

IN THE MATTER OF )  
 )  
 JUDGE JASON D. WITCHER, )  
 )  
 JUDGE OF THE )  
 )  
 MUNICIPAL COURT )  
 )

TRANSCRIPT  
OF  
INTERVIEW

HELD ON: January 19, 2023

HELD AT: Brown & Connery  
6 North Broad Street  
Woodbury, NJ 08096

INTERVIEWEE: Judge Jason D. Witcher

INTERVIEWERS: William F. Cook, Esq. (Brown & Connery)  
Steven Somogyi (Administrative Office of the  
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I N D E X

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WITNESS

JUDGE JASON WITCHER

Examination by Mr. Cook

3

1 EXAMINATION BY MR. COOK:

2 Q Okay, today's date is January 19th, 2023.  
3 The time is 11:07 a.m. My name is Bill Cook. I'm an  
4 attorney with the firm of Brown & Connery in Westmont,  
5 New Jersey. With me today I have the pleasure of Judge  
6 Witcher, as well as Steve Somogyi from the  
7 Administrative Office of the Courts. We are in my  
8 Woodbury office of Brown & Connery and we are here  
9 today to go through some of the matters that have been  
10 recently discussed involving the Millville Municipal  
11 Court. Today is an opportunity to go through those  
12 matters in some further detail. Today is for the  
13 purpose of allowing Judge Witcher to provide us with  
14 everything that you need to tell me, Judge, and to be  
15 sure that, you know, we are having that discussion.

16 A Certainly.

17 Q Obviously, it's a dialogue that needs to be  
18 had. We are here today for that purpose, right?

19 A Absolutely, yes.

20 Q Your Honor, let me put on the record a few  
21 preliminaries. You're here today voluntarily?

22 A Yes, absolutely. That's correct.

23 Q Nobody has asked you or compelled you in any  
24 way. You're here on your own free will and volition.  
25 You and I have never had the pleasure of meeting.

1 A We have not.

2 Q I think we had talked at least by way of  
3 e-mail. I'm not a municipal court practitioner. I  
4 have had over the years occasion to appear on some  
5 matters. I haven't had the pleasure of appearing in  
6 Your Honor's court so I have some general familiarity  
7 with processes and that's a major reason why we have  
8 Mr. Somogyi here today. And I should further add for  
9 the record that he is, as I told you, Judge, he is the  
10 state-wide guy on municipal court practices, scheduling  
11 practices, administrative-related matters.

12 MR. COOK: Steve, right?

13 MR. SOMOGYI: Yes.

14 Q And so, you know, I felt it was important  
15 that we have Steve here. You and I had talked about  
16 that in advance.

17 By way of addition, Judge, this is not an  
18 interrogation, it's not a deposition. You know, it's  
19 not an adversarial proceeding. As I think, at least I  
20 hope I indicated by way of e-mail --

21 A Yes.

22 Q -- I am outside counsel. I am not an  
23 employee with the Judiciary. I do not, you know, I  
24 don't receive a paycheck from the Judiciary or anything  
25 like that. I'm merely here so that, you know, somebody

1 from the outside can be asking these questions.

2 Did I say all that correctly, Judge, and is  
3 that consistent with your understanding?

4 A Yes. Yes, it is. Absolutely, yes it is.

5 Q All right. You've been very cooperative,  
6 Your Honor. It's just my involvement. I'll say  
7 further for this record, we've exchanged a few e-mails  
8 to that effect and those e-mails speak for themselves  
9 as far as their content, of course.

10 I should further add that we are here, as I  
11 said, for the day. I mean I have the day. I know that  
12 Your Honor has another commitment. I want to be sure  
13 that it's clear on this record. We can certainly --  
14 and I'm hopeful and based on some things that I think  
15 we'll add as we go forward, a lot of what we may need  
16 to discuss today may have been truncated and  
17 consolidated, Judge, because you have been kind enough  
18 to provide me with some additional e-mails over the  
19 past few days which are helpful, you know, as far as me  
20 understanding these issues, right? You provided those  
21 and --

22 A Yes. That was the reason I sent them over to try  
23 to give you the information on paper that you need.

24 Q On paper, okay. So, these are complicated  
25 issues. I mean and I appreciate that you're putting

1 things to writing because it's very helpful for me and  
2 I think in many ways, as I said, will truncate a lot of  
3 this. But I do, you know, want to ask some follow up  
4 for sure.

5           We may not get through everything today. I'm  
6 the kind of guy, Judge, the more that I practice, I  
7 like to kind of keep things as tight as we can, you  
8 know, but at the same time I don't want there to be any  
9 feeling by your part or anyone's part that -- you know,  
10 this is your opportunity and if we have to continue  
11 this at some point in time, then we'll do that. As I  
12 said, I know you have another commitment. And so does  
13 that sound fair?

14 A     Yes, sounds good.

15       Q     All right.

16 A     Look forward to it.

17       Q     Okay. Judge, I read a little on your  
18 background. I know you've been very active. Putting  
19 aside your time with the bench, I know that you've been  
20 somebody who's been very active in the community in  
21 Salem County, born and raised in Willingboro. I  
22 believe you're the first African-American judge --

23 A     In Salem and Cumberland.

24       Q     -- in Salem and Cumberland County. I also  
25 know that you've been on the bench for I guess it's

1 about 13 years?

2 A This is my 13th year, yes.

3 Q You started in --

4 A Two thousand -- I'm losing track now. 2010, I  
5 guess. I think 2010, yes.

6 Q All right.

7 A This is my 13th year.

8 Q And you've served in various courts since  
9 that time.

10 A Yes, I have, quite a few.

11 Q You've been in -- I know we'll be talking  
12 about Millville of course, but I mean you've served in  
13 -- where did you serve initially?

14 A Salem. Salem. Then I went over to Carneys Point,  
15 then Bridgeton, Penns Grove and Millville. And Carneys  
16 Point merged with Pennsville so I have that as well.  
17 And Bridgeton merged with Fairfield so there's like  
18 seven different towns total in my jurisdiction, four  
19 courts.

20 Q And I also understand, Judge -- and by the  
21 way, if you're okay, I asked Steve to take some --

22 A Sure, sure, sure.

23 Q -- if he needs to.

24 A Yes, sure.

25 Q I mean, part of the beauty, I guess, of the

1 audio is that it's here.

2 MR. SOMOGYI: I may not have to.

3 Q He may not have to but please --

4 A Feel free. Feel free.

5 Q Please don't be offended that he's --

6 A I am not. Feel free.

7 Q You know, that's just --

8 A I welcome it. Feel free.

9 Q I got it.

10 A Make yourselves comfortable.

11 Q I got it.

12 MR. SOMOGYI: (Indiscernible) in court.

13 Q You were a Salem County assistant prosecutor?

14 A Yes. I was the first African-American there as  
15 well.

16 Q Walk me through your time there.

17 A I started there in 2002. I prosecuted narcotics and  
18 major crimes and I left there in 2008, nine-ish, 2008.  
19 I went into private practice for like a year-and-a-half  
20 by the Helmer firm. Then I got appointed to the bench  
21 in 2010.

22 Q So, Ron and Jim?

23 A Yes, yes.

24 Q You were out of Haddon Heights?

25 A Haddon Heights, yes. Then they moved me over to



1 Vineland, the Vineland office for awhile.

2 Q Yeah. They spanned out over --

3 A Yes, they're everywhere. I call them McDonald  
4 because they're a franchise all over the place.

5 Q Yeah. He's still around, Ron and Jim.

6 A Yes.

7 Q I know them very well. So, you know, you've  
8 done this practice for some time.

9 A Uh-huh.

10 Q As I understand and, of course, you go on the  
11 on the bench, I know you've been very active in the  
12 community with the various --

13 A Very much. Very much.

14 Q -- for different causes, and just so we're  
15 clear, I mean that's not before us I don't think here,  
16 right? I mean, nobody --

17 A No, no, no. No one has --

18 Q Nobody has even suggested that to my  
19 knowledge.

20 A No, no, not of any relevance anything here.

21 Q Your efforts are to be absolutely commended  
22 so I think that's outstanding. But you've been in  
23 Millville since what, 2017, I think, right?

24 A 2017, yeah, I've been in Millville.

25 Q And so, I understand because I've done some

1 research on this, these are three-year terms?

2 A Correct.

3 Q And the appointment is through municipality.

4 A Correct.

5 Q And we all know this. It's somewhat of a --  
6 it's not somewhat, but it is a hybrid-type role. There  
7 is obviously the Judiciary because you're a judge.

8 A Correct.

9 Q But, technically, you are an employee of or I  
10 guess a contractor so to speak.

11 A I'm an employee of the City. The Judiciary has  
12 supervisory power over the bench so there's a hybrid-  
13 type of relationship between the Judiciary, the town  
14 and me.

15 Q Right. You had an initial three-year term  
16 with Millville --

17 A Yes.

18 Q -- that went to 2020?

19 A Yes.

20 Q And then you were I saw reappointed.

21 A I was a holdover for a year.

22 Q Right.

23 A And then I got reappointed recently --

24 Q Right.

25 A -- for another term.

1 Q Right. And that is for another three-year  
2 term which will expire when?

3 A I guess '25, six. I'm losing track. I got a lot  
4 of courts. I think '25.

5 Q Right.

6 A In '25. September '25, I think.

7 Q Right. So, it's a three-year term,  
8 obviously, by contract. And you serve in a number of  
9 different courts, as we've talked about?

10 A Yes, correct.

11 Q Just by way of further background, Your  
12 Honor, do you hold or practice law -- I want to say  
13 this correctly -- but do you have like an independent  
14 practice?

15 A No. None.

16 Q Okay, can you explain that? It really  
17 doesn't need to be explained because it is what it is.

18 A I'm a part-time judge technically but I'm a full-  
19 time. I have a bunch of courts so that takes up my  
20 entire schedule so I'm only a municipal court judge, no  
21 private practice whatsoever.

22 Q So, your full-time role is a judge, right?

23 A That's all it is, yes, that's it.

24 Q And you sit, at least currently, in  
25 Millville? And correct me if I'm wrong, Your Honor,

1 but you sit in Millville on Mondays and Wednesdays --

2 A Correct.

3 Q -- and then on is it Tuesdays and Thursdays

4 Bridgeton?

5 A Correct.

6 Q And then Fridays you're in Penns Grove and

7 Carneys Point?

8 A Correct. Alternating Fridays. Those are twice a  
9 month.

10 Q Alternating. Right, because they're smaller.

11 A Correct.

12 Q The schedule in Millville on Monday, that is  
13 -- explain that schedule for me.

14 A All right, so the scheduling in Millville is set  
15 by the court administrator's policies. We currently  
16 have four in-person sessions on each Monday. Then on  
17 Wednesday is our virtual court sessions. Out of the  
18 four Monday in-person sessions, two of those sessions  
19 are dedicated interpreter sessions where there's an  
20 interpreter brought in, [REDACTED] (phonetic), to  
21 handle Spanish interpretation cases twice a month.

22 Q I'm taking some notes, Judge.

23 A Sure, sure.

24 Q Monday are four in-person sessions?

25 A Yes. Every Monday is an in-person session. I was

1 going to say four because that's what you have.

2 Q It's okay. It's okay, Judge.

3 A Two of those are slated as interpreter days  
4 wherein an interpreter, [REDACTED], is brought in  
5 to handle, you know, the Spanish interpretation cases  
6 that are scheduled for that day.

7 Q That's in-person, right?

8 A Correct. That's correct.

9 Q Okay, and I'm going to get to that. When you  
10 say four in-person, you mean four a month, or are you  
11 saying four a day?

12 A Four per month. Four total sessions per month,  
13 yeah.

14 Q Right. Gotcha.

15 A Each Monday is --

16 Q Each session is a day?

17 A Yeah, that's right.

18 Q I gotcha. Okay. I just wanted to be sure.  
19 So in Millville on Mondays it's every Monday or at  
20 least there's four Mondays a month. One of those days  
21 is in person.

22 A Both -- all four of those are in person.

23 Q Right. All right.

24 A Out of those four, two of the in-person dates are  
25 slated as dates where an interpreter is brought in to

1 handle Spanish cases. So, out of the four days, two of  
2 those in-person days are interpreter days. The other  
3 two are not.

4 Q Got it. Okay. All right, now, Wednesdays in  
5 Millville, tell me how your schedule works.

6 A Those are all virtual court session days. For  
7 those days there is no interpreter scheduled. There  
8 are no Spanish-speaking litigants scheduled. There is  
9 a service called LanguageLine which exists to handle  
10 interpretation of various languages virtually or in  
11 court but that service is not used in most courts. In  
12 our vicinage there's a high Hispanic population. I've  
13 never in my entire tenure in Millville ever had a  
14 Spanish litigant use LanguageLine in court. We've used  
15 different things such as, you know, Haitian, Creole,  
16 Mandarin, languages that aren't quite as common. But  
17 all Spanish cases have always had an interpreter,  
18 typically one also in virtual as well as in person.

19 Q And just so I'm clear, you don't dispute that  
20 the LanguageLine has always been available?

21 A Yes.

22 Q Am I correct?

23 A It's always been available.

24 Q It's always been available.

25 A Correct.

1 Q But what you're telling me is it's not  
2 something that has been utilized for Spanish-speaking  
3 individuals?

4 A Yes, it hasn't been needed because there's no one  
5 scheduled who needs a service.

6 Q Oh, I see what you mean.

7 A So, it's there, but there's no one scheduled that  
8 needs interpretation service from LanguageLine so,  
9 therefore, it's never used although it's there --

10 Q All right, okay.

11 A -- because no one is scheduled that speaks Spanish  
12 that would need to use the service.

13 Q All right. And I take it that's I guess, and  
14 we'll get to this, but part of the contention is that  
15 you're saying that the Spanish-speaking persons are not  
16 scheduled and that's part of the issue of your concern?

17 A Yes. It's pretty much for me. I look it as a  
18 very clear law school 101 disparate impact situation  
19 where you have an internal policy set by the court  
20 administrator. That policy is based on language which  
21 because most Spanish-speaking people tend to have  
22 Latino surnames or origins, because the interpreter  
23 scheduling is such that it's all scheduled in person,  
24 it has a disparate impact, disproportionate impact on  
25 people who are Latino.

1           So, people who are Latino and speak Spanish  
2 are required to come to those two in-court sessions per  
3 month as opposed to having the option of being on video  
4 where no interpreter is really scheduled to be there  
5 but they're not scheduled to be there. They're always  
6 scheduled to be in person via -- whoever is doing the  
7 actually scheduling of placing people in those dates,  
8 that's how they're occurring, so that's where the  
9 complaint comes.

10           Q     That's where -- okay, and we'll get into  
11 that. I mean before I forget because I think it's  
12 important, just because somebody sees a name that they  
13 perceive to be Hispanic or Latino, that name in and of  
14 itself you cannot conclude whether the person in fact  
15 speaks Spanish?

16           A     Correct.

17           Q     We can agree with that?

18           A     We can agree with that.

19           Q     And --

20           A     That's part of the issue, as well, is that what  
21 I've seen on the one day I questioned litigants was, at  
22 least one person prior to court requested there be --  
23 that they needed an interpreter. They were advised  
24 that they had to appear in court. There was no  
25 interpreter available virtually. That's on the record



1 on December 5th. I'm sure it's happened before, as  
2 well.

3           The other issue is that people -- how do  
4 people wind up being scheduled if you don't speak to  
5 them in advance? There has to be some basis to make  
6 the determination how to filter them into an  
7 interpreter day. If you don't speak to them, the only  
8 other basis utilized to do it is you're guessing based  
9 on their name. It can't be coincidence that all  
10 Spanish-speaking people wind up in those days. That  
11 coincidence is an impossibility for that to occur.

12           Q     All right, let me just do one thing real  
13 fast. So, let me just cut to the chase. Your specific  
14 concern, and I want to be sure I'm saying this  
15 correctly, Judge --

16           A     Yes.

17           Q     -- your specific concern is that you believe  
18 that there is a policy and that the policy on its face,  
19 and when I mean on its face --

20           A     Right.

21           Q     -- is neutral, but in its application has  
22 some discriminatory impact?

23           A     Exactly.

24           Q     Okay. That's what I want to be sure I'm  
25 understanding.

1 A Exactly.

2 Q You're not alleging or suggesting that --

3 A It's not malicious --

4 Q Right.

5 A -- or anything or purposefully discriminatory.

6 The policy alone factually calls there to be a

7 disproportionate impact on people who are Latino

8 because of the way the Spanish cases are scheduled.

9 Whether -- I don't think it's malicious. I think it's

10 a poor scheduling system by a very experienced court

11 administrator who should know better. I've advised

12 that that scheduling system stopped. It has not. It

13 continues to be through the entire 2023 calendar. It

14 still has not been changed and it will continue if it's

15 not changed.

16 Q All right, now here's my question on this.

17 A Yes.

18 Q And let's try to narrow it down even further

19 so we're clear.

20 A Sure.

21 Q You're not alleging that the administrator

22 I'll represent for the record here that is Ms. Hamlyn,

23 right?

24 A Correct.

25 Q And there are -- by the way, do you know the

1 names of the other individuals who work in that court  
2 administration?

3 A Yes. The deputy administrator's name is Amber  
4 Oliver. She's a newly-hired deputy court administrator  
5 there.

6 Q Okay.

7 A Amber Gandy is one of the more experienced clerks  
8 there. The other ladies there I don't know them.  
9 They're relatively new. I don't have very much  
10 interaction with them, quite frankly, except good  
11 morning and good evening, but they're relatively new  
12 employees.

13 Q My understanding is some of those individuals  
14 are actually bilingual. Were you aware of that?

15 A Yes, I am, yes. They are. I believe at least two  
16 of them, maybe three of them are bilingual.

17 Q Okay. And you're not alleging that any of  
18 those individuals -- and by those individuals I mean  
19 Amber Oliver, Amber Gandy or any of the others that are  
20 working in that office are engaging in conduct which  
21 you believe to be discriminatory? Am I saying that  
22 right?

23 A I don't think they're purposely doing anything  
24 discriminatory. They're just following whatever  
25 instructions are given about scheduling. They're young

1 girls.

2 Q Okay. And so those instructions would be  
3 from Hamlyn, right?

4 A That's correct.

5 Q So, the policy that is of concern to you --  
6 and thank you, Judge, this is helpful in learning this  
7 -- so the policy that is of concern to you is a policy  
8 that in your mind has been advanced by the municipal  
9 court administrator in terms of how these cases are  
10 scheduled. Am I saying that right?

11 A That is correct.

12 Q Now, is this a written policy that she has  
13 advanced, a verbal policy or something else?

14 A I don't believe it's a written policy. It's a  
15 verbal policy which is in some way written based on the  
16 schedule that's been put forth that kind of  
17 corroborates the verbal policy by having a schedule set  
18 with the two in-court interpreter days. It kind of  
19 confirms the policy of how this thing is set up.

20 Q Let me ask it this way. So, you're not aware  
21 of a written policy advanced by the administrator,  
22 right?

23 A I am not.

24 Q And the basis for your belief that there is a  
25 verbal policy is your consideration of the schedule and

1 by looking at the schedule and the way that you read  
2 the schedule, you are working backwards so to speak or  
3 extrapolating and assuming essentially there must be  
4 some verbal policy in effect that is causing this. Am  
5 I saying that right?

6 A Right. Because it's consistent. It's consistent,  
7 every session for months over a period of time which  
8 would, you know, mitigate any chance of this --

9 Q I understand.

10 A -- aberration --

11 Q All right.

12 A -- because it's consistent, the same thing every  
13 session, every day, every month.

14 Q Okay, all right. So, all right. So, this is  
15 helpful so that I understand. So, the basis for your  
16 believe that there is -- and, by the way, you're not  
17 contending here that there is either a written or a  
18 verbal policy of Vicinage 15 that is causing this, am I  
19 saying that right?

20 A No. This is neither a judiciary policy statewide  
21 or a vicinage policy. This is very simply one  
22 individual's policy that has caused this discrepancy.

23 Q Okay.

24 A There's nothing involved in the State Judiciary's  
25 policy regarding in-court scheduling, nothing involving

1 vicinage policy regarding in-court scheduling. The  
2 Supreme Court memo on that is clear. Those are not at  
3 issue.

4           The only thing at issue is the court  
5 administrator's what I believe is an unwritten policy  
6 that's been handed down for the staff to schedule cases  
7 in accordance with language to have them filtered into  
8 those days. That's the only issue here. There's  
9 nothing state-wide or vicinage-wide. This is simply  
10 one individual's verbal policy that's causing the  
11 discrepancy. That's it.

12           Q     Got it. Okay. All right, so for us to  
13 understand or at least try to get to the root of this  
14 because look, let's face it. I think everybody agrees  
15 that if there is some unlawful practice that's  
16 happening, that needs to be rooted out, okay? Can we  
17 agree with that?

18           A     Which is very simple. Yes.

19           Q     I mean I think that's just basic.

20           A     Very simple.

21           Q     That's fundamental.

22           A     I agree.

23           Q     That's fundamental.

24           A     I agree.

25           Q     So, if there is something that is happening,

1 that needs to be addressed somehow, right? We can  
2 agree to that?

3 A Yes.

4 Q But what we do know here is that the nature  
5 and not just the nature but the specific issue that you  
6 have the concern with is something that is happening in  
7 that office somehow, somewhere that is being advanced  
8 by the administrator that is in your mind resulting in  
9 a disparate impact on Spanish-speaking litigants. Did  
10 I say that right?

11 A Yes. That is correct.

12 Q All right. So, for us to know what that is,  
13 we would certainly have to get into the specifics of  
14 how that administrator is running the scheduling,  
15 right?

16 A And, Bill, I tried to do that by way of questions  
17 that were pursuant to a meeting I had last week with  
18 Judge North that I sent to Kim Hamlyn to answer to try  
19 to figure out why and what was the basis of the  
20 scheduling. I think I may have forwarded that to you.

21 Q I have that, yes, Judge.

22 A And there were no answers. She kind of refused to  
23 answer any of those questions in that e-mail which you  
24 have. She wouldn't answer them. She just referred  
25 back to the Supreme Court memo on scheduling which is

1 not the issue. That memo is fine.

2 Q I understand. You're not suggesting, Your  
3 Honor, that Ms. Hamlyn is doing anything intentionally  
4 to cause this? It's in your mind some process that she  
5 uses that is resulting in this what you perceive to be  
6 a discrepancy. Did I say that right?

7 A Well, Bill, at some point it does become  
8 purposeful --

9 Q Okay.

10 A -- because I advised her in late September/early  
11 October of my observations. She indicated that it was  
12 coincidental, there was no policy set forth. I advised  
13 her again later in October that I was continuously -- I  
14 had concerns because it violated the fairness of access  
15 policy of the Judiciary. She again said it wasn't  
16 happening.

17 [REDACTED]. As a matter of  
18 fact, I had a meeting after court on one session  
19 particularly. I'd had enough of it. And I had a  
20 meeting scheduled after court with my staff. I went  
21 into my chambers. I came back. The business  
22 administrator was invited to the meeting. Why, I don't  
23 know. But Kim had him come to the meeting.

24 In that meeting I began to ask her to go  
25 through the files and explain to me why they were



1 scheduled. She wouldn't do it. I said to BA that this  
2 is a potential liability issue, I want it addressed  
3 right now right away. He assured me it would. Kim  
4 assured me it would.

