

**SPEECH BEFORE THE SENATE BUDGET AND APPROPRIATIONS  
COMMITTEE  
JUDGE GLENN A. GRANT  
ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS  
APRIL 9, 2015**

Good afternoon. Thank you, Chairman Sarlo and members of the Senate Budget and Appropriations Committee for offering the Judiciary the opportunity to appear before you today.

Also attending with me are several talented members of our senior leadership core: Members of the Judiciary's Budget and Planning Committee: Committee Chair, Assignment Judge Georgia Curio of the Gloucester/Cumberland/Salem Vicinage, Assignment Judges Yolanda Ciccone of the Somerset/Hunterdon/Warren Vicinage, and Ronald Bookbinder of the Burlington Vicinage, and Shelley Webster, Director of the Office of Management and Administrative Services. Two members of the Committee, Assignment Judges Vincent Grasso and Peter Doyne are unavailable.

Initially, I must acknowledge Chief Justice Stuart Rabner for his leadership during this challenging period of our organization's history. Through the Chief Justice's guidance we have been able to manage several long-term operational challenges, including the record number of judicial vacancies, the retrenchment in the size of government, and the ongoing demands to transform our court system from a paper-based operation to an electronic based system.

In addition, I must recognize the justices and judges of our entire judiciary, whose dedication and commitment in the face of the ongoing shortage of judges have enabled us to keep our doors open and our cases moving. Lastly, I would like to publicly thank the thousands of men and women who comprise our administrative team. The knowledge, skill and commitment of our judges and staff allows me to reaffirm the New Jersey Judiciary's status as one of the best court systems in the country.

The Judiciary's dedication to the cause of justice represents not only an organizational credo, but more importantly a partnership with the other two branches of government. This partnership involves more than just critical financial support. It includes our joint efforts to improve the quality of life for the citizens and businesses of our state through programs and policies that expand access to our courts. We continue to cooperate and collaborate with the legislature and the executive branch on several broad based policy initiatives designed to address some of the most challenging issues facing our state and country. These include, but are not limited to, programs to address substance abuse, recidivism, veterans' assistance, domestic violence and juvenile delinquency. Further, we have collectively embarked on an ambitious journey to make major reforms to our criminal justice system based upon last year's

enactment of legislation to establish a pre-trial service program, speedy trial reforms and pre-trial detention.

As I indicated, this partnership is about more than money or programs. It is about how government can positively affect the lives of the citizens of our state. People and businesses turn to the courts when they are facing some of the most important and challenging times of their lives -- when they are facing divorce, seeking an order of protection, suing a business partner, enduring home foreclosure, defending their own liberty or even addressing mental health or substance abuse issues. Our governmental partnerships have truly allowed people to reclaim and restart their lives. One of best examples of the benefits of government working together is our drug court program, where hundreds of lives are reclaimed each year.

Based upon the success of the judiciary's voluntary drug court program, two years ago the state enacted legislation to require mandatory drug treatment for certain offenders to be rolled out over a five-year period. We are now in the third year of the implementation plan. In the first two years of the program, we have witnessed a 22% increase in the number of drug court admissions.

The one proposed increase in our budget for this year involves a \$5.1 million increase in the funding for the drug court program. This additional assistance will allow us to continue our rollout of the mandatory drug court program. Currently, mandatory drug court operates in Passaic, Ocean, Hunterdon, Warren, Somerset, Mercer, Atlantic, Cape May and Hudson counties. As of July 1, the program will expand to also include Burlington, Bergen and Monmouth counties.

Drug courts are an undeniable success story involving the broad partnership of all three branches of government. Because of your support, we are now serving almost six thousand active drug court participants. Because of government's help, these individuals are rebuilding their lives, rejoining their families, and becoming positive members of their communities.

