

NEW JERSEY SUPREME COURT COMMITTEE ON
WOMEN IN THE COURTS

SUBCOMMITTEE ON PUBLIC EDUCATION

REPORT AND RECOMMENDATIONS OF
THE SUBCOMMITTEE

FEBRUARY 1, 1995

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INTRODUCTION

The Subcommittee on Public Education was formed by the New Jersey Supreme Court Committee on Women in the Courts at its regular meeting of October 25, 1994. The Subcommittee's mission was to prepare a report and recommendations to be submitted to the Administrative office of the Courts and to the Chief Justice.

This Report and Recommendations contain the Subcommittee's answers to the questions of how to educate the public about Superior Court Judges, the judicial selection process, and the operations of the courts, especially in the area of the Family Part where allegations of gender bias are common. The Recommendations are offered in furtherance of the Committee's overall mission to identify issues of gender bias in the operation of New Jersey courts. Thus, these recommendations are offered with the goals of addressing gender bias, and the perception of gender bias, which have been raised by litigants, action groups and individual litigants in the operation of the Family Part, and of educating the public about the function of the judge in the Family Part.

This Report contains a brief summary of the facts which have been gathered by the Subcommittee from members of the judiciary and from newspaper reports of the actions of members of litigants' action groups. These facts are set forth in Part I, and are the context for the Subcommittee's Recommendations.

The Recommendations of the Subcommittee are offered in two parts. Part II of this Report contains the Recommendations which

concern the administration of the courts. Part III addresses recommended AOC procedures designed to assess, at the request of the judge, the allegations made against any sitting judge who has been targeted by litigants' action groups and individual litigants.

Finally, the Supreme Court Committee on Women on the Courts voted and adopted on these recommendations at the regular meeting scheduled of January 11, 1995. Specifically, the Committee adopted all of the Recommendations, and approved a motion to present the Recommendations to the Chief Justice and to the Administrative office of the Courts.

Part I:

FACTS SURROUNDING ACTIONS
OF LITIGANTS' ACTION GROUPS

On November 17, 1994, the New Jersey Law Journal published in an article, "Pursuing Detente in Family Court" (copy attached hereto in Appendix). "Family court judges have been specifically targeted for bitter attacks begun by non-custodial fathers' rights groups whose members had bad experiences going through divorce, working out custody arrangement or living up to support obligations," the author, Lisa Brennan, reported. The article further discussed the actions of Hon. Robert Fall, Assignment Judge of Ocean County in response to these litigants' action groups. Judge Fall met with the groups and invited them to serve on committees working on "reform" issues. The article reports that Essex County's Judge Thomas Zampino has also met one of these groups.

The article did not describe the details of the actions take by these groups. Attached in the Appendix to this Report are copies of newsletters of "AboutFace NJ, Fathers & Children's Equality-NJ" which was mailed to Judge Vincent Grasso on December 8, 1994. Also attached is a copy of a newsletter from the group, P.A.C.T., "People Against Corruption and Tyranny", which was sent to Judge Graham Ross on November 14, 1994. The newsletters discussed the actions for which the groups take responsibility. Finally, a flyer from the NJ Council on Children's Rights is also attached in the Appendix.

Page Eleven of the AboutFace newsletter reports that the group picketed Judge Vincent D. Segal's home on Sunday, October 30, 1994. The article refers to the judge's wife and daughter by name. It contains photographs of the picketers in front of Judge Segal's home, and the judge's cars in his garage. The newsletter states that on Sunday, January 29, 1995, Super Bowl Sunday, the group will meet in Mount Laurel to demonstrate "at the home of one of our favorite judges." Other picketing episodes have been reported from other judges.

The P.A.C.T. newsletter discusses enforcement of domestic violence laws and refers to certain judges by name, stating, "While the accuser in most DV Complaints cannot substantiate Probable Cause, the judges' words IN FAMILY COURT (sic) are on the transcripts - in such courts as presided over by the REAL animals masquerading as judges - Ross (Somerset), Herman (Gloucester), Segal (Camden), Zampino (Essex), Epstein (Middlesex), Russell (Sussex), Sweeney (Burlington), Cuff (Monmouth), Antonin (Hudson), Fall (Ocean), Parker (Morris)." They writer concludes, "WE, at P.A.C.T., have started our own Data Base, and are building dossiers on ALL these judges (with one or two notable exceptions, they are ALL bad)."

Also attached hereto is a flyer which was distributed at a Somerset County custody workshop. The flyer states that the N.J. Council for Children's Rights "considers Judge Ross to be one of the most biased, most incompetent family court judges in New

Jersey". The flyer also quotes a 14 year old child as stating, "Judge Ross does not care about children of divorce. He instills hostility among the parents and uses children as a weapon against the fathers by restricting visitation I know two small children who want to see their father more than ever other week but Judge Ross doesn't care what they want."

