

JUDICIARY TIMES

A Publication of the New Jersey Courts | Spring 2017



Administrative Office of the Courts | Trenton, NJ



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Raising the Curtain on the Judiciary's Technology Plan

By Judge Glenn A. Grant
Acting Administrative Director of the Courts



Judge
Glenn A. Grant

Most of what the public sees of the court's operations is limited to jury duty, contesting a traffic ticket or, in rare cases, appearing as a witness in a trial. Much of the important work of the courts, however, goes on behind the scenes, especially as it relates to technology.

The New Jersey Judiciary has for many years been a national leader among court systems in its use of technology by building electronic systems and applications for all aspects of Judiciary operations. This work of creating a fully digital system for all aspects of court operation is guided by our Information Technology Strategic Plan.

We are building computerized foundations to efficiently and effectively improve the delivery and exchange of information to judges, staff, attorneys, litigants and the public.

The technology applies to filings, case management, case processing and dispositions. The electronic system allows the Judiciary to efficiently manage the flow of cases through our systems and provides the foundation for better records management overall.

Our efforts to automate the court system date back to the late 1970s, when we recognized the need to move from manual or paper case management and recordation systems to systems that stored data electronically. These numerous projects have resulted in time and cost savings by streamlining resources and reducing redundant operations. Our work in those early days resulted in the creation of what we now call our legacy systems, including our Family Automated Case Tracking System called "FACTS" established in 1989; the Automated Civil Management System "ACMS" created in 1987 and PROMIS/Gavel, our criminal case tracking system that was implemented in the 1970s.

Today, we are building upon the Court's long-term investment into technology by developing comprehensive eCourt platforms for all of our trial divisions and other operating units. New Jersey eCourts functionality is available in full or in part of every trial division, including the municipal and tax courts. In addition, work is underway to determine how to expand eCourts to the probation division. The expansion of the eCourts Criminal applications were essential to the rollout of the Criminal Justice Reform initiative that began on Jan. 1.

As the demand for technology advances, however, so do our efforts to transform our case filing and storage systems away from paper while remaining trustworthy stewards of the public funds entrusted to us. A detailed story on our many systems – including those under development – can be found on page 4 of this edition of the *Judiciary Times*.

Through the continued partnership with the judges, administrative leaders both within and outside of the Information Technology Office and institutional stakeholders utilizing our justice system, the New Jersey Judiciary will continue to lead the way toward what will one day be a completely paperless electronic court system.

Judiciary Times is published by the Office of Communications & Community Relations, Administrative Office of the Courts, for employees of the Judiciary, volunteers who work with the court system and the public.

The chief justice is Stuart Rabner. The acting administrative director of the courts is Judge Glenn A. Grant.

Please send short news articles, photos and suggestions to mike.mathis@njcourts.gov. Submissions are subject to editing and might not be published.

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First Quarter Statistics Show CJR is Working

By Peter McAleer
Communications Manager
Administrative Office of the Courts

First-quarter statistics released today by the Administrative Office of the Courts show Criminal Justice Reform continues to meet its initial goals as high-risk defendants are being detained until trial and low-risk defendants are no longer sitting in jail simply because they can no longer afford bail.

The statistical report covers the period from Jan. 1 through March 31, during which judges made initial release decisions for 10,193 defendants.

Prosecutors, relying on a constitutional amendment that went into effect on Jan. 1, motioned for pretrial detention in 2,256 cases. Judges granted detention in 1,262 of those cases (55.9 percent). The remaining 994 defendants were released to the monitoring of the Judiciary's newly-created Pretrial Services Program.

Bail was imposed as a condition of release for only eight defendants.

The report also provides a breakdown of the level of monitoring assigned to those defendants released to Pretrial Services. As of March 31, the overall breakdown of initial decisions is as follows:

- 37.5 percent of defendants were being monitored at the highest level, which ranges from weekly visits and contact with pretrial services staff to electronic monitoring and house arrest;
- 36.9 percent were being monitored at lower levels, ranging from monthly in-person visits to contact by phone;
- 10.7 percent were released on their own recognizance; and
- 12.4 percent were detained pending trial.

Judge Glenn A. Grant, acting administrative director of the courts, testified before the Senate Budget and Appropriations Committee on May 4 and said the program is off to a strong start. The Judiciary continues to meet with the Attorney General's Office and the Public Defender's Office,

“When you consider that we have replaced a system that stood for more than 70 years, the transition has been remarkably smooth.”

— Judge Glenn A. Grant
acting administrative director of the courts

he said, to discuss potential refinements to Criminal Justice Reform.

“When you consider that we have replaced a system that stood for more than 70 years, the transition has been remarkably smooth,” Grant said.

Criminal Justice Reform, Judge Grant said, has removed money as a factor in pretrial release decisions and replaced it with “an honest and direct conversation about whether a defendant is a risk to the community.”

“For the first time, prosecutors can now file motions seeking to have high-risk defendants held until trial. For the first time, judges can decide to release defendants for monitoring by a newly created pretrial services unit until trial. And, for the first time, low-risk defendants no longer have to linger in jail for months at a time because they cannot afford to post even modest amounts of bail,” Grant said.

The Judiciary's statistical report can be viewed at www.njcourts.gov. The numbers provide a preliminary summary of Criminal Justice Reform data.



Chief Justice Stuart Rabner and Keith Dorr, supervisory immigration services officer at the May 2 naturalization ceremony.

Chief Swears in New Citizens

The New Jersey Administrative Office of the Courts hosted its eighth annual Law Day celebration at the Richard J. Hughes Justice Complex in Trenton on May 2. Chief Justice Stuart Rabner administered the Oath of Allegiance to 42 new citizens. Youth from the Juvenile Justice Commission attended the ceremony. The children also watched K-9 and polygraph demonstrations conducted by the New Jersey State Police and learned about the court system from the New Jersey Supreme Court's seven justices, who answered their questions. Details of Law Day celebrations in the vicinages will be published in the summer edition of the *Judiciary Times*.

