



NEW JERSEY STATE BAR ASSOCIATION

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January 18, 2023

Honorable Glenn A. Grant, J.A.D.
Administrative Director of the Courts
Hughes Justice Complex
P.O. Box 037
Trenton, NJ 08625-0037

Dear Judge Grant:

Our great state is a unique patchwork quilt of municipalities. A vast majority have their own governments, school districts, police and fire departments, and courts. This enthusiastic embrace of home rule is both a blessing and a curse when it comes to access to justice via the branch of the court system that residents are most likely to encounter – a municipal court.

Please accept this correspondence to expand on the concerns relative to municipal courts as initially addressed in my letter of Dec. 21, 2022. Given the pandemic's unique impact on municipal courts, the sea-changing innovations it inspired that revolutionized the functioning of the courts and the practice of law, and now the growing pains of reverting to in-person appearances, the NJSBA requests an immediate meeting with the leadership of the Judiciary and the NJSBA to discuss the issues raised herein.

The NJSBA believes this is a prudent step due to the manner of practice in municipal court, including multi-county travel, the high volume of clients, and the sheer numbers of courts operating, typically only once a week, at the exact same time. Having the courts handle proceedings in uniform ways, that embrace a common-sense approach to the value of virtual appearances for clients and attorneys whose matters do not involve the potential of incarceration or a license suspension, is essential to delivering justice to the clients whose millions of matters are resolved in municipal courts each year.

As we learned during our many months of virtual proceedings, many, if not most, municipal court proceedings can be handled virtually. The changes in how proceedings were handled in municipal courts have been seismic for litigants when virtual options became the standard. Those changes made justice more accessible, flattened the experience across the socio-economic strata of society, and aided access to the court system especially for those people with disabilities or health conditions. Those changes also resulted in some challenges, such as determining how to complete

forms and confiscate licenses virtually, as well as some troubling circumstances where respect for the solemnity of court proceedings was sometimes lacking. The NJSBA believes that now more concise guidelines are needed about how to balance these issues in a consistent and equitable manner throughout the state.

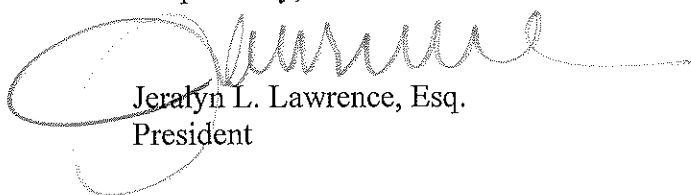
The current guidance regarding municipal court practices provided to practitioners is both confusing and contradictory. Many courts have shifted practice from a virtual-first approach to requiring in-person appearances on all matters that have consequences of magnitude, regardless of the stage of the proceedings. For instance, if the parties jointly seek reasonable adjournments to get reports, video, lab results or time to consult an expert, they are being required to travel to court to make the request, rather than use a brief video appearance. In several courts, the default is to have all appearances – from first appearance to sentencing – in person, with virtual exceptions provided only through convoluted and burdensome mechanisms. Some courts require all represented matters to be in person, while others require in-person appearance for DWI cases at every stage.

The impact of an inconsistent system on litigants is acute. Requiring in-person appearances in matters that do not meaningfully advance the case means that litigants must travel, miss work or school, make childcare arrangements, and more. Many come away frustrated and some even come to view the entire system as one that is mired in inefficiency and a breeding ground deserving public contempt.

The NJSBA recognizes that there are many interests at play in any municipal court matter, including police officers, residents, attorneys, court employees, among others. We request a meeting to discuss how these changes affect all stakeholders, including judges, court administrators, prosecutors, general practitioners in this field, and, importantly, litigants.

We share the core mission to work toward a more perfect justice system. Our request for an urgent meeting to discuss and analyze the myriad issues in the state's municipal courts is in line with that important mission, and we stand ready to assist in any way that would be helpful.

Respectfully,



Jeralyn L. Lawrence, Esq.
President