The New Jersey Courts

A Guide to the Judicial Process



Structure of the New Jersey Courts

Supreme Court



- » The "court of last resort."
- » Reviews lower courts.
- » 7 Justices

Appellate Division of Superior Court



- » Intermediate appeals court.
- » Reviews decisions of the trial, tax and municipal courts.
- » 32 Judges

Tax Court



- » Hears cases involving tax laws.
- » 12 Judges authorized

Superior Court



- » New Jersey's trial courts have approximately 460 judges.
- » Conducts criminal, civil, and family law cases.
- » Reviews decisions of the municipal court.

Municipal Court



- » Hears motor vehicle and minor criminal cases, as well as county and municipal ordinance cases.
- » There are approximately 510 Municipal Court judges.

Welcome to the New Jersey Court System

The Judiciary, or court system, is one of the three branches of state government in New Jersey. The two others are the Executive Branch and the Legislative Branch.

New Jersey's Constitution was written in 1947. Previous New Jersey constitutions were written in 1844 and 1776.

Courts are the most visible part of our legal system. Each year, about seven million new cases are filed in New Jersey's courts. These cases involve everything from education, the environment, wills, crimes, contracts and car accidents to health care, taxes, adoptions, divorces, defective products and our basic rights as Americans, such as the freedom of speech. The decisions that are made in our courts influence our lives in countless ways.

This booklet provides an overview of the court system in New Jersey—what its job is, how it works and how it serves the public and society. Throughout the booklet, some words are *italicized*. Definitions to these and other words are contained in a Glossary of Legal Terms on the back pages of the booklet. Also included are tips on how to find a court *opinion*, or the written explanation of a court's decision in a case, in a law book.

In addition to the material in this booklet, the Judiciary's Internet Homepage contains more detailed information about the New Jersey court system. The Homepage also provides access to court opinions. Our Internet address is:

www.njcourts.gov

Important Principles of the Court System

In every case, New Jersey's courts strive to achieve one thing: justice. To achieve justice, our courts must be independent, open and impartial.

Judicial Independence

Judicial independence permits judges to make decisions that they believe are correct, fair and just even though their decisions may sometimes be unpopular.

Open Proceedings

Not only must the court system work and be fair, but it is important that people see that it works and is fair. When people have confidence in the legal system, they will support it and their respect for the law will grow. For this reason, most court proceedings, including trials, are open to the public.

Equal Treatment

For our courts to be fair, judges must be impartial—that is, they may not favor either side in a case. The goal of our courts is to provide equal treatment to all people, regardless of their wealth, position, race, gender, religion, ethnic background, language, physical abilities, marital status, or affectional or sexual orientation.

Independence, openness and fairness are pillars of our judicial system.

 Most court proceedings are open to the public, and news reporters and photographers often cover trials and other court events.



Types of Courts, Types of Cases

In New Jersey, there are several different kinds of courts. They include the New Jersey Supreme Court; the Superior Court, which includes the Appellate Division; the Tax Court; and the Municipal Courts.

About 7 million cases are filed in New Jersey's courts each year.

Superior Court

Cases involving criminal, civil and family law are heard in what is known as the Superior Court. The Superior Court is sometimes called the *trial court* because it is where trials are conducted. There is a Superior Court in each of New Jersey's 21 counties. There are approximately 460 Superior Court judges in New Jersey.



Criminal Cases

Criminal cases are those in which a *defendant* is accused of a serious crime, such as robbery, theft, drug possession or murder. In a criminal case, a *prosecutor* tries to prove that the defendant committed a crime. The prosecutor is an attorney who represents the State of New Jersey, and the *defense attorney* represents the defendant. The judge oversees the proceedings and ensures that they are conducted according to the law and the rules of court.

Not every criminal case is decided by a trial. The majority of cases are resolved through a *plea bargain*. In a plea bargain, the defendant agrees to *plead* guilty by admitting that he or she committed a crime. In return, the prosecutor asks the judge to impose a sentence that is less severe than if the defendant had gone to trial and been convicted. The judge, however, is not required to agree to the recommendation and may choose to ignore it. A plea bargain ensures that a guilty defendant is punished. Plea bargains can be entered before or even during the trial.

People accused of a crime are entitled to a speedy and public trial by an impartial jury. Most criminal trials are decided by a *jury* consisting of 12 citizens. The jury represents the community in which the crime occurred. The jury's role is to hear the *evidence* presented by the prosecutor and the defense attorney. Evidence is presented to the jury by *witnesses* who *testify*.

