



NEW JERSEY STATE BAR ASSOCIATION

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Honorable Stuart Rabner, Chief Justice
New Jersey Supreme Court
Hughes Justice Complex/ P.O. Box 037
Trenton, NJ 08625-0037

Re: Municipal Court/Plea by Mail

Dear Chief Justice Rabner:

Thank you for working with the New Jersey State Bar Association and the rest of New Jersey's legal community to ensure the state's justice system remains open and accessible despite restrictions imposed by the pandemic.

For municipal courts, pleas by mail have become a more frequently-used method of resolving matters, as it allows the parties to agree to a negotiated plea without the need for a court appearance. Municipal Court practitioners have raised concerns about an alarming practice in connection with pleas by mail, however. Several practitioners have heard from clients who received correspondence like the attached letter directly from a municipal prosecutor. The letters attempt to address a serious violation a defendant is charged with, and offer an amendment to that violation. There are several concerns with how the letters are presented. They are sent directly to defendants, even if they are represented by counsel. They arrive without any other explanatory information. Most importantly, defendants are not advised of their rights, including a right to counsel, and there is no explanation of the charges and potential consequences. In addition, the letters are issued on the municipal court's letterhead, giving the impression that the proposed plea agreement is already sanctioned by the court. The New Jersey State Bar Association initially believed the practice was an isolated one, but practitioners have increasingly reported the same practice in different parts of the state.

On behalf of the NJSBA, I am respectfully requesting that appropriate steps be taken to address this practice. While plea by mail is a useful tool that allows for the amicable resolution of municipal court disputes in appropriate cases, it is imperative that it be used in a manner that ensures defendants are afforded all of their rights, and any resulting agreement reflects a knowing and voluntary action by a fully informed defendant.

Thank you, again, for your continuing efforts during these difficult times.

Respectfully,

A handwritten signature in black ink, reading "Kimberly A. Yonta". The signature is written in a cursive style with a large, decorative flourish at the end of the name.

Kimberly A. Yonta, Esq.
President

cc: Hon. Gurbir S. Grewal, Attorney General
Hon. Glenn A. Grant., J.A.D., Acting Administrative Director of the Courts
Domenick Carmagnola, Esq. NJSBA President-Elect
Angela C. Scheck, NJSBA Executive Director

