

**REMARKS OF JUDGE GLENN A. GRANT,
ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS
BEFORE THE SENATE BUDGET AND APPROPRIATIONS
COMMITTEE**

Hearing Date: April 9, 2019

Good afternoon, Chairman Sarlo, Vice-Chairwoman Cunningham, and other members of the Senate Budget and Appropriations Committee.

With me today are Assignment Judges Ronald Bookbinder, Peter Bariso Jr., Karen Cassidy, Stuart Minkowitz and Deborah Silverman Katz, who are members of the Judiciary’s Budget and Planning Committee, as well as Shelley Webster, who oversees the Judiciary’s financial operations, and Jack McCarthy, our Chief Information Officer.

On behalf of Chief Justice Stuart Rabner and the Justices of the Supreme Court, I want to publicly acknowledge the outstanding work of the judges in all of our courts – the Appellate Division, Superior Court, the Tax Court, and the Municipal Courts – and all of our Judiciary employees, who reflect our strong commitment and dedication to rendering fair and impartial justice for all who come in contact with our court system while also acting as wise and prudent stewards of the public funds provided for the operation of the courts.

This is my tenth opportunity to appear before the Legislature to provide remarks on the Judiciary’s operation for the upcoming fiscal year.

I want to thank the members of this committee for their support over the past decade. I would like to specifically recognize Chairman Sarlo for championing a number of important issues that have affected the Judiciary.

Over that past decade, the three branches of New Jersey state government have demonstrated and proven the power of government to collaborate in order to make a positive and lasting impact on important issues facing communities and individuals in this state.

Our collective goals, though many, share a common basis and ideal: that “good government” initiatives can protect the vulnerable and improve community safety while ensuring the essential constitutional principles of access, fairness, and equal treatment.

For the past several years, my remarks to this body have centered on one particular “good government” initiative designed to create a safer, fairer, and more efficient criminal justice system. As you are aware, Criminal Justice Reform is now in its third year of operation. Last week, we released our annual report on the program and it confirms through statistical evidence that the program is working as intended. However, before discussing Criminal Justice Reform, I would like to spend a few moments discussing a few other “good government” partnerships.

Recently, Chief Justice Rabner empaneled a 38-member working group that includes representatives from all three branches of government to work on municipal court reform. The group is tasked with reviewing and further refining some of the key recommendations and ideas from the Supreme Court Committee on Municipal Court Operations, Fines and

Fees and submit a report to the leadership of all three branches of government.

I want to stress at the outset that the vast majority of our municipal court judges and staff perform their duties with the utmost integrity and professionalism. However, as Chief Justice Rabner recently acknowledged, there is a need to do more to improve access and fairness and to ensure judicial independence in our municipal courts.

Several of the recommendations from the Supreme Court Committee's report have already been implemented, while others – including bills from Senator O'Scanlon – are currently before the Legislature.

The follow-up working group is examining some of the big picture issues related to municipal courts, such as decoupling the court's sentencing practices from a municipality's need for revenue, consolidating or regionalizing municipal courts, and modifying the appointment process for municipal court judges.

Separate from the efforts of the committee and the working group, but consistent with their focus, the Supreme Court earlier this year dismissed approximately 800,000 unresolved municipal court bench warrants and complaints involving minor matters that had gone unresolved for 15 years or more.

Another “good government” initiative involves the state's efforts to improve outcomes for homeowners, lenders, and, by extension, communities through modifications to the residential mortgage foreclosure process in New Jersey.

To address that issue, Chief Justice Rabner established a Special Committee on Residential Foreclosures - another interbranch committee - and tasked it with finding solutions to create a fairer and more equitable process for both homeowners and lenders to resolve their disputes. Among other judicial reforms, the committee recommended codifying the eligibility criteria and process for foreclosure mediation, in part by ensuring that lenders and homeowners consider all options for an amicable resolution.

That committee's findings have served as the impetus for a package of 10 foreclosure bills that passed both houses last month and are on the Governor's desk. I would like to recognize and particularly thank Senator Oroho for his service on the committee, Senator Singleton for his leadership in moving the bills through committee, and Senator Addiego for being a sponsor on several of the bills.

The 10 bills, most of which received unanimous approval, will further improve a foreclosure process that has seen significant improvement over the past decade.

It's worth noting that since 2011, the number of active foreclosure cases in New Jersey has been reduced by 85 percent. The number of complaints filed annually and the average time from complaint to judgment also have decreased significantly during that same period.

The Extreme Risk Protective Order statute is another successful example of New Jersey's "good government" movement. Through the strong advocacy of the state Legislature, New Jersey is among the first

jurisdictions to allow law enforcement and family members to file for a protective order to keep guns away from those who pose a significant danger to themselves or others. As part of our collaboration, our judges are being trained on the new law and the Judiciary is designing and building an electronic database for such protective orders, to be ready when the new law becomes effective in September of this year.