Judiciary Advancing eCourts Technology

The New Jersey Judiciary's eCourts initiative can be traced back to the work of the Supreme Court's Special Committee on Information Technology, which was formed by the then newly appointed Chief Justice Stuart Rabner in 2008. That committee, with members from a cross section of the bar, the judiciary, and private sector IT professionals, issued its comprehensive report in 2009. Although aspirational at the time, the report set forth a vision for what would become eCourts. (<http://www.njcourts.gov/notices/efile.pdf>)

As technology advances, so does the New Jersey Judiciary's efforts to digitally transform its case filing and storage systems from paper-based archival recordation systems to a fully integrated electronic infrastructure. This renewal enables the capture of all documents, actions and decisions in an electronic format that is used to streamline processes and procedures for future efficiencies.

The Judiciary's plans involve the digital transformation and conversion to a fully operational eCourts environment for all of its divisions and courts that relies on four essential functionalities. They include: (1) an electronic filing and information exchange between the court and attorneys; (2) the creation of an electronic docketing system; (3) the establishment of an electronic case jacket; and, (4) the maintenance of an electronic records management system that provides attorneys and the public with access to case information. New Jersey eCourts is available for criminal, tax, family, municipal and civil filings, and work is underway to expand eCourts to probation. Our change began in 2014 and laid the groundwork for applications that became functional as part of Criminal Justice Reform when it began on Jan. 1.

"As technology advances, we have to advance with it in order to meet the needs of lawyers and the public who conduct business with us," said Judge Glenn A. Grant, acting administrative director of the courts. "We cannot continue to use an antiquated, 18th century method of processing cases in the 21st century when most of society is embracing technological change. It's not expedient or cost effective."

Historically, Judiciary case recordkeeping involved the manual storing of paper files and records. Beginning in the early 1970s, the Judiciary began to manually transfer and record many of its paper filings into electronic data collection systems. Over the years, the Judiciary has collected and archived millions of case records and party information that are stored in these various data collection systems or "legacy systems." These legacy systems, which in some areas are interconnected with executive branch systems, provide the foundation for the conversion and transformation of the Judiciary's IT environments into a fully modernized integrated eCourts environment. This new information technology strategy began with the Superior Court trial court divisions in July 2014. The ultimate plan envisions not only these front-end applications interfacing with the current legacy systems but eventually a complete rebuild of these legacy applications. "Upon completion, the New Jersey Judiciary will have eCourts applications at all levels of our system, from the Supreme Court and Appellate Division to all of the case types handled by our trial court division," Judge Grant said.

What follows is the current eCourts functionality and future development plans for each of the trial courts:

- **eCourts Criminal:** This application was implemented in July

2014. The Judiciary has received approximately 161,000 filings to date. In addition, an additional 168,551 archived case files have been converted from paper to images and added to our electronic case files.

Although this was the first eCourts e-filing application developed, it was designed with an eye toward expansion to other divisions in the Superior Court. The project started as a way to expedite the filing of criminal motions and briefs with the trial courts, and prosecutors, public defenders and the private defense Bar were instrumental partners by providing valuable input and feedback. The expansion of this eCourts e-filing application now includes the ability to receive and process other documents necessary to process a criminal case, such as notices of appearance, correspondence, indictments, and judgments of conviction.

The next phases of the eCourts criminal were focused on Criminal Justice Reform, the changes included the automation of the Public Safety Assessment (PSA), the risk assessment tool that is used to inform the pretrial release decision; the incorporation of functionality to help pretrial services officers monitor conditions of release; and a tracking mechanism for speedy trial dates. All of this new functionality and processes were successfully implemented on Jan. 1, 2017.

The application also includes a strong statistical information or record tracking component which is being utilized to provide judges and staff with reports tracking, among other things, a defendant's progress while out on release and identifying potential areas of non-compliance. As technology advances, additional enhancements are being identified to meet the needs of the vicinages.

Since 2014, eCourts has expanded to other case types, and along the way Judiciary Automated Trial Court Services Staff have expanded their outreach to the bar. Attorneys who practice in Tax Court, special civil, family, foreclosure, and civil law have all helped in the evolution of the application. The expansion of eCourts has included:

- **eCourts Tax:** This application began in February 2015. The Judiciary has received approximately 243,000 filings to date. The scope of this project involved the creation of an automated case initiation/complaint docketing application. All documents submitted subsequent to the complaint are filed in the eCourts Tax system. The introduction of electronic filing in the Tax Court was instrumental in reducing significant data entry and processing backlogs in this case type. Functionality has been added to allow non-attorneys such as municipal assessors, municipal clerks and county boards of taxation to be electronically notified when a new case or judgment is created and to access the electronic case jackets. Initially, filing focused on local property tax cases and has since been expanded to include the filing of subsequent documents for state tax cases.
- **eCourts Family FM (dissolution / divorce) archived case files:** This application was implemented in November 2016; to date, approximately 152,001 archived case files have been converted from paper to images and stored to electronic case jackets.

Copies of dissolution and divorce cases are frequently retrieved from archive for post-judgment motions or litigant copy requests. The project focused on providing judges and court

staff with electronic access to files that have been historically archived in the paper records of the Superior Court Clerk's office. Through the work of the Superior Court Clerk's Office, thousands of paper records have been converted to images so they can be accessed by judges and court staff in an eCourts FM electronic case file. The implementation of this application has eliminated significant delays in accessing older records from the Superior Court Clerk's Office records warehouse in Trenton.

• **eCourts Municipal /new eCDR criminal complaint system:** This new system started in January 2017.

This broad initiative, which is integral to Criminal Justice Reform, provides an enhanced and improved complaint entry system for law enforcement, and includes a LiveScan fingerprint interface, developed in partnership with the New Jersey State Police, connecting a defendant's complaint, arrest record, fingerprint record, and criminal history. The system utilizes the data from the LiveScan fingerprint interface to populate the criminal complaint and calculate the PSA risk score. The system gives prosecutors the ability to review and modify the charges on the complaint before probable cause is found. Once probable cause is found and a summons or warrant issued by a municipal court judge, the criminal complaint is stored in the eCourts Municipal electronic case file and eligible warrants appear on the pretrial services work list. It is accessible by the court, prosecutors, attorneys, law enforcement, and the county jails. Future plans for eCourts Municipal includes functionality that provides attorneys with the ability to file motions in municipal matters, and the ability to cross reference other municipal cases, including criminal and traffic cases.

