

JUDICIARY TIMES

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“DRUG COURT TREATS ADDICTION INSTEAD OF JUST PUNISHING IT”

-JUDGE JULIO L. MENDEZ

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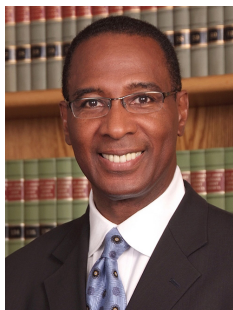
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A diverse state presents challenges to the Judiciary

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



Judge
Glenn A. Grant

New Jersey is one of the most diverse states in the nation. That is certainly made clear by the consumer finance website Wallethub.com, which says New Jersey ranks fourth in the United States in terms of diversity. Only California, Texas and Hawaii are more diverse. That same survey ranks New Jersey third the country in terms of socio-economic diversity and seventh in cultural diversity.

Our judges and staff see this diversity every day when members of the public come to our courthouses and entrust us to settle their cases fairly.

And that diversity is expanding. The U.S. Census Bureau predicts that by 2044, the U.S. will no longer have a single ethnic majority, making the "minority" the new "majority" in the following years.

For our court system, this diversity means more than simply addressing the needs of those from different ethnic or racial backgrounds. It means we must address the diversity of our consumers, whether it be diversity of culture, language or age.

Over the years, the Judiciary has taken proactive steps to make its courthouses and other facilities inviting to the public as well as to its employees. In the early 1980s, we established the Supreme Court Committee on Minority Concerns and the Supreme Court Committee on Women. We addressed gender identity through our Supreme Court Task Force on Lesbian and Gay Issues, convened by then-Chief Justice Deborah T. Poritz. The Supreme Court Advisory Committee on Access and Fairness is tasked with ensuring that everyone is treated respectfully in our courts regardless of race, gender or socio-economic status. These and other programs reflect the decades-old effort of the New Jersey Judiciary to address the needs and challenges of expanding diversity in our society.

Even with those efforts, we still have challenges. One relates to the expanding melting pot in the state. New Jersey has approximately 2 million residents who don't use English as their primary language. Many of these residents use our court system and require assistance. For example, at least 80 different languages are spoken by our litigants at court events annually, requiring the need for interpreters and translators. For years, we have translated our forms and publications into Spanish, and now we are translating many of our brochures into Korean, Portuguese, Haitian Creole and Polish -- languages that are spoken with increasing frequency in our courts.

Expanding on those efforts, we are involved in a project to video-record the opening statements used in municipal court and central judicial processing proceedings into each of those languages as well as American Sign Language.

Earlier this year, we adopted a Language Access Plan (LAP) to ensure full access to the courts for those who have limited English proficiency or who are deaf or hearing impaired. That plan, the culmination of decades of work throughout the Judiciary, identifies and addresses issues that these court users confront.

The increasing number of litigants representing themselves in court is another diversity challenge, especially in family, landlord/tenant and small claims cases,

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Stuart Rabner
Chief Justice

Judge Glenn A. Grant
Acting Administrative Director
of the Courts

Peter McAleer
Director of Communications
and Community Relations
Peter.Mcaleer@njcourts.gov

Mike Mathis
Editor

Nicholas A. Mancini
Digital Designer

Contributors: Judge Ronald E. Bookbinder; Mary McGinty Flanagan; Megan Gallardo; Edward Greene; Luis Hernandez; Andrew Kafel; Diane Lanza; Donna Mazzanti; Judge Julio L. Mendez; Tracy Oliski; Vanessa Ravenelle; Judge Mark P. Tarantino and Valencia Sherrer

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Burlington Vicinage reports on successful criminal justice reform initiative

Editor's Note:

A version of this story appeared in the Straight Word, the newsletter of the Burlington County Bar Association.

By Ronald E. Bookbinder
Assignment Judge
Burlington Vicinage

As many of you know, Jan. 1, 2017, marked the advent of sea change with the reform of our criminal justice system in New Jersey. Changes were introduced that transformed our system from one based on a defendant's ability to post monetary bail for pretrial release to a new risk-based system. We created an objective risk assessment known as a PSA or public safety assessment. The PSA uses nine basic factors about the offense, the defendant's background and criminal history.

Now defendants who pose a low risk to the community are released pending trial with little or no conditions. Monitoring by newly created Judiciary pretrial services staff also is an option. The system also provides for pretrial detention of defendants who present a significant risk.

The successful transition to using the new processes and procedures would not have happened without the hard work and dedication of our vicinage personnel, our county partners and local stakeholders. Special acknowledgment is owed to the Burlington Vicinage criminal division judges and staff, municipal division staff, municipal court judges and court administrators, the Burlington County Prosecutor's Office and the Office of the Public Defender, Burlington County Jail, Burlington County Sheriff's Department, local law enforcement agencies, New Jersey State Police, municipal court public defenders, and members of the private criminal defense bar.

Communication between the criminal and municipal divisions has helped identify potential problems and offer solutions to many issues raised. The family division also has been very helpful, working with each division to ensure that domestic violence-related matters proceed through the system appropriately. We are pleased to report that the municipal court judges and court administrators are accessing the electronic complaint system to determine probable cause and making the warrant/summons decision. In some cases, implementing new practices and procedures required municipal court judges and staff to work with their municipalities to purchase additional equipment. Additional training also was necessary to navigate through system upgrades successfully.

