

**NEW JERSEY SUPREME COURT  
COMMITTEE ON MINORITY  
CONCERNS**



**2002 – 2004 Report**

The members of the standing Supreme Court Committee on Minority Concerns are grateful for having the opportunity to serve the Court in this capacity and wish to express our sincere appreciation to all those who assisted in completing this report.

Respectfully Submitted,

February 2004

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## INTRODUCTION TO THE REPORT

The New Jersey Supreme Court has and continues to be the flagship of a national movement to address race and ethnic fairness in the courts. The Court's support of the work of the standing Committee on Minority Concerns and the vicinage advisory committees underscores its continuing commitment to address and root out any vestiges of racial and ethnic discrimination, whether real or perceived.

The Committee applauds the Court's commendable progress in its efforts to address the principles of fairness and equity for court users and court personnel with respect to any and all issues of bias. The Committee realizes that while progress has been made, there is still room for improvement, and the Committee is encouraged by the Court's openness, commitment and resolve to address problem areas previously identified and to enthusiastically tackle new issues and concerns.

The mandate of the standing Supreme Court Committee on Minority Concerns (hereinafter the Committee) is to assure implementation of the Court-approved recommendations of the predecessor Supreme Court Task Force on Minority Concerns (hereinafter Task Force); to advise the Court on how the Judiciary can best assure fairness, impartiality and equal access; to advise the Court on goals, objectives and implementation timetables; to provide guidance to local advisory committees on minority concerns; to monitor the execution of the statewide minority concerns program; to review and advise the Court on major policies and procedures; to conduct studies recommended by the Committee; and to undertake such other research as it deems necessary to fully meet its charge.

To complement at local levels the work of the standing Committee, the Court created advisory committees of minority concerns in all fifteen vicinages. The advisory committees have been a valuable resource to the vicinages, working to create and nurture partnerships with the community. Many of the public educational workshops, seminars and symposia offered by the local courts result from the collaboration between the minority concerns advisory committee and the community. Some of these educational programs and community outreach initiatives will be discussed in the body of the report.

In March 2003, the Committee held a statewide conference marking the 20<sup>th</sup> year anniversary of minority concerns initiatives in the New Jersey Judiciary. Approximately 300 participants from across the state attended the one-day conference. Chief Justice Deborah T.

Poritz delivered the keynote address. Justice James H. Coleman and Honorable Theodore Z. Davis were recognized for their services to the Judiciary. The program concluded with educational workshops in the afternoon.

This report to the Supreme Court describes the work of the standing Committee during the two-year rules cycle 2002-2004. Given the standing Committee's mandate, the work does not regularly involve proposed rule changes. Four subcommittee reports are included in this report: the Subcommittee on Criminal Justice and the Minority Defendant; the Subcommittee on Minorities and Juvenile Justice/Family; the Subcommittee on Minority Access to Justice and the Subcommittee on Minority Participation in the Judicial Process. Each of the reports describes the subcommittee activities, lists the priority recommendations and concludes with a discussion of the prioritized recommendations.

The Committee extends its appreciation to the staff of the New Jersey Data Center, New Jersey Department of Labor for providing Census 2000 data on the New Jersey Hispanic Population in municipalities and to the New Jersey State Library, especially Ms. Norma Blake, New Jersey State Librarian, Ms. Colleen Daze, Director, State Library Information and Ms. Margaret Nizolek, Supervising Librarian for their support.

## **I. Proposed Rules Amendments Recommended**

There are no rule amendments recommended for adoption by the Committee on Minority Concerns.

## **II. Proposed Rules Amendments Considered and Rejected**

There were no rule amendments considered and rejected by the Committee on Minority Concerns.

### **III. Other Recommendations**

During this rules cycle, the Committee on Minority Concerns did not have any other recommendations.

#### **IV. Legislation**

The Committee has made no recommendation regarding legislation.

## **V. Matters Held for Consideration**

The Committee will continue to address the on-going priority recommendations discussed in the chapter reports.

## **Chapter I**

# **SUBCOMMITTEE ON CRIMINAL JUSTICE AND THE MINORITY DEFENDANT**

## **Introduction and Mandate**

The 2000-2002 Report of the New Jersey Supreme Court Committee on Minority Concerns outlined three recommendations that the Subcommittee on Criminal Justice and the Minority Defendant were working to address: bail and sentencing outcomes; jury issues and educational seminars; and drug courts. The Subcommittee continued its focus on these critical areas of the criminal courts during this cycle in an effort to further explore and understand criminal court processes and procedures that may need to be strengthened or revised in order to assure fairness and equal treatment for minority and non-minority defendants.

### **I. Subcommittee Activities**

#### **A. Bail and Sentencing Outcomes**

Using the work completed in the last rules cycle to launch its research agenda for the 2002-2004 rules cycle, the Subcommittee, reached out to the Administrative Office of the Courts to obtain feedback on the *Preliminary Bail Observation Project* (March 2000). Subcommittee members continue to research and review articles, reports and other literature relating to bail and sentencing outcomes. The Subcommittee has also requested updated bail statistics and inquired as to the feasibility of routinely receiving these data. The last time the Subcommittee received bail statistics was in 1988. Specifically, the Subcommittee seeks to answer the following questions:

- What statistical information does the Administrative Office of the Courts (hereinafter AOC) collect regarding bail processes and procedures?
- Is there an existing bail process model or flow chart that captures bail processes and procedures that are currently in place?
- What specific feedback is available from the AOC, Criminal Practice Unit and the Criminal Practice Committee, Bail Ad Hoc Subcommittee regarding the Subcommittee's 2000 internal preliminary bail report?
- How can the Subcommittee and other entities within the judiciary, that are addressing similar issues, ensure that information is shared; and
- Is training available for judges and court staff on bail processes and procedures?

The Subcommittee is also in the process of reviewing and revising a bail brochure that was drafted several years ago which aims to provide defendants and other interested citizens with a clearer understanding of the bail process and available Judiciary services. Upon completion of this initiative, an updated draft of the brochure will be shared with the Criminal Practice Unit as well as other appropriate court conferences and committees for their respective review and comments. The objective is to eventually distribute this informational brochure designed for the public throughout all state courthouses and other public venues.

#### B. Training Initiatives

The Subcommittee worked with the Administrative Office of the Courts, Minority Concerns Unit to design and plan workshops for presentation at the New Jersey Judiciary: 20 Years of Minority Concerns Initiatives statewide conference held at the Lafayette Yard on March 18, 2003. The March workshops addressed two topics: diversity on jury panels and the impact of drug courts on race and ethnic minorities. The Subcommittee also worked with the Minority Concerns and Judicial Education Units of the Administrative Office of the Courts to design and conduct a workshop at Judicial College; this workshop addressed the issues of cultural competency and proficiency.

#### C. Cross-Racial Eyewitness Identification Follow-up

To date, New Jersey does not have much of a track record vis-a-vis allowing expert testimony on cross-racial eyewitness identification, and the Subcommittee will be exploring how best to track this information so that a corpus of knowledge on this issue will be in place for future review. Research will be undertaken to determine whether other jurisdictions allow expert testimony on cross-racial eyewitness identification and to what extent such permission impacts on the issue of assisting juries to fairly consider cross-racial identifications.

#### D. Drug Courts

Throughout the rules cycle, the Subcommittee monitored the progress of efforts to secure funding for the remaining five adult drug courts.

## **II. List of Priority Recommendations**

The following ongoing priority recommendations of the original Supreme Court Task Force on Minority Concerns Final Report (June 1992) will be addressed by the Subcommittee during its 2002-2004 cycle and are discussed below.

- Bail and sentencing outcomes;
- Training initiatives;
- Cross-racial eyewitness identification follow-up and
- Drug Courts

### **III. Discussion of Priority Recommendations**

#### **A. Bail and Sentencing Outcomes**

##### **1. Bail Outcomes**

*Task Force Recommendation 2: The Supreme Court should require all rules and directives regarding bail be reviewed and revised in order to promulgate procedures to be applied uniformly statewide.*

*Task Force Recommendation 3: The Supreme Court should adopt a bail policy with release criteria focused upon factors relating demonstrably to the defendant's likelihood to appear in court. The bail policy should (1) take into consideration past court appearance history and significant background factors which insure likelihood to appear, (2) give substantial consideration in the release evaluation process to defendants' likelihood to make cash bail, and (3) give minimum weight to economic criteria because such factors generally impact unfairly upon racial minorities (e.g., salary, employment history).*

*Task Force Recommendation 4: The Supreme Court should adopt a bail policy which requires that monetary release options incorporate a defendant's ability to pay in cases where bail will be set. The policy should (1) specifically require submission and use of financial and economical information regarding the defendant's status; (2) create a mechanism for review every 30 days, where bail has been granted, with a requirement that the prosecutor submit an affidavit regarding the status of the case, (e.g., expected dates for indictment, arraignment, and trial); and (3) require consideration of the relationship between bail and the accused's ability to pay.*

*Task Force Recommendation 5: The Supreme Court should adopt a bail policy that includes non-monetary release options to minimize the setting of bail unless the courts have established probability of nonappearance. The non-monetary options should include but not be limited to: (1) supervised pretrial release with conditions; and 2) release to a community agency or family member willing to assume responsibility for the defendant's appearance in court.*

*Task Force Recommendation 6: The Supreme Court should adopt a bail policy based on the presumption that all individuals are release-worthy and that in cases where there is a presumption against incarceration, the defendant should be released on his or her own recognizance.*

The Subcommittee on Criminal Justice and the Minority Defendant has a continuing interest in bail and sentencing outcomes. The submission of the *Preliminary Observation Bail Report* in March 2000 to the Administrative Office of the Courts may be one of the factors that contributed to the creation of an ad hoc bail committee in the AOC, Criminal Practice Division. This ad hoc bail committee has been tasked with reviewing bail practices and drafting bail guidelines that may eventually become “best practices.”

The Subcommittee is not aware of any systematic review of bail procedures and processes that has been launched by the Judiciary to determine how the current bail protocols are carried out. The Subcommittee's March 2000 preliminary report revealed that there is widespread variance in the bail setting and bail review process. However, in the absence of any direct feedback on this report (except for the knowledge that an ad hoc committee on bail has been established to revise bail guidelines), the Subcommittee is not in a position to determine whether any of the recommendations resonated with the Judiciary.

The Subcommittee recently renewed its request that bail statistics be made available upon request. It is hoped that these data will be produced for each vicinage and sorted by race, ethnicity and gender in order to enable the Subcommittee to better study the process for bail sets and bail reviews throughout the state.

The Subcommittee also hopes to be able to receive and review routine statistical reports that reflect information about individuals charged with indictable offenses that are 3<sup>rd</sup> and 4<sup>th</sup> degree offenses and have bails set for \$500 or less. Of particular interest are the following

components of the bail setting process for this population: 1) the initial amount of bail set, 2) the results of subsequent bail reviews, and 3) the ultimate disposition of the charges.

Members of the Subcommittee thought that it was important to continue to collect and review internal court documents, reports and other relevant information in order to:

1. determine if there have been any revisions to bail setting protocols;
2. better understand details of local bail setting practices and procedures;
3. monitor the application of the “Johnson Factors” with the bail setting process; and
4. compile a data directory of the current fields (data screens) collected and projected field enhancements that are needed.

In its ongoing quest to improve the fair and equal application of the bail process, the Subcommittee continues to study and explore the bail system by inviting local bail experts from the New Jersey courts and the federal system to make presentations at Subcommittee meetings to discuss bail practices.

With respect to public education, the Subcommittee is in the process of revising and updating a proposed statewide brochure about the bail process and will circulate it to appropriate conferences and divisions for review and comment. The purpose of the bail brochure is to provide a user- friendly, descriptive explanation of the bail process and answer frequently asked questions from various public stakeholders.

The Subcommittee strives to gain a firmer understanding of the complex issues that surround this very critical area of bail setting practices. Our queries are focused on locating answers to these critical questions:

- 1) Are there disparities in the bail amounts set in different counties for the same types of offenses?
- 2) Are there disparities in the amounts of bail required for similarly situated defendants arrested for the same types of offenses when controlling for race/ethnicity and gender?
- 3) Are there factors which appear to affect the level at which bails are set which have a discriminatory and adverse impact on minority and poor defendants and which do not bear a reasonable relationship to the purpose for setting bail (to assure the defendants’ appearance at trial and other court events)?

## 2. Sentencing Outcomes

Although sentencing outcomes have been one of the priority agenda items for the Subcommittee, we have struggled with trying to balance work in this area while simultaneously addressing the issue of bail. It is a well-known fact that a defendant's ability to make bail and assist with the preparations for his/her defense has a decisive impact on the case outcome. It is a welcome development that the Governor has initiated the first major review of sentencing in a quarter century. A commission is being created to conduct the first comprehensive review of sentencing provisions since the enactment of the Code of Criminal Justice. The Commission is charged with proposing legislation that ensures fairness and proportionality of sentences. The issue of providing greater discretion for judges will also be on the Commission's agenda. The Subcommittee intends to monitor the work of the Sentencing Commission to determine whether and to what extent that work also reflects the concerns of the Subcommittee that sentencing laws, procedures and practices are to the greatest extent possible, equally fair to minorities in the criminal justice system.

Chief Justice Deborah T. Poritz will be among the 15 members of the Commission. Other commissioners will include the Attorney General, the Corrections Commissioner, the Parole Board Chairman, and the Public Defender, as well as the State Bar Association President, President of the County Prosecutors' Association, four public members (yet to be named) and one Democrat and one Republican from both the Senate and the Assembly.<sup>1</sup>

This subcommittee will continue to explore ways to enhance communication and networking between the Criminal Practice Division, the Conference of Presiding Criminal Division Judges, Criminal Division Managers, and other outside agencies (at the direction of the Court) in an effort to collaborate on projects that will bring improvements in bail and sentencing outcomes.

### B. Training Initiatives

*Task Force Recommendation 1: The Supreme Court should require annual sensitivity training to address racial and ethnic bias for all judges and court support staff (Supreme Court Task Force Final Report, 1992)*

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<sup>1</sup> 175 NJLJ 197(January 18,2004).

In furtherance of this priority recommendation, two educational workshops were developed and presented by the Subcommittee on March 18, 2003 at a statewide colloquium, entitled New Jersey Judiciary: 20 Years of Minority Concerns Initiatives. These workshops are listed below.

1. Assuring a More Diverse Jury Panel and the Impact of the Use of Peremptory Challenges on Minorities and Other Cognizable Groups and
2. Impact of Drug Courts on Minorities in the Criminal Courts.

On November 24, 2003 at the annual Judicial College, the Subcommittee designed a workshop entitled, "Fair in Theory, Fair in Practice: Effective Strategies for Managing Culturally Diverse Participants in Your Courtroom." The course was designed to enhance the acquired knowledge base and skills of judges and court administrators to enable them to effectively and efficiently address cultural diversity issues and manage their courtrooms.

A contextual framework for analyzing various cultural streams was discussed and participants were encouraged to share their own ideas with their colleagues about how to address these concerns .

The course evaluations were very good and several judges suggested repeating the workshop next year. Some judges also opined that more time needed to be devoted to a discussion of how to handle concrete problem situations when they occurred in the courtroom.

#### C. Cross Racial Eyewitness Identification Follow-up

Under the guidance of one of the Subcommittee members, a summer intern from Columbia Law School prepared a legal memorandum on the use of expert testimony and special jury charges with regard to cross-racial, eyewitness identification. While New Jersey now has a cross-racial identification special jury charge, it not yet known how frequently the charge is utilized nor its impact in New Jersey. The Subcommittee is considering what steps could be taken to monitor the implementation of the charge.

#### D. Drug Courts

The Subcommittee continues to actively endorse and support the full implementation of drug courts throughout the state, including the extension of the drug court model to the five remaining vicinages in which they are currently not funded or operational.

## **Chapter II**

# **SUBCOMMITTEE ON MINORITIES AND JUVENILE JUSTICE/FAMILY**

## **Introduction and Mandate**

The mandate of the Subcommittee on Minorities and Juvenile Justice/Family is to monitor the implementation of the court-approved recommendations that relate to youth under the court's jurisdiction. The assertion below, noting the interdependency of Family Court on other institutions, social agencies and networks to collaboratively address the problems of youth, remains as salient today as it was when noted in the Supreme Court Task Force on Minority Concerns Final Report (hereinafter Task Force Report).

In attempting to carry out the responsibility of obtaining the care necessary to children coming under its jurisdiction, the Family Court is, of course, dependent on others such as parents, schools, communities, service providers agencies, law enforcement, and the Departments of Corrections and Human Services. (1992, p. 144).

### **I. Subcommittee Activities**

During the 2002-2004 rules cycle, the Subcommittee on Minorities and Juvenile Justice/Family determined that it would concentrate its energies on the following priority items identified in the 2000-2002 rules cycle report: 1) disproportionate minority confinement and research on juvenile case-processing decision points; 2) development and standardization of a public education program for juveniles in particular and the public in general; and 3) development of a statewide on-line juvenile resource directory.

Subcommittee members determined that one of the critical areas that they needed to work on as a body was to gain a better appreciation of the juvenile justice system by taking advantage of and seeking out educational opportunities available to them on the juvenile justice system and its programs. To this end, Subcommittee members attended local and national conferences and compiled and reviewed relevant articles and reports.

Of equal importance to the Subcommittee are its efforts to educate the public about juvenile court and the juvenile justice system. To systematically address this concern, an ad hoc working group has begun to research and compile curriculum resource materials. with an eye toward making the document available upon completion to the vicinage advisory committees on minority concerns.

The Subcommittee also has an abiding interest in sharing information with the court and the public about some of the initiatives and projects that have been successfully implemented in the vicinages. Subcommittee members planned and presented two educational seminars at a

statewide conference held on March 18, 2003 to commemorate the 20<sup>th</sup> year anniversary of minority concerns initiatives in the New Jersey Judiciary.

The Subcommittee also met several times to discuss the ongoing collaborative juvenile justice research projects (launched in April 2003) and develop key questions to assist in the inquiry process as it unfolds in the various counties. The Subcommittee learned from the representative of the Conference of Vicinage Advisory Committee on Minority Concerns Chairs (who is a member of the Subcommittee) that minority concerns vicinage advisory committee members are actively involved in the local juvenile justice disproportionate minority confinement research projects.

The Subcommittee has also been actively involved in providing feedback on the redesign of a template for the proposed on-line juvenile justice resource directory.

## **II. List of Priority Recommendations**

The following is a status report of the Subcommittee's ongoing efforts to address the priority recommendations. These recommendations are carried forward from the 2000-2002 Rules Cycle Report.

- A. Disproportionate Minority Confinement (Recommendation 17)
  - 1. Minority Concerns Committee members develop partnerships to educate themselves about the juvenile justice system
  - 2. Joint research inquiry on racial/ethnic disparities in juvenile justice outcomes
- B. Development and Standardization of a Juvenile and General Public Education Program (Recommendation 22); and
- C. Development of a Statewide On-Line Juvenile Program Directory (Recommendation 21)

## **III. Discussion of Priority Subcommittee Recommendations**

*Task Force Recommendation 17: The Supreme Court should set a goal for the Judiciary of reducing the number of minorities incarcerated. This goal would be accomplished by: (1) working through County Youth Services Commissions to expand sentencing alternatives; (2) carefully considering the use of available alternative dispositions that would keep juveniles in the community; (3) adopting a policy that factors like family status which may appear race-neutral, but which when considered in creating a disposition may tend to result in disproportionate numbers of minorities being incarcerated, are insufficient grounds in and of*

*themselves for justifying a decision to incarcerate; (4) encouraging judges to play a more active role in determining which juveniles go into these programs by recommending specific placements at the time of sentencing; . . .*

*Committee Recommendation 17:1: The Chief Justice should direct Presiding Family Court Judges to become active in County Youth Services Commissions. (1996)*

*Committee Recommendation 17.3: The Chief Justice should direct Assignment Judges to designate a member from the vicinage advisory committee on minority concerns to serve as a liaison to the County Youth Services Commission. (1996)*

#### A. Disproportionate Minority Contact and Confinement

##### 1. Minority Concerns Committee Members Develop Partnerships to Educate Themselves About the Juvenile Justice System

It is a well-established fact that the resources necessary to provide care for youth are not equally available to low-income minority and non-minority youths. For many years now, the Subcommittee has worked to develop and enhance collaborative networks both within and outside the court to better address the challenges attendant to offering fair and equitable court services to low income youths and minority youths. Considerable time and energy has been devoted to creating a dynamic and porous exchange of knowledge, information, ideas and best practices. These efforts have embraced both internal and external constituents and partners. One palpable outcome of this cooperation is that it has opened up an opportunity for Subcommittee members, vicinage advisory committee on minority concerns members and judiciary staff to access a broader spectrum of training opportunities in the juvenile justice area. These areas include research and grant writing, program development and program planning in juvenile justice areas.

Another positive outcome of this interchange between the Court and other juvenile justice agencies and programs is that the Subcommittee and vicinage advisory committees on minority concerns members and staff have acquired a better appreciation of the complexities and challenges of the juvenile justice system in New Jersey. Networking opportunities between local vicinage advisory committees on minority concerns members and staff. have also been enhanced. A sampling of some of the programs attended are described below.

In November 2002, a staff member of the Minority Concerns Committee attended a conference jointly sponsored by the New Jersey Association of County Youth Services Commissions, the New Jersey Governor's Juvenile Justice Delinquency Prevention Committee and the Juvenile Justice Commission on "Affecting Systems Change Through Effective Community Based Programs."

On June 12, 2003, a Disproportionate Minority Confinement Conference was held in Mount Laurel, New Jersey. The conference resulted from the cooperative initiative of the vicinages and county youth services commissions in South Jersey. Attendees included judges, court staff, Minority Concerns Committee members, County Youth Services Commission members, vicinage advisory committee members, public defenders, prosecutors, and other juvenile justice system stakeholders. Keynote speaker Michael Finley of the W. Haywood Burns Institute, provided valuable insight for addressing disproportionate minority confinement in local jurisdictions. The Burns Institute works intensively with local juvenile justice systems to reduce the over-representation of minorities by cultivating alliances among stakeholders. Specifically, the Burns Institute model provides three phases for achieving a reduction in disproportionate minority confinement:(1) Data gathering and community mapping; (2) Detention and intake; and (3) Decision making/disposition.

On August 20-22, 2003, the Coalition for Juvenile Justice presented a national conference on "Disproportionate Minority Contact Ten Years Later- Progress Made, Progress Needed." The conference was held in Jersey City, New Jersey. The program briefly examined the history of disproportionate minority confinement and the work that led to the broader orientation of disproportionate minority contact. The remainder of the program agenda focused on efforts to ensure the efficacy of initiatives to reduce minority contact and confinement of minority youth in juvenile facilities throughout the United States. The conference goal was to share information, strategies and insights on how other jurisdictions reduced the overrepresentation of minority youth in the juvenile court system. A total of 22 vicinage advisory committee on minority concerns members, Supreme Court Committee members and court staff attended the August conference at the invitation of the Juvenile Justice Commission.

Also in June 2003, a representative of the Committee on Minority Concerns attended the New Jersey Institute for Social Justice program on juvenile reentry. The roundtable began with a background discussion framing juvenile reentry from a developmental, system operational, and

demographic framework. The one-day discussion closed with a presentation by Howard Beyer, Executive Director of the Juvenile Justice Commission (hereinafter JJC) who spoke about JJC's current plans and goals.

## 2. Joint Inquiry on Racial/Ethnic Disparities in Juvenile Justice Outcomes

The Minorities and Juvenile Justice/Family Subcommittee continues to pursue the issue of disproportionate minority confinement in the Juvenile Justice System as discussed in Task Force Recommendation 17 and prior reports.<sup>2</sup> During the 2000-2002 Rules Cycle, the Subcommittee specifically addressed the need to: 1) enhance collaboration and participation in County Youth Services Commissions; 2) implement community outreach<sup>3</sup> and 3) involvement with the research project on disproportionate minority contact and confinement in the 21 counties.

The Subcommittee worked with the Conference of Vicinage Advisory Committee Chairs and Staff to concentrate on local efforts to enhance court participation in County Youth Services Commissions and upgrade efforts to promote and improve dialogue and cooperation between the court and local juvenile program and service organizations. Some vicinages' outreach efforts included extending invitations to local organizations and programs that provide services to youth to address judges and Family Division staff during the lunch hours regarding their respective services. In other instances, service agencies came to the vicinage minority concerns meetings to inform committee members about services for juveniles in general and youth under the court's jurisdiction in particular. Still other joint efforts included planning and implementing local research projects focusing on juveniles and presenting educational seminars and programs focusing on disproportionate contact and confinement of minority juveniles in various vicinages/counties.

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<sup>2</sup> See the discussion in the following reports: New Jersey Supreme Court Task Force on Minority Concerns Interim Report (1989), pp. 77-90; New Jersey Supreme Court Task Force on Minority Concerns, Final Report (1992), pp. 152-160 and 178-184; New Jersey Supreme Court Committee on Minority Concerns, Report of the Subcommittee on Minorities and Juvenile Justice/Family, 1994-1996 Rules Cycle, Supplement II, pp. 8-12 and 15-17; New Jersey Supreme Court, Report of the Subcommittee on Minorities and Juvenile Justice/Family, January 1996-1998 Rules Cycle, pp. 20-28; and New Jersey Supreme Court, Report of the Subcommittee on Minorities and Juvenile Justice/Family, 2002-2004 Rules Cycle, pp. 42-49.

<sup>3</sup> See New Jersey Supreme Court, Report of the Subcommittee on Minorities and Juvenile Justice/Family, 2002-2004 Rules Cycle, pp. 45-49.

The Subcommittee also reviewed the research study completed in Bergen County, entitled *Minorities in the Juvenile Justice System in Bergen County, New Jersey* prepared by the Bergen County Division of Family Guidance. These efforts and others were designed to provide the Subcommittee with new insights, approaches and ways to address the persistent problem of minority over-representation in New Jersey's juvenile justice system.

The Subcommittee was delighted when, at the close of her remarks (March 18, 2003), Chief Justice Deborah T. Poritz announced at the statewide Twentieth Year Anniversary Conference of Minority Concerns Initiatives in New Jersey that the Court would be joined by the Attorney General's Office, the Department of Law and Public Safety and the Juvenile Justice Commission in a joint inquiry concerning possible racial/ethnic disparities in juvenile justice outcomes. The Chief Justice stated:

I know that since its earliest days, the Minority Concerns Committee has considered the question whether minority juveniles are treated differently from non-minority juveniles as they enter into and continue through the juvenile justice system. Indeed, this issue was raised by Justice Coleman's ad hoc committee [sic August 1984] at the very beginning of our efforts to examine the disparate treatment of minorities. More recently, in the 1994-1996 rules-cycle, the standing committee recommended that, 'The Chief Justice should. . . . propose conducting a joint study[with the other participants in the system] of all decision points in processing juvenile defendants.'<sup>4</sup>

This joint effort was initiated in April 2003. In a letter (dated April 17, 2003) jointly signed by Chief Justice Poritz, Peter C. Harvey, then Acting Attorney General (now Attorney General) and Howard L. Beyer, Executive Director of the Juvenile Justice Commission, each County Youth Services Commission was presented with a request to undertake a study of juvenile delinquency outcomes in their respective counties. See Appendix A1 (Letter to County Youth Services Commissions).

In addition to the charge to undertake a study of juvenile delinquency outcomes, each county was presented with a preliminary set of data as to the juvenile justice activity in that county during 2002. Counties were asked to respond by providing a preliminary report on disproportionate minority confinement to the Administrative Director of the Courts on or before October 1, 2003. It is noteworthy that many of the vicinage advisory committees on minority concerns have representation on the research study teams.

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<sup>4</sup> Chief Justice Deborah T. Poritz Speech for 20<sup>th</sup> Anniversary Celebration, Minority Concerns Committee, March 18, 2003, p. 4.