After all the evidence has been presented, the jury discusses the case in private. If all the jurors believe the evidence proves the defendant committed the crime, the jury *convicts* the defendant by returning a guilty *verdict*. After a defendant is convicted, the judge imposes a *sentence*, such as a term in prison.

If the jurors do not believe the evidence proves the defendant committed the crime, then the jury *acquits* the defendant by returning a verdict of not guilty. If the jurors are unable to decide between conviction and acquittal, the judge can declare a *mistrial*, and a new trial can be held with different jurors.

Civil Cases

Civil *lawsuits* are cases in which a *plaintiff* claims that he or she has been *injured* by the actions of the defendant. *Injury* is a legal term meaning any harm done to a person's body, property, reputation or rights.

In some civil cases, the plaintiff seeks *damages*, or money, from the defendant as compensation for injuries allegedly caused by the defendant. Examples are cases involving car accidents; age, race or gender discrimination in the workplace; medical malpractice; defective products; differences over the terms of contracts, and disputes between landlords and tenants. Civil juries consist of six jurors.

To convict a criminal defendant, jurors must be convinced of the defendant's guilt beyond a reasonable doubt.

 Civil lawsuits are legal actions people file to be compensated for their injuries or to enforce their legal rights. Not all civil cases, however, involve attempts to receive compensation for injuries. People also file lawsuits to enforce their rights. In New Jersey, these kinds of non-monetary lawsuits are called *General Equity* cases. The General Equity part resolves disputes such as business dissolution issues, trade secrets, restrictive covenants, labor injunctions and mortgage and tax foreclosure actions.

Instead of money, the plaintiff in a General Equity case may ask the court to order the defendant to do something: remove a feeding tube, for instance, or end a strike and return to work. General Equity cases are decided by judges instead of juries.

As in criminal cases, the parties in civil cases often agree to *settle* their disputes without a trial. Settlements may occur before a trial starts or even during a trial. A settlement allows each side to resolve the dispute satisfactorily rather than risk losing at a trial.

Family Cases

Family cases are civil cases in which the disputes involve children, spouses or domestic partners. Examples of family cases are those involving divorce, adoption, juvenile delinquency, child abuse, child support, and domestic violence. Most cases in the Family Court are decided by a judge instead of a jury.

To protect the privacy of children, judges are permitted to close some types of Family Court cases to the public.

Pro se is a Latin term that means "in one's own behalf." Someone who represents oneself in a legal matter is called a pro se litioant.

Pro-bono is a Latin term that means "for the public good." Lawyers who perform probono legal work do so for free.

 Cases involving children are often closed to the public to protect the children's privacy.

Tax Court



There are no juries in Tax Court cases.

Appellate review is the process by which an

appeals court examines the decision of a lower court to determine if the decision was correct under the law.

Tax Court judges review the decisions of county boards of taxation, which determine how much a property should be taxed. Tax Court judges also review the decisions of the State Division of Taxation on such matters as the state income tax, sales tax and business tax. There are twelve Tax Court judges.

Appeals Courts

When people do not agree with the outcome of their cases in the trial court or Tax Court, they may *appeal* their case to a higher court. These higher courts are called *appellate* courts.

Appellate courts review the decisions of lower courts to determine whether those decisions were correct under the law. In reviewing lower-court decisions, appellate courts, like the trial courts, interpret the New Jersey and United States constitutions. They also take appeals from state agencies and interpret *statutes*, or laws enacted by the State Legislature.

Appellate review helps to ensure that our courts and laws are fair. It is one of the hallmarks of America's legal system.

There are two appellate courts in New Jersey: the Appellate Division of Superior Court and the New Jersey Supreme Court.

Appellate Division of Superior Court

In the Appellate Division, cases are reviewed and decided by panels of two or three judges. There are no juries or witnesses in Appellate Division cases, and no new evidence is considered. Instead, lawyers make their legal arguments to the judges. In reviewing a case, Appellate Division judges ask hard but important questions: Did the evidence support the jury's verdict? Were the attorneys competent? Was the judge fair and impartial? Did the judge properly explain the law to the jurors?

Judges are assigned to one of eight appellate parts.

