

PUBLIC HEARING

before

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY & DEFENSE
COMMITTEE

on

Assembly Concurrent Resolutions 7 and 90

Held:

May 23, 1974

Counsel Chambers - City Hall

Newark, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Eldridge Hawkins, Chairman
Assemblyman William J. Bate, Vice-Chairman
Assemblywoman Gertrude Berman
Assemblyman Richard James Codey
Assemblyman William O. Perkins
Assemblyman John A. Spizziri

Also:

Patricia L. Donath, Committee Aide

I N D E X

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WITNESSES

PAGE

ARTHUR J. SIMPSON

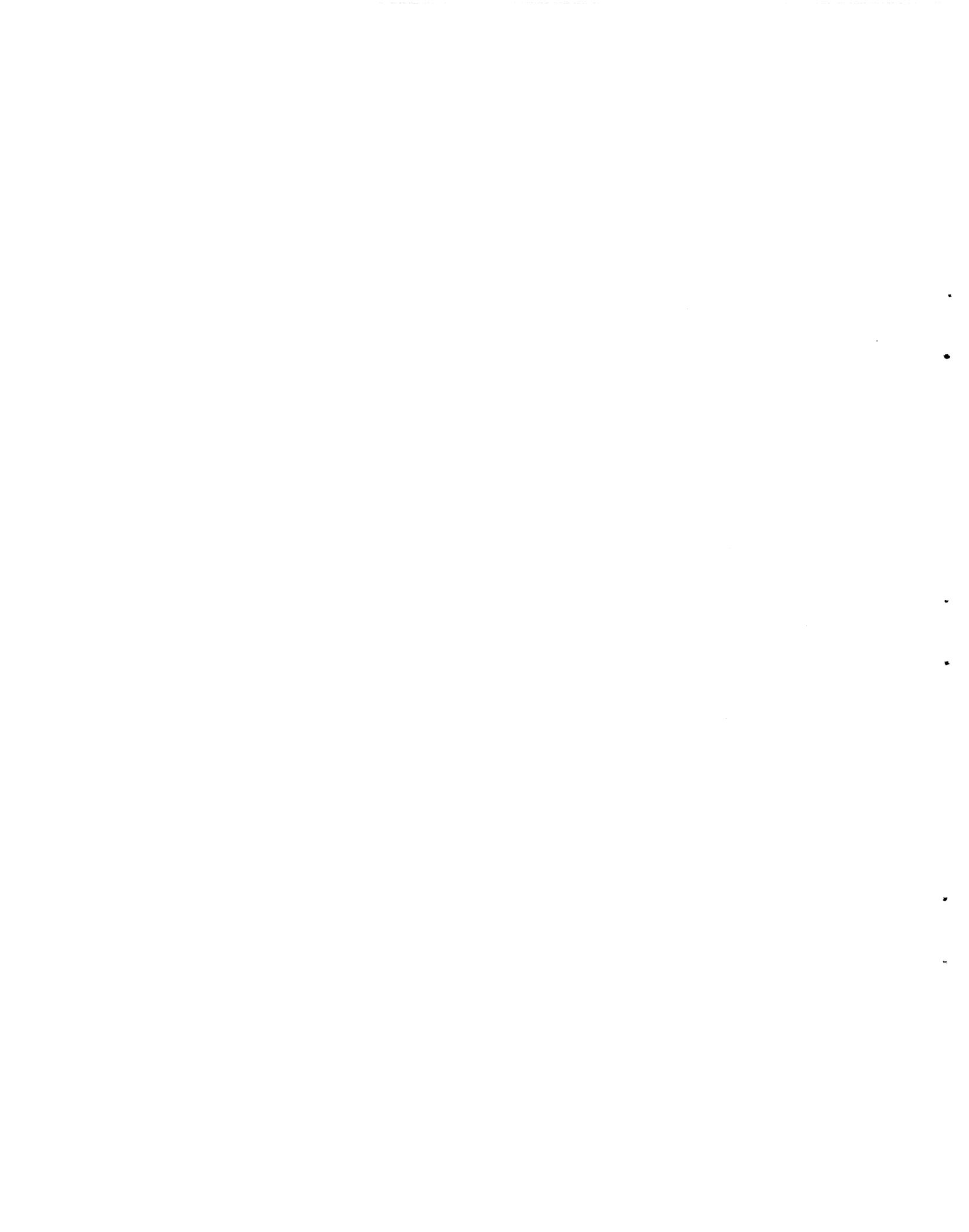
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GILL JOB

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WALTER HALPIN

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1 MR. BATE: I'll begin the hearing.

2 This public hearing on Assembly
3 Concurrent Resolution 7 and Assembly Concurrent
4 Resolution 90, with committee amendments,
5 is being held by the Assembly Judiciary,
6 Law, Public Safety and Defense Committee by
7 direction of the General Assembly and in
8 accordance with the procedure for consideration
9 of proposed amendments to the Constitution.

10 Assembly Concurrent Resolution 7 and
11 Assembly Concurrent Resolution 90 both
12 propose amendments to Article 6 of the State
13 Constitution which would incorporate the
14 county courts into the Supreme Court.

15 The differences in the two concurrent
16 resolutions are, first, in the number of
17 Superior Court judges which would be required
18 to be from each county which is in Section 1,
19 Subsection B(1) on page one of the resolutions
20 and, second, in the terms of the initial
21 appointment of the transferred county court
22 judges which is in Section 1, Subsection F,
23 on page three of the resolutions.

24 In addition, Assembly Concurrent
25 Resolution 90 provides within it for the

1 transfer of the county clerks and surrogates
2 to the Superior Court and for the disposition
3 of the fees which are now paid to them.

4 Call as our first witness Judge
5 Arthur J. Simpson.

6
7
8 A R T H U R J. S I M P S O N, Director Administrative
9 Office of the Courts.

10
11 MR. SIMPSON: Thank you, Assemblyman
12 Bate, and Assemblyman Spizziri.

13 I'm delighted to be here. I appreciate
14 the invitation by Chairman Hawkins.

15 May I say at the outset just so your
16 record is complete, that there are a total
17 of 293 full-time judges in the State of
18 New Jersey; that is to say, that is the number
19 authorized as of this moment. There are 22
20 vacancies and there would be 5 more age 70
21 retirements by the end of this court year,
22 August 31st for a total of 27 to begin the
23 new court year unless some or all of those
24 vacancies are filled. However, the total
25 number of positions as I've said is 293, and

1 this is composed of 120 Superior Court
2 judges, 103 County Court judges, and that
3 figure, of course, is of some importance
4 in connection with the resolutions you're
5 considering today for possibly amending the
6 Constitution. And in addition, there are
7 34 District Court judges, and 24 Juvenile
8 and Domestic Relation Court judges. There are,
9 of course, 7 Supreme Court justices, thus
10 making a total of 293.

11 Our position with respect to Assembly
12 Concurrent Resolution No. 90, and also
13 Resolution No. 7, is that the concept is
14 fine, and I don't think really that there is
15 any serious objection to it although that is
16 not for me to say. I realize this has been
17 considered several times in the past. There
18 were hearings, I believe, in 1972, and there
19 may have been hearings prior thereto.

20 We would suggest that the committee, and
21 of course, the Senate and the whole Assembly
22 consider the concept of unification of all
23 of the full-time courts; in effect, beyond
24 what is proposed at the present time. If
25 that is to be considered, we would only suggest

1 a minor change in Concurrent Resolution No.
2 90, the language change on the fifth line
3 on page one, where there is reference to
4 "inferior" courts of limited jurisdiction.

5 We would suggest that that terminology
6 be changed and that there be substituted for the
7 word "inferior," the two words, "such other."
8 There would be minor language change to accord
9 with same. This, I believe, is unfortunate
10 terminology which crept into the 1947
11 Constitution effective in 1948.

12 Where you do have that reference
13 to so-called inferior courts, I think the
14 terminology itself is obnoxious. The intent
15 obviously is with reference to inferior
16 courts, and so we make that suggestion. If
17 what is to be is the implementation of a
18 partial unification of the courts that is what
19 these two resolutions would accomplish.

