

News Release



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Remarks of Glenn A. Grant, Administrative Director of the Courts, to the Assembly Budget Committee

Good afternoon, Chairwoman Pintor Marin, Vice Chair Wimberly and the other members of the Assembly Budget Committee.

On behalf of Chief Justice Stuart Rabner and the Justices of the Supreme Court, and on behalf of our judges and staff at all levels of our system, it is my privilege to speak to you today regarding Judiciary operations and the proposed budget for Fiscal Year 2023.

With me today are Assignment Judges Stuart Minkowitz, Jeanne Covert, Benjamin Telsey, Michael Toto, and Sheila Venable, who are members of the Judiciary's Budget and Planning Committee, as well as Todd McManus, who oversees the Judiciary's financial operations, and Jack McCarthy, our Chief Information Officer.

I have provided the Committee with a more comprehensive written statement on our work, so I am only going to highlight some of our efforts.

While this conversation is on the proposed Judiciary budget for the upcoming fiscal year, I would be remiss if I did not begin my remarks by acknowledging how we weathered the unprecedented challenges of the past two-plus years of balancing the health and safety of our workforce and the public while maintaining the operations of our court system. Proudly, since the very beginning of the pandemic, we have kept our operations going.

From the early days of the pandemic, we were able to safely provide crucial services, sometimes with modifications but without interruption, thanks to the dedication, creativity, foresight, and adaptability of our judges and staff. I am immensely proud of the way they responded.

There are four interrelated issues critical to our capacity to continue to serve as a forum for the public to resolve their disputes.

Number #1. Technology. Based on the funding commitments previously made by the executive and legislative branches, led by this Committee and the Senate Budget Committee, the Judiciary had in place a technological infrastructure before COVID-19 that allowed us to respond quickly to changing health and safety protocols, and to find new ways to provide access to the courts. Examples of our ability to quickly pivot and respond to the changing status of the virus in our state are reflected in the Supreme Court's numerous orders issued since March of 2020.

To put some numbers on what the Judiciary has accomplished during the pandemic, since March 2020, more than 322,000 virtual events, involving more than 4.2 million parties participating remotely, have been conducted in the state courts, and another nearly 2 million defendants have been scheduled for virtual sessions in municipal courts.

Numbers #2nd and 3rd issues are Diversity and Access to Justice. These challenges involve our continuously changing customer base and the need to ensure affordable access.

To ensure that this representation and technology gap did not prevent these consumers of our services from effectively participating in the judicial process, the Judiciary developed several initiatives to bridge the digital divide and maintain access for all. For example, we created technology rooms in all of our courthouses to allow individuals without technology to participate in court proceedings. And we created a new application called JEDS to allow self-represented parties and attorneys to file documents electronically.

Access to our courts has been impacted by an increase in the pending case loads. While the courts continued to operate effectively during the pandemic, a number of dockets have seen significant growth. And that obviously is an area of concern.

As of April 1, 2022, there were nearly 7,000 defendants sitting in our county jails awaiting trial, innocent until proven guilty and yet without their freedom.

Vacancies. The fourth challenge – judicial and administrative resources – has been made more problematic because of the pandemic. And, despite our efforts throughout the pandemic, caseloads are increasing throughout our court system while at the same time we are experiencing a record – and still growing – number of judicial vacancies. This is not just a matter of statistical consideration – courts

exist to serve society and our inability to resolve matters in a timely manner represents a threat to the well-being of the residents and businesses of our communities.

A brief list of the growth in some of our case types is as follows:

- 1. Post-Indictment pending criminal cases are almost 50% larger than it was before the pandemic.**

Speedy Trial Details (in jail cases) for post-Indictment (as of April 4, 2022)

126 cases with defendants in jail for more than three years

368 cases with defendants in jail for between two and three years

1,250 cases with defendants in jail for between one and two years

- 2. Landlord Tenant pending cases have increased more than four times from 11,316 in February 2020 to 46,369 in February 2022.**

- 3. Domestic Violence pending cases have increased 86.2% from 1,869 in February 2020 to 3,480 in February 2022.**

The number of Domestic Violence cases older than three months increased by more than 10 times from 41 in February 2020 to 442 in February 2022.

