

NOTICE TO THE BAR

COVID-19 – NEW JERSEY COURTS POST-PANDEMIC PLAN – TRANSITION FROM PHASE 1 (REMOTE OPERATIONS) TO PHASE 2 (LIMITED ONSITE PRESENCE AND IN-PERSON COURT EVENTS)

The Supreme Court has approved the first part of the New Jersey Courts Post-Pandemic Plan (Plan) for transitioning from fully remote court operations (Phase 1) to the gradual return to courthouses and court facilities (Phase 2). The New Jersey courts will begin the incremental implementation of Phase 2 starting on Monday, June 22, 2020.

The Judiciary developed the comprehensive plan for safely resuming in-person court services in collaboration with Judiciary stakeholders, including representatives from the Departments of Health, Corrections, Human Services, Treasury, and Children and Families, as well as the Attorney General, Public Defender, Sheriffs Association, Wardens Association, State Bar Association, and Legal Services, as well as judges and court staff.

The Plan memorializes our current Phase 1 status and the factors considered in determining to proceed to Phase 2. It outlines the precautions that have been and will be implemented before our buildings are opened for any in-person proceedings, including requirements to wear masks in non-private areas and to maintain social distancing as set forth in the Court's June 9, 2020 Order. As noted, the Plan also lists those court events that in Phase 2 will continue to be conducted remotely and those events that may, consistent with Supreme Court guidance, be conducted onsite.

The Plan for moving forward to Phase 2 is posted on the New Jersey courts public website (njcourts.gov).

As we have throughout the COVID-19 public health emergency, the Judiciary will continue to provide information and guidance to attorneys, litigants, and members of the public regarding the status of our court facilities and operations. We will issue additional information, including on the subsequent transitions to Phases 3 and 4, as soon as available.

A handwritten signature in blue ink that reads "Glenn A. Grant by SDB". The signature is written in a cursive style.

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: June 10, 2020



New Jersey Courts

Independence • Integrity • Fairness • Quality Service

Post-Pandemic Plan

Transition from Phase 1 to Phase 2

June 10, 2020

Corrected

Supreme Court Approved Post-Pandemic Plan

Chief Justice Stuart Rabner and the Supreme Court have approved the following steps for the gradual resumption of certain in-person court events, as recommended by the New Jersey courts Post-Pandemic Planning committees.

This preliminary report focuses on the status of court operations today – in Phase 1 – and how the New Jersey courts will safely begin to return to our court buildings in Phase 2, starting June 22, 2020.

As we have throughout the COVID-19 crisis, we will continue to provide current information on court events and operations, including on our public website (njcourts.gov).

Overview of First Interim Report

This report memorializes our current status – in Phase 1 – and the factors considered in determining when to proceed to Phase 2.

It outlines the precautions being implemented before our buildings are opened for any in-person proceedings.

Those precautions include requirements to wear masks in non-private areas and to maintain social distancing. (See Supreme Court's [June 9, 2020 Order](#))

It also lists court events that in Phase 2 will continue to be conducted remotely and those events that may, consistent with Supreme Court guidance, be conducted onsite.

Post-Pandemic Planning

- Several weeks ago, Chief Justice Rabner convened a working group to plan for the future of court operations during and after the COVID-19 pandemic.
- Acting Administrative Director of the Courts Glenn A. Grant chairs a stakeholder coordinating committee that includes representatives from the Departments of Health, Corrections, Human Services, Treasury, and Children and Families, as well as the Attorney General, Public Defender, Sheriffs Association, Wardens Association, State Bar Association, and Legal Services.

Post-Pandemic Planning

- The stakeholder coordinating group is working with four subcommittees focused on court operations (case management and court administration), human resources, resuming jury trials, and health and safety / facilities.
- Each subcommittee submitted a detailed report and recommendations for the first steps in the gradual reopening of court buildings. Their collective recommendations were reviewed with the stakeholder coordinating committee and approved by the Supreme Court.
- This report focuses on the first two phases of the gradual reopening of New Jersey state courthouses and facilities, with the principles of this plan extending as applicable to the Municipal Courts.

