MINUTES OF COMMISSION MEETING

November 17, 2022

Present at the New Jersey Law Revision Commission meeting, held at 153 Halsey Street, 7th Floor, Newark, New Jersey 07103, were: Chairman Vito A. Gagliardi, Jr.; Vice-Chairman Andrew O. Bunn; and Grace Bertone, of Bertone Piccini, LLP, attending on behalf of Commissioner Kimberly Mutcherson.

In Attendance

Sergeant David Guinan, Unit Head of the Safe Corridor Unit of the New Jersey State Police, was in attendance.

Minutes

Chairman Gagliardi noted that in the Minutes, on page eleven, paragraph three, the word "approved" should be replaced with the word "discussed" to accurately reflect the order of events that occurred during and after the Commission's Executive Session in October.

As amended, the Minutes of the October 20, 2022, meeting were unanimously approved on the motion of Commissioner Bertone, seconded by Vice-Chairman Bunn.

Worker's Compensation – Recreational or Social Activities

In New Jersey, the Workers' Compensation Act (WCA) authorizes an employer to assert certain defenses to compensation claims. These defenses include that the worker's injury or death was caused by participation in "recreational or social activities." The defense is not applicable when the activity meets the two-pronged exception in N.J.S. 34:15-7. The defense will be overcome if the activity was a regular incident of employment and provided the employer a benefit beyond employee health and morale.

Whitney Schlimbach explained that in *Goulding v. N.J. Friendship House, Inc.*, 245 N.J. 157 (2021), the New Jersey Supreme Court addressed the scope of the phrase "recreational or social" in a case where an employee who volunteered to cook at her employer's Family Fun Day event was injured and sought compensation. The employee, a cook at Friendship House, was injured when she volunteered to cook at her employer's Family Fun Day event for its clients and their families. The compensation court denied the employee's claim finding that the event was a recreational or social activity that did not meet the two-pronged exception in NJS 34:15-7.

The Supreme Court extended its inquiry beyond the plain language of the statute because, from the perspective of an employee, the meaning of "recreational or social activity" is not self-evident. The Court referred to its decision in *Lozano v. Frank DeLuca Construction*, 178 N.J. 513 (2004), in which it held that when an employer compels an employee to participate in an activity that ordinarily would be considered recreational or social in nature, the employer thereby renders that activity a work-related task as a matter of law. The *Goulding* Court drew a parallel to the

employee's work at Family Fun Day. Although the *Goulding* employee's participation was voluntary, and although the event itself was "recreational" or "social," the employee's role as a cook in the event was not social or recreational. The Court determined that it was the nature of an employee's activities that determines compensability. Therefore, because the employee was "facilitating" the event by working as a cook, it "was not a social or recreational activity" as to her. The Court also determined that the event would have met the two-pronged exception to the recreational or social activities defense.

Ms. Schlimbach discussed the development of the common law. In *Ryan-Wirth v. Hoboken Board of Education*, 2021 WL 5816722 (N.J. Super. Ct. App. Div. Dec. 8, 2021), *cert. denied*, 250 N.J. 510 (2022), a school nurse participated in her school's morning Cardio Club and was injured. The Appellate Division determined that the Cardio Club provided a benefit other than improving employee health and morale because it was designed to benefit students academically. In addition, the Court observed that under *Goulding*, the nature of the employee's activities at Cardio Club determined compensability. The nurse did not volunteer to help facilitate Cardio Club or perform her regular work duties while attending.

In addition to New Jersey, twenty-five states have codified a recreational or social activities defense to workers compensation. Of these, the majority impose a voluntariness requirement. Most statutes simply add word "voluntary" to the statute; others exclude activities from coverage unless employees are required, directed, or ordered to attend by their employer. Some states exclude activity that is a reasonable expectation of employment or where the mandatory nature of the activity is implied. Ms. Schlimbach noted that two state statutes incorporate a requirement similar to that articulated by the New Jersey Supreme Court in *Goulding* - that it is the nature of the employee's activity at the event – and not the event itself – which determines compensability.

Ms. Schlimbach advised that in Montana, injuries are compensable if an employee's presence is "requested" by an employer. The Montana statute defines "requested" to mean the employer asked the employee to "assume duties for the activity." In addition, Ms. Schlimbach noted that in Nevada, employees can recover for injuries during recreational or social activities if their participation enabled the event to take place.

