

## **Chapter V**

# **SUBCOMMITTEE ON MINORITY PARTICIPATION IN THE JUDICIAL PROCESS**

## Introduction

Significant milestones in the continuing racial and ethnic equality in the courts were achieved by the New Jersey Judiciary since the Supreme Court Committee on Minority Concerns last reported to the court in 1998. Under the leadership of the Chief Justice and the Administrative Director of the Courts, the New Jersey Judiciary has made major strides both in the continued diversification of the court workforce and in embracing effective and appropriate equal employment policies designed to ensure fairness. Several of these accomplishments have been recognized by the legal community (in New Jersey and nationally), by the National Center for State Courts, and by the public.

Many of these initiatives represent the fulfillment of Task Force on Minority Concerns recommendations by the Supreme Court in 1993, while others were suggested by the Committee on Minority Concerns in prior Rules Cycle Reports.<sup>53</sup>

In May of 2000, the New Jersey Supreme Court and the Administrative Director of the Courts approved the Judiciary EEO/AA Master Plan; the issuance of the plan was a major accomplishment. The Judiciary also revised the *Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination* and discrimination complaint procedures (both were incorporated into the EEO/AA Master Plan). There was also a significant increase in full-time EEO/AA staff at the Central Office (AOC) and in the vicinages. The title of EEO/AA Officer at the vicinage level was elevated to Court Executive 1B (with direct reporting to the Trial Court Administrator) as was the title of Affirmative Action Officer at the AOC/Central Clerks' Offices. The EEO/AA investigative function was regionalized and EEO/AA software was purchased to facilitate the establishment of availability data.

The Judiciary also adopted a new classification and compensation system and a performance assessment system for its employees. The latter includes a diversity clause and a component to hold managers accountable for EEO/AA compliance.<sup>54</sup>

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<sup>53</sup>See the following previously published reports, New Jersey Supreme Court Task Force on Minority Concerns, 1992, pp. 254-255; New Jersey Supreme Court Action Plan on Minority Concerns, 1993, pp. 26 and 36; Supreme Court Committee on Minority Concerns Rules Cycle Report to the Court 1994-1996, p. 70; and Rules Cycle Report 1996-1998, p. 44.

<sup>54</sup>New Jersey Supreme Court Action Plan on Minority Concerns, 1993 Recommendation 32, p. 25; Supreme Court Committee on Minority Concerns Rules Cycle Report to the Court 1994-1996, p. 110.

The Judiciary converted its workforce databases from over 800 job titles (both state and county) into 10 broad band job categories, and merged the Trial Conversion Personnel Conversion System (TCPCS) and the Judicial Human Resource Information System (JHRIS) into one. Unifying the Judiciary workforce database by job broad bands partially implements the Supreme Court Action Plan on Minority Concerns' recommendation that the Judiciary refine its workforce data systems to assist in monitoring.<sup>55</sup>

The Judiciary's progress in implementing the court-approved minority concerns recommendations positions it to meet the challenges of rapidly changing population demographics in our state. Minorities now account for almost a third of New Jersey's total population; a decade ago, they represented about a quarter of all New Jerseyans. See Table 23: New Jersey Population by Race and Hispanic Origin For 1990, 1995 and 2000 below. Later on in the report, a breakdown on the New Jersey population by county and race/ethnicity based on the U.S. Census 2000 will be presented.

**Table 23: New Jersey Population by Race and Hispanic Origin  
For 1990, 1995 and 2000**

	Year 1990		Year 1995		Year 2000	
	#	%	#	%	#	%
<b>Blacks</b>	984,845	12.7	1,156,000	14.6	1,096,171	13.0
<b>Hispanics</b>	739,861	9.6	898,000	11.3	1,136,756	13.5
<b>Asians/American Indians<sup>56</sup></b>	276,831	3.6	370,000	4.7	490,525	5.8
<b>Total Minorities</b>	2,011,222	26.0	2,424,000	30.5	2,723,452	32.3
<b>Grand Total<sup>57</sup></b>	7,730,188	100.0	7,931,000	100.0	8,414,350	100.0

<sup>55</sup>New Jersey Supreme Court Action Plan on Minority Concerns, 1993; Supreme Court Committee on Minority Concerns Rules Cycle Report to the Court 1994-1996. See also the Committee on Minority Concerns, Recommendations 44.1 and 44.2, Ibid.

<sup>56</sup>According to the 2000 Census there are: 11,338 (0.1%) American Indians in the state of New Jersey, 477,012 (5.7%) Asians and 2,175 (0.0%) Native Hawaiian and Other Pacific Islanders.

<sup>57</sup>The category "two or more races" which comprises 1.6% of New Jersey's population is not included in this report. The category "some other races" which consists predominantly (97%) of people of Hispanic origin, e.g., Mexican Americans, Dominicans, Peruvians, etc. represent 19,565 (0.2%) of New Jersey's population and has been merged into the "Hispanic" category as recommended by the New Jersey State Data Center.

This chapter will document the areas where improvements have been made and highlight those areas where the Judiciary, despite its considerable gains, needs to enhance and improve.

### **I. Subcommittee Mandate and Focus of the Report**

The mandate of the Subcommittee on Minority Participation in the Judicial Process is to review, monitor and make recommendations regarding: existing programs affecting the employment of minorities in the Judiciary; the participation of minorities on Supreme Court boards and committees; and, minority access to vendor contracts, judicial clerkships and volunteer opportunities. The Subcommittee's monitoring responsibilities include, but are not limited to, the recruitment, retention and career development opportunities of minorities; the promotion of minority judges; the collection of workforce statistical data; and the monitoring of Judiciary employment policies and performance standards. The Subcommittee was further charged with:

- C Reviewing existing Judiciary programs affecting the employment of minorities and determining their access to Supreme Court boards, committees and vendor contracts and gauging the achievement of these goals.
  
- C Evaluating and monitoring the strengths and weaknesses of existing Judiciary programs, policies and procedures relative to employment and training initiatives.
  
- C Assessing alternative programs, policies and procedures and identifying other areas where research is needed.
  
- C Making recommendations to enhance, modify or augment existing Judiciary programs and/or offering new or alternative approaches to effectuating institutional change designed to eliminate racial and ethnic bias in the courts and ensure access of racial and ethnic minorities to employment opportunities, to Supreme Court boards and committees and to vendor opportunities.

This report addresses the implementation of specific recommendations in the Supreme Court Action Plan on Minority Concerns and in the Supreme Court Committee on Minority Concerns Rules Cycle Reports (1994-1996 and 1996-1998). The Subcommittee identified two broad areas as focal points for this reporting cycle: employment practices and minority participation.

Employment practices that directly affect the participation of minorities in the Judiciary were examined and statistical data were reviewed on the extent of minority participation: as jurists, as non-judge court employees, as judicial law clerks and as court volunteers. The report discusses employment practices in order of priority, presents relevant statistics and respectfully sets forth findings and recommendations for the Court's consideration.

The Committee on Minority Concerns can report overall progress and, in some cases, significant progress in achieving equality of opportunity, representation and treatment of minorities in the workforce. Throughout this report, attention will be directed to those areas where improvement is still needed, particularly the need to increase the number of minority court executives, Hispanics, and Asians/Pacific Islanders/American Indians in the workforce. The participation of minorities in some county workforces will also be discussed.

## **II. Subcommittee Activities**

In response to a request from the Administrative Director that the Committee comment on the draft Judiciary EEO/AA Master Plan, the Committee provided detailed legal analyses and recommendations to the Court to ensure that the Master Plan was consistent with Constitutional requirements. The Chairperson of the Minority Participation Subcommittee served on an ad-hoc committee appointed by the Administrative Director to review and edit the Judiciary EEO/AA draft Master Plan. In exercising its ongoing monitoring charge, the Subcommittee has continued to work collaboratively with the Central Office and with the vicinages. The Subcommittee acknowledges and appreciates the assistance and efforts provided by court staff.

Brief highlights of some of the Subcommittee activities are as follows:

- C The Subcommittee received and accepted the invitation of the Chairperson of the Performance Assessment Review Committee to attend a briefing session on April 19, 2001 where the draft status report on the Judiciary Performance Evaluation Program 1999/2000 Rating Cycle was presented. As a follow-up to this presentation, the Subcommittee prepared a list of questions and a detailed request for resource information and reports that would permit members to fully examine performance appraisal initiatives in the judiciary and ensure that the Subcommittee had an adequate knowledge base from which to make informed recommendations at some future date.

- C The Subcommittee requested and received extensive cooperation from the AOC/central Clerks' Offices in obtaining workforce data and information on Judiciary employment policies and procedures.
- C In collaboration with the Human Resources Division, the Minority Concerns Unit and EEO/AA Unit, the Subcommittee worked cooperatively to establish job groupings to be used in preparing the workforce analyses for the Judiciary.
- C In collaboration with the Municipal Court Services Division, the municipal court judges and personnel surveys were revised. The Municipal Court Services Division distributed the surveys to municipal court judges and municipal court support staff.
- C At the request of the Subcommittee, a self-report survey designed to obtain information on the status of vicinage EEO/AA program was sent to all the trial courts by the AOC Chief EEO/AA Officer. This survey updates similar information retrieved by the Subcommittee in January 1996 and January 1998. Questions were also posed to the Chief, EEO/AA Officer and to vicinage EEO/AA Officers.
- C The Judiciary's informal and formal discrimination complaint intake forms were reviewed. Data on discrimination complaints filed statewide were reviewed and analyzed.
- C It was necessary for members and staff to review and familiarize themselves with data sources used in this report such as: the Judicial Human Resource Information System and subsection report (such as Judicial Human Resource Central Payroll File); Municipal Court Services Division workforce data; *Volunteer Works*, the United States Census Bureau 2000 Redistricting Data (Public Law 94-171) Summary File; and data obtained from the State of New Jersey Commission on Higher Education on law degrees conferred by New Jersey state institutions.
- C Other activities of the Subcommittee included the participation of members on the 2000 planning committee for the Twelfth Annual Conference of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts and the preparation of the curriculum agendas for three seminars (*The Court as Employer: Best Practices to Ensure a Diverse Workforce and Promote a Bias Free Environment; Avoiding Liability by Establishing Nondiscriminatory Selection and Evaluation Procedures; and The New Jersey Judiciary Minority Law Clerk Recruitment Program*). Subject matter experts from the Unified Court System of New York, the United States Equal Employment Opportunity Commission, the New Jersey Law Firm Group and the Hudson Vicinage EEO/AA Officer were engaged to serve as faculty presenters. Subcommittee staff also served as faculty at two of the seminars.
- C Presentations on the work of the Committee were made to the Pennsylvania Commission

to Eliminate Racial and Ethnic Bias in the Courts, the Burlington Vicinage Advisory Committee on Minority Concerns and to the vicinage minority concerns staff.

### **III. List of Priority Recommendations**

These issues were identified as priority recommendations and will be the focus of the Subcommittee's 2000-2002 biennial report.

#### **A. Employment Practices in the New Jersey Judiciary**

1. Judiciary EEO/AA Master Plan
2. EEO/AA Staffing
  - a. Increase in EEO/AA Staff
  - b. Training the New EEO/AA Officers
  - c. Establishing the Conference of EEO/AA Officers
  - d. EEO/AA Staff Work with Judiciary Committees and Conferences
  - e. Need for Bilingual Staff
  - f. Status of Vicinage EEO/AA Programs
3. Judiciary Discrimination Complaint Procedures
  - a. Background Information: Complaint Procedures
  - b. Issuance of New Jersey Judiciary Complaint Procedures, May 2000
    - (1) Informal Discrimination Complaint Procedures
    - (2) Formal Discrimination Complaint Procedures
    - (3) Prohibition Against Retaliation
    - (4) Confidentiality
  - c. Discrimination Complaint Procedures in the *Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination*
  - d. Discrimination Complaint Procedures in the Judiciary EEO/AA Master Plan
  - e. Discrimination Complaint Procedures Standard Operating Guidelines
  - f. Informal and Formal Discrimination Complaint Forms
  - g. EEO/AA Complaint Tracking Forms and Complaint Log
4. Regionalizing the EEO/AA Investigative Functions

- a. Increase in EEO/AA Investigative Staff
  - b. Discrimination Complaint Procedures: Training for EEO/AA Investigative Staff and Employees
5. Review of EEO/AA Complaint Data
  6. Discrimination Complaint Findings
    - a. Time Frames for Handling Discrimination Complaints
    - b. Tracking Discrimination Complaints/Complaint Log
    - c. Discrimination Complaint Standard Operating Guidelines
    - d. Discrimination Complaint Intake Forms
    - e. Complaints Based on Race, Sexual Harassment, Gender and Retaliation
    - f. Training Managers, Supervisors and EEO/AA Officers
    - g. Dissemination and Translation of Discrimination Complaint Procedures
    - h. Employee Survey to Assess the Judiciary Work Environment
  7. Recommendations Relating to Discrimination Complaint Procedures

**B. Monitoring Procedures to Ensure Minority Representation**

1. Background Information: Judiciary Monitoring Procedures
2. Summary Report: Self-Report Survey
  - a. Job Notices of Vacancy Review
  - b. Interview Selection Lists: Review
  - c. Selection Disposition Forms Review
  - d. Exit Interviews
  - e. Committee Findings: Monitoring Employment Practices
  - f. *Successful Interviewing: A Guide for Those Who Interview Job Applicants*

**C. Reduction in Force**

**D. Performance Appraisals**

1. Performance Assessment Review Committee
2. Review of the Diversity Performance Standard

**E. Minority Participation in the Judicial Process: Jurists**



1. New Jersey Jurists
  - a. Current Report on New Jersey Judiciary: Supreme Court, Superior Court (Appellate and Trial Divisions), Tax Court and Municipal Court
  - b. Historical Review: New Jersey Representation of Judges of Color on the State Court Bench and Municipal Court

c. Representation of Minority Judges by Court Level

- (1) Supreme Court
- (2) Superior Court- Appellate Division
- (3) Superior Court Trial Division
- (4) Tax Court
- (5) Municipal Courts

2. Women Judges and Women Judges of Color

- a. Summary Data: Supreme Court, Superior Court (Appellate and Trial Divisions), Tax Court and Municipal Court
- b. State Court Bench
- c. Municipal Court Bench
- d. Women Judges of Color

**F. Promotion of Minority and Women Judges**

- 1. Minority Judges
- 2. Women Judges

**G. Overview of the Judiciary Workforce**

- 1. Workforce Profile: Administrative Office of the Courts and Vicinages Combined
- 2. Presence of Minorities in the County Workforce
- 3. Workforce Trends
- 4. Employment in Judiciary Job Bands by Race/Ethnicity
  - a. Professional Supervisory
  - b. Legal
  - c. Support Staff Supervisory
  - d. Official Court Reporter
  - e. Court Interpreter
  - f. Information Technology
  - g. Administrative Professional
  - h. Case Processing

- i. Judges Secretary
  - j. Support Staff
- 5. Judiciary Division/Unit Workforce Profiles
  - a. Total Minorities
  - b. Blacks
  - c. Hispanics
  - d. Asians/Pacific Islanders/American Indians
  - e. New Hires and Separations
- 6. Committee Findings: Recruitment and Retention

**H. Judiciary Minority Court Executives**

- 1. Court Executives by Division
- 2. Court Executives by Level
- 3. Committee Findings: Minority Representation in the Court Executive Broad Band

**I. Employee Compensations**

Employee Compensation Findings

**J. Hispanics and Asian/Pacific Islanders in the Judiciary Workforce**

**K. Bilingual Variant Titles in the New Jersey Judiciary**

**L. Data on Minority Representation**

**M. Minority Law Clerks**

**N. Court Volunteers**

**IV. Discussion of Priority Recommendations**

**A. Employment Practices in the New Jersey Judiciary**

- 1. Judiciary EEO/AA Master Plan

*Committee Recommendation EEO.1: The New Jersey Judiciary is urged to expedite the completion of its draft EEO/AA Master Plan. The plan should include monitoring procedures. Furthermore, the Committee on Minority Concerns should be allowed sufficient time to review the Plan before it is finalized (Rules Cycle Report, 1994-*

*1996, page 70).*

In two prior Rules Cycle reports to the Court, the Committee on Minority Concerns strongly emphasized the importance of having a current and viable EEO/AA Plan that would enable the Judiciary to document improvements in minority hiring and in other workplace areas while at the same time identifying challenges and proposing remedial actions. (Rules Cycle Report, 1994-1996, page 70 and 1996-1998, page 45).

The Committee was very encouraged when, in May 2000, the New Jersey Supreme Court approved the Judiciary EEO/AA Master Plan. This was a significant event and the Master Plan has become a model plan for other departments of state government and other state courts. The Plan was first released to the public at the Twelfth Annual Conference of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts where it was very favorably received.

The Plan has also been well received by the vicinages. When asked to identify some of the strengths of the Judiciary EEO/AA Master Plan and/or Program, some of the vicinages responding to a recent survey distributed to Trial Court Administrators shared the following insights.<sup>58</sup>

- % “One key strength is that the model Plan builds in very specific standards, roles and targets for the EEO/AA initiative that were not clear in the past. The EEO/AA Officer is now a vital part of the management operation, and is a strong contributing member to management staff meetings with the Assignment Judge, Presiding Judge, Trial Court Administrator policy formulation process.”
  
- % “The Plan is a tangible document that outlines the commitment of the Judiciary to the fairness within the organization....There is accountability on every level of the organization...There are monitoring and reporting functions to ensure that fairness is administered in all aspects of court operations.”
  
- % “The Plan shows the commitment the judiciary as a whole has to the principles of fairness, equality, and respect for all persons. The Plan

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<sup>58</sup>“Questionnaire on the Vicinage EEO/AA Program” sent to Trial Court Administrators by the Chief, EEO/AA Officer on behalf of the Committee, January 2002. Refer to Appendix D-1 for a copy of the survey.

encompasses not only employees but also those who come into contact with the courts.”

- % “...The establishment of the EEO/AA Officer position, the EEO/AA Advisory Committee and the requirement for Vicinage Implementation Plans provide strength to the Program...”
- % “Through the Plan, managers will be assisted throughout the interview process to promote fair selection procedures.”
- % “The workforce analyses provide essential data that serve as a blueprint for identifying problem areas and developing solutions.”

The comments provided by several Trial Court Administrators lend support to the Subcommittee’s assessment of the Judiciary EEO/AA Master Plan as a results-oriented management tool. The Plan is the foundation of the EEO/AA Program which affects more than 10,000 judiciary employees. It applies to judges, job applicants, attorneys, court volunteers and court users. The Plan was widely distributed to all judges, managers and supervisors and is available to employees and the public upon request from vicinage and Central EEO/AA Offices. The highlights of the Judiciary EEO/AA Master Plan are listed below.

- C The plan includes strong endorsements of the EEO/AA Program by the Chief Justice and Administrative Director of the Courts;
- C It includes a strong policy prohibiting discriminatory acts and practices, *Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination*. This statement is comprehensive and includes policies on sexual harassment, disabilities, racial/ethnic bias, and hostile work environment. It informs employees, applicants, clients and court users of the avenues for filing a discrimination complaint and also provides the telephone numbers of ADA designees and EEO/AA staff;
- C There is also a statement prohibiting retaliation for filing a complaint.
- C The Policy Statement also applies to court volunteers, attorneys, litigants, witnesses or others who come into contact with the court system and stipulates that “all who serve in the judicial branch have the responsibility for implementing this policy.”

While initially distributed as part of the Judiciary EEO/AA Master Plan, the Policy Statement was revised in November 2000 and distributed to all judges and employees statewide. The Policy Statement was also translated into Spanish and both versions were

laminated. In October 2001 they were posted throughout the Justice Complex and in the trial courts.

- C The Master Plan is available on the Judiciary's Internet web site (at [www.judiciary.state.nj.us](http://www.judiciary.state.nj.us)) and internally on the Judiciary InfoNet site.
- C The plan establishes managerial accountability for implementation of the EEO/AA Program and outlines responsibilities for the Administrative Director, Assignment Judges, senior managers, Human Resources staff, EEO/AA staff and individuals who conduct employment interviews.
- C It requires that administrators, managers and supervisors be held accountable for ensuring that EEO policies and procedures are followed and that immediate corrective action be taken when necessary. Managers are evaluated under the Judiciary's performance management program based on a number of goals, including compliance with Judiciary EEO/AA policies.
- C The Plan requires judges and managers to maintain a professional work environment free from discrimination and harassment. There is zero tolerance of racial, ethnic, sexual jokes or remarks of this nature in the courtroom and workplace.
- C The Plan requires the appointment of EEO/AA staff and EEO/AA Advisory Committees<sup>59</sup>.
- C The Plan includes components on recruitment/community outreach and monitoring of employment practices.
- C There is a requirement for training judges and other judiciary employees.
- C Detailed statistical reports on the Judiciary workforce (a self-critical workforce analysis) are mandated.
- C The Plan updated the discrimination complaint procedures.
- C The AOC/Central Clerks' Offices and each vicinage were required to prepare an EEO/AA Implementation Plan,<sup>60</sup> tailored to address local issues.

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<sup>59</sup>As of November 2001, EEO/AA Advisory Committees have been appointed by the Administrative Director of the Courts at the AOC/Central Clerks' Offices and by the respective Assignment Judge in each vicinage.

<sup>60</sup>All vicinages have completed and submitted an EEO/AA Implementation Plan to the AOC/Central Clerks's Office EEO/AA Unit.

According to the information received from the Central Office, EEO/AA Unit, the statewide roll-out of the Judiciary EEO/AA Master Plan is proceeding at an intense pace. The Chief EEO/AA Officer at the AOC (See Appendix D-1.2), in response to a questionnaire sent to him (that was earlier alluded to), stated that senior managers understand the court's mandate and have been very supportive and cooperative.

All vicinages had submitted the required EEO/AA Implementation Plans to the AOC as of December 2001; the EEO/AA Implementation Plan for the Central Clerks' Offices has not been completed. These Plans are being reviewed by an ad hoc committee comprised of EEO/AA Officers and one Human Resources Division Manager. Feedback on the EEO/AA Implementation Plans will be provided to each vicinage along with recommended revisions. Upon completion of the revisions, the Vicinage EEO/AA Implementation Plan will be reviewed and approved by the Assignment Judge before being forwarded to the Administrative Director of the Courts for final review and approval. In responding to one of the queries raised in the EEO/AA Questionnaire, "How Can the Judiciary EEO/AA Master Plan and/or Program be Improved?", some vicinages expressed concern with the delay in obtaining a status report on their respective EEO/AA Implementation Plan. One Trial Court Administrator stated, "It appears that insufficient AOC resources have been invested in this program. We have been waiting over seven months for approval of our implementation plan and no real assistance has been provided in designing and collecting automated information."

The Committee has also learned that the self-critical workforce analysis has not been completed, thus making it difficult to identify areas of concern, i.e. underutilization of minorities in the Judiciary's workforce. The self-critical workforce analysis is a crucial element of the EEO/AA Master Plan that examines the demographic representation of minorities at all levels of the Judiciary's workforce in order to ascertain minority representation when compared to the appropriate promotional or hiring pool in the relevant labor force. One reason for the delay is that the Judiciary substantially revised its computer reporting system (Judiciary Human Resources Information System) for internal workforce demographic data into job broad bands in August 2001. Secondly, according to the New Jersey State Data Center, 2000 United States Census data for use with EEO programs to establish availability data will not be issued until 2003. Nevertheless, the Judiciary is facing the prospect that, almost two years after the Master Plan

was issued, a core component is still “under construction.”

The Subcommittee notes that efforts have been made to acquire the requisite software that will facilitate the Judiciary’s ability to accurately report the demographic makeup of its workforce. Additionally, the EEO/AA Unit conducted a course, entitled “Guidelines for Preparing a Vicinage Workforce Analysis” on November 13, 2001 to assist Vicinage EEO/AA Officers in carrying out this requirement.

The Committee urges the EEO/AA Unit to complete the Implementation Plan for the AOC and to complete the review of the Vicinage Implementation Plans .

**Committee Recommendation 02:5.1: Upon receipt of the EEO/AA census data in 2003, the EEO/AA Unit is urged to complete the self-critical analysis and promptly revise the Judiciary EEO/AA Master Plan, as appropriate.**

**Committee Recommendation 02:5.2: The Judiciary should complete the implementation of its EEO/AA Master Plan process by completing the review and approval of the vicinage EEO/AA Implementation Plans and completing the AOC/Central Clerks’ Offices’ Implementation Plan.**

2. EEO/AA Staffing
  - a. Increase in EEO/AA Staff

In two prior Rules Cycle Reports to the Court, the Committee on Minority Concerns recommended that EEO/AA staffing levels be increased<sup>61</sup> to assure adequate EEO/AA monitoring of employment practices and procedures and handling of discrimination complaints. The Committee cited the problem of EEO/AA staff “who shared double or even triple duties, e.g., the anomalous combination of personnel director and EEO/AA Officer” and called attention to the disparate nature of the working titles of many of the EEO/AA staff. At the time of the earlier report, all EEO/AA designees served on a part-time basis (except for one vicinage - Essex) and often reported to the Human Resources Division Manager.

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<sup>61</sup> Report of the Minority Participation in the Judicial Process Subcommittee 1994-1996 Rules Cycle Supplement IV, page 108 (Committee Recommendations 50.1-50.4) and Report of the Committee on Minority Concerns January 1996 -1998 Rules Cycle, page 53. See also the original Task Force Recommendation (1992) #50, p. 340.



Following the approval of the Judiciary EEO/AA Master Plan which required the appointment of EEO/AA staff in each vicinage and separation of that function from the Human Resources/Personnel component), more full-time EEO/AA officers were hired at both the AOC/Central Clerks' Offices and the vicinages. Currently, eleven out of a total of fifteen vicinages have full-time EEO/AA Officers as compared to court year 1998 when there was only one vicinage (Essex) with a full time EEO/AA Coordinator. All the Vicinage EEO/AA Officers report to the Trial Court Administrator. Refer to Table 24. New Jersey Judiciary: Comparison of EEO/AA Vicinage Staffing Levels in 1998 and 2002.

Since 1998, EEO/AA staffing at the AOC/Central Clerks' Offices increased from eight full-time employees to nine. Refer to Table 25. New Jersey Judiciary: Comparison of EEO/AA Staffing Levels in 1998 and 2002 - AOC/Central Clerks' Offices. Two other positive developments impacting the EEO/AA Program, were the elevation of the title of EEO/AA Officer at the vicinage level to the Court Executive 1B level and the Affirmative Action Officer at the AOC/ Central Clerks' Offices.

On December 28, 2000, the Administrative Director of the Courts sent a memorandum to Assignment Judges and Trial Court Administrators informing them of the Administrative Council's recommendation, which he approved, that the Vicinages consider creating a full-time EEO/AA position and that the title be established at the Court Executive 1B level. This memorandum mandates that staff assuming EEO/AA duties on a part-time basis shall also be at a management level. According to the Chair of the Administrative Council, the rationale for this recommendation is,

“...a high level manager is required to perform these duties and exercise the leadership that is required to implement the Master plan. This individual needs to enjoy a peer relationship with other Court Executives and needs to be a full member of the Vicinage Management Team. Further, this person must become a subject matter expert who has the ability to confer with Judges and Court Executives in the EEO/AA areas. The Court Executive 1B level would also provide for a high level person who can conduct workforce analyses, prepare policies and guidelines, investigate all levels, up to and including management, and have the capacity to keep the Vicinage out of potential legal problems.”<sup>62</sup>

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<sup>62</sup>Letter of November 15, 2000 to the Honorable Richard J. Williams, J.A.D, from the Chair of the Administrative Council regarding the Administrative Council's Follow-up EEO/AA Position, Appendix D2.