New Jersey Supreme Court

The Supreme Court is New Jersey's court of last resort. Its seven members are appointed initially to a seven-year term, and, upon reappointment, serve until age 70. The Supreme Court's authority extends to the rules of practice and the admission and discipline of attorneys and judges. The Supreme Court may hear appeals to Appellate Division decisions and rule in cases involving Constitutional questions or the death penalty. On rare occasions, the Supreme Court may decide a case which has not been heard in the lower courts.

The Supreme Court, like the Appellate Division, often must interpret laws that are unclear or that conflict with other laws. For example, when does one person's right to protest interfere with the privacy rights of the person who is the target of the protest? When may the police search someone's home or car? What did the Legislature intend when it enacted a particular law?

In the Supreme Court, cases are decided by a *Chief Justice* and six *Associate Justices*. As in the Appellate Division, there are no juries or witnesses, and no new evidence is considered. Instead, the Supreme Court examines whether the proceedings and outcomes in the lower courts were fair, unbiased and conducted in accordance with the law, and whether the outcomes were correct under the law



- There are seven Justices on the New Jersey Supreme Court. There are nine on the United States Supreme Court.
- The New Jersey Supreme Court often must interpret laws that are unclear or that conflict with other laws.

Municipal Courts



 Most Municipal Court cases involve parking and traffic matters.

Municipal Court decisions can be appealed to the Superior Court. By far, most of the cases filed in New Jersey's courts are heard in the municipal courts. In fact, more than six million of the seven million cases filed in New Jersey's courts each year are filed in the Municipal Courts.

The municipal courts hear a great variety of cases, including cases involving motor-vehicles offenses, such as illegal parking, speeding and driving while intoxicated.

Municipal courts also hear cases involving minor criminal offenses such as simple assault, trespassing and shoplifting. In New Jersey, these minor crimes are known as *disorderly persons offenses*. Cases involving hunting, fishing and boating laws and even minor disputes between neighbors are also heard in municipal courts.

Municipal courts are operated by the city, township or borough in which the courts are located. There are approximately 510 municipal courts in the state.



Judges

Supreme Court Justices, Superior Court Judges and Tax Court Judges

The New Jersey Constitution determines how people become Supreme Court justices or Superior Court or Tax Court judges. Under this process, the Governor nominates a person to be a justice or a judge. The Governor submits the nomination to the state Senate, which then votes whether to confirm the nominee for the position. If confirmed by the Senate, the nominee is sworn in for an initial term of seven years.

In New Jersey, judges and Supreme Court justices are nominated by the Governor and confirmed by the State Senate.

Reappointment and Tenure

After seven years, justices and judges can be reappointed. Again, the Governor submits a nomination to the state Senate, which votes whether to confirm the nominee for reappointment.

Judges and Supreme Court justices in New Jersey must retire when they reach age 70.

Justices and judges who are reappointed have tenure, which allows them to remain in their posts until they reach the age of 70, when the New Jersey Constitution requires that they retire. The appointment process and tenure strengthen judicial independence.

Judges and justices must follow a strict Code of Judicial Conduct to ensure that they will render fair and impartial decisions.

Municipal Court Judges

Municipal Court judges are appointed by the town's governing body. Terms are for three years. Municipal Court judges may be reappointed, but there is no tenure.

Jury Duty

Each year, thousands of citizens in New Jersey serve as jurors in Superior Court. Jury service is a civic duty in our democracy. When jurors decide a case, they represent the community as a whole. By serving as jurors, people help to ensure that our system of justice is fair.

Petit Jury, Grand Jury

There are two types of juries: *petit juries* and *grand juries*. Most jurors serve on *petit juries*. Petit means small. A petit jury decides the outcome of both criminal trials and civil trials in which monetary damages are sought. In New Jersey, juries in criminal trials consist of 12 jurors, and juries in civil trials consist of six jurors.

People also are summoned to serve on grand juries. A grand jury decides whether there is enough evidence for a person to be brought to trial for a crime. Most criminal cases begin with a decision by a grand jury to indict a defendant. An *indictment* is an official, written accusation charging someone with a crime. An indictment is not proof of a crime.

Grand juries consist of 23 people who typically meet once a week for 16 weeks. Grand juries are operated by prosecutors, who decide what evidence to present to the grand jury. Unlike criminal or civil trials, grand jury proceedings are not open to the public.

 Juries in criminal cases consist of 12 jurors. Juries in civil cases consist of six jurors.

