

IN THE MATTER OF)
)
 JUDGE JASON D. WITCHER,)
)
 JUDGE OF THE)
)
 MUNICIPAL COURT)
)

TRANSCRIPT
OF
INTERVIEW

HELD ON: January 25, 2023

HELD AT: Brown & Connery
(Heard via Zoom)

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I N D E X

PAGE

WITNESS

BENJAMIN TELSEY, A.J.S.C.

Examination by Mr. Cook

5

1 MR. COOK: Today is January 25th, 2023 and
2 the time is 1:40 p.m. My name is Bill Cook. I'm an
3 attorney with the firm of Brown & Connery located in
4 Westmont, New Jersey. With me today by remote means is
5 Assignment Judge Benjamin Telsey of Vicinage 15 in the
6 Superior Court. Also with us today at my request is
7 Mr. Jason Corter. He serves as the trial court
8 administrator for Vicinage 15 in the Superior Court of
9 New Jersey.

10 Good afternoon, guys.

11 My intent here today is to essentially gather
12 information and facts which are relevant to certain
13 matters that have been brought to the attention of the
14 Judiciary by Judge Jason Witcher. For this record,
15 Jason Witcher is a municipal court judge who sits in
16 various municipalities in the Cumberland County/Salem
17 County area including the City of Millville. Judge
18 Witcher has made certain contentions relating to the
19 administration and more specifically to the scheduling
20 practices of the Millville Municipal Court. And I have
21 been asked by the Administrative Office of the Courts
22 to conduct a series of interviews for the purpose of
23 obtaining further information to assess and to review
24 these matters.

25 Judge, just by way of preliminaries, I do not

1 know you personally. I know I've had the pleasure,
2 Your Honor, of appearing before you on a few occasions.
3 I wouldn't say it was many. My practice is not really
4 municipal court at all. I have appeared in municipal
5 courts at various times throughout my career. I've
6 practiced for approximately 20 years. My practice
7 consists of employment-related matters, employment
8 investigations, training, policy development,
9 consultation. I also serve as trial and appellate
10 counsel in a variety of different claims in these
11 areas.

12 I have conducted similar such investigations
13 over the course of my career. And as I said at the
14 outset, my objective here, Judge, is to simply obtain
15 and learn more about certain aspects of this that will
16 be helpful in reviewing the concerns that were raised
17 by Judge Witcher.

18 Your Honor, as you know, this is a voluntary
19 statement. It is not compelled. I have requested that
20 this be by audio. It's just much simpler in order to
21 create a record of what is said here and can be useful
22 for those related purposes. As I said, the questioning
23 is not compelled. You're free to stop this at any
24 point in time. I should further add that the statement
25 today is not sworn although I have no doubt that

1 everything that is said here, of course, is the truth
2 and nothing but the truth.

3 So I guess with that background, Your Honor,
4 are you ready to proceed here?

5 JUDGE TELSEY: Yes, I am, Mr. Cook.

6 EXAMINATION BY MR. COOK:

7 Q All right. Now, Your Honor, I think it's
8 important just so that I understand further the
9 dynamics and the structure of not just the municipal
10 court system but really I think it's important for this
11 record to be clear on the more broader aspects of
12 judicial administration.

13 I know that you serve as the assignment judge
14 for Vicinage 15. I also know and I should add, Judge,
15 I've had a chance to review just some of the overall
16 rules in governing policies related to court managerial
17 structure. I should further add for this record that
18 all of this is set forth by our New Jersey Court Rules
19 and more specifically in Part 1 of those rules which
20 set forth the roles and the duties of the assignment
21 judge.

22 But, you know, Your Honor, in your own words
23 maybe you can provide just a few minutes here to
24 explain what you do as the assignment judge of Vicinage
25 15, your staff, your supervisory roles so that this

1 record is clear as to what you do.

2 A Yes, thank you, Mr. Cook. As you indicated, I am
3 the assignment judge for Vicinage 15. Vicinage 15
4 comprises of Salem, Cumberland, Gloucester Counties.
5 The duties of the assignment judge are essentially to
6 oversee all court operations within the vicinage. I
7 answer directly to the Chief Justice and I'm one of 15
8 assignment judges in the State of New Jersey. Each
9 assignment judge covers a different area.

10 In Vicinage 15 there are approximately 500 to
11 600 employees depending upon the vacancy rate. There
12 are approximately 30 to 40 judges, a combination of
13 superior court and municipal court depending upon our
14 vacancy rate. So my duties and obligations are to
15 oversee all of that staff.

16 It is set up in a very regimented fashion in
17 that I work very closely with the trial court
18 administrator and below us there are a number of
19 different divisions. Those divisions range from court
20 divisions such as civil, criminal, family, municipal,
21 general equity to other divisions such as finance, our
22 ombudsman's office and various other offices that we
23 see, the non-court offices.

24 As far as the court offices and divisions are
25 concerned such as family or in this case what we'll

1 refer to municipal, each division has a presiding judge
2 of that division. So, for instance, there's a
3 presiding judge in municipal, there's a presiding judge
4 in family and so on. And each of those presiding
5 judges have a division manager who they work closely
6 with.

7 So like myself as A.J. and T.C., we closely
8 oversee all court operations. The presiding judge and
9 the division manager oversee what occurs within just
10 their division and they answer to me. So that process
11 makes the filtering of information very clear, the
12 responsibilities very clear and specific as to who
13 receives the information and who disseminates the
14 information.

15 For instance, if there's any rules,
16 directives, any information that comes down from the
17 supreme court, it would usually come to me and
18 depending upon the division it applies to, for
19 instance, if it applies to municipal or family or
20 criminal, whatever the case might be, I will make sure
21 that the presiding judge receives that information and
22 many times will provide some general direction as to
23 how it should be implemented.

24 But I do rely heavily on the presiding judges
25 of each division. Although I oversee the divisions, I

1 consider each presiding judge the subject matter expert
2 for that division. And this is something that we've
3 been doing in this vicinage substantially, especially
4 since COVID came into place, because we were insistent
5 on maintaining our court operations in certain ways
6 through the supreme court on down and it's caused us to
7 regularly work with our division managers and the
8 presiding judges.

9 The presiding judges will filter that
10 information down to their line judges and the presiding
11 judges are there and available to the line judges to
12 answer any questions they have to help them to
13 understand, to implement these directive rules,
14 regulations, whatever the cases might be and the
15 frontline person, presiding judge is the frontline
16 person to assist in that process. If there's
17 questions, then the line judges will direct those
18 questions towards the presiding judge and those
19 questions range from procedural questions, how am I
20 supposed to implement this, to substantive questions
21 where it's not uncommon for a judge to have a question
22 about an area of the law and the person that the judge
23 may likely to go would be their presiding judge since
24 they are the subject matter expert.

25 So the information filters down and then

1 filters back up. There may be issues that I have to
2 get involved with if a line judge asks the presiding
3 judge a question and the presiding judge needs some
4 direction from me or she may contact me and say hey,
5 we've got this issue, how should we best address this.

6 Q Now, Judge -- I'm sorry, I didn't mean to
7 interrupt.

8 A Go ahead.

9 Q Let me ask as far as -- so we have these
10 different, as you've identified, areas of course and
11 they report to you by way of the presiding judge. Talk
12 to us a little bit about the municipal courts and how
13 they are -- I understand, for example, there are 24
14 municipal courts throughout Vicinage 15 and I take it
15 that -- and I know that they are all governed by a
16 municipal court judge. I further know that the
17 municipal court judge that is appointed by the
18 municipality is appointed by that municipality itself
19 by contract and there are governing laws which control
20 the terms and conditions of that appointment as well as
21 the length of that appointment.