At the April 30, 2003 meeting of the Subcommittee, Administrative Director Richard J. Williams shared a power point presentation regarding the inquiry process. He indicated that the purpose of the collaborative effort is to examine racial and ethnic disparities in each county within the judicial system through a multi-agency approach led by the Youth Services Commission of each county. Director Williams requested that the Minorities and Juvenile Justice/Family Subcommittee participate in the process by providing commentary and developing questions to be used during the inquiry process.

In October of 2003, each county youth services commission submitted a report to the Steering Committee overseeing the inquiry process setting forth a planned methodology. The Steering Committee, after reviewing each report, responded to each county with comments and suggestions. The counties were required to provide a status report to the Steering Committee by December 2003.

The research is an on-going process; it will continue to be a priority agenda issue in the next rules cycle and the Subcommittee will closely monitor the progress of each vicinage through the Conference of Vicinage Advisory Committee on Minority Concerns Chairs.

#### B. Development and Standardization of a Public Education Program

Task Force Recommendation 18: The Supreme Court should direct two initiatives be undertaken to make the community, especially the minority community, aware of the juvenile court system: (1) a comprehensive public education program to provide information on the operation of the juvenile court system and the steps that are being taken to eliminate unfairness to minority juveniles; and (2) an engagement in partnerships with schools where the judiciary assists local schools in the development and instruction of a legal education curriculum or programs which bring judges and court workers into classrooms to speak to students, and students to visit the courts.

##### 1. Curriculum Development

As noted above, Task Force Recommendation 18 asked the Supreme Court to direct that two initiatives be undertaken to make the community, especially the minority community, aware of the juvenile court system by establishing 1) a comprehensive public education program and 2) a partnership with schools. During the 2002-2004 Rules Cycle, the Subcommittee has continued its focus on the first prong of Recommendation 18. The unification of the state court

judiciary provides a unique opportunity for the court to institute a basic standardized, statewide public education program focusing on the family/juvenile justice system.

By way of background, at its June 1998 Administrative Conference, the Supreme Court endorsed the Committee's recommendations for improving public education on juvenile court issues and established the An Ad Hoc Working Group on Public Education on the Juvenile Courts. The Honorable F. Lee Forrester, then P.J.F.P., Mercer County, was appointed chair of the Ad Hoc working Group. In March 2000, the final report of the State Ad Hoc Working Group was submitted to the Supreme Court for review. The Office of Communications reviewed the report and provided comments for further consideration by the Ad Hoc Working Group.

One component of the report's Action Plan for public education included a Juvenile Justice brochure to be disseminated by each vicinage to the public.<sup>5</sup> The Subcommittee recommends that this brochure, entitled *The Juvenile Court System and Your Child in New Jersey*, attached as Appendix A2, be revisited, reviewed and approved for publication and made available to the public by Fall 2004. The brochure should be widely disseminated to school districts, community organizations, juvenile service providers, local police departments, parents of juveniles in our courts, as well as be posted outside every Family Part courtroom.

During the present rules cycle, the Conference of Vicinage Advisory Committee on Minority Concerns Chairs and Staff also established a committee on public education to compile information on the various educational programs that vicinages already have in place and to develop a statewide action plan for public education that draws on the rich, collective vicinage experiences in this area.

Although both the State Committee and Conference of Vicinage Advisory Committee on Minority Concerns Chairs and Staff are working independently on developing core curricula targeted to juveniles and the public, their foci are somewhat different. The Subcommittee is researching and compiling curriculum resource materials by topical areas while the minority concerns vicinage advisory committees have planned and presented public seminars and symposia to youth and the general public. The Subcommittee and the Conference of Vicinage Chairs will soon hold several joint meetings to exchange and share ideas. The objective of the collaboration is to produce a consolidated digest, a curricula resource guide and program agendas

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<sup>5</sup> New Jersey Supreme Court Ad Hoc Working Group on Public Education on the Juvenile Courts, Final Report, March 15, 2000, p. 5.

for public educational initiatives. These materials will provide uniform guidance to the vicinages for development of local public education programs tailored to the specific needs identified by the vicinage. Inasmuch as the development of these public education tools is an ongoing priority for both the state and vicinage minority concerns committees, these two groups will continue to work together to compile the educational resource materials and to share the curricula materials that have been developed.

The Subcommittee has compiled and reviewed educational materials at the State Library and the Middlesex County Bar Association. The hard copy research has yielded substantial curriculum materials. Internet research has also been conducted on law-related educational materials available on the following web sites: American Bar Association, various state bar associations; and state and federal court jurisdictions. Other information sources have yet to be contacted such as county volunteer coordinators, Family Crisis Intervention Units (FCIU's), County Departments of Education, churches, youth programs, municipal courts, youth services commissions, bar associations, law schools, other county libraries, etc . It is anticipated that a draft template for a *Juvenile Justice/Family Court Public Education Resource Curriculum Guide* will be completed by June 2004.

One of the benefits that have accrued from working with the vicinage advisory committees on minority concerns over the years is that the Subcommittee has come to have a greater appreciation for the fact that parents and guardians of juveniles need to be educated about the court system in general and about the juvenile justice system in particular. This fact has been repeatedly conveyed to vicinage advisory committee members over the years as the local advisory committees on minority concerns have planned and presented various public seminars, symposia and workshops on juvenile justice and other court-related issues of concerns.

The Subcommittee worked with the vicinage advisory committees to plan and convene two workshops at the March 18, 2003 minority concerns conference:

- Minorities in the Juvenile Justice System in the Bergen Vicinage. The keynote presenter was Dr. Lucien Duquette.
- Violence in Teen Dating Relationships and Street Talk. In this presentation, two programs were highlighted. One from the Hudson Vicinage Advisory entitled, "What's Love Got To Do With It: the Problem of Violence in Teen dating" and a second program from Gloucester County on "Street Talk: The Voices of Youth Speak About life Issues and Their Interaction with the Court System."

## 2. Brief Highlights of Vicinage Public Education Programs

One of the primary venues used to educate juveniles and the public about family/juvenile court issues are vicinage law day programs and offshoots of law day program such as community seminars, symposia and conferences. The extensive work accomplished by the vicinages is reflected in the discussion of the innovative and thoughtful educational programs that follow. The reader should be mindful, however, that this rendering is not an exhaustive discussion of the judiciary's public education programs.

Over the course of the 2000-2002 rules cycle, all vicinages sponsored and presented some type of educational programs for the public. Last year, the Burlington Vicinage Advisory Committee on Minority Concerns, the Burlington County Bar Association and the Burlington County Superintendent of Schools presented one of the five best 2003 law day programs in the country. On February 6, 2004, the Court received a national award from the American Bar Association for its innovative program emphasizing the importance of jury duty. The program targeted high school students and educated them on the importance of their civic duty to serve as a juror. After a brief orientation, the students were escorted to a courtroom where they participated in a mock voir dire process. A judge, prosecutor and criminal defense attorney participated in the program. At the end of the two-hour seminar, the students were able to ask questions of the participating attorneys and judge.

Bergen also sponsored its annual Law Day by hosting school children from the county. After completing the walking tour of the courthouse and watching a video on the judicial process, the students were able to observe presentations on various court careers and court internship opportunities. At the 2003 Law Day program, the students observed a presentation by the Sheriff's K-9 Unit, followed by a Law Day ceremony. The Bergen Vicinage Advisory Committee has also sponsored mock trial trials for several years now.

Cumberland/Gloucester/Salem sponsored a Mock Trial project for eighth grade students. This project introduced students to the judicial system by providing the youths with an opportunity to participate and experience a "live" trial. A Superior Court Judge, a county prosecutor and a defense attorney were joined by a "student partner" during each phase of the trial. The Cumberland Vicinage Advisory Committee has also sponsored focused symposia at the Gloucester County Office of Education on how the system handles juvenile offenders.

The Union Vicinage Advisory Committee on Minority Concerns has designed and recently implemented a School Presentations program which involves lawyers and judges going into schools to educate and engage high school students in a dialogue about the law and the legal consequences of their actions. Members of the Committee have made presentations at Elizabeth High School, Roselle High School and Plainfield Alternative School. The presentations are 40-45 minutes. The Court panel spends about 20 minutes discussing hypothetical situations on topics ranging from landlord/tenant issues to juvenile justice and family law and constitutional and criminal rights. The vicinage also has a very successful annual Law Day Program.

For several years now, the Essex Vicinage has presented its “Judges in the Hood Program.” During the vicinage Law Day program, Superior and Municipal Court Judges select a school in the county to visit. It is not uncommon for as many as 60-70 Superior and Municipal Court judges to participate in this program and reach as many as 3,000 students during the course of the school day.

Perhaps one of the most enduring accomplishments of the Essex Vicinage Committee has been the establishment of the Information and Community Relations Center that is designed to provide information to the public about the court’s programs and services. Center staff are frequently engaged in public outreach such as hosting student court tours, speaking at various schools, recruiting for the student court internship programs and planning and presenting the annual Spirit of Brotherhood Program that brings together school students from diverse backgrounds. Staff also make presentations in the community on various topics of interest.

Both Passaic and Morris/Sussex Vicinage Advisory Committees on Minority Concerns have well-established mentorship programs. In Passaic, high school students from the cities of Paterson and Passaic participate in the program. Students are required to spend three hours a week for a period of six weeks observing court operations across all divisions, including meeting with a judge in chambers prior to observing court proceedings. The program is highly structured and is a part of the high school’s curriculum. Participating students are required to complete weekly essays detailing their experience.

The Morris/Sussex Vicinage Advisory Committee on Minority Concerns celebrated the sixth year anniversary of the Judicial Mentoring Program for Young Minds in Summer 2003. This mentoring program takes place from September to December and includes six to seven learning modules. Students meet every Friday morning to observe presentations from judges,

court staff, agencies and others on some aspect of the court system. To date, more than 30 students have been able to participate in this program.

Essex, Middlesex and Bergen Vicinage Advisory Committees either launched or were part of a team of collaborators that pursued internal investigations on disproportionate minority confinement well in advance of the present statewide efforts. Central to these research efforts were informational programs designed to increase the community's awareness and understanding of the juvenile justice system and the role of the court in addressing the problems of youth under the court's jurisdiction.

In Essex, an after school program entitled, the Children's Foundation of New Jersey, was developed as a means of preventing over-representation of minorities in juvenile detention centers. Specifically, the program focuses on requiring parental involvement, helping youth develop an avocation, improving academic skills and setting early and high academic goals.

Engaging in community outreach over the course of many years, the Middlesex Advisory Committee on Minority Concerns (in 2000), forged a strong partnership with local agencies that routinely interface with youths such as the local police, service providers and schools. This consortium determined that there was a need to collect statistics on juvenile crimes focusing on the time youth were committing crimes and identifying the municipalities that had the highest incidence of criminal activities committed by these youths. The information collected was used to assist the vicinages and local agencies serving youths in program planning and implementation.

The Middlesex Vicinage Advisory Committee has also co-chaired the Juvenile Justice Conference held annually at the New Jersey State Bar Law Center in New Brunswick. The conference provides networking opportunities and awareness of other community based programs, activities and public forums. Judges and court staff, the Division of Children's Services Committee, representatives from public schools, local police and law enforcement and youth attend the day-long program.

Monmouth Vicinage Advisory Committee on Minority Concerns is very involved in planning the annual law day program that focuses on introducing students to the court. The Advisory Committee has also been involved in community outreach efforts designed to increase the visibility of the court system in the minority community and the community at large through events such as the Freehold Cultural Diversity Celebration, the Hispanic Chamber of Commerce

Conference and attendance at various job fairs. The Speakers Bureau will soon be reactivated and will be comprised of judges and court personnel who will make presentations to the schools and other community groups about the court system.

On October 24, 2004, the Hudson Vicinage Advisory Committee on Minority Concerns held its second annual program on teen dating violence. The program entitled, "What's Love Got To Do With It," was held in Jersey City and more than 120 students attended. During the program, students watched a video on the topic, attended a mock trial and were able to direct questions to a panel of professionals. The program was videotaped and will be aired on closed circuit cable television for high school students. It will also run on the municipal access channel for the Jersey City community.

The Hudson Vicinage Advisory Committee has also established a college/graduate –level student internship program as a means of enhancing the court's visibility as an employer among broader and more diverse segments of the community. The internship program provides a positive experience for students particularly those from underrepresented communities.

Another juvenile education program currently in place in Hudson is *The Judiciary/Jersey City Public Schools Collaboration Project*. This project is a partnership between the Jersey City Board of Education and the Hudson Vicinage and provides an opportunity for the city's public schools to become more actively engaged with the judicial system. Judges and court staff will be making presentations to students in the social studies curriculum. This is a multi-stage project that is still in development.

Both the Camden (Sensitivity and Cultural Awareness Now (SCAN) and Ocean Vicinage Advisory Committees on Minority Concerns have been actively involved in launching general public outreach programs designed to provide information about the court system to the community. The Camden Court Community Partnership is a public forum focusing on providing information to the community on new developments and procedures in the court system. The following issues have been addressed: families in crisis, drug court, interpreting services, school truancy and ombudsman services. The vicinage advisory committee has also presented job shadowing programs, annual mock trial programs, court tours and career days. The Camden Ombudsman continues to make routine visits to the Echelon Country Store throughout the year to increase citizen access to the courts and to provide information to the public.

The Ocean Vicinage Advisory Committee on Minority Concerns established a Court Night EXPO designed to familiarize the public with all aspects of the judicial system. Topics addressed included an introduction to family court and improving access to the courts. A new Community Outreach program is currently being developed to assist court users with routine issues such as child support, pro se filings and drug court. The Ocean Vicinage Advisory Committee on Minority Concerns held its inaugural informational community education programs in 1995.

Vicinage advisory committee on minority concerns members have been able to mine their contacts with the local community to identify other areas of public concern that need to be addressed. One such example came to light when several youths attending a court sponsored educational program brought to the attention of advisory committee members and court staff that they were not able to secure jobs because of past criminal records. Most of these young persons and their parents/guardians as well were not familiar with the possibility of record expungements. Passaic, Mercer and Middlesex Vicinage Advisory Committees have presented seminars on this topic. The expungement seminar in Mercer was held in the Community Center at the Shiloh Baptist Church. The pastor of Shiloh Baptist Church is a member of the Juvenile Justice Subcommittee. The program was well attended and the Mercer Advisory Committee has received a request to conduct additional public seminars on this topic. Predating the Mercer expungement seminar, Middlesex held a seminar on expungements; the Passaic Minority Concerns Committee had its first expungement seminar five years ago.

Mercer and Somerset/Hunterdon/Warren have presented public programs addressing domestic violence. On February 17, 1998, Mercer held a Domestic Violence workshop at the YWCA in Trenton. The workshop was the first of a series of programs of Mercer's Community Law Series. This workshop covered a variety of topics including defining domestic violence, providing information on how to file complaints, securing temporary restraining orders and preparing for the final hearing.

The Mercer Vicinage Juvenile Justice Subcommittee is the only standing subcommittee of the Advisory Committee on Minority Concerns. One of the focal points of the subcommittee is public education.. The subcommittee drafted a *Guide to the Juvenile Justice Process* and a user -friendly flowchart that is used by court staff in public education presentations.

Somerset/Hunterdon/Warren hosted a domestic violence forum entitled, “What Happens to the Children?” on March 26, 2003. Speakers included representatives from the Domestic Abuse and Rape Crisis Center of Warren County, the Resource Center for Women & their Families in Somerset County, the Somerset County Office of Youth Services, the Franklin Township Police Department and the Women’s Crisis Services in Hunterdon County. More than 140 people, including judges, court staff, teachers, police officers, prosecutors, social workers and child victim advocates, attended the forum, which was held in the Somerset County Historic Courthouse in Somerville.

Somerset/Hunterdon/Warren Vicinage Advisory Committee on Minority Concerns has also presented educational programs at local high schools. The high school program focuses on teaching students how the courts work and about the consequences of violating the law. Vicinage Advisory Committee members have also developed and presented a mock trial program for middle school students.

Atlantic/Cape May sponsors an annual Cultural Heritage Day at each of the courthouse locations in the vicinage. The actual events and agendas change each year in this staff driven initiative. Events such as the Cultural Heritage Day allow elementary school children an opportunity to visit, tour and observe how the court system works and interact with court staff.

### C. On-Line Juvenile Program Directory

*Recommendation 21: The Supreme Court should assure that Family Division Judges, managers and support staff are as aware as possible of resources by directing each vicinage to create and make appropriate through training and daily use of a vicinage delinquency resource manual which is regularly updated.*

*Committee Recommendation 21.4: The Supreme Court should direct the AOC to require the Assistant Director of the Family Division and the Family Division Manager, to assure that each vicinage regularly updates their on-line resource directory (1996).*

**Committee Recommendation 02:21.5: The Committee urges the Court to make the development of an on-line juvenile directory a priority and build into any state-of-the-art system a capacity to expand and search other portals for juvenile program sources. The proposed funding appropriation for this project should be increased and the AOC and vicinage Information System staff, representatives from the AOC, Family Division, Conference of Presiding Judges and Family Division Managers and the Minority Concerns Unit should be on the project planning team.**

As noted above in Recommendation 21, the Committee urges the Judiciary to create and direct court staff to access the on-line juvenile dispositional directory. During the 2000-2002 Rules Cycle, the Minorities and Juvenile Justice/Family Subcommittee recommended that funding be provided to develop the on-line directory of juvenile programs since proposed legislation with funding for this project was not enacted. Specifically, the Subcommittee recommended the following:

The Committee urges the Court to make the development of an on-line juvenile directory a priority and build into any state-of-art system a capacity to expand and search other portals for juvenile program sources. The proposed funding appropriation for this project should be increased and the AOC and vicinage information systems staff, representatives from the AOC, Family Division, Conference of Presiding Judges and Family Division Managers and the Minority Concerns Unit should be on the project planning team.

In 2003, the Family Practice Division secured \$25,000 for the development of an on-line juvenile directory. The on-line juvenile directory will be designed as a computer based program for the purpose of facilitating access to information regarding available juvenile programs in local communities. Once completed, the directory will be posted on the InfoNet and be accessible to judges and court staff. The directory is a tool to assist court staff in making placements.

The Family Practice Division contracted with the New Jersey Institute for Social Justice (NJISJ) for the development of the directory. Pursuant to the contract, NJISJ will research existing programs (it is anticipated that approximately 400-500 service providers exist in the State) to ascertain information to be entered in the directory. The anticipated completion date for the directory is June 2004.

On December 10, 2003, the Subcommittee met with the Director of the NJISJ, to discuss the status of the on-line directory. The Subcommittee shared information about community sources that may be consulted to obtain juvenile program information. Additionally, the Subcommittee provided input on what type of information should be included in the directory such as the location of the programs, the types of offenders the programs accept, the categories of services offered, the number of beds available, how restrictive the facilities are, the fee structure, residential versus non-residential programs, and ideas on the most helpful ways to sort the information contained in the directory (i.e. program location and program cost) and so on.

The Subcommittee anticipates meeting with the Director of NJISJ once a template has been developed for the directory. The Subcommittee will continue to provide assistance to throughout the directory development process.

The Subcommittee appreciates the opportunity to work with the Judiciary to address this very important topic of minority youth in the juvenile justice system. and we look forward to continuing the work of the Subcommittee in the next rules cycle.

## **Chapter III**

# **SUBCOMMITTEE ON MINORITY ACCESS TO JUSTICE**

## **Introduction and Mandate**

This report addresses the status of the Judiciary's implementation efforts with respect to selective Supreme Court Task Force on Minority Concerns (1992) recommendations (falling under the purview of the Subcommittee on Minority Access to Justice) that were approved by the Court (1993) for implementation.

The mandate of the Subcommittee is to ensure that throughout the court system all individuals have equal and impartial access to all judiciary services and programs. Providing fair, equal and meaningful access to justice includes all those factors that affect an individual's ability to optimally utilize court services and programs . These factors include:

- The location and physical conditions of court facilities or physical access;
- Economic access or the ability to participate equally in court proceedings and programs and receive equal services regardless of income level;
- Timely access or the ability to obtain timely justice since justice delayed is justice denied; and
- Cognitive or psychological access or the ability to fully understand court processes and procedures.

Thus, in order to provide equal and fair access for citizens, the Judiciary should eliminate all barriers to its services.

### **I. Subcommittee Activities**

During the course of the 2002-2004 biennial Committee cycle, the Subcommittee reviewed and prioritized the recommendations that it selected to monitor. Several recommendations were designated as matters requiring further Supreme Court review. Other recommendations were identified as administrative and requiring collaboration and discussion with the Administrative Office of the Courts and the appropriate conference in order to implement. For example, the Subcommittee renews and continues to actively support and work on the following priority carryover recommendations and activities:

- supporting the establishment of and continuing operation of a full-time ombudsman program in each of the Judiciary's fifteen vicinages;
- revising and resubmitting for review, the Court User Bill of Rights and Responsibilities;

- addressing jury issues such as establishing a statewide juror recognition program and conducting a comprehensive review of available juror information videos and brochures that are currently in use;
- reviewing, editing and providing comments on new court forms and instructions aimed at assisting self-represented litigants;
- developing diversity and cultural competency curricula for judges and court personnel;
- examining and assessing the present use of interpreters and persons in bilingual variant job positions in Superior Court and Municipal Court and;
- working collaboratively with the Court Volunteer Unit to secure an accurate volunteer census and attracting more minority court volunteers.

The Subcommittee deeply appreciates the Court's continuing commitment to address fairness and access issues and to further enhance its partnership with the community by promoting the direct involvement and participation of the public in the Judiciary's decision-making process. The leadership of the Administrative Office of the Courts is also to be commended.

Members of the Subcommittee also take note of the superb efforts of the Essex Vicinage, who with the aid of a Subcommittee staff member, drafted, published and widely distributed a court user guide (*A Guide to the Superior Court of New Jersey, Essex Vicinage*) which serves as a model for similar guides which will likely be developed in all of the vicinages.

## **II. List of Priority Recommendations**

The following issues were identified as priority areas relating to minority access to justice and will form the basis of the Subcommittee's 2002-2004 biennial report;

- A. Ombudsman Program
  - 1. Expanding the full-time, comprehensive ombudsman offices statewide
  - 2. Collaborating with the Administrative Office of the Courts to resolve remaining ombudsman issues
- B. Court Users' Bill of Rights and Responsibilities
- C. Jury Issues
  - 1. Examining minority representation on juries

2. Educating the public about jury service
3. Planning a statewide juror recognition/appreciation program

D. Self-Represented Litigant Initiatives

1. Editing court forms, public information documents (such as the brochures for landlords and tenants) and instructions for filling out the pro se kits (in both English and Spanish)
2. Exploring the expansion of court outreach efforts targeting low income (minority and non-minority) self-represented litigants

E. Judicial and Staff and Training

F. Plain English Court Forms

G. Bilingual Variant Job Positions and Court Staff Interpreters

1. Assessing the use of approved staff interpreters and bilingual variant job titles in Superior Court
2. Examining the use of approved interpreters in Superior Court

H. Census of Court Volunteers

### **III. Discussion of Priority Recommendations**

A. Ombudsman Program

*Task Force Recommendation 31: The ombudsman program should be expanded to a full-time, comprehensive patron service and community outreach program statewide (Committee 2000-2002 Report, page 73).*

1. Expanding the Full-time Comprehensive Ombudsman Office Statewide

The Committee is very encouraged by the recent activities related to the establishment of a statewide ombudsman program in the New Jersey Judiciary. The Supreme Court approved the ombudsman program for statewide expansion in February 1998. When the Judiciary's Administrative Council endorsed the statewide expansion of the program in 2001, it also proposed creation of a statewide conference of ombudsman.

2. Collaborating with the Administrative Office of the Courts to Resolve the Remaining Issues

The Subcommittee is extremely appreciative of Chief Justice Poritz' vocal support of the ombudsman program as noted in her March 18, 2003 keynote address at the minority concerns twentieth year anniversary conference as well as her more recent encouraging remarks shared with the Supreme Court Committee on Minority Concerns' Executive Board in November 2003. The Chief Justice noted that the remaining points of disagreement should be resolved in the next several months so that the program can move forward. Nonetheless, the Committee has been particularly alarmed by what seems to be a growing practice of vicinages adding some ombudsman duties to the list of responsibilities vested in the local Equal Employment Opportunity/Affirmative Action Officers. Combining the responsibilities of these two positions will, no doubt, significantly dilute and diminish the effectiveness of both programs.

As of the date of this report, a few remaining issues relative to the statewide best practices regarding the Ombudsman Office are in the process of being resolved. It is hoped that these issues can be brought to resolution in early Spring 2004.

#### B. Court Users' *Bill of Rights and Responsibilities*

*Committee Recommendation 30.3: The Supreme Court should require the Administrative Office of the Courts and the vicinages to include a "Bill of Rights and Responsibilities" in all documents which introduce a litigant to the court process (Committee 2000-2002 Report, page 72).*

As pointed out in the 2000-2002 biennial report, as best the Committee was able to determine, no state Judiciary has promulgated a document that spells out court users' rights and responsibilities. The Subcommittee has worked with a Committee member and the Deputy Administrative Director of the Courts in drafting and revising the document (December 2003). That document is being forwarded to the Supreme Court for its consideration. If the document is approved by the Court, the Committee renews its recommendation that there be a limited pilot of the publication for a period not to exceed 90 days (ideally commencing in April 2004) in the two vicinages (Essex and Middlesex) that previously volunteered to conduct the pilot. The results of the pilot will be reviewed within 30 days and any necessary changes will be made. Pending final approval of the document, the goal is to distribute the *Bill of Rights and Responsibilities* to all vicinages by September 2004.

## C. Jury Issues

### Task Force Recommendation 27- Research on Minority Representation on Juries

*Committee Recommendation 27.1: The Supreme Court should direct the Administrative Office of the Courts to conduct research on the following issues: to what degree do racial/ethnic minorities drop out at each of the major stages leading up to the impaneling of a jury (e.g. response rate to initial summons, disqualifications, excusals, failure to appear, non-selection and challenges) and how do these rates compare with those of non-minorities? What is the actual representation of minorities on juries that are ultimately impaneled?*

*Committee Recommendation 27.3: Federal statutes and regulations should be amended to allow access to entitlement lists such as AFDC, unemployment, disability and social security (Committee 2000-2002 Report, page 68).*

#### 1. Examining Minority Representation on Juries

The Committee continues to be interested in learning about minority participation on juries. New Jersey's present jury management system does not include a race or ethnic identifier. Consequently, the Administrative Office of the Courts has been unable to answer Committee inquiries concerning the participation of minorities on either petit or grand juries. Without race or ethnic identifiers, it is not possible (1) to monitor the diversity of the juror pool statewide or in the twenty-one counties, (2) to report on the diversity of persons contacted for jury service, (3) to capture information on who drops out at various stages in the process by race or ethnicity (response to initial summons, disqualifications, excusals, failure to appear, non-selection and challenges), and (4) to gather information on the diversity of persons who actually serve on juries.

Moreover, access to federal entitlement lists, which might help gather the needed information, is severely limited by federal law. For example, the use of the social security number is specifically limited to the identification of duplicate records and criminal record checks. Without a change in the federal restrictions, it becomes even more imperative for the Judiciary to take advantage of available mapping program software and utilize Census 2000 data and zip codes to obtain juror profile estimates of both minority and non-minority jurors by race/ethnicity, gender, age and county at each stage in the process (response to initial summons, disqualifications, excusals, failures to appear, disqualifications and so on).

## 2. Educating the Public About Jury Service

*Committee Recommendation 27.4: The AOC should continue the publicity campaign, including the use of videotapes, “You the Juror” and “Our New Jersey Courts, Equal Justice for All, ”produce a short television message for general media dissemination and produce a cable program to encourage all people, minorities and non-minorities, to serve as jurors. Such a program should include information about all of the different types of cases (both criminal and civil) that necessitate juror participation. Moreover, consideration should be given to developing publicity concerning jury service to be sent with AFDC checks and other government entitlements. (Committee 2000-2002 Report, page 70).*

The Subcommittee continues to place a high value on enhancing the Judiciary’s efforts to educate the public about the importance of jury service and would like to see a collaborative program developed by the Court and the public school system. Education programs about the jury system should embrace elementary, middle and high school grade levels and should remind youthful citizens of the importance of jury duty and emphasize the critical role jurors play in the justice system. Since the Juvenile Justice/Family Subcommittee and the Conference of Vicinage Advisory Committee Chairs are also addressing public education issues, the Subcommittee will coordinate its efforts with these two entities.

