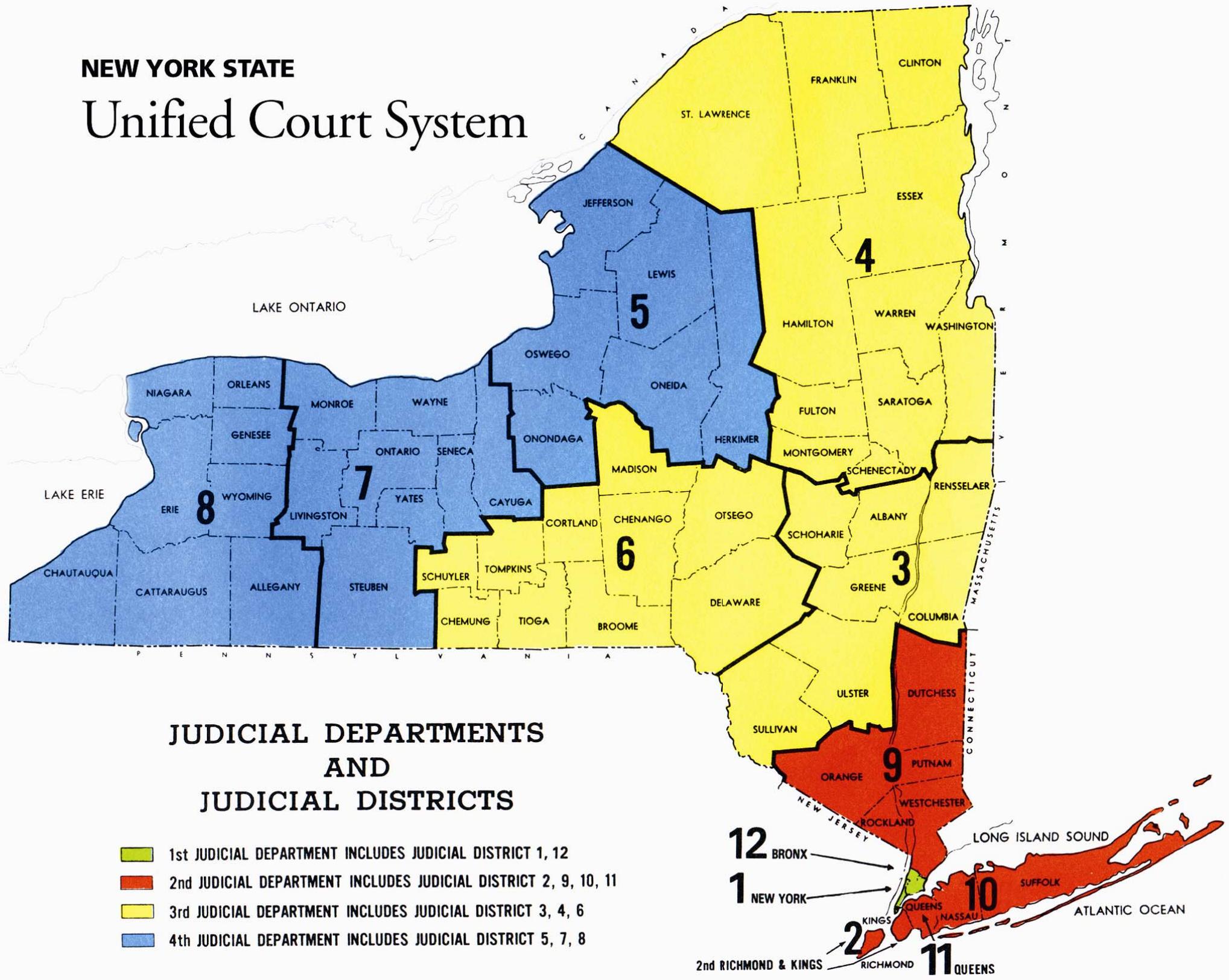




# NEW YORK STATE

## Unified Court System



### JUDICIAL DEPARTMENTS AND JUDICIAL DISTRICTS

- 1st JUDICIAL DEPARTMENT INCLUDES JUDICIAL DISTRICT 1, 12
- 2nd JUDICIAL DEPARTMENT INCLUDES JUDICIAL DISTRICT 2, 9, 10, 11
- 3rd JUDICIAL DEPARTMENT INCLUDES JUDICIAL DISTRICT 3, 4, 6
- 4th JUDICIAL DEPARTMENT INCLUDES JUDICIAL DISTRICT 5, 7, 8

12 BRONX  
 1 NEW YORK  
 2 RICHMOND & KINGS  
 9 ORANGE  
 10 SUFFOLK  
 11 QUEENS  
 2nd RICHMOND & KINGS  
 RICHMOND  
 QUEENS  
 NASSAU  
 WESTCHESTER  
 ROCKLAND  
 LONG ISLAND SOUND  
 ATLANTIC OCEAN

**STATE OF NEW YORK**

**Report of  
The Chief Administrator of the Courts**

**For the Calendar Year  
January 1, 2005 - December 31, 2005**

**COURT OF APPEALS**

Judith S. Kaye, *CHIEF JUDGE*

George Bundy Smith

Victoria A. Graffeo

Carmen Beauchamp Ciparick

Susan Phillips Read

Albert M. Rosenblatt

Robert S. Smith

**CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Jonathan Lippman

**ADMINISTRATIVE BOARD OF THE COURTS**

Judith S. Kaye, *CHAIR*

John T. Buckley

Anthony V. Cardona

A. Gail Prudenti

Eugene F. Pigott, Jr.

# UNIFIED COURT SYSTEM 2005

**JONATHAN LIPPMAN**

Chief Administrative Judge

**ANN T. PFAU**

First Deputy Chief Administrative Judge

**JOAN B. CAREY**

Deputy Chief Administrative Judge  
New York City Courts

**JUDY HARRIS KLUGER**

Deputy Chief Administrative Judge  
for Court Operations and Planning

**LAWRENCE K. MARKS**

Administrative Director of OCA

**JAN H. PLUMADORE**

Deputy Chief Administrative Judge  
Courts Outside New York City

**JUANITA BING NEWTON**

Deputy Chief Administrative Judge  
for Justice Initiatives

**RONALD P. YOUNKINS**

Chief of Operations of OCA

## ADMINISTRATIVE JUDGES

**JACQUELINE W. SILBERMANN**

Statewide Administrative Judge  
for Matrimonial Matters

**LESLIE G. LEACH**

Administrative Judge  
Eleventh Judicial District  
Supreme Court

**JUDITH F. O'SHEA**

Administrative Judge  
Sixth Judicial District

**JOSEPH LAURIA**

Administrative Judge  
New York City Family Court

**BARRY SALMAN**

Administrative Judge  
Twelfth Judicial District  
Supreme Court, Civil Division

**THOMAS VAN STRYDONCK**

Administrative Judge  
Seventh Judicial District

**FERN FISHER**

Administrative Judge  
New York City Civil Court

**JOHN COLLINS**

Administrative Judge  
Twelfth Judicial District  
Supreme Court, Criminal Division

**SHARON S. TOWNSEND**

Administrative Judge  
Eighth Judicial District

**JUANITA BING NEWTON**

Administrative Judge  
New York City Criminal Court

**FRANCIS A. NICOLAI**

Administrative Judge  
Ninth Judicial District

**JACQUELINE W. SILBERMANN**

Administrative Judge  
First Judicial District  
Supreme Court, Civil Branch

**RICHARD E. SISE**

Presiding Judge  
Court of Claims

**ANTHONY F. MARANO**

Administrative Judge  
Tenth Judicial District  
Nassau County

**MICKI SCHERER**

Administrative Judge  
First Judicial District  
Supreme Court, Criminal Branch

**GEORGE B. CERESIA, JR.**

Administrative Judge  
Third Judicial District

**H. PATRICK LEIS, III**

Administrative Judge  
Tenth Judicial District  
Suffolk County

**NEIL J. FIRETOG**

Administrative Judge  
Second Judicial District, Kings County  
Supreme Court

**VITO C. CARUSO**

Administrative Judge  
Fourth Judicial District

**JAMES C. TORMEY**

Administrative Judge  
Fifth Judicial District

**PHILIP G. MINARDO**

Administrative Judge  
Second Judicial District, Richmond County  
Supreme Court

•••

**MICHAEL COLODNER**

Counsel

## PREFACE

I am pleased to present the 28<sup>th</sup> annual report of the Chief Administrator of the New York State Unified Court System. This report, which is submitted to the Governor and the Legislature in accordance with Section 212 of the Judiciary Law, reflects the activities of the Unified Court System (UCS) of the State of New York in 2005.

Included in the report are significant statistical data, an outline of our court structure, a summary of the court system's initiatives – both administrative and programmatic – and a brief review of our legislative agenda. Family Court data reported pursuant to Sections 213 and 385 of the Family Court Act are published in a separate volume.



Faye Ellman

Highlights of 2005 include the continued expansion of our problem-solving courts across the state (community courts, drug courts, integrated domestic violence courts, domestic violence courts, mental health courts and sex offense courts); the ten-year anniversary of the Commercial Division of the Supreme Court; a continued focus on children and families, including the creation of a CASA office (Court-Appointed Special Advocates) within the UCS; the work of our commissions on the crisis in indigent defense services, the unique challenges faced by solo and small practitioners in the state courts, and ways to improve the divorce litigation process and public confidence in judicial elections; and the remarkable breadth of programming at our two-year old Judicial Institute, which draws attendees from around the state, the nation and the world.

As always, I am proud of the accomplishments of the judges and nonjudicial employees and thank them for their dedication and commitment.

Finally, I also want to gratefully acknowledge the assistance and cooperation extended to the Judiciary this year by the Governor and his staff and the leaders and members of the Legislature.

A handwritten signature in black ink, reading "Jonathan D. Lipman". The signature is written in a cursive, flowing style.

**Please Do Not Destroy or Discard This Report.**

When this report is of no further value to the holder, please return it to the Office of Court Administration, 25 Beaver Street, New York, N.Y. 10004, so that copies will be available for replacement in our sets and for distribution to those who may request them in the future.

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# Court Structure and Statistics

The powers and structure of the New York State Judiciary are embodied in Article VI of the state constitution, which provides for a unified court system, specifies the organization and the jurisdiction of the courts, establishes the methods of selection and removal of judges and provides for administrative supervision of the courts. The responsibility and authority for supervising the courts is vested in the chief judge of the state, who is the chief judge of the Court of Appeals.

There are 1,218 judges and approximately 15,000 nonjudicial personnel throughout the court system. There are also over 2,000 town and village justices who are elected and paid by their localities. Table 1 reflects the number of judges authorized to sit in the different courts.

This chapter identifies the different courts, defines their jurisdiction and reflects their caseload activity for the year 2005. It also describes the specialized or problem-solving courts established over the past decade, which are designed to help break the cycle of recidivism that is often seen in certain types of conduct.

## APPELLATE COURTS

The appellate courts are the Court of Appeals and the Appellate Divisions and Appellate Terms of the Supreme Court. The County Courts act as appellate courts in the Third and Fourth Judicial Departments. The appellate court structure is shown in Figures 1a and 1b (p. 3).

## Court of Appeals

The Court of Appeals is the highest-level court, located in Albany. The court consists of the chief judge and six associate judges, each appointed by the governor, with the advice and consent of the Senate, for 14-year terms, from among persons found to be well-qualified by the State Commission on Judicial Nomination.

The Court of Appeals hears civil and criminal appeals. Its jurisdiction is, with certain exceptions, limited to the review of questions of law. Depending on the issue, some matters may be appealed as of right and some only by leave or permission from the court or the Appellate Division. The court also presides over appeals from determinations by the State Commission on Judicial

Conduct and is responsible for establishing rules governing the admission of attorneys to the bar.

The Court of Appeals maintains a current docket. In 2005, the average length of time from the filing of a notice of appeal, or order granting leave to appeal, to the public release of a decision was 257 days. The court's caseload activity is reported in Table 2 (p. 4).

## Appellate Divisions

The Appellate Divisions of the Supreme Court are established in each of the state's four judicial departments (see map inside front cover). Their primary responsibilities are: resolving appeals from judgments or orders of the superior courts of original jurisdiction in civil and criminal cases; reviewing civil appeals taken from the Appellate Terms and the County Courts acting as appellate tribunals; establishing rules governing attorney conduct; and conducting proceedings to admit, suspend or disbar attorneys.

Each Appellate Division has jurisdiction over appeals from final orders and judgments, as well as from some intermediate orders rendered in county-level courts, and original jurisdiction over selected proceedings.

The governor designates the presiding and associate justices of each Appellate Division from among the justices of the Supreme Court. Presiding justices serve for the remainder of their term; associate justices are designated for five-year terms, or for the remainder of their unexpired term, if less than five years.

The Appellate Divisions' 2005 caseload is in Table 3 (p. 5).

## Appellate Terms

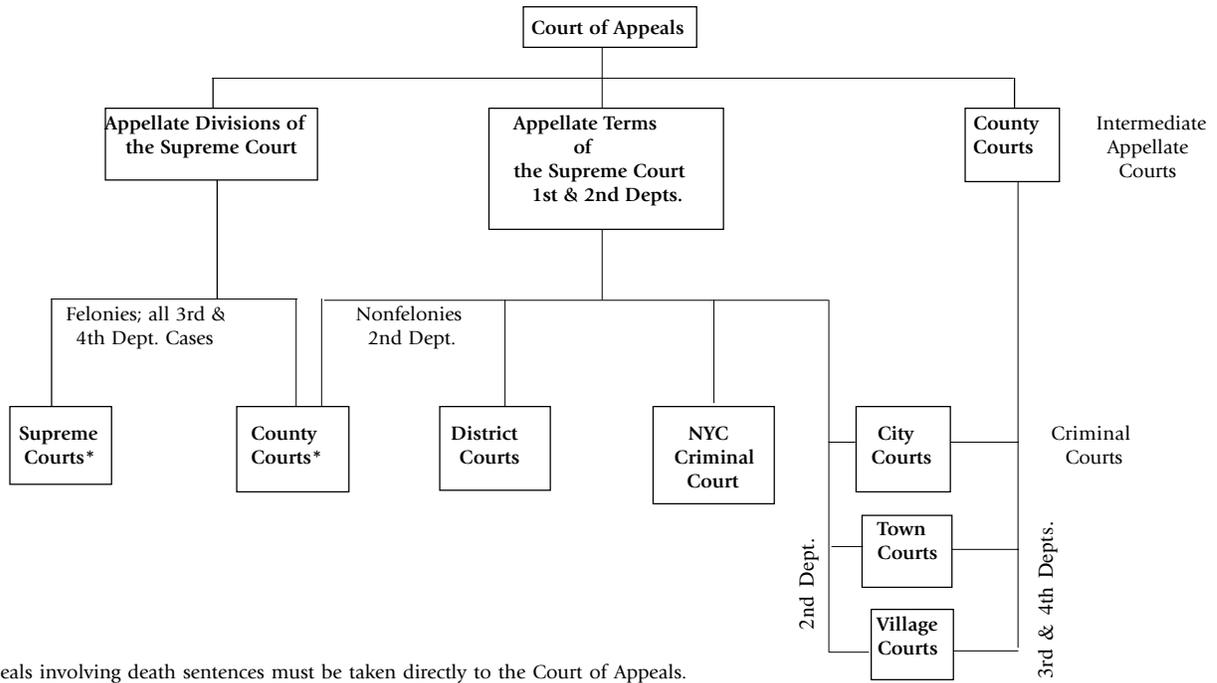
Appellate Terms have been established in the First and Second Departments. They exercise jurisdiction over civil and criminal appeals taken from local courts and, in the Second Department, over nonfelony appeals from County Courts. The chief administrator designates the Appellate Term justices from among the justices of the Supreme Court, with the approval of the presiding justice of the appropriate Appellate Division. The Appellate Terms' 2005 caseload is in Table 4 (p. 5).

**Table 1**  
**NEW YORK STATE JUDICIAL SYSTEM: Authorized Number of Judges**  
*December 31, 2005*

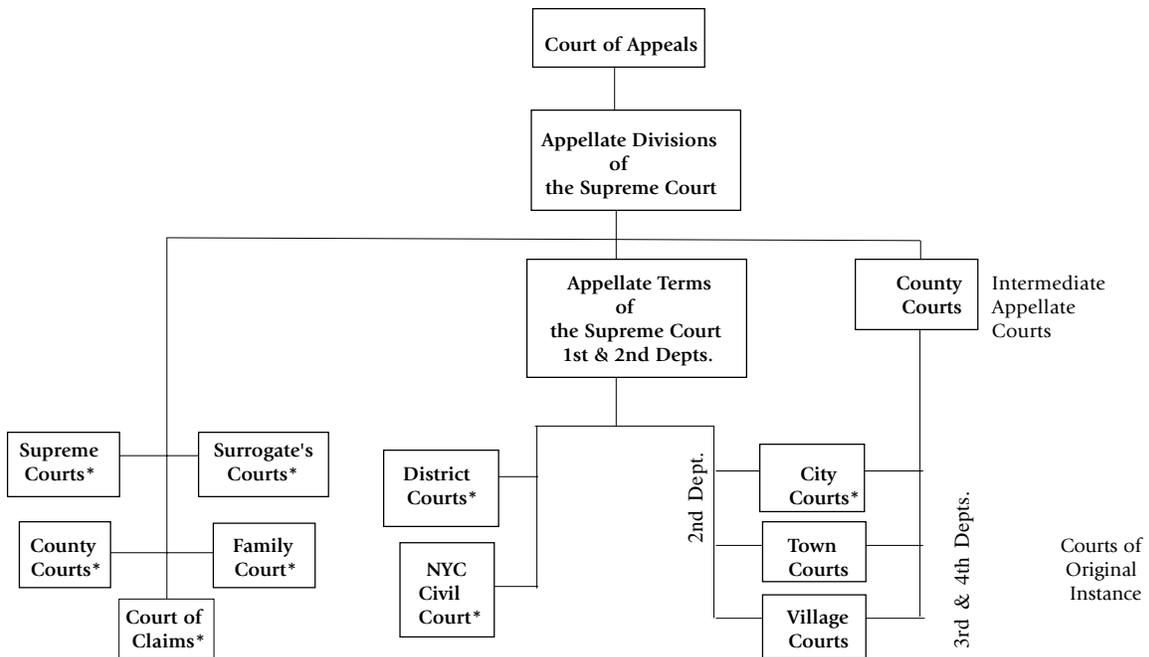
<i>Number of Judges</i>	<i>Court</i>
7	..... Court of Appeals
59 <sup>a</sup>	..... Supreme Court, Appellate Divisions
14 <sup>b</sup>	..... Appellate Terms
268 <sup>c</sup>	..... Supreme Court, Trial Parts
62	..... Supreme Court, Certificated Retired Justices
27	..... Court of Claims
59	..... Court of Claims (15 judges appointed pursuant to Chapter 603, Laws of 1973, Emergency Dangerous Drug Control Program, as amended by Chapters 500, 501, Laws of 1982; 23 appointed pursuant to Chapter 906, Laws of 1986; 8 appointed pursuant to Chapter 209, Laws of 1990; 4 appointed pursuant to Chapter 731, Laws of 1996; and 9 appointed pursuant to chapter 240, Laws of 2005)
31	..... Surrogate's Courts (including 2 Surrogates in New York County and 2 Surrogates in Kings County)
72	..... County Courts* (County Judges outside the City of New York in counties that have separate Surrogate's Court and Family Court Judges)
13	..... County Courts* (County Judges who are also Surrogate's Court Judges)
6	..... County Courts* (County Judges who are also Family Court Judges)
38	..... County Courts* (County Judges who are also Surrogate's and Family Court Judges)
127	..... Family Courts (including 47 Family Court Judges in the City of New York)
107	..... Criminal Court of the City of New York
120 <sup>d</sup>	..... Civil Court of the City of New York
50	..... District Courts (in Nassau and Suffolk Counties)
158	..... City Courts in the 61 cities outside New York City including Acting and Part-time Judges
1,218	..... Total
[2,250	..... Town and Village Justice Courts]

\* In smaller counties, judges may sit in two or three of the county-level courts simultaneously (County, Surrogate's or Family Courts).  
a In addition to the 24 Supreme Court justices permanently authorized, 22 justices and 13 certificated retired justices are temporarily designated to the Appellate Divisions.  
b Includes 4 certificated justices.  
c Judiciary Law §140-a authorizes 328 elected Supreme Court justices in the 12 judicial districts. This number includes the 24 permanently authorized justices who are assigned to the Appellate Divisions, as well as all noncertificated justices who are temporarily designated to the Appellate Divisions. This number does not include judges of other courts, including the Civil and Criminal Courts of the City of New York, who sat as acting Supreme Court justices during the year. It also does not include any certificated justices.  
d Does not include the additional 11 Civil Court judgeships authorized by the 1982 Session Laws, chapter 500, but still not filled.

