

State of the Judiciary
Chief Justice James R. Zazzali, New Jersey Supreme Court
Address to the New Jersey State Bar Association
May 18, 2007, in Atlantic City, New Jersey

I would not have imagined at last year's annual meeting that I would be giving this year's report to you on the state of the judiciary. But here we are, just one year later, and presenting the report is a privilege.

Before I begin my formal report, I would like to use this opportunity, as your chief justice, to say to all of you, on a very personal level, hello and goodbye.

No - I don't really mean goodbye.

I intend to stay active in the work of the Bar after my judicial retirement on June 17.

I want to tell you about some of our programs and accomplishments that began some years ago, under the leadership and inspiration of my predecessors, particularly Chief Justice Poritz, and some programs that have emerged in the past year.

Let's start with drug courts.

The Commission to Review Criminal Sentencing recently recommended expanding the statewide drug court program as a fair and cost-effective sentence for nonviolent drug offenders.

Almost 7,000 offenders are now paying fines, child support and taxes as a direct result of the program. The savings to taxpayers - millions. The benefits to society - priceless.

Addressing the Needs of Juveniles

In another initiative, we entered into a collaborative effort with the Juvenile Justice Commission, the Department of Children and Families, county officials and others to form the Juvenile Detention Alternative Initiative.

JDAI reduces the number of juveniles, the majority being minorities, who go into detention and shortens the length of time these kids stay there.

This past year our program was recognized as a national model, one to be emulated throughout the country.

Last month I spoke at a conference of social workers, judges, health care professionals and lawyers who gathered to have frank discussions about the needs of children who are living in families where domestic violence has placed them in danger and torn apart the very fabric of their lives.

Together with Department of Children and Families Commissioner Kevin M. Ryan, I announced that the Judiciary and the Division of Youth and Family Services will form a joint task force to address the needs of children and parents who are the victims of domestic violence.

We need to help the children who are living in these troubled homes and I am quite hopeful that the task force set us on the right path toward solutions.

One of the promises I made to myself as I began my tenure as chief justice was to get out to courthouses and see firsthand what successes were accomplished and what challenges our judges and staff were facing.

I visited each vicinage and saw some amazing things.

For example, in Essex County, court staff have teamed up with the Institute for Social Justice, the Department of Labor and the Motor Vehicle Commission to create the license reinstatement program to set up time-payments to help get those who have lost their drivers' licenses because they could not pay their fines.

In Atlantic, Burlington and Hudson counties, probation officers are wirelessly connected to their offices with laptop computers that make probation files available to them no matter where they are working.

Monmouth County staff is addressing the needs of a growing Hispanic population with help from community groups and the county's Spanish-language newspaper.

I could go on and on, but those are just a few of the new ideas I saw in every county courthouse across the 21 counties.

Whether it's the condition of our courthouses, the need for technology or the needs of our ever more diverse communities, our judges and staff are tackling tough issues on limited budgets and getting the job done.

I see assignment judges, along with their colleagues, sitting here today and I applaud each of them for a job well done.

The efforts of our judges and staff, along with you who are in our courthouses every day, have not gone unnoticed on the national scene.

I am pleased to tell you that the recent issue of The Judges' Journal, a quarterly publication of the American Bar Association, featured an article entitled "Backlog Performance Measurement - A Success Story in New Jersey."

Critics and cynics say backlog reports are about the numbers.

Not true.

They are about the people whose lives are on hold while they wait for resolution.

To ignore what our backlog numbers can tell us is to say to those of you who come to the courts with issues they could not resolve on their own, "We'll get to you when we can. You just have to wait."

That is unacceptable to me and should be unacceptable to you.

We also recognize that we can do things that make it easier for you to practice.

We offer attorneys a link for online registration and payment on our Web site.

Our IT efforts allow you to file certain civil cases electronically and all the information you need to get started is on the Web site.

And, again on the Web site, you will find current extraordinary resources - forms, notices, opinions as well as streaming video of Supreme Court oral arguments.

Nine courthouses currently - and more coming - are set up for wireless Internet access so you can work with your office files right from the hallways.

And speaking of efforts on behalf of the bar, the Supreme Court recently created an Ad Hoc Committee on Continuing Legal Education. The committee scheduled a public session here today expressly to solicit your input.

We want to hear your concerns and we want you to listen to the goals of the committee.

Former Associate Justice Peter Verniero chairs the committee and will do a great job.

I urge you to attend the public meeting of the ad hoc committee today at noon in the first-floor theater.

All of the good work I have outlined is accomplished in the face of some serious challenges.

Diversity on the Bench

One significant challenge is that we continue at an all-time high of judicial vacancies.

As candidates are considered to fill those vacancies, all of us need to do more to ensure diversity on the bench and in the courts' administration.

