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Chief Justice Touts Bail Reform in Bar Speech

Measure Will Transform Criminal Justice System When Implemented in January 2017

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Bail reform, complex commercial cases, and advances in technology were the highlights of Chief Justice Stuart Rabner's speech to the New Jersey Bar Association in May.

Two of the most pressing issues the Judiciary has undertaken, bail reform and speedy trial reform will fundamentally change how judges set bail and how quickly cases move.

By Jan. 1, 2017, the state will shift from a system that relies principally on setting monetary bail as a condition of release to a risk-based system that other states, including Kentucky and Arizona, have used with success. (*See story on Page 2 for detailed information about bail and speedy trial reform.*)

Under the current system, in which judges typically set a dollar amount of bail, poor defendants who pose little risk of danger or flight are sometimes held in county jail because they can't make even modest amounts of bail.

Meanwhile, under current law, defendants with assets can post bail and be released even if they pose a serious risk of flight or danger.

After Jan. 1, 2017, judges will be able to order defendants who pose a serious risk of flight, or a serious risk of danger to the community or to witnesses held without bail.

The speedy trial component will set limits on the amount of time from arrest to indictment and from indictment to trial, with appropriate extensions of time for pretrial motions, competency hearings, plea negotiations, the consent of the parties, and other valid reasons.

"Why are these changes important? For the simple reason that in other states that have done this -- let's take Kentucky, as an example -- more defendants are being released pretrial, yet there has been no increase in the rate of failures to appear and there has been a drop in the arrest rate for defendants on supervision," the chief justice said.



Chief Justice Stuart Rabner speaks at the annual convention of the New Jersey State Bar Association in Atlantic City in May. Among the topics the chief justice addressed were bail reform, complex commercial litigation and technology.

The chief justice also spoke about the Judiciary's new approach to handling complex commercial cases, which has been in place since January.

One judge in each vicinage has been assigned to handle complex commercial matters with damages of more than \$200,000 and complex factual or legal issues.

"An impressive roster of judges has been selected for this assignment, and we will make every effort not to rotate them with frequency to allow for greater stability in this area of the law," he said.

The Judiciary has made substantial strides in technology, with a number of projects that have made the courts more transparent, more accessible, and more user-friendly to the public and the bar, the chief justice said.

The Judiciary posts a variety of materials online, including opinions of the Tax Court, the Disciplinary Review Board and hundreds of model jury charges in criminal and civil cases.

There's also an online attorney index that lawyers and the public can use to check the status of the more than 70,000 registered New Jersey attorneys.

The Judiciary also interacts with jurors online. More than 700,000 jurors responded to the standard juror questionnaire online last year.

The Administrative Office of the Courts now sends out more than 24,000 text messages each month telling jurors if they have to report shortly before their designated date and on each day of their service. Jurors also can download an app that gives them information about where to go, where to park, and where to eat, as well as details about actual jury service.

An attorney app that can be downloaded with similar information about each vicinage also is available.

Instead of going to a courthouse, victims of domestic violence can apply for a temporary restraining order by way of videoconferencing equipment from seven hospitals throughout the state, and from 10 safe houses in 10 different counties.

Last year, attorneys began filing motions in criminal matters electronically, and Tax Court filings have been done electronically since February. Planning is underway to roll out electronic filing in family and civil cases.

"In these and other areas, the successes that the Judiciary has been able to achieve are the result of cooperation between the bench and the bar," the chief justice said. "The judges and the court system, as a whole, deeply appreciate the support of the state bar and the county bars in recent years."