**Table 24. New Jersey Judiciary: Comparison of EEO/AA Vicinage Staffing Levels  
1998 and 2002**

Vicinage	1998		2002	
	EEO/AA Staff	Full/Part Time	EEO/AA Staff	Full/Part Time
<b>Atlantic/ Cape May</b>	Human Resources Manager	Part-time	Assistant Division Manager	Part-time
<b>Bergen</b>	Assistant Division Manager	Part-time	EEO/AA Officer	Full-time
<b>Burlington</b>	Administrative Assistant I	Part-time	EEO/AA Officer	Full-time
<b>Camden</b>	Vicinage Training Coordinator	Part-time	EEO/AA Officer	Full-time
<b>Cumberland/ Salem/Gloucester</b>	Senior Probation Officer	Part-time	EEO/AA Officer	Full-time
<b>Essex</b>	EEO/AA Coordinator	Full-time	EEO/AA Officer	Full-time
<b>Hudson</b>	Jury Manager	Part-time	EEO/AA Officer	Full-time
<b>Mercer</b>	Municipal Division Manager	Part-time	EEO/AA Officer/ Ombudsman	Part-time
<b>Middlesex</b>	Human Resources Manager	Part-time	EEO/AA Officer	Full-time
<b>Monmouth</b>	Assistant Trial Court Administrator	Part-time	EEO/AA Officer	Full-time
<b>Morris/Sussex</b>	Administrative Assistant I and Assistant Trial Court Administrator	Part-time	Assistant Trial Court Administrator	Part-time
<b>Ocean</b>	Assistant Trial Court Administrator	Part-time	Operations Division Manager	Part-time
<b>Passaic</b>	Assistant Trial Court Administrator	Part-time	EEO/AA Officer	Full-time
<b>Somerset/ Hunterdon/ Warren</b>	Assistant Trial Court Administrator	Part-time	EEO/AA Officer	Full-time
<b>Union</b>	Trial Court Administrator	Part-time	EEO/AA Officer	Full-time
	<b>1998</b>		<b>2002</b>	
	<b>Total Part-Time Staff</b>	<b>14</b>	<b>Total Part-Time Staff</b>	<b>4</b>

	<b>Total Full-Time Staff</b>		<b>1</b>	<b>Total Full-Time Staff</b>		<b>11</b>
<b>Table 25. New Jersey Judiciary: Comparison of EEO/AA Staffing Levels AOC/Central Clerks' Offices 1998 and 2002 Full-Time Staff</b>						
<b>1998</b>		<b>COURT EXECUTIVES</b>			<b>2002</b>	
<b>Title</b>	<b>#</b>	<b>Race/Ethnicity/ Gender</b>	<b>Title</b>	<b>#</b>	<b>Race/Ethnicity /Gender</b>	
Chief, EEO/AA Officer	1	Black male	Chief, EEO/AA Officer	1	1 Black male	
Affirmative Action Officer, Bilingual in Spanish & English	1	Hispanic female	Affirmative Action Officer (Position vacant as of 11/30/01 - job notice was posted on 11/30/01 without a bilingual variant)			
<b>1998</b>		<b>INVESTIGATORS</b>			<b>2002</b>	
Administrative Specialist IV	2	1 White female  1 Hispanic male	Administrative Specialist IV	4	1 White female 1 White male 1 Black female 1 Black male	
<b>1998</b>		<b>OTHER PROFESSIONAL STAFF</b>			<b>2002</b>	
Training & Staff Development Officer	1	1 Black female	Training & Staff Development Officer	1	1 Black female	
Administrative Specialist IV, Bilingual in Spanish & English	1	1 Hispanic female	Administrative Specialist III (Position became vacant in 1998. Was filled at a lower level in 2001 without a bilingual variant)	1	1 White female	
<b>1998</b>		<b>CLERICAL STAFF</b>			<b>2002</b>	
Judiciary Secretary 1 Judiciary Clerk 3	2	1 White female 1 Black female	Judiciary Secretary 1 Judiciary Clerk 3	2	1 Black female 1 Black female	
<b>Total EEO/AA Staff at the AOC/Central Clerks' Offices</b>						
<b>1998</b>			<b>2002</b>			
<b>#</b>	<b>Race/Ethnicity</b>		<b>#</b>	<b>Race/Ethnicity</b>		

<b>8</b>	3 Blacks 3 Hispanics 2 Whites	<b>9</b>	6 Blacks 0 Hispanics 3 Whites
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On January 12, 2001, as a result of a reorganization that took place at the AOC/Central Clerks' Offices, the EEO/AA Unit reporting authority was transferred from the Counsel to the Administrative Director to the Office of the Deputy Administrative Director. This action is generally viewed as a favorable one in that the Unit continues to report to the top of the organization as recommended by EEO guidelines and encouraged by the Supreme Court Committee on Minority Concerns.

b. Training the New EEO/AA Officers

To fulfill the Judiciary EEO/AA Master Plan requirement that “. . . the AOC EEO/AA Unit hold meetings . . . with EEO/AA staff as a group to discuss legal developments pertaining to EEO/AA and to provide training, . . .,” Vicinage EEO/AA Officers, EEO/AA Regional Investigators and EEO/AA Advisory Committee members have attended a series of training sessions coordinated by the AOC, EEO/AA Unit. See Table 26. New Jersey Judiciary: Training of Vicinage EEO/AA Officers, Regional Investigators and Vicinage EEO/AA Advisory Committee Members.

<b>Table 26. New Jersey Judiciary: Training of Vicinage EEO/AA Officers, Regional Investigators and Vicinage EEO/AA Advisory Committee Members, 2001</b>
Fulfilling the Requirements of the Judiciary EEO/AA Master Plan: The Nuts and Bolts of Recruitment and Community Outreach, April 2001 - 1 day
Guidelines for Preparing a Vicinage EEO/AA Implementation Plan, June 2001 - 1 day
Sexual Harassment Prevention Workplace Training (Train-the-Trainer), September 2001 - 7 days
Training of EEO/AA Officers, Coordinators and Investigators: An Update on Policies and Procedures, Fall 2001 - 3 days
Train-the-Trainer Diversity and Workplace Issues in the New Millennium, October 2001 - 5 days
Training of EEO/AA Advisory Committee Members, September/October ( Passaic, Mercer and Morris)
Training on the Judiciary Human Resources Information System, September 2001- 1 day
Guidelines for Preparing a Vicinage Workforce Analysis, November 2001 - 1 day
Maintaining a Sexual Harassment Work Environment: Our Managerial and Supervisory Responsibilities and Liabilities for Managers (Train-the-Trainer), December 2001 - 3 days



EEO/AA Officers and investigators have also attended external training seminars given by the United States Equal Employment Opportunity Commission and the New Jersey Division on Civil Rights.

c. Establishing the Conference of EEO/AA Officers

A Conference of EEO/AA Officers has been formed which meets on a monthly basis. The Conference is in the process of developing draft standards and goals (for use with the Court Executive 1B evaluation instrument) to assess the performance of EEO/AA Officers. These standards are currently under review.

d. EEO/AA Staff Work with Judiciary Committees and Conferences

The Committee has learned that in addition to the EEO/AA duties, many EEO/AA Officers are being asked to provide staff support to the local EEO/AA Committee as well as to the Vicinage Advisory Committee on Minority Concerns. Staff perform these duties in addition to their regular responsibilities.

In providing guidance to the local committees on minority concerns, the Committee on Minority Concerns recommended that vicinage advisory committee staff be drawn from court administration and management representing a broad range of subject and practice areas. The intent was to ensure that the minority concerns advisory committees benefit from cross-fertilization of knowledge and expertise. Since the establishment of the inaugural vicinage advisory committees on minority concerns commencing in 1992, vicinage employees providing staff support have come from various administrative and management positions, practice divisions and units such as: Trial Court Administrator, Assistant Trial Court Administrator, Operations Manager, Probation Office, Training Coordinator, Crisis Intervention Unit, Ombudsman, Family Division Supervisor and Executive Assistant in the Civil Division., among others.<sup>63</sup>

While the Committee is extremely pleased that court managers and administrators are filling vicinage staff positions, there is growing concern about the decline in the subject/practice area diversity of the most recent cadre of newly appointed staff to the advisory committees on minority concerns. Seven out of eight of the new staff are EEO/AA Officers. The Committee has learned that when the new EEO/AA positions were advertised, the job vacancy notice stated that this would be one of the responsibilities of the EEO/AA Officer. As already noted, in previous years Trial Court Administrators, in collaboration with the

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<sup>63</sup> In the past several years, the Committee on Minority Concerns has had staff support from the following divisions: Civil Division, Criminal Division, Family Division and the EEO/AA Unit (Deputy Administrative Director).



Assignment Judge appointed staff from a variety of divisions/practice areas and were not limited to appointing EEO/AA Officers to staff the advisory committees on minority concerns.

The Committee applauds the Deputy Administrative Director's October 4, 2001 advisory addressing this concern. His memorandum states in part,

. . . there is no mandate from the Administrative Office of the Courts or any other group that the EEO/AA staff person must be staff to the Minority Concerns Advisory Committee. . . . To ensure that there is no confusion over this issue . . . I recommend that in future vacancy notices for the EEO/AA officer, you delete entirely the reference to the Advisory Committees on Minority Concerns . . .

See Appendix D-2.2 for a copies of the advisory memoranda on this issue.

**Committee Recommendation 02:5.3: Staff support for the vicinage advisory committees on minority concerns should not be limited to EEO/AA Officers.**

e. Need for Bilingual Staff

While the Committee commends the significant overall progress made in EEO/AA staffing patterns, a point of concern remains regarding the lack of bilingual/bicultural staff at any level of the AOC/Central Clerks' Offices, EEO/AA Unit, especially in light of the fact that approximately 13.5% of the total population in New Jersey is Hispanic/Latino. According to statistics obtained from the Court Interpreting, Legal Translating and Bilingual Services Unit for court year 1996 - 1997, the latest year for which these data have been analyzed, the Superior Court needed interpreters for 45,188 events, of which 40,721 (or 90.1%) were in Spanish. See Appendix C-4.1 for a copy of this report.

Three bilingual/bicultural staff have left the Unit since the Committee last reported to the Court. In 1998 the position of Administrative Specialist IV, Bilingual in Spanish and English, held by an Hispanic female attorney became vacant. The job notice of vacancy was subsequently posted at the lower title of Specialist III and the bilingual variant in Spanish and English was removed. The job was subsequently filled in 2001 by an individual who is not bilingual.

An Hispanic male in the title of Judiciary Investigator also left his position in 1999. Most recently,

on November 30, 2001 the Affirmative Action Officer, Bilingual in Spanish and English (Court Executive 1B) at the AOC/Central Clerks' left that position. With her departure, there is no bilingual/bi-cultural staff at any level of the central office EEO/AA Unit. Furthermore, the position of Affirmative Action Officer (Court Executive 1B) was posted on November 30, 2001 without a bilingual variant (although the ability to communicate in Spanish and English was listed as being helpful); thus, further reducing the likelihood of a bilingual/bi-cultural appointment. The EEO/AA Unit has greatly benefitted from the work of a diverse team of employees at the Central Office from 1986 up to December 2001. The success of this diverse team is evidenced by the Judiciary's overall workforce diversity profile that will be discussed at length later on in the chapter report.

The Committee on Minority Concerns has made various recommendations in all of its prior reports to the Court pertaining to the need for bilingual/bi-cultural staff to meet the needs of an increasingly diverse court user population. This concern is coupled with the longstanding need to increase Hispanic representation in the Judiciary. Such recommendations are especially relevant at this time since Hispanics now comprise the largest minority group in New Jersey. See Table 25.

Comparison of EEO/AA Staffing Levels - AOC/Central Clerks' Offices for a comparison of bilingual staff as of 1998 and 2002.

**Committee Recommendation 02:5.4. The Committee on Minority Concerns strongly recommends that the job notice of vacancy for Court Executive 1B (Affirmative Action Officer) in the AOC, EEO/AA Unit be revised to reinstate the bilingual variant (Spanish and English) and b) that the job notice of vacancy be re-posted with the bilingual variant and that the goal of hiring an individual who is bilingual/bi-cultural in this title be established in order to ensure cultural diversity in the EEO/AA Unit.**

**Committee Recommendation 02:5.5. The Judiciary Unit is strongly urged to hire bilingual/bi-cultural staff at the Court Executive level in the AOC/Central Clerks' Offices EEO/AA Unit.**

f. Status of Vicinage EEO/AA Programs

The Committee also examined whether Vicinage EEO/AA Officers have been provided the “authority, resources and time needed to carry out duties, have access to top management, and are kept informed of key vicinage developments, policies, etc.” ( see the Questionnaire on the Vicinage EEO/AA Program [ January 2002] ) as required by the Judiciary EEO/AA Master Plan.<sup>64</sup> As noted earlier, a questionnaire was sent to Trial Court Administrators by the Chief EEO/AA Officer at the request of the Committee on Minority Concerns. All vicinages responded to the questionnaire. Tables 27 and 28 present summary responses.

<b>Table 27. New Jersey Judiciary: Summary Responses to the Questionnaire on the Vicinage EEO/AA Program, Management Team Participation</b>			
	<b>Yes</b>	<b>No</b>	<b>Other (Comments)_</b>
<b>EEO/AA Officer part of the management team</b>	<b>14</b>		<i>1 Other</i>
<b>Meets with top management on a regular basis</b>	<b>13</b>		<i>2 The EEO/AA Officer participates in management meetings and has input in all areas related to her function.</i>
<b>Routinely provides reports to the management team</b>	<b>13</b>		<i>2 The EEO/AA Officer was recently appointed. She will be providing reports to the management team in the near future.</i>
<b>Is kept informed of key vicinage developments, policies, etc.</b>	<b>13</b>		<i>1 No Response 1 Other</i>

**Total Responses N=15\***

\*The responses of the AOC/Central Clerks’ Offices are not reflected in this table.

The majority of respondents replied that the EEO/AA Officer is part of the management team,

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<sup>64</sup>New Jersey Judiciary EEO/AA Master Plan, pages 21 and 22.

meets with top management on a regular basis and is kept informed of key vicinage developments and policies. One vicinage noted that although the EEO/AA Officer may not be part of the management team, that individual participates in management meetings and has input in all areas related to the EEO/AA function. A second vicinage cited the recent appointment of the EEO/AA Officer, who is part of the management team but has not yet provided reports to the management team. The EEO/AA Officer will provide reports in the near future.

The responses to the questions pertaining to the resources that are provided to the EEO/AA Officer were varied. While all eleven vicinages indicated that the EEO/AA Officer had received training and had a computer with appropriate software, only one of the vicinages provides full-time clerical support to the EEO/AA Officer. Among those vicinages providing figures on the percentage of clerical support dedicated to EEO/AA work, the range was from 8% to 25%.

Most vicinages indicated that clerical support was provided as needed. One Trial Court Administrator stated that current staffing ratios do not support a clerical assistant for the EEO/AA Officer and recommended that this staffing issue be considered in the annual staffing ratio review. In spite of the intensive training that has been provided to EEO/AA Officers, one vicinage indicated that additional guidance in carrying out the EEO/AA functions is needed.

The Committee also posed the question whether the EEO/AA Officer had a private office with a door. The basis for this question stems from the Committee's interpretation of the Judiciary EEO/AA Master Plan requirement "that EEO/AA Officers investigate discrimination and sexual harassment complaints" as meaning that there may be occasions when the EEO/AA Officer may be approached by employees, applicants or others who wish to discuss a problem or file a complaint of discrimination. Such individuals may be in a high state of distress and may be inhibited from coming forth and discussing their problems or lodging a complaint unless they can speak confidentially and in private. Similarly, the EEO/AA Officer may engage in telephone conversations of a highly confidential nature (e.g., providing advice and guidance to management or other individuals) that also require confidentiality (Judiciary EEO/AA Master Plan, pages 22, 23, 53 and 54). Of the fifteen responses received, twelve EEO/AA Officers have offices with doors, while three responded "Other". Explanations provided by three of the vicinages stated that plans for a private office are in progress or that the office is under construction. In the interim, the EEO/AA

Officer has access to conference rooms and private offices as needed. The third vicinage indicated that the EEO/AA Officer had use of conference rooms for confidential meetings but did not specify whether or not there were future plans to provide the EEO/AA Officer with a private office.

<b>Table 28. New Jersey Judiciary: Summary Responses to the Questionnaire on the Vicinage EEO/AA Program, In-Kind Support and Equipment</b>			
	<b>Yes</b>	<b>No</b>	<b>Other (Comments)</b>
<b>Has received training</b>	<b>15</b>		<i>EEO/AA Officer has extensive experience in the area.</i>
<b>Has a private office with a door</b>	<b>12</b>		<p style="text-align: center;"><b>3</b></p> <p><i>-Plans for a private office are in process. Currently EEO/AA officer utilizes available conference rooms.</i></p> <p><i>-EEO/AA Officer has access to conference rooms and private offices as needed.</i></p> <p><i>-EEO/AA Officer has use of a conference room for confidential meetings. Private office is under construction.</i></p> <p><i>-Space and physical move pending.</i></p>
<b>Has clerical staff support<sup>65</sup></b> <b>(Part Time)</b> <b>(Full Time)</b>	<b>10</b> <b>2</b>	<b>3</b>	<p><i>-All EEO/AA Officers are provided part-time clerical support as needed.</i></p> <p><i>-Ranges of those which provided percentage of clerical work dedicated to EEO/AA work were from 8% to 25%.</i></p> <p><i>-Current staffing ratios do not support a clerical assistant for the EEO/AA Officer. This staffing issue should be considered in the annual staffing ratio review.</i></p>
<b>Has a computer with appropriate software</b>	<b>14</b>	<b>1</b>	
<b>Has a budget (to attend conferences and training, etc.)</b>	<b>7</b>	<b>3</b>	<p style="text-align: center;"><b>5</b></p> <p><i>-The EEO/AA Officer does not specifically have a budget; training is paid through the Vicinage Training Budget.</i></p> <p><i>-EEO/AA Officer gets approval to attend conferences and training as they come up.</i></p> <p><i>-Training budget is central.</i></p>

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<sup>65</sup>The Judiciary EEO/AA Master Plan provides a detailed outline of responsibilities for the EEO/AA Officer. It is the opinion of the Committee on Minority Concerns that access to clerical staff support will be necessary to assure a successful EEO/AA Program. Judiciary EEO/AA Master Plan, pages 21-24.

### **Total Responses N=15**

Another query asked if the EEO/AA Officer had a budget. Of the fifteen responses received, nine EEO/AA Officers have budgets to attend conferences, training sessions, etc. while for three EEO/AA Officers, such costs are paid through the Vicinage Training Budget, are submitted for approval on a case by case basis or are funded from the Operations Manager's budget. Another vicinage recommended that the Judiciary provide a statewide budget allocation to assist Vicinage EEO/AA Officers in receiving more "in-depth" training in court management as a means of integrating them into the senior court management team.

The Committee believes that vicinage EEO/AA Officers should be provided with the "authority, resources and time needed to carry out the duties of this office."

**Committee Recommendation 02:5.6. Vicinages that do not have these critical EEO/AA program components in place should provide EEO/AA Officers with the "authority, resources and time needed to carry out the duties of this office"(January 2002, Vicinage EEO/AA Questionnaire).**

**Committee Recommendation 02:5.7. The Judiciary is urged to provide a statewide budget allocation to assist Vicinage EEO/AA Officers in receiving much more "in-depth" training in court management as a means of integrating them into the senior court management team.**

### 3. Judiciary Discrimination Complaint Procedures

The Supreme Court Task Force on Minority Concerns Final Report (pages 248-249) noted that the Judiciary lacked sufficient complaint procedures to enable persons to overcome unfair treatment in the court. While acknowledging the fact that formal complaint procedures were in place for judges (the Advisory Committee on Judicial conduct) and attorneys (the Office of Attorney Ethics, the District Ethics Committees, the Disciplinary Review Board, the Ethics Financial Committee and the District Fee Arbitration Committees), the Task Force stated that both systems were dependent on written complaints and that only the attorney disciplinary process had a uniform format (the Attorney Grievance Form).

#### a. Background Information: Complaint Procedures

In 1993 the Supreme Court, in its Action Plan on Minority Concerns, approved the Task Force recommendation that “the AOC/Central Clerks’ Offices develop, adopt and implement in its own offices and in each vicinage a discrimination complaint procedure.” In the 1994-1996 Rules Cycle Report to the Court, the Committee on Minority Concerns reviewed the progress made during the intervening years in making discrimination complaint procedures available to employees and applicants for employment and concluded that:

*While a mechanism is in place to address discrimination complaints filed by employees and applicants for employment...the procedures are outdated, lack uniformity and have not been widely publicized . . . There is no reporting mechanism in place to quantify the number and types of complaints being lodged statewide. Furthermore, there is no tracking of divisions, departments or units with high complaint rates and/or managers or employees with multiple incidents so that appropriate corrective action and sanctions can be taken . . . No definitive determination has been made whether managers/supervisors are aware of and have been trained to reduce the number of discrimination complaints being received. (Rules Cycle 1994-1996, pp. 24-25)*

In the 1996-1998 Rules Cycle Report to the Court, the Committee on Minority Concerns again monitored this area and proposed the following recommendations:

*The New Jersey Judiciary is urged to expedite the completion of the draft discrimination complaint procedures. . . Furthermore, it is recommended that the Committee on Minority Concerns be allowed sufficient time to review the procedures before they are finalized.*

*The updated procedures should be disseminated to all employees and court users. It is recommended that the procedures be translated into Spanish and/or other appropriate languages for dissemination to the public and be readily available in courts and be displayed at information booths at the AOC/central Clerks’ Offices and in each vicinage. Specialized and continuous training in this area should be given to all EEO/AA staff, managers and front-line supervisors.*



The Subcommittee has again examined the implementation of the recommendation as it affects employees and applicants for employment and determined that there has been only partial implementation of the recommendation, as will be set forth in detail herein. This issue, as it relates to court users, is also discussed in the Subcommittee on Minority Access Chapter Report.

b. Issuance of New Jersey Judiciary Discrimination Complaint Procedures, May 2000

In May 2000 the New Jersey Judiciary issued discrimination and sexual harassment complaint procedures. The procedures apply to complaints filed by employees, applicants for employment, court users, volunteers, attorneys, litigants, witnesses or others who come into contact with the court system and believe they have been discriminated against on the basis of race, color, national origin, ancestry, sex, age, religion, disability or perceived disability, atypical hereditary cellular or blood trait, marital status, affectional or sexual orientation, status as a disabled veteran or veteran of the Armed Forces of the United States, or other categories covered by federal or state anti-discrimination laws. Complaints may be lodged against judges, employees and non-employees. The procedures allow for the filing of an informal or formal discrimination complaint.

The discrimination complaint procedures allow 15 days for the investigation of informal complaints and 45 days for the investigation of formal complaints.

(1) Informal Discrimination Complaint Procedures

An informal discrimination complaint may be filed by the complainant in situations that are not egregious in nature; when sanction is not sought and when it is not apparent that an anti-discrimination law has been violated.

An individual may file an informal complaint with the unit supervisor, manager or local EEO/AA Officer. At this time, the complainant is advised of his/her right to file a formal complaint by filing a formal written complaint of discrimination internally or by pursuing an external complaint with a federal or state enforcement agency. Informal complaints are handled by the unit supervisor, manager or local EEO/AA Officer.

(2) Formal Discrimination Complaint Procedures

If a complainant is not satisfied with the informal complaint resolution, the complainant is again advised of his/her right to file a formal written complaint of discrimination internally or pursue an external complaint with

a federal or state enforcement agency. While local EEO/AA Officers are the primary points of contact for filing both informal and formal complaints, formal complaints are investigated by a Regional EEO/AA Investigator.<sup>66</sup> When the alleged complainant is a vicinage employee, the investigator presents a report to the Trial Court Administrator who will render the final disposition of the matter.

(3) Formal complaint investigation reports filed at the AOC/Central Clerks' Offices are directed to the Chief EEO/AA Officer who will forward them to the Administrative Director. The Administrative Director will render the final disposition.

An appeal of the decision may be made to the Administrative Director within 15 days after receipt of the ruling. An Appeals Panel will make a determination within 30 days.

(4) Prohibition Against Retaliation

The discrimination complaint procedures include a clause prohibiting retaliation in any form by anyone in the court system against any person who files a discrimination complaint, or who assists in the investigation of such complaints, or who opposes discrimination in the workplace.

(5) Confidentiality

The procedures stipulate that whenever possible, the confidentiality of witnesses and complainants must be maintained.

c. *Discrimination Complaint Procedures in the Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination*

This Policy Statement informs employees, applicants, clients and court users of the avenues for filing a discrimination complaint and also provides the telephone numbers of Access (Disabilities) and EEO/AA staff. The Policy also includes a strong statement prohibiting retaliation for filing a complaint.

As previously noted, the Policy Statement (including the section on the discrimination complaint

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<sup>66</sup>This procedure was adopted with the hiring of Regional EEO/AA Investigators in 2001 and differs from the complaint procedures promulgated in the Judiciary EEO/AA Master Plan in May 2000 which stipulate that formal discrimination complaints shall be investigated by the local EEO/AA Officer.

procedures) was initially distributed as part of the Judiciary EEO/AA Master Plan. It was revised in December 2000 and redistributed to all judges and employees statewide. The Policy Statement has been translated into Spanish and both versions were laminated and posted throughout the Justice Complex and in the trial courts in areas visible to employees and court users. The Policy Statement (including the section on the discrimination complaint procedures) is also available on the Judiciary's Internet web site (at [www.judiciary.state.nj.us](http://www.judiciary.state.nj.us)) and internally on the Judiciary InfoNet site.

d. Discrimination Complaint Procedures in the Judiciary EEO/AA Master Plan

The New Jersey Judiciary's discrimination complaint procedures are included in the Judiciary EEO/AA Master Plan. As was noted earlier, the Plan was approved by the Supreme Court and the Administrative Director in May 2000. The plan was distributed to judges, managers and supervisors statewide and can be obtained upon request from the local EEO/AA Officers or the Administrative Office of the Courts, EEO/AA Unit.

e. Discrimination Complaint Procedures Standard Operating Guidelines

After the Judiciary issued its discrimination and sexual harassment complaint procedures in May 2000, the Judiciary increased EEO/AA investigative staff and regionalized the EEO/AA investigative function. This change substantively altered the investigative role of EEO/AA Officers who previously had responsibility for investigating both informal and formal complaints of discrimination. As already noted, EEO/AA Officers now only handle informal complaints, whereas formal complaints are investigated by the Regional EEO/AA Investigator. In its prior reports to the courts, the Committee on Minority Concerns recommended that:

*The New Jersey Judiciary is urged to expedite the completion of ... written standard operating guidelines to provide managers and EEO/AA staff with detailed guidance on handling and reducing informal and formal complaints of discrimination, as well as instructions for use of the formal and informal discrimination complaint forms. Furthermore, it is recommended that the Committee on Minority Concerns be allowed sufficient time to review the procedures before they are finalized.*

The Subcommittee has been informed by the AOC/Central Clerks' Offices EEO/AA Unit that

written standard operating guidelines to provide managers and EEO/AA staff with guidance on handling informal and formal complaints of discrimination, along with instructions for use of the formal and informal discrimination complaint forms, have been drafted by the Conference of EEO/AA Officers and are being reviewed.

f. Informal and Formal Discrimination Complaint Forms

Standard forms for intake of formal and informal discrimination complaints for Judiciary-wide use have been developed and are currently being used (refer to Appendix). The forms have been provided to vicinage EEO/AA Officers and are available in the EEO/AA Unit at the AOC/Central Clerks' Offices. The forms are provided to employees, job applicants or court users who visit or call the EEO/AA Officer and indicate that they wish to file a complaint of discrimination. The Subcommittee has been unable to determine the extent of other distribution and availability of these forms.

g. EEO/AA Complaint Tracking Forms and Complaint Log

The Judiciary EEO/AA Master Plan requires that the local EEO/AA Officer maintain a detailed log of all formal and informal complaints filed at the vicinage level and provide quarterly reports to the AOC/Central Clerks' Offices EEO/AA Unit.

The Plan requires that the AOC/Central Clerks' Offices maintain a database or log of all complaints filed at the AOC/Central Clerks' Offices and a central database for tracking complaints Judiciary-wide. This database also should capture information regarding complaints filed with the Division on Civil Rights, the EEOC, and in the Superior Court against judges and Judiciary employees.

The Plan also requires the Judiciary EEO/AA Officer to consolidate annually the information contained in the local complaint databases. The AOC EEO/AA Unit has developed and is using tracking forms to capture information on complaints filed at the AOC/Central Clerks' Offices and vicinage level.

A local database for tracking AOC/Central Clerks' Offices and vicinage complaints is also being developed. This database will facilitate the preparation of periodic reports on all complaints filed and includes the following data screens:

- c Complainant Identifying Information -- Name, organization (AOC or vicinage), race/ethnicity and gender;

- C Respondent Identification -- Person against whom the complaint is lodged (respondent name, organization, race/ethnicity and gender);
- C Nature of the complaint -- Issues the employee is complaining about;
- C Type of complaint – formal or informal;
- C Basis of the complaint -- records the reason the employee is filing a complaint, i.e. for retaliation and so on;
- C Time Frame – Key dates are noted (date complaint filed, date complaint assigned to be investigated, date investigation completed, date letter sent to the complainant, date file closed);
- C Status or Action Taken – Indicate the outcome or disposition and specify what action was taken, i.e., briefly explain, complaint substantiated, finding of probable cause, settled, administrative dismissal and so on.

#### 4. Regionalizing the EEO/AA Investigative Function

In response to recent federal and state court decisions that require employers to handle complaints of discrimination both effectively and in a timely manner or incur liability, the Judiciary regionalized the EEO/AA investigative function in the fall of 2000. As previously noted, both informal and formal discrimination complaints were handled by the local EEO/AA Officer; with regionalization this function was bifurcated. The Northern Region includes Bergen, Essex, Hudson, Morris, Passaic and Sussex Counties. The Central Regional includes Hunterdon, Middlesex, Mercer, Monmouth, Somerset, Union and Warren Counties. The Southern Region includes Atlantic, Burlington, Cape May, Camden, Cumberland, Gloucester, Ocean and Salem Counties.

According to the AOC/Central Clerks' Offices EEO/AA Unit, both the discrimination complaint procedures, complaint forms and standard operating guidelines are currently being updated to include the new role of the EEO/AA Regional Investigators who have responsibility for investigating formal complaints of discrimination.

##### a. Increase in EEO/AA Investigative Staff

The regionalization of the EEO/AA investigative function resulted in the hiring by the AOC/Central Clerks' Offices EEO/AA Unit of three additional investigators in the title of Administrative Specialist IV.

