

NEW JERSEY STATE LIBRARY
NJD 974.90 C866, 1971e c. 3
Merging municipal courts : design for a



974.90 C866 1971E COPY 3
MERGING MUNICIPAL COURTS

Date Due

974.90 C866 1971E COPY 3
MERGING MUNICIPAL COURTS

**New Jersey State Library
Department of Education
Trenton, New Jersey 08625**

DESIGN FOR A MINOR CRIMINAL AND
TRAFFIC DIVISION OF THE COUNTY DISTRICT COURT

MERGING MUNICIPAL COURTS

Prepared for the
NEW JERSEY ADMINISTRATIVE OFFICE OF THE COURTS BY

Synectics

162 WEST STATE STREET
TRENTON, NEW JERSEY 08608

APRIL 1971

974.90
C 866
1971 E
copy 3

ADMINISTRATIVE OFFICE OF THE COURTS

WARD B. McCONNELL
ADMINISTRATIVE DIRECTOR



STATE HOUSE ANNEX
TRENTON
NEW JERSEY
08625

MEMORANDUM TO: ROGER H. McDONOUGH

RE: Municipal Court Study

Attached is a report of a management study of the Municipal Courts made for the Administrative Office of the Courts by Synectics, a Trenton consulting firm, under a grant from the National Highway Safety Bureau. The study recommends changing from a part-time Municipal Court system to a full-time, state financed system by creation of a Criminal Division of the present County District Courts. Full-time judges, appointed by the Governor, on a bi-partisan county basis, would sit in those municipalities where the volume of business warrants and the facilities are deemed adequate. Six of the proposed 66 districts would serve a single municipality while 60 districts would be formed by a grouping of contiguous municipalities.

More specifically, the study recommends:

1. The creation of a state-supported Criminal Division of the County District Courts to replace the present 523 Municipal Courts.

2. The appointment by the Governor, with the advice and consent of the Senate, of 108 full-time judges to man the new Criminal Division.

3. The establishment, on the basis of caseload and population analyses, of 66 districts as the operating units of the new Criminal Division.

4. The employment within each district of full-time professional personnel, including 17 Presiding Judges, 17 Regional Court Administrators, and 66 District Administrators.

5. The assignment of prosecuting attorneys to each District by the Office of County Prosecutor.

6. The expansion of the Office of Public Defender to complement the increased prosecutorial staffs.

7. The scheduling of daily and evening court sessions within each district.

8. The selection of court sites and the calendaring of cases to serve the convenience of litigants, defense counsel, and law enforcement officers.

9. Computerizing the reporting of data relevant to case actions.

10. The initiation of experimental programs, such as abolishment of selected mandatory appearances, driver improvement courses offered as sentence options, and rehabilitative programs as sentence alternatives.

11. The disposition of parking offenses administratively by municipalities, with court complaints being filed only against delinquent offenders.

12. The revision of the court's appeals procedures and the expansion of its criminal jurisdiction depending on a recommended study by the Administrative Office.

13. The payment of the expenses of the new Criminal Division by the state, with court costs and certain traffic fines being allocated to the state.

The reduction of the present 523 Municipal Courts to 66 regional courts would make it feasible to use a computer system for processing all traffic matters, including:

1. Immediate processing of all actions concerning a traffic violation from issuance of summons to disposition;
2. Instant access by the court to the active traffic violation file in the central data center;
3. Instant court access to the driver record file of the Division of Motor Vehicles;
4. Computer preparation of notices, warrants and reports;
5. A centralized cash reconciliation system for all payments collected;
6. Ability to identify "repeaters" and "scofflaws" on a state-wide basis;
7. Preparation of statistical analyses and reports as required.

The recommended system would consist of a central computer data center in Trenton and teleprocessing terminals in each of the 66 districts. The data center computer would be operated by the Administrative Office of the Courts and would be capable of expansion to support foreseeable judicial information system requirements for all other New Jersey courts.

The estimated annual operating cost of the proposed system as indicated in the study is \$14,784,500. This includes the salaries of judges (\$34,000 for each of 17 Presiding Judges and \$30,000 for 91 Judges), a total of \$3,308,000. Estimated cost of supporting personnel would be \$8,616,500, including \$1,617,000 for additional prosecutorial staffs and \$765,000 for additional public defender staffs. The cost of the Data Center, including computer processing equipment and operating personnel, is estimated at \$901,000, requiring the addition of 19 persons to the staff of the Administrative Office of the Courts at an estimated \$193,000. Rental of court facilities and other expenses is estimated at \$1,766,000.

The study included a review of detailed questionnaires from the 523 Municipal Courts in New Jersey and personal visits and interviews with judges and clerical staff of many of these courts. In addition, prosecutors, police officers and others, including representatives of the Division of Motor Vehicles and Office of the Public Defender, were consulted to obtain their views, comments and suggestions. Officials in Connecticut, Michigan, New York and Pennsylvania were also consulted on the operation of their courts at an equivalent level.

Edward B. McConnell
Administrative Director of the Courts

DESIGN FOR A MINOR CRIMINAL AND
TRAFFIC DIVISION OF THE COUNTY DISTRICT COURT

MERGING MUNICIPAL COURTS

Prepared for the
NEW JERSEY ADMINISTRATIVE OFFICE OF THE COURTS, BY

Synectics

162 WEST STATE STREET
TRENTON, NEW JERSEY 08608

APRIL 1971

71415
6616
18-10
6823

The preparation of this report was financed in part by a grant from the U. S. Department of Transportation, National Highway Safety Bureau, under the provisions of Section 402(C) of Public Law 89-564.

TABLE OF CONTENTS

	Page
INTRODUCTION.....	1
SUMMARY of RECOMMENDATIONS.....	3

Chapter

PART ONE

BACKGROUND

1. Role of "Inferior" Courts.....	6
2. Comparable State Reforms of Lower Courts.....	8
3. Municipal Courts of New Jersey.....	12
Evolution of Present Courts.....	12
Profiles of the 523 Courts.....	14
4. Full-time Courts, A Necessary Next Step?.....	28
Impetus for Reorganization.....	28
Alternative Proposals for Structure of Court.....	33

PART TWO

PROPOSAL

5. County District Courts; Creation of Criminal Division....	39
Concept of County District Courts, Criminal Division...	39
Integration into Judicial System.....	46
6. Judges of the Court.....	52
Appointment and Qualifications.....	52
Determination of Judges Needed.....	53
Delineation of Districts.....	63
7. District Court Administrator; Supporting Personnel.....	95

Chapter	Page
8. Officers and Attendants of the Court.....	100
9. Case Scheduling in District Court.....	109
10. Court Practice and Procedures.....	112
11. Traffic Violations Bureau.....	118
12. Financing of the District Court.....	122

PART THREE
IMPLEMENTATION

13. Transition Administration.....	137
14. Administrative Office of the Courts.....	140
15. Advisory Committees on Implementation.....	142

SUMMARY.....	147
--------------	-----

Appendix A: Persons Contacted.....	149
Appendix B-1: Appearance Control Project.....	152
Appendix B-2: Administrative Adjudication of Traffic Violations.....	154
Appendix C: Automated Processing Under the District Court System.....	162

FIGURES

	Page
1. Municipal Courts 1970-71.....	23
2. Complaints Filed in Municipal Court 1967-68, 1968-69.....	24
3. Expenditures for Municipal Courts, By County, 1969.....	25
4. Revenues of Municipal Courts, By County, 1970.....	26
5. Distribution of Municipal Court Revenues, 1969.....	27
6. New Jersey Court System.....	40
7. Jurisdiction of Municipal Courts.....	43-45
8. Proposed Administration of District Court System.....	47
9. Appeals from Municipal Court, 1968-69.....	49
10. Caseload Requiring Court Time, 1967-68, 1968-69.....	57-58
11. Determination of Judges Required.....	64
12. Proposed Districts, By County.....	67-73
13-33 Maps of Proposed Districts, By County.....	74-94
34. Administrative Personnel Job Descriptions.....	98
35. Estimated Annual Costs of District Court System.....	123-126
36. Estimated Transition Period Costs of District Court System.....	128-130
37. Municipalities Receipt of Fines and Costs, 1969.....	134

INTRODUCTION

This report develops a framework for a new state-supported full-time local court system. Its purpose is to propose how such a system would operate in New Jersey if the legislative determination to replace the present municipal courts were made.

The report was prepared by SYNECTICS, a Trenton-based firm, at the request of the Administrative Office of the Courts and was financed by the National Highway Safety Bureau of the United States Department of Transportation.

As a foundation for the structuring of an appropriate system for New Jersey, the contemporary role of a lower court was explored and recent reforms or proposed revisions of the lower courts in sixteen states were reviewed. In particular, judges, state agency officials, and court administrators in Connecticut, Michigan, New York, and Pennsylvania were consulted concerning their lower court system and the procedures which they employ.

To assure the involvement of the present municipal court judges in the design of an alternative system, questionnaires requesting factual information and soliciting recommendations were sent to the 523 municipal courts. A pre-test of the questionnaire had been sent to members of the Supreme Court Committee on Municipal Courts for their critique.

Court sessions were observed and interviews with judges, supporting personnel and officers of the court were held in counties considered representative of the state (Atlantic, Essex, Hunterdon and Mercer). Additional observations and interviews were scheduled throughout the state on the basis of questionnaire responses or in the refining of specific recommendations. Observation and interview forms were utilized by the staff to standardize the information gathered.

The statistical reports received and correlated by the Administrative Office of the Courts for recent court years were analyzed for disparities and trends. Municipal audit reports for recent fiscal years submitted to the Division of Local Finance, Department of Community Affairs, were examined for municipal court receipts and expenditures. A questionnaire survey of selected police departments was conducted to gather information on time spent in municipal courts by local law enforcement officers. Meetings to discuss the impact of the present and proposed lower court systems on their respective agencies were held with representatives of the Division of Motor Vehicles, the New Jersey State Police, and the Office of the Public Defender.

The cooperation accorded members of the SYNECTICS staff and the insights contributed by members of the judiciary and their dedicated personnel are gratefully acknowledged.

SUMMARY of RECOMMENDATIONS

To effect a merger of the present municipal courts in New Jersey with the County District Courts, it is recommended that:

1. A state-supported division of the County District Courts be created to replace the present 523 municipal courts.
2. 108 full-time judges be appointed by the Governor with the advice and consent of the Senate to man the District Courts.
3. On the basis of caseload and population analyses, 66 districts be established as the judicial units of the new division.
4. Full-time, professional personnel, including District Court Administrators, be employed within each district.
5. Prosecuting attorneys be assigned to each District by the Office of County Prosecutor.
6. The Office of Public Defender be expanded to complement the increased prosecutorial staffs.
7. Daily and evening sessions of court be scheduled within each district.

8. The convenience of litigants, defense counsel, and law enforcement officers be considered in the selection of court sites and the calendaring of cases.
9. The reporting of data relevant to case actions be computerized.
10. Experimental programs be initiated, such as abolishment of selected mandatory appearances, driver improvement courses offered as sentence options, and rehabilitative programs provided as sentence alternatives.
11. Parking offenses be disposed of administratively by the municipalities and filed as court complaints only when delinquent.
12. Revision of the court's appeals procedures and the expansion of its criminal jurisdiction be studied by the Administrative Office.
13. Expenses of the District Court system be borne by the state with court costs and certain additional traffic fines allocated to the state.

PART I
BACKGROUND

CHAPTER 1

ROLE OF "INFERIOR COURTS"

Common and official reference to courts of limited jurisdiction as "inferior courts" belies their relative impact. Each year in New Jersey it is through exposure to the proceedings of the municipal courts that most citizens gain their first and lingering impression of justice and its administration. The municipal courts of New Jersey disposed of over two million complaints in the court year 1968-69. Without factoring multiple offenders, these figures would indicate that *in one year alone over 30 percent of the state's population was directly affected by the operation of the municipal courts.*

In attempting to underline the importance of local courts, state legislative committees from Maine to Idaho have relied on the words of New Jersey's former Chief Justice Arthur T. Vanderbilt:

The general neglect of [municipal] courts is incomprehensible because it must be apparent to all who consider the matter that the local courts of first instance are the very foundation of the enforcement of the criminal law. On them rests the primary responsibility for the maintenance of peace in the various communities of the state, for safety on our streets and highways, and most important of all, for the development of respect for law on the part of our citizenry, on which, in the last analysis, all of our democratic institutions depend. This is the underlying reason why I have repeatedly called the

municipal courts the most important in our state.*

Not only do the gross number of residents who are influenced by their experiences in municipal courts command attention, but also the character of their offenses. Far from deserving the denigrating designation as "junk" or "clothesline" courts, the jurisdiction of municipal courts, though "limited," encompasses the most crucial concerns now challenging the state and its citizenry. Drug abuse with its controversial curbs and cures accounts for an ever-increasing proportion of the municipal courts' criminal caseload. The most dangerous weapon dealt with by any court -- the vehicle of an irresponsible driver -- is encountered in every session. The just or unduly harsh disposition of disorderly persons offenses can lessen or heighten frustrations and thus create a climate for an entire community. The lifestyle of all residents is affected by the court's condoning or condemning blatant violations of municipal ordinances.

In fulfilling their critical role, therefore, the local courts must operate as instruments in the control of criminal conduct and exist as institutions which encourage the legal redress of grievances.

* Vanderbilt, Chief Justice Arthur T., "The Municipal Court -- The Most Important Court in New Jersey: Its Remarkable Progress and its Unsolved Problems," *Rutgers Law Review*, Vol. X, No. 4, Summer, 1956, p. 650.

CHAPTER 2

COMPARATIVE STATE REFORMS

Public and professional tolerance of the problems associated with "inferior" courts throughout the country is apparently ending. Due to the efforts of organizations such as the Traffic Court Program of the American Bar Association or the American Judicature Society, and reform-minded state bar and civic associations, higher standards of court competence and conduct are being established and applied in the lower courts.

Some reform movements, such as those in Oklahoma or Missouri have had to contend with conditions eliminated in New Jersey over twenty years ago -- non-professional judges, court held in private dwellings, or fees paid directly to the judges.

A leader in the reform of its entry courts was Connecticut, which in 1959 created a full-time state court known as the Circuit Court of Connecticut.* Bipartisan appointees, who must be members of the bar and devote full-time to their judicial duties, transact the business of the court in the state's eighteen circuits. Michigan in 1968 and Maryland in 1970 established a District Court system, with both states incorporating the basic principles of a consolidated and integrated state system -- full-time district judges, servicing a delineated area, supported and supervised by the state.

* Public Act No. 28, 1959.

In more rural states, such as Maine and Vermont, the recent consolidation of community courts into an integrated full-time state system has proven equally effective in improving both the procedures and the prestige of the lower courts.* The list of states willing and determined to review and revise their minor court system continues to lengthen and includes states as diverse as Illinois, Idaho, North Carolina, and Alaska.

However, while certain premises of court reform identified in other states will be advocated, some provisions of these systems are not regarded as judicial advances and are not recommended for New Jersey:

Jury Trial

The right of any criminal defendant to trial by jury is guaranteed by the Michigan Constitution. Within the Michigan District Court, therefore, a defendant charged with even a parking offense may request a jury trial.

In the Connecticut Circuit Courts any party may demand a trial by jury, with the exception of criminal cases where the maximum penalty for the crime charged is a \$50 fine or a 30-day jail sentence. To propose that a new system of District Courts in New Jersey must provide panels and procedures for the trial

* Twelfth Biennial Report, Vermont Judicial Council, 1968, p. 3.

by jury of offenses within its jurisdiction is not administratively or economically advisable nor is it required constitutionally.

Magistrates

The appointment of magistrates or commissioners has been provided by some states in their adoption of a revised lower court system. In states such as Alaska, North Carolina, Idaho, and Michigan, the District Court judge may appoint a magistrate who need not be an attorney or full-time to perform what are referred to as "quasi-judicial" functions and can include presiding at arraignments, accepting guilty plea cases in non-mandatory traffic cases, and setting bail etc. While such personnel can obviously reduce the workload of the district judge and increase the availability of a judicial officer to the public, it is nonetheless considered an undesirable compromise with sound judicial administration to return to reliance on non-attorneys or utilization of part-time personnel.

Community Control

In Connecticut, the statute creating its Circuit system provided that sessions of the court would be "held in any town the legislative body of which makes a request therefor."*

* Public Act No. 28, Sec. 6.

The disadvantages of this provision have been felt by judges and administrators since its inception and annual recommendations for its abolishment have been made.*

Another form of deference to local control is the Michigan provision for local supplementation of the judge's basic state salary. (Judges paid \$18,000 by the state may receive additional salaries from the municipalities served with a ceiling of \$27,500.) Discontent and undesirable disparities have also been the experience with this provision.

* e.g., Connecticut Public Expenditure Council, Inc. "Taxpayers News" Nov.-Dec. 1968.

Report of the Chief Court Administrator 1967-68, p. 34.

CHAPTER 3

MUNICIPAL COURTS OF NEW JERSEY, 1948-1970

Evolution of the Present Courts

The New Jersey Constitution of 1844 granted to the Legislature the power to create inferior courts, a power reaffirmed in the New Jersey Constitution of 1947.* Pursuant to this power, the authority to create municipal courts by ordinance was delegated to municipalities under P.L. 1948, c. 264. Such municipal courts were to replace a confusing, inefficient, and often inequitable system of local courts which included justices of the peace, police, recorders, and magistrates courts. The simplification of this inferior court structure was but a part of an overall court reform program achieved in New Jersey in 1947-48, a reform program which received nation-wide attention and emulation.

With regard to the municipal courts, the New Jersey Legislature had been memorialized by the Constitutional Convention to

take such action as may be deemed necessary to establish a modern and efficient inferior court system to be presided over by qualified persons and to provide that all of the inferior courts receive reasonable fixed compensation which shall have no relation to fees received.

* New Jersey Constitution (1947) Article VI, Section I.

The legislators' response in 1948 gave to municipalities the power to establish municipal courts by local ordinances.*

Today each of the 523 municipal courts so established by ordinance is distinctive, shaped by both the personality of its judge and the particular community which it serves. Controls have been promulgated, however, which seek to conform the most parochial courts to certain minimum standards. Rules of Court issued by the Supreme Court dictate forms and procedures which must be adhered to by all municipal courts.** The supervision of the Supreme Court is enforced by the Administrative Office of the Courts through regular visits, required reports, and policy directive letters which do provide a semblance of uniformity within the system.

It remains in 1970 uncontroverted legal opinion that "the municipal court is an integral part of the statewide judicial system and exercises a power retained by the State and not delegated to local government." In Re Mattera, 34.N.J. 289, 168 A. 2d. 38, 42 (Sup. 1961). Yet in practical terms the aura and influence of the state over the municipal courts is remote and inconsequential. The de jure, de facto status of this relationship has been pointedly and repeatedly noted by Chief Justice Joseph Weintraub:

It is idle and incongruous to charge the Supreme Court with administrative supervision as the Constitution does

* N.J.S. 2A:8-1.

** "Rules Governing Practice in the Municipal Courts," Part VII. *Rules Governing the Courts of the State of New Jersey, 1969 Revision.*

while the capacity to frustrate effective supervision and performance remains with 587 autonomous bodies.*

Profiles of the 523 Courts

Tables indicating the present status of the municipal courts are presented on pages 23 through 27. To supplement these statistics, profiles of major components of the present system based on questionnaire responses and court observations were prepared.

Judges

With the exception of those magistrates so holding office in 1952, judges of the municipal court must be attorneys-at-law.** In the current court year, 1970-71, only 29 of the 402 municipal court judges, or 7 percent, are laymen. Most judges pursue an active law practice in addition to their judicial duties; several consider themselves retired. In some urban courts, judges who hold daily sessions regard their court functions as a full-time occupation which limits their private practice of law.

The tenure of a municipal court judge is usually dependent upon the reelection of the governing body which appointed him to his initial three-year term. However, among those judges who have withstood changes in administrations are several who

* Weintraub, Chief Justice Joseph, "The Municipal Court" 81 *New Jersey Law Journal* 597, 602, 1958.

** N.J.S. 2A:8-7.

have served more than 25 years on the bench.

Salaries paid to municipal court judges are set by the appointing local body and vary presumably according to the demands of the position. However, considering the sole criterion of hours devoted to the bench, wide discrepancies emerge. The "hourly wage" paid to a sampling of judges within the same northern county in 1968-69 varied from \$72 for a judge who sat 83 hours on the bench to the judge who received \$23 an hour for a reported 644 hours. In a southern county one judge averaged \$50 an hour while a neighboring community paid its judge \$9. A pattern of such inexplicable discrepancies was found to exist throughout the state.

In weighing the need to retain a hometown judge, it should be noted that *more than one-half of the municipalities in New Jersey are now served by a judge who neither lives nor works within the jurisdiction.*

Supporting Personnel

Apart from basic requirements of a high school education or its equivalent, the Department of Civil Service, Division of Local Government Services, utilizes generalized standards of knowledge and ability in its job specifications for supporting court personnel.* Examinations for positions as court clerk

* The employees of municipal courts serving municipalities which have adopted Civil Service are hired under this merit system. Over 250 municipalities in New Jersey now have Civil Service coverage. *Annual Report of the Civil Service Commission 1968-69.*

or deputy clerk include some attempt to evaluate comprehension of laws and ordinances and an indication of competence in public relations. (The results of a survey conducted during a study of personnel standards in municipal courts in 1958 indicated that to most of the magistrates or judges, a clerk's ability to deal with the public tactfully was his most important attribute.*)

Although personnel turnover is cited as a persistent and critical problem of the present municipal court system, an analysis of the tenure of clerical personnel employed in all 523 courts removes most municipal court clerks from this general indictment. However, as applied to violations clerks, assistant and deputy clerks, the concern with the experience and training of short-term personnel appears to be justified.

Hours worked and compensation received show wide disparities, according to the results of the court questionnaires. Some court clerks average as few as three hours a week. Even where court clerks are classified as full-time, the hours involved reportedly vary from 34 to 72 a week.

In the four counties considered representative of the state, the salaries paid to municipal court clerks with comparable responsibilities ranged from \$2.10 an hour to \$6.30 an

* Reock, Ernest C., *Personnel Standards in New Jersey's Municipal Courts*, Bureau of Government Research, Rutgers University 1958, p. 21.

hour. Within the same northern New Jersey county, a court clerk reportedly working 40 hours was paid a weekly wage of \$90, while another court clerk received \$223 a week for a 40 hour week.

Prosecutors

As will be noted, the failure to guarantee the appearance of prosecutors in the municipal courts has created both practical and constitutional problems for the present system. Only a small percentage of the courts can rely on a prosecutor appointed by the municipality specifically for municipal court work. Such a prosecutor is paid either a flat annual sum or by the case. In other municipalities the municipal attorney is called upon to prosecute violations of municipal ordinances and major traffic offenses, usually drunk-driving cases. However, in over 200 courts no municipal prosecutor or municipal attorney is present in court on a routine basis.

The appearance of county prosecutors in municipal courts is dependent upon the priority assigned to such appearances by individual county prosecutors. In a few urban courts, such as Newark, an assistant county prosecutor is regularly assigned to the Court Part devoted to criminal cases. In those counties where prosecutors do assign responsibility for specific municipal courts to their assistants, schedule conflicts are usually resolved in favor of the upper courts.

Defense Counsel

The appearance of defense counsel in municipal courts has been sporadic and has varied with both the nature of the offense and the indigency of the defendant. Within one northern New Jersey municipality, for example, only 2 percent of contesting defendants were represented by counsel during the court year 1968-69. In a neighboring municipality attorneys reportedly appeared with 40 percent of the defendants. The same variance of 2 percent to 40 percent, was found to exist in a southern shore county.

Indigent defendants who request lawyers are represented by appointed counsel, Office of Economic Opportunity legal services programs, or the state's Office of Public Defender. By statute, the Public Defender's Office is responsible for only those indigent defendants requesting counsel who have been charged with an indictable offense.* During the court year 1968-69, approximately 5100 municipal court appearances were made by members of the public defender staff.

Within some counties, particularly in urban courts, the OEO legal services programs have filled the vacuum in those criminal cases where the charge was not indictable or constituted merely a disorderly persons offense. The manpower resources of both the Public Defender Office and all legal

* N.J.S. 2A:158A-2.

service programs have been far too limited to guarantee appearances in all criminal cases in the 523 courts. Legal services programs were established to provide legal counsel to the poor primarily in non-criminal matters, and program directors have not been able to allocate sufficient personnel to complement the Public Defender Office.

In addition to the common problem of too few authorized positions to meet the workload, the Office of Public Defender credits the proliferation of courts, travel time, waiting time, lack of notice, frequent adjournments and a "philosophical reluctance to try or dismiss weak cases" as the causes inherent in the present municipal court system which have muted Gideon's trumpet.

Facilities

Under R. 1:31-1 all courtrooms, judges chambers, and clerks' offices are to be located in public buildings. In no case may court be held in a private home or commercial establishment. Over 87 percent of the courts reportedly occupy space in their respective city halls or central municipal administration building.* In many cases the local police

* The general appearance and accoutrements of these halls varies from gleaming buildings impressive in architectural design to old unrenovated edifices.

department also is housed within this administration building; in 28 courts the police and municipal court share a separate public building.*

In some larger courts a need for renovations or general repairs is evident. In smaller communities, the "municipal office building" is often a modest structure serving as a general community center.**

Most of the municipal courtrooms have been described by their judges as public meeting rooms shared with at least one other municipal activity. A dais and bench, and in some cases tables for counsel, lend the room a judicial appearance during court sessions.

The capacity of the municipal courtrooms varies within each county. In one central New Jersey county the seating capacity ranges from 25 to 175. In a densely populated northern county a court handling over 60,000 filed complaints seats only 60 people; a neighboring community processing fewer than 10,000 complaints accommodates almost 100 persons.

* As concluded by the Maryland State Bar Association's Committee of Judicial Administration in its 1966 report, "Although probably convenient for the police, criminal cases should be heard and determined at some location apart from where one of the parties to cases regularly conducts its business."

** In one rural court the judges chambers are an open vault while his courtroom serves during the day as a kindergarten classroom.

Financing

Total expenditures by the municipalities for the municipal courts exceeded six and one half million dollars in 1969.*

This figure is broken down annually by county into salaries of judges, other salaries and other expenses by the Administrative Office of the Courts.** (See Figure 3, p. 25.)

In the court year ending August 31, 1970, the municipal courts (and the County District Courts in their exercise of municipal court jurisdiction) collected revenues totalling \$22,312,153. (See Figure 4, p. 26.) Annually the estimated distribution of the total collections including court costs, fines, penalties and forfeitures of bail has been 50 percent of total revenues to the municipalities, 25 percent to the counties, and 25 percent to the state. In 1969 the actual disbursement of court revenues from municipal courts was \$10,564,240 or 55 percent to municipalities, \$4,975,202 or 26 percent to the county treasurers and \$3,639,886 or 19 percent to the state.***

Municipal courts have been accused of levying fines and penalties in response to local revenue needs rather than the merits of the particular case. An analysis of fines and court

* Municipal Auditor Reports 1979, Division of Local Finance, Department of Community Affairs.

** The presentation of these figures is accompanied by a disavowal of exactness due to a lack of uniformity in state, county and municipal accounting procedures and the absence of any allocation of using departments for overhead and capital costs.

*** Analysis of all Reports on Municipal Court, 1969, submitted to the Division of Local Finance. See Figure 5, p. 27.

costs collected by the municipal courts and transmitted to municipal treasuries in 1968 indicates that the importance of such revenue may be exaggerated.

The analysis of 1968 court revenues and expenditures covered 537 of New Jersey's 567 municipalities. Direct expenditures for salaries and other expenses and municipal revenue from municipal court costs and fines returnable to the municipalities were tabulated. The analysis indicates that in 1968 municipalities received \$9,313,000 from fines and costs levied by municipal courts. During the same period, municipalities listed \$5,789,000 in direct expenditures for operation of these courts. The excess of revenues over direct expenditures amounts to \$3,524,000. This difference, expressed as a percentage of total municipal revenue, amounts to .18 percent of all revenues collected by all municipalities.

In 276 municipalities the municipal court revenue exceeded expenditures. In the remaining 261, expenditures were more than the revenues collected. Since the expenditures reported are only direct budget expenditures and generally do not include such indirect expenses as pension contributions, building maintenance, and administrative overhead, it is evident that well more than half of the municipalities expended more for the operation of their municipal courts than they received in revenue from that source.*

* It is interesting to note that the excess of revenues over direct expenditures exceeds 1 percent of the municipality's total revenues in only 17 cases. These include "shore resort" municipalities such as Somers Point (3.56%), Wildwood (1.56%), Seaside Heights (2.87%), and Seaside Park (3.00%). The highest ratio was produced by Mansfield Township - 4.00 percent.

FIGURE 1

MUNICIPAL COURTS 1970-71

COUNTY	TOTAL NUMBER OF COURTS	NUMBER OF JOINT COURTS	MUNICI- PALITIES COVERED BY JOINT COURTS	LAWYERS	NON- LAWYERS	TOTAL
Atlantic	21	1	3	13	3	16
Bergen	71	0	0	57	4	61
Burlington	39	1	2	16	2	18
Camden	35	0	0	22	0	22
Cape May	16	0	0	5	4	9
Cumberland	13	0	0	5	0	5
Essex	22	0	0	28	0	28
Gloucester	22	2	4	9	2	11
Hudson	12	0	0	15	0	15
Hunterdon	11	4	19	5	2	7
Mercer	13	0	0	11	1	12
Middlesex	25	0	0	22	1	23
Monmouth	53	1	2	39	1	40
Morris	40	0	0	32	1	33
Ocean	26	3	8	17	1	18
Passaic	16	0	0	14	2	16
Salem	15	0	0	5	2	7
Somerset	21	0	0	18	0	18
Sussex	18	2	5	9	2	11
Union	21	0	0	20	1	21
Warren	13	2	6	11	0	11
	523	16	49	373	29	402

FIGURE 2
COMPLAINTS FILED IN MUNICIPAL COURT

	<u>1967-68</u>	<u>1968-69</u>
<u>Complaints Heard in Court:</u>		
Moving Traffic	234,485	256,100
Parking	124,463	126,051
Non-Traffic	117,692	132,283
 <u>Violations Bureau Disposition:</u>		
Moving Traffic	368,517	414,051
Parking	1,225,945	1,308,798
Non-Traffic	<u>8,220</u>	<u>11,204</u>
TOTALS:	2,079,322	2,248,487

Source: Comparative Summary 1957-58 to 1968-69, 1968-69 Annual Report of the Administrative Director of the Courts.

