2007 - 2009

NEW JERSEY SUPREME COURT COMMITTEE ON MINORITY CONCERNS

BIENNIAL REPORT

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EXECUTIVE SUMMARY

During the course of the 2007-2009 term of the Supreme Court Committee on Minority Concerns, the New Jersey Judiciary observed the 25th anniversary of the Court's flagship Minority Concerns Initiative. Reflecting back over these twenty-five years, the Committee recognizes the breadth of the institutional changes that have taken place in an attempt to "rid the Courts of all vestiges of bias and discrimination." Enhancements to policies and procedures have resulted in systemic improvements and increased standards of fairness in the civil, criminal, and juvenile justice systems, improved access to justice for court users, and improved diversity in the Judiciary workforce. Undoubtedly the changes that have been implemented to ensure access to justice for racial/ethnic minorities have benefited all court users.

The improvements that have been undertaken are many and during the course of 25 years have been aptly chronicled in each of the Committee's biennial reports. While this report does not detail all the institutional changes that have taken place, the selected priorities on which this report focuses characterize the range of issues that have been of concern to the Court throughout the course of the past quarter of a century. As each of the chapters shows, the Committee has continued to work diligently to meet the charge that the late Chief Justice Robert N. Wilentz first posed to the Supreme Court Task Force on Minority Concerns in 1986: "To undertake a critical examination of the concerns of minorities with their treatment in and by the Courts, to propose solutions to the identified problems that are within the power of the Judiciary to implement, to pursue its investigations wherever they may lead ,and [to] set forth its findings with candor."

The Committee acknowledges and is pleased with the progress that has been made during this reporting cycle. At the same time there is a recognition that there are new opportunities for improvement and new areas that need to be addressed so that the mission and mandate of the

Supreme Court will be fulfilled. The biennial report is the Committee's contribution to chronicling the successes realized this term and pointing to those issues still requiring the Court's attention and to fostering and supporting the institutional changes and continuous self-critical analysis to which the New Jersey Judiciary remains committed. The Subcommittees have played a critical role in doing the detailed work involved in reviewing and monitoring each of the areas discussed here enabling the Committee as a whole to consider these issues efficiently and meaningfully in the development of this report.

Criminal Justice and the Minority Defendant

In the area of criminal justice, the Committee has been guided by Task Force recommendations 4, 5, 6, 7, 8, and 14 (bail sentencing measures and outcomes) and Task Force recommendation 16 (expansion of Drug Courts in New Jersey) in addition to ongoing work relating to judicial training initiatives and jury voir dire.

Chapter 1 includes updated information on the statewide implementation of Drug Courts, an update on the Committee's recent public education initiatives including a collaboration with the Office of the Public Advocate that resulted in a publication informing probationers on how to restore their right to vote, the outcomes of its review of data relating to bail and out-of-county municipal detainers, and discussion of its current and upcoming work regarding bail statistics, sentencing outcomes, peremptory challenges, and the ongoing discussion of judicial training for Superior Court Judges.

Minorities and Juvenile Justice and the Family

In the area of juvenile justice and the family, the Committee has continued to focus on the priority issue of systemic disparities in justice outcomes for minority youth and the disproportional representation of racial/ethnic minorities throughout the juvenile justice

continuum (FJ docket) including but not limited to detention and secure confinement. Building on information examined during the previous term, the Committee expanded its interest in minority overrepresentation to other Family Part docket types, in particular in abuse and neglect cases (FN docket), youth post-termination of parental rights who are awaiting adoption (legal orphans in the FC docket), and family crisis matters (FF docket). The Committee's finding of disproportionality in each of these docket types underscores the need for the Court to take a leadership role in examining further the extent of minority overrepresentation and identifying the factors that contribute to it.

Chapter 2, which sets forth twelve new recommendations, includes discussion relating to systemic disparities in justice outcomes for minority youth and disproportionate minority contact (DMC) including review of statewide data on juvenile justice decision-making points, evaluation of JDAI's address of DMC, consideration of the role of the Judiciary's other disposition alternatives, and recommendations for the Judiciary's next steps in regard to its emerging Action Plan on this issue. This chapter includes discussion and review of data regarding minority representation in abuse and neglect cases, among youth free for adoption ("legal orphans"), and among children/youth involved in family crisis petitions before the Court. The chapter concludes with an update highlighting the ongoing successes of the Juvenile and Family Drug Courts.

Minority Access to Justice

In carrying forward its mandate to ensure that all individuals are afforded fair and impartial access to judiciary services throughout the court system, the Committee recognizes that ensuring fair, equitable, and meaningful access to justice involves a variety of factors that have

an impact on an individual's ability to utilize court services and programs optimally including but not limited to:

- 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.

Chapter 3 reports on the Judiciary's progress relative to implementing selected ongoing recommendations relating to access to the Courts in the broadest sense. The chapter includes an update on the piloting of the *Guide to Court User Rights and Responsibilities* in Camden, Essex, and Middlesex Vicinages; detailed discussion of the conclusion of the second phase of the jury pool methodology study using parcel level GIS (Geographic Information Systems) coding; the presentation of findings relating to the ongoing monitoring of the use of interpreters, bilingual variant job titles, and census of the Judiciary's volunteer corps; and discussion of data relating to the statewide roll-out of the Ombudsman Program.

The Judiciary has made great strides in ensuring constituent access to court services and programs. For the fiscal year beginning July 1, 2006 and ending June 30, 2007, a total of 86,765 events were interpreted in the Superior Court in 82 different languages. The language for which an interpreter was most frequently requested was Spanish, and a total of 75,384 events were interpreted in Spanish. All fifteen vicinages have staff interpreters, most of whom are Spanish interpreters. There are also now two full-time American Sign Language interpreters, one Korean language interpreter, and one Portuguese language interpreter.

Court volunteers in New Jersey have for more than sixty years complemented the work of thousands of full-time court employees in every vicinage. Today this volunteer corps has 4,500 active members participating in nineteen distinct court volunteer programs throughout the State. During 2008 over 50,000 volunteer service hours were logged by the Judiciary's volunteer corps.

To enhance services to court users including self-represented litigants, ombudsman offices have been established in all 15 vicinages. These offices provide assistance to court users, access to public information, and conduct community outreach. The Ombudsman Offices also receive, investigate, and resolve complaints from court users. In 2006 there were 9,656 contacts directed to the Ombudsman Offices statewide; by 2007 this figure had increased 91.2% to 18,464; and in 2008 the contacts had increased by an additional 30.5% to 24,100 contacts statewide. The overwhelming majority of constituents prefer to have personal contact with the office, i.e., visit the office in person or telephoning the office. The combination of these two preferred methods of contact accounted for 97.9% of office contacts in 2008.

Minority Participation in the Judicial Process

The New Jersey Judiciary has made substantial progress over the course of the last 25 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 recommendations of the Minority Concerns Committee positions the Court to meet the continuing challenges of the state's rapidly changing population demographics.

Chapter 4 focuses on how the Judiciary during the course of the Committee's current term has addressed particular recommendations made in the Supreme Court Committee on Minority Concerns 2004-2007 Report and relating to selected priority carryover issues from

previous reports. The diversity profile of the Judiciary workforce has shown continuous improvements over the years. As of August 2007, racial and ethnic minorities comprised 37.9% of the total Judiciary workforce, the representation of minority judges on the Superior Court bench measured 15.2%, and statewide minority law clerks accounted for 23.7% of all law clerks hired in court year 2008-2009.

Education, Training, and Outreach

Education, training, and outreach remain essential instruments in realizing the mission and mandate of the Judiciary's Minority Concerns Initiative with twelve of the fifty-three court-approved recommendations addressing some aspect of training for the court community and the public. This term the Committee convened an ad hoc Working Group on Education, Training, and Outreach. Recognizing the breadth of work being done in these areas, the Committee plans to present the product of the Working Group's efforts in a special topical report to be submitted to the Court at a later date.

Minority Concerns 2009 and Beyond

Despite the many successes that have been realized, the reality is that there is still work to be done to ensure access to fairness at every level of the Judiciary and in each and every court service and program. Several keys factors have been essential to the Judiciary's successes thus far and will ensure these successes into the future:

1. The unwavering leadership and support of every Chief Justice and Administrative Director since the initiative's inception has been essential.

2. The internal self-critical analysis in which the Court continues to be engaged and this partnership has been key to sustaining the progress of these shared efforts as evidenced by the establishment of a permanent Supreme Court Committee on Minority Concerns.

3. The Judiciary's unique court-community partnership model contributes meaningfully and in multiple ways to ensuring public confidence in the Courts and fostering a climate that promotes meaningful institutional change.

4. The Court's support of prudent transparency regarding these efforts results in the publication of a comprehensive report every two years by the Supreme Court Committee chronicling the Court's progress on selected recommendations and proffering new/amended recommendations based on review of current data and other relevant information and resources.

5. Tangible in the Court's every day operations is the recognition that this work remains essential because the Court functions in a society that continues to carry the burdens of racism and other –isms.

6. The establishment and continuous staffing of the Minority Concerns Unit at the Administrative Office of the Courts continues to provide centralized programmatic, administrative, and support services to this statewide initiative.

7. The appointment of local vicinage advisory committees on minority concerns in all fifteen vicinage ensures that there is a diverse representation of judges, attorneys, representatives of public and private sector agencies, organizations, and companies, faith-based communities, and the community-at-large in this institutional endeavor.

In addition, the New Jersey Judiciary continues to employ 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. This court-community partnership continues to characterize the work of Minority Concerns at every level of the Judiciary and as this Initiative moves forward will continue to add to the successes of the Court in realizing the mission and mandate of Minority Concerns.

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 2007-2009 reporting cycle, the Subcommittee on Criminal Justice and the Minority Defendant focused on the following issues:

Update on Statewide Implementation of Drug Courts

- receiving an update on the statewide implementation of Drug Courts in the Criminal Division of the Superior Court and learning about how recent changes in the law have affected Drug Court enrollment;

Public Education Initiatives

- drafting an informational brochure on bail;
- developing a publication advising probationers on how to restore their voting rights upon completion of their sentences;

Peremptory Challenges and Voir Dire

- examining the activities and implementation of the recommendations of the Supreme Court's Special Committee on Peremptory Challenges and Jury Voir Dire; and

Judicial Training Initiatives

- monitoring judicial training for Superior Court Judges.

II. Task Force Priority Recommendations Considered

The work of the Subcommittee during this term has been guided by Task Force Recommendations 4, 5, 6, 7, 8, and 14 (bail sentencing measures and outcomes) and Task Force Recommendation 16 (expansion of Drug Courts in New Jersey) in addition to ongoing work relating to judicial training initiatives and jury voir dire

III. Subcommittee Activities

A. Update on 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)

In the 2000-2002 report, the Committee stated that it

> "… has actively endorsed and supported the development of Drug Courts in New Jersey and believes that [these courts] represent an opportunity to have a positive impact on rehabilitating minorities and others who find themselves in the criminal justice system. Equally as important, drug courts have the potential to deinstitutionalize a significant segment of minorities in [jails and prisons] in New Jersey. This fact is made abundantly clear when one considers that for an entire generation over 80% of the inmates in the state have been minorities, a percentage that is grossly disproportionate to that of minorities in the general New Jersey population. At the same time, consistently well over half of the inmates in New Jersey's prisons have been incarcerated for drug-related offenses." (p. 36)

In the same report, the Committee observed that it "has been an advocate for this initiative and lent its support by commenting on the legislation proposed for the expansion of drug courts and pointing out the dire need for more rehabilitation based programs and treatment beds" (p. 37). The Committee noted further that it "strongly endorses the Judiciary's efforts to expand drug courts and ensure that defendants … are assured equal protection" (p. 37) and opportunity when deemed appropriate to avail themselves of this program.

The Committee is pleased to learn that due to recent legislative changes the pool of potential drug court participants has been expanded. In light of these recent changes in the law, the Subcommittee on Criminal Justice and the Minority Defendant invited the Chief of the Drug Court Unit at the Administrative Office of the Courts[2] to provide an update on the program. This presentation supplemented the presentation made during the Committee's 2004-2007 term at which time information was provided on cost savings, the impact on recidivism, and eligibility requirements.

[2] Carol Venditto is the chief of the Drug Court Unit at the Administrative Office of the Courts. Prior to coming to the AOC, Ms. Venditto was the Assistant Criminal Division Manager in Union County and coordinated the pilot Drug Court program in that county. She moved to the AOC to oversee the rollout and coordination of drug courts in all 21 counties.

Drug Court is a voluntary diversionary program that diverts non-violent drug addicted offenders away from prison and into drug treatment. More than 1,000 defendants annually are diverted from the penal system to the Drug Court program which has a statistically significant lower rate of recidivism for graduates compared to parolees. For the current time period, approximately 93% of the people in Drug Court were facing prison sentences at the time they were admitted into the program. In addition, according to the New Jersey Commission to Review Criminal Sentencing, it costs the State $37,223 each year to imprison one person whereas it costs slightly more than half as much ($19,800) to place a Drug Court participant in a residential treatment facility for one year, and it costs even less ($10,300) for a Drug Court participant to receive intensive outpatient treatment.[3] The financial benefits of Drug Court are, therefore, obvious when compared to the costs of imprisonment.

Admission into Drug Court is a two-step process. First, the prosecutor looks at the applicant's prior record to determine if s/he meets the legal criteria for admission. Generally, a person will not be admitted if s/he has any prior convictions for first or second degree crimes or crimes of violence. In addition, a person will not be admitted if his or her crimes were motivated by profit. If the prosecutor consents, the applicant is then evaluated clinically to determine if s/he is drug dependent. If the person is found to be drug dependent, s/he will then be admitted into Drug Court. Generally, a Drug Court sentence is for five years; however, a person can graduate early if s/he complies with all conditions and meets all requirements. Once admitted, the person must undergo drug treatment, typically six months in a residential program, and comply with all other conditions that are imposed such as, if needed, obtaining a GED and/or getting a job. The hope is that by using a system of incentives and sanctions Drug Court can

[3] New Jersey Commission to Review Criminal Sentencing. Report on New Jersey's Drug Courts, Special Probation and Proposal for Reform (April 2007), p. 23.

help to modify the person's behavior. Making progress toward a goal, such as by going on a job interview, is met with rewards and congratulations. Conversely if the person does not comply with a condition, e.g., by skipping treatment, s/he will face serious sanctions including possible jail time. If repeated sanctions fail to change the person's behavior, s/he may eventually be terminated from Drug Court and sent to prison to serve the remainder of her/his sentence.

Originally a person was eligible for Drug Court under N.J.S.A. 2C:35-14 only if s/he had at most one prior conviction for a third degree crime. As a result of this requirement, many people who clinically could have benefited from Drug Court were sentenced to prison including a disproportionate number of minorities. In May 2007, the Commission to Review Criminal Sentencing recommended several statutory changes including that N.J.S.A. 2C:35-14 be amended to (1) allow people with more than one prior third degree conviction into Drug Court, subject to the prosecutor's consent; (2) give judges the discretion to waive the mandatory six-month period of residential drug treatment and allow Drug Court participants to be treated on an outpatient basis; and (3) give judges the discretion to grant Drug Court participants an early discharge from the program if they have made exceptional progress in their treatment.[4] The Commission also recommended that N.J.S.A. 2C:35-15 be amended to allow the court to reduce the mandatory Drug Enforcement and Demand Reduction (DEDR) penalty in cases of "extreme financial hardship."[5]

In September 2007 the New Jersey Supreme Court issued the Meyer decision.[6] In Meyer, the Court rejected the State's claim that only defendants eligible for "special probation"

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[4] New Jersey Commission to Review Criminal Sentencing. Report on New Jersey's Drug Courts, Special Probation and Proposal for Reform (April 2007), pp. 6-7.

[5] Id., p. 7. The Commission's proposed amendments were designed to allow a broader pool of people to be eligible for Drug Court and to allow for more individualized treatment once a person was admitted into the program.

[6] See State v. Meyer, 192 N.J. 421 (2007).

under N.J.S.A. 2C:35-14 could be admitted into Drug Court and held that defendants could also be admitted under the general sentencing provisions of N.J.S.A. 2C:45-1 and the criteria set forth in the Administrative Office of the Courts *Drug Court Manual*. According to the Chief of the Drug Court Unit, Meyer confirmed that there are two avenues of admission into Drug Court and forced several counties to change their policies regarding admission into the program.

Changes in N.J.S.A. 2C:35-14 were realized when on April 21, 2008 Assembly Bill No. 1770 (A-1770) was signed into law as P.L. 2008, c.15. That law codified the recommendations regarding Drug Court made almost a year earlier by the Commission to Review Criminal Sentencing. The new law went into effect on August 1, 2008, and the Drug Courts are already well on the way to meeting their goal of increasing enrollment by thirty-three percent.

In May 2008, the New Jersey Drug Courts received an award from the National Association of Drug Court Professionals (NADCP) for committing the resources and leadership necessary to ensure that the program is made available to all eligible offenders. New Jersey is only the second state, i.e., after New York, to receive the award. The Committee continues to support this very successful and worthwhile program and applauds the Judiciary for its continuing commitment and outstanding effort to address access to drug court treatment on a statewide basis.

B. Public Education Initiatives

> The Supreme Court should direct the Administrative Office of the Courts to develop a plan aimed at familiarizing the community with the Judiciary … This should include recommendations as to materials that might be included in public school curricula. The plan should include initiatives that are culturally and ethnically appropriate for reaching minority communities. Task Force Recommendation 28 (Final Report, 1992, p. 241)

1. Informational Brochure: Superior Court Bail

In its 2004-2007 report, the Subcommittee reported that it had drafted an informational brochure for defendants and other court users regarding the Superior Court bail process. At the

time the 2004-2007 report was completed, the brochure, "Frequently Asked Questions about Superior Court Bail," had been approved by the Administrative Director[7] and was awaiting publication. On June 18, 2007, the Administrative Director released the brochure to all Assignment Judges and Trial Court Administrators for distribution at all court facilities.[8]

2. Informational Brochure: How to Restore Your Right to Vote in New Jersey[9]

According to N.J.S.A. 19:4-1(8) a person "[w]ho is serving a sentence or is on parole or probation as the result of a conviction of any indictable offense under the laws of this or another state or of the United States" may not vote. However, once the person completes his or her sentence or term of probation or parole, s/he has the right to register and then vote provided that the person meets the other statutory requirements regarding citizenship, age, and residency. Upon reviewing materials publicly available from a variety of sources,[10] the Subcommittee learned that there was no single document that advised New Jersey's probationers how to restore their right to vote once they have completed their sentences.[11]

Since the temporary loss of the right to vote in these cases formally occurs as a result of a judicial act of sentencing, the Subcommittee recognizes that the Court has a role in ensuring that information on restoring the right to vote is made readily available to probationers as voting is a fundamental right and, therefore, access to information on restoring the right to vote is extremely

[7] Philip S. Carchman, P.J.A.D.

[8] See Appendix A-1 for a copy of the brochure which is customized with each of the respective vicinage's contact information.

[9] The Committee also sees this informational brochure as a useful tool for parolees. However, since the Division of Parole is outside the Judiciary, the Committee has limited its specific references herein to making the brochure available to probationers through the Judiciary's Probation Division.

[10] The public information reviewed included print and online material from the Parole Board, the New Jersey Department of State, the New Jersey Attorney General's Office, the New Jersey chapter of the American Civil Liberties Union, the New Jersey Institute for Social Justice, and the League of Women Voters.

[11] The State Parole Board made a federal pamphlet available to parolees. However, state probationers did not receive any standard written information from the Judiciary on how to restore their voting rights.

important. Eligibility to vote can be a significant component of an ex-probationer's reentry into society, providing a person a direct voice in the community and the ability to participate in civic life. The Subcommittee believes that it is important to distribute a single guide statewide to probationers so that they would receive consistent information and not be forced to cobble together information from a variety of sources. To address this concern the Subcommittee drafted an informational plain language pamphlet explaining how probationers can restore voting rights upon completion of their sentences.

The draft plain language pamphlet was reviewed and endorsed in concept by the Executive Board of the Supreme Court Committee on Minority Concerns; the Conference of Criminal Presiding Judges; the Conference of Criminal Division Managers; and staff of the AOC's Criminal Practice Division. Following review of the proposed publication by the Administrative Director, the pamphlet was subsequently published by the Office of the Public Advocate with an acknowledgement of the Committee's role in conceptualizing and drafting the publication. The pamphlet was published in September 2008, and probation offices in all vicinages throughout New Jersey have been using the pamphlet since then to advise individuals who complete their probation on how to restore their voting rights. The Committee appreciates the opportunity to partner with the Office of the Public Advocate on this public information project.[12]

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

A. Bail Issues: Review of Current Bail Statistics

> The Supreme Court should require that all rules and directives regarding bail be reviewed and revised in order to promulgate procedures to be applied uniformly statewide. Task Force Recommendation 4 (Final Report, 1992, p. 72)

[12] A copy of the brochure, "Completing or Ending Your Parole or Probation? How to Restore Your Right to Vote in New Jersey," can be found in Appendix A-2.

> The Supreme Court should adopt a bail policy with release criteria focused upon factors relating demonstrably to the defendant's likelihood to appear in court. The bail policy should (1) take into consideration past court appearance history and significant background factors which insure likelihood to appear, (2) give substantial consideration in the release evaluation process to [the] defendant['s] 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 5 (Final Report, 1992, p. 77)

> 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 economic 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 6 (Final Report, 1992, p. 85)

> The Supreme Court should adopt a bail policy that includes non-monetary release options to minimize the setting of bail unless probability of nonappearance has been established by the Court. 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 7 (Final Report, 1992, p. 86)

> 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 8 (Final Report, 1992, p. 89)

On May 12, 2005, the Administrative Director issued Administrative Directive #9-05 which promulgated two statewide bail schedules and adopted many of the policies recommended by the Conference of Criminal Presiding Judges in its Report on Bail Practices (2004). The bail guidelines were subsequently revised and supplemented on May 26, 2006 and on October 10, 2007. The Committee members continue to review articles, reports, new legislation, and other resources concerning bail-related topics. As bail-related issues continue to be a priority focus area, the Committee will continue to examine bail statistics and monitor bail guidelines.

B. Sentencing Outcomes

> 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)

In its 2004-2007 report, the Committee reported that the Executive Director of the New Jersey Commission to Review Criminal Sentencing[13] had made a presentation to the Committee in 2006 about the work of the Commission, particularly its review of the laws regarding drug distribution. He noted that 96% of New Jersey state prison inmates whose most serious offense was drug dealing near a park or school were either Black/African American, Hispanic/Latino, or Asian and that the odds of a minority person getting charged with dealing drugs in a school zone were greater in more densely populated cities. In addition, Mr. Barlyn reported that convictions of drug free zone crimes carry a mandatory minimum prison term which divests judges of their latitude in imposing sentence. As a result of its review, the Commission had recommended in its report The New Jersey Commission to Review Criminal Sentencing Report on New Jersey's Drug Free Zone Crimes and Proposal for Reform (December 7, 2005) that the drug free zone laws should be amended.

Since 2006, the Commission to Review Criminal Sentencing has issued three additional reports.[14] As stated earlier in the discussion concerning the statewide implementation of Drug Courts, many of the Commission's recommendations regarding Drug Court reform have already

[13] At the time, the Executive Director was Bennett Barlyn. Mr. Barlyn is currently an Assistant County Prosecutor in Hunterdon County and Chief of Appellate and Policy.

[14] New Jersey Commission to Review Criminal Sentencing. Supplemental Report on New Jersey's Drug Free Zone Crimes and Proposal for Reform (April 2007); Report on New Jersey's Drug Courts, Special Probation and Proposal for Reform (April 2007); and the Report on Statutory Changes to Sentencing under the NJ Code of Criminal Justice: 1979 to the Present (September 2007).

been signed into law. The Committee will continue to monitor the progress of relevant Sentencing Commission recommendations during the Committee's next term.

C. Peremptory Challenges and Jury Voir Dire

In the 2004-2007 report, the Subcommittee noted that the Report of the Supreme Court's Special Committee on Peremptory Challenges and Jury Voir Dire had been approved for publication on May 16, 2005 and, in light of the strong arguments articulated in the majority and minority portions of the report, would not offer any additional comments on the report. Since that time, the Administrative Director has promulgated Administrative Directive #21-06 regarding Approved Jury Selection Standards Including Model Voir Dire Questions and Administrative Directive #4-07 that supplements and modifies the procedures and questions contained in Administrative Directive #21-06.

The Committee continues to monitor procedural and/or rule changes in this area and will continue to do so during the next rules cycle. For example, the Subcommittee will monitor Assembly Bill No. 2715 (A-2715) which would repeal N.J.S.A. 2B:23-13 and eliminate the statutory authorization for peremptory challenges. If repealed, the New Jersey Supreme Court would have the authority to establish and administer the procedures for juror challenges, both peremptory and for cause, through its rulemaking powers. A-2715 has been approved by the Assembly, and the Senate may vote on it in early 2009. The Subcommittee will also monitor the progress of this bill in the Legislature during the next rules cycle. The Committee's interest in peremptory challenges and voir dire directly relates to the larger issue of minority representation on juries.[15]

[15] See Chapter III, Minority Access to Justice for a discussion of jury issues.

D. Ongoing Judicial Training for Superior Court Judges

In the past, the Committee has been involved in developing diversity/cultural competency training courses that have been presented at various judicial training programs. The Committee continues to examine the criminal practice areas in which training is currently in place for Superior Court judges and, more importantly, the areas in which training may be needed. For example, one important area in which judges may find training beneficial is bail procedures and compliance with bail guidelines. Although bail training has recently been offered to entry level professional staff and to finance staff upon request, the Committee is not aware of any recent training on bail-related issues offered to Superior Court judges. The Committee will explore this issue further in the upcoming term because it views the bail guidelines as an important tool to ensure fairness.

E. Cross-County (Out-of-County) Municipal Detainers

As noted in the 2004-2007 report, there was concern that a considerable number of people were being held on bails of $500 or less due to "cross-county municipal detainers," for disorderly persons charges from municipal courts in other counties. A preliminary analysis of bail statistics, as well as anecdotal evidence from the field, seemed to support the assertion that quite a few people were remaining in county jails for extended periods of time before their minor charges were resolved in the municipalities responsible for the detainers.

During the 2007-2009 term, the Subcommittee explored this question further by conducting an initial analysis of bail data. Beginning on April 10, 2007, the AOC's Automated Trial Court Systems Unit provided data for six counties – Camden, Cape May, Essex, Middlesex, Ocean, and Sussex. All of the requested data was in reference to defendants with bails of $500

or less and detainers from municipalities in other counties. The six counties represented a mix of urban and suburban counties from north, central, and south New Jersey.

Over each of the next three months (May, June, and July 2007) updated lists were received for each of the counties and compared to the previous month's lists to determine which defendants remained in jail. This preliminary data review identified few defendants with low bails who were being held in jail for extended periods of time due to out-of-county municipal detainers. For example, in April 2007, the six counties had a total of 68 defendants being held in jail with bails of $500 (or less) and detainers from municipalities in other counties. Three months later, in July 2007, only nine of those 68 defendants remained in jail. Furthermore, the data seemed to indicate that several of the nine defendants were either being held on detainers for indictable offenses or had immigration issues pending. Through this review process, the Subcommittee did not find a basis[16] to conduct further research on this question at this point in time.

V. Conclusion

During the next rules cycle, the Committee will remain focused on fulfilling its mandate for the subject areas detailed in this chapter and on strengthening and improving current court procedures.

[16] Information was also received from the Chief of Technical Assistance for the AOC's Municipal Court Services Division indicating that while people may spend considerable time in jail due to detainers for indictable offenses they are not being held in jail for any significant amount of time due to an inability to resolve out-of-county municipal court detainers. The data examined are consistent with the information received from the Municipal Court Services Unit.

Chapter II

SUBCOMMITTEE ON MINORITIES AND JUVENILE JUSTICE AND THE FAMILY

I. Introduction and Mandate

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

II. Subcommittee Activities

During the 2007-2009 rules cycle, this Subcommittee has continued to focus on the priority issue of systemic disparities in justice outcomes for minority youth and the disproportional representation of racial/ethnic minorities throughout the juvenile justice continuum (FJ docket) as well as in other Family Part docket types, in particular in abuse and neglect cases (FN docket), youth post-termination of parental rights (post-TPR) who are awaiting adoption (legal orphans in the FC docket), and family crisis matters (FF docket).

III. List of Priority Recommendations

Addressing items carried forward from prior reports including the 2004-2007 report, the Committee during this term continued work relating to:

A. *Disproportionate Minority Contact in Juvenile Delinquency Matters* (Task Force Recommendation 17, p. 171, and Committee Recommendation 07:02.2, p. 22);

B. *Disproportionate Minority Contact in Other Family Part Docket* (2004-2007 Report, pp. 33-34); and

C. Juvenile and Family Drug Courts (2004-2007 Report, pp. 33-34).

IV. Discussion of Priority Action Items and Related Recommendations

During the course of this term, the Committee continued its work on minority overrepresentation in juvenile matters and, based on the Committee's prior research in combination with anecdotal evidence and the professional expertise of its members, also explored three additional Family Part docket types to determine whether minority

overrepresentation exists. The Committee's review of related data has identified disproportionality in each of these docket types. A detailed discussion of the Committee's related findings and recommendations is presented here.

A. Discussion of Systemic Disparities in Justice Outcomes for Minority Youth and Disproportionate Minority Contact (DMC)

Since the completion of the Committee's 2004-2007 report to the Supreme Court, the Committee continues to remain engaged actively in monitoring for systemic disparities in justice outcomes for youth of color[17] by identifying data on disproportionate minority juvenile contact and exploring relevant factors relating to the overrepresentation of youth of color in the juvenile justice system. This work has its roots in the work of the Supreme Court Task Force on Minority Concerns (1992)[18]:

> 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)

The Committee's approach to this tapestry of interrelated issues continues to be based upon the Task Force's recommendation that "[the] SCCMC … develop partnerships to educate themselves about the juvenile justice system…" (Recommendation 18, 1992, pp. 174-176) and

[17] In the common discourse and national focus, "DMC" typically refers to "disproportionate minority contact" and sometimes to "disproportionate minority confinement" as the most restrictive type of contact. However, the Committee recognizes that these terms do not adequately capture the full spectrum and nuances of the problem. Throughout the course of its discussion, the Committee refers to "systemic disparities in justice outcomes," disproportionate minority contact (or confinement)," and "[disproportionate] minority overrepresentation" as related but distinct concepts.

[18] See also Report of the Committee on Minority Concerns (Summer 1984), pp. 9-13, and the Interim Report of the Supreme Court Task Force on Minority Concerns (August 1989), pp. 77-90.

follows up on the recommendation that "a joint research inquiry be conducted on possible racial/ethnic disparities in juvenile justice outcomes" (Recommendation 26, 1992, pp. 196-197).

1. Follow-up to the Minority Concerns Conference (September 2006)

As discussed in detail in the 2004-2007 committee report, the September 29, 2006 Judiciary in-service, "Addressing Disparities in Juvenile Justice Outcomes for Minority Youth," marked the culmination of many years of hard work by past and present members of the Supreme Court Committee on Minority Concerns, Family Practice professionals, and Vicinage Advisory Committee on Minority Concerns members throughout the state.

In follow-up to the 2006 Judiciary in-service on systemic disparities in justice outcomes for minority youth, the Committee submitted a report to the Supreme Court discussing the outcomes of the Conference and presenting the recommendations made by the Conference participants including proposed operational principles for a Judiciary action plan on disproportionate minority juvenile contact. The report to the Court both memorializes the work of the Conference and sets forth the Committee's view regarding internal steps that should be taken to address this ongoing issue. The report underscores the essential need for the focused commitment of the Judiciary along with continued cooperation, networking, collaboration, and communication with other government branches, state agencies, community partners, and stakeholders throughout the Juvenile Justice continuum. The Committee offered the document to the Court with the hope that the report would serve as a valuable tool in contributing to the Court's systemwide address of systemic disparities in justice outcomes for minority youth and disproportionate minority juvenile contact.

2. Sustaining Communication with Juvenile Justice System Partners

The Committee continues to examine the overrepresentation of minorities in the juvenile justice system by examining how the Court's initiatives regarding operations and procedures put into place since the completion of the self-study phase of the statewide inquiry into the possibility of systemic disparities in justice outcomes for minority youth have strengthened internal court partnerships among Presiding Judges of the Family Part and Managers of the Family Division and enhanced communication among the Court, its service provider partners, and the community. These efforts reaffirm the New Jersey Judiciary's commitment to be a partner in improving the juvenile justice system and remedying systemic disparities in justice outcomes for minority youth.

a. Office of the Attorney General

Recognizing the importance of ongoing collaboration, communication, and information sharing, the Committee commenced its work this term with a presentation by the Office of the Attorney General discussing statewide race/ethnicity data on stationhouse adjustments by county along with an overview of the pending changes to the administrative directive on stationhouse adjustments. The initial meeting set the stage for ongoing dialogue throughout the course of the Committee's term. The Office of the Attorney General has made available to the Committee for distribution to the Vicinage Advisory Committees on Minority Concerns the same data broken down by municipality in each of the twenty-one counties. Given the impact of a juvenile's contact with law enforcement and its significance as an entry point into the juvenile justice system, the Committee is very encouraged by the leadership that the Attorney General's Office continues to show with regard to stationhouse adjustments and greatly appreciates the

availability of related data to the Supreme Court and Vicinage Advisory Committees on Minority Concerns.

b. Juvenile Justice Commission

The Juvenile Justice Commission has provided the Committee with several very informative presentations on tools for assessing, measuring, and evaluating disproportionate minority contact at each of the decision-making points along the juvenile justice continuum. This professional partnership with the Commission continues to be enhanced formally as this term the State DMC Coordinator serves on the Supreme Court Committee on Minority Concerns and the Subcommittee on Juvenile Justice and the Family as the designee of the Commission. The Commission under the leadership of Executive Director Veleria N. Lawson continues to provide access to data on post-adjudication juvenile confinement and serves as a valuable resource to the Committee in support of its ongoing work to address disproportionate minority contact and systemic disparities in justice outcomes for youth of color.

c. County Youth Services Commissions

The Co-chairs of the Statewide Conference of County Youth Services Commission (CYSC) Administrators made a presentation at the Committee's second meeting of the term. The focus of the presentation was the preparation of the CYSC triennial plans generally and specifically the addition of a chapter ("Chapter 10") focusing on the reduction of both disproportionate minority contact and racial and ethnic disparities within the juvenile justice system. The presenters explained the general purpose of the triennial plan in guiding the work of the Commissions in the areas of delinquency prevention, diversion, detention, disposition, and re-entry. The formal presentation included an explanation of terms, explanation of the standardized data-based methodology for analysis, and discussion of the practical implications of

operationalizing "Chapter 10." The speakers also shared the role of program evaluation in the selection and identification of local service providers. The presentation was very helpful in enhancing the Committee's understanding of the role of the Commissions at the county level and in identifying additional opportunities for court-community collaboration and partnership at the local level. The Committee was very pleased to learn that in a number of vicinages members of the Advisory Committees on Minority Concerns have become actively involved in the YSC "Chapter 10" planning process. The Committee recognizes the breadth of important work being done to provide adequate and appropriate services to New Jersey youth and appreciates the time and professional insights shared by the co-chairs of the Statewide Conference of County Youth Services Commission Administrators.

d. Review of Statewide Data on Juvenile Justice Decision-Making Points

The Committee began its data review by examining and analyzing race/ethnicity data provided by the Juvenile Justice Commission for eight of the nine decision-making points[19] along the juvenile justice continuum. The Committee expresses its sincere appreciation to the Juvenile Justice Commission and Executive Director Veleria N. Lawson for providing the Committee the statewide and detailed county data on the juvenile justice continuum included in this report.

To begin, the Committee calculated the proportional representation of each race/ethnicity category for each of the decision-making points along the juvenile justice continuum. Although at this point in time the Committee has not conducted an analysis for gender, the Committee

[19] Transfers of selected juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Division has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will make the related data available.

strongly recommends that additional analysis be undertaken to determine whether there are any statistically significant differences when race/ethnicity is considered with gender.

The snapshot of the general youth population profile is the first point of reference for evaluating race/ethnicity data at each of the decision-making points along the juvenile justice continuum. The data in *Table 2-1: Race/Ethnicity Profile, Juvenile Justice Decision-Making Points, Calendar Year 2006 (Statewide)*[20] show that the demographic breakdown by race/ethnicity within the total youth population statewide (n=970,130) ages 10 through 17 is 74.2% White, 18.1% Black/African American, 17.0% Hispanic/Latino, 7.3% Asian, and 0.4% American Indian/Alaska Native.[21] Table 2-1 shows that moving from step to step along the continuum of decision-making points the proportional representations by race/ethnicity shift with increased percentages of youth of color and decreased percentages of White youth occurring particularly at points leading to more restrictive outcomes (e.g., secure detention or secure confinement). These shifts in proportional representation culminate at the final step resulting in confinement to secure juvenile facilities. At this final decision-making point along the continuum, the population snapshot is 10.2% White, 67.1% Black/African American, 21.7% Hispanic/Latino, and 1.0% Other. The proportional representation of Black/African American and Hispanic/Latino youth increases significantly while the proportional representation of both White and Asian youth drops noticeably.

Comparative data for calendar year 2004 show that the demographic breakdown by race/ethnicity within the total youth population statewide (n=989,643) ages 10 through 17 is

[20] Data tables for each of the twenty-one counties are included in Appendix B-1.1 through B-1.21. The Committee again acknowledges the Juvenile Justice Commission and Executive Director Veleria N. Lawson for providing the opportunity to make these data available in the Committee's 2007-2009 biennial report.

[21] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of changes in federal race/ethnicity categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race.

74.6% White, 18.2% Black/African American, 16.3% Hispanic/Latino, 6.8% Asian, and 0.4% American Indian/Alaska Native[22]. The Committee notes that similar to calendar year 2006 moving through the decision-making points along the continuum the proportional representations by race/ethnicity again gradually and notably shift with increased percentages of youth of color and decreased percentages of White youth occurring particularly at points leading to more restrictive outcomes (e.g., secure detention or secure confinement). These shifts in proportional representation once again culminate at the final decision-making point resulting in confinement to secure juvenile facilities. At the final point along the continuum, the population snapshot for calendar year 2004 is 14.5% White, 66.4% Black/African American, 18.6% Hispanic/Latino, 0% Asian, and 0.4% Other. As the data showed for 2006, the data that the Committee reviewed for 2004 again shows that the proportional representation of Black/African American and Hispanic/Latino youth increases significantly while the proportional representation of both White and Asian youth drops measurably.

Contrasting the demographic data for the final step in the juvenile justice continuum, i.e., cases resulting in secure confinement, while the overall juvenile population ages 10 through 17 was higher in 2004, the proportional representation of minority youth increased for Black/African American youth slightly and for Hispanic/Latino and Other youth measurably. While this comparison of data for calendar years 2004 and 2006 does not identify the factors contributing to the noted increases in the representation of youth of color, the Committee views the continued disproportional representation of youth of color as an issue that warrants further examination and remediation. While the Committee is not suggesting that representation within detention or secure confinement should match the proportional representation within the general youth population, the Committee nevertheless finds the marked disparities to be a source of great

[22] See previous footnote.

concern. Recognizing that its examination of the data in terms of numbers, percentages, and proportional representation is the first in a series of steps, the Committee plans next to look at the data in terms of the national standard of measure, the relative rate index[23].

[23] The U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention defines the relative rate index: "The relative rate index (RRI) method involves comparing the relative volume (rate) of activity at each major stage of the juvenile justice system for minority youth with the volume of activity for White (majority) youth. The method of comparison provides a single index number which tells the extent to which the volume of activity for minority youth differs from that of White youth. The RRI merely serves as a red flag. It is used to identify points on the juvenile justice continuum that are in need of further investigation in regards to disproportionality. However, taken alone, the RRI does not tell if there is a problem that needs to be addressed with intervention or what intervention, if any, to use" (Provided by the Juvenile Justice Commission, January 9, 2009).

Table 2-1. Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Statewide

Decision-Making Points	Total Youth	White		Black/African American		Hispanic/ Latino		Asian		Native Hawaiian/ other Pacific Islanders		American Indian/ Alaska Native		Other/ Mixed		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[24a]	970,130	719,597	74.2	175,289	18.1	165,018	17.0	71,032	7.3	0	0	4,212	0.4	0	0.0	[redacted]	[redacted]
2. Juvenile Arrests	73,540	35,281	48.0	26,305	35.8	11,190	15.2	667	0.9	0	0	97	0.1	0	0.0	38,259	52.0
3. Refer to Juvenile Court	32,743	14,058	42.9	12,621	38.5	4,752	14.5	468	1.4	0	0	33	0.1	811	2.5	18,685	57.1
4. Cases Diverted	13,982	7,002	50.1	4,314	30.9	1,912	13.7	216	1.5	0	0	19	0.1	519	3.7	6,980	49.9
5. Cases Involving Secure Detention	9,564	1,328	13.9	6,248	65.3	1,865	19.5	0	0	0	0	0	0.0	123	1.3	8,236	86.1
6. Cases Resulting in Delinquent Findings	15,643	6,132	39.2	6,767	43.3	2,297	14.7	223	1.4	0	0	14	0.1	210	1.3	9,511	60.8
7. Cases resulting in Probation Placement	7,787	2,703	34.7	3,664	47.1	1,248	16.0	103	1.3	0	0	8	0.1	61	0.8	5,084	65.3
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	843	86	10.2	566	67.1	183	21.7	0	0.0	0	0	0	0.0	8	1.0	757	89.8
9. Cases Transferred to Adult Court[25]	N/A																

Data Table Source: Juvenile Justice Commission

[24] Calendar year 2006 figures for each of the numbered steps (juvenile justice continuum decision-making points) provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[25] Transfers of selected juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will make the related data available.

3. The New Jersey Judiciary

a. Updates

In its 2004-2007 report, the Committee reported proffering three mid-cycle recommendations relating to disproportionate minority contact on an emergent/time-sensitive basis including the establishment of a partnership with the (then) newly-formed Children's Justice Clinic at Rutgers Law School-Camden. The Committee is pleased to report that notable progress has been made in terms of the aforementioned recommendation including the appointment of one of the co-directors of the Rutgers-Camden Children's Justice Clinic to the Committee. Effective court-community partnerships such as this one are vital to fulfilling the goals and objectives of the Judiciary's Minority Concerns Initiative. The Committee highly values the numerous ways in which the related efforts of the three New Jersey law schools contribute to its work.

b. Discussion of Current Related Judiciary Activities: JDAI and Judiciary Disposition Alternatives

Through JDAI[26], New Jersey has been highly successful in reducing the number of youth in detention. To highlight just a few of the successes and point out a few of the challenges, the Committee elected to review the data for the five original JDAI pilot sites, namely Atlantic, Camden, Essex, Hudson, and Monmouth Counties, now referenced as the program expands statewide as the Phase I sites. The benefit of looking to these five sites is that JDAI has become institutionalized in these venues so five-year longitudinal data are available.

[26] JDAI is the interagency Juvenile Detention Alternatives Initiative (JDAI) currently funded by a grant from the Annie E. Casey Foundation.

Table 2-2. Average Daily Juvenile Detention Population,
Five Original JDAI Pilots Sites

Original Sites	Capacity*	2003	2004	2005	2006	2007	1-Yr Change '06-'07		4-Yr Change '03-'07	
							Youth	*%*	*Youth*	*%*
Atlantic	*(27)*	34.1	30.5	30.4	24.8	30.3	+6	+22.2%	-4	-11.1%
Camden	*(37)*	94.6	78.9	61.5	47.6	44.7	-3	-6.1%	-50	-52.7%
Essex	*(242)*	243.6	171.0	138.5	115.1	128.6	+14	+11.7%	-115	-47.2%
Monmouth	*(40)*	40.0	39.5	24.9	22.2	21.8	< -1	-1.8%	-18	-45.5%
Hudson	*(79)*	86.7	79.2	66.2	74.3	63.1	-11	-15.1%	-24	-27.2%
TOTAL	*(425)*	499.0	399.1	321.5	284.0	288.5	+5	+1.6%	-211	-42.2%

Data Source: 2007 JDAI Annual Report (Table 1: ADP Population, p. 1)

Table 2-2: Average Daily Juvenile Detention Population shows that in each of the five original JDAI sites (Atlantic, Camden, Essex, Hudson, and Monmouth Counties) and for the five sites combined initiatives have been very successful at reducing the overall daily population in juvenile detention. For the five year period 2003-2007, the average daily population in juvenile detention decreased in the five counties combined by 42.2%.

Table 2-3. Average Daily Minority Juvenile Population in Detention
Five Original JDAI Pilots Sites

Original Sites	2003	2004	2005	2006	2007	1-Yr Change '06-'07		4-Yr Change '03-'07	
						Youth	*%*	*Youth*	*%*
Atlantic	30.6	27.6	27.8	22.1	28.4	+6	+28.5%	-2	-7.2%
Camden	79.9	67.3	52.1	40.8	39.9	-1	-2.2%	-40	-50.1%
Essex	242.6	170.2	137.9	114.1	127.3	+13	+11.6%	-115	-47.5%
Monmouth	29.8	27.5	20.0	17.9	18.4	+1	+2.8%	-11	-38.3%
Hudson	82.5	74.9	63.3	71.9	62.1	-10	-13.6%	-20	-24.7%
TOTAL	465.4	367.5	301.1	266.8	276.1	+9	+3.5%	-189	-40.7%

Data Source: 2007 JDAI Annual Report (Table 12: ADP Population of Minority Youth in Detention, p. 8)

Table 2-3: Average Daily Minority Juvenile Detention Population shows that again in each of the five original JDAI sites and again also for the five sites combined initiatives have been very successful at reducing the average daily minority population in juvenile detention. For

the five year period 2003-2007, the average daily population in juvenile detention decreased in the five counties combined by 40.7%.

Table 2-4. Average Length of Stay (LOS) in Detention,
Minority vs. Non-Minority (White) Youth
Five Original JDAI Pilots Sites

Original Sites	Minority Youth				White Youth			
	[a]2003	2005	2006	2007	2003	2005	2006	2007
Atlantic	31.2	28.3	22.6	24.9	18.7	25.3	17.0	15.5
Camden	21.9	19.2	17.2	20.0	13.2	16.5	18.0	21.0
Essex	40.3	30.3	20.8	23.1	20.9	12.9	13.1	14.1
Monmouth	37.9	26.3	22.1	25.9	21.7	18.2	13.3	15.8
Hudson[b]	30.2	22.5	28.0	24.0	15.8	27.3	27.3	8.9
TOTAL	33.2	26.1	21.8	23.1	16.6	18.1	16.6	15.7

Data Source: 2007 JDAI Annual Report (Table 13: Average LOS in Detention, Minority vs. White Youth, p. 9)
[a] 2003 figures are based on a 4-month sample (Jan, Apr, Jul, Oct) for each site.
[b] Hudson's 2005 figures are based on Sept through Dec.

Table 2-4: Average Length of Stay (LOS) in Detention shows that in each of the five original JDAI sites and also for the five sites combined JDAI has been successful at reducing the average length of stay for both minority and non-minority youth. The Committee observes, however, that *except* for Camden the average length of stay in detention is higher for minority youth than it is for White youth. For the five sites combined the difference in average length of stay for minority youth is an additional 7.4 days, a difference of slightly over one full week on average. The Committee encourages the Judiciary to assist in identifying factors that contribute to the noted disparity and identify what steps can be taken to remedy it.

Table 2-5. Percent (%) of Detention Admissions Comprised of Minority Youth
Five Original JDAI Pilots Sites

Original Sites	2003	2004	2005	2006	2007	1-Yr Change '06-'07		4-Yr Change '03-'07	
						Points	*%*	*Points*	*%*
Atlantic	85.0%	84.1%	87.8%	85.5%	90.2%	+4.7	+5.5%	+5.2	+6.1%
Camden	80.4%	80.4%	83.7%	85.5%	90.4%	+4.9	+5.7%	+10.0	+12.4%
Essex	98.5%	97.8%	98.1%	97.7%	97.4%	-0.3	-0.3%	-1.1	-1.1%
Monmouth	62.8%	64.0%	69.8%	72.7%	76.8%	+4.1	+5.6%	+14.0	+22.3%
Hudson	93.9%	94.1%	95.0%	96.9%	96.4%	-0.5	-0.5%	+2.5	+2.7%
TOTAL	89.0%	88.5%	91.4%	91.9%	93.7%	+1.8	+2.0%	+4.7	+5.3%

Source: 2007 JDAI Annual Report (Table 14: % of Detention Admissions Comprised of Minority Youth, p. 10)

Table 2-5: Percent (%) of Detention Admissions Comprised of Minority Youth indicates that in four of the five original JDAI sites and also for the five sites combined the percent of detention admissions comprised by minority youth for the five year period 2003-2007 has in fact increased. Since the Committee has not had an opportunity to explore related data, the Committee is not in a position to hypothesize as to what factors contribute to this phenomenon but encourages the Judiciary to look at this dynamic very closely as it continues its participation in the interagency JDAI project. The Committee notes that these data relate to the time period prior to the piloting of the standardized Risk Screening Tool (RST) and remains hopeful that the standardization of the assessment tool will ameliorate these disparities. The Committee looks forward to reviewing the Family Practice Division's report on the pilot when it becomes available.

The overall successes that the State of New Jersey has realized through its participation in the Casey Foundation-funded Juvenile Detention Alternatives Initiatives (JDAI) undoubtedly are valuable and important. In this work, New Jersey is leading the way in statewide approaches to systemic juvenile detention reform and as was noted by the Casey Foundation at the annual

statewide JDAI conference in 2008 is to be commended for developing a model for statewide interagency implementation of comprehensive juvenile detention reform.

With the "reduction of racial disparities" as one of the core strategies of the JDAI framework[27], JDAI offers future promise in the ongoing efforts to address disproportionate minority contact (DMC). "*Reducing* racial disparities" can be an effective complement to an institutional action plan developed by the Court to address disproportionate minority contact (i.e., the overrepresentation of youth of color at all of the points along the juvenile justice continuum) and disproportionate minority confinement (i.e., the overrepresentation of youth of color in detention). However, JDAI alone cannot be positioned as the singular solution to addressing this issue: While it is expected that many of the important successes realized by the JDAI initiative will remain institutionalized through continued interagency collaboration, addressing the broader issue of systemic disparities in justice outcomes for minority youth requires the Court to establish its own internal action plan to execute initiatives aimed at eliminating racial disparities in the juvenile justice system.

The Committee recommends that the Judiciary further engage JDAI with respect to disproportionate minority contact through the JDAI core strategy of "reducing racial disparities in juvenile detention" while simultaneously maintaining its own comprehensive statewide institutional plan to address disproportionate minority contact in both juvenile justice and child welfare matters and systemic disparities in juvenile justice and child welfare outcomes.

While the Judiciary continues to realize great successes in the reduction of the number youth in detention overall through its involvement in the interagency Annie E. Casey Foundation-funded Juvenile Detention Alternatives Initiative (JDAI), the Judiciary also has

[27] Annie E. Casey Foundation. "Juvenile Detention Alternatives Initiative: Core Strategies," Pathways to Detention Reform #8. http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative/CoreStrategies.aspx

longstanding disposition alternatives that are positioned to assist in addressing the issue of disproportionate minority contact, e.g., the Juvenile Conference Committees (JCCs), Intake Service Conferences (ISC), and Juvenile Referees. The Committee recommends the Judiciary review data to ascertain the ways in which these internal disposition alternative mechanisms support the goals of reducing disproportionate minority contact and the ways in which the strengths of these disposition alternatives meet and support the goals of the Court's emerging action plan.

c. Development of the Judiciary's DMC Action Plan

Disproportionate minority contact continues to be a national concern. The *Statewide Interagency Self-Study Examining the Possibility of Disparities in Juvenile Justice Outcomes for Minority Youth* (2002) confirms that this issue remains a concern in New Jersey. Data for each of the decision-making points along the juvenile justice continuum reveals that racial/ethnic minorities continue to be disproportionately overrepresented. Although New Jersey is leading the way in statewide approaches to systemic juvenile detention reform, as the Committee has already noted, JDAI alone cannot singularly provide the solution to addressing systemic disparities in justice outcomes for minority youth and addressing disproportionate minority contact along the entire juvenile justice continuum.

Throughout the course of the past 20 years, the New Jersey Judiciary has attempted to address disproportionate minority contact in various ways. The Court is engaged in collaborative detention reform efforts such as the Juvenile Detention Alternatives Initiative (JDAI). The Judiciary has not had a systemwide action plan to address *systemic disparities in juvenile justice outcomes for minority youth* or *disproportionate minority contact*, however, is presently developing an action plan that is intended to institutionalize the prioritization of this issue.

The Committee sees as central to the emerging plan the recognition that as a separate but co-equal branch of state government the Court has a unique and palpable set of responsibilities with respect to disproportionate minority contact and systemic disparities in juvenile justice outcomes. Although the Court should continue its collaborative interagency partnerships that assist in the reform of juvenile detention and contribute to the reduction of the disproportionate overrepresentation of minority youth in both the juvenile justice and child welfare systems, the Court also must sustain an internal gaze and examine critically its own procedures, policies, and protocols relating to each of the decision-making points along the juvenile justice and child welfare continuums.

