

Resolution

OF THE NEW JERSEY STATE BAR ASSOCIATION

Supporting the New Jersey Judiciary as a co-equal branch of government

WHEREAS, the executive and legislative branches of the New Jersey government have continued a pattern of systematically politicizing the judicial branch, which subordinates its co-equal status despite the clear language of Article III of the New Jersey Constitution, and

WHEREAS, that politicization of the Judiciary continues today and threatens to result in grave consequences to the ability of the Judiciary to fulfill its constitutional role of serving our citizens, and

WHEREAS, the New Jersey Supreme Court has been operating with at least one vacancy since 2010; and

WHEREAS, since 2010, various Superior Court vacancies have been permitted to languish in favor of political maneuvering to the point of certain courts resorting, at times, to limiting the types of trials that were heard, and

WHEREAS, the New Jersey Judiciary currently has over 40 vacancies, and 23 superior court judges who are due for reappointment before the year's end, and

WHEREAS, the Governor has recently nominated an individual to fill the current vacancy on the Supreme Court, and

WHEREAS, the Senate President has indicated the individual will not receive a hearing in the Senate, and

WHEREAS, the Governor has stated there will be "ramifications" if a hearing is not held, and that you can't shut down only one part of the appointments process, and

WHEREAS, it has been reported that those "ramifications" may include the failure to make timely judicial nominations for initial appointments and reappointments, and

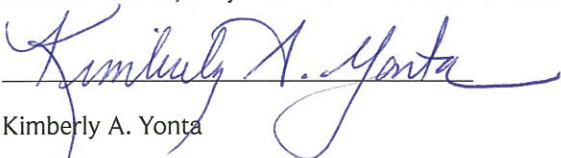
WHEREAS, the failure to hold a hearing on the Supreme Court nominee, and the threat of "ramifications" with insinuations about the fate of future nominations, has the potential of causing a judicial emergency in the state where New Jersey citizens will be denied access to justice and will be unable to have their disputes resolved in a reasonable and timely manner, as contemplated by the Constitution; and

WHEREAS, as the voice of New Jersey's legal community and on behalf of our citizens, the New Jersey State Bar Association is dedicated to defending the integrity of the Judiciary and speaking out when its independence and co-equal status are threatened, as they are today,

NOW THEREFORE BE IT RESOLVED, the New Jersey State Bar Association affirms its belief that the Constitution's establishment of a fair, impartial and independent Judiciary as a co-equal third branch of government is fundamental to a free society, and

BE IT FURTHER RESOLVED, the New Jersey State Bar Association calls upon the Governor and Senate to put aside political considerations and maneuverings and take prompt action to fulfill their duties under the Constitution, specifically that the Senate hold hearings and provide its advice and consent on all nominees and that the Governor continue to nominate candidates to fill all existing vacancies and reappoint all judges who have served the state ably to ensure that our strong and independent judiciary—the third and co-equal branch of government—is preserved.

I, Kimberly A. Yonta, Secretary of the New Jersey State Bar Association, do hereby certify that the above is a full, true and correct copy of a resolution approved by the Board of Trustees at a regularly scheduled meeting on March 11, 2016. In witness whereof, I have hereto set my hand as such Secretary and affix the corporate seal of the New Jersey State Bar Association on this 17th day of March, 2016.



Kimberly A. Yonta

