

— APPENDICES —

— APPENDIX i —
COUNTY MAPS

This Appendix contains two color-coded maps for each of New York State's 57 counties with Justice Courts. Each dot represents an individual Justice Court, and the dots are further categorized with color-coding that illustrates the caseload and amount of revenue per court, as described below.

The first color-coded map on each page provides the 2004 caseload ranges for each of the Justice Courts in that county. These ranges were based on data provided to the Office of Court Administration (OCA) by the Justice Court Fund of the Office of the State Comptroller (OSC).¹⁷⁹ While comparable 2006 data was not available, a comparison of the 2004 data to 2006 caseload figures for a sample of courts where such information is available confirms that the 2004 data is a reasonable indicator of current caseloads.

The second color-coded map on each page depicts each Justice Court's 2006 revenue range, based on data maintained by OSC.¹⁸⁰ We have included revenue information here because we believe that it reasonably indicates the relative activity levels for Justice Courts around our state (and in this respect is corroborative of the caseload ranges described above) and may be useful for the county panels described in this report to consider. This is not to suggest that the value of a Justice Court is dependent on the amount of revenue generated by that court. We have compiled such information simply because we believe it will be useful to any review of the Justice Courts and for assessing combination possibilities.¹⁸¹

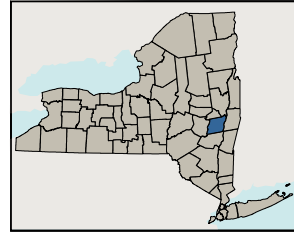
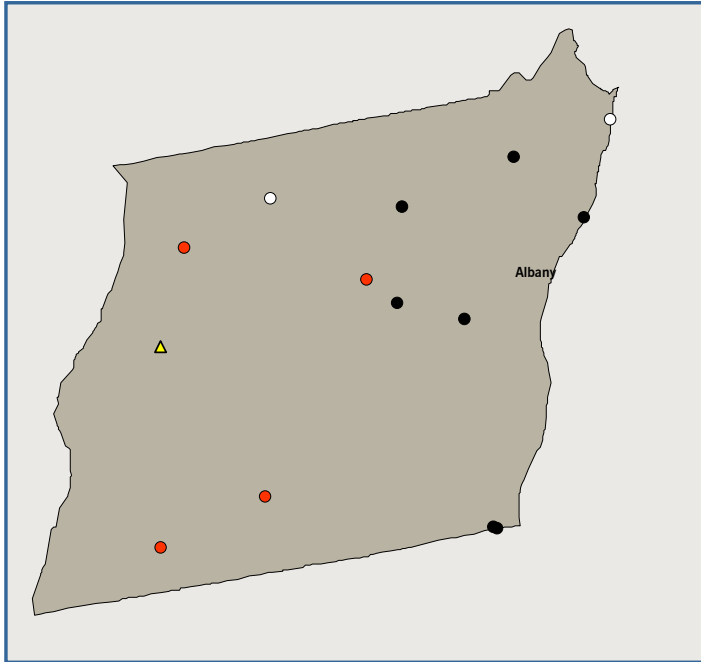
¹⁷⁹ In contrast to the state-paid court system, OCA is currently unable to track the number of dispositions for the Justice Courts, and precise disposition data is therefore unavailable. However, the Justice Courts are required to self-report disposition information and send all receipts to OSC on a monthly basis. The caseload ranges set forth in this Appendix are derived from this self-reported information.

¹⁸⁰ This information is available online at <http://www1.osc.state.ny.us/justicecourt/jcindex.cfm>.

¹⁸¹ The caseload and revenue ranges used in this Appendix approximately divide the Justice Courts statewide into thirds for each metric.

Albany County (523 sq. miles)

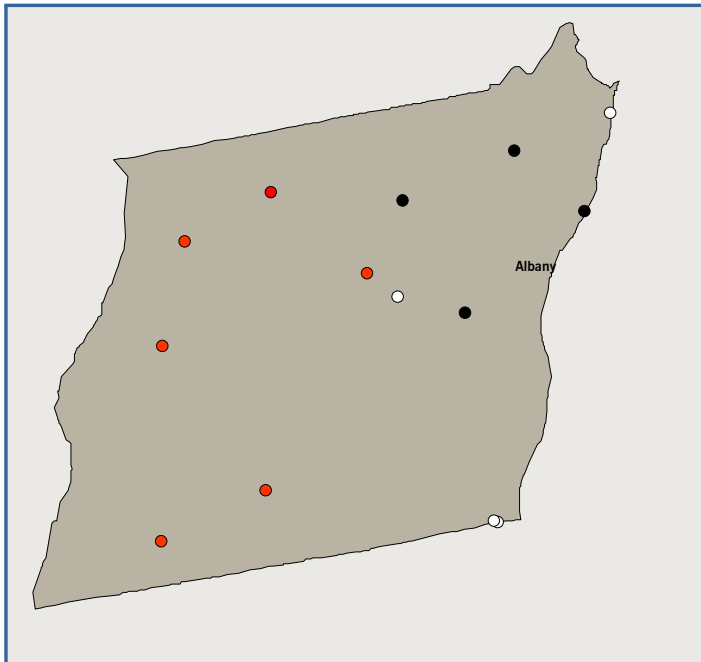
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

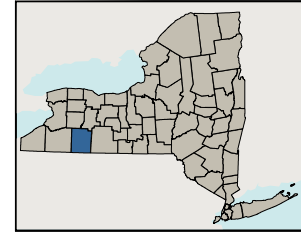
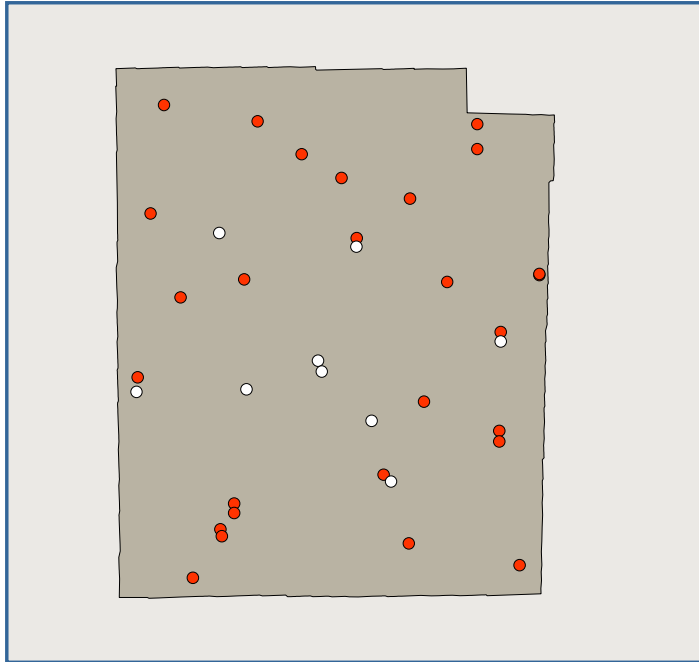


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Allegany County (1,030 sq. miles)

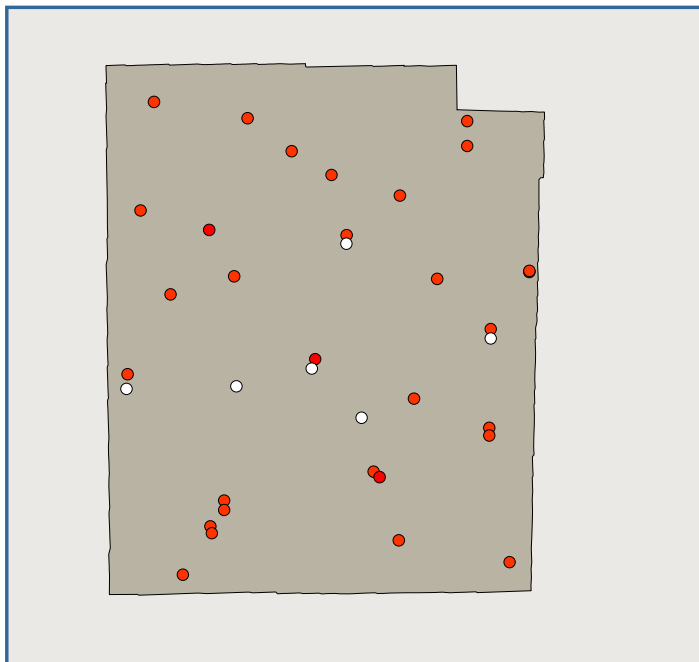
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

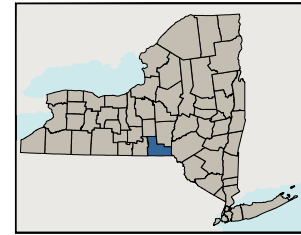
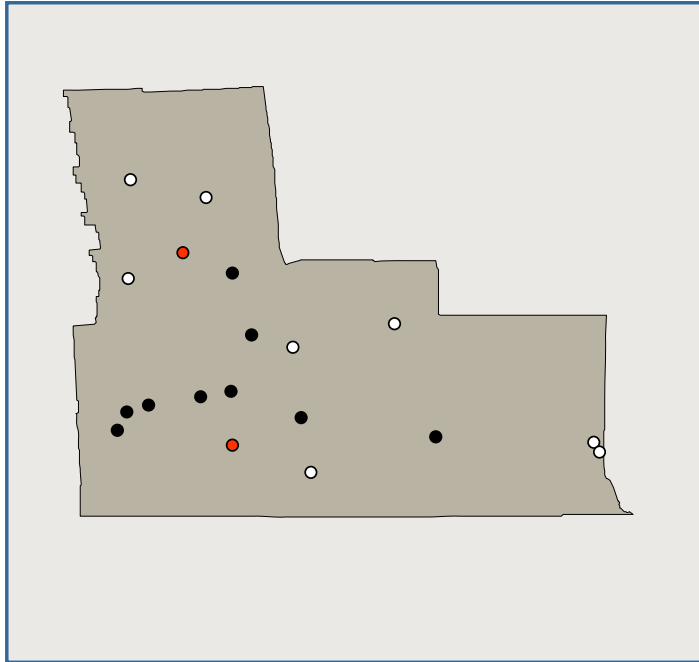


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Broome County (706 sq. miles)

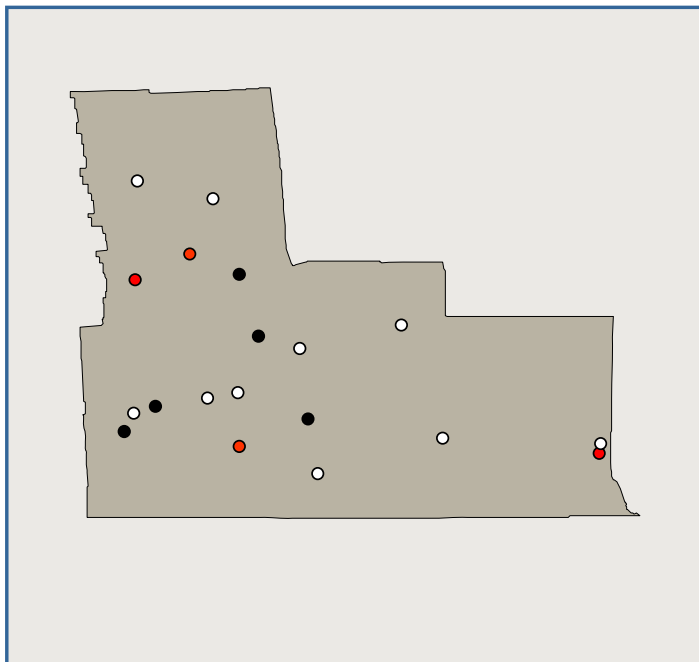
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

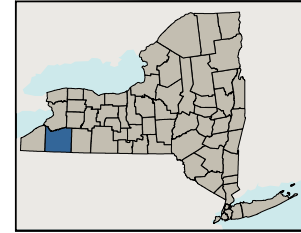
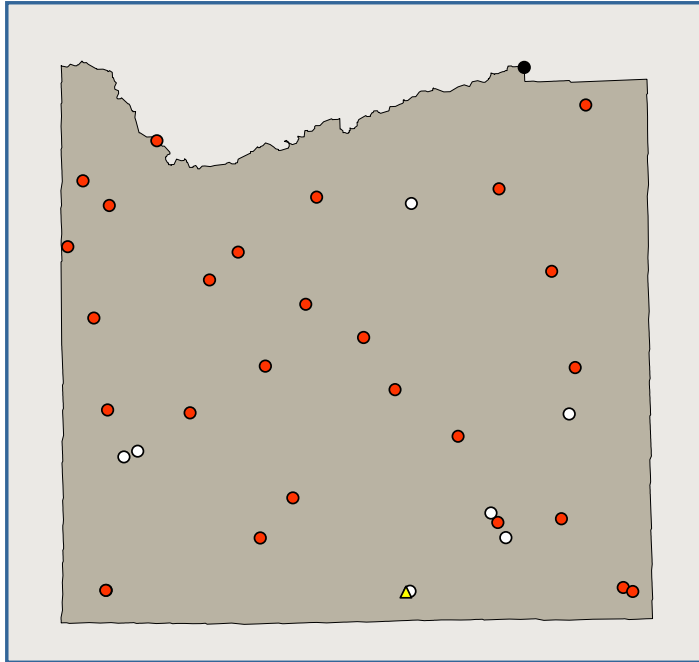


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Cattaraugus County (1,309 sq. miles)

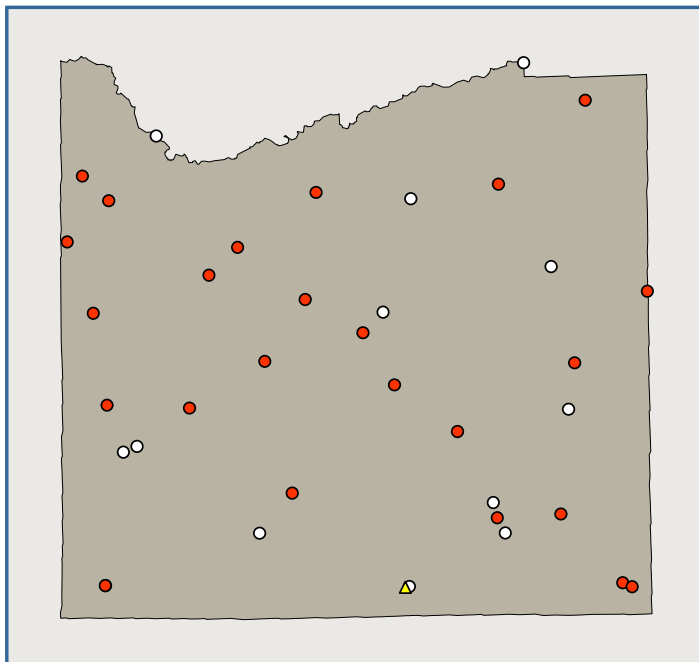
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

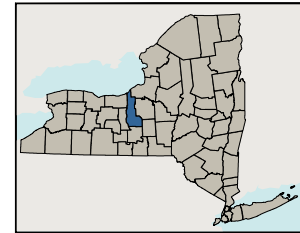
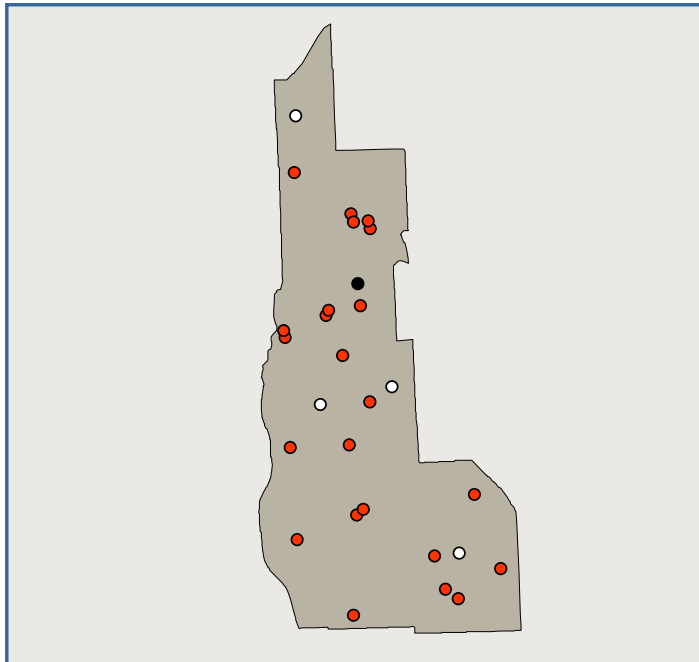


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Cayuga County (693 sq. miles)

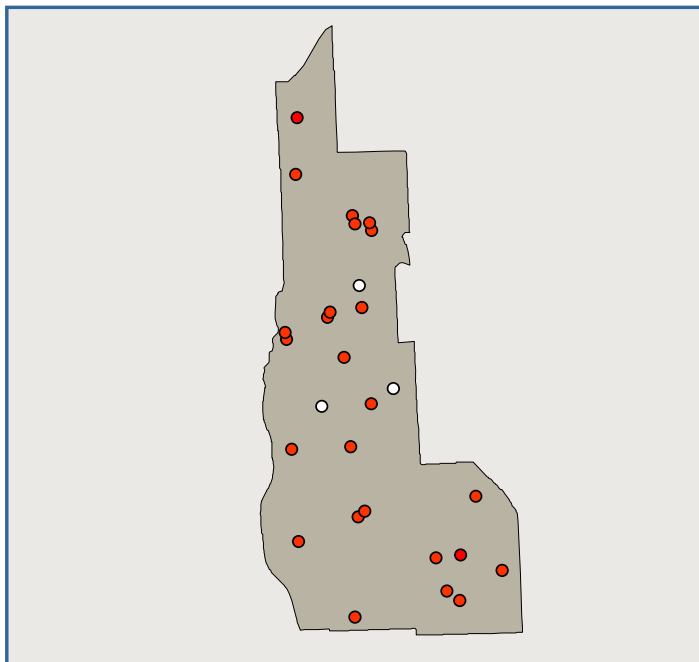
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

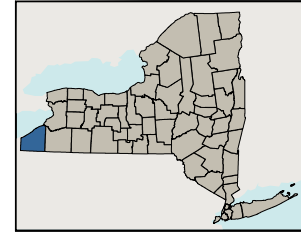
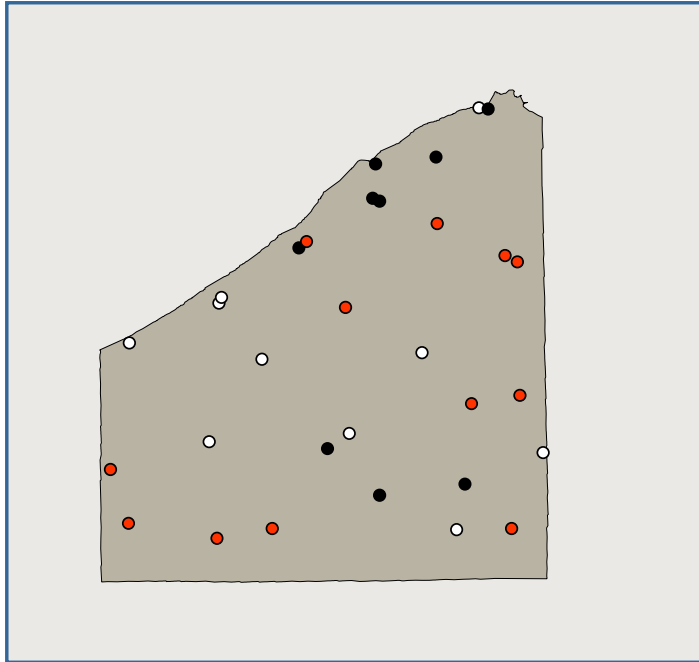


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Chautauqua County (1,062 sq. miles)

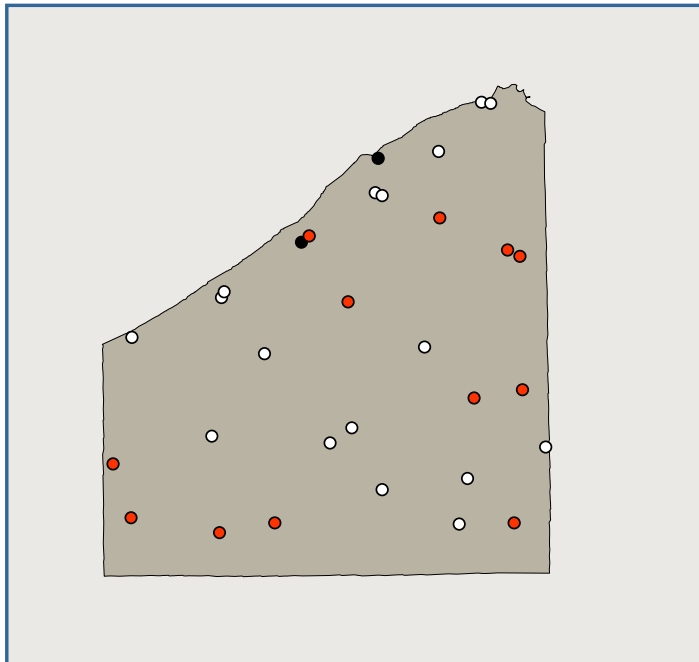
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

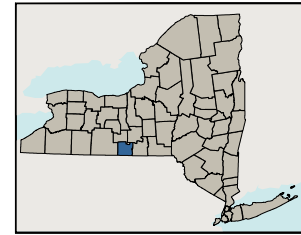
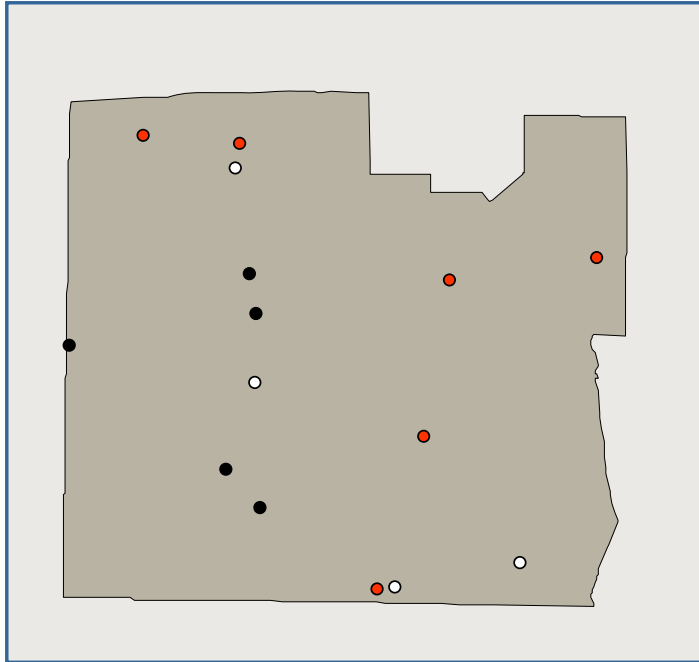


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Chemung County (408 sq. miles)

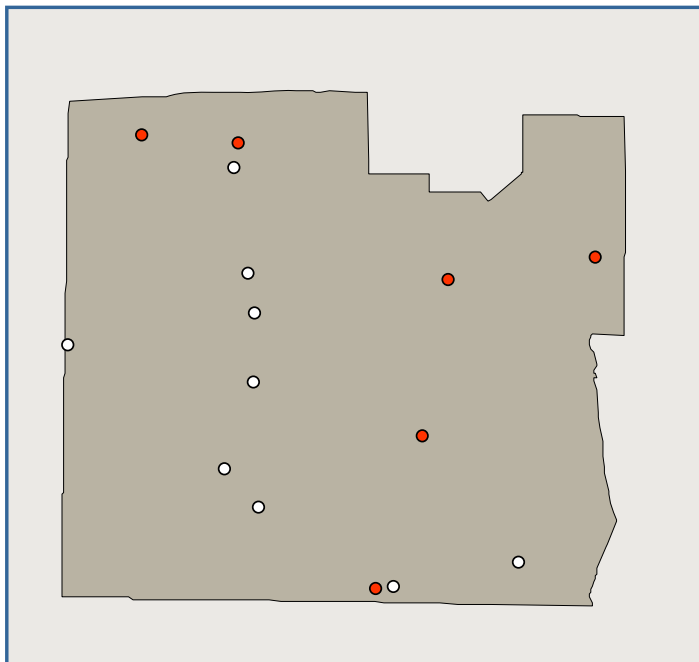
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

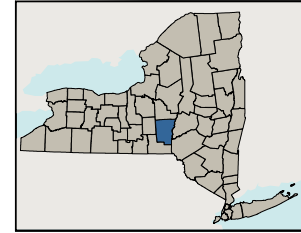
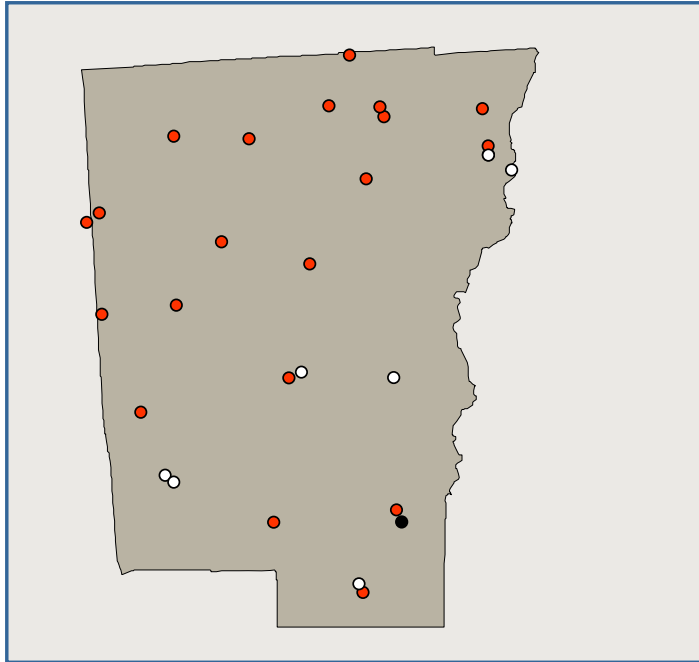


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Chenango County (894 sq. miles)

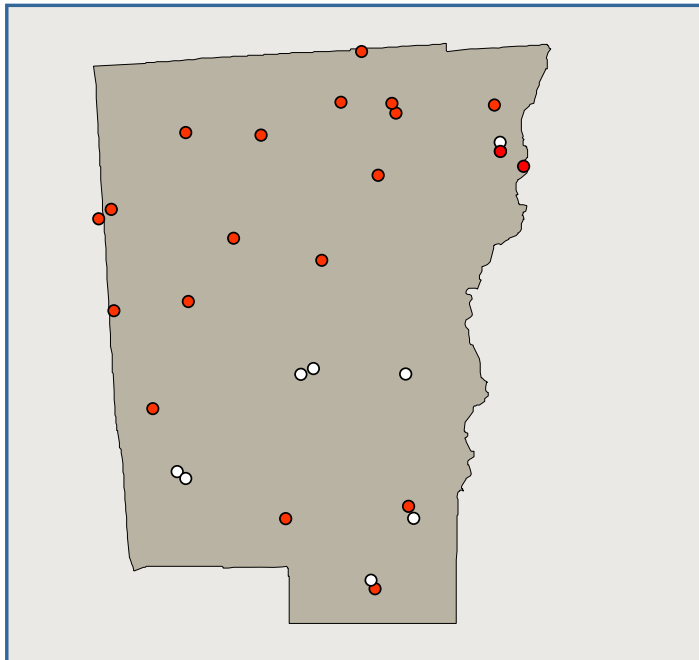
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

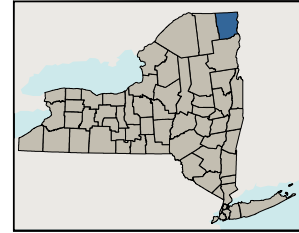
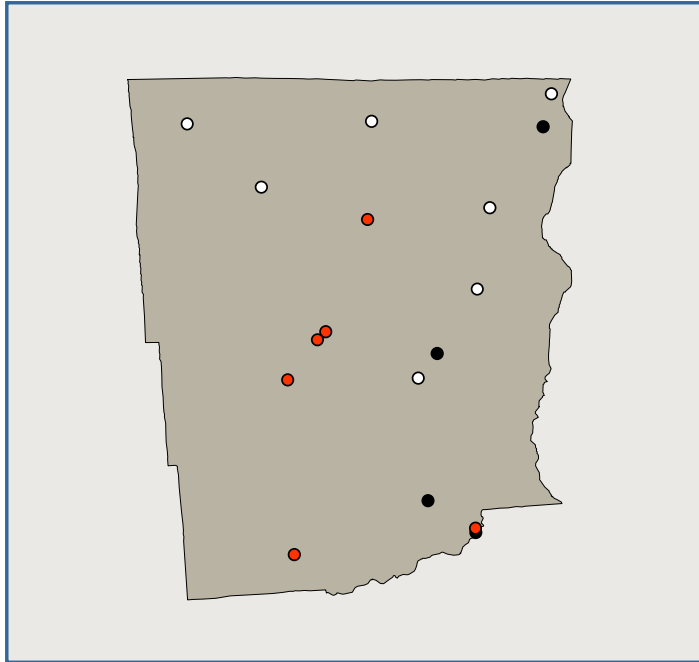


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Clinton County (1,038 sq. miles)

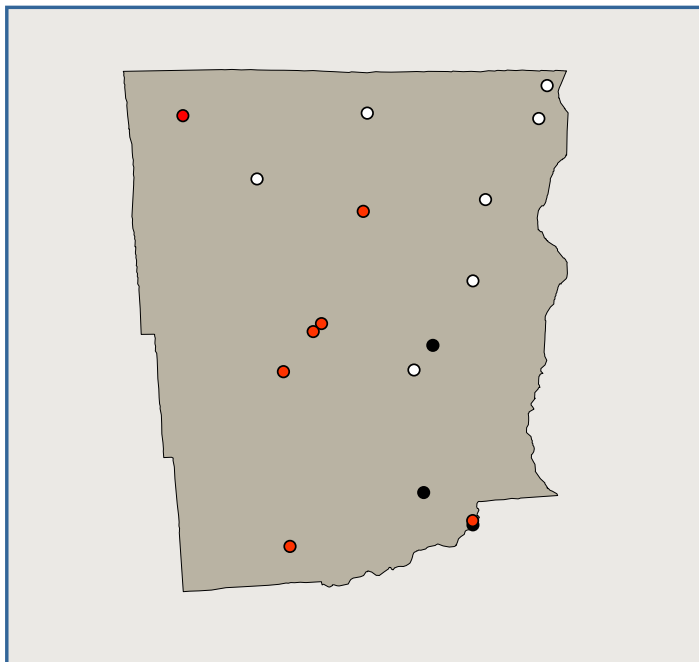
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

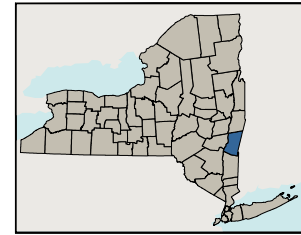
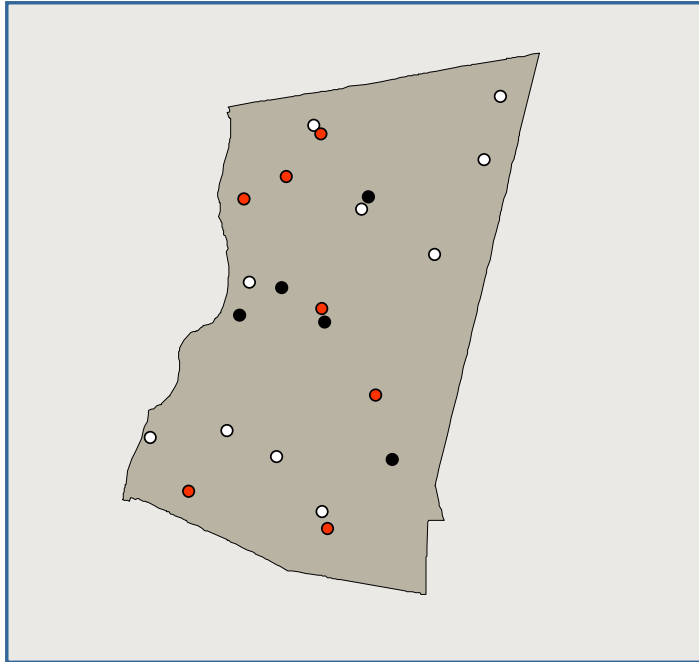


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Columbia County (635 sq. miles)

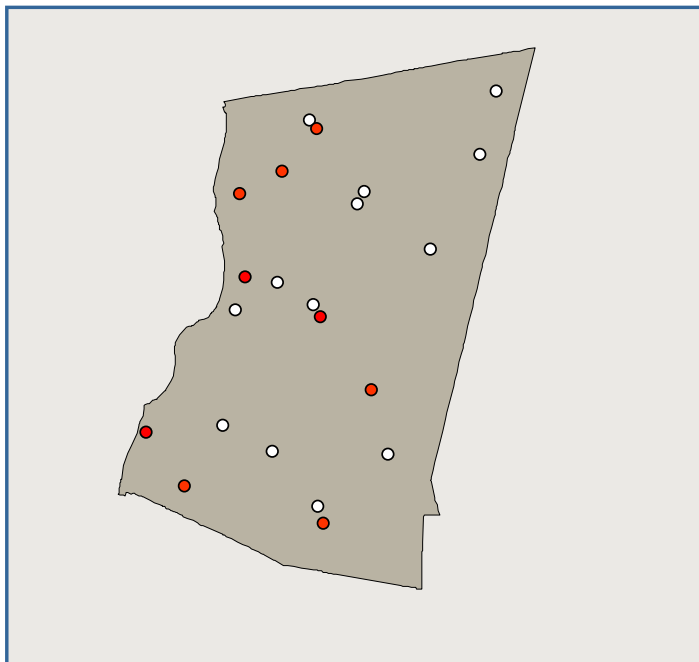
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

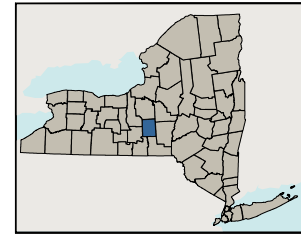
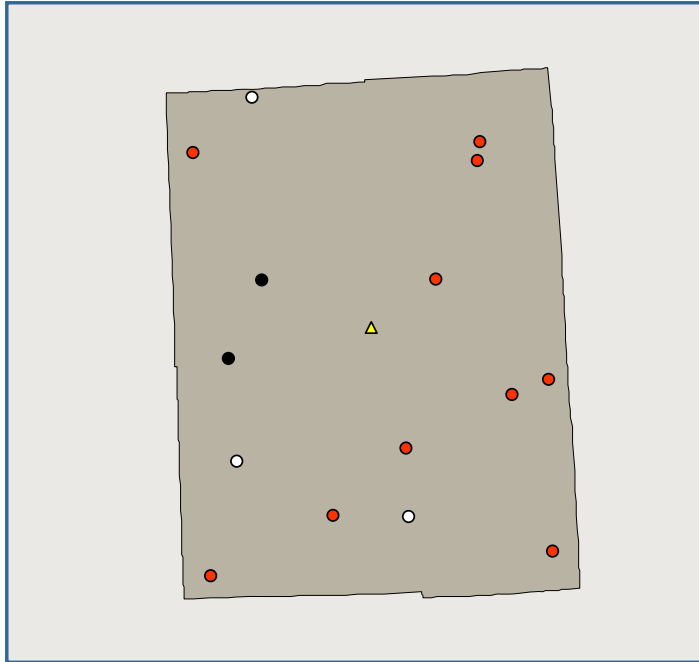


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Cortland County (499 sq. miles)

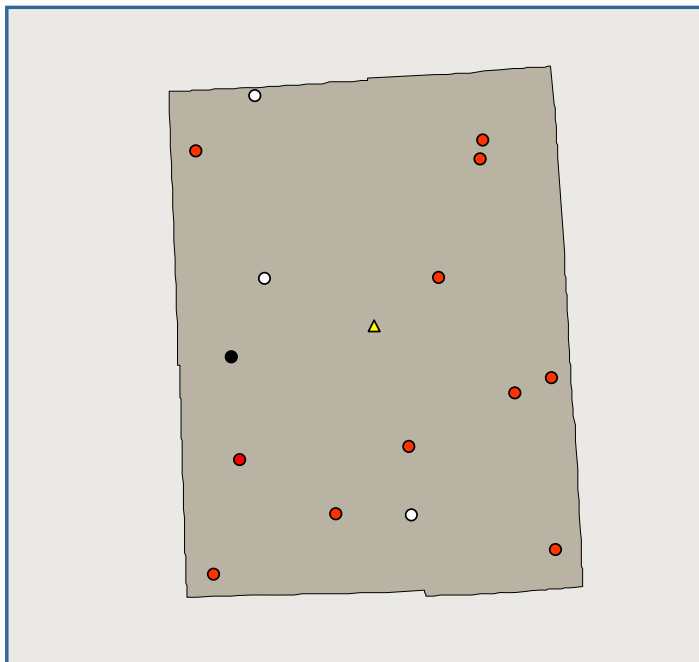
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

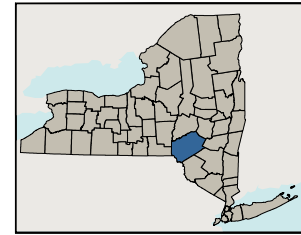
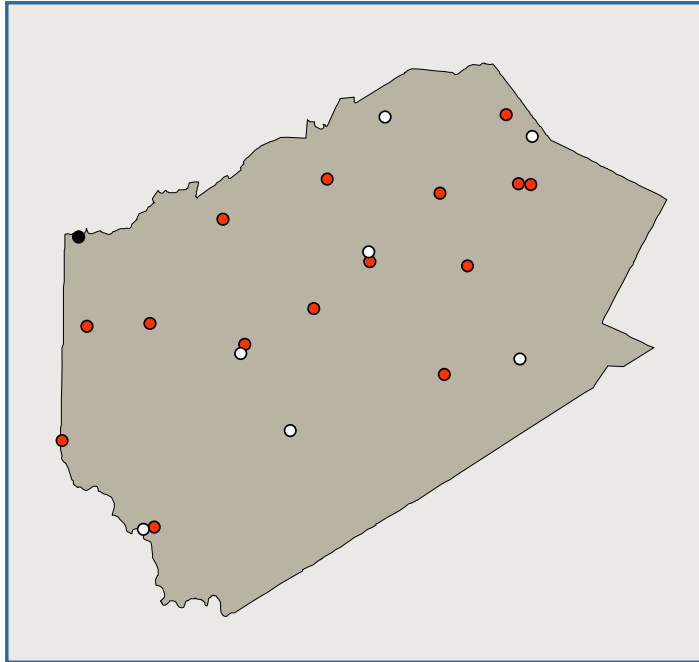


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Delaware County (1,446 sq. miles)

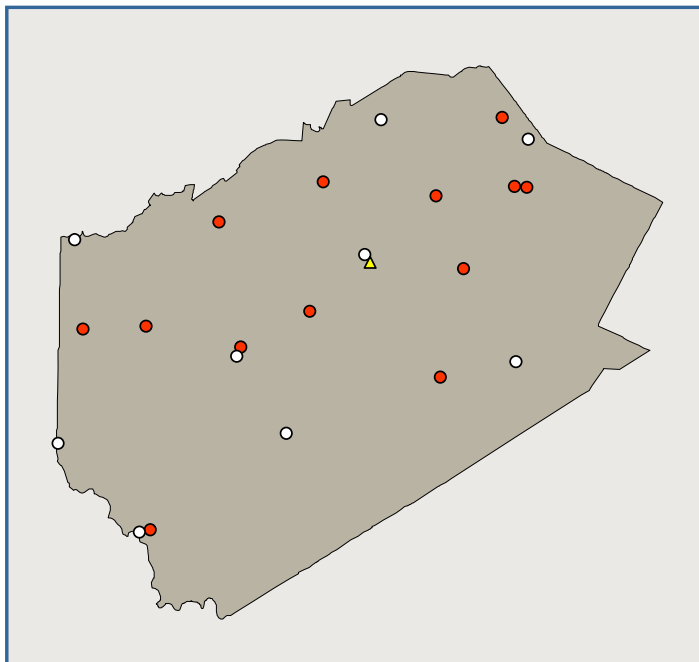
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

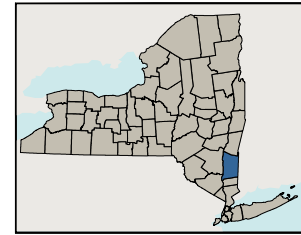
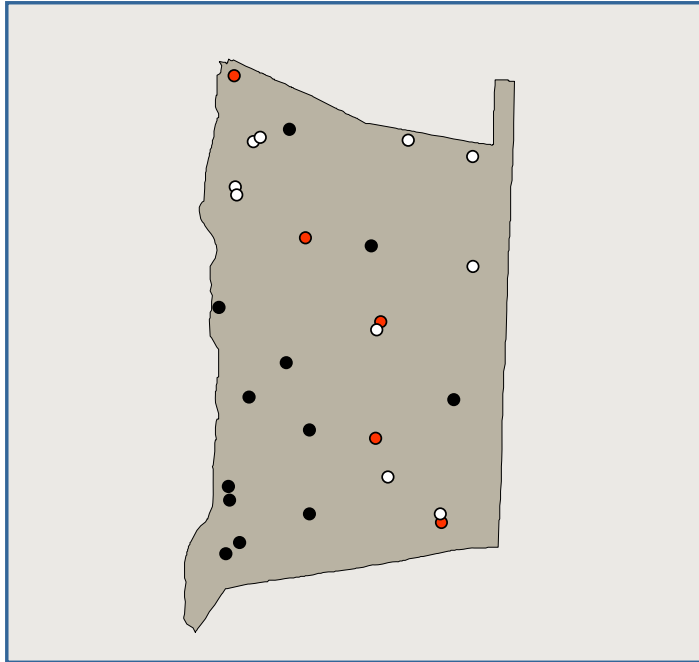


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Dutchess County (801 sq. miles)

