

State of the Judiciary
Chief Justice Stuart J. Rabner, New Jersey Supreme Court
Address to the State Bar Association
May 18, 2018

Good morning, everyone. Thank you for welcoming Chief Judge Linares and me to participate in today's program. This past year, we witnessed a number of developments in the legal community, and there are others on the horizon. Let's talk about a few of those issues and begin with an item I will not discuss at length: Criminal Justice Reform.

Seventeen months ago, as you know, we implemented the most significant changes to the State's criminal justice system in decades. We moved away from heavy reliance on monetary bail to a risk-based system for pretrial release, and we implemented a new speedy trial law.

Because we discussed this at last year's Bar Convention and at other events, I'm going to refer you to a very fine report that the AOC prepared for the Governor and Legislature, which contains an in-depth review of the first year of Criminal Justice Reform. The bottom line of the report is this: We are making steady progress to achieve the law's aims. Judges are detaining high-risk defendants for the first time in the State's history and releasing and monitoring those who present less of a risk -- instead of holding people in jail because they are too poor to afford bail even if they do not pose a real risk.

There's much work still to be done, and we continue to learn and adapt each day. For now, I want to thank Judge Grant in particular for his stewardship of this vital program in recent years. I also want to thank the judges throughout the State. Think about this: They oversaw 14,000 detention hearings last year alone. And they are now dealing with the demands of the new law's speedy trial component. They have acted with the level of professionalism, dedication, and skill that we see daily in Civil, Family, and General Equity as well.

When other states have approached New Jersey in recent months for guidance and advice, we've highlighted the contribution of our judges, who were open to tackle a new challenge in a different way. They have helped create a fairer system of pretrial justice in New Jersey.

Judges not only come to work each day to serve the public, but they also prepare for hearings in advance; try to stay up-to-date on the law; and issue written and oral decisions in hundreds of thousands of cases each year -- without losing sight of the fact that each case matters a great deal and can affect people's lives in profound ways.

That's one reason we are very pleased that the Legislature took a careful look at judicial salaries this past year. As you know, judicial salaries have not increased in nine years; in fact, judges' take-home pay has gone down from a decade ago as pension contributions quadrupled and health care contributions increased more than four-fold.

We are grateful for the leadership of Senate President Sweeney, Assembly Speaker Coughlin, and many others. The Senate President and Speaker not only supported but also sponsored

legislation that is not easy to champion at this difficult economic time for our State. I thank them for their leadership and friendship to the Judiciary.

Earlier this morning, I heard from the Governor's Chief Counsel, Matt Platkin, that Governor Murphy will be signing the salary bill. He said I could relay the news to you, and I am delighted to do so. By signing the bill, the Governor will affect the vitality and the future of the State Judiciary for years to come. On behalf of the entire Judiciary, I want to express our sincere gratitude to the Governor. Taking this step early on in his term sends a very strong message of support for the Judiciary.

What that means at a session about the "State of the Judiciary" is simple. The state of the Judiciary is strong. It is stronger today than it was yesterday. It will be stronger still on July 1, when gifted judges who are eligible for retirement decide to stay on, which is good for the State. And it will be stronger still as we continue to attract talented people from across the legal landscape to the bench.

We all know that one of the most important things for a lawyer to understand is when to stop, when to sit down. I'm sorely tempted to do so now. Only one thing is holding me back. I have a feeling the State Bar expects slightly more extended remarks about the State of the Judiciary. So, let's touch on two more topics.

May is National Drug Court Month, and there are programs taking place throughout the State to mark that designation. They are a sober reminder of the crisis that our State, our nation faces at this time. Earlier this week, for example, members of the Judiciary, public officials, law enforcement officers, and treatment providers met in Mays Landing for a summit on the opioid crisis.

That was not a one-time effort. The New Jersey Judiciary has had a robust program to address non-violent offenders addicted to drugs since 1996. Drug Court began then with a pilot project in Essex and Camden counties; it went operational in courthouses throughout the State in 2002. What started as a voluntary program is now mandatory for certain offenders since 2013.

