

August 1, 1979

ANNOUNCEMENT BY THE CHIEF JUSTICE

The Chief Justice, with the approval of the Court, has released the interim report of the Supreme Court Committee on Matrimonial Litigation. The Committee consists of Associate Justice Morris Pashman (Chairman), Associate Justice Worrall F. Mountain, now retired, and Associate Justice Sidney Schreiber. This Committee was delegated the responsibility of surveying all aspects of matrimonial litigation and recommending appropriate reforms.

The report is straightforward and candid in its discussion of the problems experienced by the matrimonial court system in New Jersey. It is laudable for its concern with the anguish experienced by matrimonial litigants and its recognition of the importance of the Supreme Court's responding sensitively, fairly and expeditiously to the needs of the parties. The report concludes that the consensus of all segments of the community is that the performance of judges and attorneys and the delay in the processing of matrimonial cases are the major areas of concern.

The Committee drew extensively on comments from assignment and trial judges, the bar and the public. Meetings were held with judges and attorneys to solicit

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their comments and recommendations. Letters received from matrimonial litigants expressing great interest in the study and offering criticism and comments were carefully evaluated. Extensive statistics were gathered from all counties to verify the existing volume of cases and the time currently spent processing a matrimonial matter. As a result, numerous recommendations have been made.

The report recommends that the Supreme Court appoint a permanent Committee whose purpose would be to assist the present Committee in further evaluation of proposed recommendations and in continual monitoring of matrimonial litigation.

The Supreme Court is confident that this interim report is the first step toward achieving matrimonial reform. The report is an excellent example of the Supreme Court's ability and willingness to recognize problems within its own court system, to define them sensibly and to seek realistic solutions.

The report will be widely distributed to encourage comments from all segments of the community so that the final result will be responsive to the needs of judges, attorneys, litigants and the public.

INTERIM REPORT
OF THE
SUPREME COURT COMMITTEE ON MATRIMONIAL LITIGATION

July 20, 1979

Justice Morris Pashman, Chairman
Justice Worrall F. Mountain
Justice Sidney M. Schreiber

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FOREWORD

On December 12, 1978, Chief Justice Hughes established the Supreme Court Committee on Matrimonial Litigation for the purpose of studying all aspects of matrimonial proceedings, identifying sources of dissatisfaction to the Judiciary, the Bar and the public and recommending appropriate solutions. Because a thorough study of the problem required a massive data gathering effort, the Committee, composed of Justice Morris Pashman (Chairman) and Justices Worrall F. Mountain and Sidney M. Schreiber, determined that the study should be divided into two phases. Phase One was to be devoted to conducting extensive research into the problem, while the second stage of the project would involve an intensive evaluation of that research by an expanded committee. Final recommendations would therefore be the product of thorough, focused discussion.

We submit this interim report in the hope of renewing the Supreme Court's commitment to assuring that the anguish of litigants involved in matrimonial cases not be exacerbated by a legal process of questionable effectiveness and efficiency.

INTRODUCTION

The trial court can declare no victor in a matrimonial case. Rather, its purpose is to render decisions that create a reasonable environment wherein the parties to a dissolved marriage can go their separate ways and attempt to rebuild their lives. Necessarily, the court plays a major role in defining the financial and familial limits within which the parties can pursue their goals. The court cannot eliminate the trauma experienced by children of the marriage; rather, it can only seek to fashion custodial arrangements which will restore a semblance of emotional and financial stability to a child's life.

The statutory environment in which judges must perform their onerous responsibilities changed dramatically in 1971 with the extensive revision of the divorce statutes. Prior to that date, most of the court's time was spent litigating the issue of fault. Now, however, it must devote much of its time to resolving issues of equitable distribution of the assets of the marriage together with problems involving custody, alimony and child support. The court must deal regularly with the intricate areas of property interests, corporate activity, trusts and tax law. In presiding over the dissolution and restructuring of a family unit, it must

continually be cognizant of the severe psychological and sociological implications of its decisions.

The volume of divorce cases continues to grow. Since 1971, the number of people seeking divorces has doubled. This growth, when considered with the enhanced complexity of the average case, translates into increased delay in the processing of cases. In 1972, only 6 percent of all matrimonial litigants waited over one year from the date of filing to the date of judgment. By December 1978, this number had risen to 35 percent. As of April 30, 1979, probation departments throughout the State were monitoring 122,815 matrimonial cases where alimony and child support payments were ordered paid through these offices.

A primary measure of the effectiveness of the court is its ability to respond to the needs of litigants by rendering fair and reasonable decisions in an expeditious manner. Judges, attorneys, the press and the public claim the system is not working.

The public has been the most persistent, and through the press, the most vociferous critic of the judicial process. The Chief Justice has received hundreds of complaints by litigants voicing criticism and resentment. Many objections pertain to extensive delays in obtaining a hearing date;

others note that an excessive number of adjournments is granted before the entire case is heard. Still more people express dissatisfaction with the trial court's decision, the insensitivity of the proceedings and the failure of the court to consider all vital information prior to rendering a decision in the case. It is in this setting that the Committee conducted an in-depth study of this most sensitive area of litigation.

Members of the Judiciary, the Bar and the public were requested to offer criticisms and recommendations concerning the status of the matrimonial calendar, reasons for existing problems, including delay, and areas of judicial activity which should be addressed. Concurrently, extensive statistical information was gathered from each court.

The Committee expresses its gratitude to all those persons who responded to its request for comment by offering valuable insights into the problems of the matrimonial court.

PROGRESS TO DATE

The first major task of the Committee was to obtain accurate data concerning the matrimonial caseload throughout the State. Counties were requested to conduct a physical inventory of every pending case and to submit detailed statistics which identified those cases where divorce had been granted but at least one other issue remained unresolved. The purpose of the special physical inventory was to ascertain, as accurately as possible, the status of the matrimonial calendar in order to determine the amount of court time necessary to increase dispositions and reduce the time between the date of complaint and the date of trial. This portion of the study illuminated disparate recordkeeping procedures among the counties. The difficulty of obtaining precise, accurate information was evidenced by an inability to determine, from a detailed inspection of the files, whether a case required further court time. This problem is addressed by the Committee in Section II-G-3 of the report (Page 42).

Notices in the New Jersey Law Journal requesting attorneys to notify the trial court of matrimonial cases in which a judgment of divorce had been entered but other issues remained unresolved evoked minimal response. On May 11, 1979,

Chief Justice Hughes signed an order requiring that all matrimonial actions in which a final judgment of divorce had been entered prior to January 1, 1979 be deemed concluded. Cases pending appeal and cases where attorneys had notified the court of an unresolved issue were excluded. In addition, the court accorded attorneys 30 days from the date of the order to bring motions to reopen cases with unresolved issues.

The Committee issued a letter to Assignment Judges on March 8, 1979, stating that bifurcation should be permitted only with their approval and only in the most unusual and extenuating circumstances. The letter also emphasized that once a trial had commenced and had received one adjournment, that trial should be continued to conclusion without interruption on the next trial date.

The Committee has been accessible to all segments of the community and has met with various groups to discuss problems in the matrimonial area. Members of the Committee have conferred with Assignment Judges concerning the status of the matrimonial calendar in each vicinage. These efforts have already yielded tangible results. More judges are being assigned for short periods of time in some counties in a concerted effort to dispose of a greater number of cases. Statistics compiled by the Administrative Office of the Courts are encouraging.

Since January 1979, the number of active cases over one year old has gradually, but steadily, declined. These cases represented 35 percent of all active cases in 1977. As of January 31, 1979, that number was reduced to 33 percent, and dropped further to 32 percent in February 1979, and 31 percent in March and April 1979. The Committee is optimistic that the trend of improvement in the status of the matrimonial calendar will continue.

SUMMARY OF FINDINGS

The consensus of trial judges, the Bar and the public is that the problems in matrimonial court are attributable to two factors: the performance of key participants in the proceedings--judges and lawyers--and the unreasonable delay in the processing of a matrimonial case. Among the reasons cited for delay are lack of judicial manpower, current administrative practices, cumbersome motion procedures and the difficulty encountered by judges and attorneys in attempting to obtain adequate case information in a timely fashion. While the issues of performance and delay are not necessarily unrelated, independent discussion of each of these problems allows separation of the personal from the systemic criticisms and recommendations.

The Committee cannot represent that every problem may be addressed and solved with appropriate directives and court rules. Clearly, certain areas are more amenable to strict regulation than others. The Committee notes that matrimonial judges in some counties have received praise from the Bar and the public, both for effective management of the calendar and for the quality of decisions. This response has prompted the Committee to scrutinize all aspects of judicial performance to determine why the system works well in some places and not in others.

The Committee submits that the first step in accomplishing meaningful matrimonial reform is the acknowledgment that the effective disposition of matrimonial cases is of the highest priority. This report recommends tangible ways in which a commitment to that priority status can be manifested.

The recommendations of the Committee are presented with varying degrees of specificity. The Committee emphasizes that none of these recommendations is final and all are subject to reevaluation based on further comment from the Judiciary, the Bar and the public.

I. PERFORMANCE

Comments received from the public indicate that litigants do not trust either judges or attorneys. Judges cite poor attorney performance as a major factor in their inability to dispose of matrimonial cases more quickly. Attorneys, on the other hand, criticize judges for ineffective management and unfair decisions. Underlying all of the specific criticisms appears to be the feeling that judges and lawyers lack sensitivity to the plight of matrimonial litigants.

A. Judges

The Bar notes the low priority of the matrimonial assignment in the judicial hierarchy and the resultant mediocrity of performance. The public concurs, noting that there is no well-defined method employed for assignment of matrimonial judges. Both groups claim that judges assigned to this court have neither the requisite training in, nor grasp of, the matrimonial field. Further, it is apparent to these groups that many of the judges assigned to this area do not enthusiastically embrace this assignment and that their judicial behavior reflects this discontent.

The public believes that some judges are unprepared for trial and therefore are unable meaningfully to participate in settlement discussions. They are held responsible for clogged

matrimonial calendars. Some judges are thought to be spending insufficient time on settlement; trying to force settlement to avoid conducting a trial; exhibiting little patience with cases, particularly since they do not consider their work challenging or enjoyable; setting cases for trial with little advance notice to lawyers; not knowing the law; delaying too long in making decisions and signing orders; and not making sufficient findings of fact, leaving litigants uncertain of the judge's decisions. This uncertainty, in turn, leads more litigants to seek relief in appellate courts. Further, the public feels that judges condone and thereby encourage perjury by not imposing sanctions for false testimony. They fail to consider tax implications of decisions, and this often renders grossly unequal awards to the respective parties.

Judicial enforcement of court orders is another area of controversy and complaint. The public sees the court as unwilling to enforce its own orders. The public submits that the spouse with the obligation to pay--usually the husband--can generally ignore the court order, resulting in lack of child support, discontinuance of utilities, nonpayment of medical and dental bills and foreclosure of home. Husbands, in turn, note that the court allows women to manipulate visitation without sanction or punishment. Finally, litigants and attorneys note glaring discrepancies from county to county

in decisions in cases with similar facts. Some claim that judges have tentative formulae which they have conceptualized in their own mind and which they try to fit into each case, resulting in unfair decisions and disregard of unique circumstances of each case.

