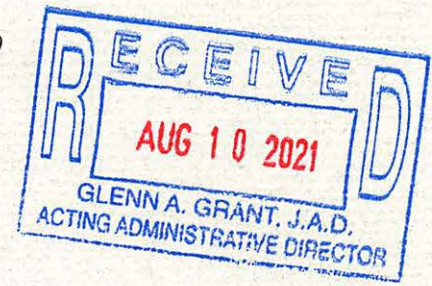


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August 4, 2021

Hon. 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

Dear Judge Grant,

I am a civil litigator who specializes in bodily injury litigation, insurance coverage disputes, and appeals. You may remember me from my days as an Appellate Division Law Secretary and the New Jersey State Bar Association Committee on Appellate Practice. While I am very happy that the Appellate Division and the Supreme Court have returned to in person arguments, I am dismayed by the Court's proposal to make civil arbitrations, motion hearings, and conferences presumptively remote on a permanent basis.

First, many of us are working from home; in some cases temporarily and others permanently. Others work in offices with multiple proceedings taking place at the same time and limited conference rooms. In my opinion, lawyers and judges belong in courtrooms, where they can interact on a personal level with the court and each other and concentrate on the matter at hand with no outside intervention. Court proceedings done anywhere else are fraught with distractions; from insufficient band width and malfunctioning technology to barking dogs and crying children. The opportunity to have meaningful discourse with the Court and other counsel prior to a hearing is also lost when the hearing is remote. I have had many issues resolve in chambers prior to a motion hearing when the parties were together. I also think that the dignity and solemnity of a court proceeding is often lost or diminished outside of that environment.

Equally important, the litigants we represent do not get the same quality of service via Zoom that they would receive at an in person hearing. The vast majority of civil arbitrations done remotely are done without the parties. An injured plaintiff is denied the opportunity to put a face to the complaints listed on the arbitration statement. A defendant's opportunity to contest liability for the plaintiff's injuries is diminished without live testimony. These people often feel that they have been denied their day in court. The arbitrator is also denied the opportunity to assess the credibility of the parties.

I believe that the relationship between the bench and the bar has suffered due to the distance imposed by the pandemic. I have heard judges at all levels of the court

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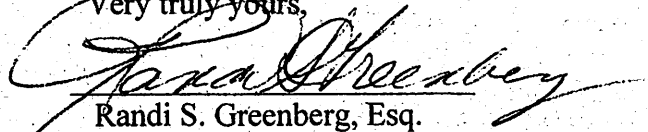
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system complain about how much they dislike remote proceedings. I have had countless conversations with adversaries about how much we miss the camaraderie, atmosphere, and efficacy of in person motion hearings and arbitrations. I cannot wait to set foot in a courthouse. Most attorneys I have spoken to at remote proceedings have shared that sentiment.

I recognize that Zoom has its place. It has kept the court system from grinding to a halt for the past eighteen months. It is also useful to accommodate a litigant or an attorney with special needs. Finally, it is useful when attorneys have scheduling conflicts and in inclement weather. However, I think that we should return to a presumption that motions, civil arbitrations and conferences will be conducted in person. The parties and the court can always agree otherwise if circumstances require.

Thank you for your time and attention. I hope to see you and everyone else at an Appellate Practice Committee meeting at the Law Center someday soon.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Randi S. Greenberg". The signature is written in black ink and is positioned above the typed name.

Randi S. Greenberg, Esq.

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