Phases of Return

We will return to our court buildings incrementally, in phases:

- Phase 1: (March 18-June 21, 2020) Status Quo / Remote Operations – less than 5 % of judges and staff onsite; buildings closed to attorneys and the public
- Phase 2: (June 22, 2020) Gradual and Limited Return – starting with 10-15% of judges and staff onsite; certain matters that cannot proceed remotely may be conducted onsite
- Phase 3: New Operations – ongoing remote operations with gradually increasing onsite events, eventually including new jury trials; 50-75% of judges and staff onsite (with staggered schedules)
- Phase 4: Ongoing Model – once a vaccine is available and/or herd immunity is established; up to 75-80% of judges and staff onsite

Current Status and Ongoing Monitoring

- The New Jersey courts have been in Phase 1 since mid-March – operating remotely with less than 5% of employees onsite in courthouses and facilities
- Remote operations will continue as required during the public health emergency (extended through July 5)
- We will continue to track COVID-19 trends – including hospitalizations, new cases, and deaths – and will be guided by those trends in moving to Phase 2

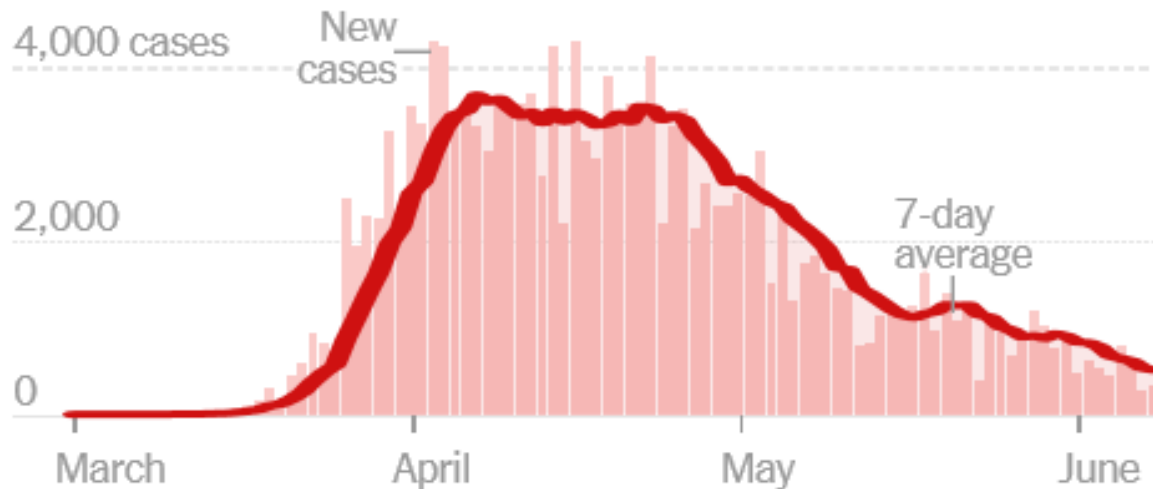
Statewide and County Level Determinations

- The New Jersey courts are implementing a statewide plan for the gradual return to our buildings
- However, we are monitoring and will adjust our reopening plans based on county-level dynamics, including potential future COVID-19 flare-ups in any area
- We will provide information to judges, staff, and court users, including attorneys and self-represented litigants, on the status of court events and services in each facility

Current Status and Ongoing Monitoring

By The New York Times Updated June 9, 2020, 6:30 P.M. E.T.

WORLD COUNTRIES ▾ | U.S.A. STATES ▾ N.Y.C.



