

MINUTES OF COMMISSION MEETING

September 21, 2023

Present at the meeting of the New Jersey Law Revision Commission, held remotely, were: Chairman Vito A. Gagliardi, Jr.; Vice-Chairman Andrew O. Bunn; Professor Edward Hartnett, attending on behalf of Interim Dean John Kip Cornwell; and Professor Bernard W. Bell attending on behalf of Dean Johanna Bond.

In Attendance

Alex Daniel, Esq., Counsel for the New Jersey Civil Justice Institute, was in attendance.

Minutes

The Minutes of the July 20, 2023, Commission Meeting were unanimously approved on the motion of Commissioner Bell, seconded by Commissioner Hartnett.

Comprehensive Drug Reform Act – Joint Motions to Vacate Parole Ineligibility

Samuel Silver explained that in the forty years that followed New Jersey's enactment of the Comprehensive Drug Reform Act ("CDRA") of 1987, and in reaction to the constitutional challenges to the Act, the Attorney General of New Jersey promulgated various Directives to promote uniformity and avoid arbitrary or abusive exercises of discretionary power. This, combined with judicial oversight was intended to protect defendants from arbitrary and capricious prosecutorial decisions.

In 2021, the Attorney General issued a Directive that had a twofold purpose: (1) end the imposition of mandatory parole ineligibility for non-violent crimes; and (2) use statutory authority or Court Rules to correct injustices of mandatory minimum drug sentences already imposed. In *State v. Arroyo-Nunez*, the Appellate Division determined that motions filed pursuant to the Directive and the New Jersey Rules of Court were permissible.

At the direction of the Commission, Samuel Silver submitted two Appendices for the Commission's consideration. He clarified that both featured proposed revisions to the original statute. Subsection (a) is intended to enhance sentence clarity and comprehension, incorporating the introductory language proposed by Commissioner Hartnett during the Commission meeting held on July 20, 2023. In subsection (b), the proposed modifications remove ambiguous language from the statute, to avoid it interpreted in a manner that might prevent individuals who plead guilty from entering into post-conviction agreements with the State.

Mr. Silver clarified that the distinction between the two Appendices lies in subsection (b)(2). The proposed language in Appendix One explicitly incorporates the *Arroyo-Nunez* requirement that the court make individualized determinations of whether good cause exists to grant a joint motion. Mr. Silver also pointed out that the language in subsection (b)(3) is unaltered, with the exception of the internal cross-reference to subsection (b).

He explained that at the July Commission meeting, Commissioner Hartnett proposed the elimination of subsection (b)(2), reasoning that because a joint motion brought pursuant to R. 3:21-10(b)(3) will only be granted upon a demonstration of "good cause" there is no need for a statutory

reference to this requirement. Commissioner Harnett added that because the “good cause” requirement is found in the Court Rules, it need not be embedded in the statute. Vice-Chairman Bunn agreed, adding that a reference to the Court Rule be placed in the comment following the proposed modifications in the Appendix. Commissioner Harnett, Commissioner Bell, and Chairman Gagliardi all agreed with Vice-Chairman Bunn’s recommendation.

With the modification proposed by Vice-Chairman Bunn, and on his motion, which was seconded by Commissioner Bell, the Commission unanimously released the work as a Revised Final Report.

Workers’ Compensation Act and the Scope of Intentional Wrong

Whitney Schlimbach discussed with the Commission a Draft Final Report addressing the scope of the “intentional wrong” exception in N.J.S. 34:15-8 of the New Jersey’s Workers’ Compensation Act (WCA). Ms. Schlimbach noted that the statute does not define the phrase or specify what it encompasses. She explained that the exception was added to the statute in 1961, and until 1985, courts interpreted the exception as requiring a “deliberate intent to injure.”

However, in *Millison v. E.I. du Pont de Nemours & Co.*, 101 N.J. 161 (1985), the Supreme Court expanded the exception to include a “substantial certainty” of injury and developed a two-pronged analysis. Courts were instructed to consider: (1) whether the conduct gave rise to a “substantial” or “virtual” certainty of harm; and (2) whether the context of the harm was more than a “fact of life” of industrial employment and “plainly beyond” what the legislature intended the WCA to cover. This standard was reaffirmed in the subsequent Supreme Court cases of *Laidlow v. Hariton Machine Co.* and *Van Dunk v. Reckson Associates Realty Corp.*

Following the release of the Tentative Report in September 2022, outreach was conducted to knowledgeable and interested individuals and organizations. Responses were received from several commenters. Opposition to the proposed modifications set forth in the report were received from the Insurance Council of New Jersey (ICNJ) and the New Jersey Civil Justice Institute (NJCJI) in a joint comment, and separately from the New Jersey Business and Industry Association (NJBIA). All three organizations objected to the attempt to codify a fact-sensitive analysis and also expressed specific concern regarding the language “known and accepted risk in the industry.”

