
Committee Meeting

of

ASSEMBLY JUDICIARY COMMITTEE

*“The Committee will receive testimony from invited witnesses
on the impact that fiscal constraints may have on the independence of municipal courts
and municipal court judges”*

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

DATE: June 15, 2017
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman John F. McKeon, Chair
Assemblyman Gordon M. Johnson, Vice Chair
Assemblyman Joseph A. Lagana
Assemblywoman Elizabeth Maher Muoio
Assemblyman Andrew Zwicker
Assemblyman Michael Patrick Carroll
Assemblyman Erik Peterson



ALSO PRESENT:

Rafaela Garcia
*Office of Legislative Services
Committee Aides*

Kate McDonnell
*Assembly Majority
Committee Aide*

Kevin Logan
*Assembly Republican
Committee Aide*

***Meeting Recorded and Transcribed by
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Chair

GORDON M. JOHNSON
Vice-Chair

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**REVISED
COMMITTEE NOTICE**

TO: MEMBERS OF THE ASSEMBLY JUDICIARY COMMITTEE
FROM: ASSEMBLYMAN JOHN F. McKEON, CHAIRMAN
SUBJECT: COMMITTEE MEETING - JUNE 15, 2017

The public may address comments and questions to Rafaela Garcia, Miriam Bavati, Committee Aides, or make bill status and scheduling inquiries to Denise Darmody, Secretary, at (609)847-3865, fax (609)292-6510, or e-mail: OLSAideAJU@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The Assembly Judiciary Committee will meet on Thursday, June 15, 2017 at 10:00 AM in Committee Room 12, 4th Floor, State House Annex, Trenton, New Jersey.

The committee will receive testimony from invited witnesses on the impact that fiscal constraints may have on the independence of municipal courts and municipal court judges.

The following bill(s) will be considered:

A-4875 Muio	Requires gubernatorial candidates' statements be posted online.
A-4990 Lagana	Strengthens location confidentiality for certain crime victims.
AR-268 McKeon	Opposes recent arrests by U.S. Immigration and Customs Enforcement agency in courthouses in State.

Issued 6/9/17

* Revised 6/13/17 - A4619 and A4999 (For Discussion Only) removed

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(This is an excerpt from the Assembly Judiciary Committee meeting held June 15, 2017, regarding the judicial independence of municipal courts and municipal court judges.)

ASSEMBLYMAN JOHN F. McKEON (Chair): Okay, welcome everyone to the Judiciary Committee.

We will begin with the Pledge of Allegiance, led by Assemblyman Peterson. (all recite pledge)

Thank you.

Roll call, please.

MS. GARCIA (Committee Aide): Thank you.

Assemblyman Peterson.

ASSEMBLYMAN PETERSON: Here.

MS. GARCIA: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Here.

MS. GARCIA: Assemblyman Zwicker.

ASSEMBLYMAN ZWICKER: Here.

MS. GARCIA: Assemblywoman Muoio.

ASSEMBLYWOMAN MUOIO: Here.

MS. GARCIA: Assemblyman Lagana.

ASSEMBLYMAN LAGANA: Here.

MS. GARCIA: Assemblyman Johnson is--

ASSEMBLYMAN McKEON: He's here; I don't know-- He didn't make it upstairs. He's still waiting for the elevator. (laughter)

MS. GARCIA: Okay; and Chairman McKeon.

ASSEMBLYMAN McKEON: Present; thank you very much.

We have three items on for action today, which is uncharacteristically light for this Committee. But we do have an informational hearing that I'm going to lead off with, as we have a number of witnesses who have -- who were kind enough to be here, and have other engagements.

So, in effect, the *inspiration* -- and for the record, noting that Assemblyman Gordon is now with us -- if you want to call it, the inspiration for this hearing all came from an article that appeared in the *Asbury Park Press* this past fall. And, I guess, the article was "Inside the Municipal Court Cash Machine." And you know papers can sometimes sensationalize; but truth be told, when you start to drill down on the issues that come out of the municipal court system, there are some very interesting facts that we can disseminate and, perhaps, understand them, and be in a position to make some corrective action, if we think it's necessary, as a legislative body.

A number of points to be made-- You know, without getting into all -- I know we have several witnesses; Dan will come up and maybe give us a primer on the types of municipal courts, and the shared versus the joint, and versus the central -- but at the end of the day, municipalities get 100 percent of the revenue from ordinances, including parking tickets, and litter ordinances, and other things you can think of, in that regard. They get 50 percent of the income that comes from traffic tickets, and split the other half with the counties.

So there is a considerable dollar sum, in these ever-more difficult times, from municipalities that have funding sources within which to focus on the revenue side, if you will, of the budget. That in turn brings pressure on municipal judges -- the judges, in effect, who are appointed to

three-year terms, and serve at the pleasure -- after they're appointed, after the three years runs -- of the mayor and the governing body. And frankly, as a former Mayor, if they don't see a certain level that's coming in, that they're going to count on, that can be of some concern.

And the concern, really, is that the courts are supposed to be about justice. Now, I don't mean to disparage any municipal judge, God knows; or any of the system. But the statistics don't lie. You know, if you go to-- In municipal court, only 2 percent of the cases end up being tried; and of these 2 percent, only 16 percent are successful, as it relates to having charges dismissed. So if you look at the statistics you, frankly, have a better chance of beating a murder rap than you do a parking ticket.

So when it comes to the concern that one would have about making sure justice is what the priority is; making sure that the judges don't have that undue pressure-- And just to put into context the economics -- and again, I'm not picking on Monmouth or Ocean County; I'm just using them because the statistics were very much, with a lot of hard work, pulled together by the *Asbury Park Press*.

You know, the numbers are pretty astounding. In 2010, the number was about \$22 million in those two counties, coming from those revenues; in 2015, it's \$26.2 million. So just in five years, \$3.2 million. That's significant. And then when you start looking at some of the towns-- I know Lake Como is small, but nonetheless, 10 percent of their municipal budgets -- 10 percent -- comes from the money and revenues from municipal court. And I think Asbury Park is another great example of that. It's a town that brought in, in real dollars, \$800,000 last year; and it has a total of 22,000 people in it. So this is an issue.

I know that the New Jersey State Bar has thought of it as an issue. They had put together a Commission, or a Task Force, on Judicial Independence that started in 2013; they concluded in 2016, but didn't get far enough, or didn't have time to start to delve into the municipal courts. So the Bar, again, thought it was important enough to now have that same Task Force continue. I know they've had hearings; and my understanding is, is that by this summer -- soon -- they should be coming forward with their reports and recommendations that might go beyond these two counties. I know several of the gentlemen who are deeply involved in that Commission will be here to testify today as well.

So with all of that as the primer, it's my pleasure to ask the Honorable Paul Catanese -- Paul -- who is the presiding (*sic*) Municipal Judge in Mercer County--

Is Judge Barnes here, by any chance?

JUDGE ESTHER CANTY-BARNES: (off mike) Yes.

ASSEMBLYMAN McKEON: Oh, you are; okay.

Judge Barnes, why don't you--

JUDGE BARNES: I'm not a judge anywhere. (laughter)

ASSEMBLYMAN McKEON: Well, I know you aren't; and I know Judge Catanese is no longer a Judge either. But it's like being a Mayor; once a Mayor, you are always a Mayor.

JUDGE BARNES: Right.

ASSEMBLYMAN McKEON: So Your Honor, if you would like to come up as well and join your colleague, that would be acceptable.

So whoever would like to lead us off; okay.

So Judge, if you can just -- with humility aside, give us a little bit of your background and credentials.

JUDGE PAUL CATANESE: Good morning.

My name is Paul Catanese, and--

ASSEMBLYMAN McKEON: And can you hit that-- Thank you.

JUDGE CATANESE: Okay.

I'm a retired Municipal Court Judge, and I served on the bench for about 20 years. I was the Chief Judge in the South Brunswick Township Municipal Court in Middlesex County; I was the Chief Judge in the Hamilton Township Municipal Court in Mercer County; and also the Judge of the Municipal Court for Lawrence Township in Mercer County.

And in addition to those judgeships, I did serve, for about 10 years, on the Chief Justice's Appointment, as the Presiding Judge of the Municipal Courts for the Mercer Vicinage. And I also had the privilege of serving as Chair of the Conference of Presiding Municipal Court Judges at the State level.

ASSEMBLYMAN McKEON: The Court will accept you as an expert, sir. (laughter)

JUDGE CATANESE: And I do appreciate the opportunity to speak to you today about what some people might say is the *elephant in the room*, as the Chairman talked about -- and that is the role of revenue production in the municipal courts.

You all know that the towns rely, on large part, on their tax revenues to fund the operation of the town. But they also rely, to an extent, on the funds that they receive from the Municipal Court. And every

town wants its court to, of course, cover the operating expenses of the court, including salaries, staff, benefits, fixed costs associated with the operation. And towns that aren't successful in that regard have taken the steps to deal with the financial viability, and that is, as the Chairman mentioned, consolidation of courts, joint courts, central courts -- they sometimes exist.

And those are good things, because those seek to have cost reduction as the basis on which to make the courts be continually viable.

Now, other towns take a different approach; and that approach sometimes can impede on the independence of the judiciary. They seek to apply pressure to the court to raise revenue. And this could be as subtle as the Business Administrator or the Town Manager, at weekly or monthly staff meetings, saying to the Court Administrator, "So how we doing with revenues from the Court?" Or it could be something that's very overt and open -- and I use the example of a town in Middlesex County, a few years ago which decided it was not going to reappoint its Municipal Court Judge because the Judge wasn't bringing in enough revenue. And this was open; it was in the local papers; and the wire services picked it up; it was statewide. Everyone was aware of this. And you know, that Judge, who I knew, was eminently qualified for the position; he was fair and impartial. He was a good Judge. So--

ASSEMBLYMAN McKEON: Judge, I'm just going to ask you. I believe you yourself have been asked to testify at Budget hearings before a municipal governing body.

