

**SPEECH BEFORE THE ASSEMBLY BUDGET COMMITTEE**

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Thank you Chairman Schaer and members of the Assembly Budget Committee for the opportunity to address you today. With me today are Assignment Judges Lawrence Lawson of Monmouth County and Vice-Chair of the Judiciary Budget and Planning Committee; Yolanda Ciccone of Somerset, Hunterdon and Warren Counties; Peter Doyne of Bergen County; and Vincent Grasso of Ocean County. In addition, we have with us Shelley Webster, director of the Office of Management and Administrative Services. Unfortunately, Assignment Judge Georgia Curio of Cumberland, Gloucester and Salem counties and chair of the Judiciary Budget and Planning could not be with us today, but sends her regards to you, Mr. Chairman and to the committee members.

I would like to present my remarks to you in two sections -- first, I will provide you with an update on programs and initiatives that have been introduced or improved since our last presentation and second, I will discuss some of the challenges we face as we move forward and continue to improve services to court users.

First, I would like to publicly recognize the hard work, dedication and leadership of the many members of our organization, judges and staff alike. We have been challenged by the substantial number of judicial vacancies which have required adjustments to our standard judicial assignments. I must especially recognize the extraordinary efforts of the judges in the Essex Vicinage.

Under the leadership and direction of Chief Justice Stuart Rabner, this year's focus has been on careful study of ways to improve case management, critical self-analysis, initiating programs to assist litigants and jurors and focus on creative ways to enhance our operations through information technology.

The improvements are only possible because of the innovation and creativity of our extraordinary workforce. We have been challenged by Chief Justice Rabner to implement these advancements at little or no cost to the taxpayers of New Jersey. We have also worked in partnership with the executive and legislative branches, as well as with the legal community and public at large to develop and implement many of these ideas.

**The Initiatives**

**Access and Fairness Statewide Survey**

In October, under the auspices of the Supreme Court Committee on Access and Fairness, the judiciary surveyed court users every day for one week. The survey measured the public's perception of how accessible and fair they found the courts during their visit. More than 16,000 people participated in the

survey project. We will issue a report on the results and will use them as a blueprint for ways to improve the experiences of those who do business with the courts.

### **Guardianship Monitoring Initiative**

The volunteer-based Guardianship Monitoring Program, first introduced by the Chief Justice in January 2013, is 82 percent completely implemented. Volunteers have entered more than one thousand cases into the new database that allows us to track the annual reports required by each legal guardian as well as required information that should be in each file. This program can help identify those who may prey on vulnerable individuals who cannot manage their own affairs.

### **Criminal Justice Initiative**

In March the Joint Committee on Criminal Justice released a report and comprehensive set of recommendations for bail reform and the enactment of a speedy trial act, as well as other proposals to improve the State's criminal justice system. The report proposed that criminal defendants would be held or released based on the risk they pose, rather than by their ability pay. Recommendation 1) poor defendants who pose little risk of flight or danger but cannot make modest amounts of bail would not be held in custody for long periods of time before trial. Defendants who are released would be supervised by pretrial services officers. Recommendation 2) a proposed constitutional amendment and statute would allow judges to order defendants held before trial if they the pose a substantial risk of flight and danger to the community. The Committee, formed in May 2013 and chaired by the Chief Justice, was comprised of representatives of the judiciary, senior criminal justice leaders including the Attorney General, the Public Defender, representatives of the Executive and Legislative branches, the ACLU, and private practitioners. The report is currently posted on our website, njcourts.com, for public comment through May 19. Criminal justice reform is a developing issue, and I am confident that members of the three branches of government agree that reforms are needed to develop a safer and fairer system of criminal justice.

### **Business Related Litigation Initiative**

The Working Group on Business Litigation, formed by Chief Justice Rabner in the fall of 2013, recently released its report. The committee's goals were to identify and assess the needs of the business community, review the judiciary's current practices, and recommend steps to address concerns and streamline the process for handling complex commercial litigation. The working group made a number of important recommendations to improve the way the court system addresses complex commercial cases.

