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August 13, 2021

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### **Via E-Mail Only**

Glenn A. Grant, J.A.D.  
 Acting Administrative Director of the Courts  
 Hughes Justice Complex  
 P.O. Box 037  
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### **RE: New Jersey State Bar Association Pandemic Task Force Practice of Law Subcommittee Final Report**

Dear Judge Grant:

The Somerset County Bar Association Board of Trustees has reviewed the New Jersey State Bar Association Pandemic Task Force Practice of Law Subcommittee Final Report concerning post-pandemic recommendations for virtual proceedings. The SCBA appreciates the significant amount of work the NJSBA Task Force put into the Report, and thanks them for their efforts. I write today to offer the SCBA's support of the Final Report.

The Final Report, which we understand has been vetted and endorsed by the NJSBA Board of Trustees, sets forth recommendations for the hybrid practice of law following the COVID-19 pandemic. The Report further recognizes that adaptability of the practice over the past eighteen (18) months, and the efficiency some virtual proceedings have provided to the profession. The Report, however, acknowledges the pitfalls to other virtual proceedings, and the balance needed between in-person and virtual proceedings. Thus, the Report provides a pragmatic proposal for how the profession can move forward in the post-COVID world by being open to new technologies and methods while still retaining the benefits associated with traditional practice.

Accordingly, the SCBA endorses the NJSBA Pandemic Task Force Practice of Law Subcommittee Final Report, and respectfully requests that the Judiciary consider the implementation of the proposed recommendations for the benefit of litigants, attorneys, and the Courts. I thank you for your attention to this matter.

Respectfully submitted,

*Victoria D. Britton*

Victoria D. Britton, Esq.  
President

cc: New Jersey State Bar Association  
Amy Shimalla, Somerset County Liaison - NJSBA Family Law Exec. Cmte.  
SCBA Board of Trustees

**NJSBA**

# **PANDEMIC TASK FORCE**

## **Practice of Law Subcommittee Final Report**



**NJSBA: HERE FOR**

# **YOU**





On May 26, 2020, New Jersey State Bar Association President Kim Yonta created the NJSBA Pandemic Task Force to address the impact of COVID-19 on the practice of law and determine what steps the NJSBA could take to proactively respond. The chairs of the Practice of Law Subcommittee accepted the task of analyzing the effects of the COVID-19 pandemic on various areas of practice in the State of New Jersey.

On March 27, 2020, following on the heels of a state of emergency declared by Gov. Phil Murphy, Chief Justice Stuart Rabner issued the First Omnibus Order addressing the COVID-19 public health emergency and the Court's commitment to remaining available while also managing suspended appearances and extended deadlines, and implementing work-from-home guidelines for court staff and personnel. This was a significant step in light of the unpredictability of the ongoing public health crisis, and was the first of many omnibus orders that would assist in the planning and precautions necessary to reopen the courthouses.

Since then, the Court has issued 10 additional omnibus orders as public health conditions change, and accommodations are made to ensure that court proceedings can continue, either virtually or in person, in a manner that protects the health and safety of judges, court personnel, staff, lawyers, litigants and members of the public.

After completing a limited number of in-person jury trials throughout the state in September and October, on Nov. 18, 2020, the Court issued a Notice to the Bar calling for courts at all levels to continue to follow a "remote first" approach to court proceedings and court events. The Court said, "matters that can be conducted remotely will continue to be done remotely, and certain matters that cannot be handled in a remote format will be conducted in person."

Thus, in the criminal courts, grand juries have been meeting virtually since Dec. 1, 2020, although the NJSBA has joined in a constitutional challenge to those virtual proceedings that is currently pending in the Supreme Court.

Criminal pretrial motions and other proceedings continue to be held virtually, while in-person trials are suspended indefinitely. In a recent Notice to the Bar, however, the Court indicated counties should begin to prepare for in-person grand jury proceedings, even if a larger facility outside of the courthouse has to be utilized. The Notice also advised that jurors would be told their service may be virtual, in-person, or a hybrid, after May 17, 2021.

On the civil side, virtual civil jury trials began in select counties in the beginning of February, and are slated to continue statewide beginning April 1, 2021, with jurors being put on notice they may be asked to appear in-person after May 17, 2021.



Understandably, as further developments ebb and flow, so too have the processes and procedures implemented by the Judiciary to accommodate improvements during the health crisis, as well as additional unforeseen and unexpected obstacles.

We attach a listing with links to all of the Court's omnibus orders issued during the pandemic, as well as other orders concerning the operations of the courts. We are mindful of Chief Justice Rabner's statement at the beginning of the pandemic in a March 9, 2020, Notice to the Bar where he said, "[o]ur goal is simple: to enable the New Jersey Courts to continue to serve the public in an appropriate manner during a still developed public health situation."

For practitioners, there has been a significant adjustment in the practice of law since the start of the pandemic, from procedural issues in connection with court filings and appearances, to substantive issues involving the legal questions with which our advice is sought. In preparing this report, our focus was identifying the ways in which the practice of law has changed, and recommendations for how to emerge from the pandemic.

## OVERVIEW OF THE SUBCOMMITTEE'S WORK

Our subcommittee reviewed general issues facing various practice areas of law and how these have been affected by the pandemic, both positively and negatively, noting that some areas have been significantly more affected than others.

Our critical questions hinged on our colleagues' impressions of the practices and guidelines implemented by the Judiciary and by private practices, and whether these proved successful. Specifically, we inquired on the basis of several criteria:

- Which measures our colleagues believed were easily accommodated,
- Whether they were efficient,
- If they should be more permanent fixtures, and
- What steps had individual offices, small and large, taken to remain open for lawyers, staff, and clients, while ensuring a safe and healthy work environment.

We sought discussion as to any reservation others had in returning to the courthouse in the future and suggestions on best practices to advance that goal if it were to become an option. The consensus indicated that the utilization of virtual technology in many areas has not only been efficient, but long overdue in the practice of law. The Honorable Clarkson Fisher, P.J.A.D., opined in *Pathri v. Kakarlamath* that the court system was delayed in reviewing alternatives to in-person proceedings based upon the significant technology that has arisen in the

last ten years (*Pathri v. Kakarlamath*, 462 N.J. Super. 208 (N.J. Super. 2020)).

It was only a few months ago that remote appearances, such as a telephonic appearance, required special permission from the court. Now, a full year into the pandemic, it is quite the opposite, where *in person* events require special permission from the court. What a difference a year makes.

