# NOTICE TO THE BAR

## COVID-19 – SEVENTH OMNIBUS ORDER ON COURT OPERATIONS AND LEGAL PRACTICE – CONCLUDING CERTAIN GENERAL EXTENSIONS; CONTINUING INDIVIDUALIZED ADJUSTMENTS

The Supreme Court has issued its Seventh Omnibus Order on Court Operations and Legal Practice during the ongoing COVID-19 pandemic. A copy of the Order is attached.

This July 24, 2020 Seventh Omnibus Order continues certain adjustments necessitated during the COVID-19 period, including the prioritization of remote proceedings and permission for electronic signatures, remote depositions, and electronic service on the State of New Jersey. It also concludes certain blanket suspensions and extensions (including as to discovery involving experts, affidavits of merit, relaxation of Rule 4:86 regarding guardianships of incapacitated persons, and depositions and appearances by medical professionals) while permitting extensions based on the facts and circumstances of an individual case.

The July 24, 2020 Seventh Omnibus Order includes the following key provisions:

- **Jury Trials.** Authorizing new jury selections and new jury trials starting on or after September 21, 2020, with selections to be conducted in a primarily virtual format and trials to be conducted in person with social distancing, consistent with the Court's July 22, 2020 Order;

- **Grand Jury.** Providing for the virtual selection of new grand jury panels on or after September 21, 2020;

- **Criminal.** Continuing excludable time provisions through September 20, 2020;

- **Special Civil Part.** Clarifying that Special Civil Part (DC) and Small Claims (SC) proceedings including trials can be conducted remotely with or without consent;

- **Family – Quasi-Criminal.** Providing that Family quasi-criminal (FO) trials shall proceed remotely only with the consent of the parties, and in the absence of consent such matters will proceed in person;

- **Family – Domestic Violence.** Amending Phase 2 of the Judiciary's Post-Pandemic Plan to allow applicants seeking a domestic violence restraining order to appear at court without an appointment; and

- **Municipal Courts.** Confirming that Municipal Court sessions will be conducted primarily using remote technologies, although in limited circumstances in-person sessions may be conducted, including for complex matters such as DWI trials and certain cases involving a consequence of magnitude.

Questions about this notice or the Court's Seventh Omnibus Order may be directed to the Office of the Administrative Director of the Courts at (609) 376-3000.

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

Dated: July 24, 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 (March 27, 2020 First Omnibus Order; April 24, 2020 Second Omnibus Order; May 28, 2020 Third Omnibus Order; June 11, 2020 Fourth Omnibus Order; June 25, 2020 Fifth Omnibus Order; and July 9, 2020 Sixth Omnibus Order). The Court's early Omnibus Orders chronicled the abrupt transition from in-person to remote court operations. Read in tandem with the Court's April 20, 2020 Order on remote operations, those Orders established a structure and method of proceeding that governed court practices during Phase 1 (fully remote operations) and the transition to Phase 2 (limited on-site presence and in-person proceedings).

Guided by the recommendations of public health authorities including the Centers for Disease Control and Prevention (CDC) and the New Jersey Department of Health (NJ DOH), courts at all levels are continuing to operate primarily using remote (video and phone) technologies while adding limited in-person proceedings, including for matters that cannot be conducted in a remote format.

This Order confirms and clarifies the status of court proceedings and legal practice during the ongoing hybrid operations of the courts.

Accordingly, it is ORDERED that effective immediately:

(1) JURY TRIALS

a. Jurors will be summoned for new jury trials starting on or after September 21, 2020, beginning in the first Vicinages (Atlantic/Cape May; Bergen; Cumberland/Gloucester/Salem), and expanding statewide, as provided in the July 22, 2020 Order. Jury selection will be conducted in a hybrid manner with *voir dire* questioning primarily in a virtual format, with technology provided by the Judiciary as needed, and some follow-up questioning and the exercise of peremptory challenges in person; and

(2) GRAND JURIES

a. In-person grand jury selections and sessions remain suspended until further notice;

b. Jurors will be summoned for new grand jury selections starting on or after September 21, 2020, with those selections to be conducted in a virtual format consistent with the Court's June 9, 2020 Order;

c. Virtual grand jury sessions will continue, including but not limited to in Bergen and Mercer Counties and for State Grand Jury; and

(3) CRIMINAL

a. Based on the continued temporary suspension of jury trials and grand jury sessions, the provisions of the Court's prior Orders regarding

excludable time are extended for the additional period starting July 27 through September 20, 2020;

b. Interim modifications to the process for search warrant and communication data warrant applications and returns remain in full force and effect; and