FIGURE 3

EXPENDITURES BY MUNICIPALITIES FOR MUNICIPAL COURTS

COUNTY TOTALS - 1969

	SALARIES		OTHER EXPENSES	TOTAL
	<u>JUDGE</u>	<u>OTHER</u>		
Atlantic	62,933	143,124	26,840	232,897
Bergen	209,182	357,106	94,963	661,251
Burlington	90,165	115,329	49,331	254,825
Camden	88,606	226,678	41,952	357,236
Cape May	50,600	65,315	13,620	129,535
Cumberland	36,440	45,342	12,432	94,214
Essex	230,450	738,393	153,718	1,122,561
Gloucester	47,121	62,796	16,488	126,405
Hudson	132,013	407,239	85,709	624,961
Hunterdon	20,165	18,731	7,073	45,969
Mercer	63,957	159,740	25,100	248,797
Middlesex	120,025	294,339	76,330	490,694
Monmouth	162,962	219,152	51,304	433,418
Morris	107,550	165,262	34,868	307,680
Ocean	76,856	159,001	61,275	297,132
Passaic	70,589	236,294	59,072	365,955
Salem	34,840	21,101	6,754	62,695
Somerset	56,520	77,710	13,985	148,215
Sussex	23,278	22,893	3,680	49,851
Union	116,918	250,725	41,718	409,361
Warren	29,925	12,650	4,832	47,407
Total	<u>1,831,095</u>	<u>3,798,920</u>	<u>881,044</u>	<u>6,511,059</u>

Source: Annual Report of the Administrative Director of the Courts, 1969-70.

FIGURE 4

SUMMARY OF REVENUES COLLECTED BY
THE MUNICIPAL COURTS AND THE COUNTY DISTRICT COURTS
EXERCISING CONCURRENT JURISDICTION
COURT YEAR ENDING AUGUST 31, 1970

<u>County</u>	<u>Municipal Courts</u>	<u>District Courts</u>	<u>Total</u>
Atlantic	\$ 717,666	\$ --	\$ 717,666
Bergen	1,438,977	449,962	1,888,939
Burlington	1,289,654	--	1,289,654
Camden	1,252,618	--	1,252,618
Cape May	461,962	--	461,962
Cumberland	345,374	--	345,374
Essex	3,425,647	--	3,425,647
Gloucester	498,403	--	498,403
Hudson	1,663,324	395,370	2,058,694
Hunterdon	158,246	--	158,246
Mercer	1,096,383	--	1,096,383
Middlesex	1,916,260	--	1,916,260
Monmouth	1,462,775	--	1,462,775
Morris	985,238	--	985,238
Ocean	818,002	3,948	821,950
Passaic	1,245,837	--	1,245,837
Salem	239,393	--	239,393
Somerset	501,224	--	501,224
Sussex	162,059	13,104	175,163
Union	1,582,045	--	1,582,045
Warren	178,276	10,406	188,682
STATE TOTALS	<u>\$21,439,363</u>	<u>\$872,790</u>	<u>\$22,312,153</u>

Source: Annual Report of the Administrative Director of the Courts, 1969-70.

FIGURE 5

DISTRIBUTION OF MUNICIPAL COURT REVENUES - 1969*

	<u>MUNICIPAL TREASURER</u>	<u>COUNTY TREASURER</u>	<u>STATE TREASURER</u>
Atlantic	\$ 476,792	\$ 80,479	\$ 180,319
Bergen	697,857	461,694	115,419
Burlington	501,130	226,781	431,645
Camden	355,702	214,479	182,314
Cape May	290,818	95,374	44,411
Cumberland	138,984	103,352	90,124
Essex	2,122,289	603,124	256,892
Gloucester	157,315	113,296	140,251
Hudson	1,124,580	276,492	72,840
Hunterdon	57,960	27,544	59,711
Mercer	616,931	292,931	160,281
Middlesex	740,025	514,936	607,311
Monmouth	668,110	425,231	368,532
Morris	447,128	340,268	190,203
Ocean	411,061	211,482	151,172
Passaic	562,946	206,540	91,239
Salem	91,474	47,297	93,322
Somerset	181,133	157,133	152,994
Sussex	49,734	33,903	41,882
Union	813,900	493,495	159,824
Warren	58,371	49,371	49,200
TOTAL	<u>\$10,564,240</u>	<u>\$4,975,202</u>	<u>\$3,639,886</u>

* Note that these figures do not include those revenues received or disbursed by the County District Court in their exercise of municipal court jurisdiction.

Source: Analysis of Municipal Court Report submitted by municipal auditors to Division of Local Finance, 1969.

CHAPTER 4

FULL-TIME STATE COURTS, A NECESSARY NEXT STEP?

Impetus for Reorganization

Local Control

It is urged by many committed judges that the municipal court must remain a neighborhood court, responsive to the needs of the people. At a time when power to the people as a philosophy and decentralization of services as a political theorem are gaining adherents, the regionalization of local courts could be viewed as regressive. However, whatever virtues are inherent in home rule become distorted when offered as justification for the retention of local control over municipal courts.

A municipal court judge, regardless of his personal ability or integrity, is responsive to the source of his authority -- the local governing body which appoints him. In an age when the respect of all citizens for the legal process is imperative, apolitical justice and not municipal officials must be served. "Knowing the people" is interpreted by too many defendants appearing before the bench as knowing the people in city hall, particularly the police and prosecutors. Instances of the direct influence of police pressure on their conduct of the court were acknowledged by judges in their questionnaire responses. Although most municipal court judges

now sitting are sensitive to this situation and conscientiously attempt to be objective, neither by demeanor nor dispositions can they dispel the atmosphere of undue influence and cronyism created by the system itself.

Although propounded as an advantage of the municipal court system, familiarity with the defendants can work to the detriment of the community at large. One example which unfortunately is not hypothetical is the continued granting of postponements in the trial on drunken driving charges of an influential member of a local community.

No court system can be totally free from political or financial pressures. However, abuses of the judicial process would be minimized by isolating the judge from the direct control of the community he must judge objectively.

Part-time Employees

With the significant increase in caseloads and contested cases reported by a majority of the municipal courts, the scheduling of extra sessions is imminent and the employment of supplementary personnel inevitable. The pressures which these trends will continue to place on the limited hours a week that a successful attorney can devote to his judicial duties will have one of two probable effects: (1) the quality of the part-time judge and/or his deliberations will be adversely affected, or (2) the hiring of additional part-time judges will compound the existing problem of supervision and quality control. With regard to

alternatives adopted to counter burgeoning caseloads which involve new positions or expenditures, it should be noted that such outlays must compete successfully with more strident demands on municipal budgets. If assistance is not forthcoming, a decline in the productivity and morale of supporting staff, already overworked and underprotected, can be anticipated.

Apart from these practical considerations -- which intensify each year -- it has been recognized in assessments of other state systems that the burden of proof for perpetuating any judicial system manned by part-time public servants rests with proponents of such a system. A dedication to public responsibilities undiluted by the demands of employment involving conflicts of time, if not of conscience, is *prima facie* preferable. Although Rules of Court and directives from the Administrative Office have narrowed the avenues of possible conflict of interest arising with attorney-judges, and although most judges scrupulously abide by these caveats, the position is vulnerable and its potential exploitation persists.

Highway Safety

Despite the gruesome statistics of traffic accidents which until 1970 accelerated annually, the disposition of those offenses which are often the proximate cause of such casualties is relegated to a proliferation of part-time courts. Unfortunately, little opportunity exists in any part-time court to develop effective approaches and alternatives for dealing with those drivers who

evidence a lack of understanding or a clear disregard for traffic safety. In issuing its Highway Safety Program Standard No. 7 regarding Traffic Courts, the National Highway Safety Bureau recommended the following:

The States must reappraise and review their traffic court systems. Traffic courts should be a regularly established part of the State judicial system, with full-time judges and staffs, assigned quarters and operating procedures which insure reasonable availability of court service for alleged offenders.*

A consolidated court system which devotes itself full-time to traffic and minor criminal matters could develop procedures and experiments for improving as well as penalizing traffic offenders. The judges would become aware of special needs and have the expertise and standing to initiate new programs. For instance, in many states extensive drivers' retraining schools have been established as sentence alternatives, often at the behest of local judges. The best of these include extensive classroom emphasis on attitudinal changes and skills in dealing with emergency situations. Another possibility is the establishment of alcoholic abuse clinics for drivers with a chronic drinking problem.

In New Jersey, the case actions of over five hundred courts are manually recorded and posted to the Division of Motor Vehicles, a procedure causing delayed updating of

* Report No. 1700, U.S. House of Representatives 89th Congress, 2nd Sess., July 15, 1966.

records. Inexpeditious information retrieval procedures are also employed by the courts in seeking drivers records prior to sentencing.

Under a consolidated court plan, technological aids developed since 1948 could be applied. For example, the mechanized and immediate notification of the Division of Motor Vehicles as described in Chapter 10 would be possible. Suspension or revocation of license at time of trial would be possible where the computerized input and print-out of driver information provided the sentencing judge with a current file on the traffic record of each defendant. Such information could also indicate the specific rehabilitative program appropriate for the defendant.

Criminal Case Law

During their life span, the municipal courts have had to contend with fundamental changes in the criminal law practiced before the bench. In 1948 concerns for the protection of the constitutional rights of defendants with regard to confessions and search and seizure had not been fully articulated. The landmark decision in Gideon vs. Wainwright* and subsequent opinions had not yet extended the right to counsel to any indigent charged with a crime in a state court. Whether these rulings are regarded as advances in the law of civilized man or

* 372 U.S. 335 (1963).

not, they now dictate the conscience and conduct of the court.

In projecting even greater complexities in the growing body of criminal case law, it is submitted that full-time judges are needed to properly interpret and apply these decisions to the more than 130,000 criminal offenses heard annually in the municipal courts.

Alternative Proposals for Structure of Court

In responding to the impetus for constructive changes in New Jersey's lower courts, alternative structures of a revised court system were considered.

Statutory Joint Court

Under statutes now governing the municipal court system, two or more municipalities by intermunicipal agreement may form a joint municipal court.* In such cases the jurisdiction of the court is coextensive with the territory of the municipalities party to the agreement. The judges of such courts are nominated and appointed by the Governor with the advice and consent of the Senate. There are currently sixteen joint courts operating in New Jersey, predominantly in rural areas.

The expense of supporting the court and the distribution of costs, fees, fines, and forfeitures of bail not payable to the state or county are apportioned between or among the several municipalities to which the court's jurisdiction extends. In

* N.J.S. 2A:8-3.

one court which handles over 2,700 complaints per year, the court itself determines the needs of the court, prepares the operating budget, and charges the municipalities serviced by the court a flat sum according to the ratio established among the contributing municipalities.

As one alternative to the present system, the formation of joint courts could be required where existing caseloads do not warrant sessions at least once weekly, do not require the employment of a full-time clerk, or the facilities do not meet minimum standards. One or more of these conditions could be the basis for requiring joint courts to be established. This alternative would eliminate the most glaring inefficiencies of the present system and would result in (1) more state-appointed judges, (2) a more manageable number of court operations subject to Supreme Court supervision, and (3) more uniform standards of judicial procedures which should be visible to the public.

It is estimated that at least one-fourth of the municipal courts would fail to meet one of the basic requirements and could be required to consolidate under this alternative.*

Nevertheless, within those municipalities which retained appointive power and a part-time judiciary, the potential conflicts and uneven quality in personnel would continue. The system would not be state-supported but subject to local budget

* For example, in isolating the criterion of total complaints filed in 1968-69, it was found that in Bergen County alone, twenty of its seventy-one municipal courts received fewer than 500 complaints during the court year 1968-69. If the arbitrary minimum of one two-hour session per week were imposed, eleven of Atlantic County's twenty-one municipal courts would be required to merge.

allocations. With only some of the courts being state-controlled, a new form of disparity and possible inequity within the system would be created.

Centralized County Courts

A second alternative structure -- centralized county courts -- would entail a completely centralized court operation, presumably at each county seat with possible circuit riding by the judges to the most remote sections of the county. Multiple full-time judges would sit at the county seat where all administrative functions would be located. Such a system would offer undeniable attractions in terms of flexibility in scheduling and consultation among the judges. With such a concentration of personnel and procedures, specialization of functions would be maximized and improved resources such as an expanded law library, would be possible.

However, not one of the twenty-one counties presently has a facility which could begin to house such a centralized operation. Construction costs for a suitable court center would have to compete with other contemporary claims on the state's limited capital improvements funds -- hospitals, penal institutions, educational facilities, etc.

In states which have set the construction of new courts as a priority, either the distance to the central court is potentially prohibitive to the would-be contester, or the circuit riding aspect of the system has proved unduly burdensome

to the judges of the court. Not only is the time of judges spent traveling rather than disposing, but complete supporting documents are not always available in the circuit sites. Where such sites have been selected on the basis of remoteness, there is no guarantee of adequate facilities.

Although it has been feasible for the County District Courts to operate from a central site, it must be remembered that the interests of law enforcement officials need not be accommodated in their scheduling of cases. In addition, the total caseload of the County District Courts in 1968-69 was only 182,049 as compared with the total of 2,693,289 complaints filed in municipal courts.

The abstract of a multiple judge, centralized court is persuasive as an alternative only when applied to concentrated urban populations.

State Circuit Courts

A third alternative structure has been proposed to the New Jersey Legislature in a bill which would abolish the municipal courts and establish a state circuit court of limited criminal and civil jurisdiction.* The circuits under this proposal would conform "as nearly as may be" to the boundaries of the General Assembly Districts. Judges would be full-time and appointed by the Governor with the advice and consent of the Senate for four-year terms.

* Senate Bill No. 481 (1970).

The need for reform is clearly recognized in this legislation. Its provisions would prohibit judges from engaging in the practice of law, obligate the state to finance the system and require the appointment of a prosecutor for each circuit -- all of which would be desirable in any thorough upgrading of the lower court system.

No judicial purpose appears to be served, however, by the division of circuits along Assembly lines. In addition, although the bill specifically states that its enactment would not affect the operation of County District Courts, concurrent jurisdiction is given to the circuit courts for civil matters where the amount in dispute does not exceed \$500. With the downward trend in cases brought before the County District Courts and the steadily upward graphs of filed complaints in municipal courts, over-lapping jurisdiction in minor civil matters appears to be ill-advised.

As introduced, the bill divides the state into 40 circuits and specifies the appointment of 200 circuit court judges, although no basis for this specific number of judges is offered.

The lower court system which is recommended in this report adopts certain significant components of the state circuit system but proceeds to develop a rationale for the structure to be imposed and to demonstrate its application to New Jersey.

PART TWO
PROPOSAL

CHAPTER 5

COUNTY DISTRICT COURTS; CREATION OF CRIMINAL DIVISION

The Minor Criminal and Traffic Division of the County District Courts would be a state-wide system of full-time courts of record created to replace the municipal courts within each county. On an organizational chart of New Jersey's judicial system, such a division would appear with the County District Court Civil Division and the Juvenile and Domestic Relations Courts as entry courts of limited jurisdiction. (See Figure 6, p. 40.)

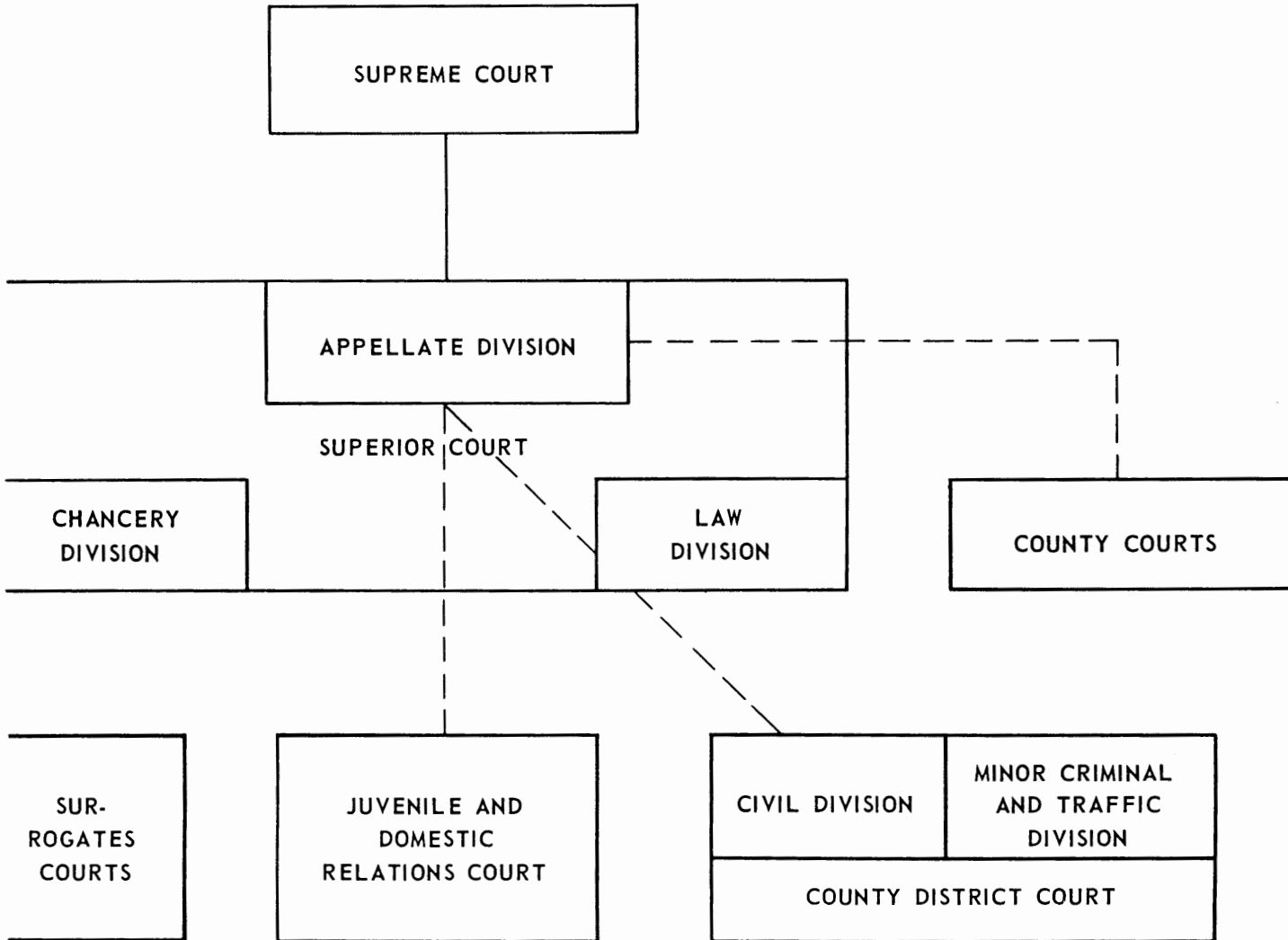
While assuring the existence of at least one district within each county, additional districts would be formed whenever geographic, demographic, and caseload factors appeared to warrant such delineation.

Thus, in addition to improving both the integrity and efficiency of the local courts by standardizing staffs and sessions, the decentralization of these courts into rationally determined districts will maximize the availability of the court to both litigants and law enforcement officers.

No specific recommendations are made a part of this report with respect to altering the subject-matter jurisdiction of the District Courts. The inclusion of any significant civil jurisdiction would depend upon a future determination of the need and efficacy of further combining the divisions of the County District Courts. A possible realignment of the Juvenile and Domestic Relations Court could also affect the responsibilities

FIGURE 6

NEW JERSEY COURT SYSTEM



of the District Courts. Initially, therefore, the jurisdiction of the District Courts will not be expanded beyond that now exercised by municipal courts as detailed in Figure 7, pp. 43-45.

Nevertheless, without disrupting any other system of courts, it is anticipated that greater confidence will be placed in the District Courts in defined areas of criminal jurisdiction. The assured presence of an experienced prosecutor, the availability of defense counsel, and the full attention of the judge to his judicial duties should encourage the trial of additional specified offenses where indictment and trial by jury are waived.*

After the personnel and machinery of the new courts are operating effectively, serious study should be made by the Administrative Office of an appropriate expansion of the courts' criminal jurisdiction to relieve the critical backlog burdening New Jersey's County and Superior Courts.

The merger of the municipal courts into the present system of County District Courts can be effected by the Legislature without constitutional amendment and without expanding the jurisdiction

* Such reliance on the local courts is not without precedent. The lower criminal courts in Massachusetts have concurrent jurisdiction over felonies punishable by a sentence up to five years, although the penalty actually imposed may not exceed two and one-half years. In Connecticut, the Circuit Court may entertain criminal cases where the crime charged carries a penalty of imprisonment up to five years, although the sentence imposed is limited to one year.

of the County District Courts. By statute* all county district courts have concurrent jurisdiction over municipal court offenses, although this power is now exercised by only five county district courts.**

While experience with the system may dictate an even greater integration of the court systems and their personnel, this report restricts its recommendations to the structuring of a totally separate division of the County District Courts to be comprised of districts encompassing one or more municipalities and limited in the exercise of its jurisdiction to only those cases now triable in the municipal courts.

It is envisioned, therefore, that the creation and administration of the new division would have a complementary, rather than disruptive, effect upon the operation of the present County District Courts.

* N.J.S. 2A:6-37.

** <u>County</u>	<u>Complaints Filed 1968-69</u>
Bergen County District Court	26,761
Hudson "	18,741
Ocean "	136
Sussex "	983
Warren "	513

FIGURE 7

JURISDICTION OF MUNICIPAL COURTS

Jurisdiction of Specified Offenses (N.J.S. 2A:8-21)

Each municipal court, and the magistrate or magistrates thereof, shall have jurisdiction of the following offenses occurring within the territorial jurisdiction of the court:

- a. Violations of the motor vehicle and traffic laws;
- b. Violations of the fish and game laws;
- c. Violations of the ordinances of the municipality wherein the municipal court is located or of the municipalities to which its jurisdiction extends;
- d. Violations of the "disorderly persons law," subtitle 12 of this title;
- e. Violations of chapters 1 and 4 of Title 44, Poor, of the Revised Statutes;
- f. Violations of chapters 6 and 17 of Title 9, Children, of the Revised Statutes;
- g. Violations of article 4 of chapter 5 of Title 30, Institutions and Agencies, of the Revised Statutes; and
- h. Offenses of a lesser grade or degree than a misdemeanor or as to which no indictment by a grand jury is required.

Figure 7 (cont'd)

Jurisdiction of Specified Offenses Where Indictment and Trial by Jury are Waived; Exception (N.J.S. 2A:8-22)

Each municipal court, and the magistrate or magistrates thereof, shall also have jurisdiction of the following crimes or offenses occurring within the territorial jurisdiction of the court, where the person charged shall in writing waive indictment and trial by jury:

a. All cases of malicious mischief or other similar offense, brought under chapter 122 of Title 2A of the New Jersey Statutes, and larceny or other stealing, brought under chapter 119 of said Title 2A and embezzlement, conversion, or misappropriation, brought under any of sections 2A:102-2 to 2A:102-12 inclusive of the New Jersey Statutes, where the price of value of the article, property or thing alleged to have been taken or stolen or the damage alleged to have been inflicted, or the sum, or price or value of the thing alleged to have been embezzled, converted or misappropriated, is under \$500.00;

b. Obtaining money or property under false pretenses where the amount or value of the article, property or thing alleged to have been obtained is under \$500.00;

c. Receiving stolen property where the value of the article, property or thing alleged to have been received is under \$500.00;

d. Unlawful conversion, where the property or thing alleged to have been converted is under the value of \$500.00;

Figure 7 (cont'd)

- e. Fornication and adultery;
- f. Defrauding hotel keepers and landlords;
- g. Overdrawing credit on checking account in amounts of \$200.00 or more;
- h. Other criminal offenses where the penalty that may be imposed therefor does not exceed a fine of \$1,000.00 or imprisonment for a term not exceeding 1 year; provided, that where the magistrate is not an attorney-at-law the municipal court shall not have such jurisdiction to try and determine an indictable offense even though the person charged offers to waive in writing indictment and trial by jury. In such case, and in any case in which the municipal magistrate is not required by this section to try the same, the municipal magistrate may commit, or if the offense charged is bailable in law, admit the person charged to bail with sufficient surety to appear before such court as shall have jurisdiction in such case to hear and determine the crime or offense charged, but in any case in which any person so waiving indictment and trial by jury is charged with a violation of an offense above described under subsections a to h, both inclusive, of this section, if the municipal magistrate is an attorney-at-law, such person shall be tried therefor in the municipal court.

Integration into the Judicial System

Supervision and Control

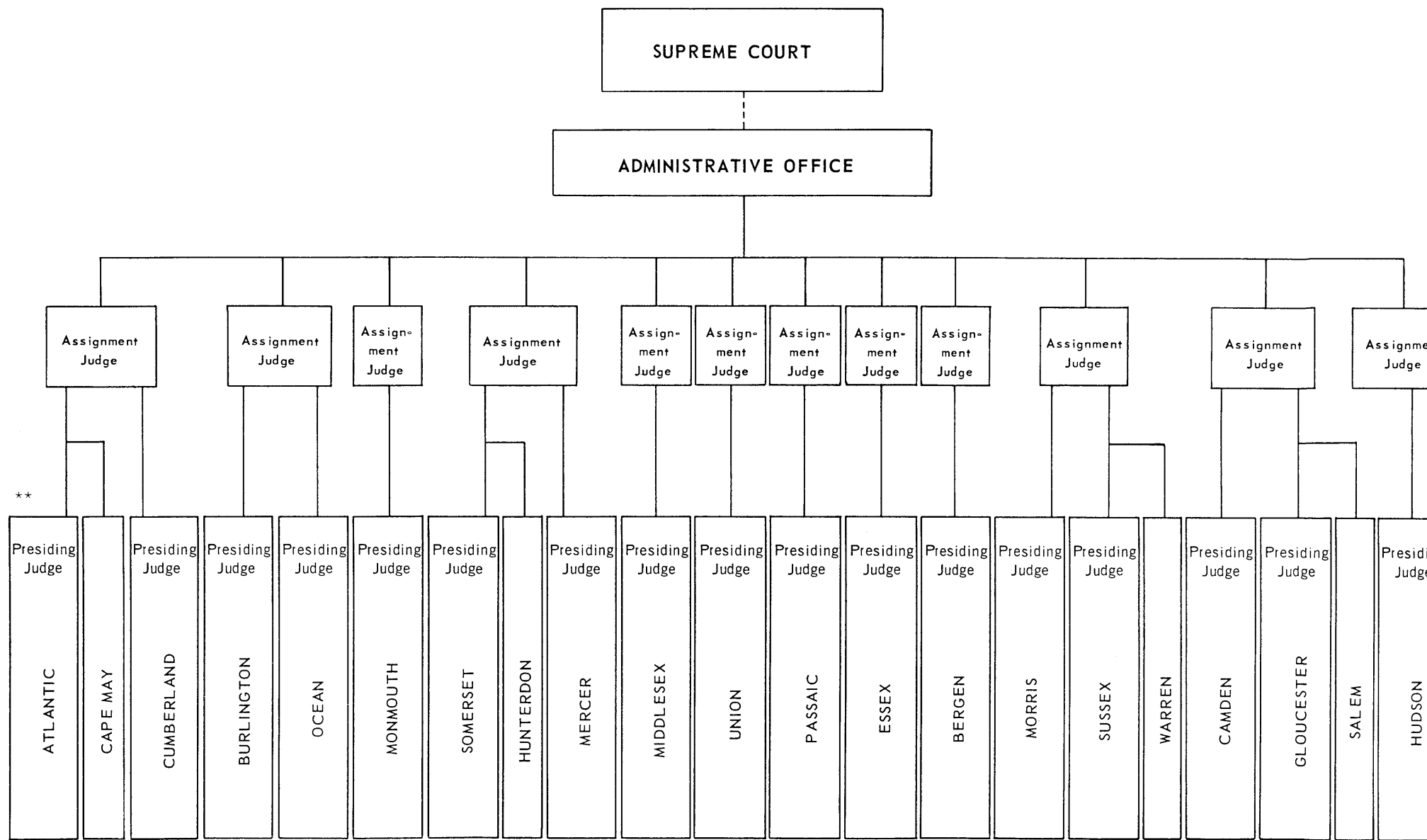
The Chief Justice as the administrative head of all courts in New Jersey will be ultimately responsible for the conduct of the District Courts. Assignment Judges of the Superior Court, now responsible for the orderly administration of civil and criminal justice in particular counties, will oversee the operation of all District Courts within their respective counties. The Assignment Judges' duties, while remaining technically the same as detailed in R.1:33-3, will in practice involve greater coordination of calendars, supervision of judges, and deployment of personnel than now exists.

Assignment Judges will be assisted in their efforts to coordinate and supervise by Presiding Judges of the District Court. Such Presiding Judges will act as liaison for their districts with the Assignment Judges and the Administrative Office of the Courts. (See Figure 8, p. 47.)

The Administrative Office of the Courts, under the direction of the Supreme Court, will ensure the necessary flexibility of assignments within the District Court system by a continuous review of regular reports and observations and a responsive adjustment of the number of District Court judges made available to each Presiding Judge.

FIGURE 8

PROPOSED ADMINISTRATION OF DISTRICT COURT SYSTEM
 You Are Viewing an Archived Report from the New Jersey State Library



* Assignment Judge county responsibilities as they exist, 1971.

** A county which regularly requires fewer than three judges will share a Presiding Judge with a contiguous county.

It will be the responsibility of the Presiding Judge to allocate judge time within his districts in accordance with caseload demands. The assignment of the District Court judges to specific sessions will be made bi-monthly with such bi-monthly schedules designating the individual judges' responsibilities as well as the time and location of court sessions.

Appellate Procedure

Under existing Rules of Court, appeals from the municipal court are heard by its respective County Court, either de novo on the record or as a plenary trial de novo. Only in "extraordinary cases and in the interest of justice" may leave be granted to appeal final judgments in the municipal courts to the Appellate Division of the Superior Court. In 1968-69 not one such appeal was filed with the Appellate Division.

During the past year the County Courts disposed of 2,519 appeals from the municipal courts, an increase of 210 over the previous year. The percentage of convictions which were appealed from the municipal courts within each county during this period appears in Figure 9 on page 49. In no county did the number of appeals exceed 1.7 percent of convictions; the record reflects only slight variances among the counties.

