

NOTICE TO THE BAR

RE: PILOT PROGRAM FOR HANDLING COMPLEX COMMERCIAL CASES IN GENERAL EQUITY

The Supreme Court has approved a pilot program in four vicinages — Burlington, Hudson, Mercer and Ocean — for handling complex commercial cases in General Equity. The program will begin on September 7, 2004, for complex commercial cases filed on or after that date in which the parties have timely requested that the case be assigned to the General Equity/Complex Commercial Case Pilot Program and have fulfilled the other requirements for entry into the program. The Court's Order of May 19, 2004, authorizing the program and relaxing and supplementing R. 4:3-1, accompanies this Notice.

Cases filed in the Law Division-Civil Part in Burlington, Hudson, Mercer and Ocean counties on or after September 7, 2004 and categorized as "Track 4 - Complex Commercial" on the Civil Case Information Statement (CIS) will be eligible for the program. After the complaint is filed, a notice will be sent, along with the Track Assignment Notice (TAN), advising that, if the parties so request, the case will be assigned to the General Equity/Complex Commercial Case Pilot Program and transferred to the General Equity judge for individualized management through disposition.

Criteria for transfer into the pilot program are:

1. the request must be in writing;
2. a written waiver of jury trial signed by all parties and their attorneys must accompany the request;
3. written consent of all parties to use complementary dispute resolution techniques must accompany the request;
4. written consent of all parties to expedite discovery, with the express goal of ultimate resolution of the case within 12 months, must accompany the request; and
5. the written request, along with the accompanying waiver and consents, must be submitted to the Civil Division Manager within 30 days of joinder.

If no request is submitted, or if it is not accompanied by the necessary waiver and consents, the case will continue on Track 4, where one civil judge, assigned to manage the case based on docket number, will handle it through disposition.

If a request for assignment to the General Equity/Complex Commercial Case Pilot Program is timely submitted, along with the necessary waivers and consents, the case will be transferred to the General Equity judge for management and disposition under its original Law Division docket number. Pursuant to R. 4:5B-2, the General Equity judge will conduct a case management conference no later than 60 days after joinder.

At the conference, the General Equity judge will

- determine, based on an examination of the legal and factual issues presented, if the case truly is "complex commercial" (if it is not, it will be transferred back to the Law Division-Civil Part with a recommendation from the General Equity judge as to the appropriate case type and track).
- determine if additional parties need to be joined.
- develop a discovery schedule with the attorneys and set the date of the next event — e.g., another management conference, a CDR proceeding, a pretrial conference — and issue instructions for the filing of dispositive and non-dispositive motions. The conference will be conducted in accordance with the goal of completing discovery and resolving the case within 12 months. A trial date may be set in the case management order.
- determine which mode of complementary dispute resolution is appropriate, and issue the appropriate Order of

Referral.

Thereafter, the General Equity judge will continue to handle the case through trial or other disposition.

As noted above, the program is available for management of Track 4-complex commercial cases filed on or after September 7, 2004 in the Law Division-Civil Part in Burlington, Hudson, Mercer and Ocean counties.

Inquiries regarding the General Equity/Complex Commercial Case Pilot Program may be made to: Kevin M. Wolfe, Esq., Chief, Civil Court Liaison, Administrative Office of the Courts, Civil Practice Division, P.O. Box 981, Trenton, NJ 08625-0981; tel. (609) 292-8470; e-mail KEVIN.WOLFE@njcourts.gov.

Richard J. Williams, J.A.D.
Administrative Director of the Courts
Dated: June 21, 2004

ORDER

It is ORDERED, pursuant to N.J. Const. Art. VI, sec. 2, par. 3, that effective September 7, 2004 and until further order, the provisions of Rule 4:3-1 of the Rules Governing the Courts of the State of New Jersey are supplemented and relaxed so as to permit those complex commercial cases filed in the Law Division-Civil Part in Burlington, Hudson, Mercer, and Ocean counties on or after the effective date of this order, and in which the parties have requested in writing that the case be assigned to the General Equity/Complex Commercial Case Pilot Program (the "Program") and have timely fulfilled the other requirements for entry into the Program, to be transferred to the General Equity judge for individual management through disposition, without the need for motion or further order, with each such case retaining its Law Division docket number.

For the Court
Deborah T. Poritz
Chief Justice
Dated: May 19, 2004