

CASE MANAGEMENT CONFERENCES

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In order to refine pretrial and case management and in order to expedite the resolution of family court cases, the New Jersey Court Rules dictate that all civil family actions are assigned differentiated case management tracks.¹ These case management tracks, of which there are four, provide for different schedules and deadlines for discovery and resolution of civil family actions.

THE FOUR TRACK ASSIGNMENTS AND THEIR CRITERIA

- **Priority Track:** A civil family matter involving *contested custody* or *parenting time issues* will be assigned to a priority track.
- **Complex Track:** A civil family matter which appears to require a *disproportionate expenditure of court and litigant resources* in preparation for trial, due to either: (1) the number of parties involved; (2) the number of claims or defenses raised; (3) the legal difficulties of the issues presented; (4) the factual difficulty of the subject matter; and/or (5) a combination of these or other factors, will be assigned to a complex track.
- **Expedited Track:** A civil family matter that appears that it can be *promptly tried with minimal pretrial proceedings* will be assigned to an expedited track. A divorce case meeting the following criteria will be assigned to an expedited track: (1) there is no dispute as to either assets, custody, or parenting time; (2) the parties have been married for less than five years and have no children; (3) the parties have entered into a Property Settlement Agreement; or (4) the divorce is uncontested.

¹ See, New Jersey Court Rule § 5:1-4.

- **Standard Track:** A civil family matter that does not qualify for the priority, complex, or expedited track, will be assigned to the standard track.

DESIGNATION OF A TRACK:
WHO MAKES IT AND WHEN

All parties to a contested family action involving custody, support, alimony or equitable distribution (or as otherwise required by Order on Motion) must file a Case Information Statement. Additionally, all parties to civil family actions must participate in a Case Management Conference with the family court judge assigned to the matter, that shall conclude in the filing of a Case Management Order, dictating discovery schedules, possibly narrowing issues in dispute, and in some instances fixing a trial date.

Upon either the filing of Case Information Statements by all parties or following the Case Management Conference (whichever occurs first) the family court judge shall assign a specific track to the case. While it is the family judge that formally assigns the track assignment, the Court Rule provides that the judge is required to give “due consideration” to an attorney’s request for a track assignment. Furthermore, if both plaintiff’s and defendant’s counsel agree to a track designation, the judge should not assign a case to a different track designation without good cause and without giving the counsel an opportunity to be heard, either orally or in writing.

It should also be noted that even after a matter has been designated to a specific track, the Rules do provide for track reassignment, either through the court’s own motion or by application by a party.

DEADLINES AND SCHEDULES:
THE DIFFERENCE BETWEEN ONE TRACK OVER ANOTHER

- **Priority Track:** In a case which has been assigned to the priority track, discovery completion dates will be prescribed by the Case Management Order, filed by the Court after the Case Management Conference. Furthermore, a matter which has been assigned to this track must be resolved within six months of the initial Case Management Conference.
- **Complex Track:** In a case which has been assigned to the complex track, discovery completion dates will be prescribed by the Case Management Order, filed by the Court after the Case Management Conference. Said Case Management Conference must be held within forty days after the expiration of the time for the last permissible responsive pleading (either an Defendant's Answer to Plaintiff's Complaint, or if Defendant enters an Answer and Counterclaim, after Plaintiff files a response to the Defendant's Answer and Counterclaim).
- **Expedited Track:** In a case which by virtue of its characteristics is assigned to an expedited track (see discussion above), a Case Management Conference must be held within 30 days after the expiration of the time for the last permissible responsive pleading (either an Defendant's Answer to Plaintiff's Complaint, or if Defendant enters an Answer and Counterclaim, after Plaintiff files a response to the Defendant's Answer and Counterclaim). Additionally, discovery in a case assigned to an expedited track must be completed within 90 days of the date of service of the original Complaint.
- **Standard Track:** In any other civil family matters (other than summary judgment motions, which are not tracked), a Case Management Conference must be held 30 days after the expiration of the time for the last permissible responsive pleading (either an Defendant's Answer to Plaintiff's Complaint, or if Defendant enters an Answer and

Counterclaim, after Plaintiff files a response to the Defendant's Answer and Counterclaim). Furthermore, discovery must be held within 120 days from the date of service of the original Complaint.