The Honorable Roberto Rivera-Soto, who served as legal counsel for the respondent in *Bove v. AkPharma*, the case that initially brought this matter to the Commission’s attention, also shared his insights with Staff. Justice Rivera-Soto expressed concerns similar to those raised by the ICNJ, NJCJI, and NJBIA, and proposed that the language should closely adhere to the requirements outlined in the significant Supreme Court cases. Ms. Schlimbach pointed out that his suggested alternative language can be found in its entirety within the report.

After the September 2023 meeting agenda was released, the New Jersey State Bar Association (NJSBA) contacted the Commission’s Staff. Ms. Schlimbach advised the Commission that the NJSBA has not formally taken a position on the Commission’s Tentative Report. Prior to the September meeting Lisa Chapland, Senior Managing Director of Government Affairs for the NJSBA, coordinated a meeting between Staff, and NJSBA section representatives Ann DeBellis

and Frank Visconi, to allow them to provide preliminary, informal, information concerning the positions of the Workers' Compensation and Civil Trial sections, respectively.

Ms. DeBellis preliminarily indicated that the Workers' Compensation section unanimously agreed that attempting to codify the evidentiary standard for establishing an intentional wrong was not necessary, given the longstanding and consistent caselaw in this area and the predictability that it provides. Mr. Visconi preliminarily explained that there were two differing positions within the Civil Trial section. Some members believe there is no need to amend the statute and expressed concern that legislating in this area would add to confusion rather than provide clarity. Others oppose the modifications in the Tentative Report but do not necessarily oppose amending the statute in this area. Both Ms. DeBellis and Mr. Visconi informed Staff they would provide the Draft Final Report to their sections for review to determine whether the sections would provide any additional feedback.

Additional comments were also received from the ICNJ and NJCJI in another joint letter, which opposed the modifications and reiterated the organizations' concerns. However, the organizations also provided alternative language in the event the Commission recommended modifications to the statute.

Ms. Schlimbach described the modifications set forth in the Appendix, noting that the subsections (a) and (b) were unchanged since the release of the Tentative Report. The changes to subsection (c) since the release of the Tentative Report are confined to the "context" prong in subsection (c)(2)(B) and reflect the responses received from commenters. The modifications track language used by the *Van Dunk* Court, in order to use what seemed to be a more objective standard than the phrase "more than a fact of industrial life."

In advance of the Commission meeting, Commissioner Long provided project-related comments to Staff via e-mail. Commissioner Long stated that it "does not appear that there is any support from stakeholders for this legislation." Additionally, she noted that "these are exquisitely fact sensitive determinations which do not lend themselves to much more precision" and concluded that she does "not believe [the] draft advances the ball beyond the case law."

Ms. Schlimbach highlighted the unique position of this project given the comments that were received subsequent to the publication of the Draft Final Report. Notably, the NJSBA section representatives have distributed the Report to their sections for review. Ms. Schlimbach requested guidance from the Commission regarding whether to release a Final Report or hold the Report to provide the NJSBA with additional time to comment on its contents.

Chairman Gagliardi thanked Ms. Schlimach for the historical scholarship that she included in this report. Alex Daniel representing the New Jersey Civil Justice Institute also expressed his appreciation to Ms. Schlimbach for the comprehensive scholarship evident in the Report. He highlighted that over the years courts have refined their interpretation of this statute. Furthermore, he conveyed that in his experience the courts have not struggled to delineate the boundaries of the exception. Mr. Daniel cautioned against a statutory modification that might trigger litigation aimed at interpreting the newly enacted language. He emphasized that the current statute strikes an appropriate balance, as interpreted by the courts. He commended the Commission's attempt to capture the historical evolution of this area of law. Mr. Daniel stated that if the Commission wished

to modify this area of law, specifically subsection (c)(2)(b), it should track the language consistently used by the Supreme Court. Furthermore, he proposed the inclusion of a “savings clause” in any modifications to ensure legal certainty and to avoid litigation to interpret the newly introduced language.

