

Interview Summary

Name of person interviewed
Marie Keith

Relationship to the case
Witness

Person conducting the interview and preparing written statement
Amanda Batiz

Location of Interview
Millville Municipal Court

Date of Interview
12/16/2022- Friday (first day)
12/20/2022- Tuesday (second day)

Time of Interview
2:05 P.M. - 3:27 P.M. (Friday)
9:30 A.M.- 10:30 A.M. (Tuesday)

Summary:

I am the Certified Municipal Court Administrator of the Bridgeton Municipal Court. I have been in this role since January 2013. I began working with the Bridgeton Municipal Court initially in May 2008 as a clerk. I was hired in that role by Kimberly Hamlyn who was the Bridgeton Municipal Court Administrator until 2012. I became the Bridgeton Deputy Court Administrator in 2009. I was appointed Acting Court Administrator for Bridgeton in 2013. Judge Jason Witcher is the Municipal Court Judge in Bridgeton. We have worked together since 2012. I assisted the Millville Municipal Court for approximately one week in 2016 or 2017 having been appointed Acting Deputy Court Administrator during the medical absence of the Court Administrator Kimberly Hamlyn. Additionally, I assisted the Millville Municipal Court on an overtime basis between February 2022 and the end of May 2022.

As the Court Administrator in Bridgeton, I oversee all aspects of the operation of the Municipal Court. I assist the judge in his duties, supervise six staff members, and oversee their roles in the court. I oversee how phones are answered, how customer service is offered at our windows, moderate virtual court, oversee the scheduling of court sessions, evaluate the future calendars for appropriate scheduling, ensure not too many defendants are scheduled as one time, and follow requests of the judge for scheduling. All six employees in the Bridgeton Municipal Court report to me. In my absence, they report to the Deputy Court Administrator, Ashley.

Bridgeton conducts court sessions on Tuesdays and Thursdays. We conduct fully hybrid court sessions. Bridgeton has an interpreter available for all court sessions. The courtroom is set up so that calendars can move interchangeably between in-person and virtual sessions as needed. Both in person and virtual sessions are occur on each court

day. Bridgeton court scheduling is a result of communication with Judge Jason Witcher. Judge Witcher and I regularly communicate about court scheduling and work together to improve efficiency and ensure litigants are being accommodated appropriately.

Court calendars are created in advance by me as the court administrator. I share with law enforcement a calendar with identified court dates for them to use. Dates which are needed for full day trials are omitted from the calendar which is provided to the police. I oversee the scheduling of the court sessions at Judge Witcher's direction. We regularly discuss the operation of the court. I am very customer service focused. It is important to me that litigants are treated fairly and efficiently. While my staff are quite capable of doing a lot, I prefer to do many things myself. Judge Witcher regularly reviews the court docket before court sessions.

I am familiar with the existence of the Supreme Court order dated November 18, 2021, but not able to state the specific details off the top of my head. We began to schedule in person trials as a result of this order. I am more familiar with the October 27, 2022 Supreme Court order. This order required DWI, domestic violence cases, disorderly person cases, and anything with a consequence of magnitude to be brought in for an in-person appearance. After reviewing the order, and in consultation with Judge Witcher and the prosecutor, we realized that the order allows for the discretion of the court to permit virtual appearances based on the consent of all parties. I oversee the scheduling of matters in the Bridgeton Municipal Court and also ensure that my staff are aware of the requirements of the Supreme Court orders. We began scheduling matters in person in the winter of 2022.

I was asked to provide assistance to the Millville Municipal Court between February 2022 and the end of May 2022. At that time, Millville Municipal Court was without staff and needed assistance. I worked at night after the daytime staff left the office. I scheduled cases during my time there and got them back up to date with rescheduling cases. I entered some traffic tickets and some truancy complaints, but mostly did rescheduling. At the time of my assistance, Millville was scheduling cases according to the Supreme Court order. I received verbal guidance from the Millville Court Administrator Kimberly Hamlyn regarding how to assist and how to schedule matters. One major difference between the scheduling in Bridgeton and Millville was Millville did not have Judge conflict dates set aside until late in the process and as a result, the dates filled up quickly. Bridgeton holds court on Tuesdays and Thursdays. Millville holds court on Mondays and Wednesdays. Bridgeton has an interpreter for every court session. Millville has an interpreter on two Mondays per month. I am unaware of any other interpreting services available to Millville other than the in-person interpreter two Mondays per month. Cases requiring an interpreter would need to be scheduled on an interpreter day which is an in-person court day.

