

R.S. 2A:11-34

LEGISLATIVE FACT SHEET

ON

N.J.R.S. *2011- of Court (Administrative)*
(*1968* Amendment)

LAWS OF 1966

CHAPTER 69

SENATE

ASSEMBLY 436

INTRODUCED *Feb. 14, 1966*

BY *Brady, McLean*

STATEMENT

YES NO

AMENDED DURING PASSAGE

YES NO

HEARING

VETO

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*Attached is copy of Report to the NJ Supreme Court's
Committee on Supporting Personnel of the Courts
from 1963 Judicial Conference Proceedings*

1963 Judicial Conference Proceedings *Court's Committee on*
Report on the NJ Supreme *Supporting Personnel of the*
Courts

TO THE HONORABLE, THE CHIEF JUSTICE AND THE ASSOCIATE JUSTICES OF
THE SUPREME COURT:

Your Committee on Supporting Personnel of the Courts was charged with the responsibility of studying and submitting recommendations with respect to the number, method of appointment, qualifications and compensation of such supporting personnel of the trial courts as directly serve the judge. Although this report makes recommendations for the Court's consideration, the Committee has not drafted the legislation required to implement them. It will do so with respect to such recommendations as the Court may approve. In this connection, the Committee is of the view that any legislation to be recommended should include a "grandfather" clause where necessary for the protection of the jobs and salaries of personnel presently employed; else there may be unnecessary obstacles to having the recommended legislation enacted.

The only personnel of the county clerk's offices included in the Committee's consideration are those who may have been designated as assignment clerks or their assistants. Of the personnel attached to the Sheriff's office, only court attendants and sergeants at arms have been dealt with. Nor does this report deal with Court Reporters.

The Committee commenced its work by analyzing the existing statutes providing for supporting personnel of the trial courts. Annexed hereto as Appendix "A" is an analysis of those statutes.

From answers received in May 1962 to questionnaires sent to all trial judges in April 1962, the Committee ascertained

what personnel were then actually serving the trial judges in the several counties, the methods of their appointments, their salaries and by whom those salaries were fixed. The statutory review and the survey made confirmed that as far as the trial courts' supporting personnel is concerned, both the statutes and the actual practice lack any definitive or logical plan; and that even allowing for population and other differences between counties, there is a want of uniformity among and within the various counties as to the personnel assigned to the various judges, their number, their manner of appointment and salary.

Finally, the Committee considered what supporting personnel the trial judges should have in order to enable the courts to operate most effectively and efficiently.

SECRETARIES

A. Superior Court Judges assigned to the Chancery Division

The statute authorizes Superior Court Judges assigned to the Chancery Division, with the approval of the Administrative Director, to appoint a secretary-stenographer not within the classified service. Her salary, which is paid by the State, is fixed within a designated range by the State Civil Service Commission.

Each Chancery Division judge has a secretary. The current salary range for such secretaries is \$4750 to \$6178 per year.

sergeants-at-arms, court criers, court attendants or other employees of the clerk, be eliminated and that instead the Assignment Judge be authorized to appoint an assignment clerk as a state employee in the unclassified service, to serve at the pleasure of the Assignment Judge with his salary being paid by the State. The suggestion has merit. Whether any attempt to accomplish this result should be undertaken at this time when there seems to be pressure against increasing the number of state employees is a matter of policy for the court to decide.

ADMINISTRATIVE ASSISTANTS TO THE ASSIGNMENT JUDGE

A canvass of the Assignment Judges with respect to a proposal that each be authorized to appoint an administrative assistant as a state employee, to be appointed by him and to serve at his pleasure, discloses that only one Assignment Judge, Judge Halpern, favors the creation of such position.

The committee suggests that the problem of furnishing additional help to the Assignment Judge can best be solved by adopting legislation authorizing the Assignment Judge, if the Board of Freeholders agrees to make an appropriation therefor, to appoint an additional secretary.

COURT ATTENDANTS

The statutory provisions relating to court attendants are set out at pages 8 - 11 of Appendix A (See also Caldara v. Ferber, 39 N.J. 314 (decided Feb. 18, 1963)).

No provision is made in the statute for court attendants to attend upon either the Chancery Division, the Matrimonial Division or the District Court. The only reference to court attendants for the Juvenile & Domestic Relations Court appears in salary sections relating to court attendants in first class counties (N.J.S. 2A:11-34 and 35).

The number of court attendants assigned by the Sheriff to attend a court varies from county to county and often within counties.

Committee's Recommendations

To attempt to determine what changes should be made with reference to the appointment, salary and status of court attendants involves considerations many of which are not within the scope of this Committee's survey. Therefore, the Committee's recommendations are limited to the problem of the number of court attendants necessary for the conduct of the court (excluding guards for prisoner defendants).

In the Committee's opinion, a trial court can operate efficiently with the number of court attendants indicated below:

Superior Court, Law Division and County Court
Civil Matters

Non-jury 1 court attendant
Jury 2 court attendants
(1 male and 1 female)

Criminal Matters

Non-jury 2 court attendants
(1 male and 1 female)
Jury 3 court attendants
(2 male and 1 female)

When a trial of special public interest is expected to create problems such as a large number of people in the court room, the sheriff can be called upon to furnish the extra help needed.

Superior Court, Chancery and Matrimonial Divisions

1 Court Attendant

Although there is no statutory provision for it, in practice in some counties, a court attendant is furnished to the judge hearing Matrimonial Division matters. The Committee believes that one should be furnished by the sheriff to attend each judge assigned to hear either general equity or matrimonial matters in the Chancery Division.

Juvenile and Domestic Relations Court

2 Court Attendants (1 male and 1 female)

District Courts are served, in an order-keeping capacity, by sergeants-at-arms. In view of the special problems existing with respect to District Courts, the Committee believes that consideration of the question as to court attendants in those courts is for the District Court Committee and this Committee, therefore, makes no recommendations with respect thereto.

COURT INTERPRETERS

As appears from Appendix "A" (page 7), N.J.S. 2A:11-28 authorizes the appointment of salaried interpreters of various

now hold this outmoded office should be transferred to an office more appropriate to the services they render, e.g. to the Sheriff's office as court attendants if they meet the qualifications of that position. Given the number of court attendants recommended in this report, there is no possible need for Court Criers.

Judge Glickenhauß disagrees with the majority view of the Committee as regards sergeants-at-arms. His comments on this are as follows:

My experience indicates that the sergeant-at-arms position should not be abolished.

I find that the sergeant-at-arms is responsible to the court and sees to it that the court is properly manned by the Sheriff and that proper precautions are taken during the course of a trial. He is the sole individual responsible to the court; the other officers being responsible to the Sheriff of the county. He performs many duties at the request of the court which assists materially in the proper handling of matters coming before the court. He is of invaluable assistance in interviewing on occasions approximately 100 to 200 jurors who ask to be excused, handling telephone requests and answering letters for the same. He also handles applicants for substitute birth records, interviews those who seek to see the court and ascertains the nature of their business and performs a host of other duties.

Respectfully submitted,

Harold W. Borden
A. Alfred Fink
George B. Francis
Jacob S. Glickenhauß
Martin J. Kole
Nelson K. Mintz
J. Wilson Noden
Elvin R. Simmill
Harold Kolovsky, Chairman