

MINORS AS PARTIES

L-2039.1 PETITION FOR APPROVAL OF SETTLEMENTS WHERE A MINOR HAS AN INTEREST

a. A petition for settlement of a case in which a minor has an interest shall initially be filed with the Prothonotary. When a minor's settlement has been approved by a settlement conference or a Trial Judge, that Judge shall retain jurisdiction for judicial determination of the petition in accord with paragraph B. In all other cases, such petition will be determined by the Motions Court Judge.

b. The petition shall:

1. Set forth the factual circumstances of the case;
2. State the reasons why the settlement is a proper one; and
3. Be accompanied by the following:
 - a. A proposed order of distribution;
 - b. A written report of a physician;
 - c. A statement under oath by the guardian certifying (1) the present physical or mental condition of the minor , and (2) approval of the proposed settlement and distribution thereof.
 - d. A statement of the professional opinion of counsel as to the reasonableness of the propose settlement and the basis for such opinion; and
 - e. In the event that the minor is sixteen years of age or over, his or her written approval of the proposed settlement and distribution thereof.

c. The Order of Distribution shall include an award of counsel fees. The standard for the award of counsel fees in the representation of minors is that such fees must be reasonable in accordance with the guidelines set forth in Rule 1.5 of the Rules of Professional Conduct. Under normal circumstances a counsel fee in the amount of one-third of the net fund recovered shall be considered reasonable, subject to the approval of the Court. The attorney fee determined shall be reduced by the amount of collateral payments received as counsel fees for representation involving the same matter from third parties such as Blue Cross/Blue Shield.

d. The approving Judge, to whom the petition is submitted, may, at his or her discretion, require the personal appearance of the minor, his guardian, his doctor, or any other relevant party, as well as the production of any other evidence deemed necessary for approval of the Petition.