(4) CIVIL

a. The general extension of discovery deadlines involving physical or mental examinations of persons (Rule 4:19) will conclude as of July 26, 2020, and extensions may be provided in individual cases;

b. The general extension of deadlines for filing affidavits of merit in medical and professional malpractice cases will conclude as of July 26, 2020, and extensions may be provided in individual cases;

c. The general relaxation of Rule 4:86 relating to guardianships of incapacitated persons, will conclude as of July 26, 2020. However, the court in any case may relax and modify procedural requirements, including as related to in-person examinations and communications, based on the individual circumstances of the case;

d. Landlord/tenant proceedings shall continue as provided by the July 14, 2020 Order, including as follows:

i. Lockouts of residential tenants (evictions) continue to be suspended in accordance with Executive Order 106;

ii. Landlord/tenant complaints may continue to be filed with the courts, and new complaints shall include an email address for the landlord and to the extent available an email address for the tenant, and landlords shall be required to certify as to compliance with the federal Coronavirus Aid, Relief, and Economic Security (CARES Act), 15 U.S.C. 9001 et seq.;

iii. The courts shall schedule intake and pretrial/settlement conferences; and

iv. Trials continue to be suspended until further notice, except that landlords/plaintiffs may in emergent circumstances apply for an Order to Show Cause for eviction. The basis of that landlord/tenant action cannot be nonpayment of rent, except in the case of the death of the tenant. In determining whether to issue the Order to Show Cause, the court will review the complaint and determine whether an emergency exists, and, based on that determination may schedule a landlord/tenant trial. As permitted by Executive Order 106, an eviction may proceed in the "interest of justice."

e. Consistent with the Court's April 20, 2020 Order regarding remote proceedings, Special Civil Part (DC) and Small Claims (SC) proceedings, including trials, may be conducted using remote (video or phone) technologies, with or without the consent of the parties. In limited circumstances, DC and SC trials can be scheduled in person, based on the individual circumstances of a case, including the inability of a party to participate in remote proceedings;

f. The relaxation of Rule 1:6-4 is continued so as to eliminate the requirement of courtesy copies if the total submission does not exceed 35 pages in civil matters; and

(5) FAMILY

a. The general extension of deadlines for discovery involving experts will conclude as of July 26, 2020, and extensions may be provided in individual cases;

b. The relaxation of Rule 1:6-4 is continued so as to eliminate the requirement of courtesy copies if the total submission does not exceed 35 pages in matrimonial (FM) matters;

c. The Court's April 20, 2020 Order is amended and supplemented so as to provide that Family quasi-criminal (FO) matters shall proceed

remotely only with the consent of the parties, and in the absence of consent such matters will proceed in person;

d. Phase 2 of the Judiciary's Post-Pandemic Plan (issued June 10, 2020) is amended to provide that an appointment is not required for persons seeking a domestic violence restraining order. In addition, all vicinages shall have in place an option for applying remotely for such relief; and

(6) TAX

a. The provisions of the June 11, 2020 Fourth Omnibus Order (as continued by the June 25, 2020 Fifth Omnibus Order and July 9, 2020 Sixth Omnibus Order) remain in effect; and

(7) MUNICIPAL

a. Municipal Court sessions will continue to be conducted primarily using remote technologies in the Municipal Courts. However, the court in limited circumstances may determine to conduct Municipal Court in-person sessions based on the facts and circumstances of an individual case, including complex matters such as DWI trials and certain cases involving a consequence of magnitude; and

(8) ALL COURTS

a. To the extent practicable, depositions may continue to be conducted remotely using necessary and available video technology, with court reporters authorized in those circumstances to administer and accept oaths remotely. Consistent with public health guidance, depositions also may be conducted in person with social distancing and other appropriate precautions;

b. The general suspension of depositions and appearances for any doctors, nurses, or healthcare professionals involved in responding to the COVID-19 public health emergency will conclude as of July 26, 2020, and further suspensions and extensions may be requested in individual cases based upon informal (letter) applications, which should be liberally granted;

c. The provisions of the April 7, 2020 Order relaxing Rule 4:4-4(a)(7) so as to permit electronic service of process by email on the State of New Jersey are continued;

d. The provisions of Rule 1:32-2A(c) and all other Court Rules requiring original signatures on filings are relaxed and supplemented as set forth in prior Orders; and

(9) DISCIPLINARY MATTERS & FEE ARBITRATION

a. Disciplinary hearings and fee arbitrations will continue in a virtual (video or phone) format to the extent possible based on facilities, technology, and other resources, and the nature and complexity of the matter. The Director of the Office of Attorney Ethics shall exercise discretion and proceed in relatively straightforward matters; and

(10) BOARD OF BAR EXAMINERS

a. The rules pertaining to the application for admission to the practice of law, Rules 1:24-1 et seq., are relaxed as set forth in the April 6, 2020 and July 15, 2020 Orders regarding cancellation of the July 2020 and September 2020 in-person bar examination dates, scheduling of a virtual bar examination on October 5-6, 2020, and relaxing Rule 1:21 so as to permit certain law graduates to practice subject to conditions and with supervision prior to passing the bar exam; and

(11) APPELLATE DIVISION

a. The provisions of the April 24, 2020 Second Omnibus Order as continued in subsequent Omnibus Orders remain in full force and effect; and

(12) 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

(13) 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

(14) 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: July 24, 2020