

## Procedures for Resolving Attorneys' Civil Trial Scheduling Conflicts

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Pursuant to the recommendations of the State Bar Associations's Civil Courts Task Force and the Supreme Court Civil Task Force Implementation Review Committee, the Supreme Court has authorized the following procedures for resolving attorneys' civil trial scheduling conflicts:

1. As a general principle, in the event of a conflict involving cases scheduled for trial at the same time in different counties, the older or oldest case will have priority over cases commenced at a later time. Exigent circumstances may, however, suggest a different priority, as, for example, where a party is terminally ill or a complex matter involving multiple attorneys has been scheduled peremptorily.
2. Immediately upon recognizing that a conflict may exist between cases scheduled for trial at the same time in more than one county, an attorney shall notify the Civil Presiding Judge of each county in which a conflicting case is scheduled in order that the Civil Presiding Judge with the newer case may know that the case is subject to the trial of an older case in another vicinage.
3. In the event that an attorney or a Civil Presiding Judge is of the opinion that valid reasons exist for extending priority to the new case, the conflict will be resolved by a conference of the Civil Presiding Judges of the counties where the cases are pending. In the event that the Civil Presiding Judges are unable to resolve the scheduling conflict among themselves, each shall immediately communicate the problem to their respective Assignment Judges, who shall promptly confer and resolve the conflict.
4. When an attorney is actually in trial at the time another case is called for trial, whether or not the case called for trial is older, it either shall be marked "ready-hold" pending completion of the case in trial or shall be adjourned and another date set.
5. An attorney awaiting assignment for trial in more than one case shall proceed to trial on the first case actually assigned out to a judge for immediate trial, regardless of the age of the other case or cases. The intent of this principle is that a Civil Presiding Judge is not to hold an attorney in his or her county for the trial of a case that cannot be immediately assigned to a judge, but shall release the attorney to proceed to another county where adverse counsel and the judge are awaiting the arrival of the attorney to commence trial immediately.

These procedures should be followed uniformly in all counties.

## **EDITOR-S NOTE**

No change has been made to the original text.