

Senate Budget and Appropriations Committee
FY 2007 Budget Hearings

The Judiciary
May 17, 2006

Hon. Philip S. Carchman, Acting Administrative Director

Chairman Bryant and members of the committee, I am pleased once again to be with you to discuss the needs of the Judiciary. With me today are Bergen Vicinage Assignment Judge Sybil Moses; Monmouth Vicinage Assignment Judge Lawrence Lawson; Hunterdon, Somerset and Warren Vicinage Assignment Judge Graham T. Ross; Burlington Vicinage Assignment Judge John Sweeney; and Deputy Administrative Director Theodore Fetter.

We have begun the second decade of court unification in New Jersey and as I address you today, I think it is important to publicly acknowledge members of the committee who have played a key role in unifying and improving our system of justice. Senator Gormley sponsored the constitutional amendment that unified our courts. Senators James and Kavanaugh were key supporters of our Municipal Court Automated Traffic System. And Senators Bryant, Bucco, Bark and again, Senator Gormley were key leaders in advancing the Drug Court program. All of these successes are attributable in good measure to your support and efforts on our behalf and on behalf of the citizens of this state.

We have had a productive year since I was last here, and I appreciate the opportunity to tell you some of the things we've done and some of the things we anticipate for the year ahead.

Today, I want to assure you that the Judiciary uses the funds appropriated to us wisely and well. We hold ourselves accountable for how we use our resources because it is the right thing to do, and we are responsible with those resources because we know they come from New Jersey's hard working citizens. Every day we strive to deliver the highest quality service to all who come before the courts. We want to ensure they receive a just and timely resolution of their disputes. Let me outline a few of the ways that we do that.

I begin with our ongoing attention to reducing our trial court backlogs. As you know, we set specific time goals by which each type of case should be resolved and we publish those standards in our statistical reports maintained on our Web site. Cases that are older than those time standards are in backlog, and we work hard to minimize the number of cases in backlog. Last year we were able to cut backlog by 13 percent. Over the four years from 2001 to 2005, trial court backlogs have been reduced by 44 percent, from more than 40,000 cases to fewer than 23,000 cases. And this is out of more than one million cases filed each year. Backlog reduction is especially significant in family

cases where backlog is down 67 percent over the past four years. In short, our efforts have proven fruitful and we are helping litigants resolve their disputes and get on with their lives more quickly. We are proud of this improvement. I do not believe that any other court system in the country can show a similar record.

Be assured that our efforts are not limited to the timeliness of our work: We must ensure that the results are just and fair. Our whole system supports that goal. Continuing education for judges and staff, and our many case management programs are all geared toward bringing about the best result in each case. I would like to highlight just a few of those programs.

Last year I noted that there is probably no greater priority than the Children in Court cases in the Family Division. This priority remains in place. These are the abuse and neglect, child placement, termination of parental rights cases and our most recent case type – family kinship. The number of family kinship cases has increased from 716 in 2003 to 1,311 in 2005; and this court year, filings increased 13 percent. As you know, family kinship provides another tool for the Judiciary and where appropriate, permits a judge to place a child with a member of the family who already knows the child and can provide a safe and secure home. We work diligently to ensure that each of these cases receives our best attention.

During the past few years, the issue of abused and neglected children has been the focus of a mandated child welfare reform program. We are committed to working closely with the Department of Human Services and, assuming your approval, with the Governor's proposed Department of Children and Families to ensure that our efforts are coordinated with theirs for the best results for children and families. New initiatives you will be hearing more about include video conferencing that save caseworkers travel time, now in five counties; a child welfare mediation pilot program that provides a neutral forum for the parties to make decisions and resolve issues, now in three counties and soon expanding to 12; and Family Drug Court, now being piloted in Morris County, with nine graduates and 12 families currently participating.

The Judiciary collaborates with the Department of Human Services, the Juvenile Justice Commission, the Division of Child Behavioral Health Services, county governments and county-based agencies including prosecutors, police, detention center staff, and the Youth Services Commissions on another important initiative – the reduction of the number of juveniles in detention facilities. The Juvenile Detention Alternatives Initiative is now operating in five counties with expansion anticipated for another five counties. To date, the program has been grant-funded, and the results are positive. In the five counties, the average daily population of kids in detention centers has gone down 35 percent, from 499 to 321 between the years 2003 and 2005. Admissions declined during those two years by more than 20 percent, from 6,249 to 4,980, and the average length of stay declined by 7 percent in 2005, from 27 days to 25 days. We know that some juveniles need to be housed in detention centers. But for those who need other placements, we are developing a refined screening instrument to assist judges and staff in

making detention decisions. We are also cooperating with the other agencies to ensure that troubled juveniles receive appropriate mental health assessment and mentoring.

While we view children in court to be our highest priority, we have focused on other critical areas as well. Thanks to your funding and your support, the adult drug court program has been operational in all 15 vicinages since September 1, 2004. Currently more than 2,300 non-violent drug offenders are in drug court rather than incarcerated. I take this opportunity to update you on the program and the remarkable work of the courts and, indeed, these clients themselves. This year, I would like to provide you, not case numbers, but some "real life" statistics: For example, 67 drug-free babies were born to previously drug-addicted mothers. Seventy-four parents have regained custody of their children. At the time of their graduation, at least 92 percent of participants were employed, compared to 27 percent when they were sentenced. Participants with medical benefits increased from 13 to 47 percent. The number of participants with valid driver licenses increased from 6 to 52 percent. Thirteen percent of participants improved their level of education while in the drug court program. A total of \$595,726 in court-imposed fines, fees and penalties were collected from the graduates during the term of supervision. This is money that doubtless would not have been collected if these men and women had not availed themselves of the rigors of drug courts. Our efforts will continue with your help and support.

