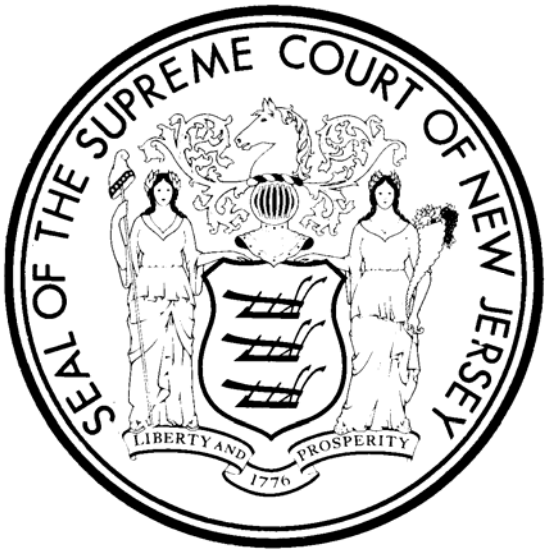
NEW JERSEY SUPREME COURT COMMITTEE ON MINORITY CONCERNS



2004-2007 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,

January 12, 2007

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EXECUTIVE SUMMARY

Over the course of the past twenty plus years, since then Chief Justice Robert N. Wilentz formed the ad hoc Committee on Minority Concerns under the chairmanship of The Honorable James H. Coleman, Jr., J.A.D., and later convened the Supreme Court Task Force on Minority Concerns under the leadership of The Honorable Theodore Z. Davis, J.S.C., the New Jersey Judiciary has continued to be engaged actively in the work of assuring justice throughout the court system by ensuring that its programs operate and its services are delivered without the influence of racial/ethnic biases. These efforts have continued under the dedicated leadership of (retired) Chief Justice Deborah T. Poritz and Chief Justice James R. Zazzali[2].

As noted in previous reports, the Supreme Court Committee on Minority Concerns (hereinafter, the Committee) recognizes the commitment shown by the New Jersey Judiciary to deliver fair and equitable justice to all who seek the services of its courts and to eliminate any remaining vestiges of discrimination and bias. As this report discusses in detail, the Committee is pleased with the progress made during this reporting cycle[3] while also recognizing that room for improvement remains in a number of areas in order to address more completely the mission and mandate of the Supreme Court.

Criminal Justice and the Minority Defendant

Guided by Task Force recommendations 2 through 6, the Subcommittee on Criminal Justice and the Minority Defendant has focused on bail and sentencing measures and outcomes,

[2] Chief Justice Zazzali as then a private attorney was a member of the original Supreme Court Task Force on Minority Concerns.

[3] Until October 2005, it had been the practice for all Supreme Court Committees to report biennially in even numbered years. In October 2005, the Court announced that the Committees would be divided into two groups with reports due in alternating years. The Supreme Court Committee on Minority Concerns was assigned to the group reporting in odd numbered years and as a result this reporting period was extended by an additional year, i.e., 2004-2007.

the expansion of drug courts in New Jersey, judicial training initiatives, and response to the peremptory challenges and jury *voir dire* study.

The Subcommittee has maintained its focus during this cycle on these critical areas of criminal court operations in an effort to further explore, understand, and suggest improvements to criminal court processes and procedures. The Committee recognizes that some of these processes and procedures may need to be strengthened or revised in order to assure fairness and equal treatment for minority and non-minority defendants and has made recommendations accordingly.

One particular area of continuing interest is bail. The Subcommittee on Criminal Justice and the Minority Defendant has made periodic efforts to seek meaningful statistics regarding bail setting and bail reduction. The Subcommittee is interested in learning whether there are among bails set differences along racial/ethnic lines. In addition, the Subcommittee has a concern that racial minorities unable to make low bails may stay in custody a disproportionately longer period of time than do similarly situated non-minorities. The Committee would like to explore the question during the next cycle.

Minorities and Juvenile Justice/Family

During the 2004-2007 rules cycle, the Subcommittee on Minorities and Juvenile Justice/Family has continued to focus on priority issues identified in previous reports including research on disproportionate minority juvenile contact/confinement, an examination of juvenile case-processing decision points, the ongoing development and standardization of public education programs for juveniles, and the development of a statewide online juvenile resource directory. The Subcommittee is focused on several new areas including review of data regarding

post-termination/pre-adoption, juveniles in detention, juveniles on probation, and family drug courts.

The Subcommittee continues to value, and hold as one of its principal roles, the promotion of public education regarding juveniles and the court. A number of pending projects in this area have progressed satisfactorily during the current rules cycle.

Of particular note is the work relating to the statewide interagency Juvenile Justice Disparities Inquiry. The Supreme Court Committee on Minority Concerns and the Conference of Vicinage Advisory Committee Chairs and Staff have long shared an abiding interest in the issue of disparities in justice outcomes for minority youth and continue to seek to sustain and enhance its ongoing collaboration with the Court, in particular with the Family Division Presiding Judges and Family Division Managers at the vicinage and central office levels. With financial support from the Administrative Office of the Courts and programmatic support from the Family Practice Division at the AOC and the Vicinage Advisory Committees on Minority Concerns, the Committee produced a one day internal forum[4] for judges, court staff, and Minority Concerns Committee members. Review of the final county reports and county[5] Youth Services Commission (YSC) Disparities Inquiry follow-up action plans identified the following areas of interest that relate to the court:

- Intake Screening Procedures for Admission to Detention
- Municipal Court Bench Warrants
- Realignment of Race/Ethnicity Classification Categories to match U.S. Census (2000)

[4] The conference, *Addressing Disparities in Juvenile Justice Outcomes for Minority Youth*, took place on Friday, September 29, 2006 at The Conference Center at Mercer located on the West Windsor Campus of Mercer County Community College.

[5] YSC Action Plans from the following counties were reviewed: Atlantic, Bergen, Cape May, Gloucester, Middlesex, Monmouth, Morris, Ocean, Salem, Somerset, and Sussex.

- Institutionalization of Collaboration among key stakeholders involved in the Juvenile Justice System
- Diversification of Court Volunteers
- Diversity and Cultural Competency Training for Court Staff
- Training and Support for Parents/Youth
- Early Substance Abuse Intervention

Interest in increasing the level of participation by racial and ethnic minority court volunteers is shared among several subcommittees of the Supreme Court Committee on Minority Concerns including Minority Access, Minority Participation, and Juvenile Justice and the Family. The primary concern of the subcommittee in this regard has been increasing the number of racial and ethnic minority volunteers in family court and juvenile justice-related programs, for example Child Placement Review. The Subcommittee remains committed to addressing the need to increase minority participation in court volunteer programs. Further efforts in this regard are still needed and the Subcommittee strongly supports a focused systematic approach to enhanced volunteer recruitment efforts. Recognizing that each vicinage has a Volunteer Coordinator on staff, the Subcommittee believes that addressing the further diversification of the court volunteer base can be best achieved at the local level via collaboration between the Vicinage Volunteer Coordinator and the respective Vicinage Advisory Committee on Minority Concerns.

The Subcommittee has maintained its interest in conducting quantitative analysis of outcomes in several particular areas including post-termination/pre-adoption (i.e., youth free for adoption), juveniles in detention, juveniles on probation, and family and juvenile drug courts. The Subcommittee recognizes that its work with data in these areas is still in the early stages. Advances in data collection and retrieval programs at the Administrative Office of the Courts

will assist in analyzing the information. Further work on data collection and review will be a priority item during the coming rules cycle.

Minority Access to Justice

The Subcommittee on Minority Access to Justice continues to work to ensure that throughout the court system all individuals have fair and impartial access to all judiciary services and programs by monitoring how the Court addresses those factors that affect an individual's ability to utilize court services and programs optimally including:

- the location and physical conditions of court facilities or physical access to facilities;
- 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 understand fully court processes and procedures.

During the course of the 2004-2007 report cycle, the Subcommittee saw the realization of several key recommendations carried forward from the 2002-2004 cycle including the statewide implementation of the ombudsman program, pending publication of the *Guide to Court User Rights and Responsibilities*, and submission and approval of a research proposal to examine jury pool representation utilizing geo-mapping technology as an indirect tool for predicting the probable demographic profile of the jury pool. In addition, the Subcommittee continues ongoing monitoring of the use of interpreters and bilingual variant job positions and court volunteers; direct involvement in the review and editing of standardized court forms for use by self-represented litigants in support of the work of the statewide Working Group on Pro Se Materials; and collaboration on the development of a curriculum and courses related to cultural diversity/cultural competency for judges, court personnel, judicial volunteers, and the public.

Minority Participation in the Judicial Process

The Subcommittee on Minority Participation in the Judicial Process continues to fulfill its mandate by reviewing, monitoring, and making 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 New Jersey Judiciary has made substantial progress over the course of the last 20 plus years in its efforts to promote fairness and equity in the court system. The Judiciary's progress in implementing the court-approved minority concerns recommendations with respect to diversification of the workforce should position it to continue to meet the challenges of rapidly changing population demographics in our state.

In exercising its ongoing monitoring charge, the Subcommittee has continued to work collaboratively with the Administrative Office of the Courts and with the vicinages. This report includes detailed discussion of the status of the Judiciary EEO/AA Master Plan, minority participation in the judicial process as jurists, minority representation in the court executive job band at the Administrative Office of the Courts, the judicial law clerk program, the demographic profile of the judicial workforce including new hires and separations, information on the municipal court workforce, and information on the processing of discrimination complaints.

Program Planning & Implementation, Judicial/Staff Training, Public Education, and Community Outreach

The Minority Concerns initiatives in the areas of program planning, implementation, training, education, and outreach stem from the *Action Plan on Minority Concerns* approved by the Supreme Court in 1993. Twelve of the fifty-three recommendations in this plan address some aspect of training for the court community and the public. Minority Concerns Committee

members, Administrative Office of the Courts (AOC) Minority Concerns Unit staff, and vicinage staff liaisons provide valuable training and education to judges, law clerks, and court staff at all levels as well as to members of the public. Recognizing the strong dynamic correlation between access to accurate information and access to the services provided by the Courts, these areas remain key components of the work of Minority Concerns at all levels within the New Jersey Judiciary.

During the past twenty plus years, the subcommittees of the Supreme Court Committee on Minority Concerns have highlighted within their respective chapters discussions on public education and community outreach programs relating to their areas of focus. In its 1994-1996 Rules Cycle Report, the Supreme Court Committee on Minority Concerns discussed in detail in a dedicated chapter developments in judiciary training and community outreach. Noting that in many ways and on many levels the court's training, public education, and community outreach initiatives form a bridge between and among the varied Minority Concerns focus areas and priority initiatives, in particular access and participation, the Supreme Court Committee on Minority Concerns takes the opportunity to provide an update on its expansive work during this rules cycle in the areas of program planning and implementation, curriculum development, training, education, and outreach on the state and vicinage levels.

The New Jersey Judiciary employs a unique and trendsetting model for engaging with the community, meaningfully partnering with the public as a way of demonstrating that persons who are not members of the judicial and legal communities by profession are also stakeholders in sustaining the rule of law. Members of the public are invited to attend court-sponsored educational seminars and workshops and also to participate with the court in the elimination of all vestiges of bias and discrimination at any level within the New Jersey Judiciary and in the

process of ensuring fairness, impartiality, equal access, and full participation in the judicial system.

The infrastructure and dynamic of the Minority Concerns Initiatives, as approved by the New Jersey Supreme Court in 1993 and still in place today, models best practices in court-community partnerships by demonstrably creating and nurturing a synergetic court-community exchange. The Minority Concerns mission and mandate, including the work of the Supreme Court Committee on Minority Concerns, the AOC's Minority Concerns Unit, and the Vicinage Advisory Committees, intimately involves the community -- legal professionals and lay citizens equally -- as stakeholders in the rule of law and the fair and equitable exercise of justice, demonstrating the court-community partnership in action. The ways in which Minority Concerns sponsored initiatives and programs are effectuated further demonstrate these principles in action. Chapter V offers a detailed discussion on these efforts at the state and vicinage levels.

The Supreme Court Committee on Minority Concerns acknowledges and appreciates the invaluable assistance provided by AOC staff in connection with the preparation of this report and acknowledges their tireless efforts in helping the Committee bring this report to fruition.

Chapter I

SUBCOMMITTEE ON CRIMINAL JUSTICE AND THE MINORITY DEFENDANT

I. Introduction and Mandate

During the 2004-2007 reporting cycle, the Subcommittee on Criminal Justice and the Minority Defendant of the Supreme Court Committee on Minority Concerns has continued its work to address priority recommendations falling within its purview by:

Bail and Sentencing Measures and Outcomes

- drafting for publication an informational bail brochure to assist court users and interested parties in understanding the bail-setting process and the operations of the bail mechanism in the Criminal Division of Superior Court;
- examining current bail statistics to identify areas/issues of concern with an eye toward suggesting possible constructive actions;
- reviewing the Conference of Criminal Presiding Judges Subcommittee Report on Bail Practices (November 10, 2004) and the implementation of the suggested changes to Superior Court bail practices and procedures;
- studying the problems created when inmates face unnecessary delays in resolving cross-county detainers and working to craft a suggested proposal for a solution;
- examining the activities and reviewing the recommendations of the New Jersey Commission to Review Criminal Sentencing;

Statewide Implementation of Drug Courts

- learning about the statewide implementation of drug courts in the Criminal Division of the Superior Court;

Judicial Training Initiatives

- planning and developing judicial training courses in relevant subject areas; and

Peremptory Challenges and Jury Voir Dire

- reviewing the report of the Supreme Court's Special Committee on Peremptory Challenges and Jury Voir Dire (May 16, 2005).

The Subcommittee has maintained its focus during this cycle on these critical areas of criminal court operations in an effort to explore, understand, and suggest further improvements to criminal court processes and procedures. Some of these processes and procedures may need

to be strengthened or revised in order to assure fairness and equal treatment for minority and non-minority defendants.

II. Task Force Priority Recommendations Considered

The following priority recommendations of the original Supreme Court Task Force on Minority Concerns Final Report (June 1992) are the considerations that have guided the work of the Subcommittee during this Rules Cycle: bail and sentencing measures and outcomes (Task Force Recommendations 2, 3, 4, 5, and 6 - See section A, number 3 in this chapter for the related discussion); expansion of Drug Courts in New Jersey; judicial training initiatives; and peremptory challenges and jury voir dire.

III. Subcommittee Activities

A. Bail and Sentencing Measures and Outcomes

1. Informational Bail Brochure

The Subcommittee spent considerable time and effort to finalize the draft of an informational bail brochure that had been in the preparation stage for a number of years. The brochure, written in plain language and intended as a document to be made available as a public aid in each of the vicinages, will provide defendants and other interested citizens a clear explanation of the Superior Court bail process and available Judiciary services related to bail. Both the Criminal Practice Unit and the Municipal Court Services Division of the Administrative Office of the Courts, as well as the Conference of Criminal Division Managers and the Working Group on Pro Se Materials reviewed and endorsed the bail brochure final draft. The plenary body of the Supreme Court Committee on Minority Concerns endorsed the final draft and forwarded the brochure to the Administrative Office of the Courts with the recommendation that it be published in both English and Spanish and made available for statewide distribution. The

objective is to distribute this informational brochure throughout all state courthouses and other public venues. The Administrative Director has given approval for the publication of the Bail Brochure.

2. Reviewing Current Bail Statistics

Subcommittee members continue to review articles, reports, new legislation and other resources relating to bail and sentencing outcomes. The Subcommittee met with representatives of the Administrative Office of the Courts, Criminal Practice Division and Quantitative Research staff to understand better the kinds of data that are currently collected in the data screens that are included in the bail-related databases and to receive guidance on how to formulate queries based on available information.

To assist the Subcommittee in accurately determining the progress that has been made in addressing bail issues in the New Jersey court system, the Subcommittee brought forward some of the questions raised in the 2002-2004 biennial report.

- To the question of what statistical information does the Administrative Office of the Courts (AOC) collect regarding bail processes and procedures, the Subcommittee was informed that the AOC collects and runs reports titled "Active Inmates with Bail" and "Cash Bail Amounts - $500 or Less." These reports contain data regarding bail amount, date of incarceration, the charging statute, current status, race, and other identifying data that may be worthy of further analysis.

- To the question of what specific feedback is available from the AOC Criminal Practice Division and the Bail Subcommittee of the Conference of Criminal Presiding Judges regarding this Committee's 2000 Preliminary Observation Bail Report, the Committee was apprised that the Conference of Criminal Presiding Judges provided its final report on Bail Practices on November 10, 2004, leading to the adoption of a number of changes in bail practices in New Jersey. It appears, at least in part, that this Committee's 2000 Preliminary Observation Bail Report was one of several factors leading up to the recently completed bail report by the Conference of Criminal Presiding Judges.

- To the question of whether there is an existing bail process model or flow chart that captures bail processes and procedures that are currently in place,

the Subcommittee was informed that although the bail process appears to vary from court to court the recent Conference of Criminal Presiding Judges Subcommittee Report on Bail Practices references court rules, specifies procedures, and establishes recommended bail schedules intended to set statewide standards.

- On the question of how can the Subcommittee and other entities within the Judiciary that are addressing similar issues ensure that information is shared, the Subcommittee held an informational exchange session with AOC representatives from Criminal Practice and the Automated Trial Court Systems Unit. This meeting has paved the way for a more regular exchange of information and the sharing of statistical data. The Subcommittee has suggested to the Supreme Court Committee on Minority Concerns that appropriate and effective avenues for improved information sharing regarding issues of common concern among the various Supreme Court Committees be explored.

- As to the question of what training is available for judges and court staff on bail processes and procedures, the Subcommittee believes that the first step toward a training initiative on bail processes and procedures has been taken by the release of statewide bail practices that are intended to initiate more standardized and fairly applied procedures. The Subcommittee is committed to reviewing and monitoring the implementation of these practices and judiciary training efforts that are put into place to assure compliance.

The Subcommittee learned that bail data is challenging to compile because the information required for conducting a quantitative analysis of bail is stored in three different data management systems, i.e., Promis Gavel, Central Automated Bail System (CABS), and County Correction Information System (CCIS). Each of these systems has its own focus and purpose and do not readily communicate with one another. One of the challenges of using bail data is that the AOC's databases were understandably designed as management systems and not as research-oriented databases. Therefore, when the Subcommittee requests the extraction of specific statistical information, often times a customized query has to be written in order to retrieve the requested data and generate the corresponding reports.

The Subcommittee reviewed updated bail statistical reports provided by the Criminal Practice Division. One outcome of this review is that the Subcommittee determined that there

are some concrete steps that can be taken to develop a focused study on bail processes and procedures.

3. Review of the Conference of Criminal Presiding Judges Subcommittee Report on Bail Practice

> 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 2 (2002-2004 Report, p. 11)
>
> Bail Research. A consultant should be retained to investigate recent New Jersey samples of bail and sentencing outcomes. Committee Recommendation 02:1.1 (2000-2002 Report, p. 23)
>
> A collaborative research project on the present use of cash bails should be conducted in selected counties. The research model used in 1988 should be reviewed in order to determine if its methodology is appropriate for a current examination of this issue. Race/ethnicity, county, gender, amount of cash bail and other variables should be retrieved from all cases in the pre-trial bail sample. Committee Recommendation 02:1.2 (2002-2004 Report, p. 24)
>
> The Supreme Court should adopt a bail policy with release criteria focused upon factors [that demonstrate] 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 3 (2002-2004 Report, p. 11)
>
> 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 4 (2002-2004 Report, p. 11)
>
> The Supreme Court should adopt a bail policy that include[s] 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 5 (2002-2004 Report, p. 12)

> 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. Task Force Recommendation 6 (2002-2004 Report, p. 12)
>
> The Chief Justice should consider approaching the Attorney General to explore the possibility of jointly sponsoring an empirical analysis of recent New Jersey samples of bail and sentencing outcomes, controlling for key factors that influence the outcomes of these decisions, examining the possibility of cumulative discrimination effects over the sequence of decisions from arrest through sentencing, and determining the degree to which discrimination occurs at each of those decision points. Task Force Recommendation 14 (Final Report, 1992, p. 133)

The Supreme Court Committee on Minority Concerns Subcommittee on Criminal Justice and the Minority Defendant submitted the *Preliminary Observation Bail Report* in March 2000 to the Administrative Office of the Courts. This report appears to have been one of several factors that contributed to the creation of a bail subcommittee by the Conference of Criminal Presiding Judges. That committee was tasked with reviewing bail practices and drafting bail guidelines that could eventually become "best practices."

The Subcommittee was provided with the Conference of Criminal Presiding Judges Subcommittee Report on Bail Practice after the report was finalized and approved for publication on November 10, 2004. Subcommittee members reviewed the report and are planning to study and learn about the outcomes of the new bail practices and procedures during the next rules cycle.

4. Cross-County Detainers

The Subcommittee found in its lay review of bail statistics that a considerable number of individuals were being held on relatively low bails for quite some time on "foreign detainers" for disorderly persons charges from municipal courts in counties other than the county in which they were being incarcerated, otherwise known as "cross-county municipal detainers." The Subcommittee has not yet been able sufficiently to analyze bail-related information and will

likely be unable to do so until such time as it receives the assistance of an expert in this area. However, in the process of conducting a preliminary lay analysis of data and information collected so far, a particular observation surfaced that lends itself to further study. The observation is that too many individuals (being held out of county on municipal detainers) are languishing in county jails unable to make low bails for extended periods of time before having their minor matters resolved in the municipalities that lie outside the borders of their respective counties of arrest. The explanation for this state of affairs is that there is no current efficient global way in which cross-county detainers are expeditiously resolved.

It is axiomatic from a generation of observations that minorities are disproportionately incarcerated in all arenas and in all case types. Consequently, even without engaging in a detailed analysis of the type outlined above, it is clear that any measure that reduces incarceration across the board will have an ameliorative effect on disproportionate minority incarceration.[6]

Several counties have experimented with programs designed to resolve minor detentions from all towns within that county through a single integrated judicial review. Currently there is ability and interest in some counties, such as Camden and Essex, in creating and/or maintaining some mechanisms that allow a judge from one part of the county to review and address in-county detainers quickly for defendants who are incarcerated awaiting hearings on minor matters from other municipalities but cannot make bail. For example, there is a procedure in Camden County in which the Presiding Judge of Municipal Court regularly conducts a so-called "Inmate Court" within the Camden County Jail and assumes jurisdiction over all outstanding detainers in

[6] According to the most recent statistics, approximately 80% of inmates incarcerated in New Jersey's Correctional Institutions are either Black or Hispanic/Latino. See the following charts in Appendix A: Offenders in Correctional Institutions on January 11, 2005 by Race/Ethnic Identification, and Offenders in Correctional Institutions on January 9, 2006 by Race/Ethnic Identification.

multiple municipalities within Camden County for an individual defendant. Essex County is in the process of developing a similar program.

Since there are presently no statewide initiatives for addressing these concerns regarding "foreign[7]"detainers in minor matters, the Subcommittee will continue to explore the possibilities for addressing the issue of detainers for minor matters that originate from different (foreign) counties.

5. Sentencing Outcomes

The Subcommittee invited the Executive Director of the New Jersey Commission to Review Criminal Sentencing[8] to brief the Committee at its June 20, 2006 meeting about the work of the Commission. The Committee received an in-depth presentation on the organization and work tasks of the Commission focusing in particular on those aspects of its work which impact in particular on minorities in New Jersey. The presenter pointed out that 96% of New Jersey state inmates whose most serious offense was drug dealing near a park or school are either Black or Hispanic/Latino, noting that the odds of a minority person getting caught dealing drugs in a school zone are greater in more densely populated cities.[9] Presently, a drug free zone violation is a third degree crime that carries a prison term of 3-5 years, and the mandatory minimum term has

[7] In this context, "foreign" refers to out-of-county.

[8] Ben Barlyn, Deputy Attorney General, is the Executive Director of the Commission to Review Criminal Sentencing. The Commission was created in January 2004 through the enactment of **P.L. 2003, c 265**. The Committee is a deliberative body composed of key representatives of the criminal justice system. Commissioners include Hon. Barnett E. Hoffman, Chair, Public Member; Hon. Yvonne Smith Segars, Vice Chair, Public Defender of New Jersey; Stuart Rabner, Attorney General; Hon. Robert D. Bernardi, New Jersey County Prosecutor's Ass'n., President Designee; Senator Anthony R. Bucco; Hon. Michael Patrick Carroll, Assemblyman, District 25; Hon. John D'Amico, Chairman, New Jersey State Parole Board; Hon. Gordon M. Johnson, Assemblyman, District 27; Hon. Bernard F. Kenny, Jr., Senator, District 33; Richard S. Lehrich, Esq., New Jersey Bar Ass'n. President Designee; Alberto Rivas, Esq., Public Member; Hon. Edwin H. Stern, P.J.A.D., Designee of the Chief Justice of the Supreme Court of New Jersey; and Bruce D. Stout, Ph.D., Public Member.

[9] It is noteworthy that New Jersey is one of the most densely populated states in the country.

divested judges of their latitude which further exacerbates the problem. As the Commission has reported, this particular sentencing component needs to be amended.

Given the limited resources of the Subcommittee, members concluded that one of the priority agenda items for the upcoming rules cycle will be the periodic update and review of the progress of the Sentencing Commission.

B. Statewide Implementation of Drug Courts

> The Supreme Court should consider proposing to the appropriate Executive Branch agencies that dedicated treatment bed spaces for indigent defendants be made available to the Judiciary. Task Force Recommendation 16 (Final Report 1992, p. 137)

During the 2004-2005 court year, drug courts were established in the five remaining vicinages that did not yet have them. With the final stage of the statewide implementation process completed, the Subcommittee shifted its focused to a review of the progress and outcomes of drug courts in New Jersey. The Subcommittee invited the statewide Drug Court Coordinator[10] from the AOC to give an informational presentation on drug courts in New Jersey at the March 21, 2006 plenary meeting. Prior to the plenary session, she met with the Subcommittee and discussed in detail the final steps that have been taken to institutionalize drug court programs in New Jersey.

As noted in the presentation, New Jersey was spending a great deal of money to incarcerate drug offenders. Statistical data indicates that 43.5% of drug offenders were rearrested within one year and 58.6% were rearrested within two years. Eighty-five percent of drug abusers were relapsing within one year of treatment, and 95% were relapsing within three years of treatment. In contrast, New Jersey's drug court treatment plan has an exponential

[10] Carol Venditto is chief of the Drug Court Unit at the Administrative Office of the Courts. Prior to coming to the AOC, Ms. Venditto was the coordinator for the Union County Drug Court Program. She came to the AOC to oversee the rollout and coordination of drug courts in all 21 counties.

impact on recidivism and drug relapse because it is a highly specialized treatment model that keeps persons in treatment for a long period of time. The New Jersey model assumes that drug abusers need to be "habilitated" and recognizes the multi-generational aspects of drug addiction and the reality that most of these individuals have never had a job. The presenter also outlined eligibility determinations, statutory provisions, the unintended consequences of current statutes, the costs and benefits of participating in the program, the financial impact of the program and other cost savings, and the state of drug court research at the national level.

The presenter noted that New Jersey is the first state with a population of 1 million or more to have a statewide drug court program. The following problem areas were discussed.

- There is a lack of sufficient treatment beds.
- It is difficult to coordinate drug treatment programs with municipal alliances.
- The children of drug court clients are at high risk. The Court needs to examine other case types and address family issues.
- There is no clear cut way for clients to learn about drug courts. There is also a great deal of variation with respect to how courts find out about potential clients.

At the end of the presentation the speaker responded to questions from Committee members.

- In response to the question on the relationship between Drug Courts and Adult Supervision Programs the Committee learned that Adult Intensive Supervision Programs focus on one individual and are designed to be a re-entry model. Drug Courts, on the other hand, while overlapping with the Intensive Supervision Program model and on the same continuum, is different in that the focus is on group support. All of the participants are in court together, and it builds a community of support for the participants.
- To the question of what has been the response of court staff to the Drug Court program, the Committee learned that Drug Court is a transformative experience for the staff and the teams. The Drug Court teams are required to take extensive advance training and are very enthusiastic and committed.

- In response to the question whether there are juvenile drug courts, the Committee was informed that there are only two juvenile drug courts in the state. Juveniles tend to be more difficult clients to treat because the focus has to address the entire family. Adult Drug Courts, however, are more likely to get addicts who have "burned out" and who are more receptive to treatment. Adult drug addicts tend to be older and more mature.

- In response to the question of what some program highlights are the Committee learned that treating adults with drug problems saves the State money: fewer drug addicted babies are born, the State needs fewer prisons, and people who successfully complete the programs are able to get jobs and be placed on State tax rolls. This reflects an overall cost savings to the State.

- To the question of what the Supreme Court Committee on Minority Concerns can do to support and enhance the New Jersey's Drug Court Program, the Committee was advised that members should continue to educate themselves about the drug court program and be proactive supporters. They should also take the following actions:

    - Look closely at the impact of unintended consequences of new drug court legislation.

    - Collaborate with different agencies to enhance the program and to build more community outreach.

    - Help to support and promote the idea that there should be a multi-disciplinary approach to this issue.

    - Be attentive to the judiciary's budget which will have an impact on whether the drug courts continue with adequate funding.

- In response to the question of what programs focus on the family, the Committee was informed that a pilot family drug court program is operational in Morris Vicinage. The Essex Family Drug Court will soon be launched in Essex.

Current statistical data and informational handouts supplemented the presentation and confirmed the positive impact that drug courts have had not only on all defendants in the state, but in particular on minority defendants. The presentation was both timely and informative. The Committee supports this nationally recognized model program that addresses access to drug treatment programs for racial/ethnic and low income constituents.

C. Monitoring Judicial Training

1. Training for Superior Court Judges

The Subcommittee has been involved in developing diversity/competency training courses that have been presented at various judicial college programs. Additional information on judicial education and training initiatives is included in Chapter V.

With the recent implementation of the new bail guidelines, the Subcommittee is also interested in determining what training is currently in place for Superior Court judges.

2. Training for Municipal Court Judges

The Subcommittee considered and discussed the need to explore further judicial education initiatives at the municipal court level. Administrative Office of the Court officials will be invited to address the Committee in an effort to review present and proposed course offerings related to cultural competency/cultural diversity and the new bail procedures and guidelines.

D. Review of the Report of the Supreme Court Special Committee on Peremptory Challenges and Jury Voir Dire

The Report of the Supreme Court's Special Committee on Peremptory Challenges and Jury Voir Dire was approved for publication on May 16, 2005 and an "open comment" period was available until September 15, 2005.

The Subcommittee discussed the report but decided it had no additional comments to offer in light of the strong arguments already clearly articulated in both the majority and minority portions of the report. The Report and all comments submitted are presently under review by the Supreme Court.

IV. Discussion of Future Work to be Done on the Priority Recommendations

A. Bail Issues

The Subcommittee on Minority Concerns and the Criminal Defendant has made periodic attempts to acquire routine statistical reports that reflect information about individuals charged with indictable offenses that are 3rd and 4th degree offenses and have bails set for $500 or less (controlling for race/ethnicity, county, and gender). These following four components of the bail setting process are of interest: 1) initial amount of bail set; 2) the results of subsequent bail reviews; 3) the ultimate disposition of the charges; and 4) length of time (in days) spent in jail until bail is posted.

The Subcommittee would like to determine if there is a difference between the bails set for minorities and non-minorities charged with similar offenses (controlling for extent of prior record, ties to the community and apparent strength of the state's case against the defendant). The Subcommittee will design a research project that will enable it to answer these question.

The Subcommittee has a concern that racial/ethnic minorities and low-income defendants unable to make low bails stay in custody a disproportionately longer period of time than do similarly situated non-minorities and more affluent persons. This question needs to be explored using New Jersey bail data. A draft research request may read as follows:

> In three counties to be determined (north, central, south and of varying demographics), run a CCIS (New Jersey County Correction Information System) "Active Inmates with Bail" report for twenty-one days in a row for all inmates being held on only one matter with bails of $500.00 ($500.00 cash or $5000.00 with 10% option) or lower, sorted by race/ethnicity and gender.

In the next Rules Cycle, this research request will be refined and finalized. What the Subcommittee hopes to learn from this research project is to be able to determine the

demographic profile of who remains jailed after twenty-one days of being held on a low bail compared to those who have made bail while controlling for race/ethnicity and gender.

The Subcommittee is also interested in examining the same kind of information on Family Court generated bails for persons incarcerated for failure to make payments on fines.

The Subcommittee has a keen interest in learning what steps will be put into place to monitor compliance with the new bail guidelines directing Criminal Presiding Judges to "…pay particular attention to ensure that procedures are in place that provide for a periodic review of the bail set for all defendants who are held in lieu of bail on indictable charges pending presentation to the Grand Jury, or who are post-indictment but [not yet arraigned]." To effectuate this task, the Subcommittee will first learn what steps have been taken to implement the guidelines and what training has been offered to Superior Court and Municipal Court Judges.

B. Cross Racial Eyewitness Identification Follow-up

While New Jersey now has a cross-racial identification special jury charge, it is still not known how frequently the charge is utilized or its impact in New Jersey. The Subcommittee continues to discuss what steps could be taken to monitor the implementation of the charge.

This rule cycle, the Subcommittee emphasized finalizing the bail brochure and collecting minority defendants' statistics for future review. In addition, information was compiled on the status of drug court programs and sentencing issues. As these topics are contemplated, the Subcommittee looks forward to bringing additional recommendations to the Court in the next rule cycle.

Chapter II

SUBCOMMITTEE ON MINORITIES AND JUVENILE JUSTICE & THE FAMILY

I. Introduction and Mandate

The mandate of the Supreme Court Committee on Minority Concerns (SCCMC), Subcommittee on Minorities and Juvenile Justice/Family is to monitor the implementation of court-approved recommendations that relate to court-involved youth and their families.

II. Subcommittee Activities

During the 2004-2007 rules cycle, this Subcommittee has continued to focus on priority issues identified in previous reports including research on disproportionate minority juvenile contact/confinement and an examination of juvenile case-processing decision points, ongoing development and standardization of public education programs for juveniles, and the development of a statewide online juvenile resource directory. The Subcommittee has also focused on several new areas including review of data regarding post-termination/pre-adoption, juveniles in detention, juveniles on probation, and family drug courts.

The Subcommittee continues to value, and hold as one of its principal roles, the promotion of public education regarding juveniles and the court. A number of pending projects in this area have progressed satisfactorily during the current rules cycle.

III. List of Priority Recommendations

Addressing items carried forward from the 2000-2002 and 2002-2004 Rules Cycle Reports, the Subcommittee identified the following priority action items:

A. Statewide Juvenile Justice Disparities Inquiry (Task Force Recommendation 17, p. 171);

B. Development and Standardization of a Juvenile and General Public Education Program (Task Force Recommendation 22, p. 188);

C. Development of a Statewide Online Juvenile Program Directory (Task Force Recommendation 21, p 184); and

D. Targeted Recruitment of Minority Volunteers (Task Force Recommendations 59, p. 355 and 60, p. 357);

The Subcommittee has identified as a new action item the review of selected data including post-termination/pre-adoption (youth free for adoption), juveniles in detention, juveniles on probation, and family drug court outcomes.

IV. Discussion of Priority Action Items and Related Recommendations

A. Review, Statewide Juvenile Justice Disparities Inquiry

In 2003, the Chief Justice, the Attorney General, and the Executive Director of the Juvenile Justice Commission (JJC) convened a statewide interagency inquiry to explore and examine possible disparate outcomes for racial and ethnic minority youth throughout the juvenile justice system. A statewide Steering Committee, comprised of representatives from each of the agencies and a designee of the Court[11] also representing the SCCMC, was convened to oversee the study process and to receive and review reports on a periodic basis from each of the twenty-one counties. The Chair of each of the twenty-one County Youth Services Commissions (YSCs) was charged with the task of convening a local working group (inquiry study group) to oversee the inquiry and research process on the local level.[12]

The project corresponds to two previous recommendations made by the SCCMC: 1) that SCCMC members develop partnerships to educate themselves about the juvenile justice system (Task Force Recommendation 18, p. 174), and 2) that a joint research inquiry be conducted on possible racial/ethnic disparities in juvenile justice outcomes (Task Force Recommendation 26, p. 196). In addition, this statewide collaborative interagency inquiry supports a long standing recommendation made by the Supreme Court Task Force on Minority Concerns:

[11] The Honorable Travis L. Francis, P.J.Ch. (Middlesex), Chair of the SCCMC Subcommittee on Minorities and Juvenile Justice/Family, serves on the statewide Steering Committee as the Minority Concerns liaison.

