

Chapter 3

Program Highlights

The diverse committees established by the UCS and the numerous court initiatives undertaken are integral to the effective operation and administration of the courts. Each year existing programs achieve new goals, while new initiatives and innovations are launched in the ongoing effort to better deliver justice to the public served by the courts. This chapter highlights some of those accomplishments and the progress achieved during 1997.

Center for Court Innovation

The Center for Court Innovation is a unique public-private partnership established by the UCS for the purpose of developing and implementing new programs to improve court operations. In 1997, the Center focused its efforts on the following three initiatives:

Community Courts: The Midtown Community Court, the nation's first community court, opened

its doors in 1993, sentencing quality-of-life criminal offenders in midtown Manhattan to community service and providing on-site social services. During 1997, two new community courts were being developed, one in Harlem and one in Red Hook, Brooklyn. These will be multi-jurisdictional facilities in which a single judge will handle family and civil as well as criminal court cases. In addition, both Harlem and Red Hook will house social services — job training, health care, education — that will be available to the entire community.

Treatment Courts: The Brooklyn Treatment Court sentences nonviolent, substance-abusing criminal defendants to drug treatment instead of incarceration. Using the Brooklyn Treatment Court as a model, the Center has provided assistance to drug court planning efforts throughout the state. In 1997, eight drug courts were in operation in New York, while another six were in the planning stages. The Center is



Chief Judge Kaye attending the first graduation of the Brooklyn Court Treatment Program

Teodora Ermansons

spearheading the development of new technology that will link all of the state's drug courts, improving accountability and access to information for judges. The Center also has worked to bring the lessons of drug courts to a new setting: Family Court. In early 1997, two new "family treatment courts" were launched — one in Suffolk County, the other in Manhattan — to handle cases of child neglect involving substance-abusing parents. The Family Treatment Courts link parents to drug treatment and closely monitor their performance.

Domestic Violence Courts: The Brooklyn Domestic Violence Court provides enhanced services to victims and strict judicial monitoring of felony offenders. Based on its success, the Court is now being replicated citywide for misdemeanor offenses. The Center is supervising the creation of a Domestic Violence Court in the Bronx, and is helping to improve victim safety by developing technology to track offender compliance and notify the court upon violation.

In recognition of the Court System's pioneering work to rethink the administration of justice, the U.S. Justice Department has asked the Center to provide technical assistance to other states interested in court reform. The Center's assistance takes several forms: workshops, site visits, how-to manuals, and an innovative website, www.communitycourts.org. As a result, 18 cities across the country are working to replicate New York's community courts.

Judicial Advisory Councils

Judicial Advisory Councils were established during 1993 and 1994 in four localities of the State to work with the local Administrative Judges to help make the courts more responsive to community needs. This initiative was undertaken in connection with a larger project sponsored by the Conference of Chief Justices, the Conference of State Court Administrators, and the National Center for State Courts. Its goal is to enhance citizen involvement in the courts as a means to build respect, confidence, and support for the Judiciary. New York is one of four states participating in the project, along with New Jersey, Tennessee, and Washington. The pilot sites for the project in New York are: Nassau

County, Queens County, and the Seventh and Eighth Judicial Districts. Each Council focuses on a number of issues of concern to its local community.

During 1997, the Eighth Judicial District Advisory Council sponsored lectures at community organizations to discuss recent changes in jury practices and obtain feedback on what additional changes might be needed; encouraged local news stations to focus on the positive aspects of the court system; and worked with the local Administrative Judge to support the construction of a new Family Court building and the renovation of other court facilities in Erie County.

The Judicial Advisory Council for the Seventh Judicial District completed the restructuring of its court tours program, offered in conjunction with the Monroe County Bar Association; inaugurated a Monroe County "Teen Court;" continued its efforts in support of jury diversification; and began a study of the issue of youth violence and how the Council might appropriately address this issue.

The Council for the Tenth Judicial District evaluated the possibility of creating a community court in Hempstead, Long Island; worked to finalize a plan to create a children's center in the Nassau County District Court; sought to improve the conditions of jury service; and worked to enhance the Supreme Court building in Mineola through improved landscaping. Similarly, the Council for Queens has helped to improve the appearance of the courthouses there; provided educational programs for Queens citizens on areas of the law that impact on them, such as landlord-tenant and domestic relations law; worked closely with the local media to increase public understanding of the court system; and collaborated with the Queens County Clerk to facilitate improvement of the juror experience.

