limited to the proceedings' docket sheet.

(2) To the extent that the amount of time stipulated by the parties does not exceed the amount recorded on the docket for any excludable period of delay, the stipulation shall be conclusive as between the parties unless it has no basis in fact or law. It shall similarly be conclusive as to a co-defendant for the limited purpose of determining, under 18 U.S.C. §3161(h)(7), whether time has run against the defendant entering into the stipulation.

(3) To the extent that the amount of time stipulated exceeds the amount recorded on the docket, the stipulation shall have no effect unless approved by the Court.

(d) Pre-Indictment Procedures.

(1) In the event that the United States Attorney anticipates that an indictment or information will not be filed within the time limit set forth in Section 3, he or she may file a written motion with the Court for a determination of excludable time. In the event that the United States Attorney seeks a continuance under 18 U.S.C. §3161(h)(8), he or she shall file a written motion with the Court requesting such a continuance.

(2) The motion of the United States Attorney shall state (i) the period of time proposed for exclusion, and (ii) the basis of the proposed exclusion. If the motion is for a continuance under 18 U.S.C. §3161(h)(8), it shall also state whether or not the

defendant is being held in custody on the basis of the complaint. In appropriate circumstances, the motion may include a request that some or all of the supporting material be considered *ex parte* and *in camera*.

(3) The Court may grant a continuance under 18 U.S.C. §3161(h)(8) for either a specific period of time or a period to be determined by reference to an event (such as recovery from illness) not within the control of the Government. If the continuance is to a date not certain, the Court shall require one or both parties to inform the Court promptly when and if the circumstances that justify the continuance no longer exist. In addition, the Court shall require one or both parties to file periodic reports bearing on the continued existence of such circumstances. The Court shall determine the frequency of such reports in the light of the facts of the particular case.

(e) Post-Indictment Procedures.

(1) At each appearance of counsel before the Court, counsel shall examine the Clerk's records of excludable time for completeness and accuracy and shall bring to the Court's immediate attention any claim that the Clerk's record is in any way incorrect.

(2) In the event that the Court continues a trial beyond the time limit set forth in Section 4 or 5, the Court shall determine whether the limit may be recomputed by excluding time pursuant to 18 U.S.C. §3161(h).

(3) If it is determined that a continuance is justified, the Court shall set forth its findings in the record, either orally or in writing. If the continuance is granted under 18 U.S.C. §3161(h)(8), the Court shall also set forth its reasons for finding that the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial. If the continuance is to a date not certain, the Court shall require one or both parties to inform the Court promptly when and if the circumstances that justify the continuance no longer exist. In addition, the Court shall require one or both parties to file periodic reports bearing on the continued existence of such circumstances. The Court shall determine the frequency of such reports in the light of the facts.

(f) Motions.

Any motion filed prior to commencement of trial involving issues relating to the Speedy Trial Act of 1974, 18 U.S.C. §3161 *et seq.*, or this Plan, including but not limited to determinations of excludable time under §3161(h), shall state concisely the movant's position and be accompanied by a brief prepared in accordance with the Local Criminal Rules of the Court.

7. Minimum Period for Defense Preparation

Unless the defendant consents in writing to the contrary, the trial shall not commence earlier than 30 days from the date on which the indictment or information is filed or, if later, from the date on which counsel first enters an appearance or on which the defendant expressly waives counsel and elects to proceed *pro se*. In circumstances in which the 70-day time limit for commencing trial on a charge in an indictment or information is determined by reference to an earlier indictment or information pursuant to Section 4(d), the 30-day minimum period shall also be determined by reference to the earlier indictment or information. When prosecution is resumed on an original indictment or information following a mistrial, appeal, or withdrawal of a guilty plea, a new 30-day minimum period will not begin to run. The Court will, in all cases, schedule trials so as to permit defense counsel adequate preparation time in the light of all the circumstances.

8. Time Within Which Defendant Should Be Sentenced

(a) Time Limit. A defendant shall ordinarily be sentenced within 45 days of the date of his or her conviction or plea of guilty or *nolo contendere*. The Court shall set a date for sentence at the time of defendant's conviction or plea of guilty or *nolo contendere*.

(b) Related Procedures. If the defendant and his or her counsel consent thereto, a presentence investigation may be commenced prior to a plea of guilty or *nolo contendere* or a conviction. The time during the pendency of the presentence investigation may be excludable pursuant to 18 U.S.C. §3161(h)(8) upon such finding by the Court.

9. Juvenile Proceedings

(a) Time Within Which Trial Must Commence. An alleged delinquent who is in detention pending trial shall be brought to trial within 30 days of the date upon which such detention was begun, as provided in 18 U.S.C. §5036.

(b) Time for Dispositional Hearing. If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than 20 court days after trial, unless the Court has ordered further study of the juvenile in accordance with 18 U.S.C. §5037(c).

10. Sanctions

(a) Dismissal or Release From Custody. Failure to comply with the requirements of Title 1 of the Speedy Trial Act may

entitle the defendant to dismissal of the charges against him or her or to release from pretrial custody. Nothing in this Plan shall be construed to require that a case be dismissed or a defendant released from custody in circumstances in which such action would not be required by 18 U.S.C. §§3162 and 3164.

(b) High-Risk Defendants. A high-risk defendant whose trial has not commenced within the time limit set forth in 18 U.S.C. §3164(b) shall, if the failure to commence trial was through no fault of the attorney for the Government, have his or her release conditions automatically reviewed. A high-risk defendant who is found by the Court to have intentionally delayed the trial of his or her case shall be subject to an order of the Court modifying his or her nonfinancial conditions of release under Chapter 207 of Title 18, U.S.C., to ensure that he or she shall appear at trial as required.

(c) Discipline of Attorneys. In a case in which counsel (1) knowingly allows the case to be set for trial without disclosing the fact that a necessary witness would be unavailable for trial, (2) files a motion solely for the purpose of delay which he or she knows is frivolous and without merit, (3) makes a statement for the purpose of obtaining a continuance which he or she knows to be false and which is material to the granting of the continuance, or (4) otherwise willfully fails to proceed to trial without justification consistent with 18 U.S.C. §3161, the Court may punish such counsel as provided in 18 U.S.C. §§3162(b) and (c).

(d) Alleged Juvenile Delinquents. An alleged delinquent in custody whose trial has not commenced within the time limit set forth in 18 U.S.C. §5036 shall be entitled to dismissal of his or her case pursuant to that section unless the Attorney General shows that the delay was consented to or caused by the juvenile or his or her counsel, or would be in the interest of justice in the particular case.

11. Monitoring Compliance With Time Limits

(a) Responsibilities of Clerk. In addition to maintaining such statistical data as is required to be maintained by the Administrative Office of the United States Courts, the Clerk will, from time to time, report to the Chief Judge on the status of the criminal docket within the District with specific emphasis upon (1) each case in which there is a failure to comply with any time limit set forth herein, and (2) each case in which sanctions were imposed.

(b) Responsibilities of United States Attorney.

(1) The United States Attorney will familiarize himself or herself with the scheduling procedures of each Judge and will assign or reassign cases in such manner that the Government will be ready for trial. A conflict in schedules of Assistant United States Attorneys will not be grounds for a continuance or delayed setting except under circumstances approved by the Court and called to the Court's attention at the earliest practicable time.

