



## NEW JERSEY STATE BAR ASSOCIATION

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VIA EMAIL & REGULAR MAIL

Hon. Russell Wojtenko, Jr.  
Director and Chief Judge of Compensation  
N.J. Department of Labor & Workforce Development  
Division of Workers' Compensation  
1 John Fitch Plaza, P.O. Box 381  
Trenton, New Jersey 08625-0381

RE: Workers' Compensation Court Operations

Dear Director Wojtenko:

On behalf of the New Jersey State Bar Association (NJSBA), I once again thank you for your leadership in overseeing and planning for the ongoing safe administration and operations of the Workers' Compensation Courts during the current Covid-19 State of Emergency, and for your willingness to consider the views of the NJSBA in that endeavor. As you know, the Executive Committee of our Workers' Compensation Section has been meeting regularly to discuss these issues, and stands ready to assist you in whatever way it can. In particular, the NJSBA, through its Workers' Compensation Section, would welcome the opportunity to have a representative on the Judge's Task Force that is planning for reopening, as well as any other group that may be put in place to not only address this current crisis, but also to keep our workers' compensation court system working in a modern, healthy and safe manner in the future.

In response to your specific request for input from our workers' compensation practitioners, the NJSBA, in conjunction with its Workers' Compensation Section, has developed the following list of recommendations for your consideration as you continue your efforts to keep the courts operating under these unprecedented circumstances:

- While we recognize that everyone is working toward eventual reopening of the courts, the NJSBA recommends that the courts remain closed at this time to in-person hearings, until appropriate precautions are in place to ensure the health and safety of all users except under the most extreme conditions and with the consent of all participants. (As noted, the NJSBA is willing to work with the courts to accomplish this and would welcome the opportunity to participate in the task force examining these issues.)

- The Workers' Compensation Courts should consider following a phased-in approach to re-opening, and work toward ensuring the courts are able to be sanitized and remain sanitary as proscribed by CDC Guidelines and Governor Murphy's orders, for the protection of all visitors.
- The NJSBA encourages the Division to adopt consistent procedures for handling matters across all venues, so there is uniformity and practitioners and litigants will know what to expect from court to court.
- At this time, the NJSBA recommends that digital hearings be continued through video, with telephone call-in as an option for injured workers who are unable to join by video.
- To accomplish this, the Division should provide the platform to conduct telephone or video conferences. The NJSBA volunteers to assist the Division in scheduling a "how to" seminar for new technology and procedures.
- If possible, judges should be provided with laptops to ensure they have the ability to participate in video conferences.
- Workers' compensation practitioners report that splitting lists between morning and afternoon sessions can be problematic; as an alternative, they suggest that the sessions be organized by type of matter, with settled matters being given morning segments and contested motions and trials scheduled for the afternoon.
- Because of the current circumstances and unique issues presented by COVID-19, the NJSBA suggests that requests by attorneys or witnesses to appear remotely should be granted liberally.
- To ensure the effective use of everyone's time, attorneys should be encouraged to review their matters and use best efforts to send adjournment requests at least no later than 3 days prior to the court hearing, or within as reasonable a timeframe as practicable.
- Adjournment requests should be liberally granted when circumstances warrant it unless there is an objection.
- Each law firm should be responsible for providing the court with status markings.
- The standard adjournment form from the Division should be used for adjournment purposes.
- Attorneys should be encouraged to send proposed and executed orders to the court no later than 2 business days prior to the hearing.
- For uniformity and efficiency of process, and for matters that require a hearing or conference, judges should try to assign specific times for the attorneys to call/video.
- Court reporters should be on the call/video. The Division might want to consider whether the court reporting services can schedule contested hearings and settlements.
- Settlements by affidavit should continue with the parties' consent.
- Judges or their staff should be encouraged to promptly post Orders in Courts on Line so the parties can download and process them.

Again, the NJSBA thanks you for your consideration of these recommendations. They are offered with the intent that by working together, we can ensure that the administration of workers' compensation claims can be handled in a safe and effective manner to all concerned parties. The NJSBA, and its Workers' Compensation Section, welcomes any questions that you may have, and will be happy join in any future planning sessions as needed and necessary.

Respectfully submitted,

A handwritten signature in black ink, reading "Kimberly A. Yonta". The signature is written in a cursive, flowing style.

Kimberly A. Yonta  
President, New Jersey State Bar Association

cc: Domenick Carmagnola, Esq., NJSBA President Elect  
Angela C. Scheck, NJSBA Executive Director  
Mark S. Setaro, Esq., Chair, NJSBA Workers' Compensation Section