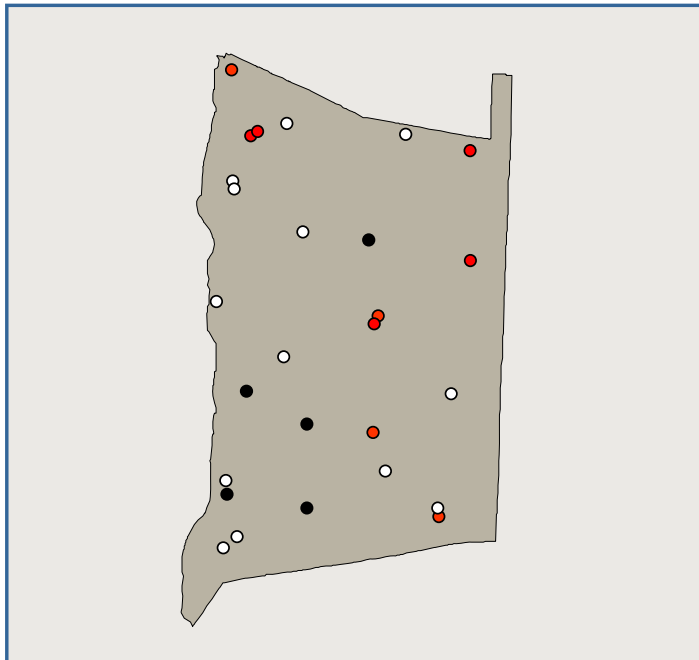
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

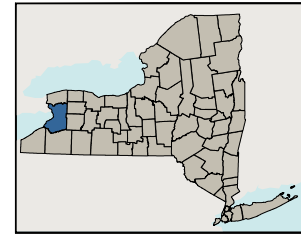
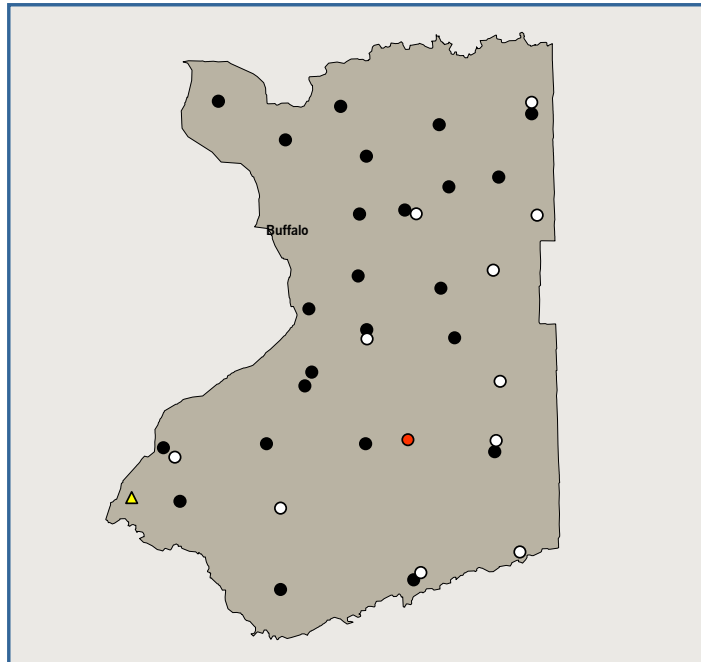


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Erie County (1,044 sq. miles)

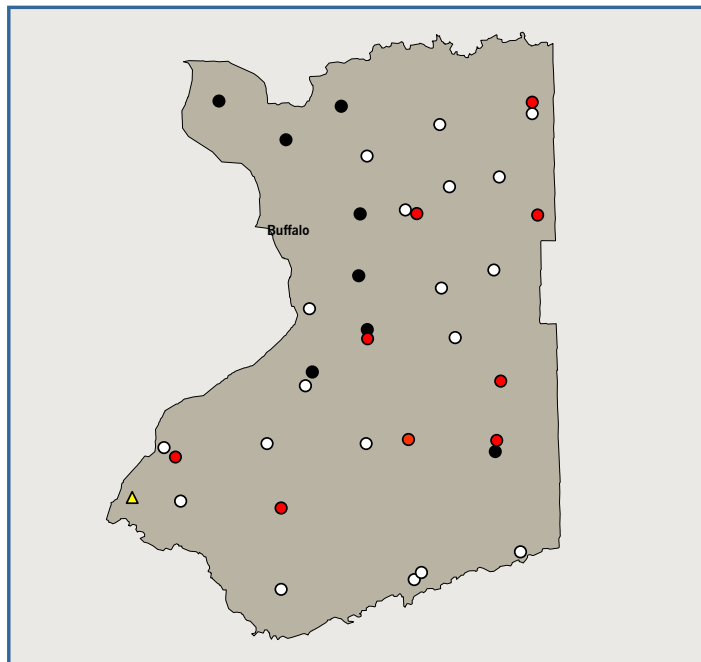
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

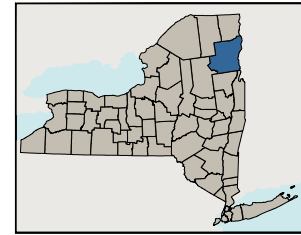
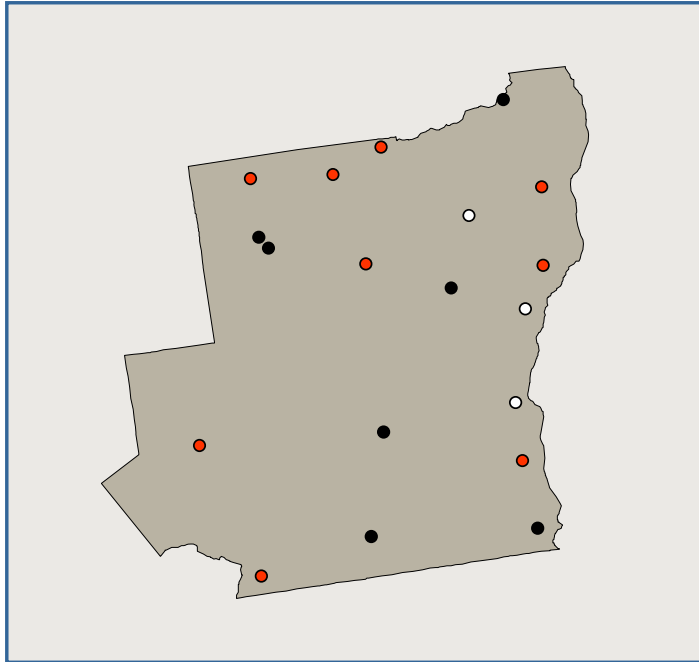


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Essex County (1,796 sq. miles)

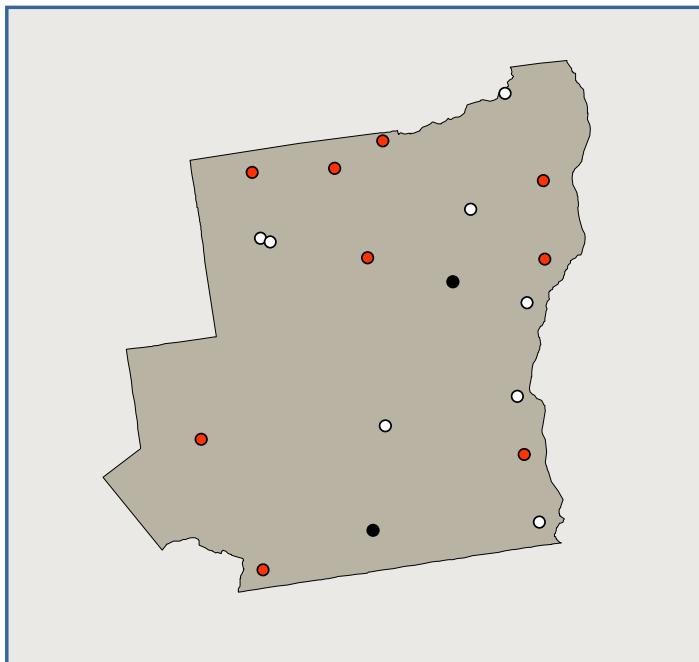
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

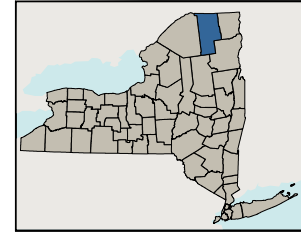
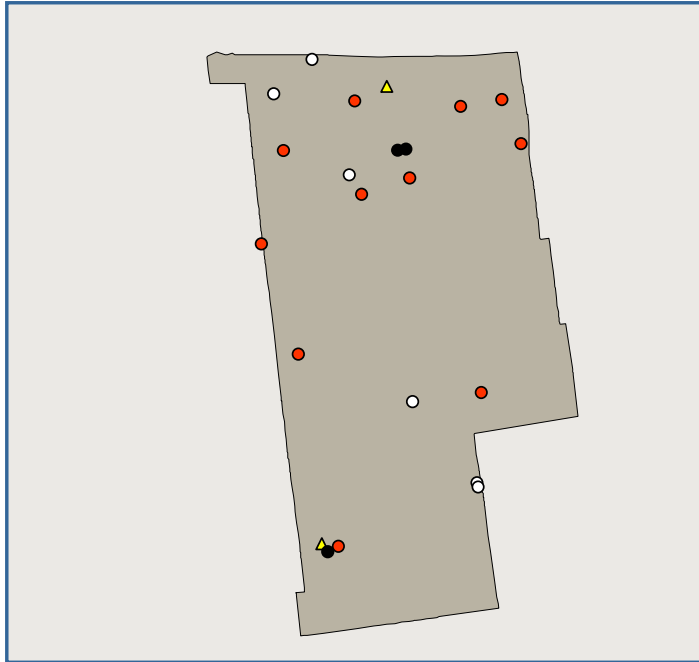


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Franklin County (1,631 sq. miles)

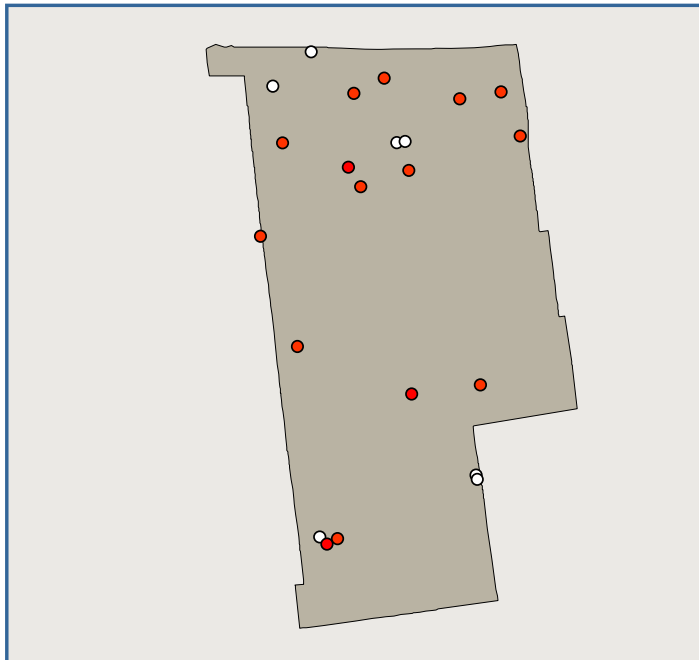
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

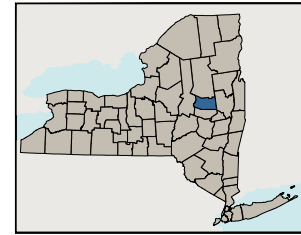
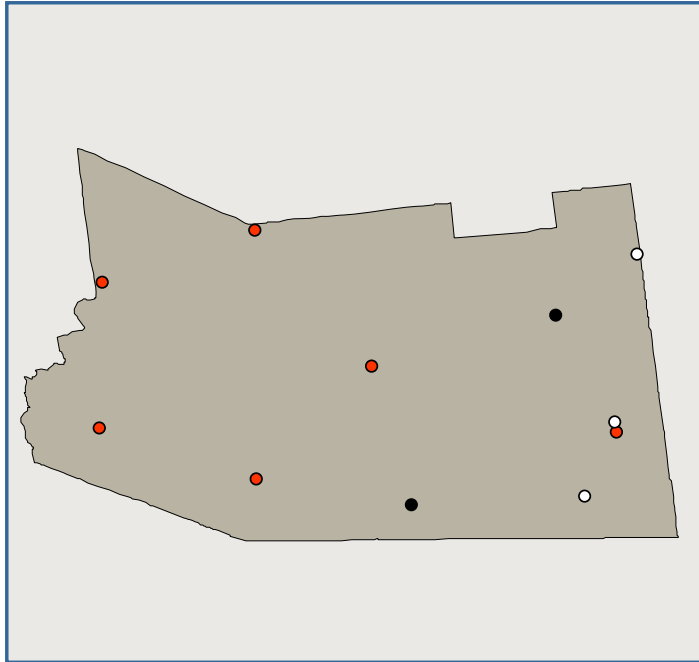


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Fulton County (496 sq. miles)

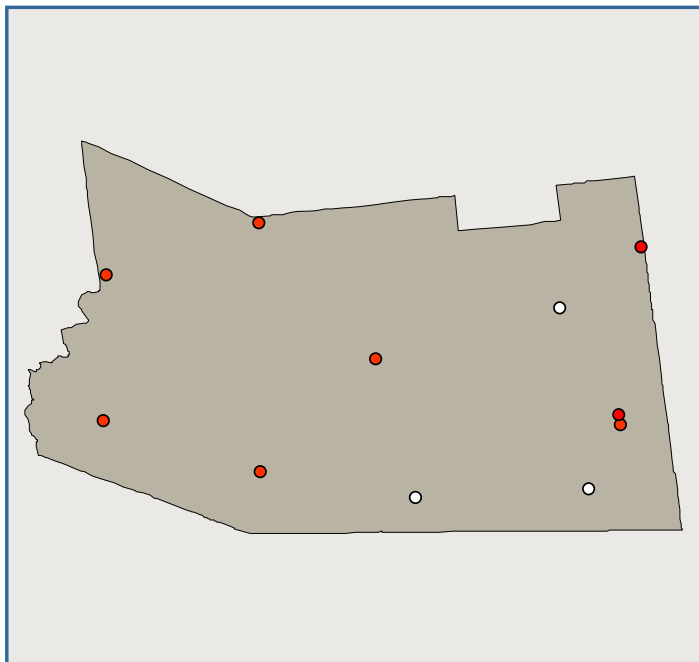
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

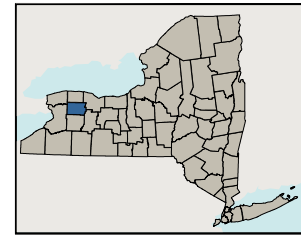
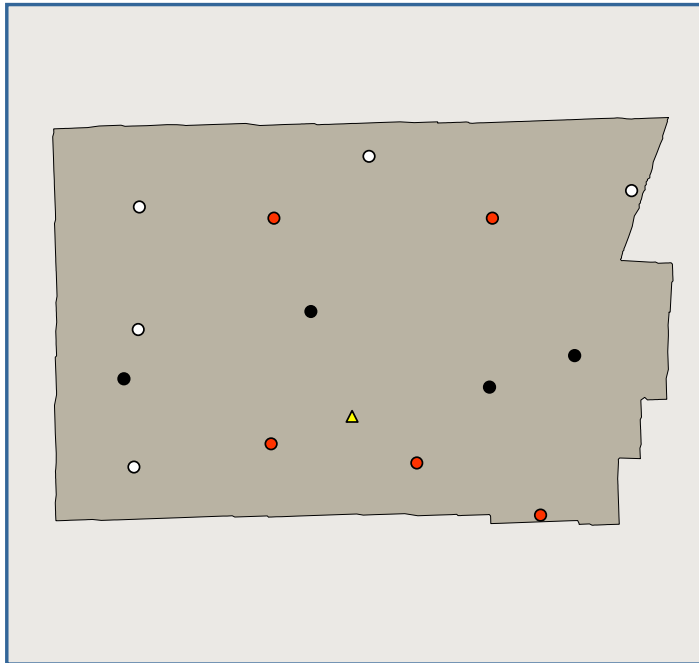


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Genesee County (494 sq. miles)

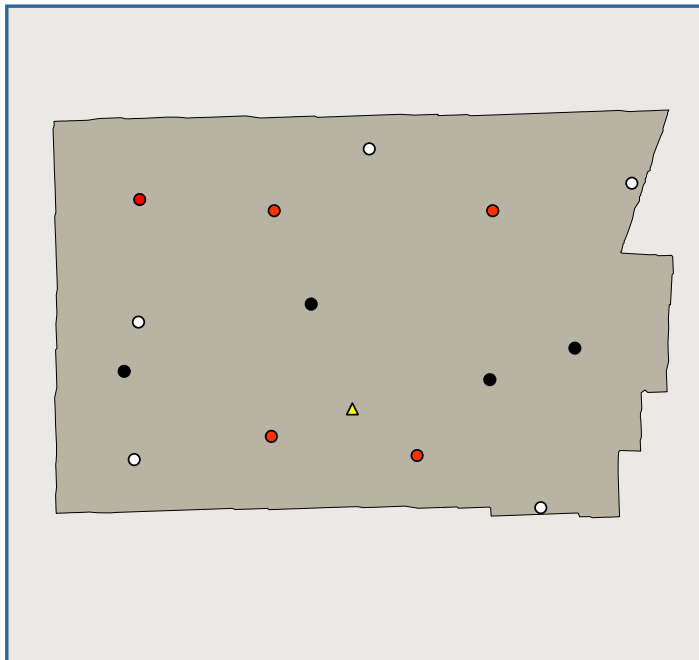
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

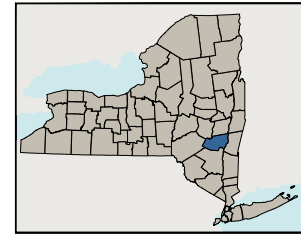
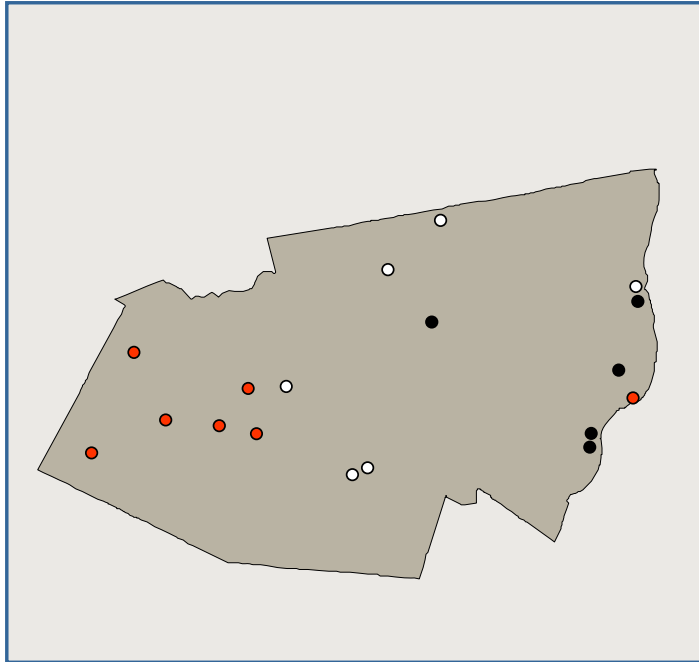


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Greene County (647 sq. miles)

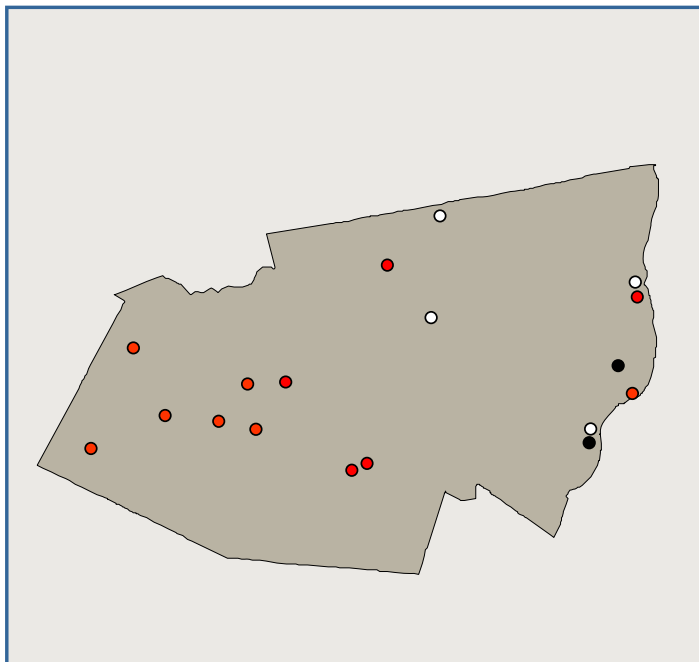
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

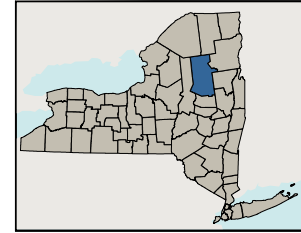
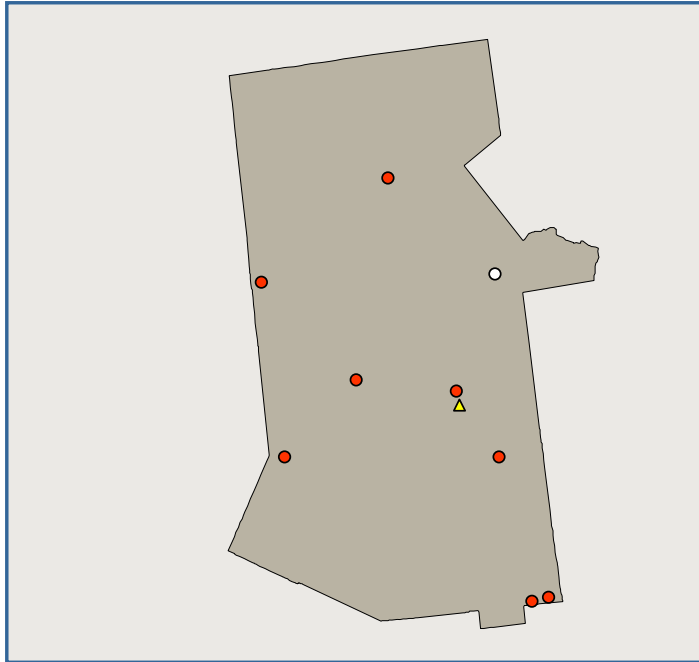


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Hamilton County (1,720 sq. miles)

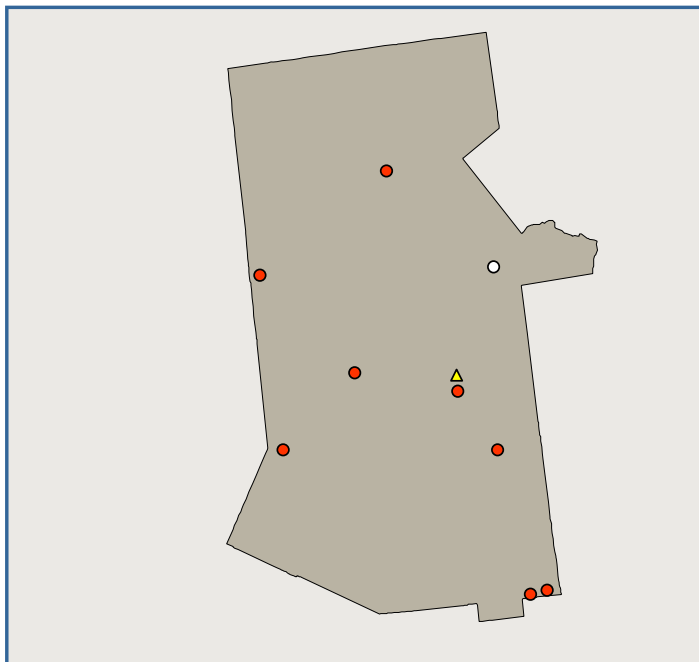
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

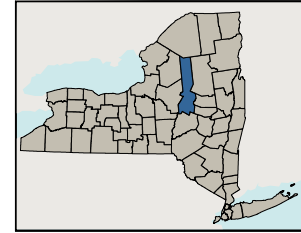
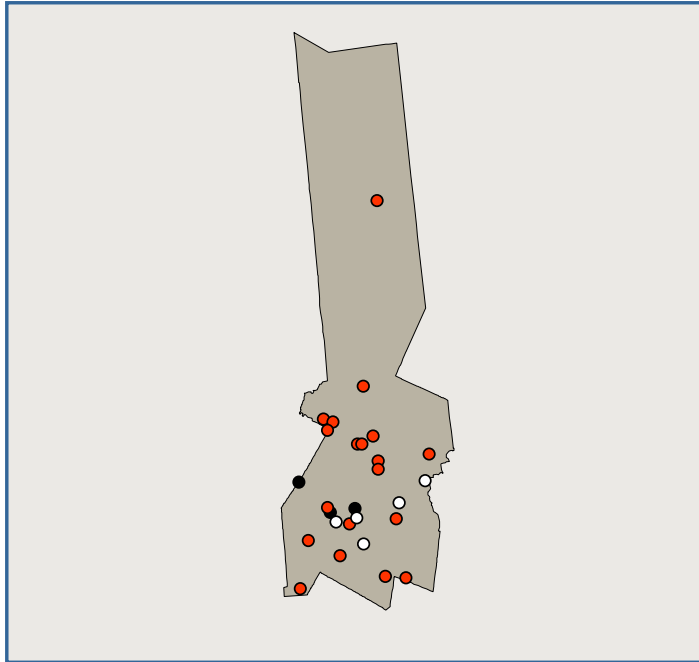


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Herkimer County (1,411 sq. miles)

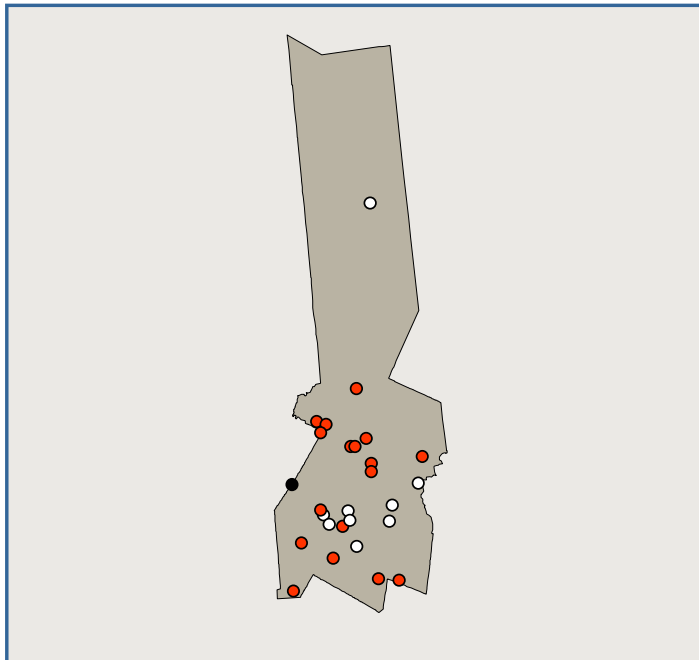
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

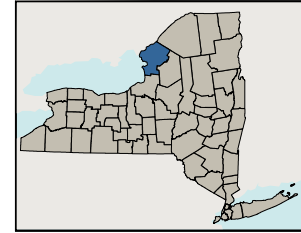
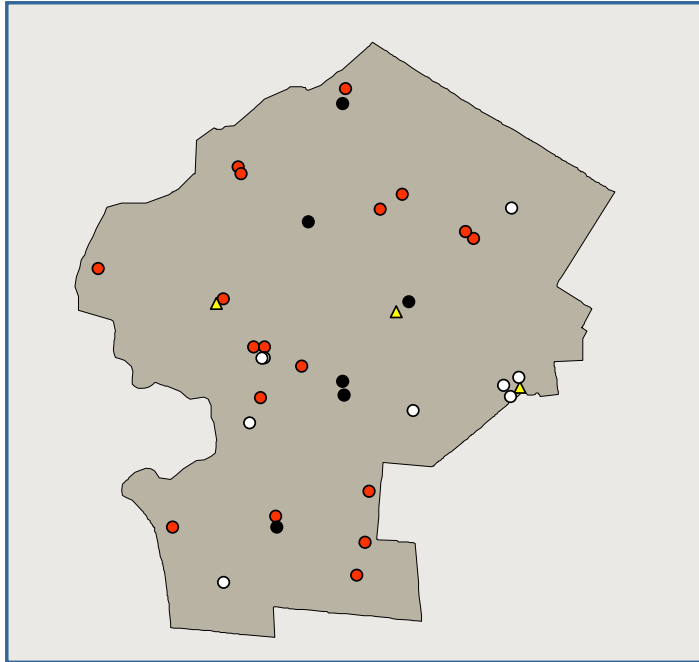


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Jefferson County (1,272 sq. miles)

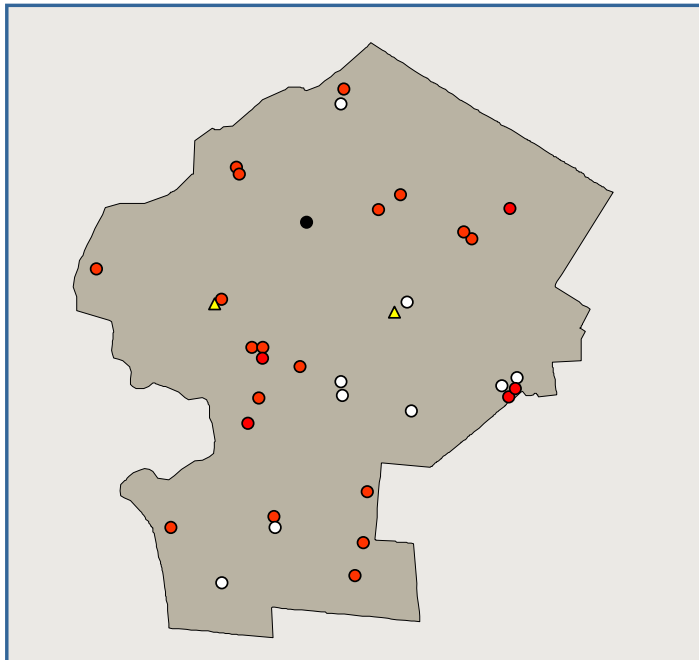
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

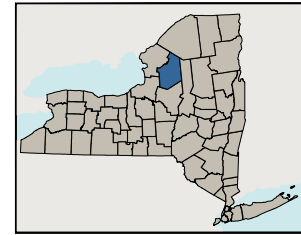
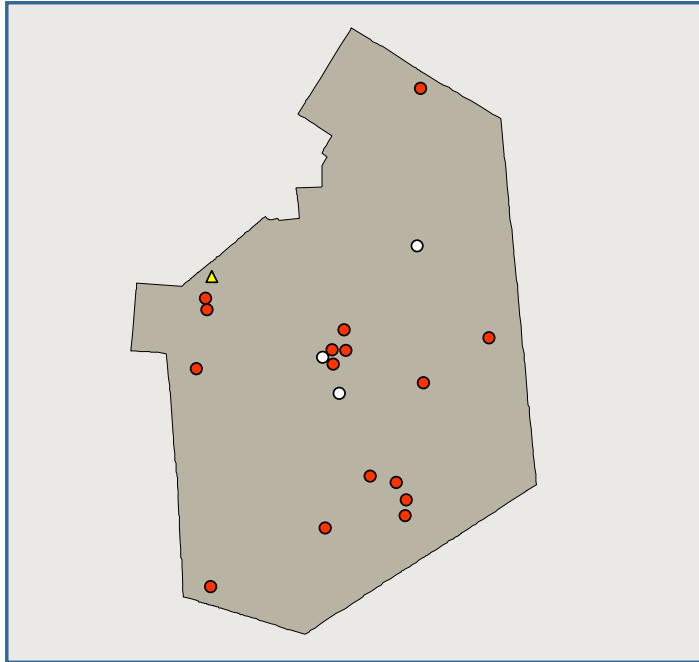


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Lewis County (1,275 sq. miles)

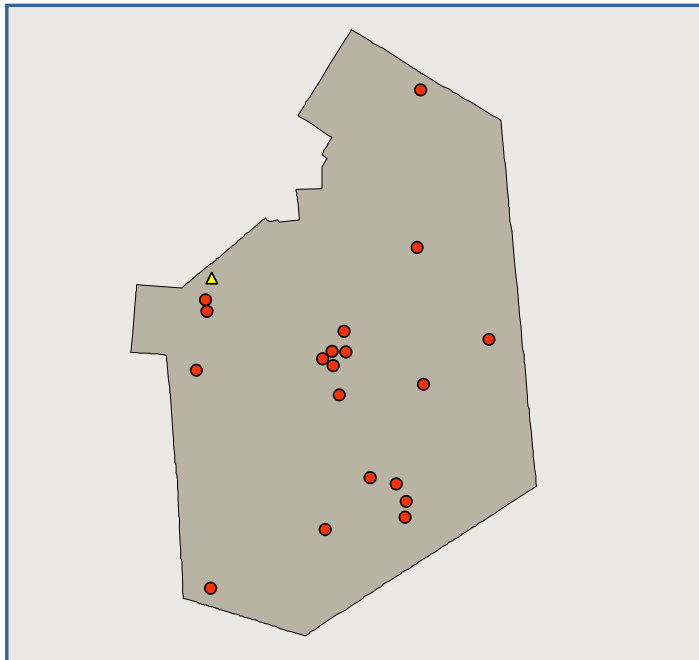
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

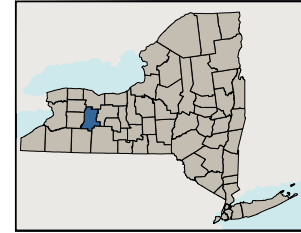
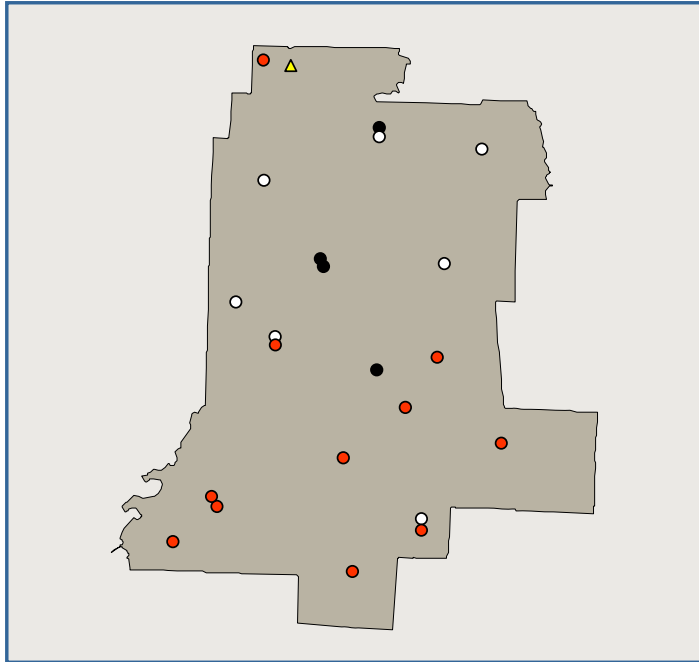


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Livingston County (632 sq. miles)

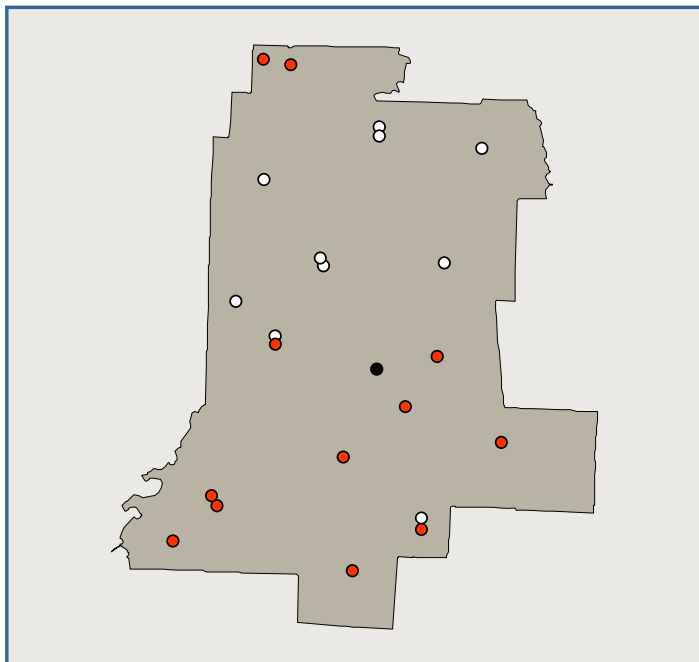
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

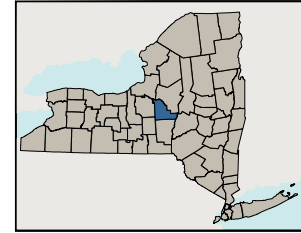
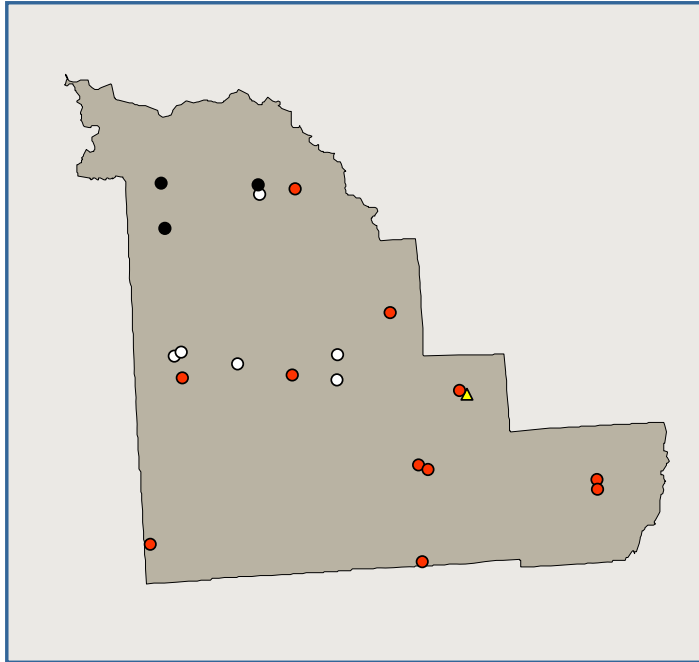


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Madison County (655 sq. miles)

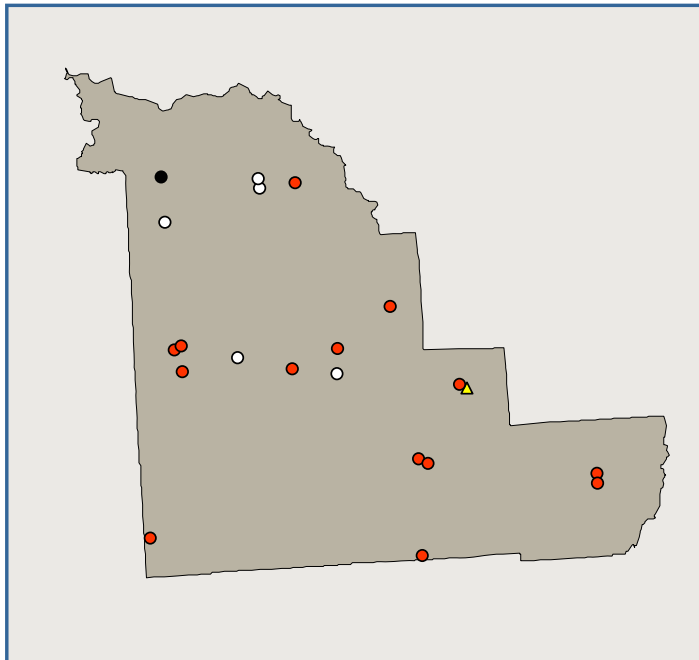
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

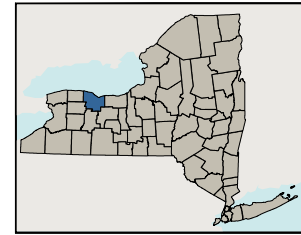
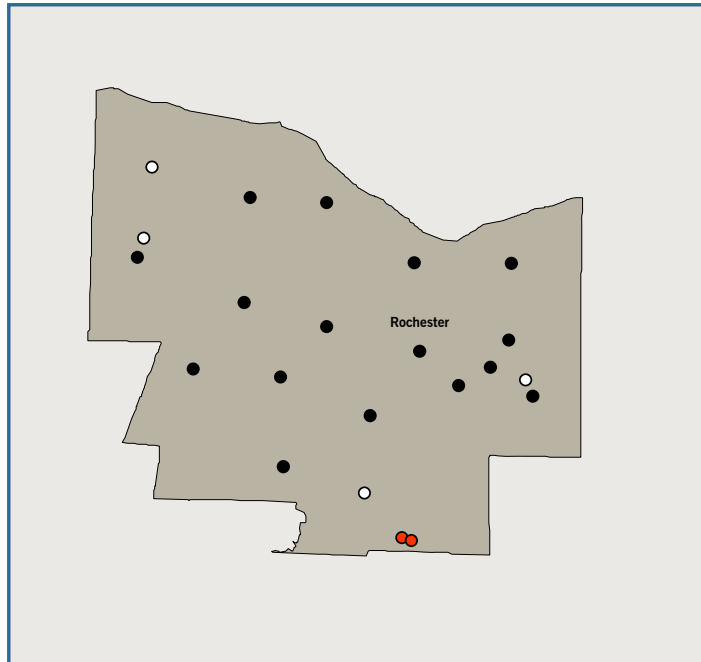


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Monroe County (659 sq. miles)

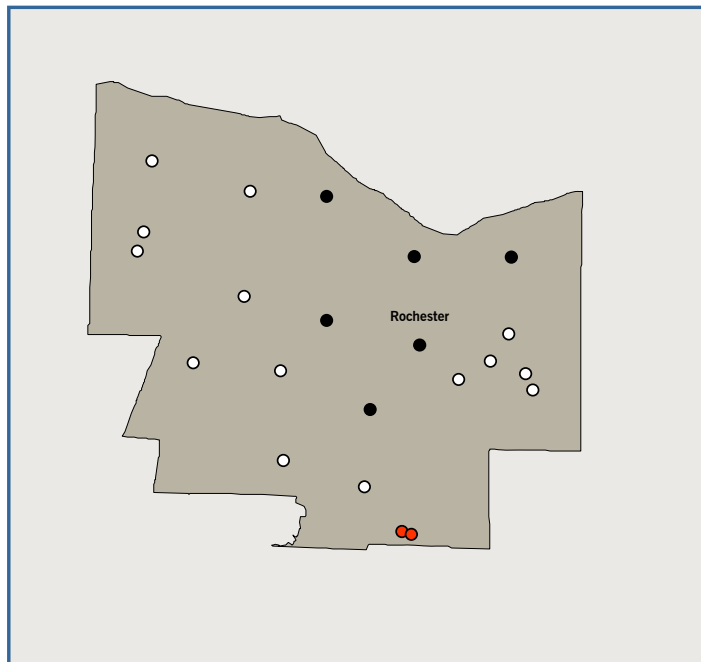
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

