

**COMPLEX LITIGATION COMMITTEE
REPORT OF THE
STANDARDS SUBCOMMITTEE**

The Standards Subcommittee¹ assessed the issue of whether the standards for determining the eligibility of any given case for the Complex Litigation Docket should be amended, augmented, or at least “tweaked” to better achieve the goals of the Complex Litigation Docket program. At the end of the day, having discussed at some length the manner in which the program is administered, the Subcommittee concluded that the standards applied need not be changed, but that the language of the Judicial Branch information sheet articulating “What Factors Will Be Considered In Determining Eligibility” should be rewritten along the lines set forth in the draft attachment. The purpose in revising that text would be to more clearly reflect that cases are considered for placement on the Complex Litigation Docket on the basis of their individual merit, in the exercise of sound discretion, on a non-formulaic basis.

The Subcommittee considered specifically the issue of whether cases presenting “novel” or “difficult” issues, or “issues of first impression,” or cases presenting “issues of particular public importance” should for those reasons alone be targeted for the Complex Litigation Docket. The Subcommittee concluded that should not be the case, and recommends against any such amendment.

The Subcommittee considered whether it would be necessary or appropriate to conduct a survey, “town meetings”, or the like to elicit a broad range of views on the issues within its purview. The Subcommittee believes that such actions are not necessary, based on its conclusion that a sufficiently wide range of views and experiences is represented within the Complex Litigation Committee as a whole.

The Subcommittee also considered, but did not determine at this point whether that portion of the Judicial Branch information sheet entitled “What Types Of Cases Will Be Considered As Complex Litigation” should be retained, and, if so, whether the language thereof would need to be revised to conform to the proposed changes to the prior section.

¹ Hon. Arthur Hiller; Hon. Joseph Shortall; Joseph Burns; and William H. Prout, Jr.

■ **WHAT FACTORS WILL BE CONSIDERED IN DETERMINING ELIGIBILITY?**

The Chief Administrative Judge, Civil Division, or any other Superior Court Judge designated by the Chief Administrative Judge, Civil Division, will determine eligibility in any given case. Each case proposed for placement on the Complex Litigation Docket will be evaluated on its individual merits, taking into account the following factors:

- The number of parties
- The number of counsel
- The amount of the claim and the nature of the relief requested
- The anticipated length of the trial
- The complexity of the issues presented for resolution
- The extent and complexity of pretrial proceedings, including discovery matters, motion practice, and special proceedings
- The overall need for the special oversight and management that the Complex Litigation Docket may provide
- Alternative case management approaches that may be available in any given Judicial District