The programs affect real lives, and I would like to tell you about one of our drug court participants:

Don was sentenced to drug court and spent five years in the program. A contractor by trade, he regained his union contractor license during his time in drug court, and when his mother passed away he was able to care for his father. After graduating from drug court, Don got married and purchased a house. He is now supporting his family as a union contractor. He has been sober and clean for more than 10 years and continues to serve as a volunteer with the drug court program.

Don's experience is similar to that of so many of those who enter our drug courts. We are proud of these success stories, and we hope that you are too, because

the drug court program is, as I mentioned earlier, very much a collaborative effort. It is an example of government at its best, with all of the parts working together to improve the lives of individuals and strengthen communities.

Another interbranch partnership involves the exceedingly successful and cost-effective Intensive Supervision Program, "ISP." Established in 1983, ISP permits carefully selected state prison sentenced offenders to serve the remainder of their sentences in the community rather than in prison. The cost differential between offenders serving all of their time in prison versus ISP is approximately \$30,000 annually. The program provides the guidance and restrictions necessary to help recently released prisoners rebuild their lives as stable and productive members of the community. Like drug court, over the years the executive and legislative branches recognized the benefits of the program and identified funding to increase the opportunity for more individuals to participate. I have one other story I would like to share with you:

A woman named Susan was sentenced to a 7-year term in prison for second degree theft for stealing from customer accounts at a credit union where she was employed. Driven by a shopping addiction, she used the stolen funds to cover maxed-out credit cards used to accumulate items she did not need. Released into the Intensive Supervision Program, she moved into a shelter and attended Debtors Anonymous meetings to learn how to cope with her addiction. She also found work in the bakery department of a grocery store and learned how to manage on her new income. She began to pay off her debts, including taxes and unpaid credit cards and, with the help of Intensive Supervision, finally moved into her own place. She has reassessed her priorities and re-established a relationship with her adult son and her granddaughter. Her story is another example of the benefits of the three branches of government working in partnership towards one end – helping improve the lives of those in need.

I would like to highlight some of the other important programs that we are working on. Almost all of them build upon partnerships with this Legislature and the executive branch.

### **Bail Reform**

One of our most exciting and challenging joint ventures involves the plans to reform our criminal justice system. Working together, we are creating a fairer system, one that defines the degree of monitoring and supervision through the use of a risk assessment at the beginning of the individual's involvement with the system. The lowest risk defendants will be afforded the opportunity to remain in their community pending trial through pre-trial supervision program that we are presently building. That will spare them the potential negative consequences that can be incurred during even a short period of incarceration, such as loss of a job, a home and contact with family. At the other end of the spectrum, the constitutional amendment passed in November allows the courts to determine,

using a science-based risk assessment tool, which defendants are too dangerous to be released before trial.

There are four major components to the legislation, and we are making progress in implementing each of them.

1. Court fee increase

The Judiciary is monitoring the revenue collected from the new court fee increases on a monthly basis to track whether the amounts collected will equal the annual totals specified in the bill for allocation. Our current projections indicate that the Judiciary will likely meet its goal of collecting \$42.1 million from the new and revised fees.

2. Proposed Court Rules and Court Orders

We are working on the new and amended court rules and standard court orders that are necessary to implement the bail reform/speedy trial legislation.

3. Pre-Trial Services Program

We are in the process of analyzing all aspects of creating a pre-trial services program. The revised operational structure will require a comprehensive revamping of the Judiciary's criminal case management processes, and will also affect law enforcement operations. We are working with all of the criminal justice system partners to implement these proposed changes.

4. Technology

Critical to this initiative's success is the creation of technological enhancements to both internal and external computer systems. Technology must be coupled with the development of a new risk assessment tool to analyze an alleged offender's level of risk to the community. We are working with a nationally recognized criminal justice institute to incorporate the risk assessment tool into our environment.

**eCourts**

The bail reform legislation also included funding to support the critically needed enhancements to the Judiciary's technological infrastructure. The Judiciary continues the process of implementing one of our biggest operational changes in decades – the creation of an organizational-wide eCourts system. The goal of eCourts is to move from a paper system toward a comprehensive electronic system for conducting business. The plan is to allow attorneys to electronically file pleadings, to create a computerized case management system, and to allow for the electronic storage and dissemination of public records and documents. As Chief Justice Rabner has said, this transformation of our system is not an option but a requirement in today's society.

