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**1983  
Annual Report**

**New Jersey  
Judiciary**

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**U.S. Department of Justice  
National Institute of Justice**

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**1983 ANNUAL REPORT<sup>83</sup>  
NEW JERSEY JUDICIARY  
SEPTEMBER 1, 1982—AUGUST 31, 1983**

**ADMINISTRATIVE OFFICE OF THE COURTS**

**Richard J. Hughes Justice Complex • CN-037 • Trenton • New Jersey • 08625**

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ACQUISITIONS

ADMINISTRATIVE OFFICE OF THE COURTS  
STATE OF NEW JERSEY

ROBERT D. LIPSCHER  
ADMINISTRATIVE DIRECTOR OF THE COURTS



CN-087  
TRENTON, NEW JERSEY 08625

March 16, 1984

To the Honorable Chief Justice and  
Justices of the Supreme Court:

I am pleased to submit the Annual Report of the Judiciary for the court year 1983. For the fourth consecutive year, New Jersey's upper courts have disposed of more cases than were filed during the year.

In addition to presenting case statistics and analysis, this report includes information on various innovative programs and procedures undertaken during the year to improve the efficiency and accessibility of the court system. These ongoing efforts to make a good system even better will continue to enhance New Jersey's reputation for progressive court management and administration.

Sincerely,

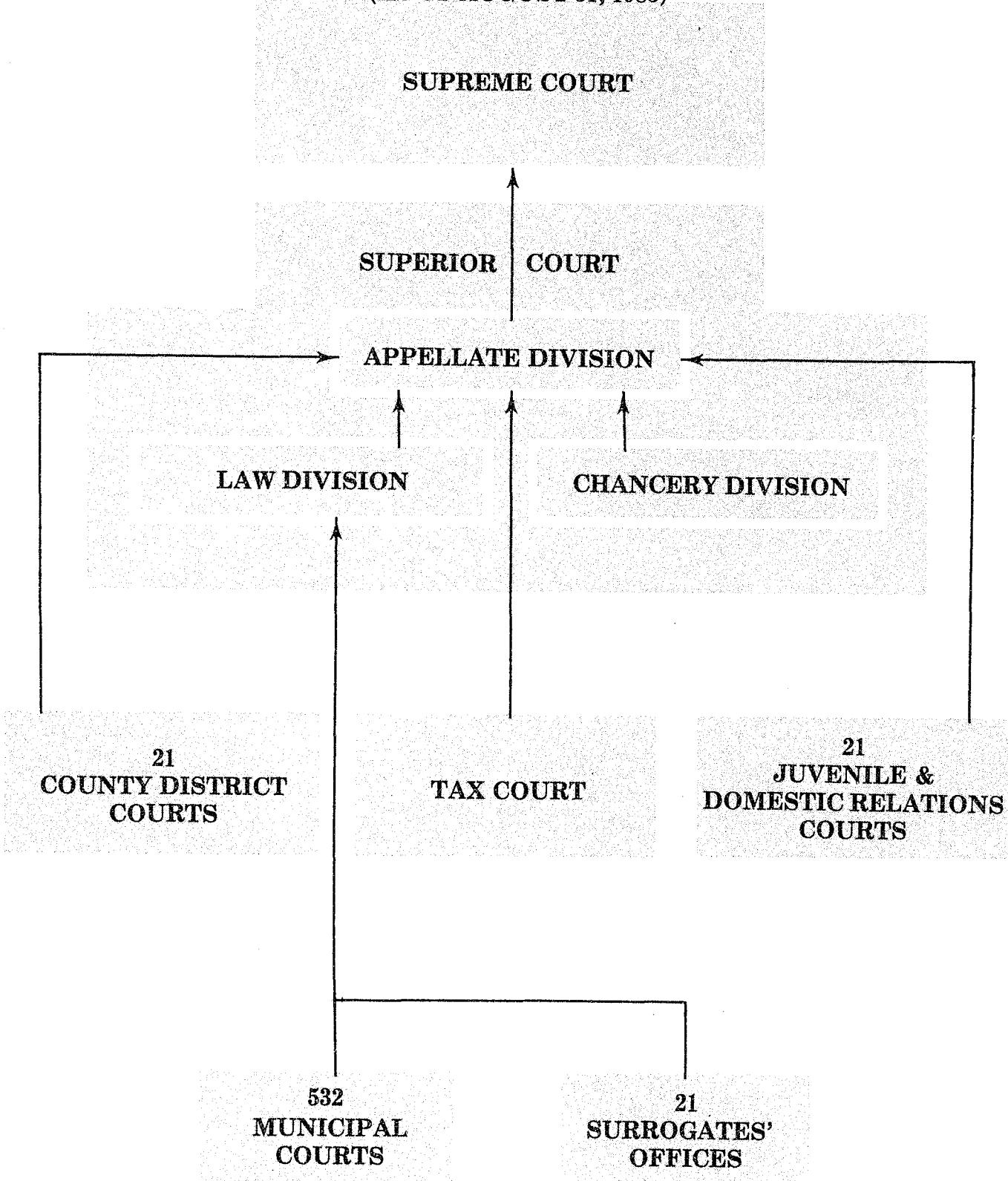
*Robert D. Lipscher*  
Robert D. Lipscher

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# The Court System

(AS OF AUGUST 31, 1983)



# of New Jersey

## (JUSTICES, JUDGES AND JURISDICTIONS)

**SUPREME COURT:** Chief Justice and 6 Associate Justices. Initial term of 7 years with tenure on reappointment. Mandatory retirement at 70.

### Final Appeal in:

- 1. Constitutional questions
- 2. Issues where dissent in Appellate Division
- 3. Capital causes
- 4. Certifications
- 5. In such causes as provided by law

**SUPERIOR COURT:** 236 Judges authorized. Term, tenure and retirement same as Supreme Court. (Tenured former County Court judges have tenure on the Superior Court, and former County Court judges not having tenure as of December 7, 1978 hold office for the unexpired portion of their terms and acquire tenure upon reappointment.)

### APPELLATE DIVISION

#### Appeals from:

- 1. Law and Chancery Divisions
- 2. County District Courts
- 3. Juvenile & Domestic Relations Courts
- 4. State Administrative Agencies
- 5. Tax Court
- 6. As provided by law

### LAW DIVISION

- 1. General jurisdiction in all causes, civil and criminal
- 2. Proceedings in lieu of prerogative writs, except review of state administrative agencies
- 3. Appeals from Municipal Courts and Wage Collection Section, Office of Wage and Hour Compliance
- 4. Probate

### CHANCERY DIVISION

- 1. General equity
- 2. Matrimonial
- 3. Probate

**COUNTY DISTRICT COURTS:** 39 Judges authorized. Term: 5 years. Tenure after 10 years and third appointment. Mandatory retirement at 70.

- 1. Contract, penalty, and tort actions at \$5,000
- 2. Landlord and tenant
- 3. Small claims at \$1,000
- 4. Concurrent criminal and quasi-criminal jurisdiction with Municipal Courts
- 5. Bastardy and filiation proceedings
- 6. Actions by creditors against an estate up to \$5,000
- 7. Up to \$5,000 for disciplinary sanctions by professional and occupational boards of the Division of Consumer Affairs.

### TAX COURT (Effective July 1, 1979):

12 Judges authorized. Term same as Supreme Court except for the 1979 appointments. Tenure and retirement same as Supreme Court. The Tax Court reviews the determinations of agencies and officials charged with administration of state and local taxes and in particular:

- 1. Local property tax assessments
- 2. State tax assessments
- 3. Equalization tables promulgated by the director of the Division of Taxation or the County Boards of Taxation

**JUVENILE AND DOMESTIC RELATIONS COURTS:** 35 Judges authorized. Term: 5 years. Tenure after 10 years and third appointment. Mandatory retirement at 70.

- 1. Exclusive jurisdiction over juvenile delinquency\* and "juveniles in need of supervision."
- 2. Child abuse matters
- 3. Support
- 4. Temporary custody of children
- 5. Bastardy and filiation proceedings

**MUNICIPAL COURTS:** 359 Judges. Term: 3 years.

- 1. Traffic and motor vehicle violations
- 2. Ordinance violations
- 3. Disorderly persons offenses
- 4. Fish and game and navigation violations
- 5. Bastardy and filiation proceedings
- 6. Other specified crimes (where penalty does not exceed 1 year incarceration or \$1,000 fine) and offenses (where value of property does not exceed \$500), including some

crimes where indictment and trial by jury can be waived.

- 7. Probable cause hearings on indictable offenses.

**SURROGATES' OFFICES:** 21 Surrogates. Elected.

Term: 5 years.

- 1. Uncontested probate matters
- 2. Deputy clerk of the Superior Court for probate matters

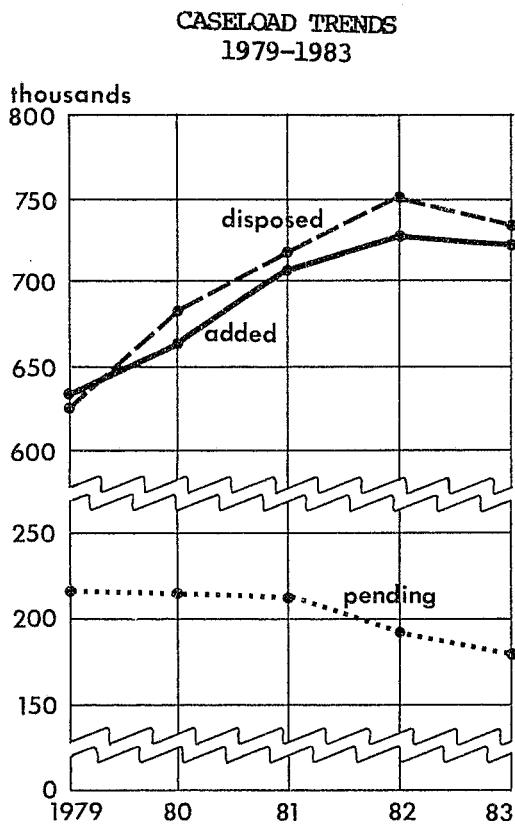
\*"Juvenile delinquency" excludes violations of chapters 3, 4, 6 and 8 of Title 39 of the N.J. Statutes where juveniles are 17 years old.

**1983** OVERVIEW

## OVERVIEW

In the 1983 court year, the Judiciary cleared the calendar for the fourth consecutive year. It disposed of 10,096 more cases than were filed, thus reducing the backlog of pending cases for an unprecedented fourth time in a row.

Clearing the calendar has been the explicit goal of case management in the New Jersey courts since 1980. While historically it has been far more common to add several thousand cases to the list of pending matters each year, New Jersey over the last four years has rolled back the tide of the backlog and slowly reduced its size.



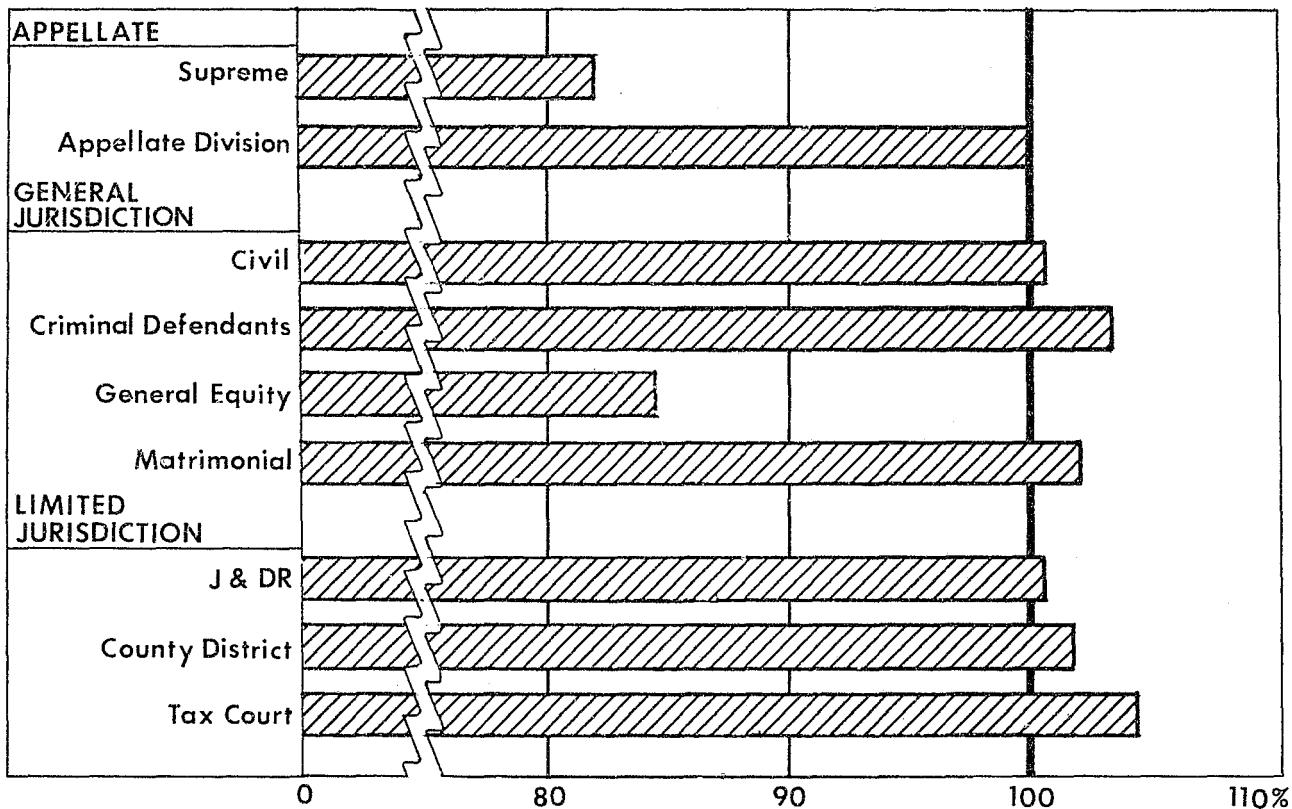
The number of cases added in the court system rose only slightly in the 1983 court year - by 1.2% to 737,704 cases. This figure, though, is the highest ever recorded, an 18% increase since 1979.

Dispositions declined slightly in 1983, by 0.3%. This was the first time in many years that the total number of dispositions had declined, but the 1983 total of 747,800 was still 21% higher than in 1979.

As a result of the success in clearing the calendar, the total number of pending cases declined by 5.1%. There were 181,993 cases pending at the end of the court year, the lowest number since 1978, and a 17% decline from the 1979 total.

Calendar clearance has been achieved by means of the extraordinary efforts of all people in the justice system. The productivity of the judges has increased dramatically. In addition, management improvement programs have produced better service to the litigants and the public. In 1983, almost all calendars and counties cleared so that the number of pending cases declined. Of the nine major court calendars—Supreme Court, Appellate Division, Criminal, Civil, Matrimonial, General Equity, Juvenile and Domestic Relations, District, and Tax—seven had a decline in cases pending. Of the twenty-one counties, fifteen cleared their calendars overall. The chart on Page 4 shows the clearance ratio (a ratio of dispositions to cases added) of nine major calendars.

## CALENDAR CLEARANCE 1983



### CASES ADDED

The growth in cases added occurred especially in the most time-consuming calendars: the Supreme Court, the Appellate Division, and the Superior Court calendars of Equity, Civil, Criminal and Matrimonial. The high-volume calendars of Juvenile and Domestic Relations and District Court declined somewhat. This trend of increases in the more time-consuming calendars shows how significant it was to clear the calendar overall.

**CASES ADDED BY CALENDAR  
1982-1983**

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
<b>Appellate</b>			
Supreme Court	298	568	90.6
Appellate Division	6,038	6,393	5.9
<b>General Jurisdiction</b>			
<b>Trial Court</b>			
Criminal (Defendants)	35,414	55,855	1.2
Civil	53,647	55,625	3.7
General Equity	4,291	7,125	66.0 *
Matrimonial	29,531	30,270	2.5
<b>Limited Jurisdiction</b>			
<b>Trial Court</b>			
Juvenile Delinquency	98,213	91,020	-7.3
JINS	11,596	11,461	-1.2
Domestic Relations	99,047	97,963	-1.1
County District	380,735	371,638	-2.4
Tax Court	6,376	8,647	35.6
Domestic Violence	N/A	16,442	N/A
<b>Minor Trial Court</b>			
<b>Calendars</b>			
Municipal Appeals	3,147	3,772	19.9
Post-Conviction Relief	167	243	45.5
Probate	626	679	8.5
Total w/o Dom. Violence	729,126	721,259	-1.1
Total with Dom. Violence	729,126	737,701	+1.2

\* During 1983, the definition of cases added was changed in the General Equity calendar, thus producing an artificially high ratio of growth.

Examining the trends in cases added by vicinage, ten of the fifteen vicinages saw increases in the volume of cases coming into the courts. Particularly remarkable is the 11.7% increase in the Atlantic/Cape May vicinage, followed by the 8.0% increase in Union County. (See chart on Page 6)

CASES ADDED BY VICINAGE  
1982-1983

	<u>1982</u>	<u>1983</u>	% <u>Change</u>
<u>Vic #1</u> Atlantic	<u>35,780</u> 26,906	<u>39,169</u> 30,192	<u>9.5</u> 12.2
Cape May	8,874	8,977	1.2
<u>Vic #2</u> Bergen	58,529	59,622	1.9
<u>Vic #3</u> Burlington	25,971	24,874	-4.2
<u>Vic #4</u> Camden	51,309	50,848	-0.9
<u>Vic #5</u> Essex	137,986	127,176	-7.8
<u>Vic #6</u> Hudson	59,257	58,427	-1.4
<u>Vic #7</u> Mercer	32,198	32,896	2.2
<u>Vic #8</u> Middlesex	51,677	47,551	-8.0
<u>Vic #9</u> Monmouth	42,822	42,952	0.3
<u>Vic #10</u> Morris	<u>31,140</u> 23,539	<u>31,608</u> 24,160	<u>1.5</u> 2.6
Sussex	7,601	7,448	-2.0
<u>Vic #11</u> Passaic	50,985	50,169	-1.6
<u>Vic #12</u> Union	44,892	47,397	5.6
<u>Vic #13</u> Somerset	<u>25,023</u> 13,999	<u>24,056</u> 13,314	<u>-3.9</u> -4.9
Hunterdon	4,977	4,651	-6.6
Warren	6,047	6,091	0.7
<u>Vic #14</u> Ocean	28,140	28,076	-0.2
<u>Vic #15</u> Gloucester	<u>40,705</u> 16,633	<u>40,830</u> 15,696	<u>0.3</u> -5.6
Cumberland	15,846	17,429	10.0
Salem	8,226	7,705	-6.3
State Total w/o Dom. Violence	716,414	705,651	-1.5
Domestic Violence	N/A	16,442	N/A

## DISPOSITIONS

Total dispositions declined in 1983, for the first time in many years. Nevertheless, the decline was only 0.3%, and it was due in large measure to the reduction in volume in the high-volume calendars. Particularly remarkable are the 61% increase in the dispositions of the Supreme Court, the 38% in General Equity, and the 17% in the Appellate

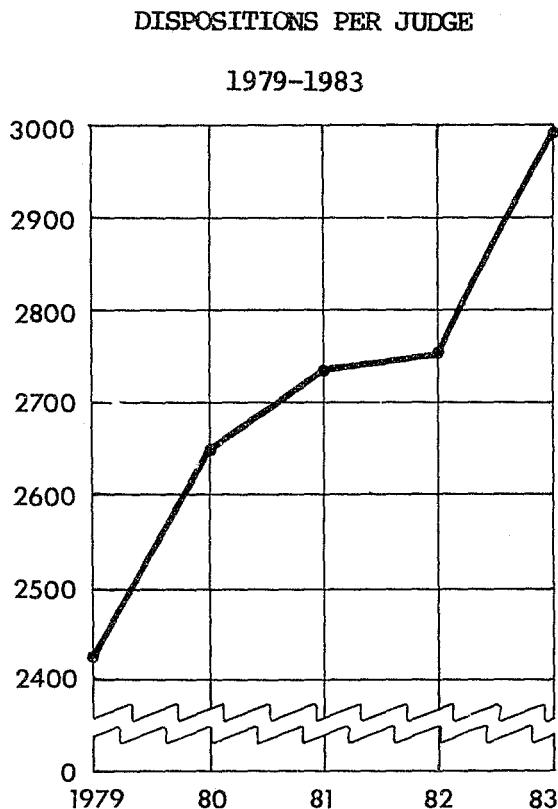
Division. The increased volume of work in these three time-consuming calendars shows the sustained level of productivity in the New Jersey courts. The Tax Court dispositions declined substantially, due to the fact that thousands of pending cases the court had when it was created in 1979 have almost entirely been disposed of.

## CASE DISPOSITIONS BY CALENDAR 1982-1983

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Supreme Court	288	466	61.8
Appellate Division	5,423	6,396	17.9
<b>General Jurisdiction</b>			
Trial Court			
Criminal (Defendants)	36,962	37,178	0.6
Civil	54,962	55,999	1.9
General Equity	4,341	6,011	38.5
Matrimonial	32,980	30,911	-6.3
<b>Limited Jurisdiction</b>			
Trial Court			
Juvenile Delinquency	101,793	92,132	-9.5
JINS	11,915	11,417	-4.2
Domestic Relations	99,326	98,407	-0.9
County District	105,006	378,880	-1.8
Tax Court	288	9,003	-26.7
Domestic Violence	N/A	16,465	N/A
<b>Minor Trial Court Calendar</b>			
Municipal Appeals	3,020	3,617	19.8
Post-Conviction Relief	143	215	50.3
Probate	643	703	9.3
<b>TOTAL w/o Dom. Violence</b>	<b>750,090</b>	<b>731,335</b>	<b>-2.5</b>
Domestic Violence	N/A	747,800	N/A

The best indication of productivity is dispositions per judge. This measure increased substantially over the last year, from 2,742 cases per trial court judge to 2,999 cases, a 9.4% rise. Since 1979, productivity has increased 24%.

At the vicinage level, total dispositions stayed at about the 1982 level, declining by just 156 cases, or 0.02%. Nevertheless, nine of the fifteen vicinages saw increases in dispositions. The largest increases came in the Atlantic/Cape May vicinage and in Union. (See table on Page 9)



Examining dispositions at the vicinage level, there was an increase in the number of pleas and settlements and a decline in the number of trials and hearings. Nevertheless, when broken down by calendar, it is clear that most of the drop in trials and hearings occurred in the high-volume calendars of District Court, Juvenile Delinquency and Domestic Relations. The number of Civil trials increased by almost 12%, and Equity trials by 10%. Also, the number of Criminal trials dropped, but only by 5%. In short, while the number of trials and hearings declined, the amount of judge-time spent on them remained about the same, probably indicating greater complexity in the trials.  
(See table on Page 10)

**CASE DISPOSITIONS BY VICINAGE  
1982-1983**

<u>Vicinage</u>	<u>1982</u>	<u>1983</u>	<u>% Change</u>
<u>Vicinage #1</u>	36,541	39,696	8.6
Atlantic	27,692	30,674	10.8
Cape May	8,849	9,022	2.0
<u>Vicinage #2</u>			
Bergen	60,489	60,966	0.8
<u>Vicinage #3</u>			
Burlington	26,474	25,349	-4.3
<u>Vicinage #4</u>			
Camden	51,936	51,494	-0.9
<u>Vicinage #5</u>			
Essex	139,429	129,689	-7.0
<u>Vicinage #6</u>			
Hudson	60,099	60,283	0.3
<u>Vicinage #7</u>			
Mercer	33,210	33,082	-0.4
<u>Vicinage #8</u>			
Middlesex	52,122	47,347	-9.2
<u>Vicinage #9</u>			
Monmouth	43,924	43,647	-0.6
<u>Vicinage #10</u>			
Morris	32,037	31,324	-2.2
Sussex	24,312	24,081	-1.0
	7,725	7,243	-6.2
<u>Vicinage #11</u>			
Passaic	53,423	50,933	-4.7
<u>Vicinage #12</u>			
Union	45,446	48,185	6.0
<u>Vicinage #13</u>			
Hunterdon	26,205	24,743	-5.6
Somerset	14,548	13,810	-5.1
Warren	5,122	4,896	-4.4
	6,535	6,037	-7.6
<u>Vicinage #14</u>			
Ocean	28,492	28,186	-1.1
<u>Vicinage #15</u>			
Cumberland	42,264	40,546	-4.1
Gloucester	18,021	15,587	-13.5
Salem	15,841	17,157	8.3
	8,402	7,802	-9.1
State Total	732,091	715,470	-2.3
Domestic Violence	N/A	16,465	N/A
Total with Dom. Violence	732,091	731,935	-0.02

**\*METHOD OF DISPOSITION  
1982-1983**

	1982	1983	% Change
<b>Criminal Defendants</b>			
Total Trials	3,075	2,913	-5.3
Tried to Completion	2,779	2,622	-5.6
Partially Tried	296	291	-1.7
Guilty Plea	22,842	22,351	-2.1
Other	11,045	11,914	7.9
Total Dispositions	36,962	37,178	0.6
<b>Civil</b>			
Total Trials	3,979	4,450	11.8
Tried to Completion	2,673	2,916	9.1
Partially Tried	1,306	1,534	17.5
Settlements/Dismissals	49,882	50,491	1.2
Other	1,101	1,058	-3.9
Total Dispositions	54,962	55,999	1.9
<b>General Equity</b>			
Total Trials	983	1,081	10.0
Tried to Completion	721	867	20.2
Partially Tried	262	214	-18.3
Settlements/Dismissals	2,932	3,983	35.8
Other	426	**947	22.3
Total Dispositions	4,341	6,011	38.5
<b>Matrimonial</b>			
Hearing	31,035	28,180	-9.2
Contested	12,849	11,178	-13.0
Uncontested	18,186	17,002	-6.5
Settlements/Dismissals	1,919	2,249	17.2
Other	26	**482	1,753.8
Total Dispositions	32,980	30,911	-6.3
<b>Juvenile Delinquency</b>			
Hearing	55,365	49,871	-9.9
With Counsel	38,056	36,097	-5.1
Without Counsel	17,309	13,774	-20.4
Referred or Transferred	38,419	35,044	-8.8
Other	8,009	7,217	-9.9
Total Dispositions	101,793	92,132	-9.5
<b>JINS</b>			
Hearings	6,097	5,794	-5.0
With Counsel	2,651	2,547	-3.9
Without Counsel	3,446	3,247	-5.8
Referred or Transferred	4,830	4,701	-2.7
Other	988	922	-6.7
Total Dispositions	11,915	11,417	-4.2
<b>Domestic Relations</b>			
Hearings	80,037	67,619	-15.5
Inactive	9,223	9,199	-0.3
Other	10,066	6,874	-31.7
Intake	N/A	14,715	N/A
Total Dispositions	99,326	98,407	-0.9
<b>District Court</b>			
Trials	65,842	58,669	-10.9
Tried to Completion	53,809	51,022	-5.2
Partially Tried	12,033	7,647	-36.4
Settlements/Dismissed	162,844	175,194	7.6
Other	157,320	145,017	-7.8
Total Dispositions	386,006	378,880	-1.8
<b>TOTAL</b>			
Trials/Hearing	246,413	218,577	-11.3
Pleas/settlements/dismissed	240,419	268,983	11.9
Other	241,453	223,375	-7.5
<b>TOTAL DISPOSITIONS</b>	<b>728,285</b>	<b>710,935</b>	<b>-2.4</b>

\*Does not include minor courts and domestic violence.

\*\*Cases transferred to another county included in 1983 only.

## CASES PENDING

Total cases pending declined by 10,000 cases during the 1983 court year, or 5.1%. With the fourth consecutive year of calendar clearance, the number of cases pending is at the lowest level since 1978.

Pending cases declined the greatest amount in the District and Juvenile Delinquency calendars. Among the vicinages, twelve out of the fifteen achieved a decline in pending cases, especially Hudson, Essex, and Somerset/Hunterdon/Warren.

### CASES PENDING BY CALENDAR 1982-1983

		<u>1982 *</u>	<u>1983</u>	<u>% Change</u>
General	Supreme Court	141	243	72.3
	Appellate Division	6,460	6,457	-0.04
	Jurisdiction Trial Court			
	Criminal (defendants)	32,713	31,390	-4.0
	Civil	62,011	61,637	-0.6
	General Equity	2,563	3,677	+43.5
Limited	Matrimonial	17,835	17,194	-3.6
	Jurisdiction Trial Court			
	Juvenile Delinquency	10,242	9,130	-10.9
	JINS	641	685	+6.9
	Domestic Relations	6,036	5,592	-7.4
	County District	44,607	37,365	-16.2
Minor	Tax Court	7,308	6,955	-4.8
	Trial Court Calendar			
	Municipal Appeals	819	974	+18.9
	Post-Conviction Relief	51	79	+54.9
	Probate	253	229	-9.5
	TOTAL w/o Dom. Violence	191,680	181,607	-5.3
Domestic Violence		N/A	386	N/A
TOTAL with Dom. Violence		191,680	181,993	-5.1

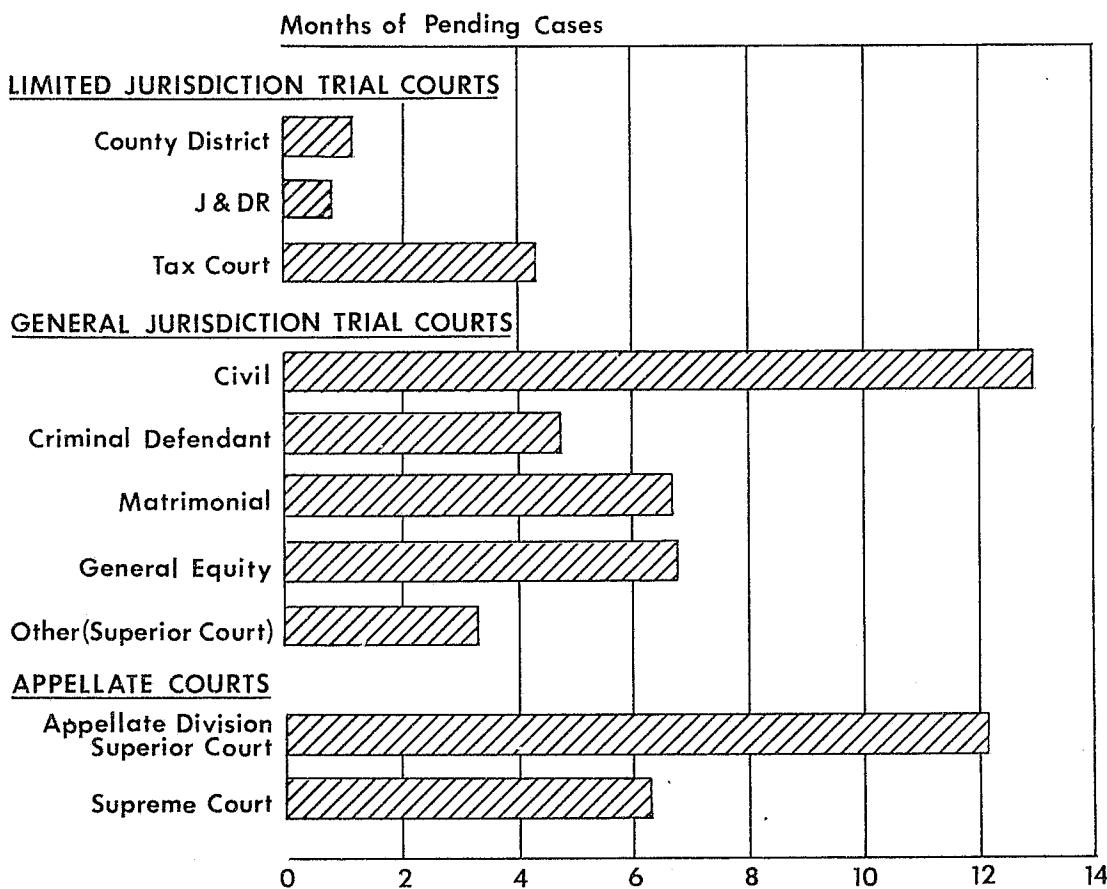
\* 1982 figures are adjusted because of recounts during the year.