5 [REDACTED]  
[REDACTED]. When I came back [REDACTED]  
[REDACTED], things had not been corrected. That was  
8 December the 5th which today I decided to put it on the  
9 record my observations which I did in which case I  
10 questioned all litigants, not just Latino, as to their  
11 knowledge of or opportunity to participate in video  
12 court. I believe 100 percent of those who spoke  
13 Spanish, not -- Latino because some didn't need an  
14 interpreter, they were told that they had to come in  
15 court, had no reason -- they didn't know why they were  
16 there and didn't have the opportunity to go to video  
17 court. That's when things hit the fan so to speak.

18 Q And for us to know what they said, we, of  
19 course, would go to the record and see what they said.  
20 It's on the record, right?

21 A On the record.

22 Q All right, so let me go back through this  
23 then a little further. So, for us to really understand  
24 and try to get at the root of this, we have to  
25 understand what's happening with that administrator,

1 right?

2 A Yes, that's correct.

3 Q Okay. And understand also, Judge, I don't  
4 represent the City of Millville and they have their own  
5 policies that they have to advance and consider. And  
6 obviously, you being an employee of the City of  
7 Millville, those types of employment things are handled  
8 through them. You understand that, right?

9 A Correct.

10 Q All right. But I do understand that Ms.  
11 Hamlyn has been the administrator. Tell me when you  
12 first started working with Ms. Hamlyn and a little bit  
13 about that history.

14 A Yeah. She was the administrator in Bridgeton. I  
15 was substituting there for Judge Neder for quite  
16 awhile. She was there. And she went over to Millville  
17 Judge Neder and I've been working with her directly  
18 since I came to Millville in 2017. She's been the  
19 court administrator there since then.

20 Q So, when you worked with her in Bridgeton,  
21 Judge, that was in -- well, in Bridgeton, of course --

22 A It was periodically when I came just to cover for  
23 another judge as a substitute judge.

24 Q Okay.

25 A But I had no real direct interaction with her.

1 Q All right. And can you describe for me your  
2 interactions with her during that time? I know that's  
3 a broad question.

4 A In Bridgeton?

5 Q In Bridgeton.

6 A Very, very few besides a phone call to ask if I  
7 was available to cover and to sign my vouchers.  
8 Besides that, we had no interaction with her.

9 Q Okay. So, when you were in Bridgeton. Give  
10 me a timeframe, Your Honor, if you can. We're talking  
11 before 2017, right?

12 A Yes, we're talking before 2017. We're talking  
13 probably 2012 to 2015, somewhere in that range.

14 Q Okay, understood. 2015, that range well is  
15 when you would be subbing in I guess or covering if  
16 needed. In the course of that business you would, you  
17 know, have occasion to see her but nothing there that  
18 was of concern or --

19 A No.

20 Q All right, you then get appointed in  
21 Millville in 2017 and at that point she's already  
22 administrator.

23 A Correct.

24 Q Now, when you're appointed in 2017, is there  
25 ever any kind of sit down at some point with her? I

1 don't know how it works when a new judge comes on  
2 board. Like do you sit down with the staff and say,  
3 you know, looking forward to working with you and this  
4 is --

5 A I did.

6 Q Okay, tell me about what you did.

7 A I sat down with her specifically just to introduce  
8 -- get to know her, talk about, you know, how I conduct  
9 things, my differences and my processes between the  
10 prior judges that have appeared there, what I expected.  
11 I wanted to have an open communication relationship, as  
12 a team relationship between me and the staff, things of  
13 that nature in general, nothing specific policy-wise,  
14 just those type of introductory feel each other out  
15 type of things.

16 Q Okay.

17 A I tend to have a very cordial relation with staff.  
18 I like to keep a comfortable environment because it's a  
19 stressful job as it is.

20 Q That was just a general -- I didn't mean to  
21 interrupt you, Judge, but that was just a general type  
22 of, you know, look forward to working with you.

23 A Correct.

24 Q It wasn't anything by way of I want this done  
25 this way or that way or anything like that, right?

1 A No, no.

2 Q Okay. And then -- so from there, that's  
3 2017, you take the bench obviously. How are things as  
4 the weeks and months proceed through into 2017, '18,  
5 '19, anything that comes up that's --

6 A Lukewarm at best.

7 Q Explain it. Explain that.

8 A It's just lukewarm at best. [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] But just from awareness,  
11 conversations, unwillingness to abide by some of my  
12 requests. I'm trying to think of anything specific  
13 outside of this circumstance here that I can really  
14 pinpoint so I really can't. I would just say lukewarm  
15 at best.

16 Q She's still obviously the administrator in  
17 that time and I'm expanding this to '17, '18, '19 and  
18 into '20. Do you remember offhand any times there in  
19 that timeframe that you have any follow up meeting with  
20 her to say look, this issue is coming up or that issue  
21 is coming up and we need to -- this is how I want this  
22 done. Are there those discussions?

23 A Yes.

24 Q All right, tell me about those discussions.

25 A The primary conversation I would have had on a

1 regular basis with her and all my courts was to review  
2 stats.

3 Q Okay.

4 A I was looking at my reports and seeing where we  
5 were in terms of backlog and things of that nature so I  
6 would have each week to have her print out the case  
7 management reports, the stats, so I can see where we  
8 are backlog-wise where we are in terms of warrant  
9 issuance, things of that nature and that went on all  
10 the way until COVID. Obviously, that changed the  
11 nature of backlogs and things of that nature. At that  
12 point we didn't do it anymore but that was our most  
13 standard practice was for me to review the case  
14 management reports to see where the Court stood in  
15 relation to state standards and the vicinage  
16 comparisons of where we stood in those categories.

17 Q Right.

18 A So, that was my primary interaction with her on  
19 that basis besides typical, you know, warrant issuance,  
20 typical judge decisions she would come to me for, not  
21 really policy things. I didn't see any issues --

22 Q Okay.

23 A -- that had to be addressed in terms of policy-  
24 wise within the court. Things are okay. My main issue  
25 was make sure court is running smoothly, running in

1 accordance with the standards of backlog, and that's  
2 pretty much what my focus was in terms of -- that's how  
3 I judge efficiency.

4 Q You have to move cases, right?

5 A You have to move cases. That's how I judge  
6 efficiency.

7 Q That's why you're the judge, because Judge  
8 North or whoever --

9 A That's right. And I would like to tell if I'm  
10 moving enough or moving efficiently enough is by  
11 comparison to other courts by the case management --

12 Q Right.

13 A -- which is what I use as my model of comparison.

14 Q So, you're looking at these sort of like  
15 global figures --

16 A Yes, of course.

17 Q -- of how we're doing, but we can agree it's  
18 not like there's more sort of more specified  
19 discussions during that timeframe of I want you to do  
20 this particular thing this way or that way?

21 A No, no.

22 Q There's no such discussions?

23 A No.

24 Q All right.

25 A And the reason why, Bill --

1 Q Yeah, sure.

2 A -- each Court has a different dynamic staff-wise,  
3 case-wise, types of cases, population. So, each Court  
4 has a little bit of different dynamic so what I like to  
5 do is make my staff comfortable executing their job as  
6 long as it's within the framework of what the Judiciary  
7 allows and what I feel is best for the litigants. So  
8 whatever works in that framework I allow them to do  
9 that because they're the ones who are doing the actual  
10 work. I'm not. And if it works fine for them, I'm not  
11 going to change that unless it's outside of what I deem  
12 is appropriate judicial or public policy. Then I'll  
13 interject. But other than that, each court runs a  
14 little bit differently, you know, based on those things  
15 and I tend not to interfere with that as long as it's  
16 running in accordance with my expectations which is  
17 what occurred.

18 Q Let me ask you this because it's something  
19 that I'm thinking. In your role as a municipal court  
20 judge do you perceive it to be your realm so-to-speak  
21 to monitor scheduling?

22 A I have never monitored scheduling in any court  
23 anywhere. I don't think any judge anywhere knows about  
24 monitoring or checking scheduling.

25 Q Explain that for me.



1 A It's an administrative function. A ticket or  
2 complaint comes in, staff schedules it based on  
3 calendar, whatever they base it on. They schedule the  
4 cases. Judges get to court, municipal court.  
5 Primarily we don't even in review dockets in municipal  
6 court. There's so many cases. We never obtain the  
7 nature. Most of us -- we know driving while suspended  
8 case, careless driving ticket, you know, we know what  
9 the cases are. They come across our desk. So, we  
10 don't schedule cases. We don't know anything about  
11 cases. We don't do anything with scheduling anything.  
12 No judge does it, including myself. That's just how it  
13 is in municipal court.

14 I don't know Superior Court. Probably  
15 smaller dockets, maybe more preparation of cases in the  
16 Superior Court. But in municipal court it just isn't.  
17 You get a huge docket. You know, you come to court,  
18 you handle your docket. But preparing a docket, we  
19 just don't. No judge anywhere prepares a scheduling  
20 docket. We just don't do it.

21 Q Okay. So, '17, '18, '19 Hamlyn is there,  
22 right?

23 A Uh-huh.

24 Q And then in 2020, 2021 and then into 2022 and  
25 I'll put 2022 aside for the moment. But those first

1 couple of years that you're working with Hamlyn, '17,  
2 '18, '19, 20, '21, do you perceive anything at that  
3 time as far as any issues of what you believe to be a  
4 disparate impact in those years?

5 A No.

6 Q Okay.

7 A And the reason there wouldn't be is because  
8 there's no -- everything is the same. There's no mode  
9 of comparison. You know, everything is in person so  
10 there's no way to -- there's no difference. Everything  
11 is the same.

12 Q Got it.

13 A Same when everything was during COVID. Everything  
14 was virtual.

15 Q Got it.

16 A It doesn't arise until there's an option of  
17 virtual versus in person.

18 Q I'm glad you said that because that's what --  
19 okay. So, anything before that what I'll call hybrid,  
20 okay? Well, actually, I don't even know if that's the  
21 right phrase.

22 A Yes, because during COVID it's all virtual, that  
23 period of time.

24 Q Right.

25 A So, there's no way to have disparity (sic)

1 because everybody -- it's the same for everybody.

2 Q Got it.

3 A Prior to that, everybody is in person. It's the  
4 same. There's no opportunity to have disparate  
5 treatment until you have this new thing where you have  
6 in person and virtual.

7 Q Got it.

8 A Now, there's two different court systems to  
9 prepare.

10 Q Right.

11 A And that's where the issue has arisen there with  
12 these two systems, one being in place because it's more  
13 convenient for people, the other one because of  
14 situations where in person is more appropriate.

15 Q I got you.

16 A Right? So, that's where this comes from.

17 Q All right, good. So, that narrows it down  
18 for me. That's helpful. And we can agree that the  
19 hybrid option or the option of the in person, not the  
20 option, I guess, or how you want to describe it -- let  
21 me put it this way. The scenario of having an in-  
22 person set of proceedings and a virtual, that arises I  
23 think what was it, July of last year or so?

24 A Yes, I guess somewhere in that range. I lose  
25 track of when it actually began to occur as we

1 transitioned out of COVID to in person. Because even  
2 coming out of COVID there was still very few in-person  
3 cases that were scheduled. It was still very limited.  
4 Stuff was pretty much still default virtual.

5 I think maybe in March somewhere the Supreme  
6 Court order may have come out that were going to  
7 enhance or move which cases were going to be -- should  
8 be in person. There wasn't any mandated cases that had  
9 to be scheduled in person but there was a little  
10 guidance on which cases should be or are inclined to be  
11 in person. And after that, Courts began to schedule  
12 more in-person cases.

13 Q Right.

14 A Some Courts do have hybrid sessions. You use the  
15 word hybrid. Hybrid is different. Hybrid is in one  
16 session there's both in person and virtual in one  
17 session.

18 Q Got it.

19 A That's hybrid. This is virtual session versus in-  
20 person session, very different.

21 Q I'm with you. I'm with you. I'm with you.

22 A So, the word "hybrid" is not really appropriate in  
23 this case.

24 Q It's not appropriate. We gotta distinguish  
25 that. Okay. All right. And I've done a little more

1 research on this, Judge. I think it was back in late  
2 November, October of 2021 there's an initial order that  
3 comes out from the court, the Supreme Court, on  
4 circumstances, you know, where proceedings will be in  
5 person versus virtual. You're aware of that, right?

6 A Right.

7 Q And if we wanted to see what the terms of  
8 that would be, we'd have to obviously go back to the  
9 directive. It was very specific, I think, right?

10 A Right.

11 Q All right. And then there's an updated order  
12 that's issued in October of last year, 2022, that does  
13 just that, it updates the parameters, right?

14 A Correct.

15 Q All right. And, of course, nobody disputes  
16 that the scheduling has to abide by those directives.

17 A Correct.

18 Q That's the Supreme Court, right?

19 A Correct.

20 Q So --

21 A Just to stop you there.

22 Q Yeah.

23 A Maybe this will help wherever you're going to go  
24 with this line of questioning. I requested for Kim in  
25 the e-mail to explain that and she responded each time

1 over and over again with the directive of scheduling.  
2 My issue is that unless -- there could be a deeper  
3 problem if this is the case.

4           Everybody who speaks Spanish, right, has a  
5 type of case of magnitude that has to come into court,  
6 you got a bigger problem than scheduling. You got  
7 another big problem if that's the case, okay? So, that  
8 line of thought that the case is scheduled for in  
9 persons that are Spanish speaking are all there because  
10 they each have a case that mandates in person  
11 appearance as opposed to everybody else says, if you  
12 use that line of reasoning, says that for some reason  
13 systemically Spanish-speaking people --

14           Q     That's a different question, I agree. That's  
15 more of a broader issue of why they're being cited and  
16 I get that.

17           A     So, utilizing those standards to justify why  
18 they're scheduled there won't quite work unless you  
19 have to address that issue. That standard, that  
20 Supreme Court memo to justify why they're all scheduled  
21 there doesn't fit. Doesn't fit, you know? Because you  
22 can justify a lot of things but if you use that  
23 criteria, you have to conclude that every Spanish-  
24 speaking person has a case that fits the criteria.

25           Q     Well, are you able to rule out whether that

1 might be the explanation, that maybe it's not a  
2 scheduling issue per se, but maybe it's the way that --  
3 and maybe that's a separate question --

4 A It is. I don't think that's the case but I can't  
5 rule it out. If that's the case, then you guys have a  
6 bigger problem than scheduling. I mean these Spanish-  
7 speaking people are getting ticketed and are dealt with  
8 in the court systems in such a way that they all have  
9 such cases or warrants issued that anyone who speaks  
10 Spanish in Millville has the type of case that fits  
11 those guidelines which is a huge, big problem.

12 Q That would be a separate question.

13 A Yes, that would be --

14 Q That would be an issue of why they're being  
15 cited on the street.

16 A Yes, that's a separate issue, a bigger issue. And  
17 if that's the case, we have a bigger problem that's  
18 none of my business. But that's what conclusion would  
19 have to lead to.

20 Q Right. I understand.

21 A Yes.

22 Q But certainly the --

23 A I can't rule it out.

24 Q You can't rule it out or say whether that  
25 might be the explanation as opposed to a scheduling

1 issue. You just can't say, is that right?

2 A Yes, I can't say that.

3 Q Okay, all right, so -- okay, I understand.

4 So you don't perceive any issue in any kind of  
5 disparate impact so-to-speak, until there's the  
6 transition to some, you know, days being in person and  
7 some days being virtual, correct?

8 A Yes, correct.

9 Q That transition happens back I guess mid of  
10 last year.

11 A I didn't even notice it for quite some time,  
12 honestly. I just didn't notice. It didn't come to my  
13 attention. I didn't notice it. I just didn't notice  
14 it. For whatever reason, I just wasn't looking for it.

15 Q That was going to be my next question. So,  
16 as those months proceed, and let me be sure that I'm  
17 correct.

18 MR. COOK: Steve, am I saying that date right  
19 of July when that is -- we then go on board with some  
20 days being virtual and some days being in person?

21 MR. SOMOGYI: Yes. My understanding is --  
22 and, Judge, you may know better --

23 THE WITNESS: Sure.

24 MR. SOMOGYI: -- that there were a couple of  
25 trials in the earlier parts of the year --



1 THE WITNESS: Right.

2 MR. SOMOGYI: -- I believe because I think  
3 more for security issues, I understand --

4 THE WITNESS: Yes, yes.

5 MR. SOMOGYI: -- that the in-person  
6 proceedings did not begin regularly until July?

7 THE WITNESS: That sounds about correct, yes.

8 MR. SOMOGYI: No. I'm sorry, June, June.

9 THE WITNESS: That sounds about accurate.

10 MR. SOMOGYI: Like mid-June.

11 THE WITNESS: While in person was allowed, it  
12 wasn't prominent before that time. It was really just,  
13 you know, hot trials, major motion, evidentiary, things  
14 of that nature was brought in. Everything else was  
15 virtual til that time.

16 Q Right.

17 A And each court scheduled differently even then.  
18 Some courts have less in-person proceedings for  
19 whatever reason. In Millville Kim wanted to have four  
20 of them for whatever reason so that's how it was  
21 scheduled. But I honestly didn't notice it probably  
22 for several reasons why. One, my mother passed away in  
23 July.

24 Q I'm sorry.

25 A She was very sick. The end of June through mid-

1 July I was in the hospital for my mom quite a bit so  
2 whatever was happening during that time, quite frankly,  
3 I wouldn't have noticed, scheduling issue. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

7 So, then around September is when I started  
8 to notice something, casually notice, you know, nothing  
9 major, casually noticed and that's when it started  
10 progressing to what we get into late September,  
11 October, November, my instructions then. That's when  
12 the ball starts really rolling for me to address it  
13 then.

14 Q Okay. And what you notice in September,  
15 Judge, is what you perceive to be that more Spanish --  
16 well, Spanish-speaking litigants are appearing in  
17 person as what you told me before. You said in your  
18 mind it seemed, at least from your perception sitting  
19 on the bench as the schedules go through -- explain  
20 that to me how that sort of that starts in your mind  
21 and to notice.

22 A Yes, even more so. There are no Spanish speakers  
23 in virtual court. I mean zero. There are no Spanish  
24 speakers because of virtual court. And then I come to  
25 court with an in-person session and that's where all

1 the Spanish-speaking litigants are, you know, and that  
2 was my initial observation. Like wait a minute.  
3 Something is wrong here that there are zero Spanish-  
4 speaking people in virtual court at each session and  
5 then we have an in-court session with all Spanish-  
6 speaking people are scheduled.

7           There's a problem here and that needed to be  
8 fixed. That's when the conversations began with Kim to  
9 fix it. I think it's reflected in some of the  
10 communications I sent her by e-mail which you have. It  
11 goes back to -- I previously told you to fix this, so  
12 forth and so on. I want this fixed in January. I  
13 don't want this going into the next year with the same  
14 scheduling. It wasn't fixed so --

15           Q     I'll get to that.

16           A     So, yes, that's why I didn't notice it. It may  
17 have been occurring but I just don't know because of  
18 where I was. I didn't actually see it until, you know,  
19 like I say, late August, September that I actually  
20 noticed that hey, something is wrong here. That's when  
21 I brought it to her attention.

22           Q     Okay, okay. Now, here's what someone would  
23 ask.

24           A     Sure.

25           Q     When you say on the virtual there were no

1 Spanish-speaking on virtual, how would you know that I  
2 guess is the question?

3 A I'm in court. I'm watching each case. You know,  
4 someone speaks Spanish, they'll say I need an  
5 interpreter, you know, or they don't understand me  
6 because I've been doing this for 12 years so I know  
7 there's nobody who speaks -- needs an interpreter.  
8 Maybe they're bilingual, maybe they speak Spanish but  
9 nobody needs an interpreter specifically who's  
10 scheduled for video court. We listen to every video  
11 court session, the thousands and thousands of litigants  
12 that were heard in video court, none of them needed a  
13 Spanish interpreter, none of them.

14 Q All right. So, for us to know if they --  
15 your basis for believing that there was nobody there  
16 who was Spanish speaking is the fact that nobody  
17 requested an interpreter. Is that what you're saying?

18 A Like I said, they could have been bilingual but  
19 they spoke English enough to proceed in court  
20 proceeding in English without any need for an  
21 interpreter service, you know, as opposed to someone  
22 who needs an interpreter, they would typically say  
23 interpreter. You know, they typically would say I need  
24 an interpreter or -- that's what they would typically  
25 say. From my experience people who need an interpreter

1 will quickly say interpreter.

2 Q All right. So, if we wanted to go back and -  
3 - I mean it sounds like for us to really pin down and  
4 identify where this discrepancy is, I mean all of this  
5 is on the record, right?

6 A It's all on the record, yes.

7 Q So, we would have to go back through starting  
8 in the timeframe of I guess September, right, where you  
9 start to witness what you think is an issue.

10 A You can go back to July. I think it's going to be  
11 the same issue because the scheduling didn't change.

12 Q Right.

13 A Just because I didn't notice it doesn't mean it  
14 wasn't there. I have no reason to believe it changed  
15 all of a sudden when I began to notice it. I believe  
16 it was there the whole time because the schedule didn't  
17 change all of a sudden. The same schedule existed and  
18 I have no reason to believe it would have changed all  
19 of a sudden.

20 Q Okay, all right. Let's talk about what you  
21 did I guess -- let's go back to the July timeframe of  
22 when you now have the in-person sessions and the  
23 virtual sessions on a regular basis. When that  
24 transition occurred, and I know you had a lot going on  
25 personally and I don't want to get into that at this

1 time --

2 A That's fine.

3 Q -- but we can agree at that time there was no  
4 sit down with Hamlyn at that point to say look, this  
5 transition is occurring, let's talk about how we want  
6 to address the scheduling?

7 A No, no, no.

8 Q All right. So, when is the first time that  
9 you have a discussion with her after you perceive  
10 there's some kind of issue, you know, to talk about  
11 this?

12 A Sure. My first conversation with her was late  
13 September, maybe early October, somewhere in that range  
14 when I noticed that my virtual sessions didn't have  
15 anyone who spoke Spanish. And after a court session  
16 where it was an interpreter day because there were a  
17 lot of Spanish-speaking litigants, I asked her, we were  
18 outside of her office in the hallway, I said, Kim, I'm  
19 noticing that there's no Spanish speakers on virtual  
20 court versus in-court session. What's going on? Is  
21 there a scheduling issue? She says, no, it's just  
22 coincidence, I'm not doing that.

23 Two weeks later there's another -- every two  
24 weeks interpreters, so I have another week of  
25 comparison. And then I say now it's probably mid-

1 October, late-October. I say listen, I don't know if  
2 there's a scheduling issue or not but whatever it is,  
3 it needs to stop now because we're in violation of a  
4 bunch of stuff through the judicial policy on fairness  
5 and access. She again informed me that there was no  
6 issue with scheduling and I said whatever it is, it  
7 needs to be changed to eliminate this problem. It  
8 wasn't addressed.

9 Q It's a verbal discussion?

10 A Verbal discussion, yes. Then the following  
11 discussion that I had, the third discussion that I had  
12 with her was one after court session, I don't recall  
13 the exact date, where Amber Oliver was sound recording,  
14 Amber Gandy was on dispositions and the cases, I wasn't  
15 comfortable with being scheduled appropriately again.  
16 So what I did was at the conclusion of court I want  
17 everybody in the courtroom as long as it takes, we're  
18 going to go through these cases one by one. I need an  
19 explanation as to why they're being scheduled because  
20 so far there's not an adequate explanation given to me  
21 why these cases are being scheduled.