22 I also understand that municipal court judges
23 are not superior court judges, however, since the
24 municipal courts are part of the Judiciary, there is an
25 oversight function in the sense that the municipal

1 court judges will correspond and communicate regularly
2 with the municipal court presiding judge who is one of
3 those presiding judges that you identified.

4 Would you be able to elaborate on that
5 structure as it pertains to the municipal courts and
6 also focus on what resources are available at the
7 vicinage level not just for the municipal court judges
8 but also for the municipal court staff?

9 A So it's a hybrid approach that you're referring
10 to. It's a hybrid setup wherein each municipal court
11 judge and municipal court staff are hired and are
12 employees of the municipality. So my standpoint from
13 the superior court level, we don't get involved with
14 who they hire in that process. Adjuncts, to make sure
15 that once they're hired, that they do comply with the
16 requirements of the superior court or the supreme court
17 as it's filtered on down and that comes back to the
18 issues of the directives, et cetera.

19 Any of the municipal court judges they have
20 the ability to -- if they have any questions, they have
21 the ability to reach out to Presiding Judge North, they
22 have the ability to reach out to me. It's not uncommon
23 that I may receive a call from a municipal court judge,
24 maybe not as often as superior court judges because
25 municipal court judges are -- most of them are part-

1 time employees as opposed to someone I would see on a
2 full-time basis in the courthouse.

3 They also have the ability to reach out to
4 the Administrative Office of the Courts. In addition
5 to having a local municipal division manager, there's a
6 state-wide assistant director that oversees all of the
7 municipal court operations and he also is available to
8 any of the judges or anyone else, staff members or
9 anybody else has information. And this information,
10 the municipal division meets monthly in Trenton and
11 that would be all the presiding judges -- I believe
12 it's monthly -- in Trenton to discuss substantive
13 issues and procedure issues and implementations of
14 policies.

15 That information would get filtered down
16 directly from Trenton, the Administrative Office of the
17 Courts, through the presiding judge, the division
18 judges and the municipal division managers also
19 regularly meet folks in Trenton. So there are various
20 avenues for this information to be shared to our
21 municipal courts through the superior court, through my
22 chambers, through presiding judge, through the
23 Administrative Office of the Courts so that's how that
24 information works.

25 Q Is it fair to say, Your Honor, that when it

1 comes to questions that might have come across a
2 municipal court judge's desk whether it is a
3 substantive case type matter, anything relating to
4 administration, anything related to really anything for
5 that matter that a municipal court judge might be
6 dealing with, there is some resource available on a
7 daily if not hourly basis at the vicinage level as well
8 as at the state-wide level to answer these questions,
9 to provide guidance and recommendations. Is that fair?
10 A Absolutely. And generally that information can be
11 instantaneous. Again, I have not sat as a municipal
12 court judge, I have not sat as a superior court judge
13 for I guess 15 years now and at any time where a
14 superior court judge, for instance, has a question,
15 they're in the middle of the case, they are able to hop
16 off the bench and there's probably four or five
17 different people that they can call to help assist them
18 with an answer. For the municipal court judge although
19 I haven't done that, I know that the presiding judge in
20 municipal court is always available, can make
21 themselves available maybe not as quickly if they're
22 tied up, as well, the Administrative Office of the
23 Courts folks that would be available as well.

24 Q I think you mentioned, Your Honor, you made
25 reference to Judge North. That is the Presiding Judge

1 Thomas North, is that correct?

2 A That's correct.

3 Q Speak a little, Judge, you worked with
4 Presiding Judge North quite some time. Tell us a
5 little bit about his experience in just the vicinage
6 specifically, working municipal court judges, the
7 things that he does on a professional and a personal
8 level to be available, you know, and which has caused
9 you to have a high degree of trust that he is covering
10 these areas. If you could just speak to that.

11 A That's the key your last statement which is a high
12 degree of trust. I have the utmost confidence in Judge
13 North's ability as I do with all of the presiding
14 judges since that's one of the reasons that they're in
15 the position that they have. They truly are subject
16 matter experts and they truly care about the fair
17 implementation, what happens in our courts.

18 Judge North is a sitting municipal court
19 judge. He's been doing it for much of his career. I
20 consider him an expert in the field of municipal courts
21 and rely upon him for the day-to-day details of what
22 happens in those courts. He knows the laws of the case
23 types that appear before him thoroughly. He knows how
24 to implement those laws and process that. And so
25 generally there are questions that come up from the

1 municipal courts whether it be from staff or judges, my
2 experience has been that they know that they can go
3 directly to Judge North and he'll either have an answer
4 based upon his experience or he'll certainly know
5 (indiscernible).

6 Q We spoke a little bit here, Your Honor, or
7 discussed the resources available to the municipal
8 court judges. What about the municipal court staff? I
9 understand that each municipal court is broken down
10 into a number of different components in the sense that
11 there is a municipal court administrator who is
12 responsible for just that, the administration of that
13 municipal court.

14 Any given municipal court administrator will
15 have a number of staff working under him or her
16 including but not limited to a deputy municipal court
17 administrator, possibly more than one deputy
18 administrator as well as other staffing personnel. How
19 are these individuals or what are the resources
20 available to these individuals at the vicinage level
21 and the state-wide level if they have questions in
22 various things that might come across their desk in the
23 administration?

24 A So from the staffing standpoint just like we used
25 Judge North from the judicial standpoint, staff

1 additionally has the ability to contact the municipal
2 division manager. I have the utmost confidence and
3 respect for our municipal division manager as much as I
4 do for Judge North. She's extremely knowledgeable in
5 the law, she's very versed in the procedural issues,
6 what happens in municipal courts and she is always
7 available to my knowledge to assist the staff members
8 when issues come up.

9 I don't deal directly with the municipal
10 court staff. I think it's rare -- I can't think of any
11 circumstances where I've spoken with any of the
12 municipal court staff directly. Procedurally what
13 happens at least in our vicinage is if there's issues
14 that they have questions with, they know to go to Judge
15 North or Ashley Wolk who's our division manager and
16 they're there available to answer those questions.
17 Certainly, things and issues get filtered up to me when
18 they are presented, issues that they think should be
19 brought to my attention and that's how I would get
20 involved and I would have a discussion with them or
21 even I would seek further assistance through the
22 Administrative Office of the Courts on questions that I
23 don't have the answer to.

24 Q Your Honor, and you may have already
25 mentioned this but I want to make sure that this is

1 clear also. We're actually talking about the municipal
2 court level, each individual municipal court, those
3 individuals who work for a given municipal court are
4 employees of the particular municipality for which they
5 work whereas the vicinage level employees, you
6 mentioned Ms. Wolk who's the division manager, others
7 who are within her staff, they work for Vicinage 15,
8 are employed by the Judiciary. Did I say all that
9 correctly?

10 A Yes, that's my understanding. Yes, correct.

11 Q Nevertheless, the vicinage has its own
12 dedicated personnel whose role is specifically to
13 provide guidance, assistance and coordination for those
14 who are working in the municipal courts across the
15 vicinage on a daily basis with any questions that they
16 may have, is that correct?

17 A Yes. Ms. Wolk has her own staff that she works
18 with. They're available to assist the municipal courts
19 to the point where on multiple occasions where there's
20 been say, a shortage of employees in an individual
21 municipal court that Ms. Wolk and/or her staff will
22 actually go into that court and help that court operate
23 until such time as those vacancies can be filled.

