

# ASSEMBLY JOINT RESOLUTION

**No. 30**

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## STATE OF NEW JERSEY

### 219th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**Assemblyman ERIK PETERSON**

**District 23 (Hunterdon, Somerset and Warren)**

**Co-Sponsored by:**

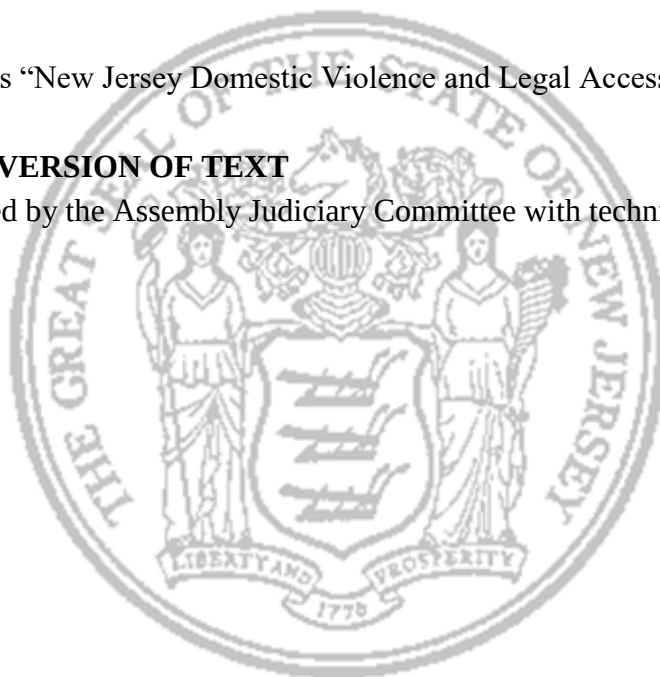
**Assemblyman Johnson, Assemblywomen Vainieri Huttie, Timberlake, Lampitt, Assemblymen Chiaravalloti, Houghtaling, Assemblywoman McKnight, Assemblymen Benson, DePhillips, Assemblywomen Downey, Reynolds-Jackson, Pinkin, DiMaso and Jasey**

**SYNOPSIS**

Establishes “New Jersey Domestic Violence and Legal Access Task Force.”

**CURRENT VERSION OF TEXT**

As reported by the Assembly Judiciary Committee with technical review.



**(Sponsorship Updated As Of: 2/24/2020)**

1   **A JOINT RESOLUTION** establishing the “New Jersey Domestic  
2   Violence and Legal Access Task Force.”  
3  
4   **WHEREAS**, Every day, indigent *pro se* parties enter New Jersey courts  
5   seeking relief from abuse. Often these people are unable to  
6   advocate effectively for themselves or articulate a sufficient basis to  
7   support the relief they are seeking from the court. Similarly, other  
8   indigent parties must defend themselves against allegations of  
9   domestic violence. In both instances, these litigants are often ill-  
10   equipped to articulate the merits of their positions to the court  
11   because of a language barrier, lack of understanding of the statutory  
12   standard, or for some other reason; and  
13   **WHEREAS**, Survivors of domestic violence rate the filing of an  
14   application for a restraining order as one of their most effective  
15   tools to stopping domestic violence, second only to leaving the  
16   abuser. Studies confirm that access to counsel in restraining order  
17   proceedings can make a substantial difference in the outcome; and  
18   **WHEREAS**, According to one study, 83 percent of victims represented  
19   by an attorney successfully obtained a restraining order, as  
20   compared to just 32 percent of victims without an attorney; and  
21   **WHEREAS**, Increasing a victim’s chance for obtaining a restraining  
22   order is one of the most straightforward ways in which legal  
23   assistance can reduce domestic violence. Cases involving domestic  
24   violence are often difficult and complex, and survivors without  
25   proper legal representation are frequently further victimized by  
26   unfavorable outcomes; and  
27   **WHEREAS**, New Jersey has long recognized a right to counsel for  
28   impoverished defendants facing consequences of magnitude, even  
29   in civil cases, such as loss of motor vehicle privileges or a  
30   substantial fine in municipal court, child support enforcement  
31   proceedings, involuntary commitment proceedings, Megan’s Law  
32   tier classification hearings, proceedings regarding abuse, neglect or  
33   termination of all parental rights, and loss of liberty, such as the  
34   ability to own weapons or to move freely; and  
35   **WHEREAS**, Inexplicably, a defendant who is prosecuted for an act of  
36   domestic violence is not entitled to counsel even though facing a  
37   host of consequences of magnitude, which may include immediate  
38   loss of the right to occupy a residence without any relief from  
39   financial obligations related to that residence; monetary payments  
40   and penalties; seizure of firearms and the loss of the right to possess  
41   same; and suspension of the right to see his or her children; and  
42   **WHEREAS**, There is no principled reason why an indigent facing loss  
43   of motor vehicle privileges or a substantial fine in municipal court  
44   would be conferred the right to counsel, but an indigent involved in  
45   a domestic violence matter would not have a similar right; and  
46   **WHEREAS**, Domestic violence proceedings implicate fundamental  
47   rights, effect consequences of sizable magnitude, and the provision  
48   of counsel protects a core constitutional provision-the guarantee of

1 “fundamentally fair” adversarial proceedings. Absent such a  
2 safeguard, domestic violence litigants are left impermissibly  
3 vulnerable; and

4 **WHEREAS**, By expanding the right to counsel to include both sides in  
5 a domestic violence restraining order action, this State can ensure  
6 that indigent litigants will not suffer consequences of magnitude  
7 without first receiving the protection of counsel; now, therefore,  
8

9 **BE IT RESOLVED** *by the Senate and General Assembly of the*  
10 *State of New Jersey:*  
11

12 1. a. There is established the “New Jersey Domestic Violence  
13 and Legal Access Task Force” to study the nature, extent and  
14 consequences of unmet legal needs of State residents in domestic  
15 violence matters.

