

# News Release



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## Supreme Court Committee Issues Report on Municipal Court Reform

A Supreme Court committee charged with reforming municipal court practices released a report today that proposes solutions for preserving and improving judicial independence in the state's local courts.

The 31-member committee, formed by Chief Justice Stuart Rabner in March 2017, set forth recommendations for a series of policy changes and legislative proposals aimed at ensuring that municipal courts do not allow government revenue concerns to affect the fair administration of justice.

The report of the Supreme Court Committee on Municipal Court Operations, Fines, and Fees, chaired by Assignment Judge Julio Mendez, includes eight principles and 49 recommendations that identify a range of solutions for problems confronting municipal courts. The recommendations include the following: procedural safeguards for defendants unable to pay a fine, alternatives to bench warrants and driver's license suspensions, an evaluation process for the appointment and reappointment of municipal judges, the consolidation of smaller municipal courts, and improved access to municipal courts through technology.

"It is often said that municipal courts, which handle millions of cases every year, are the face of the Judiciary," Chief Justice Rabner said. "We must make sure that they adhere to the Judiciary's high standards of integrity, independence, and fairness. As part of that effort, courts are responsible to see that justice is carried out without regard to any outside pressures. The work of this committee offers valuable recommendations to uphold those principles for all citizens."

### **Fines and Fees**

Municipal courts collected more than \$400 million in revenue in calendar year 2017, with more than half of that total turned over to municipalities. The committee's report details how the excessive imposition of financial obligations and sanctions, such as the suspension of driver's license privileges, can quickly escalate and extend far beyond the fine associated with a violation.

"The committee was deeply concerned about what can be a never-ending imposition of mandatory financial obligations that have little to do with the fair administration of justice," said Assignment Judge Julio Mendez, who chaired the committee. "They can be financially overwhelming, can

disproportionately impact the poor, and often become the starting point for an ongoing cycle of court involvement for individuals with limited resources.”

Monetary penalties can also vary greatly from judge to judge and court to court. The report found particularly troubling the excessive imposition of discretionary sanctions, such as contempt of court assessments.

Among its conclusions, the committee recommended the Judiciary develop policies to:

- mandate the scheduling of ability-to-pay hearings whenever individuals fail to pay fines, so that the court can set a payment schedule or consider sentencing alternatives where appropriate.
- continue to monitor and limit the use of contempt of court financial assessments, which go directly to municipal coffers, and require judges to place a justification on the record before using this “judicial tool of last resort.”
- create sentencing guidelines for municipal court judges to follow to ensure the range of statutorily established financial penalties are applied consistently across the state.
- limit the issuance of bench warrants and driver’s license suspensions to serious offenses or cases where outstanding fines and fees are substantial.
- review and recall bench warrants on complaints for failure to pay and failure to appear that are more than 10 years old and involve minor offenses and minimal amounts.

Improvements in this area are already taking place. For example, internal efforts within the Judiciary have led to a reduction in contempt of court sanctions in nearly every vicinage for each of the past three years.

Coinciding with the release of the report, the Supreme Court today adopted [a series of rule changes](#) that provide for limitations on monetary sanctions against defendants who fail to pay or fail to appear in municipal court.

### **Evaluating Judges**

Also integral to preserving the independence of municipal courts, the report notes, is the need for a uniform and impartial process to evaluate sitting municipal court judges and judicial candidates. New Jersey currently does not have a uniform appointment or reappointment process and, similarly, it does not have a uniform salary requirement. Most municipal judge positions are part-time with annual salaries set by ordinance or resolution of the establishing county or municipality. Many municipal court judges sit in multiple municipal courts.

The report recommends the Judiciary establish a uniform and transparent statewide process to assess qualifications for the appointment and reappointment of municipal court judges. Municipalities would still control which attorneys get appointed. The report recommends the Legislature make involvement in the process mandatory. It also recommends the Judiciary establish an evaluation process for sitting municipal court judges that would be based on data collected during the course of a judge’s term, similar to the process used in Superior Court.

“While there are many exceptional municipal court judges who serve with great distinction and independence, the perception is that some judges are evaluated based on inappropriate considerations,” said Assignment Judge Lisa Thornton, who served as vice-chair of the committee. “An evaluation

process would enhance judicial independence and public confidence in the impartiality of the municipal court system.”

### **Organizational Structure and Court Access**

Another area the committee found “ripe for reform” is the structure of the municipal courts, which is established by state statute. The committee strongly recommended consolidating and streamlining the municipal court system to create efficiencies and protect judicial independence. It recommended the Legislature consider statutory changes that would:

- mandate the consolidation of smaller courts, taking into account factors such as total annual filings, frequency of court sessions and geography.
- increase the terms of service for municipal court judges from three to five years for greater stability.
- require municipalities to participate in the proposed qualifications process for the appointment and reappointment of municipal court judges.

Other recommendations focused on technological improvements, such as increasing the types of offenses that can be resolved online without a court appearance, allowing for installment payments without a court appearance, and modifying court notices to advise defendants in plain language that their inability to pay will not result in incarceration.

Judge Glenn A. Grant, acting administrative director of the courts, said the report provides a valuable resource in the ongoing effort to improve New Jersey’s municipal court system.

“The recommendations set forth in the committee’s report can play an important role in enhancing public confidence in the municipal court system,” Judge Grant said. “Implementing the recommendations will require collaboration and cooperation among the three branches of government as well as the state’s municipalities.”

To maintain the momentum of reform, the committee recommends the establishment of a working group comprised of all three branches of government and key stakeholders. In addition to implementing the report’s recommendations, the committee suggested consideration of other issues such as:

- the creation of regional and/or county municipal courts.
- a shift from part-time municipal court judgeships to full-time, tenured judgeships.
- extending the term of municipal prosecutors and public defenders from one to three years.

While the report details many significant concerns, it also found that New Jersey’s municipal courts compare very positively with similar courts around the country, in part due to increased oversight within the Judiciary and the mandatory training of judges and staff.

“The prior accomplishments and reform efforts that have occurred within New Jersey’s municipal court system are not to be understated,” Chief Justice Rabner said. “I want to thank the many fine judges and staff whose expertise provided significant assistance to the committee.”

The full report can be viewed at [njcourts.gov](http://njcourts.gov).