Another important component of public education is the production and distribution of resource materials. The Subcommittee will continue to pursue a comprehensive review of available juror information videos and brochures that are currently in use and make recommendations to the court for enhancing and updating visual and printed juror educational materials as necessary. The Subcommittee will learn about the dissemination of these aids to the public, cable television stations, public television, libraries and school and other depositories.

## 3. Statewide Uniform Recognition of Jurors

Treating jurors with respect and demonstrating the court’s appreciation for their services makes jury service more rewarding and gives courts an opportunity to enhance the public’s understanding and appreciation of how the court system operates. The Subcommittee renews its support for the establishment of a statewide juror appreciation day, preferably during the vicinage’s Law Day or Law Week observances. The Subcommittee will reach out to the Conference of Jury Managers, which has also

proposed the establishment of a statewide juror appreciation day as a “best practice.” The Committee recommends that the inaugural juror appreciation/recognition program be implemented in May 2004.

#### D. Self-Represented Litigants Initiatives

*Committee Recommendation Pro Se 1: The Supreme Court should direct the AOC to compile all pro se materials, evaluate those materials to ensure that they are written in plain language, revise the materials, as necessary, and distribute the materials to the vicinages and to the public (libraries, community centers, municipal buildings, county government, social service and government agencies). Targeted distribution plans for minorities should be put into place (Committee 2000-2002 Report, page 103).*

*Task Force Recommendation 37: The Supreme Court should adopt a policy that requires all forms and documents intended to be read by the litigants or the public be published in language that the public can comprehend (Committee 2000-2002 Report, page 102).*

*Committee Recommendation Pro Se: The Judiciary should expand the use of interpreters and bilingual variant staff in delivering services to self-represented litigants. The Judiciary should expand the availability of interpreters both in Superior and Municipal Courts, and the Judiciary should utilize the bilingual variant to hire court intake/filing employees who speak and read both English and Spanish, and other languages as necessary.*

##### 1. Editing Court Forms and Public Information Documents. and Instructions (English and Spanish)

The Subcommittee is continuing to review and edit new court forms and instructions aimed at assisting self-represented litigants and wishes to again acknowledge the work done by the Ad Hoc Working Group on Pro Se Materials of the Administrative Office of the Courts. Of particular note during this report cycle is the establishment of a new program unit, the Self-Represented Litigation Programs, Research and Analysis in the Deputy Administrative Director’s Office to oversee statewide judiciary pro se efforts on a full-time basis.

The centralized coordination of efforts to assist self-represented litigants in the twenty-one counties, helps bring courts closer to the citizens of New Jersey by providing

them with necessary tools and a clearer understanding of how to avail themselves of the crucial public services and assistance that the court can provide.

## 2. Exploring the Expansion of Court Outreach Efforts Targeting Low Income Self- Represented Litigants in the Vicinage

As part of the ombudsman program, the Subcommittee will explore other means that have been instituted in the judiciary for “taking the courts to the people.” During the pilot phase of the Camden ombudsman program and shortly thereafter, clinic students from Rutgers Camden Law School provided assistance to self-represented litigants. The Camden ombudsman also regularly visited the county store in the Echelon Shopping Mall to present public seminars on various topics of interest and to distribute literature and other information on the courts.

The Essex Office of the Ombudsman, Information & Community Relations Center has also developed a community outreach program. For example, the court hosted a community outreach program on July 7, 2003 for seven Essex County librarians in the New Courts Building in Newark. The Essex Vicinage Court and Community Exchange Program focused on the role of courts and identified areas that local librarians can collaborate with the court in an effort to improve services to the public. Librarians from Newark, Belleville, Nutley, Bloomfield, Montclair, West and South Orange public libraries attended the all day program.

Another example of a best practice that is a key ingredient of the Essex Ombudsman Office outreach program are the frequent excursions into the community to make presentations on various topics to the public. For example, the Essex law librarian has visited several community sites to explain court process and procedures, distribute information and entertain questions. These activities help make the courts more visible and accessible to the public.

## 3. Examining the Mobile Self- Help Center Model

The Subcommittee has collected some preliminary information on the use of a mobile self-help center as a mechanism to expand services for pro se litigants. One such program is currently operating in Ventura County, California and utilizes a customized, 35-foot Winnebago as a mobile self-help center. The Winnebago operates out of the court’s self-help offices and is equipped with computers (with Internet access), pro se forms and instructions, information

packets and brochures, self-help books, information on social service agencies, telephone communications and VCRs with television monitors for viewing court produced videos.<sup>6</sup>

The Ventura County mobile self-help center is staffed by a court attorney, or a local volunteer attorney, and a court employee who also serves as the driver of the Winnebago. The outreach program spends two days a week at local neighborhood sites such as schools, churches and parking lots of grocery stores. Information about the mobile self-help center and its location on a particular day is spread by word of mouth and bilingual flyers posted in heavily frequented commercial locations such as food stores and laundromats. The Winnebago has become quite recognizable throughout the county as fostering the work of the court and has even appeared in parades as a representation of the court working for and with citizens.

Mondays are devoted to family law matters and a family law facilitator from the court is present; Tuesdays are devoted to other civil matters of interest to pro se litigants, though some family law matters are also addressed on Tuesdays. The program has been widely acclaimed, and two nearby Navy bases are seeking to have the mobile self-help center spend one day a week at each of the two bases.

During the course of the next rules cycle, the Subcommittee will further investigate the mobile self-help center model and reach out to vicinage ombudsman offices and customer service committees to gain a better appreciation of the variable outreach efforts that are either currently in place or are anticipated. Information on existing citizen mobile service units within selected vicinages will be collected and reviewed as well.

#### E. Judicial and Staff training

*Task Force Recommendation 28: The Supreme Court should direct the Administrative Office of the Courts to develop a plan aimed at familiarizing the community with the Judiciary and making the employees of the Judiciary more familiar with the communities they serve. This should include Recommendations as to materials that might be included in public school curricula. The plan should include initiatives that are culturally and ethnically appropriate for reaching minority communities (page 241).*

The Subcommittee designed and presented two workshops at the statewide Minority Concerns March 2003 Twentieth Year Anniversary Conference. The first workshop highlighted court and community partnerships in delivering services to court patrons (Court/Community

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<sup>6</sup> The Winnebago was purchased and customized at a cost of \$150,000.

Collaborations: Model Vicinage Programs). One panel of presenters discussed the Somerset domestic violence educational program and the Middlesex and Sussex County court child care models. The following discussion topics were addressed at the second workshop: the judiciary's continuing efforts to standardize and provide user-friendly pro se kits, indigency as well as delivery of legal services to marginalized citizens in New Jersey and the Essex Ombudsman best practices in facilitating citizen access to court services.

Working collaboratively with the Administrative Office of the Court's Judicial Education Office and the Court Interpreting, Legal Translating and Bilingual Services Unit, the Subcommittee planned and updated the orientation course on the use of interpreters for the 2003 new judges' training. The objective of the course was to acquaint new judges with basic practical information on the procedures and processes in place for working with court interpreters. A modified resource manual was prepared and distributed to participants. The manual included sections on the directory of key managers of interpreting services in the vicinages and the central office, the Code of Professional Conduct for Interpreters, telephone interpreting policies and procedures, information on assisting persons who are deaf and hard of hearing and other resources (handling interpreter error and allegations of interpreter error, Evidence Rule 604, interpreting statistics, languages appearing in New Jersey courts and so on). The course received very good evaluations.

Several days following the presentation of the course, one of the faculty who is a certified staff interpreter for the deaf and hard of hearing, shared feedback received from one of the judges who attended the orientation.

Before the case began and off the record, the judge asked the interpreting team if they had all of the information they needed and if they were ready to proceed. A few minutes later, on the record, the judge asked for the appearance of the interpreters, swore them in and stated that if the interpreting team needed the pace to be slower or any repetitions to bring these concerns to the attention of the court. As the trial proceeded, there came a time when the discourse was getting quite rapid and the judge asked one of the attorneys to pause since he could see that the interpreters needed more time. He was right on the mark. It was quite pleasant to work in this judge's courtroom.

At the conclusion of the trial, the judge thanked me for the presentation on September 9<sup>th</sup> and told me how helpful it had been. We agreed that after one year on the bench, he and I will. . . . revisit

the orientation materials to see if he had any suggestions based on his first year of experience.

The Committee recommends that an orientation course on the use of court interpreters become a permanent part of the new judges' training program. In addition, the Committee recommends that such an orientation course become a mandatory course at the Judicial College for judges who did not receive the orientation at the new judges' training session.

#### F. Plain English Court Forms

The Committee commends the Administrative Office of the Courts for beginning the process of having all its pro se materials translated into Spanish and encourages and recommends a complete review of all court forms and instructions to ensure they are appropriately designed for use by self-represented litigants whether they read English or some other language, i.e. "in language that the public can comprehend" (Task Force Final Report, Recommendation 37.,page 267-268; Committee 2000-2002 Report, page,102). In addition, instructions for court forms should be made generally available in English and Spanish throughout the State including in all state agency offices, public libraries, schools, on the Internet and in senior citizen locations.

#### G. Superior Court Staff Interpreters and Bilingual Variant Job Positions

##### 1. Superior Court Staff Interpreters

The Subcommittee notes that number of Spanish speaking and reading individuals residing in New Jersey continues to increase<sup>7</sup>; it is likely more and more essential that the New Jersey courts, both Superior and Municipal, provide staff interpreting services. See Table 1. New Jersey Superior Court Staff Interpreters by Gender, Race/Ethnicity and Vicinage (November 21, 2003) for a census of the number of court interpreting staff by race/ethnicity and gender.

The volume of work accomplished by these staff interpreters and other outside agency interpreters who are hired by the various vicinages from a directory compiled by the AOC's Interpreting Unit is presented in Table 2. Languages Appearing in the New Jersey Superior Court (Unit of Count=Number of Discrete Interpreted Events). There were a total of 67,845 interpreted

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<sup>7</sup> Based on the 2000 Census, five of New Jersey's counties and 77 of its municipalities have Hispanic or Latino populations in excess of 13.3%. This figure represents the total population of Hispanics in the State of New Jersey. Table B.1: New Jersey 2000 Census: Selected Counties and Municipalities with a Total Hispanic Population of 13.3%+). See Appendix B. The issue is illustrated by the Atlantic County Superior Court that does not employ a full time staff interpreter. The Hispanic population in Atlantic City is 25% of the municipal population.

events from July 1, 2001-June 30, 2002, the most recent fiscal year for which data are available; 59,188 of these events were in Spanish. As Table 3. New Jersey Judiciary: Number of Events Interpreted by County and Primary Context (July 1, 2001-June 30, 2002) shows, most of the events interpreted from July 1, 2001-June 30, 2002, the period for which the latest statistics are available, were before a judge or grand jury.

The reader should note that while there are statistics available on interpreted events at the Superior Court level, there are only estimates on the use of interpreters in Municipal Court. It is estimated that the number of interpreted events at the Municipal Court level is about double that at the Superior Court level.

**Table 1. New Jersey Superior Court Staff Interpreters by Gender, Race/Ethnicity and Vicinage (November 21, 2003)**

| VICINAGE\<br>COUNTY | WHITES |        | HISPANIC |        | TOTAL |
|---------------------|--------|--------|----------|--------|-------|
|                     | Male   | Female | Male     | Female |       |
| I. Atlantic         | 0      | 0      | 0        | 0      | 0     |
| I. Cape May         | 0      | 0      | 0        | 0      | 0     |
| II. Bergen          | 0      | 2      | 0        | 0      | 2     |
| III. Burlington     | 0      | 0      | 0        | 0      | 0     |
| IV. Camden          | 0      | 0      | 0        | 3      | 3     |
| V. Essex            | 0      | 2      | 1        | 2      | 5     |
| VI. Hudson          | 0      | 1      | 2        | 4      | 7     |
| VII. Mercer         | 0      | 1      | 0        | 0      | 1     |
| VIII. Middlesex     | 1      | 0      | 0        | 2      | 3     |
| IX. Monmouth        | 0      | 0      | 0        | 1      | 1     |
| X. Morris           | 1      | 0      | 0        | 1      | 2     |
| X. Sussex           | 0      | 0      | 0        | 0      | 0     |
| XI. Passaic         | 0      | 0      | 2        | 5      | 7     |
| XII. Union          | 0      | 2      | 1        | 2      | 5     |
| XIII. Somerset      | 0      | 0      | 0        | 0      | 0     |
| XIII. Hunterdon     | 0      | 0      | 0        | 0      | 0     |
| XIII. Warren        | 0      | 0      | 0        | 0      | 0     |
| XIV. Ocean          | 0      | 1      | 0        | 0      | 1     |
| XV. Gloucester      | 0      | 0      | 0        | 0      | 0     |
| XV. Cumberland      | 0      | 1      | 0        | 1      | 2     |
| XV. Salem           | 0      | 0      | 0        | 0      | 0     |
| <b>TOTALS</b>       | 2      | 10     | 6        | 21     | 39    |
| <b>PERCENT</b>      | 5.1%   | 25.6%  | 15.4%    | 53.8%  | 100%  |

Note: Two female interpreters listed as white here (1 in Hudson and 1 in Ocean) are from Brazil.

Compiled by the Language Services Section, Special Programs Unit, Programs and Procedures Division, Office of Trial Court Services, Administrative Office of the Courts

**Table 2. Languages Appearing in the New Jersey Superior Court  
(Unit Of Count = Number Of Discrete Interpreted Events)  
(July 1, 2001 - June 30, 2002)**

| 4. LANGUAGE           | # OF EVENTS | LANGUAGE  | # OF EVENTS |
|-----------------------|-------------|---|-------------|
| Spanish               | 59,188      | Arabic: Levantine   | 16          |
| Polish                | 1,204       | Certified Deaf Int.   | 16          |
| Portuguese            | 1,191       | Macedonian  | 16          |
| Amer. Sign Lang.      | 890         | Thai  | 15          |
| Haitian Creole        | 880         | Czech   | 14          |
| Korean                | 794         | Pashto (Unknown)  | 14          |
| Arabic: Egyptian Col. | 598         | Croatian  | 11          |
| Mandarin              | 509         | Slovak  | 11          |
| Russian               | 427         | Armenian  | 10          |
| Vietnamese            | 330         | Chinese (Unknown)   | 9           |
| Italian               | 259         | Laotian   | 8           |
| Turkish               | 182         | Albanian: Gheg  | 7           |
| Hindi                 | 128         | Farsi: Western  | 7           |
| Gujarati              | 126         | Telugui   | 7           |
| Cantonese             | 123         | German  | 5           |
| Panjabi: Eastern      | 97          | Swahili   | 5           |
| French                | 87          | Albanian: Tosk  | 4           |
| Khmer                 | 73          | Arabic : Arabian Pen  | 4           |
| Bengali               | 72          | Fulani  | 4           |
| Greek                 | 69          | Mayalayam   | 4           |
| Ukrainian             | 49          | Chinese: Taiwanese  | 3           |
| Urdu                  | 47          | Indonesian  | 3           |
| Hungarian             | 42          | Akan  | 2           |
| Albanian (Unknown)    | 41          | Farsi: Eastern  | 2           |
| Panjabi: Western      | 41          | Farsi: Unknown  | 2           |
| Tagalog               | 40          | Twi   | 2           |
| Japanese              | 38          | Languages with one event each:<br>Bulgarian, Lithuanian, Panjabi<br>(Unknown), and Tamazight<br>(Central Atlas) |             |
| Rumanian              | 27          |   |             |
| Serbian               | 21          |   |             |
| Foo Chow              | 20          |   |             |
| Hebrew                | 20          |   |             |
| Bosnian               | 18          | <b>TOTALS:</b><br><b>67,845 Events</b><br><b>58 Languages</b>   |             |
| Serbo-Croatian        | 17          |   |             |

Source: Compiled by the Language Services Section, Special Programs Unit, Office of Trial Court Services, Administrative Office of the Courts, P.O. ox 988, Trenton, New Jersey 08625-0988; 609-984-5024 (November 21, 2003).

**Table 3. New Jersey Judiciary: Number of Events Interpreted  
by County and Primary Context  
(July 1, 2001 - June 30, 2002)**

| VICINAGE/ COUNTY | PRIMARY CONTEXTS                |                        |                              |
|------------------|---------------------------------|------------------------|------------------------------|
|                  | BEFORE A JUDGE OR<br>GRAND JURY | IN A CDR<br>PROCEEDING | ANY COURT SUPPORT<br>SERVICE |
| I: Atlantic      | 1189                            | 23                     | 0                            |
| I: Cape May      | 211                             | 4                      | 0                            |
| II: Bergen       | 3357                            | 239                    | 33                           |
| III: Burlington  | 286                             | 24                     | 72                           |
| IV: Camden       | 4504                            | 476                    | 165                          |
| V: Essex         | 4446                            | 821                    | 891                          |
| VI: Hudson       | 12270                           | 2295                   | 612                          |
| VII: Mercer      | 1775                            | 384                    | 193                          |
| VIII: Middlesex  | 4844                            | 873                    | 414                          |
| IX: Monmouth     | 1397                            | 345                    | 530                          |
| X: Morris        | 2420                            | 190                    | 1161                         |
| X: Sussex        | 72                              | 5                      | 1                            |
| XI: Passaic      | 6287                            | 2484                   | 51                           |
| XII: Union       | 6806                            | 1000                   | 891                          |
| XIII: Somerset   | 755                             | 71                     | 4                            |
| XIII: Hunterdon  | 163                             | 0                      | 2                            |
| XIII: Warren     | 112                             | 0                      | 1                            |
| XIV: Ocean       | 844                             | 173                    | 69                           |
| XV: Gloucester   | 95                              | 4                      | 7                            |
| XV: Cumberland   | 1080                            | 119                    | 165                          |
| XV: Salem        | 146                             | 2                      | 2                            |
| <b>TOTALS</b>    | <b>53,059</b>                   | <b>9,532</b>           | <b>5,264</b>                 |

Source: Compiled by the Language Services Section, Special Programs Unit, Office of Trial Court Services, Administrative Office of the Courts, P.O. Box 988, Trenton, New Jersey 08625-0988; 609.984-5024

## 2. Bilingual Variant Job Positions

Access to the courts can be severely compromised by the inability to speak, read and understand English. In addition to providing interpreters, to enhance access to the courts for linguistic minorities and to ensure the delivery of quality service to the public, the Committee renews its recommendation for the Judiciary to expand its use of the bilingual variant job title.<sup>8</sup> Bilingual variant titles require that an employee be able to perform assigned duties in both English and Spanish. This type of requirement exists primarily in positions with direct client/customer contact such as support staff or case processing/management positions.

The Committee notes that while the number of non-English speaking persons residing in New Jersey has grown, the employment of bilingual court staff has not kept pace. For example, a wide disparity is noted in comparing the 2000 census count of Hispanics or Latinos by county with the number of Judiciary employees hired in bilingual variant job positions. Table 4. New Jersey Judiciary Bilingual Job Titles by Job Site (October 16, 2003) presents these data. In the 21 counties in New Jersey, there are five counties that have no employees in the bilingual variant job title. The AOC also has no staff in a bilingual variant job titles. Furthermore, it is the Committee's understanding that most of these employees hired in bilingual variant job titles serve in the Probation Division. Probation officers are not routinely responsible for providing general access to the courts for citizens or for manning various court customer services areas or counters.

The Subcommittee applauds the efforts that the Judiciary has made in the past several years to recruit bilingual probation officers through an interim non-competitive recruitment campaign. In May 2003, 243 bilingual probation officer applicants were interviewed and 20 were hired as probation officers. Once hired the probation officers were required to take and pass the (BI-CAT) in order to obtain the bilingual variant in their title.

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<sup>8</sup> The bilingual variant test does not require as high a proficiency standard as the test for a Judiciary staff interpreter.

#### H. Census of Court Volunteers

Since 1992, the Committee has been recommending utilization of a higher ratio of minority volunteers to work in the courts. Yet the percentage of such minority volunteers has constantly hovered at about 7%. The Committee renews its recommendation that targeted recruitment efforts be initiated to increase the number of minority volunteers working in our courts inasmuch as the overwhelming majority of minority youth and adults in the justice system are race and ethnic minorities.

The Subcommittee also takes this opportunity to applaud the Trial Court Services Division, Volunteer Services Unit for their continuing efforts to secure an accurate census of court volunteers. The Unit is in the process of designing a new application called Volunteer Management Information System (VMIS) to capture the volunteer data.

**Table 4: New Jersey Judiciary Bilingual Job Titles by Job Site  
(October 16, 2003)**

| Job Site             | JOB TITLES        |                   |                   |                   |                   |                         |              | TOTAL   |
|----------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------------|--------------|---------|
|                      | Sr. Prob. Officer | Probation Officer | Judiciary Clerk 4 | Judiciary Clerk 3 | Judiciary Clerk 2 | Judiciary Acct. Clerk 1 | Investigator |         |
| AOC                  | 0                 | 0                 | 0                 | 0                 | 0                 | 0                       | 0            | 0       |
| Atlantic             | 3                 | 5                 | 0                 | 0                 | 2                 | 0                       | 0            | 10      |
| Bergen               | 0                 | 5                 | 0                 | 0                 | 0                 | 0                       | 2            | 7       |
| Burlington           | 0                 | 1                 | 0                 | 0                 | 0                 | 0                       | 3            | 4       |
| Camden               | 4                 | 6                 | 0                 | 4                 | 3                 | 0                       | 2            | 19      |
| Cape May             | 0                 | 0                 | 0                 | 0                 | 0                 | 0                       | 0            | 0       |
| Cumberland           | 2                 | 4                 | 0                 | 0                 | 0                 | 0                       | 0            | 6       |
| Essex                | 2                 | 5                 | 0                 | 0                 | 0                 | 0                       | 4            | 11      |
| Gloucester           | 0                 | 2                 | 0                 | 0                 | 0                 | 0                       | 0            | 2       |
| Hudson               | 8                 | 22                | 0                 | 4                 | 37                | 1                       | 17           | 90      |
| Hunterdon            | 0                 | 0                 | 0                 | 0                 | 0                 | 0                       | 0            | 0       |
| Mercer               | 2                 | 1                 | 0                 | 0                 | 0                 | 0                       | 1            | 4       |
| Middlesex            | 1                 | 6                 | 4                 | 0                 | 2                 | 0                       | 4            | 15      |
| Monmouth             | 0                 | 3                 | 0                 | 1                 | 1                 | 0                       | 0            | 5       |
| Morris               | 0                 | 0                 | 0                 | 0                 | 0                 | 0                       | 0            | 0       |
| Ocean                | 1                 | 0                 | 0                 | 0                 | 0                 | 0                       | 0            | 1       |
| Passaic              | 2                 | 6                 | 0                 | 0                 | 0                 | 0                       | 2            | 10      |
| Salem                | 0                 | 0                 | 0                 | 0                 | 0                 | 0                       | 0            | 0       |
| Somerset             | 1                 | 7                 | 0                 | 0                 | 0                 | 0                       | 0            | 8       |
| Sussex               | 0                 | 0                 | 0                 | 0                 | 0                 | 0                       | 0            | 0       |
| Union                | 2                 | 2                 | 0                 | 0                 | 2                 | 0                       | 0            | 6       |
| Warren               | 0                 | 0                 | 0                 | 0                 | 0                 | 0                       | 0            | 0       |
| <b>TOTAL</b>         | 27                | 75                | 4                 | 9                 | 47                | 1                       | 35           | 198     |
| <b>PERCENT TOTAL</b> | 13.64%            | 37.88%            | 2.02%             | 4.54%             | 23.74%            | .50%                    | 1.768%       | 100.00% |

Source: AOC Human Resources Division and EEO/AA Unit

## **Chapter IV**

# **SUBCOMMITTEE ON MINORITY PARTICIPATION IN THE JUDICIAL PROCESS**

## **Introduction and Mandate**

The New Jersey Judiciary has a consistent record of accomplishments over the course of the last 20 plus years in its efforts to ensure racial and ethnic equality in the court system. The court has institutionalized the collection of employment data on the make-up of the Judiciary workforce. The workforce database tracks the successes as well as the failures in embracing effective and appropriate equal employment practices and the policies designed to promote fairness.

This chapter will focus on whether and how the Judiciary has over the past two years addressed particular concerns raised and recommendations made in the Committee's 2000-2002 Rules Cycle Report (hereinafter referenced as 2000-2002 Report) and in previous reports.

The mandate of the Subcommittee on Minority Participation in the Judicial Process is to review, monitor and make recommendations regarding: existing Judiciary programs affecting the employment of minorities; the participation of minorities on Supreme Court boards and committees and minority access to vendor contracts, judicial clerkships and volunteer opportunities. The Subcommittee's monitoring responsibilities include, but are not limited to: the recruitment, retention and career development opportunities of minority and non-minority court personnel; promotional patterns of minority judges; the collection of workforce statistical data; and Judiciary employment policies and performance standards. An equally important charge of the Subcommittee is its continuing efforts to educate Judiciary personnel as well as the general public about the progress of the courts to diversify its workforce.

The Subcommittee is authorized to make recommendations to enhance, modify or augment existing Judiciary programs and/or offer new or alternative approaches to effectuating institutional change designed to eliminate racial and ethnic bias in the courts and to ensure access of racial and ethnic minorities to employment opportunities, to Supreme Court committees and vendor and volunteer opportunities.

The Judiciary's progress in implementing the court-approved minority concerns recommendations should position it to meet the challenges of rapidly changing population demographics in our state.

## **I. Subcommittee Activities**

In exercising its on-going monitoring charge, the Subcommittee has continued to work collaboratively with the Administrative Office of the Courts and with the vicinages. The Subcommittee acknowledges and appreciates the assistance and efforts provided by court staff. In connection with the preparation of this report, the Subcommittee requested and received substantial cooperation from the AOC/Central Clerks' Offices in obtaining workforce data and other information on Judiciary employment policies and procedures.

At the Minority Concerns 20<sup>th</sup> Anniversary celebration on March 18, 2003, members of the Subcommittee on Minority Participation in the Judicial Process participated in two educational workshops: The first was entitled, "A Status Report on the Participation of Minorities in the New Jersey Judicial System and Efforts to Ensure Equal Employment Opportunity: Past, Present and Future." The immediate past and present Chairs of the Subcommittee made presentations and a member of the Subcommittee served as moderator on the panel. The faculty illustrated the Committee's significant role in the Judiciary's efforts to increase access to minorities and institute fair employment practices. The Judiciary's Chief EEO/AA Officer was also a presenter at this workshop. Participants at the well-attended workshop received a status report on the profile of the Judiciary's workforce. The faculty also highlighted the Judiciary's accomplishments thus far, such as the increase in EEO/AA Officers and staff, and discussed future challenges.

The second workshop entitled, "Diversity Education in the Judiciary for Judges, Staff and the Public: A Historical Perspective and a Vision for the 21<sup>st</sup> Century." The Deputy Administrative Director of the Courts served as the moderator. Faculty included the Chair of the Supreme Court Committee on Judicial Education, the Chief Probation Officer in the Mercer vicinage and the Chief of the Organizational Development and Training Unit, the unit that is responsible for staff training. The Mercer Vicinage Advisory Committee on Minority Concerns staff served as the facilitator of the workshop.

