

News Release



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Remarks of Glenn A. Grant, Administrative Director of the Courts, Before the Senate Budget and Appropriations Committee

Good afternoon, Chairman Sarlo and members of the Senate Budget & Appropriations Committee.

On behalf of Chief Justice Stuart Rabner and the justices of the Supreme Court, and on behalf of our judges and staff, it is my privilege to speak to you once again regarding Judiciary operations and the proposed budget for the upcoming fiscal year.

With me today are Assignment Judges Jeanne Covert, Robert Lougy, Benjamin Telsey, Michael Toto, and Sheila Venable, all of whom are members of the Judiciary's Budget and Planning Committee, as well as Todd McManus, our Chief Financial Officer, and Jack McCarthy, our Chief Information Officer.

The main message is the same as it has been for several years now.

For the past three years, the court system has operated with an average of more than 50 vacancies. A year ago, we warned of the need to reduce that number to a manageable level of between 25 and 30.

We are no longer headed toward a crisis. We are in the middle of one. This past February, Chief Justice Rabner took the unprecedented step of shutting down civil and matrimonial trials, except under very limited circumstances, in two of our court vicinages: Vicinage 13, which is comprised of Hunterdon, Somerset, and Warren counties; and Vicinage 15, comprised of Cumberland, Gloucester, and Salem counties.

We in the Judiciary are mindful of the special role we play in society. That role is to provide a neutral forum for citizens and businesses of this state to resolve their disputes, protect victims and children from real harm, protect the rights and liberties and ensure equal justice for all. The continuing judge vacancy predicament threatens our ability to fully and timely perform that role. This crisis has required that we prioritize certain emergency and constitutional liberty matters over other cases.

As of today, our courts are operating with 58 judicial vacancies, while confronting a massive backlog of cases created by the combined effects of years of high vacancy numbers and the Covid-19 pandemic. And while new judges are being nominated and confirmed, another 22 judges are expected to retire between now and the end of the calendar year. Merely keeping pace with retirements does not help us dig out of the hole.

As the Chief Justice noted in his February statement, without additional relief, without more judges, we may well be faced with similar needs to suspend civil and matrimonial trials in other vicinages.

In Bergen County, for example, four judges were recently added but we still have seven existing vacancies and seven more judges who will be retiring between now and August 5.

In Passaic, the present six vacancies will increase to eight by the end of the year.

Throughout the state, the continued high number of vacancies causes real harm to the individuals seeking to address their matters with the courts.

Victims seeking financial compensation are left in limbo.

Married couples with children who are seeking to work out divorce agreements have their lives put on hold.

Businesses are unable to settle contract disputes.

And our civil, general equity, family, and criminal divisions continue to face historic backlogs.

As the attorneys on this committee know, nothing makes the court docket move like the prospect of a judge saying, "You may call your first witness." We saw this clearly during the height of the Covid-19 pandemic. When there is no ability to set realistic trial dates, there is little incentive for parties to resolve their case.

Some cases filed three to four years ago are still awaiting trial dates.

While the situation is dire, I would be remiss if I did not acknowledge the incredible efforts of our judges and administrative staff to perform their duties and responsibilities despite the judicial and staffing vacancies. Through their efforts we have been able to keep the proverbial ship of justice afloat. However, if we are to confront the challenges before us and provide the public with the level of service they are entitled to receive, we need more judges hearing cases.

The impact of the pandemic and judge vacancies has particular implications for the criminal division. Criminal trials were severely hampered by the public health emergency, and as a result we are confronted with a significant increase in both the number of detained defendant trials and the number of defendants on pretrial release. We have witnessed more than a 50% increase in the number of people on pretrial release over the past three years -- from 30,000 to 46,000 -- because of the delays in trials. The Judiciary is seeking to increase the funding for our pretrial

staff from \$24 million to \$30 million so that we can properly monitor these defendants on pretrial release.

Additionally, the past year has seen a great deal of focus nationally, and in New Jersey, on amending Criminal Justice Reform (or “CJR”) in our state. Since it began in 2017, Criminal Justice Reform (CJR) has served as an example for other states of what can be accomplished when all three branches of government, and both sides of the political aisle, work in collaboration to create a better and fairer system of justice. The initiative has proven that you can detain high risk individuals while allowing low risk individuals to be released without negatively impacting their lives or compromising public safety.

