

Discussion Points

1. The FY 2007 budget recommends that the Judiciary receive \$36.176 million in Direct State Services funding for the Child Support and Paternity Title IV-D Program, the same level of funding that it received in FY 2006. The Judiciary anticipates the receipt of \$83.167 million in federal funding for the program in FY 2007. This constitutes an increase of \$4.373 million over last year's federal funding appropriation of \$78.794 million.

- *Question:* Since under the Child Support and Paternity Title IV-D program State matching funds are needed in order to be eligible for federal funding, how does the Judiciary anticipate that it will be able to collect the increase in federal funding with no concurrent increase in the State match?

The \$4.373 million increase in the Judiciary's federal Child Support and Paternity Title IV-D appropriation reflects the FY 2007 federal share (66 percent) of the FY 2007 salary program need. The state match share (34 percent) is included in the Judiciary's state supported salary program funding which is budgeted in the Executive Branch Interdepartmental account.

2. The Judiciary issued a Strategic Plan for its Information Technology in 2001 and updated it in 2003.

- *Question:* Please outline the status of the Judiciary's progress in implementing its Information Technology Strategic Plan. What major milestones have been met? What difficulties have you encountered? When does the Judiciary anticipate that the plan will be fully implemented? What has been spent to date? What is the estimated cost of full implementation of the Plan?

Since its adoption in 2001, the Judiciary's Information Technology Strategic Plan has provided a framework to define and prioritize key initiatives, allocate staff and funding resources, and maintain momentum on forward-looking programs to meet the expanding and evolving demands of the courts. The Judiciary has continued to make progress in the strategic areas of case management improvement, electronic

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filing, electronic document management, and network expansion. Our infrastructure and applications are developed and supported in collaboration with appropriate Executive Branch agencies to provide effective interfaces and functionality.

Conversions of our database systems, driven by the need to replace obsolete high-risk technology, continue successfully. The Municipal Court systems were converted in October 2005 followed by the Civil Court systems in March 2006. Conversions of the Family and Criminal Courts are currently underway and planned for release in 2007 and 2008 respectively. Our new architecture provides a platform that allows us to web-enable our systems, thereby providing immediate internet browser-based access to Judiciary applications. For example, law enforcement officers now rely on this technology to enter Criminal Disposition Reports in real-time, providing instant cross-agency collaboration and eliminating error-prone manual data entry processes. In addition, electronic filing was implemented statewide throughout the Special Civil Courts and will be extended to other courts as the underlying technical infrastructure grows. Electronic document management also promotes a paperless environment in 11 of 21 counties today, with implementation statewide by 2007.

As the scope and complexity of the Judiciary's technology expands, our communications network has developed to keep pace. The Superior Court network is fully deployed and the county jail network is scheduled for completion by July 2006. Also consistent with the Strategic Plan, modernization of the Municipal Court network will be completed in FY2007. Also on target are several other important initiatives including expansion and update of the Judiciary's LAN and PC infrastructure, development of data warehouse architecture, and improvements in data security and intrusion detection technology.

The Judiciary views the IT Strategic Plan as a constantly evolving document with no finite end. The Plan was updated in 2003 and defines initiatives through FY2010. We are now in a new update cycle with Supreme Court approval anticipated in fall 2006. This revised plan will address strategic initiatives in concert with our fiscal projections through FY2013. The total of funds expended to date (FY2001 - 2006)

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on IT Strategic Plan initiatives is \$122.5 million. Based on our projections, an additional \$76 million is required to fully implement the must-do and top strategic priority initiatives as outlined in the approved plan.

With regard to operational changes necessary to sustain these initiatives, an additional \$21.7 million will have been expended through FY2006 to provide for necessary Data Center Infrastructure upgrades. Based on projections, an additional \$4.5 million will be needed to fully support these upgrades.

3. The FY 2005 budget included funds to fully implement Drug Courts in each of the 15 vicinages. Prior to this, drug courts were operational in only a portion of the State's vicinages.

- *Question:* Please comment on the current status of the program. What progress have you made in treating drug court offenders? How many offenders have been referred to drug courts to date? What is the success rate of program graduates? How many have re-offended? Please comment on the future needs of the drug court program.

The adult drug court program has been operational in all 15 vicinages since Sept. 1, 2004. Currently, the number of active drug court participants is 2,371. A total of 572 participants have successfully completed the drug court program and another 416 have commenced to Phase 4 after successfully completing the intensive program phases. At the time of graduation, at least 92 percent of participants were employed, as compared to 27 percent employment at the time of sentencing to drug court. The percentage of participants covered by medical benefits increased from 13 to 47 percent. The percentage of participants with a valid driver's license 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.