While the frequency of criticism from all segments of the community is indicative of fundamental and grave problems in the area of judicial performance, the Committee emphasizes that many positive comments pertaining to judicial performance have been received.

Some judges were praised for managerial innovations which resulted in more expeditious handling of cases, as well as for their sensitivity, accessibility to assist attorneys in problem areas and their rendition of fair decisions under difficult circumstances. Respondents questioned whether this judicial assignment overburdens judges beyond acceptable limits to the point where a conscientious, effective judge requests reassignment after several months of sitting on matrimonial cases.

Some propose that the complex responsibilities of matrimonial judges be shared by a psychiatrist or sociologist who would sit with the judge on all matrimonial cases. Others recommend the use of Special Masters whose findings of fact

would be incorporated in the record and, absent clear and convincing evidence to the contrary, would be adopted by the court.

The Committee feels that serious consideration of such proposals is premature and believes the focal point of reform should be the present court structure.

RECOMMENDATIONS

The Committee recommends that:

1. The Chief Justice reevaluate criteria currently employed for assignment of judges to matrimonial cases. The Committee feels that the following traits are essential for any matrimonial judge:
 - a) Sensitivity to emotional and sociological ramifications of all decisions rendered in this court;
 - b) Reputation for managerial skills demonstrated by an ability to move cases expeditiously through the court process;
 - c) Willingness to become involved at an early stage in the case, to be available for settlement and to be accessible to attorneys on an informal basis to resolve differences prior to trial;

- d) Commitment to attaining a full understanding of the disputes between the parties manifested by thorough preparation and diligent work habits.
2. Educational programs for matrimonial judges be expanded to include interdisciplinary training in certain aspects of property law, tax law, trust law, corporate law and that appropriate programs in the behavioral sciences be presented for the purpose of increasing sensitivity of judges to personal considerations involved in all aspects of decisions rendered, particularly with regard to child support, custody and visitation.
3. Continuity of assignment to matrimonial cases for several years be required to allow the development and application of expertise in this area.

B. Attorneys

The legal profession is often viewed as a partner of the court in aggravating the difficulties of litigants going through a divorce. Lawyers are accused of hiding behind the intellectual mystique of the practice of law in failing to keep clients advised of developments in the case. By far the most frequent complaint indicative of the clients' total lack of trust is the failure of attorneys to communicate at all

stages of the proceedings. Lawyers are seen as uncaring and prone to ignore or neglect the needs of the client once the initial retainer is paid.

This lack of communication creates resentment on the part of the public and is manifested in many ways: 1) failure to return telephone calls and often referring telephone inquiries to clerical staff or other attorneys in the firm who have no familiarity with the case; 2) reluctance to spend the time detailing the procedures and pitfalls involved in a matrimonial proceeding and 3) failure to exhibit sensitivity and empathy to the client during this most trying time. Judges note that much of the dissatisfaction with the court's decisions may be due to the attorney's failure to lower the client's sometimes unreasonable expectations that either party will be able to maintain the marital lifestyle in every respect, particularly with regard to finances.

The communication problem extends to the area of fees which are viewed as excessive. The large majority of all attorney-client fee disputes brought before the county fee arbitration boards concerns matrimonial cases. Clients complain about alleged "hidden costs" each time the case enters a new phase of processing. Some even claim that attorneys intentionally delay cases and make unnecessary motions and court appearances in order to justify excessive fees.

Clients often feel that they have not received an adequate return for money paid, noting that attorneys are not fully prepared for court hearings--a view shared by many judges--, exert minimum efforts on behalf of the client, and distort issues and force settlements with no prior discussion of facts or alternatives with clients. Clients claim not to be advised of dates when motions will be heard, thus being denied the right to observe the proceedings. Attorneys claim that the court impedes their ability to represent their clients adequately by not employing sufficient sanctions against attorneys who are less than diligent in pursuing the interests of their clients.

The Committee is mindful of excessive demands made by some litigants on attorneys during a matrimonial case and in no way suggests that the litigant is always right. However, somewhere between continuous hand-holding and gross insensitivity is the middle ground of respect for a client's intelligence and empathy for the emotional trauma attendant upon divorce proceedings. Lawyers who practice in the matrimonial field should strive for that attitude.

Many litigants retain more than one attorney during the course of divorce proceedings due to dissatisfaction with performance. Those persons who cannot qualify for subsidized

legal representation and who do not have the substantial amount of money necessary for procuring adequate legal representation are often forced to proceed as pro se litigants against their wishes and good judgment. Litigants who have discharged their first attorneys often end up representing themselves, since they must continue to pay the bills of the first attorney while their case continues through the system. In turn, attorneys express resentment at the special treatment afforded pro se litigants, claiming that they may ignore interrogatories, fail to appear in court and delay the case without sanction. They urge that pro se litigants be held to the same standards as lawyers.

Judges note that very few lawyers are skilled in property law, tax matters and considerations of alimony and child support. Some advocate certification of matrimonial attorneys, with the added requirement that a certain percentage of required classes in the law school curriculum be in the areas of matrimonial law, corporate and tax law, accounting and family psychology. Apprenticeships in matrimonial law have also been suggested.

Recommendations have been received concerning the necessity for the court to be involved in approving fees charged to the clients. Some even propose that the final judgment

recite the amount to be paid to the lawyer, following the court's review of services rendered.

The Committee is mindful of the tendency of some litigants to expect more than any attorney or court can deliver. The Committee further acknowledges that the economic realities of the practice of law must be considered in evaluating these criticisms. However, the Committee is satisfied that the overall problem of attorney performance must be addressed.

RECOMMENDATIONS

The Committee recommends that:

1. The Bar Association expand existing training programs for matrimonial lawyers in the following areas:
 - a) Training in the behavioral sciences which emphasizes the importance of personal interactions with divorce clients;
 - b) Specialized training in the areas of finance, accounting, property interests, tax law and other business-related fields.
2. The Bar Association establish a program for matrimonial representation of those litigants who cannot afford an attorney at the standard rates and who cannot qualify for legal services. The goal of this program should be to guarantee legal representation for every eligible person who desires

same and who demonstrates a willingness to pay some amount for that representation.

3. The expanded Matrimonial Committee of Phase Two consist of attorneys who would serve as liaison with the Bar Associations in addressing the problems discussed herein.
4. A Specialization Committee undertake a study of the feasibility and desirability of certification.

II. DELAY

Existing rules, statutes and policies contribute to the delay in processing a matrimonial case. Renewal of a commitment to the priority of a matrimonial case requires evaluation of those procedures by which the delay can be diminished. The public consistently pleads for the court's cooperation in reducing the time from filing of the complaint to judgment. Experienced attorneys realize that a closed case is a profitable one.

Many have recommended that standards for the optimal amount of time for disposition of matrimonial cases be established, similar to those set in criminal cases, with minimum as well as maximum limits set in both uncontested and contested cases. The consensus of attorneys is that a contested case should be disposed of no longer than one year after the date of the complaint in the majority of cases, with 18 months being the outside time limit for all cases. Recommendations for standards for disposition of uncontested cases range from 30 to 90 days.

Some attorneys and judges note that rushing a case through the court system may be counterproductive to settlement efforts and premature completion of discovery may result in out-of-date information on the day of trial. Some

analogize divorce cases to probate cases, where administration of a complicated estate takes several years to complete, emphasizing the many months necessary to obtain information on pensions, insurance plans, closely held corporations and other financial aspects of the marriage.

This section of the report will deal with specific components of delay. A major step in reducing that delay is to formalize the high priority that matrimonial cases should have in the overall court calendar.

RECOMMENDATIONS

The Committee recommends that:

1. R. 1:2-5 be amended to read as follows:*

1:2-5. Advancement of Cases for Trial or Argument

In the scheduling of cases for trial, hearing or argument, the following classes of actions shall be given preference:

(1) all contested matters where a principal issue is the custody or status of minors; matrimonial causes; criminal and quasi-criminal cases, election actions, actions (except negligence actions) to which the State, a county, municipality or other public or quasi-public agency is a party;

*Material in existing rules to be deleted is shown in brackets and new material to be added is underscored or, in the case of captions, double-underscored.

(2) ... no change

(3) ... no change

(4) ... no change

(5) ... no change

2. The Supreme Court establish the following time guidelines for the disposition of matrimonial cases:

(a) Contested cases--one year from the date of the service of the complaint;

(b) Uncontested cases--60 days from the service of the complaint.

The Committee feels that these guidelines are appropriate given current case volume and backlog and believes that these time periods can be further diminished with the use of effective management procedures. Discussion pertaining to these proposed standards will continue in Phase Two.

3. Rule 1:13-7 be amended to provide that whenever any matrimonial case has been pending for three months without any proceeding having been taken, the Deputy Clerk of the Superior Court of the county in which venue is laid shall notify the parties or, if represented, their attorneys by a written notice of motion that the court will dismiss the case for want

of prosecution. Discussion of this recommendation will continue in Phase Two.

A. Judicial Manpower

Both judges and attorneys view the insufficient number of judges assigned to hear matrimonial matters as the major factor in the critical delay of matrimonial cases. This problem is especially acute in the less populous counties where a small number of judges must sit on every type of case. Urban counties noted that judges who are assigned to other types of cases are often assigned to hear an uncontested matrimonial case. Attorneys have recommended that non-matrimonial judges also assist regularly in hearing motions to enforce court orders and judgments. The Committee feels that to the extent possible, all contested matrimonial matters should be heard by judges who are or who have been permanently assigned to hear same. The Committee notes the practice of Assignment Judges' conducting "crash" programs on a periodic basis wherein several judges are assigned to hear matrimonial matters for several weeks. The Committee encourages periodic use of this tool to keep pace with case volume.

The Committee acknowledges that the availability of more judges to hear matrimonial cases on a regular basis would

reduce delay in the processing of a case. It also realizes the limitations of implementing this recommendation and the implications for court calendars in the civil and criminal areas.

RECOMMENDATIONS

The Committee recommends that:

1. More judges be permanently assigned to the Matrimonial Division. The Committee will address the question of how many should be assigned in each vicinage in Phase Two.
2. Uncontested divorce matters also be heard by non-matrimonial judges, preferably before the regular court day begins.

B. Bifurcation

The practice of bifurcation of a matrimonial case wherein the judge grants a divorce and defers consideration of other issues in the case--custody, child support, alimony and equitable distribution--has received extensive criticism from all segments of the community.

The arguments for and against bifurcation have been presented and debated thoroughly. The delay inherent in this practice is considerable. Judges and lawyers note that there is sometimes a legitimate reason for bifurcation, especially

where the finances of the parties are extremely substantial and complex. Some feel bifurcation should be used to encourage settlement of cases.

On March 8, 1979, the Committee advised all Assignment Judges that bifurcation should only be permitted with their approval and that such approval should be granted only in unusual and extenuating circumstances.

RECOMMENDATIONS

The Committee recommends that its policy on bifurcation be formalized by Court Rule or formal directive. In the event bifurcation is permitted by the Assignment Judge, the time limit fixed for disposition of a contested case shall apply.

C. Continuous Trials

Comments offered soon after the Committee was established cited the problem of judges who begin trials and adjourn them several times prior to completion in order to hear other matters previously scheduled. The letter to Assignment Judges dated March 8, 1979 directed that if a matrimonial case cannot be finally disposed of after the day of trial and must be adjourned, then the case should be tried to conclusion commencing with the second trial date, even though this means adjournment of other cases previously scheduled.