Law enforcement agencies play a key role in the process by obtaining digital fingerprints from in-custody defendants,



Burlington Assignment Judge Ronald E. Bookbinder

known as LiveScan. Confirming that LiveScan information is linked to the complaint ensures a complete criminal case history for each defendant. Burlington County achieved a LiveScan utilization rate of 89 percent by the end of June, slightly below the statewide average of 90.2 percent. Defendants detained on a complaint-warrant have a first appearance/release hearing within the 48-hour statutory requirement. Designated CJP municipal court judges oversee the first appearance/release hearings on a rotating basis conducted via virtual courtroom on weekends.

The vicinage worked with the county administrator and Board of Chosen Freeholders to allow weekend access to Judiciary offices. The vicinage's information technology division staff worked each weekend fine-tuning systems to make certain that all parties participating can be seen and heard clearly during the virtual courtroom sessions. This includes members of the public logging in remotely.

The warden has modified the jail's normal practices to allow defendants to meet with the public defender and provided space for defendants and their attorneys to appear via video, allowing for the successful completion of the virtual courtroom sessions on the weekends. The prosecutor's office and the Office of the Public Defender also have adjusted their normal practices to accommodate the new weekend court sessions.

The development of a pretrial services program required significant effort by the criminal division, which had the immense task of hiring staff, developing new processes and procedures, training, troubleshooting and implementing a brand new program.

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Addiction threatens the “fabric of our society”

Editor's Note: *Atlantic / Cape May Assignment Judge Julio L. Mendez delivered the following speech at the ninth annual New Jersey Drug Court Conference on Oct. 20.*

This country and this state are in the midst of an epidemic of opioids and other drugs. Public health officials have called it the worst drug crisis in American history. Opioid and other drug addiction has exploded and the effects are all around us. Families are being destroyed, prisons are overcrowded, and overdose deaths have skyrocketed. Now, more so than ever, the way we treat drug addiction in the criminal justice system has a huge impact on every aspect of society. Drug courts are part of the solution. Drug courts work and save lives.

The statistics are staggering. This is an epidemic.

According to the US Centers for Disease Control and Prevention (CDC), drug overdoses are the leading cause of accidental death in America, killing more people than guns or car accidents. By comparison, the United States suffered 58,000 casualties during the Vietnam War. This year, drug overdose deaths will tragically reach an all-time high of 71,600. The drug epidemic today is like having the Vietnam War over and over again, year after year, death after death. To give you with additional perspective on the enormity of this epidemic, the national drug epidemic death toll is like having a 9/11 two times each month, or it is like the Titanic sinking once a week for the entire year.

These are horrific numbers. Drug courts help in minimizing these horrific numbers, but more needs to be done. Here in New Jersey, the numbers are overwhelming. Drugs kill more people than guns, car accidents, and suicides combined. We lose lives every day. There is no end in sight to the drug addiction epidemic. Addiction knows no societal barriers. It affects every race, gender, age group, and social class. Rich and poor, black and white, men and women, old and young – we all feel the gravity of this disease.

Courts come face-to-face with this crisis daily, and not just in the criminal courts. Family judges witness every day the way addiction affects families, children, and everyone around them. Families that were once close and stable, fall apart. Children often end up in foster care, adding to the human and financial cost of addiction.

Drug addiction threatens the very fabric of our society.

There is a consensus that criminal prosecution and incarceration do not solve the problem. The approach over the last 20 years of ramping up the penalties for drug crimes, leading to mass incarceration has not worked. Instead of getting help, addicts get into a cycle of imprisonment, followed by reoffending and then more imprisonment.



Assignment Judge Julio L. Mendez speaks about the state's ongoing opioid epidemic.

Significantly, about 95 percent continue to use after they are released from prison.

The cost of mass incarceration of about 60,000 per year for each person is also unsustainable. This has led to bipartisan support to find other ways to deal with this epidemic. It is not often when the president agrees with Bernie Sanders or the governor with Cory Booker. Drug court is the integration of addiction science and criminal justice.

Every smart solution must address the root of the cause of the problem, rather than just the resulting behaviors. Drug court treats addiction instead of just punishing it. It offers non-violent offenders an alternative to jail time. Drug court provide the tools to the participants to achieve and maintain sobriety.

Drug court provide participants with resources and support to keep them sober, to keep them out of prison, to change their lives and more importantly to save their lives. Drug court not only benefits the participants, it benefits the criminal justice system, and society. In addition, it makes economic sense. The treatment services drug court provides cost much less than incarceration. Successful graduates are able to contribute to the state economy instead of being a burden on New Jersey's citizens. Graduates emerge sober and on the verge of a happy, productive life. They are given the knowledge and the tools to stay clean. Drug court are part of the solution. It is a smart and important response to the current crisis. New Jersey drug courts have a proven record of accomplishment over the last decade.

Nevertheless, the Judiciary is committed to making drug courts even better. About a year ago, the New Jersey Judiciary, with the help of the National Drug Court Institute, began the process of reviewing and updating the drug court process and standards. All Judiciary stakeholders have engaged in the conversation, and the give-and-take about

the proposed new standards. The new standards reflect the best that addiction science has to offer; they are evidence and research-based. These standards were developed, verified and tested over many years.

