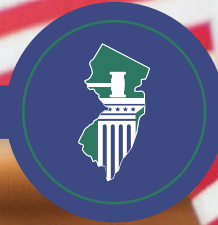


JUDICIARY TIMES

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Reforming our state's municipal courts

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



Judge
Glenn A. Grant

It has long been recognized that our state's municipal courts are the public face of the Judiciary, since most people will never appear in another court, other than as a juror. If you have ever had to pay a fine for a motor vehicle ticket or received a citation for violation of a municipal ordinance, you likely conducted business or have appeared in one of New Jersey's 515 municipal courts as a plaintiff, defendant or witness. Our municipal courts handle about six million cases annually, while about one million cases are filed in our Superior Courts.

This is why the recommendations contained in the recent report on the municipal courts commissioned by Chief Justice Stuart Rabner last year are so critical. The Judiciary has for several decades been involved in efforts to ensure that the operations of our municipal courts are consistent with the

grand mission and vision of our court system.

The Supreme Court Committee on Municipal Court Operations, Fines and Fees, chaired by Assignment Judges Julio L. Mendez of the Atlantic/Cape May Vicinage and Lisa P. Thornton of the Monmouth Vicinage, recommended 49 changes to the state's municipal courts.

These changes include procedural safeguards for defendants unable to pay a fine, alternatives to bench warrants and driver's license suspensions, an evaluation process for the appointment and reappointment of municipal judges, the consolidation of smaller municipal courts and improved access to municipal courts through technology.

Major changes to the municipal court system were implemented with the enactment of the 1947 constitution. In 1958, then-Chief Justice Joseph Weintraub called for the institution of a system of regional courts with judges appointed by the governor. These sentiments were echoed again in 1969 by Edward McConnell, then administrative director of the courts; in 1971 by an outside consultant who urged a similar restructuring, and, finally, in 1979 by then-Chief Justice Richard J. Hughes.

A 1983 task force conducted an exhaustive study of the operation and administration of the municipal courts, including statewide management structure; personnel; budget and finances; trial and case processing and court facilities and operations.

Significant recommendations from the 1983 report were adopted, including changes to the budgetary process and technological improvements. However, recommendations that were not adopted related to changing the appointment process, establishing the provision of tenure and requiring uniform, capped salaries for municipal court judges.

The primary focus of the most recent report involved a review and discussion on the operational and institutional infrastructure of our municipal system. The report noted that our municipal courts judges compared favorably to other states' and overall our municipal court judges are hardworking and dedicated to doing their jobs responsibly. The report pointed in particular to mandatory training in which judges and staff are required to participate. An example of this training is the evolution of our certification program for municipal court administrators, which is detailed on Page 6 in this issue of the *Judiciary Times*.

We are dedicated to maintaining an independent, fair system of justice for our citizens. The recommendations outlined in the report will help us move closer in that direction. These efforts at progress and improvements to our system of justice have been decades in the making and are all designed to ensure that citizens who appear in our courts, at every level, are treated justly and fairly.

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Chief Justice: Employers can help change lives by hiring drug court participants

By Mike Mathis
Judiciary Times Editor

Drug courts change lives, and Chief Justice Stuart Rabner hopes the program's success leads to lasting opportunities for professional as well as personal achievement. In his annual remarks to the New Jersey State Bar Association, Chief Justice Rabner lauded the determination and hard work of drug court participants and graduates who, with the support of family and friends and a team that includes judges, Judiciary staff, treatment providers and prosecutors and defense attorneys, are striving to break the cycle of addiction.

Among the more than 5,200 participants who have graduated from the program, 85 percent have a full-time job and 30 percent improved their level of education and/or vocational skills. More than 630 babies have been born to drug court participants and graduates who had once been addicted to drugs. More than 200 parents regained custody of their children. The graduates are parents to more than 5,600 children who will have richer, fuller lives, the chief justice said.

However, he said, one of the most significant barriers for drug court participants – who have a criminal record – is to find stable employment, whether they have their GED or have vocational school training with certificates in a trade.

"All are eager to work to stay on the road to recovery, and they need our help to do that," the chief justice said. The chief justice asked those in attendance to help create partnerships with employers across the state to secure stable employment for drug court participants.

That would involve explaining to employers what drug court entails and the remarkable record of achievement those 5,200 graduates represent, and asking them if they would agree to review resumes of drug court participants and graduates and offer them jobs, he said.

The chief justice pointed to the recently opened Hard Rock Casino in Atlantic City and Local 54, which represents hospitality workers in the Atlantic City area. The casino and the union are working with the drug court program in the Atlantic/Cape May Vicinage to train and provide full-time employment for at least 30 drug court graduates.

Judge Mark Sandson, the vicinage's drug court judge, and Assignment Judge Julio L. Mendez also have contacted other large employers in the area with the hope that other drug court participants and graduates can find work. "I'm optimistic that the response will be positive," the chief justice said. "Many corporate citizens in our state will respond to the call if we approach them in the right way."



Chief Justice Stuart Rabner addresses the New Jersey State Bar Association convention. (Photo courtesy of the NJSBA)

"Tell us about companies you think might be willing to take a most important step of offering a recovering addict a job," the chief justice told the audience. "That's one of the most significant ways to respond to the public health crisis that exists all around us and help put people on the long-term path toward recovery."