16 b. The purpose of the task force is to examine, on a Statewide  
17 basis, the impact that the lack of access to legal counsel in domestic  
18 violence matters is having on the ability of State residents to be  
19 protected from physical and emotional harm, and the impact on  
20 other residents who have to defend themselves against allegations  
21 of domestic abuse.  
22

23 2. a. The task force shall be comprised of 16 members, as  
24 follows:

25 (1) Two public members appointed by the Governor, one of  
26 whom shall be a representative of a pro bono program organized by  
27 a law firm located in the State, and one of whom shall be a State  
28 resident who has been a pro se litigant who has appeared as a  
29 plaintiff in a domestic violence matter in the New Jersey State  
30 courts;

31 (2) Two public members appointed by the Governor upon  
32 recommendation of the President of the Senate, one of whom shall  
33 be the representative of a non-profit organization dedicated to the  
34 services and assistance of victims of domestic violence and one of  
35 whom shall be a State licensed and certified family law attorney;

36 (3) Two public members appointed by the Governor upon  
37 recommendation of the Speaker of the General Assembly, one of  
38 whom shall be a director of a legal clinic program of a law school  
39 located in the State and one of whom shall be a State resident who  
40 has been a pro se litigant who has appeared as a defendant in a  
41 domestic violence matter in the New Jersey State courts;

42 (4) One member appointed by the Chief Justice, who is a retired  
43 judge of the Superior Court who was previously assigned to the  
44 Family Division;

45 (5) The Administrative Director of the Courts, or his designee;

46 (6) The Public Defender, or the Public Defender’s designee;

47 (7) The Attorney General, or the Attorney General’s designee;

1       (8) The dean of Seton Hall University School of Law, or the  
2 dean's designee;

3       (9) The co-dean of Rutgers Law School Newark Campus, or the  
4 co-dean's designee;

5       (10) The co-dean of Rutgers Law School Camden Campus, or  
6 the co-dean's designee;

7       (11) The executive director of New Jersey Legal Services, or the  
8 executive director's designee;

9       (12) A representative of the New Jersey Coalition to End  
10 Domestic Violence; and

11       (13) A representative of Partners for Women and Justice.

12       b. The task force may meet and hold hearings at the places it  
13 designates during the sessions or recesses of the Legislature. The  
14 task force shall meet at the call of the co-chairs, and the presence of  
15 nine members of the task force shall constitute a quorum at any  
16 meeting thereof.

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18       3. The task force shall be co-chaired as follows: one co-chair  
19 shall be the Attorney General, or the Attorney General's designee,  
20 and the other shall be appointed by the Governor from among the  
21 public members and shall serve at the pleasure of the Governor.

22

23       4. Vacancies in the membership of the task force shall be filled  
24 in the same manner as the original appointments were made. The  
25 members of the task force shall serve without compensation, but  
26 shall be eligible for reimbursement for necessary and reasonable  
27 expenses incurred in the performance of their official duties within  
28 the limits of funds appropriated or otherwise made available of the  
29 commission for its purposes.

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31       5. The Attorney General's Office shall provide staff and related  
32 support services as the task force requires to carry out its work.

33

34       6. The task force shall be entitled to call to its assistance and  
35 avail itself of the services of the employees of any State, county, or  
36 municipal department, board, bureau, commission, or agency as it  
37 may require and as may be available to it for its purposes, and to  
38 incur such traveling and other miscellaneous expenses as it may  
39 deem necessary for the proper execution of its duties and as may be  
40 within the limits of funds appropriated or otherwise made available  
41 to it for these purposes.

42

43       7. The task force shall present a report of its findings and  
44 recommendations to the Governor and, pursuant to section 2 of  
45 P.L.1991, c.164 (C.52:14-19.1), to the Legislature no later than 18  
46 months after the organization of the task force. Such  
47 recommendations shall include suggested mechanisms to: (1) secure  
48 access to justice and legal representation in domestic violence

1 matters by increasing the availability of legal assistance with  
2 domestic violence matters throughout the State; (2) institute a  
3 review of New Jersey's Rules of Professional Conduct and  
4 Unauthorized Practice of Law rules with the purpose of identifying  
5 revisions that expand the ability of law students to provide pro bono  
6 assistance to persons of limited means; and (3) encourage increased  
7 pro bono service by the State's legal community.

8

9 8. The task force shall dissolve three months after presenting  
10 the report.

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12 9. This joint resolution shall take effect immediately.