



Judiciary Strategic Plan for COVID Backlog Reduction

March 2024

Introduction

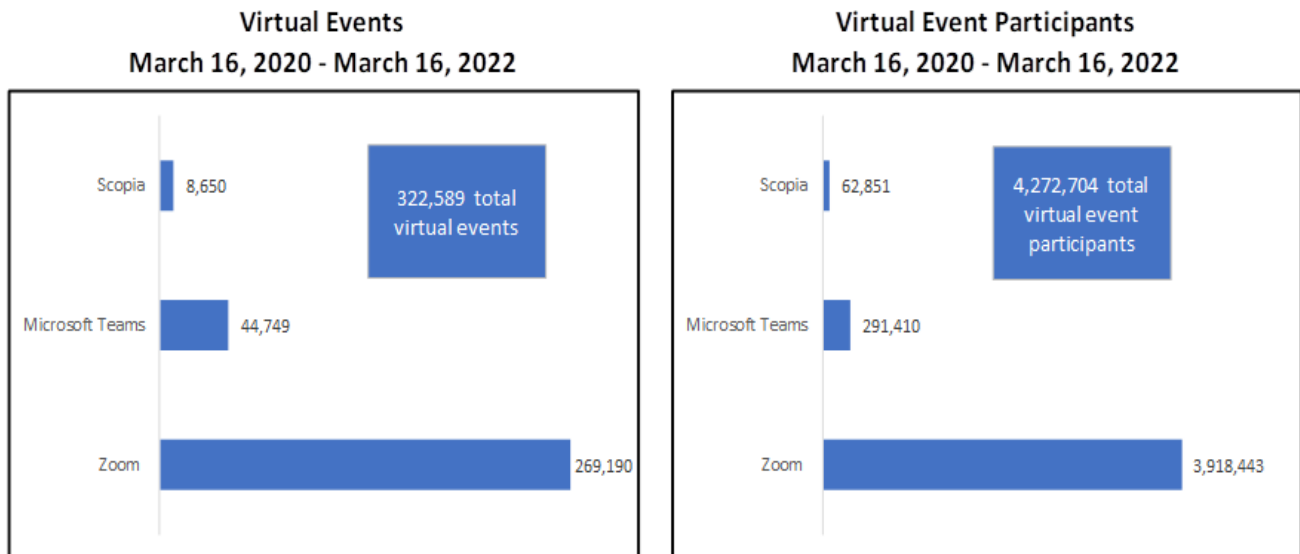
Starting in February 2020, the Judiciary began monitoring and planning for the potential arrival of SARS-CoV-2 (COVID), and initiated engagement with the New Jersey Department of Health to seek advice related to large gatherings, including for jury selection and high-volume court calendars. The Supreme Court acted quickly, issuing a series of orders throughout the two-year pandemic that balanced the need to continue court operations while also ensuring public and employee health and safety.¹

Following the guidance of the Department of Health and Executive Orders issued by the Governor, the Judiciary resumed in-person events beginning in August 2021, while still allowing for a number of events to proceed remotely. As of the publication of this Strategic Plan, the Judiciary is fully operational and has expanded the categories of cases that proceed in person, with some continuing with a “remote first” approach to either reduce crowding or as a convenience to court users.

Because resolving the number of cases that have accumulated will take time, and because of the current judge and staff vacancies, the Judiciary has set forth a goal of returning to June 2019 backlog levels by our Court year beginning July 1, 2027. As this is the first year of the strategic plan, it is important to set forth both the successes and the challenges that have led to the current historic number of backlogged cases.

Transition to Remote Court and Hybrid Court Operations

From March 16, 2020 through March 17, 2022, all divisions handled most (but not all) court events remotely. In just two years, the New Jersey Judiciary held more than 322,000 virtual events involving more than 4.2 million participants across multiple platforms.



Despite continuing cases in all areas, there were numerous challenges involved in making the transition from an in-person court with high-volume calendar calls, to a fully remote court system. With the resumption of in-person events in August 2021, a new hybrid approach – with some participants physically in a courtroom with the judge and others appearing by video – emerged. This has proven to be a convenience to attorneys and a more effective method of court access for some self-represented litigants.