22 Q And when you say why they're being scheduled  
23 in person, right? That's your concern?

24 A Yes, why they're being scheduled in person, yes,  
25 yes. That's my concern.

1 Q Right. I gotcha.

2 A Why are they being scheduled in person. I went to  
3 my chambers, took off my robe. I came back and Ray  
4 Compari, the business administrator, was in a meeting  
5 which is unusual for you to invite a business  
6 administrator into a judicial meeting with the judge.  
7 For some reason Kim called him over to the meeting  
8 which he sat in on. I had no objection to it because I  
9 wasn't going to change my conversation. We began to go  
10 through the files.

11 He was in agreement with me both verbally and  
12 non-verbal cues that there was an issue here about the  
13 scheduling. And he also indicated as I confer, this  
14 could be a serious liability problem for the City if  
15 there's discriminatory scheduling taking place. He  
16 wanted to continue to be advised of that. I said I  
17 would continue to advise him of that. I was assured by  
18 Kim and Ray that the issue would be rectified  
19 immediately. That was my third conversation with her  
20 the first -- it was a full meeting with other people  
21 participating in the meeting.

22 Q All right, let me go through that, Judge --

23 A Sure.

24 Q -- because I know I want to put some  
25 timeframes on this --



1 A Sure.

2 Q -- because a lot of these were verbal  
3 discussions.

4 A Sure.

5 Q All right. Now, the first time you said that  
6 there was -- this would have been late September.

7 That's the first time that you raised this with Hamlyn.

8 A Late September, early October, somewhere in that  
9 range. I don't recall exactly but somewhere in that  
10 range where I first began to notice this.

11 Q Let me ask you this.

12 A Sure.

13 Q You're a busy guy.

14 A Sure.

15 Q You're running courts.

16 A Sure.

17 Q Is there any documents anywhere or anything  
18 that we could say -- try to put a finer point on when  
19 that was?

20 A No. The only document that can give you any  
21 information about prior was an e-mail I sent to her in  
22 December which I also sent to you which indicates that  
23 previously I told you to do so and so.

24 Q I got it. I got it. All right.

25 A Okay. That's the only thing you're going to have

1 that indicates there were prior conversations about  
2 this --

3 Q Thank you. That helps me because -- so, that  
4 is the first time that you put pen to paper --

5 A Right.

6 Q -- on this to her, or to anybody, really,  
7 right?

8 A Correct. Correct.

9 Q Okay. All right, so then these -- you have  
10 the first discussion late September, early October.  
11 That's a verbal discussion. It's a conversation in the  
12 hallway. Correct me if I'm wrong.

13 A Correct.

14 Q And it's you and Hamlyn, right?

15 A Correct.

16 Q And it's just you and Hamlyn?

17 A Correct.

18 Q And it's at Millville?

19 A Correct.

20 Q Was that after court session, before? Can  
21 you remember?

22 A It was some time during the court day.

23 Q Okay.

24 A There's two sessions. One morning, one afternoon.  
25 I don't recall which one. It was during the court day

1 because I still had my robe on.

2 Q Got it. All right, so you're there, she's  
3 there, you're in person, right?

4 A Uh-huh.

5 Q All right. And you tell her what? You say  
6 this is -- I'm seeing something?

7 A I'm noticing something here. This is unusual.  
8 I'm noticing there's no Spanish-speaking litigants in  
9 my virtual sessions versus here. What's going on.

10 Q Tell me what you remember her saying.

11 A This is coincidental. There's no scheduling  
12 issue. This is a coincidence. So, okay. That's my  
13 first time I'm really noticing it so I took that as an  
14 okay. At that point it wasn't prevalent because I  
15 hadn't seen it before. It was the first time I saw it  
16 so I had no reason to dispute the fact that it was just  
17 a strange coincidence.

18 Q And what you're saying -- did I interrupt  
19 you? I didn't mean to interrupt you.

20 A No, no, no, you're good.

21 Q Okay. What you're saying is it was to the  
22 point where all Spanish-speaking are in person and  
23 there are no Spanish speaking in virtual?

24 A Correct.

25 Q It's that distinct?

1 A Yes, that distinct.

2 Q It's not like there's maybe one or two on  
3 virtual and then everybody else.

4 A That's correct.

5 Q I mean it's to the point where it's so clear  
6 --

7 A Yes.

8 Q -- that it's all Spanish speaking in person  
9 --

10 A Yes.

11 Q -- all non-Spanish speaking are virtual.

12 A Correct.

13 Q I mean it's that clear?

14 A Yes, it is.

15 Q Okay.

16 A Which is why I got concerned by the time I talked  
17 to her the second time. That was more adamant.

18 Q I gotcha.

19 A And the exact words I used were the judicial  
20 policy of fairness and access we cannot have people  
21 have access virtually verus in person. Whatever is  
22 going on here, I'm not accusing anybody, but this has  
23 to be fixed. That was the conversation.

24 Q Okay.

25 A At this point I was --

1 Q That's the second one?

2 A Yes, that's the second conversation.

3 Q The second one, Judge? Right. Okay. So  
4 that's the second one. You answered this, I think but  
5 --

6 A Sure, sure.

7 Q -- and I apologize but that first discussion  
8 that you had late September, early October with Ms.  
9 Hamlyn, there's nobody else who was party to that. It  
10 was just you and her, right?

11 A Yes. I was in my office and she was outside my  
12 door when we had the second conversation.

13 Q Right. The first discussion, did you --  
14 after she said it's a coincidence, Judge -- that's the  
15 full extent of what you remember her telling you?

16 A Correct.

17 Q And then did you provide any further  
18 direction to her at that time to say, Kim, I need you  
19 to drill down further, take a look at this? Anything  
20 at that point?

21 A The second conversation?

22 Q No. First one.

23 A The first? No.

24 Q All right. So, then we go to the second  
25 conversation. And, again, I know dates, times are hard

1 but approximately when is that discussion?

2 A This is probably the second half of October. I  
3 would say the later portion of October.

4 Q Later portion?

5 A Yes. The reason why is simply because the  
6 interpreter sessions are twice a month so I wouldn't  
7 see the issue again really arising until the second  
8 interpreter session of the month where now I see the  
9 same thing occurring, the comparison. That's the  
10 (indiscernible) of comparison, so that's later in the  
11 month of October.

12 Q Got it. Okay. So, I gotcha. Because the  
13 actual in-person -- [REDACTED] is the --

14 A She's the court interpreter, [REDACTED].

15 Q You're saying that she appears in person --

16 A Twice a month.

17 Q -- twice a month.

18 A Only. Now, mind you, in every other court she  
19 appears virtually and in person because I use her in  
20 all my courts.

21 Q All right.

22 A Sammy (indiscernible), whoever they may be there,  
23 they all appear virtually and in person to accommodate  
24 people who speak Spanish on both platforms.

25 Q So, I understand, so she -- like Bridgeton, I

1 guess, right?

2 A Correct.

3 Q And then is there anywhere else where that's  
4 the case, do you know?

5 A All my courts, Pennsville, Carneys Point, Penns  
6 Grove, Vineland. Vineland uses a different interpreter  
7 but the same process. C.S. Regional, all the courts,  
8 it's the same process in all the courts except for  
9 Millville.

10 Q All right, and the process being that the  
11 actual physical interpreter person is both -- is in the  
12 courtroom for the in person and then is able to sit in  
13 the virtual?

14 A That is correct.

15 Q And even on the days that there are virtual  
16 proceedings, where is that person?

17 A The interpreter?

18 Q Yeah.

19 A On the computer screen.

20 Q All right.

21 A Virtual like everybody else.

22 Q So, in these other courthouses, the other  
23 court sessions, they have -- being Bridgeton, Penns  
24 Grove, Carneys Point -- they have an actual physical  
25 interpreter or physical person who is in court for the

1 in-court proceedings and then when it's virtual, that  
2 person is also on the virtual?

3 A That is correct and one of the reasons why, the  
4 volume of Spanish-speaking litigants is pretty  
5 substantial in this part of the state and also because  
6 when you use LanguageLine service, because what happens  
7 just to give you some logistics of how it happens, you  
8 have the interpreter has to bounce around from the  
9 court to the breakout rooms where they'll talk with the  
10 prosecutor, their attorneys, what have you. See, the  
11 interpreter has to have some forensic understanding of  
12 legal terms to be able to communicate effectively.

13 Q They have to be certified, right?

14 A They have to be certified or they have some level  
15 of -- yes. So, LanguageLine interpreters don't have  
16 the same forensic communication skills. We do small  
17 cases like that, a Haitian, Creole ticket that has a  
18 careless driving ticket or something of that nature but  
19 for Spanish there's always these particular I'll call  
20 them our professional group of interpreters. They're  
21 the same ones that's used vicinage-wide, everybody  
22 knows them and they're used for all proceedings because  
23 of their experience and because of the volume that we  
24 have.

25 Q Right. And we'll talk about this, but that



1 right there what you've identified for me, Your Honor,  
2 is ultimately your concern. It's having that person  
3 not just in person but also available for the virtual?

4 A They should be available for the virtual.

5 Q I got it. Okay.

6 A And my contention is that because of the  
7 scheduling, the Spanish speaking or those perceived to  
8 be Spanish speaking by some criteria are automatically  
9 scheduled in person by default automatically.  
10 Otherwise, if that was not the case, I'd go on video,  
11 I'd see people don't speak English and I say I want to  
12 have an interpreter for you, reschedule. Don't even  
13 show up on the video screen because they're not even  
14 scheduled there from the very beginning.

15 And that takes me back to my December the 5th  
16 on the record questioning of these people to see  
17 whether or not my assumptions were correct and each  
18 person will say no, I didn't know about video, wasn't  
19 given the option of video, I was told to come here.  
20 Over and over and over which fit my assumptions. Even  
21 worse.

22 Q But you are assuming this based on looking at  
23 someone.

24 A I'm assuming.

25 Q You're looking at someone, you're assuming

1 they must speak Spanish.

2 A I'm not assuming that.

3 Q Okay.

4 A But somebody is because they're putting them on --  
5 somebody is assuming that based on their name or their  
6 look. Obviously not their look because they haven't  
7 seen these people. They're going based on the ticket.  
8 Somebody for some reason is assuming that those names  
9 are associated with the Spanish language. Somebody is.  
10 I don't know who. But that's what's happening.

11 When I see someone on a court video screen, I  
12 don't have any assumption. I just start talking  
13 regular. If they respond in English, I assume they  
14 speak English. If they don't and they say interpreter,  
15 I assume they need an interpreter which never happens  
16 because there was no one there scheduled needing one on  
17 virtual. So somehow those people who spoke Spanish or  
18 had a name or you may have spoken Spanish would filter  
19 into those sessions.

20 What you'll find is on those everybody didn't  
21 speak Spanish. They might have a name like, you know,  
22 take the name Garcia. The guy speaks perfect English.  
23 He's like I don't know why I'm here, you know, over and  
24 over again so that was the -- see, this is a real  
25 problem.

1 Q Even though in the virtual as I understand,  
2 whether it's a virtual session or an in-person session,  
3 there's still that readout at the beginning of the  
4 session of if you need an interpreter. That's all  
5 said, correct?

6 A That's not what is said if you need an  
7 interpreter. When in virtual, you can't do it.  
8 There's nobody interpreting for you anyway. There's no  
9 Spanish-speaking person to interpret for you anyway.

10 Q Well, when you say that though, you mean that  
11 you don't have like a Linda there who's in person?

12 A No. There's nobody there anyway. So, it would be  
13 communications with myself on record or staff that  
14 indicate I need an interpreter. I think that's pretty  
15 standard for most courts in our vicinage. I'm not sure  
16 about others but that's pretty standard procedure to  
17 have it done that way because like I said, it doesn't  
18 take a rocket science to know someone needs an  
19 interpreter, you know?

20 It doesn't take that much insight to realize  
21 a person in front of you doesn't speak English or they  
22 need an interpreter. You could either tell because of  
23 their responses to -- they may have some broken  
24 English, I'll use that word. You can tell they don't  
25 understand totally what you're saying. At that point

1 you say you know what, let me get you an interpreter or  
2 they'll tell you up front I need an interpreter.

3           You can tell that it's not -- it doesn't take  
4 much difficulty to realize someone, you know, doesn't  
5 understand what you're saying or they need an  
6 interpreter which doesn't happen on video court.  
7 Nobody is there who fits that category, by the  
8 thousands.

9           Q     Let me go back to the second meeting or the  
10 second discussion you had with -- well, before we get  
11 into that, Judge --

12          A     Sure.

13          Q     -- I'm going to take two minutes, okay?

14          A     Sure, sure, sure.

15          Q     We've been going for about an hour, so we're  
16 going to go off the record briefly. It's 12:04 p.m. on  
17 January 19th.

18                UNIDENTIFIED SPEAKER: Coffee, candy, mocha,  
19 anything.

20                MR. COOK: Time right now is 12:10. Judge,  
21 we took a short break just to get some coffee. I see  
22 you have some water. And we're going to continue.  
23 What I'm going to do here though is I'm going to stop  
24 this particular segment of the recording because I  
25 don't want to lose anything, and we're going to start a

1 new recording right after this.

2 (Off the record)

3 MR. COOK: Today's date is January 19th of  
4 2023. The time is 12:10 p.m.

5 My name is Bill Cook. I'm an attorney. I'm  
6 here with Steve Somogyi from the Administrative Office  
7 of the Courts, as well as Judge Witcher. This is Part  
8 2 of our discussion today here in my Woodbury office of  
9 Brown & Connery.

10 Judge, are you ready to continue?

11 JUDGE WITCHER: Yes, please.

12 BY MR. COOK:

13 Q All right. So, Your Honor, before we took a  
14 break, we were talking about the second conversation  
15 that you referenced with Ms. Hamlyn, and that would  
16 have been somewhere in the ballpark I think you said of  
17 late October, is that right?

18 A That's correct.

19 Q So, and that was the very next time that you  
20 spoke with Ms. Hamlyn about some concerns you had about  
21 this scheduling issue, is that right?

22 A That's correct.

23 Q All right. Tell me everything you remember  
24 from that discussion.

25 A All I remember was that it was during a court day

1 because I still had my robe on where I indicated, you  
2 know, quite -- you know, a little bit forcefully at  
3 this point, I'm a little concerned. Kim, I'm still  
4 seeing scheduling that's showing that there's no  
5 Spanish-speaking litigants in my virtual courtroom. I  
6 don't know what -- I prefaced, I don't know what the  
7 issue is, but whatever it is, it's causing a scheduling  
8 discrepancy. It needs to be fixed now.

9 Q This is what you're telling her?

10 A Yes.

11 Q And where are you when you're telling her  
12 this?

13 A I'm in my chambers. She's in my doorway.

14 Q Is there anybody else there?

15 A I don't know if anybody is walking by or not. My  
16 door is open.

17 Q Got it.

18 A So, the only other person that could -- I don't  
19 know, maybe Amber Oliver may have overheard the  
20 conversation. I just don't know.

21 Q You'd be guessing?

22 A I'd be guessing.

23 Q All right. But you know you were in the --  
24 in your chambers or your office --

25 A Oh, yes.

1 Q -- doors open, Ms. Hamlyn is there, right?

2 A She's in my doorway, yes.

3 Q All right. And I interrupted you, but  
4 continue. You say that you're advising her of this and  
5 continue.

6 A Yes, at that point I reminded her that -- at this  
7 point I recall these exact words is that the judicial  
8 policy of fairness and access is we cannot treat people  
9 differently based on anything. She said, yes, I know  
10 that, I understand that. And that was the end of that  
11 conversation. I expected the situation to begin to be  
12 resolved.

13 Q You expected it to be resolved, right?

14 A Yes. I made it clear to her that I wanted it  
15 resolved. Whatever it was, I wanted it resolved.

16 Q All right. What did she say in response?

17 A She just said that they weren't in violation.  
18 There was no -- you know, she pretty much said that she  
19 understands the fairness and access issue. I don't  
20 recall her saying much after that. Maybe I didn't  
21 hear. I pretty pissed off, so I may not have heard  
22 much after that, but I don't recall her saying very  
23 much either. I'm usually very mild mannered, but I was  
24 beginning to get agitated at this point.

25 Q Judge, forgive me if you already told me this

1 --

2 A Sure, sure.

3 Q -- but did you -- was this at the beginning  
4 of the court day, middle of the court day, end of the  
5 court day?

6 A It was during the court day. I don't recall if it  
7 was the morning session or afternoon session. I knew  
8 court was still in session because I had my robe on. I  
9 had just come back in from the bench.

10 Q All right.

11 A But I don't recall if it was the afternoon. It  
12 was probably the morning. The mornings tend to be more  
13 busy. It was probably the morning, but I can't tell  
14 you for sure for certain.

15 Q Okay. So, it was probably the morning  
16 session. It would have been an in-person session that  
17 day, right?

18 A Correct.

19 Q And it would have been obviously in  
20 Millville. So, I take it --

21 A Well, not necessarily in person because I was  
22 there -- I was in court for virtual sessions as well,  
23 just looking at the screen in the courtroom, so.

24 Q All right. Okay.

25 A I don't recall if it was in person or -- it was



1 most likely in person, but I don't recall.

2 Q All right. So --

3 A It wouldn't have mattered.

4 Q Here's what I'm getting at here, Judge, is it  
5 was either a Monday session or a Wednesday session, you  
6 can't tie it to a particular date?

7 A No, I don't recall.

8 Q But either way, you're there, she's there?

9 A Correct.

10 Q And you can inform her of what you just told  
11 me?

12 A Correct.

13 Q And that, you know, you perceive what you're  
14 seeing here?

15 A Again.

16 Q Right. You advised her that you expected it  
17 to be resolved I think you told me, is that right?

18 A I did.

19 Q Did you drill down at all any further than  
20 that to say, look, I'm going to give you an example,  
21 this is what I'm seeing here, you know, this person,  
22 this person, this person is here, and that -- in other  
23 words --

24 A Yes.

25 Q -- try to give -- well, I say drill down --

1 A Yes.

2 Q -- but give it any more by way of specifics  
3 of how -- what you're seeing and trying to convey to  
4 her, look, this is what I'm seeing and let me show my  
5 -- what I mean by this.

6 A Yes, I mean, the specificity is pretty simple.  
7 I'm seeing -- I don't see any Spanish speakers on  
8 virtual court. I see them all here in person. You  
9 know, whatever is causing that, fix it. You know, I  
10 don't -- at this point I don't know what the scheduling  
11 policy is. I don't know what they're doing scheduling  
12 cases. All I know is what I'm seeing needs to be  
13 fixed. That's it.

14 Q All right. And the extent -- how long would  
15 that conversation, Your Honor, have been?

16 A Not long, maybe 30 -- less than a minute.

17 Q Less than a minute. I got you.

18 A It was very right and to the point, fix it.

19 Q Right. Okay. She then -- it's left. She  
20 doesn't perceive -- you know, think that there's a  
21 problem. And, I mean, what's your takeaway from that  
22 discussion as far as your expectations?

23 A I expected that whatever the issue was, I don't  
24 know what it was or how it was being scheduled, but she  
25 knows because she's doing the scheduling, whatever the

1 issue was, I wanted it to be corrected immediately was  
2 more my instructions.

3 Q Was there ever a thought process at that  
4 point to say, you know, let me go over there and see, I  
5 want to know exactly how you schedule these, I want to  
6 see -- I want to be standing at the computer, I want to  
7 see where the tickets are, I want to see how that  
8 process works, please walk that with -- you know,  
9 through me so I understand? Was there ever that -- did  
10 that ever cross your mind to have --

11 A No.

12 Q -- that discussion?

13 A No.

14 Q Explain that.

15 A But what did -- when that did occur was the next  
16 meeting is when that kind of occurred because the next  
17 incident, which was early -- sometime in November when  
18 I saw it again, at that point I said I want -- after  
19 court session all the files stay here. We're going to  
20 go through the files one by one so you can explain to  
21 me why they're scheduled this way.

22 Q So, that's the first time, right?

23 A That I want a clear explanation as to why this is  
24 happening.

25 Q All right.

1 A Which she would not do. She went through the  
2 first case, gave some irrelevant answer about --  
3 irrelevant answer, and for the second case, the third  
4 case, there were times she says, I don't do the  
5 scheduling, my staff does the scheduling, pretty much  
6 throws her staff under the bus, which Ray Compari looks  
7 like are you kidding me. The staff doesn't set policy.

8 At that point I said, listen -- I realize  
9 that there was not going to be any responsibility taken  
10 for this stuff. I said, I don't care what's happening,  
11 I want this corrected. I want the January sessions --  
12 and I said, December sessions can't be cancelled, we're  
13 coming into the holidays. I said, January session, I  
14 want those sessions cancelled and rescheduled according  
15 to what I'm telling you. [REDACTED]

[REDACTED]

[REDACTED]

18 Q All right. Okay. All right. So, there's a  
19 lot there I want to go through.

20 A Yes.

21 Q All right. So, prior to whatever that -- and  
22 you're saying it's a November date, right?

23 A That was -- yes, that was the November date.

24 Q That was the next time that you --

25 A Yes.

1 Q -- addressed this issue, right?

2 A Right.

3 Q And was the date -- because I remember I  
4 think somewhere at some point you started -- you went  
5 on the record.

6 A That was December the 5th.

7 Q That was December 5th.

8 A Yes.

9 Q All right. But I take it -- that even  
10 earlier in November did you ever go on the record at  
11 any point to address this issue?

12 A No.

13 Q All right. So, the first time that you went  
14 on the record to address this issue was December 5th,  
15 right?

16 A Correct.

17 Q All right. So, all right.

18 A And the gap between the last meeting that I had  
19 where Amber Oliver, Amber Gandy and Ray Compari were  
20 there were it was early November [REDACTED]

[REDACTED]. So, my  
22 first time getting back to in-court session would have  
23 been December the 5th where I saw the same issue that  
24 was not corrected from my last meeting I had early  
25 November.

1 Q Okay. All right. So, let me walk through  
2 this chronology, Judge, as I understand. So, you have  
3 the last -- the second time that you talked to Hamlyn  
4 is in late October, right?

5 A Correct.

6 Q All right. And then the next time that you  
7 -- was it the actual next time that you sat that you  
8 have this -- you then say, okay, we're going to sit  
9 down and go through this with Amber?

10 A There was another in-court session --

11 Q Okay.

12 A -- because the files were there. So, it probably  
13 was another two weeks later. I would assume it's two  
14 weeks later because that's how these things were kind  
15 of scheduled. So, I would assume there's two weeks  
16 between each of those --

17 Q Got it.

18 A -- the first, the second, the third.

19 Q Fair enough.

20 A I'm assuming that's about the time.

21 Q Got it, sir. Okay. So, whatever, two weeks,  
22 and to the best you can remember, after that late  
23 October discussion is when you then have this third  
24 discussion, right?

25 A Yes.

1 Q And that's the one that's after court?

2 A Yes.

3 Q And tell me -- you don't say anything on the  
4 record during court, right?

5 A No, no.

6 Q But after court you're obviously there in  
7 person, right?

8 A Correct.

9 Q And it's in the Millville courtroom or the  
10 court area, correct?

11 A Courtroom, correct.

12 Q All right. Tell me what you -- and after the  
13 session is concluded tell me everything you can  
14 remember that you did.