(2) If the United States Attorney knows that a person charged with a criminal offense is serving a term of imprisonment in a Federal, State or other institution, or an institution of another jurisdiction, he or she shall, pursuant to 18 U.S.C. §3161(j), promptly:

(i) Undertake to obtain the presence of the prisoner for plea and trial; or

(ii) When the Government is unable to obtain the presence of the defendant, to cause a detainer to be filed with the official having custody of the prisoner and request him or her to advise the prisoner of the detainer and to inform the prisoner of his or her rights under this Plan.

(3) If a defendant is being held in custody, either criminal or administrative, the United States Attorney shall be responsible for advising the Court, through notice to the Clerk, at the earliest practicable time of the date of the beginning of custody.

(4) The United States Attorney shall, within five days after the close of the reporting period, furnish each Judge, each Magistrate Judge, the Circuit Executive and the Clerk of the Court with a copy of the bi-weekly DJ-130 report of persons in custody. The report shall contain the docket number of the case, the name of the Judge or Magistrate Judge to whom the case has been assigned and a letter symbol of the vicinage to which the case is assigned, if known. The "reason for detention" column shall include an explanation in any case for which the defendant's status appears to be inconsistent with the time limits set forth in the Plan. As to all other criminal cases, the United States Attorney shall, on or before the fifth day of each month, furnish each Judge, each Magistrate Judge, the Circuit Executive and the Clerk of the Court with a report regarding each case in which the trial has not commenced within 60 days of the entering of the plea of not guilty. The report shall contain the docket number of the case, the name of the Judge or Magistrate Judge to whom the case has been assigned, the letter symbol of the vicinage to which the case is assigned and the reason for delay in the disposition of the case.

(5) The United States Attorney shall submit to each Judge and Magistrate Judge a separate report about each defendant in fugitive status assigned to that particular Judge or Magistrate Judge. The information shall set forth what efforts have been

made, and are being made, to secure the presence of the fugitive defendant before the Court. If all logical leads have been reasonably pursued, it shall be sufficient that the fugitive status has been entered in the National Crime Information Center (NCIC). These reports shall be submitted at six month intervals after the defendant enters fugitive status. The contents of each report shall be sealed by the Court.

(c) Responsibilities of United States Marshal.

(1) The United States Marshal shall make, to the Clerk of the Court, a written daily report to include:

(i) The names, and reasons for detention, of all persons taken into custody during the preceding 24 hours.

(ii) Change of status of any person in custody.

(2) When a defendant is arrested out of the District on a warrant issued in this Court, the United States Marshal shall report the fact of the arrest in writing to the Clerk of the Court by the close of the working day on which he or she is made aware of the arrest.

(3) When a defendant is to be transferred pursuant to Fed. R. Crim. P. 40, the United States Marshal shall arrange to have the defendant transferred to this District as promptly as possible notwithstanding the fact that the defendant may be en route on a day on which the Federal offices are closed.

(d) Responsibilities of the Court. The Court has sole responsibility for controlling cases on the trial calendar. Each Judge and Magistrate Judge will schedule criminal trials at such time as may be necessary to assure prompt disposition of criminal cases. If it appears to the Chief Judge that, due to calendar congestion, sickness or disability of a Judge, that a particular criminal trial will not commence within the time limits set forth herein, the Chief Judge may make such adjustments, including the reassignment of cases, in accordance with the Local Criminal Rules of this Court in order to insure compliance with the Act.

The United States Attorney shall be informed of any case in which his or her office appears to be responsible for unnecessary delay.

12. Effective Dates

(a) The amendments to the Speedy Trial Act made by Public Law 96-43 became effective August 2, 1979. To the extent that this revision of the District's Plan does more than merely reflect the amendments, the revised Plan shall take effect upon approval of the reviewing panel designated in accordance with 18 U.S.C. §3165(c). However, the dismissal sanction and the sanctions against attorneys authorized by 18 U.S.C. §3162 and reflected in Sections 10(a) and (c) of this Plan shall apply only to defendants whose cases are commenced by arrest or summons on or after July 1, 1980, and to indictments and informations filed on or after that date.

(b) If a defendant was arrested or served with a summons before July 1, 1979, the time within which an information or indictment must be filed shall be determined under the Plan that was in effect at the time of such arrest or service.

(c) If a defendant was arraigned before August 2, 1979, the time within which the trial must commence shall be determined under the Plan that was in effect at the time of such arraignment.

(d) If a defendant was in custody on August 2, 1979, solely because he or she was awaiting trial, the 90-day period under Section 5 shall be computed from that date.

APPENDIX K. SCHEDULE OF FEES

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

Office of the Clerk

Schedule of Fees

The **Clerk of the District Court** is required to collect the following fees:

Commencing any civil case or proceeding other than an application for a writ of *habeas corpus*	$350.00
Application for a writ of *habeas corpus*	5.00
Filing a notice or petition of appeal in any case-fee includes docket fee of the United States Court of Appeals	455.00
Filing a Notice of Appeal to District Judge from a Judgment of Conviction by a Magistrate Judge in a Misdemeanor Case	32.00
Certificate of Search Each Name--	26.00
Certifying any document or paper	9.00
Exemplification of any document or paper	18.00
Filing any paper not in a case or proceeding	39.00
Registration of foreign judgment	39.00
Admission of attorney to practice (including certificate)	200.00
Duplicate Attorney Certificate of Admission	20.00
Certificate of Good Standing to Practice	15.00
Admission to Appear *Pro Hac Vice* (each case)	150.00
Copies made by Clerk (does not include certification) Per Page-Photographic (Xerox) copies	$.50
Cassette Tapes of Proceedings	26.00
Comparing copies prepared by applicant (does not include certification) Per Page--	2.00
Retrieval of a Court Record from Federal Record Center or National Archives	45.00
Check Paid into the Court Which is Returned for Insufficient Funds	45.00
Commencing a civil case under Title III of Cuban Liberty and Democratic Solidarity (Liberated) Act of 1996 (This fee is in addition to the fee for commencing a civil case)	5,431.00

CHECKS AND MONEY ORDERS SHOULD BE MADE PAYABLE TO:
CLERK, UNITED STATES DISTRICT COURT

May 1, 1987
Amended effective December 18, 1996; April 1, 1997; January 1, 1998; February 1, 2001; July 1, 2001, October 1, 2002, November 1, 2003, June 1, 2004, February 7, 2005, March 22, 2005; April 9,2006.

APPENDIX L. APPLICATION FOR EXTENSION OF TIME TO REPLY

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

Civil Action No. _____

Application for an Extension of Time to
Answer, Move or Otherwise Reply
(L.Civ.R. 6.1(b))

Application is hereby made for a Clerk's Order extending time within which defendant(s) _____ _____ may answer, move or otherwise reply to Complaint filed by plaintiff(s) herein and it is represented that:

1. No previous extension has been obtained;
2. Service of Process was effected on _____;

and

3. Time to Answer, Move or otherwise Reply expires on _____(date)

_____
Attorney for Defendant(s)
Address: _____
_____

ORDER

The above application is ORDERED GRANTED extended to _____ (date to be filled in by applicant counsel).

