

SENATE JOINT RESOLUTION

No. 36

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senator Singleton

SYNOPSIS

Establishes the “New Jersey Domestic Violence and Legal Access Task Force.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/5/2020)

1 **A JOINT RESOLUTION** establishing the “New Jersey Domestic
2 Violence and Legal Access Task Force.”
3
4 **WHEREAS**, Every day, indigent *pro se* parties enter New Jersey courts
5 seeking relief from abuse. Often these people are unable to
6 advocate effectively for themselves or articulate a sufficient basis to
7 support the relief they are seeking from the court. Similarly, other
8 indigent parties must defend themselves against allegations of
9 domestic violence. In both instances, these litigants are often ill-
10 equipped to articulate the merits of their positions to the court
11 because of a language barrier, lack of understanding of the statutory
12 standard, or for some other reason; and
13 **WHEREAS**, Survivors of domestic violence rate the filing of an
14 application for a restraining order as one of their most effective
15 tools to stopping domestic violence, second only to leaving the
16 abuser. Studies confirm that access to counsel in restraining order
17 proceedings can make a substantial difference in the outcome; and
18 **WHEREAS**, According to one study, 83 percent of victims represented
19 by an attorney successfully obtained a restraining order, as
20 compared to just 32 percent of victims without an attorney; and
21 **WHEREAS**, Increasing a victim’s chance for obtaining a restraining
22 order is one of the most straightforward ways in which legal
23 assistance can reduce domestic violence. Cases involving domestic
24 violence are often difficult and complex, and survivors without
25 proper legal representation are frequently further victimized by
26 unfavorable outcomes; and
27 **WHEREAS**, New Jersey has long recognized a right to counsel for
28 impoverished defendants facing consequences of magnitude, even
29 in civil cases, such as loss of motor vehicle privileges or a
30 substantial fine in municipal court, child support enforcement
31 proceedings, involuntary commitment proceedings, Megan’s Law
32 tier classification hearings, proceedings regarding abuse, neglect or
33 termination of all parental rights, and loss of liberty, such as the
34 ability to own weapons or to move freely; and
35 **WHEREAS**, Inexplicably, a defendant who is prosecuted for an act of
36 domestic violence is not entitled to counsel even though facing a
37 host of consequences of magnitude, which may include immediate
38 loss of the right to occupy a residence without any relief from
39 financial obligations related to that residence; monetary payments
40 and penalties; seizure of firearms and the loss of the right to possess
41 same; and suspension of the right to see his or her children; and
42 **WHEREAS**, There is no principled reason why an indigent facing loss
43 of motor vehicle privileges or a substantial fine in municipal court
44 would be conferred the right to counsel, but an indigent involved in
45 a domestic violence matter would not have a similar right; and
46 **WHEREAS**, Domestic violence proceeding implicates fundamental
47 rights, effects consequences of sizable magnitude, and the provision
48 of counsel protects a core constitutional provision-the guarantee of

1 “fundamentally fair” adversarial proceedings. Absent such a
2 safeguard, domestic violence litigants are left impermissibly
3 vulnerable; and

4 **WHEREAS**, By expanding the right to counsel to include both sides in
5 a domestic violence restraining order action, this State can ensure
6 that indigent litigants will not suffer consequences of magnitude
7 without first receiving the protection of counsel; now, therefore,
8

9 **BE IT RESOLVED** by the Senate and General Assembly of the
10 State of New Jersey:

11
12 1. a. There is established the “New Jersey Domestic Violence
13 and Legal Access Task Force” to study the nature, extent and
14 consequences of unmet legal needs of State residents in domestic
15 violence matters.

16 b. The purpose of the task force is to examine, on a Statewide
17 basis, the impact that the lack of access to legal counsel in domestic
18 violence matters is having on the ability of State residents to be
19 protected from physical and emotional harm, and the impact on
20 other residents who have to defend themselves against allegations
21 of domestic abuse.

22
23 2. a. The task force shall be comprised of 14 members, as
24 follows:

25 (1) Two public members appointed by the Governor, one of
26 whom shall be a representative of a pro bono program organized by
27 a law firm located in the State, and one of whom shall be a State
28 resident who has been a pro se litigant who has appeared as a
29 plaintiff in a domestic violence matter in the New Jersey State
30 courts;

31 (2) Two public members appointed by the President of the
32 Senate, one of whom shall be the representative of a non-profit
33 organization dedicated to the services and assistance of victims of
34 domestic violence and one of whom shall be a State licensed and
35 certified family law attorney;

36 (3) Two public members appointed by the Speaker of the
37 General Assembly, one of whom shall be a director of a legal clinic
38 program of a law school located in the State and one of whom shall
39 be a State resident who has been a pro se litigant who has appeared
40 as a defendant in a domestic violence matter in the New Jersey
41 State courts;

42 (4) One member appointed by the Chief Justice, who is a judge
43 of the Superior Court assigned to the Family Division or had been
44 assigned to the Family Division in the three-year period prior to the
45 effective date of this joint resolution;

46 (5) The Chief Justice, or the Chief Justice’s designee;

47 (6) The Public Defender, or the Public Defender’s designee;

48 (7) The Attorney General, or the Attorney General’s designee;

1 (8) The dean of Seton Hall University School of Law, or the
2 dean's designee;

3 (9) The co-dean of Rutgers Law School Newark Campus, or
4 the co-dean's designee;

5 (10) The co-dean of Rutgers Law School Camden Campus, or
6 the co-dean's designee; and

7 (11) The executive director of New Jersey Legal Services, or the
8 executive director's designee.

