

Arbitration Hearings C Adjournments

Directive #10-89
Issued by:

October 4, 1989
Robert D. Lipscher
Administrative Director

The Supreme Court Arbitration Advisory Committee has characterized the arbitration adjournment rate as alarmingly high and has found that it has steadily increased since the statewide program began in 1985. Moreover, it appears likely that in some counties the same cases are being adjourned several times.

The committee has determined that adjournments have contributed significantly to unnecessary delays in the resolution of arbitrable cases and have resulted in needless waste of resources, thereby thwarting the legislative goals and purposes of the program.

Under *R. 4:21A-1(d)* an arbitration hearing may be scheduled to occur as early as 160 days after service of the complaint on all defendants. The drafters envisioned that such hearings would occur promptly after the close of the 150-day discovery period.

Again under the Rule, the scheduled hearing date is to be adjourned only "for good cause shown." When the program was designed, it was contemplated that adjournments because of incomplete discovery would be permitted only sparingly, thus effecting the stated intent of the Legislature in mandating the program, as well as acclimating the system and the bar to early preparation and resolution of arbitrable cases. The Arbitration Advisory Committee has found, however, that the realization of these goals is being frustrated.

The committee's concerns and recommended solutions to the problem of proliferating adjournments have been presented to the Chief Justice, who joins with me in the request that you implement and enforce the following policies in your vicinage:

- \$ No adjournments should be permitted except for "good cause shown," as provided in *R. 4:21A-1(d)*.
- \$ Adjournments because of incomplete discovery should generally be disallowed.
- \$ Civil division managers or arbitration administrators may handle first-time requests for the adjournment of an arbitration hearing, except when the request is made on the hearing date. All requests for adjournment made on the day of the hearing, as well as requests for the adjournment of matters that were previously adjourned, should be handled by the Assignment Judge or his or her designee.
- \$ Arbitrators should be reminded that they may not adjourn a case. All adjournment requests should be handled in accordance with the procedures outlined in this memorandum.

EDITOR'S NOTE

The introductory paragraph has been deleted and on page two the reference to the civil case manager has been changed to reflect the new title of civil division manager.

The original document had contained a summary of the adjournment statistics for the automobile arbitration program from 1986 to 1989. This summary has been deleted.

The language has been amended to render it gender-neutral.