

## **Statewide Adjournment Procedure for Civil Trials and Arbitrations**

Directive 6-04

Issued by:

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Administrative Director

At its April 27, 2004 Administrative Conference, the Supreme Court considered and approved the attached Statewide Adjournment Procedure developed by the Conference of Civil Presiding Judges for Civil trials and arbitration hearings. The procedure, which is effective immediately, should be implemented uniformly in every vicinage. Accordingly, please ensure that all Civil judges and staff in your vicinage are made aware of this approved procedure.

# STATEWIDE ADJOURNMENT PROCEDURE FOR CIVIL TRIALS AND ARBITRATIONS

[AS APPROVED BY THE SUPREME COURT  
AND PROMULGATED BY DIRECTIVE #6-04]

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1. All requests to adjourn a civil trial or an arbitration are governed by *Rule 4:36-3(b)*.
2. A good faith effort shall be made to discuss any request for an adjournment with all other parties before the request is presented to the court.
3. All adjournment requests must be made in writing, submitted to the Civil Division Manager. Faxed submissions are acceptable. Telephone requests will not be accepted absent exceptional circumstances. Requests must be copied to all other parties.
4. Any request for an adjournment must be presented as soon as the need for an adjournment is known. Absent exceptional circumstances, the request must be presented no later than the close of business on the Wednesday preceding the Monday of the week the matter is scheduled for trial or arbitration.
5. The written request must indicate the reason or reasons the adjournment has been requested, and whether the other parties have consented to the proposed adjournment. The written request should also include a new proposed date for trial or arbitration, consented to by all parties. If consent cannot be obtained, the court will determine the matter by conference call with all parties.
6. If the adjournment request is based upon a conflict with another court proceeding, the party requesting the adjournment must indicate whether he or she is designated trial counsel and supply the name of the other matter, the court and county in which it is pending, and the docket number assigned to the matter.
7. No adjournments will be granted to accommodate dispositive motions returnable on or after the scheduled trial date.
8. A matter should not be considered adjourned until court staff has confirmed that the request for an adjournment has been granted. Timely response will be given to

the party requesting the adjournment, who will then be responsible for communicating the decision to all other parties.

9. To the extent any party is dissatisfied with the decision made by the Civil Case Management Office, the following procedure should be followed:
  - in master calendar counties, the aggrieved party should present the matter to the Civil Division Manager directly; to the extent that any party is dissatisfied with the decision made by the Civil Division Manager, that party may ask that the matter be presented to the Civil Presiding Judge;
  - in individual/team calendar counties, the aggrieved party should present the matter to the Civil Division Manager directly; to the extent that any party is dissatisfied with the decision made by the Civil Division Manager, that party may ask that the matter be presented to the pretrial or managing judge.
10. Requests for adjournment of a civil trial based on expert unavailability are governed by *R. 4:36-3(c)*.