24 Q And then I think as you identified, Your
25 Honor, there is another level of coverage so to speak

1 or at least a resource base at the state-wide level
2 where not only can the vicinage staff reach out to the
3 state-wide level for questions but even at the
4 municipal court level themselves they have the state-
5 wide resources available to answer these types of
6 questions?

7 A That's right. As I indicated, the Administrative
8 Office of the Courts has a division that helps assist
9 the local vicinages and even the individual municipal
10 courts. From my standpoint I don't get too involved
11 until it's necessary for me to get involved other than
12 to make sure that the information is properly filtered
13 down and followed. I look at my duties as the
14 assignment judge is to make sure that any supreme court
15 policies, directives, procedures or requirements are
16 implemented. That's what maintains the integrity of
17 our Judiciary and the consistency of the Judiciary.

18 And so anything that's occurring within our
19 courts with regards to our staff or the operations of
20 our courts, my job is to make sure that that
21 information is in the right people's hands. I do
22 believe that our division managers and our presiding
23 judges are the right people, make sure that they
24 understand it and know that I could trust them for
25 proper implementation of it.

1 But because of the extent of the operations
2 that I oversee, we're one of the largest vicinages in
3 the state with the number of employees, number of
4 judges and courts, we have three separate county
5 courthouses some of which have a couple of courthouses
6 within those counties in all the municipal courts and
7 so I may not all the time get involved in the very
8 details of each operation. I need to make sure that
9 the people such as the presiding judges and the
10 division managers have all the information and can
11 implement it. So I can trust that that's being handled
12 appropriately (indiscernible).

13 Q Judge, this may sound obvious but I think
14 it's important that this record is clear on this. Why
15 is it so important to have these types of resources,
16 these extensive resources available both at the
17 vicinage level and the state level to the municipal
18 court judges and their staff? Why is it important that
19 we have this available?

20 A So what we do as the Judiciary is we serve the
21 public. That's what this is about. That's what I've
22 dedicated my career to is to make sure the public is
23 properly served, that what happens in our courts is
24 fair, that what happens in our courts represents all of
25 the service and the integrity that's necessary for the

1 public to have a trust in the system.

2 So the fair and equal implementation of these
3 rules and policies ensures that and to allow any of
4 that to not be strictly complied with undermines really
5 what I've dedicated my career to and what is so
6 important is maintaining the integrity of our court
7 system and the people's trust in the court system.

8 Q As to that last part, Judge, and I wanted to
9 ask about this as well, we've talked a lot about the
10 resources available to municipal court judges,
11 resources available to municipal court staff. What
12 about litigants if they have questions or they feel
13 that there are concerns that they have in the
14 administration of the municipal court system, do we
15 have resources available at the vicinage level and the
16 state-wide level to address those concerns, answer
17 questions, provide resources?

18 A That is one of the most important things is to
19 make sure that our litigants have access to the courts
20 and that's what you're talking about, the resources for
21 the litigants. The Judiciary prides itself on making
22 sure that each litigant has the ability to have their
23 issues addressed in courts and that's done through a
24 lot of different ways.

25 We have the Office of the Ombudsperson. That

1 is an office that is designed solely, at least
2 primarily, to address the litigant issues, to address
3 litigant services. Our ombudsman in our vicinage is
4 excellent. She deals with many hundreds of people a
5 year, maybe even thousands. I don't know the number
6 off the top of my head.

7 When I say deals with these people, someone
8 contacts the court, says I need to do X but I don't
9 know how to get to X, how do I do this, our ombudsman
10 can help an individual navigate the papers that need to
11 be filed, the division that the papers need to be filed
12 in. The resources, we have an online library that they
13 can point them in the direction where the forms can be
14 located, the types of forms that they need. So that
15 when someone needs the assistance of the courts, they
16 have the Office of the Ombudsman who can come in and
17 assist them.

18 In addition to the Office of the Ombudsman,
19 each of our divisions and the trial administrator,
20 myself who regularly meet with our division managers or
21 staff or judges, probably one of the top priorities if
22 not the top priority is the customer service aspect of
23 things. Someone shows up at the window and they need
24 to file something, our staff is required to assist them
25 navigate this process. The last thing that we can have

1 happen is someone show up at the window and not be
2 given access to the courts because they don't know how
3 to file the paperwork, they don't know what division
4 they should be filing the paperwork in. So that's an
5 extremely, extremely important part of the process.

6 I will also note too, I mentioned the Office
7 of the Ombudsman. Unfortunately, there are times where
8 litigants aren't satisfied with the results of what
9 happens in court and that could be for any number of
10 reasons. It could be because they disagree with the
11 judge's decision or they feel the judge treated them
12 unfairly or any other number of reasons. Our courts
13 are set up to address that as well. Our Office of the
14 Ombudsman regularly receives complaints about things
15 that may have occurred within our courts. And when I
16 say things, it could be, as I indicated before, a
17 disagreement with a decision and the ombudsman can help
18 walk them through the process of perhaps filing a
19 motion for reconsideration, perhaps how to file an
20 appeal, where to file an appeal, all of those things.

21 The other area that the Office of the
22 Ombudsman gets involved is when there's judicial
23 complaints and, unfortunately, that happens all too
24 often where a litigant feels as though they weren't
25 treated fairly by a judge, a judge did something

1 improper, any countless number of things. So the
2 Office of the Ombudsman is designed to receive that
3 information gather that information and that
4 information ultimately will make its way to me as the
5 assignment judge and I will make determinations as to
6 how much we address.

7 It can be addressed any number of ways. Lots
8 of times maybe the judge didn't do anything improper
9 and that's the end of it. But sometimes that's not the
10 case. Sometimes I do have to get a little bit more
11 involved. Sometimes it may be something simple where
12 it's just a matter of why don't we sit down with a
13 judge and say listen, you know, I listened to the
14 recording, you may want to treat this litigant a
15 certain way, a little better, give them an opportunity
16 to be heard. Other times it may be more significant
17 where they need to be sent to the Judicial Ethics
18 Committee which is an entity at the state level that
19 can address these issues as well. So through the
20 Office of the Ombudsman it's not uncommon for me to
21 ultimately receive complaints about our judges and/or
22 staff where I need to have a private sit down or
23 discussion to address these issues.

24 The other way that we ensure our litigants
25 fair access is through the language access plan.

1 Q I was going to ask about that. Could you
2 talk a little bit about that, Judge?

3 A Yes. So it is a detailed plan to ensure fair
4 access to the courts which could be denied because of
5 language reasons absent the implementation of this
6 plan. I don't know if I said that clearly. So the
7 Judiciary through the Administrative Office of the
8 Courts and supreme court has focused much of its
9 efforts on the language access plan and the
10 implementation of the language access plan.

11 That plan is something that, as I explained
12 before, gets filtered down to me through the courts but
13 we take it extremely seriously and this is something
14 that we are required to regularly review with our
15 judges to make sure that the understanding works in the
16 language access plan and, most importantly, to make
17 sure our judges understand that we have resources
18 within the court. So, for instance, if someone comes
19 into court and there may be some limited language
20 issues, our judges know who in each court they should
21 contact and do so immediately because that's very
22 important to what I had mentioned before which is our
23 access to the courts. That information is provided
24 annually and that's in addition to regular training
25 that all judges and staff receive.

1 Q How do we educate, Judge, not only our
2 vicinage personnel but also municipal court personnel,
3 really, anybody in contact with the vicinage on these
4 language access issues, creating the awareness of the
5 importance of these matters and providing the specific
6 types of details and training that's necessary to be
7 sure that all of these areas are covered? What are
8 some of the things that we do at a vicinage level to
9 make sure that that's implemented?