## PRACTICE AREA CONCERNS

A central concern of the committee has been the effect of social distancing not being present in the courthouse and courtrooms, and the lack of jury trials. Sadly, it was noted that some lawyers were not able to overcome the economic setback of the global health crisis, and had to downsize, let go of employees, or close altogether. While some lawyers continued to operate their practices there was no doubt that there had been and will continue to be a significant economic impact for all. Fortunately, at this juncture the practice of law has been able to pivot to the virus and adapted.

Summaries of the specific concerns in each practice are set forth below, as well as in the attached questionnaires. The ways in which the NJSBA has sought to address some of the concerns are also noted.

- The **Civil Trial Bar** Section advised that many medical malpractice cases are seeing a “freeze” in the discovery process, but, fortunately, adjusters are finally available to assist in the litigation process and cases are moving forward. Other cases have been in a holding pattern for the past year with no trials scheduled and no realistic attempts at resolution.
- The **Criminal Law** Section had and continues to have serious concerns about virtual trials. It indicates both defense counsel and prosecutors are not comfortable with virtual trials due to constitutional implications and other significant legal and non-legal concerns. The NJSBA submitted extensive comments and recommendations about conducting in-person trials during the pandemic, but urged that criminal trials be postponed due to the heightened constitutional concerns.
- The **Elder and Disability Law** Section had concerns about the ability to notarize documents remotely, and determining a means for elderly citizens in nursing homes, who are not allowed visitors, to make or adjust end-of-life decisions when they are necessary. At the NJSBA’s urging, P.L. 2020, c. 26 was signed into law on April 14, 2020, allowing for remote notarization during a public health emergency. Additional legislation (A4250/S2508) expanding remote notaries is in development.



- The ***Immigration Law*** Section indicated that immigration courts have been open since late June of 2020 but attorneys are allowed to appear telephonically. After litigation in September, the Immigration Court in New Jersey now allows appearance for Final Merits hearings by video, which was not allowed before a court order was issued in late October. Courts reduced their schedules, with only two judges in the court on a given day, reducing the movement of cases.

In addition, EOIR (Immigration Courts) nationwide are moving to issuing Administrative Orders sent to attorneys of record requiring filing applications without the benefit of a hearing by a 45-day set deadline. Failing to file will result in the automatic entry of a Deportation Order. This will likely be challenged in federal litigation as it presents serious due process concerns. It is unclear how unrepresented individuals will be treated under this measure. There are many issues with this mandate, especially in situations where it would be appropriate to challenge the charges of removability instead of filing for relief (which requires admitting removability) or for cases where an adjournment would be more appropriate, such as in Special Immigrant Juvenile cases.

The courts continue to be unsafe to enter in person due to inadequate screening and sanitizing protocols. Incidents of COVID at the Elizabeth Detention Court have been reported, with the court closing for only one day for cleaning and then resuming hearings. While there are issues with appearance in person, phone or video appearances are sometimes not as effective, depending upon the case.

In addition, USCIS, which continues to conduct both Green Card and naturalization interviews at its offices in Newark, has not adjusted its interview schedule, despite the reduction in numbers of people allowed to enter the building. At the moment attorneys are allowed to appear by phone for interviews, but there have been numerous reported problems of particular officers not calling the attorney, even when requested, to have them present on the interview.

The NJSBA recently sent a letter raising concerns about safety protocols at the USCIS building in Newark urging that for any in person proceedings, safety protocols recommended by the U.S. Centers for Disease Control and Prevention should be followed, including placing limits on the number of people admitted at a time, making masks and sanitizer available, and implementing social distancing measures.

- The ***Municipal Court*** practitioners have been especially disadvantaged. Not only are municipal courts operating on reduced manpower and scheduling adjustments, the amount of reporting to police has declined significantly since

the start of the pandemic. Attached hereto is the letter from NJSBA Municipal Court Practice Section Chair Michael A. Hoffman expressing the Section's concerns about a new online initiative, Online Municipal Court Resolution. The NJSBA has worked with the Judiciary to address concerns about the system and make improvements to it. Specifically, the Section acknowledges the laudatory goals of the system, but is cautious of constitutional implications raised. The Section has also expressed serious concerns about a seemingly widespread practice of prosecutors contacting defendants directly with plea agreements before they are advised of their rights and sometimes despite the fact they are already represented by counsel. The NJSBA raised his concern to the Judiciary and asked that it be addressed in an appropriate manner to ensure defendants' rights are protected. There are also concerns about a prosecutor having access to information about a defendant's driving record that is not available to the defense. Finally, practitioners noted a need for clear, consistent and uniform guidelines to be provided to municipal courts for reopening that include safety protocols that should be followed, unless variance is needed and sought.

- The ***Real Property, Estate and Trust Law*** Section expressed concerns about liability issues related to COVID-19 not otherwise covered by insurance, and a need for immunity. Section members also expressed concerns about the issuance of smoke alarm certificates and certificates of occupancy when municipalities were not scheduling inspections for safety reasons. In many municipalities, those certificates are required in order to transfer title to property. Concerns were also expressed about the ongoing recording of and searching of county land documents by county clerk offices that remained closed due to the pandemic, as well the availability of municipal tax information, which is needed for the closing of real estate transactions. The NJSBA raised the issues to the Governor's attention, and some were addressed through guidance issued by the Department of Community Affairs and others were addressed on a county or municipal basis. Finally, concerns were expressed that landlord-tenant matters and foreclosures will be heavily in backlog when the courts reopen to hear these matters, and it is anticipated that additional judicial resources will be necessary to address the accumulation of cases that cannot be heard or addressed due to present circumstances. The AOC has expressed in their recent listening meetings with bar associations statewide that with the lifting of the eviction and foreclosure moratorium there will be a crisis in landlord-tenant court.
- The ***Taxation Law*** Section indicated it held four bench bar virtual meetings. At the onset of the pandemic, there were concerns of a lack of uniformity as to virtual trials and each judge conducting hearings differently within the same



county, and across counties. Since the last bench bar virtual meeting, the Court has adopted Microsoft OneDrive as the preferred method for virtual trial exhibits and document share. In addition, the Tax Court Judges are sharing virtual courtrooms for recording purposes using the Zoom software platform.

