State of the Judiciary
Chief Justice Stuart J. Rabner, New Jersey Supreme Court
Address to the State Bar Association
May 23, 2008

Thank you, Peggy, and congratulations to you on your installation last night as President.

Chief Judge Brown, colleagues in the judiciary, colleagues in the bar, I too want to start by offering condolences to the Dileo family and acknowledge the extraordinary contributions of Matt Dileo over the years. He leaves behind a legacy that will endure and that I'm sure will continue to inspire us for the years to come.

It's been my privilege these last 11 months to travel around the state to meet with judges and staff in each of the vicinages, to meet with leaders of the Bar in each of our counties, and to attend a variety of legal functions throughout our state. At all of these events, I've been fortunate to meet people who care deeply about the state of our judiciary. Each step of the way, I was glad to be able to confirm that the reputation the New Jersey judiciary has for excellence is richly deserved. That's due to a number of things, including the strength of our judges and staff and our extraordinary relationship with the Bar.

Let me touch on both of those areas briefly, starting with the judges. There are many ways to evaluate a judge's performance. One of the best comes from a famous novel, "Anatomy of a Murder," written in 1958, whose words still ring true today. I can tell that many of you know what I'm about to touch on.

The author described four classes of judges: The first, judges with neither a heart nor a head, who are to be avoided at all costs. Second, judges with head but no heart, who are almost as bad. Third, judges with heart, but no head, risky, but better than the first two. And finally, those judges who possess both head and heart. I am so pleased to acknowledge what we all know, and that is that New Jersey is very fortunate to have judges with both a head and a heart, known for their independence, their integrity, the caliber of their decision-making, and the pursuit of justice that they bring to each and every case that is presented before our bench.

Our judges are most fortunate to have a constructive, vibrant partnership with the bar associations at the county and state level. It's a relationship borne of mutual respect and a sense of shared obligation. The public should take great comfort from the way in which both the bench and bar work together constructively on issues that matter a great deal, always trying to improve the quality of justice in our state. I look forward to continuing that healthy and ongoing conversation for many years, and working with Peggy and all of you in the Bar over the coming year. I also look forward to meeting with many more members of the Bar this year throughout the state.

One such meeting will take place at Rutgers Law School in Camden, once their extensive construction and renovation project is completed. Dean Solomon gave me a tour of the construction site a few months ago. For those of you who may not know, Rutgers-Camden Law School is in the midst of a 53,000-square-foot addition. Included in that addition will be a

courtroom that their students will use. When I walked through with the dean, I asked him how many people could sit on the bench that they were constructing, and he said, "five." I wasn't too happy with that. I asked him, "could it seat seven?" Our dean, sharp fellow that he is, immediately caught on, and made some design changes. On behalf of the Supreme Court, I am pleased to announce that our Court will help celebrate Rutgers-Camden's newly renovated law school this coming term when we conduct a session of oral argument at the law school, in that new courtroom. Afterwards, we will meet with the students and the bar who may attend the session that day.

There are other events in the coming year that present some more sobering challenges. As you know, our judiciary's budget faces a shortfall of some $27 million this year. It's a reflection of the hard economic times that our state faces. We have no choice but to do our part and to work through this problem. The expenditures in the judiciary, as you know, are driven mostly by the salaries of our employees, so it is no surprise that that is where the savings have to be found. I expect that next year this time the judiciary will have approximately 300 fewer employees than we currently have.

The loss will be shared across the vicinages and at the AOC, and these losses will come at a time that we expect a greater number of case filings statewide. Foreclosure filings for this quarter alone have averaged more than 4,000 per month. That's up 44 percent compared to what occurred in the same period last year. We expect more than 49,000 foreclosure filings for the calendar year, which will be double what occurred two years ago. Regrettably, that foreshadows other hardships that families face as they juggle trying to pay the mortgage and other bills. We expect this year that there will be an additional 100,000 filings in our Special Civil Part.

The bottom line is that we will do our best to absorb this loss of personnel, and do so without harming any particular program area or any vicinage, by working with our judges, with the strong support of their managers and staff, and with the cooperation of our Bar. We fully expect that we will be able to meet the needs of litigants and lawyers and the public as we work through this year.

The judiciary is not the only organization that faces a difficult budgetary time. I'm particularly worried about our colleagues at Legal Services. They face a significant and nearly catastrophic shortfall as the result of the reduction of income from IOLTA funds. We all need to look for creative ways to help those who desperately need legal assistance. Legal Services serves citizens in times of crises, and we must find ways to help Legal Services as they face their own crisis.