The chief justice also announced the formation of a mentorship program for new attorneys. The program, proposed by the Commission on Professionalism in the Law and the Morris County Bar Association and approved by the Supreme Court, operates on a 12-month cycle with eight in-person meetings between a mentor and mentee. It is open to lawyers who have been admitted to practice for fewer than five years.

Mentors need at least seven years of experience. Both the mentor and mentee receive six hours of CLE credits for the year.

The need for a mentorship program resulted from the fact that many new lawyers do not receive sufficient practical training in areas such as how to work and communicate with clients and office staff, how to deal with adversaries, the court, and court staff, and how to manage a law practice.

"If we were lucky, we had the good fortune of clerking for a judge or working at an office where there were enough lawyers -- who had both time and patience -- to find a mentor and ask questions, or pick up skills simply by watching," he said.

Chief Justice Rabner urged bar associations throughout the state to create similar mentorship programs.

"It's not only a meaningful way to earn CLE credits, it's a way to give back, a way to pay it forward and enhance the practice of law in our state," the chief justice said.

Supreme Court committee issues report on reforming NJ municipal courts

By MaryAnn Spoto
Communications Manager
Administrative Office of the Courts

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

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

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

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

Fines and Fees

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

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

be financially overwhelming, can disproportionately impact the poor, and often become the starting point for an ongoing cycle of court involvement for individuals with limited resources."

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

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

Improvements in this area are already taking place. For example, internal efforts within the Judiciary have led to a reduction in contempt of court sanctions in nearly every vicinage for each of the past three years. Coinciding with the release of the report, the Supreme Court also adopted a series of court rule changes that set limitations on any monetary sanctions imposed on defendants who fail to pay or fail to appear in municipal court. These rules take effect Sept. 1.

Evaluating Judges

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

The report recommends the Judiciary establish a uniform and transparent statewide process to assess qualifications

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

"While there are many exceptional municipal court judges who serve with great distinction and independence, the perception is that some judges are evaluated based on inappropriate considerations," said Assignment Judge Lisa Thornton, who served as vice-chair of the committee. "An evaluation process would enhance judicial independence and public confidence in the impartiality of the municipal court system."

Organizational Structure and Court Access

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

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

Other recommendations focused on technological improvements, such as increasing the types of offenses that can be resolved online without a court appearance, allowing for installment payments without a court appearance, and modifying court notices to advise

defendants in plain language that their inability to pay will not result in incarceration.

Judge Glenn A. Grant, acting administrative director of the courts, said the report provides a valuable resource in the ongoing effort to improve New Jersey's municipal court system. "The recommendations set forth in the committee's report can play an important role in enhancing public confidence in the municipal court system," Judge Grant said. "Implementing the recommendations will require collaboration and cooperation among the three branches of government as well as the state's municipalities."

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

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

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

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

The report can be viewed at <https://www.njcourts.gov/courts/assets/supreme/reports/2018/sccmcoreport.pdf>.

Edna Baugh Steps Down from DRB

Edna Baugh (fourth from right) recently stepped down from the Disciplinary Review Board (DRB) of the Supreme Court of New Jersey. Baugh, who had served as vice chair of the board, was honored with a certificate signed by Chief Justice Stuart Rabner and the six associate justices. The certificate was presented by Associate Justice Jaynee LaVecchia (fifth from right). Created in 1978, the DRB is the intermediate appellate level of the attorney disciplinary system in the state.



The evolution of municipal court administrators

By Mike Mathis
Judiciary Times Editor

It wasn't too long ago that municipal court clerks were viewed as the people whose sole job was to collect the fines that judges imposed on defendants. While that may have been one of their primary functions in the past, their jobs have evolved into so much more now.

"You were basically seen as a clerk for the judge," said Tina LaLena, the recently retired chief of the policy and procedures unit in the municipal court services division at the Administrative Office of the Courts. "People thought municipal court administrators just took money for traffic tickets but it became more. We didn't have the complexity of the job we have now." The job has changed dramatically in the past 25 years, said LeLena, a former court clerk in Berlin Borough, Camden County. Today's court administrators must know about budgets, record keeping, hiring practices and disciplining staff, among other duties.

In 1994, New Jersey became the first state in the country to require its municipal court administrators to be credentialed. The Municipal Court Administrator Certification Board oversees the requirements of credentialing municipal court staff, including education, training and testing. The board also designs tests for certification, establishes procedures for certification, recertification, conditional accreditation, accreditation, and revocation or suspension of credentials. "We expect the court administrator to be a manager and a leader," LeLena explained. "They have a lot they are accountable for. And they need to embody our core values."

The transition of the court administrator from clerical employee to certified court professional did not happen by accident or chance. Moreover, it did not happen overnight. Municipal courts were established in 1948 with lay

magistrates presiding. LeLena, who was raised and still lives in Berlin Borough, said her father, then a state trooper, would meet court clerks on the front porches of their homes – which also doubled as their offices – to get warrants signed. It was not until 1960 that the first procedures manual for the municipal courts was published. For years, tax collectors, tax assessors, municipal clerks and even public works employees were certified by the state before there were certification and education programs for municipal court staff.

