NOTICE TO THE BAR

COVID-19 – SECOND OMNIBUS ORDER ON COURT OPERATIONS AND LEGAL PRACTICE – MORE OPERATIONS TO BE CONDUCTED REMOTELY; LIMITED DISCOVERY EXTENSIONS AND TOLLING PERIODS

The New Jersey courts are committed to continuing court operations during and after the COVID-19 public health emergency. To that end, the Supreme Court today announced the next phase of remote court operations and legal practice. A copy of the Court's April 24, 2020 Second Omnibus Order is attached.

Most Court Operations Are Continuing Remotely

During the COVID-19 pandemic, most court operations have continued remotely in all levels of the court system. Since transitioning to virtual operations, the courts have conducted more than 12,000 remote court events involving more than 80,000 participants.

Since the Court's March 27, 2020 Omnibus Order, involuntary civil commitment hearings have resumed using video conferencing. As of April 27, 2020, civil arbitration sessions and matrimonial early settlement panels also will resume using phone and video options. Efforts to resolve matters in Landlord/Tenant (LT), Special Civil (DC), and Small Claims (SC) cases will continue even while trials in those matters are suspended.

More Court Matters Will Resume in the Coming Weeks

The Court's Order lifts the suspension of Municipal Court sessions. As of April 27, 2020, remote proceedings in the Municipal Courts may be conducted with the consent of all parties. Effective May 11, 2020, with appropriate notice to the parties, Municipal Court sessions can resume in individual Municipal Courts. Sessions may only proceed by video or phone. Municipal Court sessions will resume to the extent possible based on facilities, technology, and other resources.

As of May 11, 2020, attorney disciplinary matters and fee arbitrations also will resume using remote options to the extent possible considering resources and complexity.

Most Extensions of Discovery Deadlines and Tolling of Time Periods Will End as of May 10, 2020

Based on the demonstrated increased ability of the courts to handle matters remotely, combined with the new electronic filing options available to attorneys and self-represented litigants, legal practice generally can continue consistent with regular timeframes. To that end, most discovery deadlines in Civil and Family matters generally are extended through May 10, 2020, with lengthier extensions only in specific areas.

Discovery involving medical professionals is extended through May 31, 2020, based on the ongoing unavailability of those experts.

Jury Trials and Grand Jury Proceedings Are Still Suspended

It remains impracticable to plan for in-person jury trials or grand jury proceedings. The April 24 Order continues the suspension of petit and grand juries through May 31, 2020. This continued suspension period will constitute additional excludable time attributable to the court.

Requests in Individual Cases

The COVID-19 pandemic continues to affect attorneys, parties, and others, both professionally and personally. "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." Such individual requests for extensions may be submitted by letter in lieu of a formal motion.

Next Steps

The New Jersey courts are continuing to provide meaningful access to justice throughout this unprecedented emergency. Sustaining and expanding that access requires a careful and considered balancing of the important interests at stake, as implemented in the Court's April 24 Second Omnibus Order. As the COVID-19 pandemic continues, the Court will revisit these matters and adjust as appropriate.

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

Glenn A. Grant
by SDB

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

Dated: April 24, 2020

SUPREME COURT OF NEW JERSEY

In response to the ongoing COVID-19 public health emergency, the Supreme Court has authorized various interim measures, including as set forth in the March 27, 2020 Omnibus Order, which suspended certain proceedings, extended discovery and other deadlines, and tolled various timeframes.

In the past month, the court system has improved its capacity to handle routine as well as emergent matters using video and phone options, and an increasing number of matters at all levels of the New Jersey court system are being conducted and resolved through virtual proceedings. To date, the New Jersey courts have conducted more than 12,000 court events -- including hearings on motions, settlement and status conferences, arraignments, detention hearings, municipal appeals, and other matters -- with more than 80,000 participants.

Based on guidance from the New Jersey Department of Health, the effects of the COVID-19 crisis appear likely to continue, meaning that many court matters will continue to be conducted using video and phone options.

