

Discussion Points

1.a. According to the Judiciary there are currently 443 Superior Court Judgeship positions. As of February 27, 2013 there were 34 Judicial vacancies in the Superior Court, a 7.7 percent vacancy rate. The Judiciary anticipates that an additional 20 Judgeship positions are expected to become vacant by December 2013. Judges are subject to mandatory retirement upon attainment of the age of 70.

- **Question:** For each of the past five years, how many judges have left the bench and how many new judges were appointed and confirmed? What impact do these vacancies have on case backlogs?

Response

Between 2008 and 2012 there were 144 Superior Court judges who left the bench and 135 who were confirmed. The following table shows that the number of judges who left the bench ranged from a low of 23 in 2008 to a high of 34 in 2009. The number of judges confirmed ranged from a low of 22 in 2012 to a high of 31 in 2009. The number of vacancies on December 31 of each year grew from 34 in 2008 to 47 in 2012.

Superior Court Judges (Trial and Appellate)

	Number of Judges who Left the Bench *	Number of Judges who were Confirmed *	Vacancies on last day of period
2008 (Jan 1 - Dec 31)	23	27	34
2009 (Jan 1 - Dec 31)	34	31	37
2010 (Jan 1 - Dec 31)	30	24	43
2011 (Jan 1 - Dec 31)	32	31	44
2012 (Jan 1 - Dec 31)	25	22	47
Total 2008 to 2012	144	135	
2013 (Jan 1 - Apr 16)	14	24	37

* Does not include Supreme Court Justices or Tax Court Judges

The work of the Judiciary is built upon its most important resource: its judges. The Courts rely on judges to dispose of more than 1 million cases per year. When these key judge positions are vacant for long periods, backlogs can build. In June 2007 the trial courts had 25,904 cases in backlog. The growth of vacancies in the next years contributed to backlog growth of more than 5 percent to 27,193 cases in June 2012. An unbalanced growth of vacancies among vicinages has made it particularly difficult to effectively and efficiently manage cases in some areas and almost impossible to consistently limit backlog growth.

Discussion Points (Cont'd)

1.b. Under P.L.2011, c.78, and authorized under the November, 2012 constitutional amendment (Article VI, Section VI, paragraph 6), sitting judges are required to contribute an additional 9 percent (from 3 to 12%) of salary for their pension costs as well as percentage of the cost of health care benefits on a phased-in basis. These increased contributions were delayed for sitting judges until December, 2012 when the constitutional amendment became effective.

- **Question: Does the Judiciary anticipate additional Judicial retirements as a result of this new requirement?**

Response

While it is still too early to point to significant statistical data, the Judiciary does anticipate an increased number of judicial retirements as a result of P.L. 2011, c. 78 and the November 2012 constitutional amendment.

2. In response to a FY 2013 OLS discussion point concerning foreclosure, the AOC stated:

The six largest mortgage servicers have a portfolio of approximately 60,000 pending foreclosure actions. Because the largest mortgage servicers have suspended foreclosure activity for 19 months, it is projected that 95,000 new residential mortgage foreclosures may be filed in the coming months. At the height of the foreclosure crisis, the Office of Foreclosure's review backlog was approximately 9 months. The office of Foreclosure and the Superior Court Clerk's Foreclosure Processing Unit have hired additional temporary staff to avoid the creation of a new backlog when foreclosure activity begins again.

- **Question: What is the current status of foreclosures in New Jersey? How many foreclosures are pending? What is the average time frame from commencement by the lending institution until the disposition of each case by the courts?**

Response

The monthly filings of new foreclosure actions have been increasing. See chart below. In addition, a significant number of foreclosure actions suspended by the major lenders in 2010 and 2011 are being resumed.

04/12	05/12	06/12	07/12	08/12	09/12	10/12	11/12	12/12	01/13	02013	03013
2,242	2,332	2,649	3,171	3,795	3,250	3,918	3,789	3,007	3,623	3,747	4,327

Discussion Points (Cont'd)

The time to disposition for foreclosure actions is primarily the responsibility of the lenders' attorneys. Efficient foreclosure law firms could be in a position to request a final judgment in 6 to 9 months after a foreclosure action is filed. The average time to disposition for residential mortgage foreclosure actions which were filed in 2012 with default judgments reveal that these foreclosures are disposed of in 7.9 months. The average time for all foreclosure actions is considerably longer because of the significant number of foreclosure actions that were suspended and which have been resumed.

3. A recent report by The Annie E. Casey Foundation indicates that the number of minors held in New Jersey's county youth detention centers fell by almost 50% from 1997 to 2010. This steep decline has been attributed to the Juvenile Detention Alternatives Initiative (JDAI).

- **Question:** Please provide a description of the JDAI and the Judiciary's role in the program. How many counties currently participate in the program? Are there plans for expansion into the remaining counties?