- The ***Workers Compensation Section*** was concerned with, above all else, uniformity in managing the daily docket and conducting virtual hearings. The NJSBA raised these issues with the Chief Judge of Workers' Compensation and asked for an NJSBA representative to be permitted to participate in a Judge's Task Force that is planning for the reopening of the Workers' Compensation courts. (Letters that were sent to Chief Judge Wojtenko outlining the Section's concerns are attached.) Some concerns raised and recommendations made include:
  - While hearings are being conducted through video and video conferencing, telephonic appearances must remain an option for injured workers who are unable to join by video.
  - Provisions should be made for safe, in-person hearings for contested matters, where the parties do not consent to virtual testimony.
  - The Division should provide a uniform platform, such as MTeams, which Pennsylvania adopted, to conduct conferences and hearings. The NJSBA offered to assist the Division in scheduling an instructional seminar for new technology and procedures.
  - The Division should establish and reinforce procedural rules that promote uniformity and efficiency of process in all vicinages, and that hold all stakeholders accountable for efficient processing of claims.
  - Since the Division now requires all pleadings to be submitted electronically through COURTS on-line, the Division should allow parties to electronically upload routine communications related to adjournments and claim status through it, rather than faxes, emails, phone calls, etc.
  - Judges should assign times for the attorneys to call/video as needed and necessary.
  - The Division should develop uniform procedures for submission and approval of all settlements.
  - The NJSBA offered to work with the Division to re-open courts to the public when it could be done safely, noting that consideration should be given to how to protect all stakeholders, including court reporters who rely on visual observation of witnesses while testifying.

## **LOOKING AHEAD—POST-PANDEMIC RECOMMENDATIONS FOR VIRTUAL PROCEEDINGS**

Many practitioners feel that the ability to conduct case management conferences, hearings and proceedings on virtual conference platforms has been a positive outcome and anticipate that these methods may continue as permanent alternatives.

Many practitioners have indicated that they are conducting consultations and meetings with clients via Zoom or other virtual platforms and this has been efficient and successful. Interestingly, the pandemic has encouraged many to become more technologically savvy in order to stay connected with the courts, colleagues and clients.

At the beginning of the pandemic, many law firms began operating fully remote or relied upon skeleton crews and modified schedules to accommodate the circumstances. As the pandemic extended, some have begun making attempts to resume ordinary business hours with a full staff, taking all precautions for the health and safety of employees.

Notably, practitioners and personnel with children have faced difficult challenges with children at home, as day care services are widely unavailable, and many schools have instituted virtual learning. Apprehension from stay-at-home orders and being out of routines for many months has been difficult for so many.

Going forward, we would hope to take what we have learned from the global health crisis and create new routines and practices that are lasting, useful and efficient. Video and audio conferencing of routine and administrative functions should continue, to the extent permitted and constitutionally appropriate. It is a benefit to the court, practitioners and, most importantly, the litigants in reducing counsel fees and expenses, and has proved to be a streamlined process. Scheduling virtual events has become a more routine practice, the ability to use rooms in a virtual setting has facilitated mediations and other out-of-court dispute resolution methods, and both time, costs and stress are mitigated without the need to wait in courtroom hallways or commute from one event to the next.

Based on information received from NJSBA substantive practice sections, we make the following recommendations as to which matters should proceed on virtual platforms indefinitely. Those recommendations have been allocated by practice area:



**Civil:** Consideration should be given to continuing many of the pretrial proceedings virtually and with the consent of the parties, such as:

- motions;
- case management conferences;
- depositions of experts;
- litigant depositions for litigants who are medically compromised, have travel issues or otherwise have extenuating circumstances that prevent an in-person appearance; and
- inspection of medical records or other documents.

While settlement conferences would likely benefit from in-person meetings, a hybrid proceeding to accommodate insurance adjusters unable to attend in person should be considered.

**Criminal:** Certain pretrial proceedings can continue to be conducted virtually with the consent of the parties, such as initial appearances and arraignments, as well as pretrial detention hearings.

It is critical, however, that proceedings which implicate constitutionally guaranteed rights, such as testimonial motions and jury trials, only proceed in person, so that defendants are provided an opportunity to confront the state's evidence against them and the jury's fact-finding function is not infringed.

#### **Family:**

##### **FM—Matrimonial Practice:**

- Case Management Conferences and other conferences with the court have been very successful and should remain remote. This allows clients to avoid missing time from work and mitigates counsel fees and costs in travelling to and appearing in court.
- Early Settlement Panels are successfully conducted via video conferencing and should remain as such. They are efficient, work well and save clients time and money. Panelists are able to stagger the panels scheduled for the day, receive submissions electronically and coordinate several virtual rooms for clients and attorneys.

- Oral argument of motions using video conferencing platforms has been implemented with ease and should remain remote. The lack of travel has reduced time spent between appearances, which has rendered less adjournments, scheduling conflicts and postponements trying to accommodate several appearances, in several counties, in one day.
- Electronic filing and the court's acceptance of electronic signatures has proved convenient. It is recommended that all security precautions be taken by the administrators of electronic filing systems, such as the Judiciary Electronic Document System (JEDS), as there are continued concerns for the breach of confidential information through such a system.
- Divorce "on the papers" through the use of statewide forms should be the norm and not the exception.

It is also important to highlight certain adjustments in the practice of family law that have not been as successful, as follows:

- It has been difficult to conduct trials remotely. While remote trials have been a welcome resource under the current safety restrictions, it certainly is easier to try a case in person, particularly in complex cases with extensive exhibits and numerous witnesses. Once it is safe to do, a return to in-person trials in the family courts is recommended for more complex matters, but on less complex matters, and with consent of the parties, virtual hearings should be permitted.
- Domestic violence matters are handled differently under the present circumstances, whereby some courts are requiring that evidence be provided prior to the trial. This hampers the effectiveness of cross-examination.
- Intensive or lengthy settlement conferences requiring the judge to remain present during the entire conference have been less successful when conducted remotely, as sometimes settlement becomes more of a reality when a judge is nearby or readily available to encourage the parties to settle. If the judge steps in and out of the process infrequently, it is difficult to build momentum and settle.
- Timing of appearances can be managed more successfully. There are instances where parties are either waiting for others on video platforms, or there have been miscommunications regarding access links for appearances that have caused disruption or delays. Understandably, video technology is new for many of us, and implementing a flawless system to accommodate the state of this crisis will be subject to a learning curve. In addition, all appearances should be staggered.



## **Adoptions:**

- Adult adoptions should continue via virtual platforms. For individuals or adoptees who no longer reside in New Jersey scheduling in-person appearances can be difficult and expenses.
- Agency adoptions where the child has been in placement for more than six months and both birth parents' rights have been terminated by surrender or subsequent to a preliminary hearing, are more streamlined adoptions. However, it is understandable that many families may wish to experience the adoption in person. As such, we recommend that litigants be given the option to appear in court on the date of adoption, or conduct such an appearance via video conference.
- Case management in contested adoptions can be conducted via video conference to reduce the cost and expense in travel, as adoptions tend to bear a heavy cost even without the prospect of legal fees. Moreover, for contesting birth parents who reside out of state, it would be most efficient to allow these individuals to appear via video conference, as the prospect of travel may be impractical and cumbersome as we navigate the pandemic and subsequent impact on travel.

