

NOTICE TO THE BAR

CIVIL ARBITRATION – COVID-19 – CONDUCTING ARBITRATIONS BY VIDEO OR TELEPHONE


In its March 27, 2020 Omnibus Order, the Supreme Court continued the postponement of all Civil Arbitration sessions through April 26, 2020. Beginning April 27, 2020, all counties will begin scheduling arbitrations, which will be conducted remotely. This notice provides guidance on how to conduct remote arbitration events either by video or by telephone.

The following steps should be taken to ensure that arbitration sessions are scheduled and conducted remotely, using technology as agreed upon by the participants and the arbitrator(s). Vicinages are encouraged to follow these procedures, but may deviate with the approval of the Assignment Judge or designee.

- 1) Prior to the scheduling of arbitrations, each vicinage's Arbitration Administrator should contact all arbitrators included on their roster, inform them of this protocol for conducting remote arbitrations, ask them if they wish to participate, and compile the list of those arbitrators who wish to participate.
- 2) Once the court has scheduled an arbitration, the Arbitration Administrator will provide the arbitrator(s) and participants with the phone numbers and email addresses for all participants. The Arbitration Administrator also will assist with arranging for interpreting services, if needed. By email, the Arbitration Administrator will provide the arbitrators with the appropriate Report and Award form (CN 10977/10978).
- 3) Ten days prior to the scheduled remote arbitration, the parties will exchange a uniform statement of facts as required by Rule 4:21A-4(a) and are encouraged to use email for that exchange. Attorneys should NOT file these statements with the court.
- 4) On or before the scheduled hearing date, the parties will provide a copy of their uniform statement of facts to the arbitrator(s) and are encouraged to use email for that exchange. Attorneys should NOT file these statements with the court.
- 5) On the scheduled date and time, the arbitrator will initiate and conduct the arbitration. (For two-arbitrator panels, the arbitrators will confer and decide which arbitrator will initiate.) The Arbitration Administrator or other designated court staff will be available prior to and during the arbitration to provide technological assistance or to answer any questions from the arbitrator(s) if necessary. Once the arbitration has ended, the initiating arbitrator will notify the Arbitration Administrator that their assistance is no longer needed.
- 6) To the greatest extent possible, the arbitration should be conducted consistent with social distancing measures necessary to curtail the spread of COVID-19. The arbitrator(s) have discretion to implement these measures (e.g., selecting between video or phone options) with the consent of the parties.

- 7) After completion of the hearing and in the telephonic/video presence of the parties, the arbitrator(s) will render the award, including the basis for the decision. The award will be memorialized on the Report and Award form. Instead of handwritten signatures, the Report and Award form may be electronically signed by the arbitrator(s) and participants, or by an arbitrator on behalf of any participant with that participant's consent (which consent will be memorialized on the Report and Award form).
- 8) Immediately following the arbitration, the arbitrator will electronically transmit the completed Report and Award form to the Arbitration Administrator, who will upload it into eCourts, at which time it will be considered "filed" pursuant to Rule 4:21A-5. This procedure is intended to eliminate any question as to when the 30-day period for requesting trial de novo begins to run (i.e., from the upload date in eCourts). Once uploaded into eCourts, any party will be able to obtain a copy of the Report and Award form.

Questions about this notice may be directed to Melissa A. Czartoryski, Chief, Civil Practice Division, telephone: (609) 815-2900 ext. 54900; e-mail address: Melissa.Czartoryski@njcourts.gov.



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

Dated: April 16, 2020