## **II. List of Priority Recommendations and Areas of Concern**

- A. Judiciary EEO/AA Master Plan
- B. Discrimination Complaints
  - 1. Background Information
  - 2. Complaint Procedures

3. Time Frame for Handling Complaints
- C. Minority Participation in the Judicial Process - Jurists
1. Representation of Minority Judges on the Supreme Court, Superior Court (Appellate and Trial Divisions) and Tax Court
  2. Municipal Court Judgeships and Judges
  3. Superior Court Women Judges and Women Judges of Color
  4. Superior Court Judges in Administrative Positions
    - a. Appellate Division
    - b. Assignment Judges
    - c. Presiding Judges
  5. Minority Municipal Court Judges in Administrative Positions
- D. Overview of the Judiciary Workforce
1. Judiciary Workforce Profile
  2. Distribution of Judiciary Employees in Job Bands
  3. Employee Compensation
  4. Employee Survey to Assess the Judiciary Workplace
- E. Court Executive Career Progression Paths
- F. Minority Law Clerks
1. Representation of Minority Law Clerk
  2. Minority Law Clerk Representation by County
  3. Minority Representation: Law Clerks by Court Level
  4. Recruitment Outreach Activities
  5. Distribution of Judicial Law Clerk Appointments by Law School, Court Year 2002-2003
- G. Judiciary New Hires and Separations
1. New Hires
  2. Separations
- H. Municipal Court Workforce
1. Managers and Non-Managers
  2. Full-time and Part-time Employees

### III. Discussion of Priority Recommendations and Areas of Concerns

The following issues identified as priority recommendations, findings, or areas of concern in the Subcommittee's 2000-2002 biennial report will be discussed in the Minority Participation in the Judicial Process chapter report.

#### A. Judiciary EEO/AA Master Plan

Although the New Jersey Supreme Court approved the Judiciary EEO/AA Master Plan in May 2000 and although all vicinages had submitted draft EEO/AA Implementation Plans to the AOC by December 2001, the AOC/Central Clerks' Offices EEO/AA Implementation Plan and the self-critical analysis of the demographics of the Judiciary's workforce using 2000 Census data had not been completed at the time of the Committee's 2000-2002 Rules Cycle Report.<sup>9</sup> As noted in that Report (p.128), "the self-critical workforce analysis is a crucial element of the EEO/AA Master Plan that examines the demographic representation of minorities at all levels of the Judiciary's workforce in order to ascertain minority representation when compared to the appropriate promotional or hiring pool in the relevant labor force." The 2000-2002 Report further noted that "the Judiciary is facing the prospect that, almost two years after the Master Plan was issued, a core component is still under construction." Accordingly, the Committee made the following recommendations relative to the Master Plan:

**Committee Recommendation 02:5.1: Upon receipt of the EEO/AA 2000 census data in 2003, the EEO/AA Unit is urged to complete the self-critical analysis and promptly revise the Judiciary EEO/AA Master Plan, as appropriate.**

**Committee Recommendation 02:5.2: The Judiciary should complete the implementation of its EEO/AA Master Plan process by completing the review and approval of the vicinage EEO/AA Implementation Plans and completing the AOC/Central Clerks Offices Implementation Plan.**

In December 2003, in response to an inquiry by the Committee, the Judiciary's EEO/AA Officer informed the Committee in writing that "[t]he Judiciary has reviewed and approved 14 of

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<sup>9</sup> In early 2002, all of the vicinages prepared a self-critical analysis of the demographics of their respective workforces using 1990 Census data. The Committee recommended in its 2000- 2002 report that 2000 Census data be used.

the vicinages' Implementation Plans and one vicinage's plan is being reworked. The AOC/Central Clerks' Offices' Plan is being worked." The Subcommittee has been advised by the Chief, EEO/AA Officer that the draft of the AOC/Central Clerks' Offices' Plan will be completed by the end of March 2004 and it will require another 30 to 60 days for coordination. In addition, he stated that the self-critical analysis using 2000 Census data had not been completed:

The Census 2000 Special EEO Tabulation data [*sic*] is currently not available. While we were informed that the data [*sic*] was projected to be available on December 14, 2003, at the same time, we were told that a more realistic date would be February 2004. . . . We do know that all of our databases . . . have to be reprogrammed. The People Click Software will also have to be reprogrammed. . . We therefore, cannot project at this time when the self-critical analysis using the 2000 data will be completed.

The Committee again strongly urges the integration of 2000 Census data, which it understands are currently available, into the self-critical analysis as soon as practicable so that the Judiciary's EEO/AA Master Plan can be completed within four years after it was issued. The Judiciary workforce statistics in the Master Plan should, moreover, be updated on an annual basis and compared against the "availability" data from the 2000 Census. The Committee also urges that the AOC/Central Clerks' Office Plan and all of the Vicinage Implementation Plans be promptly completed.

## B. Discrimination Complaints

### 1. Background Information

The Supreme Court Task Force on Minority Concerns Final Report (pages 248-249) noted that the Judiciary lacked sufficient complaint procedures to enable persons to overcome unfair treatment in the court. In the 1994-1996 Rules Cycle Report to the Court, the Committee on Minority Concerns reviewed the progress made during the intervening years in making discrimination complaint procedures available to employees and applicants for employment and recommended the development and publicizing of updated complaint procedures, the implementation of complaint tracking procedures and the on-going training of judges, managers and court staff. In its 1996-1998 Rules Cycle Report, the Committee reiterated its concerns, urging the Judiciary to "expedite completion of the draft discrimination complaint procedures," to disseminate the updated procedures to employees and court users, to translate the procedures into Spanish and other appropriate languages and to provide training to all EEO/AA staff,

managers and front-line supervisors. The Committee's 2000-2002 Rules Cycle Report concluded in March 2002 that there had been only partial implementation of its previous recommendations and the Committee therefore, made the following recommendations:

**Committee Recommendation 02:5.8.** While a 45 day time period to complete an investigation may not be adequate, using 120 days (as does the executive branch) may be too long of a time period and may not fulfill the court's requirement for a prompt and thorough investigation. The Committee proposes that the complaint time frame be 90 days from the point of intake.

**Committee Recommendation 02:5.9:** The Judiciary should expedite the completion of the draft discrimination complaint standard operating guidelines which will provide detailed guidance to managers and EEO/AA staff on handling and reducing informal and formal complaints of discrimination, as well as instructions for use of the formal and informal discrimination complaint forms. Furthermore, it is recommended that the guidelines be shared with the Committee on Minority Concerns/Minority Concerns Unit and that sufficient time be allowed to review the guidelines before they are finalized.

**Committee Recommendation 02:5.10:** (a) The discrimination complaint procedures should be revised to include the EEO/AA Regional Investigative function and an investigative time frame for completing investigations (90 days) should be put into place; (b) The Judiciary's formal and informal discrimination complaint forms should be revised, issued in plain English and include a reference to the EEO/AA Regional Investigators.

**Committee Recommendation 02:5.11: (a) The Administrative Office of the Courts should develop a computerized information system to manage discrimination complaints filed. In collaboration with the Minority Concerns Committee, the Committee on Women in the Courts, ADA Access Unit and the Minority Concerns Unit, the data fields to be included in the case management information system should be delineated clearly and defined; (b) Periodic reports should be issued and distributed to administrators and managers and an annual report should be published; and (c) The discrimination tracking log should be revised as needed and the database should be capable of capturing complainants who file multiple complaints, and managers against whom multiple complaints have been filed.**

**Committee Recommendation 02:5.12: a) Priority should be given to providing specialized and continuous training on the Judiciary's complaint procedures to all EEO/AA staff, managers and front-line supervisors; (b) The Administrative Office of the Courts should develop courses on race and ethnic discrimination (Race and Ethnic Bias Prevention Workplace Training and Maintaining a Race and Ethnic Bias Free Work Environment: Our Managerial and Supervisory Responsibilities and Liabilities). As is the case with the similar course developed on sexual harassment, this should be a mandated course offering for managers and supervisors.**

**Committee Recommendation 02:5.13: The revised discrimination complaint procedures, standard operating guidelines and intake forms should be distributed to managers and supervisors and (a) should be readily available in courts; (b) be displayed at information booths at the AOC/Central Clerks' Offices and in each vicinage; and (c) be publicized in the Judiciary's Internet web site and internally on the Judiciary Info Net site.**

**Committee Recommendation 02:5.14 The Judiciary's discrimination complaint procedures should be translated into Spanish and other appropriate languages. Both the complaint procedures and intake forms for filing a formal discrimination complaint should be disseminated to all employees and court users.**

Relative to the Committee's recommendation that the AOC develop a computerized information system so that accurate information can be recorded and reviewed concerning the specifics of internal discrimination complaints, the Judiciary has advised the Committee that:

“With respect to the complaint database, the information is maintained on local charts and logs. The AOC/Central Clerks’ Office EEO/AA Unit is developing an Access Database to capture information on a statewide basis. Each vicinage and the Central Office maintain the complaints information in the format specified by the EEO/AA Master Plan.”

The Committee renews its recommendation for the EEO/AA Unit to enhance its discrimination tracking database so that more detailed information is recorded on each complaint. As noted in the 2000-2002 Report (page 156):

Tracking the ‘age sensitivity’ of complaints is necessary as well. This is a standard case management technique by the federal government to keep management informed (on a monthly basis) about the velocity of complaints in the pipeline that are being investigated. This management tool helps determine if the cases are being handled in a timely fashion.

The information provided by the AOC/Central Clerks’ Offices EEO/AA Unit on discrimination complaints is too sparse and does not contain enough detail for the Committee to put forth any findings and clear and tailored recommendations . . . summary data provided to the Committee does not include information on the respondent’s[sic] organization and race/ethnicity and gender identification. . . .

## 2. Complaint Procedures

In December 2003, the Judiciary forwarded to the Committee on Minority Concerns a draft of a revised EEO complaint procedures manual “to clarify and streamline the process for receiving, investigating and remedying complaints of violations of the . . . Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination.” This draft was prepared by a small group of Judiciary senior managers, including the Chief EEO/AA Officer. Review and input have been sought from the Committee as well as from the Chief EEO/AA Officer, vicinage EEO/AA Officers, the Administrative Council and Human Resources Division Managers. It is the opinion of the Committee that, pending its review of the draft manual and the promulgation of procedures in final form, it would be inappropriate to comment on this document other than to commend the Judiciary for moving forward on long-needed revisions and to express concern that the proposed revisions do not address all of the Committee’s 2000-2002 recommendations. The Judiciary has advised the Committee that, upon the issuance of a Manual

with revised complaint procedures, a training program will be developed for EEO/AA officers and investigators, court managers and supervisors, and a simplified version of the procedures will be developed for employees and for public use.

According to the Chief EEO/AA Officer, presently complaint procedures are covered in the new employee orientation training program and in Diversity Training and Sexual Harassment Prevention training for managers and supervisors.

It is important to note that in reviewing the discrimination complaint data, in many cases the number of complaints filed is small, therefore, the data should be reviewed with caution. As to the types and volume of internal and external complaints filed, Table 5. New Jersey Judiciary: Discrimination Complaints Filed at the AOC/Central Clerks' Offices and Vicinages Combined, July 1, 2002 - June 30, 2003, indicates that during this twelve month period 122 formal and informal discrimination complaints were filed statewide.<sup>10</sup>

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<sup>10</sup> The Judiciary EEO/AA Master Plan states: "The local EEO/AA Officer/Designee shall maintain a local database of all formal and informal complaints filed at the vicinage level and provide quarterly reports to the AOC EEO/AA Unit. The Judiciary EEO/AA Unit shall maintain a database or log of all complaints filed at the AOC/Central Clerks' Offices and the Dedicated Funds and a central database for tracking complaints Judiciary wide. This database shall also capture information regarding complaints filed with the Division on Civil Rights, the EEOC, and in Superior Court against judges and Judiciary employees. Furthermore, the Judiciary EEO/AA Officer shall consolidate on an annual basis the information contained in the local complaint databases..." *Judiciary of the State of New Jersey Equal Employment Opportunity/Affirmative Action Master Plan May 2000*, page 55.

Subsequent to the preparation to this section, the AOC Central Clerks' Office, EEO/AA Unit informed the Committee that there was one race bias complaint filed in Morris/Sussex during the period under review.

**Table 5. New Jersey Judiciary: Discrimination Complaints Filed at the AOC/Central Clerks' Offices and Vicinages Combined (July 1, 2002 - June 30, 2003)**

| <b>Summary</b>                                |            |               |
|---|------------|---------------|
|   | <b>#</b>   | <b>%</b>      |
| AOC/Central Clerks' Offices                   | 20         | 16.3%         |
| Vicinages Combined                            | 102        | 83.7%         |
| <b>Total Complaints</b>                       | <b>122</b> | <b>100.0%</b> |
| <b>Breakdown of Complaints by Location</b>    |            |               |
|   | <b>#</b>   | <b>%</b>      |
| AOC/Central Clerks' Offices                   | 20         | 16.4%         |
| Essex   | 20         | 16.4%         |
| Union   | 17         | 13.9%         |
| Hudson  | 14         | 11.5%         |
| Middlesex                                     | 10         | 8.2%          |
| Monmouth                                      | 10         | 8.2%          |
| Cumberland/Salem/Gloucester                   | 8          | 6.6%          |
| Passaic                                       | 5          | 4.1%          |
| Bergen  | 3          | 2.5%          |
| Burlington                                    | 3          | 2.5%          |
| Camden  | 3          | 2.5%          |
| Mercer  | 3          | 2.5%          |
| Ocean   | 3          | 2.5%          |
| Somerset/Hunterdon/Warren                     | 2          | 1.6%          |
| Atlantic/Cape May                             | 1          | 0.8%          |
| Morris/Sussex                                 | 0          | 0.0%          |
| <b>Total Discrimination Complaints Filed*</b> | <b>122</b> | <b>100.0%</b> |

Source: AOC Central Clerks' Offices, EEO/AA Unit

\*Percentages may not sum to 100 due to rounding.

In providing discrimination complaint data to the Committee, the AOC EEO/AA Unit combined the formal and informal complaint categories. Of these complaints, 20 (16.3%) were filed at the AOC/Central Clerks' Offices and 102 (83.7%) were filed at the vicinage level.

According to the Chief, EEO/AA Officer, only a few external complaints were filed by members of the public. Complaint data include formal and informal complaints and complaints filed by employees and the public.

Table 5 indicates an increase in the total number filed during this current report as compared to the 2000-2002 Rules Cycle Report. There were 111 discrimination complaints filed during the comparable period covered by the last Rules Cycle Report (July 1, 2000-June 30, 2001). Thus, the period covered in this Report reflects an increase of nearly 10% in the filing of

complaints (122 vs. 111). This development should be monitored by the Judiciary. The increase may reflect a heightened sensitivity of employees to inappropriate workplace actions and behaviors (perhaps as a result of education and training), and it may also indicate a successful dissemination of complaint procedures. On the other hand, the increase may be indicative of actual workplace problems – or at least the employees’ heightened perceptions of workplace problems.

During the comparable period covered by the last Rules Cycle Report, 36% of the discrimination complaints were filed with the AOC/Central Clerks’ Offices and 64% were filed in the vicinages. The current data show a 19.7% increase in the proportion of filings at the local level (all vicinages combined [83.7%]). This development should also be carefully monitored.

At the AOC/Central Clerks’ Offices, the number of filings (N=20) in the twelve month period covered by the current Report is half the number (N=40) in the comparable period covered by the 2000-2002 Report.

In Table 5, the reader will also note that the number of discrimination complaints filed in the Camden and Burlington Vicinages decreased by more than 50%. There is a 50% increase in the number of complaints filed in the Essex Vicinage and complaints filed doubled and tripled in the Hudson and Union<sup>11</sup> Vicinages respectively. Again, this increase in complaints filed should be closely monitored.

Some summary findings are noted in Table 6. New Jersey Judiciary: Discrimination Complaints Filed by Type of Complaint, AOC/Central Clerks’ Offices and Vicinage Combined (July 1, 2002- June 30, 2003). It is worthy of note that the number of retaliation complaints (8) in the current Report is substantially lower (by 75%) than the number of retaliation complaints (14) in the comparable period in 2000-2002. In particular, the data show a sharp decline in the level of such complaints at the AOC/Central Clerks’ Offices (1 in current Report, 10 in 2000-2002 Report). In addition, the total number of hostile work environment complaints shows a similar reduction by 62.0% (5 in the current Report, 13 in 2000-2002 Report). The Committee notes with concern however, the one-third increase in the overall number of sexual harassment. Similarly there was 19.4% increase in the proportion of complaints filed on race/ethnicity.

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<sup>11</sup> The increase of complaint in Union may be due to the hiring of a full time EEO/AA Officer since the Committee last reported to the Court in 2002-2002.

**Table 6. New Jersey Judiciary: Discrimination Complaints Filed by Type of Complaint, AOC/Central Clerks' Offices and Vicinages Combined (July 1, 2002-June 30, 2003)**

|                                    | Race      | Gender    | Sexual Harassment | Disability | National Origin | Religion | Age       | Retaliation | Marital Status | Military Status | Sexual Orientation | Color    | Hostile Work Environment | Total      |
|------------------------------------|-----------|-----------|-------------------|------------|-----------------|----------|-----------|-------------|----------------|-----------------|--------------------|----------|--------------------------|------------|
| <b>AOC</b>                         | 4         | -         | 3                 | 3          | 2               | -        | 4         | 1           | -              | 1               | 1                  | -        | 1                        | 20         |
| <b>Atlantic/Cape May</b>           | -         | -         | -                 | -          | -               | -        | -         | 1           | -              | -               | -                  | -        | -                        | 1          |
| <b>Bergen</b>                      | -         | -         | 3                 | -          | -               | -        | -         | -           | -              | -               | -                  | -        | -                        | 3          |
| <b>Burlington</b>                  | 3         | -         | -                 | -          | -               | -        | -         | -           | -              | -               | -                  | -        | -                        | 3          |
| <b>Camden</b>                      | 1         | -         | 2                 | -          | -               | -        | -         | -           | -              | -               | -                  | -        | -                        | 3          |
| <b>Cumberland/Salem/Gloucester</b> | 3         | 2         | 1                 | 1          | -               | -        | -         | 1           | -              | -               | -                  | -        | -                        | 8          |
| <b>Essex</b>                       | 10        | 1         | 3                 | 5          | 1               | -        | -         | -           | -              | -               | -                  | -        | -                        | 20         |
| <b>Hudson</b>                      | 4         | 1         | -                 | 3          | 2               | -        | 3         | 1           | -              | -               | -                  | -        | -                        | 14         |
| <b>Mercer</b>                      | 2         | 1         | -                 | -          | -               | -        | -         | -           | -              | -               | -                  | -        | -                        | 3          |
| <b>Middlesex</b>                   | -         | -         | 6                 | -          | -               | -        | 1         | -           | -              | -               | -                  | -        | 3                        | 10         |
| <b>Monmouth</b>                    | 6         | 2         | -                 | -          | 2               | -        | -         | -           | -              | -               | -                  | -        | -                        | 10         |
| <b>Morris/Sussex</b>               | -         | -         | -                 | -          | -               | -        | -         | -           | -              | -               | -                  | -        | -                        | 0          |
| <b>Ocean</b>                       | 1         | -         | -                 | -          | -               | 1        | -         | -           | -              | -               | -                  | -        | 1                        | 3          |
| <b>Passaic</b>                     | -         | -         | 4                 | -          | -               | -        | -         | 1           | -              | -               | -                  | -        | -                        | 5          |
| <b>Somerset/Hunterdon/Warren</b>   | -         | 1         | -                 | -          | 1               | -        | -         | -           | -              | -               | -                  | -        | -                        | 2          |
| <b>Union</b>                       | 3         | 2         | 5                 | -          | -               | 1        | 3         | 3           | -              | -               | -                  | -        | -                        | 17         |
| <b>Total Complaints Filed</b>      | <b>37</b> | <b>10</b> | <b>27</b>         | <b>12</b>  | <b>8</b>        | <b>2</b> | <b>11</b> | <b>8</b>    | <b>-</b>       | <b>1</b>        | <b>1</b>           | <b>-</b> | <b>5</b>                 | <b>122</b> |

Source: AOC Central Clerks' Offices, EEO/AA Unit

For the last two report cycles, the largest category of complaints filed continues to be those based on race/ethnicity (37 in the current Report compared to 31 in the 2000-2002 Report). A comparable concern is the filing of six race complaints in the Monmouth vicinage whereas no such complaints were filed in that vicinage during the previous Committee Report.<sup>12</sup>

A general query regarding a possible explanation of the increase in complaints filed in selected vicinages (Essex, Hudson and Monmouth) was directed to the EEOC Philadelphia Office. It was learned that similar findings at the national level reveal that those jurisdictions with the most experienced EEO/AA Officers are more likely to offer routine training to employees. These employees in turn, are more aware of their rights and the procedures for filing complaints and are therefore, more likely to file a complaint. Essex, Hudson and Monmouth counties have the most senior EEO/AA Officers at the vicinage level with a combined experience of approximately 40 years of government EEO experience.

Table 7. New Jersey Judiciary: Discrimination Complaints Filed by Type of Complaint, AOC/Central Clerks' Offices and Vicinages Combined (July 1, 2002-June 30, 2003) indicates that 87.7% of the complaints filed within that period were also closed within that period. This is a significant increase both in number and percentage (107 versus 62, 87.7% versus 55.9%) of cases closed compared to the period covered by the previous Committee Report. Although it appears that the Judiciary is devoting resources to the investigation and resolution of discrimination complaints, a question remains, however, as to whether the matters are being investigated and resolved according to the parameters established by the courts. That is, investigations need to be conducted in a thorough, effective and timely manner. See Payton v. New Jersey Turnpike Authority, 148 N.J. 524 (1997).

Table 8. New Jersey Judiciary: Discrimination Complaints Closed by Type of Complaint, Complaint Breakdown and Action Taken July 1, 2002-June 30, 2003 shows that gender (33.3%) and sexual harassment complaints (8.0%) rank first and second in descending order of complaints substantiated. No complaints in the following areas were substantiated: race, disability/ perceived disability, national origin, age, retaliation, military status, sexual orientation and hostile work environment. According to the Chief Judiciary EEO/AA Officer, a complaint

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<sup>12</sup> The increase of complaints in Monmouth Vicinage may be due to the hiring of a full-time EEO/AA Officer since the Committee last reported to the Court in 2000-2002

does not have to be substantiated in order for corrective “action” to be taken when other work place problems are discovered during the course of an investigation.

**Table 7. New Jersey Judiciary: Discrimination Complaints Filed by Type of Complaint, AOC/Central Clerks’ Offices and Vicinages Combined July 1, 2002-June 30, 2003**

| Type of Complaint                      | Number |    | Action Taken<br>(Closed Cases) |
|--|--------|----|--------------------------------|
| <b>Race</b>                            | Filed  | 37 | 15 Unsubstantiated             |
|  | Closed | 33 | 1 Counseled/Trained            |
|  | Open   | 4  | 1 Resignation                  |
|  |        |    | 12 Mediated                    |
|  |        |    | 1 Refer to TCA                 |
|  |        |    | 3 Withdrawn                    |
| <b>Gender</b>                          | Filed  | 10 | 2 Unsubstantiated              |
|  | Closed | 9  | 3 Substantiated                |
|  | Open   | 1  | 2 Mediated                     |
|  |        |    | 1 Withdrawn                    |
|  |        |    | 1 Referred to TCA              |
| <b>Sexual Harassment</b>               | Filed  | 27 | 6 Mediated/Counseled           |
|  | Closed | 25 | 1 Removal                      |
|  | Open   | 2  | 1 Trained                      |
|  |        |    | 3 Reprimanded/Trained          |
|  |        |    | 7 Unsubstantiated              |
|  |        |    | 2 Substantiated                |
|  |        |    | 1 Refer to Management          |
|  |        |    | 2 Refer to HR                  |
|  |        |    | 1 Withdrawn                    |
|  |        |    | 1 Reprimanded                  |
| <b>Disability/Perceived Disability</b> | Filed  | 12 | 3 Withdrawn                    |
|  | Closed | 10 | 4 Unsubstantiated              |
|  | Open   | 2  | 1 Referred to TCA              |
|  |        |    | 1 Written Warning              |
|  |        |    | 1 Mediated                     |
| <b>National Origin</b>                 | Filed  | 8  | 4 Unsubstantiated              |
|  | Closed | 8  | 1 Counseled/Trained            |
|  | Open   | 0  | 3 Mediated                     |
| <b>Religion</b>                        | Filed  | 2  | 1 Mediated                     |
|  | Closed | 1  |                                |
|  | Open   | 1  |                                |
| <b>Age</b>                             | Filed  | 11 | 1 Mediated                     |
|  | Closed | 10 | 8 Unsubstantiated              |
|  | Open   | 1  | 1 Referred to Union            |
| <b>Retaliation</b>                     | Filed  | 8  | 3 Unsubstantiated              |
|  | Closed | 4  | 1 Mediated                     |
|  | Open   | 4  |                                |

Source: AOC Central clerks’ Offices, EEO/AA Unit

**Table 7 (Continued). New Jersey Judiciary: Discrimination Complaints Filed by Type of Complaint, AOC/Central Clerks' Offices and Vicinages Combined  
July 1, 2002 to June 30, 2003**

| Type of Complaint                       | Number              | Action Taken<br>(Closed Cases)                              |
|---|---------------------|---|
| Military Status                         | Filed 1             | 1 Unsubstantiated-<br>Complainant's time credited           |
|   | Closed 1            |   |
|   | Open 0              |   |
| Sexual Orientation                      | Filed 1             | 1 Mediated  |
|   | Closed 1            |   |
|   | Open 0              |   |
| Hostile Work Environment                | Filed 5             | 3 Unsubstantiated<br>1 Mediated<br>1 Referred to Management |
|   | Closed 5            |   |
|   | Open 0              |   |
| <b>Grand Total of Complaints Filed</b>  | <b>122 (100.0%)</b> |   |
| <b>Grand Total of Complaints Closed</b> | <b>107 (87.7%)</b>  |   |
| <b>Grand Total of Complaints Open</b>   | <b>15 (12.3%)</b>   |   |

Source: AOC Central clerks' Offices, EEO/AA Unit

**Table 8. New Jersey Judiciary: Discrimination Complaints Closed by Type of Complaint, Complaint Breakdown and Action Taken July 1, 2002 – June 30, 2003**

| Type of Complaint | Total Number of Complaints Closed | Breakdown Of Closed Complaints | Action Taken                     |
|-------------------|-----------------------------------|--------------------------------|----------------------------------|
| Race              | 33                                | 0                              | 0.0% Substantiated               |
|                   |                                   | 15                             | 45.5% Unsubstantiated            |
|                   |                                   | 12                             | 36.4% Mediated                   |
|                   |                                   | 3                              | 9.1% Withdrawn                   |
|                   |                                   | 1                              | 3.0% Counseled/Trained           |
|                   |                                   | 1                              | 3.0% Resignation                 |
|                   |                                   | 1                              | 3.0% Referred to TCA             |
| Gender            | 9                                 | 3                              | 33.3% Substantiated              |
|                   |                                   | 2                              | 22.2% Unsubstantiated            |
|                   |                                   | 2                              | 22.2% Mediated                   |
|                   |                                   | 1                              | 11.1% Withdrawn                  |
|                   |                                   | 1                              | 11.1% Referred to TCA            |
| Sexual Harassment | 25                                | 2                              | 8.0% Substantiated               |
|                   |                                   | 7                              | 28.0% Unsubstantiated            |
|                   |                                   | 6                              | 24.0% Mediated/Counseled         |
|                   |                                   | 3                              | 12.0% Reprimanded/Trained        |
|                   |                                   | 2                              | 8.0% Referred to Human Resources |
|                   |                                   | 1                              | 4.0% Referred to Management      |
|                   |                                   | 1                              | 4.0% Trained                     |
|                   |                                   | 1                              | 4.0% Withdrawn                   |
|                   |                                   | 1                              | 4.0% Removal                     |
|                   |                                   | 1                              | 4.0% Reprimanded                 |

**Table 8 (Continued). New Jersey Judiciary: Discrimination Complaints Closed by Type of Complaint, Complaint Breakdown and Action Taken July 1, 2002 – June 30, 2003**

| Type of Complaint                           | Total Number of Complaints Closed | Breakdown Of Closed Complaints | Action Taken                     |
|---|-----------------------------------|--------------------------------|----------------------------------|
| <b>Disability/<br/>Perceived Disability</b> | 10                                | 0                              | 0.0% Substantiated               |
|   |                                   | 4                              | 40.0% Unsubstantiated            |
|   |                                   | 1                              | 10.0% Mediated                   |
|   |                                   | 3                              | 30.0% Withdrawn                  |
|   |                                   | 1                              | 10.0% Referred to TCA            |
|   |                                   | 1                              | 10.0% Received a written warning |
| <b>National Origin</b>                      | 8                                 | 0                              | 0.0% Substantiated               |
|   |                                   | 4                              | 50.0% Unsubstantiated            |
|   |                                   | 3                              | 37.5% Mediated                   |
|   |                                   | 1                              | 12.5% Counseled/Trained          |
| <b>Religion</b>                             | 1                                 | 1                              | 100.0% Mediated                  |
| <b>Age</b>                                  | 10                                | 0                              | 0.0% Substantiated               |
|   |                                   | 8                              | 80.0% Unsubstantiated            |
|   |                                   | 1                              | 10.0% Mediated                   |
|   |                                   | 1                              | 10.0% Referred to the union      |
| <b>Retaliation</b>                          | 4                                 | 0                              | 0.0% Substantiated               |
|   |                                   | 3                              | 7.0% Unsubstantiated             |
|   |                                   | 1                              | 25.0% Mediated                   |
| <b>Military Status</b>                      | 1                                 | 0                              | 0.0% Substantiated               |
|   |                                   | 1                              | 100.0% Unsubstantiated           |
| <b>Sexual Orientation</b>                   | 1                                 | 0                              | 0.0% Substantiated               |
|   |                                   | 1                              | 100.0% Mediated                  |
| <b>Hostile Work Environment</b>             | 5                                 | 0                              | 0.0% Substantiated               |
|   |                                   | 3                              | 60.0% Unsubstantiated            |
|   |                                   | 1                              | 20.0% Mediated                   |
|   |                                   | 1                              | 20.0% Referred to Management     |
| <b>Grand Total Complaints Closed</b>        | 107                               | 107                            |                                  |
| <b>Substantiated</b>                        | 5                                 | 4.7%                           |                                  |
| <b>Unsubstantiated</b>                      | 47                                | 43.9%                          |                                  |
| <b>Other Actions Taken</b>                  | 55                                | 51.4%                          |                                  |

Source: AOC Central clerks' Offices, EEO/AA Unit

### 3. Time Frame for Handling Discrimination Complaints

The Committee had noted in its 2000-2002 Report, that discrimination complaints were not being expeditiously investigated and resolved. In response to the Committee's request to provide "the time required to investigate internal discrimination complaints with the AOC/Central Clerks' Offices," the Judiciary EEO/AA Officer stated that "[t]he time required to complete investigation complaints is still taking about the same amount of time to complete."