The Commercial Division

The Commercial Division of the Supreme Court, established to handle and facilitate the

Judicial Advisory Councils

The Commercial Division

Alternative Dispute Resolution

resolution of business litigation, began operation in November, 1995, in Monroe and New York Counties. Since commercial litigation is frequently complex and lengthy, with extensive motion practice, the Commercial Division, in consultation with members of the commercial bar and bar leadership, has sought to employ a variety of technology and advanced case management techniques in a highly successful attempt to streamline and expedite the commercial litigation process. As a result, in 1997, the average number of days from filing of a request for judicial intervention to disposition in New York County was 32 percent lower than in 1992.

In New York County, in 1997, separate motion calendars were instituted to improve case processing. Commercial practitioners who encounter disputes over requests for adjournments of motions now are able to obtain a resolution of their disputes by phone, without the need to go to court. The introduction of the UCS's web site in 1997 has allowed the Division to make available on the Internet a variety of rules and guidelines relating to the Division. Attorneys in Monroe County now may answer calendar calls over the Internet, without having to appear in court.

The year 1997 also saw the inauguration in the Division in New York County of the Courtroom of the 21st Century, the first fully automated courtroom in the State. The courtroom's state-of-the-art features include real-time court reporting facilities, devices for the electronic presentation of evidence, high tech monitors (placed at strategic locations, including the jury box), an electronic blackboard, and a touch screen monitor at the witness stand.

The Division also has instituted a highly successful Alternative Dispute Resolution Program in New York County, in which appropriate cases are referred to ADR after initial review by the Division's judges. In 1997, 56 percent of the cases referred to ADR were settled, while additional cases were resolved, following conclusion of ADR, as a result of having gone through the process. There also is an ADR program in operation in Monroe County.

Alternative Dispute Resolution

Through the Community Dispute Resolution Centers Program (CDRCP), the court system provides financial support and program oversight to nonprofit community organizations that offer dispute resolution services for all 62 counties in New York. These dispute resolution centers provide cost-effective dispute resolution processes for cases that are referred to the centers from community agencies and from civil, family, and criminal courts.

In 1997, in response to the recommendations of the final report of the Chief Judge's Task Force on ADR, issued after two years of study of the use of ADR in New York and throughout the country, the court system introduced a series of pilot ADR programs around the State using mediation, neutral evaluation, and arbitration to handle a variety of matters, including custody, visitation, divorce, and personal injury. Cases are referred to these programs by judges, who retain ultimate authority over them. These pilots will serve as prototypes for continued expansion of court-referred ADR throughout the court system. To supervise the pilots and the further development of court-referred ADR, the UCS established the position of Statewide ADR Coordinator.

Franklin H. Williams Judicial Commission on Minorities

The Franklin H. Williams Judicial Commission on Minorities, which was established in 1991, works to assure fair and equal treatment, free from taint or the perception of bias, prejudice, or discrimination, for all individuals in the UCS. In carrying out this mandate in 1997, the Commission conducted studies, conferred with focus groups, and held judicial seminars to sensitize the Judiciary to issues affecting minority litigants, attorneys, and jurors. It also held public hearings throughout the State in order to identify problems and issues that affect minority personnel within the court system.

Among its activities in 1997, the Commission presented a colloquium at the judicial seminars

Franklin H. Williams Judicial Commission on Minorities



Joyce Hartsfield

Members of the Judicial Commission on Minorities meet with the Chief Judge, the Chief Administrative Judge and OCA's Director of Human Resources

entitled "Affirmative Action Realities;" joined with the Administrative Judge of Supreme Court, New York County, in hosting a luncheon for the purpose of making judges aware of the existence and availability of minority banks for appointment in those situations that mandate the appointment of a financial institution; and sponsored a forum on police brutality in conjunction with the New York County Lawyers' Association, the minority bar associations and other community organizations.

The New York State Judicial Committee on Women in the Courts

The New York State Judicial Committee on Women in the Courts was established in response to a 1986 report from the Task Force on Women in the Courts, which concluded that there was a pervasive bias against women within the New York courts. The Committee, which is composed of judges, court administrators, bar leaders, and advocates for women, works to eradicate discrimination on the basis of gender in the courts.

The Committee has organized judicial education programs, produced pamphlets,

conducted surveys, planned public forums, sponsored programs, proposed legislation, and made suggestions for improving court operations. During 1997, the Committee's projects touched on such issues as domestic violence, child support, matrimonial practice, and judicial responses to women in the courts.

Working with a network of local gender-bias and gender-fairness committees established with the assistance of the Committee under the auspices of local administrative judges, the Committee helped produce programs throughout the State for Domestic Violence in the Workplace Day. The Committee also proposed legislation to simplify enforcement of spousal and child support orders in Supreme Court; successfully advocated to have applications for employment within the Unified Court System include inquiries about compliance with court-ordered support; co-sponsored programs on matrimonial practice and domestic violence with panels moderated by the Committee's chair; and collected data on the number of women in the State's Judiciary.

