NOTICE TO THE BAR

COVID-19 – SUSPENSION OF NEW IN-PERSON JURY TRIALS AND IN-PERSON GRAND JURY SESSIONS; REVISED END-DATES FOR EXCLUDABLE TIME

The Supreme Court has immediately suspended new in-person jury trials and in-person grand jury sessions because of the second wave of the COVID-19 pandemic. The Court's November 16, 2020 Order (attached) is effective immediately and until further order.

Consistent with the Court's October 8, 2020 Ninth Omnibus Order, virtual grand juries have been established in all counties. Existing virtual panels will continue to meet in a virtual format, and in-person panels also may be converted to convene virtually subject to the Judiciary providing technology and training as necessary to support all jurors in participating in virtual sessions. The end-dates for excludable time each have been extended by 45 days beyond the dates set in the October 8, 2020 Ninth Omnibus Order.

The New Jersey Courts will continue to operate in a primarily remote format with limited numbers of judges and court employees on-site and very few court events handled in person.

Questions about this notice may be directed to the Office of the Administrative Director of the Courts at (609) 376-3000.

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: November 16, 2020

SUPREME COURT OF NEW JERSEY

In response to the ongoing COVID-19 public health emergency, the Supreme Court has authorized various adjustments to court operations as set forth in a series of Omnibus Orders, starting with its March 27, 2020 First Omnibus Order and continuing through its October 8, 2020 Ninth Omnibus Order.

Guided by experts in public health, including the Centers for Disease Control and Prevention and the New Jersey Department of Health, the Court throughout the COVID-19 crisis has continued to prioritize the health and safety of court users while supporting court operations to the greatest extent practicable.

In its initial response to the COVID-19 crisis, the Court in March 2020 authorized a swift transition from in-person to remote court operations. When the virus generally was controlled in New Jersey, the Court in June 2020 announced a statewide progression from Phase 1 to Phase 2 of its post-pandemic plan, including the incremental resumption of certain in-person matters. In the past several months, the Court gradually expanded the scope of events and services that could be conducted in person.

Judges at all levels of the courts have now conducted more than 100,000 remote court events involving more than 1.2 million participants. At the same time, limited in-person proceedings, including socially distanced jury trials and in-person grand jury sessions, have enabled progress in areas that had slowed during fully remote operations. Among other steps, the Court in its July 22, 2020 Order

authorized the resumption of jury trials in a hybrid format including primarily virtual jury selection and socially distanced in-person trials. Verdicts have been returned in a number of criminal and civil cases, and the scheduling and conferencing of cases for real trial dates has prompted resolutions in more than 115 criminal cases, involving more than 60 detained defendants, as well as settlements in more than 225 civil cases.

Recognizing the ongoing harms to defendants detained without indictment, the Court by its May 14, 2020 Order authorized a pilot program for virtual grand juries to allow for proceedings when public health requirements prevent or limit in-person gatherings. Virtual grand juries have now been established in all counties, and the Judiciary has provided technology as necessary to enable participation by all qualified jurors.

When COVID-19 cases in New Jersey were relatively small and holding steady, the Court in its October 8, 2020 Ninth Omnibus Order also authorized in-person grand juries to meet, subject to social distancing and other health requirements, in court locations, or in non-court locations as coordinated by the County Prosecutor. In-person grand juries have been re-established in many counties in recent weeks.

Based on the statewide availability of grand juries, the Court's October 8, 2020 Ninth Omnibus Order provided for the conclusion of pre-indictment

excludable time, in phases, starting with those defendants who were detained before the onset of COVID-19.

A second wave of COVID-19 has struck New Jersey and the rest of the nation. The increasing rates of new cases, hospitalizations, and deaths make it impracticable and unsafe for certain in-person court events to continue at the level reached during the past few months. Although it is not necessary at this time to prohibit all on-site presence and in-person events at court locations, in-person jury trials and in-person grand jury sessions will now be suspended based on current COVID-19 trends and health and safety concerns.

Accordingly, it is ORDERED that the following provisions are effective immediately except as otherwise stated herein:

(1) JURY TRIALS

a. Only one socially distanced in-person jury trial is in progress at this time, and it will continue absent a particular reason to suspend or end the trial;

b. Two ongoing jury selections may continue through the virtual phase of selection but shall not proceed to the in-person phase of selection;

c. Selections for new in-person jury trials are suspended pending further order. The Judiciary will inform summoned jurors not to report and to await further information; and

d. The Judiciary and stakeholders will continue to explore the potential for virtual civil jury trials.

(2) GRAND JURIES

a. In-person grand jury sessions are suspended pending further order; and

b. Existing virtual grand jury panels may continue to convene in a virtual format. Grand jury panels that previously met in person can be converted to meet virtually, conditioned on the Judiciary providing technology and training for grand jurors as necessary to support their participation in virtual sessions.

(3) CRIMINAL

a. The provisions of the Court's October 8, 2020 Ninth Omnibus Order are amended to extend periods of excludable time by 45 days as follows:

(i) For those eligible defendants who have not yet been indicted and were committed to the county jail before March 16, 2020, the provisions of the Court's prior orders regarding preindictment excludable time are extended until March 1, 2021;

(ii) For those eligible defendants who have not yet been indicted and were committed to the county

jail on or after March 16, 2020 through May 31, 2020, the provisions of the Court's prior orders regarding preindictment excludable time are extended until March 31, 2021;

(iii) For those eligible defendants who have not yet been indicted and were committed to the county jail on or after June 1, 2020 through October 11, 2020, the provisions of the Court's prior orders regarding excludable are extended until April 28, 2021; and

(iv) For those eligible defendants who have not yet been indicted and are committed to the county jail on or after October 12, 2020, the provisions of the Court's prior orders regarding excludable time are extended until May 14, 2021.

b. In the calculation of the time period for the commencement of trial for an eligible defendant detained in the county jail, the additional period from January 15, 2021 through March 1, 2021, shall be excluded due to exceptional circumstances, pursuant to N.J.S.A. 2A:162-22(b)(1)(f), and on account of good cause for the delay, pursuant to N.J.S.A. 2A:162-22(b)(1)(l), namely the temporary suspension of

criminal jury trials statewide, which period shall be attributable to the court;

(4) OTHER MATTERS

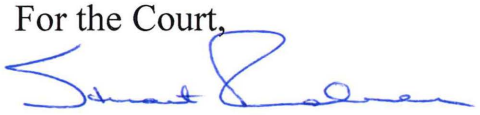
All other provisions of the Court's October 8, 2020 Ninth Omnibus Order and its November 10, 2020 Order adopting new Rule 3:4-7 ("Pre-Indictment Hearing") remain in full force and effect.

(5) Requests for extensions of time in individual cases, based on specific circumstances, may continue to be submitted by letter in lieu of a formal motion; and

(6) In recognition of the pervasive and severe effects of the COVID-19 public health crisis, the court in any individual matter consistent with Rule 1:1-2(a) may suspend proceedings, extend discovery or other deadlines, or otherwise accommodate the legitimate needs of parties, attorneys, and others in the interests of justice; and

(7) Depending on the duration of the COVID-19 pandemic, the Court may reconsider and revise the provisions of this order.

For the Court,



Chief Justice

Dated: November 16, 2020