

# JUDICIARY TIMES

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## LAW DAY 2017

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# Six Months In, Criminal Justice Reform is Working

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



Judge  
Glenn A. Grant

It is said that change is difficult and great change is exceedingly difficult. This assertion is particularly applicable to the efforts to improve the criminal justice system. The Judiciary has been at the forefront in implementing both the technological and operational changes to make this Criminal Justice Reform initiative a reality.

We are now six months beyond the start of Criminal Justice Reform, and by most indications, the initiative is accomplishing two important goals: Low-risk defendants are no longer sitting in jail simply because they can no longer afford bail and high-risk defendants are being detained until trial.

The statistical measures of this transformation provide evidence of this transformation. Of the 21,763 people arrested between Jan. 1 and June 30, 17,995, or 82.7 percent, were released on their own recognizance or with some form of monitoring by our pretrial services officers. A total of 3,307 detention motions, or 60 percent of the 7,824 prosecutors filed between Jan. 1 to June 30, were granted, according to statistics. A total of 2,241 detention motions were denied and 2,276 were withdrawn or dismissed.

This new pretrial release system represents an improvement over the previous bail system. However, no release system can guarantee that all defendants will appear in court or not commit new crimes while out on release. However, under Criminal Justice Reform, judges can now detain defendants until trial without regard to bail and, for the first time, we have a system that provides for the monitoring of defendants released until trial. What we have implemented is a better system because it is designed to measure and managed the risks of defendants failing to appear in court and the likelihood of committing new offenses while out on release.

The changes to the new system are predicated on an ongoing assessment of this new program in order to meet the two important goals of the program. Based on this analysis, the Court recently made adjustments to the Decision Making Framework (DMF) to better inform the trial courts on the release recommendations for defendant charged with certain types of offenses. The DMF recommendations have been adjusted to enhance the pretrial release recommendations for repeat offenders and defendants charged with most gun-related charges.

Meanwhile, we are continuing our comprehensive outreach efforts with stakeholders, the public and the media. Community outreach has been extended through social media to reach more people. Community court night forums such as those recently held in the Camden and Hudson vicinages have included segments on Criminal Justice Reform. As part of this expanded engagement effort, vicinages such Cumberland/Gloucester/Salem, Middlesex, Monmouth, Morris/Sussex, Passaic and Union have held Criminal Justice Reform forums that were well-received by the public.

*The Press of Atlantic City*, in an editorial published in June, commented, "In the centuries ahead, 2017 will be regarded as the year cash bail was abandoned in favor of a remarkably more effective system — with New Jersey as the leader of the

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Stuart Rabner  
Chief Justice

Judge Glenn A. Grant  
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# Chief Justice Discusses CJR at Bar Convention

By Mike Mathis  
Judiciary Times Editor

Addressing the New Jersey State Bar Association for the first time since the start of Criminal Justice Reform, Chief Justice Stuart Rabner told attendees at their annual convention that the reforms are working as intended.

"The upshot is that today, the most dangerous defendants are behind bars awaiting trial -- a legitimate response to a very real public safety need," the chief justice said in his annual State of the Judiciary speech. "And no one arrested since Jan. 1 in our state, except for perhaps eight cases, is sitting in jail because he or she is too poor to be able to make bail."

The chief justice also reiterated that judges continue to decide who is released or detained, as they always have, not a computer program as some critics charge.

"Neither the risk assessment tool nor the Public Safety Assessment makes release decisions. Judges have the final say after they consider detailed, objective information that is available in every case," the chief justice said.

Prior to the implementation of Criminal Justice Reform, too many poor defendants who posed a minimal risk of danger or flight sat in jail too long pretrial because they couldn't post even modest amounts of bail.

There were serious consequences for a number of those defendants, the chief justice said. Some lost their jobs, some lost access to family members and some had their cases disposed of more harshly compared to similarly situated defendants who were able to post bail and be released, he said.

At the same time, defendants accused of serious crimes who posed a significant risk of danger and flight were eligible for bail under the state Constitution, which at the time guaranteed it, and those who had access to money were able to obtain their release by posting bond or cash, he said. Now if a judge finds that a person presents a serious risk of danger, flight or obstruction, the judge can detain that person because the Constitution now allows it, he said. Pretrial services officers and staff in each vicinage prepare the PSAs and monitor defendants' compliance with the conditions that a judge imposes, trying to ensure that the person returns to court and does not commit new crimes while awaiting trial.

Meanwhile, the chief justice said there has been a reduction in the jail population. The chief justice cautioned, however, that judges will soon face additional pressure as speedy trial deadlines approach for those detained pretrial.

Based on suggestions from judges, lawyers, public officials and law enforcement officials, the Judiciary has refined the



**Chief Justice Stuart Rabner delivers his annual State of the Judiciary address at the New Jersey State Bar Association convention in Atlantic City.**

PSA to address those charged with firearms offenses as well as repeat offenders.

"In short, the reform efforts have been moving us in the direction of a fairer system of criminal justice in our state," he said. "We are pleased to have the continuing strong support of the Governor and the Legislature on this matter."

The chief justice also discussed the issue of domestic violence and a pilot program in Atlantic County aimed at addressing human trafficking.

An ad hoc committee on domestic violence produced a report on the issue of domestic violence and its far-reaching effects. The committee comprised judges and staff, legislators and attorneys, members of advocacy groups and representatives of the state's two law schools.

The group's recommendations focused on the need for resources to help respond to particular concerns and the need for enhanced training and education for judges, law enforcement officials and prosecutors. The group also addressed the important interactions between municipal and Superior Courts as relates to domestic violence issues. Since the report was issued, seven pieces of legislation related to the committee's work were drafted with the Judiciary's support, the chief justice said. Several have been enacted into law and the others are pending.

The new human trafficking program in Atlantic County began July 1. The program focuses on children who are sexually exploited, whose cases will be screened and identified. A judge, working with a multidisciplinary team that includes probation, prosecutors, public defenders, service organizations and others, will help arrange drug treatment, counseling, mental health referrals, job training, and housing.

The Judiciary will track and monitor cases for a year.

"At the end of that time, we hope to have given young adults tools to enable them to move away from a world of exploitation and turn toward healthy, productive lives," the chief justice said.

# A Closer Look at CJR: Mercer Vicinage

*Editor's Note: A version of this story was published in the newsletter of the Mercer County Bar Association.*

**By Assignment Judge Mary C. Jacobson**  
Mercer Vicinage

When the calendar turned to July 2017, the Mercer Vicinage looked back to evaluate the first six months of Criminal Justice Reform.

Thanks to the hard work of our municipal and criminal judges, the staffs of the criminal division, the municipal courts, the Mercer County Prosecutor's Office, the Public Defender's Office, the Mercer County Correctional Center, the Mercer County Sheriff's Office, local law enforcement and the private criminal defense bar, we are happy to report that the Mercer Vicinage has seamlessly adapted to the new procedures required by the reform effort crafted by the Legislature.

The law required that defendants arrested after Jan. 1, 2017 and charged on a complaint-warrant be provided with a first appearance court review within 48 hours of commitment to jail. Mercer County's municipal judges, who rotate through a daily calendar of first appearance hearings, handle the first appearance court, including sessions held on one weekend day each week to ensure compliance with the 48-hour deadline.

Prior to the hearing, pretrial services staff ensure that a public safety assessment (PSA) is completed for every eligible defendant for whom a warrant has been issued. At the first appearance proceeding, it is determined whether the defendant can be released pending trial with or without conditions, or whether the defendant must be detained upon motion of the prosecutor, in which case the defendant will be held at the jail pending a promptly scheduled detention hearing before a Superior Court judge.

When a defendant is released, a level of monitoring could be assigned to ensure public safety and the defendant's appearance in court.

Critical to the success of the process is cooperation from local law enforcement, which is responsible for obtaining fingerprints from a defendant through the use of the LiveScan process, which electronically inputs the criminal and court appearance histories of the defendants into the PSA.

Since the inception of the program, the state police and local police departments in Mercer County have steadily improved their fingerprinting compliance. As of June 2017, Mercer County attained 91.5 percent LiveScan compliance, exceeding the statewide average of 90.2 percent.

With the encouragement and support of Mercer County Executive Brian Hughes, county agencies, such as the sheriff's department under the direction of Sheriff Jack Kemler, and the county jail, under the supervision of Warden Charles Ellis, have adjusted their protocols and procedures to support the reform effort.

The jail has facilitated the quick processing and transport of defendants to enable compliance with the 48-hour first appearance hearing requirement, and the sheriff's department and jail have accommodated the electronic monitoring process in which certain defendants are released only when monitoring devices are placed on their ankles

to track their movements. The jail also has helped the public defender's office meet with clients and conduct first appearance hearings by video or through use of the virtual courtroom on weekends.

All parties, but most especially the prosecutor's office and the public defender's office, have collaborated to ensure that scheduling is done fairly and within the prescribed timeframes.

From January until June of 2017, this outstanding cooperation has enabled the timely scheduling of more than 1,600 defendants for first appearances within 48 hours and more than 350 defendants for detention hearings within three business days.