JUDGE CATANESE: That is correct.

ASSEMBLYMAN McKEON: That's interesting to me, because usually it would be the Court Administrator; but, in this instance, directly, the Judge was asked to be there.

JUDGE CATANESE: Yes; and I can't speak for now, but when I was sitting, it was permissible for the Judge to go before the governing body for the purpose of discussing the budget.

And not in every town was I asked; it would be the Court Administrator. But in two of the three towns I sat in, I actually made the budget presentation to the town council.

ASSEMBLYMAN McKEON: And then the town council was in a position, beyond the revenue piece, to determine raises, or otherwise, or court security. They had the purse strings.

JUDGE CATANESE: Of course; absolutely, yes.

ASSEMBLYMAN McKEON: Okay.

JUDGE CATANESE: So, you know, judges know what their job is; it's to do individual justice, individual cases. That's what our role is. It's not our job to raise revenues for the town. That's the byproduct of what we do -- raising the revenue.

And there can be times when a small fine, or no fine at all, is appropriate; and it's in the interest of justice to do that. Yet, judges are aware that the town is looking to court revenue in dealing with this budget.

So I talked about the subtle references, the overt references; and the Chairman just mentioned about the annual budget hearing. That's the opportunity where you go in and you tell them about what you need to run the court properly. And we find -- at least my experience has been, in my towns, and from the judges who worked for me in Mercer County -- that

the town would always focus on, "How much money are you bringing in?" And they would want to know what the projections were; and they were concerned about, "Gee, we see that revenues have not gone up this past year in Municipal Court."

So while most towns are not as overt as that town in Middlesex County -- which says "We need more money," and they say it openly to the press -- the judges are aware that the town is looking for money from them. So that makes it somewhat difficult.

There's always this, if not explicit, this implicit sense that you need more revenues from the court. And I'll use as an example something that happens just about in every budget presentation. The town looks to, "How much money have you *not* collected?" And there are dozens of reasons why the money is not collected. But they'll look and say, "Gee, we have \$1 million in uncollected funds. Why haven't you collected that money?" And they will say, "I have a suggestion as to how you should do that," okay? Which clearly, in my mind, is inappropriate for the town to, now, tell you how you should be collecting fines and costs that are unpaid. That's a judiciary function.

ASSEMBLYMAN McKEON: Well, what recommendations would you be speaking of?

JUDGE CATANESE: What they would recommend to you?

ASSEMBLYMAN McKEON: Yes.

JUDGE CATANESE: Well, one of the big programs that they always recommend are the amnesty programs. This is where the town will -- the court will say, "We have a program; we'll advertise it," and they get approval from the AOC to do that. And then they will say, "If you come

forward and come up with some money, we will recall the warrants that were issued for your arrest for nonpayment of fines at cost. We'll also restore your driver's license. You just have to come up with some money and get on a plan." And towns say, "You can collect, probably, hundreds of thousands of dollars if you would just do that."

What the towns don't know -- and it gets a little technical -- but what the towns don't know is that most of the money is uncollected. The payment order is such that the town itself will get very little money; most of that going to the State.

So that, generally, doesn't work. But they are always looking for how they can collect money, and they always have suggestions as to how it should be done.

So that can be problematic for the judge. You try to be respectful; but also, you really can't rely upon them telling you how you need to go about collecting unpaid fines and costs.

So I want to return, just for a second, about this Judge who was not reappointed because he wasn't raising revenue.

You know, it's unfair to him; but think about how unfair it is, and how it looks to the public, for this to be said by the town; and how this new Judge, who is coming in, is going to appear fair and impartial when his appointment came with the marching orders, "Bring in more revenue." How could people go into that court and feel that they're always getting a fair shake? He may be very fair and impartial; but the town has set the stage, and they've said, "You need to bring in more revenue. You're the guy or gal who is going to do it for us." It's not the right message to send.

So I should add that there are some towns that are enlightened. They know that there's a separation between the court and the town, and they don't explicitly or implicitly tell the court what they should be doing about raising revenue.

But there are enough of these towns that aren't enlightened that it creates a troubling situation around the state.

And judges need to be able to make these decisions without being concerned about the consequences of their actions. That includes the revenue piece, but it also includes the critical issue of deciding cases -- just deciding the cases. Judges shouldn't have to worry not only about revenue, but whether the town's going to be upset because they ruled against them in a zoning case. They shouldn't have to worry about the Chief of Police going to the Mayor or the Town Council and complaining that the Judge suppressed evidence on a case, and they lost that case, because the Judge determined that someone's constitutional rights had been violated.

ASSEMBLYMAN McKEON: Your Honor, I'm going to stop you there again for a moment. I know, eventually, Judge Barnes is going to, maybe, speak in that regard.

But I noted in some of the printed quotes attributable to you, you indicated things were uncomfortable, if not with the Police Chief, but with a lot of the officers. If you happened to-- Whether it be suppressed evidence; or find, as a matter of credibility, the other story sounded more--

Could you comment on that?

JUDGE CATANESE: Yes; well, that's absolutely correct. And I think at the Superior Court level, a Judge will have a law enforcement officer before him or her; and if they're making credibility determinations,

they're maybe not going to see that officer ever again. But when you're in Municipal Court, you're going to see the same officers over, and over, and over again. And it becomes uncomfortable. In one of the towns I sat in, early in my career, I just -- I would get glaring looks from officers as I walked through the hallways going to the court because I ruled against them in a particular matter.

So you have this -- you have a closeness. It's a difficult situation, because you have a closeness. You're dealing at the local level, with a local town, and local police. But you have to make these independent determinations. And it's hard for the judges to do that.

I need to mention, however; you said this -- the premise for this hearing, in large part, was that article. And I was quoted extensively in that article. But you need to know that I was never interviewed for that article. Everything that was reported, as said by me, was a result of my testifying before the New Jersey State Bar Association on the issue of judicial independence.

ASSEMBLYMAN McKEON: Interesting.

JUDGE CATANESE: It comes across as we had an interview. I did not speak to the reporter.

ASSEMBLYMAN McKEON: Thank you; that's very interesting to know.

JUDGE CATANESE: So the only thing I would-- Let me just conclude by saying that we need to free judges from the concern about raising revenue. We need to get to the point where the judges can make these decisions without having to worry about whether they are going to be reappointed. And it's a difficult circumstance. If you're up for

reappointment in three month, and a town has an important case, and you're going to rule against them, you're going to do the right thing. But in the back of your mind, you're saying "This could be it for me; this could be the end of my career in this particular town because I'm doing the right thing." We teach the judges, do the right thing always; but there could be negative consequences because of, number one, the short term; and also because of the pressure the town may put on the judge.

ASSEMBLYMAN McKEON: Your Honor, thank you.

Before I ask if there are any questions of you, I would like to have Judge Barnes have a moment.

Judge Barnes served in the Irvington Municipal Court for four years; and is currently a Professor of Law at Rutgers.

So Judge, thank you for being here; and it's my wife's home town, Irvington.

JUDGE BARNES: Oh, really?

ASSEMBLYMAN McKEON: She'll be mad at me if I don't mention that.

JUDGE BARNES: That's great.

I would just like to thank the Committee--

ASSEMBLYMAN McKEON: Could I also ask you to turn your mike on, Your Honor?

JUDGE BARNES: I would like to thank the Committee for hearing our testimony, because I think it's very crucial to the independence of the Judiciary.

But I'd also like to give a shout-out and kudos to the men and women who serve at the municipal level; because I think they do a great job

of being gatekeepers and protecting the judge from many things that happen in the municipality.

And it is also a very good source of information -- where we tend to find out what's really happening in the municipality; where we find out that we're being complained about, or if we're not raising enough revenue, or if the police are unhappy with us. They are our gatekeepers and our ears, because we are not always privy to the things that they are privy to.

But I would also thank the AOC, because they do a good job of training these Court Administrators and Court Directors in the fairness, impartiality, and what is needed to ensure that the Judiciary is protected.

But I'd like to bring up a couple of things that happened in the course of my tenure at Irvington. And I'd also like to say I served not only in Irvington, but I also served as a Conflicts Judge in East Orange for about a year; and I also substituted in other municipalities.

But my comments are for, mainly -- in reference to Irvington, where I served as a Presiding Judge for a period of time, as well.

So as the Judge mentioned, these issues could be very subtle, or they could be very blatant -- so blatant as the Court Administrator coming to the door saying, "We need more money." (laughter) So I might not be privy to that; but certainly coming to the court door, requesting that the Court Director or Court Administrator inform the Judge that "we need more money," is problematic.

But there are many types of conflicts that arise in the course of Municipal Court. Even though you're hired by the township for a period of time, you are also serving a role as a Judge and you have to answer to the

Judiciary. So that becomes very much a conflict when you are trying to balance your roles in these things.

But one of the complaints that I used to get all the time came from police officers. When I started out, I had the pleasure, I would say -- because I had a Public Defender background -- of hearing a case involving -- a police case against a young man who had been charged with various offenses. And he said to me, "Judge, well, this police officer testified very differently in the other case." And he gave me the name of the other co-defendant. Sure enough, I pulled the tape, listened to the tape; sure enough, the officer testified differently. As a result of that, I found the young man not guilty, and put scathing remarks on the record regarding the officer's credibility.

I later found out, and heard from the Prosecutor, that I should not have done that -- that I should have been a little bit more subtle in the way that I handled the case. And then after that, when I found anybody not guilty, the police rampantly would complain about me to the Counsel and to the Mayor about what was happening in Municipal Court, because I didn't find that they were proving their cases beyond a reasonable doubt, which is what the standard is.

So the other issue that arises is the expectation that you have to come up with ways to raise revenues. As the Judge mentioned, the backlog of cases -- "pull the backlogs, issue bench warrants, recall the cases again, bring in the payment agreements," and things of that nature -- which you really have to ignore from them, because that's not the way that justice is supposed to be meted out.