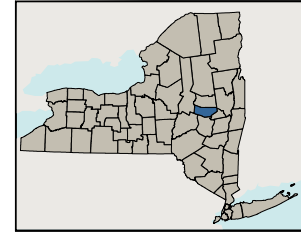
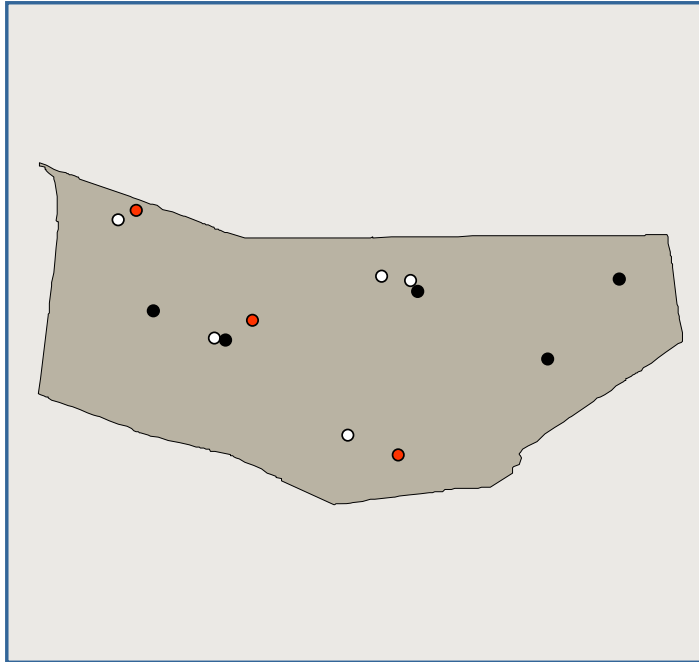


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Montgomery County (404 sq. miles)

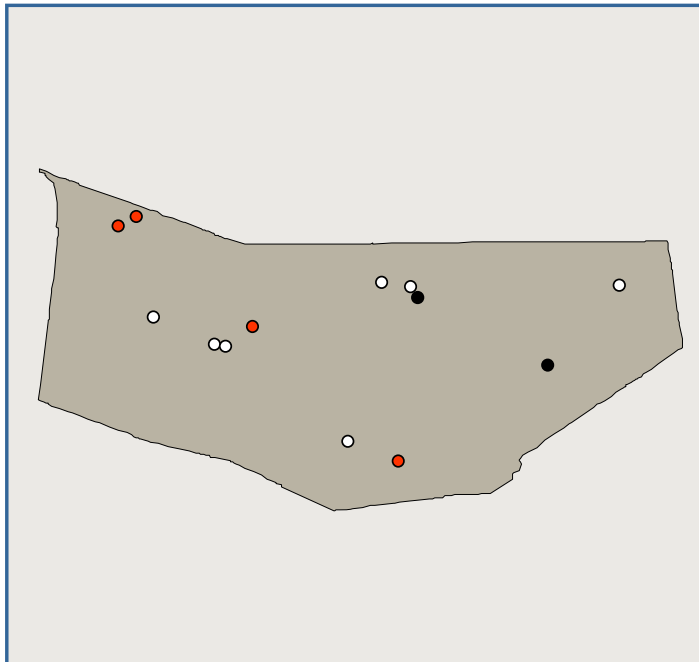
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

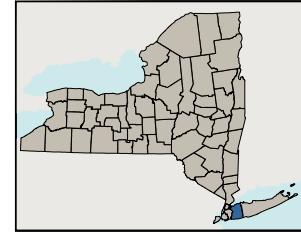
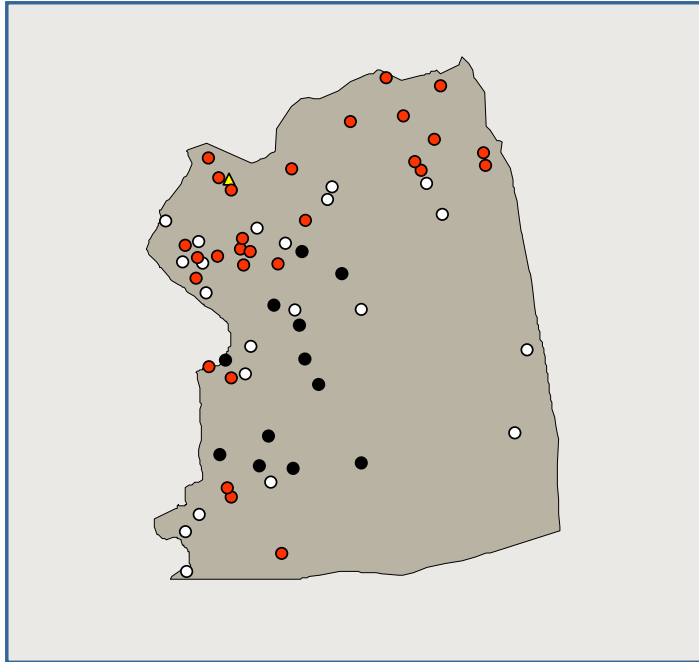


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Nassau County (286 sq. miles)

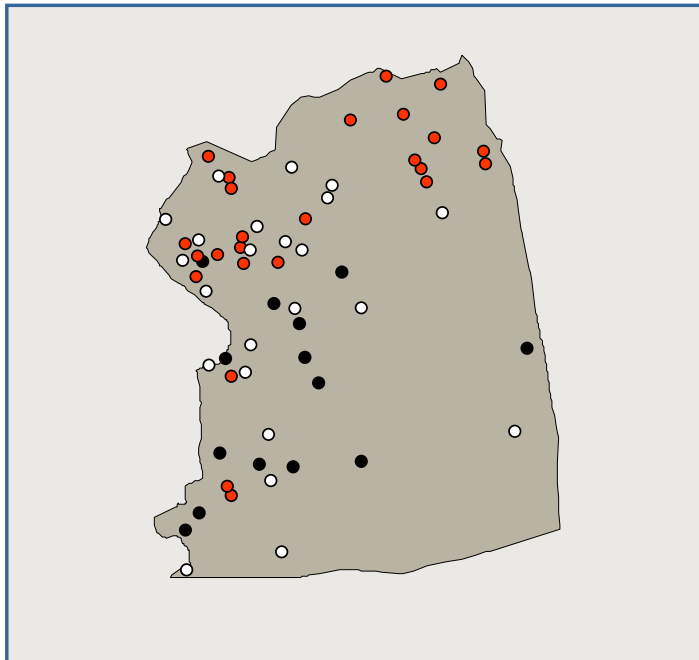
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

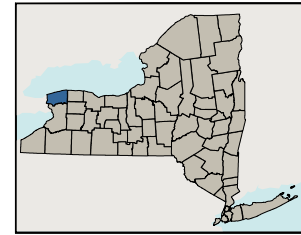
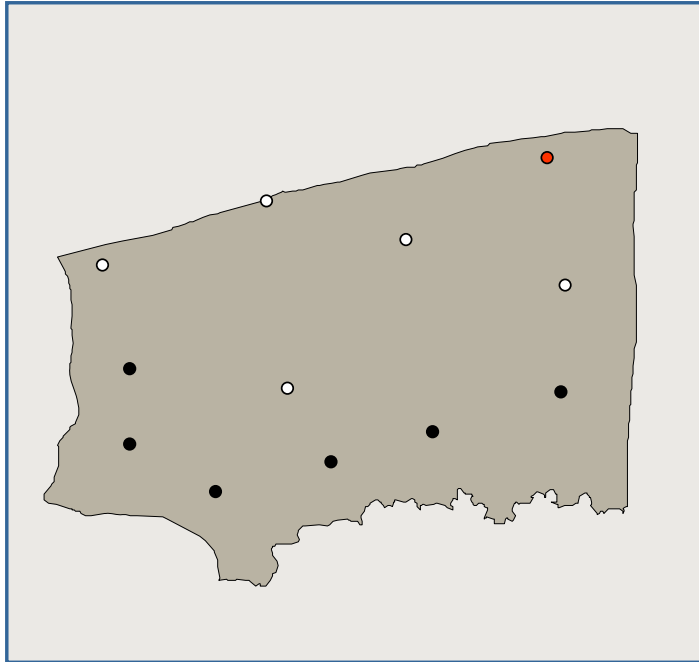


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Niagara County (522 sq. miles)

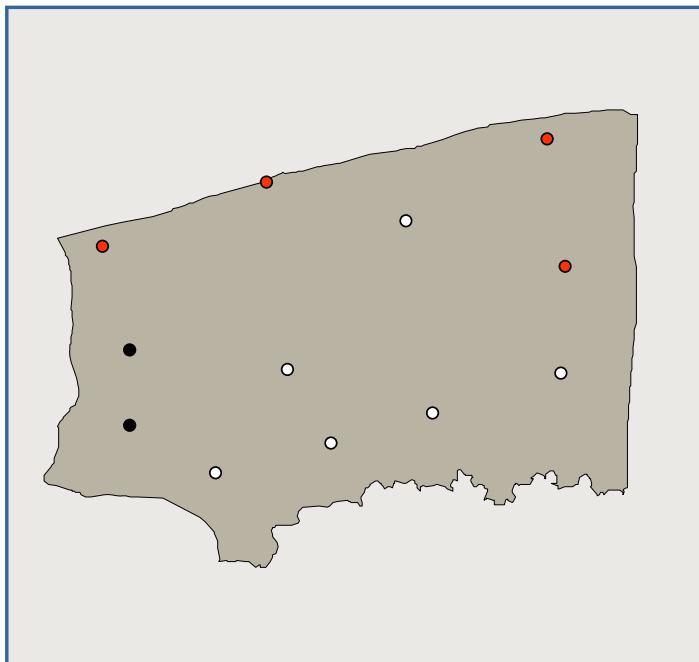
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

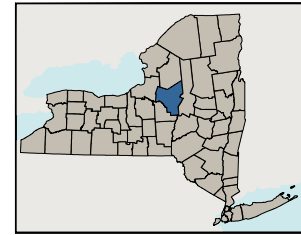
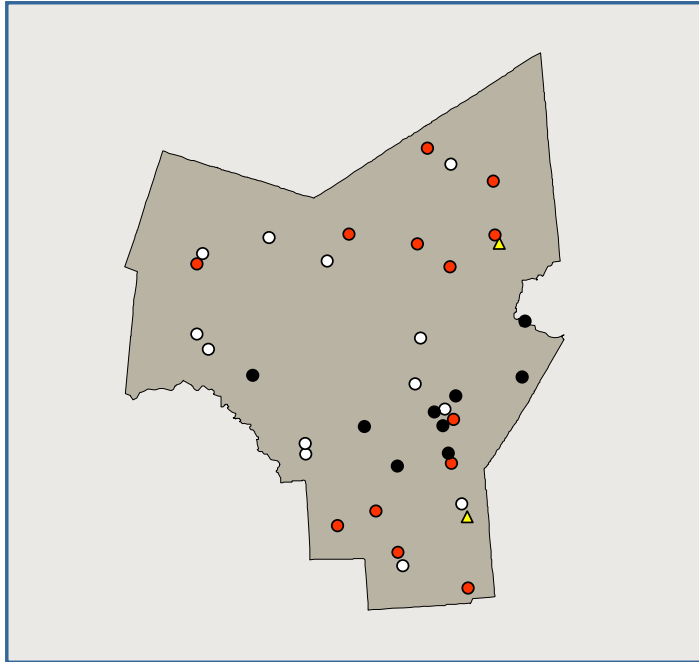


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Oneida County (1,212 sq. miles)

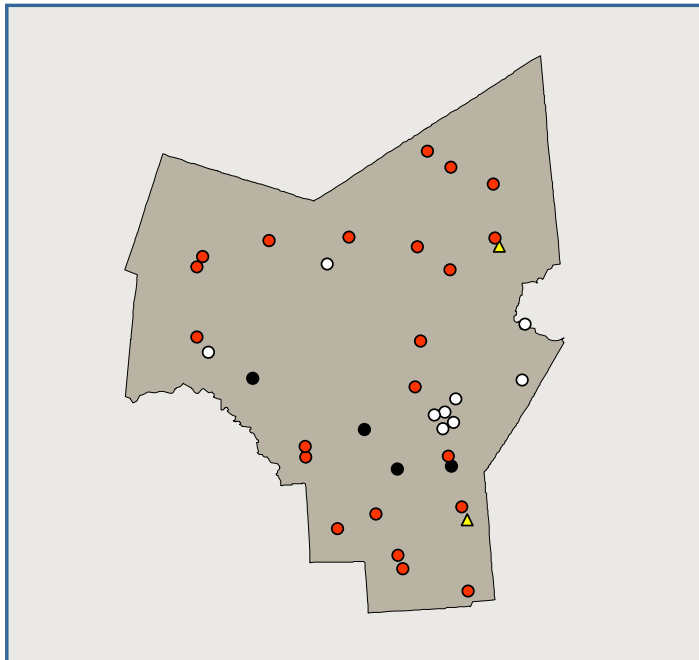
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

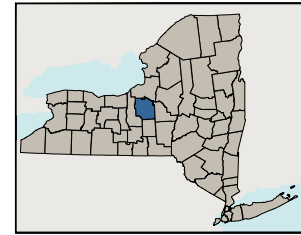
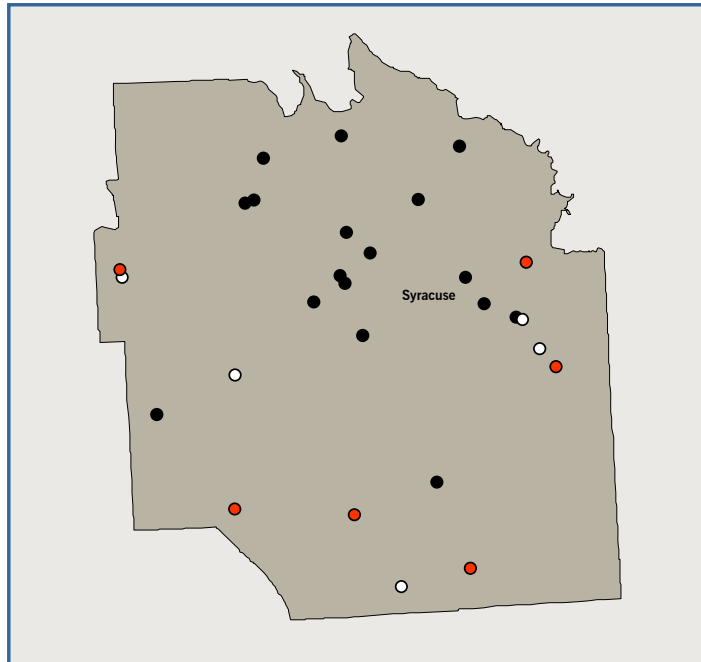


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Onondaga County (780 sq. miles)

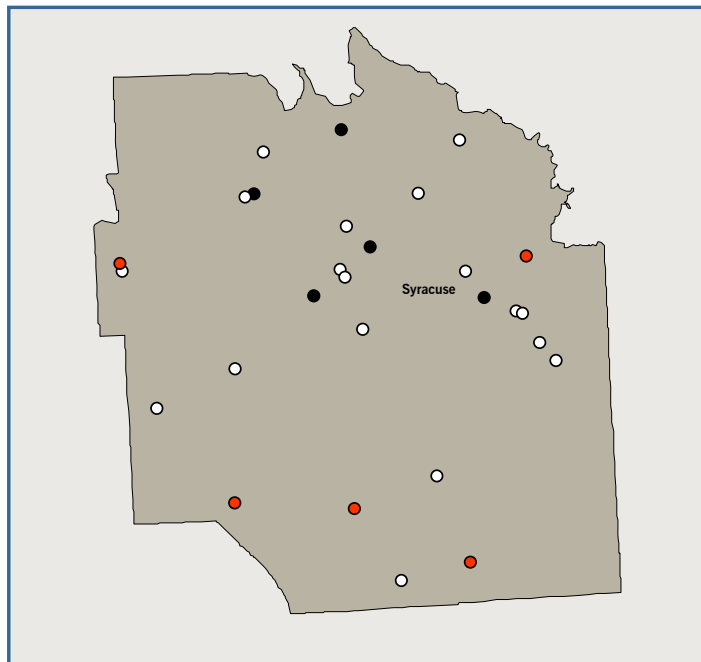
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

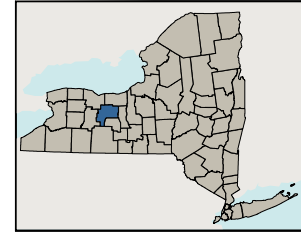
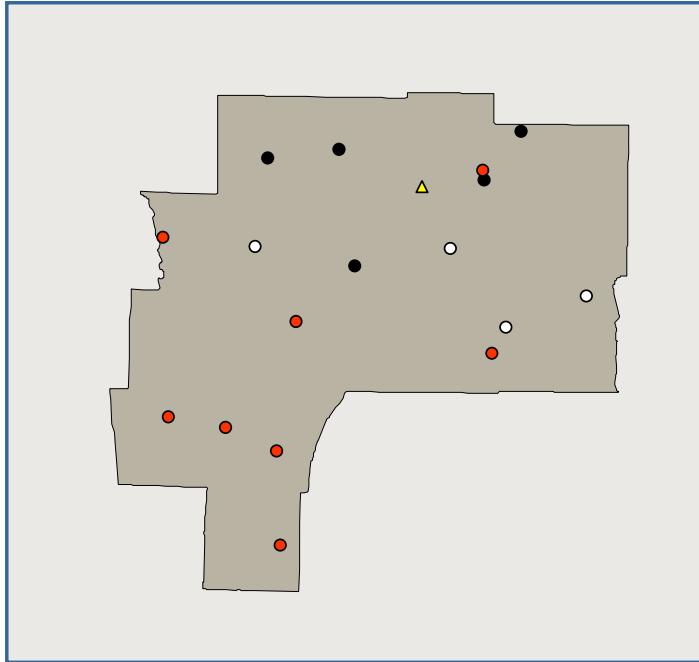


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Ontario County (644 sq. miles)

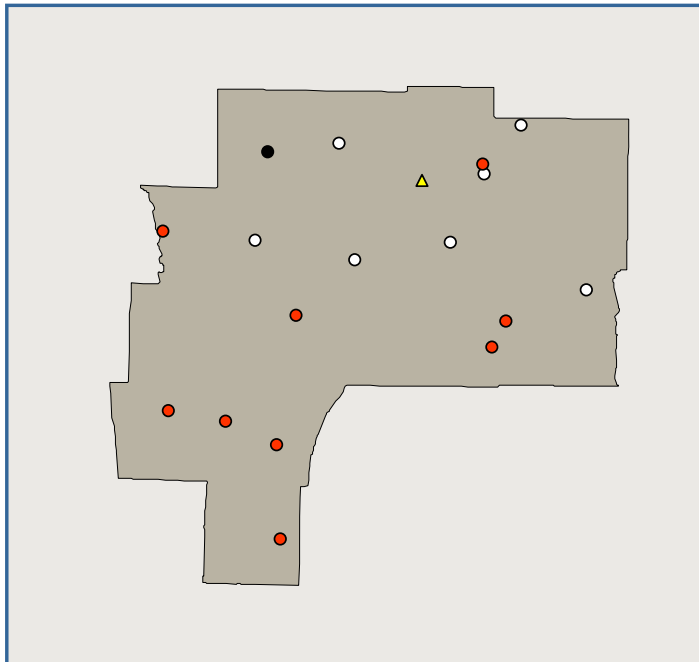
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

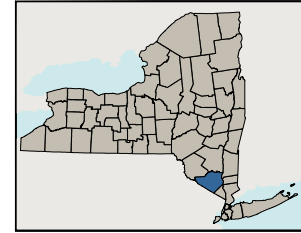
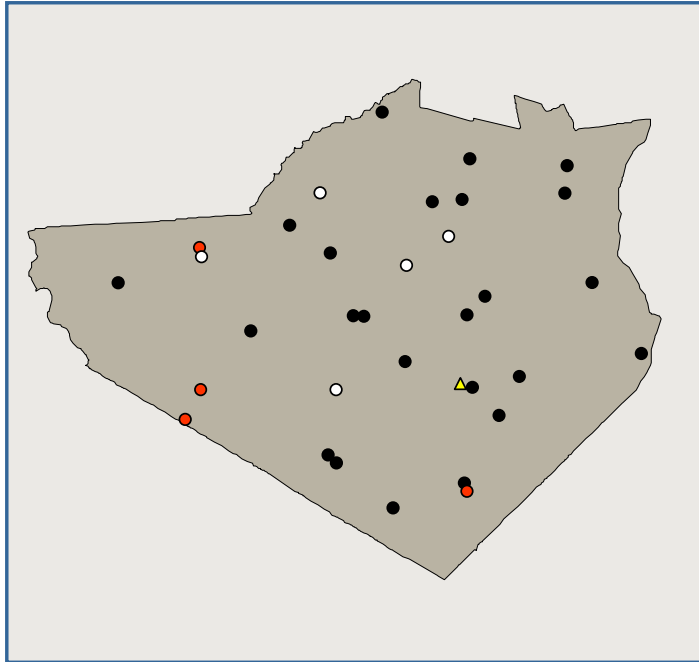


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Orange County (816 sq. miles)

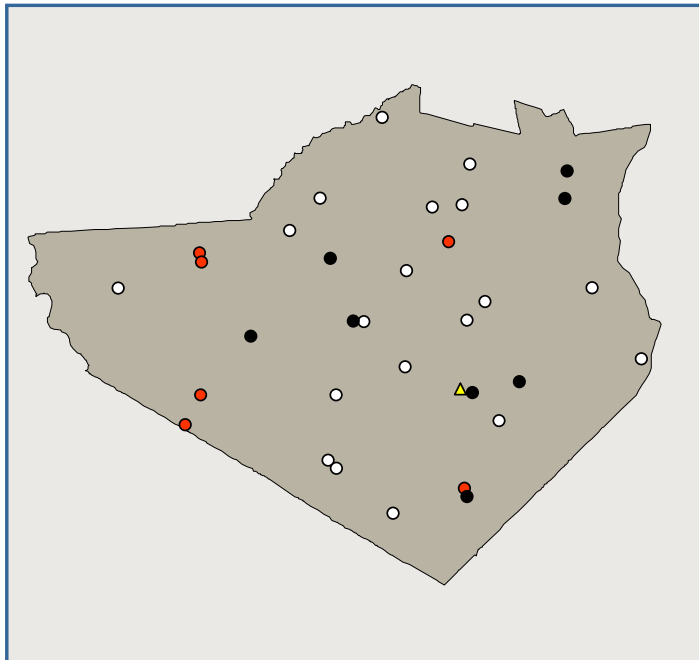
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

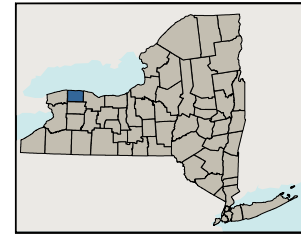
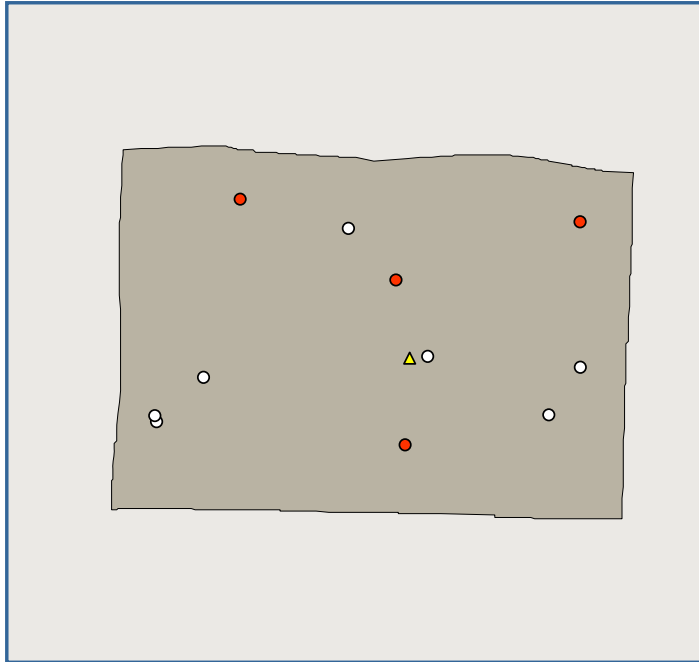


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Orleans County (391 sq. miles)

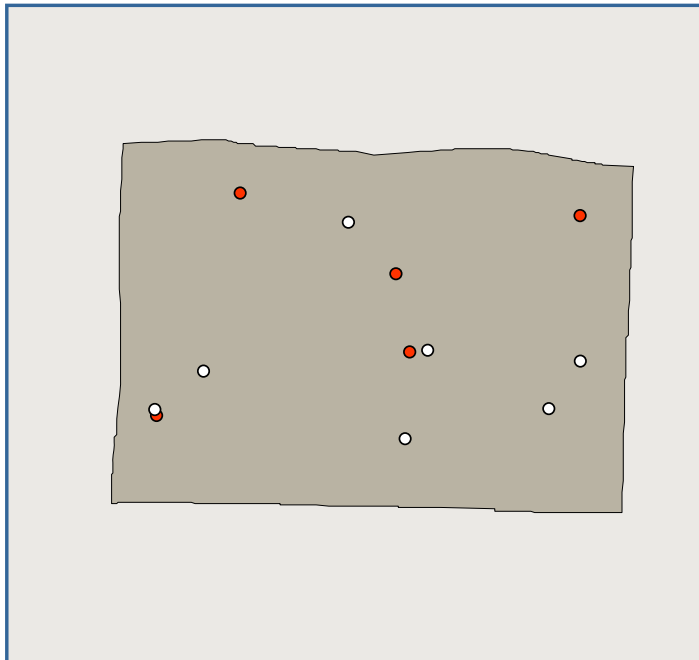
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

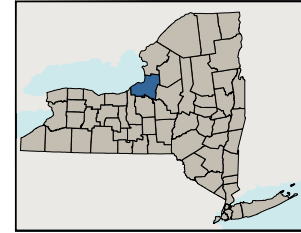
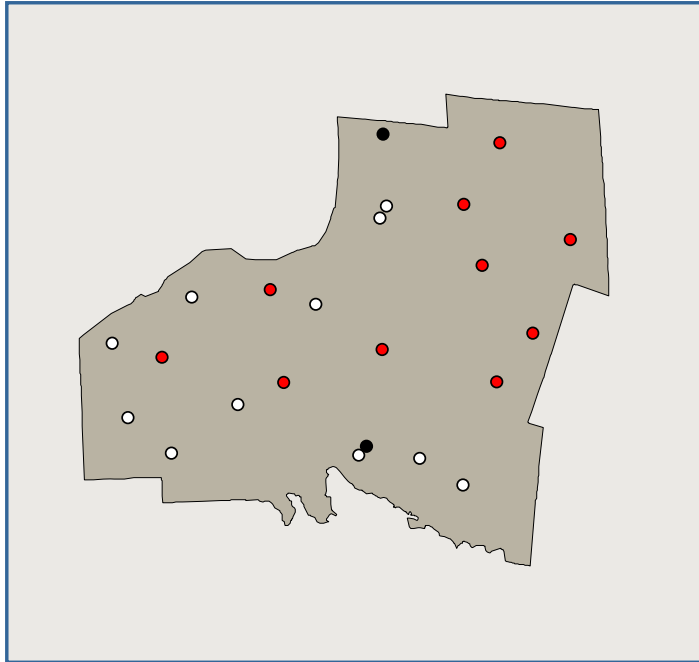


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Oswego County (953 sq. miles)

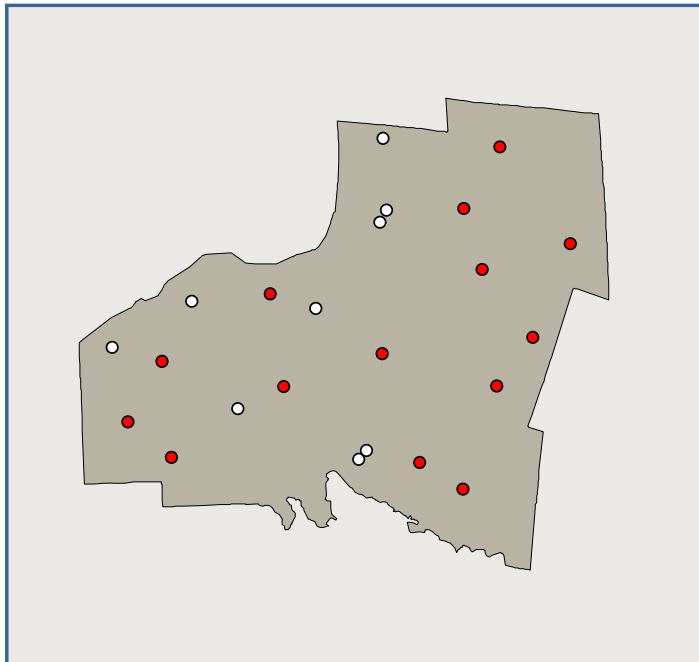
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

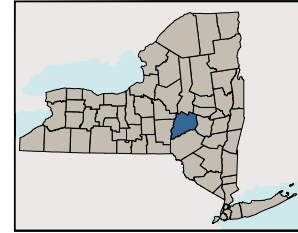
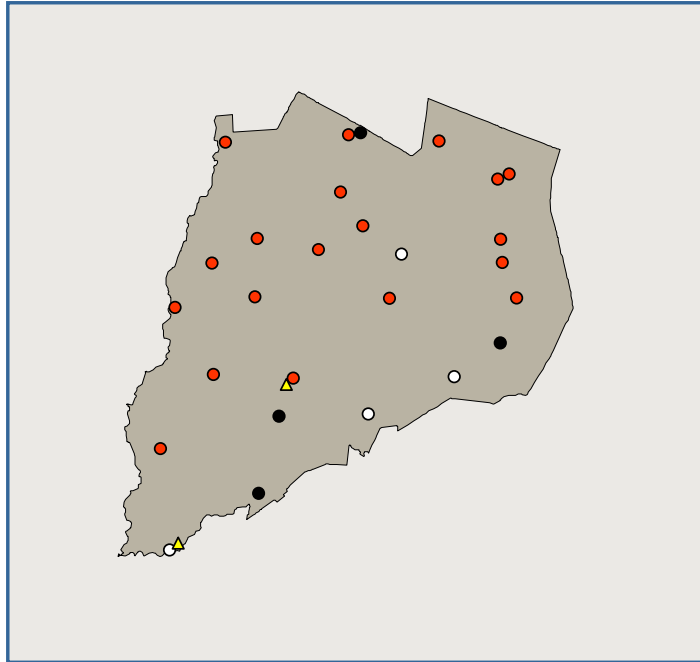


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Otsego County (1,002 sq. miles)

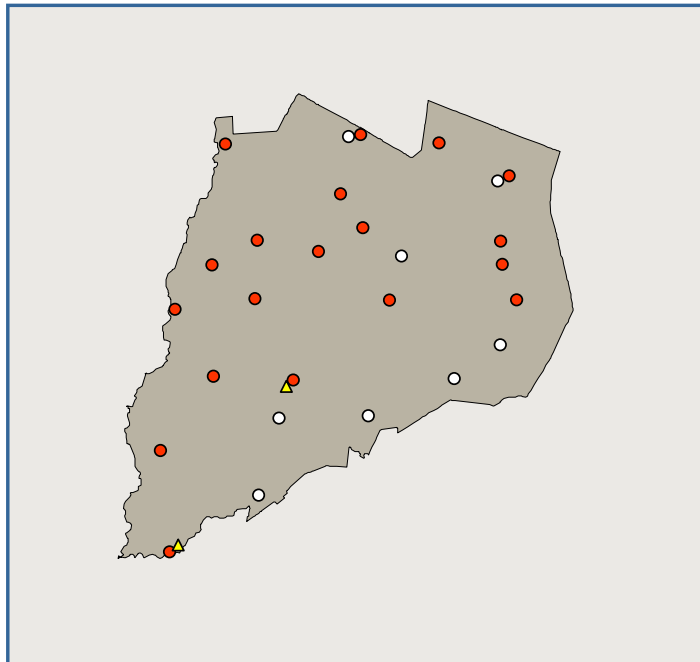
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

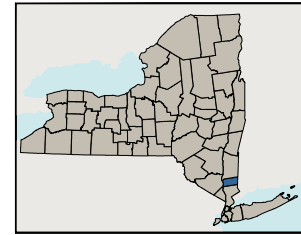
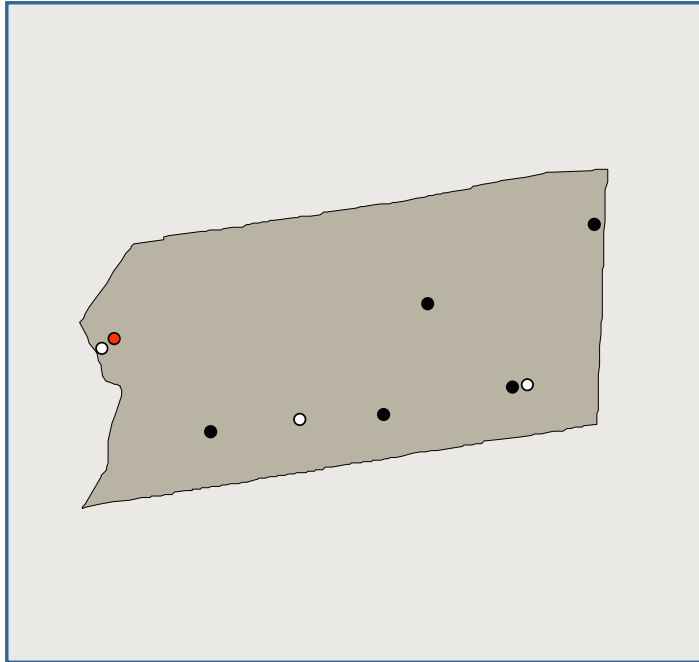


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Putnam County (231 sq. miles)

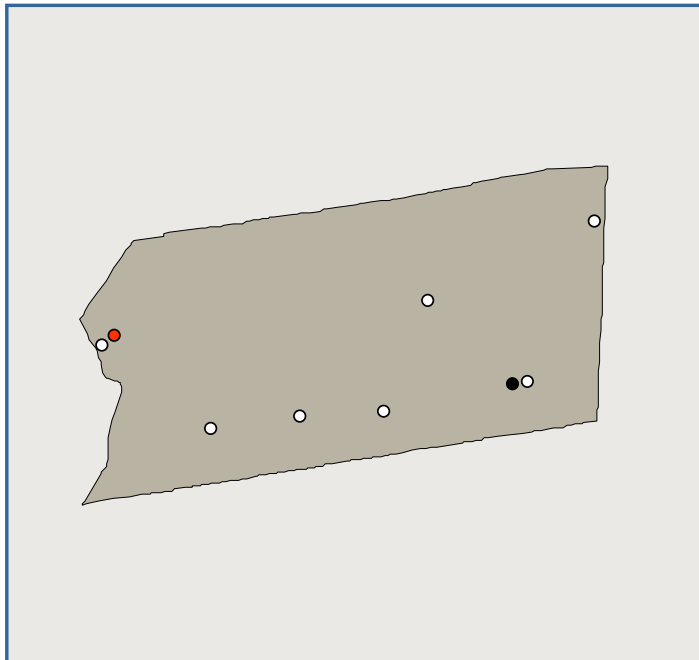
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

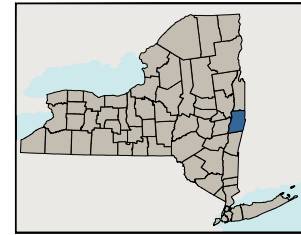
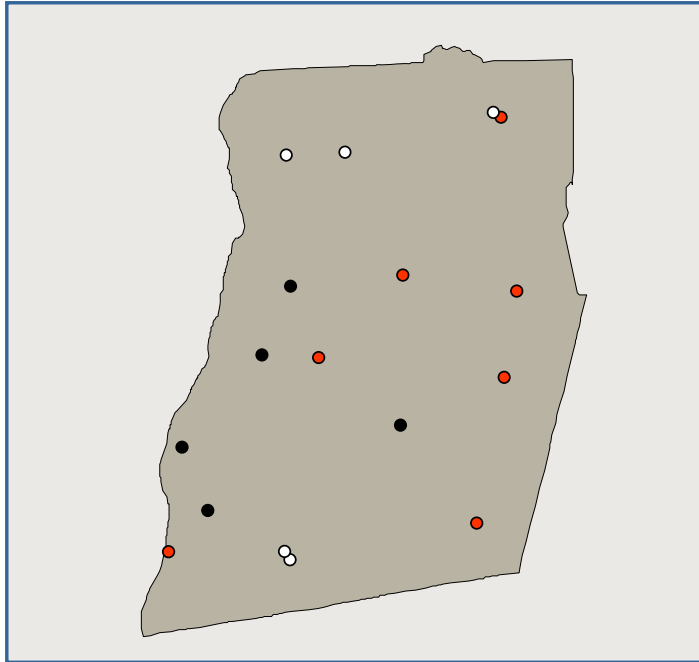


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Rensselaer County (653 sq. miles)

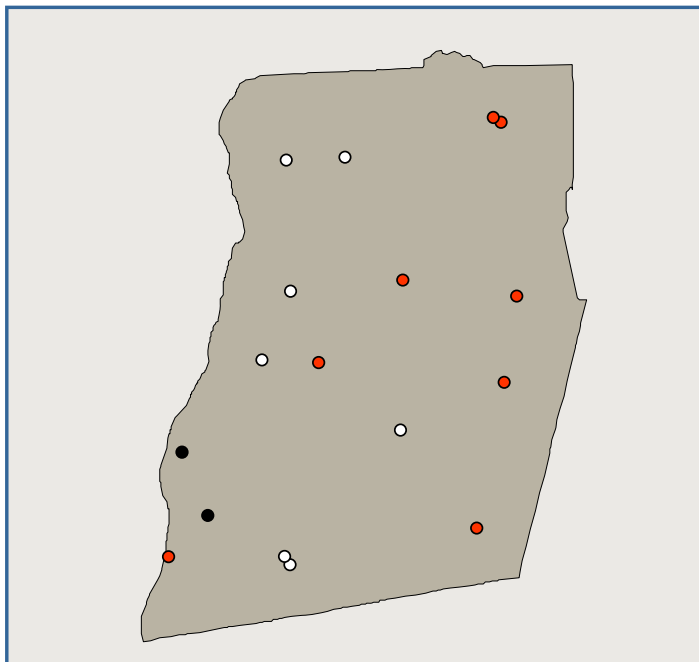
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

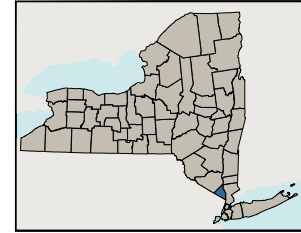
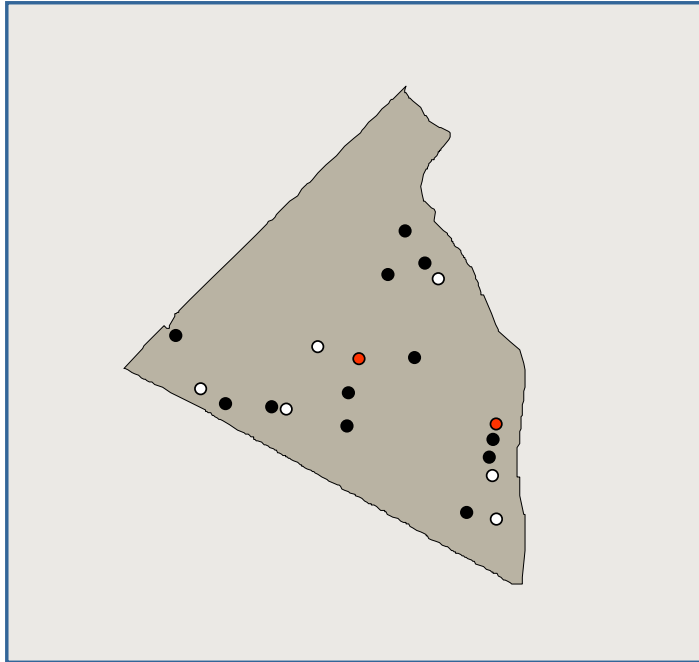


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Rockland County (174 sq. miles)

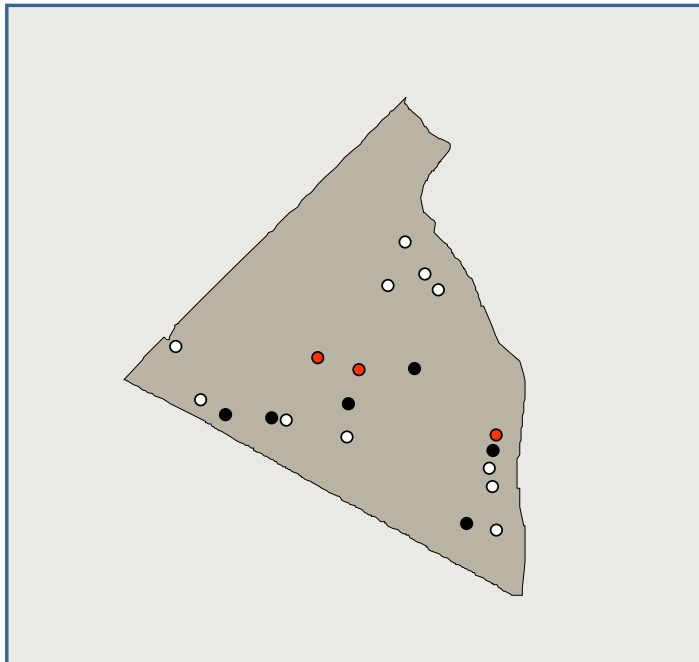
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

