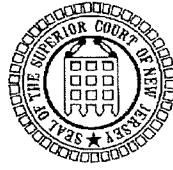


#008

**SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION**

**HANY A. MAWLA
JUDGE**



**216 HADDON AVENUE
WESTMONT, NEW JERSEY 08108
(856) 854-3493**

September 24, 2018

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Attention: Comments on Municipal Court Operations, Fines, and Fees Report
Hughes Justice Complex
P.O. Box 037
Trenton, NJ 08625-0037
Via email Comments.Mailbox@njcourts.gov

Re: Supreme Court Committee on Minority Concerns Review of the Report and
Recommendations of the Supreme Court Committee on Municipal Court Operations,
Fines, and Fees

Dear Judge Grant:

The Supreme Court Committee on Minority Concerns (SCCMC) has reviewed the recommendations presented by the Supreme Court Committee on Municipal Court Operations, Fines, and Fees (SCCMCOF&F). The objectives of the SCCMCOF&F relate directly to the mission, mandate, and longstanding interests of the SCCMC. As noted in the report's opening paragraph, "New Jersey's Municipal Courts handle approximately six million cases each year ... [and f]or most citizens, it is their only exposure to the courts and judges of this state" (Executive Summary, p. 1). Given New Jersey's diverse population and that the overwhelming majority of municipal court filings are transacted by nineteen municipal courts, many of which are located in or near urban centers, it is likely that people of color and other historically marginalized constituencies, including religious and cultural minorities, comprise the majority constituencies served by the municipal courts.

The recommendations of the SCCMCOF&F elevate and enhance municipal court operations because they address the structure of the municipal court system and its impact on litigant access to justice and the ability of judges to administer justice free of external economic pressures and influences. The SCCMCOF&F recommendations squarely address the structural and operational issues that have historically interfered with equal access to justice and have had a disparate impact on economically disadvantaged or minority litigants, namely driver's license privileges and fines and fees. Notably, these were issues the SCCMC presented for the Court's review in its 2015-2017 biennial report.

The SCCMC embraces the guiding principles for municipal court operations set forth by the SCCMCOF&F and without reservation endorses the entire set of recommendations presented. In addition, the SCCMC offers the following supplemental comments regarding select recommendations of the SCCMCOF&F:

FAIR SENTENCING

- **Recommendations 1-4:** In regard to the development of policy and guidelines, the SCCMC notes that deliberate attention be given to assure that efforts at standardization do not create any unintended systemic biases or disparities that deprive municipal courts and administrators of the flexibility needed to address the needs of minorities and the poor in a fair and equitable manner.
- **Recommendation 5:** The Judiciary should also ensure municipal court judges and staff are included in training opportunities as well as the professional culture of the New Jersey Judiciary. For example, although education conferences and management committees are organized by subject matter area/scope of jurisdiction, it is important that municipal courts be incorporated into the Judiciary's broader training opportunities so as to underscore their place as part of the broader court system in New Jersey. The Judiciary should also engage in a dedicated professional development initiative that includes municipal court judges, managers, and frontline staff on topics such as implicit bias and access to qualified language services consistent with the standards set forth in the New Jersey Judiciary's *Language Access Plan*.
- **Recommendation 7:** The SCCMC strongly supports this recommendation to promote court-directed programs that encourage voluntary resolution of outstanding bench warrants via safe self-surrender of defendants.

In terms of expanding sentencing alternatives beyond fines and fees, the SCCMC recommends looking to the array of successful sentencing options currently in place in the Newark and Jersey City municipal courts.

LEGISLATIVE PROPOSALS

- **Recommendations 9-11:** While the SCCMC in principle supports these recommendations, the SCCMC Subcommittee for Legislation Review is prepared to review the particulars of any legislative responses to these proposals and, if appropriate, prepare internal commentaries for consideration by the Administrative Office of the Courts.

PROCEDURAL SAFEGUARDS AND VOLUNTARY COMPLIANCE WITH FINANCIAL OBLIGATIONS

- **Recommendations 12-23:** See the comments relating to Recommendations 1-4.

INDEPENDENCE OF THE MUNICIPAL COURTS: JUDGESHIPS

- **Recommendations 24-30, 28 in particular, and 34-35:** Municipal court judgeships have served an important role as a pathway to the Superior Court bench, particularly for people

of color. In fact, Black women appointed to the Superior Court, with little exception, first served in the municipal court. For these reasons, the SCCMC urges that any committee, working group, or other planning entities created relating to municipal court administration or judicial appointment as a result of these recommendations include a SCCMC designee either from SCCMC staff or the committee membership itself. In addition to assuring a diverse municipal court bench and staff, SCCMC involvement can also help address and limit the practices of nepotism and assure a merit-based, professional municipal court workforce.

INDEPENDENCE OF THE MUNICIPAL COURTS: LEGISLATIVE PROPOSALS

- **Recommendations 31-33:** See the comments relating to Recommendations 9-11.

IMPROVED ACCESS TO THE MUNICIPAL COURTS THROUGH TECHNOLOGY

- **Recommendations 36-48:** While the majority of these recommendations address the technical aspects of expanded public access to municipal courts through existing court technology, there are also substantive access to justice considerations in terms of court users served, e.g., economic diversity of litigants and their ability to access technology. For these reasons, the SCCMC recommends that liaisons from the Minority Concerns, Women in the Courts, and Access and Fairness Committees be included as part of the anticipated internal staff working groups that will be tasked with the implementation aspects of these recommendations once they are approved.

The SCCMC supports broad data collection from the onset of the reform implementation process and ongoing data-driven decision-making in order to assure the goals and objectives of the proposed reforms are being met in both the short- and long-term through improved access to justice in the municipal courts.

IMPLEMENTATION MODEL

- **Recommendation 49:** It is the view of the SCCMC that, in terms of the long-range goal of systemic reforms, it is critical to realize all of the recommendations presented by the SCCMCOF&F. New Jersey's successful statewide model for CJR has provided a roadmap and demonstrated the partnerships necessary to bring about successful systemic reforms. The proposed municipal court reforms can be realized by utilizing a similar model of partnership, cooperation, and investment of all three branches of government and the public.

Access to justice is a critical part of the SCCMC's scope, mission, and mandate. Access to justice through the municipal courts as well as fair and equitable treatment by these courts has also been a longstanding public concern. (See, for example, references to public hearing testimony in *Final Report of the Supreme Court Task Force on Minority Concerns* (1992), pp. 244 et seq). For these reasons, the SCCMC also respectfully recommends there be both public and SCCMC representation on the Municipal Court Reform Implementation Working Group.

The SCCMC Executive Board thanks the Court for the opportunity to comment on these historic and important municipal court systems reforms.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Hany A. Mawla', with a large loop at the top and a horizontal stroke at the bottom.

Hany A. Mawla, J.A.D.
Chair, Supreme Court Committee on Minority Concerns

cc: Steven D. Bonville, Chief of Staff
SCCMC Executive Board
Yolande P. Marlow, Minority Concerns Program Manager
Lisa R. Burke, Minority Concerns Program Coordinator