The first Principals of Municipal Court Administration (POMCA) classes were offered in 1969. The class was held on eight nights; now it is held over 25 days and covers topics ranging from judicial independence, determining probable cause and the issuance of warrants to dealing with the media, court security, workplace violence and the Judiciary Code of Conduct.

In 1983, Chief Justice Robert N. Wilentz created the Supreme Court Task Force on the Improvement of the Municipal Courts. The committee's report, issued two years later, recommended changing the title of court clerk to court administrator, the creation of presiding municipal court judges, separating the municipal division from the criminal division, and computerizing case management.

In 1991, Gov. Jim Florio signed an order officially changing the name of the title from court clerk to court administrator. "It was part of the recognition that the job was changing," LeLena said.

In 1994, legislation was passed creating the Municipal Court Administrator Certification Board. Two years later, the certification program was created, and in 1996, the first 41 court administrators were certified in a ceremony over which Chief Justice Deborah T. Poritz presided. "It made us professionals, put us in line with other professionals and it got us the recognition for the work we did," LaLena said.

Middlesex celebrates Asian/Pacific American Heritage Month

By Luis Hernandez
Ombudsman
Middlesex Vicinage

The Middlesex Vicinage celebrated Asian/Pacific American Heritage Month in May by hosting various events throughout the month. Beginning on May 11 and ending May 30, employees displayed items representing Asian and Pacific history and culture. Marieta Sampilo of the finance department displayed artifacts belonging to her father, who served the First Filipino Infantry during World War II and was posthumously honored with the Congressional Gold Medal in January.

In collaboration with the Indian Business Association, the vicinage on May 29 welcomed Kyati Joshi, who spoke on the

topic "Asian American History is US History." Judge Vincent LeBlon and Trial Court Administrator Dawn Brevard-Waters gave opening remarks. Brevard-Waters said she was "committed to ensuring that the vicinage celebrates the rich cultural diversity which exists among our employees."

The May 30 closing ceremony included opening remarks from Assignment Judge Alberto Rivas and Brevard-Waters, followed by keynote speaker Judge Carlia Brady.

Throughout the month, staff also participated in two quizzes testing their knowledge of Asian/Pacific American history.

Law Day 2018

Editor's Note: Instituted by the American Bar Association (ABA) 60 years ago, Law Day is observed each year throughout New Jersey by the Judiciary in partnership with county bar associations. A special day set aside to focus on the American heritage of liberty under law, Law Day was officially designated by a joint resolution of Congress in 1961. The event has grown over the years, with many counties hosting activities throughout May. This year's theme was "Separation of Powers: Framework for Freedom."

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

Gregg Morais - a native of Jamaica - and his son **Gamaliel** (right) celebrate after Gregg became a U.S. citizen during a naturalization ceremony May 2 at the Woodbine Municipal Building. Atlantic/Cape May Vicinage Assignment Judge Julio L. Mendez administered the Oath of Citizenship.



Essex

The Essex Vicinage celebrated Law Day on May 4 with a mock trial program, writing and poster contests, and a student awards ceremony. This year's Law Day theme recognized the three branches of government and how this shared power impacts democracy. As in years past, the dedication of all involved in its planning made for a successful program, in which more than 3,400 students from Essex County schools enthusiastically participated.

In the morning, Superior Court judges, sheriff's officers and attorneys visited local schools to facilitate mock trials with students. This year's case, *In Re Braggert*, was developed by the Essex Law Day Committee and focused on the issues of a town council's authority to investigate an executive function, against the backdrop of a present-day issue for the students. The fact pattern was loosely based on the placement of the "Fearless Girl" statue in front of the iconic bull on Wall Street. Students and teachers expressed their appreciation to judges and volunteer attorneys for taking the time to help this fictional case come to life and the opportunity to actively participate in the mock trials.

The Law Day program and awards ceremony recognizing students who submitted outstanding entries to the writing and poster contests was held in the courtroom of Civil Division Presiding Judge Dennis F. Carey, III in the Historic Courthouse in Newark. The rotunda was converted into a gallery displaying the students' contest entries. Members

of the Law Day Committee, Customer Service Committee, Vicinage Advisory Committee on Minority Concerns and vicinage staff reviewed and voted on the winning entries. Supreme Court Associate Justice Walter F. Timpone spoke, connecting the Law Day theme with contemporary topics such as civil rights, voting and an independent Judiciary. Assignment Judge Sallyanne Floria and Trial Court Administrator Amy K. DePaul presented medals and certificates to the winning students. Judge Floria presented the Essex Vicinage Assignment Judge's Spirit Award to the law firm of Trenk, DiPasquale, Della Fera & Sodono for its dedication and commitment to the mock trial program. First place essay and poem winners Ericka Narvaez and Nerly Brevil recited their entries.

Hudson

Judges, attorneys, dignitaries, and students from Hudson County gathered in the rotunda of the Historic Brennan Courthouse in Jersey City on May 1 to celebrate Law Day. "Our Law Day celebration is certainly one of the highlights of the court year," noted Assignment Judge Peter F. Bariso Jr. "In one of the most beautiful buildings in our

area, we're really looking forward to achieving a deeper understanding of a fundamental component of our system of government, and also to celebrate the accomplishments of our students who are the future of our democracy."