15 A Okay. I indicated nobody leave, bring in -- I  
16 want all the files from day session, I want to go  
17 through them. I went into my chambers to take off my  
18 robe, use the bathroom, came back out to the courtroom,  
19 you know, maybe ten minutes after I had done all that,  
20 and Kim was at the defense table.

21 Amber Oliver was still in the sound recording  
22 area, which is to the right of my seat on the bench.  
23 Amber Gandy was to the left, which is the disposition  
24 computer, which is on my left. I'm on bench. Kim is  
25 at defense table. Ray Compari is sitting to the left

1 of her in the chair where the bailiff sometimes stands  
2 where he's now listening to the meeting.

3 Q Anyone else, Judge, in there?

4 A Those are all -- that's all who were there.

5 Q All right. Go ahead.

6 A So, at that point I expressed my issue again. I'm  
7 still seeing an issue with the scheduling. I need an  
8 explanation now as to why cases are being scheduled  
9 like this. So, what I want you to do is I want you to  
10 go through each file and explain to me the rationale  
11 for why it was scheduled.

12 I'm actually trying to rule out the issue of  
13 what I'm seeing. I don't want that to be what -- I  
14 don't want that to be the case.

15 But she wouldn't do it. Okay. She went  
16 through the first file, gave some nonsense. The second  
17 file, I'm again asking the same questions. I need an  
18 explanation. Then she goes on to say, which Ray  
19 Compari can confirm, I don't do the scheduling. I'm  
20 like, wait a minute, wait a minute.

21 Q Who said I don't do the scheduling?

22 A Kim.

23 Q Okay. Go ahead.

24 A I said, wait a minute, you know, whatever the  
25 issue is here I need it to be fixed right now because



1 we -- not only are we in violation of judicial policy,  
2 we're in violation of legal civil rights issues, to  
3 which Ray Compari is just nodding his head, jumping in  
4 saying, yes, we can get sued for this. So, this needs  
5 to be stopped immediately, and that's where it ended.  
6 I want it fixed. I want it corrected. I want it to  
7 stop right now, period. And then I --

8 Q And who saying it, you or Ray?

9 A I'm saying this.

10 Q Okay.

11 A Yes, I'm saying this. I'm saying this. Ray is  
12 making comments as well, pretty much saying, Judge, I  
13 agree with you, whatever you want to do, we're going to  
14 fix this. I promise we're going to fix this. To those  
15 -- along those lines, which if you -- that's kind of  
16 what he was saying.

17 Kim wasn't saying anything. The other two  
18 were not saying anything either. Quite frankly, they  
19 both looked like they were just got ran over by a bus  
20 quite frankly just by looking at their faces, the two  
21 staff members. I felt bad for both of them.

22 Q All right. And how long, Your Honor, is this  
23 meeting?

24 A This meeting is about ten minutes before I  
25 terminated the meeting.

1 Q Why did you terminate it?

2 A It wasn't going anywhere. She was refusing to  
3 answer questions, similar to the e-mails, refusing to  
4 answer questions I was asking about the case,  
5 scheduling rationale.

6 Q Well, that e-mail you're referring to, that's  
7 later.

8 A The recent one.

9 Q That's just like two days ago.

10 A That's the recent one, yes.

11 Q All right.

12 A Same pattern of vague responses, and it's a long  
13 court day. I realize it's -- because conversations  
14 were going nowhere. She wasn't going to take  
15 responsibility for it. At that point I didn't care, I  
16 wanted it fixed, and at -- I cut -- I stopped the  
17 meeting. I pretty much said the same thing I said at  
18 the previous meeting, whatever it is, I want it fixed  
19 immediately.

20 One of the things I want done is I want the  
21 January session to be cancelled going into next year.  
22 It's too late to cancel the December session because it  
23 was the holidays. It's too late to cancel those, but  
24 the January session need to be cancelled immediately,  
25 and everything needs to be rescheduled for next year.

1 Q You made that request at that meeting?

2 A I made that request at that meeting.

3 Q All right. And did she respond or was there  
4 any response or tell me what --

5 A I don't think -- I don't even know I gave them a  
6 chance to respond quite frankly.

7 Q All right. So, let me back up and summarize  
8 as I understand that meeting. So, this is right after  
9 one of the court sessions, which is approximately -- I  
10 guess the ballpark would be early November, right, and  
11 at that point you have this meeting with Hamlyn, Amber  
12 Oliver, Amber Gandy, Ray Compari, that's in the  
13 courtroom, and at that point you identify, look, this  
14 is an issue that I see, and --

15 A That I've previously told you about.

16 Q That I previously told you about. By the  
17 way, before that, Judge, forgive me I didn't ask this  
18 before --

19 A Sure.

20 Q -- had you told anyone else to that point  
21 that, look, I have an issue with Hamlyn, and I think  
22 there's a concern here? Did you tell anybody --

23 A No.

24 Q -- else about this?

25 A No.

1 Q Why not?

2 A She's my court administrator. You know, she's my  
3 right-hand person, and I'm going to her to fix the  
4 problem. So, I saw no need to go above her -- go  
5 above, outside to address it when I'm addressing it  
6 with the person --

7 Q All right.

8 A -- that works for me.

9 Q All right. Okay. So, to this point, and  
10 this is early November meeting, the only persons who  
11 would have known at least -- or put it this way, the  
12 only person that you spoke to about it was Hamlyn,  
13 right?

14 A Correct.

15 Q All right. You don't know whether Hamlyn may  
16 have said anything to anybody else, that's --

17 A I do not.

18 Q -- beyond your scope, right? Okay. All  
19 right. Do you remember Amber Oliver saying anything  
20 during the meeting?

21 A No, neither her nor Amber Gandy said anything, nor  
22 any questions posed to them directly.

23 Q Okay. Do you have any facts that would  
24 suggest that they have done anything to cause this?

25 A No. The reason I would not --

1 Q Yeah, explain that.

2 A -- anticipate anyone else in the office, even if  
3 they actually pushed the button for scheduling to be  
4 implicit -- you know, complicit in that is because no  
5 junior staff member sets scheduling policy, none of  
6 them.

7 And when there's a consistency with various  
8 schedulers, scheduling them consistently because -- the  
9 same person doesn't schedule every week; they rotate.  
10 So, for all those individuals to schedule consistently,  
11 that means there is a policy somewhere to which they're  
12 abiding by, and that policy led to cases being  
13 scheduled who spoke Spanish to in-person dates.

14 Q You're under the impression that they are  
15 under some verbal direction from Hamlyn to schedule  
16 Spanish-speaking individuals for in person, is that  
17 your understanding?

18 A Correct.

19 Q So, if we wanted to know whether that verbal  
20 policy is in effect what they're doing, we would  
21 probably have to ask Oliver, we would have to ask  
22 Gandy, we would have to ask the others in that office  
23 what is it that Hamlyn has directed you with respect to  
24 scheduling of a Spanish-speaking person, is that fair?

25 A Correct, otherwise it would have to be some type

1 of telepathy between all of them to have the consistent  
2 --

3 Q Right, right.

4 A You know, unless there -- like if there is no  
5 other -- you know, because it's consistent over a very  
6 long period of time --

7 Q Right.

8 A -- you know, the same thing over a long --

9 Q I got you.

10 A -- period of time. I don't believe that the staff  
11 is conspiring somehow to do that because they're just  
12 junior staff members.

13 Q Right.

14 A They're just following orders.

15 Q Right.

16 A I have no reason at all to believe that they  
17 somehow were in cahoots to do that. They don't set the  
18 scheduling. They don't set the interpreter dates.  
19 That's done by Kim Hamlyn.

20 Q Yep.

21 A They don't set that schedule. All they're doing  
22 is abiding by somebody's rule, I'm assuming it's  
23 unwritten, as to how these cases get scheduled and --

24 Q And --

25 A -- why they're scheduled that way.

1 Q And you believe it is so specific of a rule  
2 as to say if there is somebody who appears to be  
3 Spanish speaking, however -- whatever that means, but  
4 however, based on that name, you are to schedule them  
5 in person, you believe that it is that specific of a  
6 verbal rule, am I saying that right?

7 A I can think of no other rationale for the  
8 discrepancy to have all those people that speak Spanish  
9 scheduled on those two days. I just can't see the  
10 rationale for that discrepancy.

11 Q All right.

12 A Now, mind you, there are some people on virtual  
13 days who have traditional Spanish surnames. Many of  
14 those people, quite frankly, the Court is familiar with  
15 because there are frequent flyer people there a lot who  
16 don't speak Spanish. They speak English, though they  
17 have Spanish surnames.

18 So, if you were to look at a docket naked  
19 without any -- you would see that -- you would say,  
20 okay, there's some Spanish speaking names on this  
21 docket on virtual, so therefore Spanish people are  
22 being given a chance to go virtual, but it's not the  
23 right comparison --

24 Q Right.

25 A -- to just go by that. You say, okay, there's a

1 few Spanish names here, not many, but there's a few.

2 Q Right.

3 A You know, so therefore -- but that really doesn't  
4 give you the picture of what's happening if you just  
5 look at it naked like that and say, yes, there's  
6 Spanish people's name here, Spanish people there,  
7 therefore there's no problem.

8 Q I got it.

9 A Yes.

10 Q And I think we said this before by the way, I  
11 don't think it's disputed, you can tell me, whether  
12 you're on virtual or whether you're in person, there  
13 will be an interpretative service available, it's just  
14 -- am I saying that right?

15 A The law requires there to be interpretative  
16 services available for court sessions.

17 Q But it's even beyond that. As a matter of  
18 fact, if it is a virtual session, there -- you're not  
19 contending that there hasn't been -- and when I go --  
20 I'll be more specific. You're not suggesting that the  
21 LanguageLine -- I get the issue of whether there's --

22 A Right, right.

23 Q -- a physical person --

24 A Understood.

25 Q -- that's one thing, but you're not saying in



1 this -- here that there has been a lack of access to at  
2 least an interpretative service, here LanguageLine --

3 A No.

4 Q -- on the virtual, you're not suggesting  
5 that, right?

6 A Access is there because LanguageLine is always  
7 accessible by hitting the phone.

8 Q Right, right. So, I mean, even if a Spanish-  
9 speaking person was on virtual, they would have access  
10 to an interpretative service.

11 A That is correct.

12 Q You're just saying that it seems that at  
13 least from your observation of the persons in virtual,  
14 the persons in --

15 A It's never used.

16 Q Right.

17 A It was never, it was never used in any virtual  
18 session for Spanish interpreter on LanguageLine.

19 Q Right.

20 A Never.

21 Q Right.

22 A Over the course of hundreds, hundreds, probably  
23 thousands of cases there was never a circumstance in  
24 the virtual court session where LanguageLine was used  
25 for a Spanish interpreter.

1 Q It was available. It just wasn't used.

2 A There was no need to use it because no one there  
3 that required the services.

4 Q And your basis for saying that nobody  
5 required it is your observation?

6 A I'm speaking to all of them in English.

7 Q Right.

8 A And they understand me, and they respond to me in  
9 English, which leads me to believe that they don't need  
10 an interpreter because they were clearly responding to  
11 me in English and understood what I was saying in  
12 English. They may have spoken Spanish, but they also  
13 were bilingual because they understood English clearly,  
14 and I understood them clearly with no thought in my  
15 mind that they may have needed interpreter service,  
16 which if I see someone who does seem not to understand  
17 English well, I would stop the proceeding and advise  
18 them to get an interpreter.

19 Q It seems like that really that right there is  
20 really how that you're gauging this is -- I mean,  
21 you've done this for a long time --

22 A Twelve years.

23 Q -- you've done this for, what, 12 years,  
24 okay, and you've had the opportunity to sit through  
25 probably hundreds, if not thousands of proceedings.

1 A Yes.

2 Q So, when you -- really what you're operating  
3 on as far as saying there's a discrepancy is based on  
4 your own observation of how people respond during a  
5 virtual proceeding, and based on how you are observing  
6 how they are responding, you are reaching a conclusion  
7 that they do not need an interpretative service,  
8 whereas based on your observations in court and how you  
9 see people responding, you're forming an observation  
10 that they do need an interpretative service, am I  
11 saying that --

12 A Very clearly, very clearly.

13 Q All right.

14 A Very clearly, and I will also add that the sheer  
15 number of Spanish surnames scheduled for those virtual  
16 sessions is significantly of a lower proportion  
17 overall.

18 Q Well, that we can look to that data.

19 A You can confirm that.

20 Q Right.

21 A Yes, that's --

22 Q I mean, that's just something let's just go  
23 back to the books --

24 A That's just data.

25 Q -- who was scheduled here, who was scheduled

1 there.

2 A That's just data.

3 Q And you haven't -- I mean, you're a busy guy.  
4 You haven't gone through and seen all that data, right?

5 A I've looked at some of the data.

6 Q Right.

7 A In fact, I had a meeting on December -- Saturday,  
8 December the 3rd -- December the 1st, that was  
9 Wednesday -- it might have been a Thursday. I'm not  
10 sure if it was the 3rd. Anyway, I contacted Ray again,  
11 Compari. I said, listen -- oh, I know what I did. I  
12 got the dockets. I looked at the dockets because I  
13 wanted to see the discrepancies.

14 I color coded the dockets to see, okay, let  
15 me compare what's going on here based on what I'm  
16 seeing, what I've been told. This is December 1st or  
17 2nd. Scheduled a meeting with Commissioner Kirk Weber  
18 (sic) who oversees the courts.

19 Q Hewitt or Weber?

20 A Hewitt.

21 Q Okay. Great. I think you said Weber.

22 A Weber or Hewitt, Kirk Hewitt.

23 Q The Commissioner.

24 A The Commissioner.

25 Q Yeah.

1 A Yes. So, he oversees the courts. So, I contacted  
2 him.

3 Q With Millville, he is a -- just so this  
4 record is clear, he's on the Commissioners --

5 A Correct, yes.

6 Q -- for the City of Millville.

7 A Correct.

8 Q Okay. Go ahead.

9 A So, I contacted Ray to let him know what I saw. I  
10 said, let's meet immediately because he was concerned,  
11 as was he concerned the prior meeting we had, about  
12 there being liability for the City. So, we met with --  
13 on Friday we were going to meet. I couldn't meet  
14 because of court. Ray said, let's meet Saturday  
15 morning.

16 Saturday morning, December the 3rd, I met  
17 them at the Millville Municipal Building, those three  
18 individuals, with all the color-coded docket that I  
19 had. I left those copies with them. I went through  
20 them, explained to them -- they had nothing to do with  
21 municipal court, explained to them what the issues were  
22 and where the discrepancy was.

23

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16           And I again brought up, because I brought up  
17 to Ray previously, the January sessions needs to be  
18 cancelled because they have not been corrected. We  
19 cannot go into another calendar year with the same  
20 issue, and I said, I'm not comfortable presiding over  
21 sessions that I know are discriminatory. I'm not  
22 comfortable doing it.

23           Q     Let me ask you this, Judge --

24           A     Yes.

25           Q     Was there more? I don't know if I

1 interrupted you.

2 A That was the nature of the -- it was about an hour  
3 long meeting with those -- the nature was repetitive on  
4 those issues. That was December 3rd at nine in the  
5 morning.

6 Q All right. All right. So, let me kind of go  
7 back through that a little bit. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

5 Q And that's all part of that meeting of  
6 December --

7 A The 3rd, that Saturday morning.

8 Q -- 3rd meeting?

9 A That's correct.

10 Q That's at Millville Offices?

11 A That's at Millville Office conference room.

12 Q Hewitt is there. Compari was there.

13 A Correct.

14 Q You were there obviously.

15 A And Pam Shapiro.

16 Q Pam Shapiro.

17 A She's the personnel director.

18 Q Right. Okay. Right. She's with HR in  
19 Millville.

20 A Correct.

21 Q All right.

22 A Then December the 5th pops up.

23 Q Right, and we'll get to December 5th.

24 A Okay.

25 Q But so just to kind of close the loop here on



1 the November meeting. That's somewhere in the first or  
2 second week of November. That's the one that's in the  
3 courtroom. That's a ten-minute meeting. And then the  
4 way that meeting was ultimately left is I mean your  
5 direction is just fix the issue, right?

6 A Fix it.

7 Q Right. You're not getting into the weeds of  
8 --

9 A Because I don't know.

10 Q All right.

11 A I don't know the technicalities of scheduling  
12 tickets.

13 Q Right.

14 A I don't think any judge knows. We don't know.

15 Q Right.

16 A All I know is there's a problem. This is the  
17 problem.

18 Q Right.

19 A You've been doing this for damn near 20 years, fix  
20 it.

21 Q Right.

22 A That's all I know because I don't know the  
23 technicalities of how tickets are entered into the  
24 system. None of my colleagues probably know that,  
25 maybe, I don't know, but --

1 Q And, again, the specific issue, Judge, is  
2 that the Spanish speaking are in person and they're not  
3 virtual, right?

4 A Disparate impact, yes. There's a policy in place  
5 that is having a disparate impact -- disproportionate  
6 impact on people of a (indiscernible) class of people  
7 based on the policy, and that policy is calling for  
8 Spanish- speaking litigants who tend to be Latino to  
9 not have access to video court convenience as opposed  
10 to in person.

11 Q Right.

12 A That's the whole issue.

13 Q If you know, and, again, I know you said  
14 you're not into scheduling or you don't do the  
15 scheduling, but I know that the -- going back to the  
16 directives that we talked about with the Judiciary as  
17 to what's in person, what's virtual, there was the one  
18 in 2020 -- late 2021 and then there was a new one in I  
19 believe October 2022, right? That's --

20 A Somewhere around there.

21 Q Prior to these discussions that you had with  
22 Hamlyn, the September discussion and the October  
23 discussion, had you reviewed the October 2021  
24 directive?

25 A No.

1 Q And then --

2 A I don't recall reviewing it at that time.

3 Q Right.

4 A My observations were sufficient to know there was  
5 a problem. I don't recall reviewing.

6 Q That's okay.

7 A Yes.

8 Q And then the same question, when you -- fast  
9 forward to the November meeting, when you're in court  
10 with -- or actually in the courtroom, but not on the  
11 record with Hamlyn, Oliver, Gandy, Compari, had you by  
12 that point reviewed the updated October 2022 directive  
13 on in-court appearances?

14 A I was aware, yes, I had seen it and then read  
15 through it, and I was aware of the directive and --

16 Q Okay.

17 A -- what it called for.

18 Q All right. So, you were aware of that?

19 A That's correct.

20 Q All right. But really in your mind it was  
21 more of a scheduling concern, which is not your domain,  
22 that's for the staff to determine how that's  
23 administered, is that fair?

24 A Correct.

25 Q So, drilling down a little further I guess on

1 the terms of the directive, what are the circumstances  
2 that you're aware of as to when a, you know, a local  
3 administrator scheduling person, that's a bad phrase,  
4 but somebody --

5 A I understand.

6 Q -- who's responsible for scheduling, right --

7 A Right.

8 Q -- do you know whether there is -- there are  
9 cases where they have discretion to --

10 A Just about all --

11 Q Let me just --

12 A Okay.

13 Q -- so the record is clear because I  
14 understand you're going to -- but are there -- because  
15 there's a batch of cases, as I understand, under that  
16 October order and even under the earlier November or I  
17 guess October 2021 order that it's clear cut, if this  
18 offense, it's in person, you know, the serious, the 4-  
19 50s, and those things, right, that's your  
20 understanding?

21 A Actually it's not that clear cut.

22 Q All right. Explain your --

23 A There's discretion that is built into that order,  
24 a lot of shoulds, and I think Point 4 actually even  
25 gives the judge discretion over scheduling policy on

1 certain things. So, there is discretion built into the  
2 order. It's not -- a lot of it is highly recommended  
3 per se, but there's not a whole lot of mandated things  
4 in the order, maybe third offense DUIs because someone  
5 is going to jail.

6 Q Yeah.

7 A Consequence of magnitude cases are suggested  
8 strongly that they be in court, driving while  
9 suspended, stuff like that, DUIs, but it's not mandated  
10 per se that they have to be scheduled in court. The  
11 judge does have discretion. There's a big should  
12 somewhere in there --

13 Q Yeah.

14 A -- in the order.

15 Q Yeah, yeah.

16 A So, there's some discretion built in. There's not  
17 a mandatory requirement for those cases to always be  
18 scheduled in court.

19 Q Let me ask you this, was there ever a sit  
20 down at any -- knowing that and having looked at I  
21 guess even under the 2021 order and then the 2022  
22 order, was there ever a sit down at any time between  
23 you and Hamlyn to say, look, here's the order, here's  
24 the directive, here's how this is supposed to be done,  
25 here's what I want? Was there ever that sit down?

1 A I didn't see the need to do that.

2 Q All right. All right. So, I guess getting  
3 back to what I was saying earlier, under the -- for  
4 purposes of the November calendar, that would have  
5 been, as I understand the way that the scheduling  
6 works, those cases would have been scheduled in all  
7 likelihood before -- in other words, the dates were  
8 set, that November date was set for that calendar  
9 before the October 2022 order, if you know what I'm  
10 saying? In other words, those --

11 A Correct.

12 Q -- that would have been -- you know, it would  
13 have been sometime --

14 A Correct.

15 Q -- like in September --

16 A That's correct.

17 Q -- that those cases are scheduled for  
18 November --

19 A That's correct.

20 Q -- you understand?

21 A That's correct.

22 Q So, when the November calendar was  
23 established, that would have been done under the 2021  
24 order, right?

25 A Correct.

1 Q All right. So, all right.

2 A And likely the December calendar as well.

3 Q Right.

4 A Because cases are scheduled --

5 Q Because of that type of lag.

6 A -- more than a month out.

7 Q Right.

8 A Yes, there's a lag, so, yes.

9 Q So, in other words, the decision to calendar  
10 the -- those cases for those November or December  
11 dates, if any decision was made as to when those should  
12 be scheduled and more specifically how they should be  
13 scheduled, that decision would have been made in August  
14 or September, right?

15 A Correct, prior to the order being issued.

16 Q So, if we wanted to determine when that  
17 thought process would have happened, it was at least in  
18 your mind would have been some decision that was made  
19 by either Hamlyn or under Hamlyn's direction in August  
20 or September, a decision would have been made whenever  
21 the scheduler is going through the list of what needs  
22 to be scheduled, that decision would have been made in  
23 August or September for purpose of the November  
24 schedule, do you know what I'm saying?

25 A Earlier than that because I began seeing this the

1 end of September, so it would have been -- it would  
2 have taken us back to July.

3 Q All right. So, when we go back to that time  
4 frame of when that decision making is happening, are  
5 you able to tell me what type of cases would have been  
6 subject to that level of discretion of a scheduler  
7 looks at it and says, oh, it's a judgment call whether  
8 this is in person or virtual, I'm going to decide to  
9 schedule this in person? Are there specific types of  
10 cases in your mind where that mind set of that process  
11 would have been undertaken?

12 A Well, from what I recall up to that point, the  
13 only cases that had been scheduled for in person were  
14 cases that were a lot of evidentiary issues for trials  
15 or motions, cases where someone has a third offense DUI  
16 who had to go jail from the courtroom, or people who  
17 requested to come to court for a variety of reasons.  
18 Beyond that, we weren't just scheduling cases for in  
19 court, just re-scheduling.

20 Q Right.

21 A So, there was no mandated terms of scheduling.  
22 There was no real big guise of schedule. It was all  
23 discretionary. And up to that point, from COVID until  
24 then, we just -- that's how we scheduled, which most  
25 courts scheduled cases like that, trials, evidentiary



1 hearings, things of that nature for in court. So,  
2 there was no regular packed in-court sessions prior to  
3 that.