## **FD:**

- Custody/Special Immigrant Juvenile Status (SIJS) appearances should be done virtually so they can be scheduled promptly and handled expeditiously in the interest of all parties involved. Some of these cases are languishing in a few counties and require the courts to get these on track toward resolution. Also, the availability of interpreters by telephone has been easier than obtaining an interpreter in court, and allows access to a greater breadth of languages.
- Emergent Temporary Custody Applications should continue to be heard via video conferencing. The courts have been diligent and quick in processing emergent applications, and attorneys have had an easier time remaining on standby for an appearance while working remotely.

**Landlord Tenant (LT):** Once the current eviction moratorium is lifted and cases are able to be heard and tried, it will be important to evaluate the effectiveness of the virtual settlement hearings that are currently being conducted as a potential future means of resolving some disputes without the need for a court appearance. In a recent series of listening sessions held by Acting Administrative Director of the Courts Judge Glenn Grant indicated that assistance from attorneys is and will continue to support improvements in these matters.

The Judiciary has implemented a number of measures to encourage attorney assistance in resolving landlord/tenant matters. Attorneys can earn Continuing Legal Education (CLE) by training to serve as LT settlors. Training and resources also will be provided to members of the bar who take on pro bono representation of eligible parties in LT matters. Attorneys who provide 25 hours of legal representation to those clients will be entitled to an exemption from their *Madden* requirements for the following year. The NJSBA has pledged its ongoing support of these measures and is committed to sharing with its members these and other opportunities to provide critical legal assistance. We encourage our members to assist in this vital program if they can.

**Municipal Court:** A special *ad hoc* Municipal Court Reopening Committee was formed by the NJSBA to make specific recommendations about future municipal court operations. That Committee's report was adopted by the Board of Trustees and is attached. The recommendations include:

- Appearances by video or audio should be encouraged for all procedural matters such as arraignment, trial scheduling conferences, pre-trial conferences or dispositions on all matters that are *not* matters of consequence. For all matters of consequence, consent to proceed virtually should be obtained by the defendant and the state; otherwise, they should be permitted to be heard in person. Priority for in-person court hearings should be given to motions to suppress and DWI trials.
- Options for virtual appearances by defendants should be encouraged going forward under appropriate circumstances. We agree with the AOC proposal of remote first as the best option to resolve uncontested proceedings.
- Plea by mail and online dispute resolution programs should be utilized when appropriate, but prosecutors and/or court staff should be required to refrain from communicating with defendants unless and until they have been arraigned and waived their rights to counsel. Until there is a waiver of counsel, communication should be limited to advising defendants of court dates.
- A centralized repository of municipal court information should be established by the Attorney General or the AOC to facilitate appropriate contact absent in-person appearances that would include:
  - Contact information for court (address, phone, fax, e-mail),
  - Name of judge,
  - Name of court administrator and preferred method for communication,



- Name of prosecutor and preferred method for communication,
- Preferred manner to enter appearance by defense counsel, and
- Preferred method by prosecutor to request discovery.

**Taxation:** Remote/virtual courtrooms should proceed for status conferences.

**Real Estate, Trust and Estate:** Remote notarization should be permitted on a permanent basis going forward. The NJSBA is working with legislators on appropriate statutory changes that will allow for this under appropriate circumstances.

**Immigration:** The Immigration Courts should implement the ability to conduct hearings via video conference on a large scale. In addition, pleadings and other preliminary documents should be permitted to be filed remotely in advance, eliminating the need for many calendar call hearings and saving attorneys and litigants time, effort and money.

**Workers Compensation:** Workers' Compensation practitioners and judges should work together as part of the Chief Judge's Task Force to determine how to best utilize technology to ensure uniform and efficient handling of matters in the most convenient way for litigants in the future. Consideration should also be given to whether the current number of Workers' Compensation judges is sufficient to efficiently handle the case load in the Division, even with the implementation of technological improvements.

## CONCLUSION

In conclusion, the implementation of remote proceedings is a welcome change. In several practice areas, there is a hope that in-person proceedings at the courthouse do not resume for certain types of matters and that remote hearings remain the status quo. Virtual appearances have had a significant impact in our lives and the manner in which we practice. Most notably the following are clear positives for virtual court appearances in the appropriate circumstances:

- Less expense for litigants in reduced lost work time and for payment of lawyers' travel time.
- The elimination of not only the commute to the courthouse, but also the stress of the hurry-up-and-wait experience upon arrival.

- The ability to practice virtually has opened up the scope of practice geographically for many attorneys. Instead of lawyers handling cases near or convenient to their office, there are no geographic limitations or restrictions with cases being held remotely.
- The use of staggered court schedules for all appearances.
- Increased efficiency for attorneys by not having to leave their office for court appearances.
- Better life/family/work balance with ability to appear remotely.

These are all marked improvements to the practice.

Furthermore, as many of us continue to work on a skeleton crew from our office or remotely from home, being able to conduct bar commitments, meetings and seminars from home have added hours back to our weeks and months. Being home every night at a reasonable hour for dinner and sharing extra time with family have been unexpected bonuses of the pandemic. The lack of stress from the daily grind and hustle from county to county are a positive improvement to our practice.

The central question we should ask when this pandemic subsides is what appearances are worth resuming in-person? If they can be done remotely without the stress of the commute, the rushing around and the angst to find parking, it may be in our best interest to make remote and virtual options a more routine practice.

As Judge Fisher pointed out in *Pathri v. Kakarlamath* the review of the use of current technology by the courts is long overdue. This horrific pandemic has forcibly shown us the many uses of virtual technology that the courts should continue to use going forward. In doing so, we hope to make a demanding profession and difficult job, slightly easier for the court, the lawyers and the citizens that we serve.



