

Regulations Governing the Municipal Court Administrator Certification Board and Certification Process

Regulation 1. Authority and Citation of Regulations

1:1 The Municipal Court Administrator Certification Board (“Board”) has adopted these regulations, with the prior approval of the Supreme Court, in accordance with R. 1:41-1(f) to be effective on January 22, 2008.

1:2 These regulations may be cited as, for example, “M.C.A.C.B.Reg. 3:3-2(a).”

Regulation 2. Membership and Operations of the Municipal Court Administrator Certification Board

2:1 Membership. The membership of the Board shall be as indicated in R. 1:41-1.

2:2 Operations. The Board shall:

1. Oversee the requirements of the certification, conditional accreditation, and accreditation processes, including but not limited to, education, training, and testing;
2. Design examinations for certification of municipal court administrators;
3. Establish committees and subcommittees, as necessary, to carry out the duties of the Board;
4. Establish procedures for certification, recertification, conditional accreditation, accreditation and for the revocation or suspension of certification, conditional accreditation, or accreditation.

2:3 Quorum. Six (6) board members shall constitute a quorum in order to transact business. All determinations shall be made by a majority of Board members in attendance. Subject to the approval of the Chair, Board members may attend meetings by video or telephone conference.

2:4 Reports. Reports as to the activities of the Board may be submitted to the Supreme Court from time to time or as otherwise required by the Supreme Court.

2:5 Effect of Board Membership. No Board member, or designee shall apply for or be examined for certification or seek conditional accreditation or accreditation. A certified Board member may be recertified in accordance with M.C.A.C.B. Reg. 8:3 during the member’s term of service on the Board.

Regulation 3. Records

3:1 Recordkeeping. The Board shall maintain all records necessary for the administration of the Board, including those pertaining to:

1. Certification and recertification of applicants and candidates;
2. Certified municipal court administrators;
3. The standing of certified municipal court administrators;
4. The status of certified municipal court administrators;
5. The conditional accreditation, or accreditation of municipal court directors, municipal court administrators, and deputy municipal court administrators;
6. Municipal court employees whose certification, conditional accreditation, or accreditation has been revoked or suspended;
7. Continuing education credits earned by certified municipal court administrators and non-certified municipal court administrators pursuant to N.J.S.A. 2B:12-11(f);
8. Certification examination results.

3:2 Public Access. The reports of the Board to the Supreme Court and lists identifying the names of certified, conditionally accredited, and accredited municipal court employees, the names of certified, conditionally accredited, and accredited municipal court employees, who have been revoked or suspended, and the standing and status of certified and non-certified municipal court administrators shall be deemed public records and shall be available for public inspection and copying, as provided by Court Rule 1:38-1 to -13.

3:3 Confidentiality.

1. Board Records. All records of the Board, except those listed in M.C.A.C.B. Reg. 3:2, shall remain confidential under R. 1:41-7, until and unless the Supreme Court orders otherwise, or:
 - (a) Upon the request of the municipal court director, municipal court administrator, deputy municipal court administrator, or candidate, in which event, he or she shall only have access to materials he or she submitted to the Board; or
 - (b) Upon the request of a third party, with the written consent of the municipal court director, municipal court administrator, deputy municipal court administrator, or candidate, in which event the person or entity obtaining the consent will only have access to the materials submitted to the Board

by that municipal court director, municipal court administrator, deputy municipal court administrator, or candidate.

Regulation 4. Application for Certification.

4:1 Submission; Fee. All candidates for certification are required to complete and submit the application form prescribed by the Board. Each application shall be accompanied by the application fee specified in M.C.A.C.B. Reg. 13.

Regulation 5. Certification Process.

5:1 The certification process consists of the following phases and shall be completed in the order set forth below:

1. Phase I - Educational Requirements. A certification candidate must successfully complete the Principles of Municipal Court Administration curricula.

2. Phase II - Written and Oral Examinations:

(a) Written Examination. Upon the completion of the Phase I curricula, the certification candidate must pass a written certification examination with no less than 80% of the questions answered correctly.

(b) Oral Examination. If the certification candidate successfully completes the written examination, then the certification candidate must take an oral examination before a three-member panel of examiners. The certification candidate will be afforded a limited opportunity for closed-book preparation of responses, including the development of a written outline or other notes, if desired. The certification candidate's oral response to each question will be graded on a pass/fail basis and the certification candidate's written outline or other notes will be collected, but not graded, at the conclusion of the oral examination.

The oral examination panel will be comprised of two certified municipal court administrators, in good standing, and a municipal division manager or other qualified person designated by the Board Secretary. In the event of the unavailability of a panel member, the Board Secretary may designate additional panel members, as necessary.