• **eCourts Special Civil DC for cases with a demand amount of less than \$15,000:** This new application started in September 2016. The Judiciary has received approximately 525,000 filings to date. This project replaced the legacy application Judiciary Electronic Filing and Imaging System (JEFIS), which was implemented in 1995 and decommissioned in October 2016. Attorneys can file electronically all documents from complaint through judgment processing. Access to electronic case files and automated notifications between attorneys of record and the court are included. Future iterations of eCourts Special Civil DC will include more automation related to motion and judgment processing.

• **eCourts Foreclosure:** This application started in September 2016. The Judiciary has received approximately 314,000 filings to date.

The primary focus of this project, like the eCourts Special Civil DC project, centered on the replacement of the JEFIS legacy system utilized for foreclosure filings. Attorneys can electronically file all documents from complaint through judgment processing. Access to electronic case files and automated notifications between attorneys of record and the court are also part of the new application. The eCourts Foreclosure electronic case file has been enhanced to provide access to county clerks and sheriffs' departments so that judgments of foreclosure can be easily verified. The following are further planned improvements to the Judiciary eCourts infrastructure:

• **eCourts Civil Law:** Pilots in Mercer and Middlesex Vicinages in April and May 2017. The focus of this project includes attorney electronic filing of all documents from complaint through judgment processing. In addition, access to electronic

case files and automated notifications between attorneys of record and the court is available. As part of the pending rollout of this new application, ongoing demonstrations have and continue to be provided to judges, managers, court staff and attorneys for purposes of gathering user ideas and feedback. The Judiciary anticipates full statewide implementation by the end of the calendar year.

• **eCourts Family Children in Court (CIC) case types – neglect and placement:** Implementation is planned for last quarter of 2017.

This new application will allow for the electronic filing by the New Jersey Attorney General's Office of all pleadings in the abuse and neglect and kinship legal guardianship case types. This is a confidential case type where security and access roles need to be strictly defined and incorporated into the new application. The first two dockets types that will be included are abuse and neglect and placement; kinship/legal guardianship will follow.

• **eCourts Family electronic case files:** Implementation is planned for the latter part of spring 2017. Electronic case files will be made available to internal users for the following family dockets: domestic violence (FV), quasi-criminal / violation of restraining order (FO), child abuse/neglect (CIC) and non-dissolution /child support (FD). The FV eCourts case file will include an interface to import data and images from the Judiciary developed electronic temporary restraining order or ("eTRO system"), which is used by law enforcement to electronically petition the court for a TRO on behalf of a victim. Plans for the FD case type include an interface with the New Jersey Division of Family Development's NJKiDS child support system in order to import orders and data directly into the court's FD electronic case file.

• **eCourts Probation:** Another project involves expanding eCourts into probation. An electronic case file would eliminate paper files in the probation division. This will also allow simultaneous access to probation information by judges and managers in other divisions, such as criminal, family and municipal. Plans include embedded hyperlinks from the eCourts Probation electronic file to other eCourts electronic files in criminal, family and municipal, thereby eliminating delays or gaps in information between divisions.

"The success of this transformation is made possible by the extraordinary collaboration and cooperation we have received from attorneys. Members of the Bar are very supportive of eFiling, and bring forth excellent ideas on how we can improve our court system through technology," Judge Grant said. "Building effective technology systems that will work for multiple case types in 21 different counties is a great challenge. But I suggest that this challenge is providing a great opportunity to interact, communicate and partner with attorneys across the court system to bring forth the most innovative solutions. While much work remains to be completed, we are proud of the Judiciary's significant accomplishments in the last few years, and we look forward to delivering more functionality in the future."



Vicinages Mark Black History Month 2017

CAMDEN

By Megan Gallardo
Administrative Specialist 2
Camden Vicinage

Vannessa Ravenelle
Ombudsman
Camden Vicinage

In celebration of Black History Month, the Camden Vicinage hosted a panel discussion on Feb. 24 honoring African-American judges who are serving or have served in the vicinage. The jury assembly room where the event was held and a training room equipped with a video link were filled to capacity.

Assignment Judge Deborah Silverman Katz introduced the panelists and moderated the discussion, which included retired New Jersey Supreme Court Associate Justice John E. Wallace Jr., retired Superior Court Judges Theodore Z. Davis and Ronald J. Freeman, Presiding Family Division Judge Charles W. Dortch Jr., Criminal Division Judge Gwendolyn Blue and Family Division Judge Morris G. Smith Jr.

"Black History Month has a particular meaning for those of us in the Camden Vicinage. Today we're going to hear from and honor six of our own, all Superior and Supreme Court judges and justices who have served the citizens of Camden County and the citizens of the state of New Jersey from right here in this city and in this courthouse," Judge Silverman Katz said.

The panelists shared stories about their journeys to the bench and spoke about what motivated them to become lawyers and judges, shedding light on the many obstacles African-Americans face in the legal profession. Judge Freeman said that he was anxious to participate in the judicial system but felt that it was important for him to set an example as to what African-Americans can do.

"When I grew up, all I saw on TV were Perry Mason, those kinds of programs," Judge Freeman said. "So consequently, I thought it would be very important for someone such as myself to go on the bench or become an attorney so that people would be able to see people like them here.

"We need to ensure that our judicial system is represented by



Assignment Judge Deborah Silverman-Katz, retired New Jersey Supreme Court Associate Justice John E. Wallace Jr. and Presiding Family Judge Charles W. Dortch Jr.

everybody because, by doing that, I think you instill faith and integrity in the judicial system, when you have members of different cultures on the bench," he added.

The panel acknowledged the late Robert Johnson, the first African-American Superior Court judge in Camden County.

Judge Davis remembered Judge Johnson as a friend and mentor who helped him find a clerkship early in his career after a yearlong search. "Judge Johnson had said, 'Guess what, Ted? It took me three years. I guess we call that progress,'" Judge Davis said. This program, which was co-sponsored the vicinage's Advisory Committee on Minority Concerns and the Camden County Bar Association, also featured performances by the Creative Arts Morgan Village Academy Concert Choir and Sheriff's Officer Thomas Brett, who sang the national anthem.



Assignment Judge Deborah Silverman Katz with the Creative Arts Morgan Village Academy Concert Choir.