The adult drug court program graduates have a total of 539 minor children whose lives have been improved, both financially and emotionally, because their parent

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has achieved sobriety in drug court and now has a solid foundation for sustaining that sobriety long term.

In the 10-year history of drug courts, 5,800 non-violent adult offenders were sentenced to drug court, 67 babies were born drug free from previously addicted mothers and 74 participant parents regained custody of their children.

Drug courts began as federally funded pilot programs in five counties: Camden, Essex, Mercer, Passaic and Union. Due to the success of the early programs, the State assumed funding not only for the first five pilot drug courts, but also an additional five vicinages (Bergen, Cumberland/Gloucester/Salem, Monmouth, Morris/Sussex and Ocean Vicinages). All ten programs became state funded as of April 1, 2002.

By Sept. 1, 2004, the final five vicinages, Atlantic/Cape May, Burlington, Hudson, Middlesex and Hunterdon/Somerset/Warren became operational, and the goal of a "Statewide Adult Drug Court Program" was realized, with all programs operating under a model approved by the Judicial Council.

Since transfer from pilot program status to state funding, 69 percent of participants have either successfully graduated or remain active in the program. Moreover, drug tests, one of the most significant indicators of participant sobriety, have shown encouraging results, for example. Ninety-six percent of the 109,375 tests conducted since the first round of state-funded drug courts began in April 2002 have been negative for drugs or alcohol.

Information obtained through a January 2006 recidivism study indicates that only 14 percent of graduates were re-arrested within three years of their date of graduation. Six percent were convicted of a new offense and four percent were sentenced to a term in a New Jersey state prison.

It is crucial to the quality of drug court intervention that caseloads for probation officers not rise above 50 participants because of public safety concerns. In fact, several county prosecutors refuse to approve additional drug court applicants if

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caseloads rise above 50. The success of drug courts depends on the intensive nature of the program, including probation supervision of offenders in the community. A swift judicial response to new drug use or other non-compliant behavior is the cornerstone of successful drug court intervention. Probation officers provide that information to the court when action is warranted.

Based on the current pace of the 15 vicinage drug courts, an additional 17 case management positions will be needed to manage active caseloads through the end of Fiscal Year 2007. The Judiciary is requesting that these positions be supported in order to continue the level of supervision, drug testing and intensive treatment needed to successfully divert non-violent drug offenders from a costly state prison term.

4. In its mission statement, the Judiciary indicates that one of its goals is to "provide equal access to a fair and effective system of justice for all without excess cost, inconvenience, or delay, with sensitivity to an increasingly diverse society." Often, the court house and the services provided therein constitute the main contact that New Jersey's citizens have with their government. The Judiciary recently expanded its ombudsman program in the vicinages to assist individuals in their interactions with the courts.

- Question: What efforts have been implemented to improve public access to the courts? In light of the increasingly diverse population of New Jersey, how do the courts accommodate the physically handicapped, blind, hearing impaired and those requiring translation services?

Interpreting services for litigants supported 83,550 court events across 77 languages in Court Year 2005. Moreover, statewide standards are in place to use interpreters for linguistic minority, deaf, hard-of-hearing and limited-English proficiency litigants. On-staff interpreters are now available for Polish, Portuguese and Korean speaking litigants (one each) in addition to the other languages already supported, for a total of 50 on-staff interpreters. Dozens of forms and brochures

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have also been translated into Spanish; with several available in Polish and Portuguese, as well.

Americans with Disabilities Act (ADA) accommodations are available in each of the 537 municipal courts and all 21 Superior Courts through ADA coordinators. The Judiciary is also in process of "open captioning" the streaming video Web casts of Supreme Court cases and new technology is being obtained in the Appellate Division to allow direct communication with persons who are deaf or hard-of-hearing.

Customer service initiatives have focused on developing a statewide Ombudsman program to assist self-represented litigants, explain court procedures, answer questions and generally improve public access to the courts. In addition, 27 pro se packets for self-represented litigants are available regarding subjects of various concern, including: criminal expungements, enforcing a family division court order, guardianship, appealing a municipal court matter, appealing to the Appellate Division and appealing to the Supreme Court. "Greeter" programs and information desks in several counties also provide a "first contact" location to help court visitors get where they need to go.