**Figure 1a**  
**NEW YORK STATE JUDICIAL SYSTEM**  
**Criminal Appeals Structure**



**Figure 1b**  
**NEW YORK STATE JUDICIAL SYSTEM**  
**Civil Appeals Structure**



\*Appeals from judgments of courts of record of original instance that finally determine actions where the only question involved is the validity of a statutory provision under the New York State or United States Constitution may be taken directly to the Court of Appeals.

**Table 2**

**CASELOAD ACTIVITY IN THE COURT OF APPEALS - 2005**

Applications Decided [CPL 460.20(3(b))]	2,383
Records on Appeal Filed	173
Oral Arguments (Includes Submissions)	196
Appeals Decided	196
Motions Decided	1,268
Judicial Conduct Determinations Reviewed	1

**DISPOSITIONS OF APPEALS DECIDED IN THE COURT OF APPEALS  
by Basis of Jurisdiction**

BASIS OF JURISDICTION	AFFIRMED	REVERSED	MODIFIED	DISMISSED	OTHER*	TOTAL
<b>All Cases:</b>						
Reversal, Modification, Dissent in Appellate Division	14	2	1	0	0	17
Permission of Court of Appeals or Judge thereof	67	43	9	0	0	119
Permission of Appellate Division or Justice thereof	20	10	4	1	0	35
Constitutional Question	6	1	1	0	0	8
Stipulation for Judgment Absolute	1	0	0	0	0	1
Other	0	0	1 **	0	15	16
<b>Total</b>	<b>108</b>	<b>56</b>	<b>16</b>	<b>1</b>	<b>15</b>	<b>196</b>
<b>Civil Cases:</b>						
Reversal, Modification, Dissent in Appellate Division	14	2	1	0	0	17
Permission of Court of Appeals or Judge thereof	31	31	7	0	0	69
Permission of Appellate Division or Justice thereof	15	8	4	0	0	27
Constitutional Question	6	1	1	0	0	8
Stipulation for Judgment Absolute	1	0	0	0	0	1
Other	0	0	0	0	15	15
<b>Total</b>	<b>67</b>	<b>42</b>	<b>13</b>	<b>0</b>	<b>15</b>	<b>137</b>
<b>Criminal Cases:</b>						
Permission of Court of Appeals or Judge thereof	36	12	2	0	0	50
Permission of Appellate Division or Justice thereof	5	2	0	1	0	8
Other	0	0	1 **	0	0	1
<b>Total</b>	<b>41</b>	<b>14</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>59</b>

\*Includes anomalies which did not result in an affirmance, reversal, modification or dismissal (e.g., judicial suspensions, acceptance of a case for review pursuant to Court Rule 500.27)

\*\*People v. Shulman, capital appeal.



## TRIAL COURTS

### Caseload Overview<sup>1</sup>

The statewide trial courts of superior jurisdiction are the Supreme Court, the Court of Claims, the Family Court, the Surrogate's Court, and, outside New York City, the County Court. In New York City, the Supreme Court exercises both civil and criminal jurisdiction. Outside New York City, Supreme Court exercises civil jurisdiction, while County Court generally handles criminal matters. The trial courts of limited jurisdiction in New York City are the Civil Court and the Criminal Court. Outside New York City, these courts include City Courts, District Courts and Town and Village Courts and have both civil and criminal jurisdiction.

In 2005, 4,308,293 cases were filed in the trial courts.<sup>2</sup> Excluding parking tickets, filings totaled 4,160,423 (see Table 5); 42% of these were criminal filings, another 39% were civil filings. About two-thirds were in courts of limited jurisdiction (see Figure 2).

As Table 5 shows, total filings are at an all-time high.

<sup>1</sup> Most of the data in this chapter are from the Caseload Activity Reporting System of the UCS and are current as of August 2006. Courts report data to the Office of Court Administration pursuant to the Rules of the Chief Administrator of the Courts (22 NYCRR, Part 115).

<sup>2</sup> Does not include locally-funded Town and Village Courts.

Civil increased 20% over the five-year period, criminal 3%. Of the nonparking dispositions, 41% were in criminal courts, 38% in civil courts, 18% in Family Courts and 3% in Surrogate's Courts. Table 6 contains a breakdown of filings and dispositions by type of court and filing.

### Standards and Goals

The chief administrator has established standards and goals for the work of certain trial courts—Supreme and County Court felony cases, Supreme Court civil cases and Family Court proceedings—to provide performance measures reflecting the time from case filing to disposition. The standards and goals for each of these courts is noted in their descriptions below.

### Arbitration

Part 28 of the Rules of the Chief Judge (22 NYCRR) authorizes the chief administrator to establish mandatory arbitration programs in the trial courts. These programs operate in 31 counties. Outside New York City, the programs involve damages of \$6,000 or less; in New York City, cases are limited to \$10,000 or less. (Appendix A shows the programs' 2005 activities by judicial district.)

**Table 5  
FILINGS IN THE TRIAL COURTS - FIVE-YEAR COMPARISON**

COURT	2001	2002	2003	2004	2005
<i>CRIMINAL</i>					
Supreme and County Courts Criminal	52,500	53,284	54,549 <sup>a</sup>	63,217 <sup>a</sup>	74,412 <sup>a</sup>
Criminal Court of the City of NY <sup>b</sup>	869,265	798,427	856,825	786,540	872,927
City & District Courts Outside NYC <sup>b</sup>	645,625	713,595	717,004	702,079	769,870
Parking Tickets	238,107	252,126	197,848	153,533	147,870
<b>Criminal Total</b>	<b>1,805,497</b>	<b>1,817,432</b>	<b>1,826,226</b>	<b>1,705,369</b>	<b>1,865,079</b>
<i>CIVIL</i>					
Supreme Court Civil <sup>c</sup>	407,283	422,362	430,007	415,132	402,318
Civil Court of the City of NY <sup>d</sup>	629,013	770,677	840,902	756,852	820,355
City & District Courts Outside NYC <sup>d</sup>	249,067	283,424	308,392	292,925	325,149
County Courts Civil <sup>e</sup>	26,565	25,979	27,833	30,333	30,812
Court of Claims	1,910	1,826	1,683	1,694	1,591
Small Claims Assessment Review Program <sup>f</sup>	49,257	51,218	18,255 <sup>f</sup>	85,324 <sup>f</sup>	51,527
<b>Civil Total</b>	<b>1,363,095</b>	<b>1,555,486</b>	<b>1,627,072</b>	<b>1,582,260</b>	<b>1,631,752</b>
<i>FAMILY</i>	683,390	712,726	689,281	695,842	665,970
<i>SURROGATE'S</i>	163,166	158,520	151,239	145,749	145,492
<b>Total</b>	<b>4,015,148</b>	<b>4,244,164</b>	<b>4,293,818</b>	<b>4,129,220</b>	<b>4,308,293</b>

<sup>a</sup>Includes felonies and misdemeanors, of which 22,768 were misdemeanor filings in 2005.

<sup>b</sup>NYC includes arrest and summons cases; outside NYC includes arrest cases and uniform traffic tickets.

<sup>c</sup>Includes new cases, ex parte applications and uncontested matrimonial cases.

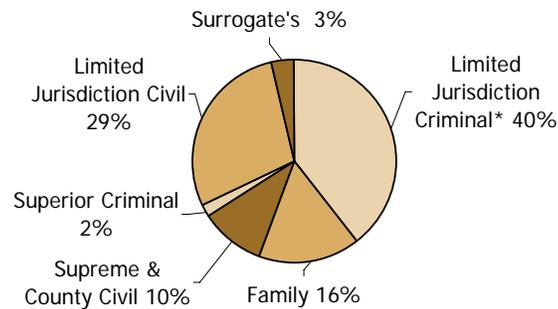
<sup>d</sup>Includes civil, housing, small claims and commercial claims.

<sup>e</sup>Includes new cases and ex parte applications.

<sup>f</sup>See Appendix B. 2003 decrease/2004 increase due to 2003 Nassau County program that resulted in many 2003 SCAR-eligible petitions being filed in 2004.

Figure 2

**Trial Court Filings by Case Type - 2005**



\*Excludes parking tickets

**Table 6  
FILINGS & DISPOSITIONS IN THE TRIAL COURTS - 2005**

<b>COURT</b>	<b>FILINGS</b>	<b>DISPOSITIONS</b>
<i>CRIMINAL</i>		
Supreme and County Courts		
Felony Cases	51,644	53,577
Misdemeanor Cases	22,768	28,664
Criminal Court of the City of New York:		
Arrest Cases	316,334	319,550
Summons Cases <sup>a</sup>	556,593	413,229
City & District Courts (outside New York City):		
Arrest Cases	295,138	280,924
Uniform Traffic Tickets <sup>a</sup>	474,732	405,485
Parking Tickets <sup>a</sup>	147,870	131,275
<b>Criminal Total</b>	<b>1,865,079</b>	<b>1,632,704</b>
<i>CIVIL</i>		
Supreme Court:		
New Cases	172,691	199,626
Ex Parte Applications	182,018	182,018
Uncontested Matrimonial Cases	47,609	47,914
Civil Court of the City of New York:		
Civil Actions	477,925	246,760 <sup>b</sup>
Landlord/Tenant Actions & Special Proceedings	304,539	258,442
Small Claims	29,051	35,143
Commercial Claims	8,840	10,503
City & District Courts (outside New York City):		
Civil Actions	197,385	154,850 <sup>b</sup>
Landlord/Tenant Actions & Special Proceedings	83,035	82,133
Small Claims	32,984	33,338
Commercial Claims	11,745	11,714
County Courts <sup>c</sup>	30,812	30,791
Court of Claims	1,591	1,703
Arbitration Program	24,067 <sup>d</sup>	19,339
Small Claims Assessment Review Program <sup>e</sup>	51,527	67,630
<b>Civil Total</b>	<b>1,631,752</b>	<b>1,381,904</b>
<i>FAMILY</i>	665,970	670,374
<i>SURROGATE'S</i>	145,492	113,753 <sup>f</sup>
<b>Total</b>	<b>4,308,293</b>	<b>3,798,735</b>

<sup>a</sup>Includes both answered and unanswered cases.

<sup>b</sup>Does not include dispositions in the Arbitration Program (see Appendix A).

<sup>c</sup>Filings include new cases and ex parte applications.

<sup>d</sup>Shown here for reference only and not included in totals. Included as intake in the civil courts listed above (see Appendix A).

<sup>e</sup>See Appendix B.

<sup>f</sup>Surrogate's Court dispositions include orders and decrees signed.

## TRIAL COURTS OF SUPERIOR JURISDICTION

### Supreme Court

The Supreme Court has unlimited original jurisdiction, but generally hears cases outside the jurisdiction of other courts,<sup>1</sup> such as:

- civil matters beyond the monetary limits of the lower courts' jurisdiction
- divorce, separation and annulment proceedings
- equity suits, such as mortgage foreclosures and injunctions
- criminal prosecutions of felonies.<sup>2</sup>

Supreme Court justices are elected by judicial district to 14-year terms.

#### Civil Cases

During 2005, there were 402,318 total civil filings in Supreme Court, including 172,691 new cases, also known as requests for judicial intervention (RJIs), 182,018 *ex parte* applications and 47,609 uncontested matrimonial cases. A total of 429,558 matters reached disposition, including 199,626 RJIs, 182,018 *ex parte* applications and 47,914 uncontested matrimonial cases. Table 7 (p. 9) lists the number of RJIs and trial notes of issue filed and disposed of in each county. Figure 3 (p. 10) displays a breakdown of these filings by case-type; Figure 4 (p. 10) shows the breakdown of cases by manner of disposition. Two-thirds of the cases were disposed of before the trial note of issue was filed—either by settlement or on some other basis, *e.g.*, dismissal, default or consolidation.

#### Commercial Division

The Commercial Division of the Supreme Court celebrated its ten-year anniversary in 2005. The division, established to handle and facilitate the resolution of complicated commercial disputes, uses advanced and innovative case-management techniques and technology. In 2005, it expanded to Queens County and grew to 20 justices statewide. A series of Commercial Division focus groups met – current and retired judges from the division, practicing commercial litigators and senior in-house counsel – to make suggestions for improvement as well as

identify successes that could be used in other civil matters. A report on their findings will be released in 2006. The division now operates in New York, Monroe, Erie, Nassau, Westchester, Albany, Kings, Suffolk and Queens counties.

#### Standards and Goals

Three standards and goals periods for Supreme Court civil cases measure the length of time from filing an action to disposition. The first, or “pre-note” standard, measures the time from filing the RJI (when parties first seek some form of judicial relief), to filing the trial note of issue (indicating readiness for trial). The second, or “note” standard, measures the time from filing the note of issue to disposition. The third, or “overall” standard, covers the entire period from RJI-filing to disposition.

The respective time frames are: for expedited cases, 8-15-23 months; for standard cases, 12-15-27 months; and for complex cases, 15-15-30 months. In matrimonial cases the standards are 6-6-12 months; in tax certiorari cases, 48-15-63 months.

#### Comprehensive Civil Justice Program (CCJP)

In February 2005, First Deputy Chief Administrative Judge Ann Pfau issued a report on the impact of the CCJP, implemented in 1999 ([www.nycourts.gov/reports](http://www.nycourts.gov/reports)). The core of the CCJP was differentiated case management (DCM) and specialized treatment of specific case-types. The report expanded on the DCM concept and recommended eliminating the distinction between pre-note and post-note standards and goals; establishing an extended track for exceptionally complex cases; and reducing civil standards and goals (see Standards and Goals, this page). With bench and bar input, plans were made to test these proposals at pilot sites. Other recommendations led to the Model Guardianship Part in Suffolk County, and a case-management system for guardianship cases was introduced in the Second Department. This automated system, which monitors the filing of mandatory reports, will ultimately be expanded statewide.

<sup>1</sup> Supreme Court also hears appeals from administrative proceedings brought under the Small Claims Assessment Review Program (SCAR). See Appendix B for program description and filings and dispositions by judicial district.

<sup>2</sup> In some parts of the state outside New York City, felonies are handled in County Court. See p. 11, Criminal Cases and County Court.

Table 7

**SUPREME COURT CIVIL: FILINGS & DISPOSITIONS - 2005** (Excludes Ex Parte Applications & Uncontested Matrimonials)

LOCATION	Filings		Dispositions					
	New Cases	Note of Issue	Total	Pre-Note Settlements	Other Pre-Note	Post-Note Settlements	Jury Verdicts/Decisions	Other Note
<b>TOTAL STATE</b>	<b>172,691</b>	<b>60,002</b>	<b>199,626</b>	<b>29,677</b>	<b>107,648</b>	<b>38,487</b>	<b>6,046</b>	<b>17,768</b>
NYC	79,489	31,846	99,385	9,678	54,169	22,308	3,365	9,865
New York	21,398	7,042	25,593	3,775	14,479	4,864	786	1,689
Bronx	13,426	5,125	15,341	1,731	8,687	3,654	367	902
Kings	22,771	10,724	31,719	2,166	17,370	7,468	1,143	3,572
Queens	18,805	7,583	23,407	1,682	11,848	5,646	852	3,379
Richmond	3,089	1,372	3,325	324	1,785	676	217	323
ONYC	93,202	28,156	100,241	19,999	53,479	16,179	2,681	7,903
Albany	3,390	460	3,677	284	2,906	269	15	203
Allegany	264	44	245	103	103	22	9	8
Broome	784	190	993	51	766	46	13	117
Cattaraugus	383	111	412	292	9	98	4	9
Cayuga	643	68	876	51	719	48	3	55
Chautauqua	578	222	579	72	315	62	9	121
Chemung	511	83	503	19	391	23	15	55
Chenango	178	68	191	7	117	28	32	7
Clinton	340	86	365	7	253	9	7	89
Columbia	421	107	512	54	343	39	3	73
Cortland	148	48	125	4	77	8	2	34
Delaware	225	54	236	10	74	13	3	136
Dutchess	2,922	714	3,112	1,857	561	573	55	66
Erie	7,726	1,306	8,039	2,495	4,188	1,000	155	201
Essex	212	55	247	15	180	23	11	18
Franklin	335	91	273	11	204	35	4	19
Fulton	561	140	473	62	268	53	15	75
Genesee	209	107	312	76	139	53	8	36
Greene	304	112	317	44	157	70	7	39
Hamilton	0	0	0	0	0	0	0	0
Herkimer	490	142	446	56	231	56	2	101
Jefferson	624	229	598	63	331	131	14	59
Lewis	146	25	167	6	132	27	0	2
Livingston	447	46	520	45	449	4	3	19
Madison	196	79	198	19	92	27	3	57
Monroe	6,133	1,052	7,072	525	5,269	506	53	719
Montgomery	352	99	500	56	366	28	8	42
Nassau	16,906	7,134	17,872	5,223	5,376	5,037	589	1,647
Niagara	1,667	278	1,944	534	1,145	184	36	45
Oneida	3,494	502	3,406	390	2,513	199	214	90
Onondaga	2,741	949	3,317	331	2,041	336	45	564
Ontario	668	185	956	44	735	131	7	39
Orange	3,097	988	3,886	443	2,283	578	114	468
Orleans	215	30	252	57	169	16	0	10
Oswego	750	231	835	52	551	67	148	17
Otsego	250	69	237	23	175	23	6	10
Putnam	667	312	752	119	392	135	20	86
Rensselaer	1,147	161	1,402	130	1,098	100	21	53
Rockland	3,133	987	3,196	152	2,134	709	73	128
St. Lawrence	410	164	442	64	196	68	7	107
Saratoga	1,239	286	1,197	303	607	172	35	80
Schenectady	1,025	240	1,153	210	699	120	23	101
Schoharie	108	41	71	11	35	5	0	20
Schuyler	77	25	77	3	72	1	0	1
Seneca	316	57	365	4	290	8	0	63
Steuben	430	151	422	15	287	20	2	98
Suffolk	12,223	4,622	12,839	4,827	4,621	2,217	345	829
Sullivan	832	155	1,021	93	825	73	3	27
Tioga	164	40	203	23	130	11	1	38
Tompkins	248	86	337	34	186	24	20	73
Ulster	1,511	490	1,617	316	790	376	12	123
Warren	479	123	497	102	279	35	2	79
Washington	455	76	390	12	303	8	7	60
Wayne	779	131	1,105	8	936	12	1	148
Westchester	9,184	3,809	8,973	175	5,589	2,248	495	466
Wyoming	309	57	317	16	260	10	1	30
Yates	156	39	172	1	122	5	1	43

Figure 3

### Supreme Civil New Case Filings by Case Type - 2005

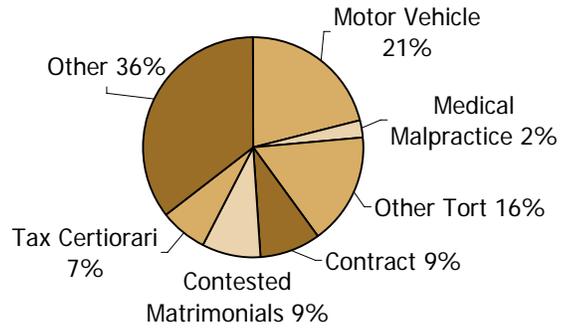


Figure 4

### Supreme Civil Dispositions by Type of Disposition - 2005

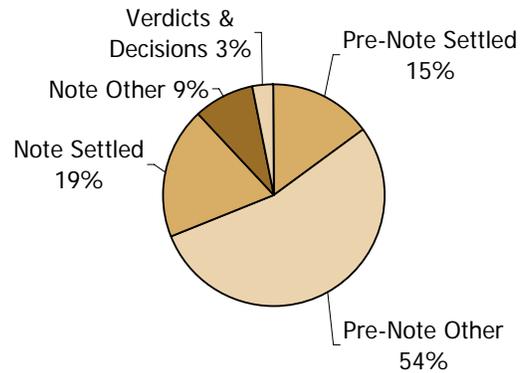
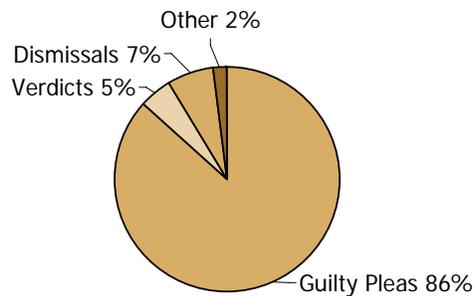


Figure 5

### Supreme Criminal & County Court Felony Dispositions by Type of Disposition - 2005



## Supreme Court (cont'd)

### Criminal Cases

Felony cases (criminal cases for which a sentence in excess of one year may be imposed) are heard in the Supreme Court in New York City and predominantly in the County Courts outside New York City. During the year, there were a total of 74,412 criminal filings in the Supreme and County Courts, of which 51,644 were felony cases.<sup>1</sup> Table 9 (p. 12) shows filings and dispositions by county. Figure 5 (p. 10) shows the breakdown of cases by type of disposition.