Let's step back and look at the program as a whole. As of the start of this month, 5,254 individuals have graduated drug court. It would have been enough for them to graduate drugfree, having broken out of the cycle of addiction. But there is more. There is much more, as many of you know well.

Fewer than 30 percent had full-time jobs when they enrolled in drug court. Upon graduation, 85 percent had fulltime employment. One out of five had health care benefits at the outset; one out of two had them at the time of graduation. One out of five had a valid driver's license at the start, which is critical to keeping a job in our State. Well more than half, 63 percent, had a license when they finished the program. Thirty percent improved their level of education and/or vocational skills. And the rate of rearrest and conviction for indictable offenses for drug court graduates 3 years out is 7 percent as compared to 40 percent for those not in drug court who leave state prison.

Let's talk about the human element as well. 632 babies have been born to drug court participants and graduates who had once been addicted to drugs. 200 parents regained custody of their children. And this group of 5,200 graduates are parents to more than 5,600 children who will have richer, fuller lives as a result.

What accounts for that remarkable outcome? The determination and hard work of the participants and graduates, and the support of family and friends at each step. There's also an entire team that stands with them: probation officers; rehabilitation and treatment providers; prosecutors and defense attorneys; drug court coordinators; Judiciary substance abuse evaluators; and many others, judges among them.

Add to that the members of the executive and legislative branches who have been strong and sustained supporters of drug court from the outset.

Make no mistake: drug court is a rigorous program with intensive supervision over a period of years, and some very tense moments along with way. But if you ever want to be uplifted, find time to attend a drug court graduation, many of which are taking place this month. You will see judges and defendants hug one another with genuine warmth -- something not often seen in a courtroom.

Let's talk about one of those graduates, Landon Hacker. Before he entered drug court, he spent most of his adult life either homeless, in jail, or in institutions because of drug addiction. He was banned from the Rutgers-Camden campus after having been arrested there on multiple occasions. At one point, he slept a couple of blocks from campus under the Ben Franklin Bridge.

Landon went back to college while in drug court. He graduated with a degree in political science and a 4.0 grade point average. While in drug court, he got a job as a mail clerk at his lawyer's office, and he has worked full-time in a lawyer's office for more than five years. He is now finishing his second year at Rutgers Law School and hopes one day to be a defense attorney. He wants to work for the Public Defender's Office, where he interned last summer, as a public defender in the drug court program.

Landon has been clean for 6 years. He credits drug court with saving his life. He has a college diploma that hangs below his drug court diploma because, as he says, his graduation from drug court was the greater accomplishment.

If you were to ask Landon about a weakness in the drug court program, though, he would tell you it's the need to link drug court participants and graduates to work opportunities. And he is right. One of the most significant barriers for drug court participants -- who have a criminal record -- is to find stable employment.

During the first year of the program, drug court participants must find work. They bring different skill sets to the job market. Most have high school diplomas or a GED when they graduate from drug court. Some have vocational school training with certificates in carpentry, plumbing, forklift operation, commercial driving, and other areas. All are eager to work to stay on the road to recovery -- and they need our help to do that.

Today, I'd like to enlist your help to respond to Landon and hundreds of other like him who are looking for a second chance at life -- by trying to create partnerships with employers across the State and securing stable employment for drug court participants.

The concept is simple. It starts with explaining to employers large and small what drug court entails and the remarkable record of achievement those 5,200 graduates represent. We then need to ask employers if they would be willing to review resumes of drug court participants and graduates, and offer them jobs -- offer a second chance to people who are turning their lives around.

I'm optimistic that the response will be positive. Many corporate citizens in our State will respond to the call if we approach them in the right way. Here's one recent example. It involves Hard Rock Casino here in Atlantic City, which is about to open its doors, and Local 54, which represents hospitality workers in the Atlantic City area. They are working along with the drug court program in the Atlantic/Cape May Vicinage to get training and provide fulltime employment for at least 30 drug court graduates. Judge Mark Sandson, the dynamic drug court judge from Atlantic and Cape May Counties, has been working with Joe Jingoli of the Hard Rock Casino and Bob McDevitt, President of Local 54, to make this a reality. That is a tribute to the three of them, who are here this morning.