The Judiciary has implemented statewide customer service training for staff to achieve and maintain a high level of customer service. In addition, new staff guidelines on Policies and Procedures for Access to Case-Related Records have been developed to ensure consistent access to open public court records. Finally, a new Supreme Court Committee on Public Access to Court Records, convened by Chief Justice Poritz, was established to study and make recommendations on access to and confidentiality of court records.

In order to promote public education and opportunities with the Judiciary, the Courts continue to participate in minority and all-purpose job fairs educating the public on job opportunities with the Judiciary. In addition, public education seminars through the Ombudsman and the Office of Minority Concerns are available on a frequent basis. Law Day ceremonies also promote understanding of the court system by hosting activities for students as well as the general public.

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Finally, the public has easy access to several brochures and publications on the courts, these include: *Judiciary Times*; *The New Jersey Courts—A Guide to the Judicial Process*; *Your Day in Court: Introduction to Municipal Courts*; *Make a Difference* (recruitment brochure), and; *A Guide to Quality Customer Service* (civil practice division).

The use of technology by the Judiciary promotes public access to the Courts. Today, the Judiciary is able to stream video of Supreme Court oral arguments in real time. Archives of past arguments are also made available online for easy access by the public at any time. Moreover, the njcourtsonline.com website provides the public with tens of thousands of files that assist attorneys, students, judges, staff and the general public. Just a small sampling of the Web pages include: pro se packets, court opinions, driving directions, judges and staff listings, ombudsman information, juror information and legal practice forms. The NJMCDirect website allows individuals to plead guilty and pay fines for traffic and parking violations. In Court Year 2005, \$38 million in fines and fees were collected from more than 700,000 NJMCDirect transactions. The public also has access to civil judgment data and certain criminal records using free public access computer terminals in courthouses. Finally, the child support call center handles 600 calls each day to answer questions about callers' child support cases.

5. There are a number of bills pending in the legislature to establish specialized courts (i.e. Medical Malpractice Courts, Land Use Courts, Mental Health Courts, Gun Courts, Business Courts).

- *Question:* What is the Judiciary's view of specialized courts? Has there been a review of the use of specialized courts in other states that support this current view?

The drafters of the 1947 Constitution had a vision of a unified, statewide court system of general jurisdiction, which has come to fruition over the intervening decades. The drafter's vision was a marked departure from the pre-1947 court system, which was comprised of specialized courts of limited jurisdiction (e.g.

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Prerogative, Appeals & Errors, Chancery, Orphans, etc.) resulting in jurisdictional conflict, delay and backlog, poor resource management as well as, at times, multiple trials. Our current court system, allows the Chief Justice the flexibility to assign and re-assign judges according to their ability and experience, to meet caseload needs. Compartmentalizing judges into specialized courts impairs that flexibility and restricts the ability of the Court to manage the resources of the Superior Court in a holistic manner.

Specialized courts in the criminal area raise additional issues. It is essential to public confidence in the courts that they be, and appear to be, impartial. The Judiciary responds to contemporary issues such as complex commercial matters, mass torts or specialized criminal initiatives by adopting expedited time goals, and scheduling cases to make the most efficient use of the time of all participants. For example, in prosecutions where the defendant may have mental health issues, which in itself can raise complex defense issues, the Judiciary has, when asked, developed special case processing tracks and also developed specialized probation caseloads to deal with probationers with mental health issues.

The creation of specialized courts runs the risk of actual or apparent conflicts of interest, creating the appearance of impropriety, and undermining objective decision making, thus negatively impacting the integrity of the Courts. The focus of the courts must be the fair and efficient resolution of disputes, which is now available to all litigants – rather than to appease constituent groups. The creation of specialized courts threaten the basic organization of our court system, nationally and internationally known as a model of efficiency and effectiveness.

The specialized courts proposed for certain types of Civil cases, *e.g.*, medical malpractice, business and land use, don't seek to address outcomes or times to disposition. There are relatively few cases that would be subject to such courts – about 1,400 medical malpractice filings annually; 300 complex and 12,700 contract/commercial filings annually, with the latter effectively handled through court-annexed arbitration and mediation programs; and about 700 land use filings annually. Nor is there any indication that these cases are encountering any particular problems or delays in moving through the court system. The current

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Civil system, with its track approach, closely monitored discovery time frames, and and, in the case of complex commercial and land use matters, individual judge oversight, meets the needs of these cases.

