NOTICE TO THE BAR

COVID-19 – EIGHTH OMNIBUS ORDER ON COURT OPERATIONS AND LEGAL PRACTICE

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

This September 17, 2020 Eighth Omnibus Order continues certain adjustments necessitated during the COVID-19 period, including the prioritization of remote proceedings and permission for electronic signatures, remote or socially distanced depositions, and electronic service on the State of New Jersey. It also reinforces provisions of the Court's September 17, 2020 Order on the first jury trials, including as to the additional option of conducting *voir dire* in a fully virtual format with the consent of the attorneys and parties and the approval of the trial judge.

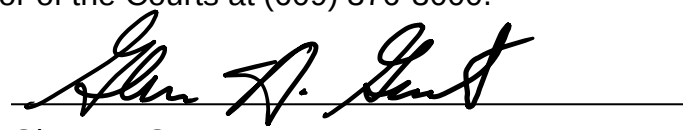
The September 17, 2020 Eighth Omnibus Order includes the following new or updated provisions:

- **Grand Jury.** Confirming that all counties are virtually selecting new grand jury panels, and providing that grand juries in all counties will be equipped and ready to convene in a virtual format on or before December 1, 2020;

- **Criminal.** Continuing excludable time provisions through October 11, 2020; and

- **Civil.** Relaxing Rule 4:64-8(b) during the term of the Federal Housing Administration's foreclosure and eviction moratorium for borrowers with FHA-insured Single Family mortgages covered under the Coronavirus Aid, Relief, and Economic Security (CARES) Act and HUD Agency Letter 2020-27, so as to provide that a plaintiff will not be required to file a new complaint to reinstate a foreclosure matter that has been dismissed twice for lack of prosecution.

Questions about this notice or the Court's Eighth 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: September 17, 2020

SUPREME COURT OF NEW JERSEY

In response to the ongoing COVID-19 pandemic, the Supreme Court has authorized various adjustments to court operations and legal practice 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; July 9, 2020 Sixth Omnibus Order; and July 24, 2020 Seventh Omnibus Order).

Those Omnibus Orders detail the significant changes implemented by the New Jersey Courts over the past six months, from the abrupt transition from in-person to remote court operations to the ongoing, incremental resumption of in-person events at court facilities.

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 continuing to expand in-person proceedings, including for matters that cannot be conducted in a remote format. Those in-person proceedings soon will include socially distanced criminal and civil jury trials, beginning to the extent feasible with criminal trials involving detained defendants, as provided by the Court's July 22, 2020 and September 17, 2020 Orders.

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 have been summoned for new jury trials starting on or after September 21, 2020, beginning in Bergen, Atlantic, Cumberland, Mercer, and Passaic Counties. 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. As provided by the September 17, 2020 Order, judges also may approve fully virtual *voir dire* questioning with the consent of all attorneys and parties; and

(2) GRAND JURIES

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

b. Jurors have been summoned for new grand jury selections starting on September 29, 2020 (in Passaic County) and expanding statewide by the end of October 2020. Those selections of new grand jury panels

will be conducted in a virtual format consistent with the Court's June 9, 2020 Order;

c. Existing grand jury panels will continue to participate in virtual sessions, including but not limited to in Bergen, Mercer, and Atlantic Counties and for State Grand Jury;

d. On or before December 1, 2020 all counties will have new grand jury panels equipped and ready to convene in a virtual format; and

(3) CRIMINAL

a. Based on the continued temporary suspension of jury trials and grand jury sessions (in many counties), the provisions of the Court's prior Orders regarding excludable time are extended for the additional period starting September 21 through October 11, 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. 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 (e.g., drug offenses, threats against landlord, theft) 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."

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 civil matters;

c. Rule 4:64-8(b) is relaxed during the term of the Federal Housing Administration's foreclosure and eviction moratorium for borrowers with FHA-insured Single Family mortgages covered under the Coronavirus Aid, Relief, and Economic Security (CARES) Act and HUD Agency Letter 2020-27, so as to provide that a plaintiff will not be required to file a new complaint to reinstate a foreclosure matter that has been dismissed twice for lack of prosecution. All other provisions of Rule 4:64-8 related to the foreclosure lack of prosecution process remain unchanged; and

(5) FAMILY

a. 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;

(6) TAX

a. The provisions of the June 11, 2020 Fourth Omnibus Order (as continued by the June 25, 2020 Fifth Omnibus Order, July 9, 2020

Sixth Omnibus Order, and July 24, 2020 Seventh 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 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;

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

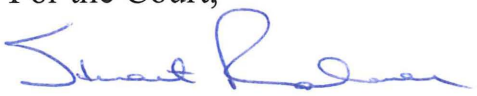
(12) Except as modified herein, the provisions of the July 24, 2020 Seventh Omnibus Order remain in full force and effect; and

(13) 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

(14) 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

(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: September 17, 2020