(c) Examination Fees. Prior to the administration of the Phase II certification examination, the certification candidate shall pay the examination fee(s) specified in M.C.A.C.B. Reg. 13. If the certification candidate fails any written or oral examination, he or she may retake the examination, subject to a reexamination fee, as specified in M.C.A.C.B. Reg. 13, for each subsequent examination that is administered.

3. Phase III -- Court Improvement Project.

(a) General. After successfully completing Phases I and II, the certification candidate is to develop and submit a court improvement project the subject of which has been pre-approved by the Board. The project should demonstrate the candidate's knowledge derived from experience, the Principles of Municipal Court Administration curricula, and any other formal training; problem-solving ability; and writing skills, including appropriate spelling and use of grammar. The subject of the project must contribute to improving the administration of justice and further the municipal court's interests as a part of the local community. The project shall be in writing, setting forth findings, conclusions, recommendations and/or implementation plans for municipal court improvement.

(b) Mentor Groups, Board Subcommittees. The Board may establish statewide, regional or other mentor committees. With the approval of the Board, a municipal division in a vicinage may establish a vicinage mentor committee. Certification candidates entering Phase III will have the opportunity, if desired, to contact a mentor committee as a support group for assistance relating to development of project ideas or topics.

Certification candidates in Phase III are not required to seek the assistance of a mentor committee. They will, however, be advised of the opportunity to do so. Certification candidates will continue to have the option of submitting project requests directly to the Board's attention.

The Board may also refer any project requests and final projects to a standing subcommittee(s) of the Board established by the Chair for the purpose of project review and recommendation to the Board.

(c) Phase III Court Improvement Guidelines. Each project shall conform to the "Phase III Court Improvement Guidelines" approved by the Board and available on the Board's website or from the Board Secretary.

(d) Time Period. Certification candidates must submit to the Board the completed Phase III court improvement project within 18 months of the Board's approval of the project request.

Regulation 6. Accreditation Process

6.1 Conditional Accreditation Requirements.

To obtain conditional accreditation, a non-certified municipal court director, municipal court administrator, or deputy municipal court administrator must successfully complete Levels I and II of the Principles of Municipal Court Administration curricula.

(a) Current employees. For a non-certified municipal court director, municipal court administrator, or deputy municipal court administrator currently employed as of the date of promulgation of this regulation, the requirements for conditional accreditation must be completed by March 13, 2012, six months after the effective date of this regulation.

(b) Newly appointed employees. For a non-certified municipal court director, municipal court administrator, or deputy municipal court administrator appointed after the date of promulgation of this regulation, the requirements for conditional accreditation must be completed within six (6) months from the date of appointment to that position.

6.2 Full Accreditation Requirements.

To obtain full accreditation, a non-certified municipal court director, municipal court administrator, or deputy municipal court administrator must successfully complete Levels 1-IV of the Principles of Municipal Court Administration curricula.

(a) Current employees. For a non-certified municipal court director, municipal court administrator, or deputy municipal court administrator currently employed as of the date of promulgation of this regulation, the requirement for full accreditation must be completed by September 13, 2014, three years after the effective date of this regulation.

(b) Newly appointed employees. For a non-certified municipal court director, municipal court administrator, or deputy municipal court administrator appointed after the date of promulgation of this regulation, the requirements for full accreditation must be completed within three (3) years from the date of appointment to that position.

Regulation 7. Ongoing Reporting Responsibility.

Each certified, conditionally accredited, and accredited municipal court employee or candidate has an affirmative responsibility to promptly report to the Board and the Assignment Judge of that vicinage any misconduct, as defined in R. 1:41-4(a). Each certified, conditionally accredited, and accredited municipal court employee or candidate also has an ongoing obligation to notify the Board and the Assignment Judge of that vicinage during and after the certification, conditional accreditation, or accreditation process of any additional information that relates to the requirements for obtaining and maintaining certification, conditional accreditation, or accreditation.

Regulation 8. Post-Certification Continuing Education and Certification Renewal.

8:1 Continuing Education

1. Certified Municipal Court Administrators. For the purpose of meeting the continuing education credit (CEC) requirements set forth in N.J.S.A. 2B:12-11 and R. 1:41-2, each certified municipal court administrator must complete at least 45 contact hours (as defined below) of Board approved or required continuing education within the three year period following the date of initial certification or recertification. This three-year period is the continuing education cycle.

