

**ANNUAL REPORT OF THE
NEW JERSEY LAW REVISION COMMISSION
1991**

Report to the Legislature of
the State of New Jersey as
provided by C. 1: 12A-9.
May, 1992

B. Municipal Court

The Commission filed a Report and Recommendations on Municipal Courts, which recommends modernization and clarification of the statutes on municipal courts and codifies current practice with respect to those courts. (See Appendix B.) Existing statutory law has anachronistic provisions and does not fully reflect current practice. Comments on the Commission's proposals were solicited from the Judiciary and from members of the Bar. The substantive changes proposed by the Report include provisions establishing qualifications and tenure for court administrators, requiring appointment of a municipal prosecutor, and specifying methods of appointment of counsel for indigent defendants. The Commission's proposals coincide with the recommendations of the Supreme Court Task Force on the Municipal Courts.

C. Surrogates

The Commission filed a Report and Recommendations Concerning Surrogates. (See Appendix C.) The current chapter on surrogates contains sections dating back to 1882, which have been repeatedly supplemented and amended. They contain anachronistic references and dollar amounts, and require procedures which do not comport with current practice. Extensive comments on the project were received from the surrogates and the Judiciary. The Commission proposal modernizes the statutes on this subject and removes duplicate provisions in Title 3B, Administration of Estates. Beyond savings achieved by making the statutory law more clear, thereby avoiding litigation or ambiguities, the work on this topic will save money for the State. Current statutes require that copies of wills and inventories filed in the offices of the surrogates be sent to the Superior Court in Trenton. These documents thus are indexed and microfilmed twice. The Commission

proposal would eliminate this unnecessary duplication, saving the courts more than \$100,000 per year.

D. Tax Court

The Commission filed a Report and Recommendations on the Tax Court. (See Appendix D.) The Tax Court was established in 1978 by a statute which transferred the functions of the court's predecessor, the Division of Tax Appeals, to the new court. The Commission proposal clarifies the jurisdiction and powers of the Tax Court and eliminates unnecessary provisions.

E. Terms of Appointment

The Commission filed a Report and Recommendations on Terms of Appointment. (See Appendix E.) The proposed statute codifies and clarifies the rules governing the commencement and expiration dates of terms of office for members of public bodies. The proposed statute also establishes rules concerning holdover, successor, replacement and ex officio memberships.

F. Statute of Frauds

The Commission filed a Report and Recommendations Relating to Writing Requirements for Real Estate Transactions, Brokerage Agreements and Suretyship Agreements. (See Appendix F.) This title is more accurate than the existing "Statute of Frauds." Few New Jersey statutes are of more ancient derivation than the New Jersey Statute of Frauds, R.S. 25:1-1 to -9, which was enacted in 1794 and drawn almost verbatim from the English statute of 1677. The original five sections of the Statute of Frauds require most transactions concerning land to be in writing, and enumerate the types of agreements which must be in writing to be enforceable. The remaining four