

State of the Judiciary
Chief Justice Deborah T. Poritz, New Jersey Supreme Court
Address to the New Jersey State Bar Association
May 16, 2003

This is the second year that I have had the opportunity to deliver a state of the judiciary address to you, and I am delighted to be able to do so again. I had long believed that the chief justice of New Jersey should speak publicly on the state of the judiciary - as does the governor on the state of the state - in order to more effectively communicate with the bar and with the public about the courts. Other state chief justices deliver a yearly address in a variety of fora, and it seemed to me that the state bar's annual meeting in New Jersey was an especially appropriate time and place to begin a tradition.

This, then, is my second annual state of the judiciary address, and I will begin (again) by telling you with pride that we are stronger and healthier than we have ever been.

For years you have heard me and Judge Williams, and Judge Ciancia before him, from various and sundry platforms, talk about what we are doing to realize chief justice Vanderbilt's dream of a unified court system. You have heard us talk - sometimes for too long, but always with great conviction - about the steps we were taking, the progress we were making, and the obstacles we were fighting to overcome.

Today, however, I am here to tell you that we have succeeded in establishing the framework for that unified system, and that chief justice Vanderbilt's dream - five-and-a-half decades later - is a reality. We owe thanks, in no small measure, to the work of Chief Justice Wilentz and the legislation, effective in 1995, that gave us the tools to do what had to be done.

And so, when I say that we are strong and healthy, I should add, also, that the New Jersey judiciary of 2003 is a vital and unified court system.

Those of you who know the history of what came before, know too, the reason this success is so sweet.

Before the modern constitution, Jersey justice consisted of a hodgepodge of courts, some with overlapping jurisdiction, some prey to nepotism and corruption. The constitution of 1947 established a statewide judicial system with a supreme court at its head and an administrative office of the courts for its support. But, even then, our courts were heavily influenced by local practices.

We finally had a trial court with statewide jurisdiction, and progress was real, but because the purse strings remained in the hands of 21 different county authorities, there were inequalities across the system, inequalities that, unfortunately, affected the administration of justice. In fact, we have many judges sitting today who were county court judges until that designation was abolished in 1982, 35 years after the new court system had been established.

It was in 1995, following an amendment to the 1947 constitution, that the state assumed fiscal responsibility for that court system. It was, therefore, in 1995 that unification became a real possibility.

But the obstacles were many. There were wide disparities in resources under county funding between the best-funded and worst-funded vicinages, seriously jeopardizing equal access to court services; local cultures differed, sometimes to the point that it made practicing law in a county other than your own more difficult; management structures and available programs varied from vicinage to vicinage; staff held any of more than 700 job titles, got paid differently for doing the same job, and were represented by a number of different unions.

We have spent the last seven years changing all that, setting standards that would apply across the board, establishing administrative structures for all of the vicinages, and equalizing salaries and titles as appropriate. We did this largely by asking the divisions and the judges to identify what works and what does not, to standardize their processes, and to monitor and evaluate their progress. We are proud that change has not been an AOC initiative alone, but a judiciary-wide effort.

When I was here last year, I mentioned Judge Williams' statement that the last great challenge in our quest for an integrated court system was implementation. This year the remaining major pieces of our plan fell into place. And, we reaped the harvest of lower backlogs, greater certainty, and a virtually equal distribution of resources. Now, we are committed to the process of self-examination and continuous improvement, a process that can never stop if we are to remain vital and strong.

In sum, we are the part of government tasked with the fair and swift resolution of disputes involving the people of New Jersey. But we are also an organization with a budget of half a billion dollars and over 9,000 judges and staff persons. We are, as state government goes, big business. And the challenge has been to recognize the need to be efficient, business-like if you will, without sacrificing our core mission to administer justice.

Our vicinages now have similar organizations, and they operate under essentially similar practices and procedures. Funding among vicinages is proportionately equal (to within one percent). We have standards designed to maintain certainty and fairness in a system that retains its flexibility.