MERCER

By Ivette Santiago-Green
EEO/AA Officer
Mercer Vicinage

Mercer Vicinage celebrated Black History Month by recognizing some of the contributions made by African-Americans within the judicial system. The celebration began with daily email broadcast messages of facts that highlighted groundbreaking laws, achievements, and contributions of African-Americans to the judicial system.

The vicinage also hosted a special lunch program, The Journey and Legacy, which featured a panel discussion with three of the vicinage's African-American Superior Court judges, Janetta D. Marbrey, Kay Walcott-Henderson and Robert W. Bingham II. Assignment Judge Mary C. Jacobson read a poem about the great debate between Booker T. Washington and W.E.B. Dubois.

Hamilton High School West Senior Kaylee Thomas beautifully sang the black national anthem, Lift Every Voice and Sing. The Black History Month program was organized by committee members Ivette D. Santiago-Green, Maria Dennis, Beverly Keese, Barbara Richards, Dionis Tatum, Robin Woner and Lynn Jackson.

MIDDLESEX

By Lisa Jodice
Law Librarian
Middlesex Vicinage

A Black History Month celebration was held at the Middlesex County Courthouse on Feb. 24. The theme of this year's event was Legacy of Leadership— Impacting Change in the Judicial Process. Guests were welcomed by the event's coordinator EEO/AA Officer Lawrence Bethea. Opening remarks were delivered by Trial Court Administrator Dawn Brevard-Waters and Assignment Judge Travis L. Francis. Brevard-Waters reflected on what she learned from the leaders around her throughout her career. Judge Francis discussed the history of criminal justice reform in the United States and the many ways that criminal justice reform can have a positive impact on society and those involved in the criminal justice system.

The event's keynote speaker was Judge Glenn A. Grant, acting administrative director of the courts. Judge Grant stated his belief that Black History Month is important because it is linked to our collective identities as Americans and because it provides an opportunity to reflect on the strengths and weaknesses of the United States.

Judge Grant also discussed the concept of being recognized as the first person to accomplish something, such as being "the first to graduate, to become a lawyer, or a judge". According to Judge Grant, this is something many strive for to better themselves and their families.

"The quest for a better life binds us together," he said. Judge Grant pointed to historic court cases, such as Plessy v. Ferguson, as examples of how the Judiciary can affect communities, either positively or negatively, and how Judiciary employees can advance the cause of justice through their work. Plessy v. Ferguson is an 1896 U.S.



Mercer Vicinage Assignment Judge Mary C. Jacobson discusses a poem about the great debate between Booker T. Washington and W.E.B. Dubois.



Middlesex Vicinage's celebration of Black History Month included this display of photographs and books.



Judge Glenn A. Grant, acting administrative director of the courts, was keynote speaker in Middlesex.

Supreme Court case that upheld racial segregation laws for public facilities under the doctrine of "separate but equal." The case was never overturned, but the court ruled in the 1954 case Brown v. Board of Education that segregation in public schools was unconstitutional. The Civil Rights Act of 1964 prohibited legal segregation.

MONMOUTH

By Theresa Romano
Ombudsman
Monmouth Vicinage

The Monmouth Vicinage hosted a panel discussion on Feb. 28 to celebrate the contributions of African-Americans and honor the legacy of the late U.S. Supreme Court Justice Thurgood Marshall. Approximately 100 people attended the event, including judges and staff and representatives from the Monmouth County Prosecutor's Office, Monmouth County Sheriff's Office, Monmouth County Office of the Public Defender, a Monmouth County freeholder and members of the vicinage Advisory Committee on Minority Concerns.

Judge Mara Zazzali-Hogan, chair of the Advisory Committee on Minority Concerns, moderated the program. She noted that 2017 marks the 50th anniversary of Marshall's confirmation as an associate justice on the U.S. Supreme Court. President Lyndon B. Johnson nominated Marshall to the high court in June 1967 over the objection of several southern Democratic senators.

Judge Zazzali-Hogan said Marshall, widely regarded as one of the greatest lawyers in the nation's history, won 29 of the 32 civil rights cases he argued before the court before he became a member. Marshall had a profound impact on the course of American jurisprudence by using the U.S. Constitution to address inequalities in public accommodations, housing, voting rights, education, and the workplace. She explained that Marshall's work helped level the playing field for women, the LGBTQ community and other disenfranchised groups.

While the Rev. Dr. Martin Luther King Jr. is the best-known leader of the civil rights movement, Marshall provided the legal authority for many of Dr. King's accomplishments, Judge Zazzali-Hogan said. Panelists included U.S. District Court Judge Michael A. Shipp, Monmouth County Deputy Public Defender Van Lane, and R. Taj Moore, a law clerk to Chief Justice Stuart Rabner. Judge Shipp spoke about his path to the bench and the difference between the nomination process to become

a U.S. Magistrate and a U.S. District Court judge. Judge Shipp said he applied for the magistrate position three times before his appointment and that each rejection increased his understanding of what he had to accomplish to reach his goal. The experience prepared him for the process to become a U.S. District Court judge, he said.

Lane discussed growing up in Alabama in an area with a strong sense of community. Throughout his youth, he looked up to certain community members such as the teacher who lived across the street, and he considered them mentors who encouraged him to pursue his career path.

He said that he entered public service as a means of protecting the civil liberties of community members. Moore said that after earning his law degree from Harvard University, he was excited at the opportunity to return to his native New Jersey to clerk for Chief Justice Rabner. Moore perceives Chief Justice Rabner as someone who fosters the advancement of young attorneys, and he said he admires the chief justice's commitment to promote access and fairness for all court users.

The Advisory Committee on Minority Concerns sponsored the program.



R. Taj Moore, law clerk to Chief Justice Stuart Rabner
Van W. Lane, deputy public defender for the Monmouth trial region and U.S. District Court Judge Michael A. Shipp participated in the panel in Monmouth Vicinage.

Retired Union Assignment Judge Passes



Retired Union Vicinage Assignment Judge Edward W. Beglin, 83, died May 4.

Judge Beglin was appointed to the Union County District Court in 1976 and to the state Superior Court in 1978. He served in both the civil and criminal divisions until becoming assignment judge in August 1983.

Judge Beglin continued to serve in that capacity until his retirement in 2004.

A detailed obituary will appear in the summer edition of the *Judiciary Times*.

