

NOTICE TO THE BAR

CIVIL CASES -- PROPOSED CHANGES TO PRESUMPTIVE TRACK ASSIGNMENTS

The Conference of Civil Presiding Judges has proposed that several Civil case categories be moved from one presumptive track assignment to a different presumptive track assignment. These proposed presumptive track changes have been endorsed by the Judicial Council. The Supreme Court has authorized their publication for comment prior to acting on the proposals. The following changes in presumptive track assignments are proposed:

- Moving contract/commercial cases from Track 1 to Track 2, as these cases frequently involve additional parties and claims, which tend to expand discovery and management needs. This change would result in the discovery period for contract/commercial cases increasing from 150 to 300 days.
- Moving assault and battery cases from Track 2 to Track 3, as these cases often involve coverage issues that necessitate a longer discovery period and, possibly, greater judicial involvement. This change would result in the discovery period for assault and battery cases increasing from 300 to 450 days.
- Leaving less complicated construction cases (code 305) on Track 2, but creating a new “complex construction” case type (with a new code) for Track 4. The attorneys in the individual construction cases would select the appropriate case type and track, as is now done with “contract/commercial” (Track 1) and “complex commercial” (Track 4) cases. This change, if approved, would result in the discovery period for complex construction cases increasing from 300 to 450 days, and in complex construction cases being assigned to one judge for individual management through trial. Cases that attorneys designate as “complex construction” will, pursuant to court rule, receive a case management conference within 60 days of joinder. If, at that conference, the court determines that the case is not truly complex, it will be reassigned to Track 2, where a discovery period of 300 days is provided.

Please send any comments on these proposed changes in presumptive track assignments in writing by Monday, April 24, 2006 to:

Philip S. Carchman, J.A.D.
Acting Administrative Director of the Courts
Rules Comments
Hughes Justice Complex; P.O. Box 037
Trenton, New Jersey 08625-0037

Comments may also be submitted via Internet e-mail to the following address: Comments.Mailbox@njcourts.gov.

The Supreme Court will not consider comments submitted anonymously. Thus, those submitting comments by mail should include their name and address (and those submitting comments by e-mail should include their name and e-mail address). However, comments submitted in response to this notice will be maintained in confidence if the author specifically requests confidentiality. In the absence of such a request, the author's identity and his or her comments may be subject to public disclosure after the Court has acted on the proposal.

The Supreme Court will be acting on these proposed changes in presumptive track assignments in June 2006.

Philip S. Carchman, J.A.D.
Acting Administrative Director of the Courts
Dated: March 6, 2006

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