4 Q Got it. But if we want to go back and  
5 determine, well, how was this November calendar  
6 generated or this October calendar generated as far as  
7 in person versus virtual, to track that down we would  
8 have to go back to a decision that was made by someone  
9 in that office --

10 A In the summer.

11 Q -- in the time frame of over the summer --

12 A Correct.

13 Q -- you know, to schedule something in person  
14 versus virtual, am I saying that right?

15 A That's correct.

16 Q All right. So, after the November meeting  
17 that we talked about with Oliver Gandy, Compari in the  
18 courtroom, Hamlyn is there, it's a relatively short  
19 meeting, it's ten minutes, the best you can remember, I  
20 mean, you questioned -- when you say bring all files,  
21 explain that for me. Is it -- are we talking about --

22 A Yes, yes.

23 Q -- physical files that are in courtroom?

24 A Yes, yes, physical files. So, in the court  
25 session there's usually a box next to the bench where

1 all the files are, you know. So, I said, don't take  
2 any of these files and file them away, keep them right  
3 here, pull them out and put them on the desk, I'm going  
4 to come back out.

5           So, there was a pack of files on top of the  
6 bench where she was. Look, I need an explanation as to  
7 why these were scheduled. I don't care how you input  
8 them in the computer. I don't care about the -- I need  
9 to know why these were scheduled for today, and that's  
10 when we through the cases. She didn't give me an  
11 answer, and then she threw the girls under the bus, and  
12 I said that's enough. That's it.

13       Q     Okay.

14       A     I want the situation rectified.

15       Q     So, she actually said this was on them, it's  
16 not me?

17       A     Yes, and actually Ray Compari would confirm that  
18 because he said, oh boy, you know --

19       Q     Right.

20       A     -- you just threw your staff under the bus here  
21 and --

22       Q     Right.

23       A     -- you know, so, you know, yes.

24       Q     Did Hamlyn actually say I don't do  
25 scheduling?

1 A She did. She did.

2 Q Okay.

3 A And that may be true that she doesn't push the  
4 buttons, but the content of the conversation was that  
5 -- the statement was in effect that I'm not responsible  
6 for this because they do the scheduling. You know, and  
7 my point is that, yes, they may put the tickets in, but  
8 it's consistently done under some type of policy that  
9 they're doing, that they're following, and that's you.  
10 You're setting the policy. That was my position.

11 Q You said that during this discussion?

12 A I don't know if I said that -- if I said those  
13 exact words or not. I think I alluded to that. The  
14 exact words, I don't recall me saying those exact  
15 words.

16 Q All right.

17 A I may have used the word "overriding" policy or I  
18 don't recall directly saying that she said it.  
19 Obviously, I would infer that, I don't recall saying  
20 specifically that you set the overriding policy. There  
21 is an overriding policy somewhere.

22 Q All right. The policy being that Spanish-  
23 speaking persons are scheduled in person?

24 A Automatically.

25 Q Right. And at that point, by the way, Judge,

1 there was no -- because I remember later, or actually  
2 it was just two or three days ago, I think you sent a  
3 set of written questions to Ms. Hamlyn, right?

4 A I did.

5 Q All right. And to reduce it to writing and  
6 ask her for specific answers, that -- as of two days  
7 ago, and today is the 19th, so I guess it would be the  
8 16th, 17th, 18th, I think actually it was the -- tell  
9 me I guess today is Thursday the 19th.

10 A Correct.

11 Q So, that -- when you put that in writing that  
12 would have been the first time that you posed written  
13 questions to her to answer --

14 A Correct.

15 Q -- to get explanations, is that right?

16 A Correct.

17 Q All right.

18 A Do you want to know why the timing?

19 Q Yes.

20 A Okay. So, we had a meeting on Friday. Judge  
21 North and Asterwald (phonetic) called a meeting of  
22 court administrators for my court and my court  
23 administrators had a meeting to discuss these issues,  
24 meeting (indiscernible), but prior to that there had  
25 been statements made that I was responsible for the

1 scheduling. It was my responsibility.

2           So, okay, if you're going to hold me  
3 responsible for the scheduling, I need to know exactly  
4 why they're being scheduled this way. If you're not  
5 going to tell me why, how could I be held responsible?  
6 So, after that meeting I sent an e-mail out over the  
7 weekend for her to begin on Tuesday morning, I need  
8 these questions answered --

9           Q     Okay.

10          A     -- because we have another meeting scheduled for  
11 tomorrow.

12          Q     Right.

13          A     So, we scheduled another meeting for tomorrow to  
14 go over these issues specifically to address them. So,  
15 I need to know these answers, so I can go to the  
16 meeting, to what she -- she didn't respond to the  
17 questions except for vague responses referring back to  
18 this order.

19          Q     All right. We're going to go back and look  
20 at that. But, I mean, it basically was discussions  
21 with Judge North, and I know there have been a number  
22 of meetings. I haven't participated in the meetings  
23 for this record, but you now have the understanding  
24 that ultimately it is the -- you, as the judge, who is  
25 going to be responsible for scheduling them. I mean,

1 you don't do the --

2 A Yes, yes.

3 Q -- day to day of course --

4 A Yes.

5 Q -- but the buck stops with you.

6 A Yes, I understand the buck stops with me, in every  
7 court it stops with me --

8 Q Right.

9 A -- yes, end of the day.

10 Q All right. Let me take two minutes okay.

11 A Sure.

12 (Off the record)

13 MR. COOK: All right. The time is 12:48.

14 We're back on the record. Judge, are you good to  
15 continue?

16 JUDGE WITCHER: I am, yes.

17 MR. COOK: All right. I appreciate your  
18 cooperation.

19 JUDGE WITCHER: Sure.

20 BY MR. COOK:

21 Q So, you had that meeting in November. We've  
22 talked about that, and at that point --

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13 Q All right. And then the next time that this  
14 is addressed is when you say you have this meeting with  
15 various individuals from Millville on that Saturday, I  
16 think December 3rd, correct?

17 A December 3rd, correct.

18 Q Now, I'm understanding because I've done some  
19 research also, and I'll let you know, Your Honor, I  
20 have spoken to Ms. Hamlyn and some others in Millville.  
21 I understand that there was a new budget that was  
22 advanced during the November time frame. Did you have  
23 a role in the development of that budget?

24 A No.

25 Q All right. When you had the meeting on

1 December 2nd or 3rd, were you aware of that the budget  
2 had already been advanced to that point?

3 A I may have signed off on it, I don't know.

4 Q Okay.

5 A I don't recall.

6 Q All right. Do you remember looking at the  
7 budget to go through it to see if there were some  
8 things that were being asked for that should not be  
9 asked for, or the other way around, whether there were  
10 things that were not being asked for that should be  
11 asked for? Did you engage in anything like that by way  
12 of analysis?

13 A No, I wouldn't know anyway. I wouldn't know what  
14 people use for paper or services. I wouldn't know, so  
15 no.

16 Q Well, I only ask because by this point did  
17 you form a belief that, you know, the issue here would  
18 be resolved if we had an in-person interpreter, just  
19 like we do in -- or I'm sorry, just like we do in  
20 Bridgeton and some other towns, I mean, had you formed  
21 that opinion by that point?

22 A You mean having someone on the screen for virtual?

23 Q Right. In other words, let me put it this  
24 way, by the end of November were you of the opinion  
25 that, look, all of these issues can be rectified in



1 your mind if we have an in-person interpreter available  
2 both for in-person sessions and virtual?

3 A Yes, schedule everybody appropriately, whether  
4 they're Spanish-speaking litigants that should be on  
5 virtual, and they should have a Spanish-speaking  
6 interpreter like every other court has. That was as  
7 simple as that. There was no complicated analysis of  
8 it.

9 Q Was there ever a -- well, okay. During that  
10 time frame by the way and I guess at all relevant times  
11 that in-person interpreter, to your knowledge, has been  
12 -- that's been in effect in Bridgeton and elsewhere,  
13 but not Millville is what you're saying in terms of  
14 like a full-time basis?

15 A You mean -- well, none of them are full time.  
16 They only are secured for sessions.

17 Q Right. What I mean is this, I think what you  
18 told me is that the in-person interpreter is only in  
19 Millville on certain days, but not all days, right?

20 A Correct.

21 Q And whereas in these other towns she is there  
22 all days, right?

23 A In Bridgeton she is because we have -- yes,  
24 Bridgeton she's there for all sessions, in person and  
25 virtual.

1 Q All right.

2 A She's always there because cases are mixed up,  
3 everybody is not, you know -- they're mixed up, so  
4 she's there --

5 Q All right.

6 A -- for all of them.

7 Q All right. So, you then have the meeting on  
8 that Saturday, and that's with the administrator and  
9 then there is Commissioner Hewitt, as well as Pam  
10 Shapiro from the City of Millville, right?

11 A Correct.

12 Q And here's my question, was there ever a  
13 thought process at that time to say I need to bring  
14 this to the attention of Judge North, for example, or  
15 somebody like Ashley Wolk, you know, at the vicinage  
16 level, and if not --

17 A I don't trust those guys.

18 Q Okay. Explain that.

19 A So, the answer is no. I didn't think they were  
20 going to deal with it. I thought they were going to  
21 make excuses and justify why it was happening and not  
22 deal with the issues, which I thought needed to be  
23 addressed, which they have subsequently been of the  
24 same position that I expected them to be. So, no, I  
25 did not address it with any of them.

1 Q At no point up to this point, we're now  
2 talking about as of the December 3rd meeting, at no  
3 point prior to that point did you form a opinion or a  
4 belief that let me raise these issues because I'm not  
5 getting anywhere with -- at the local level with  
6 Hamlyn, I'm going to raise this with Hamlyn's, you  
7 know, supervisor, Ashley, or Judge North? Was there  
8 ever that thought process?

9 A So, let me explain. December the 5th was the day  
10 that I will say hit the fan on the record. December  
11 the 6th I guess the Judiciary got notice of it.  
12 December the 7th I got an e-mail from Judge Telsey  
13 pretty much threatening me to take over my courts,  
14 which at that point my suspicions were pretty clear  
15 that they were not going to deal with the issue as was  
16 stated.

17 When I got the e-mail from him, it confirmed  
18 my suspicions as to why I didn't trust him, Ashley, or  
19 Tom North because the e-mail, as I sent to you,  
20 indicated [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12 Q All right. Let me back up a second. So,  
13 prior to -- and now I'm focusing on that December 3rd  
14 meeting. We'll get to those later e-mails.

15 A Okay.

16 Q But the December 3rd meeting that you had  
17 with Millville representatives, as of that point the  
18 thought -- well, let me put -- there's two different  
19 things I guess. Had the thought crossed your mind at  
20 all to consider going to vicinage representatives as to  
21 Hamlyn?

22 A At that point maybe December the 5th it did. When  
23 I went on record December the 3rd, probably not.

24 Q Why not?

25 A I don't trust those guys. Maybe that's not why

1 that day. I know that day my focus was on my prior  
2 conversation with Kim -- with Ray about the City's  
3 concern of liability and their request to be kept  
4 informed of what was happening, which is how we got to  
5 the December 3rd situation.

6 Q I understand, I understand.

7 A In terms of reporting to Telsey, it really didn't  
8 cross my mind because I just don't trust the guy. I've  
9 had experience with him for a long period of time, and  
10 it just didn't cross my mind to do it. If it did, it's  
11 because -- if it did cross my mind, it quickly stopped  
12 out of mind because I don't trust him to fix it.

13 Q I mean, you could see what I'm asking, Judge,  
14 because --

15 A Yes, why not report it to my supervisor in  
16 advance.

17 Q Yeah, let me explain my thought process. I  
18 mean, what you've described is, you know, in your mind  
19 you formed a concern that the scheduling practices are  
20 not appropriate in Millville. By December 3rd, you  
21 know, by this point to what you're telling me is you  
22 have spoken with Hamlyn. By that point it would have  
23 been I guess -- by the way, were there -- you  
24 identified three occasions, one time in I guess late  
25 September, early October, another time frame in late

1 October, and then the third meeting in November. Am I  
2 correct that those would have been the only times that  
3 you interacted or had any discussion with Hamlyn as to  
4 the scheduling matters?

5 A Yes.

6 Q All right. So, by this point, this is now  
7 late November, you -- actually it's December 3rd,  
8 you've had those -- and before the meeting you had with  
9 the administrator in Millville, you've had those three  
10 different times that you've interacted with Hamlyn, you  
11 feel like you're not getting anywhere with her and/or  
12 it's not being rectified in your mind. Are you telling  
13 that to that point you did not think to bring it to --

14 A No.

15 Q -- vicinage representatives?

16 A I did not.

17 Q You did not even think to do so?

18 A No, I didn't think -- I expected Kim to follow my  
19 instructions and fix it.

20 Q When's the first time in your mind you say  
21 this has to be brought to the attention of the  
22 vicinage, if ever?

23 A Probably December the 5th. After that proceeding  
24 I would say that I thought about it then.

25 Q All right.

1 A I quickly thought about it, and then quickly  
2 changed my mind about contacting anybody there at that  
3 point. Whether I would have done it over the next few  
4 days, I don't know. We didn't get that far, but at  
5 that point I was certain, after December 5th I was  
6 certain that what I had observed was, in fact,  
7 accurate.

8 Q Well, December 5th is when you go on the  
9 record.

10 A Correct.

11 Q And we have discussion, right?

12 A Correct.

13 Q And we'll talk about that.

14 A Yes.

15 Q Going back I guess to the December 3rd  
16 meeting, you already told me I think you said it was  
17 about an hour?

18 A About an hour.

19 Q All right. And what's the takeaway that you  
20 have from that meeting as to next steps with this?

[REDACTED]

[REDACTED].

2 Q All right. Have you had any further  
3 discussions among Millville representatives like that  
4 December 3rd meeting since December 3rd?

5 A I have not had any communication with them.

6 Q And forgive me, Judge, but did you give me --  
7 I remember you said you had some color-coded documents  
8 that you went through for that meeting, do you remember  
9 telling me that?

10 A I did.

11 Q Now, did you forward those to me? Do I have  
12 those?

13 A I left those with -- at that December 3rd meeting,  
14 I left those documents.

15 Q Oh, they have it.

16 A They have that, yes.

17 Q Do you have your own copies of those?

18 A I do not.

19 Q And so I'm clear what those documents are,  
20 those -- that's I guess the calendar for what and then  
21 you highlighted --

22 A They were court dockets of a couple sessions,  
23 current and future, maybe four or five dockets, just to  
24 show the disparity between the interpreter days versus  
25 the virtual days in general. They're not totally



1 accurate because, you know, printing out dockets don't  
2 give you the entire picture of everything that was  
3 scheduled, but it gives you a general picture, and  
4 that's what I wanted to demonstrate, the general  
5 picture. And that was what I gave them on December the  
6 3rd to give them a follow up from my early November  
7 meeting with Ray Compari and his staff.

8 Q Let me ask you this because maybe it should  
9 be narrowed down a little further --

10 A Sure.

11 Q -- I know what you told me was that the  
12 interpreter days are the -- those are the in-person  
13 days where there -- well, and even on those days there  
14 -- are you saying that there are some in-person days  
15 where there is not a live interpreter?

16 A Correct.

17 Q All right. So, there will be court sessions  
18 in Millville where you'll be in person, but there is no  
19 in-person interpreter, is that right?

20 A That's correct.

21 Q And the days -- and correct me if I'm wrong,  
22 but the days that you are witnessing this disparity are  
23 only on the days where you have -- it's really focused  
24 on those days where there is no in-person interpreter  
25 in on the in-person day, am I saying that right?

1 A Well, I'm not quite sure what the question is.

2 Q All right. So, there are --

3 A Maybe you can clarify the question.

4 Q So, I'm understanding, there are some in-  
5 person days where you're saying there are -- there is  
6 no in-person --

7 A Correct.

8 Q -- interpreter two of the days?

9 A Correct.

10 Q And then the other two in-person days of the  
11 month there is an in-person interpreter, right?

12 A Correct.

13 Q On the days that there is no -- on the in-  
14 person days where there is no interpreter -- strike  
15 that. On the in-person days where there is an  
16 interpreter, are you witnessing -- in your mind are you  
17 seeing the disparity, or is it only on the in-person  
18 days where there is no interpreter?

19 A Well, the days where there's no interpreter there  
20 are no Spanish-speaking litigants scheduled.

21 Q On an in-person day?

22 A On an in-person day with no interpreter scheduled,  
23 there's no Spanish-speaking litigants scheduled either.  
24 So, all the Spanish-speaking litigants for the month  
25 from virtual or in-person are scheduled on two days

1 where there's an interpreter available.

2 Q Oh, okay.

3 A So, there's other two days in person where there's  
4 no interpreter scheduled, there's no Spanish-speaking  
5 litigants there.

6 Q I understand.

7 A So, somehow --

8 Q Okay. That's helpful for me then to  
9 understand it. I'm sorry.

10 A Somehow everybody is being scheduled for the same  
11 two days.

12 Q So, it's not even the necessarily all in-  
13 person days that you're seeing the issue. It's only on  
14 the in-person day where there is an in-person  
15 interpreter, and what are you seeing is that it is on  
16 those days, the in-person day with the interpreter  
17 physically in the courtroom, those are the days where  
18 -- what you're seeing is it's all Spanish-speaking  
19 litigants, or at least Spanish-speaking litigants  
20 that's when they're being scheduled?

21 A All Spanish-speaking litigants in Millville are  
22 being scheduled on those two in-person --

23 Q Got it.

24 A -- interpreter days.

[REDACTED]

20 MR. COOK: The time is 1:03. We're resuming  
21 at 1:03. I just wanted to be sure we're continuing on  
22 the record here.

23 JUDGE WITCHER: Sure.

24 BY MR. COOK:

25 Q All right. So, December 3rd is a Saturday,

1 if I'm correct.

2 A Correct.

3 Q You then have the December 5th session.

4 A Correct.

5 Q And that was a in-person session, right?

6 A Correct.

7 Q And it was a in-person session. Was there --  
8 was [REDACTED] there that, the interpreter?

9 A Correct. She was the interpreter.

10 Q And so that would have been one of those days  
11 you identified where it's an in-person session and the  
12 interpreter is there in person?

13 A Correct.

14 Q And, of course, we can go back to the record  
15 that speaks for itself as to what you said, right?

16 A Correct.

17 Q And really for us to look at whether those --  
18 well, to see whether those individuals that may be  
19 perceived as Spanish speaking were scheduled correctly,  
20 we would have to go through the specific cases there to  
21 see, well, what was the charge, does it fit within the  
22 criteria of the scheduling directives. We'd have to go  
23 through that analysis, right?

24 A And you'd have to go through that analysis for all  
25 the other cases on the docket, in-person --

1 Q Right.

2 A -- cases and virtual cases because there may be  
3 other cases that fit the criteria that weren't  
4 scheduled for in-person days that are scheduled for  
5 virtual days, and there's cases scheduled for the other  
6 two in-person days that are maybe different. So, you  
7 still under the same analysis to explain --

8 Q Yeah.

9 A -- still explain why all those Spanish-speaking  
10 litigants are scheduled for the interpreter days. No  
11 matter how you analyze the individual dockets, it  
12 brings you back to the same question, how is it that  
13 all Spanish-speaking litigants are scheduled on the  
14 same two days. It is not coincidence. There has to be  
15 some reason that's directing the scheduling. What it  
16 is, I don't know.

17 Q Right.

18 A But there's something that's directing the  
19 scheduling.

20 Q We can agree that the merits are so to speak  
21 of whether those cases were properly scheduled on that  
22 date for an in-person basis. I mean, the data is what  
23 it is.

24 A It is what it is.

25 Q We just have to go back and see those

1 individuals cases, go case by case and see, well, what  
2 were the individual circumstances of this case and this  
3 case and this case, and was, you know, Case 1 properly  
4 scheduled under the directive, was Case 2 scheduled  
5 properly under the directive. In other words, it's  
6 going to depend on the individual circumstances of each  
7 of those cases, right?

8 A Yes, and as I -- that is correct. It puts you in  
9 the same spot --

10 Q Okay.

11 A -- because if you find that all Spanish-speaking  
12 cases are of such a nature that they require or should  
13 be in person, then you have to explain why it's the  
14 case --

15 Q That's that separate issue we talked about.  
16 I got it.

17 A -- which is a deeper issue.

18 Q That's --

19 A Because there's no other explanation of why all  
20 Spanish speakers are scheduled there.

21 Q I got it.

22 A You know what I'm saying. Either --

23 Q In other words, they could be potentially  
24 within the criteria of the directive to be in person,  
25 but there may be a broader issue of why --

1 A Right.

2 Q -- they're being charged --

3 A All the Spanish speaking in the Millville --

4 Q Right.

5 A -- wind up on in-person days because they have  
6 charges (indiscernible).

7 Q In other words, it may be a function of for  
8 some reason a disproportionate number of Spanish-  
9 speaking individuals are being charged with 4-50s --

10 A Correct, exactly, it could be --

11 Q -- which are clearly within that, or with  
12 license revocations or something, and that might be the  
13 cause.

14 A That might be the cause.

15 Q I got it.

16 A That might be the cause.

17 Q All right. You good, Judge, to proceed? I  
18 know you --

19 A I'm good, yes.

20 Q All right. Okay. Let's continue then.

21 MR. COOK: So, you good, Steve?

22 MR. SOMOGYI: Yeah, yeah.

23 Q All right. So, we have the December 5th  
24 hearing, and during the course of the hearing, I mean,  
25 we have the record. I mean --



1 A The record.

2 Q -- the record, and you make a decision at  
3 that point to start -- and by the way, that's the first  
4 time that you go on the record --

5 A Questioning litigants.

6 Q -- questioning this?

7 A That's correct.

8 Q All right.

9 A It wasn't per se planned in advanced to do that.

10 Q Okay.

11 A As the session proceeded early on, I wanted to  
12 preserve the record that what I had previously believed  
13 to be the case was, in fact, occurring. So, I began to  
14 question clients because I saw in the courtroom that  
15 day a real huge disparity between Latino litigants and  
16 everybody else, a huge disparity where almost half my  
17 courtroom appeared to be Latino, which is a huge  
18 disparity.

19 When I saw that, quite frankly, I was very  
20 disturbed by it. I was personally, morally and  
21 disturbed because it brought to my mind -- all I  
22 thought about was voting, and I thought about the fact  
23 that there was a time where African-Americans had the  
24 legal right to vote, however, it was so inconvenient  
25 for them to do it, it was, in fact, discriminatory, and

1 I thought about that.

2           And what I saw here was Latino litigants who  
3 are in court who had a different level of access than  
4 everyone else, and then I began to ask questions to  
5 make sure my assumptions were correct. As I asked  
6 those questions, each one indicated that they did not  
7 know why they were there. They didn't have the option  
8 to video court. They weren't aware of video court.  
9 Told they had to appear here.

10           Except for one I recall, specifically, who  
11 indicated that he did call in advance and requested an  
12 interpreter and was told that he had to come in person.  
13 That's the one I recall specifically that fit that  
14 criteria.

