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Via Email to Comments Mailbox@njcourts.gov

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments on Proposal for Virtual Civil Jury Trials
Hughes Justice Complex; P.O. Box 037
Trenton, New Jersey 08625-0037

Re: Comments on Proposal for Virtual Civil Jury Trials

Dear Judge Grant:

The foundation of our civil justice system is the trial by Jury. I had the good fortune of prevailing in a case before the Supreme Court which was decided ostensibly on the importance and value of this solemn constitutional right. Our forefathers never contemplated an age when communication would serve as a replacement to in-person Court proceedings. But I bet if they had, they would have condemned it.

There is an interaction that occurs when presenting a case before a jury. It is sometimes a negative interaction - but at least live we have the opportunity to perceive it. We have not been trained to present cases through a camera. I would argue no man or woman is capable of such a feat at the same level as they have in person. We should not force the hand in favor of statistics or backlog. The cases can wait. And backlog can be addressed once we get past this virus. There are many other matters that can be handled remotely without prejudice to any party. Intensive settlement conferences, case management motions in limine just to name a few.

I believe there has been much value with mediations. In the early days of the Burlington County early appearance calendar settlement was discussed with the managing jurist – oftentimes with success. We presently have an opportunity to increase case resolution by way of early disposition. The smaller cases are ripe for resolution much earlier than the 180 days afforded for discovery. Hold the conferences like they once did in Burlington.

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While it is grossly unfortunate, we cannot as a profession try to place square pegs into round holes. Remote Jury trials are in my opinion a very bad idea. These cases are of utmost importance to our clients. If we are going to have to explain to our clients that a Jury simply did not feel their genuineness and passion because they were separated by a camera lens, it would be a very sad day.

Thank you for your time and consideration.

Respectfully Submitted,

/s/ Daniel F. Sahin
DANIEL F. SAHIN

DFS/lms