I was told by Kimberly Hamlyn to schedule cases which require interpreter assistance on a Monday with the interpreter. Kim told me that if it is a Spanish case and needs Spanish interpreter then we schedule on a day that the interpreter was available. The Spanish cases she was specifically talking about were the cases that were specifically logged into court virtually and the Spanish interpreter was not available. The case had

something on it indicating that it needed an interpreter. The case had notes with the date and it said needs an interpreter. They had already tried to communicate. For example, say a case comes out of court and it was rescheduled, so I noticed that the date they were coming out of court was not the date that was on the bottom of the ticket, it was not the date the officer gave the person on the ticket. I look at the back of the case notice, and the notice has a different date on it. So therefore, the date on the notice was different than the date that was given by the police for data entry. Unless there was some other reason that the date was different than the ticket--- they could have canceled court, the person could have changed it because someone came in and told them they need an interpreter. There could be other reasons that the case has a different date.

I believe it is possible that the cases could have been being scheduled by surname. It could also be by the person's surname because the ones I saw had typically last names that could be Spanish. Even if there was not malicious intent, it could have been an organizational tactic. It is also entirely possible that the first appearance date is different from the ticket date for different reasons other than the person's last name. I do not have any personal knowledge about anyone scheduling calendars by surname. I did not schedule the cases based on last name. I only scheduled the cases needing a Spanish interpreter on days that the Spanish interpreter was there because the person needed Spanish interpreting. I don't know what you will find with the cases I scheduled. I am not sure of how they were scheduling was in line with the order. I did advise Judge Witcher in March or April earlier this year that I thought there was a possibility that the staff were scheduling cases by surname. I also advised him of the Millville's practice to schedule the Spanish interpreting cases only on the day the Spanish interpreter was available. I let Judge Witcher know that I didn't understand why you can't have a Spanish interpreter there for every court session. For example, DMV case. I didn't understand why they couldn't just log in virtually. I don't know why they were being inconvenienced.

I don't believe their practices to be not aligned with the Supreme Court Orders. I didn't think it was discriminatory, but it was inconvenient. People should be able to have the opportunity to log in virtually for a 5-minute hearing.

This was happening in the office, I saw it. When I was in the office, I noticed that there were a couple tickets that came in with one date on the ticket and then were scheduled for a different court date. I was told Spanish speaking litigants' cases needed to be scheduled when the Spanish interpreter was available. I don't know why she doesn't have a Spanish speaking person on another day. At that time everything was virtual, but the practice continued once it went in person. From what I saw, I believe that cases scheduled by the police were rescheduled to a date when the Millville interpreter was available, and these cases had Spanish looking names. I saw these cases in the work bin with sticky notes on them stating "needs Spanish". I also witnessed cases with different dates on the back of the ticket from the date it was originally scheduled by the police officer. During my time in Millville, I scheduled cases based on the notes available and not the last name. I thought the direction to schedule cases when the interpreter was available was an organizational tactic. I looked at what she told me as an organizational tactic and an accommodation for the person so that they didn't log in without an interpreter. This would still ensure the person had an interpreter. The only thing was that

it was more inconvenient for the litigant. If they would have had the capability to do virtual and in-person on the same day, then that wouldn't have been a problem. At the time I didn't think it was wrong because the person was not going to be inconvenienced. I went there to do a job. I told her she could do virtual or in-person at the same time, but don't think they have the capability or the know how to accomplish that.

When I reported this happening to Judge Witcher he really didn't respond. He took it in. I assumed he would talk to them at one point in time. He wanted me to go there and tell them how to run and mirror things. I know he spoke to them on several occasions about how he wanted them to schedule. I told him I was uncomfortable with that without him being there.

Because of the way scheduling was happening and Mondays being full, I tried to schedule for Wednesdays more, because the more Spanish speaking cases you have on a day it drags on the court sessions because I am acknowledging that interpreting activities take longer. The days get very time consuming. If you were in court, you would see that something needs change. I tried to make Wednesdays have more cases scheduled because people wouldn't need to have the interpreting for everything.