While the principal focus of JDAI is detention, a comprehensive *Judiciary Action Plan to Address Systemic Disparities in Justice Outcomes for Minority Youth* would focus on the entire continuum and on outcomes in addition to detention. The Committee applauds the reductions in the overall number of youth in detention realized through the JDAI initiative but notes that it is important to bear in mind that in contexts where minority youth are overrepresented in detention reducing the overall number of youth in detention will also reduce the number of youth of color in detention. However, mathematically speaking, the Committee also recognizes that reducing the number of youth in detention does not necessarily address the issue of systemic disparities in juvenile justice outcomes for minority youth or the overrepresentation of youth of color in detention and reductions in the overall number of youth in detention may in fact, albeit as an unintended consequence, result in a greater disproportionality and overrepresentation of youth of color. The longitudinal data for the five first-phase JDAI counties demonstrate this point as do data for some of the individual phase 1 JDAI counties.

As Chief Justice Deborah T. Poritz noted in her opening remarks at the September 2006 Minority Concerns Conference, "Addressing Disparities in Juvenile Justice Outcomes for Minority Youth," the Court has a singular unique role to play in addressing these issues:

> The Courts are at the center of this system and have special authority over the system. The Courts have a special responsibility for the fair and humane operation of the system… Through an understanding of what happens before a juvenile enters the system and then of what happens after a juvenile leaves court, our judges can lead the way. It is the leadership of the Court that can make a true difference.

The Committee believes that the framework for this Court's action plan should incorporate the operational principles identified at both the 2006 Minority Concerns Conference and the Judiciary's 1989 Conference on this topic which called for an action plan that:

- sustains internal focus on addressing systemic disparities;
- builds in accountability and publishes results periodically;
- includes established timelines and continuous monitoring of the implementation of proposed action steps at the vicinage, central office, and state levels;
- contributes to effective ongoing communication among vicinages and stakeholders;
- provides for regular periodic meetings, problem solving, and brainstorming sessions among the vicinages including judges and line staff;
- establishes a judiciary-wide task force on disproportionate minority contact; and
- commits to listen to the voices of youth and the community.

The purpose of the plan should be to provide direction to the Court's unified statewide efforts to monitor for systemic disparities in juvenile justice outcomes and to reduce the overrepresentation of racial/ethnic minorities in juvenile delinquency as well as other Family Part docket types.

As the Court moves forward in adopting a fully-developed action plan on disproportionate minority contact, the Committee is reminded that in addition to reviewing statistical data it will be important also to consider the court-related areas of interest identified in

the county reports of the statewide inquiry into the possibility of disparities in justice outcomes for minority youth:

- intake screening procedures for admission to detention;
- municipal court bench warrants;
- realignment of race/ethnicity classification categories to match U.S. Census (2000) categories;
- 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; and
- early substance abuse intervention for youth.

Since the Committee's most recent report, the Court has already made progress in a number of these areas. Intake screening procedures for admission to detention are being addressed through the Risk Screening Tool developed through JDAI and currently being piloted in four of the five original JDAI pilot sites. Concerns about the detention of juveniles on municipal court bench warrants appears to have been a local issue that was addressed with a clarification of protocol by the Assignment Judge. Institutionalization of collaboration among key stakeholders involved in the Juvenile Justice System continues both formally and informally. Efforts to diversify court volunteers particularly relating to Family Court programs continue and are discussed in greater detail in Chapter 3 of this report. Diversity and cultural competency training for court staff continues regularly to be available to managers and staff through Organizational Development & Training (OD&T), EEO/AA, vicinage and regional training opportunities, and program-specific training. The Court's work in these areas is noteworthy and, in the view of the Committee, should be continued and, as needed, enhanced.

The areas where more specific work needs to be done to support the Judiciary's overall work on disproportionate minority contact are (1) realignment of race/ethnicity classification categories used in data collection and management to match the options provided and reported

by the U.S. Census (2000), (2) training and support for parents and youth; and (3) early substance abuse intervention. As the Judiciary expands its work in these areas, the Committee will continue to offer its services the Court in this important work for youth and families.

d. Vicinage-Level Monitoring of Disproportionate Minority Juvenile Contact

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 ongoing collaboration with the Court, including with the Family Division Presiding Judges and Family Division Managers, at the vicinage and central office levels. During the current committee term, the vicinage advisory committees have been playing an active leadership role in the vicinage-level monitoring of disproportionate minority contact. In the time since the September 2006 Judiciary in-service, the Vicinage Advisory Committees on Minority Concerns (VACMC), mirroring the Supreme Court Committee on Minority Concerns Subcommittee on Juvenile Justice and the Family, have devoted considerable attention to developing a deeper understanding of the spectrum of issues and factors relating to systemic disparities in justice outcomes for youth of color and disproportionate minority juvenile confinement (DMC).

At the September 17, 2008 meeting of the Conference of Vicinage Advisory Committee on Minority Concerns (VACMC) Chairs and Staff, each vicinage shared a brief status report highlighting selected steps that the local VACMC have recently undertaken in monitoring and addressing disproportionate minority juvenile contact. These brief overviews, where applicable, included discussion of the outcomes of any meetings with the County Prosecutor and the

vicinage's Family Presiding Judge and Family Division Manager. The work of the Vicinage Advisory Committees on Minority Concerns in this area remains a shared statewide priority.[28]

e. Committee Recommendations and Next Steps

The county self-study reports discussed in the 2004-2007 committee report note that there are a series of decision-making points that take place prior to a youth's first contact with the courts and that these decision-making points are key in determining 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 reduces, and may even eliminate, the court's influence over or responsibility for any disparities in final outcomes. Although the Committee appreciates this position, the Committee supports the Judiciary's efforts to remain proactive in examining and improving its processes, procedures, and outcomes within the juvenile justice system.

In light of the Committee's extensive work this term to understand more fully the complexities and nuances that arise in addressing disproportionate minority contact and in support of the Court's work relating to systemic disparities in justice outcomes for minority youth and disproportionate minority contact in juvenile delinquency matters, the Committee offers the following recommendations:

[28] A brief summary of each vicinage advisory committee's report on selected recent activities relating to disproportionate minority juvenile contact is included in Appendix B-2.

Recommendation 09:02.1

The Committee recommends that the Court adopt and enact a Judiciary action plan to address disproportionate minority contact that (1) establishes as a divisional best practice the address of disproportionate minority contact; (2) engages in ongoing regular monitoring of data on disproportionate minority juvenile confinement at the state level (i.e., judges and managers conferences) and the vicinage level; (3) monitors data on a regular basis (e.g., monthly) data on the various decision-making points along the juvenile justice continuum in which the Court plays a decision-making role; (4) includes plans for addressing disproportionate minority contact as an evaluation element in the Family Division team visits to the vicinages; and (5) provides a method/template by which the Court can regularly review data on other Family Part docket types to monitor for disproportionate representation of children/youth of color.

Recommendation 09:02.2

The Committee recommends that the Judiciary review data to ascertain the ways in which the Court's existing disposition alternatives such as the Juvenile Conference Committees support the goals of reducing disproportionate minority contact and identify the ways in which the strengths of these disposition alternatives meet and support the goals of the Court's emerging action plan.

As the Committee noted in its 2004-2007 report,

> "the issue of systemic 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 Committee remains firm in its belief 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 Court's behalf to bring all the stakeholders and partner agencies together to address seriously and systematically the factors that contribute to disparate justice outcomes for minority youth" (2004-2007 Report, p. 27).

The Committee recognizes that disproportionality may not be the fault or the result of any one agency alone and that there are external factors operating in society that have a tremendous impact on institutional responses to this protracted problem. However, the Committee holds the view that the responsibility to address disproportionality and overrepresentation involves enacting an institutional action plan along with continuing the many collaborative interagency efforts that are already in place. The Committee remains encouraged that both the individual

efforts of the Judiciary and the combined efforts with its partner agencies will over time have a measurable impact on reducing systemic disparities in justice outcomes for minority youth.

B. Minority Representation in Abuse & Neglect Cases (FN Docket)

According to the Center for the Study of Social Policy, "although African Americans constituted 15% of the child population of the United States in 1999, they accounted for 45% of the children in substitute care [and] in contrast, [White] children, who constituted 60% of the U.S. child population [in 1999] accounted for only 36% of the children in out-of-home care."[29] Pursuing an interest that emerged during the 2004-2007 committee term, as the Committee continued its exploration of the overrepresentation of racial/ethnic minorities throughout the juvenile justice system, the Committee became interested in examining whether and, if so, to what degree, racial/ethnic minorities are overrepresented disproportionately in abuse and neglect cases before the New Jersey Superior Court.

Similar to the construction and dynamics of the juvenile justice continuum, the child welfare continuum is comprised of a series of decision-making points, a number of which precede a case's referral to the Court and are outside the direct authority of the Court. Similar to its role in the juvenile justice continuum, the Court plays a significant and unique role in the handling and resolution of child welfare cases that are pursued through formal abuse and neglect charges. Consequently, concern for the (over)representation of racial/ethnic minorities in abuse and neglect cases (FN docket) is important to the Court and should be added to the Committee's research agenda. Although the Committee understands that the Court does not determine or control charges that are filed, the Committee recognizes the singular opportunity that the Court has to address this issue through its role at the decision-making points along the child welfare

[29] Derezotes, Dennette, Poertner, John, Testa, Mark F. (eds.) "Race Matters in Child Welfare: The Overrepresentation of African American Children in the System," Race Matters Consortium. Washington, DC: Child Welfare League of America, 2005.

continuum that fall within its administrative purview. As a partner with other agencies within the child welfare system, the Court, as it does in matters relating to juvenile delinquency and disproportionate minority contact, has a unique role in cultivating, encouraging, and sustaining partnerships that contribute meaningfully to improvements throughout the entire child welfare system.

With this framework in mind, the Committee commenced its work on this issue by identifying information, data, and resources available regarding child abuse and neglect complaints handled by the New Jersey Department of Children and Families, Division of Youth and Family Services (DYFS) and data available on abuse and neglect cases (i.e., the FN docket) handled by the New Jersey Courts.

In considering whether racial/ethnic minorities are overrepresented in abuse and neglect cases before the New Jersey Courts, the Committee first examined at the national level the broad issue of disproportionate overrepresentation of racial/ethnic minorities along the child welfare continuum. The Center for the Study of Social Policy (CSSP) in Washington D.C. reports that "Currently, there is no widely used method of calculating racial over-representation [or] racial disparity in the foster care system."[30] In the absence of a wide-scale established measure with which to assess race/ethnicity representation along the child welfare continuum, the Center for the Study of Social Policy (CSSP) calculated a "racial disproportionality ratio" to measure relative representation by race/ethnicity. Using data for calendar year 2000, the methodology that the CSSP researchers utilized divided the proportions of Black and Non-Hispanic White children in the foster care system specifically by their respective proportions in the state population under the age of 18. This process led to the identification of four categories of

[30] "The Race + Child Welfare Project. Fact Sheet 2: State-by-State Statistical Profile of Racial Over-Representation in Foster Care." Washington, D.C.: Center for the Study of Social Policy, 2004. http://www.cssp.org/uploadFiles/statORFactSheet2.pdf

(dis)proportional representation: comparable representation (4 states), moderate disproportion (15 states), high disproportion (15 states), and extreme disproportion (16 states). For the year 2000, the Center for the Study of Social Policy classified New Jersey in the extreme disproportion category: For the year 2000, in New Jersey Black/African American children represented 16.4% of the population under age 18 and 61.3% of children in the foster care system whereas White children represented 59.4% of the population under age 18 but only 30.2% of children in foster care. While engagement in a variety of statewide system reforms suggests that marked improvements have been made throughout the child welfare system in New Jersey in recent years, the data show that children of color, in particular Black/African American children, are disproportionately overrepresented in the foster care system. Recognizing this fact is important because it stands to reason therefore that since children of color are overrepresented in the foster care system children of color may be disproportionately overrepresented in the Court's abuse and neglect (FN) docket. To test this hypothesis, the Committee examined data on race/ethnicity and on gender for FN cases pending as of June 4, 2008.

Table 2-6. New Jersey Judiciary Pending Abuse and Neglect Cases (FN), June 4, 2008

COUNTY		White	Black/ African Am.	Hispanic / Latino	Asian	Amer. Ind.	Alaskan Native	Other	TOTAL KNOWN	Unknown	TOTAL
Atlantic	#	45	43	16	2	0	0	1	107	69	176
	%	42.1%	40.2%	6.0%	1.9%	0.0%	0.0%	1.0%	60.8%	39.2%	100.0%
Bergen	#	108	40	33	5	0	0	3	189	124	313
	%	57.1%	21.2%	14.5%	2.7%	0.0%	0.0%	1.6%	60.4%	39.6%	100.0%
Burlington	#	72	53	0	1	0	0	2	128	25	153
	%	56.3%	41.4%	1.1%	1.0%	0.0%	0.0%	1.6%	83.7%	16.3%	100.0%
Camden	#	61	78	20	6	0	0	7	172	158	330
	%	35.5%	45.3%	10.3%	3.5%	0.0%	0.0%	4.1%	52.1%	47.9%	100.0%
Cape May	#	80	13	11	0	0	0	5	109	25	134
	%	73.4%	11.9%	12.5%	0.0%	0.0%	0.0%	4.6%	81.3%	18.7%	100.0%
Cumberland	#	37	43	26	0	0	0	10	116	43	159
	%	31.9%	37.1%	19.1%	0.0%	0.0%	0.0%	8.6%	73.0%	27.0%	100.0%
Essex	#	25	529	59	3	0	0	6	622	365	987
	%	4.0%	85.0%	10.4%	0.4%	0.0%	0.0%	1.0%	63.0%	37.0%	100.0%
Gloucester	#	59	37	2	3	0	0	4	105	51	156
	%	56.2%	35.2%	5.6%	2.9%	0.0%	0.0%	3.8%	67.3%	32.7%	100.0%
Hudson	#	49	131	148	2	0	0	4	334	172	506
	%	14.7%	39.2%	42.8%	0.6%	0.0%	0.0%	1.2%	66.0%	34.0%	100.0%
Hunterdon	#	21	1	5	0	0	0	1	28	7	35
	%	75.0%	3.6%	11.1%	0.0%	0.0%	0.0%	3.6%	80.0%	20.0%	100.0%
Mercer	#	24	147	22	1	0	0	2	196	102	298
	%	12.2%	75.0%	6.0%	0.5%	0.0%	0.0%	1.0%	65.8%	34.2%	100.0%
Middlesex	#	71	73	33	1	0	0	3	181	153	334
	%	39.2%	40.3%	14.9%	0.6%	0.0%	0.0%	1.7%	54.2%	45.8%	100.0%
Monmouth	#	83	96	12	1	0	0	3	195	118	313
	%	42.3%	49.0%	5.4%	0.5%	0.0%	0.0%	1.5%	62.3%	37.7%	100.0%
Morris	#	37	15	9	2	0	0	3	66	46	112
	%	57.0%	23.0%	17.4%	3.0%	0.0%	0.0%	4.6%	59.0%	41.1%	100.0%
Ocean	#	153	45	20	1	0	0	4	223	108	331
	%	68.6%	20.2%	11.1%	0.5%	0.0%	0.0%	1.8%	67.4%	32.6%	100.0%
Passaic	#	25	79	44	1	1	0	0	150	84	234
	%	16.7%	52.7%	26.8%	0.7%	0.7%	0.0%	0.0%	64.1%	35.9%	100.0%
Salem	#	27	29	0	0	0	0	2	58	13	71
	%	46.6%	50.0%	5.6%	1.9%	0.0%	0.0%	3.4%	81.7%	18.3%	100.0%
Somerset	#	48	36	14	1	0	0	2	101	44	145
	%	47.5%	35.7%	8.3%	1.0%	0.0%	0.0%	2.0%	69.7%	30.3%	100.0%
Sussex	#	33	0	1	0	0	0	1	35	13	48
	%	94.2%	0.0%	2.9%	0.0%	0.0%	0.0%	2.9%	72.9%	27.1%	100.0%
Union	#	17	130	23	1	0	0	1	172	139	311
	%	9.9%	75.6%	11.1%	0.6%	0.0%	0.0%	0.6%	55.3%	44.7%	100.0%
Warren	#	55	5	4	0	0	0	2	66	29	95
	%	83.3%	7.6%	4.5%	0.0%	0.0%	0.0%	3.0%	69.5%	30.5%	100.0%
TOTAL	#	1130	1623	502	31	1	0	66	3353	1888	5241
	%	33.7%	48.4%	15.0%	0.9%	<0.1%	0.0%	2.0%	64.0%	36.0%	100.0%

Data Source: AOC Family Division

As *Table 2-6 New Jersey Judiciary Pending Abuse and Neglect Cases (FN)* depicts, race/ethnicity data were available for 64.0% (n=3,353) of the children who as of June 4, 2008 were the subjects of the pending abuse and neglect cases currently before the Court (n=5,241). Of the 3,353 children in abuse and neglect cases for whom race/ethnicity information is available, 48.4% statewide (n=1,623) are identified as Black/African American, 15.0% as Hispanic/Latino, 0.9% as Asian, <0.1% as American Indian, and 2.0% as Other for a combined total of 66.3% (n=2,223) being children/youth of color.

Although race/ethnicity data are only available for 64% of the children in abuse and neglect cases currently before the New Jersey Superior Court, the available data are sufficient so the Committee is confident that the observed overrepresentation that is of concern is an actual phenomenon and not a mirage resulting from biased sampling. While the Committee cannot offer findings at this time from the available race/ethnicity data about the extent of disproportionate overrepresentation of children of color in the entire universe of abuse and neglect cases, the initial indications of disproportionality within the pool of children for whom race/ethnicity data are reported[31] underscore the need to obtain additional data in order to be able to examine the issue more fully and measure the extent of disproportionality. This research will provide a clearer picture of the representation of children of color in abuse and neglect cases before the New Jersey Courts.

The Committee understands that as part of the Judiciary's emerging plan to address disproportionate minority contact along the juvenile justice continuum the Court will also explore and develop plans to address minority representation in other Family Part docket types. The Committee supports the Judiciary's efforts to monitor disproportional minority

[31] Although the Committee does not have sufficient information at this time to characterize fully the process by which these race/ethnicity data have been collected, the Committee can observe that even if all of the "unknowns" were in fact non-minority significant issues of overrepresentation would remain.

representation in the abuse and neglect docket and encourages the Court to sustain this self-critical work.

While the data do not provide the basis for calculating the exact representation of minority and non-minority children involved in abuse and neglect cases before the Court, the disproportionate overrepresentation of minority youth in the 3,353 cases where the race/ethnicity of the child is known does provide enough information to substantiate ongoing efforts to secure better data and engage in additional research in order to understand more fully the factors that contribute to this disproportionality and to identify ways that the Court can contribute to reductions in the disproportional overrepresentation of children of color in abuse and neglect cases. To this end, the Committee makes the following recommendations in support of the Court's work relating to the overrepresentation of children of color in abuse and neglect cases.

Recommendation 09:02.3

The Committee recommends that the Judiciary as directed by the Chief Justice communicate to the Executive Branch its concerns about the gaps in data relating to race/ethnicity of children involved in the child welfare system broadly and children involved in abuse and neglect cases before the Court specifically. The Committee recommends that the Court work collaboratively with the Executive Branch to identify mutually beneficial ways to improve the collection, availability, and usability of demographic data relating to children in the child welfare system.

Recommendation 09:02.4

The Committee recommends that as part of the Judiciary's statewide action plan to examine disproportional overrepresentation of children of color in abuse and neglect cases the Judiciary engage in ongoing regular review and analysis of available data at both the state and vicinage levels to monitor for the disproportional overrepresentation of children of color in abuse and neglect cases and where appropriate that plans for addressing disproportional minority/non-minority representation in the FN and related docket types such as FG, FC, and FF as an evaluation element in the Family Division team vicinage visitation reports. The Committee also recommends that the Court develop a methodology for assessing minority overrepresentation comparable to the relative rate index used in measuring disproportionate minority contact along the juvenile justice continuum. The Committee is prepared to assist in the development of these measurement tools.

Recommendation 09:02.5
The Committee recommends that the Judiciary continue its support for systemwide initiatives at the state- and vicinage levels to monitor for disproportional overrepresentation of children of color in abuse and neglect cases through initiatives including but not limited to training, in-service, and professional development opportunities for judges, staff, and other stakeholders such as the upcoming (proposed) CIC Improvement Conference on the minority representation in abuse and neglect cases.

The Committee plans to continue its study of disproportional minority representation in the abuse and neglect docket.

C. Minority Representation Among Youth Free for Adoption ("Legal Orphans")

This term the Committee expanded its attention to the issue of the overrepresentation of racial/ethnic minorities to examine the representation of racial/ethnic minorities among youth whose parents' rights have been terminated and are free to be placed permanently through adoption, youth who technically speaking are considered "legal orphans." During this section of its discussion the Committee uses the term "legal orphans" with reservation. While the Committee recognizes that "legal orphans" is a technically accurate description of youth whose parents' parental rights have been terminated, the Committee finds that, considering the nature and dynamics of language, the phrase tends to put the focus on "orphan" as a permanent identity rather than as a temporary status, working unconsciously against the goal of permanency and stability through adoption. Throughout the course of its discussion, the Committee uses the expression "youth post-termination [of parental rights]/pre-adoption" or "youth free for adoption," terminology that it used in its 2004-2007 report, interchangeably with "legal orphans."

In "More Good Than Harm: Legal Orphans and the New Jersey Post-Termination Project," the author notes that "[i]n the U.S. foster care system, many children languish in the legal and social limbo between termination of their parents' rights and adoption or some other

form of permanent living arrangement" (Floria, 2008).[32] The Committee is particularly interested in closely monitoring data on youth post-termination/pre-adoption because anecdotal evidence from multiple sources considered by the Committee during the previous term suggests strongly that male children/youth of color are most disproportionately overrepresented among youth available for adoption and many of them ultimately age out of the system before experiencing permanent placement with an adoptive family.

The Committee expanded its inquiry into this issue by reviewing the literature and identifying and examining available data in an effort to develop a more comprehensive understanding of the issue as reviewing available resources positions the Committee to articulate more substantively a recommended direction for the ongoing in-depth study of the issue over an extended period of time.

The Court and other state agencies involved in the child welfare system are guided by the federal *Adoption and Safe Families Act* (1997), also known as *ASFA*, in their work of finding/creating permanent homes for children in foster care. In the absence of family reunification as a desirable outcome, the goal is permanent placement through adoption. The intention of the *Adoption and Safe Families Act* through a variety of reporting and monitoring mechanisms is to facilitate the process of moving "legal orphans" into permanent placement, providing for permanency and stability within a specified period of time. The State of New Jersey advanced the federal *Adoption and Safe Families Act* by enacting legislation designed to create compliance with the federal requirements through the implementation of related procedures, protocols, and timelines.

[32] Floria, Sallyanne, P.J.F.P. (Essex). "More Good Than Harm: Legal Orphans and the New Jersey Post-Termination Project," Juvenile and Family Court Journal (National Council of Juvenile and Family Court Judges). Spring 2008: 59:2.

"More Good Than Harm: Legal Orphans and the New Jersey Post-Termination Project," has provided the Committee with a foundational understanding of the background on the legal orphans issue in New Jersey and the critically important role the Court plays not only in managing the case docket but also in fostering a climate that promotes permanency and stability for legal orphans and generates innovation at the vicinage level to ensure that the Court monitors and oversees this case type in ways that recognize the importance of suitable permanent homes for legal orphans.

The Committee started its statistical review by examining data provided by the Administrative Office of the Courts on youth post-termination/pre-adoption ("legal orphans") in New Jersey as of July 14, 2008. The data provided a breakdown on the census of legal orphans by county cross-tabbed with race/ethnicity.

Table 2-7. Statewide Census of Legal Orphans (Minors with Active FC Cases), July 2008

COUNTY		White	Black/ African Am.	Hispanic / Latino	Asian	Amer. Ind.	Alaskan Native	Other	TOTAL KNOWN	Unknown	TOTAL
Atlantic	#	5	26	2	0	0	0	0	33	15	48
	%	15.2%	78.8%	6.0%	0.0%	0.0%	0.0%	0.0%	68.8%	31.3%	100.0%
Bergen	#	29	30	10	0	0	0	0	69	47	116
	%	42.0%	43.5%	14.5%	0.0%	0.0%	0.0%	0.0%	59.5%	40.5%	100.0%
Burlington	#	23	62	1	1	0	0	3	90	12	102
	%	25.6%	68.9%	1.1%	1.1%	0.0%	0.0%	3.3%	88.2%	11.8%	100.0%
Camden	#	31	66	12	1	0	0	6	116	83	199
	%	26.7%	56.9%	10.3%	1.0%	0.0%	0.0%	5.2%	58.3%	41.7%	100.0%
Cape May	#	11	15	4	0	0	0	2	32	1	33
	%	34.4%	46.9%	12.5%	0.0%	0.0%	0.0%	6.3%	97.0%	3.0%	100.0%
Cumberland	#	12	21	9	0	0	0	5	47	8	55
	%	25.6%	44.7%	19.1%	0.0%	0.0%	0.0%	10.7%	85.5%	14.5%	100.0%
Essex	#	12	344	42	3	3	0	0	404	264	668
	%	3.0%	85.1%	10.4%	0.8%	0.8%	0.0%	0.0%	60.5%	39.5%	100.0%
Gloucester	#	21	13	2	0	0	0	0	36	11	47
	%	58.3%	36.1%	5.6%	0.0%	0.0%	0.0%	0.0%	76.6%	23.4%	100.0%
Hudson	#	19	47	50	0	0	0	1	117	35	152
	%	16.2%	40.2%	42.8%	0.0%	0.0%	0.0%	1.0%	77.0%	23.0%	100.0%
Hunterdon	#	5	3	1	0	0	0	0	9	0	9
	%	55.6%	33.3%	11.1%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	100.0%
Mercer	#	10	35	3	1	0	0	1	50	18	68
	%	20.0%	70.0%	6.0%	2.0%	0.0%	0.0%	2.0%	73.5%	26.5%	100.0%
Middlesex	#	14	26	7	0	0	0	0	47	25	72
	%	29.8%	55.3%	14.9%	0.0%	0.0%	0.0%	0.0%	65.3%	34.7%	100.0%
Monmouth	#	19	48	4	0	0	0	3	74	14	88
	%	25.7%	64.9%	5.4%	0.0%	0.0%	0.0%	4.1%	84.1%	15.9%	100.0%
Morris	#	11	6	4	0	0	0	2	23	21	44
	%	47.8%	26.1%	17.4%	0.0%	0.0%	0.0%	8.7%	52.3%	47.7%	100.0%
Ocean	#	51	35	11	0	0	0	2	99	44	143
	%	51.6%	35.4%	11.1%	0.0%	0.0%	0.0%	2.0%	69.2%	30.8%	100.0%
Passaic	#	9	32	15	0	0	0	0	56	30	86
	%	16.1%	57.1%	26.8%	0.0%	0.0%	0.0%	0.0%	65.1%	34.9%	100.0%
Salem	#	20	29	3	1	0	0	1	54	16	70
	%	37.0%	53.7%	5.6%	1.9%	0.0%	0.0%	1.9%	77.1%	22.9%	100.0%
Somerset	#	7	4	1	0	0	0	0	12	5	17
	%	58.3%	33.3%	8.3%	0.0%	0.0%	0.0%	0.0%	70.6%	29.4%	100.0%
Sussex	#	16	3	0	0	0	0	0	19	6	25
	%	84.2%	15.8%	0.0%	0.0%	0.0%	0.0%	0.0%	76.0%	24.0%	100.0%
Union	#	10	73	11	2	0	0	3	99	59	158
	%	10.1%	73.7%	11.1%	2.0%	0.0%	0.0%	3.0%	62.7%	37.3%	100.0%
Warren	#	19	2	1	0	0	0	0	22	8	30
	%	86.4%	9.1%	4.5%	0.0%	0.0%	0.0%	0.0%	73.3%	26.7%	100.0%
TOTAL	#	354	920	193	9	3	0	29	1508	722	2230
	%	23.5%	61.4%	12.9%	0.6%	0.2%	0.0%	1.9%	67.6%	32.4%	100.0%

Data Source: AOC Family Division

As depicted in *Table 2-7 Statewide Census of Legal Orphans* race/ethnicity data were available for 67.6% (n=1,508) of the current pool of legal orphans (n=2,230). Of the 1508 legal orphans for whom race/ethnicity is available, 61.4% statewide (n=920) are identified as Black/African American, 12.9% as Hispanic/Latino, 0.6% as Asian, 0.2% as American Indian, and 1.9% as Other for a combined total of 77% (n=1,154) children/youth of color.

Although race/ethnicity data are only available for 67.6% of the current pool of youth post-TPR who are awaiting adoption in New Jersey, the available data are sufficient so the Committee is confident that the observed overrepresentation that is of concern is an actual phenomenon and not a mirage resulting from biased sampling. While the Committee cannot offer findings at this time from the available race/ethnicity data about the extent of disproportionate overrepresentation of children of color in the entire universe of legal orphans, the initial indications of disproportionality within the pool of youth for whom race/ethnicity data are reported underscore the need to obtain additional data.[33] Review of more comprehensive data will enable the Court to measure with greater precision the extent of disproportionality and will provide a clearer picture of the representation of children of color among youth whose parents' parental rights ("legal orphans") have been terminated and are now awaiting adoption.

The available data substantiate concerns about the disproportional overrepresentation of children and youth of color among legal orphans specifically: While there is a slightly higher percentage of "knowns" among legal orphans (67%) compared to abuse and neglect cases (64%), the representation of children and youth of color is notably higher among "legal orphans" (77%) than it is among abuse and neglect cases (66.3%). Although as previously noted the Committee does not offer conclusive findings about the exact extent of minority overrepresentation among

[33] While the Committee does not have sufficient information at this time to characterize fully the process by which these race/ethnicity data have been collected, the Committee can observe that even if all of the "unknowns" were in fact non-minority significant issues of overrepresentation would remain.

legal orphans at this point in time, the double digit difference in minority representation between these two docket (case) types substantiates the need for the Judiciary's efforts to secure additional data and engage in work to understand more fully the factors that contribute to the identified disproportionality. These data also call for a nuanced review of related data, e.g., data on the intersection of gender, age, and race/ethnicity.

As with the issue of minority overrepresentation in juvenile delinquency and child abuse and neglect cases, the Committee recognizes that the Court itself may not cause disproportional representation of racial/ethnic minorities among "legal orphans." However, recognizing that in these cases the status of legal orphan occurs as a result of a judicial determination terminating the rights of the child's parents, the Committee is of the view that the Court has a responsibility to participate actively in collaborative efforts directed towards realizing permanent placement for all children. Close review and analysis of related data on an ongoing basis will assist in better understanding the role that the Court can (or cannot) play in helping to remedy this issue.

Minority overrepresentation among legal orphans is a multi-dimensional issue that requires a multidisciplinary approach in partnership with other agencies involved in the child welfare system. Like the issue of disproportionate minority juvenile confinement which is the endpoint of the juvenile justice continuum, overrepresentation of minorities among legal orphans is the endpoint of the child welfare continuum, and similarly a systematic study of the related decision-making points is necessary in order to understand completely the significance of data relating to decisional outcomes.

The Committee recommends that as part of the Court's emerging plan to address disproportionate minority contact along the juvenile justice continuum and the child welfare continuum particular attention be given to minority representation among legal orphans. In

particular the Committee recommends that the Court work to identify the ways in which it can contribute to reductions in the disproportional overrepresentation of children of color in abuse and neglect cases and among "legal orphans."

To this end, the Committee makes the following recommendations in support of the Court's work relating to the (over)representation of children of color among youth post-termination/pre-adoption, i.e., "legal orphans":

Recommendation 09:02.6

The Committee recommends that the Judiciary as directed by the Chief Justice communicate to the Executive Branch its concerns about the gaps in data relating to race/ethnicity of children involved in the child welfare system broadly and consequently children and youth classified as "legal orphans." The Committee recommends that the Court work collaboratively with the Executive Branch to identify mutually beneficial ways to improve the collection, availability, and usability of demographic data relating to children in the child welfare system.

Recommendation 09:02.7

The Committee recommends that the Court as part of its emerging plan to address disproportionate minority contact along the juvenile justice and child welfare continuums direct attention be given to minority representation among legal orphans including but not limited to regular review at both the state- and vicinage-levels of demographic data that includes and intersects race/ethnicity, gender, and age.

Recommendation 09:02.8

The Committee recommends that the Court explore and consider alternative terminology to the phrase "legal orphan" to describe programmatically this group of children and youth. While the Committee recognizes that "legal orphans" is a technically accurate description of youth whose parents' parental rights have been terminated, the Committee finds that, considering the nature and dynamics of language, the phrase tends to put the focus on "orphan" as a permanent identity rather than a temporary status, working unconsciously against the goal of permanency and stability through adoption. The Committee has the concern that the language of the phrase, while technically accurate, may unconsciously work against the goal of permanent placement through adoption.

Recommendation 09:02.9

The Committee recommends that the Court undertake a study of legal orphans who age out of the system without achieving permanent placement through adoption to determine a demographic profile that includes and intersects but is not limited to race/ethnicity, gender, and age and that the Court share its findings with the Executive (and if appropriate, the Legislative) Branch communicating the Court's concerns about legal orphans who reach the age of majority without ever having achieved permanent placement.

Recommendation 09:02.10

Recognizing that some youth post-termination/pre-adoption wait an extended period of time to achieve permanency through adoption, if at all, the Committee encourages the Court to take an active leadership role, internally or in partnership with other agencies, to ensure that while a youth post-TPR is awaiting adoption he or she is able to experience "family" to the degree possible. As the Court has in these cases determined the termination of parental rights to be in the best interest of the child, the Committee recommends that the Court explore programming and procedural options that can provide for the stability and experience of "family" in the absence of permanency. These family-like experiences can include but are not limited to maintaining relationships with siblings (whether adult or minors) and developing innovative programming that provides a steady adult (parent-like) presence in the youth's life beyond foster care alone.

D. Minority Representation Among Family Crisis Petitions (FF Docket)

Another emerging area of interest for the Committee is minority representation in family crisis intervention matters. The Committee's interest in exploring the family crisis case type is due in part to the frequent overlap/intersection reported nationally among delinquency, dependency, and family crisis matters. Typically many children with either or both delinquency and dependency matters previously were referred for family crisis intervention. Since historically most dependency and delinquency courts across the country involve a disproportionate number of minority children and families, the Committee is interested in determining whether the same trend is present in both referrals to Family Crisis Intervention Units (FCIUs) and the filing of FF (family crisis) petitions and if so to what extent children of color are disproportionately overrepresented in family crisis matters (FF).

The Committee began its inquiry by obtaining information from the Administrative Office of the Courts Family Practice Division about the operations of Family Crisis Intervention Units in New Jersey: There are currently Family Crisis Intervention Units in all twenty-one counties. Prior to 2006, nine of the Family Crisis Intervention Units (FCIUs) were in-court units meaning that the Judiciary staffed the units and provided the FCIU services and twelve were operated by outside agencies. As of January 2006, all FCIUs were out-of-court. Seven counties merged the function of the FCIUs with their Mobile Response and Stabilization Service (MRSS).

At present, the Administrative Office of the Courts Family Practice Division continues to maintain oversight of all FCIUs[34].

To move forward with this area of inquiry, the Committee has begun a preliminary examination and analysis of data and information relating to family crisis intervention matters (FF docket).

[34] The Administrative Office of the Courts continues to monitor the activities of the Family Crisis Intervention Units (FCIU) by conducting at least three meetings per year for the FCIU Directors. Judiciary staff who are entrusted with handling the FCIU matters at the Court level are also invited to attend the meetings. Training sessions have been provided on a variety of issues. Monthly statistical data are collected from the FCIUs.

Table 2-8. Family Crisis (FF) Petitions Filed By Race/Ethnicity[1] with Population Comparison[2], Court Year (CY) 2007

	# FF Petitions Filed, CY 2007	*% FF Petitions Filed, CY 2007*	*# Youth Ages 10-17, New Jersey*	*% Youth Ages 10-17, New Jersey*
White	213	32.3	707,373	74.2
African American/Black	259	39.3	169,999	17.8
Hispanic/Latino	87	13.2	165,115	17.3
Asian/Pacific Islander	6	0.9	71,351	7.5
American Indian	0	0.0	4,246	0.4
Other	9	1.3	n/a	n/a
Unknown	85	12.9	0	0.0
TOTAL	659	100%	952,969[3]	100%

[1] Data Source: AOC Family Practice Division
[2] Data Source: Juvenile Justice Commission
[3] Percentages may not sum to 100 due to rounding and individual race/ethnicity categories sum to greater than total number of youth because the U.S. Census provided respondents the opportunity to select Hispanic as ethnicity with or without also selecting a race. Percentages reflect portion of the column total.

The Committee started its statistical review by examining data provided by the Administrative Office of the Courts on family crisis petitions (FF docket) filed during court year 2007. During court year 2007, there were 6,592 new family crisis intervention referrals,[35] and 659 of the referrals resulted in the filing of family crisis petitions (FF docket types). These 659 cases reflect matters originally referred to a county FCIU unit in which, despite the professional efforts of an FCIU worker, the family crisis issue persisted requiring the intervention of the Court.[36]

The data depicted in *Table 2-8. Family Crisis (FF) Petitions Filed by Race/Ethnicity with Population Comparison, Court Year 2007* provides a snapshot of the race/ethnicity profile for

[35] Of the active cases for the same court year, 6,616 cases were disposed including some that were carried over from the previous year while 1,255 cases were still pending at the end of the year.

[36] The information was provided to the Committee by the Administrative Office of the Courts Family Practice Division via written memorandum.

the youth in these cases along with the distribution of race/ethnicity within the juvenile population statewide.

The Committee found that race/ethnicity data were available for 87.1% (n=574) of the study sample (n=659). Given the relatively small percentage of "unknowns," the Committee evaluated the racial/ethnic profile in terms of the entire pool of 659 family crisis petitions filed. Of the 659 family crisis petitions filed, 32.3% (n=213) involved White youth whereas White youth account for 74.2% of the total youth population statewide; 39.3% (n=259) involved Black/African American youth whereas Black/African American youth account for only 17.8% of the total youth population statewide (n=169,999); 13.2% (n=87) involved Hispanic/Latino youth whereas Hispanic/Latino youth account for 17.3% of the total youth population statewide (165,115); 0.9% (n=6) involved Asian/Pacific Islander youth whereas Asian/Pacific Islander youth account for 7.5% of the total youth population statewide (71,351); 0% (n=0) involved American Indian youth while American Indian youth account for 0.4% (n=4,246) of the total youth population statewide. In addition, these data also indicate 1.3% (n=9) youth with race/ethnicity identified as Other.

Although race/ethnicity data are only available for 87.1% of children involved in family crisis (FF) matters currently pending before the New Jersey Superior Court, the available data are sufficient for the Committee to be confident that the observed overrepresentation that is of concern is an actual phenomenon and not a mirage resulting from biased sampling. While the Committee cannot offer findings at this time from the available race/ethnicity data about the extent of disproportionate overrepresentation of Black/African American children in the entire universe of family crisis matters from the available race/ethnicity data, the initial indication of disproportionality for Black/African American children and youth within the pool of children for

whom race/ethnicity data are reported[37] underscores the need to obtain additional data. The review of additional data will lead to a more nuanced understanding of the factors contributing to the overrepresentation of Black/African American in family crisis petitions pending before the New Jersey Courts.

The issue of overrepresentation of Black/African American children with family crisis petitions before the Court is multi-faceted and understanding the dynamics surrounding this issue will require further study and additional research and information gathering. In response to these initial data, the Committee has identified a series of next steps it plans to take to examine this issue further. Despite there being no inherent difference in the actual incidence of child abuse among the different racial/ethnic groups, the dependency court system as a whole continues to struggle with minority children disproportionately entering its system, staying longer, and being less likely to be reunited with their parents. Since family crisis matters share many characteristics with abuse and neglect cases, the question arises as to whether the same phenomenon is occurring for some of the same reasons, whatever those reasons may be. Given that nationally there is a pattern often seen in the dependency court system of minority children staying in the system longer, the Committee also envisions exploring by race/ethnicity, gender, and age, the average length of duration for family crisis (FF) petitions to determine if a similar pattern exists locally.

Similar to the relative rate index methodology used to assess representation and flag disproportionality throughout the juvenile justice continuum, the Committee would like to undertake a comparable assessment of family crisis matters by evaluating race/ethnicity data for the universe of family crisis referrals for a specified time period. This additional information

[37] While the Committee does not have sufficient information at this time to characterize fully the process by which these race/ethnicity data have been collected, the Committee can observe that even if all of the "unknowns" were in fact non-minority significant issues of overrepresentation would remain.

should help to identify the factors that contribute to the rate of family crisis petitions (FF) being filed that involve minority children and would likely assist in determining at what point the overrepresentation initially occurs and if there are steps that the Court can take to address or remedy the disproportionality.

Looking towards the possible intersections of family crisis matters with abuse and neglect cases or juvenile delinquency matters, the Committee would like to explore data on children with active family crisis matters who have delinquency proceedings initiated based solely or partly upon the underlying family crisis matter as the initiating event and on youth with a prior family crisis matter who subsequently have delinquency proceedings initiated based on an unrelated matter. To understand fully any relationship between the filing of family crisis petitions and the filing of juvenile delinquency petitions, the Committee plans to review data on juvenile delinquency filings for the related time period.

The Committee recognizes that the Court itself is not the cause of any disproportional representation of racial/ethnic minorities in the family crisis docket. However, recognizing that in these cases the Court plays a significant role in managing the cases once petitions are filed, the Court has a unique role to play in the resolution of these matters and another opportunity to participate actively in collaborative efforts towards successful resolution of these cases. The availability of comprehensive data and detailed information will play a significant role in advancing the Court's work in examining and monitoring minority representation in the range of Family Part docket types. As stated in an earlier discussion, the Committee stresses that the careful routine compilation and review and analysis of data on an ongoing basis and the development of concrete action plans will assist in clarifying the role that the Court can (or cannot) play in helping to remedy this issue.

In support of the Court's work relating to the (over)representation of children of color in family crisis matters (FF docket), the Committee offers the following recommendations:

Recommendation 09:02.11

The Committee recommends that the Court as part of its emerging plan to address disproportionate minority contact along the juvenile justice and child welfare continuums direct attention be given to minority representation in family crisis matters (FF docket type) including but not limited to regular review at both the state- and vicinage-levels of demographic data that includes and intersects but is not limited to race/ethnicity, gender, and age.

Recommendation 09:02.12

The Committee recommends that the Judiciary as directed by the Chief Justice communicate to the Executive Branch its concerns about the gaps in data relating to race/ethnicity of children involved in the child welfare system broadly and consequently on children and youth involved in the family crisis petitions before the Court. The Juvenile Intervention Unit Intake Screening Form asks for the identification of race/ethnicity. The Committee recommends that the Court work collaboratively with the Executive Branch to identify mutually beneficial ways to improve the collection, availability, and usability of demographic data relating to children in the child welfare system.

E. Juvenile and Family Drug Courts

The general purpose of the Juvenile Drug Courts is to reduce recidivism which creates a safer community; allow juveniles to be alcohol and/or drug free which enables them to go back into or continue attending school or become employed; alleviate detention overcrowding; implement effective case processing measures; provide services for family members; and heighten community awareness of substance abuse.

The goals of the Family Drug Courts are to help parents become abstinent from alcohol and drugs, maximize and balance child safety and permanency while preserving family integrity and functioning, and increase retention of parents in major services mandated and provided by the Family Drug Court. The Family Drug Court results in much closer monitoring for parents involved in child abuse and neglect cases. The program is expected to result in a higher percentage of reunifications of affected families, and increase the chance for parents to successfully remain drug-free and to ultimately provide a better life for their children.

The drug courts serve as an alternative to the traditional formal court process and also as an alternative to incarceration in state juvenile correctional facilities. They provide an intermediate sanction between probation and state correctional facilities as well as better treatment outcomes for juveniles with alcohol and drug-related problems. Juvenile Drug Courts serve as a more effective way to deal with juvenile offenders who have drug-dependency problems. Juvenile drug courts allow intensive supervision for at-risk adolescents who are supported with community and court services. Currently, there are Juvenile Drug Courts operating in three vicinages[38]: Camden, Hudson, and Passaic. To date, the Juvenile Drug Courts have served a total of 768 juveniles and 46 juveniles are currently enrolled in the Juvenile Drug Court Program. Since their inception, 219 juveniles have graduated from the program, and 14 drug-free babies have been born to female drug court clients.

There are three Family Drug Courts currently being piloted: two in Morris/Sussex Vicinage and one in Essex Vicinage. As of their last reporting date, the Family Drug Courts in the Morris-Sussex Vicinage have served a total of 41 clients and currently have nine clients enrolled. To date, Morris/Sussex Vicinage has had 13 graduates and one drug-free baby born to a Family Drug Court client. The Family Drug Court in Essex Vicinage has admitted 25 clients into its Drug Court Program and currently has 16 Family Drug Court clients, of which six are expected to graduate from the program before the end of the year.

The Committee is pleased with the ongoing successes of both the Juvenile and Family Drug Courts and encourages the Court to continue its support for these valuable disposition alternatives.

[38] Mercer Vicinage ceased operation of its Juvenile Drug Court in September 2007.

V. Conclusion

As the Committee continues its work on the long-term priorities discussed in this report, engages in examination of the intersections between abuse and neglect cases and juvenile delinquency cases, and explores the management of matters for children and families involving dual or multiple docket types, the Committee looks forward to partnering in this important work throughout and beyond the remainder of the current rules cycle.

Chapter III

SUBCOMMITTEE ON MINORITY ACCESS TO JUSTICE

I. Introduction and Mandate

In carrying forward its mandate to ensure that all individuals are afforded fair and impartial access to judiciary services throughout the court system, the Subcommittee on Minority Access to Justice recognizes that assuring fair, equal and meaningful access to justice involves weighing and considering several factors that have an impact on an individual's ability to optimally utilize court services and programs. These factors include:

- the location and physical conditions of court facilities or physical access to the facilities and to court programs and services;
- economic access or the ability to participate equally in court proceedings and programs and receive fair and 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.

This chapter reports on the Judiciary's progress relative to implementing selected ongoing recommendations that fall within the purview of the Subcommittee on Minority Access to Justice.

II. Subcommittee Activities

During the course of the 2007-2009 report cycle, the Access Subcommittee monitored and worked on the following projects that were carried forward from the 2004-2007 report:

- piloting of the *Guide to Court User Rights and Responsibilities* (Camden, Essex and Middlesex vicinages)[39];
- conclusion of the second phase of the jury-pool methodology study using parcel level GIS coding and the preparation of a written report;

[39] A report is in the process of being prepared for submission to the Administrative Director for review and comment.

- ongoing monitoring of the use of interpreters, bilingual variant job positions, and court volunteers; and

- update and review of the statewide roll-out of the ombudsman program.

III. Discussion of Priority Recommendations

A. 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 *Guide to Court User Rights and Responsibilities*… in all documents which introduce a litigant to the court process. Committee Recommendation 30.3 (2000-2002 Report, p.72).

In March 2008 Administrative Director[40] approved the 90-day pilot phase of the *Court User Guide to Rights and Responsibilities* (henceforth referenced as the Guide). Camden, Essex and Middlesex vicinages agreed to pilot the document. The *Guide* is designed as a resource for court users as part of the Judiciary's continuing efforts to educate the public; however, the brochure should not be considered an exhaustive statement. The brochure includes customized contact information for each vicinage and is intended to be available in all State of New Jersey Court complexes as well as made available in other public venues as requested.

At the direction of the Administrative Director, an action plan was prepared addressing the distribution plan for the *Guide*. Minority Concerns staff met individually with the vicinage ombudsman to review each Ombudsman Office's distribution plan including passive and direct distribution and discuss other matters of concern such as depositing and collecting the evaluations, analyzing the results, securing judicial and staff feedback, and preparing a written report.

The pilot phase was launched during the first week of June 2008 and was scheduled to end on August 30, 2008. Since only about one half of the 5000 brochures initially distributed to the vicinages had been given out by the end of August, the pilot phase was extended until the end

[40] Philip S. Carchman, P.J.A.D.

of October. Each vicinage ombudsman reviewed the evaluations, analyzed the results and prepared a written report. A summary report on the pilot is in the process of being prepared for submission to and review by the Administrative Director.

B. Jury Issues

> The Chief Justice should direct the permanent Supreme Court Committee on Minority Concerns to study minority representation on juries and its impact, if any, on verdicts. Task Force Recommendation 27 (Final Report, 1992, p.234)

> 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)

Since currently there are no race/ethnicity identifiers in the jury pool source lists, it is not possible to:

- measure the diversity of the jury pool locally or statewide;
- capture racial/ethnic information regarding the juror from the questionnaire/summons phase;
- report on the diversity of persons contacted for jury service;
- track information on attrition throughout the juror summons/selection process (e.g., response to initial summons, disqualifications, excusals, failure to appear, non-selection and challenges); and
- retrieve information on the racial/ethnic diversity of persons who actually serve on juries.

1. Jury Pool Study Pilot Phase I: Census Block Geocoding as an Indirect Methodology for Predicting Race/Ethnicity Profile of a Sample

With no direct way to ascertain the racial/ethnic profile of potential New Jersey jurors, the Committee in the previous term identified a widely accepted indirect research methodology to determine if this approach could be a valuable tool for developing a profile of the racial/ethnic

composition of the jury pool. To demonstrate the applicability of the geomapping methodology, a sample of judicial employees with Mercer County residential addresses was drawn. The profile of the sample was based on Human Resource information and payroll data. Although the actual racial/ethnic profile of the sample was known, this information was sealed for verification purposes until after the completion of the geocoding and related data analyses.

Of the 1000 addresses in the sample, 748 were usable for testing purposes. These 748 cases were geocoded and individually overlaid with the US Census 2000 block group data for race and ethnicity. The second stage in this process assigned racial/ethnic identifiers to the sample based on the racial/ethnic block group to which the individual home addresses corresponded. Using geomapping technology, the researcher inferred the racial/ethnic composition of the sample study group. The validity of this scientific inference was demonstrated by comparing the researcher's[41] findings to the actual racial/ethnic composition of the study group provided by racial/ethnic identifiers in the Court's personnel management information system (PMIS). Given the high significance of the pilot outcome, the researcher concluded that geomapping is a valid and appropriate research tool for predicting the probable racial/ethnic profile of a study sample such as a juror pool.

2. Jury Pool Study Pilot Phase II: Parcel Level Geocoding as an Indirect Methodology for Predicting Race/Ethnicity Profile of a Sample

Since the submission of the 2004-2007 report of the Supreme Court Committee on Minority Concerns, parcel level population data drawn from the 2000 U.S. Census has become

[41] Dr. Wansoo Im, Ph.D., is a member of the Subcommittee on Minority Access to Justice and currently an adjunct professor at Rutgers University in the Department of Urban Studies and Community Health. He is also the founder and principal consultant for Vertices, LLC, a consulting firm that provides a wide range of GIS (Geographic Information System) and information technology services.

available for 19 of New Jersey's 21 counties[42]. Before preparing a final report to the Administrative Office of the Courts on the pilot phase of the juror pool study, the Committee opted to embark on a second phase of the study, i.e., to explore the GIS methodology further by using parcel level data. The Subcommittee's purpose in extending the pilot phase was to assess whether parcel level data would yield more successful address matching and provide even more significant predictions of the sample profile than the original Census block (street centerline) unit of measure used in the first phase of the pilot.

The results of the second phase of the pilot indicated that the original method of street centerline address matching should continue to be used for the proposed jury research project. Only small statistically insignificant differences in findings occurred and the use of parcel level data required more resources because neither the addresses of the study sample nor the GIS parcel data are presently standardized in terms of address format.

The Committee will continue its work in this area and confer with the Administrative Office of the Courts to determine the next stage in the proposed jury research proposed study.

3. Statewide Uniform Recognition of Jurors

In response to the Supreme Court recommendation regarding jury service and educating the public about the court, the Vicinage Advisory Committees on Minority Concerns staff liaisons recommended that vicinage Law Day observances include a formal juror recognition program, 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. Over the course of the past several years many of the vicinages have incorporated jury appreciation and recognition activities into vicinage Law Day

[42] Parcel level population data drawn from the U.S. Census is not currently available in map form for Essex and Middlesex Counties.

observances. For example, Law Day-related juror recognition and appreciation events and programs have been held in Bergen, Burlington, Camden, Hunterdon, Mercer, Union, and Somerset/Hunterdon/Warren vicinages during 2006, 2007, and 2008.

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. In the 2002-2004 Report the Committee reported that the Conference of Jury Managers had also proposed the establishment of a statewide juror appreciation day as a best practice (pp. 40-41). This report cycle the Committee revisited this issue and learned that the Conference of Jury Managers determined that juror appreciation efforts should be a local determination, not a statewide program. The Committee also learned that the Conference of Jury Managers had drafted and inserted into the Juror Automated System (JAS) a standardized acknowledgement certificate that can be issued to all jurors upon completion of jury service. The distribution of the certificate is a local determination as is the frequency with which the certificates are issued.

In light of this most recent update, the Committee renews its support for the establishment of a statewide juror appreciate/recognition event, preferably during the course of the vicinage's observance of Law Day. (Committee Report 2002-2004, p. 40).

The Committee acknowledges and endorses ongoing efforts already in place in several vicinages to communicate the court's 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.

The Judiciary continues to make enhancements to the jury reporting process, e.g., the availability of telephonic and internet-based reporting information and related announcements, and the amenities made available in juror assembly rooms such as access to wireless internet services, for the convenience of citizens who fulfill this essential civic duty.