2. Pre-approval of Course. For purposes of M.C.A.C.B. Reg. 8:1 and 8:4, unless a course has been pre-approved by the Board, certified and non-certified municipal court administrators shall submit to the Board a written request for approval of a course, seminar, conference or vicinage training. The written request must include the name of the course, the dates of the course, the name of the provider, the number of contact hours, and a statement of how the course is related to the administrator's job.

3. Criteria for Board Approval. The Board will approve courses based on the provider's reputation, length of time in the training field, faculty credentials, experience and knowledge. Examples of such educational and training providers are accredited colleges, universities, local community or continuing education institutions, local vicinage training units, the AOC, the National Center for State Courts' Institute for Court Management, Mid-Atlantic Association of Court Management, the American Management Association, local, state, and national bar associations, and other state or local professional court associations.

4. Proof of Successful Completion of Course. Certified and non-certified municipal court administrators shall submit proof of any successful completion of approved courses on a form approved by the Board and posted on the Board's website or available from the Board Secretary.

8:2 Contact Hours

1. General. A continuing education contact hour, pursuant to M.C.A.C.B. Reg. 8:1 and 8:4, is defined as the number of hours actually spent in classroom instruction. For example, a program starting at 9:00 a.m. and concluding at 3:30 p.m., with two 15-minute breaks and an hour for lunch, would qualify for 5 contact hours. (that is, the total program time less any lunch or break time).

2. Publishing. Publishing an article on a topic related to municipal court administration may be substituted for course attendance, with the prior approval of the Board.

3. Committee Work. Service on a professional or government committee related to municipal court administration may be substituted for course attendance, with the prior approval of the Board.

4. Teaching or Lecturing. With the prior approval of the Board, a certified municipal court administrator may receive contact hour credit for teaching or lecturing on a subject

related to municipal court administration. In addition to the actual time teaching or lecturing, one (1) contact hour may be awarded for preparation time for each hour and one half (1.5) of course or lecture time. For example, a three (3) hour lecture would result in a CEC credit of five (5) hours.

8:3 Recertification Requirements

1. Each certified municipal court administrator shall submit to the Board documentation of 15 contact hours of CECs on a yearly basis or documentation of 45 contact hours of CECs prior to the expiration of the continuing education cycle. CEC hours accumulated in excess of the required 45 hours may not be carried over to the next continuing education cycle. If the Board approves the submission, it shall renew the certified municipal court administrator's certification for an additional three-year period from the date of the expiration of the certification period. Pending the Board's action on the recertification application, the certification status of each applicant shall be continued in good standing.

2. Failure to Submit Proof of Contact Hours. A certified municipal court administrator who fails to submit proof of sufficient contact hours by the end of a three year continuing education cycle shall be "not in good standing", as provided by R. 1:41-2(b) and M.C.A.C.B. Reg. 9:2. Such certified municipal court administrator shall remain not in good standing until she or he submits proof that the delinquent continuing education requirements have been satisfied. Such certified municipal court administrator is required to satisfy both the delinquent recertification requirements and the recertification requirements of the new three-year cycle before the end of the new cycle. In the event that the administrator is unable to meet the requirements of both cycles, the Board may take such further action with regard to the certification of that administrator as it deems appropriate.

8:4 Continuing Education for Non-Certified Municipal Court Administrators Who Have Completed the Phase I Training

1. A non-certified municipal court administrator holding her or his position under N.J.S.A. 2B:12-11(f) and who has successfully completed the Phase I curricula before May 25, 2006, must complete at least 45 contact hours of Board approved or required continuing education within three years of May 25, 2006. This three year period is the continuing education cycle.

2. A non-certified municipal court administrator holding her or his position under N.J.S.A. 2B:12-11(f) and who has completed the training required by the Board after May 25, 2006, must complete at least 45 contact hours of Board approved or required continuing education within the three-year period following successful completion of the Phase I curricula. This three year period is the continuing education cycle.

3. Each non-certified municipal court administrator, who has completed the Phase I training, shall submit to the Board documentation of 15 contact hours of CECs on a

yearly basis or documentation of 45 contact hours of CECs for three years prior to the expiration of the continuing education cycle. CEC hours accumulated in excess of the required 45 hours may not be carried over to the next cycle. If the Board approves the submission, the non-certified municipal court administrator will remain in good standing for an additional three-year period. Pending the Board's review of the continuing education submission, the non-certified municipal court administrator's status shall be continued in good standing.

