

Court Eyes Restart of New Jersey In-Person Jury Trials: What Lawyers Need to Know

By issuing jury summonses that permit either virtual or in-person service, the court continues to apply a cautious approach toward returning to normal operations as COVID-19 conditions improve.



Glenn A. Grant, J.A.D., acting administrative director of the New Jersey courts, testifies before the New Jersey Senate Budget Committee. Photo: Carmen Natale/ALM

Trials with in-person juries could return to New Jersey courthouses May 17 under a special modified jury summons notice [authorized by the Supreme Court](#).

By issuing jury summonses that permit either virtual or in-person service, the court continues to apply a cautious approach toward returning to normal

operations as COVID-19 conditions improve.

The “virtual-or-in-person” summonses will inform prospective jurors that jury selection will take place virtually, and service for those selected may be virtual or may involve reporting in person to a courthouse with social-distancing precautions.

Previously, New Jersey courts began conducting civil trials with remote juries in eight of the state’s 21 counties in February, with statewide civil trials with remote juries set to begin April 5.

The discussion of resuming trials with in-person juries comes as data related to COVID-19 in the state follow an “encouraging” trend, the court notice said.

The notice cited data from the New York Times showing the number of deaths and hospitalizations related to COVID-19 in New Jersey are declining but new infections increasing. New Jersey sees more than 2,500 new COVID-19 cases per day. That figure, while significant, is less than half the number of new cases reported at the start of 2021, the notice said.

“If those downward trends continue, the Judiciary hopes to be in a position to support more onsite presence and in-person events, including socially distanced jury trials. If trends change, however, we will adjust and instead assign jurors to fully virtual civil jury trials,” said the court notice, signed by Glenn Grant, acting administrative director of the courts.

“The ‘virtual or in-person’ summons documents will support substantial advance notice to jurors and will provide for the flexibility for those jurors to serve in a manner that is safe and consistent with public health guidance,” the notice said.

Vicinage judges will continue to conference civil cases for trials. Consistent with the court’s Jan. 7 order, virtual civil jury trials will proceed statewide as of April 5, with no requirement of consent.

Judges also will conference the substantial number of pending criminal cases for trials, with the expectation that those trials will proceed once in-person trials resume.

The notice said judges will continue to prepare civil cases for trial, consistent with the court order calling for statewide civil trials to begin on April 5. It added that judges should prepare pending criminal cases for trials, with the expectation that those trials will proceed once in-person trials resume.

In-person jury selection and new, in-person jury trials were suspended in a court order issued on Nov. 16, 2020.

Assembling and selecting juries has been a problem for the court administration since the pandemic started, since it requires calling large groups of prospective jurors into court. But holding trials with jurors participating from home via computer has its detractors, including the Essex County Bar Association.

In December, that group said in a letter to Grant that conducting trials where jurors participate from home hinders the empaneling of juries representing a cross section of the community. The Essex bar also said that disparities in access to broadband service would set up a "socioeconomic litmus test" for jury service.

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[**New Jersey Judiciary to Restart Remote Civil Jury Trials in 8 Counties in February**](#)

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