ORDER DATED _____

WILLIAM T. WALSH, Clerk
By: _____
Deputy Clerk

APPENDIX M. GUIDELINES FOR ARBITRATION

Revised May 18, 1989, December 19, 1991, December 22, 1993, April 1, 1997 and April 19, 2000

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I. Case Management Responsibility of the Assigned District Judge

The referral of civil actions to the Arbitration Program, pursuant to L.Civ.R. 201.1(d), does not divest the assigned District Judge and Magistrate Judge of the responsibility for exercising overall management control over a case during the pendency of the arbitration process, nor does it preclude the parties from filing pretrial motions or pursuing discovery.

The Arbitration Program has been revised to provide for a "compliance judge for arbitration." The duty of this judicial officer is to administer the arbitration program as a whole and to monitor the arbitration processes. Individual case management, however, remains at all times with the assigned District Judge or Magistrate Judge.

The management of cases referred to arbitration will continue to be subject to this Court's procedures regulating discovery and other pretrial matters, the applicable Federal Rules of Civil Procedure, and the Local Civil Rules of the Court. As in other cases, the dates for concluding pretrial discovery (including expert discovery) will be set at the scheduling conference under Fed. R. Civ. P. 16(b), and the parties will be required to complete all pretrial discovery before the arbitration hearing. Unlike other cases, these dates will not be extended except where a new party has been joined recently or an exceptional reason is presented to the Judge or Magistrate Judge. Extended discovery and the final pretrial conference will be eliminated. This means that approximately one (1) month following the filing of the last answer plus a 120-day discovery period, or at such other date as set by the scheduling order, the case will be set for arbitration through the Arbitration Clerk.

This procedure provides litigants with a prompt and less expensive alternative to the traditional courtroom trial and relieves the heavy burden of the constantly increasing case load. The Court intends for the resulting arbitration hearing to be similar in purpose to a bench trial but without the formality required by the Federal Rules of Evidence.

II. Arbitrator's Responsibility for Managing the Arbitration Hearing Process

A. Although the assigned District Judge retains overall responsibility for cases referred to the arbitration program, the Court delegates authority to the arbitrator to control and regulate the scope and duration of the arbitration hearing, including:

(1) Ruling upon the admissibility of testimonial evidence.

(2) Ruling upon the admissibility of documentary evidence.

(3) Ruling upon the admissibility of demonstrative evidence.

(4) Ruling upon objections to evidence.

(5) Ruling upon requests of counsel to excuse individual parties or authorized corporate representatives from attending the arbitration hearing.

(6) Commencing the hearing in the absence of a party.

(7) Limiting the time for presentation of evidence and summary arguments by a party.

(8) Compelling the presence of witnesses, if desirable.

(9) Swearing witnesses.

(10) Adjourning the arbitration hearing to a date certain, not to exceed 30 days from court order date, to accommodate lengthy proceedings or an unavailable witness whom the arbitrator determines to be essential to the proceedings.

(11) Preparing the Arbitration Award. The scope of delegation to the arbitrator does not include the powers to:

(1) Exercise civil or criminal contempt.

(2) Continue the hearing for an indefinite period.

B. Arbitrator as Adjudicator. The arbitrator's role is as a non-jury adjudicator of the facts based upon evidence and arguments presented at the arbitration hearing. The arbitrator is not a mediator, and the arbitrator shall not convene a settlement discussion at any point in the arbitration process unless all litigants have first explicitly requested the arbitrator to preside over settlement discussions. The arbitrator may decline the parties' request for a settlement discussion if the arbitrator believes that such participation would bring his or her own impartiality into question if the matter is arbitrated. The Court expects that the arbitrator and counsel shall strive at all times to preserve the essential functions of a finder of facts at a hearing which, though less formal than a trial, nonetheless inspires similar confidence in the objectivity and validity of the fact-finding process.

III. Suggested Format for the Presentation of Evidence at Arbitration Hearings

The Court intends that attorneys shall be prepared to present evidence through any combination of exhibits, affidavits, deposition transcripts, expert reports and, if desirable, live testimony. The Court further expects that testimonial evidence shall be limited to situations involving issues of credibility of witnesses. Evidence shall be presented primarily through the attorneys for the parties, who may incorporate arguments on such evidence in their presentation. Expert opinion may normally be presented through written reports, although live expert testimony is desirable where helpful to resolving profound differences of opinion between such experts through direct and cross-examination. In a general sense, the Court envisions this presentation process to be somewhat similar to a combination of opening and closing arguments augmented by live testimony where necessary to aid the arbitrator's fact-finding function.

In developing their arguments, counsel may present only factual representations supportable by reference to discovery materials; to a signed statement of a witness; to a stipulation; to a document; or by a representation that counsel personally spoke with the witness and is repeating what the witness stated.

Arbitrators and counsel are reminded that L.Civ.R. 201.1(f)(5) notes that the Federal Rules of Evidence shall be employed as a guide; however, the Rules should not be construed in a manner to preclude the presentation of evidence submitted by counsel in the fashion discussed above. L.Civ.R. 201.1(f)(5) further requires, "Copies of photographs of all exhibits, except exhibits intended solely for impeachment, must be marked for identification and delivered to adverse parties at least 10 days prior to the hearing... ." To facilitate this exchange, counsel may obtain exhibit stickers from the Clerk's office. Copies of all exhibits exchanged must also be forwarded to the arbitrator at least 10 days prior to the hearing.

With respect to the admissibility and subsequent use of evidence offered at an arbitration hearing, counsel are reminded that L.Civ.R. 201.1(h)(2) provides:

> "Upon the filing of a demand for trial *de novo* ... the action shall be placed on the calendar of the Court and treated for all purposes as if it had not been referred to arbitration..."

Therefore, neither the fact that the case was arbitrated nor the amount of the arbitrator's award is admissible. However, testimony given upon the record of the arbitration hearing may be used to impeach the credibility of a witness at any subsequent trial *de novo*. In light of the limitation placed by the Court upon the use of exhibits at subsequent Court proceedings, the arbitrator should return all exhibits to counsel at the conclusion of the arbitration hearing.

IV. Attendance of Parties; Participation in a "Meaningful Manner"

Although L.Civ.R. 201.1(f)(3) provides for the arbitration hearing to proceed in the absence of any party, the Court has determined that the attendance of the parties and/or corporate representatives is essential for the hearing to proceed in a meaningful manner. The goals of the arbitration program and the authority of the Court will be seriously undermined if a party were permitted to refuse to attend an arbitration hearing and then demand trial *de novo*. Accordingly the Court has, in the same Rule, allowed for the imposition of "appropriate sanctions, including, but not limited to, the striking of any demand for a trial *de novo*" filed by a party who fails to participate in the arbitration process in such a "meaningful manner." Failure by a party or counsel to follow these Guidelines will also be considered in determining whether there has been meaningful participation in the process.

V. Stenographic Transcript

A party desiring to have a recording and/or transcript made of the arbitration hearing shall make all necessary arrangements for same and shall bear all expenses so incurred.

VI. The Arbitration Procedure - A Summary

Upon receipt of the order referring the case to arbitration and appointing an arbitrator, counsel for plaintiff shall *promptly* forward to the arbitrator copies of *all pleadings* including any counterclaim or third party complaint and answers thereto.

Thereafter, and at least *10 days* prior to the arbitration hearing, each counsel shall comply with L.Civ.R. 201.1(f)(5) by delivering to the arbitrator and to adverse counsel premarked copies of *all exhibits*, including expert reports and all portions of depositions and interrogatories, to which reference will be made at the hearing (but not including documents intended solely for impeachment). Failure to timely submit such exhibits may be deemed a failure to meaningfully participate in the process under L.Civ.R. 201.1(f)(3).