The Committee recognizes the inconvenience to those litigants who have received a trial date months in advance since their cases will be held pending complete disposition of a continued trial. However, the Committee feels that once litigants have been called to court, they are entitled to the attention of the Court until their case is completed.

RECOMMENDATIONS

The Committee recommends that the Chief Justice issue a directive reiterating the policy in favor of continuous trials as previously suggested by the Committee.

D. Settlement Procedures

There is a general consensus that effective settlement tools are not utilized fully. However, there is great divergence of opinion concerning the stage at which settlement efforts are most productive and the manner in which settlement conferences should be held. While there is general agreement that early settlement programs sponsored by Bar Associations are effective when utilized, there are doubts as to whether these programs function in response to excessive delay in the courts and, if so, whether addressing the problem of delay at this level is productive.

1. Judicial Settlement Practices

Various judges throughout the State employ settlement practices which are designed to assist the parties in settling contested issues prior to trial. Some judges conduct formal settlement conferences in every case. In some counties, the judge conducting settlement conferences does not preside at the trial; in others, the judge performs both functions. Many attorneys feel the practice of using a separate so-called settlement judge removes the feeling of coercion from the settlement process. Should no settlement be reached, objectivity is preserved by having a different judge preside at the trial. Others claim that a judge's familiarity with the case and willingness to become actively involved in proposing alternatives is the single most important factor in the settlement process.

Some attorneys have called for mandatory settlement conferences within a short period after the filing of the complaint. Others claim that settlement conferences are not productive unless scheduled on the day of trial, since parties are reluctant to settle prior to that time. Others note that litigants refuse to participate in informal settlement negotiations since they know that the option for a formal settlement conference is always there. Many judges report success with an informal

settlement conference at an early stage in the case, with increasing degrees of formality in settlement procedures as the case ages. Litigants express the feeling of undue pressure as the trial date approaches and some have recommended that there be at least one week between the date of trial and the settlement conference.

2. Early Settlement Programs

Most of the counties have established these programs wherein a panel of attorneys sits with clients and counsel in an attempt to achieve the settlement of a portion or all of a matrimonial case. Participation is voluntary and, with few exceptions, there is not widespread utilization of these programs even though they are generally effective in achieving settlement of a number of issues in a case. Many of the early settlement programs in the various counties have only recently been established so that it is too early to assess effectiveness. Judges and attorneys feel that this program is a meaningful settlement tool. Attorneys have recommended that this procedure be mandatory for all divorce litigants or, alternatively, that incentive for the use of the program be given by awarding trial preference to cases that have utilized this procedure.

RECOMMENDATIONS

The Committee recognizes that settlement is the key to efficient disposition of cases. Since the Committee is also aware of the necessity for each judge to fashion his or her own approach to the settlement of cases, it defers recommending rules to require specific settlement procedures to Phase Two in order to permit further discussion.

E. Motion Practice

Nowhere does the delay in the processing of a matrimonial case cause more confusion than in the number, complexity and quality of motions brought before the court requesting assistance in obtaining information required to prepare a case for trial, providing for temporary custodial and financial arrangements for the parties pendente lite, or modifying a portion of an existing final judgment. Attorneys and judges note that the number of motions bears a direct relationship to the length of the trial list, that is, the longer a case is on the list the greater chance of numerous motions. Judges' motion practices vary from county to county. Attorneys complain that some judges refuse to hear a motion marked "contested" when opposing counsel fails or refuses to appear. This may constitute an effective dilatory tactic. Others claim that attorneys can delay the hearing of a motion for

months in some counties simply by indicating a lack of preparation. Attorneys note that many pendente lite motions are brought back for reconsideration, ostensibly on other grounds, thereby constituting appeals of previous denials at the trial court level. Judges note that the number of frivolous and dilatory motions has greatly increased and that most motions are poorly prepared or unrealistic in demands for relief. Others emphasize the need for more detailed and reliable financial information to assist the court in granting appropriate relief pendente lite.

Parties not in control of the assets of the marriage complain bitterly regarding the court's failure to award counsel fees during this stage of the proceedings. Litigants cannot meet the financial demands of the attorney who, in turn, abandons the case. They recommend that counsel fees be granted at this stage on a regular basis to allow for continuous and adequate legal representation.

Litigants complain that affidavits are filed with motions on the same issues repeatedly without resolution. Clients feel limited in not being allowed to testify, but rather being forced to rely on affidavits. Judges and attorneys, on the other hand, cite the case of Hallberg v. Hallberg, 113 N.J.Super. 205 (App.Div. 1971), which requires

plenary hearings on motions for modifications of final judgments of divorce, as devastating to the motion calendar.

Suggestions for improving motion practice include awarding counsel fees and costs when frivolous motions are brought, increasing the motion fee, assessing the cost of a probation report against the moving party where a custody application is found to be without substantial merit and strictly limiting adjournments.

Many feel that R. 1:6-2, wherein counsel may accompany a motion with a request for a ruling from the court without oral argument, is underutilized. Others urge that the court should limit time for argument. Some cited the large percentage of discovery motions and suggested that this type of motion be heard on a separate day to allow substantive motions to be heard more quickly.

Motion practice in some counties has been greatly simplified by aggressive judicial management of the calendar which includes encouragement of counsel to utilize R. 1:6-2. Some judges limit oral argument to those motions where the court feels it is necessary, while others will only hear oral presentations on certain issues pertaining to a motion.

Another aspect of motion practice was addressed by the Civil Practice Committee in its 1979 Annual Report as a result of Sabini v. Sabini, 159 N.J.Super. 93 (App.Div. 1978). In that case, the Appellate Division held that where support payments were being made in a county other than the county of venue and enforcement proceedings were commenced by the probation department or plaintiff in that county, the other party could bring a cross motion for reduction of support in the county in which the enforcement proceeding had been initiated.

The Civil Practice Committee agreed to propose an amendment to R. 4:79-9(b) to provide that cross motions for modification be heard in the county where the divorce was granted. Further, to avoid the problem of requiring litigants to appear in two separate courts when seeking both modification and enforcement of the judgment, the proposed amendments provide that in those instances where both a motion for modification and a motion for enforcement are pending, both motions shall be heard in the county where the divorce was granted.

RECOMMENDATIONS

1. The Committee submits that the reduction in the time of the processing of the matrimonial case is crucial to effecting significant improvements in

motion practice. Aggressive judicial management of the motion calendar, including strict limitations on the granting, length and substance of oral argument is essential. Imposition of sanctions against attorneys who bring frivolous motions should be considered.

2. The Committee recommends that R. 1:6-2 be amended to provide that all motions pertaining to discovery be submitted to the court for a ruling on the papers without the benefit of oral argument. The Committee defers recommendations concerning other types of motions to Phase Two.
3. The Committee recommends that all motions for pendente lite monetary relief be accompanied by specific types of financial information pertaining to the parties' income and assets (e.g., federal and State income tax returns). Discussion of specific requirements for information will continue in Phase Two.
4. The Committee recommends that R. 4:79-9(b) be amended and R. 4:79-9(c) be adopted to read as follows:*

4:79-9. Alimony and Support Payments; Enforcement
(a) ... no change

(b) Failure to Pay; Enforcement by the Court or a Party. If a person fails to make payments as directed by an order or judgment, the probation officer with whom the order or judgment is filed shall notify such person by mail that such failure may result in the institution of contempt proceedings. Upon his continued failure the probation office shall file a verified statement setting forth the facts establishing disobedience of the order or judgment. The court in the county in which the person against whom the award is made resides, unless another court is designated by order[,] or unless paragraph (c) hereof otherwise provides, may then in its discretion institute contempt proceedings in accordance with R. 1:10-2, and an aggrieved party, or the probation officer on his behalf, may apply to the court for relief in accordance with R. 1:10-5. If the aggrieved party states under oath in his application that he is indigent and unable to pay the required filing fees, the court, if satisfied of the fact of indigency, may by endorsement thereon waive the payment of such fees. If the application for relief is made on behalf of a party by the probation office, filing fees shall be waived, and may in the discretion of the court, subsequently be assessed against the adverse party if it is determined that he has not complied with the order or judgment sought to be enforced.

(c) Consolidated Enforcement and Modification Proceedings. Where an order or judgment requires payment of support or alimony through a probation office in a county other than the county of venue and where motions are pending both for modification and enforcement of the order or judgment, all such motions shall be heard in the county of venue. Prior to such hearing, the amount of arrearages shall be fixed in the county where payments are required to be made either by certification of the probation office or, if the certification is contested, by the court in that county.

*Material in existing rules to be deleted is shown in brackets and new material to be added is underscored or, in the case of captions, double underscored.

F. Discovery

The major objection in the area of discovery is that the time limits provided are not strictly adhered to by attorneys nor are they enforced by the court. Litigants claim that the party in control of the assets often depletes undiscovered property during the course of the proceedings. Judges and attorneys acknowledge that discovery is often incomplete at the time of trial. Reference has already been made to this factor as contributing to the number of appeals and remands. Judges note that the frequent practice of remand from the appellate courts in matrimonial cases gives the parties two separate opportunities to adequately prepare and comply with discovery. Appellate courts are understandably reluctant to make findings without complete information.

Attorneys and judges cite the present limited discovery rules as a factor contributing to the high volume of motions and have suggested alternatively that R. 4:79-5 be amended to permit broader discovery privileges without the approval of the court.

Some judges have reported success in eliminating discovery as a factor in the delay of the case by making themselves available to meet periodically with attorneys to assist in resolution of discovery disputes and to delineate timetables

for completion of discovery in pretrial orders, with extensions of time within the 150 days granted only by court order.

The sometimes exorbitant costs of discovery incurred in complying with R. 4:79-11 are often cited as a serious impediment. Some judges note that they maintain an extensive list, approved by the Bar, of all types of experts normally consulted in the course of preparing information for trial. This list is utilized as an alternative to each party's obtaining its own expert and results in reduction of costs and also in reduction of delay, since the court establishes rapport with experts who, in turn, comply with the court's deadlines for reports. The cost of these court-appointed experts is borne by either or both of the parties, or by the court, depending on individual circumstances.

RECOMMENDATIONS

1. The Committee endorses more frequent use of court-appointed experts as an alternative to each party retaining its own.
2. The Committee recommends that the right to discovery be expanded in matrimonial cases by modifying R. 4:79-5 to permit depositions as a matter of right concerning the financial aspects of a case. Except as herein noted, the Committee recommends that R. 4:79-5 remain intact as to discovery.

3. The Committee recommends that time limits set forth in R. 4:17 be reduced for interrogatories served in matrimonial actions by requiring that:

(a) Initial interrogatories be served within 20 days after the expiration of the time allowed for service of the last permissible responsive pleading as to each defendant;

(b) Answers to interrogatories be served upon the party providing them within 20 days after service of interrogatories.

Consideration of appropriate language to implement these recommendations is deferred to Phase Two.

G. Information Required by the Court

1. Rule 4:79-11

Failure to comply with R. 4:79-11 is frequently cited as a source of delay in the processing of the case. There is much confusion on the part of the Bar and the Judiciary as to the application of R. 4:79-11. The Rule was originally adopted for the purpose of vesting the courts with jurisdiction to enter a judgment of equitable distribution where one of the spouses defaults. Section (b) of this Rule requires that notice be given as to the

nature of the assets and cost or value at date of acquisition; the date on which the assets were acquired; the source of funds used for acquisition; the value of the assets at the date of filing of the complaint; the amount, nature and date of each outstanding lien; the holder of each lien and the proposed manner of distribution.