20 Now, I think I can be very brief
21 with respect to the resolution under
22 consideration, and then would appreciate a
23 few moments to advance the concept I've
24 already indicated to wit, that you consider
25 unification of all courts.

1 With respect to the present plan
2 to, in effect, merge the county courts into
3 Superior Courts by way of Constitutional
4 amendment, thereafter, implementing it by
5 legislation, there are many reasons to favor this
6 concept. It will improve the utilization of
7 judges to some extent. Actually, in both instances
8 they combine calendars anyway, plus the
9 County Court judges and the Superior Court
10 judges by and large are used interchangeably.
11 But there would be some improved utilization.
12 I might say that for additional details, I,
13 of course, would refer this committee and any
14 other interested persons to the transcripts
15 of hearings held on June 29, 1972 in the
16 Senate Chamber which considered Assembly
17 Concurrent Resolution No. 58 at that time,
18 which had the same purpose and also the
19 public hearing before the Senate Judiciary
20 Committee which considered Senate Concurrent
21 Resolution No. 36, held on April 12, 1974 before
22 that committee rather than repeat in detail
23 all of the reasons and the backup material
24 favoring this concept. There would be some
25 calendar benefits, although as I say, we have

1 integrated calendars, there nevertheless
2 would be some calendar benefits in the
3 merging of the Superior and county courts.

4 There would be a benefit in morale and
5 prestige for the county court judges.

6 There used to be a problem, as I'm
7 sure you gentlemen are aware, in connection
8 with this proposal, because there were pay
9 differentials years ago between county court
10 judges and Superior Court judges. As of the
11 last time this concept was considered in 1972,
12 their salaries were the same. But there were
13 different pension systems, and the Superior
14 Court judges' pension was superior to the
15 county court judges' pension, even as late as
16 the last time you considered this concept.

17 As of May 23, 1973, in a far-sighted
18 and enlightened move, the Legislature passed
19 the Judicial Retirement Act covering all
20 of the judges; Juvenile and Domestic Relations,
21 District Court, County Court, and Superior Court,
22 along with the Supreme Court. So there no
23 longer was any differential in the court
24 cost to the state or counties in connection
25 with implementing this kind of a plan. But

1 still there is a morale and prestige benefit.
2 The public really doesn't understand they
3 should be in fact interchangeable, and they
4 think the Superior Courts are on a higher
5 ranking than county court judges. There
6 would be an elimination of some technical
7 jurisdictional problems, despite what was
8 said, there will be no real problem on a
9 practical day-to-day basis, and there are
10 some technical problems that each attorney
11 no doubt occasionally has as to whether they
12 have the appropriate court jurisdiction.

13 Prerogative Writ matters must be
14 heard, according to the law, by Superior Court
15 judges. Condemnation matters must be
16 heard by Superior Court. Municipal appeals
17 must be heard by County Court. As I say,
18 practically, there isn't a judge who doesn't hear
19 such a series of cases. We have cross-assignments
20 whereby the judges are cross-assigned for the
21 purpose of hearing the cases. There would be a
22 simplification of the court rules, of the
23 requirements of statutes, and as a result
24 of the terminology and the like, we have
25 to have rules that specifically apply to the

1 county courts, and we have to have another
2 set of rules, although in the same book, which
3 apply to the Superior Court. There would be
4 a simplification of records, and we would
5 hope to be able to eliminate duplicate filings
6 which would result in a great cost savings. There
7 would be a fine cost benefit ratio resulting
8 from integration of County and Superior
9 courts.

10 We have to have for all intents and purposes
11 parallel systems of record-keeping; one,
12 for the Superior and one for the county courts.
13 This is the very same problem which applies
14 in connection with the Juvenile Court and
15 District Court and I'll get to that shortly.

16 With respect to the top savings, as
17 I've already said, perhaps you would consider
18 the complete unification of the courts,
19 these essentially, I believe, are the benefits
20 to be obtained. There are no disadvantages
21 that I am aware of. There are a few questions
22 which are addressed. I understand that
23 there is some concern by county clerks, by
24 surrogates, and by the sheriffs of the various
25 counties as to whether or not this poses any

1 threat to their positions, and I say here
2 and now, at this public hearing there is
3 absolutely no threat to their positions. As
4 you know, Concurrent Resolution No. 90 has
5 the effect that the clerks and the surrogates
6 would become clerks of the Superior Court and
7 the Chancery Division with respect to the
8 surrogate. They would, in effect, be
9 deputy clerks to the clerk of the Superior
10 Court, Clerk Mortimer J. Newman in Trenton.

11 Obviously, we would have record-keeping,
12 additional record-keeping personnel. If we
13 replace the--if the county courts are
14 merged into the Superior Court, because we
15 have that much more work. In addition, there
16 really is no cost at all. There has been
17 some concern, I think, that perhaps this
18 is going to cost a lot of money. There wouldn't
19 be any cost to do it, all you're doing is
20 shifting from the county to the state so that
21 any cost that may have been picked up in
22 connection with 46 additional Superior Court
23 record-keepers, the balancing reduction in
24 direct costs would apply with respect to the
25 county court records and record-keeping systems.

1 There would be a benefit, of course,
2 to all 21 counties in that the state would
3 assume the cost as opposed to the county, the
4 21 counties have the cost with respect to
5 the county court record systems.

6 In addition, as you probably know, the
7 state at the present time reimburses the county
8 for 40 per cent of the salaries of the county
9 court judges.

10 Now, that they will be Superior Court
11 judges, the state would pay the whole thing
12 so that the county itself would save the 60
13 per cent they're paying in connection with
14 the county court judgeships.

15 Now, we have prepared, and I can
16 hand up or leave here the figures which will
17 show--schedules which will show the costs
18 resulting from the implementation of this
19 concept. That is the total savings of
20 the county, county by county which would,
21 in effect, be transferred to the state as a
22 result of the salary cost being picked up
23 in toto by the state from the counties.

24 MR. BATE: Make this part of the
25 record, Miss Donath.

1 MR. SIMPSON: Hand them up, if you
2 would, to the Assemblymen who are present.

3 I might say that although the concept
4 is not dependent upon the Governor's plans
5 that were announced last Monday at all, and
6 I would hope that the two are considered
7 separate, and I'm referring, of course, to
8 the Governor's tax message on Monday, although
9 not dependent upon it, it does tie in with
10 what he did say with respect to court costs.

11 As we understand it, the Governor has
12 proposed that the state would pick up all
13 costs in connection with the operation of
14 county courts, and that term being used
15 generically at this point to include Juvenile
16 and Domestic Courts and District Courts along
17 with probation service, the cost of running
18 surrogates offices and so forth.

19 So as I say, this proposition under
20 consideration today is not dependent upon
21 that plan or what happens to it, or how it
22 might be modified, although we would hope that
23 it is implemented and it does tie in to
24 my suggestion.

25 I would like now to get into, just for

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a moment, that the legislature consider the complete unification of all the full-time courts.

I know that Assemblyman Hawkins is continually concerned and rightly so about improved judicial service for the little man. This is the kind of thing that is covered principally, I would say, or to a larger extent by the District Court and the Juvenile and Domestic Relations Court by a complete unification of all four full-time courts with the Superior Court, the County Court, the District Court and the Juvenile and Domestic Relations Court. There would be improved service for the public. There would be improved service and a lessening of problems facing attorneys.

I believe that the Bar believes in this concept, and will support it from my discussions with them. I know that there are ways of accomplishing this with or without constitutional amendment. Former Judge Alfred Clapp in a recent article, in the Passaic Bar Association Periodical which is entitled the Reporter, February 1974, Volume 6, 1974, Volume, 6, No. 6, wherein he reviews

1 the judicial article of New Jersey Constitution
2 which outlines this proposition which is not
3 novel. It has been proposed before and
4 essentially what it is is this: The Legislature
5 if it wants to, if it sees fit, and if the
6 executive likewise agrees presumably, can
7 implement a unified court system by creating
8 additional Superior Court judgeships to
9 permit the county court judgeships to become
10 Superior Court judgeships, and the domestic
11 and juvenile judgeships to be Superior Court
12 judgeships, and then, in other words, there
13 would be enough Superior Court judgeships to
14 not only cover 120 but also the 103 present
15 county court judgeships and the 29 juvenile and
16 domestic relation court judgeships. Then by
17 legislation, the jurisdiction of the district
18 courts would be transferred to the county
19 court.

