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Debts Gone Bad, Relations Gone Sour

By KEVIN COYNE MAY 1, 2009

Newark

AS the dozens of litigants filed into the grand old courtroom, most couldn't help but gaze upward with widened eyes — at the oak paneling that climbed to the coffered ceiling, the gold leaf trim, the Corinthian pilasters, the twin chandeliers, all the lavish civic grandeur of a sanctuary that seemed out of scale to the size of their complaints.

They filled the 13 benches in Room 301 of the Essex County Hall of Records, and riffled through the documents their cases were based upon, making sure they were ready for their day in court. They stretched weary elastic around scuffed expandable files. They arranged their canceled checks in the proper chronology. They debated which photo of a botched kitchen renovation to show first. And they leaned in closer when the judge started to speak.

“Please keep your voices up,” said Judge Michael R. Casale, keeping his own up to make sure it was heard in a tall, echoey room that — as a new air-conditioning unit in the rear corner rumbled on this unseasonably hot morning — swallowed the words of those who didn't.

Sitting in the third row, Julio Nunez, 73, unfolded his arms from across his barrel chest and reached into the back pocket of his jeans for the clear

plastic envelope that contained his case: \$13,000 in bad checks that were supposed to repay a loan he made to a building contractor who had been a friend for 15 years. When business soured, the friend turned out to be not so much of a friend after all, and disappeared.

Mr. Nunez hoped to get “maybe something, at least,” he said, sounding the predominant theme here, and in many other places, too, these days: The everything you were counting on might be gone, but maybe some diminished part of it is still within reach.

He and the other litigants here had already raised their voices once, when their frustration over some transaction gone awry led them to file their cases in what is colloquially known as small claims court, and they raised them again, as the clerk called each of their names, plaintiffs and defendants. But first they listened as Judge Casale gave them the same quick lesson that he gives each new crop of litigants, and that has acquired new shades of meaning in these harsh times — a lesson in the limits of what a seemingly omnipotent institution can actually do to make them whole again.

“Anyone can sue for anything — I know because I see the lawsuits on a daily basis,” said Judge Casale, 52, who spent a dozen years as a judge in the criminal courts in Essex County before switching to the civil division last fall, just as the economy was collapsing. His first assignment was in the Special Civil Part, which hears claims of up to \$15,000 and disputes between landlords and tenants. “But you can’t get blood from a stone, as the saying goes.”

The economic crisis can be seen in many quarters of the downtown courthouse complex here: the divorced fathers who have lost their jobs and are seeking a reduction in their support payments; the landlords who have waited longer before coming to seek eviction notices, because patience may be a more prudent option when new tenants are harder to find; the angry foreclosed homeowners who were turning up unannounced with such regularity on the

days of sheriff's sales that the state started a special mediation program in March to handle them.

Here in Special Civil, the hopeful plaintiffs continue to arrive each morning, many of them expecting judgments as swift and satisfying as those meted out on television courts. But as each day unfolds, so grows their understanding that justice is not always a matter of truth, but of compromise.

"If you sue for \$500 and it costs you \$700, you lost," Judge Casale told them. "I know — principles. I understand about principles, but principles don't pay the bills."

A few litigants were dispatched immediately to meet with the mediators who held the bright green case files, and the rest marched down the hall to wait in a smaller courtroom that was neither as lavish nor as cool as the one they were leaving. Mr. Nunez pulled out his envelope again, and surveyed his papers one more time. On the other side of the courtroom, Henry Roman, 45, waited with his fiancée, Aliya Onque, 35, hoping to collect the \$2,590 owed them by the former tenant in the upstairs apartment of their two-family house in Newark's North Ward. A rental subsidy paid \$622 of the tenant's \$950 monthly rent; the tenant was supposed to pay the rest.

A mediator finally called their names, and their tenant's, and they took their case behind closed doors for almost an hour. They emerged with an agreement — a promise of a \$100 payment each month for the next 20 months.

"We didn't expect to walk out of here with everything — it just wasn't happening," Ms. Onque said. "We did get something."

No mediator could help Mr. Nunez, because there was no one to mediate with; his former friend had failed to appear. He took the checks from his envelope when his case was called, and handed them up to the bench.

“ ‘Insufficient funds’ is stamped right over it,” said Judge Ned M. Rosenberg, as he examined one check. He agreed that Mr. Nunez was owed the money, and gave him the papers that said so.

Mr. Nunez took his papers to another room, smaller and plainer still, and filled out some forms, including one in which he authorized a constable to try to collect on the judgment. Then he was sent to yet another room, the smallest, plainest and dimmest of all, where he had to fill out one more. No money was waiting for him there, and when the window clerk asked him a question, he leaned in closer to make sure he had heard right. Then he reached into his front pocket for some cash: \$12 for a filing fee.

“I feel like I want to beat him up, but I can’t,” Mr. Nunez said of his former friend, as he walked out with the papers that said that the law, at least, was on his side. He folded them and put them in the same plastic envelope with the bad checks. “Now I have to collect, something at least.”

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