The Committee understands this to mean that, since its last Rules Cycle Report, no improvement has been made in resolving discrimination complaints in a more timely manner. Of particular concern to the Committee is the written response of the Judiciary's EEO/AA Unit that "the investigator may not be able start [sic] working on a particular case for six months if there are 5 or 10 cases ahead of the most recent case. Currently, each investigator has a caseload of ten complaints." In its review of the draft manual discussed above, the Committee will urge the adoption of a time frame that will allow for expeditious but thorough investigation of discrimination complaints. The Chief Judiciary EEO/AA Officer recently noted that all formal complaints, both vicinages and Central Office, are at least reviewed soon after their filing. Therefore this office does establish priorities to handle particularly egregious allegations (e.g. pervasive, hostile environment, or on-going sexual harassment) that by their very nature demand immediate investigation and resolution.

### C. Minority Participation in the Judicial Process-Jurists

*Task Force Recommendation 39: The Supreme Court should consider presenting to the Governor and the State Legislature the finding of the Task force that there is a widespread concern about the under representation of minorities on Supreme, Superior and Tax Court benches.*

#### 1. Representation of Minority Judges on the Supreme Court, Superior Court (Appellate and Trial Divisions) and Tax Court

As one of the three co-equal branches of the government, the Judiciary has over the course of many years shared the findings of the Committee on Minority Concerns regarding the representation of persons of color appointed to the state court bench with the Governor's office and Legislature. Appropriate county and local municipal offices also receive information regarding the appointment of minority judges to municipal courts. The reports are forwarded without comment. The discussion of this issue begins with information on the current profile of judges including minorities and non-minorities on the New Jersey Superior and Municipal Court benches.

The data for Superior Court judges are drawn from an October 2003 data set. A review of Table 9. New Jersey Judiciary: Justices and Judges by Race/Ethnicity October 2003 and Municipal Court Judgeships December 2003 indicates that there are 51 (11.5%) minority judges (32 Blacks, 17 Hispanics and 2 Asian/Pacific Islanders) out of a total of 443 jurists who sit on

the Supreme Court, Superior Court (Appellate Division) Superior Court (Trial Division) and Tax Court. When the present figures are compared with the 2001 information on the profile of New Jersey judges serving on the Supreme Court, Appellate Division, Superior Court (Trial Division) and Tax Court combined, it is revealed that the overall proportional increase in minority judges has been negligible (from 11.1% in 2001 to 11.5% in 2003).

**Table 9. New Jersey Judiciary: Justices and Judges by Race/Ethnicity October 2003 and Municipal Court Judgeships December 2003**

| Court   | Total # of Judges | Total Non-Minorities |              | Number of Minority Justices and Judges |             |           |             |            |             | Total Minorities |              |
|---|-------------------|----------------------|--------------|--|-------------|-----------|-------------|------------|-------------|------------------|--------------|
|   |                   | #                    | %            | Blacks                                 |             | Hispanics |             | Asians/ AI |             | #                | %            |
|   |                   |                      |              | #                                      | %           | #         | %           | #          | %           |                  |              |
| Supreme Court   | 7                 | 6                    | 85.7%        | 1                                      | 14.3%       | 0         | 0.0%        | 0          | 0.0%        | 1                | 14.3%        |
| Appellate Division  | 37                | 33                   | 89.2%        | 2                                      | 5.4%        | 2         | 5.4%        | 0          | 0.0%        | 4                | 10.8%        |
| Superior Court, Trial Division (excluding Appellate Division) <sup>11</sup> | 388               | 342                  | 88.1%        | 29                                     | 7.5%        | 15        | 3.9%        | 2          | 0.5%        | 46               | 11.9%        |
| Tax Court <sup>12</sup>   | 11                | 11                   | 100.0%       | 0                                      | 0.0%        | 0         | 0.0%        | 0          | 0.0%        | 0                | 0.0%         |
| <b>Sub-Total: State Judges</b>  | <b>443</b>        | <b>392</b>           | <b>88.5%</b> | <b>32</b>                              | <b>7.2%</b> | <b>17</b> | <b>3.8%</b> | <b>2</b>   | <b>0.5%</b> | <b>51</b>        | <b>11.5%</b> |
| <b>Municipal Court<sup>13</sup> Judgeships</b>                              | <b>612</b>        | <b>573</b>           | <b>93.6%</b> | <b>23</b>                              | <b>3.8%</b> | <b>13</b> | <b>2.1%</b> | <b>1</b>   | <b>0.2%</b> | <b>37</b>        | <b>6.0%</b>  |
| <b>Total All Judges and Judgeships</b>                                      | <b>1055</b>       | <b>965</b>           | <b>91.5%</b> | <b>55</b>                              | <b>5.2%</b> | <b>30</b> | <b>2.8%</b> | <b>3</b>   | <b>0.3%</b> | <b>88</b>        | <b>8.3%</b>  |

Source: AOC Central Clerks' Offices, EEO/AA Unit

<sup>11</sup> Total Minority Superior Court Judges include one Assignment Judge (Black), 17 minority women judges (11 Black, 5 Hispanic, 1 Asian/Pacific Islander). Since Governor James E. McGreevey took office in January 2002, he has appointed the following minority judges to the Supreme Court and Superior Court: 1 Black Supreme Court Justice (John E. Wallace, Jr. in May 2003); 5 Hispanic Superior Court judges, Octavia Melendez (Camden), Lourdes A. Santiago (Hudson), Dennis V. Nieves (Middlesex), Julio L. Mendez (Cumberland), Ramona A. Santiago (Essex); 3 Black judges, Claude M. Coleman (Essex), Frederic R. McDaniel (Union), and Joseph Charles (Hudson). There have been no Black women or Asian American/Pacific Islander appointments.

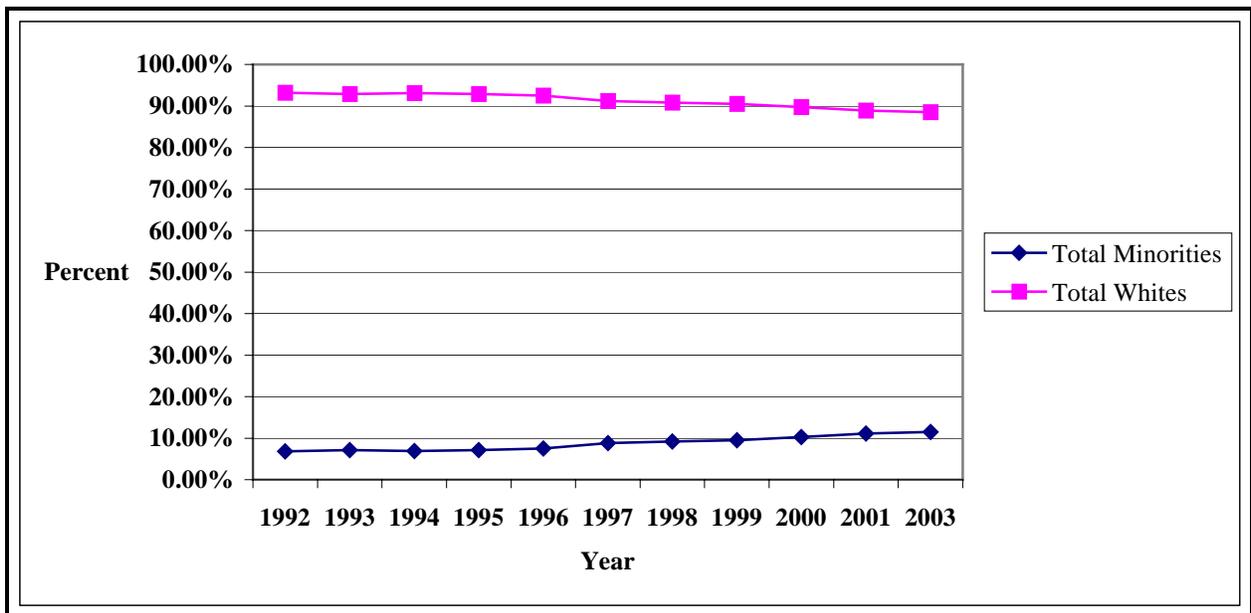
<sup>12</sup> There are 11 Tax Court Judges and no minorities.

<sup>13</sup> The unit of count in the Municipal Court is Judgeships instead of judges. This approach is necessary because some Municipal Court Judges sit in two or more Municipal Courts and representation is an issue on a court-by-court basis, not person as judge basis. The data is as of December 31, 2003.

There is one minority justice on the Supreme Court; there has been no change since the last Report in the representation of minority justices (1 or 14.3%) on the Supreme Court. There are now 4 (10.8%) minority judges serving on the Appellate Division, representing an increase of 1 or 2.0%. At the trial court level, there are 46 minority judges representing a net increase of 3 judges since the previous Committee report.

Figure 1: New Jersey Judiciary Percent Minority and Non-Minority Representation on the Supreme Court, Superior Court (Appellate and Trial Divisions) and Tax Court, 1992-2003 demonstrates that since 1992 (the year that the final Task Force on Minority Concerns Report was published), minority representation on the Superior Court bench has shown only modest gains.

**Figure 1: New Jersey Judiciary Percent Minority and Non-Minority Representation on the Supreme Court, Superior Court, (Appellate and Trial Divisions) and Tax Court 1992- 2003**



## 2. Municipal Court Judgeships and Judges

A similar picture of modest gains emerges when data from the 2000-2002 Report are reviewed to examine the profile of minority Municipal Court Judgeships. In 2001 (see Table 10. New Jersey Municipal Court Judgeships by County 2001 and 2003) minorities comprised 9.2 % (N=51) of the Municipal Court Judgeships. In December of 2003, there was a total of 39

minority Municipal Court Judgeships or 6.4% representing a net decrease of 12 minority judgeships.

Also examined were data capturing the actual number of minority and non-minority Municipal Court Judges as of December 31, 2003. Table 11. Municipal Court Judges by County, Gender and Race/Ethnicity December 2003 indicates that the total number of minority Municipal Court judges is 36 (10.0%). Of this number there are 15 (4.0%) Black males; 9 (3.0%) Hispanic males and 1 (0.0%) American Indian. There are a total of 11(3.0%) minority women judges: 7 (2.0%) are Black and 4 (1.0%) are Hispanic.

**Table 10. New Jersey Municipal Court Judgeships by County 2001 and 2003**

| County             | 2001 Judgeships<br>by County |                                      |                     | 2003 Judgeships<br>by County |                                      |                     | Net Change in<br>Judgeships Between<br>2001 and 2003 |
|--------------------|------------------------------|--------------------------------------|---------------------|------------------------------|--------------------------------------|---------------------|--|
|                    | Total # of<br>Judgeships     | Total # of<br>Minority<br>Judgeships | Percent<br>Minority | Total # of<br>Judgeships     | Total # of<br>Minority<br>Judgeships | Percent<br>Minority |  |
|                    | #                            | #                                    | %                   | #                            | #                                    | %                   |  |
| <b>Atlantic</b>    | 22                           | 2                                    | 9.1                 | 22                           | 1                                    | 4.5%                | -1   |
| <b>Bergen</b>      | 69                           | 3                                    | 4.3                 | 74                           | 3                                    | 4.1%                | NC*  |
| <b>Burlington</b>  | 33                           | 0                                    | 0.0                 | 38                           | 0                                    | 0.0%                | NC   |
| <b>Camden</b>      | 37                           | 2                                    | 5.4                 | 40                           | 2                                    | 5.0%                | NC   |
| <b>Cape May</b>    | 15                           | 3                                    | 20.0                | 15                           | 1                                    | 6.7%                | -2   |
| <b>Cumberland</b>  | 11                           | 3                                    | 27.3                | 13                           | 3                                    | 23.1%               | NC   |
| <b>Essex</b>       | 37                           | 17                                   | 45.9                | 41                           | 13                                   | 31.7%               | -4   |
| <b>Gloucester</b>  | 22                           | 0                                    | 0.0                 | 25                           | 0                                    | 0%                  | NC   |
| <b>Hudson</b>      | 24                           | 10                                   | 41.7                | 26                           | 8                                    | 30.8%               | -2   |
| <b>Hunterdon</b>   | 9                            | 0                                    | 0.0                 | 12                           | 0                                    | 0%                  | NC   |
| <b>Mercer</b>      | 16                           | 3                                    | 18.8                | 18                           | 3                                    | 16.7%               | NC   |
| <b>Middlesex</b>   | 32                           | 2                                    | 6.3                 | 41                           | 2                                    | 4.9%                | NC   |
| <b>Monmouth</b>    | 51                           | 2                                    | 3.8                 | 55                           | 0                                    | 0%                  | -2   |
| <b>Morris</b>      | 41                           | 0                                    | 0.0                 | 41                           | 0                                    | 0%                  | NC   |
| <b>Ocean</b>       | 33                           | 0                                    | 0.0                 | 33                           | 0                                    | 0%                  | NC   |
| <b>Passaic</b>     | 19                           | 2                                    | 10.5                | 21                           | 1                                    | 4.8%                | -1   |
| <b>Salem</b>       | 12                           | 0                                    | 0.0                 | 10                           | 0                                    | 0%                  | NC   |
| <b>Somerset</b>    | 20                           | 0                                    | 0.0                 | 23                           | 0                                    | 0%                  | NC   |
| <b>Sussex</b>      | 17                           | 0                                    | 0.0                 | 17                           | 0                                    | 0%                  | NC   |
| <b>Union</b>       | 19                           | 2                                    | 10.5                | 29                           | 2                                    | 6.9%                | NC   |
| <b>Warren</b>      | 18                           | 0                                    | 0.0                 | 18                           | 0                                    | 0%                  | NC   |
| <b>Grand Total</b> | <b>557</b>                   | <b>51</b>                            | <b>9.2</b>          | <b>612</b>                   | <b>39</b>                            | <b>6.4%</b>         | <b>-12</b>   |

Data Source: Municipal Court Services Division

Note: Two Judges in Cumberland County did not provide race/ethnic information.

\*Note: NC means No Change

<sup>5</sup> The unit of count in Municipal Court is judgeships instead of judges. This approach is necessary since some Municipal Court Judges sit in two or more Municipal Courts and representation is an issue on a court-by-court basis, not person-as-judge basis.

**Table 11. Municipal Court Judges by County, Gender and Race/Ethnicity December 2003 (New Jersey)**

| COUNTY                        | Tot.#<br>Judges<br>by<br>County | Tot. #<br>Female<br>Judges | Female<br>Black<br>Judges | Female<br>Hispanic<br>Judges | Female<br>White<br>Judges | Females<br>Unreported | Tot. #<br>Male<br>Judges | Male<br>Black<br>Judges | Male<br>Hispanic<br>Judges | Male<br>Amer.Ind<br>Judges | Male<br>White<br>Judges | Males<br>Unreported |
|-------------------------------|---------------------------------|----------------------------|---------------------------|------------------------------|---------------------------|-----------------------|--------------------------|-------------------------|----------------------------|----------------------------|-------------------------|---------------------|
| Atlantic                      | 11                              | 1                          | 0                         | 0                            | 0                         | 1                     | 10                       | 1                       | 0                          | 0                          | 7                       | 2                   |
| Bergen                        | 52                              | 4                          | 0                         | 0                            | 2                         | 2                     | 48                       | 2                       | 1                          | 0                          | 29                      | 16                  |
| Burlington                    | 11                              | 2                          | 0                         | 0                            | 1                         | 1                     | 9                        | 0                       | 0                          | 0                          | 9                       | 0                   |
| Camden                        | 17                              | 2                          | 1                         | 0                            | 1                         | 0                     | 15                       | 1                       | 0                          | 0                          | 11                      | 3                   |
| Cape May                      | 8                               | 0                          | 0                         | 0                            | 0                         | 0                     | 8                        | 0                       | 1                          | 0                          | 7                       | 0                   |
| Cumberland                    | 5                               | 1                          | 0                         | 0                            | 0                         | 1                     | 4                        | 0                       | 0                          | 1                          | 2                       | 1                   |
| Essex                         | 38                              | 6                          | 3                         | 1                            | 0                         | 2                     | 32                       | 6                       | 2                          | 0                          | 15                      | 9                   |
| Gloucester                    | 7                               | 0                          | 0                         | 0                            | 0                         | 0                     | 7                        | 0                       | 0                          | 0                          | 6                       | 1                   |
| Hudson                        | 26                              | 10                         | 2                         | 2                            | 4                         | 2                     | 16                       | 1                       | 3                          | 0                          | 9                       | 3                   |
| Hunterdon                     | 6                               | 0                          | 0                         | 0                            | 0                         | 0                     | 6                        | 0                       | 0                          | 0                          | 0                       | 6                   |
| Mercer                        | 12                              | 2                          | 0                         | 1                            | 0                         | 1                     | 10                       | 2                       | 0                          | 0                          | 7                       | 1                   |
| Middlesex                     | 27                              | 3                          | 0                         | 0                            | 3                         | 0                     | 24                       | 0                       | 2                          | 0                          | 17                      | 5                   |
| Monmouth                      | 25                              | 2                          | 0                         | 0                            | 1                         | 1                     | 23                       | 0                       | 0                          | 0                          | 18                      | 5                   |
| Morris                        | 26                              | 1                          | 0                         | 0                            | 1                         | 0                     | 25                       | 0                       | 0                          | 0                          | 22                      | 3                   |
| Ocean                         | 10                              | 0                          | 0                         | 0                            | 0                         | 0                     | 10                       | 0                       | 0                          | 0                          | 7                       | 3                   |
| Passaic                       | 16                              | 2                          | 0                         | 0                            | 1                         | 1                     | 14                       | 1                       | 0                          | 0                          | 9                       | 4                   |
| Salem                         | 3                               | 0                          | 0                         | 0                            | 0                         | 0                     | 3                        | 0                       | 0                          | 0                          | 2                       | 1                   |
| Somerset                      | 11                              | 1                          | 0                         | 0                            | 1                         | 0                     | 10                       | 0                       | 0                          | 0                          | 9                       | 1                   |
| Sussex                        | 3                               | 0                          | 0                         | 0                            | 0                         | 0                     | 3                        | 0                       | 0                          | 0                          | 3                       | 0                   |
| Union                         | 26                              | 5                          | 1                         | 0                            | 0                         | 4                     | 21                       | 1                       | 0                          | 0                          | 11                      | 9                   |
| Warren                        | 7                               | 0                          | 0                         | 0                            | 0                         | 0                     | 7                        | 0                       | 0                          | 0                          | 7                       | 0                   |
| <b>Total</b>                  | <b>347</b>                      | <b>42</b>                  | <b>7</b>                  | <b>4</b>                     | <b>15</b>                 | <b>16</b>             | <b>305</b>               | <b>15</b>               | <b>9</b>                   | <b>1</b>                   | <b>207</b>              | <b>73</b>           |
| <b>Tot. %<br/>Min.</b>        | <b>100%</b>                     | <b>12.1%</b>               | <b>2.0%</b>               | <b>1.2%</b>                  | <b>4.3%</b>               | <b>4.6%</b>           | <b>87.9%</b>             | <b>4.3%</b>             | <b>2.6%</b>                | <b>0.3%</b>                | <b>59.7%</b>            | <b>21.0%</b>        |
| <b>Total %<br/>Minorities</b> | <b>10.0%<br/>36</b>             |                            | <b>Females = 11</b>       |                              |                           |                       |                          | <b>Males =25</b>        |                            |                            |                         |                     |
|                               |                                 |                            | <b>3.0%</b>               |                              |                           |                       |                          | <b>7.0%</b>             |                            |                            |                         |                     |

Source: Judiciary Services Unit, Municipal Court Division.

Note: Race/Ethnicity is self-reported.

### 3. Superior Court Women Judges and Women Judges of Color (October 2003)

Of the 443 sitting judges on the Superior Court bench in October 2003, 105 (23.7%) were women; 88 (19.9%) were White women. Women of color accounted for 17 (3.8%) of the total cadre of women judges: 11 (2.5%) are Black; 5 (1.1%) are Hispanic and 1 (0.2%) is an Asian American/Pacific Islander.

### 4. Superior Court Minority Judges in Administrative Positions

#### a. Appellate Division

Since the 2000-2002 reporting cycle one Black male trial court judge has been promoted to the Appellate Division (Honorable Rudy B. Coleman). This brings the count of minority judges on the Appellate bench to four (10.8%): two Blacks and two Hispanics.

#### b. Assignment Judge

There has been no change in the number of minority assignment judges. Assignment Judge Lawrence M. Lawson of Monmouth Vicinage remains the only minority Assignment Judge.

#### c. Presiding Judges

There are no minority women judges on the Appellate bench and no minority Appellate Court Judges currently meet seniority requirements for elevation to Presiding Judge of their respective panels.

Of the three minority presiding judges at the trial court level, two are males (1 Black, Honorable Glenn A. Grant, Essex, Family Division) and 1 Hispanic (Honorable Nestor F. Guzman, Passaic, Family Division). The Honorable Paulette Sapp-Peterson is the only minority (Black) woman Presiding Judge. She is Presiding Judge of the Civil Division in Mercer Vicinage.

Since we lack accurate data as to the proportion of various minority and ethnic groups among attorneys practicing in New Jersey, the Committee cannot comment as to whether the representation of minorities among judges in this State is proportional to the representation among attorneys in New Jersey. However, it is interesting to note that minorities have comprised more than 20% of the graduating classes of New Jersey's law schools in recent years. Refer to Table 18: State of New Jersey Judicial Law Clerks as of September 2003.

5. Municipal Minority Judges in Administrative Positions

There are 15 presiding Municipal Court judges in the state, one of whom is a Black woman.

D. Overview of the Judiciary Workforce

1. Judiciary Workforce Profile

Table 12. New Jersey Judiciary: Employees by Race/Ethnicity (Excluding Judges, Law Clerks, Bar Examiners, and Part-time Employees), AOC/Central Clerks' Offices and Vicinages October 2003 shows the relative proportions of various race/ethnic minority groups and whites in the vicinages, AOC/Central Clerks' Offices and total Judiciary state workforce. As of October 2003, minorities comprised 36.5% of the total Judiciary workforce, excluding judges, law clerks, bar examiners and part-time employees. Of note is that fact that Hispanics are present in the vicinages workforce in a substantially greater proportion than they are at the AOC/Central Clerks' Offices workforce, whereas Asians/American Indians have about the same proportional representation at both the AOC/Central Clerks' Offices and in the vicinages combined.

**Table 12. New Jersey Judiciary: Employees by Race/Ethnicity (Excluding Judges, Law Clerks, Bar Examiners, and Part-time Employees), AOC/Central Clerks' Offices and Vicinages October 2003**

|                                       | Total | Whites |       | Total Minorities |       | Blacks |       | Hispanics |       | Asians/Amer. Indians |      |
|---------------------------------------|-------|--------|-------|------------------|-------|--------|-------|-----------|-------|----------------------|------|
|                                       |       | #      | %     | #                | %     | #      | %     | #         | %     | #                    | %    |
| <b>Vicinages</b>                      | 7257  | 4525   | 62.4% | 2732             | 37.6% | 1843   | 25.4% | 740       | 10.2% | 149                  | 2.1% |
| <b>AOC/Central Clerks' Offices</b>    | 1285  | 900    | 70.0% | 385              | 30.0% | 288    | 22.4% | 55        | 4.3%  | 42                   | 3.3% |
| <b>Total Judiciary</b>                | 8542  | 5425   | 63.5% | 3117             | 36.5% | 2131   | 24.9% | 795       | 9.3%  | 191                  | 2.2% |
| <b>2000 Census NJ Data Population</b> |       | 67.7%  |       | 32.3%            |       | 13.0%  |       | 13.5%     |       | 5.8%                 |      |

Source: AOC/Central Clerks' Offices, EEO/AA Unit

Table 13. New Jersey Judiciary: Percent Minority Employees by Race/Ethnicity AOC/Central Clerks' Offices, Vicinages and Total AOC and Vicinages Combined 1992, 1995, 1997, 2001, 2003 shows the progress made by the Judiciary in employing minorities since 1992,

(the year the final report of the Supreme Court Task Force on Minority Concerns was published. The current proportion of minorities in the Judiciary workforce (36.5%) represents a 55% increase over the 23.5% minority demographics of the Judiciary's 1992 workforce. The increase is particularly striking in view of the fact that the total Judiciary workforce has shrunk by 2.6%.