Editor's Note

The deadline for the Summer 2016 edition of the *Judiciary Times* is June 23. Feature stories about court programs and newsworthy profiles about judges and court staff are welcome. Submissions can be sent to mike.mathis@njcourts.gov.

Jack Trubenbach Recipient of Arthur T. Vanderbilt Award

Jack Trubenbach, retired chief counsel for the New Jersey Judiciary Appellate Division, has been awarded the 2016 Arthur T. Vanderbilt Award for Excellence in Judicial Administration. The award, which is bestowed by the New Jersey State Bar Association (NJSBA), recognizes outstanding efforts by individuals in the legal community who contribute significantly to the improvement of the quality, effectiveness and efficiency of the judicial system.

Trubenbach worked in the Appellate Division Clerk's Office for more than 35 years, 28 of which as its chief counsel, before he retired in 2015. During those 35 years, Trubenbach worked under seven presiding judges for administration and seven clerks. He was involved with the development and implementation of many of the policies, procedures and programs in the Appellate Division and has lectured and written about Appellate Division practice and procedures for professional legal organizations.

Trubenbach worked as an attorney in private practice in Union County for five years before he began working for the Judiciary. He is a graduate of Rutgers College and Brooklyn Law School and is a retired major in the U.S. Army Reserve. The NJSBA Board of Trustees adopted the award in 2007 named in honor of New Jersey's first chief justice under the 1947 New Jersey Constitution, Arthur T.

Vanderbilt, who was president-elect of the NJSBA prior to becoming president of the American Bar Association. Chief Justice Vanderbilt was a pioneer in the area of judicial administration as a lawyer and judge.

Past recipients of the award include retired New Jersey Supreme Court Justices Helen E. Hoens and John E. Wallace Jr., Judge Paula Dow, retired Judges Linda R. Feinberg, Martin Haines, Lawrence L. Lawson and Edwin H. Stern and retired AOC Director David Anderson.



Arthur Runyon Named Finance Supervisor of the Year

By Joel Yesenosky
Assistant Finance Division Manager
Middlesex Vicinage

The Finance Supervisor of the Year Award was presented to Arthur Runyon of the Middlesex Vicinage at the New Jersey Child Support Conference in Atlantic City on March 2. The award is given each year to one finance supervisor who contributes positively to the child support program by providing excellent customer service, demonstrating leadership and cooperating with coworkers and other agencies.

Runyon has more than 15 years of experience as a supervisor in the Middlesex Vicinage's Finance Division. He is the lead resource for probation and family division staff when they have questions about financial case information in the NJKIDS electronic child support system. He works with child support staff in the probation and family divisions to expedite NJKIDS financial processing for the vicinage. Runyon oversees the completion and review of all financial case audits requested by the probation division or through court order. More than 60 such audits were conducted in the last 12 months. He also oversees the collection, deposit and reconciliation of all child support cash payments, of which more than 14,000 were made in the last fiscal year.



Arthur Runyon accepts the award as Finance Supervisor of the Year at the New Jersey Child Support Conference in Atlantic City on March 2.

Shabaka-Burns Named Director of Probation Services

By Peter McAleer
Communications Manager
Administrative Office of the Courts

Rashad Shabaka-Burns has been named director of the newly created Office of Probation Services in the Administrative Office of the Courts (AOC), Judge Glenn A. Grant, acting administrative director of the courts announced. Shabaka-Burns, of Paterson, will serve as the initial director of an office that provides guidance and oversight to probation officers across the state and includes critical programs such as the Intensive Supervision Program and child support collections. Probation Services currently operates under the Office of Trial Court Services.

"We are always exploring ways to improve the overall efficiency of our organization," Judge Grant said. "Probation Services, because of its size and the important role it plays in helping rehabilitate criminal offenders, deserves to stand as its own office within the AOC."

Since 2011, Shabaka-Burns has served as the trial court administrator of the Morris/Sussex Vicinage, where he directs and manages the vicinage's operations and administrative functions. He has worked for the Judiciary since 1990 in the Morris/Sussex and Passaic vicinages in various management positions in the civil, probation and operations divisions.

"Rashad has had a remarkable career in the Judiciary, demonstrating his talents and abilities at each of the leadership positions he has taken," Judge Grant said. "He is a welcome addition to the Administrative Office of the Courts. I look forward to working with him in this new role and hearing his ideas on how to continue the Judiciary's successful work in the area of probation services."

Grant commended Trial Court Services Director Jennifer Perez and Assistant Director for Probation Services Liz Domingo for their work in leading the division. Shabaka-Burns will begin his new position on July 1 and will report directly to the administrative director of the courts.

"I'm thankful to Judge Grant for this opportunity and I am both honored and humbled," Shabaka-Burns said. "I look forward to returning to probation services and working with probation staff throughout the state."



Rashad Shabaka-Burns, trial court administrator of Morris / Sussex Vicinage has been named director of the newly created Office of Probation Services.

Ribbon Cutting Held at Union County Family Courthouse

A ribbon cutting for the new Union County Family Courthouse in Elizabeth was held May 22. Chief Justice Stuart Rabner delivered the keynote speech. Construction on the 75,000-square-foot building, which has six courtrooms for family division proceedings, began in fall 2013. One of the courtrooms includes a jury box so that it could be used for criminal or civil jury trials if needed.

The building also includes a children's waiting room and separate domestic violence waiting rooms for victims. The Union County Family Justice Center will be operated by Union County in a separate part of the building occupied to provide information and services to domestic violence victims. Essex Vicinage has a similar arrangement.

Six of the nine current family division judges will be housed in the new courthouse and about 75 percent of the family division staff will move into the building.



Hudson Hosts Portrait Ceremony for Justice Garibaldi



Chief Justice Stuart Rabner speaks after the portrait of Associate Justice Marie L. Garibaldi is unveiled.

More than 200 people gathered in the rotunda of the Justice William J. Brennan Courthouse in Jersey City on March 31 for the unveiling of a portrait of the late New Jersey Supreme Court Justice Marie L. Garibaldi, the first woman to serve on the court and the first woman president of the New Jersey Bar Association. Chief Justice Stuart Rabner presided over the ceremony.