The Regional Investigators are assigned to work in the northern, southern and central regions of the state. A fourth investigator is assigned to the AOC/Central Clerks' Offices. The Regional EEO/AA Investigators report to and are evaluated by the Chief, EEO/AA Officer at the AOC/Central Clerks' Offices.

b. Discrimination Complaint Procedures Training of EEO/AA Investigative Staff and Employees

The Committee on Minority Concerns has previously recommended, "specialized and continuous training in this area should be given to all EEO/AA staff, managers and front-line supervisors."

The comprehensive review of progress made since the promulgation of the EEO/AA Master Plan revealed that all EEO/AA Investigative staff have attended some of the same courses given to Vicinage EEO/AA Officers. Refer to the earlier discussion on *Training EEO/AA Staff and Advisory Committee Members*.

The discrimination complaint procedures are also covered as an integral part of the training provided to all employees on: EEO/AA; sexual harassment prevention (for managers and employees); diversity, the new hire orientation program and training of newly appointed Superior Court judges, Municipal Court judges, and law clerks.

5. Review of EEO/AA Complaint Data

Table 29. New Jersey Judiciary: Discrimination Complaints Filed at the AOC/Central Clerks' Offices and Vicinages Combined, July 1, 2000 to June 30, 2001, indicates that during this twelve month period 111 formal and informal discrimination complaints were filed statewide. Of these complaints, 40 (36.0%) were filed at the AOC/Central Clerks' Offices and 71 (64.0%) were filed at the vicinage level. Some summary findings are noted in Table 30: New Jersey Judiciary: Discrimination Complaints Filed by Nature of the Complaint AOC/Central Clerks' Offices and Vicinage Combined, July 1, 2000 to June 30, 2001.

- c Proportionally, the rate of race/ethnic discrimination complaints filed to the number of employees at the AOC/Central Clerks' Offices was 3.1% (40 complaints filed out of a workforce of 1304 employees). At the vicinage level there were 1.1% race/ethnic discrimination complaints filed (71 complaints out of a workforce of 7316 employees).
- c The AOC/Central Clerks' Offices had a higher number of complaints filed (40) than any

single vicinage. The vicinage with the highest number of complaints was Essex (14).

- C The highest number of complaints filed statewide allege race/ethnic discrimination (27.9%). For the Essex vicinage, the vicinage with the highest total number of complaints (14), eight (57.1%) of this total alleged race bias; at the AOC/Central Clerks' Offices, 11 (27.5%) out of 40 discrimination complaints were based on race.
- C Sexual harassment and gender complaints combined comprised 30.6% of the total 111 discrimination complaints filed statewide. The AOC/Central Clerks' Offices had the largest proportion - 10 (29.4%) sexual harassment and gender complaints combined out of the statewide total of 34.
- C Twenty-five percent of the discrimination complaints filed at the AOC/Central Clerks' Offices are based on retaliation and six of the nine complaints (66.7%) filed in the Cumberland/Gloucester/Salem Vicinage allege a hostile work environment.

The fact that 25% of discrimination complaints allege retaliation at the AOC/Central Clerks' Offices is a cause of concern. Of all complaints, retaliation is seen as the most serious because it is considered an obstruction of justice. If employees perceive that they will be retaliated against for filing a discrimination complaint, they will be discouraged from using the system. Furthermore, there is no way to gauge whether other employees would have come forth and filed a complaint, but have not done so, because they fear retaliation.

The Committee has, over the course of several years, received anecdotal evidence that a good number of potential complainants fail to file at the AOC/Central Clerks' Offices because they do not believe that the EEO/AA Office handles discrimination complaints effectively, efficiently and fairly. These employees have characterized filing a complaint at the AOC as a "waste of time." Moreover, many AOC Central Office employees believe there are problems in the EEO/AA Office itself with the fair and equitable treatment of its own staff. According to these employees, "the EEO/AA Office's primary purpose is to protect managers; they go through the motions of investigating discrimination complaints."

Of the 26 persons who have registered these concerns over the last five years, six are no longer employed in the court system and four are working in other positions within the judiciary. Due to the confidential nature of these conversations, the Committee is not able to determine whether any of the remaining employees later used the complaint procedures available to them.





**Table 29. New Jersey Judiciary: Discrimination Complaints  
Filed at the AOC/Central Clerks'  
Offices and Vicinages Combined  
July 1, 2000 - June 30, 2001**

	%	#
AOC/Central Clerks' Offices	40	36.0
Vicinages Combined	71	64.0
<b>Total Complaints</b>	<b>111</b>	<b>100.0</b>
<b>Discrimination Complaints Filed By Vicinage</b>		
	%	#
AOC/Central Clerks' Offices	40	36.0
Essex	14	12.6
Cumberland/Gloucester/Salem	9	8.1
Middlesex	9	8.1
Burlington	8	7.2
Camden	7	6.3
Hudson	7	6.3
Morris/Sussex	5	4.5
Union	5	4.5
Ocean	3	2.7
Mercer	2	1.8
Bergen	1	0.9
Passaic	1	0.9
Atlantic/Cape May,	0	0.0
Monmouth	0	0.0
Somerset/Hunterdon/Warren	0	0.0
<b>Total Discrimination Complaints Filed</b>	<b>111</b>	<b>100.0</b>



**Table 30. New Jersey Judiciary:  
Discrimination Complaints Filed By Nature of Complaint  
For the AOC/Central Clerks' Offices and By Vicinage (July 1, 2000 - June 30, 2001)**

	<b>Race</b>	<b>Sexual Harassment</b>	<b>Gender</b>	<b>Retaliation</b>	<b>Hostile Work Environment</b>	<b>National Origin</b>	<b>Age</b>	<b>Disability</b>	<b>Color</b>	<b>Religion</b>	<b>Total</b>
<b>AOC/Central Clerks'</b>	11	4	6	10	2	4	1	-	1	1	40
<b>Atlantic/Cape May</b>	-	-	-	-	-	-	-	-	-	-	-
<b>Bergen</b>	1	-	-	-	-	-	-	-	-	-	1
<b>Burlington</b>	3	-	2	-	-	1	1	-	1	-	8
<b>Camden</b>	1	4	-	-	1	1	-	-	-	-	7
<b>Cumberland/ Gloucester/Salem</b>	-	-	-	-	6	-	-	3	-	-	9
<b>Essex</b>	8	-	-	1	-	1	3	1	-	-	14
<b>Hudson</b>	-	1	4	2	-	-	-	-	-	-	7
<b>Mercer</b>	1	1	-	-	-	-	-	-	-	-	2
<b>Middlesex</b>	3	4	1	1	-	-	-	-	-	-	9
<b>Monmouth</b>	-	-	-	-	-	-	-	-	-	-	-
<b>Morris/Sussex</b>	1	3	-	-	1	-	-	-	-	-	5
<b>Ocean</b>	-	-	-	-	3	-	-	-	-	-	3
<b>Passaic</b>	1	-	-	-	-	-	-	-	-	-	1
<b>Somerset/ Hunt./Warren</b>	-	-	-	-	-	-	-	-	-	-	-
<b>Union</b>	1	3	1	-	-	-	-	-	-	-	5

<b>Total Complaints</b>	31	20	14	14	13	7	5	4
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The variation in the proportion of complaints received at the AOC/Central Clerks' Offices and the vicinages is also of interest and requires further investigation. There are a number of explanations which may account for these differences. Employees at the AOC/Central Clerks' Offices may be better informed of the discrimination complaint procedures and may exercise this right more frequently. Similarly, a low frequency of complaints filed or the absence of any complaints filed, as is seen in several vicinages, may mean that employees are not aware of the avenues available to them if they experience discrimination and wish to file a complaint. Other possible explanations are: there are factors which discourage employees from coming forward, or in the alternative, problems do not exist; when problems do arise, they are judiciously and promptly addressed, and the work environment does not tolerate biased treatment, and so on. One complainant may file several complaints emanating from a single incident; thus, increasing the total number of complaints filed.

The Committee has carefully reviewed the data received on judiciary complaints and found that it is premature to draw any conclusions. The data need to be enhanced to permit more detailed and thorough analyses of complaints and should, at a minimum, include more detailed information captured in the EEO/AA Tracking log. Further analyses are required; the submission of any further data should distinguish between formal and informal complaint filing and resolution. The variables should be clearly defined so that EEO/AA Officers consistently record information in the data base. Additionally these following data screens should also be retrieved: complaint resolutions, complainant and witness identifying information (identifies the specific division or program area), and jurisdiction (external filings, internal filings). Additional variables that need to be retrieved will be discussed in greater detail later on in the chapter in the section on Tracking Discrimination Complaints/Complaint Log.

6. Discrimination Complaint Findings

*Task Force Recommendation 2: The Supreme Court should direct that the Administrative Office of the Courts develop, adopt and implement in its own offices and in each vicinage a discrimination complaint procedure.*

In the course of evaluating progress made by the Judiciary in this area, the Subcommittee undertook the following activities: reviewed responses by the AOC/Central Clerks's Offices and the fifteen vicinages to questions posed by the Subcommittee; reviewed the Judiciary formal and informal discrimination complaint intake forms; analyzed qualitatively the quantitative data on discrimination complaints filed statewide and reviewed the "Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environment in the Workplace" contained in the recently approved amendments to N.J.A.C. 4A:7. This new rule incorporates significant revisions to the equal employment opportunity/affirmative action program of the executive branch of government and extends the period for investigating a complaint in the executive branch from 45 days to 120 days as noted below:

The authority would have to complete the investigation of a discrimination complaint and issue a final letter of determination within 120 days following completion of the complainant's initial intake. However, the appointing authority may extend the period an additional 60 days due to exception circumstances, upon notice to the Division of EEO/AA and all interested parties. ( N.J.A.C. 4A:7)

Although significant progress has been made by the New Jersey Judiciary in implementing Recommendation 2 as it relates to court employees, there are still areas which require the Court's attention.

a. Time Frames For Handling Discrimination Complaints

In reviewing the discrimination complaint log provided by the AOC/Central Clerks' Offices (refer to Table 31: New Jersey Judiciary, Discrimination Complaints Filed by Nature of Complaint AOC/Central Clerks' Offices and Vicinages Combined July 1, 2000-June 30, 2001), the Subcommittee noted that a large percentage of complaints remain open and may have gone beyond the 45 day limit as required by the

Judiciary's discrimination complaint procedures. Out of a total of 111 formal and informal complaints filed statewide during this twelve month period, 49 (44.1%) of the cases remain open. This suggests that in spite of the increase in Judiciary EEO/AA Investigative staff from one to four, investigations are not being completed in a timely manner. This same concern was echoed by several trial court administrators in their responses to the Questionnaire on the Vicinage EEO/AA Program:

Time frames for the handling of complaints have not been met.

There is a need for the AOC/Central Clerks' Offices to handle formal discrimination complaints more expeditiously and for the Judiciary to revise the discrimination complaint procedures to include the EEO/AA Regional Investigative function.

This situation is readily apparent in the case of the AOC/Central Clerks' Offices where a large portion of the cases remain open. The failure to timely investigate (and resolve) complaints of discrimination poses problems: employees may conclude that internal discrimination complaint procedures are inadequate or do not work. Employees will be discouraged from utilizing the complaint procedures. Moreover, the practices and actions that are the subject of meritorious complaints will continue, thus causing harm to employees as well as potential legal liability to the Judiciary, and preventing the Judiciary from holding accountable those individuals whose inappropriate, improper and/or unlawful actions gave rise to the discrimination complaints.

**Table 31. New Jersey Judiciary: Discrimination Complaints Filed By Nature of Complaint  
AOC/Central Clerks' Offices and Vicinages Combined  
July 1, 2000-June 30, 2001**

<b>Nature of Complaint</b>	<b>Number</b>	<b>Action Taken</b>
<b>Race</b>	Filed - 31 Closed - 16 Open - 15  Closed - 51.6%	1 Substantiated/Respondent Resigned 1 Transferred 1 Memo & EEO Policy Sent to employee 5 Not Pursued 7 Unsubstantiated 1 Mediated
<b>Sexual Harassment</b>	Filed - 20 Closed - 20 Open - 0  Closed - 100.0%	2 Substantiated/Respondent Resigned 3 Substantiated 1 Counseled/Trained 6 Unsubstantiated 1 Consultation and Referral to Workplace Violence Manager 2 Consultation and Withdrawal 2 Workplace Restriction Imposed/Mutual Consent 1 Written Apology 1 Complaint Withdrawn/Employee Resigned 1 Workplace Restriction/Training
<b>Retaliation</b>	Filed - 14 Closed - 6 Open - 8  Closed - 42.9%	1 Mediated 1 Transferred 2 Substantiated 1 Withdrawn After Consultation 1 Lack of Probable Cause
<b>Gender</b>	Filed - 14 Closed - 4 Open - 10 Closed - 28.6%	1 Substantiated/Respondent Resigned 1 Transferred 1 Unsubstantiated 1 Handled by Assignment Judge
<b>Hostile Work Environment</b>	Filed - 13 Closed - 6 Open - 7 Closed 46.2%	1 Transferred 1 Mediated 3 Disciplinary Action Taken 1 Training



**Table 31. New Jersey Judiciary: Discrimination Complaints Filed By Nature of Complaint  
AOC/Central Clerks' Offices and Vicinages Combined  
July 1, 2000-June 30, 2001**

<b>Nature of Complaint</b>	<b>Number</b>	<b>Action Taken</b>
<b>National Origin</b>	Filed - 7 Closed - 4 Open - 3 Closed 57.1%	1 Substantiated/Respondent Resigned 3 Unsubstantiated
<b>Age</b>	Filed - 5 Closed - 3 Open - 2 Closed - 60.0%	1 Withdrawn 2 Unsubstantiated
<b>Disabilities</b>	Filed - 4 Closed - 3 Open - 1 Closed - 75.0%	2 Consultations/Withdrawn 1 Withdrawn
<b>Color</b>	Filed - 2 Closed - 0 Open - 2 Closed - 0.0%	
<b>Religion</b>	Filed - 1 Closed - 0 Open - 1 Closed - 0.0%	
<b>Total Complaints</b>	Filed - 111 Closed - 62 (55.9%) Open - 49 (44.1%)	

**Committee Recommendation 02:5.8. While a 45 day time period to complete an investigation may not be adequate, using 120 days (as does the executive branch) may be too long of a time period and may not fulfill the court's requirement for a "prompt and thorough investigation." The Committee proposes that the complaint time frame be 90 days from the point of intake.**

#### b. Tracking Discrimination Complaints/Complaint Log

It is the Committee's understanding that the EEO/AA Unit is presently capturing detailed data on complaints. The tracking form in the Master Plan, Administrative Office of the Courts-EEO/AA Unit Discrimination Complaint Tracking Form (Formal and Informal Complaints, page 55) lists most of the necessary data screens. These additional variables are also important to include in the EEO/AA Unit's database: number of witnesses interviewed, number of witnesses presented by the complainant, the race/ethnicity and gender of each witness, division/unit of the complainant and witnesses, relationship of witnesses vis a vis the complainant, and length of time taken to investigate the complaint.

Tracking the "age sensitivity" of complaints is necessary as well. This is a standard case management technique by the federal government to keep management informed (on a monthly basis) about the velocity of complaints in the pipeline that are being investigated. This management tool helps determine if the cases are being handled in a timely fashion.

The information provided by the AOC/Central Clerks' Offices EEO/AA Unit on discrimination complaints is too sparse and does not contain enough detail for the Committee to put forth any findings and clear and tailored recommendations. Furthermore, it appears that the EEO/AA Unit is not currently consistently tracking complaints as required by the Judiciary EEO/AA Master Plan. For example, summary data provided to the Committee does not include information on the respondent's organization and race/ethnicity and gender identification. These results point to the need for the AOC/Central Clerks' Offices EEO/AA Unit to define all terminology used, i.e. define all data screens so that careful and detailed analyses of the data can be made. Without consistent definitions of the screens in the database, the EEO/AA Officers will be using variable measures of these items. Each disposition should be defined and periodic checks should be put into place to ensure that the information in the log are being accurately recorded and that the tracking is consistent across all vicinages and at the Central Office.

#### c. Discrimination Complaint Procedures Standard Operating Guidelines

The draft discrimination complaint standard operating guidelines that are currently under internal review should address the following issues:

- (1) Detailed guidance for managers and EEO/AA staff on how the Judiciary conducts an investigation and information on handling and

reducing informal and formal complaints of discrimination.

(2) Instructions for use of the formal and informal discrimination complaint intake forms.

(3) Information on what happens to the intake form once a complaint has been filed. Is it given to the alleged offender? Is the individual who filed the complaint given a copy of the alleged offender's responses?

(4) Instructions for local EEO/AA Officers that they inform individuals who file a complaint of their right to pursue a complaint externally with external federal and state agencies or Superior Court and of deadlines that are in place for such filing.

(5) Guidelines that address such issues as the handling of a reluctant respondent or witness; confidentiality of the investigative process; the role of the unions in the discrimination complaint process; defining the scope of the discrimination complaint process and how the local EEO/AA Officer should handle those complaints that fall outside the scope; information that taping of interview sessions is not allowed; what information can the local EEO/AA Officer share with management; define the relationship between the local EEO/AA Officer, the Regional EEO/AA Investigator and the AOC Chief, EEO/AA Officer in the investigative process; a time line for the various stages of the investigation.

#### d. Discrimination Complaint Intake Forms

The Subcommittee reviewed the discrimination complaint intake forms and found that they may be too complex for a layperson to understand and contain a lot of "legalese" instead of simple, easy to understand English. For example, instead of asking "who is the alleged offender" a simple alternative would be, "Who are you complaining against? What is that individual's relationship to you?" If the use of certain words is unavoidable, they should be defined somewhere on the form. The recently revised forms for self-represented litigants should be reviewed by the AOC/Central Clerks' Offices EEO/AA Unit or a request should be forwarded to the Ad-Hoc Pro Se Working Group to review and edit the Judiciary's complaint form.

The discrimination complaint intake forms omit certain vital information that should be included

directly on both the formal and informal intake forms. This includes notifying individuals who file a complaint of their right to pursue a complaint externally with external federal and state agencies or the Superior Court, and of deadlines that are in place for filing a complaint externally. Such information should be included in both the formal and informal discrimination complaint intake forms.

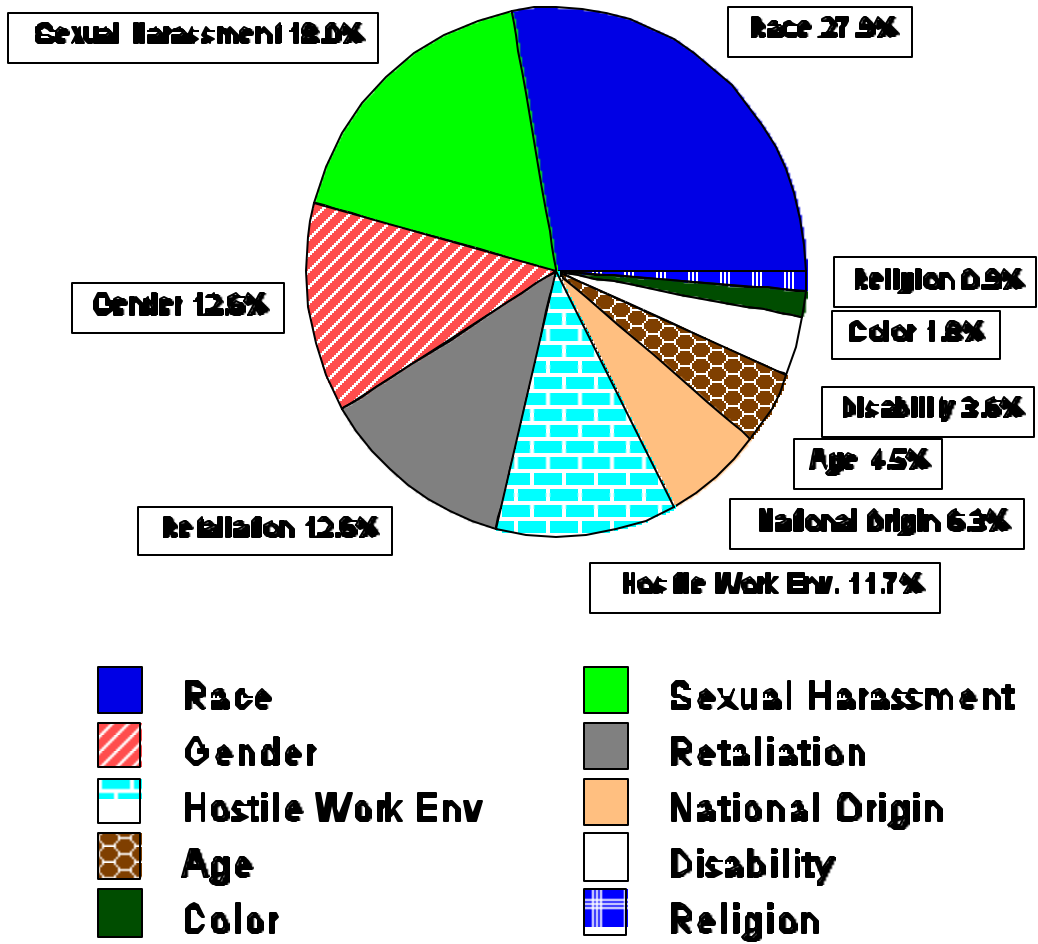
The intake forms should request information regarding the race/ethnicity of the complainant, the respondent and each of the witnesses. The gender identification of each witness should likewise be retrieved. This latter information may prove useful in the course of the investigation and will assist the Judiciary in gauging gender discrimination and sexual harassment against males.

e. Complaints Based on Race, Sexual Harassment, Gender and Retaliation

As already noted, the highest proportion of complaints filed statewide are based on race (27.9%), followed by sexual harassment (18.0%), gender and retaliation (12.6%), hostile work environment (11.7%); national origin (6.3%); age (4.5%); disability (3.6%); color (1.8%) and religion (0.9%). Refer to Figure 4: New Jersey Discrimination Complaints Filed by Basis of Complaint at the AOC/Central Clerks' Offices and Vicinages Combined July 1, 2000 - June 30, 2001.

When the complaint data are analyzed according to the "Action Taken," as presented in Table 32: New Jersey: Summary of Action Taken by Nature of Complaint, July 1, 2000 - June 30, 2001, it is shown that across all categories of complaints, the allegations are substantiated in 10 ( 16.1%) of the cases and are unsubstantiated in 19 ( 30.6%) of the cases. In over half of the closed cases,33 (53.2%), the action taken ranged from transfers, training, consultation and referral mediation, disciplinary action and so on. The data were not sufficiently detailed in the "other" category to consistently determine who was the subject of the action. The reader should also note that the cell frequencies are fairly small; hence, it is difficult to discern any definitive patterns or draw any conclusions. Figure 5 provides a graphic breakdown of the total 111 discrimination complaints filed by nature of the complaint.

**Figure 5. New Jersey Judiciary  
Discrimination Complaints Filed By Nature of Complaint  
AOC/Central Clerks' Offices and Vicinages  
Combined July 1, 2000 - June 30, 2001**



Total Discrimination Complaints  
Filed Statewide = 111

**Table 32. New Jersey Judiciary: Summary of Action Taken by Nature of Complaint  
July 1, 2000 - June 30, 2001**

Basis of Complaint	Filed Number	Closed Number	Action Taken		
			Substantiated	Unsubstantiated	Other
<b>Race</b>	31	16 (57.1%)	1 (6.2%)	7 (43.8%)	8 (50.0%)
<b>Sexual Harassment</b>	20	20 100.0%	5 (25.0%)	6 (30.0%)	9 (45.0%)
<b>Retaliation</b>	14	6 (42.9%)	2 (33.3%)	--	4 (66.7%)
<b>Gender</b>	14	4 (28.6%)	1 (25.0%)	1 (25.0%)	2 (50.0%)
<b>Hostile Work Environment</b>	13	6 (46.2%)	--	--	6 (100 %)
<b>National Origin</b>	7	4 (57.1%)	1 (25.0%)	3 (75.0%)	--
<b>Age</b>	5	3 (60.0%)	--	2 (66.7%)	1 (33.3%)
<b>Disabilities</b>	4	3 (75.0%)	--	--	3 (100 %)
<b>Color</b>	2	0 (0.0%)	Open	Open	Open
<b>Religion</b>	1	0 (0.0%)	Open	Open	Open
<b>TOTAL COMPLAINTS</b>	111 (44.1%)	62 (55.9%)	10 (16.1%)	19 (30.6%)	33 (53.2%)

f. Training of Managers, Supervisors and EEO/AA Officers

Although training of EEO/AA Officers and employees has been conducted, it does not appear that intensive training of managers and front-line supervisors on the discrimination complaint procedures has taken place. Further, in spite of the training that has already been provided to EEO/AA Officers, several

Trial Court Administrators indicated in their responses to the “Questionnaire on the Vicinage EEO/AA Program” that more training and guidance should be provided to the EEO/AA Officers in carrying out their functions.

Future training on the Judiciary’s discrimination complaint procedures should also be given to Human Resources staff and at a minimum, one individual in each Judiciary department should receive such training. This staff person will understand the process and serve as still another avenue to combat discrimination in the workplace. These point persons will be able to deal effectively and expeditiously with complaints when they arise and/or refer them to the local EEO/AA Officer.

g. Dissemination and Translation of Discrimination Complaint Procedures

While the revised discrimination complaint procedures have been widely disseminated, as earlier noted, as part of the Judiciary EEO/AA Master Plan and the Judiciary Policy Statement on Equal Employment Opportunity, Affirmative Action and Anti-Discrimination, they have not been publicized separately and have not been translated into Spanish and/or other appropriate languages. Further, neither the procedures<sup>67</sup> nor intake forms for filing a formal and informal discrimination complaint can be found in the Judiciary’s Internet web site (at [www.judiciary.state.nj.us](http://www.judiciary.state.nj.us)) or internally on the Judiciary InfoNet site.

**Committee Recommendation 02:5.9: The Judiciary should expedite the completion of the draft discrimination complaint standard operating guidelines which will provide detailed guidance to managers and EEO/AA staff on handling and reducing informal and formal complaints of discrimination, as well as instructions for use of the formal and informal discrimination complaint forms. Furthermore, it is recommended that the guidelines be shared with the Committee on Minority Concerns/Minority Concerns Unit and that sufficient time be allowed to review the guidelines before they are finalized.**

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<sup>67</sup>The procedures are included as part of the Judiciary EEO/AA Master Plan which is found on the Internet and internally on the Judiciary InfoNet site. The complaint procedures are not yet available on the web site as a separate document.

**Committee Recommendation 02:5.10:** (a) The discrimination complaint procedures should be revised to include the EEO/AA Regional Investigative function and an investigative time frame for completing investigations (90 days) should be put into place; (b) The Judiciary's formal and informal discrimination complaint forms should be revised, issued in plain English and include a reference to the EEO/AA Regional Investigators.

**Committee Recommendation 02:5.11:** (a) The Administrative Office of the Courts should develop a computerized information system to manage discrimination complaints filed. In collaboration with the Minority Concerns Committee, the Committee on Women in the Courts, and ADA Access Unit and the Minority Concerns Unit, the data fields to be included in the case management information system should be delineated clearly and defined; (b) Periodic reports should be issued and distributed to administrators and managers and an annual report should be published; and (c) The discrimination tracking log should be revised as needed and the database should be capable of capturing complainants who file multiple complaints, and managers against whom multiple complaints have been filed.

**Committee Recommendation 02:5.12:** a) Priority should be given to providing specialized and continuous training on the Judiciary's complaint procedures to all EEO/AA staff, managers and front-line supervisors; (b) The Administrative Office of the Courts should develop courses on race and ethnic discrimination (Race and Ethnic Bias Prevention Workplace Training and Maintaining a Race and Ethnic Bias Free Work Environment: Our Managerial and Supervisory Responsibilities and Liabilities). As is the case with the similar course developed on sexual harassment, this should be a mandated course offering for managers and supervisors.



**Committee Recommendation 02:5.13: The revised discrimination complaint procedures, standard operating guidelines and intake forms should be distributed to managers and supervisors and (a) should be readily available in courts; (b) be displayed at information booths at the AOC/Central Clerks' Offices and in each vicinage; and (c) be publicized in the Judiciary's Internet web site and internally on the Judiciary InfoNet site.**

**Committee Recommendation 02:5.14: The Judiciary's discrimination complaint procedures should be translated into Spanish and other appropriate languages. Both the complaint procedures and intake forms for filing a formal discrimination complaint should be disseminated to all employees and court users.**

h. Employee Survey to Assess the Judiciary Work Environment

The Judiciary should conduct a survey of its total workforce in order to assess the work environment and patterns of alleged unlawful discriminatory practices as required by the Judiciary EEO/AA Master Plan (page 47). A judiciary-wide survey was recommended by the Committee on Minority Concerns with the approval of the Supreme Court ten years ago and some preliminary work was undertaken to help define the parameters of workforce survey and to identify some issues of concern across all job categories .

The Task Force on Minority Concerns "Quality of Life Survey" was designed to explore the perspectives of a sample of Judiciary employees from north, central and south Jersey on personnel policies and practices and their assessment of the Judiciary's work environment. See the Task Force on Minority Concerns Final Report, Appendix E for this report, together with a copy of the survey questions. Approximately 80 employees were interviewed. The respondents included administrators and managers, professionals and clerical staff, minorities and non-minorities and both males and female employees.

