

NOTICE TO THE BAR

COVID-19 – NINTH OMNIBUS ORDER ON COURT OPERATIONS AND LEGAL PRACTICE – EXPANDING GRAND JURIES; EXCLUDABLE TIME; RELAXING PRE-INDICTMENT DISCOVERY; PROVISIONAL NEW PRE-INDICTMENT HEARING

The Supreme Court has issued the attached Ninth Omnibus Order on Court Operations and Legal Practice during the ongoing COVID-19 pandemic.

This October 8, 2020 Ninth Omnibus Order continues certain adjustments necessitated during the COVID-19 period, including the prioritization of remote proceedings and permission for electronic signatures, remote or socially distanced depositions, and electronic service on the State of New Jersey. It also includes substantive changes designed to ensure that defendants detained without indictment promptly will have their cases presented to grand juries. To that end, the October 8, 2020 Ninth Omnibus Order includes the following new or updated provisions:

- Reinforcing that grand juries will be selected virtually, and confirming that before December 1, 2020 all counties will have the capacity for virtual grand juries;
- Permitting in-person grand juries, either in court locations, or, if court locations are not available, then in non-court locations as coordinated by the County Prosecutor, with court approval;
- Concluding pre-indictment excludable time in phases, starting with defendants who were arrested and committed to jail before the onset of COVID-19;
- Effective November 1, 2020, relaxing Rule 3:13-3(a) on a temporary basis so that defendants detained more than 90 days are provided discovery sooner; and
- Provisionally adopting new Rule 3:4-7 (“Pre-Indictment Hearing”), to provide a hearing involving the presentation of at least one witness, without adding excludable time attributable to the defendant.

Questions about this notice or the Court’s Ninth Omnibus Order may be directed to the Office of the Administrative Director of the Courts at (609) 376-3000.



Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: October 8, 2020