**CASES PENDING BY VICINAGE**  
**1982-1983**

	<u>1982</u>	<u>1983</u>	%
			<u>Change</u>
Vic #1 Atlantic	<u>8,113</u> <u>5,877</u>	<u>7,586</u> <u>5,395</u>	<u>-6.5</u> <u>-8.2</u>
Cape May	2,236	2,191	-2.0
Vic #2 Bergen	19,219	17,875	-7.0
Vic #3 Burlington	6,204	5,729	-7.7
Vic #4 Camden	11,257	10,611	-5.7
Vic #5 Essex	23,636	21,123	-10.6
Vic #6 Hudson	14,693	12,837	-12.6
Vic #7 Mercer	8,777	8,591	-2.1
Vic #8 Middlesex	17,418	17,622	1.2
Vic #9 Monmouth	14,454	13,759	-4.8
Vic #10 Morris	<u>8,290</u> <u>6,245</u>	<u>8,574</u> <u>6,324</u>	<u>3.4</u> <u>1.3</u>
Sussex	2,045	2,250	10.0
Vic #11 Passaic	11,189	10,425	-6.8
Vic #12 Union	12,363	11,575	-6.4
Vic #13 Hunterdon	<u>5,917</u> <u>2,719</u>	<u>5,230</u> <u>2,223</u>	<u>-11.6</u> <u>-18.2</u>
Somerset	1,782	1,537	-13.7
Warren	1,416	1,470	3.8
Vic #14 Ocean	6,409	6,299	-1.7
Vic #15 Cumberland	<u>9,832</u> <u>5,374</u>	<u>10,116</u> <u>5,483</u>	<u>2.9</u> <u>2.0</u>
Gloucester	3,053	3,325	8.9
Salem	1,405	1,308	-6.9
State Total	177,771	167,952	-5.5
Dam. Violence	N/A	386	-
Total with Dam. Violence	177,771	168,338	-5.3

The number of pending cases can be evaluated in a different way. By establishing a ratio of pending cases to the average number of dispositions per month, an index can be calculated representing the number of months the court would take to dispose of all its pending caseload. The chart shows that the largest inventory of cases are in the Civil and Appellate Division calendars. The limited jurisdiction trial courts—especially Juvenile and Domestic Relations and District—have very low indexes of months to dispositions.

#### ACTIVE CASES PENDING      MONTHS TO DISPOSITION



## ALLOCATION OF JUDGES

During 1983, for the first time since the establishment of the Tax Court in 1979 additional judgeships were created. There are now a total

of 342 authorized judgeships. At the beginning of the court year, there were 313 judges in office; due to retirements and other vacancies, there were only 307 judges in office at the end of the court year.

## DISTRIBUTION OF JUDGESHIPS

END OF 1982 and 1983

	Judges in Office 1982	Vacancies 1982	Total Authorized 1982	Judges in Office 1983	Vacancies 1983	Total Authorized 1983
Supreme Court	7	0	7	7	0	7
Appellate Division	21	0	21	21	0	21
Superior Court	211	4	215	204	11	215
J&DR	32	3	35	33	15	48
District	34	5	39	34	5	39
Tax	8	4	12	8	4	12
<b>TOTAL</b>	<b>313</b>	<b>16</b>	<b>329</b>	<b>307</b>	<b>35</b>	<b>342</b>

At the vicinage level, we can calculate the amount of judge-time devoted to the major trial-level calendars. The distribution of the judicial resources available to hear trial court matters increased slightly during the last court year. The time devoted to the Civil calen-

dar increased considerably, and there was a small increase in the amount of judge time devoted to the Criminal calendars. The other calendars declined. The chart shows that Civil and Criminal together decreased by far the largest amount of the available resources.

## JUDICIAL DISTRIBUTION BY TRIAL COURT CALENDAR

1982-1983

	1982	1983	% Change	% of Total
Civil	80.4	91.9	14.3	33.1
Criminal	80.6	83.3	3.3	30.0
Matrimonial	32.6	32.0	-1.8	11.5
General Equity	13.4	12.5	-6.7	4.5
Juvenile & Domestic Relations	34.1	33.8	-0.9	12.2
District	25.9	24.0	-7.3	8.7
<b>TOTAL</b>	<b>267.0</b>	<b>277.5</b>	<b>3.9</b>	<b>100.0</b>

Within these calendars, the kinds of work performed by the judges varies considerably. The chart shows the number of motions and trials in the major trial court calendar on a per judge basis.

MOTIONS AND TRIALS PER JUDGE 1983

	Contested Motions	Uncontested Motions	Total Motions	Jury Trials	Non-Jury Trials	Part Trial	Total
Civil	338	503	841	20	11	17	48
Criminal	312	211	523	28	4	3	35
Matrimonial	548	221	769	349	531	-	880
General Equity	413	227	640	0	69	17	86
District	301	489	790	9	2,117	319	2,445

In summary, New Jersey can be proud of the court system's ability to clear the calendar in four consecutive years, increasing the productivity of the judges each year. The caseloads and workloads have increased greatly during those years, but with hard work and active management of the available resources the courts have been able to stay on top of their work and slowly reduce the backlog of cases pending.

**1983** FOCUS

## FAMILY COURT

Chief Justice Robert N. Wilentz and Governor Thomas H. Kean joined more than 400 judges, elected officials, law enforcement officials, social service representatives and concerned citizens at the June, 1983 New Jersey Judicial Conference on the topic of "The Family Court."

A 46-member State Family Court Committee, headed by Associate Justice Daniel O'Hern, and 21 County Family Court Committees had been working since October, 1982 on issues involved in the new juvenile justice/family court legislation and the possible creation of a Family Division of Superior Court to handle family-related cases. Creation of a Family Court will appear as a proposed constitutional amendment on the November ballot.

The new legislation provides for stricter treatment of the small percentage of delinquents who are serious repeat juvenile offenders, while increasing diversionary services and dispositions for the majority of offenders who are less serious or first time delinquents.

It also abolishes the Juveniles in Need of Supervision (JINS) offense category and replaces it with the classification "Juveniles and Families in Crisis." This change in classification reflects a shifting of focus and responsibility from the juvenile whose conduct is symptomatic of family dysfunction to the whole family as a unit. Under the new law, those families are to receive crisis intervention services prior to any court involvement, from units to be established in each county, and will not appear before a judge unless the crisis cannot be resolved. Parents, guardians, or other relevant family members, as well as the juvenile, can be ordered to appear and to participate in counselling and other rehabilitative programs.

The proposed creation of a Family Part of Superior Court is designed to bring family-related cases (e.g., divorce, custody, support, adoption) under one court so that problems can be handled more efficiently and with more relevant information than is currently available. Under the existing jurisdiction, family-related cases are heard in different courts, with no systematic way of obtaining relevant information about the family situation as a whole.

The following are the Committee's major recommendations to the Supreme Court:

- the Family Division should have jurisdiction over all family-related matters currently heard in Chancery Division, Matrimonial, Superior Court and in Juvenile and Domestic Relations Court. After the new Division is in operation for one fiscal year, there should be consideration of whether inter-familial disorderly persons and petty disorderly persons should also be heard in the Family Division.
- county juvenile/family crisis intervention units, authorized by legislation, should, to the extent that resources permit, handle other family problems involving delinquency, custody and guardianship.
- plea bargaining should be permitted in juvenile cases under guidelines approved by the Supreme Court.
- volunteers should play an important role in the work of Family Court including Juvenile Conference Committees, Youth Services Commissions, Volunteers in Probation and others.
- parties in custody or visitation disputes should be required to participate in at least one mediation session.

## TRIAL COURT MANAGEMENT

In the 1983 court year, major developments affecting the trial court system took place. They have a common focus in the organization and management of the trial courts and a common genesis in the 1982 recommendations of the Supreme Court Committee on Efficiency; but the programs themselves are diverse. Each has its own emphasis, but together they chart a course for increasing the ability of the trial courts to effectively manage the cases that come before them.

The Committee on Efficiency recommended a large number of activities to improve trial court operations. That group of New Jersey business and government leaders found that the trial courts had been working without effective management controls, with diverse and sometimes overlapping functions and units. The Committee recommended, among other things, strengthening the management component of the trial courts and sorting out the functions and operational units with a goal of greater efficiency and productivity.

During the court year, work in response to those recommendations took place in three major categories: improving relations with county government, reorganizing the management structure of the courts, and building the management tools of trial court leaders.

### IMPROVING RELATIONS WITH COUNTY GOVERNMENT

In August 1982, with the cooperation of the New Jersey Association of Counties, the Chief Justice appointed a County/Judiciary Liaison Committee. Chaired by the Chief Justice, the committee includes three Associate Justices, three Assignment Judges, the Administrative Director, and twelve county government leaders. The committee has met approximately every

other month for discussion of broad policy issues of mutual interest to the courts and the county government. The committee acts as a sounding board on county reactions for major court proposals such as computerization or jury system reform as well as a vehicle for communication to the leaders of county government. County members of the committee have urged greater state funding of court system expenses and more regular communication on plans of interest to them.

Individual liaison committees with several constitutional officers have also been established. The first to begin meeting, the County Clerks' Liaison Committee, was appointed in early 1983. It is chaired by Associate Justice Stewart G. Pollock and includes judges, county clerks, and trial court administrators as members. The role of the county clerk as Deputy Clerk of the Superior Court was clearly established. The clerk, as Deputy Clerk of the Superior Court, in their court support functions are under the direction of the Assignment Judge, and the court is responsible for all aspects of case processing upon filing of the complaint, and the court may delegate to the county clerk and the clerk's personnel various functions necessary to facilitate case processing.

Late in 1983, two other liaison committees were appointed. A Judiciary/Sheriff Liaison Committee, chaired by Assignment Judge I. V. DiMartino, includes assignment judges, sheriffs, a trial court administrator, a county administrator, and a state police representative. Its major initial task is to develop a model court security plan which the counties will adopt and implement. The committee will also review other areas of interest to the courts and the sheriffs. Finally, a Judiciary/Surrogate

Liaison Committee was appointed under the chairmanship of Assignment Judge Edward Beglin. Including judges and surrogates, this committee will focus on matters of mutual concern with regard to the operations of the county surrogates' offices.

#### REORGANIZING THE MANAGEMENT STRUCTURE OF THE COURTS

One of the major programs during the year was the work of the Management Structure Committee. Responding to the Committee on Efficiency finding that the trial courts had unclear lines of authority, the Management Structure Committee developed a proposal to establish a more comprehensive trial court structure. The committee was chaired by Assignment Judge Samuel D. Lenox, Jr., and it included judges, trial court administrators, and senior AOC staff.

The committee's report focuses on organizing the trial court structure according to its major types of work: Criminal, Family, Civil and Chancery. Under the strong leadership of the Assignment Judge, a presiding judge of each of the four divisions is to be appointed by the Chief Justice for the vicinage. The presiding judge will oversee the judges assigned to each division and supervise the support units working in each area.

Among the non-judge leaders of the vicinage, the trial court administrator assists the Assignment Judge in the overall management of the vicinage. The administrator, along with the presiding judges, supervises the case managers in the new system. These case managers, one each for Criminal, Family and Civil/Chancery, coordinate the support system units that are devoted to each division. The case managers exercise day-to-day supervision over overall pretrial case-related

activities-- intake, clerical work, and investigations.

Growing out of the Management Structure report has been a series of seminars to build the trial court support structure according to a team system. Based on a general model support structure outlined at the seminar, vicinage leaders will plan the organization of the support units in their vicinages. The seminars focus in turn on the three major units of the trial court support system: Criminal, Family, and Civil/Chancery.

#### BUILDING THE MANAGEMENT TOOLS

It is critical, if the courts are to function efficiently, that the leaders of the system have clear areas of responsibility and accountability. The Supreme Court, based on the recommendation of the Management Structure Committee, revised the formal responsibilities of the Assignment Judge and other vicinage leaders in a rewritten Rule 1:33. Other activities during 1983 helped to enunciate those responsibilities.

## COMPUTERIZATION

During the 1983 court year, the final elements of the Computerization Master Plan were drafted, the plan was formally accepted, and the implementation of the plan went into full operation. The building blocks of the statewide effort at using automation in case processing and management are now in place.

The National Center for State Courts submitted the final draft of the Computerization Master Plan early in 1983. Working over several years, and with the assistance of the Advisory Committee on Computerization chaired by Justice Stewart G. Pollock, the Center completed a detailed Requirements Analysis and drafted a plan for building a comprehensive system over nine years. At the request of the Administrative Office of the Courts, the Center included an analysis of the uses and cost benefits of using microcomputer technology in the case processing systems. With that addition, the Master Plan was complete.

The next step was to review the technological issues involved in implementing the plan. A Technical Assessment Committee, also under Justice Pollock's chairmanship, reviewed the Master Plan and the current state of technology. The committee included experienced data processing managers and systems designers from both public and private sectors. Working from the computer applications set forth in the Master Plan, the committee discussed the possibilities and limitations of the major system architectures. The need for working with other state government agencies was also examined. Coming out of those discussions was a consensus for a comprehensive system anchored by a mainframe in a judicial data center but including a number of smaller units for various applications. As envisioned, the system would handle case processing

and case management transactions as well as financial bookkeeping entries for all courts from municipal--with its several million cases--to the Appellate Division and Supreme Court. Terminals in the municipal courts and trial courts would be able to communicate with each other and with the data center, and they would be able to communicate with other relevant government agencies such as the Division of Motor Vehicles and Department of Human Services.

The key elements of the Master Plan are designed to build on systems already in use around the state, to tie them in wherever possible to a Judicial Data Center which would be in place during 1985, to begin development of the municipal court and Family Division systems with pilot programs, and to simplify the equipment support needs of the Administrative Office of the Courts to all compatible hardware and software.

The municipal court pilot program has great potential for saving money and increasing efficiency. Currently an estimated \$25 million in fines goes uncollected, and computerization would increase collections by about \$7.5 million per year. A pilot program in the New Brunswick Municipal Court is now under development.

In the trial courts, other economies are possible. Currently entries in dockets, court calendars, notices and fee books must be entered and re-entered, using the same case information again and again. With effective automation, entries can be made once and then automatically applied to the several uses that are required. Computerization in Civil, Criminal and Family cases will simplify the procedures for child support payments, case management, calendaring and noticing, and bookkeeping. Pilot projects in each of these areas are underway.

**1983**

**SUPREME COURT  
COMMITTEES**

## COMMITTEE ON COUNTY DISTRICT COURTS

Chaired by District Court Judge Donald W. deCordova, the Committee on County District Courts is charged with analyzing court management systems and procedures in the various counties to increase efficiency and uniformity statewide and also promote easy access for pro se litigants. During the year, the Committee reviewed court rules, statutes and case processing techniques utilized by several county district courts. It evaluated inquiries and suggestions received from the bench, bar and public and offered its assistance to those counties involved in implementing an experimental program of evening sessions for small claims.

The Committee determined that R. 6:4-3 has impeded efficient case processing by allowing discovery in cases filed in the district court in which the amount in controversy is \$1,000 or less, but are not cognizable in the small claims division. Its recommendation that R. 6:4-3(e) be amended was implemented. The amendment precludes discovery in actions where the amount in controversy does not exceed the monetary jurisdictional limit of the division of small claims except in cases where judicial discretion dictates otherwise.

At the bar's urging the Committee analyzed the desirability of establishing uniform criteria for scheduling and adjourning Marini defense hearings. The Committee recommended that each judge should have the discretion to either schedule or adjourn Marini hearings and no uniform policy should be established.

A Subcommittee on Computerization was formed to assist in the effort to automate the district courts in Bergen and Essex counties. Uniform forms proposed by the Subcommittee on Forms were revised and endorsed by the Committee as models. These

forms are compatible with computerized systems and are readily understandable to pro se litigants.

It is anticipated that the Committee's recommendations concerning acceptance of personal checks for money deposited into courts and service of process in cases where defendant's address is a post office box will be implemented in the coming court year.

## TASK FORCE ON MENTAL COMMITMENTS

The Task Force on Mental Commitments, chaired by Superior Court Judge Virginia Long, was charged with examining all phases of the process by which patients who are involuntarily committed to mental hospitals are reviewed by the court. The Task Force focused on three specific areas: administration of the program, patients awaiting placement and continuing education of judges and court personnel.

In the spring, the Task Force submitted a report to the Supreme Court on the issue of patients awaiting placement. It recommended a workable procedure for continued monitoring by the trial court of patients who do not require treatment in mental hospitals if suitable alternative placements can be found. In July, the New Jersey Supreme Court rendered an opinion, IMO Applications for the Commitment of S.L., et al, which detailed procedures to be followed for individuals whom the court determines are no longer dangerous to themselves, others or property by reason of mental illness, but are incapable of survival on their own. A summary of the opinion was prepared and circulated with the full text to judges, court personnel and mental commitment liaison personnel. The Task Force anticipates completion of its work in the spring of 1984.

## **COMMITTEE ON THE MODEL RULES OF PROFESSIONAL CONDUCT**

This 20-member committee, chaired by U.S. District Judge Dickinson R. Debevoise, studied in detail the new American Bar Association (ABA) Model Rules of Professional Conduct for possible adoption by the New Jersey Supreme Court as the code of ethics for all New Jersey attorneys in place of the existing code. The committee included among its members judges, lawyers, law professors and non-lawyer citizen members. In 1983 the committee presented its report containing specific recommendations with regard to each of the Model Rules to the Supreme Court, which then held the report open to public comment. The report is pending before the Supreme Court.

## **TASK FORCE ON WOMEN IN THE COURTS**

The Task Force on Women in the Courts, appointed by Chief Justice Robert N. Wilentz in 1982, represents the first effort by a state court system to examine itself to identify gender bias, and develop education programs on the subject.

The 31-member Task Force, chaired by Superior Court Judge Marilyn Loftus, includes trial and appellate judges, lawyers, law school professors, other educators and private citizens. The Task Force is scheduled to make a presentation on its work to the 1983 Judicial College opening session.

The Task Force defines gender bias as a predisposition or tendency to think about and behave toward people on the basis of their sex, reflecting stereotypical beliefs about the "true nature" or "proper roles" for the sexes, rather than an independent evaluation of each individual's abilities, life experiences and aspirations.

To gather information, questionnaires were distributed to lawyers in the New Jersey Law Journal, and Task Force members met with bar groups to review research on the subject. The Task Force will focus on selected substantive law areas and on interaction in the courtroom and at professional gatherings.

Two national experts in Judicial Education on gender bias were involved in the work of the Task Force-Professor Norma Wikler, former director of the National Judicial Education Program to Promote Equality of Women and Men in the Courts and Professor of Sociology at the University of California at Santa Cruz; and Lynn Hecht Schafran, a lawyer and current director of the National Judicial Education Program.

## **COMMITTEE ON SURROGATES' INTERMINGLED TRUST FUNDS**

Comprised of judges and investment experts, the Advisory Committee on Surrogates' Intermingled Trust Funds was charged with examining the design and administration of the program whereby the proceeds of a judgment for a minor or incompetent are deposited with the surrogate for investment in an intermingled fund.

This effort was determined to be necessary to lessen disparities in rates of return and minimize the likelihood of liability on the part of Assignment Judges and surrogates for investment decisions. Chaired by Superior Court Assignment Judge Martin L. Haines, the Advisory Committee explored alternative investment arrangements with outside experts and analyzed data collected from each county surrogate's office concerning the number of accounts administered (approximately 12,000) and the amount of money in the commingled accounts (approximately \$157 million).

Based upon this knowledge, the Committee has distributed for comment preliminary recommendations for safely maximizing the return on these funds, while simultaneously making the investments more uniform, fair and efficient. The Committee anticipates that its final recommendations will be submitted in the spring of 1984.

#### CIVIL PRACTICE COMMITTEE

During the court year, the Civil Practice Committee, chaired by Alfred Clapp, Esq. of Newark, made numerous rule amendment recommendations, many of which were ultimately adopted by the Supreme Court. The more significant of these are briefly summarized as follows:

- Appearances by out-of state attorneys — the committee recommended that R. 1:21-2 be amended to include conditions which must be met prior to an out-of-state attorney receiving court permission to appear in a New Jersey case. These include a certification of good cause, an indication of a prior attorney-client relationship, and a showing that the attorney has expertise in the field.
- Appearances by non-lawyers in administrative matters — the committee recommended amendments to R. 1:21-1 which would permit non-lawyers to appear before the Office of Administrative Law, under certain circumstances. These include matters for which the Attorney General is unable to provide representation or those handled by a paralegal employed by a legal services program.

- Probate Rules — the committee recommended revisions in all the probate rules to reflect the recent enactment of a new statutory Probate Code.
- Lis Pendens — the committee recommended a rule which implements legislation requiring a hearing in certain circumstances, following the filing of a lis pendens notice placing a lien on real property.
- Enforcement of Administrative Orders — the committee recommended rule amendments which would establish uniform procedures for the enforcement of administrative agency orders.

#### TASK FORCE ON INTERPRETER AND TRANSLATION SERVICES

During the court year, the Task Force, chaired by superior court judge Herbert S. Alterman continued to study present practices involving interpreting, translating and cross-cultural services in the Judiciary. This effort to describe comprehensively current policies and practices will serve as a solid foundation upon which (a) to develop recommendations for the Supreme Court and (b) to evaluate these services in the future, especially with a view to documenting the effectiveness of changes implemented on the basis of the Task Force's recommendations.

Eight background reports were completed and data was collected for an additional fourteen background reports. Among the reports that have been completed are: evaluation of Civil Service bilingual/interpreter testing, summary of New Jersey case law and statutes on

interpreting, descriptions of current practices provided by Trial Court Administrators, overview of current judicial (state and local) policy, and delineation of issues identified by offices of the Public Defender and Legal Services.

Reports are being drafted on the basis of social scientific surveys of judges, deaf litigants, bilingual court support professional staff (especially Probation personnel), and interpreters. More modest surveys were made of Prosecutors and bilingual Attorneys. In addition, the following research reports are nearing completion: demographic overview of New Jersey's non-English-speaking population, evaluation of linguistic issues (e.g., literacy, language level, "plain English"), assessment of cross-cultural factors bearing on the delivery of social, legal and psychological services; and analysis of interpreting/translating as a profession.

#### JUDICIAL PERFORMANCE COMMITTEE

New Jersey's court system, through the Supreme Court Committee on Judicial Performance, chaired by Associate Justice Alan Handler, is engaged in an active effort to develop standards of performance and evaluation in order to help sitting trial judges assess and improve their own performance on the bench.

The objectives of the evaluation program are the improvement of the quality and level of performance of judges, the identification of judicial educational needs, the more effective assignment and use of judges within the judicial system, and the improved assessment of the qualifications of judges nominated for reappointment.

In 1983, a judicial performance questionnaire developed by the Committee was tested in Camden, Middlesex and Monmouth counties. The 4-page questionnaire, completed by lawyers involved in proceedings before judges to be evaluated, focuses on judicial performance and behavior in the courtroom, and is divided into five categories: comportment of the judge, judicial management skills, legal ability of the judge, general information and background characteristics of the lawyer. Appellate court judges and Supreme Court justices are reviewing trial records and completing a separate set of questionnaires as part of the program. The questionnaire will be analyzed for possible recommendation of its use statewide, as the program is expanded to include the comments for jurors, court reporters and other such courtroom observers.

#### MUNICIPAL COURT COMMITTEE

The Municipal Court Committee, chaired by Superior Court Judge Sidney Reiss, is responsible for reviewing rules and procedures in the municipal courts. During the court year, the Committee made the following recommendations, which were approved by the Supreme Court:

- amendment of Rule 7:7-3 permitting moving violations not resulting in personal injury to be paid through the Violations Bureau, and eliminating the requirement that a resident exceeding the speed limit by over 20 mph appear in court.
- promulgation of a uniform commitment order to be completed by municipal court judges sentencing a defendant to a county penal institution.

- inclusion in the Statement in Defense or Mitigation of Penalty, Rule 7:6-6, of an explanation of why it would be a hardship for a defendant to appear in person for trial.

#### COMMITTEE ON RELATIONS WITH THE MEDIA

The 26-member Committee on Relations with the Media, chaired by Appellate Judge William G. Bischoff, includes judges, lawyers and media (print and broadcast) representatives. During the year, the Committee recommended, and the Supreme Court approved, changes in the guidelines for cameras in the courts and an experiment allowing cameras in municipal courts in three vicinages. The Committee has monitored that experiment and recommended that it be expanded statewide.

The Committee has also maintained an active dialogue with the New Jersey Press Association on issues of common interest, and plans, in conjunction with the Journalism Resources Institute at Rutgers, joint seminars for bench, bar and press. The Committee hosted a dinner meeting with the Association to develop a list of topics for the seminars.

In an effort to encourage and increase camera coverage of court proceedings as a means of public education, the Committee is exploring methods to provide current information on trials to broadcast media and the possible production of educational videotapes of court proceedings for use on commercial, public and cable stations.

#### YOUTH SERVICES/COMMUNITY INVOLVEMENT COMMISSION

The State Youth Services/Community Involvement Commission, co-chaired by Chief Justice Robert N. Wilentz and Attorney General Irwin I. Kimmelman, completed its second year of operation in 1983. The Commission was designed to mobilize citizens, youth workers, educators, law enforcement officials and other community groups to fight juvenile delinquency problems at the local, county and state levels, and improve coordination of services to troubled youths. In addition to the State Commission, pilot projects were established in Burlington, Middlesex and Somerset counties.

Working together, this cross-section of community interests has increased public awareness and involvement in the identification and resolution of juvenile justice problems. Second year accomplishments include:

- a drug abuse program in Burlington for middle and high school students, parents and community members.
- a diversion program in Burlington which resulted in standardized stationhouse adjustments and establishment of time goals for case processing by police and Juvenile Conference Committees (JCC), and intake and training for JCC members.
- after-school program in Middlesex, including fine arts training, recreational activities and tutoring.
- navigation and water safety classes for juveniles selected for the Middlesex boat project.

- Students Against Drunk Driving (SADD) program in Somerset which provides sessions on alcohol awareness.
- placement of more than 200 youths in summer jobs by the Youth Employment Service (YES) of the Somerset Hills Youth Services Commission.
- a six-week seminar on adolescent growth and development for parents and their children in Somerset.
- an evening Twilight Program in Somerset available to incarcerated youth and referrals from area youth agencies to develop job skills and provide counselling.

#### SPEEDY TRIAL COORDINATING COMMITTEE

The Committee sets policies and coordinates activities of the Speedy Trial Program which was initiated January 1, 1981 and continues to operate to reduce delays in criminal cases. At the time the program was begun, time to disposition of the average case was nearly twelve months. Data available for the latest quarter of the court year revealed an average time to disposition of less than six months for guilty plea cases and less than nine months for trials.

With the start of the court year in September, 1982, the Committee coordinated an intensive program (funded through a special legislative appropriation) to eliminate the substantial backlog of pending cases in those counties most significantly

affected. There had been a determination, within the Statewide Committee, that delay-reducing management techniques could not attain their full effects under the pressure exerted by so large a backlog of cases. Special post-indictment programs and pre-indictment case screening efforts were conducted in Essex, Middlesex, and Camden counties. Middlesex County succeeded in reducing its backlog by 40%; Camden County in large measure obtained their goal of dealing with a large number of cases generated by operation of an Extra grand jury panel; Essex County developed a robust pre-indictment screening process and attained some post-indictment improvement despite the intrusion of capital cases.

The backlog-reduction funding also funded a program undertaken within the State Police Forensic Laboratory System. The goal of that program was to return drug-analysis cases to the prosecutor's office within 15 (working) days of receipt. That goal was exceeded, greatly aiding the improvement in the pre-indictment area and eradicating what had been the most serious threat to the success of the Speedy Trail Program. The average turnaround time was reduced during the program from 49 (working) days to 11 (working) days - a 78% reduction. A 75% reduction was achieved in the inventory of pending drug-analysis cases within the laboratory system - from more than 3100 cases to less than 800.

