



**ANALYSIS OF THE NEW JERSEY BUDGET**

**THE JUDICIARY**

**FISCAL YEAR**

**2009 - 2010**

# NEW JERSEY STATE LEGISLATURE

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This report was prepared by the Judiciary Section of the Office of Legislative Services under the direction of the Legislative Budget and Finance Officer. The primary author was Anne Raughley.

Questions or comments may be directed to the OLS Judiciary Section (609-292-5526) or the Legislative Budget and Finance Office (609-292-8030).

# THE JUDICIARY

Budget Pages..... C-8 to C-9, C-17 to C-18, C-26, C-28,  
C-30, D-453 to D-461, H-34, H-35

## Fiscal Summary (\$000)

	Expended FY 2008	Adjusted Appropriation FY 2009	Recommended FY 2010	Percent Change 2009-10
State Budgeted	\$605,482	\$641,007	\$648,385	1.2%
Federal Funds	86,801	98,764	98,979	.2%
<u>Other</u>	<u>57,063</u>	<u>60,394</u>	<u>61,859</u>	<u>2.4%</u>
Grand Total	\$749,346	\$800,165	\$809,223	1.1%

## Personnel Summary - Positions By Funding Source

	Actual FY 2008	Revised FY 2009	Funded FY 2010*	Percent Change 2009-10
State	7,922	7,674	7,733	.8%
Federal	1,307	1,277	1,303	2.0%
<u>Other</u>	<u>268</u>	<u>256</u>	<u>268</u>	<u>4.7%</u>
Total Positions	9,497	9,207	9,304	1.1%

FY 2008 (as of December) and revised FY 2009 (as of January) personnel data reflect actual payroll counts.

\* FY 2010 data reflect the number of positions funded, as provided by the Judiciary.

## Key Points

- Recommended FY 2010 funding for the Judiciary from all sources totals \$809.2 million, \$9 million or 1.1 percent more than the Judiciary's FY 2009 adjusted appropriation.
- The FY 2010 Budget In Brief notes that the Judiciary's appropriation would be reduced by \$28.651 million for wage freezes and other actions (Budget In Brief, Appendix I, page 8). This reduction is not currently reflected in the Judiciary's budget. Rather, the \$28.651 million reduction constitutes the FY 2010 salary program money which is budgeted in the Interdepartmental Account and is normally transferred to the Judiciary during the fiscal year. It is anticipated that this FY 2010 transfer of funds will not take place.
- The FY 2010 Budget In Brief notes that the Judiciary's appropriation would be reduced by \$21.5 million in anticipation of 12 furlough days and other actions (Budget In Brief,

## Key Points (Cont'd)

- Appendix I, page 8). This reduction has not been taken from the Judiciary's appropriation; it is a component of \$192.2 million in "Statewide Savings Initiatives" deducted from Interdepartmental Accounts appropriations (p. D-446). It is anticipated that if the Judiciary implements a furlough policy for FY 2010, savings in the amount projected would be transferred from its salary accounts during the fiscal year.
- A total of \$43.354 million is recommended for drug courts in FY 2010, \$5.581 million or 14.8 percent more than the FY 2009 adjusted appropriation of \$37.773 million. This appropriation is divided into three distinct categories. Treatment/Aftercare; Operations and Judgeships. While the Judiciary would retain the \$14.191 million appropriated for operations and judicial positions, the remaining \$29.163 million would be transferred to the Division of Addiction Services within the Department of Human Services for treatment and aftercare services. This increase is in response to the enactment of P.L.2008, c.15, which implemented many of the reforms recommended by the Governor's Government Efficiency and Reform (GEAR) Commission to expand the current eligibility requirements for entry into the drug court program. Drug courts provide for intensive, court supervised substance abuse treatment for carefully screened non-violent, addicted offenders as an alternative to incarceration.
  - P.L.2008, c.15 expanded the current eligibility requirements for entry into the drug court program. The Drug Court Treatment/Aftercare program is recommended to receive \$29.163 million in FY 2010, \$4.681 million more than FY 2009 adjusted appropriation of \$24.482 million. The increase is required to support drug court caseload growth as a result of this enactment. Budget evaluation data indicate that the number of participants grew from 3,280 in FY 2008 to 3,838 in FY 2009, and will grow again to 4,002 in FY 2010, a total two-year increase of 722 offenders. The Drug Court Program is aimed toward diverting certain drug offenders from the State prison system and into treatment programs, thereby reducing the demand for State prison bed spaces.
  - Drug Court Judgeships are recommended to receive \$2.254 million in FY 2010, an increase of \$295,000 over the FY 2009 adjusted appropriation of \$1.959 million. P.L.2007, c.350 increased judicial salaries on January 1, 2008 and again on January 1, 2009.
  - The Intensive Supervision Program (ISP) is recommended to receive \$15.757 million in FY 2010, \$1.797 million or 12.9 percent more than the FY 2009 adjusted appropriation of \$13.96 million. The ISP program places State-sentenced non-violent adult offenders in alternative, strictly supervised community programs after two months of incarceration. The program operates as an alternative to incarcerating non-violent offenders in the overpopulated State prison system, reserving prison bed spaces for violent offenders. During FY 2009, the program diverted 1,354 adult offenders from the State's prisons. Of these offenders, 411, or 30 percent, were returned to State prison for various infractions of the ISP regulations. The FY 2010 recommended appropriation would support 1,425 program participants, an increase of 71 offenders. Program expansion was recommended by the Governor's Government Efficiency and Reform (GEAR) Commission.
  - P.L.2002, c.34 provided for an increase in a number of judicial court fees and provides that revenue derived from fee increases be deposited in a non-lapsing "Court