TOTAL CASES

164,796

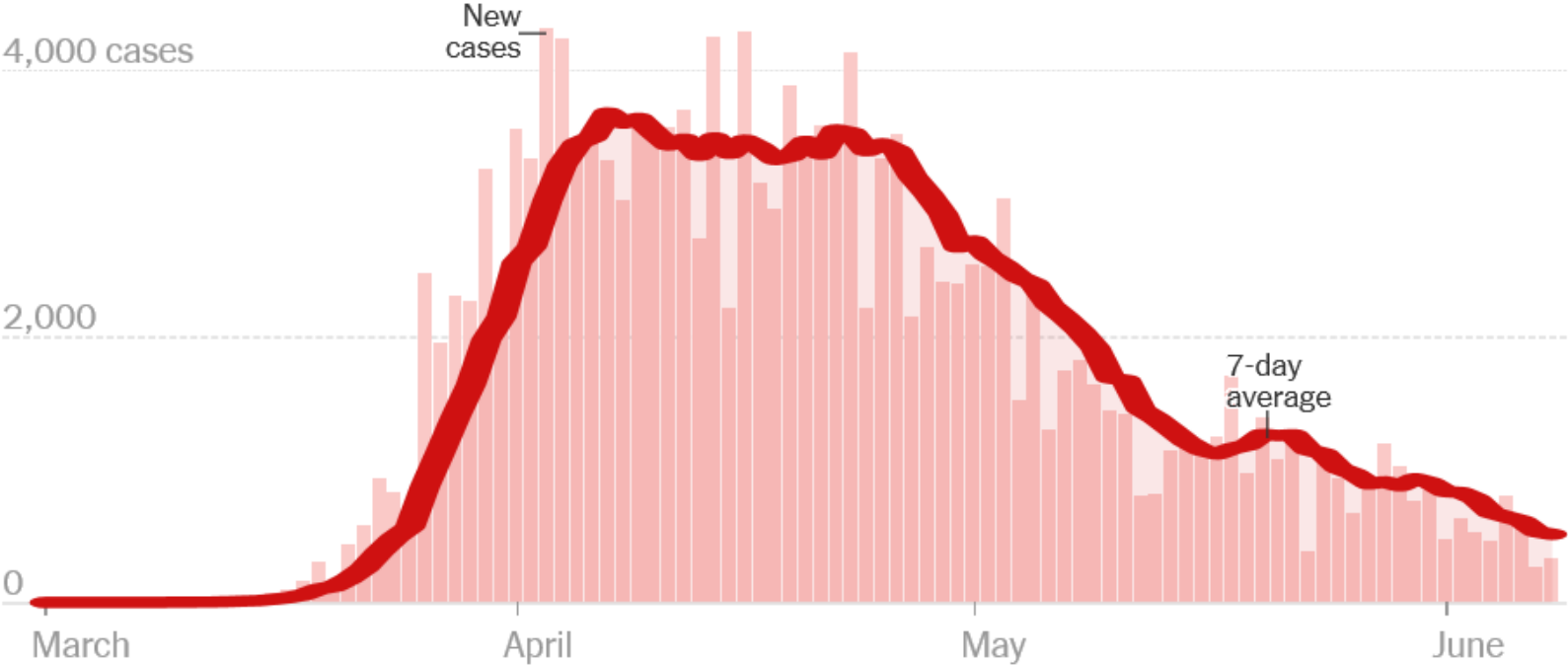
DEATHS

12,303

Includes confirmed and probable cases where available

Current Status and Ongoing Monitoring

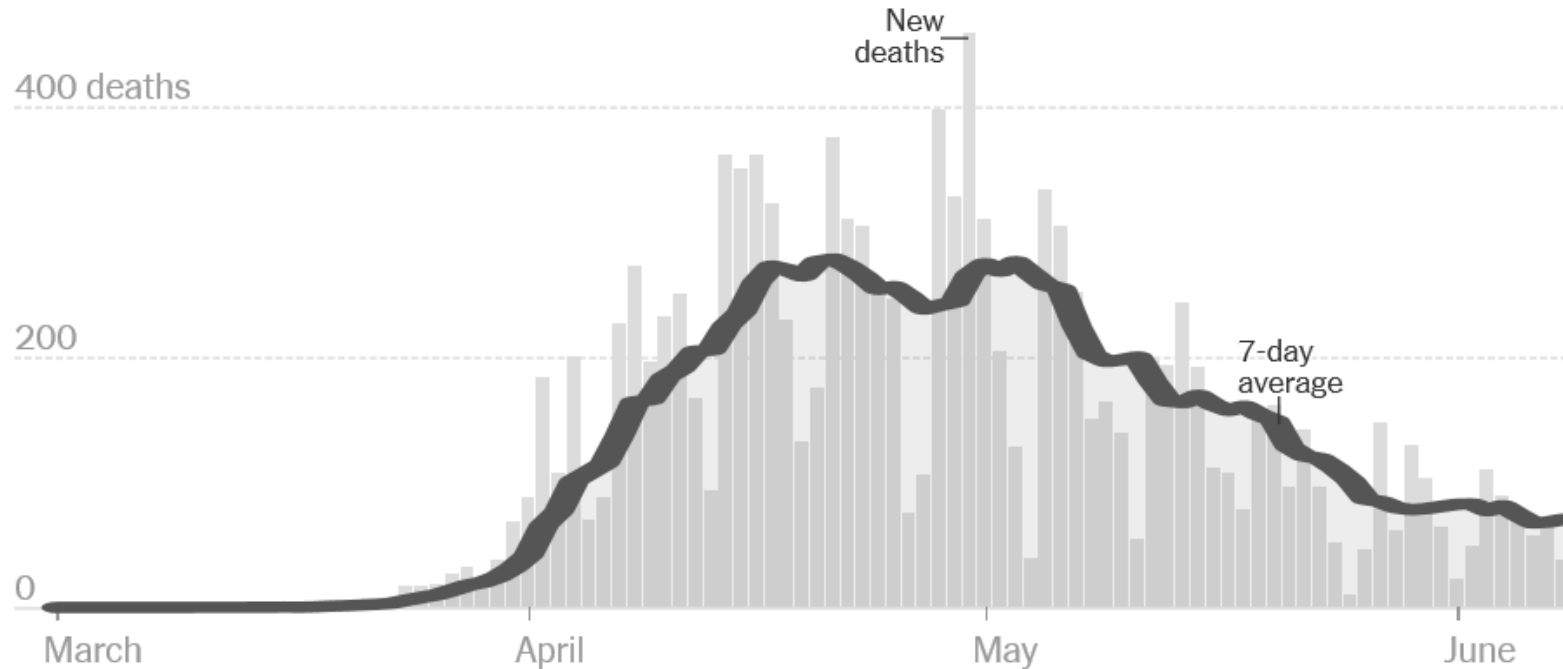
New reported cases by day in New Jersey



Note: The seven-day average is the average of a day and the previous six days of data.

Current Status and Ongoing Monitoring

New reported deaths by day in New Jersey



Note: Scale for deaths chart is adjusted from cases chart to display trend.

