

Oral Arguments on Motions

Directive #6-79
Issued by:

January 22, 1980
Chief Justice Robert N. Wilentz

The purpose of this directive is to advise every judge who may handle a matrimonial motion (whether permanently or temporarily assigned to matrimonial matters, or whether simply assigned a matrimonial motion on a particular day) that, when appropriate, he or she may, in his or her discretion, restrict, limit, or completely dispense with oral argument in connection with same. Obviously, the critical question will be whether or not the papers submitted on the motion sufficiently cover all questions involved or whether, on the other hand, oral argument seems desirable on one or more points. In exercising that discretion, the impact of oral argument on the matrimonial calendar must be considered. The mere fact that a motion is not submitted under *R. 1:6-2* will not deprive the judge of this power; furthermore, the fact that counsel affirmatively requests oral argument is but one factor that should be considered in exercising that discretion.

Some time ago, the Supreme Court's Matrimonial Committee, in its initial report, stated (in connection with recommendations concerning motions) that "[a]ggressive judicial management of the motion calendar, including strict limitations on the granting, length and substance of oral argument, is essential." While the Committee made it clear that more detailed recommendations concerning matrimonial motion practice would be forthcoming in a subsequent report, the matrimonial bench, in fact, has been restricting oral argument on matrimonial motions to a much greater degree than in the past. There have been some objections on the part of counsel to such restrictions, but generally the matrimonial bar seems to approve of this experiment.

This directive reflects the Court's opinion that further experience in restricting oral argument is necessary to fully understand its advantages and disadvantages if any. It shall remain in effect until further notice.

EDITOR-S NOTE

The feminine pronoun has been added in the first paragraph to make this directive gender neutral. The scope of the directive has, however, been severely restricted by *R. 5:5-4*, which govern motions in family actions.