

# JUDICIARY TIMES

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# Addressing social upheaval in a pandemic

By Judge Glenn A. Grant  
Acting Administrative Director of the Courts



Judge  
Glenn A. Grant

2020 will be defined by two seismic events -- the global COVID-19 pandemic, which has taken the lives of a quarter million Americans so far and has changed just about every aspect of our daily lives, and the killing of George Floyd, which led to the largest civil rights protests in the nation's history against the systemic racial injustices in the criminal justice system.

Faced with the ongoing challenges posed by COVID-19, the majority of our workforce continues to work from home while maintaining the Judiciary's unwavering commitment to performing its crucial role.

Our organization's agility in being able to quickly move out of the courthouses and court offices and into the new normal of virtual operations was possible because of extensive visionary planning,

attention to building our technological infrastructure for the future, and the ability of our judges and staff to adapt to a new way of conducting business.

While we have accomplished a great deal in the past year, we still face numerous challenges as we continue to address issues associated with the second wave of the pandemic. Another challenge, which is more fundamental, is our pursuit of racial equity in the justice system.

A foundational step in that regard is to achieve an awareness - organizationally and individually - of the racial inequities in our justice system.

As the Chief Justice, the Supreme Court, and I outlined in June, and as the Court reinforced in its July Action Statement, each of us must dedicate time and effort to increasing our knowledge and understanding of discrimination, including implicit bias. It is only through that awareness that we will be able to improve our ability to ensure fair and equal treatment for all court users.

We have a shared responsibility to do what we can today to ensure that there is a better tomorrow, and through our dedicated effort, I have confidence that we will continue to safely and successfully address the legal system needs of New Jersey residents and businesses.

*"We must answer the challenge of ensuring that all men and women, especially people of color, are offered the same opportunity and treatment by the court system. Justice and fairness lie at the heart of our legal system. And those standards must apply equally to all. Wherever it exists in the criminal justice system, we must identify and root out bias in all forms. The courts must be a place where court users, attorneys, and court employees can all expect to be treated with fairness, dignity, and respect, regardless of their race or background."*

*-New Jersey Supreme Court statement  
June 5, 2020*



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# NJ Supreme Court outlines action plan for equal justice through reforms

By Peter McAleer and MaryAnn Spoto  
Office of Communications and Community Relations  
Administrative Office of the Courts

The New Jersey Supreme Court on July 16 outlined a series of reforms it will seek to accomplish within the next year in order to eliminate disparities within the court system and remove institutional obstacles to justice. [The Action Plan for Ensuring Equal Justice](#) came just over a month after a June 5 statement from the state Supreme Court in which the Court renewed its commitment to “answer the challenge of ensuring that all men and women, especially people of color, are offered the same opportunity and treatment by the court system.”

“The New Jersey Supreme Court recognizes that this effort will require continued long-term commitment, dedication, and focus to institute lasting change,” Chief Justice Stuart Rabner said. “Today, the Court announces an action plan to implement concrete steps designed to eliminate systemic barriers to equality.”

The action plan identified nine reforms that will:

- **support juror impartiality** by implementing policies and protocols so that juror orientation, model jury charges, jury selection questions and the juror selection process include a focus on impartiality and implicit bias.
- **reduce timeframes for post-dispositional supervision** for persons on probation supervision, such as graduates of the Drug Court Program and Intensive Supervision Program, to ensure that supervisory terms are tailored to provide maximum benefit without prolonging court involvement that does not contribute to rehabilitation.
- **support juvenile rehabilitation** by examining options for retroactively rescinding and prospectively eliminating court-imposed punitive fines and penalties for juveniles where appropriate.
- **require anti-bias Continuing Legal Education** for judges and attorneys.
- **utilize new technology to make the expungement process easier** and improve opportunities for all persons to access expungement resources.
- **enable alternative methods of resolving court matters** to reduce the need for litigants to appear in person at municipal courts.
- **broaden language access resources** to provide more detailed guidance on interpreting services for remote court proceedings.
- **reexamine access to court records** that create inappropriate hardships for disadvantaged populations, such as landlord/tenant complaint filings that do not note the outcome of the matter.
- **improve the landlord / tenant process** by providing plain language information to tenants and landlords about claims and defenses, and engaging judges in focused review of settlement agreements, especially those involving self-represented litigants.

The Court also committed its continued support for critical Judiciary initiatives that have confronted pervasive barriers to justice, such as municipal court reform; juvenile justice reforms, including the Juvenile Detention Alternative (JDAI) program; Criminal Justice Reform; jury selection reform; the transformation of Probation Services; and continued efforts to leverage technology in order to allow all residents to access the court system.

The Judiciary also will continue to collaborate with the Legislative and Executive branches where appropriate on legislation that impacts access and fairness in the justice system, including a reexamination of the jury selection process, mental health initiatives, juvenile justice reforms, sentencing reforms and other issues that affect institutional bias and equality.

The Court acknowledges the exemplary work of the Administrative Office of the Courts and its director, Judge Glenn A. Grant, in particular, in the development of this action plan.

*“The New Jersey Supreme Court recognizes that this effort will require continued long-term commitment, dedication and focus to institute lasting change.”*

- Chief Justice Stuart Rabner

# Justice Fabiana Pierre-Louis sworn in

By Mike Mathis  
Judiciary Times Editor

Fabiana Pierre-Louis became the first Black woman to serve on the New Jersey Supreme Court when she was sworn-in Sept. 1 during a ceremony attended in person by her family and by fellow members of the Court virtually.

Senior Associate Justice Jaynee LaVecchia administered the oath to Justice Pierre-Louis, whose unanimous confirmation by the state Senate occurred five days earlier. Justice Pierre-Louis thanked those in attendance for supporting her throughout her career, including her family and now retired New Jersey Supreme Court Associate Justice John E. Wallace Jr., for whom she served as a law clerk and whose seat on the Court she now occupies.

"I really look forward to joining the Court," Justice Pierre-Louis said after Justice LaVecchia administered the oath. "I look forward to working with you all." Justice Pierre-Louis participated in her first arguments of the Court's 2020-2021 term on Sept. 8.

Justice Pierre-Louis succeeds Associate Justice Walter Timpone, who stepped down several months before reaching the mandatory retirement age of 70 in November. Justice Pierre-Louis received a bachelor's degree from Rutgers University and a law degree from Rutgers Law School. Justice Pierre-Louis began her career in the white collar and government investigations practice at the law firm Montgomery McCracken. In September 2010, she joined the U.S. Attorney's Office, where she served as the attorney-in-charge of the Trenton and Camden branches. Justice Pierre-Louis also worked in the Newark office in the general crimes and organized crime and gang units.

In June 2019, Justice Pierre-Louis returned to Montgomery



Senior Associate Justice Jaynee LaVecchia administers the oath to Justice Pierre-Louis as Gov. Phil Murphy watches.



McCracken, where she was a partner in in the white collar and government investigations practice group. She focused her practice on complex commercial litigation, white collar crime, and government investigations. "You are an exceptional individual, both professionally and personally, and you make history today," Gov. Phil Murphy said.