To this time, there are no bills currently pending that addresses recreational or social activities defense.

In discussing the proposed modifications to the statute, Ms. Schlimbach noted that the statute has been divided into lettered and numbered subsections to improve accessibility. In subsection a. the proposed modifications eliminate unnecessary language but do not make substantive changes. Subsection b. has been divided into two additional subsections: (1) defense of intentional self-infliction of harm; and (2) defenses which involve activity that is the "natural and proximate cause" of injury or death. Ms. Schlimbach said that no modifications are proposed in subsections b.(2)(A) or (B). No substantive modification is proposed for (C), except that the language is streamlined.

In subsection b.(2)(D), the proposed language sets forth the recreational or social activities defense and proposes new language indicating that certain activities are excluded from the definition of "recreational or social." In subsection b.(2)(D)(i), the proposed language is derived from the *Lozano* opinion that recreational or social activities are not excluded from compensation when an employee demonstrates an objectively reasonable basis in fact for believing that the employer had compelled participation in the activity. In subsection b.(2)(D)(ii), the proposed language is derived from the *Goulding* opinion, which provides that activities an employee helps to facilitate are excluded from the scope of recreational or social activities defense.

Ms. Schlimbach noted that subsection c. is new. She explained that this subsection clarifies that the burden of proof associated with the defenses set forth in subsection b. rests with the employer. In its original form, NJS 34:15-7 contained only two defenses and stated that the burden of proof of such fact shall be upon the employer.

Commissioners Bell and Long provided Staff and their fellow Commissioners with proposed modifications to the language set forth in the Appendix. Commissioner Bell stated that, in subsection (b)(2)(D)(i), the term "demonstrate" should be removed and replaced with the phrase "the employee had." He also suggested more precise language in subsection (b)(2)(D)(ii), recommending that the focus be on the fact that the employee is facilitating rather than enjoying the activity. Commissioner Bell's proposed language in subsection (ii) is "the employee's role in the recreational activity is primarily to facilitate other participants' enjoyment of the activity, even if the employee volunteered to take on such a role." Commissioner Long recommended that the language in subsection (b)(1) be moved into (b)(2), reasoning that the language in (b)(2) is just another exception.

Vice-Chairman Bunn asked whether Montana and Nevada have codified a similar exception to the one proposed and whether the language in the Appendix is based upon either state's statutes. Ms. Schlimbach stated that the language in the Appendix is not based upon either statute. She explained that the Nevada statute applies only to school district employees and that the Montana statute specifically limits its definition of the term "requested" to that subsection, and that she has not found case law in either state that would provide additional insight. Vice-Chairman Bunn said that he is aligned with the comments of Commissioners Bell and Long. Commissioner Bertone concurred that it would be helpful to modify subsections (b)(1) and (b)(2) as Commissioners Bell and Long suggested and modify the burden of proof. Chairman Gagliardi agreed.

On the motion of Commissioner Bertone, seconded by Vice-Chairman Bunn, the Commission unanimously agreed to release the work, as amended, as a Tentative Report.

Rescue Doctrine and Property

Samuel Silver discussed with the Commission an examination of the rescue doctrine in all fifty states and the current state of the law concerning the extension of the doctrine, as discussed in *Samolyk v. Berthe*, 251 N.J. 73 (2022).

Mr. Silver explained that the rescue doctrine permits a civilian rescuer to recover damages for injuries sustained because a culpable party placed themselves in a perilous position which invited rescue. He noted that in New Jersey, the Appellate Division has consistently applied this doctrine to cases where a rescuer is injured while rescuing a person. The doctrine, and its limitations, are predicated upon the tort concepts of duty and foreseeability. Thus, liability attaches if the actor should reasonably anticipate that others might attempt to rescue him from the self-created peril, and the rescuer is injured.

In *Samolyk*, the New Jersey Supreme Court was asked to consider whether the rescue doctrine should be extended to those who voluntarily expose themselves to a significant danger in an effort to safeguard the property of another; in *Samolyk*, the property was a pet dog. The Court declined to expand the rescue doctrine to include injuries sustained to protect property but recognized an exception when the plaintiff has acted to shield human life.

