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Steven Bonville

From: Margeau J. Ney, Esq. <mjneylaw@gmail.com>
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To: Comments Mailbox
Subject: [External]Continuation of Remote Court Hearings

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Good morning,

I am writing to express my support for the continuation of many court hearings remotely. My practice is almost exclusively criminal defense. My schedule used to consist of many 12 hour days, the majority of which were consumed by just driving to and from multiple municipal and superior courts in 1 day for hearings that often took just a few minutes. Many times, I was unavoidably late or could not appear due to the sheer impossibility of being in two places at once.

Since hearings began remotely, I have not missed a single hearing and have always been able to appear on time, even when I have appeared virtually in two courts at once, handling one matter while waiting for the court to be ready on the other. I have also had the advantage of being able to complete other work while sitting in my office or home waiting for a virtual hearing, so deadlines for briefs and filings have not been missed and I have been more efficient.

Although I certainly believe certain matters, such as jury trials and many testimonial motions, should return to in-person, there are many matters that are being arbitrarily made in-person, even with the rise of the delta variant and increased exposure from in-person court. For example, I was recently in a municipal court in Camden County where I was told that any case involving an attorney with "consequences of magnitude" would have to be heard in person, even for first appearances, status conferences, and pleas that do not involve jail, probation or a loss of license. This seems counterintuitive, as the municipal courts appear to run more efficiently and effectively via Zoom than they did in person. Some courts seem to express a concern about incarcerated clients communicating with counsel without appearing in person, but with limited exceptions, the jails have accommodated phone and video conference requests with inmates very well. In fact, it is always preferable to communicate with clients prior to court appearances, and any last minute communications have been handled well through the use of breakout rooms for confidentiality.

In addition, for FRO hearings, unless they are proceeding to trial, it seems much more efficient and better for all participants to have adjournments and matters being resolved by dismissal or civil restraints virtually, with trials in-person if requested.

On a personal note, the advantage to virtual hearings for the legal community in general are significant. Time that used to be spent away from my family from long hours of driving between courts is now recovered - I am able to have dinner with them at night even if I have a night court, because I can appear from home. In addition, I have been able to avoid postponing court appearances when I am visiting my parents out of town or even occasionally when I am on vacation, because I can appear from wherever I am physically located. My overall efficiency and ability to avoid delays for courts has improved exponentially, as has my quality of life as a solo practitioner. In addition, my partner, who is a municipal prosecutor, is now able to appear for multiple courts in one day rather than having to request coverage, show up late and delay court proceedings, or reschedule matters for days or weeks. Litigants are also not forced to miss work or child care obligations in order to attend court. Overall, Zoom has been a great benefit to the legal practice and I think it will continue to be if it stays in place.

Thank you for considering my comments.

Margeau J. Ney, Esq.