C. 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) and [prepare] guidelines for court staff on handling pro se litigants. (Pro Se 1.2, 2000-2002 Report, page 103)

Accessibility to 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 the office to see if their specific circumstances qualify). (Pro Se 1.3, 2000-2002 Report, page 103)

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, 2000-2002 Report, page 103)

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, 2000-2002 Report, page 103)

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, 2000-2002 Report, page 103)

1. Legal Needs of the New Jersey Poor

As discussed in the 2004-2007 report, the Poverty Research Institute of Legal Services of New Jersey has studied the number of unrepresented litigants[43] in the New Jersey courts based on data provided by the Administrative Office of the Courts for the period covering July 2005 – June 2006.[44]

In New Jersey the general civil docket is largely handled by attorneys, with 95% of plaintiffs and 98% of defendants represented by counsel. An in-depth examination by the Poverty Research Institute identified the following four areas in which low-income people are frequently involved:

- 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[45], excluding Small Claims matters, there were 284,548 special civil cases closed representing a 15.6% increase over the previous year (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.

[43]For purposes of this discussion, the Committee uses "unrepresented litigants" to include both those who choose to self-represent and those who see no other option than to self-represent with a primary focus on those litigants who self-represent primarily for economic reasons.

[44] 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.

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

- In Family Division non-dissolution cases[46], 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.[47]

In 2007, the Legal Services Corporation reported that nationally at least one-half of those seeking help from Legal Services programs were turned away.[48] In New Jersey, Legal Services programs served 63,000 clients in 2007; however, Legal Services was forced to turn away at least two low-income applicants for every client served. In 2006 it was estimated that 5 out of 6 low-income people experiencing a civil legal problem did not have access to an attorney.[49]

The current fiscal crisis has deeply affected low-income litigants and the legal services community's ability to serve them. Income inequality is worsening in New Jersey. Rising inequality in New Jersey rose at a faster rate than the nation as a whole. In 2006, New Jersey ranked 18th worst in the nation in terms of income inequality. One year later, New Jersey had overtaken three other states and stood at 15th worst in the nation. Racial and ethnic minorities in New Jersey are far more likely to be impoverished than Whites. The poverty rate, measured by the federal poverty level, for White New Jersey residents in 2007 was approximately 5% while the poverty rate for Blacks/African Americans and Hispanics/Latinos exceeded 16%. People of color are disproportionately clustered in municipalities with high poverty rates.[50]

The housing market in New Jersey is in crisis. Before the current economic recession, more than one-half of the renters were cost-burdened, meaning that their housing costs exceeded

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

[47] 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

[48] *Documenting the Justice Gap in America, A Report from the Legal Services Corporation*, June 2007.

[49] 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

[50] *Poverty Benchmarks 2009*, a Report from Legal Services of New Jersey Poverty Research Institute, December 2008.

30% of their income. More than one-quarter of New Jersey renters were severely cost-burdened with housing costs exceeding 50% of their income. The crisis has now expanded to homeowners. In October 2008, New Jersey's foreclosure rate was the 8th highest in the nation with one out of every 410 housing units in foreclosure.

As of 2008, the network of Legal Services providers was unable to meet the legal needs of low-income people. Now the justice gap has widened dramatically due to the increase in number of low-income litigants and legal problems experienced by those litigants coupled with the devastating decrease in funding to Legal Services. IOLTA funding for Legal Services dropped from $40 million in state fiscal year 2008 to $12.4 million in fiscal year 2009. At present the IOLTA Fund is projecting that total IOLTA funding for Legal Services will be only $3 million in fiscal year 2010. Legal Services received $29.2 million in other state funds in 2009 and will need an increase to $53 million from the State in 2010 in order to avoid drastic cutbacks in staffing and services.

> Low-income, vulnerable clients in need of the most basic legal protections – shelter, food, adequate income, personal and family security, defenses against legal actions such as foreclosures – now will be denied access to a lawyer, and thus will have no effective access to the judicial and legal system to resolve their grievances and disputes. Even worse, these are the very people – those most vulnerable economically – who are being hammered by the current economic crisis, and facing escalating legal problems.[51]

In order to achieve its mission of equal justice, the Court should devote significant resources to assisting unrepresented litigants in accessing the 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 and other court personnel should be trained to address the needs of the unrepresented and give the

[51] Legal Services of New Jersey Press Release, October 1, 2008.

unrepresented guidance on the most effective and efficient ways to process their cases. It is imperative that judges and court personnel 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 the facts presented to the court and 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

Replacement funding is critical to assure that equal justice does not become an empty promise for low income litigants in New Jersey. While the Committee understands the realities of the current economic climate, access to representation for low-income litigants in matters affecting essential needs is fundamental to justice in this society.

The Committee wishes to join in partnership with the Court to urge the Executive Branch to obtain substantially increased funding for Legal Services in New Jersey. In addition, the Committee renews the following recommendation:

> 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. Committee Recommendation 07:03.1 (2004-2007 Report, p. 55)

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

> The Committee applauds the new division within the AOC office to serve unrepresented litigants. The Committee recommends that the office be renamed the Office of Unrepresented Litigants to underscore that the mission of the office is to assist litigants who have no access to representation. Committee Recommendation 07:03.2 (2004-2007 Report, p. 57)

In the 2004-2007 report, the Committee examined the current literature on the legal needs of different groups of people transacting business without benefit of counsel. Typically these individuals were 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 not complicated 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.[52] These litigants can be considered unrepresented litigants.

While the Committee 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

[52] 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."

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, and minor traffic tickets as well as litigants who have the means to hire an attorney 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.

The Committee reiterates its previous recommendation and urges that the office be renamed the Office of Unrepresented Litigants to underscore that the mission of the office is to assist litigants who have no access to representation/who are without professional representation.

4. Plain Language Forms for Unrepresented 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 (Final Report, 1992, p. 267)

Since the last cycle, the Pro Se Materials Working Group of the Administrative Office of the Courts ceased to function. However, the Administrative Director on December 15, 2008 appointed the Judiciary's new internal Advisory Group on Self-representation in the New Jersey Courts stating in the letter of appointment that "[t]his group will explore fundamental challenges facing our courts and offer guidance on how best to improve services for litigants who are involved in the court system without legal representation [and that] the work of the Advisory group will build on the efforts of the earlier Pro Se Materials Working Group and on prior efforts by every vicinage to assist self-represented litigants." This advisory group will have its inaugural meeting in January 2009.

D. Improved Access for Non-English Speaking Language Communities, People with Limited English Proficiency (LEP), and Deaf and Hearing Impaired Court Users

1. Interpreter Training Issues for Newly Appointed Superior Court Judges

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

Although training on interpreting issues was included in the curriculum for new judges from 1988 until 1997, this course has not been on the agenda independently for the past 10 years. Since that time, the Supreme Court Committee on Minority Concerns collaborated with the AOC Language Services Section to present a course entitled "Please Don't Let Me Be Misunderstood." This co-sponsored course was presented for four consecutive court years (2003-2006) under the auspices of Minority Concerns as part of the diversity training curriculum offerings. The Committee believes that newly appointed Superior court judges benefit from an orientation on interpreting presented under the direction of Language Services Section as part of a standard core curriculum offering. The Committee therefore renews its recommendation that the modified introductory course, "Equal Access to Courts for Linguistic Minorities," developed by the Language Services Section be reinstated as a standing part of the core curriculum for newly appointed Superior Court judges. The Committee advises that the course design also reference ethnic and cultural differences as they relate to interpersonal communication.

2. Interpreter Training for Newly Appointed Municipal Court Judges

Since 1989 the Municipal Court Services Division has included a course addressing court interpreting in the training curriculum for new appointments to the Municipal Court bench. Each

year a one hour seminar is presented by staff of the Language Services Section. A similar seminar is planned for 2009. The Committee encourages the court to continue this practice.

3. Census of Court Staff Interpreters

a. Superior Court Staff Interpreters

> 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)

New Jersey is one of the most diverse states in the nation. Like many other state court systems, given the cumulative data on population and immigration trends and the court's own interpreting service statistics, the need to provide interpreting services will continue for the foreseeable future.

In order to assure that persons who speak a language other than English have equal access to court services and programs, it is necessary to review first the data on the New Jersey population that speaks a language other than English at home. U.S. Census Bureau data indicate that between 1990 and 2000 the number and percentage of persons in New Jersey who spoke a language other than English at home increased. According to the 1990 US Census, out of a total state population of 7,200,696 residents age 5 and older, 1,406,148 (19.5%) New Jersey residents spoke a language other than English at home. By 2000, the population of New Jersey had increased 9% to 7,856,268 residents age 5 and older, and of these, 2,001,690 (25.5%) spoke a language other than English at home with 873,088 (11.1%) reporting that they speak English less than "very well."[53]

The Committee appreciates the Court's efforts to keep pace with the increasing demand for interpreting services and its insistence that these services are delivered by qualified

[53] U.S. Census Bureau. "Language Use and English Speaking-Ability" Census 2000 Brief, and *Table 2 - Language Use and English-Speaking Ability for the Population 5 Years and Over for the United States, Regions, and States and for Puerto Rico*: 1990 and 2000, p. 5.

professional staff interpreters. Data on vicinage staff interpreters shown in *Table 3-1. New Jersey Superior Court Staff Interpreters by Gender, Race/Ethnicity and Vicinage/County, Excluding Sign Language Interpreters* reflects an increase of six in the number of interpreters including the five pending vacancies referenced in the corresponding table note. These data also indicate that slightly more than three quarters of judiciary staff interpreters are female. The Committee notes that there is a negligible difference in the gender representation of vicinage staff interpreters between 2006 (77%) and 2008 (76%). A similar pattern was evident for the racial/ethnic representation among vicinage staff interpreters where virtually equal percentages of staff interpreters were Hispanic/Latino in 2008 (71.4%) and 2006 (70.8%).

Table 3-1. New Jersey Superior Court Staff Interpreters by Gender, Race/Ethnicity and Vicinage/County Excluding Sign Language Interpreters, December 22, 2008

VICINAGE/ COUNTY	WHITE		BLACK		HISPANIC/ LATINO		ASIAN/PACIFIC ISLANDER		TOTAL
	Male	Female	Male	Female	Male	Female	Male	Female	
I. Atlantic	0	0	0	0	0	1	0	0	1
I. Cape May	0	0	0	0	0	0	0	0	0
II. Bergen	0	2	0	0	0	0	0	0	2
III. Burlington	0	0	0	0	0	1	0	0	1
IV. Camden	0	1	1	0	0	1	0	0	3
V. Essex	1	0	0	0	1	2	0	0	4
VI. Hudson*	1	1	0	0	4	4	0	0	10
VII. Mercer	0	1	0	0	0	1	0	0	2
VIII. Middlesex	1	1	0	0	0	4	0	0	6
IX. Monmouth	0	1	0	0	0	2	0	0	3
X. Morris	0	0	0	0	0	2	0	0	2
X. Sussex	0	0	0	0	0	0	0	0	0
XI. Passaic	1	1	0	0	0	5	0	0	7
XII. Union	0	0	0	0	1	3	0	0	4
XIII. Somerset	0	1	0	0	0	0	0	0	1
XIII. Hunterdon	0	0	0	0	0	0	0	0	0
XIII. Warren	0	0	0	0	0	0	0	0	0
XIV. Ocean	0	0	0	0	0	1	0	0	1
XV. Gloucester	0	0	0	0	0	0	0	0	0
XV. Cumberland	0	0	0	0	1	1	0	0	2
XV. Salem	0	0	0	0	0	0	0	0	0
TOTALS	4	9	1	0	7	28	0	0	49[54]
PERCENT *(by Gender)*	8.2%	18.4%	2.0%	0.0%	14.3%	57.1%	0.0%	0.0%	100%
PERCENT *(by Race/Ethnicity)*	26.6%		2.0%		71.4%		0.0%		100%

Data Source: Language Services Section
*Vicinage Data Note: One female interpreter listed as White here (1 in Hudson) is from Brazil.

Table 3-2. Distribution of Hispanic/Latino Interpreters by Country of Origin shows the distribution of the 35 Spanish language staff interpreters who are native speakers of Spanish by

[54] As of December 22, 2008, there were five vacancies in the process of being filled: one each in Atlantic, Bergen, and Essex Counties and two in Union County. These positions are not reflected in the data presented in Table 3-1.

country of origin. The richness of the cultural diversity contributed by these native Spanish language staff interpreters is evident inasmuch as they represent 12 different countries.

Table 3-2. Distribution of Hispanic/Latino Interpreters by Country of Origin December 22, 2008

Country of Origin	Number of Interpreters	Percent of Total
Argentina	1	2.9
Colombia	6	17.1
Costa Rica	2	5.7
Cuba	3	8.6
Dominican Republic	3	8.6
Ecuador	3	8.6
Honduras	1	2.9
Mexico	5	14.3
Peru	1	2.9
Puerto Rico	4	11.4
Spain	2	5.7
Venezuela	3	8.6
Mixed	1	2.9
Total	35	100.0%

Data Source: Language Services Section

b. Vicinage-Based Statewide Interpreters

There has been no change either in the allocation of the vicinage-based statewide interpreters between 2006 and 2008 or in the availability of sign language interpreters. The 2004-2007 Report stated that, five statewide court interpreter positions were created and assigned to the Central Office payroll. These interpreters travel throughout the state and accept assignments as needed at various vicinage locations. Two of the five positions (one American Sign Language[55] and one Spanish language interpreter) are based at the AOC. The three other positions are domiciled in the following vicinages: Bergen (Korean), Union (Polish), and Essex (Portuguese). The latter three positions are called Vicinage-Based Statewide Interpreters

[55] There are now two Sign Language staff interpreters based at the Administrative Office of the Courts.

(VBSIs). VBSIs report to the Vicinage Coordinator of Interpreter Services in the vicinages where they are housed. *Table 3-3. AOC New Jersey Staff Interpreters by Gender and Race/Ethnicity* shows that five of the six staff interpreters employed by the AOC are females.

Table 3-3. AOC New Jersey Staff Interpreters by Gender and Race/Ethnicity, December 22, 2008

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

Data Source: Language Services Section
Data Note: The Portuguese interpreter (one of the four White females) is from Brazil.

E. Languages Appearing in the New Jersey Superior Court

Table 3-4. Languages Appearing in the New Jersey Superior Court (Unit of Count = Number of Discrete Interpreted Events) presents the volume of work accomplished by both staff interpreters and other outside agency interpreters hired by the various vicinages from a directory compiled by the AOC's Language Services Section.

To provide the reader with an appreciation for the level of need in our state and to contextualize the work of the Interpreting Services, six New Jersey's counties and 77 municipalities reported having Hispanic/Latino populations in excess of 13.3% in 2000[56]. A consistent pattern has emerged over the course of compiling and analyzing the languages appearing in New Jersey Superior Courts: Of the 82 languages for which an interpreter was required, Spanish consistently ranks first as the language that an interpreter is most frequently requested. Between July 1, 2006 and June 30, 2007, 75,384 (86.9%) of the 86,765 discrete interpreted events in New Jersey Superior Court involved Spanish. As depicted in Figure 1, the

[56] U.S. Census. *Table B.1: New Jersey 2000 Census: Selected Counties and Municipalities with a Total Hispanic Population of 13.3+%* is included in Appendix C-1. The Committee also notes that since the publication of its 2004-2007 report the Superior Court in Atlantic County has hired one full time staff interpreter and is in the process of filling a second full-time Spanish interpreter position.

top six languages interpreted are Spanish, Portuguese, Korean, Polish, Haitian Creole, and American Sign Language.

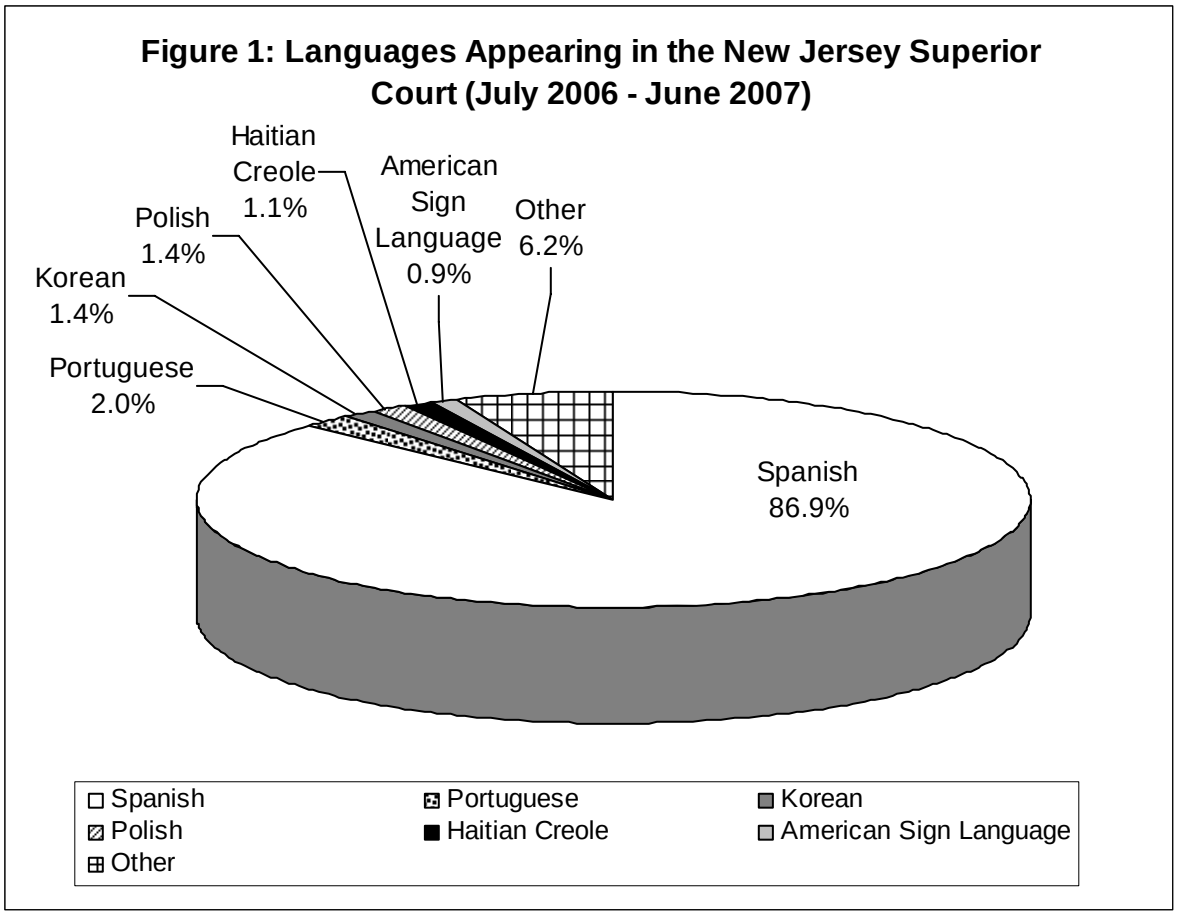


Table 3-4 includes detailed data on the remaining 76 languages appearing in the New Jersey Superior Court.

Table 3-4. Languages Appearing in the New Jersey Superior Court (Unit of Count = Number of Discrete Interpreted Events), July 2006 – June 2007

LANGUAGE	# OF EVENTS	LANGUAGE	# OF EVENTS
Spanish	75,384	Chinese, Northern Fukienese/Minbei: Foochow, Fuzhou	18
Portuguese	1,716		
Korean	1,255	German	14
Polish	1,253	Lithuanian	14
Haitian Creole	928	Bulgarian	12
American Sign Language	815	Mandinka	12
Chinese, Mandarin/Guoyu, Huayu, Putonghua	768	Slovak	11
		Farsi, Eastern	10
Russian	746	Thai, Northeastern	8
Arabic, Egyptian Colloquial	644	Georgian	4
Vietnamese	495	Khmer, Central	7
Hindi	300	Armenian	6
Turkish	257	Krio	6
Gujarati	223	Laotian	6
Italian	200	Pashto, Central	6
Arabic, Levantine	170	Soninke	6
Panjabi, Eastern	152	Chinese, Cantonese/Yue: Hoishan, Taishan, Tosían	5
Urdu	138		
Chinese, Cantonese/Yue: Guangzhou, Zhongshan	113	Serbo-Croatian	5
		Swahili	5
Tagalog	109	Telugu	5
Greek	106	Amharic	4
Bengali	105	Czech	4
Idiosyncratic Gesturing System[57]	85	Romanian	4
Japanese	66	Somali	4
French	51	Igbo	3
Hungarian	46	Latvian	3
Croatian	44	Malay	3
Tamil	35	Twi	3
Albanian, Tosk	34	Unknown	3
Arabic, Arabian Peninsula	34	Bosnian	2
Chinese, Unknown	32	Dutch	2
Indonesian	31	Fulfulde, Adawama	2
Akan	28	Kurdish, Unknown	2
Albanian, Gheg	28	Norwegian	2
Ukrainian	27	Sicilian	2
Arabic, North Africa	25	Yiddish, Unknown	2
Panjabi, Western	25	Languages with one event each: Guaraní, Unknown; Karachay-Balkar, Lesser Antillean Creole, French, Mixteco, Unknown; Mongolian, Unknown; Pampangan, Pashto, Unknown; Thai, Northeastern	
Serbian	24		
Macedonian	23		
Hebrew	22		
Malayalam	22	**TOTALS: 86,765 Events 82 Languages**	
Farsi, Western	20		

Data Source: Language Services Section

[57] The category "Idiosyncratic Gesturing System" is used for deaf persons whose primary mode of communication is through gestures and other signs developed among a very small number of persons, usually family members, and not through a recognized sign language.

Table 3-5. New Jersey Judiciary: Number of Events Interpreted By County and Primary Context provides data on the number of events interpreted by county and primary context or court proceeding type. Of the 86,765 interpreted events in the 21 counties between July 1, 2006 and June 30, 2007, 66,424 (76.6%) were before a judge or grand jury; 12,464 (14.4%) were before a hearing officer or in Complementary Dispute Resolution (CDR) proceedings and the remaining 7,877 events (9.1%) were in various court support services.

Table 3-5. New Jersey Judiciary: Number of Events Interpreted By County and Primary Context, July 1, 2006 – June 30, 2007

VICINAGE/COUNTY	PRIMARY CONTEXTS			
	BEFORE A JUDGE OR GRAND JURY	IN A CDR PROCEEDING	ANY COURT SUPPORT SERVICE	VICINAGE TOTALS
I. Atlantic	1,516	2	0	1,518
I. Cape May	442	0	0	442
II. Bergen	5,011	546	245	5,802
III. Burlington	639	80	41	760
IV. Camden	3,177	473	154	3,804
V. Essex	4,727	733	1,250	6,710
VI. Hudson	12,293	2,519	413	15,225
VII. Mercer	3,902	518	255	4,675
VIII. Middlesex	7,820	1,099	1,638	10,557
IX. Monmouth	1,876	438	1,864	4,178
X. Morris	2,103	359	697	3,159
X. Sussex	136	4	22	162
XI. Passaic	8,109	3,194	96	11,399
XII. Union	6,388	750	302	7,440
XIII. Somerset	1,636	242	104	1,982
XIII. Hunterdon	429	17	42	488
XIII. Warren	294	20	39	353
XIV. Ocean	4,036	1,205	506	5,747
XV. Gloucester	122	13	2	137
XV. Cumberland	1,604	219	154	1,977
XV. Salem	164	33	53	250
GRAND TOTAL	66,424	12,464	7,877	86,765
TOTAL PERCENT	76.6%	14.4%	9.1%	100%

Data Source: Language Services Section

As reported in the 2004-2007, currently there are no statistics collected statewide on the use of interpreters in the Municipal Courts.

F. Bilingual Variant Job Positions

The New Jersey Judiciary has a longstanding record of providing access to the courts for court users with limited English proficiency as is evidenced by the continued work of the Language Services Section at the Administrative Office of the Courts which builds on the earlier work of the Supreme Court Task Force on Interpreting Report (1983). In addition to the Judiciary's nationally and internationally recognized interpreting program discussed in the previous section, the Committee acknowledges and commends the Judiciary's commitment to promote and encourage the hiring of employees in bilingual variant job titles.[58] Bilingual variant titles require that an employee be able to perform assigned duties in both English and Spanish. This requirement exists primarily for court staff in positions with direct client/customer contact such as support staff or case processing positions.

The Committee notes, as presented in *Table 3-6 New Jersey Judiciary Bilingual Job Titles by Job Site, October 2006 and February 2008*, that the Judiciary had 337 bilingual staff in October 2006 and 338 in February 2008. The Administrative Office of the Courts and the following job sites/counties each report fewer than 5 staff in bilingual variant titles:

- The AOC, Cape May, and Salem each have one bilingual staff employee.
- Hunterdon and Sussex each have 2 bilingual staff.
- Warren has 3 bilingual variant staff.
- Gloucester and Ocean each have 4 bilingual staff employees.

An examination of the distribution of the majority of court employees in bilingual variant job titles in 2006 (68.0%) and in 2008 (70.0%) reveals that most of these staff are Probation Division employees. The Committee echoes the concern discussed in the 2004-2007 report that

[58] The bilingual variant test requires a passing score of 60; a passing score of 70 is required for certification as a Judiciary Staff interpreter.

probation officers are not routinely responsible for providing general access to the courts for citizens or for staffing various court customer services areas and counters. The Committee understands that while the responsibilities of probation officers afford them opportunities for outreach in both minority and non-minority communities and to provide much needed assistance in the personal development of individual probationers and their families the need for a strong presence of bilingual staff at the various court counters should remain a viable goal to enhance court customer services in the Judiciary. To that end, the Committee reiterates the following recommendation:

> The Judiciary should expand the use of interpreters and bilingual variant staff in delivering services to self-represented litigants [and] … expand the availability of interpreters both in Superior and Municipal Courts[.] … [T]he 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)

Table 3-6. New Jersey Judiciary Bilingual Job Titles by Job Site, October 2006 and February 2008

Job Site	October 5, 2006								Total	February 2008								Total
	Master Probation Officer	Senior Probation Officer	Probation Officer	Judiciary Clerk 4	Judiciary Clerk 3	Judiciary Clerk 2	Judiciary Acct. Clerk 1	Investigator		Master Probation Officer	Senior Probation Officer	Probation Officer	Judiciary Clerk 4	Judiciary Clerk 3	Judiciary Clerk 2	Judiciary Acct. Clerk 1	Investigator	
AOC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
Atlantic	0	6	2	0	0	1	0	0	9	0	6	2	0	0	1	0	0	9
Bergen	0	2	8	0	0	0	0	3	13	0	3	5	0	0	0	0	3	11
Burlington	0	4	2	0	0	0	0	3	9	1	3	5	0	0	0	0	3	12
Camden	0	8	6	0	5	1	0	5	25	0	9	3	0	5	1	0	5	23
Cape May	0	0	1	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
Cumberland	0	4	11	0	0	0	0	0	15	0	5	10	0	0	0	0	0	15
Essex	0	2	9	0	1	0	0	4	16	0	5	8	1	1	0	0	3	18
Gloucester	0	1	2	0	0	0	0	0	3	0	1	3	0	0	0	0	0	4
Hudson	0	20	16	3	9	29	1	12	90	0	22	14	3	12	20	1	11	83
Hunterdon	0	0	2	0	0	0	0	0	2	0	0	2	0	0	0	0	0	2
Mercer	0	2	15	0	1	1	0	2	21	0	2	12	0	0	0	0	0	14
Middlesex	0	4	10	3	0	1	0	7	25	0	5	7	3	0	2	0	6	23
Monmouth	0	1	6	0	2	2	1	1	13	0	1	9	0	4	1	0	0	15
Morris	0	0	10	1	0	0	0	0	11	0	0	10	1	0	0	0	0	11
Ocean	0	1	5	0	0	1	0	0	7	0	1	2	0	1	0	0	0	4
Passaic	0	5	10	1	2	1	0	3	22	0	6	18	2	6	1	0	3	36
Salem	0	0	1	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
Somerset	0	4	14	0	0	0	0	0	18	0	5	11	0	0	0	0	0	16
Sussex	0	0	1	0	0	0	0	0	1	0	0	2	0	0	0	0	0	2
Union	1	3	28	0	0	0	0	1	33	1	5	27	0	0	0	0	1	34
Warren	0	0	2	0	0	0	0	0	2	0	0	3	0	0	0	0	0	3
TOTAL	1	67	161	8	20	37	2	41	337	2	79	155	10	29	27	1	35	338
PERCENT TOTAL	0.3%	19.9%	47.8%	2.4%	5.9%	11.0%	0.6%	12.2%	100.0%	0.6%	23.4%	45.9%	3.0%	8.6%	8.0%	0.3%	10.4%	100.0%

Data Source: Human Resources Division and EEO/AA Unit

G. Judiciary Volunteer Services Program

1. Strategic Purpose

The Volunteer Services Program is designed to support the mission of the New Jersey Judiciary by providing assistance to the court with the resolution of disputes and the delivery of services and programs to court users. The direct participation of volunteer community members in delivering day-to-day court services to court constituents helps to enhance the public's confidence in the judicial system and promotes the court-community partnership.

Court volunteers on a daily basis complement the work of thousands of full-time court employees in every vicinage in the Superior Court and in some municipal courts. The Judiciary recognizes the valuable contributions and commitment of more than 4,500 volunteers participating in nineteen distinct court volunteer programs throughout the state. Through the generous contribution of their time, talents, and expertise, volunteers enhance the delivery of quality court services to constituents.

2. Partnership in Practice

The role of a court volunteer is distinctive and tailored to conform to prescribed court rules, directives, and New Jersey statutes. Court volunteers impact the lives of court users in a variety of ways—from making the public feel welcome and helping them navigate the court system to making recommendations to judges about how disputes may be handled so that both individual and communal interests are protected and balanced.

In representing the Judiciary, court volunteers are obligated to operate within the prescribed scope of their assigned volunteer duties. Yet it is the contribution of their unique perspectives and expertise as community members that yield benefits to both court constituents and local communities.

During the 2008 calendar year over 50,000 volunteer service hours were logged by volunteer corps members; however, this figure is a conservative estimate of the corps' collective contribution because reporting of volunteer service hours is not yet fully implemented in all vicinages. Also noteworthy is that slightly more than 10.0% of the total statewide volunteer corps (n=460) have served the court between 10 and 50 years.

A review of *Table 3-7. New Jersey Judiciary, Volunteer Programs: Count of Active Volunteers by Program* reveals that nearly all of the trial court divisions benefit from volunteer services. Of all court practice divisions, the Family Part has sustained the most longstanding relationship with volunteers; a relationship dates back approximately 60 years. Currently nearly 77.0% of the 4,141 active volunteers provide services to various programs in the Family Part.

Many of these volunteers work with cases of alleged juvenile delinquency (first time, minor offenses), expressing the community's disapproval of such conduct and making recommendations to forestall more serious misconduct in the future. Some Family Part volunteers assist the Court in obtaining timely, objective information for cases involving children in out-of-home placement, while others help monitor these cases to ensure appropriate permanency plans. Family Part volunteers also supervise court-ordered visitation between children and their parents, ensuring a safe and neutral setting for parenting time for the parent who does not have custody of their child(ren).

Table 3-7. New Jersey Judiciary, Volunteer Programs[59]
Count of Active Volunteers by Program, October 14, 2008

Name of Program	Number	Percentage of Total
Family Court Volunteer Services		
Child Placement Review Boards (CPR)[60]	557	13.4
Court-Appointed Special Advocate (CASA)[60]	673[61]	16.2
Domestic Violence Court Assistance Program	4	0.1
Juvenile Auto Theft Prevention Program (JATPP) – Essex only	10	0.2
Juvenile Conference Committee (JCC)[60]	1848	44.6
Supervised Visitation Program (SVP)	45	1.1
Civil Practice Volunteer Services		
Guardianship Monitoring Program (GMP)	13	0.3
Complementary Dispute Resolution (CDR) Volunteer Services		
Municipal Court Division		
Municipal Court Mediation (MCM)[60]	714	17.2
Civil Practice Division – Special Civil Part		
Landlord Tenant Settlement	12	0.3
Small Claims Settlement ($3000 limit and $5000 for Return of Security Deposit)	18	0.4
Special Civil Settlement *($15000 limit)*	34	0.8
Family Court Division		
Parenting Mediation	29	0.7
Probation Services Volunteer Services		
Intensive Supervision Program (ISP)[60†]	-	-
Juvenile Intensive Supervision Program (JISP)[62]	-	-
Newark Alliance for Compliance (NAC) – Essex only	8	0.2
Volunteers In Education (VIE) – Passaic only; cooperative effort between the Family and Probation Divisions	26	0.6
Volunteers in Probation (VIP)	18	0.4
Community Outreach and Transparency The Judiciary believes in the public's right to be involved in its government. Several programs are designed to make the day-to-day workings of the courts as visible to the public as is feasibly possible, with the following programs offering a wide breadth of public access.		
Courthouse Services Assistance (CSA)[63]	87	2.1
Courthouse Visitors Assistance (CVA)	45	1.1
Total Volunteer	4,141	100.0%

Data Source: Judiciary Volunteer Services Unit

[59] Unless otherwise noted, programs are active in one or more counties but not statewide.

[60] The program is implemented statewide.

[61] Approximately one-third of CASA volunteers are not tracked in VMIS.

[62] JISP volunteers are aligned with a Northern or Southern Regional office of Probation Services, versus any particular vicinage, and are not yet tracked in VMIS; statistical profile data are not available for this report.

[63] The program title summarizes multiple, similar volunteer positions in existence throughout the State.

† ISP volunteers are not yet tracked in VMIS; related statistical data are not available for this report.

A significant number of the statewide volunteers (nearly 17.2%) serve as mediators for the Municipal Courts, helping residents resolve neighborhood disputes. Although court mediation services fall under the Judiciary's overall Complementary Dispute Resolution (CDR) Program, there are a growing number of volunteers mediating cases in Superior Court including landlord-tenant and small claims disputes for the Civil Practice Division as well as mediating parenting matters for Family Court.

There are also hundreds of volunteers statewide who support a variety of programs managed by the Probation Services Division. Many of these volunteers serve on boards that screen nonviolent incarcerated individuals for placement into highly structured rehabilitative programs that offer probationers an opportunity of reentry into the community under intensive supervision. Other probation volunteers are members of community teams and are charged to review, refine, and monitor the detailed action plans of program participants and/or serve as mentors. These volunteers help the probationers work out their individualized action plans while learning skills and attitudes that are necessary to avoid future criminal activity.

Volunteers are also engaged in fulfilling the Judiciary's overall commitment to quality service by serving in various customer service oriented positions. Many vicinages assign volunteers to greet and assist court users either at the courthouse level (i.e., general assistance) or within a specific division (i.e., customer service, courtroom assistance).

The Volunteer Management Information Systems (VMIS) database is an excellent tool for tracking and providing demographic information on the judiciary volunteer corps and these data are now submitted to the Supreme Court Committee on Minority Concerns on an annual basis as suggested in Recommendation 60.3.

> 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, p. 237)

Table 3-7 which presents program information is but one illustration of the data that can be made available as a result of the VMIS database.

The previous discussion illustrates the breadth and scope of volunteer services in the day-to-day operations of the court and underscores the continuing importance of the court-community partnership.

3. Reflection of the Court-Community Partnership

Judiciary volunteers assist the court in meeting the growing demands of serving an increasingly diverse court constituency in New Jersey. The growing need for court programs and services cuts across a broad spectrum of differently situated populations including but not limited to age, socio-economic status, education, languages, and gender. Volunteer service has been an important avenue for the court to ensure that all individuals have fair and impartial access to judiciary programs and services.

Of equal importance is the role that the Judiciary Volunteer Services Program plays in the Court's efforts to diversify its workforce — a factor in enhancing minority participation in the judicial process. The court's overall attention to assuring fair and equitable access to employment and career development opportunities, board and committee appointments, and vendor contract services also extends to volunteer opportunities.

Recruiting a diverse volunteer corps continues to be a high priority. Upon appointment, court volunteers may voluntarily identify their gender and racial/ethnic background. This self-reported information when supplied by the volunteer is tracked in the Volunteer Management Information System (VMIS), a centralized statewide database utilized by every vicinage. As the integrity of the data in VMIS has improved since the inception of the system in 2005 so has the court's ability to track and analyze gender and race/ethnicity data regarding the statewide

volunteer pool. The Committee applauds the AOC's Volunteer Services Unit for establishing and maintaining this user-friendly statewide volunteer database.

a. Profile of Active Volunteers

There are slightly more than 4,500 active Judiciary volunteers statewide. To date, roughly 92% (4,141) of the profiles for these volunteers are captured in VMIS. The statistical information presented in this report is based on current data drawn from the VMIS database.

Gender and County

An examination of *Table 3-8. New Jersey Judiciary Volunteer Programs by Gender and County* indicates that 31.1% of court volunteers reporting gender are male and 68.0% are female.

Table 3-8. New Jersey Judiciary Volunteer Programs by Gender and County
October 14, 2008

County	Female		Male		No Response		Total
	#	%	#	%	#	%	#
Atlantic	146	76.8	44	23.2	0	0.0	190
Bergen	236	64.1	131	35.6	1	0.3	368
Burlington	164	65.9	85	34.1	0	0.0	249
Camden	176	69.3	78	30.7	0	0.0	254
Cape May	40	70.2	16	28.1	1	1.8	57
Cumberland	49	79.0	13	21.0	0	0.0	62
Essex	157	61.6	82	32.2	16	6.3	255
Gloucester	51	61.4	32	38.6	0	0.0	83
Hudson	133	76.0	42	24.0	0	0.0	175
Hunterdon	28	75.7	9	24.3	0	0.0	37
Mercer	177	73.1	65	26.9	0	0.0	242
Middlesex	230	71.9	89	27.8	1	0.3	320
Monmouth	290	70.7	116	28.3	4	1.0	410
Morris	242	61.7	150	38.3	0	0.0	392
Ocean	131	52.8	117	47.2	0	0.0	248
Passaic	110	69.6	45	28.5	3	1.9	158
Salem	40	76.9	12	23.1	0	0.0	52
Somerset	91	76.5	28	23.5	0	0.0	119
Sussex	115	75.7	36	23.7	1	0.7	152
Union	180	64.1	92	32.7	9	3.2	281
Warren	32	82.1	7	17.9	0	0.0	39
Total	2,818	68.0%	1,289	31.1%	36	0.9%	4,143

Data Source: Judiciary Volunteer Services Unit

Race/Ethnicity

As illustrated in *Table 3-9. New Jersey Judiciary Volunteer Programs, Statistical Summary Report by Race/Ethnicity***,** the data show that 18.5% of all court volunteers reporting race/ethnicity classify themselves in a minority race/ethnicity category. Notably, the percentage of volunteers who declined to report race/ethnicity or for whom this information was not recorded in VMIS has decreased from 24.0% in 2006 to 18.8% in 2008. The Committee appreciates this improvement in the collection and availability of these data.

Table 3-9. New Jersey Judiciary, Volunteer Programs: Statistical Summary Report by Race/Ethnicity, October 14, 2008

Ethnicity	Number	Percentage of Total
White	2,588	62.5
Black	570	13.8
Hispanic or Latino	100	2.4
Asian/Pacific Islander/American Indian	40	1.0
Black and White	3	0.1
Hispanic and White	20	0.5
Hispanic and Black	4	0.1
Hispanic and Asian/Pacific Islander/American Indian	7	0.2
Asian/Pacific Islander/American Indian and White	20	0.5
Asian/Pacific Islander/American Indian and Black	1	<0.1
Multi-racial	8	0.2
Did not Answer	780	18.8
Total Volunteers	4,141	100.0%

Data Source: Judiciary Volunteer Services Unit

The Committee offers the following highlights from *Table 3-10. Participation in New Jersey Judiciary Volunteer Programs by Race/Ethnicity and County*.

- Approximately 72.6% of the total state populations in New Jersey in 2000 were White. On a statewide basis, most of the volunteers (n=2588) are White (62.5%), and in 12 of the 21 counties White volunteers meet or exceed 62.5% of the county volunteer corps (Bergen, Burlington, Cumberland, Gloucester, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Salem, Somerset, and Warren).

- Blacks comprise 13.6% of the total state population in 2000. Statewide the representation of Black volunteers is 13.8% (n=573). Black volunteers meet or exceed their overall statewide representation in 11 of the 21 counties (Atlantic, Burlington, Camden, Cumberland, Gloucester, Hudson, Mercer, Middlesex, Passaic, Salem, and Union). Black volunteers exceed 20.0% in Atlantic, Camden, Cumberland, Hudson, Middlesex, and Union. The overall population of Blacks in New Jersey and the statewide percent representation of Blacks serving as volunteers are virtually identical.

- Hispanics/Latinos comprise approximately 13.3% of the total state population; however, the representation of Hispanic/Latino volunteers statewide is 3.2% (n=131). Hispanic volunteer representation is approximately 20.0% in Hudson County and the representation is between 6.3% and 9.3% in Cumberland, Middlesex, and Union counties. Hispanic/Latino volunteers meet or exceed the statewide representation in 7 of the 21 counties (Bergen, Cape May, Cumberland, Hudson, Middlesex, Passaic, and Union counties).

- Asians/Pacific Islanders/American Indians comprise approximately 5.9% of the total population of New Jersey in 2000. However, the statewide representation of court volunteers is 1.5% and in only 7 counties is this figure met or exceeded (Bergen, Cumberland, Hudson, Mercer, Middlesex, Salem and Somerset. There are two counties in the state where the representation of court volunteer in the Asian/Pacific Islander/American Indian racial category is 5.0% or greater: Middlesex (5.3%) and Somerset (5.0%).

The volunteer statistics over the course of the past 20 or so plus years consistently show that the representation of racial and ethnic minorities among court volunteers lags far behind the representation of Whites in volunteer corps. Therefore, the Committee reiterates Task Force Recommendations 59, 60, and 60.1 encouraging the Court to improve access to information on volunteer programs in minority communities and launch aggressive recruitment plans to address the persistent underutilization of minority groups.

> 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, p. 237)

Table 3-10. Participation in New Jersey Judiciary Volunteer Programs by Race/Ethnicity and County, October 14, 2008

County	White		Black		Hispanic/ Latino		Asian/Pacific Islander and American Indian		Multi-racial		No Response		Total
	#	%	#	%	#	%	#	%	#	%	#	%	#
Atlantic	65	34.2	44	23.2	4	2.1	0	0.0	2	1.1	75	39.5	190
Bergen	315	85.6	20	5.4	12	3.3	6	1.6	0	0.0	15	4.1	368
Burlington	189	75.9	37	14.9	1	0.4	3	1.2	1	0.4	18	7.2	249
Camden	135	53.4	70	27.7	3	1.2	3	1.2	1	0.4	41	16.2	253
Cape May	26	45.6	1	1.8	2	3.5	0	0.0	0	0.0	28	49.1	57
Cumberland	39	62.9	18	29.0	4	6.5	1	1.6	0	0.0	0	0.0	62
Essex	23	9.1	26	10.2	2	0.8	0	0.0	0	0.0	203	79.9	254
Gloucester	70	84.3	12	14.5	0	0.0	1	1.2	0	0.0	0	0.0	83
Hudson	72	40.9	58	33.0	35	19.9	6	3.4	4	2.3	1	0.6	176
Hunterdon	37	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	37
Mercer	123	50.8	36	14.9	4	1.7	6	2.5	0	0.0	73	30.2	242
Middlesex	209	65.3	68	21.3	20	6.3	17	5.3	0	0.0	6	1.9	320
Monmouth	288	70.2	36	8.8	4	1.0	3	0.7	0	0.0	79	19.3	410
Morris	304	77.6	9	2.3	4	1.0	2	0.5	0	0.0	73	18.6	392
Ocean	220	88.7	10	4.0	1	0.4	0	0.0	0	0.0	17	6.9	248
Passaic	71	45.2	31	19.7	7	4.5	1	0.6	0	0.0	47	29.9	157
Salem	40	76.9	10	19.2		0.0	2	3.8	0	0.0	0	0.0	52
Somerset	98	82.4	13	10.9	1	0.8	6	5.0	0	0.0	1	0.8	119
Sussex	79	52.0	1	0.7	0	0.0	1	0.7	0	0.0	71	46.7	152
Union	152	54.1	70	24.9	26	9.3	3	1.1	0	0.0	30	10.7	281
Warren	33	84.6	3	7.7	1	2.6	0	0.0	0	0.0	2	5.1	39
Total	2,588	62.5%	573	13.8%	131	3.2%	61	1.5%	8	0.2%	780	18.8%	4141

Data Source: Judiciary Volunteer Services Unit

New Jersey Judiciary Volunteer Length of Service and Cumulative Volunteer Hours

The data enhancements to the VMIS database enabled the Committee to examine for the first time data on the average length of active service and the cumulative volunteer hours of service contributed by volunteer corps members in 17 programs in 2007 and 2008. The mean length of active service in years for all current volunteers is 2.4 years. As noted, volunteers exceeded this measure in the following six programs:

Juvenile Conference Committee (JCC)	6.2 years
Municipal Court Mediation (MCM)	5.1 years
Child Placement Review Boards (CPR)	4.2 years
Volunteers in Probation (VIP)	2.9 years
Guardianship Monitoring Program (GMP)	2.7 years
Courthouse Services Assistance (CSA)	4.2 years

The average years of service data are based on a volunteer's program appointment date as was available in VMIS for 4,074 active volunteers (98.7% of total volunteers). The following detailed breakdown of the years of services for active volunteers is noteworthy.

Less than 10 years:	3,614 volunteers
11 – 20 years:	347 volunteers
21 – 30 years:	91 volunteers
31 – 40 years:	21 volunteers
41 – 51 years:	1 volunteer

Aware of the breadth of volunteer corps program participation, it is instructive to calculate the actual hours that volunteers contribute[64] in a given calendar year to the Judiciary. These calculations are based on the hours tracked and not all hours served. As an example, *Table 3-11 New Jersey Volunteers Average Length of Active Service and Cumulative Volunteer Hours by Program* reveals that 33,361 volunteer hours were tracked in calendar year 2007, the equivalent of over 950 thirty-five hour work weeks of service. In calendar year 2008, the

[64] The Committee recognizes that this is an underestimation since input of volunteer hours into VMIS is not yet fully implemented statewide.

number of tracked volunteer hours increased to 37,800 hours, the equivalent of 1,080 work weeks.[65]

Table 3-11. New Jersey Volunteers Average Length of Active Service and Cumulative Volunteer Hours by Program, 2007 and 2008

Name of Program	Average Length of Active Service (Years)	Cumulative Volunteer Hours in 2007*	Cumulative Volunteer Hours in 2008*
Child Placement Review Boards (CPR)	4.2	9,457	9,370
Court-Appointed Special Advocate (CASA)	1.9	508	448
Courthouse Services Assistance (CSA)	2.5	4,209	7,674
Courthouse Visitors Assistance (CVA)	1.2	1,449	1,844
Domestic Violence Court Assistance Program	0.3	3	37
Guardianship Monitoring Program (GMP)	2.7	31	26
Juvenile Auto Theft Prevention Program (JATPP)	0.5	0	0
Juvenile Conference Committee (JCC)	6.2	9,223	9,402
Landlord Tenant Settlement	2.8	1,678	1,721
Municipal Court Mediation (MCM)	5.1	3,903	4,383
Newark Alliance for Compliance (NAC)	0.4	0	0
Parenting Mediation	2.1	180	113
Small Claims Settlement	2.2	1,858	1,976
Special Civil Settlement	0.9	429	441
Supervised Visitation Program (SVP)	2.1	15	58
Volunteers In Education (VIE)	2.1	187	213
Volunteers in Probation (VIP)	2.9	233	95
Total	2.4	33,361	37,800

Data Source: Judiciary Volunteer Services Unit (October 14, 2008)

b. Opportunities for Expanded Participation

New Jersey is a state that has a very high rate of racial/ethnic diversity. This diversity is evident in many county populations throughout the state. Therefore, a good deal of emphasis is placed on recruiting and maintaining a diverse employee and volunteer workforce.

[65] The implementation of the tracking of volunteer hours statewide for all programs is underway. Figures shown are estimated to represent approximately two-thirds of the actual volume.

> 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)

While presently no defined benchmark exists for determining an acceptable level or specific objectives for minority participation in court volunteer programs, by having a more complete profile of active court volunteers, the Court is now well-positioned to analyze available data and to consider a protocol for developing standards and proposing a method for measuring progress in further diversifying the volunteer corps.

Conceptually the protocol will likely encompass the use of current U.S. Census data to assess minority representation in the volunteer corps compared to the community at large, similar to how such information is used to determine an underutilization standard for the judicial employee workforce. Additionally, it can be anticipated that the availability of demographic information for court users, specifically those served through volunteer programs, will be examined in order to explore the possible relevance of expanding minority participation in the volunteer corps to mirror more closely selected demographics of the clientele served by the programs. A third component may be the inclusion of information on the availability of potential court volunteers along with a discussion of the barriers and challenges to those who may want to join the court volunteer corps. For example, the total representation of Whites in the general population according to the U.S. Census (2000) is 72.6% while their representation on the volunteer corps is 62.6%; this figure represents a 10% differential between the total White population statewide and rate of participation in the Judiciary volunteer corps. Blacks/African Americans, according to the same Census data, constitute 13.6% of the statewide population and the Judiciary's volunteer database shows that they comprise 13.8% of the current court volunteer corps. On the other hand, Hispanics/Latinos comprise 13.3% of the New Jersey population in

2000 and account for 3.2% of the corps of total court volunteers. Asians/Pacific Islanders/American Indians were 5.9% of the New Jersey population in 2000 and currently comprise 1.5% to the Judiciary's volunteer corps.

One of the performance goals of the Judiciary Volunteer Services Program is to establish a comprehensive approach to conducting periodic needs assessments and implementing targeted recruitment plans for the program including a thorough examination of selective demographic factors that enhance and hinder recruitment and retention of court volunteers.[66]

H. Statewide Ombudsman Program

1. Historical Background of the New Jersey Judiciary Statewide Ombudsman Program

In its final report (1992), the Supreme Court Task Force on Minority Concerns amended and revised an earlier recommendation published in the *Interim Report of the Supreme Court Task Force*, (1989, p. 29) addressing the establishment of a citizen complaint mechanism at the Administrative Office of the Courts and in each vicinage.

> The Supreme Court should direct that all complaint procedures include the following features: all key aspects of behavior which could result in a complaint are clearly specified, notices of complaint mechanisms are readily accessible to the public, and complaint procedures are structured so that grievances having to do with minority issues can be identified and quantified. Task Force Recommendation 30 (Final Report, 1992, p. 250)

> 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)

[66] Data on multi-racial volunteers are not included here.

Subsequently, both the Criminal Defendant and Minority Access subcommittees submitted separate amended recommendations in the 1994-1996 report calling for enhancements to the original ombudsman recommendations.[67]

> … 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)

Camden Vicinage piloted the Ombudsman Program beginning in 1996 for 18 months. Essex vicinage opened its Ombudsman office in 1998 and Mercer followed in 2001. Also in 2001, the Administrative Council endorsed the statewide expansion of the program and proposed the creation of a statewide Committee of Ombudsmen. In March 2005, a directive was issued promulgating the statewide implementation of the Office of the Ombudsman including the filling of positions in each of those vicinages that did not at the time have an ombudsman office. Since that time, recruitments have been made to fill vacancies at the Court Executive 1B level. Management and coordination of the statewide ombudsman program is now housed in the Office of Communications and Community Relations Litigant Services Unit.

[67] See the New Jersey Supreme Court Task Force on Minority Concerns Final Report (June 1992), Recommendation 30 p. 250, and Recommendation 31 p. 252. Similarly the New Jersey Task Force 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. The Task Force on Women in the Courts envisioned the ombudsman as an office that monitored problems, e.g., the enforcement of judicial orders in domestic violence cases, and collaborated and networked with community organizations (such as rape crisis centers and battered women's shelters) to bring community perspectives to the Judiciary.

2. Current Ombudsman Statistics

Tables 3-12 through 3-14 for calendar years 2006-2008 *The Office of the Ombudsman: Methods/Modes of Contact by Vicinage* provide data on the methods court constituents use to contact the ombudsman office. In 2006 there were a total of 9,656 contacts by court users. By calendar year 2007, this figure had increased 91.2% to 18,464 and in calendar year 2008, the contacts had increased 30.5% to 24,100 contacts statewide.

Most of the court users who contacted the office during this three year time period were walk-ins. Statewide, approximately equal numbers of court users chose to go to the office (50.1%, n=25,215) and telephone the office (49.8%, n=24,986). The methods of contact least utilized by court users were fax (1.1%, n=559), letter/memo (1.3%, n=644), and e-mail (1.6%, n=816). In the vicinages for calendar years 2006, 2007, and 2008, walk-ins and telephone contacts vacillated back and forth as first and second preferences for court users contacting the ombudsman offices. For calendar year 2006 court users selected telephoning the office 44.4% and visiting the office 50.1%; for calendar year 2007 court users selected telephoning the office 50.1% and visiting the office 45.7% and for calendar year 2008 court users selected telephoning the office 47.5% and visiting the office 49.6%. The Committee underscores the fact that in each of the four years, walk-ins and telephone contacts combined accounted for 94.5% of office contacts in 2006, 95.8% of office contacts in 2007, and 97.1% of office contacts in 2008. These findings suggest that New Jersey constituents or court users prefer personal contact with the Ombudsmen whether in person or via telephone.

