



## NEW JERSEY STATE BAR ASSOCIATION

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May 11, 2018

Honorable Phil Murphy  
Governor, State of New Jersey  
Office of the Governor  
P.O. Box 001  
Trenton, NJ 08625

Dear Governor Murphy:

Four years ago, New Jersey became a national model for criminal justice reform, trading in a cash bail system that let defendants who could afford bail go free pending trial in exchange for a system that evaluates a defendant's risk to the community in making a decision about pretrial release.

Today, other states are recognizing the forward thinking of that courageous move and are looking to enact similar reforms. However, our innovative approach may be at risk. According to statistics from the Judiciary, the New Jersey system could be in financial jeopardy by 2020. That's largely because it is currently funded through court filing fees, and there are decreasing revenues from court filings, leaving the courts unable to keep pace with the program's expenses. The New Jersey State Bar Association urges you to keep the program intact by including funding for criminal justice reform as a part of regular state appropriations, rather than continue to rely on court filing fees to sustain the program in the future.

The original measure adopted in 2014 authorized the Judiciary to revise or supplement court filing fees to fund the "21st Century Justice Improvement Fund," which would be used to finance criminal justice reform, eCourts and an annual appropriation to Legal Services of New Jersey. In response, the Judiciary increased the cost for litigants to access the courts in over 75 different types of matters to provide an anticipated \$42 million annually in revenue. Further increases could result in creating an access to justice issue by making the cost of bringing a claim in court out of reach for some litigants.

According to the Judiciary's 2017 Report to the Governor and the Legislature, those fees have not proven to be a reliable funding source. In fact, revenue from the increased filing fees actually decreased from \$44 million in FY2016 to \$41 million in FY2017. Even more, the Judiciary's Report show it is tracking at a 2.4 percent decrease for FY2018, as well. In testimony before the Senate and Assembly Budget Committees, Acting Administrative Director of the Courts Judge Glenn A. Grant indicated that expenses are anticipated to exceed revenues by \$13 million in FY2019. Judge Grant sounded the warning bell that continued reliance on filing fees to fully fund the system is simply not sustainable.

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The NJSBA agrees that the future of criminal justice reform should not rest on the pocketbooks of litigants. As a program that benefits all of the state's residents, it should be supported by all of the state's resources. To ensure the continued success of criminal justice reform, the NJSBA urges you to establish a stable and dedicated funding stream for the initiative in the budget from regular state appropriations.

Thank you for your consideration of this important request.

Respectfully,

A handwritten signature in black ink, appearing to read 'R. B. Hille', written in a cursive style.

Robert B. Hille, Esq.  
President

cc: Matt Platkin, Esq., Chief Counsel  
John E. Keefe Jr., Esq., NJSBA President-Elect  
Angela C. Scheck, NJSBA Executive Director