## Key Points (Cont'd)

- Technology Improvement Fund". The fund was established as a dedicated fund to be used for the development, establishment, operation and maintenance of computerized court information systems in the Judiciary. The budget recommendation estimates that \$12.3 million will be collected for this purpose in FY 2010, the same as anticipated in FY 2009 and \$1.3 million less than was collected in FY 2008.
- The Judiciary anticipates the receipt of \$98.979 million in Federal funding in FY 2010, an increase of \$215,000 over the FY 2009 adjusted appropriation of \$98.764 million. The increase primarily constitutes growth in Federal matching funds for the Title IV-D Paternity program in both the Family and Probation Divisions. The program, established in 1975, is a Federal/State partnership whose primary mission is to enforce child support obligations against non-custodial parents. Under Title IV-D, the Federal government reimburses the State and counties for 66.7 percent of the cost of conducting child support enforcement activities.
  - The Judiciary has historically received authorization to carry forward unexpended balances into the following fiscal year. FY 2010 recommended budget language would permit the re-appropriation of up to \$3 million in unexpended balances from FY 2009 subject to the approval of the Director of the Division of Budget and Accounting. The FY 2009 budget allowed for the carry forward of \$9 million into FY 2009.

### Background paper

- Judicial Compensation

p. 14

## Fiscal and Personnel Summary

### AGENCY FUNDING BY SOURCE OF FUNDS (\$000)

	Expended FY 2008	Adj. Approp. FY 2009	Recom. FY 2010	Percent Change	
				2008-10	2009-10
<b><u>General Fund</u></b>					
Direct State Services	\$605,474	\$641,007	\$648,385	7.1%	1.2%
Grants-In-Aid	8	0	0	0.0%	0.0%
State Aid	0	0	0	0.0%	0.0%
Capital Construction	0	0	0	0.0%	0.0%
Debt Service	0	0	0	0.0%	0.0%
<b>Sub-Total</b>	<b>\$605,482</b>	<b>\$641,007</b>	<b>\$648,385</b>	<b>7.1%</b>	<b>1.2%</b>
<b><u>Property Tax Relief Fund</u></b>					
Direct State Services	\$0	\$0	\$0	0.0%	0.0%
Grants-In-Aid	0	0	0	0.0%	0.0%
State Aid	0	0	0	0.0%	0.0%
<b>Sub-Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Casino Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Casino Control Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>State Total</b>	<b>\$605,482</b>	<b>\$641,007</b>	<b>\$648,385</b>	<b>7.1%</b>	<b>1.2%</b>
<b>Federal Funds</b>	<b>\$86,801</b>	<b>\$98,764</b>	<b>\$98,979</b>	<b>14.0%</b>	<b>0.2%</b>
<b>Other Funds</b>	<b>\$57,063</b>	<b>\$60,394</b>	<b>\$61,859</b>	<b>8.4%</b>	<b>2.4%</b>
<b>Grand Total</b>	<b>\$749,346</b>	<b>\$800,165</b>	<b>\$809,223</b>	<b>8.0%</b>	<b>1.1%</b>

### PERSONNEL SUMMARY - POSITIONS BY FUNDING SOURCE

	Actual FY 2008	Revised FY 2009	Funded FY 2010*	Percent Change	
				2008-10	2009-10
State	7,922	7,674	7,733	( 2.4%)	0.8%
Federal	1,307	1,277	1,303	( 0.3%)	2.0%
All Other	268	256	268	0.0%	4.7%
<b>Total Positions</b>	<b>9,497</b>	<b>9,207</b>	<b>9,304</b>	<b>( 2.0%)</b>	<b>1.1%</b>

FY 2008 (as of December) and revised FY 2009 (as of January) personnel data reflect actual payroll counts.