### Standards and Goals

The court system's performance standard for felony cases is disposition within six months from filing of the indictment, excluding periods when a case is not within the active management of the court, *e.g.*, where a warrant is outstanding. In 2005, 84% of felony case dispositions statewide were achieved within the six-month standard.

## County Court

There is a County Court in each county outside New York City. It is authorized to handle criminal prosecutions of both felonies and lesser offenses committed within the county, although in practice most minor offenses are handled by lower courts. County Court also has limited jurisdiction in civil cases, generally involving amounts up to \$25,000. The statistical data for County Court's

<sup>1</sup>There were 22,768 misdemeanor cases heard in Supreme Court in 2005 in various specialized parts (*e.g.*, integrated domestic violence courts).

criminal felony caseload is reported in Table 9 (p. 12), in combination with the data for Supreme Court. County Court judges are elected to terms of 10 years.

## Court of Claims

The Court of Claims is a statewide trial court with exclusive jurisdiction over claims for money damages against the State of New York. The court's jurisdiction includes claims for the torts of the state's officers and employees, damages for unjust convictions and imprisonment and contracts with the state. It also has jurisdiction over all claims against certain state-related agencies such as the New York State Thruway Authority and the senior colleges of the City University of New York, as well as claims for the appropriation of real property against the New York State Power Authority. Court of Claims judges are appointed by the governor, with the advice and consent of the Senate, to nine-year terms. The court hears cases – without juries – at nine locations around the state. During 2005, 1,591 claims were filed and 1,703 cases were decided.

## Surrogate's Court

The Surrogate's Court is established in every county and hears cases involving the affairs of decedents, including the probate of wills and the administration of estates, as well as adoptions. Surrogates are elected to 10-year terms in each county outside New York City and to 14-year terms in each county in New York City. See Table 8 for filings and dispositions by case-type during 2005.

**Table 8**  
**SURROGATE'S COURT FILINGS & DISPOSITIONS: PROCEEDINGS BY CASE TYPE - 2005**

Case Type	TOTAL STATE		NYC		OUTSIDE NYC	
	Filings	Dispositions*	Filings	Dispositions*	Filings	Dispositions*
<b>Total</b>	<b>145,492</b>	<b>113,753</b>	<b>37,525</b>	<b>33,444</b>	<b>107,967</b>	<b>80,309</b>
Probate	42,153	44,561	11,771	11,883	30,382	32,678
Administration	14,957	14,502	7,233	6,058	7,724	8,444
Voluntary Admin.	17,629	17,629	5,703	5,703	11,926	11,926
Accounting	29,175	8,305	2,756	1,588	26,419	6,717
<i>Inter Vivos</i> Trust	297	182	13	4	284	178
Miscellaneous	15,555	13,136	4,586	4,504	10,969	8,632
Guardianship	23,278	11,616	5,062	2,961	18,216	8,655
Adoption	1,939	3,295	312	644	1,627	2,651
Estate Tax	509	527	89	99	420	428

\*Includes orders and decrees signed.

Table 9

## SUPREME CRIMINAL &amp; COUNTY COURT - FELONY CASES 2005

Location	FILINGS			DISPOSITIONS						
	Total	Indictments	*SCI's	Total	Guilty Pleas	Convictions	Acquittals	Nonjury Verdicts	Dismissals	Other
<b>TOTAL STATE</b>	<b>51,644</b>	<b>31,526</b>	<b>20,118</b>	<b>53,577</b>	<b>46,507</b>	<b>1,426</b>	<b>597</b>	<b>438</b>	<b>3,611</b>	<b>998</b>
NYC	24,524	18,606	5,918	25,145	20,598	790	373	147	2,625	612
New York	7,899	6,782	1,117	8,534	6,842	328	107	45	1,050	162
Bronx	5,766	4,531	1,235	5,651	4,682	92	116	34	579	148
Kings	5,764	4,975	789	5,523	4,382	218	79	25	580	239
Queens	4,407	1,845	2,562	4,725	4,083	138	67	42	342	53
Richmond	688	473	215	712	609	14	4	1	74	10
<b>ONYC</b>	<b>27,120</b>	<b>12,920</b>	<b>14,200</b>	<b>28,432</b>	<b>25,909</b>	<b>636</b>	<b>224</b>	<b>291</b>	<b>986</b>	<b>386</b>
Albany	1,019	608	411	1,010	928	36	14	0	29	3
Allegany	92	48	44	92	83	1	0	0	6	2
Broome	822	418	404	793	685	21	14	11	60	2
Cattaraugus	207	89	118	208	202	5	1	0	0	0
Cayuga	155	104	51	145	133	7	2	2	1	0
Chautauqua	612	178	434	659	634	4	1	6	12	2
Chemung	362	314	48	362	286	13	7	24	30	2
Chenango	148	81	67	130	112	7	1	0	10	0
Clinton	140	67	73	160	140	7	9	0	1	3
Columbia	119	30	89	126	112	7	3	0	2	2
Cortland	142	68	74	149	127	4	1	4	3	10
Delaware	79	32	47	81	77	2	0	0	2	0
Dutchess	484	159	325	458	398	8	0	0	15	37
Erie	2,040	859	1,181	2,289	1,986	60	24	84	100	35
Essex	60	25	35	82	71	1	0	0	5	5
Franklin	130	59	71	156	133	2	5	0	9	7
Fulton	114	39	75	122	113	2	0	0	2	5
Genesee	203	103	100	219	199	8	8	0	3	1
Greene	106	40	66	112	110	1	0	0	0	1
Hamilton	8	2	6	6	6	0	0	0	0	0
Herkimer	215	80	135	226	219	3	1	0	3	0
Jefferson	555	163	392	539	523	2	0	2	7	5
Lewis	185	18	167	191	188	0	0	0	3	0
Livingston	278	170	108	280	247	3	1	1	15	13
Madison	80	66	14	92	78	7	0	4	3	0
Monroe	2,406	1,076	1,330	2,474	2,129	103	52	59	124	7
Montgomery	113	39	74	131	126	2	1	0	2	0
Nassau	2,641	579	2,062	2,913	2,698	40	17	31	118	9
Niagara	450	255	195	510	436	12	3	4	40	15
Oneida	672	497	175	713	666	18	2	1	19	7
Onondaga	1,591	868	723	1,602	1,459	34	11	0	84	14
Ontario	354	124	230	362	340	14	4	3	0	1
Orange	974	642	332	1,065	1,002	22	3	11	17	10
Orleans	109	94	15	128	108	7	1	2	3	7
Oswego	249	109	140	229	218	2	1	1	7	0
Otsego	71	55	16	66	62	3	1	0	0	0
Putnam	87	34	53	98	88	1	2	0	6	1
Rensselaer	429	195	234	520	496	12	3	0	8	1
Rockland	729	645	84	688	647	14	4	6	5	12
St. Lawrence	254	163	91	279	232	6	5	4	31	1
Saratoga	298	80	218	323	314	0	2	1	2	4
Schenectady	490	333	157	435	401	15	1	0	10	8
Schoharie	43	9	34	44	42	2	0	0	0	0
Schuyler	57	26	31	58	54	2	0	0	2	0
Seneca	92	25	67	109	98	1	0	1	4	5
Steuben	350	145	205	396	376	4	1	5	7	3
Suffolk	2,947	1,693	1,254	3,049	2,861	43	4	4	117	20
Sullivan	374	119	255	378	364	9	0	3	1	1
Tioga	148	126	22	155	145	1	0	8	1	0
Tompkins	170	121	49	175	151	2	1	0	20	1
Ulster	372	184	188	533	411	6	6	1	8	101
Warren	195	61	134	213	203	5	2	0	3	0
Washington	170	137	33	160	150	1	1	0	3	5
Wayne	263	163	100	288	272	5	2	6	2	1
Westchester	1,446	418	1,028	1,422	1,363	29	1	2	14	13
Wyoming	156	65	91	152	134	6	1	0	7	4
Yates	65	20	45	77	73	4	0	0	0	0

\*Superior Court Information

## Family Court

The Family Court is established in each county and the City of New York to hear matters involving children and families. Its jurisdiction includes:

- adoption
- guardianship
- foster care approval and review
- delinquency
- persons in need of supervision
- family offense (domestic violence)
- child protective proceedings (abuse and neglect)
- termination of parental rights
- custody and visitation
- support.

Family Court judges are elected to 10-year terms in each county outside New York City and are appointed to 10-year terms by the mayor in New York City.

A breakdown of 2005 filings and dispositions is contained in Table 10.<sup>1</sup> Cases involving paternity, support, custody/visitation and family offenses comprised 82% of the caseload. The remaining cases involved child protective proceedings (8%), juvenile delinquency or designated felonies (3%), persons in need of supervision (2%), adoption (1%), and termination of parental rights (2%). All other case-types comprised 2% of the caseload.

### Standards and Goals

The performance standard for Family Court cases is disposition within 180 days of the commencement of the proceeding, excluding periods when a case is not within the active management control of the court. During the year, 94% of dispositions statewide were reached within the standard.

<sup>1</sup> Statistical data reported pursuant to sections 213 and 385 of the Family Court Act is published separately as Volume II of the annual report.

**Table 10**  
**FAMILY COURT & SUPREME IDV<sup>a</sup> - FILINGS & DISPOSITIONS<sup>b</sup> BY TYPE OF PETITION - 2005**

Type of Petition	TOTAL STATE		NYC		OUTSIDE NYC	
	Filings	Dispositions	Filings	Dispositions	Filings	Dispositions
<b>Total</b>	<b>665,970</b>	<b>670,374</b>	<b>210,927</b>	<b>210,670</b>	<b>455,043</b>	<b>459,704</b>
Termination of Parental Rights	10,945	11,972	8,342	9,249	2,603	2,723
Surrender of Child	3,429	3,486	2,083	2,174	1,346	1,312
Child Protective (Neglect & Abuse)	54,075	55,119	16,080	17,088	37,995	38,031
Juvenile Delinquency	22,288	21,543	9,004	8,563	13,284	12,980
Designated Felony	747	549	366	218	381	331
Persons in Need of Supervision	12,568	13,963	1,583	1,643	10,985	12,320
Adoption	4,744	4,833	2,324	2,386	2,420	2,447
Adoption Certification	455	424	126	102	329	322
Guardianship	4,150	4,359	2,257	2,390	1,893	1,969
Custody/Visitation	177,772	172,080	43,319	40,520	134,453	131,560
Foster Care Review	5,839	5,892	1,327	1,331	4,512	4,561
Foster Care Placement	1,252	1,272	633	645	619	627
Physically Handicapped	0	0	0	0	0	0
Family Offense	51,266	49,846	21,670	21,018	29,596	28,828
Paternity	40,181	42,007	20,432	21,151	19,749	20,856
Support	263,766	270,119	75,513	75,970	188,253	194,149
Uniform Interstate Family Support Act	11,916	12,368	5,777	6,131	6,139	6,237
Consent to Marry	12	13	2	3	10	10
Other	565	529	89	88	476	441

<sup>a</sup>See Figure 9 for nonfamily case-types in the IDV courts.

<sup>b</sup>Petition type may change between filing and disposition.

**TRIAL COURTS OF LIMITED JURISDICTION IN  
NEW YORK CITY**

**New York City Civil Court**

The New York City Civil Court has jurisdiction over civil cases involving amounts up to \$25,000. It includes a small claims part and a commercial claims part for the informal disposition of matters not exceeding \$5,000. It also has a

housing part for landlord-tenant proceedings. Civil Court judges are elected to 10-year terms. Housing judges are appointed by the chief administrator to five-year terms.

Table 11 shows the breakdown of filings and dispositions by case-type and county. Figure 6 shows 2005 filings by case-type.

Table 11

**NEW YORK CITY CIVIL COURT: Filings & Dispositions by Case Type and County - 2005**

	CIVIL ACTIONS		HOUSING		SMALL CLAIMS		COMMERCIAL CLAIMS	
	Filings <sup>b</sup>	Dispositions <sup>c</sup>	Filings <sup>b</sup>	Dispositions <sup>c</sup>	Filings	Dispositions	Filings	Dispositions
<b>New York City</b>	<b>477,925</b>	<b>246,760</b>	<b>304,539</b>	<b>258,442</b>	<b>29,051</b>	<b>35,143</b>	<b>8,840</b>	<b>10,503</b>
New York	70,544	37,935	78,580	54,631	5,372	8,354	2,548	2,870
Bronx	80,363	46,908	93,253	100,605	5,406	4,473	1,053	1,031
Kings	166,582	75,271	80,673	68,426	9,376	9,922	1,858	2,260
Queens	141,753	74,924	46,198	30,860	6,744	10,190	2,531	3,396
Richmond	18,683	11,722	5,835	3,920	2,153	2,204	850	946

<b>Total<sup>a</sup></b>	
Filings:	820,355
Dispositions:	550,848

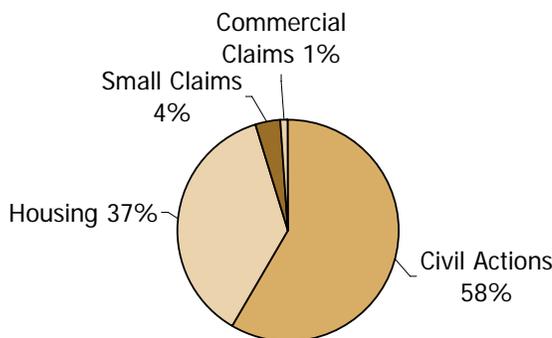
<sup>a</sup>The large difference between the number of filings and dispositions is due to the number of cases filed but never pursued by the filing party.

<sup>b</sup>Includes both answered and unanswered cases.

<sup>c</sup>Includes courtroom dispositions and default judgments.

Figure 6

**NYC Civil Court Filings by Case Type - 2005**



## New York City Criminal Court

The New York City Criminal Court handles misdemeanors and violations. Criminal Court judges, who are appointed by the mayor to 10-year terms, also arraign felonies and may handle other preliminary (pre-indictment) felony proceedings.

During 2005, close to three quarters of the arrest cases filed were misdemeanors, with 47% of all cases reaching

disposition by plea. Another 33% were dismissed; 4% were sent to the grand jury; 14% were disposed of by other means; and 1% pled to a superior court information. Only 0.2% of the dispositions in Criminal Court were by verdict after trial. Table 12 shows filings and dispositions by county for both arrest cases and summons cases (cases in which an appearance ticket, returnable in court, is issued to the defendant). Figure 7 shows filings by case-type.

Table 12

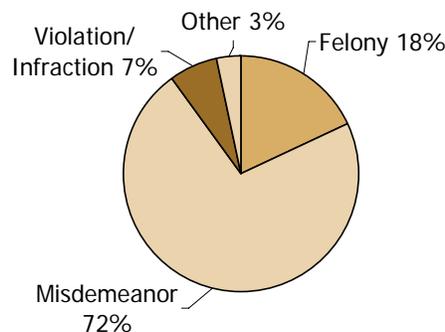
**NEW YORK CITY CRIMINAL COURT: Filings & Dispositions by Case Type and County - 2005**

	ARREST CASES		SUMMONS CASES	
	Filings	Dispositions	Filings*	Dispositions
<b>New York City</b>	<b>316,334</b>	<b>319,550</b>	<b>556,593</b>	<b>413,229</b>
New York	95,040	96,263	123,283	85,097
Bronx	66,705	67,866	142,458	95,346
Kings	83,530	85,335	175,442	144,207
Queens	61,808	61,023	97,815	74,517
Richmond	9,251	9,063	17,595	14,062

\*Includes both answered and unanswered cases.

Figure 7

**NYC Criminal Court Filings by Case Type - 2005**



## TRIAL COURTS OF LIMITED JURISDICTION OUTSIDE NEW YORK CITY

### City and District Courts

City Courts and District Courts have essentially the same jurisdiction, both civil and criminal. District Courts exist only in Nassau County and the five western towns of Suffolk County. Both courts have civil jurisdiction up to \$15,000. Some have a small claims part for the informal disposition of matters not exceeding \$5,000, as well as a housing part for landlord-tenant disputes and housing violations. Their criminal jurisdiction extends to misdemeanors, violations and petty offenses (although some locations have administrative bureaus that handle traffic and/or parking violations). They may also handle preliminary (pre-indictment) felony proceedings.

The term of office for full-time City Court judges is 10 years, for part-time judges it is six years. District Court judges are elected to six-year terms.

In 2005, there were a total of 1,242,889 filings and 1,099,719 dispositions in the City and District Courts.

Table 13 (p. 17) contains a breakdown of the filings by location and case-type. Figure 8 shows filings by case-type.

### Town and Village Justice Courts

Town and Village Courts have criminal jurisdiction over violations and misdemeanors, and civil jurisdiction over claims of up to \$3,000 (including small claims cases not exceeding \$3,000). The majority of cases handled by the justice courts are criminal matters such as minor traffic offenses, drunk-driving cases and zoning violations. They may also handle preliminary proceedings in felony cases.

There are approximately 1,280 justice courts presided over by 2,083 town and village justices, who are elected to four-year terms. There are approximately 2,250 justice positions, and some individuals serve in more than one position. Although all positions are part-time, justices may be called at any time for an arraignment. Close to 75% of these justices are not attorneys and must complete a special training course. All must attend annual continuing judicial education programs.