We are now getting close to the end of the vetting process.

I anticipate that soon the standards will be adopted. At the same time, the drug court manual will be updated to reflect the recommendations. In some vicinages, the standards are already operating as it was recommended after the tune up training last year. In other parts of the state, there seems to be some reluctance to accept change.

Now it is time for everyone to take a step forward. These proposed changes are about to make the drug court program even better, to incorporate into New Jersey practice proven national standards and, more importantly, to improve outcomes and help more people.

Thank you for all you do to make the New Jersey Drug Court Program a great program. The Judiciary is proud of what we have accomplished over the last decade and all of what drug court will accomplish in the years to come. Drug court works.

Community roots grow deep in Camden

By Vanessa Ravenelle and Valencia Sherrer
Camden Vicinage

In the early hours of Sept. 13, several members of the Camden Vicinage assembled at Cathedral Kitchen in Camden to prepare for a large group of homeless individuals looking for assistance during the first Camden County Service and Resource Fair.

Vicinage team members provided information and answered questions. Those who participated included Trial Court Administrator Carole Cummings on criminal justice reform, Ombudsman Vanessa Ravenelle on general court questions, EEO/AA Officer Neela Sookdeo on job and volunteer opportunities, Judiciary Clerk Michael Tyrrell on expungements, Drug Court Coordinator Heather Hoffner on drug court expungements, Assistant Chief Probation Officer Valencia Sherrer on general supervision questions, and Court Service Supervisors Randal Yorker and Miccheah Nichols on child support and termination.

This program was another in a series of events this year highlighting a commitment to provide outreach as "roots in the community." One could hear the soft hum of many voices of those explaining services and providing information throughout the morning as people moved from table to table.

In addition to the Judiciary, the organizations providing tables at the event included Cathedral Kitchen, Center for Family Services, Addictions Awareness Taskforce, Volunteers of America, Joseph's House, Camden County Board of Social Services, Single Stop, Camden County Office of Veterans Affairs, Camden County Constituent Services, New Jersey Motor Vehicle Commission, South Jersey Legal Services, Camden County Department of Corrections, and Threads for Success.



Camden Vicinage Trial Court Administrator Carole Cummings (center) and vicinage staff attended a community outreach session in Camden on Sept. 13.

Threads for Success provided shoes and personal items, while Cathedral Kitchen provided portable showers to those in need. The room was full of smiling people who were encouraged to have breakfast and relax while reviewing the information they obtained. Cathedral Kitchen also provided a bagged lunch to those in need.

One of the best things about this event was being at a venue that allowed each set of professionals to provide a wealth of knowledge to those who might have otherwise been overlooked.

As the soft rain descended and morning turned into afternoon, the work was done. As staff prepared to leave, many could not help but notice a quote from Mother Theresa on the wall: "Never worry about numbers. Help one person at a time, and always start with the person nearest to you."

Justice Timpone swears in new citizens

By Donna Mazzanti
Administrative Specialist IV
Burlington Vicinage

New Jersey Supreme Court Associate Justice Walter F. Timpone administered the Oath of Allegiance to 21 new citizens from 16 countries during the Burlington Vicinage's celebration of Constitution Week on Sept. 14.

Assignment Judge Ronald E. Bookbinder opened the ceremony by reading a proclamation declaring Constitution and Citizenship Day.

"This event is a great way to highlight the U.S. Constitution, and we are proud to bring to our newest fellow Americans the benefits and honor of American citizenship," Judge Bookbinder said.

Cadets from the Pemberton Township High School JROTC posted the colors and students from Rancocas Valley High School sang the national anthem. Fifth grade students from Sacred Heart Elementary School recited the preamble to the U.S. Constitution and led the Pledge of Allegiance.

Justice Timpone, Katie Cottingham of the Willingboro-Burlington Chapter of the New Jersey Orators, and immigration attorney Shereen Chen spoke.

This year marked the 230th anniversary of the signing of the U.S. Constitution in 1787.



New Jersey Supreme Court Associate Justice Walter F. Timpone congratulates a new citizen during a naturalization ceremony in Mount Holly.



Some of the 21 new citizens pose with their certificates and wave the American flag.

Editor's Note

The deadline for the Winter 2017/2018 edition of the *Judiciary Times* is Friday, Dec. 29. Feature stories about court programs and newsworthy profiles about judges and court staff are welcome. Submissions can be sent to mike.mathis@njcourts.gov.

Middlesex revamps parent program

By Edward Greene
Court Services Supervisor II
Middlesex Vicinage

The juvenile unit of the Middlesex Vicinage probation division successfully redeveloped a parent orientation program that was not well attended and not having a positive impact on newly adjudicated juveniles and their families. The revamped program provides juveniles and their families with valuable information and resources in an atmosphere that is not as intimidating as a courtroom or a probation office.

To increase attendance, staff distribute flyers in court after sentencing and at intake. Probation supervisors send reminder letters before the event, and probation officers remind juveniles and families as often as possible. At the event, families are provided with a meal and detailed information about probation supervision. Service providers are on hand to provide information, and families can ask questions and provide feedback.