\* FY 2010 data reflect the number of positions funded, as provided by the Judiciary.

### AFFIRMATIVE ACTION DATA

Total Minority Percent	36.1%	38.5%	38.5%	----	----
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## Significant Changes/New Programs (\$000)

<u>Budget Item</u>	<u>Adj. Approp. FY 2009</u>	<u>Recomm. FY 2010</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
DIRECT STATE SERVICES Special Purpose: Drug Court Treatment/Aftercare	\$24,482	\$29,163	\$ 4,681	19.1%	D-459
Drug Court Operations	\$11,332	\$11,937	\$ 605	5.3%	D-459
Drug Court Judgeships	\$1,959	\$2,254	\$ 295	15.1%	D-459
TOTAL Drug Courts	\$37,773	\$43,354	\$ 5,581	14.8%	

The FY 2010 recommendation for Drug Courts would provide an additional \$4.68 million for treatment services, \$605,000 for drug court operations and \$295,000 to fund the mandated increase in judicial salaries made effective January 1, 2009 (P.L.2007, c.350).

Budget evaluation data indicate that the number of participants grew from 3,280 in FY 2008 to 3,838 in FY 2009, and will grow further to 4,002 in FY 2010, a total two-year increase of 722 offenders. This increase is in response to the enactment P.L.2008, c.15 which implemented many of the reforms recommended by the Governor's Government Efficiency and Reform (GEAR) Commission to expand the current eligibility requirements for entry into the drug court program. The Drug Court program is aimed toward diverting certain drug offenders from the State prison system and into treatment programs, thereby reducing the demand for State prison bed spaces.

Child Support and Paternity Program Title IV-D (Family Court)	\$14,251	\$14,180	(\$ 71)	( .5%)	D-459
Child Support and Paternity Program Title IV-D (Probation)	\$26,099	\$26,392	\$ 293	1.1%	D-459
Child Support and Paternity Program Title IV-D (Trial)	\$2,650	\$2,428	(\$ 222)	( 8.4%)	D-460
TOTAL: Child Support and Paternity Program Title IV-D	\$43,000	\$43,000	0	—	

**Significant Changes/New Programs (\$000) (Cont'd)**

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 2009</u>	<u>Recomm.</u> <u>FY 2010</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
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The FY 2010 recommendation for the various divisions' Child Support and Paternity Title IV-D programs represents a reallocation of funding among the divisions to better reflect program expenditures. The program, established in 1975, is a Federal/State partnership whose primary mission is to enforce child support obligations against non-custodial parents. No increase is recommended for the total program in FY 2010.

**Intensive Supervision**

<b>Program</b>	<b>\$13,960</b>	<b>\$15,757</b>	<b>\$ 1,797</b>	<b>12.9%</b>	<b>D-459</b>
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The recommended increase for this program would allow the Intensive Supervision program (ISP) to provide services to 1,425 participants, 71 more than the number of offenders served in FY 2009. The ISP program places State-sentenced non-violent adult offenders in alternative, strictly supervised community programs after two months of incarceration. The program operates as an alternative to incarcerating non-violent offenders in the overpopulated State prison system, reserving prison bed spaces for violent offenders. Program expansion was recommended by the Governor's Government Efficiency and Reform (GEAR) Commission as an alternative to more costly incarceration in the State prison system.

**FEDERAL FUNDS**

<b>Criminal Courts</b>	<b>\$2,200</b>	<b>\$0</b>	<b>(\$2,200)</b>	<b>( 100.0%)</b>	<b>D-460</b>
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The amount anticipated in FY 2009 for drug courts in Hudson, Mercer and Ocean vicinages was not received. No funding is anticipated for these programs during FY 2010.

<b>Family Courts</b>	<b>\$33,197</b>	<b>\$35,412</b>	<b>\$ 2,215</b>	<b>6.7%</b>	<b>D-460</b>
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The FY 2010 recommendation includes an increase of \$3.825 million for the Title IV-D Child Support and Paternity Program. The program, established in 1975, is a Federal/State partnership whose primary mission is to enforce child support obligations against non-custodial parents. Under Title IV-D, the federal government reimburses the State and counties for 66.7 percent of the cost of conducting child support activities. The increase represents the federal portion of the increase in salaries and fringe benefits costs. The program is anticipated to receive \$34.087 million in FY 2010.