9 b. The task force may meet and hold hearings at the places it
10 designates during the sessions or recesses of the Legislature. The
11 task force shall meet at the call of the co-chairs, and the presence of
12 eight members of the task force shall constitute a quorum at any
13 meeting thereof.

14

15 3. The task force shall be co-chaired as follows: one co-chair
16 shall be the Attorney General, or the Attorney General's designee,
17 and the other shall be appointed by the Governor from among the
18 public members and shall serve at the pleasure of the Governor.

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20 4. Vacancies in the membership of the task force shall be filled
21 in the same manner as the original appointments were made. The
22 members of the task force shall serve without compensation, but
23 shall be eligible for reimbursement for necessary and reasonable
24 expenses incurred in the performance of their official duties within
25 the limits of funds appropriated or otherwise made available of the
26 commission for its purposes.

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28 5. The Attorney General's Office shall provide staff and related
29 support services as the task force requires to carry out its work.

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31 6. The task force shall be entitled to call to its assistance and
32 avail itself of the services of the employees of any State, county, or
33 municipal department, board, bureau, commission, or agency as it
34 may require and as may be available to it for its purposes, and to
35 incur such traveling and other miscellaneous expenses as it may
36 deem necessary for the proper execution of its duties and as may be
37 within the limits of funds appropriated or otherwise made available
38 to it for these purposes.

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40 7. The task force shall present a report of its findings and
41 recommendations to the Governor and, pursuant to section 2 of
42 P.L.1991, c.164 (C.52:14-19.1), to the Legislature no later than 18
43 months after the organization of the task force. Such
44 recommendations shall include suggested mechanisms to: (1) secure
45 access to justice and legal representation in domestic violence
46 matters by increasing the availability of legal assistance with
47 domestic violence matters throughout the State; (2) institute a
48 review of New Jersey's Rules of Professional Conduct and

1 Unauthorized Practice of Law rules with the purpose of identifying
2 revisions that expand the ability of law students to provide pro bono
3 assistance to persons of limited means; and (3) encourage increased
4 pro bono service by the State's legal community.

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6 8. The task force shall dissolve three months after presenting
7 the report.

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9 9. This joint resolution shall take effect immediately.

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12 STATEMENT

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14 This joint resolution establishes the "New Jersey Domestic
15 Violence and Legal Access Task Force" for the purpose of studying
16 the nature, extent and consequences of unmet legal needs of State
17 residents in domestic violence matters. The 14-member task force
18 would submit a report of its findings and recommendations to the
19 Governor and the Legislature within 18 months of its organization.

20 The membership of the commission would be as follows:

21 (1) two public members appointed by the Governor, one of
22 whom is a representative of a pro bono program organized by a law
23 firm located in the State, and one of whom is a State resident who
24 has been a pro se litigant who has appeared as a plaintiff in a
25 domestic violence matter in the New Jersey State courts;

26 (2) two public members appointed by the President of the
27 Senate, one of whom is the representative of a non-profit
28 organization dedicated to the services and assistance of victims of
29 domestic violence and one of whom is a State licensed and certified
30 family law attorney;

31 (3) two public members appointed by the Speaker of the General
32 Assembly, one of whom is a director of a legal clinic program of a
33 law school located in the State and one of whom is a State resident
34 who has been a pro se litigant who has appeared as a defendant in a
35 domestic violence matter in the New Jersey State court;

36 (4) one member appointed by the Chief Justice, who is a judge
37 of the Superior Court assigned to the Family Division or had been
38 assigned to the Family Division in the three-year period prior to the
39 effective date of this joint resolution;

40 (5) the Chief Justice, or the Chief Justice's designee;

41 (6) the Public Defender, or the Public Defender's designee;

42 (7) the Attorney General, or the Attorney General's designee;

43 (8) the dean of Seton Hall University School of Law, or the
44 dean's designee;

45 (9) the co-dean of Rutgers Law School Newark Campus, or the
46 co-dean's designee;

47 (10) the co-dean of Rutgers Law School Camden Campus, or the
48 co-dean's designee; and

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1 (11) the executive director of New Jersey Legal Services, or the
2 executive director's designee.

3 The task force would be co-chaired: one co-chair would be the
4 Attorney General, or the Attorney General's designee, and the other
5 co-chair would be appointed by the Governor from among the
6 public members and would serve at the pleasure of the Governor.

7 The task force may meet and hold hearings at the places it
8 designates during the sessions or recesses of the Legislature. The
9 task force would meet at the call of the co-chairs. The presence of
10 eight members of the task force would constitute a quorum at any
11 meeting thereof.