FIGURE 9
 APPEALS FROM MUNICIPAL COURT
1968-69

<u>County</u>	<u>Convictions</u>	<u>Appeals</u>	<u>Percent Appealed</u>
Atlantic	11983	85	.7
Bergen	33681	258	.8
Burlington	18094	108	.6
Camden	22181	135	.6
Cape May	5369	38	.7
Cumberland	9148	157	1.7
Essex	62171	282	.5
Gloucester	7889	79	1.
Hudson	43325	137	.3
Hunterdon	2846	25	.8
Mercer	15239	118	.8
Middlesex	25144	268	1.
Monmouth	23141	257	1.1
Morris	14817	140	.9
Ocean	11343	142	1.2
Passaic	21121	91	.4
Salem	3591	19	.5
Somerset	6835	80	1.2
Sussex	3222	27	.8
Union	24985	156	.6
Warren	<u>3347</u>	<u>15</u>	<u>.4</u>
	369472	2617	.7

Source: Analysis of Convictions in Court reported by County 1968-69, and Table D-15, p. 90, 1968-69 Annual Report of the Administrative Director of the Courts.

With the introduction of sound recording in each District Court, the proportion of appeals which must be heard in plenary trial de novo should be sharply reduced if not eliminated altogether. In addition, it is anticipated that with the more regular appearance of counsel in contested cases, the refining of procedures attendant to the new system will diminish the number of appeals now necessary from municipal court decisions. But even if the number of appeals from District Courts is stabilized at 2500, such a filing figure remains formidable.

A model concept of judicial administration would argue strongly for all District Court appeals to be heard by the Appellate Division of the Superior Court, which now entertains appeals from the Civil Division of the County District Court and the Juvenile and Domestic Relations Court. However, in the court year 1968-69, the Appellate Division could dispose of only 1660 of its 2057 filed appeals, 1045 of these being argued. Without restructuring all present levels of the judicial system or naively assuming a doubling of the Appellate Division's resources or capacity, the assignment of over 2000 additional cases to their workload is presently untenable.

One alternative to the continued trial of lower court appeals by the County Courts would be the establishment of appellate sessions within the District Court with appellate panels being designated by the Chief Justice. Such a procedure is provided in the bill to create a state circuit court system

and is employed in Connecticut where appellate panels as needed are formed of three Circuit Judges by the Chief Judge.

If appellate sessions are to be formed within the District Court of New Jersey, estimates of the number of judges who would be required to administer the system would be readjusted. It should be noted that although duty on such appellate panels would deplete the District Judges' available trial hours, there would be a corresponding relief accorded the burdened County Courts.

Despite certain attractions in this alternative, it would perpetuate the review of District Court cases by what are essentially trial court justices. Until a revamping of the overall judicial system in New Jersey can provide the District Court with a properly constituted, exclusively appellate body, it is recommended that District Court appeals continue to be filed in their respective County Courts.

CHAPTER 6

Judges of the Court

Appointment and Qualifications

Judges of the proposed District Court system would be appointed by the Governor* with the advice and consent of the Senate for five-year terms. Bi-partisan appointments would be made by county on the basis of a statutory formula which calculates both population and caseload factors. From the total number of judges appointed, the Chief Justice of the Supreme Court will select the Presiding Judges, and identify the district judges and those who will serve as Judges-at-large.

It is recommended that all judges appointed to the court be attorneys who have practiced in New Jersey for at least five years before taking judicial office. Presiding Judges should have practiced for at least ten years prior to their appointments.** If it is felt that parity with the County

* The relative merits of judicial appointment versus the popular election of judges is not discussed in this report. No overwhelming data was found to dictate a recommendation for the popular election of New Jersey District Court Judges. On the contrary, suggestions for improvements in the administration of justice throughout the country included the abolition of the election of judges. To achieve consistency and equality with other members of the New Jersey judiciary, therefore, similar appointive procedures were recommended.

** Under P.L. 1970, c. 155, Sec. 1, county district court judges and judges of the Juvenile and Domestic Relations Court must now have practiced law for at least ten years to be eligible for appointment.

District Court Judges should extend to all District Court Judges despite the limitations on potential appointees which this would create, the ten year qualification could be applied to all judges.

Recommended salaries of the District Court Judges include \$30,000 for District Judges and Judges-at-large, with Presiding Judges receiving \$34,000.* Pension, fringe, and tenure benefits for all judges of the District Court would be comparable to those now enjoyed by County District Court Judges.

Determination of Judges Needed

The number of full-time judges needed to service the Minor Criminal and Traffic Division of the District Court system was determined on the basis of two primary objectives: (1) providing reasonable availability of the court to complainants, and (2) ensuring adequate resources relative to the incidence of complaints. Achieving the former objective involved a review of both current and projected population patterns while the latter necessitated an analysis of the nature and number of municipal court dispositions.

* Under N.J.S. 2A:6-14.10 County District Court Judges now receive \$34,000. Note that if the ten-year qualification is applied to all appointees, the salaries of all District Court Judges should be increased to \$34,000.

Population

Both the population density and the projected rate of population growth per county vary considerably in New Jersey. In Hudson County, for example, the estimated density per square mile was 13,817 in 1969 while Warren County averaged only 209 residents per square mile. The recorded population growth within New Jersey counties over the past ten years and their projected rates of growth also present striking contrasts. To illustrate, in 1970 a population of 390,100 lived in Morris County, yet in five years this figure is expected to swell to over 479,000, a growth rate of 23 percent. During the same five year period, the population of Essex County, now 973,400, is projected to increase by only 2 percent, or fewer than 20,000 residents. (The appointment and assignment within the District Courts on the basis of population will recognize and assimilate these disparities.)

Most states do not utilize a statutory population ratio in the determination of the number of judges authorized for courts of limited jurisdiction. Those which do have differed in their determination of judge hours needed per population unit. The breadth of jurisdiction enjoyed by judges of lower courts obviously is a factor which affects the appropriate

ratio.*

Considering the limited jurisdiction of the proposed District Court in New Jersey, an equitable allocation of judges was deemed to be one judge per 75,000 people where the population density per square mile exceeded 500 and one judge per 50,000 people where the density was less than 500. The application of this rule of thumb to individual counties in New Jersey is illustrated in Figure 11, page 64.

Caseload

In determining the caseload which will confront judges of the District Courts it has been assumed that the improvements in the court structure will not initially affect the incidence of specific offenses. The number of formal complaints emanating from such offenses is also expected to be maintained by providing private complainants and law enforcement officers with adequate access to the courts.

The number of complaints filed by type of case clearly dictates the type of equipment needed and influences the deployment of supporting personnel within the counties, but this

* In Connecticut, for example, where the Circuit Court's jurisdiction in criminal matters is somewhat broader than New Jersey's and in civil jurisdiction extends to causes involving up to \$7500, 44 full-time judges service a population of nearly three million people. In addition to jurisdiction which approximates New Jersey's municipal courts, Maryland's proposed district courts will hear civil actions demanding up to \$5000. The ratio recommended for the new Maryland courts is one judge per 61,000 persons. In Michigan, where civil jurisdiction includes Small Claims Division and cases up to \$3,000, 150 judges man the District Courts. With the addition of sixteen judges within the year, Michigan would have one judge per 50,000 persons for its 8 million residents.

was not considered the critical criterion in calculating the apportionment of judge time. Bench hours required by each county are based and projected only on those contested and uncontested cases which have involved an appearance before the court. An analysis of such calendar cases reported by the municipal courts for the years 1967-68 and 1968-69 is summarized by county in Figure 10, pages 57 and 58. Observations of sampled court sessions representing the spectrum of courts now existing in New Jersey and interviews with selected court officials supplemented and qualified information derived from reported hours on the bench.

The state-wide average time per case factored from the 1968-69 figures is twelve minutes per traffic case, six minutes per parking case and sixteen minutes per criminal case. A consistent inverse relationship between the number of cases tried and the amount of time required per case appeared within each county. For example, in one county, a court reporting a total of 52 criminal cases for the year 1968-69 averaged 23 minutes in each case. A more urbanized, contiguous court disposing of 915 complaints during the same period averaged fewer than 10 minutes per tried case. In another section of the state a court part devoted only to traffic cases recorded an average case time of 2.1 minutes. Within the same county a judge reportedly took 22 minutes to dispose of each traffic violation.

The longer time devoted per case in the less harried courts did not always reflect scrupulous attention to the rights of the individual nor a concern that all relevant facts

FIGURE 10

You Are Viewing an Archived Report from the New Jersey State Library

COUNTY	COMPLAINT	HOURS ON BENCH		CASELOAD REQUIRING COURT TIME		AVERAGE MINUTE PER CASE		AVERAGE TO NEAREST MINUTE	
		1967-68	1968-69	1967-68	1968-69	1967-68	1968-69	1967-68	1968-69
Atlantic	Traffic	1295	1277	8510	9554	9	8+	9	8
	Parking	84	115	2732	3349	2	2+	2	2
	Criminal	1150	964	5572	6727	12	8.60	12	9
Bergen	Traffic	4100	4255	27327	25795	9.5	9+	10	9
	Parking	615	677	7594	8352	4.86	4.86	5	5
	Criminal	2842	3063	9599	11415	17.76	16+	18	16
Burlington	Traffic	2347	2417	14913	16198	9.4	8.95	9	9
	Parking	65	68	603	590	6.46	6.91	6	7
	Criminal	1700	1846	6592	8584	15.46	12.9	15	13
Camden	Traffic	2385	2429	15678	17873	9.1	8.15	9	8
	Parking	283	251	10853	10114	1.56	1.48	2	1
	Criminal	2237	2866	11089	13763	12+	12.48	12	12
Cape May	Traffic	-	1054	-	3593	-	17.6	-	18
	Parking	-	167	-	1523	-	6.58	-	7
	Criminal	-	1088	-	3326	-	19.63	-	20
Cumberland	Traffic	853	848	7016	7894	7+	6.45	7	6
	Parking	41	46	524	669	4.69	4.12	5	4
	Criminal	741	786	4294	5416	10.35	8.7	10	9
Essex	Traffic	3152	3105	21874	22906	8.65	8.13	9	8
	Parking	1067	1281	28022	31423	2.28	2.44	2	2
	Criminal	7000	8504	28317	32996	14.83	15.46	15	15
Gloucester	Traffic	1544	1441	7408	8283	12.5	10.44	13	10
	Parking	55	54	413	322	7.97	10+	8	10
	Criminal	807	955	3061	3781	15.82	15+	16	15
Hudson	Traffic	2297	2549	18607	20408	7.4	7.49	7	7
	Parking	702	945	39656	33797	1+	1.68	1	2
	Criminal	4281	4253	16763	17480	15.32	14.59	15	15
Hunterdon	Traffic	693	770	2281	2467	18.23	18.73	18	19
	Parking	16	24	60	111	16	12.97	16	13
	Criminal	244	333	689	1050	21.25	19+	21	19
Mercer	Traffic	1789	1409	13953	13629	7.69	6.2	8	6
	Parking	58	56	2194	2587	1.58	1.29	2	1
	Criminal	1713	1621	6749	7118	15.23	13.66	15	14

Figure 10 (cont'd)

COUNTY	COMPLAINT	HOURS ON BENCH		CASELOAD REQUIRING COURT TIME		AVERAGE MINUTE PER CASE		AVERAGE TO NEAREST MINUTE	
		1967-68	1968-69	1967-68	1968-69	1967-68	1968-69	1967-68	1968-69
Middlesex	Traffic	4899	5335	19599	22878	14.99	13.55	15	14
	Parking	272	308	1955	2262	8.35	8.17	8	8
	Criminal	3306	3407	9496	10609	20.89	19.27	21	19
Monmouth	Traffic	4679	4679	16774	19169	16.74	14.65	17	15
	Parking	283	387	2601	3233	6.53	7.18	7	7
	Criminal	3443	3770	9988	10841	20.68	20.87	21	21
Morris	Traffic	2660	2816	11317	11968	14.1	14.12	14	14
	Parking	226	237	1990	2338	6.81	6+	7	6
	Criminal	1756	1827	6298	7064	16.73	15.52	17	16
Ocean	Traffic	1839	1980	8531	9296	12.93	12.78	13	13
	Parking	113	145	1345	1753	1.32	4.96	1	5
	Criminal	1500	1704	5622	6343	16+	16.11	16	16
Passaic	Traffic	1470	1514	10709	11321	8.24	8.02	8	8
	Parking	234	211	10168	11609	1.38	1.09	1	1
	Criminal	1690	1885	12430	13726	8.16	8.24	8	8
Salem	Traffic	979	1155	2842	3364	20.67	20.60	21	21
	Parking	36	29	223	322	9.69	5.4	10	5
	Criminal	518	583	1332	1445	23.33	24.21	23	24
Somerset	Traffic	1293	1509	5775	6298	13.43	12.79	13	13
	Parking	58	70	849	826	4+	5.08	4	5
	Criminal	945	1007	2221	2297	25.53	26.3	26	26
Sussex	Traffic	751	787	2434	2767	18.52	17+	19	17
	Parking	31	35	102	106	18.23	19.81	18	20
	Criminal	544	427	1326	1595	24.62	16+	25	16
Union	Traffic	2320	2531	15406	16536	9.42	9.18	9	9
	Parking	359	398	11126	10538	1.94	2.27	2	2
	Criminal	2089	2256	10542	11397	11.89	11.37	12	11
Warren	Traffic	726	873	2367	3013	18.4	17.38	18	17
	Parking	28	37	268	258	6.27	8.6	6	9
	Criminal	391	416	999	1254	23.48	19.9	23	20

be elicited. In some instances the period per case was extended by inefficient procedures and postponements or an apparent unfamiliarity with trial techniques. The most common contribution to wasted court time was the absence of a prosecutor who would have sharpened the testimony offered.

By contrast, the more expeditious disposition of numerous cases in the urban courts created a disquieting blur of defendants while effectively clearing the calendar.* No court should be expected or permitted to dispose of cases at the rate now prevalent in New Jersey's congested urban courts. At a minimum, time must be taken to insure that each defendant is apprised of the charge brought against him, that he is made aware of his right to retain counsel, and that he understands the nature and consequences of his plea.

In hypothesizing the average time for the general category of cases which will be tried by the District Courts, therefore, procedures which assured both efficiency and constitutional protections were assumed. Tested against actual observations in courts which appeared to demonstrate these qualities, the time per case was averaged as follows:

	<i>Time in Minutes</i>	
	<u>Uncontested</u>	<u>Contested</u>
Traffic	2	16
Parking	2	6
Criminal	3	21

* One judge of an urban court estimated that he disposed of contested traffic cases in four minutes while contested criminal matters took only 5 minutes.

"Contested" cases in the municipal courts involve a wide range of cases and even wider disparities in court time required. When contested traffic cases are aggressively defended by an attorney, when they are belabored by a defendant representing himself, or when they involve extensive expert testimony, entire sessions can be consumed. However, for most of those defendants in mandatory appearance cases who plead not guilty, the elicitation of the facts and disposition of the case is summary.*

In many criminal cases the extent of the defense presented is limited to the plea of not guilty. Other cases which are statistically regarded as contested are those which are summarily referred to other courts for final disposition. For example, in one court 13 of the 46 not guilty pleas offered during one month were cases referred to the grand jury without probable cause hearings. Thus, although some criminal cases require hours of bench time, available statistics and observations suggest a substantially modified average figure.

In determining the average time per class of cases, it was necessary to factor both the average time for contested and uncontested cases and the percentage of contested or uncontested cases. It was found that the percentage of cases where the defendant pleads not guilty has risen dramatically in recent years. Throughout the state well over half of those

* In one well-administered court eight hours was devoted to the trial of one drunk-driving case, yet the average time recorded throughout the court year for all contested traffic cases was less than seven minutes.

defendants appearing before the bench in both traffic and criminal matters now plead not-guilty. It has been estimated on the basis of a sampling of court dockets that in 75 percent of all traffic cases necessitating a court appearance, the defendant pleads not guilty;* in criminal cases, 60 percent of the defendants plead not guilty.

In projecting an average time per court case, several minutes were allotted for bringing defendants before the bar, brief recesses of the judge, and the general organization of papers and files between cases.

Calculations were ultimately based, therefore, on an averaged time per case of Traffic -- 12 minutes; Parking -- 4 minutes; and Criminal -- 15 minutes. The results per county are evidenced in Figure 11, page 64.

The projection of bench hours or additional judges which would be needed to serve the court in future years can be reliably factored from the relatively stable ratio of complaints per population unit registered in New Jersey during the past ten years and the consistent percentage of those complaints which required court time. To illustrate, in 1969 the percentage of complaints per population was 30 percent, up 1 percent from 1968. The number of complaints heard in court in

* One reason submitted by court personnel for the rise in traffic not-guilty pleas, even where no courtroom defense is attempted, is the effect a guilty plea would have on the defendant's insurance claim.

1967-68 was 234,485, or 11 percent of all cases filed. In 1968-69, although the number of complaints necessitating court time had risen to 256,100, this figure also represented 11 percent of the total complaints filed.

In relating the number of bench hours so determined to an appropriate workload per judge, recommended rules of thumb,* judicial responsibilities off the bench, and the characteristics of the area to be served were taken into consideration.

No judge will be expected to sit more than five to six hours a day, and the maximum for judges serving the more sparsely populated areas of the state will be less if travel time is computed. Assuming dispositions for 25 hours a week for 48 weeks, a single judge will have an annual workload of 1200 bench hours.

Having excluded the need to spend inordinate time traveling or administering their courts, District Judges will devote their off-bench hours to case review with the Court Administrator and counsel.

Assisting the 95 District Judges who are regularly made available to Presiding Judges for county assignments will be 13 Judges-at-large available to the Chief Justice. Such Judges-at-large will substitute for District Judges in the event of

* For example, the National Standards for Traffic Courts recommend that a separate traffic court division be established whenever there are 7500 cases cited for court, assuming thereby the trial of approximately 30 cases per day on a 250 day basis, or 50 weeks at 5 days a week.

vacancies, illness, vacation, or suspension, and will supplement their work when sporadically heavy caseloads occur. Although flexibility in the assignment of judges is necessary in every court system, the District Courts will inherit the dramatic distortion in New Jersey caseloads occasioned by the summer shore exodus and a normal increase in motor vehicle offenses during the warmer months. Such at-large judges will be available to effect caseload control throughout the state. County Court Judges will continue to be ex-officio judges to the District Court, thereby enlarging the resources which the Chief Justice and his Assignment Judges may call upon.

The number of judges needed to implement the District Court system is presented by county in Figure 11, page 64.

Delineation of Districts

Any system which purports to service a state as heterogeneous as New Jersey must include variations on a fundamental theme. In response to the particular urban rural contrasts found in this state, therefore, six of the proposed 66 districts will serve a single municipality while 60 districts will be formed by a grouping of contiguous municipalities.

District divisions were delineated for each county on the basis of (1) caseload analysis, (2) the availability of suitable facilities, and (3) the minimizing of the number of individual municipalities and police forces which would share

FIGURE 11

DETERMINATION OF JUDGES REQUIRED

1968-69
CASELOAD REQUIRING COURT TIME

	1968-69			TOTAL	1969 ¹	1969 ²	JUDGES	JUDGES	PRO-	AT- ³	TOTAL
	CASELOAD REQUIRING COURT TIME			HOURS	POPULATION	POPULATION	PER	PER	JECTED	LARGE	JUDGES
	TRAFFIC	PARKING	CRIMINAL	PROJECTED	LATION	DENSITY	CASELOAD	POPULATION	JUDGES	APPOINT-	JUDGES
									NEEDED	MENTS	
Atlantic	9,554	3,349	6,727	3,816	188,760	333.8	3+	3+	4	-	4
Bergen	27,327	8,352	11,415	8,876	924,160	3,921.2	7	12	7	1	8
Burlington	16,198	590	8,584	5,425	332,550	405.9	4+	6+	5	1	6
Camden	17,873	10,114	13,763	7,690	479,720	2,159.3	6+	6+	7	1	8
Cape May	3,593	1,523	3,326	1,653	55,300	208.4	1+	1	2	-	2
Cumberland	7,894	669	5,416	2,977	129,720	258.2	2+	2+	3	1	4
Essex	22,906	31,423	32,996	14,925	972,150	7,628.3	12+	13	13	1	14
Gloucester	8,283	322	3,781	2,623	169,670	516.3	2+	2+	3	1	4
Hudson	20,408	33,797	17,480	10,705	609,340	13,817.2	9	8	9	1	10
Hunterdon	2,467	111	1,050	754	67,660	154.8	1	1+	1	1	2
Mercer	13,629	2,587	7,118	4,678	304,460	1,347.2	4	4	4	-	4
Middlesex	22,878	2,262	10,609	7,379	588,050	1,904.4	6+	7+	7	1	8
Monmouth	19,169	3,233	10,841	6,759	456,490	962.4	5+	6	6	-	6
Morris	11,968	2,338	7,064	4,316	370,010	774.6	3+	5	4	-	4
Ocean	9,296	1,753	6,343	3,562	173,600	271.9	3	3+	3	1	4
Passaic	11,321	11,609	13,726	6,470	467,950	2,434.7	5+	6	6	-	6
Salem	3,364	322	1,445	1,055	67,510	202.1	1	1+	1	1	2
Somerset	6,298	826	2,297	1,899	201,650	660.9	2	2+	2	-	2
Sussex	2,767	106	1,595	959	69,790	132.6	1	1+	1	1	2
Union	16,538	10,538	11,397	6,858	579,380	5,603.8	5+	7+	6	-	6
Warren	3,013	258	1,254	935	75,520	208.6	1	1+	1	1	2
									<u>95</u>	<u>13</u>	<u>108</u>

1 Official New Jersey Estimates
Bureau of Research and Statistics
Department of Conservation & Economic Development

2 Division of State and Regional Planning
Department of Community Affairs

3 Counties with at-large appointments were determined by a) a large population disproportionate to their caseload or b) the need for bi-partisan appointees.

a consolidated court. With the exception of the most sparsely populated counties, each district would require the services of at least one full-time judge. Such divisions into districts are merely suggestive and could be modified in the implementation of the system, as discussed in Part Three.

Within each district a permanent court will exist which will house all major administrative functions and wherein sessions of the court will be held. The specific site of the central administrative court will be selected during the implementation stage upon consideration of the following factors:

- (1) Central location within the district;
- (2) Relative caseloads of involved municipalities indicating the number of litigants and law enforcement officers affected; and,
- (3) Adequacy of existing facilities and their negotiated costs.

For example, in one tentative district, comprised of five municipalities, the caseload of Municipality A is greater than one-half of the district's total caseload. The selection of Municipality A for the court's primary location would be natural, particularly as it has unshared courtroom facilities available with a seating capacity of 120.

Additional session sites within the district will be approved by the Administrative Office as needed to accommodate both litigants and law enforcement officers. In many districts it is anticipated that a maximum of two such session sites in

addition to the court's primary location will be designated by the Administrative Office upon the recommendation of the respective Presiding Judge.

The proposed districts are listed by county in Figure 12, pages 67-73 and delineated by county in Figures 13 through 33, pages 74-94.

FIGURE 12

DISTRICT COURT SYSTEM

PROPOSED DISTRICTS

ATLANTIC COUNTY

District 1

Atlantic City
Ventnor
Margate
Brigantine

District 2

Longport
Absecon
Pleasantville
Northfield
Linwood
Somers Point
Egg Harbor City
Egg Harbor T.

District 3

Port Republic
Galloway
Weymouth
Estell Manor
Corbin City
Hamilton
Mullica
Hammonton
Folsom
Buena
Buena Vista T.

BERGEN COUNTY

District 4

Mahwah
Oakland
Franklin Lakes
Wyckoff
Ramsey

Allendale
Waldwick
Midland Park
Glen Rock
Ridgewood
Hohokus
Washington
Hillsdale
Woodcliff Lake
Park Ridge
Montvale
Upper Saddle River
Saddle River

District 5

River Vale
Old Tappan
Northvale
Rockleigh
Norwood
Harrington Park
Westwood
Emerson
Oradell
Closter
Alpine
Demarest
Dumont
Cresskill
New Milford
River Edge
Bergenfield
Tenafly
Haworth

District 6

Paramus
Fair Lawn

East Paterson
Saddle Brook
Rochelle Park
Maywood
Lodi
Garfield

District 7

Hackensack
South Hackensack
Bogota
Teaneck
Ridgefield Park

District 8

Englewood
Englewood Cliffs
Leonia
Fort Lee
Palisades Park
Ridgefield
Cliffside Park
Fairview
Edgewater

District 9

Hasbrouck Heights
Teterboro
Little Ferry
Wallington
Woodridge
Moonachie
Rutherford
East Rutherford
Carlstadt
Lindhurst
North Arlington

Figure 12 (cont'd)

BURLINGTON COUNTY	<u>District 13</u>	Runnemede
	Southampton	Gloucester T.
<u>District 10</u>	Pemberton	
Bordentown	Pemberton T.	<u>District 18</u>
Fieldsboro	Shamong	Magnolia
Bordentown T.	Tabernacle	Somerdale
Florence	Woodland	Hi-Nella
Mansfield	Washington	Stratford
Chesterfield	Bass River	Laurel Springs
North Hanover	Wrightstown	Voorhees
Springfield		Chesilhurst
New Hanover	CAMDEN COUNTY	Gibbsboro
		Lindenwold
<u>District 11</u>	<u>District 14</u>	Clementon
Eastampton	Camden	Pine Hill
Mount Holly		Pine Valley
Westampton	<u>District 15</u>	Berlin
Burlington	Pennsauken	Berlin T.
Burlington T.	Merchantville	Winslow
Beverly	Cherry Hill	Waterford
Edgewater Park		
Willingboro	<u>District 16</u>	CAPE MAY COUNTY
Delanco	Woodlynne	
	Collingswood	<u>District 19</u>
<u>District 12</u>	Gloucester City	Upper Township
Riverside	Oaklyn	Woodbine
Delran	Haddon	Dennis
Cinnaminson	Haddonfield	Middle T.
Riverton	Audubon Park	Cape May Ct. House
Palmyra	Audubon	Ocean City
Maple Shade	Haddon Heights	Sea Isle City
Moorestown	Mt. Ephraim	Avalon
Mount Laurel	Brooklawn	Stone Harbor
Hainesport		North Wildwood
Lumberton	<u>District 17</u>	Wildwood
Evesham	Tavistock	Wildwood Crest
Medford	Lawnside	West Wildwood
Medford Lakes	Barrington	Cape May Point
	Bellmawr	West Cape May

Figure 12 (cont'd)

Cape May Lower Township	<u>District 25</u> Livingston Millburn Maplewood South Orange Irvington	Swedesboro Woolwick South Harrison Harrison
CUMBERLAND COUNTY		
<u>District 20</u> Stow Creek Greenwich Fairfield Hopewell Shiloh Upper Deerfield Bridgeton Deerfield Lawrence	<u>District 26</u> West Orange Verona Montclair Glen Ridge Cedar Grove North Caldwell West Caldwell Caldwell Fairfield Essex Fells Roseland	<u>District 29</u> Pitman Washington Glassboro Elk Clayton Franklin Monroe Newfield
<u>District 21</u> Downe Commercial Maurice River Millville Vineland	GLOUCESTER COUNTY	HUDSON COUNTY
ESSEX COUNTY	<u>District 27</u> Westville Woodbury Deptford Woodbury Heights Wenonah National Park West Deptford	<u>District 30</u> Jersey City
<u>District 22</u> Newark		<u>District 31</u> Bayonne East Newark Harrison Kearny
<u>District 23</u> East Orange Orange	<u>District 28</u> Paulsboro Greenwich East Greenwich Mantua Logan	<u>District 32</u> Secaucus North Bergen Guttenberg Union City
<u>District 24</u> Belleville Nutley Bloomfield		<u>District 33</u> Weehawken Hoboken West New York

Figure 12 (cont'd)

HUNTERDON COUNTY	West Windsor	<u>District 41</u>
<u>District 34</u>	East Windsor	Woodbridge
Holland	Washington T.	Carteret
Milford	Hightstown	Perth Amboy
Bloomsbury	<u>District 37</u>	<u>District 42</u>
Bethlehem	Princeton B.	Edison
Union	Princeton T.	Metuchen
Alexandria	Lawrence	South Plainfield
Frenchtown	Ewing	Piscataway
Kingwood	Pennington	Middlesex
Franklin	Hopewell B.	Dunellen
Delaware	Hopewell T.	
Raritan		MONMOUTH COUNTY
Flemington	MIDDLESEX COUNTY	<u>District 43</u>
East Amwell	<u>District 38</u>	Allentown
West Amwell	New Brunswick	Upper Freehold
Lambertville	Milltown	Roosevelt
Readington	North Brunswick	Millstone
Clinton	Highland Park	Manalapan
Clinton T.	<u>District 39</u>	Englishtown
Highbridge	South Brunswick	Freehold
Lebanon B.	Plainsboro	Freehold T.
Lebanon T.	Cranbury	Howell
Hampton	Jamesburg	Farmingdale
Glen Garden	Monroe T.	Marlboro
Califon	East Brunswick	<u>District 44</u>
Tewksbury	<u>District 40</u>	Colts Neck
Stockton	Helmetta	Holmdel
MERCER COUNTY	Spotswood	Matawan T.
<u>District 35</u>	Madison	Matawan
Trenton	South River	Keyport
<u>District 36</u>	Sayreville	Union Beach
Hamilton	South Amboy	Keansburg
		Hazlet

Figure 12 (cont'd)

<u>District 45</u>	MORRIS COUNTY	Boonton T.
Middletown		Kinnelon
Atlantic Highlands	<u>District 48</u>	Montville
Highlands	Washington	Butler
Sea Bright	Chester B.	Riverdale
Red Bank	Chester T.	Pequannock
Fair Haven	Mendham B.	Lincoln Park
Little Silver	Mendham T.	
Rumson	Mount Olive	
	Netcong	OCEAN COUNTY
<u>District 46</u>	Roxbury	<u>District 51</u>
Shrewsbury B.	Mount Arlington	Little Egg Harbor
Shrewsbury T.	Mine Hill	Tuckerton
New Shrewsbury	Wharton	Eagleswood
Oceanport	Dover	Beach Haven
Eatontown	Victory Gardens	Long Beach
Monmouth Beach	Randolph	Ship Bottom
West Long Branch		Surf City
Long Branch	<u>District 49</u>	Harvey Cedars
Ocean	Morris Plains	Stafford
Deal	Morris	Union
Interlaken	Morristown	Ocean T.
Allenhurst	Hanover	Barneгат Light
Loch Arbour	East Hanover	Lacey
	Florham Park	
<u>District 47</u>	Madison	<u>District 52</u>
Wall T.	Chatham B.	Manchester
Brielle	Chatham T.	Plumstead
Manasquan	Harding	Jackson
Sea Girt	Passaic T.	Lakewood
Belmar		Brick
South Belmar	<u>District 50</u>	Point Pleasant
Avon-by-the-Sea	Jefferson	Point Pleasant
Bradley Beach	Rockaway B.	Beach
Neptune City	Rockaway T.	Bay Head
Neptune T.	Denville	Mantoloking
Asbury Park	Mountain Lakes	
Spring Lake	Parsippany-Troy Hills	
Spring Lake Heights	Boonton	