15           Q     That was on the record, right? I mean, that  
16 --

17           A     Everything is on the record.

18           Q     All right. So, you know, and that's the  
19 December 5th hearing of course.

20           A     Correct.

21           Q     So, just a couple of things with this. So,  
22 you're telling me that in advance of that you had no  
23 intent to start going on the record --

24           A     Yes.

25           Q     -- with this in advance? It's not like --

1 A No.

2 Q -- you went to court that day, you put on the  
3 robe, and you said, I'm doing this today?

4 A No, I did not.

5 Q Okay.

6 A No.

7 Q But once you started to observe what you saw  
8 in the courtroom, that's when you started to form this  
9 idea --

10 A Correct.

11 Q -- of something is amiss and I need to  
12 address it, right?

13 A Yes, and it wasn't a long detailed mental  
14 conversation. I saw it, so I got to put this on the  
15 record. This has to stop.

16 Q All right. Now, at that moment -- at that  
17 moment that you make that -- that forms in your mind, I  
18 mean, a couple of things, you've been on the bench now  
19 for, you know, 13 years or --

20 A Yes.

21 Q -- however long, I mean, on the record is --  
22 that cannot be minimized.

23 A That's correct.

24 Q I mean, that is -- you agree --

25 A Yes.

1 Q -- I mean to go on the record in a public  
2 proceeding --

3 A That's correct.

4 Q -- that was in your mind, you understood  
5 that?

6 A Yes, I did.

7 Q That was all -- and that as the judge, I  
8 mean, you're the judge.

9 A Yes.

10 Q And that what people know as judges and see  
11 as judges, I mean, they're looking up to the judge, and  
12 that was all in your mind also at that time?

13 A I wanted it on the -- and I actually apologized to  
14 each litigant on behalf of the Judiciary, and I  
15 indicated that this is not -- this does not represent  
16 the Judiciary as a whole. I don't want you to get the  
17 impression this represents it because it does not.

18 Q Okay.

19 A I apologize to you, and I apologize for your  
20 inconvenience, you should have been treated like every  
21 other litigant. I went through each person the same  
22 apology indicating that this is not -- this does not  
23 represent the Judiciary as a whole. That's because it  
24 doesn't.

25 Q And you're not -- not then and not now do you

1 ascribe any of this to the Judiciary as a whole --

2 A No.

3 Q -- or some policy wide -- this is a strictly  
4 local issue in the scheduling in that office that in  
5 your mind is the root of this?

6 A This is not a Judiciary policy issue at all. It  
7 has no connection with the Judiciary's policy at any  
8 level, vicinage or statewide. The issue is squarely  
9 based on a scheduling decision that filters Spanish-  
10 speaking individuals into in-person sessions.

11 Q All right.

12 A Local, that actually comes down to one individual,  
13 Kim Hamlyn. That's it.

14 Q All right.

15 A So, it is not a statewide issue, not a judicial  
16 issue for Trenton.

17 Q I got you.

18 A It's a local issue.

19 Q All right. So, and, again, I don't want to  
20 rehash the record of December 5th.

21 A Yes, that's fine.

22 Q It is what it is. We have the record. You  
23 sent it to me, Judge, your e-mail of January 17th, and  
24 we have that there. I think it's helpful to have a  
25 transcript at some point I believe, just so you know

1 that somebody is preparing that so we have that, but  
2 you go on the record. You say what you said.

3 In that moment where you make that decision  
4 of I'm going to -- well, let me ask it this way, in  
5 order for you to confirm what you were -- you know,  
6 when I say observing, you're looking out into your  
7 courtroom, you're seeing --

8 A Yes.

9 Q -- individuals.

10 A Yes.

11 Q In order to actually confirm what you believe  
12 to be an issue, you had to engage in the questioning,  
13 right --

14 A Correct.

15 Q -- to establish a foundation --

16 A Correct.

17 Q -- for this, and so that was what you did?  
18 In other words, just by looking out in the courtroom  
19 you --

20 A I didn't want to assume.

21 Q You couldn't assume. You couldn't assume  
22 because that's just looking at people. But you then  
23 are -- it's the questioning of the litigant that's what  
24 allows you to form a understanding of there might be  
25 something that's confirming my suspicions, is that

1 fair?

2 A Correct, and I questioned non-Latino litigants as  
3 well.

4 Q Right.

5 A Because I didn't want to be discriminatory against  
6 anyone.

7 Q Right.

8 A So, I questioned everybody.

9 Q Right, right, right. As you're doing that  
10 and you're asking those questions on the record, is  
11 there -- as that's starting and you're going through  
12 with each litigant, and that line of questioning, is  
13 there any thought process there to say before I say  
14 anything further of what I perceive to be a  
15 discriminatory issue or how you said it on the record,  
16 did you stop and pause and say, I'm not going to say  
17 that, I'm just going to say -- I'm just going to form  
18 the foundation, and then I'm going to address that  
19 other element later? Was there ever thought process?

20 A No, actually --

21 Q Explain that.

22 A Actually at the time questioning the litigants, it  
23 was just focused on questioning litigants, and there  
24 was a point in it where, quite frankly, it was no  
25 longer rational per se. It was emotional, and I was

1 deeply pained by seeing what I was seeing, as were  
2 other people in the courtroom. People were actually  
3 tearful. The bailiff was tearful. I was tearful. The  
4 interpreter was tearful at what was occurring.

5 I actually did not want to continue it at one  
6 point, but I did to make sure that I went through the  
7 entire docket to make sure of it, and I continued.  
8 Even though it was emotional to do, I continued.

9 I did make a statement after the courtroom  
10 was empty. There was no one in courtroom. Then I went  
11 on the record with a statement as to my observations.

12 Q Okay. All right. So, that statement was  
13 without anyone in the courtroom.

14 A Correct.

15 Q Looking back, Judge, I mean, it's been now a  
16 few weeks, and I realize that, you know, you had formed  
17 a view of this and that you had a concern, is there  
18 anything you think going back to that December 5th  
19 hearing, if you had the opportunity, you would have  
20 done differently?

21 A I wouldn't have made the statement at the end  
22 because --

23 Q Explain that.

24 A Because the statement was not factually based. It  
25 was based -- it wasn't -- let me put it -- questioning



1 the litigants, I'm getting a fact response from the  
2 litigant. The statement at the end was my opinion as  
3 to what I saw as a human being, not per se as just a  
4 judge, and I think by interjecting that element into it  
5 was a mistake.

6 Q Okay. All right. So, you told me -- is  
7 there anything else you need to tell me about that  
8 December 5th --

9 A No.

10 Q -- date that you think is important for me to  
11 know?

12 A No.

13 Q All right. So, then as of December 6th I  
14 believe this then -- there's an article I believe at  
15 that point, is that right?

16 A I don't know if there's an -- the article, no. I  
17 don't know about -- an article didn't come out until  
18 the Thursday, and the reason I know the article came on  
19 a Thursday because I got an e-mail from Judge Telsey on  
20 the 7th, which was a Wednesday, with the threats. Then  
21 I called the paper.

22 Q Okay.

23 A Because at that point with guy is threatening my  
24 job, and I called the paper, and then on Thursday --  
25 because he wanted stuff sent in urgently by four

1 o'clock on Thursday regarding medical issues. At that  
2 point I saw the fix was in because I figured at that --  
3 I knew at that point he knew about the 5th. I saw the  
4 fix was in because I saw him threatening to take my  
5 job, and at that point I'm not going to call -- because  
6 he's a high ranking judicial official, who am I going  
7 to call? I'm not calling Trenton. You know, I'm not  
8 calling anybody else. This guy is my assignment judge.  
9 Who am I going to call?

10           To protect myself, I'm calling the damn paper  
11 to make sure that everybody knows in case this guy  
12 tries to fire me or blame me for this, I have some  
13 protection for it. So, I'm blowing the whistle on what  
14 I saw to protect myself from him, and that's on that  
15 day, which was December 7th, I went on the record.  
16 December the 8th the article came out, you know.

17           Q     All right. All right. So, let me ask you  
18 this, Judge, so the 5th is the date that you go on  
19 record?

20           A     Correct.

21           Q     We talked about that.

22           A     Yes.

23           Q     The 6th is a Tuesday. You don't remember  
24 anything on that date?

25           A     No.

1 Q All right. Is there any thought process, you  
2 know, after the 5th, even during the 5th, on the 6th or  
3 the 7th to say I'm going back to Hamlyn at this point?

4 A Yeah, I honestly -- I did not expect the issue to  
5 be a statewide giant -- I didn't expect it to be a huge  
6 -- I really didn't.

7 Q Explain that.

8 A I just -- I mean, I just didn't expect a  
9 scheduling issue to be a issue that took over such a  
10 prominent place. I just didn't expect it.

11 Q Okay.

12 A You know, my goal was to correct the scheduling  
13 issue. I had some meetings. There's some letters.  
14 You know, there's correspondences, and this was the  
15 final capstone of what I needed at this point to docket  
16 what's happening, and that's what it was. I never  
17 expected this to be an issue that became such a  
18 volatile issue. You know, I didn't expect that.

19 Q Let me ask you -- and I appreciate that. So,  
20 put aside the fact that you have the e-mail with Judge  
21 Telsey on the 7th, put that to the side, what's your  
22 game plan, so to speak, after the 5th as to what you're  
23 going to do next with this?

24 A I wasn't sure. Most likely I would have had one  
25 more meeting with Kim Hamlyn --

1 Q Okay.

2 A -- to lay out the entire -- my entire body of --  
3 I'm a litigator, my entire body of evidence. I met  
4 with you this date, we had this discussion, here this  
5 happened.

6 Now, at this point I don't know what I would  
7 have done. I would have had to report it somewhere  
8 after that because the evidence was so strong, but,  
9 again, I didn't think she's the appropriate person to  
10 fix it.

11 Q Okay.

12 A So, at that point I had built over the course from  
13 -- you know, you can see the progressive steps that  
14 have been taken from the very beginning all the way to  
15 this culmination thing, and, you know, that's where it  
16 was to say, look, this -- it is what it is. I'm  
17 convinced now that you're scheduling cases  
18 discriminatory. Now, I have evidence to prove that as,  
19 you know -- but what I would have done after that in  
20 terms of -- I don't know.

21 Q Okay.

22 A I don't know the answer.

23 Q But of the things that could have been  
24 available to you, it was not -- not even Judge North,  
25 you wouldn't have approached Judge North?

1 A No, I would not.

2 Q Why not?

3 A Because he's a minion of Judge Telsey. I mean, he  
4 just takes marching orders from Judge Telsey. I don't  
5 get the impression Judge North thinks independently  
6 from my experience with him during all this time.

7 And some of the communications that I get  
8 handed down from him, I don't think they originate with  
9 him over the course of the years, and some of that is  
10 confirmed by these articles that have come out and  
11 comments he's made that they don't.

12 So, I don't trust Judge North because I feel  
13 he's a minion of Judge Telsey, and I don't trust Judge  
14 Telsey. So, I would not go to Judge North because it  
15 would just backfire on me. So, I wouldn't go to him.  
16 So, I feel isolated not to talk to anybody because I  
17 don't trust these guys.

18 Q All right. Let me ask a little further --

19 A Sure.

20 Q -- on Judge Telsey. How does that evolve  
21 over time, Judge? I mean, this -- let me ask it this  
22 way, back up.

23 A Sure, sure.

24 Q December 7th we have the e-mail with Judge  
25 Telsey, and that's what it says, and really from there

1 I mean we can follow the e-mail trails, everything says  
2 what it says.

3 A Right.

4 Q I mean, you didn't have -- I believe -- well,  
5 you did have a discussion with Judge Telsey at some  
6 point, verbal I believe, is that right, later in the  
7 month?

8 A No, not verbal, no, it's all in e-mail.

9 Q Okay.

10 A It's all documented.

11 Q All right. So, everything would have been by  
12 e-mail between you and Judge Telsey for the remainder  
13 of December, is that right?

14 A Yeah, I wouldn't have talked to him verbally  
15 because I don't trust him. Everything has to be in  
16 writing.

17 Q All right. But --

18 A Everything was in writing. All communications  
19 with him were in writing via e-mail.

20 Q Let me ask you this, as of the 5th -- after  
21 the 5th, do you ever make any kind of notification to  
22 -- and I'm not saying that there was a mandate, but --

23 A I understand.

24 Q -- did you ever make any notification to  
25 anyone -- like, for example, Ashley Wolk, Judge North,

1 Judge Telsey to say, look, I've gotten to a point where  
2 I really have an issue, and I need to talk to you about  
3 this as to how to handle? Was that ever part of your  
4 thought process?

5 A With Judge Telsey or with the issue of Millville?

6 Q With the issue of Millville.

7 A I honestly didn't know where to go to be candid  
8 with you. I'm just going to be honest with you. You  
9 know, I didn't know where to go.

10 Q Okay.

11 A I feel isolated as a judge down here. I just  
12 didn't know who I could trust.

13 Q All right.

14 A And the reason why, and not to belabor the record,  
15 but I'm just going to be candid, Judge Telsey is a  
16 powerful man. He's a powerful man. He's connected  
17 with all the way to Judge Grant, you know, and some of  
18 the stuff that's come out has confirmed what I thought,  
19 you know, that Judge Telsey is a very powerful figure  
20 in the Judiciary, and no one is going to believe me  
21 over this guy, you know. And who am I going to go to?

22 Q So, as of December -- after December 5th,  
23 going into the 6th and 7th, you already had this I  
24 guess concern of trust with Judge Telsey?

25 A I've always had it, but I didn't think the issue

1 was going to -- the December the 5th on the record,  
2 this is Millville, Cumberland County, New Jersey, I  
3 never thought that this issue was going to explode to  
4 this extent, you know, I just didn't, and it wouldn't  
5 have but for the December 7th e-mail Judge Telsey sent  
6 me, which spurred this to go into the paper.

7 Q Okay. All right. I understand. So --

8 A Otherwise it would never have been anywhere --

9 Q Right.

10 A -- had I not got the e-mail.

11 Q All right. You as of December 5th, leaving  
12 that session, Judge, is you're thinking this is going  
13 to have to be handled at the local level at some point  
14 --

15 A Yes, I'm still trying to resolve --

16 Q -- with Hamlyn and you're --

17 A Yes, I'm still trying to resolve the issue.

18 Q I got you. Okay.

19 A My position was then and is now this is an issue  
20 caused by Kim Hamlyn's internal scheduling policy, and  
21 that's it, and that's why I was trying to fix it right  
22 there with her because that's where this issue stems  
23 from. It's not Judiciary. It's not the vicinage.  
24 It's not Judge Telsey. It's not Judge North. It's  
25 her, and that's it.







[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15 Q Well, and if we had to go back through those  
16 circumstances, and I'm not familiar with those, Judge,  
17 I'll represent to you, but, you know, we would have to  
18 go back and look at the facts --

19 A Yes, of course.

20 Q -- and of course to go through to see what  
21 those were. But putting Judge Telsey over to one side,  
22 Judge North, I mean, you've had any negative reactions  
23 or interactions to this point with him? It's just your  
24 perception that he works for Judge Telsey and --

25 A Correct.

1 Q -- you don't think -- am I saying that right?

2 A That's correct.

3 Q Okay.

4 A Yes. I don't think -- I think Judge North is an  
5 honest, decent jurist. I think he's a good man.

6 Q Right.

7 A You know, I just think he's a company man. I  
8 think that whatever Judge Telsey tells him to do, he's  
9 going to do, and some of the recent interactions  
10 confirm what my -- my feelings about that.

11 I have a December the 21st conversation with  
12 him that he then changes the tone in the January 10th  
13 e-mail at nine o'clock at night that misconstrues the  
14 e-mail from December the 21st, and it shows me once  
15 again these -- this guy -- this is purposeful, man.  
16 This is purposeful. So, where is this coming from? So  
17 it reinforces the issue that these guys I can't trust  
18 them, and those things confirm why I felt that way.

19 The article came out in the Law Journal, do  
20 your job. Based on these e-mails to Judge North --  
21 that Judge North sent directly or under somebody else's  
22 instruction to do that, and they were inaccurate. They  
23 didn't reflect the facts.

24 They were done in a manner that was, you  
25 know, disrespectful. I don't think any judge has ever

1 been disrespectful like that, and why they chose to  
2 feel comfortable unto me, I can only speculate, but no  
3 other judge has been treated like this.

4           You know, I didn't -- this issue was not  
5 aimed at the Judiciary, and why the entire State  
6 Judiciary is now attacking one man, I don't understand,  
7 but it confirms my suspicions that I can't trust the  
8 Judiciary to treat me fairly, which is why I'm going on  
9 record because these guys are going to set me up in the  
10 e-mails, and the correspondences subsequent to December  
11 5th confirm my suspicions. Each one, I've documented  
12 each one. Their e-mails to me and my e-mails return to  
13 them are easy for a kid to see what's going on, and it  
14 confirms my issue.

15           Q     All right. Now, let me ask you this, Your  
16 Honor, at the end of the day, I mean, I think we can  
17 all agree, what we want to be sure of, everybody, is  
18 that litigants are treated properly, right --

19           A     That's it.

20           Q     -- and fair? Nobody has ever disputed that.  
21 How many occasions have you sat [REDACTED]  
[REDACTED]  
[REDACTED]

24           Q     I will say this though, Your Honor, so that I  
25 understand because I think is important, is that you

1 understand that the mandate across the board, and it's  
2 not specific to you or any other municipal court judge  
3 in Cumberland or --

4 A Right.

5 Q -- Salem, but the mandate now --

6 A In person.

7 Q -- is that you must be in person, you  
8 understand that, right?

9 A That came out March 7th, correct.

10 Q And that was in March of last year, right?

11 A March 7th.

12 Q March 2022.

13 A Correct.

14 Q So, as of March 2022 going forward, all  
15 judges are required to be in person, and not only that,  
16 they're required to be in person, both --

17 A Yes.

18 Q -- if it's a virtual session or if it's an  
19 in-person session the judge has to be in the  
20 courthouse, you understand that, right?

21 A Yes.

22 Q And --

23 A This is where the confusion came in though.

■

■

■

■

■









1 A

Yes

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 Q Got it. Okay. All right. All right. So,  
2 then getting back to really ultimately and you --

3 MR. COOK: By the way, the time for the  
4 record is 1:31. You have a two o'clock meeting?

5 JUDGE WITCHER: Yes, it's a --

6 MR. COOK: A call?

7 JUDGE WITCHER: It's like one of those Teams  
8 thing.

9 MR. COOK: Zoom.

10 JUDGE WITCHER: You know, my phone. It's not  
11 --

12 MR. COOK: Yes, I'm trying to move this  
13 along, so that we can continue.

14 JUDGE WITCHER: Let me just -- if you don't  
15 mind, can we go off the record?

16 MR. COOK: Why don't we take a five-minute  
17 break? Okay.

18 JUDGE WITCHER: Yes, I'm going to call and  
19 let them know --

20 MR. COOK: Yes, sir.

21 JUDGE WITCHER: -- hey, I'm still in this  
22 meeting.

23 MR. COOK: Yes.

24 JUDGE WITCHER: I would like to finish this  
25 because I don't want to come back.

1 MR. COOK: Yes, I don't either, and that's --

2 JUDGE WITCHER: I want to finish.

3 MR. COOK: Let's take five minutes. So,  
4 we're going to go off the record at 1:31 at this time.

5 (Off the record)

6 MR. COOK: The time is 1:39 p.m. It's  
7 January 19th of 2023. My name is Bill Cook. I am an  
8 attorney with the firm of Brown and Connery. I'm here  
9 with Judge Jason Witcher, as well as Steve Somogyi from  
10 the Administrative Office of the Courts. This is Part  
11 3 of our record today, our discussion with Judge  
12 Witcher concerning various matters that he has talked  
13 about.

14 Judge, are you ready to proceed?

15 JUDGE WITCHER: Yes.

16 MR. COOK: All right.

17 So, I think where we left off, Your Honor,  
18 was we were talking about this December 5 time frame.  
19 We talked about your going on the record, the reasons  
20 why you went on the record. And just some further  
21 discussion about that. And I want to kind of talk  
22 through a little further on the time frame following  
23 that.

24 JUDGE WITCHER: Sure.

25 CONTINUED EXAMINATION BY MR. COOK.

1 Q So, you have the e-mail from Judge Telsey on  
2 the 7th [REDACTED]

[REDACTED]. And that was an e-mail  
4 communication between you and him, right?

5 A Correct.

6 Q And really and, again, I don't want to  
7 reiterate what's already been stated. I mean, if we  
8 want to know what was said, we have to go back to the  
9 e-mails and it will speak for itself, correct?

10 A Correct.

11 Q All right.

12 A It only explains -- only purpose it explains is  
13 not about the facts of discriminations. It's only as  
14 to how this became a big public issue. And why I felt  
15 it was necessary because of the e-mail threat, I was  
16 concerned about my job.

17 Q Well, and that's what I'm going to ask you.  
18 So, is that -- that e-mail that you received from Judge  
19 Telsey, prior to -- walk me through again, when do you  
20 first have a communication with the press?

21 A After the e-mail.

22 Q After the e-mail? All right. So, then, you  
23 reached out to the press.

24 A December 7th, correct.

25 Q I think you told me that.

1 A After I got the e-mail. You see the e-mail,  
2 obviously, after December 5th. I get this e-mail on  
3 December 7th referencing stuff unrelated from a long  
4 time ago.

5 Obviously, I felt this was an intimidation  
6 tactic or for going on the record on December the 5th.  
7 I'm scared the guy's going to take my job away. So,  
8 that's how it got from just me dealing with this, you  
9 know, and getting to this point. That's --

10 Q Right. And you're telling me you had no  
11 intention of bringing it to the press before that. It  
12 was just when you received the December 7th e-mail,  
13 that's when you decided to --

14 A Correct.

15 Q -- you felt it was necessary?

16 A Correct.

17 Q Did you speak to anyone else in that time  
18 frame of this is where I'm going with this and this is  
19 what I think is important?

20 A No, I didn't think it was -- I didn't think it was  
21 necessary. Again, I didn't think it was necessary. I  
22 didn't think it was this big -- it's a big issue, don't  
23 get me wrong, but I didn't think it was necessary  
24 (indiscernible) I thought I was still, maybe, naively  
25 thinking I could still handle this issue in house with

1 my court administrator.

2 Q After that time frame, Judge, December 7th,  
3 and continuing to now, was there ever any thought to  
4 having another sit down with Hamlyn to say we got to go  
5 back through this again and go through these files?  
6 Was there any --

7 A No.

8 Q Why not?

9 A No. I felt it will be futile for me to go  
10 forward, especially in light of all the stuff that was  
11 happening -- media scrutiny, all the meetings that were  
12 scheduled. Conversations I had with Judge North. Our  
13 disagreements about the situation.

14 I didn't think it was going to be any -- you  
15 know, any result that was going to result in a schedule  
16 change. And Judge North's position was that things  
17 were scheduled correctly based on the guidelines.

18 My position with him was we have to agree to  
19 disagree. That the issue was -- not that the issue was  
20 disparate impact of a neutral policy having a  
21 disproportionately impact on Latinos. That's the  
22 issue. You know, the issue isn't per se, if a  
23 individual case is scheduled under the guideline, that  
24 would require every Spanish-speaking person to have  
25 cases that fit. It's so impossibly -- essentially

1 impossible that that's not where I believe the problem  
2 is. I just want the schedules changed.

3           He disagreed with that based on his  
4 conversation with Kim and whoever else. So, I just  
5 felt that this was going to be a moot issue trying to  
6 bring it back up with Kim. She refused all those times  
7 to comply with my instructions and she refused to  
8 cancel the court dates in June to -- I mean, January to  
9 reschedule. She's refused to do everything I've asked  
10 her to do. Instead, I guess, she went to Judge Telsey  
11 or Judge North or whoever -- Ashley whoever to  
12 reinforce her position as to why she's doing it. So --

13           Q     And just so -- you know this, I know this,  
14 Steve knows this, but just so this record is clear, I  
15 mean, Ms. Hamlyn, she works for the City of Millville,  
16 right?

