

News Release



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For immediate release: **Jan. 7, 2021**

Supreme Court Order Authorizes Remote Civil Jury Trials

Civil jury trials will return in a virtual format on a limited and temporary basis, under a Supreme Court [order](#) issued today.

The Court's order directs virtual civil trials to begin on or after Feb. 1 in eight of New Jersey's 21 counties. Initial trials will require consent of both parties and will involve straightforward, single-witness cases that can be completed within a few weeks. Virtual jury trials will expand statewide on or after April 5, with consent from the parties no longer required because of the expected length of the continued health threat posed by COVID-19.

Civil trials have been delayed in New Jersey since the start of the pandemic in March 2020, leaving countless civil litigants unable to resolve important disputes.

The order, signed by Chief Justice Stuart Rabner, states: "Throughout the COVID-19 pandemic, the Judiciary has been committed to provide a forum for the fair adjudication of disputes and to safeguard public health. The pandemic required the court system to consider new ways to respond to the needs of the public and administer justice. The Supreme Court's response has included temporarily authorizing virtual formats for various court events that cannot safely be conducted in person at this time."

The order acts on a report issued in November by the Judiciary's Post-Pandemic Planning Committee on Resuming Jury Trials, which sought advance input from the New Jersey State Bar Association, the New Jersey Association for Justice, the New Jersey Defense Association, the state Department of Law and Public Safety, and other stakeholders. The Court received and considered 45 public comments in response to the Committee's proposal and incorporated some of those suggestions into its order.

The order establishes two phases for the resumption of jury trials in all civil case types. In the first phase, civil jury trials will be conducted remotely in the vicinages of Atlantic/Cape May, Cumberland/Gloucester/Salem, Monmouth, Passaic, and Union. To the extent possible, virtual civil jury trials will begin with cases involving a single plaintiff, a single defendant, a limited number of issues in dispute, and a modest number of live witnesses.

Consent to proceed in a virtual format may be withdrawn no later than the 10th day before jury selection in a given matter.

The second phase, expanding virtual civil jury trials statewide, will continue for as long as necessary based on the Covid-19 pandemic.

The order establishes standards for how trials should be conducted. Pretrial conferences will address whether the judge, attorneys, and parties will be present in a courtroom or whether any or all of them will participate remotely. It also will address methods for presenting evidence. Jurors will participate remotely during trial. An accompanying [directive](#) issued today by Administrative Director Glenn A. Grant provides additional guidance on electronic evidence.

To minimize public health risks, jurors also will not be brought into the courthouse for the in-person phase of selection. Judges will be encouraged to be more permissive in allowing attorneys to participate during virtual voir dire. Additional alternate jurors also will be chosen – beyond the number ordinarily selected for a jury trial conducted in person.

The Judiciary will provide standard technology and technical assistance, as needed, to jurors summoned for the selection process and to all empaneled jurors.

The Court may modify the protocols for conducting virtual civil jury trials based on updated public health recommendations, including recommended changes in occupancy limits for indoor gatherings. Health-related factors will be considered in scheduling cases for trial dates. Cases involving healthcare professionals who are responding to the COVID-19 pandemic will not proceed.

Jurors who supply a doctor's note substantiating that they are unable to serve based on an ongoing medical condition will be excused before reporting for virtual selection, just as they were pre-pandemic.

Public access to the first virtual civil jury trials will be provided by live broadcast without showing images of jurors. Access to later trials will be provided through Zoom invitations or other means.

Since March 16, 2020, judges at all levels of the New Jersey courts have conducted more than 120,000 remote court events involving more than 1.45 million participants. During the same period, attorneys have developed expertise in participating in virtual proceedings. In addition, with training and support from the Judiciary, more than 500 New Jersey residents have served as jurors in hybrid trials and virtual grand jury panels, using their own technology or technology provided by the courts.

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