

NEW JERSEY SUPREME COURT ACTION PLAN FOR ENSURING EQUAL JUSTICE – UPDATE ON 2023 GOALS & NEW INITIATIVES FOR 2024

The Supreme Court here presents the fifth installment of its Action Plan for Ensuring Equal Justice, including an update on the areas of focus set out in the Court’s 2023 plan and new initiatives for 2024. In this fifth public notice, the Court renews its promise to deliver more equitable justice, in particular for people who have faced barriers because of their race, ethnicity, gender, sexual orientation, disability, and other aspects of identity.

The Court issued its first Action Plan in [2020](#) as a commitment to put into action its continuing promise to identify and seek to eliminate barriers to justice for people of color and other historically marginalized groups. In its initial announcement, the Court highlighted a number of focus areas, each of which the Judiciary advanced over the course of 12 months. For the past four years, the Court has provided periodic updates as to the status of the annual focus areas and set out new goals for the coming year. These annual Action Plan installments chronicle ongoing efforts to address race equity issues as well as reforms intended to improve access, procedural justice, and outcomes for people dealing with mental and physical challenges, people experiencing poverty, and individuals and groups at increased risk of violence.

2023 ACTION PLAN FOR ENSURING EQUAL JUSTICE

Over the past year, the Judiciary (joined in some cases by the other branches of government) has advanced all areas targeted for 2023, as follows:

- 1. Refine court processes involving financial obligations**, both to ensure that court-imposed fines and fees are structured to avoid inequitable burdens for people with lesser financial means and to enable greater transparency for court users involved in payment and collection of debts.

The Judiciary has integrated use of an Ability to Pay Calculator (ATPC), beginning with the Probation Services Comprehensive Enforcement Program (CEP). The ATPC measures income as compared to the Federal Income Poverty Guidelines and considers living expenses and other key factors to create a more complete picture of a client’s financial situation. This tool

supports a deeper analysis of a client’s employment and financial status and generates a recommendation as to a potential monthly payment plan and/or lump sum payment.

From January 2023 through January 2024, hearing officers used the ATPC to perform more than 700 individualized financial assessments of clients involved with the CEP. In addition to recommendations about potential adjustments to payment obligations, probation officers also consider this information to initiate referrals, including for public benefits and employment opportunities. Use of the ATPC thus addresses the burdens of disproportionate fines, fees, and penalties in two complementary ways: first, by providing financial information necessary that might prompt modification of a payment plan; and, second, by eliciting employment information that can be the first step towards a client acquiring or regaining financial stability. For more information on use of the ATPC, see this May 2024 National Center for State Courts [webinar](#).

In the civil realm, the Judiciary in December 2023 announced a new [Special Civil Part \(SCP\) Order module](#), which shows the amounts collected each month on certain court-docketed debts, enabling the debtor and creditor to track payments and the total amount left to be paid on the debt. This provides transparency for the large proportion of SCP debtors who lack legal counsel and enables interested parties to confirm the satisfaction of debts.

2. Leverage technology to improve notice of and access to court language access services, to support all court users in receiving interpreting services and translation supports from the outset of their court involvement.

Building on 2023 enhancements to written court notices and oral opening statements, the Judiciary in August 2024 implemented centralized printing of certain Municipal Court notices -- including notices for initial appearances -- in both English and Spanish. The full translation of these notices further advances the Judiciary’s ongoing efforts to ensure that court users with limited English proficiency are informed of court requirements and of the availability of interpreting services, at every phase of the court process.

The translation of these court notices -- which total nearly 90,000 per week statewide -- works in conjunction with other ongoing language access improvements, including new and improved tools for judges and staff at all levels to quickly and consistently identify the need for interpretation and to use

technology to provide higher quality services, including video remote interpreting, consistent with the Judiciary Language Access Plan, as most recently updated in November 2023 ([Directive #21-23](#)).

3. Strengthen supports for family members of court-involved people with mental health challenges and developmental disabilities.

Beginning in 2023, Administrative Director Glenn A. Grant invited family members of court-involved people with developmental disabilities and mental health issues to share their experiences, as a means to identify areas of misunderstanding or determine whether which further information could be helpful.

These conversations revealed an opportunity for additional broad-based education of judges, court staff, and others regarding the services available through the Division of Mental Health and Addiction Services in the Department of Human Services. Over the past year, DMHAS has held presentations with the Judiciary’s senior leadership, at annual education conferences, and to the Advisory Committee on Access and Fairness, to provide tools for judges, intake staff, ombudsman, and frontline community liaisons that help link family members with supports and information about court processes.

4. Enhance race equity staff training and professional requirements to further institutionalize the examination of all court initiatives and processes from an equity impact perspective.

