

**Emery J. Mishky**  
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September 3, 2021

Glenn A. Grant, J.A.D.  
Administrative Office of the Court  
25 Market Street - 8<sup>th</sup> Floor  
Richard Hughes Justice Complex  
P.O. Box 023  
Trenton, New Jersey 08625-0037



Re: Civil Commitment Hearings

Your Honor:

My son, Emery Matthew Mishky, was diagnosed with autism, and autism-related conditions, when he was approximately 2 years old. He is now 26 years old. Emery exhibited behaviors, and actions, which led to his involuntarily commitment for psychiatric hospitalizations, including, but not limited to, Trenton Psychiatric Hospital. Throughout, civil commitment hearings were held to ensure that Emery's involuntary civil commitment was reviewed, and approved, by the Court, by a judicial officer, a judge. At these hearings, not only did Emery appear, and chose to do so, but I appeared, as his court-appointed guardian, as well as doctors, and as the circumstances dictated other experts in a variety of fields. The in-person interaction between the persons representing Emery, and Emery himself, and with myself as the guardian, were an essential, dynamic, and fluid, communication and interaction to properly present and respond to, and address, options, issues, questions from the court, and even changing strategy, and questioning, and presentation of information as the proceeding developed. The civil commitment of an individual, such as Emery, is not a simply planned and presented process leading to an inevitable ruling by the Court. While, regrettably, remote proceedings in the context of civil commitments may have been conducted out of necessity during the COVID-19 pandemic era, these hearings wholly lacked the fundamental interaction and fluidity necessary to properly present the case to a judge.

During the remote hearings, persons representing Emery, and/or, providing information were not even in the same location, which prohibited the essential, dynamic, and fluid, communication and interaction to properly present and respond to, and address, options, issues, questions from the court, and even changing strategy, and questioning, and presentation of information as the proceeding developed.

As soon as is possible, hearings for civil commitments, an essential, and critically important proceeding for those being committed, must, in good conscience, in the interest of justice, in the interest of fairness, in the interest of a full and fair consideration of each case, return to an in-person hearing format as soon as is possible. While there may have been reasons, perhaps even then insufficient, but due to the COVID-19 pandemic special

circumstance that suspended full and fair and constitutionally and statutorily established rights to a hearing, in-person hearings that affect such vital and fundamental personal rights, including personal liberty and medical treatment, cannot be allowed to continue.

Thank you for your consideration of my communication. Please do not hesitate to reach out to me if you have any questions, comments, or if I may be of any further assistance in any way.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'Emery J. Mishky', is written over the typed name. The signature is stylized with a large initial 'E' and a long horizontal stroke.

Emery J. Mishky