

NEW JERSEY SUPREME COURT ACTION PLAN FOR ENSURING EQUAL JUSTICE -- UPDATE & NEW INITIATIVES FOR 2022

In the wake of the tragic deaths of George Floyd and other people of color, the New Jersey Supreme Court and Administrative Director Glenn A. Grant on June 5, 2020 issued a [public statement](#) condemning racism and committing to “eradicate systemic barriers that stand in the way of justice.” The Court on July 16, 2020, followed up on its statement by announcing an inaugural [2020 Action Plan for Ensuring Equal Justice](#), which outlined nine key areas that the Judiciary would seek to address within one year.

The Judiciary advanced all nine of the Court’s 2020 goals -- from institutionalizing a process to conclude probation supervision for individuals who had met rehabilitative goals, to elimination of outstanding discretionary juvenile fines and certain failure to appear warrants, to transformation of the landlord tenant process -- and in so doing removed barriers and burdens that fall disproportionately on poor people and people of color.

2021 ACTION PLAN FOR ENSURING EQUAL JUSTICE

On August 16, 2021, the Court released a public statement that summarized the status of each of the 2020 action items -- and a [2021 Action Plan](#) that committed to focus on another nine equity initiatives. Over the past year, the Judiciary again has advanced all of the nine items in this second installment, with measurable results realized in the following areas:

- **In coordination with intergovernmental partners and community stakeholders, the Judiciary is connecting court-involved individuals with critical mental health resources** and advancing the work of the Mental Health Advisory Committee.

Two counties already have implemented pilot programs focusing on people with serious mental illness who have been released consistent with Criminal Justice Reform and are subject to pretrial monitoring. Two more counties are in the planning phase of similar programs, which strive to better identify individuals with mental illness in county jails; facilitate linkages at the time of release to community-based services; explore opportunities for admission into diversionary programs and downgrades of criminal charges; and identify strategies for establishing

a sustainable mental health diversion model for statewide expansion. .

To broaden support and engagement in what will be an ongoing statewide mental health initiative, all Judiciary employees during the past few months completed training on mental health awareness and response.

- **The Judiciary Opportunities for Building Success (JOBS) program has connected hundreds of probation clients and participants in Recovery Court with employment opportunities**, made possible through partnerships with various stakeholders. Implemented in all 21 counties by 2021, the JOBS program involves public-private partnerships with some of the top companies in New Jersey, including hospital systems, utilities, and large and small businesses, such as Goya Foods, Inc., Community Foodbank -- NJ, Public Service Gas & Electric (PSE&G), Amazon/Audible, Wayfair, Wakefern, Hard Rock, NJ Transit, Atlantic City Electronic, Robert Wood Johnson Barnabas Healthcare, Cooper Healthcare, the Essex County Bar Association, the New Jersey Presidents Council, Jingoli Industries, and the Department of Labor and Workforce Development.

Hundreds of probation clients and participants in Recovery Court have been connected to meaningful employment (on the record with good pay and benefits) and valuable training programs that build skills and impart knowledge that clients will use throughout their terms of probation and beyond. Black clients comprise the largest race category (53%) of those who have secured employment through the JOBS program.

- **The 8,500+ members of the Judiciary workforce have completed training on awareness of implicit bias.** Through interactive virtual programs conducted during the past year, all state court employees learned how to recognize and interrupt the effects of bias in professional and everyday contexts.
- **The Judiciary created and implemented an [Equity Impact Analysis \(EIA\)](#) protocol** so that that all new or revised court policies and

protocols are reviewed before finalization to ensure alignment with Judiciary values and address potential disparities in the process or the outcome. Through regular use of the EIA in conjunction with [Guiding Principles](#), the Judiciary this past year has identified and remedied potential gaps in policy proposals in order to advance access, fairness, and equity in court practices and procedures. The use of the EIA has also prompted deeper analysis of data regarding racial and ethnic disparities and illuminated areas in need of further data collection and analysis.