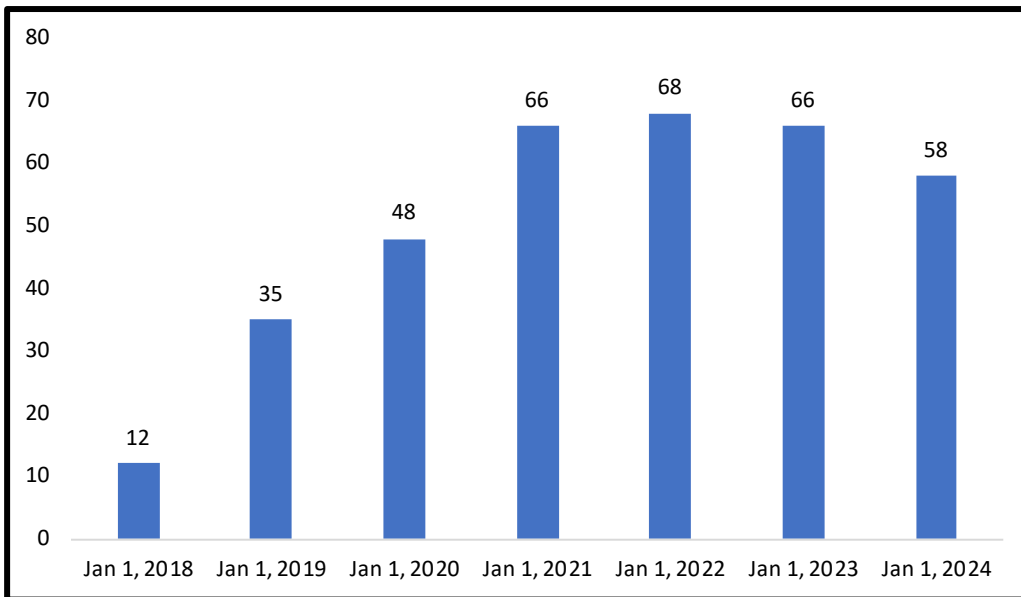
While there are notable conveniences to court users, the Judiciary has found that operating hybrid court sessions requires additional staff and appropriate technical support to ensure that there is no disruption to court events or exposure of litigant privacy. This experience is similar to that described in findings by the National Center for State Courts.²

² [Study finds remote hearings take longer, but improve access | NCSC](#). See also [Remote Hearings May Take Longer But They Serve More People \(govtech.com\)](#)

Judge and Staff Vacancies

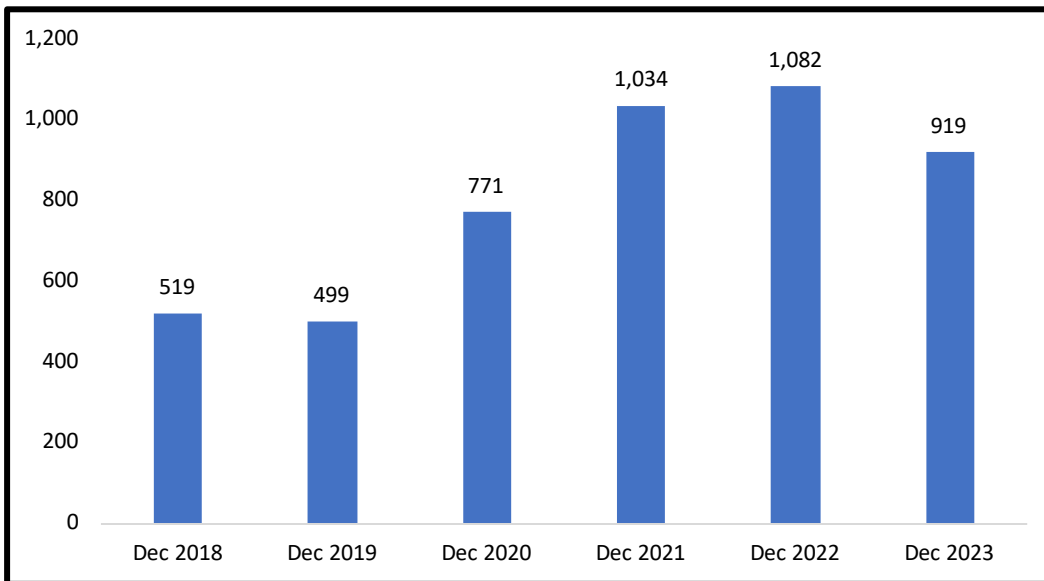
The challenges created by the pandemic starting in March of 2020 have been exacerbated by judge shortages. On January 1, 2024 there were 58 Superior Court vacancies. While this number was reduced to 47 as of January 22, 2024, the continued high judge vacancy rate since 2020 has had a direct impact on the ability to conduct management conferences, hearings, and trials across the Criminal, Family, and Civil divisions.