Responses to the queries covered a broad spectrum of areas such as the need: to improve court facilities, to purchase better equipment and automate the court, to hire more staff and make the workforce more diverse and to reward employees for good work and cease to engage in discriminatory work practices and nepotism. These findings also revealed that minorities' experiences in the workforce are qualitatively different than the experiences of their white peers. Minorities reported more negative

experiences overall at both the AOC and in the vicinages.

**Committee Recommendation 02:5.15: The Judiciary should conduct a statewide employee survey and entertain input from the Supreme Court Committee on Minority Concerns, the Minority Concerns Unit, the AOC, EEO/AA Unit, Human Resources, Committee on Women in the Courts, ADA and vicinages in order to assess the Judiciary's work environment. The results should be widely distributed.**

**B. Monitoring Procedures to Ensure Minority Representation**

1. Background Information: Judiciary Monitoring Procedures

In 1993, the Supreme Court in its Action Plan on Minority Concerns approved the Task Force recommendation that ongoing monitoring procedures be implemented to ensure representation of minorities in all job categories of the Judiciary's State, Vicinage and Municipal workforce.

In its 1994-1996 and 1996-1998 Rules Cycle Reports, the Subcommittee found mixed results with respect to the extent of compliance with this recommendation. The Judiciary had established personnel policies and procedures statewide through the Selection Evaluation Employee Services Manual<sup>68</sup> which was distributed to Judiciary human resources staff in 1994. The results of a self-report survey distributed<sup>69</sup> to the trial courts in January 1998 indicated a high degree of adherence to the manual. These preliminary results suggested a shift toward the statewide standardization of personnel procedures.

In spite of the aforementioned findings in 1998, the Committee on Minority Concerns determined that monitoring and tracking by EEO/AA staff in several vicinages appeared to be weak and even nonexistent. Survey results also indicated a lack of consistent statewide monitoring and tracking to ascertain minority representation in the Judiciary workforce and not at all in the Municipal courts as mandated by the Supreme Court. The dearth of EEO/AA staff availability to lend technical support for

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<sup>68</sup>The Selection Evaluation Employee Services Manual was developed by the AOC Human Resources Division and distributed at a training session given to vicinage human resources staff in December 1994.

<sup>69</sup>The "Questionnaire on Recruitment and Personnel Procedures was sent to all vicinages by the AOC Assistant Director of Human Resources in January 1998 at the request Committee on Minority Concerns.

vicinage monitoring of employment practices was identified by the Committee as a contributing factor to the noncompliance.

With the approval of the Judiciary EEO/AA Master Plan in May 2000, the requirement that the Judiciary monitor its employment practices and workforce data was institutionalized. Shortly thereafter, as already noted earlier in this report, the Judiciary increased EEO/AA staffing levels from one full-time EEO/AA Officer in one vicinage in 1998 to eleven full time officers in 2002. The increased level of staff support has optimally positioned the organization to fulfill its employment practice monitoring responsibilities.

**Table 33. New Jersey Judiciary: AOC and Vicinage Questionnaires, Summary Responses  
Monitoring Employment Practices (Includes AOC and Vicinages)  
January 2002**

Questions	Responses		
	Yes	No	Other
1. Does the EEO/AA Officer review and sign off on all notices of job vacancies prior to posting?	11 (68.8%)	1 (6.2%)	4 (25.4%)
2. When hiring managers make an interview selection, is the EEO/AA Officer provided the interview list prior to interviews so that he or she can evaluate the interview pool, and if appropriate, recommend that it be broadened?	12 (75.0%)	1 (6.2%)	3 (18.8%)
3. Does the EEO/AA Officer review and sign off on all Selection Dispositions?	11 (68.8%)	2 (12.5%) )	3 (18.8%)

4.	Are exit interviews or surveys conducted of all employees who are separated, terminated and/or transferred to another position within the Judiciary?	15 (93.8%)	1 (6.2%)	
	Separated	14		
	Terminated	13		
	Transferred to another position within the Judiciary	11		
	If yes, how is the exit interview conducted?			
	One-on-one interview	13		
	By mail	4		
	On-line	0		
	Other, i.e. telephone	1		
	If yes, who receives the completed questionnaire?			
	Assignment Judge	2		
	Trial Court Administrator	6		
	Vicinage Human Resources Staff	15		
	Vicinage EEO/AA Officer	5		
	If yes, who analyzes and files the exit interview reports?			
	Vicinage Human Resources	15		
	Vicinage EEO/AA Officer	6		
	Other(s)			2

To determine the effect that the changes in the EEO/AA staffing configurations have had on the monitoring function, a self-report questionnaire was sent by the AOC/Central Clerks' Offices to Trial Court Administrators. A separate survey was also sent by the Committee to the AOC Chief, EEO/AA Officer. Queries on the survey were based on the Judiciary's EEO/AA Master Plan. Table 11. New Jersey Judiciary: AOC and Vicinage Questionnaires, Summary Responses- Monitoring Employment Practices (2002) presents vicinage and AOC/Central Clerks Office summary responses.

**a. Job Notices of Vacancy Review – Question #1: Does the EEO/AA Officer review and sign off on all notices of job vacancies prior to posting?**

In reference to the question whether EEO/AA Officers signed off on the job notice of vacancy prior

to posting, the majority of the respondents answered in the affirmative. Eleven (68.8%) out of 16 respondents indicated that local EEO/AA Officers review job notices of vacancy prior to posting. Two vicinages (one responded “no” and a second “other”) indicated that they were awaiting the approval by the AOC/Central Clerks’ Offices of the Vicinage EEO/AA Implementation Plan before adopting this procedure. One vicinage which responded “other” indicated that the EEO/AA Officer would be signing off on all future job notices of vacancies.

A third respondent who indicated “other,” noted that their EEO/AA Officer did not sign off on those titles which were hired from a certification list. A fourth vicinage stated that the vicinage procedures are currently being developed, but that to date, not all notices are reviewed by the EEO/AA Officer prior to posting.

**b. Interview Selection Lists Review – Question #2: When hiring managers make an interview selection is the EEO/AA Officer provided the interview list prior to interviews so that he or she can evaluate the interview pool, and if appropriate, recommend that it be broadened?**

The majority of the respondents (12 or 75.0% out of 16) answered in the affirmative to this question. One respondent who answered “yes” added that effective February 1, 2001, their EEO/AA Officer would be receiving interview lists prior to the scheduled interview. Another vicinage which also answered affirmatively stated that the EEO/AA Officer reviewed Selection Disposition Forms but did not sign off on them. There was no indication as to who did sign the forms. Three respondents who indicated “other” noted that the EEO/AA Officer would be signing off on the Selection Disposition Forms in the future or are still awaiting approval of their vicinage implementation plans. Of the two “no” responses, one vicinage indicated that they are awaiting the approval of the Vicinage EEO/AA Implementation Plan before adopting this procedure. The second vicinage stated that the vicinage procedures are currently being developed but have not yet been implemented.

**c. Selection Disposition Forms Review and Sign-off – Question #3: Does the EEO/AA Officer review and sign off on all Selection Dispositions?**

A majority of the EEO/AA Officers (11 or 68.8%) out of 16 review and sign-off on Selection

Disposition Forms. One vicinage responded “yes” and added that effective February 1, 2001, their EEO/AA Officer would be signing off on Selection Disposition Forms. A second vicinage responded “other” and indicated that their EEO/AA Officer would be doing so in the future. One of the two vicinages that responded “no” indicated that they are awaiting the approval of the Vicinage EEO/AA Implementation Plan before adopting this procedure. Two vicinages stated that the vicinage procedures are currently being developed but have not yet been implemented.

**d. Exit Interviews - Question #4: Are exit interviews or surveys conducted of all employees who are separated, terminated and/or transferred to another position within the Judiciary?**

Out of a total of 16 responses, 15 indicated that exit interviews were conducted. The AOC Central Clerks’ Offices is currently revising the Exit Interview Form for statewide use as required by the Judiciary EEO/AA Master Plan.<sup>70</sup> For the past six months, the AOC Human Resources Division has temporarily suspended the use of exit interviews at the central office.

The respondents were asked to check off all applicable answers. Of the fifteen respondents who indicated that they do conduct exit interviews, 14 (or 93.3%) conducted exit interviews with separated employees (retirees and resignations); 11 (73.3%) conducted interviews of all employees who are transferred to another position within the Judiciary; 13 vicinages (86.7%) give exit interviews to employees who have been fired.

A majority of the respondents 13 (86.7%) out of 15 who indicated that they conducted exit interviews chose face-to-face interviews with departing employees. Additionally 4 (26.7%) respondents also mailed the exit interviews. Only one vicinage conducted telephone exit interviews in addition to the face-to-face interviews. None of the respondents have posted the exit interview on-line.

The Subcommittee was also interested in learning who receives and analyzes the completed exit interviews. This interest stems from the view that the exit interview, if conducted properly, is an excellent vehicle for gaining an appreciation of the workplace environment.

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<sup>70</sup>The Judiciary EEO/AA Master Plan requires the use of exit interviews and the submission of an annual summary report to the Assignment Judge and EEO/AA Officer. Judiciary EEO/AA Master Plan, pages 21 and 46-47.

Human Resources staff were by far the largest recipients of the exit interview forms (15), followed by trial court administrators (6) and local EEO/AA Officers (5) and two Assignment Judges. Similarly, exit interviews were primarily analyzed by Human Resources staff (15) and EEO/AA Officers (six). Only one vicinage responded that in addition to Human Resources and EEO/AA staff, both their Assignment Judge and Trial Court Administrator also receive and analyze the exit interview forms.

e. Committee Findings: Monitoring Employment Practices

Some vicinages have not completed the Judiciary EEO/AA Master Plan requirements with respect to recruitment, monitoring and exit interviews. In order for the local EEO/AA Officer to effectively and efficiently monitor employment practices, the local EEO/AA Officer should receive copies of all job vacancy notices, interview selection lists, and Selection Disposition Forms in a timely manner. The local EEO/AA Officer should also receive copies of all completed exit interview forms for employees who leave the Judiciary (i.e. separations), are fired or transfer to another position within the Judiciary.



**Committee Recommendation 02:5.16: Monitoring Requirements**

- 1)The Judiciary should (a) require that the AOC/Central Clerks’ Offices and the vicinages immediately institute the Judiciary EEO/AA Master Plan requirements that local EEO/AA Officers receive (in a timely manner) copies of all notices of job vacancies, interview selection lists, and Selection Disposition Forms;(b)conduct exit interviews of all departing employees, including terminations, transfers and resignations; (c) collect data necessary to assess the work environment and detect racially and ethnically discriminatory practices; (d) review and revise the exit form and provide sufficient time for the Committee on Minority Concerns, the Minority Concerns Unit and the EEO/AA Office to comment on the draft prior to its re-issuance; and (e) provide local EEO/AA Officers ( not currently receiving copies) with completed exit interview forms;<sup>71</sup> and**
- 2) Employees should be given the option of answering the interview anonymously on-line or by mail.**

f. *“Successful Interviewing - A Guide for Those Who Interview Job Applicants”*

In its 1994-1996 Rules Cycle Report to the court, the Committee on Minority Concerns made several recommendations in the areas of recruitment and selection, many of which were subsequently integrated into the Judiciary EEO/AA Master Plan. Among the requirements of the Plan are stipulations that Judiciary personnel who conduct employment interviews become familiar with the AOC booklet *Successful Interviewing – A Guide for Those Who Interview Job Applicants*.<sup>72</sup> This booklet is complemented by a training course offered by the AOC/Central Clerks’ Offices Organizational Development and Training Unit entitled *Employment Interviewing* which is offered as part of the management leadership training.

The interviewing guide is more than ten years old and there have been significant changes in employment law since it was first published such that its use, in its present form, may pose potential legal

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<sup>71</sup>Report of the Subcommittee on Minority Participation in the Judicial Process 1994-1996 Rules Cycle, Supplement IV page 107.

<sup>72</sup>Judiciary EEO/AA Master Plan, pages 19 and 20.

liability for the Judiciary. According to the AOC Human Resources Division, this booklet is not currently available for routine distribution. The Subcommittee is assuming that the training course which uses this guide is in similar need of revamping.

The Committee has been informed that the AOC EEO/AA Unit is responsible for updating the *Successful Interviewing* booklet. A committee of local EEO/AA Officers has been formed to review, draft and update the document. It is anticipated that the booklet will be completed (including a legal review) by April 2002. Also, a pilot training course “Successful Interviewing: Utilizing Appropriate EEO Selection Standards and Effective Hiring Practices” is under development and is scheduled to be conducted on April 11 and May 7, 2002. However, no decision has been made as to whether this course will replace the *Employment Interviewing* course offered by the Organizational Development and Training Unit.

Priority should be given to updating the booklet *Successful Interviewing -- A Guide for Those Who Interview Job Applicants* in order to provide guidelines that are legally sufficient for judges and Judiciary personnel who conduct employment interviews. The Judiciary needs to finalize the courses “Successful Interviewing: Utilizing Appropriate EEO Selection Standards and Effective Hiring Practices” or update the “Employment Interviewing” course.

**Committee Recommendation 02:5.17: Interview Guide. The Judiciary should complete the update of the booklet *Successful Interviewing -A Guide For Those Who Interview Job Applicants* in order to provide current guidelines that are legally sufficient for judges and Judiciary personnel who conduct employment interviews and finalize or update at least one of the two training courses “Successful Interviewing: Utilizing Appropriate EEO Selection Standards and Effective Hiring Practices” or “Employment Interviewing.”**

### **C. Reduction in Force**

In FY 1993 the New Jersey Judiciary experienced a major budget shortfall and was subsequently forced to make programmatic and personnel cuts. Forty-four employees at the Administrative Office of the Courts were laid off, of whom 5 or 34.1% were minorities. Decisions on who would be laid off were based on a retrenchment policy that included standard processes and procedures to be followed in reducing

the workforce. A management team reviewed the proposed layoff list to ensure fairness and minimize the adverse impact on minorities and women. No minorities served on this management team.

In its 1996-1998 Rules Cycle Report to the court, the Committee on Minority Concerns recommended that should the Judiciary be faced with a reduction of its workforce in the future, the AOC EEO/AA Unit should play a key role in the process in order to eliminate possible adverse impact on minorities and women.

In view of the current fiscal crisis looming in the state of New Jersey, which has forced the executive branch to lay-off employees, the New Jersey Judiciary may be forced to again reduce its workforce. The Committee on Minority Concerns believes now, as it did during the last reduction in workforce, that minority court administrators and managers should be a part of the team assessing and making these decisions.

**Committee Recommendation 02:5.18: Reduction in Force**

**Should the New Jersey Judiciary be required to reduce its workforce in the future, the AOC, EEO/AA and Minority Concerns Units should play a key role in the process in order to eliminate possible adverse impact on race/ethnic minorities and women. Summary data of proposed employees to be laid off by race/ethnicity, broad band and salary levels level should be shared with the Committee on Minority Concerns.**

**D. Performance Appraisals**

1. Performance Assessment Review Committee

The Committee on Minority Concerns is revisiting the performance assessment issue as part of its agenda for this cycle report. The Task Force on Minority Concerns Recommendations 32 and 33 were approved by the Court in 1993. See the full text of the referable recommendations below.

*Task Force Recommendation 32: The Supreme Court should direct that performance standards similar to those existing for judges, lawyers and probation personnel be adopted for all employees of the Judiciary; and that all job description include related provisions; and*

*that the personnel system incorporate these standards in the initial selection of the new hires, their orientation, and their ongoing performance evaluations.*

*Task Force Recommendation 33: The Supreme Court should direct that performance standards be established to evaluate employees' treatment of racially, culturally and ethnically sensitive issues.*

In the 1994-1996 Report of the Minority Participation in the Judicial Process Subcommittee Report, Supplement IV (pages 110-112), the Committee again recommended that the Court direct the Judiciary to finalize the development of the performance standards for all employees, that these standards also evaluate the treatment of racially, culturally and ethnically sensitive issues and that managers be held accountable for meeting EEO/AA goals with the provision that non-compliance may adversely affect evaluations, merit pay and promotional opportunities.

The Committee notes that the performance appraisal system has been put into place and training has been offered to managers and supervisors. The creation of the Performance Assessment Review Committee <sup>73</sup>, as directed by the Chief Justice and the Administrative Director, was another significant development in ensuring that the Judiciary is responsive to concerns raised by this new system.

The mandate of the Performance Assessment Review Committee is “to engage in a self-critical evaluation of employment practices and procedures including a review of the Judiciary’s performance evaluation program. The self-critical analysis is being undertaken to meet the requirements of the Judiciary EEO/AA Master Plan, contractual obligations and because it is the right thing to do.”

The Judiciary EEO/AA Master Plan requires that data be maintained on the Performance Appraisal System by race/ethnicity, gender and division/unit for the purpose of assessing the fairness of the ratings and to discern its impact on minorities and women.<sup>74</sup>

The Performance Assessment Review Committee examined preliminary data, the rating instrument and the training of personnel for participation in the rating program and presented this information to various

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<sup>73</sup>The Committee is chaired by the Honorable Phillip S. Carchman, J.A.D.

<sup>74</sup>If it is determined that minorities and women are unfairly affected by the Performance Appraisal System, the AOC Human Resources Division and EEO/AA Unit should recommend appropriate corrective measures to the Administrative Director. Refer to the EEO/AA Master Plan, p.38.

divisions/units and practice areas in Spring 2001. The Performance Assessment Review Committee sought input from managers and supervisors who administer the instrument and from our Committee.

The Committee on Minority Concerns forwarded questions to the Performance Assessment Review Committee (June 30, 2001) relating to the validation of the instrument, training provided to managers and line staff on the new rating system, availability of written instructions and guidelines on how to conduct the evaluations, procedures for challenging the performance appraisals, training provided to managers and line staff, and other related issues.

The Committee deferred making any findings and recommendations until it has an opportunity to gain a better understanding of the evaluation process, receives and analyzes the requested resource materials and has reviewed the final report draft.

## 2. Review of the Diversity Performance Standard

While the Committee has not reviewed the performance assessment instrument prepared by the AOC, Human Resource Division in its entirety, the “diversity standard” has been reviewed. This standard is the only one that the Committee specifically recommended be incorporated into the performance appraisal instrument. The standard as it is presently written fails to capture the essence of incorporating affirmative obligations to treat persons with respect and dignity and to refrain from racially or ethnically based discriminatory behavior and other discriminatory actions in the workplace and in servicing court customers. The standard states:

“Diversity--Complies with Judiciary’s policies and procedures regarding Equal Employment Opportunity, Affirmative Action, diversity and anti-discrimination. Note: Rated Only as unsatisfactory or Meets Quality Standards.”

As this standard is presently written, managers and employees are not required to take any action to receive a “meets quality standard.” For a standard to be effective, it should be used as a tool to recognize and encourage those managers and employees to actively work toward creating an environment that embraces differences and recognizes the contributions of a diverse workforce and populace . For example, a manager who actively works toward developing a program to address areas of underutilization in his/her division should be recognized for taking proactive steps to problem solve. Likewise, an employee

who consistently delivers outstanding customer services to diverse court users should also be singled out for recognition.

Similarly, managers and employees who are found deficient in this area should be evaluated accordingly and targeted for remediation as is the case for other measurement standards.

**Committee Recommendation 02:5.19 Performance Appraisal. The Judiciary should: (a) complete its assessment of the Performance Appraisal System and determine whether the system has an adverse impact on minorities and women. ;(b) also use the insights and knowledge gained from the preliminary and final reviews of the performance assessment instrument and retain an expert in the field to guide the committee in revising the instrument and validating it. The diversity measure should be revised as part of this comprehensive review; (c) include the Minority Concerns and the EEO/AA Unit staff as participants on the team revising the instrument; (d) allow sufficient time for the Committee on Minority Concerns to comment on the revised instrument before it is reissued; and (e) pilot test the revised instrument and seek feedback from managers and line staff. These findings should be shared with the Committee On Minority Concerns and used by the Judiciary to remove any barriers to equal treatment.**

## **E. Minority Participation in the Judicial Process: Jurists**

*Task Force Recommendation 39: The Supreme Court should consider presenting to the Governor and the State Legislature the finding of the Task force that there is a widespread concern about the underrepresentation of minorities on Supreme, Superior and Tax Court benches.*

### **1. New Jersey Jurists**

a. Current Report on New Jersey Judiciary Judges of Color: Representation on the Supreme Court, Superior Court (Appellate and Trial Divisions), Tax Court and Municipal Court

The current profile of minority judges will be discussed followed by a brief historical review of the representation of judges of color on the New Jersey state court and municipal court benches.

As one of the three co-equal branches of the government, the Judiciary has shared the findings of the Committee on Minority Concerns regarding the paucity of persons of color appointed to the state court bench with the governor's office and legislature. Appropriate county and local municipal offices have also received information regarding the appointment of minority judges to municipal courts. These reports have been forwarded without comment. The discussion of this issue begins with information on the current profile of minority judges on the New Jersey state court bench and will be followed by a historical review dating back to 1992.

As of December 2001, there are 47 (11.1%) minorities (32 Blacks, 13 Hispanics and 2 Asians/Pacific Islanders) out of a total of 423 jurists who sit on the Supreme Court, Superior Court (Appellate Division), Superior Court (Trial Division) and Tax Court. See Table 34: New Jersey Justices and Judges by Race/Ethnicity (December 2001); these figures represent a net increase in the number of minority judges by 11 (from 8.8% to 11.1% for a 2.3% gain<sup>75</sup>) since the last report to the Court (December 1997).

- At the Municipal Court level, there are 49 (8.8%) minorities (29 Blacks, 16 Hispanics and 4 Asians/Pacific Islanders/American Indians) out of a total of 555 judgeships.

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<sup>75</sup> When referring to percentage gains and decreases, this report compares the differences in proportion from one measurement year or time period and a second year or time period.

- New Jersey has a grand total of 978 jurists, 96 of whom are minorities (61 Blacks, 21 Hispanics and 6 Asian/Pacific Islander) comprising 9.8% of the total proportion of justices and judges in the state. The percentage of minority jurists at all court levels combined increased slightly since the last report to the Court (from 7.7% to 9.8%), representing a 2.1% gain.

Figure 6: New Jersey Judiciary: Justices and Judges by Race/Ethnicity (December 2001)  
presents a graphic description of the data.



**Table 34. New Jersey Judiciary : Justices and Judges<sup>76</sup> by Race/Ethnicity (December 2001)**

Court	Total # of Judges	Number of Minority Justices and Judges			Summary For All Minority Judges	
		Blacks	Hispanics	Asians/AI	#	%
<b>Supreme Court</b>	7	1	0	0	1	14.3
<b>Appellate Division</b>	34	2	1	0	3	8.8
<b>Superior Court, Trial Division (excluding Appellate Division)<sup>77</sup></b>	371	29	12	2	43	11.6
<b>Tax Court<sup>78</sup></b>	11	0	0	0	0	0.0
<b>Sub-Total: State Judges</b>	423	32	13	2	47	11.1
<b>Municipal Court<sup>79</sup></b>	555	29	16	4	49	8.8
<b>Total: All Judges</b>	<b>978</b>	<b>61</b>	<b>29</b>	<b>6</b>	<b>96</b>	<b>9.8</b>

<sup>76</sup> Since January 18, 1994, there have been a total 24 minority appointments to the bench. Of these appointees, 18 are Black; 5 are Hispanic and 1 is Asian/Pacific Islander. Of the Black appointments, one was to the Supreme Court: Justice James H. Coleman, Jr.; and 17 were to the Superior Court and included Stephen H. Womack (Passaic); Rudy B. Coleman (Union); Michael J. Nelson (Essex); Elijah L. Miller, Jr. (Bergen); Thomas Brown, Jr. (Camden); Thomas S. Smith, Jr. (Burlington); Marie White Bell (Burlington); Ronald J. Freeman (Camden); James L. Jackson (Atlantic); Gerald J. Council (Mercer); Glenn A. Grant (Essex); Wendel E. Daniels (Ocean); Lorraine Pullen (Middlesex); Audrey Peyton Blackburn (Mercer); Christine Allen-Jackson (Cumberland); Michelle Hollar-Gregory (Essex); and Susan F. Maven (Atlantic). The five Hispanic appointments to the Superior Court included: Peter J. Vázquez (Essex); Héctor R. Velázquez (Hudson); Estela M. De La Cruz (Bergen); Roberto Alcazar (Union) and José L. Linares (Essex). One Asian/Pacific Islander was appointed to the Superior Court: Patricia M. Talbert (Essex).

<sup>77</sup> Total minority Superior Court Judges include one Assignment Judge (Black) and fourteen minority female judges (eleven Black, two Hispanic and one Asian/Pacific Islander).

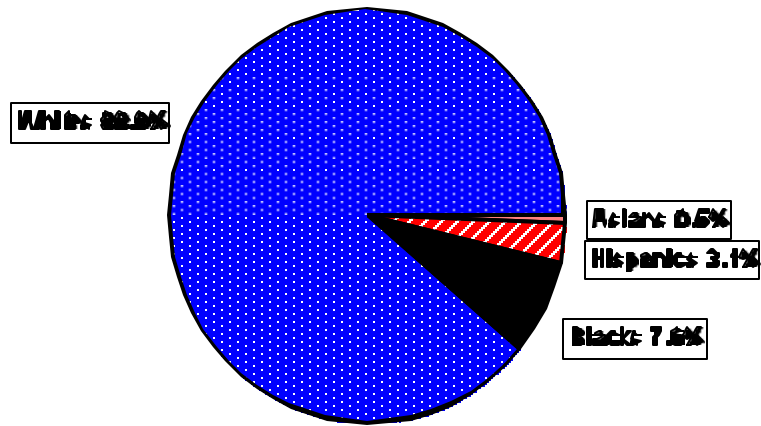
<sup>78</sup> As of December 2001, the Tax Court has a total of eleven Tax Court judges. These include five full-time judges and six judges who are temporarily assigned to the Superior Court. There is one vacancy on the Tax Court.

<sup>79</sup> The unit of count in the Municipal Court is judgeships instead of judges. This approach is necessary since some Municipal Court Judges sit in two or more Municipal Courts and representation is an issue on a court-by-court basis, not person-as-judge basis. This data is as of December 2001.

Figure 6

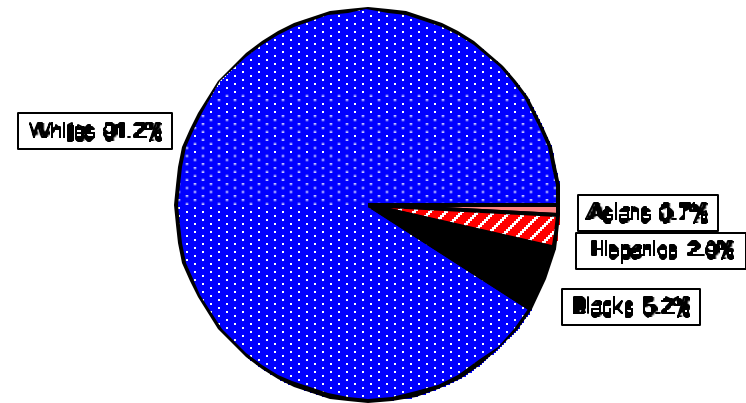
New Jersey Justices and Judges by Race/Ethnicity (December 2001)

Supreme Court; Superior Court, Appellate Division;  
Superior Court, Trial Division



N = 423 Justices and Judges

Municipal Court



N = 555 Judgeships

b. Historical Review: New Jersey Representation of Judges of Color on the State Court Bench, Summary Totals: State and Municipal Courts

Table 35 provides historical information on the representation of persons of color on the New Jersey state court bench. It presents data from 1992, 1996, 1997 and 2001.<sup>80</sup> In none of those years did the combined representation of minority judges on the state and municipal benches reach 10%.

c. Representation of Minority Judges by Court Level

A second chart, Table 36. New Jersey Judiciary: Minority Representation on the Supreme Court, Superior Court (Appellate and Trial Divisions) and Tax Court, 1992-1997 and 2001 gives a breakdown for five consecutive years and 2001. In 1992, the total minority representation on the bench was 26 or 6.8% ; in 1993, 1994, 1995 and 1996, the proportion of minority judges on the state court bench did not rise above 7.5%. In 1997, minority judges accounted for 8.8% of the total and in 2001, the proportion of minority judges was 11.1% or 47 out of a total of 423 state court judges.

When one computes the percent change in the proportion of judges of color on the bench between two consecutive one- year measurement periods in Table 36, the analyses reveal that the percent increase in minority judges appointed to the bench at the state court level was less than +0.5 for the following measurement periods: 1992-1993 (+0.3%);1993-1994 (-0.2%);1994- 1995 (+0.2%); 1995-1996 (+0.4%). For the 1996-1997 measurement period, there is an increase of +1.2%. The largest percentage increase for minority judges was recorded during a three year interval (between 1997 and 2001) when the minority representation rose from 8.7% to 11.7% (+ 2.4%).<sup>81</sup>

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<sup>80</sup>The statistics on minority representation on the Municipal Court bench in the 1992 report are for calendar year 1990.