The Hudson County Law Day Committee sponsored a number of contests for students to examine this topic and

to consider what it means to them. In a record number of entries, middle school and high school students created their own governments and presented their ideas in essays, poems, rap, and art presentations. Fourth grade students from North Bergen, Bayonne, and Hoboken participated in a mock trial, *B.B. Wolf v. Curley Pig*, in which students served as jurors, judges, witnesses and attorneys in an imaginary case that asked whether Curley Pig should be guilty of “wolf cooking.” High school students from across the county participated in the annual Vincent J. Apruzzese Mock Trial Competition and argued *State of New Jersey v. Dana Martin*, a fictional criminal case that allowed the litigants to consider the liability of an alleged drug dealer for a victim’s death. Winners from the contests received awards during the festivities.

A highlight of this year’s event was the keynote address delivered by Gail Marquis, a member of the 1976 U.S. women’s basketball team that won a silver medal at the 1976 Olympics. After a distinguished career in the financial industry, Marquis worked as a broadcaster for the American Basketball League and the National Basketball Association.

She is the director of community outreach at the New Jersey City University in New Jersey.

Hudson County attorney Ralph J. Lamparello received the annual 2018 Liberty Bell Award for his service to the legal profession and for his efforts to strengthen the system of justice in Hudson County and New Jersey.



Gail Marquis

Middlesex

Middlesex Vicinage held several events in May to celebrate Law Day 2018. Activities began on May 23 with the annual Law Day program in the main courthouse in New Brunswick.

Assignment Judge Alberto Rivas delivered a presentation on the separation of powers and discussed *Youngstown Sheet & Tube Co. v. Sawyer* case, commonly referred to as the Steel Seizure Case, which limited the power of the executive branch. The Middlesex County Mock Trial championship team from West Windsor – Plainsboro High School North was honored. The Middlesex County

Bar Association presented an award to the team’s coach, Aleksandra Odzakovic, and Wendy Reek, the team’s attorney advisor.

The vicinage also celebrated Law Day in the classroom. A discussion of the separation of powers as it relates to the rule of law and checks and balances was presented to students at North Brunswick and Piscataway Township high schools. The students also learned about Criminal Justice Reform. Judges Pedro Jimenez and Phillip L. Paley presented the program.

Monmouth

The Monmouth Vicinage observed Law Day with a ceremony on May 8 in the historic general equity courtroom at the Hall of Records in Freehold. Keynote speaker former state Sen. Kevin O’Toole addressed more than 150 guests, including judges, members of the bar and the public. He spoke about the values associated with separate branches of government, the need for checks and balances, and the importance of an independent Judiciary.

Winners of the Law Day 2018 art and essay contests were recognized for their creative efforts. Vicinage staff and judges cast more than 100 votes for contest submissions and four entries were selected for awards. Artwork created by Yulianna Velasco Bravo, a first-grade student at Freehold Learning Center, was chosen. Her submission was part of a project with her English as a Second Language teacher.

Sara Hanily of Howell’s Ramtown Elementary School was recognized for her comprehensive flowchart of the federal



Assignment Judge Lisa P. Thornton poses with grades K-2 art contest winner Yulianna Bravo.

government. Marisol Jackson of Long Branch Middle School submitted a winning essay about the Age of Enlightenment's emphasis on logic and reason and its impact on the system of checks and balances. Eric Gonzalez, who achieved Long Branch High School's highest SAT score in 14 years, received an award for his essay on "tipping" points in American history when equal power was not exercised by government branches.

The Monmouth Bar Association recognized the winners of the Daniel O'Hern Mock Trial Award from Middletown High School South. The team was accompanied by Coach

Nina D'Urso and Monmouth Bar Association Mock Trial Competition Co-Chairs Jonathan Goldsmith Cohen and Crystal Ullrich. Student winners received citations from the New Jersey Senate and Assembly. Assemblywoman Serena DiMaso and state Sen. Samuel Thompson offered congratulatory remarks.

Other highlights included a vocal performance by Tarika Jean-Pierre. Monmouth Bar Association President Douglas Kovats presented the Abraham Zager Professionalism Award to attorney Richard Ansell.

Morris / Sussex

The Morris/Sussex Vicinage welcomed Supreme Court Associate Justice Anne M. Patterson, who spoke about promoting an understanding of civics and how the structure of government supports justice for all.

Assignment Judge Stuart A. Minkowitz and Morris County Bar Foundation President John Paul Velez also spoke.

The mock trial team from West Morris Mendham High School, statewide winners of the 2018 Vincent J. Apruzzese High School Mock Trial Competition for the second consecutive year, were acknowledged. The audience was in awe of the talented Morristown High School Vocal and String Ensemble, under the direction of Norma Davis.



Associate Justice Anne M. Patterson speaks at the Morris County Law Day celebration.



A view of the courtroom in the Morris County Courthouse where the Law Day ceremony was held.



The Morristown High School Vocal and String Ensemble performed during the celebration.

Ocean

Ocean Vicinage Ombudsman Jessica Strugibenetti (left) mans a table during an information fair at the Ocean County Justice Complex in Toms River while a video in which Chief Justice Stuart Rabner discusses the Law Day theme plays on a monitor. Judiciary staff provided information on Criminal Justice Reform, court processes and procedures and career opportunities with the court.