The Rule is commonly used by judges for the purpose of obtaining information concerning the assets to be distributed as required in Rothman v. Rothman, 65 N.J. 209 (1974). Many courts mandate that some form of trial memorandum be submitted containing the information required by the rule. These courts do not consider the Rule to be complied with in contested actions until a brief is submitted. A minority of courts requires only a notice that the action is contested. Failure to comply with R. 4:79-11 is often cited as a dilatory tactic by attorneys.

Matrimonial judges have discussed the problems concerning R. 4:79-11 and have submitted various proposed amendments. They concur that the purpose of the Rule should be expanded.

RECOMMENDATIONS

The Committee recommends that R. 4:79-11 be amended to require that certain information be submitted to the court in all contested cases. The Committee submits a draft of the proposed amendment in this interim report to invite comments from judges and attorneys. This draft refers to information requested in conjunction with a request for rehabilitative alimony. The Committee feels that this subject should be discussed in detail in conjunction with proposed amendments to R. 4:79-11, particularly in view of Arnold v. Arnold, ___ N.J. Super. ___ (App.Div. 1979), which limits the ability of a judge to make awards for alimony payments which will cease after a certain period of time. The Committee will finalize the proposed language of the Rule in Phase Two and will also address the question of whether the mandated information should be submitted in a standardized format.

The proposed amendment to R. 4:79-11 reads as follows:*

4:79-11. [Listing for] Trial; Claims for Equitable Distribution of Property (Including Rehabilitative Alimony) and Child Support

(a) Request for Trial Listing of Divorce Claims. No divorce action shall be [listed for trial] tried until the plaintiff or defendant, if a counterclaimant, has in writing notified the [clerk of the] court [of] in the vicinage where the matter is to be heard that:

[(1) the action is contested; or]

- [(2)] (1) an agreement including equitable distribution, alimony and child support has been made by the parties; or
- [(3)] (2) no equitable distribution, alimony or child support is sought; or
- [(4)] (3) the notices of application for equitable distribution required by paragraph (b) and for alimony or child support required by paragraph (c) of [the] this rule [has] have been served.

(b) Contents of Notice of Application for Equitable Distribution. The notice of application for equitable distribution of property in an action for divorce[,] shall be served [by the plaintiff and counter-claimant, where applicable,] within 30 days after the completion of discovery[,] on an adverse party pursuant to R. 1:5-2, and shall state with particularity:

- (1) all assets including choses in action, acquired by each of the spouses between the date of the marriage and the date of the filing of the complaint or on any other relevant date in which either or both of them has a legal or equitable interest individually or with any other person [at the date of the filing of the complaint, and the name of such other person];
- (2) the date each asset was acquired, cost, or if not purchased, value, at time of acquisition, manner of acquisition, source of funds used for acquisition, value as of the date of filing of the complaint, and the amount, nature and effective date of each outstanding lien, and the holder of the lien;
- (3) the proposed manner of distribution, including the amount and nature of the assets to be distributed.

(c) Contents of Notice of Application for Alimony (Including Rehabilitative Alimony) and Child Support. The notice of application for alimony (including any application or cross-application that such alimony be rehabilitative alimony) and child support in an action for divorce or separate maintenance which shall be served on an adverse party pursuant to R. 1:5-2 shall state with particularity:

- (1) the income and expenses of the party applying for such award and those of his or her spouse as of the date of the application stating basically each source of such income and special needs of the parties or children that must be met. Income tax returns of the moving party shall be attached.
- (2) the financial details of any changes in circumstances from the date of separation, the date of the complaint or any other relevant date, to the date of application, including a statement of all assets of each party not subject to equitable distribution, with full and specific disclosure of any inheritance, legacy, chose in action, or any other right, title and interest to anything of value received by the party or claimed by him or her.
- (3) the projected income and expenses of each party for any relevant period following the application, including the tax impact of the award suggested in subsection (5) hereof.
- (4) a statement of the work and employment history of the party applying for such award, including a list of all positions or jobs held, the education of the party applying for an alimony or child support award, all skills of such party relevant to employability, the condition of his or her health and all other factors having relevancy to the issue of the length and duration of the alimony award to be made and whether the concept of rehabilitative alimony should be applied in making an alimony award.
- (5) the proposed award of alimony and child support, together with a statement as to the recommended duration of such award.

(d) Answer to Notice of Application for Alimony and Child Support. The adverse party shall have the right to serve and file an answer to the above Notice of Application for Alimony and Child Support no later than 10 days after receipt of said notice. The answer shall state with particularity:

- (1) any counter-statement as to the financial status, assets, employability, condition of health, and other relevant data, applicable to the issues of alimony (including rehabilitative alimony) and child support. Income tax returns shall be attached.
- (2) a specification of the reasons, if any, why it is claimed that the concept of rehabilitative alimony should or should not be applied in the cause.
- (3) the amount of alimony and child support which is considered fair, equitable and just, and the proposed duration of such proposed award of alimony and child support.

(e) Service of Notice. Notices prescribed under paragraphs (b) and (c) hereof must be served and filed not later than 30 days after completion of discovery. Failure to comply with this rule may incur sanctions pursuant to R. 1:2-4.

(f) Applicability of R. 4:58. A proposal for alimony, child support and equitable distribution shall be construed as an offer to take judgment in accordance with R. 4:58 (Offer of Judgment) and the provisions and sanctions set forth therein shall apply.

*Material in existing rules to be deleted is shown in brackets and new material to be added is underscored or, in the case of captions, double underscored.

2. Guidelines

Comments offered concerning how the system could be improved often contain a recommendation that guidelines be established for use of the court in setting amounts of support and alimony. Proposed variables within these suggested guidelines would be the income of the husband, income of the wife, size of the family unit, household

expenses and extraordinary circumstances. Parties seeking to depart from such a schedule would have the burden of showing why such a departure should be allowed. Additional suggestions in this regard include that a cost of living adjustment be made for certain areas of the State. Those who oppose the establishment of guidelines question the ability to develop acceptable guidelines and query whether the existence of same would be an invasion of judicial discretion.

RECOMMENDATIONS

The Committee recommends that the issue of whether guidelines should be promulgated be deferred to Phase Two for the purposes of determining whether such guidelines would be feasible, effective and desirable and whether the development of such standards would be an appropriate way to address the problem of excessive disparity in amounts fixed by the courts.

3. Monitoring Information

The initial difficulty in arriving at a complete picture of the matrimonial caseload, because of the inability to determine the status of a case where a judgment of divorce has been entered but other prayers narrated in the complaint are not addressed in the judgment, was of great concern to the Committee. The

Order of the Chief Justice dated May 11, 1979, mentioned earlier in the report, has eliminated this problem as far as pending cases are concerned. The Committee believes that steps should be taken to avoid recurrence of this confusion and to assure availability of accurate data for monitoring purposes.

RECOMMENDATIONS

The Committee recommends that the Chief Justice issue a directive to judges and a notice to the Bar advising that no judgments of divorce will be signed which do not contain a reference to each and every claim for relief cited in the complaint, with an appropriate identification of status (e.g., "waived," "withdrawn").

H. Trial Approval Fee

The necessity to obtain trial approval pursuant to N.J.S.A. 2A:34-16 and to pay the requisite fee has been frequently cited as a major cause of delay in the processing of cases. The statute requires the payment of \$50 in an uncontested case and \$60 in a contested case before a matrimonial action can be heard. It is claimed that to levy a special charge on a particular class of litigants is inequitable and the call for its elimination is unanimous.

The major issue to be addressed in the abolition of this fee is the manner in which the revenues generated by this fee can be supplanted. For the fiscal year 1977, trial approval fees collected totaled \$1,129,560. An additional \$1,745,590 was received for filing fees and post-judgment motions in matrimonial cases, bringing the total revenue from matrimonial cases to \$2,875,150, which is 33 percent of all revenue received from the processing of all civil cases (\$8,689,605). Under the three alternatives presented below, matrimonial revenue will fall to \$2,102,000, \$2,508,000 and \$2,232,000 respectively, with concurrent increases in revenue from other types of civil cases. Implementations of any of these alternatives would require amending N.J.S.A. 22A:2-6, -12, -13, and -15 and repealing N.J.S.A. 2A:34-16.

RECOMMENDATIONS

The Committee presents three alternative fee schedules to the present matrimonial fee schedule and invites comments:

- A. The current fee schedule will be maintained except:
 - (a) The trial approval fee will be eliminated;
 - (b) The fee for the initial filing in any civil case will be increased to \$75.
- B. A new fee schedule will be instituted for all civil cases:

- (a) Fee for filing complaint.....\$90
- (b) Fee for filing counter claim.....\$90
- (c) No fee for filing answer, no trial approval fee, no fee for cross claim.

C. A new fee schedule will be instituted for all civil cases:

- (a) Fee for filing complaint.....\$80
- (b) Fee for filing counter claim.....\$80
- (c) Fee for filing cross claim.....\$80
- (d) No fee for filing an answer, no trial approval fee.

In the interim, the Committee feels that administrative procedures should be utilized to minimize the possibility of the trial approval process significantly contributing to the delay of a case. The Office of the Clerk of the Superior Court has been criticized for delay in processing such requests. Attorneys often delay in paying the trial fee while they are attempting to negotiate settlement with their adversary. Thus, by the time the court becomes aware of a case, that case may be over one year old. Matrimonial judges have recommended preparation of a dismissal list pursuant to R. 1:13-7 on a quarterly basis to eliminate cases where there is no forward movement. They have also requested that the Superior Court Clerk's Office produce and distribute

a monthly list of all matrimonial complaints filed so that judges can direct attorneys to proceed with the payment of the fee.

The Committee has been advised by the Office of the Superior Court Clerk that the recently installed matrimonial micrographics system, which would generate these monthly reports, is now operational and is being monitored closely for any deficiencies. Matrimonial judges may expect to begin receiving such reports in September 1979, provided that the system continues to operate efficiently.

Meanwhile, the Committee recommends that matrimonial judges scrutinize motions listed for cases at least three months old which have not been approved for trial and order counsel to make such a request.

I. Use of Affidavits in Uncontested Divorce Actions

The question of whether an uncontested divorce should be granted by the court without oral testimony has been the subject of intense debate. The Committee has reviewed all arguments proposed in favor of and against this concept and is satisfied that both the procedures of summary judgment and default as outlined in R. 4:46 and R. 4:43 respectively lend themselves to use in divorce proceedings in limited circumstances.

The Civil Practice Committee has proposed amendments to the Rules of Court which would permit the granting of a divorce upon a motion for summary judgment in those cases where there are no unemancipated children, there is no claim for alimony or equitable distribution of marital assets and there is no interspousal agreement to be incorporated into the judgment of divorce. The Committee believes that these amendments are sufficiently narrow to warrant adoption for an experimental period.

Further, the Committee proposes that in those cases where a party to a divorce proceeding files no answer or appearance, the court should be allowed to enter a final judgment by default based on affidavits alone without requiring oral testimony of the non-defaulting party. This proposal would be applicable only in those cases where there are no unemancipated children, there is no claim for alimony or equitable distribution of marital assets and there is no interspousal agreement to be incorporated into the judgment of divorce.

