
From: Lewis Korngut
Sent: Wednesday, August 11, 2021 9:27 PM
To: Comments Mailbox
Subject: Comments of Future Court Proceedings

Dear Judge Grant,

Since you have asked for written comments on the AOC's proposals for the future of municipal courts, I would like to share with you my thoughts on the future of municipal courts in New Jersey. I am currently the judge in Lawrence Township Municipal Court, and I sit 3 days a week. I have been the judge in Lawrence since 2017. I was reappointed for another three-year term in 2021. I am also the judge in North Hanover Township Municipal Court where I sit twice a month. I have held that position since January of 2021. Prior to being appointed a judge, I was a career prosecutor at both the county level in Mercer (16 years) and an Assistant Deputy Attorney General in the Division of Criminal Justice. (12 years).

I certainly understand that with the advent of Criminal Justice Reform that the AOC is examining all aspects of the judicial system in New Jersey. I do believe that there needed to be reforms in the court system which included the municipal courts. We all recognize that certain judges were not fairly and appropriately dispensing justice but were acting in their own self-interest as a means to get reappointed. Notwithstanding a few of these judges, I truly believe that a great majority of municipal court judges are fair, impose individual justice in individual cases and treat the litigants with respect and dignity.

I am not alone when I say that as a judge, the last 18 months have been much more challenging and at times frustrating. The court system throughout history has been conducted in-person with a judge and the litigants personally interacting with each other. That is because we are social beings who relate to each other much better when we are in each other's company. So, when I read that the future of municipal court is projected to be 80-90% remote, I feel like I need to voice an objection to such a proposal.

Please don't get me wrong, I do believe that minor motor vehicle matters such as speeding, careless driving and parking violations are certainly conducive to being handled remotely. Also, minor township ordinance violations should also be handled remotely. However why shouldn't all criminal matters be conducted in-person? If the reason is to not inconvenience criminal defendants from coming into court, I believe that is sending the absolute wrong message. An interesting proposal could be to conduct criminal arraignments/first appearances remotely, but then requiring all future criminal proceedings post-arraignment in-person. I also believe that more serious motor vehicle matters should be handled in-person, i.e.-dui, reckless driving, leaving the scene where the same virtual procedure could also be limited to all first appearances.

The objective of the criminal justice system must always be to deter criminal and dangerous conduct while protecting the constitutional rights of defendants and victims. This makes for a better and safer society for all of us and promotes confidence in the criminal justice system. That can only be accomplished if we do everything constitutionally permissible to deter criminal and dangerous motor vehicle conduct. I believe compelling litigants to come to court is not only a deterrent to such conduct but allows judges to make an impact on peoples' lives. The most rewarding aspect of my job is to try to help defendants turn their lives around. That is certainly better accomplished if I have personal contact with the defendants.

We also must immediately bring back in-person trials without giving defendants the choice to opt out until the covid restrictions clear. In my court alone, a township of approximately 35,000, we have 77 trials including 8 dui's in the trial bank that defendants have opted out due to covid with no trial date in sight. I have conducted numerous in-person trials since the covid restrictions were put into effect where the parties elected to appear rather than opt out for a future trial. All the parties have had their temperatures taken

before they enter the courtroom, worn masks, adequately socially distanced from each other and absolutely no one has complained about the procedure.

The remote trial is not a viable option in that there is a very strong argument that a remote trial does not pass constitutional muster and violates the 6th Amendment confrontation clause. Moreover, with a remote trial, a judge cannot adequately assess a witness' credibility and I'm not sure how exhibits can be handled properly in a virtual setting. I have not even mentioned the problems that we have all experienced with the technology of the virtual platforms.

Certainly, the ability to issue warrants is critical to the proper administration of justice and I applaud the AOC for allowing us to re-issue warrants. Accountability is critical to the dispensing of justice in the criminal justice system. However, I do believe that the judge presiding over the matter should have the authority to issue warrants on all cases and should not have to get permission from its county presiding judge where the defendant fails to appear. Especially for all criminal matters, the sitting judge should have the authority to issue warrants. If the AOC believes that two FTA's are required before a warrant is issued, that procedure makes sense. The requirement of mandating approval from the court's presiding judge absolutely sends the wrong message that the AOC does not trust the sitting judge to make the right decision.

Thank you for your time and consideration in these serious and important matters. I do believe that as judges we can make a positive impact in people's lives. These proposed procedures in my mind severely limit our ability to make such a difference.

Judge Lewis Korngut, J.M.C.