There is also the pressure of contributing to campaigns -- of the Mayor, of the Town Council -- which is prohibited by a Municipal Court Judge. And even though they know that this is prohibited, these issues are still very much a problem. And I've heard other judges say to me, "Well, you know, you don't have to contribute; but your wife can, or your husband can." Well, I said, "Well, my husband and I -- our accounts are joint. So I am not contributing to a political campaign." So that is another pressure that is placed upon the Municipal Court Judge.

Another pressure has to do with -- in one case, I found someone guilty -- a business owner, and the--

ASSEMBLYMAN McKEON: I find this fascinating; I've read about this. Why don't you--

JUDGE BARNES: I found out, two months later -- because every resolution from the town that deals with the Municipal Court comes to -- across your desk. It might not be immediate, but it comes across the desk. And I was shocked when I saw the resolution, which said that the Council had voted to repay the person the fine that she had paid to the Court. So of course, I had no choice but to notify my boss -- which is the Presiding Judge at the County level -- and gave him a copy of the resolution. He took it from there; because I could not approach the Town Council about what they had done, because of the separation of State and Judiciary.

So the Judge lambasted the Irvington attorney about the process because, in actuality, the attorney should have been there when the resolution was being presented and voted on in that respect.

So as a result of this, the members of the Council complained that, "Who does Judge Barnes think she is; she's not employed by the County of Essex; she's employed by the Courts."

So I constantly got feedback -- negative feedback; but eventually they understood who I was. There was never really a connection between myself and the town, per se, because of that conflict -- that overarching conflict that seemed to have been there. And as a result, because it became so -- that I didn't think I could do my job effectively, in terms of making sure that the Municipal Court was protected in terms of security, in terms of getting the things that we needed. And I even had to actually fight to have staff not be laid off to ensure that we had enough staff in order to bring in the revenue that we needed to; maintain the tickets and other things that needed to be done from all levels.

But I think that the independence of the municipal Judiciary is very important because of all these issues. I think something needs to be done to protect the judges, or give the judges a little bit more protection from the things that happen in the Municipal Court that none of you may be aware of. It's quite an onerous task to try to do your job, and also to be able to walk that fine line between an employee of the Municipal Court and being a member of the Judiciary.

Thank you.

ASSEMBLYMAN McKEON: Judge, you weren't reappointed, I take it?

JUDGE BARNES: I decided that I wasn't going -- I wasn't reappointed after the three years. I was, like, a holdover Judge. But after a

while, I felt that I needed to move on because things in the town became so -- which are things that I really don't want to talk about here--

ASSEMBLYMAN McKEON: That's okay.

JUDGE BARNES: I felt that my reputation was going to be impugned. So I thought it would be better to move on to other avenues. At the time I was working at Rutgers, and so I decided to become full-time there.

ASSEMBLYMAN McKEON: What do you teach at Rutgers?

JUDGE BARNES: Special Education Law--

ASSEMBLYMAN McKEON: Interesting.

JUDGE BARNES: --in their Clinical Program.

ASSEMBLYMAN McKEON: Thank you.

Thanks to both Your Honors.

Members of the panel?

Assemblywoman Muoio; and Vice Chair Johnson next.

ASSEMBLYWOMAN MUOIO: Hi; thank you both for attending today.

Just a couple of questions.

First of all, a couple of possible solutions have been discussed, one of which would be removing the local appointment authority and making -- giving it to the Governor, with the advice and consent of Senate -- for municipal judges. The other being regionalizing the municipal courts, which would take some of the local pressure off. Do either of you have an opinion as to what the chances for success would be, in terms of eliminating that pressure?

JUDGE BARNES: I think replacing it with the Governor would be too far removed. There might be some hybrid way of doing it, because I think the municipality should have some choice in who they want to appoint for a judgeship. But I'm not sure how it should be done; because when I think about the roadblocks for appointment of judges at the State level, I can see the same thing happening at the municipal level. And I don't think that would serve the municipality well in making it that far removed.

JUDGE CATANESE: I think one of the options that may be available is to make the terms of the municipal court judges longer than they are. Three years is a very short period of time. And I think it was really -- perhaps it was designed originally so that when there was a change in politics, there could be a change in the judge.

Well, I think we're beyond that, as far as what the courts do and what the courts are supposed to be doing. You know, 50 years ago, the courts were really local courts. But now it's part of the State court system, and we're part of the unified Judiciary. And I think you need-- You know, Supreme Court judges are appointed for seven years, I think; and then they are up for reappointment, and then tenure. You have to give municipal court judges more time in those positions to not be subjected to the local pressure. Every three years, you get a--

ASSEMBLYWOMAN MUOIO: Like, 10 years, like the FBI?
(laughter) I'm joking; joking.

ASSEMBLYMAN McKEON: The FBI? (laughter)

ASSEMBLYWOMAN MUOIO: I have one more question; it just came up, based on what you both were saying.

From your vantage point -- as when you were Judges -- did you feel that the pressure produced -- to produce revenue was applied and/or felt at any point in the law enforcement chain? I mean, you mentioned about -- sometimes it created animosity between you and the police in your town. Do you feel that pressure was put at any other point -- whether it was on police or anyone else to -- revenue pressures?

JUDGE CATANESE: I don't know; I really don't know whether the police had that. And as the Judge said, we sort of block ourselves off from everything else that's going on in the town. We try to, sort of, stay segregated from the rest of the town. So my interaction with the police was limited. Sometimes I would see a lot of tickets being written, a lot of violations -- ordinance violations coming in, which could have been, perhaps, from the town telling the police, "Get out there and--" But I don't have any firsthand knowledge of that.

My only problem with the police was, as the Judge indicated, they would be unhappy if they weren't successful in a case.

ASSEMBLYWOMAN MUOIO: Which is a different issue, really.

JUDGE CATANESE: It is a different issue, yes.

JUDGE BARNES: Yes.

ASSEMBLYWOMAN MUOIO: I mean, I feel-- You had mentioned that the independence of the Judiciary is critical. And I think independence of law enforcement, in general, is critical; that nobody should feel that pressure.

So I was just curious what your viewpoint was on that.

JUDGE BARNES: I haven't had any experience to that extent either. I've had people who have come to complain about parking tickets, and that they might have issued the parking tickets before the time period started. But, you know, it wasn't continuous.

ASSEMBLYWOMAN MUOIO: Thank you.

ASSEMBLYMAN McKEON: Thank you very much, Assemblywoman.

Vice Chair.

ASSEMBLYMAN GORDON M. JOHNSON (Vice Chair):
Thank you, Chair.

Judge Barnes, you come from more of an urban area--

JUDGE BARNES: Yes.

ASSEMBLYMAN JOHNSON: --and Judge Catanese--

JUDGE CATANESE: Catanese, yes. (indicating pronunciation).

ASSEMBLYMAN JOHNSON: Catanese -- you come from a more suburban area--

JUDGE CATANESE: I do.

ASSEMBLYMAN JOHNSON: --I take it, right?

Of course, I come from Bergen County; we have 70 towns, 70 municipal courts. I'm thinking -- as I heard your testimony and your stories -- regional courts may be the way to try to resolve that in the County of Bergen. I think that-- And there would be a cost-savings there too: 70 towns, 70 municipal courts, 70 judges -- or, maybe, I think some towns do share -- 70 boroughs with staff, court administrators.

JUDGE BARNES: Yes.

ASSEMBLYMAN JOHNSON: I'm wondering -- with today's technology and what we have today, and with the way we could schedule, and also the ability to ensure that people get a -- are justly tried, let's say. That could be done in a more regional setting, than having 70 towns with one municipal court in each town.

Also, then, you wouldn't have the same officer -- confront the same officer every time you come to the courtroom, because now it's regional.

Does that make sense to you? Or has it-- I know you probably don't know Bergen County that well, but would that seem to make sense?

JUDGE BARNES: I think it does. I think in Essex County there are two municipalities that are already doing that; I think South Orange and Maplewood have a combined court. But the larger urban districts -- I mean, just because they are so huge, sometimes it's harder to do.

ASSEMBLYMAN JOHNSON: Right.

JUDGE BARNES: Like Newark has its own, East Orange its own--

ASSEMBLYMAN McKEON: Half a dozen judges.

JUDGE BARNES: Yes, yes. And Irvington has a large population as well, but some of them can consolidate to save money. And also to be able to funnel the information through-- They could actually still have their own building, but the judges could sit to do disposition of cases differently.

ASSEMBLYMAN JOHNSON: Right.

JUDGE CATANESE: I think that regionalization is a great idea. And if you can figure out a way to appoint judges-- I don't think you need as many judges, either. And one of the things, when I was at the State Conference, was that we always asked judges to try to pick up a couple of towns. Because if you are a judge in one town that meets once a week, it's hard-- There is a lot of law out there, and there are a lot of things that are taking place. And to be current with it, you need to be looking at it almost every day.

So I always encouraged my judges to try to pick up other towns; be a judge in two or three towns, so that you are on the bench the majority of your work week. And I think if we had judges who were really fulltime municipal judges, I think that they would have that ability to stay on top of the law -- be at the top of their game constantly; less judges; and, again, that regionalization I think would work.

ASSEMBLYMAN JOHNSON: Yes. And you said in your testimony, in your statements before, that you felt that the police have some influence on the -- could determine your decisions, or how you come to -- to find a person guilty; that they could influence how much of a fine or a penalty you would impose because of the pressures coming from the police department, or police officers?

JUDGE CATANESE: No; what I was saying was that I could have a circumstance where someone is found guilty of an offense, but there are mitigating circumstances. They committed the offense; and I may make a determination that a small fine, or no fine at all--

ASSEMBLYMAN JOHNSON: Right.

JUDGE CATANESE: I'll use as an example 2C, a Criminal Code violation. It could be a violation, but there are a lot of mitigating circumstances. I might impose, instead of a \$1,000 fine, a \$100 fine on that, okay? And that's a big difference, and--

ASSEMBLYMAN JOHNSON: That's your discretion.