The Court acknowledged that the majority of states follow the treatment of the rescue doctrine set forth in the Restatement (Third) of Torts. The Restatement extends the rescue doctrine to real and personal property. The refusal of the *Samolyk* Court to extend the doctrine highlighted the fact that the majority of states have adopted the Restatement expansion and that New Jersey has adopted the minority view.

At the September 15, 2022, Commission meeting, Staff was asked to conduct additional research to determine the number of states that follow the Restatement (Third) of Torts. Mr. Silver examined the statutory and common law in all fifty states. He advised the Commission that there are twenty-seven states that allow an injured rescuer of a person or property to recover damages from the person who created the need for rescue. There are eighteen states that limit the rescue doctrine to the protection of human life. Additionally, three states do not follow the rescue doctrine. Finally, three states have expanded the doctrine to include injuries sustained to protect property only when the plaintiff acted to shield human life.

In a written submission, Commissioner Bell suggested that the Commission bring this issue to the attention of the Legislature. Specifically, he recommended that the Commission make the Legislature aware of: the *Samolyk* decision; the treatment of the issue in other jurisdictions and the Restatement; the peculiarity of allowing someone who asks for help in rescuing property to escape tort liability for the consequences of doing so; and the possibility of codifying the "rescue doctrine," even if the legislature decides not to change the doctrine arising out of *Samolyk*. Commissioner Long, also by way of written submission, recommended that the Commission advise the Legislature of this issue and provide all relevant information.

Chairman Gagliardi stated that the scholarship contained in the update memorandum is excellent and should be shared with the Legislature. Vice-Chairman Bunn and Commissioner Bertone concurred with the Chairman. The Vice-Chairman noted that the information contained in the Memorandum was informative.

Staff was instructed to prepare the document for transmittal to the Legislature, in a document that does not include a recommendation concerning the adoption of the rescue doctrine,

for review by the Commission at an upcoming meeting.

Termination of Alimony

Alimony in New Jersey is primarily governed by NJS 2A:34-23, and subsection n. provides that alimony may be terminated if the payee cohabits with another person. The statute provides that "cohabitation involves a mutually supportive, intimate personal relationship in which a couple has undertaken duties and privileges that are commonly associated with marriage or civil union but does not necessarily maintain a single household" and instructs courts to consider six listed factors and "all other relevant evidence" when determining the issue of cohabitation.

Whitney Schlimbach explained that in *Temple v. Temple*, 468 N.J. Super. 364 (App. Div. 2021), the Appellate Division considered whether a movant must present evidence on all six statutory factors to demonstrate a prima facie case of cohabitation, which is required before a court may order discovery or an evidentiary hearing. The plaintiff in *Temple* filed motion to terminate alimony to his ex-wife because she was either remarried or cohabitating with another individual. The plaintiff presented evidence of a fourteen-year relationship between his ex-wife and this individual, and defendant denied the relationship. The trial court denied the plaintiff's motion without allowing discovery, finding that plaintiff failed to make a prima facie showing of cohabitation.

On appeal, the Appellate Division addressed whether the plaintiff had met his burden despite failing to provide evidence on each one of the six statutory factors in N.J.S. 2A:34-23(n). The Court determined that a prima facie showing of cohabitation should focus on the "essential meaning" of cohabitation, noting that the catch-all seventh factor in the statute implies that the six listed factors in the statute are not comprehensive. The Court also found that requiring evidence on all six factors prior to allowing discovery or an evidentiary hearing would make it almost impossible for a litigant to demonstrate cohabitation. The Court determined that the plaintiff met the prima facie burden of cohabitation, holding that a trier of fact could conclude that his ex-wife and the individual were in a "mutually supportive intimate personal relationship" with "duties and privileges commonly associated with marriage or civil union"

Ms. Schlimbach advised that there are two seminal cases that address the standards and procedures for modifying support and maintenance arrangements after a final judgment of divorce: *Lepis v. Lepis*, 83 N.J. 139 (1980) and *Konzelman v. Konzelman*, 158 N.J. 185 (1999). In *Lepis,* the New Jersey Supreme Court required a prima facie showing of changed circumstances, including cohabitation, before allowing discovery or holding an evidentiary hearing. Subsequently, in *Konzelman*, the Court established the meaning of cohabitation and articulated the factors a court should consider when determining whether it is occurring.

