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#082

August 5, 2021



Via First Class Mail &

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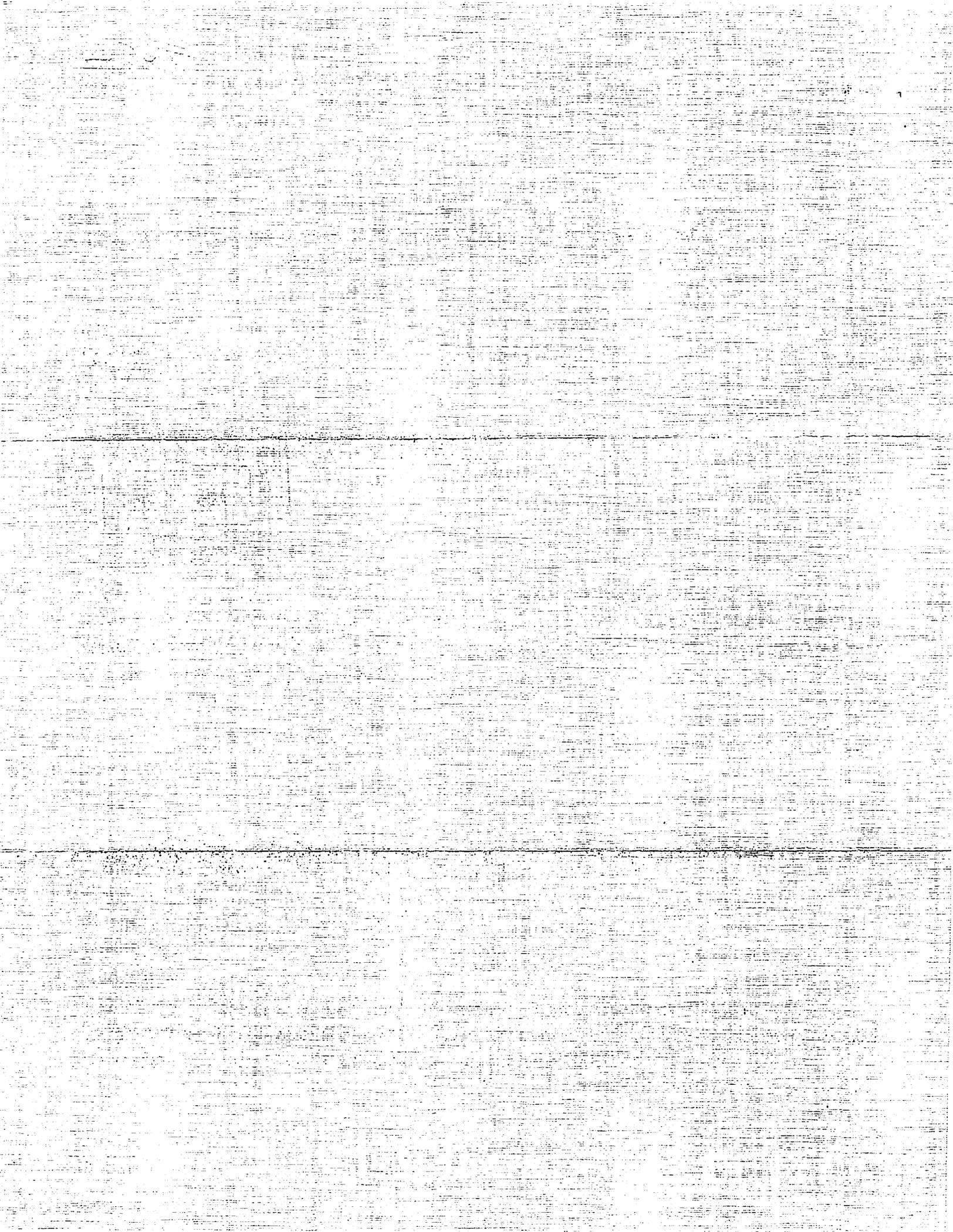
Honorable Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments on the Future of Court Operations
Hughes Justice Complex
P.O. Box 037
Trenton, New Jersey 08625-0037

RE: COVID-19 - Next Phase of Court Operations

Dear Judge Grant:

I am a past President of the New Jersey Chapter of the American Academy of Matrimonial Lawyers and a certified matrimonial attorney. With regard to the next phase of court operations, I would like to echo my thoughts, as well as those of many of my peers.

Similar to the New Jersey State Bar Association recommendations, I agree that the use of virtual appearances was long overdue and is, perhaps, one of the few things positive about the COVID-19 pandemic. I have a busy trial calendar and almost daily have virtual case management conferences, domestic violence trials, motions, mediations, Early Settlement Panels, hearings, intensive settlement conferences and trials. I recommend that with regard to all Family trial



