



NEW JERSEY STATE BAR ASSOCIATION

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September 2, 2020

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

Re: Recommendations for the Resumption of Jury Trials

Dear Chief Justice Rabner:

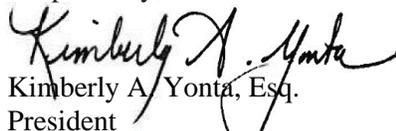
I am pleased to share with you a report and recommendations from the New Jersey State Bar Association for the resumption of jury trials in the New Jersey courts. This report is a supplement to the previous report submitted by the organization on July 2, 2020 that focused on jury selection. As with the original report, the recommendations contained in the attached are the result of hours of collective thought, analysis and debate among both criminal and civil practitioners who are regularly engaged in trial practice on behalf of their clients.

The NJSBA is appreciative of the opportunity to participate in a stakeholder's call to obtain a preview of the Judiciary's plan to resume trials just before the plan was more widely released. We were, however, disappointed to learn in that call that the plan was moving forward without additional comments and input from advocates with varying perspectives. We understand the extraordinary and unusual circumstances that we all face due to the current pandemic conditions, as well as the need for the courts to move forward and resume operations in as normal a manner as possible; however, we believe the initial plan would have benefitted greatly from a formal review and comment period as is afforded other initiatives, such as Court Rule amendments. Resuming jury trials in the current climate is a monumental task that will require the confidence and support of not just the legal community, but of all New Jersey residents, so it is especially important that all stakeholders are meaningfully engaged in the process.

To that end, we are pleased that the Court has created a new and expanded committee to review issues related to the resumption of jury trials moving forward. We hope there will be an opportunity to debate the initial proposal further, and perhaps address the concerns and incorporate the recommendations contained in the attached report, as they are offered in the spirit of working cooperatively with the Court for the benefit of the entire justice system.

Thank you for your consideration. The NJSBA stands ready to assist the Court in whatever way it can to resume jury trials in a manner that both preserves a litigant's constitutional rights and protects the health and safety of all courthouse users.

Respectfully,



Kimberly A. Yonta, Esq.
President