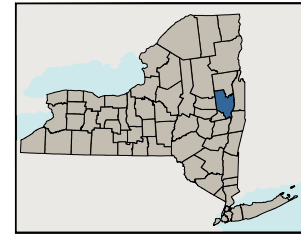
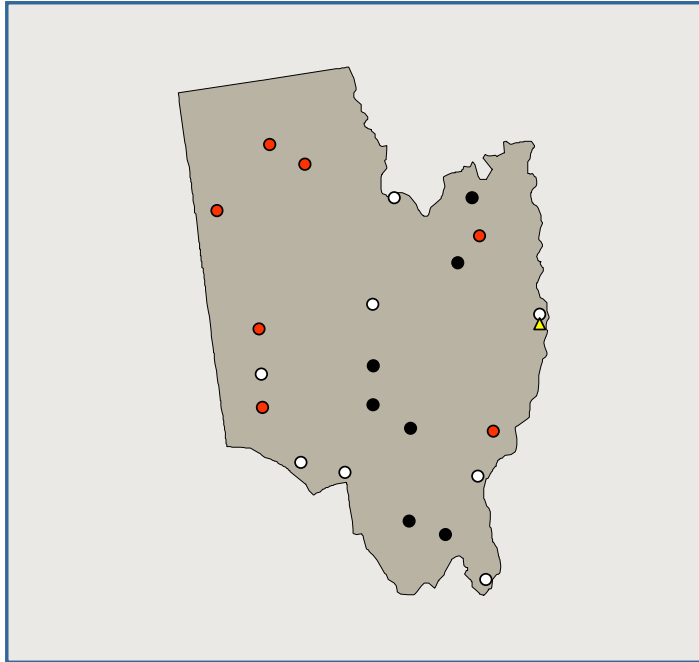


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Saratoga County (811 sq. miles)

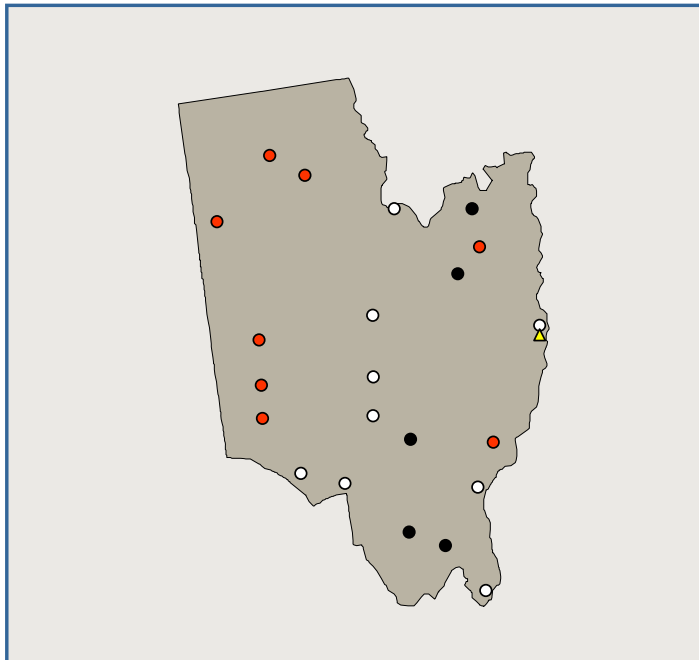
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

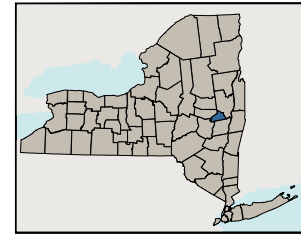
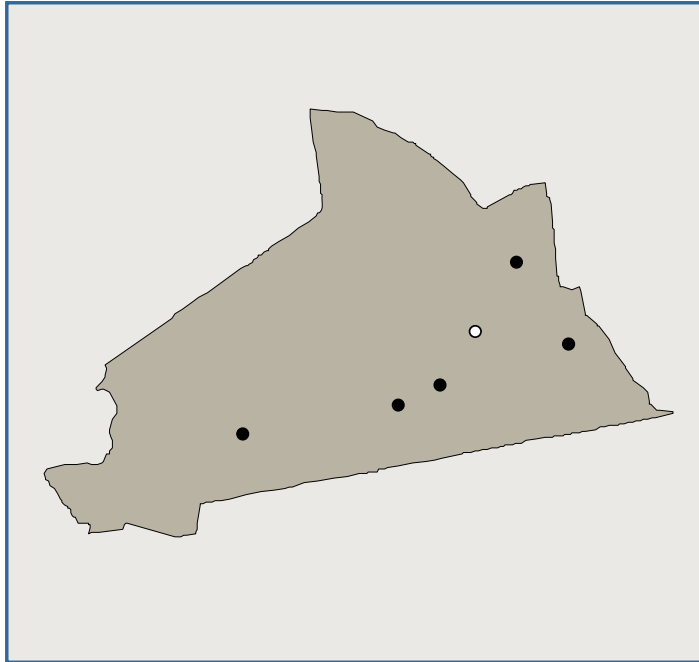


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Schenectady County (206 sq. miles)

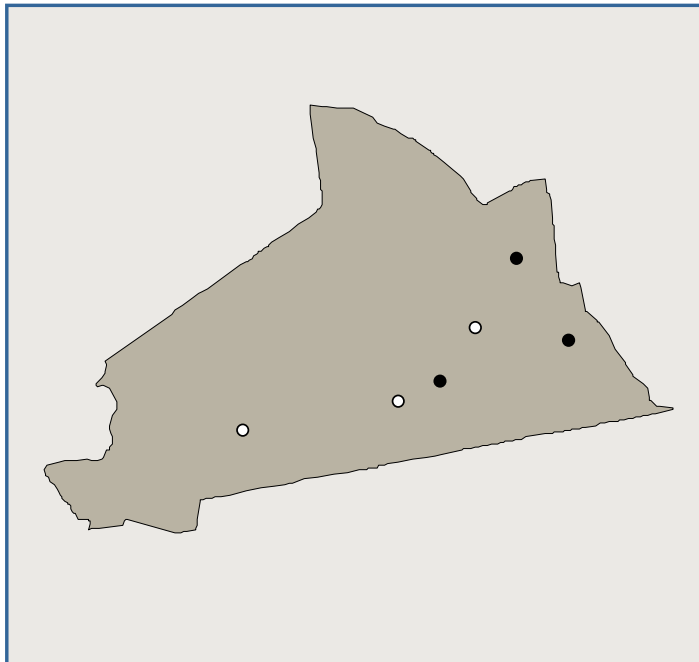
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

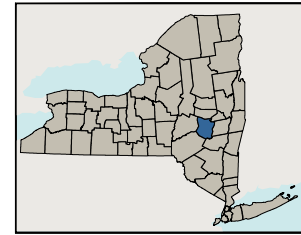
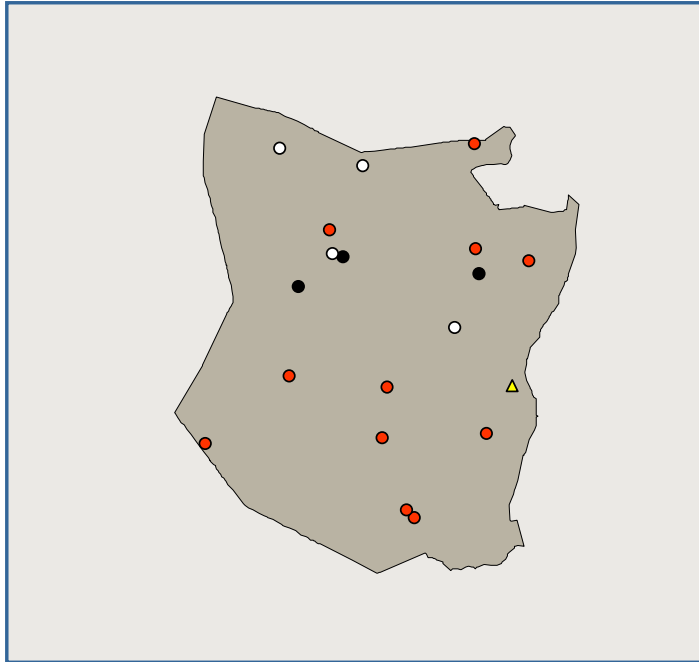


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Schoharie County (622 sq. miles)

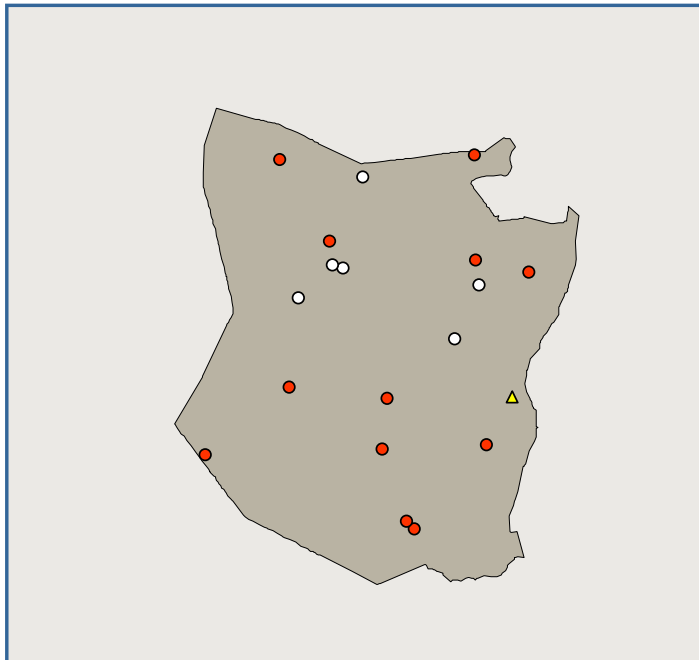
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

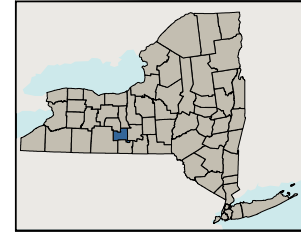
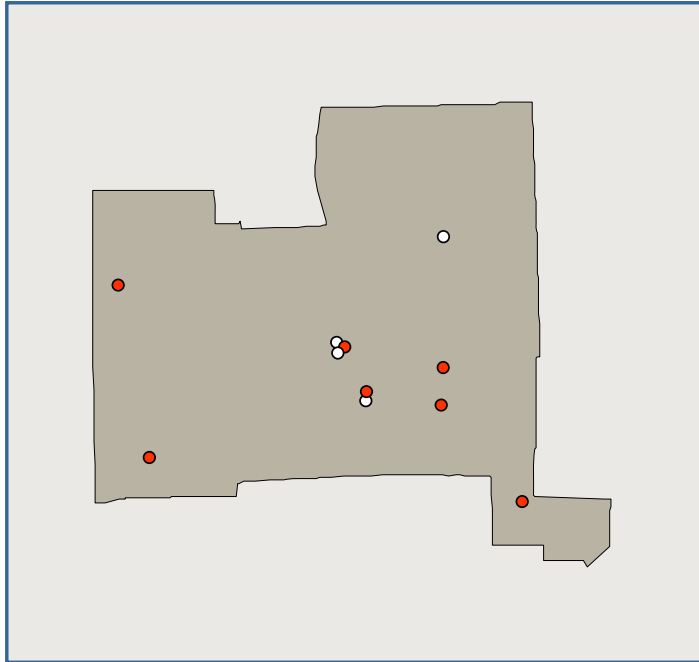


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Schuyler County (328 sq. miles)

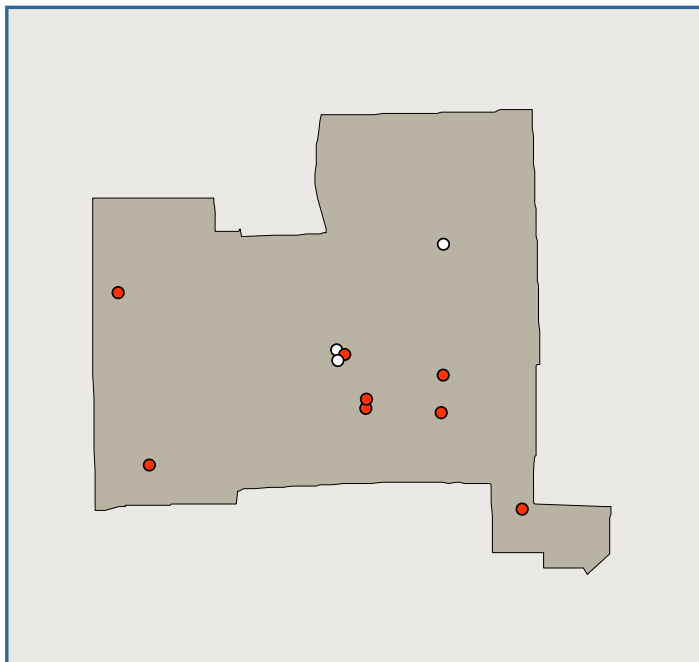
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

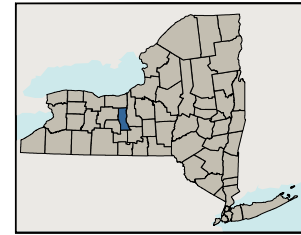
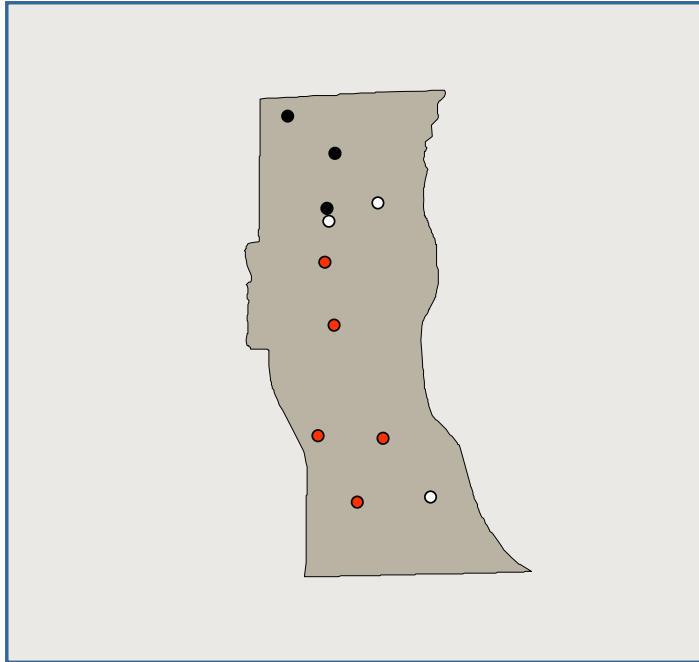


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Seneca County (324 sq. miles)

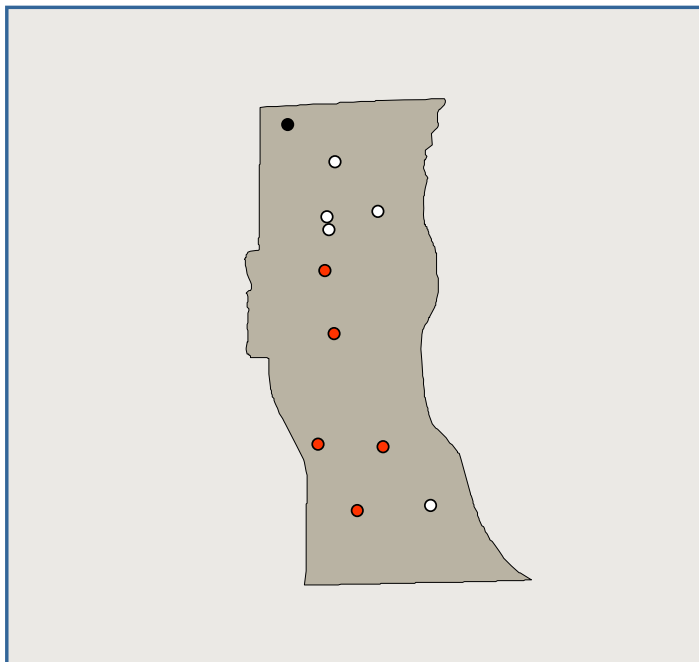
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

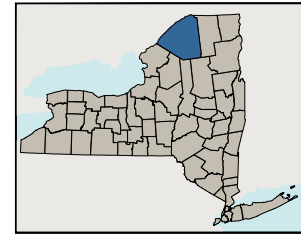
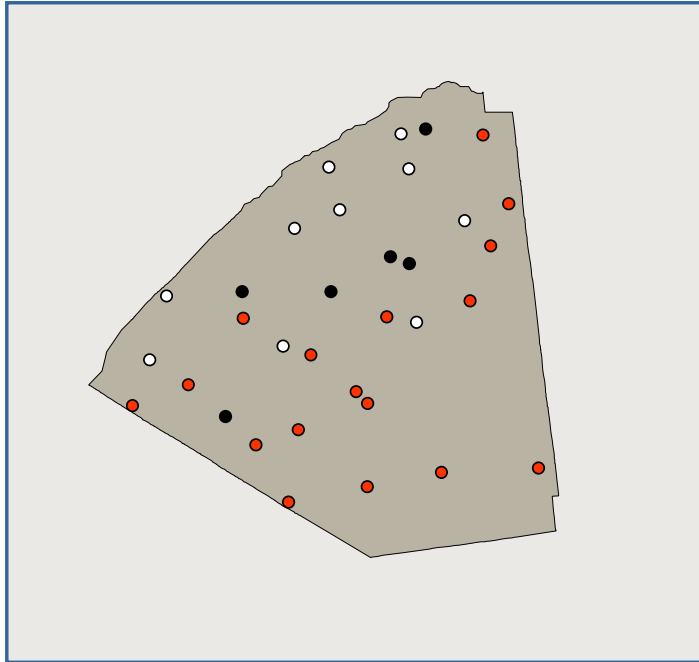


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

St. Lawrence County (2,685 sq. miles)

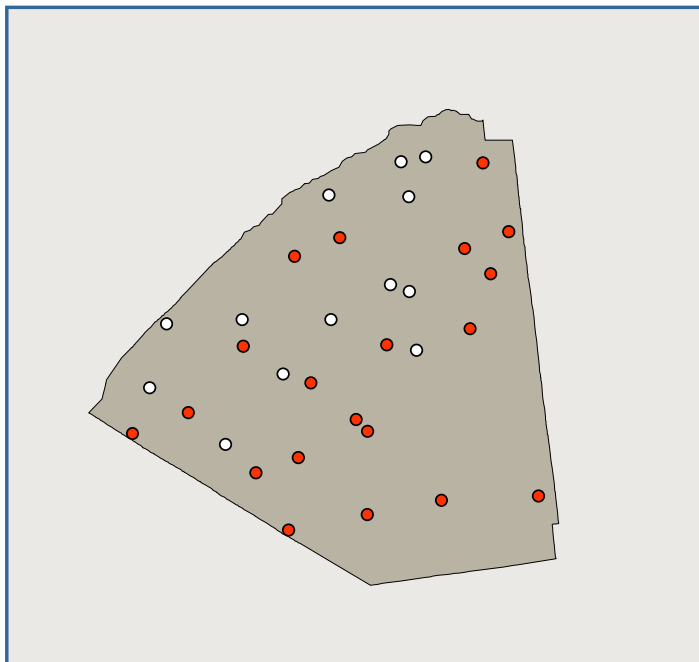
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

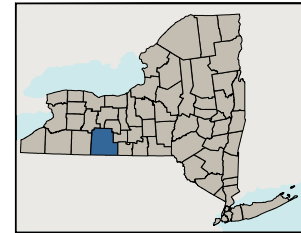
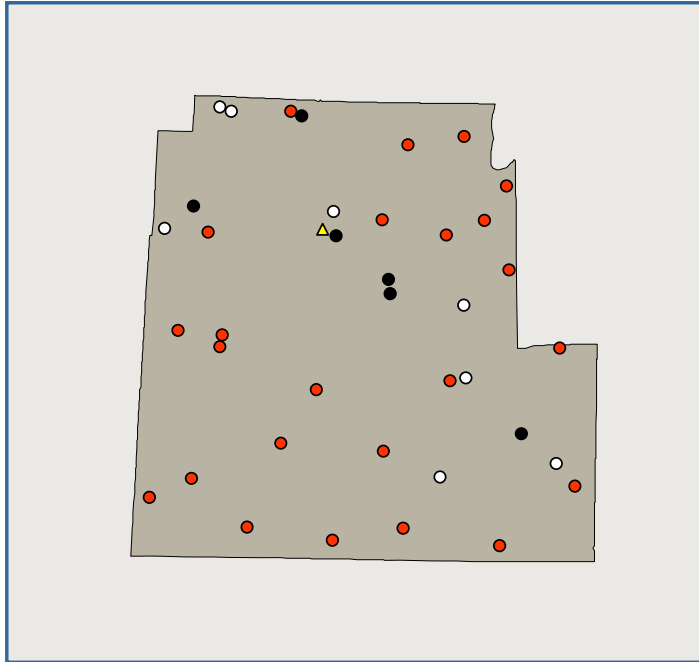


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Steuben County (1,392 sq. miles)

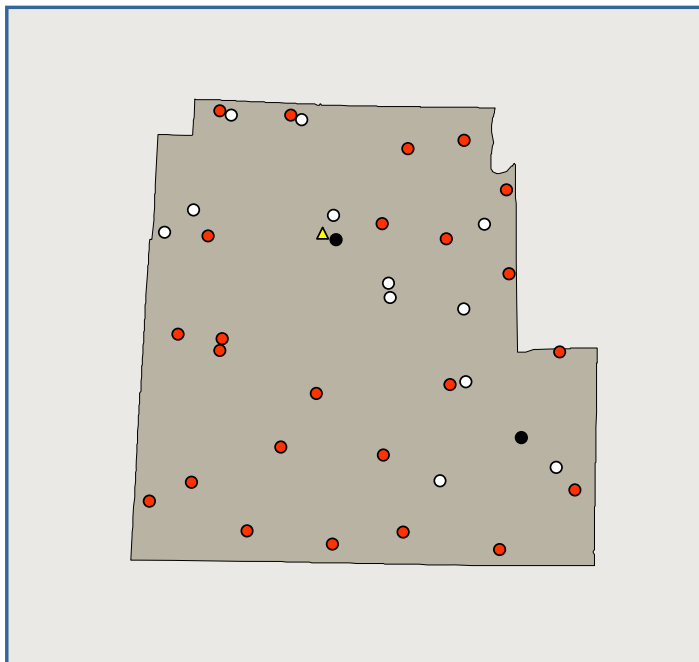
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

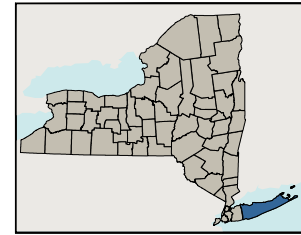
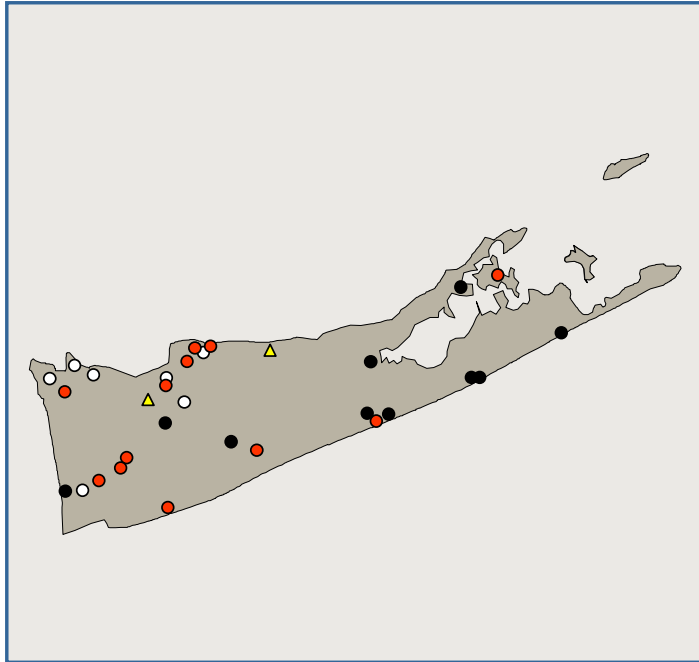


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Suffolk County (912 sq. miles)

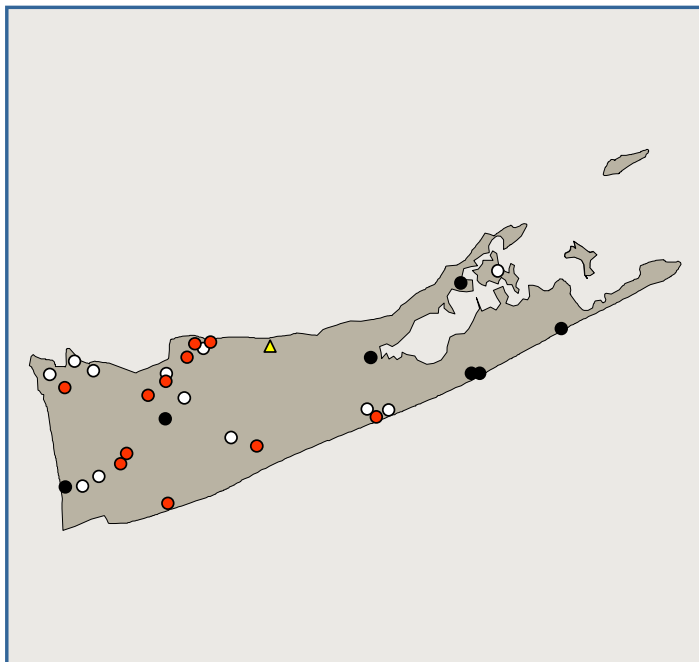
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

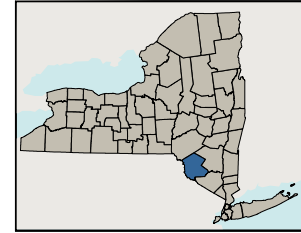
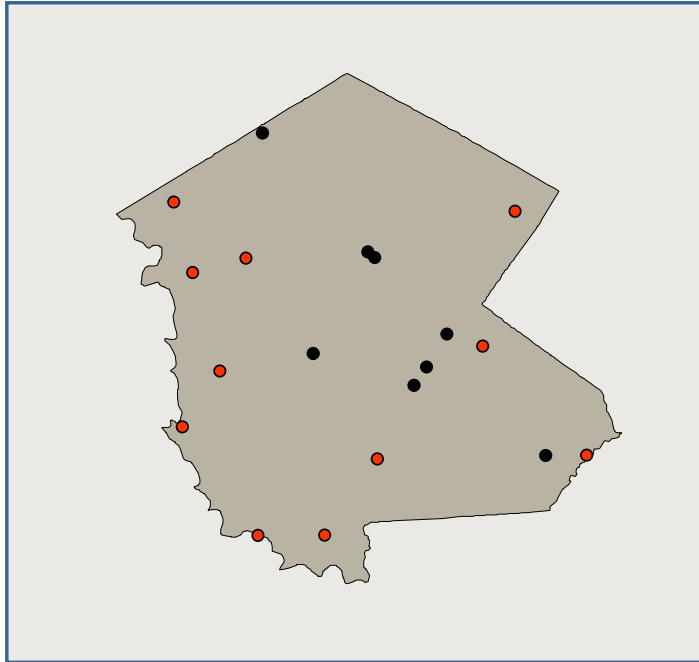


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Sullivan County (969 sq. miles)

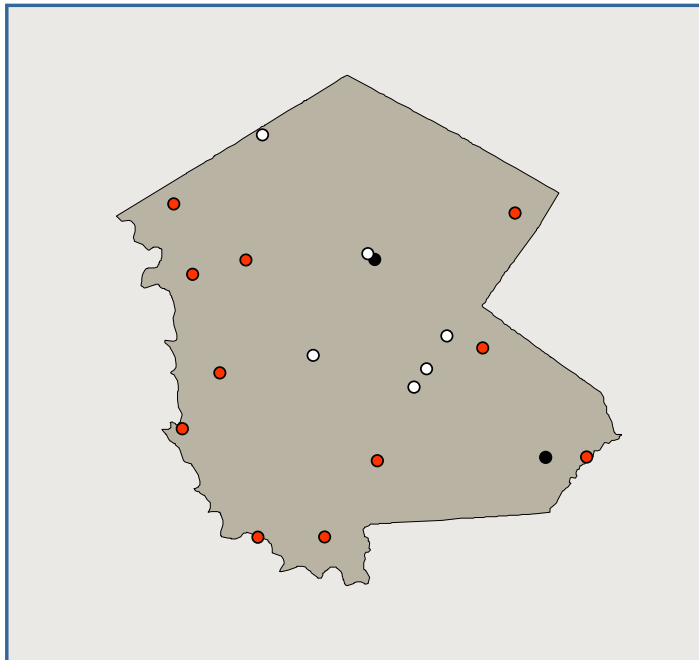
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

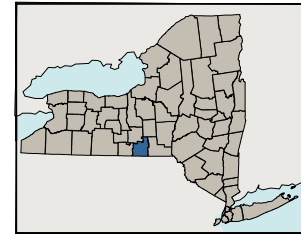
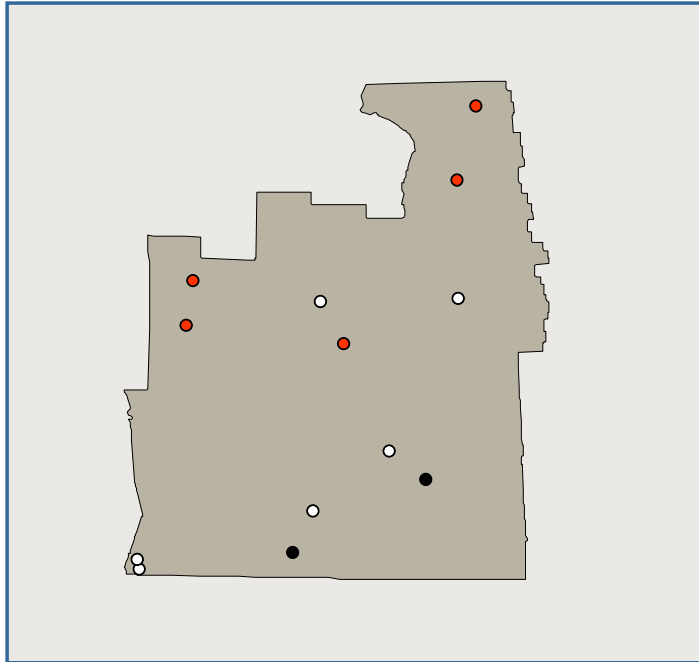


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Tioga County (518 sq. miles)

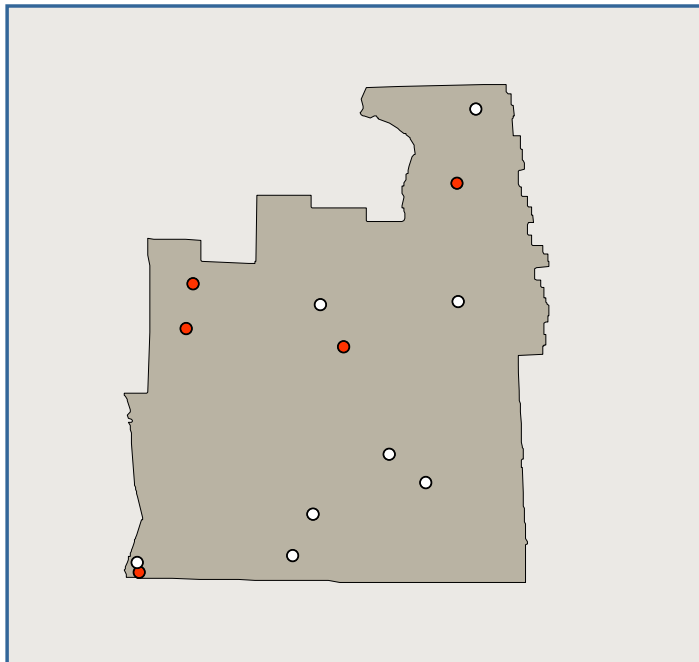
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

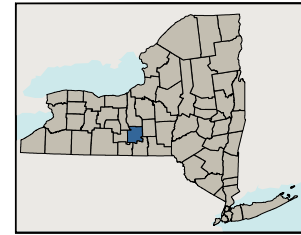
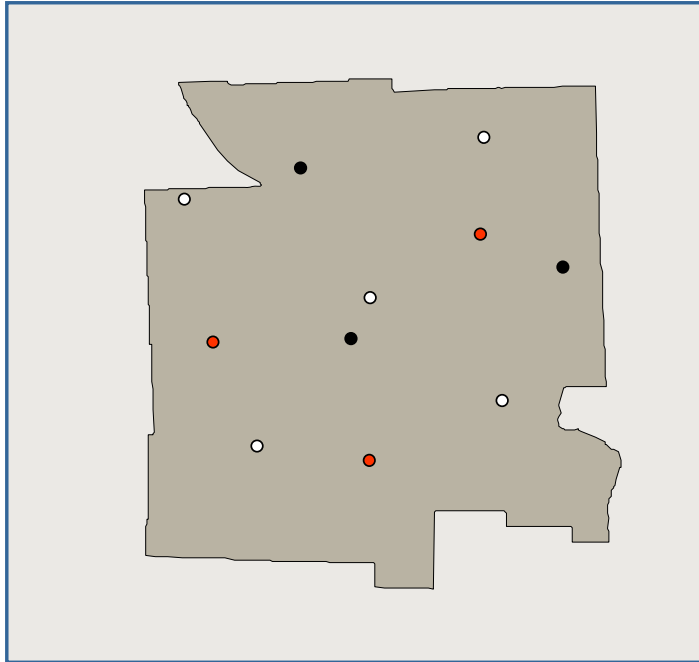


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Tompkins County (476 sq. miles)

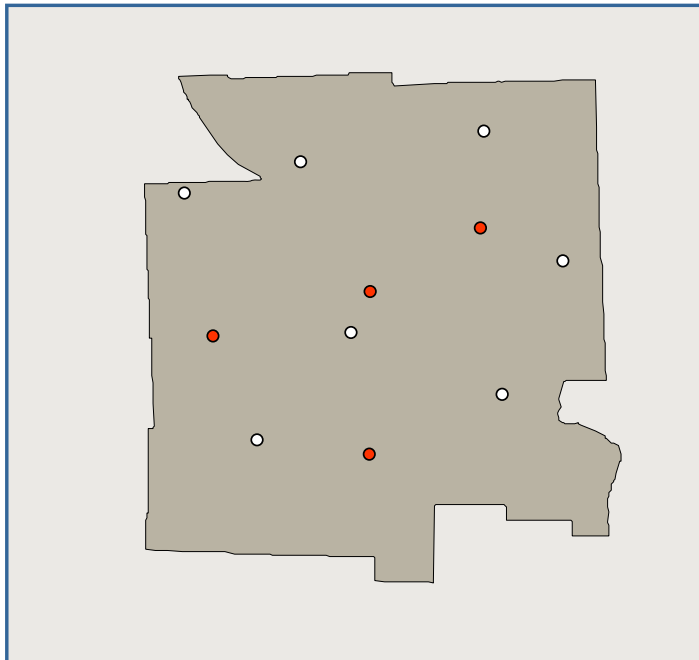
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

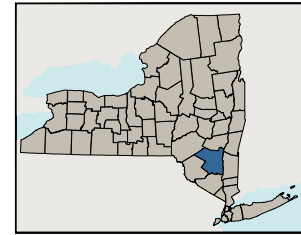
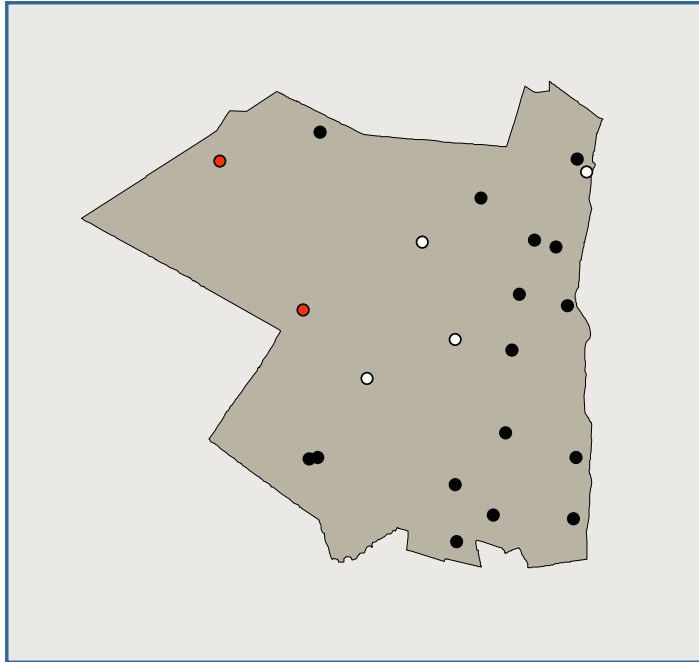


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Ulster County (1,126 sq. miles)

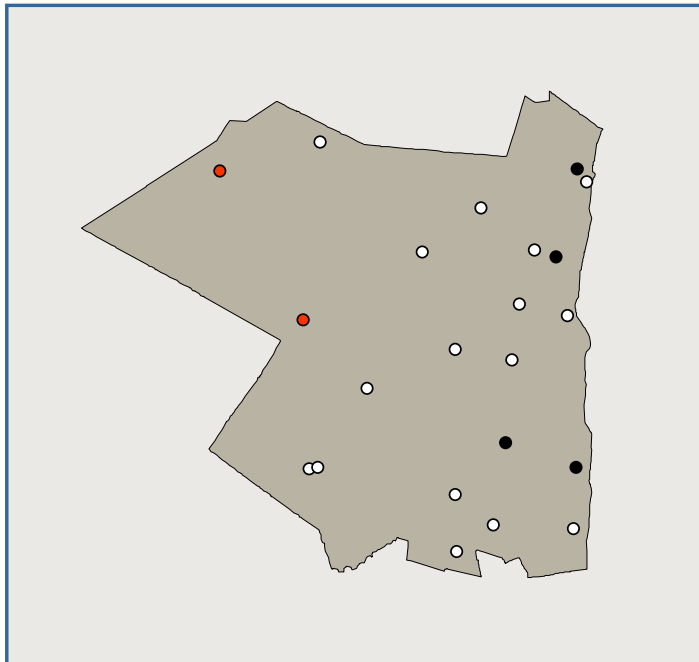
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

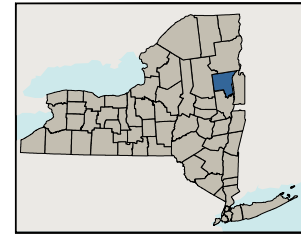
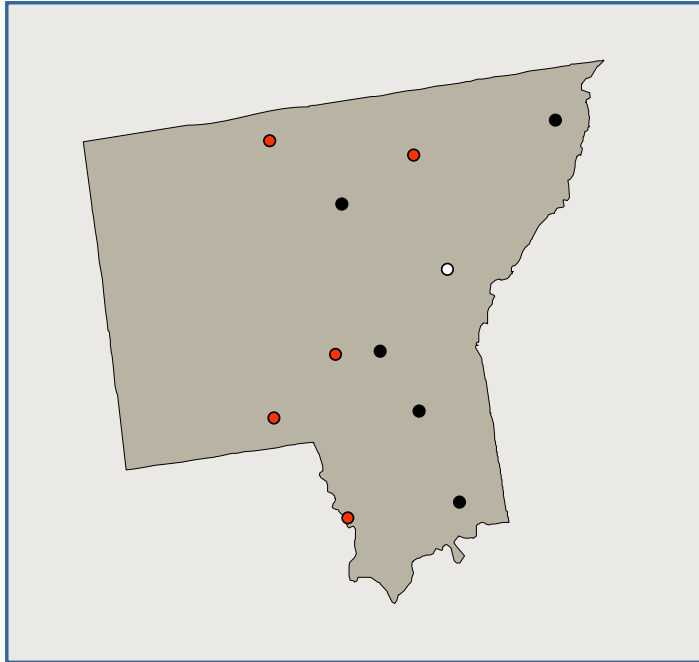


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Warren County (869 sq. miles)

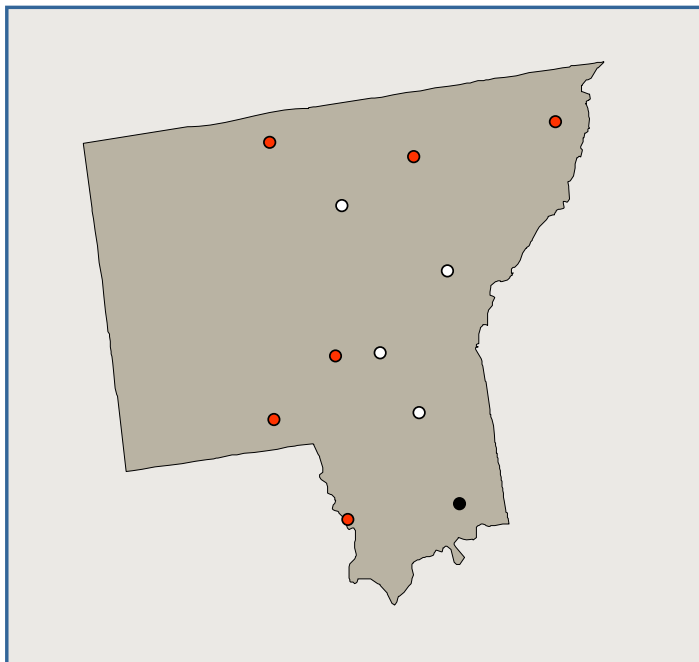
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

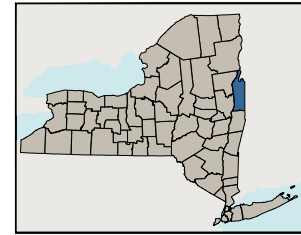
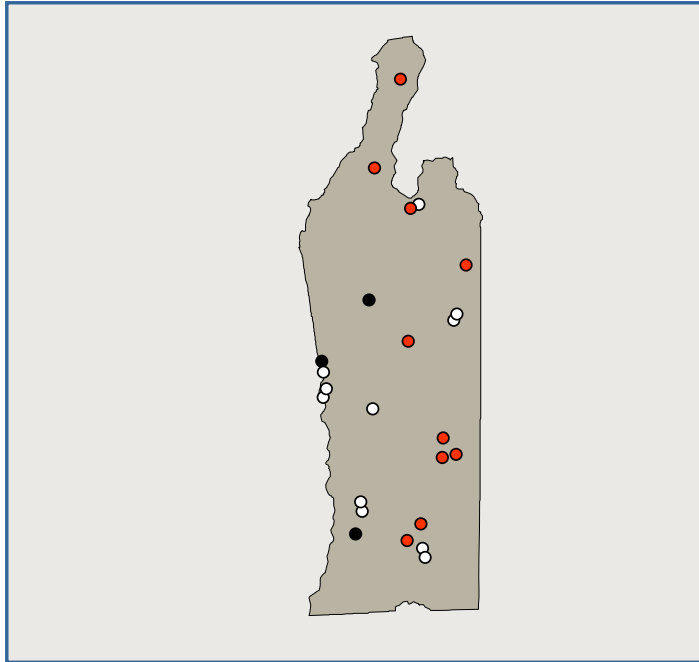