Figure 12 (cont'd)

<u>District 53</u>	SALEM COUNTY	Bernards
Berkeley		Warren
Beachwood	<u>District 57</u>	Bridgewater
South Toms River	Alloway T.	Greenbrook
Pine Beach	Elmer	Watchung
Ocean Gate	Elsinboro	North Plainfield
Toms River	Lower Alloways Creek	
Dover T.	Mannington	SUSSEX COUNTY
Lavallette	Oldmans T.	
Seaside Heights	Penns Grove	<u>District 60</u>
Seaside Park	Pennsville	Andover B.
Island Heights	Pilesgrove T.	Andover T.
Lakehurst	Pittsgrove T.	Branchville
	Quinton T.	Byram
PASSAIC COUNTY	Salem City	Frankford
	Upper Penns Neck T.	Franklin
<u>District 54</u>	Upper Pittsgrove	Fredon
Paterson	Woodstown B.	Hamburg
		Hardyston
<u>District 55</u>	SOMERSET COUNTY	Green
West Milford		Hampton
Ringwood	<u>District 58</u>	Hopatcong
Bloomington	Rocky Hill	Lafayette
Wanaque	Montgomery	Montague
Pompton Lakes	Franklin	Newton
Wayne	South Bound Brook	Ogdensburg
North Haledon	Bound Brook	Sandyston
Hawthorne	Somerville	Sparta
Haledon	Raritan	Stanhope
Prospect Park	Branchburg	Stillwater
	Hillsboro	Sussex
<u>District 56</u>	Millstone	Vernon
West Paterson	Manville	Walpack
Little Falls		Wantage
Clifton	<u>District 59</u>	
Passaic	Bedminster	UNION COUNTY
Totowa	Peapack	
	Far Hills	<u>District 61</u>
	Bernardsville	Elizabeth

Figure 12 (cont'd)

<u>District 62</u>	WARREN COUNTY
Rahway	
Linden	
Winfield	
Clark	
<u>District 63</u>	<u>District 66</u>
Plainfield	Pahaquarry
Scotch Plains	Knowlton
Fanwood	Blairstown
Westfield	Hardwick
	Frelinghuysen
	Hope
	Allamuchy
	Liberty
	Independence
<u>District 64</u>	Hackettstown
Berkeley Heights	Belvidere
New Providence	White
Summit	Oxford
Mountainside	Mansfield
Springfield	Washington B.
Cranford	Washington T.
Garwood	Harmony
	Franklin
<u>District 65</u>	Lopatcong
Union	Phillipsburg
Kenilworth	Greenwich
Roselle Park	Alpha
Roselle	Pohatcong
Hillside	