JUDGE CATANESE: That's my discretion, yes.

ASSEMBLYMAN JOHNSON: Still; okay.

JUDGE CATANESE: Yes; yes it is.

JUDGE BARNES: Yes.

JUDGE CATANESE: And the Prosecutor might want, on behalf of the State, to say, "I recommend the fine of \$750." I'm not bound by that, and I may make the determination that \$100 is appropriate in that circumstance, for that individual, for that offense.

You know, that makes a difference in what's going to go into the town coffers. So they could have some concern about that happening.

ASSEMBLYMAN JOHNSON: Okay.

Thank you, Chair.

ASSEMBLYMAN McKEON: Thank you.

Assemblyman.

ASSEMBLYMAN ZWICKER: Thank you.

I just want to sort of follow up a little bit on what Assemblyman Johnson was talking about.

He talked about regionalization of courts. As you're talking about and discussing the pressures that you were feeling when it came to the revenue back into the town, what I'm wondering is what if we were to come up with a way to break that. In other words, you have the discretion

to, in any individual case, fine; that there will be a fine at times. What are your thoughts on having the money go into a pool elsewhere, and then coming back into the town, based upon population -- a formula of some kind, right? Does that-- So say you impose a fine; the income doesn't matter; it goes up into a centralized place. And then you mentioned my hometown of South Brunswick, let's say. So based upon some criteria, it comes back at some frequency.

Crazy, practical, woodwork -- just your thoughts on that.

JUDGE CATANESE: I hadn't thought about it; but I think that would relieve the pressure, because the town is not going to be looking for the monies, because they know they're not going to be getting it. I guess, ultimately, they're not going to care whether I impose a fine of \$100 or \$1,000 because, ultimately, in the overall scheme, it will matter--

ASSEMBLYMAN ZWICKER: Right.

JUDGE CATANESE: --but a very miniscule amount overall.

So I think that would remove that aspect of it. But as the Judge said, and I said, there are other pressures which we're faced with as well, which are local.

ASSEMBLYMAN ZWICKER: Right.

JUDGE CATANESE: And which probably, at some point, need to be addressed.

ASSEMBLYMAN ZWICKER: Sure. I was just looking at this one; I didn't know if you had thoughts as well. Just looking at this one.

JUDGE BARNES: I think towns in my county would revolt.

ASSEMBLYMAN ZWICKER: Would revolt?

JUDGE BARNES: Yes.

ASSEMBLYMAN ZWICKER: I didn't say the towns would enjoy this (laughter); I'm just trying to come up with a solution, right?

And I mean I could make a joke as well. We know what happens when we have funding formulas, so -- which always do so well.

But I'm just looking at it from your perspective -- whether or not there is a practicality in that; an implementation is much different.

JUDGE BARNES: I think it would prevent the towns from having access to the monies immediately. And I'm not saying that they should not, because a large -- whatever the revenue streams are, they should be allowed to get.

But the issue is the pressure on the judge, not necessarily the money itself. Because once the money is received, there's a need for it. We've had situations-- Because Irvington has been so cash-strapped in many ways, that we've had to agree to -- for the town to withhold payment for -- we'll give up a week of pay because there is no money to pay you. And that's happened quite a few times.

So what I'm saying is that if you do something that would prevent them from having access to the funds, it might be catastrophic.

ASSEMBLYMAN ZWICKER: Sure; that makes sense.

JUDGE BARNES: Yes.

ASSEMBLYMAN ZWICKER: Thank you; I was just curious.

Thank you, Mr. Chairman.

ASSEMBLYMAN McKEON: Any other questions?

Michael.

ASSEMBLYMAN CARROLL: Less questions, than just comments. I want to get some feedback there.

Mr. Phillips and I have been discussing this issue for many, many years and I have never gotten off my ever-broadening *tuchus* to do anything about it.

But as long as we're going to unify the courts, let's unify them. We got rid of the Juvenile Domestic Relations Court, we got rid of the County Courts; and it's now all part of the Superior Court. Let's say, for example, Morris -- in my fun place where I live -- has four new Superior Court Judges; call it the Municipal Division. Let them ride Circuit, if they have to. Have one centralized Court Administrator.

I had, for what it's worth -- and Judge, I'm glad you talked about this (indiscernible) -- we had one Judge, actually, in Morris County -- who is, thankfully, no longer a Judge --- brag, when he was looking for jobs, that he always brought in the most revenue. And that's the kind of thing-- A number of years ago, perhaps, when you were in law school -- you remember the famous case where a municipality gave the cop a percentage of the tickets whenever he wrote it? What's the difference?

And I think Assemblywoman Muoio was going there, with that question about, "Do the cops feel pressure to write the--" Of course they do. I mean, when I was sitting on a municipal governing body, as Counsel, listening to them go through the checkbook -- item, by item, by item, by item -- and they get to the Municipal Court, and they say, "Well, this isn't doing this, and this isn't doing that. Maybe we should apply for funds to do roadside checks so we can bring in more revenue."

And they weren't doing it on a guilty basis; they were actually looking for people, I suppose -- as a public safety result from more DWI

checkpoints, or what have you -- but they were looking at it from the checkbook's perspective. And that's understandable.

Mr. Chairman, I think we saw out in Ferguson the hazards of having a government try to run on fine revenues; where people were getting themselves caught in-- I mean-- And you sat through it, especially in Irvington where you have people, probably of lesser means, who get behind in fines, and see what they have to go through trying to dig their way out from under. And oftentimes, you don't have much discretion, especially with license suspensions and things along those lines.

JUDGE BARNES: Sure.

ASSEMBLYMAN CARROLL: And after they get done with you, then they have to deal with DMV, who imposes surcharges on them.

So Mr. Chairman, it seems to me that perhaps this is one area where we should centralize. I think Bergen has moved towards a central Municipal Court to some extent--

ASSEMBLYMAN McKEON: I guess, just as I understand with Bergen, Mike, it's just relative to matters that the sheriffs write.

ASSEMBLYMAN CARROLL: Okay. Well, they have this strange police force in Bergen, as I recollect. (laughter)

So, I mean, suffice it to say that-- As I recollect, when I was out on Long Island, they had one county court to do all traffic stuff; all the police write the traffic stuff. And I think it gets rid of the incentive to write rinky-dink, or -- I mean tickets. I was told -- and again, you can correct me if I'm wrong, Judge -- that having a mall, or a highway, or a state highway near a municipality is a wonderful thing for municipal revenue--

JUDGE BARNES: Cash.

ASSEMBLYMAN CARROLL: --because if you're short, you stick the cops out on Route 80 and they write the tickets. Or if there is a shoplifter down at the Rockaway Mall, or what have you -- it's good for business -- judicial business. I'm not so sure it's good for justice business.

And I think we ought to look at-- As I said, with Mr. Phillips -- I've talked about it; I've never done anything. It's not his fault, it's my fault -- of, maybe, at least, having some (indiscernible) -- I think Erik was working on one as well -- to eliminate municipal courts entirely. Just have -- at least in one county, try it. Go to the (indiscernible) Superior Court. As I said, maybe you have four places around the county, the size of Bergen or Morris, where you have a place that will rent you out the municipal building for the day, or what have you.

And the last thing I want to say is that you mentioned getting more than one court. And I think that's interesting because, from the perspective of the taxpayers, you can often make more as a Municipal Court Judge working in multiple towns than you could make if you were Superior Court Judge. I don't know if that was your personal experience, Judge; but I know it's happened a couple of times up in Morris. And it seems to me that if three, or four, or five towns are paying a Judge more than a Superior Court Judge makes, that's a bad investment of taxpayer dollars.

ASSEMBLYMAN McKEON: Well said, Assemblyman.

ASSEMBLYMAN CARROLL: And you're certainly free to comment; and by the way, isn't that true? (laughter)

ASSEMBLYMAN McKEON: Assemblyman.

ASSEMBLYMAN PETERSON: I just have a few comments.

So I come from an area where we have somewhat the opposite problem. The courts are a financial burden on us; we don't bring in enough revenue. It's actually a loss to the towns. They would love to jettison; because between the Court Administrator, the Prosecutor, and the Judge, and the security personnel that they have to have -- and then we have our courts-- A lot of my towns-- I had one town that didn't have a municipal building until, I guess, it was two years ago. We don't have municipal buildings where we can afford all the requirements that the courts want us to have in them. And so every time they want to come up with some new security or something new, they don't have the money, and they don't have revenue coming in to pay for it.

So I have introduced a bill that would allow the Freeholders to decide whether there should be a countywide Municipal Court that would have a judge that would just do Municipal Court. And I thought about the idea of having that judge also handle the bail hearings, under this new bail system, since they're turning into mini-trials themselves. I thought it would be a way to have somebody who would become an expert in that area, instead of the Superior Court Judge, who really is just there to try the cases.

And I thought that this would be a way to save money. All the revenue would go to that court, and the towns would be freed up, from my area, of that burden.

I understand that the issue is, is that there are towns that rely on this money, on this income, and have the opposite effect.

And I've introduced the bill where it's permissive, and not required. And I would love for us to have the opportunity to have a county like mine where I know --

I think our mayors would put the pressure on the freeholders to go ahead and to do it, and we could see whether it would work or not. And I think there are other counties -- maybe Warren, that I also represent -- that might do that as well. I don't know about some of the other counties. But it would make sense for them.

And I say that-- And I put that bill in, even though I'm a Prosecutor for two towns. And we-- You know, our towns don't -- I've never had anyone come to me and put pressure on for more revenue. There are just -- the courts -- that whole Municipal Court is just something they would rather not deal with.

So in my area, what they've done is -- we had joint courts. So the court that I'm in has three towns, with one Judge, and they still lose money, even though they are pooling it together. And then there's become this competition to get towns to come and use your court, pay a fee; use your judge, and pay a fee. And it's still not -- they're still not getting a positive revenue out of it.

