

Additional and Temporary Municipal Court Judges

Directive # 4-97
Issued by

April 22, 1997
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The procedures that follow have been developed to provide you with common administrative analysis standards for use in granting your consent, as required by law, in response to municipal requests for the appointment of either additional or temporary Municipal Court Judges. This Directive supercedes Directive #9-83.

I. Background

Chapter 293, Laws of 1993 (*N.J.S.A. 2B:12-5*), provides for written consent of the vicinage Assignment Judge when a municipality seeks to establish either an additional Municipal Court judgeship or to appoint one or more temporary Municipal Court Judge.

One purpose of this legislation is to permit the appointment of an additional judge(s) in a municipality as a measure to cope with growing workloads and anticipated long-term resource needs. That appointment is for a three-year period. The other purpose is to provide for the appointment of a temporary judge(s) for up to one year to meet a special need of limited duration (*i.e.*, to eliminate a backlog in a particular area, such as DWI).

II. Municipal Applications for Assignment Judge Consent

If a municipal Executive Branch official or the Municipal Court Judge expresses a need for either an additional or temporary Municipal Court Judge, that request should be confirmed to you in writing and contain sufficient supporting information (at your direction) to enable you to conduct a meaningful analysis of the merits of the request, as detailed in Section III below.

III. Processing Applications

A. Evaluation Factors

If an application for consent is made to you for either an additional or temporary judge(s), it is recommended that an analysis be made of the Municipal Court's need before giving your written consent to the municipality.

This analysis shall, at least, include:

- (1) Trends in law enforcement activity in the municipality;
- (2) Caseload trends;

- (3) A review of the number of the sessions/bench hours sat by the regular Municipal Court Judge over the past years;
- (4) Productivity (rates of open court dispositions per bench hour as compared to Municipal Courts in the vicinage and the state) of the regular Municipal Court Judges;
- (5) The ability of the court to clear its calendar and prevent the growth of significant backlogs;
- (6) Overall impact on the court-s operating efficiency;
- (7) Whether the need for an additional judge would be obviated by a more efficient operation of the court by the municipal court administrator;
- (8) An assessment that either an adequate court support staff is in place or that such a support staff will be provided by the municipality.

Furthermore, since additional judges are being appointed in response to identifiable long-term needs, when giving consent, you should be satisfied that the court has made attempts to meet increased demands by first scheduling additional or special sessions.

As the appointment of a temporary judge should be based on meeting short-term needs, your decision to consent to an appointment of that kind should also include consideration of increases in the volume of complaints, increased law enforcement activity, the need to schedule additional sessions to alleviate sudden backlogs and the effects of increased demands on the existing judge with a view to preventing the development of backlogs.

The Automated Traffic System (ATS) and its criminal component, the Automated Complaint System (ACS), produce court case management, workload and other reports that are available to you and your vicinage Municipal Division staff. You may find some of the data in those reports helpful during the course of your analysis.

B. Notification Process

Written notice of your consent or disapproval should be provided to the municipality. If your consent is given, a copy of that notice, together with the following information concerning the appointment(s), should be provided to the Administrative Office of the Courts, through the Municipal Court Services Division (which maintains the statewide records of Municipal Court judgeships), eliminating the need for me to see or be copied with the notice and information:

- (1) The name of the Municipal Court in the vicinage where the additional or temporary judge(s) has been approved for appointment;

- (2) The name, mailing address, phone and fax number of each additional or temporary judge appointed;
- (3) The documentation confirming the appointment(s) (copies of the enabling municipal Ordinance or Resolution and executed Oath of Office);
- (4) The term (beginning and ending dates) of each appointment.

C. Follow-Up

Following the appointment of an additional or temporary Municipal Court Judge, your vicinage Municipal Division staff should periodically monitor the ability of the court to more effectively manage its calendar with the additional judge(s). You should be provided with a staff analysis following the next regularly-scheduled annual Municipal Court visitation or after 12 months, whichever is the longer period of time. The idea is to provide you with additional evaluative information that may be of use in developing your response to future municipal requests, while helping to insure that the Municipal Court continues to be adequately staffed.

J. J. C.

EDITOR'S NOTE

This directive supersedes Directive #9-83, issued February 6, 1984. Chapter 7 of the Rules Governing the Courts of the State of New Jersey governs practice in municipal courts. This chapter was substantially revised in 1997 and users of this compilation should consult the revised chapter for any changes that may affect these directives.