In its April 20, 2020 Order, the Court restated its commitment to supporting court operations in a virtual format to the greatest extent practicable, subject to constitutional considerations and the limitations of our finite resources.

The Court has considered the interim measures implemented by the March 27, 2020 Omnibus Order and other orders and determined that a number of

provisions should be extended an additional month. Because certain other areas can be addressed by video and phone options, suspensions and extensions do not need to be continued across the board in those matters and will conclude on May 10, 2020. Thereafter, further extensions may be requested based on the specific circumstances of a case.

Accordingly, it is ORDERED that effective immediately:

(1) JURIES

a. No new civil or criminal jury trials will be conducted until further notice;

b. Suspension of grand jury empanelment dates and sessions is extended as follows:

i. All grand jury empanelment dates, including for State Grand Jury, are postponed; new notices will be issued rescheduling grand jury selection for a date after May 31, 2020;

ii. All current grand jury sessions, including for State Grand Jury, are cancelled through May 31, 2020;

iii. The Judiciary and stakeholders will meet to explore potential options for conducting virtual grand jury selections and sessions; and

(2) CRIMINAL

a. Based on the continued suspension of jury trials and grand jury sessions, the provisions of the March 19 and March 27, 2020 Orders regarding excludable time are extended as follows:

i. In the computation of the time limits for the commencement of a prosecution for an indictable offense under N.J.S.A. 2C:1-6(b), the additional period starting April 27 through May 31, 2020, shall be tolled;

ii. In the calculation of the time period for the return of an indictment for an eligible defendant detained in the county jail, the additional period from April 27 through May 31, 2020, 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, grand jury unavailability, which period shall be attributable to the court;

iii. 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 April 27 through May 31, 2020, 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 statewide postponement of jury trials, which period shall be attributable to the court;

iv. Those excludable time provisions are not intended to prevent the parties from making every effort to continue to resolve cases prior to indictment and trial, and courts will conduct proceedings by video or phone, as appropriate;

b. Interim modifications to the process for search warrant and communication data warrant applications and returns remain in full force in effect as established by the April 1, 2020 Order; and

(3) CIVIL

a. In cases in which discovery deadlines had not expired as of March 16, 2020, the provisions of the March 17 and March 27, 2020 Orders are affirmed and extended, and Rules 4:24-1(a), 4:24-1(c), and 4:46-1 are relaxed and supplemented to permit the extension of discovery deadlines for the additional period from April 27 through May 10, 2020;

b. Discovery deadlines involving physical or mental examinations of persons (Rule 4:19) shall be extended for the additional period from April 27 through May 31, 2020;

c. The deadlines for filing affidavits of merit in medical and professional malpractice cases will be extended for the additional period from April 27 through May 31, 2020;

d. The time periods for dismissal of civil cases for lack of prosecution will be tolled for the additional period from April 27 through May 31, 2020; and in addition, (a) automated lack of prosecution dismissal processes for Law Division – Civil Part, Foreclosure, and Chancery matters will be suspended for the additional period from April 27 through May 31, 2020; and (b) automated default for DC matters will be suspended for the additional period from April 27 through May 31, 2020;

e. For Track Assignment Notices issued from March 16 through April 26, 2020, the time period for issuance of a summons pursuant to Rule 4:4-1 was extended from within 15 days to within 60 days of the notice. For Track Assignment Notices issued from April 27 through May 31, 2020, that time period is extended from within 15 days to within 30 days of the notice;

f. The tolling of the timeframe for service of valid and timely Notices of Tort Claim will be extended for the additional period from April 27 through May 31, 2020;

g. The extension of time periods for discovery, including but not limited to interrogatories (Rule 4:17), discovery and inspection of documents and property (Rule 4:18), depositions (Rules 4:14 and 4:15), and requests for admissions (Rule 4:22), will conclude as of May 10, 2020, and to the extent that Rule 6:4-3 incorporates Part IV discovery rules, the extension of time periods for discovery in Special Civil Part matters will conclude as of May 10, 2020;