ATLANTIC COUNTY

Districts 1 - 3



Figure 13

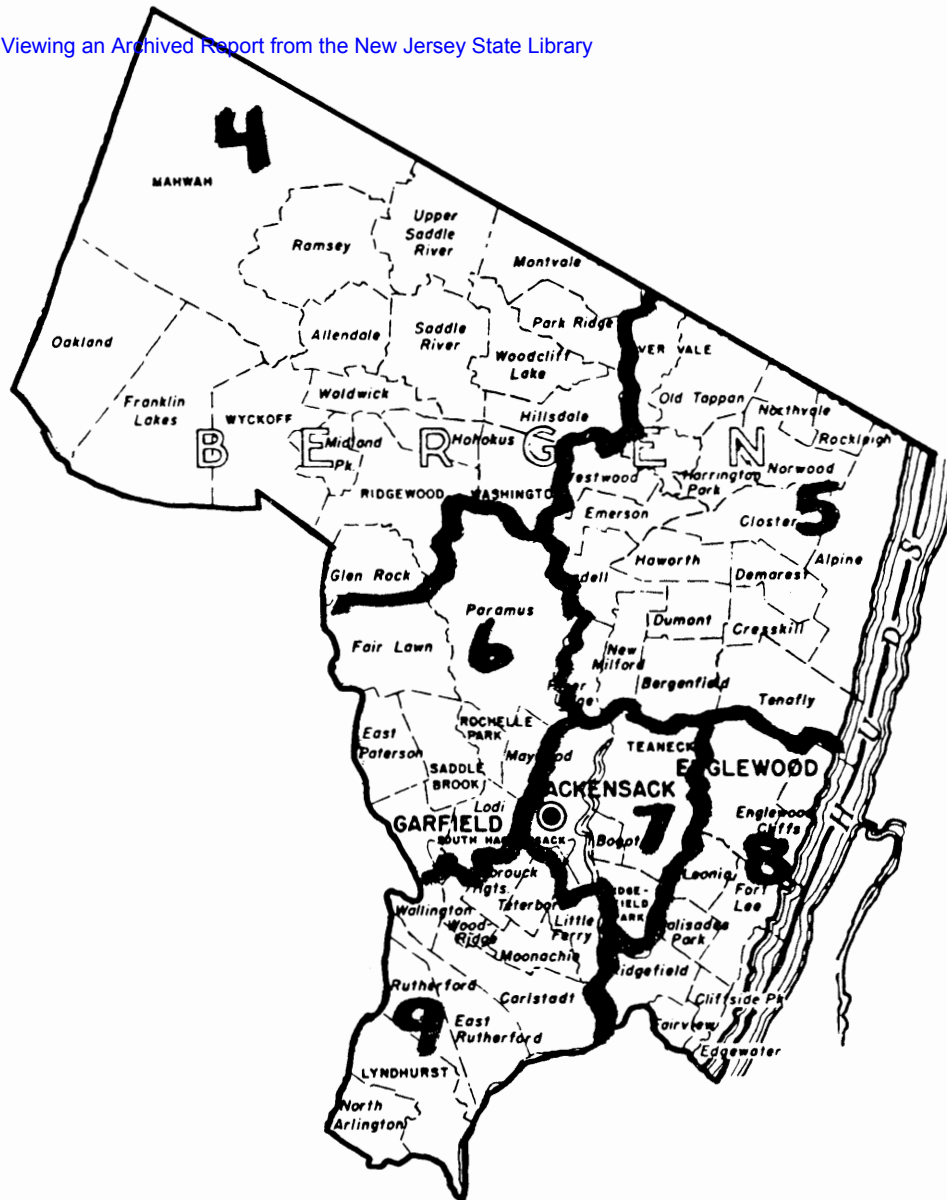


Figure 14

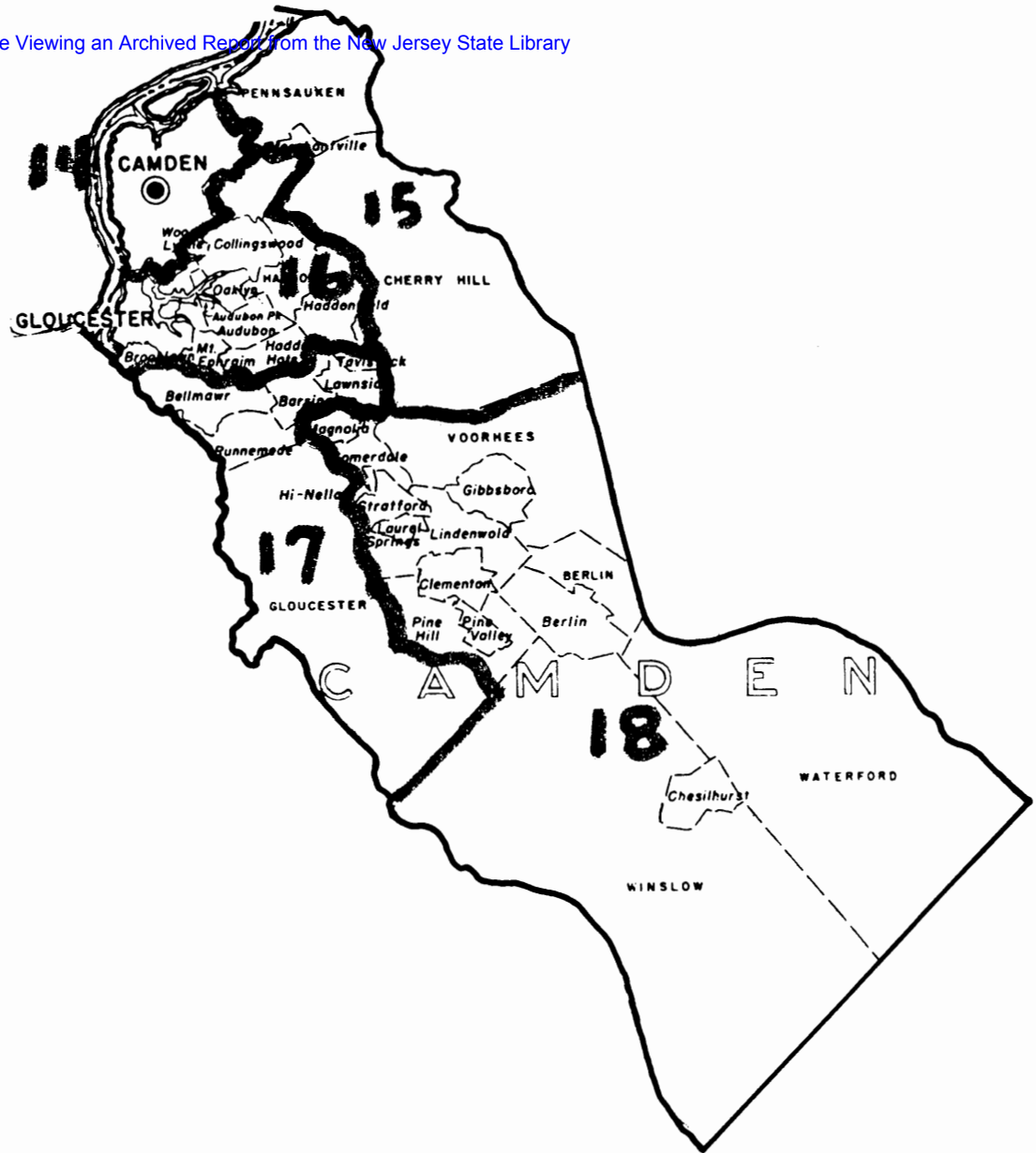


Figure 16

CAPE MAY COUNTY

District 19

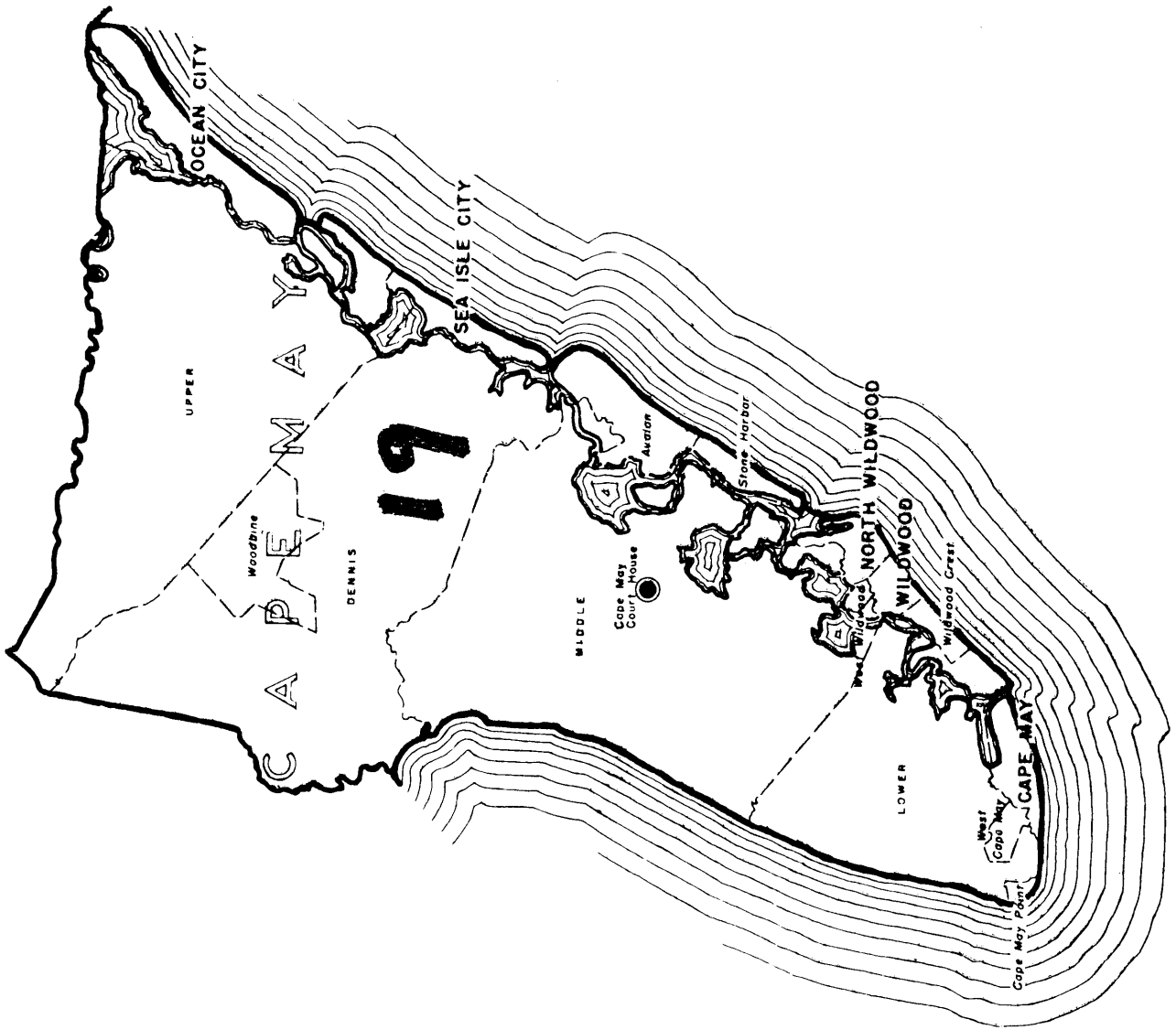


Figure 17

CUMBERLAND COUNTY

Districts 20 - 21

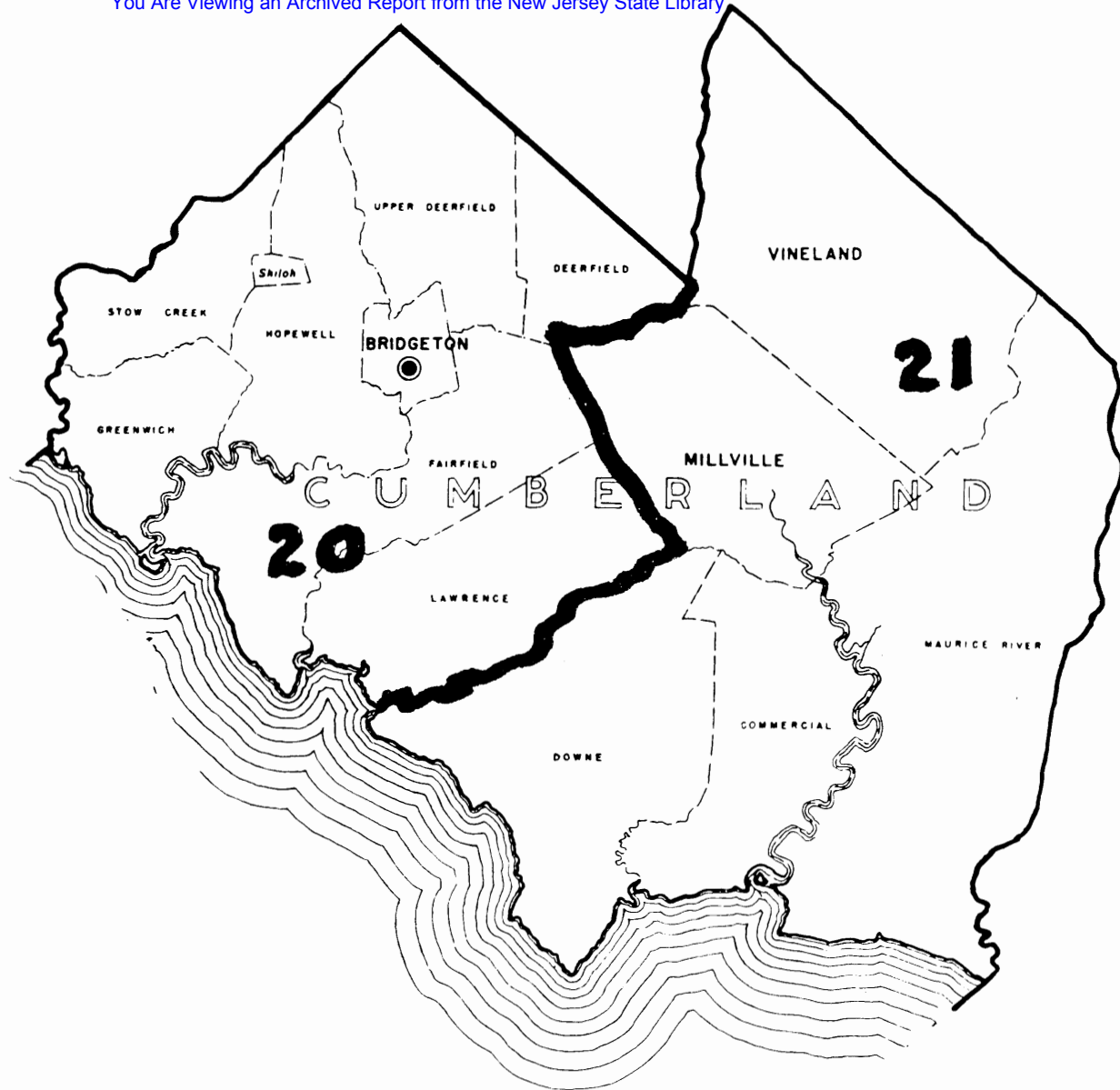


Figure 18

ESSEX COUNTY

Districts 22 - 26

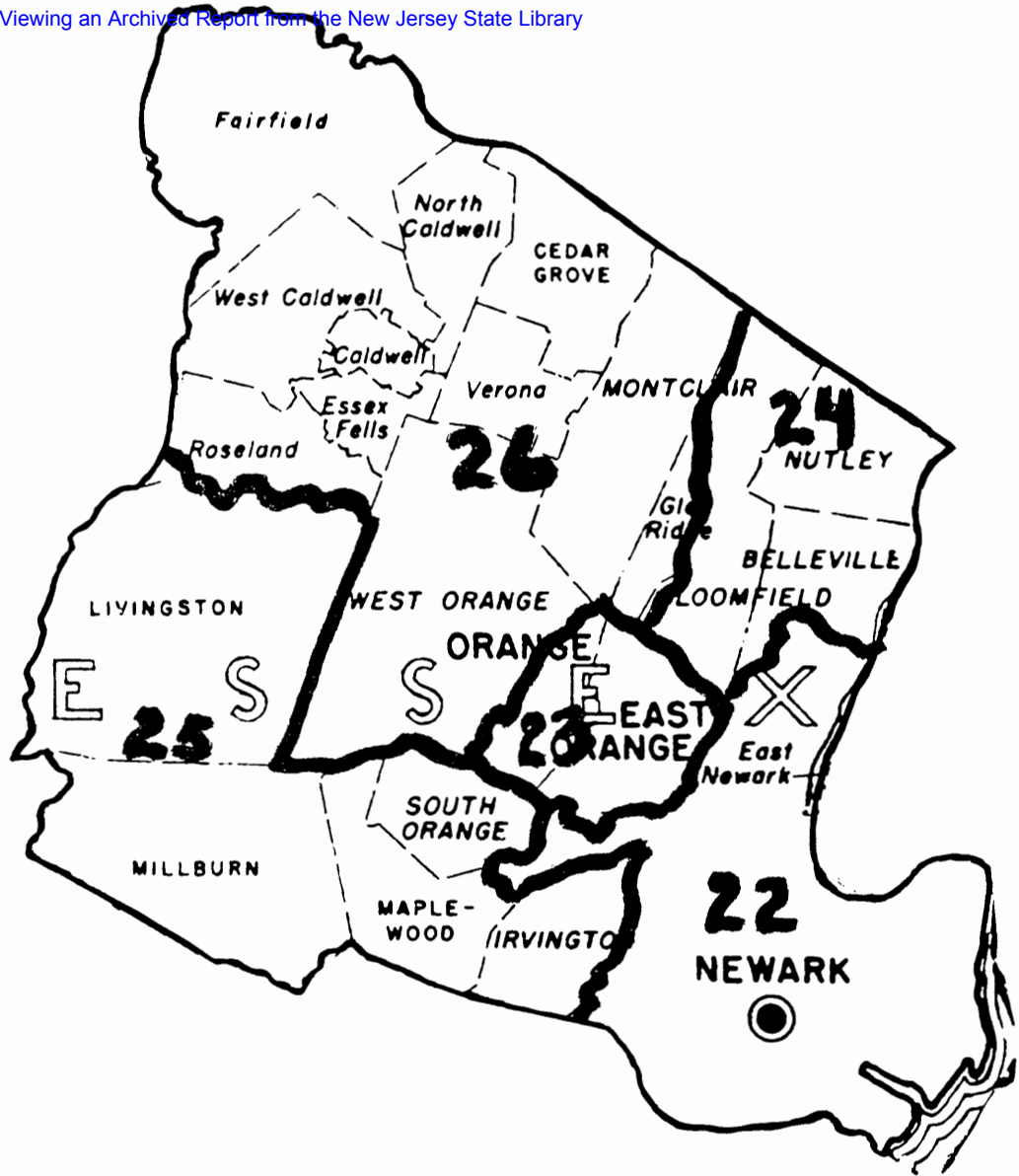


Figure 19

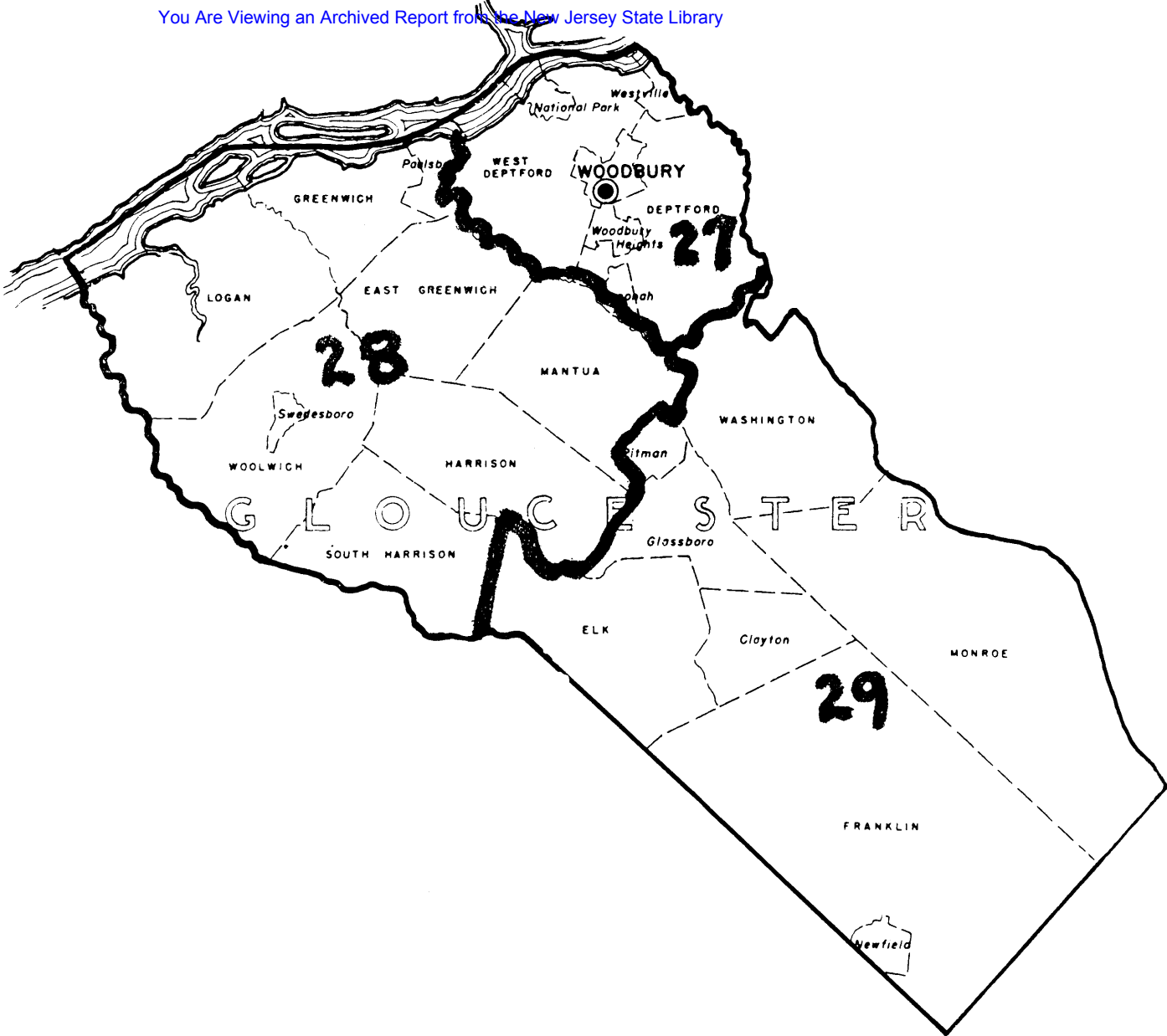


Figure 20

HUDSON COUNTY

Districts 30 - 33

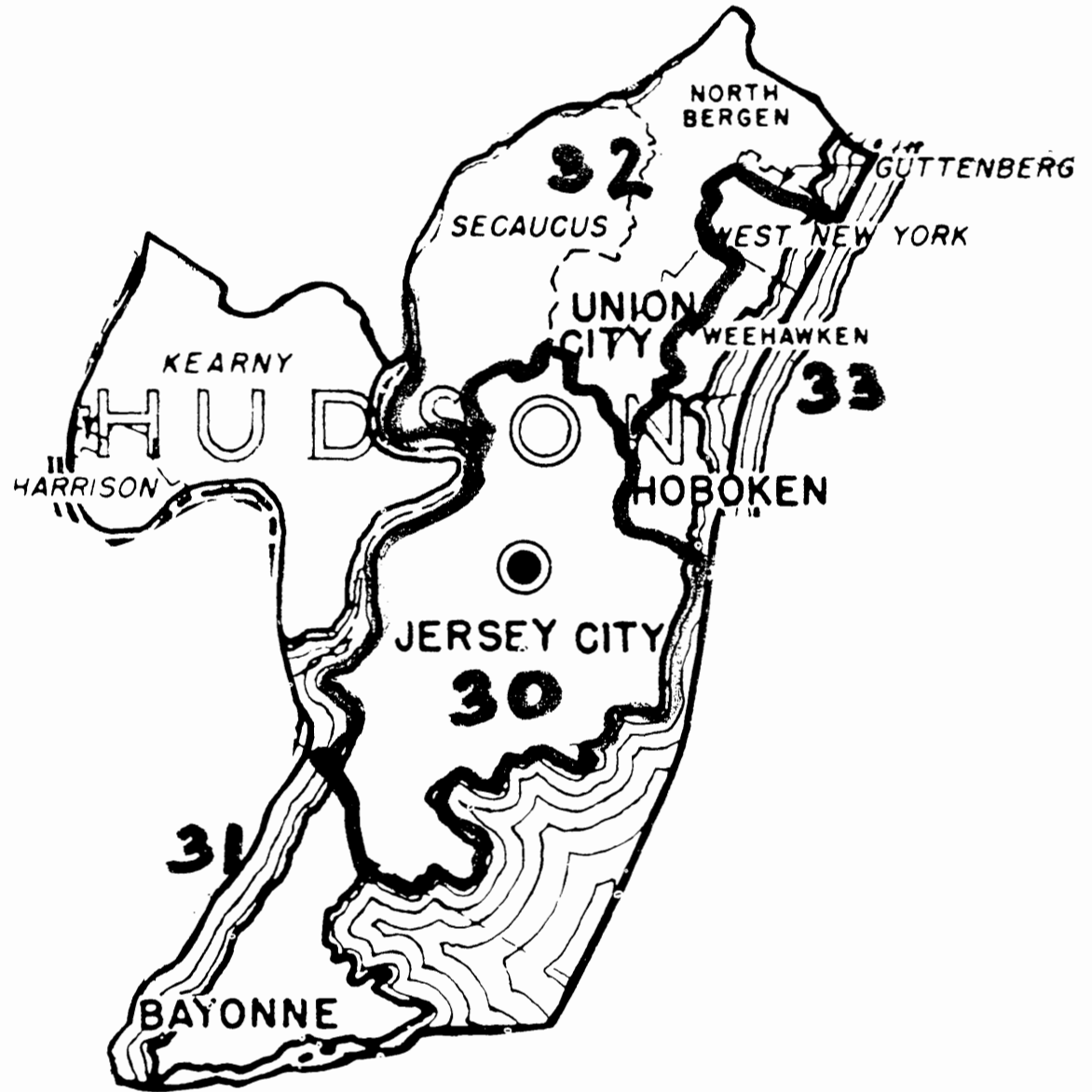


Figure 21

District 34

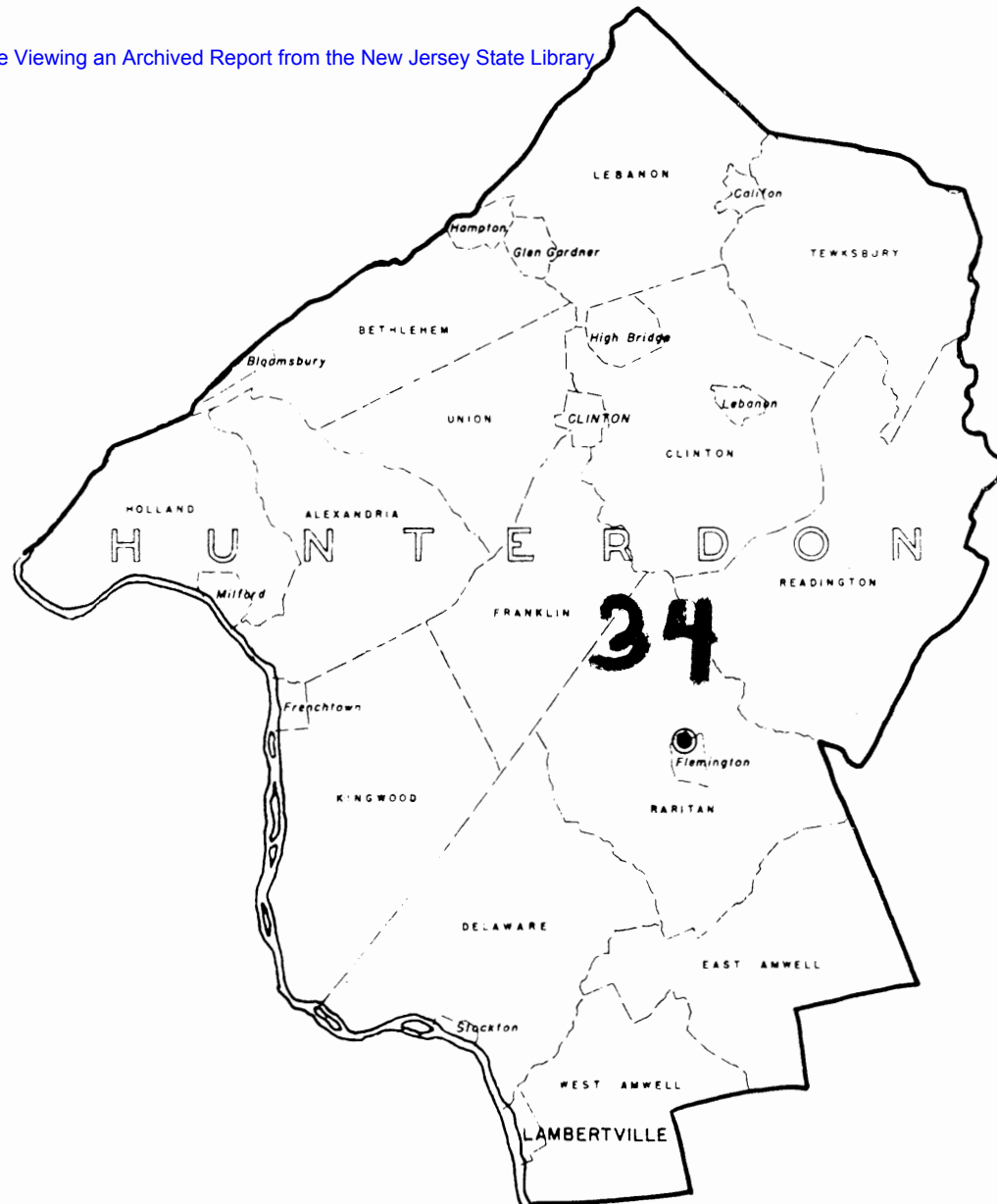


Figure 22

MERCER COUNTY

Districts 35 - 37

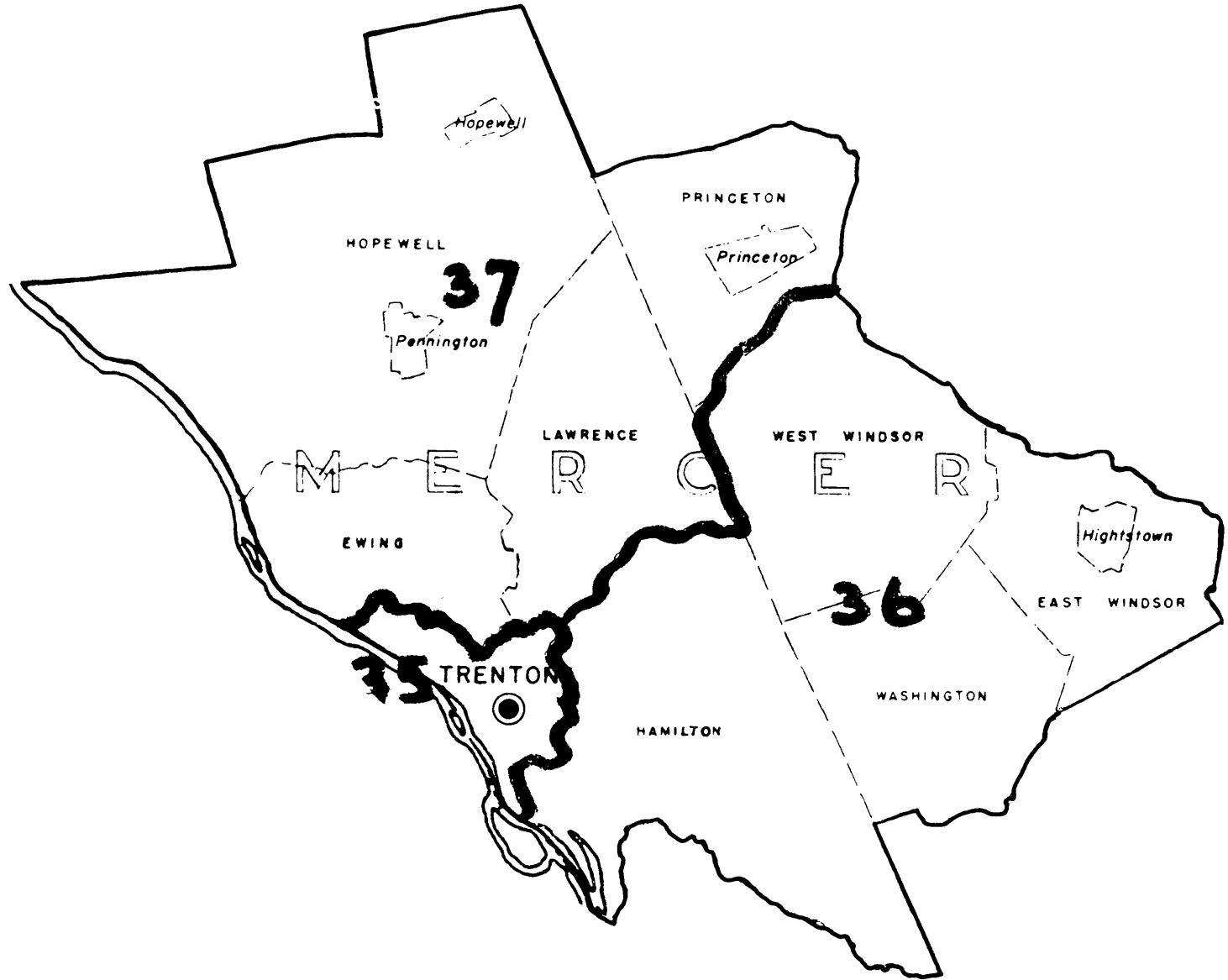


Figure 23

MIDDLESEX COUNTY

Districts 38 - 42

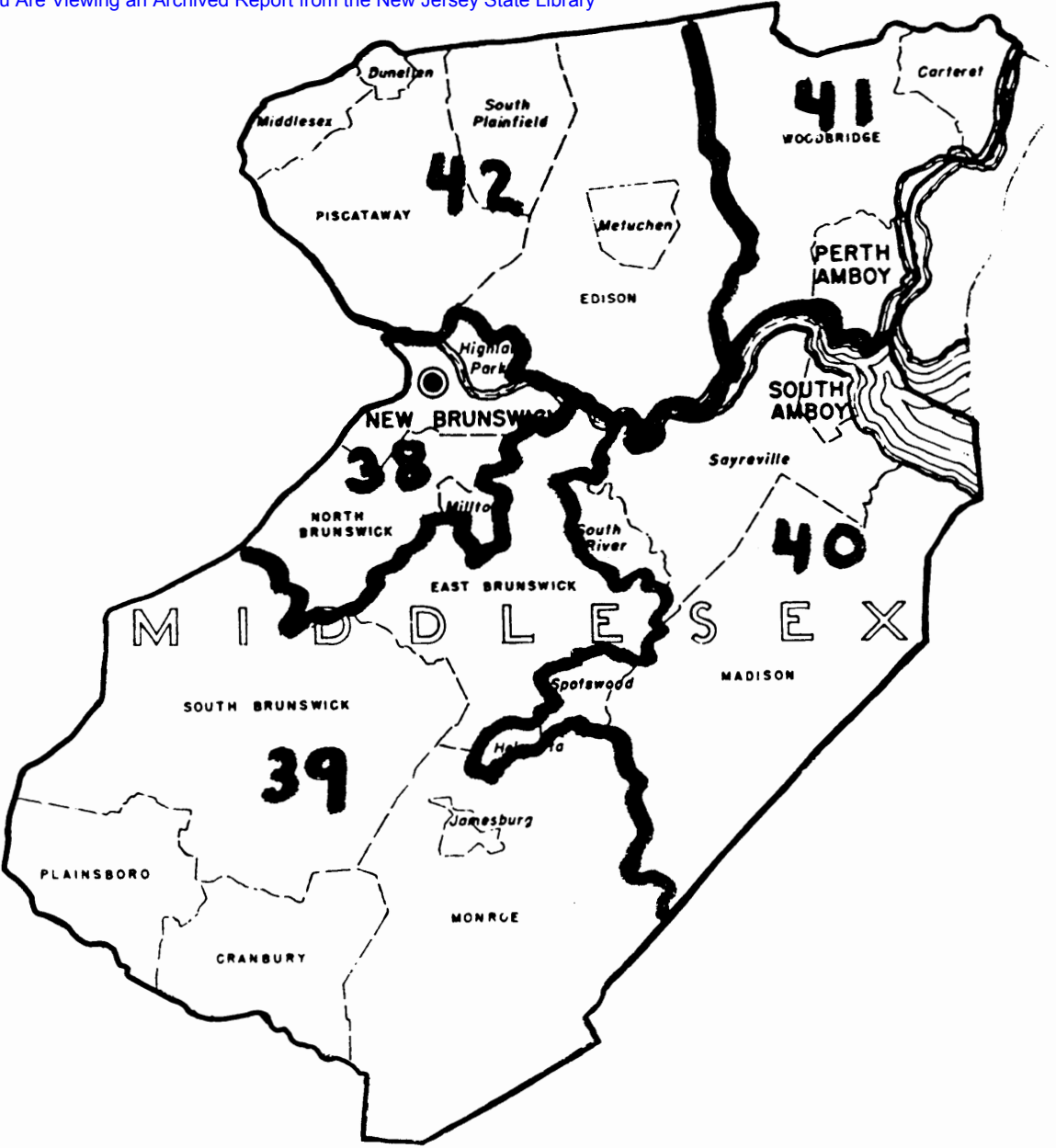


Figure 24

MONMOUTH COUNTY

Districts 43 - 47

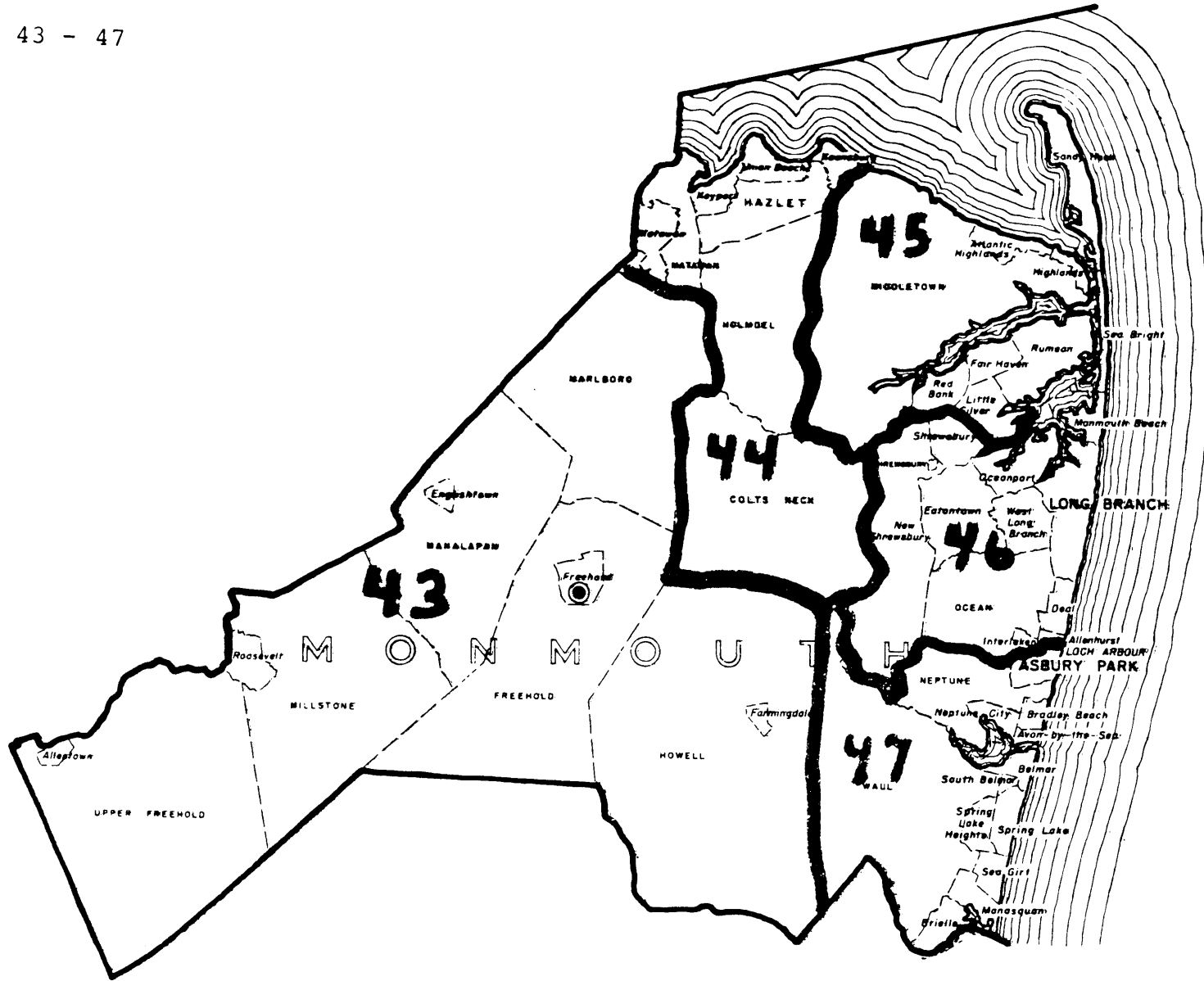


Figure 25

Districts 48 - 50

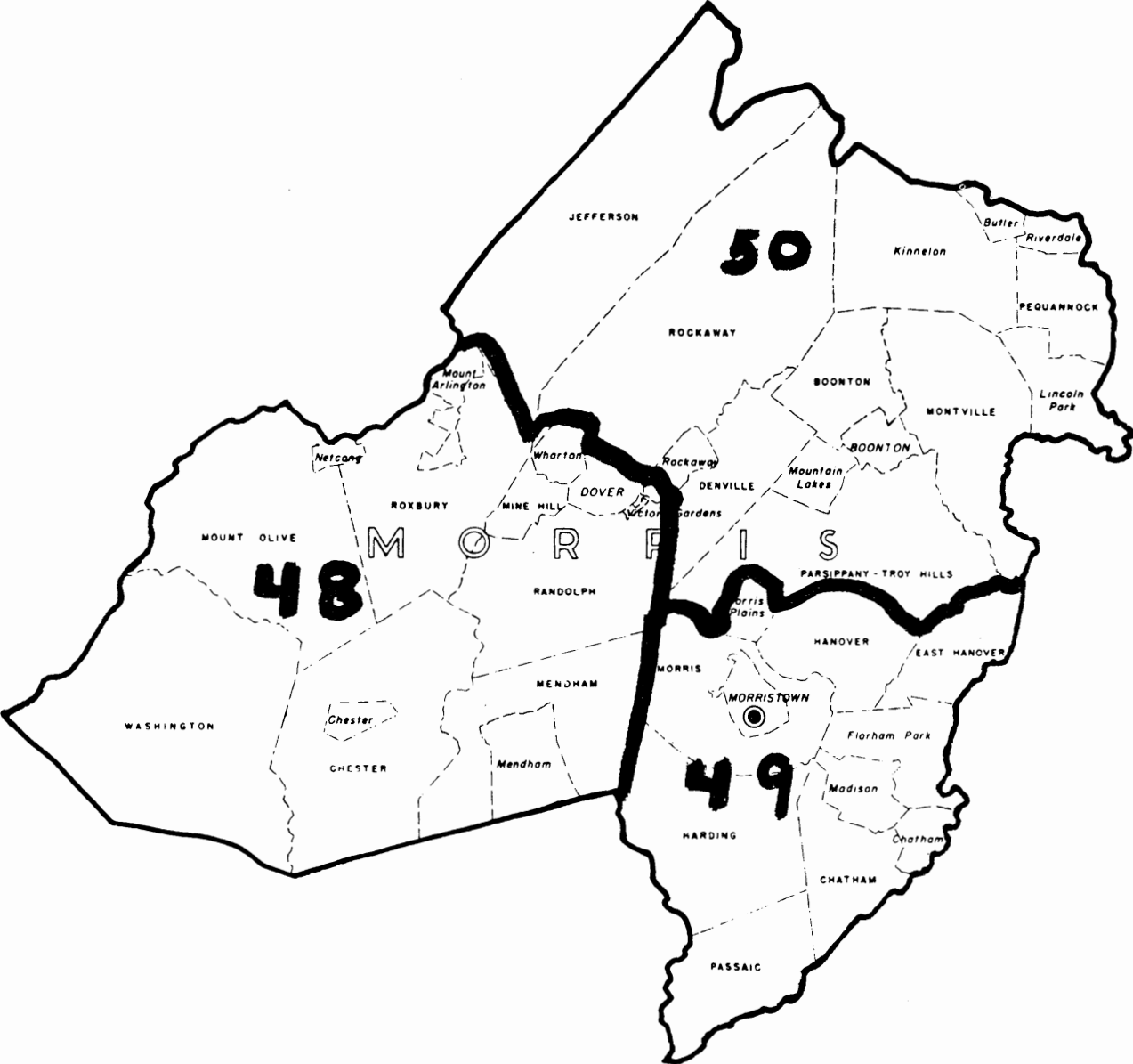


Figure 26

OCEAN COUNTY
Districts 51 - 53

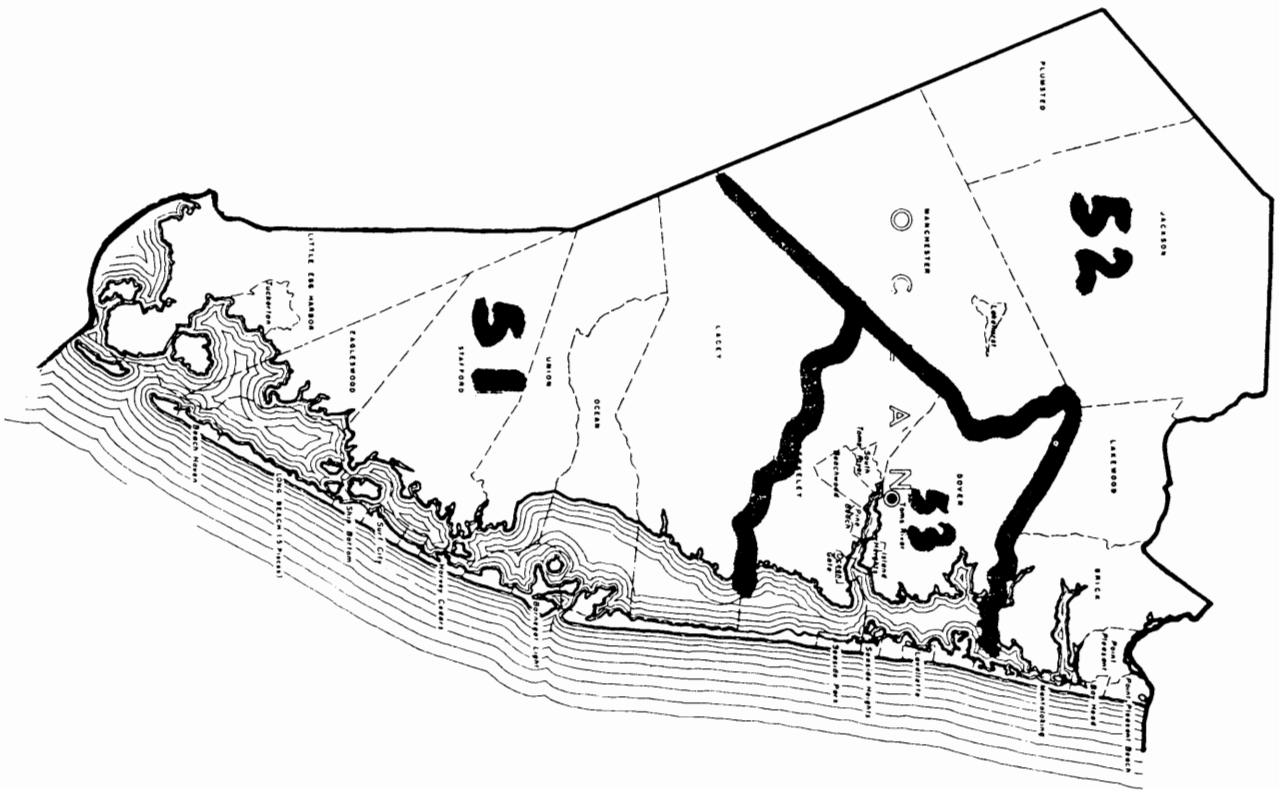


Figure 27

PASSAIC COUNTY

Districts 54 - 56

[You Are Viewing an Archived Report from the New Jersey State Library](#)

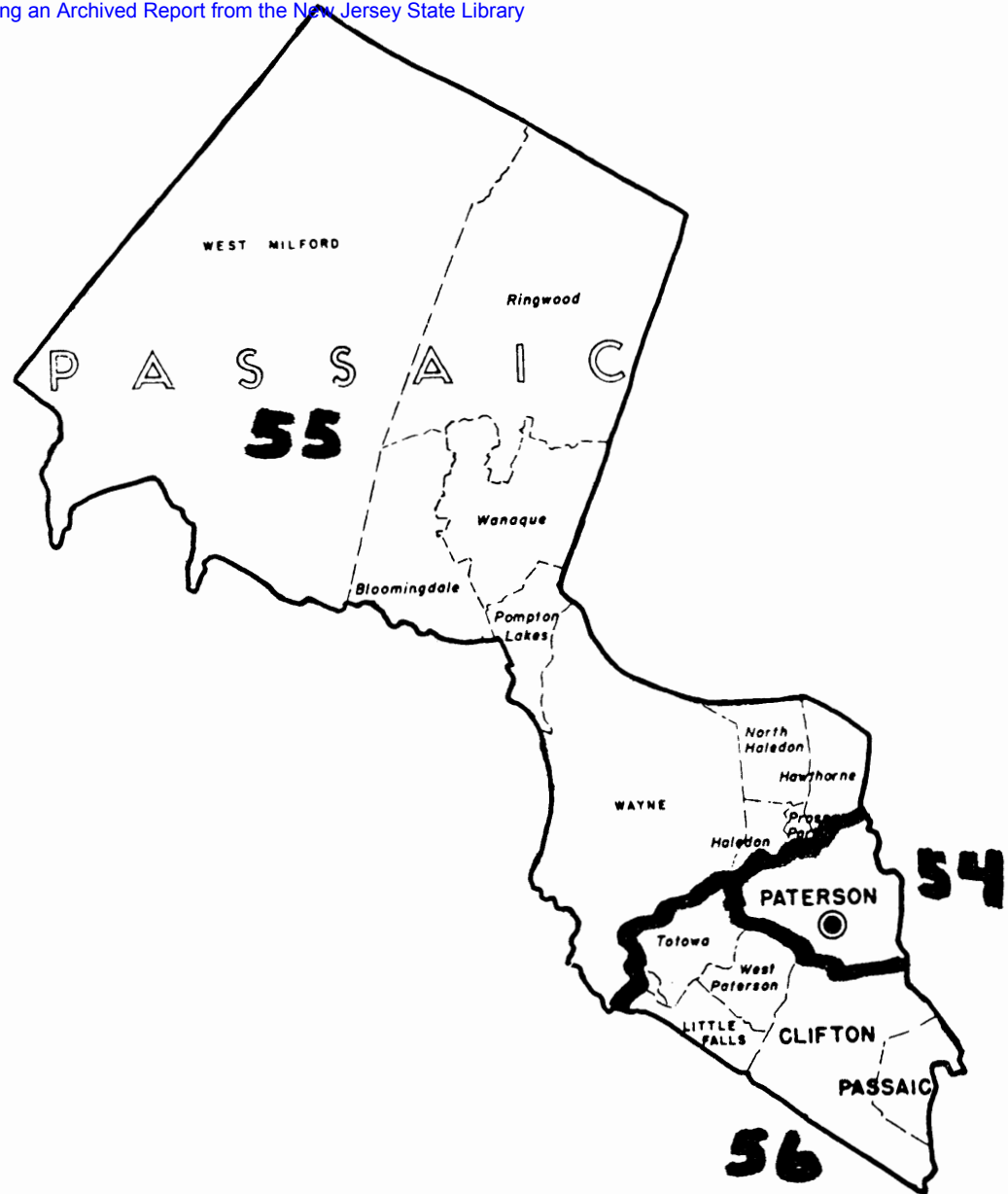
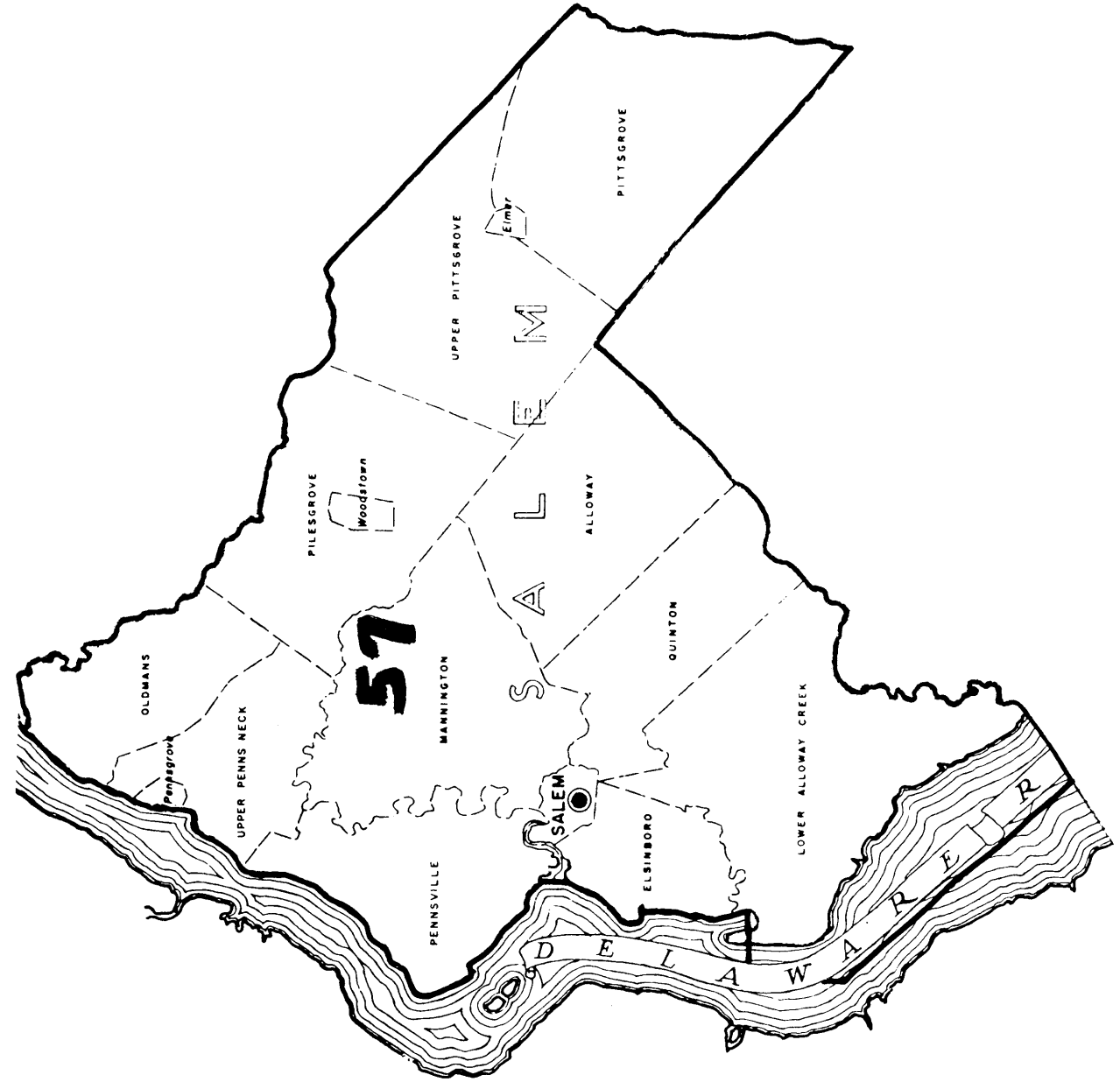


Figure 28



SALEM COUNTY

District 57

Figure 29

SOMERSET COUNTY

Districts 58 - 59

[You Are Viewing an Archived Report from the New Jersey State Library](#)