20 Now, no constitutional amendment is
21 required at this point, but now, we would only
22 have two record-keeping systems, County Court
23 and Superior Court. Then if the concept
24 contained in Assembly Concurrent Resolution
25 No. 90 and also to some extent that contained

1 in Resolution No. 7 were implemented, you
2 would have all Superior Court judgeships
3 with no more county courts or juvenile and
4 domestic relation courts or district courts.
5 This would reduce the number of records, the
6 number of rules, the number of statutes and
7 so forth to one as opposed to four.

8 Again, there would appear to be a little
9 or no opposition, and not only no cost, there
10 would be tremendous cost savings.

11 Again in the past there may have
12 been a problem because of the fact that the
13 salaries were different and the pensions
14 and the costs of pensions were entirely
15 different for the courts.

16 Now, as I previously referred to, the
17 pensions costs are identical. Everybody
18 is in the same pension plan and with the result
19 of the salary bill which the Legislature passed
20 last week the county court judges, Superior Court
21 judges and juvenile and domestic court judges
22 will receive the same salary. For some reason
23 which I am not privy to, the District Court
24 remains at \$3,000 per year less than the other
25 judges.

1 I am hopeful that the Legislature
2 will change this. I think it was the
3 last day, I know there was consideration
4 thereof on the floor last Thursday, but
5 that was the last day before adjournment
6 and I believe that the Legislature probably
7 decided it wanted to get that bill as then
8 drawn passed and there would be hopefully
9 corrective legislation to bring the District
10 Court judges up to the level of others
11 as soon as the Assembly and Senate returns.

12 I say, I know of no reason why their
13 salaries should be different.

14 There are judges, for example, who
15 have been promoted in the eyes of some from
16 the Juvenile Court to the District Court as
17 a result of which they now will be getting
18 in July \$3,000 less. This doesn't make any
19 sense to me.

20 Now, why should we have a completely unified
21 court? The American Bar Association Judicial
22 Administration Division standards call for
23 a unified single trial court. The National
24 Advisory Commission on Criminal Justice
25 Standards and Goals calls for one single

1 unified trial court. That commission which
2 is--has been implemented, it suggests that.
3 We have six volumes as you may or may not
4 be aware of, which are being carried out
5 all through the United States under the LEEAA
6 law and the action--20 million dollars is
7 being spent to improve the criminal justice
8 in this state, and a good portion of it is
9 in Newark and Essex County.

10 There has been a suggestion from
11 so-called--the so-called Peterson Commission
12 and other prestigious groups after long
13 study, have recommended again, and I've
14 seen no opposition, to unify single trial courts.
15 Colorado has done this and a few other states
16 are now getting ahead of us, whereas New
17 Jersey has been in the forefront of modern
18 judicial administration. This would solve
19 the problems I've already referred to in
20 connection with having separate Superior and
21 county courts, it would solve those very
22 same problems for all the courts. It would
23 constitute, in the words of the Chief Judge
24 Breitell, who's the Chief of the New York
25 Court of Appeals who is equivalent to the Chief

1 Justice in New Jersey, it would constitute
2 the best possible system in judicial management.
3 It would now have a chance to affect savings
4 in the manner I already described. We're
5 going down the path of computerization of all
6 records, hundreds of thousands of dollars
7 is being spent at the present time through SLEPA,
8 millions throughout all the counties. There
9 will be in this state, there is already,
10 several millions in here. Bergen County,
11 Essex County are computerizing these systems to
12 have some extended capacity--our goal will
13 be to have a centralized computer system
14 covering the whole 21 counties giving maximum
15 service to the public and the bar by merging
16 all the courts. We would advance that concept.
17 All courts would be, thereby, assumed by the
18 state, taking the load of the courts off the
19 backs of the counties, and off the residents
20 of the various counties along those lines I
21 have suggested.

22 Calendar control would be improved.
23 Conflict of attorney appearances in court
24 would be improved, and now on a statewide
25 basis, we're working also with the federal

1 district court in New Jersey to have a
2 coordinated calendar with them, eventually on
3 a computer. It is very difficult with the
4 four different courts in New Jersey as opposed
5 to one record keeping. I don't want to go
6 into detail. It would take too long, but I
7 think it's self-evident that one system of
8 records rather than four obviously will
9 cost less to do. We will be able to do it
10 better, we'll be able to stop triplicate
11 filing that presently we have in connection
12 with Superior Courts. I suggest, if you
13 consider that we have little time for it, if
14 it takes effect on the date of July, 1975 or the
15 opening of court, September 1, 1975, to budget
16 for providing unification of the forms and
17 the system. Even on a manual basis before
18 we get to computers. I probably have taken
19 too much time, gentlemen, if there are
20 any questions, I will be happy to answer
21 them, if I can.

22 I thank you very, very much for permitting
23 me to make this statement upon your record.

24 MR. BATE: I'd like to ask you a
25 question. Judge, you spent a good portion of

1 your remarks discussing unification, and
2 in the Legislature there is considerable thought
3 spent with respect to the possibility of
4 the tax court to replace the state tax
5 appeals division, the Workmen's Comp court
6 and possibly the Family court. Do I take
7 it from your remarks, when you speak of unification,
8 you're talking about a court which would
9 encompass all three, put all three problem
10 areas under separate parts. Is that what
11 you're driving at?

12 MR. SIMPSON: I'm glad you asked that
13 question. I would like two or three minutes
14 to cover that. The Family Court concept,
15 again, to which I know of no objection by
16 anyone, we have de facto implemented
17 it in Morris County. There are--it is
18 relatively simple because we have only two--we
19 have one judge in matrimonial and one
20 judge for juvenile and domestic relations
21 instead of having two judges, each half time,
22 we have one judge doing both. We have the
23 Family Court in Essex County right now. We
24 are working, as you know, on an improved
25 service in the Juvenile and Domestic Relations

1 Court. We helped Commissioner Klein, and I
2 might say, this was started for the nation--was
3 started in Morris County, and now is
4 in effect in Essex County also. I think
5 Concurrent Resolution No. 90, the concept
6 of just merging the Superior Court and county
7 courts, or unification of all the courts,
8 either one, will permit a de jure as well as
9 a de facto family court. The part of the problem
10 there or one of the problems that is always
11 pointed up is the fact that whether you're
12 talking about support of usually women and
13 children, the Juvenile and Domestic Relations
14 Court only has jurisdiction as long as they
15 are married. As soon as they are not, the
16 jurisdiction changes, and you have chancery
17 or matrimonial, Superior Court, this means
18 somebody has to start all over again. Sometimes
19 you have conflicting decisions, and all kinds
20 of problems. There are other means of
21 implementating the family court concept on
22 either basis that I've outlined today. With
23 respect to the tax court, it is a little
24 bit different. And so on to Workmen's Compen-
25 sation, the tax matters and Workmen's Compen-

1 sation, of course, are presently administrative
2 type tribunals under the executive department.
3 The problems--that would take a long time to
4 talk about them, really, I think if you're
5 going to keep administrative type tribunals,
6 in the executive branch of government, it is
7 a question of improving those courts. There
8 may well be some desirability, and I know,
9 the Bar is in favor of this, and the Court, I
10 believe, will go along with it or will not be
11 too displeased with it. If the certain tax
12 cases are transferred from the State Board
13 of Tax Appeals to say the Superior Court
14 rather than all of them, one problem, the
15 idea of administrative type tribunals to
16 handle large volume where there are relatively
17 simple fact issues as opposed to complicated
18 legal issues and that probably is the case
19 in connection with the local property owner,
20 home owners appeal to his County Board of
21 Tax Appeals, and then under the State Board of
22 Tax Appeals, where again generally the
23 only question is the value of his property
24 to give a statement. You have an expert
25 on each side and the judge makes a decision.