Superior Court Trial Judge Vacancies



In addition, the Judiciary, like many other organizations, is experiencing an unprecedented post-pandemic staffing shortage. In December 2018, there were 519 staff vacancies in the vicinages. By December 2023, that number was 919. While lower than the prior year, that number is nearly double the vacancies experienced in December 2019, just prior to the pandemic.

Vicinage Staff Vacancies



Although the Judiciary is hampered by fewer judges and fewer staff available to schedule events and move matters through the case management process, we still endeavor to do the best we can for the litigants seeking resolution of their matters. Despite the significant challenge presented by both a worldwide pandemic and historic vacancies, our organizational goal of this plan is to, by July 1, 2027, reduce the backlog cases to levels achieved in June 2019.

Backlog Cases – Pre and Post Pandemic

The Judiciary has historically provided transparent information regarding court management statistics, including filings, resolutions, and backlog for both trial courts and municipal courts. (See [Publications, Reports, and Statistics | NJ Courts](#)). A case is considered in backlog if it has aged beyond the dispositional timeframe goal for that type of matter.

Backlog Standards

Criminal Pre-Indictment	2 months from filing
Criminal Post-Indictment	4 months from filing
Municipal Appeals	3 months from filing
Post-Conviction Relief	12 months from filing
General Equity	12 months from filing
Civil (Track 1)	12 months from filing
Civil (Track 2)	18 months from filing
Civil (Track 3)	24 months from filing
Civil (Track 4)	24 months from filing
Special Civil (small claims & tenancy)	2 months from filing
Special Civil (all other)	4 months from filing
Probate	12 months from filing
Dissolution – New	12 months from filing
Dissolution – Reopened	6 months from filing
Delinquency	3 months from filing
Non-Dissolution	3 months from filing
Domestic Violence	1 month from filing
Abuse/Neglect (out-of-home)	4 months to fact-finding
Abuse/Neglect (in-home placement)	6 months to fact-finding 12 months to permanency hearing
Child Placement Review	hearing
Juvenile/Family Crisis Petition	1 month from filing
Kinship	6 months from filing
Termination of Parental Rights	6 months from filing
Criminal/Quasi-Criminal/Other	3 months from filing
Municipal Courts	2 months from filing

By the end of June 2019 the Judiciary had achieved significant success in terms of trial court backlog reduction, with 39,323 Superior Court cases in backlog throughout the state. Cases accumulated through June of 2020 and June of 2021 despite courts being open for conferences, hearings, and trials. As of January 1, 2024, backlogged matters in the trial courts stood at 81,415, more than double that in June 2019.

Reductions Needed to Return to June 2019 Backlog Levels

	Backlog			Reduction Needed
	6/30/2019	1/31/2024	Difference	
Criminal Pre-Indictment	7,975	18,077	10,102	10,102
Criminal Post-Indictment	5,795	13,554	7,759	7,759
Municipal Appeals	66	83	17	17
Post-Conviction Relief	92	184	92	92
General Equity	264	380	116	116
Civil				
Track 1	350	965	615	615
Track 2	7,586	13,255	5,669	5,669
Track 3	1,230	3,567	2,337	2,337
Track 4	365	603	238	238
Multi-County Litigation	14,141	11,749	-2,392	
Special Civil				
Auto Neg	11	60	49	49
Contract	136	911	775	775
Other	18	179	161	161
Small Claims	11	348	337	337
Tenancy	30	3,966	3,936	3,936
Probate	77	165	88	88
Dissolution	815	5,329	4,514	4,514
Juvenile Delinquency	114	1,413	1,299	1,299
Non-Dissolution	141	4,089	3,948	3,948
Domestic Violence	27	1,532	1,505	1,505
Abuse/Neglect	19	84	65	65
Child Placement Review	1	37	36	36
Juvenile/Family Crisis	0	5	5	5
Kinship	0	18	18	18
Termination of Parental Rights	38	83	45	45
Criminal/Quasi-Criminal	21	779	758	758
Total	39,323	81,415	42,092	44,484

Strategic Planning Process

The challenges facing the New Jersey Judiciary during the pandemic have not been unique. Judges, vicinage managers, and central office staff have participated in webinars and sought information related to best practices in resuming court processes, remote court operations, and COVID backlog reduction. Taking this information, each case management division formed a working group of presiding judges and division managers to discuss concerns related to the growing backlog, as well as strategies that can be deployed to reduce accumulated caseloads over a multi-year period.