Passaic

Judge Glenn A. Grant, acting administrative director of the courts, administered the Oath of Citizenship to 27 new citizens from 11 different countries at a naturalization ceremony on May 4. The new citizens hailed from Bangladesh, Canada, Colombia, Cuba, Dominican Republic, Egypt, Ghana, Guatemala, Haiti, Mexico, Morocco, Pakistan, Peru, Poland, and South Korea.

Judge Sohail Mohammed led the ceremony, sharing his experiences of becoming a naturalized citizen. Among the speakers were Assignment Judge Ernest M. Caposela; John E. Thompson, district director, U.S. Citizenship and Immigration Services; Carmen Depadua, constituent services, Office of U.S. Rep. William J. Pascrell Jr.; Passaic County Freeholder Director Cassandra "Sandi" Lazzara; Deputy Public Defender Judy Fallon, and Franco Mazzei, president of the Passaic County Bar Association.

Prior to the naturalization ceremony, Judge Barbara Buono-Stanton gave a welcoming address at the New Citizen Program and introduced Walter J. Davison, acting Passaic County clerk, who spoke to the new citizens about passports. Shona Mack-Pollock, deputy Passaic County Superintendent of Elections, discussed voter rights and responsibilities, and Jury Manager Patricia Storzillo spoke about jury service. The new citizens also witnessed a demonstration on how to use a voting machine.

Beginning in January, middle and high school students were invited to submit posters, poetry and videos that best illustrated the Law Day theme. Winners were invited

to watch the new citizen program, and the naturalization ceremony and participate in the awards ceremony. After the awards ceremony, the students were treated to a pizza luncheon sponsored by the Passaic County Bar Association. Students from Passaic County Technical Institute and Clifton High School participated in a mock trial April 26 at the Passaic County Courthouse. Judges Daniel J. Yablonsky, Yolanda Adrianzen and Adam E. Jacobs presided and judged Passaic County Technical Institute the winner. The schools presented their case before a panel of jurors consisting of students from Eastside High School and Kennedy High School in Paterson, Janet Saunders, widow of Judge Amos C. Saunders along with their daughter Pamela Saunders.

The day's events included a community outreach session in the rotunda of the Historic Courthouse. Local service agencies along with the bar association, the county and the Judiciary, staffed tables with information for the public.



New U.S. citizens wave American flags in celebration during a naturalization ceremony in Passaic Vicinage.

Union

Union Vicinage, with the Union County Bar Association and the Union Vicinage Minority Concerns Committee, held its Law Day celebration on May 4 in the courtroom of Assignment Judge Karen M. Cassidy.

Union County middle school students competed in essay, poster, and spoken word/rap/poetry contests centering on the Law Day theme. Students placed first, second and third in each category. The winning schools included Florence M. Gaudineer School, Christopher Columbus School, Dr. Antonia Pantoja School, Burnet Middle School and Nicholas M. Butler School. Scott M. Sinins, Union County mock trial coordinator; presented the award for the Vincent J. Apruzzese Mock Trial Competition on behalf of the Union County Bar Association to Union County's Oratory Preparatory High School.

Judge James P. Wilson, chair of the Union Vicinage Minority Concerns Advisory Committee and chair of the Law Day program, presided over the celebration. Shani Walker, Judge Wilson's law clerk, led the crowd in the flag salute. Judge Wilson introduced the judges and dignitaries present, including Donald A. DiGioia, bar association

president, and Jeff Clark, executive director of the bar association.

The keynote speaker was U.S. Magistrate Steve Mannion. The Burnet Middle School All Star Select Chorus, under the direction of Terron Singletary, performed choral musical selections. An information fair was held in the great room outside Judge Cassidy's courtroom. Staff members from the family, criminal and civil divisions were available to answer questions.



Union Vicinage judges are pictured during Law Day ceremonies in the Union County Courthouse.

Marie L. Faber named trial court administrator in Hudson Vicinage

By MaryAnn Spoto
Communications Manager
Administrative Office of the Courts

Marie L. Faber was named trial court administrator of the Hudson Vicinage, effective June 9, Assignment Judge Peter F. Bariso Jr. announced. Faber succeeds Silvia Gonzalez, who retired in July after 38 years with the Judiciary.

"Silvia has had a long and distinguished career in the Judiciary, where she started as a clerk typist in the Essex Vicinage and worked her way up through many positions. During her tenure, she oversaw many critical functions, including the largest probation division in the state," said Judge Glenn A. Grant, acting administrative director of the courts. "She certainly will be missed."

Faber has served as the criminal division manager in the Hudson Vicinage since 2014. She previously served in the Passaic Vicinage as a manager of the municipal, civil and criminal divisions and as trial court administrator. Before joining the Passaic Vicinage in 2000, Faber served as a certified municipal court administrator for the Borough of Hawthorne. She earned her bachelor's degree from Montclair State University.

"From her tenure as the criminal division manager, Marie has demonstrated that she will do an outstanding job as trial court administrator," Judge Bariso said. "We in the vicinage have been well served by her professionalism and expertise."