# Judge Mala Sundar named presiding Tax Court judge

By MaryAnn Spoto  
Communications Manager  
Administrative Office of the Courts

Chief Justice Stuart Rabner has named Judge Mala Sundar to become the presiding judge of the Tax Court upon the retirement of Judge Joseph M. Andresini. "Judge Andresini has led the Tax Court with distinction. I am confident that Judge Sundar will continue the Court's excellent work, which has served the citizens of New Jersey well for decades," Chief Justice Rabner said. Judge Sundar was appointed to the Tax Court by Gov. Chris Christie and took her oath on July 27, 2009. She was reappointed in June 2016 by Christie. Prior to her judicial appointment, she joined the New Jersey Division of Law as a deputy attorney general, representing state/governmental agencies on all



Mala Sundar  
presiding Tax Court judge

taxation-related issues. She completed her career there as section chief for transportation. She earned her law degree from Rutgers Law School in Camden. "I am honored to have been appointed as Judge Andresini's successor upon his retirement. Like the preceding presiding judges, I will continue to maintain the Tax Court's local and national reputation as one of the best in the country, and one which generates the highest quality opinions," she said. The appointment will be effective Jan. 16, 2021 when Judge Andresini retires. He served nearly three years as presiding Tax Court judge.



# Stephen W. Townsend, retired New Jersey Supreme Court clerk, passes

By Mike Mathis  
Judiciary Times Editor

Steven W. Townsend, whose career in the New Jersey Judiciary spanned nearly 40 years, including 31 years as clerk to the New Jersey Supreme Court, died on April 22. He was 75 years old. By the time he retired in 2009, Townsend served seven of the eight chief justices of the Supreme Court and 24 of the 34 associate justices who had served under the 1947 state Constitution.

"Stephen's extraordinary contributions to the legal system for more than 30 years will long be remembered," Chief Justice Stuart Rabner said. "His depth of knowledge and sense of history of the Court was immeasurable, and he will be greatly missed."

As the Court's chief executive for administration of Supreme Court operations, the clerk oversees the day-to-day business of processing the thousands of motions and petitions for certification presented to the Court, as well as attorney and judicial disciplinary matters before the Court, bar admissions matters, attorney certifications and other applications and petitions for review presented to the Court.

In addition to those duties, the clerk oversees the functioning of the Board of Bar Examiners, the Committee on Character, and the Board on Attorney Certification and supervises the director of the Office of Attorney Ethics, the chief counsel to the Disciplinary Review Board and the executive director of the Lawyers' Fund for Client Protection.

Mr. Townsend was born in Bronxville, N.Y. and was raised in Dumont, Bergen County. He graduated from Dumont High School in 1963, and his family moved to Cherry Hill before he enrolled at Bucknell University. Mr. Townsend received his A.B. in history in 1967 and his law degree with honors from the Dickinson School of Law in 1970.

He served as a law clerk to two Superior Court judges in Camden County and then became a senior attorney in the legal research section at the Administrative Office of the Courts in 1971. He served as deputy clerk of the Supreme Court from 1973 until his appointment as acting clerk in 1977.

Mr. Townsend became clerk of the Supreme Court in 1978. He succeeded Florence Pescoe, who later became a Superior Court judge in Monmouth County.

Mr. Townsend earned a distinguished service award from the National Conference of Appellate Court Clerks where he served on the executive committee from 1982-1989 including a term as president from 1987-1988. He also was an active member of the National Conference of Bar Examiners.

After his retirement, Mr. Townsend volunteered at the Ewing Library and was a narrator for Learning Ally, a non-profit provider of audiobooks serving the blind and dyslexic. He is survived by his wife Phyllis E. and his sons, Chad and Andrew.



Chief Justice Stuart Rabner presents Stephen W. Townsend with a certificate honoring his nearly 40 years of service with the New Jersey Judiciary, including 31 years as clerk to the Supreme Court.



Stephen W. Townsend sits with his wife and son during his retirement ceremony in 2009.



# The Work of the Courts Continues The New Normal

**Use una cubierta de tela para la cara de manera segura**

**USAR LA CUBIERTA DE TELA PARA LA CARA CORRECTAMENTE**

• Use una cubierta de tela para la cara para ayudar a proteger a los demás en caso de que usted está infectado, pero no tenga síntomas.

• Inténtala puesta todo el tiempo que esté en un lugar público.

• No se la quite del cuello ni se la deje sobre la frente.

• No se la limpie o, si lo hace, limpie las manos.

**USE LA CUBIERTA DE TELA PARA LA CARA PARA AYUDAR A PROTEGER A LOS DEMÁS**

• Use una cubierta de tela para la cara para ayudar a proteger a los demás en caso de que usted está infectado, pero no tenga síntomas.

• Inténtala puesta todo el tiempo que esté en un lugar público.

• No se la quite del cuello ni se la deje sobre la frente.

• No se la limpie o, si lo hace, limpie las manos.

**DE SALUD COTIDIANOS**

• Use los siempre cuando estén en espacios con mucha gente.

• Mantenga una distancia de al menos 6 pies de las personas que no son de su hogar.

• Evite tocar los ojos, la nariz o la boca.

• Evite compartir objetos personales como vasos de agua o platos.

**QUITÉSE LA CUBIERTA DE TELA PARA LA CARA CON CUIDADO, CUANDO ESTÉ EN CASA**

• Quite la cubierta de tela para la cara cuando esté en casa o en un lugar privado.

• Quite la cubierta de tela para la cara cuando esté en casa o en un lugar privado.

• Quite la cubierta de tela para la cara cuando esté en casa o en un lugar privado.

• Quite la cubierta de tela para la cara cuando esté en casa o en un lugar privado.

[cdc.gov/coronavirus-es](https://www.cdc.gov/coronavirus-es)

**Síntomas del coronavirus (COVID-19)**

Conozca los síntomas del COVID-19, que pueden incluir:

**Tos** **Fiebre** **Fatiga** **Dolor muscular**

**Dificultad para respirar** **Dolor de garganta** **Pérdida del gusto**

Los síntomas pueden ser de leves a graves, y aparecer de 2 a 14 días después de la exposición al virus que causa COVID-19.

**\*Busque atención médica de inmediato si alguien tiene signos de advertencia de emergencia del COVID-19.**

- Dificultad para respirar
- Dolor o presión persistente en el pecho
- Confusión de aparición reciente
- Dificultad para despertarse o mantenerse despierto
- Color azulado en los labios o el rostro

[cdc.gov/coronavirus-es](https://www.cdc.gov/coronavirus-es)

**Symptoms of Coronavirus (COVID-19)**

Know the symptoms of COVID-19, which can include the following:

**Cough** **Fever** **Chills** **Muscle pain**

**Difficulty breathing** **Sore throat** **Loss of taste**

Symptoms can range from mild to severe illness, and appear 2-14 days after you are exposed to the virus that causes COVID-19.

**\*Seek medical care immediately if someone has emergency warning signs of COVID-19.**

- Trouble breathing
- Persistent pain or pressure in the chest
- New confusion
- Inability to wake or stay awake
- Bluish lips or face

This list is not all possible symptoms. Please call your medical provider for any other symptoms that are severe or concerning to you.

[cdc.gov/coronavirus](https://www.cdc.gov/coronavirus)

New Jersey Judiciary

The following stories focus on how the NJ Judiciary continues its work during the COVID-19 pandemic.



# New Jersey Supreme Court order suspends jury trials amid second wave of COVID-19 pandemic

The New Jersey Supreme Court issued an order on Nov. 16 suspending criminal and civil jury trials and in-person grand jury sessions in response to a second wave of COVID-19 infections.

Most court hearings have been held remotely since the start of the COVID-19 outbreak in March. As COVID cases declined and the court put safety measures in place, limited in-person proceedings, including socially distanced jury trials and in-person grand jury sessions, were able to resume in September.