Figure 8

City & District Court Filings by Case Type - 2005

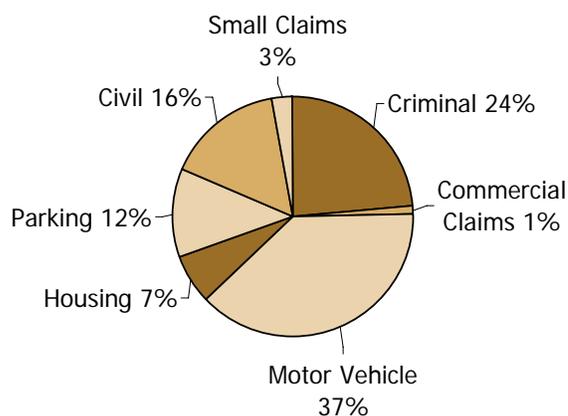


Table 13

## CITY &amp; DISTRICT COURTS: FILINGS BY CASE TYPE - 2005

	Total Filings 1,242,889						
Location	Criminal	MV	Parking	Civil	Small Claims	L&T	Commercial
<b>TOTAL</b>	<b>295,138</b>	<b>474,732</b>	<b>147,870</b>	<b>197,385</b>	<b>32,984</b>	<b>83,035</b>	<b>11,745</b>
Albany	10,691	19,228	0	4,599	990	4,247	255
Amsterdam	1,081	2,623	0	805	174	220	51
Auburn	1,853	2,655	870	1,090	403	785	51
Batavia	1,086	1,676	187	482	136	98	69
Beacon	1,087	6,759	0	416	107	145	28
Binghamton	4,426	7,339	797	3,377	585	1,213	334
Buffalo	21,134	3,482	0	18,173	3,057	8,059	1,038
Canandaigua	695	3,078	0	1,116	100	105	40
Cohoes	1,408	2,566	0	376	83	343	8
Corning	813	2,817	241	1,006	149	102	74
Cortland	2,148	2,310	901	853	188	190	69
Dunkirk	1,122	836	370	436	151	68	12
Elmira	2,555	3,941	1,166	1,618	277	848	122
Fulton	900	1,487	32	1,160	119	189	29
Geneva	962	3,268	0	338	93	201	15
Glen Cove	1,100	3,216	2,939	16	121	117	28
Glens Falls	1,518	3,137	150	939	144	206	51
Gloversville	1,268	1,936	60	525	158	306	45
Hornell	615	1,103	0	225	81	241	22
Hudson	854	1,086	0	476	176	101	179
Ithaca	2,198	4,731	1,122	1,023	273	6,523	80
Jamestown	3,112	2,700	1,651	2,235	305	221	88
Johnstown	494	1,205	6	315	94	69	22
Kingston	2,063	5,310	108	1,314	266	707	194
Lackawanna	1,574	4,731	105	366	294	623	63
Little Falls	418	920	0	299	184	31	27
Lockport	1,827	4,362	12	1,356	250	148	91
Long Beach	2,936	3,535	18,574	17	110	269	18
Mechanicville	420	995	0	315	99	47	76
Middletown	1,758	4,486	146	1,426	312	543	186
Mount Vernon	5,203	11,334	0	2,528	404	2,212	119
Newburgh	6,619	10,560	2,060	1,658	203	1,165	84
New Rochelle	4,268	15,335	70,458	2,769	384	1,128	158
Niagara Falls	6,933	14,183	19,095	2,353	699	1,255	148
North Tonawanda	1,387	4,712	0	785	312	357	73
Norwich	618	798	74	679	104	33	106
Ogdensburg	1,229	979	0	1,089	123	59	167
Olean	884	2,685	135	588	137	114	44
Oneida	862	2,133	22	977	97	54	57
Oneonta	1,003	1,280	464	292	213	60	84
Oswego	1,502	4,211	7	1,131	180	54	20
Peekskill	3,489	4,882	0	639	187	454	36
Plattsburgh	1,501	6,234	0	897	336	175	104
Port Jervis	1,196	2,809	114	275	72	137	10
Poughkeepsie	4,414	7,329	1,443	1,572	456	1,319	179
Rensselaer	969	2,648	2	471	46	102	56
Rochester	16,766	5,460	0	13,006	2,661	6,678	596
Rome	2,045	7,476	430	1,813	233	462	45
Rye	355	4,538	0	89	67	17	121
Salamanca	826	1,256	0	186	81	63	5
Saratoga Springs	1,791	5,004	576	1,736	274	107	159
Schenectady	4,787	8,061	623	2,853	705	2,424	174
Sherrill	172	1,007	0	303	40	0	19
Syracuse	18,220	37,582	0	10,472	1,282	6,525	304
Tonawanda	1,068	4,889	19	464	202	68	50
Troy	3,044	11,319	0	1,558	342	5,291	109
Utica	5,661	9,415	2,092	2,744	483	804	166
Watertown	1,650	3,008	0	1,197	246	326	58
Watervliet	703	2,697	0	314	89	293	22
White Plains	5,112	28,011	2,110	1,192	561	859	258
Yonkers	11,470	29,271	0	4,472	782	8,328	266
Nassau District	31,929	59,889	0	43,293	5,405	6,209	1,869
Suffolk District	73,346	56,219	18,709	46,298	6,099	8,938	2,714

### PROBLEM-SOLVING COURTS

Problem-solving courts, located throughout the state, offer new solutions to problems such as addiction, domestic violence, child neglect and quality-of-life crimes in an effort to end the revolving door of justice and improve the outcomes for victims, communities and defendants. See Office of the Deputy Chief Administrative Judge for Court Operations and Planning (p. 23) for more about these courts.

### Drug Treatment Courts

Drug treatment courts provide court-mandated substance abuse treatment to nonviolent addicted adult and juvenile offenders, as well as to parents charged in Family Court child neglect cases, in an effort to break the cycle of addiction and recidivism. Participants are subject to rigorous judicial monitoring. As of the end of 2005, there were 164 drug courts with a total of 7,136 open cases: 6,393 in criminal treatment courts and 743 in family treatment courts. Thirty additional courts are in the planning stage. Since the Office of Court Drug Treatment Programs (p. 30) was established in 2000, there have been nearly 12,000 successful drug court graduates.

### Domestic Violence Courts

Domestic violence (DV) courts were introduced in 1996 to handle cases of violence between intimate partners in an effort to enhance offender accountability, increase victim safety and facilitate access to specialized services. These courts handle felony and/or misdemeanor cases, bringing together a range of criminal justice and social service partners to provide a coordinated response to domestic violence. In 2005 there were 22 DV courts around the state.

A youthful offender domestic violence (YODV) court opened in Kings County in 2004 to handle cases where the alleged offenders are between 16 and 19 years old. A second YODV court is planned for Bronx County.

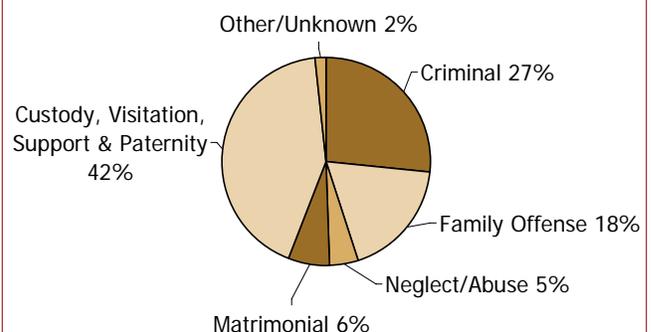
### Integrated Domestic Violence Courts

In 2001, the DV court concept was taken a step further with the development of integrated domestic violence (IDV) courts, in which one judge is assigned to handle a

victim's related cases where domestic violence is involved. In approximately 20% of criminal domestic violence cases, there is a related matter in another court. Under this "one-family/one-judge" model, both criminal and civil matters, such as custody, visitation, civil protection orders and matrimonial actions, are handled by one judge, rather than various judges in different courts. This approach promotes better and more consistent judicial decision-making and requires fewer court appearances by the victim. Like DV courts, IDV courts ensure intensive offender monitoring and accountability and enhanced access to services for victims and their families. At the end of 2005, there were 28 IDV courts in operation. Table 14 (p. 19) shows caseload activity for IDV courts in 2005: nearly 12,000 new cases were assigned, and almost 2,400 new families were added to their dockets. Figure 9 breaks down the filings by case-type.

Figure 9

### Integrated Domestic Violence Courts: Filings by Case Type - 2005



### Mental Health Courts

Mental health courts aim to better assess and evaluate offenders with mental illness and, where appropriate, link these offenders with court-monitored mental health treatment in an effort to provide offenders with structure and assistance in leading normal lives. In 2005, courts opened in Westchester and Queens counties, bringing the total to seven (with courts also in Kings, Bronx and Monroe counties, Buffalo and Niagara Falls).

**Table 14**

**CASELOAD ACTIVITY IN INTEGRATED DOMESTIC VIOLENCE COURTS - 2005**

(2005 opening dates indicated in parentheses)

Location	Cases			New Families
	Filings	Dispositions	Pending	
<b>Total State</b>	<b>11,499</b>	<b>10,290</b>	<b>4,415</b>	<b>2,369</b>
Bronx	1,566	1,688	628	327
Cayuga	164	135	37	32
Chautauqua (12/01/05)	26	7	19	8
Clinton	360	337	53	46
Erie	1,310	1,162	455	274
Essex	135	121	26	16
Franklin	204	156	59	24
Fulton (12/08/05)	4	0	4	1
Kings (09/29/05)	381	59	322	94
Monroe	941	842	202	162
Nassau	300	162	139	70
Niagara (10/17/05)	9	3	6	3
Onondaga	666	539	415	168
Orange (09/29/05)	59	17	42	13
Oswego (11/30/05)	10	0	10	4
Queens	1,183	1,097	422	259
Rensselaer	2,355	2,251	684	545
Richmond	312	217	240	80
Schenectady	194	153	40	32
Suffolk	517	558	288	70
Tompkins	329	360	79	48
White Plains	374	336	215	75
Wyoming	100	90	30	18
Yonkers	328	202	174	65

\*The Broome, Hamilton, Montgomery and St. Lawrence IDV Courts opened in December but did not yet have data to report.

**Sex Offense Courts**

Sex offense courts incorporate consistent judicial monitoring of offender compliance with court orders, coordination with supervisory agencies, and links to victim services to better tailor the court’s response in sex offense cases. The Oswego sex offense court was in operation in 2005, with courts to open in January 2006 in Nassau and Westchester. Planning is underway for courts in Suffolk and Orange counties.

**Community Courts**

New York’s community courts – piloted by the Center for Court Innovation ([www.courtinnovation.org](http://www.courtinnovation.org), p. 29) – bring together government agencies, local civic organizations, businesses, social service providers and community residents to solve neighborhood problems and spur local revitalization. New York is a national and

international leader in the development of community courts, with courts being piloted or planned in nearly three dozen U.S. cities and several countries, including South Africa, Canada, Australia and the United Kingdom.

The Midtown Community Court in Manhattan, the first in the country, has been addressing quality-of-life issues since 1993, dealing with nonviolent crimes such as prostitution, graffiti and illegal vending through community restitution and social service sentences. Midtown handles an average of 22,000 cases a year. On-site services include an adult job-placement program and a job-readiness program for young adults. Community courts in Hempstead and Syracuse also focus on low-level crime and community service.

The Red Hook Community Justice Center in Brooklyn is the nation’s first multi-jurisdictional community court, with a single judge hearing criminal,

housing and family court cases. On-site GED classes, conflict-resolution workshops and services target young people, and there is also a youth court. A second multi-jurisdictional court, the Harlem Community Justice Center, focuses on youth crime, housing and the impact of offenders released from confinement. Programs help landlords and tenants resolve conflicts and provide at-risk youth with a community service corps, tutoring and mentor programs.

In an effort to expand the traditional community court model, which focuses on a single neighborhood or cluster of neighborhoods, the Bronx Community Solutions program (p. 29) brings the community court approach to all misdemeanor cases in the Bronx criminal courthouse. Through the program, over 18,000 days of community and social service were completed in 2005.

#### **COMMUNITY DISPUTE RESOLUTION CENTERS PROGRAM**

The Unified Court System provides funding to a network of not-for-profit community dispute resolution centers (CDRCs). The grant program is administered, monitored and evaluated by the OCA Division of Court Operations, Office of Alternative Dispute Resolution. CDRCs provide a

range of dispute resolution services including mediation, conciliation and arbitration. Matters are referred by the courts and local government and community-based agencies including police and departments of social services and probation. Parties can also contact CDRCs directly.

The majority of matters are mediated. CDRCs provide mediation in minor criminal, small claims, housing and family matters such as PINS (persons in need of supervision), custody, visitation and divorce. Matters referred to arbitration include consumer-merchant disputes, matrimonial property division issues and automobile Lemon Law cases.

During 2005, CDRCs served 92,132 people<sup>1</sup> and managed 35,347 matters, resolving 79% (16,798 cases) in which dispute resolution services were provided (21,353 cases). Family cases accounted for 11,757 or 33% of cases, including 9,482 child custody, visitation or support cases; 735 divorce or separation cases; and 1,540 PINS cases. On average, a single-hearing mediation or arbitration took 17 days from intake to final disposition; complex cases, requiring multiple sessions, 59 days. Appendix C shows the CDRCs' 2005 workload by county.

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<sup>1</sup> "Persons served" was set to "1" for each case in which the number of persons served was not reported.

# Administration Highlights

## Overview

Under the New York State Constitution, the Chief Judge of the Court of Appeals is the Chief Judge of the State and its chief judicial officer. The Chief Judge appoints a Chief Administrative Judge of the Courts (or Chief Administrator) with the advice and consent of the Administrative Board of the Courts, which consists of the Chief Judge and the Presiding Justices of the four Appellate Divisions of the Supreme Court. The Chief Judge establishes statewide administrative standards and policies after consultation with the Administrative Board and approval by the Court of Appeals.

The Chief Administrative Judge supervises the administration and operation of the trial courts, assisted by the First Deputy Chief Administrative Judge and two Deputy Chief Administrative Judges responsible for day-to-day court operations (one for New York City courts, one for courts outside New York City). Other deputies are responsible for problem-solving courts and access to justice initiatives; there is also a statewide administrative judge for matrimonial matters (see below). On-site management of the trial courts, including personnel and budget matters, is vested in local judicial district administrative judges.

The Chief Administrative Judge also directs the Office of Court Administration (OCA), assisted by the First Deputy Chief Administrative Judge as well as OCA's Chief of Operations and Administrative Director. Counsel to the Chief Administrative Judge directs the legal and legislative work of the Counsel's Office (see Chapter Four).

A complete diagram of the courts' administrative structure is found in Figure 10. For additional information, go to [www.nycourts.gov](http://www.nycourts.gov).

## Office of the Deputy Chief Administrative Judge for Justice Initiatives

The Office of the Deputy Chief Administrative Judge for Justice Initiatives, under the leadership of Hon. Juanita Bing Newton, provides statewide oversight in developing and implementing programs to assure meaningful access to justice for all New Yorkers. The office seeks to eliminate disparities and barriers that directly impact the public's ability to access the justice system, focusing on four areas: strengthening delivery of legal services for poor and moderate-income New Yorkers; increasing *pro bono* services for those unable to retain counsel; addressing needs of self-represented litigants; and expanding community education and outreach to inform the public about the courts.

At the forefront of the office's efforts this year was the implementation of a statewide *pro bono* system aimed at increasing voluntary attorney participation. Local action committees will be established to oversee development and implementation of local action plans. The office assisted administrative judges in planning initial committee activities. The Fifth, Eighth, Ninth and Tenth (Suffolk) Judicial District committees took the lead in undertaking needs' assessments and developing local plans.

The office launched the Spanish-language version of CourtHelp, an informational website for the self-represented ([www.nycourthelp.gov](http://www.nycourthelp.gov)), with over 300,000 visitors in 2005. The site will be expanded to include additional legal information and resources.

"Facilitating Access Training" continued for court employees statewide. The training focuses on ensuring that nonjudicial staff provide a full range of informational assistance to the public without giving legal advice. Approximately 4,000 employees have been trained since the program's inception. The program was extended to town and village court clerks in 2005.

In December the office released its report, "Self-Represented Litigants: Characteristics, Needs & Services (The Results of Two Surveys)," about the New York City civil and family courts as well as the services



available in town and village courts. Planning began for a 2006 multi-state conference at the Judicial Institute, "Access to Justice for the Self-Represented: Court and Community-Based Strategies and Solutions." The office also collaborated with the Office of the Statewide Administrative Judge for Matrimonial Matters on self-help guides for unrepresented litigants filing for an uncontested divorce.

The office continued its partnership with the Interfaith Center of New York, a nonprofit secular organization, to develop educational programs about the courts and the justice system for religious leaders. In May, U.S. Supreme Court Justice Stephen Breyer joined judges and religious leaders from around the state for a clergy roundtable at the Red Hook Community Justice Center. In June, a program was held in Queens County Supreme Court, with approximately 100 leaders from diverse backgrounds and traditions in attendance. In the fall, a conflict-resolution workshop was held, providing an opportunity for religious leaders to enhance their mediation skills in order to better serve their communities.

## **Office of the Deputy Chief Administrative Judge for Court Operations and Planning**

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The Office of the Deputy Chief Administrative Judge for Court Operations and Planning, under the leadership of Hon. Judy Harris Kluger, is responsible for long-range planning for court reform and the direction and oversight of court restructuring projects and specialized courts, including policy development for problem-solving courts. The office, established in 2002, oversees the state's integrated domestic violence (IDV) courts; drug courts and the Office of Court Drug Treatment Programs (OCDTP); domestic violence (DV) courts, including youthful offender DV courts; mental health courts; and sex offense courts. It also oversees the Bronx Criminal Division and, with the OCA Director of Operations, the initiative involving public access to court records on the Internet.

Highlights of 2005 included the opening of ten IDV courts, 39 drug courts and two mental health courts.

### **Training and Technical Assistance for Problem-Solving Courts**

For each problem-solving court initiative, the office develops policy, provides training and technical assistance, generates manuals and tool kits, and oversees development of new technology. The office works with judges, court staff, local administrators and various OCA divisions to find solutions for emerging challenges and develop statewide policies.

The office provides training in policy and operations to new problem-solving court planning teams. In 2005, the office conducted training for staff in the ten new IDV courts and legal training for the judges and court attorneys. IDV court staff were trained in the use of a case-tracking program (the IDV application) designed under the office's guidance. Seven separate training sessions for judges and drug treatment court staff were conducted, as well as training for judges and staff in new mental health and sex offense courts.

To provide ongoing support to judges and court staff, the office has developed comprehensive tool kits covering court planning processes and operational, legal and administrative issues. Technical assistance teams meet with the courts to assist in planning and work with the courts once they open. To promote statewide uniformity, the office collaborates in the development of new case-information management systems that capture data unique to problem-solving court operations.

### **The Bronx Criminal Division**

The Bronx Criminal Division, opened in November 2004, reorganized criminal case-processing in Bronx County. Aimed at reducing case backlogs and making more efficient use of court resources, the division eliminated the artificial barriers between Criminal Court and Supreme Court, Criminal Term. The consolidated division is an important step toward streamlining the structure of the court system. (See

p.29 for the Bronx Community Solutions program, introduced in the division in 2005.)

### **Public Access to Court Records on the Internet**

The court system is working to increase electronic public access to court records. In 2005, under the direction of Judge Kluger and Ronald Younkins, OCA Chief of Operations, a statewide policy for publishing decisions on the courts' website was promulgated with the goal of increasing the number of decisions available over the Internet. Internet access to case information was also enhanced and expanded. Planning began for two pilot projects in different areas of the state – New York and Broome counties – to make case files available electronically.

