

State of the Judiciary

Chief Justice Stuart J. Rabner, New Jersey Supreme Court

Message to the Bar

May 16, 2025, at New Jersey State Bar Association Convention, Atlantic City, New Jersey

Good morning, everyone. Thank you, Christine, for welcoming Chief Judge Bumb and me to participate in this year's convention. It is an honor to be on this stage serving as a warm-up act of sorts for Associate Justice Stephen Breyer. We are very pleased to be able to hear from him soon.

Congratulations to you, Chris, on being installed as bar president last evening, and thank you for your inspiring, meaningful, and supportive words. We look forward to working with you and your colleagues on a number of important projects in the year ahead.

Thank you also to Bill Mergner. He has been a strong supporter and friend of the judiciary and has led the lawyers of this state with distinction. Thank you, Bill, for all that you have done.

This morning, I'd like to speak with you about a series of developments during the past year that affected lawyers and the public. I'd also like to update you on certain initiatives that the judiciary continues to work on.

At the start of the court year in September, the judiciary began to livestream oral arguments before the Appellate Division—a practice that has been in place for two decades at the Supreme Court. The goal is simple: to enhance transparency and access to the courts for lawyers and members of the public.

Not everyone can attend oral arguments in Trenton or other parts of the state, where critical issues are debated and discussed. But today everyone can access written briefs in advance, and watch oral arguments in real time, by simply clicking on the judiciary's website.

Oral arguments are also archived and available to be viewed whenever it is convenient to do so.

There are some common-sense exceptions for sensitive case types like proceedings to establish paternity, civil commitment hearings, and other matters. Those will not be broadcast live for good reason.

The results to date are quite impressive. As of last week, the Appellate Division had livestreamed 778 oral arguments; only 12 others were not broadcast. That's a credit to staff members and judges who enabled us to accomplish all that with a short amount of time to prepare.

The judiciary is also committed to expand opportunities at the trial court level and allow the public to watch proceedings of great interest, like public corruption matters, in real time. And we will strive to continue to enhance public access to the courts in the years ahead.

The judiciary has also taken steps in the past year that more directly affect lawyers and the practice of law. Last October, as you know, the court issued a series of rules that create a path

back for attorneys who have been disbarred. The rules stem from the court's decision in *In re Wade* several years ago, which called for the establishment of a committee to re-examine the issue of permanent disbarment. The committee, in turn, issued a report and a series of recommendations, which the court adopted in large measure.

This marks the first time in 45 years that disbarred lawyers will have the opportunity to apply for readmission to the bar.

The rules create a vigorous and fair review process to protect the public and also give lawyers a chance to practice law again after five years. That process is well underway. Nine disbarred attorneys sat for the bar exam in February; no doubt others will in the future, as happens in more than 40 states across the nation.

We thank Justice Virginia Long and Camden County College President Dr. Lovell Pugh-Bassett, who co-chaired the committee, along with the practitioners, public members, representatives of the state bar, and others who served on it.

We have also worked on the issue of succession planning for lawyers this past year. As all of us know, there are times when someone is needed to step in on a temporary basis, or to wind down a law practice, and ensure that existing clients are well served. That's not an easy task. It can generate anxiety and challenges for clients and attorneys alike.

We solicited comments from the bar, and the court then issued a notice that encourages New Jersey lawyers to designate successor attorneys to handle clients and other responsibilities. The court did not require the designation of a successor at this point.

In addition to collecting basic information about successors, the judiciary will offer CLE programs for attorneys at no cost to provide guidance on this topic.

Those steps align with recommendations that come, in part, from the Supreme Court's Committee on Wellness. The committee, under the leadership of Justice Solomon, deserves thanks for its continuing efforts to raise awareness about health-related challenges and risks that practitioners, paralegals, law students, and judges all face. They range from mental health issues to substance abuse disorders as well as other serious problems.

To address those very real concerns, the committee this past year worked with assignment judges to highlight available resources for colleagues in need; solicited input from attorneys, law school faculty, and judges of the Municipal and Superior Courts; collaborated on educational programming with the state bar; and met with leadership of the county bar associations to develop programming at the local level. That has already resulted in programs in Camden and Middlesex counties, with more to come.

Both the judiciary and the state bar, like many public and private entities, have focused attention recently on artificial intelligence. For the legal community, questions abound: How will we use AI? What should we not use it for? What ethical implications are tied to the use of AI? And what

will the practice of law look like in the future in a world shaped by AI—along with many other questions.

The judiciary provided some guidance on the potential and risks generative AI poses in two documents: the court's Statement of Principles and Preliminary Guidelines for Attorneys. The latter addresses the Rules of Professional Conduct and underscores the continued need to be accurate and truthful as we use AI in communications with clients, counsel, and the courts.

The state bar also issued a report that touches on those and other issues, and has hosted many courses at this convention. We appreciate the opportunity to continue to work together with the bar on this important subject.

The related topic of cybersecurity is seldom far from mind. Courts and lawyers are no different from the rest of society; we are at risk of cyberattacks that can have very serious consequences. Unfortunately, there have been many reports of law firms that have been compromised and subjected to ransomware demands. The courts have been affected as well.

