

# SUPREME COURT OF NEW JERSEY

## NOTICE TO THE BAR

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### CIVIL BEST PRACTICES -- MODIFICATIONS

Accompanying this Notice to the Bar is the Supreme Court's July 2, 2001 order relaxing several Rules of Court to modify "Civil Best Practices" as follows:

- Effective immediately, the pretrial exchange of information required by Rule 4:25-7 may be waived by the consent of all counsel, provided that all information and materials required to be exchanged under the rule nonetheless must be submitted to the trial judge on the day of trial.
- Effective immediately, discovery extensions of up to 60 days may be obtained by telephone call or letter to the Civil Division Manager or Team Leader as designated in the Track Assignment Notice. Such informal applications must be made prior to the expiration of the applicable discovery period and must include a representation that all counsel and pro se parties have consented to the extension. This informal procedure is an alternative to the filing of a written consent as required by Rule 4:24-1(c). Any party making such application by telephone must, however, confirm the extension in writing to all counsel and pro se parties.
- Effective immediately, the requirement under Rule 4:36-2 to file a Trial Information Statement (TIS) is eliminated. Beginning September 4, 2001, the court will provide counsel and pro se parties with a reminder notice of the discovery end date at least 60 days in advance of that date. Between now and September 4, 2001, notice of the discovery end date will be given 30 days in advance of that date, as is now required under R. 4:36-2. Any TIS reminder notice received on or after the date of this Notice but prior to September 4, 2001 should be considered to be a reminder notice of the impending discovery end date and not a reminder to file a Trial Information Statement. Any Trial Information Statement due to be filed on or after the date of this Notice in response to a previously issued TIS reminder notice need not be filed.
- Since the filing of a Trial Information Statement is no longer required, designated trial counsel must be specified, as heretofore, either in the first pleading or in a writing submitted to the court no later than ten days after the expiration of the discovery period. If there has been no such notification to the court, the right to designate trial counsel will be deemed waived, as set forth in R. 4:25-4 and R. 4:36-2(b).
- Effective immediately, upon the consent of all parties, an expert's de bene esse deposition may be read to the jury in lieu of the expert's appearance in person or on videotape.

Questions or comments regarding this Notice to the Bar may be directed to the Civil Practice Division, Administrative Office of the Courts, P.O. Box 981, Trenton, NJ 08625, (609) 292-8470, to the attention of either Jane F. Castner, Assistant Director, or Michelle V. Perone, Chief, Civil Court Programs.

Richard J. Williams, J.A.D.  
Administrative Director of the Courts  
Dated: July 2, 2001

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### ORDER

It is ORDERED, pursuant to N.J. Const. Art. VI, §2, ¶3, that the following Rules Governing the Courts of the State of New Jersey are hereby relaxed and supplemented:

#### (1) Pretrial Exchange of Information

Rule 4:25-7(b) and Appendix XXIII to the Rules of Court, so as to permit counsel, upon the consent of all parties, to waive the required pretrial exchange of information and materials; in the event of such waiver, all information and materials required to be exchanged under Rule 4:25-7 and Appendix XXIII must nonetheless be provided to the court on the day of trial;

## **(2) Trial Information Statement**

- (a) Rule 4:36-2 and Appendix XXIV to the Rules of Court, so as to eliminate the requirement that each party file and serve a Trial Information Statement within ten days following the end of the discovery period;
- (b) Rule 4:5B-1, so as to eliminate reference to the Trial Information Statement and to require that the designated judge, except as otherwise provided by R. 4:24-1(c), preside over all pretrial motions and management conferences in the cause until the discovery end date, and that any application made to the court after the discovery end date shall be made to the Civil Presiding Judge or designee (except in Track IV cases as set forth in this rule);
- (c) Rule 4:25-4, so as to eliminate reference to the Trial Information Statement and to require that, if no pretrial conference is held, counsel shall, as heretofore, either in the first pleading or in a writing submitted no later than ten days after the expiration of the discovery period, notify the court that specifically named designated counsel is to try the case; if there has been no such notification to the court, pursuant to R. 4:25-4 and R. 4:36-2(b) the right to designate trial counsel shall be deemed waived;
- (d) Rule 4:36-2(a), so as to eliminate the requirement that the court thirty days before the end of the discovery period send a reminder notice to each party of the date for filing and serving the Trial Information Statement, and to require instead that the court sixty days in advance of the discovery end date send a notice reminding each party of that date;

## **(3) De Bene Esse Depositions**

Rule 4:36-3(c), so as to permit, upon the consent of all parties, an expert's de bene esse deposition to be read to the jury in lieu of the expert's appearance in person or on videotape; and

## **(4) Discovery Extensions**

Rule 4:24-1(c), so as to provide, as an alternative to the Awritten and filed consent@ required by the rule, that a party may make an informal application, by telephone or in writing, to the Civil Division Manager or the Team Leader as designated in the Track Assignment Notice to extend discovery for a period not exceeding 60 days, provided that such informal application is made prior to the expiration of the discovery period and that it includes a representation that all parties have consented to the extension. Any party making such application by telephone must thereafter confirm the extension in writing to all parties.

The terms of this rule relaxation order are effective immediately and until further order, except that the requirement that the court send each party a discovery end date reminder notice 60 days in advance of the discovery end date will take effect on September 4, 2001.

For the Court  
Deborah T. Poritz  
Chief Justice  
Dated: July 2, 2001