

## **SUPREME COURT OF NEW JERSEY**

It is ORDERED that the attached amendments to the following listed Rules Governing the Courts of the State of New Jersey are adopted to be effective immediately:

Rule 1:34-3 (new)

Rule 1:41-1

Rule 1:41-3 (new)

Rule 1:41-4 (renumbered)

Rule 1:41-5 (renumbered)

Rule 1:41-6 (new)

Rule 1:41-7 (renumbered)

Rule 1:41-8 (renumbered)

For the Court,

/s/ Stuart Rabner

Chief Justice

Dated: September 13, 2011

1:34-3. Hiring Process for Municipal Court Directors, Municipal Court Administrators and Deputy Municipal Court Administrators

(a) Open Recruitment by Municipality; Screening Resumes. A municipality, as the hiring authority, shall fill vacancies for the positions of municipal court director, municipal court administrator, and deputy municipal court administrator through an open recruitment process with broad outreach and shall screen the resumes received to determine which candidates meet the minimum qualifications of the positions.

(b) Assignment Judge Review of Resumes. The Assignment Judge of the vicinage shall have the discretion to review the resumes of the candidates that meet the minimum qualifications for the positions of municipal court director, municipal court administrator, and deputy municipal court administrator.

(c) Interview Panel. The qualified candidates for the position of municipal court director, municipal court administrator, and deputy municipal court administrator shall be interviewed by a panel comprised of the municipal court judge, or, if there is more than one judge, the chief municipal court judge, or designee; the vicinage municipal division manager or designee; a municipal court administrator selected by the vicinage (when hiring a municipal court administrator or a deputy municipal court administrator), and two representatives of the municipality, who are not members of the local police department.

(d) Assignment Judge Interview; Assignment Judge Approval of Selected Candidate. The Assignment Judge of the vicinage shall have the discretion to

interview the final candidate selected for the position of municipal court director, municipal court administrator, or deputy municipal court administrator and has the authority to approve or to reject that selected candidate.

Note: Source – R.R. 1:29-2. Cf. N.J.S. 2A:68-1, as amended. Deleted July 12, 2002 to be effective September 3, 2002. New Rule adopted September 13, 2011 to be effective immediately.

1:41-1. Municipal Court Administrator Certification Board

(a) Appointment. The Supreme Court, consistent with N.J.S.A. 2B:12-11, shall appoint a Municipal Court Administrator Certification Board (Board) consisting of ten [nine] members.

(b) Ex Officio Members. Ex officio members of the Board shall include a member of the Conference of Assignment Judges, the Chair of the Conference of Presiding Judges-Municipal Courts, the Chair of the Conference of Municipal Division Managers, and the President of the New Jersey Association of Municipal Court Administrators. The member representing the Conference of Assignment Judges shall be designated by the Chief Justice and shall serve a two-year term. [All] The remaining ex officio members shall serve during the term of their office[.]; however, each [An ex officio member] may select, with the consent of the Chair, a designee to serve in their place on the Board.

(c) ... no change

(d) ... no change

(e) ... no change

(f) ... no change

(g) ... no change

Note: Adopted June 15, 2007 to be effective September 1, 2007; paragraphs (a) and (b) amended September 13, 2011 to be effective immediately.

1:41-3. Accreditation of Non-Certified Municipal Court Directors, Municipal Court Administrators, and Deputy Municipal Court Administrators

(a) Accreditation; Conditional Accreditation. All non-certified municipal court directors, municipal court administrators, and deputy municipal court administrators must be either conditionally accredited or accredited by the Board.

(b) Completion of Education Requirements as Precondition to Conditional Accreditation and Accreditation. Non-certified municipal court directors, municipal court administrators, and deputy municipal court administrators shall be conditionally accredited or accredited after successfully completing the education requirements as established by the Supreme Court and the Board.

(c) Time Requirements for Obtaining Conditional Accreditation and Accreditation for Current Employees. All current non-certified municipal court directors, municipal court administrators, and deputy municipal court administrators shall obtain conditional accreditation by March 13, 2012, six months after the effective date of this rule. All non-certified municipal court directors, municipal court administrators, and deputy municipal court administrators shall obtain full accreditation by September 13, 2014, three years after the effective date of this rule.

(d) Time Requirements for Obtaining Conditional Accreditation and Accreditation for Newly Appointed Employees. All newly appointed non-certified municipal court directors, municipal court administrators, and deputy municipal court administrators shall obtain conditional accreditation within six months of the

date of appointment. All newly appointed non-certified municipal court directors, municipal court administrators, and deputy municipal court administrators shall obtain full accreditation within three years of the date of appointment.

(e) Consequences of Failure to Meet Time Requirements for Obtaining Certification, Conditional Accreditation, or Accreditation. A non-certified municipal court director, municipal court administrator, or deputy municipal court administrator, who fails to obtain certification, conditional accreditation, or accreditation, within the time frames provided by this rule and the Board's regulations, will be ineligible to remain in that title. The Board may grant an extension of time upon a showing of good cause.

(f) Performance of Quasi-Judicial Duties. Only certified, conditionally accredited, or accredited municipal court administrators or deputy municipal court administrators may perform quasi-judicial duties in a court, if so authorized by the municipal court judge.

(g) Performance of Managerial Duties - Generally. Only certified, conditionally accredited, or accredited municipal court directors, municipal court administrators, and deputy municipal court administrators may perform managerial duties in a court, except as provided in R. 1:41-3(h).

(h) Performance of Managerial Duties by New Appointees. Newly appointed municipal court directors, municipal court administrators, and deputy municipal court administrators may perform managerial duties in a court without being certified, conditionally accredited or accredited, provided that they satisfy

the conditional accreditation or accreditation education requirements within the time frames set forth under R. 1:41-3(c) and (d).