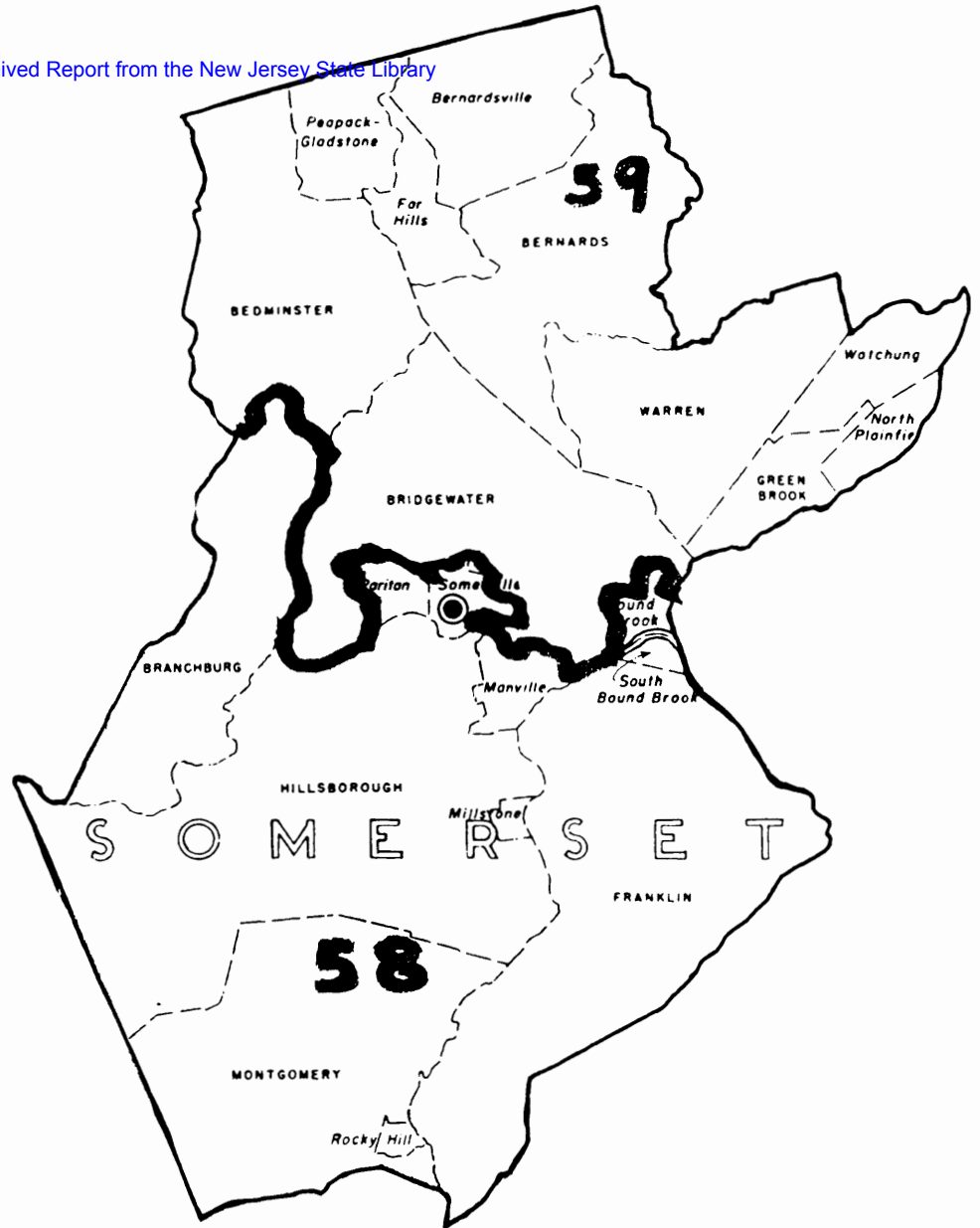


Figure 30

SUSSEX COUNTY

District 60

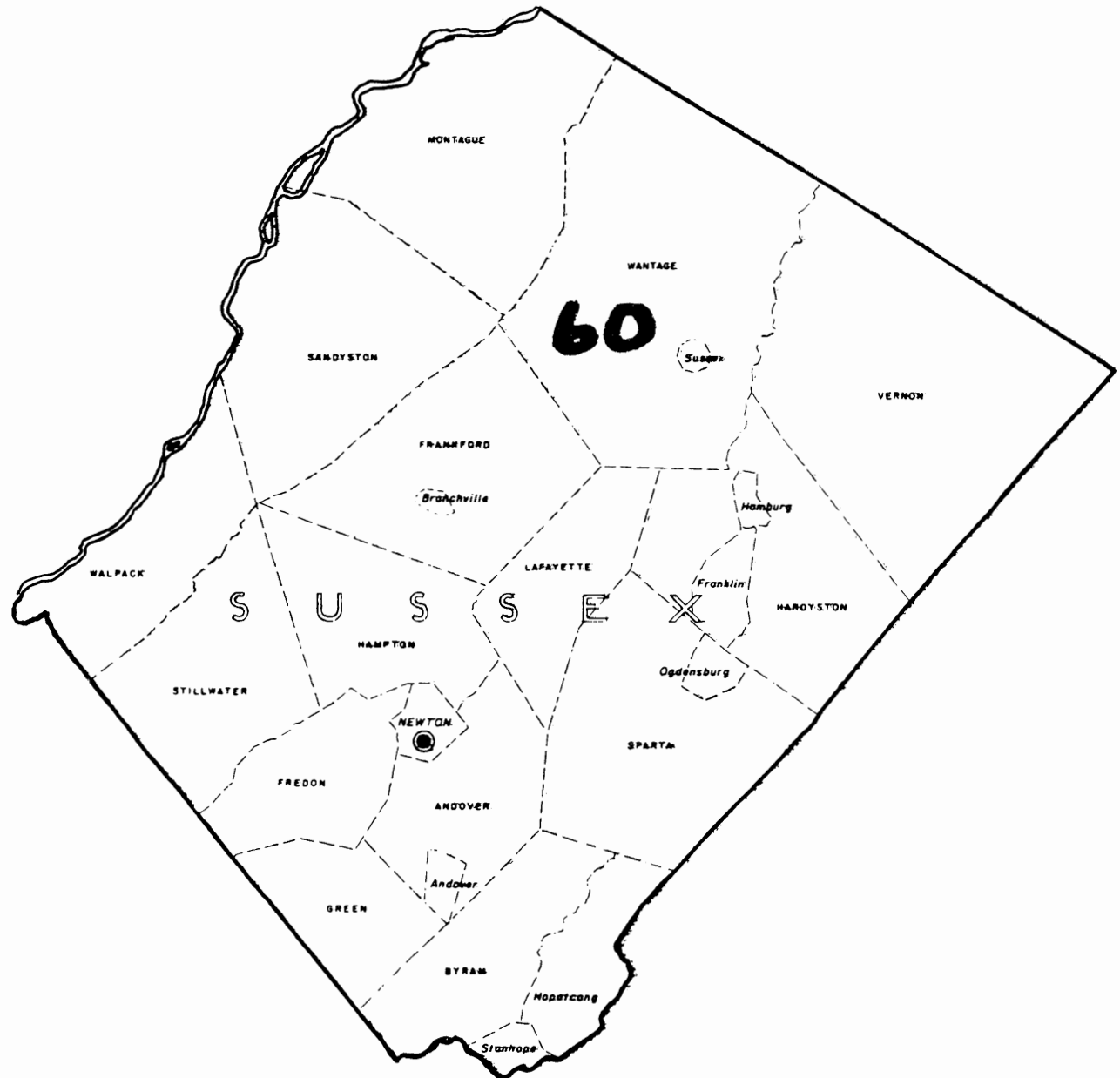


Figure 31

UNION COUNTY

Districts 61 - 65

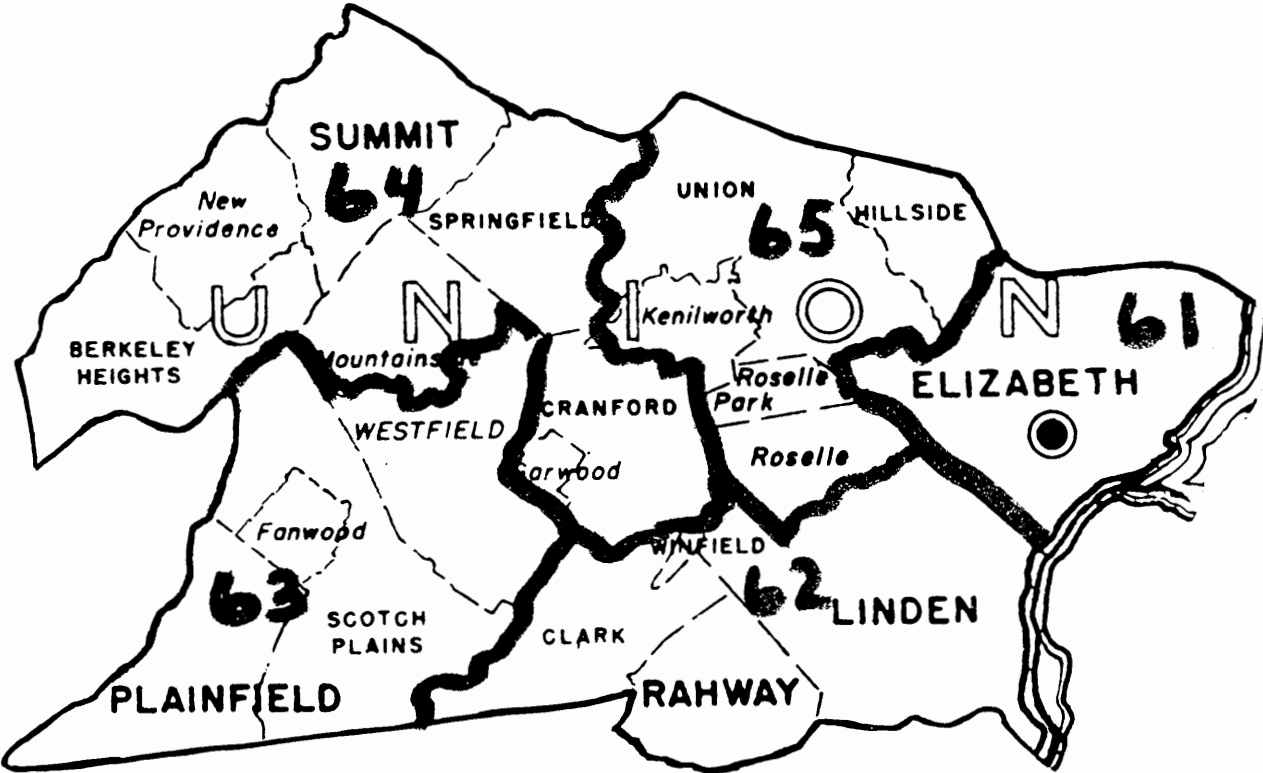


Figure 32

WARREN COUNTY
District 66

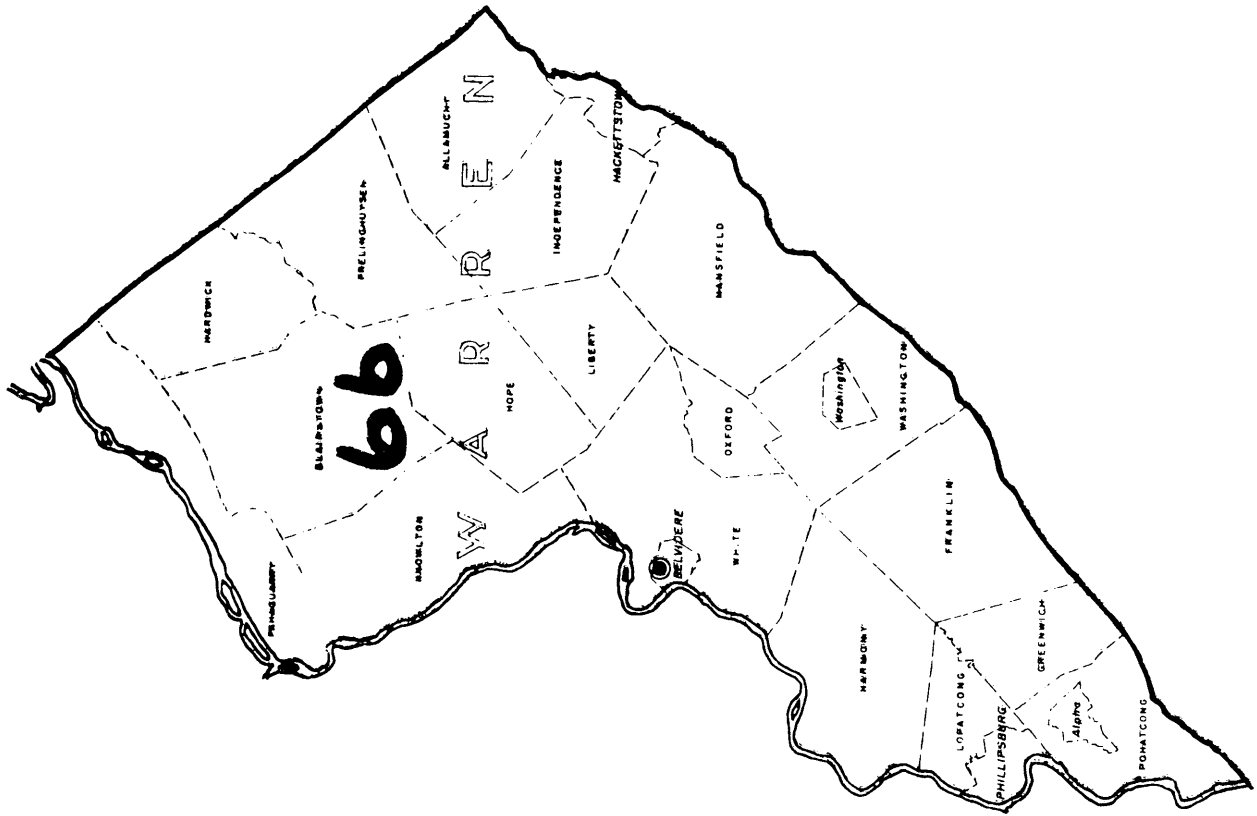


Figure 33

CHAPTER 7

DISTRICT COURT ADMINISTRATOR; SUPPORTING PERSONNEL

A need for personnel with administrative ability is demonstrable in almost every branch of the judiciary. The "administration of justice" is at present a misnomer. Despite the documented inefficiencies in the courts, judicial administration has been neglected as an appropriate area for the introduction of management techniques.

It is recommended, therefore, that a new administrative position -- Court Administrator -- be established within the district court system. The purpose of this position is to relieve judges of the District Court of those time consuming administrative and supervisory tasks which need not be executed by a member of the judiciary yet require broad managerial ability. On the Administrators of the District Court system will devolve the primary responsibility for the coordination and most effective utilization of all components proposed for the system.

The Administrators would be employed by the Administrative Office of the Courts and deployed as appropriate to a district or to a Presiding Judge.

Each district will be assigned a District Court Administrator. He will be expected to improve daily operation of the court by setting priorities, controlling caseloads, and establishing efficient office procedures and staff schedules.

Internally the District Court Administrator will be the personnel officer of the court, supervising all clerks and clerical personnel. Subject to the judge's directives, he will grant or deny postponements pre-trial. The Administrator will have the authority to receive complaints or issue notices in lieu of complaints and may set bail in all cases. The calendaring of cases and the timely submission of all required records and reports to the appropriate agency will be the responsibility of the Administrator.

In addition to managing the internal operation of his court, the Administrator will act as its liaison with other districts, with other branches of the judiciary, and with public agencies servicing the district including police departments, probation offices, addiction centers, health and housing departments, etc.

A Chief Administrator will be assigned to each Presiding Judge. Through his efforts the coordination of the District Court Administrators, District Judges, calendars, session sites, and county-wide pilot programs will be effected. A career ladder will be established with District Court Administrators gaining the experience and training necessary to be competent Chief Administrators.

Salaries commensurate with the significantly increased status and responsibilities accorded the Chief and District Court Administrators are recommended to attract experienced and qualified candidates.

In addition to the Administrator, each single-judge district will employ: (1) a calendar clerk with responsibility for maintaining all dockets and coordinating case information with the Data Center; (2) a court clerk who will assist the judge during sessions and coordinate the duties of court attendants, interpreters, and police officers relating to the actual conduct of the trial; (3) a violations bureau clerk who will operate the traffic violations bureau subject to schedule standards applicable to all District Courts; and (4) a minimum of three clerical personnel assigned by the Administrator as needed to the activities of his office, court sessions, or the traffic violations bureau.

A personnel design for these administrative positions, including suggested salary ranges, job specifications and functions, is presented as Figure 34, pp. 98-99.

Within those districts which regularly require the assignment of two or more judges, supporting personnel can be specialized beyond that possible in a single-judge district and economies of scale should be greater.

FIGURE 34

ADMINISTRATIVE PERSONNEL JOB DESCRIPTIONS

CHIEF COURT ADMINISTRATOR. Responsible to the Presiding Judge in each county, the Chief Court Administrator will coordinate all administrative and managerial aspects of the system within his county and serve a liaison function with the Administrative Office of the Courts. The Chief Court Administrator will assist the Presiding Judge in the execution of his duties. The salary range proposed for the Administrator is \$20,000 to \$25,000.

At least five years of responsible administrative experience will be required. A graduate degree in public administration, management science, or a related field, will be required.

DISTRICT COURT ADMINISTRATOR. Responsible to the District Judge, the Administrator will assist the Judge as appropriate in the administration of court work and manage the non-judicial functions of the court. The relationship between the District Court Administrator and the Chief Court Administrator will be the same as the relationship between the District Judge and the Presiding Judge. The Administrator will supervise and be responsible for the training of all administrative personnel of the District Court. The proposed salary range is \$15,000 to \$20,000.

Qualifications include at least three years of responsible administrative experience. A graduate degree in public administration or a related field will be required.

Figure 34 (cont'd)

COURT CLERK. He will assist the District Judge in the courtroom. Functions will include the assembling of materials for each case, the disposition of such materials, and the monitoring of sound recordings. The Court Clerk will be responsible to the District Court Administrator. The salary range proposed is \$8,500 to \$12,500. Qualifications will include a high school degree and at least two years of administrative or court experience.

VIOLATIONS CLERK. Responsible to the District Court Administrator, the Violations Clerk will supervise the personnel and operation of the Violations Bureau. The salary range proposed is \$8,500 to \$12,500. At least a high school degree will be required and two years of administrative or court experience.

DOCKET CLERK. He will maintain court dockets and coordinate docket information with the Data Center. Responsible to the District Court Administrator, the Docket Clerk will be required to have basic clerical skills, including typing, filing and record keeping. The salary range proposed is \$6,000 to \$9,000.

CHAPTER 8
OFFICERS AND ATTENDANTS OF THE COURT

Prosecutors

The most non-controversial aspect of municipal courts, acknowledged by both supporters and critics, is the need for prosecuting attorneys.* As noted in Chapter 3, where municipalities have not provided their courts with such an official, the judge must perform the dual role of advocate and arbiter. Not only does this discredit the judge's impartiality, but little, if any, preparation of the case is possible. Testimony of witnesses, if they should appear, is unsatisfactory, and limited police resources are dissipated by unnecessary appearances in court.

To create a separate state prosecutorial staff to service only the District Courts has no distinct advantages and the necessary supervisory personnel would be costly. To expect that the present staffs of the county prosecutors could absorb the cases to be heard in the District Courts is unrealistic. Even though these positions are now full-time, available manpower lags far behind the demands of trial in the county and upper courts. The appointment of additional prosecutors to the county staffs is therefore accepted as an integral and inevitable

* In 1953, former Chief Justice Arthur T. Vanderbilt suggested that the need for municipal prosecutors was so essential that portions of the monies then allocated to the counties should be paid to the municipalities to support these positions.

cost of the introduction of the District Court System. See Chapter 12.

Each County Prosecutor will be responsible for assuring the assignment of at least one member of his staff to each District Court within his county. In districts which regularly require the services of two or more full-time judges, sufficient work for the assignment of an additional prosecutor would be generated. How the commitment of personnel is met will remain within the discretion of the individual prosecutor who must resolve the problems of recruitment, morale, and administration presented within his own county. Any one or a combination of alternatives might need to be adopted: (1) the appointment of additional full-time attorneys with exclusive responsibility for District Court work; (2) the sharing and rotation of assignments among all court levels by an enlarged staff; or (3), the appointment of auxiliary prosecutors who need not renounce their practice if their assignments are limited to District Courts. It is recommended that whatever plan of assignment is adopted by the County Prosecutor be acceptable to the Assignment Judge for his county.

The duties of the prosecuting attorneys will include the preparation and prosecution of all major traffic and minor criminal cases brought before the District Courts and, if adopted as a procedure, the review of all affidavits prior to their being filed as criminal complaints.

Defense Counsel

In providing a District Court system with more centralized and specialized sessions, it is anticipated that the inherently inefficient utilization of the limited Public Defender resources, discussed in Chapter 3, would be eliminated. Calendar schedules within those districts serviced by a single Public Defender Office would accommodate such personnel by the staggered scheduling of indictable offenses. It is estimated that an additional 45 public defenders should be available to the municipal courts if the eligible indigent are to be adequately represented.

One by-product of the professionalizing of the District Courts which would have a direct beneficial effect on the Office of the Public Defender is the likelihood of a greater number of dispositions prior to indictment. Not only would the District Court judges be more confident in their judgment to dismiss a case, but they would also be more inclined than presently to conduct trials under N.J.S. 2A:8-22. Thus again, the congestion of the County and Superior Courts could be relieved, a congestion which now accounts for an average eight-month backlog on trials involving the Office of the Public Defender.

In addition to accommodating public agency attorneys, the District Court calendars and procedures will attempt to convenience all private practitioners. The full-time availability

of the Court Administrator (Chapter 7) to discuss conflicts pre-trial, a strict policy on postponements and the reduced number of courts within his practice area should work to the advantage of the private attorney.

Law Enforcement Officers

The role of police officers in the enforcement of laws subject to the jurisdiction of municipal courts and the competing demands on their duty time must be considered in the selection of court sites and the scheduling of cases.

One criterion suggested in Chapter 6 for the designation of a primary court site is the relative number of police officers assigned to municipalities within a particular district.* Selection of such primary court sites will in many counties reflect the largest concentration of such officers. For example, the selection of Hamilton Township would be indicated in proposed District 36 of Mercer County where the relative department strength in 1969 of municipalities was: East Windsor -- 20, Hamilton Township -- 115, Hightstown -- 9, and West Windsor -- 7.**

* Although the average number of municipal police officers per 1000 population in New Jersey counties falls short of the recommended national standards, it is not anticipated that any dramatic changes will occur in the present concentration and deployment of local police officers.

** Uniform Crime Reports 1969, p. 173.

The designation of additional session sites and the scheduling of cases within the sites selected, however, should accommodate those municipalities whose small staffs permit limited flexibility or loss of manpower to court duty.* The Court Administrator will keep current a two-month projected duty schedule of all officers within the district. To the extent possible, all contested cases involving a particular officer will be scheduled on selected days within the two month period designated as the officer's day in court and at the session site most convenient to his regular duties.**

When citing traffic violators, the individual officer will indicate the appearance date on the Uniform Traffic Ticket as the day when all his citations are to be heard in court.

In addition to such scheduled court days, police time will also be required whenever a defendant has not been released on bond or his own recognizance and is transferred to the District Court for arraignment from the local holding cell.

It is recommended that each police department appoint a court liaison officer who would be responsible for: (1) routinely providing the District Court Administrator with duty schedules

* The compensation of police officers for court duty -- whether it be in time or in cash, by the hour or by the day, on regular duty days or designedly off-duty -- is not within the scope of this report. An equitable resolution of this problem, however, is essential to the smooth functioning of the District Court system.

** Only in exceptional cases will it be necessary for the arresting officer to appear with the defendant when the latter intends to enter a guilty plea.

of all his officers, (2) establishing a courier procedure for the daily transmittal of the affidavits and copies of traffic tickets, (3) arranging for the escorted transport of all defendants who are held prior to court appearance, and (4) developing cooperative efforts with other court liaison officers within his district to minimize duty time needed for (2) and (3). The use of non-uniformed administrative assistants for court liaison purposes rather than regular police officers has been employed in some Connecticut communities with varying degrees of success.

With the exception of urban courts, sessions of the municipal court are held throughout the state an average of once a week. Regardless of duty or personal conflicts, therefore, police officers have no alternative but to appear during the single scheduled session or request postponement. In the more congested urban courts, even when the appearances of police officers has proven essential to the trial, considerably more time is frequently spent in waiting than in testifying.

In a limited sampling of selected police departments in three counties, it was found that time spent per case ranged from thirty-five minutes in one municipality to one hour and forty-eight minutes in another. Time spent in travel to and from the court was minor as compared to time spent in court.

Under the District Court system, the existence of a court which is continuously in session at one of several sites designated within the district will afford desirable appearance alternatives to the individual policeman and his assignment officer.

The elimination of unnecessary appearances, the utilization of appearance control procedures, the calendaring of contested cases responsive to the duty schedules of each officer, and the introduction of court procedures and personnel which refine and minimize time actually spent per case in court should all operate to the advantage of the law enforcement officer and his department.

The Division of State Police in New Jersey is administratively divided into five troops with 50 troop stations located throughout the state. In the absence of any state control or coordination of schedules, conflicts in municipal court appearances have occurred where one traffic bureau's responsibilities encompass numerous municipalities. The Judge of the District Court and their Court Administrators will also be conscious of this element in their scheduling of case sessions.

Probation Officers

The municipal courts presently do not have probation officers of their own but have access to the staff of 558 employed by the county probation offices.* Such county probation systems too often consist of overworked officers whose functions include pre-sentencing reports and recommendations, surveillance of defendants, collection of child support payments, and limited social work. Increased staffs are necessary in nearly every county for

* In 1968-69, 5,359 probationers were under the supervision of county probation officers by municipal court order.

the probation officers to be effective with their present case-loads.* As with the prosecutorial staffs, it is not recommended that a staff independent of the county office be created in New Jersey to service the District Court. (This is the practice in Connecticut where an officer is assigned to each Circuit.)

It is not anticipated that consolidation will significantly affect the county probation offices' caseload. It is hoped, however, that consolidation will produce greater and more reliable documentation of the need to employ additional probation officers.

Under a consolidated system necessary experimentation in probation work could be initiated and controlled. For example, utilization of the short-form pre-sentencing report, a Defendants Employment Project, pre-trial rehabilitation, and group probation centers could be supervised by the District Court as pilot programs.

Court Attendants

Rather than rely on the assignment of local police officers to act as court attendants, the District Court system will employ special officers to maintain decorum in the courtroom. At least one special officer will be assigned to each courtroom. His qualifications will be comparable to those of an auxiliary law enforcement officer and he will perform his functions subject to the instructions of the judge and the court clerk. As an employee

* During the court year 1968-69, applying a weighted workload formula, the volume of probation work resulted in a year-end deficiency of 120 probation officers. Annual Report, Administrative Director of the Courts 1968-69, p. 139.

of the court, the attendant's presence in the courtroom should assure undisturbed judicial proceedings while relieving the image of a police station annex.

Interpreters

To avoid the erratic appearance of interpreters prevalent under the municipal courts, the District Court system will guarantee on an as-needed basis the assignment of qualified interpreters to each District. In those districts with a sizable non-English speaking population, the appointment of a full-time employee of the court would be justified. In those districts where the need for an interpreter is more sporadic, a pool of qualified interpreters will be available to the court and assigned by the Court Administrator. It is recommended that law enforcement officers not be regularly assigned or included in the pool of interpreters.

CHAPTER 9

CASE SCHEDULING IN THE DISTRICT COURT

Sessions

There would be no terms of the District Court; all courts would be deemed continuously in session. Sessions of court will be held daily Monday through Friday within each District. Each session will be devoted to particular types of cases to the extent practicable. The character of the caseload reported by the municipalities within the district during past years will determine the initial designation of morning and afternoon (or evening) sessions. For example, in District 37 of Mercer County, which is tentatively comprised of Lawrence Township, Ewing Township, Princeton Borough, Princeton Township, Pennington Borough and Hopewell Township, the reported and projected caseloads suggest a schedule where seven tenths of the sessions are devoted to traffic offenses.* A further specialization of sessions could concentrate such cases as family matters or drunk driving offenses, and all indictables.

Within the urban districts where the caseload requires the regular assignment of two or more judges, calendars can be further specialized. The main differences between the urban courts and those serving suburban or rural jurisdictions stem

* Cases heard in court in District 37 consisted of 4875 traffic cases, 122 Parking offenses and 1661 criminal cases in 1968-69.

from their higher volume of cases in general and of criminal cases in particular. Court schedules in the urban courts could be divided into arraignment, family, contested traffic, uncontested traffic, criminal trial, criminal sentencing sessions, etc. and include 16-hour arraignment sessions, nightly sessions, and Saturday sessions.

Although each district's schedule must be responsive to the dynamics of its service area, several recommendations applicable to all counties have been formulated: (1) daily sessions will involve from five to six hours of active bench time, and (2) at least two evening sessions or one evening and a Saturday session will be scheduled each week.

All schedules and site designations will be coordinated by the county's Presiding Judge and submitted for bi-monthly approval to the Administrative Office. It will be the responsibility of the Presiding Judge to ensure flexibility in the substitution of his judges and to maximize the hours when court throughout the county is in session.

All criminal actions would be brought to a session of that district within which the offense allegedly was committed. However, no cause would fail on the ground that venue was improper. In such instances the case may be heard at the session where it is brought by agreement of the parties and consent of the Presiding Judge. Alternatively, by order of the judge, the cause would be transferred to the appropriate session.

Calendars

Where practicable daily sessions of court will consist of four calendar calls -- 9:00 a.m., 11:00 a.m., 1:30 p.m., and 3:00 p.m. Evening sessions in most districts would convene at 7:30. Classes of cases will be scheduled on the basis of both court efficiency and the convenience of litigants and law enforcement officers. For example, in most courts all guilty pleas would not require the appearances of a prosecuting attorney or police officer and would be called at the 9:00 a.m. session in alphabetical order. Contested cases which do require the appearance of police officers, witnesses and defense counsel would be assigned a specific trial date and time at the session site location within the District most convenient for the officers and parties. The development of an appearance control project, discussed in Appendix B, and stringent continuance policies should make such specificity feasible and drastically reduce the waiting time now wasted in court by complainants and law enforcement officers.

Calendaring of cases will not only accommodate the court but recognize the rights of defendants. For example, arraignments could be scheduled for the 11:00 a.m. call, thereby providing for the screening of complaints by the prosecutor and affording an opportunity for pre-arraignment conferences with the defendants by counsel. Cases where the defendant is non-English speaking will be noted and calendared for a time when the assistance of a qualified interpreter is assured.

CHAPTER 10
COURT PRACTICE AND PROCEDURES

Receipt of Complaints

It is proposed that the form used for summonses and complaints for all moving and non-moving traffic offenses continue to be the Uniform Traffic Ticket. Rather than taking most traffic offenders into custody, law enforcement officers would continue to be authorized to issue the proscribed summons and release the violator without bond. Copies of these "complaints" made by individual members of the local police department would be sent by the department's court liaison officer to the District Court by daily courier.

With regard to those complaints now made by private citizens or law enforcement officers in non-traffic matters, it is recommended that the Administrative Office explore the procedure whereby only the prosecuting attorneys would be authorized to make presentment of such complaints to the court. Under this procedure, law enforcement officers would prepare affidavits of the charge including all pertinent information and daily transmit these affidavits with a summary cover list to the prosecuting attorney for review. District Court Administrators would similarly prepare affidavits for the prosecuting attorneys' review.

Private complainants would sign an affidavit reciting

the facts of the case at their local police station or deal directly with the prosecuting attorney. If they choose the former, such affidavits would be included in the police department's daily transmittal.

Upon receipt of each department's affidavits, the prosecuting attorney would review them for adequacy and accuracy and file as complaints only those which pass his professional appraisal. When clarification is necessary he would contact the officer or complainant involved. (In experimenting with a similar procedure for the acceptance of complaints, one criminal court in the Manhattan Borough in New York City reduced the number of complaints actually processed by over 30 percent.)

