NOTICE TO THE BAR

PILOT PROGRAM FOR EXPEDITED CIVIL ACTIONS

The Supreme Court has approved a pilot program in two vicinages – Camden and Ocean – for expedited civil actions. The pilot program will begin on November 30, 2015, for certain actions filed in the Civil Part of the Law Division. This Notice sets forth the procedures for the pilot program as approved by the Court's November 10, 2015 rule relaxation Order, which accompanies this Notice.

Cases filed in the Superior Court, Law Division - Civil Part in the Camden and Ocean Vicinages on or after November 30, 2015, and categorized as follows on the Civil Case Information Statement presumptively will be assigned to the pilot program:

Track I – Case Type 502 - Book Account
Track I – Case Type 511 - Action on Negotiable Instrument
Track II – Case Type 599 - Contract/Commercial Transaction
Track II – Case Type 621- UM or UIM Claim
Track II – Case Type 699 - Tort – Other

After the complaint is filed, a Track Assignment Notice (TAN) will be sent to the plaintiff advising that the case has been assigned to the Expedited Civil Action Pilot Program.

The parameters of the pilot program are as follows:

- **Case Management Conference** – A case management conference (CMC) will take place within 45 days of the filing of the first responsive pleading. A CMC scheduling notice will be sent to the parties. In actions involving multiple defendants, plaintiff is responsible for serving any defendants that have not filed an answer with a copy of the CMC scheduling notice. All counsel and parties, whether represented or unrepresented, must participate in the CMC. Failure to participate in the CMC may result in dismissal of the plaintiff's case or default of a defendant.

  It is anticipated that the following subjects will be addressed at the CMC and included in a case management order, as applicable: (1) any timely filed letter to exclude the matter from the pilot program; (2) the prospects for settlement via mediation, arbitration, court-conducted settlement conference, or other form of CDR (N.B. Unless otherwise ordered by the court in its discretion, CDR does not stay or extend the discovery end date or the trial date certain); (3) any discovery plan proposed by the parties; (4) entry of a scheduling order that includes deadlines for submission of all trial documents, including factual stipulations, witness lists, exhibit lists, proposed deposition or interrogatory readings, proposed jury instructions, proposed jury verdict forms, trial briefs and motions *in limine*; (5) the setting of a trial date no later than 45 days after

the discovery end date; and (6) the setting of a deadline for the filing of an expedited civil action trial consent order.

- **Opt-out of the Pilot Program** – Any party may seek to be removed from the pilot program prior to the case management conference or prior to the discovery end date:

  Before the Case Management Conference – A party must file with the court and serve on all parties a letter of intent setting forth the reasons why that matter should be removed from the pilot program. Presumptive grounds for removal from the Pilot Program are: (a) a request by all parties for removal; (b) multiple parties, not including derivative or *per quod* claimants; (c) the filing of amended complaints or third party complaints; (d) multiple or complex theories of liability, damages or relief; (e) necessity for extended discovery; or (f) any other factor that demonstrates that assignment to the Pilot Program would substantially affect a party's right to a fair and just resolution of the matter. The letter of intent must be filed no less than 10 days prior to the CMC. Any party objecting to removal must file a letter setting forth the basis for the objection no less than five days before the CMC. No fees will be charged for the letter of intent or the letter objecting to removal from the ECA Pilot Program.

  Before End of Discovery - Any party in the ECA Pilot Program may file a motion to opt-out of the pilot program no later than 30 days prior to the discovery end date for good cause shown, based upon changed circumstances.

- **Discovery** – Discovery will be 105 days for Track I cases and 195 days for Track II cases in the pilot program. Discovery will include automatic disclosures (names of individuals likely to have discoverable information that may be used to support a claim or defense and the nature of that information; copies of documents that may be used to support a claim or defense; and copies of insurance agreements); interrogatories limited to the form interrogatories currently mandated by the Rules of Court and five supplemental interrogatories without subparts, if applicable. In the event there are no mandated interrogatories, the parties may each serve no more than 15 interrogatories without subparts. Any request for production of documents shall be limited to 10 document requests without subparts. No more than two total depositions may be conducted in a Track I case and no more than five depositions may be conducted in a Track II case.

  In all cases in which there are form interrogatories, answers to the form interrogatories shall be served by the plaintiff within 20 days of receipt of an answer from a party. A defendant's answers to form interrogatories shall be served within 20 days of receipt of the plaintiff's answers to interrogatories. The court, in its discretion, may grant a party's request to modify the pretrial procedures.

- **Opt into Pilot Program** - Cases in Tracks III and IV may opt into the pilot program by filing a motion. If the court enters an order granting the motion to opt-in, the case will be assigned to the pilot program and treated as a pilot program Track II case with 195 days of discovery.

- **Discovery Disputes** - The parties must meet and confer in an attempt to resolve the dispute. If a good faith effort to resolve a discovery dispute is unsuccessful, the parties shall send a joint written request to the managing judge for an informal conference to resolve the issue. The joint request must state that the issue(s) in dispute; the parties met and were not able to resolve the issue(s); and the position of each party in no more than one page. The managing judge may decide the issue on the papers or schedule a phone or in-person conference in his/her discretion.