## **Office of the Statewide Administrative Judge for Matrimonial Matters**

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The Office of the Statewide Administrative Judge for Matrimonial Matters, under the leadership of Hon. Jacqueline W. Silbermann, is responsible for the effective delivery of information and services relating to matrimonial matters – which constitute a significant portion of the civil trial calendar – to judges, non-judicial employees, attorneys and litigants. The office focuses on improving the court process for all involved.

The office is especially committed to focusing its resources on programs designed to minimize the trauma of divorce litigation on children. The parenting plan adopted last year is being used in many parts of the state. The plan requires each parent in a contested custody matter to complete a detailed decision-making and scheduling form, which facilitates the court's ability to foster agreement on the issue of custody.

The office's website, [www.nycourts.gov/ip/matrimonial-matters/](http://www.nycourts.gov/ip/matrimonial-matters/), has a new user-friendly format, with frequently asked questions and a glossary of commonly used terms; rules governing attorney-client conduct and case-management; and the Child Support Standards Act, to enable parties to calculate child

support obligations. The office also produced a public service announcement on the website availability of free uncontested matrimonial forms.

The inaugural edition of the Matrimonial Decisions Newsletter was published this year, available in hard copy and online. The newsletter, a collaborative effort of Hofstra University Law School's *Family Court Review* and OCA's Committee on Matrimonial Practice, provides easy access to recent decisions that are not an official record.

An in-depth review of a pilot program utilizing social workers to assist families in custody, visitation and relocation disputes was undertaken this year. The review showed a better than 75% success rate, and the office has recommended expanding the pilot. The post-judgment custody mediation pilot in New York County Supreme Court and mediation for high conflict custody cases were expanded and refined.

The office provides education and training for judges and nonjudicial court personnel, including a comprehensive two-day matrimonial seminar in March for judges and their court attorneys. Faculty this year included medical doctors, psychology experts and certified public accountants. A mental health glossary of terms for judges in custody cases – prepared by doctors at North Shore LIJ University Hospital in collaboration with the office – was distributed. Training was provided for judges and staff in the integrated domestic violence courts and new judges and their staff. A matrimonial information manual, including rules and forms, was introduced. As always, the office provided sessions at the summer seminars. This year marked the first mandatory training for judicial hearing officers.

Throughout the year, the office actively assisted the Matrimonial Commission (p. 36) by, among other things, providing it with templates and models of legislation, court rules and forms.

## Office of the Chief of Operations and the Administrative Director of OCA

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The Chief of Operations for OCA is responsible for long-term projects and initiatives, while the Administrative Director is responsible for day-to-day OCA operations. Together they oversee the Divisions of Financial Management, Court Operations, Technology, Human Resources and Administrative Services; the Office of Court Research; Communications Office; Public Affairs Office; Office of Court Facilities Management; and Department of Public Safety.

### The Division of Financial Management - 2005-2006 Budget

The UCS budget is based upon a fiscal year that runs from April 1 through March 31 of the following year. The budget is presented by the Chief Administrative Judge to the Court of Appeals for approval and for certification by the Chief Judge, after which it is transmitted to the Governor for inclusion in the state budget. The budget is submitted to the Legislature by the Governor without revision, although recommendations may be included.

The court operations budget request includes personal services (salaries for judges and nonjudicial personnel) and nonpersonal services (all other expenses, including equipment, supplies, etc.). Over 80% of the budget is allocated to the payment of personal services.

The Judiciary budget request submitted for the 2005-06 fiscal year was approved by the Legislature with a reduction of \$10 million, most of which was absorbed by the acceleration of certain finance payments in the prior fiscal year. A total of \$1.53 billion was appropriated for court and agency operations, reflecting a 3.1% increase over the previous year's allocation. In recognition of the continuing potential deficit facing the state as a result of delayed economic recovery, the budget request did not include any new nonjudicial positions. The budget did include funding for increased security for court

facilities as well as funds for initiatives in family court, including support for increased workloads associated with the Adoption and Safe Families Act, family treatment courts that address the growing problem of drug abuse and child neglect, and domestic violence parts. In addition, the budget provided funding for the continuation of drug treatment courts being phased in statewide. Included in the court and agency operations base budget component are funds necessary to meet the court system's usual and normal budgetary requirements – current judgeships; payment of service increments and longevity awards to eligible employees in April 2005; continued automation for judges' chambers, courtrooms and operations offices under CourtNet; continued jury reform; and contractual services such as court security, automated legal reference access and law guardian representation.

The funding in this budget will continue, undiminished, to support the operational capacity of trial courts to process current caseloads and the program commenced by the Chief Judge and Chief Administrative Judge to achieve economy and efficiency through reducing the administrative overhead of the court system.

### Division of Court Operations

The Division of Court Operations provides services and support for the trial courts in a variety of areas, including records management, legal information, security administration, alternative dispute resolution and court interpreting services. 2005 highlights included the following:

#### Office of Alternative Dispute Resolution Programs

The ADR Office continued its focus on programs for families in the Supreme and Family Courts. In collaboration with the Office of the First Deputy Chief Administrative Judge and the Supreme Court in Erie and Nassau counties, the office began work on a pilot program to incorporate early case-screening and provide services tailored to a family's specific needs.

Building on its partnership with the Permanent Judicial Commission on Justice for Children (p. 34), the office expanded the provision of child permanency

mediation programs and collaborated with the National Council of Juvenile and Family Courts to evaluate the program implementation process. The council published a technical assistance brief, "Implementing Child Permanency Mediation in New York State." A report on the formal evaluation of the pilot projects, which are sponsored by the UCS and the NYS Office of Child and Family Services (OCFS), will be published by OCFS in 2006.

The ADR office provides ongoing support to the Board of Governors of the Attorney-Client Fee Dispute Resolution Program, including maintaining the program website ([www.nycourts.gov/admin/feedispute](http://www.nycourts.gov/admin/feedispute)). In 2005, with help from the OCA telecommunications unit, the office established a toll-free number (1-877-FEES-137) that connects attorneys and clients with program administrators. Office staff trained 250 arbitrators on behalf of local programs and convened a meeting of program administrators.

The office formally adopted Standards of Conduct for New York State Community Mediators in 2005, designed to serve as a general framework for the practice of mediation. A Mediation Ethics Advisory Committee was established to respond to mediators' questions when an ethical issue arises.

In 2005, the UCS Court Appointed Special Advocates Assistance Program was established – housed within the ADR office – to provide fiscal and programmatic support to the existing network of Court Appointed Special Advocates (CASA) programs and technical support to family courts utilizing or interested in starting a CASA program. CASA plays a unique and vital role in family court efforts to further the health, safety and well-being of children in foster care or at risk of placement. Trained and supervised CASA volunteers provide the courts with current and thorough information about the child; they also help ensure that mandated services are provided. In 2005, more than 800 CASA volunteers served more than 3,800 children in 31 counties. Three other counties have programs in development.

The office also oversees the UCS grant program for the Community Dispute Resolution Centers (p. 20).

## **Division of Technology**

The Division of Technology (DoT) provides automation services for the Unified Court System, including software applications support, wide area and local area network support, and telephone, email and Internet services. DoT operates the statewide Domestic Violence Registry and a 24/7 Technical Support Center.

### **Software Applications**

The DoT programming staff has written and maintains over 30 software applications supporting statewide case-processing and administrative systems. Implementation of a major initiative to create a centralized automated case-processing system for all courts – the Universal Case Management System – continued in 2005, with the installation of the surrogate's court component in 22 counties. The family court component was previously installed statewide, and work on the criminal and civil components is underway.

### **CourtNet**

The backbone of the court system's automation system is CourtNet, a high-speed network extending to all court locations. Announced in 1996, CourtNet connected all courts and administrative offices by 1999 and now supports over 15,000 court employees at over 250 locations. By year-end, the redundant CourtNet backbone included Buffalo, Rochester, Syracuse, Binghamton, Poughkeepsie and Albany; Nassau, Suffolk, Westchester, St. Lawrence, Jefferson and Lewis counties; and most of New York City.

### **Telecommunications Services**

The DoT telecommunications office traditionally provided telephone support for all New York City courts. An effort is underway to implement a voice-over IP phone system in major courthouses throughout the state using the CourtNet network. In 2005, over 2,000 IP phones were installed in courthouses in Albany, Brooklyn and Schenectady, adding to previous installations in Queens County Supreme Court, most New York County and White Plains courts, all Buffalo courts, and the UCS computer center in Troy.

### **Video Conferencing**

The CourtNet-based video conferencing system has expanded to at least one court location in all 62 counties. Video conferencing is used for inmate court appearances, court administration and training. In 2005, over 10,000 video conferences/appearances were conducted between Supreme Court throughout New York City and the Rikers Island jail facility.

### **Public Access Network, WiFi and CourtNet TV**

In 2005, the DoT continued installation of public access terminals in courthouses throughout the state. These terminals are available to self-represented litigants, who can prepare their petitions and access the UCS CourtHelp website, as well as to waiting jurors. Attorney can use these terminals to check the status of court calendars.

A pilot wireless public access project ("WiFi") began in Erie, Broome and Bronx counties. WiFi sites provide wireless computer users with free direct access to the Internet within the courthouse. The plan is to expand public access to the Internet (wired and WiFi) to more courthouses over the next few years.

CourtNet TV was introduced in 2005. This service, which runs on the court system's high speed CourtNet network, offers cable television news channels in juror assembly rooms and public waiting areas.

### **Division of Human Resources**

The administrative and operational offices of the Division of Human Resources provide personnel and employment-related support to the courts. In 2005, the division substantially completed the first phase of an ambitious statewide human resources automation project, the transition to an automated time and leave system. Phase two will be the transition from many personnel systems to a single system for all human resources information. The division also offered a two-day human resources training program, attended by more than 200 human resources professionals.

The Professional Development Center, home to the Court Officers Academy and the Career Services Office, offers training and educational programs and provides resources and support for employee develop-

ment. Among other programs, title-specific educational offerings in 2005 included programs for newly appointed court clerical employees, middle managers and employees recently promoted to positions with supervisory responsibility. Court managers attended seminars about new court initiatives, administrative programs and legislative updates.

The Career Services Office expanded its training initiatives, including revamping the two-day new employee orientation program given during the first two weeks of employment. The Court Officer's Academy expanded training for the more than five thousand peace officers employed by the court system and delivered training to contract security personnel. The academy graduated a record number of new recruits in 2005.

The Workforce Diversity Office welcomed its fourth year of Legal Fellows, a successful outreach program offering a one-year fellowship (with hands-on experience) to law school graduates interested in a public service career. In coordination with the Personnel Division, the office collaborated on a major outreach effort to produce a diverse pool of candidates for the entry-level court officer title examination that yielded more than 33,000 candidates statewide.

### **Division of Administrative Services**

The Division of Administrative Services provides support services to the trial courts and OCA, including key office management functions relating to the day-to-day operation of central and local administration; major purchasing and revenue-processing responsibilities; high-volume data-entry services and management of criminal history searches for private businesses and government agencies; management of various registration, certification and applications processes; and oversight of the Continuing Legal Education (CLE) Department. See Appendix D for statistics relating to attorney registration; Appendix E for statistics relating to the Secure Pass unit; the criminal history search unit; fiduciary appointment reporting; retainer and closing statements; and adoption affidavits. For CLE information, visit [www.nycourts.gov/attorneys/cle](http://www.nycourts.gov/attorneys/cle) or email [cle@courts.state.ny.us](mailto:cle@courts.state.ny.us).

## Office of Court Facilities Management

New York court facilities are provided and operated by the cities and counties they serve. Since 1987, when the Court Facilities Act was passed – and the Court Facilities Incentive Aid Fund established – in response to a pervasive sense that facilities were increasingly inadequate, the UCS has provided guidance and financial assistance to local governments to help them meet this responsibility. Amendments to the act have enhanced the state’s role and increased financial assistance to localities. The result is many new and substantially renovated facilities throughout the state.

One of the largest courthouses ever built in the United States, the 84-courtroom Kings County Supreme Criminal and Family Courthouse, opened in 2005. Another massive courthouse, the 47-courtroom Bronx Hall of Justice, is nearing completion, and renovation continues on the Manhattan Family Courthouse. In Albany, a new Family Court opened, and renovation of the Appellate Division, Third Department, facilities in the Hall of Justice was completed. Ground was broken for a new Putnam County courthouse; a new Suffolk County courthouse in Riverhead is nearing completion; and various other projects continue to advance throughout the state.

## Department of Public Safety

The court system continues to take steps to ensure that its courthouses are safe, open and accessible. A Task Force on Court Security undertook a comprehensive review of all aspects of the court system’s security operations and emergency preparedness. While finding that court security was strong, the task force identified ways to improve security and ensure the courts’ ability to continue operations in the face of any emergency. The task force’s 47 recommendations addressed security management and administration; protocols and equipment; physical infrastructure; judicial threats; and emergency preparedness. The October 2005 report also made recommendations regarding security in town and village justice courts, which, unlike other New York courts, are funded and managed entirely by local governments. In addition, OCA continued to work with the State Emergency

Management Office to integrate the courts’ emergency planning efforts with those of the state. The Department of Public Safety is also working with county and city governments to develop emergency response partnerships. A systematic program of emergency drills (full-building evacuations) with multi-agency participation continues to be implemented.

## Office of Public Affairs

As part of a national outreach campaign to educate citizens about the jury system and encourage jury service, the Office of Public Affairs organized a jury service exhibit for the state fair in Syracuse. Thousands visited the courts’ booth, where court employees answered questions and distributed jury handbooks. The office worked with radio stations statewide to broadcast public service announcements about jury service and helped develop public service announcements about court forms and other court resources available to those seeking an uncontested divorce, as well as materials on court-annexed parent education programs for separating or divorcing couples.

## Office of Court Research

The Office of Court Research provides caseload activity statistics, jury system support and operations research services to all UCS courts. The office also maintains data relating to capital cases and provides caseload activity information to the public.

The office provides support for the Chief Judge’s Jury System Improvement Project and maintains the statewide jury website, [www.nyjuror.gov](http://www.nyjuror.gov). In 2005, *The Final Report of the Committees of the Jury Trial Project* was released, which recommended *voir dire* openings and juror note-taking, as well as permitting jurors to submit written questions for witnesses and providing jurors with a written copy of the charge. Based on this report, the court system issued *Jury Trial Innovations in New York State - Enhancing the Jury Process: A Practical Guide for Judges*. In addition, the office began implementing the 2004 recommendations of the Commission on the Jury, including the designation of Queens County as a model jury site, and making Internet access available in juror assembly rooms.

# Program Highlights

This chapter highlights the 2005 accomplishments of the permanent entities (Part I)<sup>1</sup> and the ad hoc committees or commissions (Part II) established by the Unified Court System under the leadership of the Chief Judge and Chief Administrative Judge.

## Part I

*Center for Court Innovation*  
*Office of Court Drug Treatment Programs*  
*New York State Judicial Institute*  
*Office of Guardian and Fiduciary Services*  
*Parent Education Advisory Board*  
*Advisory Committee on Judicial Ethics*  
*Judicial Campaign Ethics Center*  
*Franklin H. Williams Judicial Commission on Minorities*  
*New York State Judicial Committee on Women in the Courts*  
*Permanent Judicial Commission on Justice for Children*  
*Lawyer Assistance Trust*  
*Ethics Commission for the Unified Court System*

### Center for Court Innovation

The center ([www.courtinnovation.org](http://www.courtinnovation.org)) is a nonprofit think tank that serves as the independent research and development arm of the New York court system, promoting ongoing innovation and improving the judicial response to problems such as addiction, mental illness, domestic violence and juvenile delinquency.

The center's main functions are to help create demonstration projects that test new strategies and technologies, evaluate the efficacy of reforms and disseminate best practices both within New York and beyond. Center projects include the award-winning Midtown Community Court, Red Hook Community

<sup>1</sup> The work of the standing advisory committees to the Chief Administrative Judge, established pursuant to Judiciary Law Sec. 212(1)(q), is covered in Chapter Four.

Justice Center and the Brooklyn Mental Health Court. Highlights from the center's work in 2005 include:

**Bronx Community Solutions:** The center helped the court system launch one of the most ambitious problem-solving court initiatives in the country: Bronx Community Solutions. This program brings the community court approach to all misdemeanor cases in the busy Bronx criminal courthouse. The goal is to provide judges with increased sentencing options – including community service and social services – for nonviolent offenses such as drug possession, prostitution and shoplifting. By combining punishment with help, the program seeks to reduce reliance on short-term jail sentences and build public confidence that the system is holding offenders accountable, while offering them the assistance they need to avoid further criminal conduct. The U.S. Department of Justice named Bronx Community Solutions one of 10 winners in a national competition for innovative criminal justice projects. The project staff describe their work on a blog, "Changing the Court," at <http://changingthecourt.blogspot.com/>.

**Study of Batterer Programs:** Center researchers completed a three-year randomized trial that followed over 400 offenders from the Bronx misdemeanor domestic violence court to investigate whether batterer programs had an impact on recidivism. The groundbreaking study, funded by the National Institute of Justice, found that batterer programs had no discernable impact on recidivism. Given the rigor of the study, this finding has the potential to significantly influence the field. The study may be found on the center's website.

**Law School Course:** With funding from the U.S. Department of Justice, the center convened a small working group of academics to create a law school curriculum on problem-solving justice. The center

piloted the class, which combined lectures, discussions and trips to problem-solving courts, at Fordham Law School in the spring and disseminated the curriculum to judges and law professors nationally. The course is slated to be taught again in spring 2006.

**Book on Problem-Solving Courts:** The New Press published *Good Courts: The Case for Problem-Solving Justice*, the first book to describe the problem-solving court movement in detail. Written by the center's current and former directors, Greg Berman and John Feinblatt, the book features profiles of center demonstration projects, portraits of practitioners in the trenches and a review of research findings. All authors' proceeds from the book, which is being used in law schools and public policy classes, benefit the center.

**International Technical Assistance:** The center has been increasingly involved in helping jurisdictions outside the United States develop problem-solving innovations. Visitors from more than 50 countries have come to New York to view the center's demonstration projects, which, in 2005, served as models for two community courts in England. The center's technical assistance team also worked with planners in Canada, Australia, New Zealand, Ireland and South Africa on projects that should bear fruit in 2006.

**National Problem-Solving Initiative:** After a national competitive application process, the U.S. Department of Justice selected the center to be the sole technical assistance provider for its Community-Based Problem-Solving Justice Initiative. The center kicked off the initiative with a workshop in San Diego for 10 projects around the country, including Bronx Community Solutions. The center will work with the 10 grantees to help them formulate research plans for their projects.

**PBS Documentary and Other Media Coverage:** The independently-produced documentary "Red Hook Justice: A Legal Revolution Grows in Brooklyn" aired across the country on PBS in May. Other 2005 coverage included a front page story on problem-

solving courts in *The New York Times*, a series on problem-solving justice in *The New York Law Journal*, a feature on National Public Radio and other articles around the country and in Canada.

### **Office of Court Drug Treatment Programs**

The Office of Court Drug Treatment Programs (OCDTP), directed by Deputy Chief Administrative Judge for Court Operations and Planning Judy Harris Kluger, is responsible for developing and overseeing a statewide initiative to provide court-mandated substance abuse treatment to nonviolent addicted offenders, as well as to parents charged in family court child neglect cases, in an effort to end the cycle of addiction and recidivism.