Bail

Under the present system of bail-setting, municipal courts have authorized the court clerks or station houses to set bail when judges are unavailable. This system promotes the speedy release of defendants and overnight custody -- which is personally costly to the defendants and financially costly to the county taxpayers -- is usually prevented.*

Every consolidated minor criminal court system has had to wrestle with the problem of setting bail when a judge is not readily accessible for such matters. Many states have

* "Bail Information 1969," pp. 112-116.
Uniform Crime Reports, State of New Jersey, 1969.

established a commissioner or magistrate -- a local resident with powers only to set bail or with additional responsibilities, such as accepting guilty pleas on minor traffic matters. Such a system, however, is not recommended for New Jersey. As our state is already accustomed to "jailhouse bail," it makes little sense to add more personnel who would have to be contacted and compensated. In addition, it has been found that bail commissioners do not always exercise independent judgment but often defer to the bail bondsmen's judgment.

It is beyond the scope of this report to systematize an improved bail system for New Jersey.* However, full-time judges with available personnel and some supervisory authority over local officers in this sphere could promote a reduction of dependence on a cash bail system. Routine release-on-recognition reports could be required by these judges -- to be made and verified either at the stationhouse or the courtroom. (The same information could also be used, with supplements, as the basis of a pre-sentence report.) A bail schedule dependent upon the defendant's reliability and not solely on the crime charged could be established, which could be applied uniformly throughout the district. Such reform is difficult to initiate under the present system of 523 autonomous part-time units but more could and should be expected from a consolidated court.

* Critics of the present bail system in New Jersey, as elsewhere, are concerned that defendants who are unable to raise bail may jeopardize their jobs and suffer the privation and ignominy of confinement merely because of poverty and regardless of their guilt. Because of the relative lack of backlog in municipal courts, the stay of such defendants is usually not long, though still a hardship.

Probable Cause Hearings

Hearings as to probable cause are applicable whenever indictable offenses are charged, although there is no constitutional requirement guaranteeing such a procedure to the defendant. Under the present municipal court system, there has been a reluctance to find a lack of probable cause and marginal or spurious matters have been presented to the overtaxed grand juries. Some municipal court judges and prosecutors who regard the hearing as time consuming or duplicative have strongly recommended that it be abolished. However, under the District Court system, the hearing as to probable cause will be available to all defendants charged with an indictable offense. It is anticipated that with the improved and professionalized system, the hearing will serve its intended purpose of further screening those cases which should not proceed to indictment. In Massachusetts, for example, 35 percent of the relevant cases filed have never reached the grand jury indictment stage as a result of their "appears to be guilty" hearings in the Massachusetts District Courts.*

Computerization of Court Procedures

The reduction of the present 523 municipal courts to 66 regional district courts makes feasible the development of a modern integrated communication and computer system for processing all

* Bing, Stephen R., and Rosenfeld, S. Stephen, *The Quality of Justice in the Lower Criminal Courts of Metropolitan Boston*, p. 13.

traffic matters. The system recommended (described in more detail in Appendix C) contains the following features:

- ¶ Immediate processing of all actions concerning a traffic violation from issuance of summons to disposition;
- ¶ Instant access by the District Court to the active traffic violation file in the central data center;
- ¶ Instant access to the driver record file of the Division of Motor Vehicles;
- ¶ Computer preparation of notices, warrants and reports;
- ¶ A centralized cash reconciliation system for all payments collected;
- ¶ Ability to identify "repeaters" and "scofflaws" on a state-wide basis;
- ¶ Preparation of statistical analyses and reports as required; and,
- ¶ A minimum of manual processing and files in District Courts.

The system recommended consists of a central computer data center located in Trenton and teleprocessing terminals in each of the 66 violations bureaus. The data center computer would be operated by and under the jurisdiction of the Administrative Office of the Courts and would be capable of expansion to support foreseeable judicial information system requirements of all New Jersey courts.

Each violation bureau will contain terminals to transmit information to and receive information from the data center through telephone lines. The system is designed to provide immediate communication between each district court and the data center.

The data center will produce the following information for each district court:

- ¶ Daily docket sheets listing each traffic summons issued;
- ¶ Supplemental notices for all summonses not disposed of eight days after trial date;
- ¶ Arrest warrants for all summonses not disposed of 30 days after trial date;
- ¶ A driver record history of each defendant listed for trial;
- ¶ A daily cash and disposition record;
- ¶ A monthly alphabetic docket index;
- ¶ Municipal, county and state financial distribution reports;
- ¶ Control records and reports on the status of all traffic tickets distributed to municipal police officers;
- ¶ Disposition of traffic violation reports for the Division of Motor Vehicles; and,
- ¶ Other statistical reports as needed.

CHAPTER 11

Traffic Violations Bureau

Authority

At present, each municipal court judge may designate by order those non-indictable offenses which are to be within the authority of the violation clerk. With the approval of his Assignment Judge, the individual municipal court judge also by order specifies the amounts of fines and costs to be imposed for each offense.*

This report does not attempt to dictate which particular non-indictable offenses should be disposed of by the Violations Bureau under the District Court system. Experienced judges and administrators differ sharply in separating out those charges which need not be heard by judges in open court.** It is urged, however, that the recommendations in this regard of the Committee on Traffic Violations, discussed in Chapter 15, be adopted and applied state-wide. The disposition of non-indictable offenses would be standardized and the schedule of penalties which may be assessed for such infractions would be made uniform throughout the state. Any changes in either the

* R. 7:7-3.

** In Michigan, for example, certain moving traffic offenders are obliged to appear in person and plead before the violations bureau clerk rather than the judge. The utilization of violations bureaus as fine collectors, however, is resisted by some traffic court experts who regard this practice as selling the right to violate the law "at catalogue prices."

forum for the disposition of the offense or the magnitude of their penalties would be reviewed by an annual Conference of District Court Judges by its Standing Committee.

That the Traffic Violations Bureau become an administrative agency removed from the aegis of the court is not a recommendation of this report. While further demands on the court's processes may force such a step, the Violations Bureau under the proposed District Court system is to continue to operate as an arm of the court under the direct supervision of the District Judge and his Court Administrator.

Administration

The Violations Bureau will be located at the district's primary court site and will be open to the public from 8:00 a.m. until 6:00 p.m. daily and during those nighttime and Saturday hours when the court is in session. As detailed in Chapter 10 and Appendix C, many of the functions of the Violations Bureau will be computerized.

It is not recommended that Violations Bureaus be maintained at other than the permanent court site. Any convenience to the public which this might provide is outweighed by the proliferation of part-time personnel and accounting procedures which this would occasion and which the District Court system was designed to eliminate.

While payment in person can be made only at the permanent court, prompt payment of designated fines by mail should relieve most violators of the need to travel to the court site. Inquiries by telephone will be aided by the Bureau's longer and continuous hours.

Parking Offenses

Parking offenses in New Jersey totaled 892,456 in the court year 1957-58. In 1968-69 such violations approached one and one-half million. While less than ten percent of these complaints were ultimately tried in court, the processing of the filed complaints burdened limited clerical staffs. Revenues which should have been received by the municipalities were lost through inadequate or futile follow-up on scofflaws.*

It is proposed that no parking violation be considered a complaint within the jurisdiction of the District Court until two delinquent notices to the violator have been disregarded. Parking tickets will be issued by local law enforcement officers in the name of the respective municipality. Payment of the ticket would be made directly to whatever local agency or official was deemed appropriate by the municipality considering its volume of offenses and division of governmental

* In Trenton for example, 25,131 parking violators out of a total of 51,671 ticketed failed to pay by their return date in 1969.

functions. Regardless of the particular local administration employed, however, a Uniform Traffic Ticket citing the failure to respond to the second delinquent notice would be sent to the defendant by the local law enforcement agency and submitted with its other criminal and traffic summonses to the court for final disposition.

CHAPTER 12
FINANCING OF THE DISTRICT COURT

Annual Operating Expenditures of the District Court System

The estimated annual operating cost of the proposed system totals almost \$15 million. This amount includes the operation of the data processing center and central staff in the Administrative Office of the Courts in addition to the direct costs of the District Courts. These costs are listed in Figure 35, pp. 123-126.

The salaries of judges of the District Court are recommended to be \$30,000 for District Judges and Judges-at-large and \$34,000 for the Presiding Judges, producing a total salary cost of \$3,308,000.

Supporting personnel will receive varying salaries depending upon their years of service and entry level. Costs for employees as listed in the following exhibit have assumed the number of employees and salary ranges recommended in Figure 34, p. 98 and have applied a medium of the range figure to most positions.

The annual operating cost of the Data Center and rental of terminals and telephone lines is estimated at \$901,000 (\$189,000 for personnel and \$712,000 for equipment).

With the utilization of existing court facilities in most districts, it is anticipated that only minor renovation need be calculated. Rental fees for each site are expected to vary and only gross estimates are possible. The rental estimate is based

FIGURE 35

DISTRICT COURT SYSTEM

ESTIMATED ANNUAL COSTS

DISTRICT COURT SALARIES:

Judges

Presiding Judges (17 @ 34,000)	\$ 578,000	
District Court Judges and Judges-at-large (91 @ 30,000)	<u>2,730,000</u>	
Total		\$ 3,308,000

Administrators

Chief Administrators (17 @ 23,000)	391,000	
District Court Administrators (66 @ 17,500)	<u>1,155,000</u>	
Total		1,546,000

Clerks

Court Clerks (95 @ 10,000)	950,000	
Violations Clerks (70 @ 8,000)	660,000	
Docket Clerks (70 @ 8,000)	<u>560,000</u>	
Total		2,170,000

Clerical Personnel

(285 @ 6,000)		1,710,000
---------------	--	-----------

Figure 35 (cont'd)

Prosecutors

Prosecutors (95 @ 15,000)	\$ 1,425,000	
Clerical Personnel (32 @ 6,000)	<u>192,000</u>	
Total		\$ 1,617,000

Public Defenders

Public Defenders (45 @ 15,000)	675,000	
Clerical (15 @ 6,000)	<u>90,000</u>	
Total		765,000

Court Attendants

(107 @ 7,000)		749,000
---------------	--	---------

Interpreters

(7 @ 8,500)	<u>59,500</u>	
-------------	---------------	--

Total District Courts		\$ 11,924,500
-----------------------	--	---------------

DATA CENTER:

Personnel

Director (1 @ 17,000)	17,000
Operations Manager (1 @ 12,000)	12,000
Programming Manager (1 @ 12,000)	12,000
Systems Programmers (3 @ 10,000)	30,000

Applications Programmers (4 @ 10,000)	40,000	
Operators (6 @ 8,000)	48,000	
Keypunch, Clerical (5 @ 6,000)	<u>30,000</u>	
Total Personnel		189,000

Computer Processing Equipment

Central Computer (Annual Rental)	280,000	
Terminals at 66 Locations (Annual Rental)	384,000	
Telephone Lines for Term- inals (Annual Cost)	<u>48,000</u>	
Total Equipment Cost		712,000
Total Data Center		901,000

ADMINISTRATIVE OFFICE:

Chief of District Court Services (1 @ 27,000)	27,000	
Deputy Chiefs of District Court Services (3 @ 21,000)	63,000	
Fiscal Officer (1 @ 13,000)	13,000	
Personnel Assistant (1 @ 9,000)	9,000	
Bookkeepers (2 @ 7,500)	15,000	
Clerical Personnel (11 @ 6,000)	<u>66,000</u>	
Total Administrative Office		193,000

Figure 35 (cont'd)

OTHER COSTS:

Rental Space \$ 1,266,000

Other Expenses 500,000

Total Other Costs 1,766,000

ESTIMATED COST OF DISTRICT COURT SYSTEM \$ 14,784,500

on an average need of 3000 square feet per district at \$7.00 per square foot.

Other expenses for operation of the system are estimated at \$500,000. This category includes general supplies, postage, maintenance of equipment, travel, and replacement of equipment. It is noted that the existing municipal courts expended \$881,000 in 1969-70 for other expenses. The lesser amount estimated here for the proposed system reflects anticipated savings through centralized purchasing and computer processing.

Transition Expenditures of the District Court

The costs for transition are based on the assumption that there will be a period of fourteen months before the first District Court becomes operational. The estimated cost for this transition period is \$2,181,900 and is detailed in Figure 36, pp. 128-130.

Key administrative personnel for the Administrative Office and the Data Center would be appointed at the beginning of this period. It is important that the Data Center personnel be employed early enough to develop the necessary forms, systems and programs. An amount of \$100,000 is suggested for programming services by an outside firm to supplement the efforts of the State employees.

Expenditures for the initial equipment needs and furnishings are estimated at \$720,000 and are based on \$1,000 per employee

DISTRICT COURT SYSTEM
ESTIMATED TRANSITION PERIOD COSTS
JULY 1, 1971 to SEPTEMBER 1, 1972

DISTRICT COURT SALARIES:

Judges

Presiding Judges
(17 for 2 mos.) \$ 96,000

District Court Judges
and Judges-at-large
(10 for 2 mos.) 50,000

Administrators

Chief Administrators
(17 for 3 mos.) 98,000

District Court Adminis-
trators (10 for 3 mos.) 44,000

Clerks

Court Clerks, Viola-
tions Clerks and Docket
Clerks (30 for 2 mos.) 50,000

Clerical Personnel

(30 for 1 mo.) 15,000

Court Attendants

(10 for 1 mo.) 6,000

Total District Courts \$ 359,000

DATA CENTER:

Personnel

Director
(1 for 1 yr.) 17,000

Operations Manager
(1 for 9 mos.) 9,000

Figure 36 (cont'd)

Programming Manager (1 for 9 mos.)	9,000	
Systems Programmers (3 for 9 mos.)	24,000	
Applications Programmers (4 for 9 mos.)	30,000	
Operators (6 for 3 mos.)	12,000	
Keypunch, Clerical (3 for 9 mos.)	<u>13,500</u>	
Total Personnel		\$ 114,500

Computer Processing Equipment

Central Computer (6 mos. rental)	140,000	
Terminals at 12 loca- tions (2 mos. rental)	12,000	
Telephone lines for 12 Terminals (2 mos.)	<u>1,400</u>	
Total Equipment		153,400

Other Data Center Expenses

Site Preparation and Furniture	50,000	
Programming by Commer- cial Programming Firm	<u>100,000</u>	
Total Other Expenses		150,000
Total Data Center		\$ 417,900

ADMINISTRATIVE OFFICE:

Chief of District Court (1 for 1 yr.)	27,000	
Deputy Chiefs of District Court Services (3 for 9 mos.)	47,000	

Figure 36 (cont'd)

Fiscal Officer (1 for 6 mos.)	6,500	
Personnel Assistant (1 for 6 mos.)	4,500	
Clerical Personnel (6 for 6 mos.)	<u>18,000</u>	
Total Administrative Office		\$ 103,000

OTHER COSTS:

Furniture and Equipment	720,000	
Judges' Libraries (108 @ 4,000)	432,000	
Materials and Supplies	<u>150,000</u>	
Total Other Costs		1,302,000
ESTIMATED TRANSITION PERIOD COSTS		\$ 2,181,900

in the District Courts and the Administrative Office. Establishment of library materials is based on \$4,000 per judge.

Revenues of the District Court

On the basis of three assumptions, it is anticipated that for both traffic and criminal offenses the gross revenues of the District Court will not vary significantly from the total revenues presently reported by the municipal courts.* The assumptions are: (1) initially there will be no increase in cases attributable to the consolidation because no expansion in jurisdiction is recommended; (2) a systemic change will not affect the proportionate number of cases resulting in penalties or fines; and (3), although the amount of such penalties and fines will be standardized, it is expected to approximate an averaging of monetary penalties now pronounced under the municipal court system.

With parking offenses initially being processed by the municipalities under the District Court system, a significant proportion of the courts present revenues derived from parking violations would be received as local agency revenues by the

* The impact on total revenues of P.L. 1970, c. 118, sec. 1, effective June 29, 1970, which increased municipal court costs is not ascertainable at this time. It is suggested by some court personnel that as increased costs are imposed, the accompanying fine will be decreased so that the total revenue per defendant will remain relatively constant. The Division of Motor Vehicles did receive less in fines from municipal courts in 1970 (\$4,112,006.95) than they did in 1969 (\$4,340,852.21) where previously they had recorded an annual increase.

municipalities. Only those delinquent parking tickets which became complaints of the court would generate court revenues with court costs deposited by the state and the fine imposed disbursed as a court revenue to the municipality. It has been Connecticut's experience under a similar system that rather than lose revenues to the state, localities are encouraged to minimize the number of delinquent tickets.

While the total amount of revenues received will be comparable, the disposition of these revenues will not follow the municipal court pattern. The most obvious divergence is that court costs will no longer be deposited by the municipalities but will become state funds. Another difference will be the elimination of the allocation of receipts collected for specific traffic offenses to the county.* Under the District Court system it is recommended that the distribution of fines and penalties resulting from traffic offenses depend upon the complainant (local, county, or state enforcement officer) involved.** Because under the present system such revenues must be returned to the state when the complainant is a state officer, the anticipated effect of this recommendation would be

* N.J.S. A39:5-41.

** While there is some justification in the concern that such an attempt to encourage enforcement of the laws will perpetuate "cash register courts," the removal of court personnel from local influences should discourage this practice.

the receipt by municipalities of those funds now deposited by the counties.*

Impact of Financing on State, County, and Municipality

Although the state will support the cost of the District Court system estimated in Figure 35, pp. 123-126 as \$14,784,500 its receipt of all court costs could almost balance this outlay.** Revenues from fines and penalties now received by the state will increase as the number of cases increases. No recommendations for the District Court system affects the present allocation of such revenues to the state.

Based on 1969 figures, it is estimated that the counties will be losing approximately five million dollars in revenues from the municipal courts. However, with the exception of those complaints initiated by their officers which will continue to

* The present allocation of traffic offense revenues to the counties, dictated by a relatively unchanged law of 1938, presumably was intended to finance county road repairs and construction, although some counties apparently fail to dedicate these revenues as prescribed under Title 39. Today, encouraging the strict enforcement of traffic laws may be a more persuasive public policy than subsidizing county roads.

** Court costs received by the municipalities accounted for over 42 percent of their total revenues received or over four and one-half million dollars in 1969. It is estimated on the basis of an analysis of each municipality's fines and costs received and a sampling of violations bureau schedules that less than one million dollars of this figure reflected court costs for those parking offenses which will not become complaints under the District Court system. Therefore, with the authorized tripling of court costs under P.L. 1970, c. 118, and the increased number of cases since 1969, total receipts from court costs in 1971 could amount to over ten million dollars. See Figure 37, p. 134.

FIGURE 37

MUNICIPALITIES RECEIPT OF FINES AND COSTS, 1969*

	<u>FINES</u>	<u>COSTS</u>
Atlantic	\$ 268,703	\$ 142,661
Bergen	453,014	257,726
Burlington	291,969	291,509
Camden	147,340	194,932
Cape May	229,892	62,360
Cumberland	58,996	81,474
Essex	1,164,420	939,009
Gloucester	56,123	103,440
Hudson	991,955	285,233
Hunterdon	10,546	44,192
Mercer	439,582	162,052
Middlesex	364,535	374,580
Monmouth	336,812	333,846
Morris	216,387	233,922
Ocean	270,832	166,174
Passaic	337,568	223,391
Salem	37,613	49,742
Somerset	68,591	121,265
Sussex	16,999	35,500
Union	446,565	367,897
Warren	<u>23,932</u>	<u>37,796</u>
	<u>\$6,232,374</u>	<u>\$4,508,701</u>

* Analysis of Report on Municipal Court submitted by municipal auditors to the Division of Local Finance, Department of Community Affairs, 1969.

produce county revenues, the counties will not be contributing to the operation of the District Courts. The cost of county prosecutors who would serve the District Courts has been allocated to the state. (It is suggested that a method of reimbursement to the counties for these costs be developed.) If additional probation officers are employed to service the District Courts, this too could become a reimbursable item for the state.

While the municipalities will be losing receipts from court costs, state-wide this figure has been less than the total expenditures by municipalities for the operation of municipal courts. Under the District Court system all revenues in fines and penalties produced by local officers, either through traffic or criminal summonses, would be distributed to the municipalities including those now received by the counties. As stated, revenues from all parking offenses, with the exception of court costs for the processing of delinquent tickets will be deposited directly by the municipalities.

While factoring projections in dollar figures it should be noted that the cost to the public of a court system which is inherently inefficient and the rewards which can be produced by a well administered system of justice are incalculable.

PART THREE
IMPLEMENTATION

CHAPTER 13

Transition Administration

For purposes of illustration, it is assumed that legislation creating the District Court system in New Jersey is passed and signed by the Governor in July, 1971, with the system becoming operational throughout the state by September 1, 1973.

Although sufficient lead time is thereby given before the total system must be organized, those provisions of the law which authorize actions necessary to implement the District Court system by September 1, 1973, would take effect upon passage of the act.

It is recommended that the first year following passage of the act be devoted to: 1) the structuring of the division within the Administrative Office responsible for the District Court system, 2) the selection of court sites within each district, 3) the recruitment of judges of the District Court and court administrators and 4) the installation of the Data Center and employment of the Center's essential personnel. The second year of lead time would involve a scheduled staggered entry of districts into the system. A master schedule would be prepared and indicate to all concerned officials and personnel when their particular municipal court will cease to function as such and become fused with others to form a District Court.

On the scheduled date of entry, cases pending on the dockets of the affected municipal courts would be deemed pending before their respective District Courts. (The transition in New Jersey from the present municipal court system to one of full-time District Courts should be eased by the relative lack of backlog in the municipal courts.)

All judicial files, records, and dockets of the municipal courts would be transferred by the appointed date to the offices of the District Court Administrators.

Alternative entry schedule strategies would be carefully reviewed by the Division of District Court Services within the Administrative Office of the Courts prior to implementation.

Under one alternative all Presiding Judges would be appointed and active at the commencement of the second year, i.e. by August 1, 1972. The entry of particular districts would be staggered state-wide with an increasing number of districts being folded into the system each month, e.g., by September 1, 1972 Districts 23 and 36 would be operational. During October Districts 1, 9, 15, and 65 would enter. Each succeeding month would witness the entry of five or six districts until the system was completely operational by September 1, 1973.

Alternatively, the entry of districts could begin and be completed within one particular Presiding Judge's county before any districts in other counties were admitted. For example by September 1, 1972 Districts 35, 36, and 37 (Mercer County) would be entered. In October, Districts 22, 23, 24, 25, and 26 (Essex County) would be scheduled for entry.

Under either of these schedules (or their variations) municipal courts which were not included in the entering districts would continue to function as usual until their appointed termination date. Adjustments in the entry dates would be flexible to permit the accelerated entry of districts wherein difficulties with the retention of municipal court judges or personnel occurred.

In those instances where the terms of municipal court judges are to expire prior to the effective date of the district's entry, it is recommended that these terms be extended until such date.*

* Present municipal court judges who meet the qualifications discussed in Chapter 6 would be eligible for appointment to the District Court.

CHAPTER 14

Administrative Office of the Courts

Under the direction of the Chief Justice, the Administrative Office of the Courts will oversee the operation of the District Court system. It is recommended that to ensure effective supervision, assistance, and control a Division of District Court Services be established within the Administrative Office. A Chief of District Court Services would head this Division and be assisted by three deputies with clearly designated responsibilities: 1) a deputy for field operations and control whose duties would include the review of submitted session and site schedules, the receipt of routine reports from the Court Administrators, the regular on-sight evaluation of each District Court, and the control of the assignment of Judges-at-large; 2) a deputy for program development and research whose functions would include organizing detailed training courses for all judges of the District Court and their personnel, monitoring any established pilot programs in bail, sentencing alternatives, appearance control, etc., and acting as liaison with the judiciary, the Legislature, and affected state agencies in further refining the system (e.g., jurisdiction, appeals procedure, etc.); 3) a deputy for administration whose responsibilities would include personnel recruitment and interviewing for administrative positions within the system, all budget and accounting procedures required to operate the system as a state function, and the institution and review of fiscal and audit procedures required

within each District Court.

In addition to the Chief and his deputies, the Division would include all necessary bookkeeping, statistical, and clerical personnel.

CHAPTER 15

Advisory Committees on Implementation

While the content of this report provides the basic framework for a system of District Courts, many refinements by the Division of District Court Services will be required prior to the system's actual implementation. To advise the Administrative Office on these issues, therefore, it is recommended that Advisory Committees on Implementation be created by the Chief Justice. Each Committee would have precise and well-defined tasks and its composition would assure that all perspectives on the issue are represented.

Sites and Facilities

Within each county, based on the criteria suggested in Chapter 6, court sites for each district must be designated. Either one state committee or 21 county committees would be formed, possibly with representation from municipal judges, county planning officials, court clerks with wide experience, and law enforcement officers.

Negotiations with the governing body of the municipality selected for the site would be conducted by the Committee to determine rental fees and conditions of use. Any renovations or alterations in the rooms to be used by the District Court would be discussed with the municipality and recommended by the Committee to the Administrative Office of the Courts.

Recruitment and Training

The most equitable and practicable absorption of employees of the present municipal court system into the District Court system would be the initial task of the Committee on Recruitment and Training. Although the qualifications established for District Court personnel will affect these placements, it is anticipated that many of the present employees who want to continue in their work will be participating in the new system.

It will be the responsibility of this Committee to assist the deputy for administration in working out with the Civil Service Commission all personnel procedures involved in such a transition, including the establishment of new civil service positions and job specifications.

Central to the effectiveness of the new system will be improved and expanded training courses for both the judges and the supporting personnel of the District Courts. The content, sites, and instructors in these courses will be recommended by the Committee on Recruitment and Training.

In addition to representatives of civil service and court employees, members of the Committee should include individuals with experience in new careers and training.

Legislation and Rules of Court

The Committee on Legislation and Rules of Court would be responsible for the proper drafting of a statute which would establish the District Courts system and provide for the appointment of its judges. In addition to drafting the necessary provisions of this statute, the Committee would consider the impact of the District Court on existing statutes and recommend amendments accordingly.

New Rules of Court to replace those now governing the conduct of the municipal courts would be necessary and the Committee would suggest suitable additions and revisions to the Supreme Court.

Traffic Violations

The entire body of motor vehicle law in New Jersey should be thoroughly reviewed for consistency, intended impact, and excessive categorizations. Pending a refinement or simplification of these statutes, the Committee on Traffic Violations will recommend which specific non-indictable traffic offenses may be finally disposed of by the court's Violations Bureau. In making this determination, which will be applicable to all districts, the Committee will recommend appropriate initial fines and delinquent penalties for all traffic offenses. The composition of this committee should include municipal court

judges now serving traffic courts, representatives from the Division of Motor Vehicles, and selected law enforcement officers.

Records and Reports

To what extent the records and reports now required in the administration of the municipal courts are applicable in the operation of the District Courts would be determined by the Administrative Office's deputy for field operation and control with the advice of the Committee on Records and Reports. It is within this committee that the present municipal court judges and their court clerks could make a significant contribution from their years of dealing with these documents.

With the greater specialization in sessions afforded under the District system, more particularized dockets than the present "Traffic Docket" and "Criminal Docket" might be practical. Few changes in the Traffic Ticket Control Record are anticipated, although parking offenses would cease to appear in this Record until delinquent and the consecutive ticket numbers given to individual officers for scheduling purposes would be noted.

The General Cash Book would not need major revisions to reflect the changes in distribution of revenues among the municipalities, counties, and state, although a separate Traffic Cash Book may be recommended for all Districts.

Minor changes in forms for general procedural use such as the "Receipt for Cash Bail, or Fines, Penalties, Forfeitures

and Costs" would be necessary to identify them as documents of the District Court.

Where the present submission of reports is required by state agencies other than the Administrative Office of the Courts, such as the Division of Motor Vehicles or the New Jersey State Police, representatives of those agencies would be asked to discuss the utility of these formats under the new District Court system.

Reports now required by the Administrative Office, such as the monthly report, would be revised with the statistical information requested related to specific needs for control or evaluation. The nature and format of new reports, such as the bi-monthly schedule, would be recommended by the Records and Reports Committee.

Standing Committee

A Standing Committee for the new division of the County District Courts will be appointed by the Chief Justice upon passage of the legislation creating the new system. In an advisory capacity it will have responsibility for the continued refinement of the District Courts beyond the existence of the Implementation Committees and will assist the Chief of District Court Services in his administration of the system. Suggested composition of the Standing Committee would include the Chief of District Court Services, several Presiding Judges, and selected Assignment Judges.

Summary

In the court year 1949-50 when the municipal courts of New Jersey were introduced to the public, they effectively disposed of 559,497 complaints. Twenty years later, these municipal courts are confronted with a 300 percent increase in their workload without the benefit of any objective review or significant revision of their structure and operation.

This report was not prepared to impair the importance nor abolish the responsibilities of the municipal court system. No indictment of findings in identifiable courts is intended, nor does the proposal define an abstract model lower court system.

Rather, the report offers the foundation for a new state-supported full-time local court system which recognizes the pressures on the courts in 1971 and incorporates methods and mechanisms available today to realistically contend with those pressures in New Jersey.

APPENDICES

APPENDIX A

PERSONS CONTACTED

The response of the 402 municipal judges to the Questionnaire was 100 percent. Although some judges declined to offer their personal views on a restructuring of the system, most responses included individual opinions and comments based on experience.

In addition to over 30 municipal court judges interviewed, members of the judiciary serving County District Courts, County Courts, and the Appellate Division of the Superior Court were interviewed.

New Jersey state and county officials directly affected by the operation of the municipal courts were also interviewed including County Prosecutors, legal services directors, traffic patrolmen, and representatives of the New Jersey State Police, Office of Public Defender, and the Division of Motor Vehicles.

Out-of-state judges and officials who contributed the benefit of their experiences to this report in personal interviews included:

Michigan

JUDGE ROBERT DE MASCIO, Presiding Judge, Detroit Recorder's Court.

HAROLD HARRIS, Assistant Administrator, Michigan Supreme Court.

JUDGE WOOD, Presiding Judge, Recorder's Court, Traffic Division.

JUDGE INGRAHAM, District Court Judge, 48th District, Bloomfield Hills.

JUDGE ALICE GILBERT, District Court Judge, 48th District, Bloomfield Hills; President, Michigan Association of District Court Judges.

ERIC MANNS, City Prosecutor, Birmingham.

RICHARD CLAFLIN, Traffic Safety Consultant, Michigan Department of Public Instruction.

DONALD BRAY, Director, Royal Oak Traffic Safety School.

MRS. S. HANRAHAN, Court Administrator, 48th District, Bloomfield Hills.

JOHN LUCIA, Director, Data Processing, Secretary of State.

DONALD CAMPER, President, Universal Computer Techniques, Inc.

Massachusetts

STEPHEN R. BING, Assistant Director, Lawyers' Committee for Civil Rights Under Law, Boston Urban Areas Project.

New York

FANNIE J. KLEIN, Research Associate Professor of Judicial Administration, New York University School of Law; Assistant Director, Institute of Judicial Administration.

