

SECOND EDITION

# Your Guide to



# MUNICIPAL COURT



A New Jersey State Bar Foundation Publication

# CONNECT WITH US

*FOLLOW US ON  
SOCIAL MEDIA*



Join our online community  
and stay in the know



**@NJStateBarFdn**



**@NJStateBarFdn**



**New Jersey State Bar Foundation**



**NJ State Bar Foundation**

# INTRODUCTION

The local court in your community is referred to as the municipal court. Of the approximately seven million cases filed in New Jersey's courts each year, about six million are filed in municipal court. Each municipal court has a locally appointed judge, prosecutor, and public defender.

New Jersey municipal courts have jurisdiction (authority) to hear cases occurring within the boundaries of its municipality. Municipal courts are referred to as courts of "limited jurisdiction" because they only have jurisdiction to hear certain cases. Those cases include traffic tickets (for example, speeding and moving violations, driving with a suspended driver's license, DWI), minor criminal-type cases called disorderly person offenses (for example, simple assault, trespassing, issuing a bad check), municipal ordinance violations (for example, building code violations, dog barking), as well as boating and fish and game violations.

More serious crimes, such as murder or the distribution of drugs, are heard in the County Superior Court. Municipal court violations are sometimes referred to as "quasi-criminal." While municipal court violations are technically not felonies or crimes, a defendant is entitled to many of the same protections afforded to a defendant charged with a serious crime. While a municipal court charge may appear minor, the penalties arising from a conviction can be significant, including up to six months in jail (the maximum allowed under New Jersey law), fines, New Jersey Motor Vehicle Commission points, and license suspension.

*Your Guide to Municipal Court* highlights your rights when appearing in municipal court, as well as court procedures and terminology. **This pamphlet is made possible by funding from the IOLTA Fund of the Bar of New Jersey.** It is issued as a public education service and does not constitute legal advice. Only an attorney can provide legal advice after being made aware of your specific situation. The New Jersey State Bar Foundation gives special thanks to **Gregory M. Marootian, Esq.**, a certified municipal court lawyer, for his contribution to this pamphlet.

© June 2025 New Jersey State Bar Foundation

# PROCEDURES AND YOUR RIGHTS IN COURT

**Charges and Penalties:** You have a right to be informed of the charges against you, which should be contained in the complaint (ticket). You also have a right to know the range of consequences (penalties) you face.

**Postponement:** You have the right to a reasonable postponement for “good cause,” for example, to consult with a lawyer or to prepare a defense.

**Attorney:** You have a right to be represented by an attorney or to represent yourself.

**Public Defender:** You have a right to be represented by a court-appointed attorney (the “public defender”), but only if the charge against you carries the possibility of a jail term, loss of driving privileges, or fines of \$750 or more, AND you qualify financially. The judge will assess your eligibility for a public defender by reviewing your income, assets, and expenses, which you must list on a court-provided form. If you are deemed eligible, the court may assess an application fee of up to \$200. The municipal court judge may reduce or waive this fee based on your circumstances. You have the right to pay the application fee in monthly installments, which cannot exceed four months.

**Remaining Silent and the Presumption of Innocence:** You have a right to remain silent, known as the right against self-incrimination. This means that no one can ask you to provide testimony, a statement, a “defense” or even answer questions at sentencing (if you are convicted). You have the right, but not an obligation, to testify at trial. If you do not testify, the court may not hold your silence against you.

You are entitled to the constitutional presumption of innocence. The prosecutor (sometimes referred to as “the State”) has the burden of proving the charge(s) against you beyond a reasonable doubt, and this burden never shifts. You never have an obligation to prove your innocence.

There is an exception to the right to remain silent and the presumption of innocence—a parking ticket. If you are charged with a parking offense, neither the prosecutor nor the issuing police officer must appear (unless ordered by the court). If a parking offense is sufficiently detailed,

identifies the vehicle involved, and the vehicle was registered to you on the date of the charged offense, you have the burden of establishing a defense (i.e., why you should be found not guilty).

**Guilty Plea:** You may plead guilty. You should always consult with a lawyer before entering a guilty plea so that you understand the full spectrum of direct and indirect consequences of a plea. By entering a guilty plea, you are waiving important constitutional rights such as the right to force the State to prove the case against you, the right to remain silent, and the right to confront the witnesses against you.