[12] Included in Appendix B-1 are data on youth in detention and youth on probation provided by the Juvenile Justice Commission for 2003, 2004, and 2005. These data are included for informational purposes and serve to show the kinds of information reviewed by the counties as part of the juvenile justice disparities inquiry.

> 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; ..." (Task Force Recommendation 17, p. 171)

Following the submission of the counties' final reports to the Statewide Inquiry Steering Committee and the Steering Committee's response to the counties, this Subcommittee had the opportunity to review the reports. The Subcommittee approached this task by dividing the counties among its ten members with most members reviewing their county of residence or employment and another county. The reports were then discussed in detail at Subcommittee meetings over the course of late 2005 through early 2006.

The Subcommittee's process of reviewing the final reports for the individual counties was very informative, for it not only provided insight into the various methodologies and approaches used in the different counties but also highlighted similarities and differences in contexts, outcomes, and needs giving insight into the challenges faced by the juvenile justice system. In the coming months, the Subcommittee anticipates reviewing the action plans submitted by the individual county Youth Service Commissions (YSCs).

Since the Statewide Inquiry Steering Committee has not formally brought this phase of the study to a close with any public reporting, the Subcommittee will refrain from commenting in detail on the individual reports at this time and instead offer some general comments about what it gleaned from reviewing the final reports. The Subcommittee would like to note that it is encouraged by the Court having accepted the recommendation of the SCCMC to continue the

work of the Statewide Inquiry Steering Committee in an oversight role of the follow-up phase to the research study and offers the following recommendation:

Committee Recommendation 07:02.1
The Committee strongly supports the Statewide Juvenile Justice Disparities Inquiry Steering Committee documenting the completion of the initial phase of the inquiry with a summary document or executive summary. The joint release of a summary report is a very important step in this collaborative project that will strengthen the exchange of information among the various entities in the juvenile justice system and the community members who played a significant role in the conduct of the inquiry.

In addition to the obvious positive outcome achieved by addressing concerns about disparate juvenile justice outcomes for racial and ethnic minorities, the Subcommittee recognizes additional benefits yielded by this interagency collaborative long-term project. For example, in 1996 the Committee proffered the recommendation that "The Chief Justice … direct Presiding Family Court Judges to become active in County Youth Services Commissions." (Committee Recommendation 17:1). A review of the membership lists and project descriptions for many of the local county steering committees reflects that this recommendation has been adopted not only through the involvement of the Presiding Judges as chairs of local Youth Services Commissions but also serving in many cases as Chair/Co-Chair of the local inquiry steering group. Another recommendation proffered by the Committee, again in 1996, stated, "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." Members of local Vicinage Advisory Committees on Minority Concerns have been involved in the Statewide Juvenile Justice Disparities Inquiry study process[13] .

The broad involvement of representatives of the three branches of government at all levels, professionals from a variety of specialized fields, members of faith-based communities,

[13] For example, in Mercer County, the Chair of the Vicinage Advisory Committee on Minority Concerns served as Co-Chair of the Mercer County Juvenile Justice Disparities Inquiry working group.

and participants from the community at large met a major goal of the inquiry: to have an open examination of all aspects of the juvenile justice system, focusing on key decision making points throughout the process, in order to ascertain the existence of disparate outcomes for racial and ethnic minority youth and, when present, to determine the causes or contributing factors.

While the individual county reports have not identified large-scale systematic failures that result in disparate outcomes, the reports have for the most part pointed to the existence of disparate outcomes resulting from a variety of factors.

The Attorney General early on in the inquiry process convened a working group to study the administration of curbside and stationhouse adjustments. As a result of the efforts of the working group, the Attorney General[14] in December 2005 promulgated *Stationhouse Adjustment Guidelines* for uniform statewide use of stationhouse adjustments (See Appendix B-2). The Subcommittee views this effort as a significant step in addressing the concern from a systemic perspective.

The county reports discuss a series of decision-making points that take place prior to a youth's first contact with the courts. In fact, these key decision-making points determine whether or not an individual youth will have contact with the court. From some points of view, the possibility of disparate treatment at the earlier decision-making points administered by law enforcement may diminish the court's influence over or limit the court's responsibility for any disparities in final outcomes. While the Subcommittee acknowledges this position, the Subcommittee supports the Judiciary's position that it will remain proactive in examining and improving the juvenile justice processes, procedures, and outcomes that fall within its jurisdiction.

[14] Peter C. Harvey

Review of the final county reports and county[15] Youth Services Commission (YSC) Disparities Inquiry follow-up action plans identified common areas of interest that relate to the court:

- Intake Screening Procedures for Admission to Detention
- Municipal Court Bench Warrants
- Realignment of Race/Ethnicity Classification Categories to match U.S. Census (2000)
- Institutionalization of Collaboration among key stakeholders involved in the Juvenile Justice System
- Diversification of Court Volunteers
- Diversity and Cultural Competency Training for Court Staff
- Training and Support for Parents/Youth
- Early Substance Abuse Intervention

To address these concerns, the Committee proffered the following recommendation during this report cycle:

Committee Recommendation 07:02.2
The Committee recommends that the Administrative Office of the Courts provides for an internal system-wide forum, at minimum involving judges and staff from Family Practice and judges and staff involved in Minority Concerns, as soon as practicable in order to facilitate the receipt and exchange of information as the Court addresses in detail its follow-up to the Statewide Juvenile Justice Disparities Inquiry and provide the Court with the opportunity to develop its own follow-up action plan with concrete realizable goals and timeline.

The Supreme Court Committee on Minority Concerns and the Conference of Vicinage Advisory Committee Chairs and Staff have long shared an abiding interest in the issue of disparities in justice outcomes for minority youth and continue to seek to maintain its ongoing collaboration with the Court, in particular with the Family Division Presiding Judges and Family Division Managers, at the vicinage and central office levels. Recognizing the time-sensitive

[15] YSC Action Plans from the following counties were reviewed: Atlantic, Bergen, Cape May, Gloucester, Middlesex, Monmouth, Morris, Ocean, Salem, Somerset, and Sussex.

nature of this recommendation, the Subcommittee proffered the preceding recommendation during the current rules cycle. With financial support from the Administrative Office of the Courts and programmatic support from the Family Practice Division at the AOC and the Vicinage Advisory Committees on Minority Concerns, the Committee produced a one day internal forum for judges, court staff, and Minority Concerns Committee members. The conference, *Addressing Disparities in Juvenile Justice Outcomes for Minority Youth*, took place on Friday, September 29, 2006 at The Conference Center at Mercer located on the West Windsor Campus of Mercer County Community College.

Purpose, Focus, and Scope of Forum

This forum was created to provide the Court with an opportunity to:

- explore the court's role on the system-level in the follow-up to the Statewide Juvenile Justice Disparities Inquiry;
- strengthen internal court partnerships by collaborating with Presiding Judges, Family Part Judges, Managers of the Family Division, and other Family team staff including Probation professionals;
- examine initiatives that have been put into place, particularly regarding court operations, since the conclusion of the self-study phase of the inquiry;
- exchange information among the vicinages about local findings, outcomes, and follow-up initiatives;
- strengthen communication among the court, its service provider partners, and the community; and
- reaffirm the New Jersey Judiciary's commitment to be a partner in improving the juvenile justice system.

The planning committee[16] chaired by the Hon. Octavia Melendez, J.S.C. (Chair of the Camden Vicinage Advisory Committee on Minority Concerns) included members of the Supreme Court Committee on Minority Concerns and the Vicinage Advisory Committee on Minority Concerns in addition to Minority Concerns Unit staff. The planning committee also received valuable input and feedback from representatives of the AOC's Family Practice Unit, the Conference of Presiding Judges - Family Part, the Conference of Family Division Managers, and members of the Supreme Court Committee on Minority Concerns Subcommittee on Juvenile Justice and the Family.

The Conference Planning Committee envisioned the event as an internal partnership among the Supreme Court and Vicinage Advisory Committees on Minority Concerns, Family Practice at the Administrative Office of the Courts and the vicinage level. Recognizing the importance of bringing to the table those most directly involved in the delivery of court services and administration of justice, the Conference Planning Committee proposed that each vicinage construct its own team and offered suggestions for constructing the local teams. The development of the local teams represented a strong collaboration between the Family Division and Minority Concerns who worked together to construct teams that involved representation by a broad spectrum of judicial personnel and community stakeholders serving on local minority concerns advisory committees.

[16] In addition to Judge Melendez, the Minority Concerns Conference 2006 Planning Committee included Hon. Travis L. Francis, SCCMC Executive Board representative and Statewide Steering Committee liaison; James W. Palmer, Jr., Esq., Chair of the Conference of VACMC Chairs; Ann Marie Fleury, Esq. (Staff, Ocean); Judith Irizarry, Esq. (Staff, Mercer); Laura Simoldoni, Esq. (Staff, Bergen); and Dr. Yolande P. Marlow and Lisa Burke (Staff, Minority Concerns Unit). In addition, Pauline Daniels (Hudson), Kim Daniels Walsh, Esq. (Morris/Sussex), and Tracey Thompson, Esq. (Mercer) volunteered to participate in the planning process on an as needed consultancy basis.

Overview of Conference Program

Central to developing the program for the one-day conference was a clear mandate from the frontline practitioners of juvenile justice in the courts for a forum that yielded tangible outcomes, a forum that was not only conceptual in nature but also practical in approach. To that end, the planning committee developed a program that provided the elements necessary for participants to engage in identification of concrete tools for furthering the court's efforts in addressing disparities in justice outcomes for those components of the juvenile justice system that are within the court's administrative domain.

The Honorable Ronald J. Freeman, J.S.C., Chair of the Supreme Court Committee on Minority Concerns, convened the forum. Acting Administrative Director Philip S. Carchman, J.A.D., offered greetings and introduced Chief Justice Deborah T. Poritz, then Chief Justice of the New Jersey Supreme Court, who delivered opening remarks.

Michael Finley, Esq., of The W. Haywood Burns Institute, delivered the morning plenary address providing a national portrait of the issue of disproportionate minority confinement and offering insights on emerging best practices.

Recognizing the importance of hearing the perspectives of those served by the justice system, the program then presented a community panel, facilitated by Clinton Lacey of The W. Haywood Burns Institute, shared valuable critical insights from their personal experiences with the courts and juvenile justice system. The panelists, reflecting gender, racial, and geographic diversity, included representatives of the Juvenile Justice Commission (JJC) Speakers Bureau, graduates of JJC programs, and a parent.

A panel of judges and court staff, including juvenile probation professionals, discussed the opportunities available <u>to</u> the court as well as the challenges faced <u>by</u> the court.

The centerpiece of the day-long program was the afternoon breakout group discussion session during which time conference participants, assigned by vicinage to particular working groups, responded to a common set of questions intended to result in articulation of concrete action steps for the court. The questions considered include:

- On the statewide organizational level, what should be the court's top priorities in addressing disparate juvenile justice system?
- Since engaging in the statewide disparities inquiry, what, if any, work has been or is being done at the vicinage level?
- Systemwide what immediate steps need to be taken to address each of the identified priorities?
- What timeline do you propose for achieving progress in this/these area(s)?

During the final plenary session, reporters for each of the four breakout discussion groups shared a summary of their group's discussion and highlighted recommendations. A "Summary of Conference Proceedings" was prepared Minority Concerns Unit staff from the audio transcripts of the day and will soon be distributed to the conference participants.

This Subcommittee has reviewed in detail the notes from the individual breakout groups and extensively reviewed the recommended actions. As a result of its review, the Subcommittee offers the following recommendations to the Court:

- Encourage use of day warrants when feasible rather than bench warrants.
- Establish regular ongoing monitoring of disproportionate confinement data by Family Court on the vicinage level and place the disparities issue as a standing item on the agendas of, at minimum, the Conference of Presiding Judges-Family and the Conference of Family Division Managers.
- Explore the establishment of a partnership with the newly-formed Juvenile Justice Clinic at Rutgers Law School-Camden.

Additionally, the community panel made it clear that youth before the court need to have their voices heard by the court as decisions about their lives and futures are made. Recognizing

the benefits of having an experienced professional intermediary involved in the process while also recognizing the need to preserve the integrity of the judicial process, the Subcommittee on Juvenile Justice and the Family will continue to work, with input from the Conference of Vicinage Chairs and the Committee of Vicinage Staff Liaisons, on the development of a proposal to address the significant concerns raised by the youth panelists.

The issue of disparities in juvenile justice outcomes did not occur suddenly and will not be resolved instantaneously. Resolving disparities will take consistent ongoing collaborative efforts. While the Subcommittee recognizes that many decision-making points that contribute to disparate outcomes occur before a youth's first contact with the Court, the Subcommittee believes firmly that the Court must maintain a leadership role in the long-term address of disparities in justice outcomes with the Family Division and Minority Concerns working side-by-side on the courts behalf to bring all the stakeholders and partner agencies together to address urgently, systematically, and with persistence the factors that contribute to disparate justice outcomes for minority youth. The Committee envisions that a follow-up forum will take place in the near future.

B. Public Education and Community Outreach Programs & Initiatives

The final report of the Supreme Court Task Force on Minority Concerns notes:

> 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. (Task Force Recommendation 18, p. 174)

Public education and community outreach programs remain a priority concern for this Subcommittee as it recognizes the strong correlation between access to accurate information and access to the services provided by the Courts.

In the past, this Subcommittee has reported highlights of the various public education and community outreach programs and discussed standardization of curricular offerings relating to programs on the juvenile justice system. The Subcommittee is pleased to note that for this rules cycle the report includes a separate Chapter providing a detailed update on these initiatives statewide and throughout the fifteen vicinages (see Chapter V).

1. Publication of Law-related Education Resources on Juvenile Justice

In its 2002-2004 rules cycle report, the Subcommittee referenced the preparation of a Directory of Law-Related Education Resources on Juvenile Justice. At the time of that report, the draft directory was nearing completion. Since that time, however, the proposed document has been expanded. Staff of the Minority Concerns Unit reviewed the entries for online resources and added relevant web addresses for all 50 state court systems. In addition, two members of this Subcommittee[17] reviewed and compiled additional educational resources. Minority Concerns Unit staff have merged the material into a publishable format. Recognizing that both Internet and non-Internet resources are constantly emerging, the Subcommittee has concluded that the Directory is ready for use. The Committee will soon submit the draft document to the Administrative Office of the Courts for review and publication as a resource available both to court staff and members of the public.

[17] Dr. Chandos Caldwell and Mrs. Margaret Martinson

2. Brochure, "The Juvenile Court System and Your Child"

In the 2002-2004 report, the Subcommittee endorsed further work on an informational brochure addressing frequently asked questions about the New Jersey Juvenile Court System. The report noted:

> 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 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.[18] The Subcommittee recommends that this brochure, entitled *The Juvenile Court System and Your Child in New Jersey,* … 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 (p. 24).

This publication remains a priority concern for the Subcommittee. A review of information available from other state courts reveals that such a publication is common in other states and a highly effective means of communicating basic information about the particulars of juvenile operations within an individual state court system. During the current rules cycle, the Subcommittee worked on numerous drafts of the proposed publication from the perspective of an uninitiated court user and offered its work product to the court for further review and follow-up action. The Committee urges the Court to complete the document for publication in order to provide members of the public with helpful information to assist them in navigating an increasingly complex court system and recommends that staff from the Minority Concerns Unit be designated as a liaison to work on the completion of this project.

[18] New Jersey Supreme Court Ad Hoc Working Group on Public Education on the Juvenile Courts, Final Report, March 15, 2000, p. 5.

C. Online Internal Juvenile Services Directory

In the 2002-2004 Report, the Committee recommended the development of an online services directory for use by judges and court staff:

> The Committee urges the Court to make the development of an online 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. (2002-2004 Report, Committee Recommendation 02:21.5).[19]

During previous rules cycles, the Subcommittee participated in the development and direction of the project. The previous Biennial Report stated:

> The Subcommittee shared information about community sources that may be consulted to obtain juvenile program information [and] 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. (2002-2004 Report, p. 32)

In order to assess the status of this project fairly and accurately, it is necessary to recall briefly the history of the project. In follow-up to the recommendations proffered by this Subcommittee, the Family Practice Division applied for and was awarded a budget priority allocation of $25,000 to facilitate the collection of information to launch this initiative. The Family Practice Division contracted with the New Jersey Institute for Social Justice (NJISJ) to provide essential support for the initial phase of the development of the directory. In its role as a project consultant, NJISJ was contracted to research existing public and private programs in the

[19] This recommendation relates to prior recommendations including "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" (1992, Recommendation 21) and "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 online resource directory" (1996, Recommendation 21.4).

State that provide service to court-involved youth and to compile relevant information regarding these programs. At the time, it was anticipated that the project would identify and capture information for 400-500 service providers in the State.

The Family Division reviewed the program information gathered by NJISJ. Prior to taking the next step, i.e., the conversion of the information into a database, verification letters were sent to the responding agencies. Since many of the programs have a geographic referral limitation, most often with county boundaries, many programs were not able to receive referrals from outside their ordinary boundaries so declined inclusion in the directory. This factor has led to a review of the data provided and the policy question as to whether the directory can fulfill the objectives underlying the Committee's recommendation.

The Family Division provided the Committee with the following update:

> The Family Division reviewed the issue with the Conference of Family Division Managers at the December 2005 meeting. The Conference suggested that the directory be developed to provide information on programs that are accessible on a regional or statewide basis. The view of the Conference is that there is readily available information on programs in each county. Information from the NJISJ survey, DHS contracted programs and the JJC listing of programs should be resources available to support this goal. The NJISJ has offered to further assist in the effort. A revised approach and program plan and timetable will be developed in the first quarter of 2006.

At present, it appears that the project is "on hold" as consideration is given towards merging it with, as the Committee understands, a similar but notably different online directory project being undertaken by the county YSCs.

While the Committee applauds effective interagency collaborations and the reduction/elimination of unnecessary redundancy, the Subcommittee raises the question of whether the proposed directory will be as useful to the court if the project is absorbed in the pending YSC project. In the 2002-2004 Report, the Committee noted:

> The online 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. (2002-2004 Report, p. 32)

The Committee clearly stated the express purpose of the online directory: to serve as an internal resource to judges and court staff. The Committee asks the Court to consider carefully the specific needs of family court, juvenile judges and court staff when identifying the next steps in the development of the Internal Online Juvenile Services Directory and further recommends that staff from the Minority Concerns Unit be designated as a liaison to work on the completion of this project. Recognizing that the delivery of court-ordered services has changed since this project was begun, the Committee believes that providing limited access to professionals outside the court such as youth case managers (YCMs) may be beneficial.

D. Targeted Recruitment of Minority Court Volunteers

Interest in increasing the level of participation by racial and ethnic minority court volunteers is shared among several subcommittees of the Supreme Court Committee on Minority Concerns including Minority Access, Minority Participation, and Juvenile Justice and the Family. In Chapter III, details on the census of court volunteers and the progress of the new volunteer management information system are presented in detail. The primary concern of the Subcommittee in this regard has been increasing the number of racial and ethnic minority volunteers in family court and juvenile justice-related programs, for example Child Placement Review and Juvenile Conference Committees.

The Subcommittee remains committed to addressing the need to increase minority participation in court volunteer programs. Members of the Subcommittee have been addressing this concern by sharing with their respective local communities the needs of the Court and the

desire of the Court to expand its volunteer forces. For example, one recent Subcommittee member who is a leader within a faith-based community[20] spearheaded a statewide outreach and recruitment effort through his church. Further efforts in this regard are still needed, and the Subcommittee strongly supports a focused systematic approach to enhanced volunteer recruitment efforts. Recognizing that each vicinage has a Volunteer Coordinator on staff, the Subcommittee feels that addressing the further diversification of the court volunteer base can be best addressed at the local level via collaboration between the Vicinage Volunteer Coordinator and the respective Vicinage Advisory Committee on Minority Concerns.

E. Data Collection & Review

The Subcommittee has maintained its interest in conducting quantitative analysis of outcomes in several particular areas including:

1. Post-Termination/Pre-Adoption (i.e., youth free for adoption)
2. Juveniles in Detention
3. Juveniles on Probation
4. Family Drug Courts

The Subcommittee recognizes that its work with data in these areas is still in the early stages. Advances in data collection and retrieval programs at the Administrative Office of the Courts will assist in analyzing the information.

For each of the four areas, the Subcommittee will request that data be presented on race/ethnicity, gender, age, and county. The Subcommittee has a particular interest in closely monitoring the data on Post-Termination/Pre-Adoption as it has been suggested anecdotally that there is a significantly disproportionate number of youth available for adoption (but who ultimately age out of the system before experiencing permanent placement with an adoptive

[20] Rev. Darryl L. Armstrong, Pastor of Shiloh Baptist Church, Trenton, NJ

family) who are African American and male. Periodic review of related data should assist the Subcommittee in better understanding the role that the Court can (or cannot) play in addressing this issue. The Subcommittee anticipates requesting that data on post-termination/pre-adoption be provided monthly, juveniles on probation and juveniles in detention quarterly, and family drug courts annually.

Most recently, the Subcommittee has received the following report from the Administrative Office of the Courts Family Practice Unit on Juvenile and Family Drug Courts:

> As of October 2006, the four Juvenile Drug Courts (Hudson, Camden, Mercer, and Passaic Vicinages) have served in total approximately 647 juveniles. Currently 69 juveniles are enrolled in the Juvenile Drug Court Program. 196 juveniles have graduated from the program, and 14 drug-free babies have been born to female Juvenile Drug Court clients.
>
> To date, the Family Drug Court in Morris County (Morris-Sussex Vicinage) has served a total of 32 clients with 10 clients currently enrolled in the Drug Court Program. There have been 7 graduates so far, and no babies have been born to any of the female clients. The Family Drug Court in Sussex County remains in the planning stage. The Family Drug Court in Essex Vicinage … became operational in September 2006 and has admitted 1 client into their Drug Court program

Further work on data collection and review will be a priority item during the coming rules cycle.

Chapter III

SUBCOMMITTEE ON MINORITY ACCESS TO JUSTICE

I. Introduction and Mandate

This report addresses the Judiciary's progress regarding select Supreme Court Task Force on Minority Concerns recommendations falling under the purview of the Subcommittee on Minority Access to Justice.

The mandate of the Subcommittee is to ensure that throughout the court system all individuals have fair 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 utilize court services and programs optimally. These factors include:

- the location and physical conditions of court facilities or physical access to facilities;
- 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 understand fully court processes and procedures.

II. Subcommittee Activities

During the course of the 2004-2007 report cycle, the Subcommittee saw the realization of several key recommendations carried forward from the 2002-2004 cycle. The Subcommittee is pleased to note the following:

- statewide implementation of the ombudsman program;
- pending publication of the *Guide to Court User Rights and Responsibilities*; and
- submission and approval of a research proposal to examine jury pool representation including initiation and completion of the preliminary phase of the jury research project designed to validate geo-coding methodology statistically as an indirect tool for predicting the probability of the racial/ethnic profile of proposed the jury pool.

In addition, the Subcommittee continues:

- ongoing monitoring of the use of interpreters and bilingual variant job positions and court volunteers;
- direct involvement of the subcommittee in the review and editing of standardized court forms for use by self-represented litigants in support of the work of the statewide Working Group on Pro Se Materials; and
- collaborative development of a curriculum and courses related to cultural diversity/cultural competency for judges, court personnel, judicial volunteers, and the public.

III. <u>List of Priority Recommendations</u>

The following issues were identified as priority areas in the 2002-2004 report relating to minority access to justice and have formed the basis of the Subcommittee's 2004-2007 focus:

A. Statewide Ombudsman Program

B. Publication of "Guide to Court User Rights and Responsibilities"

C. Jury Issues

1. Pilot Research on Jury Pool Representation
2. Educating the Public about Jury Service
3. Uniform Statewide Recognition of Jurors

D. Self-Represented Litigant Initiatives/ Plain Language Court Forms

E. Education, Training, and Outreach Initiatives

F. Update: Court Staff Interpreters, Bilingual Variant Job Positions, and Court Volunteers

IV. <u>Discussion of Priority Recommendations</u>

A. Statewide Ombudsman Program

> The Supreme Court should direct that Ombudsman Offices be established at the State and vicinage levels to provide information and to receive and investigate complaints about abuses in the judicial process. Task Force Recommendation 31 (Final Report 1992, p. 252)

> … The AOC should also be directed to develop procedures and policies regarding complaints by the public…These procedures shall include an avenue for filing complaints based not only on race and ethnic bias, but also discrimination and unfair treatment… The AOC, Minority Concerns Unit should be responsible for tracking and monitoring the handling and dispositions of all court user complaints. Committee Recommendation 31.1 (1994-1996 Report, p. 11)
>
> The Supreme Court should require each Assignment Judge to identify a 'point' person who will be responsible for accepting complaints, following up on disposition of complaints and reporting to the AOC. Committee Recommendation 31.2 (1994-1996 Report, p. 11)

1. Origins of the New Jersey Judiciary Statewide Ombudsman Program

In its final report (1992), the Task Force on Minority Concerns amended and revised the earlier recommendation (Supreme Court Task Force on Minority Concerns Interim Report, p. 29) addressing the establishment of a citizen complaint mechanism at the AOC and in each vicinage. Two of the four Task Force subcommittees, Criminal Defendant and Minority Access, submitted recommendations calling for the establishment of ombudsman offices.[21] Similarly, the Committee on Women in the Courts (also in 1989) proposed establishing an office of the ombudsman at the Administrative Office of the Courts to promote equal justice by monitoring problems such as enforcement of judicial orders in domestic violence cases and bringing community perspectives to the judiciary by working with community organizations such as rape crisis centers and battered women's shelters.

With input and guidance from the Subcommittee on Minority Access to Justice, a proposal to implement the ombudsman program was drafted and submitted to the Judiciary's Administrative Director for approval. The pilot ombudsman program was launched in Camden in 1996, and after 18 months, the program was evaluated. In February 1998, the Supreme Court approved the expansion of the Camden ombudsman program to other vicinages, and in May

[21] See the New Jersey Supreme Court Task Force on Minority Concerns Final Report June 1992, Recommendation 2 p. 55, Recommendation 30 p. 250, and Recommendation 31 p. 252.

1998, Essex vicinage opened an ombudsman office. At that time, the new Essex Ombudsman had already assumed management of the existing Essex Information and Community Relations Center and was providing supervision to court staff and volunteers who manned the Essex information desk.

In 2001, the Judiciary's Administrative Council endorsed the statewide expansion of the program. The Council proposed the creation of a statewide Conference of Ombudsmen. In March 2005, a directive was issued promulgating the statewide implementation of the Office of the Ombudsman in each of the fifteen vicinages. (See Appendix C-1) Since that time, recruitments have been undertaken to fill the newly created ombudsman position vacancies at the Court Executive 1B level. On an ongoing basis, management and coordination of the statewide ombudsman program will be housed in Trial Court Services – Programs and Procedures, Office of Litigant Services.

Throughout the process, the Minority Concerns Unit together with the Access Subcommittee has been an active participant in the planning, piloting, and implementation of the statewide judicial ombudsman program providing leadership, modeling partnerships, and enriching communication among internal court partners as well as between the court and the community. Minority Concerns staff have also provided program consultation, technical assistance, and training to newly appointed ombudsmen; resource materials compiled from federal, state, international, and university programs; relevant state ombudsman statistical reports and database designs; data retrieval forms; and survey instruments.

2. Lessons Learned from the Inaugural Ombudsman Programs

Since the inception of the pilot program in 1996, considerable effort has gone into program evaluation and data collection. Program evaluations were conducted on both the

Camden (November 1997) and Essex (April 2001) ombudsman offices. At the start, the judiciary recognized the importance of documenting the initiation of the pilot project and the progress of the ombudsman program during each stage of development. The careful documentation of this process resulted in identification of the following ingredients as crucial elements for the success of the program:

Leadership

- strong judicial leadership;
- integration and support of court management;
- optimal placement of the ombudsman office in a visible location that is easily accessible to the public;

Partnerships

- collaboration with the local county bar association;
- skilled staff who were able to develop and sustain internal court partnerships and external partnerships with the county bar association and other public and private agencies and organizations;
- support and advocacy of the Supreme Court Committee on Minority Concerns and the local Vicinage Advisory Committee on Minority Concerns;
- establishing partnerships with law schools to bring in clinical assistance for pro se litigants;
- working with court users to address their problems in a timely fashion;

Communication

- actively encouraging court users to become involved in the resolution of their problems;
- referring clients to other agencies/organizations as needed;
- providing court users access to language services;
- marketing the program to other county agencies/organizations;
- encouraging public comments as a means of improving the court system;
- educating court users about court processes and procedures;
- encouraging communication and interaction with the public;
- conveying the public's concerns to the court;

- routinely following-up and demonstrating a willingness to alter program operations based on the analysis of currently available information and feedback from court staff, court users and community/agency contacts;

Data Collection

- ongoing planning, evaluation, and systematic routine data collection analyses;
- using data analyses to help refine and revise various program areas as needed;
- establishing dedicated data collection tools designed to identify and quantify
  1. constituent status (i.e., what is the profile of persons using the ombudsman's office - race/ethnicity, gender, age groups, residency, and pro se/with counsel);
  2. constituent concerns and inquiries (i.e., what are court users issues/concerns or why are they contacting the office);
  3. inquiry dispositions (i.e., what are the outcomes of the inquiries);
  4. methods of contact (i.e., how the constituents contact the ombudsman's office – walk-ins, telephone, etc.); and
  5. court user's reason for contacting the ombudsman's office (i.e., accurate assessment and documentation of the issues of concern and the identification of the division/program/practice areas noting that an initial presenting problem may involve more than one office/unit).
- employing qualitative data gathering techniques to help define/delineate problem areas and to clarify and encourage problem solving, e.g., focus groups, listening sessions, and interviews with clients, court staff, judges, and agency staff.

3. Current Ombudsman Statistics

A brief discussion of comparative data from the Essex Office of the Ombudsman (2001 and 2005 statistics) and inaugural statewide ombudsman statistics for a two month period (September and October 2006) offers a glimpse into the work of the statewide ombudsman initiative.

a. Essex Office of the Ombudsman & Information and Community Relations Center

The Essex Vicinage Office of the Ombudsman & Information and Community Relations Center has been a full-time program since its inception in 1998. In the Committee's 2000-2002

biennial report, selected statistics from the Office of the Ombudsman & Information and Community Relations Center 2001 Report were discussed. For this reporting cycle, these data are compared with statistics extracted from the Essex Ombudsman Office's 2005 report.

Table 3-1. Essex Office of the Ombudsman/The Information and Community Relations Center: Methods/Modes of Contact, 2001 and 2005

Method/Mode of Contact	2001		2005	
	Number	Percent	Number	Percent
Walk-ins	1061	62.3%	1850	69.5%
Telephone	632	37.1%	780	29.3%
E-mail	7	0.4%	32	1.2%
Fax	3	0.2%	N/R*	N/R*
Total	**1703**	**100.0%**	**2662**	**100.0%**

Data Source: Superior Court of New Jersey – Essex Vicinage Office of the Ombudsman & The Information and Community Relations Center 2001 (p. 3) & 2005 (p. 6) Reports
*N/R: not reported

As Table 3-1 shows, in both 2001 (62.3%) and 2005 (69.5%), most of the court users contacting the Essex Office of the Ombudsman/Community Relations Center were walk-ins, followed in number by telephone contacts.

b. Citizen Use of Public Access Terminals

The Essex Community Relations Center makes available computer terminals and office equipment for public use. In 2005, 667 people visited the center to make use of these resources. As shown in Table 3-2, nearly 60% of those using the equipment made use of public access court computer terminals; approximately 36% used the public copier machine and nearly 5% used the fax machine. This initial data suggest that having public access terminals and copy and fax machines available in the Ombudsman's office accessible to court users is a valuable public service.

Table 3-2. Essex Information Resource Center Use of Public Access Terminals, Copier, and Fax Machine, 2005

Public Access Terminals, Copier, and Fax Machine	2005	
	Number	Percent
Public Access Terminals	394	59.1%
Copier	242	36.3%
Fax Machine	31	4.6%
Total	**667**	**100.0%**

Data Source: Superior Court of New Jersey – Essex Vicinage Office of the Ombudsman & The Information and Community Relations Center 2005 Report, (p. 6)

c. Reason for Contact (2001)/Type of Assistance (2005)

In reviewing the data tables, the reader should keep in mind that the mode of contact referenced in Table 3-1 measures the number of court users that were assisted in the office by describing initial interactive encounters with court staff, e.g., walk-in, telephone contact, and so on. This number may be less than the total number of "Types of Assistance" provided (See Table 3-3 Essex Office of the Ombudsman/The Information and Community Relations Center: Reason for Contact, 2001/Type of Assistance, 2005). The difference in the count reflects the fact that the court user who comes into the ombudsman office for a specific problem may receive two or more types of assistance to resolve that problem. The assistance provided usually goes beyond directing the court user to the appropriate office or transferring a caller. The assistance given is often labor-intensive and involves substantial interaction with the court user. Such assistance may include researching a problem or issue, deciding upon a proper referral or plan of action, contacting an agency, assisting with pro se forms, arranging for an interpreter, and providing prompt and detailed feedback to managers, supervisors, and other court personnel in an effort to resolve the presenting issue.

An examination of Table 3-3. Essex Office of the Ombudsman/The Information and Community Relations Center: Reason for Contact (2001)/Type of Assistance (2005) reveals a precipitous drop in court user contacts for administrative issues (from 22.3% in 2001 to 0.5% in 2005). This decline may be due to the fact that the data retrieved by the Essex Ombudsman Office in 2005 has been further refined to include more data screens. With respect to the type of assistance, it is noteworthy that there has been approximately a 193% increase in court users contacting the office for civil matters.

Table 3-3. Essex Office of the Ombudsman/The Information and Community Relations Center: Reason for Contact (2001)/Type of Assistance (2005)

Reason Court Users Contact the Office/Type of Assistance	2001		Type of Assistance 2005	
	#	%	#	%
Administration	420	22.3%	18	0.5%
ACMS Promis Gavel Research	425	22.5%	N/R	N/R
ADA	N/R	N/R	20	0.6%
Civil	520	27.6%	1521	44.2%
Court/Judge	N/R	N/R	26	0.8%
Criminal	170	9.0%	214	6.2%
Family	66	3.5%	105	3.1%
Interpretation/Spanish	N/R	N/R	663	19.3%
Interpretation/Portuguese	N/R	N/R	17	0.5%
Interpretation/Other	N/R	N/R	8	0.2%
Jury	21	1.1%	13	0.4%
Legal Assistance	N/R	N/R	291	8.5%
Legal Referral	150	7.9%	N/R	N/R
Municipal	19	1.0%	43	1.3%
Probation	3	0.2%	37	1.1%
Transcripts	N/R	N/R	12	0.3%
Ombudsman Complaint	93	4.9%	91	2.6%
Other	N/R	N/R	262	7.6%
Request for Court Observation	N/R	N/R	97	2.8%
Total	1887	100.0%	3438	100.0%

Data Source: Superior Court of New Jersey – Essex Vicinage Office of the Ombudsman & The Information and Community Relations Center 2001 & 2005 Reports
Note: In 2001, office contacts were categorized as "reason for contact" whereas 2005 office contacts were categorized as "types of assistance."
N/R: not reported

In reviewing complaint data, a different picture emerges: there was only a slight decline in the number of complaints filed in reporting years 2001 (93) and 2005 (91) representing a decline of 2.2%. The decline in number of complaints filed is of positive note given the overall increase in the number of court users contacting the office, i.e., a 56% increase from 1887 in 2001 to 3438 in 2005.

d. Request for Interpreting Services

In 2005, the Essex Ombudsman Office also compiled information on persons requesting interpreting services, noting that 688 court users visiting that office (20%) received this type of assistance. The inclusion of this new screen and the collection of statistics will assist the court in its allocation of staff resources in language services.

4. Statewide Ombudsman Statistics (September – October 2006)

Starting in September 2006 the statewide Ombudsman program routinely began to collect data on contacts with the Office of the Ombudsman using standardized data collection forms. Data are missing for some of the vicinages (Bergen, Somerset/Hunterdon/Warren, Monmouth, and Union) since staff in these vicinages are either recently appointed to the position or serving on a temporary basis until a vacancy is filled. In any case, it is important to note that the Judiciary is just beginning to collect Ombudsman data on a statewide basis so readers should be cautious about drawing definitive conclusions based on these preliminary data.