The arbitrator will have reviewed the pleadings prior to the arbitration hearing. At least one week prior to the scheduled date of the arbitration hearing, the arbitrator should conduct a conference call with the attorneys to determine whether live testimony will be necessary and who the witnesses will be.

The following is presented as an example of the agenda for a typical arbitration hearing; however, the arbitrator is empowered to define the scope and sequence of events at the hearing.

(1) Convening of the arbitration hearing and introduction of the arbitrator, counsel for the parties, and the parties.
(2) Brief procedural overview presented by the arbitrator.
(3) Opening statement by plaintiff's counsel.
(4) Opening statement by defendant's counsel.
(5) Presentation of evidence by plaintiff's counsel including, if desirable, live testimony.
(6) Presentation of evidence by defendant's counsel including, if desirable, live testimony.
(7) Summation by plaintiff's counsel.
(8) Summation by defendant's counsel.
(9) Adjournment of the arbitration hearing.
(10) Retirement of the arbitrator for deliberation and for documentation of the arbitration award.

VII. Scope of the Arbitration Award

The $150,000 limit of L.Civ.R. 201.1(d)(3)is jurisdictional for the purpose of referring cases to the program pursuant to L.Civ.R. 201.1. However, once a case has been referred to the program, the actual award need not be limited to $150,000. The arbitrator's award may also make provisions for interest and punitive damages if appropriate.

VIII. Processing the Arbitration Award

At the conclusion of the hearing, the arbitrator shall promptly file the award with the Clerk. When the award is filed, the Clerk's Office will docket the fact of the award, leaving out the details, and mail a copy of the award and the arbitrator's written statement or summary setting forth the basis for the award to the arbitrator and counsel.

IX. Compensation of Arbitrators

In the event that an arbitration hearing is protracted, the District Judge to whom the matter is assigned may entertain a petition for additional compensation.

Although the Clerk's Office does not make any deductions from the compensation paid to arbitrators, it should be treated as ordinary income for tax purposes.

X. Alternative Dispute Resolution

After enactment of the Civil Justice Reform Act of 1990, then – General Rule 47 (now Local Civil Rule 201.1) was amended to provide for arbitration by consent of any civil action regardless of amount in controversy. Provision was also made for the parties to "consent to participation in any other form of alternative dispute resolution."

The Alternative Dispute Resolution Act of 1998 required the district courts to make at least one alternative dispute resolution "process" available to litigants. One such process could arbitration by consent. However, the act placed limitations on civil actions that could be referred to arbitration by consent, including a maximum dollar "value" of $150,000.

This Court has a compulsory arbitration program with the same limitations as are imposed for arbitration by consent under the Alternative Dispute Resolution Act of 1998. Accordingly, "consent" to arbitration becomes meaningless when an eligible civil action would be subject to compulsory arbitration. This led to amendment of Local Civil Rule 201.1 to delete the "arbitration by consent" provision.

It <u>remains</u> the intent of the Court to encourage parties to choose a particular form of alternative dispute resolution. Parties may agree to participate in the mediation process prescribed in L.Civ.R.301.1 or may participate in other forms of alternative dispute resolution such as, by way of example only, mini-trials or summary jury trials. Any such agreement between the parties must, however, be presented to the Judge or Magistrate Judge for approval, who shall consider it with due regard for the calendar

and resources of the Court. Should the parties agree on some form of alternative dispute resolution, the District Judge may administratively terminate the civil action pending completion of the alternative dispute resolution procedure.

APPENDIX N.

REPEALED IN ITS ENTIRETY BY ORDER DATED FEBRUARY 2005 AMENDING LOCAL CIVIL RULES 7.1 AND 78.1 AND RESERVING APPENDIX N FOR FUTURE USE

APPENDIX O. OPTIONAL RICO CASE ORDER.
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Plaintiff(s)	**:**	
v.	**:**	**Civil Action No. _____**
Defendant(s)	**:**	

RICO CASE ORDER
18 U.S.C. §§1961-1968

The above-captioned case contains a civil RICO claim, which has been filed in this Court pursuant to 18 U.S.C. §§1961-1968. This order has been designed to establish a uniform and efficient procedure for processing this case.

The plaintiff shall file, within 30 days hereof, a RICO Case Statement. This Statement is equivalent to a supplemental pleading which shall include the facts the plaintiff is relying upon to initiate this RICO complaint as a result of the "reasonable inquiry" required by Fed. R. Civ. P. 11. In particular, this Statement shall be in a form which uses the numbers and letters set forth below, and shall state in detail and with specificity the following information:

1. State whether the alleged unlawful conduct is in violation of 18 U.S.C. §1962(a), (b), (c) and/or (d).

2. List each defendant and state the alleged misconduct and basis of liability of each defendant.

3. List the alleged wrongdoers, other than the defendants listed above, and state the alleged misconduct of each wrongdoer.

4. List the alleged victims and state how each victim was allegedly injured.

5. Describe in detail the pattern of racketeering activity or collection of unlawful debts alleged for each RICO claim. A description of the pattern of racketeering shall include the following information:

a. List the alleged predicate acts and the specific statutes which are allegedly violated;

b. Provide the dates of the predicate acts, the participants in the predicate acts, and a description of the facts surrounding the predicate acts;

c. If the RICO claim is based on the predicate offenses of wire fraud, mail fraud, or fraud in the sale of securities, provide the "circumstances constituting fraud or mistake [which] shall be stated with particularity." Fed. R. Civ. P. 9(b). Identify the time, place and contents of the alleged misrepresentations, and the identity of persons to whom and by whom the alleged misrepresentations were made;

d. State whether there has been a criminal conviction in regard to the predicate acts;

e. State whether civil litigation has resulted in a judgment in regard to the predicate acts;

f. Describe how the predicate acts form a "pattern of racketeering activity"; and

g. State whether the alleged predicate acts relate to each other as part of a common plan. If so, describe in detail.

6. State whether the existence of an "enterprise" is alleged within the meaning of 18 U.S.C. §1961(4). If so, for each such enterprise, provide the following information:

a. State the names of the individuals, partnerships, corporations, associations or other legal entities, which allegedly constitute the enterprise;

b. Describe the structure, purpose, function and course of conduct of the enterprise;

c. State whether any defendants are employees, officers or directors of the alleged enterprise;

d. State whether any defendants are associated with the alleged enterprise;

e. State whether you are alleging that the defendants are individuals or entities separate from the alleged enterprise, or that the defendants are the enterprise itself, or members of the enterprise; and

f. If any defendants are alleged to be the enterprise itself, or members of the enterprise, explain whether such defendants are perpetrators, passive instruments, or victims of the alleged racketeering activity.

7. State and describe in detail whether you are alleging that the pattern of racketeering activity and the enterprise are separate or have merged into one entity.

8. Describe the alleged relationship between the activities of the enterprise and the pattern of racketeering activity. Discuss how the racketeering activity differs from the usual and daily activities of the enterprise, if at all.

9. Describe what benefits, if any, the alleged enterprise receives from the alleged pattern of racketeering.

10. Describe the effect of the activities of the enterprise on interstate or foreign commerce.

11. If the complaint alleges a violation of 18 U.S.C. §1962(a), provide the following information:

a. State who received the income derived from the pattern of racketeering activity or through the collection of an unlawful debt; and

b. Describe the use or investment of such income.