Reductions in federal funding include the New Jersey State Court Improvement Grant from which is anticipated to receive \$1.0 million in FY 2010, a decrease of \$1.175 million from the FY 2009 appropriation of \$2.175 million. The State Access and Visitation Program is anticipated to receive \$325,000, \$35,000 less than its FY 2009 appropriation of \$360,000. Funding for the Family Safe Havens Grant which received \$400,000 in FY 2009 has been eliminated in FY 2010.

## Significant Changes/New Programs (\$000) (Cont'd)

<u>Budget Item</u>	<u>Adj. Approp. FY 2009</u>	<u>Recomm. FY 2010</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
Probation Services	\$58,655	\$58,948	\$ 293	.5%	D-460
Trial Court Services	\$4,712	\$4,619	(\$ 93)	( 2.0%)	D-460
<b>TOTAL Probation and Trial Court Services</b>	<b>\$63,367</b>	<b>\$63,567</b>	<b>\$ 200</b>	<b>.3%</b>	

The anticipated FY 2010 increase in Federal Funds in both Probation Services and Trial Court Services consists entirely of an increase in the Title IV-D Child Support and Paternity Program. The program, established in 1975, is a Federal/State partnership whose primary mission is to enforce child support obligations against non-custodial parents. Under Title IV-D, the federal government reimburses the State and counties for 66.7 percent of the cost of conducting child support activities. Probation Services and Trial Court Services are recommended to receive \$63.367 million in FY 2010, an increase of \$2.418 million over the FY 2009 appropriation. The increase represents the federal portion of the increase in salaries and fringe benefits costs.

**ALL OTHER FUNDS**

Supreme Court	\$16,748	\$17,656	\$ 908	5.4%	D-460
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The Supreme Court oversees operation of several self-funded activities. The Bar Admissions Financial Committee is funded through a fee charged to all applicants to the New Jersey Bar and revenues reflect the number of applicants to the New Jersey Bar. The Judiciary anticipates FY 2010 collections of \$3.6 million for this program, \$109,000, or 2.9 percent less than the FY 2009 collection level of \$3.709 million.

The Board on Attorney Certification is self-funded by fees charged to attorneys seeking certification in Civil Trial, Criminal Trial, Matrimonial Law and Workers Compensation Law in New Jersey. The FY 2010 income for this program is expected to increase from the FY 2009 level of \$342,000 to \$359,000, a \$17,000 or 4.9 percent increase.

The Ethics Financial Committee and the New Jersey Lawyers Fund for Client Protection are funded through assessments charged to all practicing attorneys. The Ethics Financial Committee is expected to increase collections by \$977,000, from \$10.708 million in FY 2009 to \$11.685 million in FY 2010, a 9.1 percent increase. The New Jersey Lawyers Fund for Client Protection is projected to collect \$2.012 million in FY 2010, a 1.2 percent increase over the FY 2009 collections of \$1.989 million.

Civil Courts	\$3,015	\$3,372	\$ 357	11.8%	D-460
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The FY 2010 budget estimates that the Superior Court Trust Fund will collect \$872,000 in FY 2010, an increase of \$107,000, or 14 percent over the FY 2009 adjusted appropriation of \$765,000. The Superior Court Trust Fund consists of deposits made into court as a result of various actions such as foreclosures, condemnations, liquidations, dissolutions, good faith deposits by insurers, sales of infants' lands, insolvencies, receiverships and interpleaders.

**Significant Changes/New Programs (\$000) (Cont'd)**

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 2009</u>	<u>Recomm.</u> <u>FY 2010</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
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The Special Civil Part, Certified Mailers Fund is estimated to collect \$2.5 million in FY 2010, \$250,000, or 11 percent more than the amount collected in FY 2009. The fund provides for reimbursement to the trial courts for postage and printing costs incurred in sending out Special Civil Part service of process via certified mailers.