**Table 13. New Jersey Judiciary: Percent Minority Employees by Race/Ethnicity AOC/Central Clerks' Offices, Vicinages and Total AOC and Vicinages Combined 1992, 1995, 1997, 2001, 2003**

| AOC                               | 1992 |        | 1995 |        | 1997 |        | 2001 |        | 2003 |        |
|-----------------------------------|------|--------|------|--------|------|--------|------|--------|------|--------|
|                                   | #    | %      | #    | %      | #    | %      | #    | %      | #    | %      |
| <b>Whites</b>                     |      | 79.8%  |      | 74.8%  |      | 73.1%  |      | 71.0%  |      | 70.0%  |
| <b>Blacks</b>                     |      | 17.1%  |      | 19.3%  |      | 20.4%  |      | 22.2%  |      | 22.4%  |
| <b>Hispanics</b>                  |      | 1.9%   |      | 4.2%   |      | 4.5%   |      | 4.6%   |      | 4.3%   |
| <b>Asians/American Indians</b>    |      | 1.2%   |      | 1.6%   |      | 2.0%   |      | 2.2%   |      | 3.3%   |
| <b>Total Minorities</b>           |      | 20.2%  |      | 25.2%  |      | 26.9%  |      | 29.0%  |      | 30.0%  |
| <b>Total AOC Employees</b>        | 1285 |        | 1278 |        | 1224 |        | 1304 |        | 1285 |        |
| <b>Vicinages</b>                  |      |        |      |        |      |        |      |        |      |        |
|                                   | 1992 |        | 1995 |        | 1997 |        | 2001 |        | 2003 |        |
|                                   | #    | %      | #    | %      | #    | %      | #    | %      | #    | %      |
| <b>Whites</b>                     |      | 75.9%  |      | 72.0%  |      | 71.0%  |      | 64.9%  |      | 62.4%  |
| <b>Blacks</b>                     |      | 17.2%  |      | 19.6%  |      | 20.0%  |      | 24.2%  |      | 25.4%  |
| <b>Hispanics</b>                  |      | 6.3%   |      | 7.1%   |      | 7.5%   |      | 9.1%   |      | 10.2%  |
| <b>Asians/American Indians</b>    |      | 0.4%   |      | 1.3%   |      | 1.4%   |      | 1.8%   |      | 2.1%   |
| <b>Total Minorities</b>           |      | 24.1%  |      | 28.0%  |      | 29.0%  |      | 35.1%  |      | 37.6%  |
| <b>Total Vicinage Employees</b>   | 7494 |        | 7646 |        | 7237 |        | 7316 |        | 7257 |        |
| <b>AOC and Vicinages Combined</b> |      |        |      |        |      |        |      |        |      |        |
|                                   | 1992 |        | 1995 |        | 1997 |        | 2001 |        | 2003 |        |
|                                   | #    | %      | #    | %      | #    | %      | #    | %      | #    | %      |
| <b>Total Judiciary Employees</b>  | 8779 | 100.0% | 8924 | 100.0% | 8461 | 100.0% | 8620 | 100.0% | 8542 | 100.0% |
| <b>Total Minorities</b>           | 2066 | 23.5%  | 2461 | 27.6%  | 2428 | 28.7%  | 2945 | 34.2%  | 3117 | 36.5%  |

Source: AOC/Central Clerks' Offices, EEO/AA Unit

However, as will be seen below in Table 15. New Jersey Judiciary: Employees by Race/Ethnicity and Job Band AOC/Central Clerks' Offices and Vicinages October 2003, while the percentage of each major minority group among Judiciary employees in the aggregate has increased since 1992, the Committee is nevertheless disturbed to note a trend in Judiciary hiring and/or promoting of minorities into relatively lower level and lower paying jobs.

Furthermore, in spite of gains made by the Judiciary in minority hiring in the past twenty years, there remain areas of continuing concern. One such challenge is how the Judiciary can deliver quality customer services to an increasingly diverse constituency. This issue is addressed in the *New Jersey Judiciary Strategic Plan* stipulating that the Judiciary recruit and train staff to meet the needs of a culturally and linguistically diverse population. With this goal in mind and even without an availability analysis, demographic data comparing the respective representation of Hispanics and Asians/Pacific Islanders in the workforce since the Committee's last Report indicates that the representation in these two categories remains low. This fact is evident at the AOC/Central Clerks' Offices, which has 4.3% Hispanics and 3.3% Asians/Pacific Islanders (See Table 13), and in certain vicinages. Refer to Table 14: New Jersey Judiciary: Vicinage Employees by County and Race /Ethnicity (excluding Judges, Law Clerks, Bar Examiners) October 2003. As of October 2003 there were only two counties (Camden and Somerset) whose respective workforces reflect the county Hispanic population.

In the 2000-2002 Report the Committee examined the Hispanic representation at the AOC/Central Clerks' Offices and in nine counties: Hudson, Union, Cumberland, Essex, Atlantic, Monmouth, Passaic, Middlesex, Bergen. In 2003, Hispanic representation at the AOC/Central Clerks' Offices remained essentially the same (4.6% to 4.3%). There are no Hispanics in the AOC, Central Clerks' Offices EEO/AA Unit.

At the vicinage level, five counties made positive gains in Hispanic hiring in 2003: Hudson (23.9% to 29.5%); Union (8.7% to 11.1%); Cumberland (7.9% to 10.8%); Passaic (25.2% to 26.9%); Bergen (6.1% to 8.2%). The Hispanic representation in four other counties, Essex (8.7 to 8.6%); Atlantic (5.7% to 5.6%), Middlesex (9.3% to 9.7%) and Monmouth (1.3% to 1.8%) remained essentially the same

With reference to Asian/Pacific Islander representation in the Judiciary workforce, as of October 2003 there were only three counties (Cape May, Ocean and Salem) whose respective Asian/ Pacific Islander workforces reflect the county Asian/Pacific Islander population. In the

2000-2002 Report the Committee examined the Asian/Pacific Islander representation at the AOC/Central Clerks' Offices and in seven counties: Bergen, Middlesex, Somerset, Hudson, Morris, Atlantic and Mercer. In 2003, Asian/Pacific Islander representation at the AOC/Central Clerks' Offices showed a slight gain (2.2% to 3.3%). At the vicinage level, five counties made positive gains in Asian/Pacific Islanders hiring in 2003: Bergen (1.5% to 2.8%); Somerset (1.7% to 3.6%); Morris (1.5% to 2.3%); Atlantic (0.9% to 1.5%); Mercer (0.8% to 1.4%). Two counties remained essentially the same: Middlesex (6.5% to 5.9%) and Hudson (3.1% to 2.9%). The Subcommittee will continue to monitor Hispanic and Asian/Pacific Islander representation.

*Task Force Recommendations 45 and 46: The Supreme Court should direct the Administrative Office of the Courts to develop and implement a more aggressive plan to ensure representation of Hispanics and Asians/Pacific Islanders in the Judiciary's workforce. (2000-2002 Rules Cycle Report, page 220-221).*

**Table 14. New Jersey Judiciary: Vicinage Employees by County and Race/Ethnicity (excluding Judges, Law Clerks, Bar Examiners) October, 2003**

| County                        | Total       | Total Minorities |              | Whites      |              | Blacks      |              | Hispanics  |              | Asians/Amer. Indians |             |
|-------------------------------|-------------|------------------|--------------|-------------|--------------|-------------|--------------|------------|--------------|----------------------|-------------|
|                               |             | #                | %            | #           | %            | #           | %            | #          | %            | #                    | %           |
| Atlantic                      | 340         | 128              | 37.6%        | 212         | 62.4%        | 104         | 30.6%        | 19         | 5.6%         | 5                    | 1.5%        |
| Bergen                        | 463         | 100              | 21.6%        | 363         | 78.4%        | 49          | 10.6%        | 38         | 8.2%         | 13                   | 2.8%        |
| Burlington                    | 300         | 82               | 27.3%        | 218         | 72.7%        | 71          | 23.7%        | 8          | 2.7%         | 3                    | 1.0%        |
| Camden                        | 614         | 228              | 37.1%        | 386         | 62.9%        | 148         | 24.1%        | 74         | 12.1%        | 6                    | 1.0%        |
| Cape May                      | 110         | 11               | 10.0%        | 99          | 90.0%        | 8           | 7.3%         | 2          | 1.8%         | 1                    | 0.9%        |
| Cumberland                    | 231         | 52               | 22.5%        | 179         | 77.5%        | 24          | 10.4%        | 25         | 10.8%        | 3                    | 1.3%        |
| Essex                         | 975         | 687              | 70.5%        | 288         | 29.5%        | 574         | 58.9%        | 84         | 8.6%         | 29                   | 3.0%        |
| Gloucester                    | 224         | 41               | 18.3%        | 183         | 81.7%        | 33          | 14.7%        | 7          | 3.1%         | 1                    | 0.4%        |
| Hudson                        | 584         | 300              | 51.4%        | 284         | 48.6%        | 111         | 19.0%        | 172        | 29.5%        | 17                   | 2.9%        |
| Hunterdon                     | 70          | 4                | 5.7%         | 66          | 94.3%        | 3           | 4.3%         | 1          | 1.4%         | 0                    | 0.0%        |
| Mercer                        | 350         | 150              | 42.9%        | 200         | 57.1%        | 121         | 34.6%        | 24         | 6.9%         | 5                    | 1.4%        |
| Middlesex                     | 538         | 214              | 39.8%        | 324         | 60.2%        | 130         | 24.2%        | 52         | 9.7%         | 32                   | 5.9%        |
| Monmouth                      | 435         | 80               | 18.4%        | 355         | 81.6%        | 67          | 15.4%        | 8          | 1.8%         | 5                    | 1.1%        |
| Morris                        | 261         | 59               | 22.6%        | 202         | 77.4%        | 41          | 15.7%        | 12         | 4.6%         | 6                    | 2.3%        |
| Ocean                         | 353         | 33               | 9.3%         | 320         | 90.7%        | 16          | 4.5%         | 12         | 3.4%         | 5                    | 1.4%        |
| Passaic                       | 475         | 253              | 53.3%        | 222         | 46.7%        | 123         | 25.9%        | 128        | 26.9%        | 2                    | 0.4%        |
| Salem                         | 99          | 29               | 29.3%        | 70          | 70.7%        | 27          | 27.3%        | 1          | 1.0%         | 1                    | 1.0%        |
| Somerset                      | 168         | 34               | 20.2%        | 134         | 79.8%        | 12          | 7.1%         | 16         | 9.5%         | 6                    | 3.6%        |
| Sussex                        | 92          | 7                | 7.6%         | 85          | 92.4%        | 5           | 5.4%         | 2          | 2.2%         | 0                    | 0.0%        |
| Union                         | 485         | 237              | 48.9%        | 248         | 51.1%        | 174         | 35.9%        | 54         | 11.1%        | 9                    | 1.9%        |
| Warren                        | 91          | 4                | 4.4%         | 87          | 95.6%        | 3           | 3.3%         | 1          | 1.1%         | 0                    | 0.0%        |
| <b>Total County Employees</b> | <b>7257</b> | <b>2732</b>      | <b>37.6%</b> | <b>4525</b> | <b>62.4%</b> | <b>1843</b> | <b>25.4%</b> | <b>740</b> | <b>10.2%</b> | <b>149</b>           | <b>2.1%</b> |

Source: AOC Central Clerks' Offices, EEO/AA Unit

## 2. Distribution of Judiciary Employees in Job Bands

The Subcommittee believes that a comparison of the demographics of the Judiciary's workforce to general population statistics (e.g., the percentage of various minority/ethnic groups in the New Jersey population) is less useful than a comparison of the percentages of various minority and ethnic groups within specific job bands against the "availability" of these minorities and ethnic groups within the appropriate population from which the employees are recruited, promoted and hired. This is the kind of analysis that should be performed in the Judiciary EEO/AA Master Plan upon the receipt and use of relevant availability data from the 2000 Census. On the other hand, the distribution of minorities in various job bands within the Judiciary may appropriately be noted even without an availability analysis.

Table 15. New Jersey Judiciary: Employees by Race/Ethnicity and Job Band AOC/Central Clerks' Offices and Vicinages, October 2003 indicates where, within the Judiciary workforce's job bands, various minority groups are employed. The bands include the following job classifications: **Court Executives** includes Court Executives 4, 3B, 3A, 2B, 2A, 1B and 1A; **Professional Supervisory** includes Court Services Supervisor 4, 3, 2 and 1, Administrative Supervisor 4, 3, 2 and 1, and Court Reporter Supervisor 2 and 1; **Legal** is comprised of attorneys who are members of the New Jersey bar and includes law clerks whose data are not included in Table 15. but are covered elsewhere in this Report; **Support Staff Supervisory** includes the titles of Supervisor 2 and 1; **Official Court Reporter** includes court reporters in the New Jersey Judiciary reflected on the database of the AOC/Central Clerks' Offices and not at the vicinage level; "Court Interpreter" includes the titles of **Court Interpreter** 3, 2 and 1; **Information Technology** includes the titles of Information Technology Analyst 3, 2 and 1, and Information Technology Technician and Information Systems, Technician 2 and 1; **Administrative Professional** includes the titles of Judiciary Coordinator 2 and 1, Financial Specialist 2 and 1, Administrative Specialist 4, 3 and 2, and Librarian 1; **Case Processing** includes Court Services Officer 3, 2 and 1, Master Probation Officer, Family Court Coordinator, Substance Abuse Evaluator, Senior Probation Officer, Probation Officer, Youth Aide and Investigator; **Judge's Secretary** is self-descriptive; **Support Staff**, the band with the most employees, includes Judiciary Secretary 2 and 1 (Confidential), Judiciary Clerk 4, 3, 2 and 1, Administrative Specialist 1, Clerk to the Grand Jury, Printing Operations Technician 2 and 1, Library Assistant, Judiciary Secretary 1, Judiciary Account Clerk 2 and 1, Judiciary Clerk 3/Court Clerk, Building

Maintenance Worker Judiciary, Judiciary Clerk Driver, and Court Services Representative. Refer to Table C1 in Appendix C.

Minorities comprise a greater proportion of the employees in the “support staff” band, the job groups basically at the bottom of the chart, than in the higher level bands such as “court executive” or “attorney.” Significantly, 78% (N=1665) of all the Blacks employed in the Judiciary workforce (N=2131) are found in only two of the eleven bands (“support staff” and “case processing”). Coincidentally, and also significantly, 76% (N=601) of the Hispanics (N=795) in the Judiciary workforce are employed in these two bands as well. Slightly over 76% (N=2377) of all minorities employed by the Judiciary, as compared to 56.3% of Whites, other than judges and law clerks, are concentrated in these two bands. Absent a workforce analysis (as required by the Master Plan) using “availability” (based on 2000 Census data) as a touchstone for determining whether or not minorities are appropriately distributed throughout the bands, a serious question arises as to the underrepresentation or underutilization of minorities in higher level jobs within the Judiciary. As will be seen in the compensation discussion in Table 16 the non-proportional distribution of minorities throughout the Judiciary workforce appears to have a significant impact on compensation of minorities.

**Table 15. New Jersey Judiciary: Employees by Race/Ethnicity and Job Band  
AOC/Central Clerks’ Offices and Vicinages, October 2003**

|                                    | Total | Whites |       | Total Minorities |       | Blacks |       | Hispanics |       | Asians/Amer. Indians |       |
|------------------------------------|-------|--------|-------|------------------|-------|--------|-------|-----------|-------|----------------------|-------|
|                                    |       | #      | %     | #                | %     | #      | %     | #         | %     | #                    | %     |
| <b>Court Executive</b>             | 488   | 400    | 82.0% | 88               | 18.0% | 57     | 11.7% | 24        | 4.9%  | 7                    | 1.4%  |
| <b>Professional Supervisory</b>    | 864   | 662    | 76.6% | 202              | 23.4% | 151    | 17.5% | 37        | 4.3%  | 14                   | 1.6%  |
| <b>Support Staff Supervisory</b>   | 198   | 131    | 66.2% | 67               | 33.8% | 52     | 26.3% | 15        | 7.6%  | 0                    | 0.0%  |
| <b>Legal (Attorneys)</b>           | 50    | 47     | 94.0% | 3                | 6.0%  | 1      | 2.0%  | 2         | 4.0%  | 0                    | 0.0%  |
| <b>Official Court Reporter</b>     | 60    | 56     | 93.3% | 4                | 6.7%  | 3      | 5.0%  | 1         | 1.7%  | 0                    | 0.0%  |
| <b>Court Interpreter</b>           | 31    | 13     | 41.9% | 18               | 58.1% | 0      | 0.0%  | 18        | 58.1% | 0                    | 0.0%  |
| <b>Information Technology</b>      | 262   | 172    | 65.6% | 90               | 34.4% | 35     | 13.4% | 20        | 7.6%  | 35                   | 13.4% |
| <b>Administrative Professional</b> | 682   | 485    | 71.1% | 197              | 28.9% | 127    | 18.6% | 49        | 7.2%  | 21                   | 3.1%  |
| <b>Case Processing</b>             | 2471  | 1471   | 59.5% | 1000             | 40.5% | 711    | 28.8% | 264       | 10.7% | 25                   | 1.0%  |
| <b>Judge’s Secretary</b>           | 475   | 404    | 85.1% | 71               | 14.9% | 40     | 8.4%  | 28        | 5.9%  | 3                    | 0.6%  |
| <b>Support Staff</b>               | 2961  | 1584   | 53.5% | 1377             | 46.5% | 954    | 32.2% | 337       | 11.4% | 86                   | 2.9%  |
| <b>Total</b>                       | 8542  | 5425   | 63.5% | 3117             | 36.5% | 2131   | 24.9% | 795       | 9.3%  | 191                  | 2.2%  |

Source: AOC Central Clerks’ Offices, EEO/AA Unit.

Notwithstanding the foregoing questions about the unequal distribution of minorities throughout job bands in the overall Judiciary's workforce (AOC and vicinages combined), the Subcommittee notes that the Judiciary appears to have made significant strides in implementing Recommendation 42 of the 1992 Task Force "to make vigorous and aggressive recruitment, hiring and retention efforts to increase the representation of minorities in senior management and key policy-making positions." Since the Committee's 2000-2002 Report, there appears to have been a 10% increase in the number of minorities in the "Court Executive" band (80 in December 2001 versus 88 in October 2003) for the vicinages and AOC combined, and the relative proportion of minorities also increased (16.4% of court executives versus 18%). The Judiciary has advised the Committee in a written response to a request for information that:

The efforts to increase the representation of minority court executives in the workforce have been an on-going process. This is done through the monitoring process described in the EEO/AA Master Plan and extensive recruitment efforts. Workforce analysis information is also provided to Judiciary managers on a periodic basis, including in special presentations made to central office senior managers and to the Administrative Council. Interview committees are required to assist in identifying and selecting individuals to be interviewed and hired for Court Executive positions.

It appears to the Committee that the Judiciary's efforts have borne some fruit, particularly at the vicinage level where there are four minority Deputy Court Clerks (Trial Court Administrators). In spite of these obvious gains discussed above however, it is noteworthy that at the AOC Central Clerks' Offices there are no minorities in the top order of managers; there are no minority Directors, Assistant Directors, Clerks of Court or Deputy Court Clerks.

The success of the Judiciary's efforts to diversify the work force, including top management, should in the future be measured against not only the past demographics of the Judiciary workforce but against availability data as part of a self-critical utilization analysis that should be included in the Judiciary EEO/AA Master Plan. And too, it will be necessary to examine the data for each vicinage and the AOC separately in order to pinpoint the successes and specific problem areas and mount a directed approach to addressing the identified challenges unique to the Central Office and to particular vicinages. The mechanism is already in place to accomplish this task—the vicinage and AOC EEO/AA Master Implementation Plans utilizing 2000 Census data.

### 3. Employee Compensation

Table 16. New Jersey Judiciary: Salary Comparisons by Race /Ethnicity of Employees reports the salary ranges of minority and non-minority Judiciary employees statewide in all job bands. The issue of employee compensation was not addressed in the Supreme Court Task Force on Minority Concerns Final Report (1992) but was addressed in the 1994-1996 Rules Cycle Report. The Subcommittee determined that this issue taken together with other employment variables might shed some additional light on minority employment patterns in the Judiciary. Further it appears, that the non-proportional distribution of minorities throughout the Judiciary workforce has a significant impact on the compensation of minorities.

It is disconcerting that the percentage of minorities in the second-lowest paid group (chosen at random for this analysis) has actually increased as compared to the October 2001 data in the Committee's 2000-2002 Report (56.9% in October 2003 versus 50.9% in October 2001). Increases in the percentage of minorities in lower-paid ranges since October 2001 can also be noted in the \$30,000-\$39,999 and \$40,000-\$49,999 groups as well. On the positive side, the review reveals that the percentage of minorities in the third highest-paid group (also chosen at random for purposes of this analysis) is double the percentage in the October 2001 analysis. Putting aside the anomaly of three white employees who are paid less than \$20,000, it is clear that minorities are disproportionately represented in the lower paid ranks of the Judiciary as compared to non-minorities. For example, although minorities comprise 36.5% of the Judiciary's employee population, they constitute 56.9% of the second-lowest paid group (\$20,000-\$29,999) but a mere 16.2% of the third highest-paid group (\$80,000-\$89,999). This presumably corresponds significantly to the disproportionate lack of representation of minorities in higher level job classifications within the Judiciary, as discussed above, but compensation levels are also the result of seniority as well as the job band levels. The Subcommittee in coming months will be seeking information from the Judiciary as to the relative placement of minorities' compensation versus non-minorities within individual bands as an appropriate area for analysis.

**Table 16. New Jersey Judiciary: Salary Comparisons by Race/Ethnicity of Employees  
(AOC/Central Clerks' Offices and Vicinages Combined) October 2003**

|                          | Total | Whites |        | Total Minorities |       | Blacks |       | Hispanics |       | Asians/Amer. Ind's. |      |
|--------------------------|-------|--------|--------|------------------|-------|--------|-------|-----------|-------|---------------------|------|
|                          |       | #      | %      | #                | %     | #      | %     | #         | %     | #                   | %    |
| <b>Over \$100,000</b>    | 54    | 49     | 90.7%  | 5                | 9.3%  | 3      | 5.6%  | 1         | 1.9%  | 1                   | 1.9% |
| <b>\$90,000-\$99,999</b> | 97    | 88     | 90.7%  | 9                | 9.3%  | 5      | 5.2%  | 4         | 4.1%  | 0                   | 0.0% |
| <b>\$80,000-\$89,999</b> | 333   | 279    | 83.8%  | 54               | 16.2% | 38     | 11.4% | 8         | 2.4%  | 8                   | 2.4% |
| <b>\$70,000-\$79,999</b> | 573   | 465    | 81.2%  | 108              | 18.8% | 71     | 12.4% | 28        | 4.9%  | 9                   | 1.6% |
| <b>\$60,000-\$69,999</b> | 739   | 566    | 76.6%  | 173              | 23.4% | 129    | 17.5% | 35        | 4.7%  | 9                   | 1.2% |
| <b>\$50,000-\$59,999</b> | 1283  | 886    | 69.1%  | 397              | 30.9% | 281    | 21.9% | 93        | 7.2%  | 23                  | 1.8% |
| <b>\$40,000-\$49,999</b> | 2010  | 1292   | 64.3%  | 718              | 35.7% | 476    | 23.7% | 204       | 10.1% | 38                  | 1.9% |
| <b>\$30,000-\$39,999</b> | 2557  | 1412   | 55.2%  | 1145             | 44.8% | 790    | 30.9% | 296       | 11.6% | 59                  | 2.3% |
| <b>\$20,000-\$29,999</b> | 893   | 385    | 43.1%  | 508              | 56.9% | 338    | 37.8% | 126       | 14.1% | 44                  | 4.9% |
| <b>Under \$20,000</b>    | 3     | 3      | 100.0% | 0                | 0.0%  | 0      | 0.0%  | 0         | 0.0%  | 0                   | 0.0% |
| <b>Total</b>             | 8542  | 5425   | 63.5%  | 3117             | 36.5% | 2131   | 24.9% | 795       | 9.3%  | 191                 | 2.2% |

Data Source: Payroll Management Information System

#### 4. Employee Survey of the Judiciary Workplace Environment

In its 2000-2002 Report, the Committee made the following recommendation:

Committee Recommendation 02:5.15: The Judiciary should conduct a statewide employee survey and entertain input from the Supreme Court Committee on Minority Concerns, the Minority Concerns Unit, the AOC, EEO/AA Unit, Human Resources, Committee on Women in the Courts, ADA and vicinages in order to assess the Judiciary's work environment. The results should be widely distributed.

The Human Resources Division of the Judiciary advised the Committee in writing that: “[N]o survey has been conducted of all Judiciary employees since March 2002.” Similarly, the Judiciary EEO/AA Unit advised the Committee in writing that: “The Judiciary has not conducted a statewide survey of its employees on their perception of their work environment. Some vicinages are conducting exit interviews and others have conducted surveys. We are planning on undertaking a statewide effort to assess the effectiveness of our anti-discrimination policy and procedures during 2004. It may or may not include conducting surveys.”

The Committee urges the implementation of the foregoing recommendation. It envisions a more comprehensive survey designed to gauge the employees' workplace environment (post unification). The questions would be aimed at securing some basic information from employees regarding their knowledge of the various opportunities available to them in these and other areas such as training, promotions, career development and so on. Also included would be questions to learn about what quality of life issues are important to judiciary employees (day care, flex-time, elder care and so on). Given the fact that internal discrimination complaints have been filed alleging retaliation and work environment discrimination issues, questions on these concerns would also be included in the questionnaire. Since the Judiciary's workplace is now more diverse, than it was over ten years ago, it will be interesting to determine if minority and non-minority assessments of the workplace are more similar today.

The Committee is aware that only on two occasions have surveys been conducted of Judiciary employees to assess bias and discrimination and to learn about the general workplace culture. In June 1992, a *Quality of Life Survey* was published by the Task Force on Minority Concerns. This report was based on data collected from a sample of 80 Judiciary employees

from north, central and south Jersey and queries were made on personnel policies and practices and employee assessments of the Judiciary work environment. The respondents included managers, professionals and clerical staff, minorities and non-minorities and both male and female employees. Responses to the questions covered a broad spectrum of areas such as the need: to improve court facilities, to purchase better equipment; to automate the court; to hire more staff; to make the workforce more diverse; to reward employees for good work; and to cease engaging in discriminatory work practices and nepotism. These survey findings also revealed that minorities' experiences in the workplace are qualitatively different from the experiences of their white counterparts. Minorities reported more negative experiences overall at both the AOC Central Clerks' Offices and in the vicinages.

Similarly, in 1998, the Task Force on Gay and Lesbian issue conducted a survey of lawyers, judges, litigants, witnesses and court employees to ascertain the extent of sexual orientation bias.

An employees survey should be viewed as a valuable tool that will allow the Judiciary to obtain both quantitative and qualitative information on how employees experience the workplace, assess their knowledge of current Judiciary policies and procedures and identify other quality of life issues that are important. It is appropriate and timely for the Judiciary to conduct this survey. The Committee restates its previous recommendation.

#### E. Court Executive Career Progression Paths Initial Data Review

To learn more about the challenges and/or barriers race/ethnic minorities face in rising to the top level administrative and management positions, the Subcommittee requested and received information from the Human Resources Division on the available opportunities at the AOC/Central Clerks' Offices in the court executive job band from January 2000 up to and including October 31, 2003. This rules cycle, the Subcommittee chose to limit the inquiry to the Central Office so that it could gain a better understanding of how the data are structured and of how future information requests should be crafted to retrieve valuable information on the career paths of minority and non-minority court executives who have been either successful internal or external candidates.

Aggregate statistics were provided on the number and percent of AOC/Central Clerks' Offices Court Executives appointed as a result of new hires, promotions, reclassifications, transfers, re-organizations for internal and external recruitments from January 1, 2000 to October

31, 2003. The data are presented below and Table 17 New Jersey Judiciary Court Executive New Hires at the AOC/Central Clerk's Offices, January 2000-October 31, 2003.

- **Court Executive 4** ---At the Court Executive 4 level, there were 2 positions filled, both (100%) by White Females.
- **Court Executive 3B**--- At the Court Executive 3B level, 15 positions were filled ;. 8 were filled by White females (53.3%) and 7 went to White Males (46.7%);
- **Court Executive 3A**--- At the 3A level, 21 positions were filled; 5 (23.8%) by White females, 2 (9.5%) by Black males; and 14 (66.7%)by White males.
- **Court Executive 2**--- At the Court Executive 2B level, there were 32 hires, 2 Black females (6.3%), 1 Hispanic female (3.1%), 11 White females(34.4%), 4 Black males(12.5% and 14 White males(66.7%);
- **Court Executive 2A**--- At the Court Executive 2A level there were 27 hires; 1 Black and 1 Asian male each (3.7%x2) 1 Black female (3.7%) 8 White females(29.6%) and 16 White males(59.3%)
- **Court Executive 1B**--- 1 Asian female (100%);
- **Court Executive 1 A**---1 Black female (100%)

The reader will recall in the earlier discussion on the distribution of Judiciary employees in job bands that at the AOC/Central Clerks' Offices, there are no race/ethnic minority directors, assistant directors, clerks of court or deputy court clerks. However, at the vicinage level, there are 4 top level minority administrators (Essex, Middlesex, Monmouth and Union).