Recently, attention has been focused on the gangs and guns assaulting our communities. We are concerned and committed to making the criminal justice system effective and responsive. Societal and law enforcement issues ultimately find their way to our judicial system, and as a former prosecutor, I am keenly aware of the importance of prosecutorial initiatives in bringing these cases to the attention of the courts. We presently are working with the Attorney General to ensure that certain cases, such as crimes where a weapon was used, are kept on-track and moving toward resolution within the existing organization of the court. We are prepared, to the extent that systemic resources, including public defenders and prosecutors, are present and available, to remain vigilant and proactive to ensure that our criminal system is both timely and fair.

A key factor of any fair court hearing, whether in the criminal, family, civil or municipal courts, is that the defendants or parties to a case understand the proceedings. During the past year, we improved our interpreting and translation services - a critical element of not only customer service, but in fulfilling our commitment to all of the citizens of this state of full and complete access to our courts and the legal process. Last year, we logged more than 83,000 court events, interpreted in 77 different languages. We employ more than fifty staff court interpreters in languages including Spanish, Polish, Korean, Portuguese and American Sign Language. We use telephone interpreting for shorter hearings or special situations. Our court interpreter program leads the nation in quality and integrity.

Court interpreting is but one way we are making the courts accessible for all. For many, contact with the court is daunting and mysterious. Litigants coming to the courthouse may be confused about the process and procedures. This past year we

mandated statewide implementation of our ombudsman program and now have an ombudsman in every vicinage, trained to assist and respond to inquiries. In a recent newspaper article, a man tells the story of coming to the courthouse because he learned there was a judgment against him. He had no idea what to do, but the ombudsman was at the ready. She helped him get the forms he needed and, while not able to give legal advice, she was able to explain the process and get him on the right track. As he left the courthouse he said, "Coming here took a lot of weight off me." This level of customer service is gaining national attention and we have received calls from other states for information on how to replicate what we have done. The program, supported and encouraged by the Supreme Court Minority Concerns Committee, was first piloted in Camden and Essex and is now statewide. We are very proud of this effort.

Last year I told you about our successful child support "call center" pilot project, in partnership with the Department of Human Services, to answer questions promptly, efficiently and effectively. The call center is receiving more than 600 calls each day from the three pilot counties, and call center workers resolve about 75 percent of those questions. Because the call center staff has the capability to answer this volume of inquiries, many of which are fairly routine, child support workers in the vicinages are freed to focus on the remaining 25 percent that require in-depth research to solve more complicated problems such as tracking cases in arrears or resolving collections problems in out-of-state cases.

We have expanded other customer service programs as well. For example, while we encourage everyone to retain a lawyer if possible, the reality is that many litigants cannot or do not. To help them, we have developed 27 different packets of forms and information for persons who represent themselves in cases such as appeals from a municipal court decision, enforcement of a family court order, filing a claim in the Civil Division, expunging a criminal record, or filing in the Special Civil Part as a landlord or tenant or in small claims. Those packets are available at the courthouses and also on our award-winning Web site, njcourtsonline.com.

The reference to the Web site leads me to our progress in information technology. We are proud that New Jersey Supreme Court oral arguments are available online through captioned live streaming video and are archived for later access as well. We continue to be proud of our statewide online service for the payment of traffic and parking tickets, and from personal experience, I can assure you that it works just fine. While it's largely invisible to the users and the public, we have made great strides over the past year in converting two of our mainframe systems to a modern upgraded database system. This extensive project involved changing every one of millions of lines of code, all while thousands of users were on our systems completing millions of transactions per day. This conversion process will continue over the next few years, but our civil and traffic systems, our largest systems, now use modern and more easily supported technology.

We also are improving our IT security. In just the past month alone, we blocked roughly 600,000, or 48 percent, of our incoming e-mail by using a screening device that

blocks virus attachments and other dangers. Through these measures, we have been able to contain virus outbreaks within the Judiciary to a few PCs, which immediately were quarantined and cleaned.

We also block as many as 10,000 direct hacker attacks on our network every month. These types of attacks are port scans and probes of our network looking for weaknesses. We complete our own scans on an ongoing basis to ensure that we see weaknesses before the hackers do. Our court records contain information used by law enforcement, attorneys, the Motor Vehicle Commission, and the litigants themselves. We must and will continue to guard our records from those who would do harm.

This brings me to my final major topic--access to our records. We know that the public wants and needs access to information in court files, on both active and archived cases. Last year we developed a system-wide strategy to address the process for access to records – how one gets the records one needs. Now we have launched the more difficult study of substance – what records should be available, and what records should be withheld or at least redacted so that private information remains private. These are difficult questions, but we are committed to resolving them in a way that is consistent and fair to all involved.

In conclusion, let me express my respect and appreciation for the support the Judiciary receives from the Legislature and the executive branch. I note that in the federal system, as well as in some other states, there are real problems with understanding the unique position of the courts, and the need for a level of judicial independence.

This is the final budget appropriation cycle for Chief Justice Poritz who, as you know, will be retiring this year. During her 10-years as Chief Justice, with the support of the Legislature, she has transformed the New Jersey Judiciary into a unified court system where citizens can expect to be treated fairly, equally and timely in every courthouse in our state. On behalf of the Chief Justice, the Supreme Court and the entire Judiciary - the finest state judiciary in the country - I extend to you my appreciation that in New Jersey we enjoy your respect and understanding as well as your support for our budget during the financial challenges facing our state. May it continue to be so, because it is vital to our system of government.

Thank you very much.