

SPEECH BEFORE THE ASSEMBLY BUDGET COMMITTEE

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ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS

APRIL 25, 2013

Good Afternoon. Thank you, Chairman Prieto and members of the Assembly Budget Committee, for offering the Judiciary the opportunity to appear before you today. Also attending with me today are Assignment Judges Georgia Curio of Cumberland, Gloucester and Salem counties and chair of the Judiciary Budget and Planning Committee; Yolanda Ciccone of Somerset, Hunterdon and Warren counties; Peter Doyne of Bergen County; and Vincent Grasso of Ocean County. Assignment Judge Lawrence Lawson of Monmouth County, a member of the Budget and Planning Committee, is away and unable to attend. In addition, we have with us Shelley Webster, director of the Office of Management and Administrative Services.

We appreciate the chance to offer testimony and provide written comments in support of the proposed Judiciary budget for fiscal year 2013-2014. We recognize the strong partnership that exists between the Judiciary and the other two branches of government. This partnership provides not only financial support for the operation of the state's courts but also builds upon long-standing collaborations in several important areas of state government. These relationships have resulted in the development of several significant initiatives that serve the citizens and businesses of this state.

Every day the Judiciary strives to fulfill our constitutional obligations to resolve disputes fairly and justly, to preserve the rule of law, and to protect the rights and liberties of the people of our state. This abiding commitment to the rule of law through our court system is one of the foundations of America's democracy. It is the cooperation and support from the executive and legislative branches that help us to carry out these mandates.

We have been able to build upon this bedrock of our democratic freedoms through the dedication and hard work of the judges and staff of the Judiciary. It is because of the talented men and women who comprise our membership that we have been able to adhere to our core mission and so ably serve the people and businesses of this State. On behalf of Chief Justice Stuart Rabner and myself, I would like to acknowledge the hard work and commitment of our judges,

administration and staff who ensure that we continue to meet our responsibilities as an organization. I am proud to serve with these dedicated public servants.

We are pleased to be given an opportunity to report on our accomplishments and challenges, as well as the value that our court system brings to our government system and society.

The operational challenges confronting our judicial system remain essentially unchanged from last year. It is anticipated that the long-term reduction in the size of government will continue. The inability of our funding levels to keep pace with normal growth in operational costs has necessitated a downsizing of our workforce from five years ago and caused us to defer many initiatives. We have eliminated expenditures in discretionary areas in our system and focused our attention on the core operations. The Judiciary continues its cost-containment efforts that, over the last half decade, have helped to limit the growth in our budget. We have a responsibility to manage our resources with the same care that our citizens manage their personal finances and we take that duty very seriously.

Since the majority of our costs are related to salaries, our cost reduction strategies have primarily focused on savings in the personnel area. A partial list of our efforts to reduce our costs include: (1) downsizing of personnel in order to decrease our overall budget; (2) a deferral of salary increases; (3) a reduction in operating and expenditure costs; (4) and deferrals of computer upgrades and purchases.

Hurricane Sandy had significant effects on the courts throughout the state. Many municipal courts in Monmouth and Ocean Counties were forced to relocate to other facilities, some permanently, in order to remain operational. In the northern portion of the state, the building that housed the Bergen County Probation Division was flooded with four feet of water, damaging thousands of case files and forcing condemnation of the entire building. The Committee should also know that the statutory enactment which led to the Judiciary's creation of statewide computer systems for municipal courts worked exceedingly well through the hurricane. That statewide system - ATS/ACS – allowed for an almost immediate transfer of court records from one court to another in all of those municipal court relocations.

Our productivity remains high despite our smaller operation and staffing challenges. Like last year, we resolved more than 7 million cases in our various courts – the Supreme Court, the Appellate and Trial Division of our Superior Court, the Tax Court and our Municipal Courts. Such accomplishments are only possible because of the outstanding leadership and talent of the personnel of the Judiciary.

The Judiciary continues to absorb funding shortages caused by contractual obligations not funded in the budget allocation. This results in a continued base shortfall in the Judiciary's budget. We recognize the very difficult financial picture facing the state and all of government will continue to share in its responsibility to work effectively and efficiently in this cost containment era.

Today, I would like to briefly highlight three important aspects of our court system: first, the development in our judicial system of programs that address wider societal problems; second, the Judiciary's productive technological partnerships with other entities; and third, our many educational efforts to inform the public about the work of our courts.