A grand jury meets in secret to decide if there is enough evidence to bring a person to trial for a crime.

How Are Jurors Chosen?

Jurors, whether petit or grand, are chosen at random from among a county's registered voters and licensed drivers, as well as from among those residents who file state income tax returns and homestead rebate applications.

In order to serve as a juror in New Jersey, a person must meet certain qualifications. A juror must be a U.S. citizen and a resident of the county in which he or she is summoned, must be at least 18 years old, must not have been convicted of an indictable offense, must be mentally and physically able to properly perform the functions of a juror, and must be able to read and understand the English language. State statutes provide that jurors be paid \$5 a day for their first three days of juror service and that petit jurors who serve more than three days receive \$40 for each day of service beyond three days. A statute also provides that full-time employees of "...any agency, independent authority, instrumentality of the state or of any political subdivision of the State..." receive their usual salary and not be paid any juror fees. In addition, all jurors are protected by statute from any retaliatory actions taken by their employer which relate to their juror service, with both criminal and civil sanctions included in the statute.

Our system of justice relies on the diligence and dedication that ordinary people bring to jury duty.

Courts often provide language interpreters for witnesses who don't speak English or sign-language interpreters for witnesses or jurors who are hearing impaired.

Probation

Probation is a sentence that judges can impose on people convicted of crimes. Probation is typically given to first-time offenders who are convicted of non-violent crimes. Probation allows an offender to serve his or her sentence in the community under the supervision of a probation officer. Probation officers work for the Judiciary.

A sentence of probation may require an offender to serve up to 364 days in the county jail, to pay fines, to pay restitution to the victims of his or her crime, to seek counseling for substance abuse or for mental health or family problems, or to perform community-service work, such as cleaning litter from a park or highway or removing graffiti from a building.

People on probation remain under the authority of the court. Offenders who violate the conditions of their probation may be returned to court and re-sentenced to prison. Probation is different from parole. In parole, offenders are supervised by parole officers upon their release from prison.

The probation division also is responsible for collecting and distributing some \$800 million in child support to help 200,000 dependent children each year.

The goal of probation is to help a criminal offender return to a law-abiding life.

 People who violate the terms of their probation can be re-sentenced, this time to jail or prison.

How Cases Are Named

Every court case has a name or caption. In most case captions, the plaintiff's name comes first, followed by the abbreviation *v.* for "*versus*," followed by the defendant's name. A civil case in which Jane Smith is suing John Jones, then, would be called *Jane Smith v. John Jones*, or simply *Smith v. Jones*.

In criminal cases in New Jersey, the plaintiff is always the State of New Jersey because in the eyes of the law, a crime is committed not just against the victim but against society as a whole. A criminal case against Michael Jones would be called *State v. Jones*.

Not every case name, however, includes the names of both the plaintiff and the defendant. In some civil cases, the caption very briefly describes the case by referring to the subject of the dispute. Examples are *Matter of Baby M* and *In Re Quinlan*.

How to Find a Case in a Law Book

The written, published opinions of courts are contained in law books. These published opinions constitute what is known as *case law*. Finding a court opinion in a law book is easy.

The published opinions of New Jersey's courts are contained in three different sets of books. The opinions of the New Jersey Supreme Court are contained in a collection of tan, hardcover books called *New Jersey Reports*. Significant opinions of the Superior Court, at both the appellate and trial levels are contained in a set of green, hardcover books called *New Jersey Superior Court Reports*. And the opinions of the Tax Court are contained in blue hardcover books called *New Jersey Tax Court Reports*.

The plaintiff in a criminal case in New Jersey is always the State.

The books in which court opinions are contained are called Reports. The opinions in these books are identified by their case *citations*. A case citation begins with the name of the case. Next comes the volume number of the book in which the opinion can be found, followed by the abbreviated name of the book, followed by the page number. Last, in parentheses, is the year of the decision. A citation of *State v. Ramseur*, 106 *N.J.* 123 (1987), means that the opinion is in volume 106 of *New Jersey Reports*, on page 123, and that the case was decided in 1987.

