

Judiciary answers, but Hawkins objects

Braker calls moving some municipal-court hiring to Superior Court 'an intrusion' on mayors

By John Zucal
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The director of New Jersey's court system answered critics of a Supreme Court working group decision to alter the format for the hiring of municipal court officials. The response, however, met with strong criticism from Orange's mayor.

Mayor Eldridge Hawkins Jr. was among the sponsors of a resolution in which the New Jersey State League of Municipalities presented its opposition to the Supreme Court's change in the hiring process. In a statement issued Nov. 17, Hawkins, joined by the other sponsors, Irvington Mayor

Wayne Smith and Carteret Mayor Daniel Reiman, stated the decision to shift the final decision for the hiring of municipal court administrators to Superior Court assignment judges was illegal under the state Constitution.

Previously, mayors had the power to appoint municipal court administrators subject to legislative approval.

Under the new rules, candidates would be sought through a recruitment process. Selected candidates would be interviewed by a group that would include municipal court officials from outside the municipality. Its recommendation would be sent to the assignment judge for

approval or rejection.

Glenn Grant, acting administrative director of the New Jersey Courts, responded Friday in a letter to league executive director William Dressel. In it, Grant noted court administrators often must make quasi-judicial decisions, such as setting initial bail and determining probable cause to advance a case to judges. Because of that, wrote Grant, municipal-court administrators already are under the oversight of assignment judges in the state's 15 vicinages. Grant added the judiciary had an interest in having municipal court administrators "professional and uniformly well-trained."

Hawkins said Monday he understood the court's argument but still questioned its legality.

"Honorable intentions do not necessarily make something legal," said Hawkins. "It is a power grab by the courts. The judiciary has decided to empower themselves in a way they had not before."

City Attorney Marvin Braker, with Hawkins in City Hall on Monday, said the court's action violated the separation of powers between the judicial and executive branches of government.

"It is an outright intrusion into the executive branch," said Braker. He added a concern that an assignment judge's rejection of a candi-

date seeking promotion could leave a town open to legal action under civil service laws. Hawkins concurred.

"If we hire someone who tested No. 1, and the assignment judge doesn't hire that person, who gets sued for violating their civil service rights?" said Hawkins. "In this case, the person who makes the decision may not be accountable."

Hawkins said the league's belief is based in state law and past practices. In its resolution, the league asked the Legislative for a determination that the hiring of municipal court administrators, as with other municipal employees, must return to local control.