

Matheu D. Nunn And Gary R. Botwinick Publish “Pumping the Brakes on the Legislation to Cure the 'Carr' Black Hole" In New Jersey Law Journal

In “Pumping the Brakes on the Legislation to Cure the 'Carr' Black Hole,” authors [Matheu Nunn](#), [Gary Botwinick](#), and Alyssa Engleberg address pending legislation regarding the Carr Black Hole and its interplay with record levels of judicial vacancies in New Jersey. In some vicinages, divorce cases may last four, five or even six years. As family law practitioners, the authors understand the genuine value of resolving cases outside of the court system—especially in the wake of this judicial vacancy crisis. Alternative dispute resolution can protect clients’ rights if they choose to remove the case (or keep the case from) the court system.

However, the authors identify and explain a problem known as the “Carr black hole,” derived from *Carr v. Carr*, 120 N.J. 336 (1990), a case in which the divorcing husband became ill and died prior to the entry of a final judgment of divorce. Due to the unfortunate timing of his death, the wife was neither entitled to the elective share (due to the separation of the parties) nor equitable distribution (due to the termination of the divorce action upon his death). The court characterized the wife’s dilemma as the proverbial “black hole” and in an effort to rectify this wrong, exerted its common law authority to craft equitable remedies in limited situations. The *Carr* court, as well as many cases that have followed over the years, openly invited the New Jersey Legislature to remedy this defect in all cases.

“Pumping the Brakes on the Legislation to Cure the 'Carr' Black Hole" delves into proposed legislation that would clarify that the family part would maintain jurisdiction over the equitable distribution claims following the death of one of the parties. The authors share proposed statutory language that if formally adopted and passed into law, will end the “*Carr* black hole.”

Read full article by Matheu D. Nunn, Gary R. Botwinick and Alyssa Engleberg [here](#). Subscription may be required.