In New Jersey, the court cannot accept a guilty plea unless a defendant admits to committing the offense. This is known as a “factual basis,” a legal term meaning that a defendant must admit to committing the facts constituting the offense. The judge will question you in order to elicit this factual basis. The judge also must be satisfied that you are pleading guilty knowingly and voluntarily (with knowledge of the charge, the consequences, and your right to a trial and a lawyer if you are not represented).

There is no plea known as “guilty with an explanation.” If you plead guilty, the court must determine the sentence. If the court accepts your guilty plea, you have the right to make a statement to the court or present any information that you think may affect the court’s sentence. This may include, for example, your (good) driving history and job and family situation.

**Not Guilty Plea:** If you plead not guilty, you have the right to a trial. You also have a right to review the evidence against you (called “discovery”). The prosecutor has the burden to prove the charge(s) against you beyond a reasonable doubt. You (or your lawyer) may call or subpoena witnesses on your behalf, and while you have no obligation to testify, you may testify or make a statement if you choose to do so.

**Plea Bargaining:** A “plea bargain” or “plea agreement” is a negotiated agreement between a prosecutor and a defendant whereby the defendant is permitted to plead guilty to a reduced charge and/or one or more charges are dismissed. A plea agreement may also involve a sentencing recommendation by a prosecutor. The court has the authority to reject the plea agreement. If you do plead guilty and the sentence exceeds the recommendation, you have the right to withdraw your plea.

Plea bargaining is permitted by the New Jersey Supreme Court. You (or your lawyer) may speak with the municipal court prosecutor to negotiate a plea bargain. A plea bargain may benefit you by reducing or eliminating points, fines, and/or jail time.

**New Jersey Motor Vehicle Commission (NJ MVC) Consequences:** In addition to court-imposed penalties for traffic offenses, the New Jersey Motor Vehicle Commission (NJ MVC) may impose penalties, including the assessment of points, surcharges, and license loss. The municipal court does not impose/assess “points” or surcharges. Further, the NJ MVC has the authority to suspend your license for the accumulation of points. The court is linked to the NJ MVC via computer. Therefore, all traffic ticket guilty findings are reported to the NJ MVC upon entry. If you have a driver’s license in a state other than New Jersey, the NJ MVC will report traffic ticket convictions to your home state. This may impact your driving privileges in your home state.

**Appeals:** If you are not satisfied with the court’s decision or sentence, you have a right to appeal to the County Superior Court. You have 20 days (a strict time limit) to file an appeal. A Superior Court judge will hear the appeal from the municipal court decision or sentence. Municipal court appeals are based solely on the testimony and evidence cited in the municipal court; you may not present new evidence or testimony on appeal. You must obtain a verbatim record of the municipal court proceedings, called a transcript. Any evidence introduced during the proceedings will be transmitted to the Superior Court. This evidence and the transcript will form the “record” upon which the appeal will be based. An appeal packet is available in the court office.

**Immigration and Deportation Consequences:** If you are not a United States citizen and you plead guilty to or are convicted of certain offenses heard in the municipal court, including some motor vehicle offenses, it may result in your being deported from the United States or prevent you from being re-admitted to the United States if you leave voluntarily. It could also prevent you from ever becoming a naturalized American citizen. You have a right to seek advice from an attorney about the effect a guilty plea will have on your immigration status.

**Interpreter:** You are entitled to an interpreter (provided by the court) for the proceedings. An interpreter is presumed necessary for any person with limited proficiency in English.

**Disability Accommodations:** If you have a disability, you have a right to a reasonable accommodation that allows you access to the court and provides for your participation in the proceedings.

# TRAFFIC STOPS AND YOUR RIGHTS

**Legality of Traffic Stops:** The U.S. Constitution and the New Jersey Constitution protect citizens against unreasonable searches and seizures—protections that extend to police stops of motor vehicles. To be lawful, a stop must be based on a “reasonable suspicion,” based on specific articulated facts (not a mere hunch) that an offense has been or is being committed or that something might be wrong with the vehicle or its driver.