**PREPARED BY THE  
PRACTICE OF LAW SUBCOMMITTEE  
OF THE NJSBA PANDEMIC TASK FORCE**

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Alexander Fineberg, Real Property, Trust and Estate Law Section

Mark H. Friedman, Elder and Disability Law Section

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Ian D. Meklinsky, Labor and Employment Law Section

Joseph Paravecchia, Criminal Law Section

Alan J. Pollack, Immigration Law Section

Glenn Prives, Health Law Section

Mark S. Setaro, Workers' Compensation Section

Anthony Sodono III, Bankruptcy Law Section

Stephen R Urbinato, Business Law Section

## ATTACHMENTS

- A. Listing of and links to Court Omnibus Orders and other COVID-related Notices and Orders
- B. Completed questionnaires/letters submitted to the Practice of Law Committee identifying practice area concerns
- C. Letters from the NJSBA in connection with the operation of the workers' compensation courts
- D. Recommendations from the NJSBA *ad hoc* Municipal Court Reopening Committee



## **ATTACHMENT A**

### **COURT COVID-19 ORDERS**

#### **Omnibus Orders:**

Eleventh Omnibus Order—3.23.2021

Tenth Omnibus Order—2.17.2021

Ninth Omnibus Order—10.8.2020

Eighth Omnibus Order—9.17.2020

Seventh Omnibus Order—7.24.2020

Sixth Omnibus Order—7.10.2020

Fifth Omnibus Order—6.25.2020

Fourth Omnibus Order—6.11.2020

Third Omnibus Order—5.28.2020

Second Omnibus Order—4.28.2020

Omnibus Order—3.27.2020

#### **Other Orders:**

Potential In-Person Jury Service—3.4.2021

Health and Safety Precautions in State Court Facilities—2.23.2021

Health and Safety Protocols for Municipal Court—2.23.2021

When Matters Can Proceed Remotely—2.23.2021

Protocol For Matters That Cannot Proceed Remotely Without Consent—2.23.2021

Virtual Civil Jury Trial Amendments—2.1.2021

Virtual Civil Jury Trials During COVID—1.7.2021

Continuation of Remote First Court Operations—11.17.2020

Suspension of New In-Person Jury Trials and Grand Jury Proceedings—11.16.2020

Update on Court Operations—9.22.2020

Additional Mask Guidance—9.22.2020

Virtual Grand Jury Program—Revised Oath and Charge—9.20.2020

Information on First New Jury Trials—9.17.2020

Update on Jury Trials—9.11.2020

Protocol for Sidebars & Atty/Client Communications—9.11.2020

Update on Court Operations—8.12.2020

Policy on Exposure Risks in Judiciary Facilities—8.3.2020

Landlord/Tenant Matters During Covid—7.28.2020

Updated Report on Resuming Jury Trials—7.22.2020

Expansion of Virtual Grand Jury Pilot Program—6.25.2020

Transition from Phase 1 to Phase 2—6.10.2020

Mask/Social Distancing Policy—6.10.2020

Virtual Grand Jury—Consent Not Required—6.8.2020

Principles & Protocols for Virtual Operations—4.27.2020

Court Operations Update—3.15.2020

Status of Court Operations—3.12.2020

Continuation of Normal Court Operations—3.9.2020



**ATTACHMENT B**  
**PRACTICE AREA QUESTIONNAIRES**  
**TAX SECTION CHAIR MICHAEL BENAK**  
**QUESTIONNAIRE**

**TO: NJSBA PANDEMIC SUBCOMMITTEE**

**FROM: TIMOTHY MCGOUGHAN AND JERALYN LAWRENCE**

**RE: QUESTIONNAIRE REGARDING THE PRACTICES BEING UTILIZED DURING THE PANDEMIC IN EACH PRACTICE AREA**

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1. How has the current pandemic effected your practice area?
  - a. What stop-gap measures have you been using to continue practicing?  
Remote working firm-wide; interacting with clients more regularly via email and zoom.
  - b. What measures are working?  
More email communication with clients than ever before.
  - c. What measures did not work or are not working?  
None to date.
2. How has the court system in your practice area adjusted to keep it running during the pandemic?
  - a. What has been working as a stop-gap measure?  
Remote/virtual courtrooms for status conferences. Normally courtrooms are filled, and now the Zoom occurs from about 9 a.m. to 11:30 a.m.
  - b. What did not work or has not been working?  
Virtual trials are TBD.
3. What stop-gap measures have Courts used that you think could be implemented permanently in the future?  
Remote/virtual courtrooms for status conferences.
4. What steps have you taken to remain open?  
Responding to client emails 24/7; virtual working.
5. What percentage of staff is working remotely?  
100% of attorneys; 90% of staff. Only essential staff, such as mail room and operations are in the building. June 1<sup>st</sup> was a phase 1 reopening with limited staff returning to work.

6. What plans do you have for having your full staff returning to work on a full time basis?

Phase 2 and 3 are not yet announced, and it is unclear whether staff or attorneys will HAVE TO return to building.

7. What reservations do you have about returning to the courthouse in the future?

Only need would be to present evidence or cross examine a witness; otherwise, everything can be done via virtual courtroom.

Once the Courts do open up, there is sensitivity about passing around documents, shaking hands, touching doorknobs, non-ventilated bathrooms, etc.

8. What safety measures would you like to see implemented in the court once we can go back on site?

Extra sanitation.

9. Any suggestions, thoughts or comments on what should be/could be done to help you continue practicing law?

TBD.



Civil Trial Bar Section  
**QUESTIONNAIRE**

**TO: NJSBA PANDEMIC SUBCOMMITTEE**

**FROM: TIMOTHY MCGOUGHIRAN AND JERALYN LAWRENCE**

**RE: QUESTIONNAIRE REGARDING THE PRACTICES BEING UTILIZED DURING THE PANDEMIC IN EACH PRACTICE AREA**

---

1. How has the current pandemic effected your practice area? In Medical Malpractice, discovery has frozen. The hospitals are not responding to discovery and witnesscs are not being produced. On the flipside, defense attorneys and adjusters are finally available to discuss and review cases and many have settled.
  - a. What stop-gap measures have you been using to continue practicing? Updating and perfecting the present files. Reconnecting with current and former clients. Educating staff and members of team on technology available to increase productivity in the future. Have limited staff to scan mail, collect deliveries, and handle limited front desk duties
  - b. What measures are working? Team is stronger on technological communication and file development. Clients were pleased to hear from us. Department meetings via Teams.
  - c. What measures did not work or are not working? Employees with children have difficult time teaching and working. Stress is high for many when secluded with family without practice area in-person meetings.
2. How has the court system in your practice area adjusted to keep it running during the pandemic? Motions, case management conferences, and miscellaneous hearings are completed over phone or via video conferencing. Courts have offered more opportunities for settlement discussions.
  - a. What has been working as a stop-gap measure? All of the above
  - b. What did not work or has not been working? Settlement conferences have not been as successful as non-judicial online mediations.