12. If the complaint alleges a violation of 18 U.S.C. §1962(b), describe in detail the acquisition or maintenance of any interest in or control of the alleged enterprise.

13. If the complaint alleges a violation of 18 U.S.C. §1962(c), provide the following information:

a. State who is employed by or associated with the enterprise; and

b. State whether the same entity is both the liable "person" and the "enterprise" under §1962(c).

c. Describe specifically how the defendant(s) participated in the operation or management of the enterprise.

14. If the complaint alleges a violation of 18 U.S.C. §1962(d), describe in detail the alleged conspiracy.

15. Describe the alleged injury to business or property.

16. Describe the direct causal relationship between the alleged injury and the violation of the RICO statute.

17. List the damages sustained by reason of the violation of §1962, indicating the amount for which each defendant is allegedly liable.

18. List all other Federal causes of action, if any, and provide the relevant statute numbers.

19. List all pendent state claims, if any.

20. Provide any additional information that you feel would be helpful to the Court in processing your RICO claim.

AND IT IS SO ORDERED this _____ day of _____, 20 ___.

_____
[Signature of Judicial Officer]

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

Plaintiff	**APPLICATION TO PROCEED IN FORMA PAUPERIS, SUPPORTING DOCUMENTATION AND ORDER**
V.	
Defendant	CASE NUMBER:

I, _____, declare that I am the (check appropriate box)

❑ Petitioner/plaintiff/movant ❑ Other

In the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefore, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefore; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows:

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ❑ Yes ❑ No (If "No" go to Part 2)

   If "Yes" state the place of your incarceration _____

   Are you employed at the institution? _____ Do you receive any payment from the Institution? _____

   Have the institution fill out the Certificate portion of this affidavit and attach a ledger sheet from the institution(s) of your incarceration showing at lest the past six months' transactions.

2. Are you presently employed? ❑ Yes ❑ No

   a. If the answer is "yes," state the amount of your take home salary or wages and pay period and give the name and address of your employer.

   b. If the answer is "no," state the date of last employment and the amount of your take home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 months have you received any money from any of the following sources?

   a. Business, profession or other of self-employment ❑ Yes ❑ No
   b. Rent payments, interest or dividends ❑ Yes ❑ No
   c. Pensions, annuities or life insurance payments ❑ Yes ❑ No
   d. Disability or workers compensation payments ❑ Yes ❑ No

e .Gifts or inheritances ❑ Yes ❑ No

f. Any other sources ❑ Yes ❑ No

If the answer to any of the above is "Yes" describe each source of money and state the amount received and what you expect you will continue to receive.

4. Do you have any cash or checking or savings account? ❑ Yes ❑ No

If "Yes" state the total amount _____

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property? ❑ Yes ❑ No

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I declare under penalty of perjury that the above information is true and correct.

_____

DATE SIGNATURE OF APPLICANT

CERTIFICATE

(Incarcerated applicants only)
(To be completed by the institution of incarceration)

I certify that the applicant named herein has the sum of $_____ on account to his/her credit at (name of institution) _____ _____. I further certify that the applicant has the following securities to his/her credit _____ _____. I further certify that the past six months the applicant's average balance was _____.

_____

DATE SIGNATURE OF AUTHORIZED OFFICER

APPENDIX Q. GUIDELINES FOR MEDIATION

January 29, 1993; amended February 24, 1994, April 1, 1997, April 19, 2000

I. Case Management Responsibility of the Assigned Judicial Officers; Stay of Proceedings

Mediation is intended to afford litigants a less expensive alternative to traditional litigation. L.Civ.R. 301.1, which provides for both compulsory and voluntary mediation, is expected to conserve the resources of litigants which would otherwise be expended in discovery and to concentrate those resources on meaningful and intensive settlement negotiation. Mediation is also intended to conserve judicial resources, enabling Judges and Magistrate Judges to concentrate on cases which have not been referred to mediation. The Court expects and requires both litigants and their attorneys to participate in mediation in good faith.

Any case pending in the Court may be referred to mediation by the assigned Judge or Magistrate Judge. However, there are certain categories of cases (described in L.Civ.R.72.1(a)(3)(C)) which the Court has determined are not generally appropriate for mediation. Moreover, any pending case (other than in these categories) may be referred to mediation if all parties consent.

The referral of cases to mediation does not divest the assigned Judge and Magistrate Judge of the responsibility for exercising overall management control over a case during the pendency of the mediation process. However when a case is referred to mediation all proceedings (including pretrial motions or the pursuit of discovery) are stayed for a 90-day period. The purpose of this stay is to afford a reasonable period of time within which to reach a settlement. If it appears that it would be futile to continue mediation efforts before the stay expires the mediator may request that the case be restored to the active calendar forthwith.

When the stay expires, a case which has not been settled will be restored to the active calendar, protecting the parties from an extended (and unfruitful) stay. L.Civ.R. 301.1(e)(5) does provide that the parties and the mediator may make a joint application for an extension of the stay, thus recognizing that certain cases may need additional time for settlement. This application shall be made to and considered by the referring Judge or Magistrate Judge.

L.Civ.R. 301.1(b) provides for the designation of a "compliance judge for mediation." The duty of this judicial officer is to administer the mediation program and resolve procedural or substantive issues which might arise. Any such issue (including recusal of a mediator) may be brought to the attention of the compliance judge by either the parties or the mediator.

II. Mediator's Responsibility for Managing the Mediation Process

A. When a case is referred to mediation the compliance judge shall designate a mediator or co-mediators as may be appropriate. With the designation of a mediator the Court has delegated to him or her the authority to control and regulate the mediation process, including:

(1) Communicating with counsel to establish an expedited schedule for, among other things, the submission of position papers and the selection of dates for first and subsequent mediation sessions.

(2) Communicating on an *ex parte* basis.

(3) Determining and designating the appropriate representatives of parties, including individuals with settlement authority or other specific individuals, to attend mediation sessions.

B. The function of the mediator is to serve as a neutral facilitator of settlement. The mediator is expected to conduct the mediation process in an expeditious manner. Neither the parties nor the mediator may disclose any information presented during the mediation process without consent. The only exception to this rule of confidentiality is when disclosure may be necessary to advise the compliance judge of an apparent failure to participate in the mediation process.

Mediation, unlike arbitration, is not intended to be a fact-finding or decision-making process. Instead, the focus of mediation is to resolve the dispute between the parties. Resolution of that dispute may lead the parties and the mediator to explore questions of law or issues of fact beyond the scope of the pleadings or to reach settlements which go beyond the relief sought in the pleadings. In short, mediation is a flexible process which may be molded to fit the needs of a particular case. No specific procedures have been set for the mediator to follow. Instead, the intent of L.Civ.R. 301.1 is for the mediator to assist the parties to reach a negotiated settlement by conducting meetings, defining issues, defusing emotion and suggesting possible ways to resolve the dispute.

III. Attendance of Parties; Participation in a Meaningful Manner

The attendance of the parties or their representatives may be deemed by the mediator to be appropriate for mediation to proceed in a meaningful manner. Moreover, one of the goals of the mediation program is to involve both parties and attorneys more intimately. Likewise, the assurance of confidentiality furthers the intimate involvement of parties and attorneys as well as the frank and open discussion required for mediation to succeed. Accordingly, appropriate sanctions may be imposed on any party or attorney who fails to participate in a meaningful manner or to cooperate with the mediator or who breaches confidentiality.