The committee members agreed that assigning a single, experienced judge to oversee certain cases would help ensure that complex matters are resolved as quickly and efficiently as possible. The report recommends that an existing pilot program in the Bergen and Essex vicinages be expanded statewide. This Complex Commercial Pilot Program allows the assignment judge in each vicinage to designate a judge with expertise in business or commercial litigation to oversee the resolution of all commercial matters from beginning to end. The program includes recommended time goals for case conferences

and for resolution of those cases. The working group also recommended a protocol to identify each case that qualifies as complex commercial litigation. The report is posted on the website at njcourts.com for public comment through June 6.

### **Expedited Civil Actions Initiative**

The Supreme Court Advisory Committee on Expedited Civil Actions recently issued a report that recommends methods to improve the timeliness of civil cases and suggests a pilot

program that would test these proposals. Chief Justice Rabner formed the committee in May 2013 to consider how cases filed in the Law Division could be streamlined without sacrificing due process and fairness to litigants. Cases in the pilot program would have an expedited discovery process subject to certain limits on discovery for both sides. They also would be removed from the mandatory non-binding arbitration program. The court would conduct prompt case management conferences and enter a scheduling order and early trial date.

The committee recommended that cases in the expedited program should be given priority trial dates; adjournments should be limited and peremptory challenges reduced. In addition, the committee recommended certain modifications to simplify and streamline the conduct of trials. The committee suggested that the expedited program be developed for certain of the least complex civil cases. Name changes, forfeitures, summary actions and Open Public Records Act cases would be excluded.

Under the proposed pilot project, parties would be able to have their day in court and proceed to trial more promptly, the cost of discovery and litigation as a whole would be more affordable, and judges could oversee cases more effectively. The report is posted on the website at njcourts.com for public comment through June 6.

### **Civil Commitment Automated Tracking System – CCATS Initiative**

This initiative, first announced by Chief Justice Rabner in August 2012, has proven to be an effective tool in protecting citizens not only in New Jersey but in other states as well. The information in the tracking system is used to flag individuals who have been prohibited by federal law from receiving or possessing a firearm because they have been committed to a mental institution. Through the New Jersey State Police, the judiciary transmits information on civil commitments to the FBI for inclusion in the National Instant Criminal Background Check System. The AOC has transferred to the FBI more than 425,000 civil commitment records dating back to 1975. As a result of our efforts, more than 380 individuals, nationwide, have been denied the ability to purchase a firearm.

### **Jury Service Initiatives**

The right to be judged by a jury of one's peers is a bedrock principle of our system of justice. To make service more convenient, we have created a number of technological improvements to the system.

Online juror surveys – Last year we began sending letters, instead of jury questionnaires, to encourage people to go online to fill out their juror questionnaire. This effort dramatically increased the online

response rate from about 34 to 56 percent. In the year 2013, more than a half-million potential jurors returned their qualification questionnaire online.

Text messages for jurors – 200,000 citizens report for jury service each year. To streamline the reporting process, the judiciary created a new program to send text messages to jurors to remind them of their summons date and advise them whether they would be required to report the next day. In the first six months of the program, the judiciary has sent 304,474 texts to 112,627 jurors who signed up for text messages as part of their online response to jury summonses.

'NJJuror' app for mobile devices - Now available through the Apple App store, the "NJJuror" app provides a complete menu of information for jurors through their mobile devices. Approximately 4,000 individuals have already downloaded this appl.

We are proud to present these initiatives and improvements which increase the efficiency of the judiciary and provide more effective service to those who use our courts. But we are not without challenges.

### **The Challenges**

The operational challenges confronting our judicial system endure in many areas. We continue to operate with a smaller work force than was in place in prior years. Funding levels have not kept pace with normal growth in operational costs, so we have eliminated expenditures in various discretionary areas in our system to focus our attention on the core operations. The judiciary continues its cost-containment efforts that, over the last half decade, have helped to limit the growth in our budget. We have a responsibility to manage our resources with care and we take that duty very seriously. In order to provide you with an overview of some of the issues that have an effect on court operations, I outline a number of them here.

#### **Case Processing Backlog**

Between court year 2009 and 2013, the backlog of unresolved cases statewide, in all case types, increased by 1 percent while at the same time, new case filings came down by 9 percent. We attribute a large part of the increase in backlog to the high number of judicial vacancies experienced in recent years.