<sup>81</sup> When referring to percent gain/ increase and decrease /loss, this report computes the percent difference between two measurement time periods or years.

**Table 35. New Jersey Judiciary: Percent of Justices and Judges by Race/Ethnicity  
Apr. 1992, Jan. 1996, Dec. 1997, Dec. 2001**

YEAR AND COURT		Total No. of Judges	Total Number of Minority Judges			Number & % Minority	
			Black	Hispanic/ Latino	Asian/Pac. Islander	#	%
A P R I L  1 9 9 2	Supreme Court	7	0	0	0	0	0.0
	Superior Court - Appellate Division	28	1	0	0	1	3.6
	Superior Court - Trial Division	339	17	8	0	25	7.4
	Tax Court	9	0	0	0	0	0.0
	Sub-total State	383	18	8	0	26	6.8
	Municipal Court 1990	542	20	4	0	24	4.4
	<b>TOTAL - ALL JUDGES</b>	<b>925</b>	<b>38</b>	<b>12</b>	<b>0</b>	<b>50</b>	<b>5.4</b>
J A N U A R Y  1 9 9 6	Supreme Court	7	1	0	0	1	14.3
	Superior Court - Appellate Division	32	2	1	0	3	9.4
	Superior Court - Trial Division	363	17	9	1	27	7.4
	Tax Court	9	0	0	0	0	0.0
	Sub-total State	411	20	10	1	31	7.5
	Municipal Court	539	24	8	7	39	7.2
	<b>TOTAL - ALL JUDGES</b>	<b>950</b>	<b>44</b>	<b>18</b>	<b>8</b>	<b>70</b>	<b>7.4</b>
D E C E M B E R  1 9 9 7	Supreme Court	7	1	0	0	1	14.3
	Superior Court - Appellate Division	32	2	1	0	3	9.4
	Superior Court - Trial Division	360	20	11	1	32	8.9
	Tax Court	11	0	0	0	0	0.0
	Sub-total State	410	23	12	1	36	8.8
	Municipal Court	565	25	11	3	39	6.9
	<b>TOTAL - ALL JUDGES</b>	<b>975</b>	<b>48</b>	<b>23</b>	<b>4</b>	<b>7</b>	<b>8.4</b>
D E C E M B E R  2 0 0 1	Supreme Court	7	1	0	0	1	14.3
	Superior Court - Appellate Division	34	2	1	0	3	8.8
	Superior Court - Trial Division	371	29	12	2	43	11.6
	Tax Court	11	0	0	0	0	0.0

Sub-total State	423	32	13	2	47	11.1
Municipal Court	553	29	16	4	49	8.8
<b>TOTAL - ALL JUDGES</b>	<b>978</b>	<b>61</b>	<b>29</b>	<b>6</b>	<b>96</b>	<b>9.8</b>

**Table 36. New Jersey Judiciary: Minority Representation on the Supreme Court, Superior Court (Appellate and Trial Divisions) and Tax Court 1992-1997 and 2001**

	1992		1993		1994		1995		1996		1997		2001	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Total Minorities	26	6.8	29	7.1	28	6.9	28	7.1	31	7.5	36	8.8	47	11.1
Blacks	18	4.7	18	4.4	18	4.4	18	4.5	20	4.9	23	5.6	32	7.6
Hispanics	8	2.1	10	2.4	9	2.2	9	2.3	10	2.4	12	2.9	13	3.1
Asians/Amer. Indians/Pac. Islanders	0	0.0	1	0.2	1	0.2	1	0.2	1	0.2	1	0.2	2	0.4
Total All Judges	383		410		405		397		411		410		423	

(1) Supreme Court

Minority representation on the Supreme Court increased from 0.0% in 1992 to 14.3% in 1996 with the appointment of the first justice of color to the state's highest court, Associate Justice James H. Coleman. Of the four most recent appointments to the Supreme Court, none were minorities; therefore the representation of persons of color on the bench has not changed since 1996.

(2) Superior Court- Appellate Division

On the Appellate bench, the representation of judges of color increased from 3.6% (N=1) in 1992 to 9.4% (N=3) in 1996. There was no change in this figure in 1997. However in 2001, the proportion of minority Appellate court judges decreased, although the number of judges of color remained constant. This decrease is explained by an increase in the number of Appellate Court judges from 32 to 34, while the number of minority Appellate judges remained the same; hence, the percent decline in minority representation from 9.4% to 8.8% (-0.6%) between these two measurement years.

### (3) Superior Court- Trial Division

At the Trial Court level, judges of color representation on the court remained constant at 7.4% in 1992 (N=25) and 1996 (N=27). There was an increase in minority representation in 1997 of +1.5% (N=32) over the January 1996 measurement date. Using the measurement points in Table 35 as reference points, the largest proportional gain for minority judges occurred in December 2001 when there was a +2.7% increase in the proportion of minorities serving on the trial court bench. (N=43).

The Subcommittee also reviewed the representation of minority judges on the Superior Court trial bench in the states 21 counties. In April 1992, there were 9 out of 21 counties that had no minority Superior Court trial judges. In January 1996, 11 of the 21 counties had no judges of color on the Superior Court trial bench. As of late December 2001, 7 of 21 New Jersey counties had no minority representation on the trial court bench. Review the tables in Appendix D-3.

### (4) Tax Court

There were nine tax court judges in 1992 and 1996, none of whom were minorities. As of December 1997 and December 2001, there were eleven Tax Court judges, none of whom were minorities. Presently, the Tax Court is the only court in which there is no minority representation. See Table 34.

### (5) Municipal Courts

Previous Minority Concerns rules cycle reports indicated that in 1990, 12 out of 21 counties had no minority municipal court judges; in 1995, eight counties had no minority municipal court judges and as of December 2001, 10 counties had no persons of color on the municipal court bench. Review Table 36. New Jersey Judiciary: 2000 Census Data -Municipal Court Judgeships by County and Total Minority Representation for 1995 and 2001.

An examination of Table 37: Municipal Court Judgeships by County and Race/Ethnicity (1995 and 2001) indicates that of the 49 judgeships held by persons of color in December 2001, 29 are held by Blacks, 16 by Hispanics, 4 by American Indians and none by Asian/Pacific Islanders. Black jurists hold judgeships in 9 of the 21 counties. There are Hispanic judgeships in 7 of 21 counties. American Indians hold judgeships in 2 of 21 counties. There are no Asian Americans currently on the municipal court bench.

**Table 37.a. New Jersey Judiciary: 2000 Census Data and Municipal Court Judgeships By  
County and Total Minority Representation  
1995 and 2001<sup>82</sup>**

County	2000 Population		1995 Judgeships			2001 Judgeships			% Change Between 1995 and 2000
	Total Population	Total Minorities	Total	Min.	Min.	Total	Min.	Min.	
	#	%	#	#	%	#	#	%	
Atlantic	252,552	34.4	24	1	4.2	22	2	9.1	4.9
Bergen	884,118	26.2	73	2	2.7	69	3	4.3	1.6
Burlington	423,394	22.1	36	1	2.8	33	0	0.0	-2.8
Camden	508,932	31.0	37	2	5.4	35	0	0.0	-5.4
Cape May	102,326	9.0	14	0	0.0	15	3	20.0	20.0
Cumberland	146,438	39.9	12	3	25.0	11	3	27.3	2.3
Essex	793,633	60.0	27	12	44.4	37	17	45.9	1.5
Gloucester	254,673	13.3	23	0	0.0	22	0	0.0	0.0
Hudson	608,975	62.0	16	3	18.8	24	10	41.7	22.9
Hunterdon	121,989	7.1	12	3	25.0	9	0	0.0	-25.0
Mercer	350,761	34.3	15	2	13.3	16	3	18.8	5.5
Middlesex	750,162	36.4	31	2	6.5	32	2	6.25	-.25
Monmouth	615,301	18.2	55	0	0.0	51	2	3.8	3.8
Morris	470,212	16.9	26	0	0.0	41	0	0.0	0.0
Ocean	510,916	9.3	34	0	0.0	33	0	0.0	0.0
Passaic	489,049	46.4	19	2	10.5	19	2	10.5	0.0
Salem	64,285	19.3	15	0	0.0	12	0	0.0	0.0
Somerset	297,490	24.7	20	1	5.0	20	0	0.0	-5.0
Sussex	144,166	5.7	14	0	0.0	17	0	0.0	0.0
Union	522,541	44.0	27	5	18.5	19	2	10.5	-8.0
Warren	102,437	6.9	9	0	0.0	18	0	0.0	0.0
<b>Grand Total</b>	<b>8,414,350</b>	<b>32.3</b>	<b>539</b>	<b>39</b>	<b>7.2%</b>	<b>555</b>	<b>49</b>	<b>8.8%</b>	<b>1.6%</b>

<sup>82</sup> The unit of count in Municipal Court is judgeships instead of judges. This approach is necessary since some Municipal Court Judges sit in two or more Municipal Courts and representation is an issue on a court-by-court basis, not person-as-judge basis.

**Table 37.b. Municipal Court Judgeships by County and Race/Ethnicity 1995 and 2001**

County	1995				2001			
	Blacks	Hispanics	Asians	Amer. Indians	Blacks	Hispanics	Asians	Amer. Indians
<b>Atlantic</b>	1	0	0	0	2	0	0	0
<b>Bergen</b>	2	0	0	0	2	1	0	0
<b>Burlington</b>	1	0	0	0	0	0	0	0
<b>Camden</b>	2	0	0	0	0	0	0	0
<b>Cape May</b>	0	0	0	0	2	1	0	0
<b>Cumberland</b>	0	0	0	3	0	0	0	3
<b>Essex</b>	11	1	0	0	14	3	0	0
<b>Gloucester</b>	0	0	0	0	0	0	0	0
<b>Hudson</b>	1	2	0	0	3	7	0	0
<b>Hunterdon</b>	0	0	0	3	0	0	0	0
<b>Mercer</b>	1	1	0	0	2	1	0	0
<b>Middlesex</b>	0	2	0	0	0	2	0	0
<b>Monmouth</b>	0	0	0	0	1	0	0	1
<b>Morris</b>	0	0	0	0	0	0	0	0
<b>Ocean</b>	0	0	0	0	0	0	0	0
<b>Passaic</b>	1	1	0	0	1	1	0	0
<b>Salem</b>	0	0	0	0	0	0	0	0
<b>Somerset</b>	0	0	0	1	0	0	0	0
<b>Sussex</b>	0	0	0	0	0	0	0	0
<b>Union</b>	4	1	0	0	2	0	0	0
<b>Warren</b>	0	0	0	0	0	0	0	0



<b>Grand Total</b>	24	8	0	7	29	16	0	4
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2. Women Judges and Women Judges of Color

Over the course of the last decade, women judges have generally experienced gains in the legal professions. This section discusses how women judges in the New Jersey State court and municipal courts have fared

a. Summary Data: Supreme Court, Superior Court (Appellate and Trial Divisions), Tax Court and Municipal Court

An examination of Table 38. New Jersey Judiciary: Percent Female Judges on the Supreme Court, Superior Court (Appellate and Trial Divisions), Tax Court and Municipal Court, December 2001 reflects the following. There are a total of 143 women judges combined currently on the bench (including the Supreme Court, Superior Court [Appellate and Trial Divisions], Tax Court and Municipal Court). Ninety-one of the women judges are on the state court bench.

b. State Court Bench

Of the 91 female state court judges, 3 are Supreme Court justices comprising 42.9% of Court; 7 of 34 Appellate Judges or 20.6% are women; 79 or 21.3% (N=371) are trial court judges and 2 or 18.2% are on the 11-member Tax Court. Of the current complement of 11 Tax Court judges, none are women of color. When the figures for state and municipal court judges are combined (978), women judges account for 14.6% (143) of all judges.

The subtotal of 91 women judges comprise 21.5% of the total number of state court judges (423).

c. Municipal Court

At the Municipal Court level, out of a total of 555 judgeships, 52 or 9.4% are held by women; 25 or 4.5% of these judgeships are held by white women; 13 or 2.3% are held by Black women; and 7 or 1.3% are Hispanic women. There are no American Indians/Asians/Pacific Islanders.

The percent representation of women judges of color on the municipal court bench (3.6%) is only slightly different from their representation on the state court bench (3.3%). These preliminary figures suggest that women of color seem to have about an equal chance of being appointed to the state court and municipal court bench.

The proportional representation of White women on the Municipal Court bench is 4.5%; this

figure is substantially lower than their representation on the state court bench (18.2%). These data suggest that White women are four times more likely to be appointed to the state court bench than they are to receive appointments to municipal courts.

d. Women Judges of Color

While it is evident that women judges have made significant gains at the state court level in general, and especially at the Supreme Court level where the proportional representation of women is the highest, it is also evident that women judges of color have not been the beneficiaries of these gains. Currently there are no women judges of color on the Supreme Court and Appellate Court and no women of color have ever sat on either of these courts.

Of the total of 91 female state judges, 14 are women of color comprising 3.3% of the total proportion of women judges currently on the state court bench (11 or 2.6% are Black; 2 or 0.5% are Hispanic and 1 or 0.2% is an Asian American). When one aggregates the minority women across all race/ethnic groups at the state level, it is clear that white females are almost five times more likely than are their minority counterparts to be on the state court bench.

**Table 38: New Jersey Judiciary - Percent Female Judges on the Supreme Court, Superior Court (Appellate and Trial Divisions), Tax Court and Municipal Court  
December 2001**

Court Level	Total Judges	Total Female Judges		White		Black		Hispanic		Asian		Total Minority Female Judges		% Difference Between White & Minority Appt.
		#	%	#	%	#	%	#	%	#	%	#	%	
Supreme Court	7	3	42.9%	3	42.9%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	42.86%
Superior Court, Appellate Division	34	7	20.6%	7	20.6%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	20.59%
Superior Court, Trial Division	371	79	21.3%	65	17.5%	11	3.0%	2	0.5%	1	0.3%	14	3.8%	13.75%
Tax Court	11	2	18.2%	2	18.2%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	18.18%
Subtotal: State Judges	423	91	21.5%	77	18.2%	11	2.6%	2	0.5%	1	0.2%	14	3.3%	14.89%
Municipal Court <sup>83</sup>	555	52	9.4%	25	4.5%	13	2.3%	7	1.3%	0	0.0%	20	3.6%	0.90%
<b>Total</b>	<b>978</b>	<b>143</b>	<b>14.6%</b>	<b>102</b>	<b>10.4%</b>	<b>24</b>	<b>2.5%</b>	<b>9</b>	<b>0.9%</b>	<b>1</b>	<b>0.1%</b>	<b>34</b>	<b>3.5%</b>	<b>6.95%</b>

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<sup>83</sup> The unit of count in the Municipal Court is judgeships instead of judges. This approach is necessary since some Municipal Court judges sit in two or more Municipal Courts and representation is an issue on a court-by-court basis, not person-as-judge basis. In reviewing these data, the reader should be mindful that race/ethnicity data are missing in 1.3% of the cases.

## **F. Promotion of Minority and Women Judges**

### **1. Minority Judges**

In the Supreme Court Task Force on Minority Concerns Final Report (1992), one recommendation (# 41) discussed the promotion of minority judges into more prestigious and policy-making judicial assignments. The report goes on to note that between 1986 and 1992, there were 99 promotions, 5.1% of whom went to minorities (Final Report, page 297).

The Committee on Minority Concerns Rules Cycle Report, 1994-1996 reported that one minority judge had been elevated to the Supreme Court (Justice James H. Coleman, December 16, 1994) and three minority judges had been elevated to the Appellate Division since 1992. Of the minorities on Appellate Court, two were Black males and one was an Hispanic male.<sup>84</sup>

One minority judge has been promoted to Assignment Judge and two minority judges are designated Acting Assignment Judges (1 Black in Camden vicinage and 1 Hispanic in Bergen vicinage).

Currently, of the combined total of 60 Presiding Judges on the trial bench, 2 or 3.3% are Black males, 1 or 1.7% is a Black female and 1 or 1.7% is an Hispanic male. These Presiding Judges sit in General Equity (Camden), Civil (Mercer), Criminal (Essex) and Family (Passaic) Divisions and represent 6.7% of the total complement of Presiding Judges.

### **2. Women Judges**

- 2 or 25% of the 8 Presiding Judges Appellate Court Judges are White women;
- 3 or 20.0% of the 15 Assignment Judges are white women;
- As noted above, one Black female is presently a Presiding Judge in the Civil Division (6.7%) and 3 (20.0%) are non-minority Civil Division Presiding Judges.<sup>85</sup>
- 3 or 20.0% of the General Equity Presiding Judges are white females.
- 4 or 26.7% of the Criminal Division Presiding Judges are white females.
- The only Presiding Judge in Tax Court is a white female.

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<sup>84</sup>No minority Appellate Court judges currently meet seniority requirements for elevation to Presiding Judge of their respective panels.

<sup>85</sup> Hon. Betty J. Lester was the first minority female woman to be appointed Presiding Judge at the state court level. She was Presiding Judge, Criminal Division, Essex County from 1996 to 1999.

- Of the 15 Municipal Court Presiding Judges, 2 are women; one is Black and one is White.

These analyses reveal that White(18.2%) women are being elevated to administrative and policy making levels on the state court bench at levels that consistently exceed their representation on the state court bench.

### G. Overview of the Judiciary Workforce

This overview of the judiciary workforce excludes judges, law clerks and court volunteers, who are covered in separate sections.

#### 1. Workforce Profile: Administrative Office of the Courts and Vicinages Combined

The New Jersey Judiciary has 8,620 employees as of December 2001 Refer to Table 39.

New Jersey Judiciary Employees by Race/Ethnicity, AOC/Central Clerks' Offices and Vicinages (December 2001).

**Table 39. New Jersey Judiciary: Employees<sup>86</sup> by Race/Ethnicity, AOC/Central Clerks' Offices and Vicinages (December 2001) - Excluding Judges and Law Clerks**

	Total Judiciary Employees		AOC/Central Clerks' Office Employees		Vicinage Employees	
	#	%	#	%	#	%
<b>Whites</b>	5675	65.8%	926	71.0%	4749	64.9%
<b>Blacks</b>	2059	23.9%	289	22.2%	1770	24.2%
<b>Hispanics</b>	727	8.4%	60	4.6%	667	9.1%
<b>Asians/Am. Indians</b>	159	1.8%	29	2.2%	130	1.8%
<b>Total Minorities</b>	2945	34.2%	378	29.0%	2567	35.1%
<b>Total Employees</b>	8620	100.0%	1304	100.0%	7316	100.0%

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<sup>86</sup> Table 39 includes full-time employees only. Judges and judicial law clerks are discussed elsewhere in the report.

Other highlights describing the Judiciary's workforce are listed below:

- Of the total Judiciary workforce of 8,620, there are 2,945 or 34.2% minority employees. This total exceeds the 32.3% representation of minorities in the state of New Jersey according to the 2000 Census. Refer to Table 23. New Jersey Population by Race and Hispanic Origin for 1995 and 2000.<sup>87</sup>
- At the AOC/Central Clerks' Offices, there are 1,304 employees of which are 378 or 29.0% are minority.
- At the vicinage level, of the 7,316 total employees 2,567 or 35.1% are minority.
- Total Judiciary Workforce: Of the total state Judiciary workforce (AOC/Central Clerks' Offices and vicinages combined) numbering 8,620, there are 2,059 (23.9%) Blacks, 727 (8.4%) Hispanics, and 159 (1.8%) Asians/Pacific Islanders/American Indians.
- AOC./Central Clerks' Offices: Of the total workforce at the AOC/Central Clerks' Offices of 1,304, there are 289 (22.2%) Blacks; 60 (4.6%) Hispanics and 29 (2.2%) Asians/Pacific Islanders.
- Vicinages: Of the total vicinage workforce of 7,316, there are 1,770 (24.2%) Blacks; 667 (9.1%) Hispanics and 130 (1.8%) Asians/Pacific Islanders/American Indians.

## 2. Presence of Minorities in the County Workforce

The Judiciary's minority workforce in the following 12 counties out of 21 New Jersey counties meets or exceeds the percentage of racial/ethnic minorities in the 2000 county population: Atlantic, Burlington, Camden, Cape May, Essex, Gloucester, Mercer, Middlesex, Morris, Passaic, Salem and Union. This number however, represents a decrease from 1998 when the Committee on Minority Concerns last reported to the court that the Judiciary workforce in 16 out of 21 counties exceeded the 1990 county population. Refer to Table 40. New Jersey Judiciary: Vicinage Employees by County and Race/Ethnicity (December 2001) and Table 41. New Jersey County Population by Race and Hispanic

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<sup>87</sup> Population data are not used by employers in establishing hiring goals, rather specialized availability data based on the 2000 Census will be used by the New Jersey Judiciary when such data becomes available for EEO programs in the year 2003. Comparisons of the workforce with the population are being made for informational purposes only.

Origin, 2000 Census Data.

**Table 40. New Jersey Judiciary: Vicinage Employees By County and Race/Ethnicity  
December 2001), Excluding Judges and Judicial Law Clerks**

County	Total All Employees	Total Minorities		Blacks		Hispanics		Asians/ American Indians	
		#	%	#	%	#	%	#	%
<b>Atlantic</b>	350	126	36.0	103	29.4	20	5.7	3	0.9
<b>Bergen</b>	473	74	15.6	38	8.0	29	6.1	7	1.5
<b>Burlington</b>	293	77	26.3	66	22.5	9	3.1	2	0.7
<b>Camden</b>	630	227	36.0	153	24.3	70	11.1	4	0.6
<b>Cape May</b>	112	14	12.5	11	9.8	2	1.8	1	0.9
<b>Cumberland</b>	214	41	19.2	21	9.8	17	7.9	3	1.4
<b>Essex</b>	1007	658	65.3	543	53.9	88	8.7	27	2.7
<b>Gloucester</b>	213	35	16.4	30	14.1	3	1.4	2	0.9
<b>Hudson</b>	577	268	46.4	112	19.4	138	23.9	18	3.1
<b>Hunterdon</b>	73	4	5.5	2	2.7	2	2.7	0	0.0
<b>Mercer</b>	364	146	40.1	122	33.5	21	5.8	3	0.8
<b>Middlesex</b>	536	199	37.1	114	21.3	50	9.3	35	6.5
<b>Monmouth</b>	454	80	17.6	70	15.4	6	1.3	4	0.9
<b>Morris</b>	259	54	20.8	40	15.4	10	3.9	4	1.5
<b>Ocean</b>	319	29	9.1	13	4.1	13	4.1	3	0.9
<b>Passaic</b>	504	255	50.6	126	25.0	127	25.2	2	0.4
<b>Salem</b>	93	25	26.9	22	23.7	2	2.2	1	1.1
<b>Somerset</b>	180	33	18.3	14	7.8	16	8.9	3	1.7
<b>Sussex</b>	87	4	4.6	2	2.3	2	2.3	0	0.0
<b>Union</b>	485	215	44.3	165	34.0	42	8.7	8	1.6
<b>Warren</b>	93	3	3.2	3	3.2	0	0.0	0	0
<b>All Counties Combined</b>	7316	2568	35.1%	1772	24.2%	667	9.1%	130	1.8%

Note: Percentages are % of total in each major category.



Data Source: Judicial Human Resource Information System

**Table 41. New Jersey Population by County, Race and Hispanic Origin, Census 2000**

<b>Count</b>	<b>Total</b>	<b>Total Minorities<sup>88</sup></b>	<b>Whites</b>	<b>Blacks</b>	<b>Hispanics<sup>89</sup></b>	<b>Asians/ Pac. Isl.</b>	<b>American Indians</b>
	<b>#</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>
<b>Atlantic</b>	<b>252,552</b>	<b>34.4</b>	<b>63.9</b>	<b>16.9</b>	<b>12.3</b>	<b>5.0</b>	<b>0.2</b>
<b>Bergen</b>	<b>884,118</b>	<b>26.2</b>	<b>72.3</b>	<b>5.0</b>	<b>10.5</b>	<b>10.6</b>	<b>0.1</b>
<b>Burlington</b>	<b>423,394</b>	<b>22.1</b>	<b>76.3</b>	<b>14.8</b>	<b>4.4</b>	<b>2.7</b>	<b>0.2</b>
<b>Camden</b>	<b>508,932</b>	<b>31.0</b>	<b>67.8</b>	<b>17.3</b>	<b>9.8</b>	<b>3.7</b>	<b>0.2</b>
<b>Cape May</b>	<b>102,326</b>	<b>9.0</b>	<b>90.0</b>	<b>4.9</b>	<b>3.3</b>	<b>0.6</b>	<b>0.2</b>
<b>Cumberland</b>	<b>146,438</b>	<b>39.9</b>	<b>58.4</b>	<b>19.2</b>	<b>19.1</b>	<b>0.9</b>	<b>0.7</b>
<b>Essex</b>	<b>793,633</b>	<b>60.0</b>	<b>37.6</b>	<b>40.3</b>	<b>15.9</b>	<b>3.7</b>	<b>0.1</b>
<b>Gloucester</b>	<b>254,673</b>	<b>13.3</b>	<b>85.7</b>	<b>8.9</b>	<b>2.7</b>	<b>1.5</b>	<b>0.2</b>
<b>Hudson</b>	<b>608,975</b>	<b>62.0</b>	<b>35.3</b>	<b>12.2</b>	<b>40.4</b>	<b>9.3</b>	<b>0.1</b>
<b>Hunterdon</b>	<b>121,989</b>	<b>7.1</b>	<b>92.2</b>	<b>2.2</b>	<b>2.9</b>	<b>1.9</b>	<b>0.1</b>
<b>Mercer</b>	<b>350,761</b>	<b>34.3</b>	<b>64.2</b>	<b>19.4</b>	<b>9.9</b>	<b>4.9</b>	<b>0.1</b>
<b>Middlesex</b>	<b>750,162</b>	<b>36.4</b>	<b>61.9</b>	<b>8.6</b>	<b>13.9</b>	<b>13.8</b>	<b>0.1</b>
<b>Monmouth</b>	<b>615,301</b>	<b>18.2</b>	<b>80.6</b>	<b>7.8</b>	<b>6.4</b>	<b>3.9</b>	<b>0.1</b>
<b>Morris</b>	<b>470,212</b>	<b>16.9</b>	<b>82.0</b>	<b>2.7</b>	<b>7.9</b>	<b>6.2</b>	<b>0.1</b>
<b>Ocean</b>	<b>510,916</b>	<b>9.3</b>	<b>89.9</b>	<b>2.8</b>	<b>5.1</b>	<b>1.3</b>	<b>0.1</b>
<b>Passaic</b>	<b>489,049</b>	<b>46.4</b>	<b>51.5</b>	<b>12.4</b>	<b>30.2</b>	<b>3.6</b>	<b>0.2</b>
<b>Salem</b>	<b>64,285</b>	<b>19.3</b>	<b>79.6</b>	<b>14.4</b>	<b>4.0</b>	<b>0.6</b>	<b>0.3</b>
<b>Somerset</b>	<b>297,490</b>	<b>24.7</b>	<b>74.1</b>	<b>7.3</b>	<b>8.9</b>	<b>8.4</b>	<b>0.1</b>
<b>Sussex</b>	<b>144,166</b>	<b>5.7</b>	<b>93.4</b>	<b>1.0</b>	<b>3.4</b>	<b>1.2</b>	<b>0.1</b>
<b>Union</b>	<b>522,541</b>	<b>44.0</b>	<b>54.2</b>	<b>20.1</b>	<b>20.0</b>	<b>3.8</b>	<b>0.1</b>
<b>Warren</b>	<b>102,437</b>	<b>6.9</b>	<b>92.2</b>	<b>1.8</b>	<b>3.8</b>	<b>1.2</b>	<b>0.1</b>

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<sup>88</sup>"Total Minorities" and "Whites" do not add up to 100.0% because the category "Two or more races" which comprises 1.6% of New Jersey's population has not been included in this report. This report includes persons reporting only one race.

<sup>89</sup>The category "some other races" which consists predominantly (97%) of people of Hispanic origin, e.g., Mexican Americans, Dominicans, Peruvians, etc. represents 19,565 (0.2%) of New Jersey's population and has been merged into the "Hispanic" category as per the guidance of the New Jersey State Data Center.

<b>State Total</b>	<b>8,414,350</b>	<b>32.3</b>	<b>66.0</b>	<b>13.0</b>	<b>13.5</b>	<b>5.7</b>	<b>0.1</b>
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Data Source: United States Census Bureau 2000 Redistricting Data (Public Law 94-171)  
Summary File, Matrices PL1, PL2, PL3 and PL4.

3. Workforce Trends

a. Total Minority Representation in the Judiciary Workforce

From 1992 to 2001, the total state Judiciary workforce (AOC/Central Clerks' Offices and vicinages) was reduced by 159 from 8,779 to 8,620 employees. During this same time period, total minority representation in the Judiciary workforce at the state level (AOC/Central Clerks' Offices and vicinages) increased by 879 from 2,066 to 2,945 employees representing a 10.7% increase.

These data are summarized in Table 42. New Jersey Judiciary: Percent Minority Employees by Race/Ethnicity (AOC and Vicinage Combined)- 1992,1995, 1997 and 2001.