When issues arose over representation of certain defendants by the public defender, the private criminal defense bar covered appearances on a pro bono basis and many municipalities made their local public defenders available for some detention hearings.

As of mid-July 2017, approximately 120 defendants who were processed through the new procedures remain detained pending trial. Detentions are based on the risks posed by release of any defendant as reflected in his or her criminal history set forth in the PSA as well as upon consideration of the individualized facts and circumstances of the current offense.

While one of the primary motivations for the new law was to prevent lengthy pretrial incarceration of defendants too poor to make even modest bails who did not present a risk to the public if released, there have been additional benefits to the criminal justice system as a result of the new program.

The population at the Mercer County Correctional Center has dipped below 500 from a high of more than 900 a few years ago, and statewide jail populations have decreased approximately 20 percent since January 2017. The speedy scheduling of detention hearings has presented the opportunity to resolve some cases early in the process, reducing the number of cases being added to the calendars of judges and attorneys.

In some instances, detention hearings have resulted in early admissions to Mercer County's successful drug court program, starting vulnerable defendants on their road to recovery at a significantly earlier time than under the old system.

All of the stakeholders involved in Criminal Justice Reform are proud of the accomplishments of the first six months. They stand ready to face the next challenge, when speedy trial deadlines will require trials or the release of detained defendants.

We look forward to continued collaboration with all interested parties as we move forward with this worthwhile effort. We want the public to understand the goals of the program and how public safety concerns have been built into every aspect of the new procedures.

# Law Day 2017

**Editor's note: Instituted by the American Bar Association (ABA) 59 years ago, Law Day is observed each year throughout New Jersey by the Judiciary in partnership with county bar associations. A special day set aside to focus on the American heritage of liberty under law, Law Day was officially designated by a joint resolution of Congress in 1961. The event has grown over the years, with many counties hosting activities throughout May. This year's theme was "The 14th Amendment: Transforming American Democracy."**

**The following are but a few of the many high points of this year's observances.**

## ATLANTIC / CAPE MAY

On May 1, students from the winner of the Atlantic County High School Mock Trial competition, Mainland Regional High School, were honored. Atlantic County Superior Court and the Atlantic County Bar Association presented the students with certificates and the Honorable Carol E. Higbee Law Day Trophy.

Following the awards ceremony a panel consisting of Judges Bernard E. DeLury and Louis J. Belasco, attorney Melissa Rosenblum-Pisetzner and Assistant Criminal Division Manager Jody Chase discussed criminal justice reform.

On May 2, the courts hosted high school students, who watched civil court proceedings and participated in the One Judge-One School program.

On May 3, Assignment Judge Julio L. Mendez presided over a naturalization ceremony at the Hammonton Town Hall in Hammonton. A total of 23 immigrants from 15 countries were naturalized.

The vicinage also hosted a community outreach event at the Atlantic City Bus Station. Staff from the courts, Atlantic

County, and social agencies answered questions and distributed information. Jewish Family Services, Volunteers of America, South Jersey Legal Services, Atlantic Electric, Community Engagement and New Jersey Transit Police also were represented.

The vicinage recognized students from the Cape May County winner of the High School Mock Trial competition, Lower Cape May Regional High School, on May 4. Judge Mendez and the Cape May County Bar Association presented certificates. Students from the mock trial team shared their experiences with students from Crest Memorial School in Wildwood Crest.

A Law Day fair hosted by the bar association followed the ceremony. Attorneys, court staff, and employees from county agencies staffed information tables. The bar association sponsored a blood drive, and the county provided the Cape May County Bookmobile.

On May 5, four high schools participated in the One Judge-One School program. Three high schools hosted four judges to speak on the annual Law Day theme and students from one school visited the criminal courthouse to watch proceedings.



**Judge Nelson Johnson (left), Assignment Judge Julio L. Mendez (center) and Retired Judge Michael J. Donio pose with a family at the naturalization ceremony at the Hammonton Town Hall on May 3.**



**Lower Cape May Regional High School students accepted the award for the Cape May County High School Mock Trial championship at the Cape May County Law Day celebration on May 4**

## BERGEN

The Bergen Vicinage, in partnership with the Bergen County Bar Association, Bergen County and the vicinage Minority Concerns Committee, celebrated Law Day on May 1 in an outdoor ceremony on the rotunda steps at the Bergen County Courthouse in Hackensack.

Judge James J. Guida served as chair and introduced the keynote speaker, U.S. District Court Judge Brian Martinotti, who spoke on the Law Day theme. Judge Martinotti served as a Superior Court judge in the Bergen Vicinage for 15 years before President Barack Obama nominated him to the federal bench in 2015.

Assignment Judge Bonnie Mizdol administered the Oath of Allegiance to 23 new citizens from 16 countries, saying, "Your heritage adds to the richness of our American life."

The Mock Trial Competition Award was presented to Bergen Catholic High School. Bergen County Clerk John Hogan presented the Bergen County Poster Contest awards. The Ridgefield Park High School chorus provided entertainment.



**Assignment Judge Bonnie J. Mizdol administers the Oath of Allegiance at a naturalization ceremony outside the Bergen County Courthouse in Hackensack.**

## BURLINGTON

Assignment Judge Ronald E. Bookbinder kicked off the annual celebration by reading a proclamation declaring Law Day in Burlington County. Judge Gerard H. Breland sang The Star-Spangled Banner and JROTC cadets from Pemberton Township High School presented the colors.

The Burlington County Bar Association presented a panel discussion on "Gault at 50." Panelists included retired Judge Robert A. Fall; Lorraine Augostini, statewide director of Juvenile Services; Jude Del Preore, trial court administrator, and Assistant Public Defender Kevin Walker. The court's Courtroom to Classroom series featured the Juror for a Day program. More than 160 seventh and



**U.S. District Court Judge Brian R. Martinotti addresses the audience at the Bergen Vicinage Law Day celebration.**

eighth grade students were summoned to serve jury duty for the trial of The Realm of Asgard vs. The Hulk and Iron Man. Students learned first-hand about their civic obligation and responsibility to serve as a juror.

Law Day events continued throughout May. Community outreach programs included participation in the county's Senior Expo and Willingboro's Community Day. Each event offered the court the opportunity to educate the community on Criminal Justice Reform as well as provide information on Judiciary programs and services.

The month-long activities culminated with an art contest awards ceremony. Fourth and fifth grade students were honored for the artwork based on the Law Day theme.

## CAMDEN

The Camden Vicinage held its annual Law Day celebration on May 1 at the Hall of Justice in Camden. A total of 79 students and faculty members from Charles W. Lewis Middle School, Lawnside Public School, HACC Youth Build Program, Camden County Technical Schools, and representatives from the Camden County East Branch of the NAACP took part in the event, which explored how the 14th Amendment reshaped American law and society.

Family Court Judge Morris G. Smith gave opening and closing remarks. Trial Court Administrator Carole A. Cummings spoke about the importance of Criminal Justice Reform and its impact on residents in the community. Students then watched videotaped remarks by Chief Justice Stuart Rabner and participated in a panel discussion moderated by Judge Smith.

Panelists included Brenda Lee Eutsler, former president of the Camden County Bar Foundation; Assistant Deputy Public Defender Felicia B. Felder; Louis R. Moffa Jr., then-president of the Camden County Bar Association and Assistant Prosecutor Chris Whelan.



**Trial Court Administrator Carole A. Cummings speaks to students about the importance of Criminal Justice Reform in New Jersey during the Camden Vicinage's annual Law Day celebration.**

They engaged students in conversations about landmark U.S. Supreme Court cases such as *Brown v. Board of Education*, *Gideon v. Wainwright*, and *Reed v. Reed*. They also explored how the 14th Amendment – through its citizenship, due process and equal protection clauses – protects the fundamental rights of Americans. The celebration concluded with a tour of the courthouse.

The program, sponsored by the vicinage in partnership with the Association of Black Women Lawyers of New Jersey and the Camden County Bar Association, was made possible with funding from the New Jersey State Bar Association and the IOLTA Fund of the Bar of New Jersey.

## HUDSON

The Hudson Vicinage Law Day Awards ceremony was held on May 1 in the historic rotunda of the Justice William J. Brennan Jr. Courthouse in Jersey City. Retired New Jersey Supreme Court Associate Justice John E. Wallace Jr. was the keynote speaker. Assignment Judge Peter F. Bariso Jr. gave the opening remarks.

About 250 people, including students, parents, teachers, Superior Court judges, state administrators, county officials and attorneys, attended the ceremony. More than 50 students were acknowledged for their contributions to the mock trials, art, essay, rap and poetry contests.

Steven McCurrie, Law Day mock trial coordinator, presented certificates and plaques to the teachers, coaches and students on the winning team from Union City High School.

The audience enjoyed performances by the Hudson County Sheriff's Department Honor Guard and the Judiciary Voices in Unity choir.

For the fourth consecutive year, the Law Day Planning Committee, in conjunction with attorney coaches, coordinated a mini mock trial for elementary school students from Secaucus, Bayonne and North Bergen who are interested in the legal profession.