<b>Probation Services</b>	<b>\$3,400</b>	<b>\$3,600</b>	<b>\$ 200</b>	<b>5.9%</b>	<b>D-460</b>
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The recommended increase reflects growth in collections for the Comprehensive Enforcement Program. The program is anticipated to increase collections by \$200,000 in FY 2010 from \$2.9 million to \$3.1 million. The Comprehensive Enforcement Program (P.L.1995, c.9), provides for the enforcement of court orders and oversees the collection of court ordered fines, assessments, surcharges and judgments in the civil, criminal and family divisions, and Tax Court. In addition, municipal courts may request that any matters not resolved in accordance with their courts be transferred to the Comprehensive Enforcement Program. By statute, the Judiciary is permitted to deduct 25 percent of all funds collected through the program, (except for victim restitution and for Victim of Crime Compensation Board (VCCB) assessments) for deposit in the Comprehensive Enforcement Program Fund. The remaining 75 percent of the collections are paid to the agencies and individuals to whom these funds are owed.

The other program which is funded from this line item is the Court Computerized Collection Fund. The fund anticipates collections of \$500,000 in FY 2010, the same amount of funding as collected in FY 2009. The Court Computerized Collections Program, which was authorized under P.L.1992, c.169 permits the Administrative Office of the Courts to impose a transaction fee on all persons sentenced to probation every time they make a payment toward court-ordered fines, Victims of Crime Compensation Board (VCCB) assessments, Drug Enforcement Demand Reduction (DEDR) penalties, forensic lab fees and restitution awards. These transaction fees are then deposited into the Court Computerized Collections Fund, and used to automate and improve the Judiciary's collections operation.

## Language Provisions

### 2009 Appropriations Handbook

#### p. B-224

The unexpended balances at the end of the preceding fiscal year not to exceed **\$9,000,000** in these respective accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

### 2010 Budget Recommendations

#### p. D-

The unexpended balances at the end of the preceding fiscal year not to exceed **\$3,000,000** in these respective accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

### Explanation

The recommended language would reduce the amount of carry forward made available to the Judiciary at the beginning of Fiscal Year 2010 from \$9 million to \$3 million. Year-end unexpended balanced in Judiciary Direct State Services accounts increased from \$8.2 million in FY 2007 to \$13.3 million in FY 2008. The Governor's FY 2009 rebalancing plan includes lapsing \$6.8 million in Judiciary resources, with which this reduction in the annual carry forward allowance is consistent.



## Discussion Points

1. The Governor's budget incorporates an estimated \$5.183 billion over two fiscal years in federal stimulus funding provided by the American Recovery and Reinvestment Act (ARRA) of 2009. According to a table on page 42 of the Governor's abbreviated budget, the State will use \$3.074 billion (\$854 million in FY 2009 and \$2.220 billion in FY 2010) from ARRA for budget relief. In addition to these funds which will offset revenue shortfalls, \$2.109 billion will be used for new or expanded programs or initiatives. The ARRA allocates funds to states both by formula and by competitive awards. Most executive departments anticipate stimulus funding in either FY 2009, FY 2010 or both.

- **Question:** Please itemize the federal stimulus funding, other than portions of the \$3.074 billion allocated for budget relief, included in the Judiciary's budget, by fiscal year and federal program, setting forth program goals and eligible uses together with the amount for state administrative expenses and the amount for allocation to local public and private recipients, respectively. Please identify intended and actual recipients and the process by which the Judiciary determines recipients and funding awards. Are there ARRA funds that flow through the Judiciary for which the State has no discretion? Please also set forth the timetable for obtaining federal approval of funding, obligation and allocation of funding to recipients, and use by recipients. Could any of this funding be used to offset other State appropriations, and if so, what programs and in what amount? What additional positions, if any, have been and will be hired with these funds? If this money is being used for new or expanded activities, will the new or expanded activities be continued in FY 2011? If so, how will they be funded?
- **Question:** In addition to funding incorporated in the FY 2010 budget, what specific competitive grant opportunities has the Judiciary identified that it is eligible to pursue, has applied for, and has been awarded, respectively?

2. Over the past several years, the overall staffing level in State government has been reduced through restrictions on hiring and an early retirement program. The FY 2010 budget proposal envisions continuation of the hiring restrictions coupled with possible furloughs or further reductions in positions.

- **Question:** How has the reduction in staffing affected the Judiciary? What strategies has the Judiciary employed to deal with staff reductions? What projects, work products or functions has the Judiciary discontinued or deferred because of staffing levels? Will the Judiciary be able to accommodate furloughs in FY 2010 without increasing spending for overtime?

3. The FY 2009 appropriations act anticipated that \$25 million in procurement savings would be achieved. A chart on page 75 of the Budget in Brief categorizes those savings and indicates they will continue into FY 2010. The FY 2010 budget includes another \$25 million from procurement savings (Budget in Brief, Appendix I, page 8).

