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Is New Jersey on the Verge of Providing Its Professionals Much Needed Malpractice Relief?

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After years of failed efforts, a bill shortening the statute of limitations for malpractice claims against certain licensed professionals in New Jersey has finally gained traction in the New Jersey legislature. On March 18, 2019, the New Jersey Assembly Judiciary Committee voted to advance Assembly Bill 4880, which would shorten the statute of limitations for malpractice claims against licensed attorneys, accountants, architects, engineers and land surveyors from six years to two years. Interestingly, Assembly Bill 4880 would also prohibit an award of attorneys' fees in any action against these professionals except where authorized by statute or the Rules Governing the Courts of the State of New Jersey. By reducing the statute of limitations and eliminating fee-shifting, this measure is a clear effort to level the playing field for licensed professionals in New Jersey, while also, according to the bill's advocates, defraying rising malpractice insurance rates in the state.

Although the bill still has a long way to go before it becomes law—the Senate companion bill, S-2264, has yet to be voted on by the Senate Judiciary Committee, and the bill would then have to receive majority votes in both legislative houses and then be signed into law by the governor—it is safe to say that a significant step has been taken by the New Jersey legislature, and the progress of this bill should be monitored by attorneys and professional liability insurers alike.

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