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Supreme Court Order Lays Out Framework for Future Remote and In-Person Proceedings

The Supreme Court today issued [an order](#) that provides a framework for future court operations, both now and after the Covid-19 pandemic.

While the order grants judges discretion to determine whether to conduct court proceedings remotely or in person, it also establishes a series of general principles to follow in making such decisions.

For example, criminal jury trials, according to the order, will proceed in person. Other matters – such as sentencing hearings, juvenile delinquency adjudications, termination of parental rights trials, and municipal matters that involve a reasonable likelihood of a jail sentence – should generally proceed in person but may proceed virtually with the consent of all parties. Yet other matters, including settlement conferences and oral arguments before the Supreme Court and the Appellate Division, also will generally take place in person.

Other matters should generally proceed in a remote format – such as routine motion arguments and case management conferences, detention hearings, landlord tenant proceedings, and uncontested divorces – unless the court determines there is a reason to proceed in person.

“(The order) contemplates a transition from almost all in-person court proceedings before the pandemic to a future that uses technology to provide expanded options for access, participation, timeliness, and justice,” Chief Justice Stuart Rabner wrote.

In the past 18 months, judges have conducted more than 260,000 virtual court events involving more than 2.7 million participants, and municipal courts have conducted more than 3 million events. The Court’s order relies on the input of judges and staff as well as more than 100 comments received from the general

public and various legal stakeholders, including the New Jersey State Bar Association and numerous individual attorneys.

“Attorneys and parties have praised the reduced time and cost associated with virtual proceedings for brief and straightforward matters,” Chief Justice Rabner wrote. “They also noted there are fewer scheduling conflicts and requests for continuances. At the same time, commenters highlighted the value of bringing parties together in person at certain critical junctures, including settlement conferences and proceedings that involve especially serious penalties or consequences.”

The provisions of the order are subject to ongoing review.

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