The Statewide Speedy Trial Coordinating Committee maintained a regular schedule of meetings in order to deal with the issues confronting it as well as to continue monitoring the progress of The Speedy Trial Program. The Committee expanded its membership to include

representatives of the local police, municipal courts and the academic community. It announced a new initiative to reduce the time period from disposition to sentencing, carefully monitored the initial impact of Capital Cases, and, early in the term, promulgated a series of strongly endorsed case management strategies designed to ensure satisfaction of early case management needs such as receipt of complaint from the municipal courts, entry of defense representatives, announcement of diversionary activity, and closer communication with prosecutorial screening decision.

#### CHILD PLACEMENT ADVISORY COUNCIL

The State Child Placement Advisory Council advises the Supreme Court, Legislature and Governor on matters relating to the out-of-home placement of children in New Jersey. It is made up of representatives of the 40 county Child Placement Review Boards whose existence and functions are prescribed in the Child Placement Review Act which was enacted in 1977 to review the cases of children placed outside their homes by the State Division of Youth and Family Services (DYFS).

During the year the Council, chaired by Corinne Driver, continued to work toward improving the implementation of the Child Placement Review Act. It issued a report indentifying barriers which inhibit realization of the full potential of the Child Placement Review Act to move children quickly into appropriate permanent homes.

The Council also began work with other agencies to develop joint child placement review training for judges, board members and DYFS personnel. Furthermore, the Council in coordination with DYFS is developing Case Management Forms to be used by both DYFS and Child Placement Review

Boards to achieve a greater state-wide uniformity in child placement review implementation. Finally, the Council sponsored a workshop at the NJEA convention to establish links between the child placement review system and the education system.

#### COMPLEMENTARY DISPUTE RESOLUTION COMMITTEE

The 20-member Supreme Court Complementary Dispute Resolution Committee was appointed by Chief Justice Robert N. Wilentz in the spring of 1983 to develop a comprehensive plan for further development of programs in the New Jersey court system.

Chaired by Associate Justice Marie L. Garibaldi, the Committee includes judges, lawyers, law professors, public advocate, business and citizen members.

Over the past decade, the New Jersey and nationally, a variety of small-scale, formal and informal dispute resolutions have been developed in response to tremendous increases in court caseloads. Through the appointment of the Committee, New Jersey is the first state to undertake a statewide, systemwide approach to long-range planning of these programs.

The Committee is reviewing existing programs in New Jersey and elsewhere. The Committee's plan will include evaluation of these programs and their potential for use in the trial courts, an evaluation format for each type of program recommended and the possibility of funding, where necessary, for the elements of the plan.

## COMMITTEE ON OPINIONS

Under Rule 1:36-2, the Chief Justice appoints this committee, which currently includes retired Justice Haydn Proctor, Chairman, retired Justice Mark A. Sullivan, and retired Appellate Division Judge Leon S. Milmed.

The Committee reviews all formal written opinions, except those of the Supreme Court (and those Appellate Division opinions decided by two judges, rather than a three-judge part), and determines which should be published. During the

year, the Court restructured the operation of the Committee to allow two members to approve publication of a decision. A third member would only be called on to participate as a tiebreaker, or as a substitute in the absence or disqualification of one of the other two. The Supreme Court sets appropriate standards to guide the Committee in determining which opinions should be approved for publication. The following is the Committee report for the court year.

### REPORT OF THE COMMITTEE ON OPINIONS 1982-1983

<u>Period Ending August 31, 1983</u>	<u>Court Year 1982-83</u>	<u>Court Year 1981-82</u>	<u>Court Year 1980-81</u>
<b>Opinions Reviewed by the Committee:</b>			
Appellate Div. (3-judge)	990	991	987
Trial Courts	<u>351</u>	<u>378</u>	<u>382</u>
<b>TOTAL</b>	<b>1,341</b>	<b>1,370</b>	<b>1,369</b>
<b>Opinions Approved for Publication:</b>			
Appellate Div. (3-judge)	214 (21.6%)	237 (23.9%)	268 (27.2%)
Trial Courts	<u>123</u> (35.0%)	<u>152</u> (40.2%)	<u>109</u> (28.5%)
<b>TOTAL</b>	<b>337 (25.1%)</b>	<b>389 (28.4%)</b>	<b>377 (27.5%)</b>
<b>Appellate Division *Two-Judge Opinions:</b>			
	<u>Reviewed</u>	<u>Recommended</u>	<u>Approved</u>
	2,453	36	27
<b>Total Opinions Published:</b>			
Supreme Court	93	120	101
Appellate Div. (3-judge) (2-judge)	214 27	237	268
Trial Courts	<u>123</u>	<u>152</u>	<u>109</u>
<b>TOTAL</b>	<b>457</b>	<b>509</b>	<b>478</b>

\*The Committee on Opinions can publish two-judge opinions only in cases where the opinion below is published, or if specifically recommended for publication by the Part with approval of the Presiding Judge for Administration.

**1983 APPELLATE COURTS**

# SUPREME COURT

The Supreme Court is New Jersey's court of last resort. Its seven members are appointed for seven-year terms and, upon reappointment, serve until age 70.

Cases arrive at the Supreme Court by way of direct appeals, petitions for certification, interlocutory applications and, in a very few instances, petitions for the exercise of original jurisdiction.

The Supreme Court's authority extends to the rules of practice and the admission and discipline of attorneys and judges. In that regard, it makes the final decisions in disciplinary matters.

## JURISDICTION

### 1) Appeals as of Right

Appeals to the Supreme Court are permitted, as of right, in limited circumstances. There must be a substantial constitutional question not previously passed upon by an appellate court, a dissent in the Appellate Division, or an imposition of the death penalty to invoke the Court's appeal jurisdiction.

The Rules of Court limit appeals based on dissents to the issues raised in the dissenting opinion. This often results in matters having appeals, as of right, only as to part of a case.

The 1983 term saw the filing of the first notice of appeal as of right under New Jersey's death penalty statute. Under the rules of court, a defendant who has been sentenced to death has a direct appeal to the Supreme Court, bypassing normal Appellate Division review.

The overwhelming majority of cases in which an appeal as of right is filed claim the presence of

substantial constitutional questions. Of the 332 appeals dismissed by the Court in 1983, most were handled in a summary manner because the Court found no substantial questions within the meaning of the rules and relevant case law.

The substantial increase of 270% (165 to 445) in the filing of notices of appeals as of right can be explained by a United States District Court decision that the federal courts would hear habeas corpus applications only on those questions that had been appealed to the Supreme Court of New Jersey. Petitioning for certification would be insufficient under this opinion.

On January 6, 1984 the Third Circuit Court of Appeals filed an opinion disapproving the District Court's decision. That should cause a significant reduction in notices of appeal by the Public Defender.

### 2) Petitions for Certification

Most of the parties seeking Supreme Court review of final judgments of the Appellate Division do so by petitioning for certification. Certification will be granted only if: 1) the case involves a matter of general public importance that has not been, but should be, settled by Court; 2) the question is similar to one already on appeal; 3) the decision below conflicts with another appellate decision or calls for the general supervisory powers of the Court; or 4) the interest of justice requires it.

The requirements for the grant of certification are applied strictly by the Supreme Court. Certification was granted in 9.6% of the cases presented to the Court. This represents a slight decline from the 11% granted in 1982.

### 3) Motions and Other Applications

The Supreme Court disposed of 1,176 motions during the 1983 term. These applications covered a wide range of subjects. The most frequently filed motions involved requests for leave to appeal, for stays, for extensions of time and for direct certification. In addition to litigated matters, the interlocutory application category includes petitions filed in bar admission matters. Over 256 such applications were disposed of in the 1983 term. This is a dramatic drop from the more than 600 such applications filed in 1982. The reduction reflects the Court's phased-out elimination of a procedure for admission to the bar based solely on a multistate bar examination score earned in another jurisdiction.

### 4) Attorney Discipline

The Supreme Court reviews decisions and recommendations of the

Disciplinary Review Board. That Board, in turn, reviews the actions taken by the various district ethics committees.

In 1983, the Supreme Court disposed of 100 disciplinary matters, up 10% from 1982. Of these dispositions, 57 resulted in the imposition of sanctions, 6 were restorations to the practice of law, and the balance included miscellaneous applications.

## FILINGS AND DISPOSITIONS

Case filings (appeals, certifications, motions and disciplinaries) increased by 19 in 1983 for a combined total of 2,986. At the same time, overall dispositions for the term amounted to 2,773, a decrease of 257 from the previous year. The table below demonstrates that the Supreme Court has been subject to the same pressures of increasing workload as the rest of the court system.

## FILINGS & DISPOSITIONS

1979-1983

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Appeals filed disposed of	214 243	232 223	216 216	298 288	568 466
Certifications filed disposed of	931 975	979 1,075	986 915	995 972	1,083 1,031
Motions filed disposed of	1,348 1,343	1,353 1,384	1,409 1,366	1,590 1,679	1,223 1,176
Disciplinaries filed disposed of	84 94	57 54	71 68	84 91	112 100
Total filed disposed of	2,577 2,655	2,621 2,736	2,682 2,565	2,967 3,030	2,986 2,773

All categories, except motions, in the Court's caseload increased in 1983. Certifications and motions continue to lead all categories in filings and dispositions.

The steady addition of more certification filings since 1979 can generally be ascribed to the number of Appellate Division dispositions from which they come. The percentage of petitions for certifications, as a percentage of Appellate Division dispositions, has remained relatively steady for the past five years except for a 2% decrease in 1979 brought about by the institution of an administrative dismissal procedure in the Appellate Division under which hundreds of inactive cases were dismissed with few calls for review by the Supreme Court.

	Appellate Division	Petitions for Dispositions	Certification	%
1979	5,634	931	16.5	
1980	5,431	979	18.0	
1981	5,001	986	19.7	
1982	5,423	995	18.3	
1983	6,396	1,083	16.9	

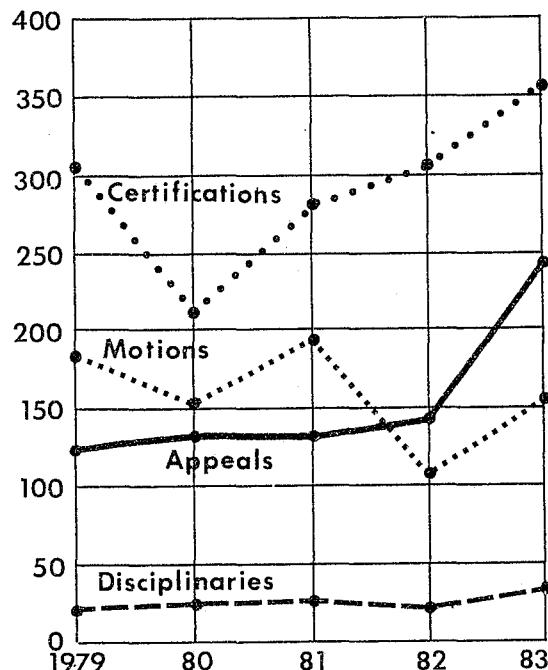
#### PENDING CASES

Pending cases before the Supreme Court rose in all categories. There was an increase of 52 petitions for certification, leaving a total of 357 pending. Pending appeals at the end of the 1983 Court term numbered 243, up 102, an increase of 72% from 1982. Disciplinary cases increased by 12 to 33. Motions pending increased by 47 to 153.

The increases in pending appeals, certifications and disciplinaries were the result of significant elevations in filings. These overcame improvements in dispositions that amounted to 10% in disciplinaries, 6% in petitions for certification, and 62% in notices of appeal.

The graph below shows that the number of pending disciplinaries has remained rather steady. Similarly, appeals had, until 1983, remained relatively constant. The elimination of the federal court requirement of notices of appeal as well as certification should bring that category back to prior levels.

#### PENDING CASES



#### OPINIONS FILED

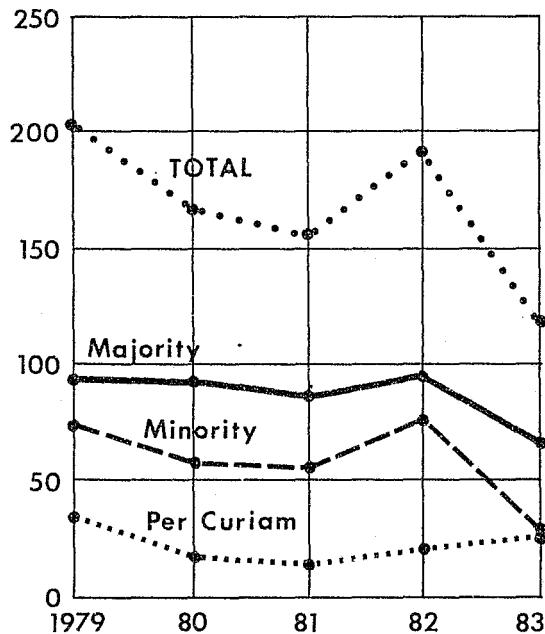
While considerable time and effort is expended on discretionary review matters, the opinions of the Court remain its most visible work. The Court, under the direction of the Chief Justice, discusses each case at the conference following oral arguments. Opinion assignment is made by the Chief Justice if the Court is unanimous or if the Chief Justice is in the majority. In cases where the Chief Justice does not participate or is one of the members in the minority, the opinion is assigned by the senior Justice voting with the majority.

Although upward of 20 opinions may be in circulation at any given time, each Justice must be fully conversant with every opinion before the Court, whether a first or a final draft. Circulating opinions hold the highest priority at Court conferences and every effort is made to insure that the decisions of the Court are truly collegial in nature.

In 1983, the Supreme Court filed 119 opinions (majority, minority and per curiam), deciding 104 appeals and 10 disciplinaries. The number of signed majority opinions decreased in 1983 by 29 to 66. Minority opinions also decreased in 1983 by 62%, from 76 to 29. The balance of the opinions filed were per curiam.

A comparison of five years' opinion filings (see chart) shows that the 1983 term had a significant drop in minority opinions and signed majority opinions while unsigned (per curiam) dispositions increased.

#### OPINIONS FILED



#### TIME TO DECISION

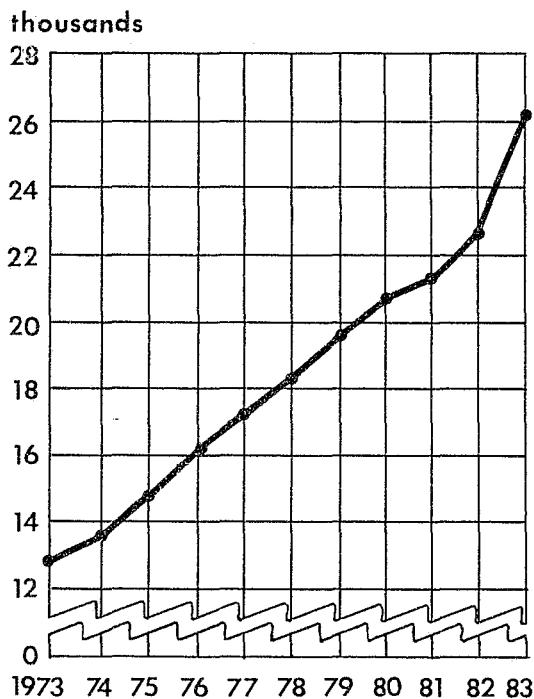
More difficult to answer than the question of what the Court decides is "how long" it takes to make that decision. Any given case can be disposed of promptly if there is a consensus on the part of the members of the Court involved. However, the decision process in a multi-member court does not, if truly collegial determinations are sought, lend itself to the immediate generation of full opinions in many cases. The complexity of the case and divergent views about the legal issues can combine to seriously affect the timing of a disposition. Nonetheless, the time it takes from the date of argument to the date of decision in the Supreme Court has remained fairly constant over the last five years. The median time in 1983 was four months.

#### PROFESSIONAL RESPONSIBILITY

The Supreme Court has constitutional responsibility for the integrity of the legal profession and the Judiciary. It exercises this responsibility through a number of offices, including the Division of Ethics and Professional Services (DEPS) in the Administrative Office of the Courts.. The increased work of this Division is a reflection not only of the growing number of attorneys in New Jersey but also of rising public demands for high ethical standards and accountability.

The decade of the seventies produced a very large increase in the attorney population in New Jersey. In 1969 there were 10,348 members of the bar admitted to practice. That figure more than doubled by the end of the calendar year 1983 when the total attorney population reached 26,199.

NUMBER OF ATTORNEYS  
1973-1983



ADMISSION TO THE BAR

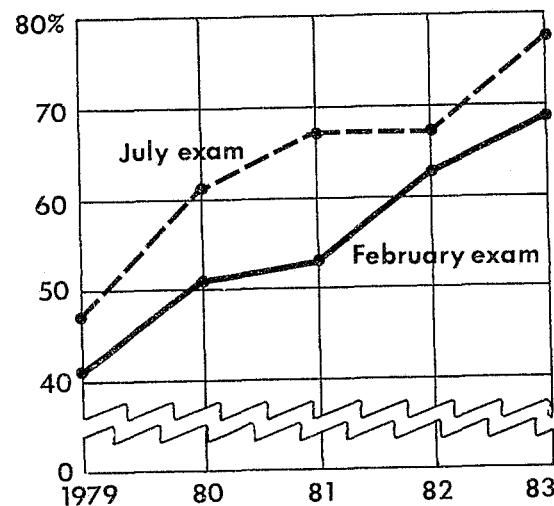
Lawyers are admitted to the bar of New Jersey only after taking a bar examination. The New Jersey examination is given in February and July to coincide with the national administration of the Multistate Bar Examination. The essay examination is prepared and graded by the Board of Bar Examiners and administered by the Clerk of the Supreme Court serving in his capacity as Secretary to the Board and his staff.

Performance on the bar examinations has continued to improve over the 1979 results that were the poorest since 1962. The February passing rate increased from 63% in 1982 to 69% in 1983. The July rate went from 67% in 1982 to 78% in 1983.

Passing rates for summer examinations have normally been higher because the majority of law students graduate in June and more individuals who were unsuccessful on a prior bar examination take the winter examination. The likelihood of passing declines the more often the examination is taken.

New Jersey law school graduates continue to perform better on the bar examination than those educated in other jurisdictions.

BAR EXAMINATION  
PASSAGE RATE



Each candidate for admission to the bar has to pass both the Multistate Bar Examination and the New Jersey essay questions. The essay questions were shortened and the design for the questions has been more varied than in the past.

## **TRIAL ATTORNEY CERTIFICATION**

The goals of the trial attorney certification program are to improve the quality of trial advocacy and to inform the consumer about those members of the bar who have achieved a certain level of skill, knowledge, and experience in trial representation.

The Board, appointed in 1979, developed program regulations and began accepting applications in late 1980. A total of 677 attorneys have been found to be eligible to take the separate criminal and civil examinations, based on their applications, in three cycles of the Board's operations. The 14-page application requests, for example, references from members of the bar who can attest to the applicant's skill as a trial advocate, detailed information on 10 cases tried, courses in trial practice or programs taken or taught within three years of the application date, and speeches, published articles and professional committee work in the trial advocacy area.

During its third cycle of operations, the Board received 130 civil and 44 criminal applications. 119 attorneys sat for the Board's civil examination in September 1983, while 43 sat for the criminal test. As a result of the Board's third cycle of operations, the Supreme Court certified 110 attorneys in the civil trial area, and 38 in the criminal field. There are now a total of 472 certified civil trial attorneys and 142 certified criminal trial attorneys.

Board certification is for seven years, after which the attorney must seek recertification.

## SUPERIOR COURT, APPELLATE DIVISION

The Appellate Division of Superior Court is the intermediate appellate court. The state Constitution provides a right of appeal to the Appellate Division from final judgments of the Law and Chancery Divisions of the Superior Court. A number of statutes allow appeals as of right from county district courts, the Juvenile and Domestic Relations Court and the Tax Court. There is a right of appeal from final orders and decisions of state agencies. Interlocutory decisions of trial courts and state agencies may also be reviewed by the Appellate Division, if that court grants leave to appeal.

The appeals from all those sources are decided by 21 Appellate Division Judges. The Chief Justice chooses each Appellate Division judge from one of the trial divisions of the Superior Court. Once appointed, most Appellate Division judges stay on the Appellate Division for the rest of their careers.

The 21 judges sit in panels, or "parts", of three judges each. Each part is administered by a presiding judge. The composition of the parts changes each year. A presiding judge for administration acts as the administrator for the entire Appellate Division; traditionally, this has been the most senior Appellate Division judge.

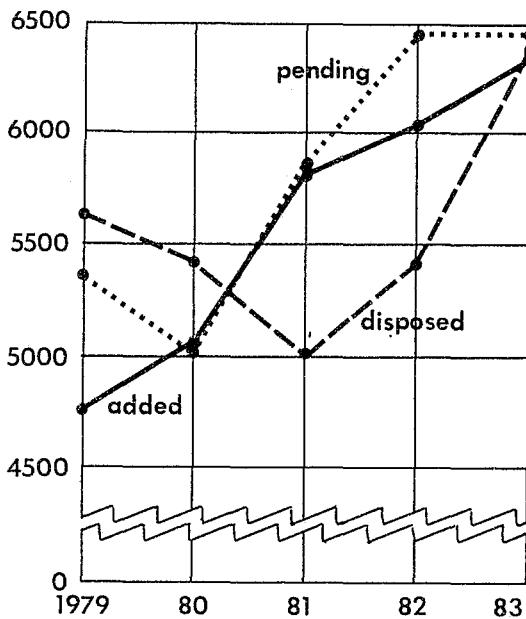
Each part is scheduled to sit 31 times each court year. The calendar for each sitting consists of at least 15 appeals; occasionally a part considers as many as 19 appeals at a sitting. The cases are rated by the presiding judge of each part for difficulty and then decided by either two or three judges.

Appeals are submitted to the court without argument unless one of the parties requests argument or the court orders it. After argument, or submission without argument, the

judges research, discuss and decide each case and eventually issue a written opinion.

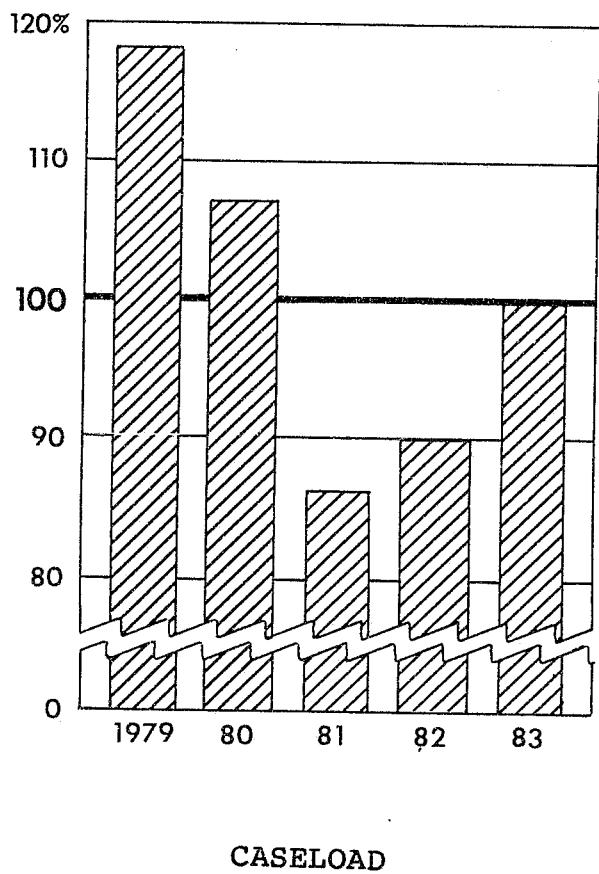
Besides the calendared cases, the court decides thousands of motions and emergent applications. During the summer, only one part is assigned to sit each week and the court decides only criminal cases and an occasional urgent civil case.

CASELOAD TRENDS  
1979-1983



**CALENDAR CLEARANCE  
1979-1983**

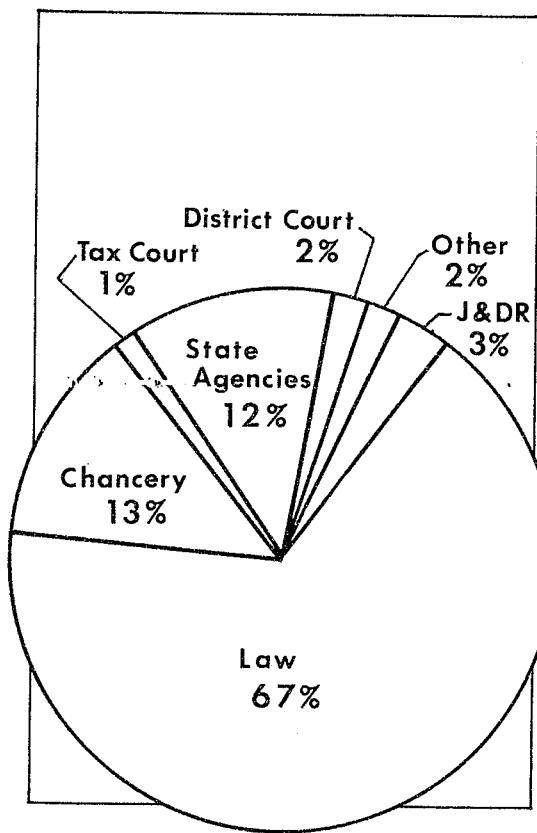
**DISPOSITIONS**



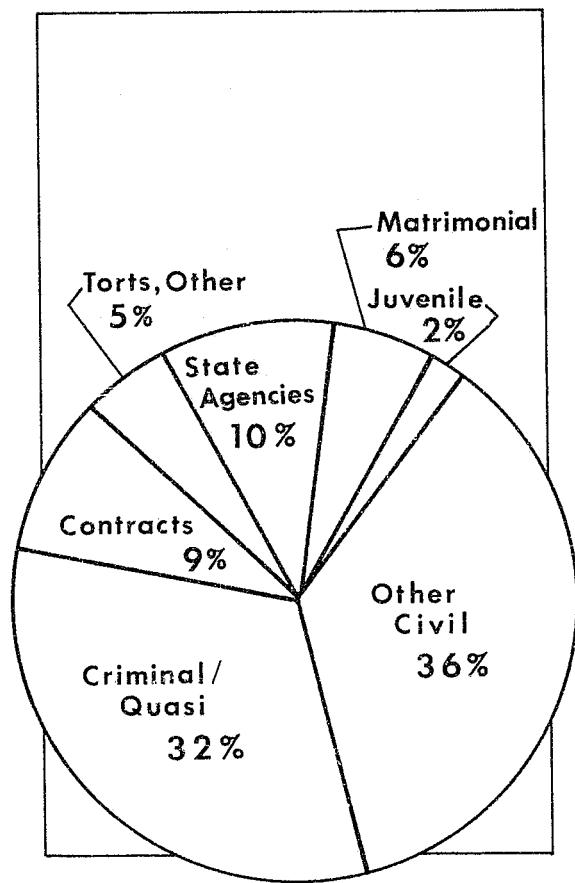
At the end of the court year, the number of appeals filed, disposed and pending, all reflected increases over the previous year. Cases added totalled 6,393, up from 6,038 added the previous year. A total of 6,396 cases were disposed, an increase from 5,423. Cases pending were 6,457, compared to 6,460 the previous year.

As in the past five years, the majority of appeals decided were from the trial divisions of Superior Court. By type, most appeals involved criminal or quasi-criminal cases. Most appeals were decided by two-judge panels (77%) and were disposed of by written or oral opinion. The overall reversal rate was 13%.

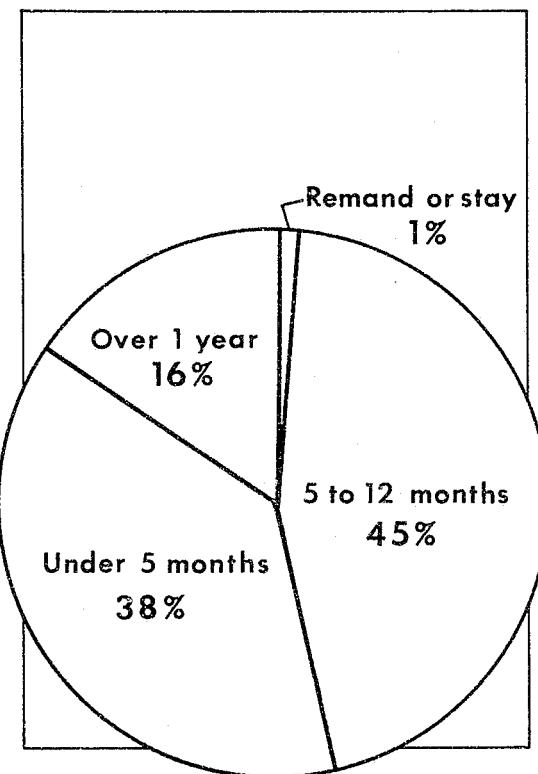
**SOURCES OF APPEAL**



APPEALS DECIDED  
BY TYPE



AGE OF PENDING CASES

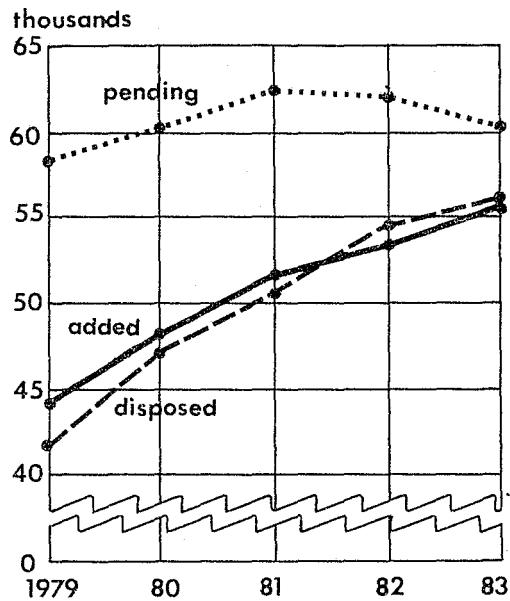


## CIVIL

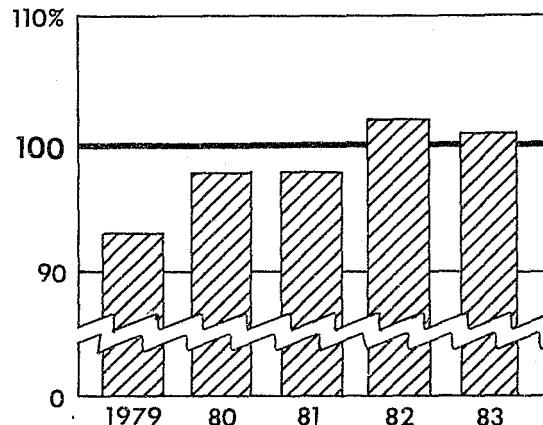
The Civil Part of the Law Division of Superior Court hears cases such as contract and tort claims exceeding \$5,000 and other cases involving money judgements.

