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STATEWIDE

## After Roe reversal, a divided public's elation and outrage on full display



The U.S. Supreme Court's landmark decision to overturn Roe v. Wade is being condemned by abortion rights groups and hailed by abortion opponents in cities nationwide, including at weekend rallies across New Jersey. They include protests in Jersey City (above right) and Morristown (bottom left), as well as an anti-abortion "Rally for Life and Justice" in Trenton (top left and bottom right). See A8. *Alexandra Pais and John Jones (top right), for The Star-Ledger*

**What's next: How the ruling will change laws across the nation. A4**  
**Their stories: Five N.J. women on their decision to get an abortion. A6**

STATEHOUSE

## Legal protections urged for out-of-state abortion seekers

Susan K. Livio For The Star-Ledger

With New Jersey among the 24 states where abortion is expected to remain legal after the U.S. Supreme Court's seismic decision overturning Roe v. Wade, state lawmakers are planning to consider legislation this week to provide legal protection for patients traveling from out of state to terminate their pregnancies, NJ Advance Media has learned.

The measures address the challenges posed by a law enacted in Oklahoma and Texas, which bans abortions at six weeks. They would include a citizen abortion safe haven state bill, according to a legislative

source familiar with the discussions but who was not authorized to reveal them.

In Oklahoma and Texas, there are citizen "bounty-hunter" provisions enabling people to sue anybody who assists patients terminating a pregnancy — whether it is clinic operators, doctors, nurses or even people who drive a woman to get the procedure. These private citizens could seek civil damages of \$10,000 or more.

As a civil rights attorney and Black woman, state Sen. Nia Gill, D-Essex, said she introduced the legislation last month and asked that it be heard after the ruling because, "We have to be vigilant and move on the state level to protect our rights."

"This is a wakeup call and we cannot take our rights for granted," she said.

One bill would prevent another state from extraditing someone charged with facilitating an abortion in New Jersey (\$26.42). The other bill (\$26.33) would allow people charged in another state for helping provide access to an abortion to file a counter-lawsuit.

State Assemblyman Raj Mukherji, D-Hudson, told NJ Advance Media on Friday he intended to sponsor versions of Gill's legislation in the Assembly.

"What was eradicated today was a half-century precedent under the

SEE ABORTION, A9

STATEWIDE

## Judge shortage reaching crisis level, many say

Suzette Parmley For The Star-Ledger

Mushrooming judicial vacancies are exacting a heavy toll on New Jersey's court system.

The price: Justice delayed or denied for thousands of residents.

Almost a fifth of all trial court positions are expected to go unfilled by year's end. Even the New Jersey Supreme Court will be down three justices after the retirement of Justice Barry Albin on July 6, a day before he reaches the judicial retirement age of 70.

The crisis of an overburdened, understaffed Judiciary will mean an interrupted summer recess for the state Senate. Even after a new state budget is approved this week as expected, the 40-member chamber will return in July to begin filling empty state judgeships, Senate Judiciary Committee Chair Brian Stack, D-Hudson, told NJ Advance Media.

Just how bad is it?

Consider that in the Civil Division, a personal injury complaint could take three to four years to go before a jury.

Civil rights matters, such as hate crimes, whistleblower cases, product liability and environmental matters, are being postponed indefinitely.

And if you're a battered spouse seeking a restraining order against your abuser, it could take several months instead of 10 days for the order to get approved.

"This is catastrophic," said newly minted New Jersey Bar Association President Jerabyn Lawrence.

SEE JUDGES, A9

STATEHOUSE

## Welcome to the busiest week in N.J. politics

Derek Hall and Brent Johnson

For The Star-Ledger

Arguably the busiest week of the year in Trenton kicks off Monday, with dozens of bills up for votes and fewer than four days to finalize a state budget before the new fiscal year begins July 1.

Gov. Phil Murphy and his fellow Democrats who control the state Legislature are still mulling over what to do with a historic tax revenue surplus of more than \$10 billion, as well as what to keep or lose in his \$80 billion budget proposal.

State Senate President Nicholas Scutari, D-Union, and Assembly Speaker Craig Coughlin, D-Woodbridge, have been negotiating with the Murphy administration largely behind closed doors. Under the state Constitution, they have until June 30 to enact a spending plan and avoid the threat of a state government shutdown.