3. What stop-gap measures have Courts used that you think could be implemented permanently in the future? All of the above.
4. What steps have you taken to remain open? Hard work from all members of the team. Lowered equity partner salaries. Limited in-person meetings and precluded most access to the office. Purchased new laptops for those without reliable home computers. Purchased second screens for home workers. Upgrades server and internet connections.
5. What percentage of staff is working remotely? All attorneys and limited paralegals.
6. What plans do you have for having your full staff returning to work on a full time basis? All those that can work from home will remain doing so. As for the remaining staff, they will be on an on-off weekly schedule to limit the number of people in the building. We moved all staff desks to be over 6-feet apart. A few were relocated into empty attorney offices. Masks and gloves are available at the front desk. Encourage employees to remain home if they are showing any symptoms.
7. What reservations do you have about returning to the courthouse in the future? I anticipate the majority of arguments and conferences to remain virtual for the remainder of the year, at least. My concern is that jurors will not come to the courthouse and, therefore, we will not be able to hold any medical malpractice or complex litigation trials. My concern is that we allow too many people into the courthouse too quickly.
8. What safety measures would you like to see implemented in the court once we can go back on site? Limit the amount of people in the courtroom at a time. Remove pretend trial calls. Have the court set actual times for motion argument. Keep as many hearings virtual as possible.
9. Any suggestions, thoughts or comments on what should be/could be done to help you continue practicing law? Unfortunately, the field of medical negligence does not provide many opportunities for moving cases in the present situation. The best option is to continue to promote virtual depositions, virtual conferences, and provide frequent and liberal discovery extensions.



Immigration Law Section  
**QUESTIONNAIRE**

**TO: NJSBA PANDEMIC SUBCOMMITTEE**

**FROM: TIMOTHY MCGOUGHAN AND JERALYN LAWRENCE**

**RE: QUESTIONNAIRE REGARDING THE PRACTICES BEING UTILIZED DURING THE PANDEMIC IN EACH PRACTICE AREA**

---

**1. How has the current pandemic effected your practice area?**

Immigration practice has been dramatically affected. The Immigration Service and the Immigration Courts locally have been shut down since March and are not reopened as of yet. Without appearances, that is already a hit to many small to midsize Immigration firms in the State. Also, the lack of funds and work means that clients are not willing to make payments or start new cases in many instances.

- a. What stop-gap measures have you been using to continue practicing? We have only been consulting with clients or dealing with them thru email, phone and Zoom. Most don't want to Zoom tho.
- b. What measures are working?
- c. What measures did not work or are not working? Some people want to come in person and we are not accommodating them at this time.

**2. How has the court system in your practice area adjusted to keep it running during the pandemic?**

- a. What has been working as a stop-gap measure? The Courts have closed for Immigration except for detained cases, which are only being done telephonically. The rest are scheduled to open on June 29<sup>th</sup> at this time, but it is not safe, and we are hoping this will not happen. They are not going to be able to comply with CDC guidelines at the Federal Building.
- b. What did not work or has not been working? Inability to fee in Motions for a short time, and sometimes they are not able to properly received electronically filings, but they are making accommodations.



3. What stop-gap measures have Courts used that you think could be implemented permanently in the future? The Immigration Courts need to implement ability for video hearings on a large scale and to do pleadings and other preliminary things more remotely and in advance, eliminating the need for many calendar call hearings.
4. What steps have you taken to remain open? See above. We are open but not seeing clients in person. Have provided sanitizer and masks to staff.
5. What percentage of staff is working remotely? Previously we were working remotely, then a combo, now we are all working in office again.
6. What plans do you have for having your full staff returning to work on a full time basis?
7. What reservations do you have about returning to the courthouse in the future? See above.
8. What safety measures would you like to see implemented in the court once we can go back on site? Limits to numbers of people admitted at a time, masks, sanitizer and social distancing per CDC guidelines must be followed.
9. Any suggestions, thoughts or comments on what should be/could be done to help you continue practicing law?



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Michael A. Hoffman, Esq., Founder  
NJ Bar # - 61999-3082

June 12, 2020

New Jersey State Bar Association

Board of Trustees

Attn: President Kim Yonta, Esq.

Executive Committee - Board of Trustees

Pandemic Task Force - Practice of Law Committee Chairs

Re: Emergent Concerns About Online Municipal Court Resolution System

Dear President Yonta, Board of Trustees and Pandemic Task Force,

Please accept this as the Municipal Court Practice Section's emergent request for the Board of Trustees Executive Committee and The Pandemic Task Force to consider immediately addressing the Administrative Office of the Courts' ("AOC") unknown scope and plan for implementation of the new Municipal Court Online Resolution System ("MCORS").

Based on reports of several members of the Municipal Court Practice Section, inclusive of a Presiding Municipal Court Judge, municipal prosecutors and defense attorneys, there is limited knowledge and significant concern about the MCORS. The AOC, apparently, intends to activate this system even without an opportunity for notice or comment, without communication to the public and without any input from attorneys who are the system's most engaged partners. Based on those concerns, the Municipal Court Practice Section formed an emergent committee to discuss the matter, which approved the drafting of this letter. This letter was then approved by emergent action of the Executive Board of the Section.

Conceptually, the idea of expanding existing electronic systems and even the creation of eCourts in the municipal courts has support and is generally considered a favorable development among most of the practitioners we have spoken with. However, the Section had no notice of the roll-out of this comprehensive change, nor any specifics. On information and belief, there are substantial, constitutional and practical concerns raised by potential partners within that system. The effect on the attorneys and litigants of the unilateral adoption of this system won't avoid correction by substantial subsequent action, after identification. Our municipal court system's legitimacy shouldn't



have to shoulder such a potential burden without the input of its' partners, as the entire system must remain consistent to maintain the rule of law as the impartial "face" of justice.

In terms of specific issues, the membership of my section has raised a concern about the effectiveness of notices to the right to counsel. This is significantly important regarding the right to seek counsel regarding potential immigration consequences of direct or negotiated guilty pleas, even if entered by a mouse click. The concern regarding the Defendant's receipt of notice of the right to counsel is magnified by the understood "backbone" of the MCORS system, as being an "expansion" of the current NJMCDirect system. As a practical matter, if a person obtains an attorney, who enters a letter of representation, that person is "locked out" of the NJMCDirect system. Based on that logic, the MCORS would not allow resolution of cases where a defense attorney is involved. This provides a potential incentive to Defendants AGAINST seeking the assistance/representation of a defense attorney, and thereby being fully apprised of the benefits and detriments of any related plea or plea resolution under the system.