### CALENDAR CLEARANCE 1979-1983

#### CASELOAD TRENDS 1979-1983



- cases added increased 24.5%
- dispositions increased 35.4%
- cases pending increased by 4.9%



#### CASES ADDED

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
	53,647	55,625	3.7

#### MOTIONS

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Number	78,202	77,336	-1.1
Per Disposition	1.5	1.4	-6.7

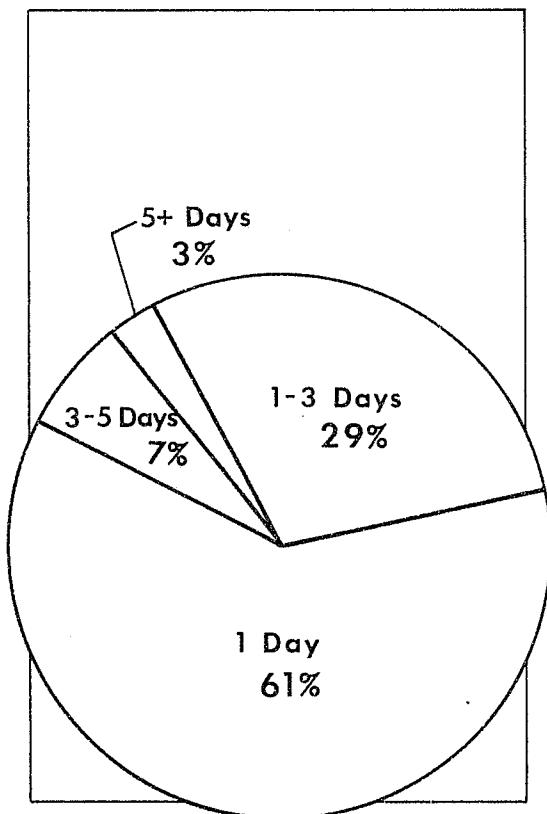
## DISPOSITIONS

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Trials (partial & completed)	3,979	4,450	11.8
Settlements & Dismissals	49,882	50,491	1.2
Transfers to other courts	<u>1,101</u>	<u>1,058</u>	<u>-3.9</u>
Total	54,962	55,999	1.9

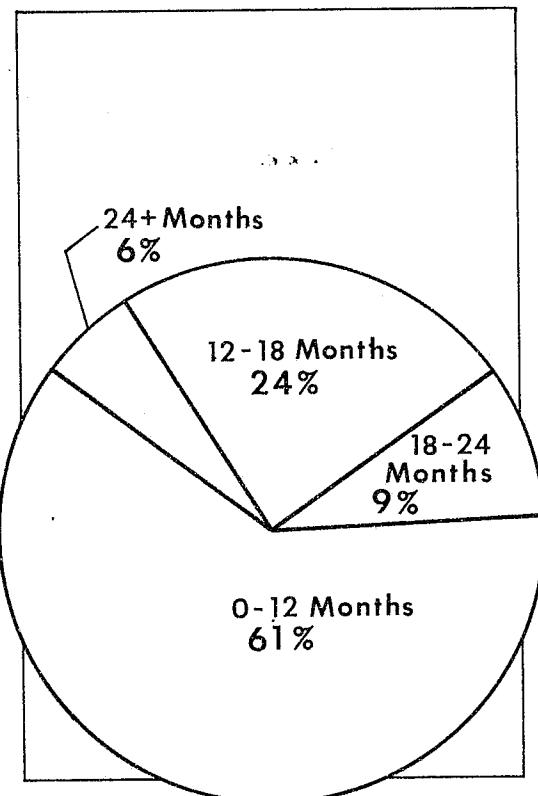
## PENDING CASES

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Active	59,769	60,437	1.1
Inactive	<u>995</u>	<u>1,200</u>	<u>20.6</u>
Total	60,764	61,637	1.4

### TRIAL LENGTH



### AGE OF PENDING CASES



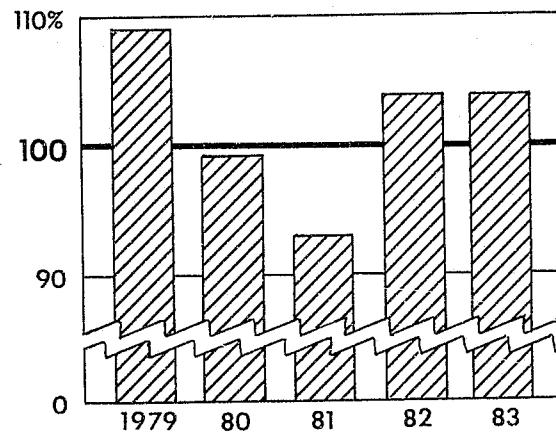
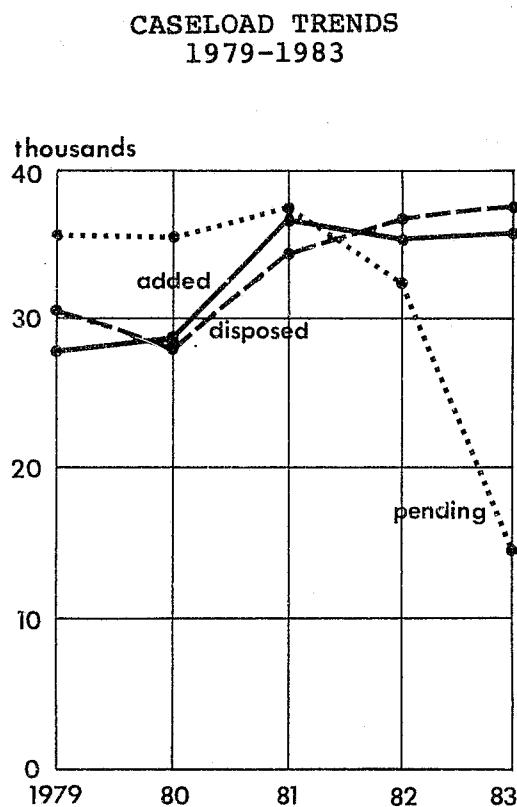
**1983**

**TRIAL COURTS  
of General  
Jurisdiction**

## CRIMINAL

The Criminal section of Superior Court, Law Division handles all indictments and accusations in criminal cases, following initial filing of the complaint in Municipal Court.

### CALENDAR CLEARANCE 1979-1983



### CASES ADDED

<u>1982</u>	<u>1983</u>	<u>Change</u>
35,414	35,855	1.2

- defendants have increased 28.5%
- dispositions increased 22.6%
- pending cases declined 11.5%

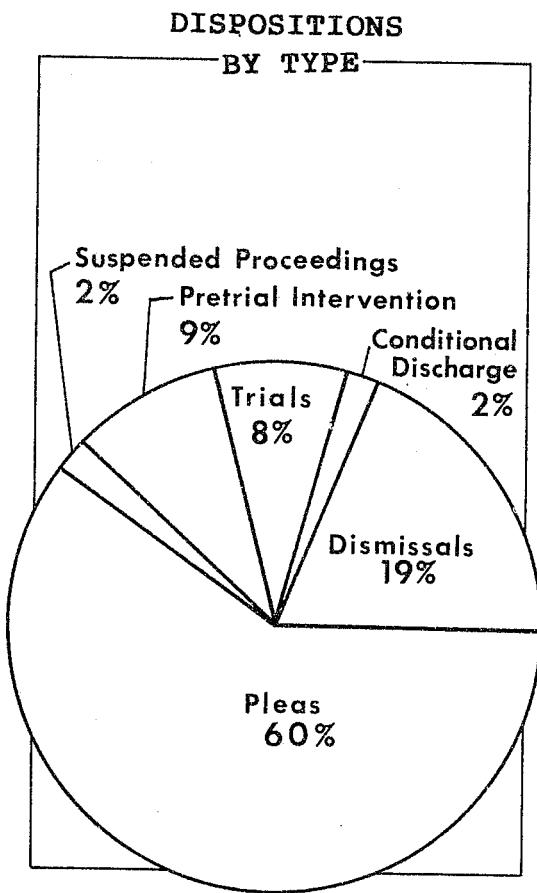
### MOTIONS

	<u>1982</u>	<u>1983</u>
Contested	26,713	25,989
Uncontested	16,738	17,602
TOTAL	43,451	43,591
% Contested	61.5%	59.6%

## DISPOSITIONS

### CONVICTION RATE UPON TRIAL

<u>1982</u>	<u>1983</u>	<u>% Change</u>
36,962	37,178	0.6



<u>Court Year</u>	<u># of Conviction</u>	<u>Conviction Rate</u>
1983	1,682	57.7%
1982	1,825	62.8%
1981	1,633	59.3%
1980	1,542	58.8%
1979	1,585	53.6%

### HEARINGS

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Probation Violation	4,355	5,520	26.8
Extradition	779	803	3.1
Mun. Ct. Appeals	2,991	3,372	12.7
Pre-Trial Conference	11,230	11,896	5.9
TOTAL	19,355	21,591	11.6

### SENTENCING

	<u>1981 *</u>	<u>1982 *</u>	<u>% Change</u>
Persons sentenced	14,855	18,315	23.3
Percent incarcerated	52%	51%	-1.0
Percent with minimum parole ineligibility terms	27%	40%	13.0

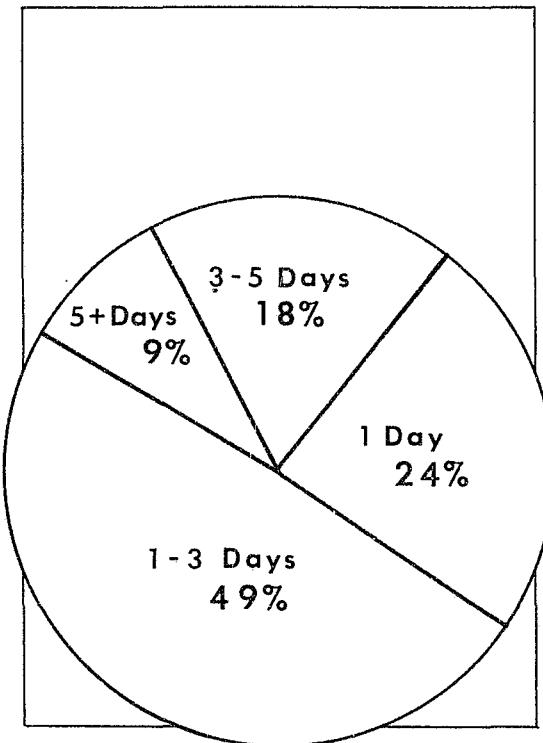
\* Calendar year figures for sentencing under Title 2C.

## TRIALS

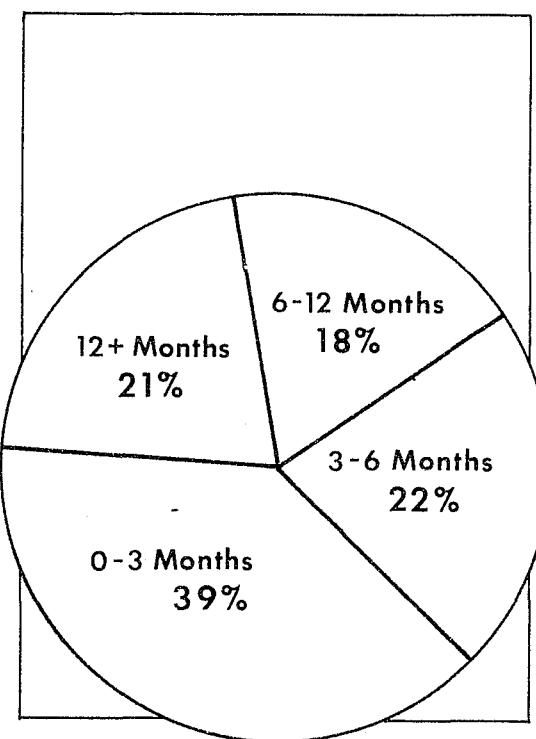
## PENDING CASES

	<u>1982</u>	<u>1983</u>	<u>% Change</u>		<u>1982</u>	<u>1983</u>	<u>% Change</u>
Partial	296	291	-1.7	Active	15,614	14,847	-4.9
Completed	<u>2,779</u>	<u>2,622</u>	<u>-5.6</u>	Inactive	<u>20,213</u>	<u>16,543</u>	<u>-18.2</u>
Total	3,075	2,913	-5.3	Total	35,827	31,390	-12.4

## TRIAL LENGTH



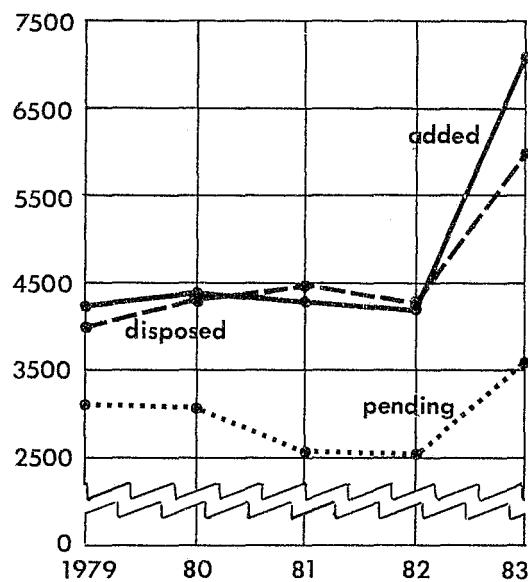
## AGE OF PENDING CASES



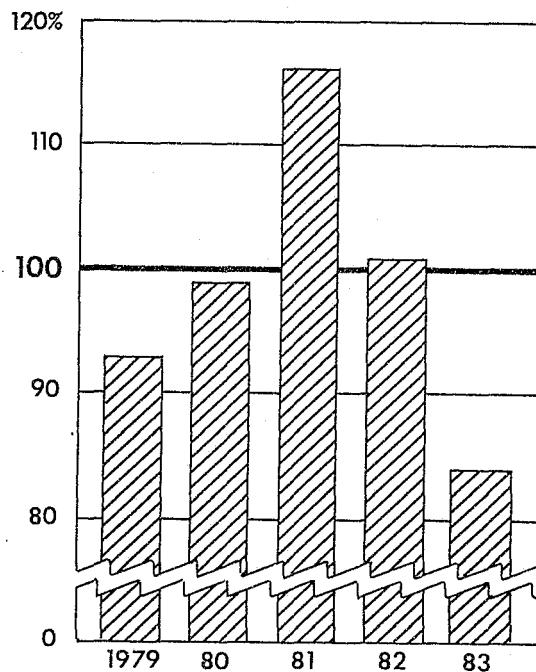
## GENERAL EQUITY

The General Equity Part of the Superior Court, Chancery Division, hears cases involving relief other than, or in addition to, money. Examples include requests for injunctions forbidding certain alleged harmful conduct, specific performance of a contract, and rewriting or cancelling contracts.

CASELOAD TRENDS  
1979-1983



CALENDAR CLEARANCE  
1979-1983



CASES ADDED

<u>1982</u>	<u>1983</u>	<u>% Change</u>
4,291	7,125	66.0

- cases added increased 65.0%
- dispositions increased 49.9%
- pending cases decreased 18.1%

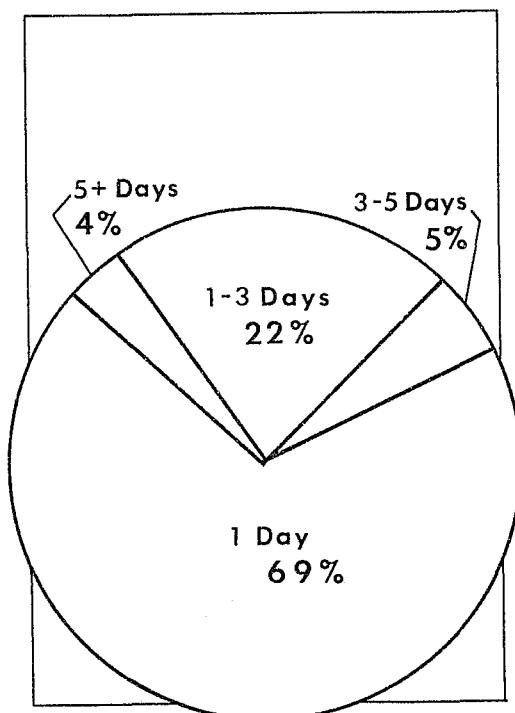
MOTIONS

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Number	8,952	8,004	-10
Per Disposition	2.1	1.3	-38

## DISPOSITIONS

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Trials completed	721	867	20.2
Settlements (Prior to Trial)	1,956	2,627	34.3
Dismissals & Discontinuances	976	1,356	38.9
Transfers & Consolidations	426	947	122.3
Settled During Trial (Included Partially Tried)	262	214	-18.3
Total	<u>4,341</u>	<u>6,011</u>	<u>-38.5</u>

### TRIAL LENGTH



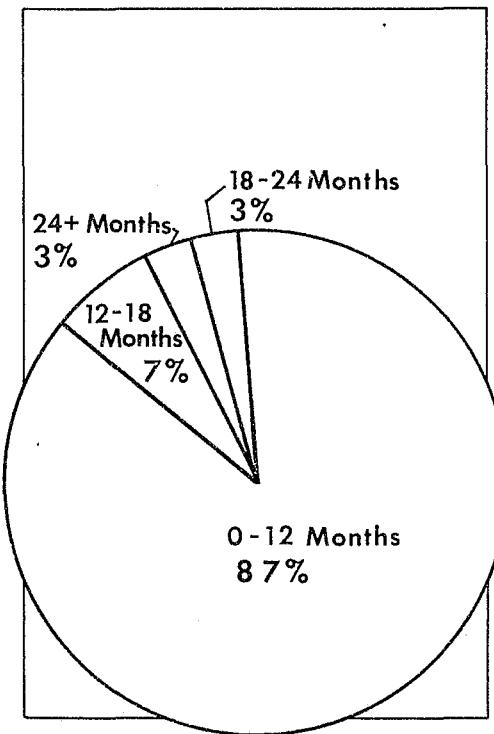
### TRIALS

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Settled During Trial and partially tried	262	214	-18.3
Completed	721	867	20.2

### PENDING CASES

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Active	2,375	3,400	43.2
Inactive	<u>148</u>	<u>277</u>	<u>87.2</u>
Total	2,523	3,677	45.7

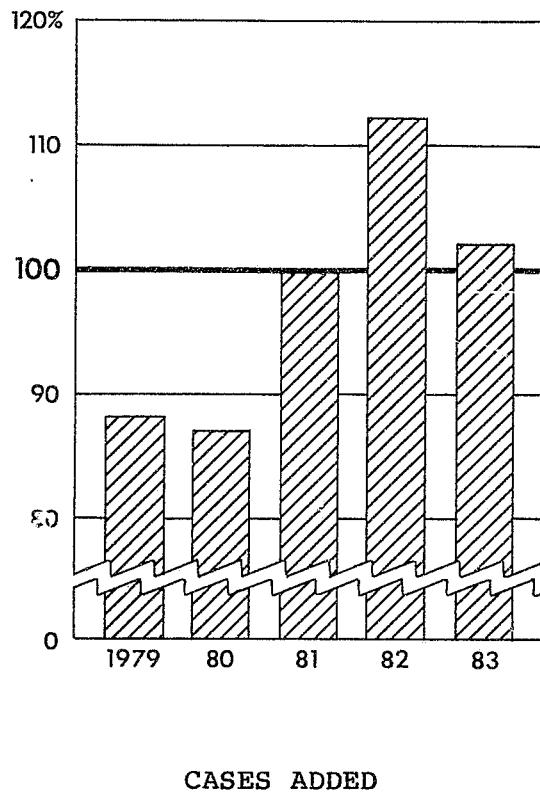
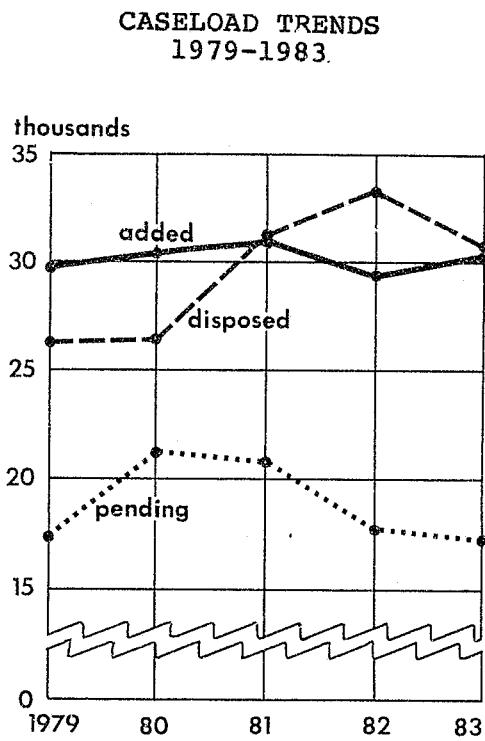
### AGE OF PENDING CASES



## MATRIMONIAL

All matters related to divorce are handled by the Matrimonial Section of the Superior Court, including child custody, child support, alimony and equitable distribution of property.

### CALENDAR CLEARANCE 1979-1983



- cases added increased 18.2%
- dispositions increased 17.6%
- pending cases decreased -0.5%

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
	29,531	30,270	2.5%

### MOTIONS

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Number	26,594	24,598	-7.5
Per Disposition	.8	.8	-

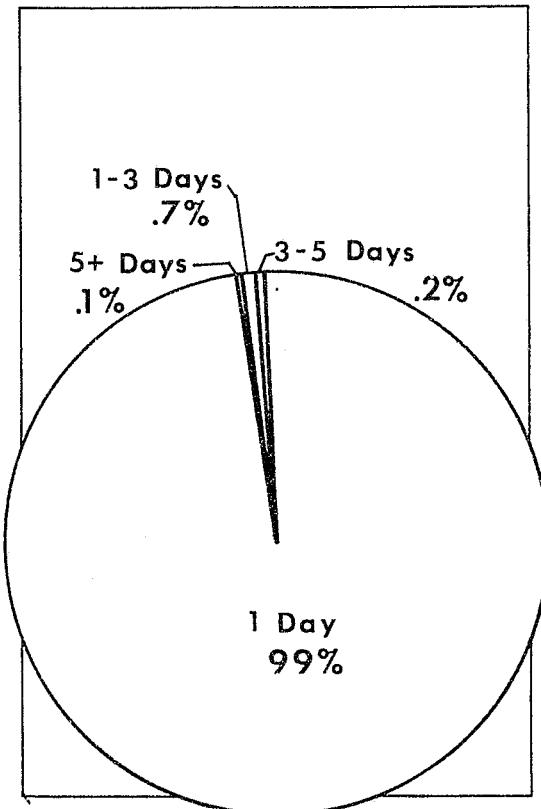
## DISPOSITIONS

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Total Hearings	31,035	28,180	-9.2
Contested	12,849	11,178	-13.0
Uncontested	18,186	17,002	-6.5
Settlements	113	208	84.1
Dismissals and Transfers	<u>1,832</u>	<u>2,523</u>	<u>37.7</u>
Total	32,980	30,911	-6.3

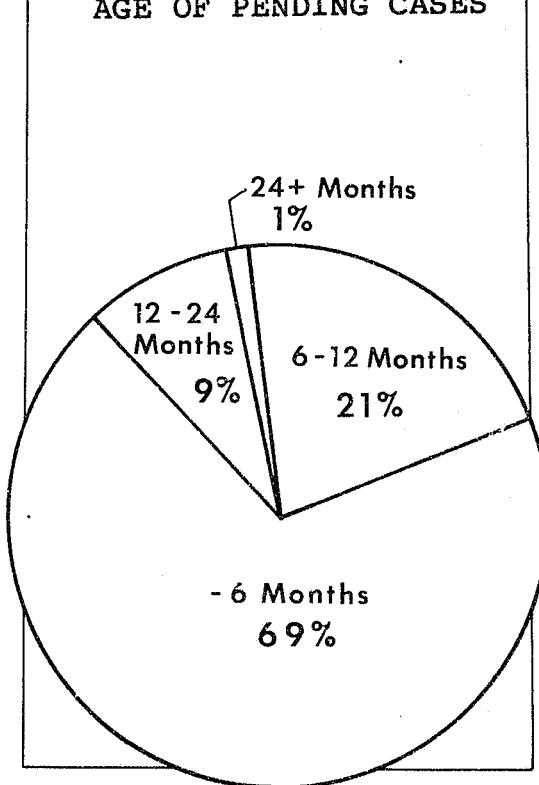
## PENDING CASES

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Active	17,498	17,151	-2.0%
Inactive	<u>28</u>	<u>43</u>	<u>53.6%</u>
Total	17,526	17,194	-1.9%

### HEARING LENGTH



### AGE OF PENDING CASES



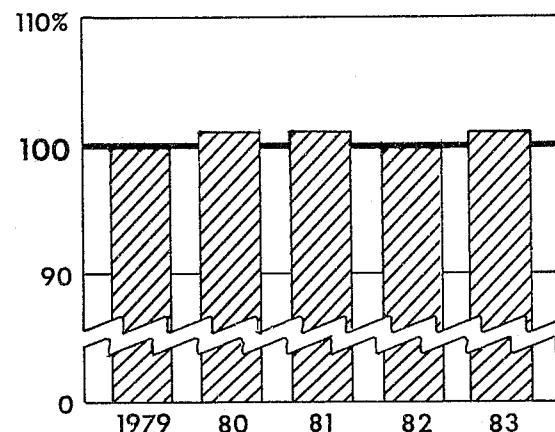
**1983**

**TRIAL COURTS  
of Limited  
Jurisdiction**

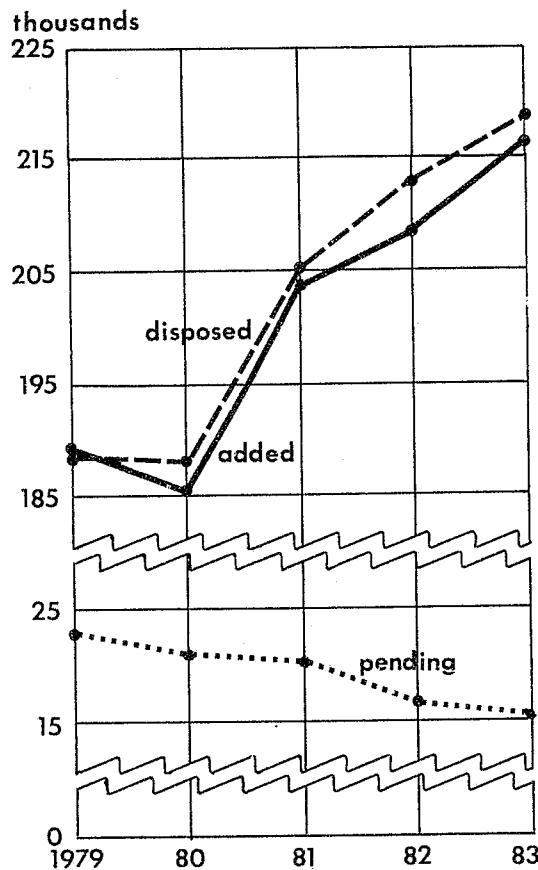
## JUVENILE & DOMESTIC RELATIONS

The Juvenile and Domestic Relations Court handles complaints of juvenile delinquency, juveniles in need of supervision (JINS), non-criminal child abuse and matters filed under the Child Placement Review Act. It also deals with Domestic Relations, child support, custody, visitation and paternity matters, and complaints filed under the 1982 Prevention of Domestic Violence Act.

### CALENDAR CLEARANCE



### CASELOAD TRENDS 1979 - 1983



- cases added increased 5.8%
- dispositions increased 6.8%
- cases pending decreased 33.4%

CASES ADDED

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Delinquency	98,213	91,020	-7.3
JINS	11,596	11,461	-1.2
Domestic Relations	<u>99,047</u>	<u>97,963</u>	<u>-1.1</u>
Total w/o Dom. Violence	208,856	200,444	-4.0
Domestic Violence	<u>N/A</u>	<u>16,442</u>	<u>N/A</u>
Total with Dom. Violence	208,856	216,886	3.8

DISPOSITIONS

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Delinquency	101,793	92,132	-9.5
JINS	11,915	11,417	-4.2
Domestic Relations	<u>99,326</u>	<u>98,407</u>	<u>-0.9</u>
Total w/o Dom. Violence	213,034	201,956	-5.2
Domestic Violence	<u>N/A</u>	<u>16,465</u>	<u>N/A</u>
Total with Dom. Violence	213,034	218,421	2.5

PENDING CASES

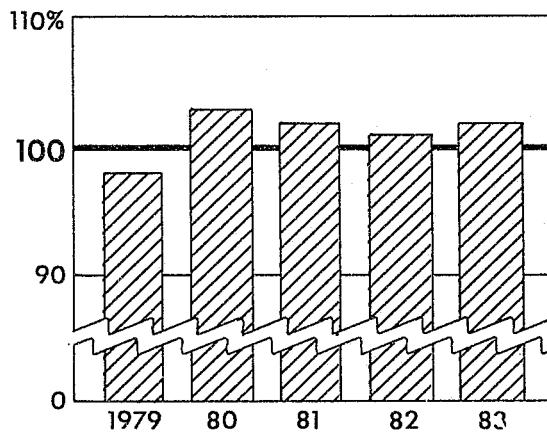
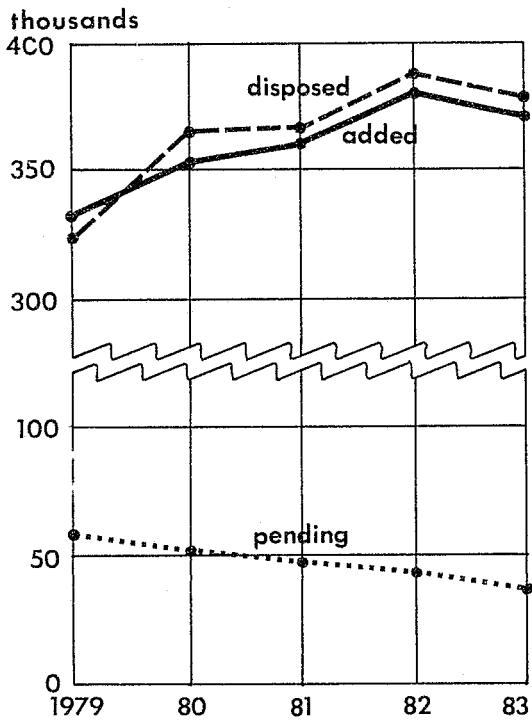
	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Delinquency	10,242	9,130	-10.9
JINS	641	685	6.9
Domestic Relations	<u>6,036</u>	<u>5,592</u>	<u>-7.4</u>
Total w/o Dom. Violence	16,919	15,407	-8.9
Domestic Violence	<u>N/A</u>	<u>386</u>	<u>N/A</u>
Total with Dom. Violence	16,919	15,793	-6.7

## COUNTY DISTRICT COURT

The County District Court handles contract and tort claims under \$5,000, landlord/tenant disputes, and small claims matters under \$1,000.