“The increasing rates of new cases, hospitalizations and deaths make it impracticable and unsafe for certain in-person court events to continue at the level reached during the past few months,” the Court wrote in an order signed by Chief Justice Stuart Rabner.

The Court’s order extends the period of excludable time for prosecutors to bring cases to a grand jury by 45 days. In-person grand jury panels can switch to a virtual format, and existing virtual grand jury panels can continue to convene, under the order.

Virtual grand juries have been established in all 21 counties. The Judiciary has provided technology as necessary to enable participation by all qualified jurors.

Since the start of the pandemic, judges have conducted more than 100,000 remote court events involving more than 1.2 million participants. The one in-person jury trial in progress will be allowed to continue. Fewer in-person trials are ordinarily held in late-November and December. Since September, about a dozen jury trials have been

conducted. The resumption of jury trials, though, resulted in the resolution of more than 115 criminal cases and settlements in more than 225 civil cases.

The Court said in its order that it will continue to be guided by experts in public health as it administers court operations in a manner that prioritizes the safety of court users.

Prior to the suspension of jury trials, the Judiciary conducted jury selection through a hybrid process done both virtually and in-person. In order to avoid bringing in large groups of prospective jurors, initial questioning of potential jurors was conducted virtually in the presence of the judge and attorneys from both parties. The in-person phase of jury selection was conducted observing social distancing requirements and with jurors and others generally required to wear masks.

When the selection process was completed, jurors were empaneled for a socially distanced in-person trial, which was conducted in accordance with public health guidance issued by the Centers for Disease Control and Prevention and the New Jersey Department of Health.

Empaneled jurors were required to wear masks, which the Judiciary provided as needed. Throughout the trial, the Judiciary enforced social distancing to avoid close contact between trial participants. The plan also provided for designated restrooms and break areas, as well as additional cleaning and sanitizing.

Attorneys and parties were invited to walk through the physical layout of reconfigured courtrooms in advance.



*“The increasing rates of new cases, hospitalizations and deaths make it impracticable and unsafe for certain in-person court events to continue at the level reached during the past few months.”*

*- New Jersey Supreme Court*

# Judiciary ombudsmen: Bridging the digital divide to help those without technology

By **MaryAnn Spoto**  
**Communications Manager**  
**Administrative Office of the Courts**

A housebound senior being sued for unpaid medical debt. A parent unable to pay child support after losing a job. A family facing eviction. Those are just a few of the serious legal issues many New Jersey residents face every day when they need to turn to a court for a resolution, even now as many services have moved online.

But what about those who don't have access to the internet at home? With the COVID-19 pandemic forcing the majority of court operations to be handled online, the New Jersey Judiciary's Ombudsman Program is continuing to help self-represented litigants get the services they need, even if they have little or no internet access.

"The Judiciary is very mindful that not all residents have the technological capability or the equipment to access our services remotely," said Judge Glenn A. Grant, acting administrative director of the courts. "Our ombudsman program plays an even more critical role during this health crisis by assisting court users who may not have the ability to interact with the court remotely. The dedication of our ombudsmen in this manner is an outstanding example of their commitment to assist the public."

More than two-thirds of litigants in civil and family matters in New Jersey courts are self-represented, most because they cannot afford an attorney. Unique among similar programs offered by other state courts nationwide, the New Jersey Judiciary's ombudsmen can assist litigants in every county and in every case type.

Last year, Judiciary ombudsmen helped more than 75,000 people, 85 percent of whom were self-represented litigants.

Essex Vicinage Ombudsman Sarah Hatcher said her staff is preparing for an increased workload because of the challenges facing community service organizations during the pandemic. Even instructions on how to fill out court forms become more challenging when done over the phone, she said.

Serving urban and suburban populations, Hatcher said, "You can't make assumptions. You can't assume everyone can access court resources electronically. You can't even assume everyone has a cellphone—some people don't have one at all, or perhaps have only a phone for calls with very limited minutes."

Hatcher has helped people in her court resource center in Newark who have taken three buses to get there. One older man had walked from several towns away because he could not afford the bus fare. Judiciary ombudsmen are court employees, so they cannot give legal advice, but they can help the public navigate the court system.

Ombudsmen can answer questions, explain court procedures, provide forms and instructions, and offer referrals to community service programs where needed.

There is an ombudsman assigned to each of the 21 county courthouses. Hudson Vicinage Ombudsman Pauline Daniels is concerned about the members of the community who have not received the message that the courts are open for business.

Daniels noted the challenges to helping court users by phone, now that they can't visit the court resource center in Jersey City. "Face to face interactions are very important, especially for non-English speakers or those for whom English is a second language," Daniels said. She can conduct a three-way phone call with the court user and a court interpreter, but "being able to see the body language and facial expressions would help the court user even more."

Passaic Vicinage Ombudsman June Zieder said that even though the court has many online tools and resources, there are still people who cannot access them. For those court users, if there is no other option, she will print forms on her personal printer at home and mail them.

"If I have to print it out myself, I will. That is not going to be a barrier to someone being able to file their court matter," Zieder said.

Zieder and her staff members are working from their homes rather than from their court resource center in Paterson. "We truly have a team atmosphere even under these conditions," she said. "If any of us needs help answering a court user's question, we reach out to each other and to our divisional experts." Two of her staff members can assist court users in Spanish, and the after-hours phone message provides information in both English and Spanish.

Camden Vicinage Ombudsman Vanessa Ravenelle said most of Camden's court users visited the courthouse in person, some of them accustomed to making multiple visits. Since that isn't possible right now, they are calling her with questions on court and non-court matters, knowing she'll answer the phone.

"I feel good about that. I will pick up the phone, and I will do my best to answer their questions," she said. She agrees that people are still calling to ask if the courts are closed. One day she saw an older woman in front of the courthouse, struggling with her walker, coming to report for jury duty. Ravenelle knows that court users who have no access to the court's online resources need help.

Since she still must report to the courthouse periodically, she prints forms and instructions to mail to court users who have no other way to obtain these materials. "I don't think what I do is extraordinary," Ravenelle said. "That's just what Judiciary ombudsmen do for court users every day."



# Municipal Court changes allow for case resolution without appearing in person

By **MaryAnn Spoto**  
**Communications Manager**  
**Administrative Office of the Courts**

The public can now ask a prosecutor to review their matters and may be able to resolve their case without having to appear in person, under a recent change to municipal court operations in New Jersey. The Judiciary's Online Dispute Resolution (ODR) program, which started in mid-May in approximately 30 municipal courts, allows court users to dispute a charge and provide information or evidence to municipal prosecutors online.

"These changes are part of a larger effort to make our municipal court system more efficient and more accessible," said Chief Justice Stuart Rabner. "Court users should not have to find childcare or take a day off from work to travel to the courthouse to speak to a prosecutor and try to resolve traffic offenses or routine matters."

The ODR program applies to 37 traffic offenses, such as speeding, failure to have an insurance card, or failure to yield, where defendants commonly provide additional documentation and seek a reduced charge before pleading guilty.

Court users can make their requests for review to the municipal prosecutor through NJMC Direct. After reviewing

the case, the prosecutor can offer a lesser charge or decline to change the charge. If a lesser charge is accepted, the matter will be reviewed by a judge for approval. If approved, the defendant does not need to go to court.

If the prosecutor declines to offer a lesser charge, or the judge does not approve the new charge, a hearing date is scheduled for the defendant to appear remotely. Additional courts will offer the program over the next several weeks as the program expands statewide.

