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Notice to the Bar

At the direction of Assignment Judge Bonnie J. Mizdol and Criminal Presiding Judge Margaret M. Foti, the Bergen Vicinage now institutes the following steps for attorneys who wish to request that their clients be scheduled for review of **electronic discovery**.

In an ongoing effort to reduce the spread of Covid-19 at the Bergen County Jail, Warden Ahrendt and Captain Russo have instituted certain protocols, including the suspension of inmates reviewing electronic discovery at the Law Library, **unless a request is made by counsel or the court**. In those instances, limited review sessions will be arranged. Electronic discovery includes Flashdrives/CDs dropped off at the jail or electronic discovery that is emailed. Of course, defense counsel is always free to drop off paper discovery to the jail – the jail will arrange delivery to the particular inmate.

It is understood that inmates pending Pretrial Detention hearings have the most urgent need to review electronic discovery. Under these circumstances, attorneys should email Criminal Division Manager Leslie Darcy, and request that their clients be scheduled to immediately review electronic discovery which has been previously supplied to the jail. The email should include the defendant's name, complaint numbers and the total approximate time needed for review of the electronic discovery.

Most other defendants are not as time sensitive in their need to review electronic discovery. The review of electronic discovery is absolutely important in all cases, but particularly where the defendant is considering a plea offer or preparing for a motion to be heard. If an attorney learns that his/her client has not yet reviewed the electronic discovery, and if it is important to do so quickly, the attorney will notify the judge assigned to the case. The attorney will request that the judge expedite their review session for the inmate. The request must include the defendant's name, indictment or accusation number, total approximate time needed for the review, and the date by which the defendant needs to complete the review.

The judge will forward the request to the Criminal Division Manager Leslie Darcy, who will communicate with Captain Russo to effectuate the request.

The Bergen County jail will keep Criminal Division Manager Leslie Darcy apprised of defendants who have completed their review of the electronic discovery. If an inmate refuses to review the discovery, the jail will notify Division Manager Darcy.