

Update to the Civil Section of the Mercer County Bar

Presiding Civil Judge Douglas Hurd, J.S.C. and Civil Division Manager Judith Irizarry, Esq. conducted a conference call with co-chairs, Rob Luthman, Ayesha Hamilton, and Evan Lide. James Creegan and Samantha Iraca also participated on the call.

Following the series of recent Orders from Chief Justice Rabner regarding court proceedings in light of COVID 19, Judge Hurd and Judith Irizarry advised that the Mercer Civil Division is open for business, with the exception of jury trials and arbitrations presently. Motions are being heard on a timely fashion, and Judges have been conducting settlement conferences via telephone. Even though jury trials are not currently able to take place, attorneys are still able to file motions *in limine* which will be heard and may assist in moving cases forward to resolution.

With regard to civil cases currently on the Trial list, attorneys may have received a notification from e-courts that your trial has been cancelled and you may have been requested to supply Civil Case Management with a new, agreed-upon date for the trial. Civil Case Management certainly understands the difficulty of finding an agreed upon date when there is uncertainty as to when civil jury trials will resume. Accordingly, if you are not able to provide an agreed-upon date due to scheduling issues, you can submit this information to civil case management once we are able to resume jury trials. If you would like to request a Bench trial, and you have consent from your adversary, you can make this request.

The Court has been working hard to resume arbitration proceedings via Zoom. An Order will be provided to the bar shortly on this issue.

As for motions, practitioners have questioned how Justice Rabner's recent orders extending discovery have affected cases with outstanding discovery. Judge Hurd encouraged practitioners to contact their adversaries to see if the issues can be resolved amicably, with the understanding that it may be difficult or may take more time to provide the outstanding discovery. However, in cases where discovery was already overdue prior to March 12, 2020, the court will entertain the discovery motion.

Due to the uncertainty of when jury trials will resume, it was suggested that Mercer Civil conduct a Bar Panel settlement conference following arbitration. This will give cases another opportunity for settlement, and will assist the Civil Division with the anticipated backlog of cases. Judge Hurd was very willing to discuss this possibility.

If you have any questions or concerns, please do not hesitate to reach out to any of the co-chairs.

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