In 2014, the New Jersey Legislature amended N.J.S. 2A:34-23 to add subsection n., which included language employed by the *Konzelman* Court to define the term "cohabitation." In addition, the subsection incorporated the factors relied on in *Konzelman* as the six statutory factors to consider when assessing whether cohabitation is exists.

Prior to *Temple*, several Appellate Division decisions recognized that prima face evidence of cohabitation does not require evidence on each of the six statutory factors. In three cases before the *Temple* decision, the Appellate Division recognized that prima facie showing of cohabitation does not require a litigant to provide evidence on each of the six statutory factors. In *Goethals v. Goethals*, 2020 WL 64933 (App. Div. 2020), the Appellate Division explicitly held that the lower court had misapprehended the factors in subsection n. when it dismissed the "substantial evidence" provided by the movant and "require[d] evidence of intertwined finances" to establish a prima facie case. Similarly, since the *Temple* decision, the Appellate Division has consistently held that a movant is not required to "check off all six statutory boxes" to demonstrate a prima facie case of cohabitation.

Ms. Schlimbach noted that the Legislature is not currently working in this area.

Chairman Gagliardi noted that Commissioner Bell recommended that the Commission conclude its work in this area. The Commission unanimously agreed with Commissioner Bell's recommendation and directed Staff to discontinue work in this area.

Applicability of the DWI Statute to Bicyclists

Mr. Silver began his presentation by thanking SFC David Guinan of the New Jersey State Police for bringing this issue to Staff's attention. In July of 2022, Staff received communication from Sergeant First Class Guinan, the Unit Head of the Safe Corridor Unit of the Jersey State Police, asking whether New Jersey's Driving Under the Influence statute applies to those operating bicycles while intoxicated. He noted that the common law in this area was not settled and that there is a debate regarding the applicability of the statute to cyclists.

In *State v. Tehan*, 190 N.J. Super. 348, 349 (Law Div. 1982), in a case of first impression, the Superior Court considered the "novel issue" of the applicability of New Jersey's DUI statute to bicyclists. The defendant left a bar on bicycle and gained police attention after he knocked over several traffic cones. He was arrested, charged with disorderly conduct, and driving while intoxicated. The defendant pled guilty to disorderly conduct and resisting arrest and was found guilty of DUI. After being fined $250, his driving privileges were revoked for nine months. The defendant appealed to the Superior Court.

Sitting as an appellate court, the Superior Court of Somerset County noted the definitions of key terms found in New Jersey's Motor Vehicle statutes. The Court noted that a motor vehicle includes all vehicles propelled by other than muscular power. In addition, a vehicle is defined as every device, in, upon, or by which a person may be transported on a highway, except those moved by human power. The Court further noted that all bicyclists are afforded the rights and shall be subject to all the duties applicable to the driver of a vehicle, N.J.S. 39:4-14.1, on a roadway. The Court noted that the DUI statute imposes a duty upon persons to refrain from operating on the roadways while intoxicated and that the statute therefore applies to bicycles. It held that the operator of a bicycle is under the same obligation to stay off the road when intoxicated.

In *State v. Johnson*, 203 N.J. Super. 436 (Law Div. 1985), a New Jersey State Trooper stopped the defendant who had been operating a bicycle while admittedly intoxicated. At trial, the defendant was found guilty and sentenced to ninety days in jail and ordered to perform ninety days of community service. The defendant appealed. On appeal, the Prosecutor relied upon the *Tehan* decision. The defendant conceded that he had been intoxicated and had operated a bicycle while in such a condition. He argued, however, that a bicycle is not a vehicle for purposes of New Jersey's intoxicated driving statute. The Court analyzed the technical definitions applicable to motor vehicles and found that muscular powered bicycles are not included in the DUI statute. In addition, the Court explicitly noted that it is not the role of the judiciary to extend the language of a statute beyond that which has been legislated. In addition, the *Johnson* Court noted that N.J.S. 39:4-50 had been amended several times since its enactment and that none of the modifications include the use of a bicycle. Finally, the Court opined that if it is the intent of the Legislature to include bicycles in the DUI statute, it is the responsibility of the Legislature to make that clear.

Mr. Silver noted that absent a published appellate court determination on this point, a trial court is not bound to follow the holding of another trial court. These conflicting opinions means that the statute is subject to competing interpretations of whether bicyclists can be charged with a violation of NJS 39:4-50.