1 And there is no jury trial involved. The
2 same thing in Workmen's Compensation, I don't
3 mean to imply it's simple, but it's always,
4 or 99 per cent of the time one area of medical
5 expertise, and those Workmen Comp judges
6 develop some great facilities along those
7 lines, and we have a system whereby the doctors
8 can testify in one day on 15 or 20 cases.
9 This is not to say this jurisdiction cannot
10 be assumed by the courts, and the Chief
11 Justice, Garvin, said last September at the
12 Judicial Seminiar for all judges in the state
13 that judging is for judges, and so there
14 may well be some merit to the argument, but there
15 are a lot of arguments both ways. Without
16 question, the family court concept would be
17 implemented by either one of these proposals.
18 The tax court or any other court, Workmen
19 Comp or any other, could be dependent upon
20 where the Legislature decides to put the
21 jurisdiction. As I say, you've got flexibility
22 in the Constitution as it stands now, and you
23 don't propose to change. In Resolution No. 90
24 or Resolution No. 7, all that's required is three
25 divisions of the Superior Court, the Appellate

1 Division, the Chancery Division and
2 the Law Division. We have in effect broken
3 that down into parts, as you know, at
4 Chancery we have broken down into Chancery,
5 Matrimonial and Chancery General Equity. There
6 is no reason in the world why we could not
7 denominate and/or subdivide law division into special
8 parts, for instance, a tax part, if the
9 Legislature wanted that, we would probably
10 change the name of the Chancery Division,
11 Matrimonial to Chancery, Family Court. If
12 the Juvenile and Domestic Relations Court was
13 abolished and integrated with the overall
14 court system as I--

15 MR. HAWKINS: The problem you state we
16 could change.

17 MR. SIMPSON: The name.

18 MR. HAWKINS: The name if the
19 Legislature wanted it.

20 MR. SIMPSON: I'm sorry. But I think
21 you came in perhaps after I had outlined
22 that recommendation that you consider
23 unifying all the courts. If the Juvenile and
24 Domestic Relations Court was merged into the
25 Superior Court, we wouldn't have any

1 court left called Juvenile and Domestic Relations.
2 We do, all, have already and still would have
3 the Chancery Division of the Superior Court.
4 We have now the two parts, one general equity
5 and the other one is Matrimonial. Probably
6 we would designate Matrimonial as the Family
7 part to incorporate not only its present
8 jurisdiction, also that which would make it
9 Juvenile.

10 MR. HAWKINS: The problem I'm
11 pointing out or trying to get at, is does the
12 Legislature have jurisdiction to tell Superior
13 Court or Judiciary how to designate anything
14 within the Superior Court?

15 MR. SIMPSON: I guess you need--you
16 could find two lawyers to argue each side
17 of that case, and then you get down to
18 separation of powers. I would say, from
19 my--from what seems dependent upon where one
20 sits, I suppose, as a judge, I would
21 say probably not.

22 MR. HAWKINS: I would agree with you.

23 MR. SIMPSON: It's just terminology, as
24 a matter of fact, you see if you don't have
25 the Juvenile Court, some other area of our

1 Superior Court has to pick up the work, and
2 it would be absolutely foolhardy if we were
3 to have a Juvenile and Domestic Court part of the
4 Superior Court and Matrimonial, and the public
5 and Legislature and governor would come down
6 very heavily on whoever failed to merge the
7 two and call it a family court.

8 MR. HAWKINS: Is it not a fact, Judge,
9 that if the Legislature were to give Judiciary
10 complete control over the court system by
11 designating more Superior Courts and eliminating
12 the inferior courts, that the Legislature
13 would no longer have any authority over the
14 court system because they cannot really
15 control the Superior Courts which are con-
16 stitutionally set up courts?

17 MR. SIMPSON: Well, I don't think so
18 for this reason: If this system did not
19 work, and the Legislature was dissatisfied,
20 you could always create the Juvenile Court.
21 You could, as you may, create if you want to
22 a tax court now. Somebody put in the
23 hopper a bill for the environmental protection
24 court. I know we didn't favorably comment
25 upon that. Our comment was requested.

1 We really didn't see any reason for it.

2 If there was--the Legislature can at any
3 time create as you just referred to it, under
4 the Constitution, so-called inferior courts
5 of limited jurisdiction, and give them a
6 jurisdiction. We have no choice, we would
7 then have to move the cases into that part.

8 MR. HAWKINS: Pardon me, Judge, is
9 it not a fact that once the Superior Court,
10 for instance, has jurisdiction, you may not
11 be able to take it back?

12 MR. SIMPSON: It already has the
13 jurisdiction, which is general jurisdiction
14 under the Constitution, and what you have
15 done is create the inferior courts. Now,
16 you always appropriate money for it, and if you
17 appropriate money to handle the district court
18 type of cases in the district court, and take
19 that out of your budget for Superior Court,
20 there isn't really much we could do except
21 to comply with those wishes. We need, of
22 course, complete cooperation between the
23 Executive, Legislative and the Judicial branch
24 of the government to try to improve what
25 was suggested.

1 MR. HAWKINS: If the Courts were
2 all unified, how would that affect the fee
3 situation? For instance, if we file a non-
4 support action in domestic relations with that
5 fee?

6 MR. SIMPSON: We could have parts, as
7 I say, of the Superior Court. We could also
8 have different fees for different kinds of
9 cases. I think you've pointed to one thing.
10 We would have to do--we would have legislation
11 to back up all this concept for the legislature's
12 consideration and obviously, we could not
13 suddenly charge the Superior Court filing
14 fees for the District Court cases. We would
15 just have those cases handled as part of
16 the Superior Court with the lower fees. There
17 are a variation of fees even in the Superior
18 Court now.

19 MR. HAWKINS: Judge, what you're saying
20 is that the Legislature is going to be
21 required, and the question I have in my
22 mind, is whether or not the Legislature has
23 any jurisdiction to legislate what jurisdiction
24 the Superior Court will have.

25 MR. SIMPSON: No. That is a constitutional

1 point. But you can create inferior courts
2 and with physical control--

3 MR. HAWKINS: Once we have the additional
4 Superior Court judges, the jurisdiction of
5 what they do is going to still rest within
6 the judiciary.

7 MR. SIMPSON: You can change the number
8 of Superior Court judges any time, but you
9 can't fire a man within his term, and it is
10 on for seven years. He's there for seven years
11 except for removing him for cause. I think
12 you still have the controls. I'll be
13 happy to outline this any time you want in
14 more detail.

15 MR. HAWKINS: Well, I want to briefly--
16 I'd like to comment on a question you sort
17 of raised about the reason why there was
18 no consideration given to the district court
19 judges getting more than \$37,000 a year. That
20 was no fault of this judiciary committee
21 sitting before you. It was a no reference
22 bill. As a lot of bills are now considered,
23 and we never had the opportunity to pass on
24 it.

25 MR. SIMPSON: I understand that, and

1 I've said I hope you're going to correct
2 it next time you get back there to
3 Trenton.

4 MR. BATE: Anything else, gentlemen?

5 MR. SIMPSON: Thank you very much
6 for listening to me.

7
8
9 G I L L J O B, SURROGATE, BERGEN COUNTY.

10
11 MR. JOB: Mr. Chairman, members of
12 the committee:

13 I'm here representing the Surrogate
14 Division of the New Jersey Association of
15 County Clerks, Surrogates, Sheriffs and
16 Legislatures of Deeds and Mortgages.

17 I'm only here for the purpose of asking
18 a question pertaining to matters that we
19 thought were resolved last year. When
20 SCR 36 came up, and that is what we had
21 requested at a public hearing at that time,
22 in order to spell out more fully what the
23 function of the Surrogate would be as far
24 as that particular resolution was concerned.

25 As a result of several conferences with

1 members of the Bar Association, Judge Clapp,
2 and members of the Judiciary Committee of
3 the Senate, we came to certain conclusions,
4 specifically at a March 22nd, 1973 public
5 hearing of the judiciary committee. The matter
6 to all intents and purposes was seemed to
7 have been resolved, and that was they did
8 insert a certain amendment within that resolution
9 which would spell out exactly what the
10 function of the Surrogate would be, and in
11 regard to the court merger, an examination of
12 the ACR 7 and ACR 90, specifically ACR 7,
13 by Assemblyman Spizziri, we note that that
14 particular amendment was omitted.