RECOMMENDATIONS

1. The Committee recommends the adoption of the proposed amendment to R. 4:46-1 and newly proposed R. 4:79-12 for a one year trial period only. This

pilot period will be used to monitor closely the effectiveness and frequency of use of this procedure.

The proposed amendments read as follows:*

4:46-1. Time of Motion

A party seeking any affirmative relief, including a declaratory judgment may, at any time after the expiration of 20 days from the service of his pleading claiming such relief, or after service of a motion for summary judgment by the adverse party, move for a summary judgment or order in his favor upon all or any part thereof or as to any defense. A party against whom a claim for such affirmative relief is asserted may move at any time for a summary judgment or order in his favor as to all or any part thereof. A motion for summary judgment in an action for divorce or nullity may be made only pursuant to R. 4:79-12.

4:79-12. Summary Judgment in Divorce and Nullity Actions

The court may entertain a motion for summary judgment in an action for divorce or nullity only where it finds from the record and supporting affidavits that (a) there are no unemancipated children of the marriage, (b) no claim is pending for alimony or equitable distribution of marital assets and (c) the form of judgment does not refer to any interspousal agreement. Before granting summary judgment the court may require notice of the motion therefor be served on any appropriate public assistance agencies.

*Material in existing rules to be deleted is shown in brackets and new material to be added is underscored or, in the case of captions, double underscored.

2. The Committee recommends that R. 4:43 be amended to provide that the court may enter a judgment of divorce by default without oral testimony only in

those cases where requirements noted in the newly proposed R. 4:79-12 are met. The adoption of such an amendment would also be for a one year trial period. Appropriate wording of this amendment will be formulated in Phase Two.

PHASE TWO

The submission of this report completes Phase One of the Committee's work. This report has identified the major areas of concern to the Judiciary, the Bar and the public concerning the matrimonial system. Other comments were received concerning related aspects of matrimonial litigation, for example, lack of uniformity of administration in county probation offices throughout the State and lack of involvement of welfare departments where either party is receiving public assistance. These topics will be considered in Phase Two, together with all issues addressed in this report. The Committee also intends to closely examine the subject of child custody and visitation, with particular attention to developing appropriate educational programs for judges.

The Committee recommends that a permanent Supreme Court Committee on Matrimonial Litigation be established for the purpose of assisting the present Committee in the formulation of recommendations for submission to the Supreme Court. That Committee should consist of judges and attorneys. Where appropriate, this enlarged Committee will call upon other specialists and laypersons during Phase Two.

In order to continue the dialogue concerning reforms in the matrimonial system, the Committee intends to distribute this report to judges, attorneys, members of the news media and to other persons who have expressed an interest in its work. The Committee is anxious to receive comments, both on the recommendations contained herein and on any other aspect of matrimonial litigation.

Respectfully submitted,

Justice Morris Pashman, Chairman
Justice Worrall F. Mountain
Justice Sidney M. Schreiber

NEWS RELEASE

ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY

ARTHUR J. SIMPSON, JR.
JUDGE, SUPERIOR COURT
APPELLATE DIVISION
ACTING ADMINISTRATIVE DIRECTOR
OF THE COURTS
PETER CARTER
CHIEF,
JUDICIAL INFORMATION SERVICES



STATE HOUSE ANNEX
TRENTON
NEW JERSEY
08625
609 292-9380

December 12, 1978
For Immediate Release

Attached is an announcement by Chief Justice Richard J. Hughes on the establishment of the Supreme Court's Committee on Matrimonial Litigation which will undertake an immediate statewide survey of matrimonial matters in the various courts and report its findings to the entire Supreme Court with recommendations for improvements.

ANNOUNCEMENT BY CHIEF JUSTICE

The Chief Justice, with the approval of the Supreme Court, has constituted a committee of the Court to study the status of matrimonial litigation throughout the State. The chairman of the new committee is Associate Justice Morris Pashman. Its other members are Associate Justices Worrall F. Mountain and Sidney M. Schreiber.

The Supreme Court's Committee on Matrimonial Litigation will embark on an immediate statewide survey of matrimonial matters in the various courts. It will report its findings to the full Court with recommendations for improvements.

This step on the part of the Chief Justice and the Court reflects an acute concern over the growing crisis affecting matrimonial matters. The most visible aspect of this crisis involves the substantial delays now experienced in various counties throughout the State in trying divorce cases and related marital matters. These delays, in turn, have caused mounting calendars and backlogs of court cases in the matrimonial courts. The toll in human terms upon the families embroiled in matrimonial disputes, aggravated by these long delays, is serious.

In appointing a Supreme Court committee charged with developing new approaches in the matrimonial field, the Court has been particularly responsive to interested groups, such as

the New Jersey State Bar Association and its General Council, many concerned, responsible citizens and representatives of the news media, who have helped to publicize, document and dramatize the plight of persons presently caught in the web of matrimonial litigation.

Other important circumstances have also impelled the Supreme Court to take vigorous action. A crucial aspect of controversy in the matrimonial area involves the welfare of children. Placement, custody and visitation affecting children and the enforcement of parental rights and obligations are often neglected, subordinated and mishandled. The interests and protection of children caught in the throes of legal controversy must be addressed. Additionally, important developments in the substantive areas of marital law, such as the equitable distribution and fair division of marital assets and the economic security of divorced people, have thrust new and complex burdens upon the judiciary, as well as attorneys and the persons they represent. Present methods for coping with these emerging areas must be reassessed.

These singular tasks will be undertaken by the Supreme Court Committee against the backdrop of the recent unification of the court system, which became a reality on December 7, 1978. Many cogent reasons have been advanced for a unified statewide

court with jurisdiction over all facets of family life--a family court. The study to be engaged in by the Matrimonial Committee will consider the adequacies of our current judicial structure in the context of court unification.

The Chief Justice has requested the Assignment and Matrimonial Judges to cooperate with this Committee. The Administrative Office of the Courts will make available all necessary statistics and reports.

It is anticipated that the Committee will draw upon various sources--interested citizens, dedicated organizations, the organized Bar, professionals, experts and the judiciary. Their recommendations should furnish a basis for needed improvement and meaningful reform.

SUPREME COURT OF NEW JERSEY



MORRIS PASHMAN
JUSTICE

COURT HOUSE
HACKENSACK, NEW JERSEY 07601

December 13, 1978

LETTER TO ASSIGNMENT JUDGES

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ADMINISTRATIVE OFFICE
OF THE COURTS

The Supreme Court has appointed the undersigned as its Committee on Matrimonial Litigation.

It is essential that we have a complete and accurate new count of all pending matrimonial matters as of December 29, 1978. It must include all matters continued from another judge's calendar. In order to accomplish this goal an actual physical inventory of matrimonial cases must be completed on or before December 29, 1978. The physical inventory must be accomplished by inspection of the actual case files rather than by reliance on index cards, calendar lists, computer printouts and the like.

Attached herewith is a report form which should be completed and certified by the presiding matrimonial judge and submitted to the Administrative Director of the Courts no later than January 2, 1979. If you have any questions, please communicate with Peter P. Aiello, Chief Statistician, 609-292-4632.

We emphasize that the inventory must include an accurate count of all cases added to the calendar, that is, cases on which notices of approval for trial, R. 4:79-2, have been received. The ages of cases requested on this special report form should be as indicated for each item on the form. Please note that these time frames are different than the aging requested on the regular monthly report which is submitted to the Administrative Office of the Courts.

We are particularly concerned with those cases in which one or more issues have not been resolved -- whether or not in the past such cases were removed from the regular monthly matrimonial report because no further judicial bench time was

December 13, 1978

Page 2

anticipated. For example, we have found that in some counties where both attorneys requested bifurcation and a single issue -- divorce -- was tried, the matrimonial administrative personnel removed these cases from the routine monthly report, as the attorneys had assured the court that the remaining phases of the cases would be settled without the necessity for oral testimony.

We anticipate that there will be further follow-up on the data contained in your report.

It is requested that you discuss this report promptly with the presiding matrimonial judge and the Trial Court Administrator to assure its submission no later than January 2, 1979.

We sincerely thank you for your cooperation.
For the Committee,

Respectfully submitted,

Justice Worrall F. Mountain
Justice Sidney M. Schreiber
Justice Morris Pashman, Chairman

cc: Hon. Arthur J. Simpson, Jr.
Deputy Director Florence R. Peskoe
Frances K. Borowski, Assistant Director, Civil Practice
Trial Court Administrators
Presiding Matrimonial Judges
Peter P. Aiello, Chief Statistician

**Supreme Court's
Committee On
Matrimonial Litigation**

**MEMORANDUM TO
ASSIGNMENT JUDGES**

Although my communications to you over the years have been many and varied, they have always elicited the effective cooperation which one would expect of Assignment Judges, who share with the Chief Justice a constitutional administrative function unmatched in the nation. My sense of gratitude continues as I write on another program whose success depends on your full cooperation. Few projects during my tenure have been as important, not only for the true administration of justice but in the most vital of human concerns.

The attached release is self explanatory of the problem, of the Supreme Court's concern about it and of the search for reform and solutions to meet the crisis which we believe exists.

The Court has appointed its special Committee on Matrimonial Litigation, Justices Mountain and Schreiber and Justice Pashman, who will chair the Committee. Within the next day or so the Committee will be seeking your priority cooperation in the first step of its work, a comprehensive physical inventory of all matrimonial litigation in the state.

I know it intrudes on other work, but it is of first importance. Please expedite and guide it so that it will succeed.

As you have been advised by Judge Simpson, I have had to cancel our meeting of December 21, and therefore will be seeing you shortly after the New Year. My sincere best wishes to you all for the holiday season.

Richard J. Hughes
C.J.

**LETTER TO ASSIGNMENT
JUDGES**

December 13, 1978

The Supreme Court has appointed the undersigned as its Committee on Matrimonial Litigation.

It is essential that we have a complete and accurate new count of all pending matrimonial matters as of December 29, 1978. It must include all matters continued from another judge's calendar. In order

(Continued on page 17, col. 3)

to accomplish this goal an actual physical inventory of matrimonial cases must be completed on or before December 29, 1978. The physical inventory must be accomplished by inspection of the actual case files rather than by reliance on index cards, calendar lists, computer printouts and the like.

Attached herewith is a report form which should be completed and certified by the presiding matrimonial judge and submitted to the Administrative Director of the Courts no later than January 2, 1979. If you have any questions, please communicate with Peter P. Aiello, Chief Statistician, (609) 292-4362.

We emphasize that the inventory must include an accurate count of all cases added to the calendar, that is, cases on which notices of approval for trial, R. 4:70-2, have been received. The ages of cases requested in this special report form should be as indicated for each item on the form. Please note that these time frames are different than the aging requested on the regular monthly report which is submitted to the Administrative Office of the Courts.

We are particularly concerned with those cases in which one or more issues have not been resolved — whether or not in the past such cases were removed from the regular monthly matrimonial report because no further judicial bench time was anticipated. For example, we have found that in some counties where both attorneys requested bifurcation and a single issue — divorce — was tried, the matrimonial administrative personnel removed those cases from the routine monthly report, as the attorneys had assured the court that the remaining phases of the cases would be settled without the necessity for oral testimony.