As our 55th birthday approaches, the judiciary is, in short, in its prime. Middle age never looked so good.

Best Practices Are Business as Usual

We have developed best practices in all of our divisions, most recently in special civil and general equity, for the casa program in family, and, by means of an approved statewide manual, for drug courts.

Backlogs continue to decline across every major case type. Despite a 3 percent increase in filings during the last court year, the backlog overall fell 22 percent. We are now meeting our time-resolution goals for 85 percent of our pending cases. Although there are undoubtedly several factors contributing to the decline in backlogs, it is undeniable that the implementation of statewide standards has mattered. Best practices, I am pleased to report, has pretty much become business as usual, thanks in no small measure to many of the people in this room today.

Taking a page out of the criminal division playbook, the family and civil divisions have had their own visitation teams for some time now. Under the visitation program, approved by the Supreme Court and developed and implemented by the division conferences, a team of judges and staff visits individual counties to implement best practices and help solve problems. Originally intended to focus on best practices compliance, the visitation process has resulted in other benefits, including opening doors of communication between judges from different parts of the state and solving problems that, in some cases, vicinages did not even know existed. Those visitation teams are a direct outgrowth of the work that went into unification, and would not be possible but for unification. They are one of the ways of ensuring that we are constantly tweaking the system to make it better.

We have done more than tweak the training we give to new family judges. The diversity of case types and the nature of the cases have long distinguished the family part as a difficult assignment to master. Newly assigned family part judges now receive a minimum of two weeks of training - one week from a faculty made up of some of our most-experienced judges and one week of in-court mentoring. Participants also get a five-inch binder of materials for their daily use on the bench. The training we now offer helps both judges and the litigants who come before them. And, again, none of this would have been possible without the standardization achieved over the past few years.

Child Support Enforcement

I can also report that our probation division is working hard to improve its child support enforcement efforts by means of two major internal working groups that are tackling important issues related to almost 300,000 outstanding support orders.

One, an interdivisional group, is setting clear lines of responsibility among our family, finance, and probation divisions to ensure that matters do not fall through the crack because someone assumes someone else has the responsibility.

The second has the monumental task of pulling together a standardized procedures manual that describes the child support enforcement process from beginning to end. By July we should have a final report from both groups, and within a year we should have uniform procedures for child support enforcement.

The working groups are a good example of our new leadership structure, which puts much of the responsibility for running the judiciary in the hands of those on the front line and lets us focus clearly on specific problems and resolutions.

Municipal Court Management

The municipal courts have also benefited greatly from the judiciary's work of the last few years. We have developed standards for municipal court management, an annual visitation plan enabling municipal court administrators and judges to better manage both cases and staff, and a standardized package of budget materials that municipal presiding judges submit to assignment judges to help them manage resources effectively.

One of our most notable accomplishments of the year was the implementation of our first-in-the-nation statewide system for payment of traffic and parking tickets over the Internet on the judiciary's award-winning Web site. Since its inception, the program has collected almost \$6 million in parking ticket revenues and has been widely praised for its ease of use and high-quality performance. Future plans for its expansion include the posting of bail and bail waivers for minor traffic and criminal matters, as well as payment of court-ordered license suspensions.

I would also like to report - although this does not relate directly to my theme of court unification - that since I was here last year, the judiciary joined the mayor of Newark in a collaborative effort that provides a model for how a city that is seriously interested in improving its courts, can. The result is a municipal government that better serves its constituency and a municipal court that better administers justice.

Minorities and Juvenile Justice

In that same vein, we have entered into a collaboration with the Office of the Attorney General and the Juvenile Justice Commission that began in a dialogue with representatives from those entities. We have long been concerned about the large number of minority youth in our state institutions. We wanted to know about what happens to minority juveniles as they come into contact with various parts of the criminal justice system, and we discussed how we could go about getting that information.