**Table 17. New Jersey Judiciary Court Executive New Hires  
at the AOC/Central Clerks' Offices January 2000 to October 31, 2003**

|  | Totals |        | Whites |        | Total Minorities |        | Blacks |       | Hispanics |      | Asians/<br>American<br>Indians |       |
|--|--------|--------|--------|--------|------------------|--------|--------|-------|-----------|------|--------------------------------|-------|
|  | #      | %      | #      | %      | #                | %      | #      | %     | #         | %    | #                              | %     |
| <b>Court Executive 4</b>                     |        |        |        |        |                  |        |        |       |           |      |                                |       |
| <b>Females</b>                               | 2      | 100.0% | 2      | 100.0% | 0                | 0.0%   | 0      | 0.0%  | 0         | 0.0% | 0                              | 0.0%  |
| <b>Males</b>                                 | 0      | 0.0%   | 0      | 0.0%   | 0                | 0.0%   | 0      | 0.0%  | 0         | 0.0% | 0                              | 0.0%  |
| <b>Total</b>                                 | 2      | 100.0% | 2      | 100.0% | 0                | 0.0%   | 0      | 0.0%  | 0         | 0.0% | 0                              | 0.0%  |
| <b>Court Executive 3B</b>                    |        |        |        |        |                  |        |        |       |           |      |                                |       |
| <b>Females</b>                               | 8      | 53.3%  | 8      | 53.3%  | 0                | 0.0%   | 0      | 0.0%  | 0         | 0.0% | 0                              | 0.0%  |
| <b>Males</b>                                 | 7      | 46.7%  | 7      | 46.7%  | 0                | 0.0%   | 0      | 0.0%  | 0         | 0.0% | 0                              | 0.0%  |
| <b>Total</b>                                 | 15     | 100.0% | 15     | 100.0% | 0                | 0.0%   | 0      | 0.0%  | 0         | 0.0% | 0                              | 0.0%  |
| <b>Court Executive 3A</b>                    |        |        |        |        |                  |        |        |       |           |      |                                |       |
| <b>Females</b>                               | 5      | 23.8%  | 5      | 23.8%  | 0                | 0.0%   | 0      | 0.0%  | 0         | 0.0% | 0                              | 0.0%  |
| <b>Males</b>                                 | 16     | 76.2%  | 14     | 66.7%  | 2                | 9.5%   | 2      | 0.0%  | 0         | 0.0% | 0                              | 0.0%  |
| <b>Total</b>                                 | 21     | 100.0% | 19     | 90.5%  | 2                | 9.5%   | 2      | 0.0%  | 0         | 0.0% | 0                              | 0.0%  |
| <b>Court Executive 2B</b>                    |        |        |        |        |                  |        |        |       |           |      |                                |       |
| <b>Females</b>                               | 14     | 43.8%  | 11     | 34.4%  | 3                | 9.4%   | 2      | 6.3%  | 1         | 3.1% | 0                              | 0.0%  |
| <b>Males</b>                                 | 18     | 56.3%  | 14     | 43.8%  | 4                | 12.5%  | 4      | 12.5% | 0         | 0.0% | 0                              | 0.0%  |
| <b>Total</b>                                 | 32     | 100.0% | 25     | 78.1%  | 7                | 21.9%  | 6      | 18.8% | 1         | 3.1% | 0                              | 0.0%  |
| <b>Court Executive 2A</b>                    |        |        |        |        |                  |        |        |       |           |      |                                |       |
| <b>Females</b>                               | 9      | 33.3%  | 8      | 29.6%  | 1                | 3.7%   | 1      | 3.7%  | 0         | 0.0% | 0                              | 0.0%  |
| <b>Males</b>                                 | 18     | 66.7%  | 16     | 59.3%  | 2                | 7.4%   | 1      | 3.7%  | 0         | 0.0% | 1                              | 3.7%  |
| <b>Total</b>                                 | 27     | 100.0% | 24     | 88.9%  | 3                | 11.1%  | 2      | 7.4%  | 0         | 0.0% | 1                              | 3.7%  |
| <b>Court Executive 1B</b>                    |        |        |        |        |                  |        |        |       |           |      |                                |       |
| <b>Females</b>                               | 1      | 100.0% | 0      | 0.0%   | 1                | 100.0% | 0      | 0.0%  | 0         | 0.0% | 1                              | 50.0% |
| <b>Males</b>                                 | 0      | 0.0%   | 0      | 0.0%   | 0                | 0.0%   | 0      | 0.0%  | 0         | 0.0% | 0                              | 0.0%  |
| <b>Total</b>                                 | 1      | 100.0% | 0      | 0.0%   | 1                | 100.0% | 0      | 0.0%  | 0         | 0.0% | 1                              | 50.0% |
| <b>Court Executive 1A</b>                    |        |        |        |        |                  |        |        |       |           |      |                                |       |
| <b>Females</b>                               | 1      | 100.0% | 0      | 0.0%   | 1                | 100.0% | 1      | 50.0% | 0         | 0.0% | 0                              | 0.0%  |
| <b>Males</b>                                 | 0      | 0.0%   | 0      | 0.0%   | 0                | 0.0%   | 0      | 0.0%  | 0         | 0.0% | 0                              | 0.0%  |
| <b>Total</b>                                 | 1      | 100.0% | 0      | 0.0%   | 1                | 100.0% | 1      | 50.0% | 0         | 0.0% | 0                              | 0.0%  |
| <b>Grand Total Court Executive New Hires</b> |        |        |        |        |                  |        |        |       |           |      |                                |       |
| <b>Females</b>                               | 40     | 40.4%  | 34     | 34.4%  | 6                | 6.1%   | 4      | 4.0%  | 1         | 1.0% | 1                              | 1.0%  |
| <b>Males</b>                                 | 59     | 59.6%  | 51     | 51.5%  | 8                | 8.1%   | 7      | 7.1%  | 0         | 0.0% | 1                              | 1.0%  |
| <b>Total</b>                                 | 99     | 100.0% | 85     | 85.9%  | 14               | 14.1%  | 11     | 11.1% | 1         | 1.0% | 2                              | 2.0%  |

Data Source: Payroll Management Information System

Note: Percentages are % of total in each major category. Percentages may not always add due to rounding.

F. Minority Law Clerks

1. Representation of Minority Law Clerks

For the 2003-2004 court year, there were a total of 477 judicial law clerkships at all court levels combined (Supreme Court, Superior Court [Appellate and Trial Divisions] and Tax Court). Of these 115 or 24.1% are minority: 37 or 7.8% are Blacks; 29 or 6.1% are Hispanics; and 49 or 10.3% are Asian/Pacific Islanders and American Indians combined. Refer to Table 18, State of New Jersey Judicial Law Clerks as of September 2003. The representation of Hispanic law clerks falls short of their availability. Similarly the hiring of Black and Asians law clerks exceeds their availability.

**Table 18: State of New Jersey Judicial Law Clerks as of September 2003**

|                           | #   | %     | Availability% |
|---------------------------|-----|-------|---------------|
| Total Law Clerks          | 477 | 100%  |               |
| Total Minorities          | 115 | 24.1% | 22.4%         |
| Blacks                    | 37  | 7.8%  | 7.1%          |
| Hispanics                 | 29  | 6.1%  | 7.6%          |
| Asians/American. Indians. | 49  | 10.3% | 7.6%          |
| Total Females             | 261 | 54.7% | 50.1%         |

Data Source: Payroll Management Information System.

Note: Percentages are % of total in each major category. Percentages may not always add due to rounding

For this court year, the total minority representation of 24.1% vs. 24.0% for Court Year 2002-2003. Females comprise 54.7% (261) of all judicial law clerks vs. 58.9% for Court Year 2002-2003.

It is encouraging that the Judiciary’s hiring of minority law clerks for court year 2003-2004 exceeded the minority graduation rate of 22.4% at the three New Jersey law schools in FY 2002.

Table 19. Hiring of New Jersey Judicial Law Clerks By Court Level and Race/Ethnicity presents the data on law clerk appointments for the last seven consecutive court years. It is notable that the proportion of Asian/Pacific Islander and American Indian combined law clerk appointments has more than doubled from 5.0% in the 1997-1998 court term to 10.3% in the 2003-2004 court term. The proportion of the Black law clerks has declined from 10.0% in the

2001-2002 court term to 7.8% in the 2003-2004 court term; the proportion of the Hispanic law clerk has remained relatively stable.

**Table 19. Hiring of New Jersey Judicial Law Clerks by Court Level and Race/Ethnicity 1997/98-2003/04**

| Court Year                | Supreme Court | Appellate Division | Superior Court | Tax Court    | Totals       | Totals by Group   |    |              |
|---------------------------|---------------|--------------------|----------------|--------------|--------------|-------------------|----|--------------|
|                           |               |                    |                |              |              |                   | #  | %            |
| <b>2003-2004</b>          |               |                    |                |              |              |                   | #  | %            |
| <b>Total # Law Clerks</b> | 23            | 50                 | 398            | 6            | 477          | <b>Blacks</b>     | 37 | <b>7.8%</b>  |
| <b># of Minorities</b>    | 6             | 13                 | 95             | 1            | 115          | <b>Hispanics</b>  | 29 | <b>6.1%</b>  |
| <b>% of Minorities</b>    | <b>26.1%</b>  | <b>26.0%</b>       | <b>23.9%</b>   | <b>16.7%</b> | <b>24.1%</b> | <b>Asians/A.I</b> | 49 | <b>10.3%</b> |
| <b>2002-2003</b>          |               |                    |                |              |              |                   | #  | %            |
| <b>Total # Law Clerks</b> | 22            | 50                 | 401            | 6            | 479          | <b>Blacks</b>     | 42 | <b>8.8%</b>  |
| <b># of Minorities</b>    | 1             | 11                 | 101            | 2            | 115          | <b>Hispanics</b>  | 26 | <b>5.4%</b>  |
| <b>% of Minorities</b>    | <b>4.5%</b>   | <b>22.0%</b>       | <b>25.2%</b>   | <b>33.3%</b> | <b>24.0%</b> | <b>Asians/A.I</b> | 47 | <b>9.8%</b>  |
| <b>2001-2002</b>          |               |                    |                |              |              |                   | #  | %            |
| <b>Total # Law Clerks</b> | 22            | 50                 | 384            | 5            | 461          | <b>Blacks</b>     | 46 | <b>10.0%</b> |
| <b># of Minorities</b>    | 5             | 8                  | 88             | 1            | 102          | <b>Hispanics</b>  | 26 | <b>5.6%</b>  |
| <b>% of Minorities</b>    | <b>22.7%</b>  | <b>16.0%</b>       | <b>22.9%</b>   | <b>20.0%</b> | <b>22.1%</b> | <b>Asians/A.I</b> | 30 | <b>6.5%</b>  |
| <b>2000-2001</b>          |               |                    |                |              |              |                   | #  | %            |
| <b>Total # Law Clerks</b> | 23            | 48                 | 372            | 4            | 447          | <b>Blacks</b>     | 35 | <b>7.8%</b>  |
| <b># of Minorities</b>    | 4             | 8                  | 81             | 1            | 94           | <b>Hispanics</b>  | 18 | <b>4.0%</b>  |
| <b>% of Minorities</b>    | <b>17.4%</b>  | <b>16.7%</b>       | <b>21.8%</b>   | <b>25.0%</b> | <b>21.0%</b> | <b>Asians/A.I</b> | 41 | <b>9.2%</b>  |
| <b>1999-2000</b>          |               |                    |                |              |              |                   | #  | %            |
| <b>Total # Law Clerks</b> | 22            | 49                 | 377            | 6            | 454          | <b>Blacks</b>     | 25 | <b>5.5%</b>  |
| <b># of Minorities</b>    | 2             | 6                  | 66             | 2            | 76           | <b>Hispanics</b>  | 24 | <b>5.3%</b>  |
| <b>% of Minorities</b>    | <b>9.1%</b>   | <b>12.2%</b>       | <b>17.5%</b>   | <b>33.3%</b> | <b>16.7%</b> | <b>Asians/A.I</b> | 27 | <b>5.9%</b>  |
| <b>1998-1999</b>          |               |                    |                |              |              |                   | #  | %            |
| <b>Total # Law Clerks</b> | 22            | 40                 | 360            | 6            | 428          | <b>Blacks</b>     | 26 | <b>6.1%</b>  |
| <b># of Minorities</b>    | 3             | 6                  | 59             | 2            | 70           | <b>Hispanics</b>  | 24 | <b>5.6%</b>  |
| <b>% of Minorities</b>    | <b>13.6%</b>  | <b>15.0%</b>       | <b>16.4%</b>   | <b>33.3%</b> | <b>16.4%</b> | <b>Asians/A.I</b> | 20 | <b>4.7%</b>  |
| <b>1997-1998</b>          |               |                    |                |              |              |                   | #  | %            |
| <b>Total # Law Clerks</b> | 20            | 40                 | 333            | 8            | 401          | <b>Blacks</b>     | 23 | <b>5.7%</b>  |
| <b># of Minorities</b>    | 2             | 7                  | 51             | 2            | 62           | <b>Hispanics</b>  | 19 | <b>4.7%</b>  |
| <b>% of Minorities</b>    | <b>10.0%</b>  | <b>17.5%</b>       | <b>15.3%</b>   | <b>25.0%</b> | <b>15.5%</b> | <b>Asians/A.I</b> | 20 | <b>5.0%</b>  |

Data Source: Payroll Management Information System

Note: Percentages are % of total in each major category. Percentages may not always add due to rounding.

## 2. Minority Law Clerk Representation by County

A review of law clerk appointments by county reveals that in 10 out of 21 counties statewide, minority law clerk representation exceeds the 22.4% availability. There are however three counties with no minority law clerks. Refer to Table 20. Superior Court Law Clerks for Court Year 2003-2004, by County, Race/Ethnicity and Gender, September 2003.

When the Committee last reported to the Court (2000-2002 Report), 14 out of 21 counties statewide exceeded the availability at that time and only Cape May County had no minority law clerks. As of September 2003, three of the 21 counties had no minority law clerks.

The reader should also note that, although the number of minority law clerks was unchanged from last year to this year, there is a total net change of -6 for minority law clerk appointments. In other words, while there were 101 minority law clerks appointed by the 15 vicinages in the 2002-2003 court term, the number fell to 95 in the 2003-2004 court term. Additionally, Black law clerks are absent from 9 counties, Hispanic law clerks from 11 counties and Asian/Pacific Islanders and American Indians combined law clerks are absent from 5.

**Table 20. New Jersey Superior Court Law Clerks for Court Year 2003-2004 by County, Race/Ethnicity and Gender, September 2003**

| County       | Total*     | Minorities |              |   | Blacks    |             | Hispanics |             | Asians/Amer. Ind's. |              | Female     |              | Male       |              |
|--------------|------------|------------|--------------|---|-----------|-------------|-----------|-------------|---------------------|--------------|------------|--------------|------------|--------------|
|              |            | #          | %            | * | #         | %           | #         | %           | #                   | %            | #          | %            | #          | %            |
| Atlantic     | 17         | 2          | 11.8%        | * | 2         | 11.8%       | 0         | 0.0%        | 0                   | 0.0%         | 12         | 70.6%        | 5          | 29.4%        |
| Bergen       | 37         | 7          | 18.9%        | * | 1         | 2.7%        | 1         | 2.7%        | 5                   | 13.5%        | 17         | 45.9%        | 20         | 54.1%        |
| Burlington   | 17         | 4          | 23.5%        |   | 2         | 11.8%       | 0         | 0.0%        | 2                   | 11.8%        | 15         | 88.2%        | 2          | 11.8%        |
| Camden       | 23         | 2          | 8.7%         | * | 0         | 0.0%        | 0         | 0.0%        | 2                   | 8.7%         | 13         | 56.5%        | 10         | 43.5%        |
| Cape May     | 5          | 2          | 40.0%        |   | 0         | 0.0%        | 0         | 0.0%        | 2                   | 40.0%        | 3          | 60.0%        | 2          | 40.0%        |
| Cumberland   | 9          | 3          | 33.3%        |   | 0         | 0.0%        | 2         | 22.2%       | 1                   | 11.1%        | 8          | 88.9%        | 1          | 11.1%        |
| Essex        | 55         | 19         | 34.5%        |   | 12        | 21.8%       | 3         | 5.5%        | 4                   | 7.3%         | 30         | 54.5%        | 25         | 45.5%        |
| Gloucester   | 10         | 4          | 40.0%        |   | 2         | 20.0%       | 0         | 0.0%        | 2                   | 20.0%        | 4          | 40.0%        | 6          | 60.0%        |
| Hudson       | 29         | 6          | 20.7%        | * | 2         | 6.9%        | 2         | 6.9%        | 2                   | 6.9%         | 16         | 55.2%        | 13         | 44.8%        |
| Hunterdon    | 4          | 0          | 0.0%         | * | 0         | 0.0%        | 0         | 0.0%        | 0                   | 0.0%         | 2          | 50.0%        | 2          | 50.0%        |
| Mercer       | 20         | 5          | 25.0%        |   | 2         | 10.0%       | 1         | 5.0%        | 2                   | 10.0%        | 9          | 45.0%        | 11         | 55.0%        |
| Middlesex    | 34         | 18         | 52.9%        |   | 3         | 8.8%        | 7         | 20.6%       | 8                   | 23.5%        | 19         | 55.9%        | 15         | 44.1%        |
| Monmouth     | 27         | 5          | 18.5%        | * | 1         | 3.7%        | 3         | 11.1%       | 1                   | 3.7%         | 14         | 51.9%        | 13         | 48.1%        |
| Morris       | 16         | 1          | 6.3%         | * | 0         | 0.0%        | 0         | 0.0%        | 1                   | 6.3%         | 11         | 68.8%        | 5          | 31.3%        |
| Ocean        | 21         | 3          | 14.3%        | * | 0         | 0.0%        | 1         | 4.8%        | 2                   | 9.5%         | 9          | 42.9%        | 12         | 57.1%        |
| Passaic      | 28         | 7          | 25.0%        |   | 3         | 10.7%       | 1         | 3.6%        | 3                   | 10.7%        | 17         | 60.7%        | 11         | 39.3%        |
| Salem        | 3          | 0          | 0.0%         | * | 0         | 0.0%        | 0         | 0.0%        | 0                   | 0.0%         | 2          | 66.7%        | 1          | 33.3%        |
| Somerset     | 11         | 3          | 27.3%        |   | 0         | 0.0%        | 0         | 0.0%        | 3                   | 27.3%        | 7          | 63.6%        | 4          | 36.4%        |
| Sussex       | 4          | 1          | 25.0%        |   | 1         | 25.0%       | 0         | 0.0%        | 0                   | 0.0%         | 2          | 50.0%        | 2          | 50.0%        |
| Union        | 25         | 3          | 12.0%        | * | 1         | 4.0%        | 1         | 4.0%        | 1                   | 4.0%         | 10         | 40.0%        | 15         | 60.0%        |
| Warren       | 3          | 0          | 0.0%         | * | 0         | 0.0%        | 0         | 0.0%        | 0                   | 0.0%         | 2          | 66.7%        | 1          | 33.3%        |
| <b>Total</b> | <b>398</b> | <b>95</b>  | <b>23.9%</b> |   | <b>32</b> | <b>8.0%</b> | <b>22</b> | <b>5.5%</b> | <b>41</b>           | <b>10.3%</b> | <b>222</b> | <b>55.8%</b> | <b>176</b> | <b>44.2%</b> |

Data Source: Payroll Management Information System

Note: Percentages are % of total in each major category. Percentages may not always add due to rounding.

\* Utilization rate below the 22.4% graduation rate for the three New Jersey Law Schools in FY 2002.

### 3. Minority Representation: Law Clerk by Court Level

An examination of data on law clerk appointments by court level for the 2003-2004 court term (see Table 21) reveals that at the Supreme Court level, there were a total of 23 judicial law clerks appointments, of which 6 (26.1%) are minorities: 2 Blacks (8.7%); 3 Hispanics (13.0%); 1 Asians/Pacific Islander and American Indians combined (4.3%). This represents a significant increase from the 2002-2003 term where only one judicial law clerk was a minority.

At the Appellate Division, there were a total of 50 law clerk appointments of which 13 (26.0%) are minority: 3 Blacks (6.0%); 4 Hispanics (8.0%) and 6 Asians/Pacific Islanders and American Indians combined (12.0%). These 13 minority law clerks represent an increase from the 2002-2003 court term of 11.

In the Superior Court, Trial Division, there were a total of 398 law clerk appointments of which 95 (23.9%) are minority 32 Blacks (8.0%); 22 Hispanics (5.5%) and 41 Asians/Pacific Islanders and American Indians combined (10.3%).

At the Tax Court, there were a total of 6 law clerk appointments of which 1 (16.7%) is a minority.

Overall there were 115 minority law clerk appointments for the various court levels in the 2003-2004 court term. An identical number of minority law clerks were appointed in the previous court year. Refer to Table 21, New Jersey Judicial Law Clerks by Court Level for Court Term 2003-2004, September 2003 and Table 22, New Jersey Judiciary Net Changes in Minority Law Clerk Representation, 2002-2003 and 2003-2004 Court Year.

**Table 21. New Jersey Judicial Law Clerks by Court Level for Court Term 2003-2004,  
September 2003**

| Court                               | Totals |        | Whites |       | Total Minorities |       | Blacks |      | Hispanics |       | Asians/<br>American<br>Indians |       |
|-------------------------------------|--------|--------|--------|-------|------------------|-------|--------|------|-----------|-------|--------------------------------|-------|
|                                     | #      | %      | #      | %     | #                | %     | #      | %    | #         | %     | #                              | %     |
| <b>Supreme Court</b>                |        |        |        |       |                  |       |        |      |           |       |                                |       |
| <b>Females</b>                      | 9      | 39.1%  | 5      | 21.7% | 4                | 17.4% | 2      | 8.7% | 1         | 4.3%  | 1                              | 4.3%  |
| <b>Males</b>                        | 14     | 60.9%  | 12     | 52.2% | 2                | 8.7%  | 0      | 0.0% | 2         | 8.7%  | 0                              | 0.0%  |
| <b>Total</b>                        | 23     | 100.0% | 17     | 73.9% | 6                | 26.1% | 2      | 8.7% | 3         | 13.0% | 1                              | 4.3%  |
| <b>Appellate Division</b>           |        |        |        |       |                  |       |        |      |           |       |                                |       |
| <b>Females</b>                      | 28     | 56.0%  | 22     | 44.0% | 6                | 12.0% | 1      | 2.0% | 2         | 4.0%  | 3                              | 6.0%  |
| <b>Males</b>                        | 22     | 44.0%  | 15     | 30.0% | 7                | 14.0% | 2      | 4.0% | 2         | 4.0%  | 3                              | 6.0%  |
| <b>Total</b>                        | 50     | 100.0% | 37     | 74.0% | 13               | 26.0% | 3      | 6.0% | 4         | 8.0%  | 6                              | 12.0% |
| <b>Superior Court</b>               |        |        |        |       |                  |       |        |      |           |       |                                |       |
| <b>Females</b>                      | 222    | 55.8%  | 158    | 39.7% | 64               | 16.1% | 23     | 5.8% | 14        | 3.5%  | 27                             | 6.8%  |
| <b>Males</b>                        | 176    | 44.2%  | 145    | 36.4% | 31               | 7.8%  | 9      | 2.3% | 8         | 2.0%  | 14                             | 3.5%  |
| <b>Total</b>                        | 398    | 100.0% | 303    | 76.1% | 95               | 23.9% | 32     | 8.0% | 22        | 5.5%  | 41                             | 10.3% |
| <b>Tax Court</b>                    |        |        |        |       |                  |       |        |      |           |       |                                |       |
| <b>Females</b>                      | 2      | 33.3%  | 1      | 16.7% | 1                | 16.7% | 0      | 0.0% | 0         | 0.0%  | 1                              | 16.7% |
| <b>Males</b>                        | 4      | 66.7%  | 4      | 66.7% | 0                | 0.0%  | 0      | 0.0% | 0         | 0.0%  | 0                              | 0.0%  |
| <b>Total</b>                        | 6      | 100.0% | 5      | 83.3% | 1                | 16.7% | 0      | 0.0% | 0         | 0.0%  | 1                              | 16.7% |
| <b>Grand Total - All Law Clerks</b> |        |        |        |       |                  |       |        |      |           |       |                                |       |
| <b>Females</b>                      | 261    | 54.7%  | 186    | 39.0% | 75               | 28.7% | 26     | 5.5% | 17        | 3.6%  | 32                             | 6.7%  |
| <b>Males</b>                        | 216    | 45.3%  | 176    | 36.9% | 40               | 18.5% | 11     | 2.3% | 12        | 2.5%  | 17                             | 3.6%  |
| <b>Total</b>                        | 477    | 100.0% | 362    | 75.9% | 115              | 24.1% | 37     | 7.8% | 29        | 6.1%  | 49                             | 10.3% |

Data Source: Payroll Management Information System

Note: Percentages are % of total in each major category. Percentages may not always add due to rounding.

**Table 22. New Jersey Judiciary Net Changes in Minorities Law Clerk Representation  
2002-2003 and 2003-2004 Court Year**

| <b>Court</b>            | <b>2002-2003</b> | <b>2003-2004</b> | <b>Net # Change</b> |
|-------------------------|------------------|------------------|---------------------|
| Supreme                 | 1                | 6                | +5                  |
| Appellate               | 11               | 13               | +2                  |
| Tax                     | 2                | 1                | -1                  |
| Superior                | 101              | 95               | -6                  |
| <b>Total Net Change</b> | <b>115</b>       | <b>115</b>       | <b>0</b>            |
| <b>County</b>           | <b>2002-2003</b> | <b>2003-2004</b> | <b>Net # Change</b> |
| Atlantic                | 5                | 2                | -3                  |
| Bergen                  | 6                | 7                | +1                  |
| Burlington              | 3                | 4                | +1                  |
| Camden                  | 4                | 2                | -2                  |
| Cape May                | 1                | 2                | +1                  |
| Cumberland              | 5                | 3                | -2                  |
| Essex                   | 17               | 19               | +2                  |
| Gloucester              | 2                | 4                | +2                  |
| Hudson                  | 11               | 6                | -5                  |
| Hunterdon               | 2                | 0                | -2                  |
| Mercer                  | 7                | 5                | -2                  |
| Middlesex               | 15               | 18               | +3                  |
| Monmouth                | 3                | 5                | +2                  |
| Morris                  | 2                | 1                | -1                  |
| Ocean                   | 4                | 3                | -1                  |
| Passaic                 | 6                | 7                | +1                  |
| Salem                   | 0                | 0                | 0                   |
| Somerset                | 0                | 3                | +3                  |
| Sussex                  | 1                | 1                | 0                   |
| Union                   | 7                | 3                | -4                  |
| Warren                  | 0                | 0                | 0                   |
| <b>Total Net Change</b> | <b>101</b>       | <b>95</b>        | <b>-6</b>           |

Data Source: Payroll Management Information System

#### 4. Recruitment Outreach Activities

The Chief Justice's and Administrative Director's consistently strong support for the Judiciary minority law clerk recruitment programs has not only sustained but enhanced this program. In order to encourage minority law students and non-minority law students to apply for judicial clerkships in New Jersey, the Judiciary is involved in several activities coordinated by the EEO/AA Unit and/or the Vicinage EEO/AA Officers. These activities included the following:

- Visited Rutgers, Delaware and Temple University Law Schools on May 3, 4, 5, 2002;
  - Philadelphia Area Minority Job Fair on September 14, 2002;
  - Black Law Students Association Job Fair at the Marriott Hotel, Brooklyn, NY on September 23, 2002;
  - Rutgers Camden Law School Law Clerk Program on September 18, 2002;
  - Association of the Bar of the City of New York Law Clerkship Panel Program on April 1, 2003;
  - Visited Rutgers, Delaware and Temple University Law Schools on June 12, 2003;
  - Seton Hall Minority Job Fair on July 26, 2003;
  - Big Apple Legal Recruiting Conference on August 21, 2003;
  - Philadelphia Area Minority Job Fair on September 6, 2003;
  - Black Law Students Association Job Fair at the Marriott Hotel, Brooklyn, NY, September 12, 2003;
  - Massachusetts Law School Consortium September 22, 2003; and
  - Presentation to the Seton Hall University School of Law, Latin American Law Student Organization.
5. Distribution of Judicial Law Clerk Appointments by Law School, Court Year 2002-2003

The Committee on Minority Concerns requested and received from the AOC/Central Clerks' Offices Office information regarding law clerk appointments by law school. While the Judiciary's Law Clerk Recruitment Program is national in scope, approximately 53.7% (263) of all clerks appointed for the 2002-2003 court year were graduates from New Jersey law schools. Refer to Table 23. New Jersey Judiciary: Law Clerk Appointments by Law School 2002-2003 Court Term.

