

## Preface

Many legal and law enforcement professionals regard the millions of cases processed in the municipal courts of this State each year as matters of minor importance. In a sense, this is entirely understandable. The big, important cases are heard in the Superior Court. By law, the subject matter jurisdiction of the municipal court is limited in New Jersey to petty offenses. The minor, unimportant cases heard by the municipal courts range from parking tickets and moving violations to criminal matters involving neighborhood disputes over barking dogs, with an occasional housing violation ticket thrown in for good measure.

Of course, the experienced attorneys who routinely appear in municipal court know better. They know that while a particular case may not be important in the grand scheme of things, it is the most important case in their client's life! The vast majority of people who ever have their day in court in New Jersey have it in municipal court.

Beyond this fact, the municipal courts of our State do not only hear petty matters. They are charged with hearing a wide variety of critically important cases, including drunk-driving, domestic violence, drug offenses, tax violations and violent assaults. Many of these cases could easily be prosecuted in Superior Court, but are sent to municipal court for speedy disposition by County Prosecutors. Given the wide range of criminal and motor vehicle cases the court hears, the millions of people who appear before its judges each year and the amount of money it generates for all levels of government, the municipal courts are perhaps the most important trial level courts in the State.

For defense attorneys, the key to successful representation of clients in municipal court is based upon five factors. First, the successful attorney must know how to handle himself in a world of local police, court administrators, part-time prosecutors and judges. It is an environment that is completely different from that experienced in Superior Court and, due to local customs, varies greatly around our State. Second, the successful attorney must have a firm grasp of the complexities of municipal court procedure as set forth in the Court Rules, the case law and the directives from our Supreme Court. Third, since the vast majority of cases will be resolved by way of a guilty plea under a plea agreement, the successful attorney must have a firm grasp on all the nuances of motor vehicle, criminal and ordinance violation

sentencing. The structure of a given sentence is often the key element in having a satisfied (sometimes overjoyed) client. By the same token, in those rare instances where a case must be tried, the successful attorney must be able to advocate his client's position in a proceeding that may have all the attributes of a Superior Court trial except for the presence of a jury. Finally, in order to properly represent a client, the successful municipal court attorney must be able to give accurate advice on the collateral consequences the client will face as a result of a sentence imposed by the court. Indeed, the art of plea bargaining in municipal court is driven in large measure by an effort to avoid collateral consequences such as motor vehicle points, insurance increases, administrative license loss, forfeiture of employment and the like.

These volumes are specifically designed to provide New Jersey attorneys with accurate information. While these volumes cannot advise an attorney how to handle himself when interacting with people in municipal court, it will prove to be an indispensable tool for resolving issues relate to all phases of practice, procedure, trial, sentencing and collateral consequences. Judges, prosecutors and law enforcement professionals will also find these volumes to be a critically important tool in fulfilling their responsibilities as well.

Municipal Courts in New Jersey are time driven. Often, there is little opportunity for busy lawyers to prepare for the legal issues in a given case. To make matters worse, few, if any, of the municipal courts have research materials, law libraries or other books readily available on site. These volumes are designed to be used as a source to deliver accurate advice to clients and persuasive legal arguments to judges and adversaries. Moreover, in those cases where briefs, memoranda of law and the like are appropriate, they will serve as an excellent research tool and will provide extensive explanation and background about most aspects of municipal court law.

Apart from its vast subject matter and inherent complexity, New Jersey municipal court law is dynamic. The impact of dozens of reported decisions, new laws, Supreme Court Directives, new Court Rules and administrative code enactments makes it difficult for the average practitioner to stay current. The yearly updates to these volumes will include all the latest changes to the law, complete with explanations and commentary.

In short, the goal of these volumes is to provide municipal court practitioners, judges and law enforcement professions with an up-to-date source of the law that is the foundation for our State's most important court. It is my hope that their use will result in enhanced professionalism, better advocacy and a higher

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quality of justice for the people who appear in New Jersey's municipal courts.

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