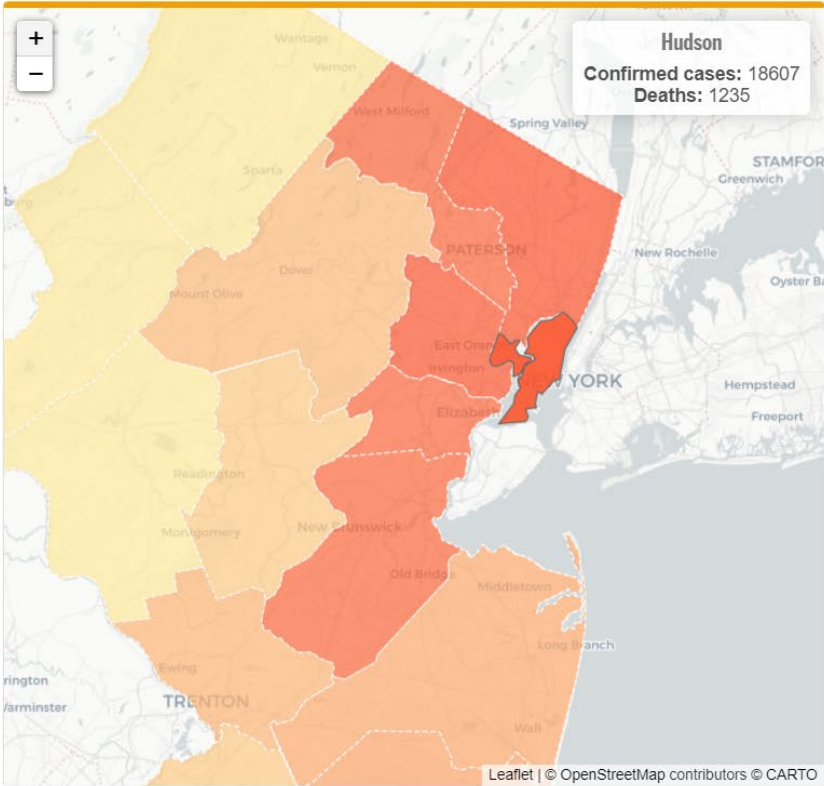
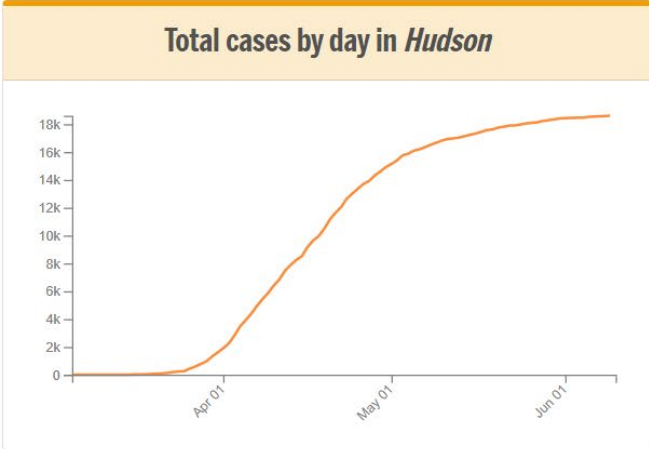
Current Status and Ongoing Monitoring

nj.com N.J. Coronavirus Tracker

Pick a location

Confirmed cases in Hudson

Total infected:	Total deaths:
18,607	1,235



For further information, see <https://projects.nj.com/coronavirus-tracker/>

Phase Two - Criteria

- All baseline criteria met (no barrier to in-person gatherings + ongoing positive COVID-19 trends as determined by the Judiciary + judge/staff readiness); and
- Facilities and health/safety preparations must be sufficient to support the number of people coming to the courthouse (e.g., appropriate cleaning, point-of-entry precautions, signage).

Health and Safety / Facilities Preparations

- Judiciary policies will follow the best scientific or medical information (CDC, NJ DOH, OSHA/PEOSH)
- Before returning to court buildings, all employees will receive mandatory orientation/training with an emphasis on COVID-19 safety
- Appropriate COVID-19 cleaning policies will be implemented in coordination with partners (Treasury, Counties)
- Thermal scanning may be implemented in coordination with partners (Sheriffs, New Jersey State Police, Municipal Court security)

Health and Safety / Facilities Preparations (Cont'd)

- Point of entry requirements: (a) posted screening questions; (b) signs advising of thermal scanning and requirement that all entrants wear masks; (c) hygiene stations installed past security screening
- Barriers, shields, and/or sneeze guards will be installed in appropriate locations
- Signs throughout court buildings: (a) handwashing; (b) disease prevention; (c) social distancing; (d) masks policy; (e) floor markers for elevators and one-way travel in common areas and stairwells
- Posted protocols for restrooms (occupancy limits, social distancing, paper towels, sanitizer)