### CALENDAR CLEARANCE 1979-1983

#### CASELOAD TRENDS 1979-1983



#### CASES ADDED

<u>1982</u>	<u>1983</u>	<u>% Change</u>
380,735	371,638	-2.4

- cases added increased 12.0%
- dispositions increased 16.8%
- pending cases declined by 36.1%

#### MOTIONS

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Number	17,993	18,956	5.4
Per Disposition	.05	.05	0

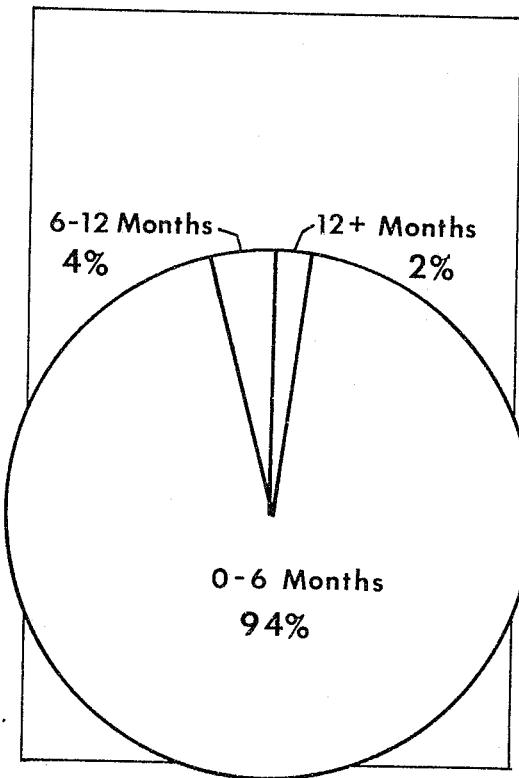
## DISPOSITIONS

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Automobile Negligence	12,964	11,448	-11.7
Other Tort	5,146	5,265	2.3
Contract	198,216	190,907	-3.7
Small Claims	52,761	53,229	0.9
Tenancy	<u>116,919</u>	<u>118,031</u>	<u>10.0</u>
Total	386,006	378,880	-1.8

## AGE OF PENDING CASES

### PENDING CASES

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
	44,607	37,365	-16.2



## TAX COURT

This report is submitted to the Chief Justice of the Supreme Court of New Jersey and published as part of the Annual Report of the Administrative Director of the Courts pursuant to N.J.S.A. 2A:3A-24.

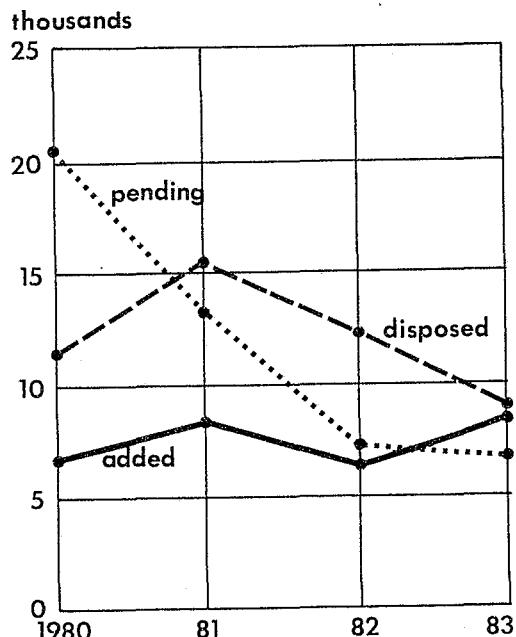
August 31, 1983 ended the court's fourth year. During the year the caseload has stabilized at 6,000-7,000 cases. The substantial backlog has been eliminated, and cases are being disposed of on a current basis.

The judges and their staff performed in a professional and experienced manner during the year. The Clerk of the Court and her staff operated effectively in the administration of the court.

### THE COURT

The Tax Court of New Jersey is a trial court having statewide jurisdiction. The court was established in 1979 by the Legislature under Art. VI, §1, par. 1 of the New Jersey Constitution, as a court of limited jurisdiction to review state tax and local property tax assessments. The enabling legislation can be found in N.J.S.A. 2A:3A-1 *et seq.* The court reviews the actions and determinations of the assessors and the county boards of taxation with respect to local property tax matters, and of the Director of the Division of Taxation, the Director of the Division of Motor Vehicles and other state officials with respect to state taxes.

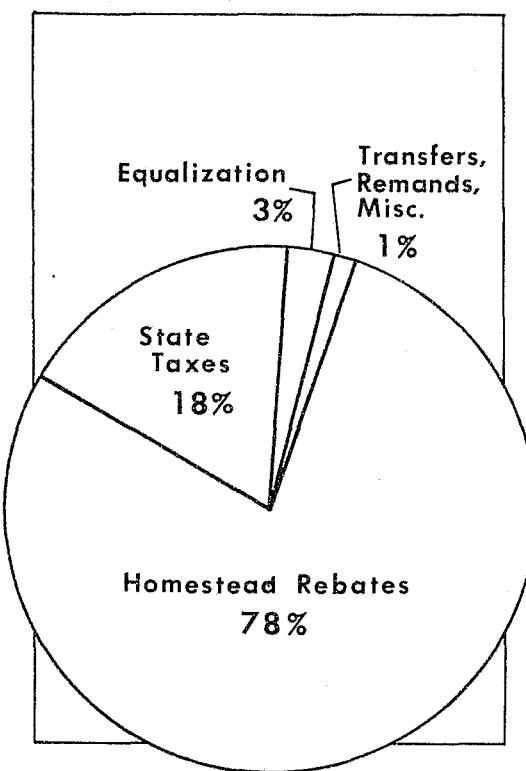
### CASELOAD TRENDS 1980-1983



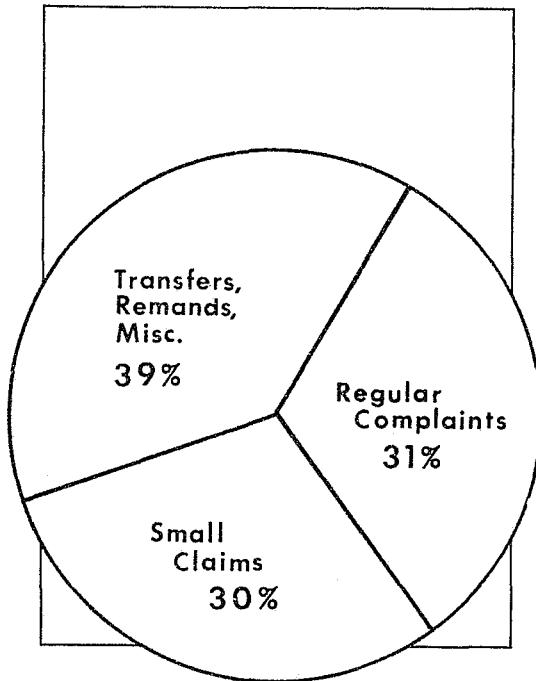
Filings, transfers and miscellaneous applications during the court year totaled 8,647, of which 86% involved local property tax cases. The court disposed of 9,003 cases and 6,955 cases were pending at the end of the year.

Cases added during the year, 8,647, represents an increase from 6,376 the previous year. Among the local property tax cases added, 31% were regular complaints. Among non-local property tax cases, 78% involved homestead rebates. The following charts indicate the types of cases added:

LOCAL PROPERTY TAX CASES FILED  
BY TYPE



NON-LOCAL PROPERTY TAX CASES  
FILED BY TYPE



DISPOSITIONS

Dispositions during the court year were 9,003, a decrease from 12,288 the previous year. Of the cases disposed, 95% were property tax cases, while 5% were other state tax cases.

METHOD OF DISPOSITION

Local Property tax cases

Settlement, withdrawal or motion	90%
Tried to completion	10%

Other tax cases

Settlement, withdrawal or motion	77%
Tried to completion	23%

PENDING CASES

Of the 6,955 cases pending at the end of the court year, 6,202 are local property tax cases, 745 involve state tax and equalization cases and 8 "other" cases. Of these 4,296 are 1982-83 cases and 1,906 are pre-1982 cases.

APPEALS FROM TAX COURT DECISIONS

During the court year, 84 Tax Court decisions were appealed to the Appellate Division of the Superior Court and the Appellate Division rendered decisions in 95 Tax Court cases. The Appellate Division took the following action:

Affirmed	41
Dismissed	31
Reversed	21
Withdrawn	1
Direct certification to Supreme Ct.	1
Total	95

The Tax Court maintains permanent courtrooms and chambers in Hackensack, Newark, New Brunswick, Trenton, Camden and Mays Landing. Tax Court cases originating in Bergen, Passaic, Hudson, Essex, Union and Middlesex Counties are heard by the judges who sit in permanent courtroom locations in northern New Jersey. Tax Court cases originating in the remaining counties are heard in permanent courtroom locations in Trenton, Camden and Mays Landing and, as required, in court houses in Morristown, Belvidere, Somerville, Freehold, Toms River and Newton.

Each judge's courtroom staff is limited to a single court clerk who, in addition to normal courtroom duties, operates the sound recording equipment. The use of a sound recording system in the Tax Court has proven to be effective and cost efficient. It enables a traveling judge to move easily from one hearing location to another, provides the means for a judge's review of court proceedings in the preparation of written opinions, and permits the prompt preparation of transcripts for appeal purposes. The quality of the transcripts has been excellent.

The judges meet monthly to discuss substantive and procedural developments in the tax field. In addition, judges attend various specialized education courses, including this year, the National Conference of State Tax Judges' seminar, attended by all of the judges.

#### OFFICE OF THE CLERK

The Office of the Clerk is the administrative arm of the Tax Court. A significant function of the Clerk's Office is to provide taxpayers, tax

attorneys and tax administrators with information about the filing of complaints, judgments and opinions of the court and with other information regarding review of state and local tax assessments, including the furnishing of sample forms and court rules. Pamphlets explaining procedures in small claims local property tax and State tax cases were prepared and are available for distribution.

#### SUPREME COURT COMMITTEE ON THE TAX COURT

The Supreme Court Committee on the Tax Court is composed of judges, attorneys, tax officials at the municipal, county and state levels, representatives of taxpayers' and tax professionals' organizations and representatives of the public. Meetings were held during the court year to discuss the work of the Tax Court and procedures to be followed in proceedings before the court. Discussions in depth identified problem areas and led to suggested solutions that might be effected by court rule.

The committee's review of the Tax Court Rules resulted in recommended changes to simplify and clarify procedures under the rules. The rule changes recommended by the committee were adopted by the Supreme Court.

Since no other such forum exists in the State of New Jersey, the Supreme Court Committee on the Tax Court affords a unique opportunity for taxpayers, those who represent taxpayers and those who administer and review tax laws to meet and discuss common problems and ways to improve the state and local tax system. These committee discussions have resulted in better understanding and coordination among the groups represented by the participants.

## PUBLICATION OF OPINIONS

A key objective of the court is availability of Tax Court decisions to taxpayers, the tax bar, tax administrators and other tax professionals. Ready access to these opinions assists in tax planning, tax administration and tax enforcement by improving predictability. Summaries of opinions approved for publication are published in the New Jersey Law Journal. "Slip" opinions are produced and made available by the Administrative Office of the Courts. West Publishing Company publishes the opinions in New Jersey Tax Court Reports and in advance sheets issued in connection with these reports.

Volume 4 of New Jersey Tax Court Reports was published in the spring of 1983. This volume contains 65 state and local tax opinions.

Advance sheets for Volume 5 of New Jersey Tax Court Reports were issued during the court year. It is anticipated that one bound volume of New Jersey Tax Court Reports will be published annually.

## STANDARDS OF ASSESSMENT AND LEGAL PRINCIPLES UTILIZED BY THE TAX COURT

Local property tax cases generally involve a determination of value of the property for assessment purposes. Value for assessing purposes is fair market value, the price that would be paid by a willing purchaser and that a willing seller would accept, neither being compelled to buy nor sell. It is the fair market value standard that is utilized to achieve the uniformity in assessment that is required by the New Jersey

Constitution. The court applies the valuation principles required by statute and the Constitution and determines fair market value by application of such of the three approaches to value as may be presented in evidence. These three approaches are: (1) the market approach, which estimates value based on comparable sales, (2) the cost approach, which estimates value based on construction cost less depreciation and (3) the income approach, which estimates value based on capitalization of the income stream produced by the property. Local property tax cases sometimes involve a claim of discrimination. In such cases the court follows the legal principles established by the Supreme Court in In re Appeals of Kents 2124 Atlantic Ave., Inc. 34 N.J. 21 (1961), and subsequent Supreme Court decisions dealing with discrimination, as well as statutory provisions granting relief from discrimination. N.J.S.A. 54:51A-6 (Chapter 123 of the Laws of 1973).

Examples of the standards of assessment and legal principles utilized by the Tax Court during the past year may be found in the 66 opinions rendered in the court year and approved for publication in New Jersey Tax Court Reports. Of these cases, 36 dealt with local property tax matters and 30 with state tax matters. The local property tax decisions included 6 cases principally involving valuation, 6 cases involving exemption claims, 2 cases dealing principally with the issue of discrimination, including the application of Chapter 123 of the Laws of 1973 (N.J.S.A. 54:51A-6), 3 cases which interpreted the provisions of the "Freeze Act" (N.J.S.A. 54:51A-8 and N.J.S.A. 54:3-26), and 2 cases dealing with farmland assessment. In addition, published opinions dealt with the requirement that taxes be paid to maintain an action in the Tax Court,

procedures regarding tax refunds and expert valuation testimony.

Significant among the local property tax cases are: Centex Homes of N.J. Inc. v. Manalapan Tp., 4 N.J. Tax 599 (Tax Ct. 1982) (direct certification to Supreme Court granted May 9, 1983, certification vacated and case remanded to the Appellate Division December 8, 1983), in which the court held unconstitutional the provision in the Municipal Land Use Law denying farmland assessment and imposing rollback tax when the preliminary subdivision approval is granted. Subsequent to this decision, the Legislature amended the Municipal Land Use Law to delete the provision held unconstitutional. Terrace View Gardens v. Dover Tp., 5 N.J. Tax 469 (Tax Ct. 1982), aff'd 5 N.J. Tax 475 (App. Div. 1983), in which the court dismissed the complaint because the taxpayer failed to furnish information to the assessor as required under N.J.S.A. 54:4-34. Tall Timbers, Inc., et al v. Vernon Tp., 5 N.J. Tax 299 (Tax Ct. 1983), in which the court held that condominium campsites were to be valued at their sale price without discounting for the estimated time that it will take the owner to dispose of unsold sites. Brancasons v. Carlstadt Boro., N.J. Tax (Tax Ct. 1983), in which the court dealt with the assessment of riparian lands. Sta-Seal, Inc. v. Taxation Div. Director, 5 N.J. Tax 272 (Tax Ct. 1983), Appellate Division appeal filed 4/12/83, in which the court provided a detailed explanation of the distinction between real and personal property. Lawrence Associates v. Lawrence Tp., 5 N.J. Tax 481 (Tax Ct. 1983), Appellate Division appeal filed 8/17/83, which contained a detailed analysis of the valuation procedure for a super regional shopping center.

Reported state tax decisions included 10 sales tax cases, 9 cor-

poration business tax cases, 7 gross income tax cases and cases dealing with inheritance tax, business personal property tax and insurance retaliatory tax. Significant among the state tax cases were: Chemical Realty Corp. v. Taxation Div. Director, 5 N.J. Tax 581 (Tax Ct. 1983), Appellate Division appeal filed 7/11/83, which dealt with the taxability of out-of-state lenders under the Corporation Income Tax Act. Tamko Asphalt Products, Inc. of Maryland v. Sidney Glaser, Director of the Div. of Taxation, 5 N.J. Tax 446 (Tax Ct. 1983), Appellate Division appeal filed 8/16/83, which dealt with the liability of a Maryland manufacturing corporation for the payment of New Jersey corporation business tax on net worth based on the activities of its salesmen in New Jersey. Dow Jones & Co., Inc. v. Taxation Div. Director, 5 N.J. Tax 181 (Tax Ct. 1983), Appellate Division appeal filed 3/18/83, which dealt with sales tax on ticker tape machines and terminals. Applestein v. Taxation Div. Director, 5 N.J. Tax 73 (Tax Ct. 1982), Appellate Division appeal filed 2/7/83, a gross income tax case, held that expenses incurred in trading securities were not deductible from gross income.

#### RECOMMENDATIONS FOR LEGISLATIVE CHANGES

Based on the cases heard by the court, it appears that the system for review of state and local tax disputes is generally functioning satisfactorily. However, the court's experience with taxpayers, tax attorneys and tax administrators has revealed areas where the state and local tax system can be improved. Legislative changes that might be considered at this time are:

1. Modification of the provision for direct appeal to the Tax Court in those local property tax cases where the assessment exceeds \$750,000 to specifically include added and omitted assessment appeals. (N.J.S.A. 54:3-21).
2. Statutory definition of "personal property" for the purpose of distinguishing such property from real property when dealing with the real property tax and the business personal property tax.
3. Whether some reduction in property tax should be afforded a taxpayer whose property is destroyed during the course of the tax year. See Galloway Tp. v. Dorflinger, 2 N.J. Tax 358 (Tax Ct. 1980).
4. Resolution of a conflict between N.J.S.A. 54:4-3.5 and N.J.S.A. 54:4-3.25 concerning property owned by veterans' organization. See Cairola-Barber Post No. 2342, Inc. v. Fort Lee, 2 N.J. Tax 262 (Tax Ct. 1981).
5. Provision specifying the party required to pay the realty transfer tax on the recording of a sheriff's sale deed. See Soldoveri v. Director, 3 N.J. Tax 392 (1981).
6. Provision for a Tax Court judgment or order for the payment of money to be entered in the civil judgment and order docket of the Clerk of the Superior Court for record search purposes, as is provided for the Chancery Division of the Superior Court (N.J.S.A. 2A:16-11), the District Court (N.J.S.A. 2A:18-32 & 36) and the Juvenile and Domestic Relations Court (N.J.S.A. 2A:4-19.1).
7. Amendment of the Homestead Tax Rebate Act (N.J.S.A. 54:4-3.80) to avoid taxpayer dissatisfaction with the rebate system resulting from the denial of rebates because of untimely filing for rebate claims.
8. Amendment of N.J.S.A. 54:3-21.4, which provides for extension of the August 15 deadline for filing appeals to a county board of taxation in the event the tax bills are not sent to taxpayers prior to July 15, to provide that the August 15 deadline for filing direct appeals to the Tax Court is similarly extended when an extension for filing to a county board of taxation is granted.
9. Consider repealing the Corporation Income Tax Act, N.J.S.A. 54:10E-1 et seq., as duplicative of the Corporation Business Tax Act, N.J.S.A. 54:10A-1 et seq., due to overruling of Spector Motor Service, Inc. v. O'Connor, 340 U.S. 602, 71 S.Ct. 508, 95 L.Ed. 573 (1951), by Complete Auto Transit v. Brady, 430 U.S. 274, 97 S.Ct. 1076, 51 L.Ed. 326 (1977), which held that a franchise tax on interstate business is constitutionally permissible. See Tamko Asphalt Products, Inc. v. Tax. Div. Director, 5 N.J. Tax 446, 445 (Tax Ct. 1983).
10. Amend N.J.S.A. 2A:3A-1 to change the reference to the Tax Court from an "inferior court" to an "other court", so that this statute will conform to the November 7, 1978 amendment to Art. VI, § I, par. 1 of the New Jersey Constitution, N.J.S.A. 2A:3A-1 having been enacted on June 13, 1978, prior to the amendment of the Constitution.

## TAX COURT OF NEW JERSEY

September 1, 1982 - August 31, 1983

A. Cases Pending and Case Dispositions:	Local Property Tax	State Tax	Equali- zation etc.	Other	Total
1. Cases pending as of first day of period	6,884	411	10	6	7,311
2. New cases filed during period	4,837	736	19	0	5,592
3. Superior Ct. cases assigned to Tax Court judges	0	0	0	9	9
4. Reinstated & transferred cases including remands	113	7	0	1	121
5. Miscellaneous applications added	2,925	0	0	0	2,925
	<u>14,759</u>	<u>1,154</u>	<u>29</u>	<u>16</u>	<u>15,958</u>
6. Cases disposed of by trial (tried to completion)	- 814	- 103	- 0	- 0	- 917
7. Cases disposed of without trial (withdrawn or settled before or after assigned to judge, or by motion)	-4,818	- 319	-15	- 0	-5,152
8. Cases transferred to other courts	- 0	- 1	- 0	- 0	- 1
9. Miscellaneous applications	-2,925	- 0	- 0	- 0	-2,925
10. Superior Ct. cases assigned to Tax Court judges	- 0	- 0	- 0	- 8	- 8
11. Pending as of last day of period	<u>6,202</u>	<u>731</u>	<u>14</u>	<u>8</u>	<u>6,955</u>

B. Character of Complaints Filed:

1. Local Property Tax

Regular Appeals	
Vacant Land	950
Residential	797
Farmland	58
Commerical	962
Industrial	367
Multi-family Residential	1,385
Other	284
Correction of Error	34
Transfers, reinstatements, remand and miscellaneous application	3,045

7,882

2. Cases other than Local Property Tax

a. State Tax

Business Personal Property	11
Certificate of Debt	3
Cigarette Tax	1
Corporation Business Tax	42
Corporation Income Tax	3
Emergency Transportation Tax	4
Financial Business Tax	1
Gross Income Tax	24
Homestead Rebate	597
Motor Fuels Use Tax	1
Public Utilities Gross Receipts Tax	1
Railroad Property Tax	1
Realty Transfer Tax	2
Sales & Use Tax	23
Spill Compensation Tax	11
Transfer Inheritance Tax	9
Miscellaneous Complaints	2
	736

b. Equalization Table

County Equalization Table	3
County Rebate	3
Order to Revalue	1
Table of Equalized Valuation (School Aid)	12
	19

c. Transfers, reinstatements, remands  
and Superior Court tax-related  
cases assigned to Tax Court judges

10      765

8,647

C. 1. Dollar Amount of Local Property Tax Assessments Contested in Complaints Filed	1
	\$6,793,944.863.
2. Dollar Amount of State Tax Assessments Contested in Complaints Filed	28,877,054.

By Type of Tax

Business Personal Property Tax	\$ 1,037,058.
Certificate of Debt	39,152.
Cigarette Tax	13,807.
Corporation Business Tax	18,650.894.
Corporation Income Tax	93,237.
Emergency Transportation Tax	121,554.
Financial Business Tax	57,630.
Gross Income Tax	103,262.
Homestead Rebate	*
Motor Fuels Use Tax	66,260.
Public Utilities Gross Receipts Tax	14,939.
Realty Transfer Tax	5,815.
Sales & Use Tax	1,083,744.
Spill Compensation Tax	7,470,862.
Transfer Inheritance Tax	107,854.
Miscellaneous Complaints	10,986.

D. Number of Complaints Filed In Each Filing Fee Category

	<u>Local Property Tax</u>	<u>State Tax</u>	<u>Equali- zation Table</u>	<u>Other</u>	<u>Total</u>
Regular	2,474	119	19	9	2,621
Small Claims	2,322	617	0	0	2,939
Transfers, remand, reinstatements & misc. applications	<u>3,079</u>	<u>7</u>	<u>0</u>	<u>1</u>	<u>3,087</u>
Total	<u>7,875</u>	<u>743</u>	<u>19</u>	<u>10</u>	<u>8,647</u>

1. New Jersey real property tax assessments totaled \$120,514,450,565 for 1982. Assessments amounting to 5.6 per cent of this total were contested in complaints filed in the Tax Court during court year ended August 31, 1983.

\* No contested tax figures shown in complaints.

E. Breakdown by county of local property tax complaint filings  
for years ended: 9/1/82 - 8/31/83

	<u>8/31/80</u>	<u>8/31/81</u>	<u>8/31/82</u>	<u>8/31/83</u>
1. Atlantic	101	144	714	144
2. Bergen	630	876	626	897
3. Burlington	86	102	76	53
4. Camden	105	50	65	81
5. Cape May	23	48	8	74
6. Cumberland	10	14	15	461
7. Essex	1,158	807	744	647
8. Gloucester	25	14	30	56
9. Hudson	357	247	169	434
10. Hunterdon	26	217	46	33
11. Mercer	169	113	147	106
12. Middlesex	407	503	247	383
13. Monmouth	262	191	211	274
14. Morris	160	246	211	289
15. Ocean	99	82	90	166
16. Passaic	332	226	184	273
17. Salem	7	13	3	7
18. Somerset	82	168	130	85
19. Sussex	40	65	33	76
20. Union	319	252	264	269
21. Warren	<u>29</u>	<u>25</u>	<u>26</u>	<u>29</u>
	4,427	4,403	4,039	4,837

(SUMMARY OF TAX COURT ACTION IN REVIEW OF DIRECT APPEAL COMPLAINTS  
AND COUNTY TAX BOARD JUDGMENTS (LOCAL PROPERTY TAX))

(1) Tax Year Reviewed	(2) Total Assessments on Direct Appeal Complaints Reviewed by Tax Court	(3) Total Assessments as determined by County Tax Board Judgments in cases reviewed by Tax Court	(4) Total of Columns (2) & (3)	(5) Total Decrease in Assessments by Tax Court below assess- ments shown on Direct Appeals or County Tax Board Judgments	(6) Total Increase in Assessments by Tax Court above assess- ments shown on Direct Appeals or County Tax Board Judgments	(7) Total Assessments as deter- mined by Tax Court Judgments
1973		4,905,970	4,905,970	100,000	3,058,013	7,863,983
1974		19,592,900	19,592,900	1,399,920	0	18,192,980
1975		17,990,200	17,990,200	1,725,020	15,300	16,280,480
1976		85,363,567	85,363,567	21,923,164	11,959,350	75,399,753
1977		112,780,700	112,780,700	15,623,850	6,118,700	103,275,550
1978		208,083,836	208,083,836	38,136,216	6,161,400	176,109,020
1979	27,138,900	303,271,983	330,410,883	66,155,168	19,110,328	283,366,043
1980	446,171,071	553,501,978	999,673,049	158,849,269	9,975,983	850,799,763
1981	1,285,082,446	659,896,954	1,944,979,400	421,619,168	70,152,677	1,593,512,909
1982	1,689,363,552	461,384,776	2,150,748,328	366,385,546	33,820,755	1,818,183,537
1983	571,483,510	158,298,820	729,782,330	141,289,195	24,697,750	613,190,885
1984	158,146,900	31,486,800	189,633,700	42,835,120	183,650	146,982,230
Totals	\$4,177,386,379	\$2,616,558,484	\$6,793,944,863	\$1,276,041,636	\$185,253,906	\$5,703,157,133

**1983 PROBATION**

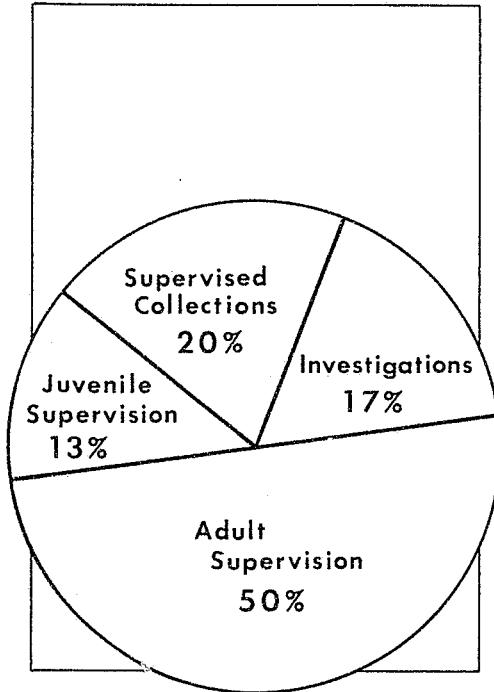
## PROBATION

Probation is a major part of the work of New Jersey courts.

Organized at the county level, each of the 21 probation departments is headed by a Chief Probation Officer who reports to the Assignment Judge. Probation is responsible for adult and juvenile supervision, investigations and financial collections required by the courts.

During 1983, adult supervision cases increased by 10.2%, to 42,802, while juvenile cases remained stable at 9,449, both reflecting long term trends. Juveniles in Need of Supervision (JINS) cases remained stable at 1,111 down only 8 cases. Investigations increased by 1.5% to 77,612, and collections in child support enforcement, the largest collection program, were \$158.9 million, a 9% increase over 1982. Successful discharges from probation, i.e., with no further offenses, totalled 20,837 in 1983, or 81.8% of all discharges.

