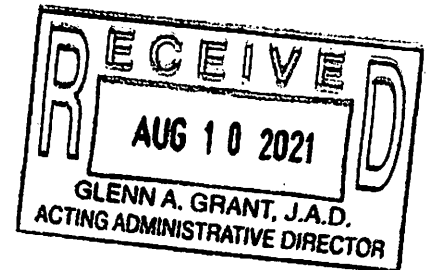


#060

July 24, 2021

Hon. Glenn A. Grant , J.A.D.
Acting Administrative Director of the Courts
Hughes Justice Complex
25 Market Street
Trenton, NJ 08625



Dear Judge Grant:

Although I have finally retired after some forty plus years of judicial service, I have attempted to maintain my interest in legal aspects of our mental health concerns. I understand and appreciate your offer to provide an opportunity to report observations of the emergency pandemic- inspired court use of remote/virtual hearings.

In March 2020, other retired recall jurists and I were requested to step down from such duties at two hospitals and related IOC hearings. Later in 2020 I was asked to return to duty in Union County for commitment hearings. Although my last ten years of judicial service included part and/or full time hearing commitments on a weekly basis, I reluctantly declined the offer for some of the following reasons.

Having participated in personal Zoom calls with family and community, I recognized the serious short comings of such remote efforts and reasoned that the same limitations would apply to the virtual efforts of the judicial hearings.

Let me briefly provide a sampling of such concerns:

I have always believed that unless defense counsel requests that their client wishes to avoid an actual appearance that the patient/IOC client must participate in person for the hearing to see, hear and hopefully understand all that is argued and testified during their confinement. I believe that this part of what we refer to as Due Process. I believe that anything less can only be recognized as "artificial" for lack of a better term.

In most "in person" hearings, the judge is able to observe the subtle nuances and responses/reactions between the patient/client and those who accompany them for the hearing. This is not the case in a virtual hearing since one cannot actually observe the interactions between the patient and those accompanying them. I

am also concerned about those patients/clients who might not have access to the necessary technical equipment to be part of these hearings.

In addition, the judge has to contend with background distractions (phone, kids, etc.). As we are all aware, it is important to maintain the decorum that these hearings demand.

I close without recital of the developed case law provided here in New Jersey if not in other jurisdictions that question continued operation of these remote hearings.

Cordially,

A handwritten signature in black ink, appearing to read "John J. Callahan". The signature is fluid and cursive, with the first name "John" and last name "Callahan" clearly distinguishable.

John J. Callahan, Ret.