IV. Compensation of Mediators

A. A mediator who is selected by the court or by the parties from the panel of mediators designated by the Chief Judge shall be compensated at the rate of $250.00 an hour except for the first six hours of his or her time, which shall not be compensated. The time incurred by a mediator in reviewing the submissions of the parties shall be included in the calculation of his or her time. The compensation, which shall be paid equally by the parties, may not be varied by the consent of the parties.

B. A mediator who is selected by the parties who is not a member of the panel of mediators designated by the Chief Judge may be compensated according to the amount and terms mutually agreed to by the mediator and the parties. Such agreement must be in writing.

V. Mediation by Consent

If all parties consent to have a case referred to mediation the parties may request the appointment of a mediator from the panel approved by the Chief Judge or may select any other individual or organization to serve as the mediator.

APPENDIX R. Guidelines for Litigation Conduct

Introduction

The widely-perceived, accelerating decline in professionalism - often denominated "civility" - has been the subject of increasing concern to the profession for many, years. Twice since 1988, the American Bar Association has urged adoption of, and adherence to, civility codes. What has been lacking, however, is an ABA-endorsed model code. The GUIDELINES FOR LITIGATION CONDUCT fill that void.

These GUIDELINES are consensus-driven and state nothing novel or revolutionary. They are purely aspirational and are not to be used as a basis for litigation, liability, discipline, sanctions or penalties of any type. The GUIDELINES are designed not to promote punishment but rather to elevate the tenor of practice - to set a voluntary, higher standard, "in the hope that," in the words of former ABA President John J. Curtin, 46some progress might be made towards greater professional satisfaction."

The GUIDELINES FOR LITIGATION CONDUCT are modeled on the Standards for Professional Conduct adopted by the United States Court of Appeals for the Seventh Circuit, a set of proven aspirational standards. Chief United States District Judge Marvin E. Aspen of Chicago, architect of the Seventh Circuit Standards, has accurately observed that civility in the legal profession is inextricably linked to the manner in which lawyers are perceived by the public - and, therefore, to the deteriorating public confidence that our system of justice enjoys.

Deteriorating civility, in former ABA President Lee Cooper's words, "interrupts the administration of justice. It makes the practice of law less rewarding. It robs a lawyer of the sense of dignity and self-worth that should come from a learned profession. Not least of all, it ... brings with it all the problems ... that accompany low public regard for lawyers and lack of confidence in the justice system."

The problem of incivility is more pervasive, and insidious, than its impact on the legal profession alone. As Justice Anthony M. Kennedy has stressed:

Civility is the mark of an accomplished and superb professional, but it is more even than this. It is an end in itself. Civility has deep roots in the idea of respect for the individual.

The decline in civility is not limited to the legal profession, but this profession has been in the forefront of those addressing this problem. These GUIDELINES are offered in this spirit.

Gregory P. Joseph
Chair, 1997-1998
Section of Litigation
American Bar Association

Guidelines for Litigation Conduct

August 1998

Preamble

A lawyer's conduct should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms. In fulfilling our duty to represent a client vigorously as lawyers, we will be mindful of our obligations to the administration of justice, which is a truth-seeking process designed to resolve human and societal problems in a rational, peaceful, and efficient manner.

A judge's conduct should be characterized at all times by courtesy and patience toward all participants. As judges we owe to all participants in a legal proceeding respect, diligence, punctuality, and protection against unjust and improper criticism or attack.

Conduct that may be characterized as uncivil, abrasive, abusive, hostile, or obstructive impedes the fundamental goal of resolving disputes rationally, peacefully, and efficiently. Such conduct tends to delay and often to deny justice.

The following Guidelines are designed to encourage us, judges and lawyers, to meet our obligations to each other, to litigants and to the system of justice, and thereby achieve the twin goals of civility and professionalism, both of which, are hallmarks of a learned profession dedicated to public service.

We encourage judges, lawyers and clients to make a mutual and firm commitment to these Guidelines.

We support the principles espoused in the following Guidelines, but under no circumstances should these Guidelines be used as a basis for litigation or for sanctions or penalties.

Lawyers' Duties to Other Counsel

1. We will practice our profession with a continuing awareness that our role is to zealously advance the legitimate interests of our clients. In our dealings with others we will not reflect the ill feelings of our clients. We will treat all other counsel, parties, and witnesses in a civil and courteous manner, not only in court, but also in all other written and oral communications. We will refrain from acting upon or manifesting bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status toward any participant in the legal process.

2. We will not, even when called upon by a client to do so, abuse or indulge in offensive conduct directed to other counsel, parties, or witnesses. We will abstain from disparaging personal remarks or acrimony toward other counsel, parties, or witnesses. We will treat adverse witnesses and parties with fair consideration.

3. We will not encourage or knowingly authorize any person under our control to engage in conduct that would be improper if we were to engage in such conduct.

4. We will not, absent good cause, attribute bad motives or improper conduct to other counsel.

5. We will not lightly seek court sanctions.

6. We will in good faith adhere to all express promises and to agreements with other counsel, whether oral or in writing, and to all agreements implied by the circumstances or local customs.

7. When we reach an oral understanding on a proposed agreement or a stipulation and decide to commit it to writing, the drafter will endeavor in good faith to state the oral understanding accurately and completely. The drafter will provide other counsel the opportunity to review the writing. As drafts are exchanged between or among counsel, changes from prior drafts will be identified in the draft or otherwise explicitly brought to other counsel's attention. We will not include in a draft matters to which there has been no agreement without explicitly advising other counsel in writing of the addition.

8. We will endeavor to confer early with other counsel to assess settlement possibilities. We will not falsely hold out the possibility of settlement to obtain unfair advantage.

9. In civil actions, we will stipulate to relevant matters if they are undisputed and if no good faith advocacy basis exists for not stipulating.

10. We will not use any form of discovery or discovery scheduling as a means of harassment.

11. Whenever circumstances allow, we will make good faith efforts to resolve by agreement objections before presenting them to the court.

12. We will not time the filing or service of motions or pleadings in any way that unfairly limits another party's opportunity to respond.

13. We will not request an extension of time solely for the purpose of unjustified delay or to obtain unfair advantage.

14. We will consult other counsel regarding scheduling matters in a good faith effort to avoid scheduling conflicts.

15. We will endeavor to accommodate previously scheduled dates for hearings, depositions, meetings, conferences, vacations, seminars, or other functions that produce good faith calendar conflicts on the part of other counsel.

16. We will promptly notify other counsel and, if appropriate, the court or other persons, when hearings, depositions, meetings, or conferences are to be canceled or postponed.

17. We will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided our clients' legitimate rights will not be materially or adversely affected.

18. We will not cause any default or dismissal to be entered without first notifying opposing counsel, when we know his or her identity, unless the rules provide otherwise.

19. We will take depositions only when actually needed. We will not take depositions for the purposes of harassment or other improper purpose.

20. We will not engage in any conduct during a deposition that would not be appropriate in the presence of a judge.

21. We will not obstruct questioning during a deposition or object to deposition questions unless permitted under applicable law.

22. During depositions we will ask only those questions we reasonably believe are necessary, and appropriate, for the prosecution or defense of an action.