17           A     Correct.

18           Q     And do you have any facts, Judge, that Judge  
19 Telsey spoke with Ms. Hamlyn before he sent his  
20 December 7th e-mail at all?

21           A     Yes.

22           Q     All right. Explain that.

23           A     Because in his December 7th e-mail on Paragraph 2,  
24 he cites communication he had with Kim Hamlyn [REDACTED]  
[REDACTED]



[REDACTED]

2 My question was, why does a court  
3 administrator have direct access to communicate with an  
4 assignment judge that rapidly -- unless there had been  
5 some prior communication to that effect. And I let  
6 that -- because on December the 8th -- no, December the  
7 7th or the 8th, an e-mail went to all my court  
8 administrators to -- wanting to give that immediate  
9 report of my appearances and I wanted it to be going  
10 forward. That continued up until this week when I got  
11 another e-mail from Judge Telsey -- I mean, from Judge  
12 North.

13 So, yes, there's communications between those  
14 two individuals outside the normal process by which  
15 people are communicating.

16 Q All right. So, then, I'll have to talk to  
17 Judge Telsey certainly about that and/or Ms. Hamlyn.  
18 But let me ask you this, we can agree, though, that Ms.  
19 Hamlyn, being an employee of the City of Millville,  
20 Judge Telsey being the assignment judge for Vicinage  
21 15, in other words, he is not her employer. We  
22 understand that, right?

23 A Same hybrid relationship that we have with me.

24 Q Right.

25 A Not my employer, but there's still some

1 supervisory role that they play.

2 Q They play, you know, an administrative  
3 operational type role --

4 A As well as with certification power over court  
5 administrators, things of that nature.

6 Q Right.

7 A So, in other words, the Judiciary could pull some  
8 certification and still be employed by the City, per  
9 se, but it's a little bit different --

10 Q Right. I understand.

11 A -- dynamic, but it's still hybrid in a sense.

12 Q I understand. So, and then from there, from  
13 that December 7th correspondence, I mean, I know  
14 there's e-mail correspondence back and forth between  
15 you and Judge Telsey and there are some additional news  
16 articles that go to the press.

17 And it seems much of your concern, and I  
18 don't want to put words in your mouth, Judge, but much  
19 of your, sort of, issue, I guess, more with the  
20 Judiciary is the publication of or at least the news  
21 press? Am I saying that right? Is that really more or  
22 less your concern with them?

23 A Yes.

24 Q All right.

25 A Yeah, this is my, you know, a lot of this is just

1 being angry as a human being. I've been a faithful  
2 servant of the Judiciary for a long time. A reputation  
3 in the community, with the Bar, with the police --  
4 every one is stellar, is stellar.

5 I brought up an issue that is important to  
6 the Judiciary itself, you know, so to be treated like  
7 I'm a defendant, like I brought up an issue that makes  
8 me adversarial was insulting and it was infuriating.  
9 And I began to see articles coming out that, you know,  
10 there was a memo that came out to the Judiciary saying  
11 (indiscernible) unsubstantiated claim. But that's one  
12 guy, you know.

13 So, without even talking to me, you send out  
14 an e-mail to the entire State Judiciary that there's  
15 unsubstantiated claims after a little short  
16 investigation without talking to me, well, that's  
17 insulting and that's embarrassing and it's insulting.  
18 You know, stuff comes and there's no evidence found.  
19 There's, you know, wait a minute, man, you didn't even  
20 talk to me. You know, that's insulting.

21 So, I'm not even given the due respect as a  
22 judge by the Judiciary. This stuff is coming out from  
23 the highest levels. You know, this is coming from  
24 Judge Grant, you know -- this is coming from the big  
25 time. So, at that point, I'm angry, man. I'm, like,

1 you guys are treating me with a level of disrespect  
2 that I shouldn't be treated with. I

3 I'm not doing anything to disrespect the  
4 Judiciary, but my beliefs have come true in the way I'm  
5 being treated. You know, the whole State Judiciary  
6 shouldn't be against me. They should be looking at the  
7 facts I allege, and leaving me out of it. But that's  
8 not what happened. You know, so, yeah, I'm upset and  
9 that's my issue.

10 The last article came under the Law Journal.  
11 The title was Do Your Job. How offensive is that? You  
12 know, not to bring in race into the issue, but as a  
13 black man there's a stereotypical thing with black man  
14 to say we're lazy, we don't work hard.

15 So, to see that in bold print in the Law  
16 Journal amongst all my colleagues, that's degrading and  
17 it's embarrassing and no judge should be treated like  
18 that, you know. And I don't think anybody else would  
19 treat a judge like that for a situation like this.

20 So, yeah, I'm angry. I've been disrespected  
21 and I've not been treated as a judge. I've been  
22 treated as a defendant, as an adversary and that's not  
23 fair because the issue is to make sure that Latino  
24 litigants are treated fairly. That's it. And that's  
25 the issue. And that's why, yeah, I'm upset about the

1 Judiciary's role in the media in terms of the fact of  
2 the case.

3           Again, it's not a -- in terms of the fact, I  
4 want to reiterate this again just for the record. I'm  
5 not alleging any way that the Judiciary policy is any  
6 way discriminatory, because it's not. The State  
7 Judiciary has nothing to do with this. It's vicinage  
8 policies. I continue to assert this is simply one  
9 single isolated individual's decision to have caused  
10 this discrepancy.

11           I don't want it to be -- it's not a State  
12 against Jason Witcher's view. It's not a vicinage  
13 against Jason Witcher's view. It's simply my  
14 observation of a internal policy that's having a  
15 disparate impact on Latino Spanish people. That's it.  
16 That's the only thing I wanted to address, is the  
17 schedule to be changed to accommodate everyone equally.  
18 And that's the whole issue. That's the whole issue.  
19 There's nothing else besides that.

20           The 2023 schedule is the same as the 2022  
21 schedule which means nothing is done. If nobody does  
22 anything, this is going to continue indefinitely  
23 because she won't change the schedule. So, if nobody  
24 takes any action on this to stop it, it's going to  
25 continue for another year. And at that point, what do

1 I do? Because what that says is that there's nothing  
2 wrong here, therefore, this is okay and it's going to  
3 continue, you know?

4           The 2023 schedule is the same as last year's  
5 schedule. Same dynamics, you know? So, it's not going  
6 to stop. If nobody recognizes a scheduling problem,  
7 it's not going to stop, it's going to continue, it's  
8 going to continue, it's going to continue.

9           So, that's we're we are. That's where I'm  
10 upset on both ends -- the person attack and the  
11 unwillingness for the Judiciary as a organization to  
12 just fix it, you know? Just fix it and not -- instead  
13 of blaming me, blame Kim. She's the one who's caused  
14 it but you're blaming me for exposing it and nobody's  
15 held her accountable for doing it. And that, as a  
16 judge, that is very, very, infuriating, you know? That  
17 --

18           Q     To -- go ahead, did I interrupt you?

19           A     No, you didn't. I'm just rambling now because I'm  
20 getting mad but that's all. I'm sorry.

21           Q     What you've identified, Your Honor, I want to  
22 be sure I understand this. I mean, it's really two  
23 separate things. It's the issue of what you believe to  
24 be a discrepancy in the scheduling which we've talked  
25 about most of today.

1           And then, I mean, you have concerns in which  
2 there was the response after the news articles and  
3 that's -- I kind of have that in two categories. Am I  
4 saying that right?

5 A       It's not an unrelated separate issue. It's not --

6           Q       Right. That's just more of a separate type  
7 thing. And I know to this point, Judge, at least since  
8 I asked and you did cooperate and I appreciate that, to  
9 this point, I haven't seen anything in the press. And  
10 I think that's, to me, just better for everyone until  
11 this immediate issue of the, you know, the alleged  
12 discrepancy is resolved. Is that fair?

13 A       Yeah, I agree. I haven't spoke to anyone. I  
14 mean, it's taken on a life of its own now.

15           Q       I understand and I think --

16 A       In terms of me, I don't like it. I don't want to  
17 be involved in it.

18           Q       No, I understand and I think we can -- we've  
19 got to address and resolve to the extent and realize  
20 that there's, you know, we have to identify is there a  
21 factual issue that has to be -- that is the most  
22 important thing to this point, right?

23 A       That's the most important thing, yes.

24           Q       And so, you know, we've got to get that to  
25 determine if there is something, as you allege, and if

1 there is, then that has to be addressed.

2           Let me ask you this, what in your mind, how  
3 is it going to look when -- I mean, in terms of the  
4 scheduling, how does the breakdown need to be? I guess  
5 I've got to figure out what's the end game?

6 A     I got you.

7           Q     How is this resolved, in your mind?

8 A     And this is the reason why the questions that I  
9 asked Kim were important. Because I needed to know why  
10 -- how you were coming to the conclusion that these  
11 cases are scheduled. What's your policy? How are you  
12 determining this is occurring? So, if I don't know  
13 how you're determining it and how they're occurring, I  
14 don't know how to tell you to fix it, per se, because  
15 you won't tell me how you did it.

16           The fix should look like this, is all I  
17 should see, like I see in every other court in the  
18 world in my vicinage and I should see, I should see  
19 Spanish-speaking litigants on video for interpreters,  
20 in person with an interpreter just like I see any other  
21 person on both. That's what I should see.

22           What I should not see is every Spanish-  
23 speaking litigant in person with an interpreter and not  
24 on video. That I should not see. How we get to that  
25 point, I don't know, but there's something wrong with



1 that picture and that's what I want to end.

2           So, how that's happening, I don't know  
3 because Kim will not identify why. She won't take  
4 responsibility for what's happening. She's leaning on  
5 the memo and that's not the reason why the schedulings  
6 occurred. As you indicated, the schedules occurred way  
7 before memos were brought in, so it's not the memo  
8 that's causing the scheduling.

9           Q     The memo, Judge, you mean the directive, is  
10 that right?

11          A     Yes.

12          Q     Yeah, the October directive?

13          A     Yeah, the scheduling came way before that. So, to  
14 rely on that as the basis is inaccurate and it's  
15 deceptive because you've doing this since the  
16 summertime. You know, you've been doing this -- the  
17 question is why were you doing it. Under what -- why  
18 were you doing that You've been a court administrator  
19 for almost 20 years. You know better. Why not fix it  
20 when I asked you to fix it.

21          Q     And in your mind that is an ongoing process  
22 of trying to resolve and identify what is this -- what  
23 you believe to be a verbal policy that she possesses.  
24 In order for us to find out what that is, we're going  
25 to have to speak to Ms. Hamlyn and just see and find

1 out further from there. Is that fair?

2 A Yeah, exactly, because it's still -- and this is  
3 one of my big concerns, Bill, and this is where I have  
4 a major concern, is that this will not stop in  
5 Millville because the schedule for 2023 is the same.  
6 It's the same schedule as it's been in 2022.

7 Q The schedule, meaning -- you mean the  
8 interpreter schedule?

9 A Yes, the two interpreters per month scheduled with  
10 the Spanish-speaking litigants, there is the same  
11 schedule. It hasn't been addressed. So, therefore,  
12 this problem will continue, and continue, and continue  
13 unless it is addressed and it's changed. That's my  
14 concern.

15 Q Well, let me ask you that because I have to,  
16 Judge, I have to. When you say it will be addressed --  
17 let's say that Millville, and however that happens, but  
18 Millville was able to obtain an interpreter for each  
19 in-person session as well as, you know, in person in  
20 the courthouse for the virtual sessions which I  
21 understand to be the practice in other jurisdictions.  
22 You understand what I'm saying?

23 A It's the law.

24 Q Okay. Well, I mean, having an actual in-  
25 person interpreter.

1 A Oh, no, yeah, interpreter service is correct. I  
2 understand. I understand. You're correct.

3 Q You understand my distinction?

4 A You're correct.

5 Q We already have in Millville --

6 A You're correct.

7 Q -- the interpreter service. What I'm talking  
8 about is having -- because the interpreter schedule  
9 that you forwarded to me, I think it was last night --

10 A Twice a month.

11 Q When you say it's already set for the year,  
12 that's what you're referring to, right?

13 A Yes. Correct.

14 Q All right. So, let's say that Millville was  
15 to adopt an updated schedule where they have an actual  
16 person who is the interpreter available for every court  
17 session, whether it's virtual or in-person -- do you  
18 understand what I'm asking?

19 A But it doesn't solve the problem.

20 Q Okay. Explain that.

21 A Because if there's no Spanish-speaking litigants  
22 scheduled for the day, the interpreter will be sitting  
23 there not talking to anybody. You still have the  
24 problem is how are Spanish-speaking litigants being all  
25 scheduled for that day.

1 Q Right.

2 A So, like, right now there's a service available.  
3 There's a service available for the court for virtual.  
4 It's not used because there's no one who needs it  
5 because all those people are scheduled on in-person  
6 days. So, whether you had a live interpreter scheduled  
7 for a virtual day, with no Spanish-speaking litigants,  
8 it doesn't make any difference if all of them are being  
9 schedule on those in-person days.

10 How are they getting scheduled there? How  
11 are they getting filtered from tickets to complaints to  
12 warrants, how are they getting scheduled from this  
13 space, all of them filtering to these two days? That's  
14 the question -- whether there is interpreter service or  
15 not, which are available, that's not the issue. It's  
16 how do all the Spanish-speaking litigants get scheduled  
17 to the same two in-person days. Simple as that. That  
18 question is how do you answer that question.

19 Q And I guess it will be on par, I guess, in  
20 your mind whether it's an in-person session or a  
21 virtual session.

22 A Right.

23 Q Because you would agree that for the virtual  
24 sessions, you can't see, you know, everybody who is in  
25 that courtroom. I mean, some people might be on no

1 video or anything -- in other words, it's a different  
2 experience.

3 A Yes.

4 Q Right?

5 A Yes.

6 Q It's not like you're looking out to a  
7 courtroom.

8 A Correct.

9 Q When you're in-person you can see the  
10 population that's there.

11 A Correct.

12 Q Whereas than when it's a virtual session.

13 A Correct.

14 Q So, I guess, I'm trying to think about when  
15 is it going to reach that point -- and getting past  
16 the, I understand the global --

17 A Correct.

18 Q -- concern of equality. I'm all about that.  
19 But, I guess, how are you going to gauge when it has,  
20 in your mind, stabilized and equalized? What is it  
21 going to look like on the virtual versus the in-person?  
22 What's going to be the --

23 A I don't know number or percentage there would be.  
24 I just can't tell. All I know is that there should be  
25 some people, you know, statistically, there should be

1 some Spanish-speaking cases on the virtual days. How  
2 many, I don't know. You know, it's probably going to  
3 vary.

4           Even if you have an interpreter available for  
5 two virtual days out of the four, you're still not  
6 discriminating because at least people have the chance  
7 to be virtual or in-person. If you don't have that  
8 available, you're not scheduling them, they're being  
9 denied the opportunity. How it looks, I don't know.  
10 But I do know that how it looks now, with everybody  
11 scheduled who speaks Spanish in-person and not having a  
12 chance to go virtual, to me, is my court issue.

13           Q     I understand.

14           A     And the fact that it's been passed and it's  
15 continuing to be scheduled this way for the next year  
16 causes me great concern. I don't want this to go on  
17 for another year of this.

18           Q     I know that there have been a few meetings,  
19 Your Honor, with Judge North and I believe Ashley Wolk  
20 and others over the past few weeks to try to address  
21 these matters.

22           A     Yeah.

23           Q     I mean --

24           A     They have not been productive.

25           Q     I was going to ask you, can you explain why?

1 A They have not been productive at all because we're  
2 seeing the issue differently. What they're trying to  
3 couch the issue is, is that individual cases that are  
4 being scheduled fit the memo, or whatever guidelines,  
5 right? Individual cases.

6 That's not my contention. My contention is  
7 that the problem is if that's the case, that means  
8 there's a serious problem because that means that every  
9 Spanish-speaking person is subjected to some type of  
10 ticketing, warrant issuance because they're Spanish.  
11 Or, they're being scheduled there because there's a  
12 scheduling issue. Not the particular case fitting in  
13 the guidelines. There's a discrepancy and disparate  
14 treatment between people who speak Spanish and that.

15 Q I understand.

16 A That's my issue and we disagree on that. I bring  
17 that issue up and they keep saying that's not the  
18 issue. So, because we disagree on the issue, we can't  
19 come to any type of reasonable conversation because we  
20 disagree on what the issue is. I think the issue is  
21 clear in my mind.

22 But apparently, Judge North and Ashley Wolk  
23 and whoever else don't think it's clear or don't want  
24 to acknowledge that issue. I don't know why. But I  
25 think it's pretty law school 101, but that's why our

1 conversations are futile. They go nowhere because we  
2 keep getting to the same point. Just like Kim Hamlyn's  
3 response.

4           They keep going back to this doggone  
5 directive, I'm like, that's not the point. The point  
6 is you cannot have a policy, written or unwritten that  
7 has a disparate impact on a protected class. You can't  
8 do it. So, whatever the problem is, you have to change  
9 that because that's going to continue to happen for the  
10 next year if you don't change it. And we disagree on  
11 it.

12           They haven't changed it, they won't change it  
13 and they don't see a problem with it and I do. And  
14 that's where our conversations have always led and they  
15 end the same point of disagreement over that same issue  
16 every time.

17           Q     What would be the guidance you would give to  
18 those responsible for the scheduling to allow them to,  
19 you know, schedule these in a way that you see fit.  
20 Remember, and I think we can agree, the scheduling  
21 persons do not have the benefit of actually seeing --  
22 unless the litigant comes before the courthouse,  
23 they're not going to know if they're Spanish-speaking.

24           A     Right.

25           Q     They're not going to know what they look



1 like. They're not going to know any of that stuff.

2 A Right. All they have is a name.

3 Q We could agree to that -- all they have is a  
4 name, all they have is a ticket.

5 A That's it.

6 Q What should that scheduling person be doing  
7 today when they have a batch of tickets that just came  
8 in?

9 A This is what I feel should happen --

10 Q How are they going to go about that? What's  
11 that analysis?

12 A This is how it should happen. How that should  
13 happen is, somebody from outside of Millville, from the  
14 Judiciary, should come in. The cases scheduled going  
15 forward should all be rescheduled. All of them going  
16 forward -- February on should be cancelled and  
17 rescheduled. Somebody from the Judiciary should come  
18 in and handle the scheduling policy until it's  
19 corrected.

20 Otherwise, I feel it's going to continue and  
21 it stays in-house because there's too much resistance  
22 to change it. We need an independent person from the  
23 Judiciary to step in temporarily to oversee. Again,  
24 cancel sessions going forward because they're  
25 discriminatory. And each time we preside over it,

1 we're discriminating against people again and again and  
2 again.

3           So, don't have this -- I'd rather have more  
4 backlog than discrimination. So, let's cancel those  
5 sessions and reschedule the sessions properly. Again,  
6 have someone from the State Judiciary come in who knows  
7 how to handle it to reschedule these cases so that  
8 they're rescheduled properly. You know, that's my --  
9 that's the way I felt it could be fixed.

10           If it stays in the current staff dynamic with  
11 Kim calling the shots, Judge North involved in it, it's  
12 not going to change because their position's that it's  
13 not a problem. Until somebody outside sees this is a  
14 district problem, it's not going to change which is why  
15 the schedule doesn't change which is my concern because  
16 if nobody finds a problem here, you know, I'm not  
17 pushing you guys, but if nobody finds a problem here,  
18 this is not going to stop because the schedule's still  
19 set another year.

20           We're going to have Latino litigants, people  
21 for the whole next year raise a holy hell because the  
22 situation is still the same. You know, if it's not  
23 changed, this thing is going to get bigger and bigger  
24 for no reason. There's no reason for it -- it's a  
25 simple scheduling adjustment that should be done.

1           And because I don't feel that the current  
2 administrator is going to do it because of her  
3 position, I don't feel that our municipal division,  
4 Vicinage 15, is going to do it because their position  
5 agrees with hers.

6           Unless you have someone from the Judiciary  
7 outside come into Millville, take over the court  
8 scheduling for a time, it's not going to change.  
9 That's my position.

10          Q     Okay. Let me ask you this -- did I interrupt  
11 you?

12          A     No, you didn't.

13          Q     Okay. So, Judge, let me make sure, the  
14 calendars that are set for February, March, April and  
15 so forth, are you able to determine in advance whether  
16 or not they are having this disparate impact that you  
17 perceive?

18          A     All I can tell you is that the schedule for  
19 interpreters is the same. And based in the past what  
20 I've seen, I have no reason to believe anything is  
21 different going to the future. It's now January, the  
22 next year, and it's still the same.

23                 So, I have no reason to believe it's going to  
24 change without someone coming in, intervening,  
25 cancelling all those sessions where there is

1 discriminatory activity because out of the concern of  
2 mine and I don't want to preside over a proceeding that  
3 I feel and I know are discriminatory.

4           So, that's the serious concern of mine as a  
5 judge and, morally, I am participating in a process  
6 that I know is discriminatory. So, to stop that from  
7 occurring, the only suggestion I have, again, I don't  
8 know the intricacies of how a ticket gets -- I don't  
9 know how that's done. I don't know. But all I do know  
10 is that it's a problem and the only way I can see to  
11 correct the problem is a very simple solution would be  
12 to have someone from outside the vicinage train Kim or  
13 replaced Kim or whatever they do to take over  
14 scheduling going forward to fix it. That's it.

15           Q     Let me ask you this, Judge, it's important so  
16 that we know how to diagnose this going forward. Is it  
17 possible to determine, based on a calendar -- I  
18 understand what you're saying of what you have seen in  
19 your mind as a pattern and you believe it may continue  
20 and but here's what I'm -- on the operation level of  
21 the immediate issue of addressing what may be an issue.

22                     Is it possible to determine, based on the  
23 calendars for February and March whether those  
24 calendars actually reflect a disparate impact or is it  
25 when you are actually in the courtroom that you assess

1 and are able to see that, yes, this is a bad calendar?

2 Do you understand what I'm asking?

3 A Yeah, I do. There's no way to tell from looking  
4 at a calendar.

5 Q Okay. All right.

6 A You know, you have to see it. Like I said the  
7 only reason -- my analysis is based on what I've  
8 already seen in the past for the past how many months  
9 what I've seen and the fact that Kim has not changed  
10 her policy of scheduling, leaves me to believe that the  
11 scheduling is going to be the same as it's been.

12 Q I got it. So --

13 A And I'd prefer not to wait and see it is the case.

14 Q I understand. I just want to make sure that  
15 I'm understanding what you're saying is it's not -- you  
16 don't know that there is a defect, so to speak, or an  
17 alleged defect in the calendar, until you're actually  
18 in the courtroom and you're making that observation of  
19 who's in the courtroom, right?

20 A There's no way to know.

21 Q All right. So, with that understanding, in  
22 your mind -- no, I don't want to say it that way -- but  
23 the -- it will be, in your mind, a equal status when  
24 what happens as to what you're seeing in the courtroom  
25 versus the virtual. I want to know what that is going

1 to look like.

2 I may have asked that before, but I want to  
3 know what it's going to look like when it is, in your  
4 mind, equal. What are we going to see in the in-person  
5 proceedings versus the virtual? That's what I've got  
6 to get at and understand.