As I discussed with members of minority bars just last week, we must make every effort to encourage minority attorneys to seek opportunities in the judiciary.

Back in March, Phil Carchman put out a notice to the bar requesting resumes of those who want to serve on various committees that the Supreme Court has established.

Our goal of a judiciary that truly reflects who we are as a state will not be met unless all of us are working together to seek the best and the brightest from all backgrounds.

To do so is not for the benefit of a few, but for the benefit of all who live and work together in this rich and diverse tapestry that is our New Jersey family.

We must look as carefully into the future as at the here and now.

What lies in store for future generations of attorneys and judges?

Let us not, therefore, forget our responsibility to educate and inform our young attorneys, not just about practice skills, but also about their greater responsibilities to educate and inform themselves and others, to strive for excellence in their professions and to do good work in their communities.

Next Thursday evening, Lynn Newsome, or Madam President, as I now call her, and I will be meeting with young lawyers at the Law Center in New Brunswick for an open discussion, to address their questions and concerns and to offer them whatever guidance our experiences have given us to share.

And for our newest attorneys, those who passed the February bar and just received the good news, congratulations.

The Supreme Court justices and the judges of the U.S. District Court for the District of New Jersey invite you to return to a grand ceremonial tradition of the New Jersey bar.

On Tuesday, May 29 at 10 a.m. we will perform a swearing-in for all new members who wish to participate.

This is a great opportunity for both the profession and for the young attorneys who are the future of the profession.

I encourage new attorneys to attend.

Judicial Pay Raise Needed

We face another challenge.

Our hard-working judges are demoralized by the lack of a judicial pay raise in the past eight years.

I have personally visited almost a dozen editorial boards to educate their influential writers, publishers and editors about the dire consequences of an under-funded bench.

Newspapers have written about salaries for new associates in law firms that equal or surpass the salaries of trial court judges.

In his budget address this year, Phil Carchman brought my message to the Legislature of a constitutional crisis bearing down on the court system.

Gov. Corzine created a blue-ribbon panel to assist with recruiting top-notch attorneys in the state to serve on the bench.

My fear is that no panel can overcome the realities for judges living in a state where we rank at number 41 in spending power compared to our colleagues across the nation.

I tell you, and I know the judges in this room would agree, that an appointment to arguably the finest judiciary in the nation, is an honor that compels us to enter public service knowing the financial sacrifice we will make.

But for some, the sacrifice has become too great as they raise children and plan for their future. Sadly, they have had to hang up their robes for the sake of their families.

We need you who sit here today, as well as your partners and bar associates, to recognize the need for an adequately funded bench. Notice I do not suggest extravagantly funded.

Some of you may be wondering if a judicial appointment is in your future, but worrying that you cannot afford it. That is a troubling thought for the future of justice in New Jersey.

I am hopeful because this year we have the support of the governor and many legislative leaders along with members of both houses.

Please join us in our effort to ensure that the people of New Jersey understand the role of the courts, the third branch, and why it must be given the resources it needs to serve independently and robustly, as our proud tradition instructs us to do.

Prospect of an Uninformed Public

To understand the purpose of an independent judiciary requires an informed and educated public.

Query: Where and how do they get their news?

I have said many times that while we live in the information age, we are not living in the informed age.

The delivery of news is often in snippets - online, or in headlines, boxes and short items.

Young people today do not read newspapers the way we did when we were young, when newspapers were the main source of information about government and world events. I find that extremely troubling.

Even identifying what is news has become difficult.

In some arenas, the lines between news and entertainment have blurred.

Talk shows are directing the public discourse. An uninformed, or worse, an ill-informed citizenry is a blight upon our great state and on our nation.

We must work together to have a strong system of delivering accurate information about what we do.

To that end, recently I, along with the Bar Association and the New Jersey Press Association, hosted a daylong bench, bar, media conference.

I think it fair to say we share more common concerns than differences.

I announced that day that we will create a standing committee of the Supreme Court to ensure that the lines of communication we opened that day will remain viable.

I ask each of you sitting here today or reading this speech to pledge to take every opportunity to inform the public about what attorneys, judges and the entire legal system does and why it matters.

Let me now shift gears.

I've spoken about the state of the judiciary but I would like to take these few remaining minutes in my speech and in my term as chief justice to talk about the state of the bar - the state of our great profession, your profession in which I served for 38 years and to which I return in about 38 days.

For what it's worth, over the past year I went to each vicinage to meet with the leaders of almost every county bar association to get their "take" on matters of concern.

I wanted to honor a commitment I made to the State Bar Association.

Your dedication to the rule of law and to the legal profession is integral to the national reputation of excellence the New Jersey judiciary has earned.

To keep our national reputation, we must be ever vigilant about identifying problems in our practices and eliminating them swiftly. Yes, we too face challenges.

