

LUARCC Meeting – December 22, 2008

LUARCC members present: John H. Fisher, III, Chair; Joseph V. Doria, Jr.; Robert F. Casey; Gary Passanante; Steven M. Cozza; Jane Kenny; Joseph Donahue (for David Rousseau). Absent: Marvin Reed.

Minutes of the December 9, 2008, meeting approved. Ms. Kenny and Mr. Passanante abstained.

Hannah Shostack, Executive Director reported:

Commission members have received the Rutgers reports.

Commission members have received the staff written first draft of LUARCC progress report to the Governor and State Legislature.

Ms. Shostack reported back to the Commission on moving forward with research on construction code. LUARCC has been advised by the Attorney General to focus primarily on services that impact property taxes. Ms. Shostack indicated that the Commission will be focusing on Assessment instead which will commence on January 22, 2009.

List of 2009 Commission meeting dates approved unanimously.

- January 22
- February 26
- March 27
- April 23
- May 28
- June 25
- July 23
- August 27
- September 24
- October 22
- November 16
- December 21

Daniel J. Mason, President, Jersey Professional Management:

Made presentations in August, 2006 to DCA and Governor's staff. The presentation is still relevant.

Has extensive experience in shared services consulting.

Helped set up first "shared municipal court" in Sayreville and South Amboy in 1996.

There are reasons for and against shared services in municipal courts:

For: State controls municipal courts.

- Existing technology makes shared courts easier.

- TV video conferencing makes shared courts easier.

Shared facilities saves money, makes implementation of better security more affordable and frees up other facilities for municipal use

Against: Civil Service is often a deal breaker.

Professional and personal relationships can be problematic.

Mr. Mason stated that to solve this issue, a policy has been developed whereas having no layoffs for two years.

The need for separate payment windows for each municipality.
Convenience Issues

Why are there more regional or shared courts?

State mandates

A common court computer system

Facility limitations

Cost avoidance

In many cases, municipal courts are dealing with more cases involving people from outside of the municipality and therefore there is no need to have a court that sits within the municipality; this encourages shared courts.

Robert F. Casey: What other mandatory separate costs, such as separate windows, are there? What other things can they share?

Daniel Mason: There is a list of what is allowable, however, I do not have on hand.

Robert F. Casey: Are there problems with the appointment of municipal court administrators?

Daniel Mason: Not so much. Usually one is close enough to retiring or not certified. Local officials want to protect their own local employees and this is what needs to be worked out.

Robert F. Casey: Can a municipal court administrator work in more than one municipality?

Daniel Mason: Yes.

Robert F. Casey: Does municipal "good will" towards the shared court last over time?

Daniel Mason: It tends to.

Gary Passanante: How do towns separate jurisdictional issues?

Daniel Mason: Ticket numbering system makes separation easy. Municipalities work out issues over a "transition period."

Gary Passanante: How do municipalities feel about turning appointment of municipal judge over to the State?

Daniel Mason: If a municipality is concerned about this, it is a deal breaker. To avoid this problem he generally suggests a shared court as opposed to a regional court.

Charles Kahwaty, Esq., New Jersey State Bar Association

Regionalization does not work in Bergen County because of: patronage issues, it is inefficient and municipalities want a relationship with the local police.

Regionalization is more workable in rural areas.

James Gerrow, Esq., New Jersey State Bar Association

The municipal court system handles 95% of all cases heard in New Jersey courts.

In South Jersey, municipal courts are seen as a producer of a revenue stream.

The revenue stream approach affects municipal judge appointments.

There is pressure to get more guilty pleas and keep up the revenue stream. He favors regionalization but mentioned that he agrees with Mr. Mason on the deal breaker.

Gary Passanante: Concern is effect on police department in that they may feel that the work that they do is worthless when a judge decides to overturn ticket or arrest. If they feel court does not support them they may not want to write tickets.

James Gerrow: You must talk to the officers and explain the action so they understand why something may be dismissed or downgraded.

Charles Kahwaty: Regionalization can make court scheduling of police officers more problematic and expensive.

Commissioner Doria: You don't want officers wasting time because it costs money and you need to watch for overtime.

James Gerrow: As mentioned previously, video conferencing is a good way to reduce overtime.

Robert Smith and Daniel Phillips: Municipal Court Services, New Jersey Administrative Office of the Courts (NJAOC)

Daniel Phillips: Municipal courts have to deliver justice – not a revenue stream. Municipal courts are financed by the municipalities, but answer to the NJAOC. Municipal courts deal with more than traffic and parking violations.

Robert Smith: There are 529 municipal courts with 350 judges. They handle 6.5 million cases a year. About \$500 million runs through the municipal courts each year. Every municipal court is on the same computer system. State statute guides the distribution of funds. There are three forms of shared courts:

- 1) Joint courts: operate as one court for two or more towns. The Governor appoints the judge in the 19 joint courts in New Jersey. They cover 58 municipalities.
- 2) Shared courts: two or more municipalities provide common court facilities and personnel. Each court keeps separate identity and its own books. The municipalities appoint the judges. There are 56 municipalities with shared courts.
- 3) Central municipal court: for cases filed by a county law enforcement agency. Only exists in Bergen County.

Drive time and mileage is an issue. Seasonality is a problem. The facilities may be inadequate.

The common computer system helps keep shared courts cases separate. AOC has worked hard over the last 20 years to improve municipal court efficiency. The State computer system allows disposition and court date scheduling. Electronic filing makes for greater efficiency. Municipal court administrators are highly professional by AOC requirements.

Jack Fisher: Municipal court facilities have only recently been included in ADA requirements?

Daniel Phillips: Yes, by recent federal statute but the regs have not been issued yet.

Gary Passanante: Baffled by the security recommendations in that we do not get any funding to assist with the requirements.

Commissioner Doria: Should bring to State Mandate Council

Robert Smith: There is a bill that will help offset the costs which will come from a small surcharge. These dollars will go back to the municipalities.

Robert F. Casey: State municipal court computers can handle more than one court?

Robert Smith: Yes. They can maintain separate books.

Joseph Donahue: Is there more potential for consolidation and sharing? Is this still a ripe area?

Robert Smith: Yes. There is still more consolidation that can be done.

Automation has made municipal courts more efficient. You see the volume of work increasing and the time spent by employees performing the job staying the same as it did when the job was performed manually.

Motion to adjourn passed unanimously.