Table 3-4. Methods of Contact, Ombudsman Office (September 1, 2006 to October 31, 2006)

Method of Contact												
Vicinage	**Walk-Ins**		**Telephone**		**Surface Mail**		**E-Mail**		**Fax**		**Total**	
	#	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**	**#**	**%**
Atlantic/Cape May	1	6.3	7	43.8	8	50.0	0	0.0	0	0.0	16	100.0%
Bergen*												
Burlington	36	14.9	191	78.9	8	3.3	7	2.9	0	0.0	242	100.0%
Camden	67	23.0	210	72.2	0	0.0	14	4.8	0	0.0	291	100.0%
Cumberland/ Gloucester/ Salem	28	14.8	158	83.6	3	1.6	0	0.0	0	0.0	189	100.0%
Essex	675	76.4	198	22.4	4	0.5	3	0.3	3	0.3	883	100.0%
Hudson	6	50.0	6	50.0	0	0.0	0	0.0	0	0.0	12	100.0%
Somerset/Hunterdon/ Warren*												
Mercer	41	29.7	94	68.1	0	0.0	1	0.7	2	1.4	138	100.0%
Middlesex	4	7.7	41	78.8	7	13.5	0	0.0	0	0.0	52	100.0%
Monmouth*												
Morris/Sussex	480	81.5	104	17.7	3	0.5	2	0.3	0	0.0	589	100.0%
Ocean	47	29.4	105	65.6	6	3.8	1	0.6	1	0.6	160	100.0%
Passaic	824	84.1	152	15.5	0	0.0	4	0.4	0	0.0	980	100.0%
Union*												
Grand Total	2209	61.4%	1266	35.2%	39	1.1%	32	0.9%	6	0.2%	3552	98.7%

Data Source: Statewide Conference of Ombudsman, Organizational Development and Training Unit
* Note – For the shaded areas, the information does not exist or was not tracked for the referenced time period.

For purposes of the initial reporting of statewide ombudsman statistics, the methods of contact and type of assistance have been compiled for 11 of the 15 ombudsman offices. The reader should note that data are missing for the areas that are shaded in Table 3-4. Methods of Contact, Ombudsman Office (September 1, 2006 to October 31, 2006) and Table 3-5: Type of Assistance by Division (September 1, 2006 to October 31, 2006).

Table 3-4. Methods of Contact shows that of the 3,552 contacts across the eleven reporting vicinage ombudsman offices, 61.4% (2,209) of the contacts were walk-ins, 35.2% (1,266) were telephone contacts, 1.1% (39) were surface mail contacts, 0.9% (32) were e-mail contacts, and 0.2% (6) were fax contacts. Percentagewise, Passaic vicinage (84.1%), followed by Morris/Sussex (81.5%) and Essex (76.4%) had the highest walk-in contacts.

Cumberland/Gloucester/Salem (83.6%), followed by Burlington (78.9%), Middlesex (78.8%), and Camden (72.2%) had the highest proportion of telephone contacts.

With respect to the type of assistance provided to court users, Table 3-5. Type of Assistance by Division (September 1, 2006 to October 41, 2006) shows that most of the contacts during this two month period involved a civil matter (48.4% or 1726), followed by a family matter (17.1% or 611) and a criminal matters (16.5% or 589).

Table 3-5. Type of Assistance by Division (September 1, 2006 to October 31, 2006)

Vicinage	Civil Inquiry		Criminal Inquiry		Family Inquiry		Non-Court Info.		Operations Inquiry		Municipal Query		Probation Query		Other		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Atlantic/ Cape May	4	25.0%	9	56.3%	2	12.5%	0	0.0%	0	0.0%	1	6.3%	0	0.0%	0	0.0%	16	100.0%
Bergen*																		
Burlington	106	44.5%	0	0.0%	64	26.9%	0	0.0%	1	0.4%	1	0.4%	27	11.3%	39	16.4%	238	100.0%
Camden	106	36.4%	46	15.8%	84	28.9%	32	11.0%	3	1.0%	2	0.7%	18	6.2%	0	0.0%	291	100.0%
Cumberland/ Gloucester/ Salem	35	17.3%	10	5.0%	87	43.1%	2	1.0%	1	0.5%	21	10.4%	31	15.3%	15	7.4%	202	100.0%
Essex	730	82.7%	50	5.7%	37	4.2%	30	3.4%	7	0.8%	9	1.0%	10	1.1%	10	1.1%	883	100.0%
Hudson	8	66.7%	0	0.0%	2	16.7%	2	16.7%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	12	100.0%
Somerset/ Hunterdon/ Warren*																		
Mercer	31	22.5%	19	13.8%	53	38.4%	5	3.6%	18	13.0%	3	2.2%	9	6.5%	0	0.0%	138	100.0%
Middlesex	26	50.0%	8	15.4%	16	30.8%	0	0.0%	0	0.0%	1	1.9%	0	0.0%	1	1.9%	52	100.0%
Monmouth*																		
Morris/ Sussex	110	18.7%	141	23.9%	212	36.0%	26	4.4%	13	2.2%	5	0.8%	82	13.9%	0	0.0%	589	100.0%
Ocean	38	23.2%	16	9.8%	41	25.0%	13	7.9%	3	1.8%	1	0.6%	10	6.1%	42	25.6%	164	100.0%
Passaic	532	54.2%	290	29.6%	13	1.3%	54	5.5%	14	1.4%	5	0.5%	70	7.1%	3	0.3%	981	100.0%
Union*																		
Total	1726	48.4%	589	16.5%	611	17.1%	164	4.6%	60	1.7%	49	1.4%	257	7.2%	110	3.1%	3566	100.0%

Data Source: Statewide Conference of Ombudsman, Gina Barry, Interim Staff, Organizational Development and Training Unit, Internal Consultant (July – December 2006)

*Note – Information does not exist for shaded areas

B. Publication of "Guide to Court User Rights and Responsibilities"

> 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 Recommendation 30.3 (2000-2002 Report, 72).

As pointed out in the 2000-2002 biennial report, as best the Subcommittee was able to determine, no state Judiciary as of that time had promulgated a document identifying to the public court user rights and responsibilities. However, since the recommendation was first proffered several other states have published similarly conceived documents.

The Subcommittee has worked collaboratively with the Administrative Office of the Courts in developing the document. As of the writing of this report, the document has gone through the requisite reviews and is awaiting approval to publish and pilot. Upon adoption there will be a limited pilot of the publication for a period of approximately 90 days in the two vicinages (Essex and Middlesex) that previously volunteered to pilot the document. The results of the pilot will be reviewed and any necessary changes will be made with the goal of distributing the promulgated version to all vicinages by June 2007.

C. Jury Issues

1. Pilot Research on Jury Pool Representation

> 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 27.1 (2002-2004 Report, p. 39)

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

The Committee maintains an interest in learning about racial and ethnic minority participation on juries. New Jersey Judiciary's present jury management system does not include any racial or ethnic identifiers since the data provided by outside source lists are not so encoded. Consequently, the Administrative Office of the Courts has been unable to answer Committee inquiries concerning the participation levels of minorities on petit or grand juries. Without race or ethnic identifiers in the data management system, it is not possible to:

- measure the diversity of the juror pool locally or statewide;
- capture information regarding the juror questionnaire/summons phase;
- report on the diversity of persons contacted for jury service;
- track information on attrition throughout the juror summons/selection process (response to initial summons, disqualifications, excusals, failure to appear, non-selection and challenges); nor
- gather information on the racial/ethnicity diversity of persons who actually serve on juries.

In order to understand better minority participation in the jury process, the Committee recommended to the AOC that a pilot study be undertaken using geomapping technology to evaluate the diversity of the jury pool. The Administrative Director of the Courts approved the concept of the jury pool study using geomapping technology. Since it is not possible to directly inquire about the racial/ethnic background of potential jurist using existing juror source lists, an indirect yet scientifically acceptable methodology would be a valuable predictive tool.

An initial test phase of the study was conducted to demonstrate the application and the relevance of the geomapping methodology to this particular research question. The pilot test used geomapping technology to overlay demographic data from the U.S. Census (2000) with a data file of addresses for nearly one thousand judicial employees listing Mercer County as their residence. Using geomapping technology, the researcher with 92% accuracy inferred the racial/ethnic composition of the study group. This scientific inference was validated by

measuring the actual racial ethnic composition of the study group using the racial/ethnic identifiers in the courts personnel management information system (PMIS). The Subcommittee will continue its work on its project and will confer with the Administrative Office of the Courts to determine the next phase of the proposed study.

2. Educating the Public About Jury Service

> 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 Recommendation 27.4 (2000-2002 Report, page 70).

The Subcommittee continues its support of the Judiciary's efforts to educate the public and recognizes the collaborative work initiated by the local courts and the Vicinage Advisory Committees on Minority Concerns in advancing public education and community outreach in their respective local jurisdictions. A more detailed discussion of these efforts and initiatives are included in Chapter V. During the next report cycle, the subcommittee will continue its review of available juror education resources.

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 initiatives that recognize the invaluable service provided by those who answer the call to jury service and reiterates its recommendation (2002-2004 Report, p. 41) for the establishment of a statewide juror appreciation program in each vicinage.

Further, the Committee strongly recommends that vicinage Law Day observances include the following components:

- a formal juror recognition component;
- an opportunity to educate the public, especially young people, about the benefits and importance of jury service; and
- an invitation to jurors serving jury duty to attend and participate in local Law Day programs.

The Committee endorses efforts already in place in several vicinages to communicate the courts appreciation of jurors' service throughout the entire year. Examples of such efforts include inviting jurors to attend public information and lunch and learn sessions as well as providing comfortable and convenient amenities in juror assembly rooms. For example, some vicinages provide workstations with internet connection to enable waiting jurors to use their own laptops.

The Subcommittee looks forward to partnering with the Conference of Jury Managers in implementing their proposed statewide juror appreciation day as a best practice and proposes that the inaugural juror recognition program be implemented on a statewide basis in May 2007.

D. Self-Represented and Unrepresented Litigant Services

> 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 Recommendation Pro Se 1 (2000-2002 Report, page 103).
>
> Production by each AOC division of easy-to-understand pro se packets for the most frequent issues facing pro se litigants in that division within the next 12 months. Uniform packets should be available in every vicinage (Pro Se 1.1),
>
> Preparation of guidelines for court staff on handling pro se litigants (guidelines have been prepared by the Subcommittee for pro se litigants) (Pro Se 1.2),

> Accessibility of general information in every courthouse concerning the availability of legal services in discrete areas. (The Subcommittee agreed and suggested that the Camden Ombudsman call Legal Aid while pro se litigants are in her office to see if their specific circumstances qualify) (Pro Se 1.3),
>
> Pro se litigants should not be referred to forms books; specific court forms should be available in the courthouses regardless of whether the AOC maintains a library there or not (Pro Se 1.4),
>
> The AOC should review the information collected from the Municipal Court clerks and administrators and obtain materials from legal services providers and ascertain if such materials could be adapted and made available for statewide use (Pro Se 1.5); and
>
> Each AOC division should produce easy-to-understand informational videos for pro se litigants, in cooperation with vicinage staff, the State Bar and specialty bars, and distribute this information within the next 12 months. The areas in descending order of priority are Special Civil Part, Municipal Court, Family and Civil (Pro Se 1.6).

1. Legal Needs of the New Jersey Poor

The Poverty Research Institute of Legal Services of New Jersey has studied the number of unrepresented litigants in the New Jersey courts based on data provided by the Administrative Office of the Courts for the period covering July 2005 – June 2006.[22]

The general civil docket in New Jersey is largely handled by attorneys, with 95% of plaintiffs and 98% of defendants represented by attorneys-at-law. Looking in depth at four areas in which low-income people are frequently involved, the Poverty Research Institute found:

- In Landlord-Tenant matters, the overwhelming majority of summary evictions involve defendants eligible for assistance from Legal Services (incomes below 200% of the federal poverty line). Of the 165,943 summary evictions filed, 99% of the cases involved defendants who were not represented; 42% of these cases were entered by default.

- In Special Civil Part[23], excluding Small Claims matters, there were 284,548 special civil cases closed representing a 15.6% increase over the previous year

[22] It should be noted, however, that the AOC does not collect or have information on litigant incomes; the case types discussed may be considered proxies for direct income information.

[23] This civil court involves disputes under $15,000 and typically involves consumer and contract matters which frequently include low income defendants.

(38,346 cases) with 98% of these cases involving unrepresented litigants, representing a 3% increase over the previous year.

- In Family Division dissolution cases (divorces), a large number of low income litigants were involved in matrimonial proceedings. Of the 31,498 resolved, (down slightly by 468 cases, or 1.4% from the previous year), 30% of the plaintiffs and 68% of the defendants were unrepresented; 51% of the judgments were entered by default.

- In Family Division non-dissolution cases[24], last year 70% of the plaintiffs and 96% of the defendants were unrepresented. The comparable figures from the previous year were 71% and 96% respectively.[25]

According to a national report by Legal Services Corporation, approximately two-thirds (66%) of those seeking help from legal services programs are turned away. In New Jersey, legal services programs turned away[26] 119,000 applicants while serving 51,000 clients in 2005, and in 2006 estimated that 5 out of 6 low-income people experiencing a civil legal problem would not have access to an attorney.[27]

In order to achieve its mission of equal justice, the Court should devote significant resources to assisting unrepresented litigants in accessing our courts. Access, however, is only the first step to equal justice. Unrepresented litigants, unfamiliar with court rules, procedures, and substantive law, are not on a level playing field with represented litigants. Judges should be trained in dealing with unrepresented litigants. It is imperative that judges and court personnel

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[24] These include custody, support, and other domestic matters that are not part of divorce proceedings.

[25] See *People Without Lawyers: New Jersey's Civil Legal Justice Gap Continues*: A Report From Legal Services of New Jersey, October 2006, page 2. http://www.lsnj.org/PDFs/NJJusticeGap2006.pdf

[26] When an applicant contacts a legal services provider, the intake staff determines if the applicant is financially eligible for services and whether the legal problem falls within the priorities of the provider. Financial eligibility for Legal Services providers is 200% of the federal poverty level. Each legal services provider sets its own priorities dealing with essential needs of low-income people, such as housing, income, and safety. If the applicant is not eligible, he or she is referred to the appropriate Lawyer Referral Service. If the applicant is financially eligible but the legal problem does not fall within the provider's priorities, the applicant will be provided with information on other resources such as the Judicial website and LSNJLaw website.

[27] See *People Without Lawyers: New Jersey's Civil Legal Justice Gap Continues*: A Report From Legal Services of New Jersey, October 2006, page 4. http://www.lsnj.org/PDFs/NJJusticeGap2006.pdf

understand that treating unrepresented and represented litigants exactly the same does not result in fairness and equal justice. In order to achieve justice, unrepresented litigants should be provided with information and tools necessary to have their stories told. This is not to say that unrepresented litigants should be exempt from the same rules of evidence and standards of proof as represented litigants, but rather that unrepresented litigants need to be provided with explanations and the assistance necessary to understand the rules and the law so they can present their cases in such a way that the court has all the information required to render just decisions.

2. Partnering to Close the Justice Gap

Increased funding is necessary to help close the "justice gap" for low income litigants and the Subcommittee wishes to join in partnership with the court to urge increased funding for legal services in New Jersey. In addition, the Committee proffers the following recommendation:

Committee Recommendation 07:03.1

The Committee urges the Court to form a Blue Ribbon Committee to explore how the legal needs of low-income litigants can be met by the New Jersey system of justice. The Committee should include representatives of the court, New Jersey State Bar Association, the specialty bars, New Jersey legal services providers, New Jersey law schools, and representatives from the private bar. This Blue Ribbon Committee, whose members are to be appointed by the Chief Justice, should report back to the Court a year from the date of appointment.

AOC staff representatives from Minority Concerns, Civil, Family, Criminal, and Litigant Services should provide staff support, technical assistance and consultation to the Blue Ribbon Committee.

3. Centralized Coordination of Self-Represented and Unrepresented Legal Services

A review of the current literature shows an emerging understanding of the legal needs of different groups of people transacting business with the court without the services of an attorney-at-law. In the past these individuals were typically referred to as *pro se litigants*. It is now recognized that people approach the court without representation for different reasons and have varying needs. Some litigants prefer to represent themselves because the matter is simple or

because the litigant believes that he or she is best able to present the case. These individuals who choose to represent themselves are *self-represented*. Many other individuals would prefer to have legal representation but cannot afford it.[28] These litigants can be considered *unrepresented litigants*.

While the Subcommittee recognizes the Judiciary's initiatives to centralize coordination of efforts by the fifteen vicinages intended to assist litigants without attorney representation, the Committee further encourages the Court to distinguish between the needs of self-represented litigants who elect to represent themselves and those who represent themselves because they cannot afford to secure representation by an attorney. This distinction was highlighted at the November 2006 Judicial College panel presentation, "Sustaining Access to Quality Justice for Pro Se Litigants: Best Practices in the Courtroom." The new lexicon discussed during the aforementioned panel concludes that *self-represented litigants* may be a more appropriate term to describe only people who voluntarily decide to represent themselves. Such litigants would include people with simple matters before the court, e.g., small claims, child support for W-2 wage earners, minor traffic tickets as well as litigants who probably should obtain an attorney and have the means to do so but decide to represent themselves.

Hence, the Court's responsibility to and strategies for dealing with these distinct sets of needs should not be the same. The court will need to clarify the proposed mandate and mission of the newly formed Litigant Services Unit at the AOC based on a clearer understanding and appreciation of the differences between *self-represented* and *unrepresented* litigants.

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[28] For example, in a report published by the Boston Bar Association Task Force on Unrepresented Litigants (August 1998, p. 25), it is noted that "[m]ost of the litigants said they were unrepresented because they could not afford an attorney." As noted by the Conference of Chief Justices and Conference of State Court Administrators in the Final Report of the Joint Task Force on Pro Se Litigation (July 2002, p. 4), "Increasing[ly], lawyers recognize that the cost of legal services falls beyond the reach of many low-income and even moderate-income households, and that the private bar has never adequately met the needs of these individuals through pro bono legal services.

Committee Recommendation 07:03.2
The Committee recommends the establishment of a unit at the AOC whose mission is to provide self-represented and unrepresented litigants with the tools necessary to assure fair and equitable justice, to promote the clearer understanding of court services and procedures, and to standardize services for self-represented and unrepresented litigants throughout the state. The Unit should be called the Office of Self-Represented and Unrepresented Litigant Services.

4. Plain Language Forms for Pro Se Litigants

> 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. Task Force Recommendation 37 (2000-2002 Report, p. 102).

The Subcommittee continues to review and edit new court forms and instructions aimed at assisting self-represented litigants. The Committee acknowledges the work done by the Pro Se Materials Working Group of the Administrative Office of the Courts. Since the last cycle, some of the pro se forms packets and instructional brochures available on the Judiciary's internet site have been translated into Spanish. Additionally, some documents have been translated into Portuguese, Polish and Korean, languages that represent sizable linguistic communities in New Jersey. Efforts to translate forms and brochures in a broad range of languages as needed are ongoing. The Subcommittee will continue its work in this area.

The Subcommittee commends the continuing efforts of the Judiciary and the Pro Se Working Group to standardize pro se forms and to revise the forms so that they are published in plain English. The Subcommittee further suggests that the Pro Se Working Group in collaboration with the new Office of Litigant Services devise a marketing tool that permits the court to communicate with state agencies, public libraries, schools, senior citizen centers, media outlets, and other public agencies on a periodic basis to inform them of the availability of these forms through the court's website www.njcourtsonline.com. The Subcommittee further suggests that the court periodically offer educational seminars on the use of these forms.

E. Improved Access for Linguistic Minorities

1. Training for Judges on Interpreting Issues

> The Supreme Court should require annual sensitivity training to address racial and ethnic bias for all judges and court support employees. Task Force Recommendation 1 (Final Report, 1992, p. 52)
>
> The Supreme Court should require that all court personnel attend ongoing cross-cultural training programs. Task Force Recommendation 36 (Final Report, 1992, p. 265)

a. Superior Court Judges

> The Supreme Court should direct the Administrative Office of the Courts to assure: 1) that an introductory seminar on interpreting issues be presented to all new Superior Court judges during the new judges orientation training… Committee Recommendation 02:3.1 (2000-2002 Report, p.102)

From 1988 until 1997, training on interpreting issues was included in the curriculum for new judges orientation. The Committee renews its recommendation that the modified introductory course, "Equal Access to Courts for Linguistic Minorities," developed by the Language Services Section, be reinstated as part of the core curriculum for newly Superior Court judges.[29] The course design should also reference ethnic and cultural difference related to interpersonal communication.

b. Municipal Court Judges

The Committee commends the court for its ongoing efforts to offer court interpreter training to Municipal Court judges. Since 1989, an orientation program has been in place for new Municipal Court judges. Once a year, a one and a half hour seminar is presented to new Municipal Court judges.

[29] In Chapter V, the Committee discusses its co-presentation of a related course. It should be noted that "Please Don't Let Me Be Misunderstood" has been presented under the leadership of Minority Concerns as a diversity component of new judges orientation on an invited basis in contrast to the referenced course which would, as had been done in the past, be presented under the direction of Language Services as part of the standing core curriculum to new Superior Court judges.

2. Linguistic Minorities

> The Supreme Court shall assure that the trial courts (1) provide interpreters who have knowledge of cultural variations; and (2) assure equal access to courts for linguistic minorities. Task Force Recommendation 3 (Final Report, 1992, p. 66)
>
> The Supreme Court should require that a qualified interpreter is provided for every person who needs an interpreter. Task Force Recommendation 35 (Final Report, 1992, p. 265)

a. Review of Court Staff Interpreters and Bilingual Variant Job Positions

1. Superior Court Staff Interpreters

Since 1992, New Jersey has increasingly become a racially, culturally, ethnically, and linguistically pluralistic State. According to the U.S. Census (see table 4-1 in Chapter IV), New Jersey is one of the most diverse states in the nation and that diversity impacts the court. Since 1990, all minority groups in the State have experienced population growth. The 0.8% gain for Blacks was negligible (from 12.8% to 13.6%); Hispanics/Latinos experienced a 3.7% gain (from 9.6% to 13.3%) and Asians/American Indians/Pacific Islanders experienced a 2.3% increase (from 3.6% to 5.9%).

It is noteworthy that in 2004 there were 71,000 interpreting events in New Jersey Superior Courts; in 2005, there were 80,000 and in 2006 there were 86,000 representing 7.5%increase during this one year period.

The Committee commends the court for its continuing commitment to enhance interpreting services for court users in New Jersey. In November 2003 (See the Supreme Court Committee's 2002-2004 report p.47) there were 39 staff interpreters; as of November 2006 there are 48 as noted in Table 3-6. New Jersey Superior Court Staff Interpreters by Gender, Race/Ethnicity and Vicinage/County (November 28, 2006) (Excluding Sign Language Interpreters). Of these 48 interpreters, 77.1% are females with 60.4% (29) Hispanic/Latino females, and 16.7% (8) non-Hispanic White females.

Table 3-6. New Jersey Superior Court Staff Interpreters by Gender, Race/Ethnicity and Vicinage/County (November 28, 2006), Excluding Sign Language Interpreters

VICINAGE/ COUNTY		WHITE		BLACK		HISPANIC/ LATINO		TOTAL
		Male	Female	Male	Female	Male	Female	
I.	Atlantic	0	0	0	0	0	0	0
I.	Cape May	0	0	0	0	0	0	0
II.	Bergen	0	2	0	0	0	0	2
III.	Burlington	0	0	0	0	0	1	1
IV.	Camden	0	1	1	0	0	1	3
V.	Essex	1	1	0	0	1	2	5
VI.	Hudson	1	1	0	0	3	5	10
VII.	Mercer	0	1	0	0	0	1	2
VIII.	Middlesex	1	0	0	0	0	4	5
IX.	Monmouth	0	0	0	0	0	2	2
X.	Morris	1	0	0	0	0	1	2
X.	Sussex	0	0	0	0	0	0	0
XI.	Passaic	1	1	0	0	0	6	8
XII.	Union	0	0	0	0	1	4	5
XIII.	Somerset	0	1	0	0	0	0	1
XIII.	Hunterdon	0	0	0	0	0	0	0
XIII.	Warren	0	0	0	0	0	0	0
XIV.	Ocean	0	0	0	0	0	1	1
XV.	Gloucester	0	0	0	0	0	0	0
XV.	Cumberland	0	0	0	0	0	1	1
XV.	Salem	0	0	0	0	0	0	0
TOTALS		**5**	**8**	**1**	**0**	**5**	**29**	**48**
PERCENT		**10.4%**	**16.7%**	**2.1%**	**0.0%**	**10.4%**	**60.4%**	**100%**
PERCENT		**27.1%**		**2.1%**		**70.8%**		**100%**

Data Source: Language Services Section, Special Programs Unit, Programs and Procedures Division, Office of Trial Court Services, Administrative Office of the Courts

Note: One female interpreter listed as white here (1 in Hudson) is from Brazil.

Table 3-7 shows the distribution by country of origin of the 34 Spanish language staff interpreters.

Table 3-7. Distribution of Hispanic/Latino Interpreters by Country of Origin

Country of Origin	Number of Interpreters	Percent of Total
Argentina	2	5.9
Columbia	5	14.7
Costa Rica	1	2.9
Cuba	5	14.7
Dominican Republic	2	5.9
Ecuador	3	8.8
Mexico	4	11.8
Peru	1	2.9
Puerto Rico	4	11.8
Spain	4	11.8
Venezuela	2	5.9
Mixed	1	2.9
Total	34	100.0%

Data Source: Language Services Section, Special Programs Unit, Programs and Procedures Division, Office of Trial Court Services, Administrative Office of the Courts

2. Vicinage Based Statewide Interpreters

In order to meet the increasing demand for interpreting services in New Jersey courts, in March 2006 the Judicial Council approved the creation of five statewide court interpreter positions on the Central Office payroll for assignments as needed at locations throughout the state. Two of the positions (one American Sign Language and one Spanish) are housed at the Central Office (AOC). The three other positions are housed in the vicinages: Korean in Bergen, Polish in Union, and Portuguese in Essex. The latter three vicinage positions are called Vicinage Based Statewide Interpreters (VBSIs); VBSIs report to the Vicinage Coordinator of Interpreter Services in the vicinages where they are housed. The interpreters housed at the AOC report to a

supervisor in the Central Office. These five new positions have been filled[30] and a protocol developed for the dispatch and sharing of the VBSIs to maximize their utilization and to prioritize their work.

Table 3-8. New Jersey Staff Interpreters Employed by the AOC by Gender, Race/Ethnicity (November 28, 2006)

WHITE		ASIAN/ PACIFIC ISLANDER		HISPANIC/ LATINO		TOTAL
Male	Female	Male	Female	Male	Female	
0	4	0	1	1	0	6

Data Source: The Language Services Section, Special Programs Unit, Programs and Procedures Division, Office of Trial Court Services, Administrative Office of the Courts
Note: The Portuguese language interpreter, a native Brazilian, is represented among the four white females. These six interpreters provide interpreting services in American Sign Language, Korean, Polish, Portuguese, and Spanish.

3. Languages Appearing in the New Jersey Superior Court

The volume of work accomplished by these staff interpreters and other outside agency interpreters hired by the various vicinages from a directory compiled by the AOC's Interpreting Unit are presented in Table 3-9 Languages Appearing in the New Jersey Superior Court (Unit of Count = Number of Discrete Interpreted Events) (July 1, 2004 – June 30, 2005). With five of New Jersey's counties and 77 of its municipalities having Hispanic/Latino populations in excess of 13.3%[31], it probably comes as no surprise to the reader that Spanish accounts for the bulk of the interpreted events appearing in New Jersey Superior Court.

[30] Excerpted verbatim from the Memorandum to Assignment Judges, from Philip S. Carchman, J.A.D. on Vicinage-Based Statewide Interpreters – Protocol Dispatch, October 4, 2006

[31] This figure represents the total population of Hispanics/Latinos as of 2000 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 C-3. 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.

Table 3-9. Languages Appearing in the New Jersey Superior Court (Unit of Count = Number of Discrete Interpreted Events) (July 1, 2004 – June 30, 2005)

LANGUAGE	# OF EVENTS	LANGUAGE	# OF EVENTS
Spanish	71220	German	15
Portuguese	1794	Pashto, Unknown	14
Korean	1403	Albanian: Gheg	13
Polish	1315	Albanian, Unknown	12
American Sign Language	1160	Bulgarian	12
Haitian Creole French	1047	Indonesian	11
Chinese, Mandarin/Guoyu, Huayu, Putonghua	918	Arabaic, North Africa	10
Russian	656	Czech	10
Arabic, Egyptian Colloquial	614	Arabic, Modern Standard	9
Vietnamese	550	Georgian	8
Turkish	417	Mayalayam	8
Guajarati	237	Pashto, Western	8
Italian	182	Arabic, Unknown	7
Arabic, Levantine Colloquial	155	Grebo, Northern	7
Hindi	154	Akan	6
Urdu	143	Bassa	6
Certified Deaf Interpreter	124	Chinese, Shanghai/Wu	6
Chinese, Cantonese/Yue: Guangzhou, Zhongshan	120	Laotian	6
Greek	119	Lithuanian	6
Bengali	106	Serbo-Croatian	6
Panjabi, Eastern	101	Farsi, Unknown	5
French	81	Lesser Antillan Creole French	5
Tagalog	78	Wolof	5
Tamil	66	Armenian	4
Croatian	54	Igbo	4
Panjabi, Western	54	Amharic	3
Slovak	50	Burmese	3
Farsi, Western	42	Farsi, Eastern	3
Albanian, Tosk	40	Thai, Unknown	3
Khmer, Central	36	Bosnian	2
Japanese	29	Dinka, Unknown	2
Chinese, Northern Fukienese/ Minbei: Foochow, Fuzhou	28	Mandinka	2
Hebrew	28	Panjabi, Unknown	2
Arabic, Arabian Peninsula	25	Pashto, Southern	2
Macedonian	25	Tigrigna, Tigrinya, Tigray	2
Hungarian	24	Languages with one event each: Chinese, Southern Fukienese/Minnan: Amoy, Taiwanese, Xiamen; Chinese, Wenzhou; Kannada; Krumen, Tepo; Latvian; Mixteco, Unknown; Quiche, Unknown.	
Fulfulde, Adawama	24		
Romanian	24		
Serbian	24	**TOTALS: 83,548 Events 77 Languages**	
Ukrainian	24		
Telugu	23		

Data 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 (November22, 2006)

There were a total of 83,548 interpreted events from July 1, 2004-June 30, 2005, the most recent fiscal year for which data are available. Of this number, 71,220 of these events were in Spanish. As Table 3-10. New Jersey Judiciary: Number of Events Interpreted by County and Primary Context (July 1, 2004-June 30, 2005) shows, most of the events interpreted from July 1, 2004-June 30, 2005, the period for which the latest statistics are available, were before a judge or grand jury (65,045). In the 2002-2004 report, covering the period of July 1, 2001 to June 30, 2002, the number of cases appearing before a judge or grand jury was 53, 059.

Table 3-10. New Jersey Judiciary: Number of Events Interpreted By County and Primary Context (July 1, 2004 – June 30, 2005)

VICINAGE/ COUNTY	PRIMARY CONTEXTS		
	BEFORE A JUDGE OR GRAND JURY	IN A CDR PROCEEDING	ANY COURT SUPPORT SERVICE
I. Atlantic	1356	54	0
I. Cape May	264	2	0
II. Bergen	4988	474	395
III. Burlington	550	29	73
IV. Camden	6521	918	293
V. Essex	4592	823	1324
VI. Hudson	12778	2202	433
VII. Mercer	2359	345	240
VIII. Middlesex	5162	870	408
IX. Monmouth	1258	363	913
X. Morris	3071	373	119
X. Sussex	107	4	4
XI. Passaic	7552	2888	218
XII. Union	7536	1068	385
XIII. Somerset	1604	216	73
XIII. Hunterdon	272	20	33
XIII. Warren	212	16	33
XIV. Ocean	3144	807	631
XV. Gloucester	80	10	10
XV. Cumberland	1481	141	260
XV. Salem	158	9	26
TOTALS	65045	11632	6871

Data Source: 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

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. A

conservative estimate is that the number of interpreted events at the Municipal Court level is about double that at the Superior Court level.

4. Bilingual Variant Job Positions

> 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. Committee Recommendation Pro Se (2002-2004 Report, p. 41)

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 continues to recommend to the Judiciary the expanded use of the bilingual variant job title.[32] 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 the Judiciary has made significant progress in the creation and filling of bilingual positions. Table 3-11. New Jersey Judiciary Bilingual Job Titles by Job Site (April 12, 2006) presents these data. In 2003 of the 21 counties in New Jersey, there were five counties that had no employees in the bilingual variant job title; today only one county has no bilingual variant positions. The AOC continues to have no staff in a bilingual variant job title.

The Committee again notes that most of those 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

[32] The bilingual variant test does not require as high a proficiency standard as the test for a Judiciary staff interpreter.

areas or counters; they do, however, go into the community and aid in the personal development of probationers and their families.

In every job position reported in the 2002-2004 Report, except for the Judiciary Clerk 2 position (JC2 on the table), the number of bilingual variant positions has increased significantly. For example at the Judiciary Clerk 3 level, there are now 20 bilingual variant positions; that represents a 189% increase in bilingual positions. Overall the number of all bilingual variant positions statewide has increased by 139 positions since October 16, 2003 representing a 40.9% increase.

Table 3-11. New Jersey Judiciary Bilingual Job Titles by Job Site, October 2003 and October 2006

Job Site	October 16, 2003								Total	October 5, 2006								Total
	Master Prob. Officer	Sr. Prob. Officer	Probation Officer	Judiciary Clerk 4	Judiciary Clerk 3	Judiciary Clerk 2	Judiciary Acct. Clerk 1	Investi-gator		Master Prob. Officer	Sr. Prob. Officer	Probation Officer	Judiciary Clerk 4	Judiciary Clerk 3	Judiciary Clerk 2	Judiciary Acct. Clerk 1	Investi-gator	
AOC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Atlantic	0	3	5	0	0	2	0	0	10	0	6	2	0	0	1	0	0	9
Bergen	0	0	5	0	0	0	0	2	7	0	2	8	0	0	0	0	3	13
Burlington	0	0	1	0	0	0	0	3	4	0	4	2	0	0	0	0	3	9
Camden	0	4	6	0	4	3	0	2	19	0	8	6	0	5	1	0	5	25
Cape May	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Cumberland	0	2	4	0	0	0	0	0	6	0	4	11	0	0	0	0	0	15
Essex	0	2	5	0	0	0	0	4	11	0	2	9	0	1	0	0	4	16
Gloucester	0	0	2	0	0	0	0	0	2	0	1	2	0	0	0	0	0	3
Hudson	0	8	22	0	4	37	1	17	89	0	20	16	3	9	29	1	12	90
Hunterdon	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	2
Mercer	0	2	1	0	0	0	0	1	4	0	2	15	0	1	1	0	2	21
Middlesex	0	1	6	4	0	2	0	4	17	0	4	10	3	0	1	0	7	25
Monmouth	0	0	3	0	1	1	0	0	5	0	1	6	0	2	2	1	1	13
Morris	0	0	0	0	0	0	0	0	0	0	0	10	1	0	0	0	0	11
Ocean	0	1	0	0	0	0	0	0	1	0	1	5	0	0	1	0	0	7
Passaic	0	2	6	0	0	0	0	2	10	0	5	10	1	2	1	0	3	22
Salem	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Somerset	0	1	7	0	0	0	0	0	8	0	4	14	0	0	0	0	0	18
Sussex	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Union	0	2	2	0	0	2	0	0	6	1	3	28	0	0	0	0	1	33
Warren	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	2
TOTAL	0	28	75	4	9	47	1	35	199	1	67	161	8	20	37	2	41	337
PERCENT TOTAL	0.0%	14.1%	37.7%	2.0%	4.5%	23.6%	0.5%	17.6%	100.0%	0.3%	19.9%	47.8%	2.4%	5.9%	11.0%	0.6%	12.2%	100.0%

Data Source: AOC Human Resources Division and EEO/AA Unit

F. Judiciary Volunteer Services Program

> The Supreme Court should set the standard for determining underrepresentation (SDU) in court volunteer programs in two stages: First at the level of minorities in the court population and second at the level of minorities among the constituency. Task Force Recommendation 59 (Final Report, 1992, p. 355)
>
> The Supreme Court should require that the various volunteer programs be better advertised in the minority community. Task Force Recommendation 60 (Final Report, 1992, p. 357)
>
> The Supreme Court should direct the Judiciary to develop an aggressive, innovative Action Plan with timetables which go beyond current efforts to address the underrepresentation of Hispanics and Asian/Pacific Islanders that exists among court volunteers. Committee Recommendation 59, 60.1(2000-2002 Report, 237)
>
> The Supreme Court should direct the Judiciary to provide on an annual basis, statistical data on court volunteers by race/ethnicity, county and programs to the Committee on Minority Concerns. Committee Recommendation 59, 60.3 (2000-2002 Report, 237)

1. Overview of the Judiciary Volunteer Services Program

According to the Court's most recent data, there are more than 5,200 volunteers[33] who serve the New Jersey court system, promoting the public's trust in the judicial process and advancing the court-community partnership as well as the mission of 9,200 full-time court employees. Growing from 10 to 19 programs, the number of court volunteer programs has nearly doubled in recent years, offering a greater variety of options to the community for participation in the judicial process.

