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From: jjhoran48@gmail.com
Sent: Wednesday, July 21, 2021 3:18 PM
To: Comments Mailbox
Subject: [External]Proposal for Future Court Operations (Remote & In-Person Proceedings)

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

Dear Judge Grant,

I am writing to offer my comments to your July 16, 2021 Notice to the Bar and Public re Remote and In -Person Proceedings, specifically with regard to Section 6.c., of the Preliminary Input pertaining to civil arbitrations, and the proposal that same continue to be conducted remotely. In this regard, my comment is that civil arbitrations should return to in-person proceedings as soon as possible ,but if it is ultimately decided that remote proceedings are to continue, that significant changes be implemented with respect to how the arbitrations will be handled. I offer my thoughts re the foregoing, below.

Presently, I serve as an arbitrator in the civil arbitration program in Bergen, Hudson and Passaic counties, and had for several years prior to the remote format being instituted approximately 14 months ago, as a result of Covid-19. Since then, I have been conducting arbitrations remotely, and have handled about 200 or so in this fashion. Generally, the arbitration hearings themselves have gone smoothly. However, it is the administrative tasks that have to be completed, from the day specific cases are assigned to me, to the date of the arbitration hearings, that have become problematic. Simply put, these pre-arbitration tasks take too much time, which, in my view, is a function of both litigants' attorneys not responding to simple requests, and, inconsistent policies and procedures which the Courts are not able to enforce in any meaningful way.

When we began remote arbitrations, it was necessary to attempt to contact each law firm on the counsel list furnished to me by the Court with the case assignments, to request the identities of the attorneys from said law firms who would actually handle the proceedings on the hearing date, and to request their contact information (cell #s and email addresses), as well as to request that they email their arbitration statement of facts. This seems simple, but turned out to be enormously time consuming and frustrating, although absolutely necessary in order to establish a schedule for the arbitration date and to be able to proceed in an orderly fashion. In any event, it turned out that attempting to contact law firms by calling the phone #s as provided to me by the Court was often a futile exercise, as the calls were sometimes "answered" by automated systems , that, after navigating multi-part menus only reached voice mail to which there was hardly ever a timely response. Some calls were answered by an actual staff person, which was better than an automated system, but presented other issues (being put on hold, being asked to spell my name, and the case caption names, over and over, and then being put through to counsel's voice mail). As time went on, two of the counties began furnishing email addresses, so I began sending emails to the law firms, which produced better responses , although follow ups (sometimes multiple follow ups) were necessary. Eventually, the Courts began furnishing my name and email address in e-court notices so counsel could presumably provide the necessary contact information to me, along with their arbitration statements. My experience with the e-court outreach was dismal, as almost no one seemed to comply, and my impression was that the notices were being ignored.

A few months ago, Hudson began sending emails (not e-court notices) to the firms involved in the cases being scheduled for arbitration, about a week or so in advance of the hearing dates, providing my contact information, and requesting that each firm provide me with a contact name, email address and telephone #, and requesting that arbitration

statements of fact be emailed to me. The Court's email ended with : "Kindly submit your contact information by replying to this email" (in bold letters). This approach has yielded better results than what has gone before, and probably has a compliance rate of about 50%, give or take. The problem is that the rate of non-compliance is still too high, because, in my humble opinion, there is no penalty for non-compliance. So, I still find it necessary to call, and email, often multiple times, to obtain the necessary information and materials.

Just to give Your Honor an idea of how much time can be expended in lining up assigned cases for arbitration, I recall several months ago I was assigned 14 cases to arbitrate on a certain date. I expended approximately 20 to 25 hours calling and emailing prior to the arbitration hearings, which took another 6 to 6.5 hours to complete, so this particular assignment consumed 26 to 31.5 hours of my time. On average, each assignment consumes about 12 to 20 hours. This is too much time, especially when compared to pre covid in person proceedings. So, my recommendation, and assuming that everyone involved is fully vaccinated, is to return to in-person arbitration proceedings, as soon as possible.

Thank you for Your Honor's consideration of the foregoing.

Respectfully,

James J. Horan
Attorney At Law
400 Essex Avenue
Bloomfield, NJ 07003
(973) 985-0078
Email: jjhoran48@gmail.com

From: jjhoran48@gmail.com
Sent: Friday, July 23, 2021 11:02 AM
To: Comments Mailbox
Subject: [External]Additional Comments re Future Court Operations (Remote & In-Person)

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

Dear Judge Grant,

Further to my email of July 21, 2021, I offer some additional comments re the proposal to continue civil arbitrations remotely.

As outlined in my July 21 email, it is my view that the pre-arbitration date administrative tasks that it has become necessary to undertake in order to conduct the proceedings remotely are inordinately time consuming. Pre Covid, an arbitration assignment took 4 to 6 hours. It now takes 12 to 20, and sometimes even 30 hours. I believe that this is not sustainable long term. Time is a precious commodity, and can not be created out of thin air. I, and all of the attorneys serving as arbitrators, have other things to attend to. Moreover, expending time on the kind of administrative tasks required to conduct remote arbitrations is really not what we signed up for, and has nothing to do with the experience and skills we bring to bear in conducting arbitration proceedings. (In my case, 40+ years trying cases in the Superior Court, and US District Court, as well as arguing before the Appellate Division and NJ Supreme Court.) This brings me to another point, which is that it had been represented that conducting arbitrations remotely would be temporary, and that there would be a return to in-person proceedings when the Courts resumed operations post Covid. In fact, attorneys on the arbitration rosters were informed, just prior to the commencement of remote proceedings, that they could opt out, but would be able to continue as arbitrators once the Courts resumed in-person operations. I would therefore respectfully suggest that you canvass all of the attorneys on the arbitration rosters, both those who opted out and those who volunteered to conduct remote proceedings, to determine their views.

I had volunteered to serve as an arbitrator during Covid because this was an emergency, and my own view of public service was that some sacrifice was in order. Now, with the vast majority of New Jersey adults (myself included) vaccinated, the emergency is over. I can understand that litigants attorneys would feel that remote arbitration proceedings are a benefit to them. However, they are a detriment to the arbitrators, who are losing time and/or money. I believe fairness requires, and now that the emergency is over, that civil arbitrations be conducted in-person, and that such proceedings resume as soon as possible.

Respectfully.

James J. Horan
Attorney At Law
400 Essex Avenue
Bloomfield, NJ 07003
(973) 985-0078
Email: jjhoran48@gmail.com