Table 3-12. The Office of the Ombudsman: Methods/Modes of Contact by Vicinage, Calendar Year 2006

Vicinage	Walk-ins		Telephone		E-mail		Fax		Letter/Memo		Total	
	#	%	#	%	#	%	#	%	#	%	#	%
Atlantic/Cape May	4	5.3	61	80.3	0	0.0	1	1.3	10	13.2	76	100%
Bergen[a]	260	39.8	288	44.0	46	7.0	60	9.2	0	0.0	654	100%
Burlington	116	18.6	475	76.2	15	2.4	2	0.3	15	2.4	623	100%
Camden[b]	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	100%
Cumberland/Salem/Gloucester	53	10.4	347	68.3	22	4.3	8	1.6	78	15.4	508	100%
Essex	3,243	68.1	1,353	28.4	35	0.7	101	2.1	33	0.7	4,765	100%
Hudson	10	27.0	24	64.9	1	2.7	0	0.0	2	5.4	37	100%
Mercer	352	32.0	721	65.6	9	0.8	17	1.5	DNT		1,099	100%
Middlesex[c]	21	12.3	131	76.6	1	0.6	5	2.9	13	7.6	171	100%
Monmouth[d]	165	27.0	424	69.5	9	1.5	0	0.0	12	2.0	610	100%
Morris/Sussex[e]	0	0.0	0	0.0	0	0.0	0	0.0	0		0	100%
Ocean[f]	166	33.0	308	61.2	4	0.8	3	0.6	22	4.4	503	100%
Passaic	426	77.3	116	21.1	9	1.6	DNT		DNT		551	100%
Somerset/Hunterdon/Warren[g]	21	35.6	38	64.4	0	0.0	0	0.0	0	0.0	59	100%
Union	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	100%
Total Vicinages Combined	4,837	50.1%	4,286	44.4%	151	1.6%	197	2.0%	185	1.9%	9,656	100%

Data Source: Litigant Services Unit, November 2008

Note: "0" signifies no contacts of this type; "DNT" signifies that the data are not tracked.

Comments: [a]Bergen did not begin to track "Letter/Memo" category data until after 12/06; [b]Camden reported no 2006 data; [c]Middlesex began data collection April 2006 when a full-time ombudsman was appointed; [d]Monmouth data does not include information from 11/14/06 through 12/31/06; [e]Morris/Sussex reported no 2006 data; [f]Ocean data reflect contacts from 06/06 through 12/06 as the final version of the ombudsman data collection sheets were approved by Administrative Council in May/June 2006. [g]Somerset/Hunterdon/Warren data tracking commenced in November 2006 so the numbers are for the months of November and December.

Table 3-13. The Office of the Ombudsman: Methods/Modes of Contact by Vicinage, Calendar Year 2007

Vicinage	Walk-ins		Telephone		E-mail		Fax		Letter/Memo		Total	
	#	%	#	%	#	%	#	%	#	%	#	%
Atlantic/Cape May	13	6.3	165	79.7	14	6.8	8	3.9	7	3.4	207	100
Bergen	582	36.5	729	45.7	103	6.5	127	8.0	55	3.4	1,596	100
Burlington	222	25.9	577	67.3	39	4.6	2	0.2	17	2.0	857	100
Camden	254	39.0	388	59.5	9	1.4	0	0.0	1	0.2	652	100
Cumberland/Salem/Gloucester	75	10.2	563	76.6	33	4.5	7	1.0	57	7.8	735	100
Essex	4,111	73.0	1,435	25.5	58	1.0	8	0.1	19	0.3	5,631	100
Hudson	15	27.8	31	57.4	5	9.3	0	0.0	3	5.6	54	100
Mercer	569	38.0	906	60.4	9	0.6	15	1.0	0	0.0	1,499	100
Middlesex	38	10.8	270	76.5	23	6.5	7	2.0	15	4.2	353	100
Monmouth[a]	79	24.1	240	73.2	0	0.0	4	1.2	5	1.5	328	100
Morris/Sussex	10	8.8	92	80.7	7	6.1	0	0.0	5	4.4	114	100
Ocean	160	17.8	643	71.4	27	3.0	21	2.3	50	5.5	901	100
Passaic	1,411	64.4	765	34.9	14	0.6	DNT		DNT		2,190	100
Somerset/Hunterdon/Warren[b]	157	19.9	625	79.3	3	0.4		0.0	3	0.4	788	100
Union	736	28.8	1,814	70.9	3	0.1	1	0.0	5	0.2	2,559	100
Total Vicinages Combined	8,432	45.7%	9,243	50.1%	347	1.9%	200	1.1%	242	1.3%	18,464	100%

Data Source: Litigant Services Unit, November 2008

Note: "0" signifies no contacts of this type; "DNT" signifies that the data are not tracked.

Comments: [a]Monmouth data exclude September 2007 through December 2007; [b]Somerset/Hudson/Warren: letters, memos and faxes are tabulated together during this time period.

Table 3-14. The Office of the Ombudsman: Methods/Modes of Contact by Vicinage, Calendar Year 2008

Vicinage	Walk-ins		Telephone		E-mail		Fax		Letter/Memo		Total	
	#	%	#	%	#	%	#	%	#	%	#	%
Atlantic/Cape May	12	6.9	110	63.2	2	1.1	0	0.0	50	28.7	174	100%
Bergen	461	39.6	488	41.9	75	6.4	93	8.0	47	4.0	1,164	100%
Burlington[a]	226	37.8	348	58.2	7	1.2	0	0.0	17	2.8	598	100%
Camden	267	48.2	275	49.6	6	1.1	1	0.2	5	0.9	554	100%
Cumberland/Salem/Gloucester	21	4.8	338	77.2	51	11.6	4	0.9	24	5.5	438	100%
Essex[b]	6,327	70.6	2,583	28.8	37	0.4	4	0.0	14	0.2	8,965	100%
Hudson	11	25.0	19	43.2	7	15.9	1	2.3	6	13.6	44	100%
Mercer[b]	586	41.7	784	55.8	12	0.9	22	1.6	0	0.0	1,404	100%
Middlesex[d]	18	10.8	126	75.4	15	9.0	2	1.2	6	3.6	167	100%
Monmouth	152	17.9	666	78.5	11	1.3	0	0.0	19	2.2	848	100%
Morris/Sussex	25	11.0	183	80.6	17	7.5	0	0.0	2	0.9	227	100%
Ocean[e]	115	16.8	481	70.1	38	5.5	35	5.1	17	2.5	686	100%
Passaic	2,590	54.1	2,177	45.5	21	0.4	DNT		DNT		4,788	100%
Somerset/Hunterdon/Warren[f]	189	19.5	757	78.1	17	1.8	0	0.0	6	0.6	969	100%
Union	946	30.8	2,122	69.0	2	0.1	0	0.0	4	0.1	3,074	100%
Total Vicinages Combined	11,946	49.6%	11,457	47.5%	318	1.3%	162	0.7%	217	0.9%	24,100	100%

Data Source: Litigant Services Unit, November 2008

Note: "0" signifies no contacts of this type; "DNT" signifies that the data are not tracked.

Comments: [a]Burlington did not collect data from 10/08 through 12/08; [b]Essex notes an increase in the total number of contacts that it attributes the addition of a new staff person who sits in the Family Division Wilentz Building and is the primary contact for Family Division users; [c]Mercer's data collection began in September 2008; [d]Middlesex: in April 2008 and from June through July 2008 contacts went through the appropriate division so there is no contact information for those time periods; [e]Ocean data reflects contacts from January 2008 through September 2008; [f]Somerset/Hunterdon/Warren Letters, Memos and Faxes are tabulated together.

a. Constituent Use of Public Access Terminals and Other Technology

The Essex Office of the Ombudsman and Information and Community Relations Center continues to be the only ombudsman office that reports use of public access computer terminals and other technology. In the Committee's 2004-2007 report, 36.3% used the copy machine and 59.1% used the public access terminals. *Table 3-15. Essex Information Resource Center Use of Public Access Terminals and Copier, 2008* shows the usage of the public access terminals and copier in 2008.

Table 3-15. Essex Information Resource Center Use of Public Access Terminals and Copier, 2008

Public Access Terminals and Copier	**2008**	
	Number	Percent
Public Access Terminals	870	32.6
Copier	1,800	67.4
Total	**2,670**	**100.0%**

Data Source: Ombudsman Program Report November 2008

Comments: Essex has been collecting these data since 2001. The office no longer has a public fax machine.

Although no other Office of the Ombudsman currently reports the use of public access terminals and copiers, many other vicinages either through the Office of the Ombudsman or through other court offices currently provide for public use of various types of technology. *Table 3-16 Technology Available to Court Users* provides additional detail.

Table 3-16. Technology Available to Court Users

County	Public Access Terminals	LSNJ Kiosk	Computer (Lexis/Nexis)	Copier	Printer	Interpretype*
Atlantic			✓			
Burlington						✓
Cape May			✓			
Essex	✓	✓	✓	✓		
Mercer	✓		✓	✓	✓	
Middlesex		✓	✓			
Monmouth	✓					
Morris	✓	✓ (pending installation)				
Passaic	✓		✓			
Sussex	✓	✓ (pending installation)				
Union	✓	✓	✓			

Data Source: Vicinage Advisory Committee on Minority Concerns Staff Liaisons and Vicinage Ombudsmen
*Interpretype is a device that enhances communication between staff and hearing impaired court users.

b. Reason for Contact/Type of Assistance

The mode of contact referenced in Table 3-12 describes the initial interaction that the court user had with ombudsman staff. That number may be less than the total number of "Types of Assistance" offered to the court user over the course of the office contact (walk-in and telephone conference) as the "type of assistance" refers to the different types of service needs a court user requires and the various types of assistance (usually more than one) provided to resolve the presenting issue(s). The "assistance provided" may go beyond directing a court user to the appropriate office, transferring the constituent to another court office, or referring the court user to an outside agency. Often, the assistance provided is labor intensive and involves substantial interaction with the court user over multiple visits and telephone conversations. Such assistance may include researching a problem or issue, deciding upon a proper referral or plan of

action such as 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. The Essex Vicinage Ombudsman provided the Committee with a detailed list of the types of assistance it provides and tracks. The Essex Vicinage list includes:

Division/Office
Administration, Civil, Criminal, Family, Municipal, Probation

Court Services
ADA, Interpreting (Spanish, Portuguese, and Other), Jury, Transcripts

Citizen Complaint
Ombudsman Complaint

Court
Court/Judge, Request for Court Observation

Research
ACMS, Promis Gavel Research

Other
Legal Assistance, Referral (i.e., Statutes), Legal Referral (i.e., N.J.S.B.)

Presently, the Essex Office of the Ombudsman captures more detailed information. However, the reader should note that the Ombudsman Daily Stat Sheet does capture information identifying the various practice areas and divisions from which a court user seeks assistance. These data are not available at this time.

During the 2004-2007 report term, with the exception of Essex, no established ombudsman office reported such information. This year, not only has the Committee been provided abbreviated summary data on the types of assistance provided but also observes that all vicinages reported some data on type of assistance from 2006, 2007, and 2008. While the vicinages are at various stages in terms of the data collected, the Committee urges the Court to

view this data collection and analysis as a highly valuable tool that contributes to the delivery of services to the public.

Table 3-17. Office of the Ombudsman: Type of Assistance (2006, 2007 and 2008) Summary Table (All Vicinages Combined) reveals that statewide most court users received assistance in the form of court information (34.4%, n=21,531), court forms (17.7%, n=11,094), and research/investigation (16.2%, n=10,150). The categories of assistance that were least frequently provided were internal recommendation (0.7%, n=446) and letter (1.3%, n=792).

Table 3-17. Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008) Summary Table (All Vicinages Combined)

Reason Court Users Contact the Office/Type of Assistance[68]	2006		2007		2008		Total	
	#	%	#	%	#	%	#	%
Letter	133	0.8	351	1.5	308	1.3	792	1.3
Court Information	5,229	33.1	8,755	37.2	7,547	32.6	21,531	34.4
Case Documents	578	3.7	1,647	7.0	1,863	8.0	4,088	6.5
Court Form	2,536	16.0	3,778	16.1	4,780	20.6	11,094	17.7
Research/Investigation	3,214	20.3	3,429	14.6	3,507	15.1	10,150	16.2
Internal Recommendation	78	0.5	249	1.1	119	0.5	446	0.7
Non-Court Information	1,269	8.0	1,389	5.9	1,532	6.6	4190	6.7
Court Tours/Speakers	406	2.6	564	2.4	387	1.7	1357	2.2
Interpreter Needed	1,950	12.3	1,689	7.2	1,384	6.0	5023	8.0
Update	25	0.2	899	3.8	1,099	4.7	2023	3.2
Other	402	2.5	763	3.2	654	2.8	1819	2.9
Total	15,820	100%	23,513	100%	23,180	100%	62513	100%

Data Source: Litigant Services Unit, November 2008
See Appendix C-3 for vicinage specific Table 3-17 Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008).

c. Type of Assistance by Division

In the 2004-2007 report, most vicinages reported type of assistance by division over a two month period.[69] During this two-month period (September 1 to October 31, 2006), 48.4% of all assistance provided was in the civil division (n=1,726), 17.1% was in the family division

[68] See Appendix C-2 for definitions of the noted types of assistance.

(n=611), and 16.5% was in the criminal division (n=589). While comparable data were not provided to the Committee for this report, the Committee believes that this information is helpful in that it assists the practice areas in pinpointing and addressing processes and procedures that raise questions or pose challenges for some court users and recommends that it be included in the routine Ombudsman data collection.

d. Complaints

The Supreme Court Committee on Minority Concerns is disappointed that the Committee on Ombudsman does not capture "constituent complaint" data in a separate category as the recommendation approved by the court so stipulated.

> … 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)

The Essex Office of the Ombudsman provided the Committee with data on constituent complaints by division. The Committee believes that it is extremely beneficial to obtain this level of detail as it enables a vicinage to pinpoint particular customer service issues, customize appropriate responses, propose process and procedural changes if needed, and network with other court staff to problem solve.[70]

[70] For more information please see the *Superior Court of New Jersey – Essex Vicinage Office of the Ombudsman & The Information and Community Relations Center 2007 Report*, p. 10.

3. Vicinage Pro Se Initiatives

The Committee reviewed reports from each of the 15 vicinages highlighting recent initiatives directed to self-represented and unrepresented litigants and is pleased to observe such a broad variety of innovative programming and outreach activities. The Committee also observed in the material that it reviewed an alternative model that demonstrates the Court's deepening understanding of the breadth of needs of self-represented and unrepresented litigants. New initiatives that build on the Court's longstanding commitment in this area, such as, e.g., the self help center under development in Union vicinage, are tangible responses to the concrete informational and assistance needs of self-represented and unrepresented litigants. The Committee encourages the court at both the vicinage and statewide levels to continue to develop proactive programs that respond to the documented needs of pro se litigants. The Committee looks forward to engaging in direct dialogue and working collaboratively with the Committee on Ombudsman, the Manager of Litigant Services, and the newly configured Advisory Group on Self-Representation to ensure that all facets of the original Task Force Recommendations are addressed in a timely fashion and that more detailed data are available.

V. Conclusion

The Committee reiterates its ongoing appreciation for the opportunity to work with the Judiciary on a spectrum of access issues. As the Committee continues to address longstanding priority focus areas, the Committee looks forward to partnering with the Court to improve minority access to justice through the full implementation of related Task Force and Committee recommendations proffered during the course of these past 25 years.

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, promotions, and retention of minorities, the participation of minorities on Supreme Court boards, committees, and fiduciary appointments, and minority access to vendor contracts, judicial clerkships, and volunteer opportunities.[71]

The Committee'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 Committee 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 Committee makes recommendations to enhance, modify, or augment existing Judiciary programs and/or offer new or alternative approaches to effectuating institutional changes 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, law clerkships, fiduciary appointments, and vendor opportunities.

The New Jersey Judiciary has made substantial progress over the course of the last 25 years in its efforts to ensure fair and equitable access to employment opportunities in the Judiciary. The Judiciary's progress in implementing the court-approved recommendations of the Minority Concerns Committee positions the Court to meet the continuing challenges of the State's rapidly changing population demographics. This chapter focuses on how the Judiciary since the Committee's last report has addressed particular concerns raised and recommendations

[71] Information on volunteer services is discussed in detail in Chapter III.

made in the Supreme Court Committee on Minority Concerns 2004-2007 Report in addition to selected priority carryover issues from previous reports.

II. Subcommittee Activities

In exercising its ongoing monitoring mandate, the Committee has continued to work collaboratively with the Administrative Office of the Courts (AOC) and with the vicinages to obtain workforce data and other information on Judiciary employment policies, practices, 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 2004-2007 report and have been addressed, reviewed, and/or monitored during the current reporting term.

A. Judiciary EEO/AA Master Plan

The New Jersey Supreme Court approved the Judiciary EEO/AA[72] 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). Using data from the U.S. Census (2000) together with workforce data to conduct the self-critical analysis, each vicinage separately and the AOC/Central Clerks' Offices analyzes and compares the gender and

[72] Equal Employment Opportunity/Affirmative Action (EEO/AA)

racial demographics of divisions and job groups and compares these statistics to availability data to identify areas of underutilization[73] for remedial action efforts.

Methodology to Establish Availability Data

The calculation of availability rates used in the Judiciary's workforce analysis takes into consideration the percentage of minorities and/or women in the experienced civilian labor force (ECLF)[74] who reside within the Judiciary's general labor market area and who possess qualifications relevant to the specific Judiciary job group based on the most recent Census data, i.e., 2000. The Judiciary identified the relevant labor pool for each group in order to calculate availability rates by taking the relevant experienced civilian labor force (ECLF) for the 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 AOC EEO/AA Unit assigned a specific geographical reasonable recruiting area. To do this, the AOC EEO/AA Unit examined the commuting patterns of employees in each job group at each location (county) and in some cases, where job applicants for selected job groups lived.

Generally, the reasonable recruiting area consists of where the majority of employees and/or applicants for a particular job group reside. For the Court Executive job band, the recruitment area is national in scope[75]. For the Professional Supervisory category, the recruiting

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

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

[75] The recruitment area may also include the Northeast Corridor for the Court Executive job band.

area is statewide, and for the support staff band, the reasonable recruiting area is generally 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[76] 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 race/ethnicity group is considered underutilized where the underrepresentation in a given job band equals at least one person.

Underutilization of Racial and Ethnic Minorities

Underutilization of racial and ethnic minorities and females, where it appears, has been noted in the Judiciary's workforce analyses for the AOC and each vicinage. The Committee appreciates the Court's continuing efforts to conduct ongoing self-critical analyses. As discussed 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 "[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." EEO/AA staff at the AOC and in each vicinage as part of their respective Workforce Analysis Reports draft remedial action plans to address identified underutilization. Remedial action plans differ depending on the location and

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

the specific underutilization. Bearing in mind the legal and conceptual prohibitions against establishing quotas to address specific underutilizations, the following selected examples demonstrate some of the tools available to the Judiciary as it endeavors to remediate underutilization:

- Advising senior managers as to areas of underrepresentation of minorities and females and engaging in the development of strategies for particular units or divisions;

- Participating in job fairs, college fairs, community organization events and other outreach events to target underrepresented groups and recruit for specific positions;[77]

- Maintaining an AOC EEO/AA Resume Bank for minority and female candidates. When a position becomes available in a title involving underutilizations, review resumes and promote openings to competitive candidates;

- Offering assistance in the application process including providing insights on the nature of available positions and the recruitment process, preparation, and formatting resume and cover letter feedback, and assistance with interview preparation;

- Advertising specific job openings in Asian, Latino and other minority media sources and on minority professional association job boards;

- Distributing available position vacancies to diverse community contacts, including bar associations, community groups and non-profit organizations servicing diverse clients, county and local governments, and houses of worship, and make ongoing efforts to identify new community contact sources for reaching diverse bilingual candidates, Latino and Asian candidates;

- Monitoring all aspects of employment practices including the evaluation of personnel policies and procedures, and position requirements;

- Conducting applicant flow data analyses focusing on the composition of applicant pool, composition and credentials of those selected for interview, interview panel composition, proposed interview questions, and justifications for candidate selection;

[77] See Appendix D-1 for a list of the recruitment/outreach events, including law clerk recruitment events, attended by Judiciary EEO/AA representatives for calendar years 2007 and 2008.

- Scrutinizing closely available positions in underrepresented titles and supplementing applicant pool or interview lists with competitive candidates in underrepresented groups and ensuring uniform and fair treatment of all employees and applicants;

- Determining if any step in the hiring process has an adverse impact on groups protected by anti-discrimination laws;

- Focusing on retention efforts given the problems in recruiting and retaining bilingual employees, many of whom are Hispanic; and

- Conducting a critical review of the Selection Disposition Form for each potential new hire.

B. Overview of the Judiciary Workforce

1. State Judiciary Workforce Profile

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

As Table 4-1 demonstrates, as of August 2007, racial and ethnic minorities comprised 37.9% of the total Judiciary workforce (excluding judges, bar examiners, and part-time employees) exceeding the 31.7% experienced civilian labor force (ECLF) in New Jersey. The 2000 U.S. Census Data for the ECLF is based on a special tabulation and represents the hiring pools that are used to examine the utilization of racial/ethnic minorities 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, according to the latest Judiciary workforce data (August 2007):

- There were 9,151 non-judge judicial employees (vicinages and AOC/Central Clerks' Offices) as of August 2007;

- 84.3% of Judiciary employees are at the vicinage level; 15.7% are at the AOC Central Clerks Offices;

- 30.5% of all employees at the AOC/Central Clerks' Offices are racial/ethnic minorities;

- 39.2% of all employees at the vicinage level are racial/ethnic minorities;

- 37.9% of all court personnel at the AOC/Central Clerks' Offices and the vicinages combined are racial/ethnic minorities; this combined total exceeds the 31.7% experienced civilian labor force (ECLF) in New Jersey;

- 24.4% of employees are Black/African American (at the AOC Central Clerks Offices and the vicinages combined) exceeding the 11.9% ECLF for Blacks in New Jersey by 12.5%;

- 10.6% of employees are Hispanic/Latino (at the AOC Central Clerks Offices and the vicinages combined) falling short of the 12.1% ECLF for Hispanics/Latinos in New Jersey by 1.5%; and

- 3.0% of employees are Asians/American Indians (at the AOC Central Clerks Offices and the vicinages combined) falling short of the 6.5% ECLF for Asians/American Indians in New Jersey by 3.5%.

Table 4-1. New Jersey Judiciary: Employees by Race/Ethnicity (Excluding Judges, Bar Examiners, and Part-time Employees), AOC/Central Clerks' Offices and Vicinages, August 2007

	Total	Whites		Total Minorities		Blacks		Hispanics/ Latinos		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
Vicinages	7,710	4,684	60.8%	3,026	39.2%	1,935	25.1%	889	11.5%	202	2.6%
AOC/Central Clerks' Offices	1,441	1,001	69.5%	440	30.5%	295	20.5%	77	5.3%	68	4.7%
Total Judiciary	9,151	5,685	62.1%	3,466	37.9%	2,230	24.4%	966	10.6%	270	3.0%
U.S. Census 2000[a]											
NJ Experienced Civilian Labor Force, Census 2000		68.3%		31.7%		11.9%		12.1%		6.5%	
NJ Total Population, Census 2000	8,414,350	72.6%		32.8%		13.6%		13.3%		5.9%	

Data Source: 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. 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%.

[a] 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. Data Source: U.S. Census, 2000. (See Appendix D-2 for individual county, total judiciary, AOC/Central Clerks' Offices and Vicinage ECLF and Utilization information.)

Minority Representation in the Judiciary Workforce

The August 2007 Judiciary workforce data set forth in Table 4-1 show a continuation in the trend of incremental increases in the overall percentage of minorities in the Judiciary workforce from 1992-2007 (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, 2005, 2006 and 2007).* A comparison of the 1992 and 2007 data shown in Table 4-2, a fifteen-year "look back" at snapshot of two points in time, reveals that while the total Judiciary workforce (i.e., the components of the workforce excluding judges, bar examiners, etc., described in Table 4-2) increased in size by over 4.2% since 1992 (from 8,779

employees in 1992 to 9,151 employees in 2007), the percentage of total minorities in the Judiciary workforce increased by 61% from 23.5% to 37.9% and the total number of minorities increased by 67.8% during this time period (1992 n=2,066 vs. 2007 n=3,466). The percentage of total minorities in the Judiciary workforce increased by 3.8% from 2003 to 2007 and may suggest that the rate of growth of minority representation in the Judiciary workforce overall may be slowing down or leveling out. Notwithstanding the significant gains in minority hiring by the Judiciary, the concerns raised by the Committee's 2004-2007 Report with respect to the representation of Hispanics/Latinos and Asians, still remain to be fully addressed and resolved.

> 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, p. 326)

> 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 workforce. Task Force Recommendation 46 (Final Report, 1992, p. 326)

Table 4-2. New Jersey Judiciary: Percent Minority Employees by Race/Ethnicity AOC/Central Clerks' Offices, Vicinages and Total AOC and Vicinages Combined (Excluding Judges, Bar Examiners, and Part-time Employees) 1992, 1995, 1997, 2001, 2003, 2005, 2006, and 2007

AOC								
	1992	1995	1997	2001	2003	2005	2006	2007
	%	%	%	%	%	%	%	%
Whites	79.8	74.8	73.1	71.0	70.0	70.0	70.2	69.5
Blacks	17.1	19.3	20.4	22.2	22.4	21.1	20.4	20.5
Hispanic/Latinos	1.9	4.2	4.5	4.6	4.3	4.5	4.8	5.3
Asians/American Indians	1.2	1.6	2.0	2.2	3.3	4.3	4.6	4.7
Total Minorities	20.2	25.2	26.9	29.0	30.0	30.0	29.8	30.5
Total AOC Employees	1285	1278	1224	1304	1285	1429	1444	1441

Vicinages								
	1992	1995	1997	2001	2003	2005	2006	2007
	%	%	%	%	%	%	%	%
Whites	75.9	72.0	71.0	64.9	62.4	62.5	61.5	60.8
Blacks	17.2	19.6	20.0	24.2	25.4	24.6	25.1	25.1
Hispanic/Latinos	6.3	7.1	7.5	9.1	10.2	10.5	11.0	11.5
Asians/American Indians	0.4	1.3	1.4	1.8	2.1	2.4	2.4	2.6
Total Minorities	24.1	28.0	29.0	35.1	37.6	37.5	38.5	39.2
Total Vicinage Employees	7494	7646	7237	7316	7257	7755	7777	7710

AOC and Vicinages Combined																
	1992		1995		1997		2001		2003		2005		2006		2007	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Total Judiciary Employees	8,779	100	8,924	100	8,461	100	8,620	100	8,542	100	9,184	100	9,221	100	9,151	100
Total Minorities	2,066	23.5	2,461	27.6	2,428	28.7	2,945	34.2	3,117	36.5	3,337	36.3	3,425	37.1	3,466	37.9

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

Note: In reviewing the data in Table 4-2, the reader should be mindful that the years represented in the table do not represent equal year intervals. These data snap shots were taken with variable intervening years from four years to one year; the most frequently appearing time interval is two years.

As Table 4-2 shows, the percentage of Blacks/African Americans in the AOC/Central Clerks' Offices dipped by 1.8% between 2001 and 2006 (from 22.2% to 20.4%) although the total number of employees at the AOC/Central Clerks' Offices increased by nearly 11% during that time period (from 1,304 to 1,444). Between 2006 and 2007 there was a negligible increase from 20.4% to 20.5% in the percentage of Blacks/African Americans at the AOC/Central Clerks' Offices.

The Committee notes that there has been a negligible increase in the percentage of Blacks/African Americans at the AOC/Central Clerks' Offices since 2006 and the percentage of Blacks/African Americans in the workforce of the AOC/Central Clerks' Offices reflected in the latest data is still below the levels for 2001 (22.2%) and 2003 (22.4%). Consequently, the Committee echoes its concern raised in its previous report that the increase of Black/African American employees at the AOC/Central Clerks' Office continues to remain low. The Committee recognizes that there is a need to conduct a more detailed analysis in order to identify those areas where progress is marked and to target those areas where additional effort is required.

The representation of Asians/American Indians in the AOC/Central Clerks' workforce moved steadily upward since the data snap shot taken in 2001, more than doubling from 2.2% in 2001 to 4.7% in 2007.

The representation of Hispanics/Latinos increased from 4.6% in 2001 to 5.3% in 2007. The Committee also observed in its 2002-2004 Report and in its 2004-2007 Report that Hispanics/Latinos were represented in the vicinage workforce at a "substantially greater proportion" than in the AOC/Central Clerks' Offices. The percentage of Hispanics/Latinos in the vicinage workforce increased less than 1.0% from 11.0% in 2006 to 11.5% in 2007 while at the AOC/Central Clerks' Offices the percentage changed from 4.8% to 5.3% during the same

time period. With Hispanics/Latinos represented at the vicinage level at 11.5% and at the AOC/Central Clerks' Offices at only 5.3%, the 2007 data regarding Hispanics/Latinos in the Judiciary workforce continue to reflect the underutilization noted previously by the Committee. The Committee notes that there is still work to be done and reiterates its previous recommendation that the Administrative Office of the Courts undertake aggressive efforts to increase the representation of Hispanics/Latinos at the AOC/Central Clerks' Offices. The Committee also notes that while the representation of Asians/American Indians increased this group is still underrepresented (4.7%) when compared to ECLF availability data (6.5%).

Table 4-3 portrays the race/ethnicity composition of each vicinage's workforce as of August 2007. While an extensive comprehensive analysis of these statistics is beyond the scope of this report, the Committee observes that some dynamics reflected in Table 4-3 should be highlighted:

Table 4-3. New Jersey Judiciary: Vicinage Employees by County and Race/Ethnicity (Excluding Judges, Law Clerks, Bar Examiners and Part-time Employees), August 2007

County	Total	Whites		Total Minorities		Blacks		Hispanics/ Latinos		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
Atlantic	376	240	63.8	136	36.2	110	29.3	20	5.3	6	1.6
Bergen	514	382	74.3	132	25.7	57	11.1	57	11.1	18	3.5
Burlington	338	237	70.1	101	29.9	79	23.4	17	5.0	5	1.5
Camden	653	392	60.0	261	40.0	176	27.0	74	11.3	11	1.7
Cape May	113	103	91.2	10	8.8	6	5.3	3	2.7	1	0.9
Cumberland	241	178	73.9	63	26.1	29	12.0	31	12.9	3	1.2
Essex	994	284	28.6	710	71.4	578	58.1	92	9.3	40	4.0
Gloucester	227	185	81.5	42	18.5	30	13.2	10	4.4	2	0.9
Hudson	603	284	47.1	319	52.9	123	20.4	177	29.4	19	3.2
Hunterdon	73	67	91.8	6	8.2	3	4.1	3	4.1	0	0.0
Mercer	371	215	58.0	156	42.0	118	31.8	32	8.6	6	1.6
Middlesex	564	338	59.9	226	40.1	135	23.9	53	9.4	38	6.7
Monmouth	497	382	76.9	115	23.1	76	15.3	25	5.0	14	2.8
Morris	289	210	72.7	79	27.3	48	16.6	22	7.6	9	3.1
Ocean	388	344	88.7	44	11.3	15	3.9	20	5.2	9	2.3
Passaic	503	235	46.7	268	53.3	129	25.6	135	26.8	4	0.8
Salem	97	66	68.0	31	32.0	25	25.8	4	4.1	2	2.1
Somerset	196	146	74.5	50	25.5	18	9.2	27	13.8	5	2.6
Sussex	98	91	92.9	7	7.1	4	4.1	3	3.1	0	0.0
Union	485	225	46.4	260	53.6	171	35.3	79	16.3	10	2.1
Warren	90	80	88.9	10	11.1	5	5.6	5	5.6	0	0.0
Total Vicinage Employees	7,710	4,684	60.8%	3,026	39.2%	1,935	25.1%	889	11.5%	202	2.6%

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

Table 4-3 shows that the statewide aggregate percentage of Blacks/African Americans for all vicinages combined is 25.1% (the same as in 2006), for Hispanics/Latinos for all vicinages combined is 11.5%, and for Asians/American Indians is 2.6% for all vicinages combined.

As 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 differences between vicinages do not necessarily indicate underutilization of any particular racial/ethnic group. Yet 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 the percentage

of Asians in the workforce of the Bergen and Essex vicinages exceeds the aggregate average, the Judiciary's latest utilization analysis determined that there was a shortfall of Asians in various job groups within these vicinages' workforces. 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 and Essex County is relatively higher than is utilization[78].

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, presents a portrait of the combined Judiciary workforce as of August 2007 by job band with a breakdown of race/ethnicity for each of the ten[79] job bands[80]. Since 2006 the Judiciary workforce (excluding judges and law clerks) has decreased by 66 (0.8%) from 8,749 to 8,683 as Table 4-4 shows Figure 1, depicting the distribution of employees among the ten job bands and based on the data included in Table 4-4, makes it readily evident that minorities are not evenly distributed throughout the Judiciary's workforce. Although minorities comprise over 38% of the total Judiciary workforce, this percentage is markedly skewed by the heavy (over)representation of minorities in the most heavily populated lower level bands, particularly case processing and support staff. There is one notable exception: nearly 82% of employees in the title "Judge's Secretary" are White.

[78] Detailed information for each vicinage is available through the Judiciary's EEO/AA Unit.

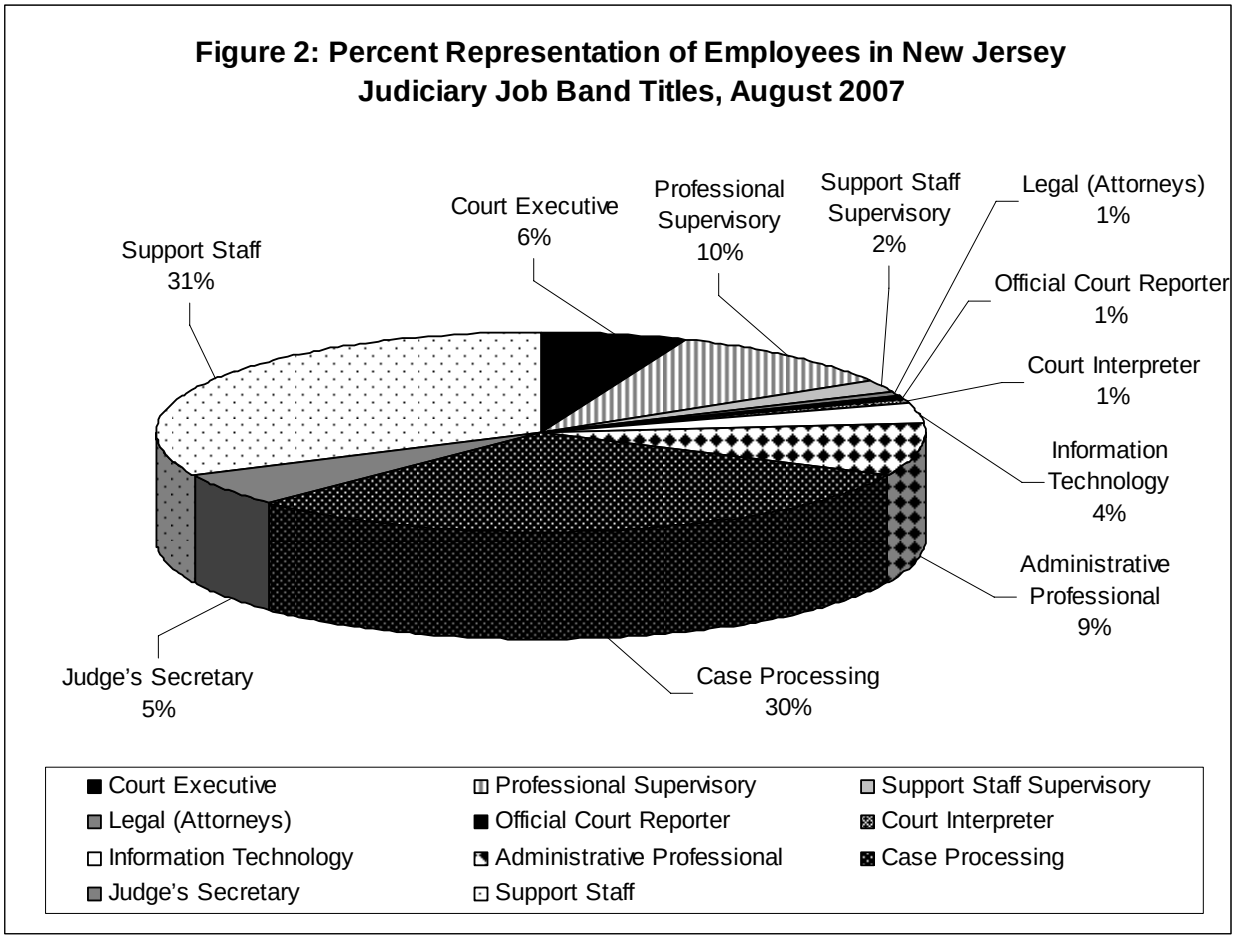
[79] Although there are ten job bands, data for the category titled "Judge's Secretaries," a job group within the Support Staff job band, are presented separately.

[80] See Appendix D-3 for a complete listing of the job bands and corresponding job titles.

Table 4-4. New Jersey Judiciary: Employees by Race/Ethnicity and Job Band AOC/Central Clerks' Offices and Vicinages Combined (Excluding Judges, Law Clerks, Bar Examiners, and Part-time Employees) August 2007

	Total	Whites		Total Minorities		Blacks		Hispanics/ Latinos		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
Court Executive	522	402	77.0	120	23.0	77	14.8	36	6.9	7	1.3
Professional Supervisory	904	693	76.7	211	23.3	155	17.1	42	4.6	14	1.5
Support Staff Supervisory	170	105	61.8	65	38.2	54	31.8	10	5.9	1	0.6
Legal (Attorneys)	60	52	86.7	8	13.3	4	6.7	3	5.0	1	1.7
Official Court Reporter	52	47	90.4	5	9.6	3	5.8	1	1.9	1	1.9
Court Interpreter	48	19	39.6	29	60.4	1	2.1	27	56.3	1	2.1
Information Technology	304	190	62.5	114	37.5	38	12.5	27	8.9	49	16.1
Administrative Professional	744	513	69.0	231	31.0	141	19.0	64	8.6	26	3.5
Case Processing	2,630	1458	55.4	1,172	44.6	768	29.2	370	14.1	34	1.3
Support Staff	2,791	1451	52.0	1,340	48.0	910	32.6	332	11.9	98	3.3
Judge's Secretary	458	375	81.9	83	18.1	46	10.0	35	7.6	2	0.4
Total	8,683	5,305	61.1%	3,378	38.9%	2,197	25.3%	947	10.9%	234	2.7%

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



While a complete discussion of the Court Executive Job Band is included in section D, the Committee offers a few observations within this general discussion. At present, although the Court Executive Job Band only represents 2.5% of the Judiciary workforce, the composition of the band is extremely significant given that it includes uppermost management at both the Vicinage and AOC/Central Clerks' levels, and is the policy making level of the Judiciary.

Of the 522 Court Executives employed at the AOC/Central Clerks' Offices and Vicinages combined, 77% are White and 23% are racial/ethnic minorities. While the absolute number of minorities in this band increased (from 115 in 2006 to 120 in 2007) and the absolute numbers of Blacks (from 74 to 77) and Hispanics/Latinos (from 34 to 36) in this band increased, the number of Asians/American Indians (n=7) remained static compared to the Committee's most recent

2004-2007 report. Given the relatively few opportunities to hire or promote individuals into the Court Executive band, it is critical that opportunities to fill such positions with racial/ethnic minorities be carefully considered.

The Professional Supervisory band accounts for a little more than 10% of employees within the Judiciary. A similar phenomenon exists within this band where nearly 77% of employees are White.

It should be noted that in the Support Staff Supervisory band which comprises about 2% of the Judiciary workforce the percentage of minorities has increased since the Committee's 2004-2007 report from 34.4% to 38.2%. This change reflects a slight increase in the number of minorities in the band (from 62 to 65 equals a 4.8% increase) but indicates a decline in the number of non-minorities in the band (from 118 to 105, representing an 11% decrease in non-minorities). The Committee details this observation because it is important to note that the percentage increase of minorities in this band may be attributable to the decrease in the number of non-minorities in the band rather than to an increase in the number of minorities hired in this band.

In contrast to those bands where minorities seem to be less represented, there are bands in which there is a concentration of minorities, a concentration that drives up the overall percentage of minorities in the Judiciary workforce but skews the data regarding overall representation. For example, in the Case Processing band, representing 30.3% of the Judiciary workforce, this concentration is evident with 44.6% of employees belonging to a minority group. However, in the Case Processing job band, the disparity between the percentages of non-minority and minority employees is less marked than in the Support Staff band which comprises 32.1% of the Judiciary workforce, and where 48% of the employees are minorities. Moreover, it is striking to

note that only 18.1% of employees in the Judge's Secretary group of the Support Staff band are minorities as compared to the much higher percentage of minorities in the general Support Staff band (38.2%); this issue needs to be further examined.

The Committee reported in its 2004-2007 Report that 77% 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 2007, this pattern persisted: Based on the most current data from the AOC, these percentages are respectively 76.4% and 74.1%, reflecting no notable improvement of this concentration of minorities since the Committee's last report. In addition, over 55% of the Judiciary's Asian/American Indian employees are found in these two bands, and 20.9% of these employees are in the Information Technology band while Asian/American Indian employees comprise just 2.7% of the Judiciary workforce reflected in Table 4-4.

The data are clear: Minorities comprise a greater proportion of the two most heavily populated lower level bands with over 74% of minority employees concentrated in Case Processing and Support Staff in contrast to 54.5% of Whites being concentrated in the same two bands. This pattern of disproportionate concentration holds true for both Blacks/African Americans and Hispanics/Latinos while Asians/American Indians are disproportionately concentrated in the Information Technology and Support Staff Bands.

The slight trend of increasing minority representation in the Legal (attorney) job band, noted in the Committee's 2004-2007 Report, has barely continued with the proportion of total minority attorneys in this category moving from 12.1% (7) to 13.3% (8) based on the most current data. However, given the size of this job band (n=58) a net increase of just one minority employee increases the proportional representation significantly. The Committee encourages the

Judiciary to look further at expanding the representation of racial/ethnic minorities in this job band and conduct more sophisticated data analysis to mine and evaluate fully the available workforce data.

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

Table 4-5. New Jersey Judiciary: Salary Comparisons by Race/Ethnicity of Employees AOC/Central Clerks' Offices, August 2007

AOC	Total	Whites		Total Minorities		Blacks		Hispanics/ Latinos		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
Over $100,000	152	131	86.2%	21	13.8%	14	9.2%	6	3.9%	1	0.7%
$90.000-$99,999	248	181	73.0%	67	27.0%	44	17.7%	12	4.8%	11	4.4%
$80,000-$89,999	139	109	78.4%	30	21.6%	16	11.5%	6	4.3%	8	5.8%
$70,000-$79,999	130	96	73.8%	34	26.2%	25	19.2%	4	3.1%	5	3.8%
$60,000-$69,999	176	114	64.8%	62	35.2%	36	20.5%	12	6.8%	14	8.0%
$50,000-$59,999	214	143	66.8%	71	33.2%	46	21.5%	13	6.1%	12	5.6%
$40,000-$49,999	275	162	58.9%	113	41.1%	84	30.5%	17	6.2%	12	4.4%
$30,000-$39,999	84	51	60.7%	33	39.3%	24	28.6%	5	6.0%	4	4.8%
$20,000-$29,999	23	14	60.9%	9	39.1%	6	26.1%	2	8.7%	1	4.3%
Total	1,441	1001	69.5%	440	30.5%	295	20.5%	77	5.3%	68	4.7%

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

Table 4-5. New Jersey Judiciary: Salary Comparisons by Race/Ethnicity of Employees at the AOC/Central Clerks Offices shows the distribution of salaries across nine salary ranges as of August 2007. For purposes of this 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 1,441 employees at the Central Office, including support staff through management, 26.5% (382) earn from $20,000-$49,999, 36.1% (520) earn from $50,000-$79,999, and 37.4% (539) earn from $80,000 to over $100,000. The employee population appears to be somewhat evenly spread across the three salary tiers, i.e., upper, middle, and lower, with the top two tiers each including a little more than a third of the total AOC employee population and the lower tier including a little more than a quarter of the total AOC employee population. However, a closer look at the distribution within the salary tiers and across the salary tiers illuminates a number of interesting and noteworthy observations.

Distribution Within and Across Salary Tiers

Of the 382 employees in the lowest paid tier, i.e., earning from $20,000 - $49,999, 40.6% are racial or ethnic minorities. The racial/ethnic minorities in this tier include 38.6% of all Black/African American employees at the AOC/Central Clerks' Offices, 31.1% of all Hispanic/Latino employees at the AOC/Central Clerks' Offices, and 25.0% of all Asian/American Indian employees at the AOC/Central Clerks' Offices. By way of comparison, only 22.7% of the total number of White employees in the workforce are in the lowest paid tier.

Of the 520 employees in the middle tier, i.e., earning from $50,000 - $79,999, 32.1% are racial or ethnic minorities. The racial/ethnic minorities in this tier include 36.2% of all Black/African American employees at the AOC/Central Clerks' Offices, 37.7% of all Hispanic/Latino employees at the AOC/Central Clerks' Offices, and 45.6% of all Asian/American Indian employees in the AOC/Central Clerks' Offices. By way of comparison, 35.3% of the total White employees at the AOC/Central Clerks' Offices are in the middle tier.

Of the 539 employees in the highest tier, i.e., earning from $80,000 to over $100,000, only 21.9% are racial/ethnic minorities. The racial/ethnic minorities in this tier include 25.1% of all Black/African American employees at the AOC/Central Clerks' Offices, 31.2% of all Hispanic/Latino employees at the AOC/Central Clerks' Offices, and 29.4% of all Asian/American Indian employees in the AOC/Central Clerks' Offices. By way of comparison, 42.1% of the White employees at the AOC/Central Clerks' Offices are in the top pay tier.

Observations and Findings

The data make clear that the distribution of salaries vertically and horizontally may have a racial/ethnic component: Racial/ethnic minorities are disproportionately overrepresented in the lowest-paid tier; Whites are disproportionately overrepresented in the highest-paid tier.

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 of this chapter.) 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, the Committee recognizes that the upper salary tier, i.e., ranging from $80,000 to over $100,000, in part corresponds generally to the salary ranges for higher level managerial positions. The Committee notes that the AOC has identified underutilization of minorities in various components of the Court Executive job band. Accordingly, further research into the relationship between salary, job bands, and related factors is necessary. In the future, the Committee plans to examine salary data in relation to job band data and career progression in

order to gain a more nuanced understanding of compensation. The Committee expects to undertake this examination during the next term.

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 [coordinators] 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, pp.163-164)

In November 2006, the Supreme Court authorized a statewide survey of judiciary employees to assess the trust in the Judiciary's anti-discrimination policies and procedures and to assess the quality of the Judiciary's work environment from an employee perspective. The AOC EEO/AA Unit informed the Committee in writing that the objectives of the survey were "[t]o implement the survey of employees as approved by the Supreme Court in November 2006; to satisfy a provision contained in the Supreme Court approved 2000 EEO/AA Master Plan; to satisfy the Supreme Court Committee on Minority Concerns recommendation to the Supreme Court in its 2000-2002 Report; and to satisfy an Affirmative Defense factor stipulated by case law" [Gaines v. Bellino, 173 N.J. 301 (2002)].

The survey was a collaboration between the Human Resources Division, the AOC/Central Clerks' Offices, and the AOC EEO/AA Unit. The questionnaire was administered for approximately four weeks from Monday, July 16, 2007 to Friday, August 10, 2007 and was available online using links on the Judiciary InfoNet. Employees were sent notices about the survey through the Lotus Notes e-mail message system. For employees without workstation computer access, computer terminals were made available upon request. Employees also had the

option of requesting a paper copy of the employee survey from the AOC EEO/AA Unit and submitting the completed survey back to the AOC EEO/AA Unit in paper form.

The AOC EEO/AA Unit informed the Committee that the statewide response rate for this survey was approximately 52%. Following the completion of the survey and the compilation of responses, the Committee received a copy of the survey instrument and some summary data on statewide survey results. Since the AOC EEO/AA Unit is still in the process of finalizing the survey analysis, the Committee will reserve review and comment on the employee survey.

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, p. 291)

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

As one of the three co-equal branches of the government, the Judiciary has over the course of many years shared the findings of the Committee on Minority Concerns regarding the representation of racial/ethnic minorities on the state court bench with the Governor's Office and the Legislature. Similarly information regarding the appointment of minority judges to the municipal courts has been shared with the municipalities. The discussion of this issue for this report focuses on the current profile of judges on the New Jersey Supreme, Superior and Tax Court benches and updated summary information on Municipal Court judges.

Data for Supreme, Superior, Tax Court, and total Municipal Court Judges appears in *Table 4-6 New Jersey Judiciary: Justices and Judges by Race/Ethnicity and Municipal Court Judges, January 2009*. According to the data of the 429 jurists who sat on the Supreme Court, Superior Court (Appellate and Trial) and Tax Court bench as of October 2008, there were 65

(15.2%) minority judges, including 40 Blacks/African Americans (9.3%) , 24 Hispanics/Latinos (5.6%), and one Asian/Pacific Islander (0.2%).[81]

A comparison with the September 2006 data reviewed in the Committee's 2004-2007 Report reveals that the overall total number of judges increased slightly between September 2006 and October 2008, growing from 426 to 429. In September 2006, there were 57 (13.4%) minority judges. Accordingly, the raw number (65) of minority judges reflected in the October 2008 data indicates that the representation of minority judges increased by 14%. This progress is consistent with the trend noted in the Committee's last Report of gains in minority representation on the Superior Court bench.

[81] Since statistics as to the number of racial and ethnic minorities among attorneys practicing in New Jersey are not available, the Committee cannot comment with certainty as to whether the number of minorities serving as judges is representative of the number of eligible practicing minority attorneys.

Table 4-6. New Jersey Judiciary: Justices and Judges by Race/Ethnicity, October 28, 2008 and Municipal Court Judges, January 2009*

Court	Total # of Judges	Total Non-Minorities		Number of Minority Justices and Judges						Total Minorities	
		#	%	Blacks		Hispanics/ Latinos		Asians/Pacific Islanders		#	%
				#	%	#	%	#	%		
Supreme Court[82]	7	5	71.4	1	14.3	1	14.3	0	0.0	2	28.6
Appellate Division	34	28	82.4	3	8.8	3	8.8	0	0.0	6	17.6
Superior Court, Trial Division (excluding Appellate Division)	378	321	84.9	36	9.5	20	5.3	1	0.3	57	15.1
Tax Court[83]	10	10	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sub-Total: State Judges	429	364	84.8	40	9.3	24	5.6	1	0.2	65	15.2
Municipal Court Judges[84]	214	181	84.6	21	9.8	11	5.1	1	0.5	33	15.4

Superior Court Data Source: AOC/Central Clerks' Offices, EEO/AA Unit
Municipal Court Data Source: Judiciary Services Unit, Municipal Court Division
*The reader should be cautious in interpreting these data if the sample size is small; a larger sample size is needed to obtain a stable data estimate.

a. Supreme Court

The number of racial/ethnic minority justices on the New Jersey Supreme Court has not changed since the 2004-2007 Report: one Black/African American male (Hon. John E. Wallace, Jr.) and one Hispanic/Latino male (Hon. Roberto Rivera-Soto). Consistent with the findings in the previous report, the Supreme Court still has the highest proportional representation of minorities on the bench (28.6%).

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

[83] There are ten Tax Court judges and no minorities.

[84] The unit of count for Municipal Court is judge. This reporting term the Committee received aggregate data. There are 386 Municipal Court judges as of January 2009, 214 (63.7%) of whom reported race/ethnicity. Minority judges comprised 15.4% (n=33) in 2007 compared to 16.2% (n=40) in 2006 out of 247 judges that reported race/ethnicity.

b. Superior Court - Appellate Division

The Appellate Division ranks second within the New Jersey Judiciary with respect to the overall representation of racial and ethnic minorities on the bench. As of the last report (September 2006), 4 out of 34 (11.8%) Appellate Division judges were minorities. As of October 2008, 6 out of 34 (17.6%) Appellate Division judges were minorities (Hon. Paulette Sapp-Peterson,[85] Hon. Carmen Alvarez,[86] Hon. Rudy B. Coleman, Hon. Ariel A. Rodriguez, Hon. Jose L. Fuentes, Hon. Glenn A. Grant[87]). In terms of the raw number of Appellate Division judges who are racial/ethnic minorities (between September 2006 and October 2008) there was a 50% (n=+2) increase.

c. Superior Court -Trial Division

As of the last report (September 2006), there were 51 out of 379 (13.5%) minority judges serving in the trial courts. As of October 2008, 57 out of 378 (15.1%) trial court judges were minorities. The percentage increase in terms of the raw number of minority trial judges from September 2006 to October 2008 is 11.8% (n=+6). Given the fact that the total number of judges in this group decreased over two years from 379 to 378, as noted above, the percentage increase of minority judges in this group in view of the increase in the raw number of minority judges is highly encouraging and consistent with the long term trend towards greater representation of minorities among Superior Court judges in New Jersey.

Unlike the Supreme Court and Appellate Division, the representation of Blacks/African Americans in the Trial Division has consistently outpaced the representation of

[85] Judge Sapp-Peterson was the first African American female to be appointed to the Appellate bench, and the first minority woman to be appointed to the Appellate bench. Previously, she was the first minority woman to be a Presiding Judge in the Civil Division.

[86] Judge Alvarez was the first Hispanic/Latina woman to be appointed to the Appellate bench.

[87] Effective September 1, 2008, Judge Grant commenced assignment to the Appellate Division and service as the Acting Administrative Director of the Courts and became the first minority in this position.