Mr. Silver added that Sergeant Guinan pointed out that it is also unclear how the DWI statute applies to vehicles that fall within the category of "personal conveyance."

Chairman Gagliardi thanked Mr. Silver and Sergeant Guinan and noted that one possible course of action is to bring the issue and the scholarship developed around it to the attention of the Legislature without taking a position on the policy. Commissioner Bertone said that additional research should be undertaken since this is a dilemma that needs to be resolved, but indicated that the Commission should not take a position either way on the policy issue.

Vice-Chairman Bunn noted that, as one of the decisions pointed out, the Legislature has had plenty of opportunities to amend the statute, and the statute was drafted in a way that excludes muscle-powered vehicles from the definition of motor vehicles. He added that he supports releasing a report articulating the different viewpoints of the courts but said that to provide any further recommendation on the issue is not within the Commission's purview.

Chairman Gagliardi agreed that the statute may not be ambiguous but since it is a source of confusion, it is the Commission's role to bring that fact to the Legislature's attention without wading into the policy issues.

Sergeant Guinan offered that a related problem arises in the context of personal conveyances that are motorized or electrified, like low-speed scooters or motorized bikes, since it is not clear whether these types of vehicles fall within the scope of the DWI statute. He noted the growing popularity of these conveyances in areas where they pose a danger to pedestrians, and said that law enforcement hopes for some guidance in this area.

Vice-Chairman Bunn agreed that the interplay between the DWI statute and those types of personal conveyances is an important topic that is independent of the issue raised in Mr. Silver's Memorandum. He noted that he would support undertaking additional research in that area. Mr. Silver responded that there is case law dealing with motorized conveyances and he would be happy to expand the research on this project to include that aspect of the issue. Chairman Gagliardi agreed that additional research could be very helpful to the Legislature and should be included in a report bringing this issue to the Legislature's attention.

Statute of Limitations for DNA Evidence

Whitney Schlimbach discussed with the Commission an Update Memorandum regarding the project examining when the statute of limitations begins to run in cases involving DNA evidence pursuant to N.J.S. 2C:1-6(c), as discussed in *State v. Thompson*, 250 N.J. 556 (2022).

In New Jersey, N.J.S. 2C:1-6 sets forth time limits for prosecution of crimes. If the offense involves DNA evidence, the statute of limitations does not start to run until the State is in possession of the physical evidence from crime scene and the DNA evidence necessary to establish an identification by means of comparison to the physical evidence.

In *Thompson*, the New Jersey Supreme Court addressed whether the statute of limitations in cases involving DNA evidence begins to run when the State obtains a "match" or when the State has both pieces of evidence listed in the statute in its possession. In 2001, law enforcement retrieved DNA from the scene of a sexual assault. The evidence was entered into CODIS in 2002, but because of guidelines in effect at the time, the specimen was incomplete, and it was impossible for a match to be made to it. In 2004, when the defendant's DNA profile was entered into CODIS, on a different matter, there was no match with the original specimen. In 2010, the FBI updated the guidelines to permit previously excluded aspects of a DNA sample to be entered into CODIS. In 2016, a match was made to defendant's 2004 profile and the defendant was indicted. In 2017, the defendant filed a motion to dismiss based upon the statute of limitations. The defendant's motion was denied, and he was convicted after a trial.

Ultimately, the Supreme Court analyzed the plain language of N.J.S. 2C:1-6 and determined that the statute tolls the statute of limitations only until the State possesses both pieces of evidence necessary to establish an identification. The Court indicated that if the Legislature had intended the statute of limitations to toll until there was a match, it would have stated that in the statute. The Court noted that in the *Thompson* case, the statute of limitations was tolled not until 2004 when the defendant's DNA profile was entered into CODIS, but until 2010 when the FBI updated its guidelines to allow for the original specimen to be entered into CODIS as a complete sample. The Court reasoned that the statute of limitations does not begin to run if the method of obtaining a match is beyond scientific capability and/or general acceptance in the scientific community.

Ms. Schlimbach advised the Commission that following the presentation of the project to the Commission in July 2022, a bill on this subject was introduced in the New Jersey Legislature.

The bill, AB 4418, would amend N.J.S. 2C:1-6 to add language that the statute of limitations is tolled in cases involving DNA evidence until the State is in possession and a match between the physical evidence and DNA has been confirmed. The Sponsor's Statement notes the Supreme Court's holding in *Thompson* and indicates that the amendment is intended to clarify that the statute of limitations begins to run when there is a match.