7 A Yeah. I don't know numerically what that will  
8 look like. I don't know numerically what it will look  
9 like. I just know that it will have some level of  
10 Spanish-speaking litigants in both sessions and there  
11 should not be a situation where all of them are in-  
12 person sessions.

13 How it would look, I don't know. But it  
14 should look like this, you know, that's my concern and  
15 there's not explanation for it without it being a  
16 policy set. The only other explanation we indicated  
17 would be a worse one, which is people are being  
18 ticketed, complaints and warrants issued --

19 Q Well, that's true and that's a separate one  
20 but --

21 A It's a separate issue but --

22 Q -- what I want to know is, for us to rectify  
23 that and to get to that point that you identified, it  
24 almost seems to me, and I'm not an expert in this, but  
25 it almost seems to me that we would have to have staff

1 calling litigants in advance on the virtual and the in-  
2 person to say, to determine whether or not they are,  
3 number one, Spanish-speaking, and number two, if  
4 they're an interpreter in order to then have the  
5 knowledge, okay, we know the domain of people who are  
6 in this category before we assign anything.

7 A Right.

8 Q Okay? Now, we know the number of people  
9 listed here who meet those two criteria -- Spanish-  
10 speaking and in need of an interpreter.

11 A I got you.

12 Q From there a decision would have to be made  
13 --

14 A Very simple.

15 Q -- distribute it. That --

16 A Very simple.

17 Q Let me break it down. Wouldn't we have to  
18 know that first? In other words, we would have to  
19 solicit that information from the litigants first  
20 affirmatively to say are you Spanish-speaking and,  
21 number two, are you in the need of an interpreter  
22 before the scheduling decision is made. And then once  
23 we have that information, then we would make the  
24 distribution. Isn't that what we would have to do?

25 A No.

1 Q Okay. Explain that.

2 A Because what you do is you obtain -- you cancel  
3 your schedules. You don't base scheduling on anybody's  
4 name. You have a live interpreter for each session and  
5 you schedule the cases accordingly. Period. That way  
6 if there all scheduled across the board, there's an  
7 interpreter for each session for people to get  
8 scheduled. A live interpreter for every session's the  
9 same. You schedule the case accordingly and then from  
10 that you take whatever case should be scheduled in-  
11 person across the board, you schedule them in-person.

12 Q I got it. So, what you're saying, Judge, so  
13 I understand it, it's not so much -- let's say we went  
14 down this road and we cancelled February and March and  
15 we did a reset so to speak, right?

16 A Yeah.

17 Q And then when we did the reset, we made sure  
18 there was an in-person interpreter whether it's virtual  
19 or in-person court, right?

20 A Correct.

21 Q For each session --

22 A Correct.

23 Q -- not just two, but four, right?

24 A All of them.

25 Q All right. And then, once we had the



1 scheduling parameters, once that was in place and we  
2 started scheduling from there, you would have a comfort  
3 level that this is being done correctly? Am I saying  
4 that right?

5 A Everybody's being treated equally at that point,  
6 yes.

7 Q Even if, in that circumstance, even if you  
8 have Spanish-speaking litigants appearing in person --

9 A Correct.

10 Q -- it's what we know, at that point, is going  
11 to be the scheduling is done with the knowledge that  
12 there will be an in-person interpreter whether it's  
13 virtual or in-person. Am I saying that right?

14 A Correct. Because at that point, those cases are  
15 scheduled according to some policy that dictates it's  
16 equal for everyone that they're coming in court in  
17 person. Right now it doesn't appear that way.

18 So -- and in that case you're going to have  
19 Spanish-speaking litigants in person. You're going to  
20 have English speaking litigants in person. You're  
21 going to have everybody in person under certain  
22 criteria they fit there. You're going to have other  
23 people going virtual because they fit there. There  
24 shouldn't be one class of people in one or the other.

25 Q I got it. So, I think I understand what

1 you're saying is that the way that this would have to  
2 be rectified is, cancel February and March, I guess, or  
3 --

4 A Yeah, because their schedule is already set.

5 Q All right. And then reset it so that we know  
6 that there is a -- that's part one. Part two would be  
7 arrange to have an in-person interpreter, Ms. -- what's  
8 her --

9 A [REDACTED], she's the common interpreter.  
10 [REDACTED] -- there's quite a few.

11 Q [REDACTED] or somebody else who is an actual  
12 physical person who is then budgeted to be not just two  
13 sessions but four in-person sessions as well as each  
14 virtual session, correct?

15 A Yeah, and there's another option as well.

16 Q All right. But let me walk through this  
17 option A, I guess. And then once we have knowledge  
18 that there will be that in-person interpreter available  
19 just for the in-person sessions but also for the  
20 virtual sessions, we then can schedule from there. And  
21 whether a person ends up in the virtual or the in-  
22 person there is not a concern. At least at that point  
23 we know that when the scheduling decision was made, it  
24 was made with the knowledge that there will be an in-  
25 person interpreter?

1 A Yes.

2 Q All right. I just want to be sure I'm  
3 thinking about it logistically how this would actually  
4 physically be done.

5 A Yup.

6 Q You were going to say something, though?

7 A On occasions, let's say, for example, there's an  
8 occasion where you do have people scheduled virtually.  
9 There is not a live interpreter because we have -- this  
10 happens in Bridgeton as well sometimes -- because we  
11 have Spanish-speaking staff, someone will say you need  
12 an interpreter and that case could be rescheduled for a  
13 date where there is an interpreter virtual. But not  
14 kicked out to an in-person day.

15 You know, that's the point. You don't always  
16 -- you don't have to have one unless your level of  
17 Spanish-speaking litigants is so high that you need  
18 them for every session, which not every court has,  
19 there's a way to direct those cases to another virtual  
20 session where they could still have the benefit of the  
21 convenience because each court typically tries to have  
22 a bilingual someone that can communicate basic things  
23 like that -- I need an interpreter -- hold on. Melanie  
24 can you come here for a minute, advise an individual  
25 we're going to have them reschedule for this date,

1 which is virtual, but the interpreter's here.

2           So, you don't necessarily have to have -- you  
3 should initially, to get this thing cleaned up you  
4 should, initially, but you don't have to have that  
5 permanent. You can weed that away. But because it's  
6 so broad now and it's so, you know -- now I think for  
7 the next two, three months it should be every session  
8 'til we can figure out how to make it work fair where  
9 there's not this discrepancy. That's just my -- from  
10 my experience of seeing courts for a long time with a  
11 high Spanish-speaking population, I've seen how things  
12 work, that's what I would suggest be done to fix the  
13 problem going forward.

14           Q     Let me ask you this, Judge, and I think we  
15 may be almost done here, but have you perceived such a  
16 disparity that you see as to other languages, or is it  
17 more specific to the Spanish-speaking?

18           A     The Spanish because that's the highest population  
19 of -- that we have. Other languages are very, very  
20 occasional. In those cases we'll use LanguageLine  
21 unless it's a sign language interpreter -- we'll have  
22 them come in. But they're also on video -- sign  
23 language interpreter, as well.

24                     The LanguageLine is used when there's a  
25 really rare language at times, you know, like I said,

1 one we don't see very often where an interpreter live  
2 isn't really necessary. One case in the blue we might  
3 have LanguageLine come in to do. Those are rare.  
4 Spanish is the primary issue because there's a --

5 Q I get it.

6 A -- high, high level of Spanish-speaking litigants.

7 Q I appreciate that. So, when we're able to  
8 measure this, or at least make an observation of what  
9 is it that looks like a parody, you know, what does  
10 that state look like when we have a state of parody.  
11 The way that we would assess that is based on what  
12 we're seeing as far as how litigants or what they look  
13 like, what they look like in the in-person courtroom  
14 versus the virtual or is it going to be an observation  
15 that is made as the proceedings begin in that  
16 particular session? If you understand what I'm asking?

17 A Yeah, this is language based. It's ethnic based,  
18 based on language. So, the key thing here is it's  
19 language-based and it's Latino because most Latinos who  
20 are Spanish-speaking tend to be of that ethnic group.

21 So, the primary issue here is the language  
22 which, in effect, has an impact on the Latino group.  
23 So, the thing is, you have to correct the way  
24 interpreter cases are handled to correct the other part  
25 and that's what (indiscernible) is how you can't look

1 at someone, per se, and tell if they speak Spanish or  
2 not. You can't tell.

3 Q Right, that's what I mean. So, I guess the  
4 way that we would be able to reach a point of what  
5 seems to be parody in your mind is that there would  
6 have to be an equal or a close to equal number of  
7 occurrences in each session in an in-person session and  
8 in a virtual session where this appears that as you are  
9 in the course of questioning a litigant, you then  
10 perceive there to be a language issue.

11 In other words, you would have that same or  
12 an equal experience on virtual as you would on in-  
13 person and, in your mind, that would represent an equal  
14 situation?

15 A Yeah, just statistically there should be some  
16 level of consistency. Whether it's ten percent, five  
17 percent, fifteen percent, but it shouldn't be eighty  
18 percent in-person and -- there should be some level.  
19 But you can't tell that right away. It takes a couple  
20 months to see what the volume of cases are.

21 I don't know the volume of -- the number of  
22 cases coming. You're not going to be able to tell --  
23 it has to be percentage-wise. It can't be number-wise,  
24 be percentage-wise to be able to tell, apparently.

25 So, you can't tell if you have a model of

1 comparison percentage-wise how is this looking. How  
2 does this look. Are you just going to take a couple  
3 months to see how that looks as we clean out the  
4 current stuff, we set this thing. It's going to take a  
5 few months to make sure there's a level, a somewhat  
6 level of equality in the ratios.

7 Q I understand. But the equality -- the way  
8 that we are able to gather the data, so-to-speak, that  
9 there is equality is going to be based on not  
10 appearances of what people look like, but it's going to  
11 have to be based on a measurement or an identification  
12 of how many occasions in the in-person setting did a  
13 language issue present itself on the one hand, and then  
14 how many times did a language issue present itself on  
15 the virtual setting and it seems like there's an equal  
16 number of circumstances that that's occurring. And  
17 when we are at the level of equality, I think that  
18 would be what you say --

19 A Proportionately.

20 Q Proportionately --

21 A Yeah, I would tend to agree with that for the most  
22 part.

23 Q That's because I'm saying, Judge, I want to  
24 know what the data is that we would have to gather and  
25 look at to say, all right, now we are -- and it would

1 be certainly subject to a subjective assessment to a  
2 degree, wouldn't it?

3 A Yes.

4 Q Because it's going to have to be, all things  
5 being equal they say, based on the type of offenses,  
6 right --

7 A Yeah.

8 Q -- that are involved. And you would have to  
9 control for that level of there. But --

10 A We would assume that offenses aren't race-based.  
11 We would assume that overall, percentage-wise, they  
12 cover everyone in a reasonably same level of  
13 percentages, you know.

14 Q Right.

15 A That's what I would -- hopefully that's the case.

16 Q Right.

17 A So, I don't see that is being a issue. The way  
18 you do this data-wise is by retroactively look at as  
19 things go by for a few months, how many people are  
20 using or requesting a Spanish interpreter in each  
21 session. If you go to a virtual session and no one  
22 needs a Spanish interpreter is the problem.

23 Q That's the key, Judge, that I need to know  
24 when I go back to determine this.

25 A That's the way --



1 Q It's going to be the request that's made and  
2 once we count the number of times on the record that  
3 the request is made in the virtual versus the in-  
4 person, you know, the data will speak for itself.

5 A The data speaks for itself. Yes. If you have an  
6 in-person session with everybody talking to him and you  
7 say, okay, this person hasn't had a virtual court  
8 option, you know, you start to tell by language --

9 Q I got you.

10 A -- where the issue is, you know.

11 Q I got you. Okay. But --

12 A So, it's only ethnicity based on the language.

13 Q We can only base the determination of  
14 whether, you know, on the actual request that's made.  
15 And so when we get to a point where, again, all things  
16 being equal as far as the type of offense and putting  
17 that to the side, because we can agree, some offenses  
18 have to be in person. There's no debate.

19 A Correct.

20 Q But as to the matters that, to the extent  
21 there are any matters, where there is some discretion  
22 involved, looking, focusing specifically on those types  
23 of matters, we would have to look at was the request  
24 for an interpreter made equally in the in-person  
25 session versus the virtual. And if that's the case,

1 you would be satisfied that this scheduling thing has  
2 straightened itself out?

3 A Or, if I, the judge, in communicating with someone  
4 and it's obvious that they need an interpreter's  
5 services. Sometimes they don't request it, but I can  
6 see, you know.

7 Q I got you.

8 A So, that's the other -- it would be asked for --

9 Q The record would have to be made, right? A  
10 record would have to --

11 A -- or I see an observation. There's a record this  
12 individual, I believe the best interest of justice is  
13 an interpreter.

14 Q And when you as the judge are feeling like  
15 I'm doing that the same amount of time in the virtual  
16 as opposed to the in-person, you'll feel like that's --

17 A I see some level of parity, yeah, because, you  
18 know, stat-wise, there should be some level of  
19 proportionality between the types of offense people  
20 have. People are coming to court. There should be  
21 some level of proportionality. It is ten percent, but  
22 it should be some level that is consistent amongst  
23 ethnic groups, racial groups.

24 Q All right.

25 A And that's the issue here is that just doesn't

1 exist. And that's the way I think to resolve it is to  
2 address the language issue in that way. Over time that  
3 will resolve, and a new system's in place where it  
4 doesn't occur again going forward.

5 Q Yeah. I guess what I'm looking at is in  
6 order for us to determine whether a particular calendar  
7 is -- has an issue, it's like we're not really going to  
8 know --

9 A You can't.

10 Q -- until the calendar proceeds.

11 A You can't, which is why, as opposed of risking  
12 that, my suggestion was to then the court to cancel the  
13 sessions is the same thing because if you don't, you're  
14 going to run into a same retroactive look. You say,  
15 okay, it's March, were they discriminatory in January  
16 and February? Yup.

17 You know, so if you want to risk -- as  
18 opposed to risking that and making an assumption, you  
19 just get the dam backlogged for two months. Cancel  
20 those sessions. Have someone come in with a clean set  
21 of litigants and begin to reschedule the case and after  
22 a few months, at that point, we could say, okay, things  
23 seem to be leveling out.

24 There's no policy that's basing things on  
25 language, and we're going to see some consistency where

1 now you can change the number of times an interpreter's  
2 there in virtual court because you still have virtual  
3 session with an interpreter you can begin to do that.  
4 But there's no situation where someone is denied  
5 virtual services --

6 Q I got it --

7 A -- because of that.

8 Q I just what I'm -- and help me with this --  
9 what I have a little bit of -- where I got to connect  
10 the dots a little bit is, if we can only observe a  
11 disparity or a lack of disparity on the back end after  
12 the schedule has happened, how are we on the front end  
13 when the scheduling is done -- prevent that if we can't  
14 -- in other words, we can't read the future, you know?

15 A Right.

16 Q And that's where I'm trying to -- how can we  
17 preemptively avoid this from a scheduling angle without  
18 having our scheduling folks reaching out to each  
19 litigant and going through a number of questions of do  
20 you need an interpreter --

21 A I understand.

22 Q -- and, if so, you know, are you, number one,  
23 are you speaking to interpreting --

24 A I understand.

25 Q We would have to have that analysis done at

1 the scheduling phase on the initial intake.

2 A What I would --

3 Q We would have to have that information which  
4 we're not going to have until the actual hearing.  
5 That's where I'm having the issue.

6 A I got you. What I would suggest is that you use  
7 the virtual as your default position, right? Unless a  
8 case is one of those -- which are few -- that you got  
9 to have them come in to court, right? Everybody's  
10 reset at a default virtual court position. From that  
11 default position, you're able to begin gauging which  
12 cases need to go back in-person.

13 Q Isn't that what we're doing now, though?

14 A No. We're not.

15 Q Explain that for me.

16 A They're not even going to virtual at all. They're  
17 going straight filtered from the ticket right to in  
18 person. There's no opportunity to go virtual.

19 Q In Millville?

20 A In Millville.

21 Q Right.

22 A Everybody else, yes, but not in Millville.

23 Q Got it

24 A Clean the slate and you use the virtual as the  
25 default.

1 Q I got you.

2 A Temporarily at least.

3 Q I understand.

4 A That way everybody -- you know, that's my --  
5 that's how you solve that problem in my opinion.

6 MR. COOK: I got you. I understand.

7 Appreciate your time, Judge. Give me five  
8 minutes.

9 JUDGE WITCHER: Sure.

10 MR. COOK: I've got to go through some notes.

11 THE WITNESS: Sure.

12 MR. COOK: I may be close to done here. But  
13 you know let's do that.

14 Time is 2:21 and we're going to take five  
15 minutes.

16 (Off the record)

17 MR. COOK: Today is January 19th of 2023.  
18 The time is 2:30. My name is Bill Cook. I'm an  
19 attorney with the firm of Brown and Connery. I'm here  
20 today with Judge Jason Witcher as well as Steve Somogyi  
21 from the administrative office of the courts. This is  
22 Part 4 of our interview today, or discussion, with  
23 Judge Witcher.

24 And, Judge, we've been going for several  
25 hours at this point. I think we're close to done. Are

1 you ready to proceed?

2 JUDGE WITCHER: Yes. Let's just do it.

3 MR. COOK: Your Honor, again, I appreciate  
4 your cooperation with this process. I just want to  
5 close out a few things as far as administrative  
6 purposes if that's okay?

7 JUDGE WITCHER: Sure.

8 BY MR. COOK:

9 Q First of all, you sent me an e-mail January  
10 17th of 2023. This is at 9:19 a.m. I'm showing it to  
11 you, Judge, so that's it's clear on the record. You  
12 recognize it, right?

13 A Yes.

14 Q And that was in reference to it says subject:  
15 Request to speak, Millville Municipal Court. Do you  
16 see that?

17 A Yes, correct.

18 Q All right. The next document I want to show  
19 -- and there were some attachments to that which I'll  
20 represent are -- I have, but are not on this particular  
21 document. I'm really just showing this to you -- the  
22 content, okay?

23 A Yes.

24 Q The second document I'm showing you is  
25 January 18, 2023, 2:12 p.m., subject: Interpreter's

1 schedule. This was sent to me yesterday, Your Honor.

2 You recognize it, right?

3 A Yes.

4 Q And this also had a attachment to it, 2022  
5 Spanish Interpreter Schedule, do you see that?

6 A Yes.

7 Q All right. And the third document is an  
8 e-mail January 18, 2023, 4:13 p.m., e-mail from you to  
9 me. You recognize it, right, Your Honor?

10 A Yes.

11 Q And then the fourth item, Judge, is an e-mail  
12 that you sent to me 4:27 p.m. January 18th of 2023. Do  
13 you see that?

14 A That's the same thing twice? Yes. I must have  
15 sent you the same thing twice by accident.

16 Q No, I believe that there may have been some  
17 difference. One's 4:27 and one's 4:13.

18 A Yeah. I just you the same stuff twice.

19 Q It may have been the same intent but there  
20 were two --

21 A I sent it twice with the same stuff.

22 Q That's okay. You recognize all of these,  
23 right, Judge?

24 A Yes, I do.

25 Q And I'll represent further for this record



1 there's another of attachments, I don't have them.  
2 It's not my intent to go through them at this point,  
3 but I'll represent, Your Honor, this is -- I had asked  
4 you provide me with documents and information relevant  
5 that you believe is appropriate for me to review and  
6 consider.

7           Have you had the opportunity to provide me  
8 with all documents, information, evidence that you have  
9 to this point that would support what you're saying or  
10 alleging?

11 A     Yes.

12           Q     All right. And those are the items that are  
13 within what you forwarded to me by way of these e-  
14 mails, is that right?

15 A     Yes.

16           Q     And with all of these e-mails that are before  
17 you, as well everything that you told me today, is that  
18 everything that you need to tell me as far as the scope  
19 of, you know, your concerns in this matter which brings  
20 us here today?

21 A     Yes. I don't recall, or I can't think of anything  
22 additional, so I will say yes with the limitations of  
23 human memory but for the most part, I would agree.

24           Q     All right. That's fine. I mean, I'll  
25 represent you've been very detailed here, Judge in

1 these e-mail that you provided and I don't need to read  
2 them because they speak for themselves. And, you know,  
3 so, I mean, if -- somebody reviewing this at some later  
4 point, whether it's myself or someone else wants to  
5 know what is it that you're contending in this matter,  
6 what are your concerns and here are the reasons for  
7 your concerns. They could look at these e-mails that  
8 I've just identified, as well, this audio record. And  
9 that would all represent the complete total and  
10 accurate scope of what your concerns are in this  
11 matter. Is that right?

12 A Yes, that's correct.

13 MR. COOK: Has everything you told me today,  
14 Judge, been the truth, the whole truth and nothing but  
15 the truth?

16 JUDGE WITCHER: Yes, it has.

17 MR. COOK: Have you been treated fairly  
18 during the interview?

19 THE WITNESS: Very much. I appreciate it.  
20 Thank you so much.

21 MR. COOK: And is there anything else  
22 relative to these concerns, allegations, claims that  
23 you need to tell me so that we have this for the record  
24 and so that it's available?

25 THE WITNESS: Just one comment I would like

1 to continue to stress that I want it to be clear  
2 that this is not a Judiciary policy -- an overarching  
3 Judiciary policy that is problematic. The Judiciary  
4 policies are fair. I've been a judge for a long time.

5           These are all issues with the public's best  
6 interest at heart. This issue is only isolated to one  
7 particular scheduling problem in Millville. I don't  
8 want there to be any perception by anyone that I am  
9 alleging that this is a Judiciary problem and it's not.

10

11           I don't want there to be any perception that  
12 that's what I'm alleging. That's not the case. My  
13 issue is simply with one issue which is scheduling. I  
14 just want that to be very clear that I don't see this  
15 as a discriminatory Judiciary. This is a one problem  
16 with one person scheduling (indiscernible). I want  
17 that to be very clear as to my position so there's no  
18 confusion about that.

19           MR. COOK: Your Honor, I appreciate your time  
20 today. It's been a pleasure to speak with you for  
21 these past several hours. Judge, if you have any  
22 questions of me after this, you know how to reach me?

23           THE WITNESS: Yes, sir.

24           MR. COOK: And with that -- Mr. Somogyi, do  
25 you have anything to add at this point?

1 MR. SOMOGYI: No. I appreciate the Judge's  
2 time today.

3 THE WITNESS: Thank you very much, gentlemen.

4 MR. COOK: We'll then conclude this record.

5 And the time is 2:35 on January 19th of 2023. Thank  
6 you.

7 \* \* \* \* \*

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**C E R T I F I C A T I O N**

1  
2 We, MARY POLITO, COLETTE MEHESKI and ALYCE H.  
3 STINE, the assigned transcribers, do hereby certify the  
4 foregoing transcript of proceedings on CD, (Judge Jason  
5 Witcher), is prepared in full compliance with the  
6 current Transcript Format for Judicial Proceedings and  
7 is a true and accurate non-compressed transcript of the  
8 proceedings as recorded, and to the best of our  
9 ability.

10  
11 /s/ Mary Polito

12 MARY POLITO                   AOC #573

13  
14 /s/ Colette Meheski

15 COLETTE MEHESKI           AOC #628

16  
17 /s/ Alyce H. Stine

18 ALYCE H. STINE           AOC #705

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