

SENATE, No. 61

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator MICHAEL J. DOHERTY

District 23 (Warren and Hunterdon)

SYNOPSIS

Authorizes business entities to designate representatives in court proceedings without the necessity for representation by an attorney.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



S61 DOHERTY

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1 AN ACT concerning certain court appearances and supplementing
2 Title 2A of the New Jersey Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Notwithstanding the provisions of any other law or rule to
8 the contrary, a business entity may designate any person to appear,
9 and to file any paper, in any action in any court of this State on
10 behalf of that business entity. A person may be designated to
11 represent a business entity in accordance with this act only with the
12 unanimous consent of all stockholders or all partners and upon
13 their written resolution.

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15 2. This act shall take effect immediately.

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STATEMENT

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20 This bill would authorize a business entity to designate any
21 person to appear, and to file any paper, in any action in any court of
22 this State on behalf of that business entity. The bill provides that a
23 person could be designated to represent a business entity only with
24 the unanimous consent of all stockholders or all partners and upon
25 their written resolution. Currently, R.1:21-1(c) prohibits business
26 entities, other than sole proprietors, from designating
27 representatives to appear in court on behalf of the entities and
28 requires that such entities be represented by an attorney.

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30 The sponsor was prompted to introduce this bill by the plight of
31 a constituent, the sole owner of a small corporation, who was
32 denied the right to appear in court on behalf of his company.
33 Pursuant to the Court Rule, the judge insisted that the constituent
incur the expense of hiring an attorney to represent the company.