
Public Hearing

before

ASSEMBLY JUDICIARY COMMITTEE

ASSEMBLY CONCURRENT RESOLUTION No. 88

*(Proposes constitutional amendment removing gubernatorial appointment
of certain municipal judges)*

LOCATION: Committee Room 12
State House Annex
Trenton, New Jersey

DATE: December 10, 2012
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Peter J. Barnes III, Chair
Assemblywoman Annette Quijano, Vice Chair
Assemblyman Gordon M. Johnson
Assemblyman John F. McKeon
Assemblyman Michael Patrick Carroll
Assemblywoman Holly Schepisi



ALSO PRESENT:

Rafaela Garcia
Miriam Bavati
*Office of Legislative Services
Committee Aides*

Kate McDonnell
*Assembly Majority
Committee Aide*

Andrew G. Wynne
*Assembly Republican
Committee Aide*

***Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey***

TABLE OF CONTENTS

	<u>Page</u>
Daniel Phillips Legislative Liaison Administrative Office of the Courts State of New Jersey	1
APPENDIX:	
Statement submitted by William G. Dressel Jr. Executive Director New Jersey State League of Municipalities	1x
Statement submitted by New Jersey State Bar Association	2x
pnf: 1-4	

ASSEMBLYMAN PETER J. BARNES III (Chair): First, I want to announce the hearing, ACR-88.

MS. BAVATI (Committee Aide): This hearing on ACR-88 concerns a resolution that was reported from this Committee on October 15. Today is the public hearing on this resolution that is required by the Constitution and the rules.

The ACR would propose a constitutional amendment removing the gubernatorial appointment power for certain municipal court judges.

ASSEMBLYMAN BARNES: Dan Phillips, AOC.

DANIEL PHILLIPS: Good morning. Dan Phillips from the Administrative Office of the Courts.

I signed up this morning-- Actually, we're neutral on this bill; we'll defer to the Legislature and the electorate on determining the method of appointing judges for joint municipal courts and central municipal courts. But I do want to give you some information to help you with that decision, and then some of the recent information on consolidation of our municipal courts.

This same ballot question was on the ballot in the general election in 2008 and failed by a margin of 55 percent to 45 percent -- a rather close vote. But many people believe there was confusion caused by the reporting in the media and the narrative of the ballot question that caused the failure of the constitutional question. And this, of course, deals with how a judge is selected in a joint municipal court and a central municipal court.

And let me review for you very quickly the types of municipal courts we have in this State. Under Title II-B every municipality is required

to have a municipal court; and by far the majority of municipal courts in the State are stand-alone, single municipal courts with a court administrator and a municipal court judge.

In those courts, the judge is appointed by the mayor with the advice and consent of the council or, if it's not a mayoral council form of government, it's done by the governing body in the municipality. Those judges serve for a term of three years, as do all municipal court judges.

The next form we have is a shared municipal court, again authorized under Title II-B. This is where we have, perhaps, courts *A*, *B*, and *C* in different municipalities agreeing to share facilities, security arrangements, supplies -- things like that -- but maintain their autonomy as separate courts. And in that form of court, each mayor or governing body selects their own judge and administrator. So they are still an autonomous court, they're just sharing facilities and supplies. The problem with that form of court is, as we share services, the more municipalities we have the efficiencies go down. It's more difficult to manage them.

The third type of court we have is a joint municipal court, which is a court really set up for a larger number of municipalities. This is where we have, perhaps, courts *A*, *B*, and *C* forming court *D*. They each lose their autonomy and they create a separate court. That judge is nominated and appointed by the Governor with the advice and the consent of the Senate, as provided in the Constitution. And that's one of the courts this bill is about.

The fourth type of court -- and there's only one in the state -- is a central municipal court. It's for counties of the first class: Bergen County has a central municipal court where they hear consumer affairs matters,

matters from their park police, and any other types of matters that are signed by the Assignment Judge. In that form of court, again, it's the nomination and appointment by the Governor, with advice and consent of the Senate.