h. The Office of Foreclosure will not review or recommend motions or judgments received on or after March 1, 2020 pending further court order;

i. The general adjournments of hearings on involuntary civil commitments have concluded, consistent with the dates set forth in the March 27, 2020 Order, and adjournments may be requested based on the specific circumstances of a case;

j. In the computation of time for discovery end dates, the additional period from April 27 through May 10, 2020 will be excluded due to exceptional circumstances. Further extensions of discovery end

dates may be requested based on the specific circumstances of a case;

k. Landlord/tenant trials are suspended through May 31, 2020, and lockouts of residential tenants (evictions) are suspended in accordance with Executive Order 106 (March 19, 2020). This provision shall not prevent settlement negotiations, case management conferences, motions, and other proceedings, in an effort to resolve matters;

l. Special Civil Part (DC) and Small Claims (SC) trial calendars are suspended through May 31, 2020. This provision shall not prevent settlement negotiations, case management conferences, motions, and other proceedings in an effort to resolve matters;

m. The relaxation and supplementation of Rule 1:6-4 is extended, and the requirement to submit courtesy copies in Civil matters remains suspended so long as the total submission (including appendices and attachments) does not exceed 35 pages. When the submission is more than 35 pages, courtesy copies still must be mailed or delivered to the court and postmarked within two days of the electronic filing;

n. Effective April 27, 2020, Civil Arbitration sessions will resume, with participation in any session to be by video and/or telephone

conference and initiated by an arbitrator or panelist, as detailed in the April 16, 2020 notice to the bar. Any participant may apply to the court for extension of deadlines or rescheduling of sessions as may be required based on the specific circumstances of a case, including but not limited to barriers to participation by video or phone conferencing; and

o. The provisions of the April 8, 2020 Order remain in full force and effect, and Rule 4:86 relating to guardianships of incapacitated persons, is relaxed and supplemented based on current social distancing requirements. Consistent with the April 20, 2020 Order, hearings on the adjudication of incapacity and appointment of a permanent guardian shall proceed using remote options only with the consent of all parties. Other probate and guardianship matters will continue using remote options; and

(4) FAMILY

a. The extension of discovery deadlines pursuant to Rule 5:5-1(e) will conclude as of May 10, 2020, except that deadlines for discovery involving experts will be extended through May 31, 2020. Further extensions of discovery deadlines may be requested based on the specific circumstances of a case;

b. The tolling of time periods for dismissal of family cases for lack of prosecution will conclude as of May 10, 2020. In addition, the suspension of automated lack of prosecution dismissal processes for family matters will conclude as of May 10, 2020;

c. Effective April 27, 2020, Matrimonial ESP sessions will resume, with participation in any session to be by video and/or telephone conference and initiated by a panelist, as detailed in the April 22, 2020 notice to the bar. Any participant may apply to the court for extension of deadlines or rescheduling of sessions as may be required based on the specific circumstances of a case, including but not limited to barriers to participation by video or phone conferencing. The provisions of Rules 5:5-5 and 5:5-6 are relaxed and supplemented: (i) to permit the extension of ESP timeframes, (ii) to allow submissions to be sent directly to the panelists, and (iii) to allow post-ESP events to proceed without the simultaneous entry of an court order; and

(5) TAX

a. The provisions of the Orders dated March 19, April 6, and April 21, 2020 remain in effect with respect to the extension of filing

deadlines for state tax controversies and local property tax appeals; and

(6) MUNICIPAL

a. Municipal Court sessions have been suspended through April 26, 2020, consistent with the March 27, 2020 order;

b. Starting on April 27, 2020, Municipal Court sessions may be conducted with the consent of all parties. Effective May 11, 2020, with appropriate notice to the parties, Municipal Court sessions can resume in individual Municipal Courts. All sessions may only proceed in a virtual (video or phone) format. The resumption of sessions shall be to the extent possible, based on facilities, technology, and other resources, and shall be consistent with the provisions of the April 20, 2020 Order regarding remote proceedings; and

