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NEW JERSEY STATE BAR ASSOCIATION

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Honorable Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments on Municipal Courts Working Group Report
Hughes Justice Complex
P.O. Box 037
Trenton, NJ 08625-0037

Re: Comments on Report of the Supreme Court
Working Group on Municipal Courts

Dear Judge Grant:

The New Jersey State Bar Association (NJSBA) thanks the Court for its continuing efforts to ensure that our municipal courts continue to reflect the bedrock principles of equal access, fair justice and judicial independence. The NJSBA has a keen interest in the continued integrity and independence of the municipal courts, having previously shared its own Report on Judicial Independence in the Municipal Courts. We are appreciative of the opportunity to review the Report of the Supreme Court Working Group on Municipal Courts.

The NJSBA applauds the efforts of the Working Group in making comprehensive recommendations that will provide the state's dedicated municipal court judges and staff with the tools and resources they need to continue to lead one of the finest municipal court systems in the nation. The initiatives and recommendations contained in the Working Group's report will benefit all who come in contact with the courts.

The NJSBA is pleased that many of the recommendations contained in the Report are consistent with the recommendations made by the NJSBA in its previous report. Accordingly, the NJSBA supports the majority of the Working Group's recommendations, with a few exceptions and comments.

Specifically, the NJSBA urges the Court to consider the following:

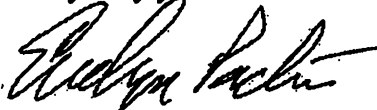
- (1) Recommendation 7: This recommendation states that license suspensions for failure to pay cases be ordered as a last resort and only after an ability to pay hearing is held, where counsel would be appointed to represent the defendant. **The NJSBA agrees that license suspensions have harmful and far-reaching effects for individuals, their dependents and families, and should be used sparingly and only as a last resort. The NJSBA**

urges the Court to clarify, however, that while defendants have a right to counsel in license suspension hearings, those defendants who qualify for a public defender should be afforded representation by the Municipal Public Defender. Other defendants should be advised of their right to seek private counsel. Pro bono counsel should not be randomly appointed through use of the Madden list.

- (2) **Recommendation 11**: This recommendation suggests a process for appointment of municipal court judges where the county JPAC would review potential judicial candidates and report back to the municipal governing body, who would then retain discretion to appoint or not appoint the candidate. **The NJSBA endorses the concept of adopting a formalized, uniform vetting process for the appointment and reappointment of municipal court judges, to be conducted by a group independent of the municipal governing body. The NJSBA acknowledges that instituting such a process will require a careful balancing of all interests involved, and the NJSBA is prepared to collaborate with the Court on establishing workable details of such a process.**
- (3) **Recommendation 13**: This recommendation establishes a municipal court judge evaluation process that includes a review of the sentences imposed by the judge being evaluated. **The NJSBA has some concerns about including the review of sentences imposed in any evaluation process. The NJSBA urges the Court to ensure there are appropriate safeguards in any such review to take into account all of the circumstances surrounding each sentence so that such review is not done in a vacuum.**
- (4) **Recommendation 15**: This recommendation permits municipal court presiding judges to be designated as full-time at the discretion of the Chief Justice. **The NJSBA generally supports this proposal, but notes it will be important to carefully establish more definitive details about how individuals would be appointed to these positions, the term of such positions, and what the expectations of those positions would be.**

Again, the New Jersey State Bar Association thanks the Court and the members of the Working Group for its efforts to ensure the continued integrity and independence of our municipal courts, which often represent an individual's first, and hopefully only, interaction with the criminal justice system. I hope that the NJSBA's comments prove useful in those efforts.

Very truly yours.



Evelyn Padin
President

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cc: Kimberly A. Yonta, Esq., NJSBA President-Elect
Angela C. Scheck, NJSBA Executive Director