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**SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION**

**HANY A. MAWLA  
JUDGE**



**216 HADDON AVENUE  
WESTMONT, NEW JERSEY 08108  
(856) 854-3493**

December 16, 2020

Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts  
Attention: Comments on Proposal for Virtual Civil Jury Trials  
Hughes Justice Complex  
P.O. Box 037  
Trenton, NJ 08625-0037  
Via email [Comments.Mailbox@njcourts.gov](mailto:Comments.Mailbox@njcourts.gov)

Re: Comments on Proposal for Virtual Civil Jury Trials

Dear Judge Grant:

The Supreme Court Committee on Diversity, Inclusion, and Community Engagement Executive Board (SCC-DI&CE) in its advisory role to the Court writes in support of the proposal of the Judiciary's Post-Pandemic Planning Committee on Resuming Jury Trials.

The proposal reflects careful consideration of the procedural requirements unique to civil jury trial management, the continuing public health concerns caused by the COVID-19 pandemic, and the need to facilitate access and fairness in the civil docket. We believe the proposal takes a well-reasoned and balanced approach to assuring the cases that do not resolve receive a trial and fair hearing while also fostering settlements wherever possible. The proposal also facilitates access to the courts while also protecting public health.

While there may be divergent views among lawyers regarding whether to make virtual civil jury trials optional or mandatory, we believe the proposal embodies the better and more just practice of requiring matters to proceed virtually subject to consultation between the court, counsel, and the parties on a case by case basis.

We wish to highlight the features of each recommendation that correlate to the principles of procedural fairness and access to the courts we previously discussed. They are as follows:

- Recommendation 1 will do much to curb the backlog while preserving appropriate circumstance-specific case management decision-making. Recommendations 1(a), (b), and (c) provide appropriate discretion to ensure fairness in individual cases that might not adapt well to the virtual environment initially.
- Recommendation 2 seeks to standardize the jury selection process while balancing procedural needs and public health concerns without jeopardizing either.
- Recommendation 3 is consistent with the Judiciary's provision of access to technology and devices to virtual grand jurors who needed it to fulfill their jury service obligation.
- Recommendation 4 provides for consistency in advance planning, which stands to advance efficient and effective trial management.
- Recommendation 5 offers a roadmap for timely implementation of the protocols upon approval of the Court, thus facilitating access to civil justice through the New Jersey Courts.
- Recommendation 6 proposes an enhanced jury charge similar to what was instituted for virtual grand juries.
- Recommendation 7, in calling for a pilot and then expansion, sets forth a path to timely statewide implementation without delaying complete statewide enactment of the protocols.

In summary, viewed through the prism of the SCC-DI&CE charge, the proposal continues to advance the Court's mission of facilitating access to the courts during a difficult time and fairness by ensuring the quality of the justice administered. We thank the Court for the opportunity to submit this commentary.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized loop at the top and a horizontal line below it.

Hany A. Mawla, J.A.D., Chair  
Supreme Court Committee on Diversity, Inclusion, and Community Engagement

cc: Steven D. Bonville, Chief of Staff  
Yolande P. Marlow, Ph.D., Diversity, Inclusion, and Community  
Engagement Program Director  
Lisa R. Burke, Diversity, Inclusion, and Community Engagement Program  
Coordinator