There are two clerks that are bilingual but there is no certified court interpreter to be on the record in court. I was told there is the list of dates when I have a certified interpreter to be put on the record. Those are the dates you would schedule them. I know for a fact there wasn't a certified interpreter that was available on other days. They could have used language line. They could have.

I only scheduled cases when it had a note on it. I would only put it on the days that the person was present in the building, because I was directed that as every case comes out of court and need different things- you put attorney cases on at this time, pd cases at this time, and Spanish cases on this list of dates when the interpreter was scheduled to be there. Yes, they were every other Monday. I don't remember when the switch to in-person happened, and it happened half way through. I asked her why she did that and she really wanted to go to all in person. I just think this is more convenient. It is more convenient to have it both ways.

Since I left Millville earlier this year, Kim and I have communicated since then about different things, but no I haven't really had interaction with Millville Court. There are different things we have to communicate about, like if I have a conflict case or she has a conflict case we email each other. There is no reason not to talk to her or reason to talk to her. She contacted me just recently, end of November because Judge Witcher asked her to get together with me so that I can give her the different scheduling tactics that we use so that Millville could be scheduled the same as Bridgeton. Like I said, I really wanted Judge Witcher to be there but he was hospitalized and we had it postponed. We have not met and then in light of everything in the press we both just stopped trying to reschedule. We were supposed to talk about how their schedule could be the same was as Bridgeton.

I had discussions with Kim about how to accomplish hybrid calendars. As far as I know though they only have one computer in the courtroom. They don't have the capability to do it. AS soon as I heard everything would be virtual. I ordered two computers, and the Prosecutors would just email the information on one computer and one computer to monitor. I have another computer that I use to see the defendant. Interpreter will be in-person but use our conference rooms for virtual. She will talk to the person right here. Say the name says Jorge Cruz. I will say please unmute and state your name. I believe they have a TV. I told her that she should ask the city for computers. Unless she asked and they denied her the funds, she didn't get TVs. I told my city it was the only way to perform the functions for virtual court. I was mostly trying to schedule cases on Wednesdays. I didn't agree with it all the time in person.

Millville switched to in person proceedings somewhere in the middle of my time of assistance, between February 2022 and the end of May 2022. The instruction available for handling requests of litigants who called the Millville court seeking the assistance of an interpreter was to schedule them on a date when the interpreter was available in the building. I am not aware of whether the Millville Municipal Court has materials or handouts available to court users in Spanish. I am unaware of interpreting services available in Millville other than the in person interpreting two days per month. I was not advised of the availability of Language Line during my time providing assistance to Millville Municipal Court. It was my observation that cases in Millville were scheduled as a result of the last name. Cases involving Spanish names had notes to be scheduled for a Monday when the interpreter was available. It also seemed to me like cases that needed an interpreter and were originally scheduled for virtual court, were then rescheduled for in-person court. The tickets I saw in the bin coming out of court supports this. For example, if I am looking at a traffic ticket and there is only one notice coming from court that means that it was the first time appearing in court, and then I see it has a note for Spanish, a Spanish looking last name, and the date rescheduled is with the interpreter, the only date that the interpreter is there in-person. Based on my observations, it seems like cases are being scheduled for in-person based on their last name. No one outside of Kim communicated this procedure to me. I worked nights when I was there. Most of the time though I did see a sticky note on the case saying it needs a Spanish interpreter.

Judge Witcher has advised me that he wants Millville to mirror Bridgeton's scheduling techniques. Judge Witcher has advised that he has communicated the same to Millville staff. Judge Witcher has stated that he does not agree with all Monday court sessions being only in person and not giving litigants who need interpreting assistance the opportunity to appear virtually. His complaint is that Millville was forcing everyone to be scheduled in person on a Monday and that would include all Spanish speaking litigants. I witnessed this happening to all Spanish speaking litigants. If a Spanish litigant logged in on to virtual court on Wednesday, then the case needs Spanish, it was to in-person, regardless of the charge.

Date: 12/21/22

Marie L. Keith
Marie Keith
Signature

Date:

Amanda A. Batiz
Signature of Person Conducting the Interview
/S/ Amanda Batiz

Date:

Kelly Johnston
Signature of Management Witness
/S/ Kelly Johnston