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Washington County (835 sq. miles)

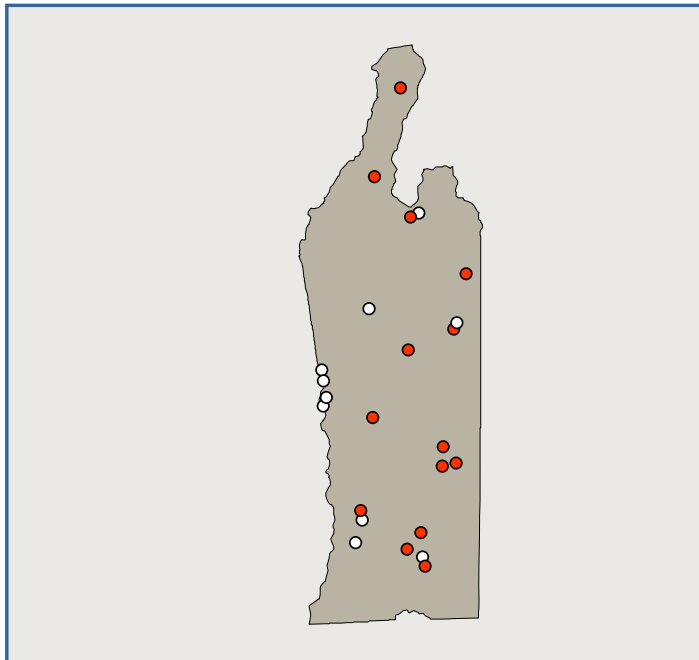
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

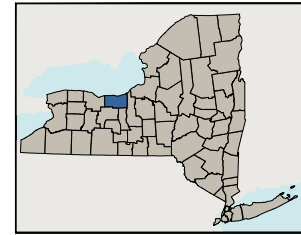
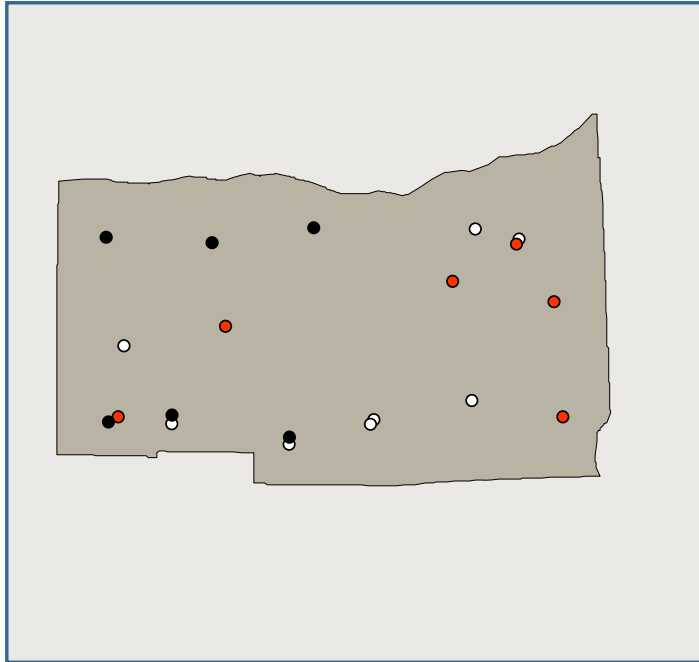


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Wayne County (604 sq. miles)

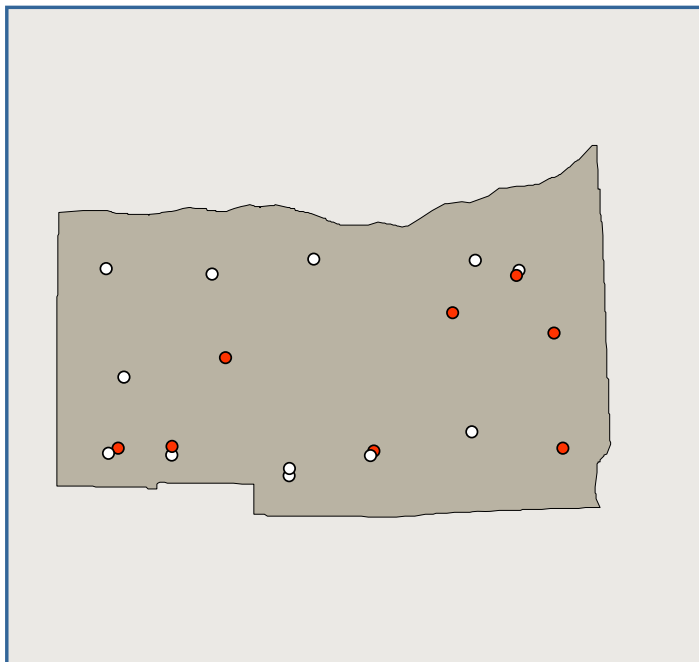
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

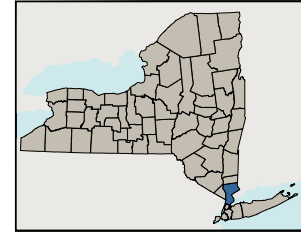
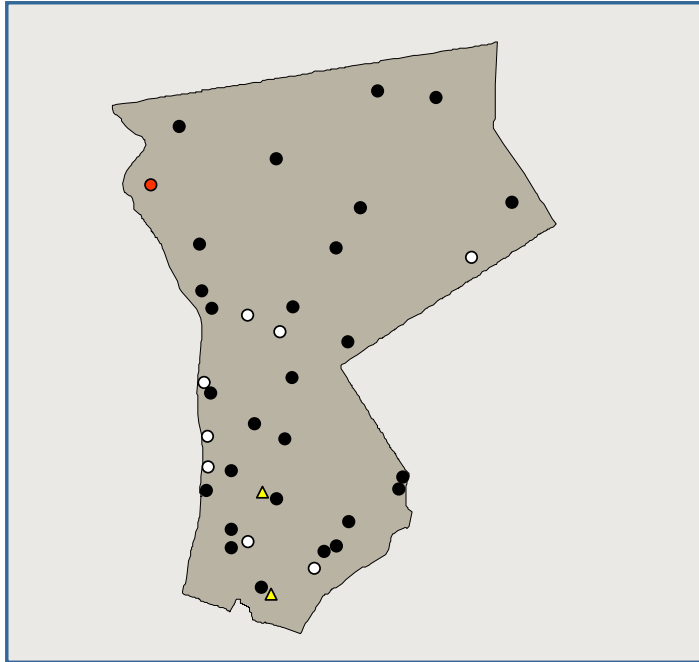


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Westchester County (432 sq. miles)

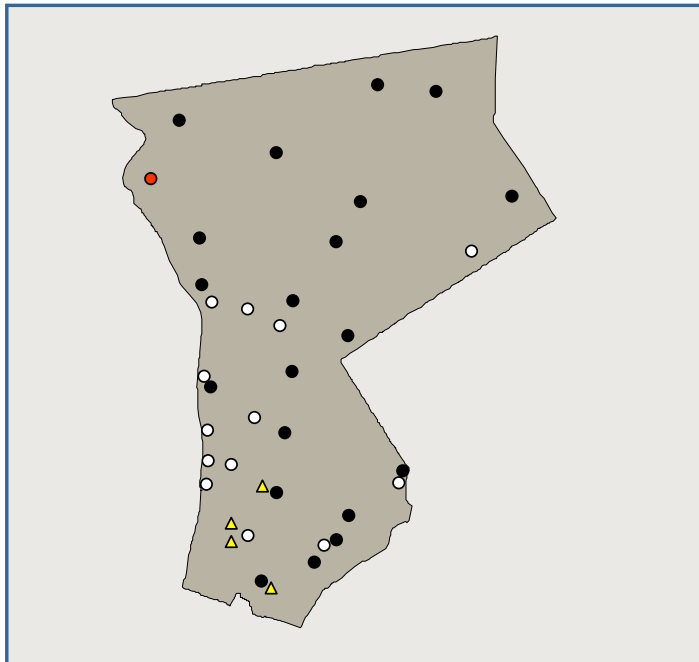
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

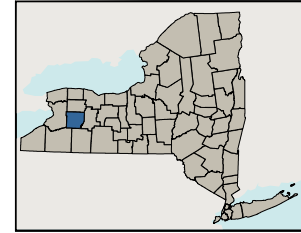
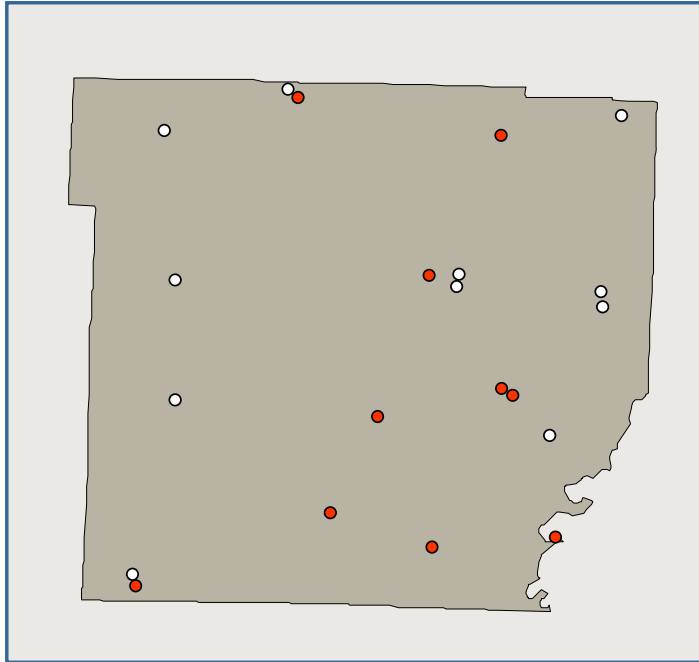


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Wyoming County (592 sq. miles)

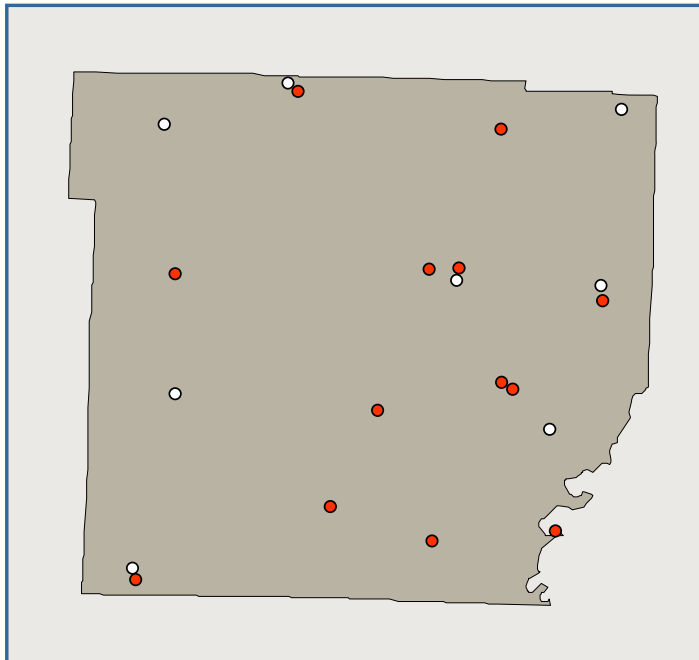
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue

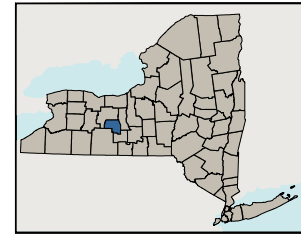
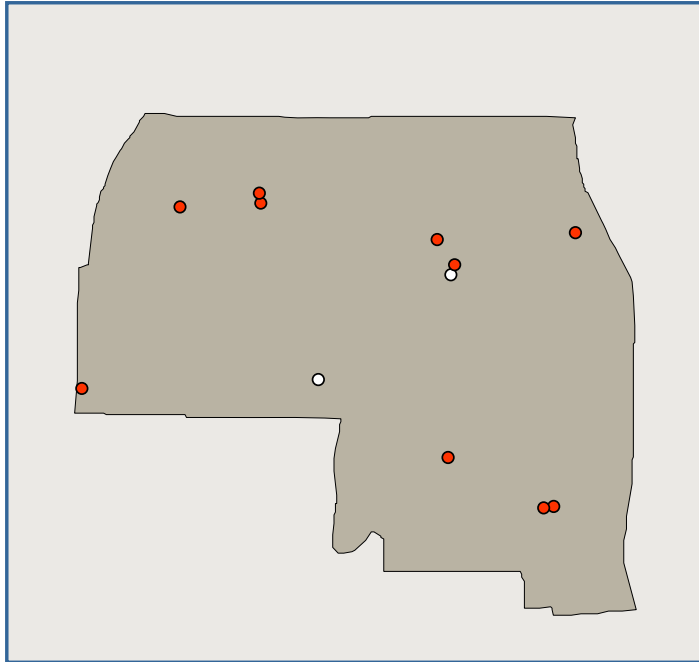


2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

Yates County (338 sq. miles)

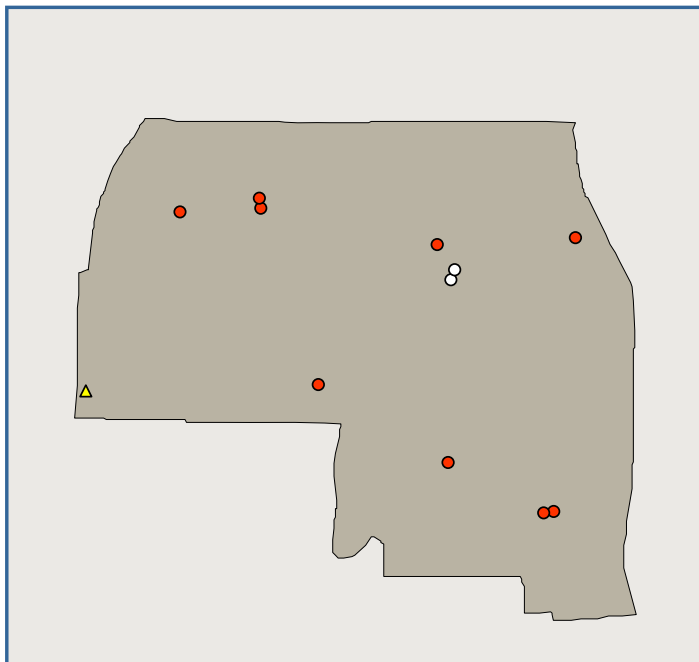
2004 Per Court Caseload



Estimated 2004 Caseload

- over 1,500
- 500 to 1,500
- under 500
- ▲ Data unavailable

2006 Per Court Revenue



2006 Revenue

- over \$400,000
- \$65,000 to \$400,000
- under \$65,000
- ▲ Data unavailable

— APPENDIX ii —

**MEMORANDUM: JUDICIAL MISCONDUCT
AND DISCIPLINARY STATISTICS**

To: Special Commission on the Future of the New York State Courts
From: Counsel to the Commission
Re: Judicial Misconduct and Disciplinary Statistics

I. Introduction

Recently, the rates of disciplinary misconduct among our state's town and village justices have been the subject of much attention. Over time, we have seen and heard many contrasting opinions and interpretations based on data from the New York State Commission on Judicial Conduct (the "CJC"), the independent agency designated by the State Constitution to review complaints of misconduct against all judges of the Unified Court System, including town and village justices. Those who favor changes to the Justice Courts tend to conclude, based on the CJC's data, that town and village justices – particularly those who are non-lawyers – are much more likely to engage in judicial misconduct than their state-paid counterparts, while supporters of the current system argue, using these same statistics, that town and village judges are in fact less likely to engage in judicial misconduct than other judges.

This memorandum is limited to an analysis of the CJC's statistics. Commission staff have reviewed every CJC decision involving town or village justices for the past twelve years, and, so that meaningful comparisons can be drawn, we have also reviewed every CJC decision involving state-paid judges over the past four years.

The statistics show that disciplinary complaints against justices and judges are on the rise. Whether this is attributable to an increase in misconduct or greater awareness is not clear. The statistics further show that town and village justices are slightly more likely to be sanctioned (as compared to being the subject of a complaint) than their state-paid counterparts, and the disparity is greater when docket size is considered. It is also clear that non-attorney justices, who make up 72% of all town and village justices, are more often the subject of disciplinary sanctions than their attorney counterparts (and here again, the disparity is more pronounced when docket size is considered). Finally, we note that the lion's share of town and village justices (44%) who were the subject of disciplinary determinations over the last twelve years had been presiding as town and village justices for thirteen years or longer.

II. Analysis of Disciplinary Decisions

A. Increasing Number of Complaints

It should be noted at the outset that disciplinary complaints overall – both for town and village justices and for state-paid judges – have been increasing for the last decade or longer. The number of complaints received by the CJC in the past fifteen years has substantially increased compared to the first eighteen years of the CJC’s existence. Since 1992, the CJC has averaged 1,440 new complaints per year, 400 preliminary inquiries and 200 investigations. In 2006, 1,500 new complaints were received and processed, and for the third year in a row, a record number were investigated – 267. In each of the last fifteen years, the number of incoming complaints has been more than double what was received in 1978.

According to Robert H. Tembeckjian, Administrator and Counsel of the CJC, such an increase in the number of complaints can be attributed to “a better public understanding of what the CJC does resulting from several high-publicity judicial misconduct cases over the last couple of years.”¹⁸² Drawing on the data from 2006, for example, the CJC received 1,500 new complaints. In 375 of those complaints, preliminary inquiries were performed and in 267 of the 375 further examined, the CJC authorized a full-scale investigation. This is the largest number of investigations to have been authorized in any year in the history of the CJC.¹⁸³ More specifically, in 2006, the CJC rendered nine formal disciplinary determinations resulting in three removals, five censures, and one admonition. In addition, five matters were disposed of by stipulation made public by agreement of the parties. During the first half of 2007, the CJC rendered ten formal disciplinary determinations resulting in one removal, four censures, and five admonishments.¹⁸⁴

B. Town and Village Justices As Compared to State-Funded Judges

Critics of the Justice Court system often will point out that town and village justices comprise the vast majority of the CJC’s disciplinary sanctions. Indeed, since 1978, the Commission on Judicial Conduct has issued 644 disciplinary determinations, with town and village justices receiving 70.7% of the total number of sanctions during that time. Over the last four years, the period for which we reviewed CJC opinions both for town and village justices and state-paid judges, the results have remained roughly the same: of the 74 disciplinary sanctions issued by the CJC during that time, 48 have involved town and village justices while only 26 have involved state-paid judges, resulting in town and village justices receiving 65% of the total number of sanctions during this time.

¹⁸² New York Law Journal, November 19, 2007.

¹⁸³ CJC Annual Report for 2007 at 1-2.

¹⁸⁴ The data forming the basis of this memo is based upon information available as of July 2007.

Additionally, among judges who are sanctioned, town and village justices are more likely to face censure or removal, as opposed to lesser sanctions (such as admonishment), than their state-funded counterparts. Since 1978, the CJC has censured 263 judges with 187 of those censures involving town or village justices. Similarly, the types of behavior for which town and village justices are sanctioned tend to be more serious than the misconduct for which state-funded judges are sanctioned. Our analysis indicates that town and village justices are more likely to be sanctioned for improper handling of funds, *ex parte* communications, failure to maintain professional competency, and improper handling of conflicts of interest, than judges of the state-paid courts. For example, for the last four years: six town and village justices were disciplined for improper handling of funds as compared to no state-funded judges; ten town and village justices were disciplined for engaging in *ex parte* communications, as compared to two state-paid judges; three town and village justices were disciplined for failing to maintain professional competence as compared to one state-funded judge; and seven town and village justices were disciplined for improper handling of conflicts of interest as compared to two state-funded judges. Conversely, in recent years, state-paid judges have been more likely to be sanctioned for improper demeanor at a ratio of 6:1. Both town and village justices and their state-paid counterparts have been reprimanded at equal rates in recent years for out-of-court misconduct.

These data are skewed, however, by the unique dynamics of the Justice Courts. First, there are more town and village justices than state-paid judges in New York. As noted above, town and village justices have since 1978 received 70.7% of the CJC's disciplinary violations, but these judges comprise 65% of the total number of judges in the state. Based on these numbers, town and village justices are only 5.7% more likely to be sanctioned than their state-paid counterparts. (A counterpoint, however, is that town and village justices typically preside over smaller dockets than their state-paid counterparts. As a result, despite their greater numbers, town and village justices hear only 25–30% of the state docket. Thus, while one would surmise that smaller dockets would result in fewer disciplinary violations, the converse is actually true. In other words, town and village justices are disciplined at a greater rate than their docket share would predict.)

Second, fewer complaints are filed against town and village justices than state-funded judges, despite the fact that there are far more town and village justices. Indeed, in 2006, town and village justices received approximately one-third the amount of complaints as did their state counterparts. (314 complaints were filed against town and village justices and 915 complaints were filed against state-paid judges.)¹⁸⁵ It should be noted, however, that complaints filed against town and village justices are more often found to be meritorious than the complaints filed

¹⁸⁵ For this statistic, state-paid judges include: City Court Judges, County Court Judges, Family Court Judges, District Court Judges, Court of Claims Judges, Surrogates Court Judges, Supreme Court Justices, Appellate Division Justices, and Court of Appeals Judges.

against state-funded judges. In 2006, for example, while town and village justices were accountable for 34% of all *complaints*, they received 44% of all the *sanctions* imposed that year.

Likewise, the dynamics of local jurisdiction frustrate easy comparison to the state-paid justice system as to ethic enforcement. First, town and village court proceedings often involve minor matters where relatively small sums are at issue, compared to the much more significant commercial matters over which the state-paid courts have jurisdiction, and a litigant may not feel it worthwhile to file a complaint over a proceeding with relatively small stakes at issue. Relatedly, when the stakes are smaller – whether in the civil context, where only small claims cases are heard, or in the traffic context, where fines may be relatively small – an individual is less likely to retain counsel and therefore may not be as knowledgeable as to whether he or she has been aggrieved by a justice. In addition, as noted above, the local nature of the Justice Courts make it more likely that a litigant is personally familiar with the justice. This could well make litigants more reluctant to file a complaint if misconduct occurs, particularly where they may be likely to have to appear before the same justice in the future. Finally, with respect to the prevalence of misconduct by town and village justices in connection with the improper handling of funds – which is the most common cause for removal of town and village justices – the comparison to state-paid judges is faulty in that state-paid judges do not handle court funds at all (such functions are handled entirely by non-judicial personnel), and are therefore not exposed to the same temptations and risks.

Finally, it should be noted that the total number of sanctions directed at town and village court justices in a given year is small. On average, only thirteen town and village justices have been sanctioned by the CJC in each of the past twelve years. This amounts annually to approximately one-half of one percent of the more than 1,800 town and village justices in the state.

C. Non-Attorney and Attorney Justices

The issue of whether non-attorneys are qualified to preside as town or village justices is one that has received much attention through the years and which has been the subject of renewed scrutiny recently. Historically, some have called for the elimination of non-attorney justices in the town and village courts. These critics have proposed that admittance to the bar be a prerequisite to presiding as a town or village justice.

This proposal is based, in part, upon a belief that non-attorney justices are responsible for a larger portion of judicial complaints and misconduct and resultant sanctions than their attorney counterparts. Critics of the current system cite to the fact that in 2006, 74.5% of complaints lodged against town and village justices were directed at non-attorney justices. However, the statistical significance of the volume of complaints filed against non-attorney justices does not necessarily justify the conclusion that non-attorneys are not qualified to serve as justices. Since approximately 72% of town and village justices are non-attorneys, it is expected that a proportional number of the complaints lodged against the Justice Courts each year would be asserted against non-attorney justices, who comprise the vast majority of the system. Viewed in

this light, the fact that 74.5% of the complaints relate to non-attorney justices does not suggest that non-attorney justices should be prevented from serving as town and village justices.

There is, however, a countervailing argument. While the number of complaints filed against non-attorney justices is roughly proportionate to the percentage of non-attorney justices in the system, it is a fact that all nine of the sanctions actually imposed upon town and village justices as a result of complaints filed in 2006 were imposed upon non-attorney justices. In other words, complaints against non-attorney justices are more often found to be meritorious than complaints against their attorney justice counterparts. A review of the same information for the last five years indicates a similar pattern. Between 2003 and June 2007, the CJC imposed 62 sanctions upon town and village justices. Of those 62 sanctions, 51 of the recipients (82.25%) were non-attorney justices. By this measure, there is indeed a greater propensity on the part of non-attorney justices to commit more serious, sanctionable offenses as compared to their attorney counterparts.

In addition, as noted above, town and village justices hear only 25-30% of the state's docket even though there are far more town and village justices than state-paid judges. Similarly, within the Justice Courts, non-attorney justices hear only 47% of the Justice Court docket even though there are far more non-attorney justices than attorney justices (because the larger Justice Courts are often staffed by attorney justices). By this measure, non-attorney justices account for a sanction rate (82.25% over the past five years) that is much greater than their docket share (47%) would predict.¹⁸⁶

D. Duration of Time on Bench

Duration of service on the bench does not necessarily correlate to the number or severity of disciplinary infractions. This may seem counterintuitive, but during the last twelve years, 44% of the disciplinary determinations rendered by the CJC were imposed upon justices who were in at least their thirteenth year of service.¹⁸⁷ These statistics suggest that experience on the bench is no substitute for ongoing and improved training.

III. Conclusions

Based on our review of these statistics, the staff has reached several conclusions. First, disciplinary complaints overall – both for town and village justices and for state-paid judges – have been trending upward for the last decade. Second, the CJC data illustrates that town and village justices are slightly more likely to be sanctioned than their state-funded counterparts, when the data are adjusted to reflect the number of town and village justices relative to the

¹⁸⁶ These numbers and docket sizes were provided by the Office of Court Administration.

¹⁸⁷ 25 determinations (or 16%) were imposed upon justices who had been on the bench between 0-4 years; 37 determinations (or 24%) were imposed upon justices who had been on the bench between 5-8 years; 18 determinations (or 12%) were imposed upon justices who had been on the bench between 9-12 years; and 6 determinations (or 4%) were imposed on justices for whom there was no information regarding the year they took the bench.

number of state-funded judges. However, town and village justices handle only 25-30% of the state's docket, and by that measure the number of sanctions is greater than their docket share would predict. Third, non-attorney and attorney town and village justices are roughly equally likely to be the subject of complaints of judicial misconduct. However, non-attorney justices are more often sanctioned by the CJC as a result of such complaints compared to non-attorney justices. In addition, non-attorney justices handle only 47% of the Justice Court docket, yet they are responsible for a much greater number of sanctions. Fourth, percentages aside, on average only thirteen town and village court justices have been sanctioned in each of the past twelve years. Finally, nearly half of the determinations imposed upon town and village justices in the last twelve years have been imposed upon justices who possess at least thirteen years experience on the bench.

— APPENDIX iii —

**MEMORANDUM: PRESUMPTIVE RANGES OF COURT
COMBINATIONS**

To: Special Commission on the Future of the New York State Courts
From: Counsel to the Commission
Re: Presumptive Ranges of Court Combinations

The purpose of this memorandum is to set forth a proposed methodology for establishing “presumptive ranges” for court combinations on a county-by-county basis across the state.

The analysis sorts counties into three population tiers, with a presumptive combination range for each tier based on docket size. Statistical analysis shows that each county’s population accurately predicts the size of the dockets per court. Under this analysis, high-population counties require fewer combinations, while low-population counties with small dockets require somewhat more. In each county, a majority of Justice Courts would remain, and an analysis confirms that this approach should not require any county to combine courts in ways that require excessive travel or impede access.

Step One: County Population Tiers

Based on the strong relationship between population, dockets and number of Justice Courts, the data show that counties can be sorted into three “tiers”:

Tier A	(smallest dockets/court):	population under 150,000
Tier B	(middle dockets/court):	population 150,000-250,000
Tier C	(largest dockets/court):	population 250,000-1,000,000

These tiers sort 50 of the 55 relevant counties¹⁸⁸ based on populations and dockets, with five exceptions: Putnam and Schenectady are small counties by population, but their small physical size, heavy caseloads and relatively few courts (nine for Putnam, six for Schenectady) yield per-court dockets more reflective of high-population Tier C counties. Accordingly, Putnam and Schenectady warrant lesser combination levels that their respective populations otherwise would suggest and thus are placed in Tier C for this purpose. Conversely, Dutchess (Tier C population), Oneida and Rensselaer (both Tier B) have more courts and thus smaller dockets that justify more combinations than populations would predict. The result is that 53 counties are sorted by population alone, with Putnam and Schenectady requiring adjustment to reflect their large average dockets per court:

¹⁸⁸ Of the state’s 62 counties, New York City’s five counties were excluded because they lack Justice Courts, and Long Island’s two counties were excluded because their District Courts made countywide dockets impossible to compare fairly to the remaining counties.

Tier A	All upstate counties not designated below
Tier B	Broome, Niagara, Oneida, Rensselaer, Saratoga, Ulster
Tier C	Albany, Dutchess, Erie, Monroe, Onondaga, Orange, Putnam, Rockland, Schenectady, Westchester

Step Two: Presumptive Combination Ranges for Each Tier

The next step is to determine combination ranges for each tier by calculating a hypothetical annual docket that an average efficient Justice Court might be expected to hear. As populations accurately predict dockets per court, and as small-docket courts generally are best suited to combinations for cost-effectiveness reasons, presumably Tier A counties require more combinations, Tier B somewhat less and Tier C the least of all to yield such docket levels. In all three tiers, combination ranges must be sufficient to justify upgrade costs, but not so high as to clog courts, compel full-time service or require too broad a geographic reach as to require undue travel. Lacking any pre-existing Justice Court docket analysis, we used docket data from the 20 smallest upstate City Courts for guidance. (This approach is useful because the 20 smallest city populations (i.e., 5,000 to 19,000) are akin to many Justice Court localities; City Court jurisdiction is analogous to Justice Courts; both rely on part-time judges;¹⁸⁹ dockets per capita in these 20 cities are comparable to the corresponding Justice Court data;¹⁹⁰ and docket mixes in these City Courts and the Justice Courts are similar.¹⁹¹)

Annual dockets of the 20 small City Courts range from 1,634 cases per year (Little Falls) to 8,840 cases per year (Plattsburgh), with an average of 4,710 cases per year. Most of these courts convene weekly, but the busiest keep regular hours. Based on population, dockets and judgeships, these 20 City Courts offer a blueprint for the Tier C counties, whose populations and dockets correspond most closely to the City Courts. While these 20 City Courts average 4,710 cases per year, Justice Courts in the 10 Tier C counties average 3,704 cases per year, or 27% less than these small City Courts. Thus, for the average Tier C Justice Court to approach the average docket of the 20 smallest City Courts, it follows that there should be a 27% reduction in the number of Justice Courts in Tier C counties. Because this docket level is what small City Courts

¹⁸⁹ The Legislature establishes quarter- and half-salary judgeships for the smallest City Courts, which translate roughly to quarter- and half-time service. Until 2007, most quarter-time City Court judges were “acting” judges appointed by city mayors to preside mainly during the absence or incapacity of regular City Court judges, in like fashion as village mayors appoint “acting” village justices to preside as needed. In 2007, because City Courts increasingly were serving as regional Drug Courts and judges were providing backup service in County Court and Family Court, the Legislature upgraded all acting City Court judges to quarter-time status.

¹⁹⁰ In 2006, the 20 smallest cities together generated 94,204 cases for a combined population of 252,050, or one case for every 2.6 residents. The corresponding ratio for Justice Courts is approximately one case for every 3.7 residents across the 55 counties.

¹⁹¹ Some small City Courts have more civil cases than average Justice Courts consistent with City Courts’ somewhat higher monetary cap on civil jurisdiction, but Justice Courts have somewhat more traffic cases.

already handle satisfactorily with mainly part-time judges and staff, it follows that this docket level is an appropriate goal for Tier C Justice Courts – both in terms of court capacity and the facilities and resources necessary and economically justified to achieve that capacity.

To be sure, few Justice Courts have the resources of a small City Court. For that reason, and to give each county needed flexibility to reflect local demographics, facilities and other variables, there should be not an exact combination target, but a range, with a 27% reduction as only a high-end benchmark. It follows that a range of 10-30% would accommodate Tier C counties with the busiest courts (i.e., Erie, Monroe, Schenectady, Westchester) while allowing all Tier C counties to draw closer to more objectively justifiable dockets levels, even with part-time judges and staff.

A more flexible analysis is needed for Tier B and Tier A counties, where Justice Court dockets cannot remotely approach Tier C levels without consolidation into a single court: Tier B counties average annual dockets of 1,920 cases per court (less than half of the Tier C average), and Tier A counties average just 841 cases per court. While bringing these courts up to Tier C dockets would be impossible, it is unnecessary for Justice Courts in sparsely populated counties to convene as regularly as City Courts or Tier C Justice Courts. Moreover, for the access-to-justice reason of ensuring an adequate distribution of courts in each county, no county should be expected to combine more than half of its Justice Courts, and all must have flexibility to combine less. Using the 20% variance of Tier C (i.e., 10-30%), it follows that the top consolidation range should be 30-50%; this range is appropriate for Tier A counties given their small dockets. By extension, a mid-level combination range of 20-40% (i.e., between the Tier C range of 10-30% and Tier A range of 30-50%) would apply to the mid-sized Tier B counties:

Tier A	presumptive 30-50% combinations
Tier B	presumptive 20-40% combinations
Tier C	presumptive 10-30% combinations

Attached is a breakdown of presumptive reductions in each county arising from this approach. For Tier C with minimum 10% combinations, Erie (now 37 courts) and Westchester (now 38 courts) each would combine at least four courts; Monroe (now 22 courts) would combine at least three; Albany (now 14 courts) would combine at least two; and Putnam (now nine courts) and Schenectady (now six courts) each would combine at least one. For Tier B counties with minimum 20% combinations, reductions would range from three combined courts for Niagara (now 12 courts) to seven for Oneida (now 37 courts). For Tier A counties with minimum 30% combinations, reductions would range from three combined courts for Hamilton (now 10 courts) to 13 for Steuben (now 39 courts). Panels would consider further reductions, consistent with local cultures and conditions, but these minimum ranges would promote at least somewhat more cost-effective dockets, while preserving adequate distribution of courts across each county.

Assuming that no county opts out, this tiered approach would result in a statewide minimum reduction of 310 courts and a maximum reduction of 500, which corresponds to 27-44% fewer courts. As low-docket rural courts tend to have the most deficient facilities that require the most upgrades, and assuming that the courts likely to be combined will be the most deficient ones, this approach should reduce the statewide cost of upgrading deficient Justice Courts by considerably more than this 27-44% range.

Step Three: Map and Judgeship Analysis

The foregoing approach is practical only if actual court distributions in each county are such that the prescribed ranges do not require undue travel or create other access problems. For that reason, we cross-checked presumptive ranges against computerized court maps of counties from last year's site visits. Because we selected a broad range of counties to visit, those counties cover all three tiers, from Tier A counties both compact (e.g., Tioga) and sprawling (e.g., Franklin), to Tier B (e.g., Broome, Niagara) and Tier C (e.g., Albany, Erie). The goal of this process was not to gauge which courts might be combined, but simply to assess whether compliance with the presumptive combination ranges would be practical while comporting with the need to preserve access. Based on this analysis, we do not see any insurmountable conflict between court combination and access considerations.

That said, our analysis did underscore the critical importance of local variables in connection with Justice Court reduction. To illustrate this, we list below examples of such local variables for some of the sixteen counties that were visited during the Commission's site visits:

Albany County (14 Justice Courts; 2-4 courts recommended for combination)

- The western part of the county is rural and needs to keep some courts for access reasons.
- A large share of the county's Justice Courts are concentrated in the northeast corner of the county.
- There are only two Justice Courts in the southeast corner of the county, and these two courts are less than a half mile apart.

Broome County (19 Justice Courts; 4-8 courts recommended for combination)

- The county's Justice Courts are clustered around I-81, I-88 and Route 17.
- The Justice Courts are concentrated in the western half of the county. There are few Justice Courts in the eastern half of the county.

Dutchess County (27 Justice Courts; 3-8 courts recommended for combination)

- The Justice Courts are distributed relatively evenly around the county.

- There are relatively few east-west roads in the northern portion of the county.

Erie County (37 Justice Courts; 4-11 courts recommended for combination)

- The Justice Courts are most heavily concentrated in the central portion of the county, radiating eastward from Buffalo.
- The Justice Courts are less densely packed in the southeastern portion of the county, and the courts in this region of the county have fewer cases than those near Buffalo.

Franklin (22 Justice Courts; 7-11 courts recommended for combination)

- The Justice Courts are concentrated in the northern portion of the county.
- A mountain range runs through the county, so there may need to be courts in both the northern and southern halves of the county.

Greene County (17 Justice Courts; 6-8 courts recommended for combination)

- There are concentrations of Justice Courts in the western and eastern thirds of the county, with relatively few Justice Courts in the middle third of the county.
- The Catskills make the western part of the county difficult to reach from other parts of the county.

Monroe County (22 Justice Courts; 3-7 courts recommended for combination)

- The Justice Courts are most heavily concentrated in the portion of the county radiating out from Rochester.
- There are comparatively fewer Justice Courts in the northwest corner and most southernmost portion of the county.

Niagara County (12 Justice Courts; 3-5 recommended for combination)

- The Justice Courts are evenly distributed around the county.
- The courts in the northern half of the county have fewer cases than those in the southern half.

Onondaga County (28 Justice Courts; 3-8 courts recommended for combination)

- The Justice Courts are most heavily concentrated in the portion of the county radiating out from Syracuse.
- There are comparatively fewer Justice Courts in the southern half of the county.

- There are numerous lakes in the county, which increases driving distances.

Orange County (34 Justice Courts; 4-11 courts recommended for combination)

- The Justice Courts are evenly distributed around the county, although there are relatively few Justice Courts in the westernmost portion of the county.

St. Lawrence County (35 Justice Courts; 11-17 recommended for combination)

- Geographically, St. Lawrence County is quite large.
- The Justice Courts are evenly distributed around the county.
- The busiest courts are concentrated in the northern two-thirds of the county.

Tioga County (13 Justice Courts; 4-6 recommended for combination)

- Most of the busiest courts are concentrated in the southern half of the county.
- The courts in the southern half of the county run east to west along Route 17.
- There are three two-court clusters in the northern half of the county that are not linked by any single roadway.

Wayne County (21 Justice Courts; 7-10 recommended for combination)

- The Justice Courts are clustered in two east-west axes, one in the northern portion of the county and one in the southern portion of the county.
- The busiest courts are clustered in the western portion of the county, which borders on the eastern region of Monroe County where Rochester is located.

Conclusion

The foregoing analysis is perhaps not the only approach that could be developed to support a presumed range of combinations. It is, however, the best way we have devised thus far to strike a balance between uniformity across similarly situated counties, on the one hand, and the need for local flexibility, on the other.