**Credentials:** You must, upon an officer’s request, show your credentials (license, registration, and insurance card).

**Search:** You do not have to agree (consent) to a search of your car. The police must have “probable cause” (a reasonable and good faith basis) to believe that a search will turn up evidence of criminality.

**Sobriety Tests:** You are not required to perform field sobriety tests. However, your refusal can be considered as evidence that you are guilty of driving while intoxicated.

**Breath Testing:** Under the New Jersey Implied Consent Law, you must provide police with samples of your breath. Your failure to do so is illegal—a separate violation of New Jersey law, subjecting you to separate penalties.

**Blood/Urine:** Unlike breath samples, you do not have to consent to providing blood or urine samples to the police. You may refuse.

**Statements:** You have an absolute constitutional right to remain silent and refuse to answer questions from the police. You must, however, provide your credentials, exit your car if/when requested, and comply (not resist) if arrested (even if you believe the arrest is unwarranted).

# SEEKING LEGAL ASSISTANCE

The judge and court staff may not provide you with legal advice. The prosecutor represents the State and, likewise, is not obligated to provide you with legal advice. Speaking with a Municipal Court lawyer is always advisable. A lawyer can review the charges, elicit relevant information from you, and provide you with specific and more tailored advice.

If you hire a lawyer to contest charges, they will enter your not guilty plea(s), obtain necessary postponements, gather evidence (called “discovery”), obtain your driving history, assess the State’s case, advise you regarding options, negotiate a plea-bargain and if necessary prepare your case for trial.

**Municipal Court Specialists:** Finding a lawyer can be confusing. Only certain lawyers, designated by the New Jersey Supreme Court as “certified,” may refer to themselves as “specialists.”

Finding the right attorney is to the benefit of both you and the attorney you choose. That is why the New Jersey Supreme Court has directed the Board on Attorney Certification to administer the attorney certification program in an effort both to protect consumers from false advertising and to raise the level of competence of attorneys in this state. This program is designed to help you make an informed decision when seeking and selecting a lawyer.

The Board on Attorney Certification was established by the New Jersey Supreme Court in 1980 to help consumers find attorneys who have a recognized level of competence in particular fields of law. Attorneys may be designated by the New Jersey Supreme Court as “certified attorneys” if they: are able to demonstrate sufficient levels of experience, education, knowledge, and skill in a specific area of law or practice; have passed a rigorous examination; and have been recognized by their peers as having sufficient skills and reputation in the designated specialty.

The New Jersey Supreme Court, through recommendation by the Board, certifies attorneys in five areas: civil trial law, criminal trial law, matrimonial law, municipal court law, and workers’ compensation law. An attorney must meet the following requirements to become certified:

- Has been a member in good standing of the New Jersey Bar for at least five years.
- Has taken a specific number of continuing legal education courses in the three years prior to filing an application.
- Demonstrates substantial involvement in the preparation of litigated matters.
- Demonstrates an unblemished reputation by submitting a list of attorneys and judges who will attest to the applicant's character and ability.
- Passes a written examination covering various aspects of practice in the designated specialty.

### **County Bar Association Referral Services**

Most Country Bar Associations have lawyer referral services. Locate your county of residence below and contact the appropriate service.

---

**Atlantic County Bar Association**  
 1201 Bacharach Boulevard  
 Atlantic City, NJ 08401  
 609-345-3444  
 atcobar.org

**Bergen County Bar Association**  
 15 Bergen Street  
 Hackensack, NJ 07601  
 201-488-0044  
 bergenbar.org

**Burlington County Bar Association**  
 137 High Street, 3rd Floor  
 Mount Holly, NJ 08060  
 609-261-4542  
 burlcobar.org

**Camden County Bar Association**  
 1702 Haddonfield-Berlin Road  
 Cherry Hill, NJ 08003  
 856-482-0620 x113  
 camdencountybar.org

**Cape May County Bar Association**  
 P.O. Box 425  
 Cape May Courthouse, NJ 08210  
 609-463-0313  
 cmcba.org

**Cumberland County Bar Association**  
 P.O. Box 2374  
 Vineland, NJ 08362  
 856-696-5550  
 ccnjbar.org

**Essex County Bar Association**  
 470 Dr. Martin Luther King Jr.  
 Boulevard  
 Newark, NJ 07102  
 973-622-6207  
*Lawyer Referral Service: 973-622-6204*  
 essexbar.com

