

April 26, 2013

Glenn A. Grant, J.A.D
Acting Administrative Director of the Courts
Rules Comments
Hughes Justice Complex, P.O. Box 037
Trenton, New Jersey 08625-0037

Re: Proposed Amendments to N.J.R.E. 104 and 702

Dear Judge Grant:

The New Jersey Business & Industry Association (NJBIA) appreciates the opportunity to provide written comments regarding proposed amendments to the New Jersey Rules of Evidence (“N.J.R.E.”) 104 and 702. The New Jersey Lawsuit Reform Alliance has also written to urge the Court to adopt their proposed amendments to the rules governing the admissibility of expert testimony.

NJBIA is the state’s largest employer association with over 21,000 members in New Jersey providing information, services and advocacy for its member companies in order to build a more prosperous state. As a group, our members employ more than one million people in our state.

As the Evidence Committee notes, we wrote to the Committee in 2009, urging the adoption of the proposed language; we also wrote earlier this year to urge the Committee to recommend the proposed language in its report. As the largest organization of New Jersey-based businesses, we are concerned about predictability and consistency in civil litigation.

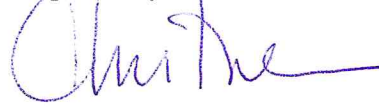
Given the growing significance of expert testimony, we continue to believe it is essential that the rules be updated to provide greater clarity and consistency in the admissibility of such testimony in trial courts. We would also note that as the rest of the nation continues to move in the direction of a more Daubert-like approach, New Jersey-based businesses find themselves increasingly targets of litigation as a result of the state's less rigorous rules on expert testimony.

We urge the Court to adopt the proposed amendments as submitted. This language would

ensure that expert testimony is admitted according to sound and predictable criteria, improving the quality of testimony presented to the jury, and enhancing the fairness of the courts.

Thank you for your consideration of our request.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Christine", with a long horizontal flourish extending to the right.

Christine A. Stearns