COUNTY	POPULATION	SHARING TIER	CURRENT COURTS	MIN COMBO	MAX COMBO	NET WITH MIN COMBO	NET WITH MAX COMBO
Albany	297,556	C	14	2	4	12	10
Allegany	50,297	A	36	11	18	25	18
Broome	196,269	B	19	4	8	15	11
Cattaraugus	81,534	A	37	12	18	25	19
Cayuga	81,243	A	27	9	13	18	14
Chautauqua	135,357	A	31	10	15	21	16
Chemung	88,641	A	15	5	7	10	8
Chenango	51,787	A	28	9	14	19	14
Clinton	82,166	A	17	6	8	11	9
Columbia	92,955	A	22	7	11	15	11
Cortland	48,483	A	16	5	8	11	8
Delaware	46,977	A	23	7	11	16	12
Dutchess	295,146	C	27	3	8	24	19
Erie	921,390	C	37	4	11	33	26
Essex	38,649	A	19	6	9	13	10
Franklin	50,968	A	22	7	11	15	11
Fulton	55,435	A	11	4	5	7	6
Genesee	58,830	A	15	5	7	10	8
Greene	49,195	A	17	6	8	11	9
Hamilton	5,162	A	9	3	4	6	5
Herkimer	63,332	A	27	9	13	18	14
Jefferson	114,264	A	34	11	17	23	17
Lewis	26,685	A	20	6	10	14	10
Livingston	64,173	A	23	7	11	16	12
Madison	70,197	A	20	6	10	14	11
Monroe	730,807	C	22	3	7	19	15
Montgomery	49,112	A	13	4	6	9	7
Niagara	216,130	B	12	3	5	9	7
Oneida	233,954	B	37	8	15	29	22
Onondaga	456,777	C	28	3	8	25	20
Ontario	104,353	A	17	6	8	11	9
Orange	376,392	C	34	4	11	30	23
Orleans	43,213	A	11	4	5	7	6
Oswego	123,077	A	24	8	12	16	12
Otsego	62,583	A	28	9	14	19	14
Putnam	100,603	C	9	1	3	8	6
Rensselaer	155,292	B	17	4	7	13	10

COUNTY	POPULATION	SHARING TIER	CURRENT COURTS	MIN COMBO	MAX COMBO	NET WITH MIN COMBO	NET WITH MAX COMBO
Rockland	294,965	C	20	2	6	18	14
Saratoga	215,473	B	21	5	9	16	12
Schenectady	150,440	C	6	1	2	5	4
Schoharie	32,196	A	19	6	9	13	10
Schuyler	19,415	A	11	4	5	7	6
Seneca	34,724	A	11	4	5	7	6
St. Lawrence	111,284	A	35	11	17	24	18
Steuben	98,236	A	39	12	19	27	20
Sullivan	76,588	A	19	6	9	13	10
Tioga	51,285	A	13	4	6	9	7
Tompkins	100,407	A	11	4	5	7	6
Ulster	182,742	B	23	5	10	18	13
Warren	66,087	A	11	4	5	7	6
Washington	63,368	A	24	8	12	16	12
Wayne	92,889	A	21	7	10	14	11
Westchester	949,355	C	38	4	12	34	26
Wyoming	42,613	A	21	7	10	14	11
Yates	24,732	A	12	4	6	8	6
Totals	8,325,783		1,173	319	517	854	657

— APPENDIX iv —
LIST OF COURTS VISITED

ALBANY COUNTY

COURT NAME	ADDRESS
Bethlehem Town Court	447 Delaware Avenue Delmar, NY 12054
Altamont Village Court	115 Main Street Altamont, NY 12009
New Scotland Town Court	2029 New Scotland Road Slingerlands, NY 12159
Guilderland Town Court	5209 Western Avenue Altamont, NY 12009
Colonie Town Court	312 Wolf Road Latham, NY 12110
Ravena Village Court	15 Mountain Road Ravena, NY 12143
Coeymans Town Court	18 Russell Avenue Ravena, NY 12143
Menands Village Court	250 Broadway Menands, NY 12204

BROOME COUNTY

COURT NAME	ADDRESS
Union Town Court	3111 East Main Street Endwell, NY 13760
Binghamton City Court	38 Hawley Street Binghamton, NY 13901
Chenango Town Court	1529 NYS Route 12 Binghamton, NY 13901
Nanticoke Town Court	755 Cherry Valley Hill Road Maine, NY 13802
Dickinson Town Court	531 Old Front Street Binghamton, NY 13905
Vestal Town Court	605 Vestal Parkway West Vestal, NY 13850
Lisle Town Court	9234 Route 79 Marathon, NY 13797

DUTCHESS COUNTY

COURT NAME	ADDRESS
Beekman Town Court	4 Main Street Poughquag, NY 12570
LaGrange Town Court	120 Stringham Road LaGrangeville, NY 12540
Washington Town Court	10 Reservoir Drive Millbrook, NY 12545
Poughkeepsie Town Court	17 Tucker Drive Poughkeepsie, NY 12603
Fishkill Town Court	807 Route 52 Fishkill, NY 12524
Red Hook Village Court	7476 South Broadway Red Hook, NY 12571
Pleasant Valley Town Court	1554 Main Street Pleasant Valley, NY 12569
East Fishkill Town Court	330 Route 376 Hopewell Junction, NY 12533

ERIE COUNTY

COURT NAME	ADDRESS
Cheektowaga Town Court	3223 Union Road Cheektowaga, NY 14227
Tonawanda Town Court	1835 Sheridan Drive Kenmore, NY 14223
Williamsville Village Court	5565 Main Street Williamsville, NY 14221
Elma Town Court	1600 Bowen Road Elma, NY 14059
Springville Village Court	65 Franklin Street, PO Box 362 Springville, NY 14141
West Seneca Town Court	1250 Union Road West Seneca, NY 14224
Amherst Town Court	400 John James Audubon Parkway Amherst, NY 14228
Grand Island Town Court	2255 Baseline Road Grand Island, NY 14072

FRANKLIN COUNTY

COURT NAME	ADDRESS
Harrietstown Town Court	39 Main Street Saranac Lake, NY 12983
Malone Village Court	16 Elm Street Malone, NY 12953
Tupper Lake Town Court	53 Park Street Tupper Lake, NY 12986
Moirra Town Court	522 County Route 6 Moirra, NY 12957
Bombay Town Court	50 County Route 4 Bombay, NY 12914

GREENE COUNTY

COURT NAME	ADDRESS
Greenville Town Court	11159 State Route 32 Greenville, NY 12083
Cairo Town Court	512 Main Street Cairo, NY 12413
Catskill Village Court	422 Main Street Catskill, NY 12414
Athens Town Court	2 First Street Athens, NY 12015
New Baltimore Town Court	3809 County Route 51 Hannacroix, NY 12087

MONROE COUNTY

COURT NAME	ADDRESS
Gates Town Court	1605 Buffalo Road Gates, NY 14624
Greece Town Court	10 Cedarfield Commons Rochester, NY 14612
Henrietta Town Court	135 Calkins Road Rochester, NY 14623
Perinton Town Court	1350 Turk Hill Road Fairport, NY 14450
Webster Town Court	1000 Ridge Road Webster, NY 14580

NIAGARA COUNTY

COURT NAME	ADDRESS
Lewiston Town Court	1375 Ridge Road Lewiston, NY 14092
Newfane Town Court	2896 Transit Road Newfane, NY 14108
Niagara Town Court	7105 Lockport Road Niagara Falls, NY 14304
Cambria Town Court	4160 Upper Mountain Road Sanborn, NY 14132

ONONDAGA COUNTY

COURT NAME	ADDRESS
Skaneateles Town Court	24 Jordan Street Skaneateles, NY 13152
Camillus Town Court	4600 West Genesee Street Syracuse, NY 13219
Liverpool Village Court	310 Sycamore Street Liverpool, NY 13088
Salina Town Court	201 School Road Liverpool, NY 13088
Marcellus Town Court	24 East Main Street Marcellus, NY 13108
Dewitt Town Court	5400 Butternut Drive East Syracuse, NY 13057

ORANGE COUNTY

COURT NAME	ADDRESS
New Windsor Town Court	555 Union Avenue New Windsor, NY 12553
Cornwall Town Court	183 Main Street Cornwall, NY 12518
Newburgh Town Court	311 Route 32 Newburgh, NY 12550
Maybrook Village Court	109 Main Street Maybrook, NY 12543
Blooming Grove Town Court	6 Horton Road Washingtonville, NY 10992
Harriman Village Court	1 Church Street Harriman, NY 10926
Woodbury Town Court	511 Route 32, Highland Mills, NY 10930

ORLEANS COUNTY

COURT NAME	ADDRESS
Murray Town Court	3840 Fancher Road Holley, NY 14470

OSWEGO COUNTY

COURT NAME	ADDRESS
Hastings Town Court	1134 US Route 11 Central Square, NY 13036
Volney Town Court	1445 County Route 6 Fulton, NY 13069
Central Square Village Court	3125 East Avenue Central Square, NY 13036
Redfield Town Court	4830 County Route 17 Redfield, NY 13437
Orwell Town Court	1999 County Route 2 Orwell, NY 13426
Pulaski Village Court	4917 Jefferson Street Pulaski, NY 13142

ST. LAWRENCE COUNTY

COURT NAME	ADDRESS
Ogdensburg City Court	330 Ford Street Ogdensburg, NY 13669
Morristown Town Court	604 Main Street Morristown, NY 13664
Colton Town Court	94 Main Street Colton, NY 13625
Potsdam Town Court	35 Market Street Potsdam, NY 13676
Clare Town Court	2396 County Route 27 Russell, NY 13684

SUFFOLK COUNTY

COURT NAME	ADDRESS
Riverhead Justice Court	200 Howell Avenue Riverhead, NY 11901
Babylon Village Court	53 West Main Street Babylon, NY 11702
Lindenhurst Village Court	430 South Wellwood Avenue Lindenhurst, NY 11757
Amityville Village Court	16 Greene Avenue Amityville, NY 11701
Village of Westhampton Beach Justice Court	92 Sunset Avenue Westhampton Beach, NY 11978
Islandia Village Court	1100 Old Nichols Road Islandia, NY 11749
District Court Cohalan Court Complex	400 Carleton Avenue Central Islip, NY 11722
Easthampton Town Court	159 Pantigo Road Easthampton, NY 11937
Southampton Town Court	116 Hampton Road Southampton, NY 11968

TIOGA COUNTY

COURT NAME	ADDRESS
Owego Town Court	2354 NY State Route 434 Apalachin, NY 13732
Owego Village Court	92 Temple Street Owego, NY 13827

WAYNE COUNTY

COURT NAME	ADDRESS
Macedon Town Court	32 West Main Street Macedon, NY 14502
Newark Village Court	100 East Miller Street Newark, NY 14513
Palmyra Town Court	144 East Main Street, Palmyra, NY 14522
Walworth Town Court	3600 Lorraine Drive Walworth, NY 14568
Lyons Village Court	76 Williams Street Lyons, NY 14489

— APPENDIX v—
LIST OF HEARING WITNESSES

ALBANY HEARING WITNESSES
JUNE 13, 2007
EMPIRE STATE PLAZA

NAME	ORGANIZATION
Ronald Younkens	Chief of Operations, NYS Office of Court Administration
Paul Toomey	Assistant Dean, NYS Judicial Institute
Hon. Robert Bogle	Valley Stream Village Justice (Nassau County); Past President, New York State Magistrates Association
Barbara Bartoletti.....	Legislative Director, NYS League of Women Voters
Hon. Brian Herman.....	Copake Town Justice (Columbia County)
Greg Lubow	Vice President, NYS Association of Criminal Defense Lawyers
Robert Tembeckjian.....	NYS Commission on Judicial Conduct, Administrator and Counsel
Wade Beltramo	Counsel, NYS Conference of Mayors
Hon. Judith Reichler	New Paltz Town Justice (Ulster County)
Hon. Scott McNamara	Oneida County District Attorney
Hon. Edward Van Der Water.....	Van Buren Town Justice (Onondaga County); Current Vice President, New York State Magistrates Association
Denise Kronstadt	Director of Advocacy, Fund for Modern Courts
Hon. James Rogers	Lake Placid Town Justice (Essex County)
Melanie Trimble	Executive Director, New York Civil Liberties Union, Capital Region Chapter
Hon. Charles Weidinger	Yorkshire Town Justice (Cattaraugus County); President, Cattaraugus County Magistrates Association
Livingston Hatch	Essex County Public Defender
Brianna Bailey	Grants and Policy Coordinator, Unity House Domestic Violence Program

Name	Organization
Heather Buanno	Staff Attorney, Unity House Law Project
Hon. Tia Schneider Denenberg.....	Gallatin Town Justice (Columbia County); Arbitrator/Mediator
Richard Hoffman	Court Administrator, National Center for State Courts
Hon. David Mathus.....	Saratoga Town Justice (Saratoga County)
Hon. Jack Ditch	Saratoga Town Justice (Saratoga County)

ITHACA HEARING WITNESSES

JUNE 26, 2007

TOMPKINS COUNTY COURTHOUSE

NAME	ORGANIZATION
Hon. George Winner, Jr.....	NYS Senator; Chair of the New York State Legislative Commission on Rural Resources
Hon. Biagio DiStefano.....	Madison County Court Judge
Hon. Glenn Galbreath.....	Cayuga Heights Village Justice (Tompkins County); Professor, Cornell Law School
Oliver French.....	Psychiatrist, Lansing Residential Center
Hon. John Rowley	Tompkins County Judge (Tompkins County)
Michael Lane	Village of Dryden Mayor (Tompkins County)
Hon. Marie Roller.....	Veteran Town Justice (Chemung County)
Hon. Betty Poole.....	Enfield Town Justice (Tompkins County); President, Tompkins County Magistrates Association
Hon. Joseph Fazzary, Esq.....	Schuyler County District Attorney
Hon. Glen George.....	Middletown Town Justice (Delaware County)
Hon. Richard Miller.....	Johnson City Village Justice (Broome County)
Janet Smith.....	Chenango Court Clerk (Broome County)
Hon. Thorold Smith.....	Chenango Town Justice (Broome County)
Peter Hoyt.....	Citizen of Ithaca
Hon. Raymond Berry.....	Redding Town Judge (Schuyler County); President Elect, Chemung County Magistrates Association
Hon. Thomas Carney.....	Otsego Town Judge (Ostego County); President, Otsego County Magistrates Association
Hon. Richard Roberg.....	Coxsackie Town Justice (Greene County)
Hon. Debbi Payne.....	Newfield Town Justice (Tompkins County)
Rosalyn Smith.....	Citizen

WHITE PLAINS HEARING WITNESSES
SEPTEMBER 11, 2007
NEW YORK STATE JUDICIAL INSTITUTE

NAME	ORGANIZATION
John George	First Deputy Westchester County District Attorney
Audrey Stone	Division Chief, Special Prosecutions, Westchester County District Attorney's Office
Robert Spangenberg.....	The Spangenberg Group (West Newton, MA)
Hon. Michael Bongiorno	Rockland County District Attorney
Gerald Geist on behalf of Lori Mithen.....	President, NYS Association of Towns
Mike Kenneally	Counsel, NYS Association of Towns
Katheryn Grant Madigan	President, NYS Bar Association
Judy Bromley	Second Vice President, NYS Magistrates Court Clerks Association
Denise Kronstadt	Director of Advocacy, Fund for Modern Courts
Hon. John Kramer.....	Delaware Town Justice (Delaware County); Third Vice President, New York State Magistrates Association
Hon. Peter Barlet	Warwick Town Justice (Orange County)
Hon. Thomas Liotti.....	Westbury Village Justice (Nassau County)
Hon. Michael Santo	South Floral Park Acting Village Justice (Nassau County)
Hon. Bonnie Kraham	Walkill Town Justice (Orange County)
Lance Clarke	Hempstead Village Justice (Nassau County); President, Nassau County Bar Association
Rachel Chazin Halperin.....	Legal Center Director, My Sister's Place
Elizabeth Oram	Staff Attorney, Pace Women's Justice Center

NAME	ORGANIZATION
Hon. Charles Apotheker	Judge, Rockland County Supreme and County Court, Rockland County Drug Court; Supervising Judge, Ninth Judicial District
Hon. Timothy Cox	Olive Town Justice (Ulster County)

ROCHESTER HEARING WITNESSES
SEPTEMBER 25, 2007
MONROE COUNTY HALL OF JUSTICE

NAME	ORGANIZATION
Hon. James Morris.....	Former Brighton Town Justice (Monroe County); Past President, New York State Magistrates Association
Hon. William Boller	Supervising Judge, Justice Courts 8th Judicial District
J. Michael Jones.....	Attorney (Livingston County)
Hon. Thomas DiSalvo	Webster Town Justice (Monroe County); President, Monroe County Magistrates Association
Carly Wise	SAFER Group (Survivors Advocating for Effective Reform)
Gary Pudup	Director, New York Civil Liberties Union, Genesee Chapter
Hon. Robert Oaks	NYS Assemblymember
Edward Nowak	Monroe County Public Defender; New York State Bar Association, Criminal Justice Section
Hon. Richard Healy	Wayne County District Attorney
Hon. James Dwyer.....	Marcellus Town Justice (Onondaga County); Marcellus Village Attorney (Onondaga County)
Hon. Thomas Miller.....	Fayetteville Town Justice (Onondaga County); Onondaga County Bar Association
Hon. Eugene Salisbury	Former Blasdell Village Justice (Erie County); Past President, New York State Magistrates Association
Hon. David Corretore	Webster Town Justice (Monroe County)
Hon. Karen Morris.....	Brighton Town Justice (Monroe County)
Dennis Young	Town of East Otto (Cattaraugus County); Spokesperson for the Cattaraugus County Magistrates Association
Cathy Mazzotta.....	Executive Director, Alternatives for Battered Women; Rochester/Monroe Domestic Violence Consortium

NAME	ORGANIZATION
Martha Roberts	Staff Attorney, Legal Assistance of the Finger Lakes (Ontario County)
Hon. William Cody.....	Sweden Town Justice (Monroe County)
Hon. Paula Anderson	Rush Town Justice (Monroe County)
Hon. Allyn Hammel.....	Clarkson Town Justice (Monroe County)
Chief Gerald Pickering	Webster Police Department (Monroe County)
Hon. Michael Sciortino.....	Parma Town Justice (Monroe County)
Gregory Franklin	Attorney (Monroe County)
Hon. David Brockway	Chemung County Family Court (Chemung County)
Hon. Reginald Higgins	Ontario Town Justice (Wayne County)

— APPENDIX vi —
LEGISLATIVE REFORM PACKAGE

MEMORANDUM IN SUPPORT

AN ACT to amend the uniform justice court act, the judiciary law, the village law, the town law, the general municipal law, the state finance law, the vehicle and traffic law, the agriculture and markets law, the environmental conservation law, the workers compensation law, the parks, recreation and historic preservation law, and the navigation law, in relation to enacting the justice court efficiency and modernization act, to repeal provisions of the uniform justice court act relating to justice court procedure, and to repeal provisions of the general municipal law relating to costs of jury service in justice courts

This measure is proposed by Chief Judge Kaye's Special Commission on the Future of the New York State Courts to strengthen and modernize the Justice Courts and better support the vital roles that localities play in their operation and administration.

Justice Courts are pivotal actors in the state's civil and criminal justice systems. As the modern continuation of tribunals with a three-century tradition in this state, Justice Courts are the only local criminal courts presiding in the localities where millions of New Yorkers reside and work. Each year, Justice Courts adjudicate millions of cases, collect over \$210 million on behalf of state and local governments, and commonly serve as New Yorkers' first if not only point of contact with the justice system. As such, Justice Courts require the funding and support necessary to ensure that they remain equal to their responsibilities.

Unfortunately, a fragmented governance system and decades of neglect together relegate many hundreds of New York's over 1,250 Justice Courts to dilapidated and unsafe facilities that are unsuitable for the modern administration of justice and that every day risk the lives and safety of justices, court staff and members of the public appearing before them. Justice Courts routinely are seriously underfunded by their sponsoring localities, which under current law have unfettered discretion to provide whatever facilities, staff, operational support and other resources they choose to supply or deny. Because current law gives localities little incentive to properly support local courts and many localities face serious fiscal challenges, many Justice Courts lack even the most rudimentary facets of a courthouse (e.g., proper bathrooms and climate control, court benches, private jury areas, secure prisoner ingress, etc.). Partly as a result of the palpable lack of security, an increasing number of violent incidents in Justice Courts directly jeopardize the lives of litigants and court staff. Other Justice Courts are dangerously overcrowded and cannot provide sufficient facilities, security or administrative support despite the best efforts of localities and court staff. These kinds of pressing problems are not confined to any one part of the state: they fairly describe hundreds of Justice Courts in localities both rich and poor, upstate and downstate, relatively urban and most rural.

Even as the Justice Court system systematically is underfunded and often unsafe and ill-equipped for the holding of proper court proceedings, every level of government suffers serious inefficiencies and service problems due to the proliferation of over 1,250 independent Justice Courts – some located down the road, across the street or even upstairs from one another. Some counties have as many as 40 individual Justice Courts, which makes proper coverage by county-funded prosecutors and defenders all but impossible – especially when courts meet in far-flung locations at the same time. That result can directly impede the administration of justice, delay proceedings and/or foist on counties unfunded mandates to hire and support extra personnel. Likewise, county sheriff's departments transporting criminal defendants from detention facilities to Justice Courts scattered across the county bear much higher costs owing to the sheer number of Justice Courts in which defendants must be produced. The fragmentation of Justice Courts and their dockets also frustrates proper access to offender drug treatment, discourages proper adjudication of domestic violence cases and hampers the achievement of other criminal justice goals. Of course, the duplication of multiple Justice Courts in or near the same community also balloons the costs that local taxpayers must bear to maintain them and, correspondingly, greatly increases the aggregate cost of upgrading deficient courts across the state.

The core problem – and the source of so much systemic waste and missed opportunities to improve the local justice system – is that the number, location, funding and operation of Justice Courts bear little rational relation to the actual needs of localities, litigants, taxpayers, counties or the administration of justice in this state. Hundreds of Justice Courts have annual dockets far too small to justify even their current costs much less the capital and operational investments necessary to upgrade them to levels even minimally adequate to meet modern justice standards. No level of government can muster sufficient resources to invest heavily in small-docket courts, yet current law presumes the independent existence of a separate Justice Court for each of over 850 towns in this state and invites still hundreds more separate Justice Courts for each of the state's village – no matter how small an individual court's docket or inefficient the overall justice system may become as a result.

Especially in today's resource-limited context, no practical approach to strengthening Justice Courts and improving the local justice system can succeed without directly addressing the root cause of this fragmentation problem and thus requiring at least some mandatory sharing of courts. The Commission reached this conclusion because no voluntary approach ever can overcome the strong political forces that support over 1,250 Justice Courts and the inefficiencies they foist on localities, counties and the state. While current law invites towns to combine courts (see Uniform Justice Court Act section 106-a), towns almost never choose this option less for fiscal reasons than because the process would require the elimination of sometimes popular local officials. Likewise, villages create courts to assert a measure of control over enforcement and to reap revenues that otherwise inure to the town; while some villages and towns do cooperate in the administration of their Justice Courts, such cooperation is more the exception than the rule. For these reasons, no system of financial assistance or other inducements to encourage voluntary court-sharing can achieve the scale of reform necessary to ensure the vitality and improvement of the Justice Courts and the broader justice system. Even if such a voluntary system might be

imagined, it would not necessarily ensure the consistent availability of local courts necessary to ensure proximate access to justice without a broader approach calculated to serve that goal.

Likewise, the Commission found that there is no longer a strong access-to-justice reason to maintain individual Justice Courts in every town and village. While one of the most important goals of the Justice Court system is to ensure proximate and cost-effective access to justice by reducing the need to travel to courts located at the county seat, most Justice Court litigants appear not in their hometown courts but in Justice Courts some distance away. This result is not surprising, as the vast majority of Justice Court cases involve traffic matters in which litigants, by definition, can and do drive. Moreover, fully 40% of Justice Court cases bring litigants to courts outside their home counties, and even substantive offenses tried or arraigned before these courts tend to occur outside the offender's locality of residence. As such, the access-to-justice basis to maintain individual Justice Courts in each locality is weak or non-existent, especially when inadequate funding and/or small dockets render courts more likely to be closed than open for judicial business. Thus, rather than enhance the administration of justice by maximizing local access, the fragmentation of Justice Courts can and often does have the opposite effect by delaying or impeding justice. Likewise, while historically Justice Courts represented a uniquely democratic institution in that litigants appeared before justices they helped select locally, the fact that most litigants now appear before Justice Courts outside their home localities represents a sea change to the philosophical and political underpinnings of the local justice system that no longer supports the premise of a Justice Court for every locality in this state.

At the same time, however, no reform approach would be fair or practical unless it serves and preserves the Justice Court system's core values and ensures the effective operation of the broader justice system. Modern litigants travel more than in past generations, but New York's local justice system still should continue to provide proximate access to justice without requiring burdensome travel. The supply of justices willing and able to preside in local courts – often late at night and under difficult conditions largely beyond their control – should remain sufficient to ensure proximate and cost-effective access. Most importantly, decisions about the structure of the Justice Court system should rest on local conditions, local values and a local assessment of each court's present docket and facilities by local stakeholders most familiar with them. By contrast, a centralized, top-down approach to these decisions would not be best situated to achieve urgently needed reforms compatibly with operational realities on the ground.

This comprehensive reform measure – the first of its kind in state history – carefully balances these competing objectives in ways that would strengthen the Justice Courts and help ensure their continued vitality in the 21st century. Its purpose is to cultivate a more rational approach to structuring Justice Courts, provide an efficient means to upgrade deficient courts, better support localities and local courts, and address operational concerns that have arisen in some cases. Critically – and in a complete break with reform proposals of past generations – this measure would not abolish any judicial office, alter the manner of selecting justices, redirect court revenue from any locality, impose unfunded mandates without redress, force burdensome

travel or alter Justice Court jurisdiction. As such, this measure is fully faithful to the roles and values of Justice Courts and their justices, and thus avoids many of the difficulties that doomed prior reform proposals.

This measure divides into an introductory section specifying the Legislature's intent, and four discrete "Parts" each governing a specific aspect of the proposal. Part A would establish a local process to assess each county's Justice Courts and provide for limited sharing of Justice Courts based on stated criteria. (This process would exclude Nassau and Suffolk Counties, where voters established District Courts for all or part of those counties to supplant town courts.) Part B would modernize Justice Court fiscal and governance systems to make court sharing practical. Part C would modestly modify qualifications to preside in Justice Courts and establish a limited right for certain defendants to have some criminal cases heard before lawyer justices, a change necessary to meet the due process requirements of the U.S. Constitution. Part D would make primarily technical conforming changes to a variety of statutes to reflect the foregoing reforms. The details of each of these Parts are described in the following pages.

Taken together, these reforms would yield a much more cost-effective Justice Court system for all levels of government involved in its support and administration. Because these reforms would achieve this essential objective while vindicating the Justice Courts' core values, this proposal represents an historic opportunity for reform and an important vehicle for state and local governments, justices, service providers and others who care about the local justice system to make progress without the divisiveness or impracticality of past efforts.

The Commission contemplates that a companion proposal later would be developed to expand state support for Justice Court operations. While that separate proposal also is essential to the future vitality of the local justice system, it is necessary first to implement this measure's structural reform program to ensure that any new funds are invested wisely and thus conserve funds that otherwise must be spent to upgrade redundant Justice Court facilities.

FISCAL IMPACT: This measure would reduce local and county operating expenses through the more efficient delivery of local justice services and avert tens of millions of dollars in future capital and operating expenses at the state and local levels.

LEGISLATIVE HISTORY: None. New proposal.

Part A: Review and Limited Sharing of Justice Courts

This Part would repeal obsolete Uniform Justice Court Act (“UJCA”) article 22, which governed local courts’ 1960s transition into the new Unified Court System, and add a new article 22 (new UJCA sections 2201-2205) establishing a process to review and share Justice Courts. In each county outside New York City and Long Island,¹⁹² there would be created a nine-member panel of local justices, local and county officials, and two attorney members (one from each of the two major political parties). Each panel would be advised by the district attorney, chief defender and administrative judge, who would coordinate panels within each district and ensure the consistent application of standards. Each panel would assess the county’s Justice Courts and draft a court-sharing plan on a sliding scale based on population; a panel could depart from this sliding scale or reject court sharing entirely on finding that sharing is unnecessary to improve courts, justice services or taxpayer efficiency. Draft plans would be subject to public hearings, final panel approval and technical review by the Office of Court Administration (“OCA”). A plan complying with the court-sharing scale for the county automatically would have force of law unless the county legislature substitutes its own court-sharing plan by two-thirds vote (also subject to OCA technical review); a plan departing from the court-sharing scale must obtain county legislature approval, also by two-thirds vote. If neither the panel nor the county legislature takes required action, then OCA would develop a default plan to effect unless the county legislature enacts a substitute. At the end of the process, there would continue to be a vibrant Justice Court system in each county; a majority of Justice Courts in each county would continue without structural change; each locality would continue to be served by a proximate Justice Court; no judicial office or its manner of selection would be altered; no locality would lose court revenue; statewide an estimated 30-40% reduction in the number of Justice Courts would allow corresponding savings in operational and capital-upgrade costs; and because each county’s most deficient court facilities would be prime candidates for sharing arrangements, the savings rate could be much higher.

In UJCA proposed section 2201, subdivision a would direct each panel to examine the facilities, operation and cost-effectiveness of properly maintaining the Justice Courts in the county; determine, based on criteria specified in section 2202, which localities should share the

¹⁹² Nassau and Suffolk Counties are excluded because voters in these counties established District Courts to supplant town courts and, for the eastern part of Suffolk County, voted to retain all town courts. While these counties also retain many Justice Courts, these courts generally are not comparable to Justice Courts elsewhere in the state and do not raise the same inter-governmental efficiency concerns. Justice Courts in Nassau and western Suffolk Counties (within the District Court zone) exercise mainly civil and traffic jurisdiction with far less involvement by county- and state-level justice actors. Moreover, villages supporting these courts are not necessarily contiguous and thus any court-sharing scheme would be operationally complex in ways other counties would not experience. Furthermore, the process this article contemplates to make local decisions about each county’s Justice Courts involves town justices and town supervisors, but this process makes little sense for Long Island because there are no town courts except for Suffolk County’s five eastern towns. There, while both town courts and village courts preside, dockets generally are so large that the economic justification to share courts is too attenuated to justify mandatory sharing. As such, Long Island is excluded from the panel process, but all courts would be subject to minimum OCA standards and would be eligible for increased state support tied to compliance.

services of a single Justice Court; and make non-binding proposals with regard to the provision of allied justice services in the Justice Courts. Subdivision b would set forth each panel's nine voting members (i.e., the county executive or county manager, the chair and minority leader of the county legislature, a town justice, a village justice [or, if none, a second town justice], a town supervisor, a mayor of a village with a village court [or, if none, a second town supervisor], and two local bar members [one Democrat and one Republican]), and each panel's three non-voting members (i.e., the administrative judge, district attorney and chief defender); appointments of municipal officials and bar members would be made by local municipal associations (or the Association of Towns and Conference of Mayors), local magistrates associations (or the New York State Magistrates Association) and local bar associations. The balance of the section would provide boilerplate language relating to panel powers.

In proposed section 2202, subdivision a would direct each panel to produce a draft and final combination plan to effectuate limited court sharing in the county. Subdivision b would set forth the criteria that these reports would consider, including caseloads and docket trends, court facilities and security, case-generating features, availability of detention facilities, distribution of prosecution and defense services, and distribution of law enforcement personnel. Subdivision c would set specific requirements for combination plans, including presumptive percentage ranges of courts in each county that must be shared, based on county population and the current number of Justice Courts in the county:

- counties with population between 250,000 and one million, and in Putnam and Schenectady Counties, between 10% and 30% of the county's current number of courts;
- counties with population greater than 150,000 but less than 250,000, between 20% and 40% of the county's current number of courts; and
- counties with population less than 150,000, between 30% and 50% of the county's current number of courts.

Subdivision d would direct each combination plan also to specify operational details needed to ensure smooth transition to shared courts (e.g., where each court would convene, how justices would share responsibilities for arraignments, etc.).

Subdivision e would invite each panel to depart from the court-sharing ranges or reject court-sharing entirely on finding that this decision would not (1) delay or diminish the cost-effectiveness of necessary court upgrades; (2) delay or diminish the cost-effectiveness of ensuring sufficient availability of county-funded justice services in all Justice Courts (i.e., prosecution, defense, detainee transport); or (3) otherwise continue or result in unnecessary or inefficient duplication of state, county or local taxpayer burdens.

Proposed section 2203 would set forth the process for each panel. Each panel would have one year to prepare a draft combination plan, after which the panel would hold a public hearing within 60 days and then, after another 60 days, submit a final plan for technical

review.¹⁹³ A combination plan complying with the court-sharing range for the county automatically would have force of law within 60 days unless the county legislature¹⁹⁴ enacts a substitute plan by two-thirds vote (also subject to technical review); a plan departing from the court-sharing range or rejecting court sharing entirely would have force of law only upon ratification by the county legislature on two-thirds vote. As a default (i.e., if a panel or county legislature fails to take required action), OCA would develop a court-sharing plan meeting the requirements of statute that would have force of law after 60 days unless the county legislature enacts a substitute plan. Court-sharing plans would take effect on January 1 of the second year following enactment – a delay necessary for proper preparation and implementation.

Proposed section 2204 would provide boilerplate transitional provisions to ensure that jurisdiction, justices, cases, staff, money and records flow smoothly. (For instance, justices of each shared court would continue to be selected by their individual towns and villages but would assume jurisdiction for every locality for which the shared court presides.) Later provisions of this proposal would specify fiscal management and other governance matters for shared courts.

Proposed section 2205 would clarify that nothing in this article and no combination plan or implementation plan would be construed to discontinue a town court within the meaning of Article VI, section 17(b), of the State Constitution; establish a District Court within the meaning of Article VI, section 16, of the State Constitution; establish or abolish any judicial office, alter the term of office of any justice or alter the manner of selection of any judicial office; or impair the rights of any non-judicial employee serving any Justice Court on account of another Justice Court assuming the jurisdiction thereof.

Part B: Justice Court Finance and Administration

Section 1 would add a new UJCA article 22-A (new sections 2206-2210) to modernize the Justice Court finance and governance systems. The changes proposed in this article would greatly enhance the effectiveness and decisional independence of the Justice Courts even absent the court-sharing system this measure would provide. Such changes are essential for shared courts to function – whether created voluntarily under current law (see UJCA section 106-a [authorizing multiple towns to share a single Justice Court]) or by the more systematic means proposed in Part A of this measure – because current law lacks any effective guidance to make court-sharing operationally practical.

¹⁹³ OCA would conduct this limited technical review only to ensure that the combination plans meet statutory requirements. If OCA determines that a combination plan does not meet statutory requirements, then OCA would inform the panel of the technical defects and the panel would have 30 days to correct them. If a panel fails to produce a plan or correct a defective plan, then a default procedure would apply.

¹⁹⁴ While this process vests most authority in local justices, municipal officials and local residents, who would comprise a supermajority of each panel, limited county involvement is appropriate because county taxpayers fund significant services in the Justice Courts (e.g. prosecution, public defense, detainee transport) that are made more costly and/or less efficient by redundant Justice Courts in the county.

Proposed sections 2206 and 2207 would set forth a budget system for Justice Courts based on the existing law of town and village budgeting. In like fashion as other departments of local government, budgeting for a Justice Court would originate with the court itself, which would propose a budget for the upcoming fiscal year in consultation with town supervisors and village mayors. Fiscal years would map to the town fiscal year (January 1 – December 31) except that a Justice Court for villages only would map to the village fiscal year (which in some villages is different). Funding would remain a duty of each town and village presently having a Justice Court (i.e., villages lacking Village Courts on the effective date of this measure would continue to play no role in court finance and would not bear any fiscal responsibility for Justice Court operations). Where multiple localities now having individual courts instead share courts, localities would share court costs based on population as of the last census (an alternative apportionment by dockets would be impractical), and court budgets would be enacted by joint resolution of each locality presently having a Justice Court in like fashion as other shared municipal services pursuant to inter-municipal agreements. As with other local operations, if the governing board or boards fail timely to enact a Justice Court budget (whether by local law or joint resolution), then the proposed budget would take effect and the localities thereafter could amend it. Critically, numerous constraints (including the participation of local executives in preparing budgets, each court's need to work with local officials, elective justices' incentive to avoid voter ire, and the involvement of supervising judges appointed to assist Justice Courts and localities sponsoring them) would help promote fiscal responsibility and accountability in the preparation and implementation of court budgets.

Proposed section 2208 would set fiscal management standards to supplement existing OCA and Comptroller guidelines. Each justice would need to keep a separate set of records and bank accounts for each locality now having a Justice Court for which such justice presides (subject to OSC relaxing or waiving this rule). This section also would task the Comptroller to enforce these provisions further to its duty to manage the Justice Court Fund.

Proposed section 2209 would invite every locality having a Justice Court, or the several localities sharing a court, to adjust the number of justices on finding that an adjustment is needed for the court timely and effectively to adjudicate its docket. This change would help localities avoid unnecessary costs (for instance, where dockets do not justify having two justices but current law nevertheless requires them) or, conversely, to keep up with burgeoning dockets (for instance, where an extra justice is necessary but current law does not accord needed flexibility to create that position). To ensure local control and avoid stripping a justice from a multi-locality court without the consent of the locality for which the justice is selected, localities sharing courts could adjust the number of judicial positions only by joint resolution of all such localities (again, excluding villages not now having a court). To avoid constitutional problems, every town must select at least one justice so as not to risk discontinuing the court for that town, and no justice could be forced from office during the pendency of his or her current term. To avoid operational disruptions, each locality having only one justice must appoint an acting justice and OCA could disapprove changes for docket-control reasons, subject to the Legislature's ultimate control. To avoid problems with the conduct of elections and discourage political gaming, adjustments could

not take effect less than 30 days before the first day on which the Election Law fixes for the circulation of nominating petitions for that judicial office.

Proposed section 2210 would direct that each Justice Court have at least one clerk and such other non-judicial personnel as provided by the court budget promulgated by the locality or localities operating that court, and that such personnel would be employees of the court. This latter change is needed to give justices legal authority over non-judicial staff for whose conduct justices legally are responsible. For shared courts, this change also is essential to avoid confused lines of authority lest staff working together in a single court answer to different localities.

Section 2 would amend Village Law section 3-301(2)(a) to ban the creation of new village courts. No village hereafter could create a new Justice Court: and any village now lacking a standalone Justice Court, by operation of other provisions of this proposal, would not participate in judicial selection, court governance or court funding. This change would have no fiscal impact on any locality. This section also would eliminate redundant procedures of law for creating village judicial offices that now would be governed by UJCA section 2209, as added by section one of this Part.

Section 3 would amend Judiciary Law section 849-i to expand the successful Justice Court Action Program (“JCAP”) to better encourage compliance with Justice Court operational standards, fit the new Justice Court budget process and help localities better support their courts. The current grant cap of \$30,000 per court would be lifted to the greater of \$30,000 or 30% of the court’s operating budget. This change would allow OCA to better support Justice Courts in proportion to court size and need. In exchange for such state support, recipient Justice Courts would need to comply with OCA operational standards to be fixed by court rule: JCAP grants for Justice Courts not meeting standards could be approved only as part of a compliance plan jointly approved by the Justice Court, the sponsoring localities and OCA. As with all grant programs, JCAP funding would continue to be limited to available appropriations.

Section 4 would make a technical change to Town Law section 31(4) to clarify that towns would pay the costs of training justices and justices-elect to assume the duties of office only for justices selected for that town and not for other justices who may preside in a multi-locality court with jurisdiction for the town.

Section 5 would make a technical change to Town Law section 69 to clarify that towns would pay the costs of maintaining town courts only where the court presides only for that town: shared courts would be subject to other provisions of law.

Section 6 would make a technical change to Town Law section 116(11) to clarify that towns are not liable for the costs of a Justice Court presiding for a village within the town but not the remainder of the town.

Section 7 would make a technical change to Village Law section 4-410(2) to clarify that the costs of maintaining village courts are village charges except where a village shares a court with one or more municipalities (in which case costs would be prorated). This section also would delete obsolete references to courts of special sessions long ago abolished.

Section 8 would make a technical change to Village Law section 5-524(7) to clarify that a village pays the costs of training justices and justices-elect to assume the duties of office only for justices selected for the village and not for other justices who preside in a multi-locality court with jurisdiction for that village. This change also would harmonize with corresponding statutes directing towns to pay for educating their justices, and would strike anachronistic references to Education Department in reference to judicial education now supervised by OCA.

Part C: Justice Court Qualifications, Testing & Jurisdiction

Section 1 would add two new UJCA sections 105-a and 105-b regarding qualifications for local judicial office to ensure that non-lawyer justices have at least the minimal education and experience necessary to properly absorb and apply the training OCA provides them. Proposed section 105-a would require that new justices be at least 25 years old, graduate from high school and earn at least a two-year college degree before selection; incumbent justices would be exempt from these requirements. The Commission found that there are many dozens of residents of each county, including the most rural counties, that meet these qualifications. To further ensure against any chance of disrupting court operations, however, proposed section 105-b would allow local voters to select justices for their locality from anywhere in the county or an adjoining county. This change would invite localities to select, in their discretion, persons qualified for judicial service from the surrounding community, encourage a broader cross-section of candidates to run for local office and provide further assurance that the qualifications change would not impair recruitment to local judicial office.

Section 2 would add a new UJCA section 105-c to allow criminal defendants to opt out of misdemeanor and felony proceedings before non-lawyer justices. The opt-out would be by written instrument filed with the Justice Court by the end of the first court appearance at which the defendant makes a motion or the court disposes a motion made by the People. This change is necessary to meet the U.S. Constitution's requirements under North v. Russell (427 U.S. 328 [1976]) relating to the due process rights of criminal defendants appearing before non-lawyer justices.¹⁹⁵ Even in such an opt-out situation, a non-attorney justice still could arraign a

¹⁹⁵ A divided Court of Appeals held in People v. Charles F. (60 N.Y.2d 474 [1983]) that these rights could be satisfied through the theoretical availability of a CPL 170.25 application to present non-felony charges pending before a non-lawyer justice to a grand jury that, by indicting on the charge, thus would divest jurisdiction from a non-lawyer justice in favor of a superior court. The Charles F. dissenters concluded and the Commission now agrees, however, that the CPL 170.25 process is illusory and cannot properly protect the constitutional interests at stake. The Commission found that granting a CPL 170.25 motion is altogether discretionary, that most counsel disfavor the making of such motions as tantamount to the impolitic assertion that the justice before whom a counsel may regularly appear is not competent, and that such motions thus are exceedingly rare. While the Commission believes that changes to the current removal process are necessary, a limited reform in the nature of an unconditional opt-out would be sufficient to pass constitutional muster, protect basic due process rights and thereby avoid the disruptions of stripping non-lawyer justices of jurisdiction over (...continued)

defendant, enter or vacate a plea, assign counsel, issue or modify securing orders, hold preliminary hearings and conduct certain exigent proceedings (e.g., issue temporary orders of protection or suspend a driver's license pending prosecution in certain DWI cases). Where a defendant opts out, OCA would be required to promptly assign the case to a lawyer justice with minimum possible delay, disruption or burden to the parties; in most instances, this result would best be achieved by temporary judicial assignment to the court in which the case is pending.

Section 3 would amend UJCA section 105(a) to clarify that OCA may certify non-lawyer justices to perform some duties of office until they successfully complete training courses that relate to other duties of office. Current law requires that non-lawyer justices must complete a course of education and training before being certified to assume the duties of office. The statute appears binary in its application, however: a non-lawyer justice must be certified completely or blocked entirely from taking the bench. The binary nature of this certification, combined with the limited time available between a justice's selection and the commencement of his or her term, promotes a system by which non-lawyer justices cannot be rigorously trained to levels that the complexities of modern substantive and procedural law require. This change would be fully consistent with the role of non-lawyer justices and help enhance both the quality of training and public confidence in the qualifications of justices selected to the local bench.¹⁹⁶

Part D: Conforming Technical Revisions

This Part would make mainly conforming technical changes to numerous consolidated statutes consistent with the foregoing reforms.

Section 1 would amend UJCA section 102 to clarify that the term "Justice Courts" includes shared courts and to adjust the nature of the official Justice Court seal. Under current law, the court's "municipality" furnishes the seal, a confusing requirement if a court serves more than one locality. This change instead would require that the court provide itself with a seal reflecting the localities for which the court presides.

Section 2 would make conforming technical changes to UJCA section 103 relating to justices titles and powers. Each justice would continue as "town justice" or "village justice" of his or her locality, but now also would be a justice of his or her court. This section also would

(continued...)

hundreds of thousands of cases statewide in which they are the sole local criminal court available. This limited approach thus would avoid the need to make broader changes to the historical system of non-lawyer adjudication.