Judiciary volunteers help to make important decisions that aid children and families in crisis and the community at large — directly promoting the court's mission and vision. Some volunteers advise the courts on cases involving children in placement and their permanency plans. Others mediate disputes in municipal courts or in civil matters. Volunteers supervise court-ordered visitation between children and their non-custodial parents. They also mentor

[33] These data do not capture all volunteers serving on Supreme Court committees and other advisory bodies such as the Supreme Court Committee on Minority Concerns and Vicinage Advisory Committees on Minority Concerns.

adult and juvenile probationers as well as monitor guardianship of incapacitated persons. A growing number of volunteers serve as courthouse greeters and aides who assist visitors and help with customer service activities.

Judiciary volunteers are appointed by an Assignment Judge and supervised by a designated program coordinator in a particular division of the local court (i.e., Municipal, Civil, Family, etc.). Volunteers must complete court orientation and program-specific training that covers applicable laws, court rules, and Judiciary directives as well as cultural competency, communication/interpersonal skills, and problem solving techniques. Continuing education sponsored by the courts is mandated for case related volunteer programs and is encouraged for all programs and volunteers.

The Judiciary Volunteer Services Program is managed at the state level via the Programs and Procedures Division at the Administrative Office of the Courts (AOC). The Manager of Volunteer Services is staff to the Statewide Vicinage Volunteer Coordinators Committee. Each vicinage has a full-time employee in the Operations Division who serves as the vicinage volunteer coordinator and is a member of the Statewide Vicinage Volunteer Coordinators Committee. Other employees at the division level are designated as program coordinators for particular volunteer programs and work closely with the vicinage volunteer coordinator on program management issues. The vicinage volunteer coordinator, the program coordinators and division managers typically make up the Vicinage Volunteer Programs Steering Committees. The local committee assembles between every four to six weeks to address program administration and management issues.

The continuous goal of the Judiciary Volunteer Services Program is to enhance the court-community partnership by engaging eligible individuals who desire to extend their time, talents

and care in delivering quality court services to their community. Through established program policies and procedures, with a heightened sensitivity to the diverse population being served, the Judiciary's efforts are focused on maintaining a volunteer workforce that meets current and projected court program needs.

2. Profile of Court Volunteers

In January 2005, the Special Programs Unit of the Programs and Procedures Division rolled out a new application, the Volunteer Management Information System (VMIS), statewide to capture volunteer data. VMIS is not only an administrative/management system, but it can also capture and track demographic data and produce a variety of statistical reports. Throughout 2005, volunteer and program coordinators in each vicinage received training in how to use the VMIS software. Vicinage volunteer coordinators were charged with compiling volunteer profile data for active volunteers and populating VMIS in all program areas.

A VMIS record has been created for roughly 90% (4,700) of the active volunteers. While there are slightly more than 5,200 total volunteers, the statistical data presented in this report is based on the existing volunteer profiles in VMIS.

As in the case of judiciary employees, court volunteers may on a voluntary basis identify their racial and ethnic background upon appointment. The integrity of the data in VMIS continues to improve as volunteer coordinators continue to add and update volunteer profiles with data essential for program analysis and development.

a. Gender

As Table 3-12. New Jersey Judiciary Volunteer Programs by Gender and County (November 16, 2006) shows, the gender breakdown of 4,700 court volunteers is 31.0% male and 56.3% female.

Table 3-12. New Jersey Judiciary Volunteer Programs by Gender and County (November 16, 2006)

County	Female		Male		No Response		Total
	#	%	#	%	#	%	#
Atlantic	153	76.5	38	19.0	9	4.5	200
Bergen	207	61.1	132	38.9	0	0.0	339
Burlington	103	60.6	66	38.8	1	0.6	170
Camden	271	55.3	203	41.4	16	3.3	490
Cape May	41	71.9	15	26.3	1	1.8	57
Cumberland	50	71.4	15	21.4	5	7.1	70
Essex	140	25.1	77	13.8	341	61.1	558
Gloucester	50	61.7	31	38.3	0	0.0	81
Hudson	123	72.8	46	27.2	0	0.0	169
Hunterdon	31	72.1	12	27.9	0	0.0	43
Mercer	193	56.1	151	43.9	0	0.0	344
Middlesex	190	66.4	89	31.1	7	2.4	286
Monmouth	254	60.5	128	30.5	38	9.0	420
Morris	301	62.7	169	35.2	10	2.1	480
Ocean	121	56.0	82	38.0	13	6.0	216
Passaic	48	22.7	23	10.9	140	66.4	211
Salem	39	68.4	17	29.8	1	1.8	57
Somerset	78	71.6	31	28.4	0	0.0	109
Sussex	92	62.6	40	27.2	15	10.2	147
Union	139	62.3	83	37.2	1	0.4	223
Warren	22	73.3	8	26.7	0	0.0	30
Total	**2646**	56.3%	**1456**	31.0%	**598**	12.7%	**4700**

Data Source: Judiciary Volunteer Services Unit

b. Race/Ethnicity

Based on the available race/ethnicity information, minorities make up 16.7% of all court volunteers. Of the minority volunteers, 12.5% are Black, 2.8% are Hispanic/Latino, 0.9% are Asian/Pacific Islander/American Indian, and 0.5% are multi-racial. See Table 3-13. New Jersey Judiciary Volunteer Programs: Statistical Summary Report by Race/Ethnicity (November 16, 2006). Although 24% of 4,700 court volunteers declined to report their racial/ethnic background, the percentage of minority volunteers appears to have increased from roughly 7% in recent years.

Table 3-13. New Jersey Judiciary, Volunteer Programs: Statistical Summary Report by Race/Ethnicity (November 16, 2006)

Ethnicity	Number	Percentage of Total
White	2787	59.30
Black	589	12.53
Hispanic or Latino	114	2.43
Asian/Pacific Islander/American Indian	36	0.77
Black and White	6	0.13
Hispanic and White	16	0.34
Hispanic and Black	2	0.04
Hispanic and Asian/Pacific Islander/American Indian	5	0.11
Asian/Pacific Islander/American Indian and White	10	0.21
Asian/Pacific Islander/American Indian and Black	2	0.04
Multi-racial	6	0.13
Did not Answer	1127	23.98
Total Volunteers	**4700**	**100.00%**

Data Source: Judiciary Volunteer Services Unit

For a detailed review of volunteer program participation by race/ethnicity and county, see Table 3-14. New Jersey Judiciary Volunteer Programs by Race/Ethnicity and County (November 16, 2006). It is noteworthy that:

- in 11 counties, the proportion of Black volunteers exceeds the 12.5% statewide average (Atlantic, Burlington, Camden, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, Salem, and Union)

- in 5 counties, the proportion of Hispanic/Latino volunteers exceed the 2.8% average (Bergen, Cumberland, Hudson, Middlesex, and Union)

- in 11 counties, the proportion of Asian/Pacific Islanders/American Indians meets or exceeds the 0.9% proportion at the state level (Bergen, Burlington, Camden, Cumberland, Gloucester, Hudson, Mercer, Middlesex, Monmouth, Salem, and Somerset); and

- in 5 counties, there is at least one active volunteer that identifies as multi-racial (Hudson, Middlesex, Monmouth, Salem, and Union)

Table 3-14. New Jersey Judiciary Volunteer Programs by Race/Ethnicity and County (November 16, 2006)

County	White		Black		Hispanic/ Latino		Asian/Pacific Islander and American Indian		Multi-racial		No Response		Total
	#	%	#	%	#	%	#	%	#	%	#	%	#
Atlantic	65	32.5	30	15.0	4	2.0	0	0.0	1	0.5	100	50.0	200
Bergen	294	86.7	24	7.1	13	3.8	6	1.8	1	0.3	1	0.3	339
Burlington	132	77.6	25	14.7	2	1.2	2	1.2	0	0.0	9	5.3	170
Camden	313	63.9	74	15.1	9	1.8	1	1.0	21	0.6	86	17.6	490
Cape May	22	38.6	3	5.3	0	0.0	0	0.0	0	0.0	32	56.1	57
Cumberland	43	61.4	15	21.4	6	8.6	1	1.4	0	0.0	5	7.1	70
Essex	74	13.3	82	14.7	9	1.6	1	0.2	2	0.4	390	69.9	558
Gloucester	60	74.1	14	17.3	0	0.0	1	1.2	0	0.0	6	7.4	81
Hudson	76	45.0	49	29.0	32	18.9	5	3.0	2	1.2	5	3.0	169
Hunterdon	34	79.1	1	2.3	0	0.0	0	0.0	0	0.0	8	18.6	43
Mercer	236	68.6	56	16.3	9	2.6	3	0.9	0	0.0	4	11.6	344
Middlesex	199	69.6	53	18.5	12	4.2	8	2.8	5	1.7	9	3.1	286
Monmouth	289	68.8	45	10.7	8	1.9	4	1.0	4	1.0	70	16.7	420
Morris	359	74.8	11	2.3	7	1.5	1	0.2	1	0.2	101	21.0	480
Ocean	180	83.3	10	4.6	2	0.9	1	0.5	0	0.0	23	10.6	216
Passaic	46	21.8	18	8.5	1	0.5	0	0.0	0	0.0	146	69.2	211
Salem	44	77.2	8	14.0	0	0.0	2	3.5	1	1.8	2	3.5	57
Somerset	62	56.9	11	10.1	0	0.0	1	0.9	0	0.0	35	32.1	109
Sussex	89	60.5	1	0.7	1	0.7	0	0.0	0	0.0	56	38.1	147
Union	143	64.1	58	26.0	17	7.6	1	0.4	2	1.3	1	0.4	223
Warren	27	90.0	1	3.3	0	0.0	0	0.0	0	0.0	2	6.7	30
Total	**2787**	**59.3%**	**589**	**12.5%**	**132**	**2.8%**	**42**	**0.9%**	**23**	**0.5%**	**1127**	**24.0%**	**4700**

Data Source: Judiciary Volunteer Services Unit

c. Program Participation

Leading the way in volunteer participation (see Table 3-15) among the court's 19 programs is the Juvenile Conference Committees accounting for 41.4% (1,946) of all court volunteers. An additional 13.2% (621) sit on Child Placement Review Boards, 18.6% (873) serve in the Municipal Court Mediation programs, and 17.2% (808) act as Court Appointed Special Advocates (CASA). Clearly, volunteers provide invaluable service to the court and community particularly through their work in case related programs. Volunteer involvement in such critical court functions as these serves as a quintessential example of successful court community partnership in action and the value citizens place on their roles as stakeholders in the rule of law.

Table 3-15. New Jersey Judiciary, Volunteer Programs: Count of Active Volunteers by Program (November 16, 2006)

Name of Program	Number	Percentage of Total
Child Placement Review Boards (CPR)	621	13.2
Children's Court Care Center	22	0.5
Court-Appointed Special Advocate (CASA)	808	17.2
Courthouse Assistance for Domestic Violence Victims	28	0.6
Courthouse Aides	57	1.2
Courthouse Greeters	50	1.1
Custody/Visitation Mediation	26	0.6
Guardianship Monitoring Program (GMP)	35	0.7
Intensive Supervision Program (ISP)	17	0.4
Juvenile Auto Theft Prevention Program (JATPP)	22	0.5
Juvenile Conference Committee (JCC)	1946	41.4
Juvenile Intensive Supervision Program (JISP)	52	1.1
Municipal Court Mediation Program (MCMP)	873	18.6
Newark Alliance for Compliance	12	0.3
Small Claims Mediation	28	0.6
Special Civil Part Mediation	27	0.6
Supervised Visitation Program (SVP)	49	1.0
Volunteers in Education (VIE)	12	0.3
Volunteers in Probation (VIP)	15	0.3
Total Volunteer	**4700**	**100.0%**

Data Source: Judiciary Volunteer Services Unit

3. Needs Assessment

The Judiciary is committed to continuing efforts to diversify the volunteer workforce. With enhanced tracking and reporting capabilities, a detailed assessment of the racial/ethnic and gender breakdown of active volunteers at both the vicinage and program levels will be part of a routine assessment report. Results from the assessment will be used to determine appropriate areas of focus for marketing and recruitment purposes.

The court's volunteer programs are diverse in nature, objectives, clients served, and services delivered. The unique purpose of each volunteer program and the essential bond between court volunteers and those being served should be factored into any recommended standards for minority representation. Task Force Recommendation 59 suggests that a standard be set for determining under-representation/underutilization in court volunteer programs. This recommendation also states that "the level of minorities in the court population" and "the level of minorities among the constituency" should be factors taken into consideration in determining underutilization. The AOC is considering plans to launch a study of each volunteer program in order to explore standards for determining under-representation/underutilization.

4. Marketing/Community Outreach & Recruitment

The Judiciary Volunteer Services Program strives to ensure that its workforce is sufficiently representative of the community at large and the courts' clients. For many years, vicinage volunteer coordinators have submitted annual training plans to the Manager of Volunteer Services at the AOC. This information has been used to determine the disbursement of annual vicinage allocations drawn from the $75,000 Volunteer Training grant; these funds are administered by the AOC.

In 2006, vicinage volunteer coordinators submitted annual recruitment plans to the AOC in addition to training plans. The recruitment of volunteers is a continuous process with the objective of securing a sufficient number of competent volunteers who broadly reflect the demographics of the local community and court clients. Recruitment plans identify and project program needs and suggest creative avenues to tap applicant pools. Vicinage volunteer coordinators are encouraged to work closely with individual program coordinators as well as their vicinage EEO Officers and Minority Concerns Advisory Committees to assess demographic information and to develop and implement the annual recruitment plan. Vicinage volunteer coordinators and program coordinators are also encouraged to interact with the public through as many venues as possible (i.e., public speaking events, job fairs, social and civic organizations, media outlets) in order to market the Judiciary and its programs.

5. Charting Future Initiatives

Outreach to minority communities continues to be a major focus for volunteer programs statewide. While vicinage volunteer coordinators are responsible for marketing, outreach and recruitment efforts in their communities, the AOC plans to complement local efforts with a statewide marketing campaign over the next few years. Enhanced and routine reporting will facilitate comprehensive strategic planning at the state and vicinage levels, as well as broaden the exchange of key program management information, objectives, and ideas.

Committee Recommendation 07:03.3

To enhance the Judiciary's efforts to strengthen volunteer programs at the state, vicinage and program levels, the Committee on Minority Concerns recommends the development of a standard Annual Vicinage Management Report on Volunteer Programs, including: 1) a needs assessment (i.e., *program capacity, skills, minority representation component*); 2) corresponding marketing, recruitment and training plans; and 3) a general program development/management section.

Committee Recommendation 07:03.4
The Committee also recommends that the supporting grant be increased from $75,000 to $100,000 to provide much needed resources for sustaining the quality of training and support to the court's vital volunteer force.

6. Program Development

The overall performance of the Judiciary Volunteer Services Program has been managed and supported through the activities cited above. Additionally, the recent promulgation of Judiciary directives has championed uniformity in managing volunteer programs statewide. Directive #4-05, issued in January 2005, clearly defined standards for the roles and responsibilities in the volunteer management process, as well as for the recruitment, appointment, training, and information management processes. (See Appendix C-2 for a copy of the Directive together with the Judiciary Volunteer Services Program Standards) This directive includes a specific standard for recruitment and highlights the importance of reflecting the demographics of the community and clients served in the volunteer corp. Also, a final draft of a code of conduct and litigation reporting policy for Judiciary Volunteers was approved by the Supreme Court in July 2006.

Statewide implementation of Judiciary directives has greatly expanded the communication among vicinages and served as a common platform for further developing uniform practices and recommendations for policy additions or modifications. In fact, the Vicinage Volunteer Coordinators Committee has established several working groups to focus on specific volunteer management areas as needed. For example, the 2001 edition of the training program and materials for volunteer court orientation is being updated. A volunteer management handbook for volunteer coordinators is under development. Feedback is being solicited from the vicinage volunteer coordinators regarding desired enhancements for VMIS. Lastly, plans for a concerted effort to devise and implement standard program evaluation with a routine reporting

and assessment schedule at the program, vicinage and state levels are underway. Many layers of program evaluation, such as input from volunteers, court users, vicinage volunteer coordinators and program coordinators, should be considered and factored into strategic planning.

As noted above, there are many opportunities for and challenges to advancing the Judiciary Volunteer Services Program. The continued success of this program will contribute to the Judiciary's efforts to uphold its core values – independence, integrity, fairness, and quality service – in justly resolving disputes for the people of New Jersey.

The Subcommittee looks forward to its work on access issues in the court and will work diligently to complete the projects currently under way and to initiate new projects in furtherance of its mission and mandate.

Chapter IV

SUBCOMMITTEE ON MINORITY PARTICIPATION IN THE JUDICIAL PROCESS

I. Introduction and Mandate

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, fiduciary appointments 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 court personnel; promotional patterns of judges; the collection and analysis of data and statistics on the judicial workforce; and Judiciary employment policies and performance standards. An equally important charge of the Subcommittee is its continuing effort to educate court personnel as well as the general public about the progress of the court to diversify its workforce.

In carrying out its mandate, the Subcommittee may 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 by racial and ethnic minorities to employment opportunities, Supreme Court committee appointments, fiduciary appointments, and vendor opportunities.

The New Jersey Judiciary has made substantial progress over the course of the last 20 plus years in its efforts to assure fair and equitable access to employment opportunities in the judiciary at all levels over which the court exercises administrative oversight. The Judiciary's progress in implementing the court-approved minority concerns recommendations positions the Court to meet the challenges of rapidly changing population demographics in this state. This chapter will focus on how the Judiciary over the past three years has addressed particular

concerns raised and recommendations made in the Supreme Court Committee on Minority Concerns 2002-2004 Report in addition to selective priority carryover issues from previous reports.

II. Subcommittee Activities

In exercising its ongoing monitoring charge, the Subcommittee has continued to work collaboratively with the Administrative Office of the Courts and with the vicinages to obtain workforce data and other information on Judiciary employment policies and procedures.

III. Discussion of Priority Recommendations and Areas of Concerns

The following issues were identified as priority recommendations, findings, or areas of concern in the Committee's 2002-2004 biennial report and have been addressed, reviewed, and/or monitored during the current rules cycle.

A. Judiciary EEO/AA Master Plan

The New Jersey Supreme Court approved the Judiciary EEO/AA Master Plan ("Master Plan") in May 2000. As previously noted, "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" (Supreme Court Committee on Minority Concerns 2002-2004 Biennial Report, 128). At the time of that report, the self-critical analysis of the demographics of the Judiciary's workforce using 2000 Census data had not been completed. The Committee is pleased to note now, however, that the first phase of the self-critical analysis has been completed. Using data from the U.S. Census (2000) together with workforce data (2005) to conduct the self-critical analysis, each vicinage

separately as well as the AOC/Central Clerks' Office analyzed and compared the gender and racial demographics of job groups and compared those statistics to availability data.

Availability Data

The availability data[34] used in the Judiciary's workforce analysis is the percentage of minorities and/or women in the experienced civilian labor force (ECLF)[35] who reside within the Judiciary's labor market area and who possess qualifications relevant to a specific Judiciary job group based on the 2000 Census data.

The Judiciary established the availability for each job group by taking the experienced (relevant) civilian labor force (ECLF) for the 2000 Census analogous occupational job codes for each Judiciary job group within reasonable geographical areas of recruitment (commuting patterns).

First, each Judiciary job group was matched up with analogous Census Occupational titles/categories. Then, the EEO/AA Unit assigned a specific geographical reasonable recruiting area. To do this, the EEO/AA Unit examined the commuting patterns of employees in each job group at each location (county) and in come cases, where job applicants for selected job groups lived.

Generally, the reasonable recruiting area consists of where the preponderance of employees and/or applicants for a particular job group reside. For positions in the Court Executive/Professional Supervisory categories, the reasonable recruiting area is statewide,[36] and

[34] See Appendix D-1a for an explanation of the methodology used in 2001 by the New Jersey Judiciary to determine availability.

[35] The Experienced Civilian Labor Force (ECLF) includes those individuals age 16 years or older who are employed or unemployed but able to work, who are in the state and/or local civilian labor market as indicated by 2000 U.S. Census Data.

[36] Depending on the location of the position, e.g. at the vicinage or AOC, the reasonable recruitment area may include Pennsylvania and New York.

for the support staff band, generally, the reasonable recruiting area is the county where the position is located and/or neighboring counties.

For law clerks, the availability data is based on the graduation rate of minorities and women from the three New Jersey law schools[37] during the previous school year.

The utilization analysis of women and minorities is determined by comparing their representation in the Judiciary's workforce with their availability in the civilian labor market based on the 2000 Census data. Based on the difference in percentages between the current Judiciary workforce and availability in the New Jersey State labor market, the number of women and minority positions needed to reach parity utilizing the *Any Difference in the Whole Person Rule* was calculated. According to the "whole person" rule, a job group is considered underutilized where the underrepresentation for racial/ethnic minorities or females rounds to at least one person. The organization then sets goals based on the number of employees needed to achieve at least 80% of the expected figure, or slightly less than the total difference between the actual number of racial/ethnic minorities and the number expected based on availability[38].

Underutilization of Racial and Ethnic Minorities

Underutilization of racial and ethnic minorities and females, where it appears, has been noted in the Judiciary's analysis of the data. EEO/AA staff at the AOC and in each vicinage are continuing to work on developing corresponding action plans for remediation. The Committee applauds the Court for its completion of the long-awaited self-critical analysis. As stated in the Master Plan, "[u]nderrepresentation of minorities and women may indicate the existence of barriers to their full and fair participation in the work force." The Master Plan further states that

[37] The three New Jersey law schools are Rutgers Law-Newark, Rutgers Law-Camden and Seton Hall Law School.

[38] Patricia A. Carlisle, EEO/AA Officer, Affirmative Action Plan Purdue University North Central (Effective October 2005 – September 2006) pp. 19-20.

"[i]f that critical examination [of the workforce] reveals barriers to equal employment opportunity within the Judiciary…, prompt action tailored to the circumstances and the needs of the courts will be taken to eliminate such barriers." In those instances where underutilization appears to exist according to the Judiciary's self-critical analysis, it would reasonably be expected that the Judiciary will respond appropriately to eliminate these barriers to equal employment and to remediate demographic imbalance. During the forthcoming Rules Cycle, the Committee plans to monitor both how the Judiciary's responds to the underutilization of minorities identified by the self-critical analysis and the effectiveness of that response.

B. Overview of the Judiciary Workforce

1. State Judiciary Workforce Profile

Table 4-1. New Jersey Judiciary: Employees by Race/Ethnicity (Excluding Judges, Law Clerks, Bar Examiners, and Part-time Employees), AOC/Central Clerks' Offices and Vicinages, August 2006 provides the number and corresponding percentages of judicial employees by race/ethnicity in the vicinages, at the AOC/Central Clerks' Offices, and the vicinages and AOC/Central Clerks' Offices combined.

Table 4-1. New Jersey Judiciary: Employees by Race/Ethnicity (Excluding Judges, Law Clerks, Bar Examiners, and Part-time Employees), AOC/Central Clerks' Offices and Vicinages, August 2006[a]

	Total	Whites		Total Minorities		Blacks		Hispanics/ Latinos		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
Vicinages	7777	4783	61.5	2994	38.5	1951	25.1	855	11.0	188	2.4
AOC/Central Clerks' Offices	1444	1013	70.2	431	29.8	295	20.4	70	4.8	66	4.6
Total Judiciary	9221	5796	62.9	3425	37.1	2246	24.4	925	10.0	254	2.8
U.S. Census 2000[b]											
NJ Experienced Civilian Labor Force, Census 2000	6,326,792	74.4%		30.7%		12.6%		12.3%		5.8%	
NJ Total Population, Census 2000	8,414,350	72.6%		32.8%		13.6%		13.3%		5.9%	

[a] Data Source: AOC Central Clerks' Offices, EEO/AA Unit

[b] In order to match the available census data to the data categories currently in use by the Judiciary, calculations for the New Jersey Experienced Civilian Labor Force and the New Jersey Total Population were drawn from using the totals listed for White, Black/African American, and American Indian/Alaskan Native and Asian (combined) under one race and Hispanic/Latino of any race from Table 1. Population by Race and Hispanic Origin for All Ages and for 18 Years and Over for New Jersey, 2000. The ECLF includes only those 16 years of age and older; the total population includes all ages. (http://www.census.gov/acs/www/UseData/Def/Employme.htm) Data Source: U.S. Census, 2000

Note: Percentages are percent of total in each major category and may not always sum to 100 due to rounding. In addition, readers should note that 2000 Census offered respondents the option to select two or more races and to indicate Hispanic/Latino in addition to race. This explains why the total percentages sum to >100%.

As Table 4-1 demonstrates, as of August 2006, racial and ethnic minorities comprised 37.1% (representing an increase of 0.6%) of the total Judiciary workforce (excluding judges, law clerks, bar examiners, and part-time employees). This continues the trend of incremental increases in the percentage of minorities in the Judiciary workforce from 1992-2006 (see Table 4-2. 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, and

2006). The 2000 U.S. Census Data for the Experienced Civilian Labor Force (ECLF) is based on a special tabulation of the experienced civilian labor force and represents the hiring pools that are used to examine whether minorities are underutilized[39] in specific job groups in the Judiciary workforce.

Using ECLF demographic data from the 2000 U.S. Census as the measure for comparison, the Committee notes that Blacks are represented in the Judiciary workforce at a level (24.4%) above their overall ECLF demographics (12.6%) whereas Hispanics/Latinos (10%) and Asians/American Indians (2.8%) respectively comprise proportions of the Judiciary's workforce that are less than their respective percentages (12.3 % and 5.8%) in the New Jersey ECLF population.

Minority Representation in the Judiciary Workforce

Comparison of the 2006 and 2001 data shown in Table 4-2. New Jersey Judiciary Percent Minority Employees by Race/Ethnicity AOC/Central Clerks/ Offices, Vicinages and Total AOC and Vicinages Combined 1992, 1995, 1997, 2001, and 2003 reveals that as the Judiciary workforce (i.e., the component of the workforce, excluding judges, etc., described in Table 4-1) has increased in size over since 2001, the percentage of minorities in the Judiciary workforce has increased from 34.2% (2945) to 37.1%(3425) and the total number of minorities has increased by 16.3% during this time period. This overall increase in minorities is reflected by increases in the percentages of Hispanics/Latinos (increasing from 9.1% in 2001 to 11.0% in 2006) and Asians/American Indians (increasing from 1.8% in 2001 to 2.4% in 2006) respectively in components of the Judiciary workforce described in Table 4-2.

[39] "Underutilization" means having fewer minorities or women in the workforce of a particular job group that would be reasonable expected based on their availability in the labor market area. The Judiciary currently utilizes the PeopleClick software to calculate utilization in relation to availability in the ECLF.

Table 4-2. 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, 2005, and 2006

AOC							
	1992	1995	1997	2001	2003	2005	2006
	%	%	%	%	%	%	%
Whites	79.8	74.8	73.1	71.0	70.0	70.0	70.2
Blacks	17.1	19.3	20.4	22.2	22.4	21.1	20.4
Hispanic/Latinos	1.9	4.2	4.5	4.6	4.3	4.5	4.8
Asians/American Indians	1.2	1.6	2.0	2.2	3.3	4.3	4.6
Total Minorities	20.2	25.2	26.9	29.0	30.0	30.0	29.8
Total AOC Employees	1285	1278	1224	1304	1285	1429	1444

Vicinages							
	1992	1995	1997	2001	2003	2005	2006
	%	%	%	%	%	%	%
Whites	75.9	72.0	71.0	64.9	62.4	62.5	61.5
Blacks	17.2	19.6	20.0	24.2	25.4	24.6	25.1
Hispanic/Latinos	6.3	7.1	7.5	9.1	10.2	10.5	11.0
Asians/American Indians	0.4	1.3	1.4	1.8	2.1	2.4	2.4
Total Minorities	24.1	28.0	29.0	35.1	37.6	37.5	38.5
Total Vicinage Employees	7494	7646	7237	7316	7257	7755	7777

AOC and Vicinages Combined														
	1992		1995		1997		2001		2003		2005		2006	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Total Judiciary Employees	8779	100	8924	100	8461	100	8620	100	8542	100	9184	100	9221	100
Total Minorities	2066	23.5	2461	27.6	2428	28.7	2945	34.2	3117	36.5	3337	36.3	3425	37.1

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

While the percentage of Blacks in the vicinage workforce increased from 24.2% in 2001 to 25.1% in 2006, the percentage of Blacks in the AOC/Central Clerks' Offices dipped from 22.2% to 20.4% during this same time period. Although the total number of employees at the AOC/Central Clerks' Offices increased by 11% during this time period (from 1304 to 1444), the

total number of Black employees at the AOC/Central Clerks' Offices increased by only 2% (from 289 to 295) during this time frame.

> The Supreme Court should direct the Administrative Office of the Courts to enhance its efforts to ensure representation of Asians/Pacific Islanders in the Judiciary's work force. Task Force Recommendation 46, (Final Report 1992, 326)

In contrast, the representation of Asians/American Indians at the vicinage level moved from 1.8% in 2001 to 2.4% in 2006, representing a 42% increase over this five year period. At the AOC/ Central Clerks' Offices the representation of Asians/American Indians increased from 2.2% in 2001 to 4.6% in 2006. While the total number of employees at the AOC/Central Clerks' Offices, as noted above, increased by 11% during this time period, the percentage of Asians/American Indian employees at the AOC/Central Clerks' Offices increased by 127% (from 29 to 66). Although at face value, this increase may seem exponential, the Committee notes its prior recommendations to address underrepresentation of Asian/American Indians in the work force and appreciates that these increases reflect the judiciary's efforts to address underutilization in this area. The Committee extends its continued encouragement to the Judiciary in its ongoing efforts.

> The Supreme Court should direct the Administrative Office of the Courts to develop and implement a more aggressive plan to ensure representation of Hispanics in the Judiciary's work force. Task Force Recommendation 45, (Final Report 1992, 326)

The percentage of Hispanics/Latinos in the vicinage workforce increased from 9.1% in 2001 to 11% in 2006 while at the AOC/Central Clerks' Offices the percentage changed insignificantly moving from 4.6% to 4.8% during this time period. Interestingly, while the total number of employees at the AOC/Central Clerks' Offices increased by 11% during this time period, the total number of Hispanic/Latino employees at the AOC/Central Clerks' Offices increased by 15% (from 60 to 69). With Hispanics/Latinos represented at the vicinage level at

11% and at the AOC/Central Clerks' Office at only 4.8%, the 2006 data regarding Hispanics/Latinos in the Judiciary workforce continues to reflect the pattern noted in the Committee's 2002-2004 Report observing that Hispanics/Latinos were represented in the vicinage workforce at a "substantially greater proportion" than in AOC/Central Clerks' Offices. While the data suggests more successful efforts being realized at the combined vicinage level, the Committee notes that there is still work to be done and reiterates its previous recommendation that the Administrative Office of the Courts undertake express efforts to increase the representation of Hispanics/Latinos at the AOC/Central Clerks' Offices.

Table 4-3. New Jersey Judiciary: Vicinage Employees by County and Race/Ethnicity (excluding Judges, Law Clerks, Bar Examiners), August 2006

County	Total	Whites		Total Minorities		Blacks		Hispanics/ Latinos		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
Atlantic	360	228	63.3	132	36.7	108	30.0	17	4.7	7	1.9
Bergen	538	404	75.1	134	24.9	61	11.3	57	10.6	16	3.0
Burlington	343	245	71.4	98	28.6	81	23.6	13	3.8	4	1.2
Camden	674	411	61.0	263	39.0	180	26.7	73	10.8	10	1.5
Cape May	114	103	90.4	11	9.6	8	7.0	2	1.8	1	0.9
Cumberland	248	184	74.2	64	25.8	30	12.1	31	12.5	3	1.2
Essex	999	292	29.2	707	70.8	579	58.0	90	9.0	38	3.8
Gloucester	233	194	83.3	39	16.7	30	12.9	8	3.4	1	0.4
Hudson	606	288	47.5	318	52.5	119	19.6	179	29.5	20	3.3
Hunterdon	76	70	92.1	6	7.9	4	5.3	2	2.6	0	0.0
Mercer	380	220	57.9	160	42.1	124	32.6	30	7.9	6	1.6
Middlesex	575	347	60.3	228	39.7	142	24.7	53	9.2	33	5.7
Monmouth	471	369	78.3	102	21.7	70	14.9	22	4.7	10	2.1
Morris	280	206	73.6	74	26.4	47	16.8	17	6.1	10	3.6
Ocean	385	342	88.8	43	11.2	14	3.6	22	5.7	7	1.8
Passaic	513	247	48.1	266	51.9	131	25.5	128	25.0	7	1.4
Salem	98	68	69.4	30	30.6	25	25.5	4	4.1	1	1.0
Somerset	195	145	74.4	50	25.6	20	10.3	26	13.3	4	2.1
Sussex	104	97	93.3	7	6.7	4	3.8	3	2.9	0	0.0
Union	494	237	48.0	257	52.0	171	34.6	76	15.4	10	2.0
Warren	91	86	94.5	5	5.5	3	3.3	2	2.2	0	0.0
Total Vicinage Employees	7777	4783	61.5%	2994	38.5%	1951	25.1%	855	11.0%	188	2.4%

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

Table 4-3 describes the racial and ethnic composition of each vicinage's workforce. While an extensive comprehensive analysis of these statistics is beyond the scope of this report, some dynamics shown in Table 4-3 should be highlighted:

- The aggregate percentage of Blacks at the combined vicinage level statewide (25.1%) is currently exceeded in Atlantic (30.0%), Camden (26.7%), Essex (58.0%), Mercer (32.6%), Passaic (25.5%), Salem (25.5%), and Union (34.6%).

- The aggregate percentage of Hispanics/Latinos at the combined vicinage level statewide (11.0%) is currently exceeded in Cumberland (12.5%), Hudson (29.5%), Passaic (25.0%), Somerset (13.3%), and Union (15.4%).

- The aggregate percentage of Asian/American Indians at the combined vicinage level statewide (2.4%) is currently exceeded in Bergen (3.0%), Essex (3.8%), Hudson (3.3%), Middlesex (5.7%), and Morris (3.6%).

- While none of the vicinages exceed the aggregate percentage in all three minority categories, seven vicinages exceed the aggregate percentage for minorities combined (38.5%): Camden (39.0%), Essex (70.8%), Hudson (52.5%), Mercer (42.1%), Middlesex (39.7%), Passaic (51.9%), and Union 52.0%).

Of course, since the demographics of the local populations from which each vicinage draws a significant portion of its workforce may differ from area to area within New Jersey, these imbalances do not necessarily indicate underutilization of any particular racial/ethnic group. On the other hand, local demographics may also result in underrepresentation issues even where a racial or ethnic group comprises a proportion of a vicinage's workforce in excess of the aggregate average. For example, although Asians constitute 3% of the Bergen Vicinage's workforce, a percentage in excess of the aggregate average, the Judiciary's utilization analysis determined that there is a significant shortfall of Asians in various job groups within that vicinage's workforce. The difference here between the aggregate and availability for employment is significant because the shortfall was determined based on comparison to local availability which for example for Asians in Bergen County is comparably higher than is

utilization (detailed information for each vicinage is available through the Judiciary's EEO/AA Unit).