In New Jersey, a broad group of stakeholders came together to create a risk-based system of pretrial release that provided for the pretrial detention of individuals who pose a substantial risk of danger or flight without having to rely on cash bail.

Throughout its existence, CJR has met its intended goals while proving adaptable to data-driven change.

With that in mind, Chief Justice Rabner earlier this year convened a committee made up of stakeholders from all parts of the justice system to examine the Criminal Justice Reform Act and the data from its five years of existence. In the near the future, the committee will produce a report that analyzes CJR data so that we can make recommendations to the Legislative and Executive branches on any areas of the law that might be in need of adjustment based on the five years of experience.

The Judiciary strongly believes that any changes to the statute should be driven by data and rooted in the core principles of CJR, which was created to confront centuries-old inequities in the prior system, and to help protect the safety of the public by taking the most dangerous individuals off the streets. The demonstrated success of the program has proven these are not mutually exclusive goals, and they both can and must remain at the core of CJR.

The Judiciary is also seeking funding to expand our capacity to provide court notices in different languages. As the Committee is aware, New Jersey is one of the most diverse states in the nation. We need to update our technology and interfaces with both Superior Court and the Municipal Courts to allow us to provide notices/mailings in the multiple languages spoken in our courts as well provide language access resources throughout the course of a case. We anticipate these additional costs to be \$6-7 million per year.

I want to close by talking about a few Judiciary programs that reflect the broad-based collaboration with the other two branches of government and the communities of this state.

The first program, founded by Chief Justice Rabner in 2019, works to improve the ways in which our justice system responds to individuals with mental health issues who come in contact with our courts.

In coordination with the leadership of Commissioner Sarah Adelman of the Department of Human Services, four pilot project sites were established for a mental health collaborative that involves the courts, prosecutors, public defenders, community-based services, and behavioral health providers. The program quickly identifies those defendants released pretrial who have mental health issues and assists them in gaining access to community-based services, mental health evaluations, and mental health treatment. Participants also have opportunities for admission into a diversion program.

Another Chief Justice Rabner initiative, the JOBS program, or Judiciary Opportunities for Building Success, which started in 2019, operates on the principle that stable, quality employment offers the best chance for individuals to turn their lives around. The JOBS program reflects another partnership with the executive branch and others, led by Department of Labor and Workforce Development Commissioner Robert Asaro-Angelo, all of the state's colleges and universities, job training providers, and both private and public employers. We are grateful to those employers who have participated, and we continue to welcome companies interested in participating in this society-changing initiative.

Lastly, the Judiciary's Reduction of Gun Violence Initiative, which started in 2021, seeks to confront the spread of gun violence in our communities. The Chief Justice believes that addressing the surge of gun violence in our communities must be multi-faceted and not simply rely on law enforcement. Many of these community-based providers have been provided funding as part of the Attorney General's Community Based Violence Intervention Program.

An advisory board in each participating county that includes legislators and other community leaders recommends resources and services for individuals placed on probation for gun-related offenses. Those services become part of the individual's probation case plan, which is then reviewed periodically by a judge.

Hundreds of individuals, both adults and juveniles, across seven different counties (Passaic, Mercer, Essex, Union, Atlantic, Hudson, and Burlington) have participated in the program to gain education, substance abuse treatment, job certifications, and employment.

All three programs that I mentioned confront some of the more intractable problems facing not only our court system but all of society. These programs exist because of the collaboration and cooperation of all three branches of government as well as many other individuals and organizations who seek to improve our system of justice.

In sum, we seek two additional asks or changes to our budget: (1) an increase in the funding for Pretrial Services from \$24 million to \$30 million; (2) an additional \$6 to \$7 million appropriation to allow us to further improve our technology to allow for more expansive court notices in different languages. We are also asking for a \$25 million appropriation, not to the Judiciary but to the Department of Human Services, for its Division on Mental Health and Addiction Services to fund needed services for pretrial defendants through community providers.

I thank all of you for the opportunity to testify today.

As always, I would be happy to field any questions you may have.

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