This plan sets forth the overall goal of returning to June 2019 backlog levels within three years. The Judiciary-wide expectation will be that progress towards the June 2019 levels will be one-third in July 2024 – June 2025, one-third in July 2025 – June 2026, and one-third in July 2026 – June 2027. Vicinage leadership should review and discuss this plan with division managers in each division to set local short term and long-term goals for their divisions. A designated committee chaired by the Administrative Director will, as part of its oversight responsibility, review Judiciary backlog reduction progress on an annual basis.

In addition to setting Judiciary-wide and local goals, certain principles and areas of focus, as set forth below, should be reviewed locally and reinforced through ongoing judge and staff training.

Principles of Case Management

The New Jersey Judiciary has historically focused on proactive case management techniques to ensure the timely resolution of cases and minimize backlog. Now more than ever, case management practices by both judges and case managers must be adhered to and be reinforced through ongoing review and training.

Vicinage leadership should encourage practices and procedures that wisely utilize judge time. They should also actively review relevant data with case managers to identify issues and best practices. Finally, vicinages should seek multiple opportunities for litigants to resolve matters through staff or volunteer involvement.

To this end, the following case management principles should serve as a guide to judges and case managers:

Principle 1: Prioritize case types and event categories for each division.

Each division has set forth priorities for the various case types and hearings in that area. These reflect statewide decisions as to the most pressing needs, balanced against the realities of both case volume and judge availability.

Principle 2: Differentiate case management practices by case types as appropriate.

Consideration should be given to case complexity, with more complex matters necessarily requiring additional attention and more frequent event scheduling to set forth expectations and requirements.

Principle 3: Use Judicial time wisely.

Trials have historically made up less than 2% of trial court dispositions within the New Jersey Judiciary.³ Current Judicial vacancies have made a judge’s time more of a premium than ever. Each division has identified the key events where judge time is needed most, based on the opportunity to either achieve disposition, or position the case for resolution in the near future. Examples include but are not limited to dispositional or dispositive motions, case management conferences in complex matters, and settlement conference “blitz” calendars.

Principle 4: Utilize hearing officers, legal specialists, staff conferencing, and law clerks to provide additional dispositional opportunities and / or prepare matters for a judge.

Since overall volume is greater than available judicial time, where available, specially trained and authorized staff should assist in advancing or disposing of matters. Examples include Administrative Specialist 4 staff who conduct hearings and make recommendations to a judge in matters such as domestic violence TROs, child support, and juvenile in the Family Division; Probation Officer staff who conference matters in the Family Division or Probation; Administrative Specialist 4 or Legal Specialist staff conducting mediation session and / or conferences in the Civil Division; other staff trained and authorized to conduct mediation sessions in the Civil Division.

³ Criminal, Civil and Dissolution Dispositions, and other statistics, are posted online. <https://www.njcourts.gov/public/publication-reports-statistics#toc-trial-court-statistics>.

Principle 5: Ensure orders include deadlines and requirements for the next steps in a case.

To every extent possible, court events should conclude with a written case management order and specific date for the next court event or session.

Principle 6: Avoid an excessive number of adjournments for court events and discovery timelines.

In order to keep delays to a minimum, court dates and discovery timelines should be transparent and realistic, and adjournments of such dates should be managed closely and limited. While it is acknowledged that some cases are highly complex and require several sessions to bring the matter to resolution, vicinage leadership, judges and case managers should regularly review reports to ensure that cases do not age due to excessive adjournments or judicial reassignment rather than case complexity.

Principle 7: Utilize case management reports and dashboards to identify matters ripe for resolution or in need of judicial attention.

The data contained in case management systems can be utilized to identify areas of focus for each division and case type. Report review by judges, managers and staff should be standard practice in every division. In addition, dashboards should continue to be developed and made available to help identify trends as well as matters in need of attention.

Principle 8: Review, analyze, and modify current case management practices to optimize efficiency.

A review of case management procedures should be undertaken in every vicinage to understand efficiencies and identify delays associated with current processes. Any improvements implemented should be monitored to ensure successful results.

Principle 9: Engage stakeholder partners on a regular basis to solicit feedback and improve processes.

The Judiciary is part of a larger legal system with stakeholders in each division. These stakeholders should be aware of Vicinage goals and be engaged on a regular basis to discuss feedback and ideas. In addition, stakeholders should be represented in public seminars and events so that self-represented litigants and the community understand the various roles and responsibilities of each entity in the legal process.