2. Distribution of Judiciary Employees in Job Bands

Table 4-4. New Jersey Judiciary: Employees by Race/Ethnicity and Job Band AOC/Central Clerks' Offices and Vicinages Combined (Excluding Judges and Law Clerks) August 2006

	Total	Whites		Total Minorities		Blacks		Hispanics/ Latinos		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
Court Executive	512	397	77.5	115	22.5	74	14.5	34	6.6	7	1.4
Professional Supervisory	898	689	76.7	209	23.3	157	17.5	38	4.2	14	1.6
Support Staff Supervisory	180	118	65.6	62	34.4	53	29.4	8	4.4	1	0.6
Legal (Attorneys)	58	51	87.9	7	12.1	4	6.9	2	3.4	1	1.7
Official Court Reporter	56	51	91.1	5	8.9	3	5.4	1	1.8	1	1.8
Court Interpreter	40	17	42.5	23	57.5	0	0.0	22	55.0	1	2.5
Information Technology	308	195	63.3	113	36.7	35	11.4	26	8.4	52	16.9
Administrative Professional	709	502	70.8	207	29.2	126	17.8	57	8.0	24	3.4
Case Processing	2644	1493	56.5	1151	43.5	768	29.0	355	13.4	28	1.1
Judge's Secretary	472	389	82.4	83	17.6	47	10.0	34	7.2	2	0.4
Support Staff	2872	1505	52.4	1367	47.6	942	32.8	330	11.5	95	3.3
Total	8749	5407	61.8%	3342	38.2%	2209	25.2%	907	10.4%	226	2.6%

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

Table 4-4. New Jersey Judiciary: Employees by Race/Ethnicity and Job Band AOC/Central Clerks' Offices and Vicinages Combined, August 2006 presents a portrait of the

combined judicial workforce by job band with a breakdown of race/ethnicity for each of the ten[40] job bands (See Appendix D-1b for a complete listing of the job bands and corresponding job titles). Since 2003 the judicial workforce (excluding judges and law clerks) has increased 2.4% growing from 8542 to 8749. The overall minority representation during this time period experienced a slight increase of 1.7% growing from 36.5% to 38.2%. This increase represents an additional 225 minority employees. Interestingly, the judicial workforce increased by 207 employees during this time while the number of minority employees increased by 225. The Committee notes that, while all 207 new positions did not all go to minority appointees, the data suggests that the judiciary has been making measurable progress towards further diversifying the workforce. The Committee is encouraged that applicant pools continue to be more expansive, competitive, and diverse, providing the judicial managers with the necessary human resources to further the judiciary's efforts in this important area. At the same time the Committee recognizes the need to look at the detail of the respective job bands to capture those areas where progress is marked and to target those areas where further efforts are needed.

[40] Although there are ten job bands, data on judge's secretaries (a job group within the support staff job band) are presented separately.

Figure 1: New Jersey Judiciary Job Band Titles

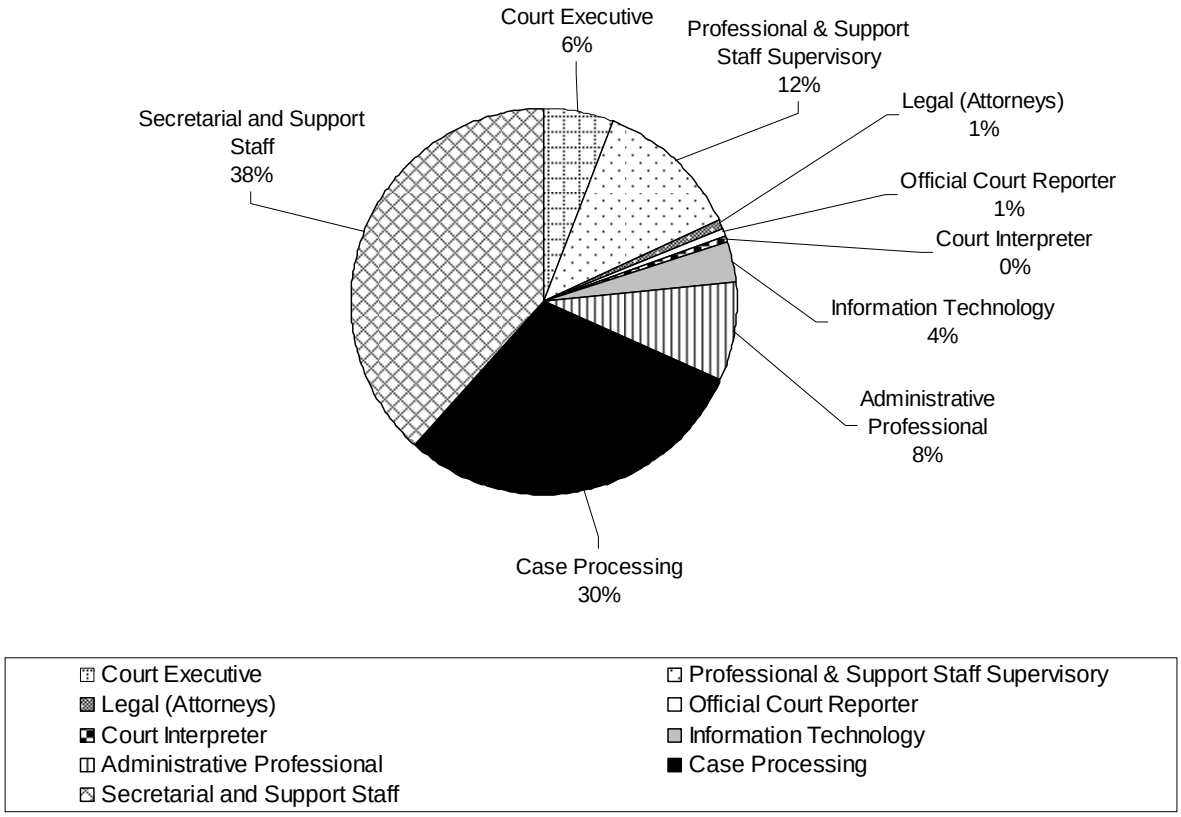


Figure 1 represents the distribution of employees among the 10 job bands based on the data included in Table 4-4, makes it readily evident that minorities are not easily distributed throughout the judiciary's workforce. Although minorities comprise just over 38% of the total judiciary workforce, this percentage is skewed by the heavy representation of minorities in the most heavily populated lower level bands, e.g., case processing and support staff.

While a complete discussion of the Court Executive Job Band follows in section D, the Committee offers a few observations within this general discussion. At present, although the Court Executive Job Band only represents 5.9% of the judicial workforce, the composition of the band is extremely significant given that it includes uppermost management at the Vicinage and AOC/Central Clerks' levels, the policy making level of the court. Of the 512 Court Executives

employed at the AOC/Central Clerks' Offices and Vicinages combined, nearly 77.5% are White compared to just over 22.5% racial/ethnic minorities.

Professional Supervisory and Support Staff Supervisory bands account for 12.3% of employees within the Judiciary. A similar phenomenon exists within the supervisory bands for professional and support staff combined where nearly 75% of employees are White.

In the Case Processing band, representing 30.2% of the judicial workforce, a shift is evident with 56.5% of employees being white and 43.5% minority. In this job band, the disparity between the percentages of white and minority employees is less marked.

In the combined Secretarial and Support Staff bands, representing 38.3% of the judicial workforce, 56.7% of employees are White. It is striking to note, however, that when broken down into the two separate job groups i.e., Judges Secretary and Support Staff, the composition of each group is markedly different with 82.4% of employees in the Judges Secretary job group being White as compared to 52.4% of employees in the general Support Staff band being White.

The Committee noted in its 2002-2004 Report that 78% of Blacks and 76% of Hispanics/Latinos employed by the Judiciary workforce were found within two bands, Case Processing and Support Staff. As of August 15, 2006, this pattern persists; these percentages are respectively 77% and 76% reflecting virtually no improvement since three years ago. In addition, just over half of the Judiciary's Asian/American Indian employees are also found in these two bands.

The data are clear: minorities comprise a greater proportion of the two most heavily populated lower level bands with over 75% of minority employees concentrated in Case Processing and Support Staff in contrast to only 55% of whites being concentrated in the same

two bands. This pattern of disproportionate concentration holds true for both Blacks and Hispanics/Latinos while Asians/American Indians are disproportionately concentrated in the Information Technology and Support Staff Bands. The change in the concentration of Asian/American Indians employees in the Information Technology job band is notable; the total number of employees in that band increased by 46 employees, including 17 more Asians/American Indians since the Committee's 2002-2004 report and the representation of Asians/American Indians within the Information Technology band has increased from 13.4% (35) to 16.9% (52).

There were gains in the Legal (attorney) job band with the proportion of total minority attorneys in this category doubling from 6.0% (3) to 12.1% (7) over the course of the three year period.

3. Employee Compensation at the AOC/Central Clerks' Offices

Table 4-5 New Jersey Judiciary: Salary Comparisons by Race/Ethnicity of Employees at the AOC/Central Clerks Offices (August 2006) shows the distribution of salaries across nine salary ranges. For purposes of its discussion and ease of presentation, the Committee placed these nine ranges into three tiers: Tier I ($20,000 - $49,999), Tier II ($50,000 - $79,999), and Tier III ($80,000 – over $100,000).

Of the 1444 employees at the Central Office, including support staff through management, 29.6% (428) earn from $20,000-$49,999, 35.7% (515) earn from $50,000 - $79,999, and 34.7% (501) earn from $80,000 to over $100,000. The overall proportional distribution across the three salary tiers, i.e., upper, middle, and lower, does not vary that significantly. However, a closer look at the distribution within the salary tiers and across the salary tiers illuminates a number of interesting and noteworthy findings.

Table 4-5. New Jersey Judiciary: Salary Comparisons by Race/Ethnicity of Employees AOC/Central Clerks' Offices, August 2006

AOC	Total	Whites		Total Minorities		Blacks		Hispanics/ Latinos		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
Over $100,000	88	74	84.1	14	15.9	9	10.2	4	4.5	1	1.1
$90.000-$99,999	124	104	83.9	20	16.1	13	10.5	2	1.6	5	4.0
$80,000-$89,999	289	219	75.8	70	24.2	43	14.9	14	4.8	13	4.5
$70,000-$79,999	95	66	69.5	29	30.5	19	20.0	6	6.3	4	4.2
$60,000-$69,999	182	133	73.1	49	26.9	30	16.5	7	3.8	12	6.6
$50,000-$59,999	238	161	67.6	77	32.4	52	21.8	11	4.6	14	5.9
$40,000-$49,999	289	182	63.0	107	37.0	80	27.7	19	6.6	8	2.8
$30,000-$39,999	111	56	50.5	55	49.5	41	36.9	6	5.4	8	7.2
$20,000-$29,999	28	18	64.3	10	35.7	8	28.6	1	3.6	1	3.6
Total	1444	1013	70.2%	431	29.8%	295	20.4%	70	4.8%	66	4.6%

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

Distribution Within Salary Tiers

Of the 428 employees in the lowest tier, i.e., earning from $20,000 - $49,999, 40.2% are racial/ethnic minorities with 30.1% Black, 6.1% Hispanic/Latino, and 4.0% Asian/American Indian.

Of the 515 employees in the middle tier, i.e., earning from $50,000 - $79,999, 36.0% are racial/ethnic minorities with 19.7% Black, 4.7% Hispanic/Latino, and 5.8% Asian/American Indian.

Of the 501 employees in the highest tier, i.e., earning from $80,000 to over $100,000, 20.8% are racial/ethnic minorities: 13.0% Black, 4.0% Hispanic/Latino and 3.8% Asian/American Indian.

Distribution Across Salary Tiers

Of the 431 racial/ethnic minorities employed at the Central Office, 40% fall into the lower salary tier, earning from $20,000 - $49,999; 36.0% fall into the middle salary tier, earning from $50,000 - $79,999; and 24.1% fall into the upper salary tier, earning from $80,000 to over $100,000.

Of the 295 Black employees, 30.1% earn salaries within the lower tier; 34.2% earn salaries that fall within the middle tier; 22.0% earn salaries within the upper tier.

Of the 70 Hispanic/Latino employees, 37.1% earn salaries within the lower tier, 34.2% earn within the middle tier, and 28.6% earn within the upper tier.

Of the 66 Asian/American Indian employees, 25.8% earn salaries within the lower tier, 45.5% earn within the middle tier, and 28.8% earn within the upper tier.

Observations

The data make clear that the distribution of salaries across the tiers differs more notably for racial/ethnic minorities than for the Central Office workforce as a whole. For example, while Hispanics/Latinos and Asians/American Indians are nearly equal in total number at the Central Office, the proportional distribution of salaries for these two racial/ethnic groups across the three salary tiers differs notably.

While it would seem intuitive to conclude that the disproportionate concentration of racial/ethnic minorities in lower level job bands (discussed in more detail in section D. Career Progression - Data Review on Court Executives at the AOC/Central Clerks' Offices) would have

a direct negative impact on the salaries of racial/ethnic minorities, the Committee recognizes that from the data presented it cannot draw such conclusions since it cannot control for other factors and variables that typically influence salary such as length of service and education.

That said, however, recognizing that the upper salary tier, i.e., ranging from $80,000 to over $100,000 corresponds in part to the salary ranges for higher level managerial positions, the Committee does refer to the noted underutilization of racial/ethnic minorities particularly in the upper levels of the Court Executive job band (see section D. Career Progression - Data Review on Court Executives at the AOC/Central Clerks' Offices) as a specific example of why further research into the relationship between salary, job bands, and related factors is necessary. In the future, the Committee will examine salary data in relation to job band data in order to gain a more nuanced understanding of compensation.

4. Employee Survey on the Judiciary Workplace Environment

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

> 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. Committee Recommendation 02:5.15: (2000-2002 Report, 163-164)

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 [workplace environment] surveys...". The chief of the EEO/AA Unit at the Administrative Office of the Courts advised the Committee on December 6, 2006 "…that the Employee Questionnaire was recently approved

by the Supreme Court for conducting a statewide survey of employees. The Chief of the EEO/AA Unit is in the process of taking the next step in regards to developing procedures and formatting the survey for online implementation."

Although the Subcommittee did not review/comment on the questionnaire, it envisions a comprehensive survey designed to gauge the employees' workplace environment (post unification) with questions 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. Questions focused on quality of life issues are important to judiciary employees (day care, flex-time, elder care and so on), particularly in light of the large cohort of baby-boomers who are sometimes caring for school-age children and elderly parents.

Given the fact that internal discrimination complaints have been filed alleging retaliation and work environment discrimination issues, questions on these concerns are also of interest to the Committee. 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. The Committee is aware that in 1998, the Supreme Court Task Force on Gay and Lesbian Issues conducted a survey of lawyers, judges, litigants, witnesses and court employees regarding experiences and/or observations of sexual orientation bias.

The Committee encourages the Judiciary to view an employee survey as a valuable tool that will provide 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 and the Committee looks forward to receiving the survey results.

C. Minority Participation in the Judicial Process-Jurists

> 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 underrepresentation of minorities on Supreme, Superior and Tax Court benches. Task Force Recommendation 39 (Final Report 1992, 291)

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 Supreme Court 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 municipal offices also receive information regarding the appointment of minority judges to municipal courts with the report being forwarded without comment.

The discussion of this issue here begins with information on the current profile of judges including minorities and non-minorities on the New Jersey Superior and Municipal Court benches.

For a review of Superior Court justices and judges see Table 4-6. New Jersey Judiciary: Justices and Judges by Race/Ethnicity (September 2006) and Municipal Court Judgeships (November 2006). This table indicates that there were 57 (13.4%) minority judges (35 Blacks, 20 Hispanics/Latinos and 2 Asian/Pacific Islanders) out of a total of 426 jurists who sat on the Supreme Court, Superior Court (Appellate and Trial Divisions) and Tax Court bench.

A comparison of these figures with the December 2003 data set forth in the Committee's 2002-2004 Report reveals that the absolute number of minority judges serving has grown from 51 to 57, an increase of almost 12 percent in terms of the raw number of minority judges, and a proportional increase of approximately 4% in relation to the total number of judges. The overall total number of judges decreased between December 2003 and September 2006 from 443 to 426 representing an almost 4% decrease.

At the time of the Committee's 2002-2004 report, there was only one racial/ethnic minority justice on the New Jersey Supreme Court. At present, there are two racial/ethnic minority justices on the Supreme Court bench, one Black male and one Hispanic/Latino male.

Table 4-6. New Jersey Judiciary: Justices and Judges by Race/Ethnicity (September 2006) and Municipal Court Judgeships (November 2006)

Court	Total # of Judges	Total Non-Minorities		Number of Minority Justices and Judges						Total Minorities	
		#	%	Blacks		Hispanics/ Latinos		Asians/Pacific Islanders		#	%
				#	%	#	%	#	%		
Supreme Court[41]	7	5	71.4	1	14.3	1	14.3	0	0.0	2	28.6
Appellate Division	34	30	88.2	2	5.9	2	5.9	0	0.0	4	11.8
Superior Court, Trial Division (excluding Appellate Division)	379	328	86.5	32	8.4	17	4.5	2	0.5	51	13.5
Tax Court[42]	6	6	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sub-Total: State Judges	426	369	86.6	35	8.2	20	4.7	2	0.5	57	13.4
Municipal Court Judgeships[43]	627	583	93.0	24	3.8	15	2.4	5	0.8	44	7.0
Total All Judges and Judgeships	1053	952	90.4%	59	5.6%	35	3.3%	7	0.7%	101	9.6%

Superior Court Data Source: AOC Central Clerks' Offices, EEO/AA Unit
Municipal Court Data Source: Judiciary Services Unit, Municipal Court Division

[41] There are two minority Supreme Court Justices, John E. Wallace, Jr. appointed in May 2003, and Roberto A. Rivera-Soto appointed in September 2004.

[42] There are six Tax Court judges and no minorities.

[43] The unit of count in Municipal Court also includes judgeship as well as 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. These data are as of November 2006.

Currently, 4 out of 34 Appellate Division judges are minorities (11.8%); as of the last report 4 out of 37 (10.8%) Appellate Division judges were minorities.

In its 2002-2004 report, the Committee noted that "minority representation on the Superior Court bench had shown only modest gains" between 1992 and 2003. Overall, the current data show that 13.5% of all judges in the Superior Court, Trial Division are minorities compared to 11.9% in 2003. The Committee notes that, as of September 2006, there were five more minority judges on the Superior Court bench in 2006 (51) than in December 2003 (46), representing an increase of almost 11 percent.

In the 2002-2004 report, the Committee noted that there were no racial/ethnic minorities among the then 10 tax court judges. A continued lack of minority representation is found in the current data. There are currently 6 tax court judges, none of whom is a minority. In fact, since the inception of Tax Court, there has never been a minority judge appointed to this court.

Since accurate data as to the proportion of various minority and ethnic groups among attorneys practicing in New Jersey is lacking, the Committee cannot comment with certainty 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.

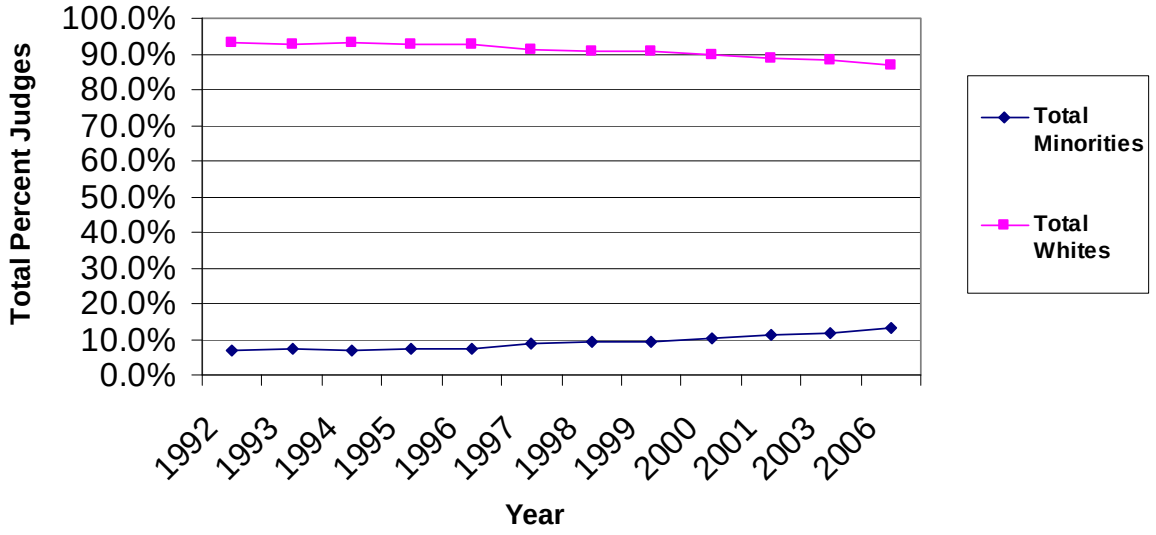
New Jersey Lawyer in its recent report "Diverting Bench Diversity: Zero to Tokenism Marks Many Courthouses" highlighted the fact that three counties[44] together account for 56% of the 50 racial/ethnic minority judges serving on the Superior Court Trial Division bench. In

[44] Essex, Hudson, and Camden

addition, the article further noted that [six] counties[45] have only one minority judge each and highlighted that six counties[46] do not have any minority judges at all, noting that those courthouses without any racial/ethnic minorities serving on the bench are not just in small or rural counties but are also in suburban counties. Author Dana E. Sullivan observes that

> Since 1994, when there were 7 percent minority judges, there have been 286 appointments to the trial bench, of [which] 15 percent have been minorities. … 74 women were appointed to the bench during the same time, boosting their ratio from 15 percent to 26 percent.

Figure 2: New Jersey Judiciary Percent Minority and Non-Minority Representation on the Supreme Court, Superior Court (Appellate and Trial Divisions) and Tax Court, 1992- 2006



The Committee is encouraged about some of the data over this fourteen-year period (see Figure 2). The percentage of minority judges almost doubled between 1992 (6.8%) and 2006 (13.4%) and the absolute number of minority judges increased even more, from 26 to 57, since the last Committee report, despite a decrease in the total number of judges. At the same time, the

[45] Burlington, Cape May, Cumberland, Gloucester, Monmouth, and Ocean. This article erroneously lists Atlantic County as having one minority judge when there are two minority judges, Susan F. Maven and James L. Jackson.

[46] Hunterdon, Morris, Salem, Somerset, Sussex, and Warren.

Committee notes that the progress has taken a long time and is uneven across the state. There is also concern that the recent increase (between 2003 and 2006) in the proportion of minority judges on the Superior Court bench is more likely attributable to the decrease in the total number of judges rather than to any significant increase in the number of minority judges appointed. It is hoped that, as the total number of judicial appointments rise over time including the filling of vacancies, the representation of minority judges will increase at a rate more demonstrable than the pace of the referenced fourteen year period. The Committee reiterates its original recommendation regarding the representation of minority judges on the Superior Court bench:

> The Supreme Court should consider presenting to the Governor and the State Legislature the finding of the Task Force [Committee] that there is widespread concern about the underrepresentation of minorities on Supreme, Superior, and Tax Court benches. Task Force Recommendation 39 (Final Report 1992, p. 291)

2. Representation of Minorities and Females among New Jersey Justices and Judges

Of the 426 sitting judges on the Superior Court bench as of September 2006, 24.9% (106) are female: 19.7% (84) are white females and 5.2% (22) are minority females. This is in comparison to October 2003 when, of the 443 sitting judges on the Superior Court bench 105 (23.7%) were females with 17 being women of color. While it appears there was a slight proportional increase in female judges on the Superior Court bench, the number of female judges has only increased by one between this three year period.

Of the 22 female minority Superior Court judges, there were 15 Blacks, 6 Hispanics/Latinos, and 1 Asian. Since the last report, there have been 6 appointments of women of color to the Superior Court bench. During this rules cycle, a minority female for the first time in the history of the New Jersey Judiciary was appointed to the Appellate Division, The Honorable Paulette Sapp-Peterson.

Table 4-7 offers detailed information on the composition of the Supreme, Superior, and Tax Court benches by gender, race/ethnicity, and the intersection of gender and race/ethnicity. The Committee will be reviewing these data in more detail during the coming rules cycle.

Table 4-7. Representation of Minorities and Females Among New Jersey Justices and Judges
September 25, 2006

Court	Total Number of Judges	Summary: Racial/Ethnic Minorities		Number of Minority Judges						Total Minorities by Gender		Female Justices and Judges (Minority and Non-Minority Combined)	
		#	%	Blacks		Hispanic/ Latino		Asian/ American Indian				#	%
				Males	Females	Males	Females	Males	Females	Males	Females		
Supreme	7	2	28.6	1	0	1	0	0	0	2	0	3	42.9
Appellate[47]	34	4	11.8	1	1	2	0	0	0	3	1	11	32.4
Superior Court, Trial Division (Excluding Appellate)[48]	379	51	13.5	18	14	11	6	1	1	30	21	91	24.0
Tax Court	6	0	0.0	0	0	0	0	0	0	0	0	1	16.7
Total Minority Judges by Gender				20	15	14	6	1	1	35	22		
Grand Total Judges	426			**Total Blacks**		**Total Hispanics/ Latinos**		**Total Asian/ American Indians**					
		57	13.4	35	8.2%	20	4.7%	2	0.5%			106	24.9

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

[47] The Appellate Division includes two temporary assignments from the Tax Court.

[48] The Trial Division includes three temporary assignments from the Tax Court.

3. Superior Court Minority Judges in Administrative Positions

a. Appellate Division

1. Racial/Ethnic Minorities

Current data indicate that there are 4 (9.1%) minority judges in the Appellate Division out of a total of 34: 2 Blacks (Rudy B. Coleman and Paulette Sapp-Peterson); and 2 Hispanics/Latinos (Ariel A. Rodriguez and Jose L Fuentes).

2. Women

There are a total of 11 females (32.4%) in the Appellate Division: 10 White females (Dorthea O'C. Wefing, Mary Catherine Cuff, Linda G. Baxter, Lorraine C. Parker, Christine L. Miniman, Francine I. Axelrad, Edith K. Payne, Susan L. Reisner, Marie E. Lihotz, and Jane Grall) (29.4%) and 1 Black female (2.9%).

3. Presiding Judges

There are 8 presiding judges at the Appellate level, 1 of whom (12.5%) is a minority male (Ariel A. Rodríguez).

Among White females in the Appellate Division, there are 2 (25%) Presiding Judges (Dorthea O'C. Wefing, and Mary Catherine Cuff).

b. Trial Court Division

1. Assignment Judges

The position of Assignment Judge dates back to the initial court rules adopted under the 1947 Constitution of the State of New Jersey that provided that there would be one Assignment Judge for each court district with responsibility for, "the duties heretofore performed by the Supreme Court justice in the county with respect to jury panels, charging the grand jury, the assignment of cases in the Superior Court and the County Court in the county and generally for

the orderly administration of civil and criminal justice in said courts, subject to the direction in administrative matters of the Chief Justice."

There has been no change for minority judges regarding promotions to Assignment Judge with only one minority assignment judge ever having been appointed to this role since its inception[49]. The Committee notes that during the tenure of retired Chief Justice Deborah T. Poritz, 12 Assignment Judge positions were filled with no additional race/ethnic minorities being named to this significant administrative position. Of the 12 Assignment Judges appointed, 6 were filled by White females[50].

The position of Assignment Judge not only involves administering and leading the Court at the vicinage level, but also includes participation in significant policy making decisions at the statewide level in administrative bodies such as Judicial Council. The paucity of minority Assignment Judges in 2006 is of concern to the Committee since during the last 10 years there have been no gains.

2. Presiding Judges

Roster of Minority Presiding Judges
Superior Court Trial Division (December 2006)

Trial Court Division	Black Male	Hispanic/ Latino Male	Asian/ American Indian Male	Total Minority Presiding Judges
Civil	0	0	0	0
General Equity	Travis L. Francis	0	0	1
Criminal	Thomas A. Brown, Jr. Thomas S. Smith, Jr.,	Peter J. Vazquez	0	3
Family	Glenn A. Grant,	Julio L. Mendez	0	2
Total	4	2	0	6

[49] Honorable Lawrence M. Lawson, A.J.S.C., Monmouth Vicinage.

[50] The six female Assignment Judges are Valerie H. Armstrong (Atlantic/Cape May), Yolanda Ciccone (Somerset/Hunterdon/Warren), Patricia K. Costello (Essex), Georgia M. Curio (Cumberland/Gloucester/Salem), Linda R. Feinberg (Mercer), and Sybil R. Moses (Bergen).

Of the 60 Presiding Judges at the Trial Court level, 6 (10%) are minority males: 4 are Black males, and 2 are Hispanic/Latino males. Three of the four trial divisions have a minority presiding judge.

Roster of Female Presiding Judges
Superior Court Trial Division (December 2006)

Trial Court Division	White Females	Black Females	Hispanic/ Latina Females	Asian/ American Indian Females	Total Female Presiding Judges
Civil	Ann McDonnell Carol E. Higbee Mary Eva Colalillo Allison E. Accurso	0	0	0	4
General Equity	Margaret Mary McVeigh Catherine M. Langlois Harriet E. Derman	0	0	0	3
Criminal	Marilyn C. Clark Barbara Ann Villano Maria Marinari Sypek Bette E. Uhrmacher	0	0	0	4
Family	Marlene Lynch Ford Ellen L. Koblitz Karen M. Cassidy Laura LeWinn Maureen B. Mantineo Patricia B. Roe	0	0	0	6
Total	17	0	0	0	17

Of the 60 Presiding Judges, 17 (28.3%) are White females. Currently, there are no women of color Presiding Judges at the Trial Court level.[51] All four trial divisions have White female presiding judges.

c. Tax Court

As noted elsewhere in this report, there are no minorities serving on the Tax Court bench nor have there been any since the Court's inception.

[51] Betty J. Lester was the first woman of color to be appointed Presiding Judge, Criminal Division in Essex County and served from 1996 to 1999. Judge Lester was appointed by Chief Justice Robert N. Wilentz on July 8, 1996. Paulette Sapp-Peterson was appointed Presiding Judge, Civil Division in Mercer County by Chief Justice Deborah T. Poritz and served from July 19, 2001 to March 1, 2006.

4. Representation of Minorities on the Municipal Court Bench

a. Municipal Court Judgeships: A Comparative Analysis 2001, 2003, and 2006

Table 4-8 indicates that, while the total number of Municipal Court judgeships has increased from 557 in 2001 to 627 in 2006, the proportion of such judgeships held by minorities has decreased from 9.2% in 2001 to 7.0% in 2006. Moreover, the absolute number of Municipal Court judgeships filled by minorities has declined from 51 to 44 during this time period. This would indicate that, as compared to past years, new Municipal Court judgeships and vacancies are disproportionately being filled with non-minorities.

As Table 4-8 shows there are 11 counties that currently have no minorities in Municipal Court judgeships: Burlington, Cape May, Gloucester, Hunterdon, Monmouth, Morris, Ocean, Salem, Somerset, Sussex, and Warren. As a matter of fact, there are in 2006 more counties that have no minority judges despite the overall increase in the number of Municipal Court judgeships since the 2002-2004 report. In contrast, it is noteworthy that Essex County leads the state by having the highest number of Municipal Court judgeships filled by racial/ethnic minorities.

For a view of summary data (all counties combined) and a detailed presentation of related data for individual counties that have had minorities serving in Municipal Court judgeships, see Appendix D-2a and D-2b. In addition, see Appendix D-3 for a detailed breakdown on Municipal Court judgeships including gender.

Table 4-8. Comparative Review of New Jersey Municipal Court Judgeships by County 2001, 2003, and 2006 (As of November 2006)

County	2001 Judgeships by County			2003 Judgeships by County			2006 Judgeships by County		
	Total # of Judgeships	Total # of Minority Judgeships	Percent Minority	Total # of Judgeships	Total # of Minority Judgeships	Percent Minority	Total # of Judgeships	Total # of Minority Judgeships	Percent Minority
	#	#	%	#	#	%	#	#	%
Atlantic	22	2	9.1	22	1	4.5	22	2	9.1
Bergen	69	3	4.3	74	3	4.1	78	1	1.3
Burlington	33	0	0.0	38	0	0.0	40	0	0.0
Camden	37	2	5.4	40	2	5.0	40	2	5.0
Cape May	15	3	20.0	15	1	6.7	15	0	0.0
Cumberland	11	3	27.3	13	3	23.1	13	4	30.8
Essex	37	17	45.9	41	13	31.7	44	17	38.6
Gloucester	22	0	0.0	25	0	0.0	24	0	0.0
Hudson	24	10	41.7	26	8	30.8	27	9	33.3
Hunterdon	9	0	0.0	12	0	0.0	13	0	0.0
Mercer	16	3	18.8	18	3	16.7	17	2	11.8
Middlesex	32	2	6.3	41	2	4.9	42	2	4.8
Monmouth	51	2	3.8	55	0	0.0	55	0	0.0
Morris	41	0	0.0	41	0	0.0	41	0	0.0
Ocean	33	0	0.0	33	0	0.0	34	0	0.0
Passaic	19	2	10.5	21	1	4.8	23	2	8.7
Salem	12	0	0.0	10	0	0.0	10	0	0.0
Somerset	20	0	0.0	23	0	0.0	23	0	0.0
Sussex	17	0	0.0	17	0	0.0	17	0	0.0
Union	19	2	10.5	29	2	6.9	29	3	10.3
Warren	18	0	0.0	18	0	0.0	20	0	0.0
Grand Total	557	51	9.2%	612	39	6.4%	627	44	7.0%

Data Source: Municipal Court Services Division

*Note: The unit of count in Municipal Court also includes judgeship as well as 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.

b. Municipal Court Judges

Table 4-9 presents data on minority and non-minority municipal court judges by county, gender, and race/ethnicity. At present, there are 354 municipal court judges statewide with 88.1% male and 11.9% female.

As of December 2006, the total number of minority municipal court judges statewide is 40, representing 11.3% of all municipal court judges. Of the entire census of municipal court judges, 7.3% (26) are minority males while only 4% percent (14) are minority females. Counted among the minority male municipal court judges are 14 Black, 10 Hispanics/Latinos, and 2 Asians/American Indians. Among the minority female municipal court judges there are 9 Black and 5 Hispanics/Latinas.

It should be noted that as of 2006 minority females are represented among all female municipal court judges at a significantly higher rate (33.3%) than minority males are among all male municipal court judges at (8.3%). However, recognizing that the representation of female municipal court judges overall is inconsistent with typical diversification patterns, i.e., female municipal court judges remain significantly underutilized, the numbers continue to be problematic as females -- both minority and non-minority -- still remain significantly underrepresented on the municipal court bench across the state.

5. Minority Judges in Municipal Court Administrative Positions

Statewide, there are fifteen (15) Presiding Judges of Municipal Court[52], one for each of the fifteen vicinages. At present, there is only one minority[53], a Black female, serving as Presiding Judge of Municipal Court.

[52] At present, there are two vacancies among the 15 presiding judge positions at the Municipal Court level.

[53] Hon. Joan Robinson Gross, P.J.M.C. – Union Vicinage

Table 4-9. New Jersey Municipal Court Judges by County, Gender and Race/Ethnicity, December 2006

COUNTY	Tot. # Judges by County	FEMALES						MALES					
		Tot. # Judges	Black	Hispanic /Latino	Asian & Nat. Am.	White	Unreported	Tot. # Judges	Black	Hispanic /Latino	Asian & Nat. Am.	White	Unreported
Atlantic	**11**	**1**	0	0	0	0	1	**10**	2	0	0	5	3
Bergen	**57**	**2**	0	0	0	1	1	**55**	1	0	0	34	20
Burlington	**11**	**1**	0	0	0	1	0	**10**	0	0	0	8	2
Camden	**16**	**1**	1	0	0	0	0	**15**	0	1	0	10	4
Cape May	**7**	**0**	0	0	0	0	0	**7**	0	0	0	6	1
Cumberland	**6**	**1**	0	0	0	0	1	**5**	0	0	1	2	2
Essex	**40**	**10**	5	1	0	1	3	**30**	7	2	0	12	9
Gloucester	**8**	**0**	0	0	0	0	0	**8**	0	0	0	7	1
Hudson	**27**	**10**	1	4	0	3	2	**17**	0	3	1	8	5
Hunterdon	**6**	**0**	0	0	0	0	0	**6**	0	0	0	2	4
Mercer	**10**	**1**	0	0	0	1	0	**9**	2	0	0	5	2
Middlesex	**28**	**2**	0	0	0	2	0	**26**	1	1	0	15	9
Monmouth	**29**	**3**	0	0	0	1	2	**26**	0	0	0	19	7
Morris	**23**	**1**	0	0	0	1	0	**22**	0	0	0	18	4
Ocean	**11**	**1**	0	0	0	0	1	**10**	0	0	0	6	4
Passaic	**17**	**3**	0	0	0	2	1	**14**	0	2	0	6	6
Salem	**2**	**0**	0	0	0	0	0	**2**	0	0	0	1	1
Somerset	**11**	**0**	0	0	0	0	0	**11**	0	0	0	8	3
Sussex	**4**	**0**	0	0	0	0	0	**4**	0	0	0	3	1
Union	**23**	**5**	2	0	0	0	3	**18**	1	1	0	12	4
Warren	**7**	**0**	0	0	0	0	0	**7**	0	0	0	7	0
Total	**354**	**42**	**9**	**5**	**0**	**13**	**15**	**312**	**14**	**10**	**2**	**194**	**92**
Total %	**100%**	**11.9%**	**2.6%**	**1.4%**	**0.0%**	**3.7%**	**4.2%**	**88.1%**	**4.0%**	**2.8%**	**0.5%**	**54.8%**	**26.0%**
Total % Minorities	**11.3% 40**		**Females = 14**						**Males = 26**				
			4.0%						**7.3%**				

Data Source: Judiciary Services Unit, Municipal Court Division.
Note: Race/Ethnicity is self-reported. The reader should view these data with caution, since 26% of male and 4.2% of female respondents declined to report race/ethnicity.