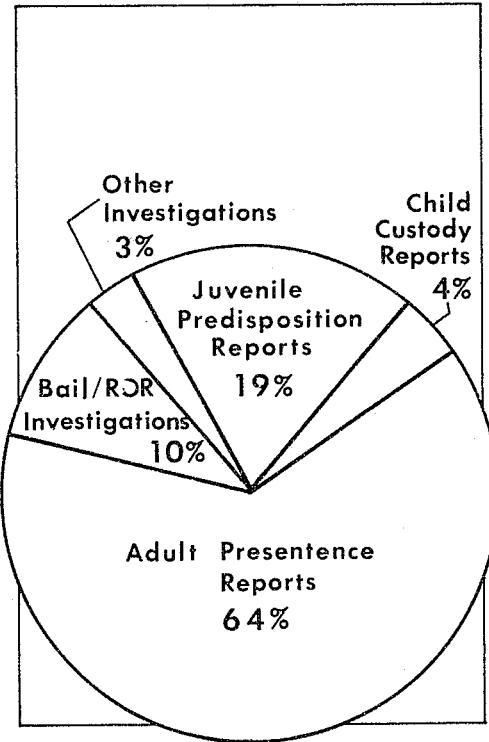
### WORKLOAD BY TYPE



### INVESTIGATIONS

Conducting investigations is one of the principal activities of the probation departments. Most investigations are made to provide information for adult presentence reports to assist the judge in the sentencing decision. In addition, probation personnel prepare juvenile predisposition reports and perform investigations prior to bail or other pretrial release and investigations relating to child custody. Other investigations concern grand juries, work release, juvenile detention, and financial status. The total in 1983 was 77,612 completed investigations. The workload can be divided as follows.

### INVESTIGATIONS WORKLOAD



Probation departments completed 20,700 Adult Presentence Superior Court reports, a decrease of 4.2% from 1982.

It is difficult to calculate

workload per probation officer in the investigation area. For county probation departments in which an officer is assigned solely to investigations, the monthly average in the state was 12.5 investigations.

**INVESTIGATIONS COMPLETED  
1982-1983**

<u>Long Form</u>	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Superior Court	21,154	20,317	- 4.0%
Municipal Court	438	383	-12.6%
Total	21,592	20,700	- 4.2%

<u>Short Form</u>			
Superior Court	1,553	2,112	+36.0%
Municipal Court	1,871	1,162	-37.9%
Total	3,424	3,274	- 4.4%
Juvenile Predispositional Reports	7,339	6,448	-12.0%
Bail/ROR Investigations	33,447	36,472	+ 9.0%
Child Custody Investigations	1,689	1,355	-19.8%
Other Investigations	8,963	9,363	+ 4.5%
Total	76,454	77,612	+ 1.5%

## **ADULT SUPERVISION**

The county probation departments' caseload of adult probationer supervision increased by 10.2% last year to a total of 42,802 active cases at the end of the court year. The following chart shows the increased workload.

Throughout the state, caseloads in all but a few of the counties increased; 15 of the 21 county

departments supervised more Superior Court probation cases in 1983 than in 1982.

The supervision cases arising from Superior Court criminal cases, which are generally the most serious criminal matters, have increased by 51.7% since 1978.

It is difficult to determine the average statewide adult supervision caseload per probation officer. In those offices where the client supervision staff does not conduct investigations, however, the average is 140 cases, with a range from 60 to 321 cases per adult supervision officer.

### **ADULT SUPERVISION 1982-1983**

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Superior Court	25,612	28,723	+12.1%
Municipal Court	10,733	12,201	+13.6%
Domestic Relations	2,508	1,826	-27.3%
County Parole	...	52	...
<b>Total</b>	<b>38,853</b>	<b>42,802</b>	<b>+10.2%</b>

## JUVENILE SUPERVISION

The number of juvenile supervision cases was stable in 1983 compared to 1982. Over the last year, the number of supervision cases has declined by 66 cases.

Most of the juvenile supervision cases are Juvenile Delinquency cases. These offenders committed acts that would be criminal if committed by an adult. The remainder of the juvenile cases are called

Juveniles in Need of Supervision (JINS). These cases involve actions, such as truancy or running away from home, which are offenses only because they were committed by a juvenile.

Reports on caseloads for probation officers vary widely around the state for juvenile supervision, as they do for adult supervision. The average, however, is significantly smaller for juvenile supervision. For probation officers who devote full time to supervision and perform no investigations, the average caseload is 67 cases, well under the 140 cases reported for officers with adult cases.

### JUVENILE SUPERVISION 1982-1983

	<u>1982</u>	<u>1983</u>	<u>% Change</u>
Juvenile Delinquency	9,507	9,449	- 0.6%
JINS	<u>1,119</u>	<u>1,111</u>	<u>- 0.7%</u>
Total	10,626	10,560	- 0.6%

In recent years, courts and probation departments have tried to measure the accomplishments of the supervision of probationers. As a measurement of performance of the probation departments, data is now being gathered based on the manner of discharge from probation. Six categories of discharge have been devised. Of the six, two categories may be considered "successful". They are "Discharge - Completed Term" and Discharge - Other" (primarily early terminations before the original term of probation expired). Three are "unsuccessful": "Discharge - Violations of Probation"; "Discharge - New Offenses"; and, "Discharge -

Absconder" (a probationer whose whereabouts are unknown). The sixth category ("Deceased") is not included in this calculation.

Clearly, the great majority of probationers successfully met their terms of probation and were not convicted of another offense while under supervision. It is important to note, however, that the categories of discharge have been set up without formal, rigorous definitions or guidelines statewide. As a result, there may be some variance among the categories from county to county. The following table shows the results of cases discharged from supervision in 1983:

## RESULTS OF SUPERVISION

	<u>Successful</u>	<u>Unsuccessful</u>	<u>Deceased</u>	<u>Total Discharged</u>
Adult	16,566 (80.1%)	3,899 (18.9%)	209 (.1%)	20,674
Juvenile	7,147 (85.7%)	1,127 (13.5%)	33 (.3%)	8,340
<u>Total</u>	<u>20,837 (81.8%)</u>	<u>5,026 (17.4%)</u>	<u>242 (.8%)</u>	<u>29,014</u>

### CHILD SUPPORT ENFORCEMENT

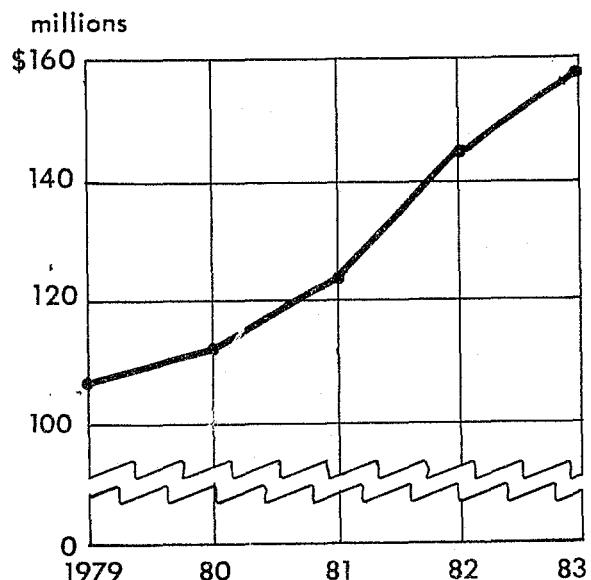
One out of every 9 children in the State of New Jersey received assistance through the New Jersey Child Support Enforcement Program (Title IV-D). Monitored by the Administrative Office of the Courts and implemented through all 21 county probation departments, the Child Support Enforcement Programs are instrumental in stabilizing the income of households where at least one parent is absent, and in turn, reducing the welfare burden for counties and the state for those families already on public assistance.

### COLLECTIONS

The New Jersey Court System collected \$158,927,509 in calendar 1983. This figure represents a 9 percent increase over collections in 1982. Of that figure, \$40,705,340 was collected from individuals on public assistance, thereby increasing funds to the state treasury for those welfare programs. \$118,222,169 was collected for families that were not receiving any form of public assistance. The caseload that produced these collections has risen 76 percent over the past five years and 7 percent since 1982. Adjudicated through the

Superior Courts of New Jersey, 287,000 children received an average collection of \$973.97 per case, showing a \$20.13 increase per case since 1982. There was a 7 percent increase in the caseload in 1983 totaling 163,176 individual cases in the State of New Jersey.

### CHILD SUPPORT COLLECTIONS



## EXPENDITURES

A total of \$19,365,333 was expended to run the Child Support Enforcement Programs in 1983, an increase of 6 percent over the 1982 costs. Reimbursements and incentive payments from the federal government on public assistance cases offset 95 percent of all costs to the state treasury in the respective county budgets. This offset level is a 3 percent decrease from 1982, but represents an impressive accomplishment, considering the fact that there was reduction of the federal reimbursement level from 75 percent to 70 percent for 1983.

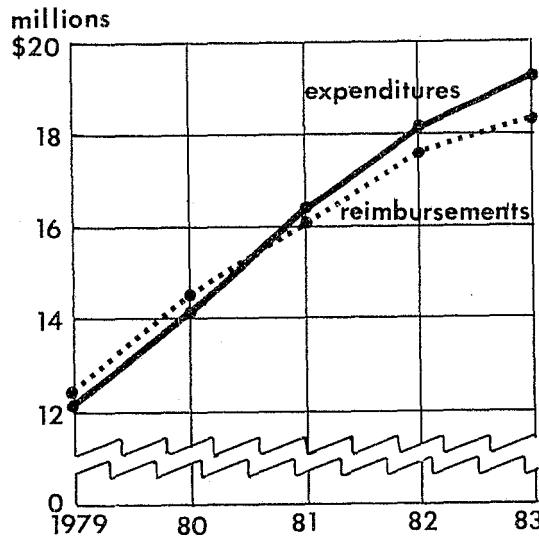
For every dollar spent on the enforcement of these programs in 1983, \$8.32 was collected, an increase of 5 percent over 1982, with no significant change in enforcement staffing levels.

## NEW PROGRAMS

The Federal Child Support Enforcement Program has approved a grant to the State of New Jersey to implement a statewide computer system for Child Support Enforcement efforts. This computer system will tie the county probation department, family court clerks' offices, and county welfare agencies with the State Division of Public Welfare and the Administrative Office of the Courts. The first year of the program will be spent preparing for the implementation and the conversion of the Federal Monitor II System to New Jersey Child Support Computer Departments.

The New Jersey Legislature has approved a system for the interception of a portion of a child support payors' unemployment check to meet the payors' child support obligations. New procedures have been implemented in all 21 counties.

## EXPENDITURES/REIMBURSEMENTS



**1983 MUNICIPAL  
COURTS**

## MUNICIPAL COURTS

Municipal Courts are authorized by the legislature under N.J.S.A. 2A:8-1, and established by the local governing bodies of the State's municipalities. In 1983, there were 532 municipal courts in the State, 13 of which were joint courts serving more than one municipality.

The municipal courts are courts of limited jurisdiction. Under N.J.S.A. 2A:8-21 and 22, the municipal courts have jurisdiction over motor vehicle and traffic violations, ordinance violations, disorderly and petty disorderly persons offenses, certain Penalty Enforcement Actions (N.J.S.A.

2A:58-1, et seq.) such as fish and game violations, specified criminal offenses and probable cause hearings on indictable offenses. The territorial jurisdiction of these courts generally extends to the boundaries of the municipalities served by the joint court.

The judges are appointed by the local governing body, except in joint courts where appointment is by the Governor with the advice and consent of the State. All judges serve for a term of three years and until their successor is appointed and qualified. There is no tenure of office for municipal court judges, nor is there a mandatory retirement age, conditions of office which distinguish these judges from all others in the Judiciary.

The number of municipal court judges holding office during the 1983 court year was 364, of whom 2 were non-lawyers and the remaining 362 were attorneys. This represents an increase of 5 in the total number of judges compared to 1982. The number of non-lawyer judges decreased by one from 1982.

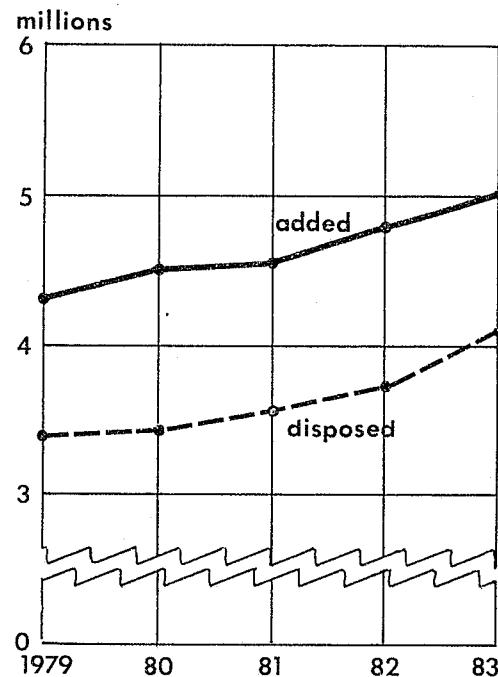
Of the 364 judges presiding over the municipal courts, 84 judges presided over more than one court. Most of the multi-court judges presided over two or three courts; however, one

judge presided over 13 courts, two judges presided over 10 courts each and another over 8 courts. In 12 municipalities, the municipal courts have more than one judge. There were 34 judges in these courts, which have the largest case loads among the municipal courts.

Very few municipal court judges devote their full-time to judicial duties. The vast majority serve part-time and maintain private law practices. Five courts had full-time judges during 1983, the same as in 1982.

Appeals from the municipal courts are taken to the Superior Court, Law Division as cases de novo. However, since the introduction of sound recording in the municipal courts, the Superior Court judge re-hears the case by review of the sound recording transcript and supplemental oral argument by the attorneys or pro se appellants. This method of re-trial on appeal has reduced Superior Court bench time.

### CASELOAD TRENDS 1979-1983



The years 1979-1983 have been years of continuous increase in case filings. Dispositions have also continuously increased throughout the five year period. During this period, in 1981 and again in this court year dispositions increased at a greater rate than filings increased.

#### TRENDS IN REVENUES

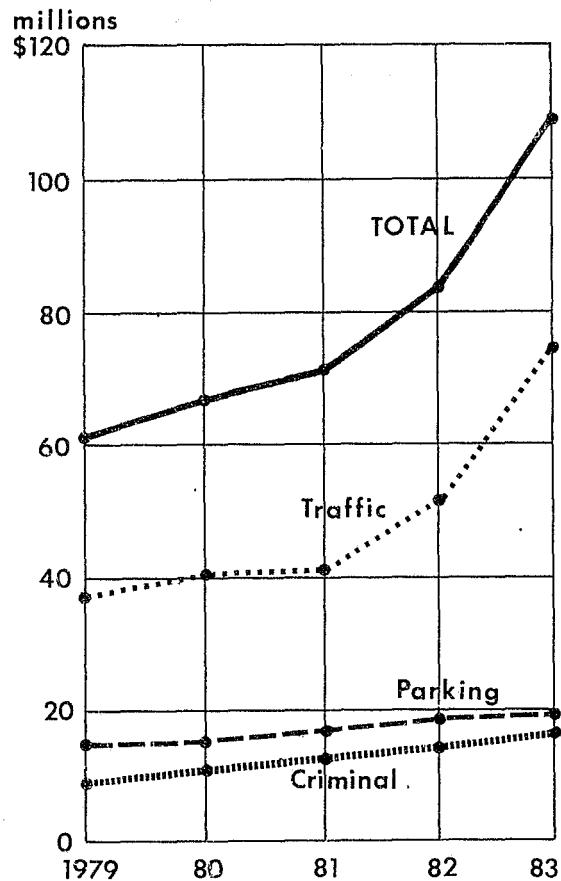
Revenues assessed in criminal cases rose about \$1.85 million from 1982 to \$15,994,507 in 1983. Criminal case revenue assessments are significant, about 14.5% of total revenues, given the fact that criminal cases make up only 7.3% of dispositions. It seems clear that the increased revenue from criminal cases reflects the operation of the Code of Criminal Justice and the higher fines for disorderly persons violations authorized by the code.

The imposition of special penalties on criminal defendants, under the Violent Crimes Compensation Act, also accounts for an increase in revenues (fines, court costs and bail forfeitures imposed) generated by the municipal courts which rose to record levels in the 1983 court year. The municipal courts assessed \$109,819,517 in 1983 as compared with \$83,576,194 in the 1982 court year, an increase of \$26,243,323 or 31.4%. Revenues had increased in the 1982 year by 18.4% over 1981. The 1982 and 1983 court years dramatically reversed the 1980 and 1981 figures which had pointed to a slowing down in the yearly increase of revenues generated.

Traffic revenues represent a large percentage of the total revenues generated by the municipal courts. Revenues from traffic increased even more dramatically in 1983 (45.2%)

than in 1982 (24.3%) reversing the slow rate of increase in the 1981 court year. Parking revenues showed continued steady increase. Criminal revenues have also showed a steady increase over the past half a decade with an increase in 1983 of \$1.85 million (13%) over 1982, attributable in part to increased maximum fines for disorderly persons offenses under The Code of Criminal Justice and the creation of petty disorderly persons offenses under the code.

REVENUES  
1979-1983



#### CASELOAD \*

The municipal courts handle the vast majority of minor offenses. In the 1983 court year, 5,007,322 complaints were filed. This figure exceeds the number of complaints in 1982 by 206,218 or 4.3%. Dispositions also reached a new high, with a total of 4,178,959, 12% over 1982. The table below compares the 1983 figures to those of 1982.

Complaints filed and total dispositions reached a new high, with total dispositions increasing at a significantly higher rate than complaints filed over the previous year. Pending cases declined by 22.5% as compared to 1982.

The municipal court workload contains three separate components: parking violations, traffic violations, and criminal proceedings.

#### CASELOAD

	<u>1982</u>	<u>1983*</u>	<u>% Change</u>
Complaints Filed	4,801,104	5,007,322	+ 4.3
Dispositions	3,732,006	4,178,959	+12.0
Pending	1,069,098	828,363	-22.5

#### PARKING

Parking violations made up about 63% of all complaints filed in municipal courts in 1983. The number of violations rose by 5.5% over 1982, a larger increase than the 3.6% in 1982.

Despite the fact that understaffing problems often require that parking cases receive a lower priority than more serious offenses in the municipal courts, the figures above point to a substantial increase in productivity. Dispositions rose 14.5% in 1983 following upon a 3.9% increase in 1982. Increased productivity may be due, in part, to the increased use of computer operations in the busier municipal courts to process parking tickets.

Most dispositions in parking violations, 94% of the total, are handled by the violations bureau. The violations bureau affords an opportunity to most persons receiving tickets to pay fines without a formal court appearance.

Parking revenues rose by \$1,167,424 to \$19,234,372. This figure equals about 17.5% of all revenues generated by the municipal courts in the State. By comparison, parking revenues in 1982 equaled 21.6% of all revenues generated, a drop of 4.1%. Fines and costs from the disposition of most parking violations are remitted to the municipality.

\* It should be noted that all the figures for 1983 (Sept. 1, 1982 - Aug. 31, 1983) are estimated due to the change in reporting requirements, effective July 1, 1983.

### PARKING VIOLATIONS

	<u>1982</u>	<u>1983*</u>	<u>% Change</u>
Added	2,967,588	3,132,167	+ 5.5
Disposed	2,158,302	2,470,565	+14.5
Rate of Disp.	72.7%	78.8%	+ 6.2
Revenues	\$18,066,948	\$19,234,372	+ 6.5
Revenues			
Per Disp.	\$8.37	\$7.79	- 6.9

### TRAFFIC

Traffic complaints make up about 29% of all complaints filed in the municipal courts and about 34% of all complaints disposed of in the municipal courts.

Traffic filings increased in the past year by 4.4%. Except for 1981, filings have increased each year since 1979. The rate of dispositions has increased from 91% in 1982 to 95.8% in 1983. Revenues have increased dramatically in the last year from \$51,359,832 to \$74,590,278 an increase of 45.2%. This may be due to the increase in fines for moving violations that went into effect on September 1, 1982 and to recent legislation which requires that a traffic fine be paid off in 6 months or the defendant risks the loss of his driver's license.

Revenues generated by the disposition of traffic complaints total about \$2 out of every \$3 of municipal court assessments despite the fact that traffic complaints disposed of represent only about 1 out of every 3 cases. Fines received for violations of local traffic ordinances are remitted to the municipality. Through calendar

year 1982, most fines received from state violations were remitted to the county. Beginning in calendar year 1983, the Legislature has established a revenue procedure between the county and the municipality. In any event, if the complaint is instituted by the state police or the Division of Motor Vehicles, the revenue goes to the state.

Most of the traffic cases, like parking complaints, are disposed of by the violations bureau. Of those tried in court (35% of the total dispositions), there were 397,184 cases disposed of by convictions and guilty pleas in open court and 98,996 by dismissals and findings of not guilty. About 45% of all bench time is devoted to the disposition of traffic matters. While this is a significant amount of all municipal court bench time, the court rules require court appearances in some more serious traffic offenses, such as drunk driving, even if the defendant intends to plead guilty.

### TRAFFIC VIOLATIONS

	<u>1982</u>	<u>1983*</u>	<u>% Change</u>
Added	1,402,334	1,463,591	+ 4.4
Disposed	1,276,178	1,401,819	+ 9.8
Rate of Disp.	91.0%	95.8%	+ 4.8
Revenues	\$51,359,832	\$74,590,278	+45.2
Revenues			
Per Disp.	\$40.24	\$53.21	+32.2

### DISPOSITIONS BY TYPE

#### **CRIMINAL**

In criminal matters, filings declined while dispositions, the rate of dispositions, revenues and revenues per disposition rose.

Dispositions included 3,959 indictable complaints adjudicated in the municipal court on waiver of indictment and jury trial. The remainder of the dispositions involved non-indictable offenses, included among them were 31,596 cases disposed of through the violations bureau. There were 12,505 conditional discharge and 141,495 convictions and guilty pleas in open court.

Adjudicated in Municipal Court on Waiver of Indictment & Jury Trial	3,959	1.3%
Through Violations Bureau	31,596	10.3%
Dismissals After Conditional Discharge	12,505	4.1%
Conviction Guilty Plea in Open Court	141,495	46.1%
Dismissed and Findings of Not Guilty	117,020	38.2%
<b>TOTAL</b>	<b>306,575</b>	<b>100%</b>

#### **CRIMINAL VIOLATIONS**

	<u>1982</u>	<u>1983*</u>	% <u>Change</u>
Added	431,182	411,564	-4.5
Disposed	297,526	306,575	+3.0
Rate of Disp.	69.0%	74.5%	+ 5.5
Revenues	\$14,149,414	\$15,994,507	+13.0
Revenues Per Disp.	\$47.56	\$52.17	+ 9.7

Of those defendants convicted in the municipal courts of criminal violations, 14,356 defendants were sentenced to jail, 11,024 were placed on probation, 20,187 received suspended sentences. As the table below shows, jail, probation and suspended sentences increased in 1983 in comparison to 1982.

#### **SENTENCE PROFILE 1982-1983**

	<u>1982</u>	<u>1983</u>	% (estimated) <u>Change</u>
Jail	12,790	14,356	+12.2%
Probation	10,269	11,024	+ 7.4%
Suspended Sentence	19,697	20,187	+ 2.5%

#### RATES OF DISPOSITION

In the parking, traffic and criminal components, the municipal courts imposed the level of performance for 1983 as compared to 1982. The table below depicts the performance of the municipal courts in these three areas of their workload.

#### RATES OF DISPOSITION

	<u>% 1982</u>	<u>% 1983</u>
Parking	72.7	78.9
Traffic	91.0	95.8
Criminal	69.0	74.5
Total	77.7	83.5

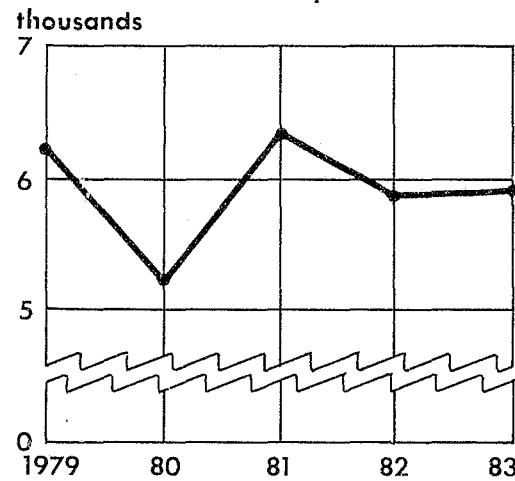
#### NOTICE IN LIEU OF COMPLAINT

The notice in lieu of complaint is a document generated by the court requiring the person to whom the notice is addressed to appear and discuss the particulars of a minor neighborhood or domestic dispute. The matter is discussed by the disputing parties in the presence of the judge or a person designated by the court and approved by the Assignment Judge. This conference results in the recommendation that a formal complaint should or should not be issued, and frequently leads to settlement of the dispute, making a trial unnecessary. The developing use of conferences presided over by a person designated by the court and approved by the Assignment Judge allows the municipal courts to devote its limited resources to more serious offenses.

In 1983, 5,890 notices in lieu of complaint were generated. This is a slight increase of 32 from 1982 when 5,862 such notices were generated. The court year 1981 had witnessed a

dramatic increase in the use of the notice after successive years of decline. In 1981, 6,341 such notices were generated. The following chart shows the five year picture for the notice in lieu of complaint.

#### NOTICES IN LIEU OF COMPLAINTS



#### SUMMONS IN LIEU OF WARRANT

For some time, the Administrative Office of the Courts has emphasized that the summons is the favored form of process unless circumstances require the use of the warrant. This policy applies to indictable offenses as well as non-indictable offenses. The efforts to educate elements of the criminal justice system to the increased use of summons have been successful as there has been a steady increase in the percentage of summonses issued in both indictable and non-indictable matters. Effective for the 1981 court year, the rules of court governing the procedure for issuance of court process (Rule 3:3-1 and Rule 3:4-1) were amended to contain detailed guidelines on the issuance of the warrant and favor the summons as the more frequently appropriate

form of process. As evidenced by the table below, the percentage of summons increased for non-indictable matters in the 1983 court year as well as in the court years 1979-1982. The summons increased for indictable matters in the 1983 court year to 27.6% from 25.8% in the 1982 court year. The 1981 court year represented the five year high at 28.2%

The following table does not include "process" for local ordinance violations, which are not written up on the CDR-1 (Summons) or CDR-2 (Warrant) Forms. The data in the table are based on the issuance of CDR Forms for petty disorderly, persons, and indictable offenses.

#### SUMMONS/WARRANT INDICTABLES & NON-INDICTABLES 1979-1983

	1979	%	1980	%	1981	%	1982	%	1983 (estimated)	%
<u>Indictable</u>										
Summons	16,772	19.0	19,712	21.3	29,320	28.2	27,304	25.8	29,755	27.6
Warrant	71,072	81.0	72,745	78.7	74,678	71.8	78,602	74.2	77,914	72.4
<u>Non-Indictable</u>										
Summons	125,270	67.1	143,733	69.8	173,550	78.4	184,782	79.5	183,641	79.9
Warrant	61,490	32.9	62,043	30.2	47,829	21.6	47,572	20.5	46,244	20.1

#### JUDICIAL WORKLOAD

The 364 municipal court judges in 1983 spent 127,635 hours on the bench, an increase over last year of 8,432 hours. There was an increase in the total number of bench hours, bench hours per year per judge and bench hours per week per judge.

In addition, the disposition rate per bench hour increased to 7.14 cases in 1983 as compared to 1982 when it was 6.72 cases, indicated that the municipal courts were both busy and productive in 1983.