Phase Two – Criteria: Limited Judges / Staff Onsite

For transition to Phase 2:

- On a county basis, onsite presence may revert to Phase 1 if any preconditions change (e.g., COVID-19 trends worsen in the area); and
- We will relocate people away from areas with recent exposure (pending appropriate cleaning)

Ongoing Remote Operations – With Exceptions

During Phase 1 and the transition to Phase 2:

- Court events that are successfully being handled remotely will continue to be handled remotely during the transition to Phase 2 and increased presence in our buildings
- As determined by the Supreme Court, court events that cannot be handled remotely (e.g., based on lack of consent to proceed remotely or Judiciary determination that it should be in person) may be conducted onsite
- In Phase 2, state court facilities are open only to attorneys, litigants, and members of the public with scheduled proceedings or appointments

Ongoing Remote Operations – Criminal

In Phase 2, most Criminal proceedings will continue to be handled remotely, including but not limited to:

- Centralized First Appearance/CJP; motions for pretrial detention, release revocation, and to reopen detention; speedy trial and extradition hearings; violations of monitoring and of probation, for defendants in custody; pretrial and other conferences; bench trials and sentencings with consent; Intensive Supervision Program (ISP) hearings; Extreme Risk Protective Order (ERPO); pretrial monitoring; and operational matters (e.g., PSI reports)
- For detailed information see the [Events Guidance](#) on njcourts.gov

Potential Onsite Events - Criminal

As we transition to Phase 2, the following Criminal matters may, consistent with Supreme Court guidance, be handled in person:

Completion of suspended jury trials (5 statewide) with consent of all attorneys and parties and approval of the Chief Justice;

Subject to social distancing and other requirements, in the absence of consent to proceed remotely, bench trials, testimonial motions, pretrial hearings, sentencings, guilty pleas, and Final ERPO hearings; violation of monitoring and violation of probation for defendants not in custody may be conducted in person in Criminal matters

Prisoner Management in the Courthouse

Note:

In-person appearances by inmates will be strictly limited during Phase 2

The court should be notified by either DOC or the County warden or sheriff of any inmate who has tested positive for COVID-19 who has been in the courthouse in the two weeks prior to the discovery

The court will notify DOC or the County if a judge or court employee has tested positive for COVID-19 within 14 days of any proceeding involving an inmate

Ongoing Remote Operations - Family

In Phase 2, most Family proceedings will continue to be handled remotely, including but not limited to:

- Orders to Show Cause and returns on OTSC; bench trials; motions; child support hearings including de novo hearings; default hearings; uncontested divorces; conferences; mediations; Temporary Restraining Order applications and appeals; DV dismissals; Final Restraining Order hearings; restraining order violations (FO); violations of monitoring and of probation; fact findings; permanency hearings; children in court compliance reviews; children in court and juvenile bench trials with consent of the parties; and uncontested adoptions
- For detailed information see the [Events Guidance](#) on njcourts.gov

Potential Onsite Operations - Family

As we transition to Phase 2, the following Family matters may, consistent with Supreme Court guidance, be handled in person subject to social distancing and other requirements:

- in any Family docket, bench trials and hearings for matters that are especially complex (at a minimum, involving numerous parties or witnesses, or significant evidence in a format that cannot be handled remotely, such as physical evidence or videos in a non-standard format)
- sentencing hearings for quasi-criminal matters (FO) and juvenile delinquency matters (FJ) (in the absence of consent to proceed remotely)

Ongoing Remote Operations - Civil

In Phase 2, most Civil proceedings will continue to be handled remotely, including but not limited to:

- Orders to Show Cause and returns on OTSC; bench trials; motions; hearings; case management and other conferences; mediation; arbitration; uncontested guardianship hearings; special medical guardianships; stays of sheriff's sales and evictions; Special Civil (DC) and Small Claims (SC) trials with consent; and involuntary civil commitment initial hearings and reviews
- For detailed information see the [Events Guidance](#) on njcourts.gov