D. Career Progression – Data Review on Court Executives at the AOC/Central Clerks' Offices

To learn more about the challenges and/or barriers racial/ethnic minorities face in reaching Court Executive 4 and 3 (the uppermost job bands) administrative and management positions the Subcommittee confined its initial data review to an examination of data on the court executive job band to the AOC/Central Clerks' Offices. The focus is limited to the Central Office in order to gain a better understanding of the demographics of the job band, how the data are structured, and how future information requests should be crafted in order to retrieve the information necessary to study career paths within the court executive job band. (See Appendix D-4 and D-5 for detailed information on the court executive job band in the vicinages and statewide combined.)

The Subcommittee reviewed detailed data (Table 4-10) showing the number and percentage of minorities in both the overall job band and, more particularly, in each of the seven levels within the Court Executive job band (1A, 1B, 2A, 2B, 3A, 3B, and 4). Data were reviewed on the number and percentage of minorities occupying each of these seven job levels with the estimated availability of qualified potential minority candidates in the labor force from which such executives could be recruited or hired. These comparisons allowed the Subcommittee to observe the actual rate of utilization within each of the seven levels of the court executive job band in order to measure any underutilization within this job band.

Table 4-10. New Jersey Judiciary Court Executives at the AOC/Central Clerks' Offices August 2006

AOC	Totals	Whites		Total Minorities		Blacks		Hispanic/ Latinos		Asians/Amer. Indians	
	#	#	%	#	%	#	%	#	%	#	%
Court Executive 4											
Females	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Males	5	5	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Total	7	7	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Court Executive 3B											
Females	9	9	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Males	12	11	91.7	1	8.3	0	0.0	1	8.3	0	0.0
Total	21	20	95.2	1	4.8	0	0.0	1	4.8	0	0.0
Court Executive 3A											
Females	3	2	66.7	1	33.3	0	0.0	1	33.3	0	0.0
Males	15	11	73.3	4	26.7	2	13.3	1	6.7	1	6.7
Total	18	13	72.2	5	27.8	2	11.1	2	11.1	1	5.6
Court Executive 2B											
Females	22	17	77.3	5	22.7	4	18.2	1	4.5	0	0.0
Males	43	36	83.7	7	16.3	6	14.0	0	0.0	1	2.3
Total	65	53	81.5	12	18.5	10	15.4	1	1.5	1	1.5
Court Executive 2A											
Females	16	12	75.0	4	25.0	4	25.0	0	0.0	0	0.0
Males	21	17	81.0	4	19.0	3	14.3	0	0.0	1	4.8
Total	37	29	78.4	8	21.6	7	18.9	0	0.0	1	2.7
Court Executive 1B											
Females	5	3	60.0	2	40.0	1	20.0	0	0.0	1	20.0
Males	0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total	5	3	60.0	2	40.0	1	20.0	0	0.0	1	20.0
Court Executive 1A											
Females	2	1	50.0	1	50.0	1	50.0	0	0.0	0	0.0
Males	0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total	2	1	50.0	1	50.0	1	50.0	0	0.0	0	0.0
Grand Total Court Executives											
Females	59	46	78.0%	13	22.0%	10	16.9%	2	3.4%	1	1.7%
Males	96	80	83.3%	16	16.7%	11	11.5%	2	2.1%	3	3.1%
Total	155	126	81.3%	29	18.7%	21	13.5%	4	2.6%	4	2.6%

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

The court executive job band is extremely significant in that it is the highest level within the judicial workforce, and in particular at the Central Office includes those positions that have the greatest influence over administrative policy and procedures as well as hiring within the administrative units that form the AOC/Central Clerks' Offices. As previously noted, the job band includes seven levels with court executive 1A as the entry level and court executive 4 as the uppermost level.

Court Executive 1

At the Central Office, positions in this level include but are not limited to legislative liaison, affirmative action officers, and some managers. In total, there are 7 court executives 1 combined (A and B). Of these 7, 100% (7) are female, and 42.9% (3) are minorities. Of the racial/ethnic minorities, 28.6% (2) are Black, and 14.3% (1) is Asian/American Indian. There are no Hispanic/Latinos in this job band level at the Central Office.

Court Executive 2

At the Central Office, positions in this level include but are not limited to chiefs and assistant chiefs in functional areas such as audit, information technology, and trial court services ancillary support programs. In total there are 102 court executives 2 combined. Of the 102, 37.3% (38) are female, and 19.6% (20) are minorities. Of the racial/ethnic minorities, 16.7% (17) are Black, 1.0% (1) are Hispanic/Latino, and 2.0% (2) are Asian/American Indians.

Court Executive 3

At the Central Office, positions in this level include but are not limited to assistant directors and chiefs in areas such as EEO/AA and Quantitative Research. In total there are 39 court executives 3 combined. Of the 39, 30.8% (12) are female, and 15.4% (6) are minorities.

Of the racial/ethnic minorities, 5.1% (2) are Black, 7.7% (3) are Hispanic/Latino, and 2.6% (1) are Asian/American Indians.

Court Executive 4

At the Central Office, positions in this level include directors. In total there are 7 court executives 4 combined. Of the 7, 28.6% (2) are female, and there are no minorities.

Supplementing an earlier discussion on the distribution of Judiciary employees in job bands at the AOC/Central Clerks' Offices, the Committee highlights the fact that there are not any racial/ethnic minority court executives 4 or 3, e.g., directors, assistant directors, or clerks of court. The Judiciary found underutilization in the court executive job band levels 4, 3, and 2.

An examination of the census of the court executive job band at the Central Office compared to the estimated availability data shows an underutilization of racial and ethnic minorities in 5 of the 7 job band levels, specifically court executive 2, court executive 3, and court executive 4.

While the data show that the total number of minorities in the job band continues to increase over time[54], the concentration of minorities in the lower tiers of the band remains a concern. Further and perhaps most significantly, of greatest concern is the fact that still no minority holds the highest level title of court executive 4. Since the court executive 4 position, unlike the lower levels within the court executive job band, may be filled by appointment rather than by an open competitive application process, the Committee urges that in the future the hiring authority should seek out minority candidates for consideration and when possible elect

[54] For example, the percentage of minority Court Executives increased from about 6.0% in 1992, to about 14% in 2000. The increase includes not only the addition of new minority hires but also takes into account the fact that the Judiciary substantially revised its computer reporting system (Judiciary Human Resources Information System or JHRIS) for internal workforce demographic data into broad job bands in August 2001. (2002-2004 Report, p. 128)

to fill upper level Court Executive vacancies (Court Executive 3a, 3b, and 4) with minority hires.

E. Minority Law Clerks

1. Representation of Minority Law Clerks

Table 4-11. State of New Jersey Judicial Law Clerks
Court Year 2006-2007 and Court Year 2005-2006

Court Year 2006-2007			
	#	**%**	**Availability %[55]**
Total Law Clerks	470	100.0	
Total Minorities	91	19.4	21.7
Blacks	34	7.2	6.9
Hispanics/Latinos	20	4.3	6.6
Asians/American Indians	37	7.9	8.2
Total Females[56]	251	53.4%	44.2%
Court Year 2005-2006			
	#	%	**Availability %**
Total Law Clerks	476	100	
Total Minorities	83	17.4	23.1
Blacks	39	8.2	7.4
Hispanics/Latinos	18	3.8	7.9
Asians/American Indians	26	5.5	7.8
Total Females	277	58.2%	46.3%

Data Source: Payroll Management Information System, AOC/Central Clerks' Offices EEO/AA Unit
Note: Percentages are percent of total in each major category and may not always sum to 100 due to rounding.

The total number of judicial law clerks at all court levels combined (Supreme Court, Superior Court including the Appellate and Trial Divisions, and Tax Court) for the 2006-2007

[55] Availability is based on the demographics of the graduating classes at the three New Jersey law schools (Rutgers University Law School – Camden, Rutgers University Law School – Newark, and Seton Hall University School of Law) for FY 2005, from which a majority of law clerks are hired (see Table 4-17). These data were provided by the New Jersey Commission on Higher Education.

[56] Total females include minorities and non-minorities.

court year as of September 2006 was 470. Of these, 91 (19.4%) were minority: 34 or 7.2% are Black; 20 or 4.3% are Hispanic/Latino; and 37 or 7.9% are Asian/American Indian.

Table 4-12. New Jersey Judicial Law Clerks by Court Level for Court Term 2005-2006 September 2005

Court	Totals		Whites		Total Minorities		Blacks		Hispanics/ Latinos		Asians/Amer. Indians	
	#	%	#	%	#	%	#	%	#	%	#	%
Supreme Court												
Females	13	59.1	12	54.5	1	4.5	1	4.5	0	0.0	0	0.0
Males	9	40.9	7	31.8	2	9.1	0	0.0	2	9.1	0	0.0
Total	22	100.0	19	86.4	3	13.6	1	4.5	2	9.1	0	0.0
Appellate Division												
Females	34	70.8	30	62.5	4	8.3	3	6.3	1	2.1	0	0.0
Males	14	29.2	12	25.0	2	4.2	0	0.0	0	0.0	2	4.2
Total	48	100.0	42	87.5	6	12.5	3	6.3	1	2.1	2	4.2
Superior Court												
Females	228	57.0	177	44.3	51	12.8	25	6.3	10	2.5	16	4.0
Males	172	43.0	150	37.5	22	5.5	10	2.5	5	1.3	7	1.8
Total	400	100.0	327	81.8	73	18.3	35	8.8	15	3.8	23	5.8
Tax Court												
Females	2	33.3	2	33.3	0	0.0	0	0.0	0	0.0	0	0.0
Males	4	66.7	3	50.0	1	16.7	0	0.0	0	0.0	1	16.7
Total	6	100.0	5	83.3	1	16.7	0	0.0	0	0.0	1	16.7
Grand Total - All Law Clerks												
Females	277	58.2%	221	46.4%	56	11.8%	29	6.1%	11	2.3%	16	3.4%
Males	199	41.8%	172	36.1%	27	5.7%	10	2.1%	7	1.5%	10	2.1%
Total	476	100.0%	393	82.6%	83	17.4%	39	8.2%	18	3.8%	26	5.5%

Data Source: Payroll Management Information System, AOC/Central Clerks' Offices EEO/AA Unit
Note: Percentages are percent of total in each major category and may not always sum to 100 due to rounding.

When comparing data for 2005-2006 (Table 4-12. New Jersey Judiciary Law Clerks by Court Level for Court Terms 2005-2006) with 2006-2007 (Table 4-13. New Jersey Judiciary Law Clerks by Court Level for Court Terms 2006-2007), the absolute number of minority clerks increased from 83 to 91 (as the total number of clerks has slightly decreased) and the proportion of minority law clerks among the total of all law clerks has increased from 17.4% (2005) to 19.4% (2006). Thus the data indicate an increase of over 10% in the total number of minority law clerks and an increase of over 11% in the proportion of minority law clerks among the total number of law clerks.

Table 4-13. New Jersey Judicial Law Clerks by Court Level for Court Term 2006-2007 September 2006

Court	Totals		Whites		Total Minorities		Blacks		Hispanics/ Latinos		Asians/Amer. Indians	
	#	%	#	%	#	%	#	%	#	%	#	%
Supreme Court												
Females	11	52.4	6	28.6	5	23.8	2	9.5	2	9.5	1	4.8
Males	10	47.6	8	38.1	2	9.5	0	0.0	1	4.8	1	4.8
Total	21	100.0	14	66.7	7	33.3	2	9.5	3	14.3	2	9.5
Appellate Division												
Females	31	63.3	24	49.0	7	14.3	1	2.0	1	2.0	5	10.2
Males	18	36.7	15	30.6	3	6.1	0	0.0	1	2.0	2	4.1
Total	49	100.0	39	79.6	10	20.4	1	2.0	2	4.1	7	14.3
Superior Court												
Females	207	52.5	161	40.9	46	11.7	19	4.8	13	3.3	14	3.6
Males	187	47.5	159	40.4	28	7.1	12	3.0	2	0.5	14	3.6
Total	394	100.0	320	81.2	74	18.8	31	7.9	15	3.8	28	7.1
Tax Court												
Females	2	33.3	2	33.3	0	0.0	0	0.0	0	0.0	0	0.0
Males	4	66.7	4	66.7	0	0.0	0	0.0	0	0.0	0	0.0
Total	6	100.0	6	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Grand Total - All Law Clerks												
Females	251	53.4%	193	41.1%	58	12.3%	22	4.7%	16	3.4%	20	4.3%
Males	219	46.6%	186	39.6%	33	7.0%	12	2.6%	4	0.9%	17	3.6%
Total	470	100.0%	379	80.6%	91	19.4%	34	7.2%	20	4.3%	37	7.9%

Data Source: Payroll Management Information System, AOC/Central Clerks' Offices EEO/AA Unit
Note: Percentages are percent of total in each major category and may not always sum to 100 due to rounding.

Despite these gains, however, the Committee notes that the current percentage of minority law clerks (19.4%) falls short of their 21.7% availability. (The Judiciary uses the demographics of the most recent available graduating class of New Jersey law schools as a proxy for gauging the availability of minorities in the labor pool from which law clerks are recruited and hired.) The difference between the actual proportion of minorities among the current law clerks and the availability of minorities represents a shortfall of eleven minority law clerks (i.e., there are eleven fewer minority law clerks than would be expected based on the demographics of the law student population from which they are recruited and hired.) Hispanic/Latino law clerks at 4.3% were below their 6.6% availability, and Asian/American

Indian law clerks at 7.9% were just below the 8.2% availability. Black law clerks at 7.2% exceeded their 6.9% availability.

Viewing the longitudinal proportional snapshot of New Jersey Judicial Law Clerk hires by race/ethnicity from 1999-2000 through 2006-2007[57], the Committee points out the continuing need to work diligently at increasing the representation of racial/ethnic minorities, particularly Asian/American Indians and Hispanics/Latinos, in the Judiciary's Law Clerk program. The Law Clerk program has been in existence over twenty years, yet minorities are, on the whole, underrepresented among law clerks. The Judiciary needs to remain vigilant to increase minority participation in the program.

To illustrate these points, the Committee wishes to highlight a number of facts drawn from the data on the New Jersey Judiciary Law Clerk program for the time period 1999-2006:

- Of the total number of law clerks hired (3733 minorities and non-minorities) from court year 1999-2000 through court year 2006-2007, 7.9% (294) have been Black, 7.8% (292) have been Asian/American Indian, and 5.1% (191) have been Hispanic/Latino. Within the total pool of minority law clerks hired (777) during this same time period, 37.8% were Black, 37.8% were Asian/American Indian, and 24.6% were Hispanic/Latino.

- Court year 1999-2000, with 16.7% racial/ethnic minorities, had the lowest percentage of minorities in contrast to court year 2003-2004 (24.1%) and 2002-2003 (24.0%) which had the highest percentages of minority law clerks hired;

- Court year 1999-2000, with 5.5%, had the lowest representation of Blacks among its law clerks while court year 2001-2002, with 10.0%, had the highest representation of Black law clerks;

- Court year 2005-2006, with 3.8%, had the lowest representation of Hispanics/Latinos among law clerks while court year 2004-2005, with 6.4%, had the highest representation of Hispanics/Latinos;

[57] See Appendix D-6 for the longitudinal proportional snapshot of New Jersey Judicial Law Clerk hires by race/ethnicity from 1999-2000 through 2006-2007.

- Court year 2005-2006, with 5.5%, had the lowest representation of Asians/American Indians whereas court year 2003-2004, with 10.3%, had the highest representation of Asians/American Indians.

The data make several realities clear: there is no pattern in terms of the overall representation by minorities in the total law clerk class nor is there any particular pattern in terms of individual racial/ethnic minority groups. While there have not been significant drops in representation of any minority group, the Committee remains concerned that the levels of minority hires have remained somewhat static and that increases in the level of one of the minority groups are accompanied by a decrease for one or both of the other minority groups.

2. Minority Representation: Law Clerk by Court Level

A review of the data on law clerk appointments by court level for the 2006-2007 court term (Table 4-14) provides detail on the distribution of law clerks throughout the level/division of the New Jersey Judiciary:

- The Supreme Court had a total of 21 judicial law clerks. Of these, 33.3% (7) were minority - 9.5% Black (2), 14.3% Hispanic/Latino (3); and 9.5% Asian/American Indian (2).

- In the Superior Court, Appellate Division, there were a total of 49 law clerk appointments of which 20.4% (10) are minority - 2.0% Black (1); 4.1% Hispanic/Latino (2) and 14.3% Asian/American Indian (7).

- In the Superior Court, Trial Division, there were a total of 394 law clerk appointments of which 18.8% (74) are minority: 7.9% Black (31); 3.8% Hispanic/Latino (15) and 7.1% Asian/American Indian (28).

- At the Tax Court, while there were a total of 6 law clerk appointments, minority law clerk representation was completely absent.

Overall there were 91 minority law clerk appointments combined for the 2006-2007 court year reflecting an increase of 8 over the 2005-2006 court term and including an increase of 4 minority law clerks at the Superior Court, Appellate Division.

Table 4-14. Hiring of New Jersey Judicial Law Clerks by Court Level and Race/Ethnicity 1999/00 to 2006/07

Court Year	Supreme Court	Superior-Appellate Division	Superior-Trial Division	Tax Court	Totals	Totals By Group		
2006-2007							#	%
Total # Law Clerks	21	49	394	6	470	**Blacks**	34	**7.2%**
# of Minorities	7	10	74	0	91	**Hispanics/Latinos**	20	**4.3%**
% of Minorities	**33.3%**	**20.4%**	**18.8%**	**0.0%**	**19.4%**	**Asians/A.I.**	37	**7.9%**
2005-2006							#	%
Total # Law Clerks	22	48	401	6	477	**Blacks**	39	**8.2%**
# of Minorities	3	6	73	1	83	**Hispanics/Latinos**	18	**3.8%**
% of Minorities	**13.6%**	**12.5%**	**18.2%**	**16.7%**	**17.4%**	**Asians/A.I.**	26	**5.5%**
2004-2005							#	%
Total # Law Clerks	22	50	389	7	468	**Blacks**	36	**7.7%**
# of Minorities	5	6	90	0	101	**Hispanics/Latinos**	30	**6.4%**
% of Minorities	**22.7%**	**12.0%**	**23.1%**	**0.0%**	**21.6%**	**Asians/A.I.**	35	**7.5%**
2003-2004							#	%
Total # Law Clerks	23	50	398	6	477	**Blacks**	37	**7.8%**
# of Minorities	6	13	95	1	115	**Hispanics/Latinos**	29	**6.1%**
% of Minorities	**26.1%**	**26.0%**	**23.9%**	**16.7%**	**24.1%**	**Asians/A.I.**	49	**10.3%**
2002-2003							#	%
Total # Law Clerks	22	50	401	6	479	**Blacks**	42	**8.8%**
# of Minorities	1	11	101	2	115	**Hispanics/Latinos**	26	**5.4%**
% of Minorities	**4.5%**	**22.0%**	**25.2%**	**33.3%**	**24.0%**	**Asians/A.I.**	47	**9.8%**
2001-2002							#	%
Total # Law Clerks	22	50	384	5	461	**Blacks**	46	**10.0%**
# of Minorities	5	8	88	1	102	**Hispanics/Latinos**	26	**5.6%**
% of Minorities	**22.7%**	**16.0%**	**22.9%**	**20.0%**	**22.1%**	**Asians/A.I.**	30	**6.5%**
2000-2001							#	%
Total # Law Clerks	23	48	372	4	447	**Blacks**	35	**7.8%**
# of Minorities	4	8	81	1	94	**Hispanics/Latinos**	18	**4.0%**
% of Minorities	**17.4%**	**16.7%**	**21.8%**	**25.0%**	**21.0%**	**Asians/A.I.**	41	**9.2%**
1999-2000							#	%
Total # Law Clerks	22	49	377	6	454	**Blacks**	25	**5.5%**
# of Minorities	2	6	66	2	76	**Hispanics/Latinos**	24	**5.3%**
% of Minorities	**9.1%**	**12.2%**	**17.5%**	**33.3%**	**16.7%**	**Asians/A.I.**	27	**5.9%**

Data Source: Payroll Management Information System, AOC/Central Clerks' Offices EEO/AA Unit
Note: Percentages are percent of total in each major category and may not always sum to 100 due to rounding.

3. Minority Law Clerk Representation by County

Table 4-15 shows for court year 2006-2007[58] that in 5 of twenty-one counties statewide, minority law clerk representation meets or exceeds the 21.7% statewide availability: Camden, Essex, Gloucester, Hudson, and Salem. Given that the number of clerks in some counties is so small, data indicating underutilization of minorities on a county-by-county basis are likely to be statistically insignificant. When the law clerks for all counties are aggregated, based on availability, there is an arguable shortfall of about 11 minority clerks. It should be noted that five counties, accounting for a total of 25 law clerks, hired no minority law clerks for the 2006-2007 court year: Cape May, Cumberland, Hunterdon, Sussex, and Warren. Table 4-15 further notes that there are no Black law clerks in 7 out of 21 counties, no Asian/American Indian law clerks in 9 out of 21 counties, and no Hispanic/Latino law clerks in 12 out of 21 counties.

It can be argued that, while these figures are statistically insignificant, they are programmatically significant because the lack of a visible presence of minorities points to the lack of diversity in the local legal community. That has an impact on how minorities view the Court and whether or not they have confidence in the Court. See Supreme Court Task Force Finding #34, "When a minority comes to court, the degree to which other minorities are visibly present as employees of or principal participants in the court often plays a significant role in shaping that minority person's expectations of being treated fairly." Final Report, p. 281-286.

[58] See Appendix D-7 for related data for court year 2005-2006.

Table 4-15. New Jersey Superior Court Law Clerks for Court Year 2006-2007 by County, Race/Ethnicity and Gender September 2006

County	Total Law Clerks	Total Minorities		Blacks		Hispanics/ Latinos		Asians/ Amer. Inds.		Female		Male	
		#	%	#	%	#	%	#	%	#	%	#	%
Atlantic	18	2	11.1	2	11.1	0	0.0	0	0.0	11	61.1	7	38.9
Bergen	34	4	11.8	1	2.9	0	0.0	3	8.8	15	44.1	19	55.9
Burlington	17	2	11.8	1	5.9	1	5.9	0	0.0	11	64.7	6	35.3
Camden	27	7	25.9	2	7.4	1	3.7	4	14.8	19	70.4	8	29.6
Cape May	5	0	0.0	0	0.0	0	0.0	0	0.0	2	40.0	3	60.0
Cumberland	8	0	0.0	0	0.0	0	0.0	0	0.0	6	75.0	2	25.0
Essex	52	20	38.5	7	13.5	4	7.7	9	17.3	23	44.2	29	55.8
Gloucester	10	5	50.0	3	30.0	1	10.0	1	10.0	7	70.0	3	30.0
Hudson	29	9	31.0	5	17.2	3	10.3	1	3.4	16	55.2	13	44.8
Hunterdon	4	0	0.0	0	0.0	0	0.0	0	0.0	3	75.0	1	25.0
Mercer	20	2	10.0	1	5.0	0	0.0	1	5.0	9	45.0	11	55.0
Middlesex	36	4	11.1	1	2.8	0	0.0	3	8.3	18	50.0	18	50.0
Monmouth	27	4	14.8	2	7.4	0	0.0	2	7.4	21	77.8	6	22.2
Morris	17	1	5.9	0	0.0	0	0.0	1	5.9	7	41.2	10	58.8
Ocean	17	3	17.6	2	11.8	1	5.9	0	0.0	4	23.5	13	76.5
Passaic	26	4	15.4	1	3.8	2	7.7	1	3.8	14	53.8	12	46.2
Salem	3	1	33.3	1	33.3	0	0.0	0	0.0	0	0.0	3	100.0
Somerset	12	2	16.7	0	0.0	1	8.3	1	8.3	5	41.7	7	58.3
Sussex	4	0	0.0	0	0.0	0	0.0	0	0.0	3	75.0	1	25.0
Union	24	4	16.7	2	8.3	1	4.2	1	4.2	12	50.0	12	50.0
Warren	4	0	0.0	0	0.0	0	0.0	0	0.0	1	25.0	3	75.0
Total	**394**	**74**	18.8%	**31**	7.9%	**15**	3.8%	**28**	7.1%	**207**	52.5%	**187**	47.5%

Data Source: Payroll Management Information System, AOC/Central Clerks' Offices EEO/AA Unit
Note: Percentages are percent of total in each major category and may not always sum to 100 due to rounding.

Table 4-16. New Jersey Judiciary Net Changes in Minority Law Clerk Representation 2004-2005 and 2005-2006 Court Year

Court	2004-2005	2005-2006	Net # Change
Supreme	5	3	-2
Appellate	6	6	0
Tax	0	1	+1
Superior	90	73	-17
Total Net Change	101	83	-18
County	**2004-2005**	**2005-2006**	**Net # Change**
Atlantic	2	4	+2
Bergen	6	5	-1
Burlington	4	2	-2
Camden	4	4	0
Cape May	2	0	-2
Cumberland	1	1	0
Essex	22	23	+1
Gloucester	3	2	-1
Hudson	7	8	+1
Hunterdon	1	0	-1
Mercer	3	4	+1
Middlesex	8	5	-3
Monmouth	4	2	-2
Morris	0	2	+2
Ocean	4	4	0
Passaic	10	5	-5
Salem	0	0	0
Somerset	2	0	-2
Sussex	0	0	0
Union	6	2	-4
Warren	1	0	-1
Total Net Change	90	73	-17

Data Source: Payroll Management Information System, AOC/Central Clerks' Offices EEO/AA Unit
Note: Percentages are percent of total in each major category and may not always sum to 100 due to rounding.

Table 4-16 compares, by county, the number of minority law clerks hired for court year 2004-2005 and 2005-2006 showing an overall decrease in the number of minority law clerks hired at the vicinage level. The appointment of 73 law clerks in the 2005-2006 term represented a significant decline (18.9%) from 90 minority law clerks in the 2004-2005 term and an even

further decline from the 95 minority law clerks in the 2003-2004 term (See the 2002-2004 Report, p. 93).

These figures show a sharp decrease in the hire of minority law clerks at the county/vicinage level. In the Committee's 2000-2002 Report, it was noted that 14 out of 21 counties statewide had minority representation amongst law clerks exceeding the availability for the 2001-2002 court year (20.8%). Further, at that time there was only one county that had no minority law clerks. In its most recent report (2002-2004), it was reported that 10 of 21 counties statewide exceeded minority availability for the 2003-2004 court year (23.4%) and 3 counties had no minority law clerks. This pattern suggests a trend that is of concern to the Committee.

4. Distribution of Judicial Law Clerk Appointments by Law Schools, Court Year 2005-2006

Table 4-17. New Jersey Judiciary: Law Clerk Appointments by Law School 2005-2006 Court Year[59]

LAW SCHOOL	#	%
Seton Hall University School of Law	136	28.5%
Rutgers University Law School – Camden	80	16.8%
Rutgers University Law School – Newark	55	11.5%
Widener University	25	5.2%
New York Law School	20	4.2%
Syracuse University College of Law	16	3.4%
Temple University Law School	10	2.1%
Villanova University School of Law	9	1.9%
Fordham University School of Law	8	1.7%
Benjamin N. Cardozo Law School	6	1.3%
New England School of Law	5	1.0%
Pace University School of Law	5	1.0%
Subtotal	375	78.6%
Other Schools Combined	102	21.4%
Total Appointments	477	100.0%

Data Source: Human Resources EEO/AA Unit

While the New Jersey Judiciary's Law Clerk Recruitment Program is national in scope, 56.8% (271) of all law clerks appointed for the 2005-2006 court year were graduates from New Jersey law schools as shown in Table 4-17. Data were not yet available for the 2006-2007 term at the time data was compiled for preparation of this report.

[59] New Jersey law school graduates accounted for 56.8% of all law clerk appointments. The remaining 43.2% were graduates from the following schools: American University, Washington College of Law, Boston University School of Law, CUNY Law School at Queens College, Hofstra University School of Law, Suffolk University Law School, University of Michigan, William & Mary (4); Albany School of Law, Boston College Law School, Brooklyn Law School, Cornell Law School, Dickinson School of Law of Pennsylvania State University, Georgetown University Law Center, Howard University School of Law, New York University School of Law, Notre Dame Law School, Touro Law Center, University of Maryland School of Law, Wake Forest University School of Law (3); California Western School of Law, Emory University School of Law, Pepperdine University School of Law, Quinnipiac College School of Law, St. John's University School of Law, University of Connecticut Law School, University of Miami, University of Pennsylvania Law School, University of Pittsburgh School of Law, University of Richmond, Washington & Lee University School of Law (2); Columbia University School of Law, George Washington University, Louisiana State University Law Center, Loyola Law School, Oklahoma City University School of Law, State University of New York at Buffalo Law School, Texas Southern University – Thurgood Marshall, Thomas M. Cooley Law School, Thomas Jefferson School of Law, Tulane Law School, University of Maine, University of Texas School of Law, University of Wisconsin Law School, Vermont Law School, Western State University College of Law, and Yale Law School (1).

5. Recruitment Outreach Activities

The strong and ongoing support of the Chief Justice and Administrative Director for the minority law clerk outreach program has continued to enhance the Judiciary's recruitment of minority law clerks. At the beginning of each court term, the Chief Justice issues a memorandum to all judges reaffirming the Judiciary's commitment to an inclusive and diverse law clerk workforce.

To encourage minority law students as well as non-minority law students to apply for state court clerkships, the Judiciary is involved in a number of outreach activities. Both the EEO/AA Unit and the AOC Human Resources Division distribute information on the Judiciary's law clerk program to ABA-approved Law School Career Development and Placement Offices. The EEO/AA Unit also sends information to Minority Law Student Organizations and Minority Legal Associations.

The EEO/AA Unit coordinates Law Clerk Opportunity Panel programs at the three New Jersey law schools; judges from the Superior Court Trial and Appellate Divisions, current and/or former law clerks, the Judiciary Affirmative Action Officer, and a Law School Career Services Representative discuss the benefits of the law clerk experience and the application process. Participating law students have an opportunity to ask questions and meet the panelists. During this reporting cycle, Law Clerk Opportunity Panel programs were held at:

Seton Hall Law School on September 21, 2006;
Rutgers Camden Law School on November 16, 2005 and April 12, 2006; and
Rutgers Newark Law School on March 29, 2005 and March 30, 2006

The Judiciary Affirmative Action Officer and Vicinage EEO/AA Officers participate in legal job fairs and various legal career programs. A sampling of related activities includes:

Temple Alternative Legal Careers Panel Program sponsored by the Temple Law South Asian Law Students Association on October 25, 2006;

Philadelphia Four-in-One Placement Program on October 6, 2006;

Fordham Law School Judicial Clerkship Panel Program, September 20, 2006;

Philadelphia Area Minority Job Fair on September 9, 2006;

University of Connecticut Interview Program at the Doubletree Guest Suites, New York, NY on August 25, 2006;

Boston Law Schools Off-Campus Recruitment Program, at the Doubletree Guest Suites, New York, NY on August 24, 2006;

Midwest-California New York/Northeast Interview Program at the Embassy Suites Hotel in New York, NY on August 23, 2006;

Black Law Students Association Job Fair at the New York City Marriott Hotel, NY, on August 21, 2006;

New Jersey Law Firm Group Minority Law Student Job Fair at Rutgers law Newark on August 8, 2006

National Association for Legal Career Professionals Education Conference, panel on State Court Clerkships on April 26, 2006;

Cardozo Law School, New Jersey Clerkship Lunchtime Chat on April 11, 2006;

New York Law School Clerkship Panel Program on April 11, 2006;

NJ Hispanic Bar Association, Mentorship Program Panel at Seton Hall Law School on February 28, 2006;

NYU Public Interest Law School Consortium on February 9, 10, 2006;

Fordham Law School Judicial Clerkship Panel Program, October 26, 2005;

Philadelphia Four-in-One Placement Program on October 7, 2005;

Philadelphia Area Minority Job Fair on September 10, 2005

New Jersey Law Firm Group Minority Law Student Job Fair at Seton Hall Law School on August 9, 2005;

New York Law School Clerkship Panel Program, April 18, 2005;

Association of the Bar of the City of New York Law Public Interest Careers Panel Program on April 5, 2005;

NYU Public Interest Law School Consortium, February 10, 11 2005; and

Fordham Law School Government Careers Panel Program, January 26, 2005.

F. Judiciary New Hires and Separations

1. New Hires

AOC/Central Clerks' Offices and Vicinages Combined

According to Table 4-18. New Jersey Judiciary: New Hires by Race/Ethnicity, Fiscal Year 2006 (July 1, 2005-June 30, 2006), the Judiciary (AOC/Central Clerks' Offices and Vicinages Combined) hired 599 employees during this one-year period (excluding judicial law clerks). Of these new hires, 302 (50.4%) were racial/ethnic minorities: 173 Blacks (28.9%); 108 Hispanics/Latinos (18.0%) and 21 Asians/American Indians combined (3.5%). Whites accounted for 297 or 49.6% of the new hires.

AOC/Central Clerks' Offices

The AOC/Central Clerks' Offices accounted for 88 of the new hires, 60 of whom were White (68.2%); 28 were minorities (31.8%) of whom: 9 were Black (10.2%); 9 were Hispanic/Latino (10.2%), and 10 were Asians/American Indians (11.4%).

Vicinages Combined

The vicinages combined accounted for 511 new hires of which 237 or 46.4% were White and 274 (53.6%) were minorities. Blacks accounted for 164 of the total vicinage new hires (32.1%); Hispanic/Latino accounted for 99 or 19.4% and Asians/American Indians accounted for the remaining 11 or 2.2%.

Table 4-18. New Jersey Judiciary: New Hires by Race/Ethnicity (Excluding Law Clerks) AOC/Central Clerks' Offices and Vicinages, Fiscal Year 2006 July 1, 2005 – June 30, 2006

	Total	Whites		Total Minorities		Blacks		Hispanics/ Latinos		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
AOC											
AOC/Central Clerks Offices	88	60	68.2	28	31.8	9	10.2	9	10.2	10	11.4
Vicinages											
Atlantic	10	6	60.0	4	40.0	3	30.0	1	10.0	0	0.0
Cape May	4	4	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Bergen	59	27	45.8	32	54.2	10	16.9	20	33.9	2	3.4
Burlington	22	15	68.2	8	36.4	6	27.3	1	4.5	1	4.5
Camden	70	32	45.7	38	54.3	29	41.4	7	10.0	2	2.9
Essex	83	15	18.1	68	81.9	61	73.5	6	7.2	1	1.2
Hudson	22	7	31.8	15	68.2	7	31.8	8	36.4	0	0.0
Mercer	32	16	50.0	16	50.0	6	18.8	10	31.3	0	0.0
Middlesex	25	14	56.0	11	44.0	7	28.0	2	8.0	2	8.0
Monmouth	15	11	73.3	4	26.7	2	13.3	2	13.3	0	0.0
Morris	16	3	18.8	13	81.3	7	43.8	5	31.3	1	6.3
Sussex	6	4	66.7	2	33.3	0	0.0	2	33.3	0	0.0
Passaic	30	14	46.7	16	53.3	5	16.7	10	33.3	1	3.3
Union	31	10	32.3	21	67.7	10	32.3	11	35.5	0	0.0
Somerset	14	8	57.1	6	42.9	4	28.6	2	14.3	0	0.0
Hunterdon	3	2	66.7	1	33.3	0	0.0	1	33.3	0	0.0
Warren	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Ocean	29	21	72.4	8	27.6	2	6.9	5	17.2	1	3.4
Gloucester	13	11	84.6	2	15.4	1	7.7	1	7.7	0	0.0
Cumberland	17	11	64.7	6	35.3	2	11.8	4	23.5	0	0.0
Salem	8	5	62.5	3	37.5	2	25.0	1	12.5	0	0.0
Total – All Vicinages	511	237	46.4%	274	53.6%	164	32.1%	99	19.4%	11	2.2%
AOC and Vicinages Combined											
Grand Total	599	297	49.6%	302	50.4%	173	28.9%	108	18.0%	21	3.5%

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

The Committee notes that minorities accounted for a significantly lower proportion of new hires in the AOC/Central Clerks' Offices (31.8%) than in the vicinages (53.6%). The Committee also notes that, while Blacks and Hispanics/Latinos respectively comprise a proportion of new hires in excess of their representation in both the Judiciary workforce and the New Jersey ECLF (see Table 4-1), the hiring rate for Asians/American Indians (3.5%) is significantly lower than the proportion of this racial/ethnic group in the Judiciary workforce

(2.8%) and in the New Jersey ECLF (5.8%). In view of the disproportionately high turnover rate of Asian/American Indian employees and in view of the fact that the Judiciary's self-critical analysis has determined that Asians/American Indians are underrepresented in various sectors of the Judiciary workforce, the Committee is concerned that the Judiciary enhance its efforts to recruit and retain Asians/American Indians. See the discussion on separations that follows.