But they've tried these things. They've also tried where you regionalize it, but that has its own set of problems. Because the towns -- when you -- Assemblyman Zwicker, when you pool that money and then redistribute it, the problem is, is that it never works out fair, and then the towns have a fight amongst themselves about it. Because we have had those courts where the money all got pooled and they paid-- And the town -- one town would want to pull out because it was bringing in the vast amount of the revenue. Because each town is different -- do you have an interstate highway; do you have a State highway? Do you -- what are your issues in

your town; how big is your town? All those factors. And even when you go and you allow for those differences somewhat, it never works out.

If you took that away and put it at the county level, I think you'd solve all those issues. And then there's no -- the number of staff to the number of judges, as Michael was saying, is reduced. You'd have a savings -- a cost-savings; you'd have revenue accumulated. And you could use facilities that you already have, and so you're not creating anything more.

And I also thought that we could also supplement that -- those judges -- by having them hear the bail hearings, which is -- it is becoming a whole new burden on the court system right now, because the bail hearing is becoming a mini-trial.

So I thought that those would -- we could solve a lot of issues with doing that. And I hope that, maybe, the Chairman would indulge me, and put the bill up, and we could, maybe, see if it could go. And I'd love to see a test case in my home county.

ASSEMBLYMAN McKEON: We'll give it our thoughtful consideration. You know how we like to work in a cooperative fashion, particularly with you, sir.

So thank you.

ASSEMBLYMAN PETERSON: And I just-- I'm open to suggestions to the bill. If there are people who-- I've presented it to the Bar; I'm open to suggestions to make it better. And you know we can try it out. Because I do believe it's an issue -- reading some of the stories about the -- in some of the towns, about how they're using it to just drive revenue.

ASSEMBLYMAN McKEON: Thanks for your thoughtful comments.

Your Honors, thanks to the both of you for your time today, for your very illuminating testimony. And we'll give it our thoughtful consideration as to how we can make it a better place.

Thank you both.

JUDGE BARNES: Thank you.

JUDGE CATANESE: Thank you.

ASSEMBLYMAN McKEON: The next two witnesses -- Steve Williams is here from the New Jersey Bar Association, and former Chair of the Bar's Municipal Court Practice Section; along with Mike Testa Jr., of the State Bar Association and a member of the Subcommittee on Judicial Independence in Municipal Court, that I referenced before, as well as the Supreme Court Committee on Operations.

So welcome to two very esteemed members of the Bar, and for giving up your time. As always, it bears to say, the State Bar stands before us -- many skilled professionals who aren't getting paid per hour when they're here. (laughter)

So we appreciate your service to the profession and to the State.

MICHAEL L. TESTA Jr.: Thank you for having us.

Am I on?

ASSEMBLYMAN McKEON: Yes, you should be.

Just identify -- I know I introduced you -- yourself for the record.

MR. TESTA: I'm Michael Testa Jr.; I'm here on the behalf of the New Jersey State Bar Association. I sit on the Board of Trustees for the State Bar Association; I sit on the Supreme Court Municipal Court Practice Section; I also sit on the Subcommittee for Judicial Independence in the Municipal Courts.

I just want to thank everyone for having us here today.

Assemblyman Peterson, I read your bill; we can talk afterwards about that.

I want to say it's very refreshing that we are having such an intellectually honest conversation about independence of the Judiciary and the Municipal Courts. I'm happy to be here to, sort of, carry the flame that was sparked by former New Jersey State Bar Association President Ralph Lamparello a number of years ago, when he really championed the cause of judicial independence. Not that I disagreed with him at all, but I really thought that it should start from the ground up and start in the municipal courts, even back then. I made that comment to him back in, I believe it was, 2013.

Because truly, the municipal courts are the people's court of the State of New Jersey. I believe over 6 million cases were heard in Municipal Court for the last statistical year that we have access to. My grandfather sat -- before he sat in the Superior Court he sat in the Municipal Court as a Judge, and he always said that business should be conducted in Municipal Court just as if you were in Superior Court; and that the goal is always justice. And I have to say, though, the transparency of what should happen in Municipal Court isn't always what does happen in Municipal Court.

And I would also like to thank our prior two witnesses for being so intellectually honest in their testimony earlier.

I'm certainly open for any questions; but I could provide numerous anecdotes, because I am a Municipal Court practitioner. And I am in Municipal Court a minimum of two times each and every week of my practice of law.

ASSEMBLYMAN McKEON: Thank you.

Let's hear Counsel; and then we'll see what questions there might be.

STEPHEN D. WILLIAMS, Esq. Good morning.

I'd like to thank you as well for asking us to come before this Committee.

My name is Stephen Williams; I'm a solo practitioner in Flemington. I do practice -- over 50 percent practice is Municipal Courts; mostly in Hunterdon, Somerset, Warren County; although I do other counties as well. I am there, probably, three or four days a week in various municipal courts. It's over 50 percent of my practice. As was stated in the introduction, I am a past Chair of Municipal Court Practice Section; I have testified before this and other Committees of the Assembly and the Senate when I was back in that position.

Note that I'm here -- while I am here on behalf of the State Bar, I am also here as an individual; and that's basically what I'm testifying on -- on my individual basis and my observations in handling Municipal Court cases through the years. And like Michael, I have various anecdotes, that both frustrate you and make your jaw drop on occasions, about what happens sometimes in Municipal Court.

ASSEMBLYMAN McKEON: Well, you have whetted all of our appetites now-- (laughter)

So Joe DiMaggio, tell us your best story. It was you and Ted Williams--

MR. WILLIAMS: I don't know if there's a *best* story, but there are several instances -- just things that if you're Joe Citizen who is -- this is the primary dealings with the court system in New Jersey for most individuals. Most people don't get to Superior Court. Most people will go for a speeding ticket; or, now, the ever-prevalent cellphone ticket, which brings hundreds of people to Municipal Court a month.

In my hometown, which is in Branchburg, it's a primary application of the local police department. Even at a red light -- if they see you even touching your phone, you're getting pulled over for a cellphone ticket in Branchburg. Any given day in that town there are 30 to 40 cellphone tickets being dealt with in court. And every one has to have a court appearance on a cellphone ticket.

ASSEMBLYMAN McKEON: And I should know this -- but are they State violations or local violations?

MR. WILLIAMS: They are State violations.

ASSEMBLYMAN McKEON: Okay. And so the revenue is split 50 percent.

MR. WILLIAMS: Yes.

ASSEMBLYMAN McKEON: The next question I have -- and again, I'm sorry for not knowing; I don't get to Municipal Court that often other than for a pain-in-the-neck family member now and then.

MR. WILLIAMS: No problem.

ASSEMBLYMAN McKEON: Often you can plead to something that is no points and just a lot of money.

MR. WILLIAMS: Right.

ASSEMBLYMAN McKEON: Is that the same with the cellphone deal?

MR. WILLIAMS: No; there is no plea to the cellphone. It's a first offense, because there's nothing you can do with a cellphone; it's the fine; and the notice that if you come a second time, the fine increases -- or the third time -- the fine increases again, and you can potentially be suspended at that point in time; and there are points.

ASSEMBLYMAN McKEON: Are the points ascribed to the first one, or no?

MR. WILLIAMS: It's the third time.

ASSEMBLYMAN McKEON: The third time -- till then; okay.

And you could just tease out the get-out-of-jail-free card one, that costs more money.

MR. WILLIAMS: All right; well, there are two aspects of that.

Yes, we have the unsafe driving -- the catch-all -- because there was a time period back -- 15 years ago, or whatever, the AOC -- there were the no-point tickets that you used to be able to plead people to without a 2-point speeding ticket. And they were either equipment violations or obstructing traffic; something like that. Neither of those had no-point tickets. At some point in time, it was looked at that all of these tickets were-- Pleas were entered by the Administrative Office of the Courts, and all these pleas were entered without a factual basis. How do you establish a factual basis, for instance, when somebody is doing 70 in a 50, for

obstructing traffic? So there was a short window where, basically, every case was tried. Because the prosecutors and the courts were told, "You can't plead anybody without a factual bias."

So it became-- There was an era, of about a year, where there were trials that-- You would be in court until after midnight, oftentimes, in some of the busier courts. Because everything got tried because, if you couldn't-- For a client, if you couldn't get them a no-point ticket, you figured you might as well try it and see if somebody messes up -- the officer doesn't show up, or whatever. So you would go through the process. And that's when the Assembly and Senate came together and passed the Unsafe Driving, which was the no-point ticket that can be used for any traffic thing, and they said that you drove unsafely; that was good enough.

And that worked wonderfully for a couple of years; and then, I guess, it was when Governor McGreevey was in office. He looked at it, saw how many people took advantage of that, and the surcharge of \$250 was added to it. So it's about a \$150 fine; \$33 costs; and then the \$250 surcharge on top of it, so it ends up costing \$440 or something like that.

ASSEMBLYMAN McKEON: And you know, Michael--

MR. TESTA: And if I may, it's very--

ASSEMBLYMAN McKEON: --I'm just going to comment for all of us.

Mike mentioned it before. You know, \$440 might sound okay for somebody who has the money, frankly; it's a lot of money under any circumstances. But for someone who doesn't have it--

MR. TESTA: Sure. And Mr. Chairman, it's very telling that \$250 goes directly to the Department of Revenue.

ASSEMBLYMAN CARROLL: Well, there's a reason for that. You know what that reason was? Our esteemed former Governor decided to issue bonds against that amount of money, so we needed the money to pay back our debt. (laughter)

ASSEMBLYMAN McKEON: Not to be confused with the \$300 million of renovations for the State House with the EDA, but I'll-- (laughter)

But I digress -- speaking of esteemed, almost-former Governor.

ASSEMBLYMAN CARROLL: I can't understand why I wasn't joined in that lawsuit.

Mr. Chairman, may I ask a question.