The students tried the case of *The Three Bears vs. Gold E.*

*Locks*. The charges against the defendant Gold E. Locks were trespassing by entering the Bears' home without permission and destruction of property for allegedly breaking Babe E. Bear's chair. The elementary class winners were from Bayonne.

Judge Jeffery R. Jablonski presented the Liberty Bell Award to attorney Jack J. Wind. For almost 30 years, Wind has served as the District 6 Ethics Committee secretary and will retire from the practice of law later this year.

"His career as the longest serving District Ethics Committee secretary in New Jersey is nothing short of legendary," Judge Jablonski said. "Central to this year's Law Day theme are the due process rights that are embodied in the 14th Amendment. Never had there been one who is so dedicated to both the procedural and substantive rights of our community than Mr. Wind."

## MIDDLESEX

Middlesex Vicinage's Law Day celebration kicked off this year with an event hosted by the Middlesex County Bar Foundation to honor the Middlesex County Mock Trial team champions, Noor-Ul-Iman School.

The vicinage collaborated with the Middlesex County Bar Association to present a Middlesex County Court Night information session at an elementary school in New Brunswick on May 4. Court representatives and attorneys provided information about Criminal Justice Reform, landlord /tenant, child support, immigration and domestic violence.

The vicinage also celebrated Law Day in the classroom in May and June. The 14th Amendment: Transforming American Democracy was presented to students at high schools throughout the county. The program opened with a video message from Chief Justice Stuart Rabner on the Law Day theme.

Middlesex County Superior Court Judges Peter Barnes,



**Judge Phillip L. Paley speaking with students at Piscataway High School as part of Middlesex Vicinage's Law Day activities.**

Arthur Bergman and Phillip L. Paley presented the program, which discussion of the history of the 14th Amendment and landmark cases such as U.S. v. Wong Kim Ark, Powell v. Alabama, Brown v. Board of Education, Loving v. Virginia and Obergefell v. Hodges.

## MONMOUTH

Monmouth Vicinage hosted a naturalization ceremony followed by a Court and Community Night program on May 9.

A total of 29 people from 20 countries became citizens of the United States during the naturalization ceremony, which was conducted by the Monmouth Vicinage with Monmouth County government and the U.S. Citizenship and Immigration Services.

Monmouth Vicinage Assignment Judge Lisa P. Thornton administered the Oath of Allegiance. U.S. Rep. Frank Pallone, Jr. delivered the keynote address and spoke about the tremendous opportunities and responsibilities that come with citizenship.

Atlantic/Cape May Vicinage Assignment Judge Julio L. Mendez recounted his own journey to citizenship and encouraged the newly naturalized citizens to honor and



**Monmouth Vicinage Ombudsman Theresa Romano and Administrative Specialist Maureen Kelly coordinated with county agencies to conduct a Court and Community Night program.**

protect the American dream. Immediately following the ceremony, the vicinage hosted a Court and Community Night program. The free community event was sponsored by the Monmouth Vicinage Advisory Committee on Minority Concerns with participation from the Monmouth Bar Association and Legal Aid Society, Office of the Monmouth County Prosecutor, Office of the Monmouth County Surrogate, Monmouth County Office of the Public Defender, South Jersey Legal Services and other county agencies.

Court staff, attorneys and county representatives conducted seminars, manned tables and provided materials and information about court and county programs and services. Two seminars focused on Criminal Justice Reform and establishing the termination of child support, both of which went into effect in the first quarter of 2017. The Monmouth

County surrogate gave a presentation on the role of the Surrogate's Office and a Monmouth Bar Association attorney discussed the importance of having a will. Other bar association attorneys conducted a session on the expungement process.

## PASSAIC

New Jersey Supreme Court Associate Justice Barry T. Albin administered the Oath of Allegiance to 24 new citizens from 13 countries at a naturalization ceremony on May 12 on the steps of the Passaic County Courthouse in Paterson. The new citizens hailed from Albania, Argentina, Bangladesh, Dominica, Dominican Republic, Honduras, India, Jamaica, Mexico, Mongolia, Peru, Poland and Syria.

Passaic County Clerk Kristin Corrado spoke to the new citizens about passports, Assistant Passaic County Superintendent of Elections Shona Mack-Pollack discussed voting rights and responsibilities and Jury Manager Patricia Storzillo discussed jury service. The new citizens also witnessed a demonstration of a voting machine.

Judge Sohail Mohammed led the new citizen program, sharing his own experience of becoming a naturalized citizen. Assignment Judge Ernest M. Caposela; John E. Thompson, district director of U.S. 1 and Immigration Services; First Assistant Passaic County Prosecutor Neil Cleary; Nancy Everett from the office of U. S. Rep. William J. Pascrell, Jr. and Henry Walentowicz, president of the Passaic County Bar Association, also addressed the new citizens.

Middle and high school students were invited to submit poster poetry and videos that best illustrated the Law Day theme. Winners were invited to watch the naturalization program and participate in the awards ceremony. After the awards ceremony, the students were treated to a pizza luncheon sponsored by the Passaic County Bar Association.

Clifton High School and Passaic County Technical Institute participated in a mock trial before Municipal Court Judge Toni Damiano. Passaic County Technical Institute was named winner of a hard-fought contest by a panel of jurors consisting of law clerks, attorneys, prosecutors and court staff.

The Passaic County Bar Association hosted a community outreach program, Mental Health and the Law on May 24. Mental health professionals presented a panel discussion about individuals who have mental health and legal issues inside and outside the courtroom.

The naturalization ceremony and the Law Day program were sponsored by the Passaic County Bar Association and the Passaic Vicinage.

## SOMERSET / HUNTERDON / WARREN

The Advisory Committee on Minority Concerns for the Somerset/Hunterdon/Warren Vicinage hosted a seminar on May 11, An Overview of the Adult and Juvenile Expungement Process and Statutory Requirements regarding Termination of Child Support. More than 50 people, including attorneys, assistant prosecutors, educators, social workers, county employees, Judiciary employees and members of the public attended.



**New Jersey Supreme Court Associate Justice Barry T. Albin administered the Oath of Allegiance to 24 new citizens from 13 countries at a naturalization ceremony at the Passaic County Courthouse in Paterson on May 12.**

Judge Peter J. Tober gave the opening remarks and introduced the panelists, which included representatives from the New Jersey Division of Family Development and Legal Services of New Jersey.

The program included information on termination of child support, including a legal overview of the statute, notice requirements, technical aspects of the requests for continuation, the administration of the termination process and expectations regarding interactions with the courts and the Division of Family Development.

Expungements, including an overview of eligibility factors, records needed, preparation of the application, filing the forms and serving notice, the hearing, and the final order, also were discussed.

**UNION**

Union Vicinage, the Union County Bar Association and the Union Vicinage Minority Concerns Committee celebrated Law Day on May 5 in Assignment Judge Karen M. Cassidy’s courtroom in the Union County Courthouse in Elizabeth. Union County middle schools competed in essay, poster, and spoken word/rap/poetry contests revolving around the Law Day theme. The winning schools were Florence M. Gaudineer School, Elmora School and Christopher Columbus School, Maxson Middle School, and John Marshall School. Students participated in an awards program followed by lunch provided by the court.

Attorney Jared Weiss presented the mock trial award to Oratory Preparatory High School, winners of the Union County Mock Trial Competition, on behalf of the Union County Bar Association.

Judge James P. Wilson, chair of the Minority Concerns Advisory Committee and the Law Day program, presided over the celebration. Municipal Court Judge Carl L. Marshall was the keynote speaker.

Choral selections were performed by the Burnet Middle School All Star Select Chorus. The vicinage also held an information fair.



**The Burnet Middle School All-Star Select Chorus from Union performed at the Union Vicinage Law Day celebration.**



**Judge James P. Wilson and Municipal Court Judge Carl L. Marshall with the first place poster design winners from John Marshall School No. 20 in Elizabeth.**

*Lawrence Bethea, David Beverly, Cheryl Cohen, Delia O. Foster, CariAnn Gingerelli, Sharanda Jenkins, Donna Mazzanti, Kathleen Obringer, Beth Raimondo and June Zieder contributed to this report.*

**Did You Know?**

**The Judiciary’s Communications and Community Relations Office has a graphic designer.**

**Contact Nicholas Mancini at [designer.mailbox@njcourts.gov](mailto:designer.mailbox@njcourts.gov) if you need a publication, report, signage or programs for an upcoming event.**

# After Six Month, Criminal Justice Reform is Working

*Continued from Page 2*

nationwide movement." As pioneers and innovators of Criminal Justice Reform, our work to improve our system of justice never stops, and is only possible because of the extraordinary efforts of all of you.

As noted, lasting change is exceedingly difficult but through the commitment and dedication of the judges and staff of this great organization we are building foundations for the permanent transformation of our criminal justice system.

Thank you for your great work.

## Peter McAleer Named Director of Office of Communications and Community Relations

By Mike Mathis  
Judiciary Times Editor



**Peter McAleer is the new director of the Office of Communications and Community Relations. He succeeds Winnie Comfort, who retired July 31.**

Peter McAleer has been named director of the Office of Communications and Community Relations, Judge Glenn A. Grant, acting administrative director of the courts, announced.

