

From: Bonnie Goldman <bgoldman1@comcast.net>
Sent: Tuesday, October 1, 2019 10:33 AM
To: Comments Mailbox
Cc: Jeanne Covert; Dennis McNerney
Subject: [External]Fwd: Comments sought by the Supreme Court on the Report of the Working Group on Municipal Courts

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Dear Judge Grant:

Clearly, a lot of time and effort went into the preparation of the excellent report of the Supreme Court Working Group on the Municipal Courts which you have Chaired. Although there are many needed recommendations that would lead to positive reforms, based upon my 30 plus years as a Municipal Court Judge, serving in three counties, and as the Presiding Judge-Municipal Courts in Burlington County for 18 years, I will focus on Recommendations 11, 12, 13, 14 and 15.

I believe that the biggest challenge to our Municipal Court System relates to the independence of its Judges. I agree that the recommended process for appointment and reappointment is critical but I have concerns about voluntary compliance by municipalities. Most often, appointments of Judges and other professionals are made at the Reorganization Meetings of municipalities right after the New Year. So my question is, how will you mandate that these towns delay an initial judicial appointment or a reappointment until the review process is complete? Via court rule? Assuming the municipality is compliant, I think that this Review Process is important and that it should always include input from the Assignment Judge and the Municipal Presiding Judge.

Extending the term of office for Municipal Court Judges (Recommendation 12), given reappointment reviews, would probably be helpful in insulating Judges from political or law enforcement related pressures but it will never eliminate those pressures.

I support the additional training recommended for both Judges and Prosecutors in 13 and 14 and I wholeheartedly support Recommendation 15 which relates to Municipal Presiding Judges. As a Municipal Presiding Judge, although I was paid for two PJ days, I routinely spent 4 days a week in order to fulfill my PJ responsibilities. I know that there were many other dedicated colleagues who likewise worked on their own time to perform the important functions of that position. Also, an experienced and long serving PJ who may only preside in one municipal court, could lose their PJ position should political winds change direction. (I think that this did happen to one of our long time PJ's).

With all of that said, I have felt for many years that the only way to achieve true independence in our Municipal Courts would be to have a Municipal Court System that is fully incorporated into the Statewide Court System, eliminating the challenges of home rule and police related control. (Please see my comments in the attached 2018 comments). I well know that this would be a tall order and that it will certainly not happen during my lifetime. But looking into the successful experiences of other states that have incorporated courts of limited jurisdiction into their statewide court systems might be something for someone to study in the future!

Finally, I am resubmitting my comments to the Supreme Court Committee on Municipal Court Operations which I sent to you in September of 2018 since I focused on some of the same issues raised by your Working Group.

My thanks to you and to your Working Group members for your hard work and for your consideration of these comments.

Respectfully submitted,
Bonnie Goldman

Sent from my iPhone

Begin forwarded message:

From: Bonnie Goldman <bgoldman1@comcast.net>
Date: September 16, 2018 at 8:14:57 PM EDT
To: Mailbox@njcourts.gov
Cc: Ronald.Bookbinder@njcourts.gov
Subject: Comments on Report of the Supreme Court Committee on Municipal Court Operations to Judge Glenn A. Grant, J.A.D.

Dear Judge Grant:

I comment from the perspective of someone who, as you know, was intimately involved with the municipal court system by virtue of serving as a Municipal Court Judge for thirty years. During that time, I sat in nine municipalities located in three different vicinages. I also served as the Presiding Judge of the Municipal Courts for the Burlington vicinage for eighteen years, having been appointed by Chief Justice Poritz at a time when there were just a handful of vicinage Municipal Presiding Judges. I was honored to serve as the Chair of the Conference of Municipal Court Presiding Judges and, for six years, as the Chair of the annual mandatory conference for all Municipal Court Judges statewide. I also trained new Municipal Court Judges (baby Judges as we affectionately called them) and court staff for the better part of my career. Since I am currently retired from my judicial commitments, my freedom of speech has been fully restored and I can comment freely on this extensive report!

The Committee has focused on many important issues in their detailed report but the one issue that I believe is the most critical and which impacts on so many of the others, is the independence of the Municipal Courts. I should mention that I had retired and was invited to serve on the State Bar Association Subcommittee on Judicial Independence in the Municipal Courts which I did, sitting at three of the sites where individuals were invited to testify. However, I was then called back to sit in a court to aid a colleague who was unable to sit for a number of months due to medical issues. At that time, I discontinued my service with that hard working Subcommittee.

Both the State Bar Subcommittee and the Supreme Court Committee recommend new protocols for both the initial appointment and the reappointment of Municipal Court Judges. Among others, the Assignment Judge and the Vicinage Presiding Judge MUST be a part of this process which I believe is critical to Judicial Independence. However, I strongly disagree with the Supreme Court Committee's recommendations contained in number 25 because I fear that a voluntary qualification process will leave us facing the widely held issues of concern regarding Independence because not all municipalities will agree to sign on. The League of Municipalities, as I understand it, has already balked at the Bar Association Subcommittee recommendations and/or your Committee's recommendations, "inserting" the judiciary into what they consider is their bailiwick of political appointments. In my view, this review process must require the municipalities to "sign on", whether it be by court rule or legislation. Otherwise we will be talking about concerns of Municipal Court Independence for many more years to

come!