Under a second change that went into effect on April 27, 400 minor offenses were added to the Statewide Violations Bureau Schedule. The new offenses include some minor traffic and parking matters as well as state Fish and Game and Weights and Measures violations. For these, defendants can plead guilty and pay online without having to go to court.

In one of the Judiciary's first actions to reduce municipal court appearances to reduce the spread of COVID-19, the Supreme Court on March 16 relaxed court rules that had required only those with "undue hardship" to plead guilty by mail to certain offenses in municipal court. Plea-by-mail does not apply to serious offenses, including those resulting in the likelihood of a driver's license suspension, jail time or community service.

## Passaic Vicinage hosts virtual Military Appreciation Month medal ceremony

By **June Zieder**  
**Ombudsman**  
**Passaic Vicinage**

The Passaic Vicinage Military Appreciation Month Committee held a virtual medal ceremony on July 1 to honor veterans from Passaic County for their service in the armed forces.

Retired Superior Court Judge Richard M. Freid served as master of ceremonies for this extraordinary event. Speakers included Assignment Judge Ernest A. Caposela, U.S. Reps. William J. Pascrell Jr. and Mikie Sherrill, Passaic County Freeholder Director Sandi Lazzara and Passaic County Veteran Services Officer John Harris.

The Passaic County Sheriff's Office conducted the raising of the flag and Sheriff Richard Berdnik led the flag salute. Vicinage employee Israel Ortiz, along with fellow singers Kevin and Keith Place, sang the national anthem.

After the presentations by the speakers, many of the veterans and family members who received medals posthumously for their relatives spoke about how much the honor meant to them. For one family member, it was one step closer to learning about the history of her father who died in war when she was young.

The Passaic Vicinage Military Appreciation Month Committee is comprised of representatives from the Passaic County Board of Freeholders, the Passaic County Clerk's Office, the Passaic County Bar Association, the office of U.S. Rep. William J. Pascrell Jr. and the Passaic County Office of Veteran Services.

In addition to the virtual medal ceremony, PowerPoint presentations honoring the nation's veterans were shown throughout May.

# Essex taps technology for read along

By Sarah C. Hatcher  
Ombudsman  
Essex Vicinage

Essex Vicinage is using technology to continue a time-honored tradition: reading to kids.

The vicinage hosted its first Essex Vicinage Read Along on Microsoft Teams on May 4. A program inspired by the needs of staff early in the COVID-19 pandemic, judges and staff read some of their favorite books to the children of their fellow colleagues.

The unprecedented circumstances facing staff and the community motivated the Essex Vicinage COVID-19 Committee to consider a virtual activity that would benefit all who participated. With the majority of outreach focused on those working remotely, the committee decided to focus on the Judiciary employees who were adjusting to the expectations of working from home while caring for their children and assisting them with virtual schooling.

Superior Court judges and staff volunteer approximately 20 minutes of their time each Wednesday to read a book virtually through our Teams. Readers have included Assignment Judge Sallyanne Floria, Trial Court Administrator Amy DePaul, judges, court executives, hearing officers and judiciary clerks.

Vicinage employees were encouraged to submit book suggestions and volunteer through the vicinage customer service mailbox. Featured books include classics such as *I Wish I Had Duck Feet* by Dr. Seuss and *Are you My Mother* by P.D. Eastman. Newer publications such as *Bad Seed* by Jory

John and *Dragons Love Tacos* by Adam Rubin also are in the rotation.

To ensure the diversity of the vicinage is reflected in the stories, books including a diverse series by Andrea Beaty, *Just Ask* by Sonia Sotomayor, *The Day You Begin* by Jaqueline Woodson and *Jabari Jumps* by Gaia Cornwall were included, Court Services Officer Derlina Rodriquez has read some of the books in Spanish. A welcome break from the stressors of the current environment, some readers even included their family and pets in on the fun.

"I greatly appreciate the opportunity to participate in the Read-Along," landlord/tenant hearing officer Brian Kistner said. "Times are tough right now. Often the days revolve around stress and uncertainty. So being able to partake in something fun and light-hearted that our kids could enjoy was a no-brainer." "I loved the opportunity to participate in the Judiciary read along," Assistant Family Division Manager Jody Polidoro said. "Reading one of my favorite books was the highlight of my day!"

*"Reading one of my favorite books was the highlight of my day!"*

- Jody Polidoro  
Assistant Family Division Manager  
Essex Vicinage

# Passaic judges share stories with kids

By June Zieder  
Ombudsman  
Passaic Vicinage

Children of staff in the Passaic Vicinage were given a treat every Friday during the summer from 1 to 1:20 p.m.

Each week, one of the vicinage's Superior Court judges read a picture book story to an eager group of children as they listened intently to every word. After the story ended, the judge and the children discussed the book and sometimes talked about their favorite foods and television shows.

Story Time with Passaic Vicinage Judges was a unique opportunity for judges and children of staff to connect during the COVID-19 pandemic.

The program started on June 26 and continued through Sept. 4.



Children of Passaic Vicinage staff enjoy a weekly story time, courtesy of the vicinage's judges.



# Judiciary initiative provides information to landlords and tenants during health crisis

By **MaryAnn Spoto**  
Communications Manager  
Administrative Office of the Courts

The New Jersey Judiciary launched an initiative to provide landlords and tenants with information about court operations as well as available services and community resources during the COVID-19 health crisis.

Through this initiative, each of the Judiciary's 15 court vicinages sponsored at least two landlord/tenant community resource webinars throughout the month of August. Among the topics that were discussed were the role of the courts in resolving landlord/tenant matters, the rights and responsibilities of landlords and tenants, and the pretrial settlement conference process.

"The New Jersey Judiciary is a neutral arbitrator in resolving litigation, but we have a responsibility to promote the community collaboration needed to tackle this challenge facing our state.

As part of that effort, we have set up this series of seminars in order to provide all parties the information and resources needed to reach the best possible outcome for their cases," said Judge Glenn A. Grant, acting administrative director of the courts.

A webinar kicking off the virtual outreach sessions on July

29 included representatives from the Judiciary, the New Jersey Department of Community Affairs, Legal Services of New Jersey and the New Jersey Apartment Association.

The vicinage seminars provided information about county-specific services and resources and allows landlords and tenants to ask general questions about how to resolve their cases. Individual cases will not be discussed.

Under an executive order from the governor, evictions of residential tenants are currently suspended until 60 days after the conclusion of the COVID-19 public health emergency and state of emergencies.

The Supreme Court's July 14 order prohibits evictions based on nonpayment of rent. The order allows eviction trials to be held only in the event of the death of a tenant or if the court determines the existence of an emergency, such as documented violence, criminal activity, or other health and safety concerns.

Several counties held virtual settlement conferences, which were expanded statewide. While all parties are encouraged to participate in the pretrial settlement process, either party can decline to participate without penalty.

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## Passaic Vicinage presents virtual expungement and divorce workshops

By **June Zieder**  
Ombudsman  
Passaic Vicinage

To bring services of the Mandak-Womack Resource Center remotely, the Passaic Vicinage, in collaboration with Northeast New Jersey Legal Services (NNJLS), is presenting virtual workshops to assist self-represented members of the public with divorce or expungement applications.

The workshops are held using the Zoom Webinar application. Links are located on fliers that are posted at [njcourts.gov](http://njcourts.gov).