McAleer will succeed Winnie Comfort, who is retiring after 17 years as director.

"Peter McAleer brings a record of success as both a communications director and a newspaper reporter. His experience inside and outside state government will serve the Judiciary well. I am confident that the office will continue its exceptional work under his leadership," Chief Justice Stuart Rabner said.

The Office of Communications and Community Relations leads all of the Judiciary's public information efforts, including media relations, publications, video production and maintenance of the court website. The office also oversees other important areas such as minority concerns, women in the courts, and litigant services, which encompass issues of access and fairness.

McAleer, who will take over the director's role on Aug. 1, joined the Administrative Office of the Courts in 2015 as communications manager. Prior to joining the courts, McAleer served as the first director of communications for the New Jersey Office of the State Comptroller. From 1996 to 2008, McAleer worked as a newspaper reporter for various New Jersey publications, the last five of those years as the statehouse bureau chief for the Press of Atlantic City.

"Peter's efforts and leadership as a Judiciary spokesperson, particularly in the area of Criminal Justice Reform, have been instrumental in communicating the great work of the Judiciary to the public," said Judge Grant. "He will be a valuable addition and asset to our management team."

"I would like to thank Chief Justice Rabner and Judge Grant for this tremendous opportunity," McAleer said. "Since my time as a reporter, I've been aware of the Judiciary's peerless reputation and its commitment to transparency and open government under Winnie Comfort's leadership. I'm honored to be given the opportunity to continue that tradition."

# Middlesex Holds 11th Drug Court Graduation

**By Tammy D'Aloia**  
Drug Court Coordinator  
Middlesex Vicinage

The Middlesex Vicinage Drug Court held its 11th graduation ceremony on May 12. A total of 26 participants were awarded certificates marking their completion of the final phase of a rigorous 3- to 5-year program of comprehensive drug treatment and intensive supervision.

Assignment Judge Travis L. Francis delivered welcoming remarks and congratulated class members for their exceptional achievements.

Now Assignment Judge Alberto Rivas spoke about the long-term success of the program. Speakers also included Judge Dennis Nieves, Judge Robert J. Jones, who presides over the Middlesex County Drug Court, and Judge Harold Fullilove, who previously ran the program.

The keynote speaker was a Middlesex County Drug Court graduate from the May 2013 class. He shared his experience, strength, and hope with the graduates and current participants.

The mission of drug courts is to stop the abuse of alcohol and other drugs and related criminal activity. Participants enter the program instead of serving prison time.

The drug court program is a highly specialized team process that functions within the criminal division of the Superior Court to address non-violent drug-related cases. Drug courts are unique in the criminal justice environment because they build a working relationship between criminal justice and drug treatment agencies.

Eligible defendants receive a sentence of three to five years

of probation, with the requirement that they complete drug treatment and all aftercare requirements, attend self-help meetings and weekly drug court sessions, comply with random drug tests, pay legal obligations and obtain employment. Designated drug court probation officers closely monitor participants as they transition through four phases of recovery over the course of their sentence and eventual graduation from the drug court program.

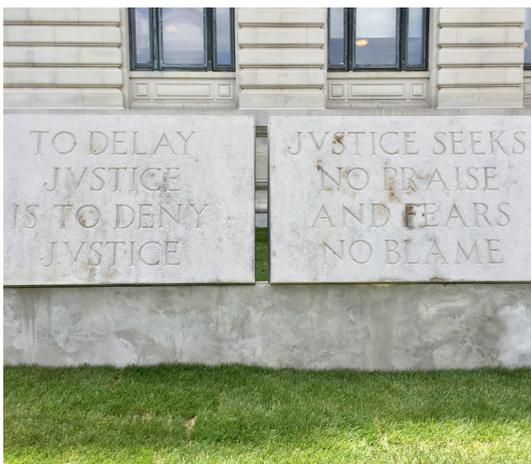
New Jersey's drug courts have proven effective at breaking the cycle of drug abuse and crime, providing people who have drug addictions the opportunity to become productive citizens. They offer an effective alternative to incarceration for non-violent offenders, and they help reduce minority over-representation in prison.

Since the program's inception, offenders have found employment and begun meeting their financial obligations, parents have regained custody of their children and dozens of drug-free babies have been born to participants around the state. In Middlesex County, 18 drug-free babies have been born.

Since Middlesex Vicinage's drug court program began in September 2004, 229 participants have graduated. Of these graduates, 13 regained custody of children, 66 percent regained their driver's licenses and 69 percent became eligible for medical benefits through their jobs. The current reconviction rate for new indictable crimes is 3 percent.

Drug courts operate in every vicinage in New Jersey and serve more than over 6,200 people statewide. Currently there are more than 375 Middlesex County Drug Court participants.

## A Historic Find for Hudson Vicinage



**These tablets were found in a room beneath the steps of the William J. Brennan Jr. Courthouse in Jersey City when a contractor was reconstructing the granite front steps.**

**Assignment Judge Peter F. Bariso Jr. and Hudson County Executive Tom DeGise decided to place them outside of the courthouse.**

**A third tablet is affixed to the façade. Judge Bariso said officials don't know why the tablets were removed; one guess is to allow more natural lighting into the building. The courthouse opened in 1910 and is undergoing a \$1.76 million renovation project.**

# Middlesex Assignment Judge Travis L. Francis Retires

By Lisa Jodice  
Librarian  
Middlesex Vicinage

A retirement luncheon was held in honor of Middlesex Vicinage Assignment Judge Travis L. Francis in the Middlesex County Courthouse on June 23.

Judge Francis retired on June 30 after 25 years on the bench and 10 years as assignment judge.

Many colleagues, past and present, as well as family and friends, gathered to wish Judge Francis well. Judge Vincent LeBlon was master of ceremonies and introduced the day's speakers, while Trial Court Administrator Dawn Brevard-Waters welcomed the guests in attendance.

Judge Alberto Rivas, who was named to succeed Judge Francis as assignment judge; Judges Phillip Paley and Jamie Happas; retired Trial Court Administrator Gregory Edwards and Denise Garced, secretary to Judge Francis, shared fond memories. Judge LeBlon said he considered Judge Francis not only a colleague, but also a great friend.

Dawn Brevard-Waters said that she and the entire vicinage would be forever grateful for Judge Francis' many contributions.

Judge Rivas said he would miss after-hours conversations with Judge Francis, adding that Judge Francis was the "rare judge who possesses both head and heart" and that he earned the title "honorable."

Judge Paley recalled many discussions with Judge Francis over evening meals and said Judge Francis taught him about leadership and character.

Judge Happas thanked Judge Francis for adding value to the lives of those around him and wished him health and happiness in retirement.

Edwards spoke about his and Judge Francis' early careers in the late 1980s and early 1990s, when they were both starting out in Middlesex County. He said Judge Francis taught him humility, the importance of respecting others and the value in not rushing to decisions. Garced thanked Judge Francis for being a great boss and praised his strong work ethic.



**Assignment Judge Travis L. Francis addresses well wishers at his retirement luncheon.**

Judge Francis expressed gratitude toward his colleagues and staff and to his wife and daughter, who attended the luncheon. He reflected on his career in the courthouse from young attorney to assignment judge and the changes and progress that has been made during that time.

He emphasized the importance of diversity, which has grown since the beginning of his career, and how people are treated when they walk into the courthouse.

Judge Francis was admitted to the New Jersey bar in 1981. He served as a public defender, in-house counsel for Prudential Insurance Co. and Fireman's Fund Insurance Co. and worked in private practice. Judge Francis became the Middlesex Vicinage's first African-American judge when he was appointed to the bench in 1992. He served in the criminal, civil, and family divisions and was the presiding judge of general equity before he was appointed the first African-American assignment judge of the vicinage in 2007.

"Judge Francis has distinguished himself as a jurist of great intellect with a passion for the law. He will be missed not only in the Middlesex Vicinage, which he has served for the past 25 years, but also throughout New Jersey's legal system," Chief Justice Stuart Rabner said.



**Assignment Judge Travis L. Francis with his wife and daughter.**

# Judge Georgia M. Curio Leaves the Bench

By Mike Mathis  
Judiciary Times Editor

Assignment Judge Georgia M. Curio has left the Cumberland County Courthouse in Bridgeton for the last time.

The imposing building at Broad and Fayette streets has been at the center of Judge Curio's legal career for more than 35 years, from the time she practiced there as a young attorney to overseeing the Cumberland/Gloucester/Salem Vicinage as assignment judge.

Judge Curio retired on June 30 after 22 years on the bench and 12 years as assignment judge.

Chief Justice Stuart Rabner lauded Judge Curio for her stewardship of the vicinage and her strong leadership statewide.

"Judge Curio has served her vicinage, and the entire legal system, with remarkable distinction for more than two decades," Chief Justice Rabner said. "Her leadership and sage advice have enhanced our system of justice."

A Vineland native, Judge Curio was interested in history and government studies at Glassboro State College but did not consider a career in the law until she enrolled in a course on constitutional law.