From the perspective of prosecutors, whom the Municipal Court Practice Section of the NJSBA proudly represents, their jobs have changed significantly under the pressures of the pandemic. MCORS offers further pressures, as they will be given limited times to respond to MCORS oppositions by Defendants (with potential ethical repercussions if they fail), their interactions may be subject to civil discovery (in litigation involving the municipality or Courts) and because their "work box" is reportedly individual to them, despite cross-assignment, the possibility of obtaining coverage for life-events, vacations, emergencies or conflicts of interest, creates an unpalatable work circumstance for what are, generally, underpaid part-time municipal employees. That raises the questions of consistency from the State of New Jersey's judiciary as a whole, but also in the *Res Judicata* context as well.

While the judiciary may attempt to forcibly drag certain judges and administrators into technological modernity, the concepts of home-rule, coupled with the notice provided with the Phase 2 Order issued yesterday, suggests that municipal court judges retain such broad discretion so as to permit them to accept or reject reasonable plea agreements, regardless of permissibility under judiciary or AG guidelines, and even go so far as to specifically permit them to Order anyone in their Court to remove a protectivefacemask. The necessity to proceed to trials and/or move dockets should never permit a municipal court judge to, unilaterally, deprive anyone of life, liberty or property without due process.

We don't want to be seen as overreacting or raising concerns prematurely. However, the Judiciary did not seek our input, beyond approval



of the concept tangentially through the Supreme Court's Committee on Municipal Court Operations, Fines and, and Fees, through certain of its' recommendations. Further, they provided training on this system to judges, prosecutors and administrators over the past several weeks, without disclosing any of the details to anyone in the Bar's leadership.

As stated, conceptually MCORS is not an improvement we categorically oppose. However, if Constitutional, Due Process and/or Attorney's duties and functions are fundamentally altered, we have a duty, as representatives of our profession, to inquire and seek to improve that concept. Under those circumstances and parameters, we emergently request that the NJSBA, through its' leadership, obtain more information and a reasonable process of engagement with the AOC as a partner in navigating toward a new normal.

Respectfully Submitted,



Michael A. Hoffman, Esq.  
Chair, Municipal Court Practice Section

CC: Kimberly Yonta, Esq - President, NJSBA  
Sharon Balsamo, Esq. - General Council, NJSBA  
Angela Scheck, Esq. - Executive Director, NJSBA  
Hon. Timothy McGoughran, J.M.C - Co-Chair Pandemic Task Force  
Jerralyn Lawrence, Esq. - Co-Chair Pandemic Task Force  
Thomas Prol, Esq. - Coordinator - NJSBA Pandemic Task Force

## ATTACHMENT C

### LETTERS FROM THE NJSBA IN CONNECTION WITH THE OPERATION OF THE WORKERS' COMPENSATION COURTS



#### NEW JERSEY STATE BAR ASSOCIATION

EVELYN PADIN,  
PRESIDENT  
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March 27, 2020

Hon. Robert Asaro-Angelo, Commissioner  
New Jersey Department of Labor and Workforce Development  
1 John Fitch Plaza, P.O. Box 110  
Trenton, New Jersey 08625

Hon. Russell Wojtenko, Jr., Director and Chief Judge  
Division of Workers' Compensation  
New Jersey Department of Labor and Workforce Development  
1 John Fitch Plaza, P.O. Box 381  
Trenton, New Jersey 08625-0381

Dear Commissioner Asaro-Angelo and Director Wojtenko:

On behalf of the New Jersey State Bar Association (NJSBA), I thank you for your leadership under these unprecedented circumstances, and for your remarkable efforts to keep our state's residents strong, safe, healthy and on a positive track to recovery.

New Jersey attorneys are also making extraordinary efforts to continue to meet the legal needs of their clients while complying with the various restrictions in place, particularly those imposed by Executive Order 107 (EO 107). They are working remotely, participating in virtual proceedings and contacting clients through any available means.

As you know, the Division of Workers' Compensation has been shut down since March 17, 2020, with no firm date about when workers' claims will again be addressed. In contrast, the state's superior courts have remained open, operating virtually whenever possible. In an effort to ensure that New Jersey's injured workers continue to receive their statutory benefits in a time of financial stress, just as other litigants' rights continue to be met in the superior courts, the NJSBA requests that you consider instituting the following processes in the Workers' Compensation division. If followed, these processes would comply with EO 107 and promote the efficient resolution of workers' compensation claims without the risk of spreading the COVID-19 virus through personal interaction.

The NJSBA recommends instituting the following procedures for as long as EO 107 remains in place:

- Conduct telephonic hearings via phone or web-cam with judges, wherever they reside.
- Judicial executions of consent orders, so benefits can be voluntarily paid to injured workers upon agreement.
- Use of Courts-on-Line to upload Orders for Judges to execute on-line and circulate without in-person attendance.
- Continue to run lists in the Division.
- Give priority to Motions for Medical and Temporary Disability and Settlements.
- Require lawyers to review lists daily and within three days business days of the list being posted in Courts On Line, adjourn all matters which are not ready to either conference or settle.
- Where the parties agree, allow the acceptance and review of settlements by affidavit, including the attorneys' affidavits related to stipulations of facts, issues and the settlement. Execute orders and distribute them to the parties through Courts-on-Line.
- Where the parties or the court must conference a matter, allow the conference to occur by telephone as the preferred method.
- For those matters that need to be addressed by phone or video, 5 business days prior to the court hearing date, divide each hour into 15-minute segments, assigning the parties one or more segments, depending on the nature of the conference or settlement. This would allow for up to 28 daily segments.
- Where telephonic or video conferencing of a matter is requested, require the parties' attorneys to work together to arrange the video or telephone conference on the day the matter is normally listed at the time assigned by the court.
- Assign a morning segment to settled matters.
- Schedule conferences to take place following settlements.

In addition, in this unique period, the NJSBA, upon recommendation of its Workers' Compensation Section, respectfully requests your attention to and consideration of reinstituting regular quarterly meetings of the Commissioner's Advisory Council on Workers' Compensation. This Advisory Council, consisting of highly skilled professionals from business, government, industry, and law, historically has contributed positive ideas to address complex concerns associated with the best interests of the employees and the employers of the State of New Jersey. Based on this history, we believe the Advisory Council would be beneficial and provide useful recommendations and guidance to both of you, especially during these trying times.



Thank you for your attention to these issues. The NJSBA stands ready to assist you in implementing these recommendations and assisting in any other way to ensure our workers' compensation courts can continue to operate under the circumstances with which we are confronted.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Evelyn Padin". The signature is fluid and cursive, with the first name "Evelyn" being more prominent than the last name "Padin".