Hispanics/Latinos and Asians/American Indians. As of October 2008 there were 36 (9.5%) Blacks/African Americans on the trial court bench compared to 20 (5.3%) Hispanics/Latinos. There is only one Asian American judge in all of the New Jersey Court, and that judge sits on the Superior Court-Trial Division (0.3% of Trial Division judges). There are no American Indian/Native American judges in the New Jersey Judiciary.

d. Tax Court

In the 2004-2007 Report, the Committee noted "a continued lack of minority representation" in the tax court and that "[i]n fact, since the inception of the Tax Court, there has never been a minority judge appointed to this court." The representation of minority judges on the Tax Court has not changed: of the 10 tax court judges, none are minorities. The Tax Court in New Jersey remains a barrier that no racial and ethnic minority has broken as of October 2008.

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

Data showing the intersection of race/ethnicity and gender as of October 2008 can be found at *Table 4-7. Representation of Minorities and Females Among New Jersey Justices and Judges*.

a. Supreme Court

Of the seven Supreme Court Justices, 3 (42.9%) are White females. There has never been a minority female on the New Jersey Supreme Court.

b. Superior Court - Appellate Division

Of the 34 Appellate Division judges, 15 (44.1%) are females. Of these 15 female Appellate Division judges, 2 (13.3% of total females; 5.9% overall) are minorities: one Black/African American female (Hon. Paulette Sapp Peterson) and one Hispanic/Latina female (Hon. Carmen Alvarez).

c. Superior Court-Trial Division

Of the 378 Trial Division judges, 96 (25.4%) are females. Of these 96 female Trial Division judges, 24 or 25% of the total females are minorities (17 Black, 7 Hispanic/Latina females). For the total number of trial division judges, women of color comprise 6.3%.

d. Tax Court

One (10%) White female judge sat on the Tax Court bench as of October 2008. As stated previously, there has never been a minority appointed to the Tax Court.

Table 4-7. Representation of Minorities and Females Among New Jersey Justices and Judges, October 28, 2008

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		Asians/ Pacific Islanders				#	%
				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[88]	34	6	17.6%	2	1	2	1	0	0	4	2	15	44.1%
Superior Court, Trial Division (Excluding Appellate)[89]	378	57	15.1%	19	17	13	7	1	0	33	24	96	25.4%
Tax Court	10	0	0.0%	0	0	0	0	0	0	0	0	1	10.0%
Total Minority Judges by Gender				22	18	16	8	1	0	39	26		
Grand Total Judges	429			**Total Blacks**		**Total Hispanics/ Latinos**		**Total Asians/ Pacific Islanders**		**Total Minority**		**Total Female Justices and Jdgs.**	
				40	9.3%	24	5.6%	1	0.2%	65	15.2%	115	26.8%

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

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

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

3. Superior Court Minority Judges in Administrative Positions

> The Chief Justice should promote minority judges into the more prestigious and policy-making judicial assignments. Task Force Recommendation 41 (Final Report, 1992, p. 297)

a. Administrative Director of the Courts

The Honorable Glenn A. Grant, J.A.D., was appointed Administrative Director of the Courts as September 1, 2008 by Chief Justice Stuart Rabner. He is the first African American and the first person of color to hold this position in the history of New Jersey's Judiciary. He was sworn in as a Superior Court judge on Aug. 20, 1998 and was reappointed with tenure on June 20, 2005. Judge Grant was presiding judge of the Family Division in Essex County and chair of the Conference of Family Presiding Judges prior to his appointment as Administrative Director. At the time, he was serving in the Essex Vicinage Family Division.

b. Appellate Division Presiding Judges

There are 9 presiding Judges of the Appellate Division. As of October 2008, one (11.1%) was a racial/ethnic minority (Hispanic/Latino) (male): Hon. Ariel A. Rodriguez.

Of the 9 Presiding Judges at the Appellate level, 3 (33.3%) were White females (Hon. Dorothea O'C. Wefing; Hon. Mary Catherine Cuff; Hon. Francine I. Axelrad). To date, no minority woman has ever been appointed a presiding judge of the Appellate Division.[90]

c. Trial Court Divisions

<u>Assignment Judges - Trial Division</u>

There are 15 Assignment Judges in the New Jersey Judiciary. As of October 2008, 2 (13.3%) were racial/ethnic minorities. Both are Black/African American males (Hon. Lawrence M. Lawson[91]; Hon. Travis L. Francis[92]).

[90] Historically, presiding judge appointments in the Appellate Division are based on seniority.

The October 2008 data also show that 5 (33.3%) of the 15 Assignment Judges are female (Hon. Valerie H. Armstrong, Hon. Yolande Ciccone; Hon. Patricia K. Costello, Hon. Georgia M. Curio, and Hon. Linda R. Feinberg).[93] All five of the female Assignment Judges are White; to date, no racial or ethnic minority woman has been appointed to the position of Assignment Judge.

Presiding Judges - Trial Division

Table 4-8. Roster of Minority Presiding Judges
Superior Court Trial Division (October 2008)

Trial Court Division	Black/African American	Hispanic/Latino	Asian/ American Indian	Total Minority Presiding Judges
Civil	Hon. Elijah Miller	Hon. Faustino J. Fernandez-Vina	0	2
General Equity	0	0	0	0
Criminal	Hon. Thomas Brown Hon. Gerald Council Hon. Thomas Smith Hon. Sheila A. Venable	Hon. Peter Vazquez	0	5
Family	0	Hon. Julio Mendez	0	1
Total	5	3	0	8

There were 60 Presiding Judges at the Trial Court level as of October 2008. According to *Table 4-8. Roster of Minority Presiding Judges, Superior Court Trial Division*, of these 60 Presiding Judges, 8 (13.3%) were racial or ethnic minorities: 4 (6.7%) Black/African American males; 1 (1.6%) Black/African American female; and 3 (5.0%) Hispanic/Latino males. Three of

[91] Hon. Lawrence M. Lawson was the first and remains the longest serving minority Assignment Judge. He was first appointed by Chief Justice Robert N. Wilentz to be Assignment Judge in Monmouth County.

[92] Hon. Travis L. Francis was first appointed by Chief Justice James R. Zazzali to be Assignment Judge in Middlesex County.

[93] All five of the female Assignment Judges were appointed by Chief Justice Deborah T. Poritz. The Hon. Sybil Moses, retired as of October 2008, was the first female Assignment Judge in New Jersey. The Judiciary is saddened by the death of this judicial trailblazer on January 23, 2009.

the four trial court divisions have a minority Presiding Judge. Presently there is no minority presiding judge in General Equity although there have been in the past.

Table 4-9. Roster of Female Presiding Judges, Superior Court Trial Division shows that of the 60 Presiding Judges in the various Trial Divisions as of October 2008 21 (35%) were White females and one (1.7%) was a Black/African American female. Women represent 36.7% of all presiding judges in the Trial Court Division.

Table 4-9. Roster of Female Presiding Judges
Superior Court Trial Division (October 2008)

Trial Court Division	White Females	Black Females	Hispanic/ Latina Females	Asian or American Indian Females	Total Female Presiding Judges
Civil	Hon. Allison E. Accurso Hon. Carol E. Higbee Hon. Anne McDonnell Hon. Jamie S. Perri	0	0	0	4
General Equity	Hon. Mary Eva Colalillo Hon. Harriet E. Derman Hon. Ellen L. Koblitz Hon. Catherine M. Langlois Hon. Margaret Mary McVeigh Hon. Maria Marinari Sypek	0	0	0	6
Criminal	Hon. Marilyn C. Clark Hon. Barbara Ann Villano	Hon. Sheila A. Venable	0	0	3
Family	Hon. Karen M. Cassidy Hon. Sallyanne Floria Hon. Mary C. Jacobson Hon. Honora O'Brien Kilgallen Hon. Maureen B. Mantineo Hon. Julie M. Marino Hon. Bonnie J. Mizdol Hon. Patricia B. Roe Hon. Deborah J. Venezia	0	0	0	9
Total	21	1	0	0	22

d. Tax Court

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

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

The Committee reviewed detailed data summarized in 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) as of August 2007. Data were reviewed relating to 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 Committee 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.

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 1 as the entry level and Court Executive 4 as the highest level.

<u>Court Executive 1</u>

At the Central Office, there were 8 Court Executives 1 combined (A and B) as of August 2007. Of these 8, 100% (8) were female, and 25% (2) were minorities, both of whom were Black/African American. These data indicate a decrease of one minority since the Committee's 2004-2007 Report although there was an increase of one additional position in the Court Executive 1 group.

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. As of August 2007 there were 101 Court Executives 2 combined. Of the 101, 38.6% (39) were female, and 17.8% (18) were minorities. Of the racial/ethnic minorities, 13.9% (14) of the aggregate Court Executive 2 group were Black, 1% (1) was Hispanic/Latino, and 3% (3) were Asian/American Indians. Since the Committee's last Report, there was a net drop in the number of minorities overall (attributable to Blacks only), but a gain of a single Asian/American Indian.

Court Executive 3

At the Central Office, positions in this level include but are not limited to assistant directors, and chiefs of statewide programs such as EEO/AA, Quantitative Research, and Organizational Development and Training. In total there were 37 Court Executives 3 as of August 2007. Of the 37, 32.4% (12) were female, and 16.2% (6) were minorities. The numbers of female Court Executives 3 and minority Court Executives 3 remained the same since the Committee's last Report. Of the racial/ethnic minorities, as of August 2007, 8.1% (3) of the aggregate employees in the Court Executive 3 group were Black/African American and 8.1% (3) were Hispanic/Latino.

Court Executive 4

At the Central Office, positions in this level include directors. As of August 2007, in total there were 7 Court Executive 4 combined. Of the 7, 28.6% (2) were female, and there were no minorities. These numbers remained unchanged since the Committee's last report.

The AOC has found underutilization in the Court Executive job band levels 4, 3B, and 2B. 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, i.e., directors.

While the data show that the total number of minorities in the job band continues to increase over time,[94] the concentration of minorities in the lower tiers of the band remains a concern. 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 seek out minority candidates for full consideration to fill upper level Court Executive vacancies (Court Executive 3a, 3b, and 4).

> 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 (Final Report, 1992, p. 303)

[94] For example, the percentage of minority Court Executives increased from approximately 6% 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) Based on current data set forth in Table 4-4, minorities constitute 23% of the Court Executive band.

Table 4-10. New Jersey Judiciary Court Executives at the AOC/Central Clerks' Offices August 2007

AOC	Totals	Whites		Total Minorities		Blacks		Hispanic/ Latinos		Asians/Amer. Indians	
	#	#	%	#	%	#	%	#	%	#	%
Court Executive 4											
Females	2	2	28.6%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Males	5	5	71.4%	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	8	8	40.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Males	12	11	55.0%	1	5.0%	0	0.0%	1	5.0%	0	0.0%
Total	20	19	95.0%	1	5.0%	0	0.0%	1	5.0%	0	0.0%
Court Executive 3A											
Females	4	2	11.8%	2	50.0%	1	5.9%	1	5.9%	0	0.0%
Males	13	10	58.8%	3	23.1%	2	11.8%	1	5.9%	0	0.0%
Total	17	12	70.6%	5	29.4%	3	17.6%	2	11.8%	0	0.0%
Court Executive 2B											
Females	24	19	27.5%	5	20.8%	3	4.3%	1	1.4%	1	1.4%
Males	45	38	55.1%	7	15.6%	6	8.7%	0	0.0%	1	1.4%
Total	69	57	82.6%	12	17.4%	9	13.0%	1	1.4%	2	2.8%
Court Executive 2A											
Females	15	12	37.5%	3	20.0%	3	9.4%	0	0.0%	0	0.0%
Males	17	14	43.8%	3	17.6%	2	6.3%	0	0.0%	1	3.1%
Total	32	26	81.3%	6	18.8%	5	15.6%	0	0.0%	1	3.1%
Court Executive 1B											
Females	5	4	80.0%	1	20.0%	1	20%	0	0.0%	0	0.0%
Males	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	5	4	80.0%	1	20.0%	1	20%	0	0.0%	0	0.0%
Court Executive 1A											
Females	3	2	66.7%	1	333%	1	33.3%	0	0.0%	0	0.0%
Males	0	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	3	2	66.7%	1	33.3%	1	33.3%	0	0.0%	0	0.0%
Grand Total Court Executives											
Females	61	49	32.0%	12	19.7%	9	5.9%	2	1.3%	1	0.7%
Males	92	78	51.0%	14	15.2%	10	6.5%	2	1.3%	2	1.3%
Total	153	127	83.0%	26	17.0%	19	12.4%	4	2.6%	3	2.0%

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

E. Minority Law Clerks

1. Representation of Minority Law Clerks

The Committee reviewed the data reflected in *Table 4-11: State of New Jersey Judicial Law Clerks, Court Years 2006-2007, 2007-2008, and 2008-2009*. For court year 2008-2009, the total number of judicial law clerks at all court levels combined (Supreme Court, Superior Court Appellate and Trial Divisions, and Tax Court) is 467. Of these 467, 105 (22.5%) are minority: 39 (8.4%) are Black/African American; 22 (4.7%) are Hispanic; and 44 (9.4%) are Asian/American Indian.

Table 4-11 also sets forth the availability of potential minority law clerks based on the demographics of the graduating classes at the three New Jersey law schools for the previous year.[95] For court year 2008-2009, the percentage of minority law clerks (22.5%) falls just short of estimated availability (23.7%). Examining each individual race/ethnicity category reveals that Hispanic law clerks (4.7%) are well below availability (7.0%). Black/African American law clerks (8.4%) modestly exceed availability (7.8%), and Asian/American Indian law clerks (9.4%) slightly exceed availability (9.0%). Since the distribution of minority clerks is uneven by both county and court level throughout the Judiciary as will be described in various subsections below, aggregate data do not necessarily give an accurate picture of the demographics of minority clerks in the Judiciary.

Comparing data for court years 2007-2008 and 2008-2009 it is evident that the total percentage of minority law clerks increased slightly from 20.3% (2007-2008) to 22.5% (2008-2009). When examining the increase in the context of availability, the reader will notice a slight increase in availability: 22.5% for court year 2007-2008 to 23.7% for court year 2008-2009.

[95] The Committee notes that using these demographics for defining "availability" is a proxy for a demographic breakdown of the actual "labor force" from which clerks are recruited and hired; however, arguably more precise availability data are currently not available.

The data also indicate that the increase in the total number of law clerks from court year 2007-2008 (n=96) to court year 2008-2009 (n=105) occurred at the same time that there was a decrease in the total number of law clerks from court year 2007-2008 (n=472) to court year 2008-2009 (n=467).

For court year 2007-2008, Hispanic/Latino law clerks (5.3%) were 2.1% below the availability (7.4%). For court year 2008-2009, availability of Hispanic/Latino law clerks indicates a modest decrease (7.4% to 7.0%) and the total percentage of Hispanic law clerks at 4.7% is well below availability (7.0%).

The representation of Black/African American law clerks increased from 7.8% in court year 2007-2008 to 8.4% for court year 2008-2009. Interestingly, the availability of Black law clerks sharply increased from 5.5% for court year 2007-2008 to 7.8% for court year 2008-2009. The number of Asian/American Indian law clerks also rose from 34 (7.2%) for court year 2007-2008 to 44 (9.4%) for court year 2008-2009. This increase is placed in the context of availability which actually decreased slightly from 9.6% for court year 2007-2008 to 9.0% for court year 2008-2009.

For the three year period of court years 2006-2007, 2007-2008, and 2008-2009, racial/ethnic minorities as a group continue to be underrepresented when actual numbers are compared with availability measures. For these three court years, Black/African American law clerks have been represented (7.2%, 7.8%, and 8.4% respectively) at rates slightly above availability (6.9%, 5.5%, and 7.8% respectively) while Hispanic/Latino law clerks remain notably underrepresented and Asian/American Indian law clerks were underrepresented during court years 2006-2007 and 2007-2008 and slightly exceeded availability for court year 2008-2009. Representation compared to availability for Asians/American Indians has increased during

the noted three year period while for Hispanics/Latinos has hovered almost stagnantly below availability. The Committee acknowledges the Court for its continuing efforts to promote and diversify the applicant pool of law clerks and urges the Court to continue its work toward increasing the representation of minority law clerks at all levels and to specifically target areas where there is underutilization.

Table 4-11. State of New Jersey Judicial Law Clerks
Court Years 2006-2007, 2007-2008, 2008-2009

Court Year 2006-2007			
	#	%	Availability %[96]
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[97]	251	53.4	44.2
Court Year 2007-2008			
	#	**%**	**Availability %**
Total Law Clerks	472	100.0	
Total Minorities	96	20.3	22.5
Blacks	37	7.8	5.5
Hispanics/Latinos	25	5.3	7.4
Asians/American Indians	34	7.2	9.6
Total Females	246	52.1	42.9
Court Year 2008-2009			
	#	**%**	**Availability %**
Total Law Clerks	467	100.0	
Total Minorities	105	22.5	23.7
Blacks	39	8.4	7.8
Hispanics/Latinos	22	4.7	7.0
Asians/American Indians	44	9.4	9.0
Total Females	254	54.4	40.3

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.

[96] For the three referenced court years, 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 the year preceding the start of the clerkship term, from which a majority of law clerks are hired. These data were provided by the New Jersey Commission on Higher Education. However, the Judiciary's Law Clerk Recruitment program is national in scope and law clerks are hired from many other states. In the last report, 43.2% of the 2005-2006 class of law clerks were out-of-state law clerk appointments.

[97] Total females include minorities and non-minorities for all the court years noted in the table.

After reviewing the data presented in *Table 4-12 Hiring of New Jersey Judicial Law Clerks by Court Level and Race/Ethnicity 1999/00 to 2008/09* depicting the trend of minority law clerk representation over a more than ten-year period, the Committee is encouraged that the percentage of minority law clerks for the 2008-2009 court year reflects a slight increase from the previous term, but notes, however, that the percentage of minority law clerks has basically remained the same compared to the two previous court terms (20.3% in 2007-2008 and 19.4% in 2006-2007). Table 4-12 shows that for the period 1999-2000 through 2003-2004 minority representation among law clerks increased from 16.7% to 24.1%. In 2005-2006, minority law clerk representation dropped precipitously to 17.4%. For the three court years following that drop, the data show gradual increases in the representation of racial/ethnic minorities among law clerks to the current 22.5%. The Committee is somewhat encouraged to see that there are spotty and variable increases in the representation of minority law clerks and the Committee supports the Court in its ongoing efforts in this regard.

Table 4-12. Hiring of New Jersey Judicial Law Clerks by Court Level and Race/Ethnicity 1999/00 to 2008/09

Court Year	Supreme Court	Superior-App. Div.	Superior-Trial Div.	Tax Court	Totals	Totals By Group		
2008-2009							#	%
Total # Law Clerks	22	49	389	7	467	**Blacks**	39	**8.4**
# of Minorities	6	3	95	1	105	**Hispanics/Latinos**	22	**4.7**
% of Minorities	27.3	6.1	24.4	14.3	22.5	**Asians/A.I.**	44	**9.4**
2007-2008							#	%
Total # Law Clerks	22	49	395	6	472	**Blacks**	37	**7.8**
# of Minorities	3	6	86	1	96	**Hispanics/Latinos**	25	**5.3**
% of Minorities	**13.6**	**12.2**	**21.8**	**16.7**	**20.3**	**Asians/A.I.**	34	**7.2**
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.

Further examination of Table 4-12 for specific racial/ethnic groups reveals that the percentage of Hispanic law clerks continues to be far below the availability and, in fact, the percentage of Hispanic law clerks actually dropped from 5.3% during the 2007-2008 court year to 4.7% for the 2008-2009 court year. The two previous court terms showed the lowest percentage of Hispanics in the last twelve consecutive years at 4.3% for the 2006-2007 term and 3.8% for the 2005-2006 term. The percentage of Hispanic law clerks peaked in the court year 2004-2005 at 6.4%. While the percentage of Asian/American Indian law clerks at 9.4% this court term represents an increase from 7.2% from last year, 7.9% in the 2006-2007 term and 5.5% for the court year 2005-2006, Asian/American Indian representation for the current court year is still lower than 10.3% in court year 2003-2004. Although the percentage of Black/African American law clerks did increase modestly from last term from 7.8% to 8.4%, representation over the six most recent court terms has basically remained stable ranging from 7.2% to 8.4%.

The percentage of minority law clerks at the Supreme Court has varied sharply in the last ten years from a high of 7 minorities (33.3%) in the 2006-2007 Court Term to merely 1 minority (4.5%) in the 2002-2003 term. (See also *Table 4-12.)* The Committee views the current increase as a positive indicator.

2. Minority Law Clerk Representation by County

Table 4-13. New Jersey Superior Court - Trial Division Law Clerks for Court Year 2008-2009 by County, Race/Ethnicity and Gender, As of September 23, 2008

County	Total Law Clerks	Total Minorities		Blacks		Hispanics/ Latinos		Asians/ Amer. Inds.		Female		Male	
		#	%	#	%	#	%	#	%	#	%	#	%
Atlantic	19	3	15.8	2	10.5	0	0.0	1	5.3	11	57.9	8	42.1
Bergen	32	3	9.4	0	0.0	0	0.0	3	9.4	14	43.8	18	56.3
Burlington	16	4	25.0	0	0.0	1	6.3	3	18.8	11	68.8	5	31.3
Camden	28	5	17.9	3	10.7	1	3.6	1	3.6	14	50.0	14	50.0
Cape May	4	1	25.0	1	25.0	0	0.0	0	0.0	4	100.0	0	0.0
Cumberland	9	1	11.1	1	11.1	0	0.0	0	0.0	5	55.6	4	44.4
Essex	53	19	35.8	9	17.0	4	7.5	6	11.3	31	58.5	22	41.5
Gloucester	11	4	36.4	2	18.2	0	0.0	2	18.2	7	63.6	4	36.4
Hudson	28	8	28.6	4	14.3	3	10.7	1	3.6	17	60.7	11	39.3
Hunterdon	4	0	0.0	0	0.0	0	0.0	0	0.0	2	50.0	2	50.0
Mercer	19	4	21.1	1	5.3	1	5.3	2	10.5	14	73.7	5	26.3
Middlesex	33	15	45.5	7	21.2	2	6.1	6	18.2	18	54.5	15	45.5
Monmouth	28	5	17.9	2	7.1	1	3.6	2	7.1	15	53.6	13	46.4
Morris	15	3	20.0	0	0.0	1	6.7	2	13.3	9	60.0	6	40.0
Ocean	20	5	25.0	0	0.0	1	5.0	4	20.0	11	55.0	9	45.0
Passaic	23	3	13.0	0	0.0	2	8.7	1	4.3	11	47.8	12	52.2
Salem	3	1	33.3	1	33.3	0	0.0	0	0.0	0	0.0	3	100.0
Somerset	11	2	18.2	1	9.1	0	0.0	1	9.1	7	63.6	4	36.4
Sussex	5	0	0.0	0	0.0	0	0.0	0	0.0	3	60.0	2	40.0
Union	24	8	33.3	2	8.3	2	8.3	4	16.7	8	33.3	16	66.7
Warren	4	1	25.0	0	0.0	0	0.0	1	25.0	1	25.0	3	75.0
Total	**389**	**95**	**24.4%**	**36**	**9.3%**	**19**	**4.9%**	**40**	**10.3%**	**213**	**54.8%**	**176**	**45.2%**

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 4-13. New Jersey Superior Court Law Clerks for Court Year 2008-2009 by County, Race/Ethnicity and Gender, showing law clerk appointments by county, reveals that in only 10 out of 21 counties[98] statewide minority law clerk representation exceeds the 23.7% availability. Further, there are two counties with no minority law clerks[99] and four counties with only one minority law clerk each[100]. These data show a decline since the 2000-2002 Report of the Committee when there were 14 out 21 counties where the representation of minorities among law clerks exceeded the statewide availability (20.8%) and only one county had no minority law clerks and a slight improvement since the 2004-2007 report where only 5 out of the 21 counties had minority law clerk representation exceeding the statewide availability (21.7%). In addition, Table 4-13 reveals that there is no Black/African American law clerk representation in 8 out of 21 counties[101], no Hispanic law clerk representation in 10 out of 21 counties[102], and no Asian/American Indian law clerk representation in 5 out of 21 counties[103]. While statewide the representation of racial/ethnic minorities among law clerks does not meet the availability measure, representation of all minorities for the vicinages combined slightly exceeds availability.

Table 4-14: New Jersey Judiciary Net Changes in Minority Law Clerk Representation 2007-2008 and 2008-2009 Court Year shows that there are a total of 105 minority law clerks in the 21 counties for the 2008-2009 court year, of which 95 are assigned to the vicinages. For the 2007-2008 term, there were by contrast 86 minority law clerk appointments in the counties.

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[98] Burlington, Cape May, Essex, Gloucester, Hunterdon, Middlesex, Ocean, Salem, Union, Warren

[99] Hunterdon, Sussex

[100] Cape May, Cumberland, Salem, Warren

[101] Bergen, Burlington, Hunterdon, Morris, Ocean, Passaic, Sussex, Warren

[102] Atlantic, Bergen, Cape May, Cumberland, Gloucester, Hunterdon, Salem, Somerset, Sussex, Warren

[103] Cape May, Cumberland, Hunterdon, Salem, Sussex

Comparing these two terms shows that there is a total net change of +9 (+9.4%) for minority law clerk appointments at the state level and +9 (+10.5%) for the vicinage levels. The current term shows that 11 out of 21 counties demonstrate a positive net change in minority law clerk representation. Looking back over the past few court terms, this term's increase is a positive indicator since there were 73 minority law clerks in the 2005-2006 term, 74 in 2006-2007 and 86 in 2007-2008. However, it should also be noted that in the 2004-2005 term there were 90 minority law clerks and in the 2003-2004 term there were 95 minority law clerks.

Table 4-14. New Jersey Judiciary Net Changes in Minority Law Clerk Representation 2008-2009 and 2007-2008 Court Year

Court	2008-2009	2007-2008	Net # Change
Supreme	6	3	+3
Superior: Appellate	3	6	-3
Tax	1	1	0
Superior: Trial	95	86	+9
Total Net Change	105	96	+9
County	**2008-2009**	**2007-2008**	
Atlantic	3	2	+1
Bergen	3	7	-4
Burlington	4	2	+2
Camden	5	4	+1
Cape May	1	0	+1
Cumberland	1	2	-1
Essex	19	17	+2
Gloucester	4	3	+1
Hudson	8	9	-1
Hunterdon	0	0	0
Mercer	4	2	+2
Middlesex	15	11	+4
Monmouth	5	6	-1
Morris	3	3	0
Ocean	5	5	0
Passaic	3	7	-4
Salem	1	0	+1
Somerset	2	0	+2
Sussex	0	1	-1
Union	8	4	+4
Warren	1	1	0
Total Net Change	95	86	+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 Representation: Law Clerk by Court Level

Table 4-15. New Jersey Judicial Law Clerks by Court Level for Court Term 2008-2009 Court Term

Court	Totals		Whites		Total Minorities		Blacks		Hispanics/ Latinos		Asians/Amer. Indians	
	#	%	#	%	#	%	#	%	#	%	#	%
Supreme Court												
Females	12	54.5	9	40.9	3	13.6	0	0.0	2	9.1	1	4.5
Males	10	45.5	7	31.8	3	13.6	2	9.1	0	0.0	1	4.5
Total	22	100	16	72.7	6	27.3	2	9.1	2	9.1	2	9.1
Appellate Division												
Females	25	51.0	22	44.9	3	6.1	1	2.0	1	2.0	1	2.0
Males	24	49.0	24	49.0	0	0.0	0	0.0	0	0.0	0	0.0
Total	49	100	46	93.9	3	6.1	1	2.0	1	2.0	1	2.0
Superior Court												
Females	213	54.8	142	36.5	71	18.3	28	7.2	13	3.3	30	7.7
Males	176	45.2	152	39.1	24	6.2	8	2.1	6	1.5	10	2.6
Total	389	100	294	75.6	95	24.4	36	9.3	19	4.9	40	10.3
Tax Court												
Females	4	57.1	3	42.9	1	14.3	0	0.0	0	0.0	1	14.3
Males	3	42.9	3	42.9	0	0.0	0	0.0	0	0.0	0	0.0
Total	7	100	6	85.7	1	14.3	0	0.0	0	0.0	1	14.3
Grand Total - All Law Clerks												
Females	254	54.4	176	37.7	78	16.7	29	6.2	16	3.4	33	7.1
Males	213	45.6	186	39.8	27	5.8	10	2.1	6	1.3	11	2.4
Total	467	100	364	77.5	105	22.5	39	8.4	22	4.7	44	9.4

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.

A review of the data on law clerk appointments by court level for the 2008-2009 court term depicted in *Table 4-15: New Jersey Judicial Law Clerks for Court Term 2008-2009* reveals that at the Supreme Court there were a total of 22 judicial law clerks. Of these 22, 6 (27.3%) are minority: 2 Black/African American (9.1%); 2 Hispanic (9.1%); and 2 Asian/American Indian (9.1%), reflecting a net change of +3 minority law clerk appointments and a 100% increase in the representation of racial/ethnic minorities among law clerks at the Supreme Court level since the previous court term.

In the Appellate Division, there are a total of 49 law clerk appointments of which only 3 (6.1%) are minority: 1 Black/African American (2.0%); 1 Hispanic (2.0%) and 1

Asian/American Indian (2.0%). The minority law clerk representation at the Appellate Division demonstrates a net change of -3 and a 50% decrease in the representation of racial/ethnic minorities among law clerks at the Superior Court-Appellate Division level since the previous court term. These foregoing data are a concern to the Committee. The Committee's last report noted an increase in the number of minority clerks in the Appellate Division (2004-2007 Report, p. 123), whereas the current data reflects a decline in minority clerk representation; moreover, the current percentage of Black/African American law clerks at the Appellate Division is significantly lower than both their availability and their representation in the Superior Court.

In the Superior Court-Trial Division, (See Table 4-13) there were a total of 389 law clerk appointments for the 2008-2009 term of which 95 (24.4%) are minority: 36 Black/African American (9.3%); 19 Hispanic (4.9%) and 40 Asian/American Indian (10.3%), reflecting a net change of +9 minority law clerk appointments and a 10.5% increase in the representation of racial/ethnic minorities among law clerks at the Superior Court-Trial Division level since the previous court term.

In the Tax Court, while there are a total of 7 law clerk appointments, there was only one minority law clerk appointment. For the past six consecutive terms there has been either one or no minority law clerks. These foregoing data are also a concern to the Committee.

Overall there were 105 minority law clerk appointments for the various court levels in the 2008-2009 court year, reflecting a net change of +9 (9.3%) from the previous term and a net change of +14 (16.9%) from the Committee's last report (2004-2007) to the Court. See Table 4-14 and the 2004-2007 Report.

Distribution of Judicial Law Clerk Appointments by Schools

The latest data available is for court year 2007-2008. As you may recall, the New Jersey Law Clerk Recruitment program is national in scope. Approximately 50.6% of all law clerk appointments for the 2007-2008 court year were New Jersey law school graduates, as noted in *Table 4-16 New Jersey Judiciary: Law Clerk Appointments by Law School*. The remaining 49.4% were graduates from a variety of law schools as can be noted from a review of the table.

Table 4-16. New Jersey Judiciary: Law Clerk Appointments by Law School 2007-2008 Court Year[104]

LAW SCHOOL	#	%
Seton Hall University School of Law	120	24.7
Rutgers University School of Law—Camden	78	16.0
Rutgers University School of Law—Newark	48	9.9
Widener University School of Law	44	9.1
Villanova University School of Law	16	3.3
Temple University Beasley School of Law	13	2.7
Vermont Law School	11	2.3
CUNY Law School at Queens College	8	1.6
Hofstra University School of Law	8	1.6
New York Law School	8	1.6
Benjamin N. Cardozo Law School	7	1.4
Penn State Dickinson School of Law	7	1.4
University of Miami School of Law	7	1.4
Subtotal	375	77.2
Other Schools Combined	111	22.8
Total Appointments	486	100

Data Source: Human Resources
Total appointments includes all appointments made for a law clerk term, including mid-term replacement clerks, clerks for newly appointed judges, etc, and therefore the number may be greater than the total number of law clerks reported elsewhere.

[104] New Jersey law school graduates accounted for 50.6% of all law clerk appointments. The remaining 49.4% were graduates from the following schools: Albany Law School (2), American University Washington College of Law (DC) (2), Boston College Law School (3), Boston University School of Law (3), Brigham Young University Law School (UT) (1), Brooklyn Law School (4), Case Western Reserve University School of Law (OH) (1), Catholic University of America Columbus School of Law (DC) (3), Columbia University School of Law (NY) (1), Cornell Law School (NY) (3), Dickinson School of Law of Pennsylvania State University (7), Drake University Law School (IA) (1), Emory University School of Law (GA) (1), Florida Coastal School of Law (1), Fordham University School of Law (NY) (7), Franklin Pierce Law Center (NH) (3), Gonzaga University School of Law (WA) (1), George Mason University School of Law (VA) (1), George Washington University (DC) (2), Georgetown University Law Center (DC) (2), Harvard University School of Law (MA) (1), Howard University School of Law (DC) (1), Loyola Law School Los Angeles (1), Loyola University Chicago School of Law (1), Loyola University New Orleans School of Law (1), Michigan State University School of Law (1), New England School of Law (MA) (6), New York University School of Law (1), Northeastern University School of Law (MA) (1), Notre Dame Law School (IN) (1), Ohio Northern University School of Law (2), Ohio State University (1), Pace University School of Law (NY) (1), Quinnipiac University School of Law (CT) (6), Roger Williams University School of Law (RI) (6), Samford University Cumberland School of Law (AL) (1), St. John's University School of Law (NY) (1), Suffolk University Law School (MA) (2), Syracuse University College of Law (NY) (5), Thomas M. Cooley Law School (MI) (1), Texas Southern University Thurgood Marshall School of Law (1), Touro Law Center (NY) (3), University of Baltimore School of Law (1), University of Connecticut Law School (1), University of Dayton School of Law (OH) (2), University of Detroit School of Law (1), University of District of Columbia (1), University of Maine School of Law (1), University of Maryland School of Law (2), University of Pennsylvania Law School (1), University of Pittsburgh School of Law (2), University of Virginia School of Law (1), Vanderbilt University Law School (TN) (1), Villanova University School of Law (PA) (16), Wake Forest University School of Law (NC) (2), Washington and Lee University School of Law (VA) (4), Washington University School of Law (MO) (1), Western New England School of Law (MA) (1), William and Mary Law School (VA) (3), and Yale Law School (1).

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. As has been the practice since the inception of the Law Clerk Recruitment Program in the early 1980's, 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 AOC/Central Clerks' Offices 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 AOC EEO/AA Unit also sends information to minority law student organizations and minority legal associations.

The AOC EEO/AA Unit coordinates law clerk opportunity panel programs at law schools within the New Jersey region. Participants in these panels may include judges from the Superior Court Trial and Appellate Divisions, current and/or former law clerks, the Judiciary Affirmative Action Officer, and/or Law School Career Services representatives. The objective of these programs is to discuss the benefits of the law clerk experience and the application process as well as answer questions from law students. Judiciary EEO/AA representatives from the vicinages and the AOC also attend job fairs for law students throughout the region to inform candidates of judicial clerkship opportunities. (See Appendix D-1 for a list of the recruitment/outreach events attended by Judiciary EEO/AA representatives, including law clerk recruitment events). The AOC EEO/AA Unit maintains contact information for law students met through its recruiting

efforts to provide them with ongoing information and advice on the law clerk application process.

F. Judiciary New Hires and Separations[105]

This year for the first time the Committee received microdatabases from the AOC Human Resources Division for hires and separations respectively. These databases were for all hires and separations which occurred during calendar year 2007 in the AOC/Central Clerks' Office. The hires database contained information on the location, title, band, and date of each hire (whether a new hire or a transfer) as well as the gender and ethnicity of each person hired. The separations database is a more detailed database including information on the date of separation, reason for separation (i.e., resignation, retirement, transfer, discontinuation, etc.), location, title as well as the gender, ethnicity, education, years of service, and age of the individual who separated.

To place these data in context, the Committee has workforce data broken down by ethnicity and vicinage as of August 2007. Ideally in order to be able to perform a detailed analysis, it would be appropriate for the Committee to have a microdatabase for the workforce as of January 1, 2007. While in the future the Committee hopes to be able to procure such a database and produce more complex statistical analyses, the Committee is pleased to have the opportunity to investigate separations in greater depth than was previously possible.[106]

Tables 4-17 and 4-18 contain the data on hires and separations provided to us in summary form for fiscal year 2007. Tables 4-19 and 4-20 present a summary of the microdata we received for calendar year 2007. As can be seen by comparing tables 4-17 and 4-19, there were

[105] To consult the full new hires, separations, and resignations microdatabase tables, see Appendix D-4.

[106] While the hires database has been very useful, the Committee's analyses here are somewhat limited as to fully place these data in context and require data on the applicant pool. These data were not available to the Committee at the time of this report.

significantly more hires in calendar year 2007 than in fiscal-year 2007, while comparing tables 4-18 and 4-20 shows there were significantly more separations in fiscal 2007 than in calendar year 2007. In other words, while the fiscal-year data indicate a decidedly shrinking Judiciary workforce, the calendar-year (more recent) data show that the deep cuts appear to have come to an end and that the workforce has stabilized for now.

In order to place the separations data in context, *Table 4-22. New Jersey Judiciary: Separations by Race/Ethnicity as a Proportion of the Workforce (Excluding Law Clerks & Judges)* presents separations as a proportion of the workforce broken down by ethnicity. Review of this table shows that separations ranged from a high of 12.2 percent of the workforce in Sussex to a low of 1.4 percent of the workforce in Hunterdon. Generally speaking, the variation in the rate of separations across ethnicities was within the expected range. There were two exceptions to this, however; in Monmouth and Somerset, minorities appeared to separate at a higher rate than would have been expected.

The Committee knows that separations will not be exactly proportional to workforce representation rates as some random variation is to be expected. When the Committee observes an appreciable overrepresentation of any ethic group in separations, the next analytical step is to apply a probability test to determine whether or not the degree of overrepresentation could be expected to occur by chance and chance alone rather than some systematic underlying process. If the probability results imply that a disparity of the magnitude observed in the data would occur by chance relatively frequently, the Committee would consider its results "statistically insignificant" and retain the hypothesis that only chance factors were operating. If, on the other hand, the probability results show that chance alone would very rarely yield a disparity of the

size observed, the Committee would reject chance as an explanation and consider the results "statistically significant."

The Committee considered the questions, "How rare is rare? At what point do we determine that chance alone can't explain the disparity that we have observed?" There are no hard-and-fast answers to these questions as far as academic research is concerned. The cut-off point researchers use (the "significance level" of the test) in determining whether or not to reject the hypothesis of chance is most commonly set equal to 5%, but 1% and 10% are also widely used. In Federal discrimination cases, however, it has become conventional to set the "significance level" of the test at 5%, and that is the level the Committee employs here. Any time the Committee refers to a disparity as "statistically significant" that means that the probability of such a disparity occurring solely by chance is less than 5%.

As noted, in Monmouth and Somerset racial/ethnic minorities appeared to separate at a higher rate than would have been expected. Application of a probability test showed that the degree to which minorities were overrepresented in separations in Somerset was statistically significant. It is also the case that the degree to which Black/African American employees were overrepresented in separations in Somerset was statistically significant.[107]

To obtain more insight into the nature of separations and particularly to shed light on any potential retention problems, the Committee has looked separately at resignations, as a subset of separations. (See *Table 4-21 New Jersey Resignations by Race/Ethnicity*) Table 4-23 details resignations as a proportion of the workforce. Review of this table shows that separations ranged

[107] While the Committee does not have the ideal data to perform these tests (the workforce data currently available are as of August 2007 rather than January 1, 2007), a review of the timing of the hiring and separation data leads the Committee to believe that, at least in the case of Somerset, using the August 2007 workforce data is an unbiased alternative. In the future, as noted above, the Committee will make every reasonable effort to obtain a complete microdatabase for the workforce, which would allow for more complete and accurate analyses in the next biennial report.

from a high of 6.6 percent of the workforce in Somerset to a low of 0 percent of the workforce in Hunterdon. Again for the most part variation in the rate of resignations across ethnicities was within the expected range. According to the available data, vicinages that may have retention issues with respect to minorities include Bergen, Middlesex, Monmouth, and Somerset. The degree to which minorities were overrepresented in resignations in Somerset was highly statistically significant. It is also the case that the degree to which Black employees were over-represented in resignations in Somerset was highly statistically significant.

Recommendation 09:04.1

The Committee recommends that the AOC/Central Clerks Offices and each of the vicinages periodically – but at least annually – review the appropriate demographics of hires and separations (including a separate breakout for resignations, retirements, and other terminations) to ascertain if there are statistically significant disparities in these activities and where any such disparity is identified to look further into the possible causes, explanations, and resolutions of the identified disparities.

Table 4-17. New Jersey Judiciary: New Hires by Race/Ethnicity (Excluding Law Clerks)AOC/Central Clerks' Offices and Vicinages, Fiscal Year 2007
July 1, 2006 – June 30, 2007

	Total	Whites		Total Minorities		Blacks		Hispanics/ Latinos		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
AOC											
AOC/Central Clerks Offices	62	46	74.2%	16	25.8%	9	14.5%	5	8.1%	2	3.2%
Vicinages											
Atlantic	23	16	69.6	7	30.4	3	13.0	3	13.0	1	4.3
Cape May	5	4	80.0	1	20.0	1	20.0	0	0.0	0	0.0
Bergen	15	9	60.0	6	40.0	0	0.0	5	33.3	1	6.7
Burlington	8	6	75.0	2	25.0	1	12.5	1	12.5	0	0.0
Camden	25	10	40.0	15	60.0	8	32.0	7	28.0	0	0.0
Essex	49	5	10.2	44	89.8	36	73.5	8	16.3	0	0.0
Hudson	19	9	47.4	10	52.6	6	31.6	3	15.8	1	5.3
Mercer	13	5	38.5	8	61.5	4	30.8	4	30.8	0	0.0
Middlesex	44	22	50.0	22	50.0	11	25.0	4	9.1	7	15.9
Monmouth	42	28	66.7	14	33.3	7	16.7	5	11.9	2	4.8
Morris	19	9	47.4	10	52.6	4	21.1	6	31.6	0	0.0
Sussex	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Passaic	15	4	26.7	11	73.3	1	6.7	10	66.7	0	0.0
Union	21	8	38.1	13	61.9	4	19.0	9	42.9	0	0.0
Somerset	7	4	57.1	3	42.9	1	14.3	2	28.6	0	0.0
Hunterdon	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Warren	4	3	75.0	1	25.0	0	0.0	1	25.0	0	0.0
Ocean	26	22	84.6	4	15.4	0	0.0	2	7.7	2	7.7
Gloucester	8	4	50.0	4	50.0	2	25.0	2	25.0	0	0.0
Cumberland	11	6	54.5	5	45.5	2	18.2	3	27.3	0	0.0
Salem	10	6	60.0	4	40.0	2	20.0	1	10.0	1	10.0
Total – All Vicinages	366	182	49.7%	184	50.3%	93	25.4%	76	20.8%	15	4.1%
AOC and Vicinages Combined											
Grand Total	428	228	53.3%	200	46.7%	102	23.8%	81	18.9%	17	4.0%

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

Table 4-18. New Jersey Judiciary: Separations by Race/Ethnicity (Excluding Law Clerks & Judges) AOC/Central Clerks' Offices and Vicinages, Fiscal Year 2007 (July 1, 2006 – June 30, 2007)

	Total	Whites		Total Minorities		Blacks		Hispanics/ Latino		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
AOC											
AOC/Central Clerks Offices	190	141	74.2%	49	25.8%	28	14.7%	10	5.3%	11	5.8%
Vicinages											
Atlantic	45	33	73.3	12	26.7	10	22.2	0	0.0	2	4.4
Cape May	9	9	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Bergen	87	71	81.6	16	18.4	5	5.7	9	10.3	2	2.3
Burlington	29	27	93.1	2	6.9	2	6.9	0	0.0	0	0.0
Camden	52	42	80.8	10	19.2	5	9.6	3	5.8	2	3.8
Essex	107	50	46.7	57	53.3	40	37.4	9	8.4	8	7.5
Hudson	61	32	52.5	29	47.5	15	24.6	11	18.0	3	4.9
Mercer	40	30	75.0	10	25.0	9	22.5	0	0.0	1	2.5
Middlesex	77	54	70.1	23	29.9	14	18.2	3	3.9	6	7.8
Monmouth	64	55	85.9	9	14.1	5	7.8	3	4.7	1	1.6
Morris	34	27	79.4	7	20.6	4	11.8	2	5.9	1	2.9
Sussex	9	9	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Passaic	66	39	59.1	27	40.9	13	19.7	10	15.2	4	6.1
Union	64	42	65.6	22	34.4	11	17.2	11	17.2	0	0.0
Somerset	21	16	76.2	5	23.8	4	19.0	1	4.8	0	0.0
Hunterdon	6	6	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Warren	18	18	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Ocean	48	41	85.4	7	14.6	2	4.2	4	8.3	1	2.1
Gloucester	17	14	82.4	3	17.6	3	17.6	0	0.0	0	0.0
Cumberland	20	17	85.0	3	15.0	1	5.0	2	10.0	0	0.0
Salem	8	6	75.0	2	25.0	2	25.0	0	0.0	0	0.0
Total – All Vicinages	882	638	72.3%	244	27.7%	145	16.4%	68	7.7%	31	3.5%
AOC and Vicinages Combined											
Grand Total	1,072	799	72.7%	293	27.3%	173	16.1%	78	7.3%	42	3.9%

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

Table 4-19. New Jersey Judiciary: Hires by Race/Ethnicity (Excluding Law Clerks & Judges) AOC/Central Clerks' Offices and Vicinages, Calendar Year 2007 Microdata

	Total	Whites		Total Minorities		Blacks		Hispanics/ Latino		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
AOC											
AOC/Central Clerks Offices	88	31	35.2%	57	64.8%	32	36.4%	20	22.7%	5	5.7%
Total – All Vicinages	538	247	45.9%	291	54.1%	175	32.5%	92	17.1%	24	4.5%
AOC and Vicinages Combined											
Grand Total	626	278	44.4%	348	55.6%	207	33.1%	112	17.9%	29	4.6%

Data Source: AOC Human Resources

Table 4-20. New Jersey Judiciary: Separations by Race/Ethnicity (Excluding Law Clerks & Judges) AOC/Central Clerks' Offices and Vicinages, 2007 Microdata

	Total	Whites		Total Minorities		Blacks		Hispanics/ Latino		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
AOC											
AOC/Central Clerks Offices	79	56	70.9%	23	29.1%	13	16.5%	4	5.1%	6	7.6%
Total – All Vicinages	522	328	62.8%	194	37.2%	119	22.8%	61	11.7%	14	2.7%
AOC and Vicinages Combined											
Grand Total	601	384	63.9%	217	36.1%	132	22.0%	65	10.8%	20	3.3%

Data Source: AOC Human Resources

Table 4-21. New Jersey Judiciary: Resignations by Race/Ethnicity (Excluding Law Clerks & Judges) AOC/Central Clerks' Offices and Vicinages, 2007
Microdata

	Total	Whites		Total Minorities		Blacks		Hispanics/ Latino		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
AOC											
AOC/Central Clerks Offices	31	19	61.3%	12	38.7%	8	25.8%	1	3.2%	3	9.7%
Total – All Vicinages	260	140	53.8	120	46.2%	73	28.1	36	13.8	11	4.2
AOC and Vicinages Combined											
Grand Total	291	159	54.6%	132	45.4%	81	27.8%	37	12.7%	14	4.8%

Data Source: AOC Human Resources

Table 4-22. New Jersey Judiciary: Separations by Race/Ethnicity as a Proportion of the Workforce (Excluding Law Clerks & Judges)
AOC/Central Clerks' Offices and Vicinages, 2007
Microdata

	Total	Whites	Total Minorities	Blacks	Hispanics/ Latino	Asians/Amer. Indians
AOC						
AOC/Central Clerks Offices	5.5%	5.6%	5.2%	4.4%	5.2%	8.8%
Total – All Vicinages	6.8%	7.0%	6.4%	6.2%	6.9%	6.9%
AOC and Vicinages Combined						
Grand Total	6.6%	6.8%	6.3%	5.9%	6.7%	7.4%

Data Source: AOC Human Resources

Table 4-23. New Jersey Judiciary: Resignations by Race/Ethnicity as a Proportion of the Workforce (Excluding Law Clerks & Judges)
AOC/Central Clerks' Offices and Vicinages, 2007
Microdata

	Total	Whites	Total Minorities	Blacks	Hispanics/ Latino	Asians/Amer. Indians
AOC						
AOC/Central Clerks Offices	2.2%	1.9%	2.7%	2.7%	1.3%	4.4%
Total – All Vicinages	3.4%	3.0%	4.0%	3.8%	4.0%	5.4%
AOC and Vicinages Combined						
Grand Total	3.2%	2.8%	3.8%	3.6%	3.8%	5.2%

Data Source: AOC Human Resources

G. Discrimination Complaints

1. Background Information

In 1992, the Supreme Court Task Force on Minority Concerns Final Report noted that the "Court system lacks sufficient complaint procedures to enable persons to overcome unfair treatment in the court." (Finding #32 at p. 248) Thereafter, the Committee on Minority Concerns conveyed in each of its biennial reports to the Court the following recommendations focusing on discrimination complaint procedures: 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.

As noted in this Committee's 2004-2007 report, the Judiciary had addressed many, but not all, of the Committee's recommendations by (1) issuing via Directive #5-04 the *EEO Complaint Procedures Manual* (hereafter referred to as the "Manual") to be used in cases involving allegations of discrimination and/or sexual harassment in the Judiciary and to be utilized 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 on Equal Employment Opportunity/Affirmative Action and Anti-Discrimination[108] (hereafter referred to as "the Policy Statement") has occurred; (2) developing an explanatory booklet for all employees entitled *Employee Guide to Reporting and Handling Complaints of Discrimination or Harassment in the Judiciary*; (3) completing statewide training of all EEO Officers, EEO Regional Investigators, managers and supervisors on the EEO Complaint Procedures as of September 30, 2004, and

[108] During the current rules cycle, the Judiciary's Policy Statement on Equal Employment Opportunity/ Affirmative Action and Anti-Discrimination was revised July 3, 2007 and October 29, 2008 due to statutory changes or new case law.

making the course mandatory for all subsequent managers and supervisors; and (4) implementing a computerized complaint tracking system and training for EEO/AA Officers on the system.

2. Complaint Procedures Update

In October 2008, the Judiciary announced a new outreach initiative aimed at informing the public of their rights for fair treatment and various avenues for filing complaints about discriminatory or unfair treatment. As a result of this new initiative, each vicinage has signs posted and brochures available for distribution about how court users can report concerns about fair treatment including contact information for the statewide and vicinage EEO/AA Officers, Ombudsman, and the Advisory Committee on Judicial Conduct. In addition to the Policy Statement which has information on whom to contact to file a complaint and will be translated into Spanish, the Judiciary is working towards translating the Fair Treatment posters and brochures into other languages. The Judiciary plans to disseminate information about the complaint procedures to bar associations, agencies, and community groups whose members deal frequently with the Court. In addition to publicizing the information, Judiciary employees will receive additional training on how to appropriately assist court users with complaints.

3. Discrimination Complaints

Table 4-24. New Jersey Judiciary: Discrimination Complaints Filed at the AOC/Central Clerks' Offices and Vicinages Combined July 1, 2006 to June 30, 2007 indicates that during this twelve month period 141 complaints[109] were filed statewide.

[109] While previous New Jersey Supreme Court Committee on Minority Concerns Reports refer to "formal" and "informal" complaints, it should be noted that as of the issuance of the April 27, 2004 EEO Complaint Procedures Manual, this distinction is no longer used.

Table 4-24. New Jersey Judiciary: Discrimination Complaints Filed at the AOC/Central Clerks' Offices and Vicinages Combined July 1, 2006 to June 30, 2007

Summary		
	#	%
AOC/Central Clerks' Offices	7	5.0
Vicinages Combined	134	95.0
Total Complaints	141	100.0%
Breakdown of Complaints by Location		
	#	**%**
AOC/Central Clerks' Offices	7	5.0
Atlantic/Cape May	8	5.7
Bergen	9	6.4
Burlington	8	5.7
Camden	10	7.1
Cumberland/Salem/Gloucester	10	7.1
Essex	23	16.3
Hudson	6	4.3
Mercer	5	3.5
Middlesex	10	7.1
Monmouth	23	16.3
Morris/Sussex	2	1.4
Ocean	0	0.0
Passaic	2	1.4
Somerset/Hunterdon/Warren	10	7.1
Union	8	5.7
Total Discrimination Complaints Filed *	**141**	**100.0%**

Data Source: 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 of 141 complaints filed during this one-year period represents an increase of 17.5% compared to the period covered by the Committee's 2004-2007 Report which noted that 120 complaints were filed from July 1, 2005 to June 30, 2006. Table 4-24 indicates that of the total 141 complaints filed, 95% (134) were filed in all of the vicinages combined while 5% (7) were filed at the AOC/Central Clerks' Offices.

Table 4-25. New Jersey Judiciary: Comparison of Discrimination Complaints Filed at the AOC/Central Clerks' Offices and Vicinages Combined 2005-2006 and 2006-2007

Comparison of Discrimination Complaints Filed			
	2005-2006	2006-2007	Percent Change
AOC/Central Clerks' Offices	28	7	-75.0%
Vicinages Combined	92	134	+45.7%
Total Complaints	120	141	+17.5%

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

Table 4-25. New Jersey Judiciary: Comparison of Discrimination Complaints Filed at the AOC/Central Clerks' Offices and Vicinages Combined 2005-2006 and 2006-2007 indicates that the 7 (5%) complaints filed during July 1, 2006 to June 30, 2007 represent a 75% reduction in the number of complaints during the previous fiscal year while during this same time period the number of complaints filed in all of the vicinages combined increased by 45.7%. By way of comparison, however, it should be noted that the Committee's 2004-2007 Report had expressed concern that in the one-year period covered by the data in that Report the number of complaints filed at the AOC/Central Clerks' Offices had increased by 40% over the previous one-year period whereas during the same period the total of discrimination complaints filed at the combined vicinages had dropped by 9.8%.

