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From: Michael Galpern <mgalpern@lawjw.com>
Sent: Wednesday, July 21, 2021 9:00 AM
To: Comments Mailbox
Subject: [External]Comments on Proposal for the Future of Court Operations,

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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:

As requested in the Court's recent notice to the bar and public regarding the future of court operations, please accept this email as my comments on this topic. By way of background, I have been practicing law in the State of New Jersey since 1989. I am a Partner in the Javerbaum law firm, a former law clerk to the Honorable Jerome Simandle USDC (dec'd), a former Adjunct Professor of law at the Rutgers School of Law- Camden, and a Past President of the New Jersey Association for Justice. I have devoted the majority of my professional time over the past 32 years to civil litigation in New Jersey. I have appeared in almost every Courthouse in this State.

The global pandemic which we have endured for the past 17 months has taught the bench, the bar, and to a lesser extent the public, to be more resilient than we ever thought we could be. The court system has done an admirable job of allowing attorneys and litigants to appear and handle a variety of matters remotely.

If there can be a silver lining in the incredible dark cloud of COVID-19, it is that the bench and bar have worked together to embrace technology to move the civil justice system forward by leaps and bounds. 18 months ago no one would have thought it possible that we would accomplish what we did. This is not hyperbole or overstatement. Attorneys now have the capability of handling multiple different matters in multiple different courts and multiple different counties all on the same day. This has increased attorneys abilities to represent a variety of additional clients with additional legal problems, and a byproduct of that is increased access to justice for New Jersey citizens. This increased access will shortly bear additional fruit as attorneys find themselves more productive and more available to a cross

section of clients. Necessity being the mother of invention, technology will be the panacea to lower cost legal representation to New Jersey citizens.

Prior to the pandemic, it was not uncommon for every discovery motion, management conference, scheduling conference, settlement conference, and other judicial proceedings to require a personal appearance by counsel. Attorneys had the choice of scheduling no more than two matters in different counties for the same day, with the ability to get little else done that day, or to constrain their practice to the county of their office and perhaps one or two surrounding counties. Busy civil litigators like myself would routinely spend 10 to 15 hours per week or more traveling to and from various courthouses or other attorney offices for depositions. This lifestyle was extremely time wasteful, and of course regular driving on New Jersey roadways is both physically and mentally exhausting.

Furthermore, the inevitable time while in court awaiting one's conference or motion to be heard was additionally unproductive, compounding the above problem.

Now attorneys can represent their clients ably and fully from the convenience of their laptop or desktop, with full access to their clients' file, without any loss of efficacy.

The time that was formerly spent traveling to and from court, or waiting for a tardy adversary stuck in traffic or a snowstorm, can now be spent reviewing another file, communicating with other clients, or perhaps even spent with family, a precious luxury for busy civil litigators in this state.

From my viewpoint, there has been no reduction in the ability to advocate effectively on behalf of one client remotely.

I understand that we inevitably will need to return to live appearances for jury trials and perhaps bench trials.

However I implore the court to continue to allow attorneys and their clients to appear remotely for all motions, hearings, and conferences short of a trial call. I also implore the court to continue to permit remote depositions indefinitely.

Please do not hesitate to contact me if I can be of further assistance in this important decision.

Thank you for your attention to this matter.

Michael A. Galpern, Partner
Javerbaum Wurgaft Hicks Kahn Wikstrom and Sinins, P.C.

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