(7) ALL COURTS

a. To the extent practicable through May 31, 2020, depositions should continue to be conducted remotely using necessary and available video technology, and in those circumstances court reporters may administer and accept oaths remotely;

b. To the extent practicable, and consistent with the provisions of the Court's April 20, 2020 Order, court matters including hearings, conferences, and arguments, will be conducted by video or phone conferencing, and in-person appearances will be permitted only in emergency situations;

c. As provided in the March 25 and March 27, 2020 Orders, all depositions and appearances for any doctors, nurses, or healthcare professionals involved in responding to the COVID-19 public health emergency were suspended through April 26, 2020, and will remain suspended for the additional period from April 27 through May 31, 2020, except for appearances and depositions (i) that are requested by the doctor, nurse, or healthcare professional; or (ii) that are for matters related to COVID-19;

d. In the computation of time periods under the Rules of Court and under any statute of limitations for matters in all courts, for purposes of filing deadlines, except as otherwise provided in this order, the period from March 16 through May 10, 2020 shall be deemed the same as a legal holiday;

e. 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; and

(8) DISCIPLINARY MATTERS & FEE ARBITRATION

a. The relaxation of the rules pertaining to the attorney disciplinary system, including Rules 1:20-1 et seq. (discipline of members of the bar) and Rules 1:20A-1 et seq. (fee arbitration), is extended as follows:

i. In computing time periods under the Rules of Court for the purposes of grievances, formal pleadings, hearings and procedural deadlines, the additional period from April 27 through May 10, 2020 shall be deemed the same as a legal holiday and thus shall be tolled;

ii. The Court continues to authorize the use of email for submission of grievances to the Office of Attorney Ethics;

b. Effective May 11, 2020, disciplinary hearings and fee arbitrations will resume 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

(9) 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 Order regarding cancellation of the July 2020 bar examination 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

(10) ELECTRONIC SIGNATURES

a. The provisions of Rule 1:32-2A(c) and all other Court Rules requiring original signatures on filings are relaxed and supplemented so as to permit electronic signatures to be used in all filing processes temporarily authorized to be used during the COVID-19 crisis, including, in addition to those matters listed in the March 27, 2020 Order: (i) exemplified documents signed by the Superior Court Clerk in the presence of a judge, and (ii) certified documents; and

(11) APPELLATE DIVISION

a. The tolling provisions of the March 17 and March 27, 2020 orders, and this order, do not apply to appeals involving the termination of parental rights, in particular: (i) the tolling provisions do not apply to the calculation and enforcement of deadlines for the taking of appeals, and to the prosecution and opposition to those appeals, filed pursuant to Rule 2:4-1(a)(1); (ii) appeals from those judgments must be filed within 21 days of their entry, and otherwise, a motion to file the appeal as within time must be filed; and (iii) all existing expedited deadlines and those prospective expedited deadlines to be established as appeals are processed remain in full force and effect and are not tolled;

b. As provided in the April 9, 2020 Order, there has been no tolling of pretrial detention appeals or pretrial detention filings, including appeals filed pursuant to Rule 2:9-13, responses to those appeals, and motions for leave to appeal pursuant to Rule 2:5-6 and Rule 3:4A(e);

c. Appellate Division matters that are expedited will continue to proceed on an expedited track, including: (i) appeals from motions for leave to appeal that are not summarily decided, Rule 2:11-2; (ii)

appeals from orders compelling arbitration or denying arbitration, whether the action is dismissed or stayed; (iii) appeals where the court has ordered acceleration; and (iv) other appeals that may be expedited pursuant to statute, case law, or court rule. Briefing deadlines that fall within the tolling provisions of the Court's March 17 and March 27, 2020 Orders for those and other expedited Appellate Division matters remain in full force and effect and are not tolled;

d. The provisions of the notice issued on April 15, 2020 remain in effect; and

(12) Requests for extensions of time in individual cases, based on specific circumstances, may 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) This order is intended to be implemented in tandem with the Court's April 20, 2020 Order on the continuation of remote proceedings; and

(15) 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: April 24, 2020