Vice-Chairman Bunn recommended that the Commission await input from the NJSBA before proceeding with any action related to this project. Chairman Gagliardi agreed with Vice-Chairman Bunn's suggestion. Commissioner Bell agreed with Commissioner Long's and Mr. Daniel's comments. He observed that the proposed modifications fail to enhance the reader's comprehension of the standard beyond what is already established by the existing case law. Commissioner Bell underscored the potential risk of unsettling a well-established area of law, emphasizing the prudence of delaying any action until the NJSBA has had the opportunity to provide its input on this matter.

Chairman Gagliardi opined that the Commission is not trying to improve this area of law, rather codify the current state of the law. Commissioner Hartnett echoed this sentiment, indicating his willingness to postpone further action until the NJSBA has provided their input. He noted that while the codification of legal principles can be beneficial for attorneys and litigants who are unfamiliar with a particular area of law, in this instance, it is evident that this area of law is utilized primarily by a specialized legal community.

The Commission unanimously agreed to defer further action on this project pending additional comments from the above-referenced sections of the NJSBA.

Megan's Law and the Definition of Minor

Samuel Silver explained that Megan's Law was enacted to protect minors from the dangers posed by persons who commit sexual offenses. The term “minor,” however, is not defined by the Act. Samuel Silver explained that in the case of *State v. Farkas*, the Appellate Division considered whether the seventeen-year-old victim of criminal sexual contact was a minor; thus, requiring the defendant to comply with the requirements of Megan's Law. The Court examined the definition of “minor” in secondary sources; the definition of “adult” in Title 9; and the definitions of “emancipated” and “unemancipated minor.” The Court determined that in New Jersey, a minor is a person under the age of eighteen.

In connection with this project, the Commission sought comments from knowledgeable individuals and organizations with an interest in child protection and advocacy. Mr. Silver stated that staff received comments from James Maynard, Esq., a criminal defense attorney who concurred with the Commission's proposal in this area.

Mr. Maynard advised the Commission that the addition of the proposed definition to subsection (b)(4) would bring the statute into alignment with the *Farkas* decision. The modification would clarify the meaning of the word minor as used in subsection (b)(2), without changing who would be subject to Megan's Law. Mr. Maynard also proposed limiting Megan's Law to only adults. He suggested that juvenile offenders engaged in false imprisonment, criminal restraint, and kidnapping are likely motivated by behavioral motivations unrelated to sexual

activity and should not be required to register pursuant to Megan’s Law. Finally, he suggested that Megan’s Law only be triggered for these three offenses where the victim is a minor, the actor an adult – other than a parent, relative, or legal guardian of the minor.

Mr. Silver noted that these proposals are set forth in the report in footnote fifty-three. That footnote also includes language stating that these proposals appear to be appropriate for consideration by the Legislature in the first instance so that it may exercise its policy discretion.

Staff did not receive any comments in opposition to the proposed modification based upon the Appellate Division discussion of the definition of the term “minor” in *State v. Farkas*.

Chairman Gagliardi stated that he appreciates the project and no opposition to the proposed modifications is indicia that commenters are pleased with the Commission’s effort to address a remarkable dichotomy in the law over who is a minor.

The report was unanimously released as a Final Report on the motion of Commissioner Bunn, seconded by Commissioner Bell.

TCA: Application of Notice of Claim Provision in N.J.S. 59:8-8 to Contribution and Indemnification Claims

Ms. Schlimbach discussed with the Commission a Revised Draft Tentative Report addressing the applicability of the ninety-day notice of claim deadline in N.J.S. 59:8-8 in the Tort Claims Act (TCA) to contribution and indemnification claims against public entities. The issue was addressed by the New Jersey Supreme Court in *Jones v. Morey’s Pier, Inc.*

In *Jones*, the parents of an eleven-year-old who died after falling off a Ferris wheel on a school trip brought a lawsuit against the amusement park two years after accident. The amusement park defendants filed contribution and indemnification claims against the child’s school, which was a public entity, but no notice of claim was filed by any party. The *Jones* Court examined the legislative intent underlying the TCA and N.J.S. 59:8-8, the statute’s plain language, and the courts’ interpretation of that language. The Court held that the defendant’s claims were barred because the defendant did not serve a notice of claim on the school within ninety days of the child’s accident.

