

Separate Trials of Liability and Damages

Directive #3-77
Issued by:

October 17, 1977
Arthur J. Simpson, Jr., J.A.D.
Acting Administrative Director of the Courts

The Supreme Court desires that pursuant to *Rule* 4:38-2(b), which provides for permissive and not mandatory bifurcation, the issue of liability may be tried separately and judges are encouraged to utilize the rule and try the issue of liability first in cases where they feel it may expedite the disposition of the case.

EDITOR'S NOTE

The 1989 amendment to *R. 4:38-2(b)* permits damages to be tried first in extraordinary circumstances.

The second paragraph of this directive was deleted because it referred to the 1981 compilation of Administrative Directives, noting that it had been modified by *R. 4:38-2(b)*, by the Assignment Judges at their meeting of May 11, 1973 and by the issuance of this directive.