The mandate of the office, established in 2000, is to ensure that nonviolent addicted offenders will be offered an opportunity for drug treatment. As of December 31, 2005, there were 164 drug courts in operation: 90 in the criminal courts, 50 in family courts, 8 in the town and village courts, and 16 focused solely on juveniles and young adults. There were 7,136 active participants in the program, and 11,608 participants have successfully graduated since the program began – with 3,484 in 2005 alone. Thirty community teams were engaged in the planning process to open new drug courts in 2006.

Each drug treatment court is locally-based and reflects the legal culture of the community. Financial support comes from the Unified Court System, local communities and the federal government. The framework is provided by the initial team training and oversight and assistance provided by the OCDTP, working with local judicial district administrative offices.

The OCDTP is working with a committee of drug court practitioners and the Center for Court Innovation to produce a *Best Practices* manual for criminal drug treatment courts. A manual for family drug treatment courts is under development. There is now an annual education program for new drug court judges and team members, in addition to a training program for drug court teams that have experienced

significant turnover. In 2005, 310 judges and team members received training through these programs.

All treatment courts use a single database – the criminal or family model – that provides case-management tools as well as the means to gather uniform statistical data. A new database for juvenile and young adult drug treatment courts is being tested in pilot courts. Access to standardized data is critical in managing and evaluating the program. Such data was helpful to the Center for Court Innovation in its statewide evaluation of drug courts, which documented a significant decrease in recidivism rates realized by graduates of the drug treatment courts over the three-year term of the study.

Cost savings from the drug treatment court program are the result of graduates not only ending their drug use and criminal activity but also finding employment, reuniting with their children and having drug-free babies. Savings are realized throughout the criminal justice system (law enforcement, the courts, corrections, parole) as well as to local social services.

For the future, in addition to supporting the courts themselves, the focus of the office will become the institutionalization of the drug court program into the normal operational activities of the court system.

### **New York State Judicial Institute**

The New York State Judicial Institute, the first judicial research and training facility built by and for a state court system, opened in May 2003. Its programming draws judges and other professionals from around the state, the nation and the world.

In 2005, the institute hosted 115 programs for judges, court attorneys and staff, covering every major area of the law as well as cutting-edge issues in judicial administration and public policy. Cumulative attendance records rose this year to over 10,000.

The six judicial summer seminar programs were held at five sites, with over 1,000 judges in attendance. Each two-day program provided legal updates plus in-depth review and analysis of substantive subject areas. More than 50 newly appointed and newly elected judges attended a five-day training program in

December. Court-specific training was conducted for judges who preside over specialized parts, such as treatment courts, integrated domestic violence courts, mental health courts and the Commercial Division of Supreme Court. The institute also provided seven two-day legal update programs for over 1,200 court attorneys at sites around the state.

Topics in the monthly Lunch and Learn series – hour-long seminars held at the institute or a courthouse and simulcast by video to over 30 courthouses – included expedited adoptions; use of subpoenas; determining the competency of a child witness; discovery; managing your courtroom; and an ethics update in judicial campaigns.

In September, the Center for Court Innovation and the institute cosponsored a program in Syracuse exploring the potential transfer of principles and practices from problem-solving courts to courts of general jurisdiction.

Highlights of issue-specific programming in 2005 included: “Partners in Justice,” a first-time colloquium bringing together judges, practitioners and law school clinical faculty to examine the issue of collateral consequences of criminal convictions; “The Synergy of Law and Economics,” a two-day program presented in conjunction with the George Mason School of Law Center for Law and Economics; “E-Discovery,” which examined novel discovery issues relating to electronic media; and “What to Do When Bankruptcy Invades Your Case,” a program providing practical guidance to state and federal judges, cosponsored with the New York State and Federal Judicial Council.

In August, the institute cosponsored a program for the first time with the U.S. Agency for International Development. The Armenian Court Modernization Study Tour brought representatives from Armenia’s courts to New York for a five-day introduction to court management and the New York court system.

### **Office of Guardian and Fiduciary Services**

The Office of Guardian and Fiduciary Services (GFS) continued its work as an educational and informational resource to judges, attorneys, other profession-

als and lay people in the areas of guardianship practice under Article 81 of the Mental Hygiene Law and court fiduciary appointments under Part 36 of the Rules of the Chief Judge. The office worked with numerous bar associations and law schools to develop and generate training to fill the compelling need for responsible and knowledgeable fiduciaries. The challenges of list re-registration and continuing education for fiduciaries, training for lay guardians, and standardization of forms and procedures for guardianship practice are ongoing projects. The GFS website ([www.nycourts/ip/gfs](http://www.nycourts/ip/gfs)), containing updates, procedures, data-base access and research materials, is a valuable and well-utilized resource.

In its second report released in February 2005, the Commission on Fiduciary Appointments (p. 36) recommended strengthening the oversight of court examiners appointed to review guardians' reports. As a result, the position of court examiner specialist was created in the First and Second Departments. These specialists are responsible for scrutinizing the court examiners' activities, including monitoring the quality and timeliness of their reports and the level of responsiveness to guardians, in order to provide adequate safeguards for the elderly and disabled.

An Article 81 Best Practices Manual Subcommittee, comprised of experienced guardianship judges, was convened to produce a "desk book" for judges in guardianship parts. Under the diligent work of the subcommittee and its chair, Eighth District Supreme Court Justice Donna M. Siwek, a comprehensive *Best Practices Manual* was published at year's end. The manual will be an invaluable asset for judges in complex guardianship cases who serve one of the most vulnerable and rapidly-growing segments of the population.

A model guardianship part is being explored, to bring all cases involving an incapacitated person before one judge. Such an all-inclusive judicial approach to the diverse legal difficulties arising in a disabled person's life can help meet the challenges they and their families bring to the courts, seeking protection and assistance.

## **Parent Education Advisory Board**

Established in 2001, the Parent Education and Awareness Program informs judges and others about the benefits of parent education for separating or divorcing couples. Parent education programs are child-centered, intended to help parents understand the effect of their breakup on their children and to teach parents how to help their children during this transitional time in their lives. At the same time, the Parent Education Advisory Board was created, chaired by Supreme Court Justice Evelyn Frazee of Rochester, to develop uniform program standards. The board's 2003 report recommended a statewide system of program-certification and monitoring and set forth standards to be met by parent education programs in order to receive court referrals.

In 2005, the board certified 34 providers and offered training for providers on new curriculum guidelines and continued education and training for judges and nonjudicial staff. The parent education website went into operation ([www.nycourts.gov/ip/parent-ed](http://www.nycourts.gov/ip/parent-ed)), and a variety of materials were produced and distributed to courts, providers and parents.

In 2006, site reviews will be completed to ensure the quality of parent education programs. Outreach will be conducted to encourage appropriate entities to become providers in areas where parent education is not offered and to promote increased awareness and use of this resource by the courts and parents.

## **Advisory Committee on Judicial Ethics**

The Advisory Committee on Judicial Ethics issues advisory opinions to judges and justices, upon request, concerning issues of "ethical conduct or proper execution of judicial duties" as well as "possible conflicts between private interests and official duties" (Judiciary Law Sec. 212[2][1]). To date, over 2,500 opinions have been issued and are available in periodically published volumes and at [www.nycourts.gov/search/ethics-opinions.asp](http://www.nycourts.gov/search/ethics-opinions.asp). The committee has also answered many thousands of informal inquiries by telephone since it was established in 1987. In 2005, a new edition of the *Judicial*

*Campaign Ethics Handbook* was prepared and will be issued in 2006. A subcommittee works with the Judicial Campaign Ethics Center (below) to provide quick responses to judicial candidates with questions about campaign ethics.

### **Judicial Campaign Ethics Center**

The Judicial Campaign Ethics Center, which opened in fall 2004, serves as a central resource on campaign ethics for all judicial candidates and provides the public with information about the judicial election process. Candidates may call or write for answers to questions about their prospective campaign activity.

Throughout the year, the center provided ethics training sessions for town and village justices and others statewide. The center's website went live in early 2005 ([www.nycourts.gov/ip/jcec](http://www.nycourts.gov/ip/jcec)), providing links to campaign-related opinions of the Advisory Committee on Judicial Ethics as well as information relevant to judicial candidates and the public. In the fall, the center produced the 2005 New York State Supreme Court Voter Guide – a first for the court system – which was published online in Spanish and English and featured profiles of 49 of the 66 candidates. It received over 10,000 visitors and was linked to the State Board of Elections website. In 2006, the center will expand the coverage of its voter guide.

### **Franklin H. Williams Judicial Commission on Minorities**

The Franklin H. Williams Judicial Commission on Minorities focuses on increasing diversity within the UCS workforce, making recommendations on ways to achieve fair and equal treatment of minorities within the court system. The commission works to achieve these goals through conferences and regular dialogue with the Chief Judge, administrative judges and executive assistants, OCA leadership, the bar and fraternal associations throughout the state. Such meetings throughout the year allow the commission to discuss issues of concern to minorities in the court system and to obtain information and statistics

regarding workforce diversity in the various judicial districts.

In January 2005, the commission published *Findings from the Leadership Development Conference: Courts for the 21<sup>st</sup> Century - Upstate Conference*. The report outlined the panel and workshop discussions of the May 2004 conference, as well as resulting recommendations for workforce diversity.

In May 2005, the commission hosted its biannual Diversity Awards Program, which honored five individuals for outstanding contributions to diversity in the courts: Captain Luz Bryan, Alan B. Friedberg, Judge E. Jeanette Ogden, Sandra K. Scruggs and Ross Uphaw. Special Recognition Awards were presented to First Deputy Chief Administrative Judge Ann Pfau, Deputy Chief Administrative Judge for New York City Courts Joan B. Carey and Deputy Chief Administrative Judge for Justice Initiatives Juanita Bing Newton.

In summer 2005, the commission published its newsletter, which is disseminated to over 200 court employees in the state.

### **New York State Judicial Committee on Women in the Courts**

The New York State Judicial Committee on Women in the Courts serves as an advocate for women litigants, attorneys and court employees, as well as a focal point within the courts for concern about the status of women and their access to justice. Composed of judges, court officials, bar association representatives and practicing attorneys, the committee works with court administrators and outside organizations to address an array of concerns.

In 2005, the committee published the fourth edition of the *Lawyer's Manual on Domestic Violence: Representing the Victim*, produced under the auspices of the Appellate Division, First Department. The book was distributed to judges and widely used in training for *pro bono* attorneys, legal aid and legal services lawyers, domestic violence advocates and prosecutors. The committee also inaugurated a newsletter.

As in the past, many committee efforts involved collaboration. Working with the Center for Court Innovation (p. 29), the committee took the lead in planning a day-long program for judges and court attorneys on "Prostitution, Trafficking, and Domestic Violence: Innovation and Challenges." With the Lawyers Committee Against Domestic Violence (LCADV) and sponsorship from the Appellate Division, First Department, the committee planned a two-day program (and produced the materials) at Fordham Law School on "Domestic Violence and Sexual Assault: Integrating Insights and Practice."

Through its work with the LCADV, the committee developed materials on the economic role of women within marriage and helped draft matrimonial reform legislation, which, among other things, suggested rethinking the concept of maintenance. Joining forces with Law Women's Associations, the committee held meetings at several law schools, sharing insights from the committee's twenty-year experience and hearing young women's views. The committee also worked on court interpreting issues – which acutely affect women immigrants, particularly domestic violence victims – through OCA's working group on court interpreting services and the New York City Bar Association's Women in the Courts Committee.

Ongoing efforts include providing support and encouragement to local gender bias and gender fairness committees and assisting them with programming for Domestic Violence Awareness Month and Women's History Month. At the April annual statewide meeting for local committee chairs the panel topic was "Assessing Progress: How Long Will It Take and What Will It Take?"

### **Permanent Judicial Commission on Justice for Children**

The Permanent Judicial Commission on Justice for Children continued to work on its core projects during 2005, including spearheading the implementation of the federal Court Improvement Project (CIP) and overseeing the statewide system of children's centers in the courts.

The CIP, which focuses on improving the handling of child abuse and neglect cases, has best-practices courts in Albany, Dutchess, Erie, Monroe, Nassau, Oneida, Onondaga and Westchester counties as well as in all of New York City. Working in partnership with the New York State Office of Children and Family Services, the commission planned and conducted "Sharing Success Three: Courts and DSS Working Together to Hard-Wire Best Practices" in December 2005, which brought together over 250 judges, court personnel and local social services officials to learn about state and national efforts in the field and to jumpstart local initiatives.

Among noteworthy 2005 publications, the commission published a law review article entitled "Children Adrift: Addressing the Educational Needs of Children in Foster Care" and "Addressing the Educational Needs of Children in Foster Care: A Guide for Judges, Advocates and Child Welfare Professionals." Sheryl Dicker, the commission's executive director, wrote an article published in the *Journal of Infants and Young Children* entitled "Critical Connections for Children who are Abused and Neglected: Harnessing the New Federal Referral Provisions for Early Intervention."

"Babies Can't Wait," a court-based project focused on the needs of infants in foster care, came to Kings County Family Court in 2005. In addition to training resources, the project provided the services of an early childhood specialist to the judges. That expertise helped Judge Susan Danoff develop a specialized court process and model court orders for infant cases. "Babies Can't Wait" is being replicated in Erie and Monroe counties and in Philadelphia.

The network of 32 children's centers continued to thrive, providing quality drop-in childcare and connecting children and families with vital services. More than 52,000 children utilized the centers in 2005. The center in Monroe County, operated by the University of Rochester School of Medicine's Department of Psychiatry, exemplifies the service connections and assistance families receive. This unique partnership between the courts and a

university brings experts in child well-being into the center, where the children receive on-site vision, hearing and developmental screenings. Caregivers leave with a greater understanding of their children's health and development as well as referrals to services to address any detected delay. Centers in the Eighth and Ninth Judicial Districts participated in the federal "Reading is Fundamental" program, allowing them to provide new books to over 9,500 children in 2005.

### **Lawyer Assistance Trust**

The Lawyer Assistance Trust was established in 2001 to bring statewide resources and awareness to the prevention and treatment of alcohol and substance abuse among attorneys, judges, law faculty and students. Outreach efforts and financial support were expanded in 2005 to include mental health concerns.

In 2005, the trust hosted a conference, cosponsored by several bar associations, entitled "Women Attorneys: Lives in the Balance: Defining Success, Reclaiming Meaning." More than 100 attorneys attended. The program addressed career satisfaction and factors that may place individuals at risk for depression, substance abuse, eating disorders and burnout. Another 2005 highlight was a program for members of specialty bar associations, who historically have not accessed lawyer assistance program services.

A newly designed website ([www.nylat.org](http://www.nylat.org)) was rolled out in 2005, and the trust's quarterly newsletter reached 4,000 members of the profession throughout the state.

The trust's grant program awarded \$103,500 during 2005 to three bar associations to support a variety of lawyer assistance programs and services. Bar associations, bar foundations and law schools are eligible to apply for such funding for education, research, and prevention and treatment efforts.

The trust coordinated two meetings of the New York "Professional Assistance Group" – directors and staff of programs providing assistance services for other professions – to share information and insights.

The Second Department adopted a set of diversion rules, joining the Third and Fourth Departments in

formalizing the process whereby attorneys involved in disciplinary proceedings who are disabled by alcohol or substance dependency may be required to participate in a court-approved monitoring program. Upon successful completion of the program, the charges may be dismissed. The trust has advocated for the adoption of such rules in each department.

At the trust's request, an evaluation team from the American Bar Association's Commission on Lawyer Assistance Programs conducted a review of lawyer assistance efforts in New York. Their recommendations addressed the value of a unified program with stable funding, coordination with the disciplinary process, and enhanced education in the form of mandatory CLE on addiction and mental health issues.

### **Ethics Commission for the Unified Court System**

New York State requires that all public employees disclose potential areas of conflict of interest resulting from private activities. All judges and justices, and officers and employees of the courts who receive annual compensation at a specified statutory rate or hold policy-making positions, must file annual financial disclosure statements setting forth detailed personal and financial information. The UCS Ethics Commission is responsible for administering the distribution, collection, review and maintenance of these statements. In filing year 2005 (reporting year 2004), the filing rate was \$74,621, and approximately 4,800 individuals were required to file. In 2005, for the first time, all forms could be completed online, then printed and mailed. Approximately 400 filers used this "omniform" filing option.

Information contained in the statements is available for public inspection, except for categories of value and amount, the names of unemancipated children and any information deleted by the commission at the request of the filer. In 2005, the commission amended its procedure for public inspection by reducing the statements available to the seven reporting years prior to and including the current year. Statements filed for reporting years 1990

through 1997 were destroyed. In 2005, 296 requests for public inspection were made, by 16 persons, for statements filed for one or more years by 285 employees – a substantial increase in the number of requests since the previous year. A total of 436 statements were prepared for public inspection.

## Part II

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*Commission to Promote Public Confidence in Judicial Elections (Feerick Commission)*

*Commission on Fiduciary Appointments*

*Matrimonial Commission*

*Commission to Examine Solo and Small Firm Practice*

*Commission on the Future of Indigent Defense Services*

### **Commission to Promote Public Confidence in Judicial Elections (Feerick Commission)**

The Commission to Promote Public Confidence in Judicial Elections, chaired by John D. Feerick, Esq., conducted a comprehensive study of the state's judicial election process and issued reports in December 2003 and June 2004. As a result, a series of proposals were submitted to the Court of Appeals for approval in 2005, including rules establishing independent judicial election qualification commissions in each judicial district to evaluate candidates for elective judicial office; monetary limits on what judicial candidates may spend to attend political functions; prohibitions on the use of campaign funds to purchase campaign-related goods and services for which fair value was not received; and a requirement that judicial candidates complete a campaign ethics education program. The proposals also included amendments to New York's judicial conduct rules to ensure that they comport with recent U.S. Supreme Court case law on judicial campaign speech.

One recommendation led to the enactment of legislation in 2005 requiring candidates for county and local elective judicial office to file campaign finance reports electronically with the State Board of Elections, as of 2006. Previously, reports were filed at

county boards (and only by Supreme Court candidates), which inhibited effective enforcement of campaign finance laws. An earlier recommendation led to the establishment of the Judicial Campaign Ethics Center (p. 33).

The commission's final report, on the process by which political parties choose their nominees for justices of the Supreme Court, will be issued in 2006.

### **Commission on Fiduciary Appointments**

In February 2005, the Commission on Fiduciary Appointments issued a report identifying various problems with New York's system of administering intestate estates. The commission found particular fault with the processes governing the selection and remuneration of private attorneys appointed to serve as counsel to the Public Administrator. As a result of the commission's findings and recommendations, proposed amendments to the Rules of the Chief Judge were submitted to the Administrative Board of the Courts in 2005. Under these proposals, certain persons would be ineligible for appointment to serve as a Public Administrator (PA) or counsel to the PA; surrogates would be prohibited from approving compensation to counsel to the PA in excess of the statutory fee schedule unless accompanied by the surrogate's written explanation; and such approvals would be filed with OCA and available for public review. The report, along with the commission's 2001 report, is available online.

### **Matrimonial Commission**

The Matrimonial Commission, appointed in June 2004, was charged with examining every facet of the divorce process and recommending reforms. Among the many areas under review, the commission is looking at the complex issues involved in custody disputes, including the role and qualifications of forensics experts and law guardians; interim counsel fees; enforcement of court orders; alternative dispute resolution; parent education programs; and no-fault legislation. In 2005, the commission, chaired by Associate Justice Sondra Miller of the Appellate

Division, Second Department, held public hearings in White Plains, Buffalo and New York City. The thirty-two member commission will issue its report in February 2006.

### **Commission to Examine Solo and Small Firm Practice**

The Commission to Examine Solo and Small Firm Practice was appointed in April 2004 to examine the challenges faced by solo and small firm practitioners and recommend improvements to facilitate their practice in the New York courts. The commission, consisting of thirty such practitioners, was chaired by June Castellano, Esq., from Monroe County.