At every single Annual Conference for Municipal Court Judges which I attended for thirty years, the current Chief Justice or a current Justice of the New Jersey Supreme Court reminded us all that we were the face of the Judiciary and the most important court in the system. Fifty years ago, Chief Justice Hughes suggested that the municipal courts be merged into the unified state court system. About twenty five years ago, the Vicinage Presiding Judges and Municipal Court Division Managers were asked what they thought was the most important issue facing the municipal courts. Several of us replied "our independence" and asked to be allowed to study the experience of states which had incorporated their courts of limited jurisdiction into their unified court system. The Supreme Court was apparently not interested in that recommendation at that time, even though that solution would allow for full time Judges, Prosecutors and Public Defenders, eliminating many of the inherent conflicts that result from part-time Judges, Prosecutors and Public Defenders.

I was an apolitical individual who was never appointed to any of my courts based upon my political party or political involvement. Politics had nothing to do with any of my appointments, to the credit of the many governing body members who appointed me over the years. However, I lost five of my courts as a result of politics.

I have lived the reality of the lack of independence that exists under our current system. I lost my first Municipal Court, in which I had presided for eighteen years, when a newly elected Mayor chose to select politically connected friends to replace me, the highly respected Prosecutor who had served for about twelve years (who now sits in the Superior Court!), and the experienced Public Defender who had served for ten years. At that time, I was the Burlington vicinage Presiding Judge-Municipal Courts. One might think that governing body members might be proud and honored to have their Judge occupy that position but ...think again!

I know personally that the denial of a Motion to Suppress (which, by the way, the Prosecutor did not choose to appeal), can displease a Chief of Police who can conspire with his hunting buddy, the Mayor, to insure that a Judge is replaced.

I know from personal experience and from the experiences of my colleagues, that decisions that are adverse to either local police or State Police can result in a significant decline in the issuance of tickets, which impacts the court volume and revenue, begging questions and inquiries from the town fathers that can result in the loss of a Judgeship.

Given my own experiences and so many more related to me by committed, professional and dedicated colleagues who lost their courts for similar reasons, it is clear to me that either the Judiciary truly oversees this most critical aspect of the Municipal Courts, appointment and reappointment of its Judges, or Committees like this will simply continue to rehash all of these comments and concerns. Therefore, the legislative recommendations suggested in number 31 are essential in terms of success with regard to qualification processes.

I have a few brief comments regarding some of the other issues discussed in this report. First of all, all courts should be able to accept credit cards. All of mine did and this eliminated inconvenience to defendants and eliminated the possibility of failed time payments. I agree that the issue of contempt penalties needs to be studied and that there is a need for training and some uniformity in that area. I believe that the increased use of video and telephonic conferences on the record can be helpful to litigants and their attorneys and that notices to supplement court notices, such as texts and emails, could possibly reduce our significant failure to appear rate. I do believe that there are a number of issues raised that are addressed in training of municipal court judges and staff and are consistent with advisements and policies that already exist. And as for excessive penalties, there are many mandatory

minimum penalties and a myriad of unrelated surcharges, as the report mentions.

If you would allow me a few more comments and observations: I feel constrained to say that notwithstanding the many issues and concerns that are outlined in both the Supreme Court Committee Report and the 2017 State Bar Subcommittee Report, it bears repeating that we have come a long way in the Municipal Court system. At the risk of dating myself, when I was first appointed, all of our basic systems were manual—manual court notices, manual FTA notices, manual notices regarding license suspension and fines due—it is almost inconceivable that we operated that way given the efficiency and unification that was provided by ATS and ACS. When I was appointed in 1986, I replaced a couple of Judges who had sat for 29 and 25 years in what were sometimes considered police courts. There was no Prosecutor or Public defender. I recall appearing as an attorney in the Allentown Municipal Court before Judge Kenneth Smith and observing his talent as a sort of one man band—Judge, Prosecutor and Public Defender! He was a lovely man with a great Judicial demeanor so in the end, he seemed to do the right thing. He was there for 29 years which, when I was appointed, I thought was amazing. Yet I replaced him and was fortunate to sit in my court in little Allentown for 30 years. However, upon my appointment, I insisted on a Prosecutor and a Public Defender, even prior to the legal mandate, and luckily, the town provided them.

Many of my vicinage Presiding Judge colleagues and I worked tirelessly on creating training materials, serving as trainers, and focusing on many issues relating to uniformity and improvements to the Municipal Courts. Many of us, particularly when the initial appointments to our Conference resulted in the representation of just a handful of vicinages with limited funds to pay the Municipal Presiding Judges, devoted countless hours to our PJ positions, on our own time. I must applaud my PJ colleagues and many other Municipal Court colleagues who, despite the challenges to their independence, always did the right thing no matter the consequence.

I thank you Judge Grant for your consideration of my comments and I commend the Committee for its hard work.

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Sent from my iPad