15 We have two copies, I believe that
16 Assemblyman Bate's resolution does include that
17 particular amendment. If I'm wrong on that
18 I'd like to be corrected, because my good
19 friend County Clerk, Mr. Halpin, appeared here
20 and has a copy which did not include it. I
21 believe there was a later copy. Would I be
22 out of order asking Mr. Bate if there is a--

23 MR. SPIZZIRI: There is an official
24 copy reprint of ACR 90 which would--which
25 probably Mr. Halpin doesn't have.

1 ACR 90 has the language which you refer
2 to.

3 MR. JOB: In Section 6, line 98, sub-
4 section C, that is the specific amendment that
5 we are concerned with. And that is included
6 in ours. It was not the last time I had a
7 copy of ACR 7 included in that.

8 MR. SPIZZIRI: Of course, we couldn't be
9 responsible for what the House of Lords does
10 as you probably are aware of since it was SCR 36
11 last year. My resolution which is ACR 7 this
12 year was ACR 58 last session of the legislature,
13 and it is identical in all respects in the
14 last session and this session. There was
15 no language regarding the county clerks or
16 the surrogates in ACR 58 of 72. In the
17 73 session of the legislature when it
18 passed the Assembly, no comment was made
19 regarding the omission, if you will, of
20 the duties of the county clerks as deputy
21 clerk of the Superior Court and surrogates.
22 I can assure you it was not intentionally
23 done. I know that you called this to my
24 attention several weeks ago when we met one
25 time at a particular function, and indicated

1 that this was not as I indicated then, and
2 so indicated on the record now, that the
3 omission of that particular language was
4 certainly not done intentionally. This
5 resolution passed the Assembly, identically in
6 the same form at the last session. As in the
7 form we have before us, and I have no objection to
8 the committee amending an ACR 7 if that is the
9 amendment, which would be released by the
10 committee via identical language in section
11 6C of the ACR 90. I don't know which
12 resolution we're going to put out, but it
13 doesn't make any difference to me. If mine is
14 the one that goes out, I'll have no objection
15 to that language being included, if the Bate's
16 one goes out, there is no problem.

17 MR. JOB: We don't have a problem with
18 Assemblyman Bate, but I would respectfully request
19 on behalf of the Association that in the event
20 yours is the resolution that is reported then that
21 amendment be added. I have no further
22 comment on that then. Thank you.

23 MR. BATE: Thank you, sir.
24
25

1 W A L T E R H A L P I N, U N I O N C O U N T Y C L E R K .
2

3 MR. HALPIN: I am now convinced after
4 talking to Judge Simpson in the last five
5 minutes, I had the wrong copy of the concurrent
6 resolution, specifically yours, Assemblyman
7 Bate. I am now convinced that the language
8 we were interested in integrating in this
9 in those assembly concurrent resolutions
10 is in your bill, and that Assemblyman Spizziri
11 is now on record as is Judge Simpson that
12 there is no objection to that language being
13 built or having been built into the con-
14 current resolutions.

15 But, if I might, I heard some testimony
16 from Judge Simpson that kind of rattles my
17 ears a little bit, and I know that down in
18 the Legislative chambers the rules provide
19 that through the chair you can ask questions,
20 and I don't know whether the ground rules
21 are the same at the public hearings. But there
22 were said a few things that I couldn't hear
23 and see clearly about the rest of this bill
24 or these resolutions.

25 But my recollection was that in listening

1 to Judge Simpson, the accoustics in here
2 were not too good, or it is my hearing, which
3 I don't hold to be that great anyway, that the
4 fees of--if this merger is affected, that
5 the fees of the courts then would be transmitted
6 to the Clerk of the Superior Court in Trenton.
7 I have no objection to that, because if it
8 is the Superior Court of New Jersey, and
9 other courts are abolished, and I was given
10 a copy of the salaries of the County Court
11 Judges, what the proportionate share is paid
12 by the county, and that paid by the State of
13 New Jersey. But I must ask, what about
14 materials and supplies that the taxpayers of
15 the county absorb and run the court within
16 a courthouse, and the support and personnel
17 of the courts. All law clerks, secretaries
18 to the judges, docket clerks, index clerks,
19 clerk typists, principal clerk typists;
20 the county is still going to absorb these
21 fees as I understand it from these resolutions
22 whichever one moves out, and this is not by
23 way of saying that I oppose the merger of the
24 courts, and then I heard some dialogue about
25 all the judges of the Juvenile and Domestic

1 Relations Courts being made judges of the
2 Superior Court.

3 Well, I'll tell you, I'm not a lawyer,
4 but if I was a judge of the Superior Court
5 I would use all my muscle to get one of
6 them spots, because the judge of the Juvenile
7 Court then would become a judge of the
8 Superior Court, that--get that kind of a
9 salary, number one, he doesn't have to write
10 briefs or opinions. I'd rather see the
11 Family Court concept that you talked about,
12 bring in the Juvenile Court, and the matrimonial
13 division together with no fault divorce. The
14 matrimonial judges hear more. How many
15 courthouses do you go in today that you see
16 a contested matrimonial case. It is very,
17 very rare. At least that is my opinion.
18 So if you're going to call a judge of Juvenile
19 Court a judge of the Superior Court, he's
20 got to do the best job, and in the judicial
21 system he hasn't got much to do productively
22 with brain power, as compared to a judge that
23 is a trial judge or an assignment judge.
24 I see Assemblyman Spizziri looks like he
25 wants to bury me, and I'll be glad to answer

1 any question. But to wrap it up, I am satisfied
2 representing the county clerks that the
3 language that I came here to talk about is
4 in the official copy of the resolution prepared
5 by Assemblyman Bate and that Assemblyman
6 Spizziri--as Judge Simpson has already
7 testified, has no objection to that language
8 being made part of any bill that comes out
9 for a final vote, and is put on a ballot
10 as a referendum. Thank you.

11 MR. SPIZZIRI: Mr. Halpin, I can't
12 speak for any other county, but the county
13 where I practice, and I can't say that the
14 comments that you made are applicable to
15 Bergen County, as to the duties of the
16 Juvenile Court judges in Bergen County, and in our
17 county, every judge without exception will
18 hear any type of matter that comes before the
19 court in the discretion of the Assignment
20 Judge, when Mr. Justice Pashman was judge and
21 Mr. Job can verify this, and I know Judge
22 Simpson can because he worked in the County
23 of Bergen as a judge before he became the
24 Acting Director of the Courts, the Juvenile
25 Court judge heard Superior Court matters,

1 Superior Court judges heard Juvenile Court
2 matters depending upon the caseload and
3 depending upon the availability of judges.
4 I think this is why Bergen County too is
5 looked at as one of the leaders in the
6 state as to the disposition of cases. So
7 much so, that the Chief Justice in the past
8 several years has transferred cases from
9 Hudson County and from Essex County to be
10 disposed of in Bergen County.

11 So, I'm speaking strictly for Bergen
12 County, and the Juvenile Court judges
13 there. I know they don't sit around and do
14 nothing. And I know their brain power is
15 taxed to the utmost, and I have to rush to
16 their defense on that comment.

17 MR. HALPIN: Maybe my comments are
18 misconstrued. I didn't mean to imply that
19 judges of the Juvenile and Domestic Relations
20 Court do not work hard, and I am aware that
21 the court rules provide that an assignment
22 judge can assign any judge of the upper
23 courts to sit on any type of action, and
24 likewise in our county, Assemblyman Spizziri,
25 judges of the Juvenile Court are sitting in

1 criminal cases and in Superior Court, county
2 and civil matters. But I rather think of
3 the Family Court concept, as Assemblyman Bate
4 was beginning to open the door to that, I'd
5 rather see a court, and this has nothing to
6 do with this testimony, and I'm probably out
7 of order, and I probably see a court that's
8 specifically devoted to domestic and
9 juvenile matters and put the matrimonial
10 division into that section, and I don't
11 think you have to pay a judge that kind of
12 salary to sit in that kind of court. That
13 was the only implication I had. Thank you
14 very much.

15 MR. HAWKINS: Sir, I just want to
16 comment, you expressed concern that the cost
17 of the courts and the staff would remain with
18 the counties, and I would have the same concern,
19 if we were to unify the county and Superior
20 Courts, I would hope that whatever is done
21 would make sure that the costs would be
22 spread statewide and not just on a county
23 that may be populous and have certain
24 problems. I'm sure that your interests--
25 and the interests of the majority of the

1 committee are the same. That one county not
2 bear the burden.

