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## **2015 REPORT TO THE NATIONAL CONSORTIUM ON RACIAL AND ETHNIC FAIRNESS IN THE COURTS**

*Our system of justice requires that all court users have equal access to services and equal treatment from judicial and administrative bodies. The New Jersey Judiciary has a strong reputation for the quality of our jurisprudence and the efficiency of our administration. We also have been leaders in developing policies and programs that improve the access and fairness of our courts.*

The words of Chief Justice Stuart Rabner express the underlying principles that drive the Supreme Court Committee on Minority Concerns (hereafter the SCCMC) in its work to carry out the mandate first given to it by the late Chief Justice Robert N. Wilentz “to undertake a critical examination of the concerns of minorities with their treatment in and by the courts, to propose solutions to the identified problems that are within the power of the Judiciary to implement, to pursue its investigations wherever they may lead, set forth its findings with candor.” The New Jersey Judiciary Minority Concerns Program marked its thirtieth year during the 2013-2015 term. The Committee continues to embrace its mandate with the same enthusiasm and vigor that the members and staff of the original exploratory committee chaired by Justice James H. Coleman, Jr. This report serves as a summary of the Committee’s work this term and offers the Court insight into the SCCMC’s key focus areas, organizational priorities and its assessment of community needs.

The SCCMC engaged in several significant policy reviews and submitted to the Court several detailed comments on matters relevant to the mission and mandate of the SCCMC and the issues of access and fairness. These policy reviews included the submission of substantive commentaries on the proposed *pro bono* rules changes, the report and recommendations of the Joint Committee on Criminal Justice, the proposed court fee schedule changes, and a municipal practice recommendation regarding consideration of inmate letters as motions. The Committee also presented a recommendation to update the Rules of Professional Conduct (RPC), specifically RPC 8.4(g), to include gender identity and expression, civil union status, and domestic partnership status and to change handicap to disability in order to mirror more closely New Jersey’s Law Against Discrimination. The Committee greatly appreciates the opportunity to continue to play a meaningful role in the evaluation of policy proposals that have an impact on large numbers of court users and the character and effectiveness of the New Jersey Courts in such diverse and far-reaching dimensions. The Committee views its activity this term as

essential to the fulfillment of its role in serving in an advisory capacity to the Court in visible and tangible ways.

Chapter I, reflects the activities led by the SCCMC Subcommittee on Criminal Justice and the Minority Defendant, provides updates on longstanding Judiciary programs such as Adult Drug Courts, presents key questions raised by the Committee about emerging initiatives that warrant further in-depth consideration with multiple stakeholders, and begins a more substantive conversation within the Committee about complex issues such as the access to justice needs of immigrants by considering policies that address the intersection of State court matters with the immigration status concerns of defendants who are not citizens.

Chapter II, reports the activities led by the SCCMC Subcommittee on Juvenile Justice and the Family, provides updates on a growing list of longstanding areas of interest in both the juvenile delinquency and the children-in-court dockets. The Committee also continues discussion on juvenile justice outcomes and proportional representation across the juvenile justice decision-making continuum, examines outcomes reported in the annual statewide JDAI report, and examines minority representation in Family Juvenile Delinquency and Children in Courts Dockets. This is the first time that the report presents a discussion of multi-docket youth, who have simultaneous delinquency and children-in-court matters before the Court. According to the data reviewed, 75% of multi-docket youth in New Jersey are children of color, affirming that this new area of focus is very relevant to the Committee's mission and mandate. This chapter also provides a summary of the Committee's discussion of issues of interest that it has begun to explore in greater depth including involuntary waivers of jurisdiction, re-entry support services and juvenile expungements, and the needs of a number of relevant emerging constituencies such as LGBTQI youth.

Chapter III, discusses the activities led by the SCCMC Subcommittee on Minority Access to Justice and offers the Committee's observations and data reviews of several longstanding areas of interest including volunteer programs, languages services, and the model statewide Ombudsman Program. This chapter also includes a brief discussion of ongoing concerns about the legal needs of New Jersey's poor and working class. With the approach of the ten year anniversary of the statewide implementation of the Ombudsman Program, the Committee renews its unequivocal support for the program and offers some specific recommendations for proactive steps to be taken to ensure the continued success of the program that is now a well-institutionalized component of the Judiciary's statewide programs and services.

Chapter IV, reflects the activities led by the SCCMC Subcommittee on Minority Participation in the Judicial Process, includes updated reviews of data on the workforce, jurists, law clerks, and discrimination complaints. In carrying out its mandate, the Committee made recommendations to enhance, modify, or augment existing Judiciary programs and/or offer new or alternative approaches to effectuate institutional changes designed to eliminate racial and ethnic bias in the courts and to ensure access by racial and ethnic minorities to employment opportunities, Supreme Court committee appointments, law clerkships, fiduciary appointments, and vendor opportunities. This term the Committee made two new recommendations to enhance the collection regarding the diversity of the Bar and the Judiciary workforce.

Chapter V, a supplement to this term's routine areas of reporting, includes a periodic update on education and training initiatives by the SCCMC and community outreach and public education

activities by the fifteen Vicinage Advisory Committees on Minority Concerns (VACMCs). Twelve of the 53 original court-approved recommendations of the Supreme Court Task Force on Minority Concerns deal with education and training in some form and these efforts continue today to be a substantial and valuable component of the Judiciary's Minority Concerns Program statewide.

The 2013-2015 biennial report offers extensive data review and analyses in key areas relating to access to justice for racial/ethnic minorities, other historically marginalized groups, and new constituencies and stakeholder groups. These issues have not and should not become irrelevant if the Judiciary is to continue to innovate and maintain its reputation for excellence as a State Court in the twenty-first century

Respectfully submitted,

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