Included in the Committee's future work will be a detailed examination of information on job bands matched to new hire data at both the AOC and vicinage levels. This examination will be designed to facilitate an analysis of the impact, if any, of hiring practices and trends on the concentration of minorities or particular minorities in certain job groups within the Judiciary. Furthermore, a more detailed analysis will position the Committee to gauge the progress, if any, made by the Judiciary in remedying underrepresentation of minorities or particular minorities in various job groups and job bands.

2. Separations

Table 4-19. New Jersey Judiciary: Separations by Race/Ethnicity (Excluding Law Clerks & Judges) AOC/Central Clerks' Offices and Vicinages, Fiscal Year 2006 (July 1, 2005 – June 30, 2006)

	Total	Whites		Total Minorities		Blacks		Hispanics/ Latino		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
AOC											
AOC/Central Clerks Offices	195	152	77.9	43	22.1	26	13.3	7	3.6	10	5.1
Vicinages											
Atlantic	36	31	86.1	5	13.9	3	8.3	1	2.8	1	2.8
Cape May	11	6	54.5	5	45.5	2	18.2	2	18.2	1	9.1
Bergen	94	68	72.3	26	27.7	10	10.6	10	10.6	6	6.4
Burlington	45	37	82.2	8	17.8	5	11.1	2	4.4	1	2.2
Camden	59	38	64.4	21	35.6	12	20.3	9	15.3	0	0.0
Essex	115	53	46.1	62	53.9	48	41.7	9	7.8	5	4.3
Hudson	63	35	55.6	28	44.4	14	22.2	9	14.3	5	7.9
Mercer	57	37	64.9	20	35.1	12	21.1	8	14.0	0	0.0
Middlesex	61	44	72.1	17	27.9	7	11.5	6	9.8	4	6.6
Monmouth	62	48	77.4	14	22.6	6	9.7	6	9.7	2	3.2
Morris	37	30	81.1	7	18.9	3	8.1	4	10.8	0	0.0
Sussex	7	7	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Passaic	79	40	50.6	39	49.4	13	16.5	19	24.1	7	8.9
Union	70	37	52.9	33	47.1	19	27.1	11	15.7	3	4.3
Somerset	24	20	83.3	4	16.7	2	8.3	0	0.0	2	8.3
Hunterdon	9	7	77.8	2	22.2	0	0.0	1	11.1	1	11.1
Warren	8	7	87.5	1	12.5	1	12.5	0	0.0	0	0.0
Ocean	46	37	80.4	9	19.6	3	6.5	5	10.9	1	2.2
Gloucester	22	14	63.6	8	36.4	5	22.7	2	9.1	1	4.5
Cumberland	24	19	79.2	5	20.8	4	16.7	1	4.2	0	0.0
Salem	6	6	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Total – All Vicinages	935	621	66.4%	314	33.6%	169	18.1%	105	11.2%	40	4.3%
AOC and Vicinages Combined											
Grand Total	1130	773	68.4%	357	31.6%	195	17.3%	112	9.9%	50	4.4%

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

Separations include resignations, both in good standing and not in good standing, retirements, removals/dismissals, removals at the end of working test periods, layoffs, permanent disability, and deaths.

AOC/Central Clerks' Offices and Vicinages Combined

Table 4-19. New Jersey Judiciary: Separations by Race/Ethnicity, Fiscal Year 2006 (July 1, 2005-June 30, 2006) indicates that there were 1130 separations in the AOC/Central Clerks' Offices and vicinages combined for the fiscal year ending June 30, 2006. Minorities accounted for 31.6% (357) of these separations of which 17.3% (195) were Black, 9.9% (112) were Hispanic/Latino, and 4.4% (50) were Asian/American Indian.

AOC/Central Clerks' Offices

The AOC/Central Clerks' Offices had a total of 195 employee separations during fiscal year 2006 of which 22.1% (43) were minorities. Of the total minorities separated from employment at the Central Office, 13.3% (26) were Black, 3.6% (7) were Hispanic/Latino, and 5.1% (10) were Asian/American Indian.

Vicinages Combined

The vicinages combined accounted for 935 employee separations during this time period. Of this number, 33.6% (314) were minorities with 18.1% (169) Black, 11.2% (105) Hispanic/Latino, and 4.3% (40) Asian/American Indian.

The Committee notes that the separation rates for Black and Hispanic/Latino employees and for minorities in general, seem to be well below their rate of representation within the Judiciary's workforce. In other words, the aggregate turnover of minorities (31.6%) is somewhat lower than would statistically be expected whereas the turnover of white employees (68.4%) is somewhat higher than would be expected in view of the Judiciary's demographics. (Table 4-1 New Jersey Judiciary: Employees by Race/Ethnicity (Excluding Judges, Law Clerks, Bar Examiners, and Part-time Employees), AOC/Central Clerks' Offices and Vicinages, August 2006, for example, notes that minorities comprise 37.1% of the Judiciary's total workforce.) It

should be noted, however, that although 2.8% of the Judiciary's employees are Asians/American Indians, the separation rate for this racial/ethnic group is over one and one-half times (157%) more than their representation in the Judiciary's workforce. This translates to a turnover of approximately 20% of the Judiciary's Asian/American Indian employees during the time period covered. This may indicate a problem at both the AOC/Central Clerks' Offices and among the vicinages, in retaining employees in this racial/ethnic group in both the AOC/Central Clerks' Offices and in the vicinages.

G. Municipal Court Workforce Representation

In 2006, the Municipal Court Services (AOC) updated the census of the Municipal Court workforce throughout New Jersey. These results are discussed below.

1. Manager and Non-managers

Table 4-20 offers a compilation of the responses by Municipal Court employees serving in management positions to the survey conducted by the Municipal Court Services Division. It should be noted for clarity that the table includes a count of "unknown" representing survey respondents who did not provide the requested information. The table does not account for persons who did not respond to the survey.

Table 4-20. Municipal Court Employees: Managers by Race/Ethnicity and County December 2006 (New Jersey)

County	Total Number Employ-ees	Total Whites		Total Minorities		Blacks		Hispanics/ Latino		Asians/ American Indians		Unknown*	
		#	%	#	%	#	%	#	%	#	%	#	%
Atlantic	51	42	82.4	9	17.6	7	13.7	2	3.9	0	0.0	0	0.0
Bergen	119	110	92.4	6	5.0	1	0.8	4	3.4	1	0.8	3	2.5
Burlington	69	61	88.4	6	8.7	5	7.2	1	1.4	0	0.0	2	2.9
Camden	41	40	97.6	1	2.4	1	2.4	0	0.0	0	0.0	0	0.0
Cape May	34	32	94.1	2	5.9	0	0.0	2	5.9	0	0.0	0	0.0
Cumberland	18	15	83.3	1	5.6	0	0.0	1	5.6	0	0.0	2	11.1
Essex	56	33	58.9	21	37.5	17	30.4	3	5.4	1	1.8	2	3.6
Gloucester	33	22	66.7	2	6.1	2	6.1	0	0.0	0	0.0	9	27.3
Hudson	38	22	57.9	16	42.1	6	15.8	8	21.1	2	5.3	0	0.0
Hunterdon	20	20	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Mercer	36	28	77.8	6	16.7	4	11.1	2	5.6	0	0.0	2	5.6
Middlesex	59	54	91.5	4	6.8	1	1.7	3	5.1	0	0.0	1	1.7
Monmouth	109	97	89.0	10	9.2	4	3.7	5	4.6	1	0.9	2	1.8
Morris	66	57	86.4	8	12.1	2	3.0	4	6.1	2	3.0	1	1.5
Ocean	48	46	95.8	2	4.2	1	2.1	1	2.1	0	0.0	0	0.0
Passaic	26	19	73.1	5	19.2	3	11.5	1	3.8	1	3.8	2	7.7
Salem	9	9	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Somerset	37	34	91.9	3	8.1	0	0.0	3	8.1	0	0.0	0	0.0
Sussex	22	22	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Union	43	32	74.4	10	23.3	5	11.6	5	11.6	0	0.0	1	2.3
Warren	26	26	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Grand Total	960	821	85.5%	112	11.7%	59	6.1%	45	4.7%	8	0.8%	27	2.8%

Data Source: Municipal Court Services
*The "Unknown" category includes the following: persons who chose multiple racial/ethnic categories, persons who chose no racial category, and persons who did not answer/refused.

Of the 960 Municipal Court managers responding, 85.5% (821) indicated "White" for their race/ethnicity whereas in October 2001, 89% (971) selected "White." In 2006, 11.7% (112) selected a minority category with the breakdown of 6.1% (59) Black, 4.7% (45) Hispanic/Latino, and 0.8% (8) Asian/American Indian with 2.8% (27) making no selection. In 2001, 11% (107) selected a minority category with 6.6% (64) responding Black, 3.8% (37) responding Hispanic/Latino, and 0.6% (6) responding Asian/American Indian. When reviewing 2001 (11.0%) and 2006 (11.7%) data (2002-2004 Report, p. 104) the Committee notes that

proportionally there has been no significant shift in the racial composition of Municipal Court managers as a body.

Table 4-21. Municipal Court Employees: Non-Managers by Race/Ethnicity and County December 2006 (New Jersey)

County	Total Number Employ-ees	Total Whites		Total Minorities		Blacks		Hispanics/ Latino		Asians/ American Indians		Unknown*	
		#	%	#	%	#	%	#	%	#	%	#	%
Atlantic	42	20	47.6	21	50.0	15	35.7	6	14.3	0	0.0	1	2.4
Bergen	90	63	70.0	25	27.8	11	12.2	11	12.2	3	3.3	2	2.2
Burlington	37	33	89.2	2	5.4	2	5.4	0	0.0	0	0.0	2	5.4
Camden	45	31	68.9	13	28.9	7	15.6	6	13.3	0	0.0	1	2.2
Cape May	22	21	95.5	1	4.5	1	4.5	0	0.0	0	0.0	0	0.0
Cumberland	5	2	40.0	3	60.0	0	0.0	3	60.0	0	0.0	0	0.0
Essex	82	19	23.2	58	70.7	54	65.9	2	2.4	2	2.4	5	6.1
Gloucester	4	4	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Hudson	116	60	51.7	55	47.4	20	17.2	32	27.6	3	2.6	1	0.9
Hunterdon	7	7	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Mercer	74	39	52.7	33	44.6	16	21.6	16	21.6	1	1.4	2	2.7
Middlesex	103	79	76.7	20	19.4	4	3.9	15	14.6	1	1.0	4	3.9
Monmouth	55	50	90.9	4	7.3	2	3.6	2	3.6	0	0.0	1	1.8
Morris	15	10	66.7	5	33.3	2	13.3	3	20.0	0	0.0	0	0.0
Ocean	31	28	90.3	3	9.7	1	3.2	2	6.5	0	0.0	0	0.0
Passaic	37	16	43.2	21	56.8	5	13.5	16	43.2	0	0.0	0	0.0
Salem	1	0	0.0	1	100.0	1	100.0	0	0.0	0	0.0	0	0.0
Somerset	9	9	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Sussex	4	4	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Union	52	25	48.1	24	46.2	11	21.2	13	25.0	0	0.0	3	5.8
Warren	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Grand Total	833	522	62.7%	289	34.7%	152	18.2%	127	15.2%	10	1.2%	22	2.6%

Data Source: Municipal Court Services
*The "Unknown" category includes the following: persons who chose multiple racial/ethnic categories, persons who chose no racial category, and persons who did not answer/refused.

Table 4-21. Municipal Court Employees: Non- Managers by Race, Ethnicity and County shows comparable data for non-managerial Municipal Court employees. Of the 833 survey respondents in 2006, 62.7% (522) identified themselves as White similar to 2001, when 63.4% (684) identified as White. In 2006, 34.7% (289) selected a minority category with the breakdown of 18.2% (152) Black, 15.2% (127) Hispanic/Latino, and 1.2% (10) Asian/American Indian with 2.6% (22) making no selection. In 2001(2002-2004 Report, p. 105), 36.7% (398)

selected a minority category with 18.9% (205) responding Black, 15.2% (165) responding Hispanic/Latino, and 2.4% (26) responding Asian/American Indian. Contrasting the 2001 and 2006 data, it appears that there has been no marked shift in the proportional racial composition of the non-managerial Municipal Court workforce as a body.

The Committee notes that at the county level minority employees comprise approximately 22% of the total Municipal Court workforce, a level of representation that appears to be substantially below the representation of minorities in the total New Jersey State Judiciary workforce (37.1%), in the total state vicinage workforce (38.5%) and in the general New Jersey population (32.3 %) as described in Table 4-1 New Jersey Judiciary: Employees by Race/Ethnicity (Excluding Judges, Law Clerks, Bar Examiners, and Part-time Employees), AOC/Central Clerks' Offices and Vicinages, August 2006

2. Full and Part-time Employees

Of the 1793 survey respondents, the Municipal Court workforce includes 1482 (82.7%) full-time employees and 296 (16.5%) part-time employees with 15 (0.8%) not providing responses.

H. Discrimination Complaints

1. Background Information

In the 1992, the Supreme Court Task Force on Minority Concerns Final Report (pages 248-249) noted that the "Court system lacks sufficient complaint procedures to enable persons to overcome unfair treatment in the court." Thereafter, the Committee on Minority Concerns conveyed in each of its biennial reports to the Court, these recommendations focusing on the discrimination complaint procedures including: that the Judiciary issue updated complaint procedures (in English and Spanish) and intake forms; that it publicize the complaint procedures;

that it offer training to judges, managers and staff on the complaint procedures and that it develop a computerized information system to track complaints.

2. Complaint Procedures Update

By 2004, twelve years after the Committee made its initial recommendations, the Judiciary had addressed many, but not all of the recommendations. On April 27, 2004, the Supreme Court approved the *EEO Complaint Procedures Manual* (hereafter referred to as the Manual), (Directive #5-04) to be used in cases involving allegations of discrimination and/or sexual harassment in the Judiciary. The procedures outlined in the Manual provide a mechanism for investigating violations of the Judiciary's Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination and remedying any violations found to exist. As set forth in the Manual, a complaint may be filed by any Judiciary employee, applicant for employment court user, volunteer, attorney, litigant, witness, vendor, contractor, or any other person who comes into contact with the court system who believes that a violation of the Judiciary's *Policy Statement* has occurred[60]. The Manual includes an updated Judiciary Policy Statement on Equal Employment Opportunity, Affirmative Action & Anti-Discrimination and Formal Complaint Form. The Manual is prefaced by a memorandum from the former Administrative Director, Judge Richard Williams, to Assignment Judges, AOC Directors and Assistant Directors, Trial Court Administrators, Clerks of Court and Directors of Dedicated Funds requesting that the Manual be provided to all court executives and supervisory staff, including new hires. The anticipated benefits of the new complaint procedures were noted as including the identification of roles, responsibilities and mechanisms for addressing complaints;

[60] The distinction should be made between the type of complaint that would invoke the procedures of the *EEO Complaint Procedures Manual* (Directive #5-04) and those most frequently brought to the attention of a judiciary Ombudsman.

streamlining of the process for timely resolution (100 days) and the allowance for more meaningful feedback to parties.

After the Supreme Court approved the *EEO Complaint Procedures Manual*, the AOC issued the explanatory booklet to all employees entitled *Employee Guide Reporting and Handling Complaints of Discrimination or Harassment in the Judiciary* (hereafter Employee Guide) offering plain language, detailed information about the complaint procedure and how it can be used. The directory of state and vicinage level EEO/AA Officers is also included in the Employee Guide.[61]

The Committee also learned that the AOC and each vicinages, as required, complied with the Court's requirement for the statewide training on the complaint procedures of all EEO Officers, EEO Regional Investigators, managers, and supervisors as of September 30, 2004.

In 2006 the AOC EEO/AA Unit implemented a complaint tracking system and training for EEO/AA Officers. This past year, statistical reports on discrimination complaints filed locally were captured by the vicinages for their respective workforce analyses.

3. Discrimination Complaints

Table 4-22. New Jersey Judiciary: Discrimination Complaints Filed at the AOC/Central Clerks' Offices and Vicinages Combined July 1, 2005 to June 30, 2006, indicates that during this twelve month period 120 complaints were filed statewide. No distinction was provided as to whether the complaints were formal or informal.

[61] A copy of the Manual, Employee Guide, and Formal Complaint Form are available on the Infonet, and the Judiciary's website, or can be obtained from the local EEO/AA Office.

Table 4-22. New Jersey Judiciary: Discrimination Complaints Filed at the AOC/Central Clerks' Offices and Vicinages Combined July 1, 2005 to June 30, 2006

Summary		
	#	%
AOC/Central Clerks' Offices	28	23.3%
Vicinages Combined	92	76.7%
Total Complaints	120	100.0%
Breakdown of Complaints by Location		
	#	**%**
AOC/Central Clerks' Offices	28	23.3%
Atlantic/Cape May	2	1.7%
Bergen	4	3.3%
Burlington	2	1.7%
Camden	6	5.0%
Cumberland/Salem/ Gloucester	12	10.0%
Essex	11	9.2%
Hudson	6	5.0%
Mercer	7	5.8%
Middlesex	16	13.3%
Monmouth	2	1.7%
Morris/Sussex	1	0.8%
Ocean	7	5.8%
Passaic	5	4.2%
Somerset/Hunterdon/ Warren	2	1.7%
Union	9	7.5%
Total Discrimination Complaints Filed *	**120**	**100.0%**

Data Source: APC Central Clerks' Offices, EEO/AA Unit
Note: Percentages are percent of total in each major category and may not always sum to 100 due to rounding.

The total 120 complaints filed during this period represents a negligible decrease as compared to the 2002-2004 Rules Cycle Report when 122 complaints were filed for the period (July 1, 2002-June 30, 2003). Table 4-22 indicates that of the total 120 complaints filed 83.7% (102) were filed in all the vicinages combined, while 16.3% (20) were filed at the AOC/Central Clerks' Offices. Of note and concern however, is that during this period, the number of complaints filed at the AOC/Central Clerks' Offices increased significantly (from 20 to 28) representing a 40% increase while at the vicinage level combined, the reverse was the case. See Table 4-23. New Jersey Judiciary: Comparison of Discrimination Complaints Filed at the

AOC/Central Clerks' Offices and Vicinages Combined 2002-2003 and 2005-2006. The number of complaints decreased from 102 to 92 representing a decline of 9.8%.

Table 4-23. New Jersey Judiciary: Comparison of Discrimination Complaints Filed at the AOC/Central Clerks' Offices and Vicinages Combined 2002-2003 and 2005-2006

Comparison of Discrimination Complaints Filed			
	2002-2003	2005-2006	Percent Change
AOC/Central Clerks' Offices	20	28	+ 40.0%
Vicinages Combined	102	92	- 9.8%
Total Complaints	122	120	- 1.6%

Data Source: APC Central Clerks' Offices, EEO/AA Unit

This development should be monitored by the Judiciary. The increase in complaints at the AOC/Central Clerk's Offices may reflect a heightened sensitivity of employees to inappropriate workplace actions and behaviors, perhaps as a result of the approval by the Supreme Court of the discrimination complaint procedures in 2004 with the requirement for mandatory training, and it may also indicate a successful dissemination of complaint procedures or environmental factors such as the changing demographics of the Judiciary workforce. On the other hand, the increase may be indicative of actual workplace problems or at least the employees' heightened perceptions of potentially problematic workplace interactions.

According to the data presented in Table 4-22, the number of discrimination complaints filed in Camden, Cumberland/Salem/Gloucester, Mercer and Middlesex from 2005 to 2006 increased when compared to 2002-2003, while complaints filed in Essex, Hudson, Monmouth and Union decreased. The number of discrimination complaints filed in the remaining vicinages stayed the same or changed only slightly. Increases in complaints at the vicinage level, may be attributable to the reasons already cited and should also be monitored by the Judiciary.

Some summary findings are noted in Table 4-24. New Jersey Judiciary: Discrimination Complaints Filed by Type of Complaint, AOC/Central Clerks' Offices and Vicinages Combined

July 1, 2005 to June 30, 2006. Among these, the highest incidence by type of complaint are race (44); sexual harassment (24); disability (13); age (12); retaliation (8); national origin (5); gender (8); and hostile work environment (3). There was one complaint each in the following categories: religion; marital status; sexual orientation. There were no complaints in the following two categories: military status and color.

In examining Table 4-25. New Jersey Judiciary: Discrimination Complaints Filed by Type of Complaint, and Action Taken AOC/Central Clerks' Offices and Vicinages Combined July 1, 2005 to June 30, 2006, of the 44 complaints filed alleging racial discrimination, 42 were closed, and 2 are presently open. In terms of the action taken, of the 42 closed cases, 33 (78.6%) of the race based cases were unsubstantiated, and 2 (4.8%) were substantiated. During the 2002-2004 reporting cycle, none of the race based complaints were substantiated.

In contrast, of the 24 sexual harassment cases filed, 21 were closed and 3 remain open. Of the 21 cases that were closed, 8 (38.1%) were unsubstantiated, and 13 (61.9%) were substantiated. For the past two reporting cycles a higher proportion of sexual harassment complaints have been substantiated when compared to race based discrimination complaints. The Committee will, for the next report cycle, review in greater detail the complaints filed and outcomes.

Table 4-24. New Jersey Judiciary: Discrimination Complaints Filed by Type of Complaint, AOC/Central Clerks' Offices and Vicinages Combined July 1, 2005 to June 30, 2006

	Race	Gender	Sexual Harassment	Disability	National Origin	Religion	Age	Retaliation	Marital Status	Military Status	Sexual Orientation	Color	Hostile Work Environment	Total
AOC	19	3	2	0	0	0	3	0	1	0	0	0	0	28
Atlantic/Cape May	0	0	1	0	0	0	1	0	0	0	0	0	0	2
Bergen	0	0	4	0	0	0	0	0	0	0	0	0	0	4
Burlington	0	0	2	0	0	0	0	0	0	0	0	0	0	2
Camden	3	0	1	2	0	0	0	0	0	0	0	0	0	6
Cumberland/Salem/ Gloucester	7	0	2	0	1	0	1	1	0	0	0	0	0	12
Essex	3	0	4	1	0	0	0	2	0	0	0	0	1	11
Hudson	1	1	0	0	1	0	3	0	0	0	0	0	0	6
Mercer	0	2	2	3	0	0	0	0	0	0	0	0	0	7
Middlesex	3	0	2	3	2	0	2	2	0	0	0	0	2	16
Monmouth	0	0	0	1	0	0	0	1	0	0	0	0	0	2
Morris/Sussex	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Ocean	3	0	2	1	0	0	1	0	0	0	0	0	0	7
Passaic	1	0	1	1	1	1	0	0	0	0	0	0	0	5
Somerset/Hunterdon/ Warren	0	1	0	0	0	0	0	0	0	0	1	0	0	2
Union	3	1	1	1	0	0	1	2	0	0	0	0	0	9
Total Vicinages Combined	25	5	22	13	5	1	9	8	0	0	1	0	3	92
Total Complaints Filed	44	8	24	13	5	1	12	8	1	0	1	0	3	120

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

Table 4-25. New Jersey Judiciary: Discrimination Complaints Filed by Type of Complaint, and Action Taken AOC/Central Clerks' Offices and Vicinages Combined July 1, 2005 to June 30, 2006

Type of Complaint	Number	Action Taken (Closed Cases)
Race	Filed 44 Closed 42 Open 2	33 Unsubstantiated 2 Substantiated 2 Counseled/Trained 3 Mediated 1 Referred to Management 1 Transfer
Gender	Filed 8 Closed 8 Open 0	6 Unsubstantiated 2 Substantiated 3 Counseled/Trained 2 Discipline
Sexual Harassment	Filed 24 Closed 21 Open 3	8 Unsubstantiated 13 Substantiated 14 Counseled/Trained 2 Mediated 1 Referred to Other Agency 2 Discipline 1 Transfer 1 Termination
Disability/Perceived Disability	Filed 13 Closed 11 Open 2	10 Unsubstantiated 1 Substantiated 1 Accommodation
National Origin	Filed 5 Closed 5 Open 0	5 Unsubstantiated 1 Mediated 1 Training
Religion	Filed 1 Closed 1 Open 0	1 Substantiated
Age	Filed 12 Closed 12 Open 0	12 Unsubstantiated 1 Mediated
Retaliation	Filed 8 Closed 7 Open 1	7 Unsubstantiated
Marital Status	Filed 1 Closed 1 Open 0	1 Substantiated 1 Letter of Warning
Sexual Orientation	Filed 1 Closed 1 Open 0	1 Unsubstantiated
Hostile Work Environment	Filed 3 Closed 3 Open 0	3 Unsubstantiated 1 Mediated
Grand Total of Complaints Filed	120 (100%)	
Grand Total of Complaints Closed	112 (93.3%)	
Grand Total of Complaints Open	8 (6.7%)	

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

While the Judiciary has made laudable inroads in putting into place complaint procedures to enable persons to overcome unfair treatment in the court, the recommendation that the Judiciary issue the updated complaint procedures in Spanish has not yet been addressed. Further, 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).

Still another question is whether additional training has been provided to judges, administrators/managers and EEO/AA Officers beyond the initial orientation provided in 2004. Training is essential to keeping abreast of the changing landscape of relevant court decisions, and it has been identified as a preventative measure and affirmative defense by the courts. Refer to Burlington Industries, Inc. v. Ellerth, 524 U.S. 742, 118 S. Ct. 2257 (1998) and Faragher v. City of Boca Raton, 524 U.S. 742, 118 S. Ct. 2275 (1998). Failure to provide mandatory training of supervisors and managers is a source of liability for employers according to Gaines v. Bellino, et als, 173 N.J. 301 (2002). Most importantly, the Committee, during the next rules cycle, will learn about the monitoring mechanisms that the Judiciary has in place to verify adherence to the policy and complaint procedures and will follow-up on its request to receive information to gauge compliance. See Gaines v. Bellino, et als, supra.

In closing, the Committee reiterates its previous recommendation from the 2000-2002 report that the Judiciary should translate the discrimination complaint procedures into Spanish and into other appropriate languages.

Chapter V

PROGRAM PLANNING & IMPLEMENTATION, TRAINING, EDUCATION, AND OUTREACH

I. Introduction and Mandate

In the 1993 Action Plan for Minority Concerns the New Jersey Supreme Court identified seven overarching goals for the New Jersey Judiciary's Minority Concerns Initiative:

- to enhance competency and awareness of court personnel;
- to assure public accountability and responsiveness;
- to provide equal access for linguistic minorities;
- to improve trial court procedures;
- to heighten public understanding of and access to the judicial system;
- to increase minority representation in the workforce, appointees, bar, volunteers, and among vendors; and
- to interact with other branches of government.

Fulfilling the New Jersey Judiciary's Minority Concerns mission and mandate places a heavy reliance on communication and collaboration within the court, between the court and other governmental agencies, and most significantly, between the court and the community. For the court, communication and collaboration are not one way streets but rather dynamic processes that enable the court to carry its message to the people it serves and provide the avenues through which the court can learn about individual and community needs, interests, and concerns. Through communication and collaboration, all stakeholders can contribute to upholding the rule of law in civil society.

Establishing and enhancing communication and collaboration are fundamental aspects of the Minority Concerns role in carrying out the mission of the court and embodying its four core values, independence, integrity, fairness, and quality service. From a Minority Concerns perspective, effective communication among its partners and sustained collaboration with them are essential to the court's efforts to address issues relating to access to justice, diversity in the judicial and volunteer workforces, and criminal and juvenile justice outcomes.

Communication and collaboration in the context of carrying out the Court's action plan are both function and methodology. In furthering the New Jersey Judiciary's longstanding action plan to eradicate any remaining vestiges of racism, bias, or discrimination in the exercise of justice, effective communication and sustained collaboration are essential to advancing the work of Minority Concerns on the state and local levels. With communication and collaboration as twin anchors, program planning and implementation, training and education including curriculum development, and community outreach are the principal instruments Minority Concerns engages to fulfill its mission and mandate.

As previously noted, Minority Concerns initiatives in the areas of training, education, and outreach stem from the *Action Plan on Minority Concerns* approved by the Supreme Court in 1993. Twelve of the fifty-three recommendations in this plan address some aspect of training for the court community and the public. Minority Concerns Committee members, Administrative Office of the Courts (AOC) Minority Concerns Unit staff, and vicinage staff liaisons provide valuable training and education to judges, law clerks and court staff throughout the Judiciary as well as to members of the public. Recognizing the correlation between access to accurate information and access to the services provided by the Courts, this area continues to be a dynamic component of the work of the Minority Concerns Unit.

During the past twenty plus years, the subcommittees of the Supreme Court Committee on Minority Concerns have highlighted within their respective chapters discussions of public education and community outreach programs relating to their areas of focus. In its 1994-1996 Rules Cycle Report, the Supreme Court Committee on Minority Concerns discussed in detail developments in judiciary training and community outreach. Noting that in many ways and on many levels the court's training, public education, and community outreach initiatives form a

bridge between and among the varied Minority Concerns focus areas and priority initiatives, in particular access and participation, the Supreme Court Committee on Minority Concerns takes the opportunity to update its expansive work during this rules cycle in program planning and implementation, curriculum development, training, education, and outreach at the state and local vicinage levels.

II. Court-Community Partnership

The New Jersey Judiciary employs a unique trendsetting model of court-community partnership that engages with the public as a way of demonstrating that persons who are not members of the judicial and legal communities by profession are also stakeholders in sustaining the rule of law. Not only are members of the public invited to attend court-sponsored educational seminars and workshops, but more importantly, the community is invited to participate with the court in the elimination of bias and discrimination and the enhancement of court services and programs. The court and community are partners in the process of ensuring fairness, impartiality, equal access, and full participation in the judicial system.

The infrastructure and dynamic of the Minority Concerns model, as approved by the New Jersey Supreme Court in 1993 and still in place today, demonstrates best practices in court-community partnerships by creating and nurturing a synergetic court-community exchange. The Minority Concerns mission and mandate, including the work of the Supreme Court Committee on Minority Concerns, the Minority Concerns Unit, and the Vicinage Advisory Committees, intimately involves the community -- legal professionals and lay citizens equally -- as stakeholders in the rule of law and the fair and equitable exercise of justice, characterizing the court-community partnership in action. As the Ocean Vicinage Advisory Committee on Minority Concerns noted:

> The mission and vision of the New Jersey Courts serve as our mission and vision at the vicinage level. We will earn the respect and confident of an informed public. To do this, we must educate the public about court programs and services available to them. To demystify court programs and services, we must go into the community as well as invite them into the court to reach the public about programs, procedures, and other services.

III. Program Planning and Implementation

The Supreme Court Committee on Minority Concerns, the Administrative Office of the Courts Minority Concerns Unit, and the fifteen Vicinage Advisory Committees on Minority Concerns support the court's address of its goals by:

- advising the Court on goals, objectives, and implementation timetables;
- advising the Court how the Judiciary may best ensure fairness, impartiality, equal access, and full participation for racial and ethnic minorities;
- reviewing and advising the Court on major emerging policies and procedures;
- monitoring statewide execution of the program and related initiatives; and
- conducting relevant research and studies.

Since the inception of the New Jersey Judiciary's Minority Concerns initiatives and the establishment of the Minority Concerns Unit at the Administrative Office of the Courts, Minority Concerns has been involved in the development of major court policy and procedures such as the policy statement on equal employment, affirmative action and anti-discrimination, the EEO/AA Master Plan, the Judiciary's Strategic Plan, performance evaluation instruments, and the development of the Ombudsman Program providing valuable feedback and insight on proposed actions and recommendations on implementation timetables and activities.

Today Minority Concerns remains involved in the critical work of policy planning and implementation through activities such as the review and comment on the self-critical workforce analysis, participation in the statewide interagency Juvenile Justice Disparities Inquiry, development of a proposal for a jury pool research project (see Chapter III – Minority Access to

Justice for more detail), the statewide Volunteer Steering Committee, the AOC's Working Group on Pro Se Materials, and the Research Council.

The Vicinage Advisory Committees on Minority Concerns have played a significant role in the exchange of information between the court and the community with many, like Essex and Mercer Vicinages, involved on an in-depth basis in the local study groups formed as part of the statewide Juvenile Justice Disparities Inquiry (see Chapter II – Juvenile Justice/Family for detail on that initiative).

The Minority Concerns Unit continues to provide formal and informal consultation services to local courts as requested on needs assessment, action planning, project formulation, research, and the development of their own individual local training programs including compilation of related curriculum resources and identification of potential faculty presenters.

IV. Training, Education, and Outreach

Training, education, and outreach efforts assist the court in tangible ways to enhance competency and awareness on the part of court personnel, assure public accountability and responsiveness, heighten public understanding of and access to the judicial system, increase minority representation in the work- and volunteer forces, and strengthen effective interaction with other branches of government.

As noted recently in the Judiciary Times (Winter 2006), "The New Jersey Judiciary has long been recognized for its comprehensive and well-developed training programs. Staff of the AOC's Minority Concerns Unit, members of the statewide and vicinage Minority Concerns Committees, and Vicinage Advisory Committee staff liaisons throughout the state continue to contribute actively to the Judiciary's staff in-service training and public education outreach programming."

A. Judicial Education & Training

Judicial education is coordinated by the Judicial Education and Development Unit at the Administrative Office of the Courts. Minority Concerns participations in this process formally at the invitation of judicial education through its presentation of seminars, workshops, and training modules at New Judges Orientation and the annual Judicial College.

In 2004, 2005, and 2006, the focus of the Minority Concerns session at new judges orientation has been on providing access to the courts for linguistic minorities and deaf and hard of hearing people. Each of these programs has been presented collaboratively with staff from Trial Court Services Special Programs Unit-Language Services Section serving as the principal trainers.

The workshop "'Please Don't Let Me Be Misunderstood': Providing Interpreting Services for Linguistic Minorities in Court Proceedings" included information on the distinct needs of linguistic minorities and deaf/hard-of-hearing persons and an overview of the New Jersey Judiciary's policies and procedures on providing access through the use of interpreting services.

Each of these workshops have been well-received, scoring high in the participants' evaluations and contributing to the further realization of the court's goals in improving access to justice for racial and ethnic minorities. As noted in the Minority Access to Justice chapter of this report, the Committee recommends that this training be reinstituted as part of the core curriculum for new judges.

At the 2004 Judicial College, the Committee presented an elective workshop, "Fair in Theory, Fair in Practice: Developing Effective Strategies for Managing Culturally Diverse Participants in the Courtroom." The course was premised on the recognition that judges often

are required to interact with individuals from cultures very different from their own. When this interaction occurs an appreciation of the rich diversity of cultural streams is necessary to facilitate judges' understandings of cultural orientations in verbal and non-verbal communications. The course, developed by the Subcommittee on Criminal Justice and the Minority Defendant, was designed to enhance the acquired knowledge base and skills of judges.