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

Under New Jersey court rules, the administrative director of the courts appoints the trial court administrator in each vicinage. Faber will work closely with Judge Bariso to manage court operations for a vicinage with approximately 524 staff members.

"I am honored to have been appointed to this important position," Faber said. "I look forward to working with our judges and staff in this new role as we continue to serve the public."



Marie L. Faber

Supreme Court Historical Advisory Board Unveils Oral Histories

By Mike Mathis
Judiciary Times Editor

The New Jersey Supreme Court Historical Advisory Board has unveiled in-depth oral history interviews of retired Associate Justices Gary S. Stein and Stewart G. Pollock. The interviews, conducted in collaboration with the Rutgers Oral History Archives (ROHA), give the public a detailed view into the lives and careers of the justices, beginning with their childhoods and education through their careers on and off the Court and their years after retirement.

The interviews can be viewed at the Historical Advisory Board's Virtual Museum: <https://njcourts.gov/courts/supreme/vm/scvirtual.html>

"The justices, in their own words, give their views on why they aspired to careers in the law and why serving on the New Jersey Supreme Court is such a privilege and honor," said retired Associate Justice James H. Coleman Jr., advisory board chair who also will participate in the ROHA project. "These interviews are a great way for current and future generations to hear directly from those who have impacted the lives of New Jerseyans."

In addition to Justices Stein, Pollock and Coleman, others who will be interviewed include retired Chief Justices Deborah T. Poritz and James R. Zazzali and retired Associate Justices Virginia Long and John E. Wallace Jr. The interviews were conducted by a staff member from ROHA and were recorded by a staff videographer in the Judiciary's Office of Communications and Community Relations.

Continued on next page

In addition to their inclusion in the Virtual Museum, the interviews also will be posted to the ROHA website. "This project will give the people in New Jersey a glimpse of the person behind the robe," said retired Judge Amy Piro Chambers, a board member who initiated and coordinates the project with ROHA. "One comes away with a sense of wonder at the varied career paths – and many came from humble beginnings – that led to the Court and the careful thought and humanity that went into the difficult and complex decisions they made."

Chief Justice Stuart Rabner formed the Supreme Court Historical Advisory Board in 2016 to preserve the history of the Supreme Court. The board is composed of sitting and retired justices and judges as well as law school professors and deans and attorneys.

Yolande P. Marlow presented with Achievement in Equity Award from national organization

By Lisa R. Burke
Minority Concerns Program Coordinator
Administrative Office of the Courts

Dr. Yolande P. Marlow has been a pioneering advocate for equality in the courts for nearly 30 years.

As director of the New Jersey Judiciary's Minority Concerns Program and executive staff to the Supreme Court Committee on Minority Concerns, she was instrumental in the co-founding of what is now known as the National Consortium on Racial and Ethnic Fairness in the Courts (NCREFC) in 1989. The consortium works to eliminate the impact of bias and discrimination in the delivery of justice in the courts.

Just as New Jersey has been a national leader in fighting for racial and ethnic fairness in the courts, it should come as no surprise that Dr. Marlow was selected as the first recipient of the NCREFC's prestigious Achievement in Equity Award in recognition of her exceptional contributions to the field including 14 years as coordinator/secretary of the NCREFC.

The award was presented at the NCREFC's annual national conference in Minneapolis in June. "As anyone who encounters Dr. Marlow immediately recognizes, her work in promoting a court system that is fair to all and free of racial and ethnic bias is not her work, but in fact her calling," observed Judge Glenn A. Grant, acting administrative director of the courts.

When Marlow left academia nearly 30 years ago to join the staff of the Administrative Office of the Courts, the work of eliminating obstacles to justice for racial and ethnic minorities was not systematized. The formal work, both here in New Jersey and nationally, was just beginning.

While she only planned to stay at the AOC for a year or two, in the decades that followed, Dr. Marlow has not only seen significant positive systemic changes but also has been a central part of bringing them to fruition, sometimes indirectly but often directly.

"This recognition belongs to the New Jersey Judiciary – to each and every chief justice, administrative director, committee chair, and advisory committee member who has been committed to this work and to the objectives of justice, fairness and equity and with whom it has been, and continues to be for me, an extraordinary privilege to serve," Marlow noted in accepting the award.



Yolande P. Marlow



Yolande Marlow (left) is congratulated by James E. Williams Jr., a retired public defender from North Carolina, and Atlantic/Cape May Vicinage Judge Susan F. Maven. (Right) Dr. Marlow speaks after accepting the award.



Three judges temporarily assigned to Appellate Division

By MaryAnn Spoto
Communications Manager
Administrative Office of the Courts

Chief Justice Stuart Rabner has temporarily elevated three Superior Court judges to the Appellate Division. The appointments of Judges Lisa A. Firko, Stephanie Ann Mitterhoff and Arnold L. Natali Jr. were effective Aug. 1. The Appellate Division of the Superior Court is New Jersey's intermediate court.

The 33 Appellate Division judges hear appeals from decisions of the trial courts, the Tax Court and state administrative agencies. The Appellate Division generally decides between 6,000 and 6,500 appeals and about 8,500 motions annually.

Judge Firko had been temporarily assigned to the Appellate Division from April 16 through June 24. She sat in the civil and family divisions in the Bergen Vicinage prior to her Appellate Division assignment.