First of all -- a couple of questions -- first of all, *a*) what's unreasonable about 70 in a 50? (laughter)

MR. WILLIAMS: You would have to ask--

ASSEMBLYMAN CARROLL: That sounds perfectly reasonable to me.

MR. WILLIAMS: And that's a 4-point ticket; 70 in a 50.

ASSEMBLYMAN CARROLL: And I understand where you're coming from with that. I mean, I looked at-- One of the things that strikes me again is that I think when we do the Municipal Court work, it will inevitably slough over to the police work, in that-- It strikes me-- And you talked about the cellphone. I mean, is that just -- I mean, when you have somebody sitting at a red light, that may annoy you because their playing with their phone and they don't move; and that is really annoying; but whether it's a court appearance-- Distracted driving is one thing. And again, I don't know if I voted for that; I hope I didn't. (laughter) I

understand that distracted driving is a problem. I mean, is it really worth -- is that just to-- Again, maybe I'm asking a loaded question -- to bring in 40 people a week into a Municipal Court for the purpose of getting spanked?

MR. WILLIAMS: In my opinion, it's not; but that's the way it is.

ASSEMBLYMAN CARROLL: That's what we did, so it's not our -- it's not your fault, it's our fault.

MR. WILLIAMS: Right. And then judges -- their hands are tied too.

ASSEMBLYMAN CARROLL: All right. It's a mandatory appearance.

MR. WILLIAMS: It's a mandatory appearance; right.

ASSEMBLYMAN CARROLL: And again it's-- One has to ask, is that really a good use of time? (laughter)

MR. TESTA: It's probably not the most efficient; absolutely, to have 40 people appear on a first cellphone violation ticket.

ASSEMBLYMAN CARROLL: And they probably get hit with court costs too.

MR. TESTA: Absolutely; \$33.

MR. WILLIAMS: It's \$33.

ASSEMBLYMAN McKEON: Joe has a question; but may I just ask you, Mike, when is the report going to come out?

MR. TESTA: My understanding is that it should be out by the end of the month.

ASSEMBLYMAN McKEON: Anything you can -- not *tease*, but tell us in general terms?

MR. TESTA: I really can't speak as to that Committee; I mean, because they are confidential, and that is kind of unfortunate. I mean, because -- I would like to speak to it.

ASSEMBLYMAN McKEON: We can go into closed session.
(laughter)

MR. TESTA: There are a lot of passionate individuals. And I would encourage everyone on this panel to read a New Jersey Supreme Court opinion of *In re Yengo*; that's Y-E-N-G-O. That really gives a wonderful history of our courts, both prior to our 1947 Constitution, when New Jersey had Police Courts; and then, post-1947 Constitution. And each Chief Justice of our Supreme Court, since our Constitution of 1947, has blatantly stated that the Municipal Court system in the State of New Jersey is the most important court system in the State of New Jersey. So again, I think it's very refreshing to be here to discuss the judicial independence.

ASSEMBLYMAN McKEON: I'm seeing Dan Phillips kind of shift in his seat -- who has an encyclopedic knowledge of that particular case. He got very happy; he smiled. (laughter)

Joe.

ASSEMBLYMAN LAGANA: Thank you, Chairman.

Thank you for your testimony.

We're really kind of talking about two separate issues; one issue is judicial independence, and the other issue is really all the problems with the Municipal Courts that you see, as practitioners.

Ralph Lamparello is actually my law partner, so--

MR. TESTA: I know that.

ASSEMBLYMAN LAGANA: --he'll be happy to know that they are singing his praises down in Trenton.

But he did take on the issue of judicial independence when there were the problems that we had a few years ago with the Supreme Court, and the appointments, and the holdups, and all that. But listening to the Judges talk before about judicial independence, and about the pressures that are placed on them by local officials--

And before being in the Assembly, I served on the Council in my hometown of Paramus. And I will tell you, flat-out, the Municipal Court revenues are part of that budget; and everybody wants to know how much money is being brought in -- especially in my town, which is very unique, because it has three major malls.

So, you know, when talking about judicial independence and people really keeping their noses out of the way the courts operate -- to me, that's criminal for them getting involved. And maybe there needs to be a criminal statute addressing it; I don't know.

But as far as all the problems wrong with the Municipal Courts, because New Jersey is a very special place and home rule is king, that's the problem. And that's why there is always going to be pushback against regionalization. Regionalization makes the most sense; that will prevent the local officials from sticking their noses into how the courts work; I think it will help towns save money. You know, Bergen County -- Assemblyman Johnson says Bergen County has 70 towns. Now, there aren't 70 courts; but out of all of those towns, that's a lot of judges, a lot of prosecutors, a lot of public defenders.

I was a Public Defender in three towns for a few years when I first started practicing, so I know full well how it works. Before court session starts, behind a courtroom in the Counsel Chamber, the Judge, and the Prosecutors, and the Public Defender, and all the cops -- everyone is back there, having coffee, eating doughnuts, waiting for the court session to start. And you know, the public is out there, kind of, wondering what's going on behind closed doors.

Now, I'm not saying there's anything wrong with what's happening, or anything improper. But the fact of the matter is, for the public who is going there to experience what justice is, they should get a better experience, in many instances. And I think regionalization also -- what it does is, it provides consistency, especially to practitioners. I've appeared in Municipal Courts from -- many in Bergen County, in Ewing, in Sussex County, in Ship Bottom Municipal Court. So, you know, I've been everywhere, as far as experiencing how courts operate. And I will tell you that you never know what you're walking into; every court operates differently; every town operates differently. You know, you can go to-- I've been in Paterson Municipal Court, Newark Municipal Court, representing people with drug offenses; and I'm walking out of there with a Borough ordinance violation; \$750. Now, those are great, because those go right to the town, they don't go to the State.

But you could be in a Municipal Court where it's a possession of marijuana, and the Judge is screaming at your client like they just committed murder. So you never know what you're getting in Municipal Court; I think regionalization will provide more consistency as far as the public's aware. But again, you know, it's the issue of home rule, you know?

Are towns really going to give that up? Give up not only the direct benefit of revenue, but also the ability to make appointments, the ability to appoint their own prosecutors, the ability to appoint their own public defenders, their own judges? And it is a very political process, obviously.

And you know, I strongly believe regionalization is the answer, but getting there -- I think that road is really windy.

MR. TESTA: It's going to be very difficult to navigate; I don't doubt you one bit, Assemblyman. And certainly Assemblyman Peterson's bill sort of addresses that, because it makes that regional core an option. And quite honestly, making an option for those townships and municipalities that exercise that option, I think the municipalities that don't exercise that option will fall under much greater scrutiny for possibly the lack of judicial independence that they have.

Mr. Chairman, you asked -- give us your best story. I mean, in 16 years of appearing in Municipal Court, I can tell countless ones. But just a few weeks ago, a Judge was off the bench for quite a period of time in a Municipal Court in which I regularly appear. And the Mayor was in chambers with the Judge for a half-hour. Certainly, they may have been talking about the Philadelphia Phillies; I have no idea what they were talking about. But the appearance of impropriety certainly was there, and possibly some pressure coming from that Mayor to that Municipal Court Judge. Did I ever ask the Judge what was happening? Of course not. But Assemblyman Lagana -- what you said about the people deserve a better experience. They may not know what's going on back there, but they're certainly drawing their own conclusions of what's going on in that back room; and that's the biggest problem, in my opinion.

ASSEMBLYMAN McKEON: I had to be the dumbest Mayor ever; I just paid people's parking tickets for them. (laughter)

Any members who-- Thank you guys, both, so much. I don't know if anybody has any further questions. You are a great resource; and if you don't mind, maybe we'll use you for comment and thought as we may put together some legislation.

MR. TESTA: I'm certainly available.

MR. WILLIAMS: I am too; thank you, Mr. Chairman.

MR. TESTA: Thank you.

ASSEMBLYMAN McKEON: Thank you both for your service, and for your practice.

MR. TESTA: Thank you, Mr. Chairman.

ASSEMBLYMAN McKEON: Jon Moran of the New Jersey League of Municipalities. I'm sure you're going to come here, Jon, and whine a little bit. Reminds me of the golfers at the U.S. Open worried about the rough. Let's get it over with, because Dan has been working for three weeks on this, so I want him to clean up. (laughter)

J O N M O R A N: That's what I'm here for, Mr. Chairman.

I want to thank you for involving the League of Municipalities in this discussion. We appreciate that, and we hope that we can be helpful, going forward.

I guess there are five points that I want to hit on today, and the first is judicial integrity. And I want to express how much we appreciate the municipal judges, prosecutors, public defenders, and court administrators who take their offices seriously, and who exercise their duties ethically and

responsibly. These are not jobs that everybody wants, and they're not jobs that just anybody can do; and we appreciate their service.

Second, the role of fines for municipal ordinances. While all citizens and businesses pay their property taxes, it's only those who are caught violating the law or an ordinance who are required to pay a municipal court fine. The fines are established -- or they should be established to deter behavior which, frankly, demonstrates a lack of consideration for other citizens and for the community.

One of the articles that appeared in the *Asbury Park Press* -- stories on this -- indicated that the city's Chief of Police had been working with the Judge to increase fines and penalties "to deter late night drunken behavior downtown." I think it's entirely appropriate for a Chief to make a Judge aware that there is certain behavior that needs to be deterred, and that the Judge might be able to do something to help out with that.

You know, we want to remind the Committee -- I won't go into this -- but there are a number of add-ons to Municipal Court fines that go to the State, and they are based on State statute and the proceeds from those fines. So when you look at the gross numbers, consider the fact that it's not all municipal revenue coming in.

Local budgeting, okay? Municipal Court fines represent a small part of the total revenue stream. It's an important--

ASSEMBLYMAN McKEON: Is 10 percent a small part? I'm just wondering what you consider-- Now, that's not the average, but do you think 10 percent is a small part?

