

**RULES GOVERNING THE COURTS OF THE STATE OF NEW JERSEY**  
**RULE 4:5B. Case Management; Conferences**

**4:5B-1. Assignment for Case Management**

At the time the complaint is filed, the action shall be assigned to a designated judge, who shall, except as otherwise provided by R. 4:24-1(c), preside over all pretrial motions and management conferences in the cause until completion of discovery as provided by R. 4:36-2. Any application made to the court thereafter shall be made to the Civil Presiding Judge or designee. In Track IV and general equity cases, however, the designated managing judge shall, insofar as is practicable and absent exceptional circumstances, also preside at trial.

**Note:** Adopted July 5, 2000 to be effective September 5, 2000; amended July 12, 2002 to be effective September 3, 2002; amended July 28, 2004 to be effective September 1, 2004.

**4:5B-2. Case Management Conferences**

In cases assigned to Tracks I, II, and III, the designated pretrial judge may sua sponte or on a party's request conduct a case management conference if it appears that such a conference will assist discovery, narrow or define the issues to be tried, address issues relating to discovery of electronically stored information, or otherwise promote the orderly and expeditious progress of the case. A case management conference shall not, however, ordinarily be conducted after the case is ready for trial. In Track IV cases, except for actions in lieu of prerogative writs and probate and general equity actions, an initial case management conference shall be conducted as soon as practicable after joinder and, absent exceptional circumstances, within 60 days thereafter. In actions in lieu of prerogative writs, case management conferences shall be held pursuant to R. 4:69-4. In probate actions, case management conferences may be scheduled at the discretion of the judge. In all actions in general equity, except summary actions pursuant to R. 4:67 and foreclosure actions, an initial case management conference shall be held within 30 days following the filing of the answers of all defendants initially joined, and the court may hold such additional case management conferences as it deems appropriate. All decisions and directives issued at a case management conference shall be memorialized by order as required by R. 1:2-6. The order may include provisions for disclosure of discovery of electronically stored information and any agreements the parties reach for asserting claims of privilege or protection as trial preparation material after production.

**Note:** Adopted July 5, 2000 to be effective September 5, 2000; amended July 28, 2004 to be effective September 1, 2004; amended July 27, 2006 to be effective September 1, 2006.

**4:5B-3. Settlement Conferences**

The court may conduct a settlement conference or schedule any other settlement event in any civil action on its or a party's request. Except in Track IV cases, there shall be no more than one court-initiated or court-mandated settlement conference or other settlement event prior to the trial date. Notwithstanding the conduct of a settlement conference or other settlement event as herein provided, a second settlement conference may be conducted on the trial date and immediately prior to the commencement of trial, provided that trial shall then forthwith proceed if settlement is not reached. The settlement conference need not be conducted by the designated pretrial judge.

**Note:** Adopted July 5, 2000 to be effective September 5, 2000.

#### **4:5B-4. Professional Malpractice Case Management**

(a) Case Management Conference. Within ninety (90) days of the filing of the first answer in all professional malpractice cases, the court shall conduct a case management conference shall be conducted by the court to address discovery related issues, including the sufficiency of an affidavit of merit provided pursuant to N.J.S.A. 2A:53A-27 and the qualifications of the affiant or other designated medical expert pursuant to the Patients First Act, N.J.S.A. 2A:53A-41. Any party required to provide an affidavit of merit pursuant to the statute shall supply a reasonably current curriculum vitae of the affiant no less than thirty (30) days before the conference. No less than fifteen (15) days before the conference, the defendant must serve the court and all parties with specific written objections, if any, to the served affidavit of merit.

(b) Case Management Order. A case management order shall memorialize the conference conducted under paragraph (a) of this Rule and shall address: (1) the sufficiency of the affidavit of merit; (2) whether there are any disputes regarding the affidavit of merit; and (3) in medical malpractice cases, the sufficiency of the qualifications of the affiant or the designated medical expert under the Patients First Act, N.J.S.A. 2A:53A-41.

(c) Later Added Defendants. For any defendant joined after the case management conference, any party required to provide an affidavit of merit pursuant to the statute must also serve on such defendant a copy of the affidavit of merit, along with a reasonably current curriculum vitae of the affiant, within thirty (30) days of joinder of such additional defendant. Where there is no objection to the sufficiency of the affidavit of merit, a consent order to that effect shall be submitted by the party required to provide an affidavit of merit within sixty (60) days of the service of the affidavit and curriculum vitae. Any objections to the sufficiency of the affidavit of merit must be in writing and served by the added defendant within fifteen (15) days of its receipt. If any dispute concerning the sufficiency of the affidavit is not resolved within sixty (60) days of service of the objections, the added defendant shall promptly file a motion to resolve the issue.

**Note:** Former Rule 4:5B-4 deleted July 27, 2006 to be effective September 1, 2006. New Rule 4:5B-4 adopted July 27, 2018 to be effective September 1, 2018.