Response

In 2004 the Annie E. Casey Foundation (Foundation) selected New Jersey as a JDAI site. JDAI was developed in response to national trends reflecting a drastic increase in the use of secure detention for juveniles despite decreases in juvenile arrests, and the resulting overcrowding of youth detention centers nationwide. The goal of JDAI is to create more effective and efficient processes surrounding the use of detention. It works to reduce the number of youth unnecessarily or inappropriately held in secure detention, while maintaining public safety and ensuring youth appear for scheduled court dates. The Judiciary has committed to working with the JDAI, led by the Juvenile Justice Commission, and supported by the Foundation. This involves engaging local stakeholders to come together to implement the core strategies of JDAI. Two key components involve the implementation of a standardized risk screening tool and detention alternatives.

As of 2012 there are sixteen active JDAI counties in New Jersey. They include: Atlantic, Camden, Essex, Hudson, Monmouth, Bergen, Burlington, Mercer, Ocean, Union, Passaic, Somerset, Middlesex, Cumberland, Warren, and Gloucester.

Sussex, followed by Cape May, have recently applied to join the initiative, which would bring the total to 18 counties. The remaining three, Hunterdon, Morris and Salem should join the initiative within the year.

4. The Judiciary has recently launched an initiative implementing the Guardianship Monitoring Program which helps the elderly and disabled who rely on legal guardians to manage their financial and health-related decisions.

- **Question:** Please explain why this program was undertaken and how it operates. What is the status of this program?

Discussion Points (Cont'd)

Response

Ongoing demographic trends, growing numbers of older people -- individuals with Alzheimer's disease and other forms of dementia, and individuals with disabilities-- will boost the number of guardianships in coming years. Guardians exercise extensive authority over the person and finance of incapacitated persons. This authority can be exploited and a mechanism to confirm that guardians are carrying out their fiduciary responsibilities appropriately was necessary. The Guardianship Monitoring Program (GMP) affords continuing oversight of guardianships.

GMP will (1) create a statewide database for Title 3B (adult incapacitated) and Title 30 (adult developmentally disabled) guardianships and (2) a system to track, review and follow-up on guardian qualification, inventories, and annual reporting on the ongoing care and financial affairs of adults under court-authorized guardianships.

On January 30, 2013, the Guardianship Monitoring Program was launched with New Jersey's Chief Justice Stuart Rabner announcing a call for volunteers. The first phase, creating a statewide database has begun. The second phase, the review of annual reports, will begin in May 2013. The rollout will take six months to recruit, train, and deploy volunteers in each of New Jersey's twenty-one counties.

5. P.L. 2012, c.23 expanded New Jersey's Drug Court program by eliminating prosecutorial objection to admission to drug court, expanding the eligibility criteria for voluntary drug court, and authorizing a phased-in mandatory drug court program. The FY 2014 budget recommends \$31.008 million for drug court treatment, an increase of \$4.5 million over the FY 2013 adjusted appropriation.

- **Question: In which counties are mandatory drug courts now operating? How were these counties chosen? When does the Judiciary anticipate that full expansion will be complete? How have the other provisions of P.L.2012, c.23 been implemented? What is the impact of each of the statutory drug court changes?**

Response

- A. As per the implementing statute, presuming adequate funding is provided, mandatory Drug Courts are scheduled to start on July 1, 2013 in the following vicinages: Hudson, Ocean and Somerset/Hunterdon/Warren.
- B. The vicinages were chosen so that all regions of the state are represented in the first phase of implementation. We also wanted a mix of counties of various size, i.e. - small, medium, large caseloads, and wanted a mix of urban, rural and suburban counties.
- C. The Judiciary anticipates full expansion by July 1, 2017. Three additional vicinages will phase in each year on July 1.

Discussion Points (Cont'd)

D. Since mandatory Drug Court has not yet been implemented, we assume this question addresses the change to the voluntary drug court program.

On July 19, 2012, Governor Christie signed L. 2012, c. 23. The changes to the voluntary drug court program were to be effective January 1, 2013. On August 12, 2013, Attorney General Chiesa issued a memorandum to all county prosecutors instructing that the changes to the voluntary program be implemented immediately. This had the effect of moving up the effective date of the changes to the voluntary program. As a result of the expansion of the voluntary program, coupled with the impending mandatory program, there has been a significant increase in applications and acceptances to voluntary Drug Court in many vicinages. Our current projections indicate admissions running 17 percent over the same period a year ago.

It is too early to tell what the impact will be of the implementation of mandatory Drug Court as the program has not yet begun. We do know that applications and admissions to the voluntary program have increased. While we believe these increases will likely continue, it is too soon to accurately project whether the increases we have seen in the first few months of this year are a “blip” or a trend. We do know that the implementation of all the changes will require more judge time to handle Drug Court responsibilities. Without additional judges, handling of regular criminal cases will be negatively affected.

6. During this past year “Superstorm Sandy” created havoc and chaos in New York and New Jersey, causing flooding, property destruction and wide-scale power outages.

• **Questions:** How were the Judiciary’s facilities affected during “Superstorm Sandy”? Does the Judiciary anticipate the receipt of any federal funds made available as a result of the storm? What was the impact, if any, on its case backlogs? What preparations has the Judiciary made to deal with future natural disasters that may affect the operation and security of its facilities?

