



News Release

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For more information:
Winnie Comfort
Tammy Kendig
609-292-9580

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Supreme Court Committee on Expedited Civil Actions Releases Report

The Supreme Court Advisory Committee on Expedited Civil Actions today issued [a report](#) that recommends a number of ideas to improve the timeliness of civil cases and suggests a pilot program that would test their proposals.

Chief Justice Stuart Rabner formed the committee in May 2013 to consider how cases filed in the Law Division could be streamlined without sacrificing due process and fairness to litigants.

“The recommendations of the committee help address access to justice issues in civil cases,” said Chief Justice Rabner. “Under the proposed pilot project, parties would be able to have their day in court and proceed to trial more promptly, the cost of discovery and litigation as a whole would be more affordable, and judges could oversee cases more effectively. I look forward to public comments about these important recommendations.”

Cases in the pilot program would have an expedited discovery process subject to certain limits on discovery for both sides. They also would be removed from the mandatory non-binding arbitration program. The court would conduct prompt case management conferences to address the parties’ discovery plan and enter a scheduling order and early trial date. The committee recommended that cases in the expedited program be given priority trial dates. Adjournments should be limited and peremptory challenges reduced, according to the committee’s recommendations. In addition, the committee recommended certain modifications to simplify and streamline the conduct of trials. The full list of proposals are listed in the report.

The pilot program is designed for parties in certain Track I and Track II cases, who could object to inclusion by serving a letter on the court. The report recommends various presumptive grounds for removal from the program including a request by all parties for removal, multiple or complex theories of liability, the need for extended discovery, and any factor that demonstrates that assignment to the program would substantially affect a party’s right to a fair and just resolution of the case. Parties in Track III and Track IV may ask the court to opt into the program.

The pilot would allow court staff to assess the effectiveness of the program before expanding it. The pilot should begin with two or three counties, according to the report.

The committee is co-chaired by Associate Justice Faustino Fernandez-Vina and attorney Thomas R. Curtin of the law firm Graham Curtin.

Justice Fernandez-Vina said, “The committee relied on the input of many judges and attorneys with experience in civil litigation. I would like to thank the co-chair and our committee members for their insights and suggestions.”

Curtin added, “I was pleased that the committee included a good cross-section of trial attorneys representing the interests of both plaintiffs and defendants, as well as experienced judges and representatives from the business community. Our research and discussions led us to consensus on an opt-out model that will provide optimal efficiency with the necessary degree of flexibility.”

The committee was asked to identify the types of cases receptive to expediting civil practice; the pretrial and trial procedures that would help to expedite them; the incentives that might best encourage attorneys to use those procedures; changes in case management that would be required to achieve an expedited program; proposed court rule changes that would need to be adopted for such a program; whether to make the program voluntary or mandatory for certain case types; and the best way to educate attorneys about the availability of the program.

The committee recommended that the expedited program be developed for certain Track I and Track II civil cases, which are the least complex civil cases. Name changes, forfeitures, summary actions and Open Public Records Act cases would be excluded.

Committee member Russell Deyo, who previously served as general counsel to Johnson & Johnson, added, “I was pleased to participate on this committee, which included a diverse group of people offering many perspectives on the issues we were asked to consider. The recommendations put forth are workable and a good step forward for the judiciary.”

Written comments on the new report will be accepted until June 6, 2014. Send comments to:

Judge Glenn A. Grant
Acting Administrative Director of the Courts
Working Group on Business Litigation
Hughes Justice Complex/ P.O. Box 037
Trenton, NJ 08625.

The Supreme Court will not consider comments submitted anonymously. Those submitting comments by mail should include their name and address.

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