The Judiciary at all levels continues to use an Equity Impact Analysis tool to identify, assess, and respond to potential unintended consequences of proposed policies and reforms. This focus on equity considerations informed the development of the [Statement of Principles for the New Jersey Judiciary’s Ongoing Use of Artificial Intelligence, Including Generative Artificial Intelligence](#), as published in January 2024. In that Court-approved statement, the Judiciary made the following promise:

“The AI technologies currently in use, as well as those yet to be implemented, will be rigorously assessed to ensure that they meet the highest standards of ethical considerations and are as free from bias as possible. All AI technologies will be continuously monitored, assessed, and refined as necessary in order to identify

and remedy potential sources and effects of bias, to the extent possible.”

Guided by this commitment to ensuring equity in the use of new technologies, as in all areas, the Judiciary continues to follow a cautious approach to potential AI projects, with some early proposals paused or concluded based on bias concerns.

- 5. Expand efforts to support well-being for law professionals --** including attorneys of color -- to implement strategies that prevent rather than only respond to the consequences of mental health issues, substance use, and self-harm.

The Supreme Court approved the initial recommendations of its Committee on Wellness in the Law, as set out in this [May 7, 2024](#) notice.

The Committee in its first year developed and offered CLE programs focused on well-being for law professionals, including a an in-person CLE program that highlighted the harms of, and responses to, microaggressions and other sources of stress. In the Committee’s first round of listening sessions in 2024, attorneys from all geographic regions and areas of practice offered additional insights and suggestions to improve wellness within the legal profession. Listening sessions for state and municipal court judges commenced in July 2024 and are yielding additional suggestions as to how the courts can better support members of the bench as well as the bar.

- 6. Improve protections for at-risk older adults in New Jersey,** including through implementation of the recommendations of the Judiciary Elder Justice Working Group.

The Judiciary in 2023 implemented or enhanced an array of strategies designed to strengthen protections for elderly adults, as authorized by the Supreme Court and summarized in this [October 11, 2023](#) notice. As part of this package, the Court amended the Court Rules to formalize the rights of individuals who are subject to court-imposed guardianship, including to require notice and a clearer process to initiate review and possible modification or conclusion of a protective arrangement.

The Court-approved reforms flow from the recommendations of the interdisciplinary Working Group, which created and maintains an [online](#)

[repository](#) of resources that support elderly adults who face increased risks of financial exploitation, domestic violence, or other mistreatment. This webpage highlights the streamlined referral process for criminal complaints involving elder abuse, as well as the availability of the Medicaid Fraud Control Unit of the New Jersey Office of the Insurance Fraud Prosecutor, which responds to issues of fraud, abuse, or neglect involving Medicaid recipients.

- 7. Collect and analyze voluntary demographic information from applicants and appointments to Supreme Court committees,** to identify areas of underrepresentation and develop strategies to increase participation.

The Judiciary in [August 2024](#) published the first annual report of the demographic composition of the New Jersey bar. This initial report provides voluntary self-reported data as to race, ethnicity, and gender for nearly 85,000 attorneys registered in New Jersey. In updating the membership of its committees, the Court will consider voluntary demographic data shared by applicants, within the context of this initial snapshot of professional demographics.

- 8. Analyze and respond to data regarding violations of probation for juveniles:** to identify potential disparities; to inform strategies to address any biases; and to enhance outcomes for youth on court supervision, including disproportionate numbers of youth of color.

Youth of color are more likely than their white peers to be subject to probation supervision. Cognizant of this disparity, which arises before the point of court involvement, the Judiciary in 2023 conducted a comprehensive analysis of juvenile probation data, focusing on violations of probation (or VOPs) for juveniles.

Statewide, 86% of youth on probation successfully complete their term of probation, with VOPs being filed for only 14% of all juveniles. For the period 2019-2023, data confirmed that a higher percentage (not just a higher number) of youth of color incur VOPs during their probation term.

- Youth of color are more likely to incur a violation for a new 1st or 2nd degree charge (for which the filing of a VOP is mandatory); and

- Youth of color are less likely to have a violation for technical violations (for which the initiation of a VOP is discretionary).

This finding suggests that in discretionary situations probation officers are not more likely to violate youth of color than their white peers.

Informed by this initial finding, the Judiciary is examining factors that may contribute to the overall VOP rates, including the types of offenses that give rise to probation supervision for juveniles, as well as differences in the availability of local resources for substance evaluations and testing, which may affect compliance with probation requirements. In conjunction with these strategies to support pro-social behavior for youth on juvenile probation, the Judiciary will continue to expand training on implicit bias.

9. Improve supports for attorneys appointed to provide pro bono representation to individuals without the financial capacity to retain private counsel.

In 2023, action by the Executive and Legislative branches of state government substantially changed the landscape of pro bono representation, including by establishing a unit within the Office of the Public Defender to provide legal representation for any person on parole who is charged with a violation or under consideration for revocation of parole. The Judiciary supports this action, as described in this [April 16, 2024](#) notice to the bar regarding the Supreme Court’s action on the Report of the Judiciary Working Group on Attorney Pro Bono Assignments.