One other challenge that we are working on, which is actually an opportunity, is the expansion of our electronic filing system throughout the Judiciary. We've had tremendous successes to date on that. It was unfolded in late 2000 in the Special Civil Part, and since that time more than 2.3 million electronic filings have been received by the court. But we need to do more. We need thoughtful answers to basic questions at this juncture like, what type of system should we build? How do we integrate electronic filings by attorneys with a case management system that will make best use of the materials for all of us? What substantive areas should we be covering next? How do we proceed? With in-house resources? With a vendor from the outside or from the private sector? How do we address the very difficult funding issues that we now face? In what

time period can we realistically expect to see these expansions? And how do we best implement a system that meets the needs of the bench and the Bar?

In the very near future, we'll be announcing a special committee that will analyze these questions and others. We will draw on practitioners from large firms, small firms, in-house positions, on judges, on staff and on those with the sorely needed technical skills to help us address these issues. Afterward, we will evaluate their recommendations and move forward promptly, as we must.

At the same time that we undergo this comprehensive study, we will continue to make use of technology to improve the way that our system operates. We're nearing completion of a statewide system that will allow us to post juror reporting information on the Internet. Soon, anyone summoned for jury service will be able to log onto our Web site and find out if they have to report to court the next day. That will supplement the telephone call-in system that we have right now and be an added convenience for our jurors, for our citizens.

This year for the first time, attorneys statewide have been able to pay their annual registration fees online both securely and quickly. That approach also helps us maintain more accurate records of members of the legal profession and I invite you to try it the next time that you register.

Let me take a moment to applaud the Bar on its recent pro bono conference, where you highlighted a number of ways that we can help serve the public in times of need in the very best traditions of our profession. Permit me to focus on one project in particular. The "Military Legal Assistance Program," which others have spoken about these days, calls on volunteers to provide legal assistance to members of the National Guard in New Jersey. To date, more than 1,000 members of the National Guard have been called for tours of duty in Iraq, and they have some basic legal needs like wills and powers of attorney that need to be executed before deployment. They must deal with landlord-tenant, family law issues and credit issues during their term of deployment, and employment questions and issues about medical benefits upon their return.

Next month, we will have the largest call-up of service people in our National Guard since World War II, with 4,000 soldiers being called upon to serve a tour of duty in Iraq: 4,000 people with legal needs in all of these basic areas and then some. The Bar Association, through the Military Legal Assistance Program, has been working with JAG attorneys to provide for those needs. This is a program that Wayne Positan started, that Lynn Fontaine Newsome has championed, and the unsung hero behind it is retired Brigadier General Bill Greenberg of McCarter & English. Four thousand more soldiers will strain the existing system that we have set up. Simply put, we need more help from practitioners, especially in the area of family law, and I ask members of the Bar to each consider taking on one case during this coming calendar year. It will make an extraordinary difference. If you can help in any way, please reach out for Sue Feeney at the Bar Association, for Bill Greenberg, or contact my office and we will help direct you to the right person.

Let me also tell you about a new pro bono project that Judge Stern of our Appellate Division has been working on, which we expect to implement in the next few months. It relates to criminal

appeals. We have a number of attorneys, particularly newer lawyers, who would relish the opportunity to be able to argue a case in front of our Appellate Division. We have an exceptional Public Defender's Office that will benefit from assistance in bringing appeals, and of course, we have defendants and a judicial system that are best served by having good lawyers work on cases promptly. Thanks to the cooperation of the public defender, we are going to try to marry these concepts in a pro bono project that I envision will unfold in the following way: The public defender will remain attorney-of-record in all of these criminal cases; private lawyers, members of the private bar, will volunteer to take on some of these cases working under the supervision of the public defender; and the Appellate Division promises to hear argument in any case in which a private attorney is representing a client in these matters. It is a win-win situation for the Bar, for the young attorneys, for defendants for our system as a whole.

And finally, I want to offer words of thanks to a very special individual who has provided exceptional service to the bench and the Bar throughout his entire career, and especially these last nearly four years, when he has served as director of our Administrative Office of the Courts. I am referring, of course, to Judge Phil Carchman.

The strength of our judiciary is in the depth of its bench, and Judge Glenn Grant is a perfect example of that. Judge Grant, as you know, will be succeeding Judge Carchman beginning September 1. But I know that I speak for many people, including Judge Grant, when I say that we will miss Judge Carchman's wisdom and good nature, his leadership, his involvement in virtually every issue of importance that our Court has taken on these past four years, and his friendship even though we're not letting him go very far as he returns to the Appellate Division at his own request.

Judge Carchman, during the next three months, Judge Grant, and I welcome your thoughts about the judiciary. I invite suggestions, ideas, constructive comments that you may have. Please send them directly to me or to them. E-mail is the easiest way to reach me. I encourage you all to do so. I hope you enjoy the rest of this wonderful conference, and I thank you very much for your attention.