



# NEW JERSEY STATE BAR ASSOCIATION

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September 30, 2016

Hon. Glenn A. Grant, J.A.D.  
Administrative Office of the Courts  
Hughes Justice Complex  
P.O. Box 037  
25 W. Market Street  
Trenton, NJ 08625

Dear Judge Grant:

Thank you for your September 12, 2016 response letter which addressed several issues raised in the August 1, 2016 meeting between Your Honor, Chief Justice Rabner, NJSBA Executive Director Angela Scheck, and me. We appreciate the opportunity to continue a dialogue with the Court regarding filing fee increases and implementation as these issues continue to be of significant concern to our members.

Our Board of Trustees met Friday, September 23, 2016, and reviewed the information you provided. Additionally, while it took no action on the matter, the Board reviewed and discussed the Bergen County Bar Association's proposed Complaint for Declaratory Judgment and Injunctive Relief, which we understand was distributed to Judicial and Legislative leaders.

As we reported in our October 20, 2014 letter to you, our March 16, 2015 meeting with the Court, our October 22, 2015 letter to Chief Justice Rabner, and our March 14, 2016 meeting with the Court, and at our latest meeting on August 1, 2016, we continue to receive vocal feedback from our members objecting to several fee increases and, especially recently, expressing concern about the need for uniform implementation of fee increase policies among the several vicinages.

The NJSBA recognizes the importance of funding criminal justice reform, e-Courts and Legal Services of New Jersey and the necessity of a secure funding source for these initiatives. We maintain our longstanding position, however, that funding for the courts should ultimately be through the General Treasury since the fees amount to a user tax and the courts are available to everyone in this state.

While you have provided some information in your letter that responded to most of the handful of fees we addressed previously (out of the more than 75 increases that were implemented), there remains serious concern to the Association and lawyers statewide that the practical impact to lawyers, their clients and the public has not been given the elevated priority it deserves. Please note that we are in the process of reaching out to members to collect the information you had requested in August so that we can provide specific examples of how the fee increases are being implemented in vicinages around the state. We will be in contact with Your Honor under separate cover once we have compiled that information.

In the meantime, we continue to seek greater transparency about the overall costs -- both current and ongoing -- associated with criminal justice reform and e-Courts. In the first year of implementation, in the Criminal Justice Reform Report to the Legislature (which contained data through Dec. 31, 2015) it indicated that the funding goal of \$42 million per year was expected to be met by year end. Several questions remain unanswered: What is the status of this second year? Will the \$42 million goal be realized for the year (i.e., is it falling short or are the fee increases bringing more revenue than anticipated)?

In the Report to the Legislature, certain one-time start-up projects were identified both for the Pretrial Services Program and for e-Courts. The Association would presume that those are not recurring costs. So that we can better evaluate, and perhaps better address with our members the complaints regarding the specific fee increases we have identified, what do you anticipate will be the annual expense of running both programs? Will the current fee increases and the projected \$42 million in revenue be enough to fully meet the goals of both programs for the foreseeable future?

There are other, unanticipated costs for criminal justice reform at the county level, such as courthouse security measures and staffing for county prosecutor's offices and public defenders. From where will funding for these local initiatives be derived?

Moreover, very little budget information is included (two paragraphs on the seventh page) in the aforementioned Report. It indicates that expenditures through December 31, 2015 were a total of \$3.7 million of the \$40.7 million that had been collected. Of the \$21.3 million collected for pretrial services \$2.6 million had been spent, and of the \$9.7 million collected for e-Courts \$1.1 million had been spent through December 31, 2015.

We are certain that significant additional expenses have been incurred in this past year as we approach the January 1, 2017 launch of criminal justice reform. We respectfully request a detailed accounting of the Justice Improvement Fund, which would include all additional expense items related to criminal justice reform and e-Courts. A review of this information could alleviate some of the concerns that are permeating the legal community, leading to a sense of frustration with the Judiciary.

The NJSBA appreciates the opportunity to work with the Court. While we understand that there will be times where our members express concerns, frustrations and, indeed, objection, you can be sure we present these with respect for the Court and its role in advancing the justice system. It is the cooperative nature of the relationship between the bench and bar that serves the central goal of ensuring an efficient and effective Judiciary for the public.

Sincerely,



Thomas H. Prol  
President

C: Hon. Stuart Rabner, Chief Justice, New Jersey Supreme Court  
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