3 MR. HALPIN: Thank you, Assemblyman
4 Hawkins, and in part of the Star Ledger article
5 on Governor Byrne's tax package, I think
6 one of the provisions that will be in that
7 package is that the entire costs of the
8 court system will be absorbed by the State
9 of New Jersey, so if all the fees do go to
10 Trenton, that means that hopefully the cost
11 of the county for all supporting personnel
12 will come back to the county likewise or
13 at least I hope so. I think we're on the
14 same wavelength.

15 MR. BATE: Thank you very much, Mr.
16 Halpin. Is there anyone here that wants to
17 testify as to ACR 7 or ACR 90 other than
18 Assemblyman Spizziri and myself?

19 All right. Assemblyman Spizziri, you
20 will testify from your chair.

21 MR. SPIZZIRI: Thank you, Mr. Bate.
22 As I indicated briefly, ACR 7 was in the
23 1972-73 session, was ACR 58. It passed through
24 the public hearing, and was passed in the
25 Assembly and then for some unknown reason

1 bogged down in the Senate Judiciary
2 Committee. I think the purpose of the bill
3 has been amply and aptly stated by
4 Mr. Simpson. This is the reason I filed
5 the bill initially as ACR 58. I firmly believe
6 that the public has better concern for the
7 court system in the state. I would just like
8 to comment on the difference between ACR 7 and
9 ACR 90. Comparing the initial bill or initial
10 resolution for introduction, we spoke to the
11 assemblymen from the smaller counties in
12 the state where we may have one or possibly
13 two judges. And I note that we're talking
14 about Warren County where they have two,
15 Salem County where they have one, Hunterdon
16 County where they have two, Cape May where there
17 is two, and the concern was that they would
18 not lose a judge by assignment from the Chief
19 Justice to different counties. Therefore, the
20 language in Section 1 on the first page, line
21 14, the Superior Court shall have at all
22 times at least two judges who are residents of
23 each of the 21 counties in the state. I think
24 Mr. Bate's resolution goes a bit further and
25 says they should be equal in number to the

1 county court judges. So that the number of
2 judges in each county who are residents at
3 the time of their appointment will remain
4 the same.

5 As far as the comment made by Mr. Job
6 and Mr. Halpin regarding the duties of the
7 county clerks and the surrogates, as I've
8 indicated, I would suggest if ACR 7 be the
9 one released for vote, that the language in
10 Section 6, Article C, be included in ACR 7,
11 and also should the committee release ACR 7,
12 instead of ACR 90, I request that as Senator
13 Bate be a co-sponsor on ACR 7 other than
14 that, Mr. Chairman, I have nothing further
15 to add.

16 MR. BATE: Thank you, Assemblyman
17 Spizziri.

18 I might point out that ACR 90, as one
19 of the earliest speakers indicated, was
20 originally a Senate Concurrent Resolution in
21 the last legislature.

22 The original sponsor, primary sponsor,
23 is now Superior Court Judge Peter Thomas
24 who was then a member of the Senate and was
25 first a co-sponsor. At this time the bill--

1 the resolution, rather, is exactly in the form
2 when the last legislature died. As I see it,
3 the only two differences between ACR 7 and
4 ACR 90 would seem to pertain to Salem County
5 which appears to be the only county that does
6 not have at least two county court judges. And
7 since at least Mr. Spizziri has asked that the
8 language which appears in ACR 90 as requested
9 by the surrogate and county clerks and county
10 officers to be included in his bill, they're
11 almost the same. Are there any witnesses
12 here on ACR 7 or ACR 90? Are there any
13 other questions from the members of the
14 committee?

15 If not, we'll conclude the public
16 hearing on those two concurrent resolutions, and
17 I'll turn the chair over to Chairman Hawkins
18 to conduct the public hearing on the probate
19 bills.

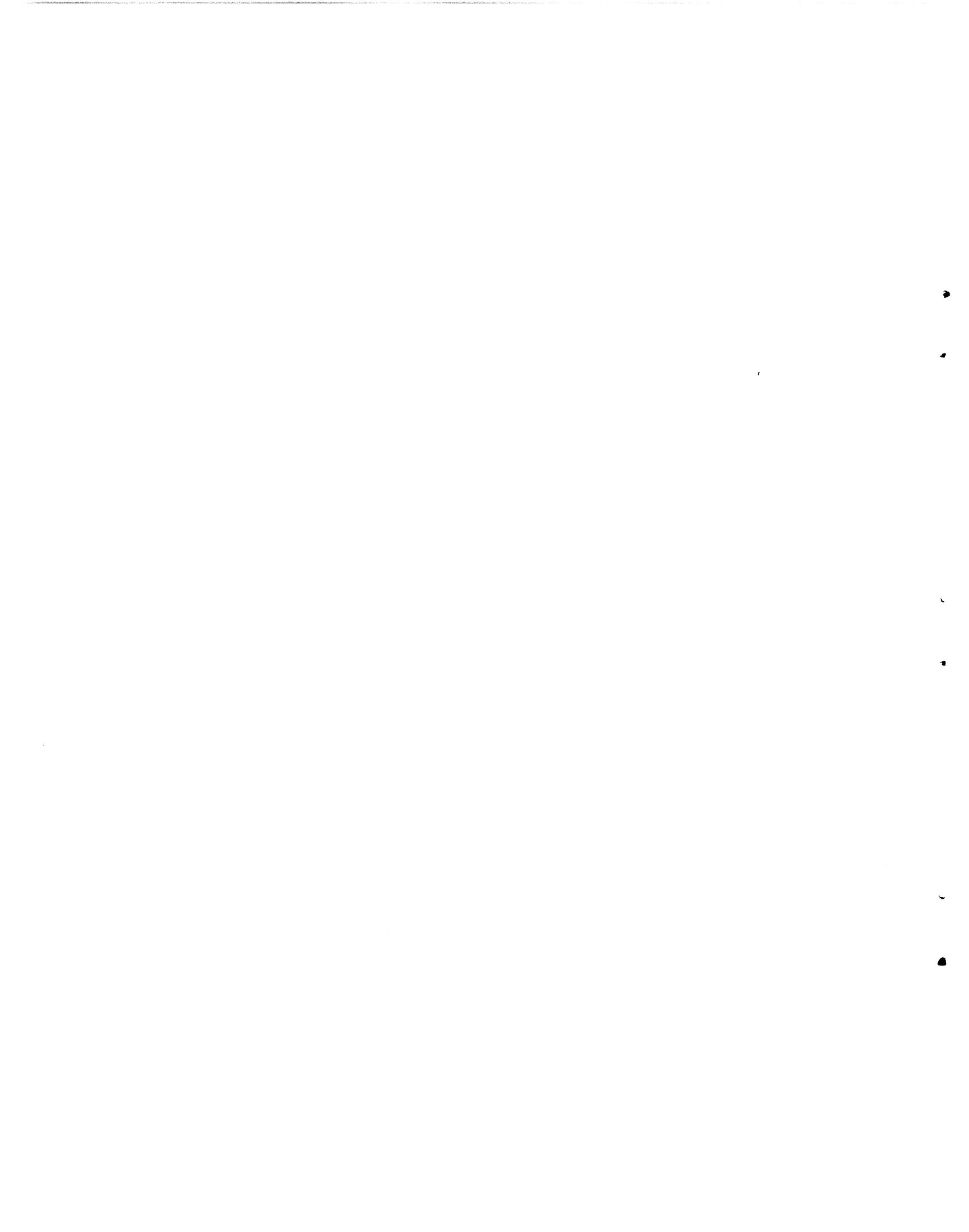
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C E R T I F I C A T I O N

1
2 I, JOHN M. DiBLASIO, a Certified Shorthand Reporter
3 and Notary Public of the State of New Jersey, hereby certify
4 that the foregoing is a true and accurate transcript of my
5 stenographic notes.
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10 JOHN M. DiBLASIO, C.S.R.
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ASSEMBLY CONCURRENT RESOLUTION No. 7

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1974 SESSION

By Assemblyman SPIZZIRI

A CONCURRENT RESOLUTION proposing to amend Article VI, Sections I, III, V, VI, and VII, and Article XI, and to repeal Article VI, Section IV, of the Constitution of the State of New Jersey.