23. We will carefully craft document production requests so they are limited to those documents we reasonably believe are necessary, and appropriate, for the prosecution or defense of an action. We will not design production requests to place an undue burden or expense on a party, or for any other improper purpose.

24. We will respond to document requests reasonably and not strain to interpret requests in an artificially restrictive manner to avoid disclosure of relevant and non-privileged documents. We will not produce documents in a manner designed to hide or obscure the existence of particular documents, or to accomplish any other improper purpose.

25. We will carefully craft interrogatories so they are limited to those matters we reasonably believe are necessary, and appropriate, for the prosecution or defense of an action, and we will not design them to place an undue burden or expense on a party, or for any other improper purpose.

26. We will respond to interrogatories reasonably and will not strain to interpret them in an artificially restrictive manner to avoid disclosure of relevant and non-privileged information, or for any other improper purpose.

27. We will base our discovery objections on a good faith belief in their merit and will not object solely for the purpose of withholding or delaying the disclosure of relevant information, or for any other improper purpose.

28. When a draft order is to be prepared by counsel to reflect a court ruling, we will draft an order that accurately and completely reflects the court's ruling. We will promptly prepare and submit a proposed order to other counsel and attempt to reconcile any differences before the draft order is presented to the court.

29. We will not ascribe a position to another counsel that counsel has not taken.

30. Unless permitted or invited by the court, we will not send copies of correspondence between counsel to the court.

31. Nothing contained in these Guidelines is intended or shall be construed to inhibit vigorous advocacy, including vigorous cross-examination.

Lawyers' Duties to the Court

1. We will speak and write civilly and respectfully in all communications with the court.

2. We will be punctual and prepared for all court appearances so that all hearings, conferences, and trials may commence on time; if delayed, we will notify the court and counsel, if possible.

3. We will be considerate of the time constraints and pressures on the court and court staff inherent in their efforts to administer justice.

4. We will not engage in any conduct that brings disorder or disruption to the courtroom. We will advise our clients and witnesses appearing in court of the proper conduct expected and required there and, to the best of our ability, prevent our clients and witnesses from creating disorder or disruption.

5. We will not knowingly misrepresent, mis-characterize, misquote, or mis-cite facts or authorities in any oral or written communication to the court.

6. We will not write letters to the court in connection with a pending action, unless invited or permitted by the court.

7. Before dates for hearings or trials are set, or if that is not feasible, immediately after such date has been set, we will attempt to verify the availability of necessary participants and witnesses so we can promptly notify the court of any likely problems.

8. We will act and speak civilly* to court marshals, clerks, court reporters, secretaries, and law clerks with an awareness that they, too, are an integral part of the judicial system.

Courts' Duties to Lawyers

1. We will be courteous, respectful, and civil to lawyers, parties, and witnesses. We will maintain control of the proceedings, recognizing that judges have both the obligation and the authority to insure that all litigation proceedings are conducted in a civil manner.

2. We will not employ hostile, demeaning, or humiliating words in opinions or in written or oral communications with lawyers, parties, or witnesses.

3. We will be punctual in convening all hearings, meetings, and conferences; if delayed, we will notify counsel, if possible.

4. In scheduling all hearings, meetings and conferences we will be considerate of time schedules of lawyers, parties, and witnesses.

5. We will make all reasonable efforts to decide promptly all matters presented to us for decision.

6. We will give the issues in controversy deliberate, impartial, and studied analysis and consideration.

7. While endeavoring to resolve disputes efficiently, we will be considerate of the time constraints and pressures imposed on lawyers by the exigencies of litigation practice.

8. We recognize that a lawyer has a right and a duty to present a cause fully and properly, and that a litigant has a right to a fair and impartial hearing. Within the practical limits of time, we will allow lawyers to present proper arguments and to make a complete and accurate record.

9. We will not impugn the integrity or professionalism of any lawyer on the basis of the clients whom or the causes which a lawyer represents.

10. We will do our best to insure that court personnel act civilly toward lawyers, parties, and witnesses.

11. We will not adopt procedures that needlessly increase litigation expense.

12. We will bring to lawyers' attention uncivil conduct which we observe.

Judges' Duties to Each Other

1. We will be courteous, respectful, and civil in opinions, ever mindful that a position articulated by another judge is the result of that judge's earnest effort to interpret the law and the facts correctly.

2. In all written and oral communications, we will abstain from disparaging personal remarks or criticisms, or sarcastic or demeaning comments about another judge.

3. We will endeavor to work with other judges in an effort to foster a spirit of cooperation in our mutual goal of enhancing the administration of justice.

APPENDIX S. DISCOVERY CONFIDENTIALITY ORDER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Plaintiff, vs. Defendant.	Civil Action No.: ___ Civ. ____(XXX) **DISCOVERY CONFIDENTIALITY ORDER**

It appearing that discovery in the above-captioned action is likely to involve the disclosure of confidential information, it is ORDERED as follows:

1. Any party to this litigation and any third-party shall have the right to designate as "Confidential" and subject to this Order any information, document, or thing, or portion of any document or thing: (a) that contains trade secrets, competitively sensitive technical, marketing, financial, sales or other confidential business information, or (b) that contains private or confidential personal information, or (c) that contains information received in confidence from third parties, or (d) which the producing party otherwise believes in good faith to be entitled to protection under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure and Local Civil Rule 5.3. Any party to this litigation or any third party covered by this Order, who produces or discloses any Confidential material, including without limitation any information, document, thing, interrogatory answer, admission, pleading, or testimony, shall mark the same with the foregoing or similar legend: "CONFIDENTIAL" or "CONFIDENTIAL – SUBJECT TO DISCOVERY CONFIDENTIALITY ORDER" (hereinafter "Confidential").

2. Any party to this litigation and any third-party shall have the right to designate as "Attorneys' Eyes Only" and subject to this Order any information, document, or thing, or portion of any document or thing that contains highly sensitive business or personal information, the disclosure of which is highly likely to cause significant harm to an individual or to the business or competitive position of the designating party. Any party to this litigation or any third party who is covered by this Order, who produces or discloses any Attorneys' Eyes Only material, including without limitation any information, document, thing, interrogatory answer, admission, pleading, or testimony, shall mark the same with the foregoing or similar legend: "ATTORNEYS' EYES ONLY" or "ATTORNEYS' EYES ONLY – SUBJECT TO DISCOVERY CONFIDENTIALITY ORDER" (hereinafter "Attorneys' Eyes Only").

3. All Confidential material shall be used by the receiving party solely for purposes of the prosecution or defense of this action, shall not be used by the receiving party for any business, commercial, competitive, personal or other purpose, and shall not be disclosed by the receiving party to anyone other than those set forth in Paragraph 4, unless and until the restrictions herein are removed either by written agreement of counsel for the parties, or by Order of the Court. It is, however, understood that counsel for a party may give advice and opinions to

his or her client solely relating to the above-captioned action based on his or her evaluation of Confidential material, provided that such advice and opinions shall not reveal the content of such Confidential material except by prior written agreement of counsel for the parties, or by Order of the Court.