- **Question:** Please indicate the FY 2009 amount of procurement savings achieved by the Judiciary, by the categories set forth in the referenced table, and the sources of those savings by department program. What is the annual amount of these savings as continued into FY 2010? How have these reductions affected the Judiciary? What

## Discussion Points (Cont'd)

- projects, work products or functions has the department discontinued or deferred in order to achieve these savings?
4. In FY 2005 the Judiciary expanded the drug court program to all 15 vicinages. Since then drug court funding has increased based on their success in diverting offenders from jail and obtaining treatment services. Drug courts provide for intensive, court supervised substance abuse treatment for certain non-violent, addicted offenders.
- **Question:** Please describe the current status of the Drug Court program and appropriate evaluative data. Does the State fund the cost of all drug court treatment for program participants? Does the State attempt to recoup costs from participants who have medical insurance? How much does the State recoup? If the State does collect from participant insurance companies, how much is collected? If not, what are the potential collections?
5. In response to the Governor's Government Efficiency and Reform (GEAR) Commission's recommendations, the FY 2009 budget and the FY 2010 Budget recommendation include increases in the Drug Court and Intensive Supervision Programs. These programs operate as alternative to incarcerating non-violent offenders in the overpopulated State prison system, reserving more costly prison bed spaces for violent offenders.
- **Question:** Please describe the impact of these program expansions, and the capacity of these programs to further expand.
6. Several bills have been introduced into the Legislature creating mental health courts. Mental health courts are similar to drug courts, but are structured to divert non-violent mentally ill offenders to treatment rather than to jail.
- **Question:** Please comment on the Judiciary's position on the implementation of mental health courts. Does the Judiciary have any data concerning potential savings to be generated by diverting non-violent offenders to mental health court?
7. The Judiciary has recently implemented a Veteran's Assistance Project in Atlantic and Union Counties. The Veterans Assistance Project is a combined effort of the Judiciary, the New Jersey Department of Military and Veterans Affairs, and the New Jersey Department of Human Services, Division of Mental Health Services, to provide referrals to existing community services as well as mentors for veterans.
- **Question:** Please provide a description of the project, including its goals, potential costs and savings, and potential for expansion Statewide.
8. According to the Administrative Office of the Courts, the Chief Justice has formed a Committee to make recommendations to the Judiciary regarding the subject of E-Filing.
- **Question:** Please describe the scope and status of that initiative and the time frame for a report to the Chief Justice.

## Discussion Points (Cont'd)

9. In March, 2008, the City of Camden was given approval to participate in the US Marshal's Service Fugitive Safe Surrender program. The program encourages persons with outstanding warrants to come out of hiding and surrender at a church as a safe haven with the assurance of receiving favorable consideration from the criminal justice system. The program was designed to address the problem of outstanding warrants in both the Municipal and Superior Courts.

- **Question:** Please describe the program, its status and the potential for expansion to other counties. What would be the cost of expanding the program Statewide?

10. According to the Judiciary, New Jersey serves as the first Juvenile Detention Alternatives Initiative (JDAI) state model site in the country. The intent of the program is to demonstrate how to implement juvenile justice system reform successfully.

- **Question:** Please provide a description of the initiative. What is the status of JDAI implementation in New Jersey? What evaluation data is available to measure the program's success?

11. The Judiciary recently began a statewide Foreclosure Mediation Program to assist homeowners at risk of losing their homes. Under the program, the courts require mediation in all cases in which homeowners contest owner-occupied foreclosure actions. Court-referred mediation is one method to foster an open and effective channel of communication between homeowners and lenders. Foreclosure mediation introduces a neutral third party to assist lenders and defaulting homeowners in reaching a satisfactory resolution to their dispute.

- **Question:** How many foreclosures actions have been filed in FY 2009, and how do those filings compare with FY 2007 and FY 2008? What have been the results of the mediation program to date?

12. Each year the Judiciary reports on its backlog reduction efforts.

- **Question:** What has been the experience of the courts in addressing backlog during this fiscal year?

13. For the past several years the Judiciary has undertaken a comprehensive data processing and information technology upgrade.

- **Question:** What remains to be done to complete this upgrade? What are the Judiciary's long range plans for meeting the courts' data processing needs? What will be the estimated cost of this upgrade?

14. During the daily course of business, the Judiciary collects an enormous amount of data about the State's citizens. Oftentimes, vendors would purchase various mailing lists etc. from collecting agencies.

