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## COLUMNIST

# Look Homeward, Governor

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In his ongoing effort to claw his way into national relevance, Governor Phil Murphy has gone on national tour regularly showing up at Democratic Party fund raisers, rallies and quasi-official events to raise his profile and establish himself as a key inside player at the highest political level.

Meanwhile, back at home the state's judiciary is teetering on the cusp of crisis, facing a chronic shortage of judges, a staggering backlog of 75,000 cases and delays of as much as two years in hearing and resolving civil litigation, including personal injury claims, divorce actions and custody

disputes.

The situation has grown so acute that Supreme Court Chief Justice Stuart Rabner in February ordered an indefinite suspension of all civil division cases in six counties — Hunterdon, Somerset, Warren, Cumberland, Gloucester and Salem— while again calling on the Administration and Legislature to address the shortage of judges or risk a judiciary unable to fulfill its constitutional obligations.

Currently, there are 58 judicial vacancies and several more are anticipated in the coming months as sitting jurists reach the mandatory retirement age of 70.

A vacancy total of 25 to 30 can be absorbed, according to Rabner, but the current level exceeds twice that.

In what has emerged as a pattern in the Murphy Administration, though, there is no sense of urgency, no apparent understanding of the damage inflicted by inaction and displaying a casual indifference to the creeping erosion of public confidence in the third branch of government.

Its response is all too familiar — silence, stonewalling or issuing boiler plate substance-free comments that refuse to acknowledge a problem exists.

The pattern has been to play for time, absorb criticism for a day or two while the news cycle moves on to other issues.

The slow pace of gubernatorial judicial nominations and Senate approval has accomplished little to ease the shortage — much less resolve it. Rather, it maintains the status quo, forcing the judicial system to run as fast as it can simply to stay in the same place.

In fairness, the COVID-19 pandemic and its forced shutdown of state government functions — including trials — has contributed to the backlog build up.

As it was dealt with, however, eventually overcome and normal activities resumed, the shortage of judges was known — or should have been — and addressed by the Administration and the Legislature on an expedited basis.

Because judges are the only major state officials with a retirement mandate, it is a simple task to keep track of impending departures months in advance, ample time to seek and interview potential replacements and submit nominations. Resignations from the bench prior to required retirement are relatively rare.

Timely nominations and a close working relationship between the Administration and Senate leadership is crucial to avoid delaying the approval process.

That the vacancy level has grown from handleable to chronic, however, suggests the necessary executive-legislative relationship is less than it should be to assure a smooth process or that it is simply not a high priority in the Administration.

The human impact of the vacancies on the bench and the six-county suspension of civil and family court trials should not be underestimated or relegated to “when we get around to it” status.

Individuals seeking compensation for injuries suffered in workplace or traffic accidents, for instance, and who face long term loss of income and mounting medical bills are left to fend for themselves as settling their claims is delayed time and again.

Couples seeking to end their marriages are forced to remain together for economic reasons, inflicting a mental burden on both parties and potentially harming children forced to live under such circumstances, often beyond their ability to understand it.

Criminal cases are largely unaffected by the shortage of judges, having understandably been given precedence over civil and family matters. Freedom or incarceration as well as public safety are at stake and of greater impact across society as a whole.

There is, however, no justifiable excuse for forcing the court system to choose between matters brought to it, to assign levels of importance to those who look to the system to deliver justice fairly and without prejudice.

The governor — as is any governor — is, naturally, free to pursue political activities deemed it and appropriate for personal advancement or to fulfill ambition.

Murphy's seeking heightened national exposure has not surprisingly generated speculation about his motives to guide life in the 2024 political hothouse of presidential campaigning or after his tenure here expires.

Is he waiting in the wings — along with a great many others — in the event President Biden falters for reasons of health, for instance, and decides to step aside from his bid for a second term?

Or is Murphy hoping for Biden's re-election and a choice appointment to a cabinet post as reward for raising money and offering support?

These are natural and legitimate questions and will continue to be posed for as long as Murphy maintains his quest for greater recognition.

In the meantime, though, his Administration confronts an impending crisis in the courts and the diminution of a judicial system that has consistently ranked as a national model.

Less time for jet travel and more time in his newly renovated Statehouse office is in order.

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