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Administrative Office of the Courts

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Directive #12-20

[Questions or comments may be directed to Trial Court Services at 609-815-2900 ext. 55202]

TO: **Assignment Judges**
Presiding Judges – All Divisions

FROM: **Glenn A. Grant, J.A.D.**

SUBJ: **Principles and Protocols for Virtual Court Operations During the COVID-19 Coronavirus Pandemic – (1) Methods of Conducting Remote Court Events; (2) Access to the Public Record; and (3) Posting of Events Guidance**

DATE: **April 27, 2020**

By Order dated April 20, 2020, the Supreme Court reinforced our commitment to continuing the operations of the courts during the COVID-19 Coronavirus pandemic. This directive implements the Court's Order and establishes guiding principles for when and how remote court events will be conducted, including which events will by default be livestreamed and which will require individualized permission for real-time participation or viewing. Consistent with our policy of transparency and public access, we will continue to provide access to video recordings, audio recordings, and written transcripts upon request.

Guiding Principles for Sustaining Court Functions During the COVID-19 Crisis

The protocols outlined in this directive, including the recommendations for each division of the Superior Court (Civil, Criminal, Family, General Equity, Probate, Special Civil, Municipal) reflect our ongoing efforts to balance the rights and responsibilities involved in continuing court operations in a virtual rather than in-person format. These principles are as follows:

- As announced in prior Orders and reiterated in the April 20 Order, during this public health emergency we are proceeding with remote video and phone options instead of in-person appearances.

- We are prioritizing emergent and time-sensitive matters while continuing to support routine functions as well.

- We are modifying operations to support continuity of services with careful adjustments.

    - In all matters where the participants consent, a remote option (video or phone as available and appropriate) will be used.

    - The following matters will be conducted remotely using video and/or phone options only with the consent of all parties: (1) sentencing hearings in Criminal, Family, and Municipal matters; (2) juvenile delinquency adjudications; (3) evidentiary hearings and bench trials in Criminal matters; (4) evidentiary hearings and trials in Municipal matters that involve a reasonable likelihood of a jail sentence or loss or suspension of license; (5) termination of parental rights trials; and (6) hearings for an adjudication of incapacity and appointment of a permanent guardian. In the absence of consent of all parties in these categories of matters, judges will adjourn the matter and reschedule it for date in the future when in-person appearances are again possible.

    - Other matters will proceed remotely with or without consent. We will use appropriate remote video or phone options, which will be selected taking into consideration available resources, the type of event, and the participants.

    - Judges will continue with routine hearings, arguments, and conferences to the greatest extent possible absent a compelling reason to delay.

    - Interpreting services must be provided for remote court events as required by the Judiciary Language Access Plan (Directive #1-17).

- We are maintaining our Judiciary's commitment to transparency while avoiding potential inadvertent disclosures of confidential information and accommodating the finite nature of our resources.

    - Because the ability of the Judiciary to livestream remotely conducted court events is limited by finite available resources, Civil, Family, General Equity, Probate, Special Civil Part, and Municipal matters will not be livestreamed, absent a showing of good cause in a particular matter, with the judge to make that determination.

        - While the Judiciary can livestream events, such resources are limited. Proceedings that do not need to be broadcast live by default should not be livestreamed in order to ensure real-time public access for other matters.

        - Certain categories of proceedings should not be livestreamed because of risks in a virtual setting that may not exist in the same way or to the same degree in an in-person forum, for example, the risk of inadvertent

disclosure of confidential information in a civil commitment hearing or of information about the location of a party in a hearing on domestic violence or for other protective orders.

- Interested persons, including members of the public and the media, may request real-time access to observe events that are not livestreamed but are not proscribed from public access. Such access will be permitted, subject to resource limitations, as determined by the court.

  - Information and directions for requesting real-time access to events that are not livestreamed will be readily available to the public, including by posting on the Judiciary's public webpage.

  - Requests to observe court events that are not livestreamed will be submitted to the judge handling the event, either by email or by phone. Requests will be granted on the condition that the court event must not be recorded or broadcast absent specific written permission from the Assignment Judge or designee, consistent with the Supreme Court Guidelines on Media Access and Electronic Devices in the Courts (Directive #11-20).