"It was intense case review," she recalled. After graduating from Glassboro State in 1977, Judge Curio moved on to Rutgers School of Law-Camden and after graduating in 1980 considered an offer from the Cumberland County Prosecutor's Office before deciding to join a law firm in Vineland, where she practiced negligence defense and general litigation.

"That's an accident of fate that played a significant role in my career," Judge Curio said.

In 1991, Judge Curio opened her own law practice in Vineland, concentrating on civil litigation.

She vividly recalled receiving the telephone call from Gov. Christine Todd Whitman's appointments counsel in 1995 to inform her that Whitman had nominated her for a judgeship. "It's really was a flood of emotion," she said. "It's a humbling experience, but there's also a sense of pride and some anxiety. But you try to focus, you try to learn and you rely on your experience."

First assigned to the criminal division, Judge Curio also served in the family and civil divisions. She was appointed presiding judge of the civil division in 2000 and remained in that role until then-Chief Justice Deborah T. Poritz appointed her assignment judge in May 2005 to succeed Judge George H. Stanger Jr., who retired.



**Assignment Judge Georgia M. Curio, formerly of Gloucester/Cumberland/Salem Vicinage**

As a judge, Judge Curio served on the Supreme Court Minority Concerns Committee, the New Jersey Commission on Professionalism and the Supreme Court Judicial Education Committee, among others.

Judge Curio said finalizing the adoptions of children was a memorable and satisfying part of her courtroom experience. Trial Court Administrator Jason Corter said Judge Curio often walked the halls of the facilities in all three counties, spoke with employees and asked them about their families, which inspired them to perform their best every day.

"Judge Curio brought a sense of pride and unity to our three counties as assignment judge," Corter said. "She built strong relationships with all of our stakeholders. She was both a remarkable leader and person."

In retirement, Judge Curio plans to attend many baseball games from "t-ball to the major leagues" as well as take classes at Cumberland County College and the Culinary Institute of America as well as pursuing her hobby of gardening.

She said she does not currently plan to serve as a judge on recall but expects to mediate civil cases privately. "I feel I have been so fortunate and so privileged that I have only gratitude for the twists and turns my life has taken," she said.

# Spotlight: Morris County Courthouse

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

**By Mike Mathis**  
Judiciary Times Editor

Though many New Jersey counties have erected modern courthouses to meet the needs of today's litigants, many buildings that stand as monuments to the state's legal past remain.

Among those buildings is the handsome Federal-style Morris County Courthouse in Morristown, constructed in 1827 and listed on the New Jersey and National Registers of Historic Places.



**A circa 1850 image, the earliest known, of the Morris County Courthouse in Morristown. (Credit: Morris County Heritage Commission.)**

During the past 150 years, the courthouse has been the site of several famous cases. Among them are the trial of Antoine LeBlanc – convicted of the triple homicide of his two employers and their servant in 1833 – and the right-to-die case of Karen Ann Quinlan, in which a judge denied a request from her parents to allow her to die. The 1976 decision was reversed by the New Jersey Supreme Court and Quinlan, who had been in a coma for a decade, died in 1985.

The first Morris County Courthouse was built in 1755. A log structure, it was erected near the center of the Morristown Green, according to the website of the Morris County Heritage Commission.

The building also served as a jail until 1770, when the Morris County Freeholders purchased one acre of land on the north side of the Green and built a one-story structure. A second story and a bell and cupola were added in 1776.

A rough-hewn boulder, erected by the Daughters of the American Revolution, marks the site. Faced with a growing

population (then 22,000, nearly 500,000 today), county officials decided that the building was no longer suitable for court events and county offices. Discussions to construct what would become the current courthouse began in 1825.

Architect Joseph M. Lindsley of Morristown and architect-builder Lewis Carter of Chatham were selected to design and build the new courthouse. The freeholders purchased land two blocks from the Green on Washington Street for \$100. The cost of construction was listed in *The Morristown Palladium* newspaper was \$20,000, according to the heritage commission.

A 300-pound, 6-foot tall wooden statue known as Lady of



**The Morris County Courthouse as it appears today.**

Justice was placed above the front entrance and remained there for 185 years until it was removed for cleaning and restoration in 2013.

The courthouse originally contained the clerk's, surrogate's and sheriff's offices, a fireproof room for records, a parlor, and five rooms for debtors and criminals on the first floor.

The end of the building opposite the courtroom was divided into two stories and areas for the deliberations of grand and petit juries. The basement included three cells and a furnace.

The second-floor courtroom retains most of its original architecture. Plaster walls have paneled wainscot that reaches to the bottom of the windows. Prior to the Civil War, a wing was added facing Court Street. It was separated from the courthouse by a jail yard.

The gray paint was removed from the façade toward the end of the 19th century, exposing the original red brick. The brick was painted white and cream in the mid-1920's in preparation for the observance of the 100th anniversary of the building's construction. The color scheme remained until the 1950's, when it was sandblasted for the rededication of the courthouse in 1956.

Morris County recognized the need for improved and expanded court facilities as the county’s population increased. The freeholders decided to create a unified court complex in 1954 by authorizing construction of a new wing on Western Avenue, which was dedicated in 1956.

The freeholders purchased the Washington Building on Schuyler Place in 1958 and authorized the construction of the former Hall of Records in 1969 and the Ann Street annex in 1971, respectively. These were encompassed into the Administration and Records Building across Court Street in 1989.

## Juvenile Waiting Area Open in Union Vicinage



Before the renovation



After the renovation

A waiting area in the Union County Courthouse New Annex Building for families with children opened on May 9. The juvenile waiting room is the result of efforts by Assignment Judge Karen Cassidy and the vicinage’s family court to use data to make positive changes. Self-survey results conducted by the Family Engagement Initiative, coordinated through Prevention Links, revealed that parents and youth found that their experience in juvenile court was influenced by the dismal physical appearance of the waiting room.

The Union County Council on Juvenile Justice Systems Improvement, led by co-chairs Judge Candido Rodriguez Jr., who is a juvenile judge in the vicinage, and Susan Gleason, special deputy attorney general/ acting assistant prosecutor, reached out to Kean University, Michael Graves College, K-Labs Design Studio faculty and students to develop a new design for the waiting area.

The students used computer design software to draft 3D-visual options and presented the plans to Judge Cassidy and local council members. The project was funded in part through a grant from the New Jersey Juvenile Detention Alternatives Initiative Innovations Fund. Union County also assisted in funding the project and provided design services, labor, and materials. The result is a comfortable space for families to await a juvenile’s court appearance, a stressful experience for a family.

## Middlesex Vicinage Hosts Delta Day

By Luis Hernandez  
Ombudsman  
Middlesex Vicinage

The Middlesex Vicinage participated in *Delta Day: Advocacy in Education- Educating, Empowering and Impacting Our Communities*, a program sponsored by the Central Jersey alumni chapter of Delta Sigma Theta Sorority, on April 19. This program focused on the role of law enforcement and the impact of Criminal Justice Reform on the community.

Criminal Division Presiding Judge (now Assignment Judge) Alberto Rivas, Trial Court Administrator Dawn Brevard-Waters, Criminal Division Manager Laura Schweitzer, Municipal Division Manager Cheryl Williams and Assistant Criminal Division Manager Jorge Sanchez spoke about Criminal Justice Reform.



From left: Criminal Division Manager Laura Schweitzer, Criminal Division Presiding (now Assignment Judge) Judge Alberto Rivas, Trial Court Administrator Dawn Brevard-Waters, Assistant Criminal Division Manager Jorge Sanchez, and Municipal Division Manager Cheryl Williams.

“I had the privilege and honor of participating in Delta Day sponsored by Delta Sigma Theta Sorority,” Judge Rivas said. “I was heartened by the enthusiasm and interest expressed by the audience members and hope this is a start of a dialogue between the court and this group.”

# New Citizens Swear Alligience to U.S.

## CAMDEN

By Megan Gallardo  
Administrative Specialist 2  
Camden Vicinage

Assignment Judge Deborah Silverman Katz administered the Oath of Allegiance to 24 new citizens from 15 countries during the Camden Vicinage's Flag Day celebration on June 14.

"This event is a great opportunity for us to continue to reflect on the importance of citizenship, due process and equal protection afforded to all persons born or naturalized in the United States," Judge Silverman Katz said.

Keith Dorr, supervisory immigration services officer for the U.S. Department of Homeland Security, presented the applicants prior to the oath. Pamela Giacobbe, a court interpreter with the vicinage and a naturalized citizen, presented the certificates of citizenship.

Camden County Freeholder Susan Shin Angulo, the first Asian-American freeholder elected to serve in New Jersey and a naturalized citizen, gave the keynote address. Other speakers included Camden County Freeholder Director Louis Cappelli Jr. and Camden County Bar Association President Eric G. Fikry.

The Camden County Sheriff's Honor Guard presented the colors for a flag salute, and Sheriff's Officer Thomas Brett performed the national anthem.

A reception sponsored by the Camden County Bar Association follow the ceremony.

## MIDDLESEX

By Charles Hager  
Family Division Manager  
Middlesex Vicinage

There are many families in Middlesex County in which the parents are foreign-born and not properly documented to be in the United States, but their children were born in the U.S. and are citizens.