Last October, a court system in the Midwest was attacked by a sophisticated ransomware group from overseas. For several months, remote access and e-filing were disabled statewide. Lawyers and self-represented litigants either had to submit paper filings or go to the courthouse to plug into a computer and file electronically. And the state paid a ransom to restore access to the courts.

We all have a stake in safeguarding the interests of clients and litigants, and in minimizing disruption to firms and the court system. That is why lawyers are required to notify the judiciary about suspected cybersecurity incidents—so that we can try to prevent against the danger of possibly infecting parts of the network or the court system as a whole. If you find yourself in that situation, simply call the Superior Court Clerk's Office or go to the judiciary's website for more information about how to report what happened.

Another vital step is to learn more about the benefits and risks associated with technology as well as steps we can take to prevent those risks. With that in mind, the court last month approved a new CLE requirement that requires all of us—lawyers and judges alike—to take a standalone course related to technology for one credit each two-year reporting cycle.

We will provide additional details in a future notice to the bar. We also welcome suggestions you may have on this and other pressing topics.

Let me briefly update you on two ongoing Judiciary initiatives. The first relates to the judiciary's JOBS program. The acronym stands for Judiciary Opportunities for Building Success.

The initiative began a number of years ago for participants and graduates of Recovery Court, formerly known as Drug Court. We recently expanded the program to include the large number of individuals on probation.

The program's key aims are to provide training and help individuals find jobs with livable wages and benefits. That's because we know from experience that people with stable employment stand a better chance of turning their lives around. They're also less likely to commit new crimes and return to court.

Last year, the JOBS program held more than 100 job fairs across the state; worked with community colleges to develop programs for probation clients; and engaged with companies involved in food services, delivery services, retail sales, and other areas—companies that have provided job opportunities. We've also had strong support from the Department of Labor, which provided about \$2.8 million in funding this fiscal year.

Special thanks go to retired Judge Mark Sandson and Judge Grant for their leadership of this project in recent years.

Since 2019, the judiciary has also focused on an initiative relating to mental health. Today, we have pilot projects in five Vicinages: Atlantic, Camden, Essex, Middlesex, and Morris/Sussex. They participate in diversion programs designed to identify individuals with serious mental illness who face criminal charges for less serious offenses early in the criminal process. The program tries to connect them with existing treatment services and other community resources.

We are also very pleased to participate in a new mental health initiative that stems from legislation Senator [Teresa] Ruiz sponsored. The new law provides for the diversion of defendants who have committed non-violent offenses at a later point in the criminal process. It also calls for the attorney general to designate at least three sites.

The broader aim of both related programs is to address underlying health problems to try to put a stop to the cycle of arrest, conviction, sentence, and release, which is repeated again and again.

I want to thank our judges for their help with those and other efforts. That includes the One-Judge-One-School program through which judges enhance public understanding of the role of the courts in our nation.

I especially thank our judges for tackling demanding caseloads on an ongoing basis. With a considerable backlog built up from COVID and 52 judicial vacancies at this time, it is challenging for courts to reach cases as promptly as we would like to see. Yet judges continue to work diligently, with professionalism, skill, and determination every day. I am grateful for their sustained efforts and ask our partners in the other branches of government to provide relief from the high number of vacancies in the coming weeks and months.

I'd like to add a few thoughts about two judges, starting with Judge Glenn Grant. He retired weeks ago after an illustrious career with the judiciary. He served as one of the preeminent Family Part judges in our state and then for 16 years as administrative director of the courts. His leadership in so many areas helped enhance the system of justice in our state. And his influence will continue to be felt for years to come.

Some of you know Judge Michael Blee, the new administrative director. Many more will get to know him soon as he travels to each Vicinage in the months ahead and meets with judges and bar groups. I am confident he will carry on the long tradition of excellence in this position in his own way.

Before closing, I want to return to where we began with a few additional thoughts on recent efforts to better enable the public to follow the work of the courts.

When I joined the judiciary, I asked the IT staff how many people watched oral arguments livestreamed by the Supreme Court. The answer surprised me: roughly 2,000 people watch each argument live; as many as 15,000 viewers watch high-profile cases; and more still watch archived recordings.

What do they see—then and now? Lawyers advancing arguments in good faith on behalf of clients. And judges in trial courts, the Appellate Division, and the Supreme Court who are prepared, who listen attentively, who understand the intricacies of the cases, and who make rulings.

They see judges who base their decisions not on personal or political views. Not on the background or power of the parties before them. But on the text of the statute in question, the words of the state and federal Constitutions, and relevant case law. In other words, they see judges faithfully apply the rule of law—the cornerstone of our system of fair and equal justice and of our democracy.

Attorneys facilitate that noble aim by presenting arguments rooted in sound legal principles. And judges, consistent with their oath, are obligated to uphold the rule of law in case after case, now and in the future.

The judiciary, an independent branch of government, must not—and cannot—do otherwise. We welcome your continued support as we together strive to uphold those critical values and principles.

Thank you to the State Bar once again for hosting this annual convention. It helps foster an important, ongoing dialogue between the bench and the bar.

I hope you enjoy the rest of the conference. Thank you very much.