4. Failure to Submit Proof of Contact Hours. A non-certified municipal court administrator, who has completed the Phase I training and fails to submit proof of sufficient contact hours by the end of the continuing education cycle, shall be "not in good standing," as provided by M.C.A.C.B. Reg. 9:3. Such non-certified municipal court administrator shall remain not in good standing until she or he submits proof that the delinquent continuing education requirements have been satisfied. Such non-certified municipal court administrator is required to satisfy both the delinquent continuing education requirements and the continuing education requirements of the new three year cycle before the end of the new cycle. In the event that the administrator is unable to meet the requirements of both cycles, the Board may take such further action with regard to the administrator as it deems appropriate and as is consistent with N.J.S.A. 2B:12-11(f).

8.5 Fee for Renewal of Certification. The certification renewal fee specified in M.C.A.C.B. Reg. 13 must accompany each application for recertification.

Regulation 9. Certification Standing

9:1 Good Standing—Certified Municipal Court Administrator. To be in good standing, a certified municipal court administrator must meet all of the requirements of the certification program.

9:2 Not in Good Standing—Certified Municipal Court Administrator. A certified municipal court administrator, who fails to pay any required fees, fails to meet the continuing education requirements, fails to timely renew certification or fails to meet all of the requirements of the certification program shall be not in good standing. A certified municipal court administrator who is not in good standing shall not hold himself or herself before the public and the courts of this State as being certified, nor use the title C.M.C.A. in any official or unofficial capacity, until such time as his or her good standing is restored by the Board.

9:3 Good Standing—Non-Certified Municipal Court Administrator. To be in good standing, a non-certified municipal court administrator must be in compliance with the training and continuing education requirements specified in N.J.S.A. 2B:12-11(f) and M.C.A.C.B. Reg. 8.4. A non-certified court administrator who fails to complete all the training or meet the continuing education requirements specified in N.J.S.A. 2B:12-11(f) and M.C.A.C.B. Reg. 8.4 shall be not in good standing. Non-certified court

administrators who are not in good standing cannot hold themselves out, for any reason, to be in compliance with the statutory continuing education requirements as set forth by law and in these Regulations.

9:4 Restoration of Good Standing. A certified or non-certified municipal court administrator may be restored to good standing by the Board Secretary, at the direction of the Board Chair, if the matter in question is of a ministerial nature, such as supplying proof of continuing education credits. Otherwise, restoration of good standing status requires approval by the Board.

Regulation 10. Certification Status

10:1 Active Status. A certified municipal court administrator, in good standing, shall be on active status and authorized to hold himself or herself before the public and the courts of this State as being certified and may use the title C.M.C.A., during good behavior, before the public and the courts of this State in accordance with law and the Rules of Court.

10:2 Inactive Status. A certified municipal court administrator may apply to the Board for inactive status. The Board, in its discretion, may place an applicant on inactive status for professional or personal reasons, including retirement, hardship, illness or other good cause. Except when retired, a certified municipal court administrator who is on inactive status shall not hold himself or herself before the public and the courts of this State as being certified, nor use the title C.M.C.A. in any official or unofficial capacity. Retired certified municipal court administrators may continue to use the title C.M.C.A. During any period of inactive status, the certified municipal court administrator shall not be required to meet the fee or continuing education requirements established by the Board for those on active status.

10:3 Reinstatement Application. An inactive certified municipal court administrator may apply to the Board to be reinstated to active status. The Board will consider reinstatement on a case-by-case basis, depending on the administrator's length of time on inactive status.

Regulation 11. Publication.

The Board may publish its reports and the lists set forth in M.C.A.C.B. Reg. 3.2. The Board may publish public notices or other information pursuant to law, rules of court or these regulations in the official publications designated by the Supreme Court of New Jersey and on the Board's internet and intranet web sites.

Regulation 12. Revocation and Suspension.

12:1 Complaint Procedures. The Board shall review any written statement, criticism, grievance or application (referred hereinafter as a "complaint") that is

directed to the Board and that contains allegations to the effect that a municipal court employee who is certified, conditionally accredited, or accredited has engaged in misconduct as defined in R. 1:41-4(a). The complaint shall include any supporting facts or documentation. In the absence of a written complaint, the Board on its own initiative may review any information concerning conduct by an employee who is certified, conditionally accredited, or accredited that would be grounds for revocation or suspension of certification, conditional accreditation, or accreditation or other action by the Board.

12:2 Temporary Immediate Suspension. Pending action by the Board pursuant to Rule 1:41-4(a) and Regulation 12, the Assignment Judge of the Vicinage pursuant to Rule 1:41-4(b) may immediately temporarily suspend certification, conditional accreditation, or accreditation where the employee has been charged with or there are credible allegations that he or she has committed a serious offense or has engaged in serious misconduct.