How did that start? Quite simply. Judge Sandson had a prior relationship with Mr. Jingoli, and he reached out to him to start a conversation that has flourished. Since then, Judge Sandson and Assignment Judge Mendez have contacted other large employers in the area. We're hopeful that the casino industry alone will find stable employment for 100 drug court graduates. The Judges are exploring pilot projects with other employers in the area as well.

With 3,400 people in attendance at this convention, which is remarkable, some of you may be able to make additional connections that could enhance the drug court program. If you can, reach out to me or Judge Grant; to Donna Plaza, the drug court coordinator for the Judiciary; or to an assignment judge, Judge Sandson, or Judge Lydon, the chair of the drug court judges committee. Tell us about companies you think might be willing to take a most important step of offering a recovering addict a job. That's one of the most significant ways to respond to the public health crisis that exists all around us and help put people on the long-term path toward recovery.

Let's touch on just one more subject this morning, which requires us to remember challenges we faced as young lawyers starting out in the profession. Law school, of course, places a heavy emphasis on classroom training with some clinical programs as well. Many students also work part-time as an intern during the school year or summer.

When they pass the bar, we somehow expect that they will be able to make decisions about how to work and communicate with clients and office staff; how to deal with adversaries, the court, and court staff; and how to manage a law practice, whether that relates to trust accounts, time management, or billing. They're expected to understand practical points like how the rules of evidence and the court rules apply in a courtroom setting, and the fine points of litigation and transactional work.

If we were lucky, we had the good fortune of clerking for a judge or working at an office where there were enough lawyers -- who had both time and patience -- to find a mentor and ask questions, or pick up skills simply by watching.

That's not so in many cases. Three out of ten practicing lawyers in New Jersey are solo practitioners. Nearly 10 percent are at firms with 2 lawyers. A total of 52 percent practice at firms with 5 or fewer lawyers. Who are new lawyers in solo or very small firms to turn to with questions about their first deposition, their first motion argument, or an ethical problem that is hard to puzzle through alone?

I was very pleased to hear John Keefe's comments last night about a mentorship program that the bar is launching. The Commission on Professionalism in the Law has also been looking seriously at the issue. It examined mentoring programs in other states and sought advice at the Bar Association's solo and small firm conference.

The Commission linked up with the Morris County Bar Association and made a proposal for a joint unified mentor program that the Court approved. In a nutshell, here's what the program is about: It's voluntary. It operates on a 12-month cycle with 8 in-person meetings between a mentor and mentee. It's open to lawyers who have been admitted to practice for less than 5 years; mentors need at least 7 years of experience. And both the mentor and mentee receive 6 hours of CLE credits for the year.

The Commission also developed a program manual that is keyed to different practice areas and particular topics. It is meant to help lawyers develop the skills, judgment, and professional values we strive for as lawyers in New Jersey. So, if you're a member of the Morris County Bar Association, you can sign up as a mentor or a new lawyer. If you are from one of the other 20 counties throughout the state, the time is right to develop a program there as well, and I encourage you do so. Just reach out to the Commission or any of its members, including its dynamic chair, Professor Paula Franzese of Seton Hall Law School. I know that she worked closely with Chief Judge Simandle, Judge Bissell, and others on the project. Or ask the Morris County Bar Association what needs to be done to develop a program in your backyard. It's not only a meaningful way to earn CLE credits; it's a way to give back, a way to pay forward and enhance the practice of law in our State.

I want to thank everyone who has been involved in those efforts to date as well as other worthwhile programs throughout the state. As always, we welcome the bar's help in all respects. We appreciate the ongoing dialogue, the back-and-forth that creates a stronger system of justice in our State.

Thank you again for inviting us to this convention. I want to thank the Governor, the Senate President, and the Assembly Speaker for spicing up this morning's program. And I wish you all a good day.