While the filing of complaints in the AOC/Central Clerks' Offices appears to have diminished markedly, the percentage increase in vicinage filings combined with the absolute number of vicinage filings should be monitored by the Judiciary. Of interest to the Committee is the notable increase in the number of discrimination complaints filed at the vicinage level. The Committee acknowledges that to make true meaning of these data numbers and percentages alone cannot be evaluated. As discussed in the Committee's prior Report, an increase in complaints may reflect a heightened sensitivity of employees to inappropriate workplace actions and behaviors, perhaps as a result of the implementation of education and training of employees

and dissemination of complaint procedures. On the other hand, this increase may indicate actual workplace problems or employees' perceptions of workplace problems. As a next step, the Committee recommends looking at the number of complaints filed in relation to the size of the respective workforce to gain a better understanding of the prevalence of complaints. It is quite possible that the vicinages showing the largest numbers of complaints may in fact have the lowest proportional complaint rate. In addition, the procedural change earlier noted regarding the elimination of informal complaint filings may be a contributing factor as in the past vicinage EEO/AA Officers resolved the majority of informal complaints.

Some summary findings are noted in *Table 4-26. New Jersey Judiciary: Discrimination Complaints Filed by Type of Complaint, AOC/Central Clerks' Offices and Vicinages Combined July 1, 2006 to June 30, 2007*. Among these, the highest incidence by type of complaint are race (37); sexual harassment (22); disability (20); national origin (17); retaliation (15); gender (10); religion (10); age (5); hostile work environment (4); and military status (1). During the noted time period, there were no complaints filed based on color, marital status, civil union status, domestic partnership status, sexual orientation, or gender identity/expression.

Table 4-26. New Jersey Judiciary: Discrimination Complaints Filed by Type of Complaint, AOC/Central Clerks' Offices and Vicinages Combined July 1, 2006 to June 30, 2007

	Race	Sexual Harassment	Disability	National Origin	Retaliation	Gender	Religion	Age	Hostile Work Environment	Military Status	Color	Marital Status	Sexual Orientation	Total	
														#	% of Ttl.
AOC	4	2	0	0	0	1	0	0	0	0	0	0	0	7	5.0
Atlantic/Cape May	5	0	1	0	0	2	0	0	0	0	0	0	0	8	5.7
Bergen	1	3	0	4	0	0	1	0	0	0	0	0	0	9	6.4
Burlington	3	2	1	0	0	1	1	0	0	0	0	0	0	8	5.7
Camden	1	5	1	0	2	1	0	0	0	0	0	0	0	10	7.1
Essex	9	3	1	2	2	0	2	4	0	0	0	0	0	23	16.3
Gloucester/ Cumber-land/Salem	1	2	2	0	4	1	0	0	0	0	0	0	0	10	7.1
Hudson	2	0	2	2	0	0	0	0	0	0	0	0	0	6	4.3
Mercer	1	0	1	1	0	0	2	0	0	0	0	0	0	5	3.5
Middlesex	1	0	2	0	3	2	1	0	0	1	0	0	0	10	7.1
Monmouth	7	1	4	5	2	0	0	0	4	0	0	0	0	23	16.3
Morris/Sussex	0	0	2	0	0	0	0	0	0	0	0	0	0	2	1.4
Passaic	0	1	0	0	0	1	0	0	0	0	0	0	0	2	1.4
Union	0	3	1	2	0	0	1	1	0	0	0	0	0	8	5.7
Somerset/Hunterdon/ Warren	2	0	2	1	2	1	2	0	0	0	0	0	0	10	7.1
Ocean	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Total Vicinages Combined	33	20	20	17	15	9	10	5	4	1	0	0	0	134	95.0%
Total Complaints Filed	37	22	20	17	15	10	10	5	4	1	0	0	0	141	100.0%

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

Table 4-27. New Jersey Judiciary: Discrimination Complaints Filed by Type of Complaint, and Action Taken
AOC/Central Clerks' Offices and Vicinages Combined
July 1, 2006 to June 30, 2007

Complaint Summary - FY 07	Case Status			Action Taken													
	Filed	Closed	Open	No Finding	Finding	Counseled	Mediated	Referred to Mgmt.	Referred to Other Agency	Letter of Warning	Training	Written Reprimand	Discipline	Transfer	Referred to Other Vic.	Job Duties Changed	Referred to EAP
Race	37	29	9	26	3	21	2	1	1	0	0	0	1	0	0	0	0
Sex Har.	22	21	2	13	8	9	1	3	1	0	2	2	3	0	0	0	0
Disability	20	15	5	15	0	12	0	4	0	0	0	0	0	0	0	0	0
Nat'l Origin	17	14	3	14	0	11	0	0	0	0	5	0	1	0	0	0	0
Retaliation	15	14	1	13	1	12	1	4	0	0	1	0	1	0	0	0	0
Gender	10	10	0	8	2	8	0	1	1	0	0	0	1	0	0	0	0
Religion	10	10	0	10	0	8	2	0	0	0	0	0	0	0	0	0	0
Age	5	5	0	5	0	5	0	0	0	0	0	0	0	0	0	0	0
Hostile Work Environment	4	4	0	4	0	1	0	3	0	0	0	0	0	0	0	0	0
Veteran Status	1	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0
Total All Categories	141	123	20	109	14	88	6	16	3	0	8	2	7	0	0	0	0

Data Source: AOC/Central Clerks' Offices, EEO/AA Unit. "Closed" and "Open" cases may not add to the number of "Filed" cases because cases may be filed in the previous year and closed in the current year, or filed in the current year and closed in the subsequent year.

In examining *Table 4-27. New Jersey Judiciary: Discrimination Complaints Filed by Type of Complaint, and Action Taken, AOC/Central Clerks' Offices and Vicinages Combined July 1, 2006 to June 30, 2007*, the Committee notes that of the 37 complaints filed alleging race discrimination 29 were closed before the end of the 2006-2007 fiscal year. In terms of the action taken, of the 29 closed cases, 26 (89.7%) resulted in no finding whereas 3 (10.3%) resulted in a finding of a violation of the Policy Statement. By comparison, of the 21 sexual harassment complaints closed during this time period, 13 (61.9%) resulted in no finding, whereas 8 (38.1%) resulted in a finding of a violation of the Policy Statement. Similarly, a higher proportion of gender based complaints (20%) resulted in a finding of a violation of the Policy Statement than race based complaints. The past three reporting cycles also showed that a higher proportion of sexual harassment or gender complaints were substantiated when compared to race based discrimination.

Undeniably, not all complaints are meritorious. However, the fact that there may have been an increase in a particular kind of discrimination alleged by internal complaints, even if most of the complaints are found to be without merit, may indicate that employees in a particular vicinage perceive discrimination. Such a perception may represent a personnel problem that, even if it does not rise to the level of discrimination, should be addressed by the Judiciary. Accordingly, the Committee recommends that the Judiciary review the data herein regarding internal discrimination complaints in order to ascertain whether there are pockets of possible discrimination or, just as important, there are areas where managerial or other personnel practices somehow give rise among some employees to a perception of discrimination. The Committee further recommends that, going forward, the Judiciary continue to review on an annual basis the kinds of data set forth in Tables 4-24 and 4-26 to ensure early identification of

trends and possible personnel issues involving claims or perceptions of discrimination. While the Committee is well aware that many complaints are filed in good faith and yet as previously noted may not result in a finding of unlawful discrimination, the Committee finds it attention-getting that given the overall markedly low percentage of complaints filed statewide compared to the workforce size there is such a high percentage of "no finding" (109 out of 123 cases closed during this period or 88.6%). In contrast, the Committee notes the U.S. Equal Employment Opportunity Commission (EEOC) reports "no reasonable cause," a classification similar to the New Jersey Judiciary's designation of "no finding," for 59.3% of the matters resolved during fiscal year 2007.

Age of Complaints

As of September 10, 2008, the ages of pending (n=24) complaints were as follows:

Age	*No. of Complaints*
Older than one year	2
10-12 months	0
7-9 months	2
4-6 months	10
0-3 months	14

The *EEO Complaint Procedures Manual* recommends that complaints be closed within 100 days. The estimated average time to investigate complaints and issue determinations is four months (approximately 120 days), and according to the time data noted half (n=14) of the current complaints pending as of September 10, 2008 are out of compliance with the Manual's recommendation of complaint closure within 100 days. Accordingly, the Committee recommends that further good faith efforts be made to ensure the expeditious but thorough

handling of internal discrimination complaints so as to comply with the time limits set forth in the Manual.

EEO/AA, Anti-Discrimination and Diversity Training

> The Supreme Court should require the Administrative Office of the Courts to (1) expand its training efforts toward cultural awareness and management skills in a multicultural work force and (2) provide minority employees with general management and leadership training. Task Force Recommendation 52 (Final Report, 1992, p. 342)

> The Supreme Court should direct the Administrative Office of the Courts to establish an EEO/AA training program for new employees and an annual cultural awareness program for State and vicinage judicial employees. Task Force Recommendation 53 (Final Report, 1992, p. 343)

Training on EEO/AA, anti-discrimination, sexual harassment prevention and diversity is offered through the EEO/AA Unit at the Administrative Office of the Courts and the vicinage EEO/AA Officers. Training content development and delivery support for some courses is also offered through the Organizational Development and Training Unit and vicinage Training Coordinators. Due to facility constraints at many vicinages, trainings are often offered on a regional basis.

The following EEO/AA related courses are mandatory for all new employees:

- Introduction to EEO/AA and Judiciary's Fairness Program
- Sexual Harassment Prevention

The following EEO/AA related courses are available to all employees:

- Valuing Diversity (all new employees)
- Law Clerk EEO/AA, Anti-Discrimination and Sexual Harassment Prevention Orientation (all law clerks)
- Maintaining a Sexual Harassment Free Work Environment: Our Managerial and Supervisory Responsibilities and Liabilities (all managers and supervisors)
- EEO/AA Complaint Procedures Training (all managers and supervisors)

During calendar years 2006 and 2007, the following additional courses were offered at various locations throughout the state:

- ADA Overview Training

- Advanced Diversity Training for Managers and Supervisors
- Affirmative Introspection for Managers and Supervisors
- Behavioral Guidelines for the Judiciary Workplace
- Behavioral Interviewing and Hiring Practices
- Beyond the Nine to Five Diversity Training by Dr. Michael Fowlin
- Career Development/Professional Empowerment
- Cultural Barriers to Communication
- Customer Service Training (various)
- Danger Zone: Sexual Harassment Accountability for Managers and Supervisors
- Dealing with Difficult Behaviors
- Diversity Profile Training—Getting on the Boat and Rowing Together
- Diversity Training for Judges
- Dynamics Confronting African Americans in the Court System
- EEO/AA Advisory Committee Training
- EEO/AA Diversity Training: Your Rights and Responsibilities
- Diversity: Establishing and Maintaining Effective Relationships
- Examining Racism in New Jersey: Strategies for Racial Harmony
- Fair Employment Practices for Managers and Supervisors
- Family Medical Leave Act/Family Leave Act
- I Am Not the Enemy: The Next Step to Diversity by Dr. Michael Fowlin
- Judiciary Performance Advisory System
- Leadership, Honor and Integrity
- Legal Advice vs. Assistance
- Leveraging the Diversity of Social Styles through Emotional Intelligence
- Mock Interview Training
- Municipal Court Employee EEO/AA and Sexual Harassment Orientation[110]
- Municipal Court Managers EEO/AA and Sexual Harassment Prevention[41]
- New Volunteer Orientation EEO/AA and Diversity Overview
- Nuts and Bolts of Recruitment and Community Outreach
- Recruitment Procedures
- Religious Issues in the Workplace
- Refresher EEO Training
- Representing the Judiciary at Recruiting Events
- Spanish Legal and Court Terminology/Basic Spanish Phrases
- Tools for Selecting and Evaluating Job Applicants
- Vicinage Advisory Committee on Minority Concerns Orientation
- Understanding Islam
- Understanding Issues Facing Hispanics/Latinos in the Courts
- We’re In This Together: Fostering an Environment of Respect and Dignity
- What We Eat Series

[110] Since municipal courts operate independently, Judiciary EEO/AA Officers conduct this informational training for municipal court employees upon request.

- Working with Different Generations

The Committee is impressed with the courses that are presently offered and plans to examine the curricula and explore the frequency with which managers and administrators, support staff, and judges are enrolling in courses offered by the Judiciary.

H. Minority Vendor Program

> The Supreme Court should direct the Administrative Office of the Courts to establish and monitor a minority vendor program to ensure ongoing representation of minorities in its contracts. Task Force Recommendation 62 (Final Report 1992, p. 358)

For its discussion on the minority vendor program, the Committee reviewed information provided by the AOC's Office of Management & Administrative Services,[111] several quarterly reports of the New Jersey Department of Treasury Division of Minority and Women Business Development, Executive Orders 213 (1989), 84 (1993), 71 (2003) and 34 (2006), and the federal consent decree entered into in the matter of *GEOD v. State of New Jersey*. The purpose of the Committee's review of this information material was to expand its understanding of the historical and legal context in which governmental initiatives may be undertaken to increase public purchasing contract opportunities for minority- and women-owned business enterprises in order to be able to evaluate more meaningfully the Judiciary's efforts and progress in this regard.

<u>Brief Historical Overview of the State of New Jersey's Minority- & Women-Owned Business Enterprises (MWBE) Initiatives</u>

Governor Thomas Kean via Executive Order 213 (1989) established the "Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts." That Commission in 1993 issued a report citing "evidence of widespread discrimination against firms owned and operated by minorities and women and indicated that

[111] The memorandum, sent in response to a query from this Committee, was dated July 31, 2008 and carried the subject line "Supreme Court Committee on Minority Concerns Subcommittee on Minority Participation: Request for Routine Workforce Data.

these firms experience pervasive exclusion from public contracting process[es]." Governor James Florio subsequently issued Executive Order 84 (1993) establishing goals for the State's set-aside program and mandating that minority and women-owned business enterprises (MWBE) be awarded specific percentages of public contracts. Ten years later, this set-aside program was permanently enjoined by the consent decree entered by the federal district court in the matter of *GEOD vs. State of New Jersey*. To ensure the State's compliance with the consent decree, Governor James McGreevey issued Executive Order 71 (2003) eliminating set-aside goals for minority and women-owned business enterprises specifically and replacing those goals with a small business set-aside program that, consistent with the consent decree in *GEOD* is both race- and gender-neutral.

Subsequent to *GEOD v. State of New Jersey*, the State in 2004 commenced a "disparity study … designed to determine if there were historical and current disparities between firms 'ready, willing, and able to do business with the State' and those firms actually awarded contracts" (State of New Jersey, Department of Treasury, Division of Minority and Women Business Development, First Quarter 2008, p. 5). The study provided the opportunity to acquire the evidentiary basis required to "re-implement minority and women set-aside programs" (p. 5). As the MWBD quarterly report notes, "The study, which was completed in 2004 and which evaluated two major areas of state procurement activity, found that less than 2% of state procurement business in the two areas studied was being awarded to MWBE … [while] … 48% of all small businesses in New Jersey in 2004 were MWBEs" (p. 5). This Committee views this finding as important as it substantiates the Committee's ongoing concern for this participation and access issue.

In light of the findings of the disparities study Governor Jon S. Corzine issued Executive Order 34 (2006) designed to "further the State's efforts to ensure equal opportunity for minority- and women-owned business enterprises … to participate in State purchasing and procurement processes" (Executive Order 34 [2006]) and committing the State/Executive Branch, among other goals, to develop business utilization improvement goals for minority and women-owned business enterprises, track and monitor procurement activity for all agencies and organizations subject to Executive Order 34, establish standards and procedures to better enable applicable entities to meet their improvement goals, obtain quarterly reports from subject entities, create and maintain an electronic minority and women-owned business enterprises supplier database, and provide an annual report concerning the purchasing and procurement activities of executive departments, agencies, authorities, and universities and colleges.

Update on the New Jersey Judiciary's Related Activities

While as a separate but co-equal branch of state government the Judiciary is not subject to the cited Executive Orders, the Judiciary has held an abiding interest in ensuring that minority- and women-owned business enterprises have equitable access to procurement processes and contract opportunities and has a longstanding history of endeavoring to meet the goals and purposes of the orders in spirit and in practice.

To this end, the AOC's Office of Management and Administrative Services provided the following update:

> *In response to the Court's 1993 Action Plan on Minority Concerns, the AOC Purchase and Property Unit established as policy its commitment to participate in the NJ State Set-Aside Program. The Set-Aside Program at that time established three types of business certifications: minority-owned enterprises (MBE), women-owned enterprises (WBE), and small business Enterprises (SBE). The Selective Assistance Vendor Information database (SAVI) provided the primary means for identifying certified Set-Aside vendors whose qualifications are validated by the Commerce and Economic Growth Commission.*

As the result of [the consent decree in GEOD v. State of New Jersey], the Set-Aside Program can now only use a vendor's gross revenue as the basis for determining the vendor's status for Set-Aside participation. AOC and Vicinage purchasing staff continue to use SAVI to identify potential vendors and use the current Set-Aside categories, in accordance with the court order, while at the same time keeping in mind the goal of increasing minority vendor contracting with the Judiciary.

One of the challenges faced by the Judiciary in tracking Set-Aside spending is that, while the State purchasing system (MACS-E) has data fields available for selecting an ethnicity profile for each vendor (Asian, Black, Hispanic, Other, and Unknown), a significant number of vendors in the MACS-E database are listed as "Unknown," and thus, such data serves no practical value [at this time].

Despite these challenges, Judiciary purchasing staff have continued efforts at reaching out to the public and trying to maintain [the Judiciary's] reputation for being proactive. In past years, most … outreach efforts have been dedicated toward participating in events sponsored by established organizations whose primary purpose is to increase overall business activity for MBE, WBE and SBE organizations. At these events, [Judiciary representatives] provide guidance, encouragement, and literature including a step-by-step guide for doing business with the Judiciary. Since January 2007, Judiciary purchasing professionals have met with and provided assistance to numerous potential vendors at events sponsored by the following organizations: Statewide Hispanic Chamber of Commerce, Mercer County Regional Chamber of Commerce, New Jersey Small Business Development Centers, and the Somerset County Business Partnership.

As a result of the court order regarding the Set-Aside Program, MACS-E does not currently separately measure purchasing statistics in the MBE and WBE categories. Thus, [the Judiciary is] unable to provide an accurate report of the diversity profile for vendors hired by the Judiciary. Therefore, … the following statistics represent Judiciary purchasing activity for fiscal year 2008 (July 1, 2007 to June 30, 2008) for the entire Set-Aside Program which, although inclusive of certified MBE and WBE businesses, does not represent their activity separately:

Table 4-28. Judiciary Set-Aside Purchasing Activity, Fiscal Year 2008

Vicinage/Office	Percentage of Purchase Orders Awarded to Set-Aside Vendors
AOC/Central Office	37.6
Atlantic/Cape May	30.2
Bergen	25.0
Burlington	59.8
Camden	55.5
Essex	50.4
Hudson	44.8
Mercer	52.6
Middlesex	59.3
Monmouth	22.8
Morris/Sussex	40.7
Passaic	58.1
Union	48.9
Somerset/Hunterdon/Warren	42.9
Ocean	36.4
Gloucester/Cumberland/Salem	27.2
Judiciary Total	46.3

Data Source: AOC Office of Management and Administrative Services

Activity in the vicinages represents approximately seventy-five percent (75%) of total Judiciary purchases and thus vicinage participation is clearly instrumental to the success of [the Judiciary's] efforts. In the spirit of the intent of the Set-Aside Program, [the Judiciary] will continue to seek out and do business with qualified vendors who may not be currently officially registered as an MBE or WBE but who are probably fully-qualified for eventual certification.

[The Judiciary's] participation in the Set-Aside Program is a long-term commitment. [The Judiciary] understands that a recently completed diversity study may "re-start" the MBE and WBE components of the program and is fully prepared to meet the challenges that such a change may require. As articulated in the original Set-Aside Act, which was established in 1983, [the Judiciary] recognizes that the competitive strength of all businesses, especially small, minority-owned, and women-owned businesses, is dependent upon having access to opportunities to grow and expand. It is not only in the best interest of these targeted business sectors but also to the State and its citizens for these businesses to grow and succeed. [The Judiciary is] proud of its record of providing competitive opportunities to these businesses and intends to develop creative strategies in the future that can help move closer to fulfilling the mission of Supreme Court Committee on Minority Concerns, to ensure access to the Judiciary's contracting process by racial and ethnic minorities in hopes of increasing minority participation. The Office of Management and Administrative Services believes that as public servants we are expected to do no less.

Having reviewed the information provided by the Office of Management and Administrative Services, the Committee applauds the efforts of the Administrative Office of the Courts to remain vigilant in meeting the original Task Force recommendation to "establish and

monitor a minority vendor program to ensure ongoing representation of minorities in its contracts…" (Task Force Recommendation 62, *Final Report*, 1992, p. 358) consistent with current law. As these ongoing efforts continue, the Committee is interested in a more in-depth examination of this issue in an effort to learn more about the extent of minority vendor participation. The following issues are areas of particular interest to the Committee: identification of specific recruiting events, frequency of recruiting activities, corresponding attendance, and data that would evidence the effectiveness of the outreach.

Discussion of the Committee's Observations and Recommendations

From the report provided by the AOC's Office of Management and Administrative Services, the Committee learned that the Judiciary is far exceeding the target that Executive Order 71 (2003) establishes for the executive branch.[112] In that regard, the Administrative Office of the Courts is to be commended for its successful efforts at increasing contract opportunities for small-business enterprises. As the AOC's Office of Management and Administrative Services reports, there is not currently in place a mechanism that enables the Judiciary to measure quantitatively the degree to which the increased participation of small businesses impacts the level of participation by minority- and women-owned business enterprises. During the Committee's next term it would like to work collaboratively with management to develop a methodology by which (e.g., a simple survey of its vendors) the AOC and the Committee can access data on the extent to which minority- and women-owned business enterprises are increasing their participation in state purchasing opportunities through the Judiciary. To that end, the Committee reiterates Recommendation 62 and proposes the following new recommendation.

[112] Executive Order 71 (2003) "directs that a fair proportion, but not less than 15%, of the State's total purchases and contracts … be placed with small businesses…"

Recommendation 09:04.2

The Committee recommends that the Chief Justice direct the AOC Office of Management and Administrative Services to 1) finalize its reporting procedures including the solicitation of information from Judiciary vendors to capture race/ethnicity and gender information, 2) develop and implement an action plan to ensure ongoing representation of MWBEs in its contracts and to provide for the maintenance of updated empirical data, 3) document in detail its outreach initiatives and create a process to assess the effectiveness of the same through an annual progress report that is made available to the Committee on Minority Concerns, and 4) examine MWBE activity in vicinages.

I. District Ethics and Fee Arbitration Committees

The Supreme Court should continue its efforts to increase the representation of minorities among its appointees to the various Supreme Court boards and committees. Task Force Recommendation 57 (Final Report, 1992, p. 352)

The Supreme Court should direct the Administrative Office of the Courts to maintain current data on minority representation among lawyers, municipal judges and employees, court committees and staff, court volunteers, and court appointees. Task Force Recommendation 61 (Final Report, 1992, p. 357)

The Office of Attorney Ethics provided the Subcommittee with an updated detailed summary analysis for minorities and female attorneys and public members serving on the District Ethics and Fee Arbitration Committees. For purposes of comparison, the Committee considered the current data in relation to the last time the Committee reported the same data in detail, i.e., the Supreme Court Committee on Minority Concerns, Report of the Minority Participation Subcommittee, 1994-1996 Rules Cycle Supplement IV[113]. A discussion on District Fee and Ethics Committees follows for public and attorney members.

1. District Fee Committees - Public

A review of the current data reveals that since the last time the Committee reported these data with respect to the public members there have been improvements in both minority and female participation on District Fee Committees. By way of comparison, the Committee reported in 1995 that there were 103 members, of which 84% were White and 16% were racial/ethnic minorities while 61% were male and 39% were female. (1994-1996 Rules Cycle,

[113] The Report of the Committee on Minority Concerns (1994-1996 Rules Cycle) included a brief discussion of updated data.

Supplement IV, p. 128) A review of the data for 2008 (See Tables 4-29 and 4-30 District Fees Committee Membership Trends: Public Member Analysis, 1990-1999 and 2000-2009), reveals that there was a 2% decrease in overall membership (from 103 to 101), and that, more notably, the minority membership increased to 31%. Similarly, gains were made by women as the data discloses that female membership rose to 49%.

A comparison of the membership to the goals set by the Court as of 1995 shows gains made as well. Over the course of time, targets have been set in relation to minority representation on the district fee and ethics committees. In 1995, the target was 27% for minorities, but the actual membership was 15%. Similarly the goal for female membership was 52% and the actual membership was 39%. When the 2008 figures are reviewed, (See Table 26b) one finds that the target for minority membership (27%) was exceeded by 4%; actual membership was 31%. Gains were made in the representation of females as the actual membership was 49% nearly achieving the goal of 52% set by the Court.

The reader can discern from the examination of *Table 4-31 District Fee Membership Survey: Regional Public Member Analysis* that all of the District Fee Committees, as of September 1, 2008, had female members. The following district Fee Committees have no minorities on their respective committees as of September 1, 2008: Mercer (VII), Union (XII), and Somerset/Hunterdon/Warren (XIII).

Table 4-29. District Fees Committee Membership Trends: Public Member Analysis, 1990-1999 (September 1, 2008)

CALENDAR YEAR	TOTAL MEMBERS	RACE				GENDER			
		White		Minority		Male		Female	
		#	%	#	%	#	%	#	%
1990	78	71	91	7	9	62	79	16	21
1991	89	70	79	19	21	55	62	34	38
1992	90	71	79	19	21	58	64	32	36
1993	96	76	79	20	21	60	63	36	38
1994	98	76	78	22	22	55	56	43	44
1995	103	87	84	15	15	63	61	40	39
1996	103	92	89	11	11	70	68	33	32
1997	101	91	90	10	10	67	66	33	33
1998	103	87	84	16	16	67	65	36	35
1999	100	88	88	12	12	65	65	35	35
GOALS					***27%***				***52%***

Data Source: Office of Attorney Ethics

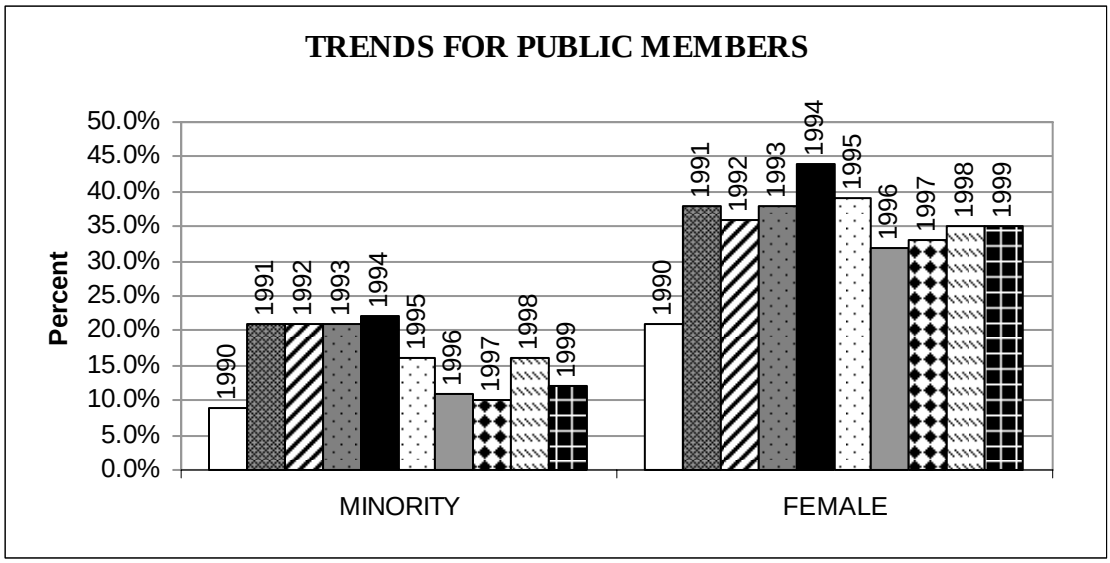
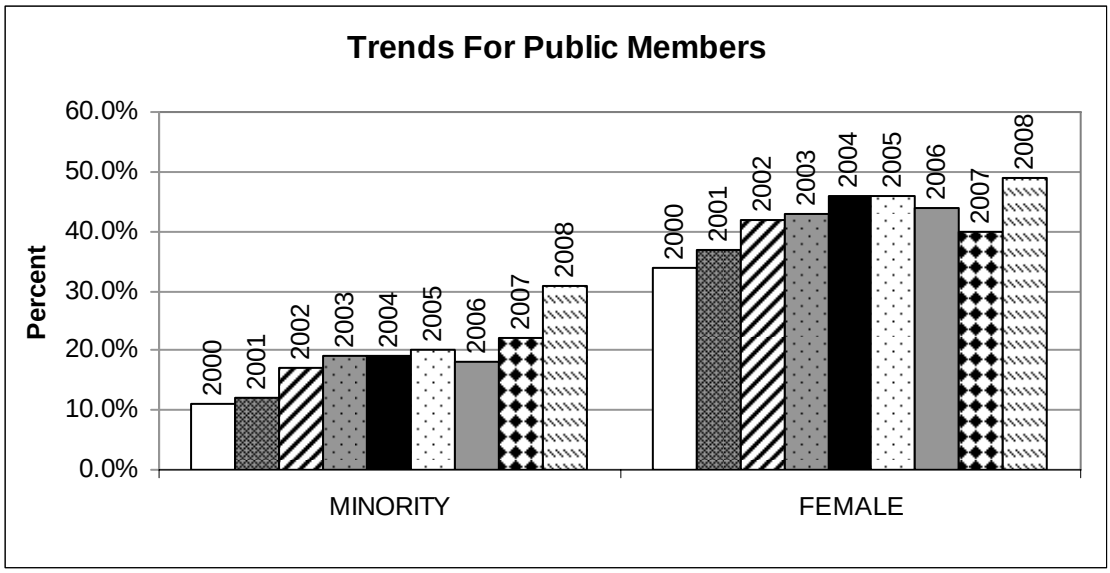


Table 4-30. District Fees Committee Membership Trends: Public Member Analysis, 2000-2009 (September 1, 2008)

CALENDAR YEAR	TOTAL MEMBERS	RACE				GENDER			
		White		Minority		Male		Female	
		#	%	#	%	#	%	#	%
2000	99	88	89	11	11	65	66	34	34
2001	100	88	88	12	12	63	63	37	37
2002	100	83	83	17	17	58	58	42	42
2003	101	82	81	19	19	58	57	43	43
2004	101	82	81	19	19	55	54	46	46
2005	100	80	80	20	20	54	54	46	46
2006	96	79	82	17	18	54	56	42	44
2007	101	79	78	22	22	61	60	40	40
2008	101	70	69	31	31	52	51	49	49
2009									
GOALS					***27%***				***52%***

Data Source: Office of Attorney Ethics



In retrospect, the reader observes that during the decade of the 1990's up to 2007, minority public membership on District Fee Committees fell below the goal of 27% every year except 2008. A similar pattern is evident for female public members on District Fee Committees from 1990 up to and including 2008.

Table 4-31. District Fee Membership Survey: Regional Public Member Analysis
September 1, 2008

REGIONAL COMMITTEES		TOTAL MEMBERS	RACE				GENDER			
			White		Minority		Male		Female	
District	County		#	%	#	%	#	%	#	%
I	Atlantic/Cumberland/ Cape May/Salem	6	4	67	2	33	2	33	4	67
IIA	Bergen - North	6	5	83	1	17	3	50	3	50
IIB	Bergen - South	7	3	43	4	57	5	71	2	29
IIIA	Ocean	4	3	75	1	25	2	50	2	50
IIIB	Burlington	5	4	80	1	20	2	40	3	60
IV	Camden/Gloucester	6	5	83	1	17	5	83	1	17
VA	Essex - Newark	5	1	20	4	80	3	60	2	40
VB	Essex - Suburban	6	5	83	1	17	4	67	2	33
VC	Essex - West	5	3	60	2	40	3	60	2	40
VI	Hudson	4	2	50	2	50	1	25	3	75
VII	Mercer	5	5	100	0	0	2	40	3	60
VIII	Middlesex	7	3	43	4	57	2	29	5	71
IX	Monmouth	10	6	60	4	40	3	30	7	70
X	Morris/Sussex	6	5	83	1	17	1	17	5	83
XI	Passaic	7	4	57	2	29	6	86	1	14
XII	Union	7	7	100	0	0	6	86	1	14
XIII	Hunterdon/Somerset/ Warren	5	5	100	0	0	2	40	3	60
TOTAL		101	70	69%	30	30%	52	51%	49	49%

Data Source: Office of Attorney Ethics

2. District Fee Committees - Attorneys

With respect to the attorney members of the District Fee Committees, in 1995 there were a total of 194 members, of whom 88% were White and 11% minority, while 65% were male and 34% female. The data for 2008 reveals that overall the attorney membership decreased to 190 while the minority membership increased to 18% and female membership increased to 45%. Thus, although overall attorney membership decreased by a little more than 2%, the gains made by minorities and women were actual and outpaced the decline in the overall number of members.

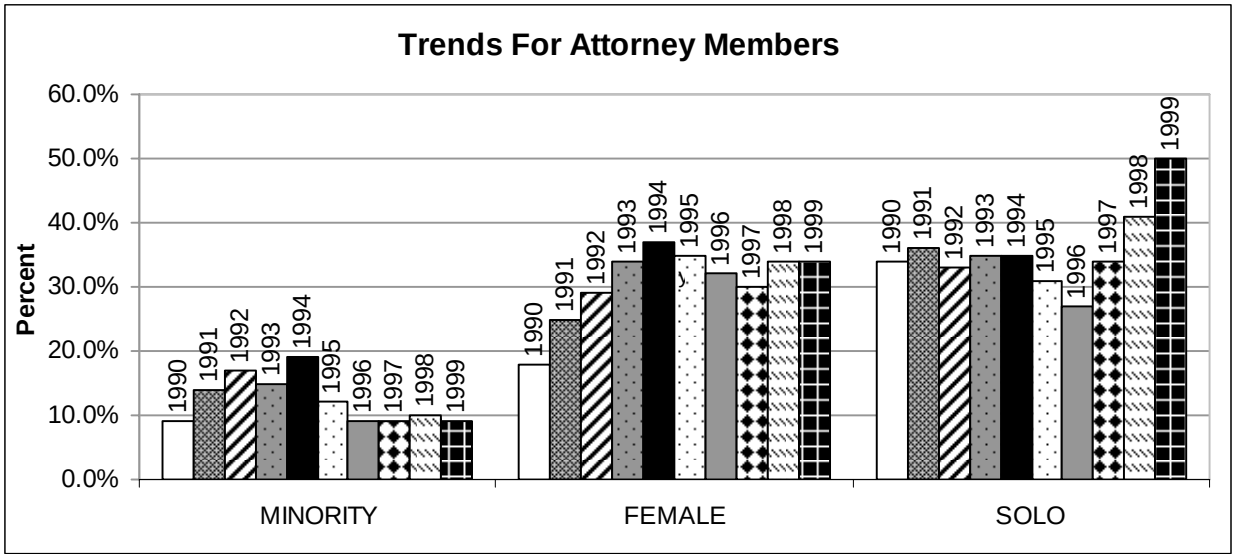
The data for 1995 shows that the goals set for minority and female membership for attorneys in the District Fee Committees were 7% and 30%, respectively. At that time, the

minority membership was 12% and the female membership was 35%. In 2008, the goals remained the same for each group and, here as well, the figures remained well ahead of the goals and membership had increased even further to 18% for minorities and 45% for females. Attorney membership is trending in the proper direction for both racial/ethnic minorities and women.

Table 4-32. District Fee Committee Membership Trends: Attorney Member Analysis, 1990-1999

CALENDAR YEAR	TOTAL MEMBERS	RACE				GENDER				FIRM SIZE			
		White		Minority		Male		Female		Solo		Multiple	
		#	%	#	%	#	%	#	%	#	%	#	%
1990	161	147	91	14	9	132	82	29	18	54	34	107	66
1991	177	152	86	25	14	133	75	44	25	63	36	114	64
1992	180	150	83	30	17	127	71	53	29	60	33	120	67
1993	189	161	85	28	15	125	66	64	34	67	35	122	65
1994	191	155	81	36	19	120	63	71	37	67	35	124	65
1995	194	171	88	22	11	126	65	66	34	60	31	132	68
1996	195	177	91	18	9	133	68	62	32	53	27	142	73
1997	197	180	91	17	9	138	70	59	30	67	34	129	65
1998	194	175	90	19	10	129	66	65	34	80	41	114	59
1999	197	179	91	18	9	131	66	66	34	98	50	99	50
GOALS					***7%***				***30%***				

Data Source: Office of Attorney Ethics

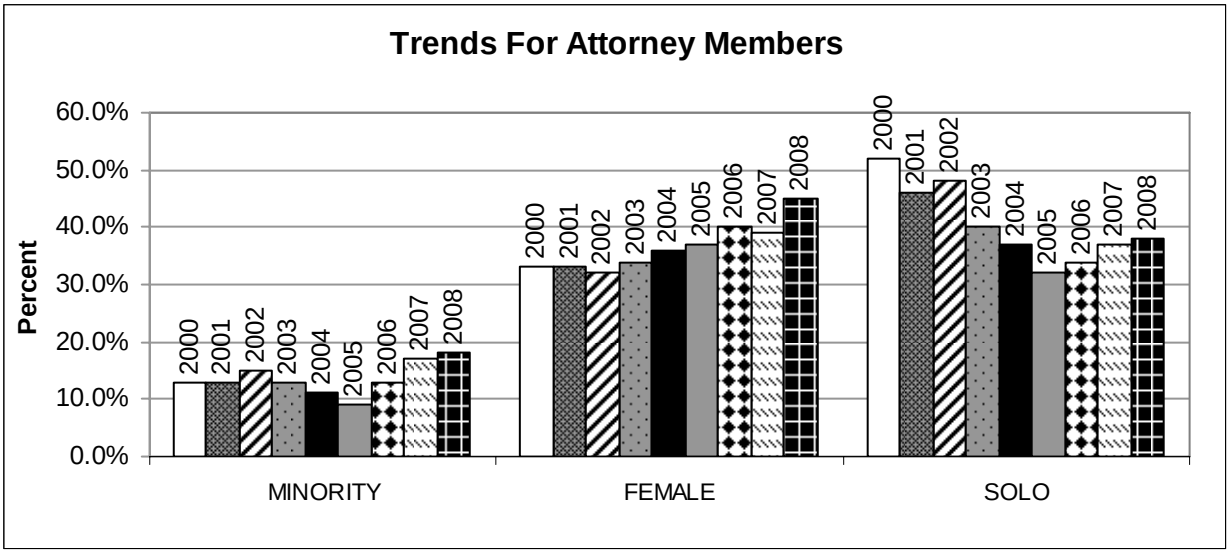


Minority attorney membership on District Fee Committees indicates a reverse pattern of minority public membership. During the 1990's, minority attorney members on District Fee Committee's met or exceeded the 7% goal for all of the 1990's up to and including 2008. Female attorneys met or exceeded the goal of 30% representation on attorney District Fee Committees in 1993 to 2008.

Table 4-33. District Fee Committee Membership Trends: Attorney Member Analysis, 2000-2009

CALENDAR YEAR	TOTAL MEMBERS	RACE				GENDER				FIRM SIZE			
		White		Minority		Male		Female		Solo		Multiple	
		#	%	#	%	#	%	#	%	#	%	#	%
2000	192	168	88	24	13	129	67	63	33	100	52	92	48
2001	189	164	87	25	13	126	67	63	33	86	46	103	54
2002	190	161	85	29	15	130	68	60	32	92	48	98	52
2003	193	133	69	26	13	128	66	65	34	77	40	116	60
2004	194	172	89	22	11	125	64	69	36	72	37	122	63
2005	193	176	91	17	9	122	63	71	37	61	32	132	68
2006	188	163	87	25	13	112	60	76	40	63	34	125	66
2007	191	158	83	33	17	117	61	74	39	71	37	120	63
2008	190	155	82	35	18	105	55	85	45	73	38	117	62
2009													
GOALS					***7%***				***30%***				

Data Source: Office of Attorney Ethics



An examination of *Table 4-34. District Fee Membership Survey: Regional Attorney Member Analysis* shows that minority attorneys and females are represented on all of the District Fee Committees except Burlington.

Table 4-34. District Fee Membership Survey: Regional Attorney Member Analysis, as of September 1, 2008

REGIONAL COMMITTEES		TOTAL MEMBERS	RACE				GENDER				FIRM SIZE			
			White		Minority		Male		Female		Solo		Multiple	
District	County		#	%	#	%	#	%	#	%	#	%	#	%
I	Atlantic/Cumberland/ Cape May/Salem	13	11	85	2	15	6	46	7	54	5	38	8	62
IIA	Bergen - North	13	11	85	2	15	8	62	5	38	4	31	9	69
IIB	Bergen - South	13	11	85	2	15	7	54	6	46	4	31	9	69
IIIA	Ocean	8	7	88	1	13	5	63	3	38	3	38	5	63
IIIB	Burlington	8	8	100	0	0	2	25	6	75	3	38	5	63
IV	Camden/Gloucester	15	12	80	3	20	9	60	6	40	5	33	10	67
VA	Essex - Newark	10	8	80	2	20	6	60	4	40	1	10	9	90
VB	Essex - Suburban	10	7	70	3	30	4	40	6	60	6	60	4	40
VC	Essex - West	11	8	73	3	27	6	55	5	45	5	45	6	55
VI	Hudson	8	5	63	3	38	5	63	3	38	3	38	5	63
VII	Mercer	10	7	70	3	30	5	50	5	50	3	30	7	70
VIII	Middlesex	11	8	73	3	27	9	82	2	18	6	55	5	45
IX	Monmouth	14	13	93	1	7	7	50	7	50	5	36	9	64
X	Morris/Sussex	12	11	92	1	8	7	58	5	42	4	33	8	67
XI	Passaic	12	9	75	3	25	7	58	5	42	6	50	6	50
XII	Union	14	12	86	2	14	8	57	6	43	8	57	6	43
XIII	Hunterdon/Somerset/ Warren	8	7	88	1	13	4	50	4	50	2	25	6	75
TOTAL		**190**	**155**	**82%**	**35**	**18%**	**105**	**55%**	**85**	**45%**	**73**	**38%**	**117**	**62%**

Data Source: Office of Attorney Ethics

3. District Ethics Committees - Public

Previously reported data (1994-1996) for the District Ethics Committee public membership revealed that in 1995 there were 100 total members, of whom 86% were White and 14% minority and of whom 56% were males and 44% females. In 2008, the public membership fell to 88 members, of which 72% were White and 28% minority with 58% male and 42% female.

In 1995, the goals for public membership for the District Ethics Committee were 27% for minorities and 52% for females. The membership for minorities fell short by 13% and for women the number fell short of the mark by 8%. The goals remained the same in 2008. Although there was a 14% gain in minority membership looking at 2008 in contrast to 1995, the gain is likely impacted by the 12% decline in public members overall. Nevertheless, when one compares the actual number of minority members for both 1995 and 2008, the Committee observed that the number of minorities serving as public members increased by 78.6%. Simultaneously, however, the Committee also observed that there was a decline in the number and percent of female members.

As a best practice the Committee recommends that the Supreme Court urge the AOC, on an as-needed basis or on schedule consistent with the appointment calendar for new members, to initiate an aggressive recruitment plan to enhance and improve the diversity profile of those race/ethnicity groups and females that are underutilized. The Office of Attorney Ethics should consult with appropriate AOC divisions and units such as the Office of Communications and Community Relations to solicit assistance with designing a marketing campaign or strategy for recruiting underutilized constituencies.

Table 4-35. District Ethics Committee Membership Trends: Public Member Analysis, 1990-1999

CALENDAR YEAR	TOTAL MEMBERS	RACE				GENDER			
		White		Minority		Male		Female	
		#	%	#	%	#	%	#	%
1990	68	61	90	7	10	51	75	17	25
1991	71	55	77	16	23	48	68	23	32
1992	74	50	68	24	32	47	64	27	36
1993	78	53	68	25	32	46	59	32	41
1994	82	60	73	22	27	46	56	36	44
1995	100	86	86	14	14	56	56	44	44
1996	106	90	85	16	15	62	58	44	42
1997	103	86	83	17	17	63	61	40	39
1998	102	78	76	24	24	62	61	40	39
1999	102	75	74	27	26	63	62	39	38
GOALS					***27%***				***52%***

Data Source: Office of Attorney Ethics

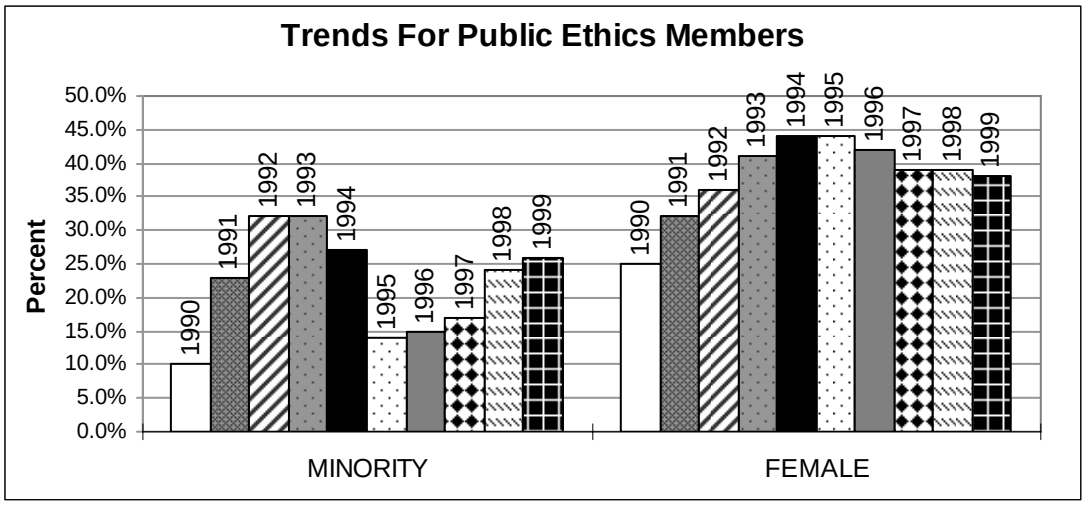


Table 4-36. District Ethics Committee Membership Trends: Public Member Analysis, 2000-2009

CALENDAR YEAR	TOTAL MEMBERS	RACE				GENDER			
		White		Minority		Male		Female	
		#	%	#	%	#	%	#	%
2000	96	68	71	28	29	58	60	38	40
2001	94	66	70	28	30	54	57	40	43
2002	91	62	68	29	32	53	58	38	42
2003	90	61	68	29	32	50	56	40	44
2004	89	65	73	24	27	47	53	42	47
2005	89	67	75	22	25	48	54	41	46
2006	91	68	75	23	25	47	52	44	48
2007	91	69	76	22	24	46	51	45	49
2008	88	63	72	25	28	51	58	37	42
2009									
GOALS					***27%***				***52%***

Data Source: Office of Attorney Ethics

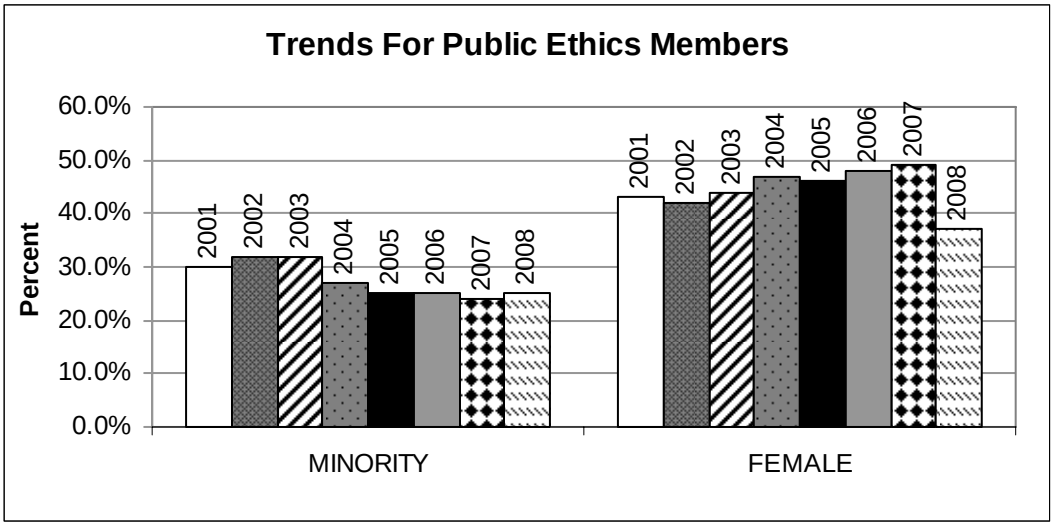


Table 4-37. District Ethics Membership Survey: Regional Public Member Analysis September 1, 2008

REGIONAL COMMITTEES		TOTAL MEMBERS	RACE				GENDER			
			White		Minority		Male		Female	
District	County		#	%	#	%	#	%	#	%
I	Atl/Cumb/CM/Salem	5	4	80	1	20	4	80	1	20
IIA	Bergen - North	7	5	71	2	29	3	43	4	57
IIB	Bergen - South	4	4	100	0	0	2	50	2	50
IIIA	Ocean	4	3	75	1	25	2	50	2	50
IIIB	Burlington	4	3	75	1	25	3	75	1	25
IV	Camden/Gloucester	6	5	83	1	17	3	50	3	50
VA	Essex - Newark	6	2	33	4	67	3	50	3	50
VB	Essex - Suburban	5	4	80	1	20	4	80	1	20
VC	Essex - West	6	4	67	2	33	4	67	2	33
VI	Hudson	6	5	83	1	17	3	50	3	50
VII	Mercer	4	2	50	2	50	2	50	2	50
VIII	Middlesex	6	3	50	3	50	3	50	3	50
IX	Monmouth	4	3	75	1	25	2	50	2	50
XA	East Morris/Sussex	4	3	75	1	25	3	75	1	25
XB	West Morris/Sussex	5	4	80	1	20	4	80	1	20
XI	Passaic	4	3	75	1	25	3	75	1	25
XII	Union	4	4	100	0	0	2	50	2	50
XIII	Hunter/Som/Warren	4	2	50	2	50	1	25	3	75
TOTAL		**88**	**63**	**72%**	**25**	**28%**	**51**	**58%**	**37**	**42%**

Data Source: Office of Attorney Ethics

4. District Ethics Committees - Attorneys

The attorney membership of the District Ethics Committee reveals a different and somewhat better picture. In 1995, overall attorney membership was 366 with 93% White, 7% minority, 73% male, and 27% female. In 2008, overall attorney membership increased by slightly more than 26% to 460. Attorney membership in 2008 was 85% White and 15% minority with females increasing to 34%.

The goals set for attorney membership of the District Ethics Committee for 1995 and 2008 were to have 7% minority and 35% female membership. The goals for minority membership have been consistently exceeded and this Committee recommends that they be set higher. Although the goal for women was not exceeded in 2008, the goal was missed by just 1%

and was consistently exceeded, although not by the same large margins as minority attorney membership, in the years preceding 2008. There is concern, however, that the goal set for minorities is quite low and it has been static since 1990, See Tables 29a and 29b.

Among public members, the percent representation of minorities (30%) and women (49%) serving on District Fee Committees is greater than their respective representation on District Ethics Committees (28% minorities and 42% women) for 2008. The Director of the Office of Attorney Ethics described efforts taken to increase minority and female membership. Over the years the Office of Attorney Ethics has written periodically to the officers of the various minority bar associations and minority concerns committee members in several vicinages to solicit members. The Office has asked minority and female members who currently serve on District Ethics and Fee Arbitration Committees to recommend individuals from within these categories and also has made several ad hoc calls to Judges to recommend members as well. The Office has participated in speaking engagements to address the Association of Black Women Lawyers and the Hispanic Bar Association in order to solicit new members. Overall, the Director described a continuing and ongoing strategy of pursuing new means and methods of obtaining minority and female membership to serve on District Ethics and Fee Arbitration Committees.

In 2008, minority and female attorneys are represented on all Regional District Ethics Committees. Of the total statewide membership of 460, there are 70 or 15% minority attorneys and 157 or 34% female attorneys.

Recommendation 09:04.3

The Supreme Court Committee on Minority Concerns recommends that the Chief Justice direct the Office of Attorney Ethics to increase the membership goals for minorities and females.