The *Jones* Court, however, acknowledged that its holding might mean that a defendant cannot bring its contribution or indemnification claims at all, if suit is not brought against them until after the notice of claim deadline has passed. The Court therefore analyzed the purposes and language of the Comparative Negligence Act (CNA) and the Joint Tortfeasors Contribution Law (JTCL). The Supreme Court held that the defendants: (1) could seek an allocation of fault to the absent public entity tortfeasor; and (2) although CNA permits plaintiffs to recover the total amount of damages from parties allocated sixty percent or more of the fault, defendants would only be liable as to their percentage of fault even if more than sixty percent.

Ms. Schlimbach explained that, during the July Commission meeting, the Commission suggested modifying CNA to reflect the *Jones* holding as well as a review of other laws which might be affected by the principle articulated in *Jones*.

The proposed modifications add language to subsection (a) to clarify that the ninety-day notice of claim requirement applies to contribution and common-law indemnification claims. In addition, the modifications clarify that the ninety-day deadline is triggered by the accrual of the underlying tort cause of action, as held in *Jones*.

Ms. Schlimbach provided that subsection (b) in the Appendix was added since the July meeting to reflect that, in certain circumstances, a party may seek an allocation of fault to an absent public entity tortfeasor and, furthermore, that the court may restrict the remaining tortfeasor's liability to its own percentage of fault notwithstanding the sixty percent threshold in the CNA. Ms. Schlimbach noted that some of the language was derived from Commissioner Bell's August 21, 2023, Memo and the remaining language was employed by the *Jones* Court. She added that Commission guidance is requested with respect to the use of "may" or "shall" in subsection (b).

Ms. Schlimbach indicated that no modifications to the CNA were proposed for the reasons set forth in the Report. She briefly explained that the areas of law in which courts have and have not allowed allocation to absent tortfeasors are broad and varied. In addition, the determination of whether to allocate fault generally involves a comprehensive review of the purpose and language of the relevant statute. Therefore, modifying the statute risks narrowing or expanding the reach of the allocation principle beyond what the courts intended. There are also only two examples of courts allowing a plaintiff's recovery to be reduced by the absent tortfeasor's allocation of fault even if the remaining tortfeasor is found to be at least sixty percent liable and these determinations were based in significant part on equitable considerations and the facts of the individual cases.

Finally, Ms. Schlimbach explained that the CNA is applicable to all negligence and strict liability actions and the common law interpreting the statute's language is comprehensive and robust. There has been only one exception to the allocation scheme codified in the past fifty years for environmental tort actions.

Commissioners Bell and Long provided comments to Staff prior to the meeting. Commissioner Bell proposed modifications to N.J.S. 2A:15-5.2 and 5.3 reflecting the *Jones* holding. Commissioner Long wrote that she would "limit the revision to the Notice of Claim portion of the *Jones* opinion" because "[t]he allocation issue is a tricky one with lots of exceptions and glitches." She added that, if the Commission moved forward with modifications to the CNA, that the word "if" in subsection (b)(2) should be replaced with "even if," and in subsection (b)(1), the subject and pronoun ("party/their") should be made consistent.

Commissioner Bell stated that to codify the complete rule in *Jones* the party must make a tort claim or be estopped from asserting it. A plaintiff who does not make a claim for contribution cannot then be permitted to force a non-governmental entity to contribute. Commissioner Bell further noted that the decision in *Jones* does not change the equities. The loss should be sustained by the plaintiff. Juries, he continued, should allocate liability to the governmental entity even though that entity is not a party. If the statute is not modified in the CNA, then it will be inconsistent with the Supreme Court's decision in *Jones*.

Commissioner Bell acknowledged that the CNA has inconsistencies. If both sections are not amended, then it may appear as though the Commission is giving credence to the notice issue

and downplaying the comparative negligence aspect of the decision. He suggested taking Staff's proposed language and plugging it into the CNA.

Vice-Chairman Bunn expressed his total agreement with Commissioner Bell. Commissioner Hartnett concurred with Commissioner Bell. Chairman Gagliardi stated that Staff should codify what the Court has done in an effort to assist attorneys who practice in this area. The bracketed language, "may," provides the court with flexibility.

Laura Tharney suggested that removing the proposed language from the Tort Claims Act and including it only in the CNA may cause confusion since the issue arises in the TCA context. Commissioner Bell stated that the proposed language can be placed in the CNA with a cross-reference to the Tort Claims Act, stating that if the plaintiff does not file a tort claim and there is a potential for contribution, the provisions of the CNA apply. He recalled that Commissioner Rainone felt strongly that the language should be placed in the CNA, but acknowledged that it can work either way. Chairman Gagliardi opined that the language belongs in the CNA and emphasized that it should be referenced in the Tort Claims Act.