Response

Last fall, many New Jersey towns were ravaged by Superstorm Sandy. The storm’s devastation yielded billions of dollars in property damage and required countless businesses and homeowners to temporarily or, in some cases, permanently relocate. Our courts were not immune from this devastation.

Overall, the Judiciary fared very well as a result of Superstorm Sandy. With the exception of several municipal courts and one vicinage, the effect the storm had on the Judiciary facilities was primarily due to the lack of electricity, which caused courts to be closed for several days after the storm.

The one Superior Court vicinage that suffered significant damage was Bergen, where the storm produced a 13 foot tidal surge that came up the Hackensack River, leading to severe flooding on the first floor of the courthouse located at 10 Main Street and resulting in a courtroom and several staff areas being flooded and subsequently lost. This paled in

Discussion Points (Cont'd)

comparison to the probation facility located at 133 River Street, which had over 4 feet of water rush through for several hours. The water damage resulted in the entire building being condemned, forcing the County of Bergen to relocate the probation staff housed in the building. In addition, there were more than 10,000 case files damaged, computers and phone systems ruined, all furniture was damaged or destroyed, and several vehicles were totaled.

The Judiciary is in the process of filing a claim with FEMA in an attempt to recover some of the almost \$1 million in damage costs.

Directly following the storm, significant efforts were expended to help courts hardest hit by "Sandy" return to normal operations. To do so required strong coordination between state and local court officials, emergency responders, local Emergency Management Offices, and municipal officials. In almost all cases, formal operations were restored within days. In addition to providing quality customer service, these efforts to restore operations were successful to help keep case processing delays to a minimum. While a small number of municipal courts experienced temporary increases in backlog, most courts were not adversely affected.

This was true for the Superior Courts as well. Once the operations resumed there was a slight spike in filings, however, that quickly diminished and there appeared to be no adverse effect on backlog.

While most municipal courts have since moved back to their original facilities, nine have not. This includes two Ocean County municipalities – Bay Head and Beach Haven – which continue to use temporary trailers as well as a neighboring court to house their court offices. These two municipalities are waiting on much needed FEMA monies. Two municipalities, Margate and Moonachie, are soon expected to begin renovations on their new court facility.

The nine municipal courts currently housed in temporary facilities are listed below. For convenience, the court name and temporary court locations are listed.

Bay Head Borough Municipal Court

Temporary Location
Point Pleasant Borough Municipal Court
2233 Bridge Avenue
Pt. Pleasant, NJ 08742

Beach Haven Borough Municipal Court

Temporary Location
Harvey Cedars Borough Municipal Court
7606 Long Beach Boulevard
Harvey Cedars, NJ 08008

Discussion Points (Cont'd)

Highlands Borough Court

Temporary Location
Atlantic Highlands Municipal Court
100 1st Ave
Atlantic Highlands, NJ 07716

Lavallette Municipal Court

Temporary Location
Island Heights Municipal Court.
One East End Avenue
Island Heights, NJ 08732

Mantoloking Municipal Court

Temporary Court Office Location
Mantoloking Borough Hall
Yogi Plaza
340 Drum Point Road, Suite A
P.O. Box 4391
Brick, NJ 08723

Temporary Court Session Location
Brick Township Court
401 Chambers Bridge Road
Brick Township, NJ 08723

Margate Municipal Court

Temporary Court Office Location
9001 Winchester Avenue
Margate N.J 08402

Temporary Court Session Location
Longport Municipal Court
Borough Hall
2305 Atlantic Avenue
Longport, NJ 08403

Moonachie Borough Municipal Court

Temporary Location
Teterboro Borough Municipal Court
RT 46 – Municipal Building
Teterboro, NJ 07608

Discussion Points (Cont'd)

Sea Isle City

Temporary Location
4501 Park Road
Sea Isle City, NJ 08243.

Ship Bottom Municipal Court

For daily court business, this court is in its original location:
621 Long Beach Blvd.
Ship Bottom, NJ 08008

Temporary Court Session Location
Long Beach Township Municipal Court
6805 Long Beach Blvd.
Brant Beach, NJ 08008

The Judiciary continues to work with its partners, the 21 counties for the Superior Courts, the more than 500 municipalities for the municipal courts, and the state of New Jersey for the central office facilities, to enhance the infrastructure of the facilities.

It is to be noted that per statute, the facilities that the municipal courts occupy are the responsibility of the municipality, the respective county for each of the Superior Courts and the state for the central office facilities. Each vicinage and the central office has a Continuity of Operation Plan (COOP) that served as the catalyst for the disaster recovery after the storm. The municipalities have similar arrangements with their police departments and town management. The most effective means of preparation continues to be communication. As the storm approached, during the storm, and for some time after, communications amongst senior management and the local courts management teams proved successful in keeping abreast of the ongoing issues that were caused by the storm. The courts continue to improve this process with the aforementioned partners.