10 A Well, that's the training that you just hit on.
11 It's all training and it's all the filtering of
12 information. We regularly do training, as I indicated,
13 with our judges and our staff to make sure that they
14 fully understand the language access plan. I regularly
15 have, in addition to individual division trainings, I
16 have monthly meetings with the judges and during those
17 meetings we discuss multiple topics. When I say the
18 judges, I should say the superior court judges. We
19 discuss multiple topics including the implementation of
20 the language access plan.

21 As far as municipal court judges because
22 we're not all under one roof per se, Judge North will
23 normally have a quarterly meeting with the judges, the
24 municipal court judges. Whether that timeframe is
25 strictly kept quarterly, I don't know. Sometimes it

1 may run a little longer than that but it's a regularly-
2 scheduled meeting where many issues are discussed
3 including the language access plan as well as other
4 access, other changes in the law and any other policies
5 that may have come down from Trenton or the supreme
6 court.

7 Q I take it, Your Honor, that language access
8 and the implementation of this plan, if somebody has
9 questions as to, you know, what that plan requires,
10 what needs to be done to comply with that plan, any
11 person could, you know, at the municipal court level,
12 whether it's a municipal court judge, a municipal court
13 administrator or otherwise, they would have those
14 resources that you previously identified available to
15 them to answer those types of questions. Is that fair?

16 A Absolutely. That information is readily
17 accessible and everyone, to my knowledge, knows how to
18 obtain that information which is key. So if an issue
19 arises, they know who to contact and who to contact
20 immediately so it can be properly and quickly
21 addressed.

22 Q Judge, I did have a few questions. One of
23 the things that I have to review in looking at this and
24 going through the background is the timeline, the more
25 recent timeline relating to court operations during and

1 after -- well, and continuing, I guess, through the
2 COVID timeframe.

3 Based on my research, I understand that there
4 have been a number of supreme court orders and
5 directives that have spoken to these issues. Those
6 directives are very detailed in nature, very specific
7 as to virtual hearings, in-person hearings, when they
8 should be conducted, under what circumstances. I'm
9 also familiar that these directives have been
10 distributed state-wide and have been the subject of a
11 lot of training and oversight in the past two to three
12 years. I understand that there was a supreme court
13 directive. I'll refer to it as the future of court
14 operations order which was issued on November 18th of
15 2021.

16 I understand from my research of this matter
17 that the municipal court services unit with the
18 Administrative Office of the Court in Trenton did
19 forward that order to all state-wide municipal court
20 judges, municipal court administrators, deputy
21 municipal court administrators, everyone that's working
22 at the municipal court level. And I also understand
23 that at the vicinage level a few days after that order
24 was issued there were meetings conducted by your
25 division manager, Ashley Wolk, relating to the

1 administration of that order. Did I say all that
2 correctly, Your Honor, and is there anything you need
3 to add as to that history that we should know?

4 A No. I would just as to the history I would just
5 note that on or about March 20th of 2020, as with the
6 rest of the world, things changed dramatically. And
7 through Chief Justice on down we needed to make sure
8 that we had policies in place to keep everyone safe, as
9 well as policies to maintain our court operations.
10 Critically important during the worst times of COVID
11 that people still had access to the courts so that
12 their issues could be fairly addressed.

13 Now like everything else, access may have
14 been somewhat limited for safety issues, but the courts
15 always were open, never shut down and continued its
16 operations, mostly remote at first and then it further
17 developed through these orders that you referenced. So
18 as the orders came out starting in March of 2020, there
19 were several of them, to the one that you mentioned in
20 November of 2021 to the most recent one of October
21 2022.

22 That's all been designed for one key purpose
23 which is what you had previously mentioned which is to
24 make sure that we can maintain full access to the
25 courts and also to make sure there was some consistency

1 in the application of the access to the courts
2 statewide. So, like you indicated, these orders were
3 provided to the divisions, the division managers, and
4 meetings took place as to how they should be properly
5 (indiscernible).

6 Q Following that, Your Honor, after the
7 issuance of the November 18th of 2021 future of court
8 operations order, I understand that in March of 2022,
9 my notes have it as March 7th of 2022, the Judiciary
10 issued a bench book for virtual court proceedings.
11 Judge, could you speak a little bit about just for
12 persons who may not know what that is to explain what
13 is the bench book for virtual court proceedings and
14 what the intent and purposes were behind that?

15 A Again, the intent and purpose behind that was
16 consistency throughout the state as to the types of
17 matters and how to go about the types of matters,
18 whether they would be in-person or virtual. So it was
19 broken down by division, by case type and indicated
20 whether these certain types of cases should be an
21 in-person case, a virtual case. It indicated and made
22 clear that all judges would be addressing all their
23 matters in person from the courtrooms, courthouses.
24 And it was a tool that our judges and staff could rely
25 upon so we could maintain fair and equal implementation

1 of the statewide policies.

2 Q My understanding, Judge, is that after that
3 bench book was issued by statewide by the Judiciary on
4 March 7th of 2022, the very next day, March 8th of
5 2022, Vicinage 15 municipal court division manager Ms.
6 Wolk shared the bench book, as well as the supporting
7 guidance with all municipal court judges in Vicinage
8 15, as well as the municipal court administrators and
9 deputy municipal court administrators, is that
10 accurate?

11 A That's correct that once I received the bench
12 book, I made sure to forward it to the division manager
13 Ms. Wolk and asked her, which is how I regularly would
14 communicate with this court division, their
15 administrators, their staff, as well as the judges,
16 asked her to take it and forward it to them so they
17 would understand it and begin its implementation
18 immediately.

19 Q I take it, Your Honor, that after that bench
20 book for virtual court proceedings was issued in March
21 of 2022, there was a series of trainings after that to
22 go through the conditions of the bench book, the
23 guidance that was provided and that would have been
24 done not just for municipal court, but at all levels of
25 the different court divisions. Was that guidance

1 provided through Judge North to the municipal court
2 judges and, if so, can you speak to how that played out
3 and what was the process for that?

4 A So the answer is yes, that is my understanding. I
5 was not involved with the detail and the day-to-day of
6 how he implemented that with the judges. Like in many
7 things I had talked about before, I made sure that he
8 had it, that he had the direction that it had to be
9 implemented and I relied upon him knowing that if there
10 were any issues he would have brought it to my
11 attention. So how he went about doing it, I'm not
12 sure. I trust that he did do it, though.

13 I know that the municipal division manager
14 did it, as well. I believe in that March 8 e-mail, I
15 believe it was that e-mail or one subsequently, she had
16 indicated that she was going to be meeting with the
17 administrators to have those meetings. When those
18 meetings took place and the details of those, I was not
19 involved with. I was just comfortable knowing that she
20 was the one who was the one who would implementing,
21 assisting everyone in the implementation of those
22 policies.

23 Q Now my understanding, Your Honor, is that it
24 was not until I believe it was June or July of 2022
25 that at the municipal court level, and this may have

1 been the case also at the superior court level, but I
2 would want to know your input on this, but at the very
3 least at the municipal court level there was a
4 resumption of in-person proceedings, not on a full-time
5 basis, but on at least a partial basis. Can you speak
6 a little bit to the history as to how that happened and
7 also am I correct in that approximate time frame as to
8 when that started?

9 A So actually it started when the November 2021
10 order came out. But things were already scheduled in
11 November of 2021, so it takes a few months for
12 everything to start to be scheduled differently. And,
13 essentially, the order details what should be in
14 person, what should not be in person. The order also
15 gives tremendous amount of discretion to our judges
16 which is necessary and I'm appreciative of because not
17 even case fits in the same box.

