SUPREME COURT OF NEW JERSEY

In response to the growing public health crisis worldwide and in this state involving the COVID-19 coronavirus, the New Jersey Judiciary has implemented various modifications to court operations, including an ongoing transition to video and phone proceedings instead of in-person appearances and related measures intended to minimize in-person contact and adhere to crucial social distancing measures recommended by the New Jersey Department of Health ("NJ DOH") and the Centers for Disease Control ("CDC").

In conjunction with those operational changes, the Court has entered a series of orders suspending certain court proceedings, extending deadlines, and tolling time periods because of the practical impossibility of continuing business as usual during this public health crisis.

Since the entry of those orders and notices, the effect of the COVID-19 coronavirus has continued to increase exponentially, prompting emergency declarations at the national, state, and county levels, and further disrupting the practice of law and the normal operations of the courts.

The Court has reviewed its interim measures and determined that, in the interest of justice, the effective periods must be extended based on current restrictions on movement and activity recommended by the NJ DOH and CDC, as well as provisions of Executive Order 107 (March 21, 2020).

Accordingly, it is ORDERED that, effective immediately, the following provisions established by prior order or otherwise necessitated by the Judiciary's response to the COVID-19 pandemic, are affirmed, continued, or supplemented:

(1) JURIES

a. No new civil or criminal jury trials will be conducted until further notice, as previously provided by notices dated March 12 and March 15, 2020;

b. Suspension of grand jury empanelment dates and sessions as set forth in the March 17, 2020 Order is extended as follows:

i. All grand jury empanelment dates including for State Grand Jury are postponed, and new notices will be issued rescheduling grand jury selection for a date after April 26, 2020;

ii. All current grand jury sessions including for State Grand Jury are cancelled through April 26, 2020; and

(2) CRIMINAL

a. Based on the continued suspension of jury trials and grand jury sessions, the provisions of the March 19, 2020 Order 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 March 30 through April 26, 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 March 30 through April 26, 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 March 30 through April 26, 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; and

(3) CIVIL

a. The provisions of the March 17, 2020 Order are affirmed and extended, and Rules 4:24-l(a), 4:24-l(c), 4:46-1, and 4:36-3 are relaxed and supplemented to permit the extension of discovery deadlines through April 26, 2020;

b. The deadlines for filing affidavits of merit in medical and professional malpractice cases will be extended from March 16 through April 26, 2020;

c. The time periods for dismissal of civil cases for lack of prosecution will be tolled for the period from March 16 through April 26, 2020; and in addition, (a) automated lack of prosecution dismissal processes for Law Division – Civil Part, Foreclosure, and Chancery matters will be suspended through April 26, 2020; and (b) automated default for DC matters will be suspended through April 26, 2020;

d. Rule 4:4-1 is relaxed and supplemented to extend the time period for issuance of a summons from within 15 days to within 60 days of the Track Assignment Notice for notices issued from March 16 through April 26, 2020;

e. The timeframe for service of valid and timely Notices of Tort Claim will be tolled from March 16 through April 26, 2020;

f. The time periods for discovery, including but not limited to interrogatories (Rule 4:17), discovery and inspection of documents and property (Rule 4:18), physical and mental examination of persons (Rule 4:19), and requests for admissions (Rule 4:22), will be extended from March 16 through April 26, 2020, and to the extent that Rule 6:4-3 incorporates Part 4 discovery rules, the time periods for discovery in Special Civil Part matters will be extended through April 26, 2020;

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

h. Hearings on involuntary civil commitments are adjourned for the reasons set forth in the March 17, 2020 Order, and the adjournment periods are extended as follows:

i. Pursuant to Rule 4:74-7(c)(1), all initial hearings for the involuntary civil commitment of an adult scheduled from March 17 through March 27, 2020, which had been adjourned for a period of not more than 14 days, may be adjourned for an additional period of not more than 14 days; and all initial hearings for the involuntary civil commitment of an adult scheduled from March 30 through April 10, 2020 may be adjourned for a period of not more than 14 days;

ii. Pursuant to Rule 4:74-7A(b)(2), all initial hearings for the involuntary civil commitment of a minor scheduled from March 17 through March 27, 2020, which had been adjourned for a period of not more than 7 days, may be adjourned for an additional 7 days; and all initial hearings for the civil commitment of a minor scheduled from March 30 through April 10, 2020 may be adjourned for a period of not more than 7 days; and

i. In the computation of time for discovery end dates, the period of March 16 through April 26, 2020 shall be excluded due to exceptional circumstances;

j. Landlord/tenant calendars are suspended through April 26, 2020, and lockouts of residential tenants (evictions) are suspended in accordance with Executive Order 106 (March 19, 2020), thus extending the terms of the March 14 notice;