Part II:

THE COMMITTEE'S RECOMMENDATIONS
CONCERNING PUBLIC EDUCATION

No. I Issue: Litigants in all courts, but particularly in the Family Part, often misunderstand court procedures and misinterpret the need for the court to be neutral and uninvolved as gender bias or indifference. It is the experience of some of the Committee members that on occasion litigants believe they are treated unfairly because of gender. The public should be educated about the precedents, laws and rules which govern a judge's decision on contested matters.

First Recommendation: Modify the existing state-wide program of one mandatory workshop on child custody and mediation to include education on child support, alimony, pendente lite orders, child support guidelines, the methods by which these issues are decided, and the purpose of the Early Settlement Panel. The new workshop would also include a discussion of the objectivity of judges, addressing head-on the perception of gender bias and gender stereotypes in the judiciary. The workshop would be mandatory (attorney participation is not necessary), and would occur no later than the earliest of the first day a litigant attends an ESP or a custody workshop, or within three months of the issues having been joined in the case. The workshop would describe and discuss the procedural aspects of determinations of support and custody, and would be developed and presented in each county by the AOC in

cooperation with the presiding judge of the Family Part and the county bar association. The procedural aspects of support and custody could be presented in a videotape (in English or Spanish) with facilitators to answer questions of the litigants in person. The New Jersey State Bar Foundation should be approached to fund the video.

Second Recommendation: All local, county and specialty bar associations should be encouraged to take a strong lead in educating the public concerning the operation of the Family Part, and the way custody, child support, alimony and equitable distribution issues are resolved by the courts. Programs could be offered through the New Jersey Bar Foundation or local community colleges. In addition, local newspapers and television stations could run regular columns and programs on the role and limitations of the court especially in family matters.

Third Recommendation: The AOC should develop for mandatory use state-wide a Family Part Litigants' Pamphlet to educate the public concerning the operation of the Family Part, the process of divorce, and the laws surrounding custody, child support, alimony and equitable distribution. The Pamphlet should also address the issues of gender bias and gender stereotypes in the judiciary. The pamphlet should be written by Family Law practitioners, and printing should be paid for by the AOC. Every litigant in the Family Part should be given a copy of the pamphlet upon filing of

a Complaint, an Answer, and upon attending ESP and child custody workshops.

No. 2 Issue: New judges who are often inexperienced in the area of Family Law are frequently assigned to the Family Part as their first assignment in their rotation through the system, and the assignment is frequently viewed by lawyers and judges as undesirable.

Fourth Recommendation: New Family Part judges should be required to observe sitting Family Part judges to see how different judges handle the issues raised in Family Part, including domestic violence, juvenile justice and pendente lite support, in addition to civil or criminal court orientation. Strong consideration should be given to establishing a mentor program in the Family Part, matching a new judge to a judge who has served in Family Part.

Fifth Recommendation: Where possible, non-tenured judges who have no experience in the practice of Family Law should not be assigned to sit in the Family Part as their first assignment.

Sixth Recommendation: Where possible, experienced and tenured judges should be a substantial component of, and assigned to, the Family Part.

Part III

THE COMMITTEE'S RECOMMENDATIONS
CONCERNING THE JUDICIARY

No. 1 Issue: Individual judges and the AOC are not in a position to defend the individual members of the judiciary who occasionally are targeted for unfair, personal attacks by litigants' actions groups or other aggrieved litigants, such as those outlined in Part I. Because of the neutral position adopted by the AOC and the judiciary, the public is not informed about the abuse of judges by aggrieved litigants, which are described in detail in Part I. As a result, the public does not hear a rebuttal when baseless, vitriolic charges are made against judges.

Seventh Recommendation: The AOC should implement a program of providing an individual (e.g., an AOC staff member, a member of a bar association committee, a member of a Supreme Court evaluation committee) who shall appear in a targeted judge's court room (upon the invitation of the judge) as a witness to what occurs. The judiciary shall be informed that the new service is available on a voluntary basis. Upon the invitation of the judge, the AOC judiciary support staff person shall witness what occurs in the court room and prepare a written report of what has occurred in the courtroom, and the surrounding areas, such as picket lines. The written report would be given to the judge requesting the visit.

Eighth Recommendation: The AOC should assign a member of its staff who will be responsible for gathering information and documents voluntarily presented by any judge targeted by an aggrieved litigant. The information and documents shall be made available for use in educating the public concerning the issues raised by any aggrieved litigant.

Ninth Recommendation: The committee recommends that the Chief Justice refer the Report and Recommendations of this Committee to both the Supreme Court Committee on Family Practice and the Supreme Court Committee on Relations with the media for implementation.

Respectfully Submitted,



Ellen O'Connell, Chair

The Subcommittee on Public Education

February 1, 1995