**Table 42. New Jersey Judiciary: Percent Minority Employees by Race/Ethnicity  
AOC and Vicinages Combined, 1992,1995,1997 and 2001**

Year	1992		1995		1997		2001		Change 1992 - 2001
	#	%	#	%	#	%	#	%	
Total Judiciary Employees	8779	100.0	8924	100.0	8461	100.0	8620	100.0	-159
Total Minorities	2066	23.5	2461	27.6	2428	28.7	2945	34.2	+879 (+10.7%)

b. Workforce Trends by Race/Ethnic Group

The Subcommittee also examined the workforce trends by race/ethnic group at both the AOC/Central Clerks' Offices and the vicinages. From 1992 to 2001 minorities at the AOC/Central Clerks' Offices increased by 8.8%: Blacks by (5.1%), Hispanics by (2.7%) and Asians/Pacific Islanders/American Indians by (1.0%). Whites decreased by 8.1% during this period. The total workforce at the central office increased by 19 employees between 1992 and 2001 (from 1285 to 1304).

From 1992 to 2001 minorities at the vicinage level increased by 11.0%: Blacks by (7.0%), Hispanics by (2.8%) and Asians/Pacific Islanders/American Indians by (1.4%) from 7494 to 7316. The total workforce at the vicinage level decreased by 178 employees from 1992 to 2001. Refer to Table 43. New Jersey Judiciary: Percent Minority Employees by Race/Ethnicity AOC Central Clerks' Offices and Vicinages for 1992, 1995, 1997 and 2001.

**Table 43. New Jersey Judiciary: Percent Judiciary Minority Employees by Race/Ethnicity (AOC/Central Clerks' Offices and Vicinages) For 1992, 1995, 1997 and 2001**

**AOC/Central Clerks' Offices**

Year	1992	1995	1997	2001	Change 1992-2001
	%	%	%	%	
Whites	79.8	74.8	73.1	71.0	- 8.1 %
Blacks	17.1	19.3	20.4	22.2	5.1 %
Hispanics	1.9	4.2	4.5	4.6	2.7 %
Asians/ American Indians	1.2	1.6	2.0	2.2	1.0 %
Total Minorities	20.2	25.2	26.9	29.0	8.8 %
Total AOC Employees	1285	1278	1224	1304	19

**Vicinages**

Year	1992	1995	1997	2001	Change 1992-2001
	%	%	%	%	
Whites	75.9	72.0	71.0	64.9	-11.0 %
Blacks	17.2	19.6	20.0	24.2	7.0 %
Hispanics	6.3	7.1	7.5	9.1	2.8 %
Asians/American Indians	0.4	1.3	1.4	1.8	1.4 %
Total Minorities	24.1	28.0	29.0	35.1	11.0 %
Total Vicinage Employees	7494	7646	7237	7316	-178

**Total AOC and Vicinages Combined, 1992,1995,1997 and 2001**

Year	1992		1995		1997		2001		Change 1992 - 2001
	#	%	#	%	#	%	#	%	
Total Judiciary Employees	8779	100.0	8924	100.0	8461	100.0	8620	100.0	-159
Total Minorities	2066	23.5	2461	27.6	2428	28.7	2945	34.2	+879 (+10.7%)

#### 4. Employees in Judiciary Job Bands by Race/Ethnicity

The Committee on Minority Concerns also examined the representation of minorities in the Judiciary workforce by job band. Previous analyses by the Committee were made according to job categories designated for use by employers by the United States Equal Employment Opportunity Commission (EEOC). In 1998 the Judiciary converted more than 800 job titles (based on EEOC job categories) into ten job broad bands for the career/classified or unclassified service. Due to the substantive changes resulting from the conversion from EEO job categories to Judiciary job broad band, valid historical comparisons cannot be made for most of the bands. Nevertheless, a comparison can be made of those individuals found in the top ranks of the organization. For example, officials/administrators comprised 323 of the Judiciary's workforce in 1997 of which 36 (11.1%) were minority. In December 2001 there are 489 court executives of which 80 or (16.4%) are minority. Refer to Table 44. New Jersey Judiciary: Employees by Race/Ethnicity and Job Band Combined AOC/Central Clerks' Offices and Vicinages (December 2001) Excluding Judges and Law Clerks. The Court Executive job band includes the titles of Court Executive 4, 3b, 3a, 2b, 2a, 1b and 1a. Other highlights of this report are discussed below:

##### a. Professional Supervisory

There are 847 employees in the professional supervisory job band of which 169 (20.0%) are minority: Blacks 125 (14.8%), Hispanics 36 (4.3%) and Asians/American Indians 8 (0.9%). The Professional Supervisory job band includes the titles of Court Services Supervisor 4, 3, 2 and 1, Administrative Supervisor 4, 3, 2 and 1, and Court Reporter Supervisor 2 and 1<sup>90</sup>.

##### b. Legal

There are 52 employees in this job band which is comprised of attorneys who are members of the New Jersey bar. These attorneys are found primarily at the AOC/Central Clerks' Offices in Central Appellate Research; the Office of the Clerk, Supreme Court; the Office of Attorney Ethics and the Disciplinary Review Board. At the vicinage level there is only one individual in the legal job band. Although the Judiciary hires many attorneys, most are employed in an administrative capacity in nonlegal

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<sup>90</sup>Source: Memorandum dated October 11, 2001 from John Kafader, AOC Chief, Performance Management and Compensation Planning Unit on "Revised Job Bands and Levels Chart", Appendix D-4.

titles that do not require membership to the New Jersey bar.

Of the 52 attorneys in this job band, 6 (11.5%) are minority: Blacks 3 (5.8%), Hispanics 2 (3.8%) and Asians/Pacific Islanders/American Indians 1(1.9%). The legal job band includes the titles of Attorney 2 and 1 and Law Clerk. Although judicial law clerks fall within this job band, a decision was made to not include them in this report, since they are temporary, one year appointments and their inclusion would artificially skew the data. Detailed reports on judicial law clerks are found elsewhere in this report.

c. Support Staff Supervisory

There are 210 employees in this job band of which 72 (34.3%) are minority: Blacks 57 (27.1%), Hispanics 15 (7.1%) and Asians/Pacific Islanders/American Indians 0 (0.0%). This job band includes the titles of Supervisor 2 and 1.

d. Official Court Reporter

There are 69 court reporters in the New Jersey Judiciary. They are all reflected on the database of the AOC/Central Clerks' Offices and not at the vicinage level. Of the total 69 court reporters, four (5.8%) are minority: Blacks 3 (4.3%), Hispanics 1 (1.4%) and Asians/Pacific Islanders/American Indians 0 (0.0%).

e. Court Interpreter

There are 24 court interpreters, all of who are based at the vicinage level. Of the total of 24 court interpreters, there are 15 (62.5%) minorities, all of whom are Hispanic. This job band includes the titles of Court Interpreter 3, 2 and 1.

f. Information Technology

There are 239 employees in this job band of which 69 (28.9%) are minorities: Blacks 31 (13.0%), Hispanics 15 (6.3%) and Asians/Pacific Islanders/American Indians 23 (9.6%). This job band includes the titles of Information Technology Analyst 3, 2 and 1, and Information Technology Technician and Information Systems Technician 2 and 1.

g. Administrative Professional

There are 651 employees in this job band of which 181 (27.8%) are minority: Blacks 122 (18.7%), Hispanics 39 (6.0%) and Asians/Pacific Islanders 20 (3.1%). The administrative professional job band

includes the titles of Judiciary Coordinator 2 and 1, Financial Specialist 2 and 1, Administrative Specialist 4, 3 and 2, and Librarian 1.

h. Case Processing

There are 2,409 employees in the case processing band of which 923 (38.3%) are minorities: Blacks 673 (27.9%), Hispanics 227 (9.4%) and Asians/Pacific Islanders/American Indians 23 (1.0%). The case processing job band has the following job titles: Court Services Officer 3, 2 and 1, Master Probation Officer, Family Court Coordinator, Substance Abuse Evaluator, Senior Probation Officer, Probation Officer, Youth Aide and Investigator.

i. Judges Secretary

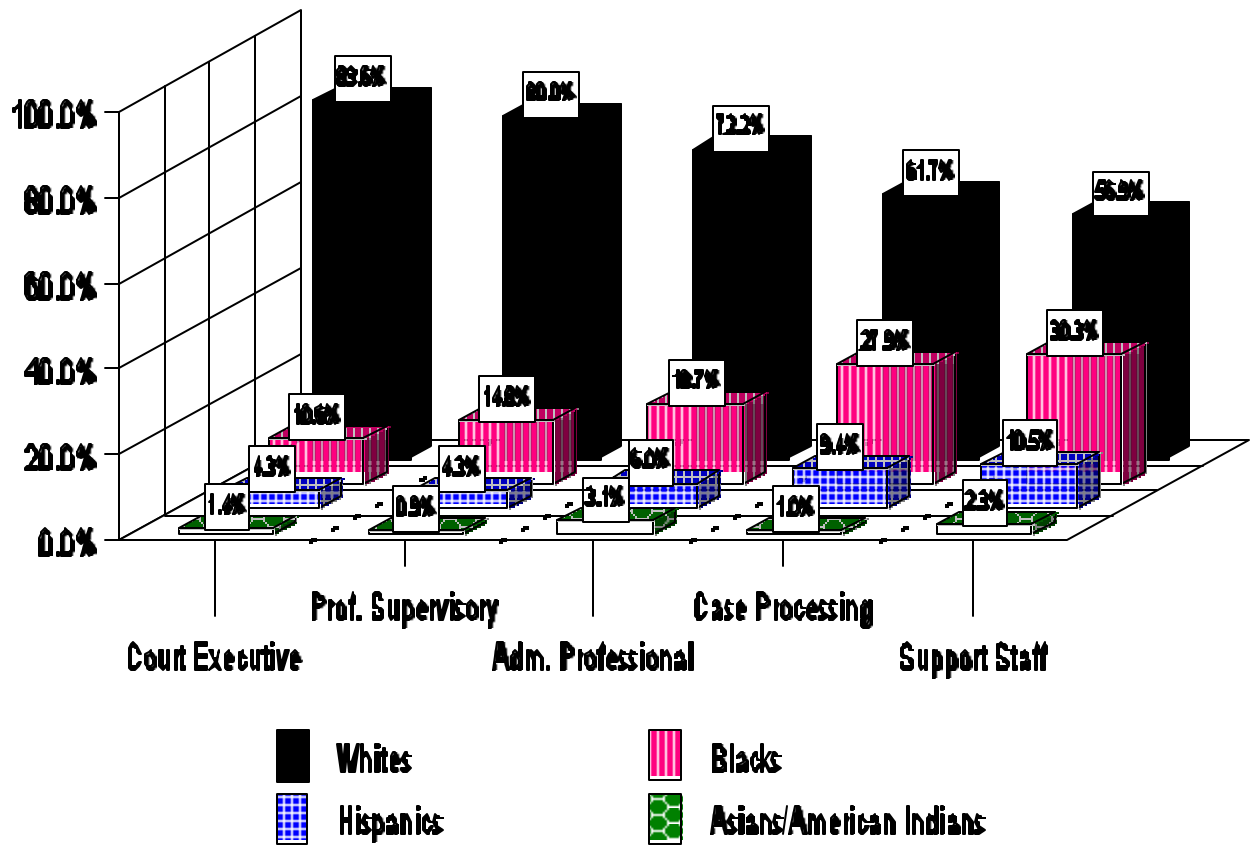
There are 451 secretaries to judges. Of these 60 or 13.3% are minorities: Blacks 34 (7.5%), Hispanics 23 (5.1%) and Asians/Pacific Islanders/American Indians 3 (0.7%).

j. Support Staff

This job band has the most employees. There are 3,179 employees of which 1,371 (43.1%) are minorities: Blacks 964 (30.3%), Hispanics 333 (10.5%) and Asians/Pacific Islanders/American Indians 74 (2.3%). The support staff job band includes the following titles: Judiciary Secretary 2 and 1(Confidential), Judiciary Clerk 4, 3, 2 and 1, Administrative Specialist 1, Clerk to the Grand Jury, Printing Operations Technician 2 and 1, Library Assistant, Judiciary Secretary 1, Judiciary Account Clerk 2 and 1, Judiciary Clerk 3/Court Clerk, Building Maintenance Worker Judiciary, Judiciary Clerk Driver, Court Services Representative. Refer to Figure 7: New Jersey Judiciary Employees in Selected Judiciary Job Bands By Race/ Ethnicity December 2001 for a graphic display of employees in selected job band.



**Figure 7**  
**New Jersey Judiciary Employees in Selected Judiciary Job Bands**  
**By Race/Ethnicity**  
**December 2001**



**Table 44. New Jersey Judiciary: Employees<sup>91</sup> by Race/Ethnicity and Job Band  
Combined AOC/Central Clerks' Offices and Vicinages  
(Excluding Judges and Law Clerks)  
December 2001**

Job Broad Band	Totals		Total Minorities		Whites		Blacks		Hispanics		Asians/AI	
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Court Executive</b>	489	100.0 %	80	16.4%	409	83.6%	52	10.6%	21	4.3%	7	1.4%
<b>Professional Supervisory</b>	847	100.0 %	169	20.0 %	678	80.0%	125	14.8%	36	4.3%	8	0.9%
<b>Support Staff Supervisory</b>	210	100.0 %	72	34.3%	138	65.7%	57	27.1%	15	7.1%	0	0.0%
<b>Legal<sup>92</sup></b>	52	100.0 %	6	11.5%	46	88.5%	3	5.8%	2	3.8%	1	1.9%
<b>Official Court Reporter</b>	69	100.0 %	4	5.8%	65	94.2%	3	4.3%	1	1.4%	0	0.0%
<b>Court Interpreter</b>	24	100.0 %	15	62.5%	9	37.5%	0	0.0%	15	62.5%	0	0.0%
<b>Information Technology</b>	239	100.0 %	69	28.9%	170	71.1%	31	13.0%	15	6.3%	23	9.6%
<b>Administrative Professional</b>	651	100.0 %	181	27.8%	470	72.2%	122	18.7%	39	6.0%	20	3.1%
<b>Case Processing</b>	2409	100.0 %	923	38.3%	1486	61.7%	673	27.9%	227	9.4%	23	1.0%
<b>Judge's Secretary</b>	451	100.0 %	60	13.3%	391	86.7%	34	7.5%	23	5.1%	3	0.7%
<b>Support Staff</b>	3179	100.0 %	1371	43.1 %	1808	56.9%	964	30.3%	333	10.5%	74	2.3%
<b>Total</b>	8620	100.0 %	2950	34.2%	5670	65.8%	2064	23.9%	727	8.4%	159	1.8%

Note: Percentages are % of total in each major job broad band category.

Data Source: Judicial Human Resource Information System

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<sup>91</sup>Only full-time employees are included in this report.

<sup>92</sup>The legal job band includes attorneys and law clerks. Law clerks are not included in this report but are reported separately.

For further breakdowns of Judiciary workforce data by job band for the AOC/Central Clerks' Offices and the vicinages refer additional tables in Appendix D: Employees by Race/Ethnicity and Job Band AOC/Central Clerks' Offices (December 2001) Excluding Judges and Law Clerks and Employees by Race/Ethnicity and Job Band Vicinages (December 2001) Excluding Judges and Law Clerks.

5. Judiciary Division/Unit Workforce Profiles

The Subcommittee reviewed the workforce profile of the AOC/Central Clerks' Offices by Division or Unit.<sup>93</sup>

a. Total Minorities

In seven out of 21 Divisions/Units at the AOC/Central Clerks' Offices the representation of minorities exceeds the 32.3% representation of minorities in the state population (Supreme Court Clerk's Office, Superior Court Clerk's Office, Tax Court Management Office, Probation Services, Administrative Director's Office, Commissions and the Office of the Deputy Director). There is only one Division/Unit with no minority representation: Professional and Governmental Services.

b. Blacks

Blacks in 14 out of 21 Divisions/Units at the AOC/Central Clerks' Offices exceed the 13.0% representation of Blacks in the New Jersey population. There are seven Divisions/Units which fall short of this number. There is only one division (Professional and Government Services with no Blacks).

c. Hispanics

There are no Divisions/Units at the AOC/Central Clerks' Offices which meet or exceed the 13.5% representation of Hispanics in New Jersey. The following nine Divisions/Units have no Hispanic representation: Tax Court Management Office, Civil Practice, Criminal Practice, Family Practice, Judicial Education and Training, Independent Units, Commissions, Office of Public Affairs, Professional and Governmental Services.

d. Asians/Pacific Islanders/American Indians

There are two Divisions/Units at the AOC/Central Clerks' Offices which meet or exceed the 5.8%

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<sup>93</sup>Data on the vicinages divisions were provided to the Committee on Minority Concerns. However there was not sufficient time to reformat and analyze these data before the Committee's publication deadline.

representation of Asians/Pacific Islanders/American Indians in New Jersey. The following 13 Divisions have no Asian/Pacific Islander/American Indian representation: Tax Court Management Office, Civil Practice, Criminal Practice, Official Court Reporters, Family Practice, Municipal Court Services, Administrative Director's Office, Judicial Education and Training, Independent Units, Commissions, Office of Public Affairs, Office of the Deputy Director and Professional and Governmental Services.

**Table 45. New Jersey Judiciary: Employees by Race/Ethnicity and Division AOC/Central Clerks' Offices  
(Excluding Judges and Law Clerks)  
December 2001**

Divisions	Totals		Total Minorities		Whites		Blacks		Hispanics		Asians/AI	
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Supreme Court Clerk's Office</b>	52	100.0%	19	36.5%	33	63.5%	14	26.9%	2	3.8%	3	5.8%
<b>Appellate Division</b>	155	100.0%	40	25.8%	115	74.2%	34	21.9%	3	1.9%	3	1.9%
<b>Superior Court Clerk's Office</b>	111	100.0%	53	47.7%	58	52.3%	47	42.3%	4	3.6%	2	1.8%
<b>Tax Court Mgt. Office</b>	26	100.0%	9	34.6%	17	65.4%	9	34.6%	0	0.0%	0	0.0%
<b>Civil Practice</b>	15	100.0%	1	6.7%	14	93.3%	1	6.7%	0	0.0%	0	0.0%
<b>Criminal Practice</b>	12	100.0%	3	25.0%	9	75.0%	3	25.0%	0	0.0%	0	0.0%
<b>Trial Court Services</b>	52	100.0%	11	21.2%	41	78.8%	9	17.3%	1	1.9%	1	1.9%
<b>Official Court Repts.</b>	92	100.0%	6	6.5%	86	93.5%	5	5.4%	1	1.1%	0	0.0%
<b>Family Practice</b>	20	100.0%	5	25.0%	15	75.0%	5	25.0%	0	0.0%	0	0.0%
<b>Probation Services</b>	266	100.0%	110	41.4%	156	58.6%	81	30.5%	27	10.2%	2	0.8%
<b>Municipal Court Services</b>	26	100.0%	4	15.4%	22	84.6%	3	11.5%	1	3.8%	0	0.0%
<b>Info. Technology</b>	176	100.0%	47	26.7%	129	73.3%	24	13.6%	8	4.5%	15	8.5%
<b>Management &amp; Adm.</b>	114	100.0%	27	23.7%	87	76.3%	21	18.4%	4	3.5%	2	1.8%
<b>Adm. Dir. Office</b>	25	100.0%	10	40.0%	15	60.0%	8	32.0%	2	8.0%	0	0.0%
<b>Judicial Education &amp; Training</b>	9	100.0%	1	11.1%	8	88.9%	1	11.1%	0	0.0%	0	0.0%
<b>Independent Units</b>	4	100.0%	1	25.0%	3	75.0%	1	25.0%	0	0.0%	0	0.0%
<b>Commissions</b>	4	100.0%	4	100.0%	0	0.0%	4	100.0%	0	0.0%	0	0.0%
<b>Dedicated Funds</b>	94	100.0%	17	18.1%	77	81.9%	11	11.7%	5	5.3%	1	1.1%
<b>Office of Public Affairs</b>	20	100.0%	2	10.0%	18	90.0%	2	10.0%	0	0.0%	0	0.0%
<b>Office, Dpty. Dir.</b>	18	100.0%	6	33.3%	12	66.7%	4	22.2%	2	11.1%	0	0.0%

<b>Prof. &amp; Gov. Services</b>	3	100.0%	0	0.0%	3	100.0%	0	0.0%	0	0.0%	0	0.0%
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Data Source: Judicial Human Resource Information System data report provided by the AOC EEO/AA Unit.

Note: Percentages are % of total in each major category.

Note: For definitions of Independent Units, Commissions and Dedicated Funds refer to Appendix D-4.

e. New Hires and Separations

According to Table 46. New Jersey Judiciary: New Hires by Race/Ethnicity January - December 2001, during this one year period the Judiciary hired 1,252 employees, including judicial law clerks. Of these 475 (37.9%) were minorities: 291 (23.2%) Blacks, 127 (10.1%) Hispanics and 57 (4.6%) Asians/Pacific Islanders/American Indians combined. There were also 810 (64.7%) females hired in 2001.

At the AOC/Central Clerks' Offices there was a total of 177 new hires (including judicial law clerks) of which 45 (25.4%) are minorities: 27 (15.3%) Blacks, 7 (4.0%) Hispanics, and 11 (6.2%) Asians/Pacific Islanders. There were also 93 (52.5%) females hired.

At the vicinage level there was a total of 1,075 new hires (including judicial law clerks) of which 430 (40.0) were minorities: 264 (24.6) Blacks, 120 (11.2%) Hispanics and 46 (4.3%) Asians/Pacific Islanders/American Indians combined. There were also 717 females (66.7%) hired at the vicinage level.

According to Table 47. New Jersey Judiciary: Separations by Race/Ethnicity August - December 2001 during this six-month period there was a total of 803 employees who separated from the Judiciary. This report includes more than 400 judicial law clerks who left on August 31, 2001. Of the separations, a total of 225 (28.0%) were minorities: 121 (15.1%) Blacks, 52 (6.5%) Hispanics and 52 (6.5%) Asians/Pacific Islanders/American Indians combined. There were also 460 (57.3%) females who separated from the Judiciary during this six-month period.

At the AOC/Central Clerks' Offices there was a total of 173 separations (including judicial law clerks) of which 42 (24.3% were minorities: 16 (9.2%) Blacks, 12 (6.9%) Hispanics and 14 (8.1%) Asians/Pacific Islanders/American Indians combined. There were 93 (53.8%) females who separated during this six-month period.

At the vicinage level, there was a total of 630 separations (including judicial law clerks) of which 183 (29.0): 105 (16.7%) Blacks, 40 (6.3%) Hispanics and 38 (6.0%) Asians/Pacific Islanders/American Indians combined. There were 367 (58.3%) females who separated during this period.

The Subcommittee determined that the rate of new hires of minorities (Blacks and Hispanics)

exceed their separation rate. This is not the case for Asians/Pacific Islanders whose separation rate (6.5%) exceed their rate of hire (4.6%).

The data reports provided by the AOC EEO/AA Unit include data on the hire and separation rates of judicial law clerks. The inclusion of law clerks artificially skews the analysis. For future analyses, the law clerks should not be included. The one-year appointments significantly impact separation rates. With 803 separations for the Judiciary during a six-month period, 50% were attributed to this group.



**Table 46. New Jersey Judiciary: New Hires By Race/Ethnicity  
January - December 2001**

**AOC/Central Clerks' Offices**

Totals		Whites		Total Minorities		Blacks		Hispanics		Asians/ Amer Inds		Females	
#	%	#	%	#	%	#	%	#	%	#	%	#	%
177	100.0%	132	74.6%	45	25.4%	27	15.3%	7	4.0%	11	6.2%	93	52.5%

**Vicinages**

Totals		Whites		Total Minorities		Blacks		Hispanics		Asians/ Amer Inds		Females	
#	%	#	%	#	%	#	%	#	%	#	%	#	%
1075	100.0%	645	60.0%	430	40.0%	264	24.6%	120	11.2%	46	4.3%	717	66.7%

**AOC/Central Clerks' Offices & Vicinages Combined**

Totals		Whites		Total Minorities		Blacks		Hispanics		Asians/ Amer Inds		Females	
#	%	#	%	#	%	#	%	#	%	#	%	#	%
1252	100.0%	777	62.1%	475	37.9%	291	23.2%	127	10.1%	57	4.6%	810	64.7%

Data Source: Judicial Human Resource Information System.

**Table 47. New Jersey Judiciary: Separations By Race/Ethnicity  
January - December 2001 (For AOC/Central Clerks' Offices)  
August 6 - December 31, 2001 (For Vicinages)<sup>94</sup>**

**AOC/Central Clerks' Offices**

Totals		Whites		Total Minorities		Blacks		Hispanics		Asians/ Amer Inds		Females	
#	%	#	%	#	%	#	%	#	%	#	%	#	%
173	100.0%	131	75.7%	42	24.3%	16	9.2%	12	6.9%	14	8.1%	93	53.8%

**Vicinages**

Totals		Whites		Total Minorities		Blacks		Hispanics		Asians/ Amer Inds		Females	
#	%	#	%	#	%	#	%	#	%	#	%	#	%
630	100.0%	447	71.0%	183	29.0%	105	16.7%	40	6.3%	38	6.0%	367	58.3%

**AOC/Central Clerks' Offices & Vicinages Combined**

Totals		Whites		Total Minorities		Blacks		Hispanics		Asians/ Amer Inds		Females	
#	%	#	%	#	%	#	%	#	%	#	%	#	%
803	100.0%	578	72.0%	225	28.0%	121	15.1%	52	6.5%	52	6.5%	460	57.3%

Data Source: Judicial Human Resource Information System.

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<sup>94</sup> Separation data for the vicinages is only available for the time period after August 6, 2001. This is due to the recent conversion of the Trial Court Payroll Conversion System (TCPCS) data into the Judiciary Human Resources Information System (JHRIS). TCPCS did not capture termination information.

## 6. Committee Findings: Diversity of the Judiciary Workforce

The New Jersey Judiciary is to be commended for the major strides made in the continued diversification of the court workforce. Progress was evident in the hiring of women and race/ethnic minorities, especially Blacks and, to a lesser degree, Hispanics and Asians/Pacific Islanders. These gains are notable because they occurred while there was a slight decrease in the total Judiciary workforce. In spite of gains made in augmenting the ranks of Blacks employed by the court system, there remain pockets of underutilization of Hispanics and Asians/Pacific Islanders, especially at the AOC/Central Clerks' Offices and in some vicinages. The data also show that the Judiciary workforce is currently not reflective of a large segment of the community being served.

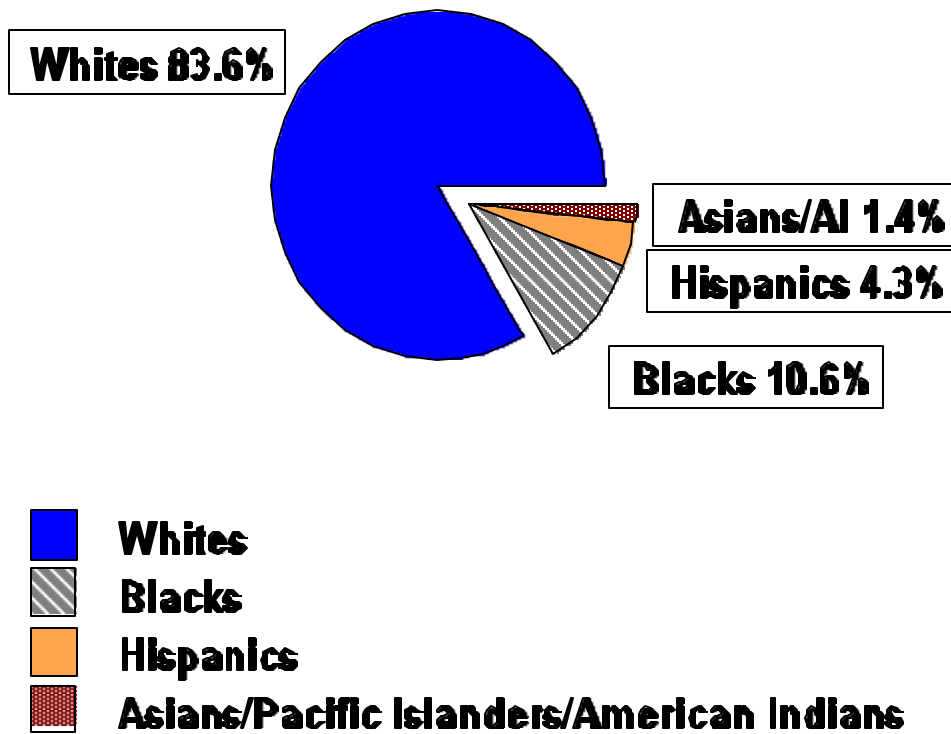
The Committee reiterates Task Force Recommendations 45 and 46 as proposed in 1992 and amended in 1994-1996. The amended recommendations added the following clauses requesting that the Supreme Court direct: (a) senior managers to increase the hiring of Hispanics and Asians at all levels of the court system where underrepresentation exists, preferably through a policy directive; (b) that vicinage EEO/AA Plans include an aggressive recruitment/retention policies targeting these two groups;(c) consider forming an ad hoc advisory group to address this issue; (d) that the vicinages and AOC continue to conduct career fairs for high school and college student and explore innovative programs used in the private sector and by the federal government to increase representation of minorities; (e) direct the AOC and vicinages to launch a public awareness/education campaign directed at Hispanics and Asians/Pacific Islanders; (f)that all Judiciary programs, training sessions, publications, media booklets and videos includes these minority groups; and (g)that Asians/Pacific islanders and Hispanic cultural issues be incorporated into current training programs and be expanded.

