

The Impact of COVID-19 on Civil Litigation in New Jersey Courts



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As community spread of COVID-19 increases throughout the United States, New Jersey joins the growing list of states that have issued a statewide stay-at-home order. To further combat the spread of COVID-19, the Governor of New Jersey Philip D. Murphy has issued a directive requiring all state residents to shelter at home and limit movements outside of their homes beyond essential needs. The order took effect at 8:00 p.m. on March 19, 2020.

Similarly, New Jersey judiciary officials at both the state and federal level have placed wide-ranging restrictions on in-person hearings and conferences and have suspended jury trials. These operational changes have impacted how lawyers and litigants navigate ongoing civil litigation. This alert discusses the nature and extent of the New Jersey restrictions.

New Jersey State Courts

The New Jersey State Judiciary has implemented various modifications to court operations, including an ongoing transition to video and phone proceedings instead of in-person appearances and related measures intended to minimize in-person contact and adhere to crucial social distancing measures recommended by the New Jersey Department of Health and the Centers for Disease Control.

In conjunction with those operational changes, the court initially entered a series of orders suspending certain court proceedings, extending deadlines, suspending all new jury trials until further notice, and tolling time periods because of the practical impossibility of continuing business as usual during this public health crisis.

On March 27, 2020, Chief Justice Stuart Rabner issued an omnibus order intended to address all of the current measures in place and to solidify new directives. With regard to civil litigation, importantly, the order provides, in part:

- No new civil or criminal jury trials will be conducted;
- Rules 4:24-1(a), 4:24-1(c), 4:46-1, and 4:36-3 (relating to discovery extensions) are relaxed and supplemented to permit the extension of discovery deadlines through April 26, 2020. In the computation of time for discovery end dates, the period of March 16 through April 26, 2020, will be excluded due to exceptional circumstances;
- The time periods for discovery, including but not limited to interrogatories (Rule 4: 17), discovery and inspection of documents and property (Rule 4:18), physical and mental examinations (Rule 4:19), and requests for admissions (Rule 4:22), will be extended from March 16 through April 26, 2020;
- Civil arbitration hearings scheduled from March 16 to April 26, 2020, are postponed and will be rescheduled. Effective April 27, 2020, civil arbitration sessions will resume, with participation in any session to be via video and/or telephone conference and initiated by an arbitrator or panelist;
- Through April 26, 2020, depositions should be conducted remotely using necessary and available video technology, and in those circumstances court reporters may administer and accept oaths remotely;
- To the extent practicable, all court matters including hearings, conferences, and arguments, will be conducted by video or phone conferencing, and in-person appearances will be permitted only in emergency situations;
- All depositions and appearances for any doctors, nurses, or health care professionals involved in responding to the COVID-19 public health emergency are suspended through April 26, 2020, except for appearances and depositions (i) that are requested by the doctor, nurse,

or health care professional; or (ii) that are for matters related to COVID-19; and

- In the computation of time periods under the Rules of Court and under any statute of limitations for matters in all courts, for purposes of filing deadlines, the additional period from March 28 through April 26, 2020, shall be deemed the same as a legal holiday.

New Jersey Federal Courts

In an effort to stem the spread of COVID-19, New Jersey's Federal Courts are imposing a moratorium on jury trials. In federal courts in Newark, Trenton, and Camden, restrictions were imposed on who can enter court buildings. Effective March 16, 2020, all criminal and civil trials scheduled to begin before April 30, 2020, are continued. Initially, discovery deadlines set under federal or local rules or by court orders remained in effect, unless modified by the judge assigned to the case, according to the *standing order* signed by Chief Judge Freda Wolfson.

Subsequently, on March 24, 2020, The U.S. District Court for the District of New Jersey issued *Standing Order 20-04*, intended to supplement and modify *Standing Order 20-02*. Under the March 24 order, all civil filing and discovery deadlines falling between March 25, 2020, and April 30, 2020, are extended for 45 days (unless the presiding judge otherwise directs). Notably, the extension does not apply to scheduled conferences dates. It also does not toll or extend any applicable statute of limitations. Litigants can seek relief for emergent matters or where immediate relief is warranted.

Conclusion

New Jersey federal and state court judges may be flexible and accommodating to requests for adjustments in filing or scheduling that are necessitated by travel considerations, health or safety concerns, or directives from public officials. However, since the federal and state judiciary's response to the COVID-19 outbreak will likely be supplemented and/or modified from the date of this publication, it is critical for litigants and litigators alike to remain up-to-date on the latest court restrictions and related measures to ensure best civil litigation practices.