1 BE IT RESOLVED *by the General Assembly of the State of New*
2 *Jersey (the Senate concurring):*

1 1. The following proposed amendment to the Constitution of
2 the State of New Jersey is hereby agreed to:

PROPOSED AMENDMENT

3 a. Article VI, Section I, paragraph 1, be amended to read as
4 follows:

5 1. The judicial power shall be vested in a Supreme Court, a
6 Superior Court, **County Courts** and inferior courts of limited
7 jurisdiction. The inferior courts and their jurisdiction may from
8 time to time be established, altered or abolished by law.

9 b. Article VI, Section III, paragraphs 1, 2 and 3, be amended to
10 read as follows:

11 1. The Superior Court shall consist of such number of judges as
12 may be authorized by law, **but not less than 24,** each of whom
13 shall exercise the powers of the court subject to rules of the
14 Supreme Court. *The Superior Court shall at all times have at*
14A *least two judges who are residents of each of the 21 counties of this*
14B *State.*

15 2. The Superior Court shall have original general jurisdiction
16 throughout the State in all causes, *all the jurisdiction heretofore*
17 *exercised by the County Courts and such other jurisdiction con-*
18 *sistent with this Constitution as may be conferred by law.*

18A c. Article VI, Section III, paragraph 3 be amended to read as
18B follows:

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

18c 3. The Superior Court shall be divided into an Appellate Division,
18d a Law Division, and a Chancery Division. Each division shall have
18e such parts, consist of such number of judges, and hear such causes,
18f as may be provided by rules of the Supreme Court. *At least one of*
18g *the judges of the superior court shall at all times be assigned to sit*
18h *in each of the 21 counties.*

19 d. Article VI, Section IV, be repealed.

20 e. Article VI, Section V, paragraphs 1 and 2 be amended to
21 read as follows:

22 1. Appeals may be taken to the Supreme Court:

23 (a) In causes determined by the appellate division of the
24 Superior Court involving a question arising under the Constitution
25 of the United States or this State;

26 (b) In causes where there is a dissent in the appellate division
27 of the Superior Court;

28 (c) In capital causes;

29 (d) On certification by the Supreme Court to the Superior Court
30 and, where provided by rules of the Supreme Court, to the [County
31 Courts and the] inferior courts; and

32 (e) In such causes as may be provided by law.

33 2. Appeals may be taken to the appellate division of the
34 Superior Court from the law and chancery divisions of the
35 Superior Court[, the County Courts] and in such other causes as
36 may be provided by law.

37 e. Article VI, Section VI, paragraphs 1, 2, 4, 5 and 7 be
38 amended to read as follows:

39 1. The Governor shall nominate and appoint, with the advice
40 and consent of the Senate, the Chief Justice and associate justices
41 of the supreme court, the judges of the superior court, [the
42 judges of the county courts] and the judges of the inferior courts
43 with jurisdiction extending to more than one municipality. No
44 nomination to such an office shall be sent to the Senate for confirma-
45 tion until after 7 days' public notice by the Governor.

46 2. The justices of the supreme court[,] and the judges of the
47 superior court [and the judges of the county courts] shall each
48 prior to his appointment have been admitted to the practice of law
49 in this State for at least 10 years.

50 4. The justices of the supreme court[,] and the judges of the
51 superior court [and the judges of the county courts] shall be
52 subject to impeachment, and any judicial officer impeached shall not
53 exercise his office until acquitted. The judges of the superior court
54 [and the judges of the county courts] shall also be subject to
55 removal from office by the Supreme Court for such causes and in
56 such manner as shall be provided by law.

57 5. Whenever the Supreme Court shall certify to the Governor
 58 that it appears that any justice of the supreme court [.] or judge
 59 of the superior court [or judge of the county court] is so in-
 60 capacitated as substantially to prevent him from performing his
 61 judicial duties, the Governor shall appoint a commission of three
 62 persons to inquire into the circumstances; and, on their recommen-
 63 dation, the Governor may retire the justice or judge from office, on
 64 pension as may be provided by law.

65 7. The justices of the supreme court[,] and the judges of the
 66 superior court [and the judges of the county courts] shall hold
 67 no other office or position, of profit, under this State or the United
 68 States. Any such justice or judge who shall become a candidate for
 69 an elective public office shall thereby forfeit his judicial office.

70 f. Article XI be amended by adding thereto Section VI as follows:

SECTION VI

71 When the amendment to the Judicial Article of this Constitution
 72 providing for the abolition of the County Courts takes effect:

73 (a) The jurisdiction of the County Courts, as well as all matters
 74 pending therein, shall be transferred to the Superior Court;

75 (b) The judges of the county courts shall become judges of the
 76 superior court. All such judges who had acquired tenure on the
 77 County Court shall have tenure on the Superior Court without the
 78 necessity of further appointment. All other such judges shall have
 79 an initial term of 7 years commencing upon the effective date of this
 80 amendment and upon subsequent appointment to the Superior
 81 Court shall acquire tenure.

1 2. When this proposed amendment to the Constitution is finally
 2 agreed to, pursuant to Article IX, paragraph 1 of the Constitution,
 3 it shall be submitted to the people at the next general election
 4 occurring more than 3 months after such final agreement and be
 5 published at least once in at least one newspaper of each county
 6 designated by the President of the Senate and the Speaker of the
 7 General Assembly and the Secretary of State, not less than 3
 8 months prior to said general election.

1 3. This proposed amendment to the Constitution shall be sub-
 2 mitted to the people at said election in the following manner and
 3 form:

4 There shall be printed on each official ballot to be used at such
 5 general election, the following:

6 a. In every municipality in which voting machines are not used,
 7 the following legend shall immediately precede the question:

- 8 If you favor the proposition printed below make a cross (X),
9 plus (+) or check (V) in the square opposite the word "Yes." If
10 you are opposed thereto make a cross (X), plus (+) or check (V)
11 in the square opposite the word "No."
12 b. In every municipality the following question:

	Yes.	Shall the amendment to Article VI and Article XI of the Constitution to incorporate the existing County Courts into the Superior Court, transfer their jurisdiction and pending causes to the Superior Court, and appoint their judges to the superior court, be approved?
	No.	

[OFFICIAL COPY REPRINT]
ASSEMBLY CONCURRENT RESOLUTION No. 90

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1974

By Assemblyman BATE

Referred to Committee on Judiciary

A CONCURRENT RESOLUTION proposing to amend Article VI, Sections I, III, V, VI, and VII, and Article XI, and to repeal Article VI, Section IV, of the Constitution of the State of New Jersey.

1 BE IT RESOLVED *by the General Assembly of the State of New*
2 *Jersey (the Senate concurring):*

1 1. The following proposed amendment to the Constitution of
2 the State of New Jersey is hereby agreed to:

PROPOSED AMENDMENT

3 a. Article VI, Section I, paragraph 1, be amended to read as
4 follows:

5 1. The judicial power shall be vested in a Supreme Court, a
6 Superior Court, **[County Courts]** and inferior courts of limited
7 jurisdiction. The inferior courts and their jurisdiction may from
8 time to time be established, altered or abolished by law.

9 b. Article VI, Section III, paragraphs 1, 2 and 3, be amended to
10 read as follows:

11 1. The Superior Court shall consist of such number of judges as
12 may be authorized by law, **[but not less than 24,]** each of whom
13 shall exercise the powers of the court subject to rules of the
14 Supreme Court. *There shall at all times be superior Court judges*
15 *resident of each county equal in number to at least that number of*
16 *judges of the county court authorized to be appointed for each*
17 *county court as of July 1, 1974 with the county of residence of a*
18 *judge being determined as of the time of his appointment.*

19 2. The Superior Court shall have original general jurisdiction
20 throughout the State in all causes, *all the jurisdiction heretofore*
21 *exercised by the County Courts and such other jurisdiction con-*
22 *sistent with this Constitution as may be conferred by law.*

23 c. Article VI, Section III, paragraph 3 be amended to read as
24 follows:

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

25 3. The Superior Court shall be divided into an Appellate Division,
26 a Law Division, and a Chancery Division. Each division shall have
27 such parts, consist of such number of judges, and hear such causes,
28 as may be provided by rules of the Supreme Court. *There shall*
29 *be at all times at least one part of the Superior Court in each*
30 *county with at least one judge who at the time of his assignment*
31 *to sit therein is a resident of the county.*

32 d. Article VI, Section IV, be repealed.