*Task Force Recommendations 45 and 46: The Supreme Court should direct the Administrative Office of the Courts to develop and implement a more aggressive plan to ensure representation of Hispanics and Asians/pacific Islanders in the Judiciary's workforce.*

**H. Judiciary Minority Court Executives**

In the state Judiciary workforce (AOC/Central Clerks' Office and vicinages) there are 489 court executives of which 80 (16.4%) are minorities: Blacks 52 or (10.6%), Hispanics 21 or (4.3%) and Asians/Pacific Islanders/American Indians 7 or (1.4%). Refer to Figure 8. New Jersey Judiciary: Court Executives at the AOC/Central Clerks' Offices and Vicinages (December 2001).

**Figure 8. Judiciary Court Executives: AOC/Central and Vicinages**



December 2001

**Total Court Executives: 489**

At the AOC/Central Clerks' Offices there are a total of 139 court executives of which 18 (12.9%)

are minorities: Blacks 13 or (9.4%), Hispanics 3 or (2.2%) and Asians/Pacific Islanders/American Indians 2 or (1.4%). There are 350 court executives at the vicinage level of which 62 (17.7%) are minorities: Blacks 39 or (11.1%), Hispanics 18 or (5.1%), Asians/Pacific Islanders/American Indians 5 (1.4%). See Table 48. New Jersey Judiciary: Court Executives AOC/Central Clerks' Offices<sup>95</sup> and Vicinages Combined, December 2001.

**Table 48. New Jersey Judiciary: Court Executives  
AOC/Central Clerks' Offices and Vicinages Combined  
December 2001**

Court Executives	Total	White	Black		Hispanic		Asian/AI		Total Min.	
			#	%	#	%	#	%	#	%
<b>Total Judiciary</b>	489	409	52	10.6	21	4.3	7	1.4	80	16.4
<b>AOC/Central Clerks' Offices</b>	139	121	13	9.4	3	2.2	2	1.4	18	12.9
<b>Vicinages</b>	350	288	39	11.1	18	5.1	5	1.4	62	17.7

Data Source: Judicial Human Resource Information System (report provided by the AOC EEO/AA Unit).

1. Court Executives by Division

The Subcommittee also reviewed the representation of minority court executives in certain Divisions and selected for examination those with the largest number of court executives. Refer to Table 49. New Jersey Judiciary Court Executives in Selected Judiciary Divisions (December 2001). At the AOC/Central Clerks' Offices, out of the four largest divisions, only one (Probation) has a good representation of minority court executives. The remaining divisions (Management and Administration, Information Technology, and Trial Court Services) have only one minority court executive or none at all. The absence of minority court executives in these divisions is especially disconcerting because there have been many opportunities to hire

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<sup>95</sup> Central Office is a reference to the AOC/Central Clerks' Offices.

at the court executive level in all of these divisions. No minorities have been hired with the exception of one Asian/Pacific Islander in Management Services and Administration. Another reason for concern is that managers at the Central Office establish statewide policy and model behavior for the rest of the judiciary. The underutilization or absence of minority court executives in divisions at the Central Office, means that important policies are being formulated without the benefit of the perspectives that persons of color would bring to the table. More importantly a significant segment of the New Jersey population remain on the periphery of important decisions which impact those who use the judiciary's services and programs.

**Table 49. New Jersey Judiciary: Court Executives in Selected Judiciary Divisions  
December 2001**

Court Executives	Total	White	Black		Hispanic		Asian/AI		Total Min.	
			#	%	#	%	#	%	#	%
<b>AOC/Central Clerks' Offices: Court Executives in Selected Divisions</b>										
Management & Administration	13	12	0	0.0	0	0.0	1	7.7	1	7.7
Information Technology	16	15	1	6.3	0	0.0	0	0.0	1	6.3
Probation	19	14	4	21.1	1	5.3	0	0.0	5	26.3
Trial Court Services	12	11	1	8.3	0	0.0	0	0.0	1	8.3
<b>Vicinages: Court Executive in Selected Divisions</b>										
Civil	50	40	6	12.0	4	8.0	0	0.0	10	20.0
Criminal	39	37	2	5.1	0	0.0	0	0.0	2	5.1
Family	50	41	5	10.0	3	6.0	1	2.0	9	18.0
Probation	68	59	8	11.8	1	1.5	0	0.0	9	13.2
<b>AOC/Central Clerks' Offices and Vicinages Combined</b>										
AOC/Central Clerks' Offices	139	121	13	9.4	3	2.2	2	1.4	18	12.9
Vicinages	350	288	39	11.1	18	5.1	5	1.4	62	17.7

Data Source: Judicial Human Resource Information System (report provided by the AOC EEO/AA Unit).

2. Court Executives By Level

A review of court executives by level (refer to Table 50. New Jersey Judiciary: Court Executives by Level , AOC/Central Clerks' Offices and Vicinages, December 2001) reveals that of the 80 minority court executives, there are only eight in the upper titles of Court Executive 4, 3B, and 3A. There are also more minorities in the lower levels of the job band. This is especially true for Hispanic and Asian court executives who are poorly represented at all levels, or are not represented at all. The Court Executive job band includes the titles of Court Executive 4, 3B, 3A, 2B, 2A, 1B and 1A.

**Table 50. New Jersey Judiciary: Court Executives by Level  
AOC/Central Clerks' Offices and Vicinages  
December 2001**

	Total		Whites		Blacks		Hispanics		Asians/ Am Inds		Total Minorities	
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Court Exec. 4</b>	7	100.0%	7	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<b>Court Exec. 3B</b>	34	91.2%	31	91.2%	3	8.8%	0	0.0%	0	0.0%	3	8.8%
<b>Court Exec. 3A</b>	22	77.3%	17	77.3%	3	13.6%	1	4.5%	1	4.5%	5	22.7%
<b>Court Exec. 2B</b>	200	87.0%	174	87.0%	17	8.5%	7	3.5%	2	1.0%	26	13.0%
<b>Court Exec. 2A</b>	30	83.3%	25	83.3%	4	13.3%	0	0.0%	1	3.3%	5	16.7%
<b>Court Exec. 1B</b>	156	80.1%	125	80.1%	18	11.5%	10	6.4%	3	1.9%	31	19.9%
<b>Court Exec. 1A</b>	40	75.0%	30	75.0%	7	17.5%	3	7.5%	0	0.0%	10	25.0%
<b>Total</b>	489	83.6%	409	83.6%	52	10.6%	21	4.3%	7	1.4%	80	16.4%

Note: Percentages are % of total in each major category.  
Data Source: Judicial Human Resource Information System

The breakdown by level at the AOC/Central Clerks' Offices and the vicinages shows that minorities fare better at the vicinage level (17.7%) as compared to the AOC/Central Clerks' Offices (12.9%). Refer to Table 51. New Jersey Judiciary Court Executives by Level AOC/Central Clerks' Offices, December 2001 and Table 52. New Jersey Judiciary: Court Executives by Level Vicinages,

December 2001.

Similarly, Blacks and Hispanic court executives are also better represented at the vicinaje level than at the central office. The data also demonstrate that the largest number and proportion of minority court executives fall within the vicinaje title of Court Executive 1B where there are 31 (38.8%) out of a total of 80. This level largely includes the functional titles of vicinaje EEO/AA Officer and Assistant Division Manager.

**Table 51. New Jersey Judiciary Court Executives by Level - AOC/Central Clerks' Offices  
December 2001**

	Total	Whites		Blacks		Hispanics		Asians/ Am Inds		Total Minorities	
	#	#	%	#	%	#	%	#	%	#	%
<b>Court Exec. 4</b>	7	7	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<b>Court Exec. 3B</b>	19	19	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<b>Court Exec. 3A</b>	22	17	77.3%	3	13.6%	1	4.5%	1	4.5%	5	22.7%
<b>Court Exec. 2B</b>	60	53	88.3%	5	8.3%	2	3.3%	0	0.0%	7	11.7%
<b>Court Exec. 2A</b>	29	24	82.8%	4	13.8%	0	0.0%	1	3.4%	5	17.2%
<b>Court Exec. 1B</b>	1	1	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<b>Court Exec. 1A</b>	1	0	0.0%	1	100.0%	0	0.0%	0	0.0%	1	100.0%
<b>Total</b>	139	121	87.1%	13	9.4%	3	2.2%	2	1.4%	18	12.9%

**Table 52. New Jersey Judiciary: Court Executives by Level - Vicinajes  
December 2001**

	Total	Whites		Blacks		Hispanics		Asians/ Am Inds		Total Minorities	
	#	#	%	#	%	#	%	#	%	#	%
<b>Court Exec. 4</b>	0	0	??	0	??	0	??	0	??	0	??
<b>Court Exec. 3B</b>	15	12	80.0%	3	20.0%	0	0.0%	0	0.0%	3	20.0%
<b>Court Exec. 3A</b>	0	0	??	0	??	0	??	0	??	0	??
<b>Court Exec. 2B</b>	140	121	86.4%	12	8.6%	5	3.6%	2	1.4%	19	13.6%
<b>Court Exec. 2A</b>	1	1	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<b>Court Exec. 1B</b>	155	124	80.0%	18	11.6%	10	6.5%	3	1.9%	31	20.0%
<b>Court Exec. 1A</b>	39	30	76.9%	6	15.4%	3	7.7%	0	0.0%	9	23.1%
<b>Total</b>	350	288	82.3%	39	11.1%	18	5.1%	5	1.4%	62	17.7%

Note: Percentages are % of total in each major category.





3. Committee Findings: Minority Representation in the Court Executive Job Band

*Task Force Recommendation 42: The Supreme Court should direct the Administrative Office of the Courts and the Vicinage to make vigorous and aggressive recruitment, hiring and retention efforts to increase the representation of minorities in senior management and key policy-making positions*

The recommendation proposed in 1992 regarding representation of minorities in senior management positions was also amended in the 1994-1996 rules cycle report. The substance of these amendments are as follows: (1) EEO/AA Plans should be updated to include hiring goals and timetables for hiring minority managers; (2) a policy directive should be issued by the Chief Justice directing the implementation of the goal of increasing minority hiring at the senior ranks; and (3) the AOC and vicinages should adopt the following procedures, if they have not already done so, to promote uniformity and fairness in personnel and hiring statewide to address minority underutilization: a) appointment of selection committees which routinely include minorities; b) the use of objective selection and evaluation criteria and instruments to rate all job applicants; c) the development and use of standard job-related questions during interviews and the avoidance of illegal pre-employment inquiries; d) the requirement that Selection Disposition Forms be filled out for all employees; e) review of all job vacancy notices at the AOC EEO/AA Unit to ensure adherence to EEO/AA guidelines; f) establishing a judiciary-wide mentoring program; g) broaden the management team to ensure that minorities are represented at the highest levels of the organization.

Although the EEO/ AA Master Plan incorporates almost all of these recommendations, as well as others, the issue of minority representation in top level administrative positions continues to be a problem area.

Earlier in the chapter discussion, the Committee reported that in 1998 the Judiciary converted more than 800 job titles (based on EEOC job categories) into ten job broad bands. In 1997, when the Committee on Minority Concerns last reported to the court, it found that there were a total of 323 officials/administrators in the New Jersey Judiciary of which 36 (11.1%) were minority. With broad banding came an increase in those titles at the top ranks of the Judiciary from 323 in 1997 to 489 in 2001

representing an increase of 166. Similarly, minorities experienced gains in management titles both numerically and percentage-wise from 36 (11.1%) to 80 (16.4%) for a gain of (+44). In spite of these gains however, there are still no minority Directors or Assistant Directors and no persons of color currently hold any of the court clerk positions or deputy court clerk positions.

Because 2000 availability data for employment purposes are still not yet available, the Committee is only able to comment on workforce trends and not specifically on whether there is continued underutilization at the court executive levels as has been reported in the past for officials/administrators. Nevertheless, it is evident that of those minorities in the court executive band, more are found at the lower levels of the job band. This is especially true for Hispanic and Asian court executives who are poorly represented at all levels, or, as earlier reported, not represented at all.

The Committee believes that an action plan should be put into place to address this concern and new hires and internal promotions should be routinely monitored. It would also be instructive to examine the career paths of those employees who advance in the organization compared to those who do not, controlling for education, years of experience, gender and other important variables. In light of the continuing need for individuals of color in the top ranks of the organization, the Subcommittee reaffirms the previous recommendations made to the court in 1992 and amended in the 1994–1996 and 1996-1998 reports to vigorously recruit, hire and retain minorities at the senior ranks of the organization as a top priority.

The absence of minority court executive in the organization is especially disconcerting because there have been many opportunities to hire at the court executive level or to promote minorities into these positions. Only one minority Asian/Pacific Islander has been hired in Management and Administration. Another reason for concern is that managers establish statewide policy. The underutilization or absence of minority court executives means that important policies are being formulated without the benefit of the perspectives of persons of color who now comprise over one third of the total population of New Jersey.

**Table 53. New Jersey Judiciary: Court Executives  
AOC/Central Clerks' Offices and Vicinages By County and Race/Ethnicity  
December 2001**

Court Executives	Total All Court Executives	Total Minorities		Blacks		Hispanics		Asians/Pac. Islanders		American Indians	
		#	%	#	%	#	%	#	%	#	%
Atlantic	20	5	25.0	4	20.0	1	5.0	0	0.0	0	0.0
Bergen	23	1	4.3	0	0.0	1	4.3	0	0.0	0	0.0
Burlington	18	4	22.2	3	16.7	0	0.0	1	5.6	0	0.0
Camden	20	5	25.0	3	15.0	1	5.0	1	5.0	0	0.0
Cape May	5	1	20.0	1	20.0	0	0.0	0	0.0	0	0.0
Cumberland	14	1	7.1	1	7.1	0	0.0	0	0.0	0	0.0
Essex	34	11	32.4	7	20.6	2	5.9	1	2.9	1	2.9
Gloucester	8	1	12.5	1	12.5	0	0.0	0	0.0	0	0.0
Hudson	23	4	17.4	2	8.7	2	8.7	0	0.0	0	0.0
Hunterdon	6	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Mercer	20	5	25.0	5	25.0	0	0.0	0	0.0	0	0.0
Middlesex	26	6	23.1	3	11.5	3	11.5	0	0.0	0	0.0
Monmouth	21	3	14.3	2	9.5	1	4.8	0	0.0	0	0.0
Morris	19	1	5.3	1	5.3	0	0.0	0	0.0	0	0.0
Ocean	20	1	5.0	0	0.0	1	5.0	0	0.0	0	0.0
Passaic	21	4	19.0	3	14.3	1	4.8	0	0.0	0	0.0
Salem	6	1	16.7	1	16.7	0	0.0	0	0.0	0	0.0
Somerset	18	3	16.7	0	0.0	3	16.7	0	0.0	0	0.0
Sussex	4	1	25.0	0	0.0	1	25.0	0	0.0	0	0.0
Union	19	4	21.0	2	10.5	1	5.3	1	5.3	0	0.0
Warren	5	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Counties Combined	350	62	17.7	39	11.1	18	5.1	3	0.9	2	0.6
AOC/Central Office	139	18	12.9	13	9.4	3	2.2	2	1.4	0	0.0
Grand Total	489	80	16.4	52	10.6	21	4.3	5	1.0	2	

## **I. Employee Compensation**

The issue of employee compensation was not addressed in the Supreme Court Task Force on Minority Concerns Final Report (1992) but was addressed in the 1994-1996 Rules Cycle report of the Committee on Minority Concerns. The Subcommittee determined that this issue, taken together with other employment variables, might shed additional light on minority employment patterns in the Judiciary.

Table 54. New Jersey Judiciary: Salary Comparison by Race/Ethnicity of Employees in the AOC/Central Clerks' Offices and Vicinages Combined as of October 2001 compares salaries of White and minority employees statewide in all job bands (including judicial law clerks). The following conclusions were derived from the data:

- There are proportionately fewer minorities in the two top salary categories, earning more than \$100,000 (9.7%) and \$90,000-\$99,000 (7.1%). Out of a combined total of 101 employees in these two categories, 7.9% are minorities.
  - A total of 592 employees in the Judiciary earn \$70,000 or more. Of this group, 510 or 86.1% are White and 82 or 13.9% are minorities. 60 or 10.1% are Black; 13 or 2.2% are Hispanic and 9 or 1.5% are Asian/Pacific Islander/American Indian combined.
- 7,000 employees or 75.1% of the Judiciary workforce earns \$49,999 or less.
- 91 employees earn less than \$19,999.

Preliminary analyses suggest that for the few minorities who enter the ranks of court executive the progress toward the top of the compensation chart is extremely slow. The Committee however, is not able to draw solid conclusions from these preliminary data for a variety of reasons. Firstly, the inclusion of law clerks in the sample artificially skews the data toward the lower end because they are temporary employees (one year appointments) with fixed salaries. For future analyses, law clerks should not be included in the discussion on compensation. Secondly, in order to perform a valid and reliable salary compensation study, it is necessary to include other variables, such as length of employment, education, experience and other screens used by the Human Resources Divisions and managers to determine compensation.

And too, the Committee purports that women of color constitute a special class of employee

where this type of analysis is ripe for examination inasmuch as this class of women are at the intersection of both race and gender bias. The corpus of the knowledge on this issue has consistently found that the issues of women of color are not comprehensively addressed by either race and ethnic commissions or gender bias commissions. Having made this observation, the Committee is encouraged by the fact that more and more race/ethnic commissions and gender commissions are placing this issue on their respective agendas.

Because minority women have experienced historical discrimination in the workplace in general and have been usually confined to the lower service type jobs, analyses on this sample of the judiciary workforce will shed light on the compensation levels of minority women in general and for each of the race/ethnic groups, in particular.

The historical concentration of women of color in lower salaries suggest that other factors should be examined such as the opportunity for promotion and education and training initiatives that are available to employees that exist within the organization and how it is that an employee climbs the career ladder and obtains coveted promotions. Are employees informed of the avenues that are available to them to receive a promotion? Are these avenues equally accessible to minority women? What is the process and are employees aware of their managers expectations? These and other issues should be identified and defined before a proposed internal research project can be launched.

The Committee has learned that the AOC/Central Clerks' Offices EEO/AA Unit has purchased EEO software that will enable the Unit to perform compensation analyses and adverse impact studies. The ability to conduct complex salary studies will allow the Judiciary and the Committee on Minority Concerns to examine this topic in the near future and perform more sophisticated analyses on these data.

**Table 54. New Jersey Judiciary: Salary Comparison By Race/Ethnicity of Employees  
AOC/Central Clerk's Office and Vicinages Combined  
As of October 2001**

	Totals		Whites		Total Minorities		Blacks		Hispanics		Asians/ Am. Inds.	
	#	%	#	%	#	%	#	%	#	%	#	%
<b>Over \$100,000</b>	31	100.0%	28	90.3%	3	9.7%	3	9.7%	0	0.0%	0	0.0%
<b>\$90,000-\$99,000</b>	70	100.0%	65	92.9%	5	7.1%	2	2.9%	2	2.9%	1	1.4%
<b>\$80,000-\$89,999</b>	112	100.0%	103	92.0%	9	8.0%	5	4.5%	4	3.6%	0	0.0%
<b>\$70,000-\$79,999</b>	379	100.0%	314	82.9%	65	17.2%	50	13.2%	7	1.8%	8	2.1%
<b>\$60,000-\$69,999</b>	670	100.0%	561	83.7%	109	16.3%	70	10.4%	29	4.3%	10	1.5%
<b>\$50,000-\$59,999</b>	800	100.0%	616	77.0%	184	23.0%	141	17.6%	36	4.5%	7	0.9%
<b>\$40,000-\$49,999</b>	2143	100.0%	1546	72.1%	597	27.9%	414	19.3%	152	7.1%	31	1.4%
<b>\$30,000-\$39,999</b>	3115	100.0%	1941	62.3%	1174	37.7%	800	25.7%	297	9.5%	77	2.5%
<b>\$20,000-\$29,999</b>	1551	100.0%	761	49.1%	790	50.9%	536	34.6%	207	13.3%	47	3.0%
<b>Less than \$19,999</b>	191	100.0%	91	47.6%	100	52.4%	72	37.7%	24	12.6%	4	2.1%
<b>Total</b>	9062	100.0%	6026	66.5%	3036	33.5%	2093	23.1%	758	8.4%	185	2.0%

Note: Percentages are % of total in each major category. Percentages may not always add due to rounding.

Data Source: Judicial Human Resource Central Payroll File. Report provided by the AOC/Central Clerk's Office EEO/AA Unit.

## **J. Hispanics and Asians/Pacific Islanders in the Judiciary Workforce**

For more than a decade, the need to increase the representation of Hispanics and Asians/Pacific Islanders in the New Jersey Judiciary workforce has been cited as a critical concern. The Task Force on Minority Concerns, the Committee on Minority Concerns in two prior Rules Cycle reports to the Court and the Supreme Court Action Plan on Minority Concerns recommended that the Judiciary make vigorous and aggressive recruitment and retention efforts to increase the representation of Hispanics and Asians/Pacific Islanders at all levels of the court system.

*Task Force Recommendation 45: The Supreme Court should direct the AOC to develop and implement a more aggressive plan to ensure representation of Hispanics in the Judiciary's workforce.*

*Task Force Recommendation 46: The Supreme Court should direct the AOC to develop and implement a more aggressive plan to ensure representation of Asian/Pacific Islanders in the Judiciary's workforce.*

Since the Committee on Minority Concerns last reported to the Court in 1998, negligible progress has been made in the hiring of Hispanics and Asians/Pacific Islanders. As already noted elsewhere in this report, there is a need to increase the representation of Hispanics and Asians/Pacific Islanders statewide, especially at the AOC/Central Clerks' Offices and in certain vicinages. Refer to Table 55. New Jersey Judiciary: Comparison by Selected Counties of Hispanic, Asian and Black Employees With the County Population.

Due to the rapidly changing demographics of the state, the New Jersey Judiciary, like other employers and providers of services, finds that the gap has widened such that its workforce is not reflective of the Hispanic and Asian communities being served. Aggressive measures need to be taken to address this problem in the court system and to comply with the mandate of the Supreme Court. The Committee reiterates its earlier recommendations relating to the representation of Hispanics and Asians/Pacific Islanders in the judiciary workforce.



**Table 55. New Jersey Judiciary: Comparison by Selected Counties of Hispanic, Asian and Black Employees With the County Population  
December 2001**

<b>Hispanics</b>			
<b>County</b>	<b>2000 County Population %</b>	<b>2001 Judiciary Workforce %</b>	<b>Difference %</b>
<b>Hudson</b>	40.4	23.9	-16.5
<b>Union</b>	20.0	8.7	-11.3
<b>Cumberland</b>	19.1	7.9	-11.2
<b>Essex</b>	15.9	8.7	-7.2
<b>Atlantic</b>	12.3	5.7	-6.6
<b>Monmouth</b>	6.4	1.3	-5.1
<b>Passaic</b>	30.2	25.2	-5.0
<b>Middlesex</b>	13.9	9.3	-4.6
<b>Bergen</b>	10.5	6.1	-4.4

<b>Asians</b>			
<b>County</b>	<b>2000 County Population %</b>	<b>2001 Judiciary Workforce %</b>	<b>Difference %</b>
<b>Bergen</b>	10.6	1.5	-9.1
<b>Middlesex</b>	13.8	6.5	-7.3
<b>Somerset</b>	8.4	1.7	-6.7
<b>Hudson</b>	9.3	3.1	-6.2
<b>Morris</b>	6.2	1.5	-4.7
<b>Atlantic</b>	5.0	0.9	-4.1
<b>Mercer</b>	4.9	0.8	-4.1

<b>Blacks</b>			
<b>County</b>	<b>2000 County Population %</b>	<b>2001 Judiciary Workforce %</b>	<b>Difference %</b>

Cumberland	19.2	9.8	-9.4
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**K. Bilingual Variant Titles in the New Jersey Judiciary**

In direct relation to the recommendations regarding the utilization of Hispanics and Asians/Pacific Islanders in the Judiciary (Recommendations 45 and 46 respectively) is Recommendation 48 regarding the use of bilingual variant positions.

*Task Force Recommendation 48: The Supreme Court should direct the AOC to revise the bilingual probation initiative by (1) requiring greater reliance on the bilingual variant position for meeting goals; (2) extending the initiative to all Judiciary units, including the Municipal Courts, that have direct contact with the public or clients; (3) conducting a new needs assessment and setting new goals; and (4) directing that employees in bilingual variant titles be paid for the additional skill they are required to have.*

An increase in bilingual variant positions will likely increase the utilization of these groups. When the Supreme Court issued the Action Plan in 1993 in response to the Task Force’s report, the Court stated: “As to bilingual court personnel, the AOC shall extend its initiative on certain classes of bilingual personnel in the probation departments to all offices of the Judiciary where bilingual employees are needed in order to assure strategic deployment of bilingual employees statewide.”<sup>96</sup>

The Subcommittee has determined that since the 1994-1996 Rules Cycle report, when the Committee last documented the status of bilingual variants in the Judiciary, there have been no appreciable gains in the use of bilingual variant positions statewide in relation to the need, with the exception of one vicinage (Hudson) which increased its number of bilingual of bilingual variant titles from eight to 67 during this period. Refer to Table 54. New Jersey Judiciary: Bilingual Variant Titles, AOC Central Clerks’ Offices and Vicinages (December 2001):

C From 1995 to 2001, the Judiciary had a net gain of bilingual variant titles of (+42).<sup>97</sup>

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<sup>96</sup>Supreme Court Action Plan, p. 9-10. The Supreme Court approved Recommendation 48 subject to adequate funding. This conditional approval appears to be limited to part #4 of this recommendation, i.e., additional pay for persons occupying bilingual variant positions.

<sup>97</sup>This number is not an accurate total, because two respondents did not provide information as of the publication of this report; one of these (Passaic) has a total of 17 bilingual variant titles.

- C From 1995 to 2001, the following six counties gained bilingual variant titles: Atlantic (+4), Bergen (+4), Hudson (+59), Middlesex (+4), Passaic (+4), Somerset (+4) and Union (+3).
- C From 1995 to 2001 the following seven counties decreased bilingual variant titles: Camden (-9), Cumberland (-2), Essex (-9), Gloucester (-1), Mercer (-1), Monmouth (-1), and Morris (-2).
- C Burlington and Ocean retained the same number of bilingual variant titles during this period (four and one respectively).
- C The following five counties have no bilingual variant titles: Cape May, Hunterdon, Morris, Sussex and Warren.
- C At the AOC/Central Clerks' Offices EEO/AA Unit, bilingual variants have been removed from the titles of Affirmative Action Officer and Community Program Analyst I (Administrative Specialist IV). Currently, there is only one title with a bilingual variant, Administrative Specialist III in the Probation Services Division.

It appears that the increased use of bilingual variant positions has not been clearly defined as a priority by the top management of the New Jersey Judiciary with the exception of Hudson vicinage. There have been minimal gains in the number of bilingual titles being used since 1998. The reduction of and/or underutilization of bilingual variants titles at both the AOC/Central Clerks' Offices and in vicinages with high density Hispanic populations are of particular concern to the Committee on Minority Concerns. Among the counties whose complement of bilingual variant titles fall short of the Hispanic community being served are: Atlantic, Bergen, Camden, Cumberland, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Ocean, Somerset and Union.

The incorporation of the usage of bilingual variant positions will serve two very important goals:

- 1) the provision of services to a significant segment of the New Jersey populous in a language they can understand will further the goal of providing equal and fair access to court services and programs, and
- 2) the increased utilization of Hispanic and Asian/ Pacific Islander employees. The dearth of bilingual variant employees should be immediately addressed.

In the 1994-96 Rules Cycle Report, the Committee amended Task Force Recommendation 48. The

substance of the amendments address the following concerns: revise the bilingual probation initiative by requiring greater reliance on the bilingual variant position for meeting goals; extending the initiative to all divisions, including Municipal Courts, that have direct contact with client; updating a needs assessment; aggressively pursuing additional compensation in bilingual variant titles; inclusion of this issue in the EEO/AA Plans and the steps necessary to increase; and directing Hudson, Union and Bergen Vicinages be targeted for technical assistance and monitoring by the AOC regarding the use of bilingual variant titles.