The divorce application workshops are held on the second Thursday of every month from 10 to 11:30 a.m. and began on July 9. The expungement application workshops, which are held on the second and fourth Tuesdays from 10 a.m.

until noon, began on July 14. Attorneys from NNJLS provide information on the new laws and procedures when filing for a divorce or expungement. They review the application form and describe what happens after a divorce or expungement has been granted.

Attendees were invited to ask questions during the workshops using the Q&A button option. Along with the attorney from NNJLS, Superior Court staff answer questions about court procedures and processes. Those unable to join the workshop with a computer can use their cell phone to call in and listen to the information.

The workshops are informational only. Questions about specific cases could not be answered.

# Todd McManus named director of management and administrative services

By MaryAnn Spoto  
Communications Manager  
Administrative Office of the Courts



Todd McManus

Todd McManus is the new director of the Office of Management and Administrative Services (OMAS). McManus succeeds Shelley R. Webster, who retired in August 2020. McManus oversees the development and implementation of standards, policies and procedures for human resources as well as financial and support services.

McManus had served as assistant director of financial services, which oversees the Judiciary's financial operations, including budgeting, financial reporting, and purchasing. McManus joined the Judiciary in 2012 as finance division manager, a position he held for nearly five years.

Before his career with the Administrative Office of the Courts, McManus worked in the private sector as a manager, assistant controller and accountant for several companies spanning 12 years. "Mr. McManus brings great awareness and understanding of our court system both at the local and statewide level. He is extremely qualified to assume the position of director of the Office of Management and Administrative Services for the Judiciary," said Judge Glenn A. Grant, acting administrative director of the courts.

Webster served as OMAS director since October 2008. She joined the Judiciary in 2000 as chief of the financial services unit, was promoted to administrator of the unit in 2002 and named assistant director for management services the following year. "Ms. Webster is an outstanding public employee who has ably served the Judiciary for two decades," Judge Glenn said. "I have relied upon her knowledge and expertise extensively during my time as administrative director."

## Burlington Vicinage marks Pretrial, Probation and Parole Supervision Week

By Natonya Phillips  
Administrative Specialist IV  
Burlington Vicinage

The Burlington Vicinage celebrated the annual Pretrial, Probation, and Parole Supervision Week by participating in various virtual activities. Vicinage Chief Probation Officer Saul E. Hernandez began the week with a message thanking staff for their contributions throughout the past year and highlighting significant events.

Staff participated in virtual activities that included daily brainteasers/icebreakers and five competitions – Where is Saul; 4 Truths and a Lie; Fact or Fiction; Scattergories; and Name that Tune or Sound. At the end of the week, the Probation Division's Celebration Committee awarded first, second and third place winners of the competitive events. They also honored 24 dedicated staff for their outstanding

contributions to the division in the following award categories: Innovator; Customer Service, Patient Person, Consider it Done, Brightens the Day, EOBS Personified, Child Support Personified, Team Player and Unsung Hero. The criminal division also recognized its staff.

Each day a team leader forwarded an inspirational email to probation officers, court service officers, and investigators in the division. Criminal Presiding Judge Terrence R. Cook, Division Manager Shannon DeNise and Assistant Division Manager Michelle Consuegra concluded the week with a final recognition email.

The week culminated with a virtual community event on Microsoft Teams on July 24. Assignment Judge Jeanne T. Covert and Trial Court Administrator Alba R. Rivera spoke and awards were presented.



# Judiciary celebrates Probation and Pretrial Services Week

By MaryAnn Spoto  
Communications Manager  
Administrative Office of the Courts

The New Jersey Judiciary recognized Probation and Pretrial Services Week by celebrating the work of professionals whose efforts to rehabilitate adult and juvenile offenders also protect the safety of the community. The theme of the celebration, which ran July 19-25, is "Restoring Trust, Creating Hope."

"Even in the face of a health crisis that makes contact difficult, our officers have stayed connected to their clients through a greater use of technology in order to make positive changes," said Judge Glenn A. Grant, acting administrative director of the courts. "We have heard countless stories about the creative efforts of probation officers as they help individuals in their return to society."

The Judiciary's more than 1,900 probation officers perform a number of vital roles, including supervising adult and juvenile offenders and ensuring compliance with court-ordered obligations. Those obligations can include finding and maintaining a job, performing community service, paying fines and restitutions, attending school and substance abuse treatment programs, and adhering to curfews.

In Fiscal Year 2019, probation officers served 93,380 clients. They supervised 49,485 adults and 3,735 juveniles. They conducted 26,405 inspections and 74,780 visits to clients' homes. Probation clients performed 603,110 hours of community service. Rashad Shabaka-Burns, director of Probation Services, said the work of probation officers has become even more meaningful during the COVID-19 pandemic.

"In recognition of Probation and Pretrial Services Week, we take this opportunity to celebrate the work of our community supervision and child support staff. Traditionally, their work presents many challenges, but this year because of the COVID-19 pandemic, they have been especially challenged to adapt to an ever-changing situation," Shabaka-Burns said.

"Throughout this crisis, our officers continue to provide services to our clients while balancing community supervision, child support services and public health concerns." He said probation division staff, working with the criminal division, an outpatient treatment program and an inpatient facility, were able to place a client who tested positive for fentanyl multiple times at his outpatient treatment program into an inpatient treatment program within two days.

"This was an incredibly quick turnaround time for a situation that usually would have taken a couple of weeks under normal circumstances. It was a remarkable achievement under the current circumstances," he said.

He noted the creativity of the officers to keep their clients on track during the pandemic. One officer, he said, texts inspirational quotes to clients to help them stay positive. It has been so well received that now some clients are suggesting quotes for her to send, he said.

Other officers have convinced clients with bench warrants to surrender to authorities in order to receive the services they need. They have held conversations with clients about COVID-19 to help allay their fears and keep them in treatment. They have checked in with clients to let them know they're not alone during this health crisis.

Jennifer Perez, director of Trial Court Services, said the work of pretrial services staff has been instrumental during this time. The office of pretrial services was created in 2017 to support the operation of Criminal Justice Reform. Its staff of more than 300 pretrial services officers and supervisors keep in contact with defendants awaiting trial in their community rather than in jail. They provide information on local services, check in with defendants regularly, and remind them of upcoming court dates and the requirements to follow during their pretrial release.

Pretrial services, which operates 24 hours a day, seven days a week, conducts public safety assessments and monitors defendants who are released on conditions imposed by the court. If not for their efforts, more defendants who are presumed innocent would await their trial date in jail with potential exposure to health risks during the pandemic.

In 2019, pretrial services staff maintained contact with more than 40,000 defendants on pretrial monitoring. "Four years into Criminal Justice Reform, our pretrial services staff continues to serve as the backbone of a system that addresses defendants based on risk rather than on their ability to pay bail," Perez said.

"In the early stages of the current pandemic, pretrial services had to quickly move to a new model of remote reporting statewide. They did so while maintaining contacts with the defendants they monitor, allowing those defendants to continue to engage in work or care for family. We appreciate their daily efforts toward creating a fairer criminal justice system."

# Assignment Judge Yolanda Ciccone retires, becomes new Middlesex prosecutor

By Paulyn Holandez and Mike Mathis

Retired Assignment Judge Yolanda Ciccone proved that professionally you can go home again. Ciccone, who served as Superior Court judge for 29 years and as assignment judge in the Somerset/ Hunterdon/ Warren Vicinage since 2006, retired this summer. But Judge Ciccone had no plans for a relaxing retirement. In June, she became the prosecutor in Middlesex County, where she grew up and where her career began. As the top law enforcement officer in one of the state's largest counties, Judge Ciccone leads an office of about 300 prosecutors, detectives and support staff – about the same number of people she managed in the vicinage.