k. Special Civil Part (DC) and Small Claims (SC) trial calendars are suspended through April 26, 2020;

l. The Order dated March 25, 2020 remains in full force and effect, as modified below, and the provisions of Rule 1:6-4 are relaxed and supplemented so as to eliminate the requirement that, in addition to filing all Civil motion papers, orders to show cause, and orders, attorneys must also simultaneously submit to the judge a copy of all motion papers; and the requirement of submitting paper "courtesy copies" of motion papers to the judge (as set forth in Notices to the Bar dated June 28, 2017 and December 6, 2017) is modified so as to suspend the requirement of submitting courtesy copies in Civil matters so long as the total submission (including appendices and attachments) does not exceed 35 pages, and where 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;

m. The provisions of the March 19, 2020 Order regarding Civil Arbitration sessions are extended as follows:

i. Civil Arbitration sessions scheduled from March 16 to April 10, 2020 have been postponed, and Civil Arbitration sessions scheduled from April 11 to April 26, 2020 will also be rescheduled;

ii. Effective April 27, 2020, Civil Arbitration sessions will resume, with participation in any session to be via video and/or telephone conference and initiated by an arbitrator or panelist. The county Arbitration Administrator or other designated court staff will resolve any scheduling issues and will provide assistance as necessary to facilitate the process. Any participant may apply to the court for extension of deadlines or rescheduling of sessions as may be required based on the circumstances of an individual case, including but not limited to barriers to participation by video or phone conferencing; and

iii. The provisions of Rules 4:21A-l(d) and 4:21A-4(d) are relaxed and supplemented so as to permit the extension of arbitration timeframes and to authorize arbitration

proceedings to be conducted in a location other than the courthouse; and

(4) FAMILY

a. The provisions of the March 17, 2020 Order are affirmed, and Rule 5:5-l(e) is relaxed and supplemented to permit the additional extension of discovery deadlines through April 26, 2020;

b. The time periods for dismissal of family cases for lack of prosecution will be tolled for the period from March 16 through April 26, 2020; and in addition, automated lack of prosecution dismissal processes for family matters will be suspended through April 26, 2020;

c. The provisions of the March 19, 2020 Order regarding Matrimonial Early Settlement Panel (ESP) sessions are extended as follows:

   i. Matrimonial ESP sessions scheduled from March 16 to April 10, 2020 have been postponed, and Matrimonial ESP sessions scheduled from April 11 to April 26, 2020 will also be rescheduled;

   ii. Effective April 27, 2020, Matrimonial ESP sessions will resume, with participation in any session to be via video and/or telephone conference and initiated by an arbitrator or

panelist. Designated court staff will resolve any scheduling issues and will provide assistance as necessary to facilitate the process. Any participant may apply to the court for extension of deadlines or rescheduling of sessions as may be required based on the circumstances of an individual case, including but not limited to barriers to participation by video or phone conferencing; and

iii. 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, (iii) to authorize these proceedings to be conducted in a location other than the courthouse, and (iv) to allow post-ESP events to proceed without the simultaneous entry of an court order; and

(5) TAX

a. The provisions of the Order dated March 19, 2020 remain in effect with respect to the extension of filing deadlines for local property tax appeals and state tax appeals; and

(6) MUNICIPAL

a. Municipal Court sessions are suspended through April 26, 2020, during which period Municipal Court functions will continue as described in the March 14, 2020 notice; and

(7) ALL COURTS

a. To the extent practicable through April 26, 2020, depositions should 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, all 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, 2020 Order, which remains in full force and effect, all depositions and appearances for any doctors, nurses, or healthcare professionals involved in responding to the COVID-19 public health emergency are suspended through April 26, 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, the additional period from March 28 through April 26, 2020 shall be deemed the same as a legal holiday, thus extending the tolling established by the March 17 Order; and

(8) DISCIPLINARY MATTERS & FEE ARBITRATION

a. 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) are hereby relaxed as follows:

i. In computing time periods under the Rules of Court for the purposes of grievances, formal pleadings, hearings and procedural deadlines, the period from March 16, 2020 through April 26, 2020 shall be deemed the same as a legal holiday and thus shall be tolled;

ii. The Court authorizes the use of email for submission of grievances to the Office of Attorney Ethics, for respondents to file responsive documents and answers to formal pleadings, and for communication with respondents when respondent's email address is known to be current; 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 hereby relaxed as follows:

i. The deadline for filing an application for the July 2020 bar examination is extended through April 30, and no late fees will apply to an application filed before that date; 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 but not limited to emergent applications submitted by email and hardcopy submissions in dockets without an approved electronic filing system, as well as in disciplinary and fee arbitration matters, and applications for admission to the bar.

For the Court,

Chief Justice

Dated: March 27, 2020