

# **GARDEN STATE CLE LESSON PLAN**

A 2.0 CLE CREDIT COURSE

## **FREE DOWNLOAD LESSON PLAN AND EVALUTION**

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### **BABY JUDGE SCHOOL: THE BEST JUDGE**

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WITH

**LOUIS SANCINITO , ESQ.**  
RETIRED CHIEF JUDGE  
TRENTON MUNICIPAL COURT

AND FEATURING

**ROBERT RAMSEY, SENIOR INSTRUCTOR**

#### **Program Description**

**The best judge is not necessarily the most well-liked or respected. In fact, the best judge is not necessarily an outstanding legal scholar or judicial sage. Yet, when you decide its time, the best judge can be you. This CLE seminar will show you how.**

## **I. INTRODUCTION**

- Panelists
- Topic and Scope

## **II. HOW TO BE THE BEST JUDGE YOU CAN BE**

- Remain a student of the law---it's a life sentence
- Get good teachers and seek a good mentor
- Change your relationships with your attorney-peers
- Anticipate that things will be different. You will be more isolated from your friends at the bar, police, and others whose company you used to enjoy. As a jurist, there are certain separations that must be maintained
- Doing individual justice: how to do so while being subject to the time constraints of municipal court. The balancing act needs to be carefully engaged in by the Judge. Individual justice versus the AOC Directive of 60-day disposition. Not every case is routine and some will require special attention.

### III. THE SOCIAL CONTRACT BETWEEN THE PUBLIC AND THE COURT/JUDGE

- Responsibility of the Court cannot be delegated
- Decisions based on evidence lawfully admitted
- The Court shows to the public that it has no agenda
- That people get the chance to present their case
- The Judge gives a perception that he listened to and understood the people appearing before the Court
- The court is the safety valve for people on the edge of violence. *State v. Storm*, 141 N.J. 245, 254 (1995).
- *In re Bozarth*, 127 N.J. 271 (1992) asserts that the Municipal Court is in large part the sole exposure to the judicial system in New Jersey, the Court's reputation spreads quickly, court should not use arrogance to maintain order because it may erode public confidence in the judicial system.
- You are being watched in the courtroom and recognized on the street, shopping, in a park, etc.

#### **IV. SOME OF THE BEST PRACTICES OF THE BEST JUDGES**

- Thank witnesses and victims for attending
- Give those attending a chance to be heard by the Court
- Start on time: it is respect for the people in the courtroom. Apologize and explain if late to the bench
- Opening statement including both thanks and assurance that the cases would be given individual attention
- Live up to the expectations of the public
- Track your incremental jumps while improving your skills

#### **V. MISTAKES IN SERVING AS A MUNICIPAL JUDGE**

- After granting probation: “I am going to put you in jail if you violate the terms of probation” suggests that the Court already pre-decided the case. The comment is well intended to “scare straight” the defendant, but is miscalculated
- Failure to accept a plea bargain *in toto*. It is an all or nothing proposition, not a piecemeal negotiable item for the Judge. Be decisive in accepting or rejecting the agreement.

- Illegal sentences: remain consistent with NJ law of course
- Probationary terms and conditions and suspended sentences
- Resentencing after Probation
- Plea entry: mistakes in failing to develop a factual basis for failure to admit culpability or that the defendant does NOT realize the economic costs associated with the plea of guilt. Pursuant to Rule 7:6-2(a)(1), talk to the Defendants about the case so that the system is satisfied that the Defendant understands what is happening
- Don't allow yourself to rise to the bait of the Judge-baiters
- Avoid the “fixed ticket” request from politicians who appointed you. Explain the ethics to the requesting party. The judiciary is not for sale. Do the right thing.

## **VI. CONTEMPT (In the face of the Court)**

- Sparingly exercised and only in the rarest of circumstances. In re Daniels, 118 N.J. 51, 61-62 (1990).

## **VII. COURT STAFF AND RELATIONSHIPS WITH STAFF AND FELLOW JURISTS; POLICE RELATIONSHIPS**

- Don't cross the line: socializing with the staff is fraught with problems
- Relationships with other judges: academic, professional and respectful of differing approaches
- Example: Staff commitment and tradition to fulfilling the mission of the municipal court and a course of excellence
- Example: A staff that is hostile or worse, at a minimum indifferent to the public, inaccessible, rude, etc.
- Each of the above examples are a reflection on the Judge who is the leader of the Court. Poor public relations of the staff reflects poorly on the Judge and causes hostility to be voiced from the public toward the Court
- Lead your staff and inspire your staff to the service mission they are required to maintain
- Police and public/private separation. This concept applies to staff as well as Judge. The Court cannot appear as if beholden to the Police