INSTITUTIONALIZED ACTION PLAN REFORMS

The Court’s Action Plan efforts are intended to work as long-term improvements that bring about organizational change. Examples are as follows:

Juvenile Fines and Warrants

Following the repeal of N.J.S.A. 2A:4A-43(b)(8) (which prohibits the imposition of discretionary juvenile fines as of July 1, 2020), the Court in its [October 20, 2020](#) Order vacated all outstanding discretionary juvenile fines (which totaled more than \$140,000 statewide), stating that “[t]he young people

who owe those fines -- including disproportionate numbers of youth of color -- overwhelmingly lack the capacity to make necessary payments, and the fines serve only to prolong involvement with the juvenile and criminal justice systems.” The Court’s October 20, 2020 Order also vacated open failure to appear juvenile warrants issued more than five years ago for non-violent 4th degree or lesser charges.

The Court also established a process for local courts to annually dismiss such warrants, so as to avoid prolonged burdens on individuals who as juveniles failed to appear for minor, nonviolent charges.

In 2021 and 2022, vicinage assignment judges entered orders vacating nearly 2,000 juvenile warrants (all of which had been issued in 2015 or before). In 2023, another 1071 potentially eligible warrants were identified. Review with county prosecutors is continuing, and Vicinage Assignment Judges already have vacated hundreds more warrants.

Probation -- Conclusion of Supervision

The Court approved a framework for standardized statewide review of certain adults and juveniles subject to probation supervision, as detailed in this [February 2021](#) press release. Consistent with that protocol, Superior Court judges ordered early termination of probation supervision for more than 500 individuals who had achieved critical rehabilitative goals and met other relevant criteria.

Review for potential early termination from probation supervision is limited to adults and youth who have completed at least half of their probation term; have no pending probation violations; have no indications of drug use in the last six months; attend school or have maintained employment; and were sentenced for a crime of the third-degree or less.

In order to ensure that such actions are more than a one-time effort, the Court authorized and directed Probation Services to review future cases periodically to determine eligibility for early termination. The Court-authorized review and individualized judicial actions ended the burdens -- disproportionately faced by Black and Latino people -- associated with ongoing court involvement beyond a rehabilitative purpose.

Since February 2021, around 111,000 people have been placed on adult or juvenile probation, including around 103,000 adults and 8,000 juveniles. Another 827 probation clients have been released to the adult Intensive Supervision Program (ISP)¹, with 475 youth placed on Juvenile ISP. Through application of the Court-authorized protocol, judges have issued orders to conclude probation supervision early for around **8,000 clients** who have met key rehabilitative goals.

Dismissal of Old, Minor Municipal Court Cases

The Court in 2023-2024 continued the dismissal of old, unresolved, minor municipal court cases, following the process set out in directive #26-20. The dismissals eliminate the burdens associated with around 1.1 million matters that involve a driver's license suspension; more than 300,000 matters with an open arrest warrant at least 10 years old; and approximately 270,000 matters with both an open arrest warrant and a driver's license suspension. All such unresolved, minor matters have been pending for more than 10 years, and all dismissals proceed only after an opportunity for prosecutorial review.

Following omnibus orders in 2019, 2021, and 2022, the Court in its [December 11, 2023](#) Order, dismissed around 298,000 additional cases, with further dismissals anticipated in 2024.

NEW GOALS FOR THE 2024 ACTION PLAN FOR ENSURING EQUAL JUSTICE

In this fifth installment of its Action Plan, the New Jersey Supreme Court now commits to focus on the following areas:

- 1. Increase incentives for Probation clients with drug-related charges,** including participants in the Judiciary's Recovery Court program, to further reduce barriers and facilitate successful reintegration and contribution to society.

¹ The Intensive Supervision Program (ISP) is a choice available to certain state prison inmates who are allowed to work their way back into the community under intensive supervision.

2. **Facilitate transparency as to the implementation of the new statutory approach to affordable housing in New Jersey**, including online access to information about local fair housing plans.
3. **Strengthen notice of and opportunities for settlement in medical debt collection cases**, to improve understanding of court processes, to encourage individuals' engagement in those cases rather than defaulting, and thereby avoid consequences that can be especially devastating for people experiencing poverty.

Equitable justice depends on a court system that is responsive to both immutable and ever-changing needs of the public. It requires honest reflection as to those areas in which we are not yet doing enough, combined with commitment and action to do more today, and tomorrow. Through its periodic reports on the Action Plan, the Court celebrates the strengths and acknowledges the weaknesses of our efforts to advance justice and to respond to the multiplicity of challenges faced by an increasingly diverse society.