We anticipate that there will be further follow-up on the data contained in your report.

It is requested that you discuss this report promptly with the presiding matrimonial judge and the Trial Court Administrator to assure its submission no later than January 2, 1979.

We sincerely thank you for your cooperation. For the Committee,
Justice Worrall F. Mountain
Justice Sidney M. Schreiber
Justice Morris Pashman,
Chairman

Notice To Matrimonial Bar

The Supreme Court Committee on Matrimonial Litigation is currently reviewing information compiled as a result of a physical inventory of all contested and uncontested matrimonial cases filed since September 1971 which are still open. Those cases are deemed open in which at least one issue, namely alimony, child support, equitable distribution, custody or visitation, remains unresolved between the parties, notwithstanding that a judgment of divorce has been entered. These issues do not include applications to modify or alter final judgments previously entered.

Accordingly, all members of the bar are requested to review their own matrimonial files to determine

which of their cases are still open, notwithstanding that a judgment of divorce has been entered.

It is requested that members of the bar advise the judge assigned to the matrimonial part in the county in which the case has been partially heard of all such open cases by stating the names of the parties, the Superior Court docket number and the open issues. This information should be forwarded no later than February 1, 1979.

Supreme Court Committee on
Matrimonial Litigation
Justice Morris Pashman,
Chairman
Justice Worrall F. Mountain
Justice Sidney M. Schreiber

SUPREME COURT OF NEW JERSEY

88-1



MORRIS PASHMAN
JUSTICE

COURT HOUSE
HACKENSACK, NEW JERSEY 07601

[Handwritten signature]
1/24/79

January 19, 1979

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Statistics Unit

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12:30 PM

Letter to Assignment Judges

ADMINISTRATIVE OFFICE
OF THE COURTS

We extend our thanks to you and your staff for your cooperation in submitting the physical inventories of matrimonial cases as of December 29, 1978.

The material you submitted has been reviewed. A number of reports based thereon will be prepared for the use of the Committee. You will be asked to file similar reports until further notice. In preparing for subsequent reports, we have made some changes, particularly in item III of the form, as to the type of data to be collected. Please note that we particularly wish to have information as to the manner of disposition of matters that had been reported as pending in the prior month in which a divorce had been granted (at any time) but where other issues remained open. It is important that the lists of pending matters be prepared on the forms provided by the Administrative Office of the Courts so as to facilitate our compilation and review of the data. Said information should be submitted by the fourth working day of each month.

Enclosed is a sample copy of the report form. A supply is being sent to the Trial Court Administrators by the Administrative Office of the Courts. If you or a member of your staff has any questions, please communicate with Peter P. Aiello, Chief Statistician (609-292-4632).

In our memorandum to you dated December 13, 1978, we stated that we anticipated that there would be further follow-up of the data contained in the reports. It is tentatively planned to have representatives of the Civil Practice and the Statistical Services Units of the Administrative Office of the Courts visit various counties to conduct a sample survey of the matrimonial case files. Their visits will, of course, be arranged on mutually convenient dates. They will cause as little inconvenience or disruption as possible in the work flow of your staffs while conducting these surveys.

Letter to Assignment Judges
Page 2

January 19, 1979

Please discuss these matters with the judges assigned to matrimonial matters and the Trial Court Administrators so that they may be fully informed of the work of the Committee.

We sincerely thank you for your cooperation.

Cordially, for the Committee,

Justice Worrall F. Mountain
Justice Sidney M. Schreiber
Justice Morris Pashman, Chairman

Enclosure

cc: Assignment Judges
Matrimonial Judges
Hon. Arthur J. Simpson, Jr.
Deputy Director Florence R. Peckoc
Frances K. Boronski, Chief Civil Practice
Trial Court Administrators
Peter P. Aiello, Chief Statistician

111-1



MORRIS FACHMAN
Justice

COURT HOUSE
HACKENSACK, NEW JERSEY 07601

January 22, 1979

LETTER TO ASSIGNMENT AND MATRIMONIAL JUDGES

As you know, the Supreme Court has appointed the undersigned as its Committee on Matrimonial Litigation. Your sincere cooperation has enabled us to reach a new count of pending matrimonial matters as of January 1, 1979.

This first step indicates our concern over the mounting backlog of matrimonial matters. This crisis is reflected in substantial delays experienced in the various courts involved in that division.

The Committee would appreciate your views on this general problem. We regard them as most significant and know that there cannot be a permanent solution without your central responsibility. Specifically, we would appreciate your thoughts as to the status of your matrimonial calendar; the reasons for the existing problems (including stage of the proceeding and age); what areas of judicial activity should be addressed; what further interim action should be taken; and what permanent action and guidelines should be considered to achieve the orderly administration of matrimonial matters.

The foregoing is Part I of our undertaking. Shortly we shall move to Part II — the substantive and procedural problems of alimony, child support, equitable distribution, custody and visitation affecting children, placement and enforcement of parental rights. We shall concern ourselves with the interests of children caught in the throes of legal controversy.

We intend to take interim emergent action in various directions. Meanwhile, at this time as to Part I, it is most important to the Court that you give us your

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Statistics Unit

JAN 26 1979

ADMINISTRATIVE OFFICE
OF THE COURTS

January 22, 1979

Letter to Assignment and Matrimonial Judges
Page 2

comments concerning these problems and your suggestions for potential solutions. Please reply directly to me within ten days.

Your have our continued appreciation.

Cordially, for the Committee,

Justice Worrall F. Mountain
Justice Sidney M. Schreiber
Justice Morris Pashman, Chairman

cc: Assignment Judges
Matrimonial Judges
Hon. Arthur J. Simpson, Jr.
Deputy Director Florence Peskoe
Frances K. Boronski, Chief Civil Practice
Trial Court Administrators
Peter P. Aiello, Chief Statistician



MORRIS PASHMAN
JUDGE

COURT HOUSE
HACKENSACK, NEW JERSEY 07601

March 7, 1979

LETTER TO JUDGES AND LAWYERS SOLICITING
SUGGESTIONS FOR THE SUPREME COURT
COMMITTEE ON MATRIMONIAL LITIGATION

In my capacity as Chairman for the Supreme Court Committee on Matrimonial Litigation, I am eliciting as much information as possible so that we will have the benefit of the enlightened views of persons who are truly concerned about the administration of the matrimonial calendar. We regard these views as most significant and necessary.

The first phase of our work, Part I, is extremely important and of some urgency. Specifically, we would appreciate your thoughts on the following matters: the status of the matrimonial calendar; the reasons for the existing problems, including any unnecessary delay and the current handling of proceedings where a divorce has been granted but other important issues are left unresolved; areas of judicial activity which should be addressed; interim measures which should be taken and the permanent actions and guidelines which should be considered to achieve the orderly administration of matrimonial litigation.

The foregoing is Part I of our undertaking. Shortly we shall move to Part II — the substantive and procedural problems of alimony, child support, equitable distribution, custody and visitation affecting children, and enforcement of parental rights. We shall concern ourselves with the interests of children caught in the throes of matrimonial litigation.

We intend to take interim emergent action in various directions. Meanwhile, at this time as to Part I, it is most important to the Court that you give us your comments and suggestions for potential solutions.

This Committee has, at its primary focus, the orderly administration of matrimonial litigation in this State. No matter what standards are ultimately adopted, the lawyers and judges will have a central responsibility.

March 7, 1979

The Committee I know will be very much assisted by your observations and recommendations. We have set ourselves a very short time frame within which to prepare our report to the Supreme Court. Your early response will help us in this regard.

You have our continued appreciation.

Cordially, for the Committee,

Justice Worrall F. Mountain
Justice Sidney M. Schreiber
Justice Morris Pashman, Chairman



MORRIS PASHMAN
Justice

COURT HOUSE
HACKENSACK, NEW JERSEY 07601

March 7, 1979

LETTER TO LAWYERS WHO HAVE WRITTEN TO THE
SUPREME COURT COMMITTEE ON MATRIMONIAL LITIGATION

I received your thoughtful note to the Supreme Court Committee on Matrimonial Litigation indicating your interest in the general problem. I am sorry that I have not been able to communicate with you sooner. We are still in the process of completing the difficult task of gathering all the statistics from many sources to ascertain the full dimensions of this challenge.

In my capacity as Chairman for the Supreme Court Committee, I am eliciting as much information as possible so that we will have the benefit of the enlightened views of persons who are truly concerned about the administration of the matrimonial calendar. We regard these views as most significant and necessary.

The first phase of our work, Part I, is extremely important and of some urgency. Specifically, we would appreciate your thoughts on the following matters: the status of the matrimonial calendar; the reasons for the existing problems, including any unnecessary delay and the current handling of proceedings where a divorce has been granted but other important issues are left unresolved; areas of judicial activity which should be addressed; interim measures which should be taken and the permanent actions and guidelines which should be considered to achieve the orderly administration of matrimonial litigation.

The foregoing is Part I of our undertaking. Shortly we shall move to Part II — the substantive and procedural problems of alimony, child support, equitable distribution, custody and visitation affecting children, and enforcement of parental rights. We shall concern ourselves with the interests of children caught in the throes of matrimonial litigation.

March 7, 1979

We intend to take interim emergent action in various directions. Meanwhile, at this time as to Part I, it is most important to the Court that you give us your comments and suggestions for potential solutions.

This Committee has, at its primary focus, the orderly administration of matrimonial litigation in this State. No matter what standards are ultimately adopted, the lawyers will have a central responsibility.

The Committee I know will be very much assisted by your observations and recommendations. We have set ourselves a very short time frame within which to prepare our report to the Supreme Court. Your early response will help us in this regard.

You have our continued appreciation.

Cordially, for the Committee,

Justice Worrall F. Mountain
Justice Sidney M. Schreiber
Justice Morris Pashman, Chairman

MORRIS PASCHMAN
JUDGE



COURT HOUSE
HACKENSACK, NEW JERSEY 07601

March 7, 1979

LETTER TO LAY PERSONS WHO HAVE WRITTEN TO THE
SUPREME COURT COMMITTEE ON MATRIMONIAL LITIGATION

I received your thoughtful note to the Supreme Court Committee on Matrimonial Litigation indicating your interest in the general problem. I am sorry that I have not been able to communicate with you sooner. We are still in the process of completing the difficult task of gathering all the statistics from many sources to ascertain the full dimensions of this challenge.

In my capacity as Chairman for the Supreme Court Committee, I am eliciting as much information as possible so that we will have the benefit of the enlightened views of persons who are truly concerned about the administration of the matrimonial calendar. We regard these views as most significant and necessary.

The first phase of our work, Part I, is extremely important and of some urgency. Specifically, we would appreciate your thoughts on the following matters: the status of the matrimonial calendar; the reasons for the existing problems, including any unnecessary delay and the current handling of proceedings where a divorce has been granted but other important issues are left unresolved; areas of judicial activity which should be addressed; interim measures which should be taken and the permanent actions and guidelines which should be considered to achieve the orderly administration of matrimonial litigation.

The foregoing is Part I of our undertaking. Shortly we shall move to Part II — the substantive and procedural problems of alimony, child support, equitable distribution, custody and visitation affecting children, and enforcement of parental rights. We shall concern ourselves with the interests of children caught in the throes of matrimonial litigation.

