

## **RULE 1:34. Supporting Personnel Of The Courts**

### **1:34-1. Standing Masters of the Supreme Court [Deleted]**

Note: Source-R.R. 1:1-7. Amended June 29, 1973 to be effective September 10, 1973. Deleted November 27, 1974 to be effective April 1, 1975.

### **1:34-2. Clerks of Court**

The clerk of every court, except the Supreme Court, the Appellate Division, the Superior Court and the Tax Court, shall be responsible to and under the supervision of the judge or presiding judge of the court that the clerk serves, the Assignment Judge of the county, and the Administrative Director of the Courts. The clerks of the Supreme and Superior Courts shall be responsible to and under the supervision of the Administrative Director of the Courts and the Chief Justice. The clerk of the Appellate Division shall be responsible to and under the supervision of the Administrative Director of the Courts, the Chief Justice, and the Presiding Judge for Administration of the court. The clerk of the Tax Court shall be responsible to and under the supervision of the presiding judge of the court and the Administrative Director of the Courts. Each county shall have one or more deputy clerks of the Superior Court with respect to Superior Court matters filed in that county; deputy clerks may issue writs out of the Superior Court. The Surrogate of the county shall be the deputy clerk of the Superior Court, Chancery Division, Probate Part, with respect to probate matters pending in that county. The Vicinage Chief Probation Officer shall be the deputy clerk of the Superior Court for the purpose of certifying child support judgments and orders as required by R. 4:101, and with respect to writs of execution as provided by R. 4:59-1(c). All employees serving as deputy clerks of the Superior Court shall be, in that capacity, responsible to the clerk of the Superior Court.

Note: Source — R.R. 6:2-7, 7:21-1, 7:21-2, 8:13-4. Amended July 14, 1972 to be effective September 5, 1972; amended June 20, 1979 to be effective July 1, 1979; amended June 29, 1990 to be effective September 4, 1990; amended July 14, 1992 to be effective September 1, 1992; amended June 28, 1996 to be effective June 28, 1996; amended July 28, 2004 to be effective September 1, 2004; amended July 19, 2012 to be effective September 4, 2012.

### **1:34-3. Hiring Process for Municipal Court Directors, Municipal Court Administrators and Deputy Municipal Court Administrators**

**(a) Open Recruitment by Municipality; Screening Resumes.** A municipality, as the hiring authority, shall fill vacancies for the positions of municipal court director, municipal court administrator, and deputy municipal court administrator through an open recruitment process with broad outreach and shall screen the resumes received to determine which candidates meet the minimum qualifications of the positions.

**(b) Assignment Judge Review of Resumes.** The Assignment Judge of the vicinage shall have the discretion to review the resumes of the candidates that meet the minimum qualifications for the positions of municipal court director, municipal court administrator, and deputy municipal court administrator.

**(c) Interview Panel.** The qualified candidates for the position of municipal court director, municipal court administrator, and deputy municipal court administrator shall be interviewed by a panel comprised of the municipal court judge, or, if there is more than one judge, the chief municipal court judge, or designee; the vicinage municipal division manager or designee; a municipal court administrator selected by the vicinage (when hiring a municipal court administrator or a deputy municipal court administrator), and two representatives of the municipality, who are not members of the local police department.

**(d) Assignment Judge Interview; Assignment Judge Approval of Selected Candidate.** The Assignment Judge of the vicinage shall have the discretion to interview the final candidate selected for the position of municipal court director, municipal court administrator, or deputy municipal court administrator and has the authority to approve or to reject that selected candidate.

Note: Source – R.R. 1:29-2. Cf. N.J.S. 2A:68-1, as amended. Deleted July 12, 2002 to be effective September 3, 2002. New Rule adopted September 13, 2011 to be effective immediately.

### **1:34-4. Probation Officers and Volunteers in Probation**

Probation officers and volunteers in probation shall be appointed in accordance with standards fixed by the Supreme Court. All probation officers and volunteers in probation shall be responsible to and under the supervision of the Chief Probation Officer of the county who shall be responsible to and under the supervision of the judge designated by the Assignment Judge to be responsible for the administration of the probation department in the county in accordance with applicable statutes, rules of the Supreme Court, and directives of the Chief Justice, the Administrative Director of the Courts, and the Assignment Judge of the County.

Note: Cf. N.J.S. 2A:168-5, N.J.S.A., as amended; amended November 27, 1974 to be effective April 1, 1975; amended July 21, 1980 to be effective September 8, 1980.

### **1:34-5. Court Reporters**

Court reporters shall be appointed by the Supreme Court or the Administrative Director of the Courts as provided by law and shall be subject to assignment by the Administrative Director of the Courts. They shall be responsible to and under the supervision of the reporter supervisor of the county, the judge of the court to which assigned, the Assignment Judge of the county, and the Administrative Director of the Courts. The Administrative Director of the Courts shall promulgate regulations which shall govern all court reporters and the preparation and filing of transcripts of all court and related proceedings, including depositions in pending actions.

Note: Source-R.R. 1:30-6.

### **1:34-6. Office of Foreclosure**

There shall be an Office of Foreclosure within the Administrative Office of the Courts. This office shall be responsible for recommending the entry of orders or judgments in uncontested foreclosure matters pursuant to R. 4:64-1 and R. 4:64-7 subject to the approval of a Superior Court Judge designated by the Chief Justice. The Office of Foreclosure may also recommend the entry of the following orders in uncontested actions:

- (1) correcting a clerical error in orders or judgments;
- (2) correcting the defendant's name;
- (3) correcting venue;
- (4) substituting the plaintiff if, during the course of the foreclosure action, the original plaintiff reorganizes, merges with another entity, is acquired by another entity, or assigns the mortgage to another entity;
- (5) entering default;

- (6) extending time to answer;
- (7) filing an amended complaint, provided no new cause of action or claim for relief is set forth in the amended complaint;
- (8) vacating a default entered by the clerk;
- (9) vacating judgment and execution, reinstating bond or note and mortgage and, with the consent of answering defendants, dismissing the proceedings;
- (10) authorizing sheriff to collect additional lawful sums;
- (11) dismissing the tax foreclosure action as to any parcel redeemed; and
- (12) vacating an in rem foreclosure judgment upon application of the municipality owner.
- (13) correcting minor technical irregularities in the mortgage, note or legal description, if a substantial right of a party is not prejudiced;
- (14) substituting heirs and personal representative for deceased defendants; and
- (15) disbursing surplus foreclosure money.

Note: Adopted July 22, 1983 to be effective September 12, 1983; subparagraphs (1) and (2) amended, subparagraphs (3) through (7) renumbered as (8) through (12), subparagraphs (9) through (12) amended, new subparagraphs (3) through (7) and (13) through (15) adopted July 9, 2008 to be effective September 1, 2008.

### **1:34-7. Interpreters, Transliterated, and Translators**

Interpreters, transliterators, and translators shall be appointed and perform their duties in the manner established by the Chief Justice and shall serve at the pleasure of the appointing authority.

Note: Adopted February 3, 1997 to be effective March 1, 1997.