With federal efforts to enforce immigration laws on the rise, there have been situations in which parents are being deported, but their children remain in the country.

The Middlesex Vicinage, the Middlesex County Bar Association, the Central Jersey Office of Legal Aid of New Jersey and the Middlesex County Surrogate's Office, presented a forum at the Middlesex County Family Courthouse in New Brunswick on April 21 for attorneys to learn how to obtain court orders for children who remain in the U.S. so that their needs are met.

Representatives from Legal Aid of New Jersey asked attorneys to volunteer for a couple of hours annually.



**Camden Vicinage Assignment Judge Deborah Silverman Katz administers the Oath of Allegiance to 24 citizens from 15 nations at the Hall of Justice in Camden.**



**The soon-to-be citizens raise their right hands as they take the Oath of Allegiance in Camden.**

## Did You Know?



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# Retired Union AJ Edward W. Beglin Passes

By Mike Mathis  
Judiciary Times Editor

Union Vicinage Assignment Judge Karen M. Cassidy recognized early in her career that Judge Edward W. Beglin did not play favorites.

A young lawyer and former law clerk to Judge Beglin, Judge Cassidy's firm would often send her to appear before him in the Union County Courthouse in Elizabeth to cover a calendar call, hoping that an adjournment might be easier to get.

Judge Cassidy knew better.

"Judge Beglin was not about to show me any favoritism," she said. "If I had clerked for him, I should know my cases should be ready. He didn't want anyone to think he was going to cut them a break."

Judge Beglin, whose roots in Union County stretch to the early days of the United States, died May 4 at the age of 83. He 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 Cassidy was a third-year law student at George Washington University Law School in the fall of 1983 when she entered the ceremonial courtroom on the first floor of the Tower Building for her interview with Judge Beglin. She of course had no idea that she would occupy Judge Beglin's chambers and courtroom 26 years later, when she was named to succeed Walter Barisonek as assignment judge in 2009.

"Judge Beglin was what I expected a judge to be," recalled Judge Cassidy, whose husband clerked for Judge Beglin the previous year. "He was imposing, but polite. He asked appropriate questions and seemed engaged and responsive in listening to my answers.

"I had no real idea what an assignment judge was, even though now that is the first question I ask potential

candidates," she said. Judge Cassidy said Judge Beglin was her role model when she became a judge in 2000. He was prepared and firm but compassionate when the situation warranted, she said. "He had a good sense of how cases should be handled and what to focus on," she said.

Judge Cassidy and Judge Beglin were colleagues until his retirement in 2004 and Judge Beglin officiated at the adoption of her daughter. "When I first was approached to become a judge, I thought that I could never do it. My role model was too hard to match," Judge Cassidy said. "Ed sat me down and gave me the confidence to proceed.

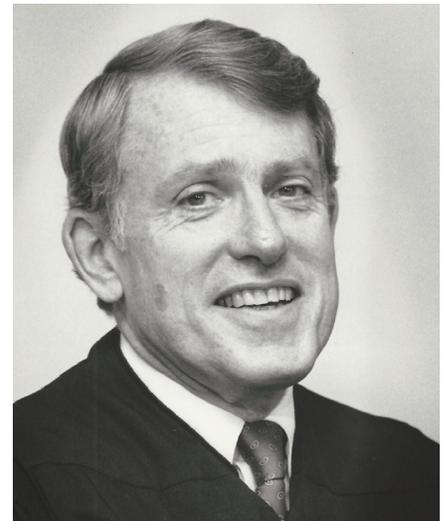
"When I was appointed as the AJ, I had another moment," she said. I was sitting in his chair! I was using his bench! I was looking out my window into the church cemetery, just as he had done every day for so many years. How did this happen?

Judge Beglin was raised in Elizabeth. His maternal ancestors, John and Mary Ogden Woodruff, settled in Elizabethtown in 1665. John Woodruff was appointed high sheriff of Union County in 1684, and his son, John, was a member of the Colonial Legislature.

Their grandson, Benjamin Woodruff, served as pastor of the Presbyterian Church of Westfield, which Judge Beglin attended for decades. A great-grandson, David Woodruff, was a captain in the American Revolution.

Judge Beglin graduated with honors from Wesleyan University in 1955 and then attended New York University School of Law as a Snow National Scholar, attaining the dean's list and graduating with a law degree in 1958. After serving in the U.S. Army for two years, Judge Beglin practiced law in Plainfield with the firm of Crane, Beglin and Vastola for the next 15 years.

During that time, he served as attorney for the Plainfield Board of Adjustment and as the city's prosecutor, city solicitor and acting corporation counsel. He also served as borough attorney of Fanwood



**Judge Edward W. Beglin**

and as attorney for the Bridgewater Board of Adjustment.

During his years on the bench, Judge Beglin was a member of the Judicial Council chaired the Judiciary/Surrogates Liaison Committee for more than 20 years and the Judiciary's Budget and Planning Committee for more than 10 years. He also served on committees dealing with court security, domestic violence, sexual harassment, the appointment of fiduciaries and the development of model criminal jury charges.

After he retired, Judge Beglin became an adjunct professor at Seton Hall University and Kean University. He created a well-received course on the interaction between American history and U.S. Supreme Court decisions. Judge Beglin was a devotee of classical music and jazz, enjoyed traveling and reading histories and biographies and was a loyal Boston Red Sox fan who loved vacationing in Maine with his family.

He is survived by his wife of 52 years, Helen, their children, Peter and Julie, their children's spouses (Shelley and Dan) and by his grandchildren Lillian, Simon, Annie, Georgia and Jack. Services were held May 21 at the Westfield Presbyterian Church in Westfield.

# Chief Justice Assigns Four to Appellate Division

By Peter McAleer and Mike Mathis  
Administrative Office of the Courts

Chief Justice Stuart Rabner has temporarily assigned four Superior Court judges to the Appellate Division, effective Aug. 1.

The Appellate Division of the Superior Court is New Jersey's intermediate appellate court. The 32 Appellate Division judges hear appeals from decisions of the trial courts, the Tax Court and state administrative agencies. The Appellate Division generally decides between 6,000 and 6,500 appeals and about 8,500 motions each year.



**Richard J. Geiger**

Judge Richard J. Geiger is assigned to the civil division in the Gloucester/Cumberland/Salem Vicinage. Appointed to the bench in July 2002 by Gov. James E. McGreevey, Judge Geiger has served as a Superior Court judge in the vicinage's civil, criminal and family divisions and as the vicinage's designated complex business litigation judge.

From 1979 to 2002, Judge Geiger worked as an associate and then partner at the law firm Davidow, Sherman, Eddowes & Geiger in Bridgeton. He also served as Cumberland County counsel from 1994 to 2002 and was a Chapter 7 bankruptcy trustee.

Judge Geiger graduated magna cum laude from Case Western Reserve University in 1975 and from Rutgers School of Law-Camden in 1978.

"It has been a privilege to have served the people of Gloucester, Cumberland and Salem counties for the past 15 years," Judge Geiger said. "I thank Chief Justice Rabner for this opportunity. My thanks as well to the fine bench and staff here in the vicinage. I am honored to accept this new role and look forward to the challenges it will present."



**Hany A. Mawla**

Judge Hany A. Mawla served as the presiding judge of the family division in the Somerset / Hunterdon / Warren Vicinage. Appointed to the bench by Gov. Jon Corzine in January 2010, he also served as the supervising judge in the vicinage's civil division and served on both the New Jersey Supreme Court Family Practice Committee and the New Jersey Children in Court Improvement Committee.

He is the chair of the New Jersey Supreme Court Committee on Minority Concerns and a Vice-Chair of the Supreme Court Advisory Committee on Access and Fairness. Prior to joining the bench, Judge Mawla was a partner in the litigation department of the law firm of Greenbaum, Rowe, Smith & Davis LLP.

Judge Mawla received his undergraduate degree from Rutgers University and his law degree from the Seton Hall University School of Law.

"I wish to thank the Chief Justice for the opportunity to continue my service to New Jersey by appointing me to the Appellate Division. I have always admired the judges who have served and continue to serve in the Appellate Division and I hope to add to the court's already stellar reputation. I hold a special affection for the hard working judges and staff of the Somerset/Hunterdon/Warren vicinage as well as the attorneys of the bar. I would not have this opportunity without their kindness and friendship," Judge Mawla said.



**Jessica R. Mayer**

Judge Jessica R. Mayer is assigned to the civil division in the Middlesex Vicinage. She was appointed to the Superior Court bench by then-Gov. James E. McGreevey in 2002 and was reappointed by Gov. Jon Corzine in 2009.

She was assigned to the civil division from July 2002 until September 2003, when she transferred to the family division. Judge Mayer returned to the civil division in September 2006. Judge Mayer worked for the law firm now known as Greenbaum, Rowe, Smith & Davis LLP from 1989 until her appointment to the bench. She was a law clerk for Judges Robert. T. Quackenboss and Robert L. Garrenger during the 1988-1989 judicial term.