Potential Onsite Operations - Civil

As we transition to Phase 2, the following Civil matters may, consistent with Supreme Court guidance, be handled in person:

- Completion of suspended jury trial (1 statewide) with consent of all attorneys and parties and approval of the Chief Justice
- Subject to social distancing and other requirements, in the absence of consent to proceed remotely, bench trials and hearings may be conducted in person in all Civil dockets for matters that are especially complex (at a minimum, involving numerous parties or witnesses, or significant evidence in a format that cannot be handled remotely, such as physical evidence or videos in a non-standard format)
- Contested hearings for an adjudication of incapacity and appointment of a permanent guardian

Ongoing Remote Operations - Municipal

In Phase 2, most Municipal Court proceedings will continue to be handled remotely, including but not limited to:

- Disorderly persons / petty disorderly persons offenses, traffic, DWI dispositions, parking, local ordinance, penalty enforcement and other hearings; First Appearance/CJP; violations of monitoring and probation; bench trials, sentencing hearings, evidentiary hearings, and testimonial motions with consent; guilty pleas; post-adjudication and non-compliance hearings; and dismissals
- For detailed information see the [Events Guidance](#) on njcourts.gov

Potential Onsite Operations – Municipal

As we transition to Phase 2, the following Municipal Court matters may, consistent with Supreme Court guidance, be handled in person:

- Subject to social distancing and other requirements, in the absence of consent to proceed remotely, bench trials and hearings may be conducted in person in Municipal Court matters that are especially complex (at a minimum, involving numerous parties or witnesses, or significant evidence in a format that cannot be handled remotely, such as physical evidence or videos in a non-standard format), including DWI trials and other matters involving consequences of magnitude
- Vicinage management will partner with municipalities to help implement the relevant provisions of this plan in the Municipal Courts, including but not limited to issues involving court security and health and safety

Supreme, Appellate, and Tax Courts

As we transition to Phase 2, the expectation is that Supreme Court and Appellate Division arguments and most Tax Court proceedings will continue to be handled remotely

As with the trial divisions of the Superior Court and the Municipal Courts, exceptions may be permitted

Remote Probation Supervision

Adult/Juvenile/Drug Court/ISP Supervision

- Supervision of low and medium risk clients by phone or video
- Supervision of high risk and specialized caseloads, and Intensive Supervision Program (ISP) clients by phone or video
- Curbside home visits
- Drug testing by oral swab for certain drug court clients

Probation Child Support Enforcement

- Monitor cases remotely
- Customer service by phone
- Hold Enforcement of Litigant's Rights (ELR) hearings by phone/video

Potential In-Person Probation Operations

- Up to 10-15% of high risk and specialized caseloads and ISP clients to report in person using staggered schedules
- Up to 10-15% of high risk and specialized caseloads and drug testing by oral swab or unmonitored urine testing to be conducted at court facilities using staggered schedules
- Drug Court Phase 1 and High-Risk Phase 2 in person reporting every other week in the courthouse and drug testing by oral swab or unmonitored urine testing with staggered reporting schedules
- Begin in-person customer service by appointment

Ongoing Court User Assistance

The New Jersey courts are continuing to provide information and support to attorneys, self-represented litigants, and other court users

Vicinage ombudsmen serve as the frontlines for handling questions and assisting users in navigating the system and using new electronic filing options, including the Judiciary Electronic Document Submission (JEDS) system

Conclusion and Next Steps

These recommendations – and the comprehensive committee reports on which they are based – were reviewed with the stakeholder coordinating committee on May 29, 2020

The Supreme Court on June 9, 2020 approved this approach for Phase 1 and the gradual transition to Phase 2

Further information and guidance on the transition to Phase 3 and beyond will be provided when available