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## JUDGES

# Judge shortage reaching crisis level, many say

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“There can be no question that the staggering number of vacancies are causing delays in justice. They are taking both a human and financial toll on people, children, families, business owners. Even our own friends and family members are all feeling the consequences of the inability to access the courts.”

The Senate confirmed two new Superior Court judges and renominated 10 existing judges on June 14. Earlier this month, nine judges that Gov. Phil Murphy nominated also took the oath to join the bench.

But the new additions won't make a dent in the vacancy crisis, said Lawrence, several attorneys and the chief justice of the New Jersey Supreme Court.

“We are currently at 69 vacancies. After (June 16) we will go down to 67,” Judiciary spokesman Peter McAleer said following the June 14 Senate confirmation of new and existing judges. “But we'll be back up in the 70s by July.”

Stack said he plans to call in Senate Judiciary Committee members as early as mid-July to vet and review judges so the Senate can confirm them over the summer instead of waiting for the Legislature to reconvene after Labor Day.

“Absolutely, the number of vacancies concerns the Senate president, myself and all the members in the Senate,” said Stack. “I feel very strongly that we'll be here several times over the summer. We'll try to make headway for sure.”

Senate President Nicholas Scutari, D-Union, who preceded Stack as Senate Judiciary Committee chair, said he supports having the full Senate come in over the summer to confirm judges.

Murphy's press secretary, Alyana Alfaro, said the governor was also on board to deal with the crisis.

“Governor Murphy has vigorously worked to fill judicial vacancies, having made 94 judicial nominations, and having put 76 judges on the bench since he took office in 2018, with dozens more in the process of being vetted for nomination,” said Alfaro. “He will continue to appoint qualified and capable individuals to the judiciary and work with the Senate through the advice and consent process.”

Alfaro said Murphy, who nominated and renominated Rachel Wainer Apter to fill one of the vacant state Supreme Court positions, hopes to see her nomination, as well as the nominations of 19 Superior Court judges awaiting Senate confirmation, “move forward expeditiously.”

The current 67 vacancies are 15.5% of 433 trial court positions. With 17 more vacancies expected this year, the rate could rise to 19.4% — or nearly 1 in every 5 judges, according to the Judiciary.

Several factors produced a perfect storm for this crisis.

There was a shortage prior to the pandemic that grew worse during it. The long government shutdown cut down on legislative committee hearings and Senate sessions to vet and confirm judicial nominees as scores of sitting judges retired. Case logjams grew because jurors could not be brought to courthouses or conduct in-person criminal trials.

And there's politics, where senators have the power to block nominees from their districts under a tradition known as senatorial courtesy.

Even the state's top court isn't immune to backroom politics.

Since February, the New Jersey Supreme Court has worked with only six justices, instead of the normal seven. And one of those justices is an appeals court judge called up to fill a vacancy prompted by the retirement last December of Jaynee LaVecchia. As Murphy's nomination of



Rachel Wainer Apter gives Gov. Phil Murphy a thumbs-up in March 2021, after she was nominated to the state Supreme Court. Her nomination has remained stalled. File

Wainer Apter remains stalled in the Senate, Faustino Fernandez-Vina reached the retirement age in February. And now Albin is set to leave the bench.

Peter Verniero, a former justice of the state Supreme Court and partner at Newark-based Sills Cummins & Gross, said he's worried about the impact of the historically high vacancies on his former court.

“By constitutional design, our state Supreme Court functions best when it has seven fully confirmed members,” said Verniero. “The high court is approaching three vacancies, an extraordinary number. As someone who cares deeply about the judiciary as an institution, I hope that these vacancies will be filled with qualified nominees as soon as possible so that our courts, especially the Supreme Court, can function as contemplated by the constitution.”

In the Superior Court, those who remain are swimming against an impossible tide.

Essex County Superior Court Judge Sheila Venable, the first Black judge to lead the Essex Vicinage — the largest court in New Jersey — sees the burnout among judges who she said can't work hard enough or long enough to keep up with the workload. Venable said her vicinage had a dozen judicial vacancies, with two judges retiring and one temporarily assigned to the Appellate Division.

“People need their day in court,” Venable testified before the Assembly and Senate budget committees in April as the state budget process got underway in Trenton.

“Judges in Essex — as I'm sure in every vicinage — are working longer than 8:30 a.m. to 5 p.m. They are working hard,” said Venable. “We need a full cadre of judges. Justice delayed is justice denied. When one branch of government is hurting, democracy is hurting. So we're hurting.”