- In deciding cases, judges look to previous cases for guidance. Consistency and predictability are important features of the law.
- More information about the New Jersey court system as well as access to court opinions is available on the Judiciary's Internet Homepage, at: njcourts.gov

A citation of *State v. Parks*, 288 *N.J.* Super. 407 (1996), means that the opinion is in volume 288 of *New Jersey Superior Court Reports*, on page 407, and that it was decided in 1996. And a citation of *National Paving Co. v. Director of the Division of Taxation*, *3 N.J. Tax* 133 (1981), means that the opinion can be found in volume 3 of the *New Jersey Tax Court Reports*, on page 133, and that it was decided in 1981.

Law books are available in the libraries of each of the county courthouses listed in the back of this booklet.

See if you can find the following cases:

State v. Ramseur, 106 N.J. 123 (1987) In Re Quinlan, 70 N.J. 10 (1976) State v. Parks, 288 N.J. Super. 407 (1996) Pepe v. Pepe, 258 N.J. Super. 157 (1992)



County Map of New Jersey

There is a Superior Court in each of New Jersey's 21 counties. The Superior Courts are grouped into 15 court districts called vicinages. Vicinage comes from the Latin word *vicinus*, and means vicinity, neighborhood or district. Here's a list of New Jersey's Superior Court vicinages:

Vicinage 1

Atlantic County Cape May County

Vicinage 2 Bergen County

Vicinage 3

Burlington County

Vicinage 4
Camden County

Vicinage 5

Essex County

Vicinage 6

Hudson County

Vicinage 7

Mercer County

Vicinage 8

Middlesex County

Vicinage 9

Monmouth County

Vicinage 10

Morris County Sussex County

Vicinage 11

Passaic County

Vicinage 12

Union County

Vicinage 13

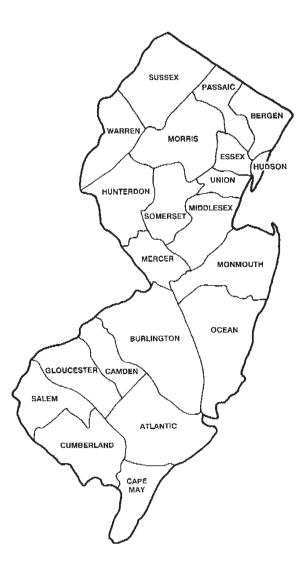
Somerset County Hunterdon County Warren County

Vicinage 14

Ocean County

Vicinage 15

Cumberland County Gloucester County Salem County



GLOSSARY OF LEGAL TERMS

Acquittal A verdict in a criminal trial in which the defendant is found not guilty of the charge.

Appeal A legal action in which a litigant asks a higher court to review and reverse a lower court's decision.

Appellant The litigant who brings the appeal.

Associate Justice A Justice of the Supreme Court, excluding the Chief Justice.

Bail A thing of value -- for example, money or the deed to a house -- given to the court to ensure a defendant's appearance in court. If the defendant appears at all court proceedings as required, the bail is returned at the end of the case. If the defendant fails to appear as required, the bail may be kept by the court.

Bench The place where the judge sits. It also is another word for the court itself.

Bench trial A trial decided by a judge instead of a jury.

Burden of proof The duty of a litigant to prove or disprove an allegation in court.

Case law The body of law created by judges' written opinions.

Chief Justice The presiding Justice of the Supreme Court.

Conviction A verdict in a criminal trial in which the defendant is found guilty of the charge.

Damages Money awarded to a plaintiff in a

civil case. Damages are assessed against the defendant who is found by the jury or judge to have been responsible for the plaintiff's injuries. See *Injury*.

Defense Attorney The lawyer who represents the defendant in any legal proceeding.

Disorderly persons offense A minor criminal offense heard in a Municipal Court.

Docket A list of cases on a court's calendar or schedule.

Evidence The information used in court to prove or disprove an allegation.

Grand Jury Twenty-three people empaneled to hear evidence presented by a prosecutor to determine if there is enough evidence to bring a person to trial for a crime.

Hearing A court proceeding in which evidence is presented to determine facts that are in dispute.

Hung jury A jury that is deadlocked and cannot agree on a verdict.

Indictment A formal, written accusation issued by a grand jury charging someone with a crime. An indictment is not proof of a crime.

Injury Any legal harm, wrong or damage done to a person's body, property, rights or reputation, that the law recognizes as deserving of redress.

Jury See Grand jury, Petit jury.

Jury charge The judge's address to the jury after all testimony has been heard in a trial. The charge explains the law that the jury is to apply in deciding on a verdict.

Lawsuit A civil action brought in court in which a plaintiff seeks a remedy provided by the law, such as damages.