¹⁹⁶ The Commission's report also proposes administrative initiatives relating to training and testing lawyer justices, both for substantive reasons and to address inequities between non-lawyers and lawyers. The Commission found that some lawyers are selected to local judicial office without requisite knowledge of areas of substantive and procedural law relevant to their bench duties. While requiring lawyers to pass a test as a qualification of judicial office would be unconstitutional (cf. N.Y. Const., art. VI, § 20[c]), the Commission proposes that lawyer justices be required to complete the same substantive courses as non-lawyer justices but be invited to test out of some of them. Such an exemption examination would be voluntary and thus would not constitute an unconstitutional qualification of office.

clarify that each court's justices would have identical powers and duties unless otherwise provided by law (a needed change if justices selected from different localities preside in a single court), and would redact outdated references to "city justices" now subject to a different statutes.

Section 3 would make conforming technical changes to UJCA section 104 relating to how justices file bonds and oaths of office.

Section 4 would repeal subdivisions 6, 8 and 9 of UJCA section 106, renumber subdivision 7 to subdivision 6, and make conforming technical changes to subdivisions 1 and 2, all in relation to the geographic basis of local jurisdiction. Under current law, most justices can preside only in their home localities, thus precluding the notion of shared courts. The change would allow a justice to preside in any locality sharing his or her court. This section also would authorize justices to hold arraignments anywhere in the county (current law allows such flexibility only in Jefferson, Onondaga and Rockland Counties), and would make conforming changes to temporary judicial assignments.

Section 5 would make conforming technical changes to UJCA section 107 governing custody of Justice Court records.

Section 6 would make conforming technical changes to UJCA section 109 governing non-judicial personnel of the Justice Courts to subject them to oversight rules of the Chief Administrator rather than the Appellate Division (an outdated provision from the pre-OCA era).

Section 7 would make a conforming technical change to UJCA section 110(a)(3) governing the jurisdiction of law enforcement personnel in Justice Courts. Under current law, the process of each Justice Court may be served by the county sheriff or the law enforcement personnel of the court's municipality. In multi-locality courts, law enforcement agents of each municipality would enforce court mandates within their own respective localities.

Section 8 would make conforming technical changes to UJCA section 111 in relation to the performance bond of non-judicial personnel in shared Justice Courts.

Section 9 would make conforming technical changes to UJCA section 201 in relation to Justice Court monetary jurisdiction and eliminating obsolete references to City Courts no longer governed by the UJCA.

Section 10 would make conforming technical changes to UJCA section 213 to expand each Justice Court's in personam jurisdiction to each town or village for which the Justice Court may preside, in the case of a multi-locality court, rather than only a single town or village.

Section 11 would make a conforming technical change to UJCA section 214 in relation to the transfer of superior court civil cases to local courts in Westchester County.

Section 12 would repeal obsolete UJCA section 1306, which provides for the selection of jurors by localities. Such responsibilities now fall to county commissioners of jurors.

Section 13 would make a conforming technical change to UJCA section 1801 in relation to the definition of Justice Courts' small claims jurisdiction.

Section 14 would make a conforming technical change to UJCA section 1911(a)(3) in relation to banning the assessment of Justice Court fees on "the" municipality "having" a court. The change would bar a Justice Court from assessing fees against any municipality for which it presides and apply this requirement to the court itself rather than only its clerk.

Section 15 would repeal obsolete UJCA section 2012, which provides for the selection of jurors in criminal cases. Such responsibilities now fall to the county commissioner of jurors.

Section 16 would make a conforming technical change to UJCA section 2019-a relating to the annual audit of Justice Court financial records. Under current law, each court must make its books available only to the municipality having the court, and such municipality audits the books. The change would direct the court to open its books to each municipality for which it presides, and those municipalities by joint resolution would direct one annual audit, subject to oversight by the State Comptroller to regularize and streamline the audit process.

Section 17 would make conforming technical changes to the first UJCA section 2021(1) to clarify that this measure would not alter the flow of court revenue among localities. Towns would continue to retain revenue collected for offenses committed in the town, villages now having their own courts would retain revenue collected for specified offenses committed in the village, and towns would retain revenue for offenses committed in villages lacking courts.

Section 18 would renumber the section UJCA section 2021 to section 2022 and make a conforming technical change governing payment of stenographers in criminal matters.

Section 19 would make conforming technical changes to UJCA section 2101 governing definitions used in the Uniform Justice Court Act.

Section 20 would make conforming technical changes to UJCA section 2300(b) to eliminate anachronistic UJCA references to City Courts and old names of Justice Courts (e.g., "Police Courts").

Section 21 would repeal General Municipal Law section 99-k, which allows localities to pay jurors for serving in Justice Courts. Such matters now fall to county juror commissioners.

Section 22 would amend General Municipal Law section 99-l(1) to adjust treatment of certain case-processing fees for Justice Court services, mainly the fee for adjudicating certain criminal actions in shared Justice Courts. This proposal would apportion fees to the locality in whose facility the court sits to compensate the locality for extant overhead costs associated with increasing that facility's volume.

Section 23 would make conforming technical changes to General Municipal Law section 99-m in relation to the manner in which localities that share Justice Courts retain bail poundage. Under current law, each locality maintaining a court now keeps 2% of bail deposits; the change would divide a shared court's 2% among the localities for which the court presides in proportion to population, in the same way such localities would share court costs.

Section 24 would make conforming technical changes to State Finance Law section 99-a(3) governing the Comptroller's invoice billing program, which aids local cash flow by allowing localities that computerize certain fiscal reports to retain their local share of court revenue rather than remit all funds to OSC for re-disbursement back to the locality.

Sections 25 through 32 would make conforming technical changes to the Vehicle and Traffic Law, Agriculture and Markets Law, Environmental Conservation Law, Workers Compensation Law, Parks, Recreation and Historic Preservation Law, and Navigation Law to adjust the description of courts that collect fines and fees for offenses under these statutes. The sole purpose of these modifications is to ensure that other provisions of this measure cause no change to the flow of court revenues to and among villages, towns, counties and the state.

The final section of this measure provides a standard severability clause.

MODEL LEGISLATION

AN ACT to amend the uniform justice court act, the judiciary law, the village law, the town law, the general municipal law, the state finance law, the vehicle and traffic law, the agriculture and markets law, the environmental conservation law, the workers compensation law, the parks, recreation and historic preservation law, and the navigation law, in relation to enacting the justice court efficiency and modernization act, to repeal provisions of the uniform justice court act relating to justice court procedure, and to repeal provisions of the general municipal law relating to costs of jury service in justice courts

The People of the state of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the “justice court efficiency and modernization act.” Each component of this act is wholly contained within a Part identified as Parts A through D. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes reference to a section of “this act,” when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section four of this act sets forth the general effective date hereof.

§ 2. Declaration of legislative findings. The legislature declares that the town and village justice courts are a backbone of the state civil and criminal justice systems and are indispensable to ensuring proximate access to justice across the state. The legislature therefore reaffirms New York state’s three-century commitment to local adjudication and a vibrant justice court system. The legislature finds, however, that many town and village justice courts are not structured, funded, equipped or secured to meet modern standards for the safe and cost-effective administration of justice, and that necessary improvements to the justice court system cannot

timely or efficiently be achieved given the proliferation and independent administration of individual courts in each of over 1,250 towns and villages statewide. The legislature further finds that this fragmentation increases the cost and decreases the effectiveness of many instrumentalities of state and county government interacting with these courts, including prosecutors, defenders, county probation departments and law enforcement agencies, the office of the state comptroller and numerous executive-branch agencies. To properly balance the public interest in proximate access to justice against the pressing need for systemic reform, it is the intent of the legislature to strengthen the justice court system, create a process for the limited sharing of justice courts and better support the vital roles that local governments help perform in their operation and administration.

Part A

Section 1. Article 22 of the uniform justice court act is REPEALED and a new article 22 is added thereto to read as follows:

ARTICLE 22

SHARING OF JUSTICE COURTS

Section

2201. Local justice reform commissions.

2202. Combination plans.

2203. Commission procedure.

2204. Transition provisions.

2205. Construction.

§ 2201. Local justice reform commissions. a. There is hereby established in each county with population less than one million and having town courts on the effective date of this article a local justice reform commission to improve the efficiency and effectiveness of the justice court system in such county. In accordance with the provisions of this article, each commission shall:

1. examine and evaluate the facilities, operations and cost-effectiveness of properly maintaining each and all of the town and village courts in such county;

2. determine, based on the criteria specified in subdivision b of section 2202 of this article, which localities in such county should share the services of a single justice court; and

3. examine, evaluate and make recommendations with regard to the provision of prosecution, public defense, probation, prisoner detention and transport, and other county and local services affecting the cost-effective administration of justice in the justice courts of such county.

b. Each commission shall consist of nine voting members and three ex officio members as follows:

1. The voting members of the commission shall be:

(i) the county executive, provided that if there be no elective county executive, then the county manager or, if there be no county manager, then the chief fiscal officer of the county or otherwise as the county legislature may provide;

(ii) the chair of the county legislature;

(iii) the minority leader of the county legislature, provided that if there be no minority party member of the county legislature, then a second member of the county legislature designated thereby;

(iv) a town justice in the county, designated by the magistrates association for such county, provided that if there be no such magistrates association or it shall fail timely to make such appointment, then by the New York state magistrates association;

(v) a village justice in the county, designated by the magistrates association for such county, provided that if there be no such magistrates association or it shall fail timely to make such appointment, then by the New York state magistrates association, and provided further that

if there be no village justice in the county, then a second town justice in the county designated in the manner specified by subparagraph (iv) of this paragraph;

(vi) a town supervisor in the county, designated by the county municipal association, provided that if there be no county municipal association or it shall timely fail to make such appointment, then by the New York state association of towns;

(vii) a mayor of a village for which there is established a justice court on the effective date of this article, designated by the county municipal association, provided that if there be no county municipal association or it shall fail timely to make such appointment, then by the New York conference of mayors and municipal officials, and provided further that if there be no such village in the county, then a second town supervisor in the county designated in the manner specified by subparagraph (vi) of this paragraph; and

(viii) two attorneys admitted to practice in this state resident or with a principal place of business in such county, designated by a bar association for such county selected by the

administrative judge of the judicial district in which the county is located, provided that one such attorney shall be an enrolled member of the political party whose candidate for governor in the immediately preceding gubernatorial election received the highest number of votes in the state, and one such attorney shall be an enrolled member of the political party whose candidate for governor in such election received the second highest number of votes in the state.

2. The three ex officio members of the commission shall include:

(i) the administrative judge of the judicial district in which the county is located, who shall coordinate each commission established for a county within such judicial district and promote the timely and consistent application of this article among such commissions;

(ii) the district attorney of the county; and

(iii) the public defender of the county, provided that if there be no public defender in the county, then another person designated by the New York state defenders association primarily

responsible for the provision or coordination of indigent criminal defense services in such county pursuant to article 18-B of the county law.

c. Appointments shall be made not later than 30 days after the effective date of this article. Vacancies shall be filled in the same manner as an original appointment.

d. Each commission shall have the powers of a legislative committee pursuant to the legislative law.

e. For each commission, a majority of all the voting members thereof shall constitute a quorum and shall be necessary to a decision.

f. Commission members shall receive no compensation for their services but shall be allowed actual and necessary expenses incurred in the performance of their duties hereunder. Such expenses shall be charges against the county subject to reimbursement by the office of court administration pursuant to such rules as the chief administrator of the courts may provide.

g. No commission member shall be disqualified from holding any other public office or employment, nor shall he or she forfeit any such office or employment, by reason of his or her appointment pursuant to this section, notwithstanding the provisions of any general, special or local law, regulation, rule, ordinance or charter.

h. To the maximum extent feasible, each commission may request and receive and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, commission, agency or authority of the state or any political subdivision thereof as such commission reasonably may request to properly carry out its powers and duties pursuant to this article; provided, however, that nothing herein shall authorize a commission to request or a court to release sealed records or other data rendered confidential by law.

i. Upon completion of its duties hereunder, each commission shall be deemed dissolved.

§ 2202. Combination plans. a. Draft and final plans; consultation. In accordance with this article, each commission shall issue a draft combination plan and final combination plan to effectuate the limited sharing of justice courts in the county. In the development of such plans, the commission shall consult with the town and village justices, non-judicial staff of the justice courts, town and village boards, law enforcement agencies, prosecutors, public defense providers and other persons relevant to the administration of justice in the justice courts of such county.

b. Review factors. For each and all of the justice courts in such county, the commission shall consider caseloads and docket trends, court facilities and security, case-generating features, availability of detention facilities, distribution of prosecution and defense services, distribution of law enforcement personnel, and such other criteria relevant to the cost-effective operation of the justice courts and administration of justice in such county as the commission may determine.

c. Standards for combination plans. Each combination plan shall provide for the limited sharing of justice courts in the county. Under each combination plan:

1. each municipality for which a justice court is established on the effective date of this article shall continue to be served by a justice court in such county, whether presiding solely for such municipality or presiding for multiple municipalities;

2. where such plan provides that a justice court located in one municipality will preside for one or more other municipalities, each such other municipality shall be proximate to the municipality in which such justice court is to be located, and all of the municipalities for which such court will preside shall form a contiguous geographic unit; and

3. except as otherwise provided in subdivision e of this section, the total number of justice courts in such county shall fall within the following ranges of percentages of the number of justice courts established in such county on the effective date of this article:

(i) in each county with population greater than two hundred fifty thousand and less than one million, and in each of the counties of Putnam and Schenectady, no more than ninety percent and no less than seventy percent of such number;

(ii) in each county not otherwise specified with population greater than one hundred fifty thousand and equal to or less than two hundred fifty thousand, no more than eighty percent and no less than sixty percent of such number; and

(iii) in each county not otherwise specified with population equal to or less than one hundred fifty thousand, no more than seventy percent and no less than fifty percent of such number.

The chief administrator shall promulgate a schedule setting forth the minimum and maximum number of justice courts specified in this paragraph for each county according to the population thereof as measured in the most recent federal decennial census or enumeration. In promulgating such schedule, the chief administrator shall round down to the nearest whole number of courts any fractional number of courts arising from the foregoing formula.

d. Additional content of combination plans. Each combination plan also shall specify:

1. the court facility in which each shared justice court will convene;
2. the manner in which justices will share responsibilities for arraignments, warrant applications, emergency proceedings and other off-hour responsibilities;
3. the manner in which justice courts and local law enforcement agencies will provide for the pre-arraignment detention of criminal defendants; and
4. such other matters as the chief administrator may by rule direct to ensure that the implementation of combination plans will promote the administration of justice.

e. Exemption determinations. Notwithstanding any contrary provision of this section, as part of or in lieu of a combination plan, a commission may determine that there should be lesser

sharing of justice courts than specified for such county in subdivision c of this section, or no such sharing, if the commission finds that such determination would not:

(i) delay or diminish the cost-effectiveness of ensuring that the facilities, security and operation of all justice courts in such county are safe, suitable and sufficient for the transaction of court business therein;

(ii) delay or diminish the cost-effectiveness of ensuring that the availability of resources for prosecution, public defense, detainee transport and other services in and for all justice courts in such county are sufficient to promote the administration of justice in such county; or

(iii) cause or continue unnecessary or inefficient duplication of services.

§ 2203. Commission procedure. a. Draft combination plans. Not later than one year after the effective date of this article, each commission shall submit to the chief administrator of the courts, county executive or county manager and county legislature a draft combination plan complying with section 2202 of this article. Such submission shall include the location and time of each public hearing to be held thereon pursuant to subdivision b of this section. In advance of such hearing or hearings, the commission shall publicize such draft plan to potentially interested members of the public to the extent reasonably practicable.

b. Public hearings. Not sooner than thirty days and not later than sixty days after the submission of such draft combination plan, the commission shall hold one or more public hearings within the county and ensure that interested members of the public have a reasonable opportunity to be heard thereon.

c. Final plans. Not later than sixty days after the last of such public hearings, the commission shall submit to the chief administrator, county executive or manager and county legislature a final combination plan complying with section 2202 of this article.

d. Technical review. Not later than sixty days after submission of such final combination plan, the chief administrator shall transmit to the commission, county executive or manager and

county legislature a certificate determining either that such plan complies with section 2202 of this article, or that such plan fails to comply and setting forth the technical defects thereof. If the chief administrator shall transmit a noncompliance certificate, then not later than thirty days thereafter, the commission shall amend such noncomplying plan to correct such defects and otherwise comply with such section and shall submit such amended plan to the chief administrator. Not later than thirty days thereafter, the chief administrator shall transmit to the commission, county executive or manager and county legislature a certificate determining either that such amended plan complies with such section, or that such amended plan again fails to comply and setting forth the defects thereof, in which latter instance the default provisions of subdivision f of this section shall govern.

e. Enactment and substitution of combination plans. For a combination plan for which the chief administrator transmits to the county legislature a compliance certificate pursuant to subdivision d of this section:

1. If the commission has not made an exemption determination pursuant to subdivision e of section 2202 of this article, then such combination plan automatically shall have force of law sixty days after such transmittal unless such county legislature, by two-thirds vote of all the members thereof, sooner shall enact by local law a substitute combination plan complying with the provisions of such section; provided that no county legislature shall enact such a local law unless the chief administrator first shall certify that such substitute plan, if enacted, would comply with the provisions of such section.

2. If the commission has made an exemption determination pursuant to subdivision e of section 2202 of this article, then such combination plan (or the determination that there should be no sharing of justice courts in such county hereunder) shall have force of law sixty days after such transmittal only if the county legislature, by two-thirds vote of all the members thereof,

sooner shall ratify the same by local law. In the alternative, such county legislature sooner may enact by local law a substitute combination plan complying with the provisions of such section; provided that no county legislature shall enact such a local law unless the chief administrator first shall certify that such substitute plan, if enacted, would comply with the provisions of such section. If the county legislature shall neither ratify such exemption determination nor enact a substitute combination plan pursuant to this paragraph, then the default provisions of subdivision e of this section shall govern.

f. Default procedure. If a commission shall fail to submit a final combination plan or amend a noncomplying plan certified to comply with section 2202 of this article by the date specified therefor in subdivision d of this section, or if the county legislature shall fail to ratify a combination plan or enact a substitute plan by the date specified therefor in paragraph two of subdivision e of this section, then not later than thirty days after such date, the chief administrator shall promulgate a final combination plan for the justice courts of such county consistent with section 2202 of this article and shall transmit the same to the county executive or manager and county legislature. Such final combination plan automatically shall have force of law sixty days thereafter unless such county legislature, by two-thirds vote of all the members thereof, sooner shall enact by local law a substitute combination plan complying with the provisions of such section; provided that no county legislature shall enact such a local law unless the chief administrator first shall certify that such substitute plan, if enacted, would comply with the provisions of such section.

g. Effective date of combination plans. The combination plan for the justice courts in each county shall take effect on the first day of January in the second year next succeeding the date on which such plan shall have force of law pursuant to subdivision e or f of this section.

§ 2204. Transition provisions. Notwithstanding any other provision of law, on and after the effective date of a combination plan pursuant to subdivision g of section 2203 of this article:

a. Each justice court designated in such plan to assume the jurisdiction of one or more town or village courts shall, on such date, be deemed to have the jurisdiction of each of such other courts.

b. Each office of town justice and village justice shall, on such date, also become an office of justice of the justice court designated in such plan to preside for such town or village, continuing in such term of office as theretofore provided by law, and shall have jurisdiction for each municipality for which such justice court exercises jurisdiction to the same extent and effect as if such justice were selected in and for each such municipality.

c. Each action and proceeding pending in a town or village court whose jurisdiction another justice court assumes pursuant to such plan shall, on such date, be deemed pending in such other justice court, and the rules of procedure governing each such action or proceeding before such date shall continue to apply on and after such date.

d. The non-judicial personnel of each town or village court whose jurisdiction another justice court assumes pursuant to such plan shall, on such date, be deemed to be the non-judicial personnel of such other justice court; provided that if such personnel perform functions both for a justice court and for one or more other municipal offices on the day immediately preceding such date and thereafter continue to perform functions both for a justice court and for one or more other municipal offices, then such personnel shall be deemed to be the personnel of such other justice court only for such portion of their employment as relates to judicial business.

e. The papers and effects of each town or village court whose jurisdiction another justice court assumes pursuant to such plan shall, on such date, be deemed to be the papers and effects of such other justice court and promptly shall be transferred to the possession of such other justice court or otherwise as may be provided by the chief administrator of the courts, and the seal of such other justice court shall be amended accordingly.

§ 2205. Construction. Nothing in this article and no combination plan hereunder shall be construed to:

a. discontinue a town court within the meaning of subdivision b of section 17 of article 6 of the New York state constitution;

b. establish a district court within the meaning of section 16 of article 6 of the New York state constitution;

c. establish or abolish any judicial office, alter the term of office of any justice or alter the manner of selection for any judicial office; or

d. impair the rights of any non-judicial employee serving any town or village court on account of another justice court assuming the jurisdiction thereof.

§ 2. This act shall take effect on the thirtieth day after this bill shall have become a law; provided that the chief administrator of the courts immediately is authorized to promulgate rules to effectuate the provisions of this act.

Part B

Section 1. The uniform justice court act is amended by adding thereto a new article 22-A to read as follows:

ARTICLE 22-A

JUSTICE COURT ADMINISTRATION

Section

2206. Funding and cost apportionment.

2207. Budgeting system.

2208. Financial management.

2209. Adjustments to judicial office.

2210. Non-judicial staff.

§ 2206. Funding and cost apportionment. In accordance with this article and subject to state support or reimbursement pursuant to law, the governing board of each municipality for which a justice court is established shall enact and fund an annual budget for such court and appropriate to or expend on behalf of such court such moneys as reasonably sufficient for the court adequately to perform its duties and ensure the administration of justice under law. The costs of operating a justice court for multiple municipalities pursuant to section 106-a or article 22 of this chapter, except as the governing board of each such municipality may provide by joint resolution, shall be charges against each such municipality in proportion to the respective populations thereof as of the most recent federal decennial census or enumeration, which proportions the state comptroller shall calculate and as needed revise. This article shall not be construed to impose any obligation on or otherwise apply to any town or village for which a justice court was not established on the effective date of this article.

§ 2207. Budgeting system. a. The budgeting system of every town pursuant to article eight of the town law and every village pursuant to article five of the village law shall include the budget for the justice court having jurisdiction for such town or village.

b. The fiscal year for each justice court shall be the fiscal year specified in article eight of the town law, except that the fiscal year for a court having jurisdiction for one or more villages only shall be the fiscal year specified in article five of the village law.

c. Each justice court, by the justices thereof or the court clerk on behalf of such justices, shall prepare its preliminary budget for the next fiscal year in consultation with the supervisor of the town or mayor of the village for which such court presides, or in the case of a justice court for multiple municipalities pursuant to section 106-a or article 22 of this chapter, in consultation with the supervisor or mayor of each such municipality. In the preparation of such preliminary budget, the justice court shall be entitled to receive such timely assistance from appropriate

municipal officers as the court reasonably may request. Each justice court shall submit such preliminary budget to the governing board of the town or village for which such court presides, or in the case of a justice court for multiple municipalities pursuant to section 106-a or article 22 of this chapter, to the governing board of each such municipality, by the date specified in section 104 of the town law or by the date specified in subdivision two of section 5-502 of the village law for a court having jurisdiction for one or more villages only. Such preliminary budget shall be reasonably sufficient for the court adequately to perform its duties and ensure the administration of justice under law.

d. The governing board of each town or village shall enact by local law a budget for such justice court for the next succeeding fiscal year thereof by the date on which the budget for such town or village is required to be enacted. For a justice court for multiple municipalities pursuant to section 106-a or article 22 of this chapter, the governing board of each such municipality shall enact by joint resolution a budget for such court for the next succeeding fiscal year thereof by the date specified in section 109 of the town law for the county in which the court is located, or by the date specified in subdivision four of section 5-508 of the village law for a court having jurisdiction for one or more villages only. Such budget shall be reasonably sufficient for the court adequately to perform its duties and ensure the administration of justice under law.

e. If the governing board or boards shall fail to enact a justice court budget in the manner and by the date specified in subdivision d of this section, then on such date the preliminary budget for such court for the next succeeding fiscal year thereof, with such amendments as theretofore shall have been made by the governing board by local law or by the governing boards by joint resolution, shall be deemed to constitute the budget for such court for such fiscal year to the same extent and effect as if such preliminary budget were duly enacted, and thereafter such budget may be amended by local law for a justice court for a single municipality or by joint resolution for a justice court for multiple municipalities.

f. Each town and village as part of its budget, and each village sharing a justice court with one or more towns pursuant to article 22 of this chapter as part of a supplemental budget or otherwise, shall on or before the date specified in subdivision d of this section appropriate to or on behalf of such court such apportionment of funds as required by subdivision a of this section for the support of the court budget for the next succeeding fiscal year thereof. If a justice court budget be amended pursuant to subdivision e of this section, then each such municipality shall appropriate forthwith to or on behalf of the court such apportionment of additional funds required hereunder for the support of such amended budget.

§ 2208. Financial management. a. Each justice court shall comply with such rules and regulations governing financial records, receipt of funds, court remittances to the justice court fund, transfers of funds among the court and each municipality for which such court exercises jurisdiction, and such other fiscal control matters as the state comptroller reasonably may direct pursuant to section 99-a of the state finance law.

b. Except as the state comptroller otherwise may provide by rule, in each justice court for multiple municipalities pursuant to section 106-a or article 22 of this chapter, each justice shall cause to be kept a separate set of records and dockets for each such municipality for which he or she exercises jurisdiction and a separate bank account for each such municipality for the deposit of moneys received in the exercise of such jurisdiction.

c. The state comptroller shall ensure compliance with the provisions of this section.

§ 2209. Local adjustment to judicial offices. a. Notwithstanding any provision of law:

1. For a justice court for a single town or village only, the governing board thereof may by local law adjust the number of justices of such court; provided that each such municipality shall have at least one justice and a municipality having only one justice also shall appoint an acting justice.

2. For a justice court for multiple municipalities pursuant to section 106-a or article 22 of this chapter, such municipalities may, by joint resolution enacted by the governing board of each such municipality, adjust the number of justices of such court and/or the apportionment of justices selected by and among such municipalities; provided that: (i) each such town shall select at least one justice; (ii) the total number of justices established hereunder for such court shall be no less than the sum of the number of such municipalities and no more than twice such sum; (iii) each such municipality having less than two justices shall appoint an acting justice; and (iv) no village for which a justice court was not established on the effective date of this article shall select a justice or be required to enact a joint resolution hereunder.

b. Adjustment procedure. 1. Every local law or joint resolution pursuant to this section shall state the finding of the governing board or boards that such adjustment would promote the timely and effective disposition of matters coming before the court.

2. Every such proposed local law or joint resolution shall be submitted to the chief administrator of the courts not less than ninety days before the governing board or boards shall finally act thereon. No such local law or joint resolution shall be enacted during such ninety days nor if the chief administrator shall, during such period, transmit to the governing board or boards a certificate determining that the enactment of such local law or joint resolution would disrupt the timely disposition of matters coming before such court or otherwise impair the administration of justice. The governing board or boards shall submit to the chief administrator such data as he or she may request to effectuate such determination.

3. No such local law or joint resolution shall be enacted less than thirty days before the first day fixed by the election law for the next commencement of circulation of nominating petitions for such office.

c. The office of any judgeship created pursuant to this section shall first be filled for a term of four years at the next succeeding election of the town or village that such local law or

joint resolution specifies to select such new justice. Where a judgeship is abolished pursuant to this section, the abolishment shall take effect on the completion of the term of the justice then serving in such office or upon the sooner happening of a vacancy therein.

§ 2210. Non-judicial staff. Notwithstanding any provision of law, each justice court shall have at least one clerk and such other personnel as the budget for such court shall provide, who shall be employees of the court.

§ 2. Paragraph a of subdivision 2 of section 3-301 of the village law, as amended by chapter 555 of the laws of 2006, is amended to read as follows:

a. except as provided in section 3-303 of this article, no more than two village justices, but in the event a village has one justice, it shall also have an acting justice who shall serve when requested by the village justice or in the absence or inability of the village justice to serve. The office of village justice is continued in every village in which it is now established[. The board of any other village may establish such office by resolution or local law, subject to permissive referendum. The board of trustees of any village by resolution or local law, subject to permissive referendum, may abolish such office, but to take effect only upon the expiration of the then current term of such office, or establish the office of additional village justices, which justice once elected shall have all the powers and duties of a village justice. The resolution or local law in the latter case shall provide for a term pursuant to section 3-302 of this article. The clerk of the court of a village shall be discharged from employment only upon the advice and consent of the village justice or justices when the clerk, in his or village duties, works solely for the village justice or justices], except as otherwise provided by section 2209 of the uniform justice court act.

§ 3. Subdivisions 1 and 4 of section 849-i of the judiciary law, such subdivision 1 as added by chapter 280 of the laws of 1999 and such subdivision 4 as amended by chapter 127 of the laws of 2007, are amended to read as follows:

1. Each town and village [having] responsible for funding a justice court in whole or in part may make an individual application for funds available pursuant to this article, or two or more such towns or villages, or towns and villages, may make a joint application for such funds, for the support of such court. All applications shall be submitted to the chief administrator of the courts for his or her approval.

4. Notwithstanding any other provision of law, the chief administrator shall not approve any application for funding in excess of the greater amount of (i) thirty thousand dollars [unless such application is] or, in the case of a joint application, the product of thirty thousand dollars and the [aggregate funding sought thereunder does not exceed an amount equaling the product of the] number of joint applicants [making such application and thirty thousand dollars], and (ii) thirty percent of the total amount budgeted for the support of such court and charged to such municipality or municipalities for the fiscal year in which such funds would be paid, nor approve any such application for the support of a court not in compliance with rules and regulations governing the administration and operation thereof as the chief administrator may provide unless the provision of such funds is pursuant to a remedial compliance plan jointly approved by the chief administrator, the justices of such court and the chief executive officer of each municipality responsible for funding such court pursuant to article twenty-two-a of the uniform justice court act.

§ 4. Subdivision 3 of section 31 of the town law, as renumbered by chapter 123 of the laws of 1981, is amended to read as follows:

3. Notwithstanding any other law, actual and necessary expenses incurred by a justice or justice elect in attending a course of training required [of him] before he or she can assume the functions of [his] office shall be a charge against the town for which he or she is selected.

§ 5. Section 69 of the town law, as added by chapter 544 of the laws of 1954, is amended to read as follows:

§ 69. Duties of town board with respect to justice courts. Each [town board shall provide for each] justice [of the peace] presiding in a justice court for a town shall be entitled to have furnished for his or her use such statutes, manuals, books, forms and supplies as may be necessary for the proper administration of his or her office. The expenses incurred in complying with the foregoing provisions shall be a town charge within the meaning of this chapter except as otherwise provided by article twenty-two-a of the uniform justice court act.

§ 6. Subdivision 11 of section 116 of the town law, as added by chapter 357 of the laws of 1936, is amended to read as follows:

11. The fees and charges of a [police] justice or other officer authorized by law to be paid for services rendered and expenses incurred on account of offenses committed in a village and [triable] tried before [the police] a justice court for such village but not for such town[,] shall not be a town charge or be audited or paid by the town board of the town.

§ 7. Subdivision 2 of section 4-410 of the village law, as amended by chapter 976 of the laws of 1973, is amended to read as follows:

2. [All the] Except as otherwise provided by article twenty-two-a of the uniform justice court act, all expenses of maintaining the village court[, including the fees of the village justice if he is not paid a salary,] shall be a village charge. [The fees allowable to the villages for the services of magistrates and the fees allowable to other officers for services in criminal proceedings, for or on account of an offense which a court of special sessions has not jurisdiction to try, shall be a county charge, if the magistrate had jurisdiction of the proceedings in which the services were rendered.] A county shall pay any amount due to a village for the services of a village justice which are a county charge upon presentation to it of a claim by the state comptroller for such charges each quarter. If any fine legally payable to the state[,] shall have been erroneously paid to the village treasurer, the board of trustees may, and is hereby authorized

to, appropriate in its next annual budget such sum as may be necessary to reimburse the state for such fine so paid.

§ 8. Subdivision 7 of section 5-524 of the village law, as amended by chapter 222 of the laws of 1982, is amended to read as follows:

7. The actual and necessary expenses of all officers, employees, and, when authorized by the board of trustees, the actual and necessary expenses of the volunteer chief and assistant volunteer chiefs of the village fire department incurred in the performance of their official duties shall be a village charge. For the purposes of this subdivision “actual and necessary expenses”, as it applies to a volunteer chief or assistant volunteer chief of the village fire department, means only such expenses incurred in the performance of their extra official duties as volunteer chief or assistant volunteer chief. The board of trustees of any village, in lieu of auditing and allowing the claim of a village officer, employee, or volunteer chief and assistant volunteer chiefs of the village fire department for actual and necessary expenses for travel, may determine by resolution to allow and pay such officer, employee, or volunteer chief and assistant volunteer chiefs of the village fire department a reasonable mileage allowance for use of his or her own automobile for each mile actually and necessarily traveled by him or her in the performance of the duties of his or her office or position, or in attending a convention, conference or school pursuant to section seventy-seven-b of the general municipal law. The actual and necessary expenses incurred by a [police] village justice or justice elect who does not also hold the office of town justice or justice elect in attending [a training school for justices provided by the education department or given within his county by the county magistrate's association] a course of training required before he or she can assume the functions of office shall be a charge against the village [of] for which he or she is [police justice. No such person, however, shall be allowed such expenses for attending a regional school unless his village shall be included within the area of such region as established by the education department] selected.

§ 9. This act shall take effect immediately.

Part C

Section 1. The uniform justice court act is amended by adding thereto two new sections 105-a and 105-b to read as follows:

§ 105-a. Age and educational qualifications for town and village justices. In addition to other qualifications for town or village judicial office established by law, no person other than one serving as a town or village justice on the effective date of this section shall be eligible for selection as a town or village justice unless he or she shall have achieved the age of twenty-five years, graduated from an accredited high school or earned a general equivalency degree diploma, and earned an associate or baccalaureate degree from an accredited institution of higher education.

§ 105-b. Residency requirement for town and village justices. Notwithstanding any provision of law, a person shall be eligible to serve as a justice for any town, or for any village wholly or partly located in such town, within his or her county of residence or an adjoining county. A justice who ceases to satisfy this requirement as to any such judicial office shall be deemed to vacate such office, which thereafter shall be filled in the manner prescribed by law.

§ 2. The uniform justice court act is amended by adding thereto a new section 105-c to read as follows:

§ 105-c. Election to proceed in certain criminal actions. a. In accordance with this section, a defendant appearing in a justice court pursuant to an accusatory instrument that charges a misdemeanor or felony may elect to proceed in such matter only before a justice admitted to practice law in this state. Such election shall be by written instrument in a form prescribed by the chief administrator of the courts and shall be filed with such court not later than the completion of the first appearance at which either the defendant makes a motion or such

court decides a motion made by the prosecutor, other than a motion in relation to any matter specified in subdivision b of this section.

b. Notwithstanding an election pursuant to subdivision a of this section, a justice not admitted to practice law in this state may arraign the defendant, enter a plea, vacate a plea entered by such justice, issue or modify a securing order, fix or modify bail, assign counsel, conduct a proceeding pursuant to article one hundred seventy or one hundred eighty of the criminal procedure law, issue a temporary order of protection, suspend a license or registration pursuant to article twenty of the vehicle and traffic law, or suspend a license pending prosecution pursuant to subparagraph one of paragraph e of subdivision two of section eleven hundred ninety-three of the vehicle and traffic law.

c. The chief administrator shall promulgate rules to effectuate the provisions of this section. Such rules shall ensure that defendants timely are advised of the right of election hereunder and that each case in which a defendant makes such an election is assigned to a justice or judge admitted to practice law in this state with minimum practicable delay and burden to the parties.

§ 3. Subdivision (a) of section 105 of the uniform justice court act, as added by chapter 250 of the laws of 1975, is amended to read as follows:

(a) Training. No town or village justice [selected for a term of office commencing on or after September first, nineteen hundred sixty-seven], except one who has been admitted to practice law in this state, shall assume the functions of [his] office unless he or she has filed with the clerk of [his] the municipality in which he or she was selected a certificate of completion of a course or courses of education and training prescribed by the [administrative board. The administrative board] chief administrator of the courts. The chief administrator may issue a temporary certificate enabling a town or village justice to assume the functions of his or her office pending completion of the earliest such course or courses available thereafter, and may

issue a certificate enabling a town or village justice to assume partial functions of office upon successful completion of any part of such course or courses directly relating to such partial functions pending successful completion of the next course or courses relating to the remaining functions of office that such justice shall not yet be certified to perform. Such certificates shall be in a form, and subject to terms and conditions, as prescribed by the [administrative board] chief administrator.

§ 4. This act shall take effect immediately; provided that section one of this act shall take effect on the first day of January next succeeding the date on which this bill shall have become a law.

Part D

Section 1. Section 102 of the uniform justice court act, as added by chapter 898 of the laws of 1966, is amended to read as follows:

§ 102. Application of UJCA. The justice courts of this state shall include every court established to serve an individual town or village and every court established to serve multiple such localities in accordance with this chapter. The jurisdiction of and practice and procedure in each such court [governed by the UJCA] shall be as prescribed herein, and each such court shall be a part of the unified court system for the state. [Such] Each such court [in each municipality] shall have an official seal [to be furnished by the municipality] upon which shall be engraved the words “Justice Court of the [(Town Village or City) of] (insert name of municipality or municipalities for which the court presides), County of (insert name of county), New York, Seal”.

§ 2. Section 103 of the uniform justice court act, as added by chapter 898 of the laws of 1966, is amended to read as follows:

§ 103. Titles of justices; incidental powers. The title of each justice [of:] selected by [a.] a town [court] or village shall be “Town Justice”[;

b. a village court shall be] or “Village Justice”[;], respectively, and each such justice presiding in a justice court pursuant to this chapter shall be titled a justice of such court. A power, duty or limitation devolving on a justice or court subject to this chapter shall devolve on each justice of such court except as otherwise provided by law.

[c. a court established in and for a city and governed by this act shall be “City Justice”.]
In addition to such judicial powers as are conferred by law in this act or elsewhere, each justice shall have all of the powers conferred or conferrable on non-judicial personnel of the court.

§ 3. Section 104 of the uniform justice court act, as added by chapter 898 of the laws of 1966, is amended to read as follows:

§ 104. Bond and oath of office. Upon assuming office, each justice shall file with the county clerk his or her oath of office and a bond in an amount fixed by the [municipal] governing board of the town or village for which such justice was selected, and conditioned on the faithful performance of his or her duties. Additional copies of the oath shall be filed with the [administrative board] chief administrator of the courts and with the clerk of [the municipality] such town or village.

§ 4. Subdivisions 6, 8 and 9 of section 106 of the uniform justice court act are REPEALED, subdivision 7 of such section is renumbered to subdivision 6, and subdivisions 1 and 2 of such section, such subdivision 1 as amended by chapter 499 of the laws of 1977 and such subdivision 2 as amended by chapter 321 of the laws of 2007, are amended to read as follows:

1. A justice may hold court anywhere in the municipality or municipalities for which such justice court presides, including in the case of a town [justice] anywhere within a village wholly or partly contained within [the] such town [of which he or she is a justice regardless of] whether or not [said] a different justice court presides for such village [has a village court and in the event]. If two or more contiguous villages maintain offices in the same building, a [village]

justice of a justice court presiding for any such village may hold court in such building, notwithstanding that the building is outside the boundaries of such village. [A town justice may hold court in an adjacent town providing such justice has been elected or holds office pursuant to a plan established by resolution which was adopted pursuant to the provisions of section one hundred six-a of this chapter.] For purposes of arraignments and appearance proceedings pursuant to a warrant, a justice may preside for his or her justice court anywhere in the county in which such court is established provided that the county, city, town or village providing the court facility in which such justice shall preside for any of such purposes consents to such usage.

2. The chief administrator of the courts may temporarily assign any justice of another town or village [court], or a judge of a city court, to [a town or village] any justice court within the county of such judge's or justice's residence or an adjoining county. While temporarily assigned hereunder, any such judge or justice shall have the powers, duties and jurisdiction of a justice of the court to which the assignment is made. After the expiration of any temporary assignment hereunder, the judge or justice assigned shall have all the powers, duties and jurisdiction of a judge or justice of the court to which the assignment was made with respect to all matters pending during the term of such temporary assignment. Such judge or justice shall be entitled to such compensation and travel expenses as the chief administrator shall prescribe by rule, payable out of funds appropriated to the state judiciary for such purpose.

§ 5. Section 107 of the uniform justice court act, as amended by chapter 861 of the laws of 1975, is amended to read as follows:

§ 107. Records and dockets of court. Each justice shall keep or cause to be kept legible and suitable books, papers, records and dockets of all [civil actions and proceedings and all criminal actions and] proceedings. The rules may prescribe their form, care, custody and disposition, provided, however, that in any county or part of a county where the district court

system has been duly adopted, all the dockets of the [town] justices then on file or required to be filed[,] in the office of the town or village clerk[,] or in the justice court for such town or village shall be transferred to the office of the clerk of the district court and there kept and maintained in the same manner as other official records of the district court, and responsibility for such records on the part of the town or village and the justices and clerks thereof shall cease.

§ 6. Section 109 of the uniform justice court act, as added by chapter 898 of the laws of 1966, is amended to read as follows:

§ 109. Non-judicial personnel; their powers and duties. Each court shall have such [nonjudicial] non-judicial personnel as may be provided by the [municipal board] budget for such court pursuant to this chapter. Their powers and duties, in addition to those provided by this act, shall as be provided in the rules of the chief administrator. All non-judicial personnel of the court shall have the power to administer oaths, take acknowledgments and sign the process or mandate of the court, if so authorized by law[,] or court rule [or appellate division order].

§ 7. Paragraph 3 of subdivision a of section 110 of the uniform justice court act, as added by chapter 898 of the laws of 1966, is amended to read as follows:

3. a justice court [established in and] for [a city and governed by this act] multiple municipalities pursuant to section 106-a or article 22 of this chapter, the police officials, marshals and constables of each such municipality, each acting for his or her municipality, and the sheriff of the county.

§ 8. Subdivision (c) of section 111 of the uniform justice court act, as added by chapter 898 of the laws of 1966, is amended to read as follows:

(c) Bond. With such oath as is required to be filed by subdivision (b) shall be filed a bond, in an amount fixed and approved by the municipal board or, for a justice court for multiple municipalities pursuant to section 106-a or article 22 of this chapter, by joint resolution of each such municipality, conditioned for the faithful performance of duty.

