

SENATE, No. 1784

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED MAY 8, 2008

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator STEVEN V. OROHO

District 24 (Sussex, Hunterdon and Morris)

SYNOPSIS

Creates eight additional judgeships; increases certain court fees to fund judgeships and to supplement funding for Legal Services of New Jersey.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/20/2008)

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1 AN ACT creating additional judgeships and amending various parts
2 of the statutory law.

3

4 BE IT ENACTED by the Senate and General Assembly of the State of
5 New Jersey:

6

7 1. N.J.S.2B:2-1 is amended to read as follows:

8 2B:2-1. Number of Judges.

9 a. The Superior Court shall consist of **[441]** 449 judges.

10 b. (1) The Superior Court shall at all times consist of the
11 following number of judges, who at the time of their appointment
12 and reappointment were resident of each county:

13	Atlantic	11
14	Bergen	28
15	Burlington	[10] <u>12</u>
16	Camden	16
17	Cape May	4
18	Cumberland	[7] <u>8</u>
19	Essex	34
20	Gloucester	[11] <u>12</u>
21	Hudson	[24] <u>25</u>
22	Hunterdon	3
23	Mercer	[9] <u>10</u>
24	Middlesex	24
25	Monmouth	18
26	Morris	16
27	Ocean	15
28	Passaic	17
29	Salem	[3] <u>4</u>
30	Somerset	6
31	Sussex	[4] <u>5</u>
32	Union	20
33	Warren	3

34 (2) Additionally, the following number of those judges of the
35 Superior Court satisfying the residency requirements set forth above
36 shall at all times sit in the county in which they reside:

37	Atlantic	4
38	Bergen	12
39	Burlington	4
40	Camden	8
41	Cape May	2
42	Cumberland	4
43	Essex	14
44	Gloucester	6
45	Hudson	6

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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1	Hunterdon	2
2	Mercer	6
3	Middlesex	8
4	Monmouth	4
5	Morris	6
6	Ocean	8
7	Passaic	6
8	Salem	2
9	Somerset	4
10	Sussex	2
11	Union	6
12	Warren	2

13 (cf: P.L.2001, c.250, s.13)

14

15 2. N.J.S.22A:2-1 is amended to read as follows:

16 22A:2-1. For services hereinafter mentioned, the Clerk of the
17 Supreme Court shall be entitled to demand and receive the
18 following fees:

19 Upon the filing or entering of the notice of appeal, notice of
20 cross-appeal or notice of petition for certification, notice of cross-
21 petition for certification or notice of petition for review, the
22 appellant, cross-appellant, petitioner or cross-petitioner shall pay
23 ~~【\$200.00】~~ \$210.

24 Upon the filing of the first paper in any motion, petition or
25 application (including an order if it be the first paper), if not in a
26 pending cause or if made after judgment entered, the moving party
27 shall pay ~~【\$30.00】~~ \$35 which shall cover all fees payable on such
28 motion, petition or application down to and including filing and
29 entering the order therein and taxation of costs.

30 (cf: P.L.2002, c.34, s.25)

31

32 3. N.J.S.22A:2-6 is amended to read as follows:

33 22A:2-6. Upon the filing or entering of the first paper or
34 proceeding in any action or proceeding in the Law Division of the
35 Superior Court, the plaintiff shall pay to the clerk ~~【\$200.00】~~ \$210
36 for the first paper filed by him, which shall cover all fees payable
37 therein down to, and including entry of final judgment, taxation of
38 costs, copy of costs and the issuance and recording of final process,
39 except such as may be otherwise provided herein, or provided by
40 law, or the rules of court. Any person filing an answer setting forth
41 a counterclaim or a third party claim in such cause shall pay to the
42 clerk ~~【\$200.00】~~ \$210 for the first paper filed by him. Any person
43 other than the plaintiff filing any other paper in any such cause shall
44 pay to the clerk ~~【\$135.00】~~ \$140 for the first paper filed by him.

45 Any person filing a motion in any action or proceeding shall pay
46 to the clerk ~~【\$30.00】~~ \$35.

47 (cf: P.L.2002, c.34, s.26)

1 4. N.J.S.22A:2-12 is amended to read as follows:

2 22A:2-12. Payment of fees in Chancery Division of Superior
3 Court upon filing of first paper. Upon the filing of the first paper in
4 any action or proceeding in the Chancery Division of the Superior
5 Court, there shall be paid to the clerk of the court, for the use of the
6 State, the following fees, which, except as hereinafter provided,
7 shall constitute the entire fees to be collected by the clerk for the
8 use of the State, down to the final disposition of the cause:

9 Receivership and partition, ~~[\$200.00]~~ \$210.

10 All other actions and proceedings except in probate cases and
11 actions and proceedings for divorce or dissolution of a civil union,
12 ~~[\$200.00]~~ \$210.

13 Actions and proceedings for divorce or dissolution of a civil
14 union, ~~[\$250.00]~~ \$260, \$25.00 of which shall be forwarded by the
15 Clerk of the Superior Court as provided in section 2 of P.L.1993,
16 c.188 (C.52:27D-43.24a).