Litigant Someone who is a party to litigation. The litigant can be the side bringing the lawsuit or the side being sued.

Litigation A legal dispute between parties argued in a court.

Mistrial A trial that is terminated by the judge before a verdict is returned. For example, a judge might declare a mistrial if the jury cannot reach a decision.

Opinion The written explanation of a court's decision in a matter

Petit Jury A group of citizens summoned to and sworn by the court to hear evidence and render a verdict in a trial.

Plaintiff The party who has initiated the litigation.

Plea bargain An agreement between a criminal defendant and a prosecutor in which the defendant admits having committed a crime. In return, the prosecutor asks the judge to impose a less severe sentence than had the defendant been convicted at a trial. The judge is not bound by the terms of a plea bargain. A plea bargain ensures that a guilty defendant is punished.

Prosecutor The lawyer who represents the State in a criminal case.

Sentence The punishment a judge imposes on a person convicted of a crime.

Settlement An agreement between the plaintiff and defendant in a civil case to resolve the dispute without a trial.

Statutory law Laws, or statutes, enacted by legislatures, such as the New Jersey State Legislature or the United States Congress.

Subpoena An official notice requiring someone's appearance in court.

Testify The act by which a witness offers testimony in court.

Testimony Statements made by witnesses in court.

Verdict The decision of the jury in a jury trial, or of the judge in a bench trial.

Vicinage In New Jersey, the districts into which the Superior Courts are grouped. There are 15 Superior Court vicinages.

Witness Someone who offers evidence in court.

County Courthouse Addresses and Telephone Numbers

Atlantic County Civil Court Building

1201 Bacharach Blvd. Atlantic City, NJ 08401 609-402-0100

Atlantic County Criminal Courthouse

5909 Main St. Mays Landing, NJ 08330 609-402-0100

Bergen County Justice Center

10 Main St. Hackensack, NJ 07601 201-221-0700

Burlington County Courts Facility

49 Rancocas Road Mount Holly, NJ 08060 609-288-9500

Camden County Hall of Justice

101 S. Fifth St. Camden, NJ 08103 856-379-2200

Cape May County Courthouse

9 N. Main St. Cape May Court House, NJ 08210 609-402-0100

Cumberland County Courthouse

Broad and Fayette Sts. Bridgeton, NJ 08302 856-878-5050

Essex County Veterans Courthouse

50 W. Market St. Newark, NJ 07102 973-776-9700

Gloucester County Courthouse

1 N. Broad St. Woodbury, NJ 08096 856-878-5050

Hudson County Administration Building

595 Newark Ave. Jersey City, NJ 07306 201-748-4400

Hudson County (William Brennan) Courthouse

583 Newark Ave. Jersey City, NJ 07306 201-748-4400

Hunterdon County Courthouse

65 Park Ave. Flemington, NJ 08822 908-332-7700

Mercer County Civil Courthouse

175 S. Broad St. Trenton, NJ 08650 609-571-4200

Mercer County Criminal Courthouse

400 S. Warren St. Trenton, NJ 08608 609-571-4200

Middlesex County Courthouse

56 Paterson St. New Brunswick, NJ 08903 732-645-4300

Monmouth County Courthouse

71 Monument Park Freehold, NJ 07728 732-358-8700

Morris County Courthouse

Washington and Court Sts. Morristown, NJ 07963 862-397-5700

Ocean County Courthouse

188 Washington St. Toms River, NJ 08754 732-504-0700

Passaic County Courthouse

77 Hamilton St. Paterson, NJ 07505 973-653-2910

Salem County Courthouse

92 Market St. Salem, NJ 08079 856-878-5050

Somerset County Courthouse

N. Bridge Street Somerville, NJ 08876 908-332-7700

Sussex County Judicial Center

43-47 High St. Newton, NJ 07860 862-397-5700

Union County Courthouse

2 Broad St. Elizabeth, NJ 07207 908-787-1650

Warren County Courthouse

413 Second Ave. Belvidere, NJ 07823 908-332-7700



STUART RABNER

CHIEF JUSTICE

MICHAEL J. BLEE, J.A.D.

ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS

PETER McALEER

DIRECTOR, OFFICE OF COMMUNICATIONS AND COMMUNITY RELATIONS

For more information, contact the courthouse listed in this booklet or call the Office of Communications and Community Relations at 609-815-2910.

www.njcourts.gov

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