1. Judiciary programs that address societal problems

Over the past several years, the work of our courts has evolved in an effort to meet the changing needs of our state and society. We are being asked to address some of society's most difficult issues, including drug abuse, foreclosure, domestic violence and juvenile offenders. This move represents a paradigm shift in how our courts have historically operated. Several initiatives reflect this shift.

Drug Courts

New Jersey's Drug Court Program has been recognized as a national model. Drug courts divert nonviolent, drug-dependent offenders from costly state prison sentences into treatment and rehabilitation. The Judiciary works with the Division of Addiction Services in the Department of Human Services to provide participants with individualized substance abuse treatment. Since the program went statewide in 2002, the drug courts have diverted 12,943 offenders, most of whom were prison-bound. This program saves lives and money and demonstrates its effectiveness every year.

By reducing costs associated with incarceration, the drug court program resulted in a net savings of \$23 million to the state in fiscal year 2011, \$24 million in fiscal year 2012 and a projected savings of approximately \$24 million in fiscal year 2013.

The clear success of this program has led to a broadening of its scope. The legislatively-mandated expansion of drug court to include required participation by certain non-violent offenders is currently being implemented in several phases. The widening of the types of crimes that can be considered for drug court has also increased the scope of the program. The hope is that adequate resources will be made available so that this expanded mandatory drug court program has the same level of success as our previous voluntary program.

The New Jersey Intensive Supervision Program (ISP) is another alternative to incarceration that produces comparable cost savings. The program allows nonviolent state prison sentenced offenders to serve the remainder of their sentence in the community rather than in prison. The cost of ISP is approximately \$11,000 per participant as compared to \$39,000 for incarcerated offenders. There currently are nearly 1500 ISP participants.

Guardianship Monitoring Program

The Guardianship Monitoring Program is an initiative of Chief Justice Rabner designed to assist incapacitated and elderly members of our society. The concept is to create a cadre of volunteers to monitor guardians in their handling of the affairs of incapacitated individuals, including the elderly and developmentally disabled adults. The goal of the program is to reduce the potential for abuse, neglect, and exploitation of incapacitated individuals by their guardians, helping ensure that these vulnerable members of society are treated with dignity and respect. The program provides for the monitoring of these individuals' assets while also assisting guardians in their sometimes-difficult role. The Guardianship Program began in Hunterdon County in January 2013 and expanded to Passaic and Mercer counties. The program will be fully implemented in all 21 counties by November 2013.

Foreclosure Mediation

The foreclosure mediation program is a collaboration with the AOC, the Attorney General's Office, the New Jersey Housing and Mortgage Finance Agency and the Office of Dispute

Resolution. This program aids homeowners to determine if they qualify for any of the lender's available solutions.

Since the inception of the foreclosure mediation program, approximately 44.8 percent of the borrowers who participated have reached a settlement in which the borrower remains in the home. Additionally, it has assisted another 2.2 percent of those in the program to achieve a graceful exit from the property through a short sale or deed-in-lieu of foreclosure.

Juvenile Detention Alternative Initiative

New Jersey has been successfully engaged in the Juvenile Detention Alternative Initiative since 2004. This program brings together all the key actors in the juvenile justice system to find ways to reduce the number of juveniles held in detention facilities. It is amazing what we have accomplished in just nine years. We started with counties that had identifiable detention problems – usually overcrowded detention facilities – and in the first year brought five counties on board with the JDAI process. Since that first year, we have steadily added more counties, so that today 18 of New Jersey's 21 counties have active or developing JDAI programs. We expect the remaining three counties to join the program by the end of the year.

The results have been dramatic. On any given day in New Jersey, there are approximately 500 fewer children in detention. Collectively, across all sites, more than 6,000 fewer youth were admitted to detention on an annual basis. We have also seen a more than a 50 percent reduction in the number of youth placed in long-term residential placements.

Mental Health

Chief Justice Rabner has created an initiative to focus on the needs of individuals with mental illness who become involved with the courts. He created a Supreme Court Committee to improve the Judiciary's response to those with mental health needs. The Committee has made numerous recommendations to enable more effective responses, including the expansion of existing programs and procedures and the establishment of new initiatives. The Committee's report is currently out for public comment.

2. Technological partnerships

The Judiciary's technology partnership with external entities is also an essential part of our success. One of the best kept secrets in our government is the reliance on the Judiciary's information technology infrastructure by state, counties and municipal operations. Our technology infrastructure is the backbone of our justice system and the interconnection with executive branch systems enables the delivery of improved government services through innovation.

