



NEW JERSEY STATE BAR ASSOCIATION

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VIA EMAIL ONLY

James J. Tedesco III
Bergen County Executive
One Bergen County Plaza, 5th Floor, Rm 580
Hackensack, NJ 07601-7076

Re: Executive Order No. 2020-1B

Dear Mr. Tedesco:

On behalf of the New Jersey State Bar Association, I write to express concerns about Executive Order No. 2020-1B as it applies to lawyers.

Under the state's Constitution, the Supreme Court has the exclusive authority to govern the practice of law. As of today, our courts remain open, and lawyers' ethical obligations to their clients, as governed by the Supreme Court Rules of Professional Conduct, continue. This is because the public's right of access to justice is one of the core foundations of a just and civilized society. Shutting down such access is not something that can be taken lightly.

While the Order attempts to allow lawyers to address "Superior Court trials or other ancillary court proceedings or emergent matters or transactions," there are a whole host of activities that may or may not fall under that standard, depending on one's perspective and interpretation. We are receiving reports from practitioners being consulted by clients facing harm to themselves or their children from an abusive spouse, homeowners at risk of mortgage delinquency because of debt issues, worried individuals wanting to prepare their wills or powers of attorney to prepare for what may be coming, and real estate clients who will lose their mortgages or be in breach of contract if a transaction does not proceed. There are also property tax and election-related petition deadlines looming, statutes of limitation timeframes running, and discovery end dates quickly approaching. In short, critical matters abound for New Jersey residents in need of legal assistance. For this reason, law firms cannot shut down like other businesses; they need to have flexibility to address the public's pressing matters.

Lawyers are officers of the court. They are bound to uphold the law and be faithful to the Constitution. They are placed in a unique position of trust in our society – trusted with an individual’s deepest confidences, most important documents, and most valuable assets. They should be trusted to exercise reasonable judgment in addressing the complicated and unique issues our state’s residents will face in this difficult situation.

We are aware of law firms taking the necessary steps to comply with the “social distancing” advisories issued by our government authorities. They are utilizing conference calls and video technology whenever possible. They are limiting visitors to their offices and allowing staff to telecommute. They are doing their part to be responsible citizens, while still zealously advocating for their clients, and our state’s citizens, best interests.

For all of these reasons, the NJSBA urges you to exempt lawyers and law firms from Executive Order 2020-1B all together, and instead allow lawyers to utilize their best professional judgment in continuing to fulfill the important role they play in our justice system.

Thank you for your time and attention to this. Please do not hesitate to reach out to me if you need more information or want to discuss any of these issues further.

Very truly yours,



Evelyn Padin
President

C: Kimberly A. Yonta, NJSBA President-Elect
Angela C. Scheck, NJSBA Executive Director