18 The order, in its wisdom, gave each of our
19 judges, who I have a lot of confidence in, the
20 discretion to make determinations on certain cases
21 within a general framework that needed to be followed
22 as to whether or not a specific case should be coming
23 in in person because of a very case specific reason or
24 whether or not it could remain remote for a very case
25 specific reason. And our judges have the ability to

1 exercise their judgment and discretion on when they
2 deem appropriate as to the scheduling of these types of
3 cases. And that applies to not only the municipal
4 courts, but also our superior courts.

5 Generally, the order is, you know, the more
6 complex a case is, the cases in municipal court that
7 have consequences of magnitude, loss of license, an
8 incarceration, those are the types of cases that would
9 be listed as in-person type cases, but, again, with
10 some built-in discretion for the judges to exercise.

11 Q And the terms and conditions, Your Honor, of
12 when something is scheduled in person versus virtual
13 and when that proceeds, these are all set forth by the
14 directives that have been issued by the supreme court
15 and then as applied in the judge's discretion, am I
16 saying that right?

17 A Yes. So the directive as, again, sets forth
18 perimeters which provides for the judges' discretion.
19 So it's expected that each judge would strictly follow
20 that order and in following that order they will in
21 some cases make the determination themselves on the
22 record saying, you know, this case I want to be heard
23 in virtual format, this case I want to be heard in
24 person.

25 Or, again, subject to judge discretion, they

1 may want to sit down with their staff members and say
2 here's the order, this is how I expect these cases to
3 be scheduled, and if there's certain circumstances of
4 this case that don't fall within the parameters that
5 I'm telling you that falls within my discretion of this
6 order, you know, bring it my attention, ask me how you
7 want this case scheduled.

8 There's different ways this can be done. But
9 the bottom line is the key to the implementation of the
10 order is that the judge has to control every aspect of
11 scheduling which is a requirement of our judges under
12 our directives and procedures.

13 Q Are you able to speak to that a little
14 further, Your Honor, because that was on my list here.
15 What is the role of the, whether it's a municipal court
16 judge, a superior court judge, or otherwise, as to
17 scheduling? Do they have a role in that and, if so,
18 what is that?

19 A Judges are fully responsible for everything that
20 occurs within their courtroom, including scheduling.
21 The judges are busy and the judges may not be able to
22 detail on each case saying I want this case scheduled
23 this way, this case scheduled that way. And that's why
24 the judge needs to sit down with his or her staff and
25 explain to the staff members what they expect and set

1 those parameters out for the staff members because,
2 again, even if the judge isn't saying I want this case
3 returnable in person on such and such a date, when they
4 postpone a case, it's the judge's responsibility to
5 make sure that that staff person knows that this
6 particular case falls into this category that the judge
7 trained me about and is expecting me to schedule in
8 this fashion.

9 So judges are ultimately responsible for all
10 scheduling, even though they may not be the one that
11 says I want this case in person on this day. They
12 would have given the direction to their staff who would
13 know how to properly implement that policy. And that
14 applies to municipal courts and the superior courts.
15 In addition to what happens in the courtroom, in
16 addition to scheduling, everything that occurs in the
17 courtroom is the judge's responsibility --

18 Q Why is that, Judge?

19 A -- from -- excuse me?

20 Q Why is that?

21 A Because they are the responsible, ultimately the
22 person responsible for the implementation of the laws,
23 access and fairness. And I'm talking down to the
24 details of who's in the courtroom. There may be times
25 where a -- someone wants to get into a courtroom and a

1 staff member doesn't want that person in the courtroom
2 for some reason when our courts are open. And the only
3 one that can make sure that there is that full access
4 and the openness of our courts which is so important is
5 the judge, judge is responsible who may be in that
6 courtroom or things along those lines to the scheduling
7 of cases, the movement of cases, the demeanor of the
8 attorneys that appears before them, everything. That's
9 what maintains the integrity of our system.

10 Q Do judges, Your Honor, have an ongoing
11 obligation to monitor their staff operations, not just
12 when court is in session, but in the day-to-day when
13 the regular administration is ongoing? Do the judges
14 have an obligation to monitor that and, if so, what is
15 their role there?

16 A The answer is yes. Judges are fully responsible
17 for all court operations. Different judges handle that
18 monitoring differently. Some may regularly meet with
19 their staff on a weekly, biweekly, monthly basis so
20 long as things are going smoothly. Other judges like
21 to meet with staff before each court session. Again,
22 it really depends upon the court that we're talking
23 about. Municipal courts, obviously, have a higher
24 volume than the superior courts. But regardless of the
25 volume and what's happening in those courts, there's no

1 difference in the responsibility of the judge to ensure
2 proper operation of their courts.

3 Q I take it, Your Honor, that staffing for any
4 particular courtroom may change from time to time due
5 to a variety of different reasons. What are the
6 expectations that the Judiciary has for its judges when
7 new staff may come on board as far as the judge
8 providing guidance on his or her preferences, practices
9 and so on, is there a role there for the judge?

10 A Again, like everything else, there's built-in
11 discretion to the judge. The one common theme is that
12 the judge is the person who is ultimately responsible
13 for every aspect of the court operations. Now in the
14 situation that you mentioned, it depends. A judge may
15 feel comfortable just working through his or her court
16 administrator and say, you know, please make sure you
17 explain to our new staff person this is how I like to
18 do things.

19 A judge may be happy or may prefer to sit
20 down with the new court person and perhaps the court
21 administrator to explain those things. But the key is,
22 is that the information needs to be provided in a way
23 that the new staff person understands what's expected
24 of him or her and it needs to be -- and what is
25 expected of him or her needs to be made clear through

1 the judge.

2 Q Your Honor, does a judge in the course of
3 this regular monitoring that a judge will do of his or
4 her staff, does that include an obligation to
5 constantly evaluate and be sure that the staffing
6 are -- staff is performing up to expectations, that
7 their job is being done correctly, is that also within
8 the role of the judge and, if so, how?

9 A It is in the realm of the judge. Again,
10 everything that happens in that courtroom is the
11 judge's responsibility. As far as the day-to-day
12 operations of the staff, the judges will develop a
13 certain comfort level that things are being done
14 properly and may not -- and will, in exchange, rely
15 upon the staff supervisor or the municipal court
16 administrator. If the cases are moving smoothly,
17 there's no issues, in many circumstances, if not most
18 circumstances, the judge can rely and feel comfortable
19 that everything is being done properly.

20 However, if there are some (indiscernible)
21 say hiccups, something that seems out of wack in some
22 way, whatever is, the processing of cases, your backlog
23 is increasing or something else that you feel is
24 impacting the smooth and efficient performance of the
25 operations, that's when the judge may need to get a

1 little bit more involved and sit down with their court
2 administrator or division manager and say, hey, I'm
3 starting to notice these types of things, let's talk
4 about why I'm noticing it, are you saying that, you
5 know, we work collaboratively with our staff and if
6 you -- and let's talk about solutions. If there's
7 something I see that I'm uncomfortable with, let's talk
8 about how we can go about it and put specific
9 expectations in place for the staff.

10 You know, as a judge, if you see something
11 that's bothering you, your backlog is increasing, the
12 judge needs to not say, you know, let's fix the backlog
13 and get it done. The judge would say, all right, let's
14 try this, let's add five more cases of this case type
15 to the docket. Let's look in -- let's try this. So
16 there needs to be very specific directions provided to
17 staff when the issues like that arise.