#### **Mandatory Drug Court**

Since the 2012 mandatory drug court legislation, we have seen a 22 percent statewide increase in voluntary drug court enrollment. The increase can be attributed to several aspects of the new statute (a) the removal of the prosecutorial veto power over admissions; (b) removal of the absolute bar to those convicted of 2nd degree robbery charges; and (c) the preference of many defendants to voluntarily enroll in drug court rather than to be sentenced under the mandatory provision. This substantial increase in enrollment has not been accompanied by an increase in drug court funds for the judiciary.

## **Foreclosures**

There has been a substantial decrease in foreclosure actions starting in 2010 to 2013 as lenders worked to conform their practices to newly-enacted safeguards to the foreclosure process. However, foreclosure actions in 2013 marked a dramatic increase of more than 100 percent from the year prior. It is anticipated that new foreclosure action will steadily increase over the next few years, returning or exceeding the levels reflected in 2010.

To meet this increase, the judiciary has improved work flow practices and implemented technological enhancements. Attorneys have been encouraged to file electronically through the judiciary's foreclosure website, as it minimizes delays in processing. In addition, staff has been added to the Office of Foreclosure and the Superior Court Clerk's office to respond to this challenge.

We are proud of the fact that we are disposing of our foreclosure cases within the time goals we have set for these cases.

## **Funding for Information Technology**

Our information technology systems provide critical services to law enforcement, the Department of Corrections, the Motor Vehicle Commission, and other executive branch agencies at the municipal, state, county and federal level. We link 15,000 computers at 675 locations across the state. We keep records on more than 7 million cases each year, maintain about 7,000 programs and process more than 4 million transactions every day. Those numbers are staggering.

In order to successfully realize our strategic information technology vision we realize that we must 1) maximize our ability to support court operations and expand public access to court records, 2) respond quickly to changes mandated by new laws or judicial orders, 3) implement solutions to support quick reactions to court user needs such as the e-filing, public access and more interactive web functions, and 4) improve the function, efficiency and productivity of court systems. This is a top priority not only for the judiciary, but also for the governmental agencies we serve and for the public at large.

We recognize that the creation of technological efficiencies and economies are absolutely essential to the long-term health and viability of our organization. Like many governmental units, we are confronted with the challenge of merging old technology with the web-based technology of today. We are incrementally moving enhancements to our systems, but acknowledge that the long-term transformation will require an infusion of additional resources.

## **Sovereign Citizens**

A growing phenomenon affecting government is the surge in fraudulent filings, as well as security threats by a loose network of groups and individuals, often calling themselves "Sovereign Citizens." These individuals do not recognize the authority of any government, yet attempt to manipulate the legal process by filing bogus legal documents or misusing legitimate legal documents and processes – a practice that the FBI refers to as "paper terrorism." These threats impact the judiciary and other public officials, including law enforcement officers, legislators, as well as private businesses and individuals.

As of April 2014 the number of known sovereign citizen cases in the New Jersey Judiciary is more than 600. It is almost certain that there are more cases that have yet to be counted. These cases present a drain on resources that already are operating at maximum capacity.

Just as an example, in one incident, after a superior court judge presided over a civil action the defendants filed bogus liens against 38 public officials, including judges, police chiefs, and investigators.

These “paper terrorists” threaten the well-being and independence of our public officials, and create serious financial difficulties for victims. A bill to prevent the filing of bogus liens, improve the relief available to victims, and implement clear and enforceable civil and criminal penalties against perpetrators is needed. The judiciary is encouraged by Assemblymen Diegnan and Mainor’s bill, A2481, and conversations with other legislators, including Senators Scutari and Barnes, to bolster and move forward with this important legislation.

### **Conclusion**

The New Jersey Judiciary continues to serve as a model for courts around the country because of the strong leadership of Chief Justice Rabner and the entire Supreme Court. We remain confident in our ability to navigate the realities of limited budgets and reduced staff to provide the basics of our core mission because of the talent and strength of our workforce. We have had success because of the support and strong collaborative partnerships with the other two branches of government. We remain committed to striving for greater efficiency in the face of ongoing fiscal challenges, as we continue to effectively resolve disputes, protect rights and liberties and ensure justice for all. Thank you for the opportunity to speak to this afternoon. We are pleased to answer any questions.