

NOTICE TO THE BAR

IN THE MATTER OF THE DISMISSAL OF UNRESOLVED MUNICIPAL COURT CASES THAT INVOLVE CERTAIN MINOR OFFENSES THAT ARE MORE THAN 15 YEARS OLD

On July 19, 2018, the Supreme Court issued an Order appointing Assignment Judges Ronald Bookbinder, Ernest Caposela, and Yolanda Ciccone to serve as a three-judge panel and conduct a series of hearings in the northern, central and southern part of the State as to why older, minor municipal court complaints pending for more than fifteen years should not be dismissed. Pursuant to the attached October 1, 2018 Administrative Order issued by the Acting Administrative Director of the Courts and docketed under PAS-L-3211-18, the three regional hearings will take place before the three-judge panel on the following dates, with locations and times indicated below:

October 22, 2018 Essex County Veterans Courthouse
10:00 a.m. 50 West Market Street
Courtroom 1114 – 11th Floor
Newark, NJ 07102

October 23, 2018 Somerset County Courthouse
10:00 a.m. 20 North Bridge St
Courtroom 301
Somerville, NJ 08876

October 24, 2018 Burlington County Olde Courthouse
10:00 a.m. 120 High Street
Courtroom 1
Mount Holly, NJ 08057

The issue to be considered at these hearings will be why older, minor municipal court complaints pending for more than fifteen years should not be dismissed. Anyone who wishes to speak at one of the hearing sessions must by **October 15, 2018** submit that request in writing as well as written comments related to the issue to be presented.

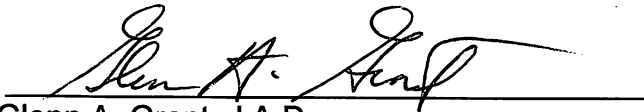
Attorneys submitting written comments and a request to speak before the panel should do so through eCourts Civil as a filing under docket number PAS-L-3211-18. The written comments and requests to speak should be filed in eCourts Civil under the "Miscellaneous Document" category as "General Correspondence." Instructions on how to submit a filing through eCourts can be found at <https://www.njcourts.gov/attorneys/ecourtstraining.html> or by contacting the Judiciary's help desk at 609-421-6100.

Members of the public submitting a request to speak and written comments should mail their documents to the following address:

Passaic County New Courthouse
Civil Division Intake Office
77 Hamilton St., First Floor
Paterson, NJ 07505

Attn: Cecilia Nardone, CSSII

Further details regarding the hearings and instructions on the submission process for written comments and requests to speak are contained in the appended Administrative Order. Questions may be directed to Steven A. Somogyi, Assistant Director, Municipal Court Services at 609-815-2900 ext. 54850.



Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: October 2, 2018

IN THE MATTER OF THE DISMISSAL OF
UNRESOLVED MUNICIPAL COURT CASES
THAT INVOLVE CERTAIN MINOR OFFENSES
THAT ARE MORE THAN 15 YEARS OLD

Administrative Order 01-2018

ADMINISTRATIVE ORDER

PAS-L-3211-18

To: The public and various interested organizations, including the Municipal Prosecutor's Association, League of Municipalities, all affected municipalities, Attorney General, County Prosecutors, Public Defender, New Jersey State Association of Chiefs of Police, New Jersey State Bar Association, Association of Criminal Defense Lawyers, and American Civil Liberties Union

This Administrative Order is issued by the Acting Administrative Director of the Courts in the performance of his administrative responsibilities to carry out the mandates of the Supreme Court's Order of July 19, 2018 (Exhibit A), regarding hearings to consider the dismissal of unresolved Municipal Court cases that involve certain minor offenses which are more than 15 years old, and have open bench warrants for a failure to appear attached to them.

The Supreme Court has appointed a three-judge panel consisting of Assignment Judges Ronald Bookbinder, Ernest Caposela, and Yolanda Ciccone, (the "panel") to conduct a series of hearings. The Supreme Court additionally required that at least 60 days prior to any scheduled hearing, the panel was to distribute to each municipality a list of cases that fall within the scope of the Court's July 19, 2018 order ("dismissal reports"). Dismissal reports identifying eligible cases were distributed to each municipality by August 20, 2018.

The following procedures are ordered to implement the hearing process directed

by the Supreme Court:

1. Three regional hearings will take place before the panel on the following dates, with locations and times indicated below:

October 22, 2018 Essex County Veterans Courthouse
10:00 a.m. 50 West Market Street
Courtroom 1114 – 11th Floor
Newark, NJ 07102

October 23, 2018 Somerset County Courthouse
10:00 a.m. 20 North Bridge St
Courtroom 301
Somerville, NJ 08876

October 24, 2018 Burlington County Olde Courthouse
10:00 a.m. 120 High Street
Courtroom 1
Mount Holly, NJ 08057

2. The only issue that will be considered at these hearings will be **why older, minor municipal court complaints pending for more than fifteen years should or should not be dismissed**. Challenges to individual cases will not be considered at these hearings.

3. Each hearing date will have a morning and an afternoon session.

4. The afternoon session of each hearing will be to solicit comments from representatives of the affected municipalities, including, but not limited to, mayors, attorneys for the municipality (“municipal attorney”), and municipal prosecutors.

5. The morning session of each hearing will be to solicit comments from all others who wish to speak, including, but not limited to, members of the public and public interest groups.

6. Anyone who wishes to speak at a hearing session must submit a) a request to speak, **and** b) written comments related to the issue of why older, minor municipal court complaints pending for more than fifteen years should or should not be

dismissed. There will be no filing fees assessed for the request to speak or the written comments.

