

ANNOUNCEMENTS

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2. AMICUS CURIAE BRIEF SUBMITTED IN EDUCATIONAL SERVICES CASE---The State Office of Legal Services has submitted an amicus curiae brief, prepared by Carl Lobel and James Ciancia, in Kugler v. Romain, noted in 20 State Clearing House Report 7 (July, 1970). That case involves the door-to-door sale of "educational" materials at a price allegedly far in excess of their actual value, through allegedly fraudulent sales practices. After trial, Chancery Division Judge Nelson K. Mintz held that deceptive and fraudulent sales practices had been utilized, and ordered a restoration of monies to consumers who testified at the trial and who had not entered into settlements with the company upon the advice of counsel. Judge Mintz also held that the unconscionability of a contract is a matter of private concern which may not be asserted by the Attorney General.

The case is being appealed by the Attorney General, as explained in 21 State Clearing House Report 2 (August, 1970), and will be argued before the State Supreme Court in April. The State Office amicus brief discusses the failure of Judge Mintz to grant relief to defrauded consumers who did not testify at the trial, arguing that N.J.S.A. 56:8-2 must be read as including price unconscionability as a form of fraud, that the contract price of \$279.95 for the books sold by Educational Services Co. was per se unconscionable and unenforceable, and that the Attorney General has standing to enforce N.J.S.A.12A:2-302. Copies of the State Office brief are available on request.