

NOTICE TO THE BAR

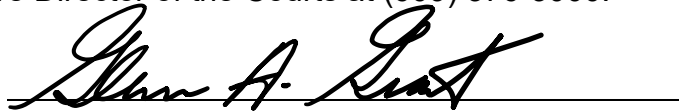
COVID-19 – ELEVENTH COVID-19 OMNIBUS ORDER

The Supreme Court has issued the attached Eleventh Omnibus Order on Court Operations and Legal Practice during the ongoing COVID-19 pandemic.

This March 23, 2021 Eleventh Omnibus Order extends preindictment excludable time for certain detained defendants and notes that further extensions are not anticipated. It also extends post-indictment excludable time through May 17, 2021. The Court's March 23, 2021 Eleventh Omnibus Order authorizes Assignment Judges and County Prosecutors to explore and plan for in-person grand jury sessions at a future date, either in court locations or non-court spaces, consistent with the provisions of the Court's October 8, 2020 Ninth Omnibus Order.

The March 23, 2021 Eleventh Omnibus Order continues other provisions of earlier Orders.

Questions about this notice or the Court's Eleventh Omnibus Order may be directed to the Office of the Administrative Director of the Courts at (609) 376-3000.

A handwritten signature in black ink, appearing to read "Glenn A. Grant", is written over a horizontal line.

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

Dated: March 23, 2021

SUPREME COURT OF NEW JERSEY

In response to the ongoing COVID-19 public health emergency, the Supreme Court has authorized various adjustments to court operations as set forth in a series of Omnibus Orders and other Orders and today issues this Eleventh Omnibus Order.

Jury trials and grand jury operations have continued to evolve in tandem with the trajectory of the COVID-19 pandemic. The Court in a series of Orders authorized virtual grand juries on a temporary basis during the public health emergency. The Court's [July 22, 2020](#) Order and appended Plan (as updated August 14, 2020) established a plan for hybrid jury trials, including primarily virtual jury selection followed by a socially distanced in-person trial. The Court in its [September 17, 2020](#) Order allowed fully virtual jury selection with the consent of all parties and the approval of the court. The Court's [October 8, 2020](#) Ninth Omnibus Order continued virtual grand jury panels and authorized options for in-person grand jury sessions in court locations or other locations as coordinated by the County Prosecutor. In response to worsening COVID-19 trends throughout New Jersey, the Court in its [November 16, 2020](#) Order suspended new in-person jury trials and in-person grand juries. The Court's [January 7, 2021](#) and [February 1, 2021](#) Orders announced a two-phase approach to virtual civil jury trials.

The Judiciary is continuing to monitor COVID-19 trends in New Jersey. There are encouraging signs, including decreasing numbers of hospitalizations and

deaths. At the same time, the New Jersey Department of Health is continuing to report more than 2,500 new COVID-19 cases per day and a rising rate of transmission. Taken together, these factors support planning for additional on-site presence and in-person options for jury trials and grand juries while waiting to announce a start date for those important in-person events.

In addition to jury trials and grand jury proceedings, the work of the courts is continuing at all levels in a primarily remote format. As appropriate, certain matters are being conducted in person with necessary health precautions. The Judiciary will continue to operate in this blended format – primarily remote with some in-person options – until COVID-19 trends support the expansion of onsite presence and in-person court events.

Accordingly, it is ORDERED that the following provisions are effective immediately except as otherwise stated herein:

(1) GRAND JURIES

- a. Grand jury selections will continue to be conducted in a virtual format;
- b. Existing grand jury panels will continue to convene for virtual sessions. Judges may inform or remind those panels that they may be converted to meet in person at some future date;
- c. New grand jury panels will be informed that they will begin their service virtually. Judges may inform prospective grand jurors that

their service may convert to an in-person format if authorized by the Supreme Court;

- d. In addition to new virtual grand jury panels, Assignment Judges and County Prosecutors are authorized to prepare to convene in-person grand jury panels in court facilities at some future date consistent with social distancing and other health precautions (including as to wearing face masks);
- e. As the Court previously permitted in its [October 8, 2020](#) Ninth Omnibus Order, County Prosecutors again may submit a proposal to conduct grand jury sessions in a non-Judiciary location in the future if
 - (a) there is no reasonable or sufficient Judiciary location available or
 - (b) use of Judiciary facilities would reduce capacity for handling jury trials or other court proceedings. Any proposal to convene an in-person grand jury panel in a non-Judiciary location must be approved by the Assignment Judge and the Administrative Director of the Courts; and

