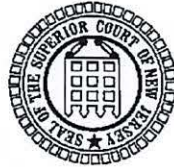


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SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

HANY A. MAWLA
JUDGE



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August 16, 2021

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments on the Future of Court Operations
Hughes Justice Complex
P.O. Box 037
Trenton, New Jersey 08625-0037
Via email Comments.Mailbox@njcourts.gov

Re: Comments on the Future of Court Operations

Dear Judge Grant:

The Supreme Court Committee on Diversity, Inclusion and Community Engagement (“SCC-DI&CE”) Executive Board offers these comments on the proposal to continue certain court events in remote format in the context of ongoing court operations beyond the COVID-19 pandemic.

As you are aware, the SCC-DI&CE opened its 2019-2021 report with a discussion of the digital divide, virtual court operations, and technological opportunities to advance access to justice through the New Jersey Courts. We noted the following:

The New Jersey Judiciary continues to show great leadership in bridging technology access gaps to minimize the impacts of the digital divide and facilitate remote access to court services and programs. Because of the Judiciary’s proactive and broad-reaching approach to bridging the access to technology gap to ensure access to the courts, in particular during the COVID-19 pandemic, the result has been highly successful virtual court operations that have facilitated litigant participation and reduced defaults and failures to

appear.¹ The resulting efficiencies in particular for litigants remains to be fully measured, but early observations include the ease with which an hourly wage earner, single parent with childcare challenges, and residents of public transportation deserts can more readily participate in court proceedings, often utilizing a video chat feature on a smartphone, without the attendant logistical stresses, such as travel and time off from work, that in-person appearances often include. The availability of a range of remote participation options for a broad array of court proceedings provides a future roadmap for integrating virtual participation into long-term routine court operations in a number of areas. (pp. 8-9)

Recognizing the number of ways in which the Judiciary had bridged the access to technology gap and realized numerous operational and procedural efficiencies that benefitted both attorney-represented and self-represented litigants, the SCC-DI&CE concluded its discussion of these topics proffering Recommendation 2021:01:

Post-pandemic, the Court should continue to offer virtual court operations as a means to further reduce barriers to the courts for a range of constituents. The Committee supports the Judiciary's ongoing support of current remote proceedings, identification of potential areas of expansion, and identification of case types where, in the interest of justice, remote participation options should be a mainstay as part of normal operating procedures.

The proposal on the future of court operations and its "remote first" option for a broad array of routine court events resonates with the spirit of Recommendation 2021:01. Furthermore, the proposal materially advances access to justice by creating consistency and efficiency in case management thereby delivering justice in a timely fashion and enhancing access to legal representation by reducing the previously billable costs associated with in-person appearances and attorney travel time.

Accordingly we write, in the Committee's advisory role, in full support of the future of court operations proposal in the July 16, 2021 Notice to the Bar. In addition, the

¹ The National Center for State Courts highlighted the New Jersey Courts during the earliest stages of the pandemic for the notable reductions in non-appearances and failures to appear in certain dockets.

SCC-DI&CE shares the following recommendations regarding the long-term use of remote platforms for select court operations, programs, and services. The SCC-DI&CE respectfully recommends that the Judiciary:

- (1) maintain availability of the technology kiosks/technology rooms currently provided in each court facility so that litigants wishing to participate in court events remotely have the on-site option of doing so via safe, secure, and reliable private spaces;
- (2) continue to livestream public court proceedings, even those held entirely in person, to promote public access to the courts without requiring interested observers to travel to court in-person;
- (3) encourage ongoing remote community engagement events, as the virtual platform expands access to educational and informational programs;
- (4) allow for continuing legal education programs to continue to be offered in live virtual format, particularly in the areas, such as diversity, inclusion, and elimination of bias, where the content and presentation style align with the virtual platform features; and.
- (5) provide public facing messaging, such as a brief video message, addressed to attorneys and litigants that promotes the dignity and decorum of court proceedings, both virtual and in-person, and reinforces court customs and procedures in the context of ongoing court operations.

We appreciate the opportunity to provide comments in support of the future of court operations proposal.

Respectfully submitted,



Hany A. Mawla, J.A.D., Chair
Supreme Court Committee on Diversity, Inclusion, and Community Engagement

cc: Steven D. Bonville, Chief of Staff
Dr. Yolande P. Marlow, Diversity, Inclusion, and Community Engagement Program
Director
Lisa R. Burke, Diversity, Inclusion, and Community Engagement Program Coordinator