

SUPREME COURT OF NEW JERSEY

NOTICE TO THE BAR

RE: Civil Best Practices Trial Information Statements and Orders Extending Discovery

The Conference of Civil Presiding Judges has asked that the following reminder be published, to assist in the uniform implementation of civil best practices.

Pursuant to R. 4:36-2, a Trial Information Statement (TIS), in the form set forth in Appendix XXIV of the Rules of Court, is to be filed only when certifying that discovery is complete, to identify designated trial counsel or confirm an earlier designation of trial counsel, and to provide the court with dates when the attorneys, litigants and witnesses are not available for arbitration or trial. The TIS is not the vehicle for requesting an extension of the discovery period. Accordingly, the form should not be altered to indicate that discovery is not complete or to request additional discovery.

An extension of the discovery period may be obtained under R. 4:24-1(c):

- A consent order may be filed for an extension of the discovery period of up to 60 days.
- If consent cannot be obtained, or if more than a 60-day extension is needed, a formal motion must be filed.
- Any application for extension of discovery made after the expiration of the controlling discovery end date must be on formal motion demonstrating exceptional circumstances.
- Pursuant to R. 4:24-1(c), orders submitted to the court extending the discovery period must contain the following information:
 - a. a) the new discovery end date;
 - b. b) designation of each item of discovery to be completed with a completion date for each separate item of discovery; and
 - c. c) a statement directing that parties file a TIS within ten days after expiration of the new discovery end date.

It is contemplated that the parties will confer with each other to discuss and agree to a proposed schedule for the completion of all discovery necessary to make the case arbitration/trial ready.

Richard J. Williams
Administrative Director of the Courts
Dated: February 2, 2001