**Gloucester County Bar Association**  
 P.O. Box 338  
 Woodbury, NJ 08096  
 856-848-4071  
*Lawyer Referral Service: 856-848-4589*  
 gcbanj.org

**Hudson County Bar Association**  
 583 Newark Avenue  
 Jersey City, NJ 07306  
*Lawyer Referral Service: 201-798-4708*  
 hcbalaw.com

**Hunterdon County Bar Association**

P.O. Box 643  
Flemington, NJ 08822  
908-200-7822  
HunterdonCoBa@gmail.com  
huntcolaw.org

**Mercer County Bar Association**

1245 White Horse Mercerville Road,  
Suite 420  
Mercerville, NJ 08619  
609-585-6200  
mercercbar.com

**Middlesex County Bar Association**

87 Bayard Street  
New Brunswick, NJ 08901  
732-828-3433  
*Lawyer Referral Service:*  
732-828-0053 ext. 100  
admin@mcbalaw.com  
mcbalaw.com

**Monmouth Bar Association**

71 Monument Street  
Freehold, NJ 07728  
732-431-5544  
monmouthbarassociation.com

**Morris County Bar Association**

40 Maple Avenue 2W  
Morristown, NJ 07960  
973-267-6089  
dwoodbury@morriscountybar.com  
morriscountybar.com

**Ocean County Bar Association**

P.O. Box 381  
Toms River, NJ 08754  
*Lawyer Referral Service:* 732-240-3666  
oceancountybar.org

**Passaic County Bar Association**

401 Grand Street, 3rd Floor  
Paterson, NJ 07505  
973-345-4585  
passaicbar.org

**Salem County Bar Association**

856-935-5629  
contact@salemcountybar.org

**Somerset County Bar Association**

P.O. Box 1095  
Somerville, NJ 08876  
908-685-2323  
director@somersetbar.com  
somersetbar.com

**Sussex County Bar Association**

*For lawyer referrals contact the Morris  
County Bar Association at  
973-267-6089.*

**Union County Bar Association**

2 Broad Street 1st Floor  
Elizabeth, NJ 07207  
908-354-5984  
*Lawyer Referral Service:* 908-353-4715  
uclaw.com

**Warren County Bar Association**

*For lawyer referrals contact the  
Hunterdon County Bar Association at  
908-200-7822.*

# ABOUT NEW JERSEY STATE BAR FOUNDATION

The New Jersey State Bar Foundation, founded in 1958, is the educational and philanthropic arm of the New Jersey State Bar Association. The Foundation believes that **informed citizens are better citizens** and is committed to providing free legal education programming for educators and the public. Programs provided by the Foundation include mock trial competitions for students in grades 3 to 12 and training sessions for educators on the topics of anti-bullying, anti-bias, conflict resolution, peer mediation, social emotional character development, and much more.

Publications geared for the public include *Domestic Violence: The Law and You (Fifth Edition)*, *Law Points for Senior Citizens (4<sup>th</sup> Edition)*, *Consumer's Guide to New Jersey Law*, *Avoiding Notario Fraud in New Jersey*, and *Disability Law: A Legal Primer (7<sup>th</sup> Edition)*. School-based publications available through the Bar Foundation include *The Bill of Rights Up Close*, *Beyond the Bill of Rights*, as well as our subscription-based publications—*The Legal Eagle*, a legal newspaper for kids, and *Respect*, a diversity and inclusion newsletter. Some publications are available in Spanish, and all are available in alternative formats for the visually impaired. Visit [publications.njsbf.org](http://publications.njsbf.org) to order or download.

For more information on programs and publications, visit the New Jersey State Bar Foundation online at [njsbf.org](http://njsbf.org). Please follow the Bar Foundation on social media and invite your friends to like and follow us as well. @NJStateBarFdn can be found on Facebook and Instagram. The New Jersey State Bar Foundation can also be found on LinkedIn and YouTube.



## NEW JERSEY STATE BAR FOUNDATION

One Constitution Square  
New Brunswick, NJ 08901-1520  
732-249-5000  
[njsbf.org](http://njsbf.org)  
[@NJStateBarFdn](https://www.instagram.com/NJStateBarFdn)