Since the new format has been in place, attendance has been at an all-time high. A total of 66 families have attended, an average of 11 per session, and feedback has been positive. The previous average attendance for each session was two. Judge Marcia Silva immediately embraced the program after she was appointed to the juvenile bench and has used her role to extoll its benefits and encourage attendance.

"Any program that further engages our families is a positive one as the importance of family involvement cannot be underestimated in addressing the needs of youth who have been placed on probation," Judge Silva said.

"The parents, and often the youth themselves, are very appreciative of the personal phone calls from my staff the day before the program reminding them to attend. We find the call from 'Judge Silva's chambers' motivates many to attend."

Juvenile staff use new tool to capture violations of probation

By Tracy Oliski
Court Services Supervisor I
Ocean Vicinage

Mary McGinty Flanagan
Administrative Specialist IV
Probation Services, AOC

Juvenile Probation Services has developed a new tool to help ensure youth under supervision receive the assistance they need to be successful.

By statute, Juvenile Probation is charged with rehabilitating probationers. Probation officers must identify barriers that undermine a youth's ability to comply with the court-ordered conditions of probation. Failure to comply with these conditions can result in a Violation of Probation (VOP) being filed, which becomes part of a youth's court record.

To avoid the long-term negative consequences of an extensive court record, probation services is analyzing what leads to noncompliance and is exploring options to change the behavior before it results in the filing of a VOP.

This new tool, the Juvenile Probation VOP Data Analysis Report, is a Microsoft Excel spreadsheet that captures key facts about VOPs filed, including which conditions of probation were violated. Probation officers and supervisors

review the Excel pivot tables that show the percentage of noncompliance by condition and can focus on which conditions are most frequently violated in their county.

For example, a county with a high percentage of noncompliance on the condition that requires reporting to probation can identify if there are transportation or scheduling issues that prevent the probationer from reporting. One rural county with limited public transportation has addressed this issue by receiving funding to provide cab service for reporting and for treatment sessions. The report also captures noncompliance by race and by gender so that probation officials can determine if policies and practices have a disproportionate impact on minorities.

A version of the report that which does not include personal identifiers is available for probation staff to bring to meetings to educate stakeholders on supervision practices and to generate discussion on alternatives methods to avoid noncompliance.

For municipal court “lifers,” work is more than just a job

By Judge Mark P. Tarantino
Burlington Vicinage

My prior life practicing in municipal courts from 1982 to 2014 has revealed a distinct category of dedicated court employees: I call them municipal court administrator “lifers.”

There was a recent informal gathering for Florence Anderson commemorating a milestone birthday, attended by several municipal court administrator lifers. Anderson is one of these persons. She was the municipal court administrator in Delran Township for 25 years.

Years ago, Anderson got a job with Delran Township, where she lived. She was working in the tax office. One day, municipal court Judge Harry J. Supple needed help on a court day. He asked Anderson to assist, and she reluctantly agreed.

Based on that one time in municipal court, Anderson immediately decided that this is where she belonged. She was able to secure a transfer from the tax office. She eventually became the court administrator. She retired in 2005.

Anderson's retirement did not keep her away, because lifers cannot bear to be without municipal court for any length of time.

Anderson has spent her years in retirement assisting other courts throughout Burlington County, helping with sound recordings, processing documents, and other tasks. She still enjoys the work, and has no plans to stop. She is grateful that she doesn't have to do it full time any longer, but she keeps up a steady part time court schedule.

Anderson's story is typical of many other municipal court administrators who are dedicated to this profession.

These lifers started out as a violations clerk or deputy court administrator and rose to the position of municipal court administrator. They share similar traits of dedication and professionalism. For them, this is not just a job.

Court administrators must serve several different competing interests. What I mean by competing interests is that they are dealing simultaneously with defendants, police officers, non-police officers filing complaints, attorneys, victims, witnesses, prosecutors, public defenders, municipal court division personnel including

the municipal court presiding judge, county jails, state prisons, county probation departments, vendors, the New Jersey Administrative Office of the Courts, and their own municipal officials and governing bodies.

It is important to know that all municipal court personnel are actually employees of the municipalities that they serve. However, they are supervised and must follow court rules, directives, and other guidelines set by the Administrative Office of the Courts, as administered by their county municipal court division. There are two yearly audits of the court which the court administrator must prepare for, one by the State and the other by the local officials.

The township administrator, township clerk, and the elected officials are not supposed to be involved with the day-to-day activities of the municipal court. However, some municipalities have a more proactive approach to their court than others, and this is not always an advantage to municipal court operations, which are supposed to be autonomous.

The one person I have not yet mentioned is the Municipal Court judge, who is the person actually in charge of the individual court. The judge is required to make sure the court operates smoothly in addition to presiding over proceedings. A good court administrator is in constant contact with his or her judge because of all of the activities that take place before and after court dates. In addition, the Judge has to develop a budget for each year, which is prepared jointly with the court administrator.

Municipal court administrators are also required to keep up with different case resolution deadlines imposed in certain types of cases, and they also need to know about new developments in statutes and cases that affect the day-to-day operations of their court.

The court administrator is in charge of and must manage all court staff. Subordinate court employees who are not dedicated to this type of work often do not have the same experience and level of professionalism.