Note: New R. 1:41-3 adopted (and former R. 1:41-3 redesignated as R. 1:41-4) September 13, 2011 to be effective immediately.

1:41-4 [1:41-3]. Revocation or Suspension of Certification or Accreditation

(a) Grounds for Revocation or Suspension. Certification, conditional accreditation, or accreditation may be revoked or suspended by the Board for a conviction of a crime or disorderly or petty disorderly persons offense, for a violation of the “Code of Conduct for Judiciary Employees,” or for dishonest practices, including conduct unbecoming a public employee or failure to perform, or neglect of, the employee’s duties [duties of a municipal court administrator].

(b) Assignment Judge’s Power to Suspend. Pending action by the Board pursuant to R. 1:41-4(a), the Assignment Judge of the vicinage may immediately temporarily suspend certification, conditional accreditation, or accreditation where the employee has been charged with or there are credible allegations that he or she has committed a serious offense or has engaged in serious misconduct. The Assignment Judge shall have the authority to prohibit the suspended employee from working in the court in any capacity during the period of suspension.

(c) [(b)] Investigatory Powers of the Board. In the conduct of investigations and hearing proceedings, the Board may: (1) examine relevant books and records, and (2) take depositions of necessary witnesses. The Board also may request that the Assignment Judge of the involved [relevant] vicinage issue subpoenas for the attendance of witnesses and for the production of papers, books, accounts, documents and testimony, or any other relevant records or material.

(d) [(c)] Cooperation. Certified, conditionally accredited, or accredited municipal court employees [municipal court administrators], attorneys, judges, and



other employees of the judicial system of this State shall [should] cooperate with and give reasonable assistance and information to the Board in connection with any investigations or proceedings conducted by or on behalf of the Board.

(e) [(d)] Notice and Opportunity to Reply; Hearings. Upon [On] completion of an investigation, if there is cause to proceed, the Board shall notify the municipal court employee [Certified Municipal Court Administrator] under investigation (respondent) in writing of the substance of the allegation(s) [matter] and shall afford respondent an opportunity to reply in writing within a specified time. In all cases that may result in suspension or revocation of certification, conditional accreditation, or accreditation, the Board shall conduct hearings pursuant to the Program's regulations. All testimony shall be given under oath. The Rules of Evidence shall not apply.

(f) [(e)] Prior Determination. Whenever a certified, conditionally accredited or accredited municipal court employee [municipal court administrator] has been found guilty of an offense or infraction related to misconduct as defined in R. 1:41-4(a) [dishonest practices, including conduct unbecoming a public employee or failure to perform, or neglect of, duties of a certified municipal court administrator], a copy of the judgment of conviction, decision, opinion, or order in that matter shall be conclusive evidence of the facts established therein. In a hearing conducted by the Board in such situation, the sole issue to be determined by the Board shall be the extent of the sanction(s) to be imposed by the Board. Respondent may introduce relevant evidence in mitigation that is not inconsistent with the essential facts established in the judgment of conviction, decision, opinion, or order.

(g) [(f)] Burden of Proof. ... no change to text

(h) [(g)] Final Decision. ... no change to text

(i) [(h)] Effect of Revocation and Suspension. Upon [on] revocation or during any period of suspension, respondent shall not hold himself or herself before the public and the courts of this State as being certified, conditionally accredited or accredited. Nor [nor] shall a certified municipal court administrator whose certification has been revoked or suspended use the title C.M.C.A. in any official or unofficial capacity. No employee whose certification, conditional accreditation, or accreditation has been revoked or suspended shall serve in the title of municipal court director, municipal court administrator, or deputy municipal court administrator after revocation or during the suspension. [No person whose certification has been revoked pursuant to this Rule may be subsequently certified, unless permitted by this Rule and regulations of the Board.]

(j) [(i)] Notification of Revocation or Suspension. ... no change to text

Note: Adopted as R. 1:41-3 June 15, 2007 to be effective September 1, 2007; renumbered as R. 1:41-4, caption amended, paragraph (a) amended, new paragraph (b) adopted, former paragraphs (b), (c), (d), (e), and (h) amended and redesignated as (c), (d), (e), (f), and (i), and former paragraphs (f), (g) and (i) redesignated as (g), (h) and (j) September 13, 2011 to be effective immediately.

1:41-5 [1:41-4]. Review of Action of Board.

... no change to text.

Note: Adopted as R. 1:41-4 June 15, 2007 to be effective September 1, 2007;  
renumbered as R. 1:41-5 September 13, 2011 to be effective immediately.

1:41-5 [1:41-4]. Review of Action of Board.

... no change to text.

Note: Adopted as R. 1:41-4 June 15, 2007 to be effective September 1, 2007;  
renumbered as R. 1:41-5 September 13, 2011 to be effective immediately.

1:41-6. Stay Following Final Determination of the Board

The Board may stay its revocation or suspension of certification, conditional accreditation, or accreditation on appropriate terms if respondent files a notice of petition for review to the Supreme Court. If the Board denies respondent's request for a stay, it shall state its reasons for such denial and the application may be renewed before the Supreme Court, if the Court grants the petition for review.

Note: New R. 1:41-6 adopted (and former R. 1:41-6 redesignated as R. 1:41-8) September 13, 2011 to be effective immediately.

1:41-7 [1:41-5]. Confidentiality

... no change to text

Note: Adopted as R. 1:41-5 June 15, 2007 to be effective September 1, 2007;  
renumbered as R. 1:41-7 September 13, 2011 to be effective immediately.

1:41-8 [1:41-6]. Immunity

... no change to text

Note: Adopted as R. 1:41-6 June 15, 2007 to be effective September 1, 2007;  
renumbered as R. 1:41-8 September 13, 2011 to be effective immediately.