17 Any person filing a motion in any action or proceeding shall pay
18 to the clerk ~~[\$30.00]~~ \$35.

19 (cf: P.L.2006, c.103, s.85)

20

21 5. Section 2 of P.L.1993, c.188 (C.52:27D-43.24a) is amended
22 to read as follows:

23 2. Forwarding of filing fee. The Clerk of the Superior Court
24 shall forward \$25.00 of the ~~[\$250.00]~~ \$260 filing fee for a divorce
25 or a dissolution of a civil union provided for in N.J.S.22A:2-12 on a
26 quarterly basis to the Department of Community Affairs.

27 (cf: P.L.2006, c.103, s.86)

28

29 6. N.J.S.22A:2-13 is amended to read as follows:

30 22A:2-13. Each person other than the plaintiff filing an
31 answering pleading or other answering paper in the Chancery
32 Division of the Superior Court shall at the time of filing the first
33 paper, pay to the clerk the sum of ~~[\$135.00]~~ \$140; which shall
34 cover all fees payable therein except such as may be otherwise
35 provided herein or by law or the rules of court.

36 (cf: P.L.2002, c.34, s.30)

37

38 7. Section 14 of P.L.1991, c.177 (C.22A:2-37.1) is amended to
39 read as follows:

40 14. a. From the effective date of the amendments made to this
41 section by section 1 of P.L.2003, c.259 through the fifth year
42 thereafter:

43 In all civil actions and proceedings in the Special Civil Part of
44 the Superior Court, Law Division, only the following fees shall be
45 charged by the clerk and no service shall be performed until the
46 specified fee has been paid:

47 (1) Filing of small claim, one defendant ~~[\$15.00]~~ \$20

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1	Each additional defendant	\$ 2.00
2	(2) Filing of complaint in tenancy,	
3	one defendant	【\$25.00】 <u>\$30</u>
4	Each additional defendant	\$ 2.00
5	(3) (a) Filing of complaint or other initial	
6	pleading containing a counterclaim, cross-claim	
7	or third party complaint in all other civil actions,	
8	whether commenced without process or by summons,	
9	capias, replevin or attachment where the amount	
10	exceeds the small claims monetary limit	【\$50.00】 <u>\$55</u>
11	Each additional defendant	\$ 2.00
12	(b) Filing of complaint or other initial	
13	pleading containing a counterclaim, cross-claim	
14	or third party complaint in all other civil actions,	
15	whether commenced without process or by summons,	
16	capias, replevin or attachment where the amount	
17	does not exceed the small claims monetary limit	【\$32.00】 <u>\$37</u>
18	Each additional defendant	\$ 2.00
19	(4) Filing of appearance or answer	
20	to a complaint or third party complaint in all	
21	matters except small claims	【\$15.00】 <u>\$20</u>
22	(5) Service of Process: Fees for service of process, including:	
23	summons by mail, each defendant; summons by mail each	
24	defendant at place of business or employment with postal	
25	instructions to deliver to addressee only; reservice of summons by	
26	mail, each defendant; postage for substituted service of process by	
27	the clerk upon the Chief Administrator of the New Jersey Motor	
28	Vehicle Commission in addition to the substituted service fee	
29	provided below; and wage execution by mail to a federal agency,	
30	shall be set by the Administrative Director of the Courts. The fee	
31	for service of process shall not exceed the postal rates for ordinary	
32	and certified mail, return receipt requested, and may include an	
33	administrative fee that shall not exceed \$0.25 for each defendant	
34	served with process by mail. The total service of process fee shall	
35	be rounded upward to the nearest dollar. For the purposes of this	
36	paragraph, service of process means the simultaneous mailing by	
37	ordinary and certified mail, return receipt requested, to the	
38	defendant at the address provided by the plaintiff.	
39	Reservice of summons or other original process by	
40	court officer, one defendant	\$ 3.00
41	plus mileage	
42	Each additional defendant	\$2.00
43	plus mileage	
44	Substituted service of process by the clerk upon	
45	the Chief Administrator of the	
46	New Jersey Motor Vehicle Commission	\$10.00
47	(6) Mileage of court officer in serving or executing any process,	
48	writ, order, execution, notice, or warrant, the distance to be	

1	computed by counting the number of miles in and out, by the most	
2	direct route from the place where process is issued, at the same rate	
3	per mile set by the State for other State employees and the total	
4	mileage fee rounded upward to the nearest dollar	
5	(7) Jury of six persons	\$50.00
6	(8) Warrant for possession in tenancy	\$15.00
7	(9) Warrant to arrest, commitment	
8	or writ of capias ad respondendum, each defendant	\$15.00
9	(10) Writ of execution or an order in	
10	the nature of execution, writs of replevin and	
11	attachment issued subsequent to summons	\$ 5.00
12	(11) For advertising property under execution	
13	or any order	\$10.00
14	(12) For selling property under	
15	execution or any order	\$10.00
16	(13) Exemplified copy of judgment	
17	(two pages)	\$ 5.00
18	each additional page	\$ 1.00
19	(cf: P.L.2003, c.259, s.1)	
20		

21 8. Section 6 of P.L.1996, c.52 (C.22A:2-51) is amended to read
 22 as follows:

23 6. Increased fees under P.L.1996, c.52 and P.L. , c (C.)
 24 (pending before the Legislature as this bill), use; fund.