Staff will revise the drafting and present this project again at an upcoming meeting.

Prisons and Youth Correctional Facilities – Farms, Camps, and Quarries

Samuel Silver discussed with the Commission a Draft Tentative Report that addressed anachronistic terms for correctional institutions in New Jersey's penal law. This project was brought to Staff's attention during an examination of New Jersey's statutes involving the Department of Corrections. Staff noted the statutory use of the word "quarry" in the adult corrections statute, which led to an examination of the history and continuing relevance of the term.

Mr. Silver stated that as early as 1918, the statutory definition of "State Prison," set forth in N.J.S. 30:4-136, has included "the existing prison in Trenton" and all related institutions, farms, camps, quarries, and grounds where individuals sentenced to incarceration may be confined. Mr. Silver discerned that at present, the Department of Corrections (DOC) continues to operate correctional farms and camps, but no longer maintains a prison quarry.

A reference to "state prison" is found in thirty-three statutes, and it is defined only once in a manner encompassing "all institutions" in New Jersey where the DOC may detain individuals serving state prison sentences. Mr. Silver indicated that the term "state correctional facility" is utilized in fifty-five statutes with various meanings. These definitions occasionally involve circular references, citing one another without offering a precise description of what the term is intended to include. The phrase "penal institution" appears in forty-one statutes but lacks any formal definition within these statutes. It seems to be a more generic term, not tied to a particular institution or facility. Lastly, the term "Youth Correctional Institution" operates similarly to "state prison" in that it pertains to "all new or additional institutions" designated by the appropriate authority where individuals sentenced to the Youth Correctional Institution Complex may be confined, housed, or employed.

Mr. Silver stated that the proposed modifications set forth in the Appendix eliminate the archaic references to quarries and the direct references to the State Prison and Youth Correctional

Institution Complex. The modifications also introduce statutory cross-references to the diverse range of institutions to which a person may be confined by the Commissioner of the DOC or the Juvenile Justice Commission.

Commissioner Hartnett proposed that the report provide clarification regarding the term "State Board" found in N.J.S. 30:4-136, emphasizing that this term is also outdated and has been replaced in the modifications with the current governing authority, which is the Commissioner of the Department of Corrections or the Juvenile Justice Commission.

The report was unanimously released as a Tentative Report on the motion of Commissioner Hartnett, seconded by Commissioner Bell.

Neurorights

Laura Tharney discussed with the Commission a Memorandum outlining a request from a former Commission staff member that the Commission explore the concept of "neurorights."

Ms. Tharney explained that the field of "neurorights" is very new, with significantly more coverage in the popular press than in academic or scholarly sources. She noted the absence of any work undertaken by either the Uniform Law Commission or American Law Institute on the subject, and explained that searches of the statutes at the state and federal level did not reveal any provisions pertaining to "neurorights." She asked for guidance from the Commission regarding the possibility of working in this area.

Commissioner Bell expressed his belief that the project exceeds the Commission's capabilities, both in terms of expertise and resources. He did ask whether the Commission could consider recommending that the Legislature establish a dedicated panel or commission to address this issue. Instead of the conventional approach where the law lags behind technological advancements, he suggested that it might be advantageous to proactively address this emerging technology and its legal implications.

Chairman Gagliardi expressed his view that, although the area is intriguing, the project does not align with the Commission's statutory purpose. Vice-Chairman Bunn and Commissioner Hartnett concurred. No further action will be taken in this area at this time.

Recommendation for Project Conclusion

Laura Tharney explained that, in July 2019, the Commission authorized a project regarding the statutes governing notice by publication for municipalities. Notice by publication statutes mandate that a newspaper in which a notice may appear must be published and circulated either within the municipality, or in the county, in which the municipality is located. The statutes' intent is to notify the largest number of people regarding municipal action.

When the project was initially considered and authorized, the Chairman stated that the Commission would not address the policy determination concerning the medium in which notices appear. It was noted that the necessary first step for the Commission would be to assess the magnitude of the problem. The goal, when the project was authorized, was for Staff to conduct additional research and work with knowledgeable commenters familiar with the industry to

consider whether and how updating the statute would facilitate compliance with the notice provision.