#### JUDICIAL BENCH HOURS

	1982	1983	% Change
Judges	359	364	+1.4
Bench Hours	119,203	127,635	+7.1
Bench hrs. per yr. per judge	332	351	+5.7
Bench hrs. per wk. per judge	6.38	6.75	+5.8

# **1983**

## **VICINAGE PROFILES**

## VICINAGE 1 Atlantic-Cape May Counties

	YEAR	ADDED	DISPOSED	ACTIVE PENDING	PERCENT CHANGE		
					ADDED	DISPOSED	ACTIVE PENDING
CIVIL	1983	2,221	2,283	2,142	12.9%	12.5%	-6.8%
	1982	1,968	2,030	2,299			
GENERAL EQ.	1983	590	605	229	54.0%	31.2%	-10.2%
	1982	383	461	255			
CRIMINAL	1983	3,113	2,998	698	16.9%	28.4%	11.1%
	1982	2,662	2,335	628			
MATRIMONIAL	1983	1,320	1,315	821	17.0%	-3.1%	21.4%
	1982	1,128	1,357	676			
JD & JINS	1983	8,233	8,344	320	-8.4%	-9.7%	-25.8%
	1982	8,989	9,239	431			
DOMESTIC REL.	1983	6,634	6,680	413	22.9%	25.7%	-10.0%
	1982	5,399	5,316	459			
DISTRICT CT.	1983	16,652	17,061	1,766	11.7%	10.2%	9.8%
	1982	14,909	15,475	1,608			
OTHER	1983	406	410	73	18.7%	25.0%	-7.6%
	1982	342	328	79			
TOTAL WITHOUT DOM. VIOLENCE	1983	39,169	39,696	6,462	9.5%	8.6%	0.4%
1982	35,780	36,541	6,435				
DOMESTIC VIOLENCE	1983	815	812	7	N/A	N/A	N/A
	1982	N/A	N/A	N/A			
TOTAL WITH DOM. VIOLENCE	1983	39,984	40,508	6,469	11.7%	10.9%	0.5
1982	35,780	36,541	6,435				

### HIGHLIGHTS

#### CASELOAD

- \* highest increase in the state in total cases added 9.5%, and in total cases disposed 8.6%
- \* highest increase in the state in cases added in Matrimonial 17% and District 11.7%
- \* highest increase in the state in cases disposed in District 10.2%
- \* highest decrease in the state in cases pending in General Equity -10.2% and JD/JINS -25.8%

#### PROGRAMS

- \* reduction in jury term of service to one week
- \* creation of Small Claims Mediation program using trained mediators from the Community Justice Institute and law clerks.
- \* establishment of referee program in the Juvenile and Domestic Relations Court

## VICINAGE 2 Bergen County

	YEAR	ADDED	DISPOSED	ACTIVE PENDING	PERCENT CHANGE		
					ADDED	DISPOSED	ACTIVE PENDING
CIVIL	1983	6,158	6,363	8,685	-4.0%	-7.6%	-2.6%
	1982	6,417	6,884	8,920			
GENERAL EQ.	1983	685	565	262	94.6%	38.1%	85.8%
	1982	352	409	141			
CRIMINAL	1983	1,916	2,023	1,013	8.6%	-12.5%	30.5%
	1982	1,765	2,313	776			
MATRIMONIAL	1983	3,272	3,299	1,876	-0.8%	-6.8%	-1.5%
	1982	3,299	3,540	1,904			
JD & JINS	1983	7,379	7,377	997	-16.6%	-17.1%	-0.3%
	1982	8,842	8,896	1,000			
DOMESTIC REL.	1983	3,800	3,815	213	47.1%	47.5%	-7.4%
	1982	2,584	2,587	230			
DISTRICT CT.	1983	35,981	37,117	4,066	3.1%	4.5%	-18.1%
	1982	34,913	35,511	4,964			
OTHER	1983	431	407	163	20.1%	16.6%	17.3%
	1982	357	349	139			
TOTAL WITHOUT DOM. VIOLENCE	1983	59,622	60,966	17,275	1.9%	0.8%	-4.4%
DOM. VIOLENCE	1982	58,529	60,489	18,074			
DOMESTIC VIOLENCE	1983	923	929	10	N/A	N/A	N/A
1982	N/A	N/A	N/A	N/A			
TOTAL WITH DOM. VIOLENCE	1983	60,545	61,895	17,285	3.4%	2.3%	-4.6%
DOM. VIOLENCE	1982	58,529	60,489	18,074			

### CASELOAD

### HIGHLIGHTS

### PROGRAMS

- \* second highest increase in the state in cases added in Domestic Relations 47.1%
- \* second highest increase in the state in cases disposed in Domestic Relations 47.5% and District Court 10.2%
- \* implemented one-step juror qualification and summoning system
- \* served as one of three counties for experiment allowing media cameras in Municipal Court proceedings
- \* pre-screening by community mental health centers for patients under Municipal Court 15-day orders

## VICINAGE 3 Burlington County

	YEAR	ADDED	DISPOSED	ACTIVE PENDING	PERCENT CHANGE		
					ADDED	DISPOSED	ACTIVE PENDING
CIVIL	1983	1,292	1,051	1,666			
	1982	1,378	1,335	1,452	-6.2%	-21.3%	14.7%
GENERAL EQ.	1983	308	216	208			
	1982	174	203	118	77.0%	6.4%	76.3%
CRIMINAL	1983	874	958	278			
	1982	1,003	1,087	390	-12.9%	-11.9%	-28.7%
MATRIMONIAL	1983	1,610	1,527	993			
	1982	1,533	1,689	910	5.0%	-9.6%	9.1%
JD & JINS	1983	4,495	4,521	236			
	1982	5,539	5,715	262	-18.9%	-20.9%	-9.9%
DOMESTIC REL.	1983	2,885	2,777	336			
	1982	2,496	2,560	228	15.6%	8.5%	47.4%
DISTRICT CT.	1983	13,140	14,018	1,606			
	1982	13,600	13,668	2,136	-3.4%	2.6%	-24.8%
OTHER	1983	270	281	83			
	1982	248	217	94	8.9%	29.5%	-11.7%
TOTAL WITHOUT DOM. VIOLENCE	1983	24,874	25,349	5,406			
	1982	25,971	26,474	5,590	-4.2%	-4.3%	-3.3%
DOMESTIC VIOLENCE	1983	978	973	45			
	1982	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL WITH DOM. VIOLENCE	1983	25,852	26,322	5,451			
	1982	25,971	26,474	5,590	-0.5%	-0.6%	-2.3%

### CASELOAD

### HIGHLIGHTS

### PROGRAMS

- \* experienced decrease in overall cases added of -4.2%
- \* second highest decrease in pending cases in Criminal -28.7%
- \* among the highest decreases in the state in pending cases District -24.8%
- \* planned and coordinated move into new seven-story court facility
- \* arbitration program in matrimonial and domestic relations enforcement matters
- \* experimental use of sound recording equipment in civil jury and non-jury trials

## VICINAGE 4 Camden County

	YEAR	ADDED	DISPOSED	ACTIVE PENDING	PERCENT CHANGE		
					ADDED	DISPOSED	ACTIVE PENDING
CIVIL	1983	4,308	4,510	4,172	9.4%	-2.4%	-4.9%
	1982	3,939	4,621	4,386			
GENERAL EQ.	1983	438	405	184	70.4%	57.0%	24.3%
	1982	257	258	148			
CRIMINAL	1983	3,463	3,695	1,075	-4.6%	9.4%	-17.0%
	1982	3,629	3,379	1,295			
MATRIMONIAL	1983	1,928	1,911	1,223	2.4%	1.1%	1.4%
	1982	1,882	1,890	1,206			
JD & JINS	1983	7,566	7,848	521	-5.4%	-4.2%	6.8%
	1982	7,997	8,196	488			
DOMESTIC REL.	1983	10,816	10,813	231	3.7%	3.6%	-1.7%
	1982	10,429	10,433	235			
DISTRICT CT.	1983	22,125	22,126	1,005	-3.7%	-3.6%	-1.3%
	1982	22,984	22,964	1,018			
OTHER	1983	204	186	66	6.3%	-4.6%	37.5%
	1982	192	195	48			
TOTAL WITHOUT DOM. VIOLENCE	1983	50,848	51,494	8,477	-0.9%	-0.9%	-3.9%
	1982	51,309	51,936	8,824			
DOMESTIC VIOLENCE	1983	1,060	1,069	35	N/A	N/A	N/A
	1982	N/A	N/A	N/A			
TOTAL WITH DOM. VIOLENCE	1983	51,908	52,563	8,512	1.2%	1.2%	-3.5%
	1982	51,309	51,936	8,824			

### CASELOAD

### HIGHLIGHTS

- \* among the highest in the state in cases disposed in Criminal 9.4%
- \* among the highest in the state in decreases in cases pending in Criminal -17%

### PROGRAMS

- \* served as one of three counties for experiment allowing media cameras in Municipal Court proceedings
- \* monthly night sessions of District Court
- \* computerized criminal calendar (PROMIS/GAVEL)
- \* arranged for microfilming of all closed files and records of the Surrogate's Office and District Court with the State Archives Office to reduce storage space needs

## VICINAGE 5 Essex County

	YEAR	ADDED	DISPOSED	ACTIVE PENDING	PERCENT CHANGE		
					ADDED	DISPOSED	ACTIVE PENDING
CIVIL	1983	8,056	8,252	6,913			
	1982	7,660	7,854	7,102	5.2%	5.1%	-2.7%
GENERAL EQ.	1983	647	530	331			
	1982	451	397	244	43.5%	33.5%	35.7%
CRIMINAL	1983	6,009	5,860	3,838			
	1982	6,199	5,967	3,957	-3.1%	-1.8%	-3.0%
MATRIMONIAL	1983	2,670	3,159	1,559			
	1982	2,716	2,996	2,023	-1.7%	5.4%	-22.9%
JD & JINS	1983	13,638	13,928	925			
	1982	13,417	13,514	1,215	1.6%	3.1%	-23.9%
DOMESTIC REL.	1983	21,766	21,930	93			
	1982	31,272	31,988	257	-30.4%	-31.4%	-63.8%
DISTRICT CT.	1983	73,936	75,596	3,929			
	1982	75,905	76,384	5,589	-2.6%	-1.0%	-29.7%
OTHER	1983	454	434	139			
	1982	366	329	118	24.0%	31.9%	17.8%
TOTAL WITHOUT DOM. VIOLENCE	1983	127,176	129,689	17,727			
	1982	137,986	139,429	20,505	-7.8%	-7.0%	-13.5%
DOMESTIC VIOLENCE	1983	3,189	3,182				
	1982	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL WITH DOM. VIOLENCE	1983	130,365	132,871	17,798			
	1982	137,986	139,429	20,505	-5.5%	-4.7%	-13.2%

### CASELOAD

### HIGHLIGHTS

### PROGRAMS

- \* experienced decrease in overall cases added of -7.8%
- \* second highest increase in the state in cases disposed in Matrimonial 5.4%
- \* highest decrease in the state in cases pending in Matrimonial -22.9%
- \* created post-indictment plea disposition conference program and expanded pre-indictment screening and plea program with special state criminal backlog reduction grant
- \* consolidated all Title IV-D programs under the County Office of Child Support Enforcement
- \* jury selection system converted from batch to on-line system

## VICINAGE 6 Hudson County

	YEAR	ADDED	DISPOSED	ACTIVE PENDING	PERCENT CHANGE		
					ADDED	DISPOSED	ACTIVE PENDING
CIVIL	1983	4,483	4,465	3,855	1.7%	-1.0%	-0.6%
	1982	4,409	4,509	3,879			
GENERAL EQ.	1983	557	416	278	70.9%	35.1%	131.7%
	1982	326	308	120			
CRIMINAL	1983	2,100	2,612	578	5.5%	-9.3%	-37.6%
	1982	1,991	2,881	927			
MATRIMONIAL	1983	2,262	2,402	1,214	7.6%	-0.1%	-10.4%
	1982	2,103	2,404	1,355			
JD & JINS	1983	7,281	7,340	1,721	-3.0%	-1.8%	-6.5%
	1982	7,507	7,476	1,841			
DOMESTIC REL.	1983	4,586	4,459	636	-14.0%	-19.9%	24.0%
	1982	5,332	5,570	513			
DISTRICT CT.	1983	36,985	38,420	2,769	-1.2%	4.4%	-34.1%
	1982	37,443	36,800	4,204			
OTHER	1983	173	169	55	18.5%	11.9%	7.8%
	1982	146	151	51			
TOTAL WITHOUT DOM. VIOLENCE	1983	58,427	60,283	11,106	-1.4%	0.3%	-13.8%
1982	59,257	60,099	12,890	N/A			
DOMESTIC VIOLENCE	1983	864	856	25	N/A	N/A	N/A
1982	N/A	N/A	N/A	N/A			
TOTAL WITH DOM. VIOLENCE	1983	59,291	61,139	11,131	0.1%	1.7%	-13.6%
1982	59,257	60,099	12,890	N/A			

### CASELOAD

### HIGHLIGHTS

### PROGRAMS

- \* second highest decrease in the state in cases added in Domestic Relations -14%
- \* highest decrease in the state in cases pending in District -34.1%
- \* reduction in jury term of service to one-week
- \* use of "contracts" to meet individual goals developed by probationers
- \* development of risk/need program to establish priorities in individual adult and juvenile probation cases

## VICINAGE 7 Mercer County

	YEAR	ADDED	DISPOSED	ACTIVE PENDING	PERCENT CHANGE		
					ADDED	DISPOSED	ACTIVE PENDING
CIVIL	1983	1,892	1,325	2,580			
	1982	1,685	1,808	1,822	12.3%	-26.7%	41.6%
GENERAL EQ.	1983	242	221	78			
	1982	137	146	56	76.6%	51.4%	39.3%
CRIMINAL	1983	2,091	1,761	1,026			
	1982	1,967	1,957	931	6.3%	-10.0%	10.2%
MATRIMONIAL	1983	1,313	1,322	978			
	1982	1,256	1,240	991	4.5%	6.6%	-1.3%
JD & JINS	1983	6,271	6,387	800			
	1982	6,417	6,464	919	-2.3%	-1.2%	-12.9%
DOMESTIC REL.	1983	4,319	4,525	310			
	1982	3,413	3,411	361	26.5%	32.7%	-14.1%
DISTRICT CT.	1983	16,442	17,214	1,531			
	1982	17,060	17,917	1,484	-3.6%	-3.9%	3.2%
OTHER	1983	326	327	81			
	1982	263	267	80	24.0%	22.5%	1.3%
TOTAL WITHOUT DOM. VIOLENCE	1983	32,896	33,082	7,384			
	1982	32,198	33,210	6,644	2.2%	-0.4%	11.1%
DOMESTIC VIOLENCE	1983	826	817	22			
	1982	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL WITH DOM. VIOLENCE	1983	33,722	33,899	7,406			
	1982	32,198	33,210	6,644	4.7%	2.1%	11.5%

### CASELOAD

### HIGHLIGHTS

### PROGRAMS

- \* among the highest increase in the state in overall cases added 2.2%
- \* highest increase in the state in cases disposed in Matrimonial 6.6%
- \* among the highest increases in the state in cases disposed in Domestic Relations 32.7%
- \* reduction of jury term of service to one week
- \* expansion of the Informal Hearing Program to include custody and visitation cases, as well as domestic disputes, landlord-tenant and small claims cases
- \* application for federal grant to create a program to identify and treat juvenile drug and alcohol abusers, whose offenses are related to abuse

## VICINAGE 8 Middlesex County

					PERCENT CHANGE		
	YEAR	ADDED	DISPOSED	ACTIVE PENDING	ADDED	DISPOSED	ACTIVE PENDING
CIVIL	1983	6,343	6,011	8,903			
	1982	6,677	6,023	8,571	-5.0%	-0.2%	3.9%
GENERAL EQ.	1983	632	508	340			
	1982	346	310	216	82.7%	63.9%	57.4%
CRIMINAL	1983	2,772	2,957	1,440			
	1982	2,900	2,451	2,061	-4.4%	20.6%	-30.1%
MATRIMONIAL	1983	2,493	2,607	1,737			
	1982	2,501	2,482	1,851	-0.3%	5.0%	-6.2%
JD & JINS	1983	6,057	6,161	655			
	1982	6,949	6,991	759	-12.8%	-11.9%	-13.7%
DOMESTIC REL.	1983	4,926	5,000	295			
	1982	4,735	4,739	369	4.0%	5.5%	-20.1%
DISTRICT CT.	1983	24,002	23,778	2,074			
	1982	27,261	28,828	2,244	-12.0%	-17.5%	-7.6%
OTHER	1983	326	325	65			
	1982	308	298	63	5.8%	9.1%	3.2%
TOTAL WITHOUT DOM. VIOLENCE	1983	47,551	47,347	15,509			
	1982	51,677	52,122	16,134	-8.0%	-9.2%	-3.9%
DOMESTIC VIOLENCE	1983	844	849	21			
	1982	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL WITH DOM. VIOLENCE	1983	48,395	48,196	15,530			
	1982	51,677	52,122	16,134	-6.4%	-7.5%	-3.7%

### HIGHLIGHTS

#### CASELOAD

- \* experienced greatest decrease in the state in overall cases added -8%
- \* highest decrease in the state in cases pending in Criminal -30.1%
- \* among the highest in the state in increases in cases disposed in Criminal 20.6% and Matrimonial 5%

#### PROGRAMS

- \* served as pilot location for Family Court system
- \* sponsored countywide juvenile conference "Delinquency Prevention - A Role for Everyone" in conjunction with the County Youth Services Commission

## VICINAGE 9 Monmouth County

	YEAR	ADDED	DISPOSED	ACTIVE PENDING	PERCENT CHANGE		
					ADDED	DISPOSED	ACTIVE PENDING
CIVIL	1983	4,742	5,068	5,129	12.0%	19.4%	-8.1%
	1982	4,234	4,243	5,582			
GENERAL EQ.	1983	563	471	264	96.2%	80.5%	48.3%
	1982	287	261	178			
CRIMINAL	1983	2,249	2,268	678	-4.9%	-7.2%	5.4%
	1982	2,365	2,443	643			
MATRIMONIAL	1983	2,260	2,310	912	8.5%	-14.8%	-3.1%
	1982	2,083	2,712	941			
JD & JINS	1983	8,226	8,254	692	6.1%	7.8%	-20.4%
	1982	7,753	7,656	869			
DOMESTIC REL.	1983	4,125	4,023	509	15.7%	14.2%	37.6%
	1982	3,565	3,522	370			
DISTRICT CT.	1983	20,418	20,887	4,862	-8.1%	-8.3%	-8.8%
	1982	22,229	22,785	5,331			
OTHER	1983	369	366	53	20.6%	21.2%	12.8%
	1982	306	302	47			
TOTAL WITHOUT DOM. VIOLENCE	1983	42,952	43,647	13,099	0.3%	-0.6%	-6.2%
DOM. VIOLENCE	1982	42,822	43,924	13,961			
TOTAL WITH DOM. VIOLENCE	1983	43,613	44,316	13,099	1.8%	0.9%	-6.2%
	1982	42,822	43,924	13,961			

### HIGHLIGHTS

#### CASELOAD

- \* highest increase in the state in cases added in JD/JINS 6.1%
- \* highest increases in the state in cases disposed in Civil 19.4%, General Equity 80.5%, and JD/JINS 7.8%
- \* second highest decrease in cases pending in Civil -8.1%

#### PROGRAMS

- \* reduction of jury term of service to one week and use of one-step juror qualification and summoning system
- \* experiment in service by mail in small claims District Court.
- \* created Central Intake system for processing of criminal complaints from 10 municipalities

## VICINAGE 10 Morris-Sussex County

	YEAR	ADDED	DISPOSED	ACTIVE PENDING	PERCENT CHANGE		
					ADDED	DISPOSED	ACTIVE PENDING
CIVIL	1983	2,764	2,776	3,292			
	1982	2,629	2,555	3,322	5.1%	8.7%	-0.9%
GENERAL EQ.	1983	514	408	282			
	1982	394	360	193	30.5%	13.3%	46.1%
CRIMINAL	1983	1,201	1,208	459			
	1982	1,397	1,597	486	-14.0%	-24.4%	-5.6%
MATRIMONIAL	1983	2,332	2,067	1,274			
	1982	2,106	2,863	886	10.7%	-27.8%	43.8%
JD & JINS	1983	4,384	4,360	346			
	1982	4,668	4,711	322	-6.1%	-7.5%	7.5%
DOMESTIC REL.	1983	2,163	2,127	192			
	1982	1,425	1,406	156	51.8%	51.3%	23.1%
DISTRICT CT.	1983	17,886	18,077	2,142			
	1982	18,255	18,258	2,333	-2.0%	-1.0%	-8.2%
OTHER	1983	364	301	138			
	1982	266	287	73	36.8%	4.9%	89.0%
TOTAL WITHOUT DOM. VIOLENCE	1983	31,608	31,324	8,125			
	1982	31,140	32,037	7,771	1.5%	-2.2%	4.6%
DOMESTIC VIOLENCE	1983	870	879	21			
	1982	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL WITH DOM. VIOLENCE	1983	32,478	32,203	8,146			
	1982	31,140	32,037	7,771	4.3%	1.0%	4.8%

### CASELOAD

- \* highest increase in the state in cases added in Domestic Relations 51.8%
- \* second highest increase in the state in cases added in Matrimonial 10.7%
- \* highest increase in the state in cases disposed in Domestic Relations 51.3%

### HIGHLIGHTS

### PROGRAMS

- \* pilot computerization of District Court began with telephone linkups to Justice Complex in Trenton
- \* Title IV-D child support caseload in Sussex County computerized
- \* seminars conducted for Municipal Court Clerks on budget and statistical reporting

## VICINAGE 11 Passaic County

	YEAR	ADDED	DISPOSED	ACTIVE PENDING	PERCENT CHANGE		
					ADDED	DISPOSED	ACTIVE PENDING
CIVIL	1983	4,280	4,215	3,267			
	1982	4,297	4,012	3,225	-0.4%	5.1%	1.3%
GENERAL EQ.	1983	436	337	263			
	1982	303	276	171	43.9%	22.1%	53.8%
CRIMINAL	1983	1,932	2,476	921			
	1982	2,232	2,300	1,263	-13.4%	7.7%	-27.1%
MATRIMONIAL	1983	1,817	2,004	1,033			
	1982	1,940	2,211	1,220	-6.3%	-9.4%	-15.3%
JD & JINS	1983	7,674	7,745	532			
	1982	8,870	11,524	525	-13.5%	-32.8%	1.3%
DOMESTIC REL.	1983	6,996	7,268	913			
	1982	6,200	5,627	1,185	12.8%	29.2%	-23.0%
DISTRICT CT.	1983	26,820	26,685	2,404			
	1982	26,966	27,312	2,269	-0.5%	-2.3%	5.9%
OTHER	1983	214	203	45			
	1982	177	161	34	20.9%	26.1%	32.4%
TOTAL WITHOUT DOM. VIOLENCE	1983	50,169	50,933	9,378			
	1982	50,985	53,423	9,892	-1.6%	-4.7%	-5.2%
DOMESTIC VIOLENCE	1983	527	533	5			
	1982	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL WITH DOM. VIOLENCE	1983	50,696	51,466	9,383			
	1982	50,985	53,423	9,892	-0.6%	-3.7%	-5.1%

### HIGHLIGHTS

#### CASELOAD

- \* experienced a decrease in overall cases added of -1.6%
- \* second lowest in the state in cases added in Criminal -13.4% and Matrimonial -6.3%

#### PROGRAMS

- \* reduction of jury term of service to one week, and use of one-step juror qualification and summoning system
- \* planned and coordinated all aspects of temporary relocation of all court offices and chambers to another building to permit required asbestos removal work at the County Court House

## VICINAGE 12 Union County

	YEAR	ADDED	DISPOSED	ACTIVE PENDING	PERCENT CHANGE		
					ADDED	DISPOSED	ACTIVE PENDING
CIVIL	1983	3,628	3,899	4,101	20.1%	13.9%	27.3%
	1982	3,020	3,422	3,222			
GENERAL EQ.	1983	475	393	256	107.4%	77.0%	39.1%
	1982	229	222	184			
CRIMINAL	1983	1,938	2,032	785	1.0%	-3.8%	-4.5%
	1982	1,918	2,113	822			
MATRIMONIAL	1983	1,867	1,974	903	-3.8%	-10.6%	-10.5%
	1982	1,925	2,208	1,009			
JD & JINS	1983	7,342	7,485	694	0.9%	5.2%	-17.2%
	1982	7,280	7,114	838			
DOMESTIC REL.	1983	7,366	7,617	434	13.6%	22.1%	-36.6%
	1982	6,487	6,239	685			
DISTRICT CT.	1983	24,555	24,589	3,473	3.0%	2.8%	-1.0%
	1982	23,849	23,927	3,507			
OTHER	1983	226	196	82	22.8%	-2.5%	54.7%
	1982	184	201	53			
TOTAL WITHOUT DOM. VIOLENCE	1983	47,397	48,185	10,728	5.6%	6.0%	4.0%
DOM. VIOLENCE	1982	44,892	45,446	10,320			
DOMESTIC VIOLENCE	1983	1,094	1,102	25	N/A	N/A	N/A
1982	N/A	N/A	N/A	N/A			
TOTAL WITH DOM. VIOLENCE	1983	48,491	49,287	10,753	8.0%	8.5%	4.2%
DOM. VIOLENCE	1982	44,892	45,446	10,320			

### HIGHLIGHTS

#### CASELOAD

- \* second highest increases in the state in overall cases added 5.6%, and overall cases disposed 6%
- \* highest increase in the state in cases added in Civil 20.1%
- \* second highest decrease in the state in cases pending in Domestic Relations -36.6%

#### PROGRAMS

- \* reduction in jury term of service to one week
- \* completion of computerization of jury selection process
- \* one of two pilot locations for Individualized Case Management Program, designed to develop specialized "tracks" for the handling of various types of civil litigation
- \* use of peer counseling for pretrial intervention program participants

## VICINAGE 13 Somerset-Hunterdon-Warren Counties

	YEAR	ADDED	DISPOSED	ACTIVE PENDING	PERCENT CHANGE		
					ADDED	DISPOSED	ACTIVE PENDING
CIVIL	1983	1,513	1,797	1,290			
	1982	1,607	1,669	1,501	-5.9%	7.7%	-14.1%
GENERAL EQ.	1983	279	244	137			
	1982	224	251	104	24.6%	-2.8%	31.7%
CRIMINAL	1983	1,732	1,885	538			
	1982	1,524	1,978	568	13.6%	-4.7%	-5.3%
MATRIMONIAL	1983	1,720	1,791	777			
	1982	1,692	1,734	856	1.7%	3.3%	-9.2%
JD & JINS	1983	4,012	4,147	462			
	1982	4,615	4,772	591	-13.1%	-13.1%	-21.8%
DOMESTIC REL.	1983	2,556	2,571	149			
	1982	2,568	2,635	164	-0.5%	-2.4%	-9.1%
DISTRICT CT.	1983	11,918	11,998	1,169			
	1982	12,547	12,913	1,272	-5.0%	-7.1%	-8.1%
OTHER	1983	326	310	85			
	1982	246	253	70	32.5%	22.5%	21.4%
TOTAL WITHOUT DOM. VIOLENCE	1983	24,056	24,743	4,607			
	1982	25,023	26,205	5,126	-3.9%	-5.6%	-10.1%
DOMESTIC VIOLENCE	1983	832	841	15			
	1982	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL WITH DOM. VIOLENCE	1983	24,888	25,584	4,622			
	1982	25,023	26,205	5,126	-0.5%	-2.4%	-9.8%

### HIGHLIGHTS

#### CASELOAD

- \* experienced decrease in overall cases added of -3.9%
- \* the highest decrease in the state in cases pending civil -14.1%

#### PROGRAMS

- \* creation of separate bail unit within the Somerset County Probation Department to assist court in bail decisions and limited supervision of those released
- \* use of slides and videotape for juror orientation, freeing judge time
- \* use of custody procedures involving a Probation Officer early in the process to assist parties in resolving issues

## VICINAGE 14 Ocean County

	YEAR	ADDED	DISPOSED	ACTIVE PENDING	PERCENT CHANGE		
					ADDED	DISPOSED	ACTIVE PENDING
CIVIL	1983	2,249	2,429	2,130	5.7%	3.8%	-7.6%
	1982	2,128	2,341	2,305			
GENERAL EQ.	1983	380	345	149	54.5%	25.0%	22.1%
	1982	246	276	122			
CRIMINAL	1983	1,238	1,469	466	20.1%	57.4%	851.0%
	1982	1,031	933	49			
MATRIMONIAL	1983	1,585	1,565	702	-0.8%	-0.8%	2.9%
	1982	1,597	1,577	682			
JD & JINS	1983	4,064	3,876	359	-7.9%	-15.1%	109.9%
	1982	4,411	4,566	171			
DOMESTIC REL.	1983	3,584	3,555	132	1.6%	-0.6%	28.2%
	1982	3,529	3,576	103			
DISTRICT CT.	1983	14,640	14,609	2,159	-1.9%	-2.5%	1.5%
	1982	14,931	14,986	2,128			
OTHER	1983	336	338	75	25.8%	42.6%	-
	1982	267	237	75			
TOTAL WITHOUT DOM. VIOLENCE	1983	28,076	28,186	6,172	-0.2%	-1.1%	9.5%
1982	28,140	28,492	5,635				
DOMESTIC VIOLENCE	1983	1,619	1,609	67	N/A	N/A	N/A
1982	N/A	N/A	N/A				
TOTAL WITH DOM. VIOLENCE	1983	29,695	29,795	6,239	5.5%	4.6%	10.7%
1982	28,140	28,492	5,635				

### CASELOAD

### HIGHLIGHTS

### PROGRAMS

- \* highest increase in the state in cases added Criminal 20.1%
- \* highest increase in the state in cases disposed Criminal 57.4%
- \* reduction in jury term of service to one week
- \* continued monitoring of County Justice Complex construction and review and revision of plans
- \* expanded computerization in District Court and Criminal and Civil calendars

## VICINAGE 15 Gloucester-Cumberland-Salem Counties

								PERCENT CHANGE
	YEAR	ADDED	DISPOSED	ACTIVE PENDING	ADDED	DISPOSED	ACTIVE PENDING	
CIVIL	1983	1,696	1,555	2,312				
	1982	1,599	1,656	2,181	6.1%	-6.1%	6.0%	
GENERAL EQ.	1983	379	347	139				
	1982	182	203	125	108.2%	70.9%	11.2%	
CRIMINAL	1983	3,227	2,976	1,054				
	1982	2,831	3,228	818	14.0%	-7.8%	28.9%	
MATRIMONIAL	1983	1,821	1,658	1,149				
	1982	1,770	2,077	988	2.9%	-20.2%	16.3%	
JD & JINS	1983	5,859	5,776	555				
	1982	6,555	6,874	471	-10.6%	-16.0%	17.8%	
DOMESTIC REL.	1983	11,441	11,247	736				
	1982	9,613	9,717	462	19.0%	15.7%	59.3%	
DISTRICT CT.	1983	16,138	16,705	2,410				
	1982	17,883	18,278	3,117	-9.8%	-8.6%	-22.7%	
OTHER	1983	269	282	79				
	1982	272	231	90	-1.1%	22.1%	-12.2%	
TOTAL WITHOUT DOM. VIOLENCE	1983	40,830	40,546	8,434				
	1982	40,705	42,264	8,252	0.3%	-4.1%	2.2%	
DOMESTIC VIOLENCE	1983	1,340	1,345	17				
	1982	N/A	N/A	N/A	N/A	N/A	N/A	
TOTAL WITH DOM. VIOLENCE	1983	42,170	41,891	8,451				
	1982	40,705	42,264	8,252	3.6%	-0.9%	2.4%	

### HIGHLIGHTS

#### CASELOAD

\* highest increase in the state in cases added in General Equity 108%

#### PROGRAMS

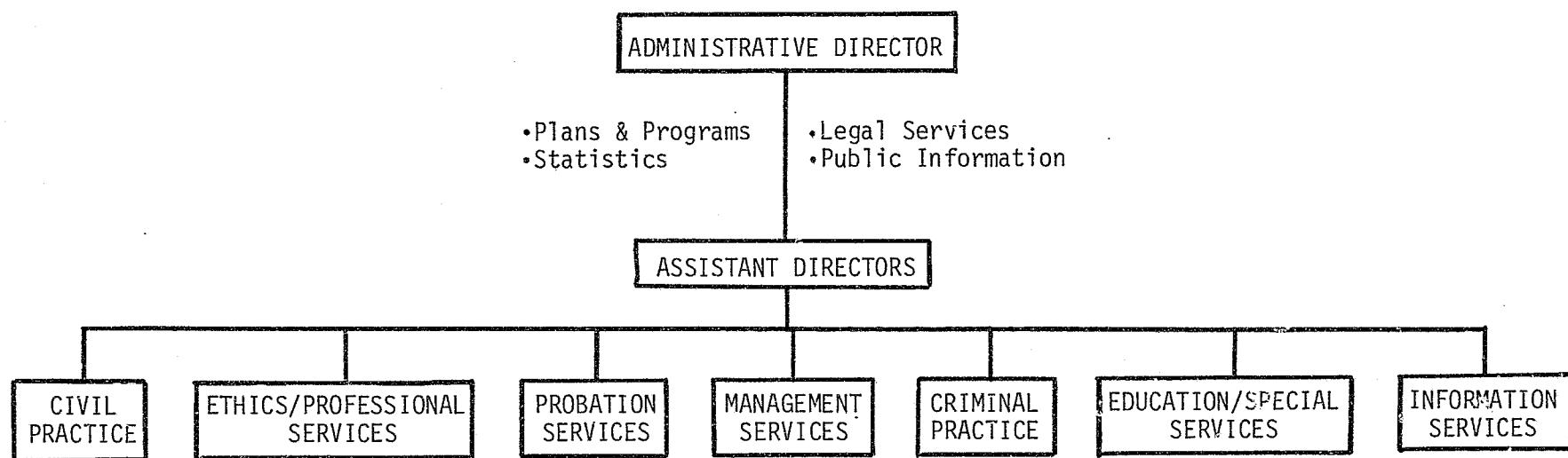
- \* computerization of jury selection in Salem County
- \* creation of Civil Case Bar Panel Settlement Program in Cumberland County
- \* establishment of Juvenile Diagnostic Center in Cumberland County

**1983**

**ADMINISTRATIVE  
OFFICE OF  
THE COURTS**

# **ADMINISTRATIVE OFFICE OF THE COURTS**

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## OFFICE OF THE DIRECTOR

The Office of the Administrative Director is responsible to the Chief Justice for the administration of all court operations. The Administrative Director supervises and manages the Administrative Office, and reviews the clerks' office and trial court operations around the state.

