

EXECUTIVE ORDER No. 38

WHEREAS, The Office of Administrative Law was established in 1979 and charged with responsibility for overseeing specified functions within the Executive Branch; and

WHEREAS, The Office of Administrative Law was created with the intention that it should promote due process, expedite the just conclusion of contested cases, and generally improve the quality of administrative justice; and

WHEREAS, The size of the caseload within the jurisdiction of the Office of Administrative Law has increased dramatically since its inception; and

WHEREAS, The Office of Administrative Law adjudicates diverse issues, many of which have important consequences to members of the general public, such as utility rates, professional licensing, drivers' licenses and welfare benefits; and

WHEREAS, Legislation pertaining to the Office of Administrative Law is occasionally presented to me; and

WHEREAS, An evaluation of the performance of the Office of Administrative Law with regard to how it meets its legislative mandates has not taken place since the office was created;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT that:

1. There is hereby created a committee to be known as the Governor's Committee on the Office of Administrative Law (hereinafter referred to as the "Administrative Law Committee").

2. The Administrative Law Committee shall consist of 13 members, which shall include: the Secretary of State; the Commissioners of Civil Service, Education, Human Services; the Director of the Division of Motor Vehicles; a representative of the Governor's office; one representative or Administrative Law Judge of the Office of Administrative Law; and six other members to be selected by the Governor. The chairman and vice chairman shall be selected by the Governor from among the committee member-

ship. The members of the Administrative Law Committee shall serve without compensation.

3. The Administrative Law Committee shall study the following issues and make periodic reports to me on its findings and recommendations:

a. Any and all ways of improving the amount of time necessary to dispose of an administrative law case, including, but not limited to, an analysis of whether separate and distinct procedures can be instituted to accommodate different types of cases;

b. Suggested means for dealing with the existing backlog of cases;

c. The necessity or desirability of instituting a requirement that administrative law judges be attorneys licensed to practice law in the State of New Jersey;

d. The appropriate atmosphere which should be fostered during administrative law hearings (i.e., the degree to which formalized courtroom procedures, such as the wearing of robes, should be encouraged or discouraged);

e. The appropriate role of the Office of Administrative Law within the Executive Branch.

4. The Administrative Law Committee is authorized to call upon any department, office, division or agency of the State to supply such data, program reports and any other information, personnel or assistance as it deems necessary to discharge its responsibilities under this Order. Each department, office, division or agency of the State is authorized, to the extent not inconsistent with law, to cooperate with the Administrative Law Committee to furnish it with such information, personnel and assistance as necessary to accomplish the purposes of this Order.

5. This Order shall take effect immediately and shall expire one year after its effective date.

Issued April 7, 1983.