For the past 2½ years, the state court system has averaged 50 or more vacancies per month, twice what is acceptable, according to Chief Justice Stuart Rabner.

“That number should be no higher than 25 or 30 for the Judiciary to be able to best serve the public,” said Rabner in a May speech before the State Bar Association.

Rabner described endless triaging as existing judges are being moved from one division to another, such as from Civil to Family and Criminal “because of the possible risk to a person's safety, and life and death cases simply can't wait.” As a result, backlogs in one court are causing backlogs in other courts.

“The problem is simple to grasp. We need more judges to provide the level of

service the public is entitled to receive,” said Rabner.

Lawrence, who took over as state bar president in May, said in a recent column for NJ.com that the vacancies' biggest victims are the thousands whose lives are in limbo.

“Many find themselves in the middle of high-conflict divorces with absolutely no access to the court for trials in divorce matters,” wrote Lawrence, a divorce and family law attorney. “To my knowledge, out of 21 counties in New Jersey, lawyers can't even schedule divorce trials in nine. In four other counties, trials are stalled for up to six months. One county has no judge handling divorce cases.”

Lawrence told NJ Advance Media the Legislature and Murphy should “put aside any finger-pointing, put the people of our state front and center and fill this historic level of vacancies.”

Attorney Randall Peach gave a glimpse of just how bad things have gotten. In a recent eviction matter in which his firm represented a small landlord, Peach said it took almost three months to evict a commercial tenant for non-payment of rent.

“Years ago it would have taken three weeks to get into Landlord-Tenant Court, especially on a commercial tenancy where the business stopped paying rent,” said Peach. “Here, the tenant took advantage of the delay but remained at the premises until the court date came — and thus got extra months of essentially ‘free’ rent.”

Peach sees judges playing musical chairs — in this case, musical bench — on a daily basis.

“In Somerset County, we have been advised by the Family Court that there are so few judges to hear cases that the Court is no longer holding trials, and are encouraging litigants to either settle their case or dismiss the case and go to arbitration,” said Peach. “This is unsustainable and is having a real-world effect on people.”

Lawmakers in the Assembly earlier this year introduced a bill, A-3165, that would raise the retirement age for state judges and justices from 70 to 72 in an attempt to attack the problem. A companion resolution, ACR-120, would have made the same changes by amending the New Jersey Constitution.

Both measures have gone nowhere and do not have counterpart bills in the Senate.

Suzette Parmley, NJ Advance Media, [sparmley@njadvancemediamedia.com](mailto:sparmley@njadvancemediamedia.com)

## STATEHOUSE

# Welcome to the busiest week in N.J. politics

Continues from A1

The list of spending requests and those in need of assistance is long. But New Jersey residents will likely have little say in the final budget that gets approved, given the tight deadline and private negotiations between leaders.

Often, many lawmakers are left in the dark and don't know what's being chopped up behind the scenes, said Peter Chen, a senior policy analyst with left-leaning think tank New Jersey Policy Perspective.

“No one knows what's going on, and there will be no time to react when we finally do,” Chen said. “This is a consistent complaint. When things shift behind closed doors, suddenly special interest groups find their pet projects added, and the average New Jerseyan finds a proposal that would have helped them instead gets reduced or forgotten.”

State lawmakers have for weeks been submitting requests for their individual districts. Aside from two Republican proposals that are public, though, lawmakers have so far declined to provide any details on individual spending requests.

Then there is the stunning number of bills being considered by the Senate Budget and Appropriations Committee. Members will vote Monday on nearly 60 pieces of legislation, an overwhelming agenda that likely limits debate and transparency.

At the same time, leaders are making deals on bills to further tighten the state's gun laws, overhaul auto insurance, change voting laws and more before lawmakers break for the summer.

Plus, casting a shadow over the whole process is the upheaval of recent U.S. Supreme Court decisions on guns and abortion that could complicate talks.

Legislative sources say the hope is to have a final budget proposal introduced Monday or Tuesday, voted on by Thursday, and signed into law by Friday.

If they don't meet the deadline, it's possible leaders could extend the clock to work out a final plan. That does not automatically trigger a government shutdown — something that last happened five years ago. But if negotiations go sour, Murphy could order a shutdown of the state government. That would likely mean state parks and beaches and government services would be shuttered for the July 4th weekend until a deal is reached.

## STATE OF THE TALKS

None of the main players have uttered the “s” word, at least not publicly.