Judge Mayer graduated cum laude from Brandeis University in 1985 with a bachelor's degree in politics and earned her law degree, cum laude, from Seton Hall University School of Law in 1988. "I am grateful for this opportunity to serve the citizens of New Jersey and I look forward to the challenge," Judge Mayer said.



**Scott J. Moynihan**

Judge Scott J. Moynihan is assigned to the criminal division in the Union Vicinage. He was nominated to the Superior Court by Gov. Christine Todd Whitman in 1997 and was reappointed by Gov. James E. McGreevey in 2004.

He was first assigned to the family division and also has sat in the civil and criminal divisions, twice serving as presiding criminal division judge. Prior to becoming a judge, Judge Moynihan worked as a law clerk and associate at the law firm of Rinaldo & Rinaldo, P.C. from October 1981 to June 1984 and was an associate and partner at the law firm of Palmisano & Goodman, P.A. from June 1984 until his appointment to the bench.

Judge Moynihan earned a Bachelor of Arts degree in English from Rutgers University in 1979 and a law degree from Seton Hall University School of Law in 1983. "I am honored and humbled at my appointment to the Appellate Division and look forward to continue serving the people of this state," Judge Moynihan said.

## Susan Chait Named Trial Court Administrator for Morris / Sussex Vicinage

By Peter McAleer  
Director  
Office of Communications and Community Relations



**Susan Chait**

Assignment Judge Stuart A. Minkowitz of the Morris/Sussex Vicinage has appointed Susan Chait trial court administrator, effective June 24.

Chait succeeds Rashad Shabaka-Burns, who has been named director of the newly created Office of Probation Services in the Administrative Office of the Courts. Under New Jersey court rules, the administrative director of the courts appoints the trial court administrator in each vicinage.

Chait will work closely with Judge Minkowitz to manage court operations for a vicinage with approximately 400 staff members in three locations.

"The Morris/Sussex Vicinage has benefitted greatly from Susan's leadership and expertise for nearly two decades," said Judge Minkowitz. "She is well suited for her new role as trial court administrator and will do an outstanding job."

Chait has managed the human resources division for the Morris/Sussex Vicinage since 2000. She previously served as human resources director for a 700-employee professional services firm and a psychiatric facility in New York. She earned her bachelor's degree from American University in Washington D.C. and her master's degree from Rutgers University Graduate School of Management.

As the highest ranking staff executive in the vicinage, the trial court administrator is in charge of all court operations, including financial management, human resources, information systems, case coordination, case flow management, probation services, jury utilization, facilities, equipment, maintenance, records management and statistical analysis.

"I am honored by this appointment," Chait said. "I look forward to continuing to work with the judges and staff in the vicinage in this important new role."

### Editor's Note

**The deadline for the Fall 2017 edition of the *Judiciary Times* is Friday, Sept. 8. Feature stories about court programs and newsworthy profiles about judges and court staff are welcome. Submissions can be sent to [mike.mathis@njcourts.gov](mailto:mike.mathis@njcourts.gov).**

# Discussion Highlight of Asian-American and Pacific Islander Heritage Month in Monmouth

By Sharon Astorino  
Administrative Specialist 4  
Monmouth Vicinage

The Monmouth Vicinage EEO/AA Advisory Committee hosted a panel discussion, *From the Bench and Bar: Challenges and Accomplishments by Asians in the Law*, on May 23 to mark Asian Pacific American Heritage Month.

Panelists included Monmouth Vicinage Criminal Presiding Judge David F. Bauman; Trial Court Administrator Gurpreet M. Singh; Jhanice V. Domingo, former president of the Asian Pacific American Lawyers Association of New Jersey and a partner at Einhorn, Harris, Ascher, Barbarito & Frost, PC, and Renato H. Ronquillo II, corporate counsel, Horizon Blue Cross Blue Shield of New Jersey. They were joined by law clerks Franklin M. Chou, Katherine B. Chu and John H. Ting.

Judge Thomas F. Scully, chair of the Vicinage EEO/AA Advisory Committee, gave welcoming remarks and spoke of the resolution signed by President Jimmy Carter designating a weeklong celebration of Asian Pacific Americans. President George H. Bush extended the celebration to a month in 1990. Judge Scully also spoke on the significant cultural impact made by Asian Pacific Americans.

Judge Bauman, a recent recipient of the 2015 Minority Judges Award, said received strong support from his mother and chose to become a lawyer after joining the U. S. Marine Corps. He spoke about his participation in a reenactment of the 1982 murder trial of Chinese-American Vincent Chen, who was severely beaten in the Detroit suburb of Highland Park in June 1982. Chen died four days later. Judge Bauman said the experience helped reinforce his commitment to remain vigilant in protecting the rights of all citizens.

Domingo encouraged supporting diversity with purpose and passion to bring about change and said it was important to be a resource for other Asian-Americans.

Singh spoke about the centuries-long belief that the United States offers opportunities to all individuals. She credited her mother with being a strong champion throughout her career. She also emphasized the importance of increasing minorities in the workforce to better connect with the public and address their needs.

Ronquillo said that it was difficult to find a mentor, as there were not many Asian-Americans in law school. He challenged the stereotype that Asians usually enter the medical or engineering field. Chou, Ting and Chu agreed that they encountered few Asian-Americans in law school, but that it did not prevent them from pursuing legal careers.

A cultural exhibit was on display and attendees enjoyed several Asian-American dishes prepared by staff.

## Mission Statement of the New Jersey Courts



*We are an independent branch of government constitutionally entrusted with the fair and just resolution of disputes in order to preserve the rule of law and to protect the rights and liberties guaranteed by the Constitution and laws of the United States and this State.*

# Be Careful What You Ask For You Might Just Get It

**Editor's Note: This is the third 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 they 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.**

## **Salvatore and Bonnie Sue Enea v. Duncan Court, LLC, Cedar Hill Construction, L.L.C., Robert W. Corcoran, Jr., et al.**

In early 2013, the Eneas entered into two separate agreements for the purchase of property and the construction of a home by Duncan Court, LLC.

After construction began on the home in mid-2013, Duncan had the Eneas entered into a contract modification, assigning its rights and obligations to Cedar Hill Construction, L.L.C.

After the Eneas moved into the new home in May 2014, they realized the home failed to comply with applicable codes and did not conform to the architectural plans and specifications. They filed a Request for Arbitration under the 2-10 Home Buyers Warranty Program for structural and other defects. In response, Cedar Hill paid the arbitration fee to the New Jersey Office of Dispute Settlement (ODS). The ODS assigned an independent and qualified arbitrator and sent the parties the rules and regulations regarding home warranty proceedings.

Arbitration was scheduled, but later adjourned. Before arbitration could take place, the Eneas filed a complaint in Superior Court alleging fraud and warranty related claims against the defendants, which prompted the defendants' motion to dismiss the complaint.

In New Jersey, a complaint can only be dismissed for failure to state a claim if a cause of action cannot be gleaned from even an obscure statement in the complaint after a liberal search of its allegations. The non-moving party is given every inference in evaluating whether to dismiss a complaint. Courts lack jurisdiction to hear matters subject to exclusive agency jurisdiction, such as arbitration. Motions to dismiss can be granted on this basis as well.

The New Home Warranty and Builders' Registration Act establishes a program requiring that newly constructed homes conform with certain construction and quality standards and provides buyers of new homes with insurance-backed warranty protection in the event such standards are not met. Under the act, a builder must participate in either the warranty program established by the act or a private warranty plan.

Private plans, such as the 2-10 Home Buyers Warranty, must provide a complaint, claims and payment procedure that, for any warranty claim, includes an attempt at informal settlement between the builder and the owner, where the owner must provide written notice of the complaint; conciliation and/or arbitration by an independent third party appointed in a manner approved by the Department of Community Affairs; and the ability of the owner to accept or reject a decision and notice of the opportunity to appeal that decision to a court of competent jurisdiction.

In this case, the Eneas voluntarily elected the remedy of arbitration. They filed a claim pursuant to the act and demanded arbitration. Once the Eneas elected to arbitrate, the pursuit of a claim in Superior Court was barred.

Federal and New Jersey courts have a strong public policy in favor of arbitration and strive to enforce arbitration if possible. In this case, the arbitration provision was in accord with New Jersey law and reflected an enforceable agreement that established arbitration as the exclusive remedy for the dispute.

The court granted defendants' motion to dismiss without prejudice and advised that it would abide by the result of the new home warranty arbitration as to the warranty claims brought against the defendants.

The non-warranty claims, which included fraud, were preserved for trial in court pending the outcome of the arbitration.

# Chief Justice Names Judge Alberto Rivas Assignment Judge of Middlesex Vicinage

By Peter McAleer  
 Director  
 Office Communications and Community Relations

Chief Justice Stuart Rabner named Superior Court Judge Alberto Rivas to lead the Middlesex Vicinage, effective July 1. Judge Rivas succeeded Assignment Judge Travis L. Francis, who retired after 25 years on the bench and 10 years as assignment judge.