A graduate of Seton Hall University and Seton Hall School of Law, Judge Firko was appointed to the Superior Court by Gov. Jon Corzine in 2008. She received tenure in 2015. Before joining the Judiciary, Judge Firko was a partner at Lum, Drasco & Positan in Roseland for more than 20 years and an associate at Gillespie, Gillespie & Jablonski in Kearny. "I wish to thank the Chief Justice for the great honor of this appointment to the New Jersey Superior Court Appellate Division," Judge Firko said. "It is a crowning achievement in my judicial career. I realize the importance of this position and cherish the opportunity to serve the public in this capacity."

A graduate of the University of Texas at Austin and Rutgers School of Law – Newark, Judge Mitterhoff was appointed to the Superior Court by Gov. Chris Christie in 2014. She sat

in the civil division in Essex Vicinage prior to her Appellate Division assignment. Judge Mitterhoff comes up for tenure in 2021. She had been temporarily assigned to the Appellate Division from April 16 through June 24.

Before joining the Judiciary, Judge Mitterhoff was a partner at Bramnick, Rodriguez, Mitterhoff, Grabas & Woodruff in Scotch Plains, where she concentrated in civil trials and appeals. She also worked as an assistant attorney in the New Jersey Office of the Attorney General. "I am honored to continue serving the people of New Jersey in this role and I thank Chief Justice Rabner for this opportunity," Judge Mitterhoff said. "My thanks also go to the staff of the Essex Vicinage for their hard work and support."

Judge Natali had been temporarily assigned to the Appellate Division from April 16 through June 24. A graduate of Fairfield University and Seton Hall School of Law, Judge Natali was appointed to the Superior Court by Gov. Chris Christie in 2013.

He sat in the civil and family divisions in the Middlesex Vicinage before becoming the presiding judge for the general equity division. Judge Natali comes up for tenure in February 2020. Before joining the Judiciary, Judge Natali was an associate and a partner with the McCarter & English law firm in Newark.

"I wish to thank the Chief Justice for this opportunity to continue to serve the citizens of New Jersey. I am honored and humbled by the appointment," Judge Natali said. "I also wish to thank the judges and staff of the Middlesex Vicinage and the members of the bar."



Lisa A. Firko



Stephanie Ann Mitterhoff



Arnold L. Natali Jr.

Morris/Sussex honors mock trial winners



The mock trial competition is a statewide event sponsored by the New Jersey State Bar Foundation and organized in coordination with all of the local County Bar Associations, including the Morris County Bar Association. The contest seeks to increase comprehension of the American system of justice, demystify the law and help students develop and improve basic life and leadership skills. Participating in the competition for West Morris Mendham High School were prosecution team "attorneys" Katia McGreal, a senior, and Patrick Riss, a junior; and witnesses Elizabeth Moran, Nadia Jahnecke and Chelsea Corridore, who are all seniors.

Military Appreciation Month kicks off with an outdoor concert

By June Zeider
Ombudsman
Passaic Vicinage

The Passaic Vicinage held the first of three events on May 7 to celebrate Military Appreciation Month. An outdoor concert took place in the William J. Bate Memorial Courthouse Plaza. The Tech Tones, a choral group from Passaic County Technical Institute (PCTI), performed several songs.

In his opening remarks, retired Judge Richard M. Freid spoke of the inception of the Military Appreciation Month Committee eight years ago and noted that Passaic is the only vicinage that has extensive month-long events for Military Appreciation Month. Passaic County Freeholder Director Cassandra "Sandi" Lazzara gave a heartwarming speech about honoring the military, saying that military was

"close to our hearts" and quoting author Claudia Pemberton, who said, "America without her soldiers is like God without his angels."

Assignment Judge Ernest M. Caposela spoke about the many flags that honor the military in the lobby of the Passaic County Administration Building on Grand Street and are posted outside the courthouse Hamilton Street. Judge Caposela thanked the freeholders for participating on the Military Appreciation Month Committee and for their efforts to bring the annual program to fruition.

In his closing remarks, Judge Freid told the audience to remember and honor those who serve. He noted that 1.3 million soldiers are serving on active duty, 250,000 of whom are deployed overseas.



Assignment Judge Ernest M. Caposela (center) speaks about the many flags displayed in Passaic Vicinage.



An honor guard bears the American flags and the flags of the armed services.

Not here, not now

Editor's Note: This is the seventh in a series that highlights interesting complex business litigation cases. The Complex Business Litigation Program is designed to streamline and expedite service to litigants in complex business litigation. Under the program, cases are assigned either to the complex commercial case type or the complex construction case type, and are individually managed by a judge with specialized training on business issues. The Supreme Court established the program, which became effective on Jan. 1, 2015, to resolve complex business, commercial and construction cases.

Middletown Township Board of Education, et al. v. Jersey Central Power & Light Co., et al.

the defendant/third-party plaintiff, Middletown Township Board of Education, filed a class action complaint in Superior Court for unjust enrichment and fraud alleging that Jersey Central Power & Light Co. overcharged for the Transitional Energy Facility Assessment (TEFA), a state tax, by building it into the base delivery and listing it as a separate line item.

