

## **Message from Chief Justice Stuart Rabner to Judges and Judiciary Staff**

Dear colleagues:

One year has passed since we first started to appreciate the meaning and impact of COVID-19.

Since then, we have lost more than 530,000 lives to the virus in the United States, including more than 21,000 family members, friends, and neighbors in our State. Today, the long-awaited distribution of vaccines has brought a sense of hope, like the arrival of spring after a difficult winter. Still, looking back over the past year, we could not have envisioned how much the virus would affect our lives. COVID-19 kept us from visiting parents, children, grandchildren, and other relatives, separated us from friends, and brought treasured routines to a halt. Many of us battled the virus for weeks and are still feeling its physical effects. For others, COVID-19 claimed the lives of loved ones and then cruelly prevented us from grieving together.

Through all the personal turmoil, we made adjustments and sacrifices to continue the work of the courts. As a Judiciary, we decided early on that the court system needed to be able to handle all events, not just emergencies. We responded quickly so that court operations could continue without interruption. With the help of our superb IT staff, we rapidly transitioned to remote operations last March.

A year later, the numbers show the remarkable results: New Jersey courts have held more than 156,000 remote events, in all subject matter areas, with more than 2 million participants. That could not have happened without the dedication of judges and staff who committed to master new skills and adapt to new approaches in order to serve the public.

There are many examples of how the court system responded with agility and ingenuity in the past year, and they all have one thing in common: the exceptional dedication of the people who comprise the New Jersey Judiciary. Here are a few out of countless examples:

- Court staff found innovative ways to help children and families. Vicinage finance offices continued to offer opportunities to pay child support in cash at the courthouse, without a surcharge, and collected tens of thousands of dollars each month to support children in New Jersey. Family Division and Probation staff used court events to connect families with local resources including food banks, employment training, homeless shelters, health care options, and unemployment benefits.
- Each vicinage dedicated space and provided computers, laptops with web cameras, phones, and other forms of technology and support to help litigants participate in virtual court sessions. Every day, applicants for emergent relief have used those technology rooms to seek domestic violence restraining orders and prevent illegal lockouts.
- Virtual civil jury trials continue to expand. They require immense preparation and effort behind the scenes both before and during trials. Dedicated staff in the vicinages have conducted test runs with attorneys in advance. Jury staff in Passaic even braved a snowstorm to deliver tablets with Broadband to jurors. When an attorney experienced technical difficulties mid-trial in Gloucester, IT staff went to the lawyer's office and adjusted settings so the trial could continue. Those and other efforts enabled trials to proceed smoothly -- and did not go unnoticed.
- Devoted Probation employees continued to supervise clients in drug court and other specialized caseloads under exceptionally challenging circumstances. In February, one drug court participant in Burlington saved a person's life by administering CPR while the individual was overdosing. A drug court team had supported the participant, and she responded by paying that forward.
- Judges responded to novel challenges with thoughtfulness and skill. They reached out personally to individuals subject to probation supervision and pretrial monitoring; they conducted hybrid hearings in time-sensitive matters involving domestic violence and child custody cases; and they selected jurors for civil trials and grand jury panels in a virtual format.

- And New Jersey's Supreme Court was among the first in the nation to offer virtual oral arguments, starting in March 2020. This afternoon, the Court is hearing its 100<sup>th</sup> matter in a virtual format.

Those and other efforts serve the public -- and inspire us all.

As we reflect on the past twelve months and look to better days ahead, we know that serious challenges await us.

### **1. COVID-19 continues to pose risks to public health and our physical and mental well-being.**

The average number of new daily cases and the current rate of transmission reveal that COVID-19 is not yet under control in our state. We must all continue to follow public health precautions to minimize the spread of the virus, even after we have been vaccinated. In addition to its physical effects, the virus has taken a mental and emotional toll. Please take steps to safeguard your overall health.

### **2. We need to adapt to a post-COVID-19 environment.**

The future of the New Jersey courts will look different than the past. Rather than prepare to return to pre-pandemic practices, we are reimagining how courts can better serve the public. Certain events, including criminal jury trials and grand jury sessions, will resume in an in-person format as soon as possible. Other matters, including various Municipal Court appearances and pretrial events, will likely continue in a remote format. Many proceedings will be handled in a hybrid manner, with a combination of remote and in-person options.

### **3. Thousands of criminal defendants have been detained in county jails and need to proceed to trial as soon as practicable.**

As part of Criminal Justice Reform, we created a more equitable system that does not determine a defendant's pretrial status based on the person's financial resources. That system depends in large part on being able to proceed to trial. The pandemic has forced the suspension of jury trials for many months, and

it is critically important that we resume criminal jury trials -- especially for defendants who have been detained -- as soon as it is safe to do so.

**4. We must continue to strive for and achieve equal justice in the legal system.**

In its July 16, 2020 Action Plan for Ensuring Equal Justice, the Supreme Court reaffirmed the Judiciary's commitment to identify and address obstacles to equal treatment for all who come into contact with the court system, in particular, people of color and people who are poor. We have already made strides to advance several goals outlined in the Plan, and we must redouble our efforts to ensure that courts in New Jersey provide meaningful access, procedural justice, and equitable outcomes for all court users.

**5. Housing instability presents a crisis that will escalate when the moratorium on residential evictions expires.**

The Governor's Executive Orders suspended nearly all residential evictions, and landlord-tenant trials have been on hold for a full year. Today, nearly 50,000 cases are pending, and we expect more than 194,000 new filings in 2022 -- well beyond the norm. Working with the Executive Branch, the Judiciary continues to connect tenants and landlords with available resources, including rental assistance. As we did with the mortgage foreclosure crisis a decade ago, we must also think creatively and develop strategies to try to combat widespread evictions while protecting the rights of all parties. To address the looming crisis, Superior Court judges and staff will be called on to assist with this critical docket in the coming months.

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As we continue to confront challenges posed by COVID-19, we need to work together on solutions that will help ensure timely access to justice for all. With that in mind, Judge Grant recently spearheaded a series of listening sessions that allowed leaders to hear firsthand about court users' experiences with virtual and in-person events. The sessions involved a diverse array of participants across the legal community, including the State Bar Association, county and specialty bar associations, Legal Services of New Jersey, the Division of Law, the Office of the Public Defender, and various advocacy groups. The sessions improved the level of

dialogue; the feedback we received has already led to concrete changes. As always, we welcome constructive suggestions from every member of the Judiciary as well.

Thank you for your extraordinary contributions during a most challenging year. And please continue to be safe. We look forward to a better and healthier year ahead.

Stuart Rabner, Chief Justice