7. Each speaker's oral presentation will be limited to five minutes.

How to Submit a Request to Speak

8. The request to speak must identify the individual who seeks to speak, whether that individual is an attorney, whether the speaker will be representing an organization, and at which hearing (date, location, and morning or afternoon session) the speaker requests to appear.

9. The request to speak must reference docket number PAS-L-3211-18 and be submitted by **October 15, 2018** to the following address:

Passaic County New Courthouse
Civil Division Intake Office
77 Hamilton St., First Floor
Paterson, NJ 07505

Attn: Cecilia Nardone, CSSII

How to Submit Written Comments

10. Written comments may only relate to the issue of why older, minor municipal court complaints pending for more than fifteen years should or should not be dismissed, and may not exceed five pages.

11. Written comments must include the author's name and address, and are subject to public disclosure upon receipt. The panel will not consider written comments that are submitted anonymously.

12. Written comments must reference docket number PAS-L-3211-18 and be submitted by **October 15, 2018** to the following address:

Passaic County New Courthouse
Civil Division Intake Office
77 Hamilton St., First Floor

Paterson, NJ 07505

Attn: Municipal Dismissal Public Hearings

13. A request to speak may be submitted with written comments. However, there is no requirement to speak at a hearing if written comments are submitted.

AFTER HEARINGS

14. At the conclusion of the hearings, the panel shall issue a report to the Supreme Court. The report shall include a recommendation for the general disposition of older, pending, minor municipal court matters, and, if appropriate, a recommended process and timeframe to raise challenges to the dismissal of individual complaints against specific defendants.



Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of
the Courts

Date: October 1, 2018

Exhibit A

SUPREME COURT OF NEW JERSEY

On July 17, 2018, the Court released a report prepared by the Supreme Court Committee on Municipal Court Operations, Fines, and Fees. The report included a recommendation to develop a process for the dismissal of old complaints, taking into account the seriousness of the offense charged, the age of the case, and other relevant factors.

According to the Administrative Office of the Courts, there are hundreds of thousands of open, unresolved cases that involve minor municipal offenses more than a decade old. For the period before 2003, for example, there are 787,764 open warrants for failure to appear in cases that involve parking violations, motor vehicle offenses (such as going through a stop sign, improper passing, general motor vehicle equipment violations, certain speeding offenses, and running a red light), local ordinance violations, fish and game violations, penalty enforcement actions, and related matters. The vast majority of those cases are from 1986 to 2003. Some are even older. 355,619 of those matters involve parking tickets; 348,631 relate to tickets for moving violations.

The above cases from prior to 2003 do not include more serious matters, namely:

- (1) Indictable charges
- (2) Disorderly persons charges
- (3) Petty disorderly persons charges
- (4) The following motor vehicle charges:

N.J.S.A. 39:3-10
N.J.S.A. 39:3-10.13

Driving without a license
Operating a commercial vehicle while
intoxicated

N.J.S.A. 39:3-10.24	Refusal to submit to a breath test while operating a commercial vehicle
N.J.S.A. 39:3-10.18(b)	Operating a commercial vehicle while commercial license suspended or revoked
N.J.S.A. 39:3-40	Driving while license suspended or revoked
N.J.S.A. 39:4-49.1	Drugs in a motor vehicle
N.J.S.A. 39:4-50	Driving while intoxicated
N.J.S.A. 39:4-50.4a	Refusal to submit to a chemical test
N.J.S.A. 39:4-50.14	Underage driving while intoxicated
N.J.S.A. 39:4-50.19	Failure to install an interlock device
N.J.S.A. 39:4-96	Reckless driving
N.J.S.A. 39:4-98	Speeding (in excess of 35 mph over the posted speed limit)
N.J.S.A. 39:4-128.1	Passing a stopped school bus
N.J.S.A. 39:4-129(a), (b)	Leaving the scene of an accident resulting in personal injury or property damage
N.J.S.A. 39:6B-2	Driving without insurance
N.J.S.A. 12:7-46	Boating while intoxicated

(5) or cases associated with a matter in any of the above categories.

Those old outstanding complaints and open warrants in minor matters raise questions of fairness, the appropriate use of limited public resources by law enforcement and the courts, the ability of the State to prosecute cases successfully in light of how long matters have been pending and the availability of witnesses, and administrative efficiency.

To determine the appropriate way to address older, pending municipal court complaints that involve minor matters, it is ORDERED as follows:

1. The Court appoints the Honorable Ronald Bookbinder, Ernest Caposela, and Yolanda Ciccone, Assignment Judges of the Superior Court, to serve as a three-judge panel and conduct a series of hearings in the northern, central, and southern part of the

State as to why older, minor municipal court complaints pending for more than fifteen years should not be dismissed.

2. Notice of the hearing dates should be provided to the public and various interested organizations, including the Municipal Prosecutors Association, League of Municipalities, all affected municipalities (see paragraph 3), Attorney General, County Prosecutors, Public Defender, New Jersey State Association of Chiefs of Police, New Jersey State Bar Association, Association of Criminal Defense Lawyers, and American Civil Liberties Union.

3. At least sixty (60) days before the hearing dates, the panel, with the assistance of the Administrative Office of the Courts, shall make available to each municipality a list of cases described above for their municipality.

4. In advance of any hearing, interested parties shall submit in writing their position as to the dismissal of older, pending, minor municipal court matters.

5. At the conclusion of all of the hearings, the panel shall issue a report to the Supreme Court. The report shall include a recommendation for the general disposition of older, pending, minor municipal court matters, and, if appropriate, a recommended process and timeframe to raise challenges to the dismissal of individual complaints against specific defendants.

For the Court,

A handwritten signature in black ink, appearing to read "Shane R. ...", written over a horizontal line.

Chief Justice

Date: July 19, 2018