

NOTICE TO THE BAR

MUNICIPAL COURTS – REPORT OF THE SUPREME COURT COMMITTEE ON MUNICIPAL COURT OPERATIONS, FINES, AND FEES – PUBLICATION FOR COMMENT

The Supreme Court invites written comments on the June 2018 Report of the Supreme Court Committee on Municipal Court Operations, Fines, and Fees. The report is published with this notice and also is available on the Judiciary's internet web site at <http://www.njcourts.gov/courts/supreme/reports.html>

Please send any comments on the report in writing by September 17, 2018 to:

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments on Municipal Court Operations,
Fines, and Fees Report
Hughes Justice Complex; P.O. Box 037
Trenton, New Jersey 08625-0037

Comments on the report may also be submitted by e-mail to the following address:
Comments.Mailbox@njcourts.gov.


Local courts across the country have been subjected to increasing scrutiny as a result of certain high profile events spotlighted in a March 2016 letter the Department of Justice sent to state judiciaries nationwide. In the letter, the Department of Justice identified a number of basic constitutional principles required of courts, all related to the enforcement of fines and fees, and grounded in the right to due process and equal protection. The principles expressed in that letter – equal access to the courts and fair justice for all – mirror the core values of the New Jersey Judiciary. Those values are at the bedrock of our organization's commitment to ensure that the avenues of justice be open and fair to all members of society, including the most vulnerable.

To build on those ongoing principles and various recent initiatives, Chief Justice Rabner formed the Supreme Court Committee on Municipal Court Operations, Fines, and Fees to conduct a holistic review of municipal court practices with an eye towards reform. He asked that the committee's review include an examination of current laws and policies, including, but not limited to, the adequacy of notice provided to defendants before a driver's license suspension, the sufficiency of procedural safeguards for defendants who may be unable to pay a fine, whether an acquitted defendant can be assessed court costs, the use of excessive contempt sanctions, whether sufficient technology is available to the municipal courts and their users, and the independence of our Municipal Courts.

To address the Chief Justice's charge, as well as additional concerns identified by the Committee, the Committee identified eight guiding principles that capture the driving tenets of an independent judiciary, and 49 separate recommendations. The Committee's findings, principles, and recommendations are summarized in the report's Executive

Summary and described in detail in the body of the report. The recommendations are intended to further the Judiciary's goal of providing equal justice for all court users, including the most impoverished. The approach adopted by the Committee is multi-faceted, emphasizing all components of a fair justice system: judicial independence; notice and access to court; the review and modification of the tools used by Municipal Courts to both bring defendants into court and to collect financial obligations; appropriately limiting the use of warrants and license suspensions to enforce financial obligations; and the exploration of all available sentencing alternatives.

The Supreme Court will not consider comments submitted anonymously. Thus, those submitting comments by mail should include their name and address (and those submitting comments by e-mail should include their name and e-mail address). Comments are subject to public disclosure upon receipt.



Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: July 17, 2018

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EXTENSION OF COMMENT PERIODS ON THREE ITEMS – (1) AMENDMENTS TO RULE 1:4-9; (2) COMPLEX BUSINESS LITIGATION PROGRAM GUIDELINES, FORMS, AND ORDERS; (3) REPORT OF THE COMMITTEE ON MUNICIPAL COURT OPERATIONS, FINES, AND FEES


This notice announces the extension of the comment periods for three previously published items as set forth below; the new end date of the comment period for each of the three items will now be Monday, September 24, 2018:

(1) “Proposed Amendment to Rule 1:4-9 Regarding Electronic Filing of Papers,” notice dated August 3, 2018 (comment period extended from September 10, 2018);

(2) “Complex Business Litigation Program – Proposed Overview and Case Management Guidelines; Model Forms and Orders,” notice dated July 24, 2018 (comment period extended from September 1, 2018); and

(3) “Municipal Courts – Report of the Supreme Court Committee on Municipal Court Operations, Fines, and Fees,” notice dated July 17, 2018 (comment period extended from September 17, 2018).

Comments on these three items during the extended comment periods should be submitted as directed in the respective previously published notices.



Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director

Dated: August 20, 2018