Ms. Tharney informed the Commission that there are presently three bills that are pending in the Legislature that concern this issue. One of them, which has been introduced in each legislative session since 2016, is the “Electronic Publication of Legal Notices Act” (SB 2207), and it would permit publication of legal notices by “government agencies and persons” to be made on “official government notice websites instead of newspapers.” The other pending bills (AB 5435/SB 3466) focus specifically on state and municipal entities and expand the existing law to permit publication of notice in a “qualified newspaper” regardless of other notice requirements, amending statutes in Title 35.

Consistent with Commission practice, in deference to the ongoing legislative activity, Staff has not actively worked in this area. In addition, the policy issues recognized by the Commission during its initial consideration of the project add an additional layer of complexity to any possible work in this area. Finally, although this project focuses on an important issue, Ms. Tharney advised the Commission that it does not appear that the Commission has the resources to devote to a project of this scope. Ms. Tharney requested the Commission’s authorization to conclude work in this area, with the possibility of resuming work in the future if time and staffing permit.

Commissioner Bell inquired whether Commissioner Rainone provided any comments regarding the project’s conclusion. Ms. Tharney advised that Commissioner Rainone had not expressed a preference either for or against continuing work in this area. In the absence of Commissioner Rainone’s desire to continue on with this project, Commissioners Bell and Hartnett recommended the conclusion of work in this area.

On the motion of Commissioner Bell, seconded by Commissioner Hartnett, the Commission unanimously agreed to conclude its work on this project.

Miscellaneous

Laura Tharney advised that Samuel Silver had just returned from representing the NJLRC at a conference in the UK. She explained that, back in 2018, the Commission was contacted by Dr. John Child, Senior Lecturer of Law at Birmingham Law School (in the UK). Dr. Child was working in the area of prior fault intoxication and defenses, and he noted that while the NJLRC had not worked in that area, it had, as he described it, "completed some impressive criminal law work, including intoxicated driving offenses."

The NJLRC began a cooperative relationship with Dr. Child (as mentioned in its Annual Reports). Ms. Tharney subsequently asked Mr. Silver if he wanted to take the lead on the Commission's engagement with Dr. Child because it aligned with some of his interests and criminal law background.

The results of Dr. Child's work were initially scheduled to be presented at a conference in 2022, which was rescheduled to September of 2023. In advance of the conference, Mr. Silver conducted detailed research into New Jersey's law in the relevant area and prepared a paper summarizing his findings, which he provided to Dr. Child. As a result of this work, Mr. Silver was asked to make a presentation at the conference.

Mr. Silver explained that in July, he completed a written history of the intoxication defense in New Jersey. This work included a reference to a 1551 British case that served as the foundation for New Jersey's intoxication defense and concluded with the current use of the defense in the code of Criminal Justice.

Mr. Silver advised the Commission that during the week of September 11, 2023, he traveled to England, where he had the privilege of meeting with Commissioner Penney Lewis, the head of the Criminal Law Reform Commission of England and Wales. During this visit he met with her twenty-five-member team and discussed the similarities and differences between the two commissions. In addition, Mr. Silver discussed the possibility of international cooperation in discussions of law reform.

On Friday, September 15, 2023, Mr. Silver attended the conference on prior fault that was led by Dr. Child. Also in attendance were neuroscientists, psychologists, members of the legal community and representatives from numerous Law Reform Commissions. Other collaborators included: Sentencing Council for England and Wales, the Australian Law Reform Commission, New South Wales Law Reform Commission, South Australian Law Reform Institute, Tasmania Law Reform Institute, Jersey Law Commission, Law Reform Commission of Hong Kong, Scottish Law Commission, as well as less formal collaborations from other entities and individuals.

On September 16, 2023, Mr. Silver presented his work to the conference and led a discussion on prior fault intoxication in the context of law reform. In addition, he answered questions regarding the Commission's work.

Ms. Tharney advised the Commission that Mr. Silver's work will be made more widely available and that the paper and the conference are expected to form the basis for an article to be published in cooperation with the *Seton Hall Journal of Legislation and Public Policy*, with which the Commission has a long-standing relationship.

Adjournment

On the motion of Commissioner Bell, seconded by Commissioner Hartnett, the meeting was unanimously adjourned.

The next meeting of the Commission is scheduled for October 19, 2023, at 4:30 p.m., at the office of the New Jersey Law Revision Commission.