



## NEW JERSEY STATE BAR ASSOCIATION

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April 21, 2020

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

Re: Extending Suspensions and Deadlines

Dear Chief Justice Rabner:

We are in receipt of the Court's April 20 Order continuing virtual proceedings for the near future. In less than a week, though, the Court's Omnibus Order formally suspending other court proceedings, extending deadlines and tolling time periods will expire, as will the timeframes contained in several other orders and notices from the Court. As is noted in yesterday's Order, the effects of the COVID-19 coronavirus have not subsided, and New Jersey remains in a state of emergency and under the strict "stay at home" provisions of Executive Order 107 (EO 107). As of late last week, the Governor has advised he cannot give any indication as to when that will change.

As I noted in my previous correspondence, attorneys are doing their best to adapt to remote operations and virtual proceedings, while continuing to zealously represent their clients consistent with the high standards of ethical requirements rightfully imposed on them. Attorneys are also struggling with determining how to make ends meet financially for them, their families, their firms and their staff. The level of stress is exacerbated by the uncertainty about how long these conditions will remain in place.

While the continuation of some proceedings is welcome, the looming potential of complicated trials, discovery deadlines and expiration of statutes of limitation arising with little time to adequately prepare because of the EO 107 restrictions, serves no one well.

For these reasons, I renew the NJSBA's request that the Court issue a plan for discovery deadlines and other timeframes that can be relied upon until EO 107 is lifted and for a set time period 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) Extend the suspensions of jury trials, grand jury sessions, landlord/tenant calendars, special civil part and small claims trial calendars, early settlement panel sessions and municipal court sessions, as contained in the Court's March 27 Order, until at least 14 days after the restrictions set forth in Executive Order 107 are rescinded or otherwise lifted;
- (2) Extend the suspension of depositions and all required appearances for doctors, nurses or healthcare professionals involved in responding to the COVID-19 public health emergency until at least 60 days after the restrictions set forth in Executive Order 107 are rescinded or otherwise lifted;
- (3) Allow COVID-19 issues that personally affect attorneys or litigants to be construed as exceptional circumstances warranting the adjournment of any hearing or proceeding, including civil arbitration sessions, or the granting of an extension;
- (4) Retroactively toll all discovery deadlines currently in place, restarting the counting of time frames for all such deadlines under the court rules and existing orders of the court, no sooner than 30 days after the restrictions set forth in Executive Order 107 are rescinded or otherwise lifted; and
- (5) 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 continued suspension or tolling will irreparably prejudice a party if specific discovery or a specific proceeding does not move forward as requested or ordered.

The NJSBA appreciates your consideration of this request and stands ready to assist the Court in whatever way it can as we all adapt to the circumstances we find ourselves in.

Respectfully,



Evelyn Padin  
President

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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