

From: Thomas North [REDACTED]
Sent: Tuesday, January 10, 2023 8:45 PM
To: Jason Witcher [REDACTED]
Subject: Re: Millville Calendars; Implementation of October 27 Supreme Court Order

Dear Judge Witcher -

Thank you for speaking with me this evening. I called to see if you reviewed tomorrow's Millville virtual Municipal Court Docket.

You have not reviewed the docket. You also told me you did not review my email of December 21, 2022. Before I sent the email, you asked me to attach the Millville Docket Lists for the entire month of January. I did so, as attachments to my email. They are also available any time from your court administrator in Millville.

This evening you let me know you did not look at the dockets attached to my December 21 email. You also let me know that you will not be able to look at your docket for tomorrow before the court session begins. I am troubled that you refuse to perform your job.

You therefore could not tell me or describe the nature and extent of tomorrow's docket, and more particularly, whether the docket is burdensome or discriminatory to litigants. Because you have not reviewed tomorrow's list, I have no choice but to recommend to the Assignment Judge that the virtual court session tomorrow be canceled. Again, the cancellation is caused by your failure to review the Court List for tomorrow.

When we spoke on December 21, I let you know I reviewed the Millville court dockets for January, and did not see, or discern, disparate treatment of litigants because of, or caused by, scheduling of their cases. You asked me to send the lists I reviewed. I expected you would review the email and the lists I attached. I invited you to review the lists with me and your court administrator, to discern any schedulings that would be burdensome or discriminatory to litigants. This evening you let me know that you never reviewed my email or the attached lists.

You confirmed you have access to your judiciary email and attachments at home. You also let me know you cannot do so this evening before tomorrow's court docket. I understand from our conversation you are not feeling well.

I certainly hope you feel better. However, I am mindful that I sent the court list for January, 20 days ago, on December 21, at your request, and for your review. You also promised you would reply to me, and have a telephone conference with myself, you, and your administrator about the court list in January. Again, I sent the email and lists at your request.

I am disappointed you ignored my email and did not review the attached lists. It is your responsibility as Municipal Court Judge in Millville to take the initiative and responsibility to review my email and your lists, in advance, to ascertain any problems that might arise from, or be caused by, scheduling. You continue to publicly allege issues with scheduling in the Millville Municipal Court. I have yet to see any issues, and every time I invite you to identify an issue, you are unable to do so or simply ignore my requests. Again, this is your responsibility to bring this to my attention, and the attention of your Court Staff. Scheduling of cases is your duty. We stand ready to work with you to solve any problems.

If there are difficulties in scheduling cases, or disparate treatment, or anomalies in scheduling, we want to correct any problems we see. But I haven't seen any problems, and I invited you to point them out to me. You have not.

We in the judiciary remain committed to fairness, equal treatment, and equal protection to all litigants under the law. We stand ready to address your concerns. However, it is difficult to address your concerns if you do not respond to my email, and the attached list, and take the initiative to participate in conferences between myself, your administrator, and yourself.

We even held a mandatory training for all Judges and staff to ensure that the Courts order regarding the scheduling of cases is equally and properly implemented in our Vicinage. I was disappointed that you were not present for the start of the training, and I later learned that you showed up late and missed a third of the program.

I will contact our Assignment Judge, and the Municipal Division, to act upon my recommendation for the cancellation of tomorrow's list for your inaction and failure to review the list.

Regards,

Thomas M. North, PJMC

From: Thomas North [REDACTED]
Sent: Tuesday, January 10, 2023 3:24 PM
To: Jason Witcher [REDACTED]
Subject: Re: Millville Calendars; Implementation of October 27 Supreme Court Order

Judge Witcher -

I am writing as a follow-up to my December 21 email and our conversation earlier that day. The email is in the chain below.

I offered to review the virtual Millville sessions for January with you and your administrator. I made myself available that afternoon and the following day. When we spoke, you were interested in reviewing the docket, and participating in a conference call with myself, you, and your administrator.

I didn't hear back from you, and to date, you have not followed up with a call to me or your administrator to review the Millville dockets, virtual or in person for January and beyond.

I will arrange a Zoom session with you, your administrators in your courts, and our Municipal Division Manager, to review your upcoming calendars, and the implementation of the Supreme Court's October 27, 2022 Order. I will be having similar conversations with all Vicinage Judges. Both you and your administrators will receive a Zoom invitation from the Municipal Division for either this Friday or the following Friday.

Thank you.

Tom North, PJMC

From: Thomas North [REDACTED]
Sent: Wednesday, December 21, 2022 2:40 PM
To: Jason Witcher [REDACTED]
Subject: Fw: Millville January Calendars

Judge -

Per your request, here are the 7 dockets for Millville for the month of February. 3 of them or in person Monday dockets.

On review, it appears to me that all of the cases are scheduled in person appropriately. All of them are consequence of magnitude cases, and most if not all have had multiple adjournments, sometimes as many as 10 or 11.

The in person Monday lists for January 9, and January, and January 23 have roughly 90 defendants listed. January 9 lists approximately 9 or 10 interpreting cases. I do not see January 23 has interpreting cases, and after speaking with you we both agree that January 23 cases are appropriately scheduled in person. Namely, they are consequence of magnitude cases, sometimes quite serious such as 39:4-50, 39:3-40, and also title 2C charges. They also show multiple adjournments.

Of these cases, I have one, January 9, [REDACTED], with a 39:3-10. There have been 2 adjournments. I believe this is appropriate listed in person. However, if the charges merely expired license under the statute, I think it's your option whether to give the defendant the option to appear virtually. However, as you know, some of the N.J.S.A. 30 943-10 cases or the electronic subsection B, alleging the person drove Without a New Jersey license, never having had one in this state, ever. I view these type of cases as consequence of magnitude cases, as they carried up to 60 days in jail at the Court's discretion, and also allow the Court to notify the MVC in which case the director may forbid the defendant from applying or getting a license New Jersey for 180 days. Arguably, this kind of case is a consequence of magnitude case. Given the number of adjournments, I believe it's appropriate to schedule in person.

After speaking today, you agree that it would not be good idea to cancel the Monday January in person sessions. The most that would happen would be to notify interpreting the cases that are appropriate for virtual, gave the defendant that option. But reviewing the court lists on the Monday in person, justifies in person appearances for most if not all of the interpreting cases.

We spoke a moment ago again. You mentioned you wanted to review the virtual Wednesday sessions in January. I will review them as well. Feel free to give me a call to go over them.

Also, it would be a good idea to have a conference call with you, your administrator and myself, as we are all doing our best to implement In a fair and practical way, the Supreme Court's October 27, 2022 reopening order. I am available this afternoon, tomorrow after 10 AM, and also Friday.

Please call before you send out any rescheduling notices. Thanks again for speaking with me.