The defendant filed a motion to dismiss plaintiff's complaint, with prejudice, for lack of subject matter jurisdiction contending plaintiff's claims were within the exclusive jurisdiction of the New Jersey Board of Public Utilities (BPU) and required BPU's expertise to review and determine the validity of BPU approved tariffs, which include the TEFA.

Even though the Superior Court has subject matter jurisdiction over all claims, there are limited exceptions. One such exception is where an agency is granted exclusive jurisdiction over a particular matter. Pursuant to statute, BPU regulates power companies and has jurisdiction over many types of disputes between power companies and their customers.

In fact, the Supreme Court has recognized that the Legislature intended for BPU to have "the widest range of regulatory power over public utilities."

While it is undisputed that BPU has exclusive jurisdiction to decide claims that challenge rates, the plaintiff argued the Superior Court had jurisdiction because it isn't challenging the actual TEFA. Rather, the plaintiff's claims are based on the defendant allegedly double-charging the TEFA. The defendant argued the claims require interpretation of the TEFA, which falls under the purview and expertise of BPU.

Prior to the Competition Act, all electricity services were bundled together and billed as one charge. Now, the Act requires the unbundling of electric rate schedules to reveal certain services and charges billed to non-residential consumers. BPU may also require that additional services and charges be unbundled and separately billed.

Additionally, in certain circumstances, electric public utilities and third-party suppliers of electricity are not required to unbundle a sales tax, allowing it to be embedded in the tariff

rates charged to customers.

The plaintiff's claims for unjust enrichment and fraud are subject to the Superior Court's jurisdiction. However, the claims require proof that the TEFA was improperly unbundled and charged twice.

To determine whether that actually occurred, a detailed review and analysis of the billing is required. Such analysis is not within the scope of the Superior Court's expertise; it requires the BPU's expertise and is subject to the BPU's exclusive jurisdiction.

Therefore, the defendant's motion to dismiss was granted, but without prejudice, subject to the BPU's findings. If the BPU finds that the plaintiff was charged twice for the TEFA, the plaintiff can refile its claims for unjust enrichment and fraud against the defendant in Superior Court.

For more information about New Jersey's Complex Business Litigation Program go to www.njcourts.gov/courts/civil/cblp.html.

Editor's Note

The deadline for the Fall 2018 edition of the *Judiciary Times* is Friday, Sept. 21. Feature stories about court programs and newsworthy profiles about judges and court staff are welcome. Submissions can be sent to Mike.Mathis@njcourts.gov.

Spotlight: Gloucester County Courthouse

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

By Mike Mathis
Judiciary Times Editor

One doesn't have to look far to learn a little about Gloucester County's place in New Jersey judicial history.

A short walk through downtown Woodbury offers a few clues. The cornerstone of the first courthouse built in the city in 1787, and the second one built in 1885, are embedded into a wall at the Gloucester County Justice Complex. The bell from the original courthouse is on display in the justice complex.

Keystone supports from the old court house are embedded in the sidewalk at Hunter and Euclid streets, and an original boot scraper sits outside of the Gloucester County Historical Society Museum.

The first court sessions in Gloucester County were held in private homes, inns and taverns until the first courthouse was established and a prison built at present day Gloucester City.

A bell for the courthouse was recommended for purchase in 1721 "to appraise the people of the time of the sitting of the Courts," according to a September 1963 article published in the newsletter of the Gloucester County Historical Society. An addition to the courthouse and expansion of the prison was considered in 1750. Prior to 1770, a fire damaged the courthouse, which was repaired, but was destroyed along with the jail, stocks and whipping post by another blaze in March 1786.

The move of the county seat from Gloucester City to Woodbury occurred in 1787. During this time, several townships in the lower end of the county twice asked the Legislature for permission to separate from Gloucester

County and form a new county. Those requests, in November 1785 and in May 1786, were denied until 1837, when the Legislature approved the creation of Atlantic County.

The first courthouse in Woodbury was built in 1787 at Broad and Delaware streets. It was a gem of colonial architecture, complete with steeple and clock. By 1850, judges and others began to complain that the building was insufficient for their needs. However, it wasn't until 1885 that county officials decided to build a new courthouse.

Meanwhile, some made the case to move the seat of county government and the courts from Woodbury to Camden. Two elections to force the move were unsuccessful, and Camden County was formed in 1844 from the area to the north. This is why Gloucester City and Gloucester Township are in Camden County. The cornerstone for the new brownstone building, constructed at a cost of \$50,961, was placed on Oct. 28, 1885. The cornerstone of the 1787 building was placed beside it. The ceremony "turning over" the new courthouse to the freeholders was held on April 5, 1887.

As the county's population expanded, so did the need for additional court facilities. In 1924, the freeholders decided to construct a new courthouse on Delaware Street west of the courthouse. The following year, a new building made of limestone and designed in Greek Doric style architecture was constructed.

The Justice Complex on Hunter Street was built in 1983. An expansion and renovation project that included the construction of nine new courtrooms and the renovation of four existing courtrooms was completed in 2010. The Family Courthouse at Broad and Cooper streets was built in 2001.



The Gloucester County Courthouse in Woodbury as it appeared early in the 20th century.



The Gloucester County Courthouse as it appears today.