Evelyn Padin, Esq.  
President

cc: Kimberly A. Yonta, Esq., NJSBA President-Elect  
Angela C. Scheck, NJSBA Executive Director  
Steven Cohen, Esq., chair, NJSBA Workers' Compensation Section



## NEW JERSEY STATE BAR ASSOCIATION

KIMBERLY A. YONTA, PRESIDENT  
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July 1, 2020

VIA EMAIL & REGULAR MAIL

Hon. Russell Wojtenko, Jr.  
Director and Chief Judge of Compensation  
N.J. Department of Labor & Workforce Development  
Division of Workers' Compensation  
1 John Fitch Plaza, P.O. Box 381  
Trenton, New Jersey 08625-0381

RE: Workers' Compensation Court Operations

Dear Director Wojtenko:

On behalf of the New Jersey State Bar Association (NJSBA), I once again thank you for your leadership in overseeing and planning for the ongoing safe administration and operations of the Workers' Compensation Courts during the current Covid-19 State of Emergency, and for your willingness to consider the views of the NJSBA in that endeavor. As you know, the Executive Committee of our Workers' Compensation Section has been meeting regularly to discuss these issues, and stands ready to assist you in whatever way it can. In particular, the NJSBA, through its Workers' Compensation Section, would welcome the opportunity to have a representative on the Judge's Task Force that is planning for reopening, as well as any other group that may be put in place to not only address this current crisis, but also to keep our workers' compensation court system working in a modern, healthy and safe manner in the future.

In response to your specific request for input from our workers' compensation practitioners, the NJSBA, in conjunction with its Workers' Compensation Section, has developed the following list of recommendations for your consideration as you continue your efforts to keep the courts operating under these unprecedented circumstances:

- While we recognize that everyone is working toward eventual reopening of the courts, the NJSBA recommends that the courts remain closed at this time to in-person hearings, until appropriate precautions are in place to ensure the health and safety of all users except under the most extreme conditions and with the consent of all participants. (As noted, the NJSBA is willing to work with the courts to accomplish this and would welcome the opportunity to participate in the task force examining these issues.)

- The Workers' Compensation Courts should consider following a phased-in approach to re-opening, and work toward ensuring the courts are able to be sanitized and remain sanitary as proscribed by CDC Guidelines and Governor Murphy's orders, for the protection of all visitors.
- The NJSBA encourages the Division to adopt consistent procedures for handling matters across all venues, so there is uniformity and practitioners and litigants will know what to expect from court to court.
- At this time, the NJSBA recommends that digital hearings be continued through video, with telephone call-in as an option for injured workers who are unable to join by video.
- To accomplish this, the Division should provide the platform to conduct telephone or video conferences. The NJSBA volunteers to assist the Division in scheduling a "how to" seminar for new technology and procedures.
- If possible, judges should be provided with laptops to ensure they have the ability to participate in video conferences.
- Workers' compensation practitioners report that splitting lists between morning and afternoon sessions can be problematic; as an alternative, they suggest that the sessions be organized by type of matter, with settled matters being given morning segments and contested motions and trials scheduled for the afternoon.
- Because of the current circumstances and unique issues presented by COVID-19, the NJSBA suggests that requests by attorneys or witnesses to appear remotely should be granted liberally.
- To ensure the effective use of everyone's time, attorneys should be encouraged to review their matters and use best efforts to send adjournment requests at least no later than 3 days prior to the court hearing, or within as reasonable a timeframe as practicable.
- Adjournment requests should be liberally granted when circumstances warrant it unless there is an objection.
- Each law firm should be responsible for providing the court with status markings.
- The standard adjournment form from the Division should be used for adjournment purposes.
- Attorneys should be encouraged to send proposed and executed orders to the court no later than 2 business days prior to the hearing.
- For uniformity and efficiency of process, and for matters that require a hearing or conference, judges should try to assign specific times for the attorneys to call/video.
- Court reporters should be on the call/video. The Division might want to consider whether the court reporting services can schedule contested hearings and settlements.
- Settlements by affidavit should continue with the parties' consent.
- Judges or their staff should be encouraged to promptly post Orders in Courts on Line so the parties can download and process them.



Again, the NJSBA thanks you for your consideration of these recommendations. They are offered with the intent that by working together, we can ensure that the administration of workers' compensation claims can be handled in a safe and effective manner to all concerned parties. The NJSBA, and its Workers' Compensation Section, welcomes any questions that you may have, and will be happy join in any future planning sessions as needed and necessary.

Respectfully submitted,

A handwritten signature in black ink, reading "Kimberly A. Yonta". The signature is fluid and cursive, with the first name "Kimberly" being more prominent and the last name "Yonta" following in a similar style.

Kimberly A. Yonta  
President, New Jersey State Bar Association

cc: Domenick Carmagnola, Esq., NJSBA President Elect  
Angela C. Scheck, NJSBA Executive Director  
Mark S. Setaro, Esq., Chair, NJSBA Workers' Compensation Section

## ATTACHMENT D

### RECOMMENDATIONS OF NJSBA AD HOC MUNICIPAL COURT REOPENING COMMITTEE DEC. 11, 2020

1. Uniform guidelines should be established for the reopening of all municipal courts provided from the Courts. All municipal courts should be required to adhere to the guidelines unless variance is needed and sought.
2. Implement safety protocols for all municipal courts that impact attorneys, members of the public and court staff.
  - in the event that a particular municipal court is unable to adhere to state wide mandated safety protocols, said municipal court to publish on line the modification(s).
3. The AOC maintain a centralized repository of municipal court information that would include:
  - Contact information for court (address, phone, fax, e-mail)
  - Name of Judge
  - Name of Court Administrator and preferred method for communication
  - Name of Prosecutor and preferred method for communication
  - Preferred manner to enter appearance by defense counsel
  - Preferred method by prosecutor to request discovery
4. Prohibit prosecutors and/or court staff to communicate with defendants unless and until they have been arraigned and waived their rights to counsel. Until there is a waiver of counsel, communication should be limited to advising defendants of court dates.
5. All court dates should be set and formally adjourned by either defense counsel or the state.
  - This is necessary to create a “record” for purposes of speedy trial determinations and other legal issues.
6. Priority for in person court hearings should be given to Motions (motion to suppress) and DWI trials.



**Submitted by *ad hoc* Municipal Court Reopening Committee**

Gregory P. DeMichele, Chair

Christian P. Fleming

Michael A. Hoffman

Joseph Hughes

Jason Komninos

Timothy F. McGoughran

Lucia Perpina

Susan G. Roy

Michael Roberts

Mark E. Zabel Jr.