MR. MORAN: Depending on the town, and depending on the situation. I mean, you're alluding to the *Asbury Park Press* report that there

were a number of towns over 5 percent. Just to point out -- the time period that that covered was a time period in which municipalities were denied \$320 million in State property tax relief funding annually during that period. It covered a period--

ASSEMBLYMAN McKEON: So in turn, they were denied that money so they told the courts, "Turn up the heat so we can make it up." I mean, isn't that the whole point to this hearing?

MR. MORAN: No, no, no. Let me finish this, Mr. Chairman, okay?

ASSEMBLYMAN McKEON: Okay.

MR. MORAN: During that same period, it was a period of sluggish economic activity, so municipalities weren't getting the revenues that they would get through construction fees, inspection fees, etc.

ASSEMBLYMAN McKEON: I don't want to be rude, so they were sluggish economic times, so let's go double-up on the tickets.

MR. MORAN: No--

ASSEMBLYMAN McKEON: I mean, come on.

MR. MORAN: --but the percentage of one will become greater in that situation -- the percentage of one source of revenue will become greater. And I don't know what the--

ASSEMBLYMAN McKEON: I don't know any budgets that were going down, for the most part, right?

MR. MORAN: The total stream--

ASSEMBLYMAN McKEON: The budgets were all going up.

MR. MORAN: I don't know--

ASSEMBLYMAN McKEON: And that was another piece -- that the 2 percent cap wasn't enough, outside of benefits and salaries.

But I digress. I don't take as accurate your point that, well, in the economic downturn budgets were going down, so the percentage was bigger. Come on.

MR. MORAN: If your property tax is capped, okay? -- if your major source of non-property tax revenue -- which is the energy tax and COMPTRA -- is reduced, okay? So you have less revenue coming in from your major non-property tax source, okay? Your property tax source -- which is 98 percent in New Jersey of total own-source taxes for local governments -- is capped. The percentage of other revenues -- the percentage of the total is going to increase, okay?

Finally, I want to indicate that we share the concern with the disparate impact of fines on those least able to pay; and we hope to be able to work with the Committee.

We were contacted -- we reached out to the Municipal Prosecutors Association; they were unable to be here today. They did provide a letter to you, Mr. Chairman. I can read it; or I can provide the Committee with copies of the letter, at your discretion.

ASSEMBLYMAN McKEON: I heard from one of the officers directly--

MR. MORAN: Good.

ASSEMBLYMAN McKEON: --from Annette with Maplewood--

MR. MORAN: Good.

ASSEMBLYMAN McKEON: --and expressed her thoughtful opinions, which I respect very much -- as I do yours, by the way.

MR. MORAN: Thank you.

And that's basically it. Again, we appreciate the opportunity. We hope we can work with you, going forward; and I'd be happy to entertain any questions.

ASSEMBLYMAN McKEON: All right, Jon. I don't know if there are questions.

But I speak for all of us. There's no disrespect to municipal judges, to mayors, to council. That's all -- where most of us come from, and the people who we serve and work very closely with. There is no disrespect for law enforcement. But as you heard one of the witnesses say, it's nice to have an open and frank conversation about the real world every once in a while, and maybe we could do better.

That's all.

MR. MORAN: Fair enough, Mr. Chairman.

ASSEMBLYMAN McKEON: Thank you, again.

Any questions for Jon? (no response)

Thank you.

Dan; Dan Phillips of the AOC, is our final witness on this point. Then we have a brief agenda to get through right after.

You have nothing to do, as a Clerk, back in-- Right? (laughter)

DANIEL PHILLIPS: Good morning.

Dan Phillips from the Administrative Office of the Courts.

I appreciate being here this morning. Judge Grant asked me to share his appreciation to the Chair and the Committee for taking up this

critical issue; which is being discussed not only in New Jersey, but all across the United States. You're seeing Supreme Courts having committees, and legislatures having committees, looking at this issue of collections and judicial independence.

And it's all, really, a byproduct of what happened in Ferguson; and the Department of Justice sending letters to Attorneys General throughout the United States, as well as Chief Justices, asking them to look at this critical issue -- at these lower-level courts.

I really appreciate seeing our two former Judges here. And I would say to Judge Catanese -- who was an incredible resource to the Judiciary during his tenure as a presiding Judge -- he was really valuable to us during his years.

Judge Grant also asked me to inform you, as he did in his Budget messages to both the Assembly and the Senate, that Chief Justice Rabner has established a Committee -- it's called the *Supreme Court Committee on Municipal Court Operations Fines and Fees* -- that is also looking at this issue of fines and fees; what people can afford; ability to pay; as well as judicial independence.

ASSEMBLYMAN McKEON: Dan, is this a separate Committee from the State Bar's?

MR. PHILLIPS: Yes; this is a Supreme Court Committee. There are members of the Bar on the Committee; the League has a representative on the Committee. And it's local Judiciary, State Judiciary. It's chaired by Assignment Judge Menendez from Atlantic County, and the Vice Chair is Assignment Judge Thornton in Monmouth County.

ASSEMBLYMAN McKEON: Are there any Legislative Liaisons-- I know, for example, Ms. McDonnell had served on the Bail Reform Commission.

MR. PHILLIPS: I have the roster; I will have to check and get back to you.

ASSEMBLYMAN McKEON: Okay.

MR. PHILLIPS: I don't believe there were. We didn't provide the roster because it had some personal information on some of the parties, and we didn't want that to be public.

ASSEMBLYMAN McKEON: Okay.

MR. PHILLIPS: But I wanted to -- this is an issue in New Jersey; it's not a new issue. I just wanted to give you some brief history, because what's past is present; and I know Assemblyman Carroll loves history.

So I just want to give you a quick history. And I'm fascinated by this, as I was researching it. Because this is not a new issue at all; and this consolidation issue, judicial independence, has been going on for decades in New Jersey.

So we looked back into the 1940s, and as one of the attorneys noted here earlier, New Jersey, in the 1940s, had, in rural areas, justices of the peace -- non-attorneys, justices of the peace. And in urban areas, we had police courts. So police would actually run the courts. They were paid a percentage of the fines that were assessed against the defendant. So that's just, like, fascinating to me that we had that.

So that was during the 1940s; and it was highly politicized, highly criticized, no confidence of the public in the system because these people were paid what they were assessed.

In 1948, the Legislature passed a law restructuring the Municipal Court system to change all that. Each court -- every municipality had to have a Municipal Court; there were -- they established fines for traffic and petty criminals. There were magistrates that had to be lawyers. And they had to be paid an annual salary unrelated to the fines assessed -- very similar to what we're talking about here today.

At the same time, the Supreme Court had adopted rules; and one of those keys was the Uniform Traffic Ticket, which is a numbered and controlled ticket that was unfixable, because, as you can probably guess, there was a lot of that stuff going on.

And even today, that can't be done. An officer writes a ticket; that ticket is under close management. That has to be dealt with, one way or another.

Then we get to the 1950s. In 1958, Chief Justice Weintraub actually pushed for the consolidation of the Municipal Courts into 21 County District courts, but it failed to garner any political support.

Then we move into the 1970s. The Administrative Office of the Courts commissioned an independent study by a public policy firm called *Synectics*, and the recommendation was to establish 66 central Municipal Courts. Again, it failed to garner any political support, and died.

What happened then was, as we moved into the 1980s, the Judiciary was becoming frustrated with trying to change the structure of the Municipal Courts; it was just too heavy of a lift. And Chief Justice [Wilentz](#)

had decided to move on -- “Let’s try to professionalize these courts; let’s do what we can within these -- this large body of the local courts we have to try and bring them more under the Judiciary.”

So he established a Supreme Court Task Force on Improvement of Municipal Courts that made hundreds of recommendations on the Municipal Courts. That report was then taken by the Law Revision Commission, and they recommended a number of 2B statutes -- a whole new section of -- a whole new title in 2B for Municipal Courts that standardized Municipal Court practices and provided administrative oversight.

It also -- very important and very key to the whole Municipal Court process we have today, is that it established the Automated Traffic System/Automated Complaint System. Our Municipal Courts today are uniform and consistent, to the extent they can be, because they all use the same computer system; and it’s a computer system that is funded by the State and controlled by the State. So it gives us a lot of oversight over what they do. We watch everything they do, and there are certain things they cannot do, because they are prevented from doing that by ATS. ACS/ATS also integrates with many other state and Federal computer systems, which is why, even though there are shortcomings in our Municipal Court system, we have one of the better Municipal Court systems in the country. If you look to New York -- I mean, they still have their village court system, which is still like a-- And they are changing that. They actually just released a report recently on this same issue.

So I just wanted to give you some of the history to show you where we’ve been, because that’s where we are now. And when we talk

about some of these things, what you see is that the politics of it becomes very heavy.

And now I'm going to tell you some things about the Municipal Court -- why that is. I'm going to tell you something about the revenue, something about the judges, how many courts we have, how those judges are appointed.

So we have 506 Municipal Courts, and that includes 25 Joint Municipal Courts. A Joint Municipal Court means that if we have three courts -- Court *A*, *B*, and *C* -- they join into one single court, which is Court *D*. They lose their independent identities.

The Judge in that court is appointed by -- under the authority of the Constitution, is a nominated and appointed by the Governor.

We also have 150 -- I'm sorry -- we have 67 shared Municipal Courts, and about 150 municipalities participate in those 67 courts. Now, a shared Municipal Court is Court *A*, *B*, and *C*; retaining their identity as *A*, *B*, and *C*; but just sharing, maybe, facilities, or judges, or court administrators to save money. The judges are still appointed by the governing body. A lot of times they will agree on appointing one court administrator or one judge for efficiency; this is all about efficiency.

At the AOC level, we don't-- The Assignment Judge reviews these things to show that there are sufficient staff and resources. And at the AOC level, we don't get involved in these decisions. These are local decisions, whether to join into a shared or joint court. We support them; we provide technical assistance. We have a whole manual on how to do it, all the management issues surrounding that.