The number of DV cases older than 6 months increased from 10 in February 2020 to 90 in February 2022.

To resolve these cases, we need judges. But as of May 1, we will reach a new historic high of 75 judicial vacancies, with 22 more currently anticipated by the end of 2022. Seventy-five vacancies out of 463 authorized judgeships represents a 16% vacancy rate. As Chief Justice Rabner warned this time last year, a continued high level of unfilled judgeships comes with a price. We simply cannot expect to

confront the aftermath of a hundred-year crisis while facing an unprecedented number of judicial vacancies.

To confront the challenges before us, we need to reduce the number of judicial vacancies to a sustained level, of between 25 and 30. The last time the Judiciary functioned with 25-30 vacancies was in 2018 -2019. Since then, we have operated, in effect, with a structural deficit of judges. In order for the courts to be able to ensure that cases are resolved in a timely manner, defendants are not inordinately detained, and justice is timely served, that structural deficit cannot continue.

The longer we wait, the worse the problem will get. The challenges we face are not going away and we must work together to respond to them.

With that in mind, I want to talk briefly about three initiatives of Chief Justice Rabner that rely on coordinated court and community collaboration to advance the well-being and safety of our community.

The first initiative is a pilot program that works to better identify those CJR-released individuals who have mental health issues, to connect them to community-based services and provide opportunities for diversion as soon as possible. The program involves a multi-disciplinary collaborative effort involving the county jail officials, the prosecutor and public defender, behavioral health and treatment providers, and the supervision of a Judiciary diversion officer. Essex and Morris counties are in the early stages of this pilot program, and we expect that later in the year they will provide data that will help us measure the areas of success and identify areas in need of improvement. Camden and Middlesex counties are in the planning stages of their own programs. The success of this program requires strong partnerships among all three branches of government, and we applaud Department of Human Services Acting Commissioner Adelman for her leadership in this area.

The second example, the JOBS program, or Judiciary Opportunities for Building Success, was founded by the Chief Justice on the notion that quality employment provides the best chance for an individual to turn their life around and then maintain that success. In partnership with private employers and the Department of Labor, the JOBS program provides participants in recovery court and the Intensive Supervision Program (ISP), along with other probation clients, the opportunity to acquire job training and employment. Members of the JOBS Committee include legislators, prosecutors, public defenders, and others.

The final example is an initiative that seeks to curb gun violence in our communities through a joint effort with community leaders and the Judiciary. The program began in the Passaic Vicinage as an effort to address challenges associated with reducing gun-related violence in Paterson. The vicinage spearheaded a collaborative effort between the Judiciary and community leaders, local government agencies, and service providers to form the Passaic Advisory Board for the Reduction of Gun Violence. The advisory board recommends resources and services for those placed on probation for gun-related offenses. The services are then incorporated into the individual's probation case plan, which is reviewed periodically by a judge. The program will be expanded throughout the state, with seven other vicinages currently working on replicating the Passaic model. Assemblyman Wimberly is the co-chair of program.

All three of these Chief Justice initiatives are grounded in the notion that our most intractable societal problems cannot be the responsibility of one agency or one branch of government. True progress demands a collaborative partnership that takes advantage of the best resources our community has to offer.

For the Judiciary, the larger issues associated with the operation of our court system have been exacerbated by the pandemic. But as noted, we have embraced this situation as an opportunity to transform how we conduct our business. Our operations are not the same as they were pre-Covid: they are better, and they are continuing to improve. The retooling of our courts is happening in ways previously either unthought of or thought to be impossible. The Judiciary, like the rest of our government, has been forever changed by the lessons learned from Covid, including the best ways to provide access and justice for people and businesses who rely on our courts.

I thank all of you for the opportunity to testify today. With that, I would be happy to field any questions you may have.

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