HARRY PERSANIS, Assistant Director, Bureau of Administration and Adjudication, Division of Motor Vehicles.

TOM GRADY, Assistant Director, Parking Violations Bureau, Division of Motor Vehicles.

JAMES LACEY, Director, Appearance Control Project.

S. ANDREW SCHAEFER, Assistant Director, Vera Institute of Justice.

Connecticut

ELLIOT R. KATZ, Chief Clerk, Connecticut Circuit Court.

JAMES T. FIRTH, Chief Electrical Accounting Machine Section, Connecticut Circuit Court.

Appendix A (cont'd)

JAMES HERLIHY, Director, Connecticut Police Training Council.

RICHARD HANON, Senior Instructor, Municipal Police Training Council.

Pennsylvania

LAWRENCE POLANSKY, Chief, Data Processing Section, Philadelphia Municipal Court.

APPENDIX B-1
APPEARANCE CONTROL PROJECT

The New York City appearance control project is a joint attempt by the Vera Institute of Justice and the New York City District Attorney's office to eliminate unnecessary, time-consuming and costly police appearances in the New York City Criminal Court. As in New Jersey, the problems included inordinate waiting time by police officers, court appearances scheduled when officers are off-duty, and adjournments because crucial witnesses (including, at times, police officers) fail to appear. The appearance control project was designed to eliminate police appearances where their testimony was unnecessary, to schedule court appearances for officers' court duty days only, and to call to court only those officers whose cases would be heard.

Basic elements of the Project are as follows:

1) Police officers' presence is not required where their testimony will not be heard or can be presented in other ways, e.g. affidavits are presented in lieu of personal testimony at arraignments. In minor matters, the arresting officer's presence is entirely dispensed with where the defendant pleads guilty.

2) Since officers are paid double time for off-duty court appearance, the City found it financially imperative to eliminate these appearances. Therefore, the Project coded

all officers' schedules into 20 basic types. The arresting officer places his code, together with projected vacation time, etc., at the first contact with the court system. Any appearance thereafter is scheduled in accordance with this code.

3) Officers are placed on a telephone alert status for days on which a court appearance is scheduled. The officer will either be available by telephone, or be in regular contact with the stationhouse, until 12 noon. If his case will not be heard, he will not be notified. A similar system has been set up for complainants.

The project is still in its early stages and statistical results are as yet unavailable. However, the project's efforts have been well received in New York by both court personnel and law enforcement agencies.

APPENDIX B-2

ADMINISTRATIVE ADJUDICATION OF TRAFFIC VIOLATIONS

The administrative handling of traffic violations in New York City went into effect in late 1970. Formerly, all moving violations required an appearance in the New York Criminal Court, which generally required a wait of hours for both policeman and defendant, and resulted in a perfunctory hearing even for guilty pleas. Not guilty pleaders had to appear once at an arraignment, usually long after the offense, wait for hours, come back for a hearing, and again wait for hours.

The New York City project is a pilot program for the state; already several other communities have requested inclusion. Many of the improvements that have been made do not depend directly upon the institution of the administrative hearing and are readily adaptable to a court system.

The administrative aspect itself consists of the creation of a new bureau within the State Department of Motor Vehicles with authority to hear charges resulting from moving violations and parking charges. The hearing officers, who serve full-time, are attorneys with three years experience, are selected by Civil Service examination, and are paid \$15,000 a year.

The Bureau has jurisdiction over all moving violations which are termed "infractions," with the exception of serious offenses and misdemeanors, for which court appearance is still necessary (e.g., reckless driving, driving under the influence of alcohol or drugs, or leaving the scene of an accident). Hearing officers can require payment of fines up to \$200, suspend a license or registration, and advise attendance at a drivers school. However, they cannot jail or place anyone in custody.

Most matters of the Bureau may be handled by mail. Personal appearances are required only where the driving record indicated the license may be revoked or suspended if convicted, for speeding over 25 m.p.h. above the speed limit, for driving under the influence of alcohol, for probationary and junior licensees, or for serious offenders (speeding offense coupled with two previous speeding offenses within the last 18 months). Otherwise, a choice is given to the motorist: if he wants to plead not guilty, or guilty with an explanation, he must appear.

Much of the efficiency of the system depends upon the use of computers and procedures. Each policeman receives a numbered complaint book from the City. (The forms are approved in advance by the Department of Motor Vehicles.) Upon issuing a ticket, the officer fills in the charges and gives a copy of the summons to the motorist. At the end of each day the officer gives to the precinct two extra copies of each summons: the complaint and the agency police copy. The police department

Appendix B-2 (cont'd)

keeps its own, and sorts the complaints according to the adjudicating agency. Those for the Administrative Adjudication Bureau are collected and taken by sealed mail sack to a central office. They are then transported to Albany by courier that evening. During the night, or at least within the next 24 hours, the ticket is entered in the Albany computer complaint file and placed in the master file. A search is made of the master file for all pertinent information, such as outstanding tickets or prior convictions, and this information is logged with the complaint file. The search may disclose that the ticket should be dismissed if the motorists are licensed or registered, or for equipment violations if a paid receipt for the repairs, dated within 24 hours or issuance of the summons, is submitted by mail. In such cases, the motorist is notified by mail that the complaint has been dismissed.

The search may also disclose that an appearance is required because of the previous driving record. In this case, the motorist is notified automatically from Albany that he must appear at a certain office on the date set on the summons. A notice of the hearing is also sent via the police coordinator to the police officer who is expected to appear. Six days before the hearing, a second notice is sent and the summons returned to the motorist.

The motorist himself often decides whether or not he will appear before the AAB according to how he wants to

Appendix B-2 (cont'd)

plead: not guilty, guilty with an explanation, or guilty. If he pleads not guilty, he and the officer must appear; if he appears guilty with an explanation, the officer does not need to appear and the fine schedule is ignored; if he pleads guilty he does not need to appear at all.

The system for handling pleas is done almost exclusively by mail. To plead guilty, the motorist simply must determine the amount of the fine, as printed on the summons, send or bring in his check, together with the summons and Part 2 of his driver's license (the record of convictions). He can go to any one of the five offices located in the five boroughs -- each borough has direct access to the Albany data base. He must do this before the court date, but will not be seriously penalized if he does it afterwards.

To plead not guilty the motorist is required to send or take the marked summons to the AAB within 10 days and then appear. In fact, no penalties attach to failure to plead on time, and if he appears on the court date, the hearing may be held. The same procedure is true for guilty with explanation pleas. If sufficient notice of a not guilty plea has been given, the policeman will have received a notice of hearing, and is expected to attend. If he does not appear, and is not excused by reason of absence or appearance before a higher body, the the complaint is dismissed. If the absence is excused, the hearing is rescheduled.

Appendix B-2 (cont'd)

Hearings are held from 8:30 a.m. to 4 p.m. Monday to Friday, and in addition from 5 to 8:30 p.m. on Wednesday. There are four calls: 8:30, 10:30, 1:00 and 2:30. Hearings are on a first come, first served basis. There are sufficient examiners at each hearing site so that the wait will not be more than two hours. They can also handle easily the numerous non-scheduled appearances of people who just appear to plead guilty with an explanation, or otherwise want to see the examiner, and for those who have received notices of suspension for failure to appear previously.

Upon entering the hearing site, the motorist is directed to one of the hearing rooms, where he hands the clerk his summons (returned to him from Albany with the notice of hearing and acceptance of the plea) and his driver's license. The referee at the beginning of each session gives a short traffic safety lecture. Before each individual case is heard he repeats the essentials of the lecture, and warns that conviction may result in suspension of the license.

When each case is called, the clerk inquires of the Albany computer for all the relevant information in the master file by typing out the summons number and name of the defendant. Within seconds the information is shown on a visual screen similar to a small television set. The first section of information deals with the validity of the license, the charge, type of license, etc., and does not include prior convictions.

The hearing is held in an orderly manner, but the rules of evidence and order of trial are relaxed. After the hearing, at which counsel can be present, if the decision is not guilty, the license is returned to the motorist, and the summons so marked and the computer notified. If the decision is guilty, the clerk requests the prior record information from the computer, which the judge relies upon in sentencing. The conviction is noted on the license and computer file. In fact, each disposition is tailored to the individual involved. Warnings are given regarding danger of suspended licenses for continued violations.

The license and summons are marked and sent by pneumatic tube to the cashier located at the hearing site. The motorist may pay the fine immediately and receive back his noted license and a receipt. If he is unable to pay the fine forthwith, he will be issued a temporary license for two weeks, or whatever time is required, at which time the case is rescheduled. If his license is suspended, his permanent license is kept from him. He receives only a 30-day temporary license, unless he waives the 30-day waiting period.

The only other instance not covered is the case where the motorist appears either without pleading on his court date, or else comes at an unscheduled time and wants to plead not guilty, thereby requiring the presence of the arresting officer. In such cases, the motorist may have his case heard if the officer can be located, or the motorist may choose

to reschedule the case. Most people have chosen to proceed immediately, and in almost all cases the officer has been reached by telephone and has come to the hearing site within 1 1/2 hours.

The last major category deals with scofflaws, those motorists who fail to take any action by the court date and do not appear at that time. The computer automatically sends out notice of suspension letters five days after the scheduled date. The suspension is postponed for 30 days, and will go into effect only if the motorist does not appear. To date, the notice has been effective. There is no penalty, in terms of increased fines, etc., for lateness.

If the person totally fails to appear, his license is suspended by the computer. However, this is merely a "paper" suspension. The police departments are notified, and must pick up the licensee. In some cases the only effective enforcement is when the motorist applies for renewal. There have been numerous questions raised about the practices of suspending licenses -- it has been likened, for example, to using a bat to kill a fly. The AAB, however, has so far found it effective. 1468 scofflaw notices go out per day, which is 30 percent below the previous rate. To drive while suspended is a misdemeanor.

The system is reputedly less expensive than a reformed court system in New York. This is in spite of the fact that many more people are being paid, new and attractive hearing sites have been developed, and the cost of the computer equipment

Appendix B-2 (cont'd)

has been significant. The reason proponents claim it is less expensive is because of the lower cost of personnel -- examiners receive \$15,000 whereas judges nearly \$30,000; clerks receive \$5500, whereas court clerks are paid \$8000. More importantly, it is said to be more effective in actually collecting fines. So far, the Bureau has collected at least twice as much in fines as did the Criminal Court.

Fines are distributed as follows: operating expenses of the AAB are paid, the state receives \$4 per ticket processed, and New York City receives the remainder. In one month's operation in the hearing rooms alone the AAB collected \$67,000, excluding mailed-in fines.

Physically, each borough has one hearing site. There are six to seven referees at each location, each with a hearing room. Every day two referees are assigned to guilty pleas (with explanation, or mandatory appearances); about 180 cases are heard by each referee a day. The other five hear not guilty pleas and handle an average of 30 a day. Each hearing officer has a clerk and court attendant in his hearing room. In addition, there are several clerks, cashiers, and custodial personnel. The administrative office consists of a director, assistant director, supervising referee, and chief clerk.

APPENDIX C

AUTOMATED PROCESSING UNDER
THE DISTRICT COURT SYSTEM

General Description

The system recommended consists of a central computer data center located in Trenton and teleprocessing terminals in each of the 66 violation bureaus. Each violation bureau will contain terminals to transmit information to and receive information from the data center through leased telephone lines. The system is designed to provide immediate communication between each District Court and the Data Center.

The system is designed to handle all processing of information concerning traffic matters from the distribution of tickets to municipal police officers to the disposition of summonses. It is also designed to reconcile cash collected for all funds collected by the district courts.

Major Functions of the System

The major functions performed by the system are as follows:

1. Violation Table. A master file of all traffic statutes and local ordinances is maintained by the Data Center computer.

Appendix C (cont'd)

This file is used as a table by the computer for determination and distribution of fines, costs, and bail amounts and for identification of violations that require court appearance.

2. Badge Number File. A master list of all law enforcement officers who may issue summonses and their badge (shield) numbers is maintained in the Data Center computer. This file is used by the computer for the printing of ticket holder names on the Ticket Distribution Report, printing of complainants names on Supplemental Notices and on Monthly City, County and State Payables Report. These applications are discussed below.

3. Processing Issued Summonses. This function initiates the operating cycle for the issued traffic complaints process in the court and in the Data Center computer.

The law enforcement agency will deliver a copy of each issued ticket to the court on a daily basis. The court clerk will assign a consecutive docket number to each ticket. Information from the tickets will be transmitted to the Data Center computer through the court's remote terminal. This information is compiled on the computer in a Daily Violation File. Near the end of the day the computer transmits to the court, through the remote terminal, a Summons Transmittal Record (Exhibit C-1). The Summons Transmittal Record lists, in summons number sequence, information from all issued tickets transmitted by the court that day. These are verified by a court clerk against the issued tickets. After verification, the court instructs the Data Center computer, through the remote terminal, that the

Exhibit C-1

SUMMONS TRANSMITTAL RECORD

Date 10-1-70

Loc	Summons No.	Registration No.	State	Complainant No.	Violation Date	Violation Statute	Trial Date	Court App.	Bail Code	Docket No.	Error	Messages
31	H249090	NZR509	NJ	M-1759-50	09-28-70	39-04-059	10-05-70		2	0-08478		
31	H248073	L11727	NJ	M-2224-50	09-29-70	39-04-098	10-23-70	*	1	0-08479		
31	A060321	6D14300	FL	A-2065-10	09-29-70	39-04-144	10-23-7	*	1	0-08480		
31	A060412	RDJ417	NJ	A-2135-10	09-29-70	39-04-096	10-26-70		1	0-08481		

Moving....State 16

County 3

City

Parking....State

County 1

City 8

Total Summonses 28

information is correct. The computer will then prepare the docket sheets (described below) and transfer the Daily Violation File to the Summons Master File.

The court's copy of the issued summons will be filed in an outstanding summons file in summons number order in the violations bureau.

The Data Center will prepare daily docket sheets from the Daily Violation File (Exhibit C-2). The docket sheet will contain the following information in docket number order:

- ¶ Docket number
- ¶ Summons number
- ¶ Defendant's name and address
- ¶ Description of offense and date of offense
- ¶ Complainant

The docket sheets will be transmitted daily to the respective court where they will be inserted in a docket book. The court clerk can manually post disposition information in the docket book. Although maintenance of the docket book could be accomplished at the Data Center, it is recommended that the court retain the docket book until court personnel have gained experience and developed confidence in the proposed computer system.

4. Supplemental Notices. Under the present system, the municipal court mails a notice (Supplemental Notice) to violators who have failed to pay their fine or appear in court at the time

Exhibit C-2

DOCKET SHEET

Court No. 31

Docket No.	Summons No.	Defendants Name and Address	Offense and Date	Complainant N/P, P	Disposition	Data
8478-70	H249090	William J. Smith 12 First St., Trenton, N.J.	39-4-59 9-28-70	M-1759-50 N/P		
8479-70	H249244	John A. Alexander 353 Fair St., Paterson, N.J.	39-3-29 9-29-70	M-1830-50 P		
8480-80	074101E	Arthur G. Snyder 201 Main Ave., Allentown, Pa.	1-31- 9-30-70	A-119-10		

Appendix C (cont'd)

specified in the summons. This notice describes the violation and sets a new trial date. The accused is given the option to plead guilty and pay the fine and costs before the new trial date.

The proposed Data Center computer will prepare these Supplemental Notices for all summonses not disposed within eight days from the trial date. These notices will be generated by the computer in a daily run of the Summons Master File and mailed by the Data Center (Exhibit C-3).

5. Warrant Issuance. An arrest warrant is issued by the court for violators when a summons is not disposed after the Supplemental Notice is sent. This is performed manually in most courts and the time for warrant preparation varies and is dependent upon other clerical workloads of the court.

Under the proposed system, the Data Center computer will prepare warrants for all summonses not disposed within thirty days of the trial date set in the Supplemental Notice (Exhibit C-4). The computer will also print out a record of any other unserved warrants issued for the same violator. The prepared warrant and list of outstanding warrants will be transmitted to the regional court. The court will then indicate the bail amount on the warrant based on the violation at issue and the existence, if any, of outstanding warrants.

6. Calendar List. On the day before each scheduled traffic court date, the Data Center computer will transmit to the court, by remote terminal, a Court Calendar listing all undisposed

Exhibit C-3

You Are Viewing an Archived Report from the New Jersey State Library

The Municipal Court of Bloomfield

Law Enforcement Bldg, Municipal Plaza

Bloomfield, New Jersey 07003

TO

Date _____

Docket No. _____

Summons No. _____

D.L. No. _____

Reg. No. _____

Month and Year of Birth _____

Eye Code _____

The records of this court indicate that _____
(Person signing complaint: If trooper or inspector so indicate)

filed a complaint charging you with _____ on _____
(violation)

_____ at _____ and _____
(Date) (location)

that summons (number indicated above) was issued for your appearance in this court on _____
(Date)

Since you failed to appear in court and have not paid the prescribed fine,

YOU ARE ORDERED to appear in this Court on _____
Date

at _____. If you wish to plead not guilty OR if you wish to plead guilty, to pay the prescribed fine of \$ _____, costs of \$ _____, a total of \$ _____, before said date by mail or in person (you must sign the back of the summons and return summons with your payment). If summons is lost return this letter with your signature at bottom signifying your entry of a plea of guilty to the charge.

RESIDENTS OF NEW JERSEY—A warrant will be issued for your arrest if you fail to appear in court or pay the prescribed fine and costs. Moreover you may be subject to contempt of court and additional penalties and possible revocation of your driving privilege by the Director of the Division of Motor Vehicles.

NON-RESIDENT MOTORISTS—If you fail to appear in court or pay the prescribed fine and costs your driving privilege in New Jersey may be revoked and your own Commissioner of Motor Vehicles requested to take action against you and a warrant may be issued for your arrest should you be found in this State.

BY ORDER OF THE JUDGE

(Court Clerk)

Office Hours: _____ 9 A.M. to 4 P.M. _____

Telephone: _____ 743-4400 _____

(Please return this Notice and your Summons when making payment. A receipt will be sent to you only if your payment is accompanied by a self-addressed stamped envelope.)

**WARRANT
TRAFFIC VIOLATION**



Municipal Court of Bloomfield
LAW ENFORCEMENT BLDG.
MUNICIPAL PLAZA, BLOOMFIELD, N. J. 07003

STATE	REGISTRATION NUMBER	VIOLATION			DATE WARRANT ISSUED			BAIL \$	SUMMONS NO.	WARRANT NO.
		MO	DAY	YR	MO.	DAY	YR			

To any police officer (see Instructions on Reverse side)

you are hereby commanded to arrest the defendant whose name and address are shown below and bring him before this court to answer a traffic complaint charging a Traffic Violation in the Town of Bloomfield unless the defendant posts Bail before an authorized official in the amount shown above.

BY ORDER OF THE COURT

CLERK
CLERK'S OFFICE HOURS: MON. - FRI. 9:00 AM - 4:00 PM
TELEPHONE: (AREA CODE 201) 743-4400

Exhibit C-5

CALENDAR LIST

Court No. 31

Docket No.	Summons No.	Defendants Name and Address	Offense and Date	Complainant N/P, P	Supplemental Notice	Warrant Issue
8478-70	H249090	William J. Smith 12 First St., Trenton, N. J.	39-4-59 9-28-70	M-1759-50 N/P	11-5-70	12-28-70
8479-70	H249244	John A. Alexander 353 Fair St., Paterson, N. J.	39-3-29 9-29-70	M-1830-50 P	11-12-70	
8480-80	074101E	Arthur G. Snyder 201 Main Ave., Allentown, Pa.	1-31- 9-30-70	A-119-10		

summonses listed for the next day's court session (Exhibit C-5). This will be compiled from the Master Summons File.

The Court Calendar will list the following information:

- ¶ Name and address of defendant
- ¶ Docket number
- ¶ Summons number
- ¶ Name of complainant
- ¶ Description of offense
- ¶ Date of offense
- ¶ Indication of issuance of Supplemental Notice or Warrant
- ¶ If applicable, a list of outstanding summonses, supplemental notices, and warrants against the defendant

7. Driver Record Report. On the day before each scheduled traffic court trial date, the Data Center computer will transmit to the court, by remote terminal, a copy of the Division of Motor Vehicle driver history record of each defendant listed for the next day's court session. This will be accomplished by having the Data Center computer query the Motor Vehicle Division computer upon preparation of the Court Calendar.

The driver record history will be transmitted, by remote terminal, to the court. On the trial day, a court clerk will present the driver record to the judge after the determination of guilty or not guilty is made and before the judge determines penalty.

8. Processing Disposition of Summonses. This function terminates the cycle for an outstanding summons. It is used for all paid or otherwise disposed summonses.

When a summons is paid or otherwise disposed, the following procedure will be used:

1. The court clerk removes the court copy of the summons from the open summons file (where it is filed in summons number order).
2. The clerk enters on the remote terminal and transmits to the Data Center computer the summons number, the amount of fine, costs, other charges, type of violation, and plea.
3. At the close of the day, the Data Center computer transmits to the court, by remote terminal, a Daily Cash and Disposition Record. This Record lists all transactions for the day. The totals at the end of the Record are reconciled against the cash receipt machine total and the actual payments.
5. After verification, the court clerk prepares a deposit list for the day's receipts.
6. The court clerk posts disposition information in the Docket Book.

Appendix C (cont'd)

7. The Data Center computer updates the Summons Master File using the verified summons disposition information.

9. Motor Vehicle Disposition Notification. Under the present system, each court must file a Disposition of Traffic Violation Report (MF-1) with the New Jersey Division of Motor Vehicles for each summons disposition. The report is to be filed within three days after such disposition and is used to update the Division's driver record file.

The completion of the MF-1 form for each summons disposition requires a court clerk to enter the following information:

- ¶ Name of court
- ¶ Name of judge
- ¶ Court address
- ¶ Court number
- ¶ County
- ¶ Type of complainant
- ¶ Name of defendant
- ¶ Address of defendant
- ¶ Defendants' license number, expiration date and registration number
- ¶ Defendants' date of birth, color of eyes and sex
- ¶ Summons number
- ¶ Date and time of violation

- ¶ Violation title number
- ¶ Location of violation
- ¶ Date and nature of disposition

Under the proposed system, the Data Center computer will, on a daily basis, create a tape listing all of the above information for each summons disposed. The information will be drawn by the computer from the Master Summons File and from the Daily Transaction File. The tape listing of the MF-1 information will be transmitted to the Division of Motor Vehicles for direct feed into the Motor Vehicle computer. This will eliminate the present processing of MF-1 reports to punch cards by the Division of Motor Vehicles.

10. Monthly Docket Index. The Data Center computer will prepare and transmit a Monthly Docket Index (Exhibit C-6). Arranged in alphabetical sequence by defendant, the Index will list the following information for all summonses issued during the month:

- ¶ Defendant's name
- ¶ Violation date
- ¶ Date of disposition, if applicable
- ¶ Docket number

When confidence is gained in the new system, the index can be eliminated. In its place, the court clerk can query the Data Center computer for docket index information through the remote terminal. By keying in the defendant's name, the computer will transmit the docket information to the court terminal

Court 31

Date 08-31-70

Violators Name	Summons No.	Viol-Date	Disp-Date	Docket-No.
Adamo Paul	H236998	08-06-70		07982-70
Allen J Brian	0010574	08-17-70	08-27-70	09090-70
Allen J Brian	0010575	08-17-70	08-27-70	08091-70
Alston Soldon	H237058	08-19-70		08127-70
Ansel M Stanley	H249136	08-27-70		08185-70
Apgar Jr L John	H237003	08-06-70		07987-70
Bach H Richard	073439E	08-22-70		08164-70
Banks C Frederick	H249744	08-23-70		08196-70
Bareise E Clorinda	071923E	08-04-70	08-18-70	07952-70
Barone L Carmela	H250151	08-25-70		08199-70
Barra Louis	H237036	08-18-70	08-31-70	08123-70
Barrett E Raymond	074078E	08-28-70		08205-70
Barrett E Raymond	074079E	08-28-70		08206-70
Barrowclough E Sandra	H249060	08-10-70		08043-70
Basilone Angelo	074049E	08-28-70		08234-70
Basto J Anthony	073951E	08-21-70	09-01-70	08146-70
Bauer Jack	072458E	08-02-70		07945-70
Bell 3rd G John	H249652	08-07-70		08060-70
Beniuk Nina	063776E	08-16-70	08-28-70	08081-70

unit.

11. Financial Distribution Reports. At the close of each month, the Data Center computer will compile and print the following reports for each District Court:

1. Municipal Payables Report for each municipality concerned
2. County Payables Report
3. State Payables Report

These reports will list all paid or otherwise disposed summonses, in sequence by disposition date and summons number, as they pertain to municipal, county or state fines. The reports will contain the following information:

- ¶ Summons number
- ¶ Date paid
- ¶ Name of defendant
- ¶ Description of violation
- ¶ Nature of disposition
- ¶ Amount of fine
- ¶ Amount of costs or other charges collected

The end of the listing will contain a total which represents the amount the relevant jurisdiction is to receive for the month reported.

12. Ticket Distribution Control. Under the present system, each court is responsible for maintaining a record of all tickets distributed to municipal police officers. These tickets are pre-numbered and generally issued in consecutively numbered books of

Appendix C (cont'd)

ten to thirty tickets. In most courts, a manually posted log-type ledger is used to maintain a record of each ticket distributed to police officers.

The proposed system includes a computer function to maintain a record of all tickets distributed to police officers, including a continuous update of the status of each ticket.

When an officer is issued a book of tickets, the numbers of the tickets issued and the officer's badge number is transmitted to the Data Center by terminal. The computer will use this information to update the Ticket Distribution File. The Summons Master File, which contains information on all tickets issued and disposed, is used to update the Ticket Distribution File as to activities pertaining to each ticket.

From this updated Ticket Distribution File will be printed, on a monthly basis, a cumulative listing of issued tickets arranged by police agency (Exhibit C-7). This report, arranged in ticket number order, will indicate the following information:

- ¶ Ticket number
- ¶ Date ticket was distributed to the officer
- ¶ Police officer name
- ¶ If summons is issued, the date of issue
- ¶ Type of disposition by code (Paid to violations clerk, found guilty by court, found not guilty, etc.)

Exhibit C-7

01-31-71

PAGE 1

CENTRAL CITY TICKET CONTROL

TICKET NUMBER	TICKET DISTR. DATE	OFFICER	SUMMONS ISS. DATE	DISPOSITION DATE	CODE	REMARKS
060229E	03-24-70	SMITH	05-24-70			
060300E	03-24-70	SMITH	05-24-70	08-04-70	1	
060301E	03-24-70	SMITH	05-26-70			
060302E	03-24-70	SMITH	05-30-70	10-15-70	2	
060303E	03-24-70	SMITH	06- 2-70	06-05-70	1	
060304E	03-24-70	SMITH	06- 2-70			
060305E	03-27-70	WILLIAMS	03-28-70	05-27-70	3	

When desired, the Ticket Distribution File can be used to produce statistical and analytical information for court and law enforcement management uses. One example would be an analysis of the number and type of tickets issued arranged by issuing officer. Another would be an analysis of disposition results of tickets issued for each issuing officer.

13. Other Reports. The system has the capacity to generate a wide range of periodic or as-needed reports. The following examples are illustrative of the types of reports that might be useful.

Much of the information currently compiled in the Monthly Municipal Court Report could be produced by the computer.

A list of summonses that are outstanding a set number of days beyond the trial date could be printed by district, by municipality or for the entire state.

A list of all offenders who have more than a given number of outstanding summonses could be generated.

A listing of outstanding summonses by out-of-state defendants could be produced.

Equipment Needs and Costs

The equipment configuration recommended is made on the basis of a general systems analysis, considering estimated volumes of transactions, record formats and administrative

reports. The equipment configuration would have the capability of supporting a teleprocessing network to the 66 violation bureaus, maintaining extensive files, generating reports, communicating with the computer files of the Division of Motor Vehicles, and expanding if required to support any foreseeable information system requirements of other courts in the state judicial system.

For the purpose of detailing specific equipment needs and costs, this report lists IBM equipment models and present costs. This is not intended to be, nor should it be construed as, a recommendation for that manufacturer's equipment. It is presumed that a more detailed study of hardware needs and an analysis of available equipment by all manufacturers will be made before equipment is ordered.

Appendix C (cont'd)

CENTRAL DATA PROCESSING CENTER
 POSSIBLE EQUIPMENT CONFIGURATION

		Annual Rental	Purchase
370/145	Computer (240,000 bytes of main memory)	\$162,000	\$640,000
3811	Control Unit	9,000	36,000
3211	Printer (2000 lines/min.)	21,000	82,000
3830	Disk Storage Control	28,800	113,000
3330	Disk Files	31,200	123,000
3803	Tape Control	8,100	31,000
3420	Tape Drives	7,320	32,000
2821-6	Control Unit	5,280	15,000
2540	Card Read Punch	7,920	33,000
	TOTAL	\$280,620	\$1,105,000

Appendix C (cont'd)

DISTRICT TERMINAL INSTALLATIONS

	Annual Rental	Purchase
30 Locations:		
1 Control Unit (2972-11)	\$ 4,620	\$ 13,485
1 Cash Receipt Terminal (2980-4)	1,500	3,240
1 Administrative Terminal (2980-2)	<u>960</u>	<u>1,675</u>
	7,080	18,400
32 Locations:		
1 Control Unit (2972-11)	4,620	13,485
1 Cash Receipt Terminal (2980-4)	1,500	3,240
2 Administrative Terminals (2980-2)	<u>1,920</u>	<u>3,350</u>
	8,040	20,075
4 Locations:		
3 Control Units (2972-11)	13,860	40,455
3 Cash Receipt Terminals (2980-4)	4,500	9,720
6 Administrative Terminals (2980-2)	<u>5,760</u>	<u>10,050</u>
	24,120	60,225
XXXXXXXXXXXX		
30 Installations @ 7080/18,400	\$212,400	\$552,000
32 Installations @ 8040/20,075	257,280	642,400
4 Installations @ <u>24,120/60,225</u>	<u>96,840</u>	<u>240,900</u>
TOTAL	\$566,160	\$1,435,300

Appendix C (cont'd)

SUMMARY OF EQUIPMENT COSTS

	Annual Rental	Purchase
Central Data Center Equipment	\$280,620	\$1,105,000
District Terminal Equipment	<u>566,160</u>	<u>1,435,300</u>
TOTAL	\$846,780	\$2,540,300
Lease of Telephone Lines	\$ 48,000	

PRE-INSTALLATION COSTS

Site Preparation and Furniture	\$ 50,000
Programming Costs by Outside Agency	<u>100,000</u>
TOTAL	\$150,000