March 7, 1979

We intend to take interim emergent action in various directions. Meanwhile, at this time as to Part I, it is most important to the Court that you give us your comments and suggestions for potential solutions.

The Committee I know will be very much assisted by your observations and recommendations. We have set ourselves a very short time frame within which to prepare our report to the Supreme Court. Your early response will help us in this regard.

You have our continued appreciation.

Cordially, for the Committee,

Justice Worrall F. Mountain
Justice Sidney M. Schreiber
Justice Morris Pashman, Chairman

SUPREME COURT OF NEW JERSEY



MORRIS PASHMAN
Justice

COURT HOUSE
TRENTON, NEW JERSEY 07601

March 8, 1979

LETTER TO ASSIGNMENT JUDGES

Re: Supreme Court Committee on Matrimonial Litigation

Dear

I undertake to write to you as Chairman of the Supreme Court Committee on Matrimonial Litigation. The Chief Justice and Associate Justices of our Court have determined that bifurcated trials in the Matrimonial Division should be eliminated. Henceforth, only trials encompassing all issues shall be conducted. Continuous calendars are to be used by the Matrimonial Division Judges.

This decision effectively terminates bifurcated trials. The purpose of this action is to avoid fragmented trials which have invariably extended over long periods of time. Court time has been unduly consumed by the multiple reviews and repetition of evidence brought about by the piecemeal trial of matrimonial cases. The elimination of this practice will result in greater economies of time and expedite the final disposition of such controversies.

Bifurcation will be permitted only with the approval of the Assignment Judge, which will not be granted except in the most unusual and extenuating circumstances. Such approval is to be reported on a form to be provided by the Administrative Office of the Courts. If a matrimonial case cannot be finally disposed of after being commenced and a second date is necessary, the case should be tried to conclusion at that time, even if this means the adjournment of other matters.

This directive is to be implemented immediately. Please advise all judges in your vicinage accordingly.

March 8, 1979

We are fully aware of the extent to which we have imposed on the time of your staff. This decision is a measure designed to move the matrimonial calendars and speed the resolution of matrimonial disputes. It constitutes one step which can be taken now; other directives will follow.

Your cooperation in this search for reform and solutions is indispensable; it constitutes a genuine source of satisfaction and encouragement. Please accept the appreciation and gratitude of our entire Court.

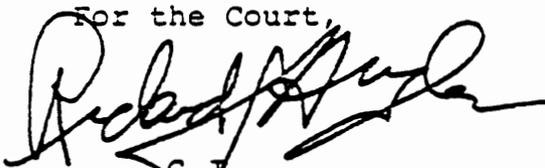
Sincerely, for the Committee,

Justice Worrall F. Mountain
Justice Sidney M. Schreiber
Justice Morris Pashman, Chairman

SUPREME COURT OF NEW JERSEY

ORDERED that matrimonial actions in which a final judgment of divorce had been entered prior to January 1, 1979 are deemed concluded as to all issues not specifically reserved, provided that no appeal therefrom is pending and further provided that the pendency of remaining and unresolved issues was not brought to the attention of the court as required by the notices to the bar which appeared in the New Jersey Law Journal of January 18, 1979 and January 25, 1979,

It is FURTHER ORDERED that applications, if any, for reopening such actions for the purpose of considering issues not specifically reserved shall be by motion, for good cause shown, to the judge assigned to matrimonial matters in the county in which the judgment was entered and must be filed within 30 days of the date hereof.

For the Court,

C.J.

Dated: May // , 1979

MATrimonIAL CASES

2/15/79

INVENTORY OF PENDING MATrimonIAL CASES

(Cases added to the calendar on which approvals for trial under R.4:79-2 have been received, R.4:36-2)

AS OF JANUARY 31, 1979

AGE (From Date Notice of Approval for Trial Received)	Atlantic	Bergen	Burlington	Camden	Cape May	Chamberland	Essex	Gloucester	Hudson	Hunterdon	Merger	Middlesex	Monmouth	Morris	Ocean	Passaic	Salem	Somerset	Sussex	Union	Warren	TOTAL
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CONTESTED - Ready for Trial, R.4:79-11(a) COMPLIED WITH RULE.

Under 3 months	7	20	14	26	2	6	29	9	59	4	29	17	146	89	8	15	18	45	72	5	636	
3 to 6 months	2	3	8	26	3	2	47	7	37	2	17	37	132	48	7	22	13	13	43	0	450	
6+ to 12 months	6	23	17	13	2	4	87	10	12	14	23	37	58	30	0	6	6	21	0	0	431	
1+ to 1-1/2 years	0	23	5	11	0	5	77	0	4	15	16	15	16	21	0	1	2	4	0	0	231	
1-1/2+ to 2 years	0	0	0	5	0	1	69	1	0	2	0	7	2	3	0	0	0	0	0	0	105	
2+ to 3 years	0	1	0	1	0	0	13	0	0	4	0	0	1	3	0	0	0	0	0	0	23	
Over 3 years	0	0	0	3	0	0	0	0	0	1	0	0	0	3	0	0	0	0	0	0	7	
TOTAL	15	72	44	85	7	18	322	27	112	42	90	113	355	197	15	151	10	39	56	140	5	1,915

CONTESTED - Not Ready for Trial R.4:79-11(a) NOT COMPLIED WITH.

Under 3 months	51	255	86	40	12	50	21	27	1	7	54	178	0	35	87	33	22	42	0	8	1,044	
3 to 6 months	29	134	52	41	10	20	11	19	0	12	47	105	0	0	38	33	1	1	1	0	236	
6+ to 12 months	30	317	71	11	8	25	9	4	1	17	65	101	0	0	0	1	1	1	1	0	683	
1+ to 1-1/2 years	4	226	37	6	2	4	4	3	1	7	10	45	0	0	0	1	1	1	1	1	362	
1-1/2+ to 2 years	2	50	1	1	1	2	1	0	0	2	3	10	0	0	0	0	0	0	0	0	74	
2+ to 3 years	0	34	7	1	0	0	0	0	1	1	4	0	0	0	0	0	0	0	0	0	48	
Over 3 years	0	2	0	4	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	8	
TOTAL	116	1,018	254	113	33	101	46	54	4	46	183	440	0	38	134	38	37	49	2	28	21	2,755

UNCONTESTED - R.4:79-11(a) COMPLIED WITH.

Under 3 months	17	7	10	120	3	14	43	12	132	11	23	60	168	61	13	46	3	24	9	55	1	832
3 to 6 months	1	1	1	28	0	16	34	0	11	0	9	3	22	16	1	12	0	2	1	0	0	158
6+ to 12 months	0	1	2	12	0	3	11	2	24	0	10	2	6	1	0	3	0	2	0	0	0	81
1+ to 1-1/2 years	1	3	1	0	0	0	10	0	0	1	6	0	0	0	0	2	0	0	0	0	0	32
1-1/2+ to 2 years	0	0	0	5	0	0	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	14
2+ to 3 years	0	0	0	3	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	5
Over 3 years	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
TOTAL	19	12	14	170	3	33	102	14	177	13	51	65	196	78	14	65	3	28	10	55	1	1,123

UNCONTESTED - R.4:79-11(a) NOT COMPLIED WITH.

Under 3 months	72	138	44	21	25	30	2	14	4	16	21	2	2	27	54	52	12	34	0	35	30	635
3 to 6 months	8	7	6	9	1	1	1	3	0	4	4	1	0	1	3	6	5	3	0	0	0	50
6+ to 12 months	2	7	3	6	0	0	0	0	1	7	0	0	0	0	0	8	0	1	0	0	0	52
1+ to 1-1/2 years	0	5	3	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	12
1-1/2+ to 2 years	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
2+ to 3 years	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Over 3 years	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	82	157	57	38	26	31	2	18	5	29	33	5	2	28	58	66	17	38	0	36	43	771

INACTIVE

Under 3 months	0	0	0	0	0	0	1	0	0	0	3	0	0	0	3	0	0	1	0	0	0	8
3 to 6 months	0	0	0	0	0	1	1	0	0	0	4	0	0	0	5	0	0	0	0	0	0	11
6+ to 12 months	0	0	0	0	0	0	1	0	0	0	2	0	0	0	1	0	0	0	0	0	0	7
1+ to 1-1/2 years	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	5
1-1/2+ to 2 years	0	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
2+ to 3 years	0	1	0	0	0	1	1	0	0	0	2	0	0	0	0	0	0	0	0	0	0	3
Over 3 years	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
TOTAL	0	3	0	0	0	6	6	0	0	0	12	0	0	1	9	0	1	2	0	0	0	40

TOTAL

Under 3 months	147	420	194	216	42	100	96	62	196	38	130	297	316	212	165	166	40	119	49	188	44	3,157
3 to 6 months	40	145	67	104	14	40	93	29	48	18	82	146	154	68	55	62	8	21	5	45	10	1,254
6+ to 12 months	38	351	95	42	10	32	108	17	38	38	106	140	64	31	8	73	9	13	6	22	11	1,252
1+ to 1-1/2 years	5	257	45	19	2	12	91	3	12	24	13	62	16	22	2	14	9	3	3	4	4	644
1-1/2+ to 2 years	2	50	1	12	1	4	75	1	3	5	12	17	2	3	5	2	0	0	0	0	0	199
2+ to 3 years	0	36	7	5	0	1	15	0	1	6	6	1	1	3	0	0	0	0	0	0	0	51
Over 3 years	0	3	0	8	0	0	0	1	0	1	0	1	0	3	0	0	0	0	0	0	0	17
TOTAL	232	1,262	369	406	69	189	478	113	298	130	369	623	553	342	230	320	68	156	68	277	75	6,651

TOTAL CASES PENDING AS OF JANUARY 31, 1979

FROM MONTHLY MATrimonIAL REPORTS

TOTAL	169	1,264	376	480	98	191	483	113	295	130	369	631	553	357	234	380	72	156	68	277	75	6,651
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MATRIMONIAL CASES
INVENTORY OF PENDING MATRIMONIAL CASES

4/17/79

(Cases added to the calendar on which approvals for trial under §.4:79-2 have been received, §.4:36-9)

AS OF MARCH 31, 1979

AGE (From Date Notice of Approval for Trial Received)	Atlantic	Bergen	Burlington	Camden	Cape May	Chambersland	Essex	Gloucester	Hudson	Hunterdon	Mercer	Middlesex	Monmouth	Morris	Ocean	Passaic	Salem	Somerset	Sussex	Union	Warren	TOTAL
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CONTENDED - Ready for Trial. §.4:79-11(a) COMPLETED WITH.

Under 3 months	17	54	22	21	7	8	19	22	53	7	18	11	189	89	18	32	8	64	30	83	2	784
3 to 6 months	2	30	7	14	2	4	27	9	46	4	15	14	115	82	1	45	2	13	6	6	1	469
6+ to 12 months	0	94	12	14	4	4	82	6	19	27	17	38	57	46	5	38	4	4	6	30	1	514
1+ to 1-1/2 years	3	103	5	5	0	0	59	0	5	15	1	19	13	15	0	8	0	0	0	2	0	253
1-1/2+ to 2 years	0	9	0	0	0	0	47	1	0	2	2	0	0	0	0	1	0	0	0	0	0	87
2+ to 3 years	0	9	0	0	0	0	14	0	0	0	0	0	1	0	0	0	0	0	0	0	0	34
Over 3 years	0	0	0	3	0	0	0	0	0	0	1	0	1	2	0	0	0	0	0	0	0	8
TOTAL	28	299	46	59	13	14	248	38	133	60	54	93	382	244	24	119	14	81	42	155	3	2,149

CONTENDED - Not Ready for Trial. §.4:79-11(a) NOT COMPLETED WITH.