  - The Request for Audio or Video Records of Remote Court Proceedings During COVID-19 Crisis form (attached) should be used to request records of court events that are not closed.

  - Transcripts of court events may be requested according to existing Judiciary policies and procedures.

- For all events that are or may be livestreamed, judges have discretion not to live broadcast, including based on resource limitations; technical difficulties; preferences expressed by the parties, attorneys, witnesses, victims, or other interested persons; risk of disclosure of information that is confidential; or for other reasons including but not limited to public safety concerns. Real-time public access to events still must be enabled consistent with the above provisions.

Events Guidance for Trial Courts – Technological Options and Public Access

Based on the above principles, we have created and will continue to refine lists for the trial divisions of the Superior Court (Civil, Criminal, Family) and Municipal Courts showing: (1) typical events that occur in that division; (2) what technology should be used for each type of event; and (3) the nature of the public record. The Events Guidance lists are posted on the Judiciary's public webpage in the Attorneys section and the Self-Help Resources section.

The Events Guidance lists are subject to refinement based on the evolving public health crisis and the Judiciary's potential access to additional technology options. Consult the Judiciary's public webpage to review the most current events guidance documents.

Technology Available to the Courts

As indicated in the posted Events Guidance lists, we currently are using four technologies to conduct court functions remotely: Zoom, Scopia, Microsoft Teams, and phone. Zoom or Teams are encouraged and supported by the Judiciary. Municipal Courts may only utilize other video options with approval of the Assignment Judge and consistent with Judiciary information security requirements.

Zoom enables parties, witnesses, and attorneys with access to the internet to participate in video court proceedings and generally is appropriate for livestreamed events including criminal hearings. Scopia rather than Zoom, is used to conduct certain court events when a necessary party is incarcerated. For non-livestreamed events – including closed proceedings – Microsoft Teams generally is used for video conferencing. If video options are unnecessary given the nature of the event, or unavailable due to resource restrictions or limited technology of a participant, court matters also may be conducted by phone. The Judiciary is continuing to explore additional options for video and phone conferencing.

Thank you for your dedication to continuing the operations of our courts during this unprecedented emergency.

cc: Chief Justice Stuart Rabner
Attorney General Gurbir S. Grewal
Public Defender Joseph E. Krakora
Civil Division Judges
Criminal Division Judges
Family Division Judges
Municipal Court Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Courts
Trial Court Administrators
Special Assistants to the Administrative Director
Civil Division Managers
Criminal Division Managers
Family Division Managers
Municipal Division Managers

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New Jersey Judiciary

Request for Audio or Video Records of Remote Proceedings During COVID-19 Crisis

DISCLAIMER: Recordings may NOT be shared and may NOT be used to produce official transcripts. They are for reference only.

1. Fill out all the information on this form. Incomplete or inaccurate case information may delay your request. For help with case information, please contact the court office. Once completed, email the form to the local transcript office.
2. Select the type of recording.
   - ☐ **Video file** (available for 7 days after the event). You will receive an email with a password to view (not download) a video file of the recorded court event. No charge.
   - ☐ **Audio file – no CD**. You will receive an email with a password to listen to an audio recording of the court event. No charge.
   - ☐ **Audio file on CD**. There is a $10.00 fee for audio files on CD. Contact the county transcript office at the email below if you wish to request and pay for an audio CD.

Requesting Party

Name		Date
Address: Street		
City	State	Zip Code
Email Address		

Requestor's Connection to the Case

☐ Plaintiff ☐ Defendant ☐ Plaintiff's Attorney ☐ Defendant's Attorney ☐ Victim ☐ Other _____

Case Information

Case Name (Plaintiff v. Defendant)	Trial Court Docket Number / Indictment Number

Date(s) of Proceeding	Type of Proceeding (e.g. trial, sentencing, motion, etc.)	Name of Judge

Any special instructions

Transcript Office

Select County: - Select County or Area - Transcript Office Email:

For Court Staff Use Only

Processed By: _____ Date: _____

Notes: _____

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