

Rotation of Judicial Assignments

Directive #6-88
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Chief Justice Robert N. Wilentz

Ours is a Judiciary of which I am very proud. However, there is always room for improvement. One way to bring about that improvement is through the rotation of judicial assignments.

The topic of rotation of judicial assignments has been discussed at length in New Jersey, most recently at the May 27, 1987, September 30, 1987, and February 25, 1988 CJ/AJ meetings and in my 1987 Judicial College remarks.

As a result of those discussions, the following policy statement is to go into effect as of July 1, 1988:

I. General Rotation

A. New Judges

After consultation with the Assignment Judges, I have determined that it is important for newly appointed judges to have the opportunity to gain experience in all areas of judicial service. Thus, the assignments of all judges appointed on or after January 1, 1987 will be rotated within their respective vicinages through the Civil, Criminal, and Family Divisions in such order as the Assignment Judge, after discussion with me, shall determine. The purpose of this rotation is to offer each new judge the opportunity to extend his or her individual competencies in each area, while at the same time improving opportunities for service and career development within the Judiciary. This rotation will ensure that each judge becomes both a more well-rounded judge and available for any assignment as necessary.

On occasion, special circumstances may arise that militate against rotation of a particular new judge to or from a particular assignment. The Assignment Judge and I will therefore consider and handle exceptions to the general policy on a case-by-case basis.

A new judge's initial assignment will be based upon several factors, including the needs of that judge's vicinage at the time the judge takes the bench; his or her interests, training, and experience; and other relevant considerations. The time spent by the new judge in each assignment may vary, but the goal is to achieve service in all three Divisions within a reasonable time.

To further aid newly appointed judges, the annual new judge orientation seminar will be videotaped and copies made immediately available for interim education or training pending attendance at the next regularly scheduled orientation seminar.

As I stressed in my opening remarks at the 1987 Judicial College, this general rotation policy for new judges is important. The objective of ensuring that new judges are competent in all areas can be "achieved through a systematic rotation of all new judges."

B. Judges Other Than Those Newly Appointed

After consultation with the Assignment Judges, I have determined that, for somewhat different reasons, the policy of rotation of judicial assignments should also extend to sitting judges other than those recently appointed. However, rather than the automatic rotation prescribed for new judges, the rotation of experienced judges will be implemented in a way that takes into account such considerations as the preferences of judges for particular assignments, their special skills and experiences, their age, the past assignment practices in the vicinage, as well as vicinage and division needs. But rotation is nonetheless the preferred policy and, accordingly, is encouraged.

Additionally, when the assignment of an experienced judge is changed, that judge shall be provided with all available aids, such as the videotapes of the portions of the new judges orientation seminar relevant to the judge's new assignment, and shall be offered the opportunity to attend the relevant portions of the next such scheduled orientation seminar. That judge will also be given the opportunity to attend relevant judicial education courses, both within and outside of the state, as appropriate.

In my introductory remarks at the 1987 Judicial College I made reference to some of the reasons underlying this aspect of rotation, as follows:

[J]udges can get stale and so can the support staff that works with a judge. And judges who never move sometimes unfairly prevent others from trying something new. Preparation is required before such rotation can occur[,] including training of judges in new fields of law and procedure when necessary. There is a certain professional challenge that is lost when there is no rotation. Finally, sometimes the public interest requires rotation. I know of no better example than the Family division whose work is second to none in its impact on society, on children, on the lives of our citizens. It can often save and sometimes destroy. You would think that the most experienced judges would be called upon to give at least some of their time and talent to this work. As you know, that's not always so. Again this is for the assignment judge to decide. But I intend to continue to strongly urge them to consider these policies that I've just mentioned.

Because of the constraints of personnel and scheduling, multiple-county vicinages are presented with special problems regarding rotation of judicial assignments. While greater flexibility may thus be required, the Judiciary will follow the policy favoring rotation of judicial assignments to the fullest extent practicable.

II. Rotation of Presiding Judges

I recently reiterated the rotation policy with regard to the designation of Presiding Judges. That policy establishes the preference for rotation, but permits flexible implementation. The key is that the Presiding Judge position should not be looked upon as a permanent appointment. Notices to the effect that such designations are not permanent will continue to be published periodically in the *New Jersey Law Journal* and in the *New Jersey Lawyer*.

As I stated at the 1987 Judicial College:

The competing considerations on the question of rotation of presiding judges are, on the one hand, [that] the experience and talent of the present presiding judge argues for [retention]. On the other, the scarcity of positions in

the judiciary with important administrative responsibility argues for rotation so that others will have a chance.

I favor rotation not as an absolute rule, but from time to time to give others a chance. If you want at least some limited experience in judicial administration, you shouldn't have to hope that someone dies or retires before you do.

The real problem I think lies in expectations and perceptions. If we could only get over the idea that somehow being replaced as presiding judge is a demotion, if we could get over that idea, rotation would be much easier and more widely accepted. It isn't a demotion. It's a chance for someone else, maybe worse, maybe better, certainly different. Someone else is entitled to that experience.

Rotation of Presiding Judges, in and of itself, is good for the system in that rotation presents an opportunity to include other judges in the management and policy making experience.

EDITOR-S NOTE

The only change has been the addition of the New Jersey State Bar Association's publication *New Jersey Lawyer* to the last sentence of page 4, Section II, paragraph 1. That publication has been designated as another organ for publication of court notices and such notices are published now in both the *New Jersey Law Journal* and in the *New Jersey Lawyer*.