(2) CRIMINAL

- a. With the availability of grand juries in every county, the excludable time provisions of the Court's [February 17, 2021](#) Tenth Omnibus Order are extended or affirmed, as follows:

- (i) For those eligible defendants who have not yet been indicted and were committed to the county jail before March 16, 2020, the provisions of the Court's prior orders regarding preindictment excludable time are extended for the additional period from April 1, 2021 through April 15, 2021;
- (ii) For those eligible defendants who have not yet been indicted and were committed to the county jail on or after March 16, 2020 through May 31, 2020, the provisions of the Court's prior orders regarding preindictment excludable time are extended for the additional period from April 1, 2021 through April 15, 2021;
- (iii) For those eligible defendants who have not yet been indicted and were committed to the county jail on or after June 1, 2020 through October 11, 2020, the provisions of the Court's prior orders regarding excludable are unchanged. Preindictment excludable time will continue through April 28, 2021; and
- (iv) For those eligible defendants who have not yet been indicted and are committed to the county jail on or after October 12, 2020, the provisions of the Court's prior

orders regarding excludable time are unchanged.

Preindictment excludable time will continue through
May 14, 2021;

- b. At this time, the Court does not anticipate a further extension for the group of defendants in paragraph 2(a)(i). For the remaining categories of defendants in paragraphs 2(a)(ii) – (iv), prior Court orders have excluded all preindictment time, which means that defendants in those groups still have the full 90 days to indict pursuant to N.J.S.A. 2A:162-22(a)(1)(a). At this time, the Court does not anticipate a further extension for those groups of defendants;
- c. In the calculation of the time period for the commencement of trial for an eligible defendant detained in the county jail, excludable time is extended for the additional period from April 1, 2021 through May 17, 2021 due to exceptional circumstances, pursuant to N.J.S.A. 2A:162-22(b)(1)(f), and on account of good cause for the delay, pursuant to N.J.S.A. 2A:162-22(b)(1)(l), namely the temporary suspension of criminal jury trials statewide, which period shall be attributable to the court; and

(3) JURY TRIALS

- a. Virtual civil jury trials will continue in accordance with the Court's [January 7, 2021](#) and [February 1, 2021](#) Orders;
- b. For jury selections starting on or after May 17, 2021, counties will continue to use modified summons documents that inform prospective jurors (1) that the jury selection process will begin in a virtual format; and (2) that their service may continue virtually or may involve reporting in person to a courthouse with safety precautions; and

(4) OTHER MATTERS.

All other provisions of the Court's [February 17, 2021](#) Tenth Omnibus Order remain in full force and effect. Those provisions include, but are not limited to, the following:

- a. Most court proceedings are continuing to be conducted in a remote format. Consistent with the Court's [April 20, 2020](#) and [February 22, 2021](#) Orders, certain matters with especially serious or permanent consequences or penalties may proceed remotely only with the consent of all parties. As established by the Court's [February 22, 2021](#) Order, for those matters that require consent to proceed in a remote format, the consent of a party is not required if the party is absent and unreachable. As established by the Court's [November 19,](#)

2020 Order, the consent of the parties is not required for Family quasi-criminal (FO) matters to proceed in a remote format.

b. Landlord tenant trials remain suspended, except that in both residential and commercial matters a landlord/plaintiff may in emergent circumstances apply for an Order to Show Cause for eviction as set forth in the Court's July 14, 2020 and February 5, 2021 Orders; and

(5) Requests for extensions of time in individual cases, based on specific circumstances, may continue to be submitted by letter in lieu of a formal motion; and

(6) In recognition of the pervasive and severe effects of the COVID-19 public health crisis, the court in any individual matter consistent with Rule 1:1-2(a) may suspend proceedings, extend discovery or other deadlines, or otherwise accommodate the legitimate needs of parties, attorneys, and others in the interests of justice; and

(7) Depending on the duration of the COVID-19 pandemic, the Court may reconsider and revise the provisions of this order.

For the Court,



Chief Justice

Dated: March 23, 2021