Judge Ciccone said she was approached about becoming the Middlesex County prosecutor about 18 months ago. While she had considered stepping down earlier, she said she wanted to see the start of Criminal Justice Reform. "I felt I had to get that implemented, she said. Her unique ability to lead the vicinage through Criminal Justice Reform begins with the start of her Judiciary career, as a probation investigator in the bail unit in the Middlesex Vicinage in October 1976. She was one of 14 investigators who would go to the county jail or the old county workhouse – an old working farm - and interview defendants. If a defendant was ordered released on bail but did not have a ride, Judge Ciccone or one of the other investigators would drive them to New Brunswick, she said. Her first supervisor in probation was Greg Edwards, who later served for many years as the trial court administrator in the Middlesex Vicinage.

Judge Ciccone said she took the job because she wanted to be a lawyer. "I always wanted to be a lawyer, even in elementary school," Judge Ciccone recalled. "There were not a lot of women attorneys; not too many role models to look up to back then." There was a woman attorney, she recalled, in a soap opera that her mother, Rose Ciccone, used to watch. "I asked my father," Nino Ciccone, "Can a woman be a lawyer?" He replied, "Yes", and from that moment on, being a lawyer and an advocate remained something that very much mattered to her. "I liked the idea of being an advocate," she said. However, achieving that goal did not come easy.

Judge Ciccone was not accepted into law school on her first try. She did not have the financial means to attend law school out of state, so instead she applied for the probation position. "Being an investigator in the bail unit was the biggest learning experience of my life," Judge Ciccone said. Once involved in this line of work, "everything else pales in comparison." The following year, she applied and was accepted into the Seton Hall University School



**Assignment Judge Yolanda Ciccone**

of Law's part-time program. She worked full-time for the Judiciary, along with three other colleagues, and commuted from New Brunswick to Newark four days a week to attend class in the evenings. The following year, she matriculated into the full-time day program. After graduating law school, Judge Ciccone completed a judicial clerkship in Middlesex Vicinage with Judges John Bachman and Theodore Appleby. She then went on to serve as assistant Middlesex County prosecutor. Her first assignment was in the juvenile unit, of which she quickly became the unit head. She later worked in the trial division, where she tried different types of criminal matters, such as bias crimes, and obtained one of the first convictions for satanic symbolism in a cemetery. She also penned the first handbook on domestic violence for victims and trained law enforcement on those issues at the police academy.

Judge Ciccone was appointed to the bench on Oct. 16, 1991, by then-Gov. James Florio. She was reappointed with tenure in 1998 by then-Gov. Christine Todd Whitman. She served in the civil, criminal and family divisions in

**Continued on next page**



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the Middlesex Vicinage. Her first law clerk was Andrea I. Marshall, who is now a Superior Court judge in the Monmouth Vicinage. One dream that Judge Ciccone did not pursue, at least not initially, was her position as assignment judge. She recalled receiving the phone call from then-Middlesex Vicinage Assignment Judge Robert Longhi, who told her that Judge Philip S. Carchman, who at the time was the acting administrative director of the courts, requested her resume. She asked if he was certain that she was the right person. She sent her resume and was called for an interview with Judge Carchman and then-Chief Justice Deborah Poritz. They later called Judge Ciccone and offered her the position. She recalled asking, "Do you understand I've never been to any of these courthouses?" She said they replied that they still believed she was the right person for the job.

Judge Ciccone decided her first task as assignment judge would be to speak to every judge about their careers, and she sought their insight since they had worked in the vicinage much longer. And once again, Judge Ciccone

sought guidance from a long-time trial court administrator, Eugene Farkas, to learn as much as she could about the vicinage. Change came gradually. "I had to kind of watch, learn and adjust," Judge Ciccone said. "One thing was clear. We needed to stop thinking of ourselves as three counties." A major focus was to bring the vicinage together. "Technology helped a lot to unite us," she said. She also prioritized getting to know people as individuals, which included attending retirement parties and holiday celebrations. These physical gatherings could be difficult and time consuming because they were spread across three counties, but she believed it was important to invest the time.

In her new role, Judge Ciccone will certainly face new challenges, but she is buoyed by her experience in state government and dedication to public service. "One thing I've admired about state government, especially the Judiciary, whether it's Hurricane Sandy, this pandemic, or other natural disasters, we have done the job," Judge Ciccone said. "We have kept going and served the public the best way we possibly can."

## Superior Court Judge Thomas C. Miller named assignment judge in Somerset/ Hunterdon/ Warren Vicinage

By MaryAnn Spoto  
Communications Manager  
Administrative Office of the Courts



Assignment Judge Thomas C. Miller

Superior Court Judge Thomas C. Miller is the new assignment judge in the Somerset/Hunterdon/Warren Vicinage, effective June 6. Judge Miller succeeds Assignment Judge Yolanda Ciccone, who is retiring after nearly 29 years on the bench and more than 13 years as assignment judge.

"As the senior member of the Judicial Council, Judge Ciccone served with distinction as an assignment judge for nearly 14 years," Chief Justice Stuart Rabner said in naming Judge Miller to the position. "I am confident that Judge Miller, an experienced leader in his own right, will continue the history of wise and thoughtful leadership for the vicinage."

In more than eight years at the Somerset/Hunterdon/Warren Vicinage, Judge Miller has served in the family and civil divisions. He served in the family division for two years after being appointed to the bench. Judge Miller moved to the civil division in 2013 and was named presiding judge there two months later.

For the past few years, he has been the acting assignment judge. He worked as a law clerk for Superior Court Judge Wilfred P. Diana, the first assignment judge in the vicinage. "I am honored by the confidence Chief Justice Rabner has placed in me by making this appointment," Judge Miller said. "I have had the experience of learning from the best, in my view – Judge Diana and Judge Ciccone." Judge Miller was appointed to the bench by Gov. Chris Christie and took the oath of judicial office on May 4, 2011. He was reappointed by Gov. Chris Christie and received tenure in April 2018.

# Construction corner

By Mike Mathis  
Judiciary Times Editor

## Atlantic County Civil Courthouse

A new single point of entry/lobby opened in July.

## Bergen Courthouse Renovation-Phase One

This project, which involves the overhaul of the building's electrical and heating and air conditioning systems, ADA-related improvements and the installation of new elevators to transport prisoners, is complete. Phase Two is being prepared for bidding.

## Essex/New Space for General Equity and Tax Court

Construction on this 150,000-square-foot building, which will include space for seven tax courtrooms, four general equity courtrooms and office space, continues. The project includes construction of a pedestrian bridge that will connect the new building to the Hall of Records. Move-in date scheduled for May 2021.

## Hudson County Courthouse/Brennan Courthouse

The first phase of construction of two new courtrooms at the Brennan Courthouse is underway. Meanwhile, new floor plans for the new courthouse are under review and bids for architectural services are being sought.