This bill would change the method of appointment for the joint municipal courts and the central municipal courts to allow the Legislature to enact a new statute providing for some other form of appointment other than advice and consent by the Senate and gubernatorial appointment.

I will tell you that today we probably have more municipal courts than we had two or three years ago. You read in the newspapers, you'll hear that Princeton and Princeton Township are considering consolidation. At the same time, we have many courts that are disbanding their consolidations. And what we heard anecdotally is that is because of the authority of the municipality to appoint the judge. The municipalities want to appoint their own judges and court administrators; so those that have formed joint courts disband and maybe form a shared court, when they can do that, or they go back to a sole municipal court.

We have, today, 530 municipal courts in the State of New Jersey, with 328 judges -- that's as of today. We have 23 joint courts formed by 77 municipalities, and 51 shared courts formed by 111 municipalities.

There are-- As I said, anecdotally we have heard that the consolidation of municipal courts -- the barrier is often the appointment of a municipal court judge. They don't want to cede that to the Governor, so they either file a joint court and they lose the efficiencies, or they stay a sole court.

So in conclusion, this bill, ACR-88, if it's enacted through the Constitution and the election, may promote consolidation in municipal courts which, of course, would be a good thing. It's easier for us to manage in the courts. It would also save municipalities money.

So I'd be glad to answer any questions you may have.

ASSEMBLYMAN BARNES: Any questions for Dan? (no response)

Matthew Weng, League of Municipalities -- in favor, no need to testify.

Anybody else at this hearing who would like to testify? (no response)

ASSEMBLYMAN CARROLL: I move that we close it.

ASSEMBLYMAN BARNES: We don't need any--

Okay, motion.

We don't need any vote on this, so a motion to close.

ASSEMBLYWOMAN SCHEPISI: Second.

ASSEMBLYMAN BARNES: All in favor? (affirmative responses)

Meeting adjourned.

(MEETING CONCLUDED)

APPENDIX



**New Jersey State League
of Municipalities**

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Matthew Weng
LEAGUE STAFF ATTORNEY

December 10, 2012

Re: ACR-88

Dear Member of the Assembly Judiciary Committee:

The League of Municipalities supports ACR-88, which would, if enacted and ratified, allow the municipalities involved in the establishment of a joint municipal court to determine the manner in which the judges of that court would be appointed. Currently, the Constitution allows the Governor to nominate and the State Senate to confirm joint municipal court judges.

It is appropriate to allow local elected officials to make appointments to locally established courts, which will be funded through local budgets. That has always been a basic tenet of our representative democracy. This proposed amendment and bill would correct the current deficiency and remove one impediment to greater sharing of municipal court services.

We thank the sponsors for their leadership on this issue. We urge that the Resolution be given favorable consideration.

Very truly yours,

William G. Dressel, Jr.
Executive Director

WGD/sc

1/x

**THE NEW JERSEY STATE BAR ASSOCIATION SUPPORTS
ACR-88, WHICH PROPOSES CONSTITUTIONAL AMENDMENT
REMOVING GUBERNATORIAL APPOINTMENT OF CERTAIN MUNICIPAL
COURT JUDGES**

On behalf of the New Jersey State Bar Association (NJSBA), this is to express the NJSBA's support to ACR-88 (Wisniewski), which proposes a constitutional amendment removing gubernatorial appointment of certain municipal court judges.

The NJSBA's Board of Trustees and Legislative Committee voted to support this constitutional amendment because we believe that it will streamline court administration in New Jersey's municipal courts. First, the bill will provide a process to appoint inter-municipal court judges which takes into account the concerns of the municipalities. This could have the impact of getting municipal court judges appointed more quickly. Second, given recent efforts to regionalize municipal services, this constitutional amendment allows municipalities to retain the judicial appointment authority that they have with a single municipal court in an inter-municipal court situation. We firmly believe that New Jersey voters rejected this legislation because they did not understand how the legislation would benefit their communities by promoting the consolidation of services while allowing municipalities to continue to provide input into the jurist selected to hear municipal court matters.

12/4/2012