- **Motion Practice** - Outside of motions to opt-in or opt-out of the pilot program and summary judgment motions, no discovery or procedural motions shall be filed, except with the permission of the court. Permission of the court shall be obtained by submitting a written request to the managing judge, copying all parties. Consent, joint requests, or unopposed motions will NOT automatically approved. The parties will be notified if permission to file a motion has been granted. If permission is granted, the party will file the motion with the Civil Division.

- **Complementary Dispute Resolution** - Cases in the pilot program are not subject to Arbitration under Court Rule 4:21A unless all parties request and the court orders arbitration of the matter.

- **Postponement Requests** - All requests for postponement, regardless of the type of conference or hearing, must be made in the form of a letter, filed with the court, prior to the conference or hearing sought to be postponed. The letter must include specific reasons for the postponement, the other party's position on the postponement (if possible), and a proposed Order. A trial date shall not be continued on the ground that discovery has not yet been completed, except for good cause shown.

- **Trial Scheduling** – Trials for cases in the pilot program will be within 45 days of the discovery end date. Trials for cases in the pilot program will be given trial priority.

- **Pre-Trial Events** - Seven days before trial date/ trial call, the attorneys and self-represented parties shall exchange and submit to the trial court information, including but not limited to any factual stipulations, list of proposed deposition or interrogatory readings, motions *in limine*, trial briefs, pre-marked copies of all non-objectionable proposed trial exhibits. Litigants must confer about the presentation of the expedited trial and, if agreement on the expedited

trial presentation is reached, the attorneys and self-represented parties shall draft a consent order for the expedited trial.

The litigants must confer about the following trial procedures: (1) jury size and selection limitations; (2) modifying opening and closing time limits; (3) presentation of evidence; (4) applicability of Rules of Evidence; (5) use of expert reports; (6) number of lay and expert witnesses; (7) pretrial authentication and marking of document; and (8) number of peremptory challenges.

Litigants must submit an expedited trial consent order to the Civil Division office a minimum of three (3) days before the trial date/ trial call. Use of the civil expedited jury trial form is encouraged.

- **Trial Adjournments** - Trials may be adjourned once by a letter of unanimous consent of all counsel/parties. The new date must be rescheduled by the court on the calendar within thirty (30) days of the original date. The trial may only be adjourned once without prejudicing its trial calendar priority. A case in the pilot program may be given a second trial date certain, but if that case is subsequently adjourned at the request of the parties, it shall be returned to the general trial calendar.

- **Trials** – The length of trials for cases in the pilot program is expected to be significant reduced. Trials are expected to be concluded within one-half to two days. The use of the civil expedited jury trial form is encouraged.

Open Statements and Summation
For Track I cases, opening statements are limited to no more than 30 minutes. For Track II cases opening statements are limited to no more than 30 minutes for uncomplicated cases and up to 60 minutes for more complex cases. For Track I cases, closing statements are limited to no more than 30 minutes. For Track II cases closing statements are limited to no more than 30 minutes for uncomplicated cases and up to 60 minutes for more complex cases.

Experts
Expert testimony may be presented by video recording or reports rather than live testimony.

Attorneys handling cases in the pilot program may *voir dire* any proffered experts.

Cumulative Witnesses
Litigants may move before trial to exclude witnesses whose testimony is cumulative.

- **Case Disposition** - Track I cases in the pilot program will be ready for trial 150 days from the filing of the first responsive pleading and Track II cases in the pilot will be ready for trial 240 days from the filing of the first responsive pleading.

- **CLE Training** – In each of the two pilot vicinages the Judiciary will present educational/training sessions for attorneys about the pilot program. CLE credit will be provided for attendance at those sessions.

Questions regarding the Expedited Civil Actions Pilot Program may be directed to Kevin M. Wolfe, Assistant Director or Taironda E. Phoenix, Chief, Civil Court Programs, Civil Practice Division, Administrative Office of the Courts, Hughes Justice Complex, P.O. Box 981, Trenton, New Jersey 08625-0981; telephone: 609-292-8470.

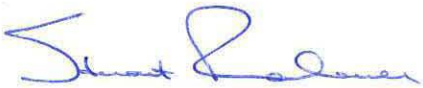
Glenn A Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: November 10, 2015

SUPREME COURT OF NEW JERSEY

It is ORDERED that, pursuant to N.J. Const. Art. VI, sec. 2, par. 3, effective November 30, 2015 and until further order, the Rules Governing the Courts of the State of New Jersey are supplemented and relaxed so as to authorize implementation of the Expedited Civil Actions Pilot Program in the Superior Court, Law Division- Civil in the Camden and Ocean Vicinages as set forth in the November 10, 2015 Notice to the Bar.

For the Court



Chief Justice

Dated: November 10, 2015