

Appellate

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New Jersey Supreme Court's New 'Merits Briefing' Process: What Appellate Practitioners Need to Know

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On February 26, the New Jersey Supreme Court announced its adoption of a new “merits briefing” model for Supreme Court appeals taken on or after February 10, 2026. Appellate practitioners should be aware that the associated Rule amendments overhaul the timing and procedure for appellants, respondents, and amici curiae, and enhance public access to Supreme Court briefing.

Appellants and Respondents

The change replaces the previous system, which treated the petition for certification briefs as the parties’ merits briefs after the Supreme Court agreed to hear the case. There was no opportunity for merits briefing without the parties filing a motion for supplemental briefing, which could delay resolution of the appeal and cause uncertainty and confusion in the record.

The new merits briefing model aims to simplify and streamline the process. Now, once the Court grants certification or leave to appeal, both sides get a clean slate to file a single, consolidated 50-page brief focused entirely on the merits. The appellant will have **40 days** after the appeal is granted to file; the respondent will have **30 days** after the appellant’s filing; and the appellant will have the option to submit a 15-page reply brief **24 days** after the respondent’s filing. The new schedule allows the full briefing cycle to conclude within 94 days. See R. 2:6-11(a)(2).

Amicus Curiae

The Supreme Court’s Rule changes also introduce significant changes for amici curiae. Amicus motion deadlines are now embedded directly in the briefing schedule rather than occurring after the parties’ filings have finished. Proposed amici must file their motion and proposed brief within **10 days** of the respondent’s merits brief filing. Importantly, the Court will not permit amici to file motions for extension of time, making the amicus curiae deadline non-extendable. In addition, the page limit for amicus briefs has been reduced from 50 pages to 30 pages, and amici must now declare on the cover of their brief which party they support—or, if they’re not aligned with either side, whether they favor affirmance or reversal.

Appellant’s reply brief, which is due 14 days after the amicus brief deadline, may address the arguments made by amici. Respondent may submit a response to amici on the same day that appellant’s reply brief is due. Interestingly, while appellant’s amici response must be included with the merits arguments of its 15-page reply brief, respondent is afforded a full 15 pages to respond to amici. See R. 1:13-9.

Public Access

The Court has also enhanced public access to case materials. Instead of waiting until oral argument to post briefs, materials will now be uploaded to the Court's website as soon as the appeal is taken and updated as merits briefs come in. The website will also include the decision under appeal, a summary of the issues, the amicus filing deadline, and the Court's order. This approach enables interested parties—including potential amici—to stay informed and decide whether to participate.

Key Takeaways

Appellate practitioners should monitor the Court's website regularly and become familiar with the revised deadlines that wrap up the entire briefing cycle in just 94 days. Amici should begin drafting early and take advantage of the public access to parties' briefing on the Supreme Court website—given their non-extendable deadline to submit amicus briefing.

More information about the Supreme Court's amendments can be found [here](#). For specific guidance on how to navigate the new "merits briefing" model, please contact Lowenstein Sandler's Appellate practice team.

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