

## SUPREME COURT OF NEW JERSEY

This Order updates the framework for those court events that are to be conducted in person and those that in general will proceed in a virtual format. Informed by experience, it establishes a more sustainable approach to court operations in order to optimize access, participation, and the timely administration of justice.

When the Court issued its [November 18, 2021 Order](#), the COVID-19 virus was continuing to affect many aspects of life, including court operations. Consistent with public health recommendations, the Court at that time required social distancing in court locations, making it necessary to continue many court events in a virtual format as one method of reducing on-site occupancy. Today, with expanded vaccination and treatment options, public health authorities agree that the virus poses less of a threat. In light of those changed circumstances, the Court has concluded all COVID-19 restrictions in court locations while maintaining the option for people to wear masks at their choice. In addition, judges also routinely exercise discretion to permit individuals to participate virtually as necessary for health or other reasons.

Courts today can safely accommodate in-person calendars as well as individual court events, and ongoing experience demonstrates that some matters may be better handled in person. This is not a matter of efficiency but

rather a recognition of the differences in individual and court resources. Some court users -- including those who are less comfortable using technology and those who are present in court locations for other matters -- are best served in person. Meanwhile, attorneys and others continue to prefer virtual options for certain court events, especially those that are routine or brief.

By permitting more on-site presence and continuing to leverage virtual technologies, the court today can effectively balance in-person and virtual proceedings in a way that maximizes access and fairness and supports meaningful participation and timely justice.

Accordingly, it is ORDERED that effective immediately unless otherwise indicated and pending further court order:

1. Criminal jury trials shall continue to proceed in person.
2. The following matters will generally proceed in person but may proceed virtually with the consent of all parties; consent of a party will not be required if that party is absent and unreachable:
  - a. CRIMINAL: bench trials, evidentiary hearings, sentencing hearings, Final Extreme Risk Protective Order (FERPO) hearings; and Megan's Law hearings;
  - b. CIVIL/PROBATE: hearings for an adjudication of incapacity and appointment of a permanent guardian, and

as of March 1, 2023 initial hearings for involuntary inpatient civil commitment;

- c. FAMILY: termination of parental rights trials, sentencing hearings, and Juvenile Delinquency (FJ) matters; and
- d. MUNICIPAL: cases involving DWI, refusal to submit to a breathalyzer test, disorderly persons, domestic violence, and other matters that involve a reasonable likelihood of a jail sentence or loss or suspension of license.

3. The following matters also will generally proceed in person but may be conducted virtually at the discretion of the court. Consent to proceed virtually is not required.

- a. Oral arguments before the Supreme Court and the Appellate Division;
- b. ALL TRIAL DIVISIONS & MUNICIPAL: matters involving numerous attorneys and parties, or substantial documentary evidence; matters that require on-site interpreting services; matters in which a party has failed to appear for, been unable to participate in, or neglected to respect the solemnity of a prior virtual proceeding; and settlement or status conferences in which previous virtual sessions have not meaningfully

advanced the matter toward resolution or trial;

- c. **CRIMINAL:** post-indictment arraignments, pretrial and other conferences, plea hearings, non-routine motions, and orientation and phases one and two of Recovery Court;
- d. **CIVIL/EQUITY/PROBATE:** jury and bench trials, including in the Law Division-Civil Part, Special Civil Part, General Equity, and Probate, evidentiary hearings, and settlement conferences;
- e. **FAMILY:** trials, dispositional hearings, plea hearings, and evidentiary hearings; and
- f. **MUNICIPAL:** matters that affect health and safety.

4. Absent an individualized reason to proceed in person based on the facts and circumstances of the case, the following matters will continue to be conducted virtually:

- a. In all trial divisions of the Superior Court, the Municipal Courts, and the Tax Court: (i) routine case management conferences; and (ii) routine motion arguments;
- b. Involuntary inpatient commitment review hearings and involuntary outpatient commitment hearings; and
- c. Matters in the Municipal Courts that do not involve a reasonable

likelihood of a jail sentence or loss or suspension of license.

5. Courts at all levels will also continue to use virtual formats in general for straightforward matters, including but not limited to initial applications, routine status conferences, and uncontested proceedings in all trial divisions of the Superior Court, the Municipal Courts, and the Tax Court.
6. Vicinage Assignment Judges will be responsible to ensure compliance with the provisions of this order. Upon the request of an Assignment Judge, the Chief Justice and Administrative Director can authorize adjustments to the format of court proceedings based on local factors.
7. Court events will be scheduled and conducted consistent with the principles of procedural fairness. For all types of matters:
  - a. Courts at all levels will continue to maintain reasonable calendar sizes, including through use of staggered schedules when appropriate to ensure that court users are not made to wait an unreasonably long time for their matter to be heard; and
  - b. In individual cases, all judges will continue to have discretion to grant an attorney or party's reasonable request to participate in person in a virtual proceeding or to

participate virtually in a matter being conducted in person.

8. Assignment Judges will have discretion to determine the format for calendars involving settlement proceedings, including mediations, arbitrations, and Matrimonial Early Settlement Panels. To the extent practicable, Assignment Judges will accommodate volunteers in participating in such events in their preferred format, including hybrid.
9. This Order supersedes any inconsistent provisions of prior orders, including the Court's November 18, 2021 Order.
10. As with all operational protocols, the provisions of this Order reflect the evolving nature of court operations and remain subject to ongoing review and potential future refinement.

For the Court,



Chief Justice

Dated: October 27, 2022