

New Jersey Courts Begin Reopening with Transition to Phase 2 Operations Beginning June 22, 2020

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The Supreme Court of New Jersey has announced that courthouses will gradually transition from Phase 1 (fully remote court operations) to Phase 2 (a gradual return to courthouses and court facilities) under the New Jersey Courts Post-Pandemic Plan. Accordingly, state courthouses will see a limited return of in-person proceedings beginning on June 22, 2020.

Although the initial array of in-person court events is quite limited, the shift to Phase 2 of court operations signals a modicum of normalcy for litigators in the COVID-19 era. Attorneys handling especially complex or complicated matters may be able to avoid the pitfalls associated with presenting their cases by video rather than in-person. The shift also reopens the door for increased settlement leverage ahead of impending bench trials.

As part of the transition, courthouse occupants will be required to wear masks in non-private areas and to maintain social distancing as set forth in Chief Justice Stuart Rabner's June 9, 2020 Order. Appropriate cleaning policies, shields and/or sneeze guards, and increased signage will be part of the reopening protocol. Other health and safety precautions, including thermal scanning, may also be implemented.

Notwithstanding the gradual reopening of courthouse operations, the potential for new jury trials will not arise until the transition to Phase 3 of the Court's plan, where the percentage of onsite judges and staff increases from 10-15% to 50-75%. Even then, the backlog of criminal cases and landlord-tenant matters will likely receive priority over civil matters. The Court has also acknowledged that operations will not return to their "ongoing model" until a vaccine is available, or herd immunity is established.

Attorneys

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Published Articles (Cont.)

A summary of Phase 2 court proceedings follows:

Events that will continue remotely

- Most civil, criminal, and family court proceedings

Events that may, consistent with Supreme Court Guidance, be handled in person

- Completion of suspended civil jury trials (1 statewide) and criminal jury trials (5 statewide), sentencing hearings, plea hearings, and certain other criminal proceedings.
- Bench trials and other hearings that are especially complex (involving numerous parties or witnesses, or significant physical evidence) in civil, criminal, and family court matters.
- Contested hearings for an adjudication of incapacity and appointment of a permanent guardian in civil court.

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