And the important thing is that the Automated Traffic System/Automated Complaint System can be moved very easily; IDs can be changed. So we can support any model they come up with under that -- whether they want to be sole court, joint court, shared court. And what you also see is that they join and they share; and then they'll break that agreement, and they'll go back to where they were.

And I'm going to give you an example right now.

When we look at relative sizes of Municipal Courts, we have small courts -- like a Mine Hill in Morris County that has eight cases a year. Mine Hill was just part of a joint court arrangement, and they left that joint court arrangement for their eight court cases a year.

Cape May Point in Cape May -- 55 cases a year. Part-time courts maybe meet once a month.

Then we have large courts. You have, like, Jersey City, with 375,000 cases; or our largest court, Newark Municipal Court, 480,000 cases. It meets six days a week, 12 judges, 100 staff. It's bigger than most vicinage operations. It's a very efficient court system there. It has a Director, multiple Administrators. It's a pretty well run court system.

ASSEMBLYMAN McKEON: Dan, can I ask you-- Two things: When is the Justices' Commission going to issue their report, give or take, if you can tell?

MR. PHILLIPS: I'm sorry?

ASSEMBLYMAN McKEON: When is the special Supreme Court Commission going to be making its report public?

MR. PHILLIPS: They just had -- about a month ago, they had their first meeting. So I don't know that there's a timeline. It was

appointed at the end of March, so I don't know if there's a timeline yet. But I know the Chief Justice wants that as soon as possible.

I'm actually appearing before one of the Committees to talk about some of these same issues.

ASSEMBLYMAN McKEON: Give or take six months, hopefully?

MR. PHILLIPS: I would think so, yes.

ASSEMBLYMAN McKEON: Okay.

MR. PHILLIPS: But I can get back to you on that.

ASSEMBLYMAN McKEON: And then -- thank you for that -- and then secondly, as you're going through these very important statistics, I know you -- when I say you have written testimony, you're looking on your computer. Relative to the stats that we have garnered that are already a year old -- they come from a news article that was just limited to two counties -- does the AOC keep statistics like that, as it relates to the sum of fines that come through the various municipalities?

MR. PHILLIPS: Well, the collections -- and I was going to talk about the collections next; I was going to talk about the volume in the collections -- the collections are difficult because a lot of people pay through time payment orders. And it just becomes very complicated. The best way to get the local information is look at the budget, because the local budget will tell you the revenue coming in from the fines at any point in time.

We know things like on the State level; we know-- And the number is -- hold on one second; I just want to be sure -- it's about \$450 million a year we're talking about. So you're talking about almost half-a-billion dollars.

The criminal fines, as you said before, are paid to the municipality; traffic fines are split, county/municipal; parking fines, State and municipality. The towns get about 50 percent of that half-a-billion dollars, in the end. The county gets about 13 percent of that. And this is something from court unification -- this split that existed in there. It was something to offset other losses to the county. And the other 37 percent goes to the State and to special funds. There are many, many special funds that are added on to the fines. For example, DEDR, Drug Enforcement and Demand Reduction Fund for drug offenses -- it goes from \$5,000 to \$3,000, depending on if it's a DP or a crime; Forensic Lab fees, safe neighborhood and streets; brain, spinal, autism -- those funds get between \$3 million and \$4 million a year. So this is a very big financial operation.

But to get to a-- Yes, because of the time pays and overlapping how people pay, it's very hard for us to dig into those numbers. Is it possible? Yes; but it would be very difficult.

ASSEMBLYMAN McKEON: Dan, Assemblywoman Muoio and Assemblyman Peterson -- and all of us, on some level -- talked about some proposed changes. Is there something that you could share with us in that regard?

MR. PHILLIPS: On regionalization?

ASSEMBLYMAN McKEON: Whatever it might be; some suggestions that you might have, even if you're not speaking on behalf of the AOC -- even though you are. (laughter)

MR. PHILLIPS: Yes, my instructions were to defer to the Committee; so I'd prefer to do that, at this point.

ASSEMBLYMAN McKEON: Okay.

MR. PHILLIPS: But these-- As I said before, when we looked back at the history, there have been many of these proposals in the past, and they've become-- It's political. Mayors make calls; you know, there's a lot of money involved here.

There are solutions to this, and people have to stand up and be willing to change this system. We did it with the Superior Court. Amazing -- unifying the Superior Court, bringing all county employees into the State's system.

ASSEMBLYMAN McKEON: Right.

MR. PHILLIPS: And now we have one of the better court systems in the country because everything is uniform.

ASSEMBLYMAN McKEON: The interesting thing, too, is times have changed just in the last 10 years where the benefits don't go with municipal prosecutors, or things along those lines. They're getting harder and harder to fill, because they are hard jobs that take a long time.

MR. PHILLIPS: Yes.

ASSEMBLYMAN McKEON: And for many lawyers, they're not worth, you know, taking.

MR. PHILLIPS: And we should not-- The prosecutors have an important role in this also. Because if you take the pressure off the judges, the pressure is going to fall to the prosecutors. Because don't forget that most cases plea out in Municipal Court and Superior Court. So then the prosecutors would be under pressure. So when we look at judges, we also have to look at prosecutors.

ASSEMBLYMAN McKEON: Prosecutors as well.

I'm going to ask you to do your best to wrap up; and I'm sorry, but we have--

MR. PHILLIPS: I understand.

ASSEMBLYMAN McKEON: We still have to get through our agenda, and we have a Budget briefing about eight minutes from now. So we're--

MR. PHILLIPS: Okay; let me go real quick.

I'm going to skip over some stuff. I just want to tell you the judges -- we have 330 judges filling 650 judicial positions. Most larger courts have more than one judge. About 35 percent of the judges sit in more than one court. We have about 2,800 persons working in the Municipal Courts as either Clerks, Administrators, Deputy Administrators, Directors. It's about-- Most of them are part-time; there's about 1,800 FTE employees there. So there are a lot of employees working there, in addition to the judges.

You know, when we look at things like consolidation, all these things have to be taken into account. Again, we did it during unification.

We talked about-- You know, that's pretty much-- Everything else I can share. I know you have to run, but the-- I'll check with you on the timeline of the report. They're going to be making some recommendations. Anything else you need-- I mean, I have a lot of the history on this; I can always provide any other information or data you need, and get you whatever-- I mean, as far as caseload, we can get you whatever you need. We can tell -- I can give you a report right now that tells you what the workload is for indictables, DPs, DWIs -- everything for every municipality in this state.

ASSEMBLYMAN McKEON: I'm good at using -- imposing on Kate to interface with you, as far as what you can give us in writing. Because I would be interested -- we all would -- in seeing that, and thinking about it, and going beyond your ability to just talk about it today.

But thank you.

Gordon, did you have a question?

ASSEMBLYMAN JOHNSON: Yes; thank you, Chair.

Specifically, you said there were 506 Municipal Courts throughout the state; 506? And some of those are joint Municipal Courts? How many are joint?

MR. PHILLIPS: We have about 25 joint courts--

ASSEMBLYMAN JOHNSON: About 25; I missed that; all right.

MR. PHILLIPS: And most of these are in rural areas--

ASSEMBLYMAN JOHNSON: Okay.

MR. PHILLIPS: --as the Assemblyman was saying.

ASSEMBLYMAN JOHNSON: Okay; where does the Palisades Interstate Park Commission--

MR. PHILLIPS: Our old friends, the Palisades. (laughter)

ASSEMBLYMAN JOHNSON: Yes; we're back to that. Where do they fall into this, and why do they exist?

MR. PHILLIPS: Let me check with you. Can I talk to you about that one after? Because I have the list here, but I'll--

ASSEMBLYMAN JOHNSON: Okay. No, I just-- You know, we're talking about-- It seems to me, after being up here, that that could be a shared or a joint Municipal Court with a municipality.

MR. PHILLIPS: Well, the only difference is, remember, that that's a State entity.

ASSEMBLYMAN JOHNSON: A State entity; yes, I know.

MR. PHILLIPS: Right? So it would be more difficult-- And that's a -- it's also a joint New Jersey/New York--

ASSEMBLYMAN JOHNSON: Is that--

MR. PHILLIPS: Right? Palisades; Palisades-- Or are you talking about the one in the--

ASSEMBLYMAN JOHNSON: The Commission is a-- The Palisades -- the Commission is joint; it's a two-state; bi-state.

MR. PHILLIPS: Yes. So it would be very difficult to join that with some other municipality. Not impossible; it's allowed under the rules. But because you have a bi-state commission, running a court, that's what the issue is.

ASSEMBLYMAN JOHNSON: All right. I'd like to see the numbers on the number of cases they have per year, and break it down that way.

MR. PHILLIPS: I can get you that; certainly.

ASSEMBLYMAN JOHNSON: Okay? And if you could give that to us at some point in time.

That's all I have.

ASSEMBLYMAN McKEON: All good?

Dan, you're an incredible resource to this Committee, and a dedicated public servant.

Thank you.

MR. PHILLIPS: Thank you. (laughter)

ASSEMBLYMAN CARROLL: Can I just -- one--

ASSEMBLYMAN McKEON: Oh, of course you can.

ASSEMBLYMAN CARROLL: Dan, if I may, just one quick--

You mentioned the number of cases that Newark and Jersey City handle. Does that include every parking ticket that's written?

MR. PHILLIPS: Yes; the bulk of what we look at in Municipal Courts -- we're talking about 88 percent of everything that Municipal Courts do is traffic or parking.

And especially when you get to these large municipalities that have Parking Authorities.

ASSEMBLYMAN CARROLL: So if a ticket is written, that counts as a case.

MR. PHILLIPS: Yes, as a filing; yes.

ASSEMBLYMAN CARROLL: Okay; that's all I wanted.

MR. PHILLIPS: What I gave you was filings; yes. So about 88 percent is traffic; traffic or parking. And that's about 50-50 there. So, okay?

ASSEMBLYMAN CARROLL: Thank you.

ASSEMBLYMAN McKEON: Dan, again, thank you very much.

Thanks to the Committee.

(END OF EXCERPT)