

Garden State CLE Presents:



We don't care what people say, ZOOMIN'
Court is here to stay!

Instructor:



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Lesson Plan

Part I – Preliminary Issues

a.) June 2, 2021 Notice to the Bar

Continuation of Certain Court Proceedings in a Remote Format

Remote court proceedings have provided significant benefits that should and will continue even after COVID-19. Remote events enable attorneys and parties to participate with greater convenience and reduced costs.

They can support efficient case management as evidenced by the 419,480 case dispositions and 259,009 motions decided in the state courts from April 2020 through March 2021. During that same period, Municipal Courts had more than 2.7 million dispositions. Remote operations also enhance the Judiciary's capacity to continue court services in the event of future emergencies or interruptions to in-person operations.

Based on the substantial benefits realized over the past 15 months, certain court proceedings will continue to be conducted remotely, subject to limited exceptions, including the following matters:

- Motion arguments and case management conferences in all trial divisions of the Superior Court and the Municipal Courts;
- Most Municipal Court hearings, except for DWI, other matters with especially serious penalties, and trials that involve multiple witnesses or complex evidence;

Apart from issues related to convenience and court productivity, the use of remote technology in municipal court offers significant savings for local governments. By using computers for court access by the public, municipalities have no further need to pay for court room security and the additional personnel that are required for in-court sessions. Remote access may also both facilitate and increase fine and court cost collections through the use of the judiciary's NJMCDIRECT.COM payment web site. Moreover, the municipal courts will be able to use email to communicate with litigants about their court business as well as to disseminate and collect post-conviction signed documents.

b.) Here is what will happen next

- Superior Court has brought 50% of their workforce, including Judges back to the courthouse. It is anticipated that 90 to 100 percent will back in the facility by the fall.
- At the Superior Court, they have started to conduct in-person trials in Criminal and Civil, taking into consideration all the federal and state safety protocols for social distancing.
- There is no plan at this point on how Superior Court will start other in-person proceedings. (An example would be criminal status conferences).
- At this point in time, there is no change to how Municipal Courts are or will be conducting their sessions, 95% of the cases scheduled remain virtual.
- A statewide working group has been implemented to explore and make recommendations for scheduling of in-person and virtual proceedings.
- Nine (9) of 12 Mercer County Municipal facilities are open to the public for general inquires. All the offices, even those closed to the public, are fully staffed. In-Person Trials continue to be scheduled.
- The Municipal Courts have been given the authority to once again issue warrants for Failure to Appear. The Municipal Judges are given the authority to issue these warrants on certain Motor Vehicle Violations such as DWI and others where there is a consequence of magnitude such as jail time or license suspensions. They also have the authority to issue warrants on criminal matters that involve domestic violence or if the defendant is under Pretrial Services supervision. Requests for warrants on all other case types must be approved by the Presiding Judge.
- The Municipal Courts will start to conduct Mediation proceedings virtually starting late July or early August.

c.) Harbingers of the changing nature of the practice

- 1.) Local attorneys appearing on ZOOM in distant courts

Part II – Marketing Issues

1.) Standard marketing issues

Product – Type of Law Practice

Price Points – Setting legal fees

Promotion – Move to statewide representation (direct mail, internet, TV)

Positioning – What types of cases will attract clients?

2.) Advantages & disadvantages

- Increased Productivity - Time/Travel
- Impact on local practices through increased competition
- Impact on legal fees
- Lack of personal contact with prosecutor, judge & police
- Plea bargaining
- Ability to advocate and persuade
- Live trials as an option
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