



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

OFFICE OF ADMINISTRATIVE LAW
AMENDED OMNIBUS COVID-19 ORDER
FOR CONDUCT OF REMOTE HEARINGS

The following standard procedures will be followed by all participants in any hearings at the Office of Administrative Law conducted by remote video/audio platform (e.g., Zoom) during any period of public health emergency in which the Governor of the State of New Jersey has issued Emergency Orders mandating stay-at-home protocols for citizens and State employees. This Order is intended to clarify evidentiary hearing procedures to be utilized during this period of public health emergency while still preserving a full and fair opportunity for all parties.

The COVID-19 pandemic continues to affect attorneys, parties, and others, both professionally and personally. In recognition of the pervasive and severe effects of the COVID-19 public health crisis, in any individual matter filed at the Office of Administrative Law, and consistent with N.J.A.C. 1:1-1.3, "procedural rules may be relaxed or disregarded if the judge determines that adherence would result in unfairness or injustice." Further, and consistent with the New Jersey Court Rules and any Omnibus Orders issued by the Administrative Office of the Courts or the New Jersey Supreme Court, the Office of Administrative Law may also suspend proceedings, extend discovery or other deadlines, or otherwise accommodate the legitimate needs of parties, attorneys, and others in the interests of justice.

At this time, the Office of Administrative Law is conducting remote plenary and hearings in cases in which all parties have consented to its usage. Emergency hearings will proceed without universal consent. Priority cases will proceed without universal consent, as directed by the assigned judge. Individual requests for extensions or adjournments, or other relief may be submitted by letter in lieu of a formal motion to, or through an approved telephonic conference with the assigned Administrative Law Judge.

Remote Hearing Procedures

1. The conduct of remote hearings will approximate as closely as possible to regular live hearings at the Office of the Administrative Law. Remote hearings do not change or modify the order of presentation of witnesses or the burden of proof.

Omnibus COVID-19 OAL Protocols

2. Any person who seeks to observe the remote hearing, unless the nature of the matter requires that it be conducted in private, must contact the Administrative Assistant to the Administrative Law Judge individually or through counsel prior to the scheduled remote hearing for leave to do so and for remote video/audio platform instructions. Members of the media will be directed to the OAL Public Information Officer, Candice Hendricks, for further instructions. Any observer shall be muted throughout the proceedings.
3. Any party may request, at or before the hearing, for access to a Zoom or similar virtual breakout room to confer with clients or witnesses in private, or for another form of accommodation that permits private consultation during the course of the hearing.
4. No participant may livestream, video or audio record any portion of the remote hearing.
5. No participant may have any other electronic device present during the remote hearing; specifically, all cell phones, secondary laptops, tablets, etc., must be turned off. No other applications or browser windows may be accessed on the device being utilized for the remote hearing without express leave of the Administrative Law Judge. If an attorney requires access to an electronic device to confer with a client who is not a witness, this will be discussed with and arranged with the judge prior to the commencement of the hearing.
6. No participant may have persons unrelated to the conduct of the remote hearing present in the room with themselves without express leave of the Administrative Law Judge. If more than one person is present in the same physical space for the remote hearing, they shall be appropriately distanced. No food shall be permitted in view or to be consumed during the remote hearing.
7. All witnesses will be instructed in the appropriate rules, regulations, and decorum that shall abide for the remote hearing prior to the oath being administered. The Administrative Law Judge may opt to use the “mute” function to control the integrity of the hearing and the recording.
8. All attorneys, parties, and witnesses must be appropriately attired, and must assume that the video recording will capture their entire stature. All persons participating must situate themselves in front of the video camera in such a manner that they are face forward to the Administrative Law Judge.
9. For all remote hearings, only the officially recorded audio portion of the hearing, as controlled by the individual Administrative Law Judge, shall be deemed the hearing record. Said audio record will be available in the same manner and under the same terms and conditions as regularly established by the Office of Administrative Law.

July 2, 2020

Date

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

Ellen S. Bass
Acting Director and Chief
Administrative Law Judge