18 And, you know, the day-to-day issues, staff
19 understands how that works. But when you notice a
20 problem and you need to fix that problem, it's very
21 important that the judge provide specific direction to
22 staff members as to how to fix it and what is -- and
23 you make it clear to your staff what is expected.

24 Q Your Honor, if speaking, for example, to an
25 issue that the judge perceives with a calendar for some

1 reason, does the judge have the ability to control his
2 or her calendar and/or to direct staff how he wants the
3 calendar to be structured? Is that within the judge's
4 control?

5 A Not only is it within the judge's control, but
6 it's the judge's responsibility. So if you're seeing
7 calendaring issues, that's an example of what we had
8 just talked about before. So you need to sit down with
9 your staff, you need to express to them what your
10 concerns or issues are, and you need to put a specific
11 plan together to fix the issue. The judges, as we
12 talked about before, are provided a tremendous amount
13 of discretion.

14 So when I say put a plan together, there's
15 any number of types of plans together. For instance, I
16 noticed that my backlog was increasing in a domestic
17 violence calendar, actually a violation of restraining
18 order calendar that I was handling. So I sat down with
19 staff and we looked at it. We looked at the numbers
20 and this is when I said to staff let's try adding
21 another five more cases a session and see how we do
22 with that. Let's make sure we're able to get through
23 and all of that. So and it helped with the backlog.
24 It was very clear direction to staff as to an
25 implementation plan as to how to address the problem.

1 You know, it reminds me of, you know, the
2 kids when they're playing baseball and the dad's
3 yelling from the sidelines, you know, hit the ball. Of
4 course, that's what the child's trying to do is hit the
5 ball. If you want to give some direction, though, you
6 need to be specific, you know, whatever that might be.
7 Step into it, whatever the case might be.

8 And that's what we have to do as managers and
9 judges is we can't tell staff, you know, reduce my
10 backlog. Let's talk about how we're going to go about
11 it and there where the specifics have to come into play
12 and it's our responsibility as judges and supervisors
13 to make sure that staff understands what's expected.

14 Q Your Honor, just to switch gears a little
15 bit, I did have a few questions about access matters
16 and more specifically access to interpretive services.
17 We spoke a little bit before about the language access
18 plan. At any point in time in 2022, going into 2023,
19 if there was somebody who spoke a different language
20 and appeared in a court in Vicinage 15, whether it be
21 in a municipal court or in the superior court itself,
22 were interpretive services available to those litigants
23 and, if so, how?

24 A The answer is yes, absolutely and all of the time
25 and in every language. It's just, it is a requirement

1 for access to the courts. Now how it depends upon the
2 language, it depends upon the court. The November 2021
3 order that you referenced provided some direction with
4 regards to language access for our courts and did
5 provide for the ability for individuals to be brought
6 in person for interpretative services, as opposed to
7 the most recent order of October of 2022 which is more
8 of a presumption that it's not necessary to bring folks
9 in person for interpretative services.

10 It can be, again, like everything else in
11 those orders, there is a lot of discretion as to how
12 they should be implemented, just would require the
13 judge to say this is I would like to happen. But all
14 courts have access and we require, when I say we,
15 myself as the assignment judge, ensures that all of our
16 municipal courts has language services available,
17 whether that be in person or virtual through
18 LanguageLine and through other form of service, that's
19 where we get into the hybrid. The actual type of
20 service that's available, we leave that into -- up to
21 the discretion of the municipalities working with our
22 judges as to what's best suitable for their courts.

23 Don't micromanage that issue because that's a
24 budgetary issue and all of those things. What I do
25 micromanage is the importance that at all times there's

1 an interpreter that would be available to any litigant,
2 witness, or any other court user who enters our
3 courtrooms.

4 Q Your Honor, I'd like to turn your attention,
5 if I would, more specifically to the City of Millville
6 and its municipal court and focusing further on the
7 time frame of 2022. Your Honor, at any point in time
8 has it come to your attention that in 2022 there was a
9 lack of interpretive services available? And let me be
10 a little more specific with this. Were you aware of
11 any circumstances or any events in 2022 in which a
12 litigant appeared in Millville Municipal Court and did
13 not have an interpretive service available, be it
14 through LanguageLine or by way of an in-person
15 interpreter? Did any such circumstances ever come to
16 your attention in that regard?

17 A Never.

18 Q At any point in time in 2022 did it come to
19 your attention that in the Millville Municipal Court
20 the LanguageLine system was unavailable to persons
21 appearing on -- appearing virtually?

22 A Never.

23 Q Did it ever come to you attention at any
24 point in 2022 that there was any litigant who appeared
25 virtually in Millville Municipal Court and was unable

1 to have access to interpretive services?

2 A Never.

3 Q Were you ever aware of any circumstance in
4 2022 where a litigant appeared in person in Millville
5 Municipal Court and that person did not have an
6 interpretive service available either through
7 LanguageLine or by way of an in-person interpreter?

8 A Never, nothing like any of these circumstances
9 were ever brought to my attention.

10 Q At any point in 2022, Judge, did you become
11 aware of any issue in the administration in Millville
12 Municipal Court as far as the availability of
13 interpretative services? And let me be more specific
14 to that. Did it come to your attention through your
15 vicinage division management or from the Millville
16 Municipal Court itself that there was a lack of access
17 to LanguageLine, for example?

18 A Nothing like that ever came to my attention.

19 Q All right. In the time frame, Your Honor, of
20 July 2022, August 2022, September 2022, October 2022,
21 did you became aware of any issue in the Millville
22 Municipal Court relating to the calendaring of cases?
23 In other words, was it ever brought to your attention
24 that there is some kind of issue of some nature in the
25 scheduling of cases in the Millville Municipal Court?

1 Did any such concerns come to your attention in that
2 time frame that I referenced of July to October of
3 2022?

4 A Nothing like that was ever brought to my attention
5 at that time.

6 Q In November 2022, was any issue brought to
7 your attention, whether from anyone associated with
8 Millville Municipal Court or anyone in your vicinage
9 staff, was any issue in the calendaring of cases in
10 Millville Municipal Court brought to your attention?

11 A No.

12 Q Judge, in the time frame of July, August,
13 September, October 2022, November 2022, did Municipal
14 Court Judge Witcher ever reach out to you with respect
15 to concerns he had in how cases were scheduled in the
16 Millville Municipal Court?

17 A No, he didn't.

18 Q In that time frame, that same time frame,
19 did, to your knowledge, did anyone in your vicinage
20 staff, your trial court administrator, Judge North, the
21 presiding judge, Ashley Wolk, the division manager, did
22 any of them come to you and inform you of any issue
23 that they were aware of or that had been brought to
24 their attention in the calendaring of cases in the
25 Millville Municipal Court?

1 A No, none of those staff members you mentioned
2 brought anything along those lines to my attention.
3 And that's something that I would expect that they
4 would do if it was brought to their attention.

5 Q Your Honor, going through the records that I
6 have and the information that's been available to me, I
7 understand that on December 7th of 2022, you had
8 correspondence with Municipal Court Judge Witcher
9 relating to an [REDACTED] issue. My intent here, Your
10 Honor, and in respect of that process, I do not want to
11 get into the specifics of that, but can you tell us
12 what were your intentions in reaching out to Judge
13 Witcher to address those matters on December 7th?

14 A I received a document written by Judge Witcher
15 [REDACTED]
[REDACTED]
[REDACTED].

16 . When I receive such information, my
17 obligation is to follow up on something like that
18 because, as we discussed earlier, I need to make sure
19 that our courts are operating appropriately and I need
20 to make sure that the public is properly served.