Yet another example of the movement to advance the interests of society through good government is the Complex Business Litigation Program, which the Supreme Court created in response to concerns raised by the business community and lawyers involved in these cases. For the past two years, the Chief Justice has designated a specially trained civil judge in each of the vicinages to handle and resolve complex business litigation cases. The Court also has made amendments to its court rules and currently is engaged in a partnership with the state and county bar associations to promote the use of the program.

As a further example, the drug court program continues to confront one of the most tragic and pressing issues facing our society – substance abuse worsened by the opioid crisis. Our drug courts serve as a dramatic testament to the improvements that can occur when all three branches of government remain committed to an initiative. If you want to witness the results of good government in action, attend a drug court graduation. The drug court expungement law, a recent enhancement to the program, allows graduates to truly get a fresh start as they reintegrate back into society.

Finally, I'd like to talk about the three-branch partnership to improve our criminal justice system. Criminal Justice Reform became a reality on January 1, 2017. The specific reforms were the result of recommendations

by the Joint Committee on Criminal Justice, chaired by Chief Justice Rabner, and implemented through a constitutional amendment, legislation, court rules, and administrative directives from the Attorney General and the Judiciary.

Criminal Justice Reform, or CJR, reflects a broad based “good government” movement involving all levels of government. We have received extraordinary cooperation and support from all branches of government in implementing this change. I’d like to recognize Senators Cunningham and Thompson for their work on the Pretrial Services Commission.

We also have benefitted from the support of county and local leadership in bringing CJR to fruition. And I would be remiss if I did not acknowledge the indispensable leadership demonstrated by Attorney General Grewal and Public Defender Krakora.

As I mentioned earlier, last week we issued our 2018 Annual Report on Criminal Justice Reform. The report includes a statistical comparison of CJR to the bail system that preceded it. We can now confirm the following:

1. CJR defendants are no more likely to commit a crime or fail to appear in court than defendants released on bail under the old system. The failure-to-appear rates and the new crime rates have remained essentially unchanged. Moreover, the rate at which defendants appeared in court remained high under CJR. CJR defendants made 89.4 percent of their court appearances in 2017 as compared with 92.7 percent in pre-

CJR in 2014. The research also demonstrates that defendants are not ignoring court dates under the new system.

2. The risk assessment tool used in CJR – the Public Safety Assessment – has been remarkably accurate in classifying a defendant’s risk of missing court appearances and for engaging in new violent criminal activity. The study found that as risk scores increase, actual failure rates of compliance increase in step.
3. On any given day, 6,000 fewer people are in custody in our county jails under CJR, including 3,000 fewer black defendants, 1,500 fewer white defendants, and 1,300 fewer Hispanic defendants.
4. The composition of the jail population also has changed; nearly 75 percent of the 2018 jail population included detainees charged with serious offenses.
5. The vast majority of pretrial defendants, over 80% percent, were released within 24 hours; and when no detention motion was filed, nearly all defendants were released within 48 hours.

Additionally, concerns about a possible spike in crime or an increase in defendants fleeing from justice did not materialize. Two years into its existence, CJR has balanced the protection of the constitutional rights of New Jersey residents with the responsibility to assure community safety.

That is not to say that our work is done in this area. The risk assessment tool is a dynamic one. In that regard, we are working with nationally recognized research experts to detect and address potential racial disparities to ensure that all defendants are treated equally by the

criminal justice system, to better identify the risk for new domestic violence activity, and to improve the effectiveness of the pretrial monitoring program.

Funding, of course, continues to be a concern, as I have indicated in my appearances before this committee over the past several years. Right now, the Pretrial Services Program's funding stream relies entirely on increases in filing fees that were authorized by the Legislature and adopted by the Supreme Court. That is not a long-term sustainable approach. As I indicated in my remarks to the Assembly last week, the program must continue to operate and be responsive to the needs of the system, despite the funding issue.

The program has been operating with a structural deficit since its first year of operation and will experience an actual funding deficit by the end of this fiscal year. Without a long-term solution, the Judiciary will be forced to take cost cutting measures that would lead to a reduction in essential services either in CJR or in other areas.

Our projections indicate we will be more than \$15 million in the red for next year's Pretrial Services budget. We again respectfully urge the Governor and the Legislature to replace the current fee-based funding structure and make the Pretrial Services Program a permanent item in the state's budget. An initiative of CJR's magnitude deserves – needs – a reliable, sustainable source of funding to continue to fulfill its mission fully and properly.

The women and men of the New Jersey Judiciary are proud of the role they play each day to advance the public good for all New Jersey

residents. We are dedicated to building upon this three-branch collaboration to address the many issues and challenges that confront the residents and the businesses of this state. Dr. King stated that “Life’s most persistent and urgent question is ‘What are you doing for others?’” The “good government” movement that we are part of in New Jersey demonstrate that we as a State are successfully responding to Dr. King’s call to action.

With that, I thank you for your time today and I would be happy to answer any questions you may have.