25 a. An amount equal to 95 percent of the increase in fees
 26 collected pursuant to the provisions of P.L.1996, c.52 (C.22A:2-51
 27 et al.) shall be annually appropriated to the Department of
 28 **[Community Affairs]** the Treasury for the provision to the poor of
 29 legal assistance in civil matters by Legal Services of New Jersey
 30 and to the Judiciary to fund 10 Superior Court judgeships, to
 31 supplement other funds appropriated from any other source in a
 32 fiscal year for these purposes. An appropriation pursuant to this
 33 section shall not be used to replace appropriations from other
 34 sources for these purposes.

35 b. An amount equal to 5% of the increase in fees collected
 36 pursuant to the provisions of P.L.1996, c.52 (C.22A:2-51 et al.)
 37 shall be annually appropriated to the Department of State, Higher
 38 Educational Services, to be allocated equally among Rutgers-
 39 Newark Law School, Rutgers-Camden Law School and Seton Hall
 40 Law School for clinical programs which provide free legal
 41 representation to the poor, to supplement other funds appropriated
 42 from any other source in a fiscal year for these purposes. An
 43 appropriation pursuant to this section shall not be used to replace
 44 appropriations from other sources for these purposes.

45 c. There is created in the Department of the Treasury a non-
 46 lapsing, revolving fund into which the Treasurer shall deposit
 47 annually an amount equal to the revenue derived from the increase
 48 in the fees collected pursuant to P.L.1996, c.52 (C.22A:2-51 et al.).

1 Interest and other income earned on moneys deposited into this
2 fund shall be credited to the fund. Moneys in the fund shall be
3 appropriated and distributed annually exclusively for the purposes
4 set forth in subsections a. and b. of this section. The State
5 Treasurer shall have performed an audit of this fund biennially
6 following the effective date of P.L.1996, c.52 (C.22A:2-51) and the
7 results of the audit shall be included in the report required pursuant
8 to subsection **[d]** e. of this section.

9 d. Moneys derived from the increase in fees collected pursuant
10 to N.J.S.22A:2-1, N.J.S.22A:2-6, N.J.S.22A:2-12, section 2 of
11 P.L.1993, c.188 (C.52:27D-43.24a), N.J.S.22A:2-13, and section 14
12 of P.L.1991, c.177 (C.22A:2-37.1), as amended by sections 2
13 through 7 of P.L. , c. (C.) (pending before the
14 Legislature as this bill) shall be appropriated first to the Judiciary to
15 fund the cost of the eight additional Superior Court judgeships
16 created pursuant to section 1 of P.L. , c. (C.) (pending
17 before the Legislature as this bill). Any moneys remaining in the
18 fund after the appropriation of funds for the cost of the eight
19 additional Superior Court judgeships shall be appropriated to the
20 Department of the Treasury for distribution to Legal Services of
21 New Jersey for the provision of legal assistance to the poor in civil
22 matters, to supplement other funds appropriated from any other
23 source in a fiscal year for these purposes. An appropriation
24 pursuant to this section shall not be used to replace appropriations
25 from other sources for these purposes.

26 e. The State Treasurer shall submit an annual report to the
27 Legislature on the use of the fees collected pursuant to P.L.1996,
28 c.52 (C.22A:2-51 et al.) and the fees collected pursuant to
29 P.L. , c. (C.) (pending before the Legislature as this bill)
30 and deposited into the fund created pursuant to subsection c. of this
31 section. The report shall be submitted to the President of the Senate
32 and Speaker of the General Assembly, and the Senate Budget and
33 Appropriations Committee, Assembly Appropriations Committee,
34 Senate Judiciary Committee and Assembly Judiciary Committee, or
35 their successors.

36 (cf: P.L.1996, c.52, s.6)

37

38 9. This act shall take effect immediately.

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40

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STATEMENT

42

43 This bill would create eight additional Superior Court
44 judgeships Statewide as follows: Burlington, two judges;
45 Cumberland, one judge; Gloucester, one judge; Hudson, one judge;
46 Mercer, one judge; Salem, one judge; and Sussex, one judge.

47 The new judgeships would be funded by an increase in certain
48 court fees. Any moneys derived from the increased court fees in

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1 excess of the cost of the judgeships would be appropriated to the
2 Department of Treasury for distribution to Legal Services of New
3 Jersey for the provision of free legal assistance to the poor in civil
4 matters.

5 This bill also amends an existing law which created the Legal
6 Services Fund, N.J.S.A.22A:2-51, to provide 10 additional
7 judgeships and fund Legal Services of New Jersey by increasing
8 court fees. This bill would use the existing fund to achieve its
9 stated goals.