Within the Director's Office, relations with the Supreme Court, the Appellate Division, the Assignment Judges, and all other judges are coordinated. The Director's Office develops and outlines the implementation of major improvement programs in the Judiciary or in the AOC itself. The meetings of the Supreme Court Administrative Conference and of the Assignment Judges are planned and coordinated.

During the last court year, the Director's Office was involved in all of the projects described in the AOC. The particular programs that received special attention were the work of the Management Structure Committee in organizing the trial courts, the establishment of the Family Part, the Intensive Supervision Program, the development of civil case management procedures, the acceptance and implementation of the Computerization Master Plan, the continued Speedy Trial program in criminal cases, and relations with county governments.

### PLANS AND PROGRAMS

The Plans and Programs Unit has responsibility for several activities relating to the trial courts and the AOC. It functions as part of the Director's Office with assignments including county government liaison, work with Trial Court Administrators (TCA's), project coordination within the AOC, overall strategy for program development, technical assistance to the trial

courts on case processing and records management, and a variety of other projects.

The unit serves as staff to the County/Judiciary Liaison Committee and the County Clerks' Liaison Committee.

During the 1983 court year, the unit staff met regularly with the TCA's to discuss programs and developments that affect the trial court structure. With coordination by the unit, the TCA's specifically worked on a census of county personnel working in the courts, a district court automation program, data collection from county budgets related to the courts, the reorganization of the trial court structure from the Management Structure Committee proposal, and other projects.

Internal AOC coordination included budget strategy and planning, project reports, and some program analysis. During the 1983 court year, the staff worked with the Management Services Division to design a new format for the state budget for the Judiciary. The new format allows for much more analysis of the Judiciary's expenses, with budget categories related to the work of the courts.

Plans and Programs includes a unit on Legal Systems and Procedures. This unit is primarily responsible for technical assistance to the trial courts in the area of case processing, records management, and clerks' office procedures. It assists the trial courts in all types of cases and works closely with the Assignment Clerks, Deputy Clerks of Superior Court, and other trial court units. It also worked during 1983 on several special programs such as asbestos litigation and differentiated case management in civil cases.

Plans and Programs worked on a variety of special projects including several of the Efficiency Committee implementation reports, overall computerization strategies in the court system, project evaluation, direct filing in Superior Courts, and assignment of retired judges serving on recall.

#### LEGAL SERVICES

The Legal Research Unit provides legal research and counseling for the Administrative Director and the Supreme Court. Often it assists AOC divisions faced with complex or novel legal questions. The unit also serves as legislative liaison for the AOC and provides judges and judiciary support staff with information on legislative developments.

The unit performs a number of miscellaneous functions, including:

- \* acting as secretariat for the Committee on Opinions which determines which of thousands of written court opinions will be published, thereby becoming part of New Jersey's case law,
- \* coordinating the review of court rules by the Supreme Court, and rule publication,
- \* liaison with the Attorney General for the purpose of obtaining legal representation for judges and court employees who are sued in the course of official duties,
- \* registration of all group legal services plans,
- \* distribution of law clerk resumes and coordination of Supreme Court approval of all trial level law clerks,

\* involvement in numerous administrative projects such as central criminal intake, local complaint filing, development of family court procedures, appellate reforms and the distribution of Superior Court trust fund monies.

#### STATISTICAL SERVICES

The Statistical Services Unit collects, compiles, analyzes and reports caseload data and other statistical information on the operation of the courts. It prepares caseload statistical reports, projections of trends, assessments of the need for judges in each county of the State, and performance analyses throughout the Judiciary.

During the 1983 court year, Statistical Services implemented ICM (Individual Case Management), a civil pilot program in Burlington and Union Counties. The program fully automates the case management process, including calendaring, noticing, case questionnaires and various other statistical reports.

Also, the Unit is now able to track all Child Placement cases in the State due to complete automation of Child Placement Review data. Other projects have included: reporting of statewide jury utilization; statistics on Victims Crime Compensation Board penalties; statistical reporting on Domestic Violence cases and operation, management and programming of a new micro-computer system. Some of the Unit's publications are: The Monthly Trial Court Management Report; the Annual Report to the Director; monthly and quarterly Probation and Title IV-D Reports and the Annual Report of Municipal Court Proceedings.

## CIVIL PRACTICE DIVISION

### PUBLIC INFORMATION

The Public Information Office is responsible for communicating information about court policies, programs and operations. Studies have consistently shown that the public's major source of information about the courts comes from the media. The Office responds to citizen and media request for information, issues press releases and Supreme Court and Appellate Division argument schedules and opinions, coordinates the cameras in the courts program, and provides a daily clipping service of news articles on the Judiciary.

Public information publications include COURWORKS, a quarterly newsletter for the people who work in the court system; the ANNUAL REPORT; and booklets, A CITIZEN'S GUIDE TO THE NEW JERSEY COURTS and THE NEW JERSEY SUPREME COURT, and the annual JUDICIAL PICTORIAL DIRECTORY.

The Office also provides public information assistance to the trial courts through the Assignment Judges, Trial Court Administrators and trial court staff designated as public information coordinators, and serves as staff to the Supreme Court Committee on Relations with the Media.

During the year, the Office issued 125 official press releases, coordinated the Administrative Office of the Courts co-sponsorship with the New Jersey State Bar Association of a conference on reporters and the courts, and coordinated the visit of a Canadian Judicial Delegation to New Jersey to view the cameras in the courts program.

The Civil Practice unit is responsible for the review and administration of rules and procedures in the civil courts, including Law and Chancery Divisions of Superior Court (General Equity and Matrimonial), Juvenile and Domestic Relations, County District Courts and County Surrogates' Offices.

The majority of the unit's work is in conjunction with its role as staff to several Supreme Court Committees. These Committees include:

- Civil Case Management and Procedures
- Family Court Planning
- Civil Practice
- District Court
- Service of Process
- Mental Commitments
- Guardianships
- Juvenile and Domestic Relations Court
- Juvenile Restitution
- Small Claims

The unit also provides assistance to the State Child Placement Advisory Council and the Youth Services Commission.

During the year, directives were issued implementing recommendations of the Task Force on Service of Process, approved by the Supreme Court. These included management and personnel practices in the administration of service of process in the District Court, uniform procedures to be followed by all persons serving process, and uniform standards for bookkeeping and auditing.

### JUVENILE AND DOMESTIC RELATIONS

In the Juvenile and Domestic Relations Court area, substantial effort was focused on the proposed creation of a Family Part of Superior Court. Staff was assigned to the Superior Court Preliminary Planning Committee and the Family Court Planning Committee in prepara-

tion for the 1983 Judicial Conference, attended by more than 500 people. The Committee's work and the Conference produced a report to the Supreme Court recommending policies, procedures and draft court rules for the proposed Family Court.

During the year, staff also produced, in conjunction with the Statistical Services Unit, the first annual report on complaints filed under the Prevention of Domestic Violence Act, as required by the statute. A training session on domestic violence cases was also conducted with the assistance of the Judicial Education unit.

## MANAGEMENT SERVICES DIVISION

The Division of Management Services is responsible for providing a variety of support services including financial operations, purchasing, property management, and staff support to the Courts and other Administrative Office units as requested. It also provides administrative support to the Clients' Security Fund.

### FISCAL

The Fiscal Unit maintains responsibility for preparation of the annual Judiciary budget request, monitoring of appropriated fund expenditures, completion of Legislative Fiscal Notes, and development of varied financial projections and reports.

During the year, the cost center accounting system was refined to include further financial detail through a Project Activity Code subsystem. This is in preparation for records and data conversion from a manual to automated recordkeeping system, and to provide increasing levels of financial detail for specially-funded programs. Work was

also initiated on restructuring the Judiciary budget format for FY 1985 to provide for better long-range planning and more efficient use of financial resources.

### CENTRAL SERVICES

The Central Services Section, (Purchase, Property Management, Printing, and Office Services) entered the new Court Year with continued challenges and increasing responsibilities brought on by the internal reorganization of the AOC.

A survey was conducted in an effort to ensure optimum and most efficient use of space to accommodate the reorganization. In the field (7) new chambers were planned, organized, and occupied. Another study was conducted which resulted in the initiation of a computerized property asset inventory system. All equipment in the Justice Complex and 50% of field equipment has been tagged for identification. A shelving survey was made to determine the adequacy of bracing and support and approximately 10% of telephone installations were deleted to reduce cost.

During the year, the Print Shop produced 18,300,000 impressions, a 25% increase over the previous year. A new automated offset printing system was obtained to replace outdated equipment, thus reducing backlogs and ensuring expeditious processing of printing requests. The Office Services Section, responsible for mail, local messenger service, collection of printing materials and distribution of office supplies, initiated studies on the use of various computerized addressograph machines and stockroom computerization.

## **TRUSTS AND SPECIAL FUNDS**

The Trusts and Special Funds Section has custodial responsibility for funds in excess of \$89 million. The Trust Fund accounts for \$75.6 million, which represents the monies paid into court pending resolution of litigation involving Condemnation Procedures, Tax Foreclosures, Chancery, and Matrimonial matters. The Special Funds Section accounts for the remaining \$13.4 million, which represents funds for Federal Grants and the Child Support and Paternity Program (Title IV-D).

During the year, the Trust Fund Unit has continued working with the Attorney General's office, as well as an outside auditing firm, on plans for distributing from the Trust Fund a large portion of the excess reserve.

## **INFORMATION SERVICES DIVISION**

This new division was created to supervise existing court computerized system and implement the Judicial Computer Master Plan over the next decade.

The division includes the judicial information services staff and equipment, previously under Management Services, and is headed by a new Assistant Director who had been responsible for the computerization of the Maryland state court system.

During the year, the Judicial Master Plan, prepared by the National Center for State Courts, was approved by the Supreme Court and agreement was reached with executive branch information services officials on its various components. The Plan was presented publicly and supported by the Chief Justice and the Governor.

Working closely with Treasury's Data Center, the Division prepared a Request for Proposal for purchase of a large mainframe computer scheduled to be in operation in mid-1985, a keystone of the Master Plan. Treasury's Data Center will serve as a staging area for system development until the Judicial Data Center is fully operational.

A comprehensive office automation strategy involving word processing, electronic mail, strategically placed personal computers, a graphics package, and full interaction between and among local and remote terminals was completed and approved for implementation as funds become available.

During the year, major cooperative efforts were also begun with eight counties in District Court, Juvenile and Domestic Relations and Municipal Court - traffic violations.

Technical staff has been expanded and is working closely with counterparts in various counties in systems and communications development. Major cooperative work is underway with Middlesex County on Juvenile and Domestic Relations; Bergen, Morris and Essex Counties on District Court; Burlington and Union Counties on civil case processing; and the City of New Brunswick on traffic/parking adjudication systems.

## **PROBATION SERVICES DIVISION**

Probation Services oversees the work of the 21 county probation departments. It is responsible for the operations of the Child Support Enforcement Programming, training, collective bargaining, research, technical assistance and the Interstate Compact for the supervision of adults and juveniles on probation. It directly administers the experimental Intensive Supervision

Program, and coordinates the community service sentencing program.

The Division conducts regular meetings of Chief Probation Officers, serves as liaison with other state and local agencies, and reviews and records outside employment by probation officers.

#### TRAINING

A total of 1,166 people received a total of 18,300 hours of training during the year on a variety of topics. As a special project, a series of one-day workshops were conducted on substance abuse and training sessions were given for members of Juvenile Conference Committees. Training staff and a committee of JCC coordinators also planned and presented the first statewide conference of JCC members, which was attended by 350 people. Future training programs will involve data processing techniques.

#### COMMUNITY SERVICE

Probation Services is responsible for coordination of the Community Service Sentence Program, alternative sentencing requiring a certain amount of service to public or non-profit agencies throughout the counties, and for overseeing the distribution of State budget appropriations to counties for existing and new community service programs. Probation Departments are responsible for screening potential participants in the program and making recommendations to judges.

In coordinating the Community Service Program, staff is responsible for a variety of activities including holding administrative meetings for the program directors, publishing a quarterly newsletter, Community Service UPDATE, and providing technical assistance for the

programs. Offenders serving community service increased during the year, from 5,276 to 8,180.

#### MANAGEMENT AND RESEARCH

In the area of probation management improvement, continued to work with selected counties on two programs, objectives based management, in conjunction with Rutgers University and funded by the National Institute for Corrections, and a model case management system, also funded by the National Institute.

A uniform method of determining probation costs in each of the 21 counties is being developed with a committee of Chief Probation Officers. In the past, budget format in the counties has varied, making comparisons of cost components such as staff, workload impossible.

In another research area, staff is developing a reliable procedure for screening incoming juveniles for psychological problems. Testing has been conducted in Bergen County. The goal is a screening process that can be administered in a short period of time to determine whether referral for psychological or psychiatric evaluation is warranted.

#### VOLUNTEERS IN PROBATION

The unit recruits, trains and assigns volunteers for Juvenile Conference Committees and the Volunteers in Probation (VIP) program.

The VIP program secures the service of citizens to supplement the work of the professional probation staff. Volunteers provide diverse services; i.e., group counselling, family counselling, tutoring, transportation, recreation, office work, etc. In the 1983 court year, approximately 1,299 people were involved in VIP.

## **CRIMINAL PRACTICE DIVISION**

The Criminal Practice Division is responsible for the review and administration of rules and procedures in the criminal courts, including the Criminal Division of the Superior Court and the Municipal Courts. The Criminal Practice Division consists of the Criminal Court Services Unit, the Pre-Trial Services Unit and the Municipal Court Services Unit.

The Division provides staff support to the following committees:

- Statewide Speedy Trial Coordinating Committee
- PROMIS/GAVEL Implementation Committee
- Criminal Practice Committee
- Judges Committee on Capital Causes
- Model Jury Criminal Charge Committee
- Municipal Court Committee
- Municipal Court Task Force
- Criminal Disposition Commission
- Conference of Presiding Judges, Criminal
- Conference of Case Managers, Criminal
- Committee on Sentencing

### **CRIMINAL RESTRUCTURING**

In its continuing effort to use scarce resources more efficiently the Judiciary began planning for a major restructuring effort of the criminal court support staff during the 1982-1983 court year. Major Supreme Court Committees had suggested a restructuring to eliminate some of the fragmentation and duplication which have plagued the current system. At the heart of the initiative is the requirement that all of the fragmented court support units involved with case processing should organizationally be housed under one roof and directed by a single executive. The initiative also envisions the

development of a cadre of professionals, called case supervisors, who would be responsible for all court support aspects of a case, including Bail, PTI, Pre-sentence, calendaring, scheduling, and record-keeping. This verticalized approach not only provides needed accountability, but also reduces the duplication of work which occurs when cases move through multiple support units.

### **PROPORTIONALITY REVIEW**

The Criminal Court Services Unit also developed a system to track all homicides. This task was made necessary by the Death Penalty legislation which requires the Supreme Court to conduct proportionality reviews on death sentences. The unit also sent representatives to the National Center for State Courts' Proportionality Review Project which is drafting procedures for helping Supreme Courts conduct their mandated review.

### **SENTENCING RESEARCH**

The Criminal Court Services Unit continued to collect data on all sentences rendered in the Superior Court. The data is used to prepare reports, track the effects of legislation and assist in preparing future prison bedspace needs. The Criminal Court Services section provides monthly (and year-end), as well as special projects, reports to the Criminal Disposition Commission and other Legislative and Executive Branch agencies. One example of such use of the data this year was the assistance this data gave to a team of criminal justice experts formulating projected future prison bedspace needs for the Governor's Office. The data was also used for tracking the effect of mandatory sentencing legislation (e.g. the Graves Bill).

## **PROMIS/GAVEL IMPLEMENTATION**

During 1983 the PROMIS/GAVEL Advisory Committee, a joint committee comprised of members from the Judiciary, the Division, and the Prosecutors, was inaugurated for the purpose of jointly setting policy relevant to the development, installation, operation and maintenance of each PROMIS/GAVEL system.

### **PRETRIAL SERVICES**

The Pretrial Services Unit coordinates the various bail, pretrial intervention, and dispute resolution units throughout the 21 counties. During the court year, this unit developed a system for monitoring populations in the various county jails, which has been useful in addressing the problems created by recent severe jail overcrowding, and provided assistance to counties in developing 10% cash bail programs.

The unit also supervises the TASC (Treatment Alternatives to Street Crime) Project, a federally funded program providing intensive drug and alcohol rehabilitation for selected defendants. The Pretrial Services Unit also staffs the Supreme Court Committee on Complementary Dispute Resolution Programs.

### **MUNICIPAL COURT**

The greatest challenge to the Municipal Court system during the year was the dramatic increase in the number of Driving While Intoxicated (DWI) cases pending, as a result of increased enforcement and legal challenges raised about the validity of the Breathalyzer tests as evidence.

In response, several steps were taken to assist the courts: the AOC has applied for a federal grant to run pilot programs in DWI backlog reduction; information was provided to local court officials on

the appropriate procedures for requesting emergency municipal budget appropriations to deal with the backlog; and special DWI case-load reports were collected and made available to the Assignment Judges to identify the courts with the most severe backlog problems.

Management studies were completed for the Camden Municipal Court and begun for the New Brunswick Municipal Court, as part of the ongoing management study of the state's ten largest municipal courts. Studies of Paterson and Newark have already been completed. The program identifies problems and recommends solutions in areas such as backlog reduction, calendaring, and overall operating efficiency.

The Municipal Court Manual was revised and updated during the year, the first revision since 1977. It was distributed to all judges in looseleaf-binder format to allow for easy update in the future.

Experiments with the use of credit cards to pay fines and fees continued and a plea agreement experiment was begun in three municipal courts.

## **EDUCATION AND SPECIAL SERVICES DIVISION**

The Special Services unit is responsible for judicial education and training, court reporting services, jury utilization and management, and a new program providing technical assistance to the trial courts on support systems and procedures, and library services.

Special Services also provided staff to the following Supreme Court Committees: Committee on Jury Utilization and Management, Sound Recording Services Committee, Judicial Labor Relations and the Advisory Committee on Computerization.

## JUROR UTILIZATION AND MANAGEMENT

The Juror Utilization and Management Office provides technical assistance to the county jury managers concerning the qualification, summoning, selecting, and utilization of jurors. The unit recommends statewide policies to the Supreme Court and monitors compliance with established policies. The unit also provides training to new jury staff at the county level. During the year, staff of the unit issued a revised statewide manual on the selection of petit jurors. The manual governs all aspects of selection and provides specific guidance on how to accomplish each stage of jury selection, both manually and by computerization.

Staff of the unit also drafted legislation to implement the recommendations for improvement made by the Juror Utilization and Management Task Force, including increasing the daily juror fee, eliminating all exemptions from jury service, and modernizing selection procedures.

Through the efforts of this unit, all 21 counties are using telephone call-in systems. Individuals who have been summoned for jury service may call the courthouse the day before and a taped message will advise whether they need to report. This enables judiciary staff to call off individuals if a trial, originally scheduled to begin, is cancelled. This avoids needless juror trips to the courthouse.

Most importantly, the Juror Utilization and Management Office has overseen the gradual reduction in terms of service, statewide. By the end of January 1984, all 21 counties will have reduced terms of service to one week or less. Previously, several counties had terms of service of as much as four weeks. This reduction has greatly reduced the inconvenience to those who are summoned for jury service and has helped to reduce wasted juror time.

## COURT REPORTING SERVICES

Court Reporting Services is responsible for administration and supervision of a reliable system of daily court reporter services to cover proceedings in the Superior Court, and other proceedings as required by the Supreme Court or the Administrative Director. Its responsibilities include a system for control of timely filing by court reporters of transcripts of trial court proceedings ordered for use on appeal to the Superior Court, Appellate Division.

## SOUND RECORDING SERVICES

Sound Recording Services provides recording equipment and technical advice to Matrimonial, Tax, County District, Juvenile and Domestic Relations, and Municipal Courts. Field staff inspects court facilities, approves sound recording equipment purchases and installation at the municipal court level, supervises transcript production and appeal processing, and provides individual on-site training and assistance when necessary.

## OFFICE OF LIBRARY SERVICES

The Office of Library Services provides professional law library services to the Justices of the Supreme Court, the judges of the Appellate and Chancery Divisions of Superior Court, the Tax Court, and the staff of the Administrative Office of the Courts. This totals 60 libraries at 21 locations around the State. The office is also responsible for distribution of court reports throughout the state and the home library program in which 154 judges participate.

## **JUDICIAL EDUCATION AND TRAINING**

Judicial Education and Training is responsible for providing education programs for all new judges and court support personnel. The unit also provides continuing education for judges and court support personnel with emphasis on highly specialized areas of the law, new developments in the law and management training.

Judicial Education activities during the court year included the annual three-day residential Judicial College, which offered 22 courses to all upper court judges, and a two-day residential Orientation Seminar for 40 new municipal court judges. In addition, there were seminars for judges and court support personnel on Municipal Court Practice, Domestic Violence, Capital Cases, Family Court Practice, Time Management, Court Administration and Management Training.

Participation in out-of-state programs serves as a complement to in-state programs. Seventy-three judges and staff attended various national educational institutions including the National Judicial College, National College of Juvenile Justice, American Academy of Judicial Education, Institute for Court Management, National Council of Juvenile and Family Court Judges, American Institute of Real Estate Appraisers, American Law Institute, and the Institute of Judicial Administration.

Additional service to the judges and court support staff is provided by publication of numerous procedural and substantive manuals, and memoranda related to recent legal-judicial developments. The audio cassette library has been expanded to include virtually all educational programs. Lectures and presentations are sound recorded or videotaped and made available on a loan basis.

## ETHICS AND PROFESSIONAL SERVICES DIVISION

The Division of Ethics and Professional Services (DEPS) is responsible for functions relating to judicial ethics, professional ethics and unauthorized practice of law and, for most of the 1983 court year, supervision of the lawyer disciplinary and fee arbitration systems throughout the State.

Effective January, 1983, the Supreme Court ordered an annual fee assessment from all practicing attorneys to support the lawyer discipline and fee arbitration functions, and the budgets for these activities were separated from all other Division activities. The Court also announced its decision to establish a new Office of Attorney Ethics, reporting to the Court. Toward the end of the court year, a Director of the new Office of Attorney Ethics was appointed by the Court and all lawyer discipline and fee arbitration functions were taken over by that office.

The Division takes any emergent action that may be necessary on a statewide basis to protect the public interest. Usually such action is in the nature of an application to the Supreme Court for temporary suspension of an attorney as the result of a criminal conviction, a misappropriation of clients' funds or a mental or physical disability. A total of 18 applications for temporary suspensions of an attorney were approved by the Supreme Court during the year. One judge who is already temporarily removed as a judge, was temporarily suspended as an attorney, pending appeal of a criminal conviction.

The ethics and fee arbitration systems begin at the local level where a District Ethics Committee and a Fee Arbitration Committee operate in sixteen geographic districts. The Committees consist of volunteer lawyers and public members, all of whom are appointed by

the Supreme Court. They receive and investigate all complaints in their district of lawyer misconduct or excessive fees. DEPS supervises the operation of the ethics committees and provides them with some investigative and prosecutorial assistance as well as administrative and auditing assistance.

The Division also renders administrative agency advice and supervises the twelve Fee Arbitration Committees which serve clients and lawyers alike with a fast, simple and cost-free way to resolve disputes over the reasonableness of the fee charged by an attorney.

The job of monitoring and assisting ethics and fee committees has grown considerably over the last seven years. In 1978 there were 898 ethics complaints and 434 fee disputes filed with the district ethics and fee arbitration committees. At that time there were 19,000 practicing attorneys in New Jersey. In calendar year 1982, there were 1,325 ethics complaints filed and 713 new fee disputes. However, attorney population had increased to 23,500.

### DISCIPLINARY REVIEW BOARD

In addition, the Division serves the Supreme Court's Disciplinary Review Board (DRB) which was created in 1978 as a statewide appellate body to supervise the ethics system across the State by monitoring the determinations reached by the 16 district ethics committees; it hears oral argument on presentments for public discipline of members of the bar from the various ethics committees and makes recommendations to the Court on the discipline to be imposed; it reviews appeals from decisions to dismiss by the ethics committees and, in a more limited fashion, from fees awarded by the fee arbitration committees; approves all private reprimands issued by the ethics committees to attorneys;

hears motions for attorneys' temporary suspension from the practice of law; and receives and considers all applications of suspended attorneys seeking reinstatement to practice.

The Division supplies both legal and administrative support for the DRB. The Division Assistant Director acts as Secretary to the DRB and a staff attorney works full-time on DRB with legal staff and often appears before the Supreme Court on arguments in disciplinary cases.

For a second year in a row, the workload of the Board increased significantly in 1982 over the level of activity in prior years. The Board disposed of a total of 312 cases in 1982 as compared to disposition of 271 cases in 1981, 224 cases in 1980, and 228 cases in 1979. Thus, since 1980, the workload of the Board has increased by nearly 40%. The greatest increase this year was seen in the number of appeals taken from decisions of the district ethics committees and reviewed by the Board. Of the 312 cases disposed of, 190, or approximately 61%, were appeals. In 1982, the Board again heard a large number of presentments, although the number decreased slightly from the 1981 level. A total of 40 presentments were decided by the Board in 1982.

#### UNAUTHORIZED PRACTICE OF LAW COMMITTEE

To help insure that legal services are performed by qualified practitioners, the Supreme Court Unauthorized Practice of Law Committee (UPLC) entertains complaints concerning the practice of law by unlicensed persons. The Committee also renders advisory opinions which are published as guidance to the bar.

#### ADVISORY COMMITTEE ON JUDICIAL CONDUCT

Complaints from citizens who feel that judges have engaged in unethical or improper conduct are considered by the Advisory Committee on Judicial Conduct (ACJC). The ACJC is appointed by the Supreme Court and is comprised of retired Supreme Court Justices, practicing attorneys, and public members.

The Committee investigates and reviews complaints alleging unethical or unprofessional conduct on the part of members of the Judiciary and dismisses same where no improper conduct is discerned. The Committee may dismiss a matter with a private admonition if it finds that the conduct, although improper, was minor in nature and not likely to reoccur. The Committee holds formal hearings in matters where there is a substantial indication of improper activity by a judge and, if misconduct is established, it reports such findings to the Supreme Court by way of a Presentment, containing a recommendation for discipline.

During the court year, the Committee disposed of a total of 55 cases. Of these, 46 were dismissed after discussion, conference or hearing, 8 were dismissed with admonition or guidance provided to the judge by the Committee, and 8 presentments, involving three judges, were filed with the Supreme Court.

#### ADVISORY COMMITTEE ON PROFESSIONAL ETHICS

An attorney, uncertain whether representation of a particular client will create an ethical problem, may make an inquiry to the Supreme Court Advisory Committee on Professional Ethics (ACPE). The ACPE considers inquiries from bar associations as well. The Committee publishes its opinions for the guidance of the bar deciding

questions of ethics which arise in the course of practice. Once published, these opinions are binding on future practice unless revised by the Supreme Court on appeal.

The Division Assistant Director serves as Secretary to the ACPE, and the Division staff provides administrative and legal support.

#### **CLIENTS' SECURITY FUND**

Clients who feel that they have suffered out-of-pocket financial loss as a result of their attorney's dishonest conduct may make a claim to the Clients' Security Fund of the Bar of the State of New Jersey. Established as a cooperative effort between the Supreme Court and the New Jersey State Bar Association, the Fund is supported by yearly payments from members of the bar. The Fund Trustees, appointed by the Supreme Court and comprised of members of the bar and public, review claims and hold hearings.

The Fund has the authority to institute court proceedings for the appointment of a custodial receiver to take over the assets of any attorney found misusing clients' money in order to ascertain, conserve and distribute same for the benefit of injured clients.

#### **RANDOM AUDIT PROGRAM**

1983 saw the completion of the second full year of the Random Audit Program, which is also administered through DEPS and is financed by the Clients' Security Fund. The Program, which employs two full-time auditors and clerical staff involves the periodic review of business and trust account records that all attorneys are required to maintain when handling clients' funds in accordance with Supreme Court Rule. New Jersey thus became one of only three states in the nation to under-

take a full-time compliance program to insure that lawyers are fully aware of and comply with stringent recordkeeping requirements imposed by the Court. The principal objective of the program is supervisory and educational, not punitive, and is designed to aid the attorney in acquiring better methods in office accounting procedures.

Practitioners are randomly selected and audits are made on a county by county basis. During its second year of operation, 191 audits were conducted in 11 counties.