In his written submission, Commissioner Bell recommended that the Commission suspend its work on this matter to see what action the Legislature takes on AB 4418.

Vice-Chairman Bunn moved to suspend work in this area. This motion was seconded by Commissioner Bertone and unanimously agreed to by the Commission.

Current Work of the ALI and ULC

During the October 2022, Commission meeting, Staff was asked to update the Commission with the current work of the American Law Institute and the Uniform Law Commission. Laura Tharney discussed with the Commission her Memorandum concerning the current work of both entities.

The American Law Institute (ALI) was founded in 1923 and describes itself as the leading independent organization in the United States producing scholarly work to clarify, modernize, and otherwise improve the law. Ms. Tharney advised the Commission that the NJLRC has worked on some aspects of several of the projects that are listed on the ALI's website as "Current Projects."

The Uniform Law Commission (ULC) was established in 1892 and provides states with non-partisan legislation intended to bring clarity and stability to critical areas of state statutory law. The ULC's website identifies acts added to the ULC's slate of work in recent years. Ms. Tharney's Memorandum identified work that the NJLRC has performed on ULC projects.

The Commission Staff annually reviews ULC Acts after the ULC's annual meeting, generally focusing on Acts designated as Targets and Targets to Complete. In addition, Staff checks the work of the ALI and the ULC when working on any project to determine whether either organization is working, or has worked, on the issue under consideration by the Commission or in a related area. There are also circumstances under which the work of either organization is brought to Staff's attention for consideration.

Ms. Tharney advised the Commission that Staff is happy to provide a memorandum to the Commission in this format annually — or more frequently if the Commission prefers — so that the Commission, as well as Staff, is aware of the ongoing work of the two organizations identified in N.J.S. 1:12A-8(c) and can more easily direct Staff to focus on a particular Act if it chooses to do so.

Chairman Gagliardi asked Staff to provide the Commission with an update about the work of the ALI and the ULC each November. Vice-Chairman Bunn suggested that such an update should appear on the Commission's website to allow members of the public to see the work that the Commission is doing on ALI and ULC projects.

The Chairman inquired whether Staff has had the opportunity to review the list to determine which projects should be brought to the Commission's attention. Ms. Tharney advised that Staff has not yet had the opportunity to examine the list in detail. Chairman Gagliardi requested that Staff provide the Commission with an update during the Commission's January meeting.

Miscellaneous

Ms. Tharney advised the Commission that the Commission Staff recently attended student engagement events at Seton Hall Law School and both campuses of the Rutgers University Law School. Each of these events were well attended by law students and provided Staff with the opportunity to discuss the role of the Commission with them.

Ms. Tharney also advised the Commission that a bill has been introduced in the Assembly based upon the Commission's work with the New Jersey State Bar Association in the area of Elective Spousal Share. On October 27, 2022, the bill passed the Assembly, and it was referred to the Senate Judiciary Committee on November 3, 2022.

Mr. Silver advised the Commission that he has been asked to speak to the Judicial College of Tax Judges on November 23, 2022 about the Commission's work on the following subjects: the Transfer of Jurisdiction in Tax Assessment Challenges; Audit Adjustments for Closed Tax Years; the Use of the Term Autobus in New Jersey's Motor Fuel Tax Act and the Petroleum Products Gross Receipts Tax Act; and Modifications to Roll-back Tax Provisions in the Farmland Assessment Act of 1964.

John Cannel announced that he will be concluding his formal relationship with the Commission in the Spring of 2023. Chairman Gagliardi thanked Mr. Cannel for his years of service to the Commission and indicated that he looks forward to marking the event with an appropriate celebration.

Chairman Gagliardi advised the Commission that Commissioner Cornwell has been named the Interim Dean of Seton Hall University Law School. Dean Cornwell hopes to attend the December meeting and, thereafter, a designee will attend the Commission meetings in his stead.

Adjournment

The meeting was adjourned on the motion of Commissioner Bertone, seconded by Vice-Chairman Bunn, and unanimously agreed to by the Commission.

The next Commission meeting is scheduled for December 15, 2022, at 4:30 p.m., at the office of the New Jersey Law Revision Commission.