Electronic filing dramatically reduces the time and costs associated with filing paper documents, sending court notices through the mail, and storing paper files. As funding increases, it will allow the Judiciary to continue to develop and improve this use of technology: eCourts will allow greater contact with attorneys, will streamline the work of judges and court staff, and will allow for much greater public access to the courts.

### **Business Litigation**

This January, the Judiciary began accepting cases into the new Complex Business Litigation Program. The objective of this program is to streamline the resolution of complex business, commercial and construction cases valued at \$200,000 or more. The program is the result of recommendations made by the Working Group on Business Litigation formed by the Chief Justice in the fall of 2013. The working group included representatives from the business and legal communities, as well as the legislature, including Senator Peter Barnes. Thank you, Senator, for helping us develop a plan for serving our business community.

Following the suggestions made by the working group, a judge in each vicinage has been assigned to handle these cases. The designated judges as a group already have received specialized training in securities, business valuation, anti-racketeering and other topics as recently as two weeks ago. And additional training is planned. Judges in the program will be encouraged to publish their opinions to build a body of business litigation case law, which will serve as a substantial legal resource for the business community.

### **Access & Fairness**

The New Jersey courts have a long history of self-evaluation. We were in the among the first court systems, if not the first, to create statewide committees to examine and ensure the fair treatment of minorities and women in our courts. That self-critical approach continued last year when we became the first Judiciary in the country to undertake a statewide access and fairness survey. I am pleased to report that of the more than 16,000 Superior Court visitors who took the survey, 87 percent reported that they were treated with courtesy and respect by court staff, and 83 percent reported that court staff paid attention to their needs. In addition, 80 percent said that they were treated the same as everyone else, and 75 percent agreed that the court's decision in their matter was fair. However, while we certainly were pleased that the vast majority of court users found the courts to be fair and respectful, we want to do even better. To that end, each vicinage is preparing a detailed achievable plan to target specific improvements that they can implement to ensure that all court visitors experience the courts as accessible and as fair as possible.

### **Ongoing Challenges**

As a court system, we continue to make progress on a number of fronts. But we also are confronted with several ongoing challenges for which we need your assistance and support.

First, we continue to experience a distressing number of judicial vacancies, which greatly detracts from our ability to provide service to the public. If judicial vacancies continue at these historically high levels, we may be forced to triage the types of cases we can handle – and some litigants will simply not be able to have their cases heard in a timely manner.

The need to fill judicial vacancies becomes even more imperative as we approach the mandated 2017 implementation of the speedy trial portion of the bail reform act. The effects of the new law will require an increase in judicial assignments to the criminal division in order to meet the strict time goals of the statute. Without enough judges to meet these deadlines, the Judiciary will be forced to pull judges from the civil and family bench or otherwise risk dismissing meritorious criminal cases.

Another challenge related to bail reform is the fundamental need for adequate funding for the pre-trial services program. As you are aware, the Judiciary's budgetary projections for the costs of operating the program were not realized in the funding levels provided for in the bill. While the Judiciary is attempting to create as many efficiencies as possible to address this structural deficit, it is important that the other two branches of government work together to identify long-range funding solutions to support this critically important program.

### **Conclusion**

In closing, I would like to reiterate – and stress – the significance of the ongoing partnership that the New Jersey Judiciary has with the other two branches of government. Collectively, your funding support and focus on ensuring expanded access to our courts has generated positive benefits for the citizens, businesses and communities of this state. The lives of individuals, such as Don and Susan, have been improved, their lives have been saved because of our mutually shared vision of how government should serve the people and businesses of this state. All of the judges and staff in our branch of government are committed to working diligently every day to ensure that the courts provide an open door to justice for all.