- **The Court amended the Court Rules to authorize pro bono representation in State Tax matters** by supervised law students and others appearing before the Division of Taxation and the Tax Court. The Court’s [March 15, 2022 Order](#) responded to an acknowledged gap in services for people of limited economic means. Stakeholders in the Executive Branch and Legal Services of New Jersey are continuing to work together to implement the Court-approved program.
- **The Court authorized the collection of attorney demographic data, starting in January 2023**, as part of the annual attorney registration process. This Court initiative will establish a baseline for diversity and inclusion in the legal profession.
- **The Judiciary established a Special Committee that will soon issue recommendations to enhance procedural safeguards in Family Non-Dissolution (FD) matters** in order to ensure equity consistent with similarly situated cases in the Family Matrimonial (FM) docket.
- **The Court’s [November 18, 2021 Order on the Future of Court Operations](#) established an evolving framework to integrate lessons learned from the expedited transition to remote operations** and the use of virtual proceedings necessitated by the pandemic. In order to better meet the needs of all consumers of court services, the Court committed to “a transition from almost all in-person court proceedings before the pandemic to a future that uses technology to provide

expanded options for access, participation, timeliness, and justice.”

- **As approved by the Court, the Judiciary on July 19, 2022 issued [Directive #07-22](#) (“New Jersey Judiciary Policy on Accessible & Inclusive Communications”).** In the new policy, the Court committed to communications that are more understandable and accessible. The policy also reaffirms a commitment to communications that consider diverse identities and experiences, avoid and reduce barriers, and address the individual needs of each court user.

MAINTAINING MOMENTUM ON EQUITY INITIATIVES

The Court over the past two years has demonstrated a commitment to new results and has sustained the reforms highlighted in the first two installments of its Action Plan. Even as new initiatives are advanced, the Judiciary continues to ensure that the progress and advancements made in the prior years are permanently incorporated into our work.

Among other ongoing efforts, we continue to advance many of the initiatives championed in the 2020 and 2021 Action Plans, including:

- Efforts to improve inclusion and reduce bias in jury processes through more representative jury pools, exploration of attorney-conducted voir dire and a voluntary reduction in peremptory challenges, along with a new more objective approach to striking otherwise qualified jurors. For a recent update, see the [July 12, 2022 notice](#) publishing the Supreme Court’s Administrative Determinations on the Recommendations of the Judicial Conference on Jury Selection and related orders;
- Increase in pilot programs and expansion of efforts to support individuals with mental health challenges who become involved with the courts. The Judiciary anticipates announcements about funding and plans for additional pilot programs in a number of counties in the coming year, as part of developing a model for eventual statewide use; and
- Continuing collaboration with an array of private employers, the Department of Labor and Workforce Development, and others to connect

probation clients and participants in Recovery Court with meaningful employment as part of their reintegration into society.

NEW GOALS FOR THE 2022 ACTION PLAN FOR
ENSURING EQUAL JUSTICE

In addition to continuing the momentum of prior years, the Supreme Court has authorized a focus on the following items in the coming year:

1. **Integration and expansion of tools for judges and staff at all levels to voluntarily engage in race equity discussions**, including development of a toolkit to facilitate such conversations at all levels;
2. **Enhancement of local initiatives designed to reduce the inappropriate use of secure juvenile detention**, while protecting public safety and supporting court appearances;
3. **Analysis of data regarding youth in out-of-home placements**, with a focus on reducing the disparity in time to permanency for youth of color;
4. **Enhancement of practices, protocols, and trainings to ensure inclusion and the elimination of structural barriers to the courts for LGBTQ+ people**;
5. **Institutionalization of community engagement initiatives to maintain and strengthen relationships** with attorneys, other system stakeholders, and members of the public as part of promoting public confidence in the courts;
6. **Reexamination of court practices related to all types of disabilities or different abilities**, in partnership with Disability Rights New Jersey and other public and private stakeholders;
7. **Coordination of outreach and awareness programs focused on, and responsive to, populations at risk of violence, including Asians and Pacific Islanders and individuals of Jewish faith and culture**, in addition to ongoing outreach and collaboration with groups that advance

issues affecting people of color;

8. **Continued expansion of the relationships and outreach of the County Domestic Violence Working Groups** to optimize processes and outcomes for individuals and families; and
9. **Expansion of training on data analytics for judges and court staff to identify and address potential disparate effects on people of color** and support organization-wide consideration of quantitative (as well as qualitative) measures to assess policies.

While the path to a more equitable future may at times be more difficult, the journey -- and the destination -- are of ongoing importance and urgency. In that spirit, the Court commits to focus on and allocate resources to advance a new package of reforms designed to make the courts fairer, more accessible, and more just for all people.