In 2005, the Committee presented "Exploring the Intersections of Religion, Culture and the Rule of Law." This workshop provided a theoretical overview of the relationship between religious laws and secular laws along with a discussion of the history of Islamic Law and current misconceptions about how its teachings and requirements are related to civil law. The course was proposed by the Subcommittee on Minority Participation and included consideration of examples of religion-related issues and claims that arise within criminal and family law.

For the 2006 Judicial College, Minority Concerns presented "Sustaining Access to Quality Justice for *Pro Se* Litigants: Best Practices in the Courtroom." Proposed by the Subcommittee on Minority Access to Justice, the course recognized that self-representing litigants and unrepresented litigants[62] pose unique opportunities and challenges for the court and addressed the question of what judges and court staff can do in the courtroom to ensure access to justice for the self-represented litigants. Discussion included ethical obligations and constraints, procedural concerns, and best practices.

The vicinages have also been actively involved in the development of judicial education programs that are responsive to the interests and needs of the local bench. For example, at the direction of the Assignment Judge, Hudson Vicinage in 2005 instituted a diversity seminar series

[62] The Subcommittee on Access to Justice has opted to employ a framework that distinguishes self-represented from unrepresented litigants in acknowledgement of the representation gap that exists in New Jersey (see Legal Services of New Jersey Annual Report). The Legal Services report highlights the fact that due to funding limitations many more people qualify for and need low cost/free legal representation than actually received services. See also the discussion in Chapter III on self-represented and unrepresented litigants.

for its judges. The purpose of the seminars was to increase judges' awareness of other cultural perspectives as well as to expand their understanding of individual cultural worldviews. Seminar sessions focused on the dynamics of power, privilege, and difference as they relate to the bench and court access issues for immigrant communities. In Passaic Vicinage, the lunch hour has also been used as a training opportunity for judges and court staff with the Assignment Judge inviting service providers from the community to come to court to make presentations about services available locally for youth under the court's jurisdiction.

B. Staff and Volunteer Education and Training

> 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… The plan should include initiatives that are culturally and ethnically appropriate for reaching minority communities. (Task Force Recommendation 28, p. 241)
>
> The Supreme Court should require that all court personnel attend ongoing cross-cultural training programs. (Task Force Recommendation 36, p. 265)

The New Jersey Judiciary commits significant resources to staff training, which is coordinated by the Administrative Office of the Courts Organizational Development and Training Unit, and volunteer support services, which are coordinated by Trial Court Services, Programs and Procedures Division, Special Programs Unit, Volunteer Services Section.

Previous reports have discussed the history of mandatory and elective training for staff and volunteers at the state and local levels, including the Minority Concerns role in shaping EEO/AA, diversity, and cultural competency training. Minority Concerns continues to play an active collaborative role at the state and vicinage levels in educating and training court staff and volunteers. During 2004, 2005, and 2006, Minority Concerns Unit staff and Vicinage Advisory Committees on Minority Concerns (VACMC) and their staff liaisons have continued to contribute to and/or develop in-service staff training opportunities as well as public educational

outreach programming. Highlights from around the state demonstrate the breadth of these curricular offerings.

During Fall 2005, staff from the Minority Concerns Unit presented several informational sessions to new Vicinage Advisory Committee on Minority Concerns members and new vicinage staff liaisons and offered orientation sessions to new Vicinage Advisory Committee on Minority Concerns staff liaisons. This orientation included a history of Minority Concerns initiatives in the New Jersey Judiciary; a description of the mission and mandate of the Supreme Court Committee on Minority Concerns and the Vicinage Advisory Committee On Minority Concerns; and an overview of the role of the staff liaison in carrying out the work of the Committee on Minority Concerns.

Orientation topics for new Minority Concerns staff liaisons also include how to conduct needs assessment and the essentials of developing an action plan. New staff liaisons learned about the significant role played by the Supreme Court Committee on Minority Concerns and its predecessor, the Task Force on Minority Concerns, in advancing fairness in and access to the New Jersey court system for the past 23 years. Experienced Minority Concerns vicinage staff liaisons also served as co-presenters at the second orientation session.

Minority Concerns staff took training sessions on the road in response to invitations from the vicinages. In December 2005, Minority Concerns staff liaisons from the Administrative Office of the Courts and one of the vicinages presented a customized version of "From the Court Customer's Point of View" for Monmouth Vicinage staff. That same afternoon, staff presented a workshop to another group of Monmouth Vicinage staff on the distinctions between legal advice and legal assistance. This particular approach to customer service training is premised on the notion/awareness that providing quality services increases access to the courts. The training

engages court employee participants in such ways that they recognize more clearly the critical role they plan in delivering services to the public. In 2006, these presenters were invited to offer the workshop to the Family Division staff in Union Vicinage.

Understanding the diversity of those served by the court is essential in sustaining quality service and to meeting the needs of an ever changing public.

> The Supreme Court should require … sensitivity training to address racial and ethnic bias for all judges and court support employees. (Task Force Recommendation, p.52)

The vicinages have been very proactive in assessing and anticipating needs and planning and presenting diversity and cultural competency programs within their respective local court communities. For example, Passaic Vicinage, through the efforts of the Vicinage Advisory Committee on Minority Concerns, hosted a range of programs on Islam as both culture and religious tradition and has initiated a very successful community partnership with the American Muslim Union. Another example is Ocean Vicinage where changes in demographics have led to the introduction of cultural competency events and programs relating to Asian cultures. The Bergen Vicinage Advisory Committee on Minority Concerns worked with the vicinage training coordinator and Family Division staff to develop a series of five seminars around the theme, "The Impact of Ethnic and Cultural Differences on Attitudes towards Domestic Violence" (Spring 2005), and in November 2005, sponsored a program entitled "Understanding Islam." The program on Islam, originally offered by Passaic Vicinage Advisory Committee on Minority Concerns and presented by one of its members, was open to all Bergen vicinage volunteers and staff and approximately 100 people were in attendance.

In 2005, Hudson Vicinage initiated a cultural awareness team called CAT. The Hudson Cultural Awareness Team series includes periodic events designed to increase vicinage employees' understanding and appreciation of the various cultures represented in the workforce

and encountered in serving the public. Members of the community were invited to the courthouse to provide cultural presentations to judges and court staff. Programs in the series included Hispanic/Latino, African-American, Irish Heritage and Gay and Lesbian Pride month programs, and *Juneteenth Day* events.

C. Public Education and Community Outreach

Public education characterized by community outreach is a shared priority among the Vicinage Advisory Committees on Minority Concerns, providing valuable information to the public regarding court programs and services as well as internship, volunteer, and employment opportunities. Since their inception, vicinage advisory committees on minority concerns have been committed to providing greater access to court services and programs through informative and engaging educational and outreach initiatives developed in response to local needs and interests. Public education coupled with community outreach nurtures the public's confidence in the courts and enhances the court's understanding of the needs of the public.

Activities of the Vicinage Advisory Committees on Minority Concerns are diverse yet often include recruitment of new members as part of the cadre of court volunteers, discussion of juvenile justice issues, and the development of partnerships to offer community education programs aligned with the mission, vision, and core values of the court and the specific local special needs identified by divisions and programs.

Having assessed and identified questions minorities and the community in general have about their interactions with the court system, committees at the vicinage level devote time and effort to projects specifically designed to educate the community about court processes and legal issues. In order to increase effectiveness in educating the public and to reach targeted audiences, committees frequently collaborate with a broad range of partners both within and outside the

court system. Frequent partners include boards of education/school districts, county Youth Services Commissions and the Juvenile Justice Commission, faith-based and non-profit community organizations, and county bar associations. Additional partners include county social service agencies, the New Jersey Department of Children and Family (formerly known as DYFS, the Division of Youth and Family Services), the Office of the Public Defender, and Legal Services of New Jersey. As an example, the Somerset/Hunterdon/Warren Vicinage Advisory Committee on Minority Concerns in the production of its 2004, 2005, and 2006 community outreach programs partnered with the Somerset County Youth Services Commission, the court's Family and Probation Divisions, the Juvenile Justice Commission, the Somerville Citizens Advisory Committee, and the Somerset County Sheriff's Office.

The impact of Minority Concerns in the area of public education and community outreach is not limited to programs produced by Minority Concerns but also reaches to other initiatives launched and carried out by other court divisions/units/programs. For examples Mercer Vicinage's Customer Service Week and the various vicinage Juror Appreciation events and activities illustrate this point.

1. Education and Outreach Programming and Initiatives[63]

With training, public education, and community outreach as continued priority activities at the vicinage and state levels, the New Jersey Judiciary takes a unique and highly effective

[63] This chapter of the report could not have been completed without the invaluable contributions of current and recent vicinage staff liaisons whose work provided the basis for the narrative on court-community partnerships and Law Day. Thank you, in particular, to*: Michael Shannon, Atlantic/Cape May; Laura Simoldoni, Bergen; Deborah R. Edwards, Burlington; Nalo Brown and Dunia Lorena Quezada, Camden; Sigfredo Carrion, Agustina Matos and Shazeeda Samsudeen, Essex; Pauline Daniels, Hudson; Judith Irizarry, Mercer; Lawrence Bethea, Middlesex; Carmen Flores, Monmouth; Kim Daniels Walsh, Morris/Sussex; Sharon Kinney, Donald DeHart, and Renita McKinney, Passaic; Liz Domingo (TCA) and Gretchen King, Union; Adriana Calderon and Aime Alonzo-Serrano, Hunterdon/Somerset/ Warren; Ann Marie Fleury and Lilia Lopez, Ocean; and Benjamin Mike, Cumberland/Gloucester/ Salem.*

approach to these initiatives by bringing the court and community together in interactive partnership, each sharing with the other rich perspective and valuable expertise.

At the vicinage level, training, public education, and community outreach take place in a wide variety of ways. The range, breadth, and scope of program topics and formats are broad and far-reaching, all addressing issues that fall within the reach of the court. The following discussion selectively highlights several approaches from among the broad array of program topics.

a. Court Tours: Bringing the Community to the Court

Court tour programs are a highly effective way of introducing the court and community to one another in an engaging and informative way. For example, Ocean Vicinage reports that its courthouse tour program has flourished with over 570 students and adults visiting the court during the 2005-2006 court year, including two groups from community senior citizens centers. The Ocean Vicinage Courthouse Tour Program has been selected by the Toms River Regional School System as one of its fifth grade field trip destinations for the 2006-2007 school year. In Atlantic/Cape May Vicinage, the Jury Management Office on behalf of the Operations Division conducts introductory educational tours for elementary school students and civic associations while the Criminal Division conducts informational tours for interested and at risk high school students.

b. Speakers Bureaus: Bringing the Court to the Community

Educating the public on how the court works and informing them about the variety of programs and services available are central features of public education and community outreach programs.

Speakers Bureaus, established or revitalized throughout the vicinages, take a variety of forms, for example, Burlington Vicinage through its Ombudsman Office has established COURT (Court Orientation and Understanding Resource Team) as its speaker's bureau.

Across the state, the menu of seminar and workshop topics presented by the courts to the community during this report cycle continues to grow. In the area of court process/services and legal issues, workshop topics have included expungements, drug courts, domestic violence, child support, elder law, landlord/tenant law, consumer rights, debt collection, social security issues, worker's compensation law, DYFS and Family Court issues, and wills and estates. In the area of intercultural relations, information sessions have addressed cultural competency and diversity, African-American/Latino/Asian History, checking one's own assumptions/biases, and understanding Islam. General interest topics have included voting right restoration, gang awareness, immigration and immigrant community needs, internet safety and youth, identity theft, and open community forums. Staff development topics have covered stress management, caring for the caregiver (e.g., domestic violence service providers), motivation, and mentoring.

In August 2005, Minority Concerns offered a workshop on customer service at the Third Annual Camden Cultural Sensitivity Institute in Voorhees, N.J. Previously the Judiciary sent staff to the event as participants. In 2005, the organizers of the event invited the Camden Vicinage Advisory Committee on Minority Concerns to conduct a workshop. The chair of the Camden Vicinage Advisory Committee on Minority Concerns contacted the Minority Concerns Unit and requested that a collaborative seminar be developed that could later be shared in other vicinages and interested organizations. As a result of partnering with the conference sponsors, Camden Vicinage, Mercer Vicinage, and the Administrative Office of the Courts Minority Concerns Unit, judiciary staff presented "From the Court Customer's Point of View," an

interactive elective workshop session on customer service. By sharing insights into the court's customer service philosophy with seminar participants, most of whom were not judicial employees, the presenters provided a clearer understanding of how the court works while demonstrating customer service principles and tools that can be applied to a range of organizations and agencies. Moreover, the training underscored for participants the invaluable role they play within their respective agencies in the delivery of quality customer service through the embrace of a proactive "can do" approach to dealing with the public.

Innovative approaches to presenting educational programs, such as "Lunch 'N Learn" series given at various court facilities, enable members of the public reporting for jury service to participate in public seminars while fulfilling their civic duty. Other persons frequenting the court to conduct court business may also attend the court sponsored informational seminars.

2. Career Development Fairs: Promoting Participation in the Judiciary Workforce and Volunteer Programs

> The Supreme Court should establish ongoing monitoring procedures to ensure representation of minorities in all job classifications of the Judiciary's … workforce. (Task Force Recommendation 50, p. 340)
>
> The Supreme Court should direct the Administrative Office of the Courts and the vicinages to make vigorous and aggressive recruitment , hiring, and retention efforts to increase the representation of minorities in senior management and key policy-making positions. (Task Force Recommendation 42, p. 303)
>
> The Supreme Court should direct the Administrative Office of the Courts to establish employee support services to assist in the recruitment and retention of minorities in the judicial workforce. (Task Force Recommendation 54, p. 344)
>
> The Supreme Court should require that the various volunteer programs be better advertised in the minority community. (Recommendation 60, p. 357)

Efforts to address these recommendations while centralized in EEO/AA and Human Resources are not left to these entities alone. To enhance minority representation and ensure a diverse workforce, Vicinage Advisory Committees on Minority Concerns often work closely with EEO/AA Officers and Human Resources to learn about local judicial workforce diversity

profiles and workplace needs. Committees become familiar with how job announcements are posted and how applicants are selected and hired. This education enables committees to then provide valuable support and assistance to the court by communicating professional opportunities to the broader community. To ensure that a large diverse qualified applicant pool is available, committees may engage in programs such as Cumberland/Gloucester/Salem Vicinage's "Pipeline to Equal Employment," a project designed to enhance minority representation in the applicant pool within the three county vicinage. Described by the vicinage as "an aggressive outreach recruitment tool [consisting] of use of community facilities for job posting sites," the Cumberland/Gloucester/Salem Vicinage Advisory Committee on Minority Concerns working in concert with the vicinage's Human Resources Division will continue to enhance its electronic recruitment procedure at appropriate community sites while also providing print copies of job announcement postings to community sites via fax or surface mail upon request.

To support recruitment efforts, EEO/AA Officers and Human Resources staff around the state attend many local college and university job fairs and career days in order to be able to share with potential applicants the highlights of a career in the Judiciary. Involvement with colleges, universities, and law schools also provides opportunities for enhancement of internship and law clerk programs, affording opportunities to local students for an experience in public employment and firsthand knowledge of what it is like to work in the New Jersey court system. Representatives of the New Jersey Judiciary have attended such fairs across the region (see the discussion in Chapter IV).

At the request of the Supreme Court Committee on Minority Concerns, the Minority Concerns Unit at the Administrative Office of the Courts distributes information on job openings

in the New Jersey Judiciary. The Unit distributes printed copies of job announcements to a mailing list of interested community members, judges, and staff.

Vicinage Advisory Committee on Minority Concerns members also take an active interest in publicizing professional opportunities with the court. In a number of vicinages, for example, members of the Vicinage Advisory Committees on Minority Concerns receive print copies of all judiciary position announcements and commit themselves to distributing the announcement far and wide to interested parties expanding the reach of "word of mouth." Vicinage staff liaisons and EEO/AA Officers participate in numerous job fairs and career seminars throughout the state. In addition, Vicinage Advisory Committee on Minority Concerns members across the state frequently inform the local court of lesser-known but beneficial opportunities for distributing recruitment information to the community such as small neighborhood street fairs, faith-based community information expos, and local libraries. The Court's efforts to educate the public has yielded valuable insights regarding specialized needs of local constituents. For example, community outreach sessions facilitated by the Minority Concerns and EEO/AA Advisory Committees in Hudson Vicinage helped to identify and inform the court about local constituent needs. In one outreach session in a Filipino community, participants informed the court that many in the community have hesitated to apply for jobs with the Judiciary because they assumed that they needed to be citizens to be eligible for such jobs. As a result of this feedback, the vicinage modified the language used in its job vacancy announcements to include specific information in plain language on eligibility guidelines regarding U.S. citizenship and employment. The vicinage reports that a year and a half later the practice was adopted by the Administrative Office of the Courts Human Resources Division as a statewide standard. Successful lobbying efforts by vicinage administrators have also resulted in

the addition of locally administered civil service examinations rather than test only being administered in Trenton.

The focus on participation in the judicial workforce is not limited to the public at large or staff of the courts. In October 2004, Bergen Vicinage provided a program on the courts and careers in probation, at the invitation of the Director of the Union County juvenile supervised intensive probation program, for 20 juveniles on probation. This collaborative effort, coordinated by the VACMC staff liaison, included five juvenile probation officers who agreed to discuss careers in probation, an alcohol awareness program presented by a representative of the county Sheriff's Office, and a discussion with a Superior Court Judge who shared with youth information on his legal career and how he became a judge.

Successful general court career programs for youth have also been developed. For example, the Middlesex Vicinage Advisory Committee on Minority Concerns in partnership with Middlesex Court implemented mentoring programs including the Middlesex Vicinage Job Shadowing Program (a Groundhog Day event), Career Day at Paul Robeson School in New Brunswick, Perth Amboy Elementary Career Program, and "A Day in the Life" Program.

Each of these innovative programs while unique in approach and format share in common a focus on providing youth with firsthand "on the job" knowledge of what it is like to work for the courts and consequently a little insight into how the courts function.

Job Shadowing, the key feature of the Middlesex Vicinage *Groundhog Day* program, is unique in its approach to career mentoring. Its focus is to provide students with academically motivating activities that demonstrate how the skills they learn in school relate to the workplace. Through a variety of diverse workplace experiences the program provides answers to students' recurring question, "Why do I have to learn this?"

Minority Concerns' focus on diversifying the Judiciary's workforce also extends to the Court's considerable volunteer force (see detailed discussion in Chapter III on the Judiciary Volunteer Programs). Minority Concerns Committee members, both at the state and local levels, have been active in promoting the judiciary's numerous volunteer programs particularly within racial and ethnic minority communities. As an example previously cited in Chapter II, one former Committee member launched a statewide campaign to reach out to potential volunteers for case related programs such as Child Placement Review and Juvenile Conference Committees. In addition, as a result of his efforts, fellow clergy within his denomination's local convention dedicated one Sunday across the state to speak from the pulpit on the court's needs for these volunteers, extending personal invitations to people active within faith-based communities to partner with the court in their respective counties, noting in particular the need for more foster and adoptive homes, particularly for harder to place children including pre-teen and adolescent African American boys.

D. Court Community Partnerships

1. Community Partnerships: Living the Court's Mission

The Court and the Vicinage Advisory Committees on Minority Concerns work hard to build alliances with public schools, universities, non-profit organizations, and other government agencies in order to ensure that its public education and community outreach initiatives are relevant to the community's needs and are made available to the broadest audience possible. It is standard practice that at the beginning of each of these public programs, a brief overview of the court is shared with the audience in order to provide the public with a better understanding of the Court.

In June 2005, Union Vicinage held its first community outreach fair, "What Are Your Rights?", at the Steven Sampson Senior Center in Elizabeth. Consisting of three focus areas -- DYFS issues, records expungement, and immigration, the event was a major joint undertaking. Partner agencies included the New Jersey Division of Youth and Family Services and the United States Immigration and Naturalization Service (now known as United States Immigration and Customs Enforcement). Due to the program's success, similar community events are being considered for the future.

Community seminars form the foundation of outreach efforts in Somerset/ Hunterdon/Warren Vicinage. Community education programs allow the vicinage and advisory committees on minority concerns to gauge the particular needs of local communities and thereby recommend specific programs to the Assignment Judge. The advisory committee coordinates these programs and reaches out to relevant community agencies and programs that relate to the needs identified in the community the court serves in order to inform the public about court procedures, programs, and processes.

A sampling of the Somerset/Hunterdon/Warren Vicinage programs demonstrate the timeliness and relevance of the topics to local community needs and interests:

"Save the Children II" (April 2004)
Child Support – What You Need to Know (May 2005)
Gangs – What You Need to Know (May 2006)

Programs like these are the outcomes of effective partnerships among the court, community, and various local and state agencies (including law enforcement) and social service providers.

Across the state, such programs target the community-at-large in addition to parents, teachers, clergy, law enforcement professionals, service professionals, and court personnel. Organized as open forums, programs provide attendees with an opportunity not only to learn

about court process and procedures but also to ask questions and provide comment. At each program, audience members have an opportunity to learn about the court system and the many ways the Judiciary serves the public.

2. Educational Partnerships

The final report of the Supreme Court Task Force on Minority Concerns (1992) notes that:

> 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. (Task Force Recommendation 18, p. 174)

Education partnerships form a cornerstone of the Minority Concerns community outreach initiatives and activities. These partnerships take on a variety of forms including Superintendents of Schools (or designees) as members of the local Advisory Committee on Minority Concerns or Law Day planning committees, in-school programs such as the Essex Vicinage award-winning annual "Judges in the Schools" program, and mentoring programs such as Morris/Sussex's very successful Dover Middle School Mentoring Program.

Program formats are varied. The Morris/Sussex mentoring program, a project initiated by the Vicinage Advisory Committee on Minority Concerns, was revamped in 2006. The program offered a comprehensive training on the courts to eighth grade students at East Dover Middle School. Judges and court staff traveled to the school on a bi-weekly basis for a period of four months to provide students with a realistic overview of the judicial system. The program began with an in-school presentation by the Superior Court judge who serves as chair of the Morris/Sussex Vicinage Advisory Committee on Minority Concerns and culminated with the

students' attendance at the vicinage's Law Day Ceremony. Due to the success of the program which included participation by members of the vicinage advisory committee, plans are underway to expand the mentor program to an additional school district in 2006-2007.

a. Focus on Youth

The Union Vicinage Advisory Committee on Minority Concerns worked in collaboration with a pool of volunteer attorneys to conduct a legal education course for students at local high schools. Through the presentation of various scenarios, students considered legal issues that youths their age and their families might encounter. Presenters facilitated discussions about legal outcomes and the ramifications of certain decisions that youth might be tempted to make. Similar programs focusing on the unique needs of young people approaching legal adulthood have been presented in a growing number of other vicinages as well.

Programs on, about, and for youth remain a special priority for many vicinage advisory committees. Innovative programs such as Cumberland/Gloucester/Salem Vicinage's "Project KIDS" (KIDS=Knowledge and Information Disseminated Strategically) and strong long-term partnership with county Youth Services Commissions and local Boys and Girls/Youth Clubs respond creatively and effectively to local needs and interests and play a valuable role in educating young people and preventing their involvement with the juvenile justice system. As one vicinage notes,

> Youth are recruited from the community [to engage] in after schools activities to help to support their educational achievement and [participation in] positive peer activities. Conflict resolution skills are taught using an interactive process to help youth develop communication and listening skills and resolve differences in positive ways. The programs include academic enrichment, tutoring, character building, conflict resolution, life skills training, health training, career development, and social creation.

This commitment is evidenced further by the scope of Law Day related programming (discussed in detail later in this chapter) that focus on and involve youth.

b. Intercultural Competency and Related Initiatives and Programs

Atlantic/Cape May, like many vicinages, sponsors a Cultural Heritage Day in partnership with its Advisory Committee and EEO/AA Unit. Atlantic/Cape May Vicinage initiated this program more than ten years ago with other vicinages now hosting similar observances. Cultural Heritage Days provide court employees a valuable opportunity to celebrate one another's cultural heritages and learn about different cultural practices and traditions. Often times, to mark such events court staff participate voluntarily in covered dish luncheons or dessert receptions that include cultural elements such as song and dance during programs held at lunchtime.

The Essex Vicinage version of cultural heritage is a longstanding program known as the "Spirit of Brotherhood." This program brings the court and community together in cultural exchange and places a special emphasis on the creative forces of contemporary pop cultural features such as poetry, dance, and spoken word. Youth from local schools usually play a major role in the Essex program.

In some vicinages, Vicinage Advisory Committee on Minority Concerns members have been involved in local awareness programs on issues of interest to the community including programs aired on public radio and television such as Atlantic/Cape May Vicinage's participation in the local "Meet the Court" program.

For Black History Month 2006, the Bergen Vicinage Advisory Committee on Minority Concerns partnered with Bergen Vicinage to present a historical presentation on African Americans in mid-19th and 20th century Bergen County. Over 80 people, including staff and members of the public, attended the program presented by a noted historian.

Morris/Sussex Vicinage through its Office of the Ombudsman and with input from the Vicinage Advisory Committee on Minority Concerns recently created Fact Sheets in both

English and Spanish for the Civil, Criminal, Family, and Finance Divisions. In addition, a number of vicinages, using Essex Vicinage's Guide to the Courts as a model, drafted and distributed similar manuals to court users and employees. These guides provide a comprehensive overview of the local court system and facilities.

Observances such as Adoption Days in Monmouth Vicinage and Volunteer Recognition Events across the state also respond to the Minority Concerns focus on community outreach and public education. Adoption Day activities such as those held in Monmouth Vicinage bring attention to the service the court provides in finalizing the placement of children and youth in permanent homes, and volunteer recognition events highlight the invaluable service court volunteers provide to the Judiciary and the community.

c. Lessons Learned for Successful Court-Community Programming

Court Leadership is the Key to Success

Due to the leadership of Assignment Judges and Trial Court Administrators who remain committed to facilitating the work of the Vicinage Advisory Committees on Minority Concerns and the court's broad community outreach efforts, the vicinages continue to be engaged in planning for future in-service training, public education, and community outreach programs.

Establish Clear Goals

Public education and community outreach programs seek to solidify confidence in the court system and develop community awareness of the Judiciary's role across the spectrum of the lifespan, e.g., from the adoption of children to the final disposition of a person's estate. These efforts focus on program service areas that do not directly relate to trying and disposition of court cases. By conducting public outreach, the court seeks to encourage dialogue with diverse communities and leaders.

Vary the Location

Across the state, programs are held in a variety of settings selected to maximize access and participation by residents. Many events are held at court facilities; other activities take place at local schools, community colleges, shopping malls, public libraries, housing projects, and community centers. Courts have made a conscious effort to conduct programs in all areas of the county. Varying court's program settings is a palpable expression of the courts willingness to go out into the community.

Recruit a Broad Spectrum of Presenters/Experts

The vicinages utilize a broad spectrum of presenters for these educational events including judges, court managers, supervisors, staff, and volunteers. In addition, the Vicinage and Minority Concerns Committees collaborated with various colleges, law enforcement include Sheriff's Departments and Prosecutor's Offices, and state agencies such the Public Defender's Office, the Juvenile Justice Commission, and the county Youth Services Commissions. In many vicinages, planning committees are led by a designee of the Assignment Judge or Trial Court Administrator and a committee of staff and volunteers. Minority Concerns staff liaisons, vicinage Ombudsman, EEO/AA Officers, and Training Coordinators as well as representatives from other court divisions and programs are usually involved in planning and presenting training and other educational, and public outreach activities.

Collaborate, Collaborate, Collaborate

Collaboration is the key to success for most programs. Collaboration generates a synergy that yields new ideas and promising partnerships and offers solutions to challenging problems. For example, Camden Vicinage has partnered with the Camden County Women's Center, Volunteers of America's Family Violence Prevention Program, and the Camden Center for Law

and Social Justice to present a forum on domestic violence awareness for staff, volunteers, and the public. Participants in that program received valuable information regarding the prevention of domestic violence, strategies victims can employ to exit an abusive relationship and take charge of their lives, and programs available for reform of domestic abusers. Middlesex Vicinage participates in community information fairs sponsored by the local branch of the NAACP and local Hispanic Affairs organizations.

Share the Costs

Costs, if any, for these programs are kept at a minimum and are borne by either the vicinage and/or one or more of the partners such as a county bar association. Local county bar associations have been very generous in providing funds for collaborative educational programs in their respective counties.

E. Annual Observance of Law Day

1. Antecedents and Background of Law Day Observances

In 1957, Charles S. Rhyne, then president of the American Bar Association, shared his vision for a day each year dedicated to celebrating the legal system in the United States. As a result of his efforts, in 1958, President Dwight D. Eisenhower established Law Day in an effort to strengthen public recognition of and appreciation for the heritage of liberty, justice, and equality under the law that characterizes American jurisprudence. In 1961, the United States Congress affirmed the action of President Eisenhower through a join resolution setting May 1 as the official date of Law Day.

Today Law Day is a nationwide event. On the national level, as the American Bar Association notes proudly, many national, legal and non-legal organizations, state and local bars, businesses, and schools join the ABA each year in conducting thousands of programs on how the

rule of law makes our democracy possible. On the state and local levels here in New Jersey, similar organizations and entities partner with the courts to present engaging programs that pay tribute to the rule of law and the role of the public in creating and sustaining a living democracy.

To facilitate the annual observance, the American Bar Association each year sets a national theme. While the vicinages are welcome to adapt the theme to fit the needs and interests of local communities, many design a series of programs, some over the course of a week or even a month, that correspond to the national theme in a variety of innovative and engaging ways.

Programs, involving both adults and youth, provide the public with opportunities to come to the courthouse and view the full spectrum of court functions and services rather than through a single appearance in a particular case or through the kind of exposure the public gets from mass media. These events bring the court and community together in dialogue. In a non-adversarial context, the community learns more about the court and the court learns more about the community it serves.

2. Standardizing Law Day Observances in the New Jersey Judiciary

Over the course of several years, the Conference of Vicinage Advisory Committee on Minority Concerns (VACMC) Chairs and the Committee of Vicinage Advisory Committee on Minority Concerns Staff Liaisons have made a concerted effort to communicate the judiciary's role as a unified court by incorporating some common elements throughout the local observances of Law Day. Several years ago the Conference of Vicinage Advisory Committee on Minority Concerns Chairs and the Committee of Vicinage Advisory Committee on Minority Concerns Staff Liaisons jointly authored a plan to standardize selected elements of annual court Law Day observances. The common threads running throughout the local court observances of Law Day during this reporting cycle include the presentation of the Chief Justice's annual Law Day video

greeting, the statewide distribution of educational Law Day-related souvenirs for students and other participants in the court's Law Day programs, the further inclusion of juror recognition as a component of the Law Day program, and the centrality of educational programming that expands outreach to schools and heightens the involvement of youth in activities beyond standard mock trial programs.

Outreach to and collaboration with the Juvenile Justice Commission recently was added as an element of the plan. In 2006, progress on this goal was realized through an emerging partnership with the Juvenile Justice Commission's Office of Education. A series of meetings were held, and the faculty coordinator of the Graphic Arts Program at The New Jersey Training School oversaw the design of the statewide Law Day poster in 2006. Youth currently served by the Juvenile Justice Commission also presented a panel at the 2006 Minority Concerns Conference on disparities in justice outcomes for minority juveniles, sharing their perspectives on their experiences with the court. The Supreme Court Committee on Minority Concerns looks forward to continuing this emerging collaborative partnership with the Juvenile Justice Commission.

The Court continues to emphasize the importance of ongoing collaboration as essential to effective public outreach as it endeavors to embrace the public and foster a better understanding of the public's unique role as stakeholders in the judicial system and contributors to the rule of law. The New Jersey Judiciary has been quite successful in this approach with an overwhelming majority of the vicinages offering law-related educational programming that is collaborative in nature, diverse in mode of delivery, and expansive in depth of community participation. As it has over the course of many years, the Court, through the local Vicinage Advisory Committees on Minority Concerns, continues to strengthen the partnerships with local bar associations and

community organizations. The scope and range of Law Day related programs and activities continue to grow (See Appendix E-1 for the full calendar of Law Day 2006 events).

3. New Jersey Judiciary Honored with National Recognition of Selected Law Day Programs

In 2004, Burlington Vicinage received national recognition from the American Bar Association for its comprehensive community and youth-focused program. Elements of the award winning Burlington Vicinage Law Day program included a facilitated student forum held at Burlington County Institute of Technology in addition to the county's longstanding multi-session *Youth and Government Program* wherein local high school students are provided with an overview of the court and judicial system, have the opportunity to develop a deeper understanding of how county government works, and are paired with judges and court personnel to acquaint the participants with different career options in the New Jersey Judiciary.

In 2006, Essex Vicinage received national recognition from the American Bar Association for its multifaceted Law Day program including its unique "Judges in the Schools" Mock Trial Program presented in partnership with the Essex County Bar Association. This annual program takes judges from the bench in the courthouse into local schools where with volunteers from the County Bar Association and Sheriff's Office they conduct mock trial events with the participation of school students.

4. Law Day Programming

While it would be easy to view Law Day as a mere series of events held in sometime between May 1 through May 31 that relate to the national observance of Law Day and the theme set forth by the American Bar Association, the experience of the New Jersey Judiciary of Law Day as a springboard for year-round public education and community outreach provides a model for the planning, design, and implementation of comprehensive ongoing public education

programming. For Minority Concerns, Law Day and its calendar of events are snapshots of year-round outreach programs, the vehicle through which the vicinages continue to cultivate strong educational outreach programs. For some vicinages like Mercer, new programs are launched during the observance of Law Day Month and then are made available throughout the year as part of the vicinage's regular outreach offerings through the Office of the Ombudsman.

- *Law Day 2004* - "To Win Equality by Law: *Brown v. Board* at 50"

Embracing the 2004 theme, the vicinages developed engaging and innovative programs that helped participants, particularly youth, to understand the *Brown v. Board of Education* case and the court's role as well as the legal principles like "equality."

- *Law Day 2005 - "The American Jury: We the People in Action"*

The 2005 theme focusing on the jury system provided an opportunity to engage program participants in activities that helped them to understand and appreciate more deeply the value of the American jury system. Many vicinage law day programs included Mock *Voir Dire* activities to give attendees a firsthand taste at the process through which a jury comes into being.

A number of vicinages also incorporated formal recognition of citizens responding to jury service in their Law Day programs. In light of the Law Day theme, Burlington Vicinage designated the first week of May as Juror Appreciation Week as well and included a number of related activities into its Law Day programming. These activities included a daily prize drawing for "I Survived Jury Duty" t-shirts, the distribution of personalized thank you cards signed by the Assignment Judge and Trial Court Administrator, daily gift basket drawings with prizes donated voluntarily by court staff, participation of jurors in the selection of winning Law Day art contest submissions, and a variety of other features including viewing of the Chief Justice's Law Day video greeting.

- *Law Day 2006* - "Liberty Under Law: Separate Branches, Balanced Powers"

In 2006, the vicinages had an opportunity to nurture program participants' understanding of the unique role of the Judiciary in maintaining the separation and balance of powers among the three branches of government at the local, state, and federal levels.

V. Sustaining Court-Community Partnerships

The Supreme Court Committee on Minority Concerns recognizes the importance of its participation in program planning and implementation, judicial and staff training, public education, and community outreach. In the words of Passaic Vicinage,

> Public education and community outreach are key factors in the success of any Minority Concerns Committee. It is absolutely necessary to reach out to the community to obtain their input, and to understand their perception of the judiciary. Educating the community about court programs and services empowers the public and helps to alleviate any negative perceptions about the judiciary.

The public education and community outreach efforts of the Supreme Court Committee on Minority Concerns, the Administrative Office of the Courts Minority Concerns Unit, and the fifteen Vicinage Advisory Committees on Minority Concerns provide the Court with community views of the justice system, helps to bring other local agencies and court community members together to discuss changes in the diverse interests and needs of the community, and present initiatives that stand to benefit the public in general in its interactions with the courts.

The success of training, public education, and community outreach programs depends on the vision and support of judges, court staff, advisory committee members, and volunteers. Each year the vicinages coordinate programs that are well attended and evaluated highly, often relying on organizational and community contacts to present programs that address effectively the broad range of community interests and public needs.

Minority Concerns looks forward to its ongoing involvement in program planning and implementation, training, education, and outreach programs that will further strengthen the Court's relationship with the community. As noted in the Judiciary Times (Winter 2005-2006, p. 7), "While public education and community outreach is but one aspect of the Minority Concerns mandate, it is a significant one that the Committee and its staff continue to embrace with enthusiasm, energy and dedication for the benefit of all stakeholders in the judicial system."