In January 2005, the commission held public hearings in Albany and Rochester and thereafter developed a survey that was circulated by bar associations to their members and distributed at every courthouse throughout the state. Commission members also met with district administrative judges and other members of the judiciary to explore issues unique to solo and small practitioners. The commission will release its report in February 2006.

### **Commission on the Future of Indigent Defense Services**

The Commission on the Future of Indigent Defense Services, chaired by former New York State Supreme Court Justice Burton Roberts and Brooklyn Law School Professor William Hellerstein, is charged with examining the state's criminal indigent defense system and developing a blueprint for reform. Public hearings were held in New York City, Rochester, Ithaca and Albany in 2005. A total of 93 witnesses spoke, while others submitted written testimony. Witnesses included public defenders, private criminal defense attorneys, judges, prosecutors, bar association representatives and defendants and their families.

To assist the commission in its work, The Spangenberg Group, a nationally-recognized criminal justice consulting firm, conducted the most comprehensive statewide study of indigent defense representation ever undertaken in the state.

The commission's December 2005 interim report outlined a continuing crisis in indigent defense and recommended some form of statewide oversight of indigent defense services to replace the existing patchwork of local providers. The final report is due in 2006.

# Legislation and Rules

*This chapter provides a summary of the Judiciary's 2005 legislative agenda and the work of the five standing advisory committees to the Chief Administrative Judge. The full text of the legislative program and the annual reports of each of the committees may be found online at <http://www.nycourts.gov/ip/judiciaryslegislative/index.shtml#a>.*

## Counsel's Office

The Office of Counsel is the principal representative of the Unified Court System in the legislative process. It develops the Judiciary's legislative program and provides the legislative and executive branches with analyses and recommendations concerning legislative measures that may have an impact on the courts and their administrative operations. It also serves a liaison function with bar association committees, judicial associations and other groups, public and private, with respect to changes in court-related statutory law.

The office drafts legislative measures to implement recommendations made by the Chief Judge in the State of the Judiciary message, as well as required UCS measures, including budget requests, adjustments in judicial compensation and implementation of collective bargaining agreements negotiated with court employee unions pursuant to the Taylor Law. Counsel's office consults frequently with legislators, legislative committee staff and the Governor's counsel to generate support for the Judiciary's legislative program and provide technical assistance in the development of court-related proposals initiated by the executive and legislative branches.

Counsel's office also staffs the Chief Administrative Judge's advisory committees on civil practice, criminal law and procedure, family law, estates and trusts, and the local courts (see below).

During the 2005 legislative session, counsel's office, with the assistance of the advisory committees, prepared and submitted 54 new measures for

legislative consideration. Ultimately, 22 measures written or endorsed by us were enacted into law. Counsel's office also furnished the Governor's counsel with analyses and recommendations on 44 measures awaiting executive action.

## Work of the Advisory Committees

The five advisory committees annually submit legislative proposals to the Chief Administrative Judge. When approved by the latter, they are transmitted to the Legislature in bill form, for sponsors and legislative consideration. These committees also submit recommendations to the Chief Administrative Judge on other legislative proposals. These recommendations may then be relayed through counsel to the legislature and the executive.

For each advisory committee, the proposals enacted during the 2005 legislative session are listed below, as well as highlights of their 2006 agenda.

### Advisory Committee on Civil Practice

*Three proposals enacted: "Filing by Electronic Means" (FBEM) pilot reauthorized, extended for a period of four years and expanded to Broome, Essex, Niagara, Onondaga and Sullivan counties (L. 2005, c.504); New or Used Car Lemon Law (Gen. Bus. L. §§198-a, 198-b) amended to require venue in the county where the consumer resides or where the arbitration was held or is pending, thereby removing a procedural impediment to consumer fairness (L.2005, c.611); and CPLR 3211(e) requirement that leave to plead be requested in opposition papers eliminated, thus streamlining motion practice and comporting New York practice with federal procedure (L. 2005, c.616).*

*Highlights for 2006: clarification of the law governing collateral source payments in the settlement of certain tort actions governed by CPLR 4545; amendment of G.O.L. §15-108 to exclude from its scope releases*

under circumstances where the plaintiff voluntarily discontinues the lawsuit against a particular defendant without monetary consideration for that release; clarification of when a claim against a public authority accrues in certain contract claims; and discouragement of dilatory practice by setting the time for motions to dismiss for failure to state a cause of action and summary judgment.

### **Advisory Committee on Criminal Law and Procedure**

*Two proposals enacted:* As part of comprehensive legislation submitted by the Judiciary to greatly expand the authority of courts in criminal and civil cases to accept certain court-related payments by means of a credit card, the CPL and Judiciary Law were amended to permit the payment of DNA Databank, Sex Offender Registration and other criminal and civil fees by credit card (L.2005, c. 457).

In accordance with a recommendation contained in a comprehensive reform measure in the committee's 1999 report, Penal Law §265.12 was amended to reduce from 10 to five the number of firearms required to be unlawfully sold, exchanged, given or disposed of in order to establish the class C violent felony offense of criminal sale of a firearm in the second degree (L.2005, c.764).

*Highlights for 2006:* amending Penal Law §30.00(1) to provide that a person less than 18 years old is not criminally responsible for the crime of criminal contempt in the second degree as defined in Penal Law §215.50(3) when the order violated was issued in a Family Court Act Article 7 ("PINS") proceeding; and adding a new subdivision four to CPL §310.70 to authorize a trial court to issue a securing order where, following dismissal of an indictment after trial, the court authorizes submission of lesser included charges, with respect to which the jury was unable to agree, to a new grand jury.

Other highlights are: amending Judiciary Law §212(2)(j) and CPL §420.05 and §420.10(1) to authorize payment by credit card of restitution or reparation imposed as part of a sentence in a criminal case; amending CPL §190.25(6) to clarify that the court or district attorney may, when providing to a grand jury any oral instructions "concerning the law with respect to its duties or any matter before it" under that subdivision, also provide written instructions thereon; and adding a new §620.85 to the CPL to provide for oral applications for material witness orders.

### **Family Court Advisory and Rules Committee**

*Comprehensive legislation enacted:* to improve achievement of permanency for children in the child welfare system, incorporating longstanding OCA proposals to expedite child welfare appeals, eliminate procedural barriers, bring the state into compliance with federal standards and help secure continuation of federal financial support for child welfare programs. Among the committee's proposals included in the omnibus legislation were: clarification of time frames for preliminary proceedings in child protective actions; delineation of requirements for investigation and documentation of noncustodial parents in child protective, voluntary placement and surrender proceedings; clarification of mandatory issues to be addressed in permanency hearing court orders; requirements for permanency hearing reports and hearings to address issues regarding early intervention and educational needs and services; clarification that provisions regarding children freed for adoption do not apply to children for whom one parent had rights terminated but another parent retains rights to consent to adoption; authorization for orders of protection to be issued in permanency hearings regarding children freed for adoption; and authorization for continuing representation of parents and children in post-dispositional proceedings (L.2005, ch.3).

Numerous elements of the bill were drawn from or reflect the successes of New York's model permanency parts, such as continuous calendaring of child welfare proceedings, early investigation of noncustodial parents and continuing representation of parents and children. The legislation also reflects the advisory committee's success in convening roundtables in April 2004 and March 2005 that brought all three branches of government together with professionals and advocates on all sides of the child welfare system. The roundtables and follow-up meetings helped forge a consensus and shape many key features of the bill.

Significant provisions of the committee's proposal regarding detention and placement in Persons in Need of Supervision (PINS) proceedings were enacted as part of the state budget. As part of a comprehensive reform of the PINS statute, Family Court Act §352.2(2)(a) requires the court to consider alternatives to detention prior to imposition of pre-dispositional detention and to order the "least restrictive available alternative" as its disposition, similar to juvenile delinquency cases (L.2005, ch.57). Also enacted was the committee's proposal to clarify the authority of support magistrates, removing any ambiguity regarding their authority to issue child support orders following adjudication of contested paternity matters by Family Court judges (L.2005, ch.576).

*Highlights for 2006:* amending the new child welfare permanency legislation to clarify, among other things, the right to appointed trial counsel and law guardians on appeal; use of prior-scheduled permanency hearing dates certain in cases where suspended judgments in permanent neglect cases have been extended or deemed satisfied; requirements for dispositional placement orders under Family Court Act §1055 to include elements addressed in permanency hearings; the need to set permanency hearing dates certain upon approval of voluntary placement instruments under Social Services Law §358-a; provisions of Family Court

Act §1089 that permanency hearing reports be submitted to the court but not sent to a birth parent if the child has been freed for adoption (and dispensing with notice to former foster parents either *sua sponte* or upon motion); and to restore the automatic stay provision (Family Court Act §1112) for children in abuse or neglect proceedings who are returned home as a result of Article 10-A permanency hearings.

Other highlights are: realizing permanency planning mandates of the Adoption and Safe Families Act for the juvenile justice population; promoting court continuity in termination of parental rights, surrender and adoption proceedings; requiring screening in direct placement, custody and guardianship proceedings, and authorizing courts to direct nationwide criminal history searches; restoring PINS provisions enabling parents to secure emergency relief in limited instances; coordinating the administrative fair hearing process with court child protective proceedings; amending Family Court Act §516-a to provide a threshold test before a genetic marker or DNA test is ordered in proceedings to vacate paternity acknowledgment; and expanding the parental rights termination ground of "severe abuse" (Social Services Law §384-b[8]).

### **Surrogate's Court Advisory Committee**

*Highlights for 2006:* clarification that, among children born after a testator's death, only those in gestation at the time of the testator's death shall be included in the class of "after-born" children capable of claiming a share of the estate; creation of a procedure for settling final guardianship reports upon the death of an incapacitated person; and permission for a testator to incorporate in a will, by reference, the terms of a pre-existing *inter vivos* trust that has been revoked or terminated.

### **Local Courts Advisory Committee**

*Two proposals enacted:* Uniform District and City Court Acts and Multiple Dwelling Law amended to expand

the equity jurisdiction of the District and City Courts in landlord/tenant proceedings (L.2005, c.337); and the New York City Civil Court, Uniform District Court and Uniform City Court Acts amended, adding sections 411 and 412, respectively, to require that civil cases be commenced in those courts by filing with the court a summons and complaint, a notice of petition and petition, or an order to show cause and petition and the fee required by section 1911 of the relevant court act (L.2005, c.452).

*Highlights for 2006:* authorizing an increase in the time allowed for publishing notice of an order granting a petition for a name change; clarifying the territorial basis for the District Court's exercise of subject-matter jurisdiction over a commercial small claim; requiring mandatory arbitration of no-fault motor vehicle insurance claims and lowering the interest rate on overdue insurance claims from two percent to one percent; and authorizing statewide service of the criminal summons issued by a City, Town or Village Court.

## Judiciary Measures Enacted into Law in 2005\*

**Chapter 3** (Senate bill 5805/Assembly bill 7225-A). Amends various sections of the Family Court Act, Social Services Law and Domestic Relations Law to include: clarification of time frames for preliminary proceedings in child protective actions; clarification of mandatory issues to be addressed in permanency hearing court orders; clarification that provisions regarding children freed for adoption do not apply to children for whom one parent had rights terminated but who have another parent who retains rights to consent to the child's adoption; delineation of

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\*Measures newly introduced in the 2005 legislative session and not enacted into law are listed in Appendix F.

requirements for investigation and documentation of noncustodial parents in child protective, voluntary placement and surrender proceedings; delineation of procedures and requirements regarding suspended judgments in permanent neglect cases; delineation of comprehensive procedures to expedite appeals in child welfare proceedings; authorization for continuing representation of parents and children in post-dispositional proceedings; specification that aggravated circumstances to justify orders to dispense with reasonable efforts must be proved by clear and convincing evidence; incorporation of requirements for permanency hearing reports and hearings to address issues regarding early intervention, special education, pre-kindergarten and other educational services for children in foster care; and provision that in conditional surrenders contingent on adoption by a particular individual, such individual must have been investigated and certified or approved as either a foster or pre-adoptive parent (*i.e.*, the full pre-adoptive investigation need not have been completed if the prospective adoptive parent was already approved as a foster parent). Eff. 8/23/05.

**Chapter 143** (Senate bill 3050-A/Assembly bill 6152-A). Amends section 41(j)(1) of the Retirement and Social Security Law to extend from 165 to 200 the number of sick days by which nonjudicial employees of the Unified Court System can extend their pension service credit at retirement. Eff. 6/30/05 and deemed to have been in full force and effect on and after 4/1/03.

**Chapter 247** (Senate bill 1076-A/Assembly 1438-A). Amends section 2 of chapter 219 of the Laws of 2002 to extend for three years the Judicial Hearing Officer Pilot Program established by chapter 219 in the Family Courts of the Seventh and Eighth Judicial Districts in the Fourth Judicial Department to issue certain orders of protection. Eff. 7/19/05.

**Chapter 337** (Senate bill 3343/Assembly bill 7293). Amends sections 203 and 209 of the Uniform District Court Act and the Uniform City Court Act to provide District and City Courts, respectively, with additional equity jurisdiction to enhance their ability to handle landlord and tenant disputes outside New York City, and amends sections 306 and 309 of the Multiple Dwelling Law to add references to the fact that District and City Courts now will have jurisdiction to remove or remedy nuisances with respect to certain buildings. Eff. 1/1/06.

**Chapter 406** (Senate bill 5856/Assembly bill 6533). Amends the Election Law by requiring candidates and committees for local elections that raise or expend more than \$1,000 to file their campaign finance statements in electronic format. Eff. 8/2/05.

**Chapter 443** (Senate bill 5514/Assembly bill 4320). Amends provisions of the Uniform Court Acts to clarify the collateral effect of small claims and commercial claims judgments – making clear that such judgments have no collateral estoppel or “issue preclusion” effect in a subsequent proceeding but that they do have *res judicata* effect when the *same claims* are filed in another court. Eff. 8/9/05.

**Chapter 452** (Senate bill 4854-A/Assembly bill 7255-B). Amends various sections of the New York City Civil Court Act, the Uniform District Court Act, the Uniform City Court Act, the Workers’ Compensation Law and the Insurance Law to require that all state-paid courts be filing courts for purposes of interposing claims under the statute of limitations; and to provide two expedited forums for resolution of disputes: an expedited workers’ compensation forum to determine whether a motor vehicle accident occurred in the course of employment, and, in multi-carrier situations, an expedited eligibility hearing option to designate the automobile insurance carrier for first-party benefits. Eff. 9/8/95.

**Chapter 457** (Senate bill 5744/Assembly bill 7561). Amends various provisions of law to extend by five years authorization to accept certain court-related payments by credit card, and to expand this authorization to all court fees, fines, surcharges and other payments the Judiciary collects on behalf of the state. Eff. 8/9/05 [and is scheduled to expire on 8/9/10].

**Chapter 504** (Senate bill 4308-A/Assembly bill 8829). Expands the Judiciary’s Filing by Electronic Means program both by extending its authorization for four additional years (until 9/1/09) and by adding Broome, Essex, Niagara, Onondaga and Sullivan counties to the jurisdictions in which e-filing is authorized. Eff. 8/16/05.

**Chapter 563** (Senate bill 4135-A/Assembly bill 8651). Amends section 212(2)(n) of the Judiciary Law and chapter 340 of the Laws of 2001 to extend by an additional three years authority for the use of nonjudicial referees to hear and determine *ex parte* applications for orders of protection in evening sessions of Family Court. Eff. 8/23/05.

**Chapter 576** (Senate bill 5223-A/Assembly bill 8112-A). Amends section 439 of the Family Court Act to clarify that support magistrates may issue child support orders following Family Court determinations of paternity. Eff. 8/23/05.

**Chapter 611** (Senate bill 3344-A/Assembly bill 7381-A). Amends section 198-a(k) of the General Business Law to require that court proceedings arising out of new car Lemon Law arbitrations be brought either in the county where the consumer resides or where the arbitration was held or is pending. Eff. 8/30/05.

**Chapter 616** (Senate bill 4019/Assembly bill 8784). Amends subdivision (e) of rule 3211 of the CPLR to eliminate the requirement that a party obtain court

leave to renew a pleading previously dismissed on 3211(a)(7) sufficiency grounds. Eff. 8/30/05.

## Rules of the Chief Judge

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The following rules of the Chief Judge were added or amended during 2005:

Sections 24.3(e), 24.4(a), (b) and (k), and 24.6(f), (i), (k) and (l) of the Rules of the Chief Judge were amended, effective January 4, 2005, to grant to unrepresented nonjudicial court employees certain time and leave benefits negotiated for represented nonjudicial employees.

Part 43 of the Rules of the Chief Judge was added, effective October 18, 2005, authorizing the establishment of Superior Courts for Drug Treatment in the Supreme Court.

## Rules of the Chief Administrative Judge

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The following rules of the Chief Administrative Judge were added or amended during 2005:

Section 121.5 of the Rules of the Chief Administrator was added, effective May 17, 2005, to limit the eligibility for assignment as an Acting Justice of the Supreme Court of judges admonished or censured by the State Commission on Judicial Conduct.

Section 128.9 of the Rules of the Chief Administrator was amended, effective August 12, 2005, to conform the rules governing length of juror service to amendments to section 524 of the Judiciary Law.

Part 135 of the Rules of the Chief Administrator was amended, effective January 20, 2005, to establish a new sick-leave bank program for unrepresented nonjudicial court employees.

Part 138 of the Rules of the Chief Administrator was amended, effective March 25, 2005, to authorize emergency applications for disbursements from Justice Court Assistance Program funds.

Part 143 of the Rules of the Chief Administrator was added, effective November 2, 2005, to establish rules for the operation of the Superior Courts for Drug Treatment.

Section 200.26 of the Uniform Rules for Courts Exercising Criminal Jurisdiction was added, effective March 25, 2005, to create procedures for the assignment of counsel in town and village courts.

Section 202.8 of the Uniform Civil Rules of the Supreme and County Courts was amended, effective January 17, 2006, to add a requirement that attorneys notify the court when a motion has not been decided for 60 days.

Section 202.70 of the Uniform Civil Rules for the Supreme and County Courts was added, effective January 17, 2006, to establish rules for the Commercial Divisions of the Supreme Court.

Sections 208.9 and 208.18 of the Uniform Rules for the New York City Civil Court were amended, effective October 6, 2005, to require the holding of preliminary conferences in the New York City Civil Court.

## APPENDIX A

### INTAKE, DISPOSITIONS & TRIALS *DE NOVO* IN MANDATORY ARBITRATION PROGRAM BY JUDICIAL DISTRICT\* - 2005

District	Intake	Dispositions	Demands for Trial <i>De Novo</i>	<i>De Novo</i> Rate
<b>Total State</b>	<b>24,067</b>	<b>19,339</b>	<b>1,492</b>	<b>8%</b>
New York City	3,006	2,895	508	18%
1 <sup>st</sup>	3,006	2,895	508	18%
2 <sup>nd</sup>	0	0	0	0%
11 <sup>th</sup>	0	0	0	0%
12 <sup>th</sup>	0	0	0	0%
Outside New York City	21,061	16,444	984	6%
3 <sup>rd</sup>	16	12	0	0%
4 <sup>th</sup>	8	7	0	0%
5 <sup>th</sup>	48	51	0	0%
6 <sup>th</sup>	37	42	1	2%
7 <sup>th</sup>	2,899	2,887	190	7%
8 <sup>th</sup>	112	84	0	0%
9 <sup>th</sup>	53	54	0	0%
10 <sup>th</sup> - Nassau	4,205	2,272	0	0%
10 <sup>th</sup> - Suffolk	13,683	11,035	793	7%

\*See map inside front cover for counties in each judicial district.