Table 4-38. District Ethics Committee Membership Trends: Attorney Member Analysis, 1990-1999

CALENDAR YEAR	TOTAL MEMBERS	RACE				GENDER				FIRM SIZE			
		White		Minority		Male		Female		Solo		Multiple	
		#	%	#	%	#	%	#	%	#	%	#	%
1990	292	284	97	8	3	238	82	54	18	69	24	223	76
1991	306	273	89	33	11	237	77	69	23	69	23	237	77
1992	312	266	85	46	15	227	73	85	27	67	21	245	79
1993	329	285	87	44	13	238	72	91	28	67	20	262	80
1994	357	320	90	37	10	256	72	101	28	73	20	284	80
1995	366	341	93	25	7	268	73	98	27	82	22	284	78
1996	371	346	93	25	7	264	71	107	29	107	29	264	71
1997	371	339	91	32	9	256	69	115	31	100	27	271	73
1998	375	329	88	46	12	245	65	130	35	112	30	263	70
1999	393	338	86	55	14	255	65	138	35	111	28	282	72
GOALS					***7%***				***30%***				

Data Source: Office of Attorney Ethics

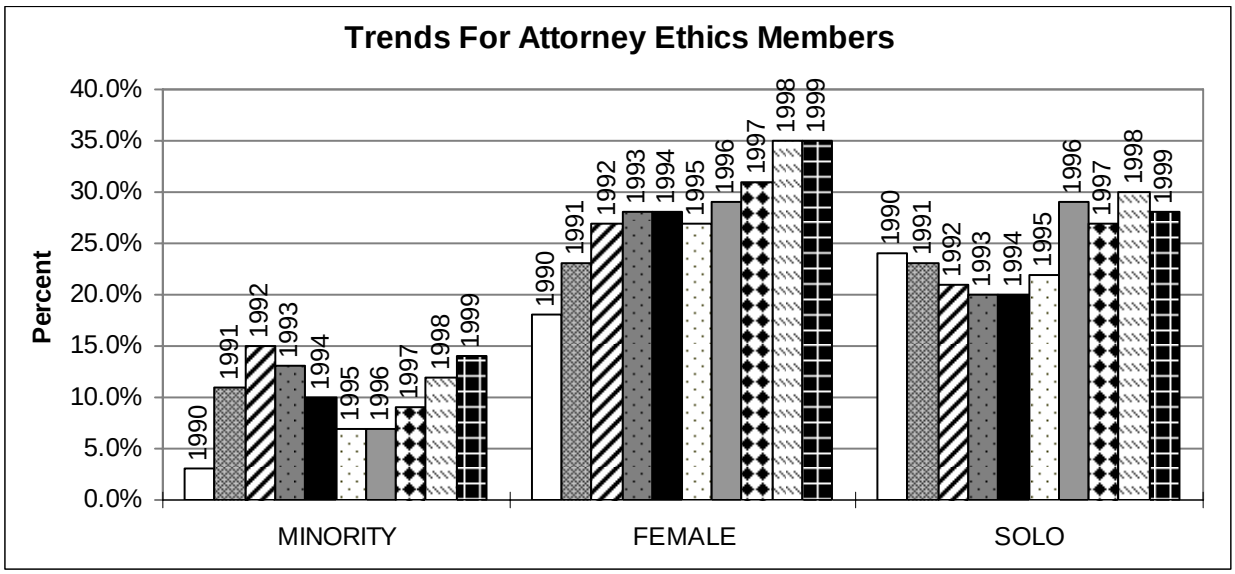


Table 4-39. District Ethics Committee Membership Trends: Attorney Member Analysis, 2000-2009

CALENDAR YEAR	TOTAL MEMBERS	RACE				GENDER				FIRM SIZE			
		White		Minority		Male		Female		Solo		Multiple	
		#	%	#	%	#	%	#	%	#	%	#	%
2000	396	336	85	60	15	254	64	142	36	103	26	293	74
2001	393	336	85	57	15	255	65	138	35	100	25	293	75
2002	393	344	88	49	12	250	64	143	36	89	23	304	77
2003	397	347	87	50	13	245	62	152	38	107	27	290	73
2004	400	353	88	47	12	243	61	157	39	97	24	303	76
2005	402	356	89	43	11	241	60	161	40	87	22	315	78
2006	403	359	89	44	11	246	61	157	39	86	21	317	79
2007	416	364	88	52	13	263	63	153	37	88	21	328	79
2008	460	390	85	70	15	303	66	157	34	101	22	359	78
2009													
GOALS					***7%***				***35%***				

Data Source: Office of Attorney Ethics

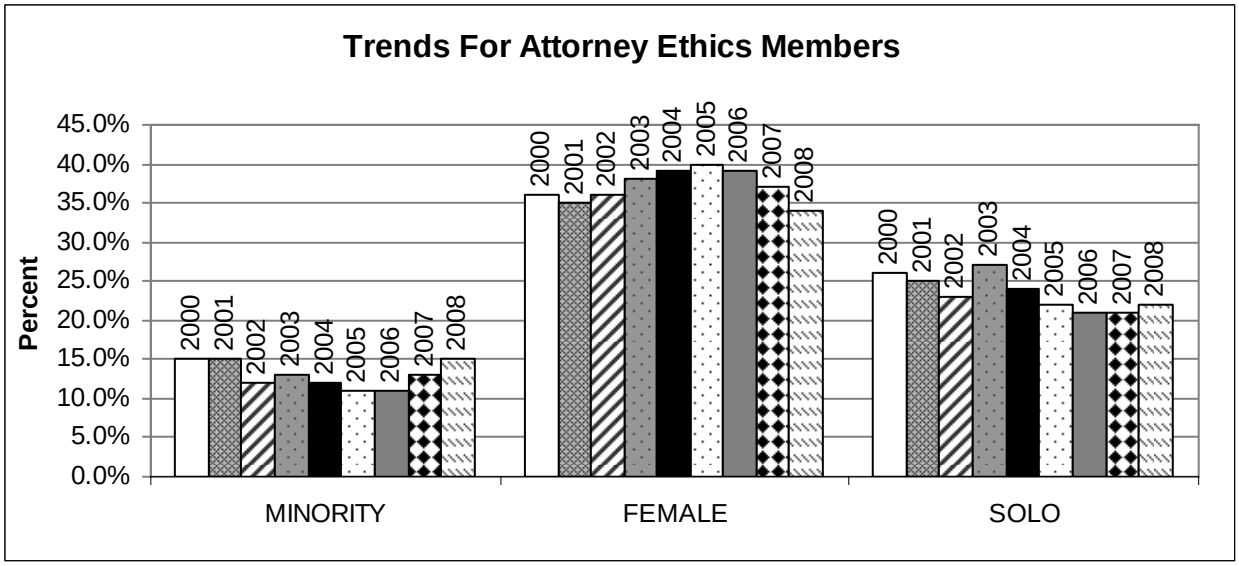


Table 4-40. District Ethics Membership Survey: Regional Attorney Member Analysis as of September 1, 2008

REGIONAL COMMITTEES		TOTAL MEMBERS	RACE				GENDER				FIRM SIZE			
			White		Minority		Male		Female		Solo		Multiple	
District	County		#	%	#	%	#	%	#	%	#	%	#	%
I	Atlantic/Cumberland/Cape May/Salem	21	18	86	3	14	16	76	5	24	7	33	14	67
IIA	Bergen - North	18	16	89	2	11	13	72	5	28	6	33	12	67
IIB	Bergen - South	20	18	90	2	10	11	55	9	45	4	20	16	80
IIIA	Ocean	20	17	85	3	15	12	60	8	40	7	35	13	65
IIIB	Burlington	20	15	75	5	25	10	50	10	50	7	35	13	65
IV	Camden/Gloucester	44	37	84	7	16	28	64	16	36	9	20	35	80
VA	Essex - Newark	39	36	92	3	8	27	69	12	31	1	3	38	97
VB	Essex - Suburban	44	39	89	5	11	32	73	12	27	8	18	36	82
VC	Essex - West	34	30	88	4	12	26	76	8	24	10	29	24	71
VI	Hudson	26	19	73	7	27	17	65	9	35	5	19	21	81
VII	Mercer	24	19	79	5	21	17	71	7	29	5	21	19	79
VIII	Middlesex	20	16	80	4	20	11	55	9	45	6	30	14	70
IX	Monmouth	18	16	89	2	11	10	56	8	44	4	22	14	78
XA	Morris/Sussex	25	22	88	3	12	18	72	7	28	4	16	21	84
XB	Morris/Sussex	25	22	88	3	12	15	60	10	40	4	16	21	84
XI	Passaic	16	12	75	4	25	10	63	6	38	4	25	12	75
XII	Union	23	18	78	5	22	13	57	10	43	7	30	16	70
XIII	Hunterdon/Somerset/Warren	23	20	87	3	13	17	74	6	26	3	13	20	87
TOTAL		**460**	**390**	**85**	**70**	**15**	**303**	**66**	**157**	**34**	**101**	**22**	**359**	**78**

Data Source: Office of Attorney Ethics

J. Supreme Court Committees

The Committee reviewed the data presented in *Table 4-41. Supreme Court Committees by Race/Ethnicity, December 2008*. These data indicate that membership on all 38 current Supreme Court Committees numbers 1644, of which 313 (19%) are racial/ethnic minorities. Of these 313 racial/ethnic minorities, 181 (11%) are Black/African American, 98 (6%) are Hispanic/Latino, and 36 (2.1%) are Asian/American Indian. Contrasted with similar data reported by the Committee in its 1996-1998 Report, the Committee sees that the overall number of committee members increased by 119 and minority representation combined increased from 11.5% (n=176) to 19% (n=313), a net increase of 77.8%. Over this same time period, Black/African American representation increased from 8% to 11%, Hispanic/Latino representation increased from 3.7% to 6%, and Asian/American Indian increased from 0.9% to 2.1%. In terms of the 313 racial/ethnic minorities currently serving on Supreme Court Committees, 57.8% are Black/African American, 31.3% are Hispanic/Latino, and 11.5% are Asian/American Indian. Overall, the Committee recognizes positive growth in terms of the increased representation of racial/ethnic minorities on Supreme Court Committees; however, the Committee realizes that this diversification is not consistent throughout all Committees and recommends that the Court take deliberate steps to make diversity on its Committees an institutional priority with measurable systemic results.

To illustrate the basis for this point of view, the Committee examined these data further and highlights the following noteworthy observations:

- Two of the 38 Supreme Court Committees currently have no minority representation at all (Advisory Committee on Judicial Financial Reporting; Judiciary-Surrogates Liaison Committee);

- Twenty-five Supreme Court Committees have minority representation that does not meet the combined statewide average of minority representation of 19%; and

- Of the nine Committees whose minority representation meets or exceeds the statewide aggregate percentage, racial/ethnic minorities are most heavily represented in the Committee on Minority Concerns (70.5%), the Board of Bar Examiners (42.9%), the Committee on Criminal Practice (28.6%), the Disciplinary Oversight Committee (27.3%), and the Statewide Domestic Violence Working Group (23.5%).

While the Committee is pleased to see these levels of minority participation in the noted Supreme Court Committees in the last bullet point, the Committee is concerned that minority representation in Supreme Court Committees is a very random occurrence: 79% of minority representation is diffused over 32 Committees while 21% of minority representation is concentrated in the six Committees noted. Recognizing the richness that diversity brings to Committee work, the Committee renews its support of the Courts efforts to continue diversifying the membership on its Committees. Therefore the Committee puts forth the following recommendation.

Recommendation 09:04.4

The Committee on Minority Concerns recommends that the Administrative Office of the Courts direct the appropriate unit or office to set up a user-friendly database to track Supreme Court Committees (race/ethnicity and gender) members and routinely issue reports on the diversity profile of these committees.

Table 4-41. Supreme Court Committees by Race/Ethnicity as of December 2008

Committee	Total	Whites	Total Minorities		Blacks	Hispanic/ Latino	Asians/ Amer. Indians
			#	%			
Arbitration Advisory Committee	26	22	4	15.4	3	0	1
Advisory Committee on Extrajudicial Activities	11	9	2	18.2	1	1	0
Advisory Committee on Judicial Financial Reporting	3	3	0	0	0	0	0
Advisory Committee on Outside Activities of Judiciary Employees	17	15	2	11.8	2	0	0
Civil Practice Committee	33	27	6	18.2	4	1	1
Committee on Complementary Dispute Resolution	38	35	3	7.9	2	0	1
Committee on Judicial Education	25	22	3	12	3	0	0
Committee on Judicial Performance	12	11	1	8.3	1	0	0
Committee on Judicial Salaries and Pensions	26	21	5	19.2	2	3	0
Committee on Jury Selection in Civil and Criminal Trials	30	25	5	16.7	3	1	1
Committee on Model Civil Jury Charges*	23	19	4	17.4	2	3	0
Committee on Model Criminal Jury Charges	25	22	3	12.0	2	1	0
Committee on the Tax Court	35	32	3	8.6	2	0	1
Committee on Women in the Courts	31	21	10	32.3	6	3	1
Criminal Practice Committee	35	25	10	28.6	8	2	0
Family Practice Committee	37	32	5	13.5	3	2	0
Professional Responsibility Rules Committee (as of 1/01/09)	11	10	1	9.1	1	0	0
Special Civil Part Practice Comm.*	29	24	5	17.2	3	2	0
Advisory Committee on Judicial Conduct	9	7	2	22.2	2	0	0

Table 4-41. (continued) Supreme Court Committees by Race/Ethnicity as of December 2008

Committee	Total	Whites		Total Minorities		Blacks		Hispanic/ Latino		Asians/ Amer. Indians	
				#	%						
Advisory Committee on Professional Ethics	16	14		2	12.5	2		0		0	
Board of Bar Examiners	7	4		3	42.9	3		0		0	
Board on Attorney Certification	21	19		2	9.5	1		1		0	
Committee on Attorney Advertising	7	6		1	14.3	0		0		1	
Committee on Character	46	37		9	19.6	7		1		1	
Committee on Minority Concerns	44	13		31	70.5	22		5		5	
Committee on Rules of Evidence	34	28		6	17.6	4		1		1	
Disciplinary Oversight Committee	11	8		3	27.3	2		1		0	
Disciplinary Review Board	9	8		1	11.1	1		0		0	
District Ethics Committees	548	464		84	15.3	39		36		9	
Fee Arbitration Committees	291	223		68	23.4	35		21		12	
IOLTA Fund of the Bar of NJ	9	7		2	22.2	0		1		1	
Judiciary-Surrogates Liaison Committee	11	11		0	0.0	0		0		0	
New Jersey Lawyers Assistance Program	9	8		1	11.1	1		0		0	
Lawyers' Fund for Client Protection	7	5		2	28.6	1		1		0	
Municipal Court Practice Committee	33	27		6	18.2	4		2		0	
Unauthorized Practice of Law Committee	21	17		4	19	2		2		0	
State Domestic Violence Working Group	34	26		8	23.5	3		5		0	
Bench-Bar-Media Committee	29	24		5	17.2	4		1		0	
Total	**1643**	**1331**	**81.0%**	**312**	**19.0%**	**181**	**58.0%**	**97**	**31.1%**	**36**	**11.5%**

Data Source: Office of the Administrative Director of the Courts
*Data for 2006-2008 Committee (which concluded its term on August 31, 2008); 2008-2010 Committee not yet appointed.

The members of the 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,

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January 16, 2009

Appendix A

BAIL CONTACT INFORMATION
For County

SUPERIOR COURT – CRIMINAL RECORDS

SUPERIOR COURT OMBUDSMAN

COUNTY CORRECTION CENTER

COUNTY PROSECUTOR'S OFFICE

COUNTY PUBLIC DEFENDER'S OFFICE

NOTICE

This brochure provides general information about bail procedures in Superior Court. Contact the appropriate office for information on a specific case. This brochure does not address bail procedures in municipal court.

New Jersey Judiciary

Stuart Rabner, Chief Justice
New Jersey Supreme Court

Philip S. Carchman, J.A.D.
Acting Administrative Director

www.njcourtsonline.com

July 2007

Frequently Asked Questions About Superior Court Bail

Chapter I
Appendix A-1

NEW JERSEY JUDICIARY

Independence • Integrity
Fairness • Quality Service

THE NEW JERSEY SUPERIOR COURT BAIL PROCESS

1. WHAT IS BAIL AND ITS PURPOSE?

Bail is money or other security, such as a bail bond, provided to the court to obtain an adult defendant's release from jail and ensure his/her appearances in court. Bail is not a fine or court fee. The purpose of bail is to ensure that a defendant attends all required court dates. If the defendant keeps all scheduled court dates, the court releases/returns bail at the conclusion of the case to the person who posted/paid it.

2. HOW IS BAIL SET?

A judge sets a bail after obtaining information about the charge and background of a defendant. The judge makes a decision as to what amount and type of bail is necessary to guarantee that a defendant will attend court. The judge bases the decision upon factors such as:

- the nature and seriousness of the charge;
- the apparent likelihood of conviction;
- the likely sentence if convicted;
- the defendant's criminal record, if any;
- the defendant's ties to the community;
- the defendant's dangerousness;
- any prior history of missing court dates; and
- whether the defendant was out on bail when arrested on the present charge.

3. WHAT ARE THE TYPES OF BAIL?

When bail is set, the court will specify one or more of the following types of bail:

- **Cash Only** – The full amount of the bail must be posted in cash.
- **Cash with 10 Percent Option** – Ten percent of the set bail amount must be posted in cash. The remaining 90 percent does not have to be paid unless the defendant fails to appear for a required court date, and the court issues an order that the rest be paid.
- **Release on Own Recognizance (ROR)** – No money is posted, but the defendant signs a written promise to appear as required.
- **Property Bond** – A *lien* is placed against real property that is posted as a property bail bond. The property owner must have the required equity so that, if the defendant fails to appear in court, the lien can be paid from the equity. There are specific requirements that must be met in order to post property as bail. Information about these requirements is available from the Superior Court Bail Unit.
- **Bail Bond** – In exchange for a non-refundable fee, a licensed bail bondsman posts a surety bond (written obligation) with the court.

All bails require a non-refundable filing fee of $30 unless the fee is waived by the court.

4. CAN THE COURT ORDER ADDITIONAL REQUIREMENTS BESIDES BAIL?

Yes, a judge can impose conditions on a defendant's release. These conditions may be set as conditions of the bail. In such cases, if a person does not comply with the conditions set by the judge, the bail may be revoked and the defendant rearrested.

5. WHO CAN POST BAIL, AND WHAT ARE THE RESPONSIBILITIES OF SOMEONE WHO POSTS BAIL?

Bail can be posted by the defendant or another adult. A person who posts bail is responsible for making sure that the defendant attends all required court appearances. The person who posts bail also agrees that if the defendant does not appear in court as required the bail posted will be forfeited.

The person posting bail should obtain and keep the receipt for the bail.

6. WHERE AND WHEN CAN BAIL BE POSTED?

Bail can be posted at the designated court location during court business hours. At other times, only cash or bail bond may be posted at the county correctional facility/jail. (Contact information is listed on the other side of this brochure.)

7. WHAT IS A BAIL SOURCE INQUIRY QUESTIONNAIRE?

Individuals charged with certain first or second degree crimes must provide a completed "Bail Source Inquiry Questionnaire" to the prosecutor before bail can be accepted. The forms are available at the county correctional facility/jail and other offices where bail can be posted.

8. WHAT HAPPENS IF BAIL IS NOT POSTED?

A defendant who is not "bailed out" remains in jail while the charge is being resolved.

9. CAN A BAIL AMOUNT OR TYPE BE CHANGED?

Yes, a judge may change the amount and/or type of bail. The defendant or the prosecutor may file a motion to request a change in bail. In response to a motion, a judge decides whether to change the bail.

10. WHEN AND WHERE ARE BAIL MOTIONS HEARD?

The court hears bail motions at specified times and locations. Contact the local Superior Court Bail Unit for information on hearing times. There is a list of telephone numbers for the Bail Unit and other offices on the reverse side of this brochure.

11. WHAT HAPPENS IF A DEFENDANT OUT ON BAIL DOES NOT APPEAR IN COURT AS REQUIRED?

When a defendant does not come to court for a required appearance, the court will usually issue a warrant for the defendant's arrest. The court will revoke the defendant's bail and order that any bail posted be forfeited. When the defendant is rearrested and appears before the court, the judge then will decide whether to reinstate the original bail or set a new bail.

Who we are...

The Department of the Public Advocate is charged with making government more accountable and responsive to the needs of New Jersey residents, especially our most vulnerable citizens. The Public Advocate's mission is to act as a voice for the people on a range of critical issues. The Department works to protect the interests of the public, with a special focus on the elderly, people with mental illness or developmental disabilities, consumers and children.

As part of its **voting rights project**, the Public Advocate seeks to protect the basic and fundamental right to vote belonging to every U.S. citizen. The project has three components ensuring: first, that every eligible person is registered to vote; second, that every registered voter can cast a ballot; and third, that all ballots cast are fully and fairly counted.

To learn more about the Public Advocate's voter's rights project, as well as other issues, please visit **www.njpublicadvocate.gov**

The need to hold the government accountable to those it serves and to provide choices for those rendered mute by poverty or other forms of political impotence is the noblest of missions.

- Public Advocate
Ronald K. Chen,
Senate Testimony,
February 6, 2006

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This brochure was created in cooperation with the New Jersey Supreme Court Committee on Minority Concerns' Criminal Justice and the Minority Defendant Subcommittee.

Completing or Ending Your Parole or Probation?

HOW TO RESTORE

YOUR RIGHT TO VOTE IN NEW JERSEY

Restoring Your Right to Vote

According to New Jersey state law (N.J.S.A 19:4-1), you may not vote in New Jersey while serving a sentence (jail, prison, probation, and parole) as a result of a conviction for an indictable offense.

However, when you complete your sentence including parole or probation and are otherwise qualified to vote in accordance with legal requirements (U.S. citizenship, age 18 or older, and resident of your county for 30 days) you have the right to register to vote and to vote once registered.

For more information on voter registration, please visit: www.njelections.org

How to Register to Vote in New Jersey

In order to register to vote, you must complete a Voter Registration application.

WHERE TO GET APPLICATION:

Voter Registration Applications are available from the following:

- Your Municipal Clerk
- Any Motor Vehicle Commission Agency
- Your County Commissioner of Registration
- Online at www.njelections.org

WHERE TO SEND YOUR APPLICATION:

Send your completed application to the Division of Elections or the Commissioner of Registration in the county where you live **at least 21 days** before the next election.

Visit http://njelections.org/loc_officials_doe.html for locations.

Applications are available at some government agencies, including:

- All motor vehicle agencies.

  Visit www.http://www.state.nj.us/mvc

- Offices that issue Food Stamps
- Any public library
- Offices of the NJ Medical Assistance and Health Services Program
- Offices supplying food or services under the WIC special supplemental food program
- Offices of the Work First NJ program
- Public offices of the Division of Developmental Disabilities and Office of Disability Services
- Armed Forces or National Guard recruiter's office
- Any office of the Division of Vocational Rehabilitation Services
- Any office of the Commission for the Blind and Visually Impaired
- Any county welfare agency or county board of social services
- Offices of the Division of Workers' Compensation, Employment Services, and Unemployment and Temporary Disability Insurance
- Offices of the Division of Taxation
- Offices of NJ Transit
- Registrars of public colleges/ universities

Appendix B

Chapter II
Appendix B-1.1
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Atlantic

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	31,263	21,640	69.2	7,431	23.8	2,046	6.5	0	0.0	146	0.5	0	0.0	5,408	17.3		
2. Juvenile Arrests	2,713	1,390	51.2	1,038	38.3	17	0.6	0	0.0	0	0.0	0	0.0	268	9.9	1,323	48.8
3. Refer to Juvenile Court	1,815	730	40.2	800	44.1	16	0.9	0	0.0	2	0.1	22	1.2	245	13.5	1,085	59.8
4. Cases Diverted	918	415	45.2	345	37.6	8	0.9	0	0.0	2	0.2	15	1.6	133	14.5	503	54.8
5. Cases Involving Secure Detention	413	60	14.5	295	71.4	0	0.0	0	0.0	0	0.0	10	2.4	48	11.6	353	85.5
6. Cases Resulting in Delinquent Findings	939	329	35.0	461	49.1	11	1.2	0	0.0	0	0.0	9	1.0	129	13.7	610	65.0
7. Cases resulting in Probation Placement	436	122	28.0	246	56.4	6	1.4	0	0.0	0	0.0	3	0.7	59	13.5	314	72.0
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	45	5	11.1	33	73.3	0	0.0	0	0.0	0	0.0	0	0.0	7	15.6	40	88.9
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.2
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Bergen

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	96,507	74,512	77.2	6,488	6.7	15,144	15.7	0	0.00	363	0.4	0	0	14,318	14.8		
2. Juvenile Arrests	5,623	3,490	62.1	996	17.7	182	3.2	0	0.00	7	0.1	0	0	948	16.9	2,133	37.9
3. Refer to Juvenile Court	2,459	1,385	56.3	496	20.2	134	5.5	0	0.00	3	0.1	21	0.9	420	17.1	1,074	43.7
4. Cases Diverted	1,208	755	62.5	197	16.3	81	6.7	0	0.00	2	0.2	11	0.9	162	13.4	453	37.5
5. Cases Involving Secure Detention	147	23	16	83	56.4	0	0.0	0	0.00	0	0.0	5	3	36	24.5	124	84.4
6. Cases Resulting in Delinquent Findings	1,035	578	55.8	223	21.5	48	4.6	0	0.00	1	0.1	8	1	177	17.1	457	44.2
7. Cases resulting in Probation Placement	399	210	52.6	93	23	18	4.5	0	0.00	1	0.3	2	1	75	19	189	47.4
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	18	2	11	12	67	0	0.00	0	0.00	0	0.0	1	6	3	17	16	88.9
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.3
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Burlington

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	50,112	37,989	75.8	10,031	20.0	1,939	3.9	0	0.0	153	0.3	0	0.0	2,793	5.6	[redacted]	
2. Juvenile Arrests	3,030	1,683	55.5	1,182	39.0	34	1.1	0	0.0	0	0.0	0	0.0	131	4.3	1,347	44.5
3. Refer to Juvenile Court	1,724	858	49.8	765	44.4	16	0.9	0	0.0	1	0.1	20	1.2	64	3.7	866	50.2
4. Cases Diverted	938	531	56.6	366	39.0	6	0.6	0	0.0	0	0.0	11	1.2	24	2.6	407	43.4
5. Cases Involving Secure Detention	231	61	26.4	154	66.7	0	0.0	0	0.0	0	0.0	2	0.9	14	6.1	170	73.6
6. Cases Resulting in Delinquent Findings	676	301	44.5	331	49.0	8	1.2	0	0.0	1	0.1	8	1.2	27	4.0	375	55.5
7. Cases resulting in Probation Placement	370	167	45.1	176	47.6	4	1.1	0	0.0	1	0.3	3	0.8	19	5.1	203	54.9
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	5	0	0.0	5	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	5	100.0
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.4
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Camden

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	61,809	42,544	68.8	16,091	26.0	2,908	4.7	0	0	266	0.4	0	0.0	9,262	15.0	[redacted]	
2. Juvenile Arrests	10,352	3,720	35.9	4,752	45.9	48	0.5	0	0	6	0.1	0	0.0	1,826	17.6	6,632	64.1
3. Refer to Juvenile Court	2,917	1,091	37.4	1,312	45.0	36	1.2	0	0	1	0.0	20	0.7	457	15.7	1,826	62.6
4. Cases Diverted	1,084	474	43.7	454	41.9	17	1.6	0	0	0	0.0	9	0.8	130	12.0	610	56.3
5. Cases Involving Secure Detention	1,049	152	14.5	620	59.1	0	0.0	0	0	0	0.0	17	1.6	260	24.8	897	85.5
6. Cases Resulting in Delinquent Findings	1,796	621	34.6	831	46.3	17	0.9	0	0	0	0.0	11	0.6	316	17.6	1,175	65.4
7. Cases resulting in Probation Placement	1,100	328	29.8	542	49.3	10	0.9	0	0	0	0.0	3	0.3	217	19.7	772	70.2
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	286	31	10.8	172	60.1	0	0.0	0	0	0	0. 0	4	1.4	79	28	255	89.2
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

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[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.5
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Cape May

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	10,217	9,196	90.0	801	7.8	108	1.1	0	0.0	22	0.2	0	0.0	632	6.19	[redacted]	
2. Juvenile Arrests	1,184	939	79.3	177	14.9	0	0.0	0	0.0	0	0.0	0	0.0	68	5.74	245	20.7
3. Refer to Juvenile Court	798	628	78.7	121	15.2	2	0.3	0	0.0	0	0.0	8	1.0	39	4.89	162	20.3
4. Cases Diverted	290	253	87.2	24	8.3	1	0.3	0	0.0	0	0.0	3	1.0	9	3.10	34	11.7
5. Cases Involving Secure Detention	0	0	0.0	0	0.0	0	0	0	0.0	0	0.0	0	0.0	0	0.00	0	0.0
6. Cases Resulting in Delinquent Findings	333	229	68.8	74	22.2	2	0.6	0	0.0	0	0.0	4	1.2	24	7.21	100	30.0
7. Cases resulting in Probation Placement	84	44	52.4	28	33.3	0	0.0	0	0.0	0	0.0	0	0.0	12	14.29	40	47.6
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	9	7	77.8	2	22.2	0	0	0	0.0	0	0.0	0	0.0	0	0.00	2	22.2
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.6
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Cumberland

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	17,250	12,155	70.5	4,657	27.0	231	1.3	0	0.0	207	1.2	0	0	4,772	27.7	[redacted]	
2. Juvenile Arrests	2,632	936	35.6	1,321	50.2	3	0.1	0	0.0	1	<0.1	0	0	371	14.1	1,696	64.4
3. Refer to Juvenile Court	1,276	345	27.0	638	50.0	4	0.3	0	0.0	2	0.2	22	1.7	265	20.8	909	71.2
4. Cases Diverted	443	122	27.5	208	47.0	1	0.2	0	0.0	1	0.2	12	2.7	99	22.3	309	69.8
5. Cases Involving Secure Detention	564	107	19.0	360	63.8	0	0.0	0	0.0	0	0	0	0.0	97	17.2	457	81.0
6. Cases Resulting in Delinquent Findings	721	179	24.8	379	52.6	2	0.3	0	0.0	0	0	11	1.5	150	20.8	531	73.6
7. Cases resulting in Probation Placement	274	55	20.1	165	60.2	1	0.4	0	0.0	0	0	1	0.4	52	19.0	218	79.6
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	11	0	0.0	8	72.7	0	0.0	0	0.0	0	0	0	0	3	27.3	11	100
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.7
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Essex

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	91,383	42,112	46.1	44,861	49.1	3,930	4.3	0	0.0	480	0.5	0	0.0	17,006	18.6	[redacted]	
2. Juvenile Arrests	5,743	1,153	20.1	4,062	70.7	22	0.4	0	0.0	29	0.5	0	0.0	477	8.3	4,590	79.9
3. Refer to Juvenile Court	3,442	542	15.7	2,478	72.0	19	0.6	0	0.0	1	<0.0	30	0.9	372	10.8	2,900	84.3
4. Cases Diverted	1,325	268	20.2	885	66.8	6	0.5	0	0.0	1	0.1	17	1.3	148	11.2	1,057	79.8
5. Cases Involving Secure Detention	2,144	50	2.33	1,858	86.7	0	0.0	0	0.0	0	0.0	1	<0.0	235	11.0	2,094	97.7
6. Cases Resulting in Delinquent Findings	1,717	219	12.8	1,290	75.1	7	0.4	0	0.0	1	<0.0	8	0.5	192	11.2	1,498	87.2
7. Cases resulting in Probation Placement	620	28	4.5	514	82.9	4	0.7	0	0.0	0	0.0	1	0.2	73	11.8	592	95.5
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	72	0	0	64	88.9	0	0.0	0	0.0	0	0.0	0	0.0	8	11.1	72	100.0
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.8
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Gloucester

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	32,286	27,448	85.0	4,056	12.6	704	2.2	0	0.0	78	0.2	0	0.0	1,295	4.0		
2. Juvenile Arrests	1,845	1,260	68.3	525	28.5	4	0.2	0	0.0	3	0.2	0	0.0	53	2.9	585	31.7
3. Refer to Juvenile Court	1,212	771	63.6	382	31.5	5	0.4	0	0.0	1	0.1	15	1.2	38	3.1	441	36.4
4. Cases Diverted	460	302	65.7	139	30.2	1	0.2	0	0.0	0	0.0	5	1.1	13	2.8	158	34.3
5. Cases Involving Secure Detention	200	97	48.5	81	40.5	0	0.0	0	0.0	0	0.0	4	2.0	18	9.0	103	51.5
6. Cases Resulting in Delinquent Findings	629	415	66.0	190	30.2	4	0.6	0	0.0	1	0.2	5	0.8	14	2.2	214	34.0
7. Cases resulting in Probation Placement	259	155	59.8	95	36.7	1	0.4	0	0.0	1	0.4	2	0.8	5	1.9	104	40.2
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	9	3	33.3	5	55.6	0	0.0	0	0.0	0	0.0	0	0.0	1	11.1	6	66.7
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.9
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Hudson

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	58,188	39,423	67.8	12,150	20.9	6,033	10.4	0	0.0	582	1.0	0	0.0	27,827	47.8		
2. Juvenile Arrests	5,392	2,233	41.4	1,159	21.5	32	0.6	0	0.0	13	0.2	0	0.0	1,955	36.3	3,159	58.6
3. Refer to Juvenile Court	2,243	350	15.6	945	42.1	27	1.2	0	0.0	13	0.6	72	3.2	836	37.3	1,893	84.4
4. Cases Diverted	1,125	203	18.0	402	35.7	8	0.7	0	0.0	8	0.7	46	4.1	458	40.7	922	82.0
5. Cases Involving Secure Detention	1,001	31	3.1	596	59.5	0	0.0	0	0.0	0	0.0	18	1.8	356	35.6	970	96.9
6. Cases Resulting in Delinquent Findings	829	99	11.9	412	49.7	14	1.7	0	0.0	4	0.5	10	1.2	290	35.0	730	88.1
7. Cases resulting in Probation Placement	429	36	8.4	229	53.4	5	1.2	0	0.0	2	0.5	7	1.6	150	35.0	393	91.6
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	64	0	0.0	46	71.9	0	0.0	0	0.0	0	0.0	0	0.0	18	28.1	64	100.0
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.10
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Hunterdon

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	15,347	14,496	94.5	314	2.0	512	3.3	0	0.0	25	0.2	0	0.0	511	3.3		
2. Juvenile Arrests	484	400	82.6	52	10.7	6	1.2	0	0.0	1	0.2	0	0.0	25	5.2	84	17.4
3. Refer to Juvenile Court	217	163	75.1	28	12.9	1	0.5	0	0.0	0	0.0	10	4.6	15	6.9	54	24.9
4. Cases Diverted	69	55	79.7	3	4.3	1	1.4	0	0.0	0	0.0	5	7.2	5	7.2	14	20.3
5. Cases Involving Secure Detention	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6. Cases Resulting in Delinquent Findings	114	91	79.8	14	12.3	1	0.9	0	0.0	0	0.0	3	2.6	5	4.4	23	20.2
7. Cases resulting in Probation Placement	86	66	76.7	13	15.1	0	0.0	0	0.0	0	0.0	3	3.5	4	4.7	20	23.3
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	1	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	100.0
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.11
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Mercer

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	39,760	25,753	64.8	10,817	27.2	3,062	7.7	0	0.0	128	0.3	0	0.0	5,320	13.4	[redacted]	[redacted]
2. Juvenile Arrests	5,398	1,535	28.4	3,155	58.4	30	0.6	0	0.0	6	0.1	0	0.0	672	12.4	3,863	71.6
3. Refer to Juvenile Court	1,585	474	29.9	906	57.2	33	2.1	0	0.0	1	0.1	13	0.8	158	10.0	111	7.0
4. Cases Diverted	519	214	41.2	227	43.7	10	1.9	0	0.0	1	0.2	3	0.6	64	12.3	305	58.8
5. Cases Involving Secure Detention	783	53	6.8	656	83.8	0	0.0	0	0.0	0	0.0	2	0.3	72	9.2	730	93.2
6. Cases Resulting in Delinquent Findings	855	215	25.1	547	64.0	16	1.9	0	0.0	0	0.0	9	1.1	68	8.0	640	74.9
7. Cases resulting in Probation Placement	620	144	23.2	414	66.8	7	1.1	0	0.0	0	0.0	5	0.8	50	8.1	476	76.8
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	67	1	1.5	51	76.1	7	10.4	0	0.0	0	0.0	0	0.0	8	11.9	66	98.5
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.12
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Middlesex

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	82,097	56,414	68.7	11,359	13.8	13,933	17.0	0	0.0	391	0.5	0	0.0	16,227	19.8		
2. Juvenile Arrests	3,734	1,969	52.7	964	25.8	117	3.1	0	0.0	4	0.1	0	0.0	680	18.2	1,765	47.3
3. Refer to Juvenile Court	2,260	1,035	45.8	707	31.3	81	3.6	0	0.0	2	0.1	26	1.2	409	18.1	1,225	54.2
4. Cases Diverted	946	516	54.5	221	23.4	31	3.3	0	0.0	2	0.2	15	1.6	161	17.0	430	45.5
5. Cases Involving Secure Detention	582	153	26.3	242	41.6	0	0.0	0	0.0	0	0.0	19	3.3	168	28.9	429	73.7
6. Cases Resulting in Delinquent Findings	1,207	503	41.7	431	35.7	50	4.1	0	0.0	0	0.0	12	1.0	211	17.5	704	58.3
7. Cases resulting in Probation Placement	673	265	39.4	243	36.1	31	4.6	0	0.0	0	0.0	6	0.9	128	19.0	408	60.6
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	80	18	22.5	42	52.5	0	0.0	0	0.0	0	0.0	1	1.3	19	23.8	62	77.5
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.13
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Monmouth

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	75,576	63,953	84.6	7,588	10.0	3,873	5.1	0	0.0	162	0.2	0	0.0	6,113	8.1	[redacted]	[redacted]
2. Juvenile Arrests	5,289	3,337	63.1	1,556	29.4	37	0.7	0	0.0	2	<0.0	0	0.0	357	6.8	1,952	36.9
3. Refer to Juvenile Court	2,340	1,446	61.8	667	28.5	21	0.9	0	0.0	2	0.1	60	2.6	144	6.2	894	38.2
4. Cases Diverted	928	653	70.4	184	19.8	10	1.1	0	0.0	0	0.0	29	3.1	52	5.6	275	29.6
5. Cases Involving Secure Detention	406	111	27.3	251	61.8	0	0	0	0.0	0	0.0	4	1.0	40	9.9	295	72.7
6. Cases Resulting in Delinquent Findings	1,202	676	56.2	417	34.7	10	0.8	0	0.0	2	0.2	29	2.4	68	5.7	526	43.8
7. Cases resulting in Probation Placement	467	236	50.5	186	39.8	3	0.6	0	0.0	1	0.2	7	1.5	34	7.3	231	49.5
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	32	6	18.8	23	71.9	0	0	0	0.0	0	0.0	1	3.3	2	6.3	26	81.3
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II

Appendix B-1.14
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Morris

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	55,517	48,902	88.1	2,062	3.7	4,446	8.0	0	0	107	0.2	0	0.0	5,505	9.9	[redacted]	[redacted]
2. Juvenile Arrests	2,278	1,692	74.3	335	14.7	29	1.3	0	0	4	0.2	0	0.0	218	9.6	586	25.7
3. Refer to Juvenile Court	1,275	665	52.2	128	10.0	10	0.8	0	0	0	0.0	386	30.3	86	6.8	610	47.8
4. Cases Diverted	774	382	49.4	46	5.9	6	0.8	0	0	0	0.0	291	37.6	49	6.3	392	50.6
5. Cases Involving Secure Detention	168	85	50.6	50	29.8	0	0.0	0	0	0	0.0	4	2.4	29	17.3	83	49.4
6. Cases Resulting in Delinquent Findings	377	231	61.3	54	14.3	5	1.3	0	0	0	0.0	64	17.0	23	6.1	146	38.7
7. Cases resulting in Probation Placement	163	111	68.1	29	17.8	0	0.0	0	0	0	0.0	10	6.1	13	8.0	52	31.9
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	2	0	0.0	1	50.0	0	0.0	0	0	0	0.0	1	50.0	0	0.0	2	100
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.15
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Ocean

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	57,693	53,203	92.2	3,100	5.37	1,238	2.2	0	0.0	152	0.3	0	0.0	4,614	8.0	[redacted]	
2. Juvenile Arrests	3,277	2,590	79.0	458	14.0	7	0.2	0	0.0	7	0.2	0	0.0	215	6.6	687	21.0
3. Refer to Juvenile Court	1,980	1,530	77.3	288	14.5	5	0.3	0	0.0	0	0.0	15	0.8	142	7.1	450	22.7
4. Cases Diverted	1,298	1,054	81.2	142	10.9	3	0.2	0	0.0	0	0.0	10	0.8	89	6.9	244	18.8
5. Cases Involving Secure Detention	192	116	60.4	55	28.6	0	0.0	0	0.0	0	0.0	0	0.00	21	10.9	76	39.6
6. Cases Resulting in Delinquent Findings	521	405	77.7	84	16.1	0	0.0	0	0.0	0	0.0	1	0.2	31	6.0	116	22.3
7. Cases resulting in Probation Placement	258	201	77.9	40	15.5	0	0.0	0	0.0	0	0.0	1	0.4	16	6.2	57	22.1
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	12	5	41.7	3	25.0	0	0.0	0	0.0	0	0.0	0	0.0	4	33.3	7	58.3
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.16
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Passaic

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	57,617	43,585	75.6	10,655	18.5	2,864	5.0	0	0.0	513	0.9	0	0.0	21,942	38.1		
2. Juvenile Arrests	6,903	2,963	42.9	1,902	27.6	20	0.3	0	0.0	6	0.1	0	0.0	2,012	29.1	3,940	57.1
3. Refer to Juvenile Court	1,792	458	25.6	620	34.6	18	1.0	0	0.0	4	0.2	27	1.5	665	37.1	1,334	74.4
4. Cases Diverted	588	190	32.3	169	28.7	9	1.5	0	0.0	2	0.3	10	1.7	208	35.4	398	67.7
5. Cases Involving Secure Detention	836	47	5.62	428	51.2	0	0	0	0.0	0	0.0	21	2.5	340	40.7	789	94.4
6. Cases Resulting in Delinquent Findings	944	204	21.6	353	37.4	9	1.0	0	0.0	3	0.3	8	0.87	367	38.9	740	78.4
7. Cases resulting in Probation Placement	530	89	16.8	218	41.1	1	0.2	0	0.0	2	0.4	3	0.6	217	40.9	441	83.2
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	63	1	1.59	43	68.3	0	0	0	0.0	0	0.0	0	0.0	19	30.2	62	98.4
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.17
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Salem

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	7,528	5,904	78.4	1,531	20.3	59	0.8	0	0.0	34	0.5	0	0.0	497	6.6	[redacted]	
2. Juvenile Arrests	668	311	46.6	314	47.0	0	0	0	0.0	0	0.0	0	0.0	43	6.4	357	53.4
3. Refer to Juvenile Court	444	199	44.8	201	45.3	2	0.5	0	0.0	0	0.0	7	1.6	35	7.9	231	52.0
4. Cases Diverted	198	90	45.5	88	44.4	1	0.5	0	0.0	0	0.0	6	3.0	13	6.6	96	48.5
5. Cases Involving Secure Detention	0	0	0.0	0	0.0	0	0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
6. Cases Resulting in Delinquent Findings	220	104	47.3	97	44.1	2	0.9	0	0.0	0	0.0	1	0.5	16	7.3	114	51.8
7. Cases resulting in Probation Placement	106	52	49.1	48	45.3	1	0.9	0	0.0	0	0.0	0	0.0	5	4.7	54	50.9
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	6	2	33.3	4	66.7	0	0	0	0.0	0	0.0	0	0.0	0	0.0	4	66.7
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

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[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.18
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Somerset

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	37,255	28,959	77.7	3,805	10.2	4,413	11.8	0	0.0	78	0.2	0	0.0	4,213	11.3	[redacted]	
2. Juvenile Arrests	1,952	1,048	53.7	604	30.9	51	2.6	0	0.0	6	0.3	0	0.0	243	12.4	904	46.3
3. Refer to Juvenile Court	695	372	53.5	214	30.8	23	3.3	0	0.0	0	0.0	4	0.6	82	11.8	323	46.5
4. Cases Diverted	334	207	62.0	77	23.1	13	3.9	0	0.0	0	0.0	5	1.5	32	9.58	127	38.0
5. Cases Involving Secure Detention	153	32	20.9	80	52.3	0	0.0	0	0.0	0	0.0	8	5.2	33	21.6	121	79.1
6. Cases Resulting in Delinquent Findings	272	142	52.2	90	33.1	6	2.2	0	0.0	0	0.0	0	0.0	34	12.5	130	47.8
7. Cases resulting in Probation Placement	205	107	52.2	66	32.2	5	2.4	0	0.0	0	0.0	0	0.0	27	13.2	98	47.8
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	11	3	27.3	7	63.6	0	0.0	0	0.0	0	0.0	0	0.0	1	9.09	8	72.7
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.19
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Sussex

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	19,429	18,551	95.5	440	2.3	423	2.2	0	0.0	15	0.1	0	0.0	1,090	5.6		
2. Juvenile Arrests	834	742	89.0	48	5.8	0	0	0	0.0	0	0.0	0	0.0	44	5.3	92	11.0
3. Refer to Juvenile Court	502	439	87.5	25	5.0	0	0	0	0.0	0	0.0	4	0.8	34	6.8	63	12.5
4. Cases Diverted	209	185	88.5	9	4.3	0	0	0	0.0	0	0.0	1	0.5	14	6.7	24	11.5
5. Cases Involving Secure Detention	120	86	71.7	23	19.2	0	0	0	0.0	0	0.0	4	3.3	7	5.8	34	28.3
6. Cases Resulting in Delinquent Findings	272	245	90.1	15	5.5	0	0	0	0.0	0	0.0	1	0.4	11	4.0	27	9.93
7. Cases resulting in Probation Placement	151	136	90.1	11	7.3	0	0	0	0.0	0	0.0	1	0.7	3	2.0	15	9.93
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	2	1	50.0	1	50.0	0	0	0	0.0	0	0.0	0	0.0	0	0.0	1	50.0
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.20
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Union

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	60,404	40,785	67.5	16,496	27.3	2,829	4.7	0	0	294	0.5	0	0.0	14,840	24.6	[redacted]	
2. Juvenile Arrests	3,590	1,409	39.2	1,611	44.9	25	0.7	0	0	2	0.1	0	0.0	543	15.1	2,181	60.8
3. Refer to Juvenile Court	1,477	352	23.8	860	58.2	15	1.0	0	0	0	0	21	1.4	229	15.5	1,125	76.2
4. Cases Diverted	231	57	24.7	116	50.2	3	1.3	0	0	0	0	9	3.9	46	19.9	174	75.3
5. Cases Involving Secure Detention	482	18	3.7	387	80.3	0	0	0	0	0	0	3	0.6	74	15.4	464	96.3
6. Cases Resulting in Delinquent Findings	813	213	26.2	453	55.7	10	1.2	0	0	0	0	5	0.6	132	16.2	600	73.8
7. Cases resulting in Probation Placement	458	79	17.2	293	64.0	5	1.1	0	0	0	0	1	0.2	80	17.5	379	82.8
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	53	1	1.9	41	77.4	0	0.0	0	0	0	0	0	0	11	20.8	52	98.1
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

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[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

Chapter II
Appendix B-1.21
Youth Race/Ethnicity Profile, Juvenile Justice Decision-Making Continuum, Calendar Year 2006, Warren

	Total Youth	White		Black/African-American		Asian		Native Hawaiian or other Pacific Islanders		American Indian or Alaska Native		Other/ Mixed		Hispanic/ Latino		All Minorities	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1. Population at risk (age 10 through 17)[1a]	12,982	12,073	93.0	556	4.3	337	2.6	0	0	16	0.1	0	0.0	833	6.4		
2. Juvenile Arrests	525	424	80.8	64	12.2	3	0.6	0	0	0	0.0	0	0.0	34	6.5	101	19.2
3. Refer to Juvenile Court	290	225	77.6	40	13.8	0	0	0	0	0	0.0	8	2.8	17	5.9	65	22.4
4. Cases Diverted	97	76	78.4	12	12.4	0	0	0	0	0	0.0	6	6.2	3	3.1	21	21.6
5. Cases Involving Secure Detention	93	46	49.5	29	31.2	0	0	0	0	0	0.0	1	1.9	17	18.3	47	50.5
6. Cases Resulting in Delinquent Findings	171	133	77.8	21	12.3	1	0.6	0	0	1	0.6	3	1.8	12	7.0	38	22.2
7. Cases resulting in Probation Placement	99	72	72.7	15	15.2	1	1.0	0	0	0	0.0	2	2.0	9	9.1	27	27.3
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	2	0	0.0	2	100.0	0	0	0	0	0	0.0	0	0.0	0	0	2	100.0
9. Cases Transferred to Adult Court[2]	N/A																

Data Source: Juvenile Justice Commission

[1] Calendar year 2006 figures for each of the numbered steps provided by 1: http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/; 2: UCR; 3: NJ AOC "Juvenile New Complaints"; 4: NJ AOC "Juvenile Diversions"; 5: NJ JJC Compliance Monitoring Unit; 6: NJ AOC "Juvenile Adjudications"; 7: NJ AOC "Probation Dispositions"; 8: NJ JJC Commitments; 9: Data Not Available

[a] The combined actual numbers for each of the race/ethnicity categories together actually sum to more than the total youth population combined because of the impact of the change in federal race/ethnicity data categories. Beginning with the U.S. Census in 2000, respondents have the ability to elect Hispanic/Latino as an ethnicity in addition to another category such as White or African American/Black as a race. This typically results in a duplicate count of persons who elect Hispanic and a race.

[2] Transfers of juvenile matters from the Family Part to the (adult) Criminal Part are the result of a process called "involuntary transfer of jurisdictions." As the AOC's Family Practice Unit has informed the Committee, race/ethnicity data on this decision-making point has not been available due to a feature in the Judiciary's data management system. However, as a result of grant funds, the Administrative Office of the Courts is in the process of expanding the data management system to enable tracking of race/ethnicity and is developing a standard report that will provide related data.

APPENDIX B-2

Vicinage	Summary Overview of Recent VACMC Activities Relating to Disproportionate Minority Juvenile Contact (DMC) For June through September 2008
Atlantic/ Cape May	The Atlantic/Cape May Vicinage Advisory Committee on Minority Concerns hosted an informative panel presentation by the Family Division Manager, County Youth Services Administrators, and both the Atlantic and Cape May County Prosecutors. The panelists discussed issues around uniformity in the administration of stationhouse adjustments and the possibility of a public education prevention component of the program consistent with the educational goals of the Minority Concerns Committee. The Committee is currently involved in developing a collaborative proposal for an in-school program that would include presentations to youth over the course of a semester on offenses, consequences, and rehabilitative options. The speakers would include a representative of Probation, the Assistant Family Division Manager, case management professionals, and service providers. The intended audience includes sophomores, juniors, and seniors at local high schools.
Bergen	The Bergen Vicinage Advisory Committee on Minority Concerns held meetings during June and July to continue its ongoing work on disproportionate minority juvenile contact (DMC). The Youth Services Commission administration continues to keep the Minority Concerns Committee apprised of developments and plans. A member of the Minority Concerns Committee serves as a liaison between the two entities serving also as a member of the Youth Services Commission. The Committee has been working with the Presiding Judge of Family, Family Division Manager, County Prosecutor, and Assistant Prosecutor handling juvenile matters on the review of data on stationhouse adjustments. The Committee held a brainstorming session regarding community perspectives on DMC and collaborated on the development of the YSC triennial plan. The Bergen Vicinage Minority Concerns Committee plans to partner with the Youth Services Commission and law enforcement in 2009 on gang awareness programs.
Burlington	The Burlington Vicinage Advisory Committee on Minority Concerns has had discussions with the vicinage's juvenile judge on the need for additional collaborative initiatives at various sites throughout the county. The Committee has focused most of its attention on assisting in the delivery of prevention programs. The Committee continues its sponsorship of "The PACT Project" for high-risk youth identified by Juvenile Probation, is partnering on a local Tolerance Conference, and in response to concerns about juvenile bias crimes such as bullying has been asked by the vicinage's juvenile judge to assist in the development of an appropriate curriculum. The Vicinage is now a JDAI site, and a member of the Minority Concerns Committee is part of the local JDAI steering committee.
Camden	Informational meetings on DMC have been planned for the near future. In the meantime, the Committee intends for its focus to remain on prevention through initiatives such as the middle school mentoring program. The Committee plans to examine the impact of recent events such as the disbandment of the Camden City Juvenile Unit on the juvenile justice system and will reach out to relevant executive branch partner agencies to discuss these matters and exchange information.

Vicinage	Summary Overview of Recent VACMC Activities Relating to Disproportionate Minority Juvenile Contact (DMC) For June through September 2008
Essex	The Essex Vicinage Advisory Committee on Minority Concerns highlighted both Committee and selected vicinage activities: 1. Currently Essex Vicinage serves as one of five sites piloting the JDAI risk screening tool. 2. The Vicinage continues to take concrete steps regarding the overrepresentation of minorities among the population at the Youth House and in secure confinement. 3. The Vicinage has initiated a program for telephone notification regarding court dates. This effort has already helped to reduce "no shows." This new practice is proving to be a practical initiative that does not have an added expense. 4. The Committee learned that the vicinage is exploring ways to take the successful tools of JDAI and apply them within the Judiciary's Family Practice generally. 5. An examination of stationhouse adjustment data has revealed an unintended consequence of the revised directive: an increase in the number of stationhouse adjustments administered in the suburban communities of the county. The Committee sees a need to increase the availability of stationhouse adjustments in the larger urban communities. Currently the Committee is interested at looking more closely at the question of what is taking place in the school as it has been observed that there is a concurrent 10% decline in the number of dropouts and delinquency reports.
Hudson	The Hudson Vicinage Advisory Committee on Minority Concerns met with the Assistant County Prosecutor who reported on the collection of information regarding the administration of stationhouse adjustments throughout the county and responded to questions regarding differences in the volume of stationhouse adjustments among the municipalities within Hudson County. The Hudson Vicinage Committee also held a meeting with the Presiding Judge of the Family Part and the Assistant Family Division Manager. That meeting included an outline of steps that the vicinage has taken over the past six years to reduce the number of youth in detention and discussion of the initiatives of the County Youth Services Commission. The Vicinage Advisory Committee has a liaison to the Youth Services Commission and a representative of the Youth Services Commission serves on the Minority Concerns Committee. Through these representatives, the Hudson VACMC participated in the development of the YSC triennial action plan on disproportionate minority contact. The committee's upcoming plans include needs assessment.