A Hudson County native, Justice Garibaldi wrote more than 225 opinions and served on nearly 50 Judiciary committees during her tenure on the court, which began when then-Gov. Tom Kean nominated her on 1982 and continued until her retirement in 2000. She died on Jan. 15, 2016 at the age of 81. Many of the 46 law clerks who served with her attended the ceremony, which can be viewed [here](#). The portrait hangs in a second-floor courtroom dedicated in her honor.

Probation Services Holds Annual Training Event, “Probation Supervision Strategies for Effective Interventions”

By Maurice Hart
Probation Services
Administrative Office of the Courts

The Probation Services Division hosted a daylong training for drug court probation officers and supervisors at the New Jersey Department of Children and Family’s Training Academy in March.

A total of 168 Judiciary staff attended, including probation officers, probation supervisors, chief probation officers and probation services administrators.

The day’s events included three plenary sessions followed by one breakout session that included three workshops. A primary focus of the training was the shift of the focus of drug court from compliance to the needs of participants. “We need to learn how to motivate and also how to sanction appropriately in order to provide the behavior modifications needed to have the probationer produce the positive outcomes we all strive for,” said Liz Domingo, assistant director of Probation Services. “We can do so by implementing supervision techniques that are centered on the probationers’ motivational and cognitive styles. We have already started this shift and more is to come throughout this year.” Mercer Vicinage Assistant Chief Probation Officer John Duarte said a session on drug trends illustrated how clever people are about hiding and taking the substances they use.

“The information about how much stronger the substances are and how creative folks are with how they use and how they mask their use, will benefit officers as they work hard

to detect use and to provide assistance and guidance to the participants,” he said.

One of the most enlightening sessions was conducted by Michael Litterer, director of prevention at RWJBarnabas Health, who gave a presentation on marijuana, cocaine, opioids and Fentanyl. Other workshops included dealing with fatigue, drug testing do’s and don’ts and supervision strategies.

Drug courts are a highly specialized team process that functions within the existing Superior Court structure to address nonviolent drug related cases. They are unique in the criminal justice environment because they build a close collaborative relationship between criminal justice and drug treatment professionals.

Within a cooperative courtroom atmosphere, the judge heads a team of court staff, attorneys, probation officers, substance abuse evaluators, and treatment counselors all working in concert to support and monitor a participant’s recovery. Drug court programs are rigorous, requiring intensive supervision based on frequent drug testing and court appearances.

“Drug court is going to shift throughout the next few years in working hard to provide the attention the probationer needs to continue successes as we all strive to help the individuals deal with their addictions,” Domingo said.

To Arbitrate or Not Arbitrate... That is the Question

Editor's Note: This is the second in a series that highlight interesting complex business litigation cases. The Complex Business Litigation Program is designed to streamline and expedite service to litigants in complex business litigation. Under the program, cases are assigned either to the complex commercial case type or the complex construction case type, and are individually managed by a judge with specialized training on business issues. The Supreme Court established the program, which became effective on Jan. 1, 2015, to resolve complex business, commercial and construction cases.

PSEG Energy Resources & Trade LLC v. Onyx Renewable Partners, L.P., and Blackstone Energy Partners, LLC

To arbitrate or not to arbitrate...but only if a contract exists.

Plaintiff PSEG Energy Resources & Trade LLC's (PSEG) filed an action against Onyx Renewable Partners, L.P. (Onyx) and Blackstone Energy Partners L.P. (Blackstone) claiming breach of contract. PSEG then filed an order to show cause asking the court to compel private arbitration rather than litigate the case in court, pursuant to an addendum to the contract. The alleged contract involved the sale of Solar Renewable Energy Credits (SRECs) from Onyx to PSEG. Blackstone's affiliates invested in Onyx. Blackstone was never referenced in any documents exchanged; however, PSEG claimed it had an agency relationship with Onyx.

PSEG, an energy supplier, is required to purchase SREC's each year to satisfy a regulation requiring energy suppliers to procure a certain amount of the electricity they sell from facilities that generate electricity from solar panels. These facilities are issued SRECs based on the amount of electricity they generate. These SRECs are transferrable and traded in a competitive market.

In November 2014, trade negotiations began in which Onyx would sell PSEG 20,000 SRECs per year for five years at \$171 each. Despite agreeing to certain terms, the parties kept the transaction open, which is customary in the industry, to work out additional terms and conditions since they did not have a prior relationship.

Over the course of the next year and several months, negotiations continued and draft documents were exchanged. However, an agreement was never finalized. Eventually, the parties reached an impasse; PSEG filed suit and the order to show cause.

PSEG urged the court to compel arbitration pursuant to the contract and the New Jersey Arbitration Act. New Jersey has a strong public policy in favor of arbitration, but a party cannot be forced to arbitrate unless the court determines a party agreed to the underlying contract. Therefore, the court had to first determine whether the parties actually entered into a binding contract before it could compel arbitration. Representatives of PSEG and Onyx provided sworn

statements detailing the parties' negotiations and actions in support of their respective positions. Relying upon a number of documents exchanged, PSEG claimed a contract existed and an addendum required arbitration, not litigation. Onyx contested, not only the validity of the arbitration provision, but the contract as a whole.

Despite their disagreement, the parties did agree on two things:

- Neither party signed any documents. Notably, each document included language that a signature was required for the agreement to be legally binding. Moreover, each proposal of PSEG was conditioned on receipt of an executed contract and a letter of credit. Neither of these were ever provided.
- Neither party performed any obligations under the contract nor was any money exchanged. In fact, PSEG purchased "replacement" SRECs from parties other than Onyx in March, April, and June 2016 at \$271 to \$296.00. PSEG wanted to ensure it would have enough SRECs to avoid a monetary penalty because it had doubts whether Onyx would supply enough SRECs given its failure to provide the letter of credit or a signed contract.

Based upon the evidence presented by both parties, the judge concluded that an enforceable contract did not exist between PSEG and Onyx.

In reaching the decision, the judge relied on the following objective facts: Neither party signed the contract; they had no prior dealings; the size of the transaction; PSEG's delay in enforcing of the contract and failure to observe the contract requirements; PSEG's insistence on receiving a signed contract and letter of credit; PSEG's purchase of other SREC's without notice to Onyx; and the lack of any performance by either party pursuant to the terms of the contract.

Since an enforceable contract did not exist, the court did not analyze whether the arbitration provision was enforceable and PSEG's order to show cause to compel was denied.

