

Memorandum of New Jersey League of Women Voters and Middlesex
County League of Women Voters in Support of Motion
for leave to appear as Amici Curiae

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SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY
Docket No. C-4122-73

314

FILED

SEP 8 1975

DAVID D. FURMAN, J.S.C.

URBAN LEAGUE OF GREATER NEW BRUNSWICK, et al., :

Plaintiffs, :

v. :

Civil Action

THE MAYOR AND COUNCIL OF THE BOROUGH OF CARTERET, et al., :

Defendants. :

MEMORANDUM OF NEW JERSEY LEAGUE OF WOMEN VOTERS
AND MIDDLESEX COUNTY LEAGUE OF WOMEN VOTERS
IN SUPPORT OF MOTION FOR LEAVE TO APPEAR AS
AMICI CURIAE

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INTRODUCTION

This memorandum is submitted in support of the application of the New Jersey League of Women Voters and the Middlesex County League of Women Voters for leave to appear as amici curiae in this action.

ARGUMENT

In order that it may have the benefit of the fullest discussion of the issues before it, the court has the inherent power to permit a person not a party to the litigation to appear as an amicus curiae, particularly where questions of general or public interest are involved. See Amicus Curiae, 3A C.J.S. §9 (1973 ed.).

It is well settled that New Jersey courts may, in their discretion, grant persons permission to appear as amici curiae, Boyd v. Lemmerman, 11 N.J. Misc. 701 (S. Ct. 1932) both in criminal cases, State v. Lang, 75 N.J.L. 502, 508 (E&A 1907), and in civil cases, Casey v. Male, 63 N.J. Super. 255 (Ch. Div. 1960). While there is no New Jersey court rule which expressly establishes a procedure for amicus curiae appearances, our courts have permitted such appearances in many cases [e.g.,

Raleigh Fitkin-Paul Morgan Memorial Hospital v. Anderson, 42 N.J. 421 (1964)].

As indicated in the supporting joint affidavit of Dorothy K. Powers and Merry Mendelson (¶2), the sole issue on which the Leagues wish to be heard is that of remedy -- an issue as to which this Court has already expressed doubt (Tr. of 11/1/74 Hearing, 16 to 17). The Leagues hope, if granted the opportunity, to give the Court substantial assistance in acquiring a full and complete discussion of this important issue.

CONCLUSION

For the foregoing reasons, the petitioners, the New Jersey League of Women Voters and the Middlesex County League of Women Voters, respectfully request that their application for leave to appear in this action as amici curiae be granted.

Respectfully submitted,

CLAPP & EISENBERG
Attorneys for Petitioners
New Jersey League of Women
Voters and Middlesex County
League of Women Voters

By *William J. O'Shaughnessy*
William J. O'Shaughnessy

Dated: August 28, 1975

