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Via USPS and email: Comments.Mailbox@njcourts.gov

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, NJ 08625-0037

RE: Comments on the Future of Court Operations
For Civil Commitment Hearings

Dear Judge Grant:

This letter shall serve to recommend and support the continuation of remote hearings for civil commitment hearings. I have been a patient advocate handling civil commitment hearings for 29 years. I began in 1992 as Somerset County's Patient Advocate and when New Jersey Department of Public Defenders took over Somerset County's cases, I became Middlesex County's Patient Advocate in 2016 and continue to this day. I am very familiar with the operations of civil commitments, and I see the benefits of remote hearing from various perspectives.

First and foremost, for my clients, the patient's benefit is having family support at hearings. In my years of in-person representation, not many family members attend the hearings due to distance, work, or inability to travel. I have found more family member are able to join by phone or with internet access to attend the hearing. Of course, family's presence is with patient's consent as these hearings are in camera.

For me as an attorney, I find remote hearing advantageous for many reasons. I have traveled throughout the state of New Jersey for commitment hearings and over my 29 years I have been at various institutions including, Trenton Psychiatric Hospital, Greystone Park Psychiatric Hospital, Ancora Psychiatric Hospital, Marlboro Psychiatric Hospital, Hagedorn Psychiatric Hospital, HMH Carrier Clinic, Lyons VA Hospital, Rutgers-UBHC, Barnabas Behavioral Health, Northbrook BH, Newark Beth Israel Medical Center, Jersey Shore University Medical Center, Monmouth Medical Center, Raritan Bay, St

Frances Hospital and Robert Wood Johnson BH. Needless to say, the remote hearings replace long-distance driving to hospitals. I must point out that the counties at time will have one or two cases outside their catch area and the driving time just one way to a facility such as Ancora far south or Newark Beth Israel far north for 1 case would exceed the length of the hearing itself. Time is a precious commodity for attorneys.

Some institutions conduct their commitment hearings on the same days. For me, on Tuesdays I can have hearings at Greystone and Carrier. Pre-remote, I would drive to Greystone for my 1-4 assigned cases (which Greystone graciously accommodated me to be heard first) and then I would rush down Route 287 to Carrier for hearings the remainder of the day. I would have to leave my home at 7:00am to give myself sufficient travel time to arrive for 9:00am. Now, I log on at Greystone and log on at Carrier in the morning and toggle back and forth between the hospitals. This method not only saves me wear-and-tear on my vehicle, but I don't have to deal with the horrendous morning traffic, weather, road closures, and accidents on the roads.

The remote hearings are also time efficient, not only for me, but for all parties. Pre-remote, I would attend the court hearings and due to the placement of my cases on the calendar, I may have to sit there for an extended period waiting for my cases to be reached. During the remote hearing while waiting for my case to be called, I mute myself, disable my video and am able to conduct other business and be productive while in my office.

For the State and Counties, remote hearings are not only time efficient, but a cost saving method. No sheriff officers are needed, and no travel costs are incurred for those staff members that must attend. Remote hearings have made it more convenient for interpreters to attend. Remote hearings have also made it easier for the County Adjusters to attend and monitor the hearings. For the hospitals and staff, it's a matter of preference and it varies as some prefer remote and others in-person. Be it remote or in-person, the hearings occur at their facilities. I am aware there are some colleagues that differ in opinion. For those attorneys that would like to meet with their client prior to the hearing, they may do so if the facility is allowing visitation. The attorneys that prefer to be present at the facility with their client at hearings may do so, while those that prefer remote may continue to do so. For those cases in which facts and circumstances warrant an in-person hearings, having an option to request a full in-person hearing is appropriate.

Remote hearing are just as thorough and effective as in-person hearings. I am able to speak with my clients by phone or via internet, prepare for their hearings and proficiently advocate their position virtually. Civil commitment hearing are not usually

complex cases. Testimony is elicited from the treating psychiatrist and social worker and if needed, the patient and family. There is no jury and the burden of proof is clear and convincing evidence. Sometimes the patients recognize their mental illness and wish to follow their doctor's recommendation and the case is uncontested. Often patients, especially those that have past hospitalizations, are familiar with the court process and ask me to waive their appearance at the hearing. We are in the 21st century and should adapt to the times. At first, I was apprehensive, not being computer savvy, but making the transition was not as bad as I expected. It should be noted that that pre-pandemic, Greystone Park Psychiatric Hospital was planning to conduct hearings online and had a large flatscreen installed in their hearing room. When I observed the installation of the flatscreen and heard about the plans to do hearings online, I was skeptical, but after seeing it in action during covid and not hearing any complaints from my clients since inception for over a year, I fully support the continuation of remote hearings for civil commitment matters after the end of Covid.

During these unprecedented times, safety is of major concern to me, my family, and many individuals. I do not feel comfortable going into the hospitals regardless of vaccination and masks. Entering hospitals and healthcare facilities 2-4 times a week and meeting with patients and staff, where viruses are more prevalent, is not prudent. The vaccination does not fully prevent contracting covid. There is a greater possibility at these settings of carrying airborne particles, droplets and floating aerosols containing the covid viruses or unknowingly touching a contaminate surface. There is a greater risk to me and my family of bringing covid into my home after attending in-person civil commitment hearings. The pandemic has taken a twist with delta variants popping up and guidelines continuing to change. I do not feel safe to attend in person with numbers on the rise. Covid continues to pose risks to us all physically, mentally, and emotionally.

Thank you for this opportunity to provide my comments and I would like to thank the judiciary for all their efforts and dedication in making remote hearing possible for my clients and their families.

Respectfully,



Sharon A. Michalski