



NEW JERSEY STATE BAR ASSOCIATION

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March 27, 2020

Honorable Stuart Rabner, Chief Justice
New Jersey Supreme Court
Hughes Justice Complex/ P.O. Box 037
Trenton, NJ 08625-0037

Re: Request for Action

Dear Chief Justice Rabner:

Thank you for your continued leadership in keeping our state courts open and ensuring that achieving justice remains a paramount priority during these difficult and unprecedented times. Thank you, too, for the Court's recent Omnibus Order with further guidance for lawyers and litigants as they navigate these uncharted waters.

Attorneys are reeling under the new restrictions imposed by Executive Order 107 (EO 107). Most attorneys and their staff are working remotely for the first time ever. This is creating serious challenges to servicing clients consistent with the high standards of professional conduct to which attorneys are rightfully held. Moreover, attorneys are under unprecedented financial and mental stress, as many firms, particularly smaller practices, have already been left with no alternative but to lay off or furlough attorneys and staff. For many, taking the steps necessary to keep their doors open through the next pay cycle is the most pressing issue each day.

Further complicating matters, clients are by necessity focused on meeting their immediate family needs relating to COVID-19 and are unable to participate meaningfully in the prosecution or defense of their legal matters.

To that end, the NJSBA respectfully requests that the Court issue a plan that can be relied upon until EO 107 is lifted and for at least 30 days thereafter to allow attorneys and their clients to get re-situated. Specifically, the NJSBA respectfully requests the Court take the following actions as soon as possible:

(1) retroactively toll all discovery deadlines currently in place, whether by court rule or court order (including but not limited to case management orders), restarting the counting of time frames for all such deadlines no sooner than 30 days after the restrictions set forth in Executive Order 107 are rescinded or otherwise lifted;

(2) define a process to allow the courts, without the need for a formal motion, to address through concise letter requests and teleconference any circumstance presented in an individual case where such tolling will irreparably prejudice a party if specific discovery does not proceed as requested or ordered; and

(3) suspend all paper copy requirements whenever electronic copies can be submitted, regardless of their length, including but not limited to any all submissions referenced in Rule 1:5-6(b), all civil motions under Rule 1:6-4, all Family Part motions under Rule 5:5-4, and all appellate briefs under Rule 2:6-12. (To illustrate the necessity of this, I am attaching an eCourts notice received by the NJSBA this afternoon in an appellate case where three paper copies of the NJSBA's amicus brief, with green covers, is required to be mailed to the Appellate Division within seven days.)

We are proud that the New Jersey Supreme Court has an unparalleled legacy of adapting to circumstances when critically necessary to promote the fair and compassionate administration of justice. We appreciate your efforts during this difficult time, and thank you for your consideration of this request.

Respectfully,

A handwritten signature in black ink, appearing to read "Evelyn Padin". The signature is fluid and cursive, with a large initial "E" and a long, sweeping tail.

Evelyn Padin
President

/sab

cc: Hon. Glenn A. Grant, J.A.D., Acting Administrative Director of the Courts
Kimberly A. Yonta, NJSBA President-Elect
Angela C. Scheck, NJSBA Executive Director