Last month, as a result of that dialogue, Acting Attorney General Peter Harvey, Howard Beyer, executive director of the Juvenile Justice Commission, and I asked the chair of each county youth services commission to examine the various decision points affecting juveniles who come into contact with the juvenile justice system. Specifically, we want to understand whether juveniles of different racial and ethnic backgrounds receive disparate treatment at the charging, screening, and dispositional levels.

We are providing the commissions with statistical information, and asking them to use their own knowledge of local conditions as well, to determine what factors play a role in how a juvenile is treated at those points in the justice system. If the inquiry uncovers problems with the way juvenile matters are handled, we want to find ways to improve what we are doing.

Aging Technology

On another subject, we do have a problem with our aging technology. We were fortunate, with your support, to convince the legislature to increase fees so as to establish a committed fund for

some of our technology needs, and unfortunate enough to be caught in a recession that precluded additional funding.

With the funds we are receiving this year, we have begun upgrading our local and wide-area networks, we are making necessary upgrades to our data-center capacity and have begun conversion of our case management and record-keeping systems from antiquated software technology to a new relational technology that will eventually be conducive to Web-enabling and Internet access. While we still have much to do on this multi-year project, and while the dedicated fund will not be sufficient to address all of our information technology needs, we recognize that our progress to date would not have been possible without your support.

Drug Court Funding

Fiscal realities also put our drug court expansion in doubt. Drug courts, like the juvenile disposition study and streamlined child enforcement services, help all of New Jersey, but especially minorities. As you know, these courts offer a new approach to treating drug-addicted offenders. Rather than emphasizing incarceration, which by itself does little to combat addiction, drug courts emphasize close supervision and -- thorough treatment of offenders, with the continuing direct involvement of a judge who oversees the offender's progress. The record, both nationally and in New Jersey, shows that drug courts work. They work because participants remain in treatment and under supervision; they work because the cost per offender is about half the cost of prison; and they work because they result in fewer relapses by offenders and greater success in paying fines and in holding families together. Even more significantly, about 85 percent of offenders participating in our 10 pilot courts have been minority citizens who otherwise would have been sent to prison. Drug courts demonstrate that the overrepresentation of minorities in our prison population can be reduced. We remain steadfast in our belief that a full drug court program is necessary to serve the state.

The coming months, and years, promise to be as busy as those past. The vitality and energy that have come with court unification will stand us in good stead as we face new challenges. Most important, we finally have a strong, flexible, statewide system and, our energies are being directed where they are needed, to providing better service, to continuous improvement, to collaborative efforts with others.

Thanks to the Bar

Finally, the mention of collaborative efforts brings me to a more personal note. The judiciary has accomplished more over the seven years than any of us could have dreamed possible. Your help, the help of the organized bar and its individual members, has enabled us to reach this point.

Richard Badolato recently summed up the bar's significant accomplishments of this past year. It is no accident that a number of those accomplishments involve the courts, including the expansion of the lawyers assistance program to provide services for judges and a revised agreement governing the exchange of information between the courts and the bar.

When we asked for your support for fee increases, you were there, and when we asked for volunteer mediators, you were there. You worked with us to shape the jury note-taking pilot program, and you worked with us at last year's staff college to educate judges about the bar. You gave us input as we set about unify the court system, and you gave us some slack (along with some grief) when we did not carry out your suggestions.

You have been thoughtful about, and you have put substantial effort into, your analysis of proposed changes to the rules of conduct - to admission to the bar on motion, to the bona fide office rule, and to many other very difficult issues.

We have agreed on much and when we disagreed, it was with respect on both sides. For all this, and much more, I want to thank you.

We do not know what lies ahead. Perhaps years of recession and continued budget woes. Perhaps there will be other attacks on the very fabric of our democracy. September 11th has changed what we expect, what we fear. Perhaps we will be fortunate and there will be years of peace and prosperity. But whatever comes, New Jersey finally has what our predecessors dreamed about almost sixty years ago: a unified court system capable of delivering equal justice across the state; a unified court system capable of sustaining the values of a free society.