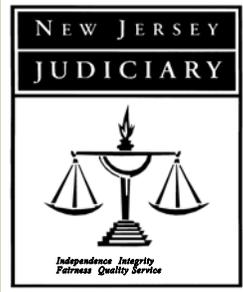


Volume 10, Issue 1

January 3, 2005



*Volume 10, Issue 1
Civil Complementary
Dispute Resolution Newsletter*

Published by the Civil Practice Division

Happy and Healthy New Year!

Arbitration Training – Update

We have completed seven regional arbitrator trainings and scheduled the following trainings :

- January 27, 2005 at the Bergen County Court House from 4 p.m. to 7 p.m.
- February 2, 2005 at the Ocean County Court House from 4:30 p.m. to 7:30 p.m.
- February 23, 2005 at the Mansion in Voorhees from 9 a.m. to noon
- February 25, 2005 at the Sheraton Meadowlands in East Rutherford from 9 a.m. to 2 p.m.
- March 17, 2005 at the Law Center in New Brunswick from 5 p.m. to 8 p.m.

Note to Mediators—Completion of Evaluations

In order to assist us in evaluating the Civil Mediation Program, please remember to provide the evaluation forms to counsel at the end of mediation and encourage them and their clients to complete the forms.

Your cooperation is greatly appreciated. Copies of the forms appear on the Judiciary's Internet Web site at njcourtsonline.com.

Consider An “Expedited Jury Trial”

An “expedited jury trial” produces a verdict that can be appealed, yet is delivered more quickly than in a regular trial by using a technique developed by retired Superior Court Judge John D’Amico. This technique reduces the number of lay witnesses who testify and does not require live expert testimony.

In an expedited jury trial, only one or two witnesses -- generally, the plaintiff and defendant -- testify live, although the parties can agree to additional witnesses’ live testimony.

Following the live testimony, the attorneys themselves present expert reports, depositions, and other evidence to the jury. Counsel may read or show the evidence to the jury, may summarize it, or may simply ask the jury to look at it during deliberations.

This streamlined process is useful to parties who wish to save time and expense by using reports, depositions or statements in lieu of live testimony from either expert or lay witnesses, or both. The technique is ideally suited for cases where witnesses are unavailable; for cases with limited potential value, making the cost of bringing experts to trial not justified; for cases involving “matters of principle” but little money, but one or both parties insist be decided by a jury; and for cases where litigants and attorneys would rather not spend a lot of time in trial for individual reasons such as busy schedules or other commitments.

An expedited jury trial can save time and money in other ways as well for litigants, attorneys and the courts, and can facilitate the effective and efficient presentation of evidence to juries. For example, the parties stipulate, pursuant to R. 1:8-2(c), that the jury will consist of six persons with no alternates, with a verdict being rendered by five jurors agreeing if one juror is excused for any reason. Although regular *voir dire* is conducted, the jury selection process is streamlined because the minimum number of jurors is being chosen and each party agrees to be limited to three peremptory challenges. Opening statements are limited to fifteen minutes and summations to thirty minutes. Counsel agree to submit Requests to Charge only on issues not covered by the Model Civil Jury Charges.

The key to a successful expedited jury trial is the preliminary hearing that occurs on the record pursuant to Evidence Rule 104. At the hearing, counsel mark for identification all of the items of evidence they intend to use. Uncontested exhibits are marked into evidence right away. Contested exhibits are reviewed by the court, which hears and decides all objections *in limine*. Exhibits that are admitted subject to the redaction of inadmissible material are marked after the redactions are completed.

An expedited jury trial is conducted pursuant to a “Consent Order for Expedited Jury Trial” which is signed by counsel and the court. The expedited jury trial is different from a “summary jury trial,” in which a jury hears a summary of a complex civil case and renders an advisory verdict which is used in settlement negotiations. Although based on the summary jury trial model, the expedited jury trial results in a verdict on which judgment is entered. The judgment may be appealed pursuant to *R. 2:2-3(a)(1)*.

Anyone interested in using this technique or in obtaining copies of pertinent forms can contact Michelle V. Perone at michelle.perone@judiciary.state.nj.us or by calling 609-292-8470.

Mediator Continuing Education Reminder

Pursuant to *R. 1:40-12(b)(3)*, mediators for civil, general equity and probate matters must complete at least four hours of continuing education annually in an approved training program and submit proof to the Administrative Office of the Courts. Mediators not fulfilling this requirement will be removed from the roster of mediators.

If you have not already done so, please submit proof of satisfaction of this requirement to:

Civil Practice Division
P.O. Box 981
Trenton, NJ 08625
Fax: 609-777-0844
E-mail: nanette.lind@judiciary.state.nj.us.

New Jersey Civil Complementary Dispute Resolution Newsletter is a publication of the Civil Practice Division, the Administrative Office of the Courts, New Jersey Judiciary, Richard J. Hughes Justice Complex, Trenton, NJ 08625-0981. The Chief Justice of the New Jersey Supreme Court is Deborah T. Poritz. The Acting Administrative Director of the Courts is Philip S. Carchman, JAD.

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