6. The Judiciary's Family Courts have jurisdiction over all cases involving family issues. Among these are divorce and child support award issues. The Division of Probation Services is responsible for administering the child support enforcement operation as well as for collecting all court imposed financial obligations.

- *Question:* What progress has been made to improve the efficiency and convenience of the collection and distribution of child support payments? In the collection of other court imposed financial obligations?

Child Support

In conjunction with the Department of Human Services, the Judiciary is implementing a project designed to replace child support checks with debit cards. This project will work in conjunction with the existing direct deposit program whereby recipients can opt to have funds deposited directly into their bank accounts. Through the use of debit cards, child support recipients will have greater access to their funds at banks, ATM's and retail outlets. It is also anticipated that the electronic posting of funds will result in faster access to funds. For those customers without banking relationships, typically those of the most limited means, use of the cards will serve to avoid high fees at check cashing agencies. Finally, the use of electronic payments will reduce the cost of issuing and mailing paper checks. This cost is currently borne by the Department of Human Services. The debit cards program has been implemented in most counties and will be fully operational stateside by May 2006.

Technology is also being developed to afford child support payers the option of making payments on-line through the use of a credit card or by debiting their bank accounts in conjunction with the vendor who operates the NJ Family Support Payment Center.

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The three-county call center pilot, established late in 2004, has been in operation for one year in Mercer, Somerset and Middlesex Counties and is providing high-quality and timely customer service. The center is able to address 75 percent of the incoming telephone calls, with only 25 percent of calls, deemed more complex or requiring casework, referred for local action within the Probation Division. The call center has enabled the Probation Division to focus on the more complex calls and cases that need more interaction. The expansion of the call center concept into other counties is being considered.

Other Court-Imposed Obligations

Total fiscal year 2006 collections of court imposed financial obligations after nine months are \$28,059,389. In order to facilitate collections, the Probation Division has enhanced the use of the Comprehensive Enforcement Program (CEP) as an enforcement vehicle. During the first two quarters of FY06 with monies generated from this process increased by \$433,470 or 31 percent. This trend is expected to continue for the remainder of FY06. In addition, the eligibility for "Set-Off Of Income Liability" (SOIL) was expanded in FY06. The number of eligible cases increased 11 percent (59,138 to 65,533). During FY05, \$563,966 was collected through SOIL. Given expanded eligibility, it is expected that collections will increase during FY06.

Probation Services is finalizing a protocol with the Family Division and the Division of Youth and Family Services (DYFS) to improve collections on Domestic Violence Victim Fund (DVVF) cases. In FY05, 35 percent of DVVF cases had unpaid balances. Today, 25 percent have unpaid balances. Once instituted, the protocol should provide for even more effective enforcement of these cases. Additionally, programming changes are currently under way that will enable judgments to be docketed electronically and made payable directly to DYFS.

Probation Services is working with the Criminal Division and the Criminal Division presiding judges to develop a protocol that will address Pre-Trial Intervention (PTI) balances after the end of term. This protocol will ensure that judgments are docketed on all eligible PTI cases. The Probation Division is also preparing a

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Probation Supervision Manual. Training will be provided to all probation staff once the document is completed.

An Ad Hoc Committee on Probation Collections has submitted a report to the Administrative Council's Finance Committee on accepting payments at satellite offices. The committee's findings are intended to establish uniform statewide procedures that address the business needs of the Probation Division and the procedures required to ensure financial controls.

The Banking and Cash Management Unit of the AOC has instituted electronic transfer of funds collected by the Probation Division and distributed to state agencies that are the beneficiaries of court-ordered fines and penalties. This action has eliminated the need for time consuming and costly processing of checks and manual tracking reports.

7. Over the past several years the Judiciary has upgraded its court rooms to include audio and video recording technology to produce official records of court proceedings, and the use of court reporters has declined. Advances in court reporting technology have promulgated the use of "real time" court reporting allowing the immediate production of court transcripts.

- *Question:* How many court reporters does the Judiciary currently have on staff? How many of these reporters are trained in the "real time" court reporting technology? What are the Judiciary's plans for the continued use of court reporters? Is it anticipated that audio and video technology will eventually replace court reporters?

Currently, there are 73 court reporters on staff, including 42 realtime reporters. Court reporters are consistently used in death penalty and Megan's Law matters. Realtime reporters provide ADA accommodations for attorneys, litigants, jurors, judges or staff who may need assistance because of hearing loss. In addition to these required services, court reporters provide litigation support in complex trials such as the recent VIOXX trial. In complex litigation, the court reporters provide

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instantaneous transcription feeds to the judge and attorneys. They also provide daily copy transcripts when requested.