## Ocean County Justice Complex

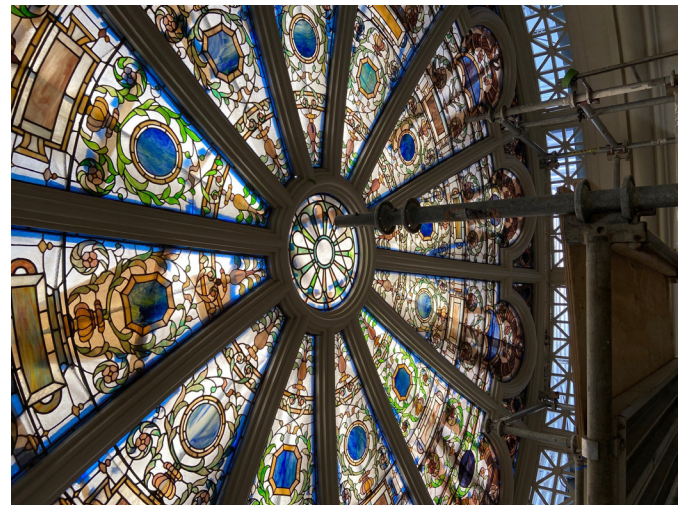
The project to renovate two existing courtrooms into for criminal courtrooms continues.

## Passaic County/Annex Building Renovation

Construction is complete. Move-in is planned for mid-December.

## Salem County Courthouse Renovation

Review of architectural drawings is underway.



Restoration of the rotunda is part of the renovation/ restoration work at the Brennan Courthouse in Jersey City.

## ISP holds virtual town hall forum for clients

By Maurice Hart  
Ombudsman, Office of Probation Services  
Administrative Office of the Courts

More than 300 people attended the Intensive Supervision Program's first virtual town hall forum for participants via Zoom on June 4.

The forum was led by Chief ISP Judge and Passaic Vicinage Assignment Judge Ernest M. Caposela and was moderated by Cornell R. Williamson, ISP central regional manager.

The forum, Maintaining Mental Health, Sobriety and Employment, included a panel discussion and question and answer session to help participants address concerns during the COVID-19 pandemic. Williamson said that ISP was committed to helping participants through the pandemic. Judge Caposela emphasized the importance of self-discipline and explained how accomplishing his first daily

chore - making his bed - gives him a positive start each day. Panelists Ruth Kaluski from the state Department of Health and Arthur Higgins, a licensed clinical alcohol and drug counselor with ISP, told participants to maintain their normal routines. They shared other insightful self-care tips in addition to using telehealth services to maintain mental health and sobriety. The final panelist, ISP Officer Carmen Melendez, discussed available resources. Rashad Shabaka-Burns, director of probation services, challenged probation staff to be creative in meeting the needs of clients.

The town hall is one example of the initiatives ISP, under the leadership of program director Cara Kurtz, that ISP is taking to engage participants remotely.



# Arbitration for one, arbitration for all

*This is the 10th in a series that highlights interesting complex business litigation cases. The Complex Business Litigation Program is designed to streamline and expedite service to litigants in complex business litigation. Under the program, cases are assigned either to the complex commercial case type or the complex construction case type, and are individually managed by a judge with specialized training on business issues. The Supreme Court established the program, which became effective on Jan. 1, 2015, to resolve complex business, commercial and construction cases.*

## Kensington v. Cibco

Plaintiff Kensington Owners Corporation retained defendant Cibco Corporation as the general contractor for a project which involved, among other things, the entry gate to a residential complex.

Kensington also retained Architectura, Inc. and Conrad Roncati as architects for the project. The American Institute of Architects (AIA) forms were used for the contract with the architects, and Cibco's architects and engineers had the duty of design and engineering for the project which was set forth in the AIA agreement.

Pursuant to the AIA agreement, the architects created, and Kensington accepted, the plans, final project details, and drawings for the project. Cibco subcontracted the gate's construction to defendant, Dimick Fence Corporation. At some point during the project, the architects' plans were found to be inadequate. The parties agreed to plan and material modifications that were performed by Cibco and Dimick. Kensington allegedly approved and ultimately paid for the work.

Kensington subsequently complained the gate did not work as expected and filed suit against Cibco, Dimick and others. At issue were Cibco's and Dimick's motions to dismiss and compel arbitration based on the AIA agreement.

Kensington opposed the motions, claiming Cibco and Dimick could not compel arbitration since they were not parties to the AIA agreement and the language of the arbitration clause was ambiguous and therefore unenforceable.

New Jersey public policy generally favors arbitration, but enforcement of an arbitration agreement is not automatic. An arbitration agreement involves a waiver of the right to pursue a case in court. Therefore, it is important to ensure all parties knowingly consented to arbitrate any claims and that they understood the consequences of such an agreement.

In this case, the AIA agreement instructed the parties to choose whether claims arising out of the agreement would be resolved via arbitration or litigation in a court of competent jurisdiction. If the parties failed to select or agree on a resolution method other than litigation, claims would be resolved by litigation in a court of competent jurisdiction.

Kensington selected arbitration by marking an "X" in the appropriate checkbox.

The AIA agreement made it clear and unambiguous that Kensington, a sophisticated entity familiar with entering into similar agreements, chose arbitration rather than litigation. Therefore, the clause was found to be compliant with New Jersey case law and enforceable.

Kensington also argued that Cibco and Dimick could not enforce arbitration since they did not sign the AIA agreement. However, New Jersey courts have found that it is not always necessary that a party actually sign an arbitration agreement to be bound by one. And where a non-signatory is a principal of the signatory and plaintiff's claims arise out of the contract, the non-signatory can enforce the agreement.

In this case, Kensington's claims against Cibco and Dimick unquestionably arise out of the AIA agreement. The claims cannot be resolved without reference to the agreement and are therefore governed by the AIA agreement.

The court ruled that the arbitration clause in the AIA agreement was enforceable by both Cibco and Dimick and their motions to dismiss and compel arbitration were granted.

## Editor's Note

**Feature stories about court programs and newsworthy profiles about judges and court staff are always welcome.**

**Submissions can be sent to [Mike.Mathis@njcourts.gov](mailto:Mike.Mathis@njcourts.gov).**

# Vicinages hold first virtual opening of the courts ceremonies; memorial services

By MaryAnn Spoto and Mike Mathis  
Office of Communications and Community Relations  
Administrative Office of the Courts

Several vicinages conducted a time-honored tradition in September in a non-traditional way. The Opening of the Courts Ceremony and Memorial Service is held annually to mark the start of the new court year and to remember those members of the legal community who passed away during the previous court year. This year, the COVID-19 pandemic forced the ceremonies online.

## Camden

The Camden Vicinage and the Camden County Bar Association conducted an opening ceremony for the new court year and a memorial service on Monday, Sept. 21 on Zoom for members and former members of the bar association who passed away during the prior court year.

Assignment Judge Deborah Silverman Katz presided over the ceremony, with bar association officers and trustees coordinating the presentations. This year, the memorial service paid tribute to U.S. District Judge Jerome B. Simandle and Superior Court Judges Charles A. Little, Sr. and Samuel Natal, as well as bar members Frank Thatcher, Michael P. Albano, Richard DeMichele and Benjamin Goldstein.

"With this ceremony, the Judiciary and members of the bar will celebrate the lives of these departed members and recognize the importance and integrity of our legal system," Judge Silverman Katz said.



**Camden Vicinage Assignment Judge Deborah Silverman Katz stands as an honor guard enters her courtroom.**

## Cumberland/Gloucester/Salem

The Cumberland/Gloucester/Salem County Vicinage and the Cumberland County Bar Association, held its ceremony and service on Sept. 8. Assignment Judge Benjamin C. Telsey presided over the ceremony and Charles I. Coant, president of the bar association, spoke and presided over the memorial service. Matthew Capone Jr., bar association

trustee, led the Pledge of Allegiance, and Ted Ritter, a member of the bar, gave the invocation.