12.3 Receipt of Complaint. Upon receipt of a complaint, the Secretary shall make written acknowledgment thereof to the person who submitted it.

12.4 Declining Complaint. If the Board determines that there is insufficient cause to warrant an investigation, it shall close the matter. If a matter has been closed, the Board shall so notify the person who submitted the complaint. There shall be no appeal from a decision to close a matter. A closed matter may be reopened by the Board at any time.

12:5 Informal Disposition. The Board shall whenever possible attempt to arrive at an amicable disposition of any matter. At any time during the pendency of a matter, the Board, Board Secretary or other designee of the Board, may conduct an informal conference with the respondent (the employee under investigation who is certified, conditionally accredited, or accredited), which may result in a written settlement agreement without the necessity of a hearing. At the Board's discretion, a verbatim or summary record of the conference may be made. No oath need be administered. A respondent may be represented by counsel at the conference.

12:6 Investigation. If the Board determines that it requires additional information, it may conduct an investigation. The Chair of the Board may assign the Secretary or other person to conduct such investigation as may be necessary to determine whether conduct warranting action, including revocation or suspension of certification, conditional accreditation, or accreditation has occurred. If, in the course of the investigation, the investigator determines that there are insufficient grounds to warrant action, including revocation or suspension of certification, conditional accreditation, or accreditation, by the Board, the investigator shall submit a written report to the Board recommending dismissal of the complaint or other appropriate action by the Board. In the event the investigator finds sufficient grounds to warrant action, including revocation or suspension of certification, conditional accreditation, or accreditation, the investigator shall so notify the Board in writing.

12:7 Preliminary Notification. In the course of its investigation, the Board, in its discretion, may inform the respondent of the allegations and of the identity of the person or entity who is the source of the allegations and may request the respondent to submit a written response to the allegations or to be interviewed or deposed by the Board or by such person(s) as the Board may designate.

12:8 Subpoena Procedures. If the Board wishes to subpoena witnesses or documents under R. 1:41-4(c), application shall be made to the Assignment Judge of the involved vicinage.

12:9 Investigation Procedures. If the Board concludes that the investigation reveals sufficient grounds to warrant action, including revocation or suspension of certification, conditional accreditation, or accreditation, the Board shall so notify the respondent in writing of the substance of the matter and shall afford respondent an opportunity to reply in writing within 30 days of the Board's notification. The respondent's reply shall be communicated to the person(s) or entity(s) who submitted the complaint, who shall be afforded the opportunity to reply in writing within 14 days. If the Board concludes, after the investigation, that there are insufficient grounds to warrant action, including revocation or suspension of certification, conditional accreditation, or accreditation, the Board shall close the matter. If a matter is closed, the Board shall notify the person who submitted the complaint. There shall be no appeal from a decision to close a matter. A closed matter may be reopened by the Board at any time.

12:10 Hearing. The Chair may appoint a panel comprised of three members of the Board to conduct a hearing. The ex officio member of the Board who is a member of the Conference of Assignment Judges or his/her designee shall be a member of any hearing panel. In the absence of the appointment of a hearing panel, the hearing shall be held before the Board. When hearings are held before a panel, that panel shall submit to the Board a written report stating its findings of fact and conclusions of law together with any recommendations for sanctions. As provided in R. 1:41-4(e), the Rules of Evidence shall not apply in these hearings.

12:11 Presenter. The Secretary, or such other person as may be designated by the Chair, shall present to the hearing panel or the Board the evidence supporting the charges concerning the respondent.

12:12 Respondent's Counsel; Defense to Charges. A respondent may be represented by counsel before the hearing panel or the Board or may appear pro se. The respondent and/or the respondent's attorney shall present any evidence in defense or explanation of the charges.

12:13 Sound Recording. All hearings shall be recorded by sound recording equipment approved by the Administrative Office of the Courts.

12:14 Reinstatement. If an employee's certification, conditional accreditation, or accreditation is suspended for a specified period of time, at the end of that period he or she may apply to the Board for reinstatement. Upon such application, the Board may reinstate the certification, conditional accreditation, or accreditation, unless the employee has engaged in further misconduct or there is other good cause to deny reinstatement.

Regulation 13. Fees.

13:1 The Board authorizes the following fees under R. 1:41-1:

1. Application Fee \$25
2. Examination Fee \$75
3. Recertification Fee \$25
4. Re-examination Fee \$25

13:2 All fees shall be paid by check, money order, or electronic format approved by the Board and the Administrative Office of the Courts, made payable to the order of "Treasurer, State of New Jersey - Municipal Court Administrator Certification Board."