- **Question:** Does the Judiciary sell information to vendors? What type and how much information does the Judiciary sell to vendors? What revenue is generated?

## Discussion Points (Cont'd)

15. The State of New Jersey often uses private vendors to conduct business.

- *Question:* Within the Judiciary generally, and the Probation Division specifically, are any statutory, regulatory or other functions outsourced to private groups or agencies? If so, what is the selection process for choosing the existing private agency? Was the selection made through a competitive process? What assessment tools are used to determine effectiveness of outsourced agency? What accountability procedures are in place? How are infractions by the outsource company dealt with and are written regulations and procedures in place? How has the Judiciary's use of private vendors increased since the implementation of the Early Retirement Initiative.

16. The Assembly Judiciary Committee reported several bills providing guidelines for the operation of municipal courts (A816) and a funding for the development of a computer system to provide municipal court prosecutors with access to discovery information and law enforcement records (A815).

- *Question:* What support, technical and/or financial does the Judiciary currently provide to municipal courts?

## Background Paper: Judicial Compensation

Budget Pages.... D-453 to D-461

### JUDICIAL COMPENSATION

The New Jersey Constitution in Article VI, Section VI, paragraph 6 provides that the salaries of the Justices of the Supreme Court and the Judges of the Superior Court may be provided by law and shall not be diminished during the term of their appointment. The current salaries for the Judiciary are set forth in N.J.S.A.2B:2-4 (P.L.2007, c.350). These salaries were increased on July 1, 2007 as a result of budget language in the FY 2008 Appropriations Act (P.L.2007, c.111) and again on January 1, 2008 and January 1, 2009 under P.L.2007, c.350. A summary of these increases is provided in the table below:

#### JUDICIAL SALARY INCREASES

Position	Effective	Effective	Effective
	7/1/2007	1/1/2008	1/1/2009
	P.L.2007, c.111	P.L.2007, c.350	P.L.2007, c.350
Supreme Court Chief Justice	\$173,569	\$183,182	\$192,795
Supreme Court Associate Justice	\$167,493	\$176,488	\$185,482
Appellate Judge-Superior	\$158,511	\$167,023	\$175,534
Assignment Judge-Superior	\$155,076	\$163,404	\$171,731
Superior Court Judge	149,000	\$157,000	\$165,000
Tax Court Judge	149,000	\$157,000	\$165,000

### OTHER STATE AND LOCAL OFFICER COMPENSATION

Judicial salaries are the standard by which several other State officials' salaries are determined. Various State statutes link the salaries of other State and local positions to the salary of that of the Superior Court judge. As a result whenever the salary of a Superior Court judge is increased, so is the salary of these positions. Affected State positions are Administrative Law Judges and Workers' Compensation judges. While the salaries of Administrative Law judges are funded out of the General Fund, the salaries of Workers' Compensation judges are not. Rather, they are funded from assessments on Workers' Compensation insurers and self-insured employers. The increased salaries and accompanying statutes are listed in the table below.

Despite these linkages, in an effort to address the certain components of the Executive's plan to offset shortfalls in the State's FY 2009 revenues, P.L.2009, c.22 was enacted. The statute provides that neither the Workers' Compensation Judges nor Administrative Law Judges would receive the January 1, 2009 increase in salary provided under P.L.2007, c.350.

## Background Paper: Judicial Compensation (Cont'd)

## OTHER AFFECTED STATE OFFICER SALARIES

	Effective 7/1/2007 P.L.2007, c.111	Effective 1/1/2008 P.L.2007, c.350	<i>NOT ENACTED Effective 1/1/2009 P.L.2007, c.350*</i>
Director/Chief Administrative Law Judge (N.J.S.A.52:14F-3)	\$132,610	\$139,730	\$146,850
Administrative Law Judge (N.J.S.A.52:14F-3)	\$126,650	\$133,450	\$140,250
Director/Chief Workers' Compensation Judge (N.J.S.A.34:15-49)	\$132,610	\$139,730	\$146,850
Workers' Compensation Judge (N.J.S.A.34:15-49)	\$126,650	\$133,450	\$140,250

Local positions whose compensation is determined by that of the Superior Court Judge include county surrogates (N.J.S.A.2B:14-3); county clerks (N.J.S.A.40A:9-76); registers of deeds and mortgages (N.J.S.A.40A:9-92); and sheriffs (N.J.S.A.40A:9-104). The statutes governing these salaries require that these positions be compensated at **not less than** 65 percent of the annual salary of a judge of the Superior Court. The new salaries for these positions are as follows:

## MINIMUM LOCAL OFFICIAL SALARIES AFFECTED

	Effective 7/1/2007 P.L.2007, c.111	Effective 1/1/2008 P.L.2007, c.350	Effective 1/1/2009 P.L.2007, c.350
County Surrogate	\$96,850	\$102,050	\$107,250
County Clerk	\$96,850	\$102,050	\$107,250
Register of Deeds & Mortgages	\$96,850	\$102,050	\$107,250
County Sheriff	\$96,850	\$102,050	\$107,250

Indirectly, the salaries of various positions subordinate to the sheriff, county clerk and register of deeds and mortgages are also affected by any change in the salary of a Superior Court Judge. N.J.S.A.40A:19-117 provides that the undersheriff's annual compensation **shall not exceed** 90 percent of the annual compensation of the sheriff. N.J.S.A.40A:9-77 provides that the deputy county clerk's annual compensation shall not exceed 3/4 of the annual compensation of the county clerk, and any chief clerk in the office of the county clerk **shall not exceed** 3/5 of the annual compensation of the county clerk. N.J.S.A.40A:9-93 provides that the deputy register of deeds and mortgages annual compensation **shall not exceed** 3/4 of the annual compensation of the register of deeds and mortgages and the annual compensation of

\* P.L.2009, c.22 provides that neither the Workers' Compensation Judges nor Administrative Law Judges would receive the January 1, 2009 salary increase provided for in P.L.2007, c.350.

## Background Paper: Judicial Compensation (Cont'd)

any chief clerk in the office of the register of deeds and mortgages shall not exceed  $\frac{3}{5}$  of the annual compensation of the register. A table listing these positions' maximum salaries is provided below:

### MAXIMUM LOCAL SUBORDINATE SALARIES AFFECTED

	Effective 7/1/2007 P.L.2007, c.111	Effective 1/1/2008 P.L.2007, c.350	Effective 1/1/2009 P.L.2007, c.350
Undersheriff	\$87,165	\$91,845	\$96,525
Deputy County Clerk	\$72,638	\$76,538	\$80,438
Chief Clerk in County Clerk Office	\$52,299	\$55,107	\$57,915
Deputy Register of Deeds and Mortgages	\$72,638	\$76,538	\$80,438
Chief Clerk in Register of Deeds and Mortgages Office	\$52,299	\$55,107	\$57,915

### COUNTY PROSECUTORS

The salaries of county prosecutors, while not statutorily tied to the salary of a Superior Court judge, were also recently increased. Their salary, as set in P.L.2007, c.350 is as follows:

### PROSECUTORS

	Salary Prior to P.L.2007, c.350	Effective 1/1/2008 P.L.2007, c.350	Effective 1/1/2009 P.L.2007, c.350
Prosecutors	\$141,000	\$153,000	\$165,000

N.J.S.A.2A:158-10 mandates that the State fund that portion of the County Prosecutors' salaries which exceeds \$100,000.

# OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services provides nonpartisan assistance to the State Legislature in the areas of legal, fiscal, research, bill drafting, committee staffing and administrative services. It operates under the jurisdiction of the Legislative Services Commission, a bipartisan body consisting of eight members of each House. The Executive Director supervises and directs the Office of Legislative Services.

The Legislative Budget and Finance Officer is the chief fiscal officer for the Legislature. The Legislative Budget and Finance Officer collects and presents fiscal information for the Legislature; serves as Secretary to the Joint Budget Oversight Committee; attends upon the Appropriations Committees during review of the Governor's Budget recommendations; reports on such matters as the committees or Legislature may direct; administers the fiscal note process and has statutory responsibilities for the review of appropriations transfers and other State fiscal transactions.

The Office of Legislative Services Central Staff provides a variety of legal, fiscal, research and administrative services to individual legislators, legislative officers, legislative committees and commissions, and partisan staff. The central staff is organized under the Central Staff Management Unit into ten subject area sections. Each section, under a section chief, includes legal, fiscal, and research staff for the standing reference committees of the Legislature and, upon request, to special commissions created by the Legislature. The central staff assists the Legislative Budget and Finance Officer in providing services to the Appropriations Committees during the budget review process.

Individuals wishing information and committee schedules on the FY 2010 budget are encouraged to contact:

**Legislative Budget and Finance Office  
State House Annex  
Room 140 PO Box 068  
Trenton, NJ 08625  
(609) 292-8030 • Fax (609) 777-2442**