

District Court Civil Case Management Plan for Judicial District 29B

By authority of Rule 2 of the General Rules of Practice, the principles set forth below, together with the district's Continuance Policies and the General Rules of Practice, are the civil case management plan for Judicial District 29B.

1. While each case is subjectively important to its litigants, until a case is actually tried its objective importance cannot be fairly gauged. Its age, however, can be gauged with precision. Based on the principle that justice delayed is justice denied, it is the policy of the District that trial priority should be given to older cases as against younger ones. In the case of motions, priority should likewise be given to the ones which have been pending the longest.

2. At a civil term, cases should be heard in the following order: brief or uncontested matters; cases having priority by law (returns on TRO's, for example); cases which are set preemptorily by the Chief District Judge; all other cases. In accord with the principle stated in paragraph 1, cases in the final, catch-all category should be heard oldest first, regardless of the order in which they are listed on the calendar. However, this principle is subject to the sound discretion of the trial judge, who may vary from it to accommodate negotiations, witness availability, court conflicts and so forth.

3. The principle that older matters should be heard ahead of more recent ones shall be followed when motions or trials, not reached at one session, are continued to a later one. Regardless of how a case comes to be on a calendar, its priority of hearing shall depend on the age of the matter to be heard.

4. Uncontested matters, required hearings on mental commitments or juvenile detention orders, and 10-day hearings on TRO's or other ex parte orders, such as 50B's, may be heard at any sort of court session. Except for such matters, cases heard during a court session shall correspond to the type of session it is: criminal cases on criminal days, domestic cases on domestic days, non-domestic matters on CvD days, etc. The judge who will be presiding at a session may give permission, in writing, for a case different from the day-designation, or for a case from a different county in the district, to be heard, but no such off-type or out-of-county case shall be given hearing priority over a case proper to the day and county. All

notices of hearing for any such off-type cases shall include a copy of the said written permission by the judge who will be presiding, and any purported notice which fails to do so is fatally out of compliance with these rules, and shall be ineffective to bring the respondent before the court.

5. Equitable distribution pre-trial conferences and other preliminary proceedings in equitable distribution cases are in the nature of motions, and for the purpose of these Rules they may be considered to be either civil motions or domestic motions. Equitable distribution hearings on the merits, however, are trials, and will be heard only during trial terms, after being calendared according to Rule 2(b) of the General Rules of Practice, unless both parties personally stipulate otherwise in writing.

6. The judge who grants an ex parte order should be the judge who hears the return on it, and in selecting the date for 10-day hearings, this principle should be followed when it is feasible to do so. Applications for 50B ex parte orders shall be taken to the judge holding criminal court, if criminal court is in session. 50B 10-day hearings should be heard by the judge who issued the ex parte order, if he or she is holding court in the county on the day of hearing. If the original issuing judge is not available, 50B ten-day hearings should be heard in criminal court if there is a choice of courts.

7. Non-domestic civil cases are presumed to be ready for trial six months after the filing of the answer or, if there is a counterclaim, six months after the filing of the reply. This presumption is rebuttable by a showing that relevant discovery has been pursued diligently but has, none the less, not been completed. Cases that are actually or presumptively ready for trial shall be calendared for trial terms in the order filed, oldest first. The actual order of trials will be within the sound discretion of the judge presiding at calendar call, giving due regard to the situation of witnesses, litigants, conflicts with other courts, and the principles hereinabove set forth.

8. Continuances are the subject of a separate set of Continuance Policies which, in so far as they apply to civil court, are incorporated herein by reference.