Under 3 months	29	292	71	55	6	48	28	19	0	1	66	176	0	19	80	33	24	9	0	34	8	1,000
3 to 6 months	35	97	37	21	6	15	11	6	0	0	6	128	0	2	26	6	4	0	0	6	6	442
6+ to 12 months	53	224	36	23	14	27	13	8	0	3	54	117	0	0	17	14	12	1	0	0	6	622
1+ to 1-1/2 years	9	99	20	5	4	9	4	2	0	1	17	41	0	0	1	6	2	0	0	0	1	221
1-1/2+ to 2 years	2	26	2	2	3	0	0	1	0	1	23	0	0	0	0	0	2	0	0	0	2	65
2+ to 3 years	1	20	4	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	29
Over 3 years	0	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	2
TOTAL	129	759	170	108	33	99	56	36	0	12	174	486	0	21	128	61	44	10	0	36	23	2,361

UNCONTENDED - §.4:79-11(a) COMPLETED WITH.

Under 3 months	18	19	11	44	15	18	25	18	195	14	45	61	139	61	24	35	7	33	9	48	1	840
3 to 6 months	6	0	1	21	2	0	17	1	10	3	3	5	20	3	0	25	0	2	1	3	0	124
6+ to 12 months	1	2	1	9	0	0	28	0	3	3	2	1	5	1	0	17	0	3	1	2	2	80
1+ to 1-1/2 years	0	3	0	1	0	0	7	0	9	2	2	0	0	2	0	4	0	0	0	0	0	28
1-1/2+ to 2 years	0	0	0	4	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	13
2+ to 3 years	0	0	0	2	0	0	0	0	0	2	0	0	0	0	1	0	0	0	0	0	0	5
Over 3 years	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	25	24	13	81	17	18	82	19	217	26	53	67	164	67	24	83	7	38	11	51	3	1,090

UNCONTENDED - §.4:79-11(a) NOT COMPLETED WITH.

Under 3 months	52	116	36	36	17	29	2	11	0	0	37	2	0	26	51	71	14	18	0	30	5	562
3 to 6 months	39	2	5	8	9	8	0	3	0	0	8	0	0	1	3	15	1	1	0	1	7	117
6+ to 12 months	0	1	2	0	0	0	0	0	0	0	2	0	0	0	17	0	0	0	0	0	0	42
1+ to 1-1/2 years	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	25
1-1/2+ to 2 years	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
2+ to 3 years	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Over 3 years	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	96	124	44	51	27	37	2	15	0	26	46	4	0	27	59	110	15	19	0	31	21	750

INACTIVE

Under 3 months	0	0	0	0	0	1	0	0	0	0	5	0	0	0	2	0	0	1	0	0	0	15
3 to 6 months	0	0	0	0	0	1	1	0	0	0	1	0	0	0	5	0	0	1	0	0	0	5
6+ to 12 months	0	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	1	1	11
1+ to 1-1/2 years	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	2
1-1/2+ to 2 years	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
2+ to 3 years	0	1	0	0	0	0	2	0	0	0	0	0	0	0	1	0	0	0	0	0	0	4
Over 3 years	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	2
TOTAL	0	4	0	0	0	1	6	1	0	0	8	0	0	1	13	0	0	2	0	1	0	37

TOTAL

Under 3 months	116	481	140	146	45	103	74	70	258	31	171	250	328	186	178	173	53	125	39	155	15	3,197
3 to 6 months	22	129	50	64	19	24	56	19	56	23	57	148	135	88	32	86	7	17	7	26	13	1,148
6+ to 12 months	60	323	51	52	19	31	125	15	22	37	77	156	62	47	28	86	16	8	7	31	16	1,269
1+ to 1-1/2 years	17	210	26	11	4	9	70	2	14	21	23	61	13	17	2	22	2	0	0	2	3	529
1-1/2+ to 2 years	2	35	2	9	3	2	53	2	0	5	4	32	6	0	5	5	2	0	0	0	0	170
2+ to 3 years	1	30	4	4	0	0	16	0	0	3	3	2	1	3	0	1	0	0	0	0	0	72
Over 3 years	0	2	0	3	0	0	0	1	0	2	0	1	1	0	0	0	0	0	0	0	0	12
TOTAL	278	1,210	273	299	90	169	394	109	350	124	335	650	546	360	240	373	80	150	53	274	50	6,485

TOTAL CASES PENDING AS OF MARCH 31, 1979

FROM MONTHLY MATRIMONIAL REPORTS

TOTAL	278	1,211	282	301	90	169	396	113	353	124	337	662	546	372	241	373	81	152	62	289	53	6,485
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* In some counties matrimonial cases are not removed from the regular county monthly report until all issues have been resolved; hence the difference in the number of cases shown as "active pending" in the two different reports.

MATERNAL CASES
INVENTORY OF PENDING MATERNAL CASES

(Cases added to the calendar on which approvals for trial under R.4:79-2 have been received, R.4:36-2)

AS OF FEBRUARY 28, 1979

AGE (From Date Notice of Approval for Trial Received)	Atlantic	Bergen	Burlington	Camden	Cape May	Cumberland	Essex	Gloucester	Hudson	Hunterdon	Mercer	Middlesex	Monmouth	Morris	Ocean	Passaic	Salem	Somerset	Sussex	Union	Warren	TOTAL
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CONTENDED - Ready for Trial. R.4:79-11(a) COMPLIED WITH.

Under 3 months	7	34	11	20	4	9	24	13	51	8	17	18	162	98	16	36	9	49	23	76	2	685
3 to 6 months	3	31	16	20	3	0	34	10	54	6	17	21	129	66	1	45	3	11	7	50	0	527
6+ to 12 months	3	97	14	19	3	0	90	1	10	25	14	40	63	30	3	53	4	8	0	20	0	511
1+ to 1-1/2 years	1	116	4	6	1	1	70	1	4	15	9	16	15	18	0	5	3	3	0	1	0	285
1-1/2+ to 2 years	0	15	1	5	0	2	60	0	0	3	1	9	4	10	2	0	0	0	0	1	0	113
2+ to 3 years	0	10	0	1	0	0	16	1	0	4	1	1	1	1	0	0	0	0	0	0	0	36
Over 3 years	0	0	0	2	0	0	0	0	0	1	0	0	0	3	0	0	0	0	0	0	0	6
TOTAL	16	303	46	73	10	16	294	28	119	62	59	105	374	224	20	141	16	71	36	148	2	2,163

CONTENDED - Not Ready for Trial. R.4:79-11(a) NOT COMPLIED WITH.

Under 3 months	35	287	35	50	7	47	20	21	0	3	60	200	0	26	82	9	20	9	0	33	16	1,010
3 to 6 months	39	100	39	28	9	15	13	17	0	4	36	100	0	1	28	10	7	9	0	0	0	440
6+ to 12 months	41	237	50	23	10	30	14	7	0	8	36	116	0	0	24	5	12	0	0	0	6	638
1+ to 1-1/2 years	6	120	24	6	4	11	5	2	0	3	19	40	0	0	2	3	2	0	0	0	1	290
1-1/2+ to 2 years	1	28	2	3	2	0	2	1	0	2	3	16	0	0	2	2	2	0	0	0	1	65
2+ to 3 years	1	22	3	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	1	31
Over 3 years	0	2	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	4
TOTAL	123	796	205	112	32	103	54	48	0	22	174	473	0	27	136	29	43	9	0	33	25	2,444

UNCONTENDED - R.4:79-11(a) COMPLIED WITH.

Under 3 months	16	9	12	94	10	14	29	13	111	12	37	71	147	53	16	44	4	30	19	46	1	788
3 to 6 months	5	1	1	18	1	0	24	1	9	3	0	8	29	4	0	11	0	6	19	0	1	118
6+ to 12 months	0	1	0	6	0	0	21	0	26	3	0	8	3	2	1	5	0	6	0	0	0	71
1+ to 1-1/2 years	1	1	0	2	0	0	0	0	11	1	8	0	0	1	0	9	0	2	0	0	0	29
1-1/2+ to 2 years	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	12
2+ to 3 years	0	0	0	2	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	3
Over 3 years	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	22	14	15	127	11	14	85	14	151	20	44	77	179	60	17	62	4	38	19	46	2	1,021

UNCONTENDED - R.4:79-11(a) NOT COMPLIED WITH.

Under 3 months	63	122	29	24	18	10	2	20	0	13	39	4	0	25	45	35	3	21	0	56	7	536
3 to 6 months	27	4	2	7	2	8	0	2	0	3	3	2	0	0	2	20	1	0	0	0	2	155
6+ to 12 months	6	5	5	7	0	0	0	1	1	6	4	0	0	0	0	18	0	0	0	0	10	65
1+ to 1-1/2 years	0	5	2	0	0	0	0	1	1	0	4	2	0	0	0	3	0	0	0	0	0	15
1-1/2+ to 2 years	0	0	0	1	0	0	0	0	0	1	0	0	0	0	1	3	0	0	0	0	0	3
2+ to 3 years	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Over 3 years	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	96	136	38	39	20	18	2	24	2	23	50	8	0	25	47	77	4	21	0	56	19	705

INACTIVE

Under 3 months	0	0	0	0	0	0	1	0	0	0	4	0	0	0	3	0	0	2	0	0	0	2
3 to 6 months	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6+ to 12 months	0	2	0	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0	1
1+ to 1-1/2 years	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	2
1-1/2+ to 2 years	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0
2+ to 3 years	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Over 3 years	0	1	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2
TOTAL	0	4	0	0	0	1	7	1	0	0	11	0	0	1	11	0	0	2	0	2	0	6

TOTAL

Under 3 months	121	452	197	188	39	80	75	67	162	36	157	293	309	200	162	124	36	111	42	211	26	3,523
3 to 6 months	74	136	58	73	15	24	74	30	63	16	56	127	158	71	34	86	11	17	7	50	3	1,183
6+ to 12 months	52	342	71	55	13	34	126	11	31	42	81	158	66	32	32	81	16	10	6	22	16	1,277
1+ to 1-1/2 years	1	244	30	14	4	12	81	4	16	21	34	58	15	20	3	13	3	3	1	1	1	584
1-1/2+ to 2 years	1	43	3	14	2	2	69	1	0	6	8	25	4	10	0	5	2	0	0	1	1	197
2+ to 3 years	1	33	5	4	0	0	17	1	0	5	2	1	1	1	0	0	0	0	0	0	1	72
Over 3 years	0	3	0	3	0	0	0	1	0	1	0	1	0	3	0	0	0	0	0	0	0	12
TOTAL	257	2,253	304	351	73	152	442	115	272	127	338	663	553	337	231	309	69	147	64	306	51	6,498

TOTAL CASES PENDING AS OF FEBRUARY 28, 1979

FROM MONTHLY MATERNAL REPORTS

TOTAL	257	2,255	311	351	73	152	445	116	306	127	347	673	553	354	232	309	69	147	64	306	51	6,498
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