



MIDDLESEX COUNTY BAR ASSOCIATION
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RESOLUTION

A Resolution Calling for the Governor and Senate to Fill Vacant Judgeships and Recognize the Judiciary as an Equal Branch of Our Government

WHEREAS, it is the mission of the Middlesex County Bar Association (“MCBA”) to serve as a voice for the legal community on all issues affecting the practice of law and the administration of justice, and

WHEREAS, the MCBA promotes the public’s access to justice, and

WHEREAS, New Jersey’s government exists to serve all members of the public and strives to provide for the public good, and

WHEREAS, New Jersey’s government structure is set forth in Article III of our Constitution, which clearly calls for three distinct and co-equal branches of government: the executive, the legislative and the judicial, and

WHEREAS, the judicial branch exists to do justice for the people of New Jersey; to provide them with a civil means of resolving disputes between and among themselves, corporations and the government, and

WHEREAS, Article VI, Sec. VI of our Constitution, requires the Governor to nominate the Justices of our Supreme Court in the event of a vacancy, and the Senate to hold a hearing to evaluate the nominee’s qualifications, and

WHEREAS, the Governor has nominated a sitting Superior Court judge to fill a vacancy on our Supreme Court, and

WHEREAS, the Senate, has refused to conduct a hearing for that nominee and refused to fulfill its Constitutional duty, and

WHEREAS, the Governor has stated in the course of a press conference that there will be “ramifications” in the judicial nomination and confirmation process if the Supreme Court nominee is not given a hearing, and

WHEREAS, there are over twenty (20) Superior Court judges whose initial seven (7) year terms will end this year and will be removed from the bench if they are not reappointed, and

WHEREAS, the New Jersey judiciary is already overburdened and operating with over forty (40) Superior Court vacancies, and

WHEREAS, the Middlesex County Superior Court bench is operating with nine (9) fewer judges than it is allotted due to two (2) unfilled vacant seats, three (3) Middlesex judges sitting temporarily in Mercer County due to that county’s shortage of judges, three (3) Middlesex judges

sitting temporarily in Essex County due to that county's shortage of judges, and one (1) judge on indefinite leave, and

WHEREAS, the Middlesex County Superior Court is diverting resources from its civil division to staff as completely as possible the family and criminal divisions, and

WHEREAS, the citizens of New Jersey with cases before the Court in the Civil Division are facing financial hardships as the resolution of their cases are being delayed due to the vacancies, and

WHEREAS, the additional vacancies will delay the resolution of family matters that may affect child custody and criminal matters that involve Federal 6th Amendment "speedy trial" considerations, and

WHEREAS, upon taking the oath of office, the Governor and each member of the Senate vowed to execute the duties of their offices, act in the best interests of the people of New Jersey and to uphold the Constitutions of the State of New Jersey and the United States, and

WHEREAS, the current political infighting is resulting in a failure of the Executive and Legislative branches to carry out their Constitutional duties, and

WHEREAS, the independence and integrity of our judges and the judiciary as a whole, are being compromised and damaged everyday that the Governor and the Senate fail to fulfill their obligations, and

WHEREAS, the Governor and the Senate are eroding the confidence of the public in our judiciary to resolve their differences in a fair, equitable and expeditious manner, and

WHEREAS, the New Jersey judiciary was held in high esteem throughout our nation prior to its politicization with the unprecedented removal of Justice John E. Wallace, Jr., Justice Helen E. Hoens and the gridlock regarding the filling of Superior Court vacancies in counties such as Essex, Mercer and Middlesex, and

WHEREAS, it would be an unprecedented intrusion of the political process into the doctrine of the separation of powers under the Constitution, and evidence of continuing attempts to undermine the independence of the judiciary to decline the appointment and reappointment of the Justices and Judges that our citizens need to have timely access to justice.

NOW, THEREFORE, BE IT RESOLVED that the MCBA calls for the Senate to fulfill its Constitutional obligation and hold a confirmation hearing for the Governor's judicial nominee to the Supreme Court, and for the Governor to nominate and reappoint the judges of the Superior Court, as has been customary, so that the best interests of the citizens of New Jersey are served by having a fully functioning judiciary that provides meaningful and timely access to justice, and

BE IT FURTHER RESOLVED that the MCBA objects to the continued politicization of the Courts of New Jersey and urges the Governor and the Senate to put the interests of the public first and above their own.

Craig M. Aronow

CRAIG M. ARONOW
PRESIDENT

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