New Jersey Was Host State for CourtHack 2.0

New Jersey recently served as the host state for CourtHack 2.0, which was held April 22-23 at the New Jersey Law Center in New Brunswick. The Judiciary, The National Center for State Courts (NCSC) and the New Jersey Bar Association collaborated to put together the hackathon, a weekend-long competition in which teams of professional and amateur programmers and software developers work around the clock to create a technical solution to an identified problem.

The CourtHack events specifically focus on blending technology innovation with improving access to justice or judicial administration. Staff from throughout the Judiciary served as volunteer mentors during the event. They shared information and answered questions about real-world



Judge Glenn A. Grant, acting administrative director of the courts and winners.

court experiences and issues and provided guidance to the technology-savvy coders who worked to develop applications that would further the interests of justice.

Representatives from the NCSC and state courts throughout the country, including, Texas, Michigan, Pennsylvania, Florida and Maryland, also served as mentors. Judge Glenn A. Grant, acting administrative director of the courts, served on the panel of judges for the event, awarding the top prize to a team that developed an ability-to-pay calculator for use by people who have a legal financial obligation to the court.

For those whose financial circumstances make it difficult for them to pay the fines, fees, and costs assessed for a traffic citation or in a criminal case, Akbar Farook and Vijay Deep's eBenchCard would let court users utilize a smartphone app or website to submit to the court basic demographic information and photographs of key documents. The eBenchCard would also allow the user to submit a request for a reduction, an alternative sanction, or a waiver.

"CourtHack 2.0 was a wonderful opportunity to showcase technological talent that can improve our courts and streamline the submission of documents and other information for court users," Judge Grant said. "The partnerships we share with the NCSC and the NJSBA were invaluable to bringing this hackathon to fruition in New Jersey."

New Attorneys Take Oaths in Middlesex Ceremony

By Lisa Jodice
Law Librarian
Middlesex Vicinage

Two admissions ceremonies for new attorneys were held at the Middlesex County Courthouse on Dec. 2 and March 1. Assignment Judge Travis L. Francis presided over both of the events and delivered opening remarks.

Representatives from the Middlesex County and New Jersey State Bar Associations, Central Jersey Legal Services and the Trial Lawyers Association of Middlesex County also spoke.

Nine new attorneys were sworn in in December by the judges for whom they clerked: Courtney Darmofal, Matthew Knoblauch, Erin Kolodziejczyk, Adam Lipps, Victoria Paone, Peter Rosa, Tina Danielle Swenor, Jared Trachtenberg, and Joseph Vila.

Three new attorneys were sworn in by the judges for whom they clerked at the March ceremony: Rachel Ginzburg, Robert Grimaldi, and Emily Piro.



Judge Phillip L. Paley leads new attorneys in the recitation of the federal Oath of Office at the March 1 ceremony at the Middlesex County Courthouse in New Brunswick.

Spotlight: Olde Burlington County Courthouse

Editor's Note: This story is the third in a series detailing the rich histories of New Jersey's courthouses.

By Jude Del Preore
Trial Court Administrator
Burlington Vicinage

The Olde Burlington County Courthouse in Mount Holly has been described by Fenimore C. Woolman, a noted architectural historian, as "one of our priceless American architectural inheritances, standing virtually as it was built, an enduring memorial to the most elegant period in early American architectural history. Its very dignity precludes any idea of unseemly conduct or lack of majesty in the administration of the business of meting out Justice."

The building is considered one of the oldest courthouses in continuous use in the country. The first Burlington County Courthouse was not located in Mount Holly, but in Burlington City, the original county seat. Francis Collins was commissioned to design and build the courthouse for 100 pounds and a tract of land. It was constructed in 1693 and was located at the intersection of High and Broad streets.

By 1795, the building was so dilapidated that the county freeholders refused to appropriate funds for its repair. It took an act of the state Legislature to authorize the construction of a new courthouse and enable the citizens to vote as to where it should be located. Candidates for the honor were Black Horse, now known as Columbus, Mount Holly and Burlington City.

A special election was held in February 1795. The polling place was the Town Hall in Mount Holly. After the 3,250 votes were counted, Mount Holly won with 1676 votes compared to 1,432 for Burlington and 142 for Black Horse. Cross charges of fraud were hurled between Mount Holly and Burlington City. Legend has it that the "charcoal



A sign outside the Olde Burlington County Courthouse in Mount Holly includes the name of architect Samuel Lewis and the construction date.

burners" from the Pine Barrens came to the polls to vote in the morning with blackened faces, cast their votes in favor of Mount Holly, then returned in the afternoon freshly washed and voted for Mount Holly again.

Mount Holly prevailed in the vote and was declared the new seat of the county government and the site of the new courthouse. Land was purchased from Joseph Powell for 210 pounds. Three commissioners from Mount Holly - Joseph Budd, a clock maker; Richard Cox, a mill owner; and Zachariah Russell, proprietor of the Black Horse Tavern - were empowered to draw up plans for the new courthouse.

Michael Rush, a carpenter from Mount Holly, was employed and was superintended by Samuel Lewis, a master carpenter, who had helped build Congress Hall in Philadelphia. By one account, the total cost of the courthouse construction was



A view of the first-floor courtroom. Smaller courtrooms are located on the second floor.



The Olde Burlington County Courthouse, shown here in the 1930s, was built in 1796 and designed by architect Samuel Lewis.

\$14,624.56. The first session of the court was held on the first Tuesday of November 1796. John Lacy, Isaac Cowgill, Josiah Foster and Ebenezer Tucker were the judges. Samuel J. Reed was appointed clerk of the court because the commission of John Lawrence had expired. John Smick was the court crier. The interior of the building has been greatly altered. Originally, there was a large folding door in the center of the front hall. There was a raised platform in the center of the courtroom where the jurors and the lawyers sat. On each side of the entrance, there was a gallery for the spectators. At the front of the room, there was the judges' bench and a long desk for the clerk and the sheriff. However, the original trim remains over the doors and windows as does the beautiful interior stairway.

Two plentiful regional materials, marble and brick, compose the building's exterior façade. The brick building was initially decorated with white trim. Later, the brick was painted white and the trim was changed to dark green. The inclusion of a cupola, decorative detailing along the roofline, an elliptical dormer window and the building's symmetrical plan identify the courthouse as Federal in style.