Murphy said Friday negotiations are ongoing and there's “still a good amount of work to do.”

“But I would characterize it as (we're in) a good place,” the governor said during a news conference in Trenton.

Coughlin said during an interview Friday morning on NJ PBS he's “confident” they'll meet the deadline.

Murphy, Coughlin and Scutari have appeared twice in public over the last week to announce deals that are part of the budget talks — the first on a property tax relief plan, the other on a plan to have a 10-day sales tax holiday on back-to-school supplies.

But sources say leaders still aren't in agreement on which programs to spend money on and how much should be spent. That has to get worked out in the final days.

Another big sticking point has been whether the governor's office will give back final say over how to spend federal coronavirus relief funds to the Legislature. Murphy surprised lawmakers when he seized power over those funds by removing current budget language from his spending proposal for the new fiscal year.

Scutari has said that's non-negotiable. Coughlin said Friday he's “confident” Murphy will agree to that.

## PET PROJECTS AND TRANSPARENCY

With the influx in tax revenue, it's also likely there will be a number of pet projects lawmakers seek to fund included in the budget.

Coughlin said “we've had to temper spending on a lot of people's dreams and request for funding” because inflation is still high and there's the threat of a recession.

“People have asked more because they think we have more,” Coughlin said. “That is a challenge, saying to people ‘No.’ ... Because one of the things we have been focused on ... is the notion that we need to look down the road.”

Coughlin was then asked about criticism last year for introducing the budget too late so residents didn't have a lot of time to look over the document.

“I think we are transparent with the public,” the speaker said. “We do have a committee hearing. The bill is available for everybody to look at. The governor's budget — which is largely the overwhelming portion of the budget — has been out since he introduced it in March. I think there is a transparent process.”

## ABORTION

# Legal protections urged for out-of-state abortion seekers

Continues from A1

constitutional right to privacy. Will women die as a consequence of this decision?” Mukherji said. “It shows us how nothing is safe.”

The measures would have to pass both the state Senate and Assembly before Gov. Phil Murphy could sign them into law.

Mukherji said he is also exploring introducing a constitutional amendment, which would need voter approval, protecting abortion rights in New Jersey.

Murphy and the state Legislature protected the right to abortion in New Jersey six months ago when the governor signed the Freedom of Reproductive Choice Act. The action enshrines a woman's right to abortion, which had been protected under a 1982 state Supreme Court decision, into New Jersey law.

Murphy and civil rights advocates wanted the Legislature to embrace a broader measure that would have eliminated copays and other costs associated with abortion coverage, among other provisions. Politically, however, a majority of Democratic lawmakers refused to do more than uphold abortion as a right, out

of concern they did not want it to appear to be “too easy” to get an abortion.

The 6-3 Supreme Court ruling, while not unexpected from the majority-conservative court, immediately stoked interest in fighting back.

Retired state Senate Majority Leader Loretta Weinberg, the sponsor of the Freedom of Reproductive Choice Act before her departure in January, said she was working on social media and behind the scenes to galvanize support for Gill's legislation. She urged her followers to contact Senate President Nicholas Scutari, D-Union, and urge him to post the bills for a vote.

Both houses of the Legislature are scheduled to be in session most of the week to approve the state budget and a raft of legislation before they go on summer break.

“These are actions we can take quickly to at least make sure New Jersey is a welcoming state for those who can get here and will need the services we can legally provide,” Weinberg said.

It's discouraging to see abortion rights and gun control protections eviscerated, Weinberg said, noting that these were causes she championed for three decades in state office.

“We don't have time to be broken-hearted,” Weinberg said.

The bill Murphy signed in January was stripped of provisions that would have covered abortion care through Medicaid for undocumented immigrants and required private insurance to cover the procedure without copays. But after the draft opinion indicating Roe would be overturned was leaked in May, he has led the call for more protections for reproductive rights.

On Monday, Assemblywoman Mila Jasey, D-Essex, introduced the legislation (A4350) sought by Murphy and abortion advocates. It includes a \$20 million Reproductive Health Fund, with \$15 million for abortion care clinical training programs and \$5 million for security guards and security equipment to protect abortion facilities from attacks.

That bill also would protect people who seek abortions by allowing people from other states who come to New Jersey for the procedure to counter-sue if they have been prosecuted or sued in their home state.

The measure would have to be passed by the Senate and Assembly before Murphy could sign it into law.