*Committee Recommendations 48.1 - 48.4: The Judiciary is urged to increase the number of bilingual variant titles statewide, especially at the AOC/Central Clerks' Offices and in those vicinages with high density Hispanic populations. These same entities should be targeted for technical assistance and monitoring regarding the use of bilingual variant titles. Managers should be made aware of policies to increase bilingual variant titles.*

**Table 56. New Jersey Judiciary: Bilingual Variant Titles, AOC Central Clerks' Offices and Vicinages  
December 2001**

County	Hispanics 2000 Census	2001 Vicinage Judiciary Total Workforce	Employees in Bilingual Variant Titles 1995 <sup>98</sup>		Employees in Bilingual Variant Titles 2001 <sup>99</sup>		% Change 1995-2001
	%		#	#	%	#	
<b>AOC</b>	13.5%	1304	2	0.2%	1	0.0	-0.2%
<b>Atlantic</b>	12.3%	350	8	2.6%	12	3.4%	0.8%
<b>Bergen</b>	10.5%	473	0	0.0%	4	0.8%	0.8%
<b>Burlington</b>	4.4%	293	4	1.4%	4	1.4%	0.0%
<b>Camden</b>	9.8%	630	24	4.0%	15	2.4%	-1.6%
<b>Cape May</b>	3.3%	112	0	0.0%	0	0.0%	0.0%
<b>Cumberland</b>	19.1%	214	5	2.8%	3	1.4%	-1.4%
<b>Essex</b>	15.9%	1007	18	1.8%	9	0.9%	-0.9%
<b>Gloucester</b>	2.7%	213	2	0.9%	1	0.5%	-0.4%
<b>Hudson</b>	40.4%	577	8	1.2%	67	11.6%	10.4%
<b>Hunterdon</b>	2.9%	73	0	0.0%	0	0.0%	0.0%
<b>Mercer</b>	9.9%	364	4	1.1%	3	0.8%	-0.3%
<b>Middlesex</b>	13.9%	536	12	2.0%	16	3.0%	1.0%
<b>Monmouth</b>	6.4%	454	3	0.6%	2	0.4%	-0.2%
<b>Morris</b>	7.9%	259	2	0.6%	0	0.0%	-0.6%
<b>Ocean</b>	5.1%	319	1	0.3%	1	0.3%	0.0%
<b>Passaic</b>	30.2%	504	7	1.3%	11	2.2%	0.9%
<b>Salem</b>	4.0%	93	0	0.0%	0	0.0%	0.0%
<b>Somerset</b>	8.9%	180	1	0.5%	5	2.8%	2.3%
<b>Sussex</b>	3.4%	87	0	0.0%	0	0.0%	0.0%
<b>Union</b>	20.0%	485	1	0.2%	4	0.8%	0.6%
<b>Warren</b>	3.8%	93	0	0.0%	0	0.0%	0.0%

<sup>98</sup> 1995 bilingual variant titles include: at the AOC/Central Clerks' Offices (Affirmative Action Officer and Community Program Analyst I) and at the vicinage level (Probation Officer, Senior Probation Officer, Clerk Typist and Receptionist). The percentages represent total employees who held bilingual variant titles in 1995.

<sup>99</sup> Data on bilingual variant titles in the Judiciary in 2001 were provided by the vicinages and include: (Investigator I and 2, Probation Officer, Probation Officer Case, Senior Probation Officer, Senior Probation Officer Case, Master Probation Officer, Master Probation Officer Case, Court Services Representative, Judiciary Clerk 1, 2, 3 and 4, Judiciary Clerk Confidential 2 and 3 and Judiciary Account Clerk 1 and 2. At the AOC/Central Clerks' Offices there is one bilingual variant title, Administrative Specialist 3, Probation Services Division. The percentages represent total employees who held bilingual variant titles in 2001.

<b>Judiciary Total</b>	13.5%	8620	104	1.2%	158	1.7%	0.5%
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#### **L. Data on Minority Representation**

The Committee on Minority Concerns is charged with the monitoring of minority employment by the Judiciary and the participation of minorities on Supreme Court boards, committees and as volunteers and vendors.

*Task Force Recommendation 44: Additional analyses of the hiring, promotion and separation data of the judicial workforce should be conducted.*

*Task Force Recommendation 61: The Supreme Court should direct the Administrative Office of the Courts to maintain current data on minority representation among lawyers, municipal judges and employees, court committees and staff, court volunteers and court appointees.*

In August 2001 the Judiciary merged its data bases into one: the Judicial Human Resource Information System (JHRIS) to capture workforce data by job broad band. The judiciary purchased EEO/AA software to facilitate the computation of availability data to be used in the preparation of the self-critical workforce analyses, compensation analyses and adverse impact studies. Currently we are awaiting issuance by the United States Census Bureau of 2000 Census data for use with EEO/AA programs. It is anticipated that these data will be issued in 2003.

In the course of preparing this report the Subcommittee requested and received extensive cooperation from the AOC/Central Clerks' Offices in obtaining workforce data. However, not all the data that were requested were received because of technical difficulties or because they are not collected. It is because of these complications that the Committee is not able to report on areas that have been included in past reports.

The Judiciary should further streamline its information systems capabilities so that all the current and future statistical needs of the Committee on Minority Concerns. It should also institutionalize the production of employment data on employees at the AOC/Central Clerks' Offices, vicinages and the Municipal Courts and should conduct additional analysis of the hiring, promotion and separation data on the judicial workforce.

The Judiciary should also institutionalize the collection of data on Supreme Court Committees and court volunteers.

*Committee Recommendation 44.1: The AOC/Central Clerks' Offices should complete the process of refining its information systems capabilities so that all the current and future statistical needs of the Committee on Minority Concerns can be met.*

*Committee Recommendation 44.2: The Judiciary should institutionalize the production of employment data on employees at the AOC/Central Clerks' Offices, the vicinages and the Municipal Courts and should provide these data to the Committee on Minority Concerns at least on an annual basis and include reports on new hires, promotions, reclassifications, separations, disciplinary actions, layoffs, bilingual variants, salary studies, Supreme Court Committee membership, court volunteers and vendors, among others.*



**M. Minority Law Clerks**

For the 2001-2002 Court Year, there were a total of 460 judicial law clerkships at all court levels combined (Supreme Court, Superior Court [Appellate and Trial Divisions] and Tax Court). Of these 102 (22.2%) are minority: 44 or 9.6% are Blacks; 26 or 5.7% are Hispanics; 29 or 6.3% are Asians/Pacific Islanders and 3 or 0.7% are American Indians. Refer to Table 55. New Jersey Judiciary Judicial Law Clerks for Court Year 2001-2002 by Race/Ethnicity and Gender as of December 2001. It is noteworthy that the Judiciary’s hiring of law clerks for court Year 2001-2002 (22.2%) is in tandem with their availability (20.8%) of law clerks of color graduating from New Jersey law schools as revealed in Table 57.

**Table 57. New Jersey Judiciary: Judicial Law Clerks  
By Race/Ethnicity and Gender For Court Year 2001-2002  
As of December 2001**

	#	%	Availability <sup>100</sup>
<b>Grand Total Law Clerks</b>	460	100.0	
<b>Whites</b>	358	77.8	
<b>Total Minorities</b>	102	22.2	20.8
<b>Blacks</b>	44	9.6	7.5
<b>Hispanics</b>	26	5.7	6.2
<b>Asians</b>	29	6.3	7.1
<b>American Indians</b>	3	0.7	-
<b>Total Females<sup>101</sup></b>	248	53.9	45.6

Data Source: Judicial Human Resource Information System

Minority representation among judicial law clerks exceeds their availability 20.8% among recent law

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<sup>100</sup>The average availability for minority and female law clerks is computed by averaging the number of law degrees conferred by New Jersey law schools in 1999 and 2000.

<sup>101</sup> Total females include minority and non-minority females.

school graduates from New Jersey law schools. Indeed, there has been a steady increase in minority law clerks through the years such that the proportion of minority law clerks almost doubled in the past five years (from 11.7% in 1996 to 22.2% in 2001). Furthermore, there has been an appreciable increase in minority law clerks (from 15.5% to 22.2%) since the Committee last reported to the Court (biennial report 1996-1998). Refer to Table 58. New Jersey Judiciary: Comparison by Court Year of Law Clerk Appointments by Race/Ethnicity and Table 59. New Jersey Judiciary: Hiring of Law Clerks by Court Level and Race/Ethnicity 1996-2001.

**Table 58. New Jersey Judiciary: Comparison by Court Year of Law Clerk Appointments by Race/Ethnicity**

	1997-1998 Court Year		2001-2002 Court Year		# Change
	#	%	#	%	
<b>Total Law Clerks</b>	401	100.0	460	100.0	+59
<b>Whites</b>	339	84.5	358	77.8	+19
<b>Total Minority Law Clerks</b>	62	15.5	102	22.2	+40
<b>Blacks</b>	23	5.7	44	9.6	+21
<b>Hispanics</b>	19	4.7	26	5.7	+7
<b>Asians/American Indians</b>	20	5.0	32	7.0	+12

**Table 59. New Jersey Judiciary: Hiring of Law Clerks By Court Level and Race/Ethnicity  
1996-2001**

Court Year	Supreme Court	Superior Court-Appellate	Superior Court-Trial	Tax Court	Totals	Totals by Group		
						#	%	
<b>1996-1997</b>								
Total # Law Clerks	21	40	348	9	418	Blacks	22	5.3%
# of Minorities	4	5	39	1	49	Hispanics	13	3.1%
% of Minorities	19.0%	12.5%	11.2%	11.1%	11.7%	Asians/AI	14	3.4%
<b>1997-1998</b>								
Total # Law Clerks	20	40	333	8	401	Blacks	23	5.7%
# of Minorities	2	7	51	2	62	Hispanics	19	4.7%
% of Minorities	10.0%	17.5%	15.3%	25.0%	15.5%	Asians/AI	20	5.0%
<b>1998-1999</b>								
Total # Law Clerks	22	40	360	6	428	Blacks	26	6.1%
# of Minorities	3	6	59	2	70	Hispanics	24	5.6%
% of Minorities	13.6%	15.0%	16.4%	33.3%	16.4%	Asians/AI	20	4.7%
<b>1999-2000</b>								
Total # Law Clerks	22	49	377	6	454	Blacks	25	5.5%
# of Minorities	2	6	66	2	76	Hispanics	24	5.3%
% of Minorities	9.1%	12.2%	17.5%	33.3%	16.7%	Asians/AI	27	5.9%
<b>2000-2001</b>								
Total # Law Clerks	23	48	372	4	447	Blacks	35	7.8%
# of Minorities	4	8	81	1	94	Hispanics	18	4.0%
% of Minorities	17.4%	16.7%	21.8%	25.0%	21.0%	Asians/AI	41	9.2%
<b>2001-2002</b>								
Total # Law Clerks	22	50	383	5	460	Blacks	44	9.6%
# of Minorities	5	8	88	1	102	Hispanics	26	5.7%
% of Minorities	22.7%	16.0%	23.0%	20.0%	22.2%	Asians/AI	32	7.0%

Note: Percentages are % of total in each major category. Percentages may not always add due to rounding.

Data Source: Judicial Human Resource Information System.

A review of law clerk appointments by county, see Table 60, reveals that in 14 out of 21 counties statewide, minority law clerk representation exceeds the 20.8% availability. There is only one county with no minority law clerks.

**Table 60. New Jersey Judiciary: Superior Court Law Clerks for Court Year 2001-2002  
(Excluding Supreme Court, Appellate Division and Tax Court)  
By County, Race/Ethnicity and Gender  
As of December 2001**

County	Total*	Minority		Black		Hispanic		Asian/ Am Ind.		Male		Female	
		#	%	#	%	#	%	#	%	#	%	#	%
Atlantic	16	2	12.5	2	12.5	0	0.0	0	0.0	4	25.0	12	75.0
Bergen	31	5	16.1	1	3.2	1	3.2	3	9.7	20	64.5	11	35.5
Burlington	15	5	33.3	2	13.3	1	6.7	2	13.3	5	33.3	10	66.7
Camden	28	1	3.6	1	3.6	0	0.0	0	0.0	16	57.1	12	42.9
Cape May	5	0	0.0	0	0.0	0	0.0	0	0.0	2	40.0	3	60.0
Cumberland	7	3	42.9	1	14.3	1	14.3	1	14.3	1	14.3	6	85.7
Essex	55	17	30.9	8	14.5	6	10.9	3	5.5	19	34.5	36	65.5
Gloucester	9	2	22.2	1	11.1	0	0.0	1	11.1	2	22.2	7	77.8
Hudson	27	9	33.3	4	14.8	5	18.5	0	0.0	13	48.1	14	51.9
Hunterdon	4	1	25.0	1	25.0	0	0.0	0	0.0	3	75.0	1	25.0
Mercer	19	3	15.8	2	10.5	0	0.0	1	5.3	5	26.3	14	73.7
Middlesex	35	8	22.9	3	8.6	2	5.7	3	8.6	17	48.6	18	51.4
Monmouth	26	6	23.1	4	15.4	0	0.0	2	7.7	11	42.3	15	57.7
Morris	15	4	26.7	1	6.7	1	6.7	2	13.3	4	26.7	11	73.3
Ocean	19	1	5.3	1	5.3	0	0.0	0	0.0	9	47.4	10	52.6
Passaic	28	8	28.6	3	10.7	3	10.7	2	7.1	10	35.7	18	64.3
Salem	3	1	33.3	0	0.0	0	0.0	1	33.3	2	66.7	1	33.3
Somerset	9	1	11.1	1	11.1	0	0.0	0	0.0	5	55.6	4	44.4
Sussex	4	1	25.0	1	25.0	0	0.0	0	0.0	2	50.0	2	50.0
Union	25	9	36.0	2	8.0	3	12.0	4	16.0	13	52.0	12	48.0
Warren	3	1	33.3	1	33.0	0	0.0	0	0.0	3	100.0	0	0.0
<b>Total</b>	<b>383</b>	<b>88</b>	<b>23.0</b>	<b>40</b>	<b>10.4</b>	<b>23</b>	<b>6.0</b>	<b>25</b>	<b>6.5</b>	<b>166</b>	<b>43.3</b>	<b>217</b>	<b>56.7</b>

Data Source: Judicial Human Resource Information System.

At the Supreme Court level there were a total of 22 judicial law clerks. Of these 5 (22.7%) are minority: Blacks -2 (9.1%); Hispanics - 0 (0.0%); Asians/Pacific Islanders and American Indians combined - 3 (13.6%).

At the Appellate Division, there were a total of 50 law clerk appointments of which 8 (16.0%) are minority: Blacks -2 (4.0%); Hispanics - 3 (6.0%) and Asians/Pacific Islanders combined - 3 (6.0%). At the Superior Court level statewide there were a total of 383 judicial law clerks. Of these 88 (23.0%) are minority: Blacks - 40 (10.4%); Hispanics - 23 (6.0%); Asians/Pacific Islanders and American Indians combined - 25 (6.5%).

There were no minorities appointed as judicial law clerks in the Tax Court. For more information on law clerk appointments by court level refer to Table 61. New Jersey Judiciary: Law Clerks By Court Level, Race/Ethnicity and Gender for Court Year 2001-2002 as of December 2001.

Notwithstanding the overall progress made in diversifying the Judiciary's statewide law clerk profile, there remains underutilization of Hispanics and Asians/American Indians judicial law clerks. There are two counties with no Black law clerks, 12 counties with no Hispanic law clerks and 9 counties with no Asian/American Indian law clerks. Refer to Table 60. New Jersey Superior Court Law Clerks for Court Year 2001-2002 (December 2001).

**Table 61. New Jersey Judiciary: Law Clerks by Court Level, Race/Ethnicity and Gender  
for 2001-2002 as of December 2001**

Court	Totals		Whites		Total Min.		Blacks		Hispanics		Asians/Am Inds	
	#	%	#	%	#	%	#	%	#	%	#	%
<i>Supreme Court</i>												
<b>Females:</b>	13	59.1	10	45.5	3	13.6	1	4.5	0	0.0	2	9.1
<b>Males:</b>	9	40.9	7	31.8	2	9.1	1	4.5	0	0.0	1	4.5
<b>Total:</b>	22	100.0	17	77.3	5	22.7	2	9.1	0	0.0	3	13.6
<i>Appellate Division</i>												
<b>Females:</b>	18	36.0	16	32.0	2	4.0	0	0.0	1	2.0	1	2.0
<b>Males:</b>	32	64.0	26	52.0	6	12.0	2	4.0	2	4.0	2	4.0
<b>Total:</b>	50	100.0	42	84.0	8	16.0	2	4.0	3	6.0	3	6.0
<i>Superior Court</i>												
<b>Females:</b>	217	56.7	155	40.5	62	16.2	32	8.4	16	4.2	14	3.7
<b>Males:</b>	166	43.3	140	36.6	26	6.8	8	2.1	7	1.8	11	2.9
<b>Total:</b>	383	100.0	295	77.0	88	23.0	40	10.4	23	6.0	25	6.5
<i>Tax Court</i>												
<b>Females:</b>	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Males:</b>	5	100.0	4	80.0	1	20.0	0	0.0	0	0.0	1	20.0
<b>Total:</b>	5	100.0	4	80.0	1	20.0	0	0.0	0	0.0	1	20.0
<i>Total - All Law Clerks</i>												
<b>Females:</b>	248	53.9	181	39.3	67	14.6	33	7.2	17	3.7	17	3.7
<b>Males:</b>	212	46.1	177	38.5	35	7.6	11	2.4	9	2.0	15	3.3
<b>Grand Total:</b>	460	100.0	358	77.8	102	22.2	44	9.6	26	5.7	32	7.0

Note: Percentages are % of total in each majorcategory. Percentages may not always add due to rounding. Data Source: Judicial Human Resource Information System.

The Chief Justice's and Administrative Director's strong support for the Judiciary minority law clerk recruitment program continues to sustain and enhance this program. The Judiciary undertook specific initiatives to attract minority law students to apply to a judicial clerkships. The outreach programs were coordinated by the AOC Affirmative Action Officer. Among the activities were the following:

- C Co-sponsored law clerk seminars with the New Jersey State Bar Association, Minorities in the Profession Section at New Jersey law schools (Seton Hall School of Law, Rutgers Law School, Camden and Rutgers Law School, Newark) with judges, former law clerks and the Affirmative Action Officer.
- C As a member of the New Jersey Law Firm Group, conducted several joint programs at New Jersey law schools. The New Jersey Law Firm Group is a coalition of governmental and private law firms seeking to enhance employment opportunities for minority students.
- C The AOC Affirmative Action Officer and the Essex EEO/AA Officer /Recruited at the following job fairs:
  - < Philadelphia Area Minority Job Fair, University of Pennsylvania, Philadelphia.
  - < Massachusetts Consortium Public Interest Job Fair, Philadelphia.
  - < Black Law Student Association Job Fair, New York.
  - < Hispanic National Bar Association Convention, Philadelphia.
- C The AOC Affirmative Action Officer carried out speaking engagements to publicize judicial clerkships at:
  - < Temple Law School, Philadelphia
  - < Rutgers Law School, Camden
  - < Hispanic National Bar Association, Women's Conference
- C Publicized judicial clerkships on the Judiciary website ([www.judiciary.state.nj.us](http://www.judiciary.state.nj.us))
- C Chief Justice Deborah T. Poritz sent a letter to all justices and judges encouraging their support of the Minority Law Clerk Recruitment Program.
- C Forwarded informational packets to more than 300 law school placement offices and Black, Hispanic and Asian minority law student organizations nationally.
- C The AOC Affirmative Action Office profiled the Minority Law Clerk Recruitment Program at the National Consortium of Task Forces and Commissions to Eliminate Racial and Ethnic Bias in the Courts Twelfth Annual Meeting held in Teaneck, NJ on May 12, 2000 before a



national audience of judges and administrators seeking to establish a similar law clerk program.

Minority underutilization is established by the minority law school graduation rate at the three New Jersey law schools. According to the New Jersey Commission on Higher Education in 1999 and 2000 (average of the two years), 20.8% of all law school graduates from the three New Jersey law schools were minority: Blacks 7.5%; Hispanics 6.2%; Asians/Pacific Islanders and American Indians combined 7.1%. Refer to Table 62: Law Degrees Conferred by New Jersey Institutions by Race/Ethnicity. More detailed information on law school graduates in New Jersey may be found in the Appendix D, Two-Year Comparison (1999 and 2000) of Law Degrees Conferred by NJ Law Schools by Race/Ethnicity and Gender.

**Table 62**  
**Law Degrees Conferred by New Jersey Institutions by Race/Ethnicity<sup>102</sup>**  
**1999 and 2000 (Averaged Data)<sup>103</sup>**

Race	# Degrees Conferred	% Degrees Conferred
<b>Total Law Degrees Conferred</b>	789	100.0
<b>Total Minorities</b>	164	20.8
<b>Whites</b>	570	72.2
<b>Blacks</b>	59	7.5
<b>Hispanics</b>	49	6.2
<b>Asians/American Indians</b>	57	7.2
<b>Total Females</b>	360	45.6

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<sup>102</sup> Data provided by the State of New Jersey Commission on Higher Education in report "First-Professional Degrees Conferred to Men-Women by Race/Ethnicity at N.J. Law Schools, FY 1996". Includes Rutgers Camden, Rutgers Newark and Seton Hall.

<sup>103</sup> Race/ethnic totals do not add up to total law degrees conferred because there are non-resident aliens and "unknowns" for which race/ethnic information was not provided.



Distribution of Judicial Law Clerk Appointments by Law School, Court Year 2001-2002

The Committee on Minority Concerns requested and received from the AOC/Central Office information regarding law clerk appointments by law school. Although the Judiciary's Law Clerk Recruitment Program is national in scope, and students are recruited from law schools throughout the country, approximately 63% (291) of all clerks appointed for the 2001-2001 Court Year are graduates of New Jersey law schools. As of November 2001, 81.5% of all law clerk appointments were from the Eastern law schools noted in Table 63. Law Clerk Appointments by Law School, 2001-2002 Law Year.

**Table 63. New Jersey Judiciary: Law Clerk Appointments by Law School 2001-2002 Court Year<sup>104</sup>**

	#	%
<b>Seton Hall University School of Law</b>	<b>127</b>	<b>27.3</b>
<b>Rutgers University School of Law - Camden</b>	<b>114</b>	<b>24.5</b>
<b>Rutgers University School of Law - Newark</b>	<b>50</b>	<b>10.8</b>
<b>Widener School of Law, Delaware</b>	<b>37</b>	<b>8.0</b>
<b>New York Law School</b>	<b>22</b>	<b>4.7</b>
<b>Temple University James E. Beasley School of Law</b>	<b>9</b>	<b>1.9</b>
<b>Syracuse University College of Law</b>	<b>8</b>	<b>1.7</b>
<b>Villanova University School of Law</b>	<b>6</b>	<b>1.3</b>
<b>William and Mary Law School</b>	<b>6</b>	<b>1.3</b>
<b>Subtotal</b>	<b>379</b>	<b>81.5</b>
<b>Total Appointments (as of November 2001)</b>	<b>465</b>	<b>100.0</b>

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<sup>104</sup>Fewer than 5% of all appointments were made of law students who graduated from law schools from the southern, mid-western and western United States combined. Seven or 1.5% of the law clerks appointed were graduates from the following law schools: Harvard University, Columbia University, the University of Pennsylvania and Cornell University.

## N. Court Volunteers

*Task Force Recommendation 59: The Supreme Court should set the standard for determining underrepresentation (SDU) in court volunteer programs in two stages: First at the level of minorities in the county population and second at the level of minorities among the constituency.*

*Task Force Recommendation 60: The Supreme Court should require that the various volunteer programs be better advertised in the minority community.*

*Committee Recommendation 59, 60.1: The Supreme Court should direct the Judiciary to develop an aggressive, innovative Action Plan with timetables which go beyond current efforts to address the underrepresentation of Hispanics and Asians/Pacific Islanders that exists among court volunteers.*

*Committee Recommendation 59, 60.3: The Supreme Court should direct the Judiciary to provide on an annual basis, statistical data on court volunteers by race/ethnicity, county and programs to the Committee on Minority Concerns.*

### 1. Recruitment Initiatives

In response to a request by the Subcommittee, the Manager of Volunteer Programs at the AOC/Central Clerks' Offices provided the following information on efforts to meet the court's mandate to "better advertise volunteer programs in the minority community."<sup>105</sup> A retreat focusing on recruitment was held in the fall, 2001 for vicinage volunteer coordinators and liaisons. Topics covered included differentiating between recruitment and merely disseminating information; techniques in reaching target groups and identifying and narrowing target populations. It is anticipated that various recommendations targeting minorities will soon be implemented shortly. Among the recruitment initiatives undertaken to date are:

- C Outreach at colleges and universities.
- C Contact with senior citizens groups.

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<sup>105</sup>Task Force on Minority Concerns Recommendation 60.

- C Publicizing the volunteer programs at county fairs and shopping centers.
- C Publicizing the volunteer opportunities as part of Law Day programs.
- C Advertising in local publications, including Spanish newspapers and newsletters.
- C Posting flyers throughout the courthouses.
- C Distributing of flyers among agencies and community groups.

Newly appointed volunteers are required to complete a training program before they are put on active status that contain modules on problem solving, communication skills, diversity and an orientation to the New Jersey Courts.

## 2. Court Volunteers Profile

According to data provided to the Subcommittee, minorities comprise 19.1% of all court volunteers. Refer to Table 64. New Jersey Judiciary: Volunteers by Vicinage and Race/Ethnicity as of October 2001. Of the 19.1% minority volunteers, 15.3% are Black, 3.1 % are Hispanic and .6% are Asian/Pacific Islander.

**Table 64. New Jersey Judiciary: Volunteers by Vicinage and Race/Ethnicity  
as of October 2001**

County	Total	White		Minority		Black		Hispanic		Asian/ AI <sup>106</sup>		Other	Not Avail
		#	%	#	%	#	%	#	%	#	%		
Atlantic/ Cape May	176	105	58.0	41	22.7	41	22.7	0	0.0	0	0.0	0	30
Bergen	443	323	73.0	39	8.8	23	5.2	11	2.5	5	1.1	3	78
Burlington	180 <sup>107</sup>	177	98.3	35	19.4	27	15.0	6	3.3	2	1.1	0	2
Camden	504	41	8.1	28	5.6	23	4.6	5	1.0	0	0.0	0	435
Cumberland/ Glouc./Salem	353	278	78.8	74	21.0	59	16.7	14	4.0	1	0.3	1	0
Essex	542	283	52.2	249	45.9	227	41.9	22	4.1	0	0.0	10	10
Hudson	111	48	43.2	62	55.9	27	24.3	30	27.0	5	4.5	1	1
Somerset/Hu n /Warren	202	182	90.1	20	9.9	13	6.4	6	3.0	1	0.5	1	0
Mercer	104	84	80.8	20	19.2	20	19.2	0	0.0	0	0.0	0	0
Middlesex	266	197	74.1	69	25.9	52	19.5	10	3.8	7	2.6	0	0
Monmouth	862	600	69.6	150	17.4	126	14.6	18	2.1	6	0.7	1	111
Morris/Susse x	570	456	80.0	16	2.8	9	1.6	5	0.9	2	0.4	0	98
Ocean	275	244	88.7	30	10.9	21	7.6	8	2.9	1	0.4	1	0
Passaic	166	119	71.7	47	28.3	34	20.5	13	7.8	0	0.0	0	0
Union	220	148	67.3	69	31.4	60	27.3	7	3.2	2	0.9	0	3
<b>Total</b>	<b>4974</b>	<b>3285</b>	<b>66.0</b>	<b>949</b>	<b>19.1</b>	<b>762</b>	<b>15.3</b>	<b>155</b>	<b>3.1</b>	<b>32</b>	<b>0.6</b>	<b>18</b>	<b>768</b>

Note: Percentages are % of total in each major category.

Data Source: Information provided by the AOC/Central Clerks' Offices, Volunteer Programs Unit and the Statewide Vicinage Volunteer

<sup>106</sup>Includes Asian/Pacific Islanders and American Indians combined.

<sup>107</sup>Burlington Vicinage summary total of race/ethnic groups exceed 180 because 28 individuals volunteer for more than one program, some even for two or three.

Coordinators.

## Findings

The Committee finds that the underutilization of minorities in general and of Hispanics and Asians/Pacific Islanders parallels the underrepresentation that currently exists in the Judiciary's workforce and therefore, compounds the problem of these populations in so far as this situation may further contribute to their difficulty in accessing judicial services. The Committee reiterates its recommendations in the 1994-1996 Report of the Committee on Minority Concerns that Judiciary develop and aggressive Action Plan to address the underrepresentation of Hispanic and Asian/Pacific Islander volunteers and that statistical data on court volunteers including race/ethnicity, county and program information be provided to the Committee on Minority Concerns.

## Summary

The New Jersey Judiciary has made major strides both in the continued diversification of the court workforce and in embracing policies and programs to ensure fairness in the administrative fabric of the judicial system. The issuance by the Supreme Court and the Administrative Director of the Courts of the Judiciary EEO/AA Master Plan and discrimination complaint procedures as well as the statewide increase in EEO/AA staffing levels are important signals of the commitment to continued progress.

Despite the substantial progress in many areas, there also are areas in which progress is less than satisfactory. There is a need to finalize standard operating guidelines on the discrimination complaints procedures and to refine monitoring procedures, employment interviewing guidelines and information systems capabilities to comply with the requirements of the Judiciary EEO/AA Master Plan.

The Judiciary workforce statistics tell several important stories that should be of concern to the Supreme Court. Minor disparities between population and workforce easily can be addressed. However, the significant disparities that the Committee on Minority Concerns has highlighted for almost a decade need direct and immediate attention.

The Committee is committed to continue its work in this area and memorializing the progress the Court has made. We are also very appreciative of the opportunity to assist the court in its efforts to eradicate all forms of bias and discrimination rooted in racial and ethnic prejudice within the court system.