There are additional features of the Burlington County Courthouse that reflect its Federal style, a refined variation of Georgian style. The five equally spaced upper-story windows, for example, are positioned directly above their counterparts below, resulting in a balanced appearance. A belt course externally divides the two stories. Each of the courthouse's large windows is adorned with shutters. Across the lower level on the front face of the building, two large round-headed windows evenly flank the central doorway, and a marble coat of arms is displayed within a classical pediment. With its narrow sidelights, pilasters, thin frame, and elegant ornamentation, the entrance serves as a focal point for the courthouse. The fanlight above the



The Olde Burlington County Courthouse in Mount Holly as it appears today.

doorway further emphasizes this area of interest. The New Jersey coat of arms over the doorway was sculpted by John Johann Eckstein.

Eckstein, who immigrated to Philadelphia in 1794, was a renowned painter and sculptor at the Prussian Court. He was best known for his death mask of Frederick the Great. The coat of arms was a gift of Isaac Hazelhurst, reputedly as payment to the board of freeholders for curving the direct road from the Burlington County Courthouse to the Monmouth County Courthouse in Freehold so that it did not cut through his property in Clover Hill.

The building has an octagonal open cupola that houses the courthouse bell. The county bell was cast in England in 1755 and purchased for 29 pounds, 10 shillings. The bell was first located in Burlington, where tradition maintains that it rang to announce the Declaration of Independence in 1776. When the county seat was relocated to Mount Holly, the bell was moved by horse and wagon and installed in the new courthouse, where it remains.

A lock-up in the basement for prisoners was ordered prepared in 1798 at a cost of 50 pounds. Around 1810, when it became necessary to incarcerate more defendants than could be accommodated in the basement of the courthouse, the county arranged to build a stone prison next door.

In 1807, the surrogate's office on one side of the courthouse and the clerk's office on the other side were built. This grouping is similar in configuration to the famous grouping of Independence Hall, Congress Hall, and the Supreme Court building in Philadelphia, creating a "little Independence Row." An old Revolutionary War cannon is mounted in the courtyard.

New Jersey Judiciary Unveils New Website

The New Jersey Judiciary has a new website. This is the first major redesign of njcourts.gov in since its inception 20 years ago. "The new website is much cleaner and easier to use, improving access to our courts and enabling litigants, attorneys, jurors and other court users to find information and services more quickly," said Judge Glenn A. Grant, acting administrative director of the courts.

The redesigned website is organized into six main categories to help users find information more quickly.

The Self-help section is designed for self-represented litigants. It includes forms, instructions and program descriptions to help people represent themselves in court.

The Attorneys section offers legal professionals quick access to the online registration system, eCourts, Notices to the Bar, court opinions and other resources. The Jurors section includes links to the online juror questionnaire, links to the daily jury reporting messages for each county, and local contact information.

The Pay Traffic Ticket section is specifically for drivers who want to pay tickets online using NJMCDirect, the statewide ticket payment service.

The Courts section organizes information about the Supreme Court, the Appellate Division, the Superior Court Clerk's Office, the Superior Court in each vicinage, the Tax Court, and the municipal courts. The Public/Media section includes press releases, newsletters, live webcasts, educational materials and more.

The redesign is the result of a survey administered by the Supreme Court Committee on Access and Fairness to gather feedback from court users on their overall court experience. The survey revealed that 70 percent of the 16,000 respondents agreed that the website was "useful."

A working group formed by Judge Grant, who chairs the committee, was charged with identifying ways to improve the website. The committee surveyed other state court websites and then worked with graphic designer Nicholas Mancini of the Publications and Video Unit in the Office of Communications and Community Relations to develop a new homepage.

Once the initial design was approved, the Judiciary's Online Services Unit (the "web team") got to work building the site. Project leader Bill Dafeldecker redesigned the architecture of the site. This behind-the-scenes work was necessary to help the web team build the site's navigation and manage the dozens of updates that are made to the site each day. While much of the content remains the same as on the original website, the web team worked with content managers throughout the Judiciary to clarify and streamline their pages to make them more accessible to court users who may not be familiar with court operations. In particular, the team worked with Janie Rodriguez, statewide manager of Litigant Services, to simplify pages used by self-represented litigants and make them more user-friendly.

The website is "dynamic," so that updates to one page will generate updates to other pages with the same content. For example, if a Notice to the Bar is added to that page, it will

also appear on the Attorneys home page. This eliminates the need to post items to more than one page and helps ensure the accuracy of information on the entire site. New functionality also allows users to search for content more efficiently. Administrative directives, for example, can be searched using date or topic filters, and the results will show all related directives.

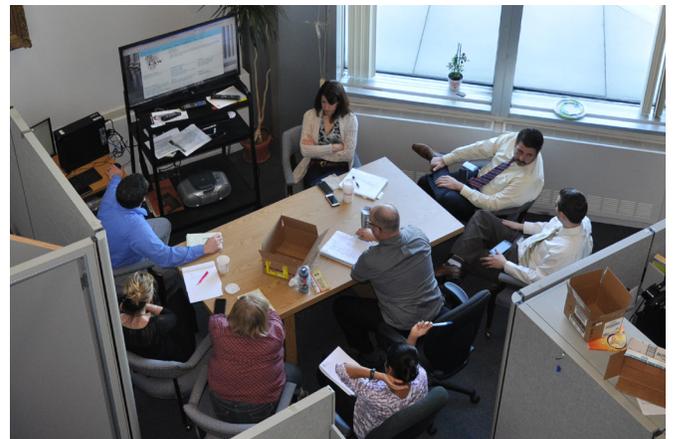
The new website is "responsive," making it accessible on all devices, including desktops, laptops, tablets and smart phones. This is especially important as more people, and in particular those with limited means, use only tablets or smart phones to access the Internet.

The site also complies with industry guidelines for web-reading devices used by persons who are blind or have limited vision.

"This is an important milestone in our efforts to ensure access and fairness to our courts," said Judge Grant. "Our website is a critical tool for communication, education, and operations, making it critically important that we ensure its accessibility and usability for all of our customers."



The front page of the new njcourts.gov. The new site is easy to use and improves access to the courts for users.



The web team in the Office of Communications and Community Relations discusses the website redesign before its launch on May 10.