**Table 23. New Jersey Judiciary: Law Clerk Appointments by Law School  
2002-2003 Court Year<sup>13</sup>**

| <b>LAW SCHOOL</b>                                     | <b>#</b>   | <b>%</b>     |
|---|------------|--------------|
| <b>Seton Hall University School of Law – Camden</b>   | <b>114</b> | <b>23.3</b>  |
| <b>Rutgers University School of Law – Camden</b>      | <b>94</b>  | <b>19.2</b>  |
| <b>Rutgers University School of Law – Newark</b>      | <b>55</b>  | <b>11.2</b>  |
| <b>Widener University School of Law, Delaware</b>     | <b>37</b>  | <b>8.8</b>   |
| <b>New York Law School</b>                            | <b>26</b>  | <b>5.3</b>   |
| <b>Villanova University School of Law</b>             | <b>18</b>  | <b>3.7</b>   |
| <b>George Washington University Law School</b>        | <b>12</b>  | <b>2.4</b>   |
| <b>Syracuse University College of Law</b>             | <b>6</b>   | <b>1.2</b>   |
| <b>New England School of Law</b>                      | <b>6</b>   | <b>1.2</b>   |
| <b>American University, Washington College of Law</b> | <b>6</b>   | <b>1.2</b>   |
| <b>Benjamin N. Cardozo School of Law</b>              | <b>6</b>   | <b>1.2</b>   |
| <b>Brooklyn Law School</b>                            | <b>6</b>   | <b>1.2</b>   |
| <b>Georgetown University Law Center</b>               | <b>5</b>   | <b>1.0</b>   |
| <b>Notre Dame Law School</b>                          | <b>5</b>   | <b>1.0</b>   |
| <b>Quinnipiac College School of Law</b>               | <b>5</b>   | <b>1.0</b>   |
| <b>St. John’s University School Of Law</b>            | <b>5</b>   | <b>1.0</b>   |
| <b>Subtotal</b>                                       | <b>406</b> | <b>82.9</b>  |
| <b>Total Appointments</b>                             | <b>490</b> | <b>100.0</b> |

G. Judiciary New Hires and Separations

1. New Hires

**AOC/Central Clerks’ Offices and Vicinages Combined**

According to Table 23. New Jersey Judiciary: New Hires by Race/Ethnicity, Fiscal Year 2003 (July 1, 2002-June 30, 2003), during this one-year period, the Judiciary (AOC/Central Clerks’ Offices and Vicinages Combined) hired 767 employees, excluding judicial law clerks. Of these new hires, 361 (47.1%) were minorities: 219 Blacks (28.6%); 109 Hispanics (14.2%)

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<sup>13</sup>More than 46% of all appointments were made of law students who graduated from non-New Jersey law schools. Law clerks appointed for the 2002-2003 Court Year also included graduates from the following law schools: Albany Law School (1), Boston College Law School (2), Boston Univ. Sch. of Law (4), Catholic Univ. of America Columbus Sch. of Law (1), Columbia Univ. Sch. of Law (1), Cornell Law School (1), CUNY (City Univ. of New York) Sch. of Law (4), Dickinson Sch. of Law of the Penn. State Univ. (3), Emory Univ. Sch. of Law (2), Florida Coastal Sch. of Law (1), Fordham Univ. Sch. of Law (1), George Mason Univ. Sch. of Law (1), Hofstra (2), Howard Univ. Sch. of Law (4), NYU School of Law (4), Pace Univ. Sch. of Law (4), Roger Williams Univ., Ralph R. Papitto Sch. of Law (1), Seattle Univ. Sch. of Law (1), St. Louis Univ. Sch. of Law (2), St. Thomas Univ. Sch. of Law (1), Suffolk Univ. Law School (1), Temple University James E. Beasley School of Law (3), Thomas M. Cooley Law School (3), Tulane Law School (3), Univ. of Arizona College of Law (1), Univ. of Baltimore Sch. of Law (1), Univ. of Ca. at Berkeley Sch. of Law (1), Univ. of Ca. at Los Angeles (UCLA) Sch. of Law (1), Univ. of Denver College of Law (1), Univ. of Maine Sch. of Law (1), Univ. of Miami Sch. of Law (2), Univ. of Michigan Law School (2), Univ. of Pennsylvania Law Sch. (1), Univ. of Pittsburgh Sch. of Law (3), Univ. of Richmond, T.C. Williams Sch. of Law (1), Univ. of San Diego Sch. of Law (1), Univ. of South Carolina Sch. of Law (2), Univ. of Virginia Sch. of Law (1), Vermont Law School (3), Wake Forest Univ. Sch. of Law (1), Western New England School of Law (2), William and Mary Law School (4), and Yale Law School (1).

and 33 Asians/American Indians combined (4.3%). Whites accounted for 406 or 52.9% of the new hires.

#### **AOC/Central Clerks' Offices**

At the AOC/Central Clerks' Offices there were a total of 91 new hires, 62 of whom were White (68.1%); 29 were minorities (31.9%) of whom: 13 were Black (14.3%); 5, were Hispanic (5.5%), and 11 were Asians/American Indians (12.1%).

#### **Vicinages Combined**

A total of 676 new employees were hired in the 15 vicinages. Of this number, 344 or 50.9% were White and 332 (49.1%) were minorities. Blacks accounted for 206 of the total vicinage new hires (30.5%); Hispanic accounted for 104 or 15.4% and Asians/American Indians accounted for the remaining 22 or 3.3%. For more detailed information on each vicinage's new hire profile, consult Table 23.

### 2. Separations

#### **AOC/Central Clerks' Offices and Vicinages Combined**

Table 24. New Jersey Judiciary: Separations by Race/Ethnicity, Fiscal Year 2003 (July 1, 2002-June 30, 2003) indicates that there were 590 separations in the AOC/Central Clerks' Offices and vicinages combined for the fiscal year ending June 30, 2003. Separations include resignations/ in good standing, resignations/not in good standing, retirements, expiration of term(law clerks), removal, removal at end of working test period, layoff, deaths, dismissals, disability and deaths. Of this number 198 or 33.6% were minorities of whom: 135 were Blacks (22.9%), 54 or 9.2% were Hispanics, and 9 were Asians/American Indians (1.5%). White employee separations were 392 and accounted for two- thirds of the total number of separations (66.4%). The separation data is not broken down by categories.

#### **AOC/Central Clerks' Offices**

The AOC/Central Clerks' Offices had 84 employee separations last fiscal year, 69 of whom were White employees (82.1%), total Minorities accounted for 15 separations (17.9%: 9 Black employees (10.7%); 5 Hispanics (6.0%) and 1 Asian/American Indian (1.2%).

### **Vicinages Combined**

At the combined vicinage level, there were a total of 506 employee separations. Of this number, 183 or 36.2% were minorities: 126 Blacks (24.9%); 49 Hispanics (9.2%); and 8 Asian/American Indians (1.6%).

Overall approximately 14% more minorities are entering (47.1%) the system than are exiting (33.6%) the system. The reverse is true for Whites: 52.9% of Whites were new hires compared to 66.4% that were separations. Approximately 14% more Whites exited the state Judiciary system than were hired in the fiscal year ending in June 2003. The Subcommittee needs more detailed information breaking out the various types of separations in order to proffer any pointed findings or recommendations.

**Table 24. New Jersey Judiciary: New Hires by Race/ Ethnicity (Excluding Law Clerks)  
AOC/ Central Clerk's Offices and Vicinages July 1, 2002-June 30, 2003**

|                                   | Total | Total Minorities |       | Whites |        | Blacks |       | Hispanics |       | Asians/Amer. Ind's. |       |
|-----------------------------------|-------|------------------|-------|--------|--------|--------|-------|-----------|-------|---------------------|-------|
|                                   |       | #                | %     | #      | %      | #      | %     | #         | %     | #                   | %     |
| <b>AOC/Central Clerks Offices</b> | 91    | 29               | 31.9% | 62     | 68.1%  | 13     | 14.3% | 5         | 5.5%  | 11                  | 12.1% |
| <b>Vicinages</b>                  |       |                  |       |        |        |        |       |           |       |                     |       |
| <b>Atlantic</b>                   | 24    | 7                | 29.2% | 17     | 70.8%  | 5      | 20.8% | 1         | 4.2%  | 1                   | 4.2%  |
| <b>Cape May</b>                   | 5     | 0                | 0.0%  | 5      | 100.0% | 0      | 0.0%  | 0         | 0.0%  | 0                   | 0.0%  |
| <b>Bergen</b>                     | 61    | 26               | 42.6% | 35     | 57.4%  | 12     | 19.7% | 9         | 14.8% | 5                   | 8.2%  |
| <b>Burlington</b>                 | 31    | 9                | 29.0% | 22     | 71.0%  | 8      | 25.8% | 0         | 0.0%  | 1                   | 3.2%  |
| <b>Camden</b>                     | 31    | 14               | 45.2% | 17     | 54.8%  | 7      | 22.6% | 6         | 19.4% | 1                   | 3.2%  |
| <b>Essex</b>                      | 114   | 94               | 82.5% | 20     | 17.5%  | 83     | 72.8% | 8         | 7.0%  | 3                   | 2.6%  |
| <b>Hudson</b>                     | 51    | 41               | 80.4% | 10     | 19.6%  | 3      | 5.9%  | 37        | 72.5% | 1                   | 2.0%  |
| <b>Mercer</b>                     | 25    | 12               | 48.0% | 13     | 52.0%  | 9      | 36.0% | 2         | 8.0%  | 1                   | 4.0%  |
| <b>Middlesex</b>                  | 54    | 32               | 59.3% | 22     | 40.7%  | 17     | 31.5% | 14        | 25.9% | 1                   | 1.9%  |
| <b>Monmouth</b>                   | 30    | 6                | 20.0% | 24     | 80.0%  | 4      | 13.3% | 1         | 3.3%  | 1                   | 3.3%  |
| <b>Morris</b>                     | 19    | 8                | 42.1% | 11     | 57.9%  | 5      | 26.3% | 2         | 10.5% | 1                   | 5.3%  |
| <b>Sussex</b>                     | 2     | 1                | 50.0% | 1      | 50.0%  | 1      | 50.0% | 0         | 0.0%  | 0                   | 0.0%  |
| <b>Passaic</b>                    | 20    | 10               | 50.0% | 10     | 50.0%  | 4      | 20.0% | 6         | 30.0% | 0                   | 0.0%  |
| <b>Union</b>                      | 73    | 43               | 58.9% | 30     | 41.1%  | 32     | 43.8% | 9         | 12.3% | 2                   | 2.7%  |
| <b>Somerset</b>                   | 13    | 3                | 23.1% | 10     | 76.9%  | 0      | 0.0%  | 0         | 0.0%  | 3                   | 23.1% |
| <b>Hunterdon</b>                  | 2     | 1                | 50.0% | 1      | 50.0%  | 1      | 50.0% | 0         | 0.0%  | 0                   | 0.0%  |
| <b>Warren</b>                     | 6     | 1                | 16.7% | 5      | 83.3%  | 1      | 16.7% | 0         | 0.0%  | 0                   | 0.0%  |
| <b>Ocean</b>                      | 54    | 6                | 11.1% | 48     | 88.9%  | 4      | 7.4%  | 1         | 1.9%  | 1                   | 1.9%  |
| <b>Gloucester</b>                 | 18    | 6                | 33.3% | 12     | 66.7%  | 6      | 33.3% | 0         | 0.0%  | 0                   | 0.0%  |
| <b>Cumberland</b>                 | 36    | 11               | 30.6% | 25     | 69.4%  | 3      | 8.3%  | 8         | 22.2% | 0                   | 0.0%  |
| <b>Salem</b>                      | 7     | 1                | 14.3% | 6      | 85.7%  | 1      | 14.3% | 0         | 0.0%  | 0                   | 0.0%  |
| <b>Total- All Vicinages</b>       | 676   | 332              | 49.1% | 344    | 50.9%  | 206    | 30.5% | 104       | 15.4% | 22                  | 3.3%  |
| <b>Grand Total</b>                | 767   | 361              | 47.1% | 406    | 52.9%  | 219    | 28.6% | 109       | 14.2% | 33                  | 4.3%  |

Source: Judicial Human Resource Information System.

**Table 25. New Jersey Judiciary: Separations by Race/ Ethnicity (Excluding Law Clerks)  
AOC/ Central Clerk's Offices and Vicinages July 1, 2002-June 30, 2003**

|                                   | Total | Total Minorities |       | Whites |        | Blacks |       | Hispanics |       | Asians/Amer. Ind's. |       |
|-----------------------------------|-------|------------------|-------|--------|--------|--------|-------|-----------|-------|---------------------|-------|
|                                   |       | #                | %     | #      | %      | #      | %     | #         | %     | #                   | %     |
| <b>AOC/Central Clerks Offices</b> | 84    | 15               | 17.9% | 69     | 82.1%  | 9      | 10.7% | 5         | 6.0%  | 1                   | 1.2%  |
| <b>Vicinages</b>                  |       |                  |       |        |        |        |       |           |       |                     |       |
| <b>Atlantic</b>                   | 9     | 6                | 66.7% | 3      | 33.3%  | 3      | 33.3% | 2         | 22.2% | 1                   | 11.1% |
| <b>Cape May</b>                   | 3     | 1                | 33.3% | 2      | 66.7%  | 1      | 33.3% | 0         | 0.0%  | 0                   | 0.0%  |
| <b>Bergen</b>                     | 80    | 13               | 16.3% | 67     | 83.8%  | 5      | 6.3%  | 7         | 8.8%  | 1                   | 1.3%  |
| <b>Burlington</b>                 | 20    | 10               | 50.0% | 10     | 50.0%  | 9      | 45.0% | 1         | 5.0%  | 0                   | 0.0%  |
| <b>Camden</b>                     | 24    | 8                | 33.3% | 16     | 66.7%  | 5      | 20.8% | 3         | 12.5% | 0                   | 0.0%  |
| <b>Essex</b>                      | 102   | 54               | 52.9% | 48     | 47.1%  | 47     | 46.1% | 6         | 5.9%  | 1                   | 1.0%  |
| <b>Hudson</b>                     | 29    | 20               | 69.0% | 9      | 31.0%  | 6      | 20.7% | 11        | 37.9% | 3                   | 10.3% |
| <b>Mercer</b>                     | 22    | 12               | 54.5% | 10     | 45.5%  | 12     | 54.5% | 0         | 0.0%  | 0                   | 0.0%  |
| <b>Middlesex</b>                  | 29    | 12               | 41.4% | 17     | 58.6%  | 7      | 24.1% | 4         | 13.8% | 1                   | 3.4%  |
| <b>Monmouth</b>                   | 28    | 6                | 21.4% | 22     | 78.6%  | 5      | 17.9% | 0         | 0.0%  | 1                   | 3.6%  |
| <b>Morris</b>                     | 11    | 4                | 36.4% | 7      | 63.6%  | 3      | 27.3% | 1         | 9.1%  | 0                   | 0.0%  |
| <b>Sussex</b>                     | 2     | 0                | 0.0%  | 2      | 100.0% | 0      | 0.0%  | 0         | 0.0%  | 0                   | 0.0%  |
| <b>Passaic</b>                    | 32    | 9                | 28.1% | 23     | 71.9%  | 2      | 6.3%  | 7         | 21.9% | 0                   | 0.0%  |
| <b>Union</b>                      | 45    | 16               | 35.6% | 29     | 64.4%  | 12     | 26.7% | 4         | 8.9%  | 0                   | 0.0%  |
| <b>Somerset</b>                   | 12    | 3                | 25.0% | 9      | 75.0%  | 2      | 16.7% | 1         | 8.3%  | 0                   | 0.0%  |
| <b>Hunterdon</b>                  | 5     | 1                | 20.0% | 4      | 80.0%  | 1      | 20.0% | 0         | 0.0%  | 0                   | 0.0%  |
| <b>Warren</b>                     | 2     | 0                | 0.0%  | 2      | 100.0% | 0      | 0.0%  | 0         | 0.0%  | 0                   | 0.0%  |
| <b>Ocean</b>                      | 16    | 1                | 6.3%  | 15     | 93.8%  | 0      | 0.0%  | 1         | 6.3%  | 0                   | 0.0%  |
| <b>Gloucester</b>                 | 15    | 2                | 13.3% | 13     | 86.7%  | 2      | 13.3% | 0         | 0.0%  | 0                   | 0.0%  |
| <b>Cumberland</b>                 | 14    | 3                | 21.4% | 11     | 78.6%  | 2      | 14.3% | 1         | 7.1%  | 0                   | 0.0%  |
| <b>Salem</b>                      | 6     | 2                | 33.3% | 4      | 66.7%  | 2      | 33.3% | 0         | 0.0%  | 0                   | 0.0%  |
| <b>Total-All Vicinages</b>        | 506   | 183              | 36.2% | 323    | 63.8%  | 126    | 24.9% | 49        | 9.7%  | 8                   | 1.6%  |
| <b>Grand Total</b>                | 590   | 198              | 33.6% | 392    | 66.4%  | 135    | 22.9% | 54        | 9.2%  | 9                   | 1.5%  |

Source: Judicial Human Resource Information System.

## H. Municipal Court Workforce Representation

The Municipal Court Services Division at the Administrative Office of the Courts conducted a survey in October 2001. The results of this survey are reported below.

### 1. Manager and Non-managers

In October 2001, a one-page survey was sent to all Municipal Court employees. Among Municipal Court Managers, 971 returned their respective survey forms. As you can see from a review of Table 26. Municipal Court Employees: Managers by Race, Ethnicity and County (October 2001), out of a total of 971 survey respondents, 864(89.0%) were White; 107(11.0%) were minorities of which 64 or 6.6% were Black, 37 or 3.8% were Hispanic, and 6 or 0.6% were Asian/American Indian.

Table 27. Municipal Court Employees: Non- Managers by Race, Ethnicity and County (October 2001) shows comparable data for the non-managerial Municipal Court employees. The surveys had 1097 respondents; 1083 respondents reported their respective race/ethnicity. White non-managers accounted for 63.4% (684) of the total and minorities accounted for 36.7% (398) of the total number of non-managers. Black non-mangers number 205 and comprise 18.9% of the workforce in this category. There are 165 Hispanics or 15.2% of the workforce. Asians//American Indians account for 2.4% or 26 of the workforce.

### 2. Full and Part-time Employees

The combined total Municipal Court workforce includes 1712 or 82.1% full-time employees and 369 part-time employees or 17.7%.

**Table 26. Municipal Court Employees: Managers by Race/Ethnicity and County  
October 2001 New Jersey)**

| County             | Total Number Employees | Tot. Whites |             | Tot. Minorities |             | Blacks    |            | Hispanics |            | Asians/<br>American Indians |            |
|--------------------|------------------------|-------------|-------------|-----------------|-------------|-----------|------------|-----------|------------|-----------------------------|------------|
|                    |                        | #           | %           | #               | %           | #         | %          | #         | %          | #                           | %          |
| Atlantic           | 45                     | 36          | 80.0        | 9               | 20.0        | 7         | 15.6       | 2         | 4.4        | 0                           | 0.0        |
| Bergen*            | 93                     | 87          | 93.5        | 6               | 6.5         | 1         | 1.1        | 3         | 3.2        | 2                           | 2.2        |
| Burlington         | 66                     | 58          | 87.9        | 8               | 12.1        | 7         | 10.6       | 1         | 1.5        | 0                           | 0.0        |
| Camden             | 62                     | 57          | 91.9        | 5               | 8.1         | 5         | 8.1        | 0         | 0.0        | 0                           | 0.0        |
| Cape May           | 32                     | 32          | 100.0       | 0               | 0.0         | 0         | 0.0        | 0         | 0.0        | 0                           | 0.0        |
| Cumberland         | 19                     | 18          | 94.7        | 1               | 5.3         | 0         | 0.0        | 1         | 5.3        | 0                           | 0.0        |
| Essex*             | 61                     | 35          | 57.4        | 26              | 42.6        | 21        | 34.4       | 4         | 6.6        | 1                           | 1.6        |
| Gloucester         | 33                     | 31          | 93.9        | 2               | 6.1         | 2         | 6.1        | 0         | 0.0        | 0                           | 0.0        |
| Hudson             | 17                     | 12          | 70.6        | 5               | 29.4        | 0         | 0.0        | 5         | 29.4       | 0                           | 0.0        |
| Hunterdon          | 21                     | 21          | 100.0       | 0               | 0.0         | 0         | 0.0        | 0         | 0.0        | 0                           | 0.0        |
| Mercer*            | 32                     | 28          | 87.5        | 4               | 12.5        | 1         | 3.1        | 3         | 9.4        | 0                           | 0.0        |
| Middlesex          | 62                     | 57          | 91.9        | 5               | 8.1         | 4         | 6.5        | 1         | 1.6        | 0                           | 0.0        |
| Monmouth*          | 105                    | 98          | 93.3        | 7               | 6.7         | 3         | 2.9        | 4         | 3.8        | 0                           | 0.0        |
| Morris*            | 74                     | 66          | 89.2        | 8               | 10.8        | 2         | 2.7        | 4         | 5.4        | 2                           | 2.7        |
| Ocean              | 61                     | 59          | 96.7        | 2               | 3.3         | 1         | 1.6        | 1         | 1.6        | 0                           | 0.0        |
| Passaic*           | 32                     | 24          | 75.0        | 8               | 25.0        | 5         | 15.6       | 2         | 6.3        | 1                           | 3.1        |
| Salem              | 12                     | 11          | 91.7        | 1               | 8.3         | 0         | 0.0        | 1         | 8.3        | 0                           | 0.0        |
| Somerset           | 36                     | 34          | 94.4        | 2               | 5.6         | 0         | 0.0        | 2         | 5.6        | 0                           | 0.0        |
| Sussex             | 27                     | 27          | 100.0       | 0               | 0.0         | 0         | 0.0        | 0         | 0.0        | 0                           | 0.0        |
| Union              | 46                     | 38          | 82.6        | 8               | 17.4        | 5         | 10.9       | 3         | 6.5        | 0                           | 0.0        |
| Warren             | 35                     | 35          | 100.0       | 0               | 0.0         | 0         | 0.0        | 0         | 0.0        | 0                           | 0.0        |
| <b>Grand Total</b> | <b>971</b>             | <b>864</b>  | <b>89.0</b> | <b>107</b>      | <b>11.0</b> | <b>64</b> | <b>6.6</b> | <b>37</b> | <b>3.8</b> | <b>6</b>                    | <b>0.6</b> |

\*Source: Municipal Court Services Division

Note: Race is self-reported. In some cases it is not reported, therefore the non-reports have not been included in the total workforce count of 983 for managers. Only 1.2% of the respondents failed to report race/ ethnicity.

**Table 27. Municipal Court Employees: Non- Managers by Race/Ethnicity and County  
October 2001 (New Jersey)**

| County             | Total | Whites |       | Total Minorities |      | Blacks |      | Hispanics |      | Asians/ American Indians |     |
|--------------------|-------|--------|-------|------------------|------|--------|------|-----------|------|--------------------------|-----|
|                    |       | #      | %     | #                | %    | #      | %    | #         | %    | #                        | %   |
| <b>Atlantic</b>    | 49    | 25     | 51.0  | 24               | 49.0 | 18     | 36.7 | 5         | 10.2 | 1                        | 2.0 |
| <b>Bergen</b>      | 90    | 60     | 66.7  | 29               | 32.2 | 10     | 11.1 | 15        | 16.7 | 4                        | 4.4 |
| <b>Burlington</b>  | 28    | 24     | 85.7  | 4                | 14.3 | 2      | 7.1  | 1         | 3.6  | 1                        | 3.6 |
| <b>Camden</b>      | 80    | 57     | 71.3  | 23               | 28.8 | 14     | 17.5 | 7         | 8.8  | 2                        | 2.5 |
| <b>Cape May</b>    | 24    | 24     | 100.0 | 0                | 0.0  | 0      | 0.0  | 0         | 0.0  | 0                        | 0.0 |
| <b>Cumberland</b>  | 8     | 4      | 50.0  | 4                | 50.0 | 0      | 0.0  | 4         | 50.0 | 0                        | 0.0 |
| <b>Essex</b>       | 123   | 30     | 24.4  | 93               | 75.6 | 77     | 62.6 | 7         | 5.7  | 7                        | 5.7 |
| <b>Gloucester</b>  | 13    | 12     | 92.3  | 1                | 7.7  | 1      | 7.7  | 0         | 0.0  | 0                        | 0.0 |
| <b>Hudson</b>      | 180   | 97     | 53.9  | 83               | 46.1 | 30     | 16.7 | 45        | 25.0 | 8                        | 4.4 |
| <b>Hunterdon</b>   | 13    | 13     | 100.0 | 0                | 0.0  | 0      | 0.0  | 0         | 0.0  | 0                        | 0.0 |
| <b>Mercer</b>      | 79    | 45     | 57.0  | 34               | 43.0 | 19     | 24.1 | 14        | 17.7 | 1                        | 1.3 |
| <b>Middlesex</b>   | 93    | 70     | 75.3  | 23               | 24.7 | 7      | 7.5  | 16        | 17.2 | 0                        | 0.0 |
| <b>Monmouth</b>    | 61    | 54     | 88.5  | 7                | 11.5 | 1      | 1.6  | 4         | 6.6  | 2                        | 3.3 |
| <b>Morris</b>      | 20    | 14     | 70.0  | 6                | 30.0 | 2      | 10.0 | 4         | 20.0 | 0                        | 0.0 |
| <b>Ocean</b>       | 54    | 50     | 92.6  | 4                | 7.4  | 1      | 1.9  | 3         | 5.6  | 0                        | 0.0 |
| <b>Passaic</b>     | 55    | 27     | 49.1  | 28               | 50.9 | 8      | 14.5 | 20        | 36.4 | 0                        | 0.0 |
| <b>Salem</b>       | 4     | 3      | 75.0  | 1                | 25.0 | 1      | 25.0 | 0         | 0.0  | 0                        | 0.0 |
| <b>Somerset</b>    | 22    | 21     | 95.5  | 1                | 4.5  | 0      | 0.0  | 1         | 4.5  | 0                        | 0.0 |
| <b>Sussex</b>      | 8     | 8      | 100.0 | 0                | 0.0  | 0      | 0.0  | 0         | 0.0  | 0                        | 0.0 |
| <b>Union</b>       | 72    | 39     | 54.2  | 33               | 45.8 | 14     | 19.4 | 19        | 26.4 | 0                        | 0.0 |
| <b>Warren</b>      | 7     | 7      | 100.0 | 0                | 0.0  | 0      | 0.0  | 0         | 0.0  | 0                        | 0.0 |
| <b>Grand Total</b> | 1083  | 684    | 63.2  | 398              | 36.7 | 205    | 18.9 | 165       | 15.2 | 26                       | 2.4 |

\*Source: Municipal Court Services Division

Note: Race is self-reported. In some cases it is not reported, therefore the non-reports have not been included in the total workforce count of 1096 for non- managers. Only 1.2% of the respondents failed to report race/ ethnicity.

# APPENDICES