§ 9. Section 201 of the uniform justice court act, as amended by chapter 685 of the laws of 1977, is amended to read as follows:

§ 201. Jurisdiction; in general. a. The court shall have jurisdiction as set forth in this article and as elsewhere provided by law[, subject, in the case of a city court governed by this act, to the limitations stated in § 2300 (b) (2) (i) of this act]. The phrase “\$3000”, whenever it appears herein, shall be taken to mean “\$3000 exclusive of interest and costs”[, except that, in the case of a city court governed by this act whose monetary jurisdiction is, pursuant to § 2300 (b) (2) (i) of this act, below \$3000, it shall be taken to mean such lesser sum as is applicable in the particular court, exclusive of interest and costs].

b. Concurrent civil jurisdiction of [town court] separate justice courts presiding for town and village [court in village]. Notwithstanding the provisions of this chapter or section one hundred eighty-six of the village law, [the town] a justice court presiding for a town and [the village] a separate justice court [of] presiding for a village wholly or partly within such town [and wherein a court has been established] shall have concurrent civil jurisdiction over causes of action arising within such village.

§ 10. The title and subdivisions (a) and (b) of section 213 of the uniform justice court act, as added by chapter 898 of the laws of 1966, are amended to read as follows:

§ 213. [Residence] Location of party residence or business [within municipality]. (a) In an action described in [§] section 202 of this chapter, either a plaintiff or a defendant must:

1. be a resident of [the municipality] a town or village for which such justice court is established;
2. have a regular employment within [the municipality] such town or village; or
3. have a place for the regular transaction of business within [the municipality] such town or village.

(b) A corporation, association or partnership shall, for the purposes of this section, be deemed a resident of the [municipality] town or village if it has an office or agency or regularly transacts business [in the municipality] therein.

§ 11. Section 214 of the uniform justice court act, as amended by chapter 515 of the laws of 1978, is amended to read as follows:

§ 214. Transferred cases in Westchester county. In a case brought in the supreme court or county court of Westchester county where money damages only are sought and classification, pretrial or other appropriate procedures in either of said courts or the demand for relief have determined that the potential recovery, assuming liability, in an action or proceeding or counterclaim therein will not exceed the sum of five thousand dollars, exclusive of interest and costs, if such action or proceeding is transferred to a [town or village] justice court in the county of Westchester having jurisdiction of the parties under section two hundred thirteen of this act, pursuant to section nineteen of article six of the state constitution, the verdict or judgment of such justice court shall not be subject to the limitation of monetary jurisdiction specified elsewhere in such article for such court, but shall be subject instead to a monetary jurisdiction not to exceed five thousand dollars, exclusive of interest and costs. Alternatively, for purposes of this section only, in the furtherance of the interests of justice, such transfer may be made (a) to a justice court [in] for a municipality adjacent to a municipality designated in section two hundred thirteen of this [act] chapter or to a justice court [in] for a municipality adjacent to a city in Westchester county whose court would otherwise have had jurisdiction by [the] a [calendar] justice of the supreme court or judge of the county court; or (b) to any justice court in the county of Westchester by the administrative judge of the ninth judicial district. Costs incurred by local municipalities in administering their courts as a result of the application of this section shall be [a charge] charges against the county of Westchester within the amounts appropriated by the county therefor and subject to reasonable rules and regulations thereof by the county.

§ 12. Section 1306 of the uniform justice court act is REPEALED.

§ 13. Section 1801 of the uniform justice court act, as amended by chapter 76 of the laws of 1994, is amended to read as follows:

§ 1801. Small claims defined. The term “small claim” or “small claims” as used in this act shall mean and include any cause of action for money only not in excess of three thousand dollars exclusive of interest and costs, provided that the defendant either resides, or has an office for the transaction of business or a regular employment, within [the] a municipality [where] for which the court [is located] presides. However, where a judge of the county court, pursuant to subdivision (g) of section three hundred twenty-five of the civil practice law and rules, transfers a small claim from [the town or village] a justice court having jurisdiction over the matter to another [town or village] justice court within the same county, the court to which it is transferred shall have jurisdiction to determine the claim.

§ 14. Paragraph 3 of subdivision (a) of section 1911 of the uniform justice court act, as amended by chapter 309 of the laws of 1996, is amended to read as follows:

3. [a.] No [clerk of any town] justice court shall collect or charge any fee imposed pursuant to paragraph one of this subdivision from [the] any town [in] or village for which such court [has jurisdiction nor from any village located therein, nor] presides or from any officer or agency of any such town or village.

[b. No clerk of any village court shall collect or charge any fee imposed pursuant to paragraph one of this subdivision from the village in which such court has jurisdiction, or from any officer or agency of such village.]

§ 15. Section 2012 of the uniform justice court act is REPEALED.

§ 16. Section 2019-a of the uniform justice court act, as amended by chapter 861 of the laws of 1975, is amended to read as follows:

§ 2019-a. Justices' criminal records and docket. The records and dockets of the court except as otherwise provided by law shall be at reasonable times open for inspection to the public and shall be and remain the property of the [village or town of the residence of such justice] court, and at the expiration of the term of office of each [such] justice thereof shall be forthwith filed by him or her in the office of the clerk of such [village or town] court, provided, however, that if such records and dockets are transferred pursuant to section [twenty hundred twenty-one] 2021 of the uniform district court act, the responsibility for such records and dockets by the [city, village or town] justice court shall cease and they shall be the property of the district court to which they are transferred. The record of every criminal action shall state the names of the witnesses sworn and their places of residence[, and if in a city, the street and house number;], and every proceeding had before him or her. It shall be the duty of every such justice, at least once a year and upon the last audit day of [such village or town] the municipality or, in the case of a justice of a justice court for multiple municipalities pursuant to section 106-a or article 22 of this chapter, the last audit day of each of such towns only except in the case of a justice court for multiple villages only, the last audit day of each of such villages, to present his or her records and docket to the auditing board of each said [village or town, which] municipality. For a justice court for a single town or village only, the governing board of such town or village shall examine the said records and docket, or cause the same to be examined and report thereon submitted to the board by a certified public accountant, or a public accountant and enter in the minutes of its proceedings the fact that they have been duly examined, and that the fines and fees therein collected have been turned over to the proper officials of [the] such village or town as required by law. For a justice court for multiple municipalities pursuant to section 106-a or article 22 of this chapter, the governing boards of each such municipality shall by joint resolution cause the said records and docket to be examined in the manner prescribed by this section. Examinations pursuant to this section shall comply with such reasonable rules as the state comptroller may

provide. Any such justice who shall willfully fail to make and enter in such records and docket forthwith[,], the entries by this section required to be made or to exhibit such records and docket when reasonably required, or present his or her records and docket [to the auditing board] for audit as herein required, shall be guilty of a misdemeanor and shall, upon conviction, in addition to the punishment by law for a misdemeanor, forfeit his or her office.

§ 17. Subdivision 1 of the first section 2021 of the uniform justice court act, as amended by chapter 385 of the laws of 1999, is amended to read as follows:

1. A fine imposed and paid before commitment[,], must be received by the court, and unless otherwise provided by law, shall be the property of the town in which the offense was committed [if the fine was imposed by a town court]. If, however, the [fine was imposed by a village court for an] offense was committed in a village for which there existed a village court on the effective date of article 22 of this chapter, then, unless otherwise provided by law, the fine received for such offense shall be the property of [the] such village [in which the offense was committed]. Notwithstanding the foregoing provisions of this subdivision, all fines imposed for the violation of a village law, ordinance or regulation, unless otherwise provided by law, shall be the property of such village, whether or not [the village] there has been established [the] for such village an office of village justice.

§ 18. The second section 2021 of the uniform justice court act, as added by chapter 1113 of the laws of 1971, is renumbered to section 2022 and, as renumbered by this section, is amended to read as follows:

§ 2022. Stenographer in criminal proceedings. Whenever a contested criminal proceeding is prosecuted in a justice court, [the justice] such court may employ a stenographer to take the testimony on such trial. The [municipal board shall fix the rate of compensation to be paid to such stenographer for such services rendered. Such compensation] cost thereof shall be a

[municipal] charge against such court, and shall be audited and paid upon certification by the court [specifying the number of folios furnished].

§ 19. Subdivisions (d), (e) and (j) of section 2101 of the uniform justice court act are REPEALED, subdivisions (f), (g), (h), (i), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t) and (u) of such section, such subdivision (n) as amended by chapter 626 of the laws of 1970 and such other subdivisions as added by chapter 898 of the laws of 1966, are relettered to subdivisions (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q) and (r), respectively, and subdivisions (g), (j), (k), (m), (n), (o), (p), (q) and (r), as relettered by this section, are amended to read as follows:

(g) “Court” [embraces] and “justice court” shall embrace each and every justice court or office thereof to which this act is applicable pursuant to [§] section 2300 and, for purposes of the application of this act to each such court, it shall be taken as a reference to [either:

1.] the [town] court [of] presiding for the particular town[;] or

[2. the village court of the particular] village, including a court for multiple such municipalities, and if there is no court [established in and] for the particular village, [it means] then the [town] court, if any, [of] for the town in which the village is located in whole or in part[; or

3. the court established in and for the particular city, if such court is governed by this act;], as the case may be.

(j) “Municipal board” means the local governing body of the town[,] or village [or city in and] for which the particular court to which this act is being applied [is established] presides.

(k) “Municipality” means[, as applied to:

1. a town court,] the town [in and] for which [it] a justice court [is established and it includes] presides, including a village located in whole or in part within the town with respect to civil causes of action arising within such village or if there is no other court [established in and] presiding for such village[;], or

[2. a] the village [court, the village in and] for which [it is established] a justice court presides where on the effective date of article 22 of this chapter there existed a village court for such village, as the case may be]; and

3. a court established in and for a city, which court is governed by this act, the city in and for which it is established].

(m) “Town” means the town [in and] for which [is established] the particular [town] justice court to which this act is being applied presides. It does not include any village which is in whole or in part within the town unless there [is] was no village court established [in and] for such village on the effective date of article 22 of this chapter, in which case it does include such village. [It does not include any city.]

(n) “Town court” means the particular court or [office established in and] justice for a town, which court or [office] justice is governed by this act pursuant to [§] section 2300 of this act and to which this act is being applied.

(o) “Town justice” means the justice or justices of the particular [town] justice court for the town to which this act is being applied.

(p) “Village” means the village [in and] for which [is established] the particular [village] justice court to which this act is being applied presides or for which a village court was established on the effective date of article 22 of this chapter.

(q) “Village court” means the particular court or [office established in and] justice for a village, which court or [office] justice is governed by this act pursuant to [§] section 2300 of this act and to which this act is being applied.

(r) “Village justice” means the justice or justices of the particular [village] justice court for the village to which this act is being applied.

§ 20. Subdivision (b) of section 2300 of the uniform justice court act, as added by chapter 898 of the laws of 1966, is amended to read as follows:

(b) Courts to which applicable.

[1. Town and village courts.] This act shall apply to[:]

[(i) every court in the state [which is] established [in] and presiding for [a town, whether] one or more towns and/or one or more villages, by whatever name such court previously was denominated [“justice court”, “justice’s court”, “justice of the peace”, “town court”, “office of justice of the peace”, or any other combination of words denoting the office or court commonly known as that of justice of the peace of a town; and

(ii) every court in the state which is established in and for a village, whether denominated “village court”, “village justice”, “police justice”, “police court”, “village police justice”, “village justice of the peace”, “office of village police justice”, or any other combination of words denoting the office or court commonly known as that of village police justice], except as provided by subdivision (d)(2) regarding areas of a district court.

[2. City courts. The applicability of this act to courts established in and for cities outside the city of New York, regardless of the name or designation of such courts, shall be as provided in the following subparagraphs.

(i) Civil jurisdiction. If the court has civil jurisdiction, but in its exercise is governed by the UCCA pursuant to either paragraph one or three of UCCA § 2300(c), no part of this act shall apply to such court. If the court exercised civil jurisdiction immediately prior to the effective date of this act and in the exercise thereof the court was and is not governed by the UCCA pursuant to either paragraph one or three of UCCA § 2300(c), this act, with the exception of article 20 and such other provisions hereof as are concerned with the criminal practice and procedure, shall apply to the court. In such instance, the basic monetary jurisdiction of the court, for purposes of article two of this act, shall be as elsewhere provided by law for such court; and

if the law providing for the monetary jurisdiction of such court states no monetary figure, but adopts by reference such figure as is supplied by a different law, the reference shall be disregarded and the monetary jurisdiction of such court, for purposes of article two of this act, shall be \$500.

(ii) Criminal jurisdiction. Article 20 of this act, and such other portions hereof as are concerned exclusively with criminal jurisdiction, practice or procedure, shall not apply to any court established in and for a city.]

§ 21. Section 99-k of the general municipal law is REPEALED.

§ 22. The opening of subdivision 1 of section 99-l of the general municipal law, as amended by chapter 261 of the laws of 1993, is amended to read as follows:

1. [Towns and villages, for their own respective benefits shall be entitled to receive for] For the services of the town [court and the] or village [court] in whose facility a justice court presides over a criminal [actions] action [and] or other [proceedings] proceeding, the court shall collect on behalf of such town or village:

§ 23. Subdivision 2 of section 99-m of the general municipal law, as amended by chapter 468 of the laws of 1995, is amended to read as follows:

2. A justice court for a town or village [court], including a justice court for multiple municipalities pursuant to section 106-a or article 22 of the uniform justice court act, shall be entitled to a fee of two per centum of the amount of bail money deposited with the court in connection with a criminal action or proceeding over which the court retains jurisdiction, other than an action or proceeding in which the accusatory instrument charges one or more traffic infraction only, and an additional fee of one per centum as provided herein. The total fees on a sum of bail shall not, however, exceed three per centum and [a town or village] such court shall not be entitled to collect such fees on bail transferred to a superior court. All fees on bail

collected by [a town or village] such court shall be paid to the state comptroller by the court on or before the tenth day of the month next succeeding their collection, except as provided in subdivision three of section ninety–nine-a of the state finance law. [Two] For a justice court for a single town or village only, two per centum of the bail moneys so collected shall be the property of [the] such town or village [in which the court reporting the same is located, and the]; for a justice court for multiple municipalities pursuant to section 106-a or article 22 of the uniform justice court act, each such municipality shall share such two per centum in proportion to the population of each such municipality as measured in the preceding federal decennial census or enumeration, as the state comptroller shall provide. The additional one per centum of such bail moneys shall be disbursed as provided in subdivision three of this section, and shall be used to fund the alternatives to incarceration service plan approved pursuant to article thirteen-A of the executive law for the county in which the [town or village] court is located.

§ 24. Subdivision 3 of section 99-a of the state finance law, as amended by chapter 465 of the laws of 1998, is amended to read as follows:

3. The comptroller is hereby authorized to implement alternative procedures, including guidelines in conjunction therewith, relating to the remittance of fines, penalties, forfeitures and other moneys by [town and village] justice courts, and by the Nassau county traffic and parking violations agency, to the justice court fund and for the distribution of such moneys by the justice court fund. Notwithstanding any law to the contrary, the alternative procedures utilized may include:

- a. electronic funds transfer;
- b. remittance of funds by the justice court to the chief fiscal officer of the town or village [or in the case of]; for justice courts for multiple municipalities pursuant to section 106-a or article 22 of the uniform justice court act, to the chief fiscal officer of each such municipality;

and for the Nassau county traffic and parking violations agency, to the county treasurer, all for distribution in accordance with instructions by the comptroller; and/or

c. monthly, rather than quarterly, distribution of funds.

The comptroller may require such reporting and record keeping as he or she deems necessary to ensure the proper distribution of moneys in accordance with applicable laws. A justice court or the Nassau county traffic and parking violations bureau may utilize these procedures only when permitted by the comptroller, and such permission, once given, may subsequently be withdrawn by the comptroller on due notice.

§ 25. Paragraph b of subdivision 1 and subdivision 2 of section 1803 of the vehicle and traffic law, such subdivision 1 as amended by chapter 385 of the laws of 1999 and such subdivision 2 as amended by chapter 1097 of the laws of 1971, are amended to read as follows:

b. for a violation which occurs in a village in which the office of village justice [is] was established on the effective date of article 22 of the uniform justice court act, any fine or penalty shall be paid to the village in which the violation occurs, when such violation is of (1) any of the provisions of title seven of this chapter, but including violations of section eleven hundred eighty only when occurring in state parks for which the office of parks, recreation and historic preservation has established maximum speed limits pursuant to section sixteen hundred thirty and the violations could have been charged under either such established maximum speed limits or another section of this chapter, and when involving maximum speed limits established pursuant to section sixteen hundred forty-three, sixteen hundred forty-four or sixteen hundred seventy, and excluding violations of sections eleven hundred eighty-two, eleven hundred ninety-two and twelve hundred twelve of this chapter, or (2) any ordinance, order, rule or regulation adopted pursuant to article two-E of the transportation law or section sixteen hundred thirty of this chapter by the East Hudson Parkway Authority or by its successor, or the County of

Westchester Department of Parks, Recreation and Conservation, or the state office of parks, recreation and historic preservation. For purposes of this paragraph, violations shall be deemed to be violations of any such ordinance, order, rule or regulation when they occur on highways under the jurisdiction of the enumerated entities and the violations could have been charged under either such ordinance, order, rule or regulation, or another section of this chapter.

Notwithstanding the foregoing provisions of this paragraph, all fines, penalties and forfeitures for violation of a village ordinance, local law or regulation adopted pursuant to the authorization of paragraph six of subdivision (a) of section sixteen hundred forty of this chapter prohibiting restricting or limiting the stopping, standing or parking of vehicles shall be paid to such village whether or not the village has or had established the office of village justice.

2. Whenever a defendant is arrested and arraigned before a judicial officer authorized to conduct any proceedings in or in connection with any prosecution triable in any local court of inferior jurisdiction [of] for a city, [or before a] town [court,] or [a] village [court] on a charge in which the state is entitled to all fines and penalties under a sentence or judgment of conviction, such city, town or village shall be entitled to receive the fees set forth in section ninety-nine-l of the general municipal law and such fees shall be a state charge and paid as provided in section ninety-nine-a of the state finance law.

§ 26. Section 45 of the agriculture and markets law, as added by chapter 892 of the laws of 1974, is amended to read as follows:

§ 45. Disposition of fines and moneys recovered. Except as otherwise provided in this chapter, all moneys recovered, either as fines, penalties, forfeitures or otherwise, for the violation of any of the provisions of this chapter, or of any other law the enforcement of which is within the jurisdiction of the department, or of the rules of the department, and all bail forfeited by persons charged with such violations, shall be the property of the state. Moneys so recovered by [town justices] justice courts shall be paid to the state comptroller in accordance with the

provisions of section twenty-seven of the town law [and] except that moneys so recovered by [village justices] justice courts for one or more villages only shall be paid to the state comptroller in accordance with the provisions of section 4-410 of the village law. The same disposal shall be made of all moneys recovered upon any bond given by any officer by virtue of the provisions of this chapter. Provided, however, that any such moneys collected as fines, penalties or forfeitures as a result of a prosecution for a violation of any of the provisions of article sixteen and sixteen-a of this chapter and all bail forfeited by persons charged with such violations shall be the property of the county or city, as the case may be, in which the alleged offense was prosecuted and shall be paid to the treasurer, or corresponding fiscal officer, of such county or city, except that any such moneys and any such bail forfeitures, collected by [the town justices or by village justices] justice courts shall be paid to the state comptroller in accordance with section twenty-seven of the town law and moneys so recovered by justice courts for one or more villages only shall be paid to the state comptroller in accordance with section 4-410 of the village law, respectively.

§ 27. Subdivision 2 of section 71-0211 of the environmental conservation law, as amended by chapter 460 of the laws of 1991, is amended to read as follows:

2. Unless otherwise provided in this chapter, not later than the tenth day of each month, all fines, penalties and forfeitures collected for violations of this chapter or rules, regulations, local laws or ordinances adopted thereunder under judgment of any [town or village] justice court[,] shall be paid over by such court to the comptroller of the state, with a statement accompanying the same, setting forth the action or proceeding in which such moneys were collected, the name and residence of the defendant, the nature of the offense, and the fines and penalty imposed. The comptroller shall pay these funds into the general fund of the state.

§ 28. Subdivisions 1 and 2 of section 71-0507 of the environmental conservation law, as added by chapter 664 of the laws of 1972, are amended to read as follows:

1. Such actions, if in [justices' courts] a justice court, may be brought in the justice court for any town or village of the county in which the penalty is incurred, or, if the defendant resides in another county, [in] for any town or village of the county in which the defendant resides.

2. Moneys received by a [town justice or a village] justice court in any action for a penalty brought under the provisions of this chapter listed in section 71-0501 of titles 5 through 15 inclusive and title 33 or upon the settlement or compromise thereof, or a fine for a violation of the provisions of this chapter listed in section 71-0501 and titles 5 through 15 inclusive and title 33 of this article shall be paid to the State Comptroller as provided in section 27 of the [Town Law] town law and section 4-410 of the village law. From the moneys so received, the State Comptroller shall pay all lawful fees for services rendered in such actions when instituted by order of the department or upon information of a conservation officer, regional and assistant regional conservation officer, special game protector, district ranger, forest ranger, or member of the state police. The balance of such moneys arising from penalties under articles 11 or 13 or title 9 of this article or upon the settlement or compromise thereof or from fines for violations of any of the provisions of articles 11 or 13 or title 9 of this article after the payment of lawful fees shall be credited by the Comptroller to the conservation fund. The Comptroller shall adjust and settle his or her account with the conservation fund in the manner provided by section 99-a of the State Finance Law. The balance of all other such moneys after payment of lawful fees shall be credited by the Comptroller to the general fund.

§ 29. Section 71-0521 of the environmental conservation law, as added by chapter 664 of the laws of 1972, is amended to read as follows:

§ 71-0521. Certificate by court [or justice]. The court [or justice], other than a [town justice or a village police] justice court, before whom any person shall be tried or before whom a compromise of the civil penalties for a violation of any provision of this chapter listed in section 71-0501 or under titles 5 through 15 inclusive and title 33 of this article, shall have been made,

or the clerk of the court, [if there be a clerk,] shall, at the termination of such trial or proceeding, forthwith mail or deliver to the department at Albany, or to its representative at such trial or proceeding, a certified statement of the disposition of the case or proceeding, giving the date thereof, the name of the defendant, the name of the person upon whose information the action or proceeding was instituted, the date and place of the violation, the name of each witness sworn in support of the charges, and the costs of the court [or fees of the justice], and the fees of the constable, if any. Provided, however, that a [town] justice [or a village police] court before whom any person shall be tried or before whom a compromise of the civil penalties for a violation of any provision of this chapter listed in section 71-0501 or under titles 5 through 15 inclusive and title 33 of this article, shall have been made, or the clerk of such court, shall forthwith mail or deliver to the department at Albany or to its representative in attendance at such trial or proceeding such certified statement, and within the first ten days of the month following the termination of such trial or proceeding deliver to the State Comptroller at Albany a statement in such form as the Comptroller may require. The Comptroller upon receipt of such statement shall, as provided in section 71-0507, audit the bills of the justice [of the peace] court and the constable for fees in such trial or proceeding and shall pay to the persons entitled thereto the amounts allowed by such audit and shall charge same to the conservation fund.

§ 30. Subdivision 2 of section 52 of the workers compensation law, as amended by chapter 6 of the laws of 2007, is amended to read as follows:

2. All fines imposed under this chapter, except as herein otherwise provided, shall be paid directly and immediately by the officer collecting the same to the [chairman] chairperson, and shall be paid by him or her into the uninsured employers' fund created under section twenty-six-a of this chapter, provided, however, that all such fines collected by [justices of towns and villages]

justice courts shall be paid to the state comptroller in accordance with the provisions of section twenty-seven of the town law and section 4-410 of the village law, respectively.

§ 31. Subdivision 1 of section 27.13 of the parks, recreation and historic preservation law, as amended by chapter 292 of the laws of 1980, is amended to read as follows:

1. Not later than the tenth day of each month, all fines and penalties collected for violations of this chapter or rules, regulations, local laws or ordinances adopted thereunder under judgment of any [town or village] justice court[,] shall be paid over by such court to the comptroller of the state, with a statement accompanying the same, setting forth the action or proceeding in which such moneys were collected, the name and residence of the defendant, the nature of the offense, and the fines and penalty imposed.

§ 32. Subdivisions 1 and 3 of section 201 of the navigation law, such section as amended by chapter 805 of the laws of 1992, are amended to read as follows:

1. On the first day of each month or within ten days thereafter, all fines and penalties collected for violations of this chapter, except for violations of article six, under judgment of any [town or village] justice court [or justice] or pursuant to compromise, shall be paid over by such court [or justice] to the comptroller of the state, with a statement accompanying the same, setting forth the action or proceeding in which such moneys were collected, the name and residence of the defendant, the nature of the offense, and the fine or penalty imposed.

3. All fines and penalties imposed for violations of article four of this chapter under judgment of any [town or village] justice court [or justice] or pursuant to compromise which are paid over by such court [or justice] to the comptroller shall be deposited by the comptroller into the "I love NY waterways" boating safety fund established pursuant to section ninety-seven-nn of the state finance law.

§ 33. This act shall take effect immediately.

§ 3. Severability. If any clause, sentence, paragraph, subdivision, section or other part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 4. This act shall take effect immediately.

REPEAL NOTE. This act repeals subdivisions 6, 8 and 9 of section 106, sections 1306 and 2012, subdivisions d, e and j of section 2101, and article 22 of the uniform justice court act, and section 99-k of the general municipal law. The repealed subdivisions of section 106 authorize justices in three counties to arraign defendants anywhere in the county, provisions this act would moot by conveying this power to justices in all counties. Sections 1306 and 2012, which prescribe the manner in which justice courts draw jurors, are obsolete because county commissioners of jurors now are responsible for assembling juror lists and summoning jurors on justice courts' behalf. The repealed subdivisions of section 2101 provide definitions relevant to the uniform justice court act's applicability to city courts governed instead by the uniform city court act. Article 22 governed the transition of town and village courts into the unified court system 40 years ago and is obsolete. Section 99-k of the general municipal law allows localities to pay for certain juror services in justice courts, a responsibility borne by the state.

— APPENDIX vii —

MINIMUM STANDARDS FOR ALL JUSTICE COURTS

We set out below a more detailed discussion of the minimum standards we believe all Justice Courts should be required meet, in the areas of physical facilities, accessibility, audibility, security and technology.

Facilities, Accessibility and Audibility

With regard to facilities, we believe that all courts in the state, including all Justice Courts, must be fit and safe for the conduct of judicial proceedings. To this end, set forth below are a series of requirements that we believe are fundamental to the functioning of a proper courthouse.

First, strategic barriers should be installed in all town and village courts, including formal, raised benches; tables for litigants and their attorneys; and barriers physically segregating the public from justices, attorneys and litigants. Formal, raised benches not only serve the symbolic purpose of delineating justices' authority, they also enhance safety by both limiting physical access to justices and by improving justices' ability to oversee those in court. Tables for litigants and their counsel serve similar functions: they provide parties and their counsel with easy access to documents and files, while also creating a barrier between the public, litigants, and key court personnel. Finally, railings or other physical barriers that separate the public from participants provide a simple, relatively inexpensive additional layer of protection.

Second, each court should have several clearly defined and sufficiently large spaces set aside for key parties during trials, including spaces in which witnesses testify, attorneys meet and confer with clients in private, and jurors observe proceedings and deliberate. These areas, we believe, are necessary to facilitate the proper functioning of trials. While we do not take the position that these areas must necessarily be dedicated when trials are not taking place – that is, courts need not reserve space exclusively for these purposes – we believe that each Justice Court, at a minimum, should have an established trial plan that expressly creates these spaces.

Third, each court should have fully functioning heating and air-conditioning units. As we observed, it is a simple and unavoidable fact that parties, including the elderly and children who accompany litigants, must sometimes wait hours in crowded courtrooms, often while standing. These litigants' access to justice, however, should not be controlled by the temperature of the courts in which they must wait.

Relatedly, we believe that all Justice Courts should be in full compliance with all local fire and building safety codes. We witnessed courts on our visits in which litigants sat on floors in overcrowded courtrooms, sometimes waiting hours for their names to be called. To the extent this overcrowding violates fire or safety codes or otherwise raises safety hazards, it must be discontinued. In particular, appropriate limits on room capacities should be established where none exist, and then posted and strictly enforced. If necessary, separate spaces should be created to handle overflow crowds.

Fourth, Justice Courts must be made accessible to all parties, including those with disabilities. During our visits, we too frequently observed obstacles that prevent access to the disabled, including steep staircases, narrow passageways, and inadequate assistance for the visually or hearing impaired. In order for Justice Courts to provide equal access to justice and be open to the public (as the law requires), such obstacles must be eliminated.

As to the specific means of resolving accessibility problems, because of the unique and varied access-related issues presented in Justice Court facilities throughout the state, we offer no specific set of accessibility guidelines that each court must follow. We do, however, state our belief that each court should, in conjunction with OCA and as envisioned by the Action Plan for the Justice Courts,¹⁹⁷ conduct an accessibility survey and assessment, and then, at a minimum, fully resolve all accessibility issues identified therein. Compliance with these responsibilities, as with all others, should be monitored by OCA.

Fifth, proceedings in Justice Courts must be audible to all those present, including spectators and members of the public. Audibility was an issue in several courts we visited; in multiple instances the din of the courtroom, the absence of an adequate voice-projection system, or some combination of these and other factors left us unable to understand and follow the proceedings. In order for public proceedings to truly be public, they must be comprehensible to those in attendance. Whether this is accomplished via voice-projection systems, courtroom reconfigurations, or other means is less important to us than the simple fact that all present should be able to hear proceedings as they unfold.

Sixth, all courts must have modern, accessible recordkeeping systems that permit court personnel and litigants to easily access files. While the majority of courts we visited had recordkeeping systems that were adequate for these purposes, a minority had more haphazard systems of questionable reliability. These disorganized recordkeeping approaches create inefficiencies that waste clerk's, litigant's, and justices' time. At the very least, courts should maintain records in such a way that allows court personnel to quickly and immediately access current files.

Seventh, each Justice Court locality must undertake a comprehensive annual audit of Justice Court records. Currently, localities are only required to enter a statement into their minutes each year indicating that their court's dockets have been examined and that fees and fines have been collected.¹⁹⁸ But there is presently no requirement that localities conduct full, independent audits. To ensure reliable recordkeeping and revenue collection, such audits must be conducted on an annual basis (preferably by an independent CPA).¹⁹⁹

¹⁹⁷ ACTION PLAN FOR THE JUSTICE COURTS, at 32-33.

¹⁹⁸ See Town Law § 123.

¹⁹⁹ See also ACTION PLAN FOR THE JUSTICE COURTS, at 39-40.

Security

As noted earlier in this report, one of the most troubling aspects of our fact-finding visits was the utter lack of security we so often observed. While some of the courts we visited had state-of-the-art security systems – including magnetometers, panic buttons, multiple armed and uniformed security officers, and even bullet-proof glass at cashier’s stations – security in many other courts was marked by a complete absence of these or any other protective measures. It would not be an exaggeration to say that, in some courts, security consists of no more than an unlocked door and a small table behind which a justice sits.

Given the absence of even nominal security measures in so many Justice Courts, as well as the serious criminal and other proceedings that they handle, we believe aggressive changes are necessary. Therefore, we propose the following minimum standards for safety and security.

First, all persons entering Justice Courts – including litigants and their attorneys, witnesses and jurors, and members of the general public – must be screened by trained security personnel. This, we believe, is a bare-minimum step that can no longer be avoided, even in the most rural courts. We leave open the question of whether this screening should be accomplished with magnetometers, screening wands, or other devices, depending on feasibility. In addition, there must be a physical separation between secured and unsecured areas, so as to ensure that these screening measures are not undermined by allowing alternative access to otherwise secure spaces. Optimally, lines of sight between secured and unsecured areas would be obscured, to provide adequate protection for those in the secured areas.

Relatedly, at least two trained, uniformed, and armed security officers should be present whenever court is in session – one officer to oversee security screening, the other to secure the courtroom. Such a measure is necessary, we believe, to fully protect justices, litigants, court personnel, and the public; to detect potential security incidents; and to ensure a rapid, immediate response should such an incident occur.

Second, all detained criminal defendants must be physically segregated from the general public by a barrier. Again, we see this as a straightforward, non-intrusive, and yet important measure for the safety of all those who work in and use the Justice Courts. To help achieve the same purpose, incarcerated criminal defendants and prisoners should remain handcuffed while in court, except in the presence of a jury or on orders of the presiding judge. Mechanisms must also be implemented to separate alleged victims and perpetrators of domestic violence.

Third, panic buttons or similar police-notification devices must be installed in all courts. When emergencies do occur, we believe that court personnel should, even with armed security officers present, be immediately able to contact law enforcement. Panic buttons or similar devices will provide considerable help in this regard. Justices’ and clerks’ offices, similarly, must also be made secure, either via the installation of sturdy locks and panic buttons, or via the placement of chambers in secured areas within Justice Court facilities.

Fourth, courts must have safe, well-maintained parking facilities with adequate lighting. Many town and village courts we visited held frequent nighttime sessions; few, however, had adequate lighting or other security to ensure the safety of justices and others walking to and from their vehicles.

Fifth, courts must have established, reliable procedures for the handling, storage, and transfer of cash. Specifically, courts should have armed escorts, preferably from local police, when removing and depositing funds, and should also have a secured, restricted-access location, with a combination lock, in which cash can be stored. All movements of large amounts of cash within Justice Court facilities should be conducted in a secure manner with assistance from security personnel.

Sixth, and as a means of adding an additional layer of protection in Justice Courts, all courts must have secure, secondary access for justices and court employees. Such access further insulates justices and court personnel, better ensuring their safety in the event of a security breach.

Seventh, lightweight courtroom furniture – such as plastic chairs and card tables – should be either avoided, temporarily bolted to the ground, or otherwise secured during court sessions. Simply put, neither justices, court employees, nor court security should have to worry about whether a troubled litigant or spectator will use courtroom furniture as a weapon while court is in progress.

Eighth, all exterior windows with views inside courts should in some way be obscured, whether with blinds, screens, tinting, the movement of furniture, or some other means. What is important is that security within courtrooms not be compromised by clear lines of sight from the outside, which could make targets of justices or support staff. Both justices and security personnel have enough to monitor without having to worry about what takes place beyond otherwise-secure perimeters.

* * *

We recognize that certain of these reforms will require some courts to be completely restructured, and that smaller courts may not be large enough to make practical the screening and physical separation measures proposed above. Nonetheless, we view these requirements as fundamental to ensuring security in the Justice Courts for all those who work in and appear before them. Courts that cannot cost-effectively and expeditiously be brought up to these standards relative to others in the county would be prime candidates for combination with nearby facilities that are more readily compliant, and the county panels should conduct their reviews with this purpose in mind.

Technology

As discussed above, another area of concern during our visits related to courts' technological resources. The lack of such resources has a pronounced effect on the overall functioning of Justice Courts, as courts that are equipped with basic technologies are better able to organize cases, conduct legal research, and monitor expenses and budgets than their technology-deprived counterparts.

To achieve this, we first propose that OCA's effort to equip all town and village courts with recording devices continue, and that, once all courts have such devices, all proceedings be recorded. Nothing short of this measure will adequately address the serious problems presently associated with the absence, in many Justice Court appeals, of a complete, formal record. Recording devices should at all times be operated by trained court personnel knowledgeable in their use, storage, and management.

Second, all Justice Courts should be equipped with, at a bare minimum, a computer with word-processing software; a high-speed connection to the internet suitable for legal research, e-mail, and other uses; a printer; a copy machine; and a fax machine. These devices will improve operations and make Justice Courts more efficient, ensuring that the time and energies of justices, court personnel, and all those appearing in the Justice Courts is not wasted.

Third, all Justice Courts must accept credit-card payments for fines and other court fees. Accepting payments via electronic means not only helps reduce the administrative and accounting costs associated with cash payments, but also reduces the amount of cash held in court facilities and, by making payment more convenient, helps lower nonpayment rates. This itself reduces costs associated with recovering fines, fees, and other penalties. We note that this proposal was included in the Action Plan, and its implementation should be monitored and completed.

— APPENDIX viii —

**ESTIMATED COSTS OF SECURITY UPGRADES ABSENT
COURT COMBINATIONS**

OCA has conducted a study to determine the approximate cost of deploying security officers, up-to-date security equipment and basic infrastructure improvements in all of the existing Justice Courts, assuming that none of the Justice Courts are combined. These estimates are conservative and cover the costs only of bringing court facilities up to minimally functional standards, and do not include other costs such as the upgrading or replacing of heating or air conditioning systems, or the replacement of roofs or windows. Obviously, if through a rational process of combinations, the number of overall courts could be reduced, these figures would be reduced considerably, and the impact of any state outlays would be materially enhanced. OCA's findings are below.

Security Staffing

OCA's Department of Public Safety estimates that one-third of the Justice Courts currently have peace officers to provide screening and courtroom security. Accordingly, its analysis assumes that there are 850 Justice Courts at which there is currently no screening or courtroom security.

Based on a survey of 100 representative Justice Courts from all areas of the state, OCA determined that the average court is in session 23 hours each month. Using this figure yields a total of 234,600 hours that the 850 Justice Courts are in session each year. Adjusting this figure upward 15 percent to account for the time that officers would be assigned before and after the court session (e.g., to set up the screening equipment and to begin screening court visitors before the court session begins), the resulting total is 270,500 hours per year. The Department of Public Safety estimates that the average hourly wage of a police officer or deputy sheriff in New York State is \$27.97. Accordingly, the total annual cost of assigning peace officers to provide screening and courtroom security at those courts that do not currently have officers assigned is \$15,131,770, assuming two officers per court.

These estimates are conservative, and do not account for the fact that many larger courts will require more than two peace officers to maintain order and security, that even previously trained law enforcement personnel will require additional court-specific training (e.g., magnetometer screening), or the cost of providing insurance for these additional peace officers.

Security Equipment

Compared to the cost of assigning peace officers to provide security in the Justice Courts and the cost of major capital improvements in Justice Court facilities, the cost of equipping Justice Courts with security equipment is relatively modest, but not insubstantial.

Assuming the availability of officers to conduct security screening, the principal security equipment needed by a Justice Court are handheld scanners and magnetometers. OCA's Department of Public Safety estimates that approximately 25 percent of the Justice Courts already have handheld scanners and magnetometers, or will be provided with scanners and magnetometers under this year's JCAP program. The cost of initially outfitting the remaining

960 courts without such equipment is estimated as \$115,200 for scanners (\$120 per scanner) and \$4,944,000 for magnetometers (\$5,150 per magnetometer), for a total of \$5,059,200.

Improvements to Infrastructure

The wide range of existing conditions in the Justice Courts makes it difficult to estimate the cost of bringing all Justice Court facilities up to minimum standards. Based on its own analysis and security assessments, OCA estimates that approximately 300 Justice Courts are essentially adequate, and that modest funding (on average, less than \$5,000 per court) would be required to address any current deficiencies.

OCA also estimates that another 700 Justice Court facilities need substantial funding to comply with minimum standards of decorum and security. A precise estimate of the total cost of bringing these courts to this level would require a detailed renovation plan for each facility. In the absence of such detailed plans, however, OCA's Chief Architect estimates that, on average, approximately \$30,000 per court would be required.

Finally, OCA estimates that the remaining 300 Justice Court facilities are not suitable for renovation for continued court use and should be replaced. The cost of replacing these courts would vary widely depending on such factors as the size of the court, whether the replacement facility is new construction or renovation, the local cost of construction, and whether the new facility is a stand-alone court or combined with other public offices. OCA's Chief Architect estimates that the average cost of providing a replacement courthouse is \$300,000.

Accordingly, as noted above, OCA estimates that the cost of the minimum number of infrastructure improvements that are needed would exceed \$112 million, consisting of \$1,500,000 for minor renovation of otherwise adequate facilities, \$21,000,000 for more significant renovation of inadequate facilities, and at least \$90,000,000 for the construction of new court facilities where necessary.

— APPENDIX ix —

CHART OF EDUCATIONAL ATTAINMENT

Educational Attainment in New York Counties with Justice Courts*

County	Population Aged 25 and Older	Percentage of Population Aged 25 and Older with an Associates Degree or Higher	County Justice Courts
Albany	195,381	42.9%	14
Allegany	30,010	27.4%	36
Broome	132,541	32.8%	19
Cattaraugus	54,154	23.4%	37
Cayuga	54,649	25.7%	27
Chautauqua	91,261	26.4%	31
Chemung	60,796	27.4%	15
Chenango	34,363	23.4%	28
Clinton	51,598	26.1%	17
Columbia	43,990	31.8%	22
Cortland	29,527	29.8%	16
Delaware	33,070	25.5%	23
Dutchess	183,725	36.7%	27
Erie	637,676	34.0%	37
Essex	27,337	26.6%	19
Franklin	34,482	22.4%	22
Fulton	37,483	23.1%	11
Genesee	40,125	28.3%	16
Greene	32,570	24.0%	17
Hamilton	4,022	29.0%	9
Herkimer	43,455	26.5%	27
Jefferson	68,965	25.5%	34
Lewis	17,367	19.7%	20
Livingston	40,081	29.5%	23
Madison	43,762	32.4%	21
Monroe	477,957	40.9%	22
Montgomery	33,900	23.0%	13
Nassau**	908,693	42.4%	62
Niagara	147,153	27.6%	12
Oneida	158,846	27.5%	37
Onondaga	296,914	38.6%	28
Ontario	66,539	36.5%	17
Orange	212,816	30.7%	34
Orleans	29,043	17.8%	12

Educational Attainment in New York Counties with Justice Courts*

County	Population Aged 25 and Older	Percentage of Population Aged 25 and Older with an Associates Degree or Higher	County Justice Courts
Oswego	76,165	22.0%	24
Otsego	38,808	30.8%	28
Putnam	64,624	41.1%	9
Rensselaer	100,233	34.2%	17
Rockland	184,012	44.9%	20
Saratoga	135,015	41.2%	21
Schenectady	99,568	36.1%	6
Schoharie	20,695	27.9%	19
Schuyler	12,842	23.5%	11
Seneca	22,585	27.6%	11
St. Lawrence	70,201	25.8%	35
Steuben	65,765	28.4%	39
Suffolk**	942,401	35.5%	31
Sullivan	50,228	24.4%	19
Tioga	34,223	29.6%	13
Tompkins	53,075	55.3%	11
Ulster	120,670	33.3%	22
Warren	43,364	32.6%	11
Washington	40,957	22.3%	24
Wayne	61,731	27.7%	21
Westchester	628,941	46.4%	38
Wyoming	29,522	20.7%	21
Yates	15,714	26.9%	12

* According to 2000 U.S. Census data.

** Nassau and Suffolk Counties also have District Courts.