NOTICE TO THE BAR

COVID-19 – TENTH COVID-19 OMNIBUS ORDER

The Supreme Court has issued the attached Tenth Omnibus Order on Court Operations and Legal Practice during the ongoing COVID-19 pandemic.

This February 17, 2021 Tenth Omnibus Order extends preindictment excludable time for defendants committed to county jail before March 16, 2020 through March 31, 2021. It also extends post-indictment excludable time for the additional period from March 1, 2021 through March 31, 2021. The February 17, 2021 Tenth Omnibus Order continues other provisions of earlier Orders.

Questions about this notice or the Court's Tenth 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: February 17, 2021

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, starting with its March 27, 2020 First Omnibus Order and continuing through its October 8, 2020 Ninth Omnibus Order.

In New Jersey and throughout the nation, jury trials and grand jury proceedings have been among the most difficult court events to sustain during the pandemic. Accordingly, the Judiciary has implemented interim modifications, which have been adjusted as necessary based on COVID-19 trends. The Court in its November 16, 2020 Order suspended in-person jury trials and in-person grand jury proceedings, while allowing virtual options to continue. The Court's January 7, 2021 Order authorized a two-phase approach to the implementation of virtual civil jury trials. Today, virtual petit juries in several counties are hearing civil cases, and virtual grand jury panels are hearing presentments in almost all counties.

While in-person criminal jury trials remain on hold, current COVID-19 trends suggest that socially distanced in-person trials soon may be able to resume in accordance with the Court's July 22, 2020 Plan (as updated August 14, 2020). The Court will continue to be guided by the Centers for Disease Control and Prevention (CDC) and the New Jersey Department of Health (NJ DOH) to determine when in-person trials can resume. The Court likewise will be guided by

those public health authorities to determine when socially distanced in-person grand jury sessions can resume.

Accordingly, it is ORDERED that the following provisions are effective immediately except as otherwise stated herein:

(1) JURY TRIALS

a. Virtual civil jury trials will continue in accordance with the Court's January 7, 2021 and February 1, 2021 Orders.

(2) CRIMINAL

a. The provisions of the Court's November 16, 2020 Order are affirmed, except as follows:

(i) For those eligible defendants who have not yet been indicted and were committed to the county jail before March 16, 2020, the provisions of the Court's prior orders regarding preindictment excludable time are extended until March 31, 2021;

(ii) For those eligible defendants who have not yet been indicted and were committed to the county jail on or after March 16, 2020 through May 31, 2020, the provisions of the Court's prior orders regarding preindictment excludable time are

unchanged. Preindictment excludable time will continue through March 31, 2021;

(iii) For those eligible defendants who have not yet been indicted and were committed to the county jail on or after June 1, 2020 through October 11, 2020, the provisions of the Court's prior orders regarding excludable are unchanged. Preindictment excludable time will continue through April 28, 2021; and

(iv) For those eligible defendants who have not yet been indicted and are committed to the county jail on or after October 12, 2020, the provisions of the Court's prior orders regarding excludable time are unchanged. Preindictment excludable time will continue through May 14, 2021.

b. 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 1, 2021 through March 31, 2021, 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 temporary suspension of criminal jury trials statewide, which period shall be attributable to the court;

(3) OTHER MATTERS

All other provisions of the Court's October 8, 2020 Ninth Omnibus Order, as amended by the Court's November 16, 2020 Order and subsequent Orders, remain in full force and effect.

(4) 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

(5) 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

(6) 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: February 17, 2021