Audio and video technologies are also used to record court proceedings and are a cost effective alternative for many cases. The Judiciary is planning a phased conversion to digital audio technology, which will improve access to the court record while reducing storage needs, by storing the recorded data on computer servers. Video also continues to remain a viable method of court recording. With video, we can capture visual evidence presented in court, link to jails for arraignments, and connect to remote sites for victim and expert witness testimony.

8. The Judiciary reports significant progress in reducing the number of cases in backlog, citing a 54 percent reduction in backlog from 2000-2005 (Budget Page D-471). The National Center for State Courts includes case clearance rates as one of its 10 core State Court performance measures. Two other core performance measures are: time to disposition of cases; and age of active pending caseload. Both of these measures evaluate the timeliness of case disposal.

Question: What is the performance of the State Court system over the past five years in the disposition of cases and age of active pending caseload, respectively? What steps have been taken to improve performance in these areas? What obstacles remain to more satisfactory performance in this area?

The fair and effective resolution of disputes for the citizens of New Jersey is the primary mission of the Judiciary. A resolution that is delayed or prolonged may compromise the quality of justice received and undermine the process. The goal of the New Jersey Judiciary is to resolve cases as quickly and efficiently as possible in order to safeguard the fairness of the outcome. In order to help meet the objective of timely resolution of disputes, the Judiciary has imposed upon itself demanding time goals for the disposition of every type of case.

Over the past five years, the Judiciary has reduced the total number of cases not resolved within the established timeframe—the “backlog”—by 56 percent. In Court

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Year 2005, the number of backlogged cases was reduced 13 percent from the previous year. In June 2000, 22 percent of the Judiciary's pending cases were in backlog. By June 2005, backlog reduction efforts improved the percentage to only 11 percent of pending cases.

In the past five years the Judiciary has been able to maintain or improve its time to disposition while reducing backlog. Criminal, civil and dissolution (matrimonial) cases are key examples because they constituted 85 percent of the 22,854 cases in backlog in June 2005. In the last five years the Judiciary has reduced criminal backlog by 23 percent (4,604 cases), civil backlog by 57 percent (14,029 cases) and dissolution backlog by 74 percent (869 cases). While the Judiciary made large criminal backlog reductions, it maintained the median time from complaint to post-indictment resolution at 6.2 months. The Judiciary reduced its civil median time to resolution by 18 percent (10.8 months) and reduced its new dissolution median time to resolution by 12.3 percent (5.0 months).

The trial courts accomplished this backlog reduction while continuing to resolve more than one million filings each year. In 2001–2005 the state added and resolved more than 5 million cases for a clearance rate of 100.9 percent. In other words, the Judiciary has been able to both keep up with its incoming cases while also focusing on backlog reduction.

The Judiciary continues to take steps to improve its performance with the resolution of cases and the reduction of backlog. Statistics are published each month and are regularly reviewed and analyzed in meetings of judges, managers, and staff. New strategies for backlog reduction are introduced and evaluated. The Judicial Council's Management and Operations Committee conducts an annual review and improvement process that focuses on backlog reduction and vicinage plans for improvement. Teams of judges and managers also visit vicinages to review their implementation of case processing standards and best practices.

Over the past five years judges, managers, and staff have worked together effectively to reduce backlogs. The Executive and Legislative efforts made in the last five years to fill judicial vacancies have provided key support to the Judiciary

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and have provided a hardworking complement of judges that can be both fair and consistent.

9. The FY 2007 Budget in Brief states that "recent audits of State benefit programs have uncovered numerous repeat claims, suggesting that the availability of dual programs for sick leave and work-related injuries encourages fraud and abuse". The FY 2007 budget recommends the elimination of the Sick Leave Injury program for a potential savings of \$3 million. Sick Leave Injury is a salary continuation program that provides full pay to employees for one year after being injured on the job.

- *Question:* How many Judiciary employees are currently on Sick Leave Injury status? How many employees have made use of the sick leave injury program during the past three fiscal years? What is the salary cost? What impact would the elimination of this benefit have on the Judiciary's average caseload and overtime expenditures?

The Judiciary currently has 15 employees on Sick Leave Injury. During the past three fiscal years 376 employees have made use of this program at a total salary cost of \$983,638. The elimination of this benefit would not significantly affect average caseloads or overtime expense.