The vicinage and bar association memorialized five late members of the bar: former Superior Court Judges Norman Telsey, Samuel G. DeSimone, and Paul R. Porreca Sr. and attorneys Jon Michael Reilly and Daniel H. Erickson III. Charles J. Wettstein was honored as Professional Lawyer of the Year.

## Burlington

Burlington Vicinage and the Burlington County Bar Association held its ceremony and service on Sept. 8 virtually via Zoom. Assignment Judge Jeanne T. Covert presided over the ceremony and Reema Y. Scaramella, president of the bar association, spoke and presided over the memorial service.

Rocco Minervino, a member of the bar, read The Lawyer's Prayer and Superior Court Judge Gerard H. Breland sang To Where You Are in honor of the deceased.

The vicinage and bar memorialized four late members of the bar: Peter C. Gallagher, Gary Piserchia, Alfred (Fred) Powell, and John (Jack) Yetman Jr. The ceremony also include a remembrance of former Workers' Compensation Judge Michael P. Mullen and late bar member Anthony Marcozzi Jr.

## Mercer

The Mercer Vicinage and the Mercer County Bar Association held its ceremony and service on Sept. 8 virtually via Zoom. Assignment Judge Mary C. Jacobson presided over the ceremony and James Creegan, president of the bar association, spoke and presided over the memorial service. The vicinage and bar memorialized former Workers' Compensation Judges Mark Litowitz and Giacomo Rosati, and attorneys Albert C. Barclay, David Perry Davis, Diana S. Deane, David Aaron Friedman, Michael Spicer, Gordon Strauss, and Victor Walcoff.



**Mercer Vicinage Assignment Judge Mary C. Jacobson speaks during the opening ceremony and service.**



# Walking to gain perspective and understanding among colleagues

By Kelley Anthes-Smith  
EEO/AA Officer  
Morris/Sussex Vicinage

Morris/Sussex Vicinage Assignment Judge Stuart Minkowitz and Trial Court Administrator Susan Chait invited their administrative management team to participate in a Privilege Walk on July 30. The exercise allowed the team to reflect on other's perspectives, viewpoints, challenges, and successes. It also served as a reminder to be aware of implicit biases and to take time to acknowledge and self-correct them.

Chait was inspired to bring the walk to her vicinage after participating in a Privilege Walk with Administrative Council. The walk was originally planned for March 2020 but had to be cancelled due to the COVID-19 pandemic. However, with a little creativity and social distancing protocols, it was rescheduled and was a success. The exercise was facilitated by Tonya Hopson, chief Judiciary EEO/AA officer, in the parking lot behind the probation services building in Dover.

Participants wore masks and stood in a straight line at least six feet apart. A series of statements were read and if a participant could identify with a statement, they were asked to step forward. The questions focused on areas of privilege such as race, gender, religion, education, socio-economic status, sexual orientation and being able-bodied. The exercise helped to visually display that the more steps a participant could take forward, the more privileges they experience. Such privileges are not always noticeable and often are taken for granted.



**Morris/Sussex Vicinage staff participate in a Privilege Walk to raise awareness of implicit bias.**

In contrast, participants who did not step forward, and finished in the middle or back of the group, revealed that not every person is afforded the same privilege. Following the walk, Hopson, along with Lauren Benatti-Smith, EEO/AA statewide learning and development specialist, led a virtual debriefing during which participants shared their experiences and perspectives.

It was noted that every person has different life experiences. Even those who were members of the same demographic, shared vast differences in the things they experienced. It was also noted that despite the time spent with each other at work, colleagues are not always aware of each other's experiences.

At all times, the team was respectful, candid, and supportive. It was an engaging learning tool that led to productive dialogue and understanding to strengthen the team and bring staff closer together.

## Grand juries resume work statewide

By MaryAnn Spoto  
Communications Manager  
Administrative Office of the Courts

A Supreme Court order issued Oct. 8 provides a plan for the statewide return of grand juries, ending a delay that has affected thousands of defendants held in custody since the start of the Covid-19 health crisis.

The order also allows defendants detained more than 90 days to promptly receive discovery material from prosecutors and it ends pre-indictment excludable time in phases, prioritizing those defendants who have been detained the longest. Jurors in all counties have now been summoned for new grand jury selections.

Virtual grand juries have been operating in Mercer and Bergen counties since June. Under the order, each county must equip new panels with the technology and

training needed to convene in a virtual format by Dec. 1. Prosecutors can then choose to present cases before grand juries.

Alternatively, counties can convene in-person grand juries in Judiciary locations in a manner consistent with public health recommendations. As an additional option, county prosecutors can submit a proposal to conduct grand jury sessions in an outside facility if a Judiciary location is not available.

The plan protects the rights of the thousands of defendants who are detained and awaiting appearance before a grand jury and provides the state the opportunity to prepare and present cases. It also enables the criminal justice system to move forward in a way that protects the health of jurors, attorneys, witnesses and court staff

# Spotlight: Essex County Courthouse

*This story is the 15<sup>th</sup> in a series detailing the rich histories of New Jersey's courthouses.*

**By Mike Mathis**  
Judiciary Times Editor

The Essex County Historic Courthouse in Newark is a grand example of the civic-minded architecture that characterized the public buildings of the early 20th century. Built between 1904 and 1908, the marble building's grand front stairs, columns and four-story rotunda topped with a Tiffany stained glass skylight were the work of Cass Gilbert, whose other notable work includes the U.S. Supreme Court Building, the Woolworth Building in New York City and the state capitol buildings in Arkansas, Minnesota and West Virginia.

The interior is adorned with murals and paintings that depict the law and justice in the United States. Sculptor Gutzon Borglund, who later carved the faces of four U.S. presidents into Mount Rushmore, created the statue of Abraham Lincoln sitting on a bench situated in front of the courthouse.

For decades, the courthouse served as the seat of justice and county government in Essex County and in the state's largest city. In addition to the courts, the courthouse also housed the sheriff's office; a law library; and offices for the county freeholders and surrogate.

The courthouse was renovated in 1929 in conjunction with the construction of the Hall of Records and a central power plant, and many administrative functions were shifted from the courthouse to the Hall of Records, according to the website of the Cass Gilbert Society. The grand jury and freeholders' meeting rooms were converted into courtrooms and three more courtrooms were added.

Over time, the building fell into disrepair. Preservations feared the courthouse was destined for the wrecking ball. A \$50 million restoration and renovation project included

cleaning, repairing, and repointing masonry, restoring windows, and conserving statues and sculptures on the outside of the building and restoration of the ornamental plaster, murals, stained glass, millwork, stone floors, stairs, balustrades and lighting fixtures inside.

The murals were restored by restoration artists from Japan. Italian stonemasons renovated the courthouse's marble facing. The building was rededicated on Dec. 29, 2004, following a \$50 million restoration and renovation project. In 2005, the National Trust for Historic Preservation bestowed its National Preservation Honor Award on the Historic Courthouse.



**The Essex County Historic Courthouse in Newark as it appears today.**



**The original Essex County Courthouse was built in 1837. It was demolished in 1906. (Photo courtesy of Essex Vicinage.)**

*Designed by Cass Gilbert, who designed the U.S. Supreme Court building.*

*The interior is adorned with murals and paintings that depict the law and justice in the United States.*