The Committee also inaugurated a newsletter and published an updated second edition of its pamphlet entitled "Fair Speech: Gender Neutral Language in the Courts." The pamphlet is available from the Committee,

The New York State Judicial Committee on Women in the Courts

located at 25 Beaver Street, Eighth Floor, New York, New York 10004.

Permanent Judicial Commission on Justice for Children

Program on the Profession and the Courts

Permanent Judicial Commission on Justice for Children

The Permanent Judicial Commission on Justice for Children (the Commission) was established to address the problems of children whose lives and life chances are affected by the New York State court system.

The Commission was instrumental in helping to pass the Early Intervention Laws of 1992 and 1993, which created an entitlement program for children with, or at risk of, developmental delay and other disabilities. In 1997, over 34,000 children received individually tailored early intervention services that may include only one therapy or an array of services.

The Commission worked to establish the nation's first statewide program of Children's Centers in the Courts. The Children's Centers provide quality drop-in child care services to children while their care-givers attend to court business, and an opportunity for families to learn about and gain access to vital social services. During 1997, the 14 Centers served over 40,000 children and referred over 500 children to essential services.

The Commission's most recent project began in 1994, when the New York Court of Appeals designated it to implement the State Court Improvement Project, a four-year federally funded program to assess and improve foster care, termination of parental rights, and adoption proceedings. After a comprehensive study and evaluation, the Commission developed a reform agenda for handling child welfare cases that defines core principles of leadership for improving the outcome for children in foster care. In order to accomplish this, Family Court must protect the rights of children by preventing unnecessary placements and promoting permanency; oversee the development and implementation of effective

case plans developed by the Department of Social Services; and work to create the services needed by children and families involved in the court process. Pilot projects to implement these reform activities are being conducted in two counties -- Erie and New York -- and other pilots are under development.

Program on the Profession and the Courts

In 1996, the UCS developed the Program on the Profession and the Courts to help improve public satisfaction with the legal profession. In 1997, a number of significant initiatives were implemented as part of this Program.

A mandatory continuing legal education requirement for newly admitted attorneys was introduced, requiring attorneys who are admitted in the State of New York on or after October 1, 1997, to complete 16 hours of continuing legal education in each of the first two years following admission to the Bar. A Continuing Legal Education Board was established, composed of 16 members, including judges, lawyers, and law school deans, to oversee the program and the accreditation of continuing legal education providers. The continuing legal education program is scheduled to be expanded in 1998 to include all attorneys admitted to practice in the State, requiring that they comply with CLE requirements each year.

In 1997, Standards of Civility were adopted that set forth principles of behavior to which attorneys, judges and court staff should aspire. In addition, the Administrative Board of the Courts gave final approval to a Statement of Client's Rights, to take effect on January 1, 1998. The Statement of Client's Rights, drafted in clear, simple language, is intended to serve as an educational tool to enhance a client's understanding of the attorney-client relationship. It is codified at 22 NYCRR Part 1210, and is required to be posted in attorneys' offices. To be submitted to the Administrative Board for approval in January, 1998, is a Statement of

Client's Responsibilities, drafted in collaboration with the New York State Bar Association. Its adoption will help ensure that clients have a complete and balanced understanding of the attorney-client relationship.

Access to the Courts for Individuals with Disabilities

The UCS is continuing to build on its earlier efforts to fully and effectively implement the Americans With Disabilities Act (ADA) in the State courts, and assure that the services provided by the courts are accessible to all people, including those with disabilities. A systemwide ADA Coordinator is available to assist with accessibility issues affecting employees and users of the courts and also serves as a resource for Administrative Judges, who are the local ADA Coordinators in their respective courts or districts.

An important component of these efforts is educating court personnel about the ADA and the accommodations available to provide access to the courts for individuals with disabilities. During 1997, educational materials describing the various accommodations available to users of the courts were distributed to court personnel, along with a videotape produced by the American Judicature Society which highlights barriers to effective communication in a courtroom setting. Training also was conducted at seminars for Supreme, County, Surrogate's, City, and District Court Clerks; Law Librarians; and Commissioners of Jurors.

To further ADA implementation efforts in New York City, a Committee for Access to the Courts for People with Disabilities was formed in 1997, with representatives from all courts within the City. Among the Committee's principal goals are resolving issues concerning individuals with disabilities who may be called to jury service and providing enhanced education and training for the Commissioners of Jurors and court staff.

Access to the Courts for Individuals with Disabilities