

#118

# MIDDLESEX COUNTY BAR•ASSOCIATION



87 Bayard Street, New Brunswick, NJ 08901  
Telephone: (732) 828-3433 | Fax: (732) 828-5862  
Website: [www.mcbalaw.com](http://www.mcbalaw.com) | Email: [admin@mcbalaw.com](mailto:admin@mcbalaw.com)

2021-22 Term

August 16, 2021

## OFFICERS

Edward Testino  
*President*  
John F. Gillick  
*President-Elect*  
Megha R. Thakkar  
*First Vice-President*  
Marc S. Gaffrey  
*Second Vice-President*  
George J. Shamy, Jr.  
*Treasurer*  
Rachel E. Holt  
*Secretary*  
Eugene Wishnic  
*Immediate Past President*

Hon. Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts  
[VIA EMAIL: [Comments.Mailbox@njcourts.gov](mailto:Comments.Mailbox@njcourts.gov)]

## RE: FUTURE OF COURT OPERATIONS – REMOTE AND IN-PERSON PROCEEDINGS – PUBLICATION FOR COMMENT

Dear Judge Grant:

The following comments are being submitted on behalf of the Middlesex County Bar Association (hereinafter “MCBA”) in response to your July 16, 2021, request for comments on the Future of Court Operations Notice to the Bar and Public. The Middlesex County Bar Association Board of Trustees met on August 6, 2021 and held discussions regarding the referenced topic.

The MCBA is generally in support of the Supreme Court’s proposal to continue certain court events in a primarily or presumptively remote format even after the end of the COVID-19 pandemic. The Board of Trustees and Executive Committee of the MCBA have also had an opportunity to review the New Jersey State Bar Association’s Pandemic Task Force Practice of Law Subcommittee Final Report (hereinafter “NJSBA Report”). The MCBA likewise supports the NJSBA Report and the practice area concerns and considerations detailed therein.

The paramount concern of the MCBA with respect to the continuation of certain remote proceedings is finding the appropriate balance between access and the undeniable benefit of conducting certain proceedings in person. For those whose practice involves representation of indigent populations or those with family / work conflicts, virtual proceedings have provided litigants greater access to the judicial system.

The majority of our Board believes and supports holding certain proceedings in person. Although some of these proceedings can logistically be conducted virtually, the consensus is that the process and litigants undoubtedly benefit from in-person interactions with adversaries and judges alike. The proceedings highlighted by our members include mediations, settlement conferences, multi-party oral arguments and case management conferences. To accommodate these competing yet equally as important interests, the MCBA suggest that proceedings that will generally be conducted remotely be permitted to proceed in-person with the consent of all parties and the court. By adopting this method of proceeding, those who are most intimately involved with a particular matter may make decisions that are in the best interest of their respective clients.

Respectfully Submitted,

*Edward Testino*

EDWARD TESTINO  
President

ET/RH/jpc

CC: All New Jersey County Bar Associations  
Angela Scheck, Executive Director, New Jersey State Bar Association

- [www.mcbalaw.com](http://www.mcbalaw.com) -

## TRUSTEES 2022

Christian P. Fleming  
Valerie A. Jackson  
Christine F. Marks  
Elizabeth Rozin-Golinder  
Elliot S. Solop

## TRUSTEES 2023

Brian McFadden-DiNicola  
Lauren A. Miceli  
John P. Paone, III  
Dalya Youssef  
Mark Zabel, Jr.

## TRUSTEES 2024

Kersten Kortbawi  
J. Silvio Mascolo  
Raul E. Menar  
Michael B. Roberts  
Annmarie Simeone

## NJSBA TRUSTEE

Valerie Jackson

## EXECUTIVE DIRECTOR

Jonathan P. Cowles

## ASSISTANT DIRECTOR

Elaine Miller