

**ORDER: RULES OF PROCEDURE FOR SUMMARY JURY TRIAL**

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION, CIVIL PART  
\_\_\_\_\_ COUNTY

IN RE: RULES OF PROCEDURE  
FOR SUMMARY JURY TRIAL

ORDER

1. This order is entered pursuant to Court Rule 1:1-2.
2. This matter is designated appropriate for summary jury trial proceedings to be conducted by the court. Counsel voluntarily agree to participate in this procedure and have secured the consent of their clients.
3. This proceeding shall be viewed by all parties as a settlement procedure and as such is non-binding unless otherwise stipulated.
4. This matter shall be trial ready prior to the summary jury trial, with an expectation of trial on the merits within 30-60 days. Counsel shall assume that no additional discovery may be completed between the summary jury trial and the traditional trial.
5. Prior to the summary jury trial, the court shall conduct a pre-hearing conference to review required submissions by counsel pursuant to *Rule. 6*, consider proposed stipulations and enter the Order for Summary Jury Trial.
6. In preparation for the summary jury trial pre-hearing conference, counsel shall:
  - a. submit proposed jury instructions and briefs on any novel issues of law;
  - b. submit a list of all witnesses to be introduced by reference during the summary jury trial presentation; and
  - c. submit a list of all physical exhibits, documents and expert reports to be introduced to the jury.
7. This matter shall be heard before a jury of six. Jurors will be the first six people selected by random draw. Counsel will each be permitted two challenges and will be assisted in the exercise of such challenges by a brief *voir dire* examination to be conducted by the judge. There will be no alternative jurors.
8. Unless excused by order of the court, all parties and adjusters shall be in attendance at the summary jury trial.
9. All evidence shall be presented through the attorneys for the parties. No witnesses may be called to testify. The attorneys may summarize and comment on the evidence and

may summarize or quote directly from depositions, interrogatories, requests for admissions, documentary evidence and sworn statements of potential witnesses. However, no witness' testimony may be referred to unless the references is based upon one of the products of the various discovery procedures, or upon a written sworn statement of the witness, or upon sworn affidavit of counsel that the witness would be called at trial and will not sign an affidavit, and that counsel has been told the substance of the witness' proposed testimony by the witness.

10. Subject to modification, at the court's discretion each litigant shall have a maximum of one hour for case presentation.
11. Objections will be received, if during a presentation, counsel exceeds the limits of propriety in presenting statements as to evidence or argument thereon.
12. After counsels' presentations, the jury will be given an abbreviated charge on the applicable law. The content of the charge will be reviewed with counsel prior to the summary jury trial; however, the judge will remain the final authority.
13. The jury will be encouraged to return a consensus verdict as to liability and/or damages. Jury verdict forms will be utilized for comparative negligence issues.
14. Upon rendering an advisory verdict, the jury will be encouraged to share their opinions with counsel and litigants.
15. Unless specifically ordered by the court, the proceedings will not be recorded.
16. Neither the arguments of counsel nor the jury verdict shall be evidential in any subsequent trial.
17. Counsel may stipulate that a consensus verdict by the jury will be deemed a final determination on the merits and that judgment be entered thereon by the court, or may stipulate to any other use of the verdict that will aid in the resolution of the case.
18. The Judge may modify or revise the rules governing these proceedings. All counsel may, with the permission of the judge, promulgate additional rules in the interest of justice. All stipulations entered into by and between counsel concerning the conduct of these proceedings shall be written as an addendum to the Order for Summary Jury Trial and shall meet with the approval of the Judge.
19. These rules shall be construed to secure the just, speedy and inexpensive conclusion of the summary jury trial procedure.

IT IS SO ORDERED:

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Date

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J.S.C.