21 So upon receipt of that information, I wrote
22 to Judge Witcher and I requested some additional
23 information from him so I could be satisfied as to his
24 ability to resolve.
25

1 Q In communicating with Judge Witcher in that
2 regard, Judge, did any of that have anything to do with
3 the calendaring or how cases were calendared or any
4 concerns that Judge Witcher had in relation to that [REDACTED]
[REDACTED]?

6 A So, it had absolutely nothing to do with the
7 calendaring issues [REDACTED]
[REDACTED]. And the records with regards to that speak for
9 themselves.

10 Q Your Honor, prior to your sending the
11 December 7th
12 e-mail to Judge Witcher, had Judge Witcher communicated
13 to you directly that he had concerns with scheduling
14 and the scheduling practices of the Millville Municipal
15 Court?

16 A No.

17 Q How did it come to your attention, Your
18 Honor, that Judge Witcher had such concerns as to the
19 scheduling matter?

20 Q I received a telephone call [REDACTED]
[REDACTED].

22 This was on, I guess it was December 6. Left a message
23 with me that morning, I called that person back
24 relatively quickly. Gathered some information as to
25 what this individual was told, I believe, by Judge

1 Witcher about concerns concerning calendaring and
2 disparate treatment occurring in the Millville
3 Municipal Court.

4 An allegation like that is very, very
5 serious. It was something that upon learning of it, I
6 immediately made that my number one priority, dropped
7 what I was doing at that point. I reached out to some
8 staff, some senior staff to gather just some initial
9 information, to see whether or not there was something
10 going on in Millville along those lines because, again,
11 this is first I've heard of any such thing.

12 Upon gathering some initial information, I
13 determined that it was significant enough that it
14 needed to be brought to the attention of the senior
15 leaders of the Administrative Office of the Courts and
16 by that afternoon, we were having a meeting about at
17 least the initial information that I gathered, the
18 concerns that it raises because, if accurate, those
19 concerns are serious because it goes to and it goes
20 against everything that we stand for as a judiciary and
21 what I've spent my career protecting which is access to
22 the courts. At that point it was determined that an
23 immediate, thorough and comprehensive investigation
24 would have to take place and that it would have to be
25 addressed if there were any issues and addressed

1 immediately.

2 Q Judge, did that internal review by the AOC
3 proceed after you referred it right away for further
4 review?

5 A Immediately. The investigation started
6 immediately. And I would note, you know, something
7 like this being brought to my attention I'm glad when
8 it's brought to my attention because, you know, this is
9 what I do, this is my job as the assignment judge, to
10 address issues such as this. So, once I learned of
11 this, that's why we started this immediate action plan
12 to look into it, to see if there's some accuracy behind
13 it and, if so, to get it remediated immediately.

14 Q I understand, Your Honor, and, again, being
15 January 25th of 2023, I understand that the
16 Administrative Office of the Courts continues in its
17 review which to my understanding includes a very
18 detailed review of calendars, various scheduling
19 processes and so forth, and that that process is still
20 ongoing.

21 In the middle of all that or in the midst of
22 that, have you also had an opportunity to review, for
23 example, the December 5th calendar in Millville and
24 some of the cases that proceeded at that time and, if
25 so, what have you seen there, at least initially?

1 A Well, sure. Let me say this, too. That my
2 incentive is to determine whether or not something was
3 wrong there and, if so, to fix it. And, you know,
4 there's no need, there's no exposure on my individual
5 part if there was improper calendaring practices going
6 on there. And as we discussed before, I'm not involved
7 in the day-to-day calendaring operations. And, so, the
8 goal upon learning of this information was simply to
9 determine whether or not it existed and to fix it
10 immediately.

11 The investigation has been one of the more
12 comprehensive investigations I've ever been part of. I
13 would say the most comprehensive investigation I've
14 ever been part of. Including myself in those senior
15 leadership at the Administrative Office of the Courts
16 have made this their number one priority and have
17 invested manpower and time into this investigatory
18 process because of the significant and serious concerns
19 that it raises. Access to the courts is one of our
20 fundamental principles and anything that undermines
21 that cannot be tolerated, period. So, that's why it's
22 been so thoroughly investigated.

23 The investigation, we did look at the
24 December 5th calendar and we looked at future calendars
25 because if there was anything going on, that was our

1 first goal, was to prevent further problems because of
2 these calendaring issues. As far as the December 5th
3 calendar, we looked at every case on those calendars.
4 Probably, in total, we've looked at thousands of cases,
5 well, if not, multiple hundreds of cases. To date, we
6 have not identified many of these practices. That was
7 the concern raised, I guess, ultimately, initially by
8 Judge Witcher but that doesn't mean that we're not
9 continuing to look because we are continuing to look.

10 As far as the raising of the issues by Judge
11 Witcher, I'm glad he did. There were some legitimate
12 issues that he raised and I'm not suggesting otherwise.
13 He had some concerns and that's what I want he or all
14 of our judges to do is, what's the most important thing
15 here is that our court users are treated appropriately
16 and everyone has full access. If any of our judges or
17 staff members see anything that they believe to be
18 improper, I encourage them and I welcome them to raise
19 these issues so we can look into this, it's what we're
20 here for as a judiciary, is to make sure that problems
21 like this don't exist and if they do, they need to be
22 fixed.

23 Q As I understand Your Honor, that to the
24 extent that anything identified by Judge Witcher
25 relates to a personnel matter, relative to the City of

1 Millville, the Administrative Office of the Courts and
2 your vicinage, you do not employ employees of the City
3 of Millville, and to the extent that there are
4 personnel matters that relate to that, that would be
5 something that the City of Millville would be reviewing
6 but, at the very least, as far as your review of these
7 cases and what you have looked at yourself, have you
8 identified any circumstance in which any person in the
9 calendars that you reviewed, did not have access to
10 interpreter services?

11 A No. Every calendar that we reviewed in the City
12 of Millville, has had interpretative services
13 available, every day, whether it's an in-person
14 interpreter or whether it's a remote interpreter and in
15 this case, (indiscernible) used the LanguageLine, so
16 each session has interpreters available.

17 Q Again, Your Honor, I realize that this review
18 is ongoing, but in terms of the information that you
19 have reviewed yourself, as far as recent calendars of
20 Judge Witcher, going back to the November/December time
21 frame and maybe even further back, did you review those
22 calendars and did your staff review those calendars to
23 determine whether in-person appearances were properly
24 scheduled as in-person appearances under those
25 directives that we looked at earlier? Was that part of

1 the review?

2 A Yes. So, one of the things that we looked at was
3 to see if cases that were scheduled in-person because
4 the allegations as I understand it to be are that
5 individuals who need the benefit of an interpreter are
6 being scheduled for in-person sessions and are not
7 being given the opportunity for remote sessions. So,
8 in order to determine whether or not there's any
9 accuracy to those complaints, it is necessary for us to
10 look at those in-person sessions to see if individuals
11 who need the benefit of an interpreter are scheduled
12 for court matters that should be remote, which would be
13 the less serious consequences or should not necessarily
14 be in-person.

15 So, in a breakdown of our calendars, what
16 we're looking at among many things, is, we're looking
17 to see if an in-person event is properly in-person
18 within the parameters of the October 22nd and November
19 2021 orders. And, so, we're looking to see cases that
20 can be in-person are cases with consequences of
21 magnitude, DUI's, revokes, no insurance, disorderly
22 persons offenses or cases where there were bench
23 warrants issued, cases where they failed to appear
24 remotely, those are the types of cases that are
25 properly scheduled in-person. And I purposely used the

1 word can because it still is discretion there, meaning
2 that the judge could say, no, even though he failed to
3 appear in court, I'm still fine with your case being
4 remote.