## APPENDIX B

### SMALL CLAIMS ASSESSMENT REVIEW PROGRAM: FILINGS & DISPOSITIONS BY JUDICIAL DISTRICT\* - 2005

District	Filings	Dispositions	Pending
<b>Total State</b>	<b>51,527</b>	<b>67,630</b>	<b>39,501</b>
New York City	27	33	13
1 <sup>st</sup>	5	4	1
2 <sup>nd</sup>	11	25	1
11 <sup>th</sup>	9	4	9
12 <sup>th</sup>	2	0	2
Outside New York City	51,500	67,597	39,488
3 <sup>rd</sup>	348	324	24
4 <sup>th</sup>	389	392	0
5 <sup>th</sup>	302	302	0
6 <sup>th</sup>	121	119	2
7 <sup>th</sup>	189	192	0
8 <sup>th</sup>	434	434	0
9 <sup>th</sup>	987	1,090	752
10 <sup>th</sup> - Nassau	43,205	58,644	34,821
10 <sup>th</sup> - Suffolk	5,525	6,100	3,889

\*See map inside front cover for counties in each judicial district.

## APPENDIX C

### COMMUNITY DISPUTE RESOLUTION CENTERS<sup>1</sup> WORKLOAD: NEW YORK STATE BY COUNTY - 2005

County	DR Services Provided: Resolved	DR Services Provided: Not Resolved	Outreach Attempted, No Contact	Matter Screened Inappropriate	Party(ies) Declined/ Withdrew	Party(ies) Failed to Show	Unable to Contact Party(ies)	Other	Unspecified	Total
<b>TOTAL STATE</b>	<b>16,798</b>	<b>4,555</b>	<b>2,098</b>	<b>1,209</b>	<b>5,395</b>	<b>2,369</b>	<b>1,829</b>	<b>1,063</b>	<b>31</b>	<b>35,347</b>
<b>NYC</b>	4,226	941	195	586	950	1,259	160	240	16	8,573
New York	746	194	46	140	230	158	14	11	2	1,541
Bronx	1,029	229	84	42	109	276	3	52	0	1,824
Kings	772	306	17	80	217	520	32	113	0	2,057
Queens	857	155	26	102	231	265	51	25	2	1,714
Richmond	822	57	22	222	163	40	60	39	12	1,437
<b>ONYC</b>	12,572	3,614	1,903	623	4,445	1,110	1,669	823	15	26,774
Albany	318	100	27	15	98	24	37	48	3	670
Allegany	54	4	0	15	25	1	2	2	0	103
Broome	464	223	129	65	274	142	132	38	3	1,470
Cattaraugus	53	6	0	11	38	13	10	5	0	136
Cayuga	24	5	1	1	26	0	6	2	0	65
Chautauqua	303	114	5	26	86	11	66	2	0	613
Chemung	197	13	13	9	71	5	58	3	0	369
Chenango	121	10	267	9	64	6	44	25	0	546
Clinton	260	53	1	8	35	192	8	3	0	560
Columbia	26	12	50	10	18	0	21	4	0	141
Cortland	87	10	0	6	40	3	8	0	0	154
Delaware	85	11	107	4	42	4	4	6	0	263
Dutchess	322	135	96	36	330	10	81	8	0	1,018
Erie	584	130	115	13	172	47	55	45	0	1,161
Essex	28	3	1	1	9	1	2	2	0	47
Franklin	108	17	0	0	5	0	0	2	0	132
Fulton	60	11	0	12	10	0	9	1	0	103
Genesee	118	22	18	6	16	12	7	0	1	200
Greene	220	7	4	3	28	1	302	2	0	567
Hamilton	15	0	0	0	0	0	0	0	0	15
Herkimer	364	12	3	18	152	6	13	26	0	594
Jefferson	185	23	1	0	142	44	11	0	1	407
Lewis	16	4	0	0	17	6	0	0	1	44
Livingston	273	48	1	28	64	12	22	3	0	451
Madison	28	5	6	4	19	3	3	52	0	120
Monroe	451	117	42	6	320	68	76	24	1	1,105
Montgomery	85	22	1	15	39	7	9	9	0	187
Nassau	2,048	1,200	10	21	128	217	17	53	0	3,694
Niagara	172	28	10	61	131	17	99	39	0	557
Oneida	285	28	26	26	116	20	18	17	0	536
Onondaga	418	58	41	19	297	36	104	10	0	983
Ontario	103	19	1	7	47	3	7	2	0	189
Orange	330	190	32	3	153	38	2	6	0	754
Orleans	2	2	0	0	0	0	1	0	0	5
Oswego	179	5	0	13	104	12	10	21	0	344
Otsego	76	14	5	17	80	8	44	6	0	250
Putnam	133	47	16	22	108	4	12	37	1	380
Rensselaer	89	19	0	21	34	1	4	28	0	196
Rockland	65	25	1	1	14	2	2	14	0	124
Saratoga	72	38	371	1	38	2	29	20	2	573
Schenectady	112	88	12	12	155	11	32	14	0	436
Schoharie	7	0	0	2	13	0	1	2	0	25
Schuyler	92	7	5	4	41	3	17	1	0	170
Seneca	26	14	2	2	9	3	5	1	0	62
St. Lawrence	653	7	0	0	6	1	1	0	0	668
Steuben	386	44	60	19	97	41	82	170	0	899
Suffolk	328	146	6	0	62	2	21	8	0	573
Sullivan	129	30	0	1	2	6	0	0	0	168
Tioga	55	5	0	0	130	0	0	1	0	191
Tompkins	124	33	3	20	74	11	52	0	0	317
Ulster	67	24	372	2	114	1	29	2	0	611
Warren	230	47	37	23	90	3	22	10	1	463
Washington	48	3	0	0	6	0	5	1	1	64
Wayne	77	20	2	3	32	3	3	2	0	142
Westchester	1,339	346	2	0	217	43	64	45	0	2,056
Wyoming	9	3	0	1	1	0	0	1	0	15
Yates	69	7	1	1	6	4	0	0	0	88

<sup>1</sup>Chapter 847 of the Laws of 1981 created this program, which provides alternative methods for the resolution of minor disputes, both criminal and civil.

Source: Compiled July 2006 from data submitted to the State ADR Office by Community Dispute Resolution Centers

## APPENDIX D

### Attorney Registration

Under Section 468-a of the Judiciary Law and the Rules of the Chief Administrator (22 NYCRR §118), every attorney admitted to practice in New York must file a biennial registration form. Attorneys engaged in the active practice of law in this state or elsewhere pay a fee of \$350 with the registration (now payable by credit card). Attorneys certifying that they are “retired” from the practice of law as defined in the rules are exempt from the fee.

The fee is allocated as follows: \$60 to the Lawyers’ Fund for Client Protection to support its programs providing restitution to clients of dishonest attorneys; \$50 to the Indigent Legal Services Fund to cover fees to attorneys on the 18-b panels who represent indigent defendants; \$240 to the Attorney Licensing Fund to cover the cost of the Appellate Divisions’ attorney admission and disciplinary programs.

In 2005, 90,425 registrations were processed and \$27,928,300 collected in fees.

### Attorney Registration by Location – Calendar Year 2005 COUNTY OF BUSINESS\*

<u>Location</u>	<u>Total</u>	<u>Location</u>	<u>Total</u>
Albany	4,197	Otsego	128
Allegany	47	Putnam	322
Bronx	2,352	Queens	5,352
Broome	617	Rensselaer	439
Cattaraugus	112	Richmond	1,216
Cayuga	109	Rockland	1,464
Chautauqua	240	St. Lawrence	126
Chemung	178	Saratoga	533
Chenango	67	Schenectady	436
Clinton	126	Schoharie	57
Columbia	190	Schuyler	27
Cortland	71	Seneca	46
Delaware	80	Steuben	157
Dutchess	905	Suffolk	6,474
Erie	4,647	Sullivan	202
Essex	91	Tioga	56
Franklin	81	Tompkins	362
Fulton	79	Ulster	477
Genesee	95	Warren	232
Greene	109	Washington	69
Hamilton	10	Wayne	96
Herkimer	77	Westchester	9,467
Jefferson	170	Wyoming	52
Kings	6,752	Yates	29
Lewis	24		
Livingston	84	Total In-State	144,599
Madison	99		
Monroe	3,215	Outside N.Y. State	65,596
Montgomery	82		
Nassau	12,874	Out of USA	11,677
New York	74,425		
Niagara	362	Total	221,872
Oneida	567		
Onondaga	2,324		
Ontario	197		
Orange	961		
Orleans	30		
Oswego	134		

#### Number of Attorneys by Judicial Department of Business\*

First Department	76,777
Second Department	45,787
Third Department	9,221
Fourth Department	12,814
Total by Department	144,599

\*If no business address, by county of residence

## APPENDIX E

### • Retainer and Closing Statements

In accordance with the Rules of the Appellate Division, First Department (22 NYCRR §603.7) and the Appellate Division, Second Department (22 NYCRR §691.20), every attorney who enters into a contingent-fee agreement in specified categories of cases must file a retainer statement with OCA within 30 days. These statements include the date of agreement, plaintiff's name and terms of compensation.

A closing statement must also be filed in such cases within 15 days after the attorney receives or shares in any sum received in connection with the claim. A closing statement must be filed even if an action is abandoned or the agreement is terminated without recovery.

During 2005, a total of 296,365 retainer and closing statements were processed: 126,775 in the First Department and 169,590 in the Second Department.

### • Adoption Affidavits

In accordance with the rules of the respective Appellate Divisions, 22 NYCRR §603.23 (First Dept.), §691.23 (Second Dept.), §806.14 (Third Dept.), and §1022.33 (Fourth Dept.), attorneys handling adoption proceedings must file an affidavit with OCA for the purpose of maintaining a record of attorneys and agencies involved in adoptions and recording the fees, if any, charged for their services. In order to expedite finalization of adoptions, court rules no longer require a receipt of this filing prior to entry of the decree. During 2005, 5,555 adoption affidavits were filed.

### • Criminal History Search Unit

Since July 2003, this unit has sold statewide criminal history public records that include felony and misdemeanor convictions from all 62 counties. By law, OCA is now solely responsible for the sale of such records produced by a search of its electronic database and charges \$52 per name searched. County courts are precluded from selling their electronically stored county criminal history records.

The revenue generated from each search request is allocated as follows: \$16 to OCA's Judiciary Data Processing Offset Fund, \$27 to the Indigent Legal Services Fund and \$9 to the Legal Services Assistance Fund. For calendar year 2005, the unit received \$51,291,188 for criminal history record searches.

### • Secure Pass Identification Cards

Since 2002, attorneys can obtain a "Secure Pass" identification card valid for a two-year period. The card, designed with enhanced security features, provides access to state courthouses without being subjected to magnetometer screening, while maintaining the highest level of courthouse security. There is a \$25 processing fee, and the application process includes an electronic criminal history search. Similar cards are available, free of charge, to tenants of court facilities and government agencies for employees who regularly work in court facilities. In 2005, 21,099 ID cards were issued and \$462,777 collected in processing fees.

### • Fiduciary Appointment Reporting Process

A new Part 36 of the Rules of the Chief Judge (22 NYCRR), adopted in 2003, regulates fiduciary appointments by the courts. Among other things, it requires the Chief Administrator to establish lists of persons eligible to serve; sets forth compensation limits; and adds qualifications for appointment and categories of appointment covered.

In 2005, over 5,300 applicants met Part 36 eligibility requirements and were placed on approved lists in all appointment categories; 12,925 notices of appointment were filed by fiduciaries with the Chief Administrator. Under Judiciary Law Section 35-a, judges who approve a fee in excess of \$500 for anyone appointed pursuant to Part 36 must file a statement of approval of compensation with OCA. In 2005, 6,891 such statements were filed. A database on the UCS website allows the public to search and retrieve information relating to appointments and compensation contained in records filed with OCA.

## APPENDIX F

### *Measures Newly Introduced in the 2005 Legislative Session and Not Enacted Into Law*

**Senate 3969.** This measure would amend sections 60, 448 and 606 of the Retirement and Social Security Law to provide that beneficiaries of state judges who die in service may receive pension payments instead of death benefits.

**Assembly 8463.** This measure would amend section 310.30 of the Criminal Procedure Law to permit a trial judge, without consent of the parties, to provide a deliberating jury with one or more written copies of all or a portion of its charge in response to the jury's request for further instruction or information.

**Senate 4031.** This measure would amend sections 530.12(5) and 530.13(4) of the Criminal Procedure Law to provide that the duration of a final order of protection issued in a case where the defendant is sentenced to probation on a "sexual assault" conviction shall not exceed, in the case of a felony sexual assault, ten years, and in the case of a misdemeanor sexual assault, six years. It also would amend these two provisions to require that, when a final order of protection is issued in any case, it be issued at sentencing rather than at the time of conviction.

**Senate 5366/Assembly 7297.** This measure would amend sections 2307, 2308 and 2309 of the Surrogate's Court Procedure Act to prevent a fiduciary from avoiding a will's directive that he or she receive specific compensation in lieu of statutory commissions; and require that where a will provides for specific compensation, the fiduciary who elects to serve is not entitled to any other allowances for his or her services as fiduciary.

**Senate 5555-A/Assembly 8114-A.** This measure would amend section 4545 of the CPLR in relation to eliminating the right of subrogation for a collateral source payment made in the context of a settlement.

**Assembly 8791.** This measure would amend section 2302(b) of the CPLR to permit a New York City Civil Court judge to compel the courtroom attendance of an incarcerated person in a case that has come before the Civil Court on transfer down from the Supreme Court.

**Assembly 8363.** This measure would amend section 2308(a) of the CPLR to make the maximum penalty for disobeying a judicial subpoena \$150.

**Senate 4170-A/Assembly 8289-A.** This measure would amend the Penal Law to establish crimes for tampering with the judicial process in the fifth, fourth, third, second and first degree; and, by so doing, accord judges and other court system employees protections similar to those already given witnesses, crime victims and law enforcement officials for crimes committed against them with intent to impede or retaliate for their participation in the judicial process.

**Senate 4020/Assembly 8362.** This measure would amend paragraphs (b) and (c) of subdivision two of section 440.10 of the Criminal Procedure Law to permit a court to grant post-conviction motions to vacate a judgment when the issue raised upon such motion is ineffective assistance of counsel.

**Assembly 8462.** This measure would amend section 160.55(1) to require that all references to criminal cases that have been terminated "by conviction for [a] noncriminal offense" and sealed in accordance with that section be excluded on search results returned from the Office of Court Administration's electronic statewide criminal case database.

**Senate 4021/Assembly 11701.** This measure would amend Article 240 and other sections of the Criminal Procedure Law to effect broad reform of discovery in criminal proceedings, including: (1) elimination of the need for a formal discovery demand; (2) expansion of information required to be disclosed in advance of trial and reduction of the time within which disclosure must be made; (3) modification of the defendant's obligations with respect to notice of a psychiatric defense; and (4) legislative superseder of the Court of Appeals' ruling in *People v. O'Doherty*, 70 N.Y.2d 479 (1987).

**Senate 4022.** This measure would amend pertinent sections of the Criminal Procedure Law to clarify procedural measures related to the Department of Motor Vehicles' electronic traffic ticketing program, permitting the electronic filing of papers in local criminal courts where authorized by law.

**Assembly 8365.** This measure would amend section 310.30 of the Criminal Procedure Law to allow a trial judge, without consent of the parties, to provide a deliberating jury, upon its request therefor, with written instructions regarding the elements of the crime or crimes charged, or of any defense or affirmative defense submitted in relation thereto.

**Assembly 4051.** This measure would amend section 100.25 of the Criminal Procedure Law to establish the court appearance date set forth on the simplified information or appearance ticket as the earliest date when the 30-day period for service of a supporting deposition by the complainant police officer starts to run.

**Senate 4125/Assembly 7573.** This measure would amend the Judiciary Law to provide a pay adjustment for all state-paid judges.

**Assembly 8716.** This measure would amend the Family Court Act and Social Services Law to insure that, in cases in which parallel Family Court proceedings are in progress, the administrative fair hearing process would not advance without awaiting the results of the Family Court matter.

**Assembly 8111.** This measure would amend section 841(c) of the Family Court Act to authorize Family Court to place a respondent on probation for a period of up to two years or, where an order of protection pursuant to section 842 of the Family Court Act has been issued for five years, a period of up to five years.

**Senate 5392.** This measure would amend the Social Services Law to establish the conviction for homicide of the child's other parent as a ground for termination of parental rights, and include the conviction for homicide of another child in the household for whose care the convicted parent "is or has been legally responsible" for as another enumerated ground for termination of parental rights.

**Assembly 8110.** This measure would add a new section 1320 to the Real Property Actions and Proceedings Law and amend section 3215(g)(3)(iii) of the CPLR to provide additional notice to mortgagors that a foreclosure action has been commenced.

**Assembly 8457.** This measure would amend the CPLR to modify provisions pertaining to periodic payment of judgments in actions for medical, dental or podiatric malpractice.

**Senate 5754/Assembly 8652.** This measure would amend the Domestic Relations Law and the CPLR to strengthen the provisions of the Uniform Child Custody Jurisdiction and Enforcement Act with respect to service of process, communications between courts and taking of testimony in proceedings under said Act.

**Senate 5393/Assembly 8653.** This measure would amend sections 1029, 1056 and 1089 of the Family Court Act and section 221(a) of the Executive Law to provide that orders of protection in child abuse and neglect cases be put on the statewide registry and may be extended beyond the dispositional order, and that the court must inquire about other orders of protection.

**Senate 5394.** This measure would amend the Domestic Relations Law, the Family Court Act and the Surrogate's Court Procedure Act in relation to criminal history and child abuse and maltreatment screening of certain persons to: require criminal records and child abuse screening of nonparents applying for custody; authorize the Supreme or Family Court to direct screening of individuals over the age of 18 residing in their homes; require the court, prior to entering a final order, to direct the provision of a criminal history report from the New York State Division of Criminal Justice Services regarding the nonparent applicant; and permit screening of other adults residing in the applicant's home.

**Assembly 8655.** This measure would amend the Family Court Act, the Social Services Law and the Domestic Relations Law to insure "one family, one judge" in adoption, surrender and termination of parental rights proceedings.

**Senate 5313/Assembly 8524.** This measure would amend section 1193 of the Vehicle and Traffic Law to provide that a license holder who successfully completes an OASAS-certified substance abuse treatment program under direct court supervision and also had his/her license suspended pending prosecution may receive credit for such suspension period against the license revocation imposed at sentence.

**Senate 8715.** This measure would amend section 312.1 of the Family Court Act to provide, upon filing of petitions in juvenile delinquency cases, that summonses shall be issued to each parent personally at least twenty-four hours before the time stated therein for appearance or by mailing such summons and petition at least five days before such date.

**Assembly 8712.** This measure would amend sections 320.2 and 741 of the Family Court Act in relation to continuing representation by law guardians in juvenile delinquency hearings and persons in need of supervision cases.

**Assembly 8656.** This measure would amend section 240 of the Domestic Relations Law and section 413 of the Family Court Act to provide that the court can use discretion in ordering child support for indigent noncustodial parents whose income falls within poverty guidelines.

**Assembly 8108.** This measure would amend sections 237 and 238 of the Domestic Relations Law to require the court in a matrimonial case (or proceeding to enforce a judgment therein) involving parties with greatly unequal financial resources to order the monied party to pay interim counsel fees for the non-monied party during the course of the case so as to enable her or him to carry on or defend it. Only where a showing is made that the interest of justice require otherwise would such an order not be warranted.