

## APPENDIX XX

### CIVIL CASE MANAGEMENT/TRIAL MANAGEMENT GUIDELINES

#### Track Assignment

- Track assignment should not change to accommodate a party's (or the parties') need for a longer discovery period; rather the party(ies) may apply to the court for an extension of the discovery end date.
- Individual judge management may be available to cases on Tracks I, II and III, if the court determines it to be necessary, either on the request of a party or *sua sponte*; this degree of management, however, should not result in reassignment of the case to Track IV.
- The assignment of a case to a designated judge, who shall handle all motions and management conferences in the case through the discovery end date, is not intended to preclude a judge other than the designated judge from handling a settlement conference in any case; nor is it intended to preclude block scheduling of settlement conferences (*e.g.*, "settlement days" involving many cases from a designated carrier).

#### Motions

- Civil Presiding Judges should be knowledgeable as to which motion decisions are reserved, and address delays on a judge-to-judge basis, as needed. The Civil Practice Committees of the county bar associations should be encouraged to discuss with their Civil Presiding Judges problems with long-reserved decisions. In addition, any attorney involved in a case in which a decision on a motion has been reserved may make application to the Civil Presiding Judge to have that motion decided on a timely basis.
- Motions must always be assigned a return date; if no return date is indicated in the notice of motion, then the motion should be assigned to be heard on the next available motion date.
- Motions should not be adjourned without being assigned another hearing date.

- The court should make every effort to accommodate attorneys' requests to schedule oral argument on motions at a particular time.
- The use of the telephone to hear oral argument should be encouraged, and attorneys' requests for telephone argument should be accommodated where possible.

### **Complementary Dispute Resolution (CDR)**

- The mandatory scheduling of arbitration in most civil cases should not preclude the use of other CDR procedures at any time.
- Increased use of mediation at the earliest possible time in the progress of a case should be encouraged. Mediation should be available at any stage of the proceedings, either at the parties' request or on the court's order, pursuant to *R. 1:40-4*.
- Early mediation should be considered for all fee-shifting cases (*e.g.*, cases brought under the Law Against Discrimination) as well as for all fund-in-court cases.

### **Calendar Practices/Trials**

- Trial date (or at least trial week) certainty is the goal.
- As a matter of policy, no county shall hold an advance calendar call.
- On the day of the call, attorneys should be released by early afternoon unless their cases are sent out for settlement discussion or trial, or can reasonably be expected to be sent out for settlement discussion or trial that day. Attorneys need not appear at trial calls subsequent to the initial call for their case in the trial week unless the case can reasonably be expected to be sent out for settlement discussions or trial on that subsequent date.
- Cases may be listed for trial call on the first three days of a trial week. This guideline is not intended to preclude other non-trial proceedings, such as proofs and friendlies, from being listed for the remaining days.
- In no event shall the number of cases listed during a trial week exceed the number that a county can reasonably expect to reach in that week.

- The court shall not routinely require personal appearance to request adjournment of a scheduled trial date.
- No county shall implement or maintain a policy that calls for routine bifurcation of a particular type of case.

Note: Appendix XX adopted July 5, 2000 to be effective September 5, 2000.