Over the past four decades, our organization has been involved in creating electronic interfaces which exchange data with law enforcement, prosecutors, county and state correctional institutions, as well as other agencies and departments.

Law enforcement officers file parking and moving tickets in real-time, directly with the state's 534 municipal courts. Police officers have real-time access through the Internet to the domestic violence central registry that offers law enforcement up-to-date information on all protective restraining orders filed on behalf of domestic violence victims. Our statewide jail system now interfaces with the local vendor jail computer systems to eliminate redundant data entry and provide statewide data sharing across 19 agencies, including the New Jersey Department of Corrections and the 21 county jails.

The Judiciary's criminal case computer system interfaces with the executive branch criminal case history database providing seamless sharing of arrest and disposition information between the courts, federal authorities and other criminal justice agencies that rely on information from a defendant's criminal history.

Conviction information on state-sentenced inmates is now forwarded electronically to the state's corrections system, reducing the time that defendants spend in county jails after sentencing.

The Judiciary has also partnered with the Department of Human Services to expand the executive branch child support case management system, NJKIDS, with the development of a statewide call center. The call center will provide child support, custody and related information 24 hours a day.

Most recently we have developed a Civil Commitment Automated Tracking System. The system involves digitally recording hundreds of thousands of civil commitment records and transferring them to the FBI National Crime Information Center through the New Jersey State Police interface. To date, we have transferred more than 280,000 civil commitment records and have had at least 75 instances of individuals in this database flagged trying to purchase firearms in other states.

As you can see, these interfaces are essential to our state and country. They provide for the electronic transfer of information to ensure the timely and efficient administration of justice. They create greater economies and efficiencies in the courts and with other government partners. They allow all of government to enhance the quality of life in our state.

3. Educational Efforts to Inform the Public and Increase Access

We have also continued our focus in the Judiciary on ways to better educate and inform the public about the work of the courts and the many services available to them. We have emphasized increasing accessibility to the public, meeting the unique needs of our court users and developing even greater appreciation and understanding of the growing diversity in our state.

The Judiciary has a long history of promoting access and equality through the application of our core values of independence, integrity, fairness and quality service. For instance, the Supreme Court Committee on Minority Concerns, the Supreme Court Committee on Women in the Courts, the Judicial Advisory Committee on ADA Compliance, to name just a few, have addressed critical concerns of our court users for many years. Additionally, the Judiciary has a department devoted entirely to interpreting services.

Recently, Chief Justice Rabner established a Supreme Court Committee on Access and Fairness to guide the Judiciary in adapting to current and future demands on the courts. The committee focuses on how to better administer justice in the face of challenges such as the continued increase in the number of self-represented litigants, the growing multicultural population in New Jersey, the need for expanding language services, and the economic pressures on litigants and the courts.

Other examples of programs which provide greater information to the public and thereby increase access to the courts are: the Judiciary's information and payment center, NJMCdirect, which gives the public immediate access and payment opportunities for motor vehicle offenses; a new Spanish version of the Judiciary website; a recently created online process for jurors to respond to summonses; and public online access to civil case information, criminal convictions, judgment lien index searches and an index of registered attorneys.

Access and fairness are enhanced when the public understands how the court system functions and the role of courts and the legal system in a democratic society. To that end, the Judiciary, working in partnership with the State Bar Association, is operating a program called "Benchmarks." The program trains attorneys and judges to make presentations to the community about the federal and state constitutions, our form of government, and the importance of the rule of law in a democracy.

CONCLUSION

The New Jersey Court system has served as a model for courts around the country. This legacy of achievement and distinction continues because of the strong leadership of Chief Justice Rabner and the other members of our Supreme Court. Today, the Judiciary, like the rest of government, is confronted with several challenges, but we are confident in our ability to navigate this new landscape based upon the talent and strengths of our workforce. Our history of success is also made possible because of the support and strong collaborative partnerships with the other two branches of government. Our efforts to assist those confronting substance abuse, juvenile delinquency, foreclosure, guardianship and other issues would not be achievable without our joint efforts. We continually strive to educate the public on the work of the Judiciary, to provide important information to court users and to increase the transparency of our operation. We are committed to becoming even more efficient in the face of ongoing fiscal challenges, as we continue to effectively resolve disputes, protect rights and liberties and ensure justice for all.

Thank you for your time and we are pleased to answer any questions.