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Civil Presiding Judges Recommend Best Practices Modifications Supreme Court Authorizes Changes

Based on the recommendations of the Conference of Civil Presiding Judges, the Supreme Court has authorized certain modifications to the Civil Best Practices Program. The Conference recommended the modifications to the Supreme Court based on input provided to them by the Bench/Bar Implementation Committee established by the Chief Justice in cooperation with the New Jersey State Bar Association. Members of the Conference also attended the State Bar discussions of Best Practices in Atlantic City and were aware of the views of the Bar as expressed in a recent meeting between Chief Justice Deborah T. Poritz and Administrative Director Richard J. Williams and Bar President, Daniel Waldman and President-Elect Richard Badolato.

"The Civil Division Judges are committed to Best Practices as the path to building the best possible civil justice system," said Judge Williams, administrative director.

"Although the Conference of Presiding Judges recognizes that we are still in a transition phase toward full implementation of Best Practices, the judges nevertheless felt comfortable with their experience to date to implement these changes now," Williams added.

The modifications involve the following matters:

1. Trial Information Statement

The requirement to file a Trial Information Statement will be eliminated. Sixty days prior to the discovery end date, the court will send a notice reminding attorneys of the approaching discovery end date and informing them that if an extension of the discovery period is needed, an application must be made to the court prior to the end of the discovery period.

2. Pretrial Exchange of Information

The pretrial exchange of information required by Rule 4:25-7 may be waived by mutual consent of counsel, provided that all of the materials required to be exchanged under the rule be submitted to the court on the day of trial.

3. Discovery Extensions

An extension of up to 60 days from the end of the initial discovery period may be made by informal application to the Civil Division Manager or Team Leader before the expiration of the discovery period, based on a representation of consent of all parties and with a specification of what discovery remains to be completed. The extension must be confirmed in writing with copies to all counsel.

4. De Bene Esse Depositions

With all parties' consent, an expert's de bene esse deposition may be read to the jury in lieu of the expert's appearance in

person or on videotape.

The Court will be issuing appropriate orders effecting these modifications. Formal notice to the Bar setting forth the specific Rule changes and the effective date of the modifications will be issued shortly.

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