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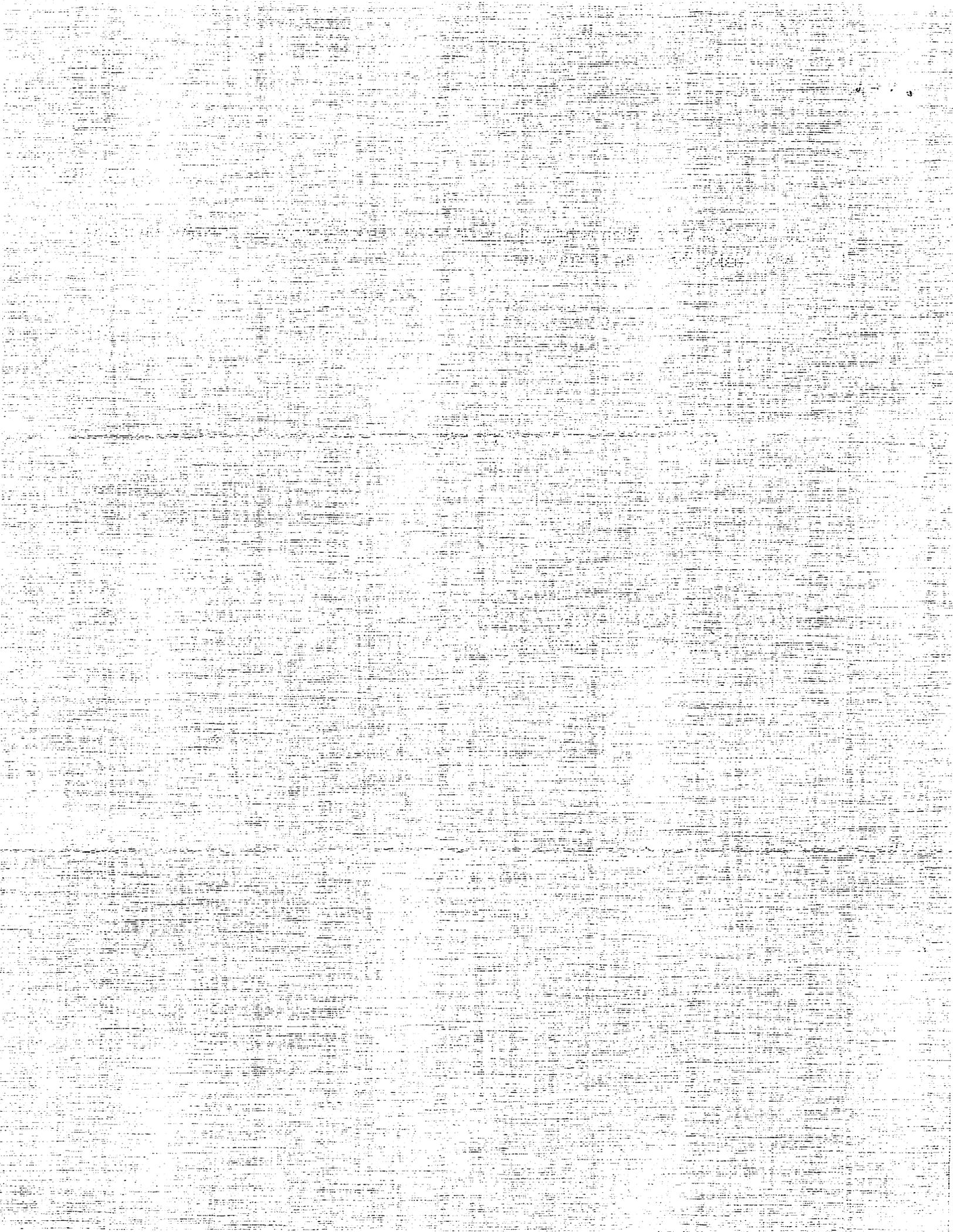
matters, the non-complex cases all be virtual. With regard to complex cases I recommend that, with the consent of both parties, the complex cases be conducted virtual.

What many who have not experienced virtual trials don't know is that, in my opinion, it is far better than the actual courtroom experience. Because those trials are not jury trials and difficult to conduct virtually, bench trials lend themselves well to the virtual format, especially via Zoom. When in the courtroom, the judge, witness, litigants, and counsel cannot always have a clear picture of the person who is speaking, whether it be the court, witness, or attorney. Via Zoom, the person speaking's video feed comes up "front and center" on the Zoom screen and everyone can hear perfectly and see, in great detail, the speaker's inflection and mannerisms. Too often, in the courtroom, the attorney sitting at counsel table can only see the back of a witness's head or the side and the same is sometimes true from the judge's perspective. This is avoided in virtual trials.

From an attorney's perspective, evidence is much more orderly, visible, and demonstrative. With a simple click on "sharescreen", a piece of evidence can be placed "front and center" before the judge, opposing counsel, and the witnesses simultaneously. The computer cursor can point to a line on the evidence and the evidence can be highlighted or circled, as the case may require. And, of course, everything can be recorded so that there is a better record of a trial when every speaker's face is seen close up, their voices heard clearly, the evidence is simultaneously shown as a witness testifies, and a complete record of the entire trial is then available. This is far better than the courtroom experience.

There are some issues on virtual trials which are being addressed by most skilled trial attorneys and skilled trial judges. Those issues may include the coaching of a witness, the witness viewing other documents or internet during testimony and similar issues. Those issues have been generally overcome and, perhaps, should be made part of a future rule on virtual trials.

The virtual format will diminish the need for the use and expense of courtrooms, staffing, Sheriff's officers, and security. Lastly, the virtual format is a tremendous benefit to litigants who otherwise pay their attorneys travel time to and from the courthouse and must take more time off from work for travel and time spent at the courthouse. There is little "waiting time" virtually as opposed to the courtroom experience. Virtual hearings seem to be well scheduled and avoids waiting at the courthouse.



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I hope that this information is helpful in your determination concerning the next phase of court operations using the Zoom technology.

Respectfully submitted,

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MG/apc

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