If all of that is still not enough, the court administrator has to process complaints filed by police and non-police complainants during both business and non-business hours. Also, the court administrator is still involved with setting bail for defendants charged with lesser offenses. There are many nights where a municipal court

administrator receives what are referred to as “call outs.” The court administrator is woken up to issue a complaint filed by a police officer, and sometimes set bail or assist in having bail set.

A common characteristic of any court administrator is someone who is able to multitask, deal with the public on a rational basis, and maintain proper professional decorum throughout.

All of this is not easy to do. You should conclude that most court administrators are overworked and underpaid. Their salary is set by each municipality and varies from town to town, but no municipal court employee is making a lot of money. There are no bonuses or incentive payments.

Most of these lifers are very capable people with many good skills. They are highly employable for other jobs where they could probably make a lot more money. But they don't leave. Maybe it's the work or the challenges which come with the court. It's hard to figure out why these lifers stay.

There is a certification process that a court administrator must go through to become a certified municipal court administrator. Almost all of the lifers have obtained this certification. This is further evidence of their dedication and professionalism.

One typical lifer is Kim Fullerton. Kim worked in the very busy Evesham Township Municipal Court for 36 years, the last 32 as the administrator.

After retiring in 2013, she helped the Burlington City court, and then went on to assist three days per week in Pemberton Borough. Recently, she was appointed as the part time Deputy Court Administrator in Medford Township. She'll never stop working in court!

Another lifer is Terry Bodine, who was full time with the Southampton Township Municipal Court from 1978 until her retirement in 2016. She started out as the deputy court clerk and was the court administrator for the last 20 years of her career. She had her hands on every file that passed through the court, was always getting ready to prepare for one of the three monthly court dates, and made many trips at night from her home to the municipal building to take and process complaints.

After retiring, what did Terry do? Like all of the other lifers, she's back in court part time to help out in several different towns.

The lifers know who each other are. They are confident that if either themselves or someone working in the court has to take off for an emergency, vacation, or other reason, that they can call upon one of their fellow lifers to come in and

assist, even on short notice.

Speaking of short notice, a lifer who is always available to run over to cover a court assignment is Ruth Ann Bice. She worked in the Springfield Township Municipal Court for at least 32 years. Since her retirement, Bice has been seen helping in New Hanover, North Hanover, Delanco, Pemberton Borough, Tabernacle, Cinnaminson, Upper Freehold, Evesham, Delran, Shamong, Westampton, and Burlington City. She seems to be everywhere, offering her knowledge and experience.

It's time to recognize these dedicated and excellent court employees. I'm not sure how that can be done, but there's no question that the municipal court administrator lifers already have a sense of pride and satisfaction in knowing that they have constantly and consistently done a great job for our court system.



Adoption Day 2017

National Adoption Day, held annually on the third Saturday in November, gives judges, attorneys, court professionals and child advocates the opportunity to come together as they witness the courtrooms fill with smiles as children become a permanent part of their new families. For those who are committed to creating forever families for these children, this annual event has become a highlight they look forward to every year. The stories of some of these families will be featured in the winter 2017-2018 edition of the *Judiciary Times*.

Judiciary is meeting the challenges of a diverse N.J.

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which tend to have high volumes of filings. The Judiciary is required to provide assistance to pro se litigants to help them navigate our courts. We have addressed this challenge by creating a program that puts an ombudsman in each of our 15 vicinages. The Judiciary's website, njcourts.gov, dedicates a significant section for self-represented litigants. We also make a conscious effort to ensure that our forms and publications are written in a way that lay people can understand.

Yet another challenge involves the generational diversity of our communities and our workforce. Those who use our court system represent all generations of society. While many Baby Boomers still rely on books and paper to conduct business with the courts, younger users expect to conduct most of their business online. Those of younger generations also rely more on social media for information about the courts. Because of that, our court system must be prepared to expand its use and reliance on technology.

This generational shift also affects the composition of our staff. Retiring Baby Boomers, many of whom devoted their entire career to our organization, are being replaced by younger workers who are more transient in their career paths. As a result, we make a concerted effort to hire and retain the talent we need to continue the great work of this organization. Those efforts include attending job fairs at colleges and universities and posting job openings on our Twitter, Facebook and LinkedIn pages.

Our ever-changing society demands that we adjust to the changing demographics of the communities we serve. We must be prepared to respond to the internal and external changes in the composition of our society and workforce.

The New Jersey Judiciary has long been recognized locally and nationally as a leader in the fair and equitable treatment of those who use its services. This is a commitment that was made long ago and is one that will never waiver. It is a proud history that serves as a foundation on which we continue to build.

Brenda Beacham named assistant director of probation services

By Mike Mathis
Judiciary Times Editor

Brenda Beacham is the Judiciary's new assistant director of probation services, Judge Glenn A. Grant, acting administrative director of the courts, announced. As assistant director, Beacham leads the supervision and monitoring of adult and juvenile offenders sentenced to terms of probation. She also has operational oversight of the state's supervision services program and child support services.

Beacham succeeded Liz Domingo, who retired earlier this year.

Beacham had been chief of the Judiciary's Child Support Enforcement Unit since 2014. She began her career as a probation officer in Hunterdon County in 1984 and was later promoted to senior probation officer, supervising probation officer and assistant division manager.

Beacham was an assistant chief probation officer in the Somerset/Hunterdon/Warren Vicinage when she was named to head the unit charged with overseeing the collection of child support.

"Brenda's exemplary work in the child support enforcement unit and her long career in probation will enable her to continue to provide guidance and oversight to many critical programs and services for the public," Judge Grant said. Beacham, who lives in Lopatcong, Warren County, has a bachelor's degree from Moravian College and a master's degree from Rutgers University.



Brenda Beacham

Mercer Vicinage hosts Overdose Awareness Day program for staff

Sherlene Gross
Substance Abuse Evaluator
Mercer Vicinage

Mercer Vicinage staff marked International Overdose Awareness Day on Aug. 31 with a program demonstrative of the vicinage's efforts to develop strong connections with local treatment providers and community agencies.

Staff attended presentations from the Mercer Council on Alcoholism and the Drug Addiction and Recovery Advocates of America about their services and their work with overdose victims. Representatives shared stories about helping overdose victims coming out of a Narcan reversal and helping clients accept treatment. They also reviewed referral processes.

Archie Manning, who lost of his son to an opiate overdose three years ago, shared a slideshow that included pictures of his son and their family.

The presentation brought many to tears. Michael Ziccardi, executive director of Recovery Advocates of America, also spoke about his addiction to opiates, his



Substance abuse evaluators Sherlene Gross (Probation), Richard Novatkoski (Drug Court) and Tara O'Brien (Drug Court).

overdose experience and the progression of his disease. He has been drug-free for six years.

Attendees received a silver ribbon symbolizing those that have lost their lives to overdose. "Save a Life" cards describing the signs of overdose and directions to assist victims also were distributed.

The event was received positively by participants, which included 19 service providers who distributed information about their organizations and services.

Burlington AJ: CJR reform has gone well

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Pretrial services staff prepare a PSA that determines a defendant's probability of failing to appear for future court events, their likelihood of committing a new offense, and whether defendants have the potential for violence. PSA reports are available electronically to judges, prosecutors, attorneys and public defenders, offering valuable information on whether defendant should be released and if conditions should be imposed.

During the first six months of this year, 1,180 first appearances were conducted. The pretrial services staff is monitoring 810 defendants on various levels of release conditions. The remaining are either detained, were released ROR, or they are not being monitored because their cases have been resolved. In addition to first appearances, there have been 340 detention motions filed by our prosecutor's office. Once filed, a Superior Court judge must determine, based on all of the aforementioned factors and arguments made by defense counsel and the prosecutor, whether an individual should remain detained pending trial or be released with conditions.

Pretrial services officers monitoring conditions of release are doing so for indictable criminal matters, municipal court offenses, and family court matters. They work with the municipal court judges and administrators, some family division judges, and criminal division judges to provide updated information on compliance, including violations of orders that might occur. There are significant challenges ahead of us. The speedy trial provisions of the Criminal Justice Reform effort are beginning. These provisions apply to defendants who have been detained pretrial. We have already made minor changes to the PSA to address weapons offenses and repeat offenders. We will continue fine-tuning the process.

Criminal Justice Reform implementation has gone well in Burlington County. We have strong partnerships that have made this possible. We continue to meet regularly to discuss ways to be more efficient.

Monmouth Vicinage captures title at 30th annual Judiciary Olympics

By Andrew Kafel
Master Probation Officer
Essex Vicinage

Monmouth Vicinage captured first place in the 30th annual Judiciary Olympics July 28 at the Passaic County Technical Institute in Wayne. Bergen Vicinage and Gloucester County tied for second place and Ocean Vicinage captured third place.

A total of 100 juvenile probationers from 18 counties and the Juvenile Intensive Supervision Program competed in a variety of activities, including a 100-meter dash, 4-by-100-meter relay, football throw, basketball shooting, long-jump, obstacle course, jump rope and tug of war.

The event was sponsored by Juvenile Probation Services' Positive Interventions Committee. The Positive Interventions Committee is a statewide committee of juvenile probation officers who meet regularly to discuss interventions used in their county to enhance the rehabilitation of their clients.

As part of this focus on rehabilitation, the Judiciary Olympics provides an opportunity for the youth to test their athleticism in an environment that also teaches them social skills and good sportsmanship. Juveniles who are compliant with the conditions of their probation can compete in a variety of sporting activities.

Gold, silver, and bronze medals were awarded to the winners of each event and trophies were awarded to the counties with the highest overall scores. The Passaic Vicinage Probation Division, under the direction of Chief Dawn Moody, Court Services Supervisor 2 Jennifer Wood and Senior Probation Officer Anthony Ribaudo, hosted the competition. "Passaic Vicinage

was humbled and proud to host the Judiciary Olympics in its 30th year, as the Olympics is critically important in fostering teamwork and comradery among the youth and staff, as well," Moody said. "This event gives all participants an opportunity to dialogue and network in a relaxed atmosphere."

Passaic Vicinage Assignment Judge Ernest M. Caposela and Trial Court Administrator, Robert Tracy attended and offered words of encouragement to the participants at the closing ceremony. "It was a pleasure to host such an outstanding event that serves young people," Tracy said. "Overall, it was great to see the participants engage in friendly competition and bursting with pride when they were acknowledged and given medals by their respective chiefs."

Helping youth forge positive relationships with adults is key to preventing them from committing another offense, said Curtis Hurff, chief probation officer in the Cumberland/Gloucester/Salem Vicinage who serves as chair of the Positive Interventions Committee.

"The most current research on what works in reducing recidivism among young offenders shows that they need to form a positive relationship with an adult who can help them make better decisions," Hurff said. "Providing our youth an opportunity to qualify for the Olympics, to work as a team with other youth under supervision, and to experience the support of the chiefs, the judge, and the trial court administrator who attend and cheer them on, underscores the support our court staff brings to their rehabilitation."

"Whether they earn a medal or not, all our youth leave the games knowing the Judiciary wants them to succeed," Hurff said.



Passaic Vicinage Assignment Judge Ernest M. Caposela poses with Passaic Vicinage staff who volunteered for this year's Judiciary Olympics, which was held at the Passaic County Technical Institute in Wayne.

Camden Vicinage holds opening of court and memorial ceremony

By Megan Gallardo
Administrative Specialist II
Camden Vicinage

Each year in accordance with tradition, a ceremony is held in the Camden Vicinage to open the court and memorialize members of the Camden County Bar Association who passed during the prior year.

The ceremony is a time-honored tradition that dates to an era when courts closed during the summer and reopened in the fall.

Although the courts now remain open year-round, the ceremony is still held to mark the start of the new court year. Because this year's event was held on Sept. 11, a moment of silence for the victims, survivors, and responders of the 9/11 terrorist attacks was observed.

Assignment Judge Deborah Silverman Katz presided over the ceremony. Camden County Bar Association President Eric G. Fikry and Robert Aaron Greenberg, chair of the bar's memorial committee, spoke and introduced the family members and friends of the deceased. They shared fond

memories that highlighted their unwavering commitment to the justice system and to the people of Camden County.

As in past years, the courtroom was overflowing with Superior and municipal court judges, bar members, family, and friends, all of whom chose to take a moment out of their day to remember and reflect on the commitment of those working with the courts.

"I am pleased that so many took time to acknowledge the importance of this ceremony and the achievements those who have left us made for the citizens of Camden," said Judge Silverman Katz.

Those remembered and memorialized in order of passing were Michael Huber, Seth Belson, William V. Eisenberg, George R. Szymanski, retired Appellate Division Judge Frank M. Lario Jr., Harold Gleaner, Neal E. Rosenberg, and Charles J. Block.



Camden Vicinage Assignment Judge Deborah Silverman Katz presides over the opening of court and memorial ceremony at the Camden County Hall of Justice in Camden on Sept. 11.

Spotlight: Ocean County Courthouse

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

By Mike Mathis
Judiciary Times Editor

It's no accident that the Ocean County Courthouse resembles the Hudson County Courthouse, about 60 miles away. Ocean County officials borrowed the plans from the Jersey City building to design the Greek revival structure on Washington Street in Toms River.

The Ocean County Courthouse, built between 1850 and 1851, was added to the National Register of Historic Places in 1983. An act of the Legislature separated the southern portion of Monmouth County below the Manasquan River to create Ocean County on Feb. 15, 1850. Voters selected Toms River as the county seat over Lakehurst by a one-vote margin, according to the website of the Ocean County Clerk. The first county courts were held in the old Mormon Church in Toms River.

A cornfield was selected as the site of the new seat of county government and the courts. After the courthouse was completed, the Hudson County architectural plans were entrusted to a local man to be returned to that county, according to the clerk's website. He did not get too far out of town on horseback before he stopped at Hyers Tavern in Jackson, according to the website.

The plans have never been seen since. The courthouse originally contained a large courtroom on the second floor that could seat 250 people on straight-backed benches. The bench of carved black walnut sat on a raised dais behind a walnut rail, which separated the bench from the spectators.

During the Civil War, the courthouse was the scene of Union recruiting rallies and soldiers drilled in front of the courthouse steps. The courtroom was extended behind the bench in 1872 to include an overhead domed skylight and intricate plaster ceiling carvings of birds, cupids and ribbons, documents submitted to the U.S. Park Service for the national register state.

A fire on Oct. 26, 1929 destroyed those features and the judge's bench and charred the seats. Population growth in Ocean County after World War II spurred the need for additional space. A new Hall of Records to house the county clerk was built on the first floor and a court room and law library were constructed on the second floor in 1926.

In 1950, the first of two additions were made to the west wing of the original courthouse. The second expansion of this wing occurred in 1974. The Hall of Records was razed in 1950 so that the east wing could be expanded. Four additional courtrooms were added to the east wing in 1965.

Seven additional courtrooms and a jail were added in 1985 to a new facility called the Justice Complex.



An old image of the Ocean County Courthouse in Toms River. Photo Credit: Ocean County Cultural & Heritage Commission.



The Ocean County Courthouse as it appears today.



The Ocean County Justice Complex in Toms River.

You can't have a class action and arbitrate it, too

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

Snap Parking, LLC v. Morris Auto Enterprises, LLC, et al.

This unpublished opinion is one of the first appellate decisions to come from the Complex Business Litigation Program. Defendant Morris Auto Enterprises, LLC appealed from a court order denying its motion to stay plaintiff's class action complaint and to compel arbitration.

The court agreed with the trial court's decision and affirmed.

The plaintiff purchased two vans from the defendant car dealership along with service contracts entitling the plaintiff to certain repairs. The plaintiff operates a parking lot and transports customers to and from the lot and Newark Airport. The plaintiff claimed defendant knew or should have known the plaintiff bought the vans for commercial use. When one of the vans had mechanical issues, the plaintiff brought it to be serviced pursuant to the service contract. The service request was rejected because the warranty did not apply to commercial vehicles. The plaintiff requested a refund of the amounts paid for the service contracts since the vans were being used commercially, but the defendant refused to issue a refund.

The plaintiff filed a class action complaint, alleging violation of the Consumer Fraud Act. The defendant moved to stay the action and compel individual arbitration pursuant to the arbitration provision, or agreement, signed by both parties. The agreement included language that compelled arbitration of all claims, waived any proceedings and agreed that arbitration would not be conducted as a class action.

The trial judge denied the defendant's motion, citing to an unpublished Appellate Division opinion. The defendant appealed, claiming the judge erred in determining that class action waivers are automatically invalid and by failing to enforce the agreement.

Federal and state law generally favor arbitration, but enforcement of such an agreement is not automatic. An arbitration agreement involves a waiver of the right to pursue a case in court. Therefore, it is important to confirm the knowing consent of all parties to arbitrate as well as an understanding of the consequences of such an agreement. The agreement at issue states the parties agree to arbitrate all claims and waive all rights to court action. The parties also waive the right "to pursue any claims arising under this agreement...as a class action arbitration." It later notes it is "the intention and agreement of the parties not to arbitrate class actions or in consolidated proceedings."

The court found this language to be inconsistent and confusing. While it seemed to preserve any claims for arbitration, it then waived the right to "class action arbitration." Clarity is required in arbitration clauses. Because the agreement at issue lacks clarity, the court declined to reverse the trial judge on this basis.

The defendant further argued the trial judge violated the Rules of Court by relying on an unpublished opinion. Rule 1:36-3 prohibits citation to unpublished opinions by any court with limited exceptions, none of which applied to this matter, as they are non-precedential and non-binding.

Even though the trial judge relied on an unpublished opinion in denying defendant's motion, it has been firmly established in New Jersey that a trial court's order can be affirmed for reasons other than those set forth by a judge, even if the basis for the decision was incorrect.

The appellate court ultimately found that the trial judge correctly denied defendant's motion and declined to reverse on that basis. The parties continue to litigate the matter.

Camden Vicinage honors senior citizens with Day of Justice

By Megan Gallardo
Administrative Specialist II
Camden Vicinage

Senior citizens, their families, friends and volunteers gathered in Courtroom 63 at the Camden County Courthouse on Aug. 2 for a "Day of Justice." The daylong event was scheduled as part of Camden's ongoing "Roots in the Community" outreach and was held in August in observance of National Senior Citizens Day.

Assignment Judge Deborah Silverman Katz gave the opening remarks and introduced the guest speakers, Camden County Surrogate Michelle Gentek-Mayer, Deputy Surrogate Cheryl Austin, and elder law attorney Casey Price.

Gentek-Mayer and Austin spoke on wills, living wills and other probate matters, while Price focused on how to deal with a decline in mental ability from a legal perspective.

Andres Camacho from the Camden County Board of Chosen Freeholders—Office of Constituent Services,

and Maureen Bergeron, director of the Camden County Division of Senior Citizen and Disabled Services, also participated with an information table, pamphlets, and information on services in Camden City.

Camden County Chief Sheriff's Officer Thomas J. Macauley spoke about identity theft and the latest scams targeting seniors.

This program was sponsored by the Camden Vicinage in partnership with the Camden County Board of Chosen Freeholders and the Camden County Surrogate's Office. Lunch was provided by the Camden County Bar Association.

National Senior Citizens Day was created in 1988 when President Ronald Reagan proclaimed Aug. 21 as a day to honor seniors for their contributions to society and bring awareness to social, health and economic issues that affect senior citizens. The holiday was first celebrated on Aug. 14 to commemorate the signing of the Social Security Act in 1935.

Parent forum held in Middlesex

By Luis Hernandez
Ombudsman
Middlesex Vicinage

The Middlesex Vicinage Advisory Committee on Minority Concerns was invited to the Young Entrepreneurial Society (YES) Project Hope program, held at the TV Asia Studio in Edison, on June 28. There were town hall-style discussions with doctors, law enforcement officials and other experts on what can happen if a child becomes involved with illegal drugs. The program was tailored to parents and their children.

Drug Court Coordinator Tammy D'Aloia and Senior Probation Officer Shawna Hooper spoke about their roles in the drug court program. Municipal Division Manager Cheryl Williams manned a table with information about Criminal Justice Reform.

The vicinage advisory committee examines issues of importance to racial/ethnic minorities and the community to gain fair and equitable access to court services and programs. The committee also assists with implementing the recommendations of the Supreme Court Committee

on Minority Concerns, monitoring the progress and making recommendations for improvements to the assignment judge.



Drug Court Coordinator Tammy D'Aloia and Senior Probation Officer Shawna Hooper spoke of their vital roles in the drug court program, specifically referencing criminal justice reform.