“Judge Rivas has done an outstanding job leading the vicinage’s criminal division,” Chief Justice Rabner said. “He is a highly respected jurist who possesses strong leadership skills that will enable him to thrive in his new role.” “In more than seven years at the Middlesex Vicinage, Judge Rivas has served on the bench in the civil, family and criminal divisions. He was named presiding judge of the criminal division in February 2015. “I am humbled and honored at the confidence the Chief Justice has expressed in me,” Judge Rivas said. “I look forward to working with our talented group of jurists and staff.”

Judge Rivas was appointed to the bench by Gov. Jon Corzine and took the oath of judicial office on Jan. 25, 2010. Prior to his judicial career, Judge Rivas worked for nine years as an



**Alberto Rivas**

assistant U.S. attorney in Newark, the last three years as deputy chief of the office’s criminal division. He also worked as the law director of the City of Perth Amboy and as a partner in the law firm of Lite, DePalma, Greenberg & Rivas.

During that time, Judge Rivas served as a member of the New Jersey State Sentencing Commission and as a court-appointed independent monitor reviewing the New Jersey State Police. A 1982 graduate of Princeton University, Judge Rivas earned his law degree at the Rutgers University School of Law.

# Chief Justice Names Judge Benjamin C. Telsey Assignment Judge of Gloucester/Cumberland/Salem Vicinage

By Peter McAleer  
 Director  
 Office of Communications and Community Relations



**Benjamin C. Telsey**

Chief Justice Stuart Rabner has named Superior Court Judge Benjamin C. Telsey to lead the Gloucester/Cumberland/Salem Vicinage, effective July 1.

Judge Telsey succeeds Assignment Judge Georgia M. Curio, who retired after 22 years on the bench and 12 years as assignment judge.

“Judge Telsey is a talented jurist and an innovative administrator who has done an outstanding job leading the vicinage’s criminal division,” Chief Justice Rabner said. “His

leadership has been particularly instrumental during the implementation of Criminal Justice Reform, which required great collaboration and communication across three counties.”

Judge Telsey has served as the presiding judge of the vicinage’s criminal division since August 2015. He is the criminal presiding judge liaison to the State Domestic Violence Working Group. From November 2011 until August 2015, Judge Telsey served as presiding judge of the vicinage’s family division.

“I want to thank the chief justice for his confidence in me and thank Judge Curio for the guidance and support she has shown me over the years,” Judge Telsey said. “I am excited to lead a group of extremely hardworking judges and staff in Gloucester, Salem and Cumberland counties.”

Judge Telsey was appointed to the bench by Gov. Jon Corzine and took the oath of judicial office on Dec. 20, 2007.

Prior to his judicial career, Judge Telsey served as a solicitor and public defender for a number of municipalities and government agencies in Salem County.

A 1990 graduate of Rutgers University, Judge Telsey earned his law degree from Widener University School of Law in 1993.

# Juvenile Justice System Improvements Focus of Training Session in Atlantic/Cape May Vicinage

By Judge Susan F. Maven and Connie Price  
Atlantic / Cape May Vicinage

Atlantic County was one of five counties to pilot the Juvenile Detention Alternative Initiative (JDAI) in New Jersey in 2004.

Since that time, Atlantic County government and key stakeholders have continued to collaborate to ensure system improvements in the form of policy changes, modification of practices, and leveraging of funds to implement the work needed for this level of juvenile reform.

On April 12, the Atlantic County's Juvenile Justice System Improvement Committee conducted a training session with its system partners. The "system partners" training provides a forum for providers to inform each other of any new or innovative services or programs available for youth.

Although Atlantic County has been an active JDAI site for more than 13 years, periodic self-evaluation and analysis allows for improvements that ultimately benefit youth and communities.

Connie Price of the Juvenile Justice Commission led the opening session by dividing the attendees into groups and presenting two hypothetical cases studies.

Using a multi-disciplinary team approach, each group reviewed a fact scenario, then after lively discussion, identified key barriers to services, expressed family goals, discussed possible resources and long-term steps to avoid negative impact on public safety, and shared their recommendations for case disposition. The participants were receptive to the exercise and shared information openly about areas normally covered by their organization.

Judge Susan F. Maven, presiding juvenile judge, gave a presentation on the implementation of Criminal Justice Reform. She also gave an update on the 2016 amendment to the juvenile waiver law, the vicinage's development of a juvenile human trafficking pilot project, and the recent administrative directive related to monitoring children-in-court and juvenile co-current cases.

Curtis Still, a detention alternative specialist with the Youth Services Commission, spoke on behalf of the community engagement subcommittee. He addressed the difficulty experienced by many juveniles and their families face trying to access services or participate in activities due to fear of crossing into "hostile" neighborhoods.

He took a lead in seeking a remedy for this barrier with the local Fellowship of Churches. A number of churches have agreed to become "safe havens" in which programs will be held for youth, and system partners can interact with juveniles and their families in a secure setting. Numerous agencies have volunteered help develop this program and to use these satellite areas.

System partners shared highlights about their services and distributed brochures. The presentations were well received. Attendees asked to hold meetings more than once a year. The committee will consider inviting grassroots organizations and other governmental agencies to give presentations during future committee meetings.



Judge Susan F. Maven (L) and Connie Price (R) of the New Jersey Juvenile Justice Commission.

# Winnie Comfort Retires as C&CR Director

By Mike Mathis  
Judiciary Times Editor

Long before the Richard J. Hughes Justice Complex in Trenton became her workplace, Winnie Comfort was a frequent visitor, often meeting her mother, who at the time worked at the Administrative Office of the Courts, for lunch.

She never dreamed that nearly 20 years later she'd be seated at the long conference table in the imposing Supreme Court conference room on the eighth floor being interviewed by then-Chief Justice Deborah Poritz and Judge Richard Williams, then the acting administrative director of the courts, to lead the Judiciary's communications efforts.

"It was the most intimidating room I've ever been in my life," recalled Comfort, who at the time was working in the press office for then-Gov. Christie Whitman. The table was so large, she said. "you couldn't hand something across the table."

A few days later, she received a phone call- and a job offer. "I said yes and I'm really glad I did," said Comfort, 69, who retired on July 31 after heading the Office of Communications and Community Relations (C&CR) for 17 years and serving in state government for 32 years.

During her tenure, Comfort built C&CR from an office with a skeleton staff charged with answering press calls into what she has called a full-service public relations agency for the courts.

Today, the work of C&CR not only includes media relations, it also includes publications, video production and maintenance of the court website and social media channels. The office also oversees other important areas such as minority concerns, women in the courts, and litigant services, which encompass issues of access and fairness.

"Winnie Comfort built the Office of Communications and Community Relations into a highly respected public information office, second to none in the state of New Jersey. As a consummate professional, her thoughtful counsel and advocacy for open government have been invaluable not only to the Judiciary but also the public," Chief Justice Stuart Rabner said.

Public service was a way of life in the Comfort house. Comfort's father worked as the city's finance director and her mother worked for Harvey Goldstein when he was the assistant director of probation from the 1970s until she retired in 1991. Two of her sisters also work in state government.

A graduate of Cathedral High School in Trenton and the oldest of eight children, Comfort worked at Sears in Trenton at nights and during the summer.

Prior to joining the courts in April 2000, Comfort was deputy communications director for Gov. Whitman's press office in the late 1990s. Before that, she was a spokesperson for the Department of Banking and Insurance and the Department of

Human Services. She started her career in state government in 1984 as assistant to the director of what is now called the Department of Children and Families. At Human Services, Comfort sometimes dealt with heart-wrenching cases involved deceased children or institutionalized adults committed to the state's care. At Banking and Insurance, she led efforts to educate the public on automobile insurance reform.

"Winnie is calm, deliberative and organized in how to disseminate information that the public and the press wants to know, and really needs to know, in order to understand what it is an agency is doing, the course of action it chooses to engage in and why," Supreme Court Associate Justice Jaynee Lavecchia, who was Comfort's boss at Banking and Insurance, said during Comfort's retirement party on July 28. Comfort's work in the Judiciary has earned her the respect of judges, staff and the press for responding to inquiries rapidly and accurately.



**Winnie Comfort, retired director of the Office of Communications and Community Relations, accepts a framed story about her retirement from Chief Justice Stuart Rabner.**

A story posted to the Observer noted that Comfort "was easily accessible and quickly answered reporters' questions without any of the block-and-tackle maneuvers that characterize many of her counterparts. It earned her the trust of many in the press corps during her 17 years as a courts spokeswoman.

"We are so responsive to all those groups that they've come to believe if they needed something from this office they would get it quickly," she said.

Comfort said she is especially proud of the growth of the Judiciary's nationally recognized website, which has grown into a useful source of news and information for court users and the public. "Over the years, the office grew into the biggest staff I ever managed," she said. "The people are incredible smart and generous with their knowledge."

Peter McAleer, who joined the Administrative Office of the Courts as a communications manager in 2015, is succeeding Comfort. A former newspaper reporter and statehouse bureau chief of *The Press of Atlantic City*, McAleer previously worked as a spokesman for former state Comptroller Matt Boxer. In retirement, Comfort said she plans to spend more time with her grandchildren and attending their activities as well as lounging poolside.