4. Confidential material and the contents of Confidential material may be disclosed only to the following individuals under the following conditions:

a. Outside counsel (herein defined as any attorney at the parties' outside law firms) and relevant in-house counsel for the parties;

b. Outside experts or consultants retained by outside counsel for purposes of this action, provided they have signed a non-disclosure agreement in the form attached hereto as Exhibit A;

c. Secretarial, paralegal, clerical, duplicating and data processing personnel of the foregoing;

d. The Court and court personnel;

e. Any deponent may be shown or examined on any information, document or thing designated Confidential if it appears that the witness authored or received a copy of it, was involved in the subject matter described therein or is employed by the party who produced the information, document or thing, or if the producing party consents to such disclosure;

f. Vendors retained by or for the parties to assist in preparing for pretrial discovery, trial and/or hearings including, but not limited to, court reporters, litigation support personnel, jury consultants, individuals to prepare demonstrative and audiovisual aids for use in the courtroom or in depositions or mock jury sessions, as well as their staff, stenographic, and clerical employees whose duties and responsibilities require access to such materials; and

g. The parties. In the case of parties that are corporations or other business entities, "party" shall mean executives who are required to participate in decisions with reference to this lawsuit.

5. Confidential material shall be used only by individuals permitted access to it under Paragraph 4. Confidential material, copies thereof, and the information contained therein, shall not be disclosed in any manner to any other individual, until and unless (a) outside counsel for the party asserting confidentiality waives the claim of confidentiality, or (b) the Court orders such disclosure.

6. With respect to any depositions that involve a disclosure of Confidential material of a party to this action, such party shall have until thirty (30) days after receipt of the deposition transcript within which to inform all other parties that portions of the transcript are to be designated Confidential, which period may be extended by agreement of the parties. No such deposition transcript shall be disclosed to any individual other than the individuals described in Paragraph 4(a), (b), (c), (d) and (f) above and the deponent during these thirty (30) days, and no individual attending such a deposition shall disclose the contents of the deposition to any individual other than those described in Paragraph 4(a), (b), (c), (d) and (f) above during said thirty (30) days. Upon being informed that certain portions of a deposition are to be designated as Confidential, all parties shall immediately cause each copy of the transcript in its custody or control to be appropriately marked and limit disclosure of that transcript in accordance with Paragraphs 3 and 4.

7. Material produced and marked as Attorneys' Eyes Only may be disclosed only to outside counsel for the receiving party and to such other persons as counsel for the producing party agrees in advance or as Ordered by the Court.

8. If counsel for a party receiving documents or information designated as Confidential or Attorneys' Eyes Only hereunder objects to such designation of any or all of such items, the following procedure shall apply:

(a) Counsel for the objecting party shall serve on the designating party or third party a written objection to such designation, which shall describe with particularity the documents or information in question and shall state the grounds for objection. Counsel for the designating party or third party shall respond in writing to such objection within ten (10) days, and shall state with particularity the grounds for asserting that the document or information is Confidential or Attorneys' Eyes Only. If no timely written response is made to the objection, the challenged designation will be deemed to be void. If the designating party or nonparty makes a timely response to such objection asserting the propriety of the designation, counsel shall then confer in good faith in an effort to resolve the dispute.

(b) If a dispute as to a Confidential or Attorneys' Eyes Only designation of a document or item of information cannot be resolved by agreement, the proponent of the designation being challenged shall present the dispute to the Court initially by telephone or letter, in accordance with Local Civil Rule 37.1(a)(1), before filing a formal motion for an order regarding the challenged designation. The document or information that is the subject of the filing shall be treated as originally designated pending resolution of the dispute.

9. All requests to seal documents filed with the Court shall comply with Local Civil Rule 5.3.

10. If the need arises during trial or at any Hearing before the Court for any party to disclose Confidential or Attorneys' Eyes Only information, it may do so only after giving notice to the producing party and as directed by the Court.

11. To the extent consistent with applicable law, the inadvertent or unintentional disclosure of Confidential material that should have been designated as such, regardless of whether the information, document or thing was so designated at the time of disclosure, shall not be deemed a waiver in whole or in part of a party's claim of confidentiality, either as to the specific information, document or thing disclosed or as to any other material or information concerning the same or related subject matter. Such inadvertent or unintentional disclosure may be rectified by notifying in writing counsel for all parties to whom the material was disclosed that the material should have been designated Confidential within a reasonable time after disclosure. Such notice shall constitute a designation of the information, document or thing as Confidential under this Discovery Confidentiality Order.

12. When the inadvertent or mistaken disclosure of any information, document or thing protected by privilege or work-product immunity is discovered by the producing party and brought to the attention of the receiving party, the receiving party's treatment of such material shall be in accordance with Federal Rule of Civil Procedure 26(b)(5)(B). Such inadvertent or mistaken disclosure of such information, document or thing shall not by itself constitute a waiver by the producing party of any claims of privilege or work-product immunity. However, nothing herein restricts the right of the receiving party to challenge the producing party's claim of

privilege if appropriate within a reasonable time after receiving notice of the inadvertent or mistaken disclosure.

13. No information that is in the public domain or which is already known by the receiving party through proper means or which is or becomes available to a party from a source other than the party asserting confidentiality, rightfully in possession of such information on a non-confidential basis, shall be deemed or considered to be Confidential material under this Discovery Confidentiality Order.

14. This Discovery Confidentiality Order shall not deprive any party of its right to object to discovery by any other party or on any otherwise permitted ground. This Discovery Confidentiality Order is being entered without prejudice to the right of any party to move the Court for modification or for relief from any of its terms.

15. This Discovery Confidentiality Order shall survive the termination of this action and shall remain in full force and effect unless modified by an Order of this Court or by the written stipulation of the parties filed with the Court.

16. Upon final conclusion of this litigation, each party or other individual subject to the terms hereof shall be under an obligation to assemble and to return to the originating source all originals and unmarked copies of documents and things containing Confidential material and to destroy, should such source so request, all copies of Confidential material that contain and/or constitute attorney work product as well as excerpts, summaries and digests revealing Confidential material; provided, however, that counsel may retain complete copies of all transcripts and pleadings including any exhibits attached thereto for archival purposes, subject to the provisions of this Discovery Confidentiality Order. To the extent a party requests the return of Confidential material from the Court after the final conclusion of the litigation, including the exhaustion of all appeals therefrom and all related proceedings, the party shall file a motion seeking such relief.

IT IS SO ORDERED.

Dated: _____ _____

_____, U.S.M.J.

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Plaintiff, vs. Defendant.	Civil Action No.: __ Civ. ____ (XX) **AGREEMENT TO BE BOUND BY DISCOVERY CONFIDENTIALITY ORDER**

I, _____, being duly sworn, state that:

1. My address is _____.
2. My present employer is _____ and the address of my present employment is _____.
3. My present occupation or job description is _____.
4. I have carefully read and understood the provisions of the Discovery Confidentiality Order in this case signed by the Court, and I will comply with all provisions of the Discovery Confidentiality Order.
5. I will hold in confidence and not disclose to anyone not qualified under the Discovery Confidentiality Order any Confidential Material or any words, summaries, abstracts, or indices of Confidential Information disclosed to me.
6. I will limit use of Confidential Material disclosed to me solely for purpose of this action.
7. No later than the final conclusion of the case, I will return all Confidential Material and summaries, abstracts, and indices thereof which come into my possession, and documents or things which I have prepared relating thereto, to counsel for the party for whom I was employed or retained.

I declare under penalty of perjury that the foregoing is true and correct.

Dated:_____ _____

[Name]