Vicinage	Summary Overview of Recent VACMC Activities Relating to Disproportionate Minority Juvenile Contact (DMC) For June through September 2008
Mercer	The Mercer Vicinage Advisory Committee on Minority Concerns reported that when it commences its new term in October the Committee will undertake the goals that the previous committee pre-identified as priority focus areas. In terms of monitoring disproportionate minority contact, the Committee will continue its ongoing participation in the County Youth Services Commission and its interest in the Vicinage's work on JDAI. The Committee will hold a meeting with the Family Division Manager in follow up to the Mercer Disparities Study. In addition, the Committee plans to explore a proposed career programs for middle school youth and continue its work on community education.
Middlesex	The Middlesex Vicinage Advisory Committee on Minority Concerns reported that it has been providing input on the local NAACP project on expungements for adults and juveniles. Recognizing the problems that arrest records present in later employment searches, the Committee is working collaboratively on developing a "train the trainer" program for judges that will assist them in identifying strong candidates for expungements. The Committee also noted that the broader NAACP program is advocating for more judicial discretion in regard to the approval of expungement applications.
Monmouth	The Monmouth Vicinage Advisory Committee on Minority Concerns reported a detailed informational session presented by the Assistant County Prosecutor who oversees juvenile matters. The presentation titled "Reducing Racial Disparities and Disproportionate Minority Contact in the Juvenile Justice System: New Jersey's Big Picture" included explanation of key concepts, information on initiatives undertaken by the Executive and Judicial Branches collaboratively, detailed discussion of JDAI and its relationship to addressing DMC, presentation of selected JDAI data, and an overview of the upcoming collaborations to "work the core strategies of JDAI through the lens of race/ethnicity."
Morris/Sussex	The Morris/Sussex Advisory Committee on Minority Concerns received a presentation by the Supervisor of Juvenile Intake on juvenile case processing. The Committee reviewed vicinage statistics on juvenile delinquency cases at each of the decision-making points along the continuum and received a presentation by the County Prosecutor that reviewed and discussed the administration of stationhouse adjustments and the revision of the related Attorney General directive. In the near future, the Committee expects to meet with the chairs of county Youth Services Commission and the DMC working group.
Passaic	The Passaic Vicinage Advisory Committee on Minority Concerns advised that the Vicinage is about to begin participation in the JDAI (juvenile detention alternative initiative) program. Apart from JDAI, the Vicinage has been endeavoring to address DMC and has been successful in its increased use of electronic monitoring (bracelets), already reducing detention by 1/3. The use of high supervision home detention shows promise in contributing to a reduction in DMC. However, the Committee remains vigilant in monitoring disproportionality as initial reductions in the number of minorities in detention have not reduced the proportions. The Committee is also interested in exploring whether there is a need to have a non-secure detention facility within the county.

Vicinage	Summary Overview of Recent VACMC Activities Relating to Disproportionate Minority Juvenile Contact (DMC) For June through September 2008
Union	The Union Vicinage Advisory Committee on Minority Concerns advised that it is in the process of developing its work plan relating to juvenile DMC.
Somerset/ Hunterdon/ Warren	The Somerset/Hunterdon/Warren Vicinage Advisory Committee on Minority Concerns has undertaken a series of dialogues and meetings, beginning first in Somerset County and then to be expanded to Hunterdon and Warren Counties. The Vicinage continues to offer court tours targeted to youth in partnership with the schools. An expungement seminar in Warren County is forthcoming. The Vicinage has developed a partnership with Somerset County Vocational School through its Law and Public Safety Program. The Committee expects to sustain a focus on prevention as the best method to keep youth from involvement with the court system.
Ocean	The Ocean Vicinage Advisory Committee on Minority Concerns is continuing to monitor disproportionate minority juvenile contact. A representative of the Family Division will be attending the January committee meeting to share an update on vicinage efforts. Community outreach efforts continue by the vicinage with over 15 outreach events conducted in 2008 including a very successful Heritage Festival. Over 50 courthouse tours have already been scheduled for the 2008-2009 school year.
Cumberland/ Gloucester/ Salem	The Cumberland/Gloucester/Salem Vicinage Advisory Committee on Minority Concerns reported that they have reviewed local data on stationhouse adjustments and participated in the development of the county YSC action plans on disproportionate minority contact in each of the three counties within the vicinage. The Committee is developing a general plan for its ongoing monitoring of DMC and will look at disparities on the front end by focusing on prevention and diversion programs in each of the three counties. This joint plan will be part of the YSC plans. The Committee expects to continue partnering with police department and local communities to facilitate increased communication. The Vicinage reported plans to provide cultural diversity workshops for juvenile officers. The committee is also working to identify funding to increase outreach to community service providers.

Appendix C

Chapter III
Appendix C-1

New Jersey 2000 Census:
Selected Counties and Municipalities with a
Total Hispanic Population of 13.3+

Area Name	Total Population	Hispanic or Latino Population	Percent Hispanic or Latino
New Jersey	8,414,350	1,117,191	13.3
Cumberland	146,438	27,823	19.0
Essex	793,633	122,347	15.4
Hudson	608,975	242,123	39.8
Middlesex	750,162	101,940	13.6
Passaic	489,049	146,492	30.0
Union	522,541	103,011	19.7
Union City city	67,088	55,226	82.3
West New York town	45,768	36,038	78.7
Perth Amboy city	47,303	33,033	69.8
Passaic city	67,861	42,387	62.5
Dover town	18,188	10,539	57.9
North Bergen township	58,092	33,260	57.3
Guttenberg town	10,807	5,871	54.3
Victory Gardens borough	1,546	783	50.6
Paterson city	149,222	74,774	50.1
Elizabeth city	120,568	59,627	49.5
East Newark borough	2,377	1,130	47.5
Weehawken township	13,501	5,487	40.6.
New Brunswick city	48,573	18,947	39.0
Camden city	79,904	31,019	38.8
Prospect Park borough	5,779	2,211	38.3
Fairview borough	13,255	4,911	37.1
Harrison town	14,424	5,333	37.0
Bound Brook borough	10,155	3,541	34.9
North Plainfield borough	21,103	6,916	32.8
Vineland city	56,271	16,880	30.0
Newark city	273,546	80,622	29.5
Jersey City city	240,055	67,952	28.3
Freehold borough	10,976	3,081	28.1
Kearny town	40,513	11,075	27.3
Morristown town	18,544	5,034	27.1
Hackensack city	42,677	11,061	25.9
Plainfield city	47,829	12,033	25.2
Atlantic City city	40,517	10,107	24.9

Source: Furnished by the New Jersey Data Center
New Jersey Department of Labor, January 2004
This data was extracted from the 2000 Census: Total Population and Hispanic or Latino Population New Jersey, Counties and Municipalities

New Jersey 2000 Census:
Selected Counties and Municipalities with a
Total Hispanic Population of 13.3+

Area Name	Total Population	Hispanic or Latino Population	Percent Hispanic or Latino
Egg Harbor City city	4,545	1,116	24.6
Bridgeton city	22,771	5,576	24.5
Belleville township	35,928	8,507	23.7
Buena borough	3,873	916	23.7
Carteret borough	20,709	4,839	23.4
Wharton borough	6,298	1,462	23.2
South Bound Brook borough	4,492	1,028	22.9
Haledon borough	8,252	1,865	22.6
Ridgefield Park village	12,873	2,863	22.2
Pleasantville city	19,012	4,158	21.9
Englewood city	26,203	5,703	21.8
Trenton city	85,403	18,391	21.5
Bogota borough	8,249	1,759	21.3
Woodbine borough	2,716	577	21.2
Long Branch city	31,340	6,477	20.7
Woodlynne borough	2,796	576	20.6
Hoboken city	38,577	7,783	20.2
Garfield city	29,786	5,989	20.1
Hightstown borough	5,216	1,046	20.1
Clifton city	78,672	15,608	19.8
New Hanover township	9,744	1,890	19.4
Cliffside Park borough	23,007	4,177	18.2
Lodi borough	23,971	4,309	18.0
Bayonne city	61,842	11,015	17.8
Wildwood city	5,436	958	17.6
Penns Grove borough	4,886	845	17.3
Ventnor City city	12,910	2,213	17.1
Roselle borough	21,274	3,641	17.1
Red Bank borough	11,844	2,027	17.1
Washington township	621	106	17.1
Bergenfield borough	26,247	4,474	17.0
Somerville borough	12,423	2,112	17.0
Mullica township	5,912	975	16.5
Palisades Park borough	17,073	2,813	16.5
Roselle Park borough	13,281	2,170	16.3
Asbury Park city	16,930	2,637	15.6
Little Ferry borough	10,800	1,641	15.2
South Hackensack township	2,249	339	15.1
Hammonton town	12,604	1,876	14.9
Lakewood township	60,352	8,935	14.8

Source: Furnished by the New Jersey Data Center
New Jersey Department of Labor, January 2004
This data was extracted from the 2000 Census: Total Population and Hispanic or Latino Population New Jersey, Counties and Municipalities

New Jersey 2000 Census:
Selected Counties and Municipalities with a
Total Hispanic Population of 13.3+

Area Name	Total Population	Hispanic or Latino Population	Percent Hispanic or Latino
Dunellen borough	6,823	1,010	14.8
Hillside township	21,747	3,153	14.5
Bloomfield township	47,683	6,901	14.5
Linden city	39,394	5,674	14.4
Pennsauken township	35,737	5,126	14.3
East Windsor township	24,919	3,559	14.3
Rahway city	26,500	3,675	13.9
Ridgefield borough	10,830	1,494	13.8
Elmwood Park borough	18,925	2,535	13.4

Source: Furnished by the New Jersey Data Center
New Jersey Department of Labor, January 2004
This data was extracted from the 2000 Census: Total Population and Hispanic or Latino Population New Jersey, Counties and Municipalities

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Appendix C-2

Glossary of Terms: Type of Assistance (Table 3-16)

Complaint data is not captured in a separate category. The following are definitions for the categories listed in the "Types of Assistance" tables:

Letter to indicates that a letter was sent in response to an inquiry or complaint.

Court Information indicates that the individual was provided with an explanation pertaining to a court procedure, policy or service or provided the status of a case. This category also includes instances when literature is provided regarding a court procedure or service and instances when contact or referral information for another court office or unit is provided.

Case Documents indicates that printouts or copies of court documents were provided.

Court Forms indicates that a court form was provided and/or that questions were answered about the form.

Research/Investigation includes, but is not limited to file review, the ombudsman speaking to individuals about an issue/case, and review of the computer system before following up with the individual. The issue presented could be a complaint or a non-complaint inquiry.

Internal Recommendation indicates that in response to a complaint or issue presented, an internal recommendation for improvement of the court's services was made.

Non-Court Information indicates that contact or referral information for another organization or agency was provided. This category also includes literature that is disseminated about another agency or organization.

Court Tours/Speakers Bureau is used by ombudsman whom organize vicinage tours and Speakers Bureau Programs.

Interpreter Needed is used if an interpreter was needed to assist the court user.

Update is used if the ombudsman is providing the status of an ongoing inquiry or issue to a court user who previously contacted the office.

Other is used to describe any other type of assistance not listed.

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Appendix C-3

Table 3-17 (Appendices): Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008)
Vicinage 1 (Atlantic/Cape May)

Reason Court Users Contact the Office/Type of Assistance	2006		2007		2008	
	#	%	#	%	#	%
Letter	10	6.8	7	3.2	50	27.3
Court Information	64	43.8	87	40.1	74	40.4
Case Documents	0	0.0	2	0.9	0	0.0
Court Forms	5	3.4	10	4.6	1	0.5
Research/Investigation	24	16.4	46	21.2	21	11.5
Internal Recommendation	0	0.0	0	0.0	1	0.5
Non-Court Information	18	12.3	16	7.4	9	4.9
Court Tours/Speakers Bureau	0	0.0	3	1.4	1	0.5
Interpreter Needed	0	0.0	2	0.9	2	1.1
Update	21	14.4	30	13.8	14	7.7
Other	4	2.7	14	6.5	10	5.5
Total	146	100.0%	217	100.0%	183	100.0%

Data Source: Ombudsman Program Report November 2008

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Table 3-17 (Appendices): Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008)
Vicinage 2 (Bergen)

Reason Court Users Contact the Office/Type of Assistance	2006		2007		2008	
	#	%	#	%	#	%
Letter		0.0	164	10.3	113	9.7
Court Information		0.0	395	24.7	291	25.0
Case Documents		0.0	****		****	
Court Forms		0.0	524	32.8	233	20.0
Research/Investigation		0.0	41	2.6	27	2.3
Internal Recommendation		0.0	*		*	
Non-Court Information		0.0	327	20.5	387	33.2
Court Tours/Speakers Bureau	123	100.0	121	7.6	94	8.1
Interpreter Needed		0.0	**		**	
Update		0.0	24	1.5	19	1.6
Other		0.0	***		***	
Total	123	100.0%	1596	100.0%	1164	100.0%

Data Source: Ombudsman Program Report November 2008

2006 – Limited data – Tracked Court Tours Only

**Internal Recommendation* – Partnered with Division Liaisons for customer assistance. Did not track.
***Interpreter Needed* – Handled through our Operations Division. Did not track.
****Other* – Information best tracked through above noted categories
*****Case Documents* – Partnered with Division Liaisons for customer assistance. Did not track.

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Table 3-17 (Appendices): Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008)
Vicinage 3 (Burlington)

Reason Court Users Contact the Office/Type of Assistance	2006		2007		2008	
	#	%	#	%	#	%
Letter	15	1.9	17	1.6	17	2.1
Court Information	496	64.4	665	62.2	498	60.1
Case Documents	1	0.1	2	0.2	0	0.0
Court Forms	43	5.6	60	5.6	10	1.2
Research/Investigation	54	7.0	71	6.6	38	4.6
Internal Recommendation	1	0.1	0	0.0	1	0.1
Non-Court Information	118	15.3	206	19.3	256	30.9
Court Tours/Speakers Bureau	0	0.0	0	0.0	4	0.5
Interpreter Needed	2	0.3	6	0.6	2	0.2
Update	2	0.3	2	0.2	0	0.0
Other	38	4.9	40	3.7	2	0.2
Total	770	100.0%	1069	100.0%	828	100.0%

Data Source: Ombudsman Program Report November 2008

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Table 3-17 (Appendices): Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008)
Vicinage 4 (Camden)

Reason Court Users Contact the Office/Type of Assistance	2006		2007		2008	
	#	%	#	%	#	%
Letter			15	2.3	8	1.4
Court Information			204	31.3	169	30.5
Case Documents			18	2.8	27	4.9
Court Forms			111	17.0	151	27.3
Research/Investigation			28	4.3	18	3.2
Internal Recommendation			51	7.8	13	2.3
Non-Court Information			115	17.6	71	12.8
Court Tours/Speakers Bureau			53	8.1	50	9.0
Interpreter Needed			7	1.1	5	0.9
Update			12	1.8	18	3.2
Other			38	5.8	24	4.3
Total	0	100.0%	652	100.0%	554	100.0%

Data Source: Ombudsman Program Report November 2008

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Table 3-17 (Appendices): Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008)
Vicinage 5 (Essex)

Reason Court Users Contact the Office/Type of Assistance	2006		2007		2008	
	#	%	#	%	#	%
Letter	0	0.0	8	0.1	30	0.3
Court Information	1912	21.9	1769	23.9	980	9.6
Case Documents	152	1.7	734	9.9	1375	13.4
Court Forms	1971	22.5	1669	22.5	2634	25.8
Research/Investigation	1548	17.7	1002	13.5	2908	28.4
Internal Recommendation	0	0.0	0	0.0	0	0.0
Non-Court Information	888	10.2	385	5.2	457	4.5
Court Tours/Speakers Bureau	174	2.0	154	2.1	29	0.3
Interpreter Needed	1873	21.4	1342	18.1	1284	12.6
Update	0	0.0	69	0.9	178	1.7
Other	228	2.6	280	3.8	351	3.4
Total	8746	100.0%	7412	100.0%	10226	100.0%

Data Source: Ombudsman Program Report November 2008

Comments: The number for case documents assistance has increased dramatically because the office has a new staff person who sits in the Family Division. She started in July, 2007 and she is the first point of contact for individuals needing a FD or FM court order. She provides the request form, makes sure that it is filled out correctly and verifies the case number. Additionally, internal recommendations are captured as part of the complaint process and not on the stat sheets.

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Table 3-17 (Appendices): Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008)
Vicinage 6 (Hudson)

Reason Court Users Contact the Office/Type of Assistance	2006		2007		2008	
	#	%	#	%	#	%
Letter	1	1.6%	10	8.7%	7	10.3%
Court Information	24	38.7%	40	34.8%	23	33.8%
Case Documents	0	0.0%	4	3.5%	1	1.5%
Court Forms	8	12.9%	12	10.4%	2	2.9%
Research/Investigation	15	24.2%	41	35.7%	15	22.1%
Internal Recommendation	1	1.6%	0	0.0%	0	0.0%
Non-Court Information	5	8.1%	6	5.2%	6	8.8%
Court Tours/Speakers Bureau	0	0.0%	0	0.0%	0	0.0%
Interpreter Needed	1	1.6%	0	0.0%	1	1.5%
Update		0.0%	1	0.9%	1	1.5%
Other	7	11.3%	1	0.9%	12	17.6%
Total	62	100.0%	115	100.0%	68	100.0%

Data Source: Ombudsman Program Report November 2008

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Table 3-17 (Appendices): Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008)
Vicinage 7 (Mercer)

Reason Court Users Contact the Office/Type of Assistance	2006		2007		2008	
	#	%	#	%	#	%
Letter		0.0		0.0		0.0
Court Information	655	41.9	1023	61.2	927	56.9
Case Documents	295	18.9	139	8.3	193	11.8
Court Forms	341	21.8	305	18.2	284	17.4
Research/Investigation	150	9.6	101	6.0	114	7.0
Internal Recommendation		0.0		0.0		0.0
Non-Court Information	32	2.0	20	1.2	33	2.0
Court Tours/Speakers Bureau	34	2.2	25	1.5	17	1.0
Interpreter Needed	56	3.6	59	3.5	61	3.7
Update		0.0		0.0		0.0
Other		0.0		0.0		0.0
Total	1563	100.0%	1672	100.0%	1629	100.0%

Data Source: Ombudsman Program Report November 2008

Comments: Information is as of September 2008.

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Table 3-17 (Appendices): Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008) Vicinage 8 (Middlesex)

Reason Court Users Contact the Office/Type of Assistance	2006		2007		2008	
	#	%	#	%	#	%
Letter	9	4.4	8	2.0	6	3.3
Court Information	101	49.3	201	51.3	92	50.8
Case Documents	10	4.9	26	6.6	11	6.1
Court Forms	11	5.4	12	3.1	7	3.9
Research/Investigation	47	22.9	75	19.1	40	22.1
Internal Recommendation	5	2.4	3	0.8	5	2.8
Non-Court Information	5	2.4	3	0.8	2	1.1
Court Tours/Speakers Bureau	1	0.5	4	1.0	4	2.2
Interpreter Needed	1	0.5	3	0.8	2	1.1
Update		0.0		0.0		0.0
Other	15	7.3	57	14.5	12	6.6
Total	205	100.0%	392	100.0%	181	100.0%

Data Source: Ombudsman Program Report November 2008

Comments: The data starts from April 2006 when a full-time Ombudsman was appointed. The Ombudsman was on medical leave in April 2008 and June through July, 2008. Contacts went through the appropriate division. There is no data for these periods.

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Table 3-17 (Appendices): Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008)
Vicinage 9 (Monmouth)

Reason Court Users Contact the Office/Type of Assistance	2006		2007		2008	
	#	%	#	%	#	%
Letter	6	1.0	4	0.8	21	1.8
Court Information	475	75.9	302	63.7	767	66.0
Case Documents	0	0.0	0	0.0	0	0.0
Court Forms	14	2.2	24	5.1	83	7.1
Research/Investigation	70	11.2	53	11.2	121	10.4
Internal Recommendation	2	0.3	13	2.7	16	1.4
Non-Court Information	37	5.9	54	11.4	97	8.3
Court Tours/Speakers Bureau	14	2.2	14	3.0	32	2.8
Interpreter Needed	7	1.1	10	2.1	22	1.9
Update	0	0.0	0	0.0	0	0.0
Other	1	0.2	0	0.0	3	0.3
Total	626	100.0%	474	100.0%	1162	100.0%

Data Source: Ombudsman Program Report November 2008

Comments: Data is not provided from November 15, 2006 – August 31, 2007 due to leave of absence

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Table 3-17 (Appendices): Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008) Vicinage 10 (Morris/Sussex)

Reason Court Users Contact the Office/Type of Assistance	2006		2007		2008	
	#	%	#	%	#	%
Letter			3	2.6	1	0.4
Court Information			59	51.8	121	53.3
Case Documents			0	0.0	0	0.0
Court Forms			9	7.9	17	7.5
Research/Investigation			28	24.6	67	29.5
Internal Recommendation			2	1.8	2	0.9
Non-Court Information			2	1.8	9	4.0
Court Tours/Speakers Bureau				0.0		0.0
Interpreter Needed				0.0		0.0
Update			8	7.0	8	3.5
Other			3	2.6	2	0.9
Total	0	100.0%	114	100.0%	227	100.0%

Data Source: Ombudsman Program Report November 2008

Comments: Court Tours are arranged and presented by the Operations Division/Jury Manager. Staff in Intake areas and Divisions notify Interpreters Unit when customers need such services. Staff in Intake areas and Divisions handle routine inquiries, provide forms as needed, and handle division-specific customer service for walk-in customers; customers are referred to Ombudsman if further inquiry or referrals are needed (or upon customer request). Data provided is for time period August – December 2007 and January – September 2008.

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Table 3-17 (Appendices): Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008)
Vicinage 11 (Passaic)

Reason Court Users Contact the Office/Type of Assistance	2006		2007		2008	
	#	%	#	%	#	%
Letter	2	0.1	16	0.5		
Court Information	909	40.0	887	25.9		
Case Documents	112	4.9	469	13.7		
Court Forms	8	0.4				
Research/Investigation	1200	52.9	1754	51.2		
Internal Recommendation	3	0.1				
Non-Court Information	21	0.9	19	0.6		
Court Tours/Speakers Bureau	8	0.4	12	0.3		
Interpreter Needed	7	0.3	260	7.6		
Update			12	0.3		
Other						
Total	2270	100.0%	3429	100.0%		100.0%

Data Source: Ombudsman Program Report November 2008

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Table 3-17 (Appendices): Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008)
Vicinage 12 (Union)

Reason Court Users Contact the Office/Type of Assistance	2006		2007		2008	
	#	%	#	%	#	%
Letter						
Court Information			1565	47.3	2018	49.1
Case Documents			202	6.1	186	4.5
Court Forms			852	25.8	1112	27.0
Research/Investigation			3	0.1	2	0.0
Internal Recommendation						
Non-Court Information			15	0.5	5	0.1
Court Tours/Speakers Bureau			16	0.5	4	0.1
Interpreter Needed						
Update			655	19.8	787	19.1
Other						
Total		100.0%	3308	100.0%	4114	100.0%

Data Source: Ombudsman Program Report November 2008

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Table 3-17 (Appendices): Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008)
Vicinage 13 (Somerset/Hunterdon/Warren)

Reason Court Users Contact the Office/Type of Assistance	2006		2007		2008	
	#	%	#	%	#	%
Letter		0.0	13	1.2	8	0.7
Court Information	39	48.1	625	58.5	897	73.8
Case Documents		0.0	48	4.5	59	4.9
Court Forms	2	2.5	68	6.4	100	8.2
Research/Investigation	14	17.3	58	5.4	31	2.5
Internal Recommendation	9	11.1	147	13.8	39	3.2
Non-Court Information	4	4.9	49	4.6	35	2.9
Court Tours/Speakers Bureau	1	1.2	31	2.9	35	2.9
Interpreter Needed		0.0		0.0	4	0.3
Update		0.0	5	0.5		0.0
Other	12	14.8	24	2.2	8	0.7
Total	81	100.0%	1068	100.0%	1216	100.0%

Data Source: Ombudsman Program Report November 2008

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Table 3-17 (Appendices): Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008)
Vicinage 14 (Ocean)

Reason Court Users Contact the Office/Type of Assistance	2006		2007		2008	
	#	%	#	%	#	%
Letter	38	6.4	52	4.7	17	2.0
Court Information	285	48.2	472	42.9	392	46.7
Case Documents	0	0.0	1	0.1	1	0.1
Court Forms	10	1.7	47	4.3	33	3.9
Research/Investigation	20	3.4	73	6.6	51	6.1
Internal Recommendation		0.0		0.0		0.0
Non-Court Information	103	17.4	131	11.9	114	13.6
Court Tours/Speakers Bureau	47	8.0	79	7.2	67	8.0
Interpreter Needed	32*		32*		65*	
Update	**		79	7.2	53	6.3
Other	88	14.9	166	15.1	111	13.2
Total	591	100.0%	1100	100.0%	839	100.0%

Data Source: Ombudsman Program Report November 2008

Comments: 2006 – Statistics for 2006 are from June 2006 – December 2006
2006/2007/2008 - * “Interpreter needed” -- All LEP court users who contacted the Ombudsman were Spanish – Speaking, and as Ann Marie Fleury is bilingual (English/Spanish), an interpreter was not required to assist. The numbers represent the number of Spanish-speaking LEP court users who contacted the Ombudsman.
** “Update” - This category was not incorporated into the data collection sheets until sometime in 2007.

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Table 3-17 (Appendices): Office of the Ombudsman: Type of Assistance (2006, 2007, and 2008)
Vicinage 15 (Cumberland/Gloucester/Salem)

Reason Court Users Contact the Office/Type of Assistance	2006		2007		2008	
	#	%	#	%	#	%
Letter	52	8.2	34	3.8	30	3.8
Court Information	269	42.2	461	51.5	298	37.8
Case Documents	8	1.3	2	0.2	10	1.3
Court Forms	123	19.3	75	8.4	113	14.3
Research/Investigation	72	11.3	55	6.1	54	6.8
Internal Recommendation	57	8.9	33	3.7	42	5.3
Non-Court Information	38	6.0	41	4.6	51	6.5
Court Tours/Speakers Bureau	4	0.6	52	5.8	50	6.3
Interpreter Needed	3	0.5	0	0.0	1	0.1
Update	2	0.3	2	0.2	21	2.7
Other	9	1.4	140	15.6	119	15.1
Total	637	100.0%	895	100.0%	789	100.0%

Data Source: Ombudsman Program Report November 2008

Comments: The need for an interpreter is small as most of the court users who do not speak English speak Spanish and the vicinage Ombudsman, Aime Alonzo-Serrano, is fluent in Spanish.

Appendix D

EEO/AA Job Fair/ Outreach Event Calendar (FY 2007-2008)	
Berkeley College	11/7/2008
Mercer County United Way Latino Vision Council	11/7/2008
Monmouth University Fall Career Day	Nov-08
Montclair State University	10/30/2008
Philadelphia NAACP Executive Diversity Job Fair	10/29/2008
Hispanic Chamber of Commerce Business Expo Career Fair	10/24/2008
7-in-1 Philadelphia area Law Student Job Fair	10/3/2008
DeVry North Brunswick University Career Fair	9/23/2008
Philadelphia Minority Law Student Job Fair	9/6/2008
Mid Atlantic Black Law Students Association Career Fair	8/30/2008
NYC Public Interest Law Student Career Reception	8/28/2008
Northeast Black Law Students Association Career Fair	8/2/2008
Judicial Clerkship Presentation for Attorney General Interns	7/2/2008
NYC Asian Diversity Career Expo	5/2/2008

EEO/AA Job Fair/ Outreach Event Calendar (FY 2007-2008)	
Camden County College Job Fair	4/30/2008
Camden County College's Community Outreach Day	4/25/2008
National Society for Hispanic Professionals--NYC Spring Bilingual Professional Job Fair	4/24/2008
Ramapo College of New Jersey	4/17/2008
Rutgers Camden Law Clerk Info. Panel	4/9/2008
Rutgers Newark Law Clerk Info. Panel	4/8/2008
Rutgers Nonprofit & Government Groups Career Day	4/4/2008
Felician College	4/3/2008
Monmouth University Spring Career Day	Apr-08
Fairleigh Dickinson University-Computer Science & Engineering	3/28/2008
Brooklyn Law School Law Clerk Info. Session	3/27/2008
William Paterson University of New Jersey	3/27/2008
Centenary College	3/12/2008
Caldwell College	3/5/2008

EEO/AA Job Fair/ Outreach Event Calendar (FY 2007-2008)	
Rutgers Government Career Fair	3/4/2008
Princeton University Career in the Public Good Nonprofit Job Fair	2/29/2008
Seton Hall Public Interest/Public Service Job Fair	2/28/2008
Rowan University	2/26/2008
Lehigh Valley Collegiate Career Fair	2/20/2008
Rutgers University - New Jersey Diversity Career Day	2/15/2008
Northeast Black Law Students Association Networking Reception	2/14/2008
Rutgers University – 2nd Criminal Justice Career Fair	2/13/2008
NYU Public Interest Law Student Job Fair	2/7/2008 - 2/8/2008
The Richard Stockton College of New Jersey Spring 2008 Career and Internship Fair	2/6/2008
Philadelphia Public Interest/Public Service Law Job Fair	2/1/2008
DeVry University Career Fair	1/29/2008
Washington, D.C./Baltimore Public Service Legal Job Fair	1/25/2008
Rutgers Collegiate Job Fair	1/4/2008

EEO/AA Job Fair/ Outreach Event Calendar (FY 2007-2008)	
Berkeley College	11/2/2007
New Jersey City University	10/25/2007
NJ Statewide Hispanic Chamber of Commerce of New Jersey — 17th Annual Convention and Expo	10/19/2007
Philadelphia NAACP Diversity Job Fair	10/17/2007
Monmouth Latino Festival	10/6/2007
6 in 1 Philadelphia Area Law Student Job Fair (GPALS)	10/5/2007
Stockton College Job Fair	10/4/2007
NJ Black Issues Convention	10/4/2007
DeVry University North Brunswick Career Fair	9/25/2007
County College of Morris	9/12/2007
Philadelphia Area Minority Law Student Job Fair	9/8/2007
NYU Public Interest/Public Service Law Student Career Reception	8/30/2007
Northeast Black Law Students Association Job Fair	8/17/2007
Keyport Spanish –American Festival	8/11/2007

EEO/AA Job Fair/ Outreach Event Calendar (FY 2007-2008)	
Rutgers University - New Jersey Collegiate	5/30/2007
NJ Latino Issues Convention and Business Expo	5/24/2007
Berkeley College	5/11/2007
NYC Asian Diversity Career Expo	5/4/2007
Hunterdon County Career Fair	5/2/2007
Camden County College	4/25/2007
Northampton College	4/24/2007
Kean University	4/20/2007
Gloucester County College	4/19/2007
Hudson County Community College	4/19/2007
Monmouth University	4/18/2007
Burlington County College	4/17/2007
Gloucester County College	4/17/2007
NJ Diversity Career Fair	4/17/2007

EEO/AA Job Fair/ Outreach Event Calendar (FY 2007-2008)	
Rutgers University	4/13/2007
Bloomfield College	4/12/2007
Passaic County Community College	4/12/2007
New Jersey City University	4/11/2007
Montclair State University	4/11/2007
Salem Community College	4/11/2007
Fairleigh Dickinson University	4/4/2007
Mercer County Community College	3/29/2007
William Paterson University of New Jersey	3/29/2007
Rider University	3/29/2007
The College of New Jersey	3/29/2007
Cumberland County College	3/28/2007
Fairleigh Dickinson University-Spring 2007	3/28/2007
Centinary College	3/28/2007

EEO/AA Job Fair/ Outreach Event Calendar (FY 2007-2008)	
College of Saint Elizabeth	3/27/2007
Union County College	3/27/2007
Georgian Court University	3/21/2007
Saint Peter's College	3/21/2007
College of Staten Island	3/14/2007
Stevens Institute of Technology	3/7/2007
Ocean County College	2/29/2007
Seton Hall Public Interest/Public Service Job Fair	2/28/2007
New Jersey City University	2/28/2007
Raritan Valley Community College	2/24/2007
6th Annua Lehigh Valley Collegiate Career Expo	2/21/2007
Brookdale Community College	1/28/2007
Essex County College	1/24/2007
Rutgers NJ Collegiate	1/5/2007

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Table 16. New Jersey Judiciary: Vicinage Employees by County and Race/Ethnicity
(Excluding Judges, Law Clerks, and Bar Examiners)
August 2007

Total Judiciary	Total	Total Minorities		Whites		Blacks		Hispanics		Asians/Amer. Inds.		Females	
		#	%	#	%	#	%	#	%	#	%	#	%
Atlantic	376	136	36.2%	240	63.8%	110	29.3%	20	5.3%	6	1.6%	282	75.0%
ECLF		121	32.1%			58	15.3%	41	10.8%	23	6.0%	181	48.2%
Utilization		15				52		-21		-17		101	
Bergen	514	132	25.7%	382	74.3%	57	11.1%	57	11.1%	18	3.5%	387	75.3%
ECLF		137	26.6%			27	5.3%	54	10.5%	56	10.8%	236	45.9%
Utilization		-5				30		3		-38		151	
Burlington	338	101	29.9%	237	70.1%	79	23.4%	17	5.0%	5	1.5%	266	78.7%
ECLF		69	20.4%			46	13.6%	11	3.4%	11	3.4%	162	47.8%
Utilization		32				33		6		-6		104	
Camden	653	261	40.0%	392	60.0%	176	27.0%	74	11.3%	11	1.7%	513	78.6%
ECLF		175	26.8%			99	15.2%	46	7.1%	29	4.5%	314	48.1%
Utilization		86				77		28		-18		199	
Cape May	113	10	8.8%	103	91.2%	6	5.3%	3	2.7%	1	0.9%	88	77.9%
ECLF		9	8.1%			5	4.3%	3	2.7%	1	1.1%	55	48.7%
Utilization		1				1		0		0		33	
Cumberland	241	63	26.1%	178	73.9%	29	12.0%	31	12.9%	3	1.2%	194	80.5%
ECLF		82	34.2%			36	15.1%	41	17.0%	5	2.1%	119	49.2%
Utilization		-19				-7		-10		-2		75	
Essex	994	710	71.4%	284	28.6%	578	58.1%	92	9.3%	40	4.0%	756	76.1%
ECLF		563	56.6%			375	37.7%	141	14.2%	47	4.7%	492	49.5%
Utilization		147				203		-49		-7		264	

Table 16. New Jersey Judiciary: Vicinage Employees by County and Race/Ethnicity contd.

Total Judiciary	Total	Total Minorities		Whites		Blacks		Hispanics		Asians/Amer. Inds.		Females	
		#	%	#	%	#	%	#	%	#	%	#	%
Gloucester	227	42	18.5%	185	81.5%	30	13.2%	10	4.4%	2	0.9%	189	83.3%
ECLF		29	12.6%			18	7.9%	5	2.3%	5	2.4%	108	47.6%
Utilization		13				12		5		-3		81	
Hudson	603	319	52.9%	284	47.1%	123	20.4%	177	29.4%	19	3.2%	468	77.6%
ECLF		350	58.1%			68	11.2%	219	36.3%	64	10.6%	278	46.1%
Utilization		-31				55		-42		-45		190	
Hunterdon	73	6	8.2%	67	91.8%	3	4.1%	3	4.1%	0	0.0%	56	76.7%
ECLF		4	5.0%			0	0.5%	2	2.1%	2	2.4%	33	44.9%
Utilization		2				3		1		-2		23	
Mercer	371	156	42.0%	215	58.0%	118	31.8%	32	8.6%	6	1.6%	281	75.7%
ECLF		115	31.1%			62	16.7%	32	8.6%	22	5.8%	180	48.5%
Utilization		41				56		0		-16		101	
Middlesex	564	226	40.1%	338	59.9%	135	23.9%	53	9.4%	38	6.7%	419	74.3%
ECLF		201	35.7%			49	8.6%	71	12.6%	82	14.5%	261	46.2%
Utilization		25				86		-18		-44		158	
Monmouth	497	115	23.1%	382	76.9%	76	15.3%	25	5.0%	14	2.8%	391	78.7%
ECLF		87	17.5%			35	7.0%	28	5.7%	24	4.8%	225	45.3%
Utilization		28				41		-3		-10		166	
Morris	289	79	27.3%	210	72.7%	48	16.6%	22	7.6%	9	3.1%	217	75.1%
ECLF		29	9.9%			8	2.9%	15	5.1%	5	1.9%	135	46.6%
Utilization		50				40		7		4		82	
Ocean	388	44	11.3%	344	88.7%	15	3.9%	20	5.2%	9	2.3%	304	78.4%
ECLF		38	9.9%			11	2.9%	20	5.1%	7	1.9%	181	46.6%
Utilization		6				4		0		2		123	

Table 16. New Jersey Judiciary: Vicinage Employees by County and Race/Ethnicity contd.

Total Judiciary	Total	Total Minorities		Whites		Blacks		Hispanics		Asians/Amer. Inds.		Females	
		#	%	#	%	#	%	#	%	#	%	#	%
Passaic	503	268	53.3%	235	46.7%	129	25.6%	135	26.8%	4	0.8%	382	75.9%
ECLF		214	42.5%			56	11.2%	137	27.2%	21	4.1%	235	46.7%
Utilization		54				73		-2		-17		147	
Salem	97	31	32.0%	66	68.0%	25	25.8%	4	4.1%	2	2.1%	77	79.4%
ECLF		16	16.3%			12	12.2%	3	2.7%	1	1.4%	46	47.4%
Utilization		15				13		1		1		31	
Somerset	196	50	25.5%	146	74.5%	18	9.2%	27	13.8%	5	2.6%	147	75.0%
ECLF		48	24.5%			15	7.4%	16	8.4%	17	8.7%	90	46.1%
Utilization		2				3		11		-12		57	
Sussex	98	7	7.1%	91	92.9%	4	4.1%	3	3.1%	0	0.0%	80	81.6%
ECLF		5	5.6%			1	0.9%	3	3.1%	2	1.6%	44	44.9%
Utilization		2				3		0		-2		36	
Union	485	260	53.6%	225	46.4%	171	35.3%	79	16.3%	10	2.1%	370	76.3%
ECLF		211	43.5%			96	19.7%	94	19.3%	22	4.5%	230	47.5%
Utilization		49				75		-15		-12		140	
Warren	90	10	11.1%	80	88.9%	5	5.6%	5	5.6%	0	0.0%	65	72.2%
ECLF		6	6.8%			2	1.8%	3	3.4%	1	1.6%	42	46.3%
Utilization		4				3		2		-1		23	

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

Based on percentages. Raw number may not add due to rounding.

Table 17. New Jersey Judiciary Employees at the AOC/Central Clerks' Offices, Vicinages Combined, and Total Judiciary August 2007

		Total Minorities		Whites		Blacks		Hispanics		Asians/Amer. Inds.	
	Total	#	%	#	%	#	%	#	%	#	%
Total Judiciary	9151	3466	37.9%	5685	62.1%	2230	24.4%	966	10.6%	270	3.0%
AOC/Central Clerks' Offices	1441	440	30.5%	1001	69.5%	295	20.5%	77	5.3%	68	4.7%
Vicinages	7710	3026	39.2%	4684	60.8%	1935	25.1%	889	11.5%	202	2.6%

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

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New Jersey Judiciary: Job Bands and Titles

Judiciary Job Band	Judiciary Job Title
Court Executive	Court Executives 1A, 1B, 2A, 2B, 3A, 3B, and 4
Professional Supervisory	Court Services Supervisor 1, 2, 3, 4 Administrative Supervisor 1, 2, 3, 4 Court Reporter Supervisor 1 and 2
Support Staff Supervisory	Supervisor 1 and 2
Legal[1]	Attorney 1 and 2
Official Court Reporter[2]	Court Reporter
Court Interpreter	Court Interpreter 1, 2, 3
Information Technology	Information Technology Analyst 1, 2, 3 Information Technology Technician Information Systems Technician 1 and 2
Administrative Professional	Judiciary Coordinator 1 and 2 Financial Specialist 1 and 2 Administrative Specialist 1, 2, 3, 4 Librarian 1
Case Processing	Court Services Officer 1, 2, 3 Master Probation Officer Senior Probation Officer Probation Officer Court Services Officer Court Services Officer Trainer Family Court Coordinator Substance Abuse Evaluator Youth Aide Investigator
Judge's Secretary	Judges Secretary
Support Staff[3]	Judiciary Secretary 1 and 2 (Confidential) Judiciary Clerk 1, 2, 3, 4 Administrative Specialist 1 Clerk to the Grand Jury Printing Operations Technician 1 and 2 Library Assistant Judiciary Secretary 1 Judiciary Account Clerk 1 and 2 Judiciary Clerk 3/Court Clerk Building Maintenance Worker-Judiciary Judiciary Clerk Driver Court Services Representative

Resource: AOC Human Resources, Infonet

[1] For example, staff attorneys in the Counsel's office and Appellate Division Research Unit.

[2] Court Reporters in the New Jersey Judiciary are reflected in the census of the AOC/Central Clerks' Offices and are not counted at the vicinage level.

[3] The band with the most employees

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APDX Table 4-19. New Jersey Judiciary: Hires by Race/Ethnicity (Excluding Law Clerks & Judges) AOC/Central Clerks' Offices and Vicinages, Calendar Year 2007 Microdata

	Total	Whites		Total Minorities		Blacks		Hispanics/ Latino		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
AOC											
AOC/Central Clerks Offices	88	31	35.2%	57	64.8%	32	36.4%	20	22.7%	5	5.7%
Vicinages											
Atlantic	34	10	29.4	24	70.6	15	44.1	5	14.7	4	11.8
Cape May	1	0	0.0	1	100.0	1	100.0	0	0.0	0	0.0
Bergen	23	14	60.9	9	39.1	4	17.4	4	17.4	1	4.3
Burlington	22	7	31.8	15	68.2	8	36.4	7	31.8	0	0.0
Camden	12	7	58.3	5	41.7	2	16.7	2	16.7	1	8.3
Essex	50	21	42.0	29	58.0	17	34.0	11	22.0	1	2.0
Hudson	33	17	51.5	16	48.5	11	33.3	4	12.1	1	3.0
Mercer	15	7	46.7	8	53.3	5	33.3	2	13.3	1	6.7
Middlesex	64	29	45.3	35	54.7	24	37.5	8	12.5	3	4.7
Monmouth	51	26	51.0	25	49.0	14	27.5	10	19.6	1	2.0
Morris	29	11	37.9	18	62.1	12	41.4	4	13.8	2	6.9
Sussex	8	5	62.5	3	37.5	2	25.0	1	12.5	0	0.0
Passaic	28	16	57.1	12	42.9	8	28.6	3	10.7	1	3.6
Union	43	22	51.2	21	48.8	14	32.6	6	14.0	1	2.3
Somerset	15	6	40.0	9	60.0	5	33.3	3	20.0	1	6.7
Hunterdon	3	2	66.7	1	33.3	0	0.0	1	33.3	0	0.0
Warren	12	5	41.7	7	58.3	3	25.0	2	16.7	2	16.7
Ocean	51	17	33.3	34	66.7	20	39.2	11	21.6	3	5.9
Gloucester	22	14	63.6	8	36.4	3	13.6	5	22.7	0	0.0
Cumberland	15	9	60.0	6	40.0	4	26.7	2	13.3	0	0.0
Salem	7	2	28.6	5	71.4	3	42.9	1	14.3	1	14.3
Total – All Vicinages	538	247	45.9%	291	54.1%	175	32.5%	92	17.1%	24	4.5%
AOC and Vicinages Combined											
Grand Total	626	278	44.4%	348	55.6%	207	33.1%	112	17.9%	29	4.6%

Data Source: AOC Human Resources

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APDX Table 4-20. New Jersey Judiciary: Separations by Race/Ethnicity (Excluding Law Clerks & Judges) AOC/Central Clerks' Offices and Vicinages, 2007 Microdata

	Total	Whites		Total Minorities		Blacks		Hispanics/ Latino		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
AOC											
AOC/Central Clerks Offices	79	56	70.9%	23	29.1%	13	16.5%	4	5.1%	6	7.6%
Vicinages											
Atlantic	20	15	75.0	5	25.0	3	15.0	2	10.0	0	0.0
Cape May	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Bergen	38	25	65.8	13	34.2	6	15.8	5	13.2	2	5.3
Burlington	21	18	85.7	3	14.3	3	14.3	0	0.0	0	0.0
Camden	39	25	64.1	14	35.9	8	20.5	5	12.8	1	2.6
Essex	51	19	37.3	32	62.7	27	52.9	5	9.8	0	0.0
Hudson	34	14	41.2	20	58.8	7	20.6	11	32.4	2	5.9
Mercer	24	13	54.2	11	45.8	8	33.3	2	8.3	1	4.2
Middlesex	58	31	53.4	27	46.6	17	29.3	7	12.1	3	5.2
Monmouth	41	27	65.9	14	34.1	9	22.0	2	4.9	3	7.3
Morris	22	16	72.7	6	27.3	3	13.6	2	9.1	1	4.5
Sussex	12	12	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Passaic	32	16	50.0	16	50.0	10	31.3	6	18.8	0	0.0
Union	26	11	42.3	15	57.7	9	34.6	5	19.2	1	3.8
Somerset	18	9	50.0	9	50.0	5	27.8	4	22.2	0	0.0
Hunterdon	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Warren	8	8	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Ocean	34	32	94.1	2	5.9	0	0.0	2	5.9	0	0.0
Gloucester	19	16	84.2	3	15.8	1	5.3	2	10.5	0	0.0
Cumberland	15	13	86.7	2	13.3	2	13.3	0	0.0	0	0.0
Salem	7	5	71.4	2	28.6	1	14.3	1	14.3	0	0.0
Total – All Vicinages	522	328	62.8%	194	37.2%	119	22.8%	61	11.7%	14	2.7%
AOC and Vicinages Combined											
Grand Total	601	384	63.9%	217	36.1%	132	22.0%	65	10.8%	20	3.3%

Data Source: AOC Human Resources

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APDX Table 4-21. New Jersey Judiciary: Resignations by Race/Ethnicity (Excluding Law Clerks & Judges) AOC/Central Clerks' Offices and Vicinages, 2007 Microdata

	Total	Whites		Total Minorities		Blacks		Hispanics/ Latino		Asians/Amer. Indians	
		#	%	#	%	#	%	#	%	#	%
AOC											
AOC/Central Clerks Offices	31	19	61.3%	12	38.7%	8	25.8%	1	3.2%	3	9.7%
Vicinages											
Atlantic	19	14	73.7	5	26.3	3	15.8	2	10.5	0	0.0
Cape May	24	13	54.2	11	45.8	4	16.7	5	20.8	2	8.3
Bergen	8	7	87.5	1	12.5	1	12.5	0	0.0	0	0.0
Burlington	12	6	50.0	6	50.0	5	41.7	0	0.0	1	8.3
Camden	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Essex	4	3	75.0	1	25.0	1	25.0	0	0.0	0	0.0
Hudson	31	8	25.8	23	74.2	19	61.3	4	12.9	0	0.0
Mercer	7	5	71.4	2	28.6	0	0.0	2	28.6	0	0.0
Middlesex	15	6	40.0	9	60.0	3	20.0	4	26.7	2	13.3
Monmouth	0	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A
Morris	15	7	46.7	8	53.3	6	40.0	2	13.3	0	0.0
Sussex	24	10	41.7	14	58.3	9	37.5	4	16.7	1	4.2
Passaic	23	12	52.2	11	47.8	6	26.1	2	8.7	3	13.0
Union	13	10	76.9	3	23.1	1	7.7	1	7.7	1	7.7
Somerset	19	18	94.7	1	5.3	0	0.0	1	5.3	0	0.0
Hunterdon	10	2	20.0	8	80.0	5	50.0	3	30.0	0	0.0
Warren	2	1	50.0	1	50.0	0	0.0	1	50.0	0	0.0
Ocean	13	5	38.5	8	61.5	5	38.5	3	23.1	0	0.0
Gloucester	4	4	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Cumberland	12	4	33.3	8	66.7	5	41.7	2	16.7	1	8.3
Salem	3	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Total – All Vicinages	260	140	53.8	120	46.2%	73	28.1	36	13.8	11	4.2
AOC and Vicinages Combined											
Grand Total	291	159	54.6%	132	45.4%	81	27.8%	37	12.7%	14	4.8%

Data Source: AOC Human Resources

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APDX Table 4-22. New Jersey Judiciary: Separations by Race/Ethnicity as a Proportion of the Workforce (Excluding Law Clerks & Judges) AOC/Central Clerks' Offices and Vicinages, 2007 Microdata

	Total	Whites	Total Minorities	Blacks	Hispanics/ Latino	Asians/ Amer. Indians
AOC						
AOC/Central Clerks Offices	5.5%	5.6%	5.2%	4.4%	5.2%	8.8%
Vicinages						
Atlantic	5.3	6.3	3.7	2.7	10.0	0.0
Bergen	7.4	6.5	9.9	10.5	8.8	11.1
Burlington	6.2	7.6	3.0	3.8	0.0	0.0
Camden	6.0	6.4	5.4	4.6	6.76	9.1
Cape May	1.8	1.9	0.0	0.0	0.0	0.0
Cumberland	6.2	7.3	3.2	6.9	0.0	0.0
Essex	5.1	6.7	4.5	4.7	5.4	0.0
Gloucester	8.4	8.7	7.1	3.3	20.0	0.0
Hudson	5.6	4.9	6.3	5.7	6.2	10.5
Hunterdon	1.4	1.5	0.0	0.0	0.0	N/A
Mercer	6.5	6.1	7.1	6.8	6.25	16.7
Middlesex	10.3	9.2	12.0	12.6	13.2	7.9
Monmouth	8.3	7.1	12.2	11.8	8.0	21.4
Morris	7.6	7.6	7.6	6.3	9.1	11.1
Ocean	8.8	9.3	4.6	0.0	10.0	0.0
Passaic	6.4	6.8	6.0	7.8	4.4	0.0
Salem	7.2	7.6	6.5	4.0	25.0	0.0
Somerset	9.2	6.2	18.0	27.8	14.8	0.0
Sussex	12.2	13.2	0.0	0.0	0.0	N/A
Union	5.4	4.9	5.8	5.3	6.3	10.0
Warren	8.9	10.0	0.0	0.0	0.0	N/A
Total – All Vicinages	6.8%	7.0%	6.4%	6.2%	6.9%	6.9%
AOC and Vicinages Combined						
Grand Total	6.6%	6.8%	6.3%	5.9%	6.7%	7.4%

Data Source: AOC Human Resources

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APDX Table 4-23. New Jersey Judiciary: Resignations by Race/Ethnicity as a Proportion of the Workforce (Excluding Law Clerks & Judges)
AOC/Central Clerks' Offices and Vicinages, 2007
Microdata

	Total	Whites	Total Minorities	Blacks	Hispanics/ Latino	Asians/ Amer. Indians
AOC						
AOC/Central Clerks Offices	2.2%	1.9%	2.7%	2.7%	1.3%	4.4%
Vicinages						
Atlantic	5.1	5.8	3.7	2.7	10.0	0.0
Bergen	4.7	3.4	8.3	7.0	8.8	11.1
Burlington	2.4	3.0	1.0	1.3	0.0	0.0
Camden	1.8	1.5	2.3	2.8	0.0	9.1
Cape May	1.8	1.9	0.0	0.0	0.0	0.0
Cumberland	1.7	1.7	1.6	3.4	0.0	0.0
Essex	3.1	2.8	3.2	3.3	4.3	0.0
Gloucester	3.1	2.7	4.8	0.0	20.0	0.0
Hudson	2.5	2.1	2.8	2.4	2.3	10.5
Hunterdon	0.0	0.0	0.0	0.0	0.0	NA
Mercer	4.0	3.3	5.1	5.1	6.3	0.0
Middlesex	4.3	3.0	6.2	6.7	7.5	2.6
Monmouth	4.6	3.1	9.6	7.9	8.0	21.4
Morris	4.5	4.8	3.8	2.1	4.5	11.1
Ocean	4.9	5.2	2.3	0.0	5.0	0.0
Passaic	2.0	0.9	3.0	3.9	2.2	0.0
Salem	2.1	1.5	3.2	0.0	25.0	0.0
Somerset	6.6	3.4	16.0	27.8	11.1	0.0
Sussex	4.1	4.4	0.0	0.0	0.0	NA
Union	2.5	1.8	3.1	2.9	2.5	10.0
Warren	3.3	3.8	0.0	0.0	0.0	NA
Total – All Vicinages	3.4%	3.0%	4.0%	3.8%	4.0%	5.4%
AOC and Vicinages Combined						
Grand Total	3.2%	2.8%	3.8%	3.6%	3.8%	5.2%

Data Source: AOC Human Resources