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From: Paul Krauss <PaulK@201injury.com>
Sent: Wednesday, December 16, 2020 2:30 PM
To: Comments Mailbox
Subject: [External]FW: Virtual Jury Trials

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From: Paul Krauss
Sent: Wednesday, December 16, 2020 2:23 PM
To: 'Comments.Mailbox@njcourts.gov.' <Comments.Mailbox@njcourts.gov.>
Subject: Virtual Jury Trials

Dear Judge Grant,

It is my experience that insurance carriers are using this pandemic as an excuse not to settle cases. They know that without the imminent threat of a jury trial, there is no incentive for them to settle cases for fair value. They are making token offers, but many of them are not realistic. A recent example was a UM case that was arbitrated at \$65,000 between two carriers as my client was a passenger with her own auto insurance policy. Pre-COVID, this case would have settled, but Liberty Mutual offered \$5,000 which was matched by co-defendant, State Farm, for a total offer of \$10,000. The rationale given by the adjuster for, Liberty Mutual was that they believe the case is defensible on the threshold. They know my only remedy is to settle cheaply or wait forever until the case is tried. That is unfair and constitutes bad faith by Liberty. Unfortunately, I have no remedy and the client and I will wait until the case is reached for trial. Many of my colleagues have similar stories to share.

The solution I propose is to make all virtual trials mandatory. This will get the carrier's attention and help settle cases and reduce the backlog. I understand others do not like the mandatory requirement, but if you think about it, that is the only practical way to get these cases moving.

Very respectfully,
Paul A. Krauss

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