Yet I am optimistic that with the education of young lawyers and your continued watchfulness, we can maintain and even exceed the standard of excellence we have achieved.

I'm going to be making certain statements about where we sometimes go off the tried and true path. I know that in that respect that I'm preaching to the converted.

You are leaders of the bar and the caveat that I preach and the caution that I urge to be taken applies not so much to you, but rather to attorneys in your firm, your friends who are attorneys and those attorneys you come into contact with.

Ethics Concerns

As a former member of the Disciplinary Review Board for 15 years, let me speak about ethics concerns generally and how attorneys should deal with them.

I urge you to transmit this advice.

I urge you to speak with attorneys who may not have made a mistake - but are on the verge of one, or who are errant attorneys who already have a problem.

Urge them before they have a problem, but when they realize there are ethical questions presented in a particular situation, to get advice. Get advice from you, from fellow attorneys in their firms, from the hotline that we have in Trenton, from the Advisory Committee on Professional Ethics.

If they're already into a problem, urge them to seek counsel promptly.

Perhaps, most of all, tell them not to make the mistake of being their own attorneys.

Sometimes, as we see from attorneys who appear before us and appear pro se, it works.

Most of the time it is an abject failure.

The Supreme Court set up the ethics hotline and appoints the dedicated members of the ethics committees to help attorneys avoid problems in the first place.

Bring these caveats and suggestions back with you and stress the enormity of ethical responsibilities and the magnitude of the consequences of a breach of ethics.

With your help, we could see many fewer disciplinary cases before us.

Unfortunately, we see many cases where problems with drugs and alcohol abuse are at the root.

Tell attorneys to stay the heck away from this junk.

Addictions will devastate the lives of attorneys and their families and could end their careers.

If you know someone who is in trouble because of addiction, depression, gambling, stress or burnout, I urge you to get them connected to the New Jersey Lawyers Assistance Program immediately - today.

The Supreme Court assured utmost confidentiality by Court Rule 1:28B-3.

We could not be more serious about getting help to those who need it.

Go to the program's Web site to learn how to contact them and then let your friend or colleague know.

Don't wait for someone else to step in.

Do it, I must say it again, today.

The Scourge of Runners

Some behavior cannot be treated. It simply must be stopped.

I am talking about runners - one of my pet peeves.

The use of runners by some attorneys is perhaps the single most offensive scourge on our honorable profession.

The few attorneys who employ runners are doing serious damage to you, their fellow attorneys.

In a word, they are stealing your clients.

This illegal activity, perpetrated by a small minority, cheapens and sullies the work we do.

As a profession, as a group, we cannot tolerate these hustlers, the small minority who operate in an underground of deceit.

Am I asking you to report them?

I am simply reminding you that under the Rules of Professional Conduct, you have an obligation to report nonprivileged knowledge of conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness.

Employing runners certainly fits that description. We know they are out there and we all want them stopped.

Obsession With Billable Hours

Let's talk about billable hours.

I guess billable hours are part of the fabric of attorneys' lives these days in so many situations. I understand that.

I'll be shortly returning to that scene and worrying whether this or that phone call is worth one-tenth of an hour, which is what it really took, or do I charge a minimum of a quarter of an hour.

I will agonize over those questions as you do. I will have to decide what is fair to the clients, as you do.

My concern about billable hours is not the fact that they are part of the fabric of our profession, but what concerns me is the "obsession" with billable hours.

All I can urge you there -- let's start using some common sense.

And this takes me to the overall concerns about success in the profession.

Make sure you have a life of your own.

If you are overwhelmed by your profession responsibilities, you are not alone.

I spoke to you about the services of the lawyers assistance program. You can call them for help in balancing work and family, and you can do it confidentially.

You must take care of your health, your family, your outside interests, your inner being.

If you are a manager in a firm, and I see a few here today, please think about the importance of these "quality of life" issues not only for you, but for your staff as well.

Anna Quindlen, who spoke at the Bench, Bar, Media conference two months ago and who is a genius in the art of saying profound truths in one succinct sentence, said in *A Short Guide to a Happy Life*, "You cannot really be first-rate at your work if your work is all you are." To that I say - amen.

And in this connection, the former president of Fordham University, once wrote a book called "Good Old Liberal Arts. "

Stay close to the interests that we loved in college - good literature, good fiction and prose, poetry, history, government, music, theater and art.

As I say to the young attorneys, sometimes it is better to read a good book than to write a great brief.

The state of the judiciary and the state of the bar is strong and vibrant and with you as our future will remain so.

My report to you is complete, my job is nearly done. For all of the support and hard work you - attorneys, judges and staff - have provided me during my brief moment, I say thank you.

And to paraphrase Edward R. Murrow, I also say, "Good day, good luck and good bye."