5 Now, the supreme court order says failures to
6 appear move towards in-person within the discretion of
7 the judge. So, if the judge says, listen, if that
8 doesn't meet the in-person, that can be remote. That's
9 within the judge's discretion and that's something that
10 can get talked about before, but that requires
11 direction from the judge to say to his staff, these are
12 they types of matters that even though they can be in-
13 person, I want them to be remote. Well, our
14 investigation hasn't shown that any of that direction
15 was given and so, staff was following the order as they
16 understood it to be, so, these types of cases were
17 properly scheduled in-person.

18 Now, one of the other interesting things that
19 we discovered out of Millville, too, is there's a very
20 high rate of failures to appear for the virtual
21 sessions, if not the highest and we get this statistic
22 on a weekly basis. If not the highest in the vicinage,
23 it's one of the top highest on a week-in and week-out
24 basis. It's not uncommon for 75 percent of the virtual
25 cases, individuals are scheduled for virtual court, to

1 fail to appear for that virtual court.

2 So, what happens on those virtual sessions
3 then is, those 75 percent would get bench warrants or
4 failure to appear notices. Ultimately, when they get
5 scheduled for court again when they're picked up or
6 notice, whatever the case might be, they're going to be
7 scheduled for an in-person session, because that's
8 consistent with the order absent the judge giving
9 direction otherwise, which isn't something that we've
10 learned occurred in this case. So, the virtual
11 sessions really comprise of, it differs, but 25 percent
12 of the folks, maybe 30 percent of the folks that are
13 scheduled depending upon a given week. And so, that's
14 why that -- I shouldn't say why, that's some of the
15 information that we've discovered in our investigation
16 which I want to impress on the fact that it's an
17 investigation that's still ongoing, we're still looking
18 to uncover something if it exists, so we can fix it.

19 Q All of the data, Your Honor, as I understand,
20 you know, the calendars, obviously, the transcripts of
21 the proceedings, the colloquies that occurred in the
22 course of these proceedings, these are things that are
23 documented and these are things that we can look at
24 objectively. I mean, they are what they are, is that
25 fair?

1 A Absolutely. The data speaks for itself, the
2 numbers speak for themselves.

3 Q Also, Your Honor, I did have a question.
4 Does a municipal court judge or a superior court judge
5 have the opportunity in advance of a particular
6 calendar to see the calendar, number one, and number
7 two, does the judge have the ability to see what the
8 names are on the calendar in advance?

9 A The judge has access to all of that information of
10 the cases. I hope the judges do review the calendars
11 in advance just so they're prepared going into their
12 sessions. And those calendar would include the basic
13 information about the cases, names, charges and things
14 along those lines.

15 Q If, we may have already covered this, but if
16 a judge in reviewing the calendar in advance goes
17 through that list and sees something in that list that
18 might seem off, for example, if the judge has an issue
19 with names that are on that list that seem to be more
20 predominantly Hispanic or Latino or some other
21 background, these are all things that a judge could
22 review in advance, see in advance on the calendar
23 before that particular calendar is heard. Did I say
24 that right?

25 A It's something that would be accessible for the

1 judge to see before a calendar is heard. Your example,
2 I don't know what information that gives you, to be
3 honest. I mean, looking at someone's name is really
4 meaningless in my opinion as to any indication of
5 anything.

6 Q All right. Judge, we've been going a little
7 bit here, probably about over an hour, I'd like to take
8 five minutes. I'm going to go off the record and we'll
9 just take a break, we'll come back after that is that
10 okay?

11 A Yes.

12 MR. COOK: All right, thank you.

13 (Off the record)

14 MR. COOK: Today is January 25, 2023, time is
15 3:14 p.m. My name is Bill Cook, this is Part 2 of the
16 recorded audio interview of Assignment Judge Benjamin
17 Telsey. Judge, are you ready to proceed?

18 JUDGE TELSEY: Yes, thank you.

19 MR. COOK: All right.

20 Q Your Honor, I think I have asked pretty much
21 all of the questions I feel I need to ask. I should
22 add for this record that I am in receipt of many, many
23 documents, you know, consisting of, you know,
24 calendars, time lines and otherwise that are part of
25 this review. I know that Your Honor referenced that

1 all of the things that had been viewed in reference to
2 this matter are the subject of extensive documentation.
3 My intent on this record is not to go through all of
4 that as those documents speak for themselves.

5 What I did want to ask, though, Your Honor,
6 is that since these concerns out of Millville have been
7 brought to your attention, I think Your Honor said that
8 it was brought to your attention through a [REDACTED],
9 on or about December 7th of 2022. Are you comfortable
10 that these concerns of Judge Witcher are being
11 addressed and considered in a fair, objective and
12 impartial manner?

13 A I believe the person who brought, I'm not sure if
14 I used the individual's name, but you're correct,
15 that's who it was and it was December 6th that it was
16 first brought to my attention, I believe, just to
17 clarify that.

18 Q Sure.

19 A And absolutely, I'm totally satisfied that we're
20 investigating these allegations thoroughly and
21 comprehensively and fairly. Our investigation has lead
22 us to consider and look into other avenues of my
23 approach to determine whether or not there's any
24 scheduling issues there and to continue to look at all
25 corners to see if there's anything that could have

1 covered the allegations because, again, our only goal
2 is to see if anything improper was occurring with
3 regard to scheduling in the Millville Municipal Court
4 and then, number two, if it is, to fix it.

5 Q Your Honor, my intent on this record, I
6 recognized as we referenced earlier, your December 7th
7 of 2023 e-mail [REDACTED]
[REDACTED]. That's not my scope to get into
9 the details of that nor am I going to place that on
10 this record out of respect for confidentiality and
11 privacy. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

20 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1 Q Your Honor, I am almost done, as I said. In
2 the course of this review by Vicinage 15 and the AOC
3 and at all times relevant, are you comfortable that
4 Vicinage 15 has maintained its commitment to fairness
5 in its administration of court services?

6 A Absolutely. That's been our goal from day one, it
7 continues to be our goal, yes.

8 Q All right. Your Honor, have you been treated
9 fairly today during the interview?

10 A Yes.

11 Q Has everything you told me been the truth,
12 the whole truth and nothing but the truth?

13 A Yes.

14 Q Do you have any questions of me as far as
15 this process before we conclude the interview?

16 A No questions.

17 Q Your Honor, I'll just ask, if I do have any
18 additional questions at some later point, I will
19 coordinate with you to further review those questions
20 if necessary. I would just ask that you remain
21 available if needed, if that need arises, do you
22 understand that?

23 A Yes.

24 MR. COOK: All right. Sir, I appreciate your
25 time today. I have no further questions at this point.

1 The time is 3:21 p.m. January 25 of 2023. Thank you.

2 * * * * *

3 C E R T I F I C A T I O N

4 We, MARY POLITO, KELLI PHILBURN and ELAINE
5 HOWELL, the assigned transcribers, do hereby certify
6 the foregoing transcript of proceedings, (Judge Jason
7 Witcher), is prepared in full compliance with the
8 current Transcript Format for Judicial Proceedings and
9 is a true and accurate non-compressed transcript of the
10 proceedings as recorded, and to the best of our
11 ability.

12
13 /s/ Mary Polito

14 MARY POLITO AOC #573

15
16 /s/Kelli Philburn

17 KELLI PHILBURN AOC #587

18
19 /s/ Elaine Howell

20 ELAINE HOWELL AOC #189

21 J&J COURT TRANSCRIBERS, INC. DATE: January 27, 2023

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