33 e. Article VI, Section V, paragraphs 1 and 2 be amended to read
34 as follows:

35 1. Appeals may be taken to the Supreme Court:

36 (a) In causes determined by the appellate division of the
37 Superior Court involving a question arising under the Constitution
38 of the United States or this State;

39 (b) In causes where there is a dissent in the Appellate Division
40 of the Superior Court;

41 (c) In capital causes;

42 (d) On certification by the Supreme Court to the Superior Court
43 and, where provided by rules of the Supreme Court, to the [County
44 Courts and the] inferior courts; and

45 (e) In such causes as may be provided by law.

46 2. Appeals may be taken to the appellate division of the
47 Superior Court from the law and chancery divisions of the
48 Superior Court[, the County Courts] and in such other causes as
49-50 may be provided by law.

51 e. Article VI, Section VI, paragraphs 1, 2, 4, 5 and 7 be
52 amended to read as follows:

53 1. The Governor shall nominate and appoint, with the advice
54 and consent of the Senate, the Chief Justice and associate justices
55 of the supreme court, the judges of the superior court, [the
56 judges of the county courts] and the judges of the inferior courts
57 with jurisdiction extending to more than one municipality. No
58 nomination to such an office shall be sent to the Senate for confirma-
59 tion until after 7 days' public notice by the Governor.

60 2. The justices of the supreme court[,] and the judges of the
61 superior court [and the judges of the county courts] shall each
62 prior to his appointment have been admitted to the practice of law
63 in this State for at least 10 years.

64 4. The justices of the supreme court[,] and the judges of the
65 superior court [and the judges of the county courts] shall be
66 subject to impeachment, and any judicial officer impeached shall not
67 exercise his office until acquitted. The judges of the superior court
68 [and the judges of the county courts] shall also be subject to

69 removal from office by the Supreme Court for such causes and in
70 such manner as shall be provided by law.

71 5. Whenever the Supreme Court shall certify to the Governor
72 that it appears that any justice of the supreme court[,] or judge
73 of the superior court [or judge of the county court] is so in-
74 capacitated as substantially to prevent him from performing his
75 judicial duties, the Governor shall appoint a commission of three
76 persons to inquire into the circumstances; and, on their recommen-
77 dation, the Governor may retire the justice or judge from office, on
78 pension as may be provided by law.

79 7. The justices of the supreme court[,] and the judges of the
80 superior court [and the judges of the county courts] shall hold
81 no other office or position, of profit, under this State or the United
82 States. Any such justice or judge who shall become a candidate for
83 an elective public office shall thereby forfeit his judicial office.

84 f. Article XI be amended by adding thereto Section VI as follows:

SECTION VI

85 When the amendment to the Judicial Article of this Constitution
86 providing for the abolition of the County Courts takes effect:

87 (a) The jurisdiction of the County Courts, as well as all matters
88 pending therein, shall be transferred to the Superior Court;

89 (b) The judges of the county courts shall become judges of the
90 superior court. All such judges who had acquired tenure on the
91 County Court shall have tenure on the Superior Court without the
92 necessity of further appointment. All other such judges shall
93 ***[have an initial term of 7 years commencing upon]*** **hold office*
94 *as judges of the Superior Court, each for the period of his term as*
95 *judge of the County Court which remains unexpired as of** the
96 effective date of this amendment and upon subsequent appoint-
97 ment to the Superior Court shall acquire tenure.

98 **(c) Until otherwise provided by law, all county clerks shall*
99 *become clerks of the Law Division of the Superior Court and all*
100 *surrogates shall become clerks of the Chancery Division (Probate*
101 *Part) of the Superior Court for their respective counties and shall*
102 *perform such duties and maintain such files and records on behalf*
103 *of the Clerk of the Superior Court as may be required by law and*
104 *rule of court; and all fees payable to the county clerks and*
105 *surrogates prior to the effective date of this amendment shall con-*
106 *tinue to be so payable and be received for the use of their respective*
107 *counties until otherwise provided by law.**

1 2. When this proposed amendment to the Constitution is finally
2 agreed to, pursuant to Article IX, paragraph 1 of the Constitution,

3 it shall be submitted to the people at the next general election
 4 occurring more than 3 months after such final agreement and be
 5 published at least once in at least one newspaper of each county
 6 designated by the President of the Senate and the Speaker of the
 7 General Assembly and the Secretary of State, not less than 3
 8 months prior to said general election.

1 3. This proposed amendment to the Constitution shall be sub-
 2 mitted to the people at said election in the following manner and
 3 form:

4 There shall be printed on each official ballot to be used at such
 5 general election, the following:

6 a. In every municipality in which voting machines are not used,
 6A the following legend shall immediately precede the question:

7 If you favor the proposition printed below make a cross (X),
 8 plus (+) or check (✓) in the square opposite the word "Yes." If
 9 you are opposed thereto make a cross (X), plus (+) or check (✓)
 10 in the square opposite the word "No."

11 b. In every municipality the following question:

	Yes.	Shall the amendment to Article VI and Article XI of the Constitution to incorporate the existing County Courts into the Superior Court, transfer their jurisdiction and pending causes to the Superior Court, and appoint their judges to the superior court, be approved?
	No.	

SALARIES AS CURRENTLY PAID

5/23/74

County	County Judges Authorized	County's Share 60% of salary of \$37,000	State's Share 40% of salary of \$37,000	Total Cost of County Court Judges' Salaries
Atlantic	4	\$ 88,800	\$ 59,200	\$ 148,000
Bergen	10	222,000	148,000	370,000
Burlington	4	88,000	59,200	148,000
Camden	6	133,200	88,800	222,000
Cape May	2	44,400	29,600	74,000
Cumberland	4	88,800	59,200	148,000
Essex	12	266,400	177,600	444,000
Gloucester	4	88,800	59,200	148,000
Hudson	6	133,200	88,800	222,000
Hunterdon	2	44,400	29,600	74,000
Mercer	6	133,200	88,800	222,000
Middlesex	6	133,200	88,800	222,000
Monmouth	4	88,800	59,200	148,000
Morris	6	133,200	88,800	222,000
Ocean	6	133,200	88,800	222,000
Passaic	6	133,200	88,800	222,000
Salem	1	22,200	14,800	37,000
Somerset	4	88,800	59,200	148,000
Sussex	2	44,400	29,600	74,000
Union	6	133,200	88,800	222,000
Warren	<u>2</u>	<u>44,400</u>	<u>29,600</u>	<u>74,000</u>
Totals	103	2,286,600	1,524,400	3,811,000

JUDGES' SALARIES AS INCREASED PER S-969

County	County Judges Authorized	County's Share 60% of Salary of \$40,000	State's Share 40% of Salary of \$40,000	Total Cost of County Court Judges' Salaries
Atlantic	4	\$ 96,000	\$ 64,000	\$ 160,000
Bergen	10	240,000	160,000	400,000
Burlington	4	96,000	64,000	160,000
Camden	6	144,000	96,000	240,000
Cape May	2	48,000	32,000	80,000
Cumberland	4	96,000	64,000	160,000
Essex	12	288,000	192,000	480,000
Gloucester	4	96,000	64,000	160,000
Hudson	6	144,000	96,000	240,000
Hunterdon	2	48,000	32,000	80,000
Mercer	6	144,000	96,000	240,000
Middlesex	6	144,000	96,000	240,000
Monmouth	4	96,000	64,000	160,000
Morris	6	144,000	96,000	240,000
Ocean	6	144,000	96,000	240,000
Passaic	6	144,000	96,000	240,000
Salem	1	24,000	16,000	40,000
Somerset